



Unity

TOWN OF UNITY

BYLAW NUMBER 1160-P-25

Business License Bylaw

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

This Bylaw may be cited as the *“Business Licensing Bylaw”*

1. Purpose

The purpose of this Bylaw is to license businesses in the Town of Unity to:

- (a) Regulate businesses;
- (b) Ensure compliance with land use, zoning, and governing regulations; and
- (c) Facilitate planning decisions.

2. Definitions

- (a) “Designated Officer” means the Bylaw Enforcement Officer for the Town of Unity.
- (b) “Council” means the Council of the Town of Unity.
- (c) “License Inspector” means the Bylaw Enforcement Officer, or any person appointed by Council for the purpose of enforcing this Bylaw.
- (d) “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 Town and who does not have a business premises in the Town.
- (e) “Person” means an individual or a group of two or more individuals or a corporation.
- (f) “Town” means the Town of Unity, Province of Saskatchewan.
- (g) “CAO” means the Administrator for the Town of Unity.
- (h) “Licensee” means the holder of a business license issued pursuant to this Bylaw.
- (i) “Bylaw” means this Business Licensing Bylaw of the Town of Unity #1160-P-25
- (j) “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 Town.
- (k) “Home-Based Business” shall mean an occupation, trade, profession, or craft conducted for gain in a dwelling unit or accessory building by the resident, which is secondary to the principal use of the site, and does not create a public nuisance because of noise, traffic, pollution, or parking.
- (l) “Mobile Food Truck” shall mean a motorized, mobile, self-contained vehicle that is equipped to prepare, cook and serve food.
- (m) “Unclassified” shall mean every person carrying on any trade or business not otherwise specified in this Bylaw.

3. License Required

No person shall conduct business within the corporate boundaries of the Town of Unity without a valid, active license issued in accordance with this bylaw.

4. Exceptions

Notwithstanding Section 3, a license is not required for:

- (a) Any business operated by the Town;
- (b) Any business that operates from a property designated by the Town as commercial or industrial for assessment and taxation purposes.
- (c) Any contractor businesses not doing business within the corporate boundaries of the Town.

5. Applying for License

Any person seeking a license must make application to the Town Office and shall include the following information:

- (a) The name and address of the applicant;
- (b) The nature of the business for which the license is required;
- (c) The place where the business is to be exercised or carried on;
- (d) The period for which the license is required;
- (e) The contact phone number and email address;
- (f) The name under which the business will be operated;
- (g) Proof of compliance with the Zoning Bylaw, where applicable; and
- (h) Any other information which may be reasonably requested by the Town.

6. Granting of Licenses

In the case of application for a new license or an application for renewal of an existing license, the CAO may issue such license or renewal of license without referring the application to the Council, unless in their opinion, circumstances warrant reference of the application for Council's approval.

7. Compliance with Other Regulations

- (a) 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 Town;
- (b) All businesses must adhere to all applicable federal, provincial and municipal legislation and regulations;
- (c) Any license issued under this Bylaw without the person first obtaining the required federal or provincial license is invalid; and
- (d) A license will not be issued under this Bylaw for any business which does not conform to any zoning, building and/or other requirements of the Town.

8. Specific Regulations

- (a) **Taxi or Ride Share:** To obtain a License for a Taxi or Ride Share vehicle the operator shall produce a valid taxi safety inspection certificate certified by Saskatchewan Government Insurance (SGI) for each vehicle operating as a taxi. The inspection certificate shall be in the taxi at all times and the inspection decal shall be displayed on the right-side rear window of the vehicle.
- (b) **Mobile Food Truck:** A License for a Mobile Food Truck shall be granted with the following conditions:
 - i. The Mobile Food Truck shall be aesthetically pleasing in appearance and shall not be deemed a nuisance by causing excessive noise, vibration, smoke, odor, air pollution, heat, glare, bright lights, actions or excessive waste which may be a distraction to motorists, pedestrians or surrounding businesses and residences.
 - ii. The Mobile Food Truck must supply its own water and power source. Generators are permitted provided that do not cause a nuisance.
 - iii. The Mobile Food Truck must have a discharge management plan that outlines the disposal of grey/black water, fat, oil and grease.

- iv. The Mobile Food Truck shall provide proper waste and recycle receptacles for customer use and shall clean up any waste within a 6-meter radius of the site prior to leaving the location. They shall not dispose of any waste in a bin that does not belong to them.
- v. The service window shall face the adjacent sidewalk and must be at least 10 meters away from any intersection or crosswalk. Street-facing service windows are not permitted when parked on a street or roadway.
- vi. Canopies, windows or doors shall not hinder or obstruct pedestrian or vehicular traffic.
- vii. One sandwich-board “A-frame” sign will be permitted provided it does not hinder or obstruct pedestrian or vehicular traffic.
- viii. All elements of the Mobile Food Truck operations (line-ups, signage, waste/recycle receptacles, etc.) shall not cause any pedestrian or vehicular obstructions and must allow easy and safe traffic.
- ix. The Mobile Food Truck shall get approval from the Town of Unity prior to operating in or on town owned parks, facilities or parking lots.
- x. The Mobile Food Truck shall not operate within 150 meters of a special event or festival without written permission from the event coordinator.

(c) **Contractors:** In accordance with Subsections 9(2)(e), 9(5) and 9(6) of The Municipalities Act, if any contractor fails to pay the license fee imposed by this Bylaw, the Designated Officer or CAO may:

- i. give a written notice 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 with a copy of the notice going to the contractor.
- ii. Upon receipt of the notice by the person, the amount of the license fee be a debt due by the person to the Town and may be recovered in the same manner as taxes may be recovered.

(d) **Direct Seller:** A person operating as a Direct Seller must produce the following to the Town:

- i. A copy of their provincial license under The Direct Sellers Act; and
- ii. If selling for a company, a copy of their identification tag issued to them from their company.

9. Issuing of Licenses

The Town may issue licenses in the following circumstances:

- (a) The required application form has been completed (Schedule B);
- (b) The required license fee has been paid (Schedule A);
- (c) If required, the necessary provincial license has been produced; and
- (d) The business complies with all the zoning, building, and other requirements of the Town

10. License Fee

A person will not be issued a license until the fee prescribed and fixed by Schedule “A” has been paid. License fees due for prior years, if any, must be paid before a license is issued for the current year.

- (a) Notwithstanding Subsection 10(a), each business, industry, calling or occupation that makes application for a Home-Based Business license and receives approval will be assessed one hundred (100) percent of their license fee at the time of approval.
- (b) Every license 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; and
- (c) No rebate shall be allowed or granted to a licensee, 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 Council is granted by resolution.
- (d) Notwithstanding the provisions of Section 10, the license fee may at the discretion of the CAO be reduced to less than the maximum fee payable, but in no event shall the license fee be reduced to less than ten dollars (\$10.00). In exercising such discretion to reduce the license fee, the CAO shall give regard to:

- i. the nature, selling price, type and normal marketing season of the product being sold, or the nature, charge for services, type of services and normal marketing season being provided
- ii. the manner in which the product is being sold or the service provided
- iii. the expected term of marketing the product or service
- iv. such other factors the CAO may deem relevant

(e) When the license fee is reduced pursuant to subsection (e) and the conditions of the license change while valid, the CAO may review and increase the fee to no more than the maximum amount set out in Schedule A forming part of this Bylaw.

11. License Not Transferable

A licensee may not sell, transfer, assign, lease or otherwise trade a license from one person or premises to another.

12. Renewal

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. Licensing fees must be paid when renewing a license.

13. Discontinuance or Change

A person must notify the Town if:

- (a) A business is discontinued;
- (b) Either the size, nature, and/or location of the business changes; or
- (c) Changes to the contact information for the business occur.

14. Revocation of License

The Town may:

- (a) Revoke, suspend, refuse to issue or renew a business license for the following reasons:
 - i. The application or license does not, or no longer, meets the requirements of this Bylaw with respect to the license applied for or held;
 - ii. The holder of the license has breached a condition of the license;
 - iii. The holder, Spouse, Common-Law or any of its employees:
 - 1) provide false or misleading information to a Designated Officer and/or CAO;
 - 2) has, in the opinion of the Designated Officer or CAO based on reasonable grounds, contravened this Bylaw or any applicable bylaw;
 - 3) has, in the opinion of the Designated Officer based on reasonable grounds, contravened the provisions of any federal, provincial or municipal legislation or regulation; or
 - 4) fails to pay any fee or penalty required by this Bylaw; or
 - iv. In the opinion of the Designated Officer or CAO based on reasonable grounds, it is in the public interest to do so.
- (b) A Designated Officer or CAO may reinstate a revoked license if her or she is satisfied that the licensee is complying with this Bylaw and/or other requirements; and
- (c) Shall not refund any fees collected for a revoked license.

15. Right to Appeal

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

16. Enforcement of Bylaw

Enforcement of this Bylaw may be conducted by a Designated Officer or CAO

17. Inspections

The inspection of property by the Town to determine if this Bylaw is being complied with is hereby authorized, and:

- (a) Inspections under this Bylaw shall be carried out in accordance with Section 362 of The Municipalities Act; and
- (b) No person shall obstruct a Designated Officer who is authorized to conduct an inspection under this Bylaw, or any person who is assisting a Designated Officer.

18. Guilty of an Offense

- (a) Any officer or any other person duly authorized or recognized as having been granted authority by the Council of The Town of Unity is hereby designated to enforce this Bylaw.
- (b) Any person who contravenes any of the provisions of this Bylaw or fails to comply therewith or with any order or notice given thereunder is considered guilty of an offence and is liable to the penalties as hereinafter provided. Said penalties shall be pursuant to Schedule "C".
- (c) Any person who contravenes the provisions of this Bylaw as not specifically set out in Schedule "C" or fails to comply therewith, or with any order or notice given thereunder, is guilty of an offence and is liable to a fine in an amount not exceeding that pursuant to the Town of Unity "General Penalty Bylaw".
- (d) Where any person has or is alleged to have been in contravention of any of the provisions of this Bylaw, a ticket, summons, or notice may be served upon them. Such a person may voluntarily make a payment of the assessed penalty sum of \$500 to the Town of Unity within 7 days of the date of service. If payment is made within such time and accepted, then that person shall not be liable to further prosecution of the offence.
- (e) If a provision of this Bylaw conflicts with the provision of any other applicable Town of Unity Bylaw, the provision that establishes the higher or more restrictive standard to protect the health, safety, welfare, peace, and comfort enjoyed by the inhabitants of the Town of Unity shall prevail.
- (f) If a provision of this Bylaw conflicts with the provisions of any legislation, then the legislation shall prevail.
- (g) This Bylaw shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Town or by any government authority having jurisdiction to make such restrictions or regulations.
- (h) In the prosecution of an alleged contravention of any of the provisions of this Bylaw, the onus of proof that the action giving rise to the charge was previously authorized shall lie upon the person charged.
- (i) 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 this Bylaw.

19. Repealed

Bylaw 958-P-11 is hereby repealed.

20. Coming into Force

This Bylaw shall come into force and be in effect on the final passing thereof.

MAYOR

CAO

SCHEDULE A

Forming Part of Bylaw 1160-P-25

Being a bylaw to classify, license, regulate and govern business.

All license fees are for a period of one year or portion thereof, unless otherwise specified.

	<u>Description</u>		<u>License Fee</u>
A)	Contractor.....	Per Year	\$ 300.00
		Per Job	\$ 150.00
B)	Direct Seller (for each individual Direct Seller).....		\$ 50.00
C)	Home-Based Business		\$ 150.00
D)	Mobile Food Truck		\$ 150.00
E)	Taxi & Ride Share.....		\$ 150.00
F)	Not Classified.....	Per Year	\$ 150.00
		Per Job	\$ 75.00

SCHEDULE B
Forming Part of Bylaw 1160-P-25

APPLICATION FOR BUSINESS LICENSE

(Not applicable to Home-based Businesses, complete Development Permit Application)

BUSINESS NAME: _____

PREVIOUS BUSINESS: _____
(IF APPLICABLE)

BUSINESS ADDRESS: _____

MAILING ADDRESS: _____

BUSINESS PHONE NUMBER: _____

BUSINESS DESCRIPTION: _____

OWNER NAME: _____

CIVIC ADDRESS: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

REFERENCES (Customers):

1. NAME AND PHONE #: _____

2. NAME AND PHONE #: _____
(Relatives and/or employees not eligible)

PLEASE ATTACH APPLICABLE CERTIFICATES AND/OR LICENSES (Prov., Fed.)

DECLARATION: I, _____ (print name), representing _____ (name of Business) do hereby declare that I will abide by any and all rules and regulations as outlined in those laws including the Licensing Bylaw # 1160-P-25 of the Town of Unity, the Zoning Bylaw #939-P-09, and the Traffic Bylaw #1157-P-24, and any other of the laws of the Town of Unity and subsequent amendments. I understand that if I am purported by the Town of Unity and any of their agents to be in contravention of any law, that I will immediately forfeit my Business License and related fees, and that I may be subject to penalties associated with any such contravention.

SIGNATURE

WITNESS

NAME (Print)

DATE: _____

Do not write below, Town Office Staff Only

Type of Business: _____

Fee for License: _____

References Checked: _____

QUICK GUIDE TO BUSINESS LICENSES IN THE TOWN OF UNITY- BYLAW 1160-P-25

PROCESS: Complete Schedule B, 'Application for Business License', or if you are proposing a home-based business complete a 'Development Permit Application'. A Business License for non-home-based businesses can be processed the same day, pending review of certification and/or references. A Business License for home-based businesses may take up to 30 days, following distribution of disclosure letters to your neighbours and pending approval of Unity Town Council.

<u>Description</u>		<u>License Fee</u>
A) Contractor.....	Per Year	\$ 300.00
	Per Job	\$ 150.00
B) Direct Seller (for each individual Direct Seller).....		\$ 50.00
C) Home-Based Business		\$ 150.00
D) Mobile Food Truck		\$ 150.00
E) Taxi & Ride Share.....		\$ 150.00
F) Not Classified.....	Per Year	\$ 150.00
	Per Job	\$ 75.00

BENEFITS: Home-based Businesses will be placed in the Business Directory of www.townofunity.com. Others Businesses have the benefit of legitimately promoting themselves and doing businesses within the Town of Unity. Proceeds from business licenses are used for annual marketing and promotional programs to strengthen the business environment within the Town of Unity.

PENALTIES: Each contravention will have penalties specified in the particular Bylaws. For example, if an individual/business is in contravention of the Business License Bylaw 1160-P-25 they could face penalties for an individual a fine of \$1000 and for a corporation a fine of \$5000 and not more than \$250 per day for continuing offences; if an individual is in contravention of the Traffic Bylaw 1157-P-24 penalties range from \$100 to \$500; if an individual is in contravention of the Zoning Bylaw 939-P-09, penalties range from not more than \$10,000 and not more than 1 year imprisonment for individuals and not more than \$25,000 for corporations and not more than \$2500 per day for continuing offences.

OTHER: Depending on the nature of your Business, you may be required to make application for additional permits. You are responsible to contact the appropriate authority to make application for any and all other permits and licenses to do business. For example, a contractor may be required to make application for a variety of permits not limited to but including Development Permit Applications, Building Permit Applications, Plumbing Permit Applications, and Electrical Permit Applications.

**WE WANT YOU TO BE SUCCESSFUL IN THE TOWN OF UNITY.
IF YOU HAVE ANY QUESTIONS OR CONCERNS REGARDING
DOING BUSINESS IN THE TOWN OF UNITY OR WOULD LIKE
TO VIEW OR RECEIVE A COPY OF THE BYLAW (\$17),
CONTACT THE UNITY TOWN OFFICE
AT 306-228-2621 OR VISIT #2-100 1st AVE W.**

SCHEDULE C
Forming Part of Bylaw 1160-P-25

PENALTIES

Every person who contravenes any provision of this Bylaw is guilty of an offense and liable upon summary conviction:

- i. To a fine of \$1000.00 in the case of an individual
- ii. To a fine of \$5000.00 in the case of a corporation
- iii. And in the case of a continuing offense, is liable to an additional fine of \$250 for each day or part of a day during which the offense continues
- iv. To a fine not more than \$10,000.00 for obstructing a Designated Officer who is authorized to enforce this Bylaw.