

TOWN OF DUCK LAKE

BYLAW #2021-03

A BYLAW OF THE TOWN OF DUCK LAKE TO PROVIDE FOR THE LICENSING, REGULATING AND GOVERNING OF PERSONS ENGAGED IN CERTAIN OCCUPATIONS AND PLACES USED FOR CERTAIN PURPOSES, TO BE KNOWN AS “THE GENERAL LICENSING BYLAW”.

The Council of the Town of Duck Lake enacts as follows:

1. DEFINITIONS

In this Bylaw, unless otherwise stated, the expressions:

“**Administrator**” means the Administrator of the Town of Duck Lake.

“**Business**” and “**Premises**” have the same meaning as given them in *The Municipalities Act*.

“**Contractor**” means and includes any person or persons who enter into a contract to alter, maintain, repair or remove buildings or structures, install heating plants, plumbing or fixtures, perform electrical services, or who makes a business of executing similar contract work within the municipality.

“**Council**” means the Council of the Town of Duck Lake, in the Province of Saskatchewan.

“**Direct Seller**” means a person who does not have a business premises in the Town who:

- a) Goes from house to house selling or offering for sale, or soliciting orders for the future delivery of goods or services;
- b) By telephone offers for sale or solicits orders for the future delivery of goods and/or services.

“**Home-Based Business**” means a home based business or home occupation whose premises are located on land or within a building where the land or building is primarily used for residential purposes.

“**Licensee**” shall mean and include any person who has been issued and holds a valid and subsisting license under the provisions of this Bylaw.

“**License Inspector**” shall mean the Administrator of the Town of Duck Lake or anyone designated by the inspector.

“**Municipality**” and/or “**Town**” means the Town of Duck Lake, in the Province of Saskatchewan.

“**Occupant**” includes a person residing on or in land or buildings, the person entitled to its or their possession if there is no person residing on or in the land or buildings, and leaseholders.

“**Owner**” means a person who has any right, title, estate or interest in land or improvements other than that of a mere occupant, tenant or mortgagee.

“**Transient Trader**” means a person carrying on business in an urban municipality who:

- a) Offers goods or merchandise for sale by retail or auction; or

- b) 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:

- c) Who is required to be licensed under *The Direct Sellers Act*; or
- d) Who is an occupant of land or improvements that are used for business purposes.

2. LICENSE REQUIRED

Persons required to be licensed under the provisions of this Bylaw are:

- a) All persons carrying out business within the Municipality that are not assessed for commercial tax purposes in respect to the business so carried on.
- b) Direct Sellers and Transient Traders.
- c) Contractors.
- d) Home-Based Businesses.

3. LICENSE FEES

The fee payable in respect to any license required under the provisions of this bylaw shall be in the amount set out in Schedule "A" of this bylaw.

All such fees shall be paid to the Town of Duck Lake.

Every license issued under the authority of this bylaw, unless suspended or revoked, shall expire on the 31st day of December of the year of issue.

With the exception of Direct Sellers, Transient Traders and Contractors, where a license is issued after the 30th day of June in any year, the annual fee payable shall be reduced by 50%.

4. BYLAW PROVISIONS

- a) Every person carrying on or engaged in business in respect of which a license is required shall, upon request of the License Inspector, give the Inspector all information necessary to enable him to carry out his duties.
- b) Every person who is required to obtain a license under this bylaw shall make application to the License Inspector for such license. Applications for license may be made verbally unless the License Inspector directs the same to be in writing, in which case such application shall be addressed to the License Inspector of the Town of Duck Lake, and shall contain the following information:

- * Name, address and occupation of the Applicant.

- * Nature of the license applied for, stating specifically the nature and description of the Applicant's business activities in the municipality.

- * The place where the license is to be exercised or where the business is to be carried on.

- c) No person shall carry on any business set out in Section 2 of this bylaw, within the municipality, unless said person has in his possession a valid and subsisting license for the purpose, issued in accordance with the provisions of this bylaw.
- d) Every license granted under this bylaw shall be made out in duplicate and one copy shall be kept in the Duck Lake town office.
- e) Every licensee granted a license to carry on the business and who occupies premises in connection therewith shall keep the license posted in a conspicuous place on the licensed premises. All persons licensed under the provisions of this bylaw where there are no licensed

premises shall, on demand of the License Inspector, produce the license to such official for inspection purposes.

f) A license issued pursuant to this bylaw shall be non-transferable and non-assignable without prior written permission from the License Inspector.

g) Licensees shall have the option of having their business information included on the Town of Duck Lake website business directory.

5. OFFENCES AND PENALTIES

a) Any person who carries on any business which is governed by this bylaw without first obtaining a license and paying the prescribed fee is in breach of this bylaw and is guilty of an offence.

b) Upon summary conviction the offender is liable:

i. for a first offence, to a fine of not less than \$200.00 nor more than \$1000.00;

ii. on a subsequent offence, to a fine of not less than \$500.00 nor more than \$2000.00.

6. REPEAL

a) Bylaw No. 4 of 1985 is hereby repealed

7. COMING INTO FORCE

a) This Bylaw shall come into full force and take effect on May 12st, 2021.

Introduced and Read a first time this 12th day of May, 2021.

Read a second time this 12th day of May, 2021.

Read a third time this 12th day of May, 2021.

seal

Mayor – Donna Piche

Administrator – Michelle Zurakowski

Schedule "A"

Business License Fees:

- 1) Transient Traders, Direct Sellers and Contractors \$50.00/year or \$20/day
- 2) All persons other than Transient Traders, Direct Sellers and Contractors required to be Licensed under Section 2 of this bylaw \$50.00/year



License No. _____

Town of Duck Lake BUSINESS LICENCE

This is to certify that:

Business Name: _____

Business Address: _____

Contact Person: _____

Is licensed by the Town of Duck Lake to conduct business for the period:

_____, **2021** to _____, **2021**

For the following type of business:

This license is issued subject to compliance with all bylaws of the Town of Duck Lake, whether made before, subsequent to, or during continuance of this license.

Chief Administrative Officer (or Designate)