

## TOWN OF TISDALE

### BYLAW NO. 2/06

#### A BYLAW OF THE TOWN OF TISDALE TO PROVIDE FOR THE LICENSING, REGULATING AND GOVERNING OF PERSONS ENGAGED IN CERTAIN OCCUPATIONS AND PLACES USED FOR CERTAIN PURPOSES TO BE KNOWN AS THE "GENERAL LICENSING BYLAW"

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

#### 1. DEFINITIONS:

In this Bylaw, unless otherwise required, the expressions:

- (a) **"Administrator"** means the Administrator of a municipality appointed pursuant to Section 110 of The Municipalities Act.
- (b) **"Business"; "Occupant"; "Owner"; "Person"; "Transient Trader"** shall have the same meaning as given them in The Municipalities Act.
- (c) **"Charitable or Non Profit Organization"** means an organization that is:
  - incorporated as a non-profit corporation in the Province of Saskatchewan; or
  - a registered charity authorized to issue tax receipts for donations pursuant to The Income Tax Act; or
  - an organization that can demonstrate that it is formed for social, educational, religious or philanthropic purposes from which the members do not receive a direct economic gain.
- (d) **"Council"** shall mean and include the Council of the Town of Tisdale
- (e) **"Contractors"** means any person or persons that engages in or who enters into a contract for the construction, alteration, repair or removal of buildings or structures, the installation of heating, plumbing, electrical or other fixtures, painting and/or other allied trades or the performance of other similar work in the municipality.
- (f) **"Direct Sale", "Direct Sales Contract" and "Direct Seller"** shall have the meaning given them in The Direct Sellers Act
- (g) **"Home Based Business/Home Occupation"** means an activity conducted wholly or partly on the residential premises of the business or person
- (h) **"License Inspector"** shall mean the Assistant Town Administrator of the Town of Tisdale and shall include anyone acting or authorized to act on his/her behalf.
- (i) **"Licensee"** means a business/person holding a valid and subsisting license issued pursuant to the provisions of this Bylaw.
- (j) **"Non-Resident Business"** includes any business, trade, profession, industry, occupation, calling or provider of goods or services, and does not reside or maintain a place business within the corporate boundaries of the Town of Tisdale, but operates either partly or wholly within the corporate boundaries of the said Town.
- (k) **"Police" or "Police Officer"** shall mean any member of the R.C.M. Police or any police officer under contract with the Town.
- (l) **"Town" or "Municipality"** shall mean the Town of Tisdale.

#### 2. DEFINITIONS OF TYPES OF ACTIVITIES:

- (a) **"Advertising Canvasser/Distributor"** means a business/person who solicits and/or distributes almanacs, blotters, cards, catalogues, circulars, coupons, calendars, 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.

- (b) **"Ambulance Service"** means any person who owns or keeps for hire or profit a motor vehicle for the purpose of conveying sick or injured persons, PROVIDED HOWEVER, that no application for a license under this section shall be accepted unless a license to operate such vehicle is first obtained from the Provincial Motor License Branch and is produced to the License Inspector.
- (c) **"Appraiser"** includes any person who carries out residential commercial and other real estate appraisals.
- (d) **"Auctioneer"** includes any person selling or offering for sale by public auction any real or personal property, including wares, merchandise, machinery, effects, automobiles or other such like goods.
- (e) **"Barber and/or Hair Dresser"** means any person who carries on a barbering or hair styling business for profit or gain.
- (f) **"Bed and Breakfast"** means every person who keeps or conducts a boarding house not licensed as a public hotel and having up to four beds available for the use of boarders or lodgers.
- (g) **"Body Piercing"** includes any person engaged in the practice of Body Piercing in the Town.
- (h) **"Bookkeeper or Accountant"** is any public bookkeeper or accountant not having an established place of business in the Town as bookkeeper or accountant.
- (i) **"Building Movers"** means any person carrying on the business of moving buildings within, into, or out of Town.
- (j) **"Canvassers For Subscriptions"** includes every person canvassing for subscriptions to daily, weekly or monthly papers, magazines or periodicals printed outside the Town of Tisdale.
- (k) **"Caterer"** is any person, club or organization who or which for profit, supplies or furnishes group dinners or luncheons, PROVIDED HOWEVER, that this shall not apply to dinners, banquets or luncheons served or supplied by;
- Religious organizations, primarily for its own member or adherents.
  - Hospitals which receive public aid under the Hospital Act.
  - Canadian Legion and Service Clubs and fraternal organizations.
- (l) **"Chimney Sweep"** is any person who carries on the business or trade of a chimney sweep other than a plumber or tinsmith regularly engaged in the plumbing or tinsmithing business.
- (m) **"Christmas Tree Vendor"** means a business/person or organization that sells or offers for sale Christmas trees on any site outside of a building.
- (n) **"Collection Agency"** includes every person who collects accounts and charges a commission or fee therefore.
- (o) **"Computer Technician"** is any person who carries on the business of computer sales, programming or repair for profit or gain.
- (p) **"Contractor"** includes any person who enters into a contract or contracts for the erection, alteration, cleaning, moving, repair or demolition of buildings or structures within the Town and, without limiting the generality of the foregoing, includes a person who carries on any one or more of the following businesses:
- building or carpenters;
  - excavator, concrete, sidewalk, road, bridge or paving contractor;
  - roofing, siding, glass installer or insulating contractor;
  - linoleum, floor finishing, rug installation;
  - painting, decorating, paper hanger, terrazzo or tile contractors;
  - brick or stone mason, structural steel contractor or welding contractor.
  - plumbing and electrical contractors
- (q) **"Decorator"** includes every person that decorates, designs or executes the interiors of buildings and furnishings.
- (r) **"Direct Seller"** means an individual or firm which is licensed under The Direct Sellers Act, and
- goes from house to house selling or offering for sale or soliciting orders for the future delivery of goods or services; or

- by telephone offers for sale or solicits orders for the future delivery of goods or services; or
  - does both of the things mentioned in the above two sub clauses.
- (s) **"Direct Sales Contractor"** means a vendor who sells, offers for sale or solicits orders for:
- (i) constructing, altering, renovating, maintaining, repairing, adding to or improving a building that is used or is to be used as a house by the owner, occupier, or person in control of it; or
  - (ii) altering, maintaining or improving real property to be used in connection with a house.
- (t) **"Drafting/Engineering"** is any person engaged in the profession of Drafting or Engineering not having an established place of business in the Town of Tisdale.
- (u) **"Delivery Services"** means a business/person that derives some portion of their revenue from the operation of a delivery 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, , 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, shall be deemed a delivery service unless the context otherwise requires.
- (v) **"Electrolysis"** is any person who is engaged in the practice of Electrolysis in the Town of Tisdale.
- (w) **"Farmers Market"** includes every person or group of persons operating a market where the producer offers produce, fruit, handicrafts and other similar products for sale. Dairy products not included.
- (x) **"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 butcher or grocer and is not a direct seller by virtue of The Direct Sellers Act.
- (y) **"Florist"** is any person carrying on the business of a florist and sells flowers, cut flowers, plants, bulbs and other things of a like nature and does not have an established place of business within the Town.
- (z) **"Fruit Dealers"** is any person who engages in the business of selling fresh fruit and who is not otherwise licensed as a grocer.
- (aa) **"Garden Tilling"** is any person operating a motorized cultivating outfit or aerating machine for gain.
- (bb) **"Handyman or Repairman"** includes individuals who repair items or make general repairs for hire or gain.
- (cc) **"Hearing Technician"** - is any person engaged in the service of assessing hearing loss and the sale and repair of hearing aids or other related supplies not having an established place of business in the Town of Tisdale
- (dd) **"Hypnotist"** includes any hypnotist, phrenologist, astrologist or other person of similar calling.
- (ee) **"Ice Cream and/or Soft Drink Parlors or Booths"** includes any person who owns or operates any place for the serving or sale of ice cream and soft drinks provided that a restaurant or lunch counter which is subject to a business tax shall not be required to be licensed under this paragraph.
- (ff) **"Job Printers"** is any person carrying on the business as a job printer in the Town.
- (gg) **"Landscaping"** is any person providing landscaping services, selling nursery stock or operating any mechanical cultivating outfit for gain.
- (hh) **"Limousine Service"** shall mean the business of offering for gain or profit, the use of nonmetered vehicles and drivers.
- (ii) **"Not Classified"** includes every person carrying on any trade or business for gain if in regard to licensing of same, no specified provision is anywhere made in this bylaw .
- (jj) **"Petty Trade"** includes every person carrying on a trade or business for gain if in regard to licensing of same, specified provision is anywhere made in this bylaw, however is deemed to be petty by the Licensing Inspector

- (kk) "Photographers" is a person who carries on the business of photographer and does not have an established place of business in the Town.
- (ll) "Private Service Homes" 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.
- (mm) "Reflexology" is any person engaged in the practice of Reflexology in the Town.
- (nn) "Sign Installers" is any person engaged in the business of sign erection, repair or painting.
- (oo) "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.
- (pp) "Tattoo Parlor" includes any premises where tattooing is performed for gain.
- (qq) "Tombstone & Monument Sales & Installation" is a person carrying on the business of tombstone or monument sales and installation within the Town, and does not have an established place of business.
- (rr) "Tow Truck Service" is a business/person that tows or transports vehicles.
- (ss) "Transient Dry Cleaners" includes every person or agent thereof, not resident of the Town who picks up clothing or other articles for dry cleaning outside the Town limits whether the clothing or articles are privately owned or on a lease basis.
- (tt) "Transient Trader" means a business/person that carries on a business that:
  - offers goods or merchandise for sale by retail or auction; or
  - 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:
  - business/person that is required to be licensed pursuant to The Direct Sellers Act.
- (uu) "Welder" is any person carrying on the business of an electric welder or oxyacetylene welder or cold welder not having a regular place of business in the Town.

### **3. PERSONS AFFECTED:**

Persons required to be licensed under the provisions of this Bylaw are those persons carrying on any of the businesses, industries, callings or occupations listed in Schedule "A" to this Bylaw who are not assessed for commercial property tax or who are not a tenant of the owner of assessed commercial property.

### **4. LICENSE FEES:**

The fee payable in respect of any license required under the provisions of this Bylaw shall be in the amount set out in Schedule "A" of this Bylaw and shall be payable at the Office of the License Inspector

### **5. PRORATING OF FEES:**

- (a) The license fee will be prorated in the following manner:
 

➤ Single Project Rate	35% of the Annual License Fee
➤ January 1 <sup>st</sup> to August 31 <sup>st</sup>	100% of the Annual License Fee
➤ September 1 <sup>st</sup> to December 31 <sup>st</sup>	50% of the Annual License Fee
- (b) No refunds shall be issued with respect to any license except when a license is revoked as provided for by The Municipalities Act.
- (c) In order for a person to qualify for a single project rate the length of time he can work on this single project cannot exceed seven consecutive work days in duration and the total value of their portion of construction costs cannot exceed Twenty Five Thousand Dollars (\$25,000.00).

#### **6. COMPLIANCE WITH PROVISIONS OF BYLAW:**

Every person carrying on or engaged in business in respect of which a license is required shall, upon request of the License Inspector, give to the Inspector all information necessary to enable him to carry out his duties.

#### **7. APPLICATION FOR LICENSES:**

All applications for licenses must be in writing, addressed to the License Inspector of the Town of Tisdale, and shall contain the following information:

- (a) Name, address and occupation of the applicant.
- (b) Nature of the license applied for.
- (c) The place where the license is to be exercised or where the proposed calling is to be carried on.
- (d) The period for which the license is required.

#### **8. GRANTING OF LICENSES:**

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.

- (a) 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.
- (b) Every license granted under this Bylaw shall be made out in duplicate and one copy shall be delivered to the licensee who shall produce the 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.

#### **9. DURATION OF LICENSE:**

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

#### **10. DISPLAY OF LICENSES:**

Every licensee granted a license to carry on the 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, produce the license to such official.

#### **11. REVOCATION OF LICENSES:**

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.

#### **12. OFFENCES AND PENALTIES:**

- (a) Any person carrying on the several 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 amount of solicitor's cost for the prosecution under this Bylaw.
- (b) In case of a conviction for the non-payment of the license fee payable to the Town under this Bylaw the convicting justice may adjudge payment thereof in addition to the penalty.
- (c) In the case of a continuing offence, an additional duty fine of not more than One Hundred Dollars (\$100.00) per day.

- (d) Such penalty or penalty and license fee, as the case may be, may be recovered and enforced by summary conviction before a Provincial Magistrate or Justice of the Peace having jurisdiction in the Town.
- (e) Where any person guilty of an infraction of the provisions of this bylaw has been issued a notice of violation pursuant to this bylaw by the License Inspector, RCMP or any other person authorized to act on their behalf, then the Town will accept voluntary payment within five days at the office of the Town Administrator at the Town Office, Tisdale, Saskatchewan in an amount of One Hundred Dollars (\$100.00) provided that an application for the appropriate business license pursuant to this bylaw has been applied for and the appropriate fees as detailed in Schedule "A" attached to and forming part of this bylaw, have been paid.

**13. PROSECUTION:**

Where, in a prosecution or proceeding under a Bylaw providing for the licensing of any business, industry or calling, or of persons carrying on the same or engaged therein, it is alleged that the person proceeded against carried on or engaged in such business, industry or calling without having first 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.

**14. FROM WHOM LICENSE RECOVERABLE:**

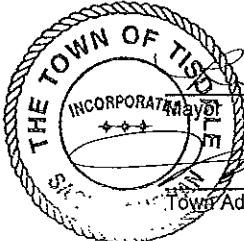
In case any contractor fails to pay the license fee imposed by this Bylaw, the licensing officer may give notice in writing to any person by whom the contractor is employed requiring the person to pay the license fee out of the monies payable by him to the contractor and upon receipt of the notice by that person, the amount of the license fee shall to the extent 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.

**15. BYLAWS REPEALED:**

Bylaw No. 10/86 and 18/90 of the Town of Tisdale are hereby repealed

**16. COMING INTO FORCE:**

This Bylaw shall come into full force and take effect on the day of passing.

  
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Town Administrator

**TOWN OF TISDALE  
LICENSING BYLAW NO. 2/06 SCHEDULE**

CATEGORY 1 - SEASONAL TRADES	RESIDENT		NON RESIDENT		RESIDENT	NON RESIDENT
	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	ONE TIME	ONE TIME
Chimney Sweep Christmas Tree Sales Garden Tiling Landscaping Lawn Maintenance Snow Removal	\$50.00	\$25.00	\$100.00	\$50.00	\$17.50	\$35.00
CATEGORY 2 - CONTRACTORS	RESIDENT		NON RESIDENT		RESIDENT	NON RESIDENT
Bricklayers Carpenters Dry-walling Eave Troughs Electricians Floor Covering Gas Fitters Insulators Painters Plumbing & Heating Refrigeration Outfits Roofing, Asphalt or Built Up Siding Stucco	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	ONE TIME	ONE TIME
	\$225.00	\$112.50	\$325.00	\$162.50	\$78.75	\$113.75
CATEGORY 3 - PROFESSIONAL SERVICES	RESIDENT		NON RESIDENT		RESIDENT	NON RESIDENT
Bookkeeper/Accountant Auctioneer Appraiser Drafting/Engineering Services	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	ONE TIME	ONE TIME
	\$190.00	\$95.00	\$290.00	\$145.00	\$66.50	\$101.50

CATEGORY 4 - BASIC BUSINESS/HOME BASED	RESIDENT		NON RESIDENT		RESIDENT	NON RESIDENT
	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	ONE TIME	ONE TIME
Advertiser/Job Printer	\$125.00	\$62.50	\$175.00	\$87.50	\$43.75	\$61.25
Ambulances						
Bed & Breakfast						
Building Movers						
Collection Agency						
Computer Technician						
Delivery Service						
Furniture Repair/Refinisher						
Handyman						
Interior Decorators						
Photographer						
Private Service Homes						
Repairman						
Sign Maker/Installer						
Tow Truck Services						
Tombstone & Monument Sales & Installation						
Transient Dry Cleaners						
Welder						

CATEGORY 5 - FOOD SERVICES	RESIDENT		NON RESIDENT		RESIDENT	NON RESIDENT
	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	ONE TIME	ONE TIME
Caterers	\$100.00	\$50.00	\$150.00	\$75.00	\$35.00	\$52.50
Farmers Markets						
Fish/Sea Food Sellers						
Fruit Sales						
Ice Cream Parlors						
Produce Sales						

CATEGORY 6 - CRAFTS	RESIDENT		NON RESIDENT		RESIDENT	NON RESIDENT
	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	ONE TIME	ONE TIME
Art & Craft Makers	\$30.00	\$15.00	\$50.00	\$25.00	\$10.50	\$17.50
Dress Makers/Seamstress						
Flower Arrangements/Florist						
Home Crafts						
Painter/Artist						
Shoe Repair						



CATEGORY 7 - DIRECT SALES/CANVASSERS	RESIDENT		NON RESIDENT		RESIDENT   NON RESIDENT	
	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	ONE TIME	ONE TIME
Book Sales/Magazines/Canvasser	\$30.00	\$15.00	\$50.00	\$25.00	\$10.50	\$17.50
Cosmetic Sales						
Food Container Sales						
Licensed under Direct Sellers Act - Under \$1,000 Sale - \$20.00 license						
Licensed under Direct Sellers Act - Over \$1,000 Sale - \$30.00 license						

CATEGORY 8 - PERSONAL SERVICES	RESIDENT		NON RESIDENT		RESIDENT   NON RESIDENT	
	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	ONE TIME	ONE TIME
Barber/Hairdresser	\$75.00	\$37.50	\$125.00	\$62.50	\$26.25	\$43.75
Electrolyses						
Hearing Technician						
Hypnotist						
Manicurist						
Massage Therapist						
Pedicurist						
Reflexology						
Tattoo Parlor/Body Piercing						

CATEGORY 9 - SPECIALIZED TRANSPORTATION	RESIDENT		NON RESIDENT		RESIDENT   NON RESIDENT	
	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	ONE TIME	ONE TIME
Limousine Service - First Vehicle	\$75.00	\$37.50	\$125.00	\$62.50	\$26.25	\$43.75
Limousine Service - Second & Subsequent Vehicles	\$25.00	\$12.50	\$50.00	\$25.00	\$8.75	\$17.50
Taxi Cab - First Vehicle	\$75.00	\$37.50	\$125.00	\$62.50	\$26.25	\$43.75
Taxi Cab - Second & Subsequent Vehicles	\$25.00	\$12.50	\$50.00	\$25.00	\$8.75	\$17.50

CATEGORY 10 - TRANSIENT TRADERS	RESIDENT		NON RESIDENT		RESIDENT   NON RESIDENT	
	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	ONE TIME	ONE TIME
Good/Merchandise under \$1,000.00 in value			\$100.00/Day \$500.00/Year Max.	\$50.00/Day \$500.00/Year Max.		
Good/Merchandise over \$1,000.00 in value			\$150.00/Day \$600.00/Year Max.	\$75.00/Day \$600.00/Year Max.		

CATEGORY 11 - NOT CLASSIFIED	RESIDENT		NON RESIDENT		RESIDENT   NON RESIDENT	
	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	Jan 1 - Aug. 31	Sept. 1 - Dec. 31	ONE TIME	ONE TIME
Petty Trade	\$30.00	\$15.00	\$50.00	\$25.00	\$10.50	\$17.50
Unclassified	\$100.00	\$50.00	\$150.00	\$75.00	\$35.00	\$52.50