

**COWICHAN TRIBES FIRST NATION
BUSINESS LICENCE AND REGULATION LAW, 2020**



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COWICHAN TRIBES FIRST NATION Business Licence and Regulation Law, 2020

A Law to provide for the regulation and licensing of businesses, callings, trades and occupations on the Cowichan Tribes Lands

WHEREAS:

- A. The Council of the Cowichan Tribes has the inherent right to self-government which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;
- B. The Cowichan Tribes has taken over control and management of Cowichan Tribes Reserve Lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Quw'utsun Tumhw* effective the 4th day of July, 2019;
- C. Under the *Quw'utsun Tumuhw*, Cowichan Tribes Council is authorized to pass various laws relating to lands, including laws relating to regulation and use of Cowichan Tribes Lands and fees for permits and licences under section 6.2 of the Code;
- D. The Council of the Cowichan Tribes enacted the Cowichan Tribes Business Licensing Bylaw No. 2, 1997 on the 3rd day of June 1997, and wishes to repeal the said Bylaw and replace it with this Law;

NOW THEREFORE the Council of the Cowichan Tribes duly enacts as follows:

PART 1 APPLICATION AND INTERPRETATION

Title

- 1.1 This Law may be cited as the *Cowichan Tribes First Nation Business Licence and Regulation Law, 2020*.

Purpose

- 1.2 The purpose of this Law is to record and regulate the licensing of businesses, trades and occupations on Cowichan Lands.

Application of this Law

- 1.3 This Law applies to the whole area of Cowichan Lands.

Severability

- 1.4 The provisions of this Law are severable and the invalidity of any part of this Law shall not affect the validity of the remainder of this Law.

Definitions

- 1.5 In this Law:

"**business**" means carrying on a commercial or industrial activity or undertaking of any kind or nature, and providing professional, personal or other services for the purpose of gain or profit, but does not include an activity carried on by the governments of Cowichan Tribes, British Columbia or Canada, the agencies of said governments or corporations owned by said governments or by any public transit authority or its subsidiaries;

"**cannabis**" has the same meaning as in the *Cannabis Act*, S.C. 2018, c. 16, subject to any prescribed modifications;

"**cannabis operation**" means the cultivating, growing, producing, packaging, storing, distributing, advertising, trading, the performance of any research and innovations activities on legal cannabis or its derivatives, but excludes a medical cannabis processing facility and any retail cannabis business;

"**certificate of possession**" means the official document confirming an individual right of permanent legal possession to Cowichan Lands allotted to a Cowichan Member in accordance with the *Quw'utsun Tumuhw*

"**Cowichan Lands**" means all those tracts of land set apart by Her Majesty for the use and benefit of the Cowichan Tribes, and any future lands as may be set apart by Canada as reserve lands of the Cowichan Tribes;

"**Cowichan Member**" means an individual whose name appears or is entitled to appear on the membership list for Cowichan Tribes;

"**Council**" means the duly elected Chief and Council of the Cowichan Tribes;

"**Enforcement Officer**" means the person duly appointed by the Lands and Governance Director or by Council to enforce the regulations of any of Cowichan Tribes bylaws and laws, including this Law;

"**farm operation**" means land within Cowichan Lands, whether consisting of one or more separate parcels, classified as farm land by the British Columbia Assessment Authority, and operated as one farming operation principally for the growing or raising of farm produce;

"**food cart**" means a non-motorized mobile cart from which food or beverages are carried, contained, and offered for sale to the public;

"**food trailer**" means a portable, self-contained trailer that is equipped to cook, prepare or serve, and offer food or beverages for sale to the public, but does not include a food cart;

"food truck" means a motorized, mobile, self-contained vehicle that is equipped to cook, 2 prepare or serve, and offer food or beverages for sale to the public, but does not include a food trailer or food cart;

"Lands and Governance Director" means the Lands and Governance Director of Cowichan Tribes or their delegate;

"licence" means a licence issued pursuant to this Law to carry on a business on Cowichan Lands;

"licence application" means any application for a licence under this Law, and includes an initial application for a licence, and applications for licence renewal, or reinstatement.

"licensee" means a person holding a valid licence issued pursuant to this Law;

"liquor licensee" means any business required to have a liquor licence under the *Liquor Control and Licensing Act*, as amended from time to time;

"mobile" means a business that changes its location or that operates in a premise that is capable of relocating, such as in the case of a food truck or similar;

"mobile food service" means the operation of a food service business from a food truck, food trailer or food cart;

"non-profit society" means a society or organization that is incorporated and in good standing under the *Societies Act, SBC 2015 c. 18*, as amended from time to time;

"occupier" means a leaseholder or sub-leaseholder of Cowichan Lands or the holder of a certificate of possession;

"person" in addition to its ordinary meaning, includes a sole proprietor, partnership, unincorporated association, trust and corporation and the singular shall be held to mean and include the plural;

"premise" means the place of operation of a business and includes a place, structure, vehicle or location of any type in or on which a business operates;

"retail cannabis business" means any business that sells cannabis or products containing cannabis directly to the public, but does not include the sale of medical cannabis whether through a compassion club, a non-profit society or as a dispensary;

Part 2 BUSINESS LICENSING

Business Licence Requirements

2.1 For the purpose of this Law, any person who;

- (a) advertises or indicates by any means as being open for business of any kind,
- (b) deals in, or buys, sells, barter, rents or displays any commodity or service or offers by advertisement or otherwise, on behalf of himself or others; to buy, sell, barter or rent any commodity or service;
- (c) engages in soliciting or promotion of any commodity or service;
- (d) renders or offers to render professional, personal, contractual, or other service to any person for the purpose of profit or gain;
- (e) lets for rent more than two residential suites or units in any one complex, or
- (f) engages in repairing, restoration or servicing of automobiles, appliances or other commodities not owned or registered in the name of the person or firm,

within or on Cowichan Tribes Lands will be deemed to be carrying on a Business.

- 2.2 Except as specifically provided in this Law, no person shall carry on a business within Cowichan Lands without holding a valid and subsisting licence for the business.
- 2.3 Every licence issued pursuant to this Law shall authorize the holder to carry on the business stipulated in the licence in a lawful manner for the period, within the times, and at the premise specified in the licence, subject to the terms and conditions specified in the licence.
- 2.4 Every person who operates more than one business from the same premise shall apply for and maintain a separate licence for each business.
- 2.5 Where a business is carried on from more than one premise, the business conducted from each premise will be deemed to be a separate and distinct business requiring a separate licence.
- 2.6 Every non-profit society that carries on a business is required to submit a completed licence application with proof of registration as a "non-profit society", and are subject to providing proof of such registration biennially.
- 2.7 Every licence holder must comply with all of Cowichan Tribes laws, bylaws and policies, as applicable, as well as the federal and provincial laws; and the issuance by Cowichan Tribes of a licence is not a representation of any kind that a business is compliant with Cowichan Tribes, federal, provincial or other laws, bylaws and policies.

Exemptions to the Business Licence Requirements

- 2.8 Notwithstanding the provisions of this or any other law, a licence is not required for the following activities:
 - (a) any educational program provided by an elementary school or a secondary school in accordance with the School Act (BC) the Independent Schools Act (BC), or the

Indian Act (Can), or a post-secondary institution providing an educational program in accordance with the University Act (BC);

- (b) the teaching of music, handicrafts or art as a home occupation where such teaching involves not more than one class of five students at one time;
- (c) creation and sale of carvings, crafts, and other artwork and crafts by Cowichan Members;
- (d) small-scale home-based activities and services by Cowichan Members or occupants of Cowichan Lands including network or multi-level marketing and non-commercial sales of locally made crafts, baked goods, etc.
- (e) any business of renting [rooms; apartments; suites] where no more than two [rooms; apartments; suites] are available for renting;
- (f) carriers and taxi cabs and owners or operators of carriers, other than taxi cabs whose premise and licence are maintained in another jurisdiction and whose only activity on Cowichan Lands is the picking up and/or discharge of chattels or passengers;
- (g) owners or operators of retail businesses whose premise and licence are maintained in another jurisdiction and whose only activity on Cowichan Lands is to deliver commodities already purchased or requested for delivery and pick up of commodities being returned or exchanged;
- (h) a wholesaler, manufacturer or processor whose premise and licence are maintained in another jurisdiction and whose only activity on Cowichan Lands is to deliver merchandise in their own vehicle to licenced businesses and/or licensees for resale by them in the ordinary course of their business; and
- (i) a farm operation.

PART 3 LICENCE APPLICATIONS

Licence Applications – Minimum Requirements

- 3.1 Every person applying for a licence for the first time to carry on a new or existing business shall make an initial licence application to the Lands and Governance Director.
- 3.2 Each initial licence application shall be made to the Lands and Governance Director in the form contained in Schedule “A” [*Business Licence Application*] to this Law and shall include, at a minimum:
 - (a) the name, address, phone number, incorporation number, nature and location of the Business;

- (b) the name, address and phone number of the operator or owner of the Business;
- (c) the address and legal description of the premises, if any, from which the business operates;
- (d) if the premise is located on Cowichan Lands that are subject to a certificate of possession, a letter of authorization from the Cowichan Member consenting to the operation of the business from the premise;
- (e) an acknowledgement that the licence does not provide authorizations for land use or other matters and that other permits or authorizations may be required;

3.3 In addition to the requirements set out in section 3.2, each licence application must be signed by the owner of the business or his/her duly authorized agent, or in the case of a corporation, signed by a director of the corporation or a duly authorized agent of the corporation or in the case of partnerships, joint ventures, or multiple owners, signed by any one of such partners or owners and such partner or owner will be deemed to be duly authorized by all the remaining partners or owners.

Licence Applications - ***Pre-Conditions to a Licence***

3.4 Every licensee who operates from a premise located within Cowichan Lands must prominently display the street address assigned to the premise by Cowichan Tribes in figures no less than 100mm (4 inches) in height.

3.5 If a business requires approvals from other regulatory agencies in order to operate in compliance with all laws, the licence application must be accompanied by proof that the applicable preconditions have been met, including, but not limited to, the following:

- (a) for any business, proof of all applicable insurance policies;
- (b) for any premises, confirmation from the Cowichan Tribes Lands Department that the proposed use of the land or premises complies with applicable leases, and land use policies;
- (c) for an automobile dealership, proof of licensing under the Motor Dealers Act (BC);
- (d) for a child care facility, proof of licensing under the Child Care Licensing Regulation (BC);
- (e) for the construction or alteration of a restaurant or food premises, as defined in the Food Premises Regulation (BC) or its successor, proof of approval by a health official under the Health Act (BC);
- (f) for the preparation, distribution and selling of foods other than pre-packaged or pre-bottled foodstuffs, proof of a food service permit under the Food Premises Regulation(BC);

- (g) for the sale or distribution of liquor, proof of licensing under the Liquor Control and Licensing Act (BC);
- (h) for cannabis operations or retail cannabis businesses, proof of licensing under the Cannabis Control and Licensing Act (BC);
- (i) for gaming facilities, proof of licensing under applicable Cowichan Tribes, federal or provincial laws; and
- (j) for the provision of professional services, proof of applicable professional certifications, licensing and insurance Licence Applications – Retail Cannabis and Cannabis Operations.

3.6 In addition to any other requirements set out in this Law, a licence application for a retail cannabis business or a cannabis operation must be made by the occupier of the premise at which the retail cannabis business or cannabis operation will be located and must be accompanied by:

- (a) proof that it is not within 300 metres of any school, youth centre, daycare, cultural area, religious area or a liquor licensee;
- (b) a plan satisfactory to the Lands and Governance Director that addresses:
 - (i) 24-hour security coverage of the premise for which the licence is issued;
 - (ii) a robbery prevention plan; and
 - (iii) management and control of noise, odor, traffic and patron conduct;
- (c) proof that it is not a part of another retail operation; and
- (d) a plan demonstrating how the applicant will prevent minors from entering the business premise.

Fees

3.7 Each licence application for a new licence or renewal shall be accompanied by the annual licence fee prescribed in Schedule “B” to this law. Additional fees relating to amendments, procedures, administration and reinstatement are also listed on Schedule B to this Law

3.8 If a new licence is issued after September 30th in any year for any business other than a cannabis operation, the annual licence fee shall be reduced by one-half.

3.9 Despite section 2.6, a non-profit society registered as a charity under the *Income Tax Act* (Canada) is not required to pay a fee for a licence under this law.

3.10 Annual licence fees are not refundable except:

- (a) if the licence application is withdrawn prior to the issuance of a licence; or

(b) the licence application is refused,

in which case, Cowichan Tribes will refund the entire amount of the fee.

Start Date and Term of Licences

3.11 Unless otherwise stated on the licence, a licence issued under this Law shall commence on the 1st day of April and terminate on the 31st day of March in each year.

3.12 Except as provided for below, no licence shall be granted for a period spanning more than one licensing period as set out herein.

Annual Renewals

3.13 Each licensee wishing to continue operation of a business must renew the licence for that business on or before the date on which it expires.

3.14 Payment for a business licence renewal received after the expiration of the licence period shall be subject to an additional late payment processing fee as prescribed in Schedule "B" to this Law.

Licence No Longer Required

3.15 Every licensee must notify the Lands and Governance Director in writing when the licence is no longer required. The licence will be cancelled upon receipt of such notification or on the date indicated in the notification as the end of business operations. There will be no refund or partial refund of the licence fee.

Requirement to Post or Carry

3.16 Every licence granted under this law must be displayed in a conspicuous place on the premises for which the licence was issued.

3.17 Where the licensee has no permanent business premise on Cowichan Lands, the licence shall be carried upon the licensee's person, or by a representative of the licensee, at all times when the licensee is engaged within Cowichan Lands in the business for which the licence was issued.

Issuing of Licences

3.18 The Lands and Governance Director is authorized to issue or deny licences as provided in this Law.

3.19 The Lands and Governance Director may issue a licence with whatever conditions the Lands and Governance Director considers necessary to the operation of the business within Cowichan Lands, including without limitation:

(a) that specified insurance be obtained;

- (b) that the applicant indemnify Cowichan Tribes;
- (c) restricting the number of occupants allowed on the premises of the business;
or
- (d) specifying hours of operation.

3.20 The Lands and Governance Director may deny a licence where:

- (a) the applicant has been convicted under any law of Cowichan Tribes, another First Nation, or under provincial or federal laws in relation to the activities of the business for which the applicant has applied;
- (b) the applicant is the owner of a business whose licence was suspended or revoked under this Law and that suspension or revocation was not reversed or set aside; or
- (c) at the sole discretion of the Lands and Governance Director, acting reasonably.

3.21 If the Lands and Governance Director denies a licence under subsection 3.20(c) the Lands and Governance Director will provide the reasons for the refusal to the applicant in writing.

3.22 The Lands and Governance Director may refuse to review any licence application which is materially incomplete or insufficient to ascertain whether the business complies with this or other applicable laws or regulations.

3.23 The Lands and Governance Director must deny a licence if the business is not permitted under any Cowichan Tribes law or does not comply with the provisions of this Law or other applicable laws or regulations, in which case, the Lands and Governance Director shall provide the reasons for the refusal to the applicant in writing.

Business Purchases and Licence Transfers

3.24 Every licence issued under this Law is specific and exclusive to the person and premise named in the licence and may not be transferred, given, lent or sold to another person or used at another premise.

3.25 Where any person purchases from another person the controlling interest in a business licensed under this Law, the existing licence of that business will expire thirty (30) days after the purchase and if the purchaser wishes to continue operating the business, the purchaser must submit a licence application to the Lands and Governance Director in accordance with this Law.

Changes Affecting Licence

3.26 Every licensee must notify the Lands and Governance Director in writing within five (5) days of any change:

- (a) in the contact and/or business address, provided that if the intention is relocation of the business to a different premise than the premise for which the licence was granted, a licence application must be submitted and approved for the new premise prior to such relocation;
 - (b) in the nature or activities of the business;
 - (c) to the name of the business;
 - (d) to the ownership of the business; and
 - (e) to any term or condition on which the licence was granted.
- 3.27 If any change under section 3.26 would lead to an additional fee under Schedule "B" of this Law, the additional amount shall be paid at the time when the notification is given.

PART 4 LICENCE OPERATION – SPECIFIC BUSINESSES

Prohibited Businesses

- 4.1 The following businesses are prohibited from operating within Cowichan Lands and no licence shall be granted for:
- (a) animal shows of any kind;
 - (b) buskers;
 - (c) door-to-door sales of any kind; and a
 - (d) pawnbroker;

Mobile Businesses

- 4.2 No person may canvass or solicit business on any Cowichan Lands without obtaining the necessary written permission(s), and permit prior to operation.
- 4.3 No person may canvass or solicit business in any roadway on any Cowichan Lands such that flow of vehicular or pedestrian traffic is obstructed or impeded, including by customers accessing the mobile business, unless written authorization has been obtained by the Lands and Governance Director.

Mobile Food Services

- 4.4 Operation of a food cart, food truck or food trailer without a valid mobile food service licence is prohibited

4.5 A person must not operate a mobile food service without first providing evidence of the following:

- (a) Approval from Island Health;
- (b) Approval from BC Safety Authority for equipment operated by propane in the vapour state,
- (c) Motor vehicle insurance for the mobile food service, as applicable,
- (d) Liability insurance coverage that:
 - (i) includes an inclusive limit of at least \$2 million;
 - (ii) includes public liability, property damage, and cross liability clauses;
 - (iii) names Cowichan Tribes as an additional insured; and
 - (iv) provides that coverage cannot be cancelled or changed without 30 days prior written notice to Cowichan Tribes by the insurer;
- (e) an approved discharge and waste management plan that describes how and where fats, oils and grease will be disposed of; and

4.6 A person operating a mobile food service business must comply with the following requirements:

- (a) ensure an independent power and water source is in place;
- (b) if a generator is required, only operate a inverter generator, or a generator that does not exceed a noise level of 60 decibels;
- (c) provide adequate waste and recycling receptacles for customers;
- (d) remove all litter and garbage from within a 10 m radius of the mobile food service location, and maintain a clean site;
- (e) place sign boards against the food truck or trailer, and maintain clearance on all sides of the food cart, food truck, or food trailer to allow pedestrians or vehicles to safely pass by without restriction;
- (f) solicit business at a level speaking voice with no shouting;
- (g) not play music or use a voice amplifying device;
- (h) not leave a food cart, food truck, or food trailer unattended;
- (i) not store a food cart, food truck or food trailer on public property overnight; and

- (j) agreement to respect the following:
 - (i) no operation within 50m of a permanent food service without written support from business owner
 - (ii) no operation within 100m of a daycare facility, pre-school facility, elementary school, or secondary school without written support from Cowichan Tribes and/or School District No. 79; and
 - (iii) no operation within 150m of a special event unless invited by the event organizers.

4.7 A person must not operate a mobile food service on private property, without first providing a written letter of permission from the property owner to operate on that property.

4.8 A permit for temporary, non-exclusive use of Cowichan Tribes Lands has to be obtained

Vending Machines

4.9 A person who owns, keeps or maintains a vending machine(s) must obtain a licence for each location in which it occupies, and must complete a separate licence application for each location.

4.10 A person must not operate a vending machine(s) on private or occupied property, without first providing a written letter of permission from the property owner or occupier to operate on that property.

4.11 A person operating a vending machine(s) must notify the Lands and Governance Director in writing of any increase in the number of vending machines owned, kept, or maintained during the current period of the licence.

Retail Cannabis Businesses and Cannabis Operations

4.12 A licensee for a retail cannabis business or a cannabis operation must notify the Lands and Governance Director of any changes to the contact list provided with the licence application under subsection 3.6(e).

4.13 In accordance with the *Cannabis Control and Licensing Act* and regulations, retail cannabis businesses are prohibited from engaging in any other business activities in the premise that is licensed as a retail cannabis business. For clarity, this includes hosting an automated teller machine, offering cheque cashing services, and offering liquor sales.

4.14 When a retail cannabis business or cannabis operation is closed, all floor inventory shall be removed from display areas and placed in a secure locked storage vault at the premise.

4.15 Owners and operators of retail cannabis businesses and cannabis operations are required to ensure the safety of their employees, patrons and neighbours.

- 4.16 Operating hours for a retail cannabis business or cannabis operation on Cowichan Lands must be between 9:00am and 9:00pm and during operating hours, a retail cannabis business or cannabis operation must have no fewer than two (2) employees working at any given time.

PART 5 OFFENCES, ENFORCEMENT AND RECONSIDERATION

- 5.1 Any person who contravenes, violates or permits any act or thing to be done in contravention of, or neglects or refrains from doing anything required to be done pursuant to the provisions of this Law commits an offence and shall, in addition to any other provisions of this law, be liable:
- (a) on summary conviction, to a fine not exceeding \$1,000;
 - (b) to business licence restrictions, suspension or revocation; or
 - (c) to both business licence restrictions, suspension or revocation under subsection (b) and to a fine under subsection (a).
- 5.2 Each day that a contravention or violation of or failure to perform any provision of this Law continues, constitutes a separate and distinct offence.
- 5.3 Every licence issued under this Law shall be deemed to grant access to the business and premises for which the licence was granted for inspections and enforcement in relation to this Law by the following persons:
- (a) the Lands and Governance Director;
 - (b) the Enforcement Officer;
 - (c) the RCMP; and

Suspension or Cancellation of a Business Licence

- 5.4 If a licence application is approved in error, the licence will be cancelled at the time that the error is uncovered and the applicant will be sent notification to the contact address provided by the applicant.
- 5.5 If a licence application is approved in reliance on any misrepresentation or concealment of fact, the licence will be revoked upon the discovery of such misrepresentation or concealment of fact, no refund of any fees will be given, and the applicant will be sent notification to the contact address provided by the applicant.
- 5.6 In addition to any other remedies or penalties under this Law, the Lands and Governance Director may revoke or may suspend a licence for any period of time deemed necessary if the licensee:
- (a) is convicted of an offence indictable in Canada;

- (b) is convicted under any law or law of Cowichan Tribes, another First Nation, or the federal or provincial governments in relation to the activities of the business for which the licensee is licensed;
 - (c) has, in the opinion of the Lands and Governance Director, been guilty of such gross misconduct in respect of the business for which the licensee is licensed or with respect to the premise for which the business is licensed as to warrant the suspension of the holder's licence;
 - (d) has ceased to meet the legal or regulatory requirements to carry on the business for which the licensee is licensed or with respect to the premise for which the business is licensed;
 - (e) has failed, or ceased, to meet the conditions imposed by the Lands and Governance Manager as a condition of issuing the licence; or
 - (f) has, in the opinion of the Lands and Governance Director, conducted the business in a manner, performed a service in a manner, or sold, offered for sale, displayed for sale or distributed to a person actually or apparently under the age of 16 years, anything that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of 16.
- 5.7 A revocation or suspension under this Law must be made in writing, signed by the Lands and Governance Director and served on the licensee or delivered to the contact address provided in the licence application.
- 5.8 No licensee will engage in any business operations or activities or otherwise conduct a business for which a suspension is in effect.
- 5.9 A licensee may apply to have a suspended licence reinstated once any conditions on the suspension of the licence have been met to the satisfaction of the Lands and Governance Director.
- 5.10 Any licence application to reinstate a suspended licence must be accompanied by the applicable administrative fee as prescribed in Schedule "B" to this Law.

Right of Reconsideration by Council

- 5.11 An applicant or licensee who wishes reconsideration of a decision of the Lands and Governance Director made under this Law must, within thirty (30) business days of receipt of notice of the decision, deliver to Council a written request stating the grounds upon which the request for reconsideration is based, together with any relevant supporting information or evidence and the applicable fee as set out in Schedule "B" to this Law.
- 5.12 Council must consider the request within thirty (30) days of receipt of the notice.

5.13 Council may concur with, modify, or reverse the decision of the Lands and Governance Director, and must provide written notification to the applicant or licensee and to the Lands and Governance Director of the decision.

PART 6 REPEAL AND COMING INTO FORCE

Repeal

6.1 With the adoption of this Law, the *Cowichan Tribes Business Licensing Bylaw No.2, 1997* and any amendments thereto are hereby repealed in their entirety.

Coming into Force

6.2 This Law shall come into force and effect on the date it is passed by a resolution of Council.

Schedules

6.3 Schedules A, B and C to this law form a part of this Law

THIS LAW IS HEREBY enacted by Council at a duly convened meeting of the Cowichan Tribes this _____ day of _____ 2020.

| | |
|------------|------------|
| | _____ |
| | Chief |
| _____ | _____ |
| Councillor | Councillor |
| _____ | _____ |
| Councillor | Councillor |
| _____ | _____ |
| Councillor | Councillor |
| _____ | _____ |
| Councillor | Councillor |
| _____ | _____ |
| Councillor | Councillor |

being a majority of those Members of the Council of the Cowichan Tribes present.
Quorum of Council consists of five (5) members of Council.



SCHEDULE 'A'

BUSINESS LICENCE APPLICATION

(Please PRINT clearly. Incomplete Applications will not be accepted. For information, or assistance completing this form, please contact Cowichan Tribes Business Licensing Services at 800-236-4023 or by email at lands@cowichantribes.com)

BUSINESS INFORMATION

Business Name: _____

Business Type: _____ Contact/Manager Name: _____

Phone: _____ Mobile: _____ Email: _____

Street Address: _____ City: _____ Postal Code: _____

Mailing Address: _____ City: _____ Postal Code: _____

Date of Occupancy: _____

OWNER INFORMATION

Owner Name: _____

Phone: _____ Mobile: _____ Email: _____

TYPE OF BUSINESS LICENCE

- New Non-Profit Information Update Reinstatement Mobile Vendor
- Other (please explain) _____

Every person conducting or carrying on a business on the Reserve(s) must hold a valid licence under this bylaw. Any person carrying on more than one business on Reserve(s) 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.

It is an offence to provide incorrect or misleading information on an application for a licence or renewal of a licence and the Lands and Governance Director may require an applicant to provide proof of certification, approval, or qualification required by a federal, provincial, or local government authority having jurisdiction over the proposed business.

Personal information you provide on this form is collected pursuant to the Cowichan Tribes First Nation Business Licence and Regulation Law, 2020. Your personal information will not be released except in accordance with the *Freedom of Information and Protection of Privacy Act*.

By signing this application, I/We agree to comply with all of Cowichan Tribes applicable laws, bylaws, and policies, as well as any laws, rules, codes, regulations and orders of all federal or provincial authorities having jurisdiction over such business.

Signature of Owner, Director of Corporation,
OR duly authorized agent

Date

In Support of your Application we require additional documents and external regulatory agency approvals (copies required) which must be mailed or delivered to Cowichan Tribes -

EXTERNAL REGULATORY AGENCY APPROVALS and OTHER DOCUMENTATION

Food/Liquor Services Only:

- Liquor Licence required - provide Liquor Licence No. _____.
- Island Health Food Service Permit
- Public Health Inspector Approval (construction/renovations)

Mobile Food Services Only:

- Island Health Food Service Permit
- Photo of mobile unit
- BC Safety Authority approval (propane use)
- Motor Vehicle Insurance (as applicable)
- Discharge and Waste Management Plan (how & where fats, oils, grease will be disposed of)

Cannabis Services Only:

- Licence
- Safety Plan
- More than 300 metres from school, youth centre, daycare, cultural area, religious area or a liquor licensee
- Proof not part of another retail operation

Gaming Facilities Only:

- Licence

Child Care Facilities Only:

- Licence

Non-Profit Societies Only:

- Registration as non-profit society

ALL BUSINESSES:

- Insurance (specifics set out in Law, additional requirements for mobile food services)
- Complies with applicable leases, agreements, laws & land use policies
- CP Lands or Occupied Lands – letter of authorization (if applicable)
- Company Registration and Incorporation documents
- Fee \$100/year – payable to “Cowichan Tribes”

Completed applications and payment can be mailed or delivered to Cowichan Tribes OR submitted and paid online. Completion of this application does not guarantee approval of application. Approved licences will be processed only upon receipt of supporting documentation and payment of Business Licence fee. A licence does not provide authorization for land use or other matters, and other permits or authorizations may be required.

**SCHEDULE 'B'****BUSINESS LICENSING AND RELATED FEES****BUSINESS LICENSING AND RELATED FEES ⁽¹⁾**

| | | |
|---|--|------------|
| 1 | Business Licence annual fee (excluding Retail Cannabis or Cannabis Operations) | \$100.00 |
| 2 | Late Payment of Business Licence annual fee (after April 1 st) | \$25.00 |
| 3 | Change of Premises or Location fee (not applicable to Retail Cannabis or Cannabis Operations) | \$50.00 |
| 4 | Cannabis Operations annual fee | \$3,000.00 |
| 5 | Cannabis application review fee ⁽²⁾ | \$5,000.00 |
| 6 | Administrative fee | \$25.00 |
| 7 | Reinstatement Fee | \$150.00 |

Notes:

1. Depending upon the situation the required fee may include all the published fees noted above or any combination of the published fees noted above.
2. In addition to this fee, the applicant must pay for and host a community meeting to discuss their application with the community. They must:
 - (a) advertise the community meeting notice in 2 consecutive editions of the local newspaper;
 - (b) hold the community meeting at least 4 and no more than 10 business days after the second publishing of the notice;
 - (c) hold the meeting on Cowichan Lands between 5 and 8 pm; and
 - (d) provide non-alcoholic refreshments.