

CITY OF PRINCE ALBERT BYLAW NO. 42 OF 2004

A Bylaw of The City of Prince Albert to classify, license and regulate business activity within the City of Prince Albert.

WHEREAS the City of Prince Albert is empowered to pass a bylaw in relation to businesses, business activities and persons engaged in business pursuant to subsection 8(1)(h) of *The Cities Act*;

AND WHEREAS the Council of The City of Prince Albert deems it desirable to classify, license and regulate business activity within the City of Prince Albert;

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

Part I General Matters

Title

1. This Bylaw may be cited as "**The Business License Bylaw**".

Purpose

2. The purpose of this Bylaw is to license businesses in The City of Prince Albert so as:
 - (a) to regulate businesses;
 - (b) to ensure compliance with land-use and building regulations;
 - (c) to gather land-use information; and

(d) to facilitate planning decisions.

Definitions

3. In this Bylaw:

(a) **"blanket transient trader"** means a person who operates a place or premises constituting a shopping mall or hotel and who provides such place or premises for the carrying on of business by a transient trader therein, and the Prince Albert Exhibition Association in circumstances where a place or premises upon the Exhibition Grounds is provided by the Association for the carrying on of business by a transient trader therein.

(b) **"business"** means a business as defined in *The Cities Act*;

(c) **"charity"** means 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) **"circus and/or carnival or rodeo promoter"** means the owner or manager of a traveling circus, carnival, rodeo or other similar traveling show or exhibition.

(e) **"City"** means The City of Prince Albert;

(f) **"contractor"** means 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 business premises in the City;

(g) **"direct sales contractor"** means a person as defined by *The Direct Sellers Act*;

(h) **"direct seller"** means a person as defined by *The Direct Sellers Act*;

(i) **"farmers' market"** means a group of persons operating collectively which sells products that they bake, make, or grow;

(j) **"flea market"** means a person who provides a place or premises were space, booths, stalls or tables to other persons for the purpose of the sale of used goods, Saskatchewan-made handicrafts or produce grown in Saskatchewan;

(k) **“home-based business”** means a home-based business as defined in the City’s Zoning Bylaw;

(l) **“License Inspector”** means the individual or his designate who is employed and authorized by the City to administer and enforce this bylaw;

(m) **“mobile food vendor”** means a person selling confectionery items, coffee, lunches, snacks, ice cream or other similar products from a mobile vehicle, mobile structure or a food cart.

(n) **“occupant”** means an occupant as defined in *The Cities Act*;

(o) **“trade show”** means 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, and craft shows; and

(p) **“person”** means an individual, or a group of 2 or more individuals, or an association or corporation;

(q) **“transient trader”** means a transient trader as defined in *The Cities Act*;

Part II General Licensing

License Required

4. (1) No person shall carry on any business in the City without a license.
- (2) No person shall carry on a home-based business in the City without a license.
- (3) Any form of advertising of business activity shall be deemed to be prima facie proof that the person is carrying on such business activity.

Application

5. (1) A person must complete and submit a business license application, including all requested information, to the License Inspector for approval.
- (2) An application must include all requested information, including but not limited to:
 - (a) name, occupation 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 carried on;
 - (d) the name under which the business will be operated;
 - (e) the name of a contact person; and
 - (f) any other information which may be reasonably requested by the City from time to time.
- (3) If the License Inspector concludes a license application should be denied, the application shall be referred to Council which, in its absolute discretion, may deny the application but must give reasons for doing so.

License Fee

6. (1) A person must pay the fee provided for in Schedule No. 1 when applying for a license.
- (2) A person will not be issued a license until the fee outlined in subsection (1) has been paid.

Premises Licensed Separately

7. (1) If a business is carried on at more than one location, a person must obtain a license for each location.
- (2) A license issued under the provisions of this Bylaw is only valid at the location for which it is issued.

Provincial License Required

8. (1) A license will not be issued under this Bylaw to any person required by law to obtain a provincial license, until the person has first produced the required provincial license to the City.
- (2) Any license issued under this Bylaw without the person first obtaining the required provincial license is invalid.

Term of License

9. (1) Except as may be otherwise provided for under this bylaw, the term of every license shall expire on the 31st day of December for the year it is issued.

Renewal

10. (1) A person must renew their license annually in the manner prescribed by the City.
- (2) A person must pay the fee provided for in Schedule No. 1 when renewing the license.

Discontinuance or Change

11. (1) A person must notify the City if a business is discontinued.
- (2) A person must notify the City if either the size or nature of the business changes.
- (3) A person must apply for a new license if the business relocates.
- (4) A person purchasing or taking over a business must apply for a new license.

License to be Displayed

12. Any license issued under this Bylaw must be displayed in a prominent place at the place of business for which the license was issued or be available to be produced upon the request of a designated official or employee of the City.

Zoning and Building Standards

13. (1) A license will not be issued under this Bylaw for any business or any premises occupied by the business which does not conform to any zoning, building, plumbing and other requirements of the City.
- (2) The issuing of a license to a person does not relieve that person of the responsibility of conforming with any zoning, building, plumbing, and other requirements of the City.
- (3) No person to whom a license is granted shall conduct the business so licensed on any street, lane or other public place without first having obtained the authorization to do so pursuant to a resolution of Council and as may be required pursuant to any bylaw.

Licenses Not Required

14. A license shall not be required for:

- (1) Any business operating within the limits of the exhibition grounds of the City during the annual exhibition;
- (2) A community club, which holds an operating agreement with the City, carrying on the business of a flea market;
- (3) Any activity carried on by the City or at a location operated by an official or employee of the City acting on behalf of the City in his capacity as such official or employee;
- (4) Such other activities as Council may by resolution exempt from the requirements of this bylaw;
- (5) Any activity undertaken by a charity;
- (6) Any activity exempt from municipal licensing by any statute of Canada or the Province of Saskatchewan.

Granting of Licenses

15. The City may issue licenses subject to the following conditions:

- (1) the required application form has been completed;
- (2) the required license fee has been paid;
- (3) if required, the necessary provincial license has been produced;
- (4) if required, the necessary written approval of Prince Albert District Health has been produced;
- (5) if required, the necessary written approval of the Planning & Engineering Department has been produced;
- (6) the business or the premises occupied by the business complies with all the zoning, building, plumbing and other requirements of the City; and
- (7) any person who makes application for a license for a business not specifically provided for in this Bylaw, shall be liable to make payment of the value of the fee assessed by the License Inspector, which fee shall be in the same amount as is payable for a license, the nature of which most closely resembles that for which the application is made.

Revoking or Suspending of Licenses

16. (1) If the City concludes a license should be suspended, or revoked, the suspension or revocation of the license shall be referred to Council which, in its absolute discretion, may suspend or revoke the license but must give reasons for any suspension or revocation.
- (2) The City may reinstate a suspended license if it is satisfied that the licensee is complying with the bylaw, the contravention of which gave rise to the suspension.

Distress

17. The City may recover a license fee that remains unpaid for 14 days after it becomes payable, together with a surcharge of \$25.00 plus costs, by distress under the provisions of *The Cities Act*.

Appointment of Inspectors

18. The City may appoint any employee or agent of the City as a license inspector for the purpose of administering and enforcing this Bylaw.

Inspections

19. For the purposes of ensuring compliance with this Bylaw, a License Inspector may, at any reasonable time, enter and inspect any business, or home-based business.

Part III Specific Licensing

Application of Part II

20. Part II of this Bylaw does not apply to businesses licensed under this Part except for Sections 5, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18 and 19.

Transient Traders

21. For the purposes of this Bylaw, transient traders are classified into the following categories:

(a) blanket transient traders;

- (b) circus, carnival and rodeo entertainment;
- (c) farmers' markets;
- (d) mobile food vendors;
- (e) trade shows; and
- (f) other transient traders.

Blanket Transient Traders

22. (1) No person shall carry on business as a blanket transient trader in the City without a license.
- (2) A person operating as a blanket transient trader must pay the fee provided for in Schedule No. 2 when applying for a license.
- (3) A person operating as a blanket transient trader will not be issued a license until the fee outlined in subsection (2) has been paid.
- (4) A person operating as a blanket transient trader must renew their license annually in the manner prescribed by the City.
- (5) A person operating as a blanket transient trader must pay the fee provided for in Schedule No. 2 when renewing the license.
- (6) No single item of goods offered for sale by any transient trader carrying on business within the place or premises where a blanket transient trader is carrying on business shall exceed the sum of \$3,000.00 inclusive of taxes;
- (7) No transient trader or any organized group of transient traders shall utilize any single place or premise where the blanket transient trader is carrying on the business for more than thirty (30) days in any calendar year. Upon exceeding the 30-day period; a transient trader is required to obtain his/her license pursuant to the transient trader category of this part and Schedule No. 2 to this bylaw;
- (8) The operation of each transient trader carrying on business within the said premises of a blanket transient trader shall comply with all federal and provincial laws, regulations, codes and ordinances and all city bylaws;

Circus, Carnival and Rodeo Entertainment

23. (1) No person shall carry on business as a circus and/or carnival or rodeo promoter in the City without a license.
- (2) A person operating as a circus and/or carnival or rodeo promoter must pay the fee provided for in Schedule No. 2 when applying for a license.
- (3) A person operating as a circus and/or carnival or rodeo promoter will not be issued a license until the fee outlined in subsection (2) has been paid.
- (4) There shall be displayed at the entrance to all such shows, events or exhibitions a sign disclosing the admission fee charged in plain letters or figures at least four inches (4") high, and the style and display location of same shall be satisfactory to the License Inspector.
- (5) No license shall be issued under this category for any shows, events or exhibitions during the months of May, June, July or August, except as may be specifically approved by resolution of Council and provided that no such license may be granted for any single period longer than one (1) week.
- (6) No person required to apply for a license under this category shall commence carrying on business in the City unless and until he had applied for the license, and it has received the approval of Council.
- (7) The provisions of Subsection (5) of this category shall not apply to any shows, events or exhibitions to take place on the lands leased by the City to the Prince Albert Exhibition Association.
- (8) A person operating as a circus and/or carnival or rodeo promoter must renew their license annually in the manner prescribed by the City.
- (9) A person operating as a circus and/or carnival or rodeo promoter must pay the fee provided for in Schedule No.2 when renewing the license.

Farmers' Markets

24. (1) No person or persons shall operate a farmers' market without a license.
- (2) An applicant for a license to operate a farmers' market must pay the fee provided for in Schedule No. 2 when applying for a license.
- (3) No license will be issued for a farmers' market until the fee outlined in subsection (2) has been paid.
- (4) If a farmers' market is carried on at more than one location, a person or persons operating a farmers' market must obtain a license for each location.

- (5) A license issued for a farmers' market is only valid at the location for which it is issued.
- (6) The license fee will cover all persons offering goods or merchandise for sale at the farmers' market.
- (7) A person or persons operating a farmer's market must renew their license annually in the manner prescribed by the City.
- (8) A person or persons operating a farmers' market must pay the fee provided for in Schedule No. 2 when renewing the license.

Mobile Food Vendors

25. (1) No person shall carry on business as a mobile food vendor without a license.
- (2) A person operating a vehicle, mobile structure or a food cart must pay the fee provided for in Schedule No. 2 when applying for a license.
- (3) A license will not be issued for a mobile food vendor until the fee outlined in subsection (2) has been paid.
- (4) A separate license must be obtained for vehicle, mobile structure or a food cart operated by a mobile food vendor.
- (5) A license issued for a mobile food vendor is only valid for the locations specified in the license.
- (6) A license will not be issued for a mobile food vendor for a location on public right of way or a sidewalk, until the applicant has first produced the written approval of the Planning and Engineering Department of the City.
- (7) A license will not be issued for a mobile food vendor, until the applicant has first produced the written approval of Prince Albert District Health.
- (8) A person operating a mobile food vendor must renew their license annually in the manner prescribed by the City.
- (9) A person operating as a mobile food vendor must pay the fee provided for in Schedule No. 2 when renewing the license.

Trade Shows

26. (1) No person shall operate a trade show without a license.
- (2) A person operating a trade show must pay the fee provided for in Schedule No. 2 when applying for a license.
- (3) A person will not be issued a license to operate a trade show until the fee outlined in subsection (2) has been paid.
- (4) If a trade show is carried on at more than one location, a person must obtain a license for each location.
- (5) A license issued for a trade show is only valid at the location for which it is issued.
- (6) The license fee provided for in Schedule No. 2 will cover all persons offering goods or merchandise for sale at the trade show.
- (7) A person must obtain a license to operate a trade show whether or not they already have a business license for another premise unless the trade show is to be held at such other premise.

Other Transient Traders

27. (1) Subject to Sections 22, 23, 24, 25, 26 and 27 no person shall carry on business in the City as a transient trader without a license.
- (2) A person operating a business as a transient trader must pay the fee provided for in Schedule No. 2 when applying for a license.
- (3) A person will not be issued a license to operate a business as a transient trader until the fee outlined in subsection (2) has been paid.
- (4) If a transient trader carries on a business at more than one location, a license must be obtained for each location.
- (5) A license issued for a transient trader is only valid at the location for which it is issued.
- (6) A person operating a business as a transient trader must renew their license annually in the manner prescribed by the City.
- (7) A person operating a business as a transient trader must pay the fee provided for in Schedule No. 2 when renewing the license.

Direct Sellers

28. (1) No person shall carry on business as a direct seller in the City without a license.
- (2) A person operating as a direct seller must pay the fee provided for in Schedule No. 2 when applying for a license.
- (3) A person operating as a direct seller will not be issued a license until the fee outlined in subsection (2) has been paid.
- (4) A person operating as a direct seller must renew their license annually in the manner prescribed by the City.
- (5) A person operating as a direct seller must pay the fee provided for in Schedule No. 2 when renewing the license.

Contractors or Direct Sales Contractors

29. (1) No person shall carry on business as a contractor or direct sales contractor in the City without a license.
- (2) A person operating as a contractor or direct sales contractor must pay the fee provided for in Schedule No. 2 when applying for a license.
- (3) A person operating as a contractor or direct sales contractor will not be issued a license until the fee outlined in subsection (2) has been paid.
- (4) A person operating as a contractor or direct sales contractor must renew their license annually in the manner prescribed by the City.
- (5) A person operating as a contractor or direct sales contractor must pay the fee provided for in Schedule No. 2 when renewing the license.

Part IV Offences and Penalties

Offences and Penalties

30. (1) Every person who contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than:
- (a) \$500.00 in the case of an individual; and
 - (b) \$1,000.00 in the case of a corporation.
- (2) The Court may, in default of payment of a fine imposed under this Bylaw, order imprisonment of an individual for a term not exceeding one year.

Severability

31. Each provision of this Bylaw is independent of all other provisions. If any provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

Repeal

32. Bylaw No. 3 of 2000, Bylaw No. 35 of 2000 and Bylaw No. 45 of 2001 are hereby repealed. Notwithstanding the repeal, every license fee owing pursuant to Bylaw No. 3 of 2000 as amended, or any prior General License Bylaw shall remain in force as if made pursuant to this Bylaw and may be dealt with as if made pursuant to this Bylaw.

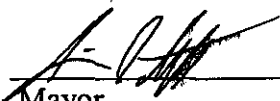
Coming into Force

33. This Bylaw comes into force and takes effect as of January 1st, A.D. 2005.

Read a first time this 20th day of September, 2004.

Read a second time this 4th day of October, A.D. 2004.

Read a third time and passed this 4th day of October, A.D. 2004.



Mayor



Acting City Clerk

Schedule 1

License fee for businesses which are new or have
changed location \$ 100.00

License fee for businesses which are renewing
their licenses and have not changed either their
location or nature of the business \$ 75.00

Schedule 2

1. Blanket Transient Traders:

- (a) for up to 24 events within each calendar year within a premises constituting a hotel where the applicant carries on the business of the operation of that hotel; \$ 1,500.00
- (b) for up to 24 events in any calendar year within a place or premises upon the Exhibition Grounds where the applicant is the Prince Albert Exhibition Association; \$ 1,500.00
- (c) for up to 52 events in any the calendar year within a place or premises constituting a shopping mall where the applicant carries on the business of the operation of that shopping mall. \$ 5,000.00

2. Circus and/or Carnival or Rodeo Promoters:

- (a) 1st day \$ 400.00
- (b) each additional day \$ 100.00

3. Contractors and Direct Sales Contractors:

- (a) contract over \$1,000,000 \$ 1,200.00
- (b) contract \$100,000 to \$1,000,000 \$ 600.00
- (c) contract under \$100,000 \$ 300.00

4. Direct Sellers: \$ 50.00

5. Farmers' Market: \$ 200.00

6. Mobile Food Vendors:

- (a) Food Vendor \$ 150.00
- (b) Ice Cream Bicycles (each) \$ 50.00

7. Other Transient Traders:

- (a) Christmas Trees (per location) \$ 100.00
- (b) Locally grown or produced fish, fruit, produce,

baking, and handicrafts	\$ 100.00
(c) Handicraft event (7 days) locally produced only (per event)	\$ 200.00
(d) Canadian-grown or produced fish, fruit, produce, baking and handicrafts (for 30 days with one 30-day renewal option at the same fee plus \$100.00 for each additional day)	\$ 500.00
(e) Handicraft event (7 days) (per event)	\$ 500.00
(f) All other	\$ 500.00

8. Trade Shows:

(a) Trade Event (7 days) (per show)	\$ 500.00
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