



Village of Teslin

By-Law # 20-241

A Bylaw to provide for the licencing and regulating of businesses in the Village of Teslin.

WHEREAS section 265 (c) of the Municipal Act (R.S.Y. 2002) provides that council may pass bylaws with respect to businesses, business activities, and persons engaged in business; and

WHEREAS it is deemed desirable to licence and regulate businesses carried on or operated within the Village for, among other reasons, the health, safety and welfare of the citizens of the Village of Teslin.

NOW THEREFORE, the council of the municipality of the Village of Teslin, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the “Business Licence Bylaw”

APPLICATION

2. This Bylaw applies to any person conducting business within the municipal boundaries of the Village of Teslin.

INTERPRETATION

3. For the purposes of this Bylaw:

“APPLICANT” means a person who applies for a licence or renewal of a licence.

“BUSINESS” means:

1. A commercial, merchandising or industrial activity or undertaking;
2. A profession, trade, occupation, calling or employment; or
3. An activity providing goods or services.

“BYLAW” means this Bylaw and all schedules and appendices forming part of this Bylaw, and includes any amendments thereto.

“CHARITABLE ORGANIZATION” means a corporation, trust or organization registered as a charity under the Federal Income Tax Act for the purpose of conducting charitable activities such as relief of poverty, the advancement of education, the advancement of religion, or certain other purposes that benefit the community. The income

Business Licence Bylaw #20-241

from a charitable organization cannot be used for the personal benefit of any of its members' shareholders or governing officials.

"CHIEF ADMINISTRATIVE OFFICER" (CAO) means the manager of the Village of Teslin.

"COUNCIL" means the duly elected council of the Village of Teslin

"DESIGNATED OFFICER" means an employee of the Village of Teslin or an authorized representative as designated by the CAO.

"GARAGE SALE" means the occasional sale of second-hand goods belonging to the owner or tenant of residential premises, as an accessory use only to the residential dwelling.

"LICENCE" means any business licence issued under this Bylaw.

"LICENCEE" means the holder of a current licence under this Bylaw.

"MINOR BUSINESS ACTIVITIES" means operations conducted within the Village that involves minimal operating activities and revenue. These operations include artists who sell their products at special events and party plan activities(e.g Tupperware)

"MOBILE VENDORS" means an independently operated vehicle, structure or mobile food vending apparatus occupying public or private space, typically for the purpose of providing food and beverages, retail products, or services for commercial sale by a business entity, in an outdoor setting to either passers-by or seated patrons.

"NON-PROFIT SOCIETY" means a group registered with the Government of Yukon as a non-profit society (in good standing) under the Societies Act.

"OWNER" includes, but is not limited to, any person who directly or indirectly owns any interest in a corporation or partnership that runs a business or corporation.

"PREMISES" means a store, office, dwelling unit, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied by anyone for the purpose of carrying on business.

"PUBLIC LAND" means land that is owned by the Village of Teslin.

Business Licence Bylaw #20-241

“RETAILED SERVICES – CANNABIS” means the use of premises for the retail sale of cannabis and cannabis-related products to the general public and includes on-site storage to support the operation of those premises.

DUTIES AND RESPONSIBILITIES

4. The Designated Officer is delegated the authority to grant, refuse, suspend and/or revoke licences under the provisions of this Bylaw.

GENERAL REGULATIONS AND LICENCE APPLICATIONS

5. No person shall carry on or operate any business within or partly within the Village of Teslin without first having obtained a business licence.
6. A non-profit organization charging for services or selling goods is considered a business and shall require a business licence and pay the applicable licence fee.
7. Before the issuance or renewal of a licence, and the applicant must submit to the Village Office.
 - (1) an application in the form established by the Village;
 - (2) the licence fee;
 - (3) a letter of approval from Yukon Government Health and Social Services if the business relates to any food service or personal service;
 - (4) any other information the Designated Officer may require in order to process the application.
8. A valid licence will permit a business to carry on the specific activities described in the licence application. A licensee must not carry on activities not included in the business licence.
9. A licence issued under this Bylaw is not transferable from one person, organization or business to another unless authorized by the Designated Officer.
10. No person shall interfere with or obstruct the Designated Officer in the performance of any duties.
11. The municipality of the Village of Teslin is a signatory to the Association of Yukon Communities' Inter-Municipal Business Licence

Business Licence Bylaw #20-241

Agreement. Any business holding a valid licence issued pursuant to the agreement shall be deemed to be licenced under this Bylaw.

SEPARATE LICENCE – MULTIPLE BUSINESSES

12. Where there is more than one separate and distinct business activity operating in or from one premise, each business shall be deemed a separate business and shall require a separate licence.
13. The Designated Officer may use discretion to determine whether a business activity falls within an existing licence or whether a new licence is required.

EXEMPT FROM LICENCE

14. A licence is not required for:
 - (1) a registered charitable organization;
 - (2) a non-profit organization that does not conduct business activities;
 - (3) a performance, concert, exhibition, cultural event or entertainment for which the entire proceeds, above actual expenses, are devoted to a charitable organization;
 - (4) a performance concert, exhibition, cultural event or entertainment held in the public theatre or another establishment that holds a current business licence;
 - (5) a garage sale;
 - (6) a bake sale;
 - (7) political events and canvassing;
 - (8) temporary fundraising activities; and
 - (9) residents of Teslin while conducting minor business activities.
 - (10) persons under the age of 18 while conducting minor business activities at a civic event.
15. The Designated Officer may use discretion when determining whether a particular organization, group or entity is exempt from obtaining a business licence.

Business Licence Bylaw #20-241

LICENCE TERM

16. A standard business licence required by this Bylaw is issued for a calendar year and will expire on December 31st of each year.

LICENCE FEES

17. A licence is not valid until the Designated Officer has issued it, and the licence fee has been paid.
18. An applicant for a licence must pay the Village Office the applicable licence fee for that business as set out in Schedule "A". No licence shall be issued until the fee is paid.
19. Licences purchased after June 30th shall be 60% of the fee set out in Schedule "A".
20. The holder of a valid Village of Teslin business licence shall not be entitled to a refund once the licence has been issued.
21. The licensee shall notify the Designated Officer of any change regarding the business licence and, as a result of the change, shall pay any additional fees required by this Bylaw or any other bylaw/legislation.
22. Council may review the business licence fees annually to ensure that they are reflective of annual inflation and are comparable to other municipalities.

CONDITIONAL LICENCES

23. The Designated Officer can issue a licence subject to certain conditions. These conditions must be met in order for the licence to be valid.

LICENCES SUBJECT TO OTHER BYLAWS AND REGULATIONS

24. A licensee shall ensure their business activities comply with all other bylaws and/or enactments. Where the licensee is found to violate any other bylaw or enactment, the Designated Officer shall cancel the licence and not refund the licence fees.

TRANSFER OF LICENCE

25. Where a licensee makes an application to transfer the licence to another person or to change the name of the business, the

Business Licence Bylaw #20-241

Designated Officer shall, upon receipt of required documentation and payment of the prescribed transfer fee and the surrender of the original licence, issue a replacement licence in the name of the transferee.

LIABILITY INSURANCE

26. All applications for any business being conducted on public land shall supply proof of valid public liability insurance in an amount of at least two million dollars (\$2,000,000.00). The Village may also require public liability insurance at a higher rate. The licensee is required to maintain such insurance in force throughout the period that the business licence is in effect.

POSTING OF LICENCE IN PREMISES

27. Every licensee shall post the business licence in a prominent location to which the public has access, at the place of business for which the licence is issued. If this is not possible, the licensee shall produce the licence if/when required to do so during business hours by a Designated Officer.

REFUSAL OF LICENCE

28. A Designated Officer may refuse to issue a licence if:
- (1) The applicant fails to meet the requirements of this Bylaw for the licence;
 - (2) The applicant has failed to pay any fee required by this Bylaw;
 - (3) Any information provided by an applicant in their application for a licence or transfer of licence is found to be untrue;
 - (4) The applicant has failed to pay a fine imposed by a court for contravention of this Bylaw.
29. The Designated Officer may refuse to issue a licence after giving notice with reasons for the refusal, in writing to the applicant and after giving the applicant an opportunity to be heard.
30. In the event the Designated Officer refuses to issue a business licence, written notice of the refusal shall be sent to the applicant within ten (10) business days, setting out the reasons for refusal and the time period for appealing.

Business Licence Bylaw #20-241

SUSPENSION AND REVOCATION OF LICENCE

31. A Designated Officer may suspend or revoke a licence if the licensee:
- (1) has been guilty of misconduct in respect of the business or the premises named in the business licence;
 - (2) it is in the public interest to do so;
 - (3) has ceased to meet the conditions of the business licence.

APPEAL

32. In the event that a business licence is refused, suspended or revoked under this Bylaw, the applicant or licensee may appeal the refusal, suspension, or revocation in writing to council within 30 days after the licence is refused, suspended, or revoked, and council may grant the request for the issue or reinstatement of the business licence.
33. The right of appeal shall terminate unless written notice of the appeal is received by council within 30 days of the refusal, suspension or revocation.

GOODS OFFERED FOR SALE ON STREETS OR PUBLIC LAND

34. No person shall display, store, or accumulate goods or merchandise which are offered for sale or intended to be offered for sale on any street, sidewalk, boulevard, or other public land unless authorized in advance by the Designated Officer.
35. Where goods or merchandise are found stored on a street, sidewalk, boulevard or public land, a Designated Officer may take said goods or merchandise into custody and not return them to the owner unless the owner pays for all costs associated with the removal and storage of the goods or merchandise.
36. Goods or merchandise taken into custody that is not reclaimed within three months may be offered for sale by public auction.
37. Mobile vendors are not permitted to display goods or merchandise which are offered for sale or intended to be offered for sale on a street, sidewalks or boulevard, or other public land other than a predetermined location authorized in advance by the Village.

MOBILE VENDORS

38. Mobile vendors who sell food and beverages are required to submit proof of Yukon Government Environmental Health approval in order to obtain a business licence from the Village of Teslin.

Business Licence Bylaw #20-241

39. All applications for a mobile vendor are required to submit written permission from the property owner where the vehicles, structure or apparatus is located on.

RETAIL SERVICES - CANNABIS and CANNABIS-RELATED PRODUCTS

40. No person shall hold a licence as a retail service for the sale of cannabis and cannabis-related products unless the person is the registered owner or lessee of a licence's premises.
41. A licence for a retail service for the sales of cannabis and cannabis-related products must not be transferred to another person without prior approval from the Designated Officer under a separate application process for the new licence holder.
42. A person who applies for a licence to carry on Retail Services - Cannabis and Cannabis-related products shall submit, together with the requisite fees, an application in a form acceptable to the Designated Officer and the following documents:
- (1) a copy of a valid licence to sell restricted goods issued by the Yukon Liquor Corporation;
 - (2) contact information for the responsible person or person available to be contacted at any time;
 - (3) the certification of title or the lease for the business premises; and
 - (4) Other such documents as may be required by the Designated Officer.
43. No person shall install security bars or roll down shutters on the outside doors or front window or within one meter of the inside face of front windows, comprising part of a retail services -cannabis & cannabis related products business.

VENDING MACHINES

44. Any person operating more than three vending machines within the Village shall be required to purchase a business licence.
45. No business licence shall be required with respect to:
- (1) Vending machines which serve or vend only products produced by the owner of the vending machine or their employees; or
 - (2) Coin-operated washers, dryers, or other laundry equipment provided by the owner of an apartment, boarding house, or

Business Licence Bylaw #20-241

rooming house or tourist facility for the exclusive use of the residents thereof; or

(3) Coin-operated vehicle washing equipment provided for the exclusive use of residents at a tourist facility.

PENALTY

46. Any person who fails to comply with the requirements of this Bylaw commits an offence and is liable, upon summary conviction, or:

(1) a fine not exceeding ten thousand dollars (\$ 10,000.00) where proceedings are commenced pursuant to the summary conviction provisions of the Criminal Code of Canada; or

(2) a fine not exceeding five hundred dollars (\$500.00) where proceedings are commenced pursuant to the Summary Convictions Act of the Yukon.

REPEAL

47. Bylaw 00-109, including all amendments thereto, is hereby repealed.

COMING INTO FORCE

48. This Bylaw shall come into full force and effect upon and the final passing thereof.

FIRST and SECOND READING: November 23, 2020

THIRD READING and ADOPTION: December 14, 2020

Mayor Gord Curran

CAO Shelley Hassard

Business Licence Bylaw #20-241

Schedule “A”

Business Licence fee – per calendar year	\$ 165.00
Retail Cannabis Business Licence fee – per calendar year	\$2,000.00
Transfer fee	\$ 50.00
late renewal penalty after January 1 st	10% monthly

Bylaw