

TOWN OF KERROBERT
BYLAW No. 1093-23
The Business License Bylaw

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 any day the business is open or operating or weekday – 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, cleans, 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 mention 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 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 wholesale or retail dealer for orders for 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.

(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.

(3) Businesses will be invoiced annually in January for the annual license fee. If the fee is not collected within 30 days, interest will be compounded at 2% on a monthly basis until paid.

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 1st – December 31st unless otherwise stated on the license.
- (2) License fees shall be reduced by 50% for new businesses that apply for a license after September 1st of their first year of business.

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.
- (3) Business license renewals are due annually January 1, if left unpaid after 30 days interest will Compound monthly at a rate of 2% until paid.
- (4) Monthly statements showing incurred interest will be sent out.

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 fairgrounds of the Town during the rodeo, ball tournaments or other sports events.

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.
- (g) the business does not have any outstanding dues or unpaid fees for licensing or Bylaw offenses.
- (h) Any business granted a license in accordance with Schedule 1 of this bylaw shall become a member and be required to maintain a 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) mobile food vendors;
- (b) trade shows
- (c) other transient traders and
- (d) farmers' markets.

Farmers' Markets

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

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

(3) No license will be issued until the fee is paid

(4) A license is required for each location when a farmers' market is in multiple locations.

(5) Licenses issued are valid for 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 farmers' market must renew their license annually or daily in the manner prescribed by the Town., and pay the applicable fee from Schedule No 2.

License not Required for Local Farmer's Markets

23. For the purpose of this By-law a local club/individual using farmers' market as a fundraising activity whether it is for their club or to raise money for a cause is exempt from Section 22.

Mobile Food Vendors

24. (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

25. (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

26. (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

27. (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

28. (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

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

Requirement for License

- 29.2 (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

- 29.3 (1) A pawnshop shall not be located within 160 meters 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 meters of it, the application shall be denied by the Town.

Timing of Pawn Transactions

- 29.3(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

29.4 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

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

Electronic Recording and Reporting of Pawn Transactions

29.6 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

30. 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.

31. (1) 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 offense \$250.00;
- b) For the second offense of \$500.00

- c) For a third and subsequent offense of not less than \$500 and not more than
- I.\$10,000 in the case of an individual
 - II.\$25,000 in the case of a corporation

(2) As per the Municipalities Act a license fee imposed by a bylaw passed for the licensing of building contractors is unpaid, a designated officer

- May give a written notice to a 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
- If the designated officer gives written notice pursuant to clause (a), shall send a copy of the written notice to the contractor.

32. Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction and shall be liable for the penalties listed in Schedule “3” and the costs in default of payment.

33. The following procedure shall apply to all offences committed in contravention of this Bylaw.

a. A designated officer may issue a notice of bylaw violation to any person committing a first or second offence under Section 28. The notice shall require the person to pay to the Town the amount specified for the offence.

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 Town of Kerrobert, Box 558 Kerrobert Saskatchewan S0L 1R0
- iii.If the payment of the fine 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.

c. For the purposes of this section, an offence shall be deemed a first offence if the offender has not been convicted of the same offence with the year immediately preceding the commission of the alleged offence.


34. As per the Municipalities Act, on receipt of a written notice requiring the person to pay a license fee, the amount of the license fee may be recovered in the same manner as taxes may be recovered, in addition, any fees associated with the collection of the outstanding license may be included in the recovery.

35. That Bylaws 889-06, and 980-12 are repealed

36. This Bylaw shall come into force and take effect on the date of the third and final reading by the Council of the Town of Kerrobert.

SEAL





Mayor



Administrator

Read a third time and adopted 13 day of December 2023

SCHEDULE 1 – BUSINESS LICENSE FEES:

| <u>Category 1</u> | <u>BASIC BUSINESS LICENSE (unless otherwise noted)</u> | |
|---|---|-----------|
| Resident – Home Based – Contractor..... | (Electrical, Plumbing, Heating, Mechanical, Construction, Welding, etc.) | \$150.00 |
| Resident – Home Based Business..... | (other than Contractor and Direct Sellers) | \$150.00 |
| Non-voting member of the chamber of commerce..... | (non-voting members qualify for the Chamber of commerce benefits plan but have no voting rights in the chamber of commerce) | \$ 150.00 |
| Resident – Commercial Premises..... | | \$150.00 |
| Non-Resident..... | Annual | \$275.00 |
| Non-Resident..... | One Job Only | \$150.00 |

A Business License is required for each business owned and operated in separate locations within town limits.

SCHEDULE 2 – BUSINESS LICENSE FEES:

| <u>Category 1</u> | <u>DIRECT SELLERS</u> | |
|---------------------------------|---|----------|
| Per Salesperson: | | |
| Direct Sales – Contractor..... | | \$275.00 |
| | | |
| <u>Category 2</u> | <u>TRANSIENT TRADER</u> | |
| Per Day..... | | \$ 50.00 |
| 30 Consecutive Day License..... | | \$100.00 |
| Per Year..... | | \$275.00 |
| | | |
| <u>Category 3</u> | <u>SPECIAL EVENTS (Boxing, Wrestling, Circus, etc.)</u> | |
| Per Event..... | | \$275.00 |

SCHEDULE 3 – SCHEDULE OF OFFENCES

| | |
|---|----------|
| Conducting a business without a license | \$250.00 |
| Conducting business activity on the premise not identified on the license | \$100.00 |
| Conducting a business without renewal | \$250.00 |
| Failing to post license | \$100.00 |
| Advertising or promoting a business without a license | \$250.00 |
| Providing false or misleading information to the Town | \$500.00 |
| Providing false or misleading information to Bylaw Enforcement Officer | \$500.00 |

**TOWN OF KERROBERT
BYLAW NO. 1095-23**

**A Bylaw to Authorize a Special Assessment with Respect to Street
And Watermain Upgrades on the 500 Block Manitoba**

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

1. A Special assessment is authorized and shall be charged against all lands shown in the special assessment roll identified as Schedule "A", attached to and forming part of this bylaw as follows:
 - a) On a prepayment basis, \$ 584.00 per front metre shall be assessed.
 - b) Where the charges are not prepaid, equal annual installments in the amount of \$68.23 per front metre shall be added to and form part of the taxes on the said lands in each year for a period of 15 years commencing in the year 4
2. The amounts fixed in 1(b) above include interest at the rate of 8.0 per cent per annum.
3. This Bylaw shall come into force and take effect on the date of the final reading thereof.



E A L


Mayor


Chief Administrative Officer

*Read a third time and adopted
13th day of December 2023*