

Hamlet of Fort McPherson  
BY-LAW #150/00

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BEING A BY-LAW OF THE HAMLET OF FORT MCPHERSON IN THE NORTHWEST  
TERRITORIES TO PROVIDE FOR THE LICENSING AND REGULATION OF BUSINESS CARRIED  
ON WITHIN THE MUNICIPALITY

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PURSUANT to the provisions of the *Hamlets Act, R.S.N.W.T., 1988, c. H-1, s. 110, 111 and 173* AND  
the *Summary Conviction Procedures Act, R.S.N.W.T., 1988. C. S-15, s. 11;*

WHEREAS the Council of the Hamlet of Fort McPherson deems it necessary to regulate and control  
businesses within the municipality;

NOW, THEREFORE the Council of the Hamlet of Fort McPherson at a dully assembled meeting, enacts as  
follows:

**SHORT TITLE**

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

**INTERPRETATION**

- 2. in this By-law:
  - a. **“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 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:**
    - 1. a profession, trade, manufacture or undertaking of any kind;
    - 2. an adventure in the nature of trade; and
    - 3. The sale or offer for sale of goods or services in any public place, but does not include a business that is regulated by the Act of Parliament or any other exempt business prescribed by regulation.
  - d. **“By-law Officer” means a by-law officer appointed by the Hamlet Council;**
  - e. **“Contractor” means any person or business that provides contract construction services or technical advice on construction contracts and generally supervises sub-trades in the completion of construction projects;**
  - f. **“Council” means the Council of the Hamlet of Fort McPherson;**
  - g. **“Canvasser” means any person whether a resident of the municipality or not, who solicits orders by telephone, telecopier, facsimile or other means for the purchase, sale or trade of merchandise or who offers a service for sale or trade;**
  - h. **“Hamlet” means the Hamlet of Fort McPherson in the Northwest Territories and the boundary thereof;**
  - i. **“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;**
  - j. **“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. 47 and Community Plan No. # 46;**

- k. **“Home Sales” means any business that offers products, goods or services for sale from a home on a temporary basis, not other wise noted in this by-law;**
- l. **“Industry” means one that employs personnel and capital in manufacturing or provides servicing, in a distinct and productive unit or profit making enterprise;**
- m. **“License” means a license issued pursuant to this By-law, valid and current from the date of issue for a period ending March 31<sup>st</sup> following the issue of the license;**
- n. **“Licensing Period” means the period between April 1<sup>st</sup> and March 31<sup>st</sup> during which a license is issued;**
- o. **“Non-resident Business” means any person carrying on business within the boundaries of the Hamlet, without having an established or a permanent office or location of operation within the boundaries of the Hamlet;**
- p. **“Person” means any individual, sole proprietorship, partnership, body corporate, society or any combination of two or more of the aforementioned;**
- q. **“Private Dwelling” means a home, cottage or apartment owned or rented by the occupant or occupants thereof, but the occupant does not include a person who occupies such dwelling as a temporary guest;**
- r. **“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 boundary of the Hamlet, subject to the terms and conditions of the Zoning By-law #47;**
- s. **“SAO” means the Senior Administrative Officer of the Hamlet;**
- t. **“Schedule” means a schedule attached to and forming part of this By-law;**
- u. **“Street Sales” means a business that offers products, goods or services that are sold from a vendor located on or near a street, such as in a booth, truck, trailer or other temporary facility;**
- v. **“Telephone and 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;**
- w. **“Trades” means any business that provides a service performed by a qualified or certified trades-person;**
- x. ***“Transient Contractor” means any person that does not maintain a permanent place of business within the municipality and who acts as a contractor;***
- y. **“Workers Compensation Certificate of Compliance” means a Certificate of Compliance or similar document issued annually by the Workers’ Compensation Board of the Northwest Territories evidencing compliance with the Workers’ Compensation Act, R.S.N.W.T., 1988, c. W-6.**

**LICENSE REQUIREMENTS**

- 3. No person shall carry on or operate a business unless he/she holds a valid and subsisting license to do so issued pursuant to this By-law.
- 4. Each license issued pursuant to Section 3 shall be valid from the date of issue for the current year, unless sooner terminated.
- 5. 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.

**APPLICATION**

- 6. All applicants 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”.

7. 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 of which the applicant has made an application for the license.
8. 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.
9. 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.
10. Business license applications for home occupation must be submitted to Council for approval and submitted with a Development Permit.
11. All licenses issued to carry on any business, shall designate the premises in or on which the licensee may carry on or engage in 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 location.
12. Where a business license has been issued for telephone and desk operation or home occupation the application shall indicate that it is a home occupation or telephone and desk operation.
13. No license application shall furnish false or misleading information regarding any procedure or conditions on this By-law.
14. Whenever an application for a license has complied with the terms of this by-law and of any other applicable by-law, the applicant shall be entitled to the license applied for, subject to Section 25 (*false information*), and upon payment of the fee payable.
15. A business license issued to a licensee is not valid unless approved by the SAO or his/her designate.

#### POSTING OF LICENSES

16. Every license issued pursuant to this By-law shall be posted in a conspicuous place on the business premises and whenever required to do so by the SAO, the licensee shall produce the license for inspection purposes.
17. Every business license issued under this By-law to a non-resident contractor, service agency, hawker, peddler or itinerant salesperson shall be carried by the licensee so that it may be inspected by anyone.

#### GENERAL

18. 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 (30) days from the issuance of the license and pay the administrative fee as specified in Schedule "B".
19. All business licenses issued shall expire as of 12:00 midnight on March 31 of the fiscal year it was issued.
20. Business license renewals shall be completed by the fifteenth (15<sup>th</sup>) day of April in each year.

21. Provided that a business license renewal application is date-stamped received prior to April 15<sup>th</sup> and the prescribed fee has accompanied the application, a period of grace, not exceeding one month, shall be granted to any application awaiting a Workers' Compensation Board Certificate of Compliance.
22. Business licenses issued under this By-law are not transferable and may not be assigned
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/she is satisfied that the person has violated any provisions of this By-law or an Act of the Northwest Territories in respect to any business licensed or requiring to be licensed under this By-law.
27. Every appeal mentioned in Section 28 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 (30) days after the license has been refused.
28. The Appeal board, after hearing an appeal may;
  - a. direct a license to be issued without conditions;
  - b. direct a license be issued with conditions; or
  - c. Uphold the decision and refuse to grant the license.
29. In every case where an applicant has been refused a license that person seeking the license shall be entitled to an appeal to the Appeal Board of the Council and the Appeal Board shall make the final decision as to whether the refusal was just and reasonable.
30. In the event of a license is suspended or revoked, the procedures set out in Section 178 of the Hamlets Act shall be strictly observed.

#### COMPLIANCE WITH OTHER LEGISLATION

31. 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.
32. Every person in the business of providing tourist accommodation shall provide documentation that the premise has met all the requirements of the *Tourist Accommodation Regulations*, before a license will be issued.
33. Every person in the business of offering for sale firearms shall provide documentation that all requirements of the *Criminal Code* respecting firearms are met, before a license will be issued.
34. All businesses, except non-resident businesses, must meet all the requirements of the *Zoning By-law No. 47*, before a business license shall be issued.

**TRADES**

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

**HAWKERS AND PEDDLERS**

37. All hawkers and peddlers that are required to be bonded and licensed by the Government of the Northwest Territories will not be permitted to obtain a business license without first obtaining a valid *Direct Sellers' License*.
38. No license shall be issued to a hawker or peddler until that hawker or peddler has established his/her identity with the SAO.
39. Hawkers and peddlers shall conduct their businesses only between the hours of 9:00 AM and 9:00 PM from Monday to Sunday inclusive.

**AMUSEMENT ARCADES**

40. All amusement arcades shall conduct their businesses only between the hours of 4:00 PM and 12:00 midnight from Monday to Saturday.

**ADVERTISING**

41. Subject to Section 30, 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.
42. Any person believed to have committed an offence under Section 41 shall cease to conduct his/her business until the procedures under Section 30 are completed.

**BUSINESS LOCATIONS AND OFFICES**

43. All licensed businesses shall have an office, except for a non-resident contractor, service agency, hawker, peddler or itinerant salesperson.
44. Any person may operate one or more business from the same office location provided that each business conforms to the conditions of the Zoning By-law No. 47.
45. No business license shall be issued in which the location of the business has been identified as a vacant lot.

**POWERS AND DUTIES OF THE SAO**

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

- 47. The SAO or his/her officers shall;**
- a. receive and process all applications for business licenses;**
  - b. keep record of all applications for licenses in a form required by Council;**
  - c. keep, on file, duplicate counterparts of all licenses issued and the particulars thereof;**
  - d. ascertain, as far as practical, that all information furnished by an applicant is true and correct 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.**

**PENALTIES**

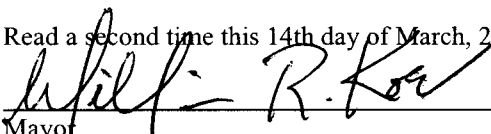
- 48. Any person violating any provisions of this By-law is guilty of an offence and is liable, upon summary conviction, to the penalties outlined in Schedule "C".
- 49. Pursuant to the provisions of the Summary Convictions Procedures Act, a By-law Officer may issue a summary offence ticket information to any person who violates any provisions of this By-law and such person may, in lieu of prosecution, pay to the Hamlet the voluntary penalty for the offence listed in Schedule "C" prior to the date specified on the ticket.

**REPEAL**

50. This By-law repeals By-law No.10.

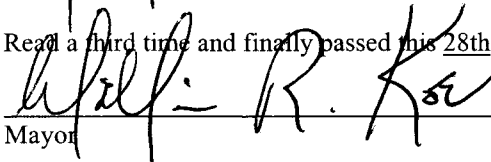
Read a first time this 14th day of March, 2000.

Read a second time this 14th day of March, 2000.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Senior Administrative Officer

Read a third time and finally passed this 28th day of March, 2000.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Senior Administrative Officer

HAMLET OF FORT MCPHERSON  
BY-LAW # 150/00  
SCHEDULE "A"  
APPLICATION FOR BUSINESS LICENSE

Name of Applicant:

Name of Business:

Business Address:

Mailing Address:

Telephone No:

Fax No.:

Type of Business:

Location of Business:

Lot No.:

Block No.:

Plan No.:

Outside Home:

Home Occupation:

Zoning:

Is this a Non-resident business:  Yes  No

Is this a Renewal:  Yes  No

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

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\*\*\*\*\*  
OFFICE USE ONLY APPROVED:  Yes  No

Fee: \$ \_\_\_\_\_ License No.: \_\_\_\_\_

Date License Issued: \_\_\_\_\_ License Period: \_\_\_\_\_

Documentation Attached:

- WCB Compliance Certificate
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_

HAMLET OF FORT MCPHERSON  
BY-LAW # 150/00  
SCHEDULE "B"  
FEES

	<u>Annual</u>
Auctioneer	\$ 100.00
Auto Body Shop	100.00
Apartments (2 or more)	300.00
Baker (owning or keeping a bake shop or delicatessen)	50.00
Bank (for each branch)	1,000.00
Barber or Beauty Shop	50.00
Blacksmith Shop	50.00
Bottling Works	300.00
Butcher (meat storage plant, keeper of meat market or for each establishment)	50.00
Bowling alley	50.00
Closed Circuit TV	50.00
Coin Operated Machine (each)	50.00
<b>Contractors (general contractor or any trade listed in Schedule "D")</b>	<b>50.00 Resident</b>
	<b>250.00 Non-Resident</b>
<b>Diamond Driller</b>	<b>500.00</b>
Drug Store	300.00
Dry Cleaner	300.00
Electrical and Appliance Repair Shop	50.00
Fish Processors and Exporters	50.00
Freighting by Motor Vehicle	100.00
Garage Keeper or motor vehicle service station operator and/or Tire sales and repairs	50.00
Gas and Oil Well Drilling Contractor	3,000.00
General Stores (grocery, furniture, hardware, tailor, shoe)	50.00
Hotels, Motels or Rooming house (each establishment)	50.00
Implement and Industrial Dealers	100.00
Insurance Agents, Investment Dealers or dealers Agents, Mutual Fund Dealers or dealers agents	300.00
Jewelers, Watch or Clock Repair	50.00
Kennel	50.00
Lumber yards	50.00
Merchants selling bulk petroleum products	50.00
Machine Shop	50.00
Motor Vehicle Dealer each establishment	300.00
Professions- any profession not licensed under any Territorial Act (and not paying business tax)	50.00
Public Warehouse	50.00
Pawn brokers	300.00
Photo Shops and/or Photographers	50.00
Printers and/or Publishers	100.00
Pool and Billiard Parlors	100.00
Public Halls for Hire	50.00
<b>Real Estate Agents</b>	<b>200.00</b>
Restaurant Keeper	50.00
Saw Mill	50.00
Woodworking Shop	50.00
Welding shop	50.00
Undertaker	50.00
Drive-in Stand	100.00
Travel or Ticket Agent	50.00
Mail Order Houses	300.00

SCHEDULE "B"  
FEES CONTINUED

Wholesale Firm		100.00
General Repair Shop		50.00
Window Washing and Janitor Services		50.00
Tourist Business		50.00
Taxi Service		50.00
Bus Service		50.00
<b>Hawkers &amp; Peddlers</b>	<b>Resident</b>	<b>50.00</b>
	<b>Non- resident</b>	<b>125.00 first 3 days</b>
		<b>25.00 each day thereafter</b>
Home Sales (Avon, Regal etc.)		100.00
<b>Street Sales</b>		<b>25.00/day or 500.00/year</b>
<b>Any other business</b>	<b>Resident</b>	<b>50.00</b>
	<b>Non-Resident</b>	<b>250.00</b>
<b>Administration Fee (Section 18)</b>		<b>25.00</b>

HAMLET OF FORT MCPHERSON  
BY-LAW # 150/00  
SCHEDULE "C"  
PENALTIES

1. **First offence during any licensing period:**
  - a. **in the case of an individual, to a fine not exceeding five hundred (\$500.00) dollars; and**
  - b. **In the case of a corporation, to a fine not exceeding one thousand (\$1,000.00) dollars.**
2. **For each subsequent offence during a licensing period;**
  - a. **in the case of a an individual, to a fine not exceeding one thousand (\$1,000.00) dollars; and**
  - b. **In the case of a corporation, to a fine not exceeding five thousand (\$5,000.00) dollars.**
3. **To imprisonment for a term not exceeding six months in default of payment of a fine.**

HAMLET OF FORT MCPHERSON  
BY-LAW # 150/00  
SCHEDULE "D"  
TRADES REQUIRING A BUSINESS LICENSE

Appliance Servicemen  
Auto Body Mechanic  
Baker  
Barber  
Beautician  
Cabinetmaker  
Carpenter  
Commercial Cook  
Electrical Mechanic  
Electrician  
Floor Covering Mechanic  
Gasfitter  
Glassworker  
Heavy Duty Mechanic  
Heavy Duty Operator  
Housing Maintenance Servicemen  
Industrial Mechanic (Millwright)  
Instrument Mechanic  
Insulator  
Machinist  
Marine Engineer  
Master Minor Waters  
Motor Vehicle Mechanic  
Oil Burner Mechanic  
Painter and Decorator  
Partsman  
Plumber  
Power Electrician (Lineman)  
Power Engineer  
Radio and Television Servicemen  
Refrigeration and Air Conditioning Mechanic  
Roofer  
Sheet Metal Worker  
Steamfitter  
Steel Fabricator  
Welder