TOWN OF KELVINGTON

BYLAW NO 200-12

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

1. This bylaw may be cited as the " *Home Based Business Bylaw*"

2. In this bylaw:
   (a) Bylaw Enforcement Officer means the Bylaw Enforcement Officer for the Town of Kelvington.
   (b) Council means the Council of the Town of Kelvington
   (c) "Home based business" means an occupation, trade, profession or craft conducted within a residential building by the inhabitants of the building, being the inhabitants primary residence, and which is clearly incidental and secondary to the residential use of the dwelling and does not change the exterior character;
   (d) "Contractor" means a person carrying on business in the Town of Kelvington who enters into contracts for the construction, alteration, repair or removal of buildings, structures, snow or earth excavation, the installation of heating plants, plumbing or other fixtures or the performance of similar work;
   (e) "Petty Trade" shall mean any business with gross revenues of $5000.00 or less per year.
   (f) "Transient Trader" means a person carrying on business in an urban municipality who:
      -offers goods or merchandise for sale by retail or auction; or
      -solicits any person who is not a wholesaler or retail dealer for order for the future delivery of goods or merchandise;

3. No person shall carry on any business as transient trader, contractor or operate a home based business within the Town of Kelvington unless he/she has in his/her possession a valid and subsisting license for the purpose issued in accordance with the provisions of this Bylaw or operates their business from land or improvements within the Town of Kelvington, that are assessed as a Commercial property or their business is exempt in accordance with Section 4.

4. The following are exempt from the requirement of possessing a business license:
   (a) Those assessed a commercial property tax or pay rent to an owner of an assessed commercial property;
   (b) Works done for charity;
   (c) Trade show booths;
   (d) Youth aged 18 years and under who are the sole employer/employee
   (e) Businesses operated solely as a yard maintenance service.
   (f) Home based businesses that do not provide goods or services in the Town of Kelvington
   (g) Catalogue Consultants (Avon, Tupperware…)

5. Any licensee who falls under the "Petty Trades" category shall file an Affidavit in the form prescribed in Appendix A attached to this Bylaw in each years license application.

6. The Administrator, or her delegate is hereby authorized to issue a license to any person carrying a business, trade or calling in the Town of Kelvington who:
   (a) Makes application for such license stating specifically the nature of their business in The Town of Kelvington, and
   (b) Tenders, with the application, the proper license fee which shall be $200.00 for a regular license and $50.00 for a petty trade license.

7. Where the license is issued on or after the first day of September in any year, the fee payable under section 6 shall be reduced by Fifty Percent (50%); however at no time will a business license fee be less than $50.00.

8. Every license issued under the authority of this Bylaw, unless suspended or revoked, shall expire on the thirty first day of December of the year of issue.

9. Every license issued shall specifically state the kinds of services, goods or merchandise which the license is authorized to offer for sale, or take orders for, as the case may be, and whether in the case of goods or merchandise, he/she may offer the same for sale by retail or by public auction or both. Such licenses shall also state the restriction as set forth in section 10 hereof.

10. Every person licensed under this Bylaw, shall at all reasonable times, upon request of the Administrator, the bylaw enforcement officer, or any resident of The Town of Kelvington produce such license for inspection purposes. If the licensee is occupying premises, the license shall be posted in a conspicuous place at all times.

11. Council may by resolution suspend or revoke any license granted under the provision of this Bylaw or by written complaints received by the office in regards to the services of the license holder.

12. If the licensee fails to comply with any of the provisions of this bylaw, the license will be automatically revoked in which case no refund will be available to the licensee.

13. In the case any person fails to pay the license fees imposed in this Bylaw, the licensing officer may give notice in writing to any person to whom the business provider is/was providing products or services to requiring the person to pay the license fee and that person may deduct the license fee amount off any balance of monies payable for those services products, or may pay the license fee on their own or be called witness to testify in a court of law that the contractor provided services within the Town of Kelvington.

14. (a) In the event, for any reason:
    i) There is non-compliance with the provisions contained in this Bylaw; or
    ii) Any person carries on business which is governed by this Bylaw, without first obtaining a license and paying the prescribed fee;
    Then such person is in breach of this bylaw and is guilty of an offence.

    (b) Upon summary conviction, the offender is liable:
    i) For the first offence, to a fine of not less than twice the amount of the business license fee that would have been required;
    ii) In a subsequent offence, to a fine of not less than four times the amount of the business license fee that would have been required.

15. This Bylaw shall take effect January 14, 2013

16. Bylaw No78-89 is repealed on January 14, 2013

_____
Mayor

[SEAL]

_____
Administrator

Certified a True Copy of Bylaw number 200-12
Adopted by resolution on the 14th day of January, 2013

_____
Administrator

TOWN OF KELVINGTON
BYLAW No. 200-12

APPENDIX A

CANADA)

PROVINCE OF SASKATCHEWAN)

TO WIT:)

AFFIDAVIT OF GROSS BUSINESS REVENUES

I, OF
(Business)

(Address)

Saskatchewan, MAKE OATH AND SAY:

1. That I am the owner operator of the above mentioned business and that the Gross Business Revenue of the said business will be $5,000.00 or less for the current calendar year from business provided within the Town of Kelvington.

2. Should the actual Gross Business Revenue, exceed $5,000.00, I will purchase a regular business license.

SWORN BEFORE ME at Kelvington)
In the Province of Saskatchewan on the)
___ day of _____, 20____)

)
A commissioner of Oath in and for)
the Province of Saskatchewan.)
My appointment expires

TOWN OF KELVINGTON

BUSINESS LICENSE

FOR THE YEAR

ISSUED TO:

ADDRESS:

PHONE NO. FAX NO.

FOR THE PURPOSE OF CARRYING ON A BUSINESS AS:

ITEMS TO BE SOLD: (YES/NO)

PETTY TRADE LICENSE: IF YES, FILL IN APPENDIX A OF BYLAW

BUSINESS LICENSE FEE PAID $, RECEIPT ATTACHED.

THIS LICENSE EXPIRES ON DECEMBER 31, .

Kelsey Robinson- Administrator Date of Issue

Note to License Holder: If requested by any person this license is to be produced for inspection. If premises are occupied within the Town of Kelvington, this license is to be posted in a conspicuous place at all times.

If any complaints are received by this office in regards to your services, your license may be revoked.