

VILLAGE OF MARCELIN
BYLAW NO. 02-2014

A BYLAW OF THE VILLAGE OF MARCELIN IN THE PROVINCE OF SASKATCHEWAN TO CLASSIFY, REGULATE AND LICENSE ANY BUSINESS, TRADE OR CALLING NOT ASSESSED FOR THE PURPOSE OF TAXATION WITHIN THE VILLAGE OF MARCELIN.

The Council of the Village of Marcelin, in the Province of Saskatchewan, hereby enacts as follows:

This Bylaw shall be referred to as “The Business Bylaw” of the Village of Marcelin, hereinafter referred to as “the Village”.

1. Definitions

In this bylaw, unless otherwise required, the following words or terms shall be held to have the following definitions:

- a) “**Administrator**” means the administrator of the Village of Marcelin
- b) “**Business**” includes a trade, profession, occupation, employment or calling or the providing of goods or services.
- c) “**Charitable or nonprofit organization**” means an organization that is:
 - (i) incorporated as a nonprofit corporation in the Province of Saskatchewan; or
 - (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) “**Contractor**” shall mean any person or persons who enter into a contract for the construction, alteration, repair or removal of buildings or structures, the installation of heating plants, plumbing or other fixtures or the performance of other similar work in the municipality.
- e) “**Council**” shall mean the Council of the Village of Marcelin.
- f) “**Direct Seller**” means a person who:
 - (i) goes from house to house selling or offering for sale, or soliciting orders for the future delivery of goods or services;
 - (ii) by telephone offers for sale or solicits orders for the future delivery of goods or services; or
 - (iii) does both of the things mentioned in subclauses (i) and (ii).
- g) “**License Inspector**” shall mean the administrator of the Village of Marcelin, or anyone designated by the administrator.
- h) “**Licensee**” means a business/person holding a valid and subsisting license issued pursuant to the provisions of this bylaw.
- i) “**Municipality**” shall mean the Village of Marcelin.
- j) “**Owner**” means a person who has any right title, estate or interest in land or improvements other than that of a mere occupant, tenant or mortgagee.
- k) “**Produce Sales**” shall mean any person or persons offering fruit, vegetables or any edible produce for sale who does not have provincial exemption.

l) “**Transient trader**” means a person carrying on business in an urban municipality who:

- (i) offers goods or merchandise for sale by retail or auction; or
- (ii) 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:

- (iii) who is required to be licensed pursuant to *The Direct Sellers Act*; or
- (iv) who is an occupant of land or improvements that are used for business purposes.

m) “**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 in Schedule “A” of this bylaw.

2. **Persons Affected:**

Persons required to be licensed under the provisions of this bylaw are all those persons, firms, partnerships, business association or bodies corporate who conduct any of the business, industries, trades, callings or occupations as defined in Section 1 or listed in Schedule “A” to this bylaw, and who are not assessed property taxes or who are not a tenant of the owner of an assessed property within the Village of Marcelin.

3. The following establishments are considered exempt from obtaining a Business License from the Village.

- a) Home based party-type businesses such as, but not limited to, Avon, Epicure, Mary Kay, Pampered Chef, Party-Lite, Tupperware, and Watkins.
- b) Publicly funded organizations such as, but not limited to, educational institutions, educational administration, municipal administration and its entities, and hospitals.
- c) 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.

4. Any person seeking a license hereunder shall make application to the Village Office.

5. **License Required:**

No person shall carry on any business in the Village without a license.

6. **License Application:**

- a) A person must apply in writing to the Village for a Business License before commencing any business.
- b) An application must include all requested information, including but not limited to:
 - a) The Name and Address of the applicant;
 - b) The nature of the business for which the application is required;
 - c) The place where the business is to be carried on;
 - d) The name under which the business will be operated;
 - e) The area of the premises where the business will be carried on;
 - f) The name and phone number of the contact person.

7. **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 Schedule “A” of this bylaw.

- a) All license fees required to be paid under the provisions of this bylaw shall be paid to the Village of Marcelin.
- b) The fees for licenses and for the renewal of all licenses shall be paid on or before January 31st in each and every year.
- c) In the case of new applications for license, the prescribed license fee shall be paid in full at the time of filing the new application.

8. **Reduction of License Fees:**

A Business license in respect to any business commenced after June 30th, with the exception of direct sellers or in the case of a daily or per job license, shall be 50% of the yearly license fee

9. Transfer of License

Licenses granted are not transferable.

10. Granting of Licenses:

- a) In the case of application for a new license or an application for renewal of an existing license, the Village Administrator or his 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.
- b) All applications for a License may be made verbally unless the Administrator directs the same to be in writing and shall contain the following information:
 - I. Name, Address and Occupation of the applicant
 - II. Where the law requires, the applicant shall produce the Provincial License required and issued under the Direct Sellers Act, or the Auctioneers Act or other relevant statute or regulation of the Province of Saskatchewan.
- c) A general receipt of the Village, issued by the Administrator and showing the amount of fee paid and for which class of business the fee applied, shall constitute a License under this Bylaw.
- d) No person or business to whom a license has been issued under this Bylaw shall offer for sale services, goods or merchandise within the Village other than the kinds described in the license; or by any methods except as stated in the license; or at any time or during any period when businesses within the Village offering similar goods and services are required to be closed.

11. Special Licenses to cover all trades at a specific project

Notwithstanding the provisions of this bylaw, the Village, 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 general contractor.

12. Duration of License:

- a) Every license issued under this bylaw, unless specifically mentioned to be issued for a shorter period or a specific job or sooner forfeited, shall expire on the 31st day of December of the year in which the said license was issued.
- b) The Council may by resolution suspend or revoke any license granted under this bylaw.
- c) No rebate shall be allowed or granted to any 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 the Village of Marcellin is granted by resolution.

13. Display of Licenses:

All persons licensed under the provisions of this bylaw shall, on demand of the license inspector, produce the license to such official.

14. 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.

15. Discontinuance or Change:

- a) A person must notify the Village if a business is discontinued.
- b) A person must notify the Village if either the size or nature of the business changes.
- c) 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 this circumstance, the new license will expire at the end of the original license period.

16. Offences and Penalties:

Any person who violates any provision of this Bylaw shall be guilty of an offense and liable, on summary of conviction, to a fine of not less than Two Hundred dollars (\$200.00) nor more than Five Hundred dollars (\$500.00).

17. 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.

18. From Whom License is Recoverable:

In case 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 Village and may be recovered in the same manner as taxes may be recovered.

19. Bylaw 1/1986 is hereby repealed after this bylaw comes into effect as of January 1st, 2014.

Mayor

(S E A L)

Chief Administrative Officer

Read a third time and adopted
this ____ day of _____

Administrator

SCHEDULE "A" TO BYLAW 02-2014

<u>CATEGORY 1 – SEASONAL TRADES</u>	<u>FEE</u>
Garden tilling	\$50.00
Landscaping	\$50.00
Lawn Maintenance	\$50.00
Snow Removal	\$50.00

<u>CATEGORY 2 – CONTRACTORS</u>	<u>FEE</u>
	<u>Per Year</u>
Bricklayers/Cementing	\$ 50.00
Cabinet Work & Finishing	\$ 50.00
Carpenters	\$ 50.00
Drywall Installers	\$ 50.00
Eavestrough Installers	\$ 50.00
Electricians	\$ 50.00
Excavators	\$ 50.00
Floor Covering	\$ 50.00
Gas fitters	\$ 50.00
General	\$ 50.00
Insulators	\$ 50.00
Painting	\$ 50.00
Plumbing & Heating	\$ 50.00
Refrigeration	\$ 50.00
Roofers	\$ 50.00
Siding	\$ 50.00
Stucco	\$ 50.00
Underground Sprinkler Systems	\$ 50.00

<u>CATEGORY 3 – Others</u>	<u>FEE</u>
	<u>Per Year</u>
Caterers	\$ 50.00
Art & Craft Sales	\$ 50.00
Businesses not specifically classified	\$ 50.00