



VILLE DE - TOWN OF
Gravelbourg

BYLAW NO. 1506/22

**A BYLAW OF THE TOWN OF GRAVELBOURG TO CLASSIFY,
LICENCE AND REGULATE BUSINESS ACTIVITY**

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

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

Purpose

2. The purpose of this bylaw is to licence businesses that operate within the jurisdiction of the Town of Gravelbourg in order to:
 - a. regulate businesses;
 - b. maintain a business directory;
 - c. facilitate compliance with land-use and building regulations; and
 - d. facilitate planning and development decisions

Authority & Scope

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

Severability

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 shall not affect the validity of the remaining portions of the bylaw.

Definitions

5. In this bylaw:

"Artist" means a person who practices or teaches any of the various branches of creative activity, such as painting, music, literature or dance.

"Artisan" means a worker in a skilled trade that involves making things by hand including but not limited to handwoven textiles, ceramics and leather goods. See also **"Handcrafter"**

"Building contractor" means a person who contracts for:

- a. the construction, alteration, repair or removal of buildings or structures;
- b. the installation of heating plants, plumbing or other fixtures; or
- c. the performance of other work similar to that mentioned in a or b above.

"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;

"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 they are a general contractor or subcontractor for such work.

"Council" means the Council of the Town of Gravelbourg.

"**Craft market**" means a group of persons operating collectively which sells products that they make; See also **Farmers' market**.

"**Direct seller**" means a person that 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; or
- c. does both of the things mentioned in and a and b above; and due to meeting the definition must be licensed in accordance with the Province of Saskatchewan's *Direct Sellers Act*

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

"**Handcrafter**" means any person that uses a skilled activity to make an object made sells products that they make, bake or grow. See also **Artisan**.

"**Health and Beauty Services**" means a service provided to patrons to improve their health and beauty, including but not limited to hair care, massages, beauty treatments, manicure/pedicures, fitness, strength and energy well-being.

"**Licence**" means a licence to conduct business pursuant to this bylaw;

"**Licence inspector**" means any person authorized by Council to administer and enforce the provisions of this bylaw and anyone delegated by the person(s) authorized by Council to act on his or her behalf with respect to this bylaw.

"**Non Profit business**" means an organization that is incorporated as a non profit corporation in the Province of Saskatchewan

"**Person**" means an individual or a group of individuals or a corporate body and includes a partnership, a group of persons acting in concert or in association.

"**Provincial licence**" means written authorization, given by an agency or authority of the Province, to conduct business in the Province of Saskatchewan, in a particular field of service.

"**Storefront business**" means a business operating within a building zoned commercial, or industrial and is assessed and taxed commercially.

"**Town**" shall mean the Town of Gravelbourg;

"**Town administrator**" means the person occupying the position of Chief Administrative Officer of the Town of Gravelbourg.

"**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 business within the Town 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 licensed pursuant to *The Direct Sellers Act* or who is an occupant of town property that is used for business purposes.

"**Zoning bylaw**" means the Town's bylaw enacted to regulate development and to control the use of land in the Town of Gravelbourg, as updated from time to time;

Licence Required

6.
 - a. No person shall carry on any business, industry, calling or occupation within the Town of Gravelbourg without a valid licence issued pursuant to this bylaw.
 - b. Every person seeking a licence shall make written application at the Town Office and shall submit the required licence fee as designated in the Town of Gravelbourg's fees & charges bylaw, as amended from time to time.
 - c. For the purpose of greater clarity, the activities of a contractor or subcontractor providing goods or services to a resident or another business within the Town is a business within the meaning of this bylaw and persons who are contractors or subcontractors providing such goods or services are required to obtain a licence pursuant to the terms of this bylaw.
 - d. If a business is carried on at more than one location, a person must obtain a licence for each location.
 - e. If more than one business operates from a parcel or site within the Town of Gravelbourg, each separate business must obtain a licence, except as outlined in section 7 c below.
 - f. A licence issued under the provisions of this bylaw is only valid at the Town of Gravelbourg location for which it was issued.

7. A licence **shall not be required** for:
 - a. Wholesalers or any person engaged in a business that sells only to retail outlets, offices, schools, hospitals or other institutions.
 - b. Local religious, charitable or non profit community organizations.
 - c. Business hired by a licensed business located within a building subject to commercial property taxation for the purpose of augmenting or enhancing the licensed business' primary revenue. (e.g. a band hired to entertain at a bar).
 - d. Business carried on by the Town or by someone contracted or appointed by the Town and working exclusively for the Town within the Town limits to provide a town service.

Licence Application

8. A person must apply for a licence in the manner prescribed by the Town prior to commencing business. An application must include all requested information, including but not limited to:
 - a. Name, phone number and address of the applicant;
 - b. Name and phone number of primary contact person or business owner
 - c. The nature of the business for which the licence is required;
 - d. The place where the business is to be carried on; and
 - e. The name under which the business will be operated.
 - f. Any proof of certificate, authority, license or other documentation required under any Statute of Canada or Province of Saskatchewan that may be required in connection with the carrying on of the business.

9. A person must notify the Town if:
 - a. the business is being discontinued
 - b. either the size or nature of the business is changing
 - c. the name or mailing address of the business is changing

10. A person must apply for a new licence if:
 - a. the business is relocating
 - b. the business is being purchased or taken over by a new person.
 - c. if a. or b. above happen during a current paid licence term, no additional fee will be required.

Licence Issuance

11. A licence will not be issued under this bylaw to any person required by law to obtain a federal or provincial licence, proof of which must be provided to the Town. Any licence issued under this bylaw without the person first obtaining the required provincial license is invalid.

12. No business or activity may be issued a business licence for:
 - a. any business not noted in the list of permitted uses attributed to that district in the Town's Zoning bylaw; and
 - b. any business noted in the list of the discretionary uses, attributed to that district in the Town's bylaw, for which discretionary use approval has not been granted.
13. A licence may be refused or revoked if the applicant has otherwise failed to meet the requirements of the law to enable the conduct of the business at the location where the business is proposed to be carried on.
14. The CAO may, by reason of uncertainty, refer an application to Council for determination prior to issuance of a license under this bylaw.
15. A person must pay the fee as designated in the Town of Gravelbourg's Fees and Charges bylaw prior to the licence being issued. A person will not be issued a licence until the fee has been paid.
16. 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 licence.
17. Other than a contractor, a license issued in respect of any new business that commences the conduct of business within the jurisdiction of the Town of Gravelbourg after September 30th shall be charged one-half (1/2) of the annual licence fee as shown in the Town's Fees and Charges bylaw.
18. The reduced rate outlined in section 17 above does not apply to trade shows, craft and farmer's markets.
19. The licence fee for craft markets, farmers' markets and trade shows covers all persons offering goods or merchandise for sale at such events.
20. A person must renew their licence annually in the manner prescribed by the Town.
21. No refunds shall be issued with respect to any licence.
22. The Town may issue licenses in the following circumstances:
 - a. The required application form has been completed;
 - b. The required licence fee has been paid;
 - c. If required, proof of the necessary federal or provincial licence has been produced;
 - d. If required, proof of 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 or bylaws of the Town.

Proof of Licence

23. Storefront businesses are to display, in a prominent place at the place of business, the valid Town issued business licence.
24. Businesses, other than storefront businesses, are required to retain and provide upon request as proof of valid license, a copy of the license fee receipt issued by the Town.

Licence Classification

25. Licenses shall be issued using the following classifications:
- a. Storefront Business
 - b. Handcrafter/Artist/Artisan
 - c. Health & Beauty
 - d. Contractor (Saskatchewan)
 - e. Contractor (out of province)
 - f. Transient Trader
 - g. Farmers Market/Trade Show
 - h. Direct Seller
 - i. Unclassified

Compliance

26. A licence 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 bylaws of the Town.
27. The issuing of a licence to a person does not relieve that person of the responsibility of conforming to any zoning, building, plumbing and any other bylaws of the Town.
28. Where a person is doing business in contravention of this bylaw, the license inspector or any other person acting upon the direction of the license inspector may cause that person to cease doing business. Such person shall not recommence doing business in contravention of this bylaw.
29. The licence inspector or any other person acting upon the direction of the licence inspector shall not be responsible for any loss or damage sustained by a person as a result of that person being caused to cease business.
30. Any person who commences business in contravention of this bylaw after being advised to cease under section 28 of this bylaw is guilty of an offence and subject to the penalty provided herein.
31. Any person who interfered with the licence inspector or with any other person acting upon the direction of the licence inspector is guilty of an offense and subject to the penalty provided herein.

Revoking or Suspending of Licenses

- 32.
- a. If a licensee contravenes any term or condition of this bylaw, the Town may suspend or cancel the licence.
 - b. The denial, suspension or cancellation of a licence issued under this bylaw may be appealed to the Council of the Town of Gravelbourg.
 - c. The Council shall have the power at any time under the provision of the Municipalities Act, to revoke or suspend any licence which may have been issued to any person under the provisions of this bylaw.
 - d. When a licence is revoked, the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which the license was issued.
 - e. No licence shall be suspended or revoked until the licensee has had an opportunity to appear before Council and state reasons why his licence should not be suspended or revoked.
 - f. The Town may reinstate a suspended licence if it is satisfied that the licensee is complying with the bylaw.

Fee Payment

33. a. Where a contractor licence fee imposed by this bylaw has not been paid:
- i. the licence inspector may give notice in writing to any person by whom the contractor is employed requiring that person to pay the licence fee out of the moneys payable by that person to the contractor; and
 - ii. shall send a copy of the written notice to the contractor;
 - iii. on receipt of the notice by that person, the amount of the license fee shall, in accordance with *The Municipalities Act* Section 9, become a debt due by that person to the municipality and may be recovered in the same manner as taxes may be recovered.
- b. Any business that is operating and fails to pay the license fee for which they have been invoiced subjects the business owner to the consequences as outlined in the Accounts Receivable Collections and Write-Off policy

Enforcement and Inspections

34. 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 other municipal employee or contracted enforcement officer.
35. The inspection of property by the Town to determine if this bylaw is being complied with is hereby authorized.
36. Inspections under this bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
37. No person shall obstruct a designated officer who is authorized to conduct an inspection or a person who is assisting the designated officer.
38. If a designated officer finds that a person is contravening this bylaw, the designated officer may, by written order, require the person to remedy the contravention. An order to remedy may be issued in accordance with sections 364 and 365 of *The Municipalities Act*. The Town may take whatever action or measure is necessary to remedy a contravention of this bylaw in accordance with section 366 of *The Municipalities Act*.

Offences and Penalties

39. If the licence inspector 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 \$150.00 to be paid within one (1) month. Subsequent Notice of Violations may be issued if the contravention continues to exist one (1) month after issuance of the initial Notice of Violation. Payment of a Notice of Violation does not exempt a person from enforcement of an order pursuant to any provision of this bylaw.
40. If payments for Notice 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.
41. 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 \$300.00
 - b. For the second offence of \$450.00
 - c. For the third or subsequent offence of not less than \$600.00 and not more than \$10,000 in the case of an individual or \$25,000 in the case of a corporation.
42. Pursuant to *Municipalities Act* section 385, in a prosecution for contravention of a bylaw against engaging in or operating a business without a licence, proof of one Town of Gravelbourg residential or commercial transaction with the business or proof that the business is advertising their sale of goods or services to the residents or commercial operations within the Town of Gravelbourg is sufficient to establish that a person is engaged in or operates the business.



Bylaws Repealed

43. Bylaw No. 1466/19 and all amendments thereto are hereby repealed.

Effective Date

44. This bylaw shall come into force and take effect January 1, 2023

READ A FIRST TIME this 29th day of November A.D. 2022

READ A SECOND TIME this 13th day of October A.D. 2022

READ A THIRD TIME this 13th day of December A.D. 2022

Darcy Stefania

Mayor

Carol White

Administrator



Certified to be a true copy of Bylaw 1506/22 adopted by
The Council of the Town of Gravelbourg on the 13th day of December A.D. 2022

Carol White

CAO, Carol White



RESOLUTION

Agenda Item # 17.1.2 Fees & Charges

Resolution # 2022-0494

Moved By : Sam Hawkins

Seconded By : Andre Lorrain

That Council directs administration to set business license rates for the classifications as follows:

Storefront Business	No charge (located in commercially taxed bldg in Gravelbourg)
Handcrafter/Artist/Artisan	\$25.00 (located in bldg not taxed commercially)
Health & Beauty	\$75.00 (located in bldg not taxed commercially)
Contractor (Saskatchewan)	\$200.00 (located in bldg not taxed commercially by Gravelbourg)
Contractor (out of province)	\$400.00
Transient Trader	\$100/day, \$200/annually
Farmers Market/Trade Show	\$50.00/event or \$100/annual
Direct Seller	\$100/day, \$200/annual
Unclassified	\$200.00

Carried



Darcy Stefinka

Mayor
Town of Gravelbourg