

CITY OF MELVILLE
BYLAW NO. 06/2024

**A BYLAW OF THE CITY OF MELVILLE IN THE PROVINCE OF SASKATCHEWAN
TO PROVIDE FOR THE CLASSIFYING, LICENSING AND REGULATING BUSINESS
ACTIVITY WITHIN THE CITY OF MELVILLE**

WHEREAS, Section 8 and 9 of The *Cities Act*, empowers cities to regulate businesses, business activities and persons engaged in business within the city.

NOW THEREFORE, the Council of the City of Melville in the Province of Saskatchewan in Council assembled hereby enacts as follows:

1.0 SHORT TITLE

1.1 This Bylaw may be cited as the “Business Licensing Bylaw”.

2.0 PURPOSE

2.1 The purpose of this Bylaw is to license businesses in the City of Melville in order to:

- a. regulate businesses;
- b. ensure compliance with land-use and building regulations;
- c. gather land use information;
- d. facilitate planning decisions;
- e. ensure that once licensed, all Persons to whom a License has been issued, comply with all terms and conditions of the license as set out under the Bylaw.

3.0 DEFINITIONS

3.1 In this Bylaw, unless otherwise required, the expressions:

- a. “**Activity**” means a business, occupation, amusement, entertainment, trade, employment, profession or calling and includes those businesses not particularly defined in this bylaw, whether or not so carried on for gain or profit.
- b. “**Business**”; “**Occupant**”; “**Owner**”; “**Person**” shall have the same meaning as given them in the Cities Act.
- c. “**Bylaw Enforcement Officer**” shall mean a business or person hired

- or contracted by the City of Melville to enforce the Bylaws of the City.
- d. "**Council**" shall mean and include the Council of the City of Melville.
 - e. "**Charitable or Non-Profit Organization**" means an organization that is:
 - i. incorporated as a non-profit corporation in the Province of Saskatchewan; or
 - ii. a registered charity authorized to issue tax receipts for donations pursuant to The Income Tax Act, 2000; or
 - iii. 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
 - f. "**City**" shall mean the City of Melville.
 - g. "**City Manager**" shall mean the person appointed to the position of City Manager of the City of Melville.
 - h. "**Direct Sales Contractor**" means a vendor who sells, offers for sale or solicits orders for:
 - i. constructing, altering, renovating, maintaining, repairing, adding to or improving a building that is used or is used as a house by the owner, occupier or person in control of it; or
 - ii. altering, maintaining, or improving real property to be used in connection with a house.
 - i. "**Direct Seller**" 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; and/or
 - ii. by telephone offers for sale or solicits for the future delivery of goods or services.
 - j. "**Home Based Business / Home Occupation**" means a business activity, occupation, trade, craft or profession conducted for gain from a dwelling unit, which use is incidental and secondary to the residential use of the dwelling and does not change the character thereof.
 - k. "**License Inspector**" shall mean the individual, or their designate who is employed by the City and to which this responsibility is assigned, including a Bylaw Enforcement Officer and/or Special Constable.
 - l. "**Licensee**" means a business/person holding a valid and subsisting license issued pursuant to the provisions of this Bylaw.
 - m. "**Non-Resident Business**" includes any business, trade, profession,

industry, occupation, calling or provider of goods or services, and does not reside or maintain a place business within the corporate boundaries of the City of Melville, but operates either partly or wholly within the corporate boundaries of the City.

- n. **"Police"** or **"Police Officer"** shall mean any member of the R.C.M. Police or any police officer in the employ of the City.
- o. **"Provincial License"** means written authorization, given by an agency or authority of the Province, to conduct business in the Province of Saskatchewan, in a particular field of service.
- p. **"Resident"** means a business or person located and operated from leased or owned property within the City and in case of a home based business or home occupation is the principle residence of the owner of the business or person.
- q. **"Transient Trader"** means a person carrying on business in the City who:
 - i. offers goods or merchandise for sale by retail or auction; or
 - ii. solicits any person who is not a wholesaler or retail dealer for orders for the future delivery of goods and merchandise; 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.

4.0 LICENSE REQUIRED

- 4.1** Any Person carrying on a Business within the corporate boundaries of the City must have a License, unless otherwise expressly indicated within this bylaw.
- 4.2** No Person shall carry on in the City, any Business without first obtaining a Business License authorizing such Person to carry on the Business in the City and paying to the City the License fee prescribed by this Bylaw. Every Person so licensed shall be subject to the provisions of this Bylaw.
- 4.3** In enforcing the provisions of this Bylaw against operating a Business without a License, 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.
- 4.4** Where a business is carried on at more than one location, a separate license is required for each location.

5.0 LICENSE NOT REQUIRED

- 5.1 A business license is not required for
- a. any activity carried on by the City or at a location operated by an official or employee of the City acting on behalf of the City in his capacity as such official or employee.
 - b. For such other activities as Council may by resolution exempt from the requirements of this bylaw.
 - c. For any activity undertaken by a charity.
 - d. For any performance, display or show, when sponsored by a group, troupe, or company of actors or dramatic performers who are residents of the City and who have amateur standing, or where any such performance, display or show is directly connected with the activities of any local educational facilities, or with the activities of any local organization where the proceeds will be for charitable purposes.
 - e. For any activity exempted from municipal licensing by any statute of Canada or the Province of Saskatchewan.
 - f. Any person under the age of eighteen (18) years.
- 5.2 A business license is not required for any resident business or activity that:
- a. does no more than \$5,000.00 in total gross sales provided a written declaration is given to the business license inspector and this is the proprietor's sole source of income; or
 - b. does no more than \$2,500.00 in total gross sales provided a written declaration is given to the business license inspector.
- 5.3 A business license is not required of a farmer:
- a. selling food or food products, that, at the time of delivery, are in a frozen or perishable state grown or raised in Saskatchewan on his own farm; or
 - b. selling products raised in Saskatchewan on his own farm;
 - c. provided a written declaration to this effect is given to the business license inspector.
- 5.4 For a Business carried on by either the federal government of Canada, or the Provincial government of the Province of Saskatchewan, or a Crown Corporation created by either government. **Provided however, that any Person who contracts with either the federal, provincial, or municipal government, will be subject to all requirements of this Bylaw.**

6.0 DUTIES OF THE LICENSE INSPECTOR

- 6.1** Subject to provisions of The Cities Act, if all the provisions of this bylaw have been complied with, the City License Inspector shall receive and issue all licenses except where Council reserves to itself, the right to decide whether a license shall be issued or not.
- 6.2** The Business License Inspector shall consider each complete application and grant a business license to an applicant if the applicant meets the requirements of this Bylaw.
- 6.3** The Business License Inspector may impose conditions on business licenses and has the right to refuse an application.
- 6.4** If the Licensing Department concludes that a License application should be denied, the application can be referred to the City Manager (or designate) which, in their absolute discretion may deny the application but must provide the applicant with written reasons for doing so.
- 6.5** The City Administration may suspend or revoke any license granted under the provisions of this Bylaw and where such license is revoked the licensee shall be entitled to a refund of that part of the license fee proportioned to the unexpired term for which it is granted.
- 6.6** The Business License Inspector has the right to revoke or suspend a business license immediately if:
 - a. the information contained within an application is deemed to be false; or
 - b. a Business License Fee remains outstanding as of midnight on the 31st day of March in the year in which the license is valid.
- 6.7** The Business License Inspector shall at all reasonable times have the right to enter upon any premises licensed under provisions of this bylaw for the purpose of ascertaining if the provisions of this bylaw are being complied with.

7.0 LICENSE FEES, TERM AND RENEWAL

- 7.1** The fees payable in respect of any license required under the provisions of this bylaw, shall be the amount set out in Schedule "A" attached to and forming part of this bylaw, except where otherwise provided in this bylaw, and shall be due and payable with each application at the first of each calendar year, or at the commencement of business, whichever is first.
- 7.2** The fee to be charged for all licenses issued shall be:
 - a. between January 1st and August 31st of the same year, the full rate

amount set out in Schedule "A" attached to and forming part of this bylaw; or

- b. between September 1st and December 31st of the same year, the ½ Rate amount set out in Schedule "A", attached to and forming part of this bylaw.
- c. No refunds shall be issued with respect to any license except when a license is revoked as provided for by subsection 6.5 or application for refund has been made under subsection 7.5.

7.3 All licenses required to be paid under provisions of this bylaw shall be paid to the License Inspector at the City Office, or at any other location designated by the License Inspector, prior to commencing with any activity.

7.4 Wherever in this bylaw a license is required to be taken out by a business or person, the license fee provided therefore shall be payable for each separate place of business.

7.5 Any business owner who ceases operation because of health reasons, may receive a refund of 1/3 of the fee paid. Applications for refund must be received prior to June 30th and be accompanied by documented proof by a physician.

7.6 A License issued pursuant to this Bylaw, unless specifically issued for a shorter period, or unless the same shall sooner be suspended or revoked, shall expire on December 31st of the year in which it was issued.

7.7 Every Person to whom a Business License has been previously issued will be sent a notice of the requirement to renew their Business License prior to the end of January of the following year, unless the City is advised in writing that a License is no longer required due to discontinuance of the Business.

7.8 Unless the City has been advised in writing that a Business has been discontinued, that business shall be deemed to continue to operate within the City.

7.9 In the event a Person to whom a Business License has previously been issued:

- a. fails, refuses or neglects to renew his, her, or its Business License prior to the end of March of the following year; or
- b. fails to tender the applicable License fee or provide information required by the City prior to the end of March of the following year;

such person shall be deemed to be conducting a Business without a License contrary to the provisions of this Bylaw, if that person continues conducting Business activities, and shall be subject to prosecution, therefore.

8.0 APPLICATION FOR LICENSE

- 8.1** All applications for licenses must be in writing and submitted to City Administration for approval, together with the prescribed License Fee, prior to undertaking any Business within the City.
- 8.2** An application must include all requested information including but not limited to:
- a. Name, address, phone number, email address and occupation of the applicant,
 - b. The nature of the Business for which the License is required,
 - c. The civic address from which the Business is to be carried on,
 - d. The name under which the Business will be operated,
 - e. The name of a contact person,
 - f. The area of the premises that the business occupies, and
 - g. Any other information which may be reasonably requested by the City from time to time. (i.e. development permit)

9.0 DISCONTINUANCE, CHANGE, RELOCATION OR TRANSFER

- 9.1** A person must notify the License Inspector:
- a. if a business is discontinued; or
 - b. if any changes are made with regard to location, ownership, registered business name, mailing address or other nature of the business.
- 9.2** No person to whom a license has been issued under this Bylaw shall change the location of the premises in which they carry on business, activity, profession, or other occupation without first having applied to the License Inspector to have their license altered to reflect the new location.
- 9.3** Unless otherwise provided herein, any subsisting license issued under this Bylaw may be transferred upon application to the License Inspector and payment of the fee set out in Schedule "A" provided that the applicant has the required qualifications and furnishes legal documentation releasing the rights and interests of the previous owner.
- 9.4** No person who purchases the interest of, or part of the interest of, any person licensed pursuant to this Bylaw shall carry on or continue such business, activity, profession or other occupation without first having obtained a transfer of license or a new license.

10.0 LICENSE TO BE DISPLAYED

- 10.1** Every business license issued under this Bylaw shall be made out and delivered to the licensee who shall post the business license in a conspicuous place at the place of business for which the business license was issued.
- 10.2** Any non-resident business license must be available to the License Inspector at the place where works are being undertaken by the license holder.
- 10.3** Where the licensee, as part of his license, is required to register with the License Inspector and pay a fee pursuant to this or any other bylaw, for vehicles licensed under this or any other bylaw, a copy of said license shall, at the expense of the licensee, be kept in every such vehicle.

11.0 ADDITIONAL LICENSE REQUIREMENTS

- 11.1** A License will not be issued under this Bylaw to any person required by law to obtain a federal or provincial license or approval, until the person has first confirmed and declared that they hold the required provincial or federal license, and if requested to do so, have produced copies of such licenses to the City. Any License issued under this Bylaw, without the person first obtaining the required provincial or federal License is invalid.
- 11.2** A license will not be issued under this Bylaw to any person for a business for which the License Inspector determines that third-party authority approval is required from:
 - a. provincial or municipal fire inspector(s),
 - b. public health inspector of the Saskatchewan Health Authority,
 - c. the R.C.M. Police,
 - d. certification from SaskPower Gas Inspections indicating the installation of any gas equipment and appliances meet their minimum code requirements for mobile food vendors; or
 - e. any other third party as required.until such time as the required third-party approval is granted.
- 11.3** Types of business requiring third party approval includes but not limited to those businesses listed in Schedule "B".
- 11.4** It is the responsibility of a business owner or the operator of a business to obtain the appropriate third-party authority approvals which are required in that field of business.
- 11.5** Direct sellers, prior to being licensed by the City, shall provide full details of

their licensing under *The Direct Sellers Act and Regulations of Saskatchewan*.

- 11.6** A License will not be issued under this Bylaw for any Business if the premises from which the Business operates, intends to operate, or occupies does not conform to the zoning, building, and other requirements of the City.

12.0 SPECIAL PROVISIONS

12.1 Mobile Food Vendors

- a. A license will not be issued for a Mobile Food Vendor, until the applicant has first produced:
- i. the written approval of the *Saskatchewan Health Authority*.
 - ii. a *Technical Safety Authority of Saskatchewan (TSASK)* Gas Inspection Certificate to ensure the Mobile Food Vendor is operating a gas fuel system according to current code.
- b. The License issued to a Mobile Food Vendor shall be subject to the following terms and conditions:
- i. A Mobile Food Vendor may carry on Business on private or public property at any location where the Mobile Food Vendor has the consent of the property owner in writing, except the following:
 - (a) Within 3 metres of a building entrance or exit,
 - (b) Within 6 metres of an intersection,
 - (c) Within 3 metres of a back alley or lane,
 - (d) Where a pushcart or its operator obstruct a transit zone, fire hydrant, driveway, loading zone, or emergency access,
 - (e) Within 10 metres of an existing eating establishment.
 - ii. Mobile Food Vendors must obtain written permission from the City to set up on any City owned property or sidewalk.
 - iii. Mobile Food Vendors wishing to attend any public event must first contact the festival organizers directly to obtain written permission to take part in an event on public property.
 - iv. A Mobile Food Vendor may be required to move locations as directed by the City for safety reasons or if an undesirable operating situation is perceived by the City.
 - v. Motorized Mobile Food Vendors may operate from a roadway, provided they are legally parked.
 - vi. Any motorized vehicle used by a Mobile Food Vendor shall be equipped with a serving window to receive clients from the right side of the vehicle so that people will be served away from traffic.

- vii. Notwithstanding parking restrictions, Mobile Food Vendors are not to stay at one location and vend for a period of greater than 3 hours.
- viii. Music or any device used to attract business to the Mobile Food Vendor shall not exceed fifty-five (55) decibels measured at three (3) metres from the music or device.
- ix. The Mobile Food Vendor shall at all times carry and maintain comprehensive general liability insurance in the amount of \$2,000,000.00 and automobile liability insurance in the amount of \$1,000,000.00 for each approved License. The Mobile Food Vendor shall provide the City with proof of the insurance, upon application for a Business License.

12.2 Transportation Services, Taxis and Vehicles for Hire.

- a. Every transportation service shall, before receiving a license under this bylaw, comply with all provisions of the City's current Vehicles for Hire Bylaw Regulations.

12.3 Farmers Markets, Tradeshows and Carnivals

Subject to Section 7 event licenses shall be required for Farmers Markets, Tradeshows, Carnivals, Circus Show, Fair, Exhibition, Rodeo, Stampede and similar events.

Farmers Markets - a group of persons operating collectively which sells products that they bake, make or grow.

- a. A license issued for a farmer's market is only valid at the location for which it is issued.
- b. The license will cover all persons offering goods or merchandise for sale at the farmer's market.

Trade Shows - a place where the public is invited and where goods or merchandise are offered for sale by retail on a short-term basis and may include, but not be limited to, hobby shows, home improvement shows, sportsman shows, flea markets, and craft shows.

- a. Where a licensed business or organization undertakes a tradeshow or market event, an event license is required,
- b. All other tradeshow or market events require a trade-show organizers license (resident or non-resident),
- c. The license will cover all persons offering goods or merchandise for sale and

- all other services offered at the trade show,
- d. where multiple events are scheduled in one season, a seasonal license may be issued upon submission of event schedule and locations.

Carnivals, Circus Show, Fair, Exhibition, Rodeo, Stampede

- a. An event license shall be taken out by the owner, manager or exhibitor of every carnival, menagerie, circus, show or carnival, merry go round, rodeo or stampede or similar entertainment.

13.0 ENFORCEMENT, OFFENCES AND PENALTIES

- 13.1** The City, may by resolution, suspend or revoke any license granted under the provisions of this bylaw in accordance with the provisions of *The Cities Act*.
- 13.2** Any form of advertising or promoting of activity shall be deemed to be prima facie proof of the fact that the business or person is carrying on such activity.
- 13.3** The licensing of a business, industry, calling or occupation under the provisions of this bylaw shall not allow a person to carry on such business in contravention of any Zoning Regulation, Building Regulation, Fire Regulation or other regulation of the City then in force.
- 13.4** Where any person authorized by the City has reason to believe that a Person has contravened any provision of this Bylaw, including failure to obtain the appropriate License and pay the requisite license fee a Notice of Violation may be issued to such Person.
- 13.5** Subject to subsection 13.6, every person who contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not more than:
- a. \$ 2,000.00 in the case of an individual; and
 - b. \$ 5,000.00 in the case of a corporation.
- 13.6** The penalty for violation of this Bylaw shall be the specified penalty sum set out in Schedule "C".
- 13.7** Voluntary payment as set out in a Notice of Violation shall be made on or before the date indicated on the Notice of Violation.
- 13.8** If payment of the amount specified on the Notice of Violation is made on or before the date indicated on the Notice of Violation, the person alleged to have committed the offence shall not be liable to prosecution for the offence indicated.
- 13.9** Payment of a voluntary payment amount specified in a Notice of Violation does not relieve the business from purchasing a Business License annually.

13.10 In accordance with Subsections 9(2) to 9(5) of The Cities Act, if any contractor fails to pay the license fee imposed by this Bylaw, the License Inspector or any other person authorized to act on their behalf, may give notice in writing to any person by whom the contractor is employed requiring the person to pay the license fee out of the monies payable by him to the contractor and upon receipt of the notice by that person, the amount of the license fee shall to the extent of monies so payable be a debt due by that person to the City and may be recoverable in the same manner as taxes may be recovered.

14.0 BYLAWS REPEALED

Bylaw No. 01/2015 of the City of Melville, passed on the 5th day of January 2015 and amending Bylaw No. 28/2015 and 05/2024 are hereby repealed.

15.0 EFFECTIVE DATE OF BYLAW

This Bylaw shall come into force and take effect on the day of final passing thereof.

INTRODUCED and READ A FIRST TIME this 3rd Day of June, 2024 A.D.


READ A SECOND TIME this 3rd Day of June, 2024 A.D..

READ A THIRD TIME AND PASSED by consent of members present this 3rd Day of June, 2024 A.D.

Certified a true copy of
Bylaw No. 06/2024 adopted by
Resolution of Council on the
3rd day of June, 2024



City Clerk



Mayor



City Clerk



SCHEDULE "A"

A Business License shall not be issued nor considered valid without payment of fees as prescribed in the following table.

Business License Fee Schedule			
Business License Type	Application Fee *	Business License Fee**	Pro-Rated Fee After Aug 31***
Resident	\$ 25.00	\$ 100.00	\$ 50.00
Resident (Seasonal)	\$ 25.00	\$ 50.00	N/A
Non-Resident	\$ 25.00	\$ 250.00	\$ 125.00
Home Based Business / Home Occupation	\$ 25.00	\$ 100.00	\$ 50.00
			Pro-Rated Fee per day
Direct Sellers / Direct Sales Contractors	N/A	\$ 100.00	\$ 50.00
Transient Traders	N/A	\$ 100.00 for each one-week period or portion thereof	N/A
	Per Event Fee****	Seasonal Event Schedule Fee *****	
Trade Shows / Farmers Markets	\$ 125.00	\$ 250.00	

* The fee is applied one time only at the time the application is received.

** The fee is applied at the time of application and each year during continued operation of business.

*** The fee is applied as the Annual Renewal Fee for all applications received after August 31, in the application year only.

**** The fee is applied one time only prior to the event occurrence.

***** The fee is applied for an event schedule of the same type in one season (*i.e., series of tradeshow or farmers markets.*)

SCHEDULE “B”

AUTHORITY APPROVAL REQUIRED - Section 11.3

Business requiring third party approval prior to the issuance of a business license.

Planning/Building, and/or Fire Protective Services	Public Health	RCMP	SGI Vehicles for Hire
<i>autobody repair and paint shop</i>	<i>Public Eating Establishments – Restaurants, church halls or community halls, institutional kitchens, mobile canteens, temporary food service (6 days or less a year), catering</i>	<i>pawn brokers</i>	<i>Transportatio n services – taxis, vehicles for hire, rideshare</i>
<i>automotive maintenance</i>	<i>Food Distribution – Grocery Stores, Convenience Stores, Food Warehouses</i>	<i>second hand dealers</i>	
<i>bed and breakfast</i>	<i>Personal Services – Tattoo parlors, hairdressers, massage therapy, esthetics (nails, waxing), electrolysis, reflexology, acupuncture, tanning. (ear candling or selling ear candling equipment is prohibited by Health Canada)</i>	<i>antique dealers</i>	
<i>boarding, lodging or rooming house</i>	<i>Licensed Accommodations – Hotels, motels, campgrounds, bed a breakfast</i>		
<i>family child care home</i>	<i>Public Pools – whirlpools, hot tubs, water slides.</i>		
<i>group care facility</i>	<i>Food Processors – abattoirs, meat shops, any food manufacturing (perogies, desserts) Deli, fish market or peddler</i>		
<i>group care home</i>	<i>Bakeries</i>		
<i>nursing home</i>	<i>Recreation facilities – skating rinks</i>		
<i>personal care home</i>	<i>Schools or Day cares</i>		
<i>residential care facility</i>	<i>Water Processing – bottling, self fill</i>		
<i>residential care home</i>			

NOTE: Third party approval may be subject to inspections of the premises from which the *business* is conducted. Fees charged to *business license* applicants for third party approval are separate from business license fees in Schedule A.

SCHEDULE "C"

Offences for which a Notice of Violation may be Issued.

Section No.	Description of Offence	Penalty
4.0	Conducting business activity without a license.	\$200.00
7.0	Continuing to conduct business activity without making application for renewal of previous license, payment of prescribed fees or provision of required information within specified period.	\$300.00
10.0	Failing to post copy of business license as required.	\$100.00
10.0	Failing to produce copy of business license when requested to do so by City Officials.	\$100.00