

TOWN OF BIRCH HILLS

BYLAW 05/12

A BYLAW OF THE TOWN OF BIRCH HILLS TO CLASSIFY, LICENSE, REGULATE AND GOVERN BUSINESSES

The Council of the Town of Birch Hills, in the Province of Saskatchewan enacts as follows:

1. SHORT TITLE

This Bylaw may be cited as the Business Licensing Bylaw.

2. PURPOSE

- a. The purpose of this Bylaw is to license businesses in The Town of Birch Hills as:
 - i. To regulate businesses;
 - ii. To ensure compliance with land use and building regulations;
 - iii. To gather land use information; and
 - iv. To facilitate planning decisions.

3. INTERPRETATION

In this Bylaw, unless the context otherwise requires, the expression:

“**Act**” means *The Municipalities Act* and amendments thereto.

“**Administrator**” shall mean the Administrator of the Town of Birch Hills

“**Business**” means any of the following activities, whether or not for profit and however organized or formed:

- i. a commercial, merchandising or industrial activity or undertaking;
- ii. the carrying on of a profession, trade, occupation, calling or employment;
- iii. an activity providing goods or services.

“**Bylaw Enforcement Officer**” means an officer appointed by Council as the Bylaw Enforcement Officer for the municipality pursuant to Section 373(1) of *The Municipalities Act*.

“**Council**” shall mean the Council of the Town of Birch Hills

“**Contractor**” means a person who constructs, alters, maintains, repairs or removes buildings or structures, installs heating plants, plumbing or other fixtures or performs other similar work in the Town and who does not have a business premises in the Town.

“**Direct seller**” means a person who does not have a business premises in the Town and:

- i. goes from house to house selling or offering for sale, or soliciting orders for the future delivery of goods or services; and/or
- ii. by telephone offers for sale or solicits orders for the future delivery of goods or services;

“**Home-based business**” means a business located on land or within a building where the land or building is primarily used for residential purposes and the owner(s) are the full-time residents.

“**Not Classified**” includes every person carrying on any trade or business for gain not otherwise specified anywhere in this bylaw.

“**License Inspector**” means a person appointed by Council to carry out the duties of a license inspector as required by this bylaw.

“**Services**” means performing a service or any work, act or deed, for any compensation whether monetary or otherwise.

“**Store-front Business**” means any business located in the commercial and/or industrial district(s) as shown on the Zoning District Map in the Town Zoning Bylaw.

“**Town**” means the Town of Birch Hills in the Province of Saskatchewan.

“**Transient trader**” means a person carrying on business in a municipality who:

- i. offers goods or merchandise for sale by retail or auction; or
- ii. solicits any person who is not a wholesale or retail dealer for orders for the future delivery of goods or merchandise;

but does not include a person who is required to be licensed pursuant to *The Direct Sellers Act* or who is an occupant of property that is used for business purposes.

4. APPOINTMENT LICENSE INSPECTOR

- a. There shall be an officer appointed by Council to be called the "License Inspector".

5. DUTIES OF THE LICENSE INSPECTOR

- a. The following shall be the duties of the License Inspector under this Bylaw:
 - i. To attend all meetings of the Council whenever requested to do so or when he or she may find it necessary to do so on business connected with the duties of office.
 - ii. To make an inspection of all businesses in connection with which a license is sought or required and to make inquiries with reference to matters relating to the granting of licenses as required by this Bylaw.
 - iii. To keep a register containing the names of all persons applying for licenses, the names of all persons to whom licenses have been granted or refused, together with, in the latter case, the grounds for refusal.
 - iv. To assist the Council in the collection of license fees and to assist the Administrator to enforce the provisions of this Bylaw and to ascertain, from time to time, whether persons licensed under this Bylaw comply and continue to comply with the provisions of this Bylaw.
 - v. To report, when requested, to the Council.

6. LICENSES REQUIRED

- a. No persons shall in the Town of Birch Hills:
 - i. Carry on or be engaged in any of the businesses hereinafter referred to in this or any other Bylaw or set out in Schedule "A" hereto attached and forming a part of the Bylaw; or
 - ii. Carry on any undertaking to do any act, matter or thing, in respect of which a license is required under provisions of this or any other Bylaw or as set out in Schedule "A" to this Bylaw unless or until such person has obtained a license to do so and paid the license fee set out in Schedule "A" of this Bylaw.
 - iii. Every person seeking a license hereunder shall make application therefor at the office of the License Inspector at the Town Office, and shall tender with such application the license fee as designated in Schedule "A" hereto for such business or purpose.
 - iv. All license fees required to be paid under the provisions of this Bylaw shall be paid at the Town Office.
 - v. Any person whose sole business in the Town of Birch Hills is restricted to soliciting for delivery of goods or merchandise to persons who conduct a wholesale or retail business in the Town of Birch Hills and who offer those goods or merchandise for resale to the public, and which business is assessed for business tax purposes, shall not be required to be licensed pursuant to the Bylaw.

7. APPLICATION FOR LICENSE

- a. A person must apply in writing to the Town for a Business License before commencing any business.
- b. An application must include all requested information, including but not limited to:
 - i. Name and address of the applicant,
 - ii. The nature of the business for which the application is required,
 - iii. The place where the business is to be carried on,
 - iv. The name under which the business will be operated,
 - v. The area of the premises where the business will be carried on;
 - vi. The name of a contact person;
- c. Notwithstanding the provisions of this bylaw, the Town, at its sole discretion, may require the general contractor of a project to provide a list of sub-trades for the project and the total business license fees will be payable by the general contractor with the term of the business license to expire at the end of the project. Business licenses for the individual sub-trades listed will be included within the business license of the contractor.

8. LICENSE FEE

- a. A person must pay the fee provided for in Schedule "A" prior to the license being issued. A person will not be issued a license until the fee has been paid.

9. GRANTING OF LICENSES

- a. The Town may issue licenses in the following circumstances:
 - i. The required application form has been completed;
 - ii. The required license fee has been paid
 - iii. If required, the necessary provincial or federal license has been produced;
 - iv. The business or the premises occupied by the business complies with all the zoning, building, plumbing and other requirements of the Town

10. DURATION OF LICENSE

- a. Every License issued under this Bylaw shall expire on the 31st day of December of the year in which said Business License was issued, except;
 - i. Licenses specifically mentioned to be issued for a shorter period or sooner revoked or forfeited; and
 - ii. Licenses issued to Direct Sellers who hold a valid License from the Province of Saskatchewan, in which case expiry will coincide with date shown on the Provincial Direct Sellers License.

11. RENEWAL

- a. A person must renew their license annually or purchase a license for each project in the manner prescribed by the Town
- b. A person must pay the fee provided for in Schedule "A" when renewing the licensee

12. DISCONTINUANCE OR CHANGE

- a. A person must notify the Town if a business is discontinued.
- b. A person must notify the Town if either the size or nature of the business changes.
- c. A person must apply for a new license if the business relocates.
- d. A person purchasing or taking over an existing business must apply for a new license but shall not be required to pay a new license fee. In this circumstance, the new license will expire at the end of the original license period.

13. REVOKING OR SUSPENDING OF LICENSES

- a. If a licensee contravenes any term or condition of this Bylaw, the Town may suspend or cancel the license pursuant to this Bylaw, in accordance with Section 8 of the Act. No refunds will be issued for any licenses suspended or revoked.
- b. The Town may reinstate a suspended license if it is satisfied that the licensee is complying with the Bylaw.
- c. Any licensee may appeal the suspension or cancellation of a license to Council.

14. TRANSFER OF LICENSE

- a. Business licenses issued pursuant to this Bylaw shall not be transferable.

15. DISPLAY OF LICENSE

- a. Every licensee granted a license to carry on a business who occupies premises in connection therewith shall keep the license posted in a conspicuous place on the licensed premises.
- b. All persons licensed under the provisions of this Bylaw where there are no licensed premises shall, on demand of the License Inspector, the Administrator, a police officer or other persons authorized in the behalf, produce the license to such official.
- c. All business licenses issued shall be in Form "A" attached to and forming part of the Bylaw.

16. SUPERVISION OF PREMISES

- a. The License Inspector, Administrator, Members of the Detachment of the Royal Canadian Mounted Police Force, The Regional Medical Health Officer, The Building Inspector, The Fire Chief, and/or the duly authorized assistants and inspectors, shall have free access to all buildings or locations in or on which any business licensed under this Bylaw is carried on.
- b. Any person hindering, preventing or refusing such free access after any such person has demanded admission and displaying his badge of office or other authority, shall be guilty of a violation of the Bylaw.

17. OFFENCES AND PENALTIES

- a. No person shall:
 - i. Obstruct or hinder any designated officer or any other person acting under the authority of this Bylaw; or
 - ii. Fail to comply with any other provision of this Bylaw.
- b. Notwithstanding any other penalty provisions on this bylaw, a designated officer may issue a voluntary payment in lieu of a summons and the accused may within 15 days pay the following monetary penalty to the Town:
 - i. For the first offence \$ 50.00
 - ii. For a second offence \$100.00
- c. Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of Section17 (a) is guilty of an offence and liable on summary conviction and shall be liable for the penalties listed in Schedule “B” and costs in default of payment.
- d. In the event that a person who has been refused a license carries on a business, he shall be guilty of an offense and shall be liable on Summary Conviction to a fine of Fifty Dollars (\$50.00) for each day that such business is carried on and costs associated with conviction. Upon conviction under this paragraph, the Court may order that the accused cease to carry on such business.
- e. If a license fee imposed for the licensing of building contractors is unpaid, a designated officer:
 - i. may give a written notice to any person by whom the contractor is employed requiring that person to pay the license fee out of moneys payable by that person to the contractor; and
 - ii. if the designated officer gives written notice pursuant to clause (i), he/she shall send a copy of the written notice to the contractor.
- f. On receipt by a person mentioned in Section17 (e) of a written notice requiring the person to pay a license fee, the amount of the license fee is, to the extent of the moneys so payable, a debt due by that person to the Municipality; and may be recovered in the same manner as taxes may be recovered.

18. REPEAL

Bylaw #12/80 is hereby repealed.

Mayor

Administrator

Read a third time and adopted
This 25th day of July 2012.

Administrator

**SCHEDULE “A”
BYLAW 05/12**

FEE SCHEDULE

Home-based business and petty trades	\$50.00
Direct Sellers and Transient Traders	\$50.00
General Contractors	\$100.00
Sub-contractors and Tradeworkers	\$50.00
Landscape and excavating contractors	\$50.00
Students (Elementary/High School) doing seasonal work	\$0
Unclassified or unspecified	\$50.00

**SCHEDULE “B”
BYLAW 05/12**

SCHEDULE OF OFFENSES

Conducting a business without a license	\$200.00
Conducting a business activity from a premises not identified on license	\$100.00
Conducting a business without renewal	\$200.00
Failing to post license	\$100.00
Failing to produce license upon request by authorized personnel	\$100.00
Advertising or promoting a business without license	\$200.00
Providing false or misleading information to the Town	\$500.00
Providing false or misleading information to Bylaw Enforcement Officer	\$500.00

TOWN OF BIRCH HILLS

BUSINESS LICENSE APPLICATION

Schedule "C"

Date: _____, 20____

OWNER'S INFORMATION

Owner's Name: _____ Phone Number: _____

Mailing Address: _____

City: _____ Postal Code: _____

Legal Description: Lot _____ Block _____ Plan _____

Contact _____ Contact Phone Number _____
(if different from Owner)

BUSINESS INFORMATION

Registered Business Name: _____

Nature of Business: _____

Business Class (as per Schedule "A") _____

Number of Employees _____ Business Start Date: _____, 20____

I/We hereby make application for a Business License in respect to the above in accordance with the Bylaws of the Town of Birch Hills relating to the operating of a business within the Town of Birch Hills, Bylaw 05/12.

I/We have complied with requirements under all Town of Birch Hills Bylaws relating to the business listed above. (e.g. Zoning, Trailer, etc.) _____(initial).

Note: The issuing of a license to a person by the Town does not relieve that person of the responsibility to obtain any federal/provincial license that may be required by law. _____(initial).

Business License

FORM "A"

This is a business License Granted to: _____

by the Town of Birch Hills for a license to carry on a business as

for the Business License year of 20_____. It is the responsibility of the

Business Owner to renew the license on or before the expiry should they

continue to be in business. Businesses no longer operating must contact

the Town to cancel the Business License.