



GITWINKSIHLKW VILLAGE GOVERNMENT

BUSINESS LICENSE ACT

Gitwinksihlkw Village Government enacted this law on _____

Signed by _____

Chief Ron Nyce
Chief Councillor of the Gitwinksihlkw Village Government

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Schedule A - Business License

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BUSINESS LICENSE ACT

Part 1 – Interpretation**Interpretation**

1. In this Act:

“business” means the carrying-on of any commercial activity or industrial undertaking or the provision of any services for the purpose of gain or profit and includes activities carried on by salespersons;

“Enforcement Officer” means a person appointed under section 15 for the purposes of enforcing this Act and carrying out the obligations of the Enforcement Officer under this Act, a member of the Nisga’a Police Service, or a member of the Royal Canadian Mounted Police;

“food preparation business” means a business that has premises where food is prepared or served to the public;

“home occupation” means a business that is carried on in a residential premises, where the business use of the premises is secondary to the primary use of the premises as a residence;

“license” means a business license;

“license application” means an application to issue or transfer a license;

“license holder” means a person holding a current license under this Act and includes the principal shareholder or shareholders of a corporation;

“Nisga’a Village” means the Nisga’a Village of Gitwinksihlkw;

“Nisga’a Village Government” means the governing council of the Nisga’a Village;

“Nisga’a Village Lands” means Nisga’a lands that are designated as Nisga’a Village Lands of the Nisga’a Village by the Nisga’a Lisims Government;

“person” means a natural person, his or her heirs, executors, administrators, successors and assigns and shall also include a firm or corporation;

“premises” means all or any part of any lands or buildings within the jurisdiction of the Nisga’a Village; and

“salesperson” means a person who enters lands or buildings within the jurisdiction of the Nisga’a Village to

- (a) buy, sell or otherwise deal in goods and services, or
- (b) offer for sale to any person goods or services to be sold at that time or to be delivered or provided later.

Application

2. This Act applies to all businesses within the jurisdiction of the Nisga’a Village.

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Part 2 – Licenses**License required**

3. Every person conducting or carrying on a business within the jurisdiction of the Nisga'a Village must hold a current license.

Terms and conditions

4. An Enforcement Officer may impose reasonable terms and conditions on the license of a business, including
 - (a) the location and hours of operation of the business,
 - (b) the location, size and use of any building of the business,
 - (c) the number of vehicles which may be used in a home occupation business, and
 - (d) the fees payable upon the issuance or transfer of a license.

License application

5.
 - (1) To obtain a license a person must submit to the Enforcement Officer a license application.
 - (2) A license application under subsection (1) must be
 - (a) in the form set out in Schedule B,
 - (b) signed by the owner or operator of the business or an authorized agent, and
 - (c) accompanied by the fee required for the type of business license being applied for.
 - (3) A person applying for a license for a food preparation business must provide the Enforcement Officer with evidence, satisfactory to the Enforcement Officer, that the premises comply with the requirements of the British Columbia *Food Safety Act*, and any amendments thereto, replacements thereof or regulations made thereunder, for operation of the food preparation business.
 - (4) A separate application form and license fee must be submitted for each business for which a license is required.

Annual license fees

6.
 - (1) Every person conducting or carrying on a business must pay to the Enforcement Officer the license fee required for the type of business by January 15 for each calendar year.
 - (2) A person who applies for a license to take effect after June 30 may pay only one-half the required fee.
 - (3) A person who surrenders a license under section 14 on or before June 30 is entitled to a refund of one-half of the license fee paid by the person.

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Home occupation businesses

7. A person must not conduct or carry on a home occupation business that
- (a) occupies so much of the area of the residential premises that, in the reasonable opinion of the Enforcement Officer, it alters the residential character of the premises,
 - (b) adversely affects the traffic or on-street parking of other residences in the vicinity of the residential premises from which the home occupation is conducted, or
 - (c) creates noise, dust, vibration, odor or any other nuisance.

Obligation of license holder

8. A license holder must comply with this Act and any terms and conditions set out in the license.

Separate licenses required

9. Every person conducting or carrying on more than one business within the jurisdiction of the Nisga'a Village must obtain a separate license for each business.

License to be posted

10. A license holder must, wherever possible, post its license in a conspicuous place on the premises from which the business authorized by the license is conducted or carried out.

Notification where changes affect license

11. (1) A license holder must, as soon as practicable, notify the Enforcement Officer of any change in
- (a) the holder's mailing or business address,
 - (b) the type of business carried out,
 - (c) the interest or ownership of the holder in the business that is licensed, or
 - (d) the area of the premises in which the business that is licensed is conducted or carried out.
- (2) A license holder must give notice under subsection (1) by submitting, to the Enforcement Officer, a license application, in the form set out in Schedule B, signed by the owner or operator of the business, or an authorized agent.

License period

12. Subject to section 13, the Enforcement Officer may issue a license to be in effect for one calendar year, commencing January 1 and expiring on December 31 of the year in which the license was issued.

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License periods of less than one year

13. On request of an applicant for a license for a business
- (a) as a salesperson, or
 - (b) a business that operates on a seasonal or periodic basis,
- the Enforcement Officer may issue a license for a period of less than one year.

Termination or transfer of business

14. A license holder must, upon termination, sale or transfer of the business for which the license was issued, immediately notify the Enforcement Officer in writing and surrender the license to the Enforcement Officer.

Part 3 – Enforcement Officers**Enforcement Officer**

15. The Nisga'a Village Government may appoint one or more enforcement officers for the purposes of ensuring compliance with this Act and carrying out the responsibilities of the Enforcement Officer under this Act.

Granting of license

16. (1) An application for a business license may be refused by an Enforcement Officer in any specific case, but will not be unreasonably refused and upon request from the applicant, the Enforcement Officer will give written reasons for the refusal.
- (2) An Enforcement Officer must, within 5 days of refusing to grant a license, return to the person applying for the license the license application fee submitted.

Revocation and suspension of license

17. (1) An Enforcement Officer may, by written order, revoke or suspend a license, for such period as he or she may determine, if the license holder
- (a) has not paid the license fee required under section 6,
 - (b) has been convicted of an indictable offense in Canada,
 - (c) has been convicted of an offence under any laws of the Nisga'a Village, the Nisga'a Lisims Government, or the provincial or federal governments, applicable to the business premises named in the license,
 - (d) in the reasonable opinion of the Enforcement Officer
 - (i) has maintained the business premises named in the license, or
 - (ii) has conducted the business

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- in a manner that may be harmful or dangerous to the health or safety of any person, or
- (e) has failed to meet the lawful requirements to conduct or carry on the business for which the license was issued or with respect to the business premises named in the license.
- (2) In addition to the Enforcement Officer's authority under section 17(1) of this Act, an Enforcement Officer may suspend or revoke a license for reasonable cause.
 - (3) An Enforcement Officer may impose terms and conditions in suspending a license under subsections (1) or (2).
 - (4) Before an Enforcement Officer suspends or revokes a license under subsections (1) or (2), the Enforcement Officer must
 - (a) give a written notice to the license holder stating the reason for the order, and
 - (b) give the license holder an opportunity to make a submission to the Nisga'a Village Government in accordance with section 17(5) of this Act.
 - (5) A person who receives a written notice under section 17(4)(a) of this Act may, within 21 days of the issuance of the written notice, make a submission to the Nisga'a Village Government.
 - (6) A license holder must, upon revocation or suspension of a license, immediately surrender the license to the Enforcement Officer.
 - (7) If a license is suspended under this section 17, the Enforcement Officer may post a notice of suspension upon the premises for which the license was issued and such notice shall not be removed until the license is reinstated, the former licensee ceases to occupy the premises or a new business, other than the one carried on by the license holder, is started in the premises.

Inspection

- 18. On the written request of an Enforcement Officer, a license holder must permit the Enforcement Officer to inspect the business premises named in a business license at any time during reasonable business hours.

Provide information

- 19. On the written request of an Enforcement Officer, a license holder must provide to the Enforcement Officer all information reasonably requested by the Enforcement Officer to enable the Enforcement Officer to determine whether this Act is being complied with.

Part 4 – General**Right of review**

- 20. A person
 - (a) whose application has been refused under section 16, or
 - (b) whose license has been revoked or suspended under section 17,

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may, within 30 days of the issuance of the decision or order, appeal that decision or order to the Nisga'a Village Government or to the court pursuant to the British Columbia *Judicial Review Procedure Act*, and any amendments thereto, replacements thereof or regulations made thereunder.

Offence, penalties and enforcement

21. (1) A person who contravenes or violates sections 3, 7 to 11, 18 or 19, who suffers or permits any act to be done in violation of sections 3, 7 to 11, 18 or 19 of this Act, or who fails or neglects to do anything required to be done by this Act commits an offence.
- (2) Each day that an offence continues shall constitute a separate offence.
- (3) This Act may be enforced:
- (a) under the *Nisga'a Offence Act*;
 - (b) by issuing a ticket for contravention in accordance with any Nisga'a Village Government ticketing law as may be adopted or amended from time to time; or
 - (c) by issuing a ticket under any applicable enactment by the Nisga'a Lisims Government authorizing the Nisga'a Village Government to issue tickets, fines or penalties in respect of a contravention of this Act.

Commencement

22. This Act will come into force on the date of adoption.

Business Licence Act Read a first time the ____ day of _____, 2014.

Business Licence Act Read a second time the ____ day of _____, 2014.

Business Licence Act Read a third time the ____ day of _____, 2014.

Business Licence Act Adopted the ____ day of _____, 2014.

Chief Councillor

Chief Executive Officer

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SCHEDULE A

BUSINESS LICENSE

License Number _____

Nisga'a Village of Gitwinksihlkw
3004 Ts'oohl Ts'ap Avenue
Gitwinksihlkw, BC V0J 3T0

Fee: _____

Name & address of business: _____

Name & address of License holder: _____

Type of business: _____

License expiry date: _____

The above named has paid the license fee and is entitled to carry on business as indicated above within Gitwinksihlkw Village Lands in a lawful manner. This license is issued subject to the provisions of the Gitwinksihlkw *Business License Act* and the following conditions:

This license is not transferable and expires on the date shown above. This license must be displayed in a conspicuous place on the business premises.

Enforcement Officer

Date

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SCHEDULE B

BUSINESS LICENSE APPLICATION

Nisga'a Village of Gitwinksihlkw

New Business

Change of address

Change of name

Other change

Business Name: _____

Business Location: _____ Telephone: _____

Mailing address: _____

Applicant's name: _____
(if applicant is a corporation attach a copy of the Certificate of Incorporation from the British Columbia Registrar of Companies)

Applicant's address: _____

Telephone: _____

Partner's name *(if applicable)*: _____

Partner's address: _____

Telephone: _____

Business description: _____

Total floor space including storage: _____

No. of persons engaged in business: _____

	Yes	No
Home Occupation business:	<input type="checkbox"/>	<input type="checkbox"/>
Food preparation business:	<input type="checkbox"/>	<input type="checkbox"/>
Seasonal business:	<input type="checkbox"/>	<input type="checkbox"/>
Sales person:	<input type="checkbox"/>	<input type="checkbox"/>

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Has the applicant, or principal shareholder if a corporation, previously had a business license from the Nisga'a Village of Gitwinksihlkw?

Yes No

Is the applicant, or principal shareholder if a corporation, presently registered with or licensed by the federal or provincial government or a self-regulating professional body with respect to the conduct of the business? (if yes, give details below)

Yes No

Has the applicant, or principal shareholder if a corporation, within the previous three years been convicted of an indictable offense under the Criminal Code of Canada for which he/she has not been pardoned?

Yes No

Has the applicant, or principal shareholder if a corporation, been convicted of an offense under any laws in respect of the business or business premises?

Yes No

I am applying for a business license based on the information above and declare that this information is true and correct.

Applicant's signature

Date

Note: Please read sections 16 and 17 of the Gitwinksihlkw Village Government *Business License Act*, which outlines the conditions whereby your license could be granted, revoked or suspended.