

**TOWN OF KAMSACK
SASKATCHEWAN**

BYLAW NO 7/14

BEING A BYLAW OF THE TOWN OF KAMSACK TO PROVIDE FOR THE LICENSING OF TRADES, BUSINESSES, AND OCCUPATIONS, OPERATING WITHIN THE TOWN LIMITS.

The Municipal Council of the Town of Kamsack in Council duly assembled enacts as follows that:

Part 1 – Short Title

1.01 This Bylaw may be cited as the “Business License Bylaw.”

Part 2 – Definitions

2.01 In this bylaw:

- a) “Home Based Business” shall mean a business that is located in and operates from a residential property located within the Town of Kamsack.

Part 3 – Application of

3.01 This Bylaw shall apply to any trade, business or occupation that:

- a. is carried on with the intention of making a profit unless said trade, business or occupation provides written proof that they are provided with an exemption under provincial or federal legislation; and
- b. such trade, business or occupation is carried on for a period in excess of seventy-two (72) hours or three (3) days cumulatively throughout the course of the license period.

3.02 Clause 3.01(b) does not apply to transient traders, transient canvassers, non-established contractors, and hawkers and peddlers.

3.03 Notwithstanding subsection 3.01(a), a business license is not required for any churches or religious organizations located within the town limits.

Part 4 – Appointment, Powers and Duties of License Officer

4.01 Council shall appoint the Bylaw Enforcement Officer as the License Officer to carry out the terms of this Bylaw.

4.02 The administrator shall have the same powers and duties as the License Officer.

4.03 The powers and duties of the License Officer are:

- a. to receive and deal with all applications for licenses;
- b. to keep a record of all applications for licenses;

- c. to ascertain as far as reasonably practicable that all information provided by an applicant in connection with an application for a license is true in substance and fact;
- d. to prepare all licenses pursuant to the terms of this Bylaw and to issue all licenses under this Bylaw;
- e. to administer this Bylaw and, as far as practicable, see that all persons concerned conform to its provisions and to prosecute persons who fail to comply therewith.

Part 4 - Necessity for License

- 5.01 No person within the town limits, shall carry on any business, trade or occupation, or do any act or use for which a license is required under the provisions of this Bylaw unless he holds a valid license to do so issued pursuant to the provisions of this Bylaw.
- 5.02 Any advertising of businesses, trades or occupations shall be deemed to be proof of the fact that the person is carrying on or operating any such business, trade or occupation.
- 5.05 No license for a business, trade, or occupation is to be operated from a residence where zoning approval is required shall be issued until approval under the zoning bylaw is first given.
- 5.06 Applications for a license or a renewal of a license shall be made in writing on a form to be provided by the License Officer, and, unless otherwise provided, in person at the office of the License Officer.

Approvals Required for Issue of Licenses

- 5.07 The applicant is solely responsible for ensuring that all municipal, provincial and/or federal approvals (which approvals may include but are not limited to the Public Health Officer, Fire, Police, Building Inspector) that are required for the carrying out of any business, trade, or occupation have been received prior to an application for a business license, and are maintained in good standing throughout the duration of the term of the business license and any renewal thereof.
- 5.08 The License Officer may request and the applicant shall provide upon request any further documentation deemed necessary by the License Officer.
- 5.09 The License Officer may refuse to issue a license if:
 - (a) for any premise at or from which the applicant intends to undertake his or her business, the nature or type of such business activity intended to be undertaken by the applicant at that location is not allowed by the *Zoning Bylaw*; or
 - (b) the Licensing Officer or his or her designate suspects that the information provided by the applicant is false or misleading.
- 5.10 The License Officer or his or her designate may determine that it is inappropriate to issue a license to an applicant where the safety, health or welfare of the public may be at risk due to the issuance of a license.

Compliance

- 5.11 Whenever an applicant for a license has complied with the terms of this Bylaw and of any other applicable bylaws, the applicant shall be entitled to the license applied for upon payment of the proper fee, as defined in Schedule A.
- 5.12 In a case where an applicant is unable directly to comply with the terms of any federal, provincial or municipal legislation or regulations or any other applicable bylaws and such non-compliance is of a minor nature, does not involve danger to life or health, and will not prejudicially affect other persons, a license may be issued to the applicant subject to such conditions as the License Officer may require and such license may be cancelled should the licensee fail to meet the conditions imposed.
- 5.13 If any relevant Provincial License required under any statute is cancelled or suspended, the Town license issued under the provisions of this Bylaw shall be automatically void and remain so unless and until a new Provincial License is issued or the suspended Provincial License is reinstated.

Appeal Where License is refused

- 5.14 In every case where an application for a license has been refused, a license has been authorized subject to conditions, or where a license has been revoked, the person seeking the license shall be entitled to appeal to the Town Council; and Council shall be the judge of whether the refusal of license or conditions attached thereto was just and reasonable.
- 5.15 Every such appeal shall be made in writing within thirty (30) days after a license has been refused or revoked otherwise the right of appeal shall be barred and extinguished.

Conditional Licenses

- 5.16 Where the License Officer issues a license subject to certain conditions, the License Officer shall endorse on the license the particulars of the conditions.

Posting of License in Premises

- 5.17 Every license issued under this Bylaw shall be made out and delivered to the licensee, who shall post the license in a conspicuous place in the business premises and whenever required by the License Officer, the licensee shall produce said license for inspection.

Duration of License

- 5.18 Every license issued under the provisions of this Bylaw shall terminate at midnight on the 31st day of December of the year stated on the face of the license unless
- a. the terms of this Bylaw otherwise expressly provide, or
 - b. the license provides otherwise, or

c. the license has been sooner cancelled or forfeited.

5.19 The fee payable for a license issued between the 1st day of January and the 30th day of September in any year shall be the license fee for the full year. The fee for a license issued after the 30th day of September in any year shall be one half of the license fee for the full year.

Transfer of License

5.20 Any valid business license issued under this Bylaw is non-transferable.

Revocation and Suspension of License

5.21 The License Officer has the right to suspend or cancel the license of any licensed premises, if in the opinion of the License Officer it is in the best interests of the Town of Kamsack to do so.

5.22 Upon request by the Public Health Officer, or other provincial or federal inspector, the License Officer shall suspend the license of any licensed premises concerned and shall not reinstate such licensee until the Public Health Officer or applicable provincial or federal inspector certifies that the premises concerned are again fit to be used.

False Information

5.23 No person shall provide false or misleading information of any kind concerning any goods, articles, or things sold, pledged, pawned, exchanged or delivered to or left with any auctioneer, bicycle dealer, secondhand dealer, merchant or person within the Town, for the purpose of sale, pledge, pawn exchange or other disposal thereof, and no person shall provide any false or misleading information concerning the owner of or the person dealing with any such goods, articles or things.

Part 6 – Penalties

6.01 Any person who contravenes any of the provisions or requirements of this Bylaw is guilty of an offence and is liable for and subject to a penalty of Five Hundred (\$500) Dollars, which is reduced to Two Hundred Fifty (\$250) Dollars, plus the applicable license fee as stated in Schedule “A” if the penalty is paid within ten (10) days.

6.02 An offence ticket may be issued by a Bylaw Enforcement Officer or the License Officer to any person, firm or corporation who has allegedly breached any provision of this Bylaw and the said offence ticket shall require the appropriate penalty payment to the Town within ten (10) days from the date of service of the said offence ticket.

6.03 Should a person not pay the penalty provided for contravention of any section of this Bylaw and a prosecution has been entered against him, he shall be liable on summary conviction to a fine not less than Five Hundred (\$500) Dollars and not exceeding Ten Thousand (\$10,000) Dollars in addition to any license fee he may be required to pay.

Part 7 – Repeal Bylaw

7.01 Business License Bylaw 2/2014 and any amendments thereto are hereby repealed in their entirety.

Part 8 – Effective Date

8.01 This Bylaw shall come into full force and effect on final passing thereof.

Read a third time and adopted this 24th day of March, 2014.

Mayor

Administrator

SEAL

SCHEDULE "A"

Annual License Fee

Businesses located in the Town of Kamsack and assessed at a commercial rate	\$50.00 /year
Home based business located in the Town of Kamsack	\$50.00/year
Transient traders, transient canvassers, non-established contractors, and hawkers and peddlers	\$150.00/year or \$25.00/day
All other businesses	\$150.00/year