

BYLAW NO. 2805

A BYLAW OF THE TOWN OF CARLYLE TO PROVIDE FOR THE LICENSING, REGULATING AND GOVERNING OF PERSONS ENGAGED IN CERTAIN OCCUPATIONS AND PLACES USED FOR CERTAIN PURPOSES

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

Definitions:

1. In this Bylaw,
 - a) “Administrator” means the Administrator of the Town of Carlyle;
 - b) “Business” means a trade, profession, occupation, employment or calling or the provision of goods and services, but does not include:
 - i. the provision of services solely to the Town of Carlyle.
 - c) “Charitable or nonprofit organization” means an organization that is:
 - i. incorporated as a nonprofit corporation in the Province of Saskatchewan; or
 - ii. a registered charity authorized to issue tax receipts for donations pursuant to *The Income Tax Act*; or
 - iii. an organization that can demonstrate that it is formed for social, educational, religious or philanthropic purposes from which the members do not receive any direct economic gain.
 - d) “Contractors” means any person or persons who enter into a contract for the construction, alteration, repair or removal of buildings or structures, the installation of heating plants, plumbing, electrical, or other fixtures or the performance of other similar work in the municipality.
 - e) “Council” means the Council of the Town of Carlyle.
 - f) “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).
 - g) “Home-based business/home occupation” any occupation, trade, profession, or craft conducted for gain from or in a dwelling unit, which use is incidental and secondary to the residential use of the dwelling and does not change the character thereof;
 - h) “License inspector” means the Administrator of the Town of Carlyle, or anyone designated by the Administrator.
 - i) “Licensee” means a business/person holding a valid and subsisting license issued pursuant to the provisions of this Bylaw.
 - j) “Municipality” means the Town of Carlyle.
 - k) “Non-resident” means a business or person not located and operated from leased or owned property within the Town of Carlyle.

- l) “Police” or Police Officer” means any member of the Royal Canadian Mounted Police.
- m) “Transient Trader” means a person carrying on business in the municipality who:
 - i. offers goods or merchandise for sale by retail or auction; or
 - ii. solicits any person who is not a wholesaler or retail dealer for orders for future delivery of goods or merchandise; but
 - iii. does not include a person who is required to be licensed pursuant to *The Direct Sellers Act* or who is an occupant of property that is used for business purposes.

License Required:

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

License Application:

3. A person must apply in writing to the Town for a Business License before commencing any business.
4. An application must include all requested information, including but not limited to:
 - a) The Name and Address of the applicant;
 - b) The nature of the business for which the application is required;
 - c) The place where the business is to be carried on;
 - d) The name under which the business will be operated;
 - e) The area of the premises where the business will be carried on;
 - f) The name and phone number of the contact person.

License Fee:

5. 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.
6. Every license, unless specifically mentioned to be issued for a shorter period or sooner forfeited, shall expire on December 31st of the year in which the said license was issued.
7. A person must renew their license annually or purchase a license for each project in the manner prescribed in this Bylaw.

Granting of Licenses:

8. All licenses required under the provisions of this Bylaw shall be issued by the license inspector except where the Council reserves to itself the right to decide whether a license shall be issued or not.
9. Where the license inspector refuses to issue any license, he shall forthwith submit the application for license together with the report thereon to the Council and advise the applicant of the date on which the Council will consider the application.
10. Every license granted under this Bylaw shall be made out in duplicate and one copy shall be delivered to the licensee, who shall produce same whenever it may be demanded by any police officer in the employ of the Town or other person duly authorized to demand its production.

11. Every licensee granted a license to carry on a business and who occupies premises in connection therewith shall keep the license posted in a conspicuous place on the licensed premises. All persons licensed under the provisions of this Bylaw where there are no licensed premises shall, on demand of the license inspector or other authorized person, produce the license to such official.
12. If a business is carried on at more than one location, a person must obtain a license for each location.
13. A license issued under the provisions of this Bylaw is only valid at the location for which it is issued.
14. No person or business to whom a license has been issued under this Bylaw shall offer for sale services, goods or merchandise within the Town other than the kinds described in the license; or by any methods except as stated in the license; or at any time or during any period when businesses within the Town offering similar goods and services are required to be closed.

Revocation of Licenses:

15. 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.

Partnerships:

16. In all cases of partnership firms, incorporated companies, or other like combinations or associations, no more than one license shall be required to be taken out for any one place or premises, but in the case of shows, a license shall be required for each separate show or exhibition when held under a separate canvas or tent.

Class E Licensees:

17. Every pawn broker who receives a license under this Bylaw shall provide the Town, and during the continuance of such license shall keep in force, a bond in terms and by a company satisfactory to the Town Solicitor in the sum of Five Thousand Dollars (\$5,000.00), indemnifying the Town and all other persons against loss by default of the license in the conduct of his business.
18. Every automobile wrecker, junk dealer, pawn broker or second-hand dealer shall keep complete and detailed books of account, and shall set forth full particulars of every transaction including the name and address of the person buying, selling, pawning, redeeming, exchanging or leaving any property on consignment, sufficient description of such property, the date bought, sold, pawned, redeemed, the minimum price at which said property left on consignment may be sold or particulars of the article given in exchange, as the case may be, and the deductions or charges for commission, interest and authorized disbursements made. No entry in such records may be erased, altered or obliterated, and such records shall be at all reasonable hours open to inspection by the police.
19. Every pawn broker or second-hand dealer shall, in the case of a purchase or pawn of any item manufactured with a serial number, in addition to the information required in accordance with section 17 hereof, enter the name of the

- manufacturer and the serial number of the item. If the serial number has been removed or is illegible, the item shall not be purchased, pawned or offered for sale.
20. Every automobile wrecker, junk dealer, pawn broker or second-hand dealer on the purchase, sale, pawn, redemption or receipt of property for sale on consignment, shall issue and deliver to the person so doing a receipt, sales slip, or pawn ticket containing full and detailed particulars of the transaction required to be entered by him in his books of accounts as required by section 17 and section 18 hereof.
 21. All books and records of every automobile wrecker, junk dealer, pawn broker or second-hand dealer shall at all times during business hours be open to inspection by the license inspector or member of the police.
 22. No pawn broker shall engage in the business of a second-hand dealer unless also licensed as such.
 23. No automobile wrecker, junk dealer, pawn broker or second-hand dealer shall himself or by his employee or agent take in exchange or pawn or otherwise receive any property from any person under the age of eighteen (18) years, without obtaining from such person's parent or guardian an authorization to so dispose of the property.
 24. No automobile wrecker, junk dealer, pawn broker or second-hand dealer shall himself or by his employee or agent take in exchange or pawn or otherwise receive any property from any person who appears to be incompetent of transacting business either by reason of being under the influence of alcoholic liquors or otherwise, nor from any person he knows and believes or suspects to be a thief.
 25. It shall be the duty of every pawn broker or second-hand dealer to report to the police with all possible information relating thereto, any person offering to deliver or sell to or exchange any articles the possession of which such person is unable to explain or any article believed to be stolen or otherwise obtained.

Class I Licensees:

26. All Class I businesses shall apply three (3) weeks in advance for a license giving full details of the type of entertainment offered and each application will be decided upon by Council. Any license issued to a Class I business will stipulate any and all regulations regarding the operation of the business.

Discontinuance or Change:

27. A person must notify the Town if a business is discontinued.
28. A person must notify the Town if either the size or nature of the business changes.
29. A person purchasing or taking over an existing business must apply for a new license but shall not be required to pay a new license fee. In this circumstance, the new license will expire at the end of the original license period.

Offences and Penalties:

30. No person shall obstruct or hinder any designated officer or any other person acting under the authority of this Bylaw.
31. No person shall fail to comply with any provisions of this Bylaw.

32. Where, in the prosecution or proceeding under this Bylaw, it is alleged that the person proceeded against carried on or engaged in a business, industry or calling without first having obtained a license to do so, proof of one transaction in the business, industry or calling shall be sufficient to establish that the person proceeded against carried on or engaged in such business, industry or calling.
33. In case any contractor fails to pay the license fee imposed by this bylaw, the designated officer 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 extend of monies so payable, be a debt due by that person to the Town and may be recovered in the same manner as taxes may be recovered.
34. Any person carrying on any of the trades, occupations, callings or businesses set forth in Schedule "A" to this Bylaw without first obtaining a license therefore and paying the fee prescribed for such license shall be guilty of a breach of this Bylaw, and subject to a penalty not to exceed \$500.00 plus the Town's cost for the prosecution under this Bylaw. In default of payment of such penalty and costs, they shall be liable to imprisonment for not less than ten (10) days and not more than thirty (30) days.
35. Notwithstanding any provisions of this Bylaw, a designated officer may issue a voluntary payment in lieu of a summons and the accused may, within fifteen (15) days, pay the following monetary penalty to the Town, in addition to the license fee:
 - a) For the first offence: \$50.00
 - b) For a second or subsequent offense: \$100.00

Bylaw Repealed:

25. Bylaw No. 2302 is hereby repealed.

Coming into Force:

26. This Bylaw shall come into force and take effect on the date of final reading thereof.

Mayor

S E A L

Administrator

SCHEDULE “A”

Type of Business	Definition	Amount of License
Class A	All businesses that own and pay tax on improved commercial property in the Town of Carlyle, except Class E and Class H	\$12.00 per year
Class B	All businesses that do not own improved commercial property in the Town of Carlyle, except Class C	\$84.00 per year
Class C	General Contractors, Concrete Suppliers, Electricians, Painters, Drywallers, Plumbers, Heating Contractors, Commercial Waste Collectors, Gravel Contractors, Excavating Contractors	\$200.00 per year or \$75.00 per project
Class D-a	All persons required to be licensed under <i>The Direct Sellers Act – Regulations 11(1)(a) average sales over \$100</i>	\$30.00 per year
Class D-b	All persons required to be licensed under <i>The Direct Sellers Act – Regulations 11(1)(b) average sales less than \$100</i>	\$20.00 per year
Class E	Pawn Brokers, Second Hand Dealers, Junk Dealers or Automobile Wreckers	\$12.00 per year
Class F	All transient traders	\$600.00 per year OR \$300.00 per month OR \$200.00 per week OR \$60.00 per day
Class G	All businesses using the Carlyle Airport to provide goods and services to others	\$1,000.00 per year
Class H	All businesses that provide handy-man repair services	\$84.00 per year
Class I	All businesses that provide live adult entertainment	Set by Council if and when approved