

BYLAW 2016-1969

A BYLAW OF THE CITY OF ESTEVAN TO PROVIDE FOR THE LICENCING, CONTROLLING, REGULATING AND GOVERNING OF CERTAIN BUSINESSES CARRIED ON WITHIN THE CITY.

WHEREAS, under the authority of Section 8 of *The Cities Act*, the City may establish, for city purposes that it considers expedient in relation to businesses, business activities and persons engaged in business.

NOW, THEREFORE, the Council of the City of Estevan enacts as follows:

Part I – Interpretation

Short Title

1. This bylaw may be cited as “The Business License Bylaw”.

Purpose

2. The purpose of this bylaw is to license businesses in the City of Estevan in order to:
 - a. Regulate businesses,
 - b. Ensure compliance with land use and building regulations; and
 - c. Facilitate planning decisions.

Definitions

3. In this bylaw,
 - a. “**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;
or
 - iii. An activity providing goods or services.
 - b. “**Business premise**” means a parcel of land or a building where a business and any related activities occur.
 - c. “**Charity**” means an organization that is:
 - i. Incorporated as a non-profit corporation in the Province of Saskatchewan,
 - ii. A registered charity authorized to issue tax receipts for donations pursuant to *The Income Tax Act*, or
 - iii. An organization that can demonstrate that it is formed for social, educational, religious or philanthropic purposes from which the members do not receive any direct economic gain.
 - d. “**City**” means the City of Estevan.

- e. “**Contractor**” means a person who constructs, alters, maintains, repairs or removes buildings or structures, installs heating plants, plumbing or other fixtures or performs other similar work in the City and who does not have business premises in the City.
- f. “**Direct Sales Contractor**” means a person who does not have business premises in the City 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.
- g. “**Direct Seller**” means a person who does not have business premises in the City 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 mentioned in sub clauses (i) and (ii).
- h. “**Farmers’ Market**” means a group of persons operating collectively which sells products that they bake, make, or grow.
- i. “**Home-Based Business**” means a home-based business as established by *ZONING BYLAW #2010-1834*.
- j. “**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
- k. “**Transient Trader**” means a person carrying on business in the city 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 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.

Part II – General Licenses

License Required

- 4.
 - a. No person shall carry on any business in the City without a license.
 - b. No person shall carry on a home-based business in the City without a license.

Application

5.

- a. A person must apply in writing to the City for a license before commencing business
- b. An application must include all of the requested information, including:
 - i. Name, phone number and address of the applicant,
 - ii. Name under which the business will operate,
 - iii. Proof of Registration of the business name with the Corporation Branch or equivalent federal or provincial agency,
 - iv. Nature of the business,
 - v. Address where the business is to be carried out,
 - vi. Area of the premise where the business will be carried out,
 - vii. Name and phone number of the primary contact person or business owner; and
 - viii. Any certificate, authority, license or other document of qualification under this or any other bylaw, or under any Statute of Canada or the Province of Saskatchewan that may be required in connection with the carrying on of the business.

License Fee

6.

- a. A person must pay the fee provided for in schedule “A” when applying for a license.
- b. A person will not be issued a license until the fee outlined in schedule “A” has been paid.

Premises Licensed Separately

7.

- a. A license issued under the provisions of this bylaw is only valid at the location for which it is issued.
- b. If a business is carried on at more than one location, a person must obtain a license for each location.

Term of License

8. All licenses issued pursuant to this bylaw shall expire on the 31st day of December of the year in which the license was issued.

Renewal

9.
 - a. A person must renew their license annually in the manner prescribed by the City.
 - b. A person must pay the fee provided for in schedule “A” when renewing a license.

Discontinuance or Change

10.
 - a. A person must notify the City if a business is discontinued
 - b. A person must notify the City if either the size or nature of the business changes.
 - c. No refunds on licensing

License to be Displayed

11. Any license issued under this bylaw must be displayed in a prominent place on the premise of the business for which the license was issued.

Zoning and Building Standards

12.
 - a. A license will not be issued under this bylaw for any business or any premises occupied which does not conform to any zoning, building, plumbing and other requirement of the City.
 - b. The issuance of license to a person does not relieve that person of the responsibility of conforming to any zoning, building, plumbing and other requirement of the City.

Granting of Licenses

13. The City 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 the Estevan Fire Services has been produced,
 - e. If required, the necessary written approval of the Estevan Police Services has been produced,
 - f. If required, the necessary written approval of the Sun County Health Region has been produced,
 - g. If required, the necessary written approval of Land Development Services has been produced; and
 - h. The premise occupied by the business complies with all zoning, building, plumbing and other requirements of the City.

License not Required

14. A license shall not be required for:

- a. For business carried on by the City,
- b. For business carried on by the Governments of the Province of Saskatchewan or Canada or a Crown Corporation created by either Government,
- c. Any business operating within limits of the exhibition grounds of the City during the annual exhibition,
- d. Any activity undertaken by a charity or community club; and
- e. Any other activity or business that Council may by resolution exempt from the requirements of this bylaw.

Revoking or Suspending of Licenses

15.

- a. If a licensee contravenes any term or condition of this bylaw, the City may suspend or cancel the license.
- b. The City may reinstate a suspended license if it is satisfied that the licensee is complying with the bylaw.

Part III – Specific Licenses

Application of part II

16. Sections 4, 6, 7, 9 of Part II do not apply to businesses licensed under this part.

Transient Traders

17. For the purpose of this bylaw, transient traders are classified into the following categories:

- a. Contractors, direct sales contractors or direct sellers’
- b. Farmers’ markets
- c. Trade shows, and
- d. Other transient traders.

Contractors, Direct Sales Contractors or Direct Sellers

18.

- a. No person shall operate as a contractor, direct sales contractor or direct seller without a license.
- b. A person operating as a contractor, direct sales contractor or direct seller must pay the fee provided for in Schedule “A”.
- c. No license will be issued until the fee provided for in Schedule “A” has been paid.
- d. A person operating as contractor, direct sales contractor or direct seller must renew their license annual in the manner prescribed by the City.

Farmers’ Markets

19.

- a. No person shall operate a farmers’ market without a license.

- b. A person operating a farmers' market must pay the fee provided for in Schedule "A".
- c. No license will be issued until the fee provided for in Schedule "A" has been paid.
- d. A license issued for a farmers market will cover all persons offering goods or merchandise for sale at the farmers' market.
- e. A person operating a farmer's market must renew their license annual in the manner prescribed by the City.

Trade Shows

20.

- a. No person shall operate a trade show without a license.
- b. A person operating a trade show must pay the fee provided for in Schedule "A".
- c. No license will be issued until the fee provided for in Schedule "A" has been paid.
- d. A license issued for a trade show is only for the individual that is organizing the trade show.
- e. The individual operating a trade show will be able to use the license for multiple locations within the City.
- f. A license issued for a trade show will cover all persons offering goods or merchandise for sale at the trade show.
- g. A person must obtain a license to operate a trade show whether or not they already have a business license for another premise.

Other Transient Traders

21.

- a. No person shall operate as a transient trader without a license.
- b. A person operating as a transient trader must pay the fee provided for in Schedule "A".
- c. No license will be issued until the fee provided for in Schedule "A" has been paid.
- d. A license issued for a transient trader is only valid at the location for which it was issued.
- e. If a transient trader is carried on at more than one premise, a person operating as a transient trader must obtain a license for each location.
- f. A person operating as a transient trader must renew their license annual in the manner prescribed by the City.

Part IV – Enforcement, Offences, and Penalties

Enforcement of Bylaw

22.

- a. The administration and enforcement of this bylaw is hereby delegated by the City's Chief License Inspector

- b. The Chief License Inspector can hereby authorized to further delegate the administration and enforcement of this bylaw to designated officers.
- c. The Chief License Inspector may appoint any employee or agent of the City as a designated officer for the purposes of enforcing this bylaw.

Inspections

23.

- a. The inspection of property by the City 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 324 of *The Cities Act*.
- c. No person shall obstruct a designated officer who is authorized to conduct an inspection under this section, or a person assisting a designated officer.

Offences and Penalties

24.

- a. No person shall:
 - i. Obstruct or hinder any designated officer or any other person acting under the authority of this bylaw; or
 - ii. Fail to comply with any other provision of this bylaw
- b. Except where a penalty is specifically provided for in this bylaw, every person who contravenes any provision of subsection a) is guilty of an offence and liable on summary conviction:
 - i. In the case of an individual, to a fine not exceeding \$10,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$10,000.00 for each day during which the offence continues; and
 - ii. In the case of a corporation, to a fine not exceeding \$25,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$25,000.00 for each day during which the offence continues.

Notice of Violation Offences

25. Every person who contravenes a provision of this bylaw is guilty of an offense and liable on summary conviction to a fine of not less than:
- a. For the first offence of \$250.00;
 - b. For the second offence of \$400.00;
 - c. For the third or subsequent offence of not less than \$500.00 and not more than \$10,000.00 in the case of an individual or \$25,000.00 in the case of a corporation.

Part V – General Matters

Severability

26. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw

Repealing Bylaw

27. Bylaw 2004-1664 of the City of Estevan to provide for the licensing, controlling, regulating and governing of certain businesses carried on within the City, and all amendments thereto are hereby repealed upon the coming into force of this Bylaw.

Effective Date of Bylaw

28. This bylaw shall come into force and take effect as of July 1st, 2016

CITY OF ESTEVAN

Roy Ludwig, Mayor

Judy Pilloud, City Clerk

Introduced and read a first time this 6th day of June, 2016.

Read a second time this 15th day of August, 2016.

Read a third time and adopted this 15th day of August, 2016.

Schedule “A”

License Fees

License fee for commercial businesses located within City Limits	\$30.00
License fee for-commercial businesses outside city limits	\$500.00
License fee for a residential home-based business	\$30.00
License fee for a 5 year residential home based business – non refundable	\$100.00
License fee for a home-based business outside city limits	\$40.00
License fee for a home-based contractor	\$300.00
License fee for a Transient Trader	\$300.00
License fee for food trucks	\$200.00
License fee for a Contractor, Direct Sales Contractor, or a Direct Seller	\$500.00
License fee for non-resident sub trades of a contractor per each job	\$125.00
License fee for Farmers’ Market (per year)	\$125.00
License fee for Trade Show (per year per organizer)	\$250.00