

## TOWN OF OUTLOOK

### BYLAW NO. 15(2019)

#### A BYLAW FOR THE LICENSING, REGULATING OF DIRECT SELLERS AND BUSINESSES

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

##### I. TITLE

1. This Bylaw may be cited as the Licensing Bylaw.

##### II. DEFINITIONS

1. In this Bylaw,
  - a) "Administrator" means the Administrator or Chief Administrative Officer of the Town of Outlook.
  - b) "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the Council of the Town of Outlook.
  - c) "Council" means the Council of the Town of Outlook.
  - d) "Direct Sales Contractor" means a vendor who, by direct sale, 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.
  - e) "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).
  - f) Food Truck – a motorized, self-contained vehicle that is equipped to cook, prepare and/or serve food.
  - g) Home Based Business – any occupation, trade, profession, or craft conducted entirely within a residential building and carried on by the inhabitants thereof, which is clearly incidental and secondary to the residential use of the dwelling and which meets the requirements of the Town's Zoning Bylaw, Section 4.11
  - h) "License" means a license or reference to a license issued under this Bylaw.
  - i) "Municipality" means the Town of Outlook.
  - j) "License Inspector" means:
    - i. The person appointed by Council to the office of License Inspector; or
    - ii. The municipal administrator.
  - k) "Person" means an individual or a corporation and includes a partnership, an association, or a group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires.
  - l) "Salesperson" shall have the same meaning as "direct seller" in this bylaw.
  - m) "Transient Trader" means a person carrying on business in a municipality who offers goods or merchandise for sale by retail or auction, or 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 who is required to be licensed pursuant to *The Direct Seller's Act* or who is an occupant of property that is used for business purposes.

##### III. APPLICATION FOR LICENSE

1. All persons operating a business in the Town of Outlook must apply in writing to the municipality for a license before commencing business.
2. An application must include the following information:
  - a) The name and address of the applicant;
  - b) The provincial direct sales vendor license number;
  - c) A copy of his or her provincial direct seller's license or the approved identification card provided to him by the vendor pursuant to Section 10.1 of *The Direct Seller's Act*;
  - d) The nature of the business for which the license is required; and
  - e) The place where the business is to be carried on.

#### **IV. ISSUANCE OF LICENSE**

1. All licenses required under the provisions of this Bylaw shall be issued by the License Inspector except where Council reserves to itself the right to decide whether a license shall be issued or not.
2. Where the License Inspector refuses to issue any license, he shall forthwith submit the application for license together with a report thereon to the Council and advise the applicant of the date on which the Council will consider the application.
3. 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 Municipality.
4. Any license issued under this Bylaw without the person first obtaining the required provincial license is invalid.
5. The license shall be in the form prescribed by the municipal administrator.

#### **V. LICENSE REQUIRED**

- i. No person shall carry on any of the several trades, occupations, callings or businesses hereinafter specified unless and until he or she has procured a license to do so pursuant to this Bylaw. Every person so licensed shall be subject to the provisions of this Bylaw.
- ii. In a prosecution for contravention of the provisions of this Bylaw against engaging in or operating a business without a license, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.
- iii. No person shall carry on business as a direct seller or direct sales contractor or a salesperson in the municipality without a license.
  - i. A direct seller or a direct sales contractor or a salesperson must pay the fee provided for in Schedule "A" when applying for a license;
  - ii. A direct seller or a direct sales contractor or a salesperson will not be issued a license until the fee outlined in subsection 3.i. has been paid;
  - iii. A direct seller or a direct sales contractor or a salesperson must renew their license annually in the manner prescribed by the municipality;
  - iv. A direct seller or a direct sales contractor or a salesperson must pay the fee provided for in Schedule "A" when renewing the license.

#### **VI. LICENSE NOT REQUIRED**

This Bylaw shall not apply to a person who is an employee of a person licensed pursuant to this Bylaw.

#### **VII. TERM OF BUSINESS LICENSE**

1. All licenses issued pursuant to this Bylaw, unless specifically issued for a shorter period or unless the same shall sooner become forfeited, shall expire on December 31<sup>st</sup> of the year in which it was issued.
2. Every person to whom a business license has been previously issued will be sent a notice prior to the end of February of the following year, unless the municipality is advised in writing that a license is no longer required due to discontinuance of the business.
3. In the event a person to whom a business license has previously been issued:
  - I. Refuses or neglects to renew his or her business license prior to the end of February of the following year; or
  - II. Fails to tender the applicable license fee or provide information required by the municipality prior to February 28<sup>th</sup> of the following year, he or she shall be deemed to be conducting a business without a license contrary to the provisions of this Bylaw, if that person continues conducting business activities shall be subject to prosecution thereof.
- iv. Unless otherwise provided for, the amount to be charged for all licenses issued shall be the yearly license fee. Any license issued on or after the first day of September, in respect of any business commenced after that date, shall pay one-half of the yearly license fee.

#### **VIII. DISPLAY OF LICENSE**

1. A licensee who holds a license which applies to a business carried on at a specific premise must keep it posted in public view in the premises.
2. A licensee who does not carry on business at a specific premise must carry or have the license immediately available and shall upon request immediately produce the license to the License Inspector or other person duly authorized in that behalf.

#### **IX. MOBILE FOOD TRUCKS**

A license will not be issued for a mobile food vendor, until the applicant produces the following:

- a. Approval from the Saskatchewan Health Authority;

- b. Fire inspection approval;
- c. Sask Power Gas Inspection approval;
- d. Motor vehicle insurance (if mobile food truck);
- e. Discharge Management Plans;
- f. Photographs of the unit/truck being used; and
- g. Proof of liability insurance of \$2,000,000.

**X. DAY CARE CENTERS**

Any person applying for a business license for the operation of a child day care centre in Outlook, in addition to sections III, IV, and V, must specifically provide a valid provincial license to operate a day care centre; Adult day care centres are exempt from this section.

**XI. REVOCATION OF LICENSE**

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.

**XII. OFFENCES AND PENALTIES**

1. Any person operating as a direct seller or a direct sales contractor or a salesperson who fails, neglects or refuses to comply with any of the provisions of this Bylaw shall be guilty of an infraction of this Bylaw.
2. No person shall obstruct or hinder the License Inspector or any other person acting under the authority of this Bylaw.
3. Where the License Inspector or other person authorized by the municipality has reason to believe that a person has contravened any provision of this Bylaw, including failure to obtain the appropriate license and pay the requisite license fee, the License Inspector or his or her designate may issue a Notice of Violation to such person.
  - a. The Notice of Violation shall provide for the voluntary payment of a penalty in the amount set forth in Column "A" of Schedule "B" for the offence the person is alleged to have committed.
  - b. Voluntary Payment of a penalty specified in a Notice of Violation shall be made on or before the date indicated on the Notice of Violation. Voluntary payment shall be made at the Town Office during normal business hours.
  - c. If payment of the amount specified on the Notice of Violation is made on or before the date included on the Notice of Violation, the person alleged to have committed the offence shall not be liable to prosecution for the offence indicated.
  - d. If payment of the amount specified on the Notice of Violation is not made on or before the date indicated on the Notice of Violation, the License Inspector or other authorized person shall lay an information under oath as to the offence before a Justice of the Peace for the purpose of obtaining a Summons.
  - e. The Summons shall provide for the voluntary payment of a penalty in the amount set forth in Column "B" of Schedule "B" for the offence which the person is alleged to have committed. The Summons shall be served by a Police Officer or other person authorized by the municipality.
  - f. Voluntary payment of a penalty specified in a Summons shall be made on or before the date indicated on the Summons. Voluntary payment shall be made at the Town Office during normal business hours.
  - g. If payment of the amount specified on the Summons is not made on or before the date indicated on the Summons, the person to whom the Summons has been issued shall be liable to prosecution of the alleged contravention of any provision of this Bylaw.
  - h. Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of subsection 2 is guilty of an offence and liable on summary conviction:
    1. In the case of an individual, to a fine not exceeding \$2,000.00; or
    2. In the case of a corporation, to a fine not exceeding \$5,000.00.In case of a conviction for the non-payment of the license fee payable to the municipality under this Bylaw, the convicting justice may adjudge payment thereof in addition to the penalty.
  - j. Such penalty or penalty and license fee, as the case may be, may be recovered and enforced by summary conviction before a provincial magistrate or justice of the peace having jurisdiction in the municipality, and upon default of payment, the person convicted may be committed to jail or the guardroom of the police, or to a public lock-up for any time determined by the provincial magistrate or justice, not exceeding thirty days, unless the penalty, or penalty and license fee, are sooner paid.
  - k. The Municipality may recover any unpaid license fees by distress in accordance with *The Municipalities Act*.



**XIII. BYLAWS REPEALED**

Bylaw No. 8(2004) and Bylaw No. 9(2004) are hereby repealed.

**XIV. COMING INTO FORCE**

This Bylaw shall come into force and take effect on the date of final passing thereof.



  
Mayor

  
Administrator

Certified a True Copy of Bylaw No. 15/19  
passed this 27th day of November, 2019.

  
Chief Administrative Officer



**TOWN OF OUTLOOK  
SCHEDULE "A"  
BYLAW 15(2019)  
BUSINESS LICENSE BYLAW**

**SCHEDULE OF FEES**

License fee for store-front businesses	\$150
License fee for home-based businesses	\$100
License fee for contractors (per project)	\$150
License fee for contractors (annual)	\$200
License fee for direct sellers	\$100
License fee for farmers' market (per location)	\$100
License fee for mobile food vendor (per unit) f they have another business license within the Town	\$150
License fee for mobile food vendor (per unit) if they are not otherwise licensed within the Town	\$250
License fee for other transient traders	\$150
Other Businesses:	
License fee for Vehicle for Hire	\$100
Circus and/or Carnival or Rodeo Promoters:	\$100
License fee for businesses unclassified	\$100

**OFFENCES FOR WHICH A NOTICE OF VIOLATION MAY BE ISSUED**

SECTION NO.	DESCRIPTION OF OFFENCE	COLUMN "A"	COLUMN "B"
V	Conducting business without a license	\$400.00	\$500.00
VII	Continuing to conduct business without making application for renewal of previous license, payment of prescribed fees, or provision of required information within specified period of time	\$400.00	\$500.00
VIII	Failing to produce copy of business license when requested to do so by License Inspector	\$100.00	\$150.00