

**TOWN OF WADENA
PROVINCE OF SASKATCHEWAN**

BYLAW NO. 04-18

A BYLAW TO CLASSIFY, LICENSE AND REGULATE BUSINESS ACTIVITY

The Council of the Town of Wadena, in the Province of Saskatchewan, enacts as follows:

1. This bylaw may be cited as the "Business License Bylaw"

Purpose

2. The purpose of this bylaw is to license businesses in the Town of Wadena in order to:
 - a. regulate businesses;
 - b. ensure compliance with land-use and building regulations;
 - c. gather land-use information;
 - d. gather workforce statistics; and
 - e. facilitate planning decisions.

Authority & Scope

3. The authority for this bylaw is *The Municipalities Act*, and in particular sections 8 and 9 of *The Municipalities Act*.
4. 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.

Definitions

5. In this bylaw:

"Building 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 Town;

"Business" means any of the following activities, whether or not for profit and however organized or formed:

- a. a commercial, merchandising or industrial activity or undertaking;
- b. the carrying on of a profession, trade, occupation, calling or employment; or
- c. an activity providing goods or services;

"Direct seller" means a person does not have a business premises in Town who:

- a. Goes from house to house selling or offering for sale, or soliciting orders for the future delivery of, goods or services; and/or
- b. By telephone offers for sale or solicits orders for the future delivery of goods or services;

"Farmers' market" means a group of persons operating collectively which sells products that they bake, make, or grow;

"Home-based business" means a home-based business or home occupation within the meaning of the Town of Wadena's Zoning Bylaw, as updated from time to time;

"Town" shall mean the Town of Wadena;

"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;

"Transient trader" means a person carrying on a business in a municipality who:

- a. Offers goods or merchandise for sale by retail or auction; or
- b. Solicits any person who is not a wholesaler or retail dealer for orders for future delivery of goods or merchandise;
but does not include a person who is required to be license pursuant to *The Direct Sellers Act* or who is an occupant of property that is used for business purposes;

M-11 (a)

License Required

6. No person shall carry on business within Wadena without a license.
7. A license shall not be required for:
 - a. Publicly funded organizations including, but not limited to, educational institutions, municipal facilities, and hospitals.
8. If a business is carried on at more than one location, a person must obtain a license for each location.
9. A license issued under the provisions of this bylaw is only valid at the location for which it is issued.
10. A person must apply in writing to the Town for a license before commencing business.
11. An application must include all requested information, including but not limited to:
 - a. Name and address of the applicant;
 - b. The nature of the business for which the license is required;
 - c. The place where the business is to be carried on; and
 - d. The name under which the business will be operated.

License Term and Fees

12. 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.
13. All licenses issued pursuant to this bylaw shall expire on December 31st of the year in which it was issued unless otherwise stated on the license.
14. A person must renew their license annually in the manner prescribed by the Town.
15. No refunds shall be issued with respect to any license.
16. The license fee for farmers' markets and trade shows covers all persons offering goods or merchandise for sale at such events.

Discontinuance or Change

17. A person must notify the Town if:
 - a. a business is discontinued;
 - b. either the size or nature of the business changes;
18. A person must apply for a new license if the business relocates.


Display of Licenses

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

Provincial Licenses, Zoning and Building Standards

20. A license will not be issued under this bylaw to any person required by law to obtain a provincial license, until the person has first produced the required provincial license to the Town. Any license issued under this bylaw without the person first obtaining the required provincial license is invalid.
21. 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 Town.
22. The issuing of a license to a person does not relieve that person of the responsibility of conforming to any zoning, building, plumbing and any other requirements of the Town.

Granting of Licenses

23. The Town 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 provincial health authority has been produced; and
 - e. The business or premises occupied by the business complies with all zoning, building, plumbing or other requirements of the Town.
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M-11 (a)

Revoking or Suspending of Licenses

- 24. If a licensee contravenes any term or condition of this bylaw, the Town may suspend or cancel the license.
- 25. The Town may reinstate a suspended license if it is satisfied that the licensee is complying with the bylaw.
- 26. The denial, suspension or cancellation of a license issued under this bylaw may be appealed to the Council of the Town of Wadena.

Enforcement and Inspections

- 27. The administration and enforcement of this bylaw is delegated to the Chief Administrative Officer of the Town and may be further delegated by the Chief Administrative Officer to any municipal official.
- 28. The inspection of property by the Town to determine if this bylaw is being complied with is hereby authorized.
- 29. Inspections under this bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
- 30. No person shall obstruct a designated officer who is authorized to conduct an inspection under this Section, or a person who is assisting the designated officer.

Offences and Penalties

- 31. Any person who violates any provision of this bylaw is guilty of an offense and shall be liable on summary conviction to a fine of \$100.00 per day.
- 32. Any person fined under this bylaw may pay the assessable fine on a voluntary basis, discounted by 25 percent, to the Town Office, if paid within seven days of being served with notice of violation.
- 33. In a prosecution for contravention of a bylaw against engaging in or operating a business without a license, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.
- 34. In accordance with Subsection 9(2) to 9(5) of *The Municipalities Act*, if any building contractor fails to pay the license fee imposed by this bylaw, Town may give notice in writing to any person by whom the contractor is employed requiring the person to pay the license fee.

Bylaws Repealed

- 35. Bylaw No. 01-18 is hereby repealed.

Coming into Force

- 36. This bylaw shall come into force upon its passing.

Read a first time this 12th day of February, 2018.

Read a second time this 12th day of February, 2018.

Read a third time this 12th day of February, 2018.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

CERTIFIED A TRUE COPY OF Bylaw No. 04-18 adopted by resolution of Council on the 12th Day of February, 2018.

Chief Administrative Officer



M-11 (a)

Schedule A

1. Resident Businesses

License fee for businesses, except home-based for-profit businesses	\$0.00
License fee for home-based for-profit businesses	\$25.00

2. Non-Resident Businesses

License fee for farmers' markets per location		\$125.00
License fee for a trade show per event		\$125.00
License fee for direct sellers		\$ 50.00
License fee for building contractors	One Time \$100.00	Annual \$250.00
License fee for other transient traders Or unclassified businesses	\$ 75.00	\$150.00

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