

## **TOWN OF WHITEWOOD BYLAW NO. 4-2005**

### **A BYLAW OF THE TOWN OF WHITEWOOD TO PROVIDE FOR THE LICENCING, 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 Whitewood, in the Province of Saskatchewan, enacts as follows:

#### **1. DEFINITIONS:**

In this Bylaw, unless otherwise required, the expressions:

- (a) **“Business”**; **“Boarding House”**; **“Direct Seller”**; **“Occupant”**; **“Owner”**; **“Person”**; **“Public Accommodation”**; **“Revised Assessment Roll”**; **“Transient Trader”**; shall have the same meaning as given them in the Urban Municipalities Act.
- (b) **“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 is formed for social, educational, religious or philanthropic purposes from which the members do not receive any direct economic gain.
- (c) **“Administrator”** **“Clerk”** and **“Treasurer”** mean respectively the persons occupying the positions of Administrator, Clerk and Treasurer of the Town of Whitewood.
- (d) **“Council”** shall mean and include the Council of the Town of Whitewood.
- (e) **“Contractors”** means any person or persons, who enter into a contract for the construction, alteration, repair or removal of buildings or structures, the installation of heating plants, plumbing or other fixtures or the performance of other similar work in the municipality.
- (f) **“City”** or **“Municipality”** shall mean the Town of Whitewood.
- (g) **“Home Based Business/Home Occupation”** means an activity conducted wholly or partly on the business operator’s residential premises.
- (h) **“License Inspector”** shall mean the Inspector of Licenses for the Town of Whitewood and shall include the Assistant Inspector of Licenses or Inspectors of Licenses, if any, and anyone acting as such during his absence from duty for any cause.
- (i) **“Licensee”** means a business/person holding a valid and subsisting license issued pursuant to the provisions of this Bylaw.

- (j) **“Resident Business”** includes any business, trade, profession, industry, occupation, calling or provider of goods or services, and who’s owner/operator resides or maintains a place business within the trading district of the Town of Whitewood or uses Whitewood as their normal shopping and trading place.

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) **“Auctioneer”** includes any person selling or offering for sale by public action any real or personal property, including wares, merchandise, machinery, effects, automobiles or other such like goods.
- (d) **“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 confectioneries, 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.
- (e) **“Barber and/or Hair Stylist”** means any person who carries on a barbering or hair styling business for profit or gain.
- (f) **“Beauty Parlor”** means any person who carries on the business of hairdresser or operates a beauty parlor.
- (g) **“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.
- (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 the Town, into the Town, or out of the Town.
- (j) **“Canteen”** includes any person who operates a canteen in a public place or a mobile canteen going from place to place from which food drink, confectioneries, cigars, cigarettes or tobacco is sold and for which all food is prepared in other premises and disposable utensils are used, provided that the cooking of hamburgers and wiener sausages in the canteen shall not be a violation of the terms of the licence.
- (k) **“Canvassers For Subscriptions”** includes every person canvassing for subscriptions to daily, weekly or monthly papers, magazines or periodicals printed outside the Town of Whitewood.
- (l) **“Car Dealer”** includes every person carrying on a business whereby new or used motor vehicles are sold, traded or offered for sale and does not have an established place of business in the Town.

- (m) **“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.
  - The Expression “Religious Organizations” as used in the first clause hereof shall Include the Young Men’s Christian Association, the Young Women’s Christian Association and/or any similar organization
- (n) **“Circus”** includes any proprietor or manager of a traveling circus or other like traveling exhibition provided that:
- There shall be displayed at the entrance of every circus, exhibition, show, palmist booth, merry-go-round, riding device or any like amusement, a sign bearing the admission fee charged for same in plain letters or figures at least four inches high in size and satisfactory in style and position to the License Inspector.
  - No licence shall be issued under this section unless the Provincial License for the exhibition in question is produced to the License Inspector.
- (o) **“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.
- (p) **“Chiropractist or Chiropractor”** is any person who engages in the business as a chiropodist or chiropractor or a manipulative healer and every person who in any public place who purports to heal the sick in any way.
- (q) **“Christmas Tree Vendor”** means a business/person or organization that sells or offers for sale Christmas trees on any site outside of a building.
- (r) **“Collection Agency”** includes every person who collects accounts and charges a commission or fee therefore.
- (s) **“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 instillation;
  - painting, decorating, paper hanger, terrazzo or tile contractors;
  - brick or stone mason, structural steel contractor or welding contractor.
- (t) **“Decorator”** includes every person that decorates, designs or executes the interiors of buildings and furnishings.

- (u) **“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.
- (v) **“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.
- (w) **“Drafting/Engineering”** is any person engaged in the profession of Drafting or Engineering not having an established place of business in the Town of Whitewood.
- (x) **“Dray Services”** 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.
- (y) **“Electrolysis”** is any person who is engaged in the practice of Electrolysis in the Town of Whitewood
- (z) **“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.
- (aa) **“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.
- (bb) **“Floor Sander”** is any person carrying on a business of floor sanding or finishing and not otherwise licensed as a contractor.
- (cc) **“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.
- (dd) **“Fruit Dealers”** is any person who engages in the business of selling fresh fruit and who is not otherwise licensed as a grocer.
- (ee) **“Fumigator”** is a person carrying on the business of a fumigator or an insect or rodent exterminator.
- (ff) **“Fur Dealer”** is any person engaged in the business of a dealer in raw furs, skins or hides.
- (gg) **“Garden Tilling”** is any person operating a motorized cultivating outfit or acerating machine for gain

- (hh) **Golf Driving Range and Miniature Golf**” includes every person operating a place where the patrons pay a fee, whether by way of membership or otherwise for the purpose of practicing or exemplifying the driving of golf balls.
- (ii) **“Hawker or Peddler”** is any person who, whether as principal or agent, goes from house to house or locates on any street or roadway or elsewhere other than a building which is his permanent place of business, and offers for sale any merchandise to any person or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise to be afterwards delivered in or shipped into the Town; but does not include a principal or agent selling to a wholesale or retail dealer in such merchandise.
- (jj) **“Handyman or Repairman”** includes individuals who repair items or make general repairs for hire or gain.
- (kk) **“Hypnotist”** includes any hypnotist, phrenologist, astrologist or other person of similar calling.
- (ll) **“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.
- (mm) **“Janitorial Services”** is any person or persons supply janitorial services which includes window cleaning to two or more buildings.
- (nn) **“Job Printers”** is any person carrying on the business as a job printer in the Town of Whitewood.
- (oo) **“Landscaping”** is any person providing landscaping services, selling nursery stock or operating any mechanical cultivating outfit for gain.
- (pp) **“Limousine Service”** shall mean the business of offering for gain or profit, the use of non-metered vehicles and drivers.
- (qq) **“Milk Dealer”** is any person, company or firm carrying on the business of milk processing or milk distributing plant and selling within the Town of Whitewood either by himself or through his employees or agents, milk or cream, other than canned milk or cream, directly to the consumer thereof.
- (rr) **“Mobile Vendors”** means any person who keeps a non-motor vehicle or vehicles for the sale of food, shall pay the annual fee provided by this bylaw for each vehicle.
- (ss) **“Photographers”** is a person who carries on the business of photographer and does not have an established place of business in the Town.
- (tt) **“Piano Tuner”** is a person carrying on the business or occupation of tuner, repairer or cleaner of organs or pianos.
- (uu) **“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 centers, group care facilities, nursing homes, special care homes and personal care homes.
- (vv) **“Reflexology”** is any person engaged in the practice of Reflexology in the Town of Whitewood.
- (ww) **“Sign Installers”** is any person engaged in the business of sign erection, repair or painting.

- (xx) **“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.
- (yy) **“Tattoo Parlor”** includes any premises where tattooing is performed for gain
- (zz) **“Tombstone and Monument Sales”** is a person carrying on the business of tombstone or monument sales within the Town, and does not have an established place of business.
- (aaa) **“Tow Truck Service”** is a business/person that tows or transports vehicles.
- (bbb) **“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.
- (ccc) **“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:
  - a business/person that is required to be licensed pursuant to The Direct Sellers Act
- (ddd) **“Used Car Dealers”** includes every person carrying on the business whereby used motor vehicles are sold, traded or offered for sale and does not pay any fee or tax in respect to the business of a new car dealer.
- (eee) **“Vending Machines”** means any automatic or coin operated vending machine or device for the sale of 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 machines or devices are located.
- (fff) **“Watch Repair”** is any person carrying on the business of repairing watches, clocks, etc. not conducted in a jewelry store.
- (ggg) **“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.
- (hhh) **“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.

3. **LICENSE INSPECTOR:**

There shall be an officer appointed by Council to be called a License Inspector of the Town of Whitewood.

4. **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 Business Tax purposes in respect to the business so carried on; and licenses issued to them shall be subject to compliance with the conditions, if any, as set out in this Bylaw.

5. **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.

6. **PRORATING OF FEES:**

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

<b>LICENSES \$100 &amp; UNDER</b>	
January 1 to June 30	100%
July 1 to December 31	50%

<b>LICENSES OVER \$100</b>	
January 1 to June 30	100%
July 1 to September 30	50%
October 1 to December 31	25%

- (b) 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.

7. **COMPLIANCE WITH PROVISIONS OF BYLAWS:**

- (a) Every person carrying on or engaged in business in respect of which a license is required shall, upon request of the License Inspector, give the Inspector all information necessary to enable him to carry out his duties.
- (b) A person carrying on or engaged in any such business who fails to furnish such information within 10 days from the date on which the request is made is guilty of an offense and liable on summary conviction to a fine not exceeding \$10.00 for every day for which the default continues.

8. **APPLICATION FOR LICENSES:**

All applications for licenses must be in writing, addressed to the License Inspector of the Town of Whitewood, 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.

9. **GRANTING OF LICENSES:**

All licenses required under the provisions of this Bylaw shall be issued by the License Inspector except where Council reserves to itself the right to decide whether a license shall be issued or not.

- (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 Council will consider the application.
- (b) Every license granted under the 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.

10. **DURATION OF LICENSE:**

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

11. **FEES PAYABLE AT TOWN HALL:**

All license fees required to be paid under the provisions of the Bylaw shall be paid to the Town in the office of the License Inspector.

12. **REVOCAION 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.

14. **PARTNERSHIPS:**

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

15. **OFFENCES AND PENALTIES:**

- (1) 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.
- (2) 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.
- (3) Such penalty or penalty and license fee, as the case may be, may be recovered and enforced by summary conviction before a Provincial Magistrate of Justice of the Peace having Jurisdiction the Town, and upon default of payment, the person convicted may be committed to jail or the guardroom of the Royal Canadian Mounted Police force, or to a public lock-up for any time determined by the Provincial Magistrate or Justice, not exceeding thirty days, unless the penalty, or penalty and license fee, are sooner paid.

16. **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.



17. **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.

18. **BYLAW REPEALED:**

Bylaw No 1-2005

19. **COMING INTO FORCE:**

This Bylaw shall come into full force and take effect on 15<sup>th</sup> day of March, A.D., 2005

**INTRODUCED AND READ** a first time this 15<sup>th</sup> day of March, 2005

**READ A SECOND TIME** this 15<sup>th</sup> day of March, 2005

**READ A THIRD TIME AND PASSED** this 15<sup>th</sup> day of March, 2005

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Mayor

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Town Administrator

**S E A L**

**SCHEDULE "A"**  
**TO BYLAW NO. 04-2005**

<b>CATEGORY 1-SEASONAL TRADES</b>	<b>RESIDENT</b>	<b>NON RESIDENT</b>
Chimney Sweep Christmas Tree Sales Garden Tilling Landscaping Lawn Maintenance Snow Removal	\$50.00	\$100.00

<b>CATEGORY 2- CONTRACTORS</b>	<b>RESIDENT</b>	<b>NON RESIDENT</b>
Bricklayers Carpenters Dry-walling Eave Troughs Electricians Floor Covering Gas Fitters Insulators Plumbing & Heating Refrigeration Outfits Roofing, Asphalt or Built Up Siding Stucco	\$150.00	\$300.00 or \$100 per job per day

<b>CATEGORY 3- CONTRACTORS</b>	<b>RESIDENT</b>	<b>NON RESIDENT</b>
Book Keeper Accountant Auctioneer Appraiser Drafting Services Engineering Services Legal Services(Lawyers)	\$150.00	\$300.00

<b>CATEGORY 4-BASIC BUSINESS/HOME BASED</b>	<b>RESIDENT</b>	<b>NON RESIDENT</b>
Advertiser Ambulances Bed & Breakfast Building Movers Collection Agency Dray Services Fumigator Furniture Repair/Refinisher Handyman Interior Decorators Janitorial Services Photographer Private Service Homes Repairman Tow Truck Services Transient Dry Cleaners Welder Painter	\$100.00	\$150.00

<b>CATEGORY 5- SIGN INSTALLERS</b>	<b>RESIDENT</b>	<b>NON RESIDENT</b>
Sign Designers Sign Installers Sign Makers Sign Painters Sign Salesmen not covered by Direct Sellers Act	\$100.00	\$150.00

<b>CATEGORY 6- FOOD SERVICES</b>	<b>RESIDENT</b>	<b>NON RESIDENT</b>
Canteens Caterers Farmers Markets Fish/Sea Food Sellers Fruit Sales Ice Cream Parlors Milk Dealer Produce Sales Water Sales	\$100.00	\$150.00

<b>CATEGORY 7- ENTERTAINMENT</b>	<b>RESIDENT</b>	<b>NON RESIDENT</b>
Circus D.J.'s Piano Tuner	\$50.00	\$100.00

<b>CATEGORY 8- CRAFTS</b>	<b>RESIDENT</b>	<b>NON RESIDENT</b>
Art & Craft Makers Dress Makers/Seamstress Flower Arrangements Home Crafts Painter/Artist Shoe Repair	\$75.00	\$100.00

<b>CATEGORY 9-VENDORS</b>	<b>RESIDENT</b>	<b>NON RESIDENT</b>
Food Machines Mobile Vendors Slot Machines Vending Machines		\$25.00 plus \$5.00 per machines
Boxed Candy Sales/unless 100% non profit organization	\$50.00	\$100.00

<b>CATEGORY 10-CANVASSER/SUBSCRIPTIONS</b>	<b>RESIDENT</b>	<b>NON RESIDENT</b>
Book Sales Canvasser Hawker or Peddler Magazine Sales Papers	\$100.00	\$150.00

<b>CATEGORY 11- DIRECT SALES</b>	<b>RESIDENT</b>	<b>NON RESIDENT</b>
Cosmetic Sales Food Container Sales Licensed under Direct Sellers Act- \$20.00-\$30.00 license Direct Sales Contractor	\$25.00 \$25.00	\$50.00 \$50.00 \$300.00 or \$100/day \$300.00 or \$100/day

**CATEGORY 12-PERSONAL SERVICES****RESIDENT****NON RESIDENT**

Barber	\$100.00	\$150.00
Electrolyses		
Hair Dresser		
Hypnotist		
Manicurist		
Massage Therapist		
Pedicurist		
Reflexology		
Tattoo Parlor		

**CATEGORY 13- SPECIALIZED TRANSPORTATION****RESIDENT****NON RESIDENT**

Limousine Service-First Vehicle	\$100.00	
Limousine Service-Second & Subsequent Vehicles	\$ 50.00	
Taxi-Cab- First Vehicle	\$100.00	
Taxi-Cab- Second & Subsequent Vehicles	\$ 50.00	

**CATEGORY 14- TRANSIENT TRADERS****RESIDENT****NON RESIDENT**

Good/Merchandise under \$1,000.00 in value		\$100.00/day maximum \$500.00
Good/Merchandise over \$1,000.00 in value		\$150.00/day maximum \$600.00

**CATEGORY 15-NOT CLASSIFIED****RESIDENT****NON RESIDENT**

Business not specifically classified	\$100.00	\$150.00
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