

VILLAGE OF VANSCOY
BYLAW 1-13

A BYLAW TO REGULATE BUSINESS

Council of the Village of Vanscoy in the Province of Saskatchewan, enact as follows:

Part I - General Matters

Short Title

1. This bylaw may be cited as the Business Licensing Bylaw

Purpose

2. The purpose of this bylaw is to license business in the Village so as:
 - a. to regulate business
 - b. to ensure compliance with land use and building regulations
 - c. to gather land use information
 - d. to facilitate planning decisions

Part II - Definitions

3. In this bylaw:

- a. Act - means the Municipalities Act and Amendments thereto
- b. Administrator - means the Administrator of the Village of Vanscoy
- c. Business - means any of the following activities, whether or not for profit and however organized or formed:
 - a. a commercial, merchandizing or industrial activity or undertaking
 - b. the carrying on of a profession, trade, occupation, calling or employment
 - c. an activity providing goods or services
- d. 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 Village and who doesn't have a business premises in the Village
- e. Direct Seller - means a person who does not have a business premises in the Village and goes from house to house selling or offering for sale or soliciting orders for the future delivery of goods and services
- f. Goods - means any article, thing or substance and includes subscriptions for books, magazines and printed matter
- g. Home Based Business - means a business located on land or with a building where the land or building is primarily used for residential purposes and the owners are the full time residents
- h. Services - means performing a service or any work, act or deed, for any compensation whether monetary or otherwise
- i. Transient Trader - means a person carrying on business who:
 - a. offers goods or merchandise for sale by retail or auction
 - b. 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 III - General Licensing

License Required

4. No person shall carry on any business in the Village without a license

Application

5. A person must apply in writing to the Village for a business license before commencing any business
6. An application must include all requested information, including but not limited to:
 - a. name and address of the applicant
 - b. nature of the business for which the application is required
 - c. place where the business is to be carried on
 - d. name under which the business will be operated
 - e. area of the premises where the business will be carried on
 - f. the name of the contact person
 - g. a completed development permit and supporting documents (where applicable)
7. Notwithstanding the provisions of this bylaw, the Village, at its sole discretion, may require the general contractor of a project to provide a list of sub trades for the project and the total business license fee will be payable by the general contractor with the terms of the business license to expire at the end of the project. Business licenses for the individual sub trades will be included within the business license of the contractor

License Fee

8. A person must pay the fee provided for in Schedule A, prior to the license being issued. A person will not be issued a license until the fee has been paid.

Granting of Licenses

9. The Village 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 or federal license has been produced
 - d. if required, the necessary written approval of Saskatchewan Health Region has been produced
 - e. the business or the premises occupied by the business complies with all the zoning, building, plumbing and other requirements of the Village

Licenses Issued for One Year

10. Every license, unless suspended or revoked, shall be valid until the end of the year in which it was purchased

Renewal

11. A person must renew their license annually or purchase a license for each project in the manner prescribed no later than January 31 of each year
12. a person must pay the fee provided for in Schedule A, when renewing the license

Discontinuance or Change

13. a person must notify the Village if a business is discontinued
14. a person must notify the Village if either the size or nature of the business changes
15. a person must apply for a new license if the business relocated
16. a person purchasing or taking over an existing business must apply for a new license but shall not be required to pay a new license fee. In this circumstance, the new license will expire at the end of the original license period.

Revoking or Suspending of Licenses

17. If a license contravenes any term or condition of this bylaw, the Village may suspend or cancel the license pursuant to this bylaw; in accordance with Section 8 of the Act. No refund will be issued for any license suspended or revokes
18. the Village may reinstate a suspended license if it is satisfied that the licensee is complying with the bylaw
19. any licensee may appeal the suspension or cancellation of a license to council

Village Bylaws

20. No license shall be issued for a business which does not or will not conform to any zoning, building, plumbing or any other bylaw of the Village
21. as per the Zoning Bylaw, a Development Permit will be required prior to the issuance of a Business License for certain businesses which include but are not limited to a Home Based Business
22. The issuing of a license to a person or business does not relieve that person or business of the responsibility of conforming to any zoning, building, plumbing or any other requirement of the Village

Federal or Provincial License Required

23. A license will not be issued under this bylaw to any person required by law to obtain a federal or provincial license until that person has first produced the required provincial or federal license to the Village
24. any license issued under this bylaw without the person first obtaining the required federal or provincial license is invalid

License to be Displayed

25. any license issued under this bylaw must be displayed in a prominent place at the place of business for which the license was issued
26. every person licensed under this bylaw shall, at all reasonable times, upon the request of the Village, produce such license for inspection purposes

Enforcement of Bylaw

27. the administration and enforcement of this bylaw is hereby delegated to the administrator of the Village
28. the administrator is hereby authorized to further delegate the administration and enforcement of this bylaw to any other person

Inspections

29. the inspection of property by the Village to determine if this bylaw is being complied with is hereby authorized
30. inspections under this bylaw shall be carried out in accordance with Section 362 of the Act
31. 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

Offenses and Penalties

32. No person shall:
 - a. obstruct or hinder any designated officer or any other person acting under the authority of this bylaw, or
 - b. fail to comply with any other provision of this bylaw
33. Notwithstanding any other penalty provision in this bylaw, a designated officer may issue a voluntary payment in lieu of a summons and the accused may, within 15 days pay the following monetary penalty to the Village:
 - a. for the first offense - \$50
 - b. for the second offense - \$100
34. except where a penalty is specifically provided for in this bylaw, every person who contravenes any provision of Section 32 is guilty of an offense and liable on summary conviction and shall be liable for the penalties
35. in the event that a person who has been refused a license carries on a business, he shall be guilty of an offense and shall be liable on summary conviction to a fine of \$50 for each day that such business is carried on and costs associated with the conviction. Upon conviction under this paragraph, the court may order that the accused cease to carry on such business
36. if a license fee imposed for the licensing of a building contractor is unpaid, a designated officer:
 - a. may give a written notice to any person by whom 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 shall send a copy of the written notice to the contractor
37. on receipt by a person mentioned in Section (36) of a written notice requiring the person to pay a license fee, the amount of the license fee is, to the extent of the moneys so payable, a debt due by that person to the municipality; and may be recovered in the same manner as taxes may be recovered

Part IV - Severability

Scope

38. If any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by an 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

Part V - Repeal

39. Bylaw 2-99 is hereby repealed upon effective date of passing of this bylaw

Part VI - Effective Date of Bylaw

40. This bylaw shall come into force and be effective this _____ day of _____,

Seal

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SCHEDULE A - SCHEDULE OF FEES

License fee for contractors - Annual	\$150.00
License fee for contractors - per project	\$ 75.00
License fee for Direct Sellers	\$100.00
License fee for Transient Traders	\$ 75.00
License fee for Home Based Business	\$ 75.00
Fee for Home Based Business (if renewed prior to January 31)	\$ 50.00

SCHEDULE B - SCHEDULE OF OFFENSES

Conducting business without a license	\$200.00
Conducting business from premises not identified on the license	\$100.00
Failing to post license	\$100.00
Failing to produce license upon request	\$100.00
Advertising/Promoting business without license	\$200.00
Providing false / misleading information to Village	\$200.00

Schedule B - Schedule of Offenses will be applied sixty (60) days after licenses would normally be due to be paid (in most cases penalties will be applied April 1)