

**TOWN OF DUNDURN
BUSINESS LICENSING BYLAW NO 2014-01**

**A BYLAW OF THE TOWN OF DUNDURN TO REGULATE BUSINESSES, GATHER
LAND USE INFORMATION, AND FACILITATE PLANNING DECISIONS.**

The Council of the Town of Dundurn, in the Province of Saskatchewan, enacts the following:

PART I GENERAL MATTERS

Short Title

1. This Bylaw may be cited as the Business Licensing Bylaw.

Purpose

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

PART II DEFINITIONS:

Definitions

3. In this Bylaw, unless the context otherwise requires, the expressions:

“Act” means The Municipalities Act and amendments thereto.

“Administrator” means the Town Administrator, or other person designated by him/her to issue business licenses pursuant to this Bylaw.

“Business”; “Occupant”; “Owner”; “Non-profit Organization”; “Public Accommodation”; and “Transient Trader” shall have the same meaning as given to them in the Municipalities Act.

“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.

“Council” shall mean and include the Council of the Town of Dundurn.

“Goods” means any article, thing or substance and includes subscriptions for books, magazines or any printed matter.

“Not Classified” includes every person carrying on any trade or business for gain not otherwise specified anywhere in 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 Dundurn in the Province of Saskatchewan.

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

- a) offers goods or merchandise for sale by retail or auction; or
- b) solicits any person who is not a wholesaler or retail dealer for orders for the future delivery of goods or merchandise;
- c) 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 based in the Town without a license. A commercial, industrial, professional or home based business located and based in the Town limits requires to be approved for a development permit and must obtain a business license if approved.

Application

5. A person must apply in writing to the Town for a Business License before commencing any business.
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 the contact person,
 - g) A completed Development Permit and supporting documents (when applicable).
7. 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.

License Fee

8. 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.

Granting of Licenses

9. The Town may issue licenses in the following circumstances:
 - a) The required Business Permit application form has been completed;
 - b) If required for new development, the required Development Permit application form;
 - c) The required license fee has been paid;
 - d) If required, the necessary provincial or federal license has been produced;
 - e) If required, the necessary written approval of Saskatoon District Health has been produced; and

- f) The business or the premises occupied by the business complies with all the zoning, building, plumbing and other requirements of the Town.

License Issued for One Year Unless Otherwise Stated

10. Every license, unless suspended or revoked, shall be for one (1) year payable by January 31st, annually. The person or business is responsible for payment by January 31st, regardless of receiving a courtesy invoice from the Town. Any application made after August 1st shall be charge at 50% of the fee for the application year only.

Renewal

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

Discontinuance or Change

13. A person must notify the Town if a business is discontinued.
14. A person must notify the Town if either the size or nature of the business changes.
15. A person must apply for a new license if the business relocates.
16. 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 original license period.

Revoking or Suspending of Licenses

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

Distress

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

Premises Licensed Separately

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

Town Bylaws

23. 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 Town.
24. 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.

25. 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 Town.

Federal or Provincial License Required

26. 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 or provincial license to the Town.
27. Any license issued under this Bylaw without the person first obtaining the required federal or provincial license is invalid.

License to be Displayed

28. Any license issued under this Bylaw must be displayed in a prominent place at the place of business for which the license was issued.
29. 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.

Trade Requiring License

30. Each and every of the persons or businesses based in the Town with the exception of tendered positions for the Town of Dundurn hereinafter shall take out a license in accordance with this Bylaw authorizing them respectively to carry on their respective trades, occupations, callings, and businesses and/or for the keeping for hire or gain any of the articles or things mentioned hereafter, within the limits of the Town, and shall pay therefore to the Clerk at the time of taking out the license the respective fee or fees hereinafter set forth in Schedule "A" to this Bylaw.
- a) "Accountant/Bookkeeper" – Anyone employed in the keeping of examination of accounts, or records whether Public or Private.
 - b) "Artist/Author" – Every person who creates works of art or composes written works other than that of independent reporter for gain within the Town.
 - c) "Auctioneer" – Subject to the Auctioneer's Act, any auctioneer or other person selling or offering for sale goods, wares and merchandise or effects by public auction.
 - d) "Barber Shop/Beauty Salon" – Every person carrying on the business as a hairdresser, for gain within the Town.
 - e) "Car Salesperson" – Every person carrying on the business as a motor car salesperson, for the purpose of this Bylaw, a motor car salesperson is a person who sells motor cars or trucks for gain and PROVIDED that no Town license shall be issued until the applicant produces a subsisting license issued to them under the regulations of the Motor Dealers Act.
 - f) "Book Agents" – Every person who sells or offers for sale any books, magazines or periodicals by sample or otherwise, except those selling retail dealers only, PROVIDED that no Town license shall be issued until the applicant produces a subsisting license issued to them under the regulations of the Direct Sellers Act.
 - g) "Building Movers" – Every person who carries on the business of moving buildings from one place to another within the Town, from any place in the Town, or from any place to the Town.
 - h) "Canteen/Concession" – Every person who carries on the business of selling food items from a seasonal location within the Town and PROVIDED that no Town license shall be issued until the applicant produces a valid food service/handlers

license issued to them under the Food Safety Regulations of the Public Health Act 1994.

- i) "Canvassers for Subscriptions" – Every person canvassing for subscriptions to daily, weekly or monthly papers or magazines or periodicals printed outside the Town of Dundurn.
- j) "Caterer" – Every person who provides a food service for parties or individuals and PROVIDED that no Town license shall be issued until the applicant produces a valid food service/handlers license issued to them under the Food Safety Regulations of the Public Health Act 1994.
- k) "Chiropractor/Drugless Practitioner" – Every person who provides a health service act without the use of medicine within the Town for gain PROVIDED that no Town license shall be issued until the applicant produces a valid provincial license issued as per The Chiropratic Act 1994 or The Naturopathy Act.
- l) "Circuses, Menageries and Shows" – Every proprietor or manager of a travelling circus or other like travelling exhibition which may include exhibition of dancing, jugglery, riding, rope walking, sleight of hand, tumbling or wrestling, hippodrome, menagerie, trained animal show or any other show of any kind not otherwise specifically provided for in this Bylaw.
- m) "Cleaning/Janitorial" – Every person that provides a cleaning/janitorial service within the Town for gain.
- n) "Collection Agencies" – Every person, not a real estate agent, who collects accounts or manages properties for others or charges a commission or a fee therefore, in the Town.
- o) "Contractors, Subcontractors" – Every contractor, subcontractor, master mechanic, journeyman or jobber, who carries on the business of or enters into any contract for the erection, demolition, alteration or repair of buildings or structure in the Town of Dundurn; the installation of heating plants, plumbing or other fixtures; painting and decorating and/or other allied trades.
- p) "Craft Sales/Farmer's Market" – Any person engaged in the business of producing, preparing, exhibiting and selling homemade arts, crafts and food for gain.
- q) "Custom Carpet Cleaner" – Every person who carries on the business or trade of custom carpet cleaning, for gain, and not assessed for such business in the Town.
- r) "Direct Seller" - Every person who does not have a business premises in the Town and:
 - o goes from house to house selling or offering for sale, or soliciting orders for the future delivery of goods or services; and/or
 - o by telephone offers for sale or solicits orders for the future delivery of goods or services
- s) "Dry Cleaners" – Every person carrying on the business of dry cleaners and/or laundry who is not assessed for such business on the assessment roll.
- t) "Financial Planner/Investor/Mortgage Broker" – Every person carrying on the business of Financial Planner/Investor/Mortgage Broker within the Town for gain PROVIDED that no Town license shall be issued until the applicant produces a valid provincial license as per the Saskatchewan Financial Services Commission and related Acts and Regulations.
- u) "Fuel Stations" – Every person who sells or offers for sale or carries on the business of selling propane or petroleum products.

- v) “Fur and Hide Dealer” – Every person buying or dealing in raw furs or hides, whether separate or in conjunction with any other business in the Town of Dundurn.
- w) “Grooming Service” – Every person who performs a grooming service on animals for gain within the Town.
- x) “Heating System Maintenance” – Every person who is engaged in the trade of cleaning chimneys, furnaces and duct work.
- y) “Home-based business” - Every business not otherwise defined within this Bylaw and 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.
- z) “Insurance Agent” – Every person carrying on the business of Insurance Agent within the Town for gain PROVIDED that no Town license shall be issued until the applicant produces a valid provincial license as per the Saskatchewan Financial Services Commission and related Acts and Regulations.
- aa) “Landscaping” – Every person engaged in yard construction and maintenance for gain.
- bb) “Mechanical Amusement Devices” – Every person who keeps for hire or profit any instrument or mechanical devices for playing recorded music or any pinball machine or other instrument, machine or contrivance no matter of what means of operation used for entertainment or amusement.
- cc) “Musical Instruments” – Every person selling or offering for sale musical instruments for gain within the Town.
- dd) “Pawnbroker” – Every person who carries on the business of pawnbroker in the Town of Dundurn.
- ee) “Photographer” – Every person engaged in the profession of taking pictures for gain.
- ff) “Public Accommodation” –
 - i) Every person keeping a boarding house/bed & breakfast in regard to which accommodations and provision for room and/or board is made, as the case may be, for two or more paying boarders.
 - ii) Every person not engaged in the hotel, restaurant, or boarding house business, as defined anywhere else herein, who furnishes and/or maintains accommodation, for gain, for two or more boarders.
- gg) “Public Halls” – Every person owning, renting, occupying or managing a hall or halls rented for public dances, private parties, private dances, or other public entertainment, whether used regularly or occasionally, except moving picture theatres with the exception of Town owned buildings.
- hh) “Real Estate Agents” – Every person carrying on the business of real estate dealer or agent who shall sell or negotiate the sale of any real estate not his own property and receive a commission or other remuneration PROVIDED that no Town license shall be issued until the applicant produces a valid provincial license as per the Saskatchewan Financial Services Commission and related Acts and Regulations.
- ii) “Repairperson” – Every person carrying on the business or repairing including automobiles and/or other motor vehicles and shall also include a person who repairs electric motors and appliances.
- jj) “Restaurant/Pub” – Every person who provides a dining establishment for the public, whether licensed for alcohol service or not, PROVIDED that no Town license shall be issued until the applicant produces a valid food service/handlers

license issued to them under the Food Safety Regulations of the Public Health Act 1994.

- kk) “Scrap Metal Dealer” – Every person who buys scrap metal or articles to be converted to scrap metal, from any person or collector for the purpose of resale to any third person, wholesaler, jobber or manufacturer.
- ll) “Signs, Billboards, and Advertising Devices” – Every person erecting and using, or causing to be erected and used or continuing the use of any sign boards, billboards or other advertising devices within the Town.
- mm) “Sign Painter/Manufacturer” – Every person carrying on the business of sign painting/manufacturing for gain.
- nn) “Taxi” – Every person who owns or keeps for hire or profit a taxicab or taxicabs, for the purpose of the Bylaw “Taxicab” shall mean and include every automobile or other vehicle used for the conveyance of passengers for hire and shall include “u” drive automobiles.
- oo) “Theatre” – Every person who owns or keeps for hire or profit any theatre, music or concert hall, drive-in theatre, or other building or place used for theatrical, dramatic, musical or other like amusement except local amateur performance.
- pp) “Transient Trader” – Every transient trader as defined by the Municipalities Act.
- qq) “Tree Pruning, Planting and Removal” – Any person engaged in the pruning, planting or removal of trees for gain.
- rr) “Unclassified Trades of Business” – Every person carrying on any trade of business, for gain, if in regard to licensing of same, no specific provision is anywhere made in this Bylaw.

Enforcement of Bylaw

- 31. The administration and enforcement of this Bylaw is hereby delegated to the Administrator for the Town of Dundurn.
- 32. The Administrator is hereby authorized to further delegate the administration and enforcement of this Bylaw to the Director of Planning and Regulations and the Bylaw Enforcement Officer(s).
- 33. The Administrator hereby appoints the Director of Planning and Regulations and the Bylaw Enforcement Officer(s) as the designated officers for the purposes of administration and enforcement of this Bylaw.

Inspections

- 34. The inspection of the property by the Town to determine if this Bylaw is being complied with is hereby authorized.
- 35. Inspections under this Bylaw shall be carried out in accordance with Section 362 of The Municipalities Act.
- 36. 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.
- 37. Examples of business activity may include but is not limited to one monetary or non-monetary transaction and/or business advertising.

Offences and Penalties

- 38. 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.

39. Notwithstanding any other penalty provision 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 -- \$50.00
 - b) For a second offence -- \$100.00
40. Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of Section (30) 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.
41. 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.
42. 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.
43. On receipt by a person mentioned in Section (41) 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.

PART V SEVERABILITY:

Scope

44. 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.

PART VI REPEAL OF BYLAWS:

Repeal of Former Bylaws

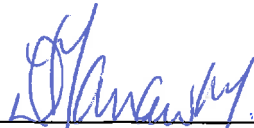
45. Upon effective date of this bylaw, Bylaw No 14-2009 is hereby repealed.

PART VII EFFECTIVE DATE OF BYLAW;

Coming Into Force

46. This Bylaw shall come into force and effective January 20, 2014.




MAYOR DOUG NARRAWAY


ADMINISTRATOR

Read a first time this 20th day of January, 2014.
Read a second time this 20th day of January, 2014.
Read a third and final time this 20th day of January, 2014.

SCHEDULE "A"

SCHEDULE OF FEES/BUSINESS CLASSES

- a) "Accountant/Bookkeeper" – \$20/year
- b) "Artist/Author" – \$20/year
- c) "Auctioneer" – \$20/year
- d) "Barber Shop/Beauty Salon" – \$20/year Additional Chair \$20/year
- e) "Car Salesperson" – \$20/year
- f) "Book Agents" – \$20/year
- g) "Building Movers" – \$20/year
- h) "Canteen/Concession" – \$20/year
- i) "Canvassers for Subscriptions" – \$20/year
- j) "Caterer" – \$20/year
- k) "Chiropractor/Drugless Practitioner" – \$20/year
- l) "Circuses, Menageries and Shows" – \$20/day
- m) "Cleaning/Janitorial" – \$20/year
- n) "Collection Agencies" – \$20/year
- o) "Contractors, Subcontractors" – \$20/year or \$20/project
- p) "Craft Sales/Farmer's Market" – \$20/day
- q) "Custom Carpet Cleaner" – \$20/year
- r) "Direct Seller" - \$20/year
- s) "Dry Cleaners" – \$20/year
- t) "Financial Planner/Investor/Mortgage Broker" – \$20/year
- u) "Fuel Stations" – \$20/year
- v) "Fur and Hide Dealer" – \$20/year
- w) "Grooming Service" – \$20/year
- x) "Heating System Maintenance" – \$20/year
- y) "Home-based Business" - \$20/year
- z) "Insurance Agent" – \$20/year
- aa) "Landscaping" – \$20/year
- bb) "Mechanical Amusement Devices" – \$20/device
- cc) "Musical Instruments" – \$20/year
- dd) "Pawnbroker" – \$20/year
- ee) "Photographer" – \$20/year
- ff) "Public Accommodation" – \$20/year
- gg) "Public Halls" – \$20/year
- hh) "Real Estate Agents" – \$20/year
- ii) "Repairperson" – \$20/year
- jj) "Restaurant/Pub" - \$20/year
- kk) "Scrap Metal Dealer" – \$20/year
- ll) "Signs, Billboards, and Advertising Devices" – \$100/sign
- mm) "Sign Painter/Manufacturer" – \$20/year
- nn) "Taxi" – \$20/vehicle
- oo) "Theatre" – \$20/year
- pp) "Transient Trader" – \$20/year
- qq) "Tree Pruning, Planting and Removal" – \$20/year
- rr) "Unclassified Trades of Business" – \$20/year

Schedule "B"

SCHEDULE OF OFFENSES

Conducting a business without a license \$200.00

Conducting business activity from a premises not identified on license \$100

Conducting business without renewal \$200

Failing to post license \$100

Failing to produce license upon request by authorized personnel \$100

Advertising or promoting a business without license \$200

Providing false or misleading information to the Town \$500

Providing false or misleading information to Bylaw Enforcement Officer \$500