



BUSINESS LICENSING BYLAW (2019)

Bylaw No. 2019-01

Date Approved and In Force: October 23, 2019

Contents

Part I - General	2
Title	2
Purpose	2
Authority	2
Definitions	2
Part II - Licensing	3
Administration and Enforcement.....	3
Licence Required	4
Application	4
Licence Fee	5
Term of Licence	6
Renewal.....	6
Discontinuance or Change	6
Zoning and Building Standards.....	6
Consultations and Approvals	7
Inspections	7
Refusal, Reinstatement, and Appeal.....	9
Licence Identification	9
Not Transferable	9
Part III - Offences and Penalties.....	9
Offences and Penalties.....	9
Coming into Force	11
Schedule "A" Licence Fees	12

The Council of the Zagimē Anishinabēk Enacts as Follows:

Part I - General

Title

1. This Bylaw may be cited as “Business Licensing Bylaw (2019)”.

Purpose

2. The purpose of this Bylaw is to licence businesses on Zagimē Lands in order to regulate businesses, and ensure compliance with land-use and building regulations;

Authority

3. This Bylaw is developed under 81(1) and 83(1)(a.1), (e), (e.1), and (g) of the Indian Act RSC, 1985, c. I-5.

Definitions

4. In this Bylaw:
 - 4.1 “agent” means every person who, by mutual consent, acts for the benefit of another, including a sales representative, employee or independent distributor.
 - 4.2 “applicant” means a person who applies for a licence or renewal of a licence under the provisions of this Bylaw.
 - 4.3 “business” means any of the following activities, whether or not for profit and however organized or formed:
 - a) a commercial, merchandising or industrial activity or undertaking;
 - b) the carrying on of a profession, trade, occupation, calling or employment; and
 - c) an activity providing goods or services.
 - 4.4 “carry on”, “carrying on”, “carried on” and “carries on” means to conduct, operate, perform, keep, hold, occupy, deal in or use whether as principal or agent.
 - 4.5 “Director” means the Director of Lands and Infrastructure of the Zagimē Anishinabēk.
 - 4.6 “dwelling unit” means one or more rooms used or designed to be used as a residence by one or more persons and containing kitchen, living, sleeping areas and includes access to sanitary facilities.
 - 4.7 “licence”, “licensed” and “licensing” means a licence or reference to a licence issued under this Bylaw.
 - 4.8 “non-resident business” means a business which carries on the majority of its business on, but does not maintain, a permanent premises within the Zagimē Lands.



- 4.9 "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.
- 4.10 "premises" means a dwelling unit, enclosure or other place occupied or capable of being occupied, by any person for the purpose of carrying on any business with each resident business being deemed to have at least one premises at the address indicated on the current licence application form.
- 4.11 "resident business" means any business that operates from a premises, located on property on Zagimē Lands that is not assessed and taxed as commercial or industrial property and has total revenue for the year in excess of Five Thousand (\$5,000.00) dollars.
- 4.12 "Zagimē" means the government of the Zagimē Anishinabēk, its heirs and successors.
- 4.13 "Zagimē Lands" means any existing and future Reserve land that is under the jurisdictional control of Zagimē.

Part II - Licensing

Administration and Enforcement

5. The Director is authorized to administer and enforce the provisions of this Bylaw.
6. The Director is authorized to designate a representative any power, duty or function assigned to the Director through this Bylaw.
7. The Director is authorized to appoint any employee or agent of Zagimē as a designated officer for the purpose of enforcing this Bylaw.
8. The Director or their designate shall have the following powers:
- 8.1 to receive and deal with all applications for licences;
- 8.2 to keep a record of all applications for licences;
- 8.3 to issue all licences under the provisions of this Bylaw and to keep full particulars of such licences;
- 8.4 to ascertain, as far as reasonably practicable, that all information furnished by an applicant in connection with an application for a licence is true in substance and in fact;
- 8.5 to prepare all licences pursuant to the terms of this Bylaw and to issue all licences under this Bylaw;



- 8.6 to inspect all premises licensed or required to be licensed pursuant to the provisions of this Bylaw in order to ascertain that such premises comply with this Bylaw;
- 8.7 to administer this Bylaw and as far as practicable to see that all persons concerned conform to its provisions and are prosecuted if they fail to comply herewith;
- 8.8 to issue Notices of Violation subject to the provisions of section 50; and
- 8.9 to do such other activities or make such other inquiries as may be required to carry out this Bylaw.

Licence Required

9. A person shall not carry on a resident business or a non-resident business unless that person has a valid and subsisting licence issued under this Bylaw.
10. A licence is required for each premises where a resident business is operated on Zagimē Lands.
11. Notwithstanding section 9 above, a licence is not required:
 - 11.1 for an operation carried on by Zagimē; or
 - 11.2 for a business carried on by the Governments of the Province of Saskatchewan or Canada or a Crown Corporation created by either Government, except for a person who contracts with any of the Governments, persons or organizations designated under this Section.
 - 11.3 for a business that is incorporated, continued or registered pursuant to The Non-profit Corporation Act, 1995 (Saskatchewan) or equivalent from other provinces in Canada; and
 - 11.4 for such other businesses as Zagimē may from time to time exempt.

Application

12. Every applicant for a licence must provide the following information, in the application form which the Director or their designate prescribes:
 - 12.1 address on Zagimē for the proposed place of business;
 - 12.2 business name under which the proposed business will operate;
 - 12.3 a copy of proof of registration of the business name with the appropriate federal or provincial agency;



- 12.4 where the applicant is a sole proprietor or partnership, the full name, mailing address and telephone number of the applicant or applicants;
- 12.5 where the applicant is a corporation:
- a) the full legal name of the corporation;
 - b) full name of the applicant;
 - c) mailing address of the principal managing employee or employees;
 - d) the telephone number of the business; and
 - e) a copy of proof of registration as a corporation;
- 12.6 nature of the business for which the licence is required;
- 12.7 area of the premises where the business will be carried out;
- 12.8 any certificate, authority, licence or other document of qualification under this or any other Bylaw, or under any law that may be required in connection with the carrying on of the business;
- 12.9 information as required by the Director or their designate to carry out the consultation process under section 31 of this Bylaw;
- 12.10 where a resident business is operating as a tenant, a letter of confirmation from the property owner, landlord or property manager with whom the business is a leasehold tenant;
- 12.11 confirmation of compliance with the requirements under sections 29 to 33 of this Bylaw; and
- 12.12 such other information as the Director or their designate may reasonably require.
13. Where a licence has been issued in error without the authorization required pursuant to subsection 8.8 the Director or their designate may revoke the licence.

Licence Fee

14. The Director or their designate shall not issue a licence until the applicant pays the licence fee set out in Schedule "A" and any other fees, including fees for inspections, required under this or any other bylaw.
15. Fees paid by an applicant pursuant to this section are not refundable.

16. Where a licence has been issued in error without the applicant paying the fees required pursuant to this section, the Director or their designate may revoke the licence.
17. Where an applicant is a first-time applicant for a licence for a resident business, the applicant shall pay the initial fee as set out in Schedule "A".

Term of Licence

18. All licences issued pursuant to this Bylaw shall be for one calendar year, or the remaining portion of the calendar year in which the licence is issued and shall expire on December 31st of the year in which the licence was issued.

Renewal

19. A business operating within Zagimē Lands, which requires a licence pursuant to this Bylaw must renew its licence annually in the manner prescribed through this Bylaw.
20. Every business to whom the Director or their designate has issued a licence shall furnish the licence renewal fee as set out in Schedule "A" and any other information the Director or their designate may require.

Discontinuance or Change

21. When the information required to be provided to the Director or their designate becomes inaccurate, then the licensee must promptly provide updated and accurate information to the Director or their designate.
22. A licensee shall maintain, on a continuous basis, the standards and requirements necessary to obtain a licence or any standards that are imposed through bylaw or any other legislation after the licence is issued.
23. A licensee must notify the Director or their designate if its business is discontinued.
24. A licensee must notify the Director or their designate if the nature of the business changes.
25. A licensee must apply for a new licence if the business relocates.
26. A licensee purchasing or taking over a business must apply for a new licence.

Zoning and Building Standards

27. A licence will not be issued under this Bylaw for any business or premises occupied by a business which does not conform to any other law, made or administered by Zagimē, including zoning, building or plumbing standards.
28. The issuing of a licence to a person or business does not relieve that person or business of the responsibility of conforming to any other law.



Consultations and Approvals

29. The Director or their designate may consult, prior to issuing or renewing a licence, with any other authority to determine whether they are in possession of information which, in the opinion of the Director or their designate, renders it inappropriate for an applicant to be issued a licence.
30. Where an applicant intends to carry on business at a specific premises or location on Zagimē Lands, the applicant shall, prior to the Director or their designate issuing a licence, ensure that all necessary approvals required under Zagimē Zoning Bylaw, or any other relevant Zagimē bylaw, have been obtained and shall provide satisfactory proof thereof to the Director or their designate.
31. The Director or their designate may refuse to issue a licence if:
 - 31.1 for any premises at or from which the applicant intends to undertake their business, the nature or type of such business activity intended to be undertaken by the applicant at that location is not allowed by the Zagimē Zoning Bylaw; or
 - 31.2 the Director or their designate suspects that the information provided by the applicant is false or misleading.
32. The Director or their designate may determine that it is inappropriate to issue a licence to an applicant where the safety, health or welfare of the public may be at risk resulting from the issuing of a licence.
33. For the purpose of a licence renewal, where Bylaw Enforcement and other Zagimē inspectors have previously confirmed that all necessary approvals required under the Zagimē Zoning Bylaw and other relevant Zagimē bylaws and Laws have been obtained, and:
 - 33.1 there has not been a change in the business ownership since the initial reviews and inspectors had given approval; and
 - 33.2 the business has been carried on continuously at the same premises and in the same manner;the Director or their designate may renew the licence without requiring the prior approval of Bylaw Enforcement or other Zagimē inspectors.

Inspections

34. Where a resident business requires a consultation or approval for licensing or is licensed, then the resident business' premises and surrounding lot may be inspected by the Director or their designate to:
 - 34.1 determine if this Bylaw is being complied with.



- 34.2 verify the information provided by the applicant or licensee for the purpose of obtaining or renewing a licence.
- 34.3 obtain any additional information from any person to whom a licence has been issued regarding the conduct of that person's business activities that may be required by the Director or their designate.
35. A person whom the Director or their designate reasonably believes is carrying on a business, requiring a licence, the person shall:
- 35.1 Permit and assist in all inspections requested by the Director or their designate.
- 35.2 Furnish to the Director or their designate all identification, information, or documentation related to the inspection or licensing requirements, including a written authorization, in a form acceptable to Canada Revenue Agency, which authorization grants Zagimē access to Canada Revenue Agency information to verify the business' income level.
- a) Such authorization shall be for the corporation, individual, partnership or other entity that is carrying on the business.
- 35.3 Not provide to the Director or their designate with false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with the licensing of the business.
36. No person shall attempt to prevent, obstruct or hinder the Director or their designate from making an inspection authorized through this Bylaw.
37. During an inspection authorized under this Bylaw, the Director or their designate may:
- 37.1 examine any business record or document for the purpose of enforcing this Bylaw; and
- 37.2 remove any relevant record or document from the business premises for the purpose of copying it and will provide a receipt for any document or record so removed;
38. All inspections shall be carried out in accordance with the provisions of this Bylaw.
39. The Director or their designate shall not enter a premises, house or any other building or structure located on residential property without the verifiable consent of the owner or occupant of that property.
40. In the event the Director or their designate is refused access of entry to any property or premises pursuant to section 34, the Director or their designate may apply to a justice of the peace or a provincial court judge for a warrant.

Refusal, Reinstatement, and Appeal

41. If a licensee contravenes any term or condition of this Bylaw, the Director or their designate may refuse an application, suspend or revoke a licence.
42. The Director or their designate may reinstate a suspended licence if they are satisfied that the licensee is complying with the Bylaw.
43. Any licensee may appeal the refusal, suspension or revocation of a licence through the Appeal Process specified in Sections 102 and 103 of the Property Standards Bylaw of the Zagimē Anishinabēk by making application as outlined in that Process and in the form provided by the Director or their designate within thirty (30) calendar days from the date of service of the letter from the Director, or their designate revoking the licence.

Licence Identification

44. A licence must be issued on a form bearing the identification of Zagimē and all licences issued pursuant to this Bylaw are and shall remain the property of Zagimē.
45. A licence must bear on its face the date on which it is issued and the date on which the licence will expire.
46. A licensee who holds a licence which applies to specific premises must keep it posted in public view in the licensed premises.
47. A licensee who does not carry on business at a premises must carry or have immediately available, the licence, and shall, upon request, immediately produce the licence to the Director or their designate, or any other person, client or customer with whom they are carrying on business.
48. A person must not reproduce, alter or deface a licence.

Not Transferable

49. A licence is not transferable from one person to another or from one person's business premises to another.

Part III - Offences and Penalties

Offences and Penalties

50. No person shall:
 - 50.1 obstruct or hinder any designated officer or any other person acting under the authority of this Bylaw; or
 - 50.2 fail to comply with any other provision of this Bylaw.

51. Where the Director or their designate has reason to believe that a person has contravened any provision of this Bylaw, including failure to obtain the appropriate licence and pay the requisite licence fee, the Director or their designate may issue a Notice of Violation to such person.
52. Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of section 50 is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand (\$1,000) dollars and, in the case of a continuing offence, and to a further late penalty not exceeding two hundred \$200 dollars for each day during which the offence continues.
53. Where the offence is failure to obtain the required licence pursuant to this Bylaw, the convicting judge may order the licence be obtained in addition to imposing a fine.
54. Where the offence is failure to obtain the appropriate licence and pay the requisite licence fee, the Notice of Violation shall indicate that Zagimē will accept voluntary payment in an amount equal to 50% of the applicable licence fee, in addition to payment of the requisite licence fee to Zagimē.
55. Where Zagimē receives voluntary payment of the prescribed amount, including the licence fee, under section 50, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
56. The Director or their designate may, where the breach of this Bylaw is of a continuing nature over a person's carrying on business or in doing any act, matter or thing without having paid the licence fee required to be paid under this Bylaw, in any of those cases, apply to the Court of Queen's Bench, by way of an action or originating notice for an injunction, or for an order:
- 56.1 prohibiting a business contravening the Bylaw from continuing to carry on business without obtaining a licence and paying the required licence fee, or
- 56.2 from continuing to carry on the business without complying with the provisions of this Bylaw applicable to the businesses for which the licence is required.

Handwritten signature in blue ink, appearing to be 'SJA'.

Coming into Force

57. This Bylaw comes into force and takes effect as of October 23, 2019.



Chief Lynn Acoose



Councillor Cynthia Sangwais



Councillor Paula Acoose



Councillor Amber Sangwais



Councillor Rachel Sangwais

Councillor Randy Sangwais

Councillor Aaron Sinclair



Councillor Randall Sparvier

Schedule "A" Licence Fees

	Initial Fee	Renewal Fee
Residential Business Licence Fee	\$112.50	\$225.00
Non-Residential Business Licence Fee	\$450.00	\$450.00