

BYLAW NO. 2021-MC-13

A BYLAW OF THE TOWN OF MAPLE CREEK TO LICENSE BUSINESSES

The Council of the Town of Maple Creek, in the Province of Saskatchewan, enacts the following:

Short Title

1. This bylaw shall be called the "Business License Bylaw".

Purpose

2. The purpose of this Bylaw is to license businesses within the Town of Maple Creek so as:
 - a. To regulate businesses;
 - b. To ensure compliance with land-use, zoning and building regulations;
 - c. To gather workforce statistics and establish a local business directory;
 - d. To facilitate planning decisions.

Definitions

3. In this Bylaw, the following terms will have the following meanings:
 - a. "**Administrator**" means the Chief Administrative Officer, or other person designated by him or her to issue business licenses and enforce this bylaw, including but not limited to Administration Staff and Bylaw Enforcement Staff.
 - b. "**Business**" means any of the following activities however organized or formed:
 - i. a commercial, merchandising or industrial activity or undertaking;
 - ii. The carrying on of a profession, trade, occupation, calling or employment;
 - iii. An activity providing goods or services;
 - c. "**Business Activity**" means but is not limited to one monetary or non-monetary transaction and/or business advertising in any form;
 - d. "**Business Directory**" means a listing on the Town of Maple Creek's website, www.maplecreek.ca, to help promote and advertise each business with a valid business license.
 - e. "**Direct Seller**" means a person who does not have a business premise in the Town and:
 - i. Travels from house to house selling or offering for sale, or soliciting orders for the future delivery of goods or services; and/or
 - 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 subclauses (i) and (ii);
 - iv. Is required to be licensed under *the Direct Sellers Act*.
 - f. "**General Contractor**" means a contractor who employs one or more subcontractors and/or who engages in two or more trades.
 - g. "**Home-Based Business**" means any occupation, trade, profession or craft conducted for gain *from* a dwelling unit, which use is incidental and secondary to the residential use of the dwelling and does not change the character thereof.
 - h. "**Home Occupation**" means any occupation, trade, profession or craft conducted for gain *in* a dwelling unit by the resident or residents of the premises, which use is clearly incidental and secondary to the residential use of the dwelling and does not change the character thereof.
 - i. "**License Inspector**" means a person authorized by Council to administer and enforce the provisions of this Bylaw and anyone acting or authorized by Council to act as such during their absence from duty for any cause.
 - j. "**Licensee**" means a business/person holding a valid and subsisting license issued pursuant to the provisions of this Bylaw.
 - k. "**Local Business**" means any business that is owned and operated with a S0N 1N0 Postal Code that is doing business within the Town corporate limits.
 - l. "**Mobile Food Vendor**" means a person selling confectionary items, coffee, lunches, snacks, ice cream or other products from a mobile vehicle or mobile food unit.

- m. "Not Classified" includes every person carrying on any trade or business not otherwise specified anywhere in this bylaw.
- n. "Store-front Business" means any business operating in a commercially assessed property.
- o. "Non-Local" means a person carrying on business in the municipality who does not have a S0N 1N0 Postal Code.
- p. "Town" shall mean the Town of Maple Creek.

License Required

- 4. No person shall carry on any business within the Town corporate limits without a license.
- 5. Licenses to carry on two or more activities by one business/person shall be issued on one license form showing each activity separately on such form. Primary business activity license fee to be charged, however, each activity shall be deemed to be licensed.

Application for License

- 6. A person must complete the business license application, Schedule "A" as attached to this bylaw, and submit to the Town for a Business License before commencing any business.
- 7. An application must include all requested information, including but not limited to:
 - a. Name and address of the applicant;
 - b. The nature of the business for which the application is required;
 - c. The place where the business is to be carried on;
 - d. The name under which the business will be operated;
 - e. The area of the premises where the business will be carried on;
 - f. The name of a contact person;
 - g. A completed Discretionary Use Application and supporting documents (when applicable).
 - i. A site visit may be required to confirm information provided.
- 8. Notwithstanding the provisions of this bylaw, the Town, at its sole discretion, may require the general contractor of a project to provide a list of sub-trades for the project and the total business license fee will be payable by the general contractor with the term of the business license to expire at the end of the project. Business licenses for the individual sub-trades listed will be included with the business license of the contractor.

License Fee

- 9. Every business/person required to be licensed under the provisions of this Bylaw shall pay the license fee prescribed in Schedule "B" as attached to this bylaw prior to commencement of the activity.
- 10. The license for a business in its first year of operation within the Town corporate limits may be prorated to the following:
 - a. January 1 to August 31 – 100%
 - b. September 1 to December 31 – 50%

Granting of Licenses

- 11. The Town may issue licenses in the following circumstances:
 - a. The required application form has been completed;
 - b. The required fee has been paid;
 - c. If required, the necessary provincial or federal license has been produced;
 - d. If required, the necessary written approval of Saskatchewan Health Authority has been produced;
 - e. If required, a letter of consent from the property owner or property manager has been produced; and
 - f. The business or the premises occupied by the business complies with all the zoning, building and other requirements of the Town.
- 12. The following establishments are considered exempt from obtaining a Business License from the Town:
 - a. For any activity carried on by the Town or at a location operated by an official or employee of the Town, acting on behalf of the Town in an official capacity;

- b. For such other activities as Council by resolution may from time to time exempt;
 - c. Publicly funded organizations such as, but not limited to, educational institutions, educational administration, municipal administration and its entities, and hospitals;
 - d. Non-profit organizations, service groups and community groups such as, but not limited to, churches or places of worship, unless operating a service for profit out of a location within the Town limits.
13. The granting of a license shall not be an endorsement of the licensee's business practices.
14. Every license, unless suspended or revoked, shall expire on December 31st of each calendar year and must be renewed by the last working day of January.
15. Where a license has been granted, a license substantially the same as contained in Schedule "C" shall be issued.

Business Directory

16. All licensed businesses may be placed in the online Business Directory to promote and advertise each business with a valid license.
17. All licensed businesses must notify the Town of any changes to the business' contact information, location, services offered in order to provide an up to date business directory.

Renewal

18. A licensee must renew the license annually or purchase a license for each project in the manner prescribed by the Town. Submission of a completed application is required for all renewals.
19. A licensee must pay the fee prescribed in Schedule "A" as attached to this Bylaw when renewing the license.

Discontinuance or Change or Transfer

20. A licensee must notify the Town if either the size or the nature of the business changes, if the business relocates, or if the business is discontinued.
21. A person purchasing, or taking over an existing business must notify the Town of any changes to the business contact information. In this circumstance, the license will expire at the end of the original license period.

Refusing, Revoking or Suspending of Licenses

22. If an application is refused, revoked, suspended or is issued subject to conditions, the License Inspector shall notify the applicant in writing providing the reason for refusal, revocation, suspension and/or conditions to be served by registered mail to the address indicated on the application.
23. In every case where an application for a license has been refused, revoked, suspended or issued subject to conditions, the applicant shall be entitled to appeal to Council; and Council shall be the judge of whether the refusal, revocation, suspension or subject to conditions was just and reasonable.
24. Every appeal shall be made in writing within thirty (30) days after a license has been refused, revoked, suspended or issued subject to conditions otherwise the right of appeal shall be barred and extinguished.
25. If a licensee contravenes any term or condition of this Bylaw, the Town may revoke, suspend or cancel the license pursuant to this Bylaw, in accordance with Section 8 of *the Municipalities Act*.
26. No refunds will be issued for any license suspended or revoked.

Town Bylaws

27. No license shall be issued for a business which does not or will not conform to any zoning, building and/or any other bylaws of the Town.
28. As per the Zoning Bylaw, a Development Permit will be required prior to the issuance of a Business License for certain businesses which include but are not limited to Home Occupation Businesses and Store-front Businesses.
29. The issuing of a license to a person/business does not relieve that person/business of the responsibility of conforming to any zoning, building and other requirements of the Town.

License to be Displayed

30. 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 shall carry it on his/her person while engaged in that business and shall be produced upon request.

Enforcement of Bylaw

31. The administration, enforcement and inspections of this Bylaw is hereby delegated to the Administrator as the License Inspector for the Town of Maple Creek.

32. The Administrator is hereby authorized to further delegate the administration, enforcement and inspections of this Bylaw to any municipal official or designate.

Inspections

33. The inspection of property by the Town to determine if this Bylaw is being complied with is hereby authorized.

34. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *the Municipalities Act*.

Offences and Penalties

35. No person shall:

- a. Obstruct or hinder any designated officer or any other person acting under the authority of this Bylaw; or
- b. Fail to comply with any other provision of this Bylaw.

36. Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of Section (35) is guilty of an offence and liable on summary conviction and shall be liable for the penalties listed in Schedule "B" as attached to this bylaw and cost in default of payment.

37. A notice of violation may be issued by personally serving it upon the alleged offender or sending it to the alleged offender by registered mail.

38. Notwithstanding any other penalty provisions on this Bylaw, a designated officer may issue a voluntary payment in lieu of a summons and the accused may within 15 days pay the following monetary penalty to the Town:

- a. For the first offense \$50.00
- b. For a second offense \$100.00
- c. For a third and subsequent offense \$200.00

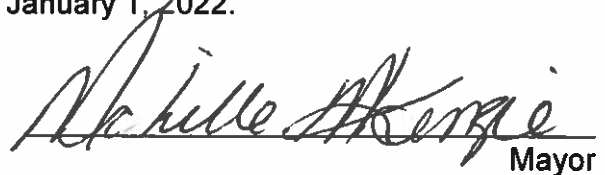
Bylaws Repealed

39. Bylaw NO. 2020-MC-19 and Bylaw NO. 2006-MC-15 are hereby repealed effective December 31, 2021.

Effective Date of Bylaw

40. This Bylaw shall come into force and take effect January 1, 2022.




Mayor


as per Chief Administrative Officer

Read a first time this 30th day of **September, 2021**

Read a second time this 28th day of **October, 2021**

Read a third time this 28th day of **October, 2021**

TOWN OF MAPLE CREEK

P.O Box 428 | 205 Jasper Street
 Maple Creek, SK S0N 1N0
 Phone: (306) 662-2244 | Fax (306) 662-4131

Schedule A Bylaw No. 2021-MC-13



Business License Application Form			
Office Use Only:	Meets Zoning Bylaw Requirements: <input type="checkbox"/> Yes <input type="checkbox"/> No		Business License Number:
Discretionary Use: <input type="checkbox"/> Yes <input type="checkbox"/> No	Zone District: Fee as per Schedule B:		Receipt Number:
Application Type: <small>Please check what is applicable</small>	<input type="checkbox"/> Local Business	<input type="checkbox"/> Store-Front Business	<input type="checkbox"/> Change of Location
	<input type="checkbox"/> Non-Local	<input type="checkbox"/> Direct Seller	<input type="checkbox"/> Renewal
<input type="checkbox"/> Year	<input type="checkbox"/> Season (6 month period) Start: _____ End: _____		<input type="checkbox"/> Day Date: _____
Applicant's Name: _____			
Name under which the business will Operate: _____			
1. Will you require signage? _____ if so please complete & attach a sign permit application			
2. What is the anticipated traffic flow for your intended use? _____			
3. Does your property have the appropriate parking requirements, that considers the number of vehicles and loading requirements needed? _____			
4. What is the expected number of daily visitors/customers? _____			
5. Will the business create noise, vibration, smoke, dust, odours, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the building? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide details: _____			
6. Is this a Homebased business? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please answer the following:</i> a. Are there any other home businesses at this address? <input type="checkbox"/> Yes <input type="checkbox"/> No b. Will the home business use more than 25% of the gross floor area? <input type="checkbox"/> Yes <input type="checkbox"/> No c. Will there be any employees <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, how many?</i> _____			
7. Please describe your business, including any goods or services to be provided as part of business: _____			
8. What business activities will you perform on site and/or building(s)? _____			
9. What materials and equipment will be kept at the business location? Please describe: _____			
Business Physical Address: _____			
Please indicate if you are the: Owner <input type="checkbox"/> Tenant <input type="checkbox"/> of the property			
If you do not own the property, have you provided a letter of consent from the property owner or property manager? (This application will not be accepted if letter is not provided)			<input type="checkbox"/> Yes <input type="checkbox"/> No
Applicants Mailing Address: _____			
<i>Phone Number</i>	<i>Fax Number</i>	<i>Cell Number</i>	<i>Email Address</i>
Please Initial ___ Licenses are valid for one (1) calendar year, expiring on December 31 of each year, unless otherwise noted ___ Cancellation of your license or closing of your business requires written notification within ten days of closing ___ I have read and understand Zoning Bylaw NO 2010-MC-02 Section 4.4.3. Home-Based regulations			
Documents Check: <input type="checkbox"/> Property Owner's Consent <input type="checkbox"/> Applicable Required Documents			
I hereby certify that the information contained in this application is complete and true and I agree to commence business operations only after payment of the applicable license fee is made to the Town of Maple Creek and a license has been approved by the authority having jurisdiction. Once a business license has been issued, I agree to abide by the regulations set out in the <i>Business Licensing Bylaw NO. 2021-MC-13 as well as the Maple Creek Zoning Bylaw NO. 2010-MC-02.</i>			
Dated at the Town of Maple Creek, in the Province of Saskatchewan this _____ day of _____, 2021			
_____ Signature of Applicant		_____ Signature of Admin Staff	

TOWN OF MAPLE CREEK

P.O Box 428 | 205 Jasper Street
Maple Creek, SK S0N 1N0
Phone: (306) 662-2244 | Fax (306) 662-4131

Schedule A
Bylaw No. 2021-MC-13



TOWN OF MAPLE CREEK DIRECTORY LISTING

Each business that obtains a Business License will be represented on the Town of Maple Creek's Business Directory located on the Town's website at www.maplecreek.ca to help promote and advertise each business, simply by filling out the information below:

Business name: _____

Business Address: _____

Phone 1: _____ **Phone 2:** _____

Cellular: _____ **Fax Number:** _____

Business Hours: _____

Contact Name(s): _____

Existing Web Site Address(es) to be linked to: _____
(Social media, Facebook, Linked in, Instagram, etc.)

Business Email: _____

POINT FORM DESCRIPTION – Max. 10 points (Example: Products/Services Offered)

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

SCHEDULE "B"
BYLAW NO. 2021-MC-13

CATEGORY: 1		TITLE: STORE-FRONT BUSINESS
DESCRIPTION	LICENSE FEE	
Businesses in a Commercially Taxed Building	NIL	
CATEGORY: 2		TITLE: LOCAL
DESCRIPTION	LICENSE FEE	
Businesses operating from or within a Residentially Taxed Building	\$ 100.00	
CATEGORY: 3		TITLE: NON-LOCAL
DESCRIPTION	LICENSE FEE	
	Per day	\$ 100.00
	Per Season - 6 Months	\$ 200.00
	Per Year	\$ 400.00
CATEGORY: 4		TITLE: DIRECT SELLERS - PROVINCIAL LICENSE REQUIRED
DESCRIPTION	LICENSE FEE	
Direct Sellers - Category A (Average Sale of \$100 or More)	\$ 30.00	
Direct Sellers - Category B (Average Sale of less than \$100)	\$ 20.00	



BUSINESS LICENSE

Town of Maple Creek – Maple Creek, SK

PLEASE POST IN PUBLIC VIEW

BUSINESS LOCATION

BUSINESS TYPE:
BUSINESS OWNER:

MAILING ADDRESS

EXPIRATION DATE:

CAO