

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.

3. Definitions

"Band" means the Splat sin te Secwepemc.

"Business" means:

- (1) Carrying on of a commercial or industrial undertaking of any kind; or
- (2) Providing professional, personal, or other services with a purpose of gain or profit, but does not include any activity carried on by the provincial government, or by corporations owned by the provincial government, or by agencies of the provincial government, or by the Splat sin te Secwepemc.

"Business Licence" means a licence issued by the Business Licence Inspector in a form approved by the Business Licence Inspector, which licence is required to operate a Business on the Splat sin te Secwepemc.

"Business Licence Fee" means a Primary Business Licence Fee or a Secondary Business Licence Fee, as the context requires.

"Business Licence Inspector" means the officer(s) appointed as such from time to time by the Splat sin te Secwepemc and any person delegated to assist in carrying out his/her duties under this bylaw.

"Cannabis" means;

- (1) Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- (2) Any substance or mixture of substances that contains or has on it any part of such a plant; and
- (3) Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

"Cannabis Retail Store" means a business licensed under the Splat sin te Secwepemc Cannabis Regulation Bylaw and the Splat sin te Secwepemc Cannabis law

"Council" means the Council of the Splat sin te Secwepemc, as defined in the *Indian Act*, or any successor to such council of the Band pursuant to a federal Statute or otherwise.

"Planning Manager" means the Band's Planning Manager, or the successor thereto.

"Premises" means a building or portion of a building or an area of land occupied, or capable of being occupied, by a person or Business entity for the purpose of carrying on a Business, including, but not limited to: stores, offices, warehouses, factory buildings, houses, enclosures, yards, or other places.

"Primary Business Licence Fee" means those fees, as described in Schedule "A" attached hereto and determined by the Business Licence Inspector, which are payable by a person or entity for the Business category is the dominant or most known use by the person or entity.

"RCMP" means the Royal Canadian Mounted Police.

"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.

- (8) The issuance of a Business licence shall not be deemed to be a representation by the Band to the Business Licence holder that the Business or proposed Business complies with any or all applicable bylaws or enactments. The Business licence holder remains responsible to ensure compliance with all bylaws and enactments.
- (9) The Business Licence Inspector may suspend or cancel a Business licence for:
- (a) Failure by a Business licence holder to comply with a term or condition of a Business licence;
 - (b) Failure by a Business licence holder to comply with this bylaw; or
 - (c) Reasonable cause that has been deemed a community health and/or safety concern,
- provided that the Business Licence Inspector has, before the suspension or cancellation, given the Business licence holder notice of the proposed suspension or cancellation and has given the Business licence holder an opportunity to be heard.
- (10) Notice of suspension or cancellation of a Business licence:
- (a) Shall be issued to the Business Licence holder by the Business Licence Inspector, in writing, outlining:
 - i. the reasons for the suspension or cancellation;
 - ii. the time, date, and place of the hearing at which the Business licence holder will have an opportunity to be heard;
 - (b) Shall be served or delivered by registered mail to the Business licence holder to the address of the Business shown on the Business licence application; and
 - (c) Shall be posted by the Business Licence Inspector upon the premise(s) for which the Business licence was issued and such notice shall not be removed until the Business licence is reinstated, the former Business licence holder ceases to occupy the premise(s), or a new Business other than the one carried on by the Business licence holder is started in the premise(s).

Council Reconsideration of Refusal to Grant, Suspension or Cancellation of a Business Licence

- (11) If the Business Licence Inspector exercises his or her authority to refuse, suspend, or cancel a Business licence, the applicant or Business licence holder who is subject to the decision is entitled to have Council reconsider the matter.
- (12) An applicant or Business licence holder who wishes to have Council reconsider the refusal, suspension, or cancellation of a Business licence shall give written notice of its request for reconsideration to the Business Licence Inspector and such notice must include a description of the grounds upon which the request for Council reconsideration is made.

- (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 Splatstine 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 Splatstine 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.

Business Licence Refunds

- (6) Business Licence Fees are not refundable after issuance. A Business Licence Fee paid prior to issuance is refundable with a \$35 processing fee which shall be deducted from the paid Business Licence Fee prior to refund.

Business Licence Renewal

- (7) Business licence holders must renew their Business licence by submitting the required Business Licence Fee prior to the beginning of each licence period, regardless of whether a Business licence holder has received a renewal invoice or not. Business licence renewal payments received after January 15th in a given year will be subject to a \$25 late payment charge. This charge also will include a fee for any payment that are returned.
- (8) Businesses that do not renew their Business licence may be removed from the Business licence file and be considered no longer in Business where the Band has determined, through reasonable efforts, that the Business is no longer active.

Business Licence Application Forms

- (9) Every person applying for a Business licence or a transfer of a Business licence shall complete the Business licence application form approved by the Business Licence Inspector. Applications may be signed by the owner or a duly authorized representative.
- (10) Applications for change of location of home occupation Businesses or applications made for change of mailing address for commercial and non-resident Business can be made by telephone or email.
- (11) Applications may require additional documentation to be submitted in order for processing by the Band.

False Declarations

- (12) Any person making an application for a Business licence shall, on the Business licence application form approved by the Business Licence Inspector, give true and correct details in respect of the Business for which the Business licence is being applied. Any false declaration or concealment of material facts by a person making an application for a Business licence shall be deemed a contravention of this bylaw.

Business Licence Fees

- (13) Business Licence Fees are described in Schedule "A" attached hereto and shall be paid to the Band by the applicant with a Business licence application. Invoicing and e-commerce transactions of a new Business Licence Fee, transfer fees, and other fees may be permitted if approved by the Business Licence Inspector.
- (14) Band owned Businesses are exempt from the Business Licence fees.
- (15) Band Member businesses are exempt from the Business Licence fees if they are the sole owner of the business.

- (16) Band Members that are co-owners of a business will be charged the percentage of the fee that is not owned by them.
- (17) Registered provincial and federal non-profit societies, who through donations, fundraising or membership fees, collect 50% or more of their annual budget and whom are raising funds for a public service, can apply to the Business Licence Inspector to reduce the annual Business Licence Fee to \$15 per year. Copies of the current annual budget, society registration, and a description of the objectives or purpose may be requested by the Business Licence Inspector.
- (18) The Business Licence Inspector shall determine and distinguish where Primary Business Licence Fees and/or Secondary Business Licence Fees are payable in accordance with the provisions of Schedule "A" attached hereto.

Business Licence Fees Pro-Rated

- (19) Business Licence Fees for new Businesses starting after the first, second, and third quarter periods of a Business licensing period may be pro-rated accordingly. Pro-rating shall not apply to existing Businesses which obtain temporary licences pursuant to section 5. (20) or to other temporary Businesses or Businesses which have closed and re-opened within six months.

Form of Business Licence

- (20) Every Business licence granted pursuant to this bylaw shall state that the holder is licensed to carry on the Business stipulated in such Business licence in a lawful manner for the period specified in the Business licence at the place stated in the Business licence.

Display of Business Licence

- (21) Business Licences shall be permanently displayed at all times in the Business area of the premise(s) for Businesses which have public access. All other Businesses shall produce the Business licence certificate when requested for public inspection.

Temporary Business Licences

- (22) A temporary Business licence is permitted where an existing Business is carried on from a fixed premise on the Splatsin to Secwepemc and the Business wishes to independently carry on for a temporary period of time from a commercial premise elsewhere.
- (23) Temporary Business Licence Fees are set out in Schedule "A" attached hereto.
- (24) Temporary Business Licences Fees shall not be not pro-rated.

Change of Location

- (25) Changes of location in respect of a Business licence shall not be permitted unless and until the Business licence holder completes a new application for a Business licence and pays a change of location fee to the Band in the amount as set out in Schedule "A" attached hereto.

- (26) Home-based Businesses that change their location to another home are exempt from the requirement to pay a change of location fee but must submit a new Business licence application prior to the change of location.
- (27) In applying for a Business licence, if the applicant changes the location of the Business prior to approval and issuance of a Business licence by the Business Licence Inspector, then the applicant must submit a revised Business licence application and pay a change of location fee in the amount as set out in Schedule "A" attached hereto for each new location.

Assignment/Transfer of a Business Licence

- (28) Business Licences shall not be assignable or transferrable and, when ownership of a Business changes (including change in control of a Business entity), the new Business owner must apply to the Band for a new Business licence.
- (29) Notwithstanding that a new Business owner must apply for a new Business licence, if all outstanding Business Licence Fees are paid to date in respect of the existing Business licence, then there will be no additional Business Licence Fee payable by the new owner for the current licensing period.

Notification of Business Changes/Closure

- (30) Every Business licence holder shall notify the Business Licence Inspector in writing or by email of any change in the name, ownership, mailing and/or Business address, the Business practice, the Floor Area of the premise(s), the number of people, rental units, games machines, or vehicles used in the operation of the Business or any alteration to the Premises in which the Business is carried on.
- (31) Upon the termination or closing of a Business, the Business licence holder shall notify the Business Licence Inspector that a Business licence is no longer required.

6. Specific Business Regulations

Mobile Vendors/Solicitation

- (1) No Person Shall:
 - (a) Sell or offer for sale any book, magazine, or periodical, other than a newspaper, on any street on the Splatsin to Secwepemc;
 - (b) Without express instructions from the owner or occupier of a premise(s), attend upon or canvass at any residential premise(s) for the purpose of soliciting Business that is in any way connected with home repairs, home improvements, home alterations, or home landscaping. Delivery of mailbox flyers is not included in this restriction;
 - (c) Carry on any Food Truck or Trailer Business:
 - i. on any street without first obtaining a Right-of-way Usage Permit from the Planning and Engineering Manager;

- ii. on private property, without first obtaining written approval from the property owner; or
 - iii. on any Band park or Band playing field without obtaining approval from the Business Licence Inspector.
- (2) Mobile Food Concessions, food trucks and trailers, and sidewalk art sales must not impede pedestrian or vehicle traffic.
- (3) Mobile Food Concessions, food trucks and trailers, and equipment required by sidewalk artists must meet the approval of the Business Licence Inspector.
- (4) The Business Licence Inspector shall require Mobile Food Concessions, food trucks and trailers, and sidewalk artists to obtain and maintain comprehensive general liability insurance in the amount of not less than Two Million Dollars (\$2,000,000) and in conjunction with such insurance:
 - (a) The Band shall be included as an additional insured in the insurance policies that are obtained;
 - (b) The Business licence holder shall hold the Band harmless against claims, actions for injury, damage, loss, or death arising out of or resulting from the operation of a Mobile Food Concession or a display by a sidewalk artist;
 - (c) The Business licence holder's insurer must recognize, in writing in the insurance policy, the existence of the above hold harmless clause;
 - (d) An endorsement that the policy shall not be cancelled, lapsed, or materially altered without giving thirty (30) days' written notice to the Splitsin to Secwepemc; and
 - (e) Proof of such insurance to the satisfaction of the Band shall be submitted to the Business Licence Inspector prior to the issuance of a Business licence.
- (5) No person shall:
 - (a) Sell or solicit Business on a door to door basis between 2100 hours (9:00 pm) and 0900 hours (9:00 am);
 - (b) Operate a Mobile Food Concession between 2300 hours (11:00 pm) and 0900 hours (9:00 am);
 - (c) Produce or sell art on the sidewalk between 2200 hours (10:00 pm) and 0900 hours (9:00 am); or
 - (d) Operate a Food Truck or trailer on:
 - i. private property between 2300 hours (11:00 pm) and 0700 hours (7:00 am); or

- ii. any authorized Band street location between 1800 hours (6:00 pm) and 1000 hours (10:00 am).
- (6) Businesses classified as "Sale from Mobile Vehicle" (as set out in Schedule "A" attached hereto) shall be permitted to offer the sale of groceries and household items from private property only with the permission of the owner, and for no longer than two consecutive days per week in any one location.
- (7) Businesses classified as "Food Trucks or Trailers" offering the sale of food and beverage products must:
- (a) not be permanently affixed to any building or structure;
 - (b) keep the surrounding area clean and clear of all waste, grease, and food stains;
 - (c) ensure any grease or oil used for cooking purposes is collected and deposited in an approved manner and not deposited into the sewer; and
 - (d) not disturb persons on adjacent properties with noise and/or odours produced by generators and other Business-related devices or equipment.
- (8) Businesses classified as "Food Trucks or Trailers" located on private property must:
- (a) not operate more than five days in one week (Sunday to Sunday) and must be removed from the property on any days that the Food Truck or Trailer is not in operation;
 - (b) not exceed more than one Food Truck or Trailer on one legal parcel of land;
 - (c) not locate within 50 m of an established restaurant or cafe on a separate legal parcel of land (measured from the primary entrance of the establishment to the Food Truck or Trailer). Notwithstanding this regulation, should a new food establishment open up on separate parcel of land within 50 m of an existing Food Truck or Trailer Business, the Food Truck or Trailer may remain in its location; and
 - (d) ensure that any furniture, signage, solid waste and recycling receptacles, or other Business-related paraphernalia are sited on private property adjacent to the vehicle, do not obstruct vehicle or pedestrian movement, and are removed each day at close of Business. Off-vehicle paraphernalia is limited to one table, four chairs or two benches, one garbage receptacle, one recycling receptacle, one umbrella, and one sandwich board sign.
- (9) Businesses classified as "Food Trucks or Trailers" located on Band streets must:
- (a) ensure all signage and Business-related paraphernalia is attached to the Food Truck or Trailer, including solid waste and recycling receptacles. Freestanding or sandwich board signs, tables, chairs, and benches are not permitted in conjunction with the Business;
 - (b) maintain Food Truck or Trailer in clean condition and in good repair; and

- (c) comply with the terms and conditions outlined in its Right-of-way Usage Permit, including consistent participation on scheduled days, as outlined in the permit. The Planning and Engineering Manager or designate reserves the right to cancel and/or reassign the permit without reimbursement of permit fees should the Business fail to comply with the terms and conditions therein, including failure to show up for five or more consecutive permitted days.
- (10) Businesses who use commercial vehicles shall have their name, address, and telephone number affixed to a conspicuous place on both sides of each vehicle.
- (11) The soliciting of sales of any article, commodity, or thing, or any agreement for the provision of any service shall require a Business licence issued under the provisions of this bylaw.
- (12) All operators of Mobile Food Concessions and Food Truck or Trailer must provide on-site receptacles for solid waste and recyclables, keep their operating area clean.

Carnival/Circus/Entertainment Event - Insurance and Safety Standards

- (15) A person applying for a licence to hold a carnival, circus or entertainment event on public property shall be required by the Business Licence Inspector to obtain and maintain comprehensive general liability insurance in the amount of not less than Five Million Dollars (\$5,000,000) and in conjunction with such insurance:
 - (a) The Band shall be included as an additional insured in the insurance policies that are obtained;
 - (b) The Business licence holder shall hold the Band harmless against claims, actions for injury, damage, loss, or death arising out of or resulting from the operation of the carnival, circus or entertainment event;
 - (c) The Business licence holder's insurer must recognize, in writing in the insurance policy, the existence of the above hold harmless clause;
 - (d) An endorsement that the policy shall not be cancelled, lapsed, or materially altered without giving thirty (30) days' written notice to the Splatstin to Secwepemc; and
 - (e) Proof of such insurance to the satisfaction of the Band shall be submitted to the Business Licence Inspector prior to the issuance of a Business licence.
- (16) As a condition of issuance of a Business licence in respect of a carnival, circus or entertainment event on public property, or at any time during the term of the licence, the Business Licence Inspector may require:
 - (a) Proof that all machines, rides, and equipment to be used by the public at the carnival, circus or entertainment event conform to the safety standards of the provincial authority having jurisdiction; or

- (b) A deposit with the Band of a Standby Letter of Irrevocable Credit in the amount of Five Thousand Dollars (\$5,000) which shall be held by the Band as security to reimburse any expenses incurred to carry out clean-up operations or repair damage caused by the operation of the carnival, circus or entertainment event, it being understood that the Band may bring legal action or exercise other remedies against the licence holder if the clean-up operations or cost of repairs exceed the sum of Five Thousand Dollars (\$5,000). The security shall be returned to the Business licence holder if the Band is satisfied that the Business licence holder has carried out the necessary clean-up operations or repairs.

Security and Patrol, Vehicles for Hire, and Tobacco and Liquor Home Delivery Service Businesses

- (17) As a condition of issuance of a Business licence in respect of carrying on the Business of watching, guarding or patrolling for the protection of persons or property, or as a private detective, the Business Licence Inspector may require each person involved in the Business to:
 - (a) Hold a licence as set out in the *Security Services Act*; and/or
 - (b) Provide confirmation of a satisfactory criminal record check.
- (18) Prior to the issuance of a Business licence in respect of carrying on the Business involving sales or services of security, patrol, liquor home delivery, tobacco home delivery, or vehicle for hire, the Business Licence Inspector may forward the Business licence application to the RCMP for review and comment and the Business Licence Inspector may, as is reasonable in the circumstances, rely on the comments of the RCMP in determining whether to grant or refuse a Business licence.
 - (a) Maintain, on the Business Premises or Business licence holder's address, a list of all current employees, other people operating from the Business Premises and persons being handled on an agency basis, and upon request, make these lists available for inspection by the Business Licence Inspector or the RCMP;
 - (b) In each two-week period submit a list to the RCMP, in a form provided by the RCMP, of employees and other people operating from the Business Premises; noting names and ages, with each list to be signed by the owner or manager of the Business and delivered to the RCMP in an approved process;
 - (c) Not employ any person that is younger than 19 years of age;
 - (d) Not permit any person that is younger than 19 years of age to be on or at the Business Premises at any time;
 - (e) Not change the name or trade name identified in the Business licence without first notifying the Business Licence Inspector in writing of the intended name change at least fourteen (14) days prior to the use of the new name;
 - (f) Upon request by the RCMP, provide satisfactory confirmation of a criminal record check for all current employees, other people operating from the Business Premises, which criminal record checks confirm that all current employees, other people operating from the Business Premises have not been convicted of an

offence under either **Section 212 or 213** (Prostitution / Sexual Offences) of the *Criminal Code of Canada* within the previous five years prior to the criminal record check; and

- (g) Include their Business licence number in all media advertisements. Businesses Licensed Under the Provincial Liquor Control and Licensing Act

7. Offences and Penalties

- (1) A person who violates any of the provisions of this bylaw commits an offence and is liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1000) or to imprisonment for a term not exceeding thirty (30) days, or to both.

DATES OF ADOPTION

READ A FIRST TIME the ____ day of _____ 2019

READ A SECOND TIME the ____ day of _____ 2019

READ A THIRD TIME the ____ day of _____ 2019

This bylaw is hereby passed at a duly convened meeting of the Council of the Splatins te Secwepemc the ____th day of _____ 2019

Voting in favour of this bylaw are the following members of the Council:

Being the majority of those members of the Council of the Splatins te Secwepemc present. There are six (6) Council members and a quorum of Council is five (4) members.

Number of members of the Council present at the meeting: 5.

This bylaw comes into force on the day on which it is first published.

SCHEDULE "A"

BUSINESS LICENCE FEES AND BUSINESS CATEGORIES

The following Business Licence Fees for each of the Business categories listed in this Schedule "A" to Splitsin te Secwepemc Bylaw No. A bylaw for the licensing of Businesses, callings, trades and occupations on the Splitsin te Secwepemc, are payable by every person carrying on a Business as classified herein in each one-year licensing period (unless otherwise indicated) in accordance with the terms and conditions of this bylaw:

1. ACCOMODATIONS

1. Mobile home park, or campground:
 - (a) Mobile Home Park
\$5.60/space Minimum \$67.20
 - (b) Campground
\$2.80/space Minimum \$67.20

2. BUSINESS SERVICES

- (1) Service Businesses, excluding: Businesses which sell products as their primary Business and professional services, but specifically including, but not limited to: appliance and electronic repair service, auctioneer, collection agency, counselling service, dance studio, hall rental, janitorial service, research and development laboratory, liquor delivery service, office assistant and answering service, office use, photographic studio, commercial printing service, security/enforcement service, steam cleaning service, tax preparation service, travel agency, upholsterer, consulting services (vocational, educational, research and planning, and financial), land developer, driver training service, bookkeeper service, drafting and design service, automobile towing service, property maintenance and management service, Business machine maintenance service, and advertising, promotion and design service, day care facility, general handyman (non-trades), call centre, or tutoring:

	PRIMARY FEE	SECONDARY FEE
(a) Each Business Service	\$150.00	\$125.00
(b) Data Centre	\$150.00	\$125.00
(c) Game Meat Cutting	\$300.00	\$200.00
(d) Day Care Facility		

- i. 1-10 Children in care, where the location is home based, principal residence, and owner operated

PRIMARY FEE	SECONDARY FEE
\$75.00	N/A

- ii. More than 10 children in care

PRIMARY FEE
\$150.00

SECONDARY FEE
\$125.00

3. CANNABIS SALES

Selling cannabis to the public in establishments listed below (as defined in Section Two of this bylaw)

	PRIMARY FEE	SECONDARY FEE
a) Cannabis Retail Store	\$5,000.00	N/A

4. CARNIVAL/CIRCUS/ENTERTAINMENT

- (1) Carnival event-based fees:
- (a) Each carnival ride \$11.20/day
 - (b) Each exhibit, food or gaming booth \$5.60/day
- (2) Circus Event
- (a) Circus tent \$300.00/day
 - (b) Each exhibit, food or gaming booth \$5.60/day
- (3) Entertainment Event
- (a) Entertainment Event \$300.00/day
 - (b) Each exhibit, food or gaming booth \$5.60/day

5. CONTRACTOR

- (a) **General Contractor Commercial/Commercial Multi-subtrades:** includes any licence holder who will construct, renovate, repair, or demolish a commercial building, structure, or thing except single or two family dwellings whether or not the work is carried out by the Business licence holder or others.

PRIMARY FEE
\$150.00

SECONDARY FEE
\$125.00

- (b) **General Project Contractor:** includes, but is not limited to, the overall coordination of a project such as road construction, powerline and electrical.

PRIMARY FEE

SECONDARY FEE

\$150.00

\$125.00

- (c) **General Contractor (owner or leaseholder of commercial Premises):** includes any person who chooses to act as his own general contractor - for commercial work conducted on his own existing premise(s)

PRIMARY FEE
\$150.00/project

SECONDARY FEE

- (d) **General Contractor Residential/Residential Multi-subtrades (single and two family dwellings):** includes any licence holder who will construct, renovate, repair, or demolish a single or two family dwelling whether or not the work is carried out by the Business licence holder or others

PRIMARY FEE
\$150.00

SECONDARY FEE
\$125.00

- (e) **Subcontractor (Tradesperson):** which includes any person who acts as a tradesman for the construction, repairing, or demolishing of a building, structure, or thing (as more particularly described below which includes but not limited to the following trades):

- i. brick, concrete, stone, and masonry
- ii. building, carpentry, cabinet-making, framing, siding, and forming
- iii. demolition
- iv. drywall, gyproc, plaster, and stucco
- v. excavating, earthmoving
- vi. electrical
- vii. flooring and carpeting
- viii. glazing, installation of windows and doors
- ix. plumbing, heating, air conditioning, refrigeration, and sheet metal
- x. insulating, roofing
- xi. installation of mechanical equipment
- xii. ornamental metal work
- xiii. painting and decorating
- xiv. paving
- xv. equipment or machine operator
- xvi. structural metal fabricating and installing
- xvii. welding
- xviii. other

6. EQUIPMENT SALES, RENTAL AND SERVICE

Sales, rentals and service of industrial, trucking, farm equipment, construction equipment, light commercial equipment or retail rental equipment:

- | | PRIMARY FEE | SECONDARY FEE |
|---|-------------|---------------|
| (a) Heavy Industrial/Trucking Equipment | \$600.00 | \$500.00 |

(b)	Light Industrial or Farm Construction Equipment	\$150.00	\$125.00
(c)	Light Commercial and Retail Retail Rental Equipment	\$157.20	\$122.20

8. FABRICATING

A Business where pre-finished materials are used to make a product or thing, including, but not limited to: tire retread plant, woodworking shop, sign shop, garment factories, wire cable works, sheet metal shop, steel fabricating shop, and fiberglass fabricating shop:

		PRIMARY FEE	SECONDARY FEE
(a)	1-3 Persons	\$150.00	\$100.00
(b)	4-20 Persons	\$225.00	\$175.00
(c)	Greater than 20 Persons	\$325.00	\$275.00

9. FINANCIAL AND BROKERAGE COMPANIES

Bank, trust company, credit union, finance and loan company, brokerage company, cheque cashing services, payday loans services, independent stock broker, or independent mortgage broker:

		PRIMARY FEE	SECONDARY FEE
(a)	1-20 Employees	\$775.00	\$700.00
(b)	Over 20 Employees	\$1,500.00	\$1,300.00
(c)	Stand-alone Cash Machine(s)*	\$125.00	N/A
(d)	Cheque Cashing and Payday Loan Services	\$300.00	\$275.00
(e)	Independent Stock Broker or Mortgage Broker (maximum two people)	\$225.00	\$175.00

*Stand alone cash machine(s) requiring a separate Business licence for machines located in a separate premise(s) from a bank or under private ownership.

10. FOOD SERVICE

Preparation and/or sale of foods, including, but not limited to: a Mobile Food Concession, or Food Truck or trailer:

		PRIMARY FEE
(a)	Mobile Food Concessions	\$56.00/unit – Minimum \$224.40

- (b) Food Truck or Trailer \$246.80/unit

11. FUEL SALES AND SERVICE

- (a) Fuel bar*, service station*, or bulk fuel agent/dealer

PRIMARY FEE	SECONDARY FEE
\$225.00	\$200.00

*Fuel bars and service stations may provide a car wash and minor repairs to vehicles without an additional Business licence; and convenience goods for retail sale without an additional retail Business licence, provided that the convenience goods display area does not exceed 10 m².

12. HAIR STYLIST, MOBILE HAIRDRESSING, AESTHETICS, TATTOOING, BODY PIERCING

Hair stylist, cosmetologist, aesthetician, barber, or tattoo/body piercing services:

	PRIMARY FEE	SECONDARY FEE
(a) First Person	\$67.20	N/A
- Each additional person	\$22.40	N/A
(b) Mobile Hairdressing (Home based one person)	\$175.00	N/A
(c) Tattooing/Body Piercing	\$225.00	\$175.00

13. HANDICRAFTS AND ARTS

Small-scale home occupation Business only, which is owner operated making or producing a product or thing as a handicraft or art form, including, but not limited to: makers of ceramics, macrame, puppets, custom jewelry, glasswork products, gift baskets, freelance photographers, writers, artists or teachers of music, singing, or dancing:

	PRIMARY FEE	SECONDARY FEE
(a) General	\$67.20	
(b) Exhibition Sales*	\$5.60/day Minimum \$22.40	
(c) An adjunct licence to a person holding a Business licence issued under Category 12(a), which permits the production and the sale of art produced by a sidewalk artist as defined by this bylaw for no longer than a one month licensed period at a specified location approved by the Business Licence Inspector:	\$67.20	

(Note: A sidewalk use permit is required)

*Exhibition Sales means the temporary sale of products made by the Business licence holder and sold in Premises not holding an Art Market licence.

14. LAUNDROMAT AND DRY CLEANER

Laundromat or dry cleaner, which may include on-site fabric repair:

	PRIMARY FEE	SECONDARY FEE
(a) Laundromat Only	\$175.00	\$150.00
(b) Dry Cleaner Only	\$175.00	\$150.00
(c) Combined Laundromat and Dry Cleaner \$196.40 n/a	\$250.00	
(d) Drop-off Service Only	\$75.00 each location	

15. MANUFACTURING, REFINING & ENERGY PRODUCTION

Manufacturing a product or thing, including, but not limited to: food and beverage products, mining, energy production and from unfinished or raw materials:

	PRIMARY FEE	SECONDARY FEE
(a) Pulp Mill, Refinery, Cement Plant, Oil Tank Farm, Mining	\$1,500.00	\$1,300.00
(b) Saw Mill	\$1,100.00	\$1,000.00
(c) All Other Manufacturing Plants	\$550.00	\$500.00
(d) Private Energy Production	\$550.00	\$500.00

16. MEDIA SERVICE

Media-oriented service, including, but not limited to: newspaper publishers, broadcasting stations, or desktop publishing:

	PRIMARY FEE	SECONDARY FEE
(a) 1-3 Employees	\$175.00	\$150.00
(b) Greater than 3 Employees	\$275.00	\$225.00

17. MINOR TRADES AND OCCUPATIONS

Small-scale home occupation Business only, which is owner operated and service-oriented, and which may be of a seasonal nature, including, but not limited to: chimney sweeps, piano tuners, dressmakers, watch repairers, house cleaners, nannies, recreation/sport trainers, animal boarding kennels, sale of agricultural products grown on the Premises, fire wood sales, Christmas tree sales, or knife/saw sharpeners:

PRIMARY FEE	SECONDARY FEE
\$75.00	

18. MOBILE HOME SALES

Dealer for new and used mobile home sales from commercial Premises or a listing agency for used mobile homes located on private Premises, which may include installations:

	PRIMARY FEE	SECONDARY FEE
(a) Dealer Sales	\$275.00	\$225.00
(b) Listing Agency	\$175.00	\$150.00

19. PAWNBROKER

	PRIMARY FEE	SECONDARY FEE
(a) Pawnbroker	\$375.00	\$350.00
(b) Temporary Precious Metal Buyer	\$225.00	N/A

20. PROFESSIONAL AND REAL ESTATE AGENT/SALESPERSON AND INSURANCE AGENT/SALESPERSON

- (a) Professional service, including, but not limited to: engineering professionals, veterinarians, accounting professionals, barristers and solicitors, notaries public, medical professionals, dental professionals, surveyors, psychologists, real estate appraiser, insurance adjuster, physiotherapists, naturopathic physicians, architects, chiropractors.

FEE: \$150.00 for each professional person. Maximum combined fee \$3,000.00

- (b) Real estate agent/salesperson and insurance agent/salesperson

FEE: \$100.00 per agent/salesperson. Maximum combined fee \$3,000.00

21. RECREATION/HEALTH SPA FACILITY

Recreation facility (indoor/outdoor), health spa or bowling alley, including, but not limited to: aerobic fitness studios, bodybuilding gymnasiums, billiard halls or arcades:

PRIMARY FEE	SECONDARY FEE
\$225.00	\$175.00

22. REPAIR SHOP

Repair shop for automobiles, light trucks, snowmobiles, motorcycles, recreation vehicles, or boats, including, but not limited to: auto body shop, radiator shop, tire store, brake shop, muffler shop, machine shop, welding shop, and mechanical repair shop:

PRIMARY FEE	SECONDARY FEE
\$225.00	\$175.00

23. SALE FROM MOBILE VEHICLE

Selling goods or food products from a vehicle parked at a private property location is permitted with no permanent accessory structures, and for no longer than two consecutive days per week:

PRIMARY FEE
\$225.00

SECONDARY FEE
\$175.00

24. SALE OF GOODS

Selling or taking orders for the sale of products that are sold either by direct sales, telephone solicitation, door-to-door solicitations, mail order solicitation, online sales, or by home party solicitation:

- (a) Salesperson - \$146.00 each Maximum \$438.00

(Note: Restrictions apply to door to door solicitation - Section 6. (5)(a)

- (b) Home party salesperson - \$89.60 each

Home party salesperson includes, but is not limited to, person(s) selling cosmetics, home beautifiers, household cleaning products, educational products, clothing and toys which may be sold only by home party, in homes other than the salesperson's home.

25. THEATRES AND MARKETS

Concert venue, farmers' market, flea market, or art market:

	PRIMARY FEE	SECONDARY FEE
(a) Concert	\$550.00	\$500.00
(b) Farmers' Market	\$275.00	\$225.00
(c) Flea Market*	\$250.00	\$225.00
(d) Art Market	\$250.00	\$225.00
(e) Bingo Hall	\$150.00	\$125.00
(f) Teletheatre	\$225.00	\$175.00
(g) Seasonal Park Theatre	\$225.00	N/A

*Non-profit/charity groups are exempt from holding a Business licence for flea markets if they so choose. However, Business vendors located at a flea market that is unlicensed must obtain their own Business licences on an individual basis. Section 5.(15) does not apply.

26. TRANSPORTATION SERVICE

Providing public or charter transportation services or moving, delivery, or courier services:

	PRIMARY FEE	SECONDARY FEE
(a) Public/Charter Transportation Service	\$225.00	\$175.00

(b)	Taxi/Limousine Service	\$67.20 first vehicle and \$61.60 for each additional vehicle	
(c)	Pedicabs	\$67.20 first vehicle and \$61.60 for each additional vehicle	
(d)	Moving/Delivery/Courier Service	\$196.40	\$161.40
(e)	Independent Trucker (one vehicle only)	\$123.60	\$88.60

27. UNCLASSIFIED

Any Business that is not otherwise classified in this bylaw. FEE \$196.40

28. VENDING MACHINES

Owning, leasing, or operating a vending machines from various locations.

PRIMARY FEE	SECONDARY FEE
\$175.00	\$125.00

29. WHOLESALE/RECYCLING/PRIVATE LANDFILL/AUTOWRECKING

Selling goods in quantity for resale by retail stores, for re-use in the manufacturing, recycling, or construction process:

	PRIMARY FEE	SECONDARY FEE
(a) From 1-5 Employees	\$275.00	\$200.00
(b) From 6-12 Employees	\$375.00	\$350.00
(c) Greater Than 12 Employees	\$550.00	\$475.00

OTHER FEES

30. CHANGE OF LOCATION FEE

For the purposes of Section 5.(23) of the bylaw, the change of location fee is \$35.00.
(Note: Section 5.(24) exempts home-based Businesses).

31. REASSIGNMENT OF LICENCE AND OTHER CHANGE FEES

For the purposes of Section 5.(27) of the bylaw, the transfer fee is \$0.

32. TEMPORARY BUSINESS LICENCE FEES

For the purposes of Section 5.(21) of the bylaw, the Temporary Business Licence Fees are as follows:

- (a) Where an existing Business is carried on from a fixed premise on the Splatstn te Secwepemc and the Business wishes to independently carry on for a temporary period of time from a commercial premise elsewhere, the following fees shall be payable:
- Up to 7 consecutive days - \$36.50; or
 - no more than 15 consecutive days - \$73.00
- (b) Where a Business participates in a trade show or exhibition on the Splatstn te Secwepemc for not longer than 15 days, the organizing body shall obtain a Business licence for the trade show or exhibition, and the following fees shall be payable:
- \$5.60 per Business per day; or
 - a minimum fee of \$112.00, whichever is greater, to a maximum fee of \$448.40
- (c) All other temporary Businesses prorating of fees shall not apply.

33. SECONDARY BUSINESS LICENCE FEES

- (a) As determined by the Business Licence Inspector, a Secondary Business Licence Fee may be payable by a Business licence holder, in addition to a Primary Business Licence Fee, if more than one Business licence is necessary in respect of more than one category of Business that is operated by the same owner at the same civic address.
- (b) If a Secondary Business Licence Fee is determined by the Business Licence Inspector to be payable by a Business licence holder, the Secondary Business Licence Fee shall be calculated as follows:
- A \$35 reduction of the Primary Business Licence Fee that is payable by the Business licence holder for the Business licence held in respect of the primary Business that is operated by the same owner at the same civic address.
- (c) Not all Business categories or licence types qualify for Secondary Business Licence Fees and, as determined by the Business Licence Inspector, Business licence holders may be required to pay additional Primary Business Licence Fees. Without limiting the generality of the foregoing, Secondary Business Licence Fees do not apply to the following:
- i. one-time, event based or short term Business Licences (not for an annual licensing period);
 - ii. adjunct Business Licences;
 - iii. per unit Business Licences (fees);
 - iv. additional location Business Licences; or
 - v. liquor sales Business Licences.

