

**A BYLAW OF THE TOWN OF ESTERHAZY TO PROVIDE FOR THE REGISTRATION AND LICENSING OF BUSINESSES.**

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

1. This Bylaw may be cited at the General Licensing Bylaw.
2. Unless otherwise provided all words and expressions used herein shall have the same meaning given them in the Municipalities Act.
3. For the purpose of this Bylaw.
  - a) BUSINESS means and includes a trade, profession, occupation, employment, or calling that while operating within the Town of Esterhazy provides goods or services.
  - b) COUNCIL shall mean the Council of the Town of Esterhazy.
  - c) DIRECT SALES CONTRACTOR means a vendor 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.
  - d) DIRECT SELLER means a person who:
    - i) Goes from house to house selling or offering for sale, or soliciting order for the future delivery of, goods or services;
    - ii) By telephone offers for sale or solicits for future delivery of goods or services; or
    - iii) Does both of the things mentioned in subclasses (i) and (ii).
  - e) EMPLOYEE means anyone who works for an employer for wages or salary and who is provided with benefits such as Workers Compensation, Employment Insurance and Canada Pension.
  - f) ENTERTAINER means every person holding a public dance or entertainment where an admission is charged.
  - g) GENERAL CONTRACTOR means a contractor who employs one or more subcontractors and or who engages in two or more trades.
  - h) HOME BASED BUSINESS means any occupation, trade, profession or craft conducted for gain from a dwelling unit, which use is incidental and secondary to the residential use of the dwelling and does not change the character thereof.
  - i) HOME OCCUPATION means any occupation, trade, profession or craft conducted for gain in a dwelling unit by the resident or residents of the premises, which use is clearly incidental and secondary to the residential use of the dwelling and does not change the character thereof.
  - j) LICENSE INSPECTOR means the Inspector of Licenses for the Town of Esterhazy and shall include anyone appointed by Council to act as such or anyone acting as such during his/her absence from duty for any cause.
  - k) NON –RESIDENT means a business or person not located and operated from leased or owned property with the Town of Esterhazy.
  - l) PERSON means and includes an individual or group of two or more individuals, an association, a partnership, an organization or a corporation within the meaning of both the federal and provincial legislation governing the affairs of such entities.
  - m) RESIDENT means a business or person located and operated from leased or owned property within the Town of Esterhazy and in the case of a home based business or home occupation is the principal residence of the owner of the business or person.
  - n) STUDENT means a person under the age of 18 years and enrolled in K to 12 school.
  - o) SUBCONTRACTOR means anyone who contracts to someone other than the ultimate consumer, usually to a General Contractor.

- p) TAXIS means every person that has the control, discretion and maintenance of a taxicab, and the benefit of the collection of revenue derived from the operation of the taxicab, whether as registered owner, licensee or in possession under any conditional sale, chattel mortgage or hire-purchase agreement.
- q) TOWN means the Town of Esterhazy.
- r) LICENSE means registration and licensing of businesses.

4. COMPLIANCE WITH PROVISIONS OF BYLAW

Every person carrying on or engaged in any business in respect of which a license is required, shall, upon request of the License Inspector give the inspector all information necessary to enable him to carry out his duties.

5. GRANTING OF LICENSES

- a) Subject to the Municipalities Act and Council's reserved right to refuse to issue any license, a license will be issued upon compliance with the provisions of this Bylaw.
- b) Where the License Inspector or his representative refuses to issue any license, he shall forthwith submit the application for license, together with a report thereon, to the Council and advise the applicant of the date on which the Council will consider the application.
- c) A general receipt of the Town issued by the Treasurer and indicating the amount of the fee paid and the category of business the fee applies to shall constitute a license under this Bylaw.
- d) Non-Resident taxi licenses require a letter from the Chief Administrative Officer approving their operation in Town and a fee of \$300.00 per year.
- e) For Direct Sellers:
  - i) the name and home address of the applicant
  - ii) driver's license with photo identification or provincial health card;
  - iii) copy of a valid provincial license authorizing them as a direct seller or direct sales contractor
  - iv) the type and name of product or service being sold;
  - v) company name, mailing address and contact person;
  - vi) all other required information

1. DURATION OF LICENSE/REGISTRATION

Every License granted pursuant to this bylaw shall be for the current year at the time of granting thereof and shall expire on the 31<sup>st</sup> of December next succeeding the date of granting of the license was issued, except:

- a) Licenses specifically mentioned to be issued for a shorter period or sooner revoked or forfeited.

2. REDUCTION IN LICENSE FEES

After September 1<sup>st</sup> License fees shall be pro-rated at \$10.00 per month.

3. REVOCATION OF LICENSE

Council may, by resolution, 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 prorated to the unexpired term for which it was granted.

4. ADMINISTRATION

The License Inspector shall be responsible for the administration of this bylaw and shall have the authority to appoint other persons to carry out the provisions of this bylaw. All license fees shall be paid at the Town Office.

5. LICENSE REQUIRED

- a) No person shall carry on any business, trade or occupation, for gain, without first having obtained a license to do so pursuant to this bylaw, except:
  - i) An employee shall not be liable for a license pursuant to this bylaw.
  - ii) A person providing goods wholesale to licensed businesses in the Town of Esterhazy shall

- not be liable for a license pursuant to this bylaw.
- iii) Charitable organizations and local non- profit groups shall be exempt from the provisions of this bylaw.
- iv) Students shall be exempt from the provisions of this bylaw.
- v) Entertainers when hired or working for a charitable or non-profit organization shall not be liable for a license.

**11. LICENSE FEE**

Persons required to be licensed under the provisions of this bylaw shall pay the applicable fee as stated in Schedule "A" attached hereto.

**12. PENALTIES**

- a) Any person who violates any provision of this bylaw shall be guilty of an offense and upon conviction that person shall be liable to a fine of \$250.00 for the first offence and \$500.00 for each subsequent offense.
- b) A person who is guilty of a violation of any provision of the Bylaw, for which no other penalty is herein provided, is liable to the penalties as provided in the General Penalty Bylaw of the Town of Esterhazy.

**13.** Bylaw No. 626-08 is hereby repealed.

**14.** This Bylaw shall come into full force and take effect immediately upon the final passing thereof.

CERTIFIED A TRUE COPY OF A BYLAW PASSED BY RESOLUTION OF THE COUNCIL OF THE TOWN OF ESTERHAZY AT A MEETING HELD THE

26 DAY OF February, 2014 A.D.

[Signature]  
TOWN ADMINISTRATOR

[Signature]  
Mayor

[Signature]  
Administrator



**BYLAW NO. 696-14**

**SCHEDULE "A"**

**LICENSE FEES**

- |    |                     |                                                       |
|----|---------------------|-------------------------------------------------------|
| 1. | Direct Sellers      | The maximum fee prescribed by the Direct Sellers Act. |
| 2. | Resident            | \$100.00                                              |
| 3. | Non- Resident       | \$300.00                                              |
| 4. | Single Job/Occasion | \$100 to a Maximum of \$300.00                        |