

TOWN OF LANGHAM

BYLAW NO. 2020-04

A BYLAW OF THE TOWN OF LANGHAM TO CLASSIFY, LICENSE, REGULATE AND GOVERN BUSINESSES

The Council of the Town of Langham, in the Province of Saskatchewan enacts as follows:

PART 1: PURPOSE

The purpose of this Bylaw is to license businesses in the Town of Langham so as:

- (a) to control and regulate businesses;
- (b) to ensure compliance with land-use and building regulations;
- (c) to gather land-use information;
- (d) to gather workforce statistics; and
- (e) to facilitate planning decisions

PART 2: INTERPRETATION

“Business” means any of the following activities, whether for profit and however organized or formed:

- (a) A commercial, merchandising, or industrial activity or undertaking
- (b) The carrying on of a profession, trade, occupation, calling or employment
- (c) An activity providing goods or services.

“Council” means the Council of the Town of Langham.

“Direct Seller” means a person who does not have a business premise in the Town and:

- (a) Travels from house to house selling or offering for sale, or soliciting orders for the future delivery of goods or services and/or
- (b) By telephone offers for sale or solicits orders for the future delivery of goods or services.

“Farmers’ Market” means a group of persons operating collectively which sells products which they make, bake, or grow.

“General Contractor” means and includes any person or persons who contract or covenant to do anything for another person or persons specifically, or who makes a business of executing work according to contract; including any person who constructs, alters, maintains, repairs, or removes buildings or structures, installs heating, plumbing or other fixtures or preforms other similar work in the Town and who does not have a business premise in the Town.

"Goods" means any article, thing or substance and includes subscriptions for books, magazines, or any printed matter.

"Home-Based Business" as defined in the Town of Langham Zoning Bylaw as an accessory use of a dwelling unit by a resident of the dwelling for a business which is secondary and incidental to the primary use of the dwelling as a residence, and does not change the residential character of the buildings or site. A home-based business may be classified further as "Type I" or "Type II" depending on non-resident employment. Home-Based Businesses may include the following:

- Businesses based in a residential property
- Businesses owned and operated by residents of the Town of Langham which operate within the Town but maintain no office outside of this residence.
- Catering groups based in a home, church, or school when catering to other than their own base group functions.

"Services" means performing a service or any work, act or deed, for any compensation whether monetary or otherwise.

"Sub-Contractor" means and includes any person or persons who contract or covenant to do anything for another general contractor or sub-contractor specifically.

"Town Administrator" means the Chief Administrative Officer of the Town of Langham.

"Transient Trader" means a person carrying on business in a municipality who:

- (a) Offers goods or merchandise for sale by retail or auction; or
- (b) 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 who is required to be licensed pursuant to *The Direct Sellers Act* or who is an occupant of property that is used for business purposes.

PART 3: GENERAL LICENSING

LICENSE REQUIRED

1. No person shall carry on any business in the Town without a license, where required.

APPLICATION

2. A person must apply in writing, by completing an application form, Schedule B, attached hereto and forming part of this Bylaw or, in the case of a home-based business, Schedule C, and submitting it to the Town for a Business License before commencing any business.

3. An application must include all requested information in order to be deemed complete.
4. 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 fees 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 within the business license of the contractor.
5. The Town may keep a register containing the names of all persons applying for licenses, the names of all persons to whom licenses have been granted or refused, together with, in the latter case, the grounds for refusal.

LICENSE FEE

6. A person must pay the fee provided for in Schedule "A" prior to the license being issued. A person will not be issued a license until the fee has been paid.
7. Any license issued on or after September 1st shall be subject to half of the regular fee.

GRANTING OF LICENSES

8. The Town may issue licenses in the following circumstances:
 - a. The required application form has been completed;
 - b. The required license fee has been paid;
 - c. If required, the necessary provincial or federal license has been produced;
 - d. If required, the necessary written approval of Saskatoon District Health has been produced; and
 - e. The business or the premises occupied by the business complies with all the zoning, building, plumbing and other requirements of the Town.
9. Due to falling under legislation in *The Direct Sellers Act*, the following are exempt from obtaining a Business License from the Town:
 - a. Home based party-type businesses such as, but not limited to, Avon, Epicure, Mary Kay, Pampered Chef, Party-Lite, Tupperware, Watkins, Gold Canyon Candles, Arbonne, and Silpada.
 - b. Real Estate Agents that do not operate a Store-front or Home-based business within the Town limits.
 - 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.

LICENSING TERM

10. Every license, unless suspended or revoked, shall expire on December 31st of each calendar year.

RENEWAL

11. A person must renew their license annually or purchase a license for each project in the manner prescribed by the Town. Submission of application is required in writing for all renewals.
12. A person must pay the fee provided for in Schedule "A" when renewing the license.

DISCONTINUANCE OR CHANGE

13. A person must notify the Town if a business is discontinued.
14. A person must notify the Town if either the size or nature of the business changes.
15. A person must apply for a new license if the business relocates
16. A person purchasing or taking over an existing business must apply for a new license but shall not be required to pay a new license fee. In the circumstance, the new license will expire at the end of the original license period.

REVOKING OR SUSPENDING OF LICENSES

17. If a licensee contravenes any term or condition of this bylaw, the Town may suspend or cancel the license pursuant to this bylaw, in accordance with Section 8 of the Act . No refunds will be issued for any licenses suspended or revoked.
18. The Town may reinstate a suspended license if it is satisfied that the licensee is complying with the bylaw.
19. Any licensee may appeal the suspension or cancellation of a license to Council.

DISTRESS

20. The Town may recover any license fee by distress in accordance with the provisions of *The Municipalities Act*.

PREMISES LICENSED SEPARATELY

21. If a business is carried on at more than one location, a person must obtain a license for each location.
22. A license issued under the provisions of this bylaw is only valid at the location for which it is issued.

TOWN BYLAWS

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

FEDERAL OR PROVINCIAL LICENSE REQUIRED

26. A license will not be issued under this bylaw to any person required by law to obtain a federal or provincial license, until the person has first produced the required provincial license to the Town.
27. Any license issued under this bylaw without the person first obtaining the required federal or provincial license is invalid.

LICENSE MUST BE DISPLAYED

28. Any license issued under this bylaw must be displayed in a prominent place at the place of business for which the license was issued.
29. Every person licensed under this bylaw shall, at all reasonable times, upon request of the CAO, a Bylaw Enforcement Officer or Peace Officer, produce such license for inspection purposes.

ENFORCEMENT OF BYLAW

30. The administration and enforcement of this bylaw is hereby delegated to the CAO for the Town of Langham

31. The CAO is hereby authorized to further delegate the administration and enforcement of this bylaw to any municipal official, including but not limited to the Bylaw Enforcement Officer.

INSPECTIONS

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

33. Inspections under this bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.

34. No person shall obstruct a designated officer who is authorized to conduct an inspection under this Section, or a person who is assisting a designated officer.

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. Notwithstanding any other penalty provisions of 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 offence \$50.00
- b. For a second offence \$100.00
- c. For a third offence and subsequent offences \$100.00.

37. Except where a penalty is specifically provided for in this bylaw, every person who contravenes any provision of Section (37) is guilty of an offence and liable on summary conviction.

38. In the event that a person who has been refused a license carries on a business, they shall be guilty of an offense and shall be liable on Summary Conviction to a fine of Fifty Dollars (\$50.00) for each day that such business is carried on and costs associated with conviction. Upon conviction under this paragraph, the Court may order that the accused cease to carry on such business.

39. If a license fee imposed for the licensing of building contractors is unpaid, a designated officer:

- a. May give a written notice to any person by whom the contractor is employed requiring that person to pay the license fee out of moneys payable by that person to the contractor; and
- b. If the designated officer gives written notice pursuant to clause (a), he/she shall send a copy of the written notice to the contractor.

40. On receipt by a person mentioned in Section (41) of a written notice requiring the person to pay a license fee, the amount of the license fee is, to the extent of the moneys so payable, a debt due by that person to the Municipality; and may be recovered in the same manner as taxes may be recovered.

REPEALED

Bylaw No. 2008-01 is hereby repealed.
Bylaw No. 2010-02 is hereby repealed

COMING INTO FORCE

- 1) This Bylaw shall come into force and take effect on the date of its passing.

INTRODUCED AND READ A FIRST TIME THIS 25th Day of May, 2020

READ A SECOND TIME THIS 22nd Day of June, 2020

READ A THIRD TIME AND PASSED THIS 22nd Day of June, 2020

MAYOR

ADMINISTRATOR

SEAL

TOWN OF LANGHAM
SCHEDULE “A”
TO BYLAW NO. 2020-04
Fee Schedule

LICENSES FOR BUSINESSES OF LANGHAM

License fee for business that are new or have changed location	\$	100.00
License fee for businesses renewing their license and have not changed their location	\$	75.00

LICENSES FOR RESIDENTS OF LANGHAM

Operating from a residence (not in a commercial building)		
Home- Based Businesses (Types I & II)	Annual	\$ 50.00
STUDENTS (Elementary/High School)		
doing seasonal work: lawns, yard work, snow clearing etc.		\$ -
AUCTIONEER (New Goods)	Annual	\$ 150.00
AUCTIONEER (Used Goods)	Annual	\$ 100.00
BUILDING MOVERS	Annual	\$ 100.00
GENERAL CONTRACTORS		
(including all sub-contractors)		
per job exceeding \$150,000 in value		\$ 400.00
per job \$150,000 or less in value		\$ 225.00
SUB-CONTRACTORS	Annual	\$ 100.00
per job in lieu of annual fee		\$ 50.00
DIRECT SELLERS	Annual	\$ 125.00
must provide proof of Direct Sellers License		
Including phone sales, MLM, Home Party Sellers, Heating, Air		
Conditioning Units, Water Heater Contracts, and other door-to-door sales		
FOOD MOTOR VEHICLE SALES	Annual	\$ 100.00
Including milk products		
JANITOR SERVICE	Annual	\$ 50.00
LANDSCAPE CONTRACTOR	Annual	\$ 50.00
PHOTOGRAPHERS	Annual	\$ 50.00
RUG & UPHOLSTERY CLEANING	Annual	\$ 50.00
TRANSIENT TRADERS:	Annual	\$ 125.00
Fish (imported)		
Fish (Saskatchewan)		
Fruit/Fruit Products		
Hardware, Jewelry, Housewares		
COMMERCIAL / INDUSTRIAL		
Businesses operating from a commercial / industrial building		\$20
Businesses selling cannabis from a retail location		\$100
Businesses operating from a retail store-front		\$100
FARMERS MARKET		\$50
DAYCARES & PRE-SCHOOLS	Annual	\$20
Including day homes and after-school programming		
UNCLASSIFIED	Annual	\$100

ANNUAL LICENSES PURCHASED AFTER SEPT. 1 ARE HALF PRICE

TOWN OF LANGHAM
SCHEDULE "B"
TO BYLAW NO. 2020-04

20 ___ Business License Application

Business Name: _____	
Mailing Address: _____	
Email: _____	Phone Number(s): _____
Contact Name: _____	
Services Offered:	

Application Type:	
<input type="checkbox"/> Business License Application	Type of Business: _____
<input type="checkbox"/> Home-Based Business complies with Section 4.11 of the Zoning Bylaw	
<input type="checkbox"/> Commercial Business is a permitted or discretionary use in your current zoning district.	
<input type="checkbox"/> This application complies with all relevant sections of the Zoning Bylaw **	

Office Use Only	
Business License # _____	Type of License: _____
Date Issued: _____	Date Expired: _____
Fee Amount: _____	Staff Initials: _____

**TOWN OF LANGHAM
SCHEDULE “C”
TO BYLAW NO. 2020-04**

Schedule of Offenses

Conducting a business without a license	\$200
Conducting business activity from a premise not identified on license	\$100
Conducting business without renewal	\$200
Failing to produce license upon request by authorized personnel	\$100
Advertising or promoting a business without license	\$200
Providing false or misleading information to the Town	\$500
Providing false or misleading information to the Bylaw Enforcement Officer	\$500