



Being a by-law of the Municipal Corporation of the Hamlet of Clyde River in Nunavut 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, 110 and 173.

WHEREAS the Hamlet of Clyde River deems it necessary to regulate and control businesses within the Municipality;

NOW, THEREFORE, THE COUNCIL OF THE HAMLET OF CLYDE RIVER, at a duly assembled meeting enacts as follows:

## SHORT TITLE

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

## INTERPRETATION

2. In this by-law:

- |                              |  |
|------------------------------|--|
| a) “Applicant”               | means a person applying for a business license issued under the provisions of this by-law;   |
| b) “Business”                | means any religious, charitable, scientific, literary or educational organization which is a registered Canadian charitable organization pursuant to the <i>Income Tax Act</i> of Canada and which must submit proof of registration with their application;   |
| c) “Charitable Organization” | means a Member of Council, other than the Mayor;   |
| d) “CEDO”                    | means the Community Economic Development Officer for the Hamlet of Clyde River;  |
| e) “Council”                 | means the Council of the Hamlet of Clyde River;  |
| f) “Hamlet”                  | means the Hamlet of Clyde River in Nunavut Territory;  |
| g) “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; |
| h) “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;  |
| i) “Industry”                | means one that employs personnel and capital in manufacturing or provides servicing, a distinct and productive unit or profit making enterprise;   |



## MUNICIPALITY OF CLYDE RIVER BY-LAWS

By-Law Title: Business License

By-Law Number: 147

- j) "Junior Business" means any sole proprietorship business carried on by a person under sixteen (16) years of age with written consent from a guardian;
- k) "License" means a subsisting license issued under this by-law;
- l) "Licensing Period" means the period between January 1 and December 31 during which a license is issued;
- m) "Municipality" means the geographic area of jurisdiction of the Hamlet of Clyde River;
- n) "Non-Resident Business" means any person(s) 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;
- o) "Private Dwelling" means a home, cottage or apartment owned or rented by the occupant or occupants, not including a person who occupies such a dwelling as a temporary guest;
- p) "Resident Business" means any corporation, partnership, sole proprietorship, joint-venture or society engaged in any professions, trades, selling or trading, and commercial or manufacturing undertakings of any kind that has a majority of ownership or shareholders or any combination of residing within the Municipal boundaries;
- q) "SAO" means the Senior Administrative Officer of the Hamlet of Clyde River;
- r) "Trades" means any business that provides a service performed by a qualified or certified trades person;
- s) "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*.

### LICENSE REQUIREMENTS

3. No person shall carry on or operate a business in the Municipality unless he/she holds a valid license to do so, issued pursuant to this by-law.
4. Business licenses are valid from the date of issue to the 31<sup>st</sup> of March for that fiscal year, unless sooner terminated.
5. Any person engaged in or carrying on one or more businesses, either separately or together, shall be required to hold a license for each type of business.



### PROCEDURE FOR APPLICATION

6. All business owners must fill out forms required by the Hamlet to identify by what means their Municipal Services (garbage, water/sewage, snow removal, etc.) will be handled. They must accept the rates set out for that class of service by the Hamlet and identify the business address and contact person responsible for payment of all invoices to the Hamlet. This will be done in advance of any application being approved.
7. All business license applicants shall complete an application using the form set out in 'Schedule A' which must be accompanied by a Workers' Compensation Board Certificate of Compliance and the fee payable for the issuance of such license, as set out in 'Schedule B'.
8. No business license shall be issued to operate a home occupation in a rental accommodation unless accompanied with a letter of consent from the agent or landlord of the premises, granting permission to operate a business out of the rented premises. Such a letter may come from, but is not limited to, the Clyde River Housing Association, the Government of Nunavut or the Municipality of Clyde River.
9. All applications for licenses shall give a detailed description of the premises in or upon which the applicant intends to carry on the business.
10. For acceptance as a resident business, the application must also include proof that a majority of owners or shareholders have resided in the Municipality for the previous six (6) months prior to the application date. A copy of a Nunavut Drivers' License or Health Care card may be accepted as proof, but other documentation may be required including incorporation documents or shareholders agreements.
11. All charitable organizations require a business license for which no fee is payable.
12. All business license applications or renewals for home occupations must be submitted to Council for approval and must be accompanied by a Development Permit.
13. A business license authorizes the licensee to conduct business only in or upon the premises described in that license. A separate license must be obtained any other location.
14. No license application shall furnish false or misleading information regarding any procedure or condition outlined in this by-law. The SAO shall refuse to issue a license to an applicant who furnishes false or misleading information.
15. When an application for a business license has complied with the terms of this by-law, and of any other applicable by-laws, the applicant shall be entitled to the business license applied for upon payment of the applicable fee.
16. A business license issued to a business owner is not valid unless approved by the SAO or his/her designate.



## ISSUANCE AND POSTING OF LICENSES

17. Upon being satisfied that an application is in compliance with this by-law, the SAO shall issue, sign and mark the business license with the corporate seal.
18. Every business license issued shall be posted in a conspicuous place within the business premises and must be available at any time for inspection purposes.
19. Every business license issued under this by-law to a non-residential contractor must be carried by the contractor and available for inspection at any time.

## LICENSING – GENERAL PROVISIONS

20. Every licensee shall notify the SAO in writing of:
  - a) any change in the type or nature of the business;
  - b) any change in the type or nature of the goods and services provided;
  - c) any change in location; and
  - d) any change in ownership
21. Where a business licence holder changes his/her business name or address, the licence must be amended to reflect such changes. The business owner shall make application for such change to the SAO within thirty (30) days of a change to the business license and pay the administrative fee as specified in 'Schedule B'.
22. Business license renewals must be completed by the fifteenth (15<sup>th</sup>) day of March prior to the next calendar year. A license renewal may be issued without application upon payment of the prescribed fee and provision of the receipt to the SAO.
23. The SAO may require an application for a business license renewal where, in the opinion of the SAO, circumstances have changed since the original licence was issued.
24. Provided that a business license renewal application is date stamped and received prior to March 15, and the prescribed fee has been paid, a period of grace, not exceeding one (1) month shall be granted to any application awaiting a Workers' Compensation Board Certificate of Compliance.
25. A penalty of twenty-five dollars (\$25.00) shall be assessed against a business that submits a business license renewal application after March 15.
26. All business licenses issued shall expire as of twelve (12:00) midnight on March 31 in the year the license was issued
27. Business licenses issued under this by-law are not transferable.
28. 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.



29. The Hamlet shall make no refunds for any unexpired license due to cessation of business activities, suspension or revocation.
30. The SAO may revoke a business licence issued where the SAO is satisfied that:
  - a. The licence was issued or renewed in error;
  - b. The licence, or licensee has violated the provisions of a by-law enacted by the Council or a Statute of the Government of Nunavut or a Statute of the Government of Canada;
  - c. The licensee has ceased to be a resident of the Municipality of Clyde River; or
  - d. The licensee is in debt to the Hamlet and has been in arrears for a period of three (3) months (90 days) or more.
31. In every case where an applicant has been refused a license, that person shall be entitled to appeal to the Council who will make the final decision as to whether the refusal was just and reasonable.
32. Every appeal shall be presented in writing in a concise manner outlining the grounds on which the appeal is based and submitted to the Hamlet Office within thirty (30) days after the application has been refused.
33. Council, after hearing an appeal, may direct a license to be issued without conditions, direct a license to be issued with conditions or uphold the decision of the SAO and refuse to grant the license. Any order issued by Council shall be binding.
34. Pending the result of an appeal, Council may order the SAO to issue a temporary licence.
35. In the event a business license is suspended or revoked, the procedures set out in Section 178 of the *Hamlets Act* shall be strictly observed.

### COMPLIANCE WITH OTHER LEGISLATION

36. All businesses shall comply with the *Consolidation of Hamlets Act* R.S.N.W.T.1988 C.J-1, the *Consolidation of Business Corporation Act* S.N.W.T.1998: SI-005-98, the *Consolidation of Safety Act* R.S.N.W.T.1988,c.S-1, the *Consolidation of Public Health Act* R.S.N.W.T. 1988,c.P-12, the *Consolidation of Qulliq Energy Corporation Act* R.S.N.W.T. 1988,c.N-12 and the *Consolidation of Building Code Regulations* R.S.N.W.T.1988,c.D-22 R-009-2018.
37. 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* before a business license will be issued excluding pre-packaged food and drinks such as pop, chips, sandwiches, etc. Also, certificates of confirmation are required from an authorized Health Officer, WSCC Inspector and Fire Inspector.
38. A business license for a bed and breakfast will not be subject to the conditions in Section 37.



39. Every person in the business of providing tourist accommodation shall provide documentation that the premises have met all the requirements of the *Tourist Accommodations Act* before a business license will be issued.
40. Any person in the business of selling firearms must provide documentation that all requirements of the *Criminal Code* regarding firearms have been met before a business license will be issued.
41. All businesses, except non-residential businesses, must meet all the requirements of the Clyde River Zoning By-Law before a business license shall be issued.

## TRADES

42. The SAO may require any applicant to provide proof of qualification or certification that the owner, manager or an employee actively engaged in the business has the proper qualifications for the trade/s in which they wish to engage.

## HAWKERS AND PEDDLERS

43. No license shall be issued to a hawker or peddler until that hawker or peddler has established his/her identity with the SAO.
44. Hawkers and peddlers shall conduct their business only between the hours of 9:00am and 9:00pm from Monday to Sunday inclusive.

## ADVERTISING

45. If the SAO has reasonable and probable grounds to believe that an advertisement of a business is misleading, the SAO may revoke the license. Any business believed to have committed such an offence shall cease to conduct business until the procedures set out in Section 178 if the *Hamlets Act* are completed.

## BUSINESS LOCATIONS & OFFICES

46. All licensed businesses shall have a Municipal address, except for a non-resident contractor, service agency, hawker, peddler or itinerant salesperson.
47. Any person may operate one (1) or more businesses from the same office location provided that each business conforms to the conditions of the Zoning By-Law.

## POWERS AND DUTIES OF THE SAO AND CEDO

48. The SAO is hereby appointed as administrator of this by-law but will appoint the CEDO to assist in his/her duties.
49. The CEDO shall:
  - a) receive and process all applications for business licenses;
  - b) keep a record of all applications for a business license for the Council;
  - c) keep on file duplicate counterparts of all licenses issued and particulars thereof;
  - d) as far as practicable, confirm 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; and
- f) through the SAO, 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.

## PENALTIES

50. 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)
  - b) for each subsequent offence during a licensing period:
    - i. in the case of an 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)
51. Pursuant to the provisions of the *Summary Conviction Procedures Act*, a by-law officer may issue summary offence ticket information to any person who violated any provisions of this by-law and such person may, in lieu of prosecution, pay the hamlet the voluntary penalty for the offence prior to the date specified in the ticket.

## REPEAL

52. This by-law repeals By-Law # 81

## COPIES



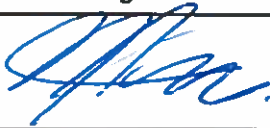
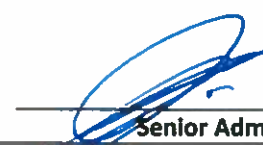
53. A copy of this by-law can be obtained at the address below:

Senior Administrative Officer  
Municipality of Clyde River  
P.O. Box 89  
Clyde River, Nunavut X0A 0E0  
Tel: (867)924-6220  
Fax: (867)924-6293  
Email: [cao@clyderiver.ca](mailto:cao@clyderiver.ca)



# MUNICIPALITY OF CLYDE RIVER BY-LAWS

By-Law Title: Business License By-Law Number: 147

Date of First Reading	(Day) 21	(Month) NOV.	(Year) 2019
Date of Second Reading	(Day) 21	(Month) NOV.	(Year) 2019
 _____ Mayor		 _____ Senior Administrative Officer	
Date of Third Reading and Passed	(Day) 19th	(Month) Dec.	(Year) 2019.
 _____ Mayor		 _____ Senior Administrative Officer	







**SCHEDULE A – BUSINESS LICENSE APPLICATION**

**APPLICATION FOR BUSINESS LICENCE**

\_\_\_\_\_  
**NAME AND OCCUPATION**

\_\_\_\_\_  
**BUSINESS NAME**

\_\_\_\_\_  
**ADDRESS**

**I hereby apply for a Business Licence under the Business Licence By-Law for the purpose of carrying on the Business of: \_\_\_\_\_**

**During the Fiscal Year ending March 31st, 20\_\_\_\_\_, at Clyde River, NUNAVUT**

\_\_\_\_\_  
**SIGNATURE** \_\_\_\_\_  
**DATE**

**WSSC CERTIFICATE OF COMPLIANCE**

**TOURISM COMPLIANCE IF TOURISM OR HOTEL OR BED & BREAKFAST**

**HEALTH COMPLIANCE IF FOOD SERVICES**

**BUSINESS BY-LAW SCHEDULE B: BUSINESS LICENSE FEES**

This application was \_\_\_\_\_ by the Municipal Council on \_\_\_\_\_

Signature of Senior Administrative Officer \_\_\_\_\_

Reason for Rejection: \_\_\_\_\_

Appeal to the Municipal Council of the Municipality of Clyde River, NUNAVUT

On \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_\_



**SCHEDULE B – BUSINESS LICENSES**

1.	Business name change	
2.	Any individual business not specified	
3.	Banks and credit unions	
4.	Bulk petroleum products dealer	
5.	Electrical power utility	
6.	Non-resident business	
7.	Telephone/cell phone/Internet company	
8.	Mail order houses or agency	
9.	Financial and insurance agency	
10.	Repair and service shops	
11.	Vehicle and equipment rentals	
12.	Guiding/Outfitting	
13.	Coin operated vending machines (per machine)	
14.	Hotels, motels, Bed & Breakfast and other public accommodations	
15.	Taxi service (per taxi)	
16.	Airline agencies	
17.	Construction company	
18.	Restaurant	
19.	Retail Store	
20.	Stands (tobacco, ice-cream, soft drinks, etc.)	

**BUSINESS LICENSE FEES**

1.	Business Name Change	\$20.00
2.	Residential Business	\$100.00
3.	Non-Resident Business	\$500.00