

Splatsin

Business By-Law

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.



General Regulations

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.



General Regulations

Compliance with Other Regulations

- (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,

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).



General Regulations

Refusal, Suspension or Cancellation of 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.



Business Licence Regulations

Business Licence Required

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



Business Licence Regulations

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 Splantsin 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 Licence Regulations

Business Licence 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 Regulations

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.



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 Splatin 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 Splastin 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 – Insurance & 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 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.



- (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 & PATROL, VEHICLES for HIRE, TOBACCO & LIQUOR HOME DELIVERY 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 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



Offenses 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.



Business Licences Fees & Categories

Accommodations

Mobile home park, or campground:

- (a) Mobile Home Park
\$5.60/space Minimum \$67.20
- (b) Campground
\$2.80/space Minimum \$67.20



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



		PRIMARY FEE	SECONDARY FEE
(d)	Day Care Facility	\$75.00	N/A
	i. 1-10 Children in care, where the location is home based, principal residence, and owner operated	\$150.00	\$125.00
	ii. More than 10 children in care		

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



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 |

Contractor(s)

- (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

SECONDARY FEE

\$150.00

\$125.00

Contractor(s)

- (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

Contractor(s)

- (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

SECONDARY FEE

\$150.00/project



Contractor(s)

- (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

SECONDARY FEE

\$150.00

\$125.00



Contractor(s)

(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):

brick, concrete, stone, and masonry siding, and forming - Demolition - building, carpentry, cabinet-making, framing, siding, and forming - drywall, gyproc, plaster, and stucco - excavating, earthmoving – electrical - flooring and carpeting – Welding - plumbing, heating, air conditioning, refrigeration, and sheet metal - insulating, roofing - installation of mechanical equipment - ornamental metal work - painting and decorating – paving - equipment or machine operator - structural metal fabricating and installing - glazing, installation of windows and doors - other



Other Sample Businesses

- Equipment Sales, Rentals & Services
- Fabricating
- Financial & Brokerage Companies
- Food Services
- Fuel Sales & Services
- Hair Styling, Mobile Hairdressing, aesthetics, tattooing body piercing
- Handicrafts and Arts
- Laundromat & Dry Cleaning
- Manufacturing, Refining & Energy Production
- Media Services
- Minor Trades & Occupations
- Other sample businesses listed in the Business By-law



Community Engagement



Community Members will have a 45 day period to comment on this Bi-Law.

After comments are addressed, the Chief and Council will set forth a motion to have this bi-law incorporated as an Active By-Law for the Splatsin Membership.

Please send comment please sent to: engagement@Splatsin.ca