

**VILLAGE OF CLIMAX
BYLAW NO. 2019-03**

A BYLAW TO CLASSIFY, LICENSE, REGULATE AND GOVERN BUSINESS

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

1. This Bylaw may be cited as the "Licensing Bylaw".
2. In this Bylaw:
 - (a) "Bylaw Enforcement Officer" means the Bylaw Enforcement Officer for the Village.
 - (b) "Council" means the Council of the Village.
 - (c) "License Inspector" means the Bylaw Enforcement Officer or any person appointed by Council for the purpose of enforcing this Bylaw.
 - (d) "Non-Resident Business License" means:
 - i. businesses that do not have a physical location in the Village, but offer for sale services, goods or merchandise within the Village; or
 - ii. businesses that do have a physical location in Village, but the services, goods or merchandise are sourced byway of the customer being directed to or having applicable mileage charges by an outside location to provide for the services or goods within the Village.
 - (e) "Person" means an individual or a group of two or more individuals or a corporation.
 - (f) "Regional Business Directory" means a shared listing, of business with valid Resident Business Licenses, between the municipalities as defined in Category 2 on Schedule "A", which shall be kept current by the Municipal Administrator.
 - (g) "Resident Business License" means businesses that do have a physical location in the Village and offer for sale services, goods or merchandise within the Village.
 - (h) "Village" means the Village of Climax, Province of Saskatchewan.
 - (i) "Chief Administrative Officer" means the Administrator for the Village of Climax.
3.
 - (a) No person shall carry on within the Village any business, industry, calling or occupation unless he/she possesses a valid and subsisting license for such purpose issued in accordance with the provisions of this Bylaw.
 - (b) License fees shall become due and a business license shall be applied for on January 1st of each year or at any time during the year immediately upon a person engaging in a business, industry, calling or occupation which requires a license pursuant to this Bylaw.

- (c) Every license issued pursuant to this Bylaw shall expire on December 31 next following the date of issue unless sooner suspended or revoked, excepting where a lesser period of time may be stated on the license issued.
- (d) No person to whom a license has been granted pursuant to this Bylaw shall offer for sale services, goods or merchandise, or solicit orders for future delivery of goods or merchandise within the Village:
 - i. other than the kind or kinds described in the license; or
 - ii. by any method except as stated in the license.
- (e) A license required to be taken out by any person under the provisions of this Bylaw shall be payable in respect of each separate place of business or activity or licensable thing used or kept by him/her at the time of application for each license.
- (f) In all cases a license shall be applied for and the appropriate fee paid for each and every business, industry, calling or occupation mentioned in this Bylaw, notwithstanding that more than one of the businesses, industries, callings or occupations are carried on in one place or premises unless otherwise stated in this Bylaw.
- (g) In all cases where the Government of Canada and/or the Government of the Province of Saskatchewan require any person to obtain a federal or provincial license in respect of any business, trade, calling or occupation, no license shall be granted under the provisions of the Bylaw unless and until the applicant shall have first obtained and produced the said federal or provincial license.
- (h) Every license issued under this Bylaw shall specifically state the kinds of services, goods or merchandise which the license is authorized to offer for sale or take orders for as the case may be and whether in the case of goods or merchandise, he/she may offer the same for sale by retail or by public auction or both.
- (i) One copy of every license issued pursuant to this Bylaw shall be delivered to the person licensed. Every person pursuant to this Bylaw shall, at all reasonable times, upon request of the License Inspector, Chief Administrative Officer or any Peace Officer, produce such license for inspection purposes.

4.

- (a) Every person required to be licensed under the provisions of this Bylaw shall apply for a license at the Village Administration Office and pay the proper license fee as prescribed in Schedule "A" attached hereto and forming a part of this Bylaw. However, if a license is applied for subsequent to September 1 of any year, the license fee payable shall be 50% of the fee prescribed in Schedule A where the license applied for is a "yearly" license. This discount shall not apply to a "daily" or "weekly" license fee.
- (b) Where an applicant pays a license fee for a period of less than one year, the amount of license fees paid by the applicant throughout the year in respect of a license for a period of less than one year shall be accumulated toward the cost of a yearly license, and upon the total amount of license fees paid by the applicant reaching the amount of the specified license fee for one year, the applicant shall be granted a license for the remainder of the current year.

- (c) All applicants for a license shall state:
- i. the name and address of the applicant
 - ii. the nature of the license applied for
 - iii. the place where the proposed trade is exercised or where the same is to be carried on
 - iv. such other information as may be required by the License Inspector
- (d) Notwithstanding the provisions of subsection (a), the license fee payable may at the discretion of the Chief Administrative Officer be reduced below the maximum fee payable, but in no event shall the license fee payable be reduced to less than one hundred dollars (\$100.00). In exercising his/her discretion to reduce the license fee, the Chief Administrative Officer shall have regard to:
- i. the nature, selling price, type and normal marketing season of the product being sold, or the nature charge for services, type of services and normal marketing season being provided
 - ii. the manner in which the product is being sold or the service provided
 - iii. the expected term of marketing the product or services
 - iv. such other factors as the Chief Administrative Officer may deem relevant
- (e) Where the Chief Administrative Officer reduces the fee payable pursuant to subsection (d) and the prevailing conditions at the time of the issue of the license change significantly while the license is valid the Chief Administrative Officer may review, and if he/she deems it advisable, increase the fee payable to no more than the maximum amount set out in Schedule "A" attached hereto and forming a part of this Bylaw.
5. The granting or refusal of granting a business license to any person to carry on a business, industry, calling or occupation or the revoking or suspension of a license pursuant to the provisions of this Bylaw shall be in the absolute discretion of the Council, but it shall give reasons for any refusal, suspension or revocation and, except as provided for in *The Municipalities Act*, its actions are not open to question or review by any court.
6. The act of the spouse, servant, clerk or employee of any person licensed to carry on a business, industry, calling or occupation under this Bylaw pertaining to or in connection with the said business shall be deemed to be the act of the License as though he/she had done the act himself/herself.
7. No person to whom a license is granted under the provisions of this Bylaw shall conduct the business so licensed on any street, land or property of the Village or on any road allowance or road, street or lane vested in Her Majesty or set aside for such purpose under an Act of Saskatchewan or any other public place in the Village which is under the direction and control of the Council as set out in *The Municipalities Act*, or amendments thereto, without first having obtained express written consent in accordance with a resolution of the Council, except as otherwise provided for in this Bylaw.
- 8.
- (a) Any person who carries on a business, industry, calling or occupation which is required to be licensed under this Bylaw without first having obtained a license to do so shall be guilty of an offense.

- (b) Any person who violates any provision of this Bylaw is guilty of an offense and shall be liable on summary conviction to a fine of not more than one thousand five hundred (\$1500.00) dollars, and in the case of a continuing offense, to a fine of not more than two hundred and fifty dollars (\$250.00) per day during which the offense continues.
- (c) In case of a conviction under the provisions of this Bylaw the convicting justice shall order payment of the required license fee and compliance with any other provision of this Bylaw in addition to the penalty herein.
- (d) A person who fails within the period specified in an order under subsection (c) to comply with the order is guilty of an offense and is liable on summary conviction to a fine of not more than two hundred and fifty dollars (\$250.00) for each day during which the breach continues.

9. Bylaw Number 2017-12 is hereby repealed.

10. This Bylaw shall come into force and be in effect on the first day of January, AD 2020.

Mayor

(Seal)

Administrator

Read the third time and adopted this

_____ day of _____, _____

For Reference Purpose - Not a True Copy

SCHEDULE "A"

BEING A BYLAW TO CLASSIFY, LICENSE, REGULATE AND GOVERN BUSINESS

All license fees are for a period of one calendar year or portion thereof, unless otherwise specified:

CATEGORY 1

Resident Business License to operate any business from a commercial or industrial location with commercial or industrial assessment. Shall be placed on the most current Regional Business Directory.

\$0.00

CATEGORY 2

Non-Resident Business License to operate any business from a location within the following municipalities, as long as their business is listed on the most current Regional Business Directory:

Town of Eastend
Village of Climax
Village of Frontier

\$0.00

CATEGORY 3

Resident Business License to operate any business from a residential location with only a residential assessment. Shall be placed on the most current Regional Business Directory.

\$200.00

CATEGORY 4

Non-Resident Business License to operate any business within the Village of Climax limits.

\$300.00

CATEGORY 5

Non-Resident Business License to operate any business from any location as a General Contractor of any project. Hereby given the opportunity to hire subcontracted licensed or non-licensed trades etc. for that specific jobsite or location.

\$ 600.00/location or job

CATEGORY 6

A group of special interest people operating a trade show, market garden from a location within Village limits for a period of no more than 2 days.

\$ 150.00/up to 2 day event
(All participants considered licensed)

CATEGORY 7

Application for a business license that does not fall into any of the above categories

\$150.00/day
\$600.00/year