

Town of Nipawin
Bylaw No. 961/14

**A BYLAW OF THE TOWN OF NIPAWIN TO PROVIDE FOR THE LICENSING,
REGULATING AND GOVERNING OF BUSINESS AND PERSONS ENGAGED IN
CERTAIN OCCUPATIONS AND PLACES USED FOR CERTAIN PURPOSES TO BE
KNOWN AS THE “LICENSING BYLAW”**

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

1. Title

This Bylaw may be cited as **“The Licensing Bylaw”**

2 Purpose

The purpose of this Bylaw is to license businesses in the Town of Nipawin in order to:

- a) regulate businesses;
- b) to gather land-use information
- c) to ensure compliance with land-use and building regulations;
- d) to facilitate planning decisions; and
- e) to ensure that once licensed, the person complies with all terms and conditions of the license as set out under the Bylaw.

3 Authority

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

4. Definitions:

In this Bylaw:

- a) **“Business”**, **“Occupant”** and **“Owner”** shall have the same meaning as given them in *the Municipalities Act*.
- b) **“Bylaw Enforcement Officer”** shall mean a person hired or contracted by the Town of Nipawin to enforce the Bylaws of the Town.
- c) **“Council”** shall mean and include the Council of the Town of Nipawin
- d) **“Licensee”** means a business/person holding a valid and subsisting license issued pursuant to the provisions of this Bylaw.
- e) **“Non-Profit Organization”** means a non-profit corporation that is registered under the provisions of *The Non-Profit Corporations Act*.
- f) **“Town”** shall mean the Town of Nipawin.

5. License Required

- (a) No person shall carry on business within the Town unless such person holds a valid and subsisting license to do so issued pursuant to the provisions of this Bylaw.
- (b) A license shall not be required:
 - i) For 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 in his/her capacity as such official or employee.
 - ii) For such other activities as Council may, by resolution, exempt from the requirements of this bylaw.
 - iii) For any person, activity or premises, if such person, activity or premises is exempt from municipal licensing by Federal and Provincial statute.
- (c) If a business is carried on at more than one location, a person must obtain a license for each location.

6. License Fees

The fee payable in respect of any license required under the provisions of this Bylaw shall be in the amount set out in Schedules “1” and “2” of this Bylaw.

7. Prorating of Fees

- (a) The license for a business in its first year of operation or a home-based business may be prorated to the following:

New Licenses	
January 1 to June 30	\$100.00
July 1 to December 31	\$ 50.00

Home Based Businesses	
January 1 to June 30	\$150.00
July 1 to December 31	\$ 75.00

- (b) No refunds shall be issued with respect to any license except when a license is revoked as provided for by Section 13.

8. Compliance with Provisions of Bylaw

- (a) Every person carrying on or engaged in business in respect of which a license is required shall, upon request of the Bylaw Enforcement Officer, give to the Bylaw Enforcement Officer, all information necessary to enable him to carry out his duties.

- (b) A person carrying on or engaged in any such business who fails to furnish such information within 10 days from the date on which the request is made is guilty of an offense and liable on summary conviction to a fine not exceeding \$100.00 for every day for which the default continues.
- (c) For the purpose of ensuring compliance with this Bylaw, a license inspector may, after being properly identified, at any reasonable time enter and inspect any business and may be accompanied by any person having special or expert knowledge on any matter to which this bylaw relates. Any person hindering, preventing, or refusing such free access shall be guilty of a breach of this bylaw.

9. Granting of Licenses

All licenses required under the provisions of this Bylaw shall be issued by the Town of Nipawin, Director of Economic Development, Business & Planning, except where Council reserves to itself the right to decide whether a license shall be issued or not.

- (a) Where the Director of Economic Development, Business & Planning refuses to issue any license he shall forthwith submit the application for license together with the report thereon to the Council and advise the applicant of the date on which the Council will consider the application.
- (b) Every license granted under this Bylaw shall be made out in duplicate and one copy shall be delivered to the licensee who shall produce the same whenever it may be demanded by any by-law/ police officer in the employ of the Town or other person duly authorized to demand its production.

10. Term of Business License

- (a) All licenses issued pursuant to this Bylaw shall be for a calendar year, or portion thereof remaining, and shall expire on **December 31st** of the year in which it was issued.
- (b) Every person to whom a business license has previously been issued intending to continue conducting any activity for which a license is required pursuant to this Bylaw in the year subsequent thereto will be invoiced prior to **February 28th** of that subsequent year, unless the Town is advised in writing that a license is no longer required due to discontinuance of the business.
- (c) In the event a person to whom a business license has previously been issued:
 - i) refuses or neglects to renew his/her business license prior to **February 28th**; or
 - ii) fails to tender the applicable license fee or provide information required by the Town prior to **February 28th**;

That person shall be deemed to be conducting a business without a license contrary to the provisions of this Bylaw, and if that person continues conducting business activities, they shall be subject to prosecution therefore.

11. Fees Payable

All license fees required to be paid under the provisions of this Bylaw shall be paid to the Town of Nipawin at 210 – 2nd Ave. E, Nipawin, SK immediately on receipt of invoice.

12. Display of Licenses

Every licensee granted a license to carry on the business and who occupies premises in connection therewith shall keep the license posted in a conspicuous place on the licensed premises. All persons licensed under the provisions of this Bylaw where there are no licensed premises shall, on demand of the Bylaw Enforcement Officer or a customer or client, produce the license to such individual.

13. Revocation of Licenses

The Town Administration may suspend or revoke any license granted under the provisions of this Bylaw and where such license is revoked the licensee shall be entitled to a refund of that part of the license fee proportioned to the unexpired term for which is granted.

14. Provincial License Required

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.

15. Authority Approval Required

A license will not be issued under this Bylaw to any person for a business for which the Director of Economic Development, Business and Planning determines that third party approval is required from:

- (a) Provincial or municipal fire inspector(s).
- (b) Public health inspector of the Kelsey Trail Health Region.
- (c) The Building Inspector; or
- (d) Any other third party as required;

until such time as the required third party approval is granted.

16. Zoning and Building Standards

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.

17. Discontinuance, Change, Relocation or Transfer

- (a) A person must notify the Town of Nipawin, Director of Economic Development, Business & Planning:
 - i) if a business is discontinued; or
 - ii) if any changes are made with regard to location, ownership, registered business name, mailing address or other nature of the business.
- (b) No person to whom a license has been issued under this Bylaw shall change the location of the premises in which he carries on his business, activity, profession or other occupation without first having applied to the Director of Economic Development, Business & Planning to have his/her license altered to reflect the new location and payment of a fee of Twenty-Five Dollars (\$25.00; and the powers, conditions, requirements and procedure relating to the granting or refusal of licenses and appeals thereon, shall apply to all such applications).
- (c) Unless otherwise provided herein, any subsisting license issued under this Bylaw may be transferred upon application to the Director of Economic Development, Business & Planning and a payment of a fee of Twenty-Five Dollars (\$25.00); provided that the applicant has the required qualifications and furnishes legal documentation releasing the rights and interests of the previous owner.
- (d) No person who purchases the interest of, or part of the interest of, any person licensed pursuant to this Bylaw, shall carry on or continue such business, activity, profession or other occupation without first having obtained a transfer of license or a new license.

18. Offences and Penalties

Every person who contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not more than:

- i) \$2,000.00 in the case of an individual**
- ii) \$5,000.00 in the case of a corporation**

19. Prosecution

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.

20. From Whom License is Recoverable

In accordance with Subsection 9(2) to 9(5) of *The Municipalities Act*, if any contractor fails to pay the license fee imposed by this Bylaw, the Director of Economic Development, Business & Planning may give notice in writing to any person by whom the contractor is employed requiring the person to pay the license fee out of the monies payable by him to the contractor and upon receipt of the notice by that person, the amount of the license fee

shall to the extent of monies so payable be a debt due by that person to the Town and may be recovered in the same manner as taxes may be recovered.

21. **Licensing Categories**

Persons required to be licensed under the provision of this Bylaw are those carrying on any of the businesses, industries, or occupations defined in this or any other section of this Bylaw who are assessable for business tax purposes in respect to the business so carried on; and licenses issued to them shall be subject to compliance with the compliance with the conditions, if any, as set out in this Bylaw:

1. **Commercial Property Business:** Means any business of the following activities, whether or not for profit and however organized and formed:
 - (i) a commercial, merchandising or industrial activity or undertaking;
 - (ii) the carrying on of a profession, trade, occupation, calling or employment;
 - (iii) an activity providing goods and services;
and, in the case of rural municipality, does not include; and
 - (iv) has a commercial location within the Town of Nipawin.

2. **Resident Contractor:** Every person who carries on a business in the Town of Nipawin as a contractor, building contractor, municipal contractor, (whether for waterworks, sewerage or otherwise) painter, cabinet maker, tinsmith, plumber, electrician, mason bricklayer, plasterer, decorator, or other trade relating to the building or construction industry.

Non-Resident Contractor: Any person who:

- (i) Does not operate a commercial or industrial facility within the Twin Lakes Planning Commission District; and
- (ii) Carries on a business in the Town of Nipawin as a contractor, building contractor, municipal contractor, (whether for waterworks, sewerage or otherwise) painter, cabinet maker, tinsmith, plumber, electrician, mason bricklayer, plasterer, decorator, or other trade relating to the building or construction industry.

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.

3. **Home-Based Business:** Any business that is owned and operated by a resident or residents in a dwelling unit and is permitted according to the Nipawin Zoning Bylaw 763/2000.

4. **Direct Seller:** Is 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);

5. **Craft Show or Exposition** - A group of three or more people engaged in the business of producing, preparing, exhibiting or selling arts and crafts for gain.
6. **Unclassified (i.e. Farmer's Market)** - Every person carrying on a trade or business for gain, if in regard to licensing of the same no provision is anywhere made in this Bylaw, and who is not occupying a property taxed at the commercial rate.

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.

22. Bylaws Repealed

Bylaw No. 485/83 - The Licensing Bylaw, Bylaw 717/97 - The Business License Bylaw, and all amendments thereto are hereby repealed.

23. Coming into Force

This Bylaw shall come into full force and take effect on the 1st day of January, 2015.

MAYOR

Read a Third Time and
Adopted This ____ Day
of _____, A.D., 2014

CHIEF ADMINISTRATIVE OFFICER

Schedule "1"

**Town of Nipawin
Commercial Property Business License Fees**

Business License Fee – New Application	\$100.00
Business License Fee - Renewal	\$ 50.00
Change of Address	\$ 25.00
Change of Ownership	\$ 25.00

Schedule “2”

**Town of Nipawin
General Licensing Fees**

Non-Resident Contractor

(a) Total Contracts within the town over \$1,000,000	\$1,200.00
(b) Total Contracts within the town between \$100,000 - \$1,000,000	\$ 600.00
(c) Contract under \$100,000	\$ 300.00

Resident Contractor \$ 300.00

Home Based Business \$ 150.00

Direct Seller (Per Person) \$ 100.00/day
(\$1,000.00 cap)

Craft Show / Exposition \$ 100.00/day
(\$1,000.00 cap)

Unclassified (i.e. Farmer’s Market) \$ 200.00