



# **TOWN OF ROSTHERN BYLAW 2017-12**

## **A BYLAW OF THE TOWN OF ROSTHERN TO CLASSIFY, LICENSE AND REGULATE BUSINESS ACTIVITY WITHIN THE TOWN OF ROSTHERN.**

WHEREAS the Town of Rosthern is empowered to pass a bylaw in relation to businesses, business activities and persons engaged in business pursuant to subsections 8 and 9 of *The Municipalities Act*;

AND WHEREAS the Town of Rosthern deems it desirable to classify, license and regulate business activity within the Town of Rosthern;

NOW THEREFORE THE COUNCIL OF THE TOWN OF ROSTHERN IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

### **Part I General Matters**

#### **Title**

- 1) This bylaw shall be referred to as the “**Business License Bylaw**”.

#### **Purpose**

- 2) The purpose of this bylaw is to license businesses in the Town of Rosthern so as:
  - a) to regulate businesses;
  - b) to ensure the protection of consumers and business;
  - c) to ensure compliance with land-use and building regulations;
  - d) to gather land-use information;
  - e) to facilitate planning decisions; and
  - f) to differentiate between businesses operating in a commercial/industrial area, businesses operating out of premises located within the Town (general licensing) and those located outside the Town of Rosthern’s corporate limits (specific licensing).

#### **Definitions**

- 3) In this bylaw:
  - a) “**business**” means any of the following activities, whether or not for profit and however organized or formed:
    - i) a commercial, merchandising or industrial activity or undertaking;

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- ii) the carrying on of a profession, trade, occupation, calling or employment;
  - iii) an activity providing goods or services;
- b) **“bylaw enforcement officer”** means the individual or designate who is authorized by the Town to enforce this bylaw;
- c) **“charity”** means an organization that is:
- i) incorporated as a nonprofit corporation in the Province of Saskatchewan;
  - ii) a registered charity authorized to issue tax receipts for donations pursuant to *The Income Tax Act*; or
  - iii) an organization that can demonstrate that it is formed for social, educational, religious or philanthropic purposes from which the members do not receive any direct economic gain;
- d) **“child care centre”** means a facility that provides child care services, but does not include a family child care home;
- e) **“circus and/or carnival or rodeo promoter”** means the owner or manager of a travelling circus, carnival, rodeo or other similar travelling show or exhibition;
- f) **“contractor”** means a person who constructs, alters, maintains, repairs or removes buildings or structures, installs heating plants, plumbing or other fixtures or landscaping or performs other similar work in the Town **and who does not have a premises in the Town;**
- g) **“direct sales contractor”** means a vendor who is licensed with the Province under *The Direct Sellers Act* 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 as a house 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; or
  - iii) does not have business premises, including a home-based business, in the Town of Rosthern;
- h) **“direct seller”** means a person who is licensed with the Province under *The Direct Sellers Act* and who:
- i) goes from house to house selling or offering for sale or soliciting orders for the future delivery of goods or service;
  - 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) or;
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- iv) does not have business premises, including a home-based business, in the Town of Rosthern;
  - i) **“family child care home”** means residential premises in which child care services are provided to not more than eight children at any one time;
  - j) **“farmers’ market”** means a group of persons with a minimum number of six (6) operating collectively which sells perishable and non-perishable items;
  - k) **“flea market”** means a person who provides a place or premises where space, booths, stalls or tables to other persons are provided for the purpose of the sale of used goods, Saskatchewan-made handicrafts or produce grown in Saskatchewan;
  - l) **“general license”** means a license issued to any business operating within the corporate boundaries of the Town of Rosthern and with a business office or premises within those bounds;
  - m) **“group family child care home”** means residential premises in which child care services are provided to not more than 12 children at any one time;
  - n) **“group home”** means a single dwelling unit in which three or more residents (exclusive of staff or receiving family) live as a family under responsible supervision consistent with the requirements of its residents and includes nursing homes and geriatric centres, all of which include overnight accommodation. The home must be licensed or approved under Provincial statutes;
  - o) **“home-based business”** means an occupation conducted for a gain entirely within a dwelling unit by members of the family residing in the dwelling unit;
  - p) **“mobile vendor”** means a person selling confectionery items, coffee, lunches, snacks, ice cream or other products from a mobile vehicle, mobile structure or a food cart even though they may reside in the Town and will be classed under “Specific Licensing”;
  - q) **“mobile food vehicle”** means a motorized, mobile, self-contained vehicle that is equipped to cook, prepare and/or serve food and does not include trailers or carts;
  - r) **“non-resident business”** means a business which carries on less than 15% of its total business within the Town of Rosthern, and does not maintain a permanent or temporary premise within the Town, but shall not include a nonprofit corporation that is incorporated, continued or registered pursuant to *The Non-Profit Corporations Act, 1995*. This category only applies when no other category clearly defines the potential business that is being applied for;
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- s) **“occupant”** includes:
  - i) a person residing on land or in a building;
  - ii) a person entitled to possession of land or a building if there is no person residing on the land or in the building; or
  - iii) a leaseholder;
  
- t) **“person”** means an individual, or a group of two or more individuals, or an association or corporation;
  
- u) **“regular business”** means any type of business with a business office outside of a residential dwelling within the corporate limits of the Town of Rosthern, which is owned by that business;
  
- v) **“senior care facilities”** means a single dwelling unit in which three or more residents (exclusive of staff or receiving family) live as a family under responsible supervision consistent with the requirements of its residents and includes nursing homes and geriatric centres, all of which include overnight accommodation. The home must be licensed or approved under provincial statutes.
  
- w) **“Town”** means the Town of Rosthern;
  
- x) **“transient trader”** means a person carrying on business in the Town who:
  - i) offers goods, services or merchandise for sale or auction; or
  - ii) solicits any person who is not a wholesaler or retail dealer for orders for future delivery of goods or merchandise; and
  - iii) does not have a business address in the Town of Rosthern;

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;
  
- y) **“vending machine lessee”** means a person who rents or lends coin-operated vending or amusement machines or other mechanical or electronic machines, instruments, dispensers, games, rides or devices.

**Part II  
General Licensing**

**License Required – General Licensing applies to businesses operating within the corporate boundaries of the Town of Rosthern with a business office or premises within those bounds, with the exception of “mobile vendor”, “child care centre”, “family child care home”, “group family child care home” and “group home”. All other businesses and “mobile vendor”, “child care centre”, “family child care home”, “group family child care home” and “group home” shall be subject to the provisions set out in Part III – Specific Licensing of this bylaw.**

4. a) Any person carrying on a business in the corporate boundaries of the Town of Rosthern must have a license. The general licensing requirement will apply to the following categories:
  - i) regular business
  - ii) home-based business
  - iii) persons selling under a direct seller’s vendor’s license and operating from a Town civic address will be considered a home-based business.
- b) Any form of advertising of business activity shall be deemed to be prima facie proof that the person is carrying on such business activity.

**Application**

5. a) A person must complete and submit a business license application, including all requested information, to the Town for approval.
- b) An application must include all requested information, including but not limited to:
  - i) name, occupation and address of the applicant;
  - ii) the nature of the business for which the license is required;
  - iii) the place where the business is to be carried on;
  - iv) the name under which the business will be operated;
  - v) the name of a contact person;
  - vi) business registration number or proof of provincial business registration; and
  - vii) any other information which may be reasonably requested by the Town from time to time.
- c) If the Town concludes a license application should be denied, the application shall be referred to council which, in its absolute discretion, may deny the application but must give reasons for doing so.

**License Fee**

6. a) A person must pay the fee provided for in Schedule No. 1 or 2 when applying for a license.
  - b) A person will not be issued a license until the fee outlined in subsection a) has been paid.
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**Premises Licensed Separately**

7. a) If a business is carried on at more than one location, a person must obtain a license for each location.
- b) A license issued under the provisions of this bylaw is only valid at the location for which it is issued.

**Provincial Registration and/or License Required**

8. a) 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.
- b) Any license issued under this bylaw without the person first obtaining the required provincial license is invalid.

**Term of License**

9. a) Except as may be otherwise provided for under this bylaw, the term of every license shall expire on the 31<sup>st</sup> day of December for the year it is issued.
- b) Except for the case of transient traders, who will have an option to register on a term of one month or 30 days from when the license was issued.

**Renewal**

10. a) A person must renew their license annually in the manner prescribed by the Town.
- b) A person must pay the fee provided for in Schedule No. 1 when renewing the license.
- c) In the case of a transient trader or contractor, the license can be renewed when they provide actual business within the Town of Rosthern.

**Discontinuance or Change**

11. a) A person must notify the Town if a business is discontinued.
  - b) A person must notify the Town if either the size or nature of the business changes.
  - c) A person must notify the Town if the business relocates.
  - d) A person purchasing or taking over a business must apply for a new license.
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**License to be Displayed**

12. Any license issued under this bylaw must be displayed in a prominent place at the place of business for which the license was issued or be available to be produced upon the request of a designated official or employee of the Town.

**Zoning and Building Standards**

13. a) 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.
- b) The issuing of a license to a person does not relieve that person of the responsibility of conforming with any zoning, building, plumbing and other requirements of the Town.
- c) No person to whom a license is granted shall conduct the business so licensed on any street, lane or other public place without first having obtained the authorization to do so pursuant to a resolution of council and as may be required pursuant to any bylaw.

**Licenses Not Required**

14. A license shall **not** be required for:
  - a) Any business operating within the limits of the Centennial Park of the Town during the annual Fair Days and community events;
  - b) 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 capacity as such official or employee;
  - c) Such other activities as council may, by resolution, exempt from the requirements of this bylaw;
  - d) Any activity undertaken by a charity; and
  - e) Any activity exempt from municipal licensing by any statute of Canada or the Province of Saskatchewan.

**Granting of Licences**

15. The Town may issue licenses subject to the following conditions:
  - a) The required application form has been completed;

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- 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 Saskatoon Health Region has been produced;
- e) The business or the premises occupied by the business complies with all the zoning, building, plumbing and other requirements of the Town; and
- f) Any person who makes application for a license for a business not specifically provided for in this bylaw shall be liable to make payment of the value of the fee assessed by the Town, which fee shall be in the same amount as is payable for a license, the nature of which most closely resembles that for which the application is made.

**Revoking or Suspending of Licenses**

- 16. a) If the Town concludes a license should be suspended, or revoked, the suspension or revocation of the license shall be referred to council which, in its absolute discretion, may suspend or revoke the license but must give reasons for any suspension or revocation.
- b) The Town may reinstate a suspended license if it is satisfied that the licensee is complying with the bylaw, the contravention of which gave rise to the suspension.

**Distress**

- 17. The Town may recover a license fee by distress in accordance with the provisions of *The Municipalities Act*.

**Inspections**

- 18. a) The inspection of property by the Town to determine if this bylaw is being complied with is hereby authorized;
- b) Inspections under this bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*; and
- c) No person shall obstruct a designated officer who is authorized to conduct an inspection under this section, or a person who is assisting a designated officer.

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**Part III  
Specific Licensing**

**Application of Part II**

19. Part II of this bylaw applies to businesses licensed under this part except for Sections 10 a), 11, 14 a) b) c).

**This section applies to any person or business that operates within the corporate bounds of the Town of Rosthern, but does not have an office or premises within those corporate limits. The exception is the “mobile vendor”, “day care centre”, “day care home” and “group home” that fall under this section whether or not the owner/operator resides within the corporate limits.**

**Transient Traders**

20. For the purposes of this bylaw, transient traders are classified into the following categories:
- a) Circus, carnival and rodeo entertainment;
  - b) Farmers’ markets, flea market or handicraft event;
  - c) Mobile food vendors and mobile food vehicle; and
  - d) Other transient traders.

**Circus, Carnival and Rodeo Entertainment**

21. a) No person shall carry on business as a circus and/or carnival or rodeo promoter in the Town without a license.
- b) A person operating as a circus and/or carnival or rodeo promoter must pay the fee provided for in Schedule No. 2 when applying for a license.
- c) A person operating as a circus and/or carnival or rodeo promoter will not be issued a license until the fee outlined in subsection a) has been paid.
- d) There shall be displayed at the entrance to all such shows, events or exhibitions a sign disclosing the admission fee charged in plain letters or figures at least four inches (4”) high, and the style and display location of same shall be satisfactory to the bylaw enforcement officer.
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- e) No person required to apply for a license under this category shall commence:
  - i) carrying on business in the Town unless and until he had applied for the license;  
and
  - ii) it has received the approval of council.
- f) The provisions of Subsection e) of this category shall not apply to any shows or events to take place on the lands owned by the Town of Rosthern.
- g) A person operating as a circus and/or carnival or rodeo promoter must renew their license annually in the manner prescribed by the Town.
- h) A person operating as a circus and/or carnival or rodeo promoter must pay the fee provided for in Schedule No. 2 when renewing the license.

**Farmers' Markets, Flea Market or Handicraft Events**

- 22. a) No person or persons shall operate a farmers' market without a license.
- b) An applicant for a license to operate a farmers' market must pay the fee provided for in Schedule No. 2 when applying for a license.
- c) No license will be issued for a farmers' market until the fee outlined in Subsection a) has been paid.
- d) A license issued for a farmers' market is valid only for a single entity. The license is not based on location, and the farmers' market may change location during the year without gaining a new license.
- e) The license fee will cover all persons offering goods or merchandise for sale at the farmers' market.
- f) A person or persons operating a farmers' market must renew their license annually in the manner prescribed by the Town.
- g) A person or persons operating a farmers' market must pay the fee provided for in Schedule No. 2 when renewing the license.

**Mobile Vendors and Mobile Food Vehicles**

- 23. a) No person shall carry on business as a mobile vendor or as a mobile food vehicle without a license.

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- b) A person operating a vehicle, mobile structure or a food cart must pay the fee provided for in Schedule No. 2 when applying for a license.
- c) A license will not be issued for a mobile vendor until the fee outlined in Subsection a) has been paid.
- d) A separate license must be obtained for each vehicle, mobile structure or a food cart operated by a mobile vendor.
- e) A license issued for a mobile vendor is only valid for the locations specified in the license.
- f) Written approval must be gained from the organizer prior to the mobile food vendor setting up at any of the following locations:
  - i) private property
  - ii) special events
  - iii) festivals
  - iv) Centennial Park
- g) A license will not be issued for a mobile vendor for a location on public right-of-way or a sidewalk, until the applicant has first produced the written approval of the Town.
- h) Liability insurance of \$2,000,000 needs to be provided by the vendor.
- i) A license will not be issued for a mobile food vendor, until the applicant produces the following:
  - i) approval from the Saskatoon Health Region
  - ii) fire inspection approval
  - iii) motor vehicle insurance (if mobile food truck)
  - iv) discharge management plans
  - v) photographs of the unit/truck being used
- j) A person operating as a mobile vendor must renew their license annually in the manner prescribed by the Town.
- k) A person operating as a mobile vendor must pay the fee provided for in Schedule No. 2 when renewing the license.

**Other Transient Traders**

- 24. a) Subject to Sections 22, 23, 24, 25 and 26 no person shall carry on business in the Town as a transient trader without a license.
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- b) A person operating a business as a transient trader must pay the fee provided for in Schedule No. 2 when applying for a license. They will have the option of choosing the duration of license for one (1) year or pay on a monthly basis to a maximum of five months.
- c) A person will not be issued a license to operate a business as a transient trader until the fee outlined in Subsection b) has been paid.
- d) If a transient trader carries on a business at more than one location, a license must be obtained for each location.
- e) A license issued for a transient trader is only valid at the location for which it is issued.
- f) A person operating a business as a transient trader must renew their license annually in the manner prescribed by the Town.
- g) A person operating a business as a transient trader must pay the fee provided for in Schedule No. 2 when renewing the license.

**Direct Sellers**

- 25. a) No person shall carry on business as a direct seller in the Town without a license.
  - b) A person operating as a direct seller must pay the fee provided for in Schedule No. 2 when applying for a license.
  - c) A person operating as a direct seller must produce the following to the Town:
    - i) a copy of their provincial license under *The Direct Sellers Act*;
    - ii) if selling for a company, a copy of their identification tag issued to them from their company; and
    - iii) if selling for a company, the company must be registered with the Province and provide to the Town the PST number or entity number that was issued to them by the Province;
  - d) A person operating as a direct seller will not be issued a license until the fee outlined in Subsection a) has been paid.
  - e) A person operating as a direct seller must renew their license annually in the manner prescribed by the Town.
  - f) A person operating as a direct seller must pay the fee provided for in Schedule No. 2 when renewing the license.
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**Contractors or Direct Sales Contractors**

26. a) No person shall carry on business as a contractor or direct sales contractor in the Town without a license.
- b) A person operating as a contractor or direct sales contractor must pay the fee provided for in Schedule No. 2 when applying for a license.
- c) A person operating as a contractor or direct sales contractor will not be issued a license until the fee outlined in Subsection 2 has been paid.
- d) A person operating as a contractor or direct sales contractor must renew their license annually in the manner prescribed by the Town.
- e) A person operating as a contractor or direct sales contractor must pay the fee provided for in Schedule No. 2 when renewing the license.

**Child Care Centres**

27. Any person applying for a business license for the operation of a day care centre must:
- a) Be fully licensed or approved under provincial statutes;
- b) Meet all Town of Rosthern zoning requirements;
- c) Meet all building and inspection requirements; and
- d) Pay fees as outlined in Schedule 2.

**Family Child Care Homes**

28. Any person applying for a business license for the operation of a day care home must:
- a) Be fully licensed or approved under provincial statutes;
- b) Meet all Town of Rosthern zoning requirements;
- c) Meet all building and fire inspection requirements;
- d) The maximum number of children allowed in a private residence licensed as a day care home will be eight; and
- e) Pay fees as outlined in Schedule 2.
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**Group Family Child Care Homes**

27. Any person applying for a business license for the operation of a day care centre must:
- a) Be fully licensed or approved under provincial statutes;
  - b) Meet all Town of Rosthern zoning requirements;
  - c) Meet all building and inspection requirements;
  - d) Any day care centre applying for a business license that is providing for the care of 12 or more children will be issued the license subject to council approval; and
  - e) Pay fees as outlined in Schedule 2.

**Group Homes**

29. Any person applying for a business license as a group home must:
- a) Meet the requirements of the Town of Rosthern Zoning Bylaw;
  - b) Meet all building and fire inspection requirements;
  - c) Be fully licensed or approved under provincial statutes; and
  - d) Pay fees as outlined in Schedule 2.

**Offences and Penalties**

30. a) Every person who contravenes a provision of this bylaw is guilty of an offence and liable on summary conviction to a fine of not less than:
- i) \$1,000.00 in the case of an individual; and
  - ii) \$2,500.00 in the case of a corporation.
- b) The court may, in default of payment of a fine imposed under this bylaw, order imprisonment of an individual for a term not exceeding one year.

**Severability**

31. Each provision of this bylaw is independent of all other provisions. If any provision is declared invalid by a court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

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**Repeal**

32. Bylaw No. 2017-09 is hereby repealed. Notwithstanding the repeal, every license fee outstanding pursuant to Bylaw No. 2008-09 as amended shall remain in force as if made pursuant to this bylaw and may be dealt with as if made pursuant to this bylaw.

**Coming into Force**

33. This bylaw shall come into force and take effect on the final passing thereof.

Introduced and read a FIRST time this 4<sup>th</sup> day of December, 2017.

Read a SECOND time this 4<sup>th</sup> day of December, 2017.

Read a THIRD time and passed this 4<sup>th</sup> day of December, 2017.

( S E A L )

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Mayor Dennis Helmuth

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Chief Administrative Officer Nicole Lerat

**SCHEDULE 1 TO BYLAW 2017-12**

License fee for regular businesses	NIL
License fee for new businesses (except regular businesses)	\$ 50.00
License fee for new businesses after July 1 of the current year (except regular businesses)	\$ 25.00
License fee for businesses which are renewing their licenses (except regular businesses)	\$ 50.00
Late surcharge for businesses which renew their license after February 15 of the current year	\$ 50.00



**SCHEDULE 2 TO BYLAW 2017-12**

1. Circus and/or carnival or rodeo promoters:	\$ 500.00
2. Contractors and direct sales contractors:	\$ 200.00
3. Direct sellers:	\$ 100.00
4. Farmers' market:	\$ 200.00
5. Mobile vendors:	
a) Vendor	\$ 150.00
b) Ice cream bicycles (each)	\$ 50.00
6. Transient traders selling:	
a) Christmas trees (per location)	\$ 100.00
b) Fish, fruit, produce, baking and handicrafts	\$ 100.00
c) Handicraft event (7 days), locally-produced only (per event)	\$ 200.00
d) Handicraft event (7 days)(per event)	\$ 500.00
e) All other	
i) Monthly license	\$ 100.00
ii) Annual license	\$ 500.00
7. Child care centres, family child care homes and group family child care homes:	\$ 50.00

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