

THE MUNICIPAL CORPORATION OF THE CITY OF IQALUIT

BYLAW # 624

BUSINESS LICENSING BYLAW

WHEREAS, pursuant to section 54 of the Cities, Towns and Villages Act, R.S.N.W.T. 1988, c.C-8, as amended by S.Nu.2003, c.2, a Council may pass bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property;

AND WHEREAS, pursuant to section 110 of the Cities, Towns and Villages Act, a Council may pass bylaws for municipal purposes respecting businesses, business activities, and persons engaged in business;

AND WHEREAS, pursuant to section 173 of the Cities, Towns and Villages Act, a Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Cities, Towns and Villages Act or any other enactment including any or all of the matters listed therein;

AND WHEREAS, pursuant to section 176 of the Cities, Towns and Villages Act, a Council may use the Summary Convictions Procedures Act, R.S.N.W.T. 1988, c.S-15, as amended by S.Nu.2003, c.2, to enforce its bylaws;

AND WHEREAS, pursuant to section 110 of the Cities, Towns and Villages Act, a Council may in a bylaw:

- (a) classify businesses for the purposes of business licenses;
- (b) prohibit the operation of any class of business without a license issued by the Municipal Corporation;
- (c) regulate the operation of any class of business;
- (d) subject to sections 178 to 180, provide for matters relating to the issuance, suspension, or cancellation of business licenses:

NOW THEREFORE PURSUANT to the provisions of the Cities, Towns and Villages Act, R.S.N.W.T. 1988, c.-8, as amended by S.Nu.2003, the Council of the Municipality of Iqaluit, NU, in regular session duly assembled, enacts as follows:

PURPOSE

The purpose of this By-law is to establish a system of licensing for businesses, business activities, and persons engaged in business.

SEVERABILITY

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

PART I - GENERAL LICENSING PROVISIONS

SECTION 1 - SHORT TITLE

This Bylaw may be cited as the “Business Licensing Bylaw”.

SECTION 2 - DEFINITIONS

In this By-law the following terms (unless the context specifically requires otherwise) shall have the following meanings:

- 2.1 “Amusement arcade” means any building, room, or area having token or coin operated table games, or electronic games of skill or chance, which are provided for the entertainment of patrons, but does not include a licensed premises as defined in the Nunavut Liquor Act, R.S.N.W.T. 1988, c. L-9, as amended;
- 2.2 “Applicant” means a person applying for a business license or the renewal of a license, issued under the provisions of this bylaw;
- 2.3 “Business” includes:
 - i) a profession, trade, manufacture or undertaking of any kind;
 - ii) an adventure in the nature of trade; and
 - iii) 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 Canada or any other exempt business that is prescribed;
- 2.4 “Bylaw Officer” means a Bylaw Officer of the City, appointed by Council by bylaw;
- 2.5 “CAO” means the Chief Administrative Office of the City of Iqaluit;
- 2.6 “Carry on”, “carrying on” “carried on” and “carries on” means to conduct, operate, perform, keep, hold, occupy, deal in or use, for a fee or exchange of benefits, whether as principal or as agent;

- 2.7 “Charitable or religious organization” means an organization or foundation
- i) registered as a charitable or religious organization under the Income Tax Act (Canada) R.S.C. 1985, c.1, (5 Supp.), as amended;
 - ii) registered for a charitable or religious purpose under the Societies Act, R.S.N.W.T. 1988, c. S-11, as amended; or
 - iii) designated as a charitable or religious organization by the Federal Minister responsible for charitable designations as having charitable status;
- 2.8 “Charitable or religious object or purpose” includes objects or purposes which:
- i) promote the relief of poverty or disease;
 - ii) promote the advancement of religion or education; or
 - iii) are of a charitable or religious nature and are beneficial to the community as a whole;
- 2.9 “City” means the City of Iqaluit in the Territory of Nunavut;
- 2.10 “Council” means the Municipal Council of the City;
- 2.11 “Development permit” means a valid permit issued by the City business unit charged with the control and management of development permit applications;
- 2.12 “Hawker” means any person who goes from house to house or locates on any street or roadway or elsewhere, other than a building which is his or her 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 City, but does not include a principal or agent selling such merchandise to a wholesale or retail dealer, nor does it include traditional carvers and/or craft persons who practice their art on a part time basis;
- 2.13 “Home Based Business” 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 the current Zoning Bylaw and General Plan, as amended;
- 2.14 “Junior Business” means any business carried on by a person under sixteen years of age, with the written consent of a parent or guardian and which is a sole proprietorship;
- 2.15 “License”, “licensed”, and “licensing” means a license or a reference to a license issued under this Bylaw;

- 2.16 “License Fee” means those fees prescribed in Schedule A
- 2.17 “Licensee” means a person holding a valid and subsisting license issued under this by-law;
- 2.18 “Non-Resident Business” means any person carrying on business within the corporate limits of the City, without having an established or a permanent office or location of operation within the corporate limits of the City;
- 2.19 “Peddler” has the same meaning as “Hawker”;
- 2.20 “Person” means an individual human being or a corporation, and includes a partnership, an association, or a group of persons acting in concert, unless the context explicitly or by necessary implication otherwise requires. It also includes the heirs, executors, administrators and other legal representatives of a person, as defined in the Interpretation Act, R.S.N.W.T. 1988, c.I-8, as amended;
- 2.21 “Premises” means a store, office, dwelling unit, warehouse, factory, building, enclosure, or other place occupied or capable of being occupied, by any person for the purpose of carrying on any business;
- 2.22 “Resident Business” means any person carrying on a business and establishing a permanent office or location of operation within the corporate limits of the City, subject to the terms and conditions as defined in the current Zoning Bylaw, as amended;
- 2.23 “Schedule” means a Schedule attached to, and forming part of, this Bylaw;
- 2.24 “Subsequent offence” means any offence under this Bylaw committed by a person after that person has already been convicted of an offence under this Bylaw or has voluntarily paid a fine for such an offence;
- 2.25 “Telephone and Desk Operation” means any person who solicits orders by telephone, facsimile, email, website, or other means for the purchase, sale or trade of merchandise, or who offers services for sale or trade;
- 2.26 “Worker’s Compensation Compliance Certificate” means a Certificate of Compliance or a similar document of compliance issued annually by the Worker’s Compensation Board of the Territory of Nunavut demonstrating compliance with the Worker’s Compensation Act, R.S.N.W.T., 1988, c. W-6, as amended.

PART II – LICENSING

SECTION 3 - LICENSE

- 3.1 No person shall engage in, carry on, or operate a business unless he or she hold a valid and subsisting license authorizing the person to do so issued pursuant to this By-law.
- 3.2 No person shall engage in, carry on, or operate a business at more than one premise in the City unless the person holds a separate business license for each business premise.
- 3.3 Any person engaged in, carrying on, or operating more than one business at any business premise shall be required to hold a license for each type of business.
- 3.4 Notwithstanding subsections 1-3 above, a license is not required:
- i) for a business carried on by the City;
 - ii) for a business carried on by the Government of Nunavut or the Government of Canada or a Crown Corporation created by either government;
 - iii) for traditional Inuit carvers and/or craftspersons registered with the Nunavut Arts and Crafts Association, who practice their art on a part-time basis.
- 3.5 A person who contracts with the Government of Nunavut, the Government of Canada, the Municipal Corporation of the City of Iqaluit, or a Crown Corporation will be subject to all the requirements of this Bylaw.

SECTION 4 - INITIAL APPLICATION AND RENEWAL

- 4.1 Every applicant for a license, must provide the following information in the form prescribed by the Council in Schedule "A" of this Bylaw:
- i) The address of the proposed business;
 - ii) The trade name under which the proposed business will operate;
 - iii) Where the applicant is a sole proprietorship or partnership, the full name, mailing address, and telephone number of the applicant or applicants;

- iv) Where the applicant is a corporation, the full name, and mailing address of the principal managing employee or employees, and the telephone number of the business;
 - v) Any certificate, authority, license, or other document of qualification under this or any other Bylaw, or under any Statute of Canada or the Territory of Nunavut, that may be required in connection with the carrying on of the business, including, but not limited to:
 - a) A Certificate of Compliance from the Worker's Compensation Board Nunavut;
 - b) A Certificate of Compliance from the Fire Marshall's Office;
 - c) An Environmental Health and Tourism Accommodation certificate;
 - d) A Certificate from a Public Health inspector attesting to compliance with the Eating and Drinking Places Regulations of the Public Health Act, R.S.N.W.T. 1988, c.P-12, as amended;
 - e) A development permit from the City of Iqaluit;
 - f) Proof of trade qualifications;
 - g) Hawkers & peddlers license from the Government of Nunavut.
 - vi) Proof in writing from the City that all municipal accounts in the applicant's name, including municipal taxes, land lease payments, water and sewer delivery fees, are in good standing;
 - vii) In the case of a home-based business, no license shall be issued to operate a home based business in rental accommodation unless a letter of consent from the landlord of the premises, or their designated agent, expressly granting permission to operate a business out of the rented premises, is attached to the business license application;
 - viii) The prescribed fee as described in Schedule "B" to this Bylaw.
- 4.2 No license shall be issued until all documents, information, and fees required under section 4 are provided by the applicant in a form satisfactory to the CAO.
- 4.3 All charitable and religious organizations must have a business license. Fees will be waived for registered charitable organizations, religious organizations and not for profit registered societies that provide cultural, sports, recreational or social benefits to the community. The onus of establishing qualification for waiver of fees under this section rests with the applicant seeking the waiver.

- 4.4 No applicant shall knowingly furnish false or misleading information regarding any procedure or condition of this by-law. The furnishing of false or misleading information shall constitute an offence under this By-law.
- 4.5 When an applicant has complied with the terms of this By-law, and all other applicable by-laws, the applicant shall be entitled to the license applied for.
- 4.6 All business licenses issued to licensees are valid when approved by the Chief Administrative Officer or his or her designate and are effective as of the date of such approval.
- 4.7 Where a licensee wishes to change any information contained in the application form, other than the specific information recorded on the license, the licensee shall make application for such change to the CAO within thirty (30) days of the issuance of the license, and shall pay the administrative fee as specified in Schedule "B" of this By-law.
- 4.8 Each license issued shall be valid from the date it is issued until the following December 31st.
- 4.9 Business license renewals shall be completed by December 31st in each year.
- 4.10 Applicants seeking to renew their business license may be required to provide any of the documents or information necessary upon initial application, at the discretion of the CAO or his or her designate.
- 4.11 An administration fee as set out in Schedule "B" shall be assessed against a business that submits a business license renewal application received after February 15th.
- 4.12 A business license issued under this By-law is transferable subject to application, for that purpose, payment of the appropriate fee as set out in Schedule "B" and fulfillment of requirements of this by-law.
- 4.13 No transfer of a business license shall be approved unless the Applicant seeking the transfer fulfils all of the criteria set out in section 4.1 of this By-law.
- 4.14 The license fee shall be payable in full by each applicant at the time of the application, and will not be pro-rated to the prospective term of the operation of the business.
- 4.15 No refunds shall be made, pro-rata or otherwise, on any license due to the cessation of business activities by the licensee for whatever reason.

SECTION 5 - POWERS AND DUTIES OF THE CAO

- 5.1 The Chief Administrative Officer is hereby appointed as administrator of this By-law and he or she may delegate any of the administrative duties to other employees of the City.
- 5.2 The Chief Administrative Officer shall:
- i) receive and process all applications for business licenses;
 - ii) keep a record of all applications for licenses in a form required by the Council;
 - iii) keep, on file, duplicate counterparts of all licenses issued and particulars thereof;
 - iv) ascertain, as far as practicable, that all information furnished by an applicant is true in substance and in fact;
 - v) prepare and issue all licenses pursuant to the provisions of this by-law:
 - vi) 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 Council;
 - vii) periodically visit and inspect business premises for the purpose of ascertaining whether the proprietor of such premise is complying with the provisions of this and any other applicable by-law.
 - viii) Implement revisions to Schedule "A" as such revisions are approved by Council from time to time.

SECTION 6 - REFUSAL TO ISSUE LICENCE

- 6.1 The CAO may refuse to issue a license where he or she are satisfied that the applicant has violated or failed to fulfill any provisions or criteria of this Bylaw or an Act of the Territory of Nunavut with respect to any business licensed, or requiring to be licensed, under this By-law.
- 6.2 The CAO may refuse to issue a license where he or she is satisfied that the applicant has outstanding municipal accounts as described in section 4.1(vi) of this By-law.

- 6.3 In every case where an applicant has been refused a license, the applicant shall be entitled to appeal to the Council and Council shall make the final decision as to whether the refusal was just and reasonable, in accordance with sections 178-180 of the Cities Towns and Villages Act.
- 6.4 Every appeal shall be:
- i) made in writing, stating in a concise manner the grounds on which the appeal is based; and
 - ii) submitted to the CAO within thirty days of notification of the refusal to license being sent to the applicant.
- 6.5 After hearing an appeal, Council may:
- a) uphold the decision of the CAO and refuse to grant the license;
 - b) direct the license be issued with conditions; or
 - c) direct the license is issued without conditions.

SECTION 7 - LICENCE SUSPENDED OR REVOKED

- 7.1 Before a valid license is suspended or revoked, the CAO shall:
- i) Allow the person affected, or that person's representative, an opportunity to be heard before Council;
 - ii) The hearing must be conducted by Council;
 - iii) Notice must be served on any person affected at least three (3) days prior to the date of hearing;
 - iv) The notice must:
 - a) Set out the time and place of the hearing;
 - b) Advise the person of the purpose of the hearing and the right of the person to attend and make representations.
- 7.2 The notice must be served personally, or where service cannot be affected personally because the address of the person is not known, the notice must be published twice in a newspaper having general circulation in the City or the Territory of Nunavut.
- 7.2 Where the Council, or a person who may be authorized by Council to take the acts referred to, is of the opinion that there is imminent danger to public health and safety:

- i) The period of notice required by section 7.1(ii) may be shortened;
or
- ii) The action may be taken without notice and hearing required by section 7.1.

Subject to section 7.2, no license shall be suspended or revoked, until:

- i) The period for taking an appeal has expired and no appeal has been taken; or
- ii) Any appeal taken has been dismissed by a judge of the Nunavut Court of Justice.

SECTION 8 - POSTING OF LICENSES

- 8.1 Every license issued pursuant to this By-law shall be posted in a conspicuous location in the business premises, and whenever requested to do so by the CAO or a By-law Officer, the licensee shall produce the license for inspection purposes.
- 8.2 Every business license issued pursuant to this By-law to a non-resident business, hawker, or peddler, shall be carried by the licensee so that it may be inspected at any time.

SECTION 9 - LIABILITY INSURANCE

- 9.1 All applicants for a business license under this bylaw shall be responsible for maintaining liability insurance appropriate to the nature of the business undertaking.
- 9.2 Notwithstanding the existence or absence of any liability insurance, or the failure of the City to require the acquisition of such insurance, neither the City nor any official, servant, employee or agent of the City are liable for any damage or loss sustained or suffered by any person by reason of:
 - i) the issuance of any license;
 - ii) any acts or omissions of a licensee or person acting on their behalf;
or
 - iii) anything done or not done in any way connected with a license or this Bylaw.

PART III - SPECIFIC BUSINESSES

SECTION 10 - TELEPHONE AND DESK OPERATIONS AND HOME OCCUPATIONS

- 10.1 Where a business license has been issued for telephone and desk operation or a home based business, the license shall indicate that it is either a home based business or a telephone desk operation.

SECTION 11 - HAWKERS AND PEDDLERS

- 11.1 No license shall be issued to a hawker or peddler until that hawker or peddler has established his or her identity with the CAO.
- 11.2 Hawkers and peddlers shall conduct their business only between the hours of 9:00 a.m. and 8:00 p.m. from Monday to Saturday inclusive.

SECTION 12 - AMUSEMENT ARCADES

- 12.1 All amusement arcades shall conduct their businesses only during the following hours:
- i) For the use and attendance of children 16 years of age or younger, on Fridays and Saturdays each week, on statutory holidays, and from July 1 through August 31 each year between the hours of 4:00 p.m. and midnight;
 - ii) For the use and attendance of all other persons over the age of 16 years, at all other times, from 10:00 a.m. to midnight

PART IV - ENFORCEMENT

SECTION 13 - OFFENCE

- 13.1 Proof of one transaction or offer to transact in a business or undertaking is sufficient to establish that a business is being carried on.
- 13.2 Any advertising of a business is sufficient to establish that the person or entity so advertising is carrying on the business.
- 13.3 Any person who contravenes any provision of this Bylaw by:
- i) doing any act or thing that the person is prohibited from doing; or

- ii) failing to do any act or thing the person is required to do is guilty of an offence, and any offence created pursuant to this Bylaw shall be considered a strict liability offence.
- 13.4 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.

SECTION 14 - VICARIOUS LIABILITY

- 14.1 For the purposes of this Bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

SECTION 15 – CORPORATIONS AND PARTNERSHIPS

- 15.1 When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 15.2 If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

SECTION 16 - VIOLATION TICKET

- 16.1 Pursuant to the provisions of the Summary Conviction Procedures Act, R.S.N.W.T. 1988, c.S-15, as amended, a Bylaw Officer may issue a summary offence ticket information to any person who violates any provisions of this Bylaw.
- 16.2 If a summary offence, ticket information is issued in respect of an offence, the ticket may:

(a) specify the amount of the fine established by this Bylaw for the offence; or

b) require a person to appear in court without the alternative of making a voluntary payment.

SECTION 17 - VOLUNTARY PAYMENT

17.1 A person who commits an offence may:

a) if a summary offence ticket information is issued in respect of the offence; and

b) if the summary offence ticket information specifies the amount of the fine established by this Bylaw for the offence; make a voluntary payment equal to the specified fine.

SECTION 18 - FINES AND PENALTIES

18.1 Any person violating any provisions of this Bylaw is guilty of an offence and is liable, upon summary conviction:

i) for a first offence:

a) in the case of an individual, to a fine not exceeding five hundred dollars (\$500.00); and

b) in the case of a corporation, to a fine not exceeding one thousand dollars (\$1,000.00); and

ii) for each subsequent offence during the same licensing period:

a) in the case of an individual, to a fine not exceeding one thousand dollars (\$1,000.00); and

b) in the case of a corporation, to a fine not exceeding five thousand dollars (5,000.00); or

iii) to imprisonment for a term not exceeding six months in default of payment of a fine.

SECTION 19 - REPEAL

19.1 This Bylaw repeals Business By-law No. 566.

SECTION 20 – EFFECTIVE DATE

This By-law shall come into effect upon Third and Final Reading.

THIS BY-LAW READ a First Time this 8th day of November 2005 A.D.

Elisapee Sheutiapik
Mayor

Ian Fremantle
Chief Administrative Officer

THIS BY-LAW READ a Second Time this 28th day of February 2006 A.D.

Elisapee Sheutiapik
Mayor

Ian Fremantle
Chief Administrative Officer

THIS BY-LAW READ a Third and Final Time this 28th day of February, 2006 A.D.

Elisapee Sheutiapik
Mayor

Ian Fremantle
Chief Administrative Officer

SCHEDULE "A"



CITY OF IQALUIT

APPLICATION FOR BUSINESS LICENSE

Name of Business:	Business Type: Sole Proprietor Partnership Corporation Cooperative Society Charitable Organization Non-Profit
Owner(s) Name:	Mailing Address
Industry (Business Activity)	Contact person:
Location of Business (Physical location): • Outside Home • Home Occupation Non-Resident Hawker/Peddler	Contact information: Telephone Number: Fax number: E-mail:

I, _____, hereby make application for a license in accordance with the particulars as above and certify that the above mentioned information is correct.

Signature of Applicant

Date

Is this a junior business as defined in section 2 of by-law? • Yes • No (If yes, parent/guardian signature required below.)

I _____, being the parent or guardian of the applicant, do hereby give my consent to the above named to operate the aforementioned business.

Signature of Parent

Date

For Office Use Only

Fee: \$ _____ **Received Date:** _____ **Receipt Number:** _____

Documentation Attached:

WCB Compliance Certificate:	Approved:	• Yes	• No
Tourist Accommodation License:	Approved:	• Yes	• No
Health Regulation Compliance:	Approved:	• Yes	• No
Zoning/General Plan Compliance:	Approved:	• Yes	• No
• Other			

Date License Issued: _____

For Licensing Period: _____

License Number: _____

City of Iqaluit

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**SCHEDULE “B”
BUSINESS LICENSE FEES**

a) Resident Business License	\$200.00
b) Non-Resident Business License	\$500.00
c) Charitable Organization Business License	\$ 0.00
d) Replacement of Lost or Defaced Business License	\$ 50.00
e) Transfer of Business License	\$ 50.00

Renewals:

a) Resident Business License Renewal (renewed prior to Jan 1 st)	\$150.00
b) Resident Business License Renewal (after Jan 1 st)	\$200.00
c) Non-Resident Business License Renewal (renewed prior to Jan 1 st)	\$400.00
d) Non-Resident Business License Renewal (after Jan 1 st)	\$500.00
e) Administration Fee Renewal (after February 15 th)	\$ 50.00

All License Application Fees are Non-Refundable

City of Iqaluit

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**SCHEDULE “C”
VOLUNTARY FINES**

a.	Operating a business in City of Iqaluit without a Business License	\$250.00
b.	Failure to notify the Inspector of change of address	\$100.00
c.	Failure to produce Business License to Inspector upon demand.	\$100.00
d.	Failing to post a Business License	\$100.00
e.	Hawker or peddler conducting business outside hours.	\$200.00
f.	Amusement Arcade operating other than hours allowed.	\$200.00