

BYLAW NO. 02-2019

TOWN OF MARSHALL

A Bylaw of the Town of Marshall in the Province of Saskatchewan to Provide for the Licensing, Control, Regulation and Governing of Certain Businesses and Occupations in the Town.

WHEREAS it is deemed necessary and expedient that persons engage in certain businesses and occupations should be licensed by the Town of Marshall and be subject to certain regulations;

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

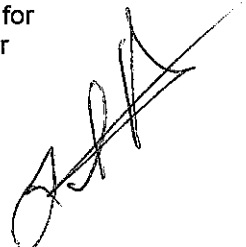
1). SHORT TITLE

This Bylaw may be cited as the "**Business License Bylaw**".

2). INTERPRETATION

In this Bylaw, unless the context otherwise requires, the following words or terms shall be held to have the following definitions:

- a) APPRENTICE shall mean a person at least 16 years of age who enters into a written agreement to learn a skilled trade with an employer, a joint training committee or the Director of Apprenticeship and Trade Certification in accordance with The Apprenticeship and Trade Certification Act.
- b) AUCTIONEER shall mean an individual who conducts the bidding at a sale by auction of any property.
- c) AUCTION SALES COMPANY shall mean an individual firm or corporation that hold a sale by auction of any property.
- d) BYLAW OFFICER shall mean the Administrator/Assistant Administrator/an authorized agent working on behalf of the Town of Marshall and or Member of Council of the Town of Marshall.
- e) CHIROPODIST, CHIROPRACTOR, MASSEUR or MASSAGE THERAPIST shall mean any person who engages in the business of manipulative healing.
- f) CONTRACTOR and SUBCONTRACTOR shall mean a contractor or subcontractor as defined by "The Builder's Lien Act" or every apprentice, labourer, journey person or trades person of the building and/or construction trade not employed by the contractor or subcontractor who holds a valid and subsisting license pursuant to the provisions of this Bylaw.
- g) DIRECT SELLER and DIRECT SALES CONTRACTOR shall mean direct sellers and direct sales contractor as defined by "The Direct Sellers Act".
- h) EMPLOYER shall mean any person, firm partnership or business association that employs journey persons, helpers, labourers, apprentices or other employees.
- i) HEALTH OFFICER shall mean the Provincial Health Officer.
- j) JOURNERY PERSON shall mean a trade's person who holds a Journey person's certificate issued pursuant to "The Apprenticeship and Trade Certification Act Regulations".
- k) LABOURER shall mean any person who is employed for wages to perform labour of any kind, whether employed under a contract of services or not.
- l) PRODUCE DEALER shall mean any person or persons offering fruit, vegetables or any edible produce for sale who does not have provincial exemption.
- m) TRADES PERSON means a person, other than an apprentice, who works for remuneration at any trade including an employer who works at any trade.
- n) TRANSIENT TRADER shall mean any transient trader or sales agent who carries on business within the Town of Marshall 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.

- o) 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 and who is not assessed a commercial property tax or who does not pay rent and is not assessed commercial property.
- p) NEW BUSINESS shall mean business's that are being established in the Town of Marshall which are assessed as commercial property.
- q) 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 Section 2 or listed in Schedule A of this bylaw, and who are not assessed commercial property tax or who are not a tenant of the owner of assessed commercial property.

2) LICENSES REQUIRED

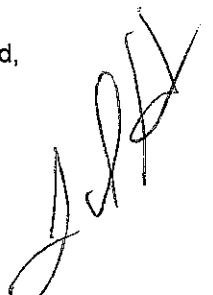
- A. "New Business's" being established in the Town of Marshall and that are assessed as commercial property shall be exempt of the first year to obtain a business license subject to the provisions of this Bylaw.
- B. No person shall carry on any of the several trades, occupations, callings or business herein after specified in this Bylaw in the Town of Marshall without a valid and subsisting license procured pursuant to the provisions of this Bylaw until he procures a license pursuant to this Bylaw, and every person so licensed shall be subject to the provisions of the Bylaw.
- C. Any person seeking a license hereunder shall make application to the Town Office.
- D. Each application for a license under this Bylaw shall include the following information and fill out "FORM B" attached:
 - 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 in respect of which the license is required is to be exercised or carried on.
 - d) The period for which the license is required.
- E. The license shall be in the form such as prescribed by the Town Administrator.
- F. The fee for licenses shall be those prescribed and fixed by Schedule "A" of this Bylaw and is hereby incorporated into and made part of this Bylaw.
- G. The fees for licenses and for the renewal of all licenses shall be paid on or before January 31st in each and every year.
- H. In case of new applications for license, the prescribed license fee shall be paid in full at the time of the filing of the application.

3) GRANTING LICENSE

- A. In the case of the application for a new license or an application for renewal of an existing license, the Town Administrator/Assistant Administrator may grant such license or renewal of license without referring the application to the Town Council, unless in her/his opinion, circumstances warrant reference of the application for Council's approval.
- B. One copy of each license shall be delivered to the person licensed.
- C. No license or renewal of a license issued pursuant to the provisions of this Bylaw may be assigned by the person or body corporate.

4) DURATION OF LICENSE

- A. 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.
- B. No rebate shall be allowed or grant to any licensee, in respect of forfeiture of a license or on an account of the non-use of the rights and privileges thereby granted,



or for any other cause, unless the consent of the Council of the Town of Marshall is granted by resolution.

5) DISPLAY OF LICENSES

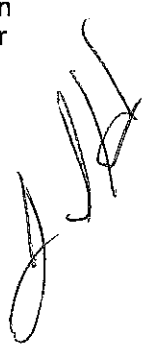
- A. Every licensee granted a license to carry on a business that occupies premises in connection therewith shall keep the license posted in a conspicuous place on the licensed premises.
- B. All persons licensed under the provisions of the Bylaw where there are no licensed premises shall on demand of the Administrator or other person duly authorized in that behalf produce the license to such officials.

6) REVOCATION OF LICENSE

- A. The Council may by resolution suspend or revoke any license granted under the provisions of this bylaw.
- B. 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 Town Administrator and/or her/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 Town of Marshall.
- C. The Council of the Town of Marshall may delegate to the Medical Health Officer the power to revoke the license, if any person who sells food or drink for human consumption in the Town of Marshall 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 Town of Marshall relevant to such business.

7) SPECIAL PROVISIONS

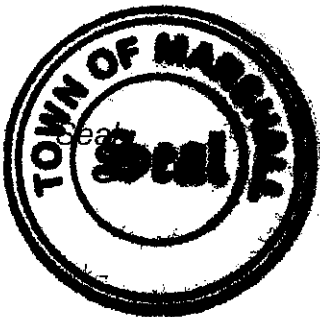
- A. The following are regulations which must be complied within connection with certain licenses:
 - a) No business which is not assessed a commercial property tax shall be conducted on such premises without first having taken out a license.
 - b) The act of wife, husband, servant, clerk or employee 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 he had done the act himself.
 - c) No person to whom a license is granted under this Bylaw shall conduct a business so licensed on any street, land, 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 the 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 has first obtained.
 - e) The Administrator or other authorized Town of Marshall Employees, Member of the R.C.M.P., 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 the Bylaw is 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 the Council is satisfied that the premises comply with the various Bylaws of the Town of Marshall, Provincial Statutes or regulations passed thereunder and it shall be the duty of the Administrator and or other person duly authorized "Bylaw Officer to obtain the necessary reports for the guidance of the Town 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 Administrator to inspect the Building in which the proposed licensed business is to be carried on and to give to the Administrator a report in writing as to whether or not he same are suitable for the carrying on of the proposed business.
 - g) Every general contractor shall erect or cause to be erected on every construction site, a notice board showing the name of the general contractor and the name or names of all subcontractors working or who will be working on the site.

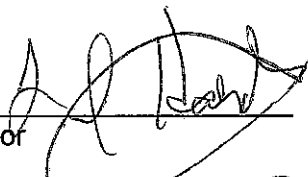



- h) No performance, event or exhibition of any circus menagerie, hippodrome or other like travelling exhibition or side show is permitted until authorized by resolution by the Town Council.
- i) Any person who carries on a business, industry or calling which is required to be licensed under this or 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.
- j) 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 of the provisions of the Bylaw relative thereto, shall be guilty of an infraction of this Bylaw.
- k) Any person guilty of an infraction to any of the provisions of this Bylaw shall, upon summary conviction, be liable to a fine not exceeding \$2000.00, and in addition thereto to an amount not less than that amount which is double the license fee that is payable in accordance with **Schedule "A"** of this Bylaw and in default of payment of such fine and costs, the offender may be imprisoned for a term not exceeding thirty days.
- l) Where in any case of a person is convicted for the non payment of a license fee payable to the Town of Marshall under the provisions of this Bylaw, the summary conviction court may order payment forthwith by the accused of the said license fee.
- m) All events undertaken or sponsored by a local religious, charitable or non-profit community organization are exempt from the payment of fees set out in **Schedule "A"**.

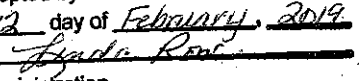
8). Coming Into Force

- a) This bylaw is made pursuant to the powers granted by Sections 8 of *The Municipalities Act*.
- b) This Bylaw shall come into force and take effect on February 12, 2019.
- c) Bylaw No. 03 - 2005 is hereby repealed.




 Mayor


 Administrator

Certified a true copy of Bylaw 02-2019
 Adopted by resolution of Council on the
12 day of February, 2019

 Administration

Schedule "A"

Business Type	Specific Information	Fee
Auctioneer	Individual who conducts the bidding at a sale by auction of any property. Individual firm or corporation that hold a sale by auction of any property.	\$25.00
Hair Dresser	Per Chair	\$25.00
Carnivals/Circuses Events	Per Day	\$25.00
Chiropractor, Masseur, Massage Therapist	Person who engages in the business of manipulative healing	\$25.00
Contractors:	General Contractors, Portable Welders, Heavy Equipment Operators, Electricians, Brick Layers, Drywall Installers, Plumbers, Roofers, Carpenters, Painters, Non-Specified	\$25.00
	Annual total construction value or invoiced work under \$100,000	\$25.00
	Annual total construction value or invoiced work over \$100,000 and under \$1,000,000	\$25.00
	Annual total construction value or invoiced work over \$1,000,000.00	\$25.00
Town Businesses	All Business's in the Town of Marshall	\$25.00
Direct Sellers	Refrigerated food delivery per truck	\$25.00
Other Direct Seller	Any unspecified	\$25.00
Farmers Market		\$25.00
Produce Dealer	20 day license up to a maximum of \$1,000.00 per Calendar Year or Annual License	\$25.00
Redi-Mix Concrete	Per Truck	\$25.00
Taxi, Limousines	Per Vehicle	\$25.00
Transient Traders	20 Day license up to a maximum of \$1,000.00 per Calendar Year or Annual License	\$100.00
Unlicensed Day Care Centers		\$25.00
Licensed Day Care Centers		\$25.00
Consulting Services		\$25.00
All Others or Unspecified		\$25.00
Home Based Business	Any business that does not require a trade's certificate and is carried out of the primary residence.	\$25.00

FORM B

Town of Marshall - Business License Application

Name of Business: _____

Owner Name: _____

Business Address: _____

Owner Address (if different than above): _____

Civic Address of Business: _____

Name of Trade: _____

Type of Business: _____

Duration License is requested: _____

What kind of business will be taking place at this location? _____

I certify that all the information I have provided to the Town of Marshall is true to the best of my knowledge.

Date: _____

Signature of owner / applicant: _____

OFFICE USE ONLY:

DATE OF APPLICATION: _____

APPLICATION APPROVAL DATE: _____

BUSINESS LICENSE NO. ISSUED: _____

APPLICATION / LICENSE FEE PAID: _____ CASH / CHEQUE / OTHER

COUNCIL APPROVAL DATE: _____

RESOLUTION NO: _____

REBATE APPROVED: YES NO

COUNCIL REBATE APPROVAL DATE: _____

COUNCIL REBATE RESOLUTION NO.: _____

