

TOWN OF CENTRAL BUTTE

BYLAW NO 2022-04

A BYLAW TO REGULATE THE REGISTRATION OF BUSINESSES

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

1) **Definitions:**

In this Bylaw:

- a) **Bylaw Enforcement Officer** shall mean a person hired or contracted by the Town of Central Butte to enforce the Bylaws of the Town or the Administrator.
- b) **Charity** means an organization that is:
 - incorporated as a non-profit corporation in the Province of Saskatchewan; or
 - ii) an organization that can demonstrate that it is formed for social, educational, religious or philanthropic purposes from which the members do not receive any direct economic gain;
- c) **Council** shall mean and include the Council of the Town of Central Butte.
- d) **Craft Show or Exposition** means a group of 2 or more people engaged in the business of producing, preparing, exhibiting or selling arts and crafts for gain.
- e) **Vendor** means any person who sells products from a stationary vending unit, on private property or on city-owned land such as parks and beaches.
- f) **Peddler** means any person who peddles, sells, or hawks, or carries goods from place to place for the purpose of selling them. An example of this would be a door to door sales person.
- g) **Direct Seller** means a person(s) who:
 - i) go 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) do both of the things mentioned in subclasses (i) and (ii);

h) Home-Based Business means any business that is owned and operated by a resident or residents in a dwelling unit and is permitted according to the Central Butte Zoning Bylaw.

i) Inspector means a person employed by the Town of Central Butte responsible for reviewing business registration applications and application approval, Bylaw Enforcement Officer or Administrator.

j) Mobile Food Vendor means a person selling prepared food items from an approved Mobile Food Vending Unit.

k) Non-Profit Organization means a non-profit corporation that is registered under the provisions of *The Non-Profit Corporations Act*.

l) Non-Resident Contractor means a person who:

i) does not operate a commercial or industrial facility within the Town of Central Butte; ii) carries on business in the Town of Central Butte as a contractor, building contractor, municipal contractor, (whether for waterworks, sewerage or otherwise) painter, cabinet maker, tinsmith, plumber, electrician, mason bricklayer, plasterer, decorator, or other trade relating to the building or construction industry; but

iii) does not include a person who is required to be licensed pursuant to *The Direct Sellers Act* or who is an occupant of property that is used for business purposes.

m) 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.

n) Resident Contractor means a person who carries on business in the Town of Central Butte as a contractor, building contractor, municipal contractor, (whether for waterworks, sewerage or otherwise) painter, cabinet maker, tinsmith, plumber, electrician, mason bricklayer, plasterer, decorator, or other trade relating to the building or construction industry.

o) Retail Store means a place where goods, wares, or merchandise are offered for sale or rent, but excludes the retail sale of cannabis other than in licensed pharmacies, and may include the manufacturing of products to be sold on site, provided the gross

floor area used for manufacturing does not exceed 25% of the gross floor area of the retail store.

- p) **Town** means the Town of Central Butte, in the Province of Saskatchewan.
- q) **Trade Show** means 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 hobby shows, home improvement shows, sportsman shows, and craft shows; and includes an exhibition organized so that companies in a specific industry can showcase and demonstrate their latest products, service, study activities of rivals and examine recent market trends and opportunities;
- r) **Transient Trader** means a person carrying on business in a Town who:
 - i) offers goods, services or merchandise for sale or auction; or
 - ii) solicits any person who is not a wholesaler or retail dealer for orders for future delivery of goods or merchandise; and
 - iii) does not have a business address in the Town of Central Butte.

But does not include a person who is required to be licensed pursuant to *The Direct Sellers Act* or who is an occupant of property that is used for business purposes;

- s) **Unclassified Business** means a person carrying on a trade or business for gain, if in regard to registration of the same with no provision is made in this Bylaw, and who is not occupying a property taxed at the commercial rate.

2) Registration Required

No person shall carry on business within the Town unless such person has registered at the Town Office pursuant to the provisions of this Bylaw.

- a) Registration shall be required:
 - i) for any person carry on business within the Town;
 - ii) if any form of advertising of business activity is deemed to be prima facie proof that the person is carrying on such business activity;
- b) Registration shall not be required:
 - i) for 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 an official capacity;
 - ii) for any activity undertaken by a charity;
 - iii) for such other activities as Council may, by resolution, exempt from the requirements of this bylaw;
 - iv) for any person or persons carrying on activity as/for:

- a home based business
- a Mobile Food Vendor owned and operated by a resident of the Town of Central Butte.
- A Non Resident Contractor
- A Resident Contractor
- A business with assessable property in the Town of Central Butte.
- A trade show
- A craft show or exposition.

3) Application

- a) A person must complete and submit a business registration application, including all required information, to the Town for approval.
- b) An application must include all requested information, including but not limited to:
 - i) name, occupation, and address of the applicant; ii) the nature of the business for which the registration is required;
 - iii) the place where the business is to be carried on; iv) the name under which the business will be operated;
 - ii) any other information which may be reasonably requested by the Town from time to time.

4) Term of Business Registration

- a) Unless otherwise stated, all registrations issued pursuant to this Bylaw shall be valid for 3 days.

5) Compliance with Provisions of Bylaw

- a) A person carrying on or engaged in business in respect of which a registration is required shall, upon request of the Bylaw Enforcement Officer, give to the Bylaw Enforcement Officer, all information necessary to enable the Officer to carry out the assigned duties.
- b) A person carrying on or engaged in any such business who fails to furnish such information within 24 hours from the time at which the request is made is guilty of an offense and liable on summary conviction.

For the purpose of ensuring compliance with this Bylaw, an inspector may, after being properly identified, at any reasonable time enter and inspect any business and may be accompanied by any person having special or expert knowledge on any matter to which this bylaw relates. Any person hindering, preventing, or refusing such free access shall be guilty of a breach of this bylaw.

6) Failure to Comply – Notice of Violation

- a) Notwithstanding the offences and penalties set out in Section 22 of this Bylaw, no person shall fail to comply with any other provision of this bylaw.
- b) Notwithstanding the offences and penalties set out in Section 22 of this Bylaw, any person who contravenes any other provisions of this Bylaw is liable on summary conviction to a fine of not less than \$3000.00
- c) The following procedure shall apply to contraventions of this Bylaw:
 - i) a Designated Officer may issue a Notice of Violation to any person committing a contravention under Section 21 Subsection a). The notice shall require the person to pay to the Municipality the penalty set out in Section 21;
 - ii) the fine may be paid:
 - a. in person, during regular office hours, to the cashier located at Town Office, 281 Main St. Central Butte SK
 - b. by mail addressed to Town of Central Butte Box 10, Central Butte SK S0H 0T0

7) Prosecution

In a prosecution for contravention of a bylaw against engaging in or operating a business without a registration, 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.

8. Bylaws Repealed

Bylaw No. 2016-07 is hereby repealed.

Read a third time and adopted this 20th day of April 2022.

Certified a true copy of Bylaw No. 2022-04 adopted by the council of the Town of Central Butte on the 20th day of April 2022.

Kyle Van Den Bosch
CAO

G. Berger
Mayor