

TOWN OF MOSSBANK

BYLAW NO. 10/19

A BYLAW OF THE TOWN OF MOSSBANK TO LICENSE AND REGULATE PERSONS ENGAGED IN CERTAIN OCCUPATIONS OR BUSINESSES

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

Short Title

1. This Bylaw shall be known as the “Business Licence Bylaw”.

Definitions

2. In this Bylaw:

- a. “Administrator” means the Chief Administrative Officer of the Town of Mossbank or any person appointed by such to act on his or her behalf with respect to this Bylaw;
- b. “Business” means and includes, in exchange for a payment or a commitment to pay, a trade, a profession, an occupation, an employment, a calling, or the provision of goods or services of any kind, but does not include:
 - i. the cultivation of plants or the raising of livestock, whether in an artificial or controlled environment or on the land;
 - ii. the keeping of bees or the extracting of honey; or
 - iii. fur farming;
- c. “Contractor” means a General Contractor or a Subcontractor.
- d. “Council” means the Council of the Town of Mossbank;
- e. “Direct Seller” shall have the meaning ascribed to it by *The Direct Sellers Act* and, on the date of passing of this Bylaw, refers to a person who:
 - 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 subclauses (i) and (ii);
- f. “General Contractor” means any person who enters into contracts, verbal or written, for the construction, alteration, repair or removal of structures/equipment/materials or the like on a property or within buildings which are not owned by said person, regardless of whether or not he or she employs any Subcontractors for such work.
- g. “Home Occupation” means a business primarily conducted within a residence, within or outside of Town, that is not a Storefront Business, and may include a person who is a Direct Seller unless

said person goes from house to house selling or offering for sale, or soliciting orders for the future delivery of, goods or services;

- h. "Licence" means a licence to conduct business pursuant to section 3.
- i. "Person" means an individual, a sole proprietorship, a partnership of two or more individuals and/or corporations, or a corporation;
- j. "Storefront Business" means a business with a building in Town in an area zoned commercially and in which it conducts some portion of its business;
- k. "Subcontractor" means any person working under the direction or employ of a General Contractor to perform the construction, alteration, repair or removal of structures/equipment/materials or the like on a property or within buildings which are not owned by said person or the General Contractor.
- l. "Town" means the Town of Mossbank;
- m. "Transient Trader" refers to a person who:
 - i. offers goods or merchandise for sale by retail or auction;
 - ii. solicits any person who is not a wholesaler or retail dealer for orders for the future delivery of goods or merchandise; or
 - iii. conducts business in Town but is not a Contractor, Home Occupation, Storefront Business, or Direct Seller.

Licensing

- 3. Except as described in Section 4 of this Bylaw, no person shall carry on any business within Town without first having obtained a licence from the Administrator and every person who is so licensed shall be subject to the provisions of this Bylaw.
- 4. A licence is not required for:
 - a. any activity carried on by the Town or at a location operated by an official or employee of the Town acting on behalf of the Town as an official or employee;
 - b. any Storefront Business;
 - c. any Contractor;
 - d. any Home Occupation;
 - e. any Transient Trader;
 - f. any activity undertaken by a charity or for a charitable purpose;
 - g. any activity exempted from municipal licensing by any statute of Canada or the Province of Saskatchewan; or
 - h. such other activities as Council may by resolution exempt from the requirements of this Bylaw.
- 5. The Administrator is hereby authorized to issue a licence to any person carrying on business in Town.
- 6. Every annual licence issued, unless suspended or revoked by Council, shall remain in force and effect until and including the 31st day of December of the year of issue.

7. Persons issued an annual licence for the previous calendar year, excluding licences that have been revoked, may operate under the previous year's licence until the 31st of January.
8. Every person licensed under this Bylaw shall produce such licence for inspection purposes upon request by any person.
9. Every person required to be licensed under the provisions of this Bylaw shall apply for a licence at the office of the Administrator and pay the fee for the applicable class of business prescribed by Schedule "A" of this Bylaw.
 - a. If a business qualifies under more than one class, the class with the lowest fee shall be assigned by the Administrator.
10. Every licence shall state:
 - a. the name and mailing address of the person;
 - b. the period for which the licence is valid;
 - c. the class of licence and fee as per Schedule "A" of this Bylaw;
 - d. the general nature of business; and
 - e. any other information at the discretion of the Administrator.
11. Council may, by resolution, revoke any licence issued to any person found to be in violation of this or any bylaw of the Town.

Offences and Penalties

12. No person shall:
 - a. fail to comply with an order made pursuant to this Bylaw;
 - b. obstruct or interfere with any person acting under the authority of this Bylaw; or
 - c. fail to comply with any other provision of this Bylaw.

Voluntary Penalty

13. If the Administrator has reason to believe that a person has contravened any provision of this Bylaw, he or she may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Town will accept voluntary payment in the sum of \$200.00 to be paid within one (1) month.
14. Payment of a Notice of Violation does not exempt a person from enforcement of an order pursuant to any provision of this Bylaw.
 - a. Subsequent Notice of Violations may be issued if the contravention continues to exist one (1) month after issuance.
15. If payments for Notices of Violation are received within the time specified and the person otherwise complies with this Bylaw, the Town shall not pursue summary conviction for offenses.

Conviction Penalty

16. Any person who violates any provision of this Bylaw is guilty of an offense and shall, upon summary conviction, be liable to a fine not exceeding \$5,000 plus costs and unpaid fees; and in default of payment, the person may be committed to jail or to a public lock-up for any time determined by a Judge of the Provincial Court or Justice of the Peace, not exceeding thirty (30) days, unless penalties, costs and fees are sooner paid.

Repeal Previous Bylaw

17. Bylaw No. 02/01 and 1/04 are hereby repealed.

Coming Into Force

18. This Bylaw shall come into force and take effect on the date of final passing thereof.

[SEAL]

Mayor

Administrator

Read a third time and adopted
this 16th day of January, 2020.

SCHEDULE “A” TO BYLAW NO. 10/19

The business licence classes and respective fees shall be as follows:

	Class	Daily	Annual
1.	Transient Trader	-	-
2.	Contractor	-	-
3.	Home Occupation	-	-
4.	Storefront Business	-	-
5.	Direct Seller		
	- Average sale/person of \$100 or more	-	30.00*
	- Average sale/person of less than \$100	-	20.00*

*Or as otherwise prescribed by *The Direct Sellers Act*. Proof of provincial licensing is also required.