



**Town of Fort Smith
Town Council Meeting
Agenda**

January 24, 2012, 7:00 p.m. – Council Chambers

A. Call to Order and Confirmation of Quorum	
B. Opening Prayer	
C. Approval of Agenda	
D. Proclamations/Presentations a. RCMP Sgt. Kevin Platford b. DEA Beckie Linaker	 RCMP Policing Report Nov 2011
E. Approval of Minutes	 December 19 Council Minutes.doc SP-01-12.doc
F. Business Arising from the Minutes a. Town Christmas Hours	
G. Declaration of Financial Interest	
H. Council Business	
a. Introduction and Consideration of Committee Reports i. Committee of the Whole ii. Other Committees	 Committee of the Whole Jan 17b.doc
b. Enactment of Bylaws i. Bylaw 867 Land Acquisition ii. Bylaw 868 Land Lease iii. Bylaw 869 Land Lease iv. Bylaw 870 Appoint a Collector of Taxes v. Amend the Zoning Bylaw – Apartments & Condominiums vi. Amend the General Plan – C-Cans vii. Traffic Bylaw viii. Business Licensing Bylaw	 867 Land 868 Land LandLeaseAgreemen Acquisition-Lots1992Lease-LiquorStoreLott-LiquorStoreLot1432 869 Land Bylaw 869 Sketch Land Application Lease-PtrLot199.doc Bylaw 869 Bylaw 869 870 appoint H Harris Admin Briefing Note BN-C-Cans - January Tax Collector.doc -Zoning By-Law 794 - 17 2012.doc Admin Briefing Note Traffic Regulation Admin Briefing Note - -Traffic Regulation ByBy-Law Amended - J Business License By-L Draft Business License By-law - Janu
c. Appointments i. Appointment to Community Services Standing Committee ii. Appointments to Tourism and Trade Advisory Board	 BN appointments to TTAB.doc
d. Mayor and Council i. TTAB & LAB Minutes ii. Set Date for <i>ideas</i> FORT SMITH	 TTAB & LAB Minutes
e. Administration i. Licensing Report ii. Signing Authorities iii. Correspondence	 Copy of License Signing 2011 Reports Jan 2012.xls Authorities1.doc Correspondence Decr
I. Absence of Council Members	
J. Date of Next Council Meeting	
K. Adjournment	
L. Question Period	



BRIEFING NOTE

To: Committee of the Whole

Date: January 17, 2012

Subject: Traffic By-Law

Purpose:

To provide a recommendation for a changes to the Traffic Regulation by-law.

Background:

In an effort to ensure that our Traffic Regulation By-Law is current, is in accordance with our practices and meets the needs of the By-Law Enforcement Officers, it has been reviewed and some changes recommended.

Analysis:

In an effort to make the speed zones for the Town of Fort Smith easy to access and identify, the zones have been plotted on a map to be attached to the By-Law as an Appendix.

To have the By-Law reflect this addition it is necessary to amend Clause 11 to read "All drivers shall abide by the speed zones as identified in Appendix A."

The Section entitled "General Rules", item #48 requires amendment to enable our By-Law Enforcement Officers to enforce the latest additions to the Traffic Safety Act including the use of cell phones while driving. To accomplish this task, the following wording is recommended to be added:

- (c) No driver shall drive or operate a vehicle on a roadway while at the same time
 - holding, viewing or manipulating a cellular telephone, radio communication device or other communication device that is capable of receiving or transmitting telephone communications, electronic data, electronic mail or text messages, or
 - holding, viewing or manipulating a hand-held electronic device or a wireless electronic device.
- (d) An individual may drive or operate a vehicle on a roadway while using a cellular telephone or radio communication device in hands-free mode.

Additionally, the section on bicycles includes clause 56 that reads "Section 54 shall be enforced upon the requirements of Council." This clause is not required in the By-Law as all clauses in the By-Law represent the requirements of Council and the Community

and should be enforced at all times. The appendix to this report includes the amended version of the By-Law for review.

Recommendation:

THAT By-Law 616 and any subsequent amendments be repealed;

AND THAT the Traffic Regulation By-Law be enacted based on the wording in By-Law 616 with the following changes:

- Clause 11 will read “All drivers shall abide by the speed zones as identified in Appendix A.”
- Appendix A will be appended to the By-Law;
- Clause 48 have the following subsections added:
 - (c) No driver shall drive or operate a vehicle on a roadway while at the same time
 - holding, viewing or manipulating a cellular telephone, radio communication device or other communication device that is capable of receiving or transmitting telephone communications, electronic data, electronic mail or text messages, or
 - holding, viewing or manipulating a hand-held electronic device or a wireless electronic device.
 - (d) An individual may drive or operate a vehicle on a roadway while using a cellular telephone or radio communication device in hands-free mode.
- Clause 56 is removed.

Respectfully submitted,

Brenda Black
Senior Administrative Officer

Traffic Regulation By-Law
By-Law

A BY-LAW FOR THE REGULATION, CONTROL AND
MANAGEMENT OF VEHICLE, BICYCLE AND PEDESTRIAN
TRAFFIC, PURSUANT TO SECTIONS 344, 345, 346, 347 AND
348 OF THE MOTOR VEHICLES ACT, R.S.N.W.T., 1988, BEING
CHAPTER M-16.

WHEREAS the Council of the Corporation of the Town of Fort Smith in the Northwest Territories, deems it necessary to regulate, control and manage vehicle, bicycle and pedestrian traffic within the Municipal boundaries of the Town of Fort Smith in the Northwest Territories.

AS Council wishes to regulate the use and operation of vehicles, bicycle and pedestrian traffic in an orderly manner within the Municipality; and

AS the Motor Vehicles Act empowers Council to make Bylaws for this purpose;

NOW THEREFORE, the Council of the Corporation of the Town of Fort Smith in the Northwest Territories, in a duly assembled meeting enacts as follows:

SHORT TITLE

1. This Bylaw SHALL be cited as the Fort Smith "TRAFFIC REGULATION BYLAW".

INTERPRETATION

2. In this bylaw:

- (a) "BICYCLE" means a cycle having any number of wheels that is propelled by human power and on which a person may ride;
- (b) "BUS" means a motor vehicle with a maximum seating capacity set by the manufacturer of more than ten (10) persons including the driver's seat;
- (c) "BYLAW ENFORCEMENT OFFICER" (herein called Officer) means the Bylaw Enforcement Officer of the Town of Fort Smith appointed by the Council to enforce Municipal Bylaws;
- (d) "CENTER LINE" means the real or imaginary line that divides the lanes for traffic travelling in opposite directions on a two-way roadway;
- (e) "COMMERCIAL VEHICLE" means a motor vehicle used for business purposes, but does not include a public service vehicle;
- (f) "CONSTRUCTION VEHICLE" means a grader, loader, shovel, tractor, mobile crane, backhoe, forklift or any other similar equipment not normally used for travel on a highway;
- (g) "COUNCIL" means the Council of the Municipal Corporation of the Town of Fort Smith in the Northwest Territories;
- (h) "CROSSWALK" means:
 - (i) that part of a roadway at an intersection
 - (a) marked as a pedestrian crossing by a traffic control device,

2. (h) (b) that lies between imaginary lines of the sidewalks on opposite sides of the highway where there are no marked pedestrian crossings and the intersecting highways have sidewalks, and
- (c) that lies between an imaginary line connecting the curb or edge of the roadway on opposite sides of the highway and an imaginary line parallel to and 1.5m back from the first line where there are no marked pedestrian crossings and the intersecting highways do not have sidewalks, and
- (ii) that part of a roadway other than at an intersection, marked as a pedestrian crossing by a traffic control device;
- (i) "CURB or EDGE" means, in respect of a roadway, the edge of the roadway, if the roadway does not have a curb;
- (j) "DRIVER" means a person who operates a vehicle, or, where the vehicle is not in motion, the person who is in actual physical control of the vehicle;
- (k) "EMERGENCY VEHICLE" means:
- (i) a motor vehicle that is used for emergency purposes, carries rescue or first aid equipment and has markings on the outside of the vehicle indicating that it is used for emergency purposes, or
- (ii) a motor vehicle that is operated by a member of a fire department in the performance of his or her duties and has markings on the outside of the vehicle indicating that it is used by the fire department;
- (l) "ENFORCEMENT VEHICLE" means a vehicle operated by a person authorized to enforce an Act of the Territories or an Act of Canada, or the Bylaws of a Municipality;
- (m) "GROSS WEIGHT" means the combined weight of a vehicle and its load;
- (n) "HIGHWAY" means a road, place, bridge or structure, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage of vehicles, and includes:
- (i) a privately or publicly owned area that is designed and primarily used for the parking of vehicles, other than a driveway of a private dwelling,
- (ii) where a plan of survey or other instrument establishes a highway, the area between the boundary lines of the highway as shown on the plan of survey or instrument,
- (iii) a sidewalk, pathway, ditch or shoulder adjacent to and on either side of the travelled portion of the road or place and the area between the sidewalk, pathway, ditch or shoulder and the travelled portion of the road or place, and
- (iv) a road on a frozen body of water or water course or a road that can be used for only a portion of a year;

2. (o) "INTERSECTION" means the area closed by the imaginary extension and connection of the curbs or edges of roadways that intersect or join at an angle;
- (p) "JUDGE" means a judge of the Supreme Court, a justice, territorial judge, youth court judge, and a judge of a Court of Appeal;
- (q) "LOAD, LOADING or UNLOADING" means parking and stopping any vehicle so as to allow freight to be taken on or off or passengers to enter or descend from the vehicle;
- (r) "MOTOR VEHICLE" means a vehicle propelled or driven by other than muscular power and includes a trailer, but does not include:
- (i) an aircraft, a marine vehicle or an all-terrain vehicle,
 - (ii) a device that runs or is designed to run exclusively on rails, or
 - (iii) a mechanically propelled wheelchair;
- (s) "MUNICIPAL CORPORATION" means the Municipal Corporation of the Town of Fort Smith in the Northwest Territories established or continued as a city, town or village under the Cities, Towns and Villages Act;
- (t) "MUNICIPALITY" means the geographic area of jurisdiction of the Municipality of the Town of Fort Smith;
- (u) "OFFICER" means a motor vehicle officer appointed by the Minister, or a Bylaw officer appointed by Council. Members of the Royal Canadian Mounted Police are ex-officio officers under this bylaw;
- (v) "PARK" in respect of a vehicle, means the stopping of a vehicle, whether occupied or not, except where:
- (i) the vehicle is stopped in accordance with the direction of an officer or a traffic control device,
 - (ii) the flow of traffic requires the vehicle to be stopped, or
 - (iii) the vehicle is temporarily stopped for the purpose of and while engaged in loading or unloading;
- (w) "PEDESTRIAN" means a person on foot or in a wheelchair and includes a child in a carriage or carried by a person on foot;
- (x) "PUBLIC SERVICE VEHICLE" means a motor vehicle used for business purposes to transport:
- (i) freight not owned by the owner of the vehicle, or
 - (ii) passengers for compensation;
- (y) "ROADWAY" means the part of a highway that is improved, designed or ordinarily used for the passage of vehicles, but does not include the shoulder of a highway;
2. (z) "SCHOOL BUS" means a motor vehicle used to convey students to or from school or

any other place approved by the authority in charge of the school that the students attend where:

- (i) the vehicle is owned or operated by the authority in charge of the school, or
 - (ii) the vehicle is operated pursuant to a contract with the authority in charge of the school;
- (aa) "SENIOR ADMINISTRATIVE OFFICER" means the Senior Administrative Officer of the Town of Fort Smith in the Northwest Territories;
 - (bb) "SIDEWALK" means the part of the highway beside or near a curb or edge of a roadway that is improved for the use of pedestrians;
 - (ec) "STOP, FULL STOP or STOPPING" means bringing a vehicle to, or leaving at, a standstill;
 - (dd) "TRAFFIC" includes vehicles, ridden or herded animals, bicycles and all-terrain vehicles;
 - (ee) "TRAFFIC CONTROL DEVICE" means a sign, signal, light, line, marking or device placed or erected under a bylaw for the purpose of regulating, warning, guiding pedestrians or traffic;
 - (ff) "TRAFFIC LIGHT" means a traffic control device that uses shapes, symbols or words that are periodically illuminated to direct traffic or pedestrians to stop and to proceed;
 - (gg) "TRAILER" means a vehicle that is designed to be drawn on a highway by a motor vehicle, whether or not part of its weight or load rests on or is carried by that motor vehicle, but does not include a sidecar attached to a motorcycle;
3. Except as otherwise provided herein, the terms and expressions used in this Bylaw have the same meaning as in the Interpretation Act, the Motor Vehicles Act and the Cities, Towns and Villages Act respectively.

APPLICATION

- 4. (a) The provisions of the Motor Vehicles Act apply within the Municipality except where this Bylaw departs from such provisions in which case the bylaw provisions shall be enforced;
 - (b) Where any departure from the Motor Vehicles Act is indicated by means of a sign or traffic control device, every driver or pedestrian shall conform to the bylaw.
5. This bylaw does not apply to persons or to vehicles and other equipment actually engaged in highway construction or maintenance work on, under, or over the surface of a highway while at the site of the work if it is reasonably necessary for the purposes of the construction or work that this bylaw be not complied with or contravened and the work has been authorized by a the Senior Administrative Officer.

ENFORCEMENT AND EMERGENCY VEHICLES

6. (a) Subject to subsections (b) and (c), the driver
- (i) of an emergency or enforcement vehicle, when responding to an emergency call or alarm, or
 - (ii) of an enforcement vehicle, when in pursuit of a person who is suspected of contravening a law or bylaw or when going to investigate a suspected contravention of law or bylaw,
- may drive the emergency or enforcement vehicle, as the case may be, in contravention of this bylaw where it is necessary to do so;
- (b) Subsection (a) does not apply to a driver of an enforcement or emergency vehicle, unless
- (i) when the vehicle is moving, it is emitting an audible signal by bell or siren and the flashing lights on the vehicle are activated, or
 - (ii) when the vehicle arrives at its destination and parks, the flashing lights on the vehicle are activated;
- (c) Where the driver of an enforcement or emergency vehicle contravenes this bylaw under subsection (a), the driver shall drive the vehicle with regard for the safety of the traffic using the highway taking into account all circumstances of the case including:
- (i) the condition of the highway,
 - (ii) the amount of traffic on the highway,
 - (iii) the nature of the use being made of the enforcement or emergency vehicle at that time, and
 - (iv) the time of the day.
- (d) Upon the immediate approach of an enforcement or emergency vehicle that is emitting an audible signal by bell or siren or that has its flashing lights activated, a driver shall:
- (i) yield the right of way to the enforcement or emergency vehicle;
 - (ii) immediately drive to a position clear of an intersection and parallel to and as close as is practicable to the right-hand curb or edge of the roadway;
 - (iii) stop and remain in that position until the enforcement or emergency vehicle has passed.

TRAFFIC CONTROL

7. Where an officer reasonably considers it necessary to ensure orderly movement of traffic, to prevent injury or damage to persons or property, or to permit proper action in an emergency, the officer may direct traffic accordingly to his or her direction, notwithstanding anything in this bylaw, and every person shall obey the officers directions.
8. No person shall erect or maintain upon, or in view of a highway, a device that purports to be, or resembles or interferes with the effectiveness of a traffic control device unless he or she is authorized to do so in writing by the Senior Administrative Officer.
9. Council may by resolution, authorize the alteration, replacement, concealment or removal of any sign or device upon or near any highway within the Municipality which falsely purports to be or which might be mistaken for a traffic control device.
10. No person shall alter, damage, attempt to or remove a traffic control device or any part thereof without written authorization of the Senior Administrative Officer.

SPEED RESTRICTIONS

11. All drivers shall abide by the speed zones as identified in Appendix A.”
12. Where a traffic control device sets out a maximum speed limit, the speed limit applies to that part of the highway between the traffic control device and the point where another traffic control device indicates a greater or lesser speed or that the speed limit has ceased to apply.
13. No driver shall operate a vehicle at a rate of speed that is unreasonable having regard to all the circumstances including, without restricting the generality of the foregoing:
 - (a) the condition of the highway;
 - (b) class of vehicle being driven;
 - (c) the weather or conditions that might affect the visibility of the driver, or
 - (d) the amount of traffic on the highway.
14. (a) No driver shall operate a vehicle at such a slow speed that the vehicle unreasonably impedes the movement of other vehicles travelling in the same direction.

14. (b) Subsection (a) does not apply to a driver operating a vehicle at a slow speed if the slow speed is required for the safe operation of the vehicle and a prescribed slow moving vehicle sign is attached to the back of the vehicle.

15. Where a driver contravenes subsection 14(a), an officer may direct the driver:
 - (a) to increase the speed of his or her vehicle so that the vehicle no longer impedes the movement of the other vehicles, or
 - (b) to remove the vehicle from the highway, and the driver shall comply with the direction.

TURNS

16. (a) A driver who intends to turn right at an intersection or onto a private road or driveway shall make the turn as closely as is practicable to the right hand curb or edge of the roadway.

(b) A driver who turns right at an intersection shall make the turn by passing as closely as is practicable to the right hand curb or edge of the roadway entered.

17. A driver who intends to turn left at an intersection shall:
 - (a) approach the intersection in the extreme left hand lane that is lawfully available to traffic proceeding in the same direction as the driver; and
 - (b) after entering the intersection, make the left turn so as to leave the intersection, as nearly as possible, in the extreme lefthand lane that is lawfully available to traffic proceeding in the same direction as the driver on the roadway being entered.

18. (a) A driver who intends to turn left from a two way roadway onto a private road or driveway shall make the turn from the right of, and as closely as practicable to, the center line of the roadway.

(b) A driver who intends to turn left from a one way roadway onto a private road or driveway shall make the turn from the lane closest to the left hand curb or edge of the roadway.

19. (a) Subject to subsection (b), a driver who intends to make a turn shall signal an intention to turn at least 30m before the place of the turn if the driver is on a highway within the Municipality;

(b) Where there is an intersection between the distance referred to in subsection (a) and the intersection at which the driver intends to turn, the driver shall not signal the turn until the driver passes the intersection that lies between.

20. (a) Subject to subsection (b), a driver may turn a vehicle so as to proceed in the opposite direction if that movement can be made without interfering with traffic;

20. (b) No driver shall turn his or her vehicle so as to proceed in the opposite direction if he or she is driving

- (i) on a curve;
- (ii) on an approach to or near the crest of a hill where the vehicle cannot be seen by a person operating a vehicle approaching from either direction within 150m.

SIGNALS

- 21. A driver who is required to give a left turn signal for a left turn or other movement of his or her vehicle to the left shall make the signal by:
 - (a) activating the flashing turn signal lights on the lefthand side of the vehicle; or
 - (b) extending his or her left hand and arm horizontally from the vehicle.
- 22. A driver who is required to give a right turn signal for a right turn or other movement of his or her vehicle to the right shall make the signal by:
 - (a) activating the flashing turn signal lights on the righthand side of the vehicle; or
 - (b) extending his or her left arm from the shoulder to the elbow horizontally and from the elbow to the hand vertically upwards from the vehicle.
- 23. A driver who is required to give a signal to indicate a stop or decrease in speed of his or her vehicle shall make the signal by:
 - (a) activating the brake lights on the vehicle; or
 - (b) extending his or her left arm diagonally downwards from the vehicle.
- 24. A driver who gives a signal by hand shall give the signal from the lefthand side of the vehicle.

RIGHT OF WAY

- 25. (a) In this section, "Intersection" means an intersection that is controlled at every corner by a stop sign.
- (b) A driver approaching an intersection shall yield the right of way to traffic within the intersection.
- (c) A driver reaching an intersection before another driver has the right of way over the other driver.
- (d) Where two drivers arrive at an intersection on different roadways at the same time, the driver on the left shall yield the right of way to the driver on the right.

26. (a) A driver who is about to proceed across or turn onto a through highway facing a traffic control device that requires the driver to stop shall yield the right of way to:
- (i) traffic within the intersection; and
 - (ii) traffic proceeding on the through highway that is close to the driver that it is not safe for the driver to proceed across or turn onto the through highway.
- (b) A driver who has yielded the right of way as required by subsection (a), may proceed across or turn onto the through highway with caution and vehicles approaching the intersection on the through highway shall yield the right of way to the driver.
27. A driver approaching a yield sign at an intersection shall:
- (a) slow his or her vehicle to a speed that would enable the driver to stop his or her vehicle before it enters the intersection;
 - (b) yield the right of way to traffic within the intersection or proceeding on the intersecting highway that it is so close to the driver that it is not safe for the driver to enter the intersection; and
 - (c) stop the vehicle before it enters the intersection if it is not safe to proceed into the intersection.
28. A driver who is about to enter or cross a highway from a private road, alley, building, driveway or lane shall yield the right of way to pedestrians and traffic proceeding on the highway that are so close to the driver that it is not safe for the driver to enter the highway.

STOPS

29. Where there is an opportunity to give a signal, no driver shall stop or suddenly decrease the speed of his or her vehicle without first giving the signal for a stop or a decrease in speed.
30. A driver that is required to stop his or her vehicle before it enters an intersection shall stop the vehicle before it enters an intersection
- (a) at a stop line marked at the intersection;
 - (b) if there is no stop line, then immediately before entering a marked crosswalk; or
 - (c) if there is no stop line or marked crosswalk, then at the point nearest the intersection from which the driver has a view of traffic approaching on the intersecting roadway.
31. A driver approaching a stop sign at an intersection shall stop his or her vehicle before it enters the intersection.

32. A driver, on meeting a school bus that:
- (a) is headed in the same or opposite direction as the driver, and
 - (b) has its flashing lights in use,

SHALL

- (c) stop his or her vehicle before it reaches the bus, and
- (d) not proceed until the flashing lights are no longer in use.

PARKING

33. (a) No driver shall park his or her vehicle on a roadway where it is practicable to park the vehicle off a roadway, unless there is a traffic control device authorizing the parking of vehicles on that roadway.
- (b) No driver shall park his or her vehicle on a roadway so as to obstruct the passage of vehicles on the roadway.
- (c) Subsections (a) and (b) do not apply to a driver where his or her vehicle is disabled and cannot be driven to a place on the roadway that does not obstruct the passage of vehicles on the roadway.
34. No person shall, within the Municipality, park a vehicle on a highway:
- (a) in front of a public or private driveway;
 - (b) within an intersection;
 - (c) on a sidewalk;
 - (d) within 3m of a fire hydrant;
 - (e) within a crosswalk;
 - (f) within 5m in front or behind a stop or yield sign located at the side of the roadway;
 - (g) adjacent to or opposite a street excavation or obstruction, where parking obstructs the flow of traffic;
 - (h) in front of a ramp or designated zone designed for use by a physically disabled person;
 - (i) in an area reserved for a class of persons or persons possessing a valid parking permit;
 - (j) unless it is headed in the direction of traffic for the side of the highway on which the vehicle is parked.

35. No person shall park a vehicle except an emergency or enforcement vehicle, on duty, upon a highway in a space indicated by a traffic control device to be a space in which parking is prohibited.
36. (a) Any vehicle parked contrary to sections 33, 34, and 35, may be removed at the risk and expense of the owner by an officer or any person authorized to do so by an officer.
- (b) Any vehicle removed under subsection (a) may be held at the risk and expense of the owner by an officer or any person authorized to do so by an officer until the expenses of removal and or storage of the vehicle have been paid to the officer or to such person who has incurred such expense.
37. (a) No person shall park a tank truck or any other vehicle carrying gasoline, kerosene, diesel fuel, jet fuel, heating oil, explosives, or other hazardous goods in any area within the Municipality, unless such area has been designated by the Senior Administrative Officer for the parking of such vehicles or such parking is a permitted use in the Zoning bylaw.
- (b) No person shall park a tank truck or other vehicle used specifically for transporting propane, methane, other volatile gases or dangerous goods or chemicals whether loaded or having been discharged or unloaded in any area of the Municipality unless such area has been designated by the Senior Administrative Officer for the parking of such vehicles or such parking is a permitted use in the Zoning bylaw.
- (c) The parking of tank trucks or any other vehicles carrying volatile liquids or gases or having discharged or unloaded their cargo of volatile liquids or gases, whether such vehicles are attended, at a distance of not less than 30m from any building used for assembly, institutional, multiple occupancy or public use, is an offence under this bylaw.
- (d) Notwithstanding subsections (a), (b), and (c) of this section, tank trucks or other such vehicles having a gross vehicle weight of up to but not exceeding 20 tonnes may make home deliveries of heating fuel or propane within the Municipality.
- (e) Notwithstanding subsections (a), (b), and (c) of this section, tank trucks or other such vehicles having a gross vehicle weight in excess of 20 tonnes may make bulk delivery of gasoline, diesel fuel, kerosene, heating oil, propane, dangerous chemicals or any other volatile liquids or gases to service stations within the Municipality or to required locations at the airport.
- (f) On completion of deliveries as specified in subsections (d) and (e), the person in charge of the tank truck or other vehicle shall observe and obey the parking restrictions as defined under subsections (a), (b) and (c).

LOADING AND UNLOADING

38. (a) No person shall load or unload a vehicle upon a highway or any part of a highway upon which parking or stopping is prohibited, unless a traffic control device sets out otherwise.

38. (b) Tractor trucks with semi-trailer units are prohibited from entering the downtown business area or residential sections of the Town to make deliveries, except as follows:
- (i) if the cargo load is destined for off-loading at one but not more than two locations;
 - (ii) if the cargo consists of pieces which weigh at least one tonne each;
 - (iii) if the cargo consists of pieces which have a length greater than 12m and or are considered cumbersome.

HEAVY BURDENS

39. (a) No person shall place, drag, skid, move or operate a vehicle or thing upon a highway if such a vehicle or thing is not equipped, and in a condition, to travel on rubber tired wheels, unless:
- (i) a permit for such operation, placement, dragging, skidding or movement is first obtained from the Senior Administrative Officer; and
 - (ii) the operation, placement, dragging, skidding or movement is supervised by the person designated in the permit.
- (b) The manner of supervision under the foregoing subsection is at the discretion of the person designated in the permit.
- (c) Every person having in his or her care or control or being the owner of a vehicle is liable for the cost of repairing damage to the highway resulting from the operation, placement, dragging, skidding or movement of such a vehicle upon the highway.
- (d) Every person having in his or her care or control or being the owner of a vehicle upon which a load of garbage or other material is being carried upon a highway shall so secure or cover such load as to prevent the littering of the highway or any part thereof.
- (e) Permission may be granted by the Senior Administrative Officer for heavy vehicles to cross sidewalks if such crossing point is bridged so as to prevent any damage to the sidewalk.

PRECAUTIONS DURING EMERGENCY

40. (a) No driver of a vehicle, other than an enforcement or emergency vehicle shall:
- (i) follow a vehicle used to fight fires, unless the driver remains at least 150 m behind the vehicle used to fight fires; or
 - (ii) park his or her vehicle within 150 m of a vehicle used to fight fires that has stopped to answer a fire alarm.

41. No driver shall drive over an unprotected fire hose of a fire department that has been laid down on a highway, private roadway or driveway near the location of a fire or a suspected fire, unless the driver has obtained the consent or direction of an officer or a member of the fire department.

TRUCK ROUTE

42. (a) In sections 42 to 48 inclusive:
- (i) "TRUCK" means a vehicle of more than 3 tonnes gross weight but does not include contractor's trucks;
 - (ii) "Transport Truck" means a truck ordinarily intended for use as a van, a tractor truck or a truck with high or low boy trailer;
 - (iii) "Contractor" includes a general contractor, or tradesmen, engaged in the delivery of building materials such as concrete, sand or gravel, oil or gas delivery, but does not include local delivery, freight, or wholesale deliveries.
- (b) Subject to subsections 47 and 48, no person shall drive either a truck or a transport truck on a portion of a highway without first obtaining a permit from the Senior Administrative Officer to do so, pursuant to section 45.
43. Notwithstanding subsection 44(b), it is permitted to drive a truck or transport truck on:
- (a) that portion of King street lying between Highway #5 and McDougal road;
 - (b) that portion of McDougal road lying between King street and Portage Avenue;
 - (c) that portion of Breynat Street lying between McDougal road and Mercredi Avenue;
 - (d) that portion of Mercredi Avenue lying between Breynat street and Portage Avenue;
 - (e) Portage Avenue;
 - (f) Highway #5 (Bell Rock road); and
 - (g) Breynat street from Highway #5 to Calder Avenue.
44. (a) No person shall load or unload a truck or transport truck on a portion of a highway without first obtaining a permit to do so, pursuant to Section 36.
- (b) The Senior Administrative Officer may issue a permit to a person for the loading or unloading of a truck on a portion of a highway if;
- (i) the truck is a moving van to be engaged in loading or unloading;
 - (ii) the entire load of the truck is to be loaded or unloaded at one place;

44. (b) (iii) the loading or unloading is taking place on property zoned as commercial or industrial zones under the Zoning bylaw.
- (e) No person shall park a truck or transport truck on a portion of a highway unless he or she has obtained a permit pursuant to subsection (b) of this section.
45. Permits required under Sections 42(b) and 44 are obtainable from the Senior Administrative Officer upon payment of a fee of one hundred (\$100.00) dollars per permit per vehicle.
46. Departures from the truck or transport truck routes specified in Section 43 are permitted only when travelling by the most direct route from the nearest point of the truck or transport truck route, as the case may be to:
- (a) travel to or from the premises for the servicing or repairing of the truck; and
- (b) pull a disabled vehicle from a highway prohibited to trucks.
47. Section 44 shall not apply to vehicles owned or actually in service of the Town which are engaged in works on behalf of the Town.

GENERAL RULES

48. (a) No driver shall operate a vehicle on a highway without due care and attention.
- (b) No driver shall operate a vehicle without reasonable consideration for others using the highway.
- (c) No driver shall drive or operate a vehicle on a roadway while at the same time
- holding, viewing or manipulating a cellular telephone, radio communication device or other communication device that is capable of receiving or transmitting telephone communications, electronic data, electronic mail or text messages, or
 - holding, viewing or manipulating a hand-held electronic device or a wireless electronic device.
- (d) An individual may drive or operate a vehicle on a roadway while using a cellular telephone or radio communication device in hands-free mode.
49. No person shall cause a vehicle to move backwards on or onto a highway unless the movement can be made in safety.
50. No driver shall drive a vehicle on a sidewalk unless his or her vehicle is entering or leaving a driveway.
51. No person shall engage in a stunt or activity on a highway that is:
- (a) likely to distract or startle a driver using the highway;
- (b) likely to cause damage or unsightly damage to the roadway.
52. No driver shall drive his or her vehicle in a race or in a contest or performance on a highway.
53. No driver shall drive behind a vehicle more closely than is reasonable in the circumstances.

BICYCLES

54. (a) A person who is riding a bicycle:
- (i) shall not ride it on a sidewalk;
 - (ii) shall ride it as near as practicable to the right-hand curb or edge of the roadway;
 - (iii) shall not ride beside another bicycle that is being ridden on a highway except when passing that bicycle;
 - (iv) shall keep at least one hand on the handle bars;
 - (v) shall ride on and astride the seat of the bicycle; and
 - (vi) shall not use the bicycle to carry more persons than the number for which it is designed or equipped.
55. No driver shall knowingly use a vehicle to tow on a highway a bicycle, coaster, sled, toboggan, skateboard, ice skates, roller skates, roller blades or skis.
56. That Mercredi Avenue be identified as a one way street for motor vehicle and a two way street for bicycles.

PEDESTRIANS

57. (a) A driver shall yield the right of way to a pedestrian crossing a roadway within a crosswalk at an intersection marked by a pedestrian or school crossing traffic control device.
- (b) A driver shall yield the right of way to a pedestrian crossing a roadway within a crosswalk that is not an intersection.
58. Where a motor vehicle is stopped at a crosswalk to permit a pedestrian to cross the roadway, a driver approaching from the rear shall not pass the stopped vehicle.
59. (a) A pedestrian shall look in both directions before leaving a curb or other place of safety to cross a roadway.
- (b) No pedestrian shall leave a curb or other place of safety and walk or run into the path of a motor vehicle that is so close that it is impracticable for the driver of the vehicle to yield.
60. Where a pedestrian is crossing a roadway at a point other than within a crosswalk, the pedestrian shall yield the right of way to all drivers.
61. Notwithstanding any provisions of this section, a driver shall:
- (a) exercise care to avoid colliding with a pedestrian;
 - (b) give a warning to a pedestrian by sounding the horn or bell on his or her vehicle; and
 - (c) exercise proper precaution and be prepared to stop where a child or an apparently confused or incapacitated person is on a highway.

- 63. (a) A pedestrian shall not walk or run onto a roadway if there is a sidewalk that is usable on either side of the roadway.
- (b) Where there is no sidewalk that is usable on either side of the roadway, a pedestrian shall, unless it is impracticable, walk or run on the lefthand side of the roadway or shoulder of the highway.
- 64. (a) No person who is outside of a vehicle shall:
 - (i) hold onto a vehicle that is in motion; or
 - (ii) hold onto a vehicle that is stationary, for the purpose of being towed.
- (b) No driver shall knowingly tow a person that is holding onto the vehicle he or she is driving.

MISCELLANEOUS

- 65. (a) No person who operates a motor vehicle on a highway shall sound the horn or bell attached to the vehicle so as to make an unreasonable noise.
- (b) No person shall operate a motor vehicle on a highway in any manner that causes a loud or unnecessary noise from the exhaust or braking system of the vehicle or from the contact of the tires of the vehicle with the highway.
- (c) Emergency and enforcement vehicles are exempt from subsections (a) and (b).
- 66. No person shall operate a motor vehicle on a highway that produces an unreasonable amount of exhaust or smoke.
- 67. No person shall operate on a highway, a motor vehicle with the windshield or a side or a rear window of the vehicle that is:
 - (a) covered with snow, ice or condensation; or
 - (b) cracked or in any other condition, that unduly obstructs his or her view of the highway.

DELEGATION OF AUTHORITY

- 68. (a) The Council of the Municipality of the Town of Fort Smith in the Northwest Territories hereby:
 - (i) delegates to the Senior Administrative Officer, the power to prescribe the location and placement of traffic control devices; and
- 68. (a) (ii) directs that the Senior Administrative Officer shall keep a record of such locations, and such record shall be open to public inspection during normal office hours.

- 69. Notwithstanding section 68, the Council may by resolution, authorize the design, construction, erection or placement, display, alteration, replacement, concealment or removal of traffic control devices.
- 70. Traffic control devices erected within the Town of Fort Smith in the Northwest Territories shall be deemed to have been erected by lawful authority.

PENALTIES

- 71. Every person who contravenes a provision of this bylaw for which no penalty is provided, is guilty of an offence and is liable upon summary conviction:
 - (a) for the first offence, to a fine not exceeding one hundred (\$100.00) dollars;
 - (b) for the second offence, to a fine not exceeding two hundred (\$200.00) dollars; and
 - (c) for each subsequent offence, to a fine not exceeding five hundred (\$500.00) dollars; or in default of payment, to imprisonment for a term not exceeding three (3) months.
- 72. (a) Notwithstanding section 71, where a person has been notified by an officer of the alleged commission of an offence referred to in this bylaw, that person may pay the voluntary penalty provided hereunder to the Senior Administrative Officer at any time within twenty (20) days after receipt of such notice, or before an information thereof is laid, and he or she shall not thereafter be liable for prosecution for the same offence.
 - (b) VOLUNTARY PENALTIES are attached as Schedule "1".
- 73. Bylaw #421 and any amendments thereof are hereby repealed.

READ A FIRST TIME THIS 2nd DAY OF December, 1996 A.D.
READ A SECOND TIME THIS 2nd DAY OF December, 1996 A.D.
READ A THIRD TIME THIS 17th DAY OF December, 1996 A.D.

Original signed by Mayor Bevington

MAYOR

Original signed by SAO Roy Scott

SENIOR ADMINISTRATIVE OFFICER

Schedule 1

VOLUNTARY PENALTIES

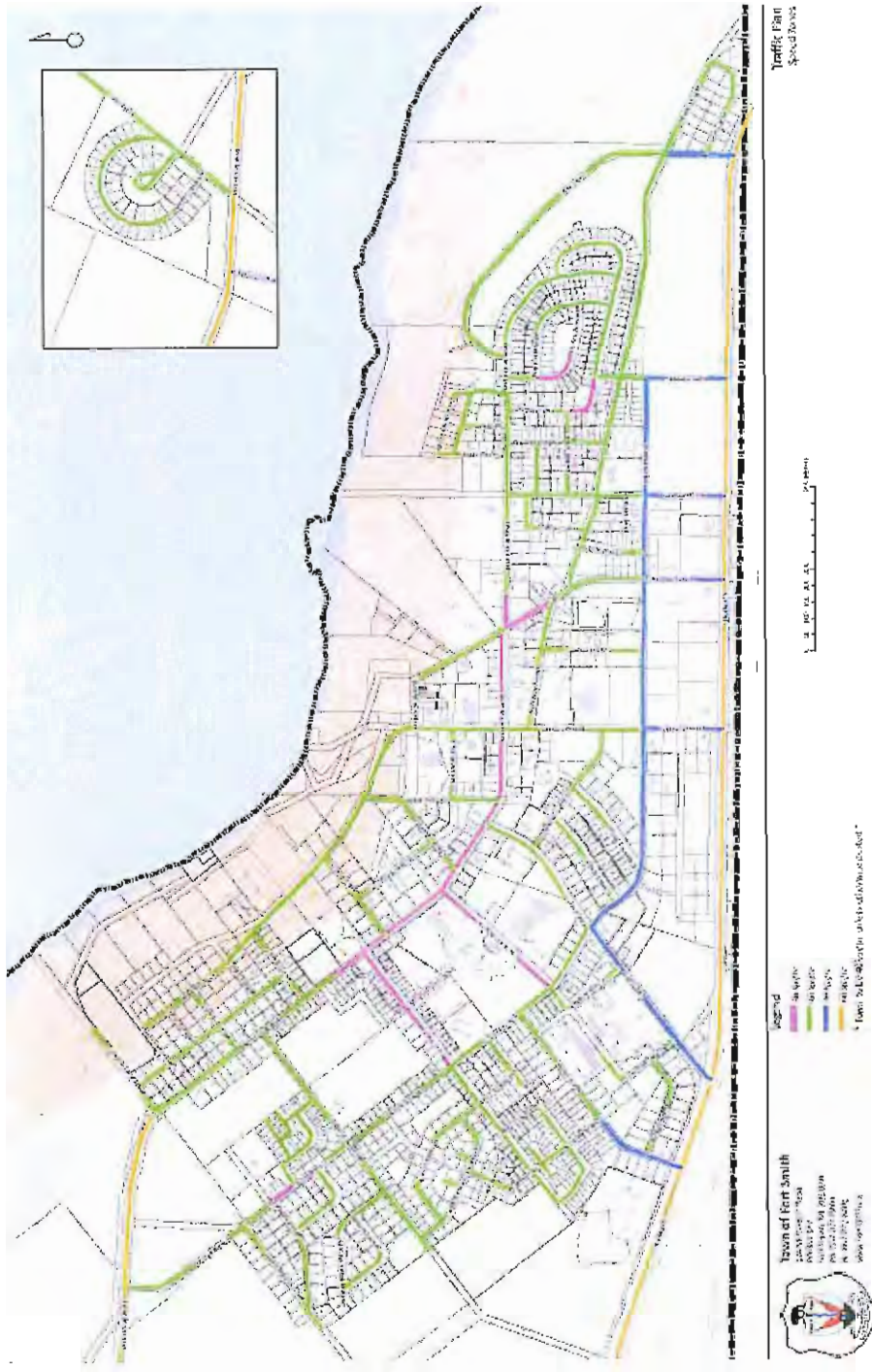
<u>CHARGE</u>	<u>SECTION</u>	<u>FINE</u>
FAIL TO YIELD RIGHT OF WAY TO EMERGENCY/ENFORCEMENT VEHICLE	6(d)(i)	50.00
FAIL TO STOP FOR AN EMERGENCY/ ENFORCEMENT VEHICLE	6(d)(ii)	50.00
FAIL TO OBEY OFFICERS TRAFFIC DIRECTIONS	7	30.00
ERECT A DEVICE WHICH INTERFERES WITH A TRAFFIC CONTROL DEVICE WITHOUT AUTHORIZATION	8	30.00
ALTER/DAMAGE/ATTEMPT OR REMOVAL OF A TRAFFIC CONTROL DEVICE WITHOUT AUTHORIZATION	10	50.00
SPEED IN EXCESS OF POSTED SPEED LIMIT:		
(A) 15KM/H OR LESS	11	50.00
(B) 16KM/H to 30KM/H		75.00
(C) 31KM/H to 50KM/H		100.00
(D) 51KM/H and up		Court
DRIVING MOTOR VEHICLE AT AN UNREASONABLE SPEED	13	50.00
FAIL TO OBEY OFFICERS DIRECTION (SLOW SPEED)	15	30.00
IMPROPER RIGHT TURN	16	50.00
IMPROPER LEFT TURN	17	50.00
SIGNALLING LEFT TURN IMPROPERLY	21	50.00
SIGNALLING RIGHT TURN IMPROPERLY	22	50.00
SIGNALLING STOP IMPROPERLY	23	50.00
FAILING TO YIELD RIGHT OF WAY	25(b)	50.00
FAIL TO OBEY YIELD SIGN	27(b)	50.00
FAIL TO OBEY A STOP SIGN	31	50.00
FAIL TO STOP FOR A SCHOOL BUS	32	100.00

TOWN OF FORT SMITH
 Traffic Regulation By-Law #616
 Schedule 1

UNAUTHORIZED PARKING ON A ROADWAY	33	40.00
PARK IN FRONT OF PUBLIC/ PRIVATE DRIVEWAY	34(a)	30.00
PARK WITHIN AN INTERSECTION	34(b)	30.00
PARK ON A SIDEWALK	34(c)	30.00
PARK WITHIN 3m OF A FIRE HYDRANT	34(d)	30.00
PARK WITHIN A CROSSWALK	34(e)	30.00
PARK WITHIN 5m OF A STOP OR YIELD SIGN	34(f)	30.00
PARK IN A HANDICAPPED ZONE	34(h)	30.00
PARK IN AN AREA RESERVED FOR A CLASS OF PERSONS	34(i)	30.00
PARK VEHICLE OPPOSITE OF DIRECTION HEADED	34(j)	30.00
PARK VEHICLE IN A NO PARKING ZONE	35	30.00
FAIL TO OBTAIN PERMIT TO MOVE HEAVY BURDEN ON HIGHWAY	39(a)(i)	100.00
FAIL TO SECURE CARGO LOAD	39(d)	50.00
FOLLOWING/PARKING TOO CLOSE TO OPERATIONAL FIRE FIGHTING VEHICLES	40	50.00
DRIVE OVER UNPROTECTED FIREHOSE	41	100.00
FAIL TO OBTAIN A TRUCK ROUTE PERMIT	42(b)	30.00
OPERATE MOTOR VEHICLE WITHOUT DUE CARE AND ATTENTION	48(a)	100.00
BACKING UP A VEHICLE UNSAFELY	49	50.00
OPERATE MOTOR VEHICLE ON A SIDEWALK	50	100.00
STUNTING	51(a)	100.00
RACING	52	200.00
FOLLOWING VEHICLE TOO CLOSELY	53	50.00

TOWN OF FORT SMITH
 Traffic Regulation By-Law #616
 Schedule 1

IMPROPER USAGE OF A BICYCLE	54	25.00
UNLAWFULLY TOWING A BICYCLE, PLAY VEHICLE OR PERSON	55	150.00
FAIL TO YIELD RIGHT OF WAY TO PEDESTRIAN	58	75.00
UNLAWFULLY PASS A VEHICLE STOPPED AT A CROSSWALK	59	75.00
PEDESTRIAN FAILING TO YIELD RIGHT OF WAY TO VEHICLES	61	75.00
FAILING TO WALK ON SIDEWALK OR LEFT HAND SIDE OF ROAD	63	25.00
UNLAWFULLY HOLD ONTO A MOVING VEHICLE	64(a)(i)	50.00
UNREASONABLE NOISE FROM VEHICLE HORN	65(a)	50.00
LOUD OR UNNECESSARY NOISE FROM MOTOR VEHICLE	65(b)	50.00
UNREASONABLE SMOKE OR EXHAUST FROM VEHICLE	66	50.00
OPERATE VEHICLE WITH AN OBSTRUCTION ON WINDSHIELD OR WINDOWS	67	50.00





BRIEFING NOTE

To: Committee of the Whole
Date: January 17th, 2012
Subject: Business License By-Law Amendments

Purpose:

To provide Committee of the Whole with an amended By-Law for business licensing.

Background:

Council has requested that the Business Licensing By-Law be reviewed with an emphasis on clarifying the parameters regarding the home based businesses. Similar By-laws for many other communities have been reviewed to determine the most appropriate for the Town of Fort Smith.

Analysis:

The By-law attached to this briefing note is amended in accordance with the recommendations of staff as well as the comments from Council. All the changes to the By-law have been highlighted for ease of review.

The most significant items to be considered includes the following:

- The addition of "Type of Business" in definitions to ensure that it is clear that one business license is not sufficient for several unrelated businesses;
- The addition of the section under Hawkers and Peddlers is required to ensure that the by-law clearly outlines registration in advance of providing services;
- The addition of the section under "Home Based Business" that clearly outlines the parameters that define a home based business moving forward and gives our By-law enforcement staff the ability to enforce the terms of the by-law.

When this By-Law is enacted, staff is suggesting that we do an awareness campaign including the newspaper, website, posters, letters to businesses and warning tickets to ensure that all businesses are aware of the significant changes. This should make the

community aware of the changes prior to coming to obtain their business license and hopefully, avoid any issues during the registration process.

Recommendation:

THAT the amended By-Law be enacted by Council at its earliest convenience.

Respectfully submitted,

Brenda Black
Senior Administrative Officer

THE CORPORATION OF THE TOWN OF FORT SMITH

BY-LAW NUMBER

A BY-LAW OF THE CORPORATION OF THE TOWN OF FORT SMITH, TO PROVIDE FOR THE LICENSING AND REGULATING OF BUSINESS WITHIN THE MUNICIPALITY, PASSED PURSUANT TO SECTIONS 70, 71 AND 72 OF THE CITIES, TOWNS AND VILLAGES ACT, R.S.N.W.T.,2003, c.22 AND THE BUSINESS LICENSE ACT AND REGULATIONS OF THE NORTHWEST TERRITORIES

WHEREAS, pursuant to section number 1, of the revised regulations of the Northwest Territories 1990, C. B-6, a Business that is carried on within any Municipality having By-laws governing the issuance of Business Licenses is exempt from the Business License Act;

AND WHEREAS, the Council of the Corporation of the Town of Fort Smith deems it desirable to repeal and replace the Business Licensing By-law;

NOW THEREFORE, the Council of the Town of Fort Smith, in the Northwest Territories, at a duly assembled meeting enacts as follows:

1. This By-law may be cited as "Fort Smith Business Licensing By-law";

2. DEFINITIONS

a) "BUSINESS" means a company, partnership or sole proprietorship which includes:

1. a profession, trade, manufacture or undertaking of any kind;
2. an adventure in the nature of trade; and
3. the sale or offer for sale of goods or services in any public place;

but does not include a business that is regulated by an Act of Parliament or any other exempt business prescribed by regulation;

b) "CHARITABLE OR NON PROFIT ORGANIZATION" means any religious, charitable, scientific, literary or educational organization which is a registered Canadian charitable organization pursuant to the Income Tax Act of Canada - NOTE: Proof of registration number must be submitted with application;

c) "COUNCIL" means the elected Council, or Town Council for the Corporation of the Town of Fort Smith, as designated and set out in the Municipal Act of the Northwest Territories;

d) "DEVELOPMENT OFFICER" means an official of the municipality assigned by the SAO to administer this Bylaw.

e) "HAWKER OR PEDDLER" means any person who, whether as principal or agent, goes from house to house or locates on any street or roadway or elsewhere other than a building which is their permanent place of business, and offers for sale any merchandise to any person or offers to expose for sale to any person by means of samples, patterns, cuts, or blueprint, merchandise to be delivered at a later date in or shipped to the Town; but does not include a principal or agent selling to a wholesale

or retail dealer in such merchandise;

- f) "HOME OCCUPATION" means any business carried on by a person who is an occupant of a residential building as a use secondary to the residential use of the building, and as defined in the zoning and planning by-laws of the Town;
- g) "INDUSTRY" means one that employs personnel and capital in manufacturing or provides servicing - a distinct productive unit or profit making enterprise;
- h) "JUNIOR BUSINESS" means any business carried on by a person(s) who is/are under sixteen years of age with written consent from parent(s)/guardian(s) and that is a sole proprietorship;
- i) "LICENCING PERIOD" means the period between January 1 and December 31 during which a license is issued;
- j) "NON-RESIDENT BUSINESS" means any person as is contemplated in the definition section of this By-law, carrying on business within the corporate limits of the Town of Fort Smith in the Northwest Territories, without having an established or a permanent office or location of operation within the corporate limits of the said Town;
- k) "PERSON" means any individual, sole proprietorship, partnership, body corporate, society, or any combination of two or more of the afore-mentioned;
- l) "PRIVATE DWELLING" means a home, cottage or apartment owned or rented by the occupant or occupants thereof, but occupant does not include a person as herein before defined who occupies such a dwelling as a temporary guest;
- m) "RESIDENT BUSINESS" means any person as defined in this definition section, carrying on a business as herein defined, and establishing a permanent office and/or location of operation within the corporate limits of the Town of Fort Smith in the Northwest Territories, subject to terms and conditions defined in Zoning By-law of the Town of Fort Smith;
- n) "SENIOR ADMINISTRATIVE OFFICER" means the Senior Administrative Officer of a Municipal Corporation appointed by Council under Section 41 of the Cities, Towns and Villages Act;
- o) "TOWN" means the Corporation of the Town of Fort Smith in the Northwest Territories;
- p) "TRADES" means any business that provides a service, performed by a qualified/certified person;
- q) "TYPE OF BUSINESS" means directly related goods and services and businesses cannot be combined unless they offer directly related goods and services.

3. LICENCE REQUIREMENTS

- a) No person shall carry on or operate a business that is either wholly or partly within the Town unless he or she holds a valid and subsisting license to do so, issued pursuant to this By-law. A license will be valid and current from the date of issue for the current year unless sooner terminated;
- b) Any person engaged in or carrying on one or more different businesses, either separately or together, shall be required to hold a license for each type of business;

4. PROCEDURE FOR APPLICATION

- a) All applications for a business license shall complete an application, as per schedule "(A)" attached hereto and forming part of this By-law, and this application shall be accompanied with the fee payable for the issuance of such license, as set out in schedule "B", attached hereto and forming part of this By-law;
- b) All applications for licenses shall give the description in detail of the premises in or upon which the applicant intends to carry on the business in respect of which the applicant had made an application for a license.
- c) Any person living in rental accommodation and making application for a business license to operate a business, home occupation, in such rental accommodation must present with the application a letter of consent from the agent or landlord of the premises, granting permission to operate a business out of a rented building. Without the written consent of the agent or landlord, no business license will be issued;
- d) Persons or groups conducting businesses for charitable purposes require a business license, for which there will be no charge;
- e) Where the Senior Administrative Officer rules that an application for a business license for a charitable purpose is, in his/her opinion not a charitable purpose, then the Senior Administrative Officer's decision will prevail as final;
- f) That all Business License Applications for Home Occupations must be reviewed for compliance, and that the Development Officer may authorize this issue or renewal of a Business License for the current year.;
- g) All licenses issued to persons to carry on any business shall designate the premises in or on which the licensee may carry on or engage in the business in respect of which the license is issued and the license authorizes the licensee to carry on the licensed business only in or upon the premises designated in such license and a separate license shall be obtained for each such location.
- h)
 - (1) Every person carrying on business without obtaining the approval of the Senior Administrative Officer or his designate as set out in Subsection "j)" is guilty of an offense and will, upon the demand of the Senior Administrative Officer, remove themselves, their wares and vehicle(s) from the property immediately;
 - (2) Any person who refuses to remove their business wares and vehicle(s) from the Town owned property when requested to do so by the Senior Administrative Officer will have the business wares and vehicle(s) removed at the owner's expense;
- i)
 - (1) No person will operate a business on public or private property without permission of the owner of the said property;
 - (2) Subject to Section "4" if any person is found operating a business without permission of the property owner, the Senior Administrative Officer may have the business wares and vehicle(s) removed at the owner's expense;
- j) No person to whom a license has been granted shall carry on such business in or upon any premises other than those set forth on the said application and license without first making an application pursuant to this By-law for a new license;
- k) Failure to disclose to the Town any of this information required herein, shall be grounds for cancellation of the business license pursuant to the procedures set forth

in Section "18" of this By-law;

- l) No license shall furnish false or misleading information regarding any procedure or condition of this By-law;

5. POSTING OF LICENCES

- a) Every license issued pursuant to this By-law shall be posted in a conspicuous place in the business premises and whenever required to do so by the Senior Administrative Officer, the licensee shall produce the license for inspection purposes;

6. COMPLIANCE

- a) Whenever an applicant for a license has complied with the terms of this By-law and of any other applicable By-laws, the applicant shall be entitled to the license, subject to Section "17", applied for upon payment of the proper fee;
- b) A business license issued to a licensee is not valid unless approved by the Senior Administrative Officer or his designate;

7. LICENCE FEE

- a) Payment of the business license fee for residents shall be cash, cheque, money order, debit, On-line banking, telephone, Visa or Mastercard;
- b) Payment of the business license fee for non-resident shall be cash, certified cheque, money order, debit, On-line banking, telephone banking, Visa or Mastercard order;
- c) License fees are to be paid prior to the license being issued, with the quantum of fees payable as listed in schedule "B";

8. LICENCE CHANGES

- a) Where a licensee wishes to change any information contained in the application form, other than the specified information recorded on the license, the licensee shall make application for such a change to the Senior Administrative Officer within thirty days and pay the administrative fee as specified in Schedule "B";

9. ADVERTISING

- a) Subject to Section "17", if the Senior Administrative Officer has reasonable and probable grounds to believe that a business's advertising appears to mislead the public with the intent to distribute or sell their wares, the Senior Administrative Officer can revoke the license. Any person believed to have committed an offense under this section shall cease conducting business until the procedures under Section "17" are completed;

10. TRADES

- (1) The Senior Administrative Officer has the right to ask any applicant to provide proof of Qualification or Certificates that the owner, manager or an employee actively engaged in the company has the proper qualifications for the trades in which the person or company wishes to engage;
- (2) Qualifications must be stated for one particular business;
- (3) Qualifications cannot be used for a second business;

11. HAWKER/PEDLARS

- (1) All hawker/peddler that are required to be bonded and licensed by the Government of the Northwest Territories, will not be permitted to obtain a business license without first having a valid Direct Sellers License;
- (2) No license shall be issued to a hawker/peddler until that hawker/peddler has established his or her identity with the Senior Administrative Officer;
- (3) It shall be a condition of every license issued to a hawker/peddler, that business shall only take place between the hours of 9:00 hours and 21:00 hours on Monday to Sunday inclusive;
- (4) Prior to the commencement of his or her business operation, a hawker or peddler shall provide the following information to the Town:

- a) The names and addresses of the persons comprising the sales crew, including their temporary and permanent places of residence in the Town;
- b) The license number of each sales person assigned by the Government of the Northwest Territories;
- c) Not more than four (4) employees should be allowed under each hawker or peddler's license.
- d) An applicant who in the preceding period of two (2) years has been convicted of any criminal offence, an element of which is fraud or dishonesty will not be granted a hawker's or peddler's license.

12. BUSINESS LICENCE RENEWALS

- a) Business license renewals shall be completed by the fifteenth (15th) day of February in each year;
- b) A penalty of \$25.00 shall be assessed against a business that submits a business license renewal application after February 15th, in any year;

13. DISPLAY OF BUSINESS LICENCE

- a) Every business license issued under this By-law shall be posted in a conspicuous place within business premises, so that it may be inspected by anyone at a reasonable time.
- b) Every business license issued under this by-law to a non-resident contractor, service agency, hawker, peddler or itinerant sales person, shall be carried by the licensee so that it may be inspected by anyone.

14. BUSINESS LOCATIONS AND OFFICES

- a) All licensed businesses shall have an office and/or a locatiou, the exceptions being outlined in subsection (c);
- b) Any resident may operate one or more businesses from the same office location, provided that the locatiou of each business confirms to the conditions of the Zoning By-law;

- c) Where there is an application for a business license from a non-resident contractor, service agency, hawker, peddler or itinerant sales person, the Senior Administrative Officer may waive the requirement for an office location within the municipality;
- d) No business license shall be issued in which the location of the business has been identified as a vacant lot.

15. HOME OCCUPATION PERMIT

- a) A home occupation permit shall only be valid for the address identified in the permit.
- b) Home Based Businesses are subject to the following requirements:
 - 1) Applications for home based businesses shall be made on a form prescribed by the Senior Administration Officer;
 - 2) The Home based business shall not be staffed by any person other than a resident of the home and no employees shall be permitted to work the home based business;
 - 3) The home based business must not occupy more than 25% of the floor space of the principal building or 400 sq. ft, whichever is less, and in no case will the combined area of the principal building used for the business and an accessory building used for the business exceed 400 sq. ft.;
 - 4) No more than two home based businesses may be allowed at any given residence;
 - 5) Sales by home based businesses shall be limited to goods and services directly related to the business. If goods and articles are to be stored on-site, the storage shall be within approved structures on the lot, not be of a hazardous nature, and not contravene conditions (5), (6) or any other conditions herein;
 - 6) No variation from the external appearance and residential character of land or buildings shall be permitted;
 - 7) The home based business shall not generate traffic or parking problems within the district;
 - 8) Except with the approval of the SAO only one commercial vehicle may be used in conjunction with the home based business and the said vehicle shall not exceed 4400 kilograms gross vehicle weight.
 - 9) The home based business may be carried on only for the period of time the property is occupied by the applicant for such permitted uses;
 - 10) The privacy and quiet enjoyment of adjacent dwellings shall be preserved;
 - 11) Where a person performs a service, offers consulting services, or instruction of arts and/or crafts, the SAO may set a limit to the number of students or customers that may be in attendance at any one time, and if in the opinion of the SAO the residential character of the neighborhood is compromised by the activities of these students or customers, the SAO may reduce the number of students or customers that may be in attendance at any one time; and
 - 12) All permits issued for home based businesses shall be subject to the condition that the permit may be revoked by the SAO at any time if the conditions are contravened, or where the use is or has become detrimental to the amenities of the neighborhood.
 - 13) Display and storage of goods:
 - a. No variation from the external appearance and residential character of land or buildings shall be permitted;
 - b. No exterior storage of materials associated with the standard home occupation will be permitted.
 - 14) No home occupation shall be operated in a manner or at a time of day or night that is likely to disturb residents of other properties in the area.
 - 15) No advertising shall be permitted other than a small nameplate not exceeding 3 feet by 3 feet.

16) A home occupation permit shall be compatible with the residential use of the property and other properties in the area, and without limiting the generality of the foregoing, shall not be approved if the Town is of the opinion that it is likely to result in problems relating to parking, traffic, noise, vibration, smoke, odor, heat, dust or glare.

24. REFUSAL

- a) The Senior Administrative Officer will refuse to issue a license to an applicant who furnishes false or misleading information.
- b) The Senior Administrative Officer may refuse to issue a license to an applicant if the Senior Administrative Officer has reasonable and probable grounds to believe and does believe that the business or the applicant does not or will not meet the requirements or conditions set out in this By-law.
- c) In every case where an applicant for license has been refused a license that person seeking the license shall be entitled to appeal to Council and Council shall be the final judge of whether the refusal of license was just and reasonable.
- d) Every such appeal shall be made in writing to the Town Office within thirty (30) days after a license has been refused, otherwise the right to appeal shall be barred and forever extinguished.
- e) The Notice of Intention to Appeal shall state in concise fashion the grounds upon which the appeal is based.
- f) Council, after hearing an appeal, may:
 - (1) direct a license be issued without conditions;
 - (2) direct a license be issued with conditions;
 - (3) uphold the decision of the Inspector on grounds which appear just and reasonable to Council.

25. REVOCATION AND SUSPENSION OF LICENCES

- a) Before a license is suspended or cancelled, the Senior Administrative Officer shall:
 - (1) allow any person affected, or that person's representative, an opportunity to be heard before Council;
 - (2) the hearing must be conducted by Council;
 - (3) notice must be served on any person affected at least three (3) days prior to the date of the hearing;
 - (4) the notice must:
 - (a) set out the time and place of the hearing;
 - (b) advise the person of the purpose of the hearing and the right of the person to attend and make representation.
- b) The notice must be served personally or, where service cannot be affected personally because the address of the person is not known, the notice must be posted

- in three (3) public places in the municipality.
- c) Where the Council, or such other person as may be authorized to take the action referred to, is of the opinion that there is imminent danger to public health and safety;
 - (1) the period of notice required may be shortened; or
 - (2) the action may be taken without the notice or hearing required.
- d) An appeal must be made no later than thirty days after the decision;
- e) Subject to Subsection "c)", no person shall take any action referred to in Subsection "a)", until after:
 - (1) the period for taking an appeal has expired and no appeal has been taken; or
 - (2) any appeal taken has been dismissed by a judge.
- f) If a licensee is convicted twice in any one (1) calendar year of a breach of any of the provisions of this By-law, any license issued to such licensee pursuant to the provisions of this By-law will be cancelled subject to the procedures set out in Subsection "a) and b)".
- g) The Senior Administrative Officer may recommend a license be suspended or cancelled if the licensee is convicted of:
 - (1) an offence under the Criminal Code with respect to theft, fraud, embezzlement, false pretenses and any offence with respect to bawdy houses or betting or gaming houses; or,
 - (2) of an offence which by its nature is, in the opinion of the Inspector, facilitated by the type of licensed business carried on by the convicted licensee.
- h) The Senior Administrative Officer may recommend to Council that a license be suspended or cancelled for a specific period or until certain conditions have been met, where he is satisfied that:
 - (1) the license was issued or renewed in error; or
 - (2) the provisions of any By-law of the Town or any Act of the Northwest Territories have been violated with respect to the operation of any business licensed or of any business required to be licensed.

26. GENERAL PROVISIONS

- a) All business licenses issued shall expire as of 12 mid-night December 31, in the year the license was issued.
- b) Business licenses issued under this By-law are not transferable and the license fee shall be payable in full by each applicant at the time of application, irrespective of the prospective term of operation of any business.
- c) No refunds shall be made pro-rata or otherwise on any unexpired license due to cessation of business activities by the licensee.
- d) If a Business License is issued in error, whether due to a misrepresentation or

otherwise, may advise the license holder that his or her license was issued in error and must be reviewed.

27. "POWERS AND DUTIES OF THE SENIOR ADMINISTRATIVE OFFICER"

- a) The Senior Administrative Officer for the Town of Fort Smith is hereby appointed as administrator of this By-law and he or she may appoint officers of the municipality to assist in his or her duties.
- b) The Power and Duties of the Senior Administrative Officer under this By-law shall be:
 - (1) to receive and deal with all applications for licenses.
 - (2) to keep a record of all applications for licenses in a form required by Council of the Town.
 - (3) to keep on file duplicate counterparts of all licenses issued and particulars thereof.
 - (4) to ascertain as far as reasonably practicable, that all information furnished by an applicant in connection with an application for a license is true in substance and in fact.
 - (5) to make an inspection of all premises for which a license is applied for, wherein an inspection by the Senior Administrative Officer is required pursuant to this By-law.
 - (6) to prepare all licenses pursuant to this By-law and to issue all licenses under this By-law.
 - (7) to report to the Council of the Town as to the number of licenses issued, the number of licenses renewed and the amount of moncy received in connction therewith from time to time as requested by the said Council.
 - (8) to administcr this By-law and as far as practicable see that all persons concerned conform to its provisions and to prosecute persons who fail to comply therewith.
 - (9) to carry out the duties of the Senior Administrative Officer with the assistance of any officers or employees of the Town including any person appointed to enforce the Town By-laws.
- c) The Senior Administrative Officer may revoke or refuse to issue a license under this By-law, subject to the provisions of this By-law, where he or she is satisfied that:
 - (1) The persou has violated the provisions of this By-law or an Act of the Northwest Territories in respect to any business licensed or requiring to be licensed under this By-law.
 - (2) The person, when licenscd as a resident, was not resident business within the meaning of the definition section of this By-law.
 - (3) The public health is not being upheld.
 - (4) The public safety is not being upheld.
 - (5) It is not in the public interest in the discretion of the Senior Administrative Officer.

28. INSPECTIONS

- a) The Senior Administrative Officer shall inspect or have inspected any business premises that he or she has reason to believe does not qualify under this By-law.
- b) The inspection referred to in "a" above, is mandatory for business premises where the public frequents.
- c) The Senior Administrative Officer or his/her appointee may inspect at all reasonable times any location at which a business license holder or applicant is operating or is believed to be operating. Refusal to allow said inspection constitutes a contravention of this By-law.

29. PUNISHMENT FOR VIOLATIONS

- a) Any person violating any provision of this By-law is guilty of an offence and is liable upon Summary Conviction:
 - (1) For a first offence during any licensing period,
 - (a) in the case of an individual, to a fine not exceeding five hundred dollars (\$500.00), plus court costs, and
 - (b) in the case of a corporation, to a fine not exceeding one thousand dollars (\$1,000.00), plus court costs, and
 - (2) For each subsequent offence during a licensing period;
 - (a) in the case of an individual, to a fine not exceeding one thousand dollars (\$1,000.00), plus court costs, and
 - (b) in the case of a corporation, to a fine not exceeding five thousand dollars (\$5,000.00), plus court costs, and
 - (3) Imprisonment for a period not exceeding six (6) months, in default of payment of any fine imposed.
- b) In the case of an offence contrary to Section "4" herein the justice shall, in addition to any other penalty imposed, order payment of the relevant license fees in accordance with the provisions of this By-law.
- c) Pursuant to the Summary Conviction Procedures Act, the Senior Administrative Officer may issue a Summary Offence Ticket Information to any person who violates any provisions of this By-law and such person may, pursuant to the said Act, pay to the Town the voluntary penalty for such offence as set out in schedule "C" hereto at any time prior to the court date specified in the Summary Offence Ticket Information.
- d) Any person charged with an offence and who is issued a Summary Offence Ticket Information is not required to appear in court in answer to the summons if, within the time stated therein, he
 - (1) signs the plea of guilty endorsed on the summons, and
 - (2) delivers the summons and the specified penalty to the place stated on the summons,

and upon so doing the person charged shall be deemed to be convicted of the

offence charged.

- 31. That By-law number 504 and 822 and amendments thereof is hereby repealed.
- 32. This By-law shall come into full force and take effect upon receiving third reading.

READ A FIRST TIME THIS ___ DAY OF _____ 2012, A.D.
 READ A SECOND TIME THIS __ DAY OF _____ 2012, A.D.
 READ A THIRD TIME THIS ___ DAY OF _____ 2012, A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER

THE CORPORATION OF THE TOWN OF FORT SMITH
 BY-LAW NO.
 SCHEDULE "A"
APPLICATION FOR A BUSINESS LICENCE

Date of Application: _____ New Application: _____ Renewal:
 (Check One)

1. Name of Applicant _____ (Surname) (First)

2. Name of Business: _____

3. Business Address: _____

4. Mailing Address: _____

5. Location of Business: Lot No: _____ Plan No: _____

6. Zoning _____

7. Telephone number of Business: () _____

8. Type of Business - Check One Box Only

Resident Commercial ___ Home Occupation ___
 Telephone/Desk Operation ___ Hawker/Peddler ___
 Junior Business ___

Non-Resident Hawker/Peddler ___ Contractor ___

9. Particulars of Occupation, Trade, Calling or Business to which this application will apply

10. Date of Commencement (If New or Non-Resident) _____

Date of Termination (If Non-Resident) _____

11. Owner Employees: Full Time: _____ Part Time: _____

Employees: Full Time: _____ Part Time: _____ Seasonal: _____

12. I, _____, hereby make application for a license in accordance with the particulars as stated above and certify that the number of persons employed in the said business will be ___ (or ___ man-years), and that the necessary verification has been received in accordance with the provision of the Worker's Compensation Act.

Signature of Applicant
on behalf of

Name of Business

13. A penalty of \$25.00 shall be assessed against a business that submits a business license renewal application after February 15th.

14. Licenses are not transferable. Separate application forms shall be submitted for each class or place of business for which a license is required.

15. Fee: \$ _____ Section: _____

16. License Approved: _____ Date: _____

THE CORPORATION OF THE TOWN OF FORT SMITH

BY-LAW NO.

SCHEDULE "B"

LICENCE FEES

1. RESIDENT BUSINESS LICENCE FEE

- a. Commercial establishment located in the Town Centre, Highway Commercial, Light Industrial, Heavy Industrial and Institutional Zones.....\$60.00
- b. Home occupations and/or telephone and desk operation in a residential zone.....\$100.00
- c. Commercial establishment allowed in a Residential Zone as specified in By-law #794.....\$60.00
- d. Charitable purposes..... N/C
- e. License Change.....\$25.00
- f. Hawker/Peddler.....\$100.00
- g. Junior business.....\$1.00

NOTE: Any resident business application after September 1st will cost one half of the regular price.

2. NON-RESIDENT BUSINESS LICENCE FEE

- a. Non-resident contractors performing a service in any area of the Municipality.....\$175.00
- b. Non-resident hawker/peddler.....\$225.00
- c. Charitable purposes..... N/C

THE CORPORATION OF THE TOWN OF FORT SMITH

BY-LAW NO.

SCHEDULE "C"

VOLUNTARY FINES

OPERATING A BUSINESS WITHOUT A VALID LICENCE.....\$100.00

FAILING TO POST A BUSINESS LICENCE.....\$50.00

FAILING TO PRODUCE BUSINESS LICENCE UPON DEMAND.....\$100.00