BYLAW NO 163-05

A BYLAW TO PROVIDE FOR THE LICENSING, REGULATING AND GOVERNING OF DIRECT SELLERS AND DIRECT SALES CONTRACTORS

The Council of the Town of Kelvington in the Province of Saskatchewan enacts as follows:

1) Title

This Bylaw may be cited as the Direct Sellers Licensing Bylaw.

2) Definitions

In this bylaw

a) "**municipality**" means the Town of Kelvington

b) "**direct sales contractor**" means a vendor who, by direct sale, offers for sale or solicits orders for:
   i) constructing, altering, renovating, maintaining, repairing, adding to or improving a building that is used or is to be 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.

c) "**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;
   ii) by telephone offers for sale or solicits orders for the future delivery of goods or services; or
   iii) does both of the things mentioned in sub clauses (i) and (ii);

d) "**salesperson**" 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;
   ii) by telephone offers for sale or solicits orders for the future delivery of goods or services; or
   iii) does both of the things mentioned in sub clauses (i) and (ii);

e) "**license inspector**" is
   - the person appointed by the Council of the Municipality to the office of Bylaw Control Officer
     or
   - the municipal Administrator

3) Application for License

a) A direct seller or a direct sales contractor or a salesperson applying for a license must do so by filing a completed application form in writing to the Municipality for a license before commencing business. The required application is Appendix "A" which is a part of this Bylaw.

OR

b) A written application that must include the following information:
   i) name and address of the applicant;
   ii) the Provincial direct sales vendor license number;
   iii) a copy of his or her provincial direct sellers license or the approved identification card provided to him or her by the vendor pursuant to Section 10.1 of *The Direct Seller's Act*;
   iv) the nature of the business for which the license is required; and
   v) the place where the business is to be carried on
   vi) applicants signature and date of application.

4) Issuance of License

a) All licenses required under the provisions of this Bylaw shall be issued by the License Inspector except where Council reserves to itself the right to decide whether a license shall be issued or not

b) Where the License Inspector refuses to issue any license he shall forthwith submit the application for license together with a report thereon to the Council and advise the applicant of the date on which the Council will consider the application.

c) A license will not be issued under this Bylaw to any person required by law to obtain a provincial license, until the person has first produced the required provincial license to the Municipality.

d) Any license issued under this Bylaw without the person first obtaining the required provincial license is invalid.

e) The license shall be in the form of a receipt.

5) Duration of License

a) Every license issued under this Bylaw unless specifically mentioned to be issued for a shorter period or sooner forfeited shall expire on the 31st day of December of the year in which the said license was issued.

6) License Required

a) No person shall carry on business as a direct seller or a direct sales contractor or a salesperson in the municipality without a license.
b) A direct seller or a direct sales contractor or a salesperson must pay the fee provided for in Appendix "B" when applying for a license.
c) A direct seller or a direct sales contractor or a salesperson will not be issued a license until the fee outlined in subsection (b) has been paid.
d) A direct seller or a direct sales contractor or a salesperson must renew their license annually in the manner prescribed by the municipality.
e) A direct seller or a direct sales contractor or a salesperson must pay the fee provided for in Appendix "C" when renewing the license.

7) License Not Required

This bylaw shall not apply to a person who

a) is an employee of a person licensed pursuant to this bylaw; or
b) is a person described in Subsection 4(2) of *The Direct Seller's Act.*

8) Revocation of License

The Council may by resolution 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.

9) Offences and Penalties

a) Any person operating as a direct seller or a direct sales contractor or a salesperson that fails, neglects of refuses to comply with any of the provisions of this bylaw shall be guilty of an infraction of this bylaw. (Evidence of one transaction is sufficient in law to establish a case or fact, unless disproved)
b) Any person guilty of any infraction to any of the provisions of this bylaw shall, upon summary conviction, be liable to a fine as per the General Penalty Bylaw.

10) Coming into Force

This bylaw shall come into effect March 31, 2005

_____
Mayor

[SEAL]

_____
Administrator

Subsection 105(b) *The Urban Municipality Act, 1984*

APPENDIX "A"
Direct Sellers Licensing Bylaw
Town of Kelvington

Application for a license

name of the applicant _____

address of the applicant_____

_____

Provincial direct sales vendor license number _____

ATTACH a copy of the provincial direct seller's license
or the approved identification card provided by the vendor pursuant to Section 10.1 of *The Direct Seller's Act*;

the nature of the business for which the license is required; _____

_____

the place where the business is to be carried on; _____

_____

_____ _____
applicant's signature date of application.

APPENDIX "B"
Direct Sellers Licensing Bylaw
Town of Kelvington

Fee Schedule for a license

Salesman licensed in accordance with The Direct Sellers Act where the total price of the goods or services on an average sale to any one purchaser is, has been or will be:

(a) $100.00 or more is $30.00

(b) less than $100.00 is $20.00 *

* Where a person claims to be eligible to pay a fee pursuant to clause (b), the person shall provide proof satisfactory to the person responsible for collecting the fee to show that the total price on an average sale to any one purchaser is, has been or will be less than $100.