

**TOWN OF KERROBERT**  
**BYLAW No. 889-06**  
**The Business License Bylaw**

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The Council of The Town of Kerrobert enacts:

**Part I**  
**General Matters**

**Title**

1. This Bylaw may be cited as “The Business License Bylaw, 2006”.

**Purpose**

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

**Definitions**

3. In this Bylaw,

(a) “business” means any of the following activities:

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

(a.1) “business day” means a weekday – Monday, Tuesday, Wednesday, Thursday or Friday – with the exception of any statutory holiday which falls on any of those days;

(b) “Town” means The Town of Kerrobert;

(c) “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 business premises in the Town;

(d) “direct 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 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 real property to be used in connection with a house.

(e) “direct seller” means a person who does not have 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;
- (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 subclauses (i) and (ii);

(f) “farmers’ market” means a group of persons operating collectively which sells products that they bake, make, or grow;

- (g) “**home occupation**” means a home-based business within the meaning of The Zoning Bylaw No. 9/87 ;
- (g.1) “pawnbroker” means a pawnbroker within the meaning of *The Pawned Property (Recording) Act*;
- (g.2) “pawnshop” means a business wherein more than 10 pawn transactions per month are conducted;
- (g.3) “pawn transaction” means a pawn transaction within the meaning of *The Pawned Property (Recording) Act*;
- (h) “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;
- (i) “transient trader” means a transient trader within the meaning of *The Municipalities Act*;
- (j) “unconditional sale” means an unconditional sale within the meaning of *The Pawned Property (Recording) Act*.

## **Part II**

### **General Licensing**

#### **License Required**

4. (1) No person shall carry on any business in the Town without a license.
- (2) No person shall carry on a home-based business in the Town without a license.

#### **Application**

5. (1) A person must apply in writing to the Town for a license before commencing business.
- (2) 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; and
  - (f) the name of a contact person.

#### **License Fee**

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

#### **Premises Licensed Separately**

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

#### **Provincial License Required**

8. (1) 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.
- (2) Any license issued under this Bylaw without the person first obtaining the required provincial license is invalid.

#### **License Valid**

9. (1) Every license shall be valid for the period January 1<sup>st</sup> – December 31<sup>st</sup> unless otherwise stated on the license.

(2) License fees shall be reduced by 50% for businesses that apply for a license after September 1<sup>st</sup> of each year.

### **Renewal**

10. (1) A person must renew their license annually in the manner prescribed by the Town.

(2) A person must pay the fee provided for in Schedule No. 1 when renewing the license.

### **Discontinuance or Change**

11. (1) A person must notify the Town if a business is discontinued.

(2) A person must notify the Town if either the size or nature of the business changes.

(3) A person must apply for a new license if the business relocates.

(4) A person purchasing or taking over a business must apply for a new license but shall not be required to pay a new license fee.

### **License to be Displayed**

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

### **Zoning and Building Standards**

13. (1) 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.

(2) 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.

### **Licenses not Required within Fair Grounds**

14. A license will not be required for any business operating within the limits of the fair grounds of the Town during the annual Jamboree Days.

### **Granting of Licenses**

15. (1) 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 license has been produced;

(d) if required, the necessary written approval of Heartland Health Region has been produced;

(e) if required, the necessary written approval of the Town of Kerrobert 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.

(2) Any business granted a license in accordance with Schedule 1 of this bylaw shall be a member in good standing of the Kerrobert and District Chamber of Commerce.

### **Revoking or Suspending of Licenses**

16. (1) If a licensee contravenes any term or condition of this Bylaw, the Town may suspend or cancel the license.

(2) The Town may reinstate a suspended license if it is satisfied that the licensee is complying with the Bylaw.

(3) Any licensee may appeal the suspension or cancellation of a license to Council.

## **Distress**

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

## **Enforcement of Bylaw**

18. (1) The administration and enforcement of this Bylaw is hereby delegated to the Administration Department for the Town of Kerrobert.

(2) The Administrator for the Town of Kerrobert is hereby authorized to further delegate the administration and enforcement of this Bylaw to designated officers.

(3) The Administrator for the Town of Kerrobert may appoint any employee or agent of the Town as a designated officer for the purposes of enforcing this Bylaw.

## **Inspections**

19. (1) The inspection of property by the Town to determine if this Bylaw is being complied with is hereby authorized.

(2) Inspections under this Bylaw shall be carried out in accordance with **Section 362** of *The Municipalities Act*.

(3) 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.

## **Part III**

### **Specific Licensing**

#### **Application of Part II**

20. Part II of this Bylaw does not apply to businesses licensed under this Part except for Sections 5, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18 and 19.

#### **Transient Traders**

21. For the purposes of this Bylaw, transient traders are classified into the following categories:

- (a) farmers' markets;
- (b) mobile food vendors;
- (c) trade shows; and
- (d) other transient traders.

#### **Farmers' Markets**

22. (1) No person or persons shall operate a farmers' market without a license.

(2) An applicant for a license to operate a farmers' market must pay the fee provided for in Schedule No. 2 when applying for a license.

(3) No license for a farmers' market will be issued until the fee outlined in subsection (2) has been paid.

(4) If a farmers' market is carried on at more than one location, a person or persons operating a farmers' market must obtain a license for each location.

(5) A license issued for a farmers' market is only valid at the location for which it is issued.

(6) The license fee will cover all persons offering goods or merchandise for sale at the farmers' market.

(7) A person or persons operating a farmer's market must renew their license annually or daily in the manner prescribed by the Town.

(8) A person or persons operating a farmers' market must pay the fee provided for in Schedule No. 2 when renewing the license.

#### **Mobile Food Vendors**

23. (1) No person shall carry on business as a mobile food vendor without a license.

(2) A person operating a mobile food vendor cart or vehicle must pay the fee provided for in Schedule No.

2 when applying for a license.

(3) A license will not be issued for a mobile food vendor until the fee outlined in subsection (2) has been paid.

(4) A separate license must be obtained for each cart or vehicle operated by a mobile food vendor.

(5) A license issued for a mobile food vendor is only valid for the locations specified in the license.

(6) A license will not be issued for a mobile food vendor for a location on public right of way or a sidewalk, until the applicant has first produced the written approval of the Town of Kerrobert.

(7) A license will not be issued for a mobile food vendor, until the applicant has first produced the written approval of Heartland Health Region.

(8) A person operating a mobile food vendor must renew their license annually or daily in the manner prescribed by the Town.

(9) A person operating a mobile food vendor must pay the fee provided for in Schedule No. 2 when renewing the license.

### **Trade Shows**

24. (1) No person shall operate a trade show without a license.

(2) A person operating a trade show must pay the fee provided for in Schedule No. 2 when applying for a license.

(3) A person will not be issued a license to operate a trade show until the fee outlined in subsection (2) has been paid.

(4) If a trade show is carried on at more than one location, a person must obtain a license for each location.

(5) A license issued for a trade show is only valid at the location for which it is issued.

(6) The license fee provided for in Schedule No. 2 will cover all persons offering goods or merchandise for sale at the trade show.

(7) 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**

25. (1) Subject to Sections 22, 23 and 24, no person shall carry on business in the Town as a transient trader without a license.

(2) A person operating a business as a transient trader must pay the fee provided for in Schedule No. 2 when applying for a license.

(3) A person will not be issued a license to operate a business as a transient trader until the fee outlined in subsection (2) has been paid.

(4) If a transient trader carries on a business at more than one location, a license must be obtained for each location.

(5) A license issued for a transient trader is only valid at the location for which it is issued.

(6) A person operating a business as a transient trader must renew their license annually or daily in the manner prescribed by the Town.

(7) A person operating a business as a transient trader must pay the fee provided for in Schedule No. 2 when renewing the license.

### **Direct Sellers or Direct Sales Contractors**

26. (1) No person shall carry on business as a direct seller or a direct sales contractor in the Town without a license.

(2) A person operating as a direct seller or direct sales contractor must pay the fee provided for in Schedule No. 2 when applying for a license.

(3) A person operating as a direct seller or direct sales contractor will not be issued a license until the fee outlined in subsection (2) has been paid.

(4) A person operating as a direct seller or direct sales contractor must renew their license annually or

daily in the manner prescribed by the Town.

(5) A person operating as a direct seller or direct sales contractor must pay the fee provided for in Schedule No. 2 when renewing the license.

### **Contractors**

27. (1) No person shall carry on business as a contractor in the Town without a license.

(2) A person operating as a contractor must pay the fee provided for in Schedule No. 2 when applying for a license.

(3) A person operating as a contractor will not be issued a license until the fee outlined in subsection (2) has been paid.

(4) A person operating as a contractor must renew their license annually in the manner prescribed by the Town.

(5) A person operating as a contractor must pay the fee provided for in Schedule No. 2 when renewing the license.

### **Part IV**

#### **Pawnbrokers**

#### **Application of Part II**

27.1 All of Part II of this Bylaw except Sections 6 and 10 applies to businesses licensed under this Part.

#### **Requirement for License**

27.2 (1) No person shall operate a pawnshop in the Town without a license.

(2) A person applying for a license to operate a pawnshop must pay the fee provided for in Schedule 3.

(3) A person operating a pawnshop must renew their license annually in a manner prescribed by the Town and must pay the renewal fee provided for in Schedule 3.

#### **Separation Distances for Pawnshops**

27.3 (1) A pawnshop shall not be located within 160 metres of another pawnshop, as measured from property line to property line.

(2) When a person applies for a license for a pawnshop and there exists another pawnshop within 160 metres of it, the application shall be denied by the Town.

#### **Timing of Pawn Transactions**

27.4 (1) A pawnbroker shall hold any property received in a pawn transaction or unconditional sale for at least two consecutive clear business days.

(2) A pawnbroker shall not display for sale any property received in a pawn transaction or unconditional sale for 30 days.

(3) A pawnbroker shall not sell any property received in a pawn transaction or unconditional sale until it has been displayed for sale for at least 15 days after the 30 day period mentioned in subsection (2).

#### **Minors**

27.5 A pawnbroker shall not engage in a pawn transaction or conditional sale with a person under the age of 18 years.

### **Pawning of Personal Identification**

27.6 A pawnbroker shall not accept personal identification in a pawn transaction.

### **Electronic Recording and Reporting of Pawn Transactions**

27.7 Effective January 1, 2005 all pawnbrokers shall record and report all pawn transactions electronically in accordance with *The Pawned Property (Recording) Act*.

## **Part V**

### **Offences and Penalties**

#### **Offences and Penalties**

28. (1) 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.

(2) Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:

(a) in a case of an individual, to a fine not exceeding \$10,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$10,000.00 for each day during which the offence continues; and

(b) in the case of a corporation, to a fine not exceeding \$25,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$25,000.00 for each day during which the offence continues.

#### **Notice of Violation Offences**

28.1 (1) Every person who contravenes a provision of Section 27.4, 27.5, 27.6 or 27.7 of this Bylaw is guilty of an offence and liable on summary conviction to a fine:

(a) for the first offence of \$250.00;

(b) for the second offence of \$500.00;

(c) for a third or subsequent offence of not less than \$500.00 and not more than \$10,000.00 in the case of an individual or \$25,000.00 in the case of a corporation.

(2) Except as provided in subsection (3), the following procedure shall apply to offences committed under Sections 27.4, 27.5, 27.6 and 27.7:

(a) a police officer or a designated officer may issue a notice of bylaw violation to any person committing a first or second offence under subsection (1). The notice shall require the person to pay to the Town the amount specified in clause (1)(a) or (b);

(b) the fine may be paid:

(i) in person, during regular office hours, to the cashier located at the Town Office, Kerrobert, Saskatchewan, or

(ii) by mail addressed to the Office of the Town Administrator, Town Office, Box 558, Kerrobert, Saskatchewan, S0L 1R0;

(c) if payment of the fine as provided in clause (1)(a) or (b) is made prior to the date when the person contravening the Bylaw is required to appear in court to answer a charge, the person shall not be liable to prosecution for that offence.

(3) The provisions of subsection (2) shall not apply in the case of a third or subsequent offence.

(4) For the purposes of this Section, an offence shall be deemed to be a first offence if the offender has not been convicted of the same offence within the year immediately preceding the commission of the alleged offence.

**Coming into Force**

29. This Bylaw comes into force and takes effect as of March 1, 2006.

**SEAL**

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**Mayor**

\_\_\_\_\_  
**Administrator**

**Read a third time and adopted this**

**\_\_\_\_\_ day of January, 2006.**



**Schedule 1**

1. License fee for businesses which are new or existing, with offices within the corporate limits of the Town of Kerrobert:

- |                                      |          |
|--------------------------------------|----------|
| a) Commercial or Industrial Location | \$125.00 |
| b) Home Occupation                   | \$50.00  |

2. License fee for businesses which are renewing their licenses and have not changed either their location or nature of the business:

- |                                      |          |
|--------------------------------------|----------|
| a) Commercial or Industrial Location | \$125.00 |
| b) Home Occupation                   | \$50.00  |

**Schedule 2**

1. License fee for farmers' markets per location

	\$125.00 or \$50.00 per day
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2. License fee for each mobile food vendor cart or vehicle

	\$250.00 or \$75.00 per day
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3. License fee for a trade show

	\$125.00
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4. License fee for other transient traders

	\$100.00 or \$25.00 per day
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5. License fee for direct sellers:

- |   |         |
|---|---------|
| -average value of product sold \$100. or more   | \$30.00 |
| -average value of product sold less than \$100. | \$20.00 |

6. License fee for direct sales contractor

	\$400.00
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7. License fee for contractors

	\$400.00
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**Schedule 3**

1. License fee for a new pawnshop or a pawnshop which has changed its location

	\$125.00
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2. License fee for renewal of pawnshop which has not changed its location

	\$125.00
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**TOWN OF KERROBERT**  
**BYLAW No. 896-06**  
**An Amendment to Bylaw No. 889-06 the Business License Bylaw, 2006**

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The Council of the Town of Kerrobert enacts:

1. That Schedule 2 of Bylaw No. 889-06, known as "The Business License Bylaw, 2006" be deleted and replaced with the following:

**Schedule 2**

- |  |                                |
|--|--------------------------------|
| 1. License fee for farmers' markets per location           | \$125.00 or<br>\$50.00 per day |
| 2. License fee for each mobile food vendor cart or vehicle | \$250.00 or<br>\$75.00 per day |
| 3. License fee for a trade show                            | \$125.00                       |
| 4. License fee for other transient traders                 | \$100.00 or<br>\$25.00 per day |
| 5. License fee for direct sellers:                         |                                |
| -average value of product sold \$100. or more              | \$30.00                        |
| -average value of product sold less than \$100.            | \$20.00                        |
| 6. License fee for direct sales contractor                 | \$250.00 or<br>\$75.00 per job |
| 7. License fee for contractors                             | \$250.00 or<br>\$75.00 per job |

**SEAL**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Administrator**

**Read a third time and adopted this**

**10<sup>th</sup> day of May, 2006.**