

Bylaw No. 2023 - 04

RM of Edenwold No. 158

A Bylaw to Regulate and Register Business

Whereas, pursuant to Clause 8(1)(h) of *The Municipalities Act*, a municipality is authorized to make bylaws respecting businesses, business activities, and persons engaged in business.

The purpose of this Bylaw is to license businesses in the municipality and ensure compliance with zoning and building regulations, gather land-use and workforce information, facilitate planning decisions, and provide for a safe community.

The Council of the Rural Municipality of Edenwold, in the Province of Saskatchewan, enacts as follows:

1. DEFINITIONS

In this Bylaw, including this section:

- 1.1 **Act** shall mean *The Municipalities Act, 2005*, as amended or repealed and replaced from time to time.
- 1.2 **Administrator** shall mean the employee or representative of the Municipality tasked with enforcing this Bylaw, or their delegate.
- 1.3 **Builder** shall mean the person, association, company, or firm responsible for constructing, renovating, or otherwise performing work on a building.
- 1.4 **Building Permit** shall mean building permit as defined in Zoning Bylaw No. 2019-20, as amended or repealed and replaced from time to time.
- 1.5 **Business** shall mean carrying on a commercial or industrial undertaking of any kind or providing professional, occupational, personal, or other services, whether for profit or not.
- 1.6 **Business Licence** shall mean a valid licence issued to a person pursuant to this Bylaw allowing for the carrying on of business within the Municipality.
- 1.7 **Business Licence Application** shall mean a business licence application as found in the Municipality's *Form Policy*.
- 1.8 **Council** shall mean the Council of the Municipality.
- 1.9 **Contractor** shall mean any person who constructs, alters, maintains, repairs, or removes buildings or structures, installs heating, plumbing, or other fixtures, or performs other work in the Municipality and who does not have a Commercial or Home-based Business in the Municipality.
- 1.10 **Designated Officer** shall mean an employee or representative of the Municipality, a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, Community Safety Officer, Development Officer, Chief Operating Officer, or Administrator.
- 1.11 **Development Permit** shall mean development permit as defined in Zoning Bylaw No. 2019-20, as amended or repealed and replaced from time to time.
- 1.12 **Good** shall mean any article, thing, or substance, including subscriptions for books, magazines, printed material, or other subscription-based services.
- 1.13 **Home-Based Business** shall mean home-based business, major, minor, or rural as defined in Zoning Bylaw No. 2019-20, as amended or repealed and replaced from time to time.
- 1.14 **Licensee** shall mean a person issued a valid Business Licence.

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- 1.15 **Municipality** shall mean the Rural Municipality of Edenwold No. 158.
- 1.16 **Real Estate Agent** shall mean a person registered with the Saskatchewan Real Estate Commission.
- 1.17 **Service** shall mean performing any work, act, or deed for monetary compensation or otherwise and shall include the sale of goods.
- 1.18 **Commercial Business** shall mean any development where activities and uses are primarily carried on within an enclosed building or yard site intended to provide for the merchandising of refined goods and services targeted for the travelling public and the surrounding community for financial gain.

2. GENERAL REGULATIONS

- 2.1 This Bylaw may be referenced as the "Business Licence Bylaw."
- 2.2 Any person carrying on business within the Municipality shall obtain a Business Licence.
- 2.3 If a person carries on business in more than one location, each location is deemed a separate business and requires a separate Business Licence.
- 2.4 The following persons are considered exempt from requiring a Business Licence pursuant to 2.2:
- a. Real Estate Agents that do not operate a Commercial or Home-based Business within the Municipality;
 - b. Sub-contractors working under a contractor licensee;
 - c. Representatives of publicly funded organizations including, but not limited to, educational institutions, crown corporations, municipal, provincial, or federal governments, departments, or branches, and provincially-managed health-care facilities;
 - d. Representatives of non-profit organizations, service groups, and community groups, including places of worship, unless operating a service for profit within the Municipality; and
 - e. Persons cultivating plants or raising animals or bees, whether in an artificial, controlled, or natural environment.

3. LICENSING

- 3.1 Every person applying for a Business Licence shall apply to the Administrator using a Business Licence Application.
- 3.2 The Administrator may issue a Business Licence in the following circumstances:
- a. the Administrator receives a completed Business Licence Application;
 - b. the business and its premises comply with all municipal zoning, bylaw, building, water, and sewer requirements;
 - c. in the case of a new building, existing commercial or industrial space being occupied, or a Home-based Business, the applicant has received a Development Permit;
 - d. in the case of a new building or renovation to an existing commercial or industrial space or residential building, the applicant or builder has received a Building Permit;
 - e. the applicant agrees to all terms and conditions included in the Business Licence Application; and, where applicable:
 - f. the applicant has received discretionary use approval;

- g. the applicant has presented the necessary provincial or federal licences to the Administrator; and
 - h. the applicant has presented the necessary plumbing permits and approvals from the Saskatchewan Health Authority to the Administrator.
- 3.3 Pursuant to 3.2, the Administrator may issue a temporary Business Licence alongside a Temporary Development Permit where the Business Licence has an established expiry date.
- 3.4 Pursuant to 3.2, the Administrator may choose when to accept and issue Business Licences, with receipt and issuance dates of:
- a. Receipt: 1st to 15th, Issuance on the 15th of each month; and
 - b. Receipt: 16th to 30th or 31st, Issuance on the 30th or 31st of each month.
- 3.5 A Business Licence shall be valid from the date of issue until the licence is revoked or the business is discontinued or relocated.
- 3.6 The Administrator may refuse to issue or revoke a Business Licence if the applicant or licensee has:
- a. failed to comply with any provision of this Bylaw or other municipal bylaw;
 - b. been convicted of an offence pursuant to this Bylaw;
 - c. been convicted of an indictable offence in Canada;
 - d. failed to provide any information required by the Administrator;
 - e. the business is discontinued or relocates outside of the Municipality; or if:
 - f. any provincial or federal approval required pursuant to 3.2(g) is revoked, denied, or withheld;
 - g. any permit or approval from the Saskatchewan Health Authority required pursuant to 3.2(h) is revoked, denied, or withheld;
 - h. the Administrator reasonably believes the applicant or licensee has given false or misleading information in their application;
 - i. the Administrator issued the Business Licence in error; or
 - j. the Administrator considers the business not in the public interest.
- 3.7 The Administrator may reinstate a revoked Business Licence if they are satisfied that the licensee complies with all provisions of this Bylaw, other municipal bylaws, and remedies any other failure pursuant to 3.6.
- 3.8 The revoking of a Business Licence is effective:
- a. 24-hours after delivery if written notice is delivered personally to the licensee or a business employee;
 - b. 72-hours after posting if written notice is posted in a conspicuous place at the business location specified in the Business Licence; or
 - c. 7-days after mailing if written notice is mailed by ordinary mail to the mailing address specified in the Business Licence.
- 3.9 A licensee must notify the Municipality if:
- a. the business is discontinued;
 - b. the name, contact information, nature, or size of the business changes;
 - c. the business relocates to another location within or outside the Municipality;
 - d. the Business Licence is being transferred to another person; or

- e. the business is purchased or sold, and the Administrator must be made aware of any new contact information.
- 3.10 Any applicant or licensee may appeal the refusal to issue or revoking of a Business Licence to Council, and Council shall be the final authority in all cases.

4. INSPECTION, ENFORCEMENT, AND PENALTIES

- 4.1 The administration and enforcement of this Bylaw is hereby delegated to the Administrator.
- 4.2 This Bylaw may be enforced by a Designated Officer.
- 4.3 Business Licences must be conspicuously displayed in the location where clients or customers interact with the business.
- 4.4 Pursuant to 4.3, if the business does not serve customers in a set location, the person carrying on business shall carry a copy of the Business Licence.
- 4.5 Licensees or other employees shall produce their licence for inspection at all reasonable times and upon request by a Designated Officer.
- 4.6 The inspection of property by a Designated Officer to determine if this Bylaw is being complied with is hereby authorised.
- 4.7 Designated Officers shall conduct inspections pursuant to this Bylaw in accordance with Section 362 of the Act.
- 4.8 If a Designated Officer finds any person in contravention of 2.2, the Designated Officer may issue an order requiring compliance with all provisions of this Bylaw within 5 business days.
- 4.9 Orders issued pursuant to this Bylaw shall comply with Section 364 of the Act and shall be served in accordance with Section 390(1)(a), (b), or (c) of the Act.
- 4.10 Any person contravening any provision of this Bylaw, or who obstructs, interferes with, or hinders a Designated Officer in the performance of their duties shall be guilty of an offence and be liable on summary conviction to a fine of not less than:
 - a. First Offence - \$100.00 plus any applicable surcharge imposed pursuant to *The Victims of Crime Act*
 - b. Second Offence - \$250.00 plus any applicable surcharge imposed pursuant to *The Victims of Crime Act*
 - c. Third or Subsequent Offences - \$500.00 plus any applicable surcharge imposed pursuant to *The Victims of Crime Act*
- 4.11 Where any person contravenes any provision of this Bylaw with four or more offences, the Administrator may apply to a court of competent jurisdiction by way of an action or originating notice for an injunction or order prohibiting the person from carrying on business in contravention of this Bylaw.
- 4.12 Where any person makes voluntary payment within 14 days of the offence, the fine shall be 50% of the penalty amount.
- 4.13 All disputes arising from the administration of this Bylaw shall be referred to Council, and Council shall be the final authority in all cases.

5. SEVERABILITY

- 5.1 This Bylaw shall not be construed to hold the Municipality or its agents responsible or liable for any damage to persons or property caused by the administration of this Bylaw.

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5.2 If a court of competent jurisdiction should declare any part, section, sentence, clause, phrase, or other portion of this Bylaw to be invalid, that portion shall not be construed as having persuaded or influenced Council to pass the remainder of this Bylaw. The part, section, sentence, clause, phrase, or other portion of this Bylaw is to be deemed a separate, distinct, and independent provision, and the holding of the Court shall not affect the validity of the remaining portions of this Bylaw.

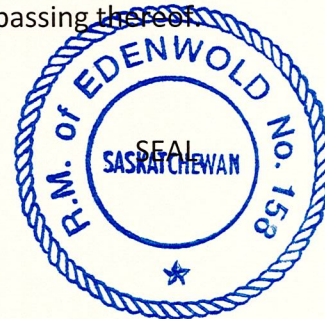
6. REPEAL

- 6.1 Bylaw No. 2020-02 and all subsequent amendments are hereby repealed.
- 6.2 Pursuant to 6.1, all business licences previously granted by the Municipality are deemed expired and invalid.

7. COMING INTO FORCE

7.1 This Bylaw shall come into force and take effect on the final passing thereof.

- 1st Reading: January 10th, 2023
- 2nd Reading: February 14th, 2023
- 3rd Reading: February 14th, 2023



Reeve:

Administrator:

CERTIFIED A TRUE AND CORRECT COPY OF

Bylaw No. 2023-04
Keghaua Administrator
DATED AT EMERALD PARK, SASK.
THIS 14th DAY OF February, 2023.

