

BYLAW NO. 03 - 2023

A BYLAW OF THE TOWN OF FORT QU'APPELLE TO REGULATE BUSINESSES

WHEREAS, pursuant to subsection 8(1) of *The Municipalities Act*, a municipality is authorized to make bylaws respecting peace, order, and good government of the municipality, safety, health, and welfare of people and the protection of people and property, and businesses, business activities, and persons engaged in business; and

WHEREAS, pursuant to subsection 8(3) of *The Municipalities Act*, a municipality is authorized to regulate or prohibit, provide for a system of licenses, inspections, permits or approvals to deal with businesses, developments, activities, or industries.

THEREFORE, the Council of the Town of Fort Qu'Appelle, in the Province of Saskatchewan, enacts the following:

PART I GENERAL MATTERS:

Short Title

1. This Bylaw may be cited as the Business License Bylaw.

Purpose

2. The purpose of this Bylaw is to license businesses in The Town of Fort Qu'Appelle so as:

- a) To regulate businesses;
- b) To ensure compliance with land-use and building regulations;
- c) To gather land-use information;
- d) To gather workforce statistics;
- e) To facilitate planning decisions.

PART II DEFINITIONS:

Definitions

3. In this Bylaw, the following terms will have the following meanings:

- a) "Act" means *The Municipalities Act* and amendments thereto;
- b) "Administrator" means the Chief Administrative Officer, or other person designated by him/her to issue business licenses pursuant to this Bylaw;
- c) "Business" means any of the following activities, 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;
 - iv. Non-profit organizations that retain vendors to sell goods;
- d) "Contractor" means a person who constructs, alters, maintains, repairs or removes buildings or structures, performs electrical work, installs heating plants, plumbing or other fixtures or performs other similar work in the Town.

- e) "Goods" means any article, thing or substance and includes subscriptions for books, magazines or any printed matter;
- f) "Home Based Business" means a business located on land or within a building where the land or building is primarily used for residential purposes and the owner(s) are the full-time residents;
- g) "Home Based Party-Type Consultant" means a home-based business such as, but not limited to, Avon, Epicure, Mary Kay, Pampered Chef, Party-Lite, Tupperware, Watkins, Gold Canyon Candles, Arbonne, and Silpada;
- h) "License" means business license;
- i) "Mobile Food Cart" means a single self-contained unit able to operate without the use of detached tables and counters for serving foods requiring very limited preparation;
- j) "Mobile Food Trailer" means a non-motorized, mobile, self-contained unit that is towed by a vehicle and equipped to cook, prepare, and/or serve food;
- k) "Mobile Food Truck" means a motorized, mobile, self-contained vehicle that is equipped to cook, prepare, and/or serve food, other than a mobile food trailer or mobile food cart;
- l) "Services" means performing a service or any work, act or deed, for any compensation whether monetary or otherwise;
- m) "Short-Term Rental Accommodation" means the use of a dwelling that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period equal to or less than thirty (30) consecutive calendar days, throughout all or part of the calendar year;
- n) "Special Projects" means major construction projects, excluding residential developments, and involves major General Contracting Companies such as PCL, Quorex, etc... who retains sub-contractors to complete the projects. This excludes local contractors, who have an annual business license and operate within the Town limits;
- o) "Town" means the Town of Fort Qu'Appelle in the Province of Saskatchewan; and
- p) "Vendor" means a person who owns or operates a mobile food truck, trailer, or cart.

PART III GENERAL LICENSING:

License Required

4. No person shall carry on any business in the Town without a business license.

Application

5. A person must apply in writing to the Town for a Business License before commencing any business.

6. An application must include all requested information, including but not limited to:

- a) Name and address of the applicant;
- b) The nature of the business for which the application is required;
- c) The place or civic address where the business is to be carried on;
- d) The legal name under which the business will be operated;
- e) The area of the premises where the business will be carried on;
- f) The name of a contact person; and
- g) A completed Development Permit and supporting documents (when applicable).

7. Notwithstanding the provisions of this bylaw, the Town, at its sole discretion, may require the general contractor of a project to provide a list of sub-trades for the project and the total business license fees will be payable by the general contractor with the term of the business license to expire at the end of the

project. Business licenses for the individual sub-trades listed will be included within the business license of the contractor.

License Fee

8. A person must pay the fee provided for in Schedule "A" prior to the license being issued. A person will not be issued a license until the fee has been paid.

Granting of Licenses

9. The Town may issue licenses in the following circumstances:

- a) The required application form has been completed;
 - b) The required license fee has been paid;
 - c) If required, the necessary provincial or federal license has been produced;
- and
- d) The business or the premises occupied by the business complies with all the zoning, building, plumbing and other requirements of the Town.

10. The following establishments are considered exempt from obtaining a Business License from the Town:

- a) Publicly funded organizations such as, but not limited to, educational institutions, educational administration, municipal administration and its entities, and hospitals;
- b) Services and repair businesses that are speciality in nature and are not available within the Town limits, such as specialized commercial refrigeration services and repairs. A business license will be required if offering other services that are already offered in Town;
- c) Non-profit organizations who operate in a commercially assessed building and are using this same facility to host fundraising events and this exemption includes the retaining of vendors needed for the event as long as the vendors are operating on the property;
- d) Non-profit organizations such as Churches, Legions, Food Banks, School fundraising functions and community programs such as Girl Guides, Sport Teams BBQ fundraising and Health Care fundraising.

License Issued for One Year Unless Otherwise Stated

11. Every license, unless suspended or revoked, shall expire on December 31st of each calendar year and must be renewed by January 15th of the new year.

Renewal

12. A person must renew their license annually or purchase a license for each project in the manner prescribed by the Town. Submission of application is required in writing for all renewals.

13. A person must pay the fee provided for in Schedule "A" when renewing the license.

Discontinuance or Change

14. A person must notify the Town if a business is discontinued.

15. A person must notify the Town if either the size or nature of the business changes.

16. A person must notify the Town if the business relocates.

17. A person purchasing or taking over an existing business must notify the Town of any changes to the business contact information. In this circumstance, the new license will expire at the end of the original license period.

Revoking or Suspending of Licenses

18. If a licensee contravenes any term or condition of this Bylaw, the Town may suspend or cancel the license pursuant to this Bylaw, in accordance with Section 8 of the Act. No refunds will be issued for any licenses suspended or revoked.
19. The Town may reinstate a suspended license if it is satisfied that the licensee is complying with the Bylaw.
20. Any licensee may appeal the suspension or cancellation of a license to Council.

Distress

21. The Town may recover any license fee by distress in accordance with the provisions of The Municipalities Act.

Town Bylaws

22. No license shall be issued for a business which does not or will not conform to any zoning, building, plumbing and/or any other bylaws of the Town.
23. As per the Zoning Bylaw, proof of Council approval will be required prior to the issuance of a Business License for Home Based Businesses that are Discretionary Uses.
24. The issuing of a license to a person/business does not relieve that person/business of the responsibility of conforming to any zoning, building, plumbing, and other requirements of the Town. Federal or Provincial License Required
25. A license will not be issued under this Bylaw to any person required by law to obtain a federal or provincial license, until the person has first produced the required federal and/or provincial license to the Town.
26. Any license issued under this Bylaw without the person first obtaining the required federal or provincial license is invalid. License to be Displayed
27. Any license issued under this Bylaw must be displayed in a prominent place at the place of business for which the license was issued.
28. Every person licensed under this bylaw shall, at all reasonable times, upon request of the Chief Administrative Officer, a Bylaw Enforcement Officer or Peace Officer, produce such license for inspection purposes.

PART IV SPECIFIC LICENSING:

Mobile Food Vendors and Mobile Food Vehicle

29. No person shall operate a mobile food truck, trailer, or cart without first obtaining a mobile food vendor permit from the Town of Fort Qu'Appelle;
30. An applicant for the issuance or renewal of a permit shall submit the completed application form in Form A, attached to this Bylaw, to the Chief Administrative Officer, together with:
 - a) The annual permit fee as prescribed in Schedule A;
 - b) A \$500.00 cleaning deposit, which shall be refunded upon proof that the area surrounding the mobile food truck, trailer, or cart has been cleaned up to the satisfaction of the Town; and
 - c) Satisfactory proof of the following:
 - i) Saskatchewan Health Authority licence issued under *The Food Safety Regulations* or exemption in writing;
 - ii) Written Fire Inspection Approval from the Town of Fort Qu'Appelle Fire

Department;

- iii) Proof of motor vehicle insurance, or other applicable insurance, and appropriate registration, and/or licensure with SGI;
 - iv) Liability insurance with a minimum liability limit of \$2,000,000.00 naming the Town of Fort Qu'Appelle as an additional insured;
 - v) A discharge management plan, satisfactory to the Town, that includes a description of how and where fats, oils, grease, and grey water will be disposed of; and
 - vi) Where applicable, written permission of the registered owner of the private property on which the mobile truck, trailer, or cart is proposed to be operated.
31. Subject to subsection 5.1, no more than two mobile food trucks, trailers, or carts will be issued permits to operate on the same block at any given time.
- a) The Town of Fort Qu'Appelle has the discretion to allow more than two mobile food trucks, trailers, or carts to operate on the same block during Town special events (e.g., parades, Food Truck competitions).
32. The Town of Fort Qu'Appelle has the right to refuse to issue a permit.
33. The permit issued shall be in Form B, attached to this Bylaw.
34. Annual permits will run from January 1st to December 31st each year and must be renewed by January 15th of the new year.
35. Every vendor shall ensure the permit is displayed on the mobile food truck, trailer, or cart in a location that is visible to the public at all times.

Location and Number

36. Mobile food trucks, trailers, or carts shall be allowed to operate:
- a) On commercially zoned private property with the written permission of the registered owner of the property;
 - b) On Town of Fort Qu'Appelle property with written permission from the Town.
 - i) Any mobile food trucks, trailers, or carts operating on Town property must obtain an additional parking permit from the Town.
 - ii) The fee for additional parking permits issued to mobile food trucks, trailers, or carts shall be \$25.00 per day;
 - iii) The Town has the right to restrict the number of days for which additional parking permits will be issued to mobile trucks, trailers, or carts.

Waiver of Requirement to Obtain a Business License - Mobile Food Trucks, Trailers, or Carts

37. Council, at its discretion, can approve a waiver, upon the request of a vendor, to waive the requirement to obtain a business license for special non-profit events being held once a year.

Hours of Operation

38. No vendor shall operate a mobile food truck, trailer, or cart, or permit one to be operated, between the hours of 9:00 pm and 8:00 am.

Advertising

39. Advertising is allowed on a mobile food truck, trailer, or cart itself, and on one temporary sandwich board sign, not larger than one (1) meter by one (1) meter, which shall be located within three (3) meters of where the mobile food truck, trailer, or cart is located.

Operation Restrictions

40. Every vendor shall:
- a) Ensure that the mobile food truck, trailer, or cart is clean, well lit, and aesthetically

- pleasing in appearance;
- b) Ensure that overhead canopies or doors do not obstruct or hinder pedestrian traffic;
- c) Provide proper trash and recycling receptacles for customers;
- d) Subject to subsection 4.2, clean up trash and recycling within thirty (30) meters of the location of the mobile food truck, trailer, or cart after their operations are complete each day;
- e) Where a generator is used, ensure that:
 - i) The maximum decibel level measured 0.5 meters (1.5 feet) from the generator is no more than 55 decibels; and
- f) Where the mobile food truck, trailer, or cart is located on private property that the mobile food truck, trailer, or cart is not less than five (5) meters from any lot line.
- g) Not create any disturbance or nuisance in terms of noise, vibration, smoke, dust, air pollution, heat, glare, bright light, or hazardous and/or unacceptable waste;
- h) Not create and lights, sounds, or actions that may be a distraction for motorists and/or pedestrians;
- i) Conduct the operation of the mobile food truck, trailer, or cart in a manner that does not restrict or interfere with the ingress or egress of adjacent property owners or constitute an obstruction to adequate access by fire, police, or sanitation vehicles;
- j) Ensure that, in the case of a mobile food cart, no deep fryers are used; and
- k) Attend the mobile food truck, trailer, or cart at all times while it is operating.

PART V ENFORCEMENT OF BYLAW:

Enforcement of Bylaw

41. The administration and enforcement of this Bylaw is hereby delegated to the Administrator for the Town of Fort Qu'Appelle.

42. The Administrator is hereby authorized to further delegate the administration and enforcement of this Bylaw to any municipal official or designate.

Inspections

43. The inspection of property by the Town to determine if this Bylaw is being complied with is hereby authorized.

44. Inspections under this Bylaw shall be carried out in accordance with Section 362 of The Municipalities Act.

45. No person shall obstruct a designated officer who is authorized to conduct an inspection under this Section, or a person who is assisting a designated officer.

46. Examples of business activity may include but is not limited to one monetary or non-monetary transaction and/or business advertising.

Offences and Penalties

47. No person shall:

- a) Obstruct or hinder any designated officer or any other person acting under the authority of this Bylaw; or
- b) Fail to comply with any other provision of this Bylaw.

48. Notwithstanding any other penalty provisions on this bylaw, a designated officer may issue a voluntary payment in lieu of a summons and the accused may within 15 days pay the following monetary penalty to the Town:

- a) For the first offence \$ 50.00

b) For a second offence \$100.00

c) For a third and subsequent offence \$150.00

49. Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of Section (40) is guilty of an offence and liable on summary conviction and shall be liable for the penalties listed in Schedule "B" and costs in default of payment.

50. In the event that a person who has been refused a license carries on a business, he shall be guilty of an offense and shall be liable on Summary Conviction to a fine of Fifty Dollars (\$50.00) for each day that such business is carried on and costs associated with conviction. Upon conviction under this paragraph, the Court may order that the accused cease to carry on such business.

51. If a license fee imposed for the licensing of building contractors is unpaid, a designated officer:

a) may give a written notice to any person by whom the contractor is employed requiring that person to pay the license fee out of moneys payable by that person to the contractor; and

b) if the designated officer gives written notice pursuant to clause (a), he/she shall send a copy of the written notice to the contractor.

52. On receipt by a person mentioned in Section (44) of a written notice requiring the person to pay a license fee, the amount of the license fee is, to the extent of the moneys so payable, a debt due by that person to the Municipality; and may be recovered in the same manner as taxes may be recovered.

PART VI SEVERABILITY:

Scope

53. 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 the Bylaw.

PART VII REPEAL OF BYLAWS:

54. Bylaw No. 06 - 2022 is hereby repealed.

PART VIII EFFECTIVE DATE OF BYLAW:

55. This Bylaw shall come into force and shall take effect on July 13, 2023.

Read a first time this 8th day of June, 2023.

Read a second time this 8th day of June, 2023.

Read a third time and adopted this 13th day of July, 2023.

Mayor

Chief Administrative Officer

Schedule "A" to Bylaw No. 03 - 2023

SCHEDULE OF FEES

All businesses located and operating within Town limits and located on commercially/industrially assessed properties, including local contractors	\$ 50.00 per year
A business located and operating within Town limits that is operating more than one business in the same building but all registered under one business name	\$ 50.00 per year
All out of town businesses doing business within Town limits, includes out of town Realtors listing Town properties and contractors, excludes specialty services not provided within Town limits, excludes courier services	\$ 100.00 per year
Home-Based Businesses operating in Town limits and not located on commercially assessed property	\$ 75.00 per year
Home Based Party-Type Consultant	\$ 25.00 per year
Short Term Accommodation Rentals such as Air BnBs... see definition	\$ 200.00 per year
Mobile Food Truck/Trailer/Cart	\$ 400.00 per year
a) Cleaning Deposit	\$ 500.00 (refundable)
Non-profit Organizations – Vendor Events	\$ 100.00 per year
License fee – General Contractors (special project – per project) for major construction projects excluding residential developments. Companies such as PCL, Quorex, etc... who hire subcontractors	\$ 300.00 per project
License fee – Subcontractors (special project – per project) contracted by General Contractors, does not include local contractors that have an annual business license	\$ 150.00 per project
A One Time Event (Tradeshaw, etc...)	\$ 25.00 per event

Schedule "B" to Bylaw No. 03 - 2023

SCHEDULE OF OFFENSES

Conducting a business without a license	\$200.00
Conducting business activity from a premises not identified on license	\$100.00
Conducting business without renewal	\$200.00
Failing to post license	\$ 50.00
Failing to produce license upon request by authorized personnel	\$100.00
Advertising or promoting a business without license	\$200.00
Providing false or misleading information to the Town	\$500.00
Providing false or misleading information to Bylaw Enforcement Officer	\$500.00

FORM A

MOBILE FOOD VENDOR PERMIT APPLICATION

Date: _____

Applicant: _____

Business Name: _____

Contact name: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Type of permit applied for:

- Mobile Food Truck Mobile Food Trailer Mobile Food Cart

Proposed location of mobile food truck, trailer or cart:

I, _____, authorized official of _____
Name Name of Business

hereby apply for a Mobile Food Vendor Permit in the Town of Fort Qu'Appelle.

The following are provided with this application:

- 1) An annual permit fee of \$400.00;
- 2) A \$500.00 cleaning deposit, which shall be refunded upon proof that the area surrounding the mobile food truck, trailer, or cart has been cleaned up to the satisfaction of the Town; and
- 3) Satisfactory proof of the following:
 - a) Saskatchewan Health Authority licence issued under The Food Safety Regulations or exemption in writing;
 - b) Written Fire Inspection Approval from the Town of Fort Qu'Appelle Fire Department;
 - c) Proof of motor vehicle insurance, or other applicable insurance, and appropriate registration, and/or licensure with SGI;
 - d) Liability insurance with a minimum liability limit of \$5,000,000.00 naming the Town of Fort Qu'Appelle as an additional insured;
 - e) A discharge management plan, satisfactory to the Town, that includes a description of how and where fats, oils, grease, and grey water will be disposed of; and
 - f) Where applicable, written permission of the registered owner of the private property on which the mobile truck, trailer, or cart is proposed to be operated.

Applicant Signature

Completed applications can be submitted to:
Town of Fort Qu'Appelle
136 Boundary Ave S
Box 309
Fort Qu'Appelle SK S0G 1S0
Email: fortreception@sasktel.net
Phone: 306-332-5266

FORM B

TOWN OF FORT QU'APPELLE MOBILE FOOD VENDOR PERMIT

Permission is hereby granted to _____ to operate a mobile food truck/trailer/cart,
at _____ in the Town of Fort Qu'Appelle, subject to the terms, conditions
and other requirements contained in Bylaw 03 – 2023.

This permit expires on _____.

Annual Permit Fee: \$ _____

Additional Parking Permit Fees: \$ _____

Chief Administrative Officer

Date: _____