

THE MUNICIPAL CORPORATION OF THE CITY OF IQALUIT

BYLAW No. 859

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, as amended from time to time (the "Act"), Council of the Municipality of Iqaluit, NU ("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 *Act*, Council may pass Bylaws for municipal purposes respecting Businesses, Business activities, and Persons engaged in Business;

AND WHEREAS, pursuant to section 173 of the *Act*, Council may pass Bylaws for municipal purposes respecting the enforcement of Bylaws made under the *Act* or any other enactment including any or all of the matters listed therein;

AND WHEREAS, pursuant to section 176 of the *Act*, 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, and as amended from time to time, to enforce its Bylaws;

AND WHEREAS, pursuant to section 110 of the *Act*, a Council may in a Bylaw:

- (a) classify Businesses for the purposes of Business Licences;
- (b) prohibit the operation of any class of Business without a Licence 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 Licences;

NOW THEREFORE PURSUANT to the provisions of the *Act*, the Council in regular session duly assembled, enacts as follows:

PURPOSE

The purpose of this Bylaw is to establish a system of licensing and monitoring for Businesses, Business activities, and Persons engaged in Business in the City of Iqaluit ("City").

SEVERABILITY

If any provision of this Bylaw is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this Bylaw or any documents which form part of this Bylaw 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 Bylaw the following terms (unless otherwise expressly stated in this Bylaw) shall have the following meanings.

- 2.1 "Active Operation of a Business" means a period in which the Business is Carrying on or intends to Carry on Business activities;
- 2.2 "Administrative Fee for Renewal" means an additional amount to be paid by the Applicant for the Renewal of their Licence if the completed Application is submitted after February 15th of a given calendar year;
- 2.3 "Amendment" means any change made prior to the time of Renewal to either:
 - i) a Business's Application form (see Schedule "A" of this Bylaw) after a Licence has been issued or;
 - ii) a Business's Directory Listing after the Directory Listing has been published online;
- 2.4 "Applicant" means a Person applying for a New Business Licence or the Renewal of a Licence, issued under this Bylaw;
- 2.5 "Application" means:
 - (i) the form included as "Schedule A" and;
 - (ii) complete payment in the prescribed amount as specified under Schedule "B" and;
 - (iii) any other required documents and/or information as requested by the City for a New Business, or Renewal of a Business Licence, with complete and accurate information from the Applicant;
- 2.6 "Bed and Breakfast including AirBnb" means sleeping and/or entire accommodations provided which may or may not include breakfast, provided within a home or guest houses or small hotel for a fee that includes a profit;

- 2.7 "Benefactor" means the Person or Persons who are listed as the recipient/s of the Business by the Wills Act, RSNWT (Nu) 1988, c W-5 from the previous Owner of the Business who has passed;
- 2.8 "Billeting" means lodging provided in someone's home for which a nominal fee may be charged for costs associated with hosting and does not include profit;
- 2.9 "Business" includes:
- i) a profession, trade, manufacture or undertaking of any kind;
 - ii) an adventure in the nature of trade; or
 - 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;
- 2.10 "Business activities" means any act or series of acts that are performed by a Person for the purpose of Carrying on a Business.
- 2.11 "Bylaw Officer" means a City Bylaw Officer, appointed by Council by Bylaw;
- 2.12 "CAO" means the Chief Administrative Office of the City;
- 2.13 "Carry on", "Carrying on", "Carried on" and "Carries on" means to conduct, operate, perform, keep, hold, occupy, deal in or use, for a Fee and/or exchange of benefits, whether as principal or as agent;
- 2.14 "Certificate of Compliance" means a physical or digital copy of a letter from the Northwest Territories and Nunavut Workers Safety Compensation Commission ("WSCC") indicating that the Applicant either:
- i) has coverage under WSCC for the calendar year for which the Applicant seeks a Licence or
 - ii) does not require coverage under WSCC for the calendar year for which the Applicant seeks a Licence;
- 2.15 "Charitable of Religious Organization" means an organization or foundation
- i) registered as a Charitable of Religious Organization under the *Income Tax Act* (Canada) R.S.C. 1985, c.1, (5 Supp.), as amended, and which may be amended from time to time;
 - ii) registered for a charitable or religious purpose under the *Societies Act*, R.S.N.W.T. 1988, c. S-11, as amended and which may be amended from time to time; or
 - iii) designated as a Charitable of Religious Organization by the Federal Minister responsible for charitable designations as having charitable status;

- 2.16 "City" means the City of Iqaluit in the Territory of Nunavut;
- 2.17 "Class 1 Business" and "Large Business" means a Business that expects to require more than four hundred fifty (450) Worker hours per week to Carry on during the Active Operation of the Business;
- 2.18 "Class 2 Business" and "Medium-Sized Business" means a Business that expects to require between one hundred fifty-one (151) and four hundred forty-nine (449) Worker hours per week to Carry on during the Active Operation of the Business;
- 2.19 "Class 3 Business" and "Small Business" means a Business that expects to require between ninety-one (91) and one hundred fifty (150) Worker hours per week to Carry on during the Active Operation of the Business;
- 2.20 "Class 4 Business" and "Micro Business" means a Business that expects to require between thirty (30) and ninety (90) Worker hours per week to Carry on during the Active Operation of the Business;
- 2.21 "Class 5 Business" and "Hobbyist Business" means a Business that expects to require less than thirty (30) Worker hours per week to Carry on during the Active Operation of the Business;
- 2.22 "Council" means the Municipal Council of the City;
- 2.23 "Country Food" means wild food sourced from the land within Nunavut. This may include, but is not limited to: whale meat, berries, clams, seal meat, and fish;
- 2.24 "Corporation" means a Business that is registered as a Corporation in Nunavut or Canada;
- 2.25 "Defaced Licence" means an Original Copy of a Licence that has fallen into a such a state that it is unreadable or unprofessional to have posted in a conspicuous location;
- 2.26 "Development Permit" means a valid permit issued by the City charged with the control and management of Development Permit applications;
- 2.27 "Directory Listing" means a place in the City's online business directory which will be available by December of 2018.
- 2.28 "Exempt Business" means a Business that is not required to have a Licence under "Section 4.4" of this bylaw
- 2.29 "Full-time" means for the purpose of this bylaw any Position which is expected to work at least thirty (30) hours per week during the active operation of a Business;

- 2.30 "Hawker or Peddler" 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 Inuit carvers and/or Inuit craftpersons and/or Inuit performers who practice and sell their Art, nor does it include Inuit hunters and gatherers selling locally sourced Country Food to Individuals within City limits;
- 2.31 "Holding Company" means for the purpose of this Bylaw a Business that:
- (i) is a separate legal entity from its Owners; and
 - (ii) does not utilize Positions and/or Workers; and
 - (iii) usually does not produce goods or services itself, but rather has the purpose to own shares of other companies to form a corporate group;
- 2.32 "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;
- 2.33 "Individual" means a single human being who is conducting a Business as a Sole Proprietor.
- 2.34 "Inuit Art" means physical goods or performance by an Inuk carver and/or an Inuk craftsperson and/or Inuk performer;
- 2.35 "Inuit/Inuk Hunters and Gatherers" refers to an Inuk Individual who:
- a) sources Country Food directly from the land themselves and
 - b) Carries on sales of that Country Food within City boundaries;
- 2.36 "Inuk" or "Inuit" means an Individual or Individuals who is/are registered as a Nunavut Land Claims beneficiary with Nunavut Tunngavik Incorporated;
- 2.37 "Junior Business" means any Business carried on by a Person under eighteen (18) years of age, with the written consent of a parent or guardian and which is a Sole Proprietorship;
- 2.38 "Letter of Consent" means a physical or official version of a digital copy of a signed document from the owner of the Premises providing express permission for the Applicant to operate a Business out of said Premises;
- 2.39 "Licence", "Licenced", and "licensing" means a Licence or a reference to a Licence issued or a reference to Business Licence under this Bylaw;

- 2.40 "Licence Fee" means those Fees prescribed in Schedule "B" and as referenced in this Bylaw;
- 2.41 "Licensee" means a Person holding a valid and subsisting Licence issued under this Bylaw;
- 2.42 "Livery Licence" means a licence issued pursuant to City Bylaw #590 to operate a livery business and is deemed to be a licence for a class of business pursuant to s.110(a) of the Cities, Towns and Villages Act;
- 2.43 "Merchandise" means a physical object that is for sale by a Person for the purpose of Carrying on a Business Activity;
- 2.44 "New Business" means a Business that has either:
- i) Never operated in the City before or
 - ii) Not operated in the City within the past three years and has not had a business Licence during the past three years;
- 2.45 "Non-Government Organizations" and/or "Not-for-profit Society" means an organization that is not government or a Business and registered as a non-profit society in Nunavut or Canada;
- 2.46 "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;
- 2.47 "Original Copy of Licence" means the official copy of the Licence that the City provides to a Licensee which includes:
- (i) The legal and/or trade name of the Business and;
 - (ii) The name of the owner or owners and;
 - (iii) The mailing address of the Business and;
 - (iv) The industry in which the Business operates and;
 - (v) The location of the Premise out of which the Business operates and;
 - (vi) The number of the Licence, which shall not match the number of any other Licence and;
 - (vii) The date on which the Licence shall expire and;
 - (viii) The official seal of the City and;
 - (ix) The signature of the CAO or designate;
- 2.48 "Owner of the Business" means the Person who owns the Business that is specified in the Application;
- 2.49 "Owner of the Premises" means the Person who owns a Business's location of Business;

- 2.50 "Part-time" means for the purpose of this bylaw any Position or job that is expected to work fewer than thirty (30) hours per week during the active operation of the business;
- 2.51 "Partnership" means a Business that is registered as a Partnership in Nunavut or Canada;
- 2.52 "Person" means an Individual 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, and as amended from time to time;
- 2.53 "Position" means a job that the Licensee decides to fill with a Worker in-house. Key indicators that a Worker may be at a Position in-house include:
- i) The Business has control over the Worker, and will often direct, scrutinize, train, and effectively control many elements of how and when the work is carried out.
 - ii) The Business provides the tools and equipment required to accomplish the work of the Position.
 - iii) The Worker cannot hire helpers, assistants, or replacements to fulfill the duties of the Position.
 - iv) The Worker is not responsible for operating expenses or financially liable if the obligations of the Position are not completed.
 - v) The Worker is not in a Position to realize a Business profit or loss;
- 2.54 "Premise" or "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;
- 2.55 "Proof of Registration with Nunavut Legal Registries" means a physical or digital copy of the following documents that are signed and sealed by Nunavut Legal Registries:
- i) if the Applicant is a Sole Proprietor, the required document is a Certificate of Business Name
 - ii) if the Applicant is a Partnership, the required document is a Certificate of Partnership
 - iii) if the Applicant is a Corporation or Cooperative, the required document is a Certificate of Incorporation

- iv) if the Applicant is a Religious or Charitable Organization, Non-Government Organization or Non-Profit Organization, the required document is a Letter of Good Standing;
- 2.56 "Renewal" means an Application for a Business that:
- i) Has been operational in the City within the past three years and
 - ii) Held a Licence from the City for at least one of the past three calendar years;
- 2.57 "Resident Business" means any Person carrying on a Business and establishing a permanent place of Business within the corporate limits of the City, subject to the terms and conditions as defined in the current City Zoning Bylaw, as amended from time to time;
- 2.58 "Schedule" means a Schedule attached to, and forming Part of, this Bylaw;
- 2.59 "Seasonal Business" means a Business that is operational for six months or fewer of the calendar year;
- 2.60 "Sole Proprietor" means an Individual who:
- i) in the case of an Applicant whose Business is not Exempt, is registered as a Sole Proprietor with Nunavut Legal Registries or
 - ii) in the case of an Applicant whose Business is Exempt, may or may not be registered as a Sole Proprietor with Nunavut Legal Registries but:
 - a) May not be registered as a Corporation and
 - b) May not be registered as a Partnership.
- 2.61 "Subcontractor" means a Person who is retained by the Business to fulfill duties of a Position, but may not be referred to as an employee;
- 2.62 "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;
- 2.63 "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;
- 2.64 "Volunteer" means an individual who performs duties for a Position, but is not paid, nor expects to be paid for their work;
- 2.65 "Worker" means an Owner or an employee, performing duties for a Position in a Business. See definition of "Position" for any further clarification;

- 2.66 "WSSC" means the Northwest Territories and Nunavut Workers' Safety and Compensation Commission.

SECTION 3 – INTERPRETATION

- 3.1 Each provision of this Bylaw is independent of all other provisions and, if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- 3.2 Nothing in this Bylaw relieves a Person from complying with any provision of any federal or territorial law or regulation, other bylaw, or any requirement of any lawful permit, order or licence.
- 3.3 Nothing in this Bylaw restricts the operation of any federal or territorial law or regulation, or other bylaw.
- 3.4 Any heading, subheadings or tables of contents in this Bylaw are included only for convenience, and shall not form Part of this Bylaw.
- 3.5 Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
- 3.6 All Schedules attached to this Bylaw shall form a Part of this Bylaw.

PART II – LICENSING

SECTION 4 - LICENCE

- 4.1 No Person shall Carry on a Business that is either wholly or partly located within the City unless he or she hold a valid and subsisting Licence authorizing the Person to do so issued pursuant to this Bylaw.
- 4.2 No Person shall Carry on a Business at more than one Premise in the City unless the Person holds a separate Licence for each Premise.
- 4.3 A Person operating at a single Premise will be required to hold separate Licences if they Carry-on more than one Business:
- i) under different trade names, whether or not each separate trade name is registered with Nunavut Legal Registries and/or
 - ii) are registered as separate Businesses with Nunavut Legal Registries and/or
 - iii) are registered with the Canada Revenue Agency under different business numbers.

4.4 All Non-governmental Organizations, Not-for-profit Societies, Charitable and Religious Organizations must have a Business Licence.

i) Non-governmental Organizations, Not-for-profit Societies, Charitable or Religious Organizations, which are operated solely by Volunteers, will not be required to pay an Application Fee as set out in Schedule "B" subsection (b) conditional upon such organization providing proof of the same.

a) Section 4.4(i) does not apply to the following Administration Fees for Renewal, which must be paid in full:

- i) Late fees for applications received after February 15th;
- ii) Replacement of Lost or Defaced Licences;
- iii) Transfer of Licences; or
- iv) Amendments to Business Licences or Applications

4.5 Any Business located within the City which carries on Business activities for less than one week within a calendar year will be deemed to have a valid Business Licence for that period and may not have a Directory Listing.

4.6 A resident who is providing Billeting services from their home will be deemed to not require a Business Licence for that period and may not have a Directory Listing.

4.7 Notwithstanding subsections 4.1 up to and including 4.4 above, a Business is Exempt and will not require a Licence if the Applicant is:

- i) a Business that is owned and/or operated by the City;
- ii) a Business that is owned by the Government of Nunavut or the Government of Canada or a Crown Corporation created by either government;
- iii) an Inuit carver and/or Inuk craftsperson or Inuk performer -who practice their Art;
- iv) an Inuit hunter and/or gatherer who sell locally sourced Country Food to customers within the City;
- v) a Hawker or Peddler who sells Inuit Art on behalf of Artists and carvers or craftpersons.

4.8 Should any Person who is Exempt choose to apply for a Licence, they shall not be required to:

- i) pay a Fee

- ii) provide Proof of Registration with Nunavut Legal Registries
 - iii) attach a Development Permit to their Application; or
 - iv) establish that they have no outstanding fines or amounts owing to the City of Iqaluit in order to receive a Business Licence.
- 4.9 A Business that is Exempt may still need to provide a Letter of Consent if the Business is a Home Based Business and the Applicant does not own the Premises.
- 4.10 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 5 - INITIAL APPLICATION AND RENEWAL

- 5.1 Every Applicant for a Licence, 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, Licence, 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 Development Permit from the City of Iqaluit; and
 - b) Proof of Registration with Nunavut Legal Registries for New Business Applications
 - c) A Certificate of Compliance with WSCC;
 - vi) Proof in writing from the City that all municipal accounts in the Applicant's name and related names, 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 Licence shall be issued to operate a new or newly relocated Business in a rental accommodation unless a Letter of Consent from the Owner of the Premises, or their designated agent is attached to the Business Licence Application;

viii) The prescribed Fee as described in Schedule "B" to this Bylaw.

5.2 No Licence shall be issued until:

a) all documents, information, and Fees required under section 4 are provided by the Applicant in a form satisfactory to the CAO or delegate; and

b) the Applicant has complied with the terms of this Bylaw, and all other applicable Bylaws.

5.3 No Applicant shall knowingly furnish false or misleading information regarding any procedure or condition or criteria required in this Bylaw. The furnishing of false or misleading information shall constitute an offence under this Bylaw.

5.4 All Business Licences issued to Licensees are valid when approved by the CAO or designate and are effective as of the date of such approval.

5.5 All Business Licences issued to Licensees are valid when approved by the CAO or designate and are effective as of the date of such approval.

5.6 Where a Licensee wishes to change any information contained in the Application, so long that the change will not require that the Business obtain a Development Permit from the City, the Licensee shall make Application for such change to the CAO within thirty (30) days of the issuance of the Licence, and shall pay the administrative Fee as specified in Schedule "B" of this Bylaw.

5.7 Each Licence issued shall be valid from the date it is issued until the following December 31st of that year.

5.8 Renewals shall be completed by January 31st in each year.

i) The deadline for Renewals in any given year may be modified by City Council.

5.9 Applicants seeking to renew their Business Licence may be required to provide any of the documents or information necessary upon the initial Application, at the discretion of the CAO or designate.

- 5.10 A Business that submits its Renewal after February 15th of a given year will be subjected to an Administrative Fee for Renewal as set out in Schedule "B".
- 5.11 A Business Licence issued under this Bylaw 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 Bylaw.
- 5.12 No transfer of a Business Licence shall be approved unless the Applicant seeking the transfer fulfils all of the following criteria:
- a) The new business must be the same type of Business as the existing Business;
 - b) A Business Licence can only be transferred once per calendar year;
 - c) Business Licences issued for Home-Based Businesses are not transferable;
 - d) Both the existing Owner of the Business and the new Owner of the Business shall complete all required transfer forms;
 - e) complete all forms and requirements set out in Schedules "A" and "B"; and
 - f) the Owner of the New Business may need zoning, building, and licence approvals.
- 5.13 The Licence Fee for Renewals shall be payable in full by each Applicant at the time of the Application.
- 5.14 New Business Applications submitted on July 1 or afterwards of a given calendar year will pay half of the applicable Application Fee outlined in Schedule "B".
- 5.15 Seasonal Businesses will pay half of the applicable Application Fee outlined in Schedule "B":
- i) This does not apply to the following Administration Fees for Renewal, which must be paid in full:
 - a) Late fees for applications received after February 15th;
 - b) Replacement of Lost or Defaced Licences;
 - c) Transfer of Licences; or
 - d) Amendments to Business Licences or Applications
- 5.16 No refunds shall be made, pro-rata or otherwise, on any Licence due to the cessation of Business activities by the Licensee for whatever reason.
- 5.17 Businesses shall pay a Licence Fee based on what class of Licence they fall under. Classes are determined by the following point system:
- i) Every year-round Worker in a Full-time Position shall count as one (1) point each.

- ii) Every year-round Worker in a Part-time Position shall count as a half (0.5) point each.
- iii) Every Seasonal Worker in a Full-time Position, being a Full-time Position for six (6) months per year or less, shall count as a half (0.5) point each.
- iv) Every Seasonal Worker in a Part-time Position, being a Part-time Position for six (6) months per year or less, shall count as a quarter (0.25) point each.
- v) The sum of points from each category must be calculated. A Business will fall in one of five classes based on their total number of points, unless otherwise specified in this Bylaw:
 - a) Class 1 Business or Large Business - 15.25 points or greater
 - b) Class 2 Business or Medium-Sized Business - 10.25 points to 15.0 points
 - c) Class 3 Business or Small Business - 5.25 points to 10.0 points
 - d) Class 4 Business or Micro Business - 1.0 points to 5.0 points
 - e) Class 5 Business or Hobbyist Business - 0.75 points or less
- vi) A Business deemed to be Carrying on a Bed and Breakfast including AirBnb will be considered a Class 4 Business or Micro Business at minimum.
- vii) Holding companies that have no Workers shall be deemed a Class 5 Business.
- viii) A Business will not be expected to amend its Licence during the calendar year if its number of Positions changes.
- ix) Year-round Positions that are not staffed at the time of Application, but that the Business intends to staff within three months must be recorded as a year-round Position.

SECTION 6 – BUSINESS DIRECTORY

- 6.1 Licensees, excluding taxi drivers who do not hold a Livery Licence under City Bylaw #590, will be entitled to one entry per Business on the City's online Business Directory at no cost for the purpose of promoting their Business.
- 6.2 Directory Listings must abide by the following standards:

- i) Descriptions of each Business will be one hundred forty (140) characters or less.
- ii) Directory Listings may only be listed as being a part of three industries or fewer.
- iii) There is to be no foul or offensive language, as determined by the CAO or their designate, of any kind.
- iv) Directory Listings and their descriptions should be understandable and grammatically correct, unless there is a specific reason as to why an error is present (e.g. the name or slogan of the business is deliberately grammatically incorrect).

6.3 Licensees who elect to have a Directory Listing:

- i) Are entitled to all rewards that come from having a Directory Listing, such as increased revenues and exposure.
- ii) Are responsible for ensuring that their Directory Listing meets the requirements set out in section 6.2.
- iii) Accept all responsibility for the outcomes that come from having a Directory Listing.

6.4 The City is responsible for:

- i) Ensuring that all Directory Listings will be available in all three official languages by providing or contracting translation services within a reasonable time frame;
- ii) Providing a reasonable level of care to ensure that the online directory is available to business Licence holders and the public.

6.5 The CAO or designate will review and approve all Directory Listings before they are published on the City's website.

- i) The CAO or designate will be responsible for editing all Directory Listings for spelling and grammar but may not change the fundamental wording of the Directory Listing.
- ii) If the Licensee is dissatisfied with the edited Directory Listing, they may submit a written letter of complaint to the CAO.

- a) The CAO or designate will remove the Directory Listing within a reasonable time frame until the matter is resolved.
- b) If the Licensee and CAO or designate cannot reach an agreement regarding how the Directory Listing should be presented; the Licensee may make a case to the Community Economic Development Committee, who will make the final decision by a majority-rules decision as to whether the Licensee's proposed Directory Listing is acceptable.
- c) If the Community Economic Development Committee rules that the Directory Listing is unacceptable, and the Licensee refuses to publish a modified listing, the Directory Listing will not be published.

6.6 Licensees are entitled to update their Directory Listing once a year upon the Renewal of their Licence at no additional cost.

- i) A Licensee may choose to modify their Directory Listing before their Licence is due to be renewed, but must pay an amendment Fee as outlined in Schedule "B".

6.7 Licensees may not receive any form of compensation from the City for any of the following reasons:

- i) Being unable to submit or post an online Directory Listing;
- ii) Not having a posted Directory Listing after following the procedure laid out in section 6.5(ii);
- iii) For any damages the Licensee may have directly or indirectly faced as a result of their posted Directory Listing.

SECTION 7 - POWERS AND DUTIES OF THE CAO

7.1 The CAO is hereby appointed as administrator of this Bylaw and he or she may delegate any of the administrative duties to other employees of the City.

7.2 The CAO shall:

- i) Receive and process all Applications;
- ii) Keep a record of all Applications in a form required by the Council;
- iii) Keep, on file, duplicate counterparts of all Licences 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 Licences pursuant to the provisions of this Bylaw;
 - vi) Report to the Council as to the number of Licences issued, the number of Licences renewed and the amount of Fees collected for the issuance of Licences, from time to time as requested by Council;
 - vii) Periodically visit and inspect Business Premises for the purpose of ascertaining whether the Licensee of that premise is complying with the provisions of this and any other applicable Bylaw; and
 - viii) Implement revisions to Schedule "A" as such revisions are approved by Council from time to time.
- 7.3 The CAO may share all information gathered from Schedule "A" Business Licence Applications with territorial and federal regulatory agencies, including but not limited to:
- i) the Government of Nunavut Fire Marshal's Office;
 - ii) the Government of Nunavut Department of Health;
 - iii) the Government of Nunavut Department of Economic Development and Transportation;
 - iv) The Government of Nunavut Office of the Languages Commissioner; and
 - v) The Government of Nunavut Department of Education.
- 7.4 The CAO may make aggregate statistics derived from Applications available to the public.

SECTION 8 - REFUSAL TO ISSUE LICENCE AND APPEALS PROCESS

- 8.1 The CAO may refuse to issue a Licence where he or she is satisfied that the Applicant has violated or failed to fulfill any provisions, conditions or criteria of this Bylaw or Statute of Canada or the Territory of Nunavut.
- 8.2 The CAO may refuse to issue a Licence where he or she is satisfied that the Applicant has outstanding municipal accounts as described in section 5.1(vi) of this Bylaw.

8.3 In every case where an Applicant has been refused a Licence, 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*, RSNWT (Nu) 1988, c C-8.

8.4 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 30 days of notification of the refusal to Licence being sent to the Applicant.

8.5 After hearing an appeal, Council may:

- a) uphold the decision of the CAO and refuse to grant the Licence;
- b) direct the Licence be issued with conditions; or
- c) direct the Licence is issued without conditions.

SECTION 9 - LICENCE SUSPENDED OR REVOKED

9.1 Territorial and federal regulatory agencies may request that the City suspend or revoke a Licence if the Business has not been compliant with their statutes or regulations:

- i) Any regulatory agency who does this must provide documentation that proves that they have taken every possible measure to resolve the issue directly with the Business.
- ii) Regulatory agencies that can request this from the City include, but are not limited to:
 - a) Government of Nunavut Office of the Fire Marshal
 - b) Government of Nunavut Department of Health
 - c) Government of Nunavut Office of the Languages Commissioner
 - d) Government of Nunavut Department of Economic Development and Transportation
 - e) Government of Nunavut Department of Education

9.2 Before a Licence is suspended or revoked:

- i) the CAO shall 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.
- 9.3 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.
- 9.4 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 9.2(ii) may be shortened; or
 - ii) The action may be taken without notice and hearing required by section 9.2.
- 9.5 Subject to section 9.3, no Licence 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 10 – INTERRUPTION OR CHANGES OF BUSINESS OPERATIONS

- 10.1 When a Licensee passes away while it has an active Licence, the Licence shall remain active until December 31 of that calendar year.
- i) It will be the responsibility of the Business's other owners or the Licensee's Benefactors who wish to Carry on the Business to renew the Licence as required.
- 10.2 A Licensee must contact the City to amend its Licence and pay the applicable Administration Fee within thirty (30) days of the following:
- i) A change of the Business's ownership;

- ii) A change of the Business's mailing address;
- iii) A change of the Business's physical address;
- iv) A substantial change to the type of business that the Licensee is Carrying on; or
- v) A change of the Business's operating or trade name.

10.3 If a Business plans to change the nature of their Business throughout the term in which a Licence is valid in such a way that a Development Permit may become required where it was not before, the Business must receive approval from the CAO or their designate before the new operations begin.

SECTION 11 - POSTING OF LICENCES

- 11.1 Every Licence issued pursuant to this Bylaw shall be posted in a conspicuous location in the Business Premises, and whenever requested to do so by the CAO or a Bylaw Officer, the Licensee shall produce the Licence for inspection purposes.
- 11.2 Every Business Licence issued pursuant to this Bylaw to a Non-Resident Business or Hawker or Peddler, shall be carried by the Licensee so that it may be inspected at any time.

SECTION 12 - LIABILITY INSURANCE AND COMPLIANCE WITH OTHER REGULATORY BODIES

- 12.1 All Applicants for a Business Licence under this Bylaw shall be responsible for maintaining liability insurance appropriate to the nature of the Business undertaking.
- 12.2 Notwithstanding the existence or absence of any liability insurance or compliance with other regulatory agencies, 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 Licence;
 - i) any acts or omissions of a Licensee or Person acting on their behalf; or
 - ii) anything done or not done in any way connected with a Licence or this Bylaw.

PART III - SPECIFIC BUSINESSES

SECTION 13 - TELEPHONE AND DESK OPERATIONS AND HOME OCCUPATIONS

- 13.1 Where a Business Licence has been issued for Telephone and Desk Operation or a Home Based Business, the Licence shall indicate that it is either a Home Based Business or a Telephone and Desk Operation.

SECTION 14 - SATELLITE OFFICES OF FIRMS WITH ADMINISTRATIVE OFFICES BASED OUTSIDE OF IQALUIT

- 14.1 Where a satellite operation of a company with administrative offices based outside of the City exists, the satellite operation will be deemed a Resident Business if there is a minimum of one employee physically based in the Iqaluit Premise for the duration of the year for which the Licence is being issued, notwithstanding duty travel, vacation and other standard forms of leave.
- 14.2 If a Business's activities within the City are Seasonal but the Business's operations in Canada are year-round, the company will be considered a Non-Resident Seasonal business.

PART IV - ENFORCEMENT

SECTION 15 - OFFENCE

- 15.1 Proof of one transaction or offer to transact in a Business or undertaking is sufficient to establish that a Business is being Carried on.
- 15.2 Any advertising of a Business is sufficient to establish that the Person or entity so advertising is Carrying on the Business.
- 15.3 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.
- 15.4 Should a Person be deemed to be operating a Business in violation of this Bylaw, they shall receive a written notice of their offence or offences and be given seven (7) calendar days to take sufficient action to be in accordance with this Bylaw;
- i) Sufficient action includes:

- a) Submitting an Application to the CAO or designate in the case that a Person is Carrying on a Business without a Licence;
 - b) Submitting a request for Amendment to the CAO or designate in the case that a Person has a current Licence but failed to notify the City of a change in address;
 - c) Submitting a request for replacement of a Lost or Defaced Licence to the CAO or designate in the case that a Person is unable to produce a Licence on demand or post it in a conspicuous location because they have lost or defaced theirs; or
 - d) Posting their Licence in a conspicuous location in the case that a Person has their Licence, but does not have it posted in a conspicuous location;
- i) Should the Person fail to take sufficient action in seven (7) calendar days, the Person will be fined for the applicable amount specified under Schedule "C"

15.5 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 16 - VICARIOUS LIABILITY

16.1 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 17 – CORPORATIONS AND PARTNERSHIPS

17.1 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.

17.2 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 18 - VIOLATION TICKET

- 18.1 Pursuant to the provisions of the *Summary Conviction Procedures Act*, RSNWT (Nu) 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.
- 18.2 If a summary offence, ticket information is issued in respect of an offence, the ticket may:
- i) specify the amount of the fine established by this Bylaw for the offence; or
 - ii) require a Person to appear in court without the alternative of making a voluntary payment.

SECTION 19 - VOLUNTARY PAYMENT

- 19.1 A Person who commits an offence may:
- i) if a summary offence ticket information is issued in respect of the offence; and
 - ii) 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 20 - FINES AND PENALTIES

- 20.1 Any Person violating any provisions of this Bylaw is guilty of an offence and is liable, upon summary conviction:
- i) for a first offence to a fine not exceeding five thousand dollars (5,000.00) and
 - ii) for each Subsequent Offence during the same licensing period to a fine not exceeding twenty thousand dollars (20,000.00).

SECTION 21 - REPEAL

- 21.1 This Bylaw repeals Business Bylaw No. 624 and 645.

SECTION 22 – EFFECTIVE DATE

22.1 This Bylaw shall come into effect upon Third and Final Reading.


THIS BYLAW READ a First Time this day 12 of June, 2018 A.D.




Madeleine Redfern
Mayor

Matthew Hamp
A/Chief Administrative Officer

THIS BYLAW READ a Second Time this 26 day of June, 2018 A.D.



Madeleine Redfern
Mayor

Matthew Hamp
A/Chief Administrative Officer

THIS BYLAW READ a Third and Final Time this 10 day of July, 2018 A.D.




Madeleine Redfern
Mayor

Amy Elgersma
A/Chief Administrative Officer

City of Iqaluit

Bylaw No. 859

SCHEDULE "A"
APPLICATION FORM

 Iqaluit		City of Iqaluit Schedule "A" By-law No. 859 APPLICATION FOR BUSINESS LICENSE				
Name of Business: New ___ Renewal ___ Year: ___		Business Legal Type: ___ Sole Proprietor ___ Partnership ___ Cooperative ___ Corporation ___ Non-Profit/Charity/Society				
Owner(s) Name: _____		Industry (Business Activity; please be specific) _____ _____ _____ _____				
Contact Name: _____						
Email Address: _____						
Mailing Address: _____						
Type of business: ___ Exempt Business ___ Hawker/Peddler ___ Non-resident (outside Iqaluit) ___ Outside Home (on site) ___ Home Based		Physical Location: Building N _____ Lot _____ Block _____ Plan _____				
		Contact Information: Telephone Number: _____ Cellular Number: _____ Fax Number: _____ Website: _____				
2. BUSINESS LICENSE INFORMATION						
2.1 Has your business changed physical locations this year? ___ Yes ___ No						
2.2 Do you have any employees? ___ Yes ___ No						
2.3 Will you be serving food or beverages or working with chemicals in y ___ Yes ___ No						
2.4 Are customers likely to stay for more than an hour at your establishm ___ Yes ___ No						
2.5 Will the business operate exclusively out of one address? ___ Yes ___ No						
If not, what other locations may your business operate out of? _____						
2.6 Is this a junior business (operated by an owner under the age of 18)? ___ Yes ___ No						
3. BUSINESS LICENSE CLASS						
3.1 Please indicate how many positions will be filled in each of the following categories this year.						
	Year Round		Seasonally		Scoring	
	Full-time (x1)	Part-time (x0.5)	Full-time (x0.5)	Part-time (x0.25)	Class 1	15.25 ≤
Owner(s)					Class 2	5.25 ≤ 15
Employees					Class 3	3.25 ≤ 5
Subcontractors					Class 4	1 ≤ 3
Total					Class 5	<1
3.2 How many months per year will your business be operating in Iqaluit?						
___ 6 months or more ___ Between 1 week and 6 months						

4. HOME-BASED BUSINESS (IF APPLICABLE)	
4.1 Are you the legal owner of this dwelling?	___ Yes ___ No
4.2 How many businesses are operating out of this dwelling?	_____
4.3 Do you live in the dwelling unit?	___ Yes ___ No
4.4 Will there be any employees other than the resident(s) of the home?	___ Yes ___ No
4.4(a) If yes, will no more than 2 persons other than the permanent residents of the premises be engaged in the business?	___ Yes ___ No
4.5 Is any variation to the external appearance of the building required?	___ Yes ___ No
4.6 Will the business require a vehicle to be parked on the property?	___ Yes ___ No
4.6(a) If yes, please specify the number of vehicles intended to be used _____	
4.6(b) If yes, please include a sketch showing the proposed location for parking. _____	___ Included
4.7 Will a sign or signs be displayed outside the home?	___ Yes ___ No
4.8 Does the work performed require the use of heavy machinery or equipment?	___ Yes ___ No
4.8(a) If yes, what kind of equipment? _____	
4.9 Will any customers or clients visit the premises?	___ Yes ___ No
4.9(a) If yes, please specify how many customers or clients will be in attendance/week: _____	
4.10 What will be your hours of operation? _____	
5. STORAGE AND GOODS FOR HOME-BASED BUSINESS	
5.1 Will the business require external storage or goods to be stored on the property?	___ Yes ___ No
If yes, what type(s) of external storage or type(s) of goods will be stored on the property?	
If yes, where will goods and articles associated with the business be stored?	
___ Inside the home	___ Shed
___ Garage	___ Outdoors
Other: _____	
<p>If this application is for a <u>NEW BUSINESS</u> or a business that has <u>CHANGED LOCATION AND</u> questions 4.3, 4.4, 4.5, 4.8, or 5.1, were answered <u>YES</u>, this application may require a Development Permit from the Planning and Lands Department. Contact 867-979-5661.</p>	
AUTHORIZATION OF APPLICANT	
<p>I, _____, hereby make application for a license in accordance with the particulars as above and certify that the above mentioned information is correct.</p>	
_____ Signature of Applicant	_____ Date
<p>Is this a junior business as defined in Section 2 of By-law 624? ___ Yes ___ No (If yes, parent or guardian signature required below.)</p>	
<p>I, _____, being the parent or guardian of the applicant, do hereby give my consent to the above named to operate the aforementioned business</p>	
_____ Signature of Parent/Guardian	_____ Date
CHECK LIST **FOR OFFICE USE ONLY**	
___ Class 1	___ Class 2
___ Class 3	___ Class 4
___ Class 5	
Fee: \$ _____	Received Date: _____
	Receipt No. _____
<p>Documentation Attached (if required):</p> <p>Certificate of Compliance - WSCC (Businesses with Employees only): _____</p> <p>Certificate of Registration - Nunavut Legal Registries (New Businesses only): _____</p>	

City of Iqaluit

Bylaw No. 859

SCHEDULE "B"
BUSINESS LICENCE FEES

BUSINESS LICENCE APPLICATION FEES			
	Class	New (Full Year) or Renewal After February 1	Renewal on or prior to January 31st
Resident	Class 1	\$500.00	\$450.00
	Class 2	\$300.00	\$250.00
	Class 3	\$200.00	\$150.00
	Class 4	\$100.00	\$50.00
	Class 5	\$50.00	\$25.00
Non-Resident	Class 1	\$1,000.00	\$900.00
	Class 2	\$750.00	\$650.00
	Class 3	\$500.00	\$400.00
	Class 4	\$250.00	\$150.00
	Class 5	\$125.00	\$75.00

- a) Non-Government/Charitable/Non-Profit Organization with Employees \$ 100.00
- b) Volunteer-operated Non-Government/Charitable/Non-Profit Organization \$ 0.00
- c) Exempt Business Licence \$ 0.00
- d) Replacement of Lost or Defaced Business Licence \$ 50.00
- e) Transfer of Business Licence \$ 50.00
- f) Amendment of Business Licence \$ 50.00

Renewals:

- a) Administration Fee Renewal (after February 15th) \$ 50.00

All Licence Application Fees are Non-Refundable

City of Iqaluit

Bylaw No. 859

SCHEDULE "C"
VOLUNTARY FINES

Fines for Operating Without a Business Licence for Resident Businesses

Class of Business at Time of Offence	1 st Offence during calendar year	2 nd Offence during calendar year	3 rd Offence during calendar year	4 th Offence during calendar year
Class 1	\$2,500.00	\$5,000.00	\$7,500.00	\$10,000.00
Glass 2	\$1,500.00	\$3,000.00	\$4,500.00	\$6,000.00
Class 3	\$1,000.00	\$2,000.00	\$3,000.00	\$4,000.00
Class 4	\$500.00	\$1,000.00	\$1,500.00	\$2,000.00
Class 5	\$250.00	\$500.00	\$750.00	\$1,000.00

Fines for Operating Without a Business Licence for Non-Resident Businesses

Class of Business at Time of Offence	1 st Offence during calendar year	2 nd Offence during calendar year	3 rd Offence during calendar year	4 th Offence during calendar year
Class 1	\$5,000.00	\$10,000.00	\$15,000.00	\$20,000.00
Glass 2	\$3,750.00	\$7,500.00	\$11,250.00	\$15,000.00
Class 3	\$2,500.00	\$5,000.00	\$7,500.00	\$10,000.00
Class 4	\$1,250.00	\$2,500.00	\$3,750.00	\$5,000.00
Class 5	\$625.00	\$1,250.00	\$1,875.00	\$2,500.00
a.	Failure to notify the City of change of address			\$500.00
b.	Failure to produce Business Licence to Inspector upon demand			\$500.00
c.	Failing to post a Business Licence			\$500.00

