

BYLAW NO. 03-2024
THE VILLAGE OF CRAVEN
BUSINESS LICENSE BYLAW

Under the authority granted by clause 8(1)(h) of *The Municipalities Act*, SS 2005, c M-36.1, the Village of Craven in the Province of Saskatchewan, by and with the advice and consent of the Village of Craven Council, enacts as follows:

Title

- 1 This bylaw shall be referred to as *The Business License Bylaw*.

PART I
DEFINITIONS

Interpretation

- 2 In this bylaw,
- (1) **Act** means *The Municipalities Act*;
 - (2) **applicant** a person who applies for a license;
 - (3) **business** includes business, trade, profession, industry, occupation, activity employment or the providing of goods and services within the Village of Craven.
 - (4) **commercial** means any business, which is carried on from premises assessed on the Village assessment roll as non-residential and such business either owns or rents such premises;
 - (5) **contractor** means any person who contracts to supply certain materials or do certain work for a stipulated sum; one whose business is contracting to erect buildings;
 - (6) **council** means the municipal council of the Village of Craven;
 - (7) **direct seller** means a person licensed under the Direct Sellers Act;
 - (8) **License Fees** means the fees payable in respect to any license required under this Bylaw shall be the amount set out in Schedule "A" of this Bylaw.
 - (9) **home-based business** means an occupation, trade, profession, or craft customarily conducted for gain in a dwelling unit or accessory building by the resident or residents;
 - (10) **license** means a license issued by the Village of Craven in accordance with the provisions of this bylaw;

- (11) **licensee** means a person or business holding a valid and subsisting license issued pursuant to the provisions of this bylaw;
- (12) **License Inspector** means any duly-noted authorized individual of the Village, which may include the Village Staff, Craven Fire Chief, Occupational Health and Safety Inspector, Building Inspector, Bylaw Enforcement Officer or Development Officer;
- (13) **premises** means any land or building, such as but not limited to a store, office, warehouse, factory, enclosure or yard located in the Village of Craven that is capable of being used for the purpose of a business;
- (14) **Temporary Business License** means a contractor, direct seller or transient trader only requiring a short-term license;
- (15) **Village** means the Village of Craven;
- (16) **Administrator** means the office administrator of the municipality;
- (17) **transient trader** means a person carrying on a business in an urban municipality who:
- (i) offers goods or merchandise for sale by retail or auction, such as but not limited to a trade show, farmer's market or mobile food vendor; 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:
- (i) who is required to be licensed pursuant to the Direct Sellers Act; or
 - (ii) who is an occupant of land or improvements that are used for business purposes;
- (18) **Zoning Bylaw** means any bylaw or amendment adopted under *The Planning and Development Act, 2007* by the Village to regulate zoning and development.

PART II NECESSITY FOR BUSINESS LICENSE

- 3 No person shall carry on a business within the Village unless the person possesses a valid and subsisting license for that purpose issued in accordance within the provisions of this bylaw and has paid the fee as prescribed in the Schedule A.
- 4 A person owning and/or operating two or more businesses in separate locations shall obtain a license for each such business.
- 5 Where more than one business is conducted from a single location, the License Inspector may require a separate business license for each business if they deem that different individuals or corporations operate the business. In the case of a trade show or

farmer's market, a single license obtained by the event organizer is valid for all vendors operating within that trade show or farmer's market.

- 6 No business shall allow any employee, representative or agent to carry on business on their behalf in the Village until the business has obtained a license in accordance with this bylaw.
- 7 Any advertising shall be deemed sufficient proof that the person advertising is operating any such business and therefore requires a business license.
- 8 Home-Based Businesses (home occupations) and Commercial Businesses operated on land within the Village must be approved as required by the Village of Craven Zoning Bylaw.

PART III BUSINESS LICENSE EXEMPTIONS

- 9 A business license shall not be required for:
- (1) any activity carried on by the Village or at a location operated by an official or employee of the Village acting on behalf of the Village;
 - (2) other activities that council, by resolution, may make exempt from the requirements of this bylaw, such as but not limited to a person conducting business for a special Village event;
 - (3) a business or person conducting business for a duration of no more than two consecutive days that is donating the entire profit to a charitable or non-profit organization and has a letter from the charity or non-profit organization to support this claim;
 - (4) any person under the age of 18 years providing an individual light duty occasional service, such as those including but not limited to paper deliveries, babysitting, yard work, or snow shovelling; or
 - (5) any business, notwithstanding the provisions of this bylaw, that is exempt from the requirements of Municipal Licensing by any Statute of Canada or the Province of Saskatchewan.

PART IV APPLICATION FOR A BUSINESS LICENSE

- 10 Applications for a business license shall be submitted in writing on the respective form, attached as "Appendix 1".
- 11 Full payment of the appropriate fee, as outlined in the Schedule A shall accompany each business license application.

- 12 A business that changes ownership, business type, location or name shall submit a new application and applicable fee.
- 13 No person shall give false information in an application pursuant to the provisions of this bylaw.

PART V GRANTING OF LICENSES

- 14 No business which has been granted a license under this bylaw shall operate their business:
- (1) by any method other than as authorized in this bylaw; or
 - (2) on public property, unless approved by council.
- 15 A license will not be issued under this bylaw for any business or any premises occupied by a business which does not conform to any zoning, building, plumbing or other requirements of the Village.
- 16 The issuing of a license does not relieve the licensee of the responsibility of conforming to the zoning, building, plumbing or other requirements of the Village or any other legislation the business may be subject to.
- 17 The License Inspector may, prior to issuing or renewing a license, consult with other agencies or authorities to determine whether they are in possession of any information which renders it inappropriate for a license to be issued to a person or business.
- 18 All licensees who are granted a business license, unless revoked, suspended or cancelled as defined within this bylaw, shall be considered in good standing and may be listed in the Village of Craven Business Directory by request.

PART VI TERM OF LICENSE

- 19 Subject to the right of council to suspend or revoke the same, as provided by *The Municipalities Act*, every license issued shall remain in force and effect until and including the thirty first day of December of the year of issue.
- (1) Notwithstanding Section 19, if the license issued is classified as temporary, the license shall remain in force and effect only for the duration of time described on the license.
- 20 Where a temporary business, as defined in this bylaw, requires a business license for a short period or time, a Temporary Business License may be purchased. This license will be valid for no more than a seven (7) day period. The License may be renewed by the

License Inspector for one (1) additional seven (7) day period upon payment of the appropriate fee.

**PART VII
LICENSE RENEWAL**

- 21 The deadline to renew business licenses for existing businesses is February 28 of each year.
- 22 In the case of a contractor, transient trader or direct seller, the license must be renewed prior to any business taking place within the Village of Craven.

**PART VIII
LATE LICENSE RENEWAL**

- 23 If the business license is not renewed during the calendar year in which the renewal is due, the business will be recorded as closed.
- 24 Any business wishing to renew their license once the business has been closed shall follow all steps required to apply for a new business license. In the case of a home-based business, a new discretionary use application shall be submitted to be approved by council.

**PART IX
REVOKING, DENYING OR SUSPENDING OF LICENSES**

- 25 The License Inspector along with Council may suspend or revoke a business license, refuse to issue a renewal or refuse to issue a new license if:
- (1) the applicant has contravened this or any other applicable Village of Craven Bylaw or the provisions of any federal, provincial or municipal legislation or bylaw;
 - (2) the applicant has breached a condition of the license; or
 - (3) in the opinion of the License Inspector and Council, based on reasonable grounds, it is in the public interest to do so.
- 26 The licensee shall immediately, upon receiving written notification from the Village that the license has been cancelled, suspended or revoked terminate operation of the business.
- 27 No business license fee shall be refunded for any license that is suspended, cancelled or revoked.

**PART X
RIGHT TO APPEAL**

- 28 Any licensee or applicant may appeal to council the denial, suspension or cancellation of a license issued under this bylaw. The applicant shall, in writing and within 15 days of denial, suspension or cancellation, outline how the contravention of which the denial is based has now been rectified or how the licensee is now able to comply with the bylaw.
- 29 The Village may reinstate a suspended or revoked license if council is satisfied the license is in compliance with this bylaw and has permitted this reinstatement. At such time, the applicant must re-apply with a new business license application.

**PART XI
ENFORCEMENT, OFFENCES AND PENALTIES**

- 30 The administration of this bylaw is delegated to the Administrator of the Village of Craven, who is authorized to further delegate this administration to a designated official(s) as a License Inspector.
- 31 Any premises or place in respect of which a business license application has been submitted to the Village under the provisions of this bylaw shall be subject to an inspection by the Village of Craven License Inspector.
- 32 An annual mandatory fire inspection is required for care homes, day cares or other defined businesses responsible for children or those individuals with special needs.
- 33 Any person who, after demand for inspection has been made by a License Inspector refuses admittance to the premises or place of which said person has charge or control, or obstructs the License Inspector from entering said place, shall be guilty of an offence under this bylaw.
- 34 No person shall:
- (1) conduct a business without a license;
 - (2) conduct a business without renewing the license by the designated renewal deadline of March 31;
 - (3) conduct business activity from a premises not identified on the license application;
 - (4) fail to produce the license upon request by the License Inspector;
 - (5) advertise or promote a business without a license;
 - (6) provide false or misleading information to the Village or License Inspector; or
 - (7) fail to comply with any other provision of this bylaw.

- 35 Where the License Inspector has reason to believe a business has contravened any provision of this bylaw, a Notice of Violation may be issued to such business by this designated official.
- (1) Where a Notice of Violation is issued, a person representing such business may make a voluntary payment of the fine amount of \$500.00 for that violation if the person does so before the specified date set out in the notice of violation.
 - (2) Where the Village receives a voluntary payment of the prescribed fine before a summons is issued, the business receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- 36 In the event a business who is issued a Notice of Violation fails to comply with this order or continues to contravene the bylaw, they shall be guilty of an offence and liable on summary conviction to a fine of up to \$5000.00.
- 37 A business desiring to appeal a conviction pursuant to this Bylaw shall, within seven days of the conviction being appealed, file a notice of appeal with the Court. The provisions of Part XXVII of the Criminal Code apply with any necessary modification.
- 38 Any payment required pursuant to this bylaw may be made at the Village Office.

**PART XII
TRANSITIONAL, REPEAL AND COMING INTO FORCE**

- 39 Bylaw No. 05-2022 is repealed.
- 40 This bylaw shall come into force on the day of adoption by the Village of Craven Council.

READ A FIRST TIME THIS _____ DAY OF _____, 20 _____

READ A SECOND TIME THIS _____ DAY OF _____, 20 _____

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 20 _____

SEAL

Mayor

Administrator

Certified to be a true copy of Bylaw 03-2024, adopted by resolution
Of the Council of the Village of Craven.

Administrator

Appendix "1"
Bylaw 03 - 2024
Village of Craven
Application for Business License

Name of Business: _____

Name of Applicant: _____

Address: _____

Phone Number: _____

Nature of Business: _____

Annual: _____ or Daily: _____

Applicants Signature: _____

Date: _____

Business License Number: _____

License Fee: _____

Municipal Official's Signature: _____

Date: _____

Schedule A
Bylaw 03- 2024

1 Year:

Resident Business Licenses \$50.00

Non-Resident Business License \$75.00

Daily:

Tradeshow, Farmer's Markets
Per participant \$25.00

Tradeshow, Farmer's Market
To cover all participants per event \$75.00

Transient traders \$25.00