

**TOWN OF KIPLING
BYLAW NO. 4-2020**



**A BYLAW OF THE TOWN OF KIPLING TO PROVIDE FOR THE
CLASSIFICATION, CONTROL, REGULATION AND LICENSING OF
PERSONS ENGAGED IN CERTAIN BUSINESSES.**

**The Council of the Town of Kipling in the Province of Saskatchewan
enacts as follows:**

1. Short Title

- a. This bylaw may be cited as the Business License Bylaw.

2. Definitions

- a. In this Bylaw, unless otherwise provided, all words and expressions used herein shall have the same meaning given to them in *The Municipalities Act, 2005*:
- b. "Chief Administrative Officer (CAO) means the Chief Administrative Officer of the Town of Kipling appointed to the position of Administrator pursuant of Section 110 of *The Municipalities Act, 2005*.
- c. "Business" means any of the following activities, whether or not for profit and however organized or formed:
- i. A commercial, merchandising or industrial activity or undertaking;
 - ii. The carrying on of a profession, trade, occupation, calling or employment;
 - iii. An activity providing goods or services.
- d. "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 a business premise in the Town.
- e. "Council" shall mean the Council of the Town of Kipling.
- f. "Direct Seller" as defined in The Direct Sellers Act 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 sub clauses (i) and (ii).

- g. "Home Based Business" means where the business operates primarily from land or within a building where the land or building is principally used for residential purposes.
- h. "License Inspector" shall mean the C.A.O. or the C.A.O. designate who is authorized to administer and enforce in provisions of this Bylaw.
- i. "Town" shall mean the Town of Kipling.
- j. "Transient trader" means a person carrying on business in a municipality who offers goods or merchandise for sale by retail or auction but who is not a wholesaler or retail dealer selling business to business.

3. Licenses Required

- a) No person shall within the Town carry out or engage in any business, trade or occupation until such a person has obtained a license in accordance with this Bylaw and paid the fees listed in Schedule A.
- b) Every person seeking a license under this Bylaw shall make application at the Town Office.
- c) Applications shall be made on the Business License Application Form as provided by the Town Office.
- d) All applications shall be accompanied by payment of the required fee.
- e) Where the Province of Saskatchewan requires a license, registration, bond or certificate for a business or profession the applicant shall provide satisfactory proof of meeting that requirement with the application for a license.

4. Validity

- a) A license is valid from the date of issue up to and including December 31st of the year of issue.
- b) Licenses are not transferable.
- c) Council may suspend or revoke any license by resolution of Council. The License Inspector may temporarily suspend a license until the next regular meeting of the Council.
- d) The License Inspector may refuse to issue a license to any applicant. The applicant shall be notified of the reason for the refusal.
- e) Where a license has been refused, suspend or revoked the applicant may appeal to Council in writing and Council shall hear that appeal at their next regular meeting. The decision of Council will be considered as final.

5. Exempt Businesses

This Bylaw does not apply to:

- a. Any Business specifically exempted by resolution of Council.
- b. Any students in full time study, up to and including post-secondary, who are engaged in seasonal occupations.
- c. Any business assessed for property tax as commercial or industrial property or renting premises that is assessed for property tax as commercial or industrial property.
- d. Local service clubs, non-profit organizations or recreational/social groups engaged in fundraising activities for the benefit of the community.
- e. Home based businesses or contractors with an annual gross revenue of less than \$5,000.
- f. Any activity carried on by the Town or at a location operated by an official or employee of the Town acting on behalf of the Town in his/her capacity as such official or employee.

6. BUSINESS ON STREET OR LANES

- a) No person to whom a license is granted under the provisions of this Bylaw shall conduct the business so licensed on any street, lane or other public place without first having obtained a business license.

7. Penalties

1. Voluntary Penalty

No person shall:

- a) Fail to comply with an order made pursuant to this Bylaw;
- b) Obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
- c) Fail to comply with any other provision of this Bylaw

Where the Designated Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this Bylaw.

Such notice shall be deemed to have been served:

- a) On the expiration of twenty-four hours after it is posted, if the notice is mailed;
- b) B) On the day of actual delivery, if the notice is served personally; or
- c) On the business day following the transmission, if given by facsimile.

A Bylaw Violation Notice shall be in such form as determined in Schedule A and shall state the section of the Bylaw, which was contravened, and the amount pursuant to the Town of Kipling General Penalty, Enforcement and Voluntary Payment of Fines Bylaw shall be accepted by the Municipality in lieu of prosecution.

Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of the Bylaw.

2. Penalty Clause

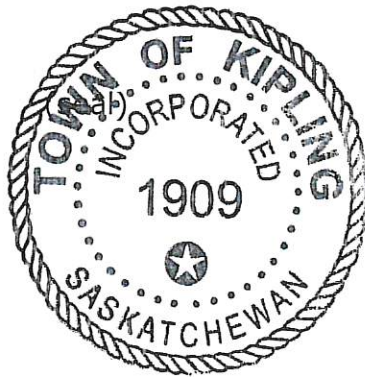
Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to the Town of Kipling's General Penalty, Enforcement and Voluntary Payment of Fines Bylaw.


Terms

This Bylaw shall come into force on the day of its final passing by Council of the Town of Kipling.


REPEAL

Bylaw 4-1994, 5-1995 and 5-2014 of the Town of Kipling are hereby repealed.





MAYOR



CAO

Town of Kipling
Schedule "A" to Bylaw 3-2020

General Business **\$100**
(Applies to all businesses not covered below)

Home Based Business **\$60**

**Yearly Licenses are valid to December 31 of the current year.*

***All annual licenses purchased during the year may be pro-rated for the remaining months of the year, including the month in which it is being purchased.*