

TOWN OF EATONIA

BYLAW NO. 1/15

A BYLAW OF THE TOWN OF EATONIA TO PROVIDE FOR THE LICENSING, REGULATION AND GOVERNING OF PERSONS ENGAGED IN CERTAIN OCCUPATIONS AND PLACES USED FOR CERTAIN PURPOSES TO BE KNOWN AS THE “GENERAL LICENSING BYLAW”

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

SECTION I - SHORT TITLE, PURPOSE AND INTERPRETATION:

Short Title:

1. This Bylaw may be cited as “General Licensing Bylaw”.

Purpose:

2. The purpose of this Bylaw is to license businesses in the Town of Eatonia 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.

Interpretations:

3. In this Bylaw, unless the context otherwise requires, the expression(s):
 - a) “**Act**” means *The Municipalities Act* and amendments thereto.
 - b) “**Administrator**” means the Town Administrator, or other person designated by him/her to issue business licenses pursuant to this Bylaw.
 - c) “**Business**” includes a trade, profession, occupation, employment or calling or the providing of goods or services.
 - d) “**Business Day**” means a weekday - Monday, Tuesday, Wednesday, Thursday or Friday - with exception of any statutory holiday which falls on any of those days.
 - e) “**Town**” means the Town of Eatonia.
 - f) “**Charitable or Non-Profit Organization**” means an organization that is incorporated as a non profit corporation in the Province of Saskatchewan, a registered charity authorized to issue tax receipts for donations pursuant to *The Income Tax Act*, or an organization that can demonstrate that it is formed for social, educational, religious or philanthropic purposes from which the members do not receive any direct economic gain.
 - g) “**Contractors**” means any person who enters into a contract or contracts for the erection, alteration, cleaning, moving, repair or demolition of buildings or structures within the Town and without limiting the generality of the foregoing, includes a person who carries on any one or more of the following business: builders or carpenters; excavator, concrete, sidewalk, road, bridge or paving contractor; roofing, siding, glass installer or insulating contractor; linoleum, floor finishing, rug installation; painting, decorating, paper hanger, terrazzo or tile contractors; brick or stone mason, structural steel contractor or welding contractor.
 - h) “**Council**” shall mean and include the Council of the Town of Eatonia.
 - I) “**Director Sales Contractor**” means a person who does not have business premises in the Town and who sells, offers for sale or solicits orders for:
 - I) constructing, altering, renovating, maintaining, repairing, adding to or improving 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 real property to be used in connection with a house.
 - j) “**Direct Seller**” means an individual or firm who is licensed under *The Direct Sellers Act*, and:
 - I) goes from house to house selling or offering for sale or soliciting orders for the future delivery of goods or services; or

- 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 the above two subclauses.
- k) **“Farmers’ Market”** means a group of persons operating collectively which sells products that they bake, make or grown.
 - l) **“Home Bases Business/Home Occupation”** means an activity conducted wholly or partly on the business operator’s residential premises.
 - m) **“License Inspector”** shall mean the administrator of the Town of Eatonia or anyone designated by the council of the Town of Eatonia.
 - n) **“Licensee”** means a business/person holding a valid and subsisting license issued pursuant to the provisions of this bylaw.
 - o) **“Municipality”** shall mean the Town of Eatonia.
 - p) **“Non-Resident Business”** includes any business, trade, profession, industry, occupation, calling or provider of goods or services, which does not reside or maintain a place of business within the corporate boundaries of the Town of Eatonia, but operates either partly or wholly within the corporate boundaries of the said Town.
 - q) **“Occupant”** includes a person residing on or in land or buildings, the person entitled to its or their possession if there is no person residing on or in the land or buildings and a leaseholder.
 - r) **“Owner”** means a person who has any right, title, estate or interest in land or improvements other than that of a mer occupant, tenant or mortgagee.
 - s) **“Police or Police Officer”** shall mean any member of the Royal Canadian Mounted Police (RCMP).
 - t) **“Resident Business”** includes any business, trade, profession, industry, occupation, calling or provider of goods or services, and who’s owner/operator resides or maintains a place of business within the corporate boundaries of the Town of Eatonia.
 - u) **“Town”** shall mean the Town of Eatonia.
 - v) **“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.
 - w) **“Trades Person”** means a person who works for remuneration at any trade including an employer who works at any trade.
 - x) **“Transient Trader”** means a business/person carrying on a business 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 land or improvements that are used for business purposes.
 - y) **“Unclassified or Unspecified”** shall mean any person carrying on a trade or business for which a fee is charged which is not listed as a special category in Schedule “A” of this bylaw.
 - z) **“Unconditional Sale”** means an unconditional sale within the meaning of *The Pledged Property (Recording) Act*.

SECTION II - GENERAL LICENSING:

License Required:

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

Persons Affected:

5. Persons required to be licensed under the provisions of this Bylaw are all those persons, firms, partnerships, business associations or corporate bodies who conduct any of the business, industries, trades, callings or occupations as defined in Section I or listed in Schedule “A” to this bylaw.
6. Council may, at their discretion, by resolution, provide an exemption for certain businesses in conjunction with municipal business incentives.
7. In an effort to encourage youth entrepreneurship, this bylaw shall not apply to any person enrolled in school.

Application:

8. A person must apply in writing, by completing an application form, Schedule "C" attached hereto and forming part of this bylaw, to the Town for a license before commencing business.
9. An application must include all requested information, including:
 - a) Name, occupation and 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 area of the premises where the business will be carried on;
 - e) The name under which the business will be operated;
 - f) The name of a contact persons; and
 - g) The period for which the license is required.

License Fee:

10. 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 required fee has been paid.

Granting of Licenses:

11. The Town 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 Heartland 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 Town.
12. The following establishments are considered exempt from obtaining a business license from the town:
 - a) Home bases party-type businesses such as, but not limited to, Avon, Epicure, Mary Kay, Pampered Chef, Party-Lite, Tupperware, Watkins, Gold Canyon Candles, Arbonne, and Silpada;
 - b) Publicly funded organizations such as, but not limited to, educational institutions, educational administration, municipal administration and its entities, and health care facilities.
 - 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 town limits.

Premises Licensed Separately:

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

Provincial License Required:

15. 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.
16. Any license issued under this Bylaw without the person first obtaining the required provincial license is invalid.

License Valid:

17. Every license, unless suspended or revoked, shall be valid for the period of January 1st to December 31st unless otherwise stated on the license.
18. The person or business is responsible for payment by January 31st regardless of receiving a courtesy invoice from the Town.
19. Any application made after August 1st, with the exception of direct sellers, one time license fee, daily license fee and the prorated fee for seasonal trades, shall be charged at 50% of the annual fee for the application year only.

20. No rebate shall be allowed or granted to any licensee, in respect of voluntary surrender or a license or on account of the non-use of the license or for any other cause, unless consent of the Council of the Town of Eatonia is granted by resolution.

Renewal:

21. A person must renew their license annually in the manner prescribed by the Town.
22. A person must pay the fee provided for in Schedule “A” when renewing the license.

Discontinuance or Change:

23. A person must notify the Town if a business is discontinued.
24. A person must notify the Town if either the size or nature of the business changes.
25. A person must apply for a new license if the business relocates.
26. 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.

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.

Town Bylaws:

28. 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.
29. The issuing of a license to a person does not relieve that person of the responsibility of conforming with any zoning, building, plumbing, and other requirements of the town.

Revoking or Suspending of Licenses:

30. 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.
31. The Town may reinstate a suspended license if it is satisfied that the licensee is complying with the bylaw.
32. Any licensee may appeal the suspension or cancellation of a license to Council.

Distress:

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

Enforcement of Bylaw:

34. The administration and enforcement of this Bylaw is hereby delegated to the Bylaw Enforcement Officer and Administrator for the Town of Eatonia.
35. The Administrator for the Town of Eatonia is hereby authorized to further delegate the administration and enforcement of this Bylaw to designated officers.
36. The Administrator for the Town of Eatonia may appoint any employee or agent of the Town as a designated officer for the purposes of enforcing this Bylaw.

Inspections:

37. The inspection of property by the town to determine if this Bylaw is being complied with is hereby authorized.
38. Inspections under this bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
39. 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.
40. Examples of business activity may include but is not limited to one monetary or non-monetary transaction and/or business advertising.

Offences and Penalties:

41. 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.

42. 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:
- a) For the first offence - \$100.00
 - b) For the second offence - \$200.00
 - c) For a third and subsequent offence - \$300.00
43. Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of Section (41) 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.
44. 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.
45. If a license fee imposed for the licensing of building contractors is unpaid, a designated officer:
- a) 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
 - b) If the designated officer gives written notice pursuant to clause (a), he/she shall send a copy of the written notice to the contractor.
46. On receipt by a person mentioned in Section (45) 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 Town; and may be recovered in the same manner as taxes may be recovered.

SECTION III - SEVERABILITY:

Scope:

47. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

SECTION IV - REPEAL OF BYLAWS:

Repeal of Former Bylaws:

48. Upon effective date of this Bylaw, Bylaw No. 9/08 and amendments thereto being Bylaw No. 8/14 are hereby repealed.

SECTION V - EFFECTIVE DATE OF BYLAW:

Coming into Force:

49. This Bylaw shall come into force and effective March 10, 2015.



R. W. Peters

Mayor

Cheryl Bailey

Administrator

Certified a true copy of
Bylaw No. 1/15 adopted
by resolution of Council
on the 10th day of
March, 2015.



Cheryl Bailey

Administrator