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**TOWN OF BIG RIVER
BYLAW NO. 2022-01**

A BYLAW TO CLASSIFY, LICENSE AND REGULATE BUSINESS ACTIVITY

The Council of the Town of Big River, 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 Big River 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 and Scope

3. The authority for this bylaw is *The Municipalities Act*, and other applicable legislation of the Province of Saskatchewan.
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.

License Required

5. No person shall carry on business within the Town of Big River without a business license.
6. A person must apply in writing to the Town for a license before commencing business, Schedule “B”.
7. 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

8. 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.
9. Every license issued under the authority of this bylaw unless suspended or revoked shall expire on the thirty-first day of December of the year of issue.
10. No refunds shall be issued with respect to any license.
11. The Council shall have the power at any time, under the provisions of *The Municipalities Act*, to revoke, or suspend any license which may have been granted to any person under the provisions of the Bylaw.

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12. No person to whom a license is granted under the provisions of this Bylaw shall conduct the business so licensed on any street, land or other public place without first having obtained the express written consent in accordance with a resolution of the Council of the Town of Big River, except as otherwise provided for in this Bylaw.
13. Every person licensed under this bylaw shall, at all reasonable times, upon request of the administrator, the bylaw enforcement officer or license inspector, or any peace officer, produce such license for inspection purposes.
14. The license fee for farmer's market and trade shows covers all persons offering goods or merchandise for sale at such events.

Provincial Licenses, Zoning and Building Standards

15. 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.
16. 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.
17. The issuing of a license to any 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

18. 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.

Revoking or Suspending of Licenses

19. If a licensee contravenes any term of condition of this bylaw, the Town may suspend or cancel the license.
20. The Town may reinstate a suspended license if it is satisfied that the licensee is complying with the bylaw.
21. The denial, suspension or cancellation of license issued under this bylaw may be appealed to the Council of the Town of Big River.

Offences and Penalties

22. 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 or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.

23. Any person guilty of an infraction of this Bylaw shall be subject to the penalties set out in the Town's "General Penalty Bylaw".

24. Bylaw No. 1997-05 is hereby repealed.

Read a first time this 17th day of January, 2022.

Read a second time this 17th day of January, 2022.

Read a third time and adopted this 17th day of January, 2022.





Mayor



Administrator

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TOWN OF BIG RIVER
Schedule "A" To Bylaw No. 2022-01

The fees payable for a license under this bylaw shall be as follows:

- 1. For all **BUSINESSES** carrying on business located in any building on all classes of property **\$125.00**
- 2. **ACCOUNTANT/BOOKEEPER/FINANCIAL CONSULTANT:** **\$125.00**
- 3. **AUCTIONEER:** **\$40.00**
- 4. **CIRCUS AND/OR CARNIVALS OR RODEO AND LIKE ENTERTAINMENT:**
 - First Day **\$125.00**
 - Each Additional Day **\$50.00**
- 5. **COLLECTION AGENT/BAILIFF/PRIVATE INVESTIGATOR/SECURITY SERVICE** **\$100.00**

6. CONTRACTORS **\$125.00**

“Contractor”- any person carrying of the business of a contractor, building contractor, building mover, carpenter, eavestrougher, excavator/trenching, gravel/redi mix, painter, roofer, cabinet maker, landscaper, tinsmith, mason/drywaller, bricklayer, decorator, welder, well driller, septic services, towing service, mechanic, tire repair or otherwise enters into contracts for the construction, alteration, repair, or removal of buildings, or structures; excavations, the installation of heating units, plumbing or other fixtures, or electric wiring; fumigation or extermination; the cleaning of chimneys, furnaces and air ducts; the cleaning of rugs, upholstery, windows, sign erector or other contracted janitorial services; and performance of similar work in the municipality.

7. DIRECT SELLERS:

- Transactions \$100.00 and over **\$30.00**
- Transactions under \$100.00 **\$20.00**

“Direct Seller” – means a person who 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;
- b. By telephone offers for sale or solicits orders for the future delivery of goods or services.

8. DRAYMAN/AUTOMOBILE LIVERY/TAXI **\$50.00**

- a. Every person carrying on the business of drayman and using motor vehicles in the course of such business for hauling furniture, goods, stone, gravel, earth lumber, wares, merchandise, or any other commodity whatsoever into or within the Town without making a delivery or pickup shall be liable and provided that the commodity so hauled is handled according to appropriate Federal, Provincial and Municipal Bylaws.

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b. Every person keeping an automobile or automobiles, or any other vehicle for the conveyance of passengers, providing that no person who solely passes through the Town without making a delivery or pickup shall be liable.

9. DRIVING INSTRUCTOR **\$50.00**

Every person who operates a vehicle for the purpose of instructing another person with regard to the skill and knowledge necessary for the safe operation of a motor vehicle other than driver education contracted for by an educational institution. Provided however that no application for a license under this section shall be accepted until the proper Provincial license has been produced.

10. FARMER'S MARKET **\$40.00**

A group of persons operating collectively which sells products that they bake, make, or grow

11. FUNERAL DIRECTOR **\$125.00**

12. HOME BASED BUSINESS **\$125.00**

A home-based business or home occupation within the meaning of the Town of Big River's Zoning Bylaw, as updated from time to time and where the land or building is primarily used for residential purposes.

17. PROFESSIONALS **\$125.00**

Appraiser, architect, chiropractor, Doctor, Dentist, Engineer, Solicitor/Barrister, Surveyor.

18. TRANSIENT TRADERS: **\$125.00**
Yearly
3 Months **\$40.00**

"Transient Trader"- means a person carrying on business in an urban 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 the future delivery or goods or merchandise;
but does not include a person who is required to be licensed pursuant to the *The Direct Sellers Act*; or who is an occupant of property that is used for business purposes.

No application for license or payment of money under this subsection shall be accepted by the Town Administrator without the authorization from the registered occupant or owner of the premises where it is proposed to conduct the business; and no owner or manager of a hotel, motel, mall, commercial building or site shall knowingly permit any transient trader to set up retail business on his premises or site without first ascertaining that such transient trader holds a valid license to operate in the Town of Big River.

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TOWN OF BIG RIVER
Schedule "B" To Bylaw No. 2022-01
Application for Business License

Applicant's Name: _____

Mailing Address: _____

Phone Number: _____

Name under Which the Business is operated: _____

Nature of Business: _____

The Address where the business is to be carried on: _____

Business Registration Number or Proof of Provincial Business Registration:

Signature of Applicant: _____

Date: _____