

CITY OF HUMBOLDT

BYLAW NO. 08/2021

A BYLAW OF THE CITY OF HUMBOLDT TO PROVIDE FOR THE CLASSIFYING, LICENSING AND REGULATING BUSINESS ACTIVITY WITHIN THE CITY OF HUMBOLDT

The Council of the City of Humboldt in the Province of Saskatchewan enacts as follows:

1. **Title**

This Bylaw may be cited as “**The Business Licensing Bylaw**”.

2. **Purpose**

The purpose of this Bylaw is to license businesses in the City of Humboldt 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. **Authority**

The authority for this Bylaw is *The Cities Act*, and in particular sections 8 and 9 of *The Cities Act*.

4. **Definitions**

In this Bylaw:

- 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; (iii) an activity providing goods or services;
- b) “**Council**” shall mean and include the Council of the City of Humboldt.
- c) “**City**” shall mean the City of Humboldt.
- d) “**City Manager**” shall mean the person occupying the position of City Manager of the City of Humboldt.
- e) “**License**” shall mean a license to carry on any Trade, Occupation, Business, or other undertaking for profit, or with the intention of obtaining a profit, within the City of Humboldt.
- f) “**Occupant**” and “**Owner**” shall have the same meaning as given them in the *Cities Act*.
- g) “**Person**” shall mean 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.

- h) **“Police Officer”** shall mean any member of the Royal Canadian Mounted Police or any Police Officer in the employ of the City.
- i) **“Plumbing Inspector”** shall mean the public health officer as defined in Section 52 of *The Public Health Act, 1994*.
- j) **“Home Based Business Type I and Home-Based Business Type II”** shall be defined in Section 2 of the *Zoning Bylaw No. 04/2016*.

5. **License Required**

- a) Any Person carrying on a Business within the corporate boundaries of the City must have a License, unless otherwise expressly indicated within this bylaw.
- b) 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.
- c) 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.
- d) Where a business is carried on at more than one location, a separate license is required for each location.

6. **Licenses Not Required**

A License shall **not** be required for:

- a) Any activity carried on by the City, or at a location operated by an official or employee acting on behalf of the City in her/his capacity as such official or employee;
- b) Such other activities as Council may, from time to time, by resolution, exempt from the requirements of this bylaw;
- c) Any activity undertaken by a charity;
- d) Any person under the age of eighteen (18) years.
- e) 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.

7. **License Fees**

- a) Unless otherwise provided for in this Bylaw, the amount to be charged for all Licenses shall be the yearly license fee, set out in Schedule “A”. Provided however, that certain Licenses issued on or after the first day of September shall pay one-half of the yearly License fee as noted in the Schedule.
- b) Schedule “A” of this Bylaw may be amended or substituted from time to time bylaw of Council and shall subsequently form part of this Bylaw.
- c) All License fees required to be paid under the provisions of this Bylaw shall be paid to the City at City Hall, 715 Main Street, Humboldt, Saskatchewan.

8. **Application for Licenses**

- a) Every applicant for a License must complete and submit a completed Business License / Development Permit Application, to the City for approval, together with the prescribed License fee, prior to undertaking any Business within the City. (See Appendix C)
- b) An application must include all requested information including but not limited to:
 - i) Name, address, phone number, email address and occupation of the applicant;
 - ii) The nature of the Business for which the License is required;
 - iii) The civic address from which the Business is to be carried on;
 - iv) The name under which the Business will be operated;
 - v) The name of a contact person;
 - vi) The area of the premises that the business occupies; and
 - vii) Any other information which may be reasonably requested by the City from time to time. (Example is development permit)
- c) In all cases of partnership firms, incorporated companies, associations, or other like combinations no more than one License shall be required for any one place or premises.

9. **Granting of Licenses**

The City may issue Licenses in the following circumstances:

- a) The required application form has been completed;
- b) The required License fee has been paid;
- c) The necessary provincial or federal Licenses have been obtained;
- d) The Business or the premises occupied by the Business complies with all the zoning, building, plumbing and other requirements of the City.
- e) The Business has complied with any regulations applicable to Businesses of that nature, as set out in Section 19 of this Bylaw.

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 his or her absolute discretion may deny the application but must provide the applicant with written reasons for doing so.

10. **Term of Business License**

- a) 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.
- b) 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 February of the following year, unless the City is advised in writing that a License is no longer required due to discontinuance of the Business.
- c) Unless the City has been advised in writing that a Business has been discontinued,

Business shall be deemed to continue to operate within the City.

- d) In the event a Person to whom a Business License has previously been issued:
 - i) fails, refuses or neglects to renew his, her, or its Business License prior to the end of February of the following year; or
 - ii) fails to tender the applicable License fee or provide information required by the City prior to the end of February 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;

11. **Display of License**

- a) Any License issued under this Bylaw must be displayed in a prominent place in public view at the place of Business for which the License was issued and if the place of business is outside of City limits the License must be available to be produced upon request of any Police Officer or designated official or employee of the City.
- b) A Person shall not reproduce, alter or deface a license.

12. **Officials to Have Access to Licensed Premises**

- a) The City shall at all reasonable times have the right by its officials or employees, after being properly identified, to enter upon any premises at which a Business is licensed under the provisions of this Bylaw for the purpose of inspection or for the purpose of ascertaining if the provisions of this Bylaw are being complied with.
- b) Inspections under this Bylaw shall be carried out in accordance with Section 324 *Cities Act*.
- c) Any Person hindering, preventing or refusing access to any City official or employee, after such person has demanded admission and has identified themselves as an official or employee of the City, shall be guilty of breach of this Bylaw.

13. **Discontinuance or Change**

- a) A Person must notify the City if a Business is discontinued.
- b) A Person must notify the City if the mailing address or phone number of the Business changes.
- c) A Person must notify the City if the premises from which the Business operates changes in size; or if the way in which the Business uses the premises changes.
- d) A Person must notify the City if the physical location from which the Business operates has changed and must apply for a new license.
- e) A Person purchasing or taking over a Business must apply for a new License.

14. **Revoking, or Suspending of License**

If a Person to whom a License has been issued contravenes any term or condition of this Bylaw, or any term or condition upon which the License was issued, the City may suspend or revoke the License. No refunds will be issued for any Licenses suspended or revoked.

15. **Provincial and Federal Licenses**

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.

16. **Zoning and Building Standards**

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, plumbing and other requirements of the City.

17. **Business on Streets or Lanes**

Unless otherwise specifically provided for in this Bylaw, or special permission having been granted by Council, no person to whom a License is granted under the provisions of this Bylaw, shall conduct the Business on any street or lane.

18. **Prescribed License Fees**

For the purposes of determining the prescribed License fee to be paid by a Business, as set out in Schedule “A” attached hereto and forming part of this Bylaw, Businesses shall be classified as follows:

- a) **Storefront Business** – Any Business located in any of the commercial, core mixed residential or industrial districts, excluding home based business, as shown on the Zoning District Map in the City of Humboldt Zoning Bylaw.
- b) **Home Based Businesses – Type I** – A home based business within the meaning of the City of Humboldt Zoning Bylaw. For the purposes of determining the prescribed License fee to be paid, Home Based Businesses must be within the City limits and shall further meet all requirements of the Zoning Bylaw No. 04/2016.
- c) **Home Based Business – Type II** - A home based business within the meaning of the City of Humboldt Zoning Bylaw. For the purposes of determining the prescribed License fee to be paid and eligibility, a Home-Based Businesses must be within the City limits and obtain an approved discretionary use application with the Planning Department.
- d) **Out of town Business** – Any business that is located outside the City limits of Humboldt.
- e) **Contractors (General)** - Any Person contracting with or employed directly by the owner or agent to do work upon, to render services for or to furnish materials for, an improvement.
- f) **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 etc.

- g) Direct Seller – an individual or firm licensed or required to be licensed under *The Direct Sellers Act*, who goes from house to house selling or offering for sale or soliciting orders for the future delivery of good or services; or by telephone offers for sale or solicits orders for the future delivery of goods or services; or who does both of the things mentioned above.
- h) Tutor Association or School -Two or more tutors acting in collaboration with one another who instruct others in academic or scholastic courses for gain.
- i) Farmers Market/Craft Shows - a place where the public is invited and where goods or merchandise are offered for sale by retail on a short-term basis.

19. **Business Specific Licensing Regulations**

- a) Beauty or Esthetic Services: No License shall be issued to a Person operating any Beauty or Esthetic Services Business in any premises unless plumbing fixtures are provided, to the satisfaction of the Plumbing Inspector; and such fixtures are connected to the public sewer and water mains.
- b) Farmers' Markets
 - i. A license issued for a farmer's market is only valid at the location for which it is issued.
 - ii. The license will cover all persons offering goods or merchandise for sale at the farmer's market.
- c) Mobile Food Vendors
 - i. A license will not be issued for a Mobile Food Vendor, until the applicant has first produced:
 - a) the written approval of the Saskatchewan Health Authority.
 - b) a SaskPower Gas Inspection Certificate to ensure the Mobile Food Vendor is operating a gas fuel system according to current code.
 - ii. The License issued to a Mobile Food Vendor shall be subject to the following terms and conditions:
 - a) 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:
 - i. Within 3 metres of a building entrance or exit;
 - ii. Within 6 metres of an intersection;
 - iii. Within 3 metres of a back alley or lane;
 - iv. Where a pushcart or its operator obstruct a transit zone, fire hydrant, driveway, loading zone, or emergency access;
 - v. Within 10 metres of an existing eating establishment;
 - b) Mobile Food Vendors must obtain written permission from the City to set up on any City owned property or sidewalk.
 - c) 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.

- d) 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.
- e) Motorized Mobile Food Vendors may operate from a roadway, provided they are legally parked.
- f) 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.
- g) Notwithstanding parking restrictions, Mobile Food Vendors are not to stay at one location and vend for a period of greater than 3 hours.
- h) 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.
- i) 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.

d) 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.

- i. A license issued for a trade show is only valid at the location for which it is issued.
- ii. The license will cover all persons offering goods or merchandise for sale and all other services offered at the trade show.

e) Private Clubs - Every Person who operates a private club and is in the possession or is required to be in the possession of a valid liquor license as issued under the *Liquor Act*.

20. **Offences and Penalties**

- a) No Person shall:
 - i. obstruct or hinder any person acting under the authority of this Bylaw; or
 - ii. fail to comply with any other provision of this Bylaw.
- b) 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.
- c) Voluntary payment as set out in a Notice of Violation shall be made on or before the date indicated on the Notice of Violation.
- d) If payment of the amount specified on the Notice of Violation is made on or before the date included on the Notice of Violation, the Person to whom the Notice of Violation was issued, shall be liable to prosecution for any provision of this Bylaw.
- e) The penalty for breach of this Bylaw shall be the specified penalty sum set out in Schedule “B”.

- f) Except where a penalty is specifically provided for in Schedule “B” of this Bylaw, every Person who contravenes any provision of subsection (a) is guilty of an offence and liable on summary conviction:
 - i. in the case of an individual, to a fine not exceeding \$2,000.00;
 - or
 - ii. in the case of a corporation, to a fine not exceeding \$5,000.
- g) In case of a conviction for the non-payment of the License fee payable to the City under this Bylaw, the convicting justice may adjudge payment thereof in addition to the penalty.
- m) Such penalty or penalty and License fee, as the case may be, may be recovered and enforced by summary conviction before a provincial Magistrate or Justice of the Peace having jurisdiction in the City.

21. **Distress**

The City may recover any unpaid License fees by distress in accordance with the *Cities Act*.

22. **From Whom License Recoverable**

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 City 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 recovered in the same manner as taxes may be recovered.

23. **Repeal of Bylaw**

Bylaw No. 06.2019 of the City of Humboldt is hereby repealed.

This Bylaw shall come into full force and take effect on January 1, 2022.

Mayor – Michael Behiel

City Clerk – Lori Yaworski

INTRODUCED AND READ A FIRST TIME THIS 25th DAY OF OCTOBER 2021
 READ A SECOND TIME THIS 25th DAY OF OCTOBER 2021
 READ A THIRD AND FINAL TIME THIS 25th DAY OF OCTOBER 2021

**SCHEDULE “A”
TO BYLAW No 08/2021**

License Fees

The following is a list of the license fees charged for the businesses, occupants, callings or industries referred to in Bylaw No. 08/2021.

Category	Business, Trade or Articles To be licensed	Annual Fee Unless Specified	License Fee After September 1st.
1)	Storefront Businesses	\$100*	
2)	Homebased Business Type I	\$150*	\$100*
3)	Homebased Business Type II	\$250**	\$125**
4)	Out of City limits Business	\$350	\$175
5)	General Contractors	\$1500	
6)	Trade Shows	\$750 per location.	
7)	Direct Sellers	\$50	
8)	Music Association or Tutor Association or School	\$510	
9)	Craft Shows/Farmers Market	\$125 per location.	

*** All New Applications for all “In City” Businesses will require a development permit and the fee of \$100 is included in the first-year license fee.**

**** All Home Based Business Type II also require a discretionary use application.**

**SCHEDULE “B”
To Bylaw No. 08/2021**

Offences for which a Notice of Violation may be
Issued.

Section No.	Description of Offence	Column “A”
5.	Conducting business activity without a license.	\$400.00
10.	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 of time.	\$400.00
11.	Failing to post copy of business license in Store Front businesses.	\$100.00
11.	Failing to produce copy of business license when requested to do so by City Officials.	\$100.00