



BYLAW NO 11-2014

A BYLAW TO CLASSIFY, LICENSE AND REGULATE BUSINESS ACTIVITY WITHIN THE RURAL MUNICIPALITY OF TORCH RIVER NO. 488

Section 8(h) *The Municipalities Act*

The Council of the Rural Municipality of Torch River No.488 in the Province of Saskatchewan enacts as follows:

1. Title

This bylaw shall be referred to as the “Business Licensing Bylaw”.

2. Purpose

The purpose of this bylaw is to license businesses in the RM of Torch River No. 488 so as:

- a. To regulate businesses;
- b. To ensure the protection of consumers and business;
- c. To ensure compliance with land-use and building regulations;
- d. To gather land-use information; and
- e. To facilitate planning decisions.

3. Definitions

In this bylaw:

- a. “**Administrator**” means the administrator of the Rural Municipality of Torch River No. 488.
- b. “**Business**” means 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 service; and does not include:
 - The cultivation of plants or the raising of livestock, whether in an artificial or controlled environment or on land;
 - The keeping of bees or the extracting of honey; or
 - Fur farming.
- c. “**By-Law Enforcement Officer**” means the individual or designate who is authorized by the municipality to enforce this bylaw;
- d. “**Day care home**” means a building in which non-parental residential care and supervision of children is carried out at the request of the parents or guardian;
- e. “**Direct sales contractor**” means a vendor who is licensed with the Province under *The Direct Sellers Act* 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; or
 - iii. Does not have business premises, including a home based business, in the Municipality;
- f. “**Direct seller**” means a person who is licensed with the province under *The Direct Sellers Act* and who:
 - i. Goes from house to house selling or offering for sale or soliciting orders for the future delivery of goods or service;
 - ii. By telephone offers for sale or solicits orders for the future delivery of goods or services; or
 - iii. Does both the thing mentioned in sub clauses (i) and (ii); or
 - iv. Does not have business premises, including a home based business, in the Municipality;

- g. “**General license**” means a license issued to any business operating within the corporate boundaries of the Municipality and with a business office or premises within those bounds;
- h. “**Home-based Business**” means an occupation carried on by the occupants of a farmyard or residence accessory to a permitted use;
- i. “**Occupant**” includes:
 - i. A person residing on land or in a building;
 - ii. A person entitled to possession of land or a building if there is not person residing on the land or in the building;
 - iii. A leaseholder;
- j. “**Municipality**” means the Rural Municipality of Torch River No. 488;
- k. “**Transient trader**” means a person carrying on business in the Municipality who:
 - i. Offers goods or merchandise for sale by retail or auction; or
 - ii. Solicits any person who is not a wholesaler or retail dealer for orders for the future delivery of goods and merchandise; and
 - iii. Does not include a person who is required to be licensed pursuant to *The Direct Sellers Act* or who is an occupant or property that is used for business purposes.

4. License Requirement

- a. Subject to subsection (b) this bylaw applies to every person who carries on a business in the municipality;
- b. This bylaw does not apply to the following persons:
 - i. Who is assessable by the municipality for the purposes of business property taxation in respect to the business, trade, sub-trade or calling;
 - ii. Any activity carried on by the Municipality or at a location operated by an official or employee or the Municipality acting on behalf of the Municipality in his capacity as such official or employee;
 - iii. Such other activities as Council may by resolution exempt from the requirements of this bylaw;
 - iv. Any activity undertaken by a charity; and
 - v. Any activity exempt from municipal licensing by any statute of Canada or the Province of Saskatchewan.

5. Application

- a. A person must complete and submit a business license application, including all requested information, to the Planning & Development Department (hereinafter referred to as the “Department”) for approval.
- b. An application must include all requested information, including but not limited to:
 - i. Name, occupation and address of the applicant;
 - ii. The nature of the business for which the license is required;
 - iii. The place where the business is to be carried on;
 - iv. The name under which the business will be operated;
 - v. The name and phone number of the contact person;
 - vi. Any other information which may be reasonably requested by the Municipality from time to time.
- c. If the Department concludes a license application should be denied, the application shall be referred to Council which, in its absolute discretion, may deny the application but must give reasons for doing so.

6. License Fee

- a. A person must pay the fee provided for in Schedule 1 when applying for a license.
- b. A person will not be issued a license until the fee outline subsection (a) has been paid.

7. Term of License

The term of every license shall expire on the 31st day of December of the year it is issued.

8. Renewal

- a. A person must renew their license annually in the manner prescribed by the Municipality;
- b. A person must pay the fee provided for in Schedule 1 when renewing the license.

9. Discontinuance or Change

- a. A person must notify the Municipality if a business is discontinued;
- b. A person must notify the Municipality if either the size or nature of the business changes;
- c. A person must notify the Municipality if the business relocates;
- d. A person purchasing or taking over a business must apply for a new license.

10. Zoning and Building Standards

- a. 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 Municipality;
- b. 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 Municipality;
- c. No person to whom a license is granted shall conduct the business so licensed on any road, street or other public place without first having obtained the authorization to do so pursuant to a resolution of Council and as may be required pursuant to any bylaw.

11. Granting of Licenses

The Department may issue licenses subject to the following conditions:

- 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 Kelsey Trail Health District has been produced; and
- e. The business or premises occupied by the business complies with all zoning, building, plumbing and other requirements of the Municipality.

12. Revoking or Suspending of Licenses

- a. If the Department concludes a license should be suspended, or revoked, the suspension or revocation of the license shall be referred to Council which, in its absolute discretion, may suspend or revoke the license but must give reasons for any suspension or revocation.
- b. The Department may reinstate a suspended license if it is satisfied that the licensee is complying with the bylaw, the contravention of which gave rise to the suspension.

13. Inspections

- a. The inspection of property by the Municipality to determine if this bylaw is being complied with is hereby authorized;
- b. Inspections under this bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*; and
- c. 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.

14. Offences and Penalties

Any person who contravenes the provisions of this bylaw is guilty of an offence and upon conviction shall be liable to the penalty provided for by the General Penalty Bylaw of the Municipality.

[SEAL]

Reeve

Administrator



SCHEDULE 1

<u>Activity to be Licensed</u>	<u>Annual License Fee</u>
Business	\$30.00
Daycare Home	\$30.00
Direct Sales Contractor	\$30.00
Direct Seller	\$20.00
Home based business	\$20.00

