

Taza Development Business License Law, 2019 L.TDB.1908

Under the guidance of Almighty God, Our Creator, and as a sovereign Nation; We, the peoples of Tsuut'ina Nation, in preservation and continuation of the Tsuut'ina Nation's unique culture, identity, traditions, language and institutions, and with respect to the special relationship to the land and resources, in continued relationship with all First Nations and Canada; Do ordain and establish this law in accordance with our inherent right to governance.

Nato ninist'iya dinachowi diyi nananitini k'asona diyi datl'ishi nanisaatluni niiha nihina?o-ha tlaat'a Tsuut'ina wusa dinaloku nihininisha, nihiusno, misila yino?i, nihigunaha misila nihininana?o-hi. Nisk'a uwa mits'i-hi tlaat'a dina-tii uwa Canada isla najuna adadanazini diyi datlishi dik'asilo niiha nihina?o-ha gwasala.

**A Document to Ratify the L.TDB.1908
Within the Tsuut'ina Nation Lands**

**Enacted on August 27, 2019 in Tsuut'ina Nation
Coming Into Force: August 27, 2019**



Preamble

WHEREAS the Tsuut'ina Nation Chief and Council desire to make a Law governing the issuance of Business Licenses for Taza Development on the Tsuut'ina Nation Reserve;

AND WHEREAS the Government of Canada recognizes the inherent right of self-government as an existing aboriginal right under section 35 of the *Constitution Act, 1982*;

AND WHEREAS it is recognized that the inherent right of governance includes the right to govern in relation to matters that are internal to the community, and integral to the unique culture, identity, traditions, languages and institutions of the Tsuut'ina Nation;

AND WHEREAS it is considered to be necessary for the benefit, security and preservation of the Tsuut'ina Nation and culture;

AND WHEREAS the Tsuut'ina Nation Chief and Council have the authority to enact this Law pursuant to the *Legislative Process Act*;

NOW THEREFORE: the Tsuut'ina Citizens hereby enact this Law through the Tsuut'ina Nation Legislative Process and give authority to Tsuut'ina Nation Chief and Council to ratify this Law.

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Definitions

1. In this Law, the following terms have the following meanings:
 - (a) **“Agent”** means any Person who, by mutual consent, acts for the benefit of another, including a sales representative or a Person in care and control of the premises where a business is being conducted.
 - (b) **“Annual Business License”** means an annual license issued by the Tsuut’ina Nation that allows individuals or companies to conduct business on the Tsuut’ina Nation.
 - (c) **“Applicant”** means the Person, or authorized Agent thereof, who makes an Application for a Business License.
 - (d) **“Application”** means a written application for a Business License as provided for and by this Law and includes an application to renew, change address, amend, or transfer a Business License to another owner.
 - (e) **“Business”** includes every business type: commercial, retail, merchandising, industrial activity or undertaking, trade profession, industry, occupation employment or the provision of goods and/or services.
 - (f) **“Business Day”** is considered every official workday of the week; these are the days between and including Monday through Friday and do not include public holidays and weekends. Public holidays recognized are as follows:
 - i. New Year’s Day;
 - ii. Family Day;
 - iii. Good Friday;
 - iv. Easter Monday;
 - v. Victoria Day;
 - vi. Canada Day;
 - vii. Alberta Heritage Day;
 - viii. Labour Day;
 - ix. Thanksgiving Day;
 - x. Remembrance Day;
 - xi. Christmas Day; and
 - xii. Boxing Day.
 - (g) **“Business License”** means a License granted by the Tsuut’ina Nation entitling the Person to which it is granted to carry on business therein specified on the Tsuut’ina Nation pursuant to the provisions of this Law.

- (h) **“Carry on, carrying on, carried on, carries on”** means to conduct, operate, perform, keep, hold, occupy, deal in or use, for a fee or exchange of benefits, whether as principal or Agent.
- (i) **“Environmental Health Officer”** means a Person responsible for carrying out measures for protecting public health, including administering and enforcing legislation related to environmental health and providing support to minimize health and safety hazards.
- (j) **“Law”** means this *Taza Development Business License Law, 2019*.
- (k) **“Licensee”** means a Person holding a valid and subsisting Business License issued pursuant to this Law.
- (l) **“Licensing Inspector”** means a Peace Officer or a person appointed to assist in carrying out the administration and enforcement of this Law.
- (m) **“Licensing Officer”** means the Tsuut’ina Nation employee designated as the Licensing Officer.
- (n) **“License year”** means the period commencing January 1 and ending on December 31 of the same calendar year.
- (o) **“Mobile Vending Unit”** means a portable unit or vehicle used to sell food items, fruits, vegetables or artisan products which is parked and/or located outside of a permanent facility.
- (p) **“Non-Profit Organization”** means a Person, association of Persons or a corporation (unincorporated or incorporated), acting for charity or in the promotion of general social welfare which cannot at any time distribute any dividend or profit to its members and includes but is not limited to:
 - i. a religious society, church or organization;
 - ii. a service club;
 - iii. a community, veterans’ or youth organization;
 - iv. a social, sport or fraternal organization or club; or
 - v. an employers’ or employees’ organization, club or social group.
- (q) **“Non-resident business”** means a business not operating from a taxable premise within the Tsuut’ina Nation.
- (r) **“Person”** means any individual, or any business entity, including but not limited to:
 - i. a firm;
 - ii. a partnership;
 - iii. an association;
 - iv. a corporation;
 - v. a society; or

- vi. A legal entity.
- (s) **“Peace Officer”** means a Designation Enforcement Officer as appointment by the Tsuut’ina Nation to enforce the Laws of the Tsuut’ina Nation.
- (t) **“Premises”** means a store, office, warehouse, factory, building, enclosure, yard or other place occupied, or capable of being occupied, by any Person for the purpose of any business.
- (u) **“Rates and Fees Law, 2019”** means the *Taza Development Rates and Fees Law, 2019*.
- (v) **“Resident Business”** means any Person carrying on business from taxable premises within the Tsuut’ina Nation.
- (w) **“Seasonal Vendor”** means the business or selling, displaying for sale to the public, seasonal products or services, including but not limited to:
 - i. Christmas Tree vendors;
 - ii. Halloween vendors;
 - iii. Patio Furniture vendors; and
 - iv. Holiday vendors.
- (x) **“Separate Business”** means each of the businesses having the same or different trade names and/or legal names, operating out of multiple locations and collecting revenue for tax purposes under the same business name or each individual business name.
- (y) **“Smoke or Cannabis Shop”** means any stand-alone business, or a licensed business within any other business or entity that is selling any tobacco and/or cannabis products.
- (z) **“Tsuut’ina Nation Chief and Council”** means the duly elected governing body for the Tsuut’ina Nation.
- (aa) **“Tsuut’ina Nation”** means the sovereign nation previously referred to as the “Sarcee” Nation.
- (bb) **“Violation Ticket”** means a ticket in a form as approved by the Tsuut’ina Nation, issued by the Tsuut’ina Nation allowing a payment option of a fine established under this Law.

Interpretation and Administration

Name

2. This Law may be cited as the *Taza Development Business License Law, 2019*.

Purpose

3. The purpose of this Law is to provide the means to control, regulate and license business and provide for a system of licenses, permits and approvals.
4. Register businesses operating within and partially within the Taza Development and establish a system for license fees, fines and penalties.

Application of Law

5. Where any other Law passed by the Tsuut'ina Nation Chief and Council may apply to any matter covered by this Law, compliance with this Law will not relieve the Person from also complying with the provisions of the other applicable Tsuut'ina Nation Law, Act, Resolution, Code, Policy or Procedure.

Business License

Necessity for Annual Business License

6. No Person shall carry on any Business or be engaged in any Business within the Taza Development unless that Person has a valid and subsisting Business License, and has paid the fees.
7. An Applicant shall apply on the prescribed form supplied by the Tsuut'ina Nation, furnishing such information as the form shall require and such additional information as may be reasonably required.
8. A Business License shall not be issued if the Applicant fails to comply with the provisions or regulations under any other Laws that apply to the Taza Development.
9. A Business License shall not be issued until such time as the Applicant has completed all aspects of the Final Occupancy Permit and/or inspection requirements as set out by the Safety Codes Officer (or designate).
10. A Business License shall not be issued until such time as the Applicant has completed all aspects of fire inspection to the satisfaction of the Tsuut'ina Nation Fire and Rescue.
11. Notwithstanding that a Business License has been issued under the provisions of this Law, such Business License does not authorize or permit the licensee to carry on a business or any pursuit contrary to the provisions of any other Tsuut'ina Nation Law, Act, Code, Regulation or Policy and Procedure that apply to the Taza Development.
12. No Person shall contravene a condition of a Business License and must follow all regulations. All Persons or businesses shall be subject to inspection at any time by a Licensing Inspector.
13. A Business License is required for each physical address, premise or location where business is carried on within the Taza Development and a separate fee shall be paid for each location. When two or more Persons are operating separate businesses from the same premises a Business License is required for each business.
14. Every Licensee must present a valid Business License should a Licensing Inspector request to see it.
15. A valid Business License certificate shall be posted in a conspicuous place on the Business premises of the Licensee, so that it is clearly visible to the public.
16. For businesses that are not carried at a fixed location, the Business License must be:
 - (a) carried on the Person or the licensee; and
 - (b) be shown to the Licensing Officer or members of the public upon request.

17. Every Business License granted under the provisions of this Law shall terminate at midnight on the 31st day of December in the calendar year in which the Business License was issued. All annual Business License holders are deemed to be renewing and will be invoiced for the next calendar year unless written verification is received cancelling the Business License (electronically or in writing). It is assumed that renewal of the Business License and payment of the Business License fee is required each subsequent calendar year, no later than 30 days from the date of the invoice.
18. Exceptions to Section 17:
 - (a) the Business License provides otherwise (i.e. a term or seasonal Business License); or
 - (b) the Business License has been cancelled, ceased, or forfeited in writing.
19. No Business License will be transferable.
20. Any advertising of a business shall be deemed prima facie proof that the Person is carrying on business.
21. All Business Licenses issued pursuant to this Law remain the property of the Tsuut'ina Nation.

Prerequisites for a Business License

22. A Business License shall not be issued:
 - (a) if the Applicant has failed to provide all the information required or requested under this Law; or
 - (b) if a Licensing Officer or Licensing Inspector determines that there are reasonable grounds not to grant a Business License. Such grounds may include, but are not limited to, the character of the Applicant and/or the Applicant having a criminal record.

Exemptions

23. A Business License will not be required if:
 - (a) the Business is a non-profit organization;
 - (b) the Business is exempted through or by order of the Tsuut'ina Nation;
 - (c) a minor who is providing individual light duty occasional services such as paper deliveries, babysitting, yardwork and snow shoveling;
 - (d) the activity is a special event or community event that is being organized or financially sponsored by the Tsuut'ina Nation; or
 - (e) the Tsuut'ina Nation is in receipt of written confirmation stating that the business is no longer operating in the Tsuut'ina Nation.
24. Where a non-profit organization wishes to be exempted from paying a Business License fee, it shall apply in writing to the Licensing Officer providing the following information:
 - (a) the name of the organization, the Articles or Memorandum of Incorporation, and such other information as the Licensing Officer requires to determine that the organization is a non-profit organization; and

- (b) a description of the business which the organization wishes to carry on and the time and place where it will be carried on.
- 25. The Licensing Officer may grant an exemption to a non-profit organization with or without conditions, or may refuse to grant any such exemption.
- 26. Where a private business is donating any portion of their sales or revenues to a non-profit organization, a Business License is still required.
- 27. Where an exemption is granted to an organization pursuant to this section, unless otherwise stated under the exemption, the organization shall comply with all other provisions of this Law relating to the Business to be carried on.

Business License Requirements

- 28. Every Applicant for a Business License must provide the following information on the Application:
 - (a) the physical address for the proposed place of Business;
 - (b) the trade name(s) under which the proposed Business will operate;
 - (c) the full name, residential address, business address and telephone number of the owner when the Applicant is a sole proprietorship or partnership. The owner of the Business must also sign the Application form in addition to the Applicant if the Applicant is different from the owner of the Business;
 - (d) the full name, residential address, business address and telephone number of the principal managing employee or employees, when the Application is a corporation;
 - (e) proof, satisfactory to the Licensing Officer, that the proposed place of business complies with all Tsuut'ina Nation land use, health and safety regulations which may affect the use of the proposed place of business;
 - (f) such other information as the Licensing Officer may reasonably require; and
 - (g) the Application can be submitted in person or online to Civic Services.
- 29. No Person shall give false information in any Application.
- 30. For the purpose of administering the provisions of this Law, the Licensing Officer is authorized to prepare and use such forms and notices as may be deemed necessary. Any such forms and notices are deemed to have the full force and effect of this Law in execution of the purpose for which they are designed, authorized and issued.
- 31. Forms, notices and fees may be issued, mailed, electronically mailed, collected, served or delivered in the course of the Licensing Officer's duties and responsibilities.
- 32. Fees will be processed upon the completion of the Application. Payment itself is not permission to operate a Business within the Taza Development. The Licensing Officer must sign and or approve the Business License Application in order for the Business License to be issued.
- 33. Every Person who makes an Application for a Business License shall submit to and assist every inspection required by the Licensing Officer or other designate with respect to the business to be licensed and furnish to the Licensing Officer all other information required.

Annual Fire Inspection

34. No Business shall be issued a Business License without first passing an annual Fire Inspection conducted by the Tsuut'ina Nation Fire and Rescue.

Licensing Officer

35. The Licensing Officer shall be appointed from time to time by the Manager, Civic Services or designate.
36. The powers and duties of the Licensing Officer are:
- (a) to administer and enforce all requirements of this Law including the Applications for Business Licenses, invoicing all active businesses, and collection of fees payable under this Law; and
 - (b) to ascertain that all information furnished by an Applicant in connection with an Application for a Business License is true in substance and in fact.

Business Licensing Fees

37. The Business License fees shall be established by resolution of Tsuut'ina Nation Chief and Council as per the *Taza Development Rates and Fees Law, 2019*.
38. Every Applicant for a Business License shall pay the Business License fee set forth in the *Taza Development Rates and Fees Law, 2019* before receiving their license.
39. Once the Licensing Officer has issued a Business License, the Business License fee is not refundable.
40. When a Business closes, moves or ceases its operations at any time through the calendar year, all Business License fees paid are not refundable.
41. Payment of the Business License fee as set by *Taza Development Rates and Fees Law, 2019*, for Business License renewal shall be made no later than twenty (20) business days following the date of notice. Fees not paid within the twenty (20) business days will be charged interest at the current rate.
42. Business License fees and penalties will be applied to all outstanding accounts on February 1st of the calendar year or the next business day if on a weekend. Business License fees and penalties shall be set forth in the *Taza Development Rates and Fees Law, 2019*.

Revocation, Suspension or Refusal of a Business License

43. The Licensing Officer may revoke or suspend a Business License if:
- (a) a Person or Business to whom the Business License is issued contravenes this Law in the course of carrying on the business covered by the Business License; or
 - (b) in the opinion of the Licensing Officer, there are just and reasonable grounds to suspend or revoke a Business License.
44. Upon a Business License being suspended or revoked, the holder shall be notified:

- (a) by personal service of a notice on the holder; or
 - (b) by mailing a notice to the holder by registered mail to the holder's business location or residential address noted on the Application for the Business License.
- 45. A notice of suspension or revocation of a Business License shall be deemed to be received on the date of service or seven (7) business days after the date it is mailed.
- 46. Upon receiving a notice of suspension or revocation of a Business License, a Person shall cease to carry on the Business to which the Business License was issued.
- 47. Where a Business involves the occupation of a specific building or a specific location and such Business is reasonably believed to require a Business License under this Law, a Licensing Inspector, or any other Person authorized, may inspect the building or location for any purpose under this Law at all reasonable times during the license year.
- 48. A suspension of a Business License under this Law may be:
 - (a) for a period of time not exceeding the unexpired term of the Business License; or
 - (b) where the suspension is for non-compliance with a statute, regulation, or Law, until the holder of the suspended Business License, in the opinion of the Licensing Officer, complies with the statute, regulation or Law.
- 49. A Business License may be revoked or suspended for non-compliance with a statute, regulation or Law notwithstanding that the holder of the Business License has not been prosecuted for a contravention of the statute, regulation or Law.
- 50. Where any certificate, authority, license or other document of qualification under this or any other Law or any other statute of Canada or the Province of Alberta, is suspended, cancelled, terminated or surrendered, any Business License issued under this Law based in whole or in part on such certificate, authority, license or other document of qualification shall be automatically revoked. The Licensee shall:
 - (a) return the Business License to the Licensing Officer; and
 - (b) furnish the Licensing Officer with proof of satisfactory renewal or reissue of any certificate authority, license or other document of qualification.
- 51. Upon request by the Environmental Health Officer to do so the Licensing Inspector shall suspend the Business License of any licensed premises concerned and shall not reinstate such Business Licensee until the Environmental Health Officer certifies that the premises concerned are fit to be used.

Appeal

- 52. In every case where an Application for a Business License has been refused, a Business License has been authorized subject to conditions, or where a Business License has been revoked, the Person seeking the Business License shall be entitled to appeal to the Development Appeal Board. The Development Appeal Board shall determine whether the refusal of the Business License or conditions attached thereto was just and reasonable.

53. Any Applicant who is affected by a decision of the Licensing Officer, other than a decision to issue a violation ticket, may appeal to Development Appeal Board, by delivering to the Development Appeal Board - a notice of appeal in the form prescribed, within twenty (20) calendar days. An appeal must be:
- (a) in writing, setting out the reasons for the appeal; and
 - (b) accompanied by the required appeal fee of One Hundred (\$100.00) Dollars.
54. Any appeal received after the Twenty (20) business days shall be barred and extinguished.
55. If the Development Appeal Board determines that a Notice of Appeal is not properly completed, its representative shall notify the appellant and the appellant shall correct any deficiency in the Notice of Appeal within three (3) business days, failing which the Notice of Appeal will be deemed invalid. An appeal shall be heard by Development Appeal Board within ten (10) business days of the date upon which a resubmitted Notice of Appeal is received by the Development Appeal Board.
56. After hearing the Applicant and the evidence, the Development Appeal Board may uphold, vary, or reverse a decision of the Licensing Officer. The decision of the Development Appeal Board in the appeal matter is final.
57. The Development Appeal Board shall advise an appellant of the outcome of the appeal within seven (7) business days of the decision being rendered by the Development Appeal Board.

Seasonal Vendor

58. All Seasonal Vendors on the Taza Development Lands shall require a Business License from Civic Services.

Massage Therapy

59. No Agent or Person operating as a Massage Therapy Business shall:
- (a) be issued a Business License unless the massage therapist(s) are licensed, trained or have credentials, proof of which must be provided at the time of the Application;
 - (b) exhibit or allow to be exhibited, on or in the premises or elsewhere, any sign or other form of advertising that suggests or indicates that the premises is a place where any form of sexual intercourse or other sexual gratification is offered; or
 - (c) distribute or display any advertising that suggests or indicates that any services provided include any form of sexual intercourse or other sexual gratification.

Mobile Vending Units

60. Mobile Vending units shall only carry on business at special event locations approved by Civic Services. Written approvals from the event organizer must accompany all Business License Applications of this nature.
61. Mobile Vending units booking venues within community halls, recreation centers, arenas, Sportsplex, and similar venues will be considered on a case by case basis by Civic Services.

Smoke and Cannabis Shops

62. All businesses that operate a Smoke and/or Cannabis Shop must comply with all applicable legislation.

Business License Fees

63. Business License fees are specified in the *Taza Development Rates & Fees Law, 2019* and shall form a part of this Law.

Penalties and Enforcement

64. Any Person who contravenes any provision of this Law is guilty of an offence and is liable on summary conviction to a fine of not more than the fines set out in the *Rates and Fees Law, 2019*. Where there is a specified penalty listed for an offence in Schedule "A" to this Law, that amount is the specified penalty for the offence.
65. Where a Person contravenes the same provision of this Law two or three times within one twelve (12) month period, the specified penalty payable in respect of the second or third contravention shall be the amount stated in Schedule "A" for the second and third offences.
66. In the case of an offense that is of a continuing nature, a contravention constitutes a separate offense in respect of each day or part of a day on which it continues.
67. The levying and payment of any fine provided in this Law shall not relieve a Person from the necessity of paying any fees, charges or costs from which that Person is liable under the provisions of this Law or any other law.
68. Any Peace Officer who has reasonable and probable grounds to believe that any Person has contravened any provision of this Law may issue and serve a violation tag allowing a payment of the specified penalty to the Tsuut'ina Nation.
69. Service of a violation tag will be sufficient if it is:
- (a) personally served; or
 - (b) served by regular mail to the Person's last known mailing address.
70. If a violation ticket is issued in respect to an offence, the violation ticket may:
- (a) specify the fine amount established by this Law for the offences as set out in Schedule "A" of this Law; or
 - (b) require a Person to appear in Court without the alternative of making a voluntary payment.
71. A Person who commits an offence may:
- (a) if a violation ticket is issued in respect of the offence; and
 - (b) if the violation ticket specifies the fine amount established by this Law for the offence;

make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the location specified on the violation ticket.

General

72. Any Person who contravenes any provision of this Law by:
- (a) doing any act or thing which the Person is prohibited from doing; or
 - (b) failing to do any act of thing the Person is required to do;
- Is guilty of an offence and any offence created pursuant to this Law is a strict liability offence for the purposed of prosecution under this Law.
73. Words in the singular include the plural and words in the plural include the singular.
74. The Schedules to this Law shall be included in and form part of this Law.

Amendments

Amendments

75. Amendments to this Law shall be made through the *Tsuut'ina Nation Legislative Process Act*, as may be amended from time to time.

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Schedule "A":

| Offence | Penalty 1 st Offence | Penalty 2 nd Offence | Penalty 3 rd Offence |
|---|------------------------------------|------------------------------------|------------------------------------|
| Carry on a business without a paid Business License fee | \$250 | \$500 | \$1000 |
| Contravene condition of a Business License | \$250 | \$500 | \$1000 |
| Operate separate business without Business License | \$250 | \$500 | \$1000 |
| Fail to post or present Business License | \$250 | \$500 | \$1000 |
| Fail to carry or show Business License | \$250 | \$500 | \$1000 |
| Give false information on Application | \$250 | \$500 | \$1000 |
| Carry on business when Business License is suspended | \$250 | \$500 | \$1000 |
| Carry on mobile vending business without approval | \$250 | \$500 | \$1000 |

Chief and Council Signatory Page

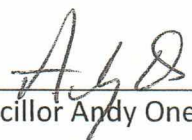
THIS LAW IS HEREBY made at this duly convened meeting of the Chief and Council of the Tsuut'ina Nation this 27st day of August, 2019 by Nation Council Resolution.

Voting in favour of the Taza Development Business License Law, 2019, as evidenced by signatures, are the following members of the Tsuut'ina Nation Chief and Council:

Chief Lee Crowchild



Councillor Leon Littlelight



Councillor Andy Onespot Sr.

Councillor Regena Crowchild



Councillor Brent Dodginghorse



Councillor Leeroy Meguinis


Councillor Lyle Dodginghorse




Councillor Stanley Big Plume



Councillor Darryl Whitney



Councillor Kelsey Big Plume



Councillor Vincent Crowchild

Councillor Ellery Starlight



Councillor Darrell Crowchild

