

BYLAW NO. 2015-011

TOWN OF CHURCHBRIDGE

Business License Bylaw

THE COUNCIL FOR THE TOWN OF CHURCHBRIDGE IN THE PROVINCE OF SASKATCHEWAN
ENACTS AS FOLLOWS:

1. SHORT TITLE

This Bylaw may be cited as The Business License Bylaw.

2. PURPOSE

The purpose of this bylaw to regulate and license any business or trade within the municipality except businesses operating from a commercially assessed property within the Town of Churchbridge.

3. DEFINITIONS

3.0 *Building*

As defined in *The Municipalities Act* “any structure used or occupied or intended for supporting or sheltering any use or occupancy, and includes a trailer or mobile home that is:

- (i) not in storage;
- (ii) situated within the municipality for a period of more than 30 days;
- and
- (iii) not the subject of a permit that has been issued pursuant to any bylaw relating to issuing permits for trailers or mobile homes”.

3.1 *Business*

As defined in *The Municipalities Act* is “any of the following activities, whether or not for profit and however organized or formed:

- (i) a commercial, merchandising or industrial activity or undertaking;
- (ii) the carrying on of a profession, trade, occupation, calling or employment;
- (iii) an activity providing goods or services;
- and, in the case of a rural municipality, does not include:
- (iv) the cultivation of plants or the raising of livestock, whether in an artificial or controlled environment or on land;
- (v) the keeping of bees or the extracting of honey; or
- (vi) fur farming”.

3.2 *Contractor*

Means and includes any person who contracts to do anything for another specifically or who makes a business of executing work according to a contract and who does not have a business premises in the Town. Examples include but are not limited to: plumbers, electricians, landscapers, general contractors, roofers.

3.3 *Council*

Means the Council of the Town of Churchbridge.

3.4 *Designated Officer*

Means any person appointed by the Town of Churchbridge for the purpose of enforcing the provisions of this bylaw.

3.5 Direct Seller

As defined in *The Direct Sellers Act* is “a person who:

- (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).

Examples include but are not limited to the sale of security systems, vacuum cleaners, food.

3.6 Goods

As defined in *The Direct Sellers Act* goods “includes any articles, commodities, substances or things and any agreement that entitles the holder thereof to purchase or obtain goods”.

3.7 Home Occupation

Means a small sales oriented business conducted entirely within a residential building. Only the residence’s owner shall be engaged in the Home occupation; there will be no other employees of the home occupation worker for the home owner in the residential business.

3.8 License

Means a business license issued by the Town.

3.9 Services

As defined in *The Direct Sellers Act* services “includes any agreement: (i) to install or apply goods, whether or not the goods become part of any real property; (ii) to perform work, labour or service of any kind; (iii) that entitles the holder thereof to purchase or obtain services;

3.10 Town

Means the Town of Churchbridge.

4. Scope

No person shall carry on any trade, business or calling within the Town unless they have in their possession a valid license for the purposes issued in accordance with the provision of this bylaw.

Persons conducting business in a commercially assessed property are not required to obtain a license under this bylaw.

5. Granting of License

1. A person must apply in writing; by completing application form as in Schedule A, attached hereto and forming part of this bylaw, to the Town before commencing any business.
2. Notwithstanding the provisions of this bylaw, the Town, at its discretion, may require the general contractor of a project to provide a list of sub-trades for the project and the 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.
3. The Town may issue a license when:
 - the licensing application is complete

- the required licensing fee has been paid
 - if required, the necessary provincial licenses have been provided.
4. For Direct Sellers the following information shall be required with the application:
- Driver's license with photo identification
 - Copy of a valid provincial license authorizing them as a direct seller
5. A general receipt issued by the Town, indicating the fee paid and the name of the business shall constitute a license under this bylaw.
6. With the purchase of a business license, the business will be listed on the Business Directory of the Town's website.

6. License Fees

The fee payable in respect of any license required under the provisions of this Bylaw shall be the amount set out in Schedule B attached hereto and forming part of this bylaw.

The fees shall be paid to the Town Office.

7. Duration of License

Every license issued under this bylaw shall expire at 11:59pm December 31 in the year that it is issued.

8. Revocation of License

Council may refuse, suspend or revoke a license in its absolute discretion, but it shall give reasons for any refusal, suspension or revocation and its actions are not open to review by any court. The license holder will be given the full opportunity to be heard by the Council. No refunds will be issued for suspended or revoked licenses.

9. Enforcement of Bylaw

The administration and enforcement of this Bylaw is hereby delegated to a Designated Officer.

10. Offences and Penalties

1. Any person found guilty of an infraction of any provision of this Bylaw, shall be subject to the penalties provided in the General Penalty Bylaw of the Town.
2. Where, in a prosecution or proceeding under a Bylaw providing for the licensing of any business or of persons carrying on the same or engaged therein, it is alleged that the person proceeded against, carried on, or engaged in such business without first obtaining a license to do so, proof of one transaction in the business shall be sufficient to establish that person proceeded against, carried on or engaged in such business.
3. If a license fee imposed for the licensing of building contractors is unpaid, a designated officer:
 - a) may given written notice to any person by who 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.
4. On receipt, by a person mentioned in 3 b), of a written notice requiring the person to pay a license fee, the amount of license fee is, to the extent of the money so payable, a debt due by that person to the Town and may be recovered in the same manner as taxes may be recovered.

11. Coming into Force

This Bylaw shall come into force on the day of its final reading and will repeal Bylaw 1-88 and 4-97.

Administrator

Mayor

Date

Certified a true copy of Bylaw 2015-011

Date Carried on _____

Resolution _____

Administrator

TOWN OF CHURCHBRIDGE

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Schedule A- Application for Business License

Date		Fee	
Home based <input type="checkbox"/> Contractor <input type="checkbox"/> Direct Seller <input type="checkbox"/>			
Business Name			
Business Address			
Business Phone		Home Phone	
Email		Website	
Business Owner			
Business Description Primary Function/Goods & Services provided			

Signature

Date

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Schedule B- Fee Schedule for Business License

Contractors-	
Employs others	\$100.00
Single Employee	\$50.00
Home Occupation-	\$50.00
Direct Sellers(with SK Provincial License & ID)	\$50.00