



## **Licensing Bylaw**

**BYLAW NO. 2 - 1997**

**Disclaimer:**

**This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of Interpretation and application of the law.**

**Consolidation includes the following Amendments:**

**Amendments**

**Date Passed**

Bylaw No. 11 – 1997

March 17<sup>th</sup>, 1997

Bylaw No. 2 – 2003

January 20<sup>th</sup>, 2003

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## BYLAW NO. 2 - 1997

A BYLAW of the City of Swift Current to provide for the licensing, regulating and governing of business/persons engaged in certain activities and places used for certain purposes.

THE COUNCIL OF THE CITY OF SWIFT CURRENT, SASKATCHEWAN, IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

### **PART 1: SHORT TITLE AND DEFINITIONS**

1.0 This Bylaw may be cited as the "Licensing Bylaw".

#### 2.0 BASIS FOR LICENSING

The basis for Municipal Licensing is to ensure that every business/person, prior to the commencement of any activity within the corporate boundaries of the City of Swift Current provide or obtain all necessary approvals and information required pursuant to this Bylaw prerequisite to the issuance of the business license, and to insure that once licensed, the business/person complies with all terms and conditions of their license as set out under this Bylaw.

#### 3.0 DEFINITIONS OF SPECIAL TERMS AND TYPES OF ACTIVITIES

Whenever the following words occur in this Bylaw they shall have the following meaning, unless a contrary intention appears or unless such meaning is inconsistent with the context:

- 3.1 "*ACTIVITY*" means a business, occupation, amusement, entertainment, trade, employment, profession or calling and includes those businesses particularly defined in this Bylaw, whether or not so carried on for gain or profit.
- 3.2 "*ADVERTISING CANVASSER*" means a business/person soliciting or taking orders for advertising matter that is not intended for insertion or use in a local newspaper, periodical or other local advertising medium.
- 3.3 "*ADVERTISING DISTRIBUTOR*" means a business/person that carries on the distributing of almanacs, blotters, cards, catalogues, circulars, coupons, calendars, dodgers, flyers, handbills, posters, samples, thermometers, directories or any other like article or matter that are designed or intended to advertise any article, product, trade or business.
- 3.4 "*ADVERTISING SIGN ERECTOR*" means a business/person that erects, posts, changes, removes or maintains any advertising sign, including hot air balloon signage.
- 3.5 "*AMUSEMENT ARCADE*" means a business where three (3) or more machines, games or devices are kept for the purpose of furnishing skill, entertainment or amusement to the public for a fee.

- 3.6 “*APPROVED HOME*” means a facility, licensed pursuant to Provincial Statute, that provides specialized care to any person. Without limiting the generality of the foregoing, approved homes may include day care homes and centres, group care facilities, nursing homes, special care homes, and personal care homes.
- 3.7 “*AUCTION SALES COMPANY*” means an individual, firm or corporation that conducts the bidding at a sale by auction of any property.
- 3.8 “*AUTOMATIC AMUSEMENT DEVICE*” means any instrument or mechanical device for playing recorded music or any other instrument, machine or contrivance no matter what means of operation used for entertainment or amusement.
- 3.9 “*AUTOMATIC VENDING MACHINE*” means any automatically or mechanically coin operated vending machine or device for the sale of any non-alcoholic beverages or for the sale of any goods or merchandise including gum, peanuts, candy or other confections, provided that the said vending machine or device is not owned and serviced by the proprietor of the business in which the said vending machine or device is located.
- 3.10 “*BOXING, SPARRING OR WRESTLING MATCH*” means a match, contest or exhibition of boxing, sparring, wrestling or fencing in which a professional contestant or contestants participate.
- 3.11 “*BUILDING MOVER*” means a business/person that carries on the moving of any building or structure into, out of or within the City of Swift Current.
- 3.12 “*BUSINESS*” means a trade, profession, occupation, employment, calling or the providing of goods or services, but does not include:
- 3.12.1 the cultivation of plants or the raising of livestock, whether in an artificial or controlled environment or on land; or
- 3.12.2 the keeping of bees or the extracting of honey; or
- 3.12.3 fur farming.
- 3.13 “*CANVASSER*” means a business/person going from place to place canvassing or soliciting in any manner for any kind of business order whatsoever, and is not a direct seller by virtue of The Direct Sellers Act and is not otherwise licensed to do so, excluding charitable organizations.
- 3.14 “*CANTEEN*” means a booth, stand or vehicle not forming a part of a shop, store, or dwelling for the business of selling soft drinks, ice cream, popcorn, peanuts, fruit, candy, coffee, confectionery or other edibles.

- 3.15 “*CARNIVAL*” means a carnival or like temporary place of amusement with or without mechanical rides, sideshows, games of skill or similar amusements or any exhibition of skill or daring.
- 3.16 “*CARRY ON*” means operate, perform, keep, hold, advertise, solicit, occupy, deal in or use, whether as principal or agent.
- 3.17 “*CATERER*” means a person, restaurant, hotel, club or organization which supplies or furnishes group dinners, banquets or luncheons elsewhere than in their premises or place of business but shall not include dinners, banquets or luncheons serviced or supplied on their own premises by either:
- 3.17.1 a religious organization primarily for its own members or adherents or incidentally in furtherance of its work of religious education; or
- 3.17.2 auxiliaries to service clubs and fraternal organizations.
- 3.18 “*CHARITABLE OR NON-PROFIT ORGANIZATION*” means an organization that is:
- 3.18.1 incorporated as a non-profit corporation in the Province of Saskatchewan; or
- 3.18.2 a registered charity authorized to issue tax receipts for donations pursuant to The Income Tax Act; or
- 3.18.3 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.
- 3.19 “*CHIEF OF POLICE*” means the officer in command of the City of Swift Current Detachment of the Royal Canadian Mounted Police or anyone acting as such during their absence from duty for any cause.
- 3.20 “*CHIMNEY SWEEP*” means a business/person that carries on the cleaning or servicing of chimneys.
- 3.21 “*CHRISTMAS TREE VENDOR*” means a business/person or organization that sells or offers for sale Christmas trees on any site outside of a building.
- 3.22 “*CIRCUS*” means any one (1) or more of the following:
- 3.22.1 a circus or other like traveling exhibition; or

- 3.22.2 a menagerie, waxwork, circus riding, rope walking, rope dancing, tumbling, gymnastic performance, acrobatic performance, exhibition of novelties, exotic animals, performing dogs or other shows.
- 3.23 “*CITY*” means the City of Swift Current.
- 3.24 “*CLEANING OR JANITORIAL SERVICE*” means:
- 3.24.1 a business/person that carries on the activity of a window, rug or upholstery cleaning service, and is not a direct seller by virtue of The Direct Sellers Act; or
- 3.24.2 a business/person that by contract with the owner or renter of offices, business premises, or houses, engages in the cleaning of such offices, business premises, or houses, or for the supply of janitorial caretaking services.
- 3.25 “*COLLECTION AGENCY*” means a business/person that collects accounts, rentals or manages properties for others and charges a commission or fee therefore, other than members in good standing of the Law Society of Saskatchewan.
- 3.26 “*COMMERCIAL PREMISES*” means any non-residential premises, including but not limited to schools, educational institutions, churches, and Federal, Provincial or Municipal properties.
- 3.27 “*COMMERCIAL TRAVELER*” means a business/person that sells goods, wares, merchandise or other effects of any kind whatsoever or offers the same for sale by sample, card, specimen or otherwise for or on account of any merchant, manufacturer or other person selling directly to the consumer.
- 3.28 “*CONTRACTOR*” means a contractor, sub-contractor, master mechanic, journeyman or jobber that engages in, or enters into any contract for the erection, demolition, alteration, repair or removal of buildings or structures, installation of heating, plumbing or other fixtures, painting and/or other allied trades and shall include all contractors, sub-contractors, master mechanics, journeymen or jobbers, undertaking any municipal work, whether waterworks, sewage or otherwise.
- 3.29 “*COUNCIL*” means the Council of the City of Swift Current.
- 3.30 “*DIRECT SELLER*” means an individual or firm which is licensed under The Direct Sellers Act and:
- 3.30.1 goes from house to house selling or offering for sale or soliciting orders for the future delivery of, goods or services; or

- 3.30.2 by telephone offers for sale or solicits orders for the future delivery of goods or services; or
- 3.30.3 does both of the things mentioned in 3.30.1 and 3.30.2.
- 3.31 “*DRAYMAN*” means a business/person that derives some portion of their revenue from the operation of a delivery or dray service whether as a distinct separate business or as an incidental or part of any other business. For the purpose of this Bylaw every dray, truck, trailer, tractor, cart, wagon, vehicle, horse or team of horses, attached to any of the foregoing conveyances used in the transportation of goods, wares, merchandise, stone, gravel, fuel, building materials, cement, manure, blacktop or any other thing, or used for the purpose of excavating, ploughing, moving buildings or for any purpose similar to these, especially enumerated in this section, shall be deemed a dray unless the context otherwise requires.
- 3.32 “*FISH, FARM OR PRODUCE DEALER*” means a business/person that offers for sale or solicits orders for the future delivery of fish, farm or produce, and is not otherwise licensed as a butcher or grocer and is not a direct seller by virtue of The Direct Sellers Act.
- 3.33 “*FUMIGATOR OR EXTERMINATOR*” means a business/person that carries on the business of fumigator or an insect or rodent exterminator.
- 3.34 “*GARAGE SALE*” shall mean the displaying and offering for sale of “used” household or personal articles, by the owner or occupant of the property.
- 3.35 “*GARDEN TILLING*” means the operation of a motorized cultivating outfit or aerating machine.
- 3.36 “*HOME BASED BUSINESS / HOME OCCUPATION*” means an activity conducted wholly or partly on the business operator’s residential premises.
- 3.37 “*HOME BASED FINE ARTS INSTRUCTION*” means the offering of instruction in any fine art from residential premises, and without limiting the foregoing may include instruction in dance, painting, sculpting, pottery, piano, singing, or any other musical instrument.
- 3.38 “*LANDSCAPE GARDENER*” means a business/person that carries on the laying out, improving or developing of gardens, lawns or grounds.
- 3.39 “*LICENSE INSPECTOR*” means a person authorized by Council to administer and enforce the provisions of this Bylaw and anyone acting or authorized by Council to act as such during their absence from duty for any cause.
- 3.40 “*LICENSEE*” means a business/person holding a valid and subsisting license issued pursuant to the provisions of this Bylaw.

- 3.41 “*MEDICAL HEALTH OFFICER*” means a medical health officer within the meaning of The Public Health Act, or any successor Act.
- 3.42 “*MUSICAL, THEATRICAL OR DRAMATIC PERFORMANCE*” means a show, entertainment, musical, theatrical or dramatic performance in any premises, excluding:
- 3.42.1 when local talent is employed and proceeds are to be devoted to local charitable, patriotic or educational purposes; or
  - 3.42.2 when non-resident talent in whole or in part performs and the net proceeds are devoted to local charitable, patriotic or educational purposes.
- 3.43 “*NON-RESIDENT*” means a business/person that is not a resident as defined by this Bylaw.
- 3.44 “*NOT CLASSIFIED*” means any business/person, that is not a direct seller by virtue of The Direct Sellers Act and where no other fee is provided by this Bylaw.
- 3.45 “*OFFICE*” means a place where non-retail administrative business affairs are conducted.
- 3.46 “*OFFICE OF CONVENIENCE*” means a place, in a residential premises, where non-retail administrative business affairs are conducted for a business which operates outside the City of Swift Current.
- 3.47 “*PAWNBROKER*” means a business/person that carries on the loaning of money on the security of the pledge or pawn of personal property or a business/person that holds themselves out as ready to loan money on such security, but does not include Chartered Banks, Trust Companies, Credit Unions or other similar institutions.
- 3.48 “*PERSON*” means an individual or a corporate body and includes a partnership, a group of persons acting in concert or in association unless the context explicitly or by necessary implication otherwise requires.
- 3.49 “*PETTY TRADE*” means a saw sharpener, skate sharpener, repair person, service person or similar petty trade.
- 3.50 “*PHOTOGRAPHER*” means a business/person that carries on the business of photography, and is not a direct seller by virtue of The Direct Sellers Act.
- 3.51 “*PIANO TUNER*” means a business/person that carries on the tuning, repairing or cleaning of pianos or organs and is not a direct seller by virtue of The Direct Sellers Act.
- 3.52 “*PRIVATE INVESTIGATOR*” means a business/person that carries on the business of a private investigator, detective or security guard and is not a direct seller by virtue of The Direct Sellers Act.



- 3.53 “*PUBLIC ACCOUNTANT*” means a business/person that carries on accounting, tax consultant, financial services or other similar services.
- 3.54 “*PUBLIC HALL*” means a hall, pavilion, place or building in which concerts, shows and other special gatherings are held.
- 3.55 “*PUBLIC STENOGRAPHER*” means a business/person that carries on the business of a public stenographer or provides mimeographing, multigraphing or other like services.
- 3.56 “*PUSHCART*” means a hand operated vehicle used or intended to be used in carrying goods or merchandise.
- 3.57 “*PUSHCART VENDOR*” means a business/person that, whether as principal or agent:
- 3.57.1 goes about with a pushcart selling or offering for sale goods or merchandise to any person; or
- 3.57.2 sells, or attempts to sell, goods or merchandise from a pushcart on sidewalks or anywhere other than a building which is their permanent place of business.
- 3.58 “*RESIDENT*” means a business in the City of Swift Current or the R.M. of Swift Current #137.
- 3.59 “*SECONDHAND DEALER*” means a business/person that carries on the exchanging, selling or purchasing of secondhand goods, but does not include a used car dealer.
- 3.60 “*SECONDHAND GOODS*” means personal property of every description, the same having been previously owned and used by some person.
- 3.61 “*SHOPPING MALL*” means a shopping mall as defined in the City of Swift Current’s Zoning Bylaw for a Commercial Shopping Center District.
- 3.62 “*SIDEWALK*” means that portion of a public highway intended for the use of pedestrians.
- 3.63 “*TAXICAB*” means a business/person that carries on the keeping and operating of one or more taxicabs and holds a license to operate from the Highway Traffic Board under the provisions of The Highway Traffic Act.
- 3.64 “*TELEPHONE ANSWERING SERVICE*” means a business/person that carries on the business of an answering service for other businesses or persons.
- 3.65 “*TOW TRUCK SERVICE*” means a business/person that tows or transports vehicles.

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- 3.66 “*TRADER*” means a business/person offering goods for sale or soliciting business by telephone from motel or hotel rooms, and is not a direct seller by virtue of The Direct Sellers Act.
- 3.67 “*TRANSIENT TRADER*” means a business/person that carries on a business that:
- 3.67.1 offers goods or merchandise for sale by retail or auction; or
  - 3.67.2 solicits any business/person that is not a wholesaler or retail dealer for orders for the future delivery of goods or merchandise; but does not include:
  - 3.67.3 a business/person that is required to be licensed pursuant to The Direct Sellers Act ;
- 3.68 “*WATER TRUCK*” means the delivering of water by truck.
- 3.69 “*WELDER*” means a business/person that carries on the business of an electric, oxyacetylene or cold welder.
- 3.70 “*ZONING BYLAW*” means the City of Swift Current’s Zoning Bylaw as amended or replaced from time to time.

## **PART 2: APPLICATION OF BYLAW**

### 4.0 APPLICATION OF BYLAW

- 4.1 Every licensee shall conform to the provisions of this Bylaw and any other Bylaw applicable to the business, activity or matter in respect of which such license was issued.
- 4.2 Every business/person that carries on any activity but is not required to be licensed pursuant to Part 4 of this Bylaw, shall comply with all of the provisions of this Bylaw other than applying for a license and paying the required fee.

## **PART 3: LICENSE INSPECTOR**

### 5.0 THE POWERS AND DUTIES OF THE LICENSE INSPECTOR

The License Inspector is hereby authorized and required:

- 5.1 To receive and deal with all applications for licenses and transfers;
- 5.2 To keep a record of all applications for licenses and transfers of licenses;

- 5.3 To sign all licenses and transfers of licenses issued under the provisions of this Bylaw and to keep full particulars;
- 5.4 To ascertain as far as reasonably practicable, that all information furnished by an applicant in connection with an application for a license or transfer of license is true in substance and in fact;
- 5.5 To ascertain that sureties signing any bond required by the terms of this Bylaw are solvent and responsible persons;
- 5.6 To prepare all licenses or transfers pursuant to the terms of this Bylaw and to issue all licenses and transfers under this Bylaw;
- 5.7 As often as practicable, to inspect all premises licensed or required to be licensed pursuant to the provisions of this Bylaw, in order to ascertain that such premises comply with the said provisions;
- 5.8 To administer this Bylaw and as far as practicable, see that all businesses/persons concerned conform to its provisions and are prosecuted if they fail to comply;
- 5.9 To interpret the provisions of this Bylaw and to determine or assign license categories in accordance with this Bylaw as may be required by license applicants, and
- 5.10 To make inquiries with respect to the granting of licenses to secure the due observance of the bylaws of the City.

**PART 4: GENERAL PROVISIONS**

**6.0 DEFINITION OF LICENSE**

- 6.1 For the purposes of this Bylaw, a license shall be deemed authorization for a business/person to do an activity in respect of which any level of regulation is required under this Bylaw or any other Act or Bylaw.
- 6.2 A license shall not be deemed an endorsement of the licensee's business practices.
- 6.3 A license issued under this Bylaw does not exempt the licensee from compliance with any other Bylaws, Statutes or Regulations that may be applicable.

**7.0 NECESSITY FOR LICENSE**

- 7.1 No business/person shall within the City carry on any activity, unless such business/person holds a valid and subsisting license to do so issued pursuant to the provisions of this Bylaw.

7.2 Any form of advertising or promoting of activity shall be deemed to be prima facie proof of the fact that the business/person is carrying on such activity.

7.3 Notwithstanding subsection 7.1 no license shall be required:

7.3.1 for an activity carried on by the City or at a location operated by an official or employee of the City acting on behalf of the City in his capacity as such official or employee; or

7.3.2 for such other activities as Council by resolution may from time to time exempt.

7.4 Notwithstanding any other provision in this Bylaw a license shall not be required for an activity carried on by the Governments of Canada or the Province of Saskatchewan nor shall a license be required by any person, business or for any premises if any Statute of Canada or of the Province of Saskatchewan exempts such person, business or premises from requirements of Municipal Licensing.

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7.5 Notwithstanding subsection 7.1 no license shall be demanded or required from any business/person operating within the limits of the Kinetic Park provided that business/person is operating at an event sponsored by the Swift Current Agricultural & Exhibition Board or by another charitable or non-profit community organization.

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7.6 Notwithstanding Subsection 7.1, no Municipal License shall be demanded or required for an Approved Home operating within the City.

## 8.0 LICENSE FEE

### 8.1 FEE ESTABLISHED

All license fees established by this Bylaw are so established pursuant to The Urban Municipality Act, 1984.

### 8.2 AMOUNT OF FEES

License fees shall include all fees for an activity as set out in Schedule 'A'.

### 8.3 FEE REQUIRED

No business/person shall carry on an activity within or partly within the City without first paying to the City the license fee prescribed in this Bylaw

or in Schedule 'A' for the activity. A license, if issued, shall be null and void if the payment therefore was made by means of a non-negotiable instrument, such as a cheque returned as "*INSUFFICIENT FUNDS*" or "*PAYMENT STOPPED*", a stale-dated cheque, or a cheque containing an error rendering it non-negotiable at date of receipt.

#### 8.4 EXEMPTION

A business/person shall be exempted from paying a license fee under this Bylaw, where the business/person falls under a category that shows the license fee as "*EXEMPT*".

#### 9.0 PAYMENT OF FEES

9.1 Every business/person required to be licensed under the provisions of this Bylaw shall pay the license fee prescribed in Schedule 'A' prior to commencement of the activity.

9.2 Every business/person that fails to comply with subsection 9.1 may be served a "*BYLAW VIOLATION TAG*" pursuant to Section 28.0.

9.3 Notwithstanding subsection 9.1 and 9.2 for annual renewals, the licensee shall pay the prescribed fee on or before the date fixed for payment by invoice from the License Inspector.

9.4 The date fixed for payment shall be forty-five (45) days from the date of invoice.

9.5 The License Inspector may require payment of fees to be made in the form of cash, certified cheque or money order.

#### 10.0 INDIVIDUAL LICENSE

Each license shall be issued to a business/person that carries on a particular business in a specified premises in the City.

#### 11.0 BUSINESS ON SEVERAL PREMISES

Where a business that is required to be licensed under this Bylaw is carried on or intended to be carried on in more than one premises, a license shall be required in respect of each premises as though the business carried on in each premises were a separate business.

#### 12.0 COMBINATION LICENSES

Licenses to carry on two or more activities by one business/person may be issued on one license form, provided each activity and the proper license fee is shown separately on such form. Each activity shall, however, be deemed to be separately licensed.

### 13.0 LICENSE FEES PAYABLE

All license fees required to be paid under the provisions of this Bylaw, shall be paid to the City.

### 14.0 LICENSE APPLICATION

14.1 Applications for a license, for renewal of license, or for a transfer of license shall be made in writing and, unless otherwise provided, in person at the office of the License Inspector.

14.2 An applicant for a license shall make application to the License Inspector on a form supplied by the City furnishing such information as the form shall require and such additional information as the License Inspector may reasonably require, including but not limited to the following:

14.2.1 a statutory declaration, with the applicant's signature, where required by the License Inspector, substantiating the information contained in the form;

14.2.2 public liability insurance, where required by this Bylaw;

14.2.3 any Federal or Provincial certificate, authority, license or other document of qualification that may be required in connection with the activity;

14.2.4 any certificate, recommendation or other approval required by any provision of this Bylaw in respect of the business; and

14.2.5 the license fee payable in respect of the business as set out in this Bylaw.

14.3 Every business/person that makes an application for a license shall submit to all inspections required by the License Inspector with respect to the business to be licensed and furnish to the License Inspector all information required.

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14.4 An application for license for any business or occupation mentioned in this Bylaw shall be made jointly by all the persons who will be actively engaged in the management and control of the business and by these persons only. If, in the course of any license year persons are added to those sharing the management and control of the licensed operation, then their names shall be forthwith given to the License Inspector. Failure to disclose to the City any of the information required herein shall be grounds for immediate revocation of the license if issued.

### 15.0 LICENSE SUBJECT TO ZONING REGULATIONS

All applications for a license shall be subject to approval from the Planning and Growth Development Department pursuant to the provisions of the Zoning Bylaw

before a business license may be issued. This provision shall apply to the annual renewal of a license. Staff shall be empowered to visit the premises and/or site holding the business license annually to verify that there are no zoning violations, building and/or fire code deficiencies at the premises or any other visible conflict with the Zoning Bylaw, other bylaws or Acts of the Province, and Statutes of Canada, before an initial business license is issued or for before any renewal of any existing business license occurs.

## 16.0 APPROVAL OF CERTAIN CITY DEPARTMENTS

16.1 Except as provided in subsection 16.3, the License Inspector may refer to the appropriate City Departments or Governmental Agencies all applications for license or for transfer of license, for any activity requiring their approval, and shall not issue any license or any transfer of license until the officials concerned have approved the application.

16.2 If an application is refused or is issued subject to proposed conditions, the License Inspector shall notify the applicant:

16.2.1 that the application is refused and state briefly the reason for such refusal; or

16.2.2 that the license will be issued subject to the proposed conditions.

16.3 The provisions of subsection 16.1 shall not apply to an annual application for renewal of license in respect of the same premises and for the same type of license, except in cases where the License Inspector has received notification that the applicant has been convicted in the previous year for an offense against the provisions of this Bylaw or has information unfavorable to the issue of such renewal, in which cases the License Inspector shall notify the applicant of the refusal to issue a renewal of the license and the grounds of such refusal.

## 17.0 GRANTING OF LICENSES

17.1 Where any activity licensed pursuant to Part 5 of this Bylaw is otherwise regulated under any Municipal, Provincial or Federal Authority, the licensee shall provide to the License Inspector, prior to the license being granted, proof of qualification where applicable.

17.2 Whenever an applicant for a license has complied with the terms of this Bylaw and of any other applicable Act or Bylaw, he shall be entitled to the license applied for upon approval by the License Inspector and upon full payment of the proper fee.

17.3 The holder of a license issued under this Bylaw shall comply with all of the provisions of this Bylaw as well as all other Bylaws of the City, Acts of the Province and Statutes of Canada.

## 18.0 LIABILITY INSURANCE AND INDEMNIFICATION

- 18.1 Where, pursuant to any provision of this Bylaw a policy of public liability insurance is required in connection with the carrying on of any business, no license to carry on such business shall be issued or renewed until the applicant furnishes the City with such policy of insurance in a form satisfactory to the City Director of Finance.
- 18.2 Every policy of public liability insurance required to be furnished by an applicant shall:
- 18.2.1 be issued by an insurance company registered and licensed to do business in the Province of Saskatchewan, and
  - 18.2.2 be in an amount adequate in the opinion of the City Director of Finance to cover public liability for all personal injury and property damage which may occur by reason of the operation of said business, and such insurance is endorsed.
    - 18.2.2.1 so as to add the City as an additional named Insured with thirty (30) days written notice to be given to the City prior to cancellation or material change to the policy.
    - 18.2.2.2 so that the City is to be advised immediately should such insurance lapse or otherwise discontinue, and
    - 18.2.2.3 to include a cross liability clause reading as follows:

*“This policy, subject to the limits of liability stated herein, shall apply to each Insured in the same manner and to the same extent as if a separate policy had been issued to each. Any act or omission on the part of one or another of the Insured under this policy shall not prejudice the right or interests of any other Insured.”*
- 18.3 Notwithstanding any public liability insurance or the failure of the City to obtain such insurance, neither the City nor any official, servant, employee or agent of the City is liable for any damage or loss sustained or suffered by any person by reason of:
- 18.3.1 the issuance of any license; or
  - 18.3.2 any acts or omissions of a licensee or person acting on his behalf;  
or
  - 18.3.3 anything done or not done in any way connected with a license or this Bylaw.
- 18.4 Where a policy of public liability insurance expires during the license year, the licensee shall provide the License Inspector with a renewal thereof and where such policy of insurance expires or is canceled or terminated, then the license for which such policy of insurance is required shall be



automatically revoked and the licensee shall cease carrying on business until the revocation is lifted or a new license is issued.

#### 19.0 OFFICIALS TO HAVE ACCESS TO LICENSED PREMISES

- 19.1 Any business for which a license has been issued under the provisions of this Bylaw shall be subject to at least one initial inspection within one year of commencement of business by the License Inspector or by any person duly authorized, and any additional inspections for which approval was required before the granting of the license by any Municipal Department or Agency.
- 19.2 The License Inspector, any officer of the Swift Current Health District or the Swift Current Emergency Services are hereby authorized to enter into any lands, buildings or premises within the City to inspect for conditions that may contravene or fail to comply with the provisions of this Bylaw. Any person who after demand for inspection has been made by the inspector, officer or authorized person, refuses admittance to the premises or place of which said person has charge or control, or obstructs the inspector, officer or authorized person shall be guilty of an offense against the provisions of this Bylaw.
- 19.3 Any premises or place in respect of which a license has been issued under the provisions of this Bylaw shall also be subject to inspection at all times by any member of the Royal Canadian Mounted Police and any person who after demand for inspection has been made by any such officer refuses admittance to the premises or place of which such person has charge or control or obstructs such officer, shall be subject to prosecution for an offense against the provisions of this Bylaw, or if the circumstances so justify the officer may take appropriate proceedings under the Criminal Code.
- 19.4 Any licensee who, on the occasion of such inspection or otherwise, furnishes to the License Inspector, a member of the Royal Canadian Mounted Police or authorized person false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with such inspection, shall be guilty of an offense against this Bylaw.

#### 20.0 REVOCATION, REFUSAL OR NULLIFICATION OF A LICENSE

- 20.1 Where the License Inspector is of the opinion that there are just and reasonable grounds that a license application should be refused, or an existing license should be suspended or revoked, or where the License Inspector and the applicant disagree with respect to the appropriate classification of the activity, he shall advise the applicant or licensee in writing of his opinion and of the grounds for that opinion.
- 20.2 The notice to the applicant or licensee under subsection 20.1 shall be served by registered mail to the address as contained in the License Inspector's records.

- 20.3 Such notice shall also inform the applicant or licensee that Council has the authority to revoke, suspend or refuse to grant the license in question, and that the applicant or licensee may request a hearing before Council by serving written notice within thirty (30) days of receipt of the notice under subsection 20.2.
- 20.4 If no notice is received under subsection 20.3 within the thirty (30) days period, the applicant or licensee shall be deemed to have waived their right to a hearing and have accepted the License Inspector's decision.
- 20.5 A suspension of a license under this Section may be for a period of time not exceeding the unexpired term of the license.
- 20.6 Where a license is revoked or suspended pursuant to this Bylaw the licensee shall:
- 20.6.1 return the license to the License Inspector; or
- 20.6.2 furnish the License Inspector with proof satisfactory to it of a renewal or reissue of any certificate, authority, license or other document of qualifications.
- 20.7 Council shall not refuse, suspend or revoke a license until the applicant or licensee has been given a full opportunity to be heard unless the applicant or licensee has been deemed to have waived their right to a hearing under subsection 20.4.
- 20.8 Council may reinstate a suspended license, upon application of the licensee, if it is satisfied that the licensee is complying with the Bylaw, the contravention of which gave rise to the suspension.
- 21.0 DISPLAY AND PRODUCTION OF LICENSE
- 21.1 DISPLAY LICENSE
- 21.1.1 Every license issued under this Bylaw shall be made out and delivered to the licensee who shall post the license in a conspicuous place in his business premises and whenever required so to do by the License Inspector, a member of the Royal Canadian Mounted Police, any assistant, or other duly authorized person, the licensee shall produce said license for inspection purposes. Persons failing to post said license shall be guilty of an offense against the provisions of this Bylaw.
- 21.1.2 Every licensee who holds a license pursuant to this Bylaw which is not limited to specific premises, shall, so long as the license is in force, carry on his person or have immediately available the license or a duly authorized copy thereof and such licensee shall, upon request, forthwith produce same to the License Inspector, a member of the Royal Canadian Mounted Police or any person

with whom he is doing business or soliciting business to which the license relates. Licensees failing to produce said license shall be guilty of any offense against the provisions of this Bylaw.

#### 21.2 LOST OR DAMAGED LICENSE

Where any license becomes defaced, obliterated or otherwise illegible or is lost or mislaid, the licensee shall forthwith apply to the License Inspector for a replacement, shall produce the license unless same is lost, and shall pay a fee of Five Dollars (\$5.00).

#### 22.0 ISSUANCE OF LICENSE

22.1 A license shall be issued by the City:

22.1.1 under the signature of the License Inspector; or

22.1.2 under the mechanically reproduced signature of the License Inspector; or

22.1.3 in a form expressly authorized by the License Inspector.

#### 23.0 TRANSFER OF LICENSE

23.1 Unless otherwise disallowed, any subsisting license issued under this Bylaw may be transferred upon application to the License Inspector, provided that the applicant has the required qualifications and furnishes legal documentation releasing the rights and interests of the previous owner.

23.2 No business/person that purchases the interest of, or part of the interest of, any person licensed pursuant to this Bylaw shall carry on or continue such business, activity, profession or other occupation without first having obtained a transfer or a new license.

#### 24.0 CHANGE IN LICENSE STATUS

24.1 A licensee shall immediately report any material change to the status of their business, other than that specified in subsection 24.2 to the License Inspector. Notwithstanding the generality of the foregoing, a material change shall include:

24.1.1 change of registered business name;

24.1.2 change of mailing address;

24.1.3 change of ownership of the business.

24.2 No business/person to which a license has been issued under this Bylaw shall change the location of the premises in which they carry on their business, activity, profession or other occupation without first having

applied to the License Inspector to have their license altered to reflect the new location and the powers, conditions, requirements and procedure relating to the granting or refusal of licenses and appeals thereon, shall apply to all such applications.

25.0 PRORATING OF FEES

25.1 Subject to subsection 25.2 no fee in respect to either a new license application or an annual renewal of a license shall be prorated for any reason.

25.2 The license for a business in its first year of operation, or a non-resident license may be prorated to the following:

Jan. 1	to	June 30	-	100%
July 1	to	July 31	-	60%
Aug. 1	to	Aug. 31	-	50%
Sept. 1	to	Sept. 30	-	40%
Oct. 1	to	Oct. 31	-	30%
Nov. 1	to	Nov. 30	-	20%
Dec. 1	to	Dec. 31	-	10%

25.3 No refunds shall be issued with respect to any license except when a license is revoked as provided for by The Urban Municipality Act 1984.

26.0 LICENSE YEAR

26.1 The term "*LICENSE YEAR*" shall mean the period commencing January 1 and ending on the next succeeding December 31.

26.2 Every license issued under the provisions of this Bylaw shall terminate at midnight on the 31st of December of the year in which said license was issued unless:

26.2.1 the terms of this Bylaw otherwise expressly provide: or

26.2.2 the license provides otherwise; or

26.2.3 the license has been sooner canceled or forfeited.

26.3 Except as otherwise provided in this Bylaw, a license shall cover the period from the date of issue to the end of the current license year, but a license may be issued in advance for any next succeeding license year at the discretion of the License Inspector.

26.4 Every license shall bear on its face the date on which it is issued and the date on which it will expire.

## 27.0 TERMINOLOGY

Unless the context otherwise requires, words importing the singular number shall include the plural and vice versa; words importing the masculine gender shall include the feminine and neutral genders.

## 28.0 OFFENSES AND PENALTIES

28.1 Any business/person that contravenes, disobeys, refuses or neglects to obey any provision of this Bylaw by:

28.1.1 doing any act or thing which they are prohibited from doing herein;  
or

28.1.2 failing to do any act or thing they are required to do herein:

is guilty of an offense and is liable on Summary Conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00) in the case of an individual or Five Thousand Dollars (\$5,000.00) in the case of a corporation in addition to any license fee he may be required to pay.

28.2 Where the offense is failure to obtain the required license, the convicting judge may order the license be obtained in addition to imposing a fine.

28.3 Where a License Inspector or a member of the Royal Canadian Mounted Police has reason to believe that a business/person has contravened any provision of this Bylaw, including failure to obtain the appropriate license and pay the required license fee, that inspector or officer may issue a "BYLAW VIOLATION TAG" to such business/person. Where the offense is failure to obtain the appropriate license and pay the required license fee, the "BYLAW VIOLATION TAG" shall indicate that the City will accept voluntary payment in an amount equal to one hundred per cent (100%) of the applicable license fee, in addition to payment of the required license fee at City Hall.

28.4 Where the City receives voluntary payment of the prescribed amount, including the license fee, under subsection 28.3 the business/person receiving the "BYLAW VIOLATION TAG" shall not be liable to prosecution for the alleged contravention.

28.5 A "BYLAW VIOLATION TAG" may be issued by personally serving it upon the alleged offender or by sending it to the alleged offender by registered mail.

28.6 Where a business is being carried on in contravention of this Bylaw, or where the breach of this Bylaw is of a continuing nature or where any person is carrying on business or is doing any act, matter or thing, is liable to a fine not exceeding Fifty Dollars (\$50.00) for each day such offense is continued. The City may, in any of these cases, apply to the Court of Queens Bench by way of action or originating notice for an injunction or other order, prohibiting the person so contravening the Bylaw

from continuing to carry on the business without obtaining a license and paying the required fee therefore, or from continuing to carry on the business without complying with the provisions of this Bylaw applicable to the business for which the license is required.

28.7 Nothing in this Section shall:

28.7.1 prevent any business/person from exercising their right to defend any charge of committing a breach of any of the Sections referred to in this Bylaw; or

28.7.2 prevent the License Inspector or any member of the Royal Canadian Mounted Police from laying an information or complaint in lieu of serving a voluntary payment notice; or

28.7.3 prevent any business/person from exercising any legal rights such a business/person may have to lay an information or complaint against any business/person (whether such business/person has made payment under the provision of this Bylaw, or not) for a breach of any of the Sections listed in this Bylaw.

## 29.0 SEVERABILITY

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 this Bylaw.

## 30.0 VIOLATIONS BY A LICENSEE

30.1 If a licensee, partner or shareholder is convicted:

30.1.1 of an offense under the provisions of the Criminal Code with respect to houses of ill fame, bawdy houses, slot machines, betting or gaming houses; or

30.1.2 of an offense by its nature is, in the opinion of the Chief of Police, facilitated by the type of licensed business carried on by the convicted licensee;

the License Inspector, when informed of the conviction shall give notice to the licensee under subsection 20.1 that it is in the License Inspector's opinion that the license should be revoked.

30.2 Upon request of the Medical Health Officer, the License Inspector shall give notice to the licensee under subsection 20.1 that the license be suspended or revoked until such time that the Medical Health Officer certifies that the premises concerned are again fit for use.

30.3 Once the License Inspector has served a notice pursuant to Section 30.0, in accordance with subsection 20.1, the provisions of Section 20.0 shall apply with respect to the revocation or suspension.

#### 31.0 FALSE INFORMATION

No business/person shall furnish false or misleading information of any kind concerning any license application or concerning any records or information required to be furnished to the License Inspector, Chief of Police, or a member of the Royal Canadian Mounted Police pursuant to this Bylaw.

### **PART 5: REGULATIONS AND SPECIAL PROVISIONS**

#### 32.0 APPROVED HOME

No business/person shall operate an approved home without first obtaining the appropriate approvals from the Swift Current Health District and City of Swift Current Fire Inspector.

#### 33.0 AUCTIONEER

33.1 Every business/person applying for an auctioneer's license must produce a valid Saskatchewan Provincial Auctioneer's License.

33.2 Every auctioneer shall:

33.2.1 keep proper books of account in which shall be entered the names and addresses of all persons who leave goods for sale, or for whom they have sold goods, and also in all cases when the purchase price has or ought to have been received by them or their servant or agent, the names and addresses of all persons to whom such goods have been sold, the description of goods sold, and the price obtained for each and every article.

33.2.2 notwithstanding the provisions of subsection 33.2.1 above, where goods are sold for Twenty-Five Dollars (\$25.00) or less, the auctioneer shall not be required to keep a record of the price or description of the goods or of the names and addresses of all persons to whom such goods have been sold.

33.3 Every licensed auctioneer shall, upon receiving any goods, wares, merchandise or effects for sale at their auction room or elsewhere in the City, give to the person leaving the same for sale, a receipt therefore containing a description of every article so left and the date upon which the same was left. The auctioneer shall retain a true copy of each receipt issued.

- 33.4 All books kept by an auctioneer pursuant to subsection 33.1 and all receipts issued pursuant to subsection 33.2 hereof shall be open to the inspection of the License Inspector or any member of the Royal Canadian Mounted Police at all times during business hours.
- 33.5 No auctioneer shall knowingly or willfully make or permit to be made any misrepresentation as to the quality or value of the goods, wares, merchandise or effects they offer for sale.
- 33.6 Every auctioneer shall within a reasonable time after the sale of any goods, wares, merchandise, effects or things, prepare and render to every person for whom such sale is made, a full, true and itemized account thereof and shall pay to the person entitled thereto all moneys received by them for such goods, wares, merchandise, effects or things, deducting therefrom however their reasonable commission and any disbursements actually made by them and specially authorized by the person whose goods, wares, merchandise, effects or things have been sold.

34.0 AUTOMATIC VENDING MACHINES, AUTOMATIC AMUSEMENT DEVICES AND AMUSEMENT ARCADES

- 34.1 No business/person shall keep or permit to be installed on their premises, any automatic vending machine or device which has not been duly licensed by the City under the provisions of this Bylaw.
- 34.2 Proof of ownership of the vending machines or device shall be the responsibility of the proprietor of the business.
- 34.3 No license shall be granted for an amusement arcade until prior approval has been given by Council.

35.0 BILLIARD AND POOL HALLS

- 35.1 No license in respect of any billiard or pool hall shall be granted until the premises have been inspected by the License Inspector and the Medical Health Officer and approved as being suitable for that purpose.
- 35.2 No business other than billiard, pool or like games shall be conducted on the premises without first having taken out a license therefor.
- 35.3 No game shall be played for money or anything of value in any premises in which billiard or pool tables are kept, provided however that nothing herein contained shall prohibit the holding of tournaments under rules of local, provincial, dominion or like organizations and the giving of trophies or prizes at such tournaments.

36.0 BINGO HALLS

All bingos shall be conducted under the Liquor and Gaming Commission regulations pursuant to Section 190 of the Criminal Code.



37.0 BOXING, SPARRING OR WRESTLING PROMOTION

Any business/person that conducts or sponsors a boxing, sparring or wrestling promotion shall take out a license for each day such contest or event is to be held.

38.0 BUILDING MOVER

38.1 Every building mover shall file with the license application and shall maintain in force during the period that the license is valid, a comprehensive general liability insurance policy in the amount of One Million Dollars (\$1,000,000.00) in a form satisfactory to the City Director of Finance.

38.2 No business/person shall conduct the activity of a building mover without first obtaining:

38.2.1 a Street Transportation Permit, and

38.2.2 a Moving Permit from the Engineering Department.

39.0 CANTEENS

No license may be granted until the applicant produces a certificate from the Medical Health Officer stating that their premises or vehicles have been approved.

40.0 CATERER

No license may be granted until a certificate from the Medical Health Officer has been first obtained and produced.

41.0 CHIMNEY SWEEP

No license may be granted until the City Fire Chief has given approval.

42.0 CIRCUS, TRAVELING EXHIBITIONS, ETC.

42.1 No license may be granted until a provincial license is first produced.

42.2 No circus, menagerie, or other like traveling exhibitions, sideshows or other entertainment connected therewith shall be exhibited in the City for a period longer than two (2) days without written permission of the License Inspector.

42.3 The owner or manager of every show licensed under the provisions of this Bylaw shall exhibit at the entrance of the said show a placard having

printed thereon a tariff of admission fees to be charged to such show. The placard and the figures thereon shall be of such size as meets the approval of the License Inspector.

42.4 Whereas refreshments are sold in connection with any show, the tariff to be charged for such refreshments shall be exhibited in a conspicuous place or places in the said show, to the satisfaction of the License Inspector and the Department of Public Health.

#### 43.0 COLLECTION AGENCY

43.1 No license shall be issued under this section until:

43.1.1 the License Inspector is satisfied that the applicant has obtained the license required by the Province of Saskatchewan, and

43.1.2 a favorable report from the Chief of Police concerning the record and character of the applicant.

#### 44.0 CONTRACTOR

44.1 A contractor as herein defined shall supply to the License Inspector, upon request, the names and addresses of each subcontractor engaged by them to carry out any of the work on any building or structure which such contractor holds the contract.

44.2 The issuance of a license hereunder shall not be deemed to authorize any business activity by a contractor except where such is permissible pursuant to the Zoning Bylaw.

#### 45.0 DIRECT SELLER

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45.1 No business/person shall conduct the business of a direct seller before first obtaining the applicable provincial licenses as well as paying the required municipal fee as set out in the Schedule 'A'.

45.2 No exemptions from paying the municipal fee are permitted.

45.3 Upon payment of the municipal fee mentioned in subsection 45.1, the License Inspector shall issue a License Identification Card.

#### 46.0 DRIVER TRAINING INSTRUCTION

46.1 Every business/person carrying on an activity as an independent driver training instructor licensed pursuant to this Bylaw shall possess a certificate issued by Saskatchewan Government Insurance showing that business/person is registered as a driver training instructor and a driver training school, and produce such certificates upon reasonable request by

a member of the Royal Canadian Mounted Police or by the License Inspector.

46.2 Every business/person offering driver training instruction to a high school or that is employed by a driver training school shall possess a certificate issued by Saskatchewan Government Insurance showing that business/person is registered as a driver training instructor, and shall produce such certificate upon reasonable request by a member of the Royal Canadian Mounted Police or by the License Inspector.

46.3 Every business/person licensed pursuant to this Section that offers driver training instruction to a high school shall possess a Class 4 Saskatchewan driver's license, which shall be produced upon reasonable request by a member of the Royal Canadian Mounted Police or by the License Inspector.

#### 47.0 HOME BASED BUSINESS / HOME OCCUPATIONS

47.1 Every person applying for a home based business license, or transfer of a home based business license, must obtain the appropriate approval issued under the provisions of the Zoning Bylaw.

47.2 The regulations as contained in the Zoning Bylaw shall apply in respect of all home based businesses.

#### 48.0 HOME BASED FINE ARTS INSTRUCTION

48.1 Every person applying for a home based fine arts instruction license, or transfer of a home based fine arts instruction license, must obtain the appropriate approval issued under the provisions of the Zoning Bylaw.

48.2 The regulations as contained in the Zoning Bylaw shall apply in respect of all home based fine arts instruction.

#### 49.0 MUSICAL, THEATRICAL OR DRAMATIC PERFORMANCE

49.1 The applicant for a license to conduct any musical, theatrical or dramatic performance shall in their application advise the License Inspector of the number of days they intend to carry on such business and before the license is granted, shall pay the entire amount of the license fee.

49.2 No license is required to hold a musical, theatrical or dramatic performance:

49.2.1 in any part of a church or like regular meeting place for the holding of religious services, under the auspices of the persons in charge of the church or meeting place when all the artists or other performers are amateurs and the money charged or collected for or in connection with admission are to be used for the benefit of the church or meeting place; or

- 49.2.2 at which non-professional resident talent performs and which is conducted in any premises, and where the net proceeds are devoted to charitable or educational purposes.

## 50.0 PAWNBROKER

- 50.1 The License Inspector shall not issue a pawnbroker license for any premises that is already licensed either as an auctioneer or as a secondhand dealer or both.
- 50.2 Every pawnbroker shall keep a pawnbroker registry in a form and manner satisfactory to the License Inspector in which shall be permanently recorded the following information, which shall be secured and recorded at the time of each transaction:
  - 50.2.1 an accurate, detailed description of each item of personal property taken as a pledge and all markings, serial numbers, make or model or other identification placed or marked on the property by the manufacturer or vendor thereof;
  - 50.2.2 a statement of any description, mark or specific identification which has been made on or attached to the property;
  - 50.2.3 the date and time of day when the property was given to the pawnbroker as security;
  - 50.2.4 the rate of interest which is to be charged on the loan which is made on the security of the pledge and how the interest shall be calculated;
  - 50.2.5 the first name, middle initial, surname, address and telephone number, and a detailed description of the person or persons from whom the property was acquired, including, but not limited to, the record of the numbers from two (2) forms of identification that confirm the name given, one (1) of which must confirm the name and address given, from the following:
    - 50.2.5.1 social insurance card; or
    - 50.2.5.2 operator's license; or
    - 50.2.5.3 hospital services card; or
    - 50.2.5.4 credit card.
  - 50.2.6 the signature of the person or persons from whom the property was acquired.
  - 50.2.7 the folio or serial number of the pledge.

- 50.3 The pawnbroker or any employee of the pawnbroker shall not erase, obliterate, deface or alter the record made pursuant to subsection 50.2 and shall not direct, allow or suffer any other person to erase, obliterate, deface or alter the record.
- 50.4 The record required to be kept by subsection 50.2 and every item of personal property in the pawnbroker's place of business acquired as a security for a loan shall at all times be open to inspection by the License Inspector, a member of the Royal Canadian Mounted Police or any person appointed by Council or by the License Inspector for that purpose.
- 50.5 At the time a borrower deposits or delivers any personal property as security for a loan the pawnbroker or their employee shall, without requiring or accepting any fee or charge for so doing, deliver to the borrower a note or memorandum signed by the pawnbroker containing a summary of the information which is required to be inserted in the record kept pursuant to subsection 50.2 other than the description of the borrower.
- 50.6 A pawnbroker shall not:
- 50.6.1 allow any property received as security for a loan to be redeemed or removed from their place of business before seventy-two (72) hours have elapsed from the time the property was tendered to the pawnbroker as security, or
  - 50.6.2 sell any property which has been received as security for a loan and which has not been redeemed within the time allowed to the borrower for redemption before three (3) months have elapsed from the time when the property was furnished to the pawnbroker as a pledge.
- 50.7 At the time any property received as security for a loan is either redeemed by the owner or sold because it has not been so redeemed the pawnbroker or their employee shall enter in the record kept pursuant to subsection 50.2
- 50.7.1 the name, address and signature of the person purchasing or redeeming such property;
  - 50.7.2 the record of the numbers from two forms of identification as specified in subsection 50.2.5;
  - 50.7.3 the date the sale or redemption;
  - 50.7.4 the signature of the pawnbroker or their employee performing the transaction.
- 50.8 A pawnbroker or their employee shall not accept property as security for a loan or advance a loan on the receipt or promise of delivery of any property from:

- 50.8.1 a person who is or who appears to be under the influence of alcohol or any drug;
  - 50.8.2 a person who actually is or who appears to be under the age of eighteen (18) years;
  - 50.8.3 any person failing to identify themselves adequately as set out in subsection 50.2.5 herein;
  - 50.8.4 a person who the pawnbroker or their employee knows or has reasonable grounds to believe may have stolen or otherwise illegally acquired the property offered for security for a loan.
- 50.9 No pawnbroker or their employee shall accept property on which the manufacturer's identification number or serial number has been removed, defaced, tampered with or in any way altered unless the prior written approval of the Chief of Police has first been obtained.
- 50.10 Every pawnbroker shall at all times keep posted in a conspicuous position on their premises so as to be easily seen and read by persons pledging goods, on a card or sign having printed or painted thereon the following information:
- 50.10.1 the rate of interest permitted by the Criminal Code of Canada to be charged by pawnbrokers;
  - 50.10.2 the amount which the pawnbroker is entitled to charge for the notes which they are required to furnish under the provisions of this Bylaw to a person pledging goods.
- 50.11 No pawnbroker shall operate a pawnbroker business nor employ anyone in their pawnbroker business without first obtaining a certificate of approval from the Chief of Police for themselves and each employee.

#### 51.0 PRIVATE INVESTIGATOR

- 51.1 No license shall be issued under this section until:
- 51.1.1 the License Inspector is satisfied that the applicant has obtained the license required by the Province of Saskatchewan, and
  - 51.1.2 a favorable report from the Chief of Police concerning the record and character of the applicant.

#### 52.0 PUSH CART VENDOR

- 52.1 No business/person shall carry on the business of:
- 52.1.1 a pushcart vendor (food products); or

- 52.1.2 a pushcart vendor (non-food products), without having a valid and subsisting license therefore issued by the License Inspector pursuant to the provisions of this Bylaw.
- 52.1.3 no applicant for a license to be issued pursuant to this Bylaw shall be issued a license unless the size and design of the pushcart to be used by the applicant has been approved by the License Inspector.
- 52.1.4 no applicant for a license as a pushcart vendor (food products) shall be issued a license pursuant to this Bylaw unless a Medical Health Officer has approved the application for such license.
- 52.1.5 no pushcart vendor shall use any pushcart which has not been approved by the License Inspector.
- 52.1.6 no pushcart vendor shall operate a pushcart on any sidewalk in a Residential District of the City.
- 52.1.7 a separate license is required in respect of each pushcart operated by a pushcart vendor.
- 52.2 No license shall be issued pursuant to this Bylaw until the applicant has paid to the City the license fee prescribed by this Bylaw.
- 52.3 No license shall be issued pursuant to this Bylaw unless the applicant has first provided to the City:
  - 52.3.1 a certified copy of a public liability insurance policy in a form and an amount satisfactory to the City Director of Finance naming the City as an additional named insured, and
  - 52.3.2 a certificate in respect of such insurance policy in a form satisfactory to the City Director of Finance providing that the insurance policy cannot be canceled or terminated without the City being given what is in the opinion of the City Director of Finance sufficient prior notice.
- 52.4 No pushcart vendor shall operate a pushcart in front of any business selling the same or similar merchandise without prior written consent of the business owner.

### 53.0 SECONDHAND DEALER

- 53.1 A secondhand dealer shall keep a secondhand registry in a form satisfactory to the License Inspector in which shall be permanently

recorded, at the time any secondhand goods are acquired, the following information:

53.1.1 an accurate, detailed description of any personal property acquired, and any markings, serial numbers or other identification of such property;

53.1.2 the price paid for such property;

53.1.3 the date of day such property is acquired;

53.1.4 the folio or serial number of the acquisition;

53.1.5 the first name, middle initial, surname, address and telephone number, and a detailed description of the person or persons from whom the property was acquired, including, but not limited to, the record of the numbers from two (2) forms of identification that confirm the name given, one (1) of which must confirm the name and address given, from the following:

53.1.5.1 social insurance card; or

53.1.5.2 operator's license; or

53.1.5.3 hospital services card; or

53.1.5.4 credit card;

53.1.6 the signature of the person or persons from whom the property was acquired.

53.1.7 the license number and description of vehicle in which such property was delivered, if known.

53.2 A secondhand dealer shall provide a legible copy of any new entries made in the record kept under subsection 53.1 to the Royal Canadian Mounted Police as requested, which may be as frequent as daily, and shall provide any member of the Royal Canadian Mounted Police or the License Inspector access to the permanent record kept under subsection 53.1 upon request.

53.3 Where any secondhand dealer or employee of a secondhand dealer believes or has reason to believe that any property which they have obtained has been or may have been stolen or otherwise fraudulently obtained he shall notify the Chief of Police or a member of the Royal Canadian Mounted Police that they have such property in his possession.

53.4 Where a person in the business of selling principally new goods proves to the satisfaction of the License Inspector that they obtained all secondhand goods offered for sale or sold by them either:



53.4.1 from persons who furnished the secondhand goods as part of the consideration from the purchase from them of new goods of the same or similar type, or

53.4.2 from government surplus stock purchased by them from the agency disposing of such surplus stock in bulk lots,

then they shall not be deemed to be carrying on a business requiring a license as a secondhand dealer in respect of that merchandise.

53.5 No secondhand dealer shall, in the conduct of his business nor shall any employee of a secondhand dealer, accept property from:

53.5.1 any person who actually is or appears to be under the age of eighteen (18) years,

53.5.2 any person who fails or refuses to produce the required identification for the purposes of recording the transaction in accordance with the provisions of this Bylaw, or

53.5.3 a person who is or who appears to be under the influence of any alcohol or any drug.

53.6 No secondhand dealer shall carry on, or permit or allow to be carried on, the business of a pawnbroker from the same premises from which the secondhand dealer business is being carried on.

53.7 No secondhand dealer shall purchase a secondhand good on which the manufacturer's identification or serial number has been visibly tampered with, removed, defaced or in any way altered unless the dealer has obtained prior written approval from the Chief of Police.

53.8 No secondhand dealer shall operate a secondhand business nor employ anyone in their secondhand business without first obtaining a certificate of approval from the Chief of Police for themselves and each employee.

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January 20, 2003

#### 54.0 SHOPPING MALL – TRANSIENT TRADERS

Shopping Malls shall pay the City of Swift Current an annual fee as set out in Schedule 'A' to cover any transient traders who wish to display or offer for sale merchandise within the confines of the shopping mall.

#### 55.0 TRADERS

Every license issued shall state specifically the kind or kinds of goods or merchandise the licensee is authorized to offer for sale within the City.

56.0 TRANSIENT TRADER

No application for license shall be granted unless the location is properly zoned and approved. No owner or manager of a motel, hotel, commercial or industrial building or site shall knowingly permit any person or company to set up retail business on his premises or site, without first ascertaining that such salesperson or company holds a valid license to operate in the City.

57.0 SALE OF COMMODITIES

There shall be no merchandise displayed or sold on the premises in a Residential District.

58.0 STORAGE OF COMMODITIES

There shall be no exterior display or storage of any merchandise or material relating to home based business in a Residential District.

59.0 REPEAL OF FORMER BYLAWS

Bylaw No. 38-1989 and all amendments thereto are hereby repealed.

THIS BYLAW shall come into force and have effect from the date of final passing.

\_\_\_\_\_MAYOR \_\_\_\_\_CITY CLERK

***INTRODUCED AND READ a first time this 20th day of January, 1997.***

***READ a second time this 20th day of January, 1997.***

***READ a third time and finally passed this 20th day of January, 1997.***

**SCHEDULE 'A'**

<b>CATEGORY: 1      TITLE: <i>Basic License (unless otherwise noted)</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
Resident - home based	100
Resident - commercial premises	100
Non-resident	200
<b>CATEGORY: 2      TITLE: <i>Boxing, Sparring or Wrestling</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
Per day of promotion	100
Operated or sponsored by a service club and the proceeds devoted to promoting community or charitable purposes.	10
<b>CATEGORY: 3      TITLE: <i>Canteens and Push Carts</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
Canteen      - residential	100
- commercial premises	100
Push Cart    - yearly	100
- summer seasonal (April 1 - Sept. 30)	50
<b>CATEGORY: 4      TITLE: <i>Carnivals</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
First day	250
Each additional day	125
Operated or sponsored by a local service club and the proceeds are devoted to promoting community or charitable purposes	10% of Above
<b>CATEGORY: 5      TITLE: <i>Christmas Tree Vendor</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
Per location	100
Operated or sponsored by a local service club and proceeds are devoted to promoting community or charitable purposes.	10
<b>CATEGORY: 6      TITLE: <i>Circus, etc.</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
First day	370
Each additional day	260
Menageries, waxworks, etc. - each day	160
Operated or sponsored by a local service club and the proceeds are devoted to promoting community or charitable purposes	10% of Above

<b>CATEGORY: 7      TITLE: <i>Direct Sellers</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
Division A: Provincial License	30/person
Division B: Provincial License	20/person
<b>CATEGORY: 8      TITLE: <i>Fish, Farm or Produce Dealer</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
Resident – home based	100
Non-resident	200
<b>CATEGORY: 9      TITLE: <i>Garden Tilling or Snow Removal</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
Resident - home based	35
Non-resident	70
<b>CATEGORY: 10      TITLE: <i>Home Based Fine Arts Instruction</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
Resident - home based	100
Resident - commercial premises	100
<b>CATEGORY: 11      TITLE: <i>Shopping Malls, Transient Traders</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
Basic Fee - per year	2,500
<b>CATEGORY: 12      TITLE: <i>Musical, Theatrical or Dramatic Performance</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
First day	100
Each additional day	50
Operated or sponsored by a local organization, church or service club and the proceeds are devoted to promoting community or charitable purposes.	Exempt
<b>CATEGORY: 13      TITLE: <i>Office of Convenience</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
Resident - home based	Exempt
<b>CATEGORY: 14      TITLE: <i>Public Halls</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
Resident	Exempt
<b>CATEGORY: 15      TITLE: <i>Traders, Transient Traders</i></b>	
<b>DESCRIPTION</b>	<b>LICENSE FEE (\$)</b>
Non-resident	1,000