



Hamlet of Cambridge Bay By-Laws

By-Law Name:	Business License
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By-Law Number:	257
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Description

A by-law of the Municipal Corporation of the Hamlet of Cambridge Bay in the Nunavut Territory to provide for the licensing and regulations of businesses carried on within the Municipality, pursuant to the provisions of the Hamlets Act, R.S.N.W.T, 1988, C. H-1, Sections 110, 111, and 173 and the Summary Conviction Procedures Act, R.S.N.W.T, 1988, C. S-15, section 11.

By-Law

AS, the Hamlet of Cambridge Bay deems it necessary to regulate and control businesses within the Municipality,

NOW THEREFORE, THE COUNCIL OF THE HAMLET OF CAMBRIDGE BAY, at a duly convened meeting, enacts as follows:

1. Short Title

This by-law may be cited as the “Business By-law”.

2. Interpretation

In this by-law,

- a) “Amusement arcade” means any building. Room or area having token or coin operated table games, electronic games of skill or chance which are provided for the patrons’ entertainment;
- b) “Applicant” means a person applying for a business license issued under the provisions of this by-law;
- c) “Business: means a company, partnership or sole proprietorship, which includes:
 - a profession, trade, manufacture or undertaking or any kind;
 - an adventure in the nature of trade and

- the sale or offer for sale of goods or services in any public place but does not include a business that is regulated by an Act of Parliament or any other exempt business prescribed by regulation;
- d) “By-law Officer” means a by-law officer or the Hamlet, appointed by Council;
- e) “Charitable Organization” means any religious, charitable, scientific, literary or educational organization which is registered Canadian charitable organization pursuant to the Income Tax Act of Canada and which proof of registration must be submitted with application;
- f) “Council” means the Council of the Hamlet;
- g) “Hamlet” means the Hamlet of Cambridge Bay in the Nunavut Territory;
- h) “Hawker or peddler” means any person who, whether as principal or agent, goes from house to house or locates on any street or roadway or elsewhere, other than a building which is their permanent place of business, and offers for sale any merchandise to any person or offers to expose for sale to any person by means of samples, patterns, cuts or blueprint, merchandise to be afterward delivered in or shipped to the municipality, but does not include a principal or agent selling to a wholesale or retail dealer in such merchandise;
- i) “Home Occupation” means any business carried on by a person who is an occupant of a residential building as a use secondary to the residential use of the building and as defined in Zoning By-law, No. And Community Plan By-law, No.
- j) “Industry” means one that employs personnel and capital in manufacturing or provides servicing, a distinct and productive unit or profit making enterprise;
- k) “Junior Business” means any business carried on by a person under sixteen years of age, with written consent from a person or guardian and that is a sole proprietorship;

- l) “Licensing period” means the period between January 1 and December 31 during which a license is issued;
- m) “Non-resident Business” means any person carrying on business within the corporate limits of the Hamlet, without having an established or a permanent office or location of operation within the corporate limits of the Hamlet;
- n) “Person” means any individual, sole proprietorship, partnership, body corporate society, or any combination of two or more of the corporate limits of the Hamlet;
- o) “Private Dwelling” means a home, cottage or apartment owned or rented by the occupant or occupants thereof, but occupant does not include a person who occupies such a dwelling as a temporary guest;
- p) “Resident Business” means any person, as defined in this section, carrying on a business and establishing a permanent office or location of operation within the corporate limits of the Hamlet, subject to the terms and conditions defined in the Zoning By-law, No. 97;
- q) “SAO” means the Senior Administrative Officer of the Hamlet of Cambridge Bay;
- r) “Schedule” means a schedule attached to, and forming part of, this By-law;
- s) “Telephone & Desk Occupation” means any person who solicits orders by telephone, facsimile or other means for the purchase, sale or trade of merchandise or who offers services for sale or trade;
- t) “Trades” means any business that provides a service performed by qualified or certified trades person;
- u) “Workers Compensation Certificate of Compliance” means a Certificate of Compliance or similar document issued annually by the Workers Compensation Board of the Nunavut Territories

evidencing compliance with the Workers' Compensation Act, R.S.N.U., 1988, c W-6;

3. License Requirements

- (1) No person shall carry on or operate a business unless he or she holds a valid and subsisting license to do so, issue pursuant to this by-law.
- (2) Each license issued pursuant to subsection (2) shall be valid from the date of issue for the currant year unless sooner terminated.

4. Any person engaged in or carrying on one or more different businesses, either separately or together, shall be required to hold a license for each type of business.

5. Procedure For Application

All applications for a business license shall complete an application, in the form set out in Schedule A which must be accompanied by the fee payable for the issuance of such license, as set out in Schedule B.

6. All applications for licenses shall give the description, in detail, of the premises in or upon which the applicant intends to carry on the business in respect to which the applicant has made an application.

7. All applications for licenses shall be accompanied by a Workers' Compensation Board Certificate of Compliance and no license shall be issued without such a valid Certificate.

8. No business license shall be issued to operate a home occupation in rental accommodation unless a letter of consent from the agent or landlord of the premises, granting permission to operate a business out of the rented premises, is attached to the business license application.

9. All charitable organizations require a business license for which there will no fee payables.

10. All business license applications or renewals for home occupations must be submitted to Council for approval and must be accompanied by a Development Permit.

11. All licenses issued to carry on any business shall designate the premises in or on which the licensee is engaged in the business in respect of which the license is issued and the license authorizes the licensee to carry on the licensed business only in or upon the premises designated in such license and a separate license shall be obtained for each such location.

12. No license application shall furnish false or misleading information regarding any procedure or conditions of this by-law.

13. Whenever an application for a license has complied with the terms of this by-law and of any other applicable by-laws, the applicant shall be entitled to the license applied for, subject to section 27, and upon payment of the fee payable.

14. A business license issued to a licensee is not valid unless approved by the SAO or his her designate.

15. **Posting Of Licenses**

Every license issued pursuant to this by-law shall be posted in a conspicuous place in the business premises and, whenever required to do so by the SAO, the licensee shall produce the license for inspection purposes.

16. Every business license issued under this by-law to a non-residential contractor, the licensee shall carry service agency, hawker, peddler or itinerant salesperson so that it may be inspected by anyone.

17. **Licensing – General Provisions**

Where a licensee wishes to change any information contained in the application form, other than the specified information recorded on the license, the licensee shall make application for such change to the SAO within thirty days from the issuance of the license and pay the administrative fee as specified in Schedule B

18. Business license renewals shall be completed by the fifteenth day of February in each year.

19. Provided that a business license renewal application is date stamped received prior to February 15 and the prescribed fee has accompanied the application, a period of grace, not exceeding one month, shall be granted to any application awaiting a Worker' Compensation Board Certificate of Compliance.

20. A penalty of \$25.00 shall be assessed against a business that submits a business license renewal application after February 15.

21. All business licenses issued shall expire as of 12:00 midnight on December 31 in the year the license was issued.

22. Business licenses issued under this by-law are not transferable.

23. The license fee shall be payable in full by each applicant at the time of the application, irrespective of the prospective term of the operation of the business.

24. The licensee shall make no refunds, pro-rata or otherwise, on any unexpired license due to cessation of business activities.

25. The SAO shall refuse to issue a license to an applicant who furnishes false or misleading information.
26. The SAO may revoke, suspend or refuse to issue a license where he is satisfied that the person has violated any provisions of this by-law or an Act of the Nunavut Territories in respect to any business licensed or requiring to be licensed under this by-law.
27. (1) In every case where an applicant has been refused a license, that person seeking the license shall be entitled to appeal to the Council and they shall make the final decision as to whether the refusal was just and reasonable.
- (2) Every appeal mentioned in subsection (2) shall be
- a) made in writing,
 - b) in a concise manner outlining the grounds on which the appeal is based and
 - c) submitted to the Hamlet Office within thirty days after a license has been refused.
- (3) Council, after hearing an appeal may
- a) direct a license to be issued without conditions;
 - b) direct a license to be issued with conditions or
 - c) uphold the decision of the SAO and refuse to grant the license.
28. In the event a license is suspended or revoked, the procedures set out in section 178 of the Hamlets Act shall be strictly observed.
29. **Compliance With Other Legislation**
- Every Business offering for sale any foodstuffs including, but not restricted to, restaurants, caterers and butchers shall provide documentation that the business premises have met all the requirements of the Public Health Act, R.S.N.W.T, 1988, c. P-12, before a license will be issued.
30. Every person in the business of providing tourist accommodation shall provide documentation that the premises have met all the requirements of the Tourist Accommodations, before a license will be issued.
31. Every person in the business of offering for sale firearms shall provide documentation that all requirements of the Criminal Code respecting of the Zoning By-law, No. Before a business license shall be issued.

32. All business, except non-residential businesses, must meet all the requirements of the Zoning By-law, before a business license shall be issued.

33. **Telephone And Desk Operations And Home Occupations**

Where a business license has been issued for telephone and desk operation or a home occupation the application shall indicate that it is a home occupation or telephone and desk operation.

34. **Trades**

The SAO may require any applicant to provide proof of qualification or certificate that the owner, manager or an employee actively engaged in the company has the proper qualifications for the trades in which the person wishes to engage.

35. The qualifications mentioned in section 34 must be stated for one particular business and cannot be used for a second business.

36. **Hawkers And Peddlers**

All hawkers and peddlers that are required to be boned and licensed by the Government of the Nunavut Territories will not be permitted to obtain a business license without first obtaining a valid Direct Sellers' License.

37. No license shall be issued to a hawker or peddler until that hawker or peddler has established his or her identity with the SAO.

38. Hawkiers and peddlers shall conduct their businesses only between the hours of 9:00 a.m. 9:00 p.m. from Monday to Sunday inclusive.

39. **Amusement Arcades**

All amusement arcades shall conduct their business only between the hours of 4:00 p.m. and 12:00 midnight from Monday to Saturday.

40. **Advertising**

a) Subject to section 28, if the SAO has reasonable and probable grounds to believe that an advertisement of a business is misleading with the intent to distribute or sell their wares, the SAO, may revoke the license.

b) Any person believed to have committed an offence under subsection (a) shall cease to conduct his or her business until the procedures under section 28 are completed.

41. **Business Locations & Offices**

All licensed businesses shall have an office except for a non-resident contractor, service agency, hawker, peddler or itinerant salesperson.

42. Any person may operate one or more businesses from the same office location provided that each business conforms to the conditions of the Zoning By-law, No.

43. No business license shall be issued in which the location of the business has been identified as a vacant lot.

44. **Powers & Duties Of The SAO**

The SAO is hereby appointed as administrator of this by-law and he or she may appoint officers of the municipality to assist in his or her duties.

45. The SAO shall

- a) receive and process all applications for business license;
- b) keep a record of all applications for license in a form required by the Council;
- c) keep, on file, duplicate counterparts of all licenses issued and particulars thereof;
- d) ascertain, as far as practicable, that all information furnished by an applicant is true in substance and in fact;
- e) prepare and issue all licenses pursuant to the provisions of this by-law;
- f) report to the Council as to the number of licenses issued, the number of licenses renewed and the amount of fees collected for the issuance of business licenses, from time to time, as requested by the Council;

46. **Penalties**

Any person violating any provisions of this by-law is guilty of an offence and is liable, upon summary conviction,

- a) for a first offence during any licensing period,
 - i) in the case of an individual, to a fine not exceeding five hundred dollars (\$500.00), and
 - ii) in the case of a corporation, to a fine not exceeding one thousand dollars (\$1,000.00), and
- b) for each subsequent offence during a licensing period,

- i) in the case of individual, to a fine not exceeding one thousand dollars (1,000.00) and
 - ii) in the case of a corporation, to a fine not exceeding five thousand dollars (\$5,000.00) or
 - c) to imprisonment for a term not exceeding six months in default of payment of a fine.
47. Pursuant to the provisions of the Summary Conviction Procedures Act, a by-law officer may issue summary offence ticket information to any person who violates any provisions of this by-law and such person may, in lieu of prosecution, pay the Hamlet the voluntary penalty for the offence listed in Schedule C prior to the date specified in the ticket.
48. **Repeal**

This by-law repeals By-law No. 164

Date of First Reading	(Day)	(Month)	(Year)	2011
Date of Second Reading	(Day)	(Month)	(Year)	2011
_____ Mayor				
_____ Senior Administrative Officer				
Date of Third Reading and Passed	(Day)	(Month)	(Year)	2011
_____ Mayor				
_____ Senior Administrative Officer				