

RESORT VILLAGE OF CANDLE LAKE

BYLAW NO. 21-2011

A BYLAW OF THE RESORT VILLAGE OF CANDLE LAKE TO PROVIDE FOR THE LICENSING, REGULATING AND GOVERNING OF PERSONS ENGAGED IN CERTAIN OCCUPATIONS AND PLACES USED FOR CERTAIN PURPOSES TO BE KNOWN AS THE "GENERAL LICENSING BYLAW"

The Council of the Resort Village of Candle Lake, in the Province of Saskatchewan, enacts as follows:

1. DEFINITIONS:

In this Bylaw, unless otherwise required, the expressions:

- (a) **"Administrator"** means the Administrator of a municipality appointed pursuant to Section 110 of *The Municipalities Act*.
- (b) **"Business"; "Occupant"; "Owner"; "Person", "Transient Trader"** shall have the same meaning as given them in *The Municipalities Act*.
- (c) **"Charitable or Non-Profit Organization"** means an organization that is:
- Incorporated as a non-profit corporation in the Province of Saskatchewan; or
 - A registered charity authorized to issue tax receipts for donations pursuant to *The Income Tax Act*; or
 - An organization that can demonstrate that it is formed for social, educational, religious or philanthropic purpose from which the members do not receive a direct economic gain.
- (d) **"Council"** shall mean and include the Council of the Resort Village of Candle Lake
- (e) **"Contractors"** means any person or persons that engages in or who enters into a contract for the construction, alteration, repair or removal of buildings or structures, the installation of heating, plumbing, electrical or other fixtures, painting and/or other allied trades, excavations, waterworks, sewerage, other trades relating to the building and construction industry, or the performance of other similar work in the Municipality.
- (f) **"Direct Sale"; "Direct Sales Contract"; "Direct Sales Contractor" and "Direct Seller"** shall have the meaning given them in *The Direct Sellers Act*.
- (g) **"Home Based Business/Home Occupation"** means an activity conducted wholly or partly on the residential premises of the business or person.
- (h) **"License Inspector"** shall mean the Administrator of the Resort Village of Candle Lake and shall include anyone acting or authorized to act on his/her behalf including Bylaw Enforcement Officers.
- (i) **"Licensee"** means a business/person holding a valid and subsisting license issued pursuant to the provisions of the Bylaw.

- (j) **“Non-Resident Business”** includes any business, trade, profession, industry, occupation, calling or provider of goods or services, and does not reside or maintain a place of business within the corporate boundaries of the Resort Village of Candle Lake, but operates either partly or wholly within the corporate boundaries of the said Village.
- (k) **“Police” or “Police Officer”** shall mean any member of the R.C.M.P. or any police officer under contract with the Village.
- (l) **“Resort Village”, “Village” or “Municipality”** shall mean the Resort Village of Candle Lake.
- (m) **“Seasonal Business”** shall mean a business that operates no more than six consecutive months in any calendar year.

2. DEFINITIONS OF TYPES OF ACTIVITIES:

- (a) **“Advertising Canvasser/Distributor”** means a business/person who solicits and/or distributes almanacs, blotters, cards, catalogues, circulars, coupons, calendars, flyers, handbills, posters, samples, thermometers, directories or any other like article or matter that are designed or intended to advertise any article, product, trade or business.
- (b) **“Ambulance Service”** means any person who owns or keeps for hire or profit a motor vehicle for the purpose of conveying sick or injured persons, PROVIDED HOWEVER, that no application for a license under this shall be accepted unless a license to operate such vehicle is first obtained from the Provincial Motor License Branch and is produced to the License Inspector.
- (c) **“Appraiser”** includes any person who carries out residential, commercial and other real estate appraisals.
- (d) **“Auctioneer”** includes any person selling or offering for sale by public auction and real or personal property, including wares, merchandise, machinery, effects, automobiles or other such like goods.
- (e) **“Barber and/or Hair Dresser”** includes any person who carries on a barbering or hair styling business for profit or gain.
- (f) **“Bed and Breakfast”** means any person who keeps or conducts a boarding house not licensed as public hotel and having up to four beds available for the use of boarders or lodgers.
- (g) **“Bookkeeper or Accountant”** is any public bookkeeper or accountant not having an established place of business in the Village as bookkeeper or accountant.
- (h) **“Building Movers”** includes any person or firm carrying on the business of moving buildings within, into, or out of the Village.
- (i) **“Caterer”** is any person or firm which, for profit, supplies or furnishes group dinners or luncheons, provided however, that this shall not apply to;
 - Religious organizations, primarily for its own member or adherents.
 - Canadian Legions, Service Clubs and fraternal organizations.
- (j) **“Chimney Sweep”** is any person who carries on the business or trade of a chimney sweep other than a plumber or tinsmith regularly engaged in the plumbing or tinsmith business.
- (k) **“Christmas Tree Vendor”** includes a person, business or organization that sells or offers for sale Christmas trees on any site outside of a building.
- (l) **“Collection Agency”** includes any person who collects accounts and charges a commission or fee therefore.

- (m) **“Computer Technician”** is any person who carries on the business of computer sales, programming or repair for profit or gain.
- (n) **“Contractor”** includes any person who enters into a contract or contracts for the erection, alteration, cleaning, moving, repair or demolition of buildings or structures within the Village and, without limiting the generality of the foregoing, includes a person who carries on any one or more of the following businesses:
- Building or carpenters;
 - Excavator, concrete, sidewalk, road, bridge or paving contractor;
 - Roofing, siding, glass installer or insulating contractor;
 - Linoleum, floor finishing, rug installation;
 - Painting, decorating, paper hanger, terrazzo or tile contractors;
 - Brick, stucco or stone mason, structural steel contractor or welding contractor;
 - Plumbing, heating and electrical contractors
- (o) **“Decorator”** includes any person that decorates, designs or executes the interiors of buildings and furnishings.
- (p) **“Delivery Services”** includes a business/person that derives some portion of their revenue from the operation of a delivery service whether as a distinct separate business or as an incidental or part of any other business. For the purpose of this bylaw every dray, truck, trailer, tractor, cart, wagon, vehicle attached to any of the foregoing conveyances used in the transportation of goods, wares, merchandise, stone, gravel, fuel, building materials, cement, manure, blacktop or any other thing, or used for the purpose of excavating, plowing, moving buildings or for any purpose similar to these, shall be deemed a delivery service unless the context otherwise requires.
- (q) **“Direct Sales Contractor”** includes a vendor who sells, offers for sale or solicits orders for:
- Constructing, altering, renovating, maintaining, repairing, adding to or improving a building that is used or is to be used as a house by the owner, occupier, or person in control of it; or
 - Altering, maintaining or improving real property to be used in connection with a house.
- (r) **“Direct Seller”** includes any individual or firm which is licensed under *The Direct Sellers Act*, and
- Goes from house to house selling or offering for sale or soliciting orders for the future delivery of goods or services; or
 - By telephone, offers for sale or solicits orders for the future delivery of goods or services; or
 - Does both of the things mentioned in the above two sub clauses.
- (s) **“Drafting/Engineering”** is any person engaged in the profession of Drafting or Engineering not having an established place of business in the Village.
- (t) **“Electrolysis and Reflexology”** includes any person who is engaged in the practice of Electrolysis or Reflexology in the Village.
- (u) **“Farmers Market”** includes any person or group of persons operating a market where the producer offers produce, fruit, handicrafts or other similar products for sale. Dairy products are not included.
- (v) **“Fish, Farm or Produce Dealer”** includes a person/business that offers for sale or solicits orders for the future delivery of fish, farm or produce, and is not otherwise licensed as butcher or grocer and is not a direct seller by virtue of *The Direct Sellers Act*.

- (w) **“Florist”** includes any person carrying on the business of a florist and sells flowers, cut flowers, plants, bulbs and other things of a like nature and does not have an established place of business within the Village.
- (x) **“Fruit Dealer”** includes any person who engages in the business of selling fresh fruit and who is not otherwise licensed as a grocer.
- (y) **“Handyman or Repairman”** includes individuals who repair items or make general repairs for hire or gain.
- (z) **“Hearing Technician”** includes any person engaged in the service of assessing hearing loss and the sale and repair of hearing aids or other related supplies not having an established place of business in the Village.
- (aa) **“Ice Cream and/or Soft Drink Parlors or Booths”** includes any person who owns or operates any place for the serving or sale of ice cream and soft drinks who is not otherwise licensed as a restaurant.
- (bb) **“Landscaper”** includes any person providing landscaping services, selling nursery stock or operating any mechanical cultivating outfit for gain.
- (cc) **“Not Classified”** includes any person carrying on any trade or business for gain if in regard to licensing of same, no specified provision is anywhere made in this bylaw.
- (dd) **“Petty Trade”** includes any person carrying on a trade or business for gain if in regard to licensing of same, specified provision is anywhere made in this bylaw, however is deemed to be petty by the Administrator.
- (ee) **“Photographer”** includes any person who carries on the business of photographer and does not have an established place of business in the Village.
- (ff) **“Septic Service”** includes any person/business engaged in the removal and hauling of liquid domestic sewage and the pumping of septic tanks.
- (gg) **“Tow Truck Service”** includes any person/business that tows or transports vehicles.
- (hh) **“Transient Trader”** means a person/business that carries on a business that;
- Offers goods or merchandise for sale by retail or auction; or
 - Solicits any business/person that is not a wholesaler or retail dealer for orders for the future delivery of goods or merchandise; BUT DOES NOT INCLUDE;
 - Business/person that is required to be licensed pursuant to *The Direct Sellers Act* or is the occupant of property that is used for business purposes.
- (ii) **“Welder”** is any person carrying on the business of an electric welder or oxyacetylene welder or cold welder not having a regular place of business in the Village.

3. PERSONS AFFECTED:

Persons required to be licensed under the provisions of this Bylaw are those persons carrying on any of the businesses, industries, callings or occupations of those listed under Section 2 above.

4. LICENSE FEES:

The fee payable in respect of any license required under the provisions of this Bylaw shall be in the amount set out in Appendix "A" of this Bylaw and shall be payable at the Office of the Administrator.

5. PRORATING OF FEES:

- (a) The annual fee for resident and non-resident licenses will be prorated at 1/12 for each month or part month of the year from the date of issue to December 31 of the year in which a new license is issued. Renewal licenses will be assessed the annual fee.
- (b) No refunds shall be issued with respect to any license except when a license is revoked as provided for by *The Municipalities Act*.
- (c) In order for a person to qualify for a single project rate, the length of time the person can work on this single project cannot exceed seven consecutive work days in duration.

6. COMPLIANCE WITH PROVISIONS OF BYLAW:

Any person carrying on or engaged in business in respect of which a license is required shall, upon request of the License Inspector, give to the Inspector all information necessary to enable him/her to carry out his/her duties. For the purposes of ensuring compliance with this Bylaw, an Inspector may, at any reasonable time, enter and inspect any business.

7. APPLICATION FOR LICENSES:

All applications for licenses must be made to the Administrator on the form prescribed, and shall contain, but not be limited to, the following information:

- (a) Name, address and contact information of the applicant;
- (b) Nature of the business for which the license is required;
- (c) The name under which the business will be operated;
- (d) The place where the license is to be exercised or where the proposed calling is to be carried on;
- (e) The period for which the license is required.

8. GRANTING OF LICENSES:

All licenses required under the provisions of this Bylaw shall be issued by the Administrator except where Council reserves to itself the right to decide whether a license shall be issued or not.

- (a) Where the Administrator refuses to issue any license he/she shall forthwith submit the application for license together with the report thereon to the Council and advise the applicant of the date on which the Council will consider the application.

- (b) Every license granted under this Bylaw shall be made out in duplicate and one copy shall be delivered to the licensee who shall produce the same whenever it may be demanded by any police officer in the employ of the Village or other person duly authorized to demand its production.
- (c) A license issued under the provisions of this Bylaw without the person first obtaining any required provincial license is invalid.
- (d) The issuing of a license does not relieve that person of the responsibility of conforming with any zoning, building and other requirements of the Resort Village.

9. DURATION OF LICENSE:

Every license issued under this Bylaw, unless specifically mentioned to be issued for a shorter period or sooner forfeited, shall expire on the 31st day of December of the year in which the said license was issued.

10. RENEWAL OF LICENSE:

A person shall renew their license annually in the manner prescribed by the Resort Village.

11. DISCONTINUANCE OR CHANGE TO BUSINESS:

- (1) A licensee must notify the Resort Village if:
 - (a) a business is being discontinued; OR
 - (b) the nature of the business is changing.
- (2) A licensee must apply for a new license if:
 - (a) the business is relocated; OR
 - (b) the business is being purchased or taken over by a new person.

12. DISPLAY OF LICENSES:

Every licensee granted a license to carry on the business and who occupies premises in connection therewith shall keep the license posted in a conspicuous place on the licensed premises. All persons licensed under the provisions of this Bylaw where there are no licensed premises shall, on demand of the Administrator or delegate, produce the license to such official.

13. REVOCATION OF LICENSES:

The Council may by resolution suspend or revoke any license granted under the provisions of this Bylaw and where such license is revoked the licensee shall be entitled to a refund of that part of the license fee proportioned to the unexpired term for which it is granted.

14. OFFENCES AND PENALTIES:

- (a) Any person carrying on the several trades, occupations, callings or businesses set forth in this Bylaw without first obtaining a license therefore and paying the fee prescribed for such license shall be guilty of a breach of this Bylaw and subject to a penalty not to exceed \$500.00 plus the amount of solicitor's cost for the prosecution under this Bylaw.
- (b) In case of a conviction for the non-payment of the license fee payable to the Resort Village under this Bylaw, the convicting justice may adjudge payment thereof in addition to the penalty.
- (c) In the case of a continuing offence, an additional duty fine of not more the One Hundred Dollars (\$100.00) per day may be applied.
- (d) Such penalty or penalty and license fee, as the case may be, may be recovered and enforced by summary conviction before a Provincial Magistrate or Justice of the Peace having jurisdiction in the Resort Village.
- (e) Where any person guilty of an infraction of the provisions of this Bylaw has been issued a notice of violation pursuant to this Bylaw by the Administrator, RCMP or any other person authorized to act on their behalf, then the Resort Village will accept voluntary payment within five days at the office of the Administrator at the Resort Village Office located in the Resort Village of Candle Lake, in an amount of One Hundred Dollars (\$100.00) provided that an application for the appropriate business license pursuant to the Bylaw has been applied for and the appropriate fees as detailed in Schedule "A" attached to and forming part of this Bylaw have been paid.

15. PROSECUTION:

Where, in a prosecution or proceeding under a Bylaw providing for the licensing of any business, industry or calling, or of persons carrying on the same or engaged therein, it is alleged that the person proceeded against, carried on or engaged in such business, industry or calling without having first obtained a license to do so, proof of one transaction in the business, industry or calling shall be sufficient to establish that the person proceeded against, carried on or engaged in such business, industry or calling.

16. FROM WHOM LICENSE RECOVERABLE:

In the event that any contractor fails to pay the license fee imposed by this Bylaw, the licensing officer may give notice in writing to any person by whom the contractor is employed, requiring the person to pay the license fee out of the monies payable by him to the contractor and, upon receipt of the notice by that person, the amount of the license fee shall to the extent of monies so payable be a debt due by that person to the Resort Village and may be recovered in the same manner as taxes may be recovered.

17. BYLAWS REPEALED:

No existing bylaws are in effect.

18. COMING INTO FORCE:

This Bylaw shall come into full force and take effect on January 1st, 2012

Introduced and read for a first time this 12th day of December, 2011.

Read for a second time this 12th day of December, 2011.

Read for a third time and passed this 28th day of December, 2011.

Mayor Toporowski

Margo English, Administrator

SEAL

**RESORT VILLAGE OF CANDLE LAKE
BYLAW 21-2011
GENERAL LICENSING BYLAW**

APPENDIX "A"

ANNUAL FEE:

RESIDENT.....\$ 75.00
NON-RESIDENT.....\$150.00

SEASONAL BUSINESS ANNUAL FEE:

(Maximum of six consecutive months in calendar year)

RESIDENT.....\$50.00
NON-RESIDENT.....\$100.00

SINGLE PROJECT FEE.....\$ 50.00
(Not to exceed seven (7) consecutive work days in duration)

Mayor Toporowski

Margo English, Administrator

SEAL