



TOWN OF MOOSOMIN

BYLAW NO. 2024-03

A BYLAW TO PROVIDE FOR THE LICENCING, CONTROL, REGULATION AND GOVERNING OF CERTAIN BUSINESSES IN THE TOWN OF MOOSOMIN

Table of Contents

The Council of the Town of Moosomin, in the Province of Saskatchewan, enacts the following:.....2

PART I: SHORT TITLE, PURPOSE, DEFINITION2

1. Short Title2

2. Purpose.....2

3. Definitions.....2

PART II: GENERAL LICENCING AND REGULATIONS.....3

4. Licence Required3

5. Exceptions3

6. Applying for Licence3

7. Granting of Licences.....3

8. Compliance with Other Regulations.....3

9. Specific Regulations3

10. Issuing of Licences4

11. Licence Fee4

12. Display of Licence.....5

13. Licence Not Transferable.....5

14. Renewal.....5

15. Discontinuance or Change5

16. Revocation of Licence5

17. Right to Appeal.....5

PART III: ENFORCEMENT & PENALTIES.....5

18. Enforcement of Bylaw5

19. Inspections.....6

20. Guilty of an Offence.....6

21. Severability,6

22. Repealed,.....6

23. Coming into Force,7

SCHEDULE "A" TO BYLAW 2024-038

SCHEDULE "B" TO BYLAW 2024-039



The Council of the Town of Moosomin, in the Province of Saskatchewan, enacts the following:

PART I: SHORT TITLE, PURPOSE, DEFINITION

1. Short Title

This bylaw may be cited as "The Business Licencing Bylaw".

2. Purpose

The purpose of this Bylaw is to licence businesses in the Town of Moosomin in order to:

- a) Regulate businesses;
- b) Ensure compliance with land use, zoning, and building regulations; and
- c) Facilitate planning decisions.

3. Definitions

In this Bylaw, unless context otherwise requires, the following words or terms shall be held to have the following definition:

- a) "Business" shall mean 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; or
 - iii. an activity providing goods or services.
- b) "Contractor" and "Subcontractor" shall mean 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 premises in the Town.
- c) "Council" shall mean the Council of the Town of Moosomin.
- d) "Designated Official" shall mean the Chief Administration Officer (CAO), or other person(s) designated by him or her to issue business licences and enforce this Bylaw.
- e) "Direct Seller" shall mean direct sellers and direct sales contractors as define by and licenced with the Province under The Direct Sellers Act who do not have a business premises in the Town.
- f) "Farmers' Market" shall mean a group of persons operating collectively which sells products that they bake, make, or grow.
- g) "Home-Based Business" shall mean an occupation, trade, profession, or craft conducted for gain in a dwelling unit or accessory building by the resident, which is secondary to the principal use of the site, and does not create a public nuisance because of noise, traffic, pollution, or parking.
- h) "Mobile Food Truck" shall mean a motorized, mobile, self-contained vehicle that is equipped to prepare, cook and serve food.
- i) "Premises" shall mean a building, together with outbuildings, occupied by a business or considered in an official context.
- j) "Rider Share" shall mean drivers of usually privately-owned vehicles who wish to offer rides and passengers who wish to obtain rides use a network (such as one accessed through an app or a website) to coordinate the sharing of individual automobile trips for which the passengers pay a fare.
- k) "Taxi" shall mean an automobile that carries passengers for a fare usually determined by the distance traveled.
- l) "Trade Fair" shall mean 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 flea markets and craft shows.
- m) "Transient Merchant" shall mean any person who carries on a temporary business within the Town of Moosomin that offers goods or merchandise for sale and;
 - i. does not operated the business within an assessed commercial building.
 - ii. is not required to be licensed pursuant to *The Direct Sellers Act*.
- n) "Unclassified" shall mean every person carrying on any trade or business not otherwise specified in this Bylaw



PART II: GENERAL LICENCING AND REGULATIONS

4. Licence Required

No person shall conduct business within the corporate boundaries of the Town of Moosomin without a valid and subsisting licence issued pursuant to this bylaw.

5. Exceptions

Notwithstanding Section 4, a licence shall not be required for:

- a) Any business carried on by the Town;
- b) Any business that operates from a premises located on property that the Town assesses and taxes as commercial or industrial property;

6. Applying for Licence

Any person seeking a licence must apply in writing to the Town Office and shall include the following information

- a) The name and address of the applicant;
- b) The nature of the business for which the licence is required;
- c) The place where the business is to be exercised or carried on;
- d) The period for which the licence is required;
- e) The contact phone number and if available, email address;
- f) The name under which the business will be operated;
- g) Proof of compliance with the Zoning Bylaw, where applicable; and
- h) Any other information which may be reasonably requested by the Town.

7. Granting of Licences

In the case of application for a new licence or an application for renewal of an existing licence, the Designated Official may issue such licence or renewal of licence without referring the application to the Council, unless in his/her opinion, circumstances warrant reference of the application for Council's approval.

8. Compliance with Other Regulations

- a) The issuing of a licence does not relieve that person or business of the responsibility of conforming to any zoning, building and other requirements of the Town;
- b) All businesses must adhere to all applicable federal, provincial and municipal legislation and regulations;
- c) Any licence issued under this Bylaw without the person first obtaining, then holding, the required federal or provincial licence is invalid; and
- d) A licence will not be issued under this Bylaw for any business which does not conform to any zoning, building and/or other requirements of the Town.

9. Specific Regulations

- a) Trade Fair or Farmers' Market: A licence for a Trade Fair or Farmers' Market is not required for all vendors operating within the Trade Fair or Farmers' Market while the Trade Fair or Farmers' Market is in operation, however,
 - i. Any person operating as a vendor outside the hours of operation or location of a licenced Trade Fair or Farmers' Market is required to obtain a valid business licence in accordance with this Bylaw.
- b) Taxi or Rider Share: To obtain a Licence for a Taxi or Ride Share vehicle the operator shall produce a valid taxi safety inspection certificate certified by Saskatchewan Government Insurance (SGI) for each vehicle operating as a taxi. The inspection certificate shall be in the taxi at all times and the inspection decal shall be displayed on the right-side rear window of the vehicle.
- c) Mobile Food Truck: A Licence for a Mobile Food Truck shall be granted with the following conditions:
 - i. The Mobile Food Truck shall be aesthetically pleasing in appearance and shall not be deemed a nuisance by causing excessive noise, vibration, smoke, odor, air pollution, heat, glare, bright lights, actions or excessive waste which may be a distraction to motorists, pedestrians or surrounding businesses and residences.



- ii. The Mobile Food Truck must supply its own water and power source. Generators are permitted provided that do not cause a nuisance.
 - iii. The Mobile Food Truck must have a discharge management plan that outlines the disposal of grey/black water, fat, oil and grease.
 - iv. The Mobile Food Truck shall provide proper waste and recycle receptacles for customer use and shall clean up any waste within a 6-meter radius of the site prior to leaving the location. They shall not dispose of any waste in a bin that does not belong to them.
 - v. The service window shall face the adjacent sidewalk and must be at least 10 meters away from any intersection or crosswalk. Street facing service windows are not permitted.
 - vi. Canopies, windows or doors shall not hinder or obstruct pedestrian or vehicular traffic.
 - vii. One sandwich-board "A -frame" sign will be permitted provided it does not hinder or obstruct pedestrian or vehicular traffic.
 - viii. All elements of the Mobile Food Truck operations (line-ups, signage, waste/recycle receptacles, etc) shall not cause any pedestrian or vehicular obstructions and must allow easy and safe traffic.
 - ix. The Mobile Food Truck shall get approval from the Town of Moosomin prior to operating in or on town owned parks, facilities or parking lots.
 - x. The Mobile Food Truck shall not operate within 150 meters of a special event or festival without written permission from the event coordinator.
- d) Contractors: In accordance with Subsections 9(2)(e), 9(5) and 9(6) of The Municipalities Act, if any contractor fails to pay the licence fee imposed by this Bylaw, the Municipal Enforcement Officer or Designated Official:
- i. may give a written notice to any person by whom the contractor is employed requiring that person to pay the licence fee out of the moneys payable by that person to the contractor with a copy of the notice going to the contractor.
 - ii. Upon receipt of the notice by the person, the amount of the licence fee be a debt due by the person to the Town and may be recovered in the same manner as taxes may be recovered.
- e) Direct Seller: A person operating as a Direct Seller must produce the following to the Town:
- i. A copy of their provincial licence under The Direct Sellers Act; and
 - ii. If selling for a company, a copy of their identification tag issued to them from their company.

10. Issuing of Licences

The Town may issue licences in the following circumstances:

- a) The required application form has been completed;
- b) The required licence fee has been paid;
- c) If required, the necessary provincial licence has been produced; and
- d) The business complies with all the zoning, building, and other requirements of the Town

11. Licence Fee

A person will not be issued a licence until the fee prescribed and fixed by Schedule "A" has been paid.

- a) The licence for a business in its first year of operation may be prorated from September 1st to December 31st, to 50% of the licence fee;
- b) Every licence granted under this Bylaw, unless specifically mentioned to be for a shorter period and unless cancelled or revoked, shall be for the calendar year at the time of the issue and shall expire on the 31st day of December next succeeding the date of issue; and
- c) No rebate shall be allowed or granted to a licensee, in respect of forfeiture of a licence or on account of the non-use of the rights and privileges thereby granted, or for any other cause unless the consent of Council is granted by resolution.



12. Display of Licence

Any licence issued under this Bylaw must be displayed in a prominent place at the place of business in a prominent place at the place of business for which the licence was issued or site where work is carried out under the terms of the licence or be readily available to be produced upon request made by a designated official and/or Municipal Enforcement Officer.

13. Licence Not Transferable

A licensee may not sell, transfer, assign, lease or otherwise trade a licence from one person or premises to another.

14. Renewal

A person must renew their licence annually or purchase a licence for each project in the manner prescribed by the Town. Submission of application is required in writing for all renewals. Licencing fees must be paid when renewing a licence.

15. Discontinuance or Change

A person must notify the Town if:

- a) A business is discontinued;
- b) Either the size, nature, and/or location of the business changes; or
- c) Changes to contact information for the business.

16. Revocation of Licence

The Town may:

- a) Revoke, suspend, refuse to issue or renew, a business licence for the following reasons:
 - i. The application or licence does not, or no longer, meets the requirements of this Bylaw with respect to the licence applied for or held;
 - ii. The holder of the licence has breached a condition of the licence;
 - iii. The holder or any of its employees:
 - 1) provide false or misleading information to a Designated Official and/or Municipal Enforcement Officer;
 - 2) has, in the opinion of the Designated Official based on reasonable grounds, contravened this Bylaw or any applicable bylaw;
 - 3) has, in the opinion of the Designated Official based on reasonable grounds, contravened the provisions of any federal, provincial or municipal legislation or regulation; or
 - 4) fails to pay any fee or penalty required by this Bylaw; or
 - iv. In the opinion of the Designated Official based on reasonable grounds, it is in the public interest to do so.
- b) A Designated Official may reinstate a revoked licence if her or she is satisfied that the licensee is complying with this Bylaw and/or other requirements; and
- c) Shall not refund any fees collected for a revoked licence.

17. Right to Appeal

Any licensee or applicant may appeal the denial, suspension or cancellation of a licence issued under this Bylaw to Council by making a written application within 30 days of the date of service of the letter from the Designated Official revoking, denying or suspending the licence.

PART III: ENFORCEMENT & PENALTIES

18. Enforcement of Bylaw

Enforcement of this Bylaw may be conducted by a Designated Official or Municipal Enforcement Officer.



19. Inspections

The inspection of property by the Town to determine if this Bylaw is being complied with is hereby authorized, and:

- a) Inspections under this Bylaw shall be carried out in accordance with Section 362 of The Municipalities Act; and
- b) No person shall obstruct a Municipal Enforcement Officer or Designated Official who is authorized to conduct an inspection under this Bylaw, or any person who is assisting a Municipal Enforcement Officer or Designated Official.

20. Guilty of an Offence

- a) Any officer or any other person duly authorized or recognized as having been granted authority by the Council of The Town of Moosomin is hereby designated to enforce this Bylaw.
- b) Any person who contravenes any of the provisions of this Bylaw or fails to comply therewith or with any order or notice given thereunder is considered guilty of an offence and is liable to the penalties as hereinafter provided. Said penalties shall be pursuant to Schedule "B".
- c) Any person who contravenes the provisions of this Bylaw as not specifically set out in Schedule "B" or fails to comply therewith, or with any order or notice given thereunder, is guilty of an offence and is liable to a fine in an amount not exceeding that pursuant to the Town of Moosomin General Penalty Bylaw.
- d) Where any person has or is alleged to have been in contravention of any of the provisions of this Bylaw, a ticket, summons, or notice may be served upon them. Such a person may voluntarily make a payment of the assessed penalty sum to the Town of Moosomin within ten calendar days from the date of issuance. After ten calendar days the Penalty Sum must be paid. If payment is not received within thirty days from the issue date, a Summons shall be issued. If payment is made within such time and accepted, then that person shall not be liable to further prosecution of the offence.
- e) Where any person has been served a ticket, summons, or notice in contravention of any of the provisions of this Bylaw, such person shall maintain a twelve-month clear period from the date of the last occurrence before such time where a First Offence Penalty Sum shall be reinstated.
- f) If a provision of this Bylaw conflicts with the provision of any other applicable Town of Moosomin Bylaw, the provision that establishes the higher or more restrictive standard to protect the health, safety, welfare, peace, and comfort enjoyed by the inhabitants of the Town of Moosomin shall prevail.
- g) If a provision of this Bylaw conflicts with the provisions of any legislation, then the legislation shall prevail.
- h) This Bylaw shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Town or by any government authority having jurisdiction to make such restrictions or regulations.
- i) In the prosecution of an alleged contravention of any of the provisions of this Bylaw, the onus of proof that the action giving rise to the charge was previously authorized shall lie upon the person charged.
- j) If any section, subsection, sentence, clause, phrase, or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and the holding of the Court shall not affect the validity of the remaining portions of this Bylaw.

21. Severability,

A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any provision of this Bylaw shall not affect the validity of the remaining parts of this Bylaw.

22. Repealed,

Bylaws No. 10-92, and 2002-01 are hereby repealed.

23. Coming into Force,


This Bylaw shall come into force and be in effect on January 1st, 2025.

Read a first time this 23rd day of OCTOBER, 2024.

Read a second time this 23rd day of OCTOBER, 2024.

Read a third time and adopted this this 23rd day of OCTOBER, 2024.




MAYOR


CHIEF ADMINISTRATIVE OFFICER

Certified a true and correct copy of a bylaw
adopted by resolution of Council, at their
meeting of October 23, 2024


Chief Administrative Officer





**SCHEDULE "A" TO BYLAW 2024-03
SCHEDULE OF LICENCE FEES**

<u>Type of Business</u>	<u>Example</u>	<u>License Fee</u>	<u>Period of License</u>
Home Based Business	Nails/Hair/Esthetics Massage Accounting/bookkeeping Travel Agent Day Care Photography Arts (Piano teacher, etc.) Other undefined home-based businesses	\$100.00	Annual
Seasonal <i>(Any portion of the calendar year, not exceeding 4 months)</i>	Grass Cutting Snow removal Any other seasonal business	\$50.00	4 months
General Contractors <i>(covers all sub-trades involved in the contract)</i>	a) Single or total Contract Permit value does not exceed \$500,000.00 b) Single or total Contract Permit value exceeds \$500,000.00	\$600.00 1,000.00	Annual Annual
All other Contractors	Carpenters Electricians Plumbers Landscaping Janitorial Catering Monuments Taxi/Ride Share Property Restoration	\$250.00 per year, or \$75.00 for one contract <i>(job)</i> . Can purchase single contract job licenses, and after third purchase of \$75.00 license in any year totalling \$225.00, the fourth license will cost \$25.00, and contractor will be deemed at that point to have paid an annual business license fee, and no further business license fees will be required for that calendar year.	
Mobile Food Truck	Booster Juice Mini-Donuts General food truck sales	\$150.00 \$75.00	Annual Daily
Trade-Fair or Farmers Market and in general, the selling of home-produced products	Selling of homemade goods, or home produced foods, baking, pies, etc.	\$NIL <i>(Exempt)</i>	
Direct Sellers <i>(Per Direct Sellers Act & Regulations)</i>	Alarms Vacuum Tools	\$30.00	Per Seller
All other undefined businesses <i>(excluding Transient Merchants)</i>		\$150.00	Annual
Transient Merchants	Selling Flags, rugs, etc.	\$300.00 \$75.00	Annual Daily



**SCHEDULE "B" TO BYLAW 2024-03
SCHEDULE OF BYLAW OFFENSE PENALTY**

OFFENCE BY AN INDIVIDUAL		
PENALTY	PENALTY AMOUNT (FINE)	
	If Payment is Made Within Thirty (30) Calendar Days	If Payment is Made After Thirty (30) Calendar Days
First Offence Resulting from a Contravention of Bylaw 2024-03	\$ 100.00	\$ 200.00
Second Offence Resulting from a Contravention of Bylaw 2024-03	\$ 200.00	\$ 400.00
Third Offence or Subsequent Offenses Resulting from a Contravention of Bylaw 2024-03	\$ 400.00	\$ 800.00

OFFENCE BY A CORPORATION		
PENALTY	PENALTY AMOUNT (FINE)	
	If Payment is Made Within Thirty (30) Calendar Days	If Payment is Made After Thirty (30) Calendar Days
First Offence Resulting from a Contravention of Bylaw 2024-03	\$ 200.00	\$ 400.00
Second Offence Resulting from a Contravention of Bylaw 2024-03	\$ 400.00	\$ 800.00
Third Offence or Subsequent Offenses Resulting from a Contravention of Bylaw 2024-03	\$ 1000.00	\$ 2000.00