

TOWN OF ROSETOWN
BYLAW NO. 807-19
The Business License Bylaw

The Council of The Town of Rosetown enacts:

Part I
General Matters

1. Title

This Bylaw may be cited as “Business License Bylaw”.

2. Purpose

The purpose of this Bylaw is to license businesses in The Town of Rosetown 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.

3. Definitions

In this Bylaw,

- (1) “Business”, “Resident”, and “Transient Trader” shall have the same meaning as they have in the Municipalities Act.
- (2) “Business Day” means a weekday – Monday, Tuesday, Wednesday, Thursday or Friday – with the exception of any statutory holiday which falls on any of those days;
- (3) “Town” means The Town of Rosetown;
- (4) “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 Town and who does not have business premises in the Town;
- (5) “Direct Sales Contractor” means a person who does not have business premises in the Town and who sells, offers for sale or solicits orders for:
 - (i) 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
 - (ii) altering, maintaining or improving real property to be used in connection with a house.
- (6) “Direct Seller” means a person who does not have business premises in the Town and:
 - (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);
- (7) “Home Based Business” means an occupation, trade, profession or craft customarily conducted within the residential building and carried on by the inhabitance thereof, which is clearly incidental and secondary to the residential use of the dwelling and does not change the exterior character;

Part II

General Licensing

4. License Required

- (1) No person shall carry on any business in the Town without a license.
- (2) No person shall carry on a home-based business in the Town without a license.

5. Application

- (1) A person must apply in writing to the Town for a license before commencing business.
- (2) An application must include all requested information, including:
 - (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 area of the premises where the business will be carried on;
 - (e) the name under which the business will be operated; and
 - (f) the name of a contact person.
- (g) general contractors shall supply a list of all sub trades, working on said project, as all subtrades must purchase a business license.

6. License Fee

- (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.

7. Premises Licensed Separately

A license issued under the provisions of this Bylaw is only valid at the location for which it is issued.

8. Provincial License Required

- (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 Town.
- (2) Any license issued under this Bylaw without the person first obtaining the required provincial license is invalid.

9. License Valid

- (1) Every license shall be valid for the period January 1st – December 31st unless otherwise stated on the license.
- (2) License fees shall be reduced by 50% for businesses that apply for a license after September 1st of each year.

10. Renewal

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

11. Discontinuance or Change

- (1) A person must notify the Town if a business is discontinued.
- (2) A person must notify the Town 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 but shall not be required to pay a new license fee.

12. License to be Displayed

Any license issued under this Bylaw must be displayed in a prominent place at the place of business for which the license was issued.

13. Zoning and Building Standards

- (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 Town.
- (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 Town.

14. Businesses Exempt

Any business operating in the Town of Rosetown which operates from property that is assessed as Commercial for the purposes of taxation, shall be exempt from the license requirements detailed in this bylaw; however, no exemption from any other licensing or certification requirement that any other authority may impose is granted or implied.

15. Granting of Licenses

The Town may issue licenses in the following circumstances:

- (a) the required application form has been completed;
- (b) the required license fee has been paid;
- (c) if required, the necessary provincial license has been produced;
- (d) if required, the necessary written approval of Heartland Health Region has been produced;
- (e) if required, the necessary written approval of the Town of Rosetown has been produced; and
- (f) the business or the premises occupied by the business complies with all the zoning, building, plumbing and other requirements of the Town.

16. Revoking or Suspending of Licenses

- (1) If a licensee contravenes any term or condition of this Bylaw, the Town may suspend or cancel the license.
- (2) The Town may reinstate a suspended license if it is satisfied that the licensee is complying with the Bylaw.
- (3) Any licensee may appeal the suspension or cancellation of a license to Council.

17. Distress

- (1) The Town may recover any license fee by distress in accordance with the provisions of *The Municipalities Act*.
- (2) The property owners shall be held responsible for any outstanding business licenses fees that are required for subtrades performing work on their property.

18. Enforcement of Bylaw

- (1) The administration and enforcement of this Bylaw is hereby delegated to the Administration Department or the Bylaw Peace Officer for the Town of Rosetown.
- (2) The Administrator of the Bylaw Peace Officer for the Town of Rosetown is hereby authorized to further delegate the administration and enforcement of this Bylaw to designated officers.
- (3) The Administrator for the Town of Rosetown may appoint any employee or agent of the Town as a designated officer for the purposes of enforcing this Bylaw.

19. Inspections

- (1) The inspection of property by the Town to determine if this Bylaw is being complied with is hereby authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with **Section 362** of *The Municipalities Act*.
- (3) No person shall obstruct a designated officer who is authorized to conduct an inspection under this Section, or a person who is assisting a designated officer.

**Part III
Offences and Penalties**

20. Offences and Penalties

- (1) No person shall:
 - (a) obstruct or hinder any designated officer or any other person acting under the authority of this Bylaw; or
 - (b) fail to comply with any other provision of this Bylaw.
- (2) Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:
 - (a) in a case of an individual, to a fine not exceeding \$10,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$10,000.00 for each day during which the offence continues; and
 - (b) in the case of a corporation, to a fine not exceeding \$25,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$25,000.00 for each day during which the offence continues.

21. Notice of Violation Offences

Every person who contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine:

- (a) for the first offence of \$250.00;
- (b) for the second offence of \$500.00;
- (c) for a third or subsequent offence of not less than \$500.00 and not more than \$10,000.00 in the case of an individual or \$25,000.00 in the case of a corporation

22. Repeal

That Bylaw No. 303-84 and 517-05 and all amendments are hereby repealed

23. Coming into Force

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

SEAL

Mayor

CAO

Read a third time and adopted this 17th day of June, 2019.

Schedule 1

Every business enumerated hereunder shall procure a license in accordance with the Bylaw authorizing them to carry on the business for which the license was produced within the Town limits and for which per person applying for the license shall pay the fee prescribed hereunder:

SCHEDULE 1 – BUSINESS LICENSE FEES:

Category	FEE (Per Year or as indicated)
Rosetown Home Based Business (other than Direct Sellers)	\$200.00
Non-Resident - Annual	\$300.00
Non-Resident – One Job ONLY	\$100.00

SCHEDULE 2 – BUSINESS LICENSE FEES:

Category	FEE (Per Year or as indicated)
Direct Sellers (per salesperson)	\$ 30.00
Direct Sellers Contractor - Annual	\$300.00
Direct Sellers Contractor – One Job ONLY	\$100.00
Transient Trader – Annual	\$300.00
Transient Trader – One Day	\$100.00