

**TOWN OF CREIGHTON
BYLAW 1-2012**

A BYLAW OF THE TOWN OF CREIGHTON TO CLASSIFY, LICENSE, CONTROL AND REGULATE BUSINESS ACTIVITY WITHIN THE TOWN OF CREIGHTON.

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

1. SHORT TITLE

This bylaw may be cited as the “The Business Licensing Bylaw.”

2. PURPOSE

The Purpose of this Bylaw is to license businesses in the Town of Creighton so as:

- (a) To regulate businesses;
- (b) To ensure compliance with zoning and building regulations;
- (c) To gather land-use information and
- (d) To facilitate planning decisions
- (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 Northern Municipalities, Act*, and particular Sections 8 and 9 of *The Northern Municipalities, Act*.

4. DEFINITIONS

In this Bylaw:

- (a) “**Act**” shall mean *The Northern Municipalities Act*.
- (b) “**Business**” shall mean any of the following activities, whether or not for profit and however organized or formed:
 - (i) A commercial, merchandising or industrial activity or undertaking;
 - (ii) The carrying on of a profession, trade, amusement, entertainment, occupation, calling or employment;
 - (iii) an activity providing goods or services;
but does not include:
 - a. the cultivation or harvesting of plants or the raising of livestock, whether in an artificial or controlled environment or on land;
 - b. The keeping of bees or the extracting of honey; or
 - c. fur farming;
- (c) “**Town**” shall mean the Town of Creighton
- (d) “**Business day**” shall mean a day other than a Saturday, Sunday or holiday;
- (e) “**Council**” shall mean and include the Council of the Town of Creighton.

The Business Licensing Bylaw 1-2012

- (f) **“Contractor”** shall mean 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 and who does not have business premises in the Town;
- (g) **“direct sales contractor”** shall mean a person who does not have a business premises in the Town and who sells, offers for sale or solicits orders for:
 - (i) constructing, altering, renovating, maintaining, repairing, adding to or improving a building that is used or is to be used by the owner, occupier or person in control of it; or
 - (ii) altering, maintaining or improving real property to be used in connection with a house.
- (h) **“direct seller”** shall mean a person who does not have business premises in the Town and:
 - (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);
- (i) **“Farmers Market”** shall mean a group of persons operating collectively which sells products that they bake, make or grow;
- (j) **“home based business”** shall mean a business, occupation, trade, profession or craft conducted entirely within a residential building or accessory building by the inhabitants of the dwelling, and where the use is clearly secondary to the residential use and does not change the character of the dwelling as defined in the Zoning Bylaw 8-2011.
- (k) **License Inspector** – shall mean the Administrator or Building Inspector or any other individual who is appointed by Council.
- (l) **“pawnbroker”** shall mean a pawnbroker with the meaning of The Pawns Property (Recording) Act;
- (m) **“pawnshop”** shall mean a business wherein more than 10 pawn transactions per month are conducted;
- (n) **“pawn transaction”** shall mean a pawn transaction with the meaning of the Pawns Property (Recording) Act;
- (o) **“Public Health Inspector”** means a person who is certified by the minister pursuant to Section 9 of the Public Health Act; or a member of a class of persons prescribed as public health officers.
- (p) **“trade show”** shall mean 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;

5. LICENSE INSPECTOR

The License Inspector shall be the Administrator or Building Inspector or any other officer appointed by Council to do the duties as follows;

- (a) To report or attend all meetings of Council or Committees of Council whenever requested to do so or when he or she may find it necessary to do so on business connected with the duties of this officer.
- (b) To prepare a classified alphabetical list of all parties liable to take out a license and to use all diligence to have the same correct and to submit same to Council when requested for examination and use.
- (c) To have an inspection of the premise licensed or required to be licensed pursuant to the provisions of the Bylaw in order to ascertain that such premises comply with this Bylaw.
- (d) To prosecute all persons guilty of offenses against this Bylaw.

6. LICENSE REQUIRED

No person shall carry on any of the several trades, occupations, callings or businesses hereinafter specified unless and until he or she has procured a license to do so pursuant to this Bylaw. Every person so licensed shall be subject to the provisions of this Bylaw.

In a prosecution for contravention of the provisions of this Bylaw, 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.

7. LICENSE FEES

- (a) The fee payable in respect of any license required under this Bylaw shall be the amount set out in Schedule "A" to this Bylaw.
- (b) Schedule "A" of this Bylaw may be amended or substituted from time to time by bylaw of Council and shall subsequently form part of this Bylaw.

8. FEES PAYALBE

All license fees required to be paid under the provisions of this Bylaw shall be paid to the Town of Creighton Box 100, Creighton, Saskatchewan. S0P 0A0

9. APPLICATION FOR LICENSES

Every applicant for a license must provide the following information to the Administrator or License Inspector of the Town of Creighton:

- (a) Name, address, phone number and occupation of the applicant;
- (b) The nature of the license applied for;
- (c) The place where the license is to be exercised or where the proposed calling is to be carried on; and
- (d) The period for which the license is required.

10. GRANTING OF LICENSES

- (a) All licenses required under the provisions of this Bylaw shall be issued by the Administrator or License Inspector, except where the Council reserves the right to decide whether a license shall be issued or not.
- (b) Where the Administrator or License Inspector refuses to issue a license, he or she shall forthwith submit the application for the license with a report thereon to Council and shall advise the applicant of the date on which Council will consider the application.
- (c) A license issued must be on a form bearing the identification of the Town of Creighton all licenses issued pursuant to this Bylaw are and shall remain the property of the Town.
- (d) A Licensee shall produce the same whenever it may be demanded by any Police Officer, Public Health Inspector, Fire Protection Services or other person duly authorized to demand the production.
- (e) No person shall not reproduce, alter or deface a license.

11. TERMS OF BUSINESS LICENSE

- (a) All licenses issued pursuant to this Bylaw, unless specifically issued for a shorter period or unless the same shall sooner become forfeited, shall expire on December 31st, of the year in which it was issued.
- (b) Every person to whom a business license has been previously issued will be sent a notice prior to the end of February of the following year, unless the Town has been 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 or her business license prior to the end of February of the following year; or
 - (ii) Fails to tender the applicable license fee or provide information required by the Town prior to February 28th, of the following year; shall be deemed to be conducting a business without a license contrary to the provisions of this Bylaw, if that person continues conducting business activities, and shall be subject to prosecution therefore.

12. REDUCTION IN LICENSE FEE

Unless otherwise provided for, the amount to be charged for all licenses issued shall be the yearly license fee. Any license issued on or after the first day of September, in respect to any business commenced after that date, shall pay one-half of the yearly license fee.

13. DISPLAY OF LICENSE

- (a) A licensee who holds a license which applies to a business carried on at a specific premise must keep it posted in public view in the premise.
- (b) A licensee who does not carry on business at a specific premise must carry or have the license immediately available and shall upon request immediately produce the license to the Administrator or License Inspector or other person duly authorized in that behalf.

14. OFFICIALS TO HAVE ACCESS TO LICENSED PREMISES

The Town shall at all reasonable times have the right by its officials or employees, after being properly identified, to enter upon any premises at which a business is licensed under the provisions of this Bylaw for the purpose of inspection or for the purpose of ascertaining if the provisions of this Bylaw are being complied with. Any person hindering, preventing or refusing such free access after any such person has demanded admission and has established his authority, shall be guilty of breach of this Bylaw.

15. REVOCATION OF LICENSE

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 it is granted. No rebates shall be allowed on any license fees paid unless the license has been suspended or revoked by Town Administration.

16. PROVINCIAL LICENSES

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.

17. PARTNERSHIPS

In all cases of partnership firms, incorporated companies, or other like combinations or associations, no more than one license shall be required to be taken out for any one place or premises.

18. BUSINESS ON STREETS OR LANES

Unless otherwise specifically provided for in the Bylaw, no person to whom a license is granted under the provisions of this Bylaw, shall conduct the business so licensed on any street or lane, except by special permission of Council.

19. LICENSE REQUIRED

- (1) No person shall carry on in the Town of Creighton including property taxed at the commercial rate or any of the several trades, occupations, callings or businesses hereinafter specifically set forth, without first obtaining a license authorizing such person to carry on the respective trade, occupation, calling or business in the Town, and paying the Town the respective fees as prescribed by Schedule "A" to this Bylaw for such license:

19. LICENSE REQUIRED CONTINUED

1. Accountants, Bookkeepers and Financial Planners – Any person engaged in the recording, classifying, summarizing, keeping and accounting of financial transactions and books or providing financial advice or financial products for gain.
2. Ambulance – Subject to the Public Health Act, any person operating an ambulance for hire within the Town or partly outside the Town's limits.
3. Barbers – any person who carries on the business of manicurist, hairdresser, beautician, or other arts relating thereto for profit or gain.
4. Beauty Shops – any person who carries on the business of manicurist, hairdresser, beautician, or other arts relating thereto for profit or gain ***must first obtain a letter of approval from the Public Health.***

The following regulation shall apply to both barber shops and beauty shops:

- (a) No license shall be issued to a person operating a barber shop or beauty shop in any premises unless plumbing fixtures are provided, satisfactory to the Public Health Inspector's inspection and connected where connection is possible with the public sewer and water mains and provided that all water reuse is disposed in a manner satisfactory to the Public Health Inspector.
The Public Health Inspector shall have the discretion to waive any or all the requirements set out in this paragraph.
5. Caterers – is any person, club or organization who or which for profit, supplies or furnishes group dinners or luncheons or prepares, exhibiting or selling of food for profit or gain must first obtain approval from the Public Health Inspector and obtain all required licensing and have all the proper equipment for heating, preserving and cleaning. However, this shall not apply to charities, association of nonprofit and religious organizations.
6. Chiropractors and Drugless Practitioners – Any person who carries on the business of chiropodist, chiropractor, massage therapist, manipulative healer or drugless practitioner for gain.
7. Contractors (General) – Any person contracting with or employed directly by the owner or agent to do work upon, to render services for or to furnish materials for, an improvement, but does not include a labourer.
8. Courier – Every person carrying on the business of courier for gain.
9. Craft Show/Trade Show or Exposition – A group of three or more people engaged in the business of producing, preparing, exhibiting wares or selling arts and crafts for gain.
10. Direct Seller – an individual or firm licenses or is required to be licensed under the Direct Sellers Act (must provide proof of ownership), and goes from house to house selling or offering for sale or soliciting orders for the future delivery of goods or services; or by telephone offers for sale or solicits orders for the future delivery of goods or services; or by telephone offers for sale or solicits orders for the future delivery of goods or services; or who does both of the things mentioned above.

19. LICENSE REQUIRED CONTINUED

11. Farmers Market – includes every person or group of persons operating a market where the producer offers produce, fruit, handicrafts and other similar products for sale. The license fee will cover all persons offering goods or merchandise for sale at the farmers' market
12. Greenhouse/Produce Market – Every person carrying on the trade or business of a greenhouse operator selling flowers, plants, bulbs, bedding plants, produce, nursery stock or other items of a like nature.
13. Janitorial Services and Cleaners – any person engaged in providing or contracting janitorial or cleaning services to private homes, businesses, industries or governmental offices or institutions for gain, including the sale of janitorial and cleaning supplies.
14. Landscaping – any person providing landscaping services for gain.
15. Music Teachers – Any person who teaches or instructs others in the use of musical instruments, voice training and music theory instruction for gain.
16. Pawnshop – means a business wherein more than 10 pawn transactions are conducted. Pawn transaction as described in The Pawned Property Recording Act.
17. Pet Crematorium- means any land, place, structure, facility or building provided by a person for a fee, whether or not for profit, to veterinarians or members of the general public for the cremation of pets.
18. Music Association or School – Two or more teachers forming a legal entity who instruct others in the use of musical instruments voice training and music theory for gain.
19. Private Clubs/bar/sports bar – Every person who operates a private club/bar is in the possession or is required to be in the possession of a liquor license as issued under the Liquor Act.
20. Real Estate Agent – Every person carrying on the business of real estate broker or agent who sells or negotiates the sale of any real estate, not his own property, and receives or is entitled to receive a commission or other remuneration.
21. Subcontractors – any master mechanic, journeyman or jobber that engages in, or enters into any contract for the erection, demolition, alteration, repair or removal of buildings or structures, installation of heating, plumbing or other fixtures, painting and/or other allied trades and shall include all subcontractors, master mechanics journeymen or jobbers, undertaking any municipal work, wither waterworks, sewage or otherwise.
22. Taxis – Every person who owns or keeps for hire or profit a taxicab or taxicabs. For the purpose of this Bylaw, "Taxicab" shall mean and include U-Drive automobiles.
23. Tattoo Parlors – any person who carries on the business of tattoo artist (including body piercing and other body art/modifications) or other arts relating thereto for profit or gain ***must first obtain a letter of approval from the Public Health Inspector*** to operate in a commercial space and obtain all the necessary licensing and sterilization equipment.

19. LICENSE REQUIRED CONTINUED

24. Transient Trader -- as defined in Subsection 9(1) of *The Northern Municipalities Act*, a person carrying on 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 other 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.
25. Tutors – Any person who teaches or instructs others in academic or scholastic courses for gain.
26. Unclassified – Every person carrying on a trade or business for profit or gain, if in regard to licensing of the same will be deemed unclassified if no provision is anywhere made in this Bylaw, and who is not occupying a property taxes at the commercial rate.

20. OFFENCES AND PENALTIES

- (a) No person shall:
 - (i) Obstruct or hinder the Administrator or License Inspector or any other person acting under the authority of this Bylaw; or
 - (ii) Fail to comply with any other provision of this Bylaw.
- (b) Where the Administrator/License Inspector or other person authorized by the Town has reason to believe that a person has contravened any provision of this Bylaw, including failure to obtain the appropriate license and pay the requisite license fee, the Licensing Inspector or his or her designate may issue a Notice of Violation to such person.
- (c) The Notice of Violation shall provide for the voluntary payment of a penalty in the amount set forth in Column “A” of Schedule “B” for the offence the person is alleged to have committed.
- (d) Voluntary Payment of a penalty specified in a Notice of Violation shall be made on or before the date indicated on the Notice of Violation. Voluntary payment shall be made at the front counter at the Town Hall during normal business hours.
- (e) If payment of the amount specified on the Notice of Violation is made on or before the date included on the Notice of Violation, the person alleged to have committed the offence shall not be liable to prosecution for the offence indicated.
- (f) If payment of the amount specified on the Notice of Violation is not made on or before the date indicated on the Notice of Violation, the License Inspector or other authorized person shall lay any information under oath as to the office before a Justice of the Peace for the purpose of obtaining a Summons.

20. OFFENCES AND PENALTIES CONTINUED.

- (g) The summons shall provide for the voluntary payment of a penalty in the amount set forth in Column "B" of Schedule "B" for the offence which the person is alleged to have committed. The Summons shall be served by a Police Officer or other person authorized by the Town.
- (h) Voluntary payment of a penalty specified in a Summons shall be made on or before the date indicated on the Summons. Voluntary payment shall be made at the front counter of the Town Hall during normal business hours.
- (i) If payment of the amount specified on the Summons is made on or before the date indicated on the Summons, the person alleged to have committed the offence shall not be liable to prosecution for the offence indicated.
- (j) If payment of the amount specified on the Summons is not made on or before the date indicated on the Summons, the person to whom the Summons has been issued shall be liable to prosecution of the alleged contravention of any provision of the Bylaw.
- (k) Except where a penalty is specifically provided for in the Bylaw, every person who contravenes any provision of subsection (a) is guilty of an offence and liable on summary conviction:
 - (i) in the case of an individual, to a fine not exceeding \$2,000.00; or
 - (ii) in the case of a corporation, to a fine not exceeding \$5,000.00.
- (l) In case of a conviction for the non-payment of the license fee payable to the Town under this Bylaw, the convicting justice may adjudge payment thereof in addition to the penalty.
- (m) Such penalty or penalty and license fee, as the case may be, recovered and enforced by summary conviction before a Provincial Magistrate or Justice of the Peace having jurisdiction in the Town, and upon default of payment, the person convicted may be committed to jail or to a public lockup for any time determined by the Provincial Magistrate or Justice, not exceeding thirty days, unless the penalty or penalty and license fee are sooner paid.

21. DISTRESS

The Town may recover any unpaid license fees by distress in accordance with *The Northern Municipalities, Act*.

22. FROM WHOM LICENSE RECOVERABLE

In accordance with Subsections 9(2) to (6) of *The Northern Municipalities, Act*, if any contractor fails to pay the license fee imposed by this Bylaw, the Administrator or License Inspector 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 her or 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.

The Business Licensing Bylaw 1-2012

23. REPEAL OF BYLAW

Bylaw 15-86 of the Town of Creighton is hereby repealed.

24. EFFECTIVE DATE

This bylaw shall come into full force and take effect after the first day of March, 2012.

Signed : "Bruce Fidler"
Mayor

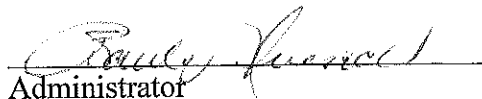
Signed: "Paula Muench"
Administrator

INTRODUCED AND READ a first time this 8th day of February, 2012.

READ A SECOND TIME this 28th day of March, 2012.

READ A THIRD TIME AND PASSED this 28th day of March, 2012.

Certified a true copy of Bylaw 1-2012
For the Town of Creighton


Administrator

The Business Licensing Bylaw 1-2012

Schedule "A"

The following is a list of the license fees charged for the diverse trades, businesses, occupants, callings or industries referred to in Bylaw No. 1-2012.

All Business as defined under the bylaw shall be:

	<u>2012</u>	<u>Effective January 1st, 2013</u>
Businesses Trade or Article to be Licensed	\$ 50.00	\$100.00
Direct Sellers License	\$ 30.00	\$ 40.00
Trade Shows	\$300.00	\$400.00

License fees after September 1st (50 percent reduced).

Schedule "B"

Offences for which a Notice of Violation may be Issued

Section No.	Description of Offence	Column "A"	Column "B"
7	Conducting business activity without a license.	\$400.00	\$500.00
12(c)	Continuing to conduct business Activity without making application For renewal of previous license, payment of prescribed fees or provision of required information within specified period of time.	\$400.00	\$500.00
15	Failing to post copy of business license	\$100.00	\$150.00

The Business Licensing Bylaw 1-2012

at premises from or at which business activities are being conducted.

12	Failing to produce a copy of business License when requested to do so by License Inspector.	\$100.00	\$150.00
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