

**Splatsin te Secwepemc**  
**Bylaw No. 2019-**  
**A bylaw for the licensing of Businesses, Callings, Trades**  
**and Occupations on the Splatsin te Secwepemc**

**WHEREAS** Splatsin, as part of the Secwepemc Nation, are and have always been a sovereign people having historically affirmed and exercised our exclusive jurisdiction over our territory;

**WHEREAS** the Splatsin Government has the authority to make such laws based on its inherent right of self-government and self-determination, as recognized and affirmed in the domestic laws of Canada, including the *Constitution Act, 1982*;

**AND WHEREAS** the Council of the Splatsin te Secwepemc desires to make a bylaw for the licensing of Businesses, callings, trades and occupations on the Splatsin te Secwepemc;

**AND WHEREAS** the Council of the Splatsin te Secwepemc is empowered to make such a bylaw pursuant to paragraphs 83(1) (a.1), and (g) of the Indian Act;

**NOW THEREFORE** the Council of the Splatsin te Secwepemc hereby makes the following bylaw.

**1. Short Title**

This bylaw may be cited as the Splatsin te Secwepemc Business Licence Bylaw.

**2. Interpretation**

- (1) If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the bylaw and such invalidity shall not affect the validity of the remaining portions of this bylaw.
- (2) Words or phrases defined in the British Columbia *Interpretation Act*, *Community Charter*, or *Local Government Act*, or any successor legislation shall have the same meaning when used in this bylaw unless otherwise defined in this bylaw. Unless otherwise stated, and notwithstanding the case used (upper case or lower case), when words or phrases that are defined in Section 3 of this bylaw are used in the body or schedules of this bylaw, they have the meaning ascribed to them as set out in Section 3.
- (3) The headings contained in this bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.
- (4) Metric units and imperial measurements are used for all measurements in this bylaw.
- (5) Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time, and any bylaw or Council policy referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Council of Splatsin te Secwepemc, as amended, revised, consolidated, or replaced from time to time.

**"Reserve"** means land located within the Band Reserve Numbers 1 to 3, any other Band reserves or special reserves (as defined under the *Indian Act*) and any other land over which the Band has jurisdiction to pass bylaws or to manage land or development or both; includes designated land, land held under a Certificate of Possession and land held under a section 28(2) permit, as defined under the *Indian Act*.

**"Secondary Business Licence Fee"** means those additional fees, as described in Schedule "A" attached hereto and determined by the Business Licence Inspector, which are payable by a person or entity in addition to a Primary Business Licence Fee if the Business owner and location are the same as the primary licence holder.

#### **4. General Regulations**

##### *Appointment of Business Licence Inspector*

- (1) Council shall, by resolution, appoint a person(s) to be the Business Licence Inspector for the purpose of enforcing and carrying out the provisions of this bylaw.

##### *Authority of Business Licence Inspector*

- (2) The Business Licence Inspector shall classify and interpret each application for a Business licence in accordance with the Business categories listed in Schedule "A" attached hereto.
- (3) The Business Licence Inspector shall have the authority to grant or refuse a Business licence in any specific case, provided that a Business licence shall not be unreasonably refused and, in the case of refusal, upon request, the Business Licence Inspector must provide written reasons for refusal.
- (4) In considering whether to grant or refuse a Business Licence, the Business Licence Inspector shall assess factors including, but not limited to: whether or not the applicant has complied with the requirements of all acts, enactments, regulations, and bylaws governing building, zoning, fire, health, sanitation, or Business.
- (5) The Business Licence Inspector may establish the terms and conditions of a Business licence, or the terms and conditions that must be met for obtaining, continuing to hold, or renewing a Business licence.
- (6) The Business Licence Inspector shall have the authority to enter onto and into property to inspect and determine whether all regulations, prohibitions, and requirements established by this bylaw are being met.

##### *Compliance with Other Enactments*

- (7) Where any Federal/Provincial Act or Regulation or any other Band bylaw applies to any matter covered by this bylaw, the issuance of a Business licence under the provisions of this bylaw shall not relieve the Business licence holder from complying with the provisions of such other enactments.

- (13) Upon receipt of a written notice for reconsideration by the Business Licence Inspector, the Business Licence Inspector shall schedule the time, date, and place for Council to hear the reconsideration.
- (14) In reconsideration of a decision made by the Business Licence Inspector to refuse, suspend or cancel a Business licence, Council may confirm or set aside the Business Licence Inspector's decision as it may deem appropriate in the circumstances.

## **5. Business Licence Regulations**

### *Business Licence Required*

- (1) No person or entity shall carry on a Business within the Splitsin te Secwepemc without having first obtained a valid Business licence issued by the Business Licence Inspector.

### *Separate Business Licence*

- (2) Except as provided in Section 5. (21) (Temporary Business Licence) of this bylaw, where a Business is carried on in or from more than one Premises on the Splitsin te Secwepemc, the Business carried on in or from each Premises shall be deemed to be a separate Business and shall require a separate Business licence.
- (3) Where there is more than one separate and distinct Business category located within the same Premises, each Business category shall have a separate Business licence.
- (4) Where a Business operates with more than one distinct trade name within the same Premises, only a single Business Licence Fee will be required - subject to the following:
  - (a) The Business licence issued must include both trade names on one licence;
  - (b) The second trade name Business activity must fall within the same Business category and sub-category as the first licence;
  - (c) The ownership for both trade names must be the same;
  - (d) The second trade name Business activity must be in the same location as the primary Business;
  - (e) Only Businesses with flat rate Business Licence Fee calculations are eligible; and
  - (f) Businesses requesting separate licences for each trade name will be required to pay an additional fee or a Secondary Business Licence Fee (as determined by the Business Licence Inspector).

### *Business Licensing Period*

- (5) Except as otherwise provided, Business licences shall be granted for a one year period, to commence on the first day of January and to terminate on the 31st day of December in each and every year.