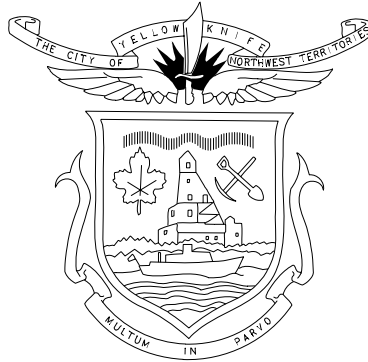


THE CITY OF YELLOWKNIFE

NORTHWEST TERRITORIES



CONSOLIDATION OF BUSINESS LICENCE BY-LAW NO. 3451

Adopted August 27, 1990

AS AMENDED BY

By-law No. 3648 – December 14, 1992

By-law No. 4081 – October 25, 1999

By-law No. 4095 – January 10, 2000

By-law No. 4277 – March 22, 2004

Fees and Charges By-law No. 4436, as amended

**(This Consolidation is prepared for convenience only.
For accurate reference, please consult the City
Clerk's Office, City of Yellowknife)**

**CITY OF YELLOWKNIFE
BY-LAW NO. 3451**

A BY-LAW of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, to provide for the regulating, controlling and licensing of businesses carried on within the City, but not including a business that is regulated by an Act of Parliament or any other exempt business prescribed by regulation under the *Cities, Towns and Villages Act*.

PURSUANT TO SECTIONS 103, 110, 111, 112, 113, 174, 175, 177, 179, 180, 181, 183 and 188 of the *Cities, Towns and Villages Act*, S.N.W.T. 1987(1), C14, and to the *Business Licence Act*, Chapter B-4 respectively of the Revised Statutes of the Northwest Territories 1974 as amended.

WHEREAS PURSUANT TO SECTION NUMBER 1 OF REGULATION NUMBER 16, of the Revised Regulations of the Northwest Territories 1980, a business that is carried on within any Municipality having By-Laws governing the issuance of Business Licences is exempt from the *Business Licence Act*;

AND WHEREAS the Council of the Municipal Corporation of the City of Yellowknife deems it desirable to licence businesses carried on within the City;

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, enacts as follows:

SHORT TITLE

This By-law may be cited as the "Business Licence By-law".

**PART I
DEFINITIONS**

Part I Definitions
as amended by By-law No. 4081 Oct 25/99

"adult publication"	means any book, magazine, printed matter, audiotape, photograph, film or videotape the principal characteristic of which is the portrayal of a female person's breasts or a person's genitals and that is intended to be erotic, sexually violent or sexually degrading.
----------------------------	--

- "advertising manufacturer"** includes any person who produces signs, billboards, trinkets or similar products for the purpose of advertising.
- "advertising vehicle"** includes:
- (a) any vehicle using the highways of the City for visual advertising purposes, but does not include:
 - (b) a vehicle showing thereon merely the name of the owner of such vehicle, the nature of the business of the owner and displaying thereon advertising material concerning the merchandise of such owner.
- "amusement arcade"** means a building, room or area having token or coin operated table games, electronic games of skill and/or chance which are provided for the patrons' entertainment.
- "amusement attraction"** means any person who offers midway rides, attractions and concessions at temporary locations within the City of Yellowknife.
- "applicant"** any person who makes an application for any licence under the provisions of this By-Law.
- "appliance serviceman"** means a person who repairs all kinds of household appliances such as irons, toasters, coffee makers, domestic washers, and ranges.
- "auctioneer"** includes any person selling or offering for sale by public auction any real or personal property.

- "autobody mechanic"** means a person who repairs damaged motor vehicles by, straightening bent frames, hammering out dents in body panels, fenders, skirting, and sheet metal trim, welding torn metal, replacing parts that are beyond repair.
- "automobile dealer"** means a person who offers for sale new and used vehicles of any description.
- "bakery"** includes any building or part of a building or any premises, workshop, room or place principally used for the preparation, making and baking of bread or any bakery product and offering the said product for wholesale or retail, but does not include the kitchens or bakerrooms of hotels or restaurants, in so far as the bread or any bakery product made there is sold only for consumption on the premises.
- "barber/beauty salon"** premises wherein shaving, hair cutting, hairdressing, shampooing or the sale of hair pieces or similar service or business is carried on.
- "bed and breakfast"** includes any private residence that supplies rooms and breakfast for one or more persons that are charged a daily or weekly rate only.
- "beverage room or lounge"** means the premises in which the sale of beer, wine and spirits is carried on to be consumed on the premises with or without food service.
- "blaster"** means any person who supervises or conducts surface blasting.

"boarding, lodging or rooming house"	includes any private residence in which more than four (4) persons, other than the immediate family of the owner, tenant or occupant reside and are charged a weekly or monthly rate only.
"bowling alley keeper"	includes any person who owns, keeps or operates for hire or profit, a bowling alley.
"business"	means a company, partnership or sole proprietorship which includes: (a) a profession, trade, manufacture or undertaking of any kind; (b) an adventure in the nature of trade; and (c) 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 Parliament or any other exempt business prescribed by regulation.
"butcher"	means any person cutting, processing or packaging meat and exposing, selling or offering the said meat for wholesale or retail.
"candy/ice cream dealer"	includes any person who sells, exposes or offers for sale candy, confectionary, soft drinks or ice cream.
"carpenter"	means a journeyman status person who constructs, erects, and repairs structures and/or any fixtures made of wood or wood substitutes in accordance with

the local building codes, using specialized hand or power tools. Carpenters include persons who build, assemble, place and dismantle concrete and apply exterior and interior finish with wood and wood substitutes.

"caterer"

means any person who prepares sandwiches, beverages, lunches, meals or sells or offers for sale sandwiches, beverages, lunches or meals to be consumed at premises other than those of the licensee. Persons licensed to operate a restaurant and dining lounge, or restricted dining lounge on the same premises under this By-Law shall not be deemed a caterer.

"canvasser"

means any person whether a resident of the City or not, who solicits orders by telephone or other means for the sale of merchandise or service.

"chiropractor"

means a person practising chiropractic therapy and is registered or eligible to be registered in a Province of Canada, or who is registered with the Canadian Chiropractic Association.

"circus and other entertainment"

includes circus riding menagerie, exhibitions, freak shows, sideshows, midways.

"City"

means the City of Yellowknife.

Part I Definitions
as amended by By-law No. 4277 Mar 22/04

"City property"

means property to which the City has legal title, a leasehold interest or otherwise administers.

- "clinic" means an establishment set up for medical, dental or therapeutic purposes.
- "club lounge" means a premise where membership is required and in which beer, wine or liquor is sold in conjunction with food service to club members.
- "company" means a company registered or incorporated under the *Companies Act*.
- "council" means the Municipal Council of the City of Yellowknife.
- "contractor" includes any person who obtains a contract or contracts to provide a service or sell merchandise but does not include a General Contractor.
- "day care" child day care facility means an establishment where care, instruction or supervision is provided to five or more children in the absence of the parents or guardians of those children by a person who is not a relative of a majority of the children.
- day care facility means a child day care facility other than a family home day care facility.
- family home day care means day care provided within the operator's private residence for any child of less than twelve years of age from a minimum of four (4) to a maximum of eight (8) children including the operator's own children, when not more than six (6) children, including the operator's own children, are children five (5) years of age or under.

"delivery/messenger service"	means the business of operating vehicles for transporting materials for gain either wholly within or partly within the boundaries of the City.
"dining lounge"	means premises in which beer, wine and liquor is served to the public in connection with the serving of regular meals.
"dry cleaning"	includes the business of dyeing or dry cleaning cloth, clothing, garments, feathers, furs or any fabric by immersion or washing by any aqueous solvent.
"electrician"	means a journeyman status person who lays out, assembles, installs, repairs, maintains, connects or tests electrical fixtures, apparatuses, control equipment, and wiring systems of alarm, communication, light, heat or power in building or other structures.
"electronic technician"	means a person who diagnoses and repairs radio and television receiver and other electronic equipment.
"firearm/ammunition dealers"	means any person who carries on a business dealing with firearms as defined by the Criminal Code of Canada, or ammunition therefore, and without restriction the generality of the foregoing, includes the business of manufacturing, purchasing, wholesaling, retailing, importing, exporting, repairing, altering or taking in pawn such firearms or ammunition therefore.
"fish dealer"	means any person cutting, processing or packaging fish and exposing, selling or offering the said fish for sale by retail at a

permanent place of business within the City.

"floor laying mechanic" means a person who installs linoleum, tile, carpet, quarry tile, ceramic or plastic tiles on building floors and walls.

Part I Definitions

as amended by By-law No. 4277 Mar 22/04

"food vendor" means a vendor that sells food and assorted confectionary items.

"gas fitter" means a person who installs and maintains pipe systems and equipment which supply natural gas or propane to provide heating and lighting in buildings.

"gasoline filling station" includes garages, warehouses or any premises whose primary purpose is to offer for retail consumption any petroleum product used in vehicles, to the general public.

"general contractor (trades)" includes any person who enters into a contract or contracts for the erection or alteration of any building or structure within the City, wherein a trades designation is required as set out in Schedule "D".

"grocery store" means any premises wherein any of the following are exposed, offered for sale or sold by retail: fresh fruits; fresh vegetables; bakery, meat, poultry or fish products; frozen foods; along with processed and prepackaged food which has been processed and prepared by reputable and qualified firms.

"hall for entertainment" includes every hall kept for hire or profit wherein concerts,

dances, entertainments or amusements are held.

"handyman"

includes any person who complete minor repairs or renovations to a building. Does not include any structural components of building.

"hawker or pedlar"

means any person who, whether as principal or agent, goes from house to house or locates on any street or roadway or elsewhere other than a building which is their permanent place of business, and offers for sale any merchandise to any person or offers to expose for sale to any person by means of samples, patterns, cuts, or blueprints, merchandise to be afterward delivered in or shipped to the City; but does not include a principal or agent selling to a wholesale or retail dealer in such merchandise.

"health parlour"

means a business where one or more of the following services or facilities are available to the public for compensation:

- (a) instruction in physical conditioning;
- (b) physical conditioning equipment;
- (c) baths of any description; or
- (d) steam/sauna cabinets or rooms;

but does not include a business where medical or therapeutic treatment is performed or offered by a person or person duly qualified, licensed or registered

to do so under the laws of the Northwest Territories.

"heavy duty mechanic"

means a person who examines, tests, and repairs spark ignition or diesel engines that power highway transport vehicles, construction and earth moving equipment, agricultural tractors, and mobile industrial equipment and transit vehicles.

"home occupation"

means an occupation, trade profession or craft carried on by a person who is an occupant of a residential building as a use secondary to the residential use of the building.

"hotel"

means an establishment consisting of one building or two (2) or more connected or adjacent buildings that provide sleeping accommodation for the public but does not include a motel, boarding, lodging or rooming house or bed and breakfast as herein defined.

**Part I Definitions
as amended by By-law No. 4277 Mar 22/04**

"Inspector"

means a person named as such in any by-law of the City of Yellowknife. Reference to inspector in this by-law shall mean the Senior Administrative Officer or his or her designate.

"insulator"

means any person who applies external insulation to mechanical equipment, piping and ductwork including canvas, sheet metal and plastic covers.

"junk dealer"

includes every person who collects rags, bottles, meals discarded or useless objects of any kind which has been discarded

or sold, with the intent to sell or recycle the junk for a profit.

- "kennel"** includes a house, shelter, room or place where more than three (3) dogs over the age of three (3) months, are kept or harboured at one and the same time, but does not include premises used exclusively for the care and treatment of dogs operated by a duly qualified veterinary surgeon, nor premises used for the purpose of a dog show.
- "kiosk"** means any stall, table or compartment space in a retail commercial building individually rented for temporary periods.
- "laundry"** includes the business of washing, ironing, starching or pressing any washable articles or things.
- "licence"** means a licence issued pursuant to this By-law.
- "licensee"** means a person holding a valid licence issued pursuant to this By-law.
- "limousine/bus service"** means the business of offering for gain or profit, the use of non-metered vehicles and drivers.
- "liquor store or outlet"** means a place which sells beer, wine and spirits, not to be consumed in or on the premises.
- "locksmith"** means any person who operates the business of providing locks, keys or safes and service thereto.
- "lodge agents"** includes any lodge that has an office or phone number in Yellowknife for customers to contact the owner, manager or booking agent.

- "machinist"** means a person who operates various types of precision metal cutting and grinding machines for the shaping of metal into usable parts according to specifications.
- "manicurist"** means the business of cutting, trimming, cleaning or otherwise affecting the appearance of finger or toe nails.
- "market" (traders/flea)** means the business of providing to persons, for compensation on a temporary or casual basis, stalls or other restricted areas for the display and sale of goods, wares or merchandise to the public.

Part 1 - Definitions

as amended by By-law No. 4095 Jan 10/00

- "massage therapist"** means a person who belongs to a provincial or territorial Massage Therapist Association affiliated with the Canadian Massage Therapist Alliance or who is a member of a Provincially or Territorially regulated College of Massage Therapists;
- "mechanical trade"** means any person who, for compensation, carries on any of the trades with a designated asterisk in the Schedule "D" of this By-law.

Part I Definitions

as amended by By-law No. 4277 Mar 22/04

- "merchandise vendor"** means a vendor that sells merchandise other than food.
- "milk dealer"** means any person, company, or firm carrying on the business of milk, cream or butter processing and/or distribution plant and offering the said products for

wholesale to stores or retail directly to the consumer thereof.

Part I Definitions "mobile canteen"
as deleted by By-law No. 4277 Mar 22/04

- "mobile home dealers"** means any person who carries on a business of selling mobile homes.
- "mobile home park"** means a parcel of land under one ownership which has been planned, divided into mobile home lots and improved for the placement of mobile homes for permanent residential use.
- "money lender"** includes any person, firm or corporation engaged in the business of lending money and who takes security for the repayment thereof.
- "motel"** means any building containing sleeping or dwelling units used by the public that have direct access outside, but does not include a hotel, boarding, lodging or rooming house or bed and breakfast as herein defined.
- "motor vehicle mechanic"** means a person who performs preventative maintenance, diagnoses breakdowns, and makes repairs on automotive vehicles and light trucks.
- "non-resident business"** includes any business, trade, profession, industry, calling or provider of goods or services which is not situated within or does not maintain a place of business within the corporate boundaries of the City of Yellowknife but operates either partly or wholly within the corporate boundaries of the City of Yellowknife.

- "office building operator"** means a person who owns or operates a building or attached set of buildings in which offices are rented out for commercial purposes.
- "officer"** means a By-Law Enforcement Officer of the City of Yellowknife.
- "oil burner mechanic"** means a person who installs, services, repairs, converts high pressure, low pressure and vaporizing oil burners with input rates up to 400,000 BTU/hr; installations complete with necessary piping or combustion malfunctions.
- "pawnbroker"** includes any person who lawfully exercise the trade of receiving or taking by way of pawn, pledge or exchange any goods for the repayment of money lent thereon.
- "person"** includes an individual, a corporation, partnership, association, or other similar cooperative organization.
- "plumber"** means a person who plans, installs, and services the piping systems and fixtures required to supply hot and cold water and to dispose of sanitary and other wastes in residences, schools, and commercial, industrial, public and other buildings or establishments.
- "premises"** means the store, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied, by a person for the purpose of any business.
- "pressing and repairing"** includes the business of pressing and repairing cloth, clothing or

garments, and in connection therewith the elimination or cleaning of stains by what is known in the trade as "spotting".

"private investigator"

means an individual who, for hire or reward, seeks or obtains information about any of the following:

- (a) convictions of criminal or other offenses committed by a person,
- (b) the activities, character or repute of a person or organization,
- (c) the location of a missing person,
- (d) the causes of fires, accidents and other incidents,
- (e) the location of missing property.

"public auction"

includes any activity whereby goods are sold to the general public by auction but does not include those sales to which the *Seizure Act* applies or those sales held pursuant to an order of a court of competent jurisdiction.

Part I Definitions

as amended by By-law No. 4277 Mar 22/04

"public way"

means a sidewalk, street, highway, square or other open space to which the public has access, as of right or by invitation, expressed or implied.

"radio electronic servicing"

includes the carrying on of the business of disconnecting, repairing, adjusting and

installing radio, television and other electronic equipment, including receiving and transmitting apparatus.

"refrigeration and air conditioning mechanic"

means a person who assembles, installs, tests and overhauls these systems and therefore, must exercise good judgement and resourcefulness to locate and diagnose defects (troubleshooting), Public buildings, offices, hospital, homes restaurants, food and beverage retail, or wholesale outlets and food processing plants, are just a few of the places which require installation and servicing of refrigeration and air conditioning systems.

"rental accommodation keeper"

means any person who offers, rents or leases any building or portion thereof (not being a boarding, lodging or rooming house or a motel/hotel as herein defined) used or occupied as the home or residence of three (3) or more families living independently of each other and includes flats, suites and apartments, row houses or similar groupings of one family dwelling units.

"rental agency"

includes any person who, by contract or agreement, and for a fee payable by the renter or the lessee, provides information respecting commercial and residential accommodation which is available for rent or lease.

"resident"

means a person having a permanent place of business within the City of Yellowknife.

- "resident"**
(canvasser & hawker/pedlar) means a person who has resided in Yellowknife for twelve months prior to applying for a business licence.
- "restaurant"** includes but is not confined to:
- (a) every public place where food and alcoholic and nonalcoholic drink is sold or consumed on or about the premises; and,
 - (b) canteens, cafeterias, dining rooms, etc., provided for the public, staff, students, or employees, whether meals are paid for on an individual basis, or are included in a daily, weekly, monthly or similar charge;
- but does not include:
- (c) premises wherein only soft drinks or ice cream in its various forms are sold to the public to be consumed on or off the premises;
 - (d) premises such as tents or stalls set up temporarily as restaurants to be used for a period not exceeding ten (10) days in connection with fairs, bazaars and the like.
- "retail business"** means any person who operates a business, calling, trade, profession, industry, occupation, employment or the provisions of goods to the final consumer totally within or partly within the City not otherwise specified herein and not excluded by Territorial Statutes.
- "salvage dealer"** means any person who purchases and sells ferrous or non-ferrous

metal or purchases items such as old cars for the purpose of dismantling and selling the used parts or for the purpose of selling items as scrap materials.

"second hand dealer"

includes any person who purchases, sells, exchanges or in any way deals in goods, wares, merchandise, effects, articles or things of any kind or nature, which have been worn, used, or purchased by some person to be worn or used, all commonly known as secondhand goods or antiques and hereinafter referred to as secondhand goods, but does not include:

- (a) any merchant or dealer who takes by way of exchange secondhand goods or junk as a mere incident of his usual business; or,
- (b) persons who deal in secondhand books; or,
- (c) auctioneers, when disposing of merchandise by public auction.

"security alarm agent"

includes any person who:

- (a) sells, supplies, provides, installs or offers to install a security alarm system in conjunction with:
 - i) an inspection of the property where the system is to be used by the security alarm agency that employs the security alarm agent, or
 - ii) an agreement or arrangement with the

security alarm agency that employees the security alarm agent to monitor or patrol the system or to respond to an alarm activated in the system, or

- (b) repairs or maintains security alarm systems that are installed on the property of another.

"security business"

means a business that provides the services of:

- (a) locksmiths,
- (b) private investigators,
- (c) security alarm agents,
- (d) security consultants,
- (e) security guards.

"senior administrative officer"

means the senior administrative officer of a municipal corporation appointed by Council under Section 44 of the *Cities, Towns and Villages Act*.

"sheet metal mechanic"

means a person who, for construction jobs, lays out, fabricates, and installs ducts for ventilating, air conditioning, heating, and exhaust systems.

"shooting gallery"

includes any premises which are used wholly or in part as a rifle or shooting gallery or miniature rifle range.

Part I Definitions

as amended by By-law No. 4277 Mar 22/04

"sidewalk"

means all that area legally open to public use as a pedestrian public way between the curb line and the legal building line of the abutting property.

"snack bar" means any premises which offers for sale light refreshments for immediate consumption with no seating provided.

"special auctioneer" includes any person who, by himself or by the employment of another person, sells by auction merchandise that is new or is represented as being new.

Part I Definitions
as amended by By-law No. 4277 Mar 22/04

"special event" includes a public or private event that involves the closure of the street or any other event as recognized by the Senior Administrative Officer or his or her designate.

"spray painting business" includes any business which uses spray painting equipment or provides for public or private use spray painting equipment or facilities which are permanently located within a building or structure. Such businesses include, but are not limited to, auto body services and repair shops, heavy and light equipment service and repair shops and paint spraying facilities which are provided on a rental basis.

Part I Definitions
as amended by By-law No. 4277 Mar 22/04

"street" means all that area legally open to public use as public streets, sidewalks, roadways, highways, parkways, boulevards, alleys and any other public way.

"student business" includes any business operated by a person under the age of 21 years presently attending an educational institution or

enrolled in an ongoing educational program.

"summer tourist business" includes any business that operates for tourists during the summer months only.

"tattoo parlour" includes any premises where tattooing is performed for gain.

"theatre" includes any place which offers permanent seating used for the showing of theatrical, operatic, or vaudeville performances or moving pictures or television shows or for similar purposes.

"tobacco dealer" includes every person who, as a retailer, keeps for sale, sells, exposes, or offers for sale, cigars, cigarettes, cigarette tobacco, smoking or chewing tobacco, snuff or any tobacco products other than through a slot machine.

"towing/boosting service" means the business of operating trucks propelled by mechanical power for the purpose of towing or boosting for gain, vehicles, trailers or other wheeled equipment on the highways of the City.

"trades" any business that provides a service, performed by a trades person listed in Schedule "D".

"transient contractor" includes any person that does not maintain a permanent place of business within the City and who acts as a contractor.

"transient trader" means any person who is not a resident of the City, and who, either as a principal or an agent, whom buys or sells any merchandise from a building or

other permanent enclosure or a vehicle.

"travel/tour agents"

includes any travel/tour or guiding in which the persons taking the tour originate from Yellowknife or use Yellowknife as a stage point.

Part I Definitions

as amended by By-law No. 4277 Mar 22/04

"unsafe condition"

means any condition that could cause undue hazard to life, limb or health of any person authorized or expected to be on or about the premises of an establishment, or in the general area of a mobile vendor.

"used car dealer"

includes any person who, in any one year, offers for sale, trade or exchange a greater number than three (3) secondhand or used motor vehicles of any description.

Part I Definitions

as amended by By-law No. 4277 Mar 22/04

"vending stand"

means any movable or immovable vending station, vehicle, pushcart or other conveyance from which food or merchandise is sold.

Part I Definitions

as amended by By-law No. 4277 Mar 22/04

"vendor"

means any person traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares or merchandise and offering them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place,

exhibits, displays, sells or offers for sale such products from a wagon, pushcart, handcart, motor vehicle, conveyance or from his person within the City of Yellowknife. This definition does not include a door-to-door peddler or solicitor. Also see: food vendor, merchandise vendor.

"veterinarian"

means a person holding a licence issued by the Territorial Government under the *Territorial Veterinarians Act*

"veterinarian clinic"

includes any premises that is advertised or used for veterinarian services for the care and treatment of animals.

"video store"

includes any premises that leases, rents or sells moving or programmed video tapes to the public.

"welder"

means a person who joins metals such as beams, girders, reinforcing rods in bridges and buildings, and segments of vessels or piping systems through the process of welding.

**PART II
LICENCE REQUIREMENTS**

- 201 (a) No person shall carry on or operate a business that is either wholly or partly within the City unless he or she holds a valid and subsisting licence to do so, issued pursuant to this By-law. A licence will be valid and current from the date of issue for a period of one year unless sooner terminated.
- (b) A business licence renewal must be completed and approved prior to the business licence's expiry date.
- 202 Any person engaged in or carrying on one or more different businesses, either separately or together, shall be required to hold a licence for each business.

EXEMPTION

203 The following persons or groups shall be exempt from the application of this By-law:

- (a) A person or group registered as a non-profit organization under the *Societies Act*.

LOCATION OF BUSINESS TO BE STATED

204 All licences issued to persons to carry on any business shall designate the premises in or on which the licensee may carry on or engage in the business in respect of which the licence is issued and the licence authorizes the licensee to carry on the licensed business only in or upon the premises designated in such licence and a separate licence shall be obtained for each such location.

205 Any advertising of the businesses referred to in this By-law or in the said Schedule "D" shall be deemed to be prima facie proof of the fact that the person advertising is carrying on or operating any such business.

206 No licence will be issued for a business without the applicant producing a valid Worker's Compensation Compliance Certificate.

207 Every business or person who wishes to engage in or carry on a business on property owned by the City, is required to complete an application, in the form set out in Schedule "H", to be approved by the Senior Administrative Officer or his designate.

208 (1) Every person carrying on business without obtaining the approval of the Senior Administrative Officer or his designate as set out in Section 207 is guilty of an offense and will, upon the demand of the Inspector, remove themselves, their wares and vehicle(s) from the property immediately.

- (2) Any person who refuses to remove their business wares and vehicle(s) from the City owned property when requested to do so by an Inspector will have the business wares and vehicle(s) removed at the owner's expense.

209 (1) No person will operate a business on public or private property without permission of the owner of the said property.

- (2) Subject to Subsection 209(1) if any person is found operating a business without permission of the property owner, the Inspector may have the business wares and vehicle(s) removed at the owner's expense.

POSTING OF LICENCES

210 Every licence issued pursuant to this By-law shall be posted in a conspicuous place in the business premises and whenever required to do so by the Inspector, the licensee shall produce the licence for inspection purposes.

COMPLIANCE

- 211 (1) Whenever an applicant for a licence has complied with the terms of this By-law and of any other applicable By-laws, the applicant shall be entitled to the licence, subject to Section 232 in the form set out on Schedule "C", applied for upon payment of the proper fee.
- (2) A business licence issued to a licensee is not valid unless approved by the senior Administrative Officer or his designate.

HOME OCCUPATION (ZONING)

Section 212

as amended by By-law No. 3648 Dec 14/92

212 An applicant for a licence to carry on a business within a residence shall obtain and maintain a valid Development Permit, and produce the Permit to the Inspector, before a business licence may be issued.

PROCEDURE FOR APPLICATION

- 213 All applications for licence pursuant to this By-law shall be made to the Inspector on the form provided as set out in Schedule "A".
- 214 All applications for licences shall give the description in detail of the premises in or upon which the applicant intends to carry on the business in respect of which the applicant has made an application for a licence.
- 215 No person to whom a licence has been granted shall carry on such business in or upon any premises other than those set forth on the said application and licence without first making

an application pursuant to this section for a new licence or a transfer of such licence as hereinafter provided.

- 216 All premises in or upon which the applicant proposes to carry on or conduct any business, trade, profession or other occupation in respect of which the applicant is required to hold a licence pursuant to the provisions of this By-law shall first be approved by the Inspector and the applicant shall, upon request, produce such certificates or letters of approval as may be required by federal, provincial, territorial, or municipal authorities, before any such licence shall be granted.
- 217 Failure to disclose to the City any of this information required herein, shall be ground for cancellation of the licence pursuant to the procedures set out in Section 233 of this By-law.
- 218 No licence shall furnish false or misleading information regarding any procedure or condition of this By-law.
- 219 Any person desiring to obtain a transfer of any licence issued pursuant to this By-law and held by another person, shall make an application under this By-law; and the power, conditions, requirements and procedures relating to the granting and refusal of licences and appeals, thereon, shall apply.

Section 220

as amended by By-law No. 4436 Feb 12/07

- 220 Unless otherwise provided herein, any subsisting licence issued under this By-law may be transferred upon application to the Inspector and payment of the prescribed fee, provided that the applicant has the required qualifications and furnishes legal documentation releasing the rights and interests of the previous owner.
- 221 No person who purchases the interest of, or part of the interest of, any person's licence or licences pursuant to this By-law shall carry on or continue such business without first having completed a transfer of licence as set out in Schedule "G".
- 222 No person to whom a licence has been issued under this By-law shall change the location of the premises in which he or she carries on his or her business without applying to the Inspector to have his or her licence altered; and the powers, conditions, requirements and procedures relating to the granting or refusal of licences and appeals thereon, shall apply to all such applications.

Section 223

as amended by By-law No. 4436 Feb 12/07

223 Where any licence is transferred, the applicant shall pay the fee specified in By-law No. 4436 or any successor by-law.

224 A non-resident is not allowed to transfer his or her licence.

LICENCE CHANGES

Section 225

as amended by By-law No. 4436 Feb 12/07

225 Where a licensee wishes to change any information contained in the application form, other than the specified information recorded on the licence, the licensee shall make application for such a change to the Inspector within thirty days and pay the administrative fee as specified in By-law No. 4436 or any successor By-law.

LICENCE FEES

Section 226 (a) and (b)

as amended by By-law No. 4436 Feb 12/07

226 (a) Licence fees are to be paid prior to the licence being issued, with the quantum of fees payable in accordance with By-law No. 4436 or any successor By-law.

(b) A business shall be deemed operational and subject to licensing fees in accordance with By-law No. 4436 or any successor By-law until the owner contacts the Manager of the By-law Division in writing stating the date the business will be terminated.

ADVERTISING

227 Subject to Section 233, if the Inspector has reasonable and probable grounds to believe that a business's advertising appears to mislead the public with the intent to distribute or sell their wares, the Inspector can revoke the licence. Any person believed to have committed an offense under this Section shall cease conducting business until the procedures under Section 233 are completed.

TRADES

228 (1) Any business that provides a job function or service defined as a mechanical trade as set out in Schedule "E" will not be issued a licence without written proof provided to the Inspector that the owner, manager or an

employee actively engaged in the company has the proper qualifications for the trades in which the person or company wishes to engage.

- (2) Qualifications must be stated for one particular business.
- (3) Qualifications cannot be used for a second business.

CANVASSERS AND HAWKER/PEDLARS

- 229
- (1) All canvassers and hawker/pedlars that are required to be bonded and licensed by the Government of the Northwest Territories, will not be permitted to obtain a business licence without first having a valid Direct Sellers Licence.
 - (2) No licence shall be issued to a canvasser or hawker/pedlar until that canvasser or hawker/pedlar has established his or her identity with the Manager of the By-law Department.
 - (3) Every canvasser or hawker/pedlar will complete a Criminal Record Check Form prior to a licence being issued under this By-law.
 - (4) Where a person has been convicted of any of the offenses dealing with theft, fraud, or possession of stolen goods as set out in the Criminal Code of Canada, the person so convicted shall not be granted a licence for any of the activities licensed pursuant to this Section.
 - (5) It shall be a condition of every licence issued to a canvasser or hawker/pedlar, that business shall only take place between the hours of 900 hours and 2200 hours on Monday to Saturday inclusive and that no business shall take place on a Sunday or a Statutory Holiday..
 - (6) Every canvasser and hawker/pedlar engaged in carrying on a business or trade, shall carry upon his or her person a licence card issued by the Inspector as per Schedule "I".
 - (7) The licence card issued by the Inspector to all canvassers and hawkers/pedlars will contain their Licence Number, the period for which the licence is valid and the signature of the licensee.

- (8) No card will be issued to a canvasser or hawker/pedlar selling on City property without prior approval obtained under Section 207.
- (9) Every canvasser and hawker/pedlar shall, upon demand, produce the licence card issued under this Section to the Inspector or any person to whom goods are offered for sale.

DUTIES OF THE LICENCE CLERK

230 The Licence Clerk will:

- (1) Receive, consider, and deal with all applications, for a licence and transfers thereof;
- (2) Record such information with respect to licences as may be considered necessary by the Licence Clerk;
- (3) Keep on file duplicate counterparts of all licences issued and particulars;
- (4) Ascertain as far as reasonably practicable that all information furnished by an applicant in connection with an application for a licence or transfer of licence is true in substance and in fact;
- (5) At the end of each month to report in writing to the Manager of the By-law Department:
 - the number of licences issued during the month;
 - the number of licences transferred;
 - the amount of money received from all sources during the year and to-date of the report;
 - the number of licences refused;
 - the number of licences cancelled;
- (6) Periodically visit and inspect business premises for the purpose of ascertaining whether the proprietor of such premises is complying with the provisions of this or any other applicable By-law;
- (7) Submit all business licences to the Inspector or his designate for approval;

Section 230 (8)

as amended by By-law No. 4436 Feb 12/07

- (8) Issue a licence, with or without conditions, upon payment of the appropriate fee in accordance with By-law No. 4436 or any successor by-law.
- (9) Revoke a licence without conditions due to lack of payment or payment refused by any banking institute for lack of funds.

INSPECTION BY CITY OF LICENSED PREMISES

- 231 (1) If an Inspector has reasonable and probable grounds to believe a person is operating a business without being licensed pursuant to this By-law the Inspector, or a duly appointed By-law Enforcement Officer, is hereby authorized to enter into any lands, buildings, or premises except for a dwelling house, within the City to inspect for conditions that may contravene or fail to comply with the provisions of this By-law. Any person who, after demand for inspection has been made by the Inspector or authorized person, refuses admittance to the premises or place of which said person has charge or control, or obstructs the Inspector or authorized person, shall be guilty of an offense against the provisions of this By-law.
- (2) Any premises or place in respect of which a licence has been issued under the provisions of this By-law shall also be subject to inspection by the Inspector or a duly appointed By-law Enforcement Officer or any other person authorized under this By-law. If, after a demand for inspection by the Inspector or authorized person has been made and reasonable notice has been given, a licensee refuses admittance to the premises or place of which such person has charge of control, or obstructs such Inspector, the licensee shall be guilty of an offense.
 - (3) Any licensee who, on the occasion of such inspection or otherwise furnishes to the Inspector or authorized person, false or misleading information or information intended to mislead with regard to any matter of thing arising in connection with such inspections, shall be guilty of an offense.

REFUSAL

- 232 (1) An Inspector may refuse to issue a licence to an applicant who furnishes false or misleading information.

Section 232 (2)

as amended by By-law No. 4436 Feb 12/07

- (2) An Inspector may refuse to issue a licence to an applicant if the Inspector has reasonable and probable grounds to believe and does believe that the business or the applicant does not or will not meet the requirements or conditions set out in this By-law and By-law No. 4436, or any successor by-law.
- (3) In every case where an applicant for licence has been refused a licence that person seeking the licence shall be entitled to appeal to Council and Council shall be the final judge of whether the refusal of licence was just and reasonable.
- (4) Every such appeal shall be made in writing to the City Clerk's Office within thirty (30) days after a licence has been refused, otherwise the right to appeal shall be barred and forever extinguished.
- (5) The Notice of Intention to Appeal shall state in concise fashion the grounds upon which the appeal is based.
- (6) Council, after hearing an appeal, may:
 - (a) direct a licence be issued without conditions;
 - (b) direct a licence be issued with conditions;
 - (c) uphold the decision of the Inspector on grounds which appear just and reasonable to Council.

REVOCATION AND SUSPENSION OF LICENCES

- 233 (1) Notwithstanding section 230 (9) before a licence is suspended or cancelled, the Inspector shall:
- (a) allow any person affected, or that person's representative, an opportunity to be heard before Council;
 - (b) the hearing must be conducted by Council;
 - (c) notice must be served on any person affected at least three (3) days prior to the date of the hearing;
 - (d) the notice must:

- (i) set out the time and place of the hearing;
 - (ii) advise the person of the purpose of the hearing and the right of the person to attend and make representation.
- (2) The notice must be served personally or, where service cannot be effected personally because the address of the person is not known, the notice may be published twice in a newspaper having general circulation in the municipality or the Northwest Territories.
- (3) Where the Council, or such other person as may be authorized to take the action referred to, is of the opinion that there is imminent danger to public health and safety;
 - (a) the period of notice required may be shortened; or
 - (b) the action may be taken without the notice or hearing required.
- (4) An appeal must be made no later than thirty days after the decision;
- (5) Subject to Subsection 233(3), no person shall take any action referred to in subsection 233(1), until after:
 - (a) the period for taking an appeal has expired and no appeal has been taken; or
 - (b) any appeal taken has been dismissed by a judge.
- (6) If a licensee is convicted twice in any one (1) calendar year of a breach of any of the provisions of this By-law, any licence issued to such licensee pursuant to the provisions of this By-law will be cancelled subject to the procedures set out in Subsection (1) and (2).
- (7) The Inspector may recommend a licence be suspended or cancelled if the licensee is convicted of:
 - (a) an offence under the Criminal Code with respect to theft, fraud, embezzlement, false pretences and any offence with respect to bawdy houses or betting or gaming houses; or,

- (b) of an offence which by its nature is, in the opinion of the Inspector, facilitated by the type of licensed business carried on by the convicted licensee.
- (8) The Inspector may recommend to Council that a licence be suspended or cancelled for a specific period or until certain conditions have been met, where he is satisfied that:
 - (a) the licence was issued or renewed in error; or
 - (b) the provisions of any By-law of the City or any Act of the Northwest Territories have been violated with respect to the operation of any business licensed or of any business required to be licensed.

OFFENCE

- 234 Any person violating any provisions of this By-law is guilty of an offence and is liable upon Summary Conviction to a fine of up to:
- (a) one thousand dollars (\$1,000.00) for an individual; or
 - (b) five thousand dollars (\$5,000.00) for a corporation; or
 - (c) imprisonment for a period not exceeding six months, in default of payment of a fine.
- 235 Pursuant to Section 234 of this By-law, an Inspector may issue a Summary Offence Ticket Information in the form accepted by the *Summary Conviction Procedures Act*, to any person who violates any provision of this By-law and such person may, in lieu of prosecution, pay the City the voluntary penalty for the offence listed in Schedule "J", prior to the court date specified on the ticket.

PART III REGULATIONS REGARDING CERTAIN BUSINESSES

300 ADVERTISING VEHICLES

- (1) Any vehicle using the highways of the City for advertising or announcement purposes by means of voice or sound, whether amplified by loud speaker equipment or not, will hereinafter be called a "sound truck".

- (2) No person shall use a sound truck for advertising or announcement for business, political or commercial purpose on any of the highways of the City, provided however, that the Senior Administrative Officer may permit sound trucks with written approval of the Inspector as set out in Schedule "K" of this By-law.
- (3) No person shall operate a sound truck on the highways of the City in such a manner so as to constitute a nuisance.
- (4) Each sound truck while in operation on the highways of the City for advertising or announcement purposes shall, in addition to the driver thereof, have a passenger therein, to make announcements and to operate the sound apparatus or equipment of such a vehicle.
- (5) No sound truck will operate between 19:00 hours and 09:00 hours of the following day.
- (6) Nothing in this Section shall apply to any vehicle belonging to the City of Yellowknife and being used for purposes on behalf of the City.

301 **AMUSEMENT ATTRACTION**

- (1) No amusement attraction shall be exhibited in the City for a longer period than fourteen (14) days unless a new licence is taken out for each fourteen (14) day period or portion thereof.
- (2) The licensee, manager, agent or person in charge of every amusement attraction, shall post and keep posted, over or at the main entrance at such conspicuous place and position as the Inspector shall order, the licence issued under the By-law and a printed card showing in letters and figures at least three (3) inches in height the prices of admission thereto.
- (3) Before the licensee, manager, agent or person in charge of any amusement attraction as herein defined shall be entitled to a licence for said amusement attraction, he or she must provide to the Inspector satisfactory proof that the amusement attraction carries a public liability policy for an amount not less than one million dollars (\$1,000,000.00).
- (4) Before the licensee, manager, agent or person in charge of any amusement attraction as herein defined shall be entitled to a licence, he or she shall file with the

Inspector a copy of the tariff of charges to be made by the amusement attraction to the public while the amusement attraction is operating in Yellowknife.

- (5) Where any amusement attraction proposes to provide electrical or mechanical devices for the use of the public, such electrical or mechanical devices shall be subject to inspection and approval by the Safety Division of the Government of the Northwest Territories.
- (6) No licence fee shall be charged for an amusement attraction operated by a recognized charitable organization, however the charitable organization shall be subject to the provisions contained within Sections 301(1) to 301(5).

302 **ARCADES**

- (1) All arcades shall at all times be supervised or managed by a person who is no younger than nineteen years of age.
- (2) No person under sixteen (16) years of age shall be permitted or allowed to use or otherwise operate any table game, electronic game, game of skill or chance within an arcade from 08:30 hours to 12:00 hours in the morning and 13:00 hours to 15:30 hours in the afternoon of any school day unless accompanied by a parent or legal guardian.
- (3) No person under sixteen (16) years of age shall be permitted or allowed to use or otherwise operate any table game, electronic game, game of skill or chance within an arcade from 23:00 hours in the evening until 08:30 hours of the next following morning of any day of the week unless accompanied by a parent or legal guardian.
- (4) All owners of premises are required to post rules and regulations pertaining to this By-law on their premises.

303 **AUCTIONEERS**

- (1) The Inspector shall not issue a licence to any person as an auctioneer from outside the N.W.T. until the applicant has first produced the proper provincial licence and no licence issued by the Inspector without such production shall be valid.

Section 303 (2)

deleted by By-law No. 4436 Feb 12/07

- (3) No auctioneer shall sell foodstuffs of any kind or nature without first having obtained the approval of the Government of the Northwest Territories' Department of Health to do so.

304 AUTOMOBILE DEALERSHIPS

- (1) Automobile dealerships will display the retail cost breakdown on the window of every new or used vehicle for sale by the dealership.
- (2) No person will adjust the odometer, kilometre or mileage of any new or used vehicle, the dealership purchases, owns or offers for sale to the general public.
- (3) No vehicles that the dealership has control over (for sale or servicing) will be parked on property other than the private property owned or controlled by the dealership.
- (4) Section 336 shall also apply to section 304.

305 BED AND BREAKFAST

- (1) All residences must meet the requirements of the *Public Health Act*, *Tourist Accommodations Regulations*, *National Fire Code of Canada*, *City of Yellowknife Zoning By-law* and the *Building By-law* prior to a business licence being issued.
- (2) All licensees who lease or own a single family residence must reside on the premises, and shall provide the Inspector with a sketch in quadruplicate on demand, showing bedroom configurations, capacity and bathroom locations prior to the residence being inspected.
- (3) Each bedroom shall contain no more than two persons.
- (4) All residences must have a three piece bath conforming to the *National Building Code* for every three bedrooms, excluding those used by the owner and his family.
- (5) The bathroom used by paying guests shall be located on the same floor as the bedroom.

- (6) Access to the bathroom by the paying guests shall be direct, convenient and will not involve passing through any other rooms.
- (7) A card containing the rate to be paid for the room shall be conspicuously posted in each room.
- (8) The owner or an adult member of the owner's family shall be present on the premises at all time when guests are present.
- (9) The Inspector will refuse to issue or renew a licence where:
 - (a) all the conditions listed are not met to the Inspector's satisfaction; or
 - (b) in the opinion of the Inspector it is not in the public interest to do so.
- (10) No more than four bedrooms will be available for renting to guests.
- (11) Every bed and breakfast residence shall maintain a register containing the following information:
 - (a) name and address of all guests; and
 - (b) make, colour and licence number of the vehicle(s) the guests are driving.

306 **BEVERAGE ROOM, CLUB LOUNGE, DINING LOUNGE AND LOUNGE**

- (1) No person shall operate a beverage room, club lounge, dining lounge or lounge, without first having obtained from the Inspector a licence to do so. The premises in which a beverage room, club lounge, dining lounge or lounge is carried on shall at all times conform in all respects to any regulations duly passed pursuant to the *Public Health Act*, the Building Code and relevant By-laws of the City of Yellowknife. The Inspector shall refer in writing all applications for licence or transfer of licence for a beverage room, club lounge, dining lounge or lounge to the Manager of the By-law Department, the Government of the Northwest Territories' Department of Health, the Fire Chief and Liquor Inspector and shall not issue any licence until the appropriate officials have reported favourably on the application.

- (2) The licensee of premises in these categories is permitted to conduct such entertainment on the premises as is permitted under the provisions of the *Liquor Act* of the Northwest Territories.
- (3) The Licensee of premises in these categories shall take appropriate steps to ensure that entertainers are protected from being subjected to any abuse by the patrons visiting the premises.
- (4) Live entertainment which depict scenes of violence are strictly prohibited.

307 **BLASTING**

- (1) No person shall conduct any surface blasting in the City of Yellowknife without having:
 - (a) a valid Explosive Permit issued by the Territorial Government, and
 - (b) contacted the Chief Building Inspector and meet the requirements under the Building By-law and all applicable Territorial and Federal legislation regulating explosives.

308 **BOARDING, LODGING HOUSES, ROOMING HOUSES**

- (1) Every keeper, proprietor or manager of a boarding, lodging or rooming house having four (4) or more rooms to rent by the day or week shall keep a substantially bound book wherein shall be recorded the name, former place of residence, date of arrival and date of departure of all lodgers and/or boarders, which register shall be open to the inspection of the Inspector, or any member of the Royal Canadian Mounted Police.
- (2) Every keeper, proprietor or manager of every boarding, lodging or rooming house having twelve (12) or more rooms to rent shall maintain therein a regular office so placed as to ensure adequate supervision of the premises and shall be or shall have some other responsible person present and available at said office during all hours that his or her boarding, lodging or rooming house is open for business.
- (3) For the purpose of this Section, any keeper of a building or portion thereof used partly as a boarding, lodging or rooming house and partly as an apartment house, if

occupied by more than four (4) persons other than the immediate family of the keeper, shall pay a licence as a boarding, lodging or rooming house whichever licence is greater in such instance.

- (4) For the purposes of this Section, the word "family" means the immediate family, which consists of mother, father, brothers and sisters, and any parent of the mother and father.

309 DEVELOPER/PROJECT MANAGER

- (1) No person shall build or alter a private dwelling or a commercial building without employing a general contractor.
- (2) Subsection 309(1) does not apply to a person building or altering his/her own private residence or their own commercial building.

310 BUTCHERS

- (1) The premises in which the butcher business is carried on shall at all times conform in all respects to any regulations duly passed pursuant to the *Public Health Act*.

311 CATERERS

- (1) Every caterer shall maintain in good working condition adequate facilities, equipment and appliances used in preparing or serving food and shall comply with all regulations made under the *Public Health Act* with respect to the serving of food products.
- (2) Every caterer shall maintain all vehicles used in the transportation of food products in a clean and sanitary condition satisfactory to the Medical Officer of Health.

312 CHRISTMAS TREE VENDORS

Section 312 (1)

as amended by By-law No. 4436 Feb 12/07

- (1) Every person who offers Christmas trees for sale on any site outside of a building shall first obtain a licence listing the site or sites to be used and shall pay the licence fee in accordance with By-law No. 4436 or any successor By-law.

(2) Such licence shall be obtained on or before December 10th of each year.

(a) Such Licence shall not be valid without clearance under the Zoning By-law of the City of Yellowknife.

313 CONTRACTORS

(1) No person shall carry on or operate the business of a contractor unless and until he or she holds a subsisting licence to do so issued pursuant to the provisions of this By-Law for each of the defined categories.

(2) A contractor as herein defined shall supply to the Inspector, upon request, the name and address of each contract awarded.

314 CONTRACTOR/TRADES

(1) Every business who enters into a contract or supplies a service wherein a tradesman is required, shall obtain a contractor (trades) licence pursuant to the provisions of this By-Law.

315 DANCE HALLS/BINGO HALLS

(1) No person shall operate a dance hall or a bingo hall without first having obtained a licence required pursuant to the provisions of this By-Law, and such a licence shall be conspicuously posted upon the premises.

316 DRY CLEANERS

(1) No person shall carry on the business of a dry cleaner unless the building or premises and the machinery and equipment used in connection with such business have been certified by the Chief of the Fire Department to comply with the provisions of the Fire Prevention By-Law and the Building By-Law.

317 FIREARMS/AMMUNITION DEALERS

(1) All firearms dealers shall comply with all Federal, Provincial or Municipal regulations dealing with firearms, as defined by the Criminal Code of Canada, or ammunition therefore and further, shall also comply with all recommendations governing the safety, security, handling or storage of such firearms or ammunition that may be made by the Inspector or his designate(s).

- (2) Pawnbrokers, secondhand dealers and/or junk dealers shall not deal with restricted weapons, as defined by the Criminal Code of Canada.
- (3) All firearms dealers shall be subject to clearance under the Zoning By-Law of the City of Yellowknife.

318 **GENERAL CONTRACTORS**

- (1) A general contractor is required:
 - (a) to hold a certificate of qualification as a journeyman carpenter, or employ a journeyman carpenter on his staff, prior to the Inspector issuing a Business Licence.
- (2) Any licence issued to a general contractor is subject to the following conditions:
 - (a) that the licence was granted to a general contractor based upon his qualifications under Subsection (1), or
 - (b) that the licence was granted upon the qualifications of an employee actively engaged by the general contractor.

and the licence shall be cancelled pursuant to the provisions contained within Section 233, if:

- (a) the licence was granted to a general contractor pursuant to subsection (1) based on his qualifications and the general contractor ceases to be so qualified; or
 - (b) the licence was granted upon the qualifications of an employee actively engaged by the general contractor and that person ceases to be actively engaged by the general contractor or ceases to be qualified.
- (3) No person having the qualifications required under Subsection (1) of this Section shall allow such qualifications to be used as a basis for obtaining a business licence if such qualifications have been used to obtain another licence which is still subsisting.

- (4) Upon request of the Inspector, or his designate, a person making application for a building permit shall furnish a list disclosing the general contractor, sub-contractors and subtrades employed on the project.

319 **HANDYMAN**

- (1) No handyman will alter the structural components of a building.
- (2) A handyman may only do minor repairs and all minor renovations to a building and its components.

320 **HAWKER PEDLAR**

- (1) No person shall commence or shall carry on or engage in the business of hawker/pedlar within the City unless and until such person is the holder of a subsisting licence so to do issued pursuant to the provisions of this By-Law.
- (2) The Inspector, or his designate, shall not issue a licence to a hawker/pedlar of foodstuffs, fruits and/or vegetables until the applicant has produced a certificate from the Government of the Northwest Territories' Department of Health.

321 **MARKET TRADERS/FLEA**

- (1) A person carrying on the business of a market shall furnish to the Inspector, an R.C.M.P. Officer or an authorized person upon request all information available to him concerning the operator of any stall or other restricted area that is operated on the premises.

Section 322

as amended by By-law No. 4277 Mar 22/04

322 **VENDORS**

- (1) No vendor shall be permitted to use City property or streets for the purposes of vending food or merchandise without the prior written permission of the Senior Administrative Officer or his or her designate.
- (2) No vendor other than a food vendor shall operate on City property in the area between 44 Street to 54 Street, and 49 Avenue to 52 Avenue, inclusive.

- (3) A licence for food vending shall only be issued or renewed after a vendor has submitted:
 - a) a certificate of compliance from the Local Health Authority established by the Government of the Northwest Territories; and
 - b) if liquefied petroleum gas is being used at the vending stand, a certificate of compliance from the Department of Public Works and Services of the Government of the Northwest Territories;

to the SAO or his or her designate.

- (4) Every vendor shall keep the sidewalks, streets and other spaces adjacent to their vending stand clean and free of paper, peelings and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating within three (3) metres of any vending stand shall be collected by the vendor and deposited in a garbage receptacle.
- (5) Every vendor shall either affix to their vending stand or place within one (1) metre of it a receptacle for garbage that shall be both maintained and emptied regularly and marked either as being for litter or garbage.
- (6) Every vendor shall display in plain view a copy of their business license by affixing it to their vending stand.
- (7) No vendor shall obstruct a public way without the prior written permission of the Senior Administrative Officer or his or her designate.
- (8) No vendor shall expose the public to an unsafe condition.
- (9) Section 322, Subsections (2) and (7) shall not apply to special events.

323 MOBILE UNIT PARKS

- (1) The licensee of the mobile unit park shall keep a register in writing containing the following information:
 - (a) the name of each person provided with accommodation, and
 - (b) the date of arrival and departure of such person,

- (c) and shall keep such register available for inspection at all times by the Inspector or any member of his staff or any R.C.M.P. Officer.
- (2) The licensee of a mobile unit park shall upon request provide to an Inspector in writing:
 - (a) the name and address of the owner of each mobile unit in the mobile park,
 - (b) any change of ownership or occupancy or any removal of a mobile unit from the park.

324 MOTELS AND HOTELS

- (1) The Inspector shall not issue a licence for the operation of a motel or hotel until he has obtained the approval of the Medical Officer of Health, the Building Inspection Division and/or the compliance to the Zoning By-Law of the City of Yellowknife.
- (2) The licensee of a motel or hotel shall keep a register in writing containing the following information:
 - (a) the name and address of each person provided accommodation;
 - (b) the make, year of manufacture and licence number of the motor vehicle used to transport the person or persons provided with accommodation;
 - (c) shall keep such register available for inspection at all times by the Inspector or any member of his staff or any R.C.M.P. Officer.

325 NON-RESIDENT BUSINESS

Section 325 (1)

as amended by By-law No. 4436 Feb 12/07

- (1) For the purpose of determining whether or not a place of business is maintained within the City of Yellowknife, the Inspector may rely upon a current City of Yellowknife tax assessment roll and where satisfied that the said business is not listed on that roll, the business shall, be deemed, in the absence of contrary evidence, not to maintain a place of business within the corporate boundaries of the City of Yellowknife and shall therefore

be required to pay a fee as set out in By-law No. 4436 or any successor by-law.

326 **PAWNBROKER(S)**

- (1) Every pawnbroker shall have a sign with his name and the word "Pawnbroker" in large legible characters thereon placed outside the shop or other place used by the pawnbroker for carrying on his business.
- (2) Every pawnbroker shall at all times keep posted in a conspicuous position on his premises so as to be easily seen and read by persons pledging goods, on a card or sign having printed or painted thereon the following information:
 - (a) the rate of profit allowed by the Statutes of Canada to be taken by pawnbrokers,
 - (b) the amount which the pawnbroker is entitled to charge for the notes which he or she is required to furnish under the provisions of this By-Law to a person pledging goods.
- (3) Every pawnbroker shall keep a book in which he or she shall record legibly in ink at the time of or before advancing money on any goods or articles, the following information:
 - (a) date and hour of pledge;
 - (b) name, physical description and address of the person pledging the goods;
 - (c) description of the goods or articles pledged;
 - (d) the rate of profit charged by him.

327 **PRESSING AND REPAIRING**

- (1) The building or premises whereon the business of pressing and repairing is carried on shall conform to the provisions of the Fire Prevention By-Law and the Building By-Law.

328 **RADIO/ELECTRONIC SERVICING**

- (1) Every person licensed hereunder must either himself be a radio technician holding a Certificate of Proficiency or

must have at least one such radio technician on his full-time staff.

329 **RENTAL AGENCIES**

- (1) No rental agency shall advertise premises for rent or lease that are not or will not be available for rent or lease.
- (2) No rental agency shall list premises as being for rent or lease without the written consent of the owner or duly authorized agent of the owner of the premises or without the owner having acquired or made arrangement for an occupancy permit.
- (3) Each rental agency shall have a sample of the type of information which is going to be furnished by the rental agency upon the payment of the deposit charge or fee.

330 **RESTAURANTS**

- (1) No person shall operate a restaurant in such a manner so as to contravene the *Public Health Act* of the Northwest Territories or the Fire Prevention By-Law of the City of Yellowknife.
- (2) Every restaurant shall conform to all Federal, Territorial and Municipal By-Laws or regulations relating to restaurants.

331 **SALVAGE DEALERS**

- (1) A salvage dealer shall only buy from the following person:
 - (a) a person sixteen (16) years of age or over;
 - (b) a person not appearing to be under the influence of alcohol or drugs;
 - (c) a person who, if using a motor vehicle, gives to the salvage dealer the licence number of the vehicle.
- (2) A salvage dealer who buys any material from a person, firm or corporation other than his regular and bona fide customers, shall keep such goods or articles for a period of five (5) days at his warehouse or yard in a place where it may be examined by the By-Law Enforcement

Department or the Royal Canadian Mounted Police at any time during business hours. If, at any time, the dealer has any reason to doubt the title of the vendor or material he shall fill in a report form as provided by the Royal Canadian Mounted Police and shall advise the Royal Canadian Mounted Police by telephone promptly of the transaction.

- (3) Every salvage dealer shall prepare in duplicate purchase invoices giving the following details about materials that he has acquired:
 - (a) a brief description of the article;
 - (b) the amount paid for the article;
 - (c) the name and address of the person from whom the article or materials was acquired;
 - (d) whether the dealer knows the vendor.
- (4) Every salvage dealer shall supply one copy of this invoice to the Inspector or the Royal Canadian Mounted Police, whenever required.
- (5) No salvage dealer may display any goods, wares, merchandise or articles owned or controlled by him except upon land that is owned or controlled by the salvage dealer and in no case shall the article be displayed where they will obstruct, ingress or egress on the dealer's property or building.
- (6) Every salvage dealer shall enclose his property where salvage materials are accumulated by a board fence, a metal fence, a brick fence or a cement block fence of a reasonable height and of a type suitable to the Building Inspector Officer and these fences shall be at all times maintained in a neat and sound condition.

332 **SECOND HAND DEALERS**

- (1) No second hand dealer shall acquire any second-hand goods from any person unless the latter person:
 - (a) is sixteen (16) years of age or over; and,
 - (b) does not appear to be under the influence of liquor.
- (2) No second hand dealer shall alter, repair, dispose of or in any way part with possession of second hand off-the-street merchandise acquired in the course of his business

from persons bringing the particular items to his premises until five (5) days (exclusive of Sundays and Holidays) from the date of acquisition have elapsed. During this five (5) days the second hand dealer shall keep the second hand goods on the premises separate and apart from the other merchandise so they may be examined at any time during business hours by an Inspector or the Royal Canadian Mounted Police who may be accompanied by some private citizen who is there in order to assist in locating any good or identifying goods reported stolen or suspected of being stolen.

- (3) This subsection shall not apply to the following goods, namely:
- (a) household sales of furniture and chattels purchased by lot;
 - (b) estate sales, of furniture and chattels by the legal representative,
 - (c) goods and chattels purchased at an auction sale; or
 - (d) bulk purchases of trade-ins purchased from persons carrying on a retail business in Yellowknife.
- (4) Every second hand dealer shall keep a second hand dealer's register consisting of a book in which the dealer shall record information about goods that he has acquired together with a description of the person from whom the goods were acquired and such record shall be completed as soon as the transaction has taken place.
- (a) records in the second hand dealer's register shall be in ink and shall be written plainly;
 - (b) every second hand dealer shall enter in the register the following information:
 - (i) the hour of each purchase, sale or exchange;
 - (ii) the amount paid for the article;
 - (iii) a brief description of the article including serial number and manufacturer's name, if any; and

- (iv) the name, address and description of the person from who the second hand goods were acquired.
 - (c) If a serial number has been removed or is missing, a special note of this fact shall be made.
 - (d) Every person who destroys, alters, mutilates, or falsifies any second hand dealer's register is guilty of an offence.
 - (e) Every second hand dealer shall keep his or her register open to inspection by the Inspector or the Royal Canadian Mounted Police at all times during business hours.
- (5) Every second hand dealer shall allow a member of the By-Law Enforcement Department, the Royal Canadian Mounted Police or the Inspector to remove his register for inspection at the By-Law Department or Royal Canadian Mounted Police Department headquarters for use in Court.

333 SHOOTING GALLERIES/RANGES

- (1) No licence shall be issued to the keeper of a shooting gallery unless and until the Inspector is satisfied that proper precautions exist therein and about for protecting the public from bullets or other missiles used in the gallery.

334 THEATRES

- (1) Every licensee of a theatre, music or concert hall, exhibition, show or other place of public amusement, shall keep the premise in good order and shall keep engaged at all times a sufficient number of employees for that purpose.
- (2) No licence shall be issued to a keeper of a theatre, music or concert hall, exhibition, show or other place of public amusement until the premises have been inspected by the Building Inspector and Fire Chief of the City of Yellowknife and such officers have certified that the premises proposed to be licensed comply with the provisions of the Building Code and Fire Prevention By-Law respectively.

335 **TRANSIENT CONTRACTORS**

- (1) Any person acting as a contractor who does not maintain a permanent place of business within the City of Yellowknife shall hold a subsisting licence to act as a transient contractor issued by the Inspector pursuant to the provisions of this By-Law.

336 **TRANSIENT TRADER**

- (1) No person shall commence to or carry on or engage in the business, trade occupation, employment or calling of a transient trader within the City unless and until such a person is the holder of a subsisting licence so to do, issued by the licence Inspector pursuant to the provisions of the By-Law.

337 **USED CAR DEALERS**

- (1) Every used car dealer shall obtain from each person from whom he receives a motor vehicle for sale or other disposal:
 - (a) documents proving that the person concerned owns the motor vehicle concerned or has the authority to sell and dispose thereof;
 - (b) a written agreement for sale of the motor vehicle to the used car dealer or written authority for the used car dealer to sell or dispose of such motor vehicle, as the case may be, bearing the signature of the person selling; and shall keep such documents on file at his place of business premises and whenever required to do so shall permit an R.C.M.P. Officer or Inspector to inspect the same.

Section 338
as amended by By-law No. 4081 Oct 25/99

338 **ADULT PUBLICATIONS**

- (1) No business shall distribute or sell adult publications to persons under the age of 18 years.
- (2) Every video store shall keep adult publications separate from the main store area in a private room with a closing door.

REPEALS

400 By-Laws 3063 and 3092 are hereby repealed.

EFFECT

500 This By-Law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 58 of the *Cities, Towns and Villages Act*.

CITY OF YELLOWKNIFE
BY-LAW NO. 3451
Schedule "A"

APPLICATION FOR BUSINESS LICENCE

Date: _____

COMPANY INFORMATION (Please Print)

COMPANY NAME: _____

COMPANY STREET ADDRESS: _____

COMPANY MAILING ADDRESS: _____

POSTAL CODE: _____ PHONE # (BUSINESS): _____

FACSIMILE NO: _____

TYPE OF BUSINESS: _____

TRADE QUALIFICATIONS: _____

PROJECT CONTRACTED FOR: _____

WORKERS' COMPENSATION BOARD FORM NUMBER: _____

(if applicable)

PERSONAL INFORMATION

OWNER(S) NAME(S): _____

RESIDENTIAL ADDRESS: _____

MANAGER: _____

POSTAL CODE: _____ PHONE # (RESIDENTIAL): _____

WCB COPY OF COMPLIANCE FORM MUST BE ATTACHED

Signature of Applicant

FOR OFFICE USE ONLY:

Business Licence No. _____ Renewal Date: _____

Annual Fee: _____

CITY OF YELLOWKNIFE
BY-LAW NO. 3451
Schedule "B"

BUSINESS LICENCE RENEWAL FORM

COMPANY NAME: _____

COMPANY AGENT: _____

STREET ADDRESS: _____

MAILING ADDRESS: _____ POSTAL CODE: _____

PHONE NUMBERS: BUSINESS: _____ HOME: _____

TYPE OF BUSINESS: _____

WORKERS' COMPENSATION FORM #: _____ (Please Attach)

TRADE QUALIFICATIONS: _____

ANNUAL FEE: _____ HOME OCCUPATION

_____ OUT OF CITY (AS LISTED IN SCHEDULE C)

_____ OTHER AS PER SCHEDULE C

EXPIRY DATE OF LICENCE: _____

Signature of Applicant

Date

PLEASE SIGN IF YOU ARE RENEWING YOUR BUSINESS AS A HOME OCCUPATION.
(For businesses carried on from a place of residence).

I HEREBY APPLY TO RENEW THE DEVELOPMENT PERMIT FOR MY HOME OCCUPATION AND
AGREE TO ABIDE BY THE REGULATION SET OUT FOR THE SAME.

Signature of Applicant

Date

OFFICE USE:

Health Inspector: _____ Date: _____

Building Inspector: _____ Date: _____

Fire Inspector: _____ Date: _____

New Business Licence #: _____ Renewal Date: _____

CITY OF YELLOWKNIFE
BY-LAW NO. 3451
Schedule "C"

BUSINESS LICENCE

BUSINESS NAME: _____

LOCATION: _____

LICENSEE: _____

TYPE OF BUSINESS: _____

EXPIRY DATE: _____

This licence is granted subject to the observance by the licensee of all the applicable by-laws of the City of Yellowknife, Territorial Acts and other Statutes, and unless otherwise forfeited, will expire one year from date of issue.

Licence Fee: _____

Licence No.: _____

(Approved)

CITY OF YELLOWKNIFE
BY-LAW NO. 3451
Schedule "D"

Schedule D
deleted by By-law No. 4436 Feb 12/07

CITY OF YELLOWKNIFE
BY-LAW NO. 3451
Schedule "E"

Tradesmen requiring qualification for the issuance of a business licence in the City of Yellowknife.

- Appliance Serviceman
- Autobody Mechanic
- Blaster
- Carpenter
- Electrician
- Electronic Technician
- Floor Laying Mechanic
- Gas Fitter *
- Heavy Duty Mechanic
- Insulator (Mechanical Systems) *
- Machinist
- Motor Vehicle Mechanic
- Oil Burner Mechanic *
- Plumber *
- Refrigeration & Air Conditioning Mechanic *
- Sheet Metal Mechanic *
- Steam Fitter/Pipe Fitter *
- Welder *

* Denotes Mechanical Trades Grouping

CITY OF YELLOWKNIFE
BY-LAW NO. 3451
Schedule "F"

BUSINESS LICENCE INFORMATION CHANGES

DATE: _____

NAME OF BUSINESS: _____

OWNERS NAME: _____

I require the following information changed on my Business
Licence:

LICENSEE SIGNATURE: _____

CITY OF YELLOWKNIFE
BY-LAW NO. 3451
Schedule "G"

APPLICATION TO TRANSFER A BUSINESS LICENCE

SELLER

NAME OF SELLER: _____ PHONE #: _____

NAME OF BUSINESS: _____ PHONE #: _____

ADDRESS OF BUSINESS: _____

BUYER

NAME OF OWNER: _____ PHONE #: _____

ADDRESS OF OWNER: _____ POSTAL CODE: _____

NAME OF BUSINESS: _____ PHONE #: _____

ADDRESS OF BUSINESS: _____ POSTAL CODE: _____

TYPE OF BUSINESS: _____

MANAGER: _____

QUALIFICATION OF BUYER (if applicable)

(Buyer Signature)

(Seller Signature)

(Approved)

(Date)

CITY OF YELLOWKNIFE
BY-LAW NO. 3451
Schedule "H"

APPLICATION TO CONDUCT BUSINESS ON CITY PROPERTY

NAME OF LICENSEE: _____ PHONE #: _____

ADDRESS OF LICENSEE: _____

NAME OF BUSINESS: _____

ADDRESS OF BUSINESS: _____

OPERATOR/MANAGER OF BUSINESS: _____

POSTAL CODE: _____ PHONE #: _____

TYPE OF BUSINESS: _____

I _____ request permission to conduct business
(licensee)

at _____ from _____ to _____
(address) (date) (date)

for the purpose of selling _____

(signature of applicant)

(date)

APPROVED

CITY OF YELLOWKNIFE
BY-LAW NO. 3451
Schedule "I"

BUSINESS LICENCE CARD

DATE: _____

NAME: _____

MANAGER: _____

ADDRESS: _____ POSTAL CODE: _____

COMPANY NAME: _____

PRODUCT LINE: _____

LOCATION: _____

(Licensee Signature)

(Approved)

(Expiry Date)

CITY OF YELLOWKNIFE
BY-LAW NO. 3451
Schedule "J"

VOLUNTARY FINES

Operating a business without a valid licence	\$250.00
Operating a business in violation of the conditions for that business	\$100.00
Obstructing an Inspector in the performance of their duty	\$250.00
Failing to produce Business Licence Card	\$100.00
Operating a business on City property without approval	\$100.00
Failing to post a Business Licence	\$25.00
Hawker/Pedlar operating contrary to specific hours	\$50.00

CITY OF YELLOWKNIFE
BY-LAW NO. 3451
Schedule "K"

APPLICATION FOR OPERATING SOUND TRUCK(S)

NAME: _____ DATE: _____

ADDRESS: _____ POSTAL CODE: _____

PHONE #: _____

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

POSTAL CODE: _____ PHONE #: _____

TYPE OF VEHICLE:

_____ (make) _____ (model) _____ (color) _____ (plate number)

AREA REQUESTED: _____
(road/street names)

PERMIT EXPIRY DATE: _____

No truck will operate between 1900 hours and 0900 hours of the following day.

(Applicant's Signature)

(Approved)