

**TOWN OF PENSE**  
**BYLAW NO. 5/2013**  
**BUSINESS LICENCE BYLAW**

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**A BYLAW OF THE TOWN OF PENSE IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR THE LICENSING, CONTROL, REGULATION AND GOVERNING OF CERTAIN BUSINESSES AND OCCUPATIONS IN THE TOWN.**

WHEREAS, it is deemed necessary and expedient that persons engaged in certain businesses and occupations should be licenced by the Town of Pense and be subject to certain regulations;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF PENSE ENACTS AS FOLLOWS:

1. In this Bylaw, unless the context otherwise requires, the following words or terms shall be held to have the following definitions:
  - (a) "Auctioneer" shall mean an individual who conducts the bidding at a sale by auction of any property.
  - (b) "Council" means and includes the Council for the Town of Pense
  - (c) "Contractor" and "Subcontractor" shall mean a contractor or subcontractor as defined by *The Builder's Lien Act* or every apprentice, labourer, journey person or trades person of the building and/or construction trade not employed by a contractor or subcontractor who holds a valid and subsisting licence pursuant to the provisions of this Bylaw.
  - (d) "Designated Official" shall mean the Bylaw Officer for the Town of Pense, and anyone acting as designated by Council.
  - (e) "Direct Seller" and Direct Sales Contractor shall mean direct sellers and direct sales contractors as defined by *The Direct Sellers Act*.
  - (f) "Health Officer" shall mean the Provincial Health Officer.
  - (g) "Home Based Business" means a business whose premises are located on the land within a building where the land or building is primarily used for residential purposes.

- (h) "Person" means and includes an individual or a group of two or more individuals or a corporation carrying on business in the Town.
- (i) "Transient Trader" shall mean any transient trader or sales agent who carries on business within the Town of Pense and who offers goods or merchandise for sale by retail or by auction or who solicits any person who is not a wholesaler or retail dealer for orders for the future delivery of goods and/or merchandise and who is not **assessed** commercial property tax or who is not the tenant of the owner of assessed commercial property.
- (j) "Unclassified or Unspecified" shall mean any person carrying on a trade, business, calling or other occupation for which a fee is charged which is not listed as a special category in Schedule "A" of this bylaw and who is not assessed a commercial property tax or who does not pay rent and is not a tenant of the owner of assessed commercial property.
- (k) "Town" means the Town of Pense.
- (l) "Town Administrator" means the person occupying the position of Administrator, Clerk, or Treasurer of the Town of Pense.

## 2. LICENCES REQUIRED

No person shall carry on any of the several trades, occupations, callings or businesses herein after specified in this bylaw in the Town of Pense without a valid and subsisting licence procured pursuant to the provisions of this bylaw until he procures a licence pursuant to this bylaw, and every person so licenced shall be subject to the provisions of the bylaw.

- 3. Any person seeking a licence hereunder shall make application to the Town Office.
- 4. Each application for a licence under this bylaw 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 in respect of which the licence is required is to be exercised or carried on.
- 5. The licence shall be in the form such as prescribed by the Town Administrator.
- 6. The fee for licences shall be those prescribed and fixed by Schedule "A" of this bylaw and is hereby incorporated into and made part of this bylaw.

7. (a) The fees for licences and for the renewal of all licences shall be paid on or before January 31st in each and every year.
- (b) In **case** of new applications for licence, the prescribed licence fee shall be paid in full at the time of filing of the application.

8. GRANTING OF LICENCE

- (a) In the case of application for a new licence or an application for renewal of an existing licence, the Town Administrator or his designate may grant 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.
- (b) One copy of each licence shall be delivered to the person licenced.
- (c) No licence or renewal of a licence issued pursuant to the provisions of this bylaw may be assigned by the person or body corporate.

9. DURATION OF LICENCE

- (a) Every licence granted under the provisions hereof, unless specifically mentioned to be for a shorter period and unless it shall sooner become forfeited, shall be for the current year at the time of the issue thereof, and shall expire on the 31st day of December next succeeding the date of issue.
- (b) No rebate shall be allowed or granted to any 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 the Council of the Town of Pense is granted by resolution.

10. DISPLAY OF LICENCES

- (a) Every licensee granted a licence to carry on a business who occupies premises in connection therewith shall keep the licence posted in a conspicuous place on the licenced premises.
- (b) All persons licenced under the provisions of the bylaw where there are no licenced premises shall on demand of the Designated Official produce the licence to such officials.

11. REVOCATION OF LICENCE

- (a) The Council may by resolution suspend or revoke any licence granted under the provisions of this bylaw.
- (b) The granting or refusal to grant a licence, the granting of a renewal of a licence or the refusal to grant the renewal of a licence pursuant to the provisions of this bylaw shall be wholly within the discretion of the Town Administrator and/or his lawful designate and the revocation of any licence pursuant to the provisions of this bylaw shall be wholly within the discretion of the Council of the Town of Pense.
- (c) The Council of the Town of Pense may delegate to the Medical Health Officer the power to revoke the licence, if any person who sells food or drink for human consumption in the Town of Pense but who neglects or refuses to comply with the rules, orders or regulations of the Minister of Public Health or with the bylaws of the Town of Pense relevant to such business.

12. SPECIAL PROVISIONS

The following are regulations, which must be complied with in connection with certain licences:

- (a) No business which is not assessed a commercial property tax shall be conducted on such premises without first having taken out a licence.
- (b) The act of wife, husband, servant, clerk or employee of any person licenced to carry on business under this bylaw shall be deemed and be taken to be the act of the Licencee as though he had done the act himself.
- (c) No person to whom a licence is granted under this bylaw shall conduct a business so licenced on any street, lane, or public place unless the licence permits him to do so.
- (d) In all cases where the legislature of the Province of Saskatchewan has required any person to obtain a Provincial Licence in respect to any business, no licence shall be granted under the provisions of this bylaw unless or until the applicant shall have first obtained and produced a Provincial Licence and every application for licence under this bylaw shall in such case state that such Provincial Licence has first obtained.

- (e) The Designated Official or other authorized Town of Pense employees, member of the R.C.M.P., the Provincial Health Officer, the Building Inspector and the Fire chief shall have free access to all buildings and grounds in which any business licenced under the provisions of the bylaw is carried on. Any person hindering, preventing or refusing such free access after any such Officer has demanded admission and displayed his badge or credentials of office, shall be liable to prosecution for breech of this bylaw.
  - (f) No licence shall be granted to any person under the provisions of this bylaw which involves the occupation of buildings or premises for the purpose of carrying on the business to be licenced until the Council is satisfied that the premises comply with the various bylaws of the Town of Pense, Provincial Statutes or regulations passed thereunder and it shall be the duty of the Designated Official to obtain the necessary reports for the guidance of the Town Council and it shall be the duty of the Building Inspector, Fire chief, Provincial Health Officer or any other officer upon the request of the Designated Official to inspect the buildings in which the proposed licenced business is to be carried on and to give to the Designated Official a report in writing as to whether or not the same are suitable for the carrying on of the proposed business.
  - (g) Every general contractor shall erect or cause to be erected on every construction site, a notice board showing the name of the general contractor and the name or names of all subcontractors working or who will be working on the site.
13. No circus, carnival or other like entertainment connected therewith shall be exhibited in the Town of Pense for a period longer than one (1) day without permission of the Town Council and unless a separate licence is taken out for each day.
14. Any person who carries on a business, industry or calling which is required to be licenced under this or any other bylaw without first obtaining a licence to do so, or having applied for a licence which application has been refused, carries on such business, industry or calling, shall be guilty of an infraction of this bylaw.
15. Any person who is carrying out any of the activities mentioned in Section 2 of this bylaw fails, neglects or refuses to comply with any of the provisions of this bylaw relative thereto, shall be guilty of an infraction of this bylaw.
16. Any person guilty of any infraction to any of the provisions of this bylaw shall, upon summary conviction, be liable to a fine not exceeding \$2000.00, and in addition thereto to an amount not less than that amount which is double the licence fee that is payable in accordance with

Schedule "A" of this bylaw and in default of payment of such fine and costs, the offender may be imprisoned for a term not exceeding thirty days.

17. Where in any case a person is convicted for the non-payment of a licence fee payable to the Town of Pense under the provisions of this bylaw, the summary conviction court may order payment forthwith by the accused of the said licence fee.
18. Where a person commits or is alleged to have committed the offense of conducting a business activity in the Town of Pense without a licence a penalty of twice the applicable business licence and the cost of the applicable business licence shall apply and the Designated Official shall issue a Notice of Violation, set out in Schedule "B" of this bylaw.
19. If voluntary payment of the penalty specified in the Notice of Violation is made on or before the date indicated on the Notice of Violation, the person alleged to have committed the offense shall not be liable to prosecution for the offense indicated.
20. All events undertaken or sponsored by a local religious, charitable or non-profit community organization are exempt from the payment of fees set out in Schedule "A".
21. Bylaw No. 4/2006 is hereby repealed after this bylaw comes into effect as of the 8<sup>th</sup> day of May, 2013.



*Michele LeBlanc*  
\_\_\_\_\_  
Mayor

*J. Hendry*  
\_\_\_\_\_  
Administrator

Read a third time and adopted  
this 8<sup>th</sup> day of May, 2013.

*J. Hendry*  
\_\_\_\_\_  
Administrator



**SCHEDULE "B"**  
**BYLAW 5/2013**  
**BUSINESS LICENCE BYLAW**

**NOTICE OF VIOLATION**

The Town of Pense  
P.O. Box 125  
Pense, SK. S0G 3W0

Issued by: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Accused: \_\_\_\_\_

Address of Accused: \_\_\_\_\_

Location of Violation: \_\_\_\_\_

Description of Violation: \_\_\_\_\_  
\_\_\_\_\_

Voluntary Payment Amount: \_\_\_\_\_

Applicable Licence Fee: \_\_\_\_\_

Deadline for Voluntary Payment: \_\_\_\_\_

You are charged with a violation of the Town of Pense Business Licence Bylaw.

A voluntary payment may be paid to the Town of Pense, municipal office.

If payment is received on or before the deadline for voluntary payment (noted above), you will not be prosecuted for this violation. Please also note that the voluntary payment is less than the full penalty prescribed by the Bylaw for this offense.