



THE CITY OF DAWSON

Bylaw No. 2018-09

WHEREAS section 265(c) of the *Municipal Act*, RSY 2002, c. 154 provides that council may pass bylaws with respect to businesses, business activities, and persons engaged in business; and

WHEREAS section 266 of the *Municipal Act* provides that council may in such bylaws regulate, control or prohibit, and provide for a system of licences, inspections, permits or approvals;

THEREFORE, pursuant to the provisions of the *Municipal Act* of the Yukon, the Council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS**:

PART I - INTERPRETATION

1.00 Title

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

2.00 Purpose

The purpose of this Bylaw is to provide for the Licensing of businesses within the City of Dawson.

3.00 Reference to a Bylaw

For the purpose of this Bylaw, any reference to any other bylaw, unless otherwise stated, refers to a City of Dawson bylaw.



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4.00 Definitions

In this Bylaw:

- (a) Unless expressly provided for elsewhere within this Bylaw the provisions of the *Interpretations Act*, RSY 2002, c. 125, shall apply;
- (b) “business” means
 - I. any commercial, merchandising, or industrial activity or undertaking, or
 - II. any profession, trade, occupation, calling or employment, or
 - III. any activity providing goods or services for the purpose of gain or profit.
- (c) “busker” means an individual or group who provides street performances for the public by playing an instrument, singing, dancing, juggling, miming, performing magic or providing other entertainment in a public place accepting voluntary donation.
- (d) “Bylaw Enforcement Officer” means a person employed by the City of Dawson to enforce bylaws;
- (e) “CAO” means the Chief Administrative Officer for the City of Dawson;
- (f) “carry on or operate a business” includes the action of any person providing any business activities including advertising by newspaper or any other means that the business activity is available.
- (g) “CDO” means the Community Development and Planning Officer for the City of Dawson;
- (h) “child care services” means a business providing day care, day camp, childcare, play school, or other similar types of services.
- (i) “city” means the City of Dawson, Yukon Territory.



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- (j) “Farmers' Market” means a temporary or seasonal market for the display and sale of farm produce and products in an open air or indoor venue.
- (k) “flea market or bazaar” means the occasional sale of crafts and trinkets.
- (l) “hawker or peddler” means any person who, whether as principal or agent:
 - I. goes from place to place selling or offering for sale any merchandise or services to any person, or
 - II. sets up tables, carts, mobile displays or any other temporary structure to offer or expose for sale to any person goods, wares, or merchandise, or
 - III. Robert Service School (RSS) students or local community organizations fundraising for specific events and/or activities are not considered hawkers or heddlers and are permitted to participate in door to door fundraising activities in residential zones.
- (m) “Inter-Municipal Business License” means a business license purchased in addition to the standard business license allowing the licensee to conduct business in other participating Yukon communities. An Inter-Municipal Business License may be purchased from any Association of Yukon Communities (AYC) municipality participating in the program.
- (n) “local business” means any business which operates from a permanent residence within the Tr’ondëk Hwëch’in Traditional Territory.
- (o) “mobile refreshment stand” means a non-permanent and/or portable booth, stand, or vehicle for the sale of food, beverages, or refreshment, prepared or cooked on the vehicle, and includes, without limitation hot dog, sausage, hamburger carts or similar stands.



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- (p) “mobile vendor” means an independently operated vehicle or structure occupying private space typically for the purpose of providing retail products, and/or services for commercial sale by a business entity, in an outdoor setting to either passers-by or seated patrons.
- (q) “non-local business” means a business that is not a local business nor a regional business.
- (r) “person” means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;
- (s) “public land” means land that is owned by or under the care and control of the City of Dawson.
- (t) “regional business” means any business which operates from a permanent residence outside of the Tr’ondëk Hwëch’in Traditional Territory but within the Yukon Territory.
- (u) Tr’ondëk Hwëch’in Traditional Territory means the area within the boundaries of the Tr’ondëk Hwëch’in Traditional Territory.

PART II – APPLICATION

5.00 Activities Not Requiring A Business License

The following businesses are hereby exempted from requiring a business license:

- (a) residential garage sales of less than forty eight (48) hours in duration;
- (b) the sale of a limited number of homemade, souvenir, or miscellaneous type items at community flea markets or bazaar including the Community Artists’ Market;
- (c) the sale of a limited number of miscellaneous or souvenir items provided that such sale occurs in the course of carrying on a business otherwise licensed pursuant to this Bylaw;
- (d) vending machines which are installed on premises for which the owner of the machine has a valid business license;



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- (e) coin operated washers, dryers, or other laundry equipment provided by the owner of rental accommodation for the exclusive use of the occupants thereof;
- (f) buskers;
- (g) such other businesses as determined by resolution of Council.

6.00 Administration Of Business Licenses

- 6.01 Applications, application fees and all related permits or other documentation required to complete the application shall be received by the City at the municipal offices during normal business hours.
- 6.02 The City shall examine all business license application forms and other information submitted in connection thereto. Based on their analysis and interpretation of the information, the City may refuse to issue a license.
- 6.03 Where a business requires approval to operate from a Yukon Health Officer, as defined by the *Public Health and Safety Act*, R.S.Y. 2002, c.176, the applicant for a business license may be required to provide written approval of the Yukon Health Officer and the City shall not issue a license until such proof has been provided.
- 6.04 The City shall prepare and issue all licenses pursuant to the terms of this Bylaw. The aforementioned license, upon approval shall be delivered by mail to the address on the application form, unless otherwise requested by the applicant.
- 6.05 Every business shall post their business license in a conspicuous location within the business premises. Should the business not have a premise the business license shall be presented upon request of the Bylaw Enforcement Officer.
- 6.06 The City shall keep records of all applications for licenses and other transactions in a form authorized by the CAO.
- 6.07 At any time a business is open for the purpose of conducting its business a Bylaw Enforcement Officer may inspect all premises licensed or required to be licensed to operate in order to ascertain compliance pursuant to the provisions of this bylaw.



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- 6.08 No person shall interfere with or obstruct a Bylaw Enforcement Officer in the performance of duties being performed pursuant to this Bylaw.
- 7.00 General License Conditions**
- 7.01 No person shall carry on or operate any business within or partly within the City without first having obtained a business license, unless that person is exempted by this Bylaw or Council.
- 7.02 Every person required to obtain a business license shall pay the fee prescribed in the "*Fees and Charges Bylaw*" or any successor legislation.
- 7.03 The municipality is a signatory to the Association of Yukon Communities' Inter-Municipal Business Licence Agreement. Any business holding a valid license issued pursuant to that agreement, except a business of the hawker and mobile vendor kind as defined in this Bylaw, shall be deemed to be licensed pursuant to this Bylaw.
- 7.04 No license shall be issued until said fee or any previous fee or penalties levied pursuant to this Bylaw are paid.
- 7.05 Any fee left owing at December 31 of any year in which a business has operated will be applied to the property tax account associated with the business location.
- 7.06 Business license fees are non-refundable, saving fees paid for a license that is not approved. If the application is not approved a refund of the full amount paid less 15% administration fee will be issued.
- 7.07 Every license issued pursuant to this Bylaw shall expire at midnight on the 31st day of December in any given year, unless the license has been cancelled or revoked prior to that day.
- 7.08 Any business license issued pursuant to this bylaw is non-transferable. The business license is valid only in the business owner's name in which the license was issued and the business address for which the license was issued.
- 7.09 The CAO is hereby authorized to provide, in writing, an exemption from Section 7.08 of this Bylaw for a period not exceeding seven (7) days where an emergency occurs which requires a business to temporarily or permanently relocate.



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- 7.10 If more than one business is carried out within a single premise a separate business license is required for each business.
- 7.11 The holder of a business license must at all times be in compliance will all federal and territorial laws and regulations and City bylaws pertaining to their operation.
- 7.12 The issuance of a business license shall not be deemed as approval to carry on or operate a business in or from any premise or location in contravention of any federal or territorial law or regulation or any municipal bylaw or regulation.
- 7.13 Where an umbrella organization, such as a Farmers' Market association, charges for the use of their space, they shall be required to obtain a business license. Participants who are selling goods at these events are also required to obtain their own license.

8.00 Special Conditions

- 8.01 A business or business activity that is subject to a federal or territorial license or permit, including without limitation, the sale of alcoholic beverages and the sale of such foods as are subject to a Permit to Operate issued by Yukon Health Services, shall first procure such license or permit and attach a copy thereof to the application for a business license.
- 8.02 Every application for a business license for private investigators or private patrol agencies shall be accompanied by information satisfactory to the City with respect to the character, criminal record if any, and general reputation of the applicant or applicants. The CAO may require a criminal record check of the applicant or applicants and, when not satisfied that the reputation of the applicant/s meets community standards for the type of business proposed, may refuse on this or any other grounds to issue a license.
- 8.03 Every application for a business license for any child care service must be accompanied by proof of approval to operate by the Yukon Territorial Government.
- 8.04 Every person conducting business in the city under an "*Inter-Municipal Business License*" must abide by all rules set forth in this bylaw.
- 8.05 Hawkers and peddlers are not permitted to operate in any area identified as residential in the *Zoning Bylaw* or any successor legislation.



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9.00 Business Licensing Fees

- 9.01 A license is not valid until it has been issued by the CAO and the license fee has been paid.
- 9.02 An applicant for a license must pay to the City the applicable license fee for that business as set out in the *Fees and Charges Bylaw*. No license shall be issued until the fee is paid.
- 9.03 Council may review the business license fees on an annual basis to ensure that they are reflective of annual inflation, are comparable to other municipalities, and are reflective of City business license operating expenses.

10.00 Liability Insurance

- 10.01 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 City may require public liability insurance at a higher rate at its sole discretion. The licensee is required to maintain such insurance in force throughout the period that the business license is in effect. The City shall be included as an additional insured and shall be provided 30 days prior notice of cancellation on all general liability policies.

11.00 Buskers

- 11.01 Buskers and their audience must not block doorways, display windows, sidewalks, paths, bicycle routes, or City streets and roads and must not block pedestrian or vehicular traffic.
- 11.02 Performances must not jeopardize the comfort and safety of others and buskers must respect the wishes of nearby residents and visitors, particularly regarding the loudness of the performance.
- 11.03 All performances must be suitable for a general family audience rating.
- 11.04 Buskers shall not perform at sites that have been booked for events or festivals or where paid performers are working.
- 11.05 Performances may take place between 10:00 AM to 10:00 PM, seven (7) days per week.



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- 11.06 Every busker shall be responsible for maintaining the lands in the vicinity of their operation in a clean, litter free and tidy state.
- 11.07 It shall be within the Bylaw Enforcement Officer's discretion to cease any activity that jeopardizes the comfort and safety of others.

12.00 Mobile Vendors

- 12.01 Mobile Vendors are not permitted to display goods or merchandise which are offered for sale or intended to be offered for sale and/or provide services on a street, sidewalk or boulevard, or other public land other than at pre-determined locations authorized in advance by the CAO or their designate.
- 12.02 Each Mobile Vendor shall be responsible for maintaining the lands in the vicinity of their operation in a clean, litter-free and tidy state.

13.00 Mobile Refreshment Stands

- 13.01 Mobile Refreshment Stands are permitted to sell concession type food in all areas of the City save and except areas zoned Residential pursuant to the *Zoning Bylaw*.
- 13.02 Mobile Refreshment Stands are required to present written proof of current Yukon Environmental Health approval and an approved business license.
- 13.03 A Mobile Refreshment Stand operating on public land shall, prior to the issue of a business license, provide verifiable confirmation of having purchased liability insurance in an amount of not less than two million dollars (\$2,000,000), and with the City of Dawson listed as an additional named insured.



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- 13.04 Mobile Refreshment Stands must reflect the heritage standards of the community and will be required to receive approval for their apparatus from the CDO.
- 13.05 Mobile Refreshment Stand service shall be limited to the period from 7:00 AM to 3:00 AM, seven (7) days per week.
- 13.06 Every operator of a Mobile Refreshment Stand shall be responsible for the supply and maintenance of garbage receptacles and disposal of garbage to an approved disposal site.
- 13.07 Every Mobile Refreshment Stand shall be responsible for maintaining the lands in the vicinity of their operation in a clean, litter free and tidy state.

14.00 Special Events

- 14.01 It shall be within the discretion of the CAO to waive the necessity of a business license for Mobile Refreshment Stands or Street Vendors during special events if:
- (a) The event is being planned, organized and controlled by an organization holding a valid business license; or
 - (b) The organizing party supplies a written request to the CAO for such a waiver;
 - (c) The organizing party agrees, in writing, to abide by and enforce upon Mobile Vendors and Mobile Refreshment Stands contained in the waiver any conditions that the CAO may deem necessary.

15.00 Suspension And Revocation Of A License

- 15.01 A Bylaw Enforcement Officer may suspend or revoke a business license anytime where a license holder is contravening any of the aforesaid federal or territorial laws or regulations or municipal bylaw or regulations or where, in the opinion of the Bylaw Enforcement Officer, there is just and reasonable cause to do so. The Bylaw Enforcement Officer shall attempt to inform the license holder verbally of the suspension or revocation but in any event shall mail written notice of the suspension or revocation to the license holder as soon as is reasonably possible.



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- 15.02 Any business licence holder who proceeds with any construction without a Development Permit required by the *Zoning Bylaw* for the project, will have their business license suspended until such time the Development Permit is obtained.
- 15.03 When a license has been suspended, the suspension shall be for such period of time as is necessary to bring the license holder into compliance with laws, bylaws or regulations or to rectify the grounds for the suspension as the case may be. In no event will the suspension be for longer than the unexpired term of the license.
- 15.04 When a Bylaw Enforcement Officer suspends or revokes a business license, the suspension or revocation will commence immediately.

16.00 Appeal

- 16.01 Any person who has been refused a business license and any license holder whose license has been refused, suspended or revoked may appeal in writing within thirty (30) days of the date of refusal, revocation or suspension to Council.
- 16.02 Council shall commence a hearing of the appeal within fourteen (14) days of receipt of the appeal. This hearing may be adjourned for a period not to exceed ten (10) days to provide time to gather necessary additional information. Such suspension of hearing shall not be unreasonably made. Should the Council fail to re-convene the hearing within ten (10) days, the appeal shall be deemed to have been decided in favour of the appellant.
- 16.03 Council shall make a decision on the appeal within ten (10) days of concluding the hearing of the appeal and shall inform the appellant of its decision in writing. Should the Council fail to make a decision within ten (10) days of the conclusion of the hearing, the appeal will be deemed to have been decided in favour of the appellant.
- 16.04 Written notice of any refusal, suspension, revocation or decision on an appeal under this Bylaw will be deemed to have been delivered to the applicant or license holder seven (7) days after it is posted by registered mail from the City to the address of the applicant or license holder as set out on the license application form.



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17.00 Penalties

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

- (a) a voluntary fine under section 20 of the *Summary Convictions Act*, issued in respect of an offence specified in Appendix "A" attached hereto and forming part of this bylaw;
- (b) a fine not less than five hundred dollars (\$500.00) where proceedings are commenced pursuant to the *Summary Convictions Act* of the Yukon.

PART III – FORCE AND EFFECT

18.00 Severability

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

19.00 Appendices

Appendices attached to and referred to in this Bylaw form part of this Bylaw and are to be read in conjunction with this Bylaw.

20.00 Repeal

Bylaw 17-11 and its amendments thereto are hereby repealed.

21.00 Enactment

This Bylaw shall come into force on the day of the passing by Council of the third and final reading.



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22.00 Bylaw Readings

| Readings | Date of Reading |
|-----------------|-----------------|
| FIRST | June 12, 2018 |
| SECOND | July 17, 2018 |
| THIRD and FINAL | July 17, 2018 |

Original signed by:

Wayne Potoroka, Mayor

Presiding Officer

Cory Bellmore, CAO

Chief Administrative Officer



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PART IV - APPENDICES

Appendix 1 – Voluntary Fines

| Authority | Ticket Description | Penalty |
|--------------------------------|--|----------|
| Section 6.05 | Fail to post or produce license or permit | \$50.00 |
| Section 6.08 | Interfere/Obstruct a Bylaw Enforcement Officer | \$300.00 |
| Section 7.01 | Unlicensed business | \$200.00 |
| Section 8.05 | Hawkers/Peddlers operate in residential areas | \$100.00 |
| Section 11.00 | Busk contrary to Business License Bylaw | \$50.00 |
| Section 11.06, 12.02, 13.07 | Fail to keep area tidy/litter free | \$100.00 |
| Section 13.00 | Mobile Refreshment Stands contrary to Business License Bylaw | \$100.00 |