

## BYLAW NO. 7 - 03

### A BYLAW OF THE TOWN OF HUDSON BAY TO PROVIDE FOR THE CLASSIFYING, REGULATING AND LICENSING OF PERSONS ENGAGING IN CERTAIN BUSINESSES, PURSUANT TO SECTION 105 OF THE URBAN MUNICIPALITIES ACT, 1984.

The Council of the Town of Hudson Bay enacts as follows:

1. This Bylaw shall be known as the "General Licensing Bylaw".
1. In this Bylaw, the expression:
  - (a) "business", "Premisses", shall have the same meaning as given them in the Urban Municipalities Act, 1984.
  - (a) "Contractor" means and includes any person or persons who contract or covenant to do anything for another specifically, or who makes a business of executing work according to contract.
  - (a) "Council" shall mean and include the Council of the Town of Hudson Bay, in the Province of Saskatchewan.
  - (a) "Home-Based Business" means a business whose premises are located on land or within a building where the land or building is primarily used for residential purposes.
  - (a) "Licensee" shall mean and include any person who has been issued and holds a valid and subsisting license under the provisions of this Bylaw.
  - (a) "License Inspector" shall mean the person so appointed under this Bylaw and shall include his or her designates, if any, and anyone acting as such during his or her absence from duty for any cause.
  - (a) "Municipality" or "Town" shall mean the Town of Hudson Bay, in the Province of Saskatchewan.
  - (a) "Person" shall mean and include an individual, a group of two or more individuals, and a corporation.
  - (a) "Petty Trade" shall mean any business with gross revenues of less than \$5,000.00 per annum.
  - (a) "Transient Trader" means a person carrying on business in an urban municipality who:
    - 1) offers goods or merchandise for sale by retail or auction;  
or
    - 2) 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:
    - 1) who is required to be licensed pursuant to The Direct Sellers Act; or
    - 1) who conducts business from land and improvements in the Municipality which are owned by the person and which are assessed for the purposes of taxation by the Municipality.
3. Persons required to be licensed under the provisions of this Bylaw are:
  - a) All persons carrying out business within the Municipality;
  - b) Transient traders;
  - c) Subject to the Direct Sellers Act, R.S.S. D-28, persons who:
    - 1) go from place to place carrying on a business, trade or calling;
    - 2) carry on a business, trade or calling at the residence or premises of customers; or
    - 3) have no advertised business premises;and who are not assessable for the purposes of municipal taxation in respect of their business, trade or calling; and
  - d) Contractors.

- 4 a) Any business operating from a booth set up at any Trade Fair in the Town of Hudson Bay, which Trade Fair has been granted the approval of the Town of Hudson Bay shall be exempt from the provisions of this bylaw. This exemption applies only to the operation of the business at the Trade Fair site during the hours that the trade fair is open to the public and does not exempt the business from the provisions of this bylaw which would apply to other operations by it in the Town of Hudson Bay.
- b) Council may, at their discretion, by resolution, provide an exemptions for certain businesses in conjunction with municipal business incentives.
- c) In an effort to encourage youth entrepreneurship this bylaw shall not apply to any person enrolled in school or enrolled at least 50% of the time in recognized post secondary training.
- 5 a) The Town may appoint an officer to be called a "License Inspector" of the Town of Hudson Bay. In the absence of such an appointment the Town Administrator shall perform the duties of the License Inspector.
- b) The Town may also appoint an assistant License Inspector who shall have all the same powers and duties as are granted to the License Inspector under this Bylaw. In the absence of such an appointment any employee of the Town of Hudson Bay, as designated by the Administrator, shall perform the duties of the Assistant License Inspector.
- b) The following shall be the duties of the License Inspector under this Bylaw:
- 1) To attend meetings of the Council whenever requested to do so, or when he may find it necessary to do so on business connected with the duties of his office.
- 1) To prepare a classified alphabetical list or lists, as the case may be, of all parties liable to take out a license and to use all diligence to have the same correct and submit the same monthly, or as often as required, for examination and use of the Town Administration.
- 1) To keep a register containing names of all persons applying for licenses, the name of all persons to whom licenses have been granted or refused, together with, in the latter case, the grounds for refusal and also the names of all persons to whom licenses have been transferred.
- 1) To advise the Town Administrator of all matters incident to his office.
- 1) To prosecute all persons guilty of offence against this Bylaw, and to be vigilant and active in the discharge of his duty.
6. Subject to Section 10 of this bylaw, all licenses under the provisions of this Bylaw shall be issued by the License Inspector and the License Inspector is hereby authorized to issue licenses pursuant to the terms of this Bylaw.
6. Every person carrying on or engaged in business in respect of which a license is required shall, upon request of the License Inspector, give the Inspector all information necessary to enable him to carry out his duties.
6. a) Every person who is required to obtain a license under this bylaw shall make application to the License Inspector for such license. All applications for license may be made verbally unless the License Inspector directs the same to be in writing, in which case such application shall be addressed to the License Inspector of the Town of Hudson Bay, and shall contain the following information:
1. Name, address and occupation of the Applicant.
1. Nature of the license applied for and stating specifically the nature and description of the applicant's proposed business activities in the municipality which activities concern his particular license application.
1. The place where the license is to be exercised or where the proposed

business is to be carried on.

1. The period for which the license is required.

- b)** Where required under the Town's Zoning Bylaw an application for a Home-Based Business Permit must be submitted to Council for approval prior to consideration of licensing.

Licensing Bylaw

Page

3

9. The fee payable in respect of any license required under the provisions of this Bylaw shall be the amount set out in Schedule "A" of this Bylaw. All such license fees shall be paid to the Town in the office of the License Inspector. Where a business provides more than one good or service in the course of its operation the annual license fee shall be based on the category having the highest license fee in the attached Schedule "A".
9. Upon receipt of a properly completed application and upon payment of the applicable license fee as set out in Schedule "A" of this Bylaw, the License Inspector may issue a license to any person whose business is governed by this Bylaw.
9. Where the License Inspector refuses to issue any license, he shall submit the application for license together with his report to Council and shall advise the Applicant of the date on which Council will consider the application. On the date above indicated, the Applicant shall have the opportunity to make representations to Council regarding his application and the report of the License Inspector. The decision of Council shall be final and shall not be subject to review or appeal.
9. Every license issued shall specifically state the kinds of services, goods or merchandise which the licensee is authorized to offer for sale or take orders for as the case may be and whether in the case of goods or merchandise he may offer the same for sale by retail or by public auction or both. Such license shall also state the restriction as set forth in Section 15 of this Bylaw.
9. No person shall carry on any business set out in Section 3 of this Bylaw, within the municipality unless he has in his possession a valid and subsisting license for the purpose, issued in accordance with the provisions of this Bylaw.
9. Every license granted under this Bylaw shall be made out in duplicate and one copy shall be delivered to the licensee.
9. Every licensee granted a license to carry on the business and who occupies premises in connection therewith shall keep the license posted up in a conspicuous place on the licensed premises. All persons licensed under the provisions of this Bylaw where there are no licensed premises shall, on demand of the License Inspector, a peace officer or other person duly authorized to demand its production, produce the license to such official for inspection purposes.
9. No licensee shall offer for sale; services, goods or merchandise or solicit orders for future delivery of goods or merchandise within the Town:
- 1) other than of kinds described in the license; or
  - 1) by any method except as stated in the license; or
  - 1) at any time or during any period when shops within the Town offering for sale or taking order for similar services, goods or merchandise are required by Town bylaw to be and remain closed.
17. Council may by resolution suspend or revoke any license granted under the provisions of this Bylaw.
17. If the licensee fails to comply with any of the provisions of this bylaw, his license will be automatically revoked, in which case no refund will be available to the licensee.
17. Except where otherwise provided in this Bylaw or unless specifically mentioned to be issued for a shorter period, every license issued under this Bylaw shall expire on the 31<sup>st</sup> day of December of the year of issue.

17. a) Any licensee who falls under the "Petty Trades" (Gross revenue less than \$5000.00/annum) category of Schedule "A" shall file an Affidavit in the form prescribed in Schedule "B" attached to this Bylaw in each years license application.

b) The License Inspector may at any time, demand an Affidavit in the form prescribed in Schedule "B" from any person who holds a "Petty Trades" business license.

c) In the event that either:

a) the person referred to in Paragraph 20(b) refuses or neglects to provide the

requested Affidavit, or

b) the requested Affidavit discloses an estimated gross revenue in excess of \$5,000.00 for the year,

then the Council may, with reference to clause 20 c) (a), revoke the license granted to that person pursuant to this Bylaw, or with reference to clause 20 c) (b) require the person to pay the appropriate license under Schedule "A".

17. A license issued pursuant to this Bylaw shall be non-transferrable and non-assignable without prior written permission from the License Inspector.

17. Wherever the singular or masculine is used in this Bylaw, the same shall be construed as meaning the plural or the feminine or a body corporate where the context so requires.

17. In the event a person fails to comply with Section 7 of this Bylaw within 10 days from the date on which the request is made under Section 7, he is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.00 for every day for which the default continues.

17. In case any contractor fails to pay the license fee imposed by this Bylaw, the licensing officer may give notice in writing to any person by whom the contractor is employed requiring the person to pay the license fee out of the monies payable by him to the contractor and upon receipt of the notice by that person, the amount of the license fee shall to the extent of monies so payable be a debt due by that person to the Town and may be recovered in the same manner as taxes may be recovered.

17. a) In the event, for any reason

1) there is non-compliance with the provisions contained in this Bylaw; or

1) any person carries on business which is governed by this Bylaw, without first obtaining a license and paying the prescribed fee;

then such person is in breach of this Bylaw and is guilty of an offence.

b) Upon summary conviction the offender is liable:

1) for a first offence, to a fine of not less than \$200.00 nor more than \$1000.00;

1) on a subsequent offence, to a fine of not less than \$500.00 nor more than \$2000.00.

c) In addition to the fines prescribed in Subsection (2), in case of a conviction for the non-payment of the license fee payable to the Town under this bylaw, the presiding Judge shall adjudge payment of the license fee in full.

c) In default of payment of the fine and license fee, as the case may be, the offender is liable to imprisonment for a term of not less than 7 days nor more

than 60 days.

26. Bylaw No. 6-02 is repealed effective December 31, 2003.

27. This Bylaw shall come into force and take effect January 1, 2004

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Mayor

\_\_\_\_\_

Town Administrator

## **Schedule "A"**

### ***Business License Fees:***

- |  |          |
|--|----------|
| 1) All persons required to be Licensed under Section 3 (a)(b)(d) of Bylaw 7 - 03 | \$150.00 |
| 1) Home-Based Business and Petty Trades  | \$50.00  |
| 1) Direct Sellers  | \$50.00  |

**Schedule "B"**

CANADA ) )  
PROVINCE OF SASKATCHEWAN ) )  
TO WIT: ) )

**AFFIDAVIT OF GROSS BUSINESS REVENUES**

I, \_\_\_\_\_ of \_\_\_\_\_,  
(Business)  
\_\_\_\_\_  
(Address)

Saskatchewan, MAKE OATH AND SAY:

1. THAT I am the owner/operator of the above mentioned business and that the estimated Gross Business Revenue of said business is under \$5,000.00 for the current calendar year.
1. Should the actual Gross Business Revenue, exceed \$5,000.00 I will purchase a license as outlined in the appropriate category of Bylaw No. 12-99 Schedule "A" Business License fees.

SWORN BEFORE ME at \_\_\_\_\_, )  
in the Province of Saskatchewan )  
on \_\_\_\_\_, \_\_\_\_\_. )  
)  
) \_\_\_\_\_ )  
)  
A COMMISSIONER FOR OATHS IN AND )  
FOR THE PROVINCE OF SASKATCHEWAN) )  
)  
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