

CONSOLIDATED COPY

June 19, 2023

**CITY OF MEADOW LAKE
BUSINESS LICENSE BYLAW
BYLAW NO. 14/2018**

With amendments up to and including Bylaw #15/2022 passed December 12, 2022 by City Council.

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NOTE:

All persons making use of this consolidation are reminded that this document has no legal status, that the amendments have been embodied for convenience of reference, and that the original bylaws should be consulted for all purposes of interpretation and application of the law. **Red highlighted entries indicate the amendments to the bylaw.**

**CITY OF MEADOW LAKE
BYLAW NO. 14/2018
BUSINESS LICENCE BYLAW**

A BYLAW OF THE CITY OF MEADOW LAKE IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR THE LICENSING, CONTROL, REGULATION AND GOVERNING OF CERTAIN BUSINESSES AND OCCUPATIONS IN THE CITY.

WHEREAS, it is deemed necessary and expedient that persons engaged in certain businesses and occupations should be licensed by the City of Meadow Lake and be subject to certain regulations;

Now therefore, the Council of the City of Meadow Lake, in the Province of Saskatchewan enacts as follows:

PART 1 - INTRODUCTION

Short Title

1. This Bylaw shall be known and may be cited as the Business Licence Bylaw.

Purpose

2. The purpose of this Bylaw is to license businesses in the City of Meadow Lake in order to:
 - a) Regulate businesses;
 - b) Ensure compliance with land use, zoning and building regulations; and
 - c) Facilitate planning decisions.

Interpretation

3. In this Bylaw, unless the context otherwise requires, the following words or terms shall be held to have the following definitions:
 - a) **"Business"** shall mean any of the following activities, whether or not for profit and 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; or
 - iii. an activity providing goods or services.
 - b) **"City"** shall mean the City of Meadow Lake.
 - c) **"Charity"** shall mean an organization that is:
 - i. Incorporated as a non-profit corporation in the Province of Saskatchewan,
 - ii. A registered charity authorized to issue tax receipts for donations pursuant to *The Income Tax Act*, or
 - iii. An organization that can demonstrate that it is formed for social, educational, religious or philanthropic purposes from which the members do not receive any direct economic gain.
 - d) **"Childcare Center"** shall mean a Family Child Care Home and Group Family Child Care Home as established within the City's Zoning Bylaw.
 - e) **"Contractor"** and **"Subcontractor"** shall mean a person who constructs, alters, maintains, repairs or removes buildings or structures, installs heating plants, plumbing or other fixtures or performs other similar work in the City and who does not have a

business premises in the City.

- f) **"Designated Official"** means the City Manager, or other person(s) designated by him or her to issue business licenses and enforce this bylaw, including but not limited to Planning Staff and Bylaw Enforcement Staff.
- g) **"Direct Seller"** shall mean direct sellers and direct sales contractors as defined by and licensed with the Province under *The Direct Sellers Act* who do not have a business premises in the City.
- h) **"Farmers' Market"** shall mean a group of persons operating collectively which sells products that they bake, make, or grow.
- i) **"Home-Based Business"** shall mean a home-based business and home-occupation as established within the City's Zoning Bylaw.
- j) **"Trade Fair"** shall mean a place where the public is invited and where goods or merchandise are offered for sale by retail or auction on a short-term basis such as hobby shows, home improvement shows, sportsman shows, flea markets and craft shows.
- k) **"Transient Trader"** shall mean any person who carries on business within the City of Meadow Lake who:
 - i. offers goods or merchandise for sale by retail or by auction; or
 - ii. solicits any person who is not a wholesaler or retail dealer for orders for the future delivery of goods and/or merchandise; and
 - iii. who is not assessed commercial property tax or who is not the tenant of the owner of assessed commercial property.
- l) **"Unclassified"** shall mean every person carrying on any trade or business not otherwise specified in this bylaw.

PART II - GENERAL LICENSING

Licence Required

- 4. No person shall carry on a business within the corporate boundaries of the City of Meadow Lake without a valid and subsisting licence issued pursuant to this bylaw.
- 5. Notwithstanding Section 4, a licence shall not be required for:
 - a) Any business carried on by the City;
 - b) Any activity undertaken by a charity;
 - c) Any activity carried on by a person under the age of eighteen (18);
 - d) Any business that operates from a premise located on property that the City assesses and taxes as commercial or industrial property; and
 - e) Such other activities as Council may by resolution exempt from the requirements of this bylaw.

Application

- 6. Any person seeking a licence must apply in writing to City Hall.
- 7. Each application for a licence under this bylaw shall include the following information:
 - a) The name and address of the applicant;
 - b) The nature of the business for which the licence is required;
 - c) The place where the business is to be exercised or carried on;
 - d) The period for which the licence is required;
 - e) The contact phone number for the applicant;
 - f) The name under which the business will be operated;

- g) Proof of compliance with the Zoning Bylaw, where applicable;
 - h) Estimated annual business revenue, if applying for a reduced licence rate; and
 - i) Any other information which may be reasonably requested by the City.
8. The licence shall be in the form such as prescribed by the Designated Official.

Licence Fee

9. The fee for licences shall be those prescribed and fixed by Schedule "A" of this Bylaw. A person will not be issued a licence until the fee outlined in Schedule "A" has been paid.
10. Subject to the provisions of this Bylaw, the licence fee shall be calculated based on the annual revenue for the immediately preceding year, or in cases where no historical information is available, based on the projected revenue for the upcoming year.
- 11.
- a) Subject to subsection 11(b), no fee in respect to either a new licence application or an annual renewal of a licence shall be prorated for any reason.
 - b) The licence for a business in its first year of operation may be prorated to the following:
 - i. From January 1 to August 31, 100% of the licence fee;
 - ii. From September 1 to December 31, 50% of the licence fee.
12. Every licence granted under this bylaw, unless specifically mentioned to be for a shorter period and unless cancelled or revoked, shall be for the calendar year at the time of the issue and shall expire on the 31st day of December next succeeding the date of issue.
13. No rebate shall be allowed or granted to any licensee, in respect of forfeiture of a licence or on account of the non-use of the rights and privileges thereby granted, or for any other cause, unless the consent of City Council is granted by resolution.

Granting of Licenses

14. In the case of application for a new licence or an application for renewal of an existing licence, the Designated Official may issue such licence or renewal of licence without referring the application to the Council, unless in his/her opinion, circumstances warrant reference of the application for Council's approval.
15. The City may issue licenses in the following circumstances:
 - a) The required application form has been completed;
 - b) The required licence fee has been paid;
 - c) If required, the necessary provincial licence has been produced; and
 - d) The business or premises occupied by the business complies with all the zoning, building and other requirements of the City.

Renewal

16. A person must renew their licence annually in the manner prescribed by the City on or before February 28 of each year.
17. A person must pay the renewal fee provided for in Schedule "A" when renewing the licence.
18. If a licence has not been renewed by the deadline of February 28, then the business will be recorded as closed and removed from the City's website directory.

19. Any business that wishes to renew their licence once the business has been recorded as closed must follow all the steps that are required to apply for a new licence.

Good Standing

20. All persons who obtain or renew a business licence, unless revoked or suspended under this Bylaw, shall be considered in good standing with the City and each business shall have the option to be listed in the City's website directory at no additional cost.

Licence Not Transferable

21. A licensee may not sell, transfer, assign, lease or otherwise trade a licence from one person or premise to another.

Compliance with Other Regulations

22. A licence will not be issued under this Bylaw for any business or premises occupied by the business which does not conform to any zoning, building and other requirements of the City.
23. The issuing of a license does not relieve that person or business of the responsibility of conforming to any zoning, building and other requirements of the City.
24. No person to whom a licence is granted under this bylaw shall conduct a business so licenced on any street, lane, or public place unless the licence permits that person to do so.
25. All businesses must adhere to all applicable federal, provincial and municipal legislation and regulations.
26. Any licence issued under this Bylaw without the person first obtaining the required federal or provincial licence is invalid.

Discontinuance or Change

27. A licence holder must notify the City if a business is discontinued.
28. A licence holder must notify the City if the contact information, size or nature of the business changes.
29. A licence holder must apply for a new licence if the business relocates to or within a residential area in the City.

Display of Licences

30. Any licence issued under this Bylaw must be displayed in a prominent place at the place of business for which the licence was issued or site where work is carried out under the terms of the licence, or be available to be produced upon the request of a designated official of the City.

Revocation of Licence

31. If a licensee contravenes any term or condition of this Bylaw, the City may suspend or revoke the licence. As per Section 13, there shall be no refund issued for a revoked licence.
32. The Designated Official may reinstate a revoked licence if he or she is satisfied that the licensee is complying with the Bylaw.
33. The City may refuse to issue or renew a licence, and may impose conditions on a licence for the following reasons:
 - a) The applicant or licensee does not or no longer meets the

- requirements of this Bylaw with respect to the licence applied for or held;
- b) The applicant has breached a condition of the licence;
 - c) The applicant or licensee or any of its employees:
 - i. Provides false or misleading information to a Designated Official;
 - ii. Has, in the opinion of the Designated Official based on reasonable grounds, contravened this Bylaw or any applicable bylaw;
 - iii. Has, in the opinion of the Designated Official based on reasonable grounds, contravened the provisions of any federal, provincial or municipal legislation or regulation; or
 - iv. Fails to pay any fee or penalty required by this Bylaw; or
 - d) In the opinion of the Designated Official based on reasonable grounds, it is in the public interest to do so.
34. The Licensee shall immediately, upon receiving notification that the licence has been revoked, cancelled or suspended, cease the operation of the business.

Right to Appeal

35. Any licensee or applicant may appeal the denial, suspension or cancellation of a licence issued under this Bylaw to City Council by making written application within 30 days of the date of service of the letter from the Designated Official revoking, denying or suspending the licence.

PART III - SPECIFIC REGULATIONS

Childcare Centers

36. Each application for a Childcare Center business license, prior to issuance, shall be reviewed by the Designated Official for compliance to the building regulations, fire regulations and zoning regulations.

Contractors

37. In accordance with Subsections 9(2) to 9(5) of *The Cities Act*, if any contractor fails to pay the licence fee imposed by this Bylaw, the Designated Official may give notice in writing to any person by whom the contractor is employed requiring that person to pay the license fee out of the moneys payable by that person to the contractor and upon receipt of the notice by that person, the amount of the license fee shall to the extent of moneys so payable be a debt due by that person to the City and may be recovered in the same manner as taxes may be recovered.
38. If the Designated Official gives notice pursuant to Section 37, he or she shall send a copy of the written notice to the contractor.

Direct Sellers

39. A person operating as a direct seller must produce the following to the City:
- a) A copy of their provincial licence under *The Direct Sellers Act*; and
 - b) If selling for a company, a copy of their identification tag issued to them from their company.

Home Based Businesses

40. Each application for a Home Based business license, prior to issuance, shall be reviewed by the Designated Official for compliance to the building regulations, fire regulations and zoning regulations. If applicable, the application may also be required to be placed before Council for approval prior to issuing a licence.

Trade Shows and Farmers' Markets

41. A licence for a trade show or farmers' market is a valid licence for all vendors operating within the trade show or farmers' market while the trade show or farmers' market is in operation.
42. Any person operating as a vendor outside of the hours of operation or location of a licensed trade show or farmers' market is required to obtain a valid business licence in accordance with this Bylaw.

Taxis

43. All taxi companies are required to comply with the City's Taxi Bylaw, as well as all provisions of this bylaw, and any other applicable municipal, provincial and federal legislation.

PART IV - ENFORCEMENT**Enforcement of Bylaw**

44. The administration and enforcement of this Bylaw is hereby delegated to the City Manager.
45. The City Manager may appoint any employee or agent of the City as a Designated Official for the purposes of administration and enforcement of this Bylaw.

Inspections

46. The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized.
47. Inspections under this Bylaw shall be carried out in accordance with Section 324 of *The Cities Act*.
48. No person shall obstruct a Designated Official who is authorized to conduct an inspection under this Bylaw, or any person who is assisting a Designated Officer.

Offences

49. No person shall:
 - a) Conduct a business without a licence;
 - b) Conduct a business activity from a premises not identified on a licence;
 - c) Conduct a business without renewing a licence;
 - d) Fail to post a licence;
 - e) Fail to produce a licence upon request by authorized personnel;
 - f) Advertise or promote a business without a licence;
 - g) Provide false or misleading information to the City or a Designated Official of the City;
 - h) Obstruct or hinder any Designated Official acting under the authority of this Bylaw; or
 - i) Fail to comply with any other provision of this Bylaw.
50. Any form of advertising of business activity shall be deemed to be proof that the person is carrying on such business activity.

Notice of Violation

51. Where the Designated Official has reason to believe that a person has contravened any provision of this Bylaw for which a fixed penalty is listed in Schedule "B", the Bylaw Enforcement Officer may issue a Notice of Violation to such person.
52. If voluntary payment of the amount specified on the Notice of Violation is made to City Hall within 30 calendar days of the date of the Notice of Violation, the person alleged to have committed the offence shall not be liable

to prosecution for the offence indicated.

53. Voluntary payment of a Notice of Violation shall not exempt that person from compliance with the requirements of this Bylaw.
54. If payment is not received within 30 calendar days of the date of the offence, an Information may be laid and a Summons issued. Thereafter, voluntary payment may be made before the returnable date of the Summons to the City. The penalty shall be the amount shown in Schedule "B" along with an additional penalty of \$60.00 added to the amount if the Summons has been issued. If the payment is received at City Hall prior to the returnable date of the Summons, the person charged shall not be subject to further court action.
55. If payment of the amount specified on the Summons is not made on or before the date indicated on the Summons, the person to whom the Summons has been issued shall be liable to prosecution of the alleged contravention of the Bylaw.
56. Nothing in this section shall be construed to prevent any person from exercising his or her right to defend a charge of contravention of any provision of this Bylaw.

Penalties

57. Any person who contravenes the provisions of this bylaw is guilty of an offence and liable on summary conviction to a fine of not more than:
 - a) \$2,000.00 in the case of an individual and, in the case of a continuing offence, to a further fine not exceeding \$100 each day during which the offence continues; and
 - b) \$5,000.00 in the case of a corporation and, in the case of a continuing offence, to a further fine not exceeding \$100 each day during which the offence continues.
58. In case of a conviction for the non-payment of the license fee payable to the City under this Bylaw the convicting justice may adjudge payment thereof in addition to the penalty.

PART V - OTHER

59. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.
60. Bylaw No. 1/2013 is hereby repealed effective January 1, 2019.
61. This Bylaw shall come into force and be effective January 1, 2019.

Introduced and read a first time this 13th day of November, 2019.

Read a second time this 26th day of November, 2019.

Read a third time this 26th day of November, 2019.

City Clerk

Mayor

SCHEDULE "A" TO BYLAW 14/2018
SCHEDULE OF LICENCE FEES

Business Type	Application Fee	Renewal Fee
Childcare Center	\$55.00	\$30.00
Contractor	\$105.00	\$80.00
Direct Seller	\$105.00	\$105.00
Farmers' Market (per organization, per year)	\$105.00	\$80.00
Home-Based Business	\$105.00	\$80.00
Trade Show (per organization, per year)	\$105.00	\$80.00
Taxis (per taxi)	\$105.00	\$80.00
Unclassified	\$105.00	\$80.00
<i>For certain businesses which fall below the annual income threshold of \$10,000</i>		
Childcare Center	\$0.00	\$0.00
Contractor	\$0.00	\$0.00
Home-Based Business	\$0.00	\$0.00
Unclassified	\$0.00	\$0.00

SCHEDULE "B" TO BYLAW 14/2018
SCHEDULE OF PENALTIES

Section	Description of Offence	Penalty Amount
49(a)	Conducting a business without a licence	\$315.00
49(b)	Conducting business activity from a premises not identified on a business licence	\$105.00
49(c)	Conducting a business without renewal	\$315.00
49(d)	Failure to post business licence at premises at which business activities are being conducted	\$105.00
49(e)	Failure to produce licence when requested by authorized personnel	\$105.00
49(g)	Providing false or misleading information to the City or Designated Official	\$315.00