

Business License Bylaw

No. 2017-06

Town of Shellbrook

Bylaw No. 2017-06

A Bylaw of the Town of Shellbrook to Classify, License and regulate business activity within the Town of Shellbrook.

The Mayor and council of the Town of Shellbrook in open meeting assembled enacts as follows:

Part I General Matters

Title

1. This Bylaw may be cited as “ The Business License Bylaw”

Purpose

2. The Purpose of this Bylaw is to license businesses in the Town of Shellbrook so as:
 - a. To regulate businesses
 - b. To ensure the protection of consumers and business;
 - c. To ensure compliance with land-use and building regulations;
 - d. To gather land-use information;
 - e. To facilitate planning decisions; and
 - f. To differentiate between businesses operating in a commercial/industrial area, businesses operating out of premises located within the Town (General Licensing) and those located outside the Town of Shellbrook (Specific Licensing).

Definitions

3. In this Bylaw:
 - a. **“Blanket Transient Trader”** means a person who operates a place or premises constituting a shopping mall or hotel and who provides such place or premises for the carrying on of business by transient trader therein.
 - b. **“Business”** means any of the following activities, whether or not for profit and however organized or former;
 - 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;
 - c. **“Bylaw Enforcement Officer”** means the individual or designate who is authorized by the Town to enforce this Bylaw;

- d. **“Charity”** means an organization that is:
- i. Incorporated as a non-profit corporation in the Province of Saskatchewan;
 - ii. A registered charity authorized to issue tax receipts for donations pursuant to *The Income Tax Act*; or
 - iii. An organization that can demonstrate that it is formed social, educational, religious or philanthropic purposes from which the members do not receive any direct economic gain;
- e. **“Circus and/or Carnival or Rodeo Promoter”** means the owner or manager of a traveling circus, carnival, rodeo or other similar traveling show or exhibition.
- f. **“Town”** means The Town of Shellbrook;
- g. **“Contractor”** means a person who constructs, alters, maintains, repairs or removes building or structures, installs heating plants, plumbing or other fixtures or landscaping or performs other similar work in the Town and **who does not own premises in the Town.**
- h. **“Day Care Center”** means a building which provides child care services but does not include a Day Care Home;
- i. **“Day Care Home”** means a building in which non-parental residential care and supervision of less than 4 children is carried out at the request of the parents or guardians;
- j. **“Department”** means Planning and Development Services;
- k. **“Direct Sales Contractor”** means a vendor who is licensed with the Province under the Direct Sellers Act and who sells, offers for sale or solicits orders for:
- i. 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
 - ii. Altering, maintaining or improving a real property to be used in connection with a house; or
 - iii. Does not have business premises, including a home based business, in the Town of Shellbrook.
- l. **“Direct Seller”** means a person who is licensed with the Province under the Direct Sellers Act and who:
- i. Goes from house to house selling or offering for sale or soliciting orders for the future delivery of goods or service;

- ii. By telephone offers for sale or solicits orders for the future delivery of goods or services; or
 - iii. Does both of the things mentioned in sub clauses (i) and (ii); or
 - iv. Does not have business premises, including a home based business, in the Town of Shellbrook
- m. “**Farmers’ Market**” means a group of persons with a minimum number of six (6) operating collectively which sells perishable and non-perishable items;
- n. “**Flea Market**” means a person who provides a place or premises where space, booths, stalls or tables to other persons for the purpose of the sale of used goods, Saskatchewan-made handicrafts or produce grown in Saskatchewan;
- o. “**General License**” means a license issued to any business operating within the corporate boundaries of the Town and with a business office or premises within those bounds;
- p. “**Group Home**” means a single dwelling unit in which 3 or more residents (exclusive of staff or receiving family) live as a family under responsible supervision consistent with the requirements of its residents and includes nursing homes and geriatric centers all which include overnight accommodation. The home must be licensed or approved under Provincial Statutes;
- q. “**Home-based Business**” means an occupation conducted for a gain entirely within a dwelling unit by members of the family residing in the dwelling unit;
- r. “**Mobile Vendor**” means a person selling confectionary items, coffee, lunches, snacks, ice cream or other products from a mobile vehicle, mobile structure or a food cart even though they may reside in the Town and will be classed under “Specific Licensing”
- s. “**Mobile Food Vehicle**” means a motorized, mobile, self-contained vehicle that is equipped to cook, prepare and/or serve food and does not include trailers or carts;
- t. “**Occupant**” means
 - i. A person residing on land or in a building;
 - ii. A person entitled to possession of land or a building if there is not person residing on the land or in the building; or
 - iii. A leaseholder;

- u. **“Person”** means individual, or a group of 2 or more individuals, or an association or corporation;
- v. **“Regular business”** means any business with a business office outside of a residential dwelling within the corporate limits of the Town of Shellbrook;
- w. **“Senior Care Facilities”** means a single dwelling unit in which 3 or more residents (exclusive of staff or receiving family) live as a family under responsible supervision consistent with the requirements of its residents and includes nursing homes and geriatric centers all of which include overnight accommodation. The home must be licensed or approved under the Provincial States (See Section 6.5)
- x. **“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; and includes an exhibition organized so that companies in a specific industry can showcase and demonstrate their latest products, service, study activities of rivals and examine recent market trends and opportunities;
- y. **“Transient Trader”** means a person carrying on business in a Town who;
 - i. Offers goods, services or merchandise for sale or auction; or
 - ii. Solicits any person who is not a wholesaler or retail dealer for orders for future delivery of goods or merchandise;
 - iii. Does not have a business within the premises of the Town of Shellbrook
 - iv. But does not includes 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;
- z. **“Vending Machine Lessee”** means a person who rents or lends coin-operated vending or amusement machines or other mechanical or electronic machines, instruments, dispensers, games, rides or devices.

Part II
General Licensing

License Required – General Licensing applies to businesses operating within the corporate boundaries of the Town of Shellbrook with a business office or premises within those bounds with exception of “Mobile Vendor”, “Day Care Center”, Day Care Homes”, and “Group Homes”. All other business and “Mobile Vendors”, “Day Care Center”, “Day care homes” and “Group Homes” Shall be subject to the provisions set out in Part III – Specific Licensing of this bylaw.

4.
 - a. Any person carrying on a business in the corporate boundaries of the Town of Shellbrook must have a license. The General Licensing requirement will apply to the following categories:
 - i. Regular business
 - ii. Home based business
 - iii. Persons selling under a Direct Sellers vendor’s license and operating from a Town Civic Address will be considered a Home based business.
 - b. Any form of advertising of business activity shall be deemed to be a prima facie proof that the person is carrying on such business activity

Application

5.
 - a. A person must complete and submit a business license application, including all requested information for approval.
 - b. An application must include all requested information, including but not limited to:
 - i. Name, occupation and address of application;
 - ii. The nature of the business for which the license is required;
 - iii. The name under which the business will be operated;
 - iv. The name of a contact person;
 - v. The place where the business is to be carried on;
 - vi. Business registration number or proof of Provincial Business registration; and
 - vii. Any other information which may be reasonably requested by the Town from time to time
 - c. If the Town concludes a license application should be denied, the application shall be referred to council which, in its absolute discretion, may deny the application but must give reason for doing so.

License Fee

6.
 - a. A person must pay the fee provided for in Schedule No. 1 when applying for a license.
 - b. A person will not be issued a license until the fee outlined in subsection (1) has been paid.

Premises Licensed Separately

7.
 - a. If a business is carried on at more than one location, a person must obtain a license for each location.
 - b. A license issued under the provisions of this Bylaw is only valid at the location for which it is issued.

Partnerships

8. In all cases of partnership firms, incorporated companies, or other like combinations or associations, no more than one license shall be required to be taken out for any one place or premises.

Provincial Registration and/or License Required

9.
 - a. A license will not be issued under this Bylaw to any person required by law to obtain a provincial license, until the person has first produced the required provincial license to the Town.
 - b. Any license issued under this Bylaw without the person first obtaining the required license is invalid

Terms of License

10.
 - a. Except as may be otherwise provided for under this bylaw, the term of every license shall expire on the 31st day of December for the year the license was issued.
 - b. Except for the case of transient traders, in which they will have an option to register on a term of one month or 30 days from when the license was issued.

Renewal

11.
 - a. A person must renew their license annually in the manner prescribed by the Town.
 - b. A person must pay the fee provided for in Schedule No. 1 when renewing the license.
 - c. In the case of transient trader or contractor the license can be renewed when they provide actual business within the Town of Shellbrook.

Discontinuance or Change

- 12.
- 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 notify the Town if the business relocates.
 - d. A person purchasing or taking over a business must apply for a new license.
 - e. No person or business to whom a license has been issued under this Bylaw shall offer for sale services, goods or merchandise within the Town other than the kinds described in the license; or by any methods except as stated in the license;

License to be on Display

13. Any license issued under this Bylaw must be displayed in a prominent place at the place of business for which the license was issued or be available to be produced upon the request of a designated official or employee of the Town.

Zoning and Building Standards

- 14.
- a. A license 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, plumbing, and other requirements of the Town.
 - b. The issue of a license to a person does not relieve that person of the responsibility of conforming to any zoning, building, plumbing, and other requirements of the Town.
 - c. No person to whom a license is granted shall conduct the business on any street, lane or other public place without first having obtained the authorization to do so by council and as may be required pursuant to any bylaw.

License Not Required

15. A license shall **not** be required for:
- a. A community club, which holds an operating agreement with the Town, carrying on the business of a flea market;
 - b. Any activity carried on by the Town or at a location operated by an official or employee of the Town acting on behalf of the Town in its capacity as such official or employee;
 - c. Such other activities as Council may by resolution exempt from the requirements of this Bylaw;
 - d. Any Activity undertaken by a charity; and
 - e. Any activity exempt from municipal licensing by any statute of Canada or the Province of Saskatchewan.
 - f. Any business with a storefront or that currently pays a BID Levy (Business District Improvement Levy)

Granting of Licenses

16. The Town may issue licenses subject to the following conditions;
- a. The required application form has been completed;
 - b. The required license fee has been paid;
 - c. If required, the necessary written approval of Prince Albert District Health has been produced;
 - d. If required, the necessary written approval from council or departments of the Town of Shellbrook;
 - e. The Business or the premises occupied by the business complies with all zoning, building, plumbing, and other requirements of the Town; and
 - f. Any person who makes application for a license for a business not specifically provided for in this Bylaw, shall be liable to make payment of the value of the fee assessed by the Town, which fee shall be in the same amount as is payable for a license, the nature of which most closely resembles that for which the application is made.

Revoking or Suspending of License

- 17.
- a. If the Town concludes a license should be suspended, or revoked, the suspension or revocation of the license shall be referred to council which, in its absolute discretion, may suspend or revoke the license but must give reasons for any suspension or revocation.
 - b. The Town may reinstate a suspended license if it is satisfied that the licensee is complying with the Bylaw, the contravention of which gave rise to the suspension.

Inspections

- 18.
- a. The inspection of property by the Town to determine if this Bylaw is being complied with is hereby authorized;
 - b. 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.
 - c. Every house, place, or premises licensed under this Bylaw shall be liable to be inspected at all reasonable times by the proper authorized personnel which may include but not limited to:
 - i. Police Officers
 - ii. Bylaw officers
 - iii. Medical Health officers
 - iv. Building inspectors
 - v. Employees of the Town
 - d. Any person who shall refuse admittance to such personnel shall be subject to the penalties of this Bylaw.

Part III
Specific Licensing

Application of Part II

19. **Part II of this Bylaw applies to businesses licensed under this part except for Sections 10 a, 11, 14 a, b, c.**

This section applies to any person or business that operates within the corporate bounds of the Town of Shellbrook, but does not have an office or premises within those corporate limits. The exception is the “Mobile Vendor”, “Day Care Center”, “Day Care Home”, and “Group Home” that fall under this section whether or not the owner/operator resides within the corporate limits

Transient Traders

20. For the purposes of this Bylaw, transient traders are classified in the following categories:
- a. Blanket transient trader;
 - b. Circus, carnival and rodeo entertainment;
 - c. Farmers’ markets, flea market or handicraft event;
 - d. Mobile food vendor and mobile food vehicle;
 - e. Trade shows; and
 - f. Other transient traders.

Blanket Transient Traders

- 21.
- a. No person shall carry on business as a blanket transient trader in the Town without a license
 - b. A person operating as a blanket transient trader must pay the fee provided for in Schedule No. 1 when applying for a license.
 - c. A person operating as a blanket transient trader will not be issued a license until the fee outlined in subsection 2 has been paid.
 - d. A person operating as a blanket transient trader must renew their license annually in the manner prescribed by the Town.
 - e. A person operating as a blanket transient trader must pay the fee provided for in Schedule No. 1 when renewing the license.
 - f. No transient trader or any organized group of transient traders shall utilize any single place or premises where the blanket transient trader is carrying on business for more than thirty (30) days in any calendar year. Upon exceeding the 30-day period, a transient trader is required to obtain his/her license pursuant to the transient trader category of this part and Schedule No. 1 to this Bylaw;

- g. The operation of each transient trader carrying on business within the said premises of a blanket transient trader shall comply with all Federal and Provincial laws, regulations, codes and ordinances and all Town bylaws.
- h. No application for license or payment shall be accepted by the Town without authorization from registered owner or occupant of the premises where it is proposed to conduct the sale of any goods.

Circus, Carnival, and Rodeo Entertainment

22.

- a. No person shall carry on business as a circus and/or carnival or rodeo promoter in the Town without a license
- b. A person operating as a circus and/or carnival or rodeo must pay the fee provided for in schedule No.1 when applying for a license.
- c. A person operating as a circus and/or carnival or rodeo promoter will not be issued a license until the fee outlined in subsection 2 has been paid.
- d. There shall be displayed at the entrance to all such shows, events, or exhibitions a sign disclosing the admission fee charged in plain letters or figures at least four inches(4") high, and the style and display location of same shall be satisfactory to the License Inspector.
- e. No person required to apply for a license under this category shall commence:
 - i. Carrying on business in the Town unless and until he had applied for the license; and
 - ii. It has received the approval of Council
- f. A person operating as a circus and/or carnival or rodeo promoter must renew their license annually in the manner prescribed by the Town.
- g. A person operating as a circus and/or carnival or rodeo promoter must pay the fee provided for in Schedule No.1 when renewing the license.
- h. No license shall be issued under this section during the months of June, July or August, for any function which has a midway comprised of games, rides, and/or sideshows except on the Elks Sports Grounds.

Farmers' Markets, Flea Market or Handicraft Events

23.

- a. No person or persons shall operate a farmers' market without a license.
- b. An application for a license to operate a farmers' market must pay the fee provided for in Schedule No.1 when applying for a license
- c. No license will be issued for a farmers' market until the fee outlines in subsection 2 has been paid.
- d. A license issued for a farmers' market is valid only for a single entity. The license is not based on location, and the farmers' market may change location during the year without gaining a new license.

- e. The license fee will cover all persons offering goods or merchandise for sale at the farmers' market.
- f. A person or persons operating a farmers' market must renew their license annually in the manner prescribed by the Town.
- g. A person or persons operating a farmers' market must pay the fee provided for in the schedule No.1 when renewing the license.

Mobile Vendors and Mobile Food Vehicles

- 24.
- a. No person shall carry on business as a mobile vendor or as a mobile food vehicle without a license.
 - b. A person operating a vehicle, mobile structure or a food cart must pay the fee provided for in Schedule No.1 when applying for a license.
 - c. A license will not be issued for a mobile vendor until the fee outlined in subsection 2 has been paid.
 - d. A separate license must be obtained for each vehicle, mobile structure or a food cart operated by a mobile vendor.
 - e. A license issued for a mobile vendor is only valid for the location specified in the license.
 - f. Written approval must be gained from the organizer prior to the mobile food vendor setting up at any of the following locations:
 - i. Private property
 - ii. Special events
 - iii. Festivals
 - g. A license will not be issued for a mobile vendor for a location on public right of way or a sidewalk, until the applicant has first produced the written approval of Public Works and Community Services.
 - h. Liability insurance of \$2,000,000 needs to be provided by the vendor.
 - i. A license will not be issued for a mobile food vendor, until the applicant produces the following:
 - i. Approval from the Prince Albert Health District
 - ii. Fire inspection approval
 - iii. Motor vehicle insurance(if mobile food truck)
 - iv. Discharge management plans
 - v. Photographs of the unit/truck being used
 - j. A person operating a mobile vendor must renew their license annually in the manner prescribed by the Town.
 - k. A person operating as a mobile vendor must pay the fee provided for in Schedule No.1 when renewing the license.

Trade Shows

25.

- a. No person shall operate a trade show without a license.
- b. A person operating a trade show must pay the fee provided for in Schedule No.1 when applying for a license.
- c. A person will not be issued a license to operate a trade show until the fee outlined in subsection 2 has been paid.
- d. If a trade show is carried on at more than one location, a person must obtain a license for each location.
- e. A license issued for a trade show is only valid at the location for it is issued.
- f. The license fee provided for in Schedule No. 1 will cover all persons offering goods or merchandise for sale at the trade show.
- g. A person must obtain a license to operate a trade show whether or not they already have a business license for another premise unless the trade show is to be held at such other premise.

Other Transient Traders

26.

- a. Subject to Sections 22, 23, 24, 25, 26, and 27 no person shall carry on business in the Town as a transient trader without a license.
- b. A person operating a business as a transient trader must pay the fee provided for in Schedule No. 2 when applying for a license. They will have the option of choosing the duration of license for one (1) year or pay on a monthly basis to a maximum of five months.
- c. A person will be issued a license to operate a business as a transient trader until the fee outlined in subsection 2 has been paid.
- d. If a transient trader carries on a business at more than one location, a license must be obtained for each location.
- e. A license issued for a transient trader is only valid at the location for which it is issued.
- f. A person operating a business as a transient trader must renew their license annually in the manner prescribed by the Town.
- g. A person operating a business as a transient trader must pay the fee provided for in Schedule No.1 when renewing the license.

Direct Sellers

27.

- a. No person shall carry on business as a direct seller in the Town without a license,
- b. A person operating as a direct seller must pay the fee provided for in Schedule No.1 when applying for a license.
- c. A person operating as a direct seller must produce the following to the Town:
 - i. A copy of their provincial license under *Direct Sellers Act*;

- ii. If selling for a company, a copy of their identification tag issued to them from their company; and
- iii. If selling for a company, the company must be registered with the Province and provide to the Town the PST number or Entity Number that was issued to them by the Province.
- d. A person operating as a direct seller will not be issued a license until the fee outlined in subsection 2 has been paid.
- e. A person operating as a direct seller must renew their license annually in the manner prescribed by the Town.
- f. A person operating as a direct seller must pay the fee provided for in Schedule No.1 when renewing the license.

Contractors or Direct Sales Contractors

28.

- a. No person shall carry on business as a contractor or direct sale contractor in the Town without a license.
- b. A person operating as a contractor or direct sales contractor must pay the fee provided for in Schedule No.1 when applying for a license.
- c. A person operating as a contractor or direct sales contractor will not be issued a license until the fee outlined in subsection 2 has been paid.
- d. A person operating as a contractor or direct sales contractor must renew their license annually in the manner prescribed by the Town.
- e. A person operating as a contractor or direct sales contractor must pay the fee provided for in Schedule No.1 when renewing the license.

Day Care Centers

29. Any person applying for a business license for the operation of a day care center must:
- a. Be fully licensed or approved under Provincial Statutes;
 - b. Meet all Town of Shellbrook Zoning requirements;
 - c. Meet all building and inspection requirements;
 - d. Any day care center applying for a business license that is providing for the care of 10 or more children will be issued the license subject to Council approval; and
 - e. Pay fees as outlined in Schedule No.1

Day Care Homes

29. Any person applying for a business license for the operation of a day care home must:
- a. Be fully licensed or approved under Provincial Statutes;
 - b. Meet all Town of Shellbrook zoning requirements;
 - c. Meet all building and fire inspection requirements;

- d. The maximum number of children allowed in a private residence licensed as Day Care Home will be 3; and
- e. Pay fees as outlined in Schedule No. 1.

Group Homes

- 30. Any person applying for a business licenses as a group home must:
 - a. Meet all Town of Shellbrook zoning requirements;
 - b. Meet all building and fore inspection requirements;
 - c. Be fully licensed or approved under Provincial Statutes; and
 - d. Pay fees as outlined in Schedule No. 2

Part IV

Offences and Penalties

Offences and Penalties

- 31. Every person who contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than:
 - a. **1,000.00 in the case of an individual; and**
 - b. **2,500.00 In the case of a corporation.**

The penalty will also include the Town's cost for prosecution under this Bylaw.

The Court may, in default of payment of a fine imposed under this Bylaw, order imprisonment of an individual for a term not exceeding one year.

- 32. In the event of prosecution or proceeding under this Bylaw, it is alleged that the person proceeded against carried on or engaged in a business, industry or calling without first having obtained a license to do so, proof of one transaction in the business, industry or calling shall be sufficient to establish that the person proceeded to contravene the provisions of this Bylaw.
- 33. In the event of prosecution or proceeding under this Bylaw the act of the spouse, clerk or employee of any person licensed to carry on a business under this Bylaw pertaining to or in connection with the said business shall be deemed and be taken to be the act of the Licensee as though he and or she had done the act themselves.

Severability

- 34. Each provision of this Bylaw is independent of all other provisions. If any provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

Repeal

- 35. Bylaw No. 5 of 1982 and No. 7-2003 and all applicable amendments are hereby repealed. Notwithstanding the repeal, every license fee outstanding pursuant to Bylaw No.5 of 1982 as amended shall remain in force as if made pursuant to this bylaw.


Coming into Force

- 36. This Bylaw shall come into force and take effect as of Aug 15/2017
 Introduced and read a first time this 14 day of Aug, 2017
 Read a second time this 14 day of Aug 2017
 Read a third time and passed this 14 day of Aug 2017

SEAL



TOWN OF SHELLBROOK



 Mayor



 Administrator

Read a third time and adopted

this 14 day of Aug 2017

Schedule No.1

<u>Blanket Transient Traders</u>	
For location to hold unlimited events, which include shopping malls, hotels	\$1500.00
<u>Circus and/or Carnival or Rodeo Promoter</u>	\$500.00
<u>Contractors and Direct Sales Contractors</u>	
Contract over \$1,000,000.00	\$1200.00
Contract \$100,000.00 to \$1,000,000.00	\$600.00
Contract under \$100,000.00	\$200.00
<u>Direct Sellers</u>	\$100.00
<u>Farmers' Market</u>	\$200.00
<u>Mobile Vendor</u>	
Vendor	\$150.00
Ice Cream Bicycles (each)	\$50.00
<u>Other Transient Traders Selling:</u>	
Christmas Trees(per location)	\$100.00
Fish, fruit, produce, baking, and handicrafts	\$100.00
Handicraft event (7 days) locally produced only (per event)	\$200.00
Handicraft event (7 days) (per event)	\$500.00
All other Monthly license	\$100.00
All other Annual license	\$500.00
<u>Trade Shows (14 days) (per show)</u>	\$250.00
<u>Day Care Center, Day Care Homes, and Senior Care Facilities</u>	\$100.00