

Revised as per recommendations from Solicitor – November 15, 2007

Additional Revisions by Economic Development Committee August 2010

Nipissing Nation Business Licencing Law

Law No. 2, IA-2010-11-16

**A law to provide for the Licencing and
regulating businesses in Nipissing
Nation and its land.**

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NIPISSING NATION

LAW NO. 2, IA-2007-07-20

A law to provide for the licencing and regulating of businesses in Nipissing Nation and its land.

WHEREAS the Council of the Nipissing Nation desires to make a law governing the Licencing and regulating of various businesses in Nipissing Nation and its land, with respect to any matter arising out of or ancillary to the exercise of powers under Section 81 of the Indian Act and the First Nations Land Management Act for the imposition of a penalty for a violation thereof;

AND WHEREAS the Council of the Nipissing Nation is empowered to make such law pursuant to paragraphs 81, (g), (h), (n), (p), (q), (r), 81(2) and 81(3) of the Indian Act and Section 20 of the First Nations Land Management Act.

AND WHEREAS at a future time when land that is presently under the land tenure of “unsold surrendered lands” and land held by a Nipissing Nation corporation, the Indian Act will cease to apply and the First Nation Land Management Act will apply.

AND WHEREAS it is considered to be expedient and necessary to ensure that prior to the development of a business the perspective proprietor obtains the written approval of the Nipissing Nation Business Licencing Committee to conduct that type of business and to ensure that existing businesses operating on Nipissing Nation lands operate under the licencing and regulations set out in this law and in accordance with *any future enacted* Nipissing Nation Zoning Law and any of its amendments.

NOW THEREFORE the Council of Nipissing Nation hereby enacts as follows:

Short Title:

1. This law may be cited as the “Nipissing Nation Business Licencing Law”.

PART I DEFINITIONS

1.1 In this Law:

- (a) “**Additional Fee**” means a fee, in addition to the Licence fee, imposed by the Nipissing Nation on a business at any time during the term of the Licence for costs incurred by Nipissing Nation attributable to the activities of the business;
- (b) “**Alternative Fuels**” for vehicles means a source of fuel used today in place of gasoline and diesel fuel made from petroleum such as electricity, ethanol, hydrogen, methanol, natural gas (Compressed Natural Gas/Liquefied Natural Gas), propane (Liquefied Petroleum Gas), P-Series, Solar Energy and Bio-diesel.

- (c) **"Applicant"** means any person who makes an application for a licence pursuant to the provisions of this Law.
- (d) **"Appeal Committee"** means the Committee of Council duly appointed by this law to conduct hearings under this law *under the Nipissing Nation Dispute Resolution Process*.
- (e) **"Building Renovator"** means a person engaged in the business of altering, repairing or renovating, buildings, structures, chimneys or of constructing radiation fallout shelters, and includes any person who solicits such work, but does not include a building contractor whose principal business is the construction of buildings or structures.
- (f) **"Business"** means a calling, trade, occupation, employment or profession, vocation, commercial activity, or an enterprise which habitually busies, occupies or engages the regular time, attention, labour, effort, of the Licencee or person(s) for purposes of gain, benefit, advantage, livelihood, or profit, or, which the Licencee or person(s) show(s) willingness to invest time and capital on future outcome.
- (g) **"Enforcement Officer"** means the person appointed by the Nipissing Nation as the Nipissing Nation Enforcement Officer or anyone designated by Nipissing Council to carry out law enforcement on Nipissing Nation.
- (h) **"Calling"** means a business or profession as defined in this law.
- (i) **"Commercial promotional event"** means any event promoted to the public.
- (j) **"Contractor"** means a person who carries out the business of renovations. Drains, building, driveway paving, electrical, heating, service infrastructure, plumber etc...
- (k) **"Contractor's Number"** means the unique number assigned by the Nipissing Nations Licencing Committee to the holder of the Building Renovator licence, Drain layer licence, Master Electrician licence, Master Heating Installer licence, Master Plumber licence, Drain Contractor licence, Electrical Contractor licence, Heating Contractor licence, Driveway Paving Contractor licence or a Plumbing Contractor licence.
- (l) **"Council"** shall mean the Chief and Council of Nipissing Nation.
- (m) **"Director"** means the person *responsible for building* or persons as designated by the Executive Director.
- (n) **"Environmental Health Officer"** means the Environmental Health Officer, First Nation and Inuit Health Branch of Health and Welfare Canada and/or the Nipissing Nation Environmental Health Officer designated by Chief and Council.

- (o) **"Equipment"** includes counters, slabs, fittings apparatus, stoves, appliances, utensils, crockery and cutlery.
- (p) **"Festival"** includes balloon festivals, rock concerts, blue grass festivals, folk festivals, van-ins, raves and any other special events.
- (q) **"Fire Chief"** means the Chief of the Fire Department of Nipissing Nation or his or her designate and/or the Fire Chief for the City of North Bay.
- (r) **"Fireworks"** means a pyrotechnic device or a substance that is made, manufactured or used to produce an explosion or detonation or includes fireworks composition and manufactured fireworks as defined in the *Explosives Regulations made pursuant to The Explosives Act*.
- (s) **"Food"** means food or drink for human consumption, and includes an ingredient of food or drink for human consumption.
- (t) **"Food Service Premise"** means a premise where food or milk is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, but does not include a private residence.
- (u) **"Foodstuffs"** means an edible commodity meant for human consumption.
- (v) **"Highway"** means the traveled portion of a roadway and the ungraveled portion of the roadway under the jurisdiction of the Nipissing Nation and includes the boulevard and the sidewalk.
- (w) **"Individual"** means a natural person and does not include a corporation, partnership or association.
- (x) **"Inspector"** means any person designated by the *Nipissing Nation Enforcement Officer* as an inspector for the purpose of the administration and enforcement of this Law.
- (y) **"Licence"** means an authorization under this Law to carry on a trade, calling, business or occupation specified therein and the document, certificate or card issued shall provide evidence of such authority as the context may allow.
- (z) **"Licencing Committee"** means a committee composed of representation from Economic Development Department, Land's Department and Administration Department *shall be known as the "Business Licencing Committee"*.
- (aa) **"Licence Manager"** may mean the Manager *in charge of the Business Licencing for the Nipissing Nation*.
- (bb) **"Licencing Office"** means the *Nipissing Nation Enforcement Office* of the Nipissing Nation or any office designated by Council from time to time.

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- (cc) **"Licenced Premise"** means an establishment, which is referred to in a licence issued under this Law.
- (dd) **"Licencee"** means a person who has been issued and maintains a valid Licence pursuant to the terms of this Law.
- (ee) **"Licencing Unit"** *may* mean the Business *Licencing* Committee of the Nipissing Nation.
- (ff) **"Lunch Counter"** means a building or structure or part thereof where meals or meal portions, including ice cream cones or other frozen confectionaries, are prepared and sold over a counter for consumption within the building or structure or off premises.
- (gg) **"Member"** means a person who is a Member of Nipissing Nation.
- (hh) **"Mobile Home"** means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons.
- (ii) **"Motor Vehicle"** includes an automobile and any other vehicle propelled or driven other than by muscular power, but does not include the cars of electric or steam railways, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*.
- (jj) **"Motor Vehicle Dealership"** means a business where new and/or pre-owned vehicles are displayed for retail sales purposes and in conjunction with which there may be a motor vehicles repair garage, or Auto Body Shop.
- (kk) **"Motor Vehicle Repair Garage"** means a business where motor vehicles are repaired including mechanical and body repairs and painting.
- (ll) **"Nipissing Nation Enforcement Officer"** means the individual appointed or designated from time to time by Nipissing Nation Council to issue licences *and enforce this law*.
- (mm) **"Nipissing Nation, or; Nipissing First Nation, or; Nipissing Band of Ojibways, or; the Nipissing Band, or the Band"**, as the case may be, means a Band, as defined in section 2 of the Indian Act.
- (nn) **"Nipissing Nation land"** means *lands situated on* Nipissing Nation, Nipissing *Indian* Reserve #10, Unsold Surrender land of the Nipissing Nation, or corporate lands of the Nipissing Nation.
- (oo) **"Non-Nation person"** means a person who is not entitled to registered as Nipissing Nation band member on the Band List for the Nipissing First Nation according to Section 8 of the Indian Act.
- (pp) **"Notice of Additional Fee"** means a written notice by the *Nipissing Nation*

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Enforcement Officer to a Licencee advising them of their requirement to pay an Additional Fee under this law.

- (qq) **"Occupation"** means a business or profession as defined in this law.
- (rr) **"Operator"** shall mean a person who alone or with others, operates, manages, supervises, runs or controls or directs the trade, calling, business or occupation, and operates, and "operation" has a corresponding meaning.
- (ss) **"Owner"** with respect to a trade, business or occupation licenced under this Law shall mean alone or with others who own and/or has the ultimate control over a company or partnership that carries on the trade, business, or occupation, and whose name appears on the licence issued by Nipissing Nation for such trade, business or occupation pursuant to this Law.
- (tt) **"Owner's License"** means *the licence* issued to an Owner under this Law.
- (uu) **"Parking Lot"** means any lot, building, structure or part thereof used for the temporary storage of more than three (3) motor vehicles where consideration is paid for such storage but does not include parking facilities provided by landlords for tenants or by Condominium Corporations to unit owners or tenants.
- (vv) **"Partnership"** means an association of two or more persons to carry on, as co-owners, a business, calling or trade.
- (ww) **"Passenger"** means any person in a Taxicab or Limousine other than the driver.
- (xx) **"Paving"** means the laying or covering with material to form a firm level surface for travel.
- (yy) **"Peddler"** means a person who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries or exposes samples, patterns or specimens of any goods, wares or merchandise that are provided to the customer immediately.
- (zz) **"Person"** includes not only an individual, but also a corporation, syndicate, association, sole proprietor, partnership, and heirs, executors, administrators, or agent or trustee of a person and other legal representatives of a person to whom the context can apply according to law.
- (aaa) **"Personal Services"** means a business that provides personal care procedures for any part of the body and includes but is not limited to acupuncture, hair cutting, manicuring and nail treatments, electrolysis, tattooing and micro-pigmentation, body piercing and ear piercing.
- (bbb) **"Place of Public Assembly"** means but is not limited to theatres, music halls, festivals, public place, billiard and pool halls, banquet facilities, exhibitions, nightclubs, *establishments serving liquor or alcoholic beverages*, restaurant/bar

or other place of entertainment or amusement.

- (ccc) **"Place for the Reception, Refreshment or Entertainment of the Public"**, means, but is not limited to, any place or premises where alcoholic and/or non-alcoholic beverages are offered *for sale for consumption at that place or premises*.
- (ddd) **"Police Chief"** means the Sergeant of Anishnabek Police for Nipissing Nation, or any Police Officer of that Service.
- (eee) **"Premises"** means a building or part of a building and any yard or place of storage, and any place.
- (fff) **"Profession"** means a vocation, occupation, or calling requiring special, usually advanced, education and skill, and as defined in this law.
- (ggg) **"Public Hall"** means a Nipissing Nation building or structure or part thereof including a banquet hall or a portable building or tent, offered for use as a place of public assembly, and shall be deemed to include a public place as defined by the Nipissing Nation Smoke-Free Policy.
- (hhh) **"Refreshment Vehicle"** includes any vehicle from which refreshments are sold for consumption by the public and includes, but is not limited to, carts, wagons, trailers, trucks and bicycles, irrespective of the type of motive power employed to move the Refreshment Vehicle from one point to another.
- (iii) **"Registered Owner"** means the person shown to be the owner of a motor vehicle according to the records maintained by the Registrar of Vehicles for the Province of Ontario.
- (jjj) **"Reserve"** means the Reserve set apart for the use and benefit of the Nipissing Nation.
- (kkk) **"Restaurant"** means a building or structure or part thereof where food is prepared and offered for sale to the public for consumption within the building or structure or off the premises and may include a drive-through window.
- (lll) **"Special Sale"** includes any sale or offer to sell goods, wares and merchandise at retail which is advertised or described by the use of any of the following words or any words similar thereto: bankrupt, creditor, insolvent, trustee receiver, liquidator, moving out, selling out, closing out, lease expiry, discontinuing, fire, smoke, water damage, forced or any other similar word or words which represent, hold out or advertise that any goods, wares or merchandise are to be disposed of in a manner that is not in the ordinary course of the retail business.
- (mmm) **"Storage of Motor Vehicles"** means in carrying on the business of towing motor vehicles, storage of any motor vehicle into a secure storage compound.
- (nnn) **"Sidewalk"** means any public walkway, or portion of a highway between the curb line or the lateral line of the roadway and the adjacent property line, intended for the use of pedestrians.

- (ooo) **"Sign"** means any device located outside of any building, which is to be used for the purpose of identifying, advertising or attracting attention to any business, enterprise, organization or project, product or service, including all parts of such device including frames but excluding supporting sign structure; located on any premises by means of painting on or attaching bills, letters, numerals, pictorial matter or electric or other devices in such a way as to be visible to the public. A sign also includes any inflatable device tethered to any building, structure, vehicle or other anchor and an announcement, notice, directional matter, name declaration, demonstration, display, illustration or insignia.
- (ppp) **"Sole Proprietorship"** means a form of business in which only one person has sole care and control over the business, and/or sole ownership over the assets of the business, and the only person to receive the profit of the business.
- (qqq) **"Take-out Restaurant"** means a building, structure or part thereof where food, prepared on or off the premises, is offered for sale to the public, and where the food is ordered for delivery or pick-up with consumption of all food occurring off the premises.
- (rrr) **To Provide**", when used in relation to any magazine, means to sell, offer to sell or display for sale by retail or otherwise such magazine, and provider, providing and provision has corresponding meanings.
- (sss) **"Trade"** means a business as defined by this law.
- (ttt) **"Trade Show"** means a temporary private or public showing of goods, wares or merchandise which may be offered for sale.
- (uuu) **"Traditional Gatherings, Pow Wows and Native Visiting Traders"** means those Nipissing Nation native cultural and heritage gatherings solely benefiting the Nipissing Nation Council sanctioned not for profit Nipissing Nation Cultural or Heritage Committee and the visiting vendors who set up booths for the sale of food or goods at these gatherings are exempt from this law.
- (vvv) **"Transient Trader"** means a person who offers goods, wares, or merchandise for sale in any manner in the Nipissing Nation lands, either directly or by way of sample or catalogue for delivery later, i) other than on a permanent basis, or ii) on a permanent basis if the total time the person has operated the business and the time the person continuously resided in Nipissing Nation immediately before beginning to operate the business on a permanent basis is less than three months. This also includes the business, occupation or calling commonly known as a Peddler.
- (www) **"Vehicle"** means a Motor Vehicle.
- (xxx) **"Year To Date"** means the figures appearing under the heading "year" in the description of motor vehicle portion of the current Ministry of Transportation passenger Motor Vehicle permit for any vehicle.

PART 2 LICENCE REQUIRED:

- 2.1 No person shall *carry on or engage in* any type of business without a licence authorizing him to do so obtained from the Nipissing Nation Business *Licencing Committee* and issued in accordance with this Nipissing Nation Business Law and any other applicable laws deemed to apply by the Nipissing Nation Council.
- 2.2 No person shall publish or cause to be published any representation that the person is licenced under this Law if the person is not so licenced.
- 2.3 For the purpose of this Law a business licenced under this Law shall be deemed to be carried on within the Nipissing Nation lands if any part of the business is carried on in Nipissing Nation, even if the business is being conducted primarily from a location outside of Nipissing Nation lands.

PART 3 LICENCE

- 3.1 Any person carrying on more than one business on Nipissing Nation must obtain a separate business Licence for each business, and where a business is conducted in or from more than one premise, the business conducted in or from each premise will be deemed a separate and distinct business and will require a separate Licence.
- 3.2 Every Licence granted under this law is valid and permits the Licencee to carry on the business in a lawful manner.
- 3.3 The Licencee or person in charge or control of the premises where the business is conducted must at all times keep the Licence or Licences prominently displayed in an area of the premises to which the public has access or in an area designated by the Nipissing Nation Enforcement Officer.
- 3.4 The Licencee must notify the Nipissing Nation Enforcement Officer and/or representative of Council designated from time to time, of any change in: the mailing or business address; the type of business; the area of the premises; and, any substantial physical alteration to the premises in which the business is conducted. Upon the closing of the business, the Licencee will surrender the Licence to the Nipissing Nation Enforcement Officer.

PART 4 ADMINISTRATION AND ENFORCEMENT

- 4.1 Unless otherwise indicated, the administration of this Law is assigned to the Nipissing Nation Enforcement Officer and/or representative of Council designated from time to time, whose duties shall include but not be limited to the following:
 - (a) Preparing necessary documentation and forms.
 - (b) Receiving and processing all applications for licences and for renewals of licences.
 - (c) Issuing licences when an application is made in accordance with and in compliance with the provisions of this Law.

- (d) Maintaining records showing all applications received and licences issued.
- (e) Generally performing all the administrative functions conferred upon the *Nipissing Nation Enforcement Officer* by this Law.
- (f) Carrying out the enforcement of this Law together with the Anishnabek Police Service, the Lawrence Commanda Health Center, the Nipissing Nation Fire Department and any other Nipissing Nation department including any other agency.

4.2 The Nipissing Nation Enforcement Officer may delegate the performance of his or her function under this Law from time to time as occasion requires.

PART 5 APPLICATIONS AND RENEWALS

- 5.1 Applications for licences and renewals shall be made to the Nipissing Nation Enforcement Officer on the forms provided by the Licensing Office.
- 5.2 Every person applying for a Licence under this law to operate a business that is governed or requires registration by any federal statute, or self-regulating professional body, must supply proof of his or her qualifications and of the qualifications of the employees to carry out such a business, and must accompany the Nipissing Nation Business Licence Application form prescribed under this law.
- 5.3 If at any time the facts and conditions upon which a Licence was issued change from when the original licence issued, the applicant shall notify the Nipissing Nation Enforcement Officer of any change and shall furnish such information as the Nipissing Nation Enforcement Officer may request to be furnished. Failure to comply with this requirement may result in the non-renewal, suspension or revocation of a licence. A licence may not be renewed for the reasons set out in this Law, including non-payment of fees.
- 5.4 The applicant shall provide in full, at the time the application is submitted, all of the information requested on the application form as well as the following:
 - (a) Payment of the licence fee as set out in this Law.
 - (b) The business premises comply with the terms of this law.
 - (c) Any other document or information as may be required by the Nipissing Nation Enforcement Officer or in any other part of this Law.
 - (d) If the applicant is a corporation, a copy of the articles of incorporation, a copy of the last annual information filed, and a list of all current directors and officers together with their addresses and phone numbers. Further, a list with the name and address of every person having responsibility for the management or operation of the business; and

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- (e) If the applicant is a partnership, a copy of the registered declaration of partnership, a copy of the business name registration and a list of all current partners together with their addresses and phone numbers.
- 5.5 The Nipissing Nation Enforcement Officer may make or cause to be made all investigations deemed necessary or which are required by law or Council relative to the application and may circulate the application to all or any other departments within the Nipissing Nation, Anishnabek Police Service, Lawrence Commanda Health Center any other person or agency as may be deemed necessary.
- 5.6 Every Licencee shall be required to renew the said licence prior to the expiry of the original licence issued under this Law.
- 5.7 Notwithstanding that a licence has been renewed, the Nipissing Nation Enforcement Officer may require the holder of a licence to file with Nipissing Nation Enforcement Officer designate such certificates or other documentary evidence as the Nipissing Nation Enforcement Officer may require as evidence that such applicant satisfies the requirements of this Law.
- 5.8 The Nipissing Nation Enforcement Officer may require the applicant to obtain more than one licence under this Law, if the nature of the trade, calling, business or occupation of the applicant qualifies under more than one Licencing category under this Law.

PART 6 INSPECTIONS

- 6.1 Upon receipt of an application for a licence or for renewal of a licence or as a condition of the continuation of a licence, the Nipissing Nation Enforcement Officer may at any reasonable time, enter upon the business premises of the applicant or Licencee to make an inspection to ensure that all the provisions of this Law, other Nipissing Nation laws and other laws have been complied with.
- 6.2 Any person authorized by the Nipissing Nation Enforcement Officer may at any reasonable time inspect as much of any building, house, place or premises as is used for the carrying on, conducting, operating, maintaining or keeping of any trade, business, occupation, calling, in respect of which any person is required to have a licence under this Law.
- 6.3 No person shall obstruct, hinder or in any way interfere with the person inspecting, investigating or enforcing this Law, or withhold, destroy, conceal or refuse to furnish information required.
- 6.4 The Nipissing Nation Enforcement Officer is entitled to inspect any vehicle, any goods, articles, books, records and other documents of or relating to any such trade, business, occupation or calling with the exception of any documents protected under federal or provincial law.

PART 7 ISSUANCE OF LICENCE

- 7.1 Any licence issued under this Law may be cancelled by the Nipissing Nation Enforcement Officer at any time upon the request of the Licencee.
- 7.2 Every licence issued under this Law shall be valid for a period of twelve (12) months unless specified otherwise.
- 7.3 Every licence shall expire on the date set out in the licence unless it is renewed in accordance with the provisions of this Law.
- 7.4 Any Licencee shall carry on business in Nipissing Nation in the name which is set out on the licence and shall not promote, advertise or carry out business in Nipissing Nation in any other name unless the Licencee has first notified the Nipissing Nation Enforcement Officer and complied with this Law.
- 7.5 The Nipissing Nation Enforcement Officer shall on behalf of Nipissing Nation sign all licences issued by it pursuant to this Law and his or her signature may be printed or mechanically reproduced upon each licence issued.
- 7.6 No person shall enjoy a vested right in the continuance of a licence and upon the suspension or revocation, the licence, which is the property of Nipissing Nation, shall be returned.
- 7.7 Every licence is valid only in respect of the person and the premises of the person named therein and for the nature of the business stated on the licence and no licence may be sold, purchased, leased, mortgaged, charged, encumbered, assigned, pledged, transferred or otherwise dealt with.

PART 8 TERMS AND CONDITIONS

- 8.1 Notwithstanding any other provisions of this Law, the Nipissing Nation Enforcement Officer may issue, renew or continue a licence subject to such terms and conditions including special conditions as are necessary to give effect to this Law.
- 8.2 It shall be a condition of every licence that the Licencee shall, in carrying on the business:
 - (a) Comply with the provisions of this Law and ensure such compliance for every other person involved in the carrying on of such business.
 - (b) Comply with Nipissing Nation's policies, guidelines and all federal *and provincial* laws and Regulations unless otherwise specified, and all other Laws of Nipissing Nation and amendments thereto.
 - (c) At all times maintain and keep clean, safe, in good condition and repair any vehicle, place or premises for which a licence has been issued under this Law.
 - (d) Not cause, tolerate or permit a nuisance to arise in connection with the place or premises for which the licence was issued.

- (e) Not cause, tolerate or permit shouting, noise or disturbance on, in or connection with the place or premises for which a licence was issued, which is unnecessary, unreasonable or contrary to any Law prohibiting the same, and if such shouting, noise or other disturbance occurs, the Licencee shall at once take immediate steps to cause the nuisance to be abated.
- (f) Not cause, tolerate or permit any obstruction on any highway, sidewalk, lane or public place in front of or adjoining the place or premises for which a licence was issued.
- (g) Not cause, tolerate or permit any profane, offensive or abusive language in connection with any place or premises for which the licence was issued.

PART 9 GROUNDS TO REFUSE TO ISSUE OR RENEW A LICENCE OR TO REVOKE OR SUSPEND

9.1 The following are the grounds upon which a licence may be refused, not renewed, revoked or suspended:

- (a) The past or present conduct of the applicant or Licencee, or of any partner, in the case of a partnership, or in the case of a corporation, the conduct of its officers, directors, employees or agents, affords reasonable grounds for the belief that the business has not or will not be carried on in accordance within the law or with honesty and integrity.
- (b) There are reasonable grounds to believe that any information or documents provided to the Nipissing Nation Enforcement Officer by or on behalf of the applicant or Licencee contains false or misleading information.
- (c) The applicant or Licencee has failed to pay the fine or fines imposed by the Court arising from convictions for breach of a law enacted by Nipissing Nation Council or has failed to pay the fines for convictions under the *Provincial Offences Act* which are due and unpaid, or where a prohibition or other Court order made upon conviction has not been complied with.
- (d) There are reasonable grounds to believe that the applicant or Licencee or the business is being operated in contravention of any provincial, federal law and NFN Law.
- (e) There are reasonable grounds to believe that the applicant or Licencee does not meet or has failed to comply with the requirements of this Law, or any other Nipissing Nation law, or the business is carried on or intended to be carried on in an area of Nipissing Nation where such business is prohibited by this Law or in any other Nipissing Nation laws from being carried on, or in respect of which the issuing of a licence in respect of the business is not permitted by this Law.
- (f) There are reasonable grounds to believe that the building, premises or place or part thereof in which the business is carried on or intended to be carried on is dangerous or unsafe.

- (g) There are reasonable grounds to believe that the equipment, vehicles, and other personal property used or kept for hire in connection with the carrying on of or engaging in the business is dangerous or unsafe.
- (h) The application is not complete or the fee payable in respect of the licence or renewal has not been paid.
- (i) The applicant or Licencee has failed to comply with any condition or direction of the Nipissing Nation Enforcement Officer or failed to permit any investigation by the Nipissing Nation Enforcement Officer.
- (j) Adverse comment or comments have been received by the Nipissing Nation Enforcement Officer, or from any other Nipissing Nation Department or any of the agencies to which the application, renewal or request was circulated.
- (k) Any of the Part 8 terms and conditions are breached.
- (l) The business is deemed not to be in the best interest of the members of the Nipissing Nation.

PART 10 REFUSALS TO ISSUE OR RENEW - SUSPEND OR REVOKE

- 10.1 Subject to this Part, the applicant or Licencee is entitled to a hearing before the Business Licencing Committee where the decision of the Nipissing Nation Enforcement Officer is to refuse, or not renew a licence or to suspend or revoke a licence. Written notice with grounds of the Nipissing Nation Enforcement Officer decision will be given in accordance with Part 21 to the applicant or Licencee.
- 10.2 To obtain a hearing before the Licencing Committee, the applicant or Licencee shall within thirty (30) _days from the date contained within the notice from the Nipissing Nation Enforcement Officer, file a *written* request for a hearing with the Nipissing Nation Enforcement Officer, together with the reasons for requesting the hearing, which request shall include any change of address for receipt of the notice of hearing from that specified in the application or licence.
- 10.3 If the applicant or Licencee does not request a hearing within thirty (30) days, the decision of the Nipissing Nation Enforcement Officer is final.
- 10.4 The Nipissing Nation Enforcement Officer, upon receipt of a written request from the applicant or Licencee within the time limit specified in this part, shall schedule a hearing before the Licencing Committee and send written notice of the hearing to the parties, which notice may be personally delivered or sent via facsimile or sent by regular or registered mail, to the address in the application unless the request for a hearing specifies a different address.
- 10.5 An applicant or Licencee is also, entitled to a hearing by the Licencing Committee regarding a term or condition imposed on a licence if the applicant or Licencee delivers to the Nipissing Nation Enforcement Officer within thirty (30) days of the notice of the term or condition to be imposed, a written request for a hearing setting out the

impugned term or condition and the reason for the request for the hearing in which case the procedural provisions of this part apply. Licencee may be required to provide additional information.

PART 11 BUSINESS LICENCING COMMITTEE THE HEARING

- 11.1 The *Business* Licensing Committee shall review and grant all licences under this Law.
- 11.2 Any hearing required to be held by the Business Licence Committee under this Law shall be held pursuant to the procedures for committees of the Nipissing Nation, as amended, and the Committee shall be composed of Economic Development Officer, Lands Officer and Administration Officer of the Nipissing Nation shall constitute a Committee of the Nipissing Nation Council known as the Business Licensing Committee.
- 11.3 At the conclusion of a hearing, the *Business* Licensing Committee shall, as soon as practicable, make a written report to Council *and the applicant*.
- 11.4 Council may uphold or vary the decision of the *Business* Licensing Committee to do any act or make any decision that it might have done had it conducted the hearing itself, OR direct that the matter be referred to a Nipissing Nation Dispute Resolution Process. The applicant or Licencee shall not be entitled to a further hearing on the matter and the decision of the Dispute Resolution Evaluator, Mediator or Arbitrator and the decision shall be final.

PART 12 DIRECTIONS TO COMPLY

- 12.1 Where the Nipissing Nation Enforcement Officer finds that any provision of this Law has been contravened, he or she may give to the person believed to be the contravener a direction, directing compliance with such provision and may require the direction to be carried out forthwith or within such time as the Nipissing Nation Enforcement Officer specifies.

PART 13 BUSINESSES REQUIRING A LICENCE

- 13.1 ALL businesses require a Licence to operate on Nipissing Nation lands or any lands owned by a Nipissing Nation member.

PART 14 LICENCES NON-TRANSFERABLE AND NON-REFUNDABLE

- 14.1 A licence issued under this Law is not transferable and the fee is non-refundable.

PART 15 GENERAL BUSINESS LICENCE PROHIBITIONS

- 15.1 No person shall hold himself or herself out to be licenced pursuant to this Law unless the person is so licenced.

- 15.2 No person shall obstruct or hinder the Nipissing Nation Enforcement Officer or representatives in the execution of their duties.
- 15.3 No person shall operate or permit to be operated any vehicle as a business, which is not licenced pursuant to this Law if required.
- 15.4 No person shall operate or permit to be operated any vehicle as a business, which does not have affixed to it in a manner approved by the Nipissing Nation Enforcement Officer, a current valid licence if required.
- 15.5 No person licenced to carry on business under this Law shall advertise, promote or carry on such business under any name other than the name endorsed upon the licence.
- 15.6 No person shall alter, erase or modify a licence or allow the alteration, erasure or modification of a licence without approval of the Nipissing Nation Enforcement Officer.
- 15.7 No person licenced under the provision of this Law shall fail to maintain, on a continuous basis, the conditions or requirements, which were necessary to obtain the original approval of the licence application, or have been imposed since the issuance of the licence.
- 15.8 No person shall fail to keep any and all of the records required to be kept under any provision of this Law.

PART 16 CHANGES TO INFORMATION

- 16.1 Every Licencee shall notify the Economic Development department within five (5) business days in the event of:
 - a) Any change in the Licencee's business address.
 - b) Change of location, change in business name; or
 - c) Any change to any other information related to the licence.
- 16.2 Where a new business licence application has been filed pursuant to 15.1, the normal business licence application process shall be implemented. This shall include circulation of the application plus any required inspections or fees.
- 16.3 Where the Licencee is a corporation the Licencee shall notify the *Nipissing Nation Enforcement Officer* and or Economic Development Officer within five (5) business days of any change in the names and addresses of the officers and directors, the location of the corporate head office or, if a partnership any change in the name and address of any partner.

PART 17 DISPLAY AND PRODUCTION OF LICENCE

- 17.1 Every person obtaining a licence under this Law, where the same applies to the premises, will keep his licence posted up in some conspicuous place on the premises in respect of which the licence is issued, and every person so licenced shall, when requested, produce the licence for inspection.
- 17.2 Where the Licencee does not have the licence on the premises, the Licencee shall immediately produce the licence upon being requested by the Nipissing Nation Enforcement Officer or his authorized representative.

PART 18 EXEMPTIONS

- 18.1 Any lease agreement between Nipissing Nation and an entity or a person, shall be governed by the provisions set out in the lease agreement where inconsistent with this law.
- 18.2 Notwithstanding any other provisions of this Law, any Traditional ceremony, Pow Wow, Feast, Community Fundraising event or Carnival and any vendor selling products or merchandise at special events only and not at any other location within Nipissing Nation and who is operating at an event sanctioned by Council to adhere to this clause shall be exempt from the requirement to obtain a licence under the provisions of this Law.

PART 19 PENALTIES

- 19.1 Every person who contravenes any provision of this Law and every director or officer of a corporation who concurs in the contravention by the corporation is guilty of an offence and shall upon conviction is liable to a fine not exceeding the fine as set out in Schedule 1 attached and all costs associated with the enforcement of the fine.
- 19.2 The penalties or fines for every person who contravenes this law is set out in the attached Schedule 1 and such Schedule shall be amended from time to time by the Nipissing Nation Council at their discretion.
- 19.3 Where a corporation is convicted of an offence under the provisions of this law is liable to a fine not exceeding an amount as set out in Schedule 1.

PART 20 INTERPRETATION

- 20.1 If what is known as "Daylight Savings Time" has been generally adopted by Nipissing Nation for any period of the year under any statute, Order in Council, law, resolution, proclamations, whether the same is effective in law or not; such time shall be held to be the time referred to during such period in any reference to time in this law.
- 20.2 In this law, unless the context otherwise requires, words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine.

PART 21 NOTICE

- 21.1 Any notice required by this Law to be given to the applicant or Licencee may be given, unless otherwise provided in this Law:
- (a) By mailing a copy of the notice by prepaid ordinary mail post addressed to the address of the applicant or Licencee, as the case may be, listed on the most recent application for a licence.
 - (b) By delivering a copy of the notice personally to the applicant or Licencee.
 - (c) By leaving a copy of the notice at the address of the applicant or the Licencee as listed on the most recent application for a licence; or
 - (d) By leaving a copy of the notice at the business address of the applicant or Licencee.
- 21.2 Any notice served by prepaid ordinary mail shall be deemed to have been received by the Applicant or Licencee on the fifth day following mailing.

PART 22 CONFLICT

- 22.1 In the event of any *inconsistency or duplication* between the provisions of this Law, the Nipissing Nation Business Licensing Committee shall resolve any conflict.

PART 23 SEVERABILITY

- 23.1 If a Court of competent jurisdiction declares any section or part of this Law invalid, it is the intention of Council that the remainder of the Law shall continue in force.

PART 24 REPEAL AND TRANSITION PROVISIONS

- 24.1 On the effective date of this law all existing businesses must comply with the law within 24 months. There will be no fees charged to existing business to acquire a licence.

PART 25 BUSINESS LICENCE FEES

- 25.2 The Licencee shall pay the higher of the Business Licence fee applicable for which the Licencee's application describes where the type of business to be carried out fits two or more License fee categories.

Part 26 ADULT MAGAZINES AND VIDEOS

- 26.1 It shall be a condition of every licence that the Licencee shall, in carrying on the business, comply with all other laws of Nipissing Nation and all other acts and regulations

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26.2 Every owner and operator who provides adult magazines and adult videos in any premises or part thereof or who operates such premises or part thereof, shall comply with the following regulations in respect of such premises or part thereof:

- (a) No adult magazine or adult video shall be displayed, offered for sale, sold, given, rented or exchanged.

Part 27 RELATING TO PERSONAL SERVICE BUSINESSES

- 27.1
- (a) No business defined under this Law as a Personal Service shall commence business without first obtaining a licence from the Nipissing Nation Enforcement Officer to do so.
 - (b) In addition to paragraph (a) no Personal Service business shall commence operation until the Nipissing Nation Enforcement Officer has received a letter from the *Environmental Health Officer of Health and Welfare Canada* confirming that all necessary inspections have been completed and the business is in compliance with the "Food Safety Code of Practice for Canada's Food Service Industry" and the "Health Promotion and Protection Act" and any Personal Services Settings Protocol provided by Health and Welfare Canada and/or any federal or provincial law governing such trade.
 - (c) Every person who carries on a Personal Services business shall comply with all other applicable federal or provincial laws governing this type of service.
 - (d) Inspection of the business premises and enforcement of the Personal Services business will be the responsibility of the Nipissing Nation Enforcement Officer or designate, in addition to *any other* Nipissing Nation employee instructed to do so by the Nipissing Nation Business Licencing Committee.

Part 28 PLACE OF PUBLIC ASSEMBLY – GENERAL

- 28.1
- (a) It is prohibited to establish any types of business defined under this Law at a Place of Public Assembly within Nipissing Nation
 - (b) Notwithstanding 28.1 (a) any such business such as nightclub, bars, restaurants, saloons, after hour bars, or establishments selling, serving liquor or alcoholic beverages shall be subject to severe penalties *under this law*.
 - (c) Exceptions on special occasions. A request to host an event or social must be in writing, must be presented and approved by Chief & Council prior to applying for a permit through LCBO i.e. anniversaries, stag and doe, weddings, and justifiable fundraisers.
 - (d) A Public Place of Assembly is prohibited on Nipissing Nation which includes; restaurants, bars, nightclubs, after hours bar, or other place of entertainment or amusement, selling and serving liquor or alcoholic beverages,
 - (e) Every person to whom this Part relates shall upon being ordered so to do by the

Nipissing Nation Enforcement Officer cease to publish, display or circulate any poster, handbill, card, novelty, notice, newspaper advertisement or other matter used to advertise his business or any show or other performance and shall obliterate, withdraw, remove or destroy any such poster, handbill, card, novelty, notice, advertisement or other matter.

- 28.2 (a) All electrical installations shall be in full compliance with the Ontario Electrical Safety Code
- (b) The provisions of Part 28 also apply to Parts 29 and 30 of this Law.

Part 29 PLACE OF PUBLIC ASSEMBLY – PREMISES HAVING FOOD PREPARATION

- 29.1 No business defined under this Law as a Place of Public Assembly with premises having food preparation shall commence business without first obtaining a licence from the Licencing Office to do so.
- 29.2 No licence shall be issued until the Nipissing Nation Enforcement Officer has received a letter from the Environmental Health Officer of the Health and Welfare Canada or designate that all necessary inspections have been completed and the business is in compliance with the requirements of the "Food Safety Code of Practice" and all other applicable health and safety laws.
- 29.3 Inspection of the business premises and enforcement of the Place of Public Assembly with premises having food preparation will be the responsibility of the Environmental Health Officer of Health and Welfare Canada who shall provide reports and correspondence to the Nipissing Nation Enforcement Officer and designated inspector.
- 29.4 No sanitary convenience shall have direct access to any room in which any food is prepared or stored.
- 29.5 No food room shall be used as a sleeping place.
- 29.6 Any person operating a food business shall take suitable precautions to prevent infestation of the premises by rodents, insects, dust and fumes.
- 29.7 Any food business shall be provided with a supply of potable water adequate for efficient operation, the quality of which is satisfactory to any applicable laws or regulations.
- 29.8 Suitable and sufficient bandages, dressings and antiseptic for first aid treatment shall be provided and maintained in all food premises, in a readily accessible position.
- 29.9 Except where adequate provision is made elsewhere other than in a food room, suitable and sufficient cupboard or locker accommodation shall be provided and maintained in all food premises for the clothing and footwear not worn during working hours of all persons engaged in the handling of food.
- 29.10 Suitable storage facilities and garbage containers shall be provided for refuse from any

food business and the refuse shall be removed as often as reasonably necessary.

Part 30 PLACE OF PUBLIC ASSEMBLY- OTHER

- 30.1 No business defined under this Law as a place of Public Assembly – that does not have food preparation shall commence business without first obtaining a licence in accordance with this law.
- 30.2 No person shall be granted a licence until he produces and files with his application for such licence a certificate from the Environmental Health Officer for the Department of Health and Welfare Canada that the premises in respect to which he desires a licence are in proper sanitary condition and provided with proper conveniences.

Part 31 TRANSIENT TRADERS

- 31.1 No business defined under this Law as a Transient Trader shall commence business without first obtaining a licence from the Nipissing Nation Enforcement Officer to do so.

Transient Trader Licenced Classes

- 31.2 (a) Class 1 – “Day Sales”

Shall include the sale of goods such as, but not limited to, flowers, foodstuffs and fireworks, for a one to three-day period from one specific location such as, but not limited to, a parking lot, a service station lot or a vacant commercial lot where the use is permitted in the Nipissing Nation current Zoning Laws, as amended.

- (b) Class 2- “Seasonal Sales”

Shall include temporary businesses such as, but not limited to, gardening product sales and Christmas tree sales for one period of up to three months from one specific location such as, but not limited to, a parking lot or a vacant commercial lot and may include the use of a temporary structure such as a greenhouse or sales office where the use is permitted in the Nipissing Nation current Zoning Laws, as amended.

- (c) Class 3 – “Door-to-Door Sales”

Shall include any business, person or organization that has sales conducted on his/her or its behalf by door-to-door solicitation.

- (d) Class 4 – “Door-to-Door”, Sales Person”

Shall include any person involved with the sale of goods on a door-to-door basis including sales persons or agents and any person supervising or managing the sale or sales persons.

(e) Class 5 – “Antique/Collectible Show”

Shall include the exhibiting or offering for sale, on a temporary basis, at one location, antique or collectible goods, wares or merchandise.

(f) Class 6 – “Craft Show”

Shall include the exhibiting or offering for sale, on a temporary basis, at one location by Canadian crafts people, goods, wares or merchandise which they themselves have produced.

(g) Class 7 – “Trade Show”

Shall include the exhibiting or offering for sale, on a temporary basis, at one location by several manufacturers or distributors, goods, wares or merchandise which they themselves have produced or manufactured or are distributing on behalf of the producer or manufacturer; but, excludes a consumer show open to the public or a trade show open by invitation or registration only, the primary purpose of which is the display of goods and products and not direct sale of them and also excludes a consumer show or trade show operating as an integral part of a convention or conference.

(h) Class 8- “Flea Market”

Shall include the exhibiting or offering for sale, on a temporary basis, at one location by two or more vendors, a variety of goods, ware or merchandise, but does not include a sale that consists of one type of goods, wares or merchandise; and also does not include Flea Market that is in business on a permanent basis and for which business Licence Fees are being paid for the current year.

(i) Class 9 – “General”

Shall include any Transient Trader excluding classes 1 to 8 as defined in this Part, but shall include Refreshment Vehicle Class “A”.

31.3 Every applicant for a Transient Trader's licence as part of the application for such licence shall:

- (a) Furnish a statement in writing containing a full description of the goods, wares or merchandise that the transient trader proposes to sell or offer for sale under such licence.
- (b) Not offer goods, services or merchandise from privately owned lands without first receiving written approval from the owner, landlord or agent of the owner. Such written approval shall be submitted at the time of application for the Transient Trader licence.
- (c) In addition, sign the Standard Nipissing Nation Undertaking, which includes but

is not limited to the following requirements:

- (i) No trespassing on Nipissing Nation property.
- (ii) No illegal signage on Nipissing Nation property.
- (iii) No provision of permanent or tent-type structure on Nipissing Nation property.
- (iv) No selling or display of products other than what is indicated on the Business Licence.
- (v) Comply with the Nipissing Nation current Zoning Laws, as amended and all other federal or provincial laws or regulations, and all other laws of Nipissing Nation and amendments thereto.

- 31.4 A licence issued under Part 34 is only permission for the particulars supplied by the applicant under this Part, and any change in the classes of goods sold will require a new or separate application.
- 31.5 A licence issued under this Part of this Law shall expire three (3) months from the date of issuance. In the case of a monthly Transient Trader licence, the expiry shall be applicable on the last day of the month.
- 31.6 A separate Transient Trader licence shall be obtained for each location from which the goods, wares or merchandise are sold, and a Transient Trader Licence will not be issued to one company or affiliated companies for more than three (3) locations at any given time.
- 31.7 The sale of goods, wares or merchandise shall not be conducted on any road, highway or other public or private property without the written permission of the appropriate authority or owner. In accordance with this law and the prohibition on the sale of refreshments or confections on Nipissing Nation property, the applicant shall ensure that this law and amendments shall be complied with at all times.
- 31.8 The sale of goods, wares or merchandise shall not be conducted on a vacant property abutting a road or highway or other public right of way.
- 31.9 This Part of this Law does not apply to:
- (a) The sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by reason of fire, which is being sold or disposed of within Nipissing Nation in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock.
 - (b) The sale of a business to a purchaser who continues the business; or
 - (c) A charitable organization or non-profit group or corporation selling goods, wares or merchandise, the proceeds from which are donated to, or used directly for charitable objects.

- 31.10 Notwithstanding 34.6 the sale of goods, wares or merchandise must be offered for sale on privately owned lands zoned to permit the retail sale of general merchandise.
- 31.11 Every Transient Trader shall cause the licence to be prominently and permanently displayed at the Transient Trader's place of business whether indoor or outdoor for the full term in which the Transient Trader is carrying on business as a Transient Trader or a copy of the same shall be in the possession of a person while carrying on the business as a Transient Trader if no building is present to display such licence.
- 31.12 One (1) sign having a maximum sign area of 3.0 m² per face used in conjunction with licenced Class 1 "Day Sales" or licenced Class 2 "Seasonal Sales"; or two (2) signs having a maximum sign area of 1.5 sq m each per face for a licenced Class 1 "Day Sales" or licenced Class 2 "Seasonal Sales". Such sign does not require a permit and may be a portable sign. A Transient Trader will abide by the billboard and sign policy of the Nipissing Nation.

Part 32 AUTOMOTIVE

- 32.1 No motor vehicle dealership or motor vehicle repair garage shall become a nuisance with respect to noise, odors or vehicular movement.
- 32.2 No person shall park or store or permit to be parked or stored any motor vehicle on any highway or road on which the licenced premises abuts.
- 32.3 Any licence entitles the Licencee to carry on only such class or classes of *motor vehicle repair garage* as may be specified, and the Licencee shall not be entitled to carry on or engage in any class of motor vehicle repair garage for which he has not been granted a licence.

Part 33 REFRESHMENT VEHICLES

- 33.1 Each Refreshment Vehicle operating within the boundaries of Nipissing Nation shall be required to be licenced under this Part. The licence issued by the Nipissing Nation Enforcement Officer shall be affixed to the front of the vehicle in a conspicuous location approved by the Nipissing Nation Enforcement Officer. The numbers appearing on the licence shall also be painted on to the sides of the Refreshment Vehicle for the purpose of identification, and shall be at least 15 centimeters (6 inches) in height.
- 33.2 No Refreshment Vehicle business shall commence operation until the Nipissing Nation Enforcement Officer has received a letter from the Environmental Health Officer, First Nation and Inuit Health Branch of the Health and Welfare Canada confirms that all necessary inspections have been completed under all applicable laws related to food premises.
- 33.3 Upon the initial application and each subsequent renewal for a Refreshment Vehicle licence the applicant shall present the Refreshment Vehicle in question for inspection by the Environmental Health Officer, First Nation and Inuit Health Branch of Health and Welfare Canada and or Nipissing Nation Environmental Officer. The applicant shall attach to the licence application the inspection report/letter indicating that the Environmental Health Officer has approved the Refreshment Vehicle for the purpose of

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selling food/refreshment to the general public. The inspection report/letter must be dated within the last 10 days prior to the date the Refreshment Vehicle application or renewal is presented to the Nipissing Nation Enforcement Officer.

- 33.4 The owner or operator of any Refreshment Vehicle, which uses propane as means of preparation, heating and/or cooking food shall be required to submit with the original application and each subsequent renewal a report from the Fuel Safety Standards regulated by the Technical Standards and Safety Authority that such Refreshment Vehicle meets the requirements of the propane storage, handling and utilization Code adopted in the regulations to the Energy Act, as amended. The inspection report must be dated within the last ten (10) days prior to the date the Refreshment Vehicle application or renewal is presented to the Nipissing Nation Enforcement Officer.
- 33.5 The owner or operator of any Refreshment Vehicle, which uses propane as means of preparation, heating and/or cooking food shall be required to submit with the original application and each subsequent renewal a certificate of training from the Technical Standards and Safety Authority verifying the safe handling of propane.
- 33.6 Unless otherwise stated in this Part, every Refreshment Vehicle equipped with propane shall also be equipped with a fire extinguisher having a minimum 2A/10BC rating.
- 33.7 Any owner or operator, or person carrying on business for which a licence is required shall keep a list of drivers and operators of the Refreshment Vehicles licenced under this Part. The list shall include the full name, address, telephone number and age of the drivers the operators. In the case of drivers who operate motorized vehicles the Provincial driver's licence identification number. The list shall cross reference the Refreshment Vehicle licence plate number issued by the Nipissing Nation Business Licencing Committee with each driver and operator of the Refreshment Vehicle. The list in question shall be maintained for a period of one (1) year and shall be produced upon the request of the Nipissing Nation Enforcement Officer or any officer of the Anishnabek Police Service.
- 33.8 Every owner/operator, or person carrying on business for which a licence is required shall instruct in writing, every driver/operator of a Refreshment Vehicle not to solicit, advertise, offer to sell, or actually conduct business on Nipissing Nation land, including parks, highways and sidewalks. A copy of the written instructions shall be signed by each of the drivers/operators and retained by the Licencee for a period of one (1) year. The signed copy shall be produced upon the request of any officer or employee of Nipissing Nation including the Anishnabek Police. This Part shall not apply to any person who has the written licence of the Business Licencing Committee to offer or sell any refreshment in a park or on Nipissing Nation for a specific event or period of time. The exemption shall be specifically for the event or the period of time as determined in the agreement between Nipissing Nation and the refreshment vendor.
- 33.9 Every applicant for a Refreshment Vehicle licence shall be required to produce and file with Nipissing Nation a copy of an insurance policy or a certificate of insurance thereof for all Refreshment Vehicles owned/operated by him/her. The insurance policy shall contain an endorsement that Nipissing Nation shall be added as an additional named insured, and Nipissing Nation is to be given ten (10) days notice in writing of any cancellation or expiration or variation in the amount of the policy, and the insurance

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policy shall provide coverage in the amount of \$2,000,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury, or death of any one or more persons, or from loss or damage to property resulting from any one accident or any public liability.

- 33.10 Every applicant to whom this Part relates shall bring the Refreshment Vehicle in respect of which he is applying for or holds a licence, to the Nipissing Nation Enforcement Officer for an inspection to a location, at a date and time as may be required by the Nipissing Nation Enforcement Officer.
- 33.11 Refreshment vehicles and all parts and equipment thereof or therein related to the dispensing of refreshments shall be maintained in accordance to the *Health and Welfare Canada Act and Regulations* thereto (and as amended from time to time) and the requirements of the Lawrence Commanda Health Center.
- 33.12 Every Refreshment Vehicle shall be equipped with an unfilled litter basket or refuse container, which is readily accessible to persons making purchases.
- 33.13 No refreshments shall be sold from a vehicle drawn by an animal.
- 33.14 Every Refreshment Vehicle owner and operator shall ensure that every Refreshment Vehicle has in a conspicuous place on both sides of the refreshment vehicle in a colour contrasting the colour of the vehicle registered name, address and phone number of the owner. Such letters shall be not less than 10 cm in height.

Class A Refreshment Vehicle (includes Chip Trucks, hot dog carts & barbeque equipment)

- 33.15 (a) A Class A Refreshment Vehicle is any vehicle that is used as an itinerant food service premise in which some limited food preparation takes place.
- (b) In addition to the previously noted requirements under this Part, Class A Refreshment Vehicle owner, where applicable, shall be required to submit a motor vehicle safety certificate at the time of the original licence application to ensure that the vehicle in question is safe to operate.
- (c) No member of the general public shall be permitted inside the Class A Refreshment Vehicle. All food shall be served to the public while they stand at the exterior of the vehicle.
- (d) The applicant must provide a copy of the ownership of the vehicle at the time of application.
- (e) Applications must be accompanied by a site plan for approval showing the location of the vehicle plus coloured photographs showing all four sides of the vehicle. In addition, there shall be no alteration to the vehicle or the area around the vehicle without written Nipissing Nation approval. All signs must comply with the policies of the Nipissing Nation.
- (f) All Class A Refreshment Vehicles equipped with deep-fat fryers shall be required to have two means of exiting the cooking area. The exits shall be

remote as possible from one another.

- (g) All Class A Refreshment Vehicles equipped with deep-fat fryers shall be equipped with a portable ULC approved fire extinguisher with a minimum 4A/20BC rating and shall be mounted within the cooking area but remote from the deep fryer.
- (h) The owner/operator of any Class A Refreshment Vehicle shall be required to visibly affix current Nipissing Nation *licence* at all times.
- (i) At the time of application for a Class A Refreshment Vehicle licence the applicant shall file with the licence application a photograph of the vehicle, and outline the exact dimensions of the vehicle. To be eligible for a Class A Refreshment Vehicle licence the total area occupied by the vehicle in this class shall not exceed 1.86 square meters (or 20 square feet).
- (j) All Class "A" Refreshment Vehicles shall be subject to a Transient Trader fee as stated in Part 34 of this Law.

Class B Refreshment Vehicle (includes ice cream bikes, yogurt & juice carts)

- 33.16
- (a) A Class B Refreshment Vehicle is a non-motorized vehicle which offers factory pre-packaged frozen products exclusively.
 - (b) Class B Refreshment Vehicles shall not operate before 8:00 AM or after 9:00 PM, unless authorized by Nipissing Nation.
 - (c) Drivers/operators of Class B Refreshment Vehicles must be at least sixteen (16) years of age, competent and able to handle the vehicle.
 - (d) No refreshment shall be offered for sale or sold on a highway/road or sidewalk, or on any Nipissing Nation property.
 - (e) All drivers/operators shall observe and obey the rules of the road and ensure that their vehicles are operated in a safe manner.
 - (f) The driver/operator of a Class B Refreshment Vehicle shall not cry his wares or sound a horn/bell or other audible means of recognition, which the vehicle is in motion, or for more than 5 seconds at intervals of not more than 1 minute.

Class C Refreshment Vehicle (Includes Catering Trucks and Ice Cream Trucks)

- 33.17
- (a) The operator of a Class C Refreshment Vehicle shall be at least sixteen (16) years of age.
 - (b) Every Refreshment Vehicle owner and operator of a motorized ice cream truck shall ensure that his Refreshment Vehicle has in a conspicuous place on the rear of the vehicle in a contrasting colour on the vehicle the words watch for children. Such letters shall be no less than 15 cm in height.

- (c) The owner of any Class C Refreshment Vehicle shall be required to submit a Motor Vehicle Safety Inspection Certificate to the Nipissing Nation Enforcement Officer, prior to the renewal of the Refreshment Vehicle licence to ensure that the vehicle in question is safe to continue operating.

Site Specific Vending Privileges

- 33.18 (a) Site specific vending privileges may be approved for all classes of Refreshment Vehicles. Approval for site-specific vending activity shall be restricted to one vehicle per developed private property, which is zoned to permit the sale of food.
- (b) All applications and renewals for a site-specific location shall require a letter of approval from the owner of the property upon which the applicant intends to operate the Refreshment Vehicle.
- (c) Along with the application for a site specific location the applicant shall provide a diagram of a proposed location of the Refreshment Vehicle in relation to the building indicating any doors leading into and out of the building, and the distance of the proposed site from the door(s).
- (d) In the case of commercial promotional events, approval may be given for a site specific location provided that an application form is completed which outlines the reasons and dates for the promotional event, and all other requirements applicable to the Refreshment Vehicle under this Part have been complied with. A special event will be limited to a maximum of seven (7) consecutive days. For the purposes of special events, a business operator shall be restricted to a total of twelve (12) special event licences per calendar year.
- (e) In the case of charitable fundraising where 100% of the proceeds raised from the sale of refreshments is applied to community or charitable causes, approval may be granted for a site specific location provided that the community service group or charitable organization submits a letter outlining the reasons, and dates (limited to a maximum of seven (7) consecutive days for the fundraising event, and all other requirements applicable to the Refreshment Vehicle under this Part have been complied with. Charitable or Community Service Groups shall be limited to a maximum of (6) events over the calendar year. There shall be no Licencing fee for the site-specific location.

PART 34 SALE OF FIREWORKS

34.1 No business shall commence the Sale of Fireworks without first obtaining a licence from the Nipissing Nation Enforcement Officer.

34.2 An application for the Sale of Fireworks Licence, or renewal of such licence, shall be completed on the forms provided by the Nipissing Nation Enforcement Officer.

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- 34.3 All new licence applications *filed* under this Law will require the approval of the Fire Chief or designate subject to inspection and written confirmation being provided to the Nipissing Nation Enforcement Officer.
- 34.4 A completed application for the Sale of Fireworks Licence, or renewal of such licence shall be delivered to the Nipissing Nation Enforcement Officer and shall be accompanied by:
- (a) The Sale of Fireworks fee as set out in this Law.
 - (b) When a corporation is applying for a licence under this Law the applicant shall file with Nipissing Nation at the time of its application its articles of incorporation, and a document, duly certified by the *Ministry of Consumer and Commercial Relations*, verifying the current corporate name, head office, principal place of business and names and addresses of its directors, as at the time of application.
 - (c) When the applicant is a partnership applying for a licence under this Part they shall file with their application to Nipissing Nation a copy of the record of registration of the partnership under the *Business Names Act c.B.18, R.S.O.1990 as amended and/or the Limited Partnership Act c.L.16., R.S.O. 1990, as amended*.
 - (d) A copy of Certificate of Insurance for \$2,000,000 with Nipissing Nation to be added as additional named insured.
 - (e) The approval from Nipissing Nation Business Licencing Committee allowing the Sale of Fireworks for the proposed location.
 - (f) A letter from the owner of the property where the Sale of Family Fireworks will commence providing written permission to allow the Sale of Fireworks on the premises.

Firecrackers, Prohibited Fireworks and the Sale of Fireworks

- 34.5 The applicant shall insure that *all* applicable *laws* shall be complied with at all times.

Sale of Fireworks from Permanent Locations

- 34.6 When displayed for sale, the fireworks must be in an enclosed case or suitable package or receptacle; not exposed to the sun or excess heat; and in lots not exceeding 25kg.
- 34.7 Smoking is absolutely prohibited with prominent no-smoking signage posed in conspicuous locations.
- 34.8 Storage of quantities in excess of 25kg are subject to approval under any law of applicability, must be in a location that is not accessible to the general public.

Sale of Fireworks from Trailers and Vehicles

- 34.9 When trailers and/or vehicles are used for the sale of fireworks they must be situated at

a safe distance from vulnerable features such as dwellings, stores, occupied buildings, gas stations, roads, railway, and adjacent designated parking areas including any "public area". A minimum spatial distance of 20 metres to any of these site features is to be maintained around each trailer and vehicle location.

- 34.10 Pylons, snow fence, etc, should be used to maintain a no encroachment zone around the trailer by the general public.
- 34.11 Multi purpose portable fire extinguishers with a minimum 2A/10BC rating are to be provided in each trailer with at least one located in close proximity to each exit. Employee procedures shall be in place providing direction that if fire has reached any fireworks product all efforts are to be concentrated on immediate and total evacuation.
- 34.12 Self serve trailers require two separate and remote exit doors. "No Smoking" and "Fireworks" signs must be posed in and on the approach to the trailer. A designated employee in the trailer shall be responsible for regulating the number of shoppers and enforcing the smoking prohibition. Additional employees shall be provided as needed to ensure the safety of the operation.
- 34.13 The applicant for the Sale of Fireworks from a trailer location shall provide the Nipissing Nation Enforcement Officer with a site plan, indicating the trailer location relative to buildings, designated parking location, driveway isle, property lines and roadways.
- 34.14 Every person holding a Sale of Fireworks licence shall comply with the provisions of any applicable federal or provincial Act, any regulation made there under and any applicable Law.

Part 35 FESTIVALS ON PRIVATE PROPERTY

- 35.1 No person shall hold a Festival without first obtaining a licence from the Nipissing Enforcement Officer.
- 35.2
 - (a) No person shall hold, operate, or conduct a Festival within the limits of Nipissing Nation unless such person has, at least thirty (30) days prior to the start date of the Festival, complied with all the provisions of this Law and obtained a licence from the Nipissing Business Licencing Committee.
 - (b) No person shall permit any land or building owned by that person to be used for a Festival unless a licence has been issued in accordance with the terms of this law.
 - (c) An application for a Festival licence shall be accompanied by the following:
 - (i) A letter from the Anishnabek Police Chief or designate indicating that adequate police protection will be provided for the Festival.
 - (ii) An irrevocable letter of credit satisfactory to the Nipissing Nation solicitor in the amount of \$10,000.00 to be used by Nipissing Nation for any damage to public property or clean up of public property.

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- (iii) An undertaking prepared indemnifying and saving harmless Nipissing Nation to the satisfaction of the Nipissing Nation solicitor.
 - (iv) An undertaking signed by the applicant, owner or operator of the Festival and the owner of the land or buildings, that the land and buildings will be put back to their original condition or to the satisfaction of the Nipissing Enforcement Officer after the Festival.
 - (v) A copy of an insurance policy in the amount of \$2,000,000 naming Nipissing Nation as an insured for loss or damage resulting from bodily injury to, or the death of one or more persons, and for loss or damage to property arising out of the activity or event to which the licence relates.
 - (vi) A plan showing the provision of sanitary and lavatory facilities as well as drainage and water facilities, together with a certificate from the Program Health Manager of Health for the Lawrence Commanda Health Clinic, approving the plan and also certifying that all matters under his jurisdiction have been satisfied; this plan must be in the public interest as determined by Nipissing Nation.
 - (vii) A consent signed by the applicant, the owner or operator of the Festival and the owner of the land or buildings, and any other person deemed necessary by the Nipissing Enforcement Officer to permit the police, any peace officer, any sheriff and any provincial offence officer, and law enforcement officer or any person authorized by the Nipissing Enforcement Officer, to attend the Festival, without charge, for the purpose of making sure this law is being complied with and that the public interest and public peace are being maintained.
- (d) In the case of any festival, which would last for a period less than forty- eight (48) hours, the Nipissing Business Licencing Committee may dispense with any or all of the requirements of this Law.
- (e) No owner or operator of a Festival shall permit any person to provide and no person shall provide any activity, facility, performance, exhibition, view or contest unless such person is wearing clean, non-transparent clothing covering their breasts, pelvic area, pubic area and buttocks.
- 35.3 No business licence shall be issued unless the Nipissing Enforcement Officer has received a letter from the Program Health Manager of health or designate that all necessary inspections have been completed and the business is in compliance with the requirements of all applicable health and safety related federal and provincial laws.
- 35.4 Inspection of the business premises and enforcement of the Festival will be the responsibility of the Environmental Health Officer, First Nation and Inuit Health Branch of Health and Welfare Canada and/or Nipissing Environmental Officer and/or Nipissing Enforcement Officer or designate. A letter report shall be forwarded to the Program Health Manager and the Nipissing Enforcement Officer

PART 36 SALE OF FOODSTUFFS

- 36.1 No person shall commence the Sale of Foodstuffs without first obtaining a licence from the Nipissing Nation Enforcement Officer to do so. No licence shall be issued until the Nipissing Nation Enforcement Officer has received a letter from the Program Health Manager of the Lawrence Commanda Health Center or designate that all necessary inspections have been completed and the business is in compliance with the requirements of all applicable health and safety related federal and provincial laws.
- 36.2 Inspection of the business premises and enforcement of the Sale of Foodstuffs will be the responsibility of the Nipissing Nation Enforcement Officer or designate.
- 36.3 No sanitary convenience shall have direct access to any room in which any food is prepared or stored.
- 36.4 No food room shall be used as a sleeping place.
- 36.5 Any person operating a food business shall take suitable precautions to prevent infestation of the premises by rodents, insects, dust and fumes.
- 36.6 Any food business shall be provided with a supply of potable water adequate for efficient operation, the quality of which is satisfactory to the Nipissing Nation Enforcement Officer.
- 36.7 Suitable and sufficient bandages, dressings and antiseptic for first aid treatment shall be provided and maintained in all food premises, in a readily accessible position.
- 36.8 Except where adequate provision is made elsewhere than in a food room, suitable and sufficient cupboard or locker accommodation shall be provided and maintained in all food premises for the clothing and footwear not worn during working hours of all persons engaged in the handling of food.
- 36.9 Suitable storage facilities and garbage containers shall be provided for refuse from any food business and the refuse shall be removed as often as reasonably necessary.

PART 37- SALE OF TOBACCO


- 37.1 No business defined under this law shall commence business to retail, wholesale and/or manufacturing of tobacco and/or tobacco products without first obtaining a licence under this law and comply with all policies of the Nipissing Nation and applicable federal ,provincial, and NFN laws unless otherwise specified in regards to the retail, wholesale and or manufacturing of tobacco and tobacco products.

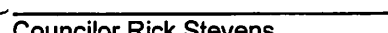
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Additional Revisions by Economic Development Committee August 2010

ENACTED AND PASSED at a duly convened meeting of the Nipissing Nation Council,

this 16 day of November, 2010


Chief Marianna Couhie



Deputy Chief June Commanda


Councilor Rick Stevens


Councilor Arnold May

Councilor Douglas Chevrier


Councilor Darrell McLeod


Councilor Zachary Beaudette


Councilor Brian Couhie


Signature of Freda Martel
Witness as to the signature of the
Chief and Council

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SCHEDULE 1

Penalties under the Nipissing Nation Business Licencing Law	
1 st Offense	\$50.00
2 nd Offense	\$125.00
3 rd Offense	\$200.00 <i>and revoking of licence</i>

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(section 7)

Schedule 2

NIPISSING NATION BUSINESS LICENCE

Formatted: Centered

_____ is hereby authorized to conduct occupation in the
(a business, calling, trade or Name of Licencee)

following _____ on the lands of the Nipissing Nation
(commercial activity)

for the period commencing January 1, 2008, and expiring December 31, 20____.

Name of Business

Location of business

Signature of *Nipissing Nation*
Enforcement Officer

Signature of Licencee

Date: _____

SCHEDULE 3

(sections 5, 6, 7)				
BUSINESS LICENCE APPLICATION			Date: _____	
1.	Applicant's Name: _____			
2.	Applicant's Date of Birth: _____			
3.	Applicant's Residential Address: _____ _____			
4.	Name of Company Proposed as Licencee: _____ _____			
5.	Mailing Address of Company: _____ (partnership/corporation if different) _____			
6.	Telephone Number Residence:		Telephone Number Office:	
7.	Fax Number Residence:		Fax Number Office	
8.	Name of Business to be Licenced:			
9.	Address of Business to be Licenced:			
10.	Name of Individual in charge at this location:			
11.	Title of Individual in Charge:			
12.	Type of Business:			
13.	Have you previously had a business Licence from Nipissing Nation?		Yes	No
14.	Are you presently registered with the federal government or a self-regulating professional body with respect to the conduct of your business? (If yes, applicant must provide		Yes	No

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	proof and give details below).		
15.	Are you bonded with a bonding agency with respect to the conduct of your business? (If yes, applicant must provide proof and give details below).	Yes	No
16.	Is the business incorporated? (If yes, applicant must provide details below).	Federal	Prov.
17.	Is the business administered by a partnership? (If yes, applicant must provide proof and give details below - registration.)	Yes	No
18.	Have you, within the previous three (3) years, been convicted of an offense under the <i>Criminal Code</i> (Canada) for which you have not been pardoned?	Yes	No

NOTE: please read section 9 of this law which outlines the conditions whereby your Licence could be denied, revoked or suspended.

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SCHEDULE 4
(sections 8, 9)

NOTICE OF LICENCE REFUSAL

TO: _____
(name of applicant)

ADDRESS:

RE: _____
(location of business)

TAKE NOTICE that pursuant to the *Nipissing Nation* Business Licencing Law your application to:

___ receive, ___ renew, ___ transfer, ___ assign;

a BUSINESS LICENCE is refused.

AND TAKE NOTICE that you have thirty (30) days from the date of this NOTICE within which you may apply for a review by Council by completing and filing Schedule 5 of the said law and paying the fee pursuant to this law with the *Nipissing Nation Enforcement Officer*.

AND TAKE FURTHER NOTICE that if you file a request for review a hearing will be conducted for which you will be notified of the time and place to attend.

DATED AT _____ this _____ day of _____, 20__.

Name of Licence Inspector

Signature of *Nipissing Nation Enforcement Officer*

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SCHEDULE 5

(section 10.0)

REQUEST FOR REVIEW HEARING

TO: Council of the _____ Nation

c/o _____
(Nipissing Nation Enforcement Officer)

PURSUANT to the _____ First Nation Business Licencing Law, I hereby
appeal the decision as outlined on the NOTICE OF LICENCE REFUSAL, dated the _____ day
of _____, 20__ and signed by the *Nipissing Nation Enforcement Officer* to refuse to:

___ issue; ___ renew; ___ transfer; ___ assign;

a BUSINESS LICENCE for the following business located at:

(description of the business and location)

on the following grounds:

- 1.
- 2.

DATED AT _____ this _____ day of _____, 20__.

Printed name of Appellant

Appellant's signature

Address to which all notices
to appellant are to be sent

SCHEDULE 6
section 10(3)

NOTICE OF REVIEW HEARING

TO: _____
(name of applicant)

ADDRESS: _____

RE: _____
(location of business)

PURSUANT to the _____ First Nation Business Licencing Law, *The Dispute Resolution Committee* will hear your Request For Review Hearing dated the _____ day of _____, 20__ relating to the above-noted business.

AND TAKE NOTICE that this Review Hearing will be held at the hour of _____ (a.m./p.m.) on the _____ day of _____, 20__ at the following location:

AND TAKE FURTHER NOTICE that you should bring to the hearing all relevant documents pertaining to this matter.

DATED AT _____ this _____ day of _____, 20__.

Nipissing Nation Enforcement Officer

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SCHEDULE 7

(section 9)

NOTICE OF HEARING

TO:

(name of Licencee)

ADDRESS:

RE: Licence Suspension for: _____
(location of business)

Licence Revocation for: _____
(location of business)

PURSUANT to the Nipissing Nation Business Licencing Law, *the Dispute Resolution Committee* will be holding a hearing relating to the above-noted business regarding:

- (i) why your business Licence should not be suspended for a period not exceeding ninety days; or,
- (ii) why your business Licence should not be revoked.

AND TAKE NOTICE that this hearing will be held at the hour of _____ (a.m./p.m.) on the _____ day of _____, 20__ at the following location:

AND TAKE FURTHER NOTICE that you should bring to the hearing all relevant documents pertaining to this matter.

DATED AT _____ this _____ day of _____, 20__.

Nipissing Nation Enforcement Officer

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SCHEDULE 8

BUSINESS LICENCE FEES

Description Of Licence

TYPE OF BUSINESS ESTABLISHMENT/Business Class	LICENCE FEE
Auctioneer	\$100.00 per year
Places of Amusement Pool Tables, Bowling Alleys, Arcade games	\$200.00 per year
Restaurant	\$125.00 per year
Cigar, Cigarette, Tobacco	\$125.00 per year
Ice cream, Confectionary Carts	\$50.00 per year \$25.00 per additional cart
Non-powered Food Carts (prepared food)	\$200.00 per year \$50.00 per additional cart
Outdoor tables	\$10.00 per licence
Peddlers	\$200.00 for 5 days \$50.00 for each additional day
Peddlers (Local)	\$100.00 per year
Craft Sales (out of town participants)	\$10.00 per day
Trade Shows (out of town participants)	\$25.00 per day
Motor Vehicle Repair Garage Establishments (includes auto body shop)	\$125.00 per year
Motor Vehicle Dealership (includes used card dealers)	\$125.00 per year
Storage of Motor Vehicles, Boats etc....	\$125.00 per year
Personal Service Each Establishment/Location	\$125.00 per year
Sale of Fireworks	\$125.00 per year
Salvage Yard	\$125.00 per year
All other Commercial businesses	\$200.00 per year
All Other Industrial businesses	\$300.00 per year
Convenience Stores	\$125.00 per year
Replacement of lost, stolen, missing, defaced or illegible Licences or permits.	\$75.00 each
A fee to cover the cost of additional administration where a renewal fee is not paid within thirty (30) days of expiry date of the business Licence.	\$75.00