

BYLAW

Village of Caronport, Province of Saskatchewan

Bylaw 2019-02

A Bylaw of the Village of Caronport to Regulate Businesses

The Council of the Village of Caronport in the Province of Saskatchewan enacts as follows:

PART I GENERAL MATTERS:

Short 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 Village of Caronport so as:
 - (a) To regulate businesses;
 - (b) To ensure compliance with land-use and building regulations;
 - (c) To gather land-use information;
 - (d) To gather workforce statistics;
 - (e) To facilitate planning decisions

PART II DEFINITIONS

3. In this Bylaw, the following terms will have the following meanings:
 - (a) **"Act"** means *The Municipalities Act* and amendments thereto.
 - (b) **"Administrator"** means the Chief Administrative Officer, or other person designated by him/her to issue business licenses pursuant to this Bylaw.
 - (c) **"Business"** means any of the following activities, whether or not for profit and however organized or formed:
 - i. A commercial, merchandizing or industrial activity or undertaking;
 - ii. The carrying on of a profession, trade, occupation, calling or employment;
 - iii. An activity providing goods or services;
 - (d) **"Contractor"** means a person who constructs, alters, maintains, repairs or removes buildings or structures, performs electrical work, installs heating plants, plumbing or other fixtures or performs other similar work in the Village and who does not have a business premises in the Village.
 - (e) **"Direct Seller"** means a person who does not have a business premises in the Village and:
 - i. Travels 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;
 - (f) **"Farmers' Market"** means a group of persons operating collectively which sells products that they bake, make or grow.

- (g) **“Goods”** means any article, thing or substance and includes subscriptions for books, magazines or any printed matter.
- (h) **“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 full-time residents.
- (i) **“Home Based Party-Type Consultant”** means a home based business such as, but not limited to, Avon, Epicure, Mary Kay, Pampered Chef, Party Lite, Tupperware, Watkins, Gold Canyon Candles, Arbonne and Silpada.
- (j) **“Local Business”** means any business that is owned and operated with a civic address in the Village.
- (k) **“Mobile Food Vehicle or Unit”** means a motor vehicle, structure, cart, table, stand or display used to operate a business, designed for the purpose of preparing and offering the sale of food products, which does not contain customer seating, and is capable of being moved.
- (l) **“Mobile Vendor”** means a person selling confectionary items, coffee, lunches, snacks, ice cream or other products from a mobile vehicle or mobile food unit.
- (m) **“Not Classified”** includes every person carrying on any trade or business for gain not otherwise specified anywhere in this bylaw.
- (n) **“Services”** means performing a service of any work, act or deed, for any compensation where monetary or otherwise.
- (o) **“Store-front Business”** means any business located in the commercial and/or industrial district(s) as shown on the Zoning District Map in the Village Zoning Bylaw.
- (p) **“Village”** means the Village of Caronport in the Province of Saskatchewan.
- (q) **“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 wholesaler 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.

PART III GENERAL LICENSING

License Required:

4. No person shall carry on any business in the Village without a license.

Application:

A person must complete a Business License Application before commencing any business. The required application is Appendix “A” which is a part of this Bylaw.

6. An application must include all requested information, including but not limited to:
 - (a) Name and address of the applicant;
 - (b) The nature of the business for which the application is required;
 - (c) The place where the business is to be carried on;
 - (d) The name under which the business will be operated;
 - (e) The area of the premises where the business will be carried on;
 - (f) The name of a contact person;
 - (g) A completed Development Permit and supporting documents (when applicable).
7. Notwithstanding the provisions of this bylaw, the Village, 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.

License Fee:

8. A person must pay the fee of \$25.00 prior to the license being issued. A person will not be issued a license until the fee has been paid.

Granting of Licenses:

9. The Village may issue licenses in the following circumstances:
 - (a) The required application form has been completed;
 - (b) The required license fee has been paid;
 - (c) If required, the necessary provincial or federal license has been produced;
 - (d) If required, the necessary written approval of Five Hills Health Region has been produced; and
 - (e) The business or the premises occupied by the business complies with all the zoning, building, plumbing and other requirements of the Village.
 - (f) The required License is Appendix "B" which is a part of this Bylaw.
10. The following establishments are considered exempt from obtaining a Business License from the Village:
 - (a) Real Estate Agents that do not operate a Store-Front or Home Based business within the Village limits.
 - (b) Publicly funded organizations such as, but not limited to, educational institutions, education administration, municipal administration and its entities, and hospitals.
 - (c) Non-profit organizations, service groups and community groups such as, but not limited to, churches or places of worship, unless operating a service for profit out of a location within the Village limits.

License Issued for One Year Unless Otherwise Stated

11. Every license, unless suspended or revoked, shall expire on December 31st of each calendar year and must be renewed by the last working day of January.

Renewal

12. A person must renew their license annually. Submission of application is required in writing for all renewals.
13. A person must pay the fee of \$25.00 when renewing the license.

Discontinuance or Change

14. A person must notify the Village if a business is discontinued.
15. A person must notify the Village if either the size or nature of the business changes.
16. A person must notify the Village if the business relocates.
17. A person purchasing or taking over an existing business must notify the Village of any changes to the business contact information. In this circumstance, the new license will expire at the end of the original license period.

Revoking or Suspending of Licenses

18. If a licensee contravenes any term or condition of this Bylaw, the Village 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 licensees suspended or revoked.
19. The Village may reinstate a suspended license if it is satisfied that the licensee is complying with the Bylaw.
20. Any licensee may appeal the suspension or cancellation of a license to Council.

Distress

21. The Village may recover any license fee by distress in accordance with the provisions of *The Municipalities Act*.

Village Bylaws

22. No license shall be issued for a business which does not or will not conform to any zoning, building, plumbing and/or any other bylaws of the Village.
23. As per the Zoning Bylaw, a Development Permit will be required prior to the issuance of a Business License for certain businesses which include but are not limited to Home Based Businesses and Store Front Businesses.
24. The issuing of a license to a person/business does not relieve that person/business of the responsibility of conforming to any zoning, building, plumbing and other requirements of the Village.

Federal or Provincial License Required

25. A license will not be issued under this Bylaw to any person required by law to obtain a federal or provincial license, until the person has first produced the required federal and/or provincial license to the Village.
26. Any license under this Bylaw without the person first obtaining the required federal or provincial license is invalid.

License to be Displayed

27. Any license issued under this Bylaw must be displayed in a prominent place at the place of business for which the license was issued.

28. Every person licensed under this bylaw shall, at all reasonable times, upon request of the Administrator, a Bylaw enforcement Officer or Peace Officer, produce such license for inspection purposes.

PART IV SPECIFIC LICENSING

Mobile Food Vendors and Mobile Food Vehicle or Unit

29. A license will not be issued for a mobile food vendor until the applicant produces the following:
- (a) Approval from the Five Hills Health Region;
 - (b) Motor vehicle insurance (if mobile food vehicle);
 - (c) Discharge management plans;
 - (d) Photographs of the vehicle or unit being used; and
 - (e) Proof of liability insurance of \$2,000,000 with the Village of Caronport named as an additional insured.
30. Mobile Food Vendors shall be permitted to operate between the hours of 10:00 a.m. and 10:00 p.m.
31. A Mobile Food Vendor may operate on private or public property at any location where the Mobile Food Vendor has the consent of the property owner in writing, except the following:
- (a) Within 3 metres of a building entrance or exit;
 - (b) Within 6 metres of an intersection;
 - (c) Within 3 metres of a back alley or lane;
 - (d) Where the mobile food vehicle or unit obstructs a fire hydrant, driveway, loading zone or emergency access;
 - (e) Within 20 metres (measured from the nearest edge of the mobile food vehicle or unit to the property line) of an existing permanent food service establishment.
32. Sign boards are to be placed against the mobile food vehicle or unit to avoid any obstructions. Only one sign board is permitted per mobile vendor.
33. Mobile food vendors shall provide proper trash and recycling receptacles for customers. Vendors shall clean up within a 6.0 metre radius after service at a location.

PART V ENFORCEMENT OF BYLAW

Enforcement of Bylaw

34. The administration and enforcement of this Bylaw is hereby delegated to the Administrator of the Village of Caronport.
35. The Administrator is hereby authorized to further delegate the administration and enforcement of this Bylaw to any municipal official or designate.

Inspections

36. The inspection of property by the Village to determine if this Bylaw is being complied with is hereby authorized.
37. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
38. 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.

39. Examples of business activity may include but is not limited to one monetary or non-monetary transaction and/or business advertising.


Offences and Penalties

40. 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 other provision of this Bylaw.
41. 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 Village:
- (a) For the first offence \$50.00
 - (b) For the second offence \$100.00
 - (c) For a third and subsequent offence \$100.00
42. Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of Section (40) 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.
43. In the event that a person who has been refused a license carries on a business, he shall be guilty of an offence 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 the conviction. Upon conviction under this paragraph, the Court may order that the accused cease to carry on such business.

Repeal Bylaw

Bylaw No. 2017-05 Direct Sellers Licensing Bylaw is hereby repealed.




Daniel Buck, Mayor


Gina Hallborg, CAO

Certified a true copy of Bylaw 2019-02
adopted by The Village of Caronport on
the _____ Day of _____, 2019


CAO



VILLAGE OF CARONPORT

Box 550
Caronport, SK S0H 0S0
Phone: 1-306-756-2225 * Fax: 1-306-756-5007

BUSINESS LICENSE

Appendix B
(In Accordance with Bylaw #2019-02)

Date: _____

Business Name: _____

Nature of Business: _____

Business Start/Effective Date: _____

*Note: A business applicant is not authorized for operation within the Village of Caronport until the approval of Council.

Business Mailing Address: _____

City: _____ Prov.: _____

Postal Code: _____ Business Phone: _____

Civic Address of Operation: _____

Owner Name: _____ Contact (If different than owner) _____

Owner/Contact Phone: _____

This is a Business License in respect to the above in accordance with the Bylaws of the Village of Caronport relating to operating a business with the Village of Caronport, Bylaw #2019-02.

You have complied with requirements under all Village of Caronport Bylaws relating to the business listed above. (e.g. Zoning, Provincial Bond, etc.)

Note: The issuing of a license to a person by the Village of Caronport does not relieve that person of the responsibility to obtain any provincial license that may be required by law.

Approved by Council of The Village of Caronport at the regular meeting held on the _____ day of _____, 2019 by Resolution _____.

CAO
Village of Caronport

Seal

VILLAGE OF CARONPORT
Box 550
Caronport, SK S0H 0S0
Phone: 1-306-756-2225 * Fax: 1-306-756-5007

BUSINESS LICENSE APPLICATION

Appendix A
(In Accordance with Bylaw #2019-02)

Date: _____

Business Name: _____

Nature of Business: _____

Business Start/Effective Date: _____

*Note: A business applicant is not authorized for operation within the Village of Caronport until the approval of Council.

Business Mailing Address: _____

City: _____ Prov.: _____

Postal Code: _____ Business Phone: _____

Civic Address of Operation: _____

Owner Name: _____ Are you 18 years or older? _____

Contact (If different than owner) _____

Owner/Contact Phone: _____

I/We hereby make application for a Business License in respect to the above in accordance with the Bylaws of the Village of Caronport relating to operating a business with the Village of Caronport, Bylaw #2019-02.

I/We have complied with requirements under all Village of Caronport Bylaws relating to the business listed above. (e.g. Zoning, Provincial Bond, etc.)
_____ (initial)

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

Signature of Owner or Signing Authority