

**HAMLET OF ENTERPRISE**

**BYLAW # 2023-147**

**“BUSINESS LICENSE BYLAW”**

*Approved: October 18, 2023  
Resolution: #2023-444*

**HAMLET OF ENTERPRISE  
BUSINESS LICENSE BYLAW 2023-147**

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A bylaw of the Hamlet of Enterprise in the Northwest Territories to provide for the licensing and regulating of businesses pursuant to the provisions of the *Hamlets Act*, SNWT 2003, c 22.

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**WHEREAS** the Hamlet of Enterprise desires to license and regulate businesses operating within the corporate limits of the Hamlet of Enterprise;

**WHEREAS** pursuant to section 74(f) of the *Hamlets Act*, whereby the Hamlet may, by bylaw, provide for a system of licenses, permits, or approvals including establishing fees that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue and establishing higher fees for non-residents;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Hamlet of Enterprise, at a duly assembled meeting, enacts as follows:

**1. TITLE**

This Bylaw shall be cited as the “**Business License Bylaw**”.

**2. DEFINITIONS**

2.1. In this bylaw:

- (a) “**Business**” means any person engaged in commercial activity for gain or livelihood, including, but not limited to, providing goods, services or construction services, but does not include a business that is regulated by any Act of Parliament or the Legislative Assembly of the Northwest Territories or any other exempt business as may be prescribed by regulation.
- (b) “**Carry On**” means carry on, perform, operate, keep, hold, occupy, deal in or use for gain whether as principal or as agent.
- (c) “**Council**” means the Council of the Hamlet of Enterprise.
- (d) “**Hamlet**” means the Hamlet of Enterprise.
- (e) “**Home Business**” means any business carried on by a Person at a Premise that is ordinarily the residential building that the Person resides at as a use secondary to the residential use of the building.

- (f) **“License or Business License”** means a certificate issued pursuant to this Bylaw by the Hamlet that approves business to be conducted within the Hamlet’s corporate boundaries.
- (g) **“Licensee”** means a person to who a valid Business License has been issued by the Hamlet.
- (h) **“Local Business”** means any person carrying on a business and establishing a permanent office or location of operation within the corporate limits of the Hamlet, or whose main business operation is being carried on within the Hamlet.
- (i) **“Non-Local Business”** means any person carrying on a business within the Hamlet without establishing a permanent office or location of operation within the Hamlet, or whose main business operation is outside the corporate limits of the Hamlet.
- (j) **“Bylaw Officer”** is a person appointed by the Hamlet to enforce the bylaws of the Hamlet or, for the purposes of this Bylaw a member of the Royal Canadian Mounted Police.
- (k) **“Peddler”** means a person who sells goods or services from door to door, on the street, or in other public areas to individuals or businesses.
- (l) **“Person”** means any individual, corporation, firm, partnership, proprietorship, club, or association.
- (m) **“Premises”** means the permanent office or location of operation in or upon which such business is carried on.
- (n) **“Public Health Officer”** means a person appointed as a public health officer pursuant to the *Public Health Act*, SNWT 2007, c 17, as amended.
- (o) **“SAO”** means the Senior Administrative Officer of the Hamlet of Enterprise.

### 3. APPLICATION

- 3.1. Any person carrying on a Business, including a Home Business or as a Peddler, in the Hamlet is required to obtain a valid a Business License.
- 3.2. Where a Business is carried on, or is intended to be carried on, at more than one Premise within the Hamlet, a separate Business License shall be required for each Premise.
- 3.3. Where the Business of an auctioneer, canvasser, Peddler, itinerant photographer or itinerant salesman is carried on, each individual carrying on that Business is required to obtain a separate Business License to carry out that Business whether acting as an employee of, or agent for, a Business.
- 3.4. Any person delivering a commodity to a purchaser within the Hamlet is deemed to be carrying on a Business in the Hamlet and shall obtain a Business License.

- 3.5. A Business License from the Hamlet is not required to hold a concert, recital, show, bingo, casino or other entertainment where the monies charged to, collected for, or collected with admission, are for the benefit of a charitable organization within the Hamlet.

#### **4. ISSUANCE OF BUSINESS LICENSES**

- 4.1. An application for a Business License shall be made on forms specified by the Hamlet and shall contain the following:
  - a. Name, address, and occupation of the applicant,
  - b. Business for which the license is applied,
  - c. Premise or other location where the business is proposed to be carried on,
  - d. Period for which the license is required, and
  - e. Such other particulars of the business as the SAO may require, including any territorial or federal approvals and authorizations.
- 4.2. The decision to issue a Business License shall be made by the SAO in accordance with the provisions of this Bylaw.
- 4.3. The SAO shall not issue a Business License unless the Business and its related Premises are compliant with the Hamlet's Zoning bylaw.
- 4.4. The SAO shall not issue a Business License where the Worker's Compensation Board, Public Health Officer, Fire Marshall or delegate, or Building Inspector of the Government of Northwest Territories declines a Certificate of Compliance or other necessary approval.
- 4.5. All Business Licenses issued shall be in effect from the date of issue or renewal until twelve o'clock midnight March 31 of the year specified on the Business License or until cancelled, whichever is sooner.
- 4.6. All Business License renewals shall have the option of a one or two year renewal.
- 4.7. The renewal process for a Business License is to follow the same process as an initial Business License application.
- 4.8. Every Business License, to be in force, shall bear on its face the date on which it is issued and the date on which it will expire, the name of the applicant, the name of the

Business, the nature of the Business, any special conditions under which the License has been issued, and the seal of the Hamlet.

**5. FEES**

- 5.1. Except as herein provided, before the Hamlet issues any Business License, the applicant shall pay to the Hamlet the License fees set forth or calculated in the Hamlet's Fees, Charges & Fines Bylaw #2023-145, as amended.
- 5.2. Where a Business License is renewed for a period of two years in accordance with Article 4.6 of this Bylaw, the License fee provided for in the Hamlet's Fees, Charges & Fines Bylaw #2023-145, as amended, shall be doubled.
- 5.3. Except as otherwise approved by Council motion, no money shall be refunded to a person whose Business License has been suspended, cancelled, or surrendered while still current.
- 5.4. Where any Business License becomes defaced, obliterated, or otherwise illegible, or is lost or mislaid, the Licensee shall forthwith apply to the SAO for a replacement License, produce the License unless it is lost, and pay a fee in accordance with the Hamlet's Fees, Charges & Fines Bylaw #2023-145, as amended, for a replacement License, which is equal to the fee initially payable for that License type.

**6. DUTIES OF THE LICENSEE**

- 6.1. Every Licensee shall comply with the provisions of this Bylaw and all other bylaws of the Hamlet; a failure to do so may result in the suspension or cancellation of the Licensee's Business License in accordance with section 7 of this Bylaw.
- 6.2. The Licensee shall advise the Hamlet of any changes to the information required by Article 4.1 of this Bylaw, including if the Licensee's address changes.
- 6.3. The Licensee shall produce its Business License at all reasonable times on demand of the SAO or Bylaw Officer.
- 6.4. Every Licensee who holds a Business License under this Bylaw that applies to a specified Premises shall, so long as the Business License is in force, keep it or a duly authorized copy thereof, posted up in some conspicuous place on the licensed Premises.
- 6.5. The Licensee shall not post or display any photographic or other reproduction of its Business License issued by the Hamlet, except as specifically authorized by the SAO.

## **7. REVOCAION OF BUSINESS LICENSE**

- 7.1. The SAO may, after giving three day's notice to the Licensee, suspend or cancel a Business License, including for, but not limited to, the following circumstances:
- Incorrect or misleading information being provided on a Business License application;
  - Failure to comply with the conditions of a Business License;
  - Failure to provide any required territorial or federal approvals and authorizations as requested;
  - Failure to comply with the Bylaw;
  - Failure to comply with any other municipal bylaw;
  - Owing any fees, charges, fines, or other amounts to the Hamlet; or
  - Any other reasonable grounds where the SAO determines it is in the public interest to cancel a Business License.
- 7.2. A Licensee may, in writing, submit an appeal to Council of the SAO's decision to suspend or cancel a Business License within thirty days of the effective date of the cancellation or suspension.

## **8. ADMINISTRATION**

- 8.1. The SAO shall administer this Bylaw and may delegate the authority to another Officer of the Hamlet, who shall act under their general supervision.
- 8.2. The SAO or their delegate shall:
- a. Ensure that the Bylaw is enforced;
  - b. Enforce payment of Business License fees where any Business is carried on without a License;
  - c. Process and approve or reject all applications for Licenses and transfers of Licenses;
  - d. Ensure that all Licensees within the Hamlet are notified thirty days prior to expiration of the License; and
  - e. Inspect at reasonable times and on reasonable notice any location or Premise at which a Licensee or applicant is carrying on or is believed to be carrying on a Business. Refusal to allow such inspection constitutes a contravention of this Bylaw.

## 9. OFFENCES AND PENALTIES

- 9.1. Except as herein provided, any person who contravenes any provision of this Bylaw is guilty of an offence and liable, on summary conviction, to a fine as specified in the Hamlet's Fees, Charges & Fines Bylaw #2023-145, as amended.
- 9.2. A Bylaw Officer who has reasonable and probable grounds to believe that a person is violating any provisions of this Bylaw may lay an information and issue a summons by means of a ticket as defined in the *Summary Convictions Procedures Act*, RSNWT 1988, c S-15, as amended, setting forth the date, time, and place of the offence, briefly stating that payment may be made in accordance with Article 9.3.
- 9.3. A person, who has received a ticket pursuant to Article 9.2 in respect of an alleged offence under this Bylaw, may, within seven days of receipt of such ticket, in lieu of appearing in court in answer to the summons, pay the Hamlet such penalty as set forth in the Hamlet's Fees, Charges & Fines Bylaw #2023-145, as amended.

## 10. FORMS

- 10.1. The SAO may create and amend any form required for the administration of this Bylaw, which shall subsequently be submitted for approval by motion of Council.

## 11. REPEAL

Bylaw number 2012-07 is hereby repealed.

## 12. EFFECTIVE DATE

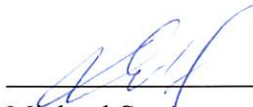
This bylaw shall come into force and take effect upon receiving third reading.

## 13. READINGS

Read a First time this 11<sup>th</sup> day of **April, 2023**.

Read a Second time this 11<sup>th</sup> day of **April, 2023**.

Read a Third and Final time this 18<sup>th</sup> day of **October, 2023**.

  
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Michael St. Amour  
Mayor

  
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Blair Porter  
Senior Administrative Officer

As per Section 77(1)(d) of the Hamlets Act, I hereby certify that this bylaw has been made in accordance with the requirements of Hamlets Act and the bylaws of the Municipal Corporation of Hamlet of Enterprise.

Certified this 19<sup>th</sup> day of **October, 2023**.



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Blair Porter  
Senior Administrative Officer

