

BYLAW NO. 2020-02

Business License Bylaw

A BYLAW OF THE TOWN OF LEMBERG TO REGULATE AND LICENSE ANY BUSINESS OR TRADE CARRIED ON WITHIN THE MUNICIPALITY

COUNCIL of the *Town* of **Lemberg**, in the Province of Saskatchewan, enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as the Business License Bylaw.

INTERPRETATION

2. Wherever in this Bylaw the following words are terms are used, they shall, unless the context provides otherwise, be held to have the following meaning:
 - a. **“Transient Trader”** shall mean any person who carries on business or trade on private property which the person does not own or is not a lessee pursuant to a 12-month lease agreement or is not an occupant of Municipal property that is used for business purposes.
 - b. **“Peddler”** or **“Direct Seller”** shall mean any person who travels from place to place throughout the business day for the purpose of offering goods or services for sale or who conducts such sales over the telephone.
 - c. **“Act”** shall mean *The Municipalities Act*, and all amendments hereto.
 - d. **“Contractor”** shall mean any person who constructs, alters, maintains, repairs or removes buildings or structures, installs or performs other similar work in the Town who does not have a business residence in the Town.
 - e. **“Local Business”** shall refer to any person or business who currently pays residential or commercial land tax within the Town of Lemberg.

INTERPRETATION

3. No person shall carry on any business or trade within the Municipality unless he has in his possession a valid and subsisting license for the purposes issued accordance with the provisions of this bylaw or is an local business.
4. No person shall permit the business activities of a transient trader upon property owned by the person unless a license has been issued by the Municipality permitting such activity.
5. A person who is not a local business must apply to the Town Office prior to commencing any business.
6. The applicant must provide the name and address of the business, the nature of the business, and a contact person and phone number.

7. Any general contractors may be asked to provide a list of subcontractors, who shall also be required to purchase a business license in order to conduct business in the Town.
8. Every license issued in the Town shall expire December 31 of that calendar year and shall business dealings move into a new year, a new license shall be required.
9. No person to whom a license has been granted shall offer for sale goods, or services, or merchandise that conflicts with:
 - (a) other than the kind or kinds described in the license; or
 - (b) by any method except as stated in the license.
10. Every person conducting business shall be required, at all reasonable times, to produce their business license for inspection upon request of the Administrator, a bylaw enforcement officer, RCMP, peace officer, or any potential customer.

FEES

11. Fees payable shall be as follows:
 - (a) Twenty-five dollars for a Business License that shall expire December 31 of the current year (**\$25.00**);
 - (b) Building contractors who do not reside in the Municipality shall pay for a Business License for every contractor who shall carry out business in the Town of Lemberg on their behalf.

EXEMPTION

12. The following businesses are exempt from requiring a Business License within the boundaries of the Town of Lemberg:
 - (a) Any person who owns or operates a business store front located within the boundaries of the Town of Lemberg who pays municipal land tax;
 - (b) Any person who conducts a home-based business such as, but not limited to, Avon, Epicure, Pampered Chef, PartyLite, Tupperware, Watkins, etc. who pays municipal land tax;
 - (c) Real Estate Agents that do not have a store front or home based business within the Town limits;
 - (d) Publicly funded organizations such as, but not limited to, educational institutions, educational administration, municipal administration, and hospitals, etc.

- (e) Non-profit organizations including, but not limited to, service and community groups, and/or churches or places of worship;
- (f) Private day cares operated out of private dwellings.

CONTRAVENTION

- 13.** No person shall:
- (a) Obstruct or hinder any designated officer or any other person acting under the authority of this Bylaw; or
 - (b) Fail to comply with any other provision of this Bylaw.
- 14.** Notwithstanding any other penalty provisions in this bylaw, a designated officer may issue a voluntary payment in lieu of a summons and the accused may, within 15 days, pay the following monetary penalty to the Town:
- (a) For the first and each subsequent offences: \$100.00
- 15.** Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of Section 15 is guilty of an offence and liable on summary conviction as provided for in the Penalty Bylaw 4/86.
- 16.** Any license issued under this bylaw where the person is required by law to obtain a federal or provincial license shall be invalid until such time as a federal or provincial license is produced.
- 17.** Any person found in contravention of this bylaw shall have their business license suspended or cancelled in accordance with Section (8) of *The Act*. No refunds shall be issued.

REPEAL

- 18.** Bylaws Number 07/2017 is hereby repealed.

SEVERABILITY

- 19.** 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.

COMING INTO FORCE

- 20.** This bylaw shall come into force and take effect on the date of its final passing.

Mayor

[SEAL]

Administrator

Certified a True Copy of Bylaw 2020-02,
adopted by Resolution of the Council
of the Town of Lemberg, in the
Province of Saskatchewan on
the ____ day of _____, 2018.

seal

Town Administrator