

RESORT VILLAGE OF MANITOU BEACH**BYLAW # 13 /2009****BUSINESS LICENSE BYLAW**

A BYLAW OF THE RESORT VILLAGE OF MANITOU BEACH IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR THE LICENSING, CONTROL, REGULATION AND GOVERNING OF CERTAIN BUSINESSES AND OCCUPATIONS WITHIN THE RESORT VILLAGE NOT ASSESSABLE BY COMMERCIAL TAXATION.

WHEREAS, it is deemed necessary and expedient that persons engaged in certain businesses and occupations should be licensed by the Resort Village of Manitou Beach and subject to certain regulations;

NOW THEREFORE, THE COUNCIL OF THE RESORT VILLAGE OF MANITOU BEACH, IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

1. No person shall carry on any business, trade or calling set out in this bylaw within the municipality unless the person has in their possession a valid and current license pursuant to this bylaw.

2. In the case of application for a new license or an application for renewal of an existing license, the Village Administrator or their designate may grant such license or renewal of license without referring the application to the Council, unless in his/her opinion, circumstances warrant reference of the application for Council's approval.
 - a. Persons required to be licensed under the provisions of this bylaw are all those persons, firms, partnerships, business associations or bodies corporate who conduct any of the business, industries, trades, callings or occupations as defined in Schedule "A" to this bylaw, and who are not assessed commercial property tax or who are not a tenant of the owner of assessed commercial property.
 - b. All persons, firms, partnerships, business associations or bodies corporate who solicit business within the Village by way of advertising in a local newspaper, posters, flyers or any other type of solicitation who are not assessed commercial property tax or who are not a tenant of the owner of assessed commercial property are hereby obligated to be licensed under this bylaw.
 - c. Any person seeking a license hereunder shall make application to the Village Office.
 - d. Each application for a license under this bylaw shall include the following information:
 - i. The name and address of the applicant.
 - ii. The nature of the business for which the license is required.
 - iii. The place where the business in respect of which the license is required is to be exercised or carried on.

- iv. Specifically states the kinds of services, goods or merchandise which the license is authorized to offer.
 - v. Pays with the prescribed fee.
 - vi. One copy of each license application and receipt shall be delivered to the applicant.
 - vii. No license or renewal of a license issued pursuant to the provisions of this bylaw may be assigned by the person or body corporate.
3. The license shall be in the form such as prescribed by the Village Administrator.
4. The fee for licenses shall be those prescribed and fixed by Schedule "B" of this bylaw and is hereby incorporated into and made part of this bylaw.
 - a. The fees for licenses and for the renewal of all licenses shall be paid on or before January 31st in each and every year.
 - b. In the case of a new application for license, the prescribed license fee shall be paid in full at the time of filing the application until August 31st; thereafter the price of the license shall be one half the regular scheduled amounts.
5. No person to whom a license has been granted under this bylaw shall offer for sale services, goods or merchandise or solicit orders for future delivery of goods or merchandise within the Village:
 - a. Other than a kind or kinds described in the license; or
 - b. By any method except as stated in the license; or
 - c. At any time or during any period when shops within the village offering for sale or taking orders for similar services, goods or merchandise are required by Village Bylaw to be and remain closed.
6. Every license granted under the provisions hereof, unless specifically mentioned to be for a shorter period and unless it shall sooner become forfeited, shall be for the current year at the time of the issue thereof, and shall expire on the 31st day of December next succeeding the date of issue.

7. No rebate shall be allowed or granted to any license, in respect of forfeiture of a license or on account of the non-use of the rights and privileges thereby granted, or for any other cause, unless the consent of the Council for the Resort Village of Manitou Beach is granted by resolution.
8. Every person licensed under this bylaw shall, at all reasonable times, upon request of the Administrator, the bylaw enforcement officer or license inspector, or any peace officer, produce such license for inspection purposes.
9. The Council may by resolution suspend or revoke any license granted under the provisions of this bylaw.
10. The granting or refusal to grant a license, the granting of a renewal of a license or the refusal to grant the renewal of a license pursuant to the provisions of this bylaw shall be wholly within the discretion of the Village Administrator and/or his lawful designate and the revocation of any license pursuant to the provisions of this bylaw shall be wholly within the discretion of the Council of the Resort Village of Manitou Beach.
11. The Council of the Resort Village of Manitou Beach may delegate to the Health Officer the power to revoke the license, if any person who sells food or drink for human consumption in the Resort Village of Manitou Beach but who neglects or refuses to comply with the rules, orders or regulations of the Minister of Public Health or with the bylaws of the Resort Village of Manitou Beach.
12. The following are regulations which must be complied with in connection with certain licenses:
 - a. No business which is not assessed a commercial property tax shall be conducted on such premises without first having taken out a license.
 - b. The act of wife, husband, child, servant, clerk or employee of any person licensed to carry on business under this bylaw shall be deemed and be taken to be the act of the licensee as though they had done the act themselves.

- c. No person to whom a license is granted under this bylaw shall conduct a business so licensed on any street, lane or public place unless the license permits him to do so.
 - d. In all cases where the legislature of the Province of Saskatchewan has required any person to obtain a Provincial License in respect to any business, no license shall be granted under the provisions of this bylaw unless or until the applicant shall have first obtained and produced a Provincial License and every application for license under this bylaw shall in such case state that such Provincial License was first obtained.
 - e. The Bylaw officer or other authorized Resort Village of Manitou Beach employees, member of the RCMP, the Provincial Health Officer, the Building Inspector and the Fire Chief shall have free access to all buildings and grounds in which any business licensed under the provisions of this bylaw are carried on. Any person hindering, preventing or refusing such free access after any such officer has demanded admission and displayed his badge or credentials of office, shall be liable to prosecution for breach of this bylaw.
 - f. No license shall be granted to any person under the provisions of this bylaw which involves the occupation of buildings or premises for the purpose of carrying on the business to be licensed until Council is satisfied that the premises comply with the various bylaws of the Resort Village of Manitou Beach, Provincial Statutes or regulations passed there under and it shall be the duty of the Bylaw Officer to obtain the necessary reports for the guidance of the Village Council and it shall be the duty of the Building Inspector, Fire Chief, Provincial Health Officer or any other officer upon the request of the Bylaw Officer to inspect the buildings in which the proposed licensed business is to be carried on and to give to the Bylaw Officer a report in writing as to whether or not the same are suitable for the carrying on of the proposed business.
 - g. Street/cart/mobile vendors shall remain in the confines of their cart area and be self-sufficient y unless otherwise approved by resolution of council and noted on the business license. Any articles and equipment used in the operation of the business must be removed from the area after the close of business that day. Costs are responsibility of applicant.
 - h. Any public forum or seminar for the purpose of promoting a specific product for sale and offers the said product for sale, either for immediate delivery or taking orders for delivery at a later date, shall be subject to a business license unless the promoter already is in possession of a valid business license issued from the Resort Village of Manitou Beach.
13. Any person who carries on a business, industry or calling which is required to be licensed under this or any other bylaw without first obtaining a license to do so, or having applied for a license which application has been refused, carries on such business, industry or calling, shall be guilty of an infraction of this bylaw.

14. Any person who is carrying out any of the activities mentioned in Section 2 of this bylaw fails neglects or refuses to comply with any provisions of this bylaw and/or provisions stipulated in the business license, shall be guilty of an infraction of this bylaw.

15. Any person guilty of any infraction to any of the provisions of this bylaw shall, upon summary conviction, be liable to a penalty provided for by the General Penalty Bylaw of the municipality, not less than \$500.00

16. Where in any case a person is convicted for the non- payment of a license fee payable to the Resort Village of Manitou Beach under the provisions of this bylaw, the summary conviction court may order payment forthwith by the accused of the said license fee.

17. All events undertaken or sponsored by a local religious, charitable or non-profit community organization are exempt from the payment of business license fees, but are still required to apply for a license.

18. Any business that has been hired by the Resort Village of Manitou Beach to do a specific project that otherwise the said business would not be soliciting or doing any work within the municipality be exempt from the payment of business license fees.

19. Bylaw #19/90 is hereby repealed.

Seal

Mayor

Administrator

Read a first time the 18th Day of November 2009.

Given the second reading the 2nd Day of December 2009.

Given a third and final reading the 6th Day of January 2010.

Certified true copy of Bylaw 13/2009

SCHEDULE "A"

To Bylaw # 13/2009

Business License Bylaw

Business, industries, trades, callings or occupation titles/names and definitions of business, industries, trades, callings or occupations applying to this bylaw:

1. "Auctioneer" shall mean an individual who conducts the bidding at a sale by auction of any property.
2. "Auction Sales Company" shall mean an individual firm or corporation that holds a sale by auction of any property.
3. "Bylaw Officer" shall mean the Bylaw Officer of the Resort Village of Manitou Beach and anyone designated and acting as such.
4. "Chiroprapist, Chiropractor, Masseur or Massage Therapist" shall mean any person who engages in the business of manipulative healing.
5. "Contractor" and "Subcontractor" shall mean a contractor or subcontractor as defined by

The Builder's Lien Act or every apprentice, laborer, journey person or trades person of the building and/or construction trade not employed by a contractor or subcontractor who holds a valid business license pursuant to this bylaw.

6. "Direct Seller" and "Direct Sales Contractor" shall mean direct sellers and direct sales contractors as defined by *The Direct Sellers Act*.
7. "Homeopathic Healer" shall mean any person engaging in healing, wellness, advising through analyzing health, product sales or treatment that is not offered by a medical practitioner.
8. "Street" or "Cart" or "Mobile Vendors" shall mean any person who is engaging in the sale of goods or services that is not at a specific and/or permanent location.
9. "Transient Trader" shall mean any transient trader or sales agent who carries on business within the municipality and who offers goods or merchandise for sale by retail or by auction or who solicits any person who is not a wholesaler or retail dealer for orders for the future delivery of goods and/or merchandise and who is not assessed commercial property tax or who is not the tenant of the owner of assessed commercial property.
10. "Unclassified" or "Unspecified" shall mean any person carrying on a trade, business, calling or other occupation for which a fee is charged which is not listed as a special category and who is not assessed a commercial property tax or who does not pay rent and is not a tenant of the owner of assessed commercial property.

SCHEDULE "B"

To Bylaw # 13/2009

Business License Bylaw

The fee for licenses shall be as prescribed below:

ALL CONSTRUCTION AND CONSTRUCTION RELATED BUSINESS: \$100.00

ALL OTHER FORMS OF BUSINESS: \$50.00