

BUSINESS LICENCE ACT

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**NEW AIYANSH VILLAGE GOVERNMENT**  
**BUSINESS LICENCE ACT**

New Aiyansh Village Government enacted this law on JANUARY 4, 2001

Mr. Brian Tait, Chief Councillor of the New Aiyansh Village Government, signed this law on

January 10, 2000  
DATE

Brian Tait  
CHIEF COUNCILLOR

<p>NISGA'A NATION - REGISTRY OF NISGA'A LAWS</p> <p>Certified a true copy of <u>above named Village Act</u>, enacted <u>4/01/01</u></p> <p><u>[Signature]</u> Law Clerk, Wilp Si'ayuukhi Nisga'a</p> <p><u>3/10/01</u> date</p>
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## BUSINESS LICENCE ACT

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**Part 1 - Interpretation****Interpretation****1** In this Act:

“business” means the carrying-on of any commercial activity or industrial undertaking or the provision of any services for the purpose of gain or profit and includes activities carried on by salespersons;

“licence officer” means a person appointed under section 15;

“food preparation business” means a business that has premises where food is prepared or served to the public;

“home occupation” means a business that is carried on in residential premises, where the business use of the premises is secondary to the primary use of the premises as a residence;

“licence” means a business licence;

“licence application” means an application to issue or transfer a licence;

“licence holder” means a person holding a current licence under this Act and includes the principal shareholder or shareholders of a corporation;

“Nisga’a Village” means the village of New Aiyansh;

“Nisga’a Village Government” means the government of the Nisga’a Village of New Aiyansh;

“Nisga’a Village Lands” means Nisga’a Village Lands of the Nisga’a Village;

“premises” means all or any part of any lands or buildings;

“salesperson” means a person who enters Nisga’a Village Lands to

- (a) buy, sell or otherwise deal in goods or services, or
- (b) offer for sale to any person goods or services to be sold at that time or to be delivered or provided later.

**Application****2** This Act applies to all businesses within Nisga’a Village Lands.

**Part 2 - Licences****Licence required**

- 3 Every person conducting or carrying on a business within Nisga'a Village Lands must hold a current licence.

**Terms and conditions**

- 4 A licence officer may impose reasonable terms and conditions on the licence of a business, including
- (a) the location and hours of operation of the business,
  - (b) the location, size and use of any building of the business, and
  - (c) the number of vehicles which may be used in a home occupation business.

**Licence application**

- 5 (1) To obtain a licence a person must submit to the licence officer a licence application.
- (2) A licence application under subsection (1) must be
- (a) in the form set out in Schedule B,
  - (b) signed by the owner or operator of the business or an authorized agent, and
  - (c) accompanied by the fee required in Schedule C for the type of business licence being applied for.
- (3) A person applying for a licence for a food preparation business must provide the licence officer with evidence, satisfactory to the licence officer, that the premises comply with the requirements of the B.C. *Health Act* for the operation of the food preparation business.
- (4) A separate application form and licence fee must be submitted for each business for which a licence is required.

**Annual licence fees**

- 6 (1) Every person conducting or carrying on a business must pay to the licence officer the licence fee required in Schedule C for the type of business by January 15 for each calendar year.

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- (2) A person who applies for a licence to take effect after June 30 must pay only one-half the fee required in Schedule C.
- (3) A person who surrenders a licence under section 14 before June 30 is entitled to a refund of one-half of the licence fee under Schedule C paid by the person.

**Home occupation businesses**

- 7 A person must not conduct or carry on a home occupation business that
- (a) occupies so much of the area of the residential premises that, in the reasonable opinion of the licence officer, it alters the residential character of the premises,
  - (b) adversely affects the traffic or on-street parking of other residences in the vicinity of the residential premises, or
  - (c) creates noise, dust, vibration, odour or any other nuisance.

**Obligation of licence holder**

- 8 A licence holder must comply with this Act and any terms and conditions set out in the licence.

**Separate licences required**

- 9 Every person conducting or carrying on more than one business within Nisga'a Village Lands must obtain a separate licence for each business.

**Licence to be posted**

- 10 A licence holder must, wherever possible, post its licence in a conspicuous place on the premises from which the business of the licence is conducted or carried out.

**Notification where changes affect licence**

- 11 (1) A licence holder must, as soon as practicable, notify the licence officer of any change in
- (a) the holder's mailing or business address,
  - (b) the type of business carried out,
  - (c) the interest or ownership of the holder in the business that is licenced, or
  - (d) the area of the premises in which the business that is licenced is conducted or carried out.

- (2) A licence holder must give notice under subsection (1) by submitting, to the licence officer, a licence application, in the form set out in Schedule B, signed by the owner or operator of the business, or an authorized agent.

**Licence period**

- 12 Subject to section 13, the licence officer must issue a licence to be in effect for a calendar year commencing January 1.

**Licence periods of less than one year**

- 13 On request of an applicant for a licence for a business
- (a) as a salesperson, or
  - (b) a business that operates on a seasonal or periodic basis,
- the licence officer may issue a licence for a period of less than one year.

**Termination or transfer of business**

- 14 A licence holder must, upon termination, sale or transfer of the business for which the licence as issued, notify the licence officer in writing and surrender the licence to the licence officer.

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**Part 3 - Licence Officers****Licence officer**

**15** The Nisga'a Village Government will appoint a licence officer.

**Granting of licence**

- 16** (1) A licence officer must consider a licence application and must grant a licence if the licence officer is satisfied that
- (a) the person applying has complied with all applicable statutory requirements, including those relating to building, zoning, health, sanitation and business operations,
  - (b) there are an insufficient number of similar businesses in the Nisga'a Village to serve the population, and
  - (c) the business will provide economic and social benefits to the population of the Nisga'a Village.
- (2) The licence officer must issue a licence in the form set out in Schedule A.
- (3) A licence officer must, within 5 days of refusing to grant a licence
- (a) provide a written notice to the person applying stating the reason for the refusal, and
  - (b) return, to the person applying, the licence application fee submitted.

**Revocation and suspension of licence**

- 17** (1) A licence officer may, by written order, revoke or suspend a licence, if the licence holder
- (a) has not paid the licence fee required under section 6.
  - (b) has been convicted of an indictable offence in Canada,
  - (c) has been convicted of an offence under any laws in respect of the business or with respect to the business premises named in the licence,
  - (d) in the reasonable opinion of the licence officer
    - (i) has maintained the business premises named in the licence, or

- 
- (ii) has conducted the business  
in a manner that may be harmful or dangerous to the health or safety of any person, or
- (e) has failed to meet the lawful requirements to conduct or carry on the business for which the licence was issued or with respect to the business premises named in the licence.
- (2) A licence officer may impose terms and conditions in suspending a licence under subsection (1).
- (3) Before a licence officer suspends or revokes a licence under subsection (1), the licence officer must
- (a) give a written notice to the licence holder stating the reason for the order and
- (b) give the licence holder a reasonable opportunity to make a submission.
- (4) A licence holder must, upon revocation or suspension of a licence, surrender the licence to the licence officer.

**Inspection**

- 18 On the written request of a licence officer, a licence holder must permit the officer to inspect the business premises named in a business licence at any time during reasonable business hours.

**Provide information**

- 19 On the written request of a licence officer, a licence holder must provide to the officer all information reasonably requested by the officer to enable the officer to determine whether this Act is being complied with.

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**Part 4 - General****Right of Review**

**20** A person

- (a) whose application has been refused under section 16, or
- (b) whose licence has been revoked or suspended under section 17,

may request a review of that decision under the *Nisga'a Administrative Decisions Review Act*.

**Penalties**

**21** A person who contravenes sections 3, 7 to 11, 18 or 19 commits an offence punishable under the *Nisga'a Offence Act*.

**Commencement**

**22** This Act comes into force on JANUARY 4, 2001.

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SCHEDULE A

BUSINESS LICENCE

Prenumbered  
Licence Number

Mailing Address  
Village Administration Office

FEE: \_\_\_\_\_

Name & Address of Business: \_\_\_\_\_

\_\_\_\_\_

Name & Address of Licence Holder: \_\_\_\_\_

\_\_\_\_\_

Type of Business: \_\_\_\_\_

Licence Expiry Date: \_\_\_\_\_

The above named has paid the above licence fee and is entitled to carry on business as indicated above within New Aiyansh Nisga'a Village Lands in a lawful manner. This Licence is issued subject to the provisions of the New Aiyansh *Village Business Licence Act* and the following conditions:

This licence is not transferable and expires on the date shown above. This licence must be displayed in a conspicuous place on the business premises.

\_\_\_\_\_  
Licence Officer

\_\_\_\_\_  
Date

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SCHEDULE B

BUSINESS LICENCE APPLICATION

Village of New Aiyansh

- New Business     
  Change of Address     
  Change of Name     
  Other Change

Business Name: \_\_\_\_\_

Business Location: \_\_\_\_\_ Telephone: (    ) \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_  
*(If applicant is a corporation attach a copy of the Certificate of Incorporation)*

Applicant's Address: (Home): \_\_\_\_\_  
 Telephone: (    ) \_\_\_\_\_

Partner's Name *(if applicable)*: \_\_\_\_\_

Partner's Address:: (Home): \_\_\_\_\_  
 Telephone: (    ) \_\_\_\_\_

Business Description: \_\_\_\_\_  
 \_\_\_\_\_

Total Floor Space including storage: \_\_\_\_\_

No. of persons engaged in the business: \_\_\_\_\_

	Yes	No
Home Occupation Business:	<input type="checkbox"/>	<input type="checkbox"/>
Food Preparation Business:	<input type="checkbox"/>	<input type="checkbox"/>
Seasonal Business:	<input type="checkbox"/>	<input type="checkbox"/>
Sales Person:	<input type="checkbox"/>	<input type="checkbox"/>

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Has the applicant, or principal shareholder, if a corporation, previously had a business licence from the Village of NEW AIYANSH.

Yes  No

Is the applicant, or principal shareholder, if a corporation, presently registered with or licensed by the federal or provincial government or a self-regulating professional body with respect to the conduct of the business? (If yes, give details below.)

Yes  No

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Has the applicant, or principal shareholder, if a corporation, within the previous three years been convicted of an indictable offence under the Criminal Code (Canada) for which he/she has not been pardoned?

Yes  No

Has the applicant, or principal shareholder, if a corporation, been convicted of an offence under any laws in respect of the business or business premises:

Yes  No

I am applying for a business licence based on the information above and declare that this information is true and correct.

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Date

**NOTE: PLEASE READ SECTIONS 16 AND 17 OF THE NEW AIYANSH VILLAGE BUSINESS LICENCE ACT WHICH OUTLINES THE CONDITIONS WHEREBY YOUR LICENCE COULD BE GRANTED, REVOKED OR SUSPENDED.**

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**SCHEDULE C****REQUIRED FEE**

<b>Type of Business</b>	<b>Amount</b>
Food Preparation	\$□
Home Occupation	\$□
Salesperson	\$□
Seasonal	\$□
Other	\$□.

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**SCHEDULE C**

**REQUIRED FEE**

<b>Type of Business</b>	<b>Amount</b>
Food Preparation	\$ <input checked="" type="checkbox"/> 20.00
Home Occupation	\$ <input checked="" type="checkbox"/> 20.00
Salesperson	\$ <input checked="" type="checkbox"/> 20.00
Seasonal	\$ <input checked="" type="checkbox"/> 20.00
Other	\$ <input type="checkbox"/> .