

BYLAW NO. 161/07

A BYLAW TO CLASSIFY, REGULATE, CONTROL AND LICENSE BUSINESSES

The Council of the Village of Hepburn, in the Province of Saskatchewan, enacts as follows:

1. **DEFINITIONS:**

In this bylaw, unless otherwise required, the expressions:

- a) **“Administrator”** means the administrator of the Village of Hepburn.
- b) **“Business”** includes a trade, profession, occupation, employment or calling or the providing of goods or services, but does not include:
 - i) the cultivation of plants or the raising of livestock, whether in an artificial or controlled environment or on land;
 - ii) the keeping of bees or the extracting of honey; or
 - iii) fur farming.
- c) **“Charitable or nonprofit organization”** means an organization that is:
 - i) incorporated as a nonprofit corporation in the Province of Saskatchewan; or
 - ii) a registered charity authorized to issue tax receipts for donations pursuant to *The Income Tax Act*; or
 - iii) an organization that demonstrate that it is formed for social, educational, religious or philanthropic purposes from which the members do not receive any direct economic gain.
- d) **“Contractors”** 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 or other fixtures or the performance of other similar work in the municipality.
- e) **“Council”** shall mean and include the Council of the Village of Hepburn.
- f) **“Direct Seller”** means a person who:
 - i) goes from house to house selling or offering for sale, or soliciting orders for the future delivery of, goods or services;
 - ii) by telephone offers for sale or solicits orders for the future delivery of goods or services; or
 - iii) does both of the things mentioned in sub clauses i) and ii).
- g) **“Home-based business/home occupation”** means an activity conducted wholly or partly on the business operator’s residential premises.
- h) **“License inspector”** shall mean the administrator of the Village of Hepburn or anyone designated by the inspector.
- i) **“Licensee”** means a business/person holding a valid and subsisting license issued pursuant to the provisions of this bylaw.
- j) **“Municipality”** shall mean the Village of Hepburn
- k) **“Non-resident business”** includes any business, trade, profession, industry, occupation, calling or provider of goods or services, which does not reside or maintain a place of business within the corporate boundaries

of the Village of Hepburn, but operates either partly or wholly within the corporate boundaries of the said Village.

- l) **“Occupant”** includes a person residing on or in land or buildings, the person entitled to its or their possession if there is no person residing on or in the land or buildings, and a leaseholder.
- m) **“Owner”** means a person who has any right, title, estate or interest in land or improvements other than that of a mere occupant, tenant or mortgagee.
- n) **“Police”** or **“police officer”** shall mean any member of the R.C.M. Police.
- o) **“Transient trader”** means a person carrying on business in an urban municipality who:
 - (i) offers goods or merchandise for sale by retail or auction; or
 - (ii) solicits any person who is not a wholesaler or retail dealer for orders for the future delivery of goods or merchandise;but does not include a person:
 - (iii) who is required to be licensed pursuant to *The Direct Sellers Act*;
or
 - (iv) who is an occupant of land or improvements that are used for business purposes.

2. **PERSONS AFFECTED:**

Persons required to be licensed under the provisions of this bylaw are those persons carrying on any of the businesses, industries, callings or occupations listed in Schedule “A” to this bylaw who are not assessed for commercial tax purposes in respect to the business so carried on; and licenses issued to them shall be subject to compliance with the conditions, if any, as set out in this bylaw.

3) **LICENSE FEES:**

- a) The fee payable in respect of any license required under the provisions of this bylaw shall be in the amount set out in Schedule “A” of this bylaw.
- b) The fee of \$5.00 for the year.

4) **COMPLIANCE WITH PROVISIONS OF BYLAW:**

- a) Every person carrying on or engaged in business in respect of which a license is required shall, upon request of the license inspector, give to the inspector all information necessary to enable him to carry out his duties.
- b) A person carrying on or engaged in any such business who fails to furnish such information within 10 days from the date on which the request is made is guilty of an offense and liable on summary conviction to a fine not exceeding \$10.00 for every day for which the default continues.

5) **APPLICATION FOR LICENSES:**

All applications for licenses must be in writing, addressed to the license inspector of the Village of Hepburn.

6) **GRANTING OF LICENSES:**

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.

- (a) Where the license inspector refuses to issue any 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 the Council will consider the application.

- (b) Every license granted under this bylaw shall be made out in duplicate and one copy shall be delivered to the licensee who shall produce the same whenever it may be demanded by any police officer in the employ of the Village or other person duly authorized to demand its production.

7) **DURATION OF LICENSE:**

Every license issued under this bylaw, unless specifically mentioned to be issued for a shorter period or sooner forfeited, shall expire on the 31st day of December of the year in which the said license was issued.

8) **FEES PAYABLE AT THE VILLAGE OFFICE:**

All license fees required to be paid under the provisions of this bylaw shall be paid to the Village of Hepburn.

9) **DISPLAY OF LICENSES:**

Every licensee granted a license to carry on the business and who occupies premises in connection therewith shall keep the license posted up 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, produce the license to such official.

10) **REVOCAION 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.

11) **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, but in the case of shows, a license shall be required for each separate show or exhibition when held under a separate canvas or tent.

12) **OFFENCES AND PENALTIES:**

Any person who contravenes the provisions of this bylaw is guilty of an offence and upon conviction, shall be liable to the penalty provided by the general penalty bylaw 58-90 of the village.

13) **PROSECUTION:**

Where, in a prosecution or proceeding under a bylaw providing for the licensing of any business, industry or calling, or of persons carrying on the same or engaged therein, it is alleged that the person proceeded against, carried on or engaged in such business, industry or calling without having first obtained a license to do so, proof of one transaction in the business, industry or calling shall be sufficient to establish that the person proceeded against carried on or engaged in such business, industry or calling.

14) **FROM WHOM LICENSE RECOVERABLE:**

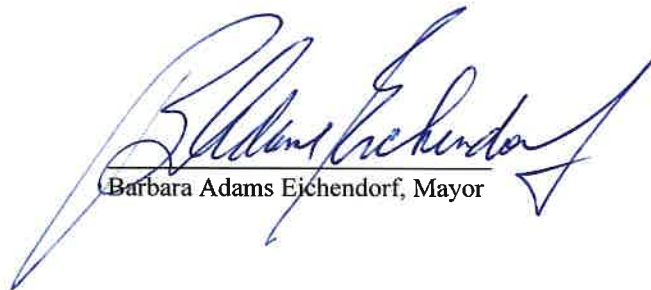
In case any contractor fails to pay the license fee imposed by this bylaw, the licensing officer may give notice in writing to any person by whom the contractor is employed, requiring the person to pay the license fee out of the monies payable by him to the contractor and upon receipt of the notice by 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 Village and may be recovered in the same manner as taxes may be recovered.

17) **BYLAW REPEALED:**

Bylaw No. 56/89 is hereby repealed.

18) **COMING INTO FORCE:**

This bylaw shall come into effect January 24, 2008.



Barbara Adams Eichendorf, Mayor



Tara Bueckert, Administrator

Read a third time and adopted this
24th day of January, 2008.

SCHEDULE "A" to Bylaw 161/07 as amended

CATEGORY 1 – SEASONAL TRADES

Christmas tree sales
Garden tilling
Landscaping
Lawn Maintenance
Snow Removal
Tree Care

CATEGORY 2 – CONTRACTORS

Carpenters
Dry walling
Bricklayers
Eaves troughs
Electricians
Floor covering
Gas fitters
Insulators
Painters
Plumbing and heating
Refrigeration outfits
Roofing, asphalt
Siding
Stucco
Furnace cleaners
Security installation services

CATEGORY 3 – PROFESSIONAL SERVICES

Bookkeeper
Accountant
Auctioneer
Appraiser
Consultants
Drafting services
Engineering services
Music Teacher

CATEGORY 3 – BASIC BUSINESS/HOME-BASED

Advertiser
Bed and Breakfast
Building movers
Daycare services
Fumigator
Furniture repair/refinisher
Handyman
Interior decorators
Janitorial services
Photographer
Private Service homes
Repairman
Tow Truck Services
Welder

CATEGORY 5 – SIGN INSTALLERS

Sign designers
Sign installers
Sign makers
Sign painters
Sign salesmen

CATEGORY 6 – FOOD SERVICES

Canteens
Caterers
Fish/seafood sellers
Fruit sales
Ice cream parlours
Produce Sales

CATEGORY 7 – FARMERS' MARKETS

Farmers' markets

CATEGORY 8 – ENTERTAINMENT

Circus
DJs
Piano tuner

CATEGORY 9 – CRAFTS

Art and craft makers
Dressmakers/seamstresses
Flower arrangers
Home crafts

CATEGORY 10 – CANVASSER/SUBSCRIPTIONS

Book sales
Canvasser
Hawker or peddler
Magazine sales
Papers

CATEGORY 11 – DIRECT SALES

Direct sellers (per person)

CATEGORY 12 – PERSONAL SERVICES

Barber

Electrolysis
Hairdresser
Hypnotist
Manicurist
Massage therapist
Palmist
Pedicurist
Reflexology
Tattoo parlour

NOT ALLOWED?

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CATEGORY 13 – NOT CLASSIFIED

Businesses not specifically classified