

BYLAW 2010-14

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

The Council of the Village of Clavet 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 Village of Clavet
- b) "Direct Sales Contractor" means a vendor who, by direct sale, offers for sale or solicits orders for:
 - i) Construction, 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
- c) "Direct Seller" means a person who:
 - i) Goes from house to house selling or offering for sale, or soliciting orders for 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 subclauses (i) and (ii);
- d) "License Inspector " is:
 - i) The person appointed by the Council of the Municipality to the office of License Inspector or
 - ii) The municipal administrator
- e) "Salesperson" means a person who:
 - i) Goes from house to house selling or offering for sale, or soliciting orders for 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 clauses (i) and (ii);

3) Application for License

- a) A direct seller or a direct sales contractor or a sales person must apply in writing to the Municipality for a license before commencing business.
- b) An application must include the following information:

- i) Name and address of applicant;
- ii) The Provincial direct sales vendor license number;
- iii) A copy of his/her Provincial direct sellers license or the approved identification card provided to him/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.

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/she 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 prescribed by the municipal Administrator.

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.
- b) Where the license is issued on or after August 1st in any year, the license fee shall be reduced by fifty (50) percent.

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 Direct Seller's License.
- b) A direct seller or a direct sales contractor or a salesperson must pay the prescribed fee of forty (40) dollars 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 sales person must pay the prescribed fee outlined in subsection (b) 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 or refuses to comply with any of the provisions of this bylaw shall be guilty of an infraction of this bylaw.
- b) Any person guilty of any infraction to any 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 January 1st, 2011.

Blair Bentley, Mayor

(SEAL)

Janet Patry, Administrator