

BUSINESS LICENSE BYLAW

BYLAW #14-2023

A BYLAW OF THE RESORT VILLAGE OF AQUADEO TO PROVIDE FOR THE LICENSING, CONTROL, REGULATION AND GOVERNING OF CERTAIN BUSINESSES AND OCCUPATIONS IN THE RESORT VILLAGE

WHEREAS, it is deemed necessary and expedient that persons engaged in certain businesses and occupations should be licensed by the Resort Village of Aquadeo be subject to certain regulations;

Now therefore, the Council of the Resort Village of Aquadeo, in the Province of Saskatchewan enacts as follows:

A. INTRODUCTION

1. This Bylaw shall be known and may be cited as the Business License Bylaw.
2. The purpose of this Bylaw is to license businesses in the Resort Village of Aquadeo in order to:
 - i. Regulate businesses;
 - ii. Ensure compliance with land use, zoning and building regulations; and
 - iii. Facilitate planning decisions
3. In this Bylaw, unless the context otherwise requires, the following words or terms shall be held to have the follow definitions:
 - i. **“Business”** shall mean any of the following activities, whether or not for profit and however organized or formed:
 1. A commercial, merchandising or industrial activity or undertaking;
 2. The carrying on of a profession, trade, occupation, calling or employment; or
 3. An activity providing goods or services.
 - ii. **“Charity”** shall mean an organization that is:
 1. Incorporated as a non-profit corporation in the Province of Saskatchewan,
 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 received any direct economic gain.
 - iii. **“Chief Administrative Officer”** (CAO) shall be the Chief Administrative Officer for the Resort Village of Aquadeo
 - iv. **“Childcare Center”** shall mean a Family Child Care Home and Group Family Child Care Home as established with the Resort Villages’ Zoning Bylaw.
 - v. **“Contractor” and Subcontractor”** shall mean a person who constructs, installs heating plants, plumbing or other fixtures or performs other similar work in the Resort Village and who does not have a business premises in the Resort Village.
 - vi. **“Designated Official”** means the CAO, or other person(s) designated by him or her to issue business licenses and enforce this bylaw, including but not limited to Planning Staff and Bylaw Enforcement Staff.
 - vii. **“Direct Seller”** shall mean direct sellers and direct sales contractors as defined by and licensed with the Province under *The Direct Sellers Act* who do not have a business premises in the Resort Village.
 - viii. **“Farmers’ Market”** shall mean a group of persons operating collectively which sells products that they bake, make, or grow.
 - ix. **“Home-Based Business”** shall mean a home-based business and home-occupation as established with the Resort Village’s Zoning Bylaw
 - x. **“Resort Village”** shall mean the Resort Village of Aquadeo.

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- xi. **“Trade Fair”** shall mean a place where the public is invited and where goods or merchandise are offered for sale by retail or auction on a short-term basis such as hobby shows, home improvement shows, sportsman shows, flea markets and craft shows.
- xii. **“Transient Trader”** shall mean any person who carries on business within the Resort Village of Aquadeo who:
 - 1. offers goods or merchandise for sale by retail or by auction; or
 - 2. solicits any person who is not a wholesaler or retail dealer for orders for the future delivery of goods and/or merchandise; and
 - 3. who is not assessed commercial property tax or who is not the tenant of the owners of assessed commercial property.
- xiii. **“Unclassified”** shall mean every person carrying on any trade or business not otherwise specified in this bylaw.

B. GENERAL LICENSING

Licensing Required

- 1. No person shall carry on a business within the corporate boundaries of the Resort Village of Aquadeo without a valid and subsisting license issued pursuant to this bylaw.
- 2. Notwithstanding Section 1, a license shall not be required for:
 - i. Any business carried on by the Resort Village;
 - ii. Any activity undertaken by a charity;
 - iii. Any activity carried on by a person under the age of eighteen (18);
 - iv. Any business that operates from a premise located on property that the Resort Village assesses and taxes as commercial or industrial property; and
 - v. Such other activities as Council may by resolution exempt from the requirements of this bylaw.

Application

- 3. Any person seeking a license must apply in writing to the Resort Village Office.
- 4. Each application for a license under this bylaw shall include the following information:
 - i. The name 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 exercised or carried on;
 - iv. The period for which the license is required;
 - v. The contact phone number and email address for the applicant;
 - vi. The name under which the business will be operated;
 - vii. Proof of compliance with the Zoning Bylaw, where applicable;
 - viii. Estimated annual business revenue, if apply for a reduced license rate; and
 - ix. Any other information which may be reasonably required by the Resort Village.
- 5. The license shall be in the form such as prescribed by the Designated Official.

License Fees

- 6. The fee for licenses shall be those prescribed and fixed by Policy of the Resort Village of Aquadeo. A person will not be issued a license until the fee outlined in the Policy has been paid.
- 7. Subject to the provisions of this Bylaw, the license fee shall be calculated based on the annual revenue for the immediately preceding year, or in cases where no historical information is available, based on the projected revenue for the upcoming year.
- 8. Subject to subsection 9(i), no fee in respect to either a new license application or an annual renewal of a license shall be prorated for any reason.
- 9. The license for a business in its first year of operation may be prorated to the following:
 - i. From January 1 to August 31, 100% of the license fee;
 - ii. From September 1 to December 31, 50% of the license fee.
- 10. Every license granted under this bylaw, unless specifically mentioned to be for a shorter period and unless cancelled or revoked, shall be the calendar year at the time of the issue and shall expire on the 31st day of December next succeeding the date of issue.

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11. No rebate shall be allowed or granted to any licensee, in respect of forfeiture of a license or on account of the no-use of the rights and privileges thereby granted, or for any other cause, unless the consent of the Resort Village Council is granted by resolution.

Granting of Licenses

12. In the case of application for a new license or an application for renewal of an existing license, the Designated Official may issue such license or renewal of license without referring the application to the Council, unless in his/her opinion, circumstances warrant reference of the application for Council's approval.
13. The Resort Village may issue licenses in the following circumstances:
 - i. The required application form has been completed;
 - ii. The required license fee has been paid;
 - iii. If required, the necessary provincial license has been produced; and
 - iv. The business or premises occupied by the business complies with all the zoning, building and other requirements of the Resort Village.

Renewal

14. A person must renew their license annually in the matter prescribed by the Resort Village on or before February 28 of each year.
15. A person must pay the renewal fee provided for in the Policy as set by Council for business Licenses when renewing the license.
16. If a license has not been renewed by the dealing of February 28, then the business will be recorded as closed and removed from the Resort Village's website directory.
17. Any business that wishes to renew their license once the business has been recorded as closed must follow all the steps that are required to apply for a new license.

Good Standing

18. All persons who obtain or renew a business license, unless revoked or suspended under this Bylaw, shall be considered in good standing with the Resort Village and each business shall have the option to be listed in the Resort Village's website directory at no additional costs.

License Not Transferable

19. A licensee may not sell, transfer, assign, lease or otherwise trade a license from one person or premise to another.

Compliance with Other Regulations

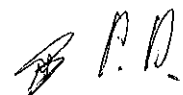
20. A license will not be issued under this Bylaw for any business or premises occupied by the business which does not conform to any zoning, building and other requirements of the Resort Village.
21. The issuing of a license does not relieve that person or business of the responsibility of conforming to any zoning, building and other requirements of the Resort Village.
22. No person to whom a license is granted under this bylaw shall conduct a business so licensed on any street, lane, or public place unless the license permits that person to do so.
23. All businesses must adhere to all applicable federal, provincial and municipal legislation and regulation.
24. Any license issued under this Bylaw without the person first obtaining the required federal or provincial license is invalid.

Discontinuance or Change

25. A license holder must notify the Resort Village if a business is discontinued.
26. A license holder must notify the Resort Village if the contract information, size or nature of the business changes.
27. A license holder must apply for a new license if the business relocates to or within a residential area in the Resort Village.

Display of Licenses

28. 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 site where work is carried out under the terms of the license, or be available to be produced upon the request of a designated official of the Resort Village.

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Revocation of License

29. If a licensee contravenes any term or condition of this Bylaw, the Resort Village may suspend or revoke the license. As per Section **B.11**, there shall be no refund issued for a revoked license.
30. The Designated Official may reinstate a revoked license if her or she is satisfied that the licensee is complying with the Bylaw.
31. The Resort Village may refuse to issue or renew a license, and may impose conditions on a license for the following reasons:
 - i. The applicant or licensee does not or no longer meets the requirements of this Bylaw with respect to the license applied for or held;
 - ii. The applicant has breached a condition of the license;
 - iii. The applicant or licensee or any of its employees:
 1. Provides false or misleading information to a Designated Official;
 2. Has, in the opinion of the Designated Official based on reasonable grounds, contravened this Bylaw or any applicable bylaw;
 3. Has, in the opinion of the designated Official based on reasonable grounds, contravened the provisions of any federal, provincial or municipal legislation or regulation; or
 4. Fails to pay any fee or penalty required by this Bylaw; or
 - iv. In the opinion of the Designated Official based on reasonable grounds, it is in the public interest to do so.
32. The Licensee shall immediately, upon receiving notification that the license has been revoked, cancelled or suspended, cease the operation of the business.

Right to Appeal

33. Any licensee or applicant may appeal the denial, suspension or cancellation of a license issued under this Bylaw to Resort Village by making written application within 30 days of the date of service of the letter from the Designated Official revoking, denying or suspending the license.

C. SPECIFIC REGULATIONS

Childcare Centers

1. Each application for a Childcare Center business license, prior to issuance shall be reviewed by the Designated official for compliance to the building regulations, fire regulations and zoning regulations.

Contractors

2. In accordance with Subsection **9(2) to 9(7) *The Municipalities Act***, if any contractor fails to pay the license fee imposed by this Bylaw, the Designated Official may give notice in writing to any person by whom the contractor is employed requiring that person to pay the license fee out of the moneys payable by that person to the contractor and upon receipt of the notice by that person, the amount of license fee shall to the extent of moneys 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.
3. If the Designated Official gives notice pursuant to Section **2**, he or she shall send a copy of the written notice to the contractor.

Direct Sellers

4. A person operating as a direct seller must produce the following to the Resort Village:
 - i. A copy of their provincial license under *The Direct Sellers Act*; and
 - ii. If selling for a company, a copy of their identification tag issued to them from their company.

Home Based Businesses

5. Each application for a Home Based business license, prior to issuance, shall be reviewed by the Designated Official for compliance to the building regulations, fire regulations and zoning regulations. If applicable, the application may also be required to be placed before Council for approval prior to issuing a license.

Trade Shows and Farmers' Markets

6. A license for a trade show or farmers' market is a valid license for all vendors operating within the trade show or farmers' market while the trade show or farmers' market is in operation.



7. Any person operating as a vendor outside of the hours of operation or location of a licensed trade show or farmers' market is required to obtain a valid business license in accordance with the Bylaw.

D. ENFORCEMENT

Enforcement of Bylaw

1. The administration and enforcement of this Bylaw is hereby delegated to the CAO
2. The CAO may appoint any employee or agent of the Resort Village as a Designated Official for the purposes of administration and enforcement of this Bylaw

Inspectors

3. The inspection of property by the Resort Village to determine if this Bylaw is being complied with is hereby authorized.
4. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
5. No person shall obstruct a Designated Official who is authorized to conduct an inspection under this Bylaw, or any person who is assisting a Designated Officer.

Offences

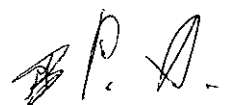
6. No person shall:
 - i. Conduct a business without a license;
 - ii. Conduct a business activity from a premises not identified on a license;
 - iii. Conduct a business without renewing a license;
 - iv. Fail to post a license;
 - v. Fail to produce a license upon request by authorized personnel;
 - vi. Advertise or promote a business without a license;
 - vii. Provide false or misleading information to the Resort Village or a Designated Office of the Resort Village;
 - viii. Obstruct or hinder any Designated Official acting under the authority of this Bylaw; or
 - ix. Fail to comply with any other provision of this Bylaw.
7. Any form of advertising of business activity shall be deemed to be proof that the person is carrying on such business activity.

Notice of Violation

8. Where the Designated Official has reason to believe that a person has contravened any provision of this Bylaw for which a fixed penalty is listed in Policy, the Bylaw Enforcement Officer may issue a Notice of Violation to such person.
9. If voluntary payment of the amount specified on the Notice of Violation is made to the Resort Village Office within 30 calendar days of the date of the Notice of Violation, the person alleged to have committed the offence shall not be liable to prosecution for the offence indicated.
10. Voluntary payment of a Notice of Violation shall not exempt that person from compliance with the requirements of this Bylaw.
11. If payment is not received within 30 calendar days of the date of the offence, an Information may be laid and a Summons issued. Thereafter, voluntary payment may be made before the returnable date of the Summons to the Resort Village. The penalty shall be the amount shown in the Policy along with any additional penalty as noted in the Policy which will be added to the amount if the Summons has been issued. If the payment is received at the Resort Village office prior to the returnable date of the Summons, the person charged shall not be subject to further court action.
12. If payment of the amount specified on the Summons is not made on or before the date indicated on the Summons, the person to whom the Summons has been issued shall be liable to prosecution of the alleged contravention of the Bylaw.
13. Nothing in this section shall be construed to prevent any person from exercising his or her right to defend a charge of contravention of any provision of this Bylaw.

Penalties

14. Any person who contravenes the provision of this bylaw is guilty of an offence and liable on summary conviction to a fine of not more than:



- i. \$2,000.00 in the case of an individual and, in the case of a continue offence, to a further fin not exceeding \$100.00 each day during which the offence continues; and
 - ii. \$5,000.00 in the case of a corporation and, in the case of a continuing offence, to a further fine not exceeding \$100.00 each day during which the offence continues.
15. In case of a conviction for the non-payment of the license fee payable to the Resort Village under this Bylaw, the convicting justice may adjudge payment thereof in addition to the penalty.
- E. OTHER
- 1. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Cour 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 portion of the Bylaw.
 - 2. All past Business Bylaws as passed in the past by the Resort Village of Aquadeo are hereby repealed.



Peter DeLong

Mayor

[Signature]

Chief Administrative Officer

This Bylaw is read a first time on October 20, 2023
This Bylaw is read a second time on October 20, 2023
This Bylaw is read a third time and adopted on October 20, 2023

Certified true copy of Bylaw 14/2023
of the Resort Village of Aquadeo,
dated this 20 day of October, 2023.

[Signature]

Administrator