

THE RESORT VILLAGE OF CHITEK LAKE

BYLAW NO. 122/2016

A BYLAW OF THE RESORT VILLAGE OF CHITEK LAKE TO PROVIDE FOR THE LICENSING, REGULATING AND GOVERNING OF PERSONS ENGAGED IN CERTAIN OCCUPATIONS AND PLACES USED FOR CERTAIN PURPOSES

The Council for the Resort Village of Chitek Lake, in the Province of Saskatchewan enacts as follows:

1. SHORT TITLE

This Bylaw may be cited as the Business License Bylaw

2. PURPOSE

The purpose of this Bylaw is to regulate and license any business or trade within the Resort Village of Chitek Lake.

3. DEFINITIONS

- a) "Administrator" means the Chief Administrative Officer of the Resort village of Chitek Lake;
- b) "Business" means a trade, profession, occupation, employment or calling or the provision of goods and services, but does not include:
 - i) The provision of services solely to the Resort village of Chitek Lake.
- c) "Charitable or non-profit organization" means an organization that is:
 - 1. Incorporated as a non-profit corporation in the Province of Saskatchewan;
 - Or
 - 2. A registered charity authorized to issue tax receipts for donations pursuant to *The Income Tax Act*; or
 - 3. 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) "Contractor's" means any person or persons who enter into a contract for the construction, alteration, repair or removal of buildings or

structures, the installation of heating plants, plumbing, electrical, or other fixtures or the performance of other similar work in the Resort Village.

- e) "Council" means the Council of the Resort village of Chitek Lake.
- f) "Direct Seller" means a person who:
 - 1. Goes from house to house selling or offering for sale, or soliciting orders for the future delivery of goods, and services;
 - 2. By telephone offers for sale or solicits orders for the future delivery of goods or services of
 - 3. Does both of the things mentioned in sub clauses (1) and (2).
- g) "Home-based Business/Home Occupation" means any occupation, trade, profession, or craft conducted for gain from or in a dwelling unit, which use is incidental and secondary to the residential use of the dwelling and does not change the character thereof;
- h) "license inspector" means the Administrator of the Resort Village of Chitek Lake, or anyone designated by the Administrator.
- i) "licensee" means a business/person holding a valid subsisting license issued pursuant to the provisions of this Bylaw.
- j) "Municipality" means The Resort Village of Chitek Lake.
- k) "Non-resident" means business or person not located and operated from leased or owned property within the Resort village of Chitek Lake.
- l) "Police" or "Police Officer" means any member of the Royal Canadian Mounted Police.
- m) "Transient Trader" means a person carrying on business in the municipality who:
 - 1. Offers goods or merchandise for sale by retail or auction; or
 - 2. Solicits any person who is not a wholesaler or retail dealer for orders for future delivery of goods and merchandise; but
 - 3. 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.

4. LICENSE REQUIRED:

No person shall carry out a business in the Resort Village without a license.

5. LICENSE APPLICATION:

- a) A person must comply in writing to the Resort Village for a business license before commencing any business.
- b) The application form provided for as Schedule "B" must include all requested information, including but not limited to:
 - 1. the name and address of the applicant;
 - 2. The nature of the business for which the application is required;
 - 3. The place where the business is to be carried on;
 - 4. The name under which the business will be operated;
 - 5. The area of the premises where the business will be carried on;
 - 6. The name and phone number of the contact person.

6. LICENSE FEE:

- a) 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 is paid.
- b) Every license, unless specifically mentioned to be issued for a shorter period or sooner forfeited, shall expire on December 31st of the year in which the said license was issued.
- c) A person must renew their license annually or purchase a license for each project in the manner prescribed in this Bylaw.

7. GRANTING OF LICENSES:

- a) All licenses required under the provisions of this Bylaw shall be issued by the license inspector except where the Council reserves to itself the right to decide whether a license shall be issued or not.
- b) Where the license inspector refuses to issue a license, he shall forthwith submit the application for license together with the report thereon to the Council and advise the applicant of the date on which Council will consider the application.
- c) Every license granted under this bylaw shall be made out in duplicate and one copy shall be delivered to the licensee, who shall produce same whenever it may be demanded by any peace officer in the

employ of the Resort Village or other person duly authorized to demand its production.

- d) Every licensee granted a license to carry on a business and who occupies premises in connection therewith shall keep the license posted in a conspicuous place on the licensed premises. All persons licensed under the provisions of this Bylaw where there are no licensed premises shall, on demand of the license inspector or other authorized person, produce the license to such official.
- e) If a business is carried on at more than one location, a person must obtain a license for each location.
- f) A license issued under the provisions of this Bylaw is only valid at the location for which it is issued.
- g) No person or business to whom a license has been issued under this Bylaw shall offer for sale services, goods or merchandise within the Resort Village other than the kinds described in the license; or by any methods except as stated in the license; or at any time or during any period when businesses within the Resort Village offering similar goods and services are required to be closed.

8. REVOCATION OF LICENSES:

The 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 proportioned to the unexpired term for which it is granted.

9. 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

10. DISCONTINUANCE OF CHANGE:

- a) A person must notify the Resort Village if a business is discontinued
- b) A person must notify the Resort Village if either the size or nature of the business changes.

- c) A person purchasing or taking over an existing business must apply for a new license but shall not be required to pay a new license fee. In the circumstance, the new license will expire at the end of the original license period.

11. OFFENSES AND PENALTIES:

- a) No person shall obstruct or hinder any Designated Officer or any person acting under the authority of this Bylaw.
- b) No person shall fail to comply with any provisions of this Bylaw.
- c) Where, in the prosecution or proceeding under this Bylaw, it is alleged that the person proceeded against carried on or engaged in a business, industry or calling without first having obtained a license to do so, proof of one transaction in the business, industry or calling shall be sufficient to establish the person proceeded against carried on or engaged in such business, industry or calling.
- d) In case any contractor fails to pay the license fee imposed by this Bylaw, the Designated Officer may give notice in writing to any person by whom the contractor is employed, requiring the person to pay the license fee out of monies payable 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 Resort village and may be recovered in the same manner as taxes may be recovered.
- e) Any person carrying on any of the trades, occupations, callings or businesses set forth in Schedule "A" to this Bylaw without first obtaining a license therefore and paying the fee prescribed for such license shall be guilty of a breach of this Bylaw, and subject to a penalty not to exceed \$500.00 plus the Resort Village's cost for the prosecution under this Bylaw. In default of payment of such penalty and costs, they shall be liable to imprisonment for not less than ten (10) days and not more than thirty (30).
- f) Notwithstanding any provisions of this Bylaw, a Designated Officer may issue a voluntary payment in lieu of a summons and the accused may, within fifteen (15) days, pay the following monetary penalty to the Resort Village, in addition to the license fee:

1. For the first offence: \$50.00
2. For a second or subsequent offense: \$100.00

12. COMING INTO FORCE:

This Bylaw shall come into force January 1st, 2017 and take effect on the date of final reading thereof.

Mayor

Chief Administrative Officer

Certified to be a true and accurate
Copy of Bylaw 122/2016 which was
Passed by Council for the Resort Village
Of Chitek Lake on December 15th, 2016.

Chief Administrative Officer

THE RESORT VILLAGE OF CHITEK LAKE

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SCHEDULE "A"

TYPE OF BUSINESS	DEFINITION	LICENSE FEE AMOUNT
CLASS A	ALL BUSINESSES THAT OWN AND PAY ON IMPROVED PROPERTY IN THE RESORT VILLAGE OF CHITEK LAKE	EXEMPT MUST REGISTER
CLASS B	ALL BUSINESSES THAT DO NOT OWN IMPROVED PROPERTY IN THE RESORT VILLAGE OF CHITEK LAKE. GENERAL CONTACTORS, CONCRETE SUPPLIERS, ELECTRICIANS, PAINTERS, DRYWALLERS, PLUMBERS, HEATING CONTRACTORS, COMMERCIAL WASTE COLLECTORS, GRAVEL CONTRACTORS, EXCAVATING CONTRACTORS ETC.	\$60.00 PER YEAR
CLASS C	ALL PERSONS REQUIRED TO BE LICENSED UNDER <i>THE DIRECT SELLERS ACT – REGULATIONS 11(1)(a) AVERAGE SALES OVER \$100.00</i>	\$20.00

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SCHEDULE "B"

BUSINESS LICENSE APPLICATION FORM

DATE:	
CLASS:	A B C
FEE:	
BUSINESS NAME:	
BUSINESS ADDRESS:	
BUSINESS PHONE:	HOME PHONE:
EMAIL:	WEBSITE:
BUSINESS OWNER:	
BUSINESS DESCRIPTION: PRIMARY FUNCTION/GOODS & SERVICES PROVIDED	

SIGNATURE

DATE