

Pursuant to *The Municipalities Act* The District of Lakeland No. 521 has the general power to pass any bylaws that it considers expedient in relation business, business activities and persons engaged in business, including establishing fees for providing those services, and establishing fees that are higher for persons who, or business that do not reside or maintain a place of business in the municipality.

BYLAW NO. 19 - 2012

A BYLAW RESPECTING BUSINESS AND BUSINESS ACTIVITY

The Council of The District of Lakeland No. 521, in the Province of Saskatchewan enacts as follows:

Part I

General Matters

TITLE

1. This bylaw shall be referred to as the "*The Business Licence Bylaw*"

PURPOSE

2. The purpose of this Bylaw is to license businesses in The District of Lakeland No. 521 so as:
- (a) to regulate businesses;
 - (b) to ensure compliance with land-use and building regulations;
 - (c) to gather land-use information; and
 - (d) to facilitate planning decisions.

Definitions

In this bylaw;

3. "**Administrator**" means the Administrator of the Municipality, or in their absence the person acting on behalf of the Administrator;
4. "**Development**" - the carrying out of any building, engineering, mining or other operations, in, on, or over land, or the making of any material change in the use or intensity of use of any building or land.
5. "**direct sales contractor**" means a person who does not have a business premises in the Municipality and who sells, offers for sale or solicits orders for:

- a. constructing, altering, renovating, maintaining, repairing, adding to or improving a building that is used or is to be used as a house by the owner, occupier or person in control of it; or
 - b. altering, maintaining or improving real property to be used in connection with a dwelling or a development.
6. “**direct seller**” means a person who does not have business premises in the Municipality and:
 - a. goes from house to house selling or offering for sale, or soliciting orders for the future delivery of goods or services;
 - b. by telephone offers for sale or solicits orders for the future delivery of goods or services; or
 - c. does both of the things mentioned in sub clauses (a) and (b);
7. “**business**” means any of the following activities whether or not for profit and however organized or formed:
 - a. a commercial, merchandising or industrial activity or undertaking;
 - b. the carrying on of a profession, trade, occupation, calling or employment; or
 - c. an activity providing goods or services;
- 8 “**contractor**” means a person who constructs, alters, maintains, repairs or removes buildings or structures, installs heating plants, electrical, plumbing or other fixtures, does altering, maintaining or improving real property to be used in connection with a dwelling or a development or performs other similar work in the Municipality.
- 9 “**council**” means the council of The District of Lakeland No. 521;
- 10 “**designated officer**” means a person appointed by the Municipality to enforce this Bylaw and shall include the Administrator and a Peace Officer;
- 11 “**General Contractor Licence**” means a business licence issued to one person or contractor, for a single site that allows not more than 10 (*ten*) business to provide service on that site only, for which the licence is issued.
- 12 “**Municipality**” means The District of Lakeland No. 521;
- 13 “**peace officer**” means a peace officer as defined in *The Summary Offence Procedures Act* and may include the Administrator.
- 14 “**trade show**” means a place where the public is invited and where goods or merchandise are offered for sale by retail or auction on a short-term basis such as hobby shows, home improvement shows, sportsman shows, and craft shows;
- 15 “**transient trader**” means a transient trader within the meaning of *The Municipalities Act*;

Part II General Licensing

License Required

- 16 Any person or business that holds them, their business, a calling or occupation out for any goods, services, or undertaking within the municipality shall be required to have a business licence.
- 17 A designated officer shall have established a business is in operation if the designated officer has been present to see the business in operation or in proceedings against a business that on the satisfaction of a Court of competent jurisdiction, has established that a business has been in operation.
- 18 A person or business is deemed to have been engaged in business without a licence, if as in section 385 of *The Municipalities Act*, a designated officer is able to establish that any advertising was done or that one transaction has taken place and no licence has been issued by the Municipality.
- 19 Notwithstanding Section 18, a designated officer may establish that a person or business is engaged in business in the Municipality should that person or business be providing any goods or any service, calling, profession or employment;
 - a. Within the municipality;
 - b. Outside of the Municipality where a corporate office, as registered with the Province of Saskatchewan, is located within the Municipality.
- 20 An application for a licence must include all requested information, and shall include:
 - a. name, and permanent address of the applicant;
 - b. the nature of the business for which the license is required;
 - c. the place where the business is to be carried on;
 - d. the name under which the business will be operated; and
 - e. the name of a contact person; and
 - f. any other reasonable information requested by a designated officer.
- 21 Subject to Council's approval, the Municipality may exempt a business from having to pay the licencing fee.
- 22 No business shall be exempt from having a licence issued from the Municipality, except as may be provided for in this bylaw.
- 23 Notwithstanding Section 22, Council may exempt a business from having a licence provided that the business makes written application to be exempt from having a licence prior to the commencement of any business activity in relation to the Municipality;

- 24 A designated officer may exempt a business from having a licence provided that the business is providing service as an agent of, or, on behalf of a federal, provincial, or municipal government.
- 25 A designated officer may exempt any business from complying with this bylaw in the event of any declared emergency or when, in the opinion of a designated officer, exigent circumstances are present.

Licence Fee

- 26 A person must pay the fee provided for in Schedule No. 1 when applying for a licence.
- 27 A person will not be issued a licence until the fee outlined in subsection 26 has been paid.

Provincial Licence Required

- 28 Any licence issued under this Bylaw without the person first obtaining the required provincial licence is invalid.

Licence Issued for Calendar Year Unless Otherwise Stated

- 29 Every license shall be valid until midnight December 31 unless otherwise stated on the licence.

Renewal

- 30 A person must renew their licence annually in the manner prescribed by the Municipality.
- 31 A person must pay the fee provided for in Schedule No. 2 when renewing the licence.

Discontinuance or Change

- 32 A person must notify the Municipality if a business is discontinued.
- 33 A business that has discontinued operation at the conclusion of their licence being valid is not required to notify the Municipality, nor cause their licence to be renewed.
- 34 A person must notify the Municipality if either the size or nature of the business changes.
- 35 A person purchasing or taking over a business must apply for a new licence but shall not be required to pay a new licence fee.

Licence to be Displayed

- 36 Any licence issued under this Bylaw must be displayed in a prominent place at the place of business for which the licence was issued for those business located within the Municipality.

- 37 Any licence issued under this Bylaw to a business for which that business is headquartered or located outside the Municipality, shall make available for inspection that business licence to any designated officer requesting to inspect that licence.
- 38 A designated officer may allow a business up to 48 hours to produce the business licence for inspection at a reasonable time and place within the Municipality that the designated officer appoints.

Zoning and Building Standards

- 39 A licence will not be issued under this Bylaw for any business or any premises occupied by the business which does not conform to any zoning, building, and other requirements of the Municipality.
- 40 Any licence that was found to be issued in error may be cancelled immediately by a designated officer.
- 41 The issuing of a licence to a person does not relieve that person of the responsibility of conforming to any zoning, building, and other requirements or bylaws of the Municipality.

Granting of Licenses

- 42 The Municipality may issue a licence when all the following circumstances are met:
- a. the required application form has been fully completed;
 - b. the required licence fee has been paid in full;
 - c. if requested, the necessary provincial licence has been produced;
 - d. if requested, the necessary written approval of Prince Albert Parkland Health Region been produced; and
 - e. the business or the premises occupied by the business complies with all the zoning, building, and other requirements of the Municipality
- 43 In the issuance of any licence, Council, or a designated officer may provide conditions for which that business is subject to as a condition of that licence.

Revoking or Suspending of Licences

- 44 If a licensee contravenes any term or condition of this Bylaw, or any municipal or provincial law or requirement of that business, the Municipality may suspend or cancel the licence.
- 45 If a licensee has had their licence cancelled as allowed in Section 44, that business shall be deemed to have been operating without a licence.
- 46 The Municipality may reinstate a suspended licence if it is satisfied that the licensee is complying with the law for which the licence was suspended.

47 Any licensee may appeal the suspension or cancellation of a licence to Council.

Distress

48 The Municipality may recover any licence fee by distress in accordance with *The Municipalities Act*.

Enforcement of Bylaw

49 The administration and enforcement of this Bylaw is hereby delegated to a designated officer for the Municipality

Inspections

50 The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.

51 Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.

52 No person shall obstruct a designated officer who is authorized to conduct an inspection under this Section, or a person who is assisting a designated officer.

53 Any person stopped, detained or otherwise, pursuant to this Bylaw shall be required to give his or her name, date of birth and address on request of the person requesting the information so long as that person is identifiable as a peace officer and is in the lawful execution of his or her duties and responsibilities.

54 Any person stopped, detained or otherwise pursuant to this Bylaw shall be required to give the name, address, and person in charge of the company or employer for which they are conducting business to the person requesting the information so long as that person identifies them as a peace officer and is in the lawful execution of their duty.

55 Any peace officer not readily identifiable as a peace officer requesting information identified in Section 53 and 54 shall, upon request of the individual stopped or detained produce identification attesting to the peace officers authority for the municipality.

Part III

Specific Licencing - Application of Part II

Transient Traders, Farmers' Markets, Trade Shows Mobile Food Vendors

56 No person or persons shall operate as a transient trader, a farmers' market, trade show or mobile food vendor without a licence.

- 57 An applicant for a licence to operate those activities as identified in this Part must pay the fee provided for in Schedule No. 1 when applying for a licence.
- 58 If an activity identified in this Part is carried out at more than one location, the person or persons operating must obtain a licence for each location.
- 59 A licence issued for a farmers' market or trade show is only valid at the location for which it is issued.
- 60 The licence fee will cover all persons offering goods or merchandise for sale at a Farmers' Market or Trade Show.
- 61 A licence will not be issued for a mobile food vendor for a location on public right of way or a sidewalk, until the applicant has first produced the written approval of the Council.
- 62 A licence will not be issued for a mobile food vendor, until the applicant has first produced the written approval of the Prince Albert Parkland Health District.

Direct Sellers or Direct Sales Contractors, Contractors and General Contractor Licence

- 63 A person operating as a direct seller or direct sales contractor or a person applying for a General Contractor Licence must pay the fee provided for in Schedule No. 1 when applying for a licence.
- 64 A General Contractor Licence may be issued to a contractor who,
 - a. Has made application as prescribed by the Municipality;
 - b. Paid the prescribed licence application fee provided for in Schedule No. 1.
 - c. Is the owner, or is the owner's agent at the premises for which the work or service is being provided.
 - d. Provides a list of all persons or business that will be providing any goods, services or undertakings as it relates to that single premises for which the application is made.
 - e. That the names of the persons or business provided to the Municipality shall be prohibited from providing any other business activity within the Municipality unless a licence exists for that business.

Term Business Licence

- 65 On application of a person or business that is required to be licenced pursuant to this Bylaw, the Municipality may issue a Term Business Licence to that applicant, provided that;
 - a. The business applies in advance for a Term Business Licence and no work is undertaken until that licence is issued;
 - b. The business will operate within the Municipality for not more than 5 consecutive days.

- c. That the total value of any service provided, along with any goods being used or consumed is not more than \$5000.00.
- d. The application fee is paid in full.

Offences and Penalties

- 66 No person shall:
- a. obstruct or hinder any designated officer or any other person acting under the authority of this Bylaw; or
 - b. fail to comply with any provision of this Bylaw.
 - c. fail to comply with any conditions of the licence as assigned by Council or a designated officer.
- 67 Any person or business that has commenced business within the Municipality prior to being issued a licence shall have the licence fee increase by \$200.00
- 68 Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction:
- a. in a case of an individual, to a fine not less than \$250.00 and not exceeding \$10,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$10,000.00 for each day during which the offence continues; and
 - b. in the case of a corporation, to a fine not less than \$450.00 and not exceeding \$25,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$25,000.00 for each day during which the offence continues. And
 - c. not more than one year in jail.

Notice of Violation

- 69 A Designated officer may issue a notice of violation to any person committing a first offence under this bylaw.
- 70 The notice of violation shall require the person to pay to the Municipality;
- a. in a case of an individual, to a fine of 150.00.
 - b. in the case of a corporation, to a fine of \$250.00
- 71 The amount specified in clause 70 may be paid:
- a. in person, during regular office hours, to the District of Lakeland No. 521 at the Municipal Office, 48 – 1st Street South, Christopher Lake, Saskatchewan,
 - b. by deposit, at the depository located at the main entrance to the Municipal Office 48 – 1st Street South, Christopher Lake, Saskatchewan, or
 - c. by mail addressed to the District of Lakeland 521, Box 27 Christopher Lake, Saskatchewan S0J 0N0

- 72 If payment of the fine as provided in clause 70 is made prior to 15 days from the date they received the notice of violation, the person shall not be liable to prosecution for that offence.
- 73 The imposition of any penalty or where any fine is paid for violation of this bylaw shall not relieve the person for complying with the conditions of the bylaw.
- 74 For the purposes of this Section, an offence shall be deemed to be a first offence if the offender has not been convicted of the same offence, or paid a fine under this bylaw, within two years immediately preceding the commission of the alleged offence.
- 75 No prosecution for a contravention of this bylaw may be commenced more than two years after the date of the alleged offence.

Coming into Force

- 76 Bylaw 22 of 2010 is hereby repealed.
- 77 This Bylaw comes into force and takes effect as of January 1, 2013

“E.E. Christensen”

REEVE

“Dave E. Dmytruk”

ADMINISTRATOR

Read a Third Time and Passed by
Resolution of Council on The 17th
Day of December, 2012.

Schedule No. 1

New Business Licence fee;

Business that is assessable by the municipality for the purpose of business taxation in respect of that business	\$20.00
Business that is located within a commercial district, or within another business premises for which that business is assessable by the municipality for the purpose of business taxation in respect of that business	\$50.00
General Contractor Licence	\$1500.00
Term Business Licence	\$50.00
All other business not previously mentioned in this schedule	\$200.00

Other fees;

Licence fee for a businesses with a valid licence which have changed name	\$10.00
Licence fee for a businesses with a valid licence which have changed location	\$10.00
Incomplete application forms fee	\$35.00
NSF cheque charges	\$35.00

Schedule No. 2

Renewal licence fee;

Business that is assessable by the municipality for the purpose of business taxation in respect of that business	\$5.00
Business that is located within another business premises for which that business is the property owner and is assessable by the municipality for the purpose of business taxation in respect of that business	\$20.00
All other business, except General Contractor Licence and Term Business licence	\$100.00

A renewal is only permitted provided a valid licence was held during the immediate preceding year.

Other fees;

Licence fee for a businesses with a valid licence which have changed name	\$10.00
Licence fee for a businesses with a valid licence which have changed location	\$10.00
Incomplete application forms fee	\$35.00
NSF cheque charges	\$35.00