

# CITY OF HUMBOLDT

## BYLAW NO. 26/2011

### A BYLAW OF THE CITY OF HUMBOLDT TO PROVIDE FOR THE LICENSING, REGULATING AND GOVERNING OF PERSONS ENGAGED IN CERTAIN OCCUPATIONS AND OF PLACES USED FOR CERTAIN PURPOSES TO BE KNOWN AS THE “LICENSING BYLAW”

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The Council of the City of Humboldt in the Province of Saskatchewan as follows:

1. **Title**

This Bylaw may be cited as “**The Licensing Bylaw**”.

2. **Purpose**

The purpose of this Bylaw is to license businesses in the City of Humboldt in order to:

- a) regulate businesses;
- b) ensure compliance with land-use and building regulations;
- c) ensure that once licensed, the person complies with all terms and conditions of the license as set out under the Bylaw.

3. **Authority**

The authority for this Bylaw is *The Cities Act*, and in particular sections 8 and 9 of *The Cities Act*.

4. **Definitions**

In this Bylaw:

- a) “**Business**”, “**Occupant**”, “**Owner**” and “**Person**” shall have the same meaning as given them in the *The Cities Act*.
- b) “**Council**” shall mean and include the Council of the City of Humboldt.
- c) “**City**” shall mean the City of Humboldt.
- d) “**City Manager**” and “**City Clerk**” shall mean respectively the person occupying the position(s) of City Manager and City Clerk of the City of Humboldt.
- e) “**License**” means a license or reference to a license issued under this Bylaw.
- f) “**License Inspector**” shall mean the Inspector of Licenses for the City of Humboldt and shall include an Assistant Inspector or Inspector of Licenses, if any, and anyone acting as such during his or her absence from duty for any cause.
- g) “**Person**” shall mean an individual or a corporation and includes a partnership, an association or a group of person acting in concert unless the context explicitly or by necessary implication otherwise requires.

- h) **“Police”** or **“Police Officer”** shall mean any member of the Royal Canadian Mounted Police or any Police Officer in the employ of the City.
- i) **“Plumbing Inspector”** shall mean the public health officer as defined in Section 52 of *The Public Health Act, 1994*.
- j) **“Trades”** shall mean any person who contracts out his or her services for gain to the ultimate consumer.

5. **License Inspector**

There shall be an officer appointed by the Council to be called a License Inspector of the City of Humboldt who shall hold office during the pleasure of Council.

6. **License Inspector Duties**

The following shall be the duties of the License Inspector under this Bylaw:

- a) To report to or attend all meetings of Council or Committees of Council whenever requested to do so or when he or she may find it necessary to do so on business connected with the duties of his or her office.
- b) To prepare a classified alphabetical list or lists, as the case may be, of all parties liable to take out a license and to use all diligence to have the same correct and to submit the same monthly or as often as required for examination and use.
- c) To advise the City Clerk or City Manager on all matters incident to his or her office.
- d) 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 this Bylaw.
- e) To prosecute all persons guilty of offenses against this Bylaw.

7. **License Required**

No person shall carry on any of the several trades, occupations, callings or businesses hereinafter specified unless and until he or she has procured a license to do so pursuant to this Bylaw. Every person so licensed shall be subject to the provisions of this Bylaw.

In a prosecution for contravention of the provisions of this Bylaw against engaging in or operating a business without a license, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.

8. **License Fees**

- a) The fee payable in respect of any license required under this Bylaw shall be the amount set out in Schedule “A” to this Bylaw.
- b) Schedule “A” of this Bylaw may be amended or substituted from time to time by

bylaw of Council and shall subsequently form part of this Bylaw.

9. **Fees Payable**

All license fees required to be paid under the provisions of this Bylaw shall be paid to the City at City Hall, 715 Main Street, Humboldt.

10. **Application for Licenses**

Every applicant for a license must provide the following information to the License Inspector of the City of Humboldt:

- a) Name, address, phone number and occupation of the applicant;
- b) The 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; and
- d) The period for which the license is required.

11. **Granting of Licenses**

- a) 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.
- b) Where the License Inspector refuses to issue a license, he or she shall forthwith submit the application for the license together with a report thereon to the Administration and Protection Committee or Council and shall advise the applicant of the date on which the Committee or Council will consider the application.
- c) A license issued must be on a form bearing the identification of the City and all licenses issued pursuant to this Bylaw are and shall remain the property of the City.
- d) A Licensee shall produce the same whenever it may be demanded by any Police Officer or other person duly authorized to demand the production.
- e) A person shall not reproduce, alter or deface a license.

12. **Term of Business License**

- a) All licenses issued pursuant to this Bylaw, unless specifically issued for a shorter period or unless the same shall sooner become forfeited, shall expire on December 31<sup>st</sup> of the year in which it was issued.
- b) Every person to whom a business license has been previously issued will be sent a

notice prior to the end of February of the following year, unless the City is advised in writing that a license is no longer required due to discontinuance of the business.

- c) In the event a person to whom a business license has previously been issued:
  - i) refuses or neglects to renew his or her business license prior to the end of February of the following year; or
  - ii) fails to tender the applicable license fee or provide information required by the City prior to February 28<sup>th</sup> of the following year; shall be deemed to be conducting a business without a license contrary to the provisions of this Bylaw, if that person continues conducting business activities, and shall be subject to prosecution therefore.

13. **Reduction in License Fees**

Unless otherwise provided for, the amount to be charged for all licenses issued shall be the yearly license fee. Any license issued on or after the first day of September, in respect to any business commenced after that date, shall pay one-half of the yearly license fee.

14. **Display of License**

- a) A licensee who holds a license which applies to a business carried on at a specific premise must keep it posted in public view in the premise.
- b) A licensee who does not carry on business at a specific premise must carry or have the license immediately available and shall upon request immediately produce the license to the License Inspector or other person duly authorized in that behalf.

15. **Officials to Have Access to Licensed Premises**

The City shall at all reasonable times have the right by its officials or employees, after being properly identified, to enter upon any premises at which a business is licensed under the provisions of this Bylaw for the purpose of inspection or for the purpose of ascertaining if the provisions of this Bylaw are being complied with. Any person hindering, preventing or refusing such free access after any such person has demanded admission and has established his authority, shall be guilty of breach of this Bylaw.

16. **Revocation of License**

The City Administration may 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. No rebates shall be allowed on any license fee paid unless the license has been suspended or revoked by City Administration.

17. **Provincial Licenses**

A license will not be issued under this Bylaw to any person required by law to obtain a provincial license, until the person has first produced the required provincial license to the City. Any license issued under this Bylaw, without the person first obtaining the required provincial license is invalid.

18. **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.

19. **Business on Streets or Lanes**

Unless otherwise specifically provided for in this Bylaw, no person to whom a license is granted under the provisions of this Bylaw, shall conduct the business so licensed on any street or lane, except by special permission of Council.

20. **Licenses Required**

a) Unless occupying a property taxed at the commercial rate or charged a license fee in lieu thereof, no person shall carry on in the City of Humboldt, any of the several trades, occupations, callings or businesses hereinafter specifically set forth, without first obtaining a license authorizing such person to carry on the respective trade, occupation, calling or business in the City, and paying to the License Inspector the respective fee or fees prescribed by Schedule "A" to this Bylaw for such license:

1. Accountants, Bookkeepers and Financial Planners - Any person engaged in the recording, classifying, summarizing, keeping and accounting of financial transactions and books or providing financial advice or financial products for gain.
2. Ambulance - Subject to the Public Health Act, any person operating an ambulance for hire within the City or partly outside the City's limits.
3. Barbers – any person who carries on a barbering business for profit or gain.
4. Beauty Shops – any person who carries on the business of manicurist, hairdresser, beautician, or other arts relating thereto for profit or gain.

The following regulation shall apply to both barber shops and beauty shops:

- a) No license shall be issued to a person operating a barber shop or beauty shop in any premises unless plumbing fixtures are provided, satisfactory to the Plumbing Inspector's inspection and connected where connection is possible with the public sewer and water mains and provided that all water reuse is disposed in a manner satisfactory to the said Plumbing Inspector. The Plumbing Inspector shall have the discretion to waive any or all of the requirements set out in this paragraph.
5. Chiropractors and Drugless Practitioners - Any person who carries on the business of

chiroprapist, chiropractor, massage therapist, manipulative healer or drugless practitioner for gain.

6. Contractors (General) - Any person contracting with or employed directly by the owner or agent to do work upon, to render services for or to furnish materials for, an improvement, but does not include a labourer.
7. Courier - Every person carrying on the business of courier for gain.
8. Craft Show or Exposition - A group of three or more people engaged in the business of producing, preparing, exhibiting or selling arts and crafts for gain.
9. Direct Seller – an individual or firm licensed or is required to be 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 good or services; or by telephone offers for sale or solicits orders for the future delivery of goods or services; or who does both of the things mentioned above.
10. Greenhouse - Every person carrying on the trade or business of a greenhouse operator selling flowers, plants, bulbs, bedding plants, nursery stock or other items of a like nature.
11. Janitorial Services and Cleaners - Any person engaged in providing or contracting janitorial or cleaning services to private homes, businesses, industries or governmental offices or institutions for gain, including the sale of janitorial and cleaning supplies.
12. Landscaping – any person providing landscaping services for gain.
13. Music Teachers - Any person who teaches or instructs others in the use of musical instruments, voice training and music theory instruction for gain.
14. Music Association or School - Two or more teachers forming a legal entity who instruct others in the use of musical instruments, voice training and music theory for gain.
15. Private Clubs - Every person who operates a private club and is in the possession or is required to be in the possession of a liquor license as issued under the Liquor Act.
16. Real Estate Agent - Every person carrying on the business of real estate broker or agent who sells or negotiates the sale of any real estate, not his own property, and receives or is entitled to receive a commission or other remuneration.
17. Subcontractors - Any 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 subcontractors, master mechanics, journeymen or jobbers, undertaking any municipal work, whether waterworks, sewage or otherwise.
18. Taxis - Every person who owns or keeps for hire or profit a taxicab or taxicabs. For

the purpose of this Bylaw, "Taxicab" shall mean and include every automobile used for the conveyance of passengers and shall include U-Drive automobiles.

19. Transient Traders - as defined in Subsection 9(1) of The Cities Act, a person carrying on business in a city who:
  - a) offers goods or merchandise for sale by retail or auction; or
  - b) solicits any person who is not a wholesale or retail dealer for orders for the future delivery of goods or merchandise;but does not include a person who is required to be licensed pursuant to The Direct Sellers Act or who is an occupant of property that is used for business purposes.
20. Tutors - Any person who teaches or instructs others in academic or scholastic courses for gain.
21. Tutor Association or School - Two or more tutors forming a legal entity who instruct others in academic or scholastic courses for gain.
22. Unclassified - Every person carrying on a trade or business for gain, if in regard to licensing of the same no provision is anywhere made in this Bylaw, and who is not occupying a property taxed at the commercial rate.

21. Offences and Penalties

- a) No person shall:
  - i) obstruct or hinder the License Inspector or any other person acting under the authority of this Bylaw; or
  - ii) fail to comply with any other provision of this Bylaw.
- b) Where the License Inspector or other person authorized by the City has reason to believe that a person has contravened any provision of this Bylaw, including failure to obtain the appropriate license and pay the requisite license fee, the Licensing Inspector or his or her designate may issue a Notice of Violation to such person.
- c) The Notice of Violation shall provide for the voluntary payment of a penalty in the amount set forth in Column "A" of Schedule "B" for the offence the person is alleged to have committed.
- d) Voluntary Payment of a penalty specified in a Notice of Violation shall be made on or before the date indicated on the Notice of Violation. Voluntary payment shall be made at the front counter at City Hall during normal business hours.
- e) If payment of the amount specified on the Notice of Violation is made on or before the date included on the Notice of Violation, the person alleged to have committed the offence shall not be liable to prosecution for the offence indicated.
- f) If payment of the amount specified on the Notice of Violation is not made on or

before the date indicated on the Notice of Violation, the License Inspector or other authorized person shall lay an information under oath as to the offence before a Justice of the Peace for the purpose of obtaining a Summons.

- g) The summons shall provide for the voluntary payment of a penalty in the amount set forth in Column "B" of Schedule "B" for the offence which the person is alleged to have committed. The Summons shall be served by a Police Officer or other person authorized by the City.
- h) Voluntary payment of a penalty specified in a Summons shall be made on or before the date indicated on the Summons. Voluntary payment shall be made at the front counter at City Hall during normal business hours.
- i) If payment of the amount specified on the Summons is made on or before the date indicated on the Summons, the person alleged to have committed the offence shall not be liable to prosecution for the offence indicated.
- j) If payment of the amount specified on the Summons is not made on or before the date indicated on the Summons, the person to whom the Summons has been issued shall be liable to prosecution of the alleged contravention of any provision of this Bylaw.
- k) Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of subsection (a) is guilty of an offence and liable on summary conviction:
  - i) in the case of an individual, to a fine not exceeding \$2,000.00; or
  - ii) in the case of a corporation, to a fine not exceeding \$5,000.
- l) In case of a conviction for the non-payment of the license fee payable to the City under this Bylaw, the convicting justice may adjudge payment thereof in addition to the penalty.
- m) 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 City, and upon default of payment, the person convicted may be committed to jail or the guardroom of the Police, 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.

22. **Distress**

The City may recover any unpaid license fees by distress in accordance with the *Cities Act*.

23. **From Whom License Recoverable**

In accordance with Subsections 9(2) to 9(5) of The Cities Act, if any contractor fails to pay

the license fee imposed by this Bylaw, the License Inspector 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 City and may be recovered in the same manner as taxes may be recovered.

24. **Repeal of Bylaw**

Bylaw No.03/2002 of the City of Humboldt is hereby repealed.

25. This Bylaw shall come into full force and take effect January 1, 2012.

INTRODUCED AND READ A FIRST TIME THIS 14<sup>TH</sup> DAY OF NOVEMBER, 2011.  
READ A SECOND TIME THIS 14<sup>TH</sup> DAY OF NOVEMBER, 2011  
READ A THIRD AND FINAL TIME THIS 14<sup>TH</sup> DAY OF NOVEMBER, 2011.

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Mayor: Malcolm Eaton

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City Clerk: Sandra Pauli

**SCHEDULE "A"  
TO BYLAW NO. 26/2001**

# License Fees

The following is a list of the license fees charged for the diverse trades, businesses, occupants, callings or industries referred to in Bylaw No. 26/2011

| Item No. | Business, Trade or Article to be Licensed           | Annual License Fee Unless Specified |  | License Fee After September 1 (50 Percent) |
|----------|---|-------------------------------------|--|--|
| 1        | Accountant , Bookkeeper and/or Financial Planner    | \$375.00                            |  | \$187.50                                   |
| 2        | Ambulance Service                                   | \$375.00                            |  | \$187.50                                   |
| 3        | Barber Shop, Beauty Shop and/or Hairdresser         | \$375.00                            |  | \$187.50                                   |
| 4        | Chiropractor and Drugless Practitioner              | \$375.00                            |  | \$187.50                                   |
| 5        | Contractor - General                                | \$1500.00                           |  | \$750.00                                   |
| 6        | Courier   | \$375.00                            |  | \$187.50                                   |
| 7        | Craft Show or Exposition                            | \$500.00                            |  | \$250.00                                   |
| 8        | Direct Seller                                       | \$30.00                             |  | \$30.00                                    |
| 9        | Greenhouse  | \$375.00                            |  | \$187.50.                                  |
| 10       | Janitorial Services and/or Cleaner                  | \$375.00                            |  | \$187.50                                   |
| 11       | Landscaper  | \$375.00                            |  | \$187.50                                   |
| 12       | Music Teacher or Tutor                              | \$120.00                            |  | \$ 60.00                                   |
| 13       | Music Association or Tutor Association or School    | \$510.00                            |  | \$255.00                                   |
| 14       | Private Clubs with Liquor License                   | \$375.00                            |  | \$187.50                                   |
| 15       | Real Estate Agent                                   | \$375.00                            |  | \$187.50                                   |
| 16       | Subcontractor/Trades                                | \$375.00                            |  | \$187.50                                   |
| 17       | Taxi Service  | \$375.00                            |  | \$187.50                                   |
| 18       | Transient Trader                                    | \$375.00                            |  | \$187.50                                   |
| 19       | Unclassified – Any Trader or Business not Specified | \$100.00                            |  | \$50.00                                    |
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**To Bylaw No. 26/2011**

Offences for which a Notice of Violation may be Issued

| <u>Section No.</u> | <u>Description of Offence</u>  | <u>Column "A"</u> | <u>Column "B"</u> |
|--------------------|--|-------------------|-------------------|
| 7                  | Conducting business activity without a license.  | \$ 400.00         | \$ 500.00         |
| 12(c)              | Continuing to conduct business activity without making application for renewal of previous license, payment of prescribed fees or provision of required information within specified period of time. | \$ 400.00         | \$ 500.00         |
| 15                 | Failing to post copy of business license at premises from or at which business activities are being conducted.   | \$ 100.00         | \$ 150.00         |
| 12                 | Failing to produce copy of business license when requested to do so by License Inspector.  | \$ 100.00         | \$ 150.00         |