

BYLAW NO. 13-2016

A BYLAW RESPECTING INTER-MUNICIPAL BUSINESS LICENCING AND INTERMUNICIPAL BUSINESS ACTIVITY

The Council of District of Lakeland No. 521, in the Province of Saskatchewan enacts as follows:

Part I

General Matters

TITLE

1. This bylaw shall be referred to as the “*The Inter-Municipal Business Licence Bylaw*”

PURPOSE

2. The purpose of this Bylaw is to license businesses in the municipality so as to

- (a) to regulate businesses;
- (b) to ensure compliance with land-use and building regulations;
- (c) to alleviate requirements for multiple business licences for businesses to operate within the inter-municipal business area; and
- (d) to facilitate planning decisions within the inter-municipal business licence area.

Definitions

In this bylaw;

- 3. “**Administrator**” means the Administrator of the Municipality as appointed pursuant to *The Municipalities Act*.
- 4. “**Adult Services**” means any service of an adult nature appealing to or designed to appeal to erotic or sexual appetites or inclinations.
 - In this definition:
 - i. “service” includes activities, facilities, performances, exhibitions, viewing and encounters; and
 - ii. “services designed to appeal to erotic or sexual appetites or inclinations” includes;
 - a. acting as an escort, companion, guide or date;
 - b. modelling lingerie;
 - c. performing a striptease or similar dance; and
 - d. performing a body rub
- 5. “**body-rub**” includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person’s body or part thereof but does not include:

- i. medical or therapeutic treatment given by a person with demonstrated qualifications to perform the treatment; or
 - ii. alternative medical treatment given by a person with demonstrated qualifications to perform the treatment;
- 6. **“Business Activity”** means the carrying on of any personal, commercial or industrial undertaking of any kind whatsoever providing any;
 - a. commercial, merchandising or industrial activity or undertaking.
 - b. carrying on of a profession, trade, occupation, calling or employment; or
 - c. an activity providing any goods or services regardless of receiving income or revenue;but shall not include an activity carried on directly by a Municipal, Provincial or Federal Government or Crown Corporation.
- 7. **“Council”** means the council of the District of Lakeland No. 521;
- 8. **“designated officer”** means a person appointed by the Municipality to enforce this Bylaw and shall include the Administrator and a Peace Officer;
- 9. **IMBL-** Shall mean an Inter-Municipal Business Licence
- 10. **Inter-Municipal Business Licence** – means a business licence issued by a Municipality to carry on business within the boundaries of a participating municipality as identified in Schedule “A” attached to and forming part of this bylaw.
- 11. **“Municipality”** means The District of Lakeland No. 521;
- 12. **“Peace Officer”** means a peace officer as defined in *The Summary Offence Procedures Act, 1990* and may include the Administrator.
- 13. **“person”** means an individual, proprietorship, partnership, corporation, association, or other legal entity;

Part II General Licensing

License Required

- 14. A business may be permitted to apply for an IMBL provided they are not a business, or provide goods, services or employment as identified on Schedule “B” attached to and forming part of this bylaw.
- 15. Any business person or business that holds them, their business, a calling or occupation out for any goods, services, or undertaking within the municipality shall be required to have a business licence.

16. A designated officer shall have established a business is in operation if the designated officer has been present to see the business in operation or in proceedings against a business that on the satisfaction of a Court of competent jurisdiction, has established that a business has been in operation by providing goods, services, or undertakings.
17. A person or business is deemed to have been engaged in business without a licence, if as in section 385 of *The Municipalities Act*, a designated officer is able to establish that any advertising was done within the municipality or that one transaction has taken place and no licence has been issued by a participating Municipality.
18. Notwithstanding Section 17, a designated officer may establish that a person or business is engaged in business in the Municipality should that person or business be providing any goods or any service, calling, profession or employment;
 - a. Within the municipality;
 - b. Outside of the Municipality where a corporate office, as registered with the Province of Saskatchewan, is located within the Municipality.
19. An application for a licence must include all requested information, and shall include:
 - a. name, and permanent address of the applicant;
 - b. the nature of the business for which the license is required;
 - c. the place where the business is to be carried on;
 - d. the name under which the business will be operated; and
 - e. the name of a contact person; and
 - f. any other reasonable information requested by a designated officer.
20. A licence is not valid and in effect until such licence is duly issued and signed by the designated officer for the Municipality so issuing the licence.

Licence Fee

21. A person must pay the fee provided for in Schedule “A” when applying for a licence.
22. Any fee initially paid to the municipality, on application, that is not honoured shall be considered not paid for the purpose of the processing and issuance of any licence.
23. A person will not be issued a licence until the fee outlined in subsection 21 has been paid.
24. Applying for a licence and paying the application fee is not authorization to commence any business activity.
25. A licence is not valid and in effect until such licence is duly issued and signed by the designated officer for the Municipality so issuing the licence.

Provincial Licence Required

26. Any licence issued under this Bylaw, without the person first obtaining and maintaining a required provincial licence, is deemed invalid.

Licence Issued for Calendar Year Unless Otherwise Stated

27. Every license shall be valid until midnight December 31, unless cancelled, revoked or terminated prior to December 31.

Renewal

28. A person must pay the renewal fee provided for in Schedule "A" when applying for a licence renewal.
29. Any business that has a current and valid business licence as issued from a participating municipality for this bylaw on December 31, 2016 shall be permitted to apply for an IMBL.
30. The fee for any business applying for an IMBL pursuant to section 29 shall be the same as a renewal fee.
31. A business must renew their licence annually in the manner prescribed by the Municipality.
32. Any business renewing their licence must pay the renewal fee prior to their licence being valid.
33. Any business who fails to renew their licence prior to March 1 shall be required to pay the new application fee in Schedule "A".

Discontinuance or Change

34. A person must notify the municipality who originally issued the IMBL in writing if a business is discontinued.
35. Notice of a discontinued business must be done in writing within 21 days of discontinuance to the issuing Municipality.
36. A business that has discontinued operation at the conclusion of their licence being valid is not required to formally notify a municipality.
37. A person must notify the issuing Municipality if either the size or nature of the business changes.
38. A person purchasing or taking over an existing licenced business must apply for a new licence but shall not be required to pay a new licence fee.

Licence to be Displayed

39. Any licence issued under this Bylaw to a business shall make available for inspection that business licence to any designated officer requesting to inspect that licence.
40. A designated officer may allow a business up to 48 hours to produce the business licence for inspection at a reasonable time and place that the designated officer appoints.
41. No person shall fail to produce a licence for inspection on request of a designated officer as allowed by this bylaw.

Standards

42. Any licence that was found to be issued in error may be cancelled immediately by a designated officer.
43. The issuing of an IMBL does not relieve that business of the responsibility of conforming to any zoning, building, and other requirements and bylaws of the Municipality.
44. The issuing of an IMBL does not relieve that business of the responsibility of complying with the laws of participating municipalities and any Provincial or Federal laws.

Granting of Licenses

45. The Municipality may issue a licence when all the following circumstances are met:
 - a. the required application form has been fully completed;
 - b. the required licence fee has been paid in full;
 - c. if requested, the necessary provincial licence has been produced;
 - d. if requested, the necessary written approval of Prince Albert Parkland Health Region been produced; and
 - e. the business or the premises occupied by the business complies with all the zoning, building, and other requirements of the Municipality
 - f. any required information requested in processing and issuing of a licence has been met to the satisfaction of the issuing Municipality.
46. In the issuance of any licence, Council, or a designated officer may provide conditions for which that business is subject to as a condition of that licence.
47. Each participating Municipality may add conditions to a licence it deems appropriate.
48. Should a Municipality add conditions to a licence as permitted by this bylaw that Municipality shall provide, in writing, notification to the business and to the other Municipalities.

Revoking or Suspending of Licences

49. If a licensee contravenes any term or condition of this Bylaw, or any municipal or provincial law or requirement of that business, a Municipality may suspend or cancel the licence.
50. If a licensee has had their licence cancelled as allowed in Section 49, that business shall be deemed to have been operating without a licence should they continue to operate after the licence cancellation.
51. The Municipality that suspended or canceled the licence may reinstate the licence if it is satisfied that the licensee is complying with the law for which the licence was suspended.
52. Any licensee may appeal the suspension or cancellation of a licence to Council of the Municipality that cancelled the licence.
53. If a licence is suspended or cancelled by a Municipality that suspension or cancellation is applicable to the licence and is suspended or cancelled for all Municipalities.

Distress

54. The Municipality may recover any licence fee by distress in accordance with *The Municipalities Act*.

Enforcement of Bylaw

55. The administration and enforcement of this Bylaw is hereby delegated to a designated officer for the Municipality

Inspections

56. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
57. Inspections under this Bylaw shall be carried out in accordance with *The Municipalities Act*.
58. No person shall obstruct;
 - (a) a designated officer who is authorized to conduct an inspection under this Section, or
 - (b) any person who is assisting a designated officer.
59. Any person stopped, detained or otherwise, pursuant to this Bylaw shall be required to give his or her name, date of birth and address on request of the person requesting the information so long as that person is identifiable as a peace officer and is in the lawful execution of his or her duties and responsibilities.

60. Any person stopped, detained or otherwise pursuant to this Bylaw shall be required to give the name, address, and person in charge of the company or employer for which they are conducting business to the person requesting the information so long as that person identifies them as a peace officer and is in the lawful execution of their duty.
61. Any peace officer not readily identifiable as a peace officer requesting information identified in Section 64 and 65 shall, upon request of the individual stopped or detained produce identification attesting to the peace officer's authority for the municipality.

Part III

Offences and Penalties

62. No person shall:
 - c. obstruct or hinder any designated officer or any other person acting under the authority of this Bylaw; or
 - d. fail to comply with any provision of this Bylaw;
 - e. fail to produce a copy of their licence within the prescribed time, when directed to do so by a designated officer.
 - f. fail to comply with any conditions of the licence as assigned by Council or a designated officer.
63. Any person or business that has commenced business within a Municipality prior to being issued a licence shall have the licence fee increase by \$200.00.
64. For the purpose of section 63, the Municipality to which the \$200 is payable shall be the municipality for which the violation occurred.
65. Should a violation take place as identified in Section 63 in multiple locations, the \$200 fee shall be divided equally to the Municipalities that the violation has occurred.
66. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction:
 - (a) in a case of an individual, to a fine not less than \$250.00 and not exceeding \$10,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$10,000.00 for each day during which the offence continues; and
 - (b) in the case of a corporation, to a fine not less than \$450.00 and not exceeding \$25,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$25,000.00 for each day during which the offence continues. And
 - (c) not more than one year in jail.
67. If a corporation commits an offence, any officer or director of the corporation who directed, authorized, assented to, acquiesced in allowing, participated in, or did not prevent the commission of the violation is guilty of the offence and liable on summary conviction to the penalties mentioned in this section in the case of individuals, whether or not the corporation has been prosecuted or convicted.

68. If a person is found guilty of an offence against this Bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this Bylaw, or with a licence, permit or other authorization issued pursuant to the Bylaw, or with a condition of any of them.

Notice of Violation

69 A Designated officer may issue a notice of violation to any person committing a first offence under this bylaw.

70 The notice of violation shall require the person to pay to the Municipality;

- a) in a case of an individual, to an amount of \$150.00.
- b) in the case of a corporation, to an amount of \$250.00

71 The amount specified in clause 73 may be paid:

- a) in person, during regular office hours, to the District of Lakeland at the Municipal Office, 48 Main Street South, Christopher Lake, Saskatchewan,
- g. by deposit, at the depository located at the main entrance to the Municipal Office 48 Main Street South, Christopher Lake, Saskatchewan, or
- h. by mail addressed to the District of Lakeland No. 521 Box 27 Christopher Lake, Saskatchewan S0J 0N0

72 If payment of the amount as provided in clause 73 is made prior to 21 days from the date they received the notice of violation, the person shall not be liable to prosecution for that offence.

73 The imposition of any penalty or where any money is paid for violation of this bylaw shall not relieve the person for complying with the conditions of the bylaw.

74 For the purposes of this Section, an offence shall be deemed to be a first offence if the offender has not been convicted of the same offence, or paid a fine under this bylaw, within two years immediately preceding the commission of the alleged offence.

75 No prosecution for a contravention of this bylaw may be commenced more than two years after the date of the alleged offence.

Severability

76 If a Court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced the Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force and effect.

Coming into Force

77. This Bylaw comes into force and takes effect as of January 1, 2017

REEVE

ADMINISTRATOR

Read a Third Time and Passed by
Resolution of Council on the 17th
Day of October, 2016.

Schedule "A"

The participating municipalities for the purpose of Inter-Municipal Business Licencing contained within this bylaw shall be;

District of Lakeland No. 521
RM of Paddockwood No. 520
Village of Christopher Lake
Village of Paddockwood.

The IMBL application fee shall be;

- New application - \$450
- New application made on or after August 1 - \$250
- Renewal of current IMBL licence made prior to March 1 - \$250
- Renewal of current IMBL licence made on or after March 1 - \$450

Schedule “B”

Pursuant to Section 14 of this bylaw the following business are not eligible for an IMBL.

- Adult Services.
- Taxi, Limousine, Bus or Transportation Services.
- Fruit Stands, Farmers Markets, Trade Shows, Flea Markets.
- Circus, Rodeo, Fair, Exhibitions, Carnivals, Concerts.