

**CITY OF YORKTON
BYLAW NO. 8/2006**

**A BYLAW OF THE CITY OF YORKTON IN THE
PROVINCE OF SASKATCHEWAN TO CLASSIFY,
LICENSE, CONTROL, AND REGULATE
BUSINESS ACTIVITY WITHIN THE CITY OF
YORKTON**

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which includes

Bylaw No. 16/2021, and
Bylaw No. 15/2022

CITY OF YORKTON
SASKATCHEWAN

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SASKATCHEWAN

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ACTIVITY WITHIN THE CITY OF YORKTON

TABLE OF CONTENTS

1. Short Title.....	1
2. Basis for Licensing.....	1
3. Definitions.....	1
4. Appointment, Powers and Duties of the Business License Inspector.....	5
5. Discrepancies.....	6
6. Term and Renewal.....	6
7. Transfer of Business License.....	6
8. Premises Licensed Separately.....	6
9. Discontinuance or Change.....	7
10. License to be Displayed.....	7
11. License Required.....	7
12. Business Prohibited by Location.....	7
13. License Not Required.....	8
14. Application.....	8
15. Inspection and Enforcement.....	9
16. Fees.....	10
17. Classification.....	10
18. Provisions Concerning Mobile Vendors.....	10
19. Provisions Concerning Pawnbrokers.....	12
20. Provisions Concerning Second Hand Dealers & Antique Dealers.....	14
21. Severability.....	15
22. Repealing Bylaw.....	15
23. Effective Date of Bylaw.....	15
Schedule A.....	17
Schedule B.....	19
Schedule C.....	19

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SASKATCHEWAN

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BEING A BYLAW OF THE CITY OF YORKTON IN THE PROVINCE OF
SASKATCHEWAN TO CLASSIFY, LICENSE, CONTROL AND REGULATE BUSINESS
ACTIVITY WITHIN THE CITY OF YORKTON

WHEREAS, Section 8 of *The Cities Act* empowers cities to enact bylaws;

NOW THEREFORE, the Council of the City of Yorkton in the Province of Saskatchewan in Council assembled hereby enacts as follows:

1. SHORT TITLE

1.1. This bylaw may be cited as the “Business License Bylaw”.

2. BASIS FOR LICENSING

2.1. The basis for municipal licensing:

- a. is to ensure that every business or *person* conducting *business activity* in the *City*;
- b. provide all necessary information and third party approvals; and
- c. obtain all necessary information and approvals from the *City* relative to the operation of their *business activity* prior to commencement of that *activity*;

2.2. to ensure compliance with:

- a. zoning regulations;
- b. building regulations; and
- c. to facilitate planning decisions.

3. DEFINITIONS

3.1. Wherever the singular, plural, masculine, feminine or neuter is used throughout this Bylaw the same shall be construed as meaning the singular, plural, masculine, feminine, neuter, body politic or body corporate where the fact or context so requires the provision hereof.

3.2. For the purpose of this Bylaw, unless a contrary intention appears, certain terms or words shown in italicized print shall be interpreted as follows:

- a. *activity* means a business, occupation, amusement, entertainment, trade, employment, profession or calling and includes those particular businesses defined in this bylaw, whether or not for profit and however organized or formed;
- b. *autobody repair and paint shops* means a development for the repairing and painting of automobiles;
- c. *automotive maintenance* means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This use class includes transmission shops, detail shops, muffler shops, tire shops, automotive glass shops, and automotive upholstery shops. This use class does not include *autobody repair and paint shops*;
- d. *auto wrecking / junk yards* means a development in which vehicles or materials are

- stored, parted out, crushed, compacted, or where parts from vehicles or materials are resold;
- e. *bed and breakfast* means a dwelling that is the proprietor's principal place of residence and in which the proprietor supplies room and a breakfast meal for compensation to one or more *persons*, as distinct from a hotel, motel or apartment building;
 - f. *boarding, lodging or rooming house* means a dwelling that is the proprietor's principal place of residence and in which the proprietor supplies either room, or room and board, for compensation and which is not open to the general public, as distinct from a hotel, motel or apartment building;
 - g. *building material products* means goods designed, manufactured, harvested and generally used in the construction of buildings, whether new or used;
 - h. *business* means any of the following activities, whether or not for profit and however organized or formed;
 - i a commercial, merchandizing or industrial *activity* or undertaking;
 - ii the carrying on of a profession, trade, occupation, calling or employment;
 - iii an *activity* providing goods or services;
 - i. *business activity* where used in this bylaw has the same meaning as *business* or *activity* and all terms may be interchanged for one another;
 - j. *business license* means permission where and when granted to conduct *business* in the City;
 - k. *business license inspector* means the individual, or his designate who is employed by the City and to which this responsibility is assigned;
 - l. *charity* means an organization that is:
 - i incorporated as a non profit corporation in the Province of Saskatchewan;
 - ii a registered charity authorized to issue tax receipts for donation pursuant to *The Income Tax Act*; or
 - iii an organization that can demonstrate that it is formed for social, educational, religious or philanthropic purposes from which the members do not receive any direct economic gain;
 - m. *City* means the City of Yorkton;
 - n. *contractor* means a *person* who contracts, sub-contracts, constructs, alters, maintains, repairs or removes buildings or structures, installs heating plants, plumbing or other fixtures painting and/or allied trades including journeyman or jobber and shall include those *businesses* or *persons* engaged, under contract, in any municipal works;
 - o. *Council* means the Council of the City of Yorkton;
 - p. *day care centre* means a provincially licensed establishment providing for the care, supervision, protection and or education of children, but does not include the provision of overnight supervision. Uses typically include daycare centres, day nurseries, kindergartens, nursery schools and play schools;
 - q. *direct sales contractor* means a vendor who sells, offers for sale or solicits orders for:
 - r. 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
 - s. altering, maintaining or improving real property to be used in connection with a house;
 - t. *direct seller* means a person who:
 - i goes from house to house selling or offering for sale, or soliciting orders for the future delivery of, goods or services;'
 - ii by telephone offers for sale or solicits for the future delivery of goods or services;

or

- iii does both of the things mentioned in subclauses (i) and (ii)
- u. *family child care home* means the principal place of residence of a family child care provider and shall further mean a provincially licensed place where the care and supervision of not less than three and not more than twelve children (including the children of the caretaker) who do not reside on the premises, is provided for less than 24 hours per day by a *person* or *persons* other than a parent or parents of said children, for compensation;
- v. *farmers' market* means a group of *persons* operating collectively which sells products that they bake, make or grow;
- w. *fish peddler* means a *person* who markets fish by direct sale or transient trade but does not include a commercial fisherman, fish processor, or commercial aquaculturist;
- x. *group care facility* means a facility for the temporary detention or open custody of *persons* pursuant to the provisions of *The Youth Criminal Justice Act (Canada)* or *The Summary Convictions Procedures Act (Saskatchewan)* or a community training residences as defined in *The Corrections Act (Saskatchewan)*;
- y. *group care home* means the principal place of residence of a care provider, whose home is used for the temporary detention or open custody of *persons* pursuant to the provisions of *The Youth Criminal Justice Act (Canada)* or *The Summary Convictions Procedures Act (Saskatchewan)* or a community training residences as defined in *The Corrections Act (Saskatchewan)*;
- z. *hazardous substance or dangerous goods* means any product, substance or organism which, because of its quantity, concentration, or its physical, chemical or infectious characteristics, either individually or in combination with other substances is an existing or potential threat to the physical environment, to human health or to other living organisms, including:
 - i explosives
 - ii gases (either compressed, deeply refrigerated, liquefied, or dissolved under pressure);
 - iii flammable and combustible liquids;
 - iv flammable solids (including substances liable to spontaneous combustion and substances, which on contact with water, emit flammable gases);
 - v oxidizing substances and organic peroxides;
 - vi poisonous and infectious substances;
 - vii radioactive material;
 - viii corrosives; or
 - ix other miscellaneous substances of similar nature
- aa. *home based business* means any occupation, trade, profession or craft conducted for gain from a dwelling unit, which use is incidental and secondary to the residential use of the dwelling and does not change the character thereof;
- bb. *home occupation* means any occupation, trade, profession or craft conducted for gain in a dwelling unit by the resident or residents of the premises, which use is clearly incidental and secondary to the residential use of the dwelling and does not change the character thereof;
- bb.1 *mobile vendor* means a *business or person* that provides goods and/or services from a vehicle or trailer that is not permanently affixed to the site of sale and can be readily transported to and from that site;
- cc. *not classified* means a *business or person* that is not otherwise classified, listed or

Amended by
Bylaw No.
15/2022

- defined by this bylaw;
- dd. *non-resident* means a *business* or *person* not located and operated from leased or owned property within the City;
 - ee. *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;
 - ff. *pawn broker* means a *person* who loans money on the security of personal property pledged in his keeping;
 - gg. *personal care home* means an establishment conforming to The Personal Care Home Act;
 - hh. *personal service establishments* means a development used for the provision of personal services to an individual, which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This use class includes barbershops, hairdressers, beauty salons, tanning salons, tailors, dressmakers, shoe repair shops, minor appliance repair shops and dry cleaning establishments and laundromats;
 - ii. *person* means an individual or 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;
 - jj. *provincial license* means written authorization, given by an agency or authority of the Province, to conduct *business* in the Province of Saskatchewan, in a particular field of service;
 - kk. *public eating establishment* means a building, structure or enclosure or part of a building, structure or enclosure, including a mobile or portable structure, in which food or drink is:
 - i prepared or kept for the purpose of;
 - ii serving or selling it to the public for immediate consumption there or elsewhere; or
 - iii delivering it to a person who intends to serve or sell it to the public for immediate consumption; or
 - iv served or sold to the public for immediate consumption there or elsewhere;
 - v but does not include any prescribed establishment;
 - ll. *resident* means a *business* or *person* located and operated from leased or owned property within the City and in the case of a *home based business* or *home occupation* is the principal residence of the owner of the *business* or *person*;
 - mm. *residential care facility* means a licensed or approved care facility governed by provincial regulations that provides, in a residential setting, 24 hour care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual;
 - nn. *residential care home* means a licensed or approved care home governed by provincial regulations which is the primary place of residence of the care provider, that provides, in a residential setting, 24 hour care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual;
 - oo. *residential premises* means a place of residential occupancy constructed in a zone designated as residential in accordance with City zoning regulations;
 - pp. *second hand dealer* means a *person* who solicits or accepts, for resale, personal property from individuals;
 - qq. *third party document* means written authorization, given by an agency listed in Section

9 of this bylaw, who has special knowledge or authority in the delivery of the *business activity* for which a *business license* application is made

- rr. *trade show* means a place where the public is invited and where goods or merchandise are offered for sale by retail or auction on a short-term basis and may include hobby shows, home improvement shows, sportsman shows, flea market and craft shows;
- ss. *transient trader* means a person carrying on business in a city who:
 - i offers goods or merchandise for sale by retail or auction; or
 - ii solicits any person who is not a wholesaler or retail dealer for orders for the future delivery of goods or merchandise; but
 - iii does not include a person who is required to be licensed pursuant to *The Direct Sellers Act* or who is an occupant of property that is used for business purposes;
- tt. *valid license* means a license for which payment has been made for the current calendar year;
- tt.1 *vendor unit* means the vehicle or trailer from which goods and/or services are provided. The Vendor Unit is considered a commercial vehicle;
- uu. *Zoning Bylaw* means the City's current Zoning Bylaw as may be amended or replaced from time to time.

Amended by
Bylaw No.
15/2022

4. APPOINTMENT, POWERS AND DUTIES OF THE BUSINESS LICENSE INSPECTOR

- 4.1. The *business license inspector* shall receive and consider applications to operate a *business* within the City including the power to consult with, obtain information from, and verify information with other employees or agents of the City, other government, government agencies, or *person*.
- 4.2. The *business license inspector* shall consider each complete application.
- 4.3. The *business license inspector* shall grant a *business license* to an applicant if the applicant meets the requirements of this Bylaw.
- 4.4. The *business license inspector* may impose conditions on *business licenses* and has the right to refuse an application.
- 4.5. The *business license inspector* has the right to revoke or suspend a *business license* immediately if:
 - a. The information contained within an application is deemed to be false;
 - b. A *business license* fee remains outstanding as of midnight on the 31st day of March in the year in which the license is valid; or
 - c. Fines or penalty fees are not paid with thirty (30) days of the date in which the fine or penalty is levied.
- 4.6. Subject to subsection 4.5., the *business license inspector* shall refuse to re-instate a revoked or suspended *business license* if the reasons for revoking or suspending the *business license* have not been satisfied.
- 4.7. The *business license inspector* may carry out inspections of a *business* premise to ensure the operation complies with this and all applicable Bylaws

5. DISCREPANCIES

- 5.1. In the event that a discrepancy occurs between this Bylaw and any other governmental act or statute, the more restrictive regulation shall be enforced.

6. TERM AND RENEWAL

- 6.1. Every *business license* issued under the terms of the Bylaw shall terminate at midnight on the 31st day of December of the year in which said *business license* was issued unless the *business license* has been sooner cancelled or forfeited.
- 6.2. Any *business license* may be cancelled providing a written notice is provided to the *business license inspector*.
- 6.3. Renewal shall be required annually by licensed *businesses* on receipt of notice from the *City* that renewal is due.
- 6.4. *Business license* renewal shall be paid in full prior to midnight on the 31st day of March of the year in which the existing *business license* expires.
- 6.5. Failure to make payment for the renewal of a *business license* by midnight of the 31st day of March of the year in which the *business license* expires shall construe the *business license* as being cancelled.

7. TRANSFER OF BUSINESS LICENSE

- 7.1. Any subsisting *business license* issued under this Bylaw is non-transferable.
- 7.2. A *business license* issued for a *home based business* or *home occupation* shall become null and void if the said applicant relocates the *business* to a subsequent residential premise.

8. PREMISES LICENSED SEPARATELY

- 8.1. If a *business* is carried on at more than one location, a separate license is required for each location.
- 8.2. A license issued under provision of this Bylaw is only valid at the location for which it is issued.
- 8.3. Additional License Requirements
- 8.4. A *business 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* for review of the *business license inspector*.
- 8.5. Third party approval shall include but is not limited to:
 - a. City of Yorkton Fire Protective Services;
 - b. City of Yorkton Building Services;
 - c. City Detachment of the R.C.M.P.; and
 - d. Public Health for the Sunrise Region Health District.

- 8.6. Types of business requiring third party approval includes but not limited to those businesses listed in “[Schedule A](#)”.

9. DISCONTINUANCE OR CHANGE

- 9.1. A *person* must notify the License Inspector:
- a. if a *business* is discontinued; or
 - b. if any changes are made with regard to location, ownership or other nature of the *business*.

10. LICENSE TO BE DISPLAYED

- 10.1. Every *business license* issued under this Bylaw shall be made out and delivered to the licensee who shall post the *business license* in a conspicuous place at the place of *business* for which the *business license* was issued.
- 10.2. Any *non-resident business license* must be available to the License Inspector at the place where works are being undertaken by the license holder.
- 10.3. *Persons* failing to post the said *business license* shall be guilty of an offence under this Bylaw.

11. LICENSE REQUIRED

- 11.1. No *person* shall carry on any *business activity* including but not limited to:
- a. Operating a bed and breakfast;
 - b. Operating a boarding, lodging or rooming house;
 - c. Acting as a direct seller or direct sales contractor;
 - d. Operating a family child care home;
 - e. Operating a day care centre;
 - f. Acting as a fish pedlar;
 - g. Operating a group care facility;
 - h. Operating a group care home;
 - i. Operating a home based business or home occupation;
 - j. Operating a nursing home or personal care home;
 - k. Operating an office of convenience;
 - l. Operating a personal care home;
 - m. Operating a public eating establishment;
 - n. Operating a personal service establishment;
 - o. Acting as a pawn broker, second hand dealer or antique dealer;
 - p. Operating a residential care facility;
 - q. Operating a residential care home;
 - r. Hosting or operating a trade show;
 - s. Acting as a transient trader;
in the City without a valid license.

12. BUSINESS PROHIBITED BY LOCATION

- 12.1. The following activities are prohibited from operating in any residential zone of the City as established by the Zoning Bylaw:
- a. autobody repair and paint shops;
 - b. automotive maintenance;
 - c. auto wrecking / junk yards;
 - d. farmer's market;
 - e. any business using hazardous substances or dangerous goods;
 - f. building material products; and
 - g. retail sales of products not manufactured or having value added processing attributed to the product in the residence; and
 - h. any business, which in the opinion of the business license inspector may disrupt the neighbourhood.
- 12.2. No *business* or *activity* may be issued a business license for:
- a. any business not noted in the list of permitted uses attributed to that district in the *City's Zoning Bylaw*; and
 - b. any business noted in the list of discretionary uses, attributed to that district in the *City's Zoning Bylaw*, for which discretionary use approval has not been granted.

13. LICENSE NOT REQUIRED

- 13.1. A business license is not required for
- a. any *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.
 - b. For such other activities as Council may by resolution exempt from the requirements of this bylaw.
 - c. For any *activity* undertaken by a *charity*.
 - d. For any *activity* exempted from municipal licensing by any statute of Canada or the Province of Saskatchewan.
- 13.2. A business license is not required for any *resident business* or *activity* that:
- a. does not more than \$8,500.00 in total gross sales provided a written declaration is given to the *business license inspector* and this is the proprietor's sole source of income; or
 - b. does no more than \$5,000 in total gross sales provided a written declaration is given to the business license inspector.
- 13.3. A *business license* is not required of a farmer:
- a. selling food or food products, that, at the time of delivery, are in a frozen or perishable state grown or raised in Saskatchewan on his own farm; or
 - b. selling products raised in Saskatchewan on his own farm; provided a written declaration to this effect is given to the *business license inspector*.

14. APPLICATION

- 14.1. A *person* must complete and submit a *business license* application, including all requested information, to the License Inspector for approval before commencing any *business activity* in the *City*.

- 14.2. For fish pedlars, direct sellers and direct sales contractors:
- the name and home address of the applicant;
 - driver's license with photo identification or provincial health card;
 - copy of a valid *provincial license* authorizing them as a fish pedlar, *direct seller* or *direct sales contractor*;
 - the type and name of the product or service being sold;
 - company name, mailing address and contact *person*; and
 - all other required information.
- 14.3. For transient traders:
- the name, and home address of the applicant;
 - driver's license with photo identification or provincial health card;
 - the type of products being sold;
 - the location or premises where the *transient trader* is locating;
 - permission from property owner;
 - company name, mailing address and contact *person*; and
 - all other required information.
- 14.4. For home based businesses, home occupations and all other businesses:
- the name, and address of the applicant;
 - corporate and/or trading name
 - type of business being operated from the home; and
 - all other required information.
- 14.5. For tradeshow:
- the name, and address of the applicant;
 - corporate and/or trading name;
 - type, location and dates of event;
 - supporting organization; and
 - all other required information.

15. INSPECTION AND ENFORCEMENT

- 15.1. For purposes of ensuring compliance with the provisions of this bylaw the *business license inspector* may, after being properly identified, at any reasonable hour enter a premise and may be accompanied by any *person* having special or expert knowledge on any matter to which this bylaw relates.

<p>Amended by Bylaw No. 16/2021</p>

~~15.2. Any *person* hindering, preventing, or refusing such free access shall be guilty of a breach of this bylaw.~~

- 15.2 “No person shall:
- Obstruct or hinder any designated officer or any other person acting under the authority of this Bylaw; or
 - Fail to comply with any other provision of this Bylaw.”

~~15.3. Fines for non-compliance with provisions of this bylaw shall be as detailed in the City of Yorkton General Penalty and Enforcement Bylaw as may be adopted or amended from time to time.~~

15.3 Fines for non-compliance with provisions of this bylaw shall be as detailed:

- a. Subject to subsection (b), any person who contravenes any provision of this Bylaw is guilty of an offence punishable on summary conviction by a fine in an amount not less than double the license fee and not exceeding:
 - i. \$10,000 dollars in the case of an individual;
 - ii. \$25,000 dollars in the case of a corporation.
- b. Where a Business License Inspector has reason to believe that a person has contravened any provision of this Bylaw, that Inspector may issue a Notice of Violation to the person and/or Order to Comply.
- c. Where the offence is failure to obtain the appropriate license and pay the required license fee, the Notice of Violation shall indicate that the City will accept voluntary payment in the amount equal to double the license fee, in addition to payment of the required license fee.
- d. A Notice of Violation may indicate that the City will accept voluntary payment at Yorkton City Hall for the amount listed.
- e. Payment of a voluntary payment amount specified in a Notice of Violation does not relieve the business from purchasing a Business License annually.

15.4. In a prosecution for a contravention of this Bylaw against engaging in or operating a business without a business 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.

15.5. If in the event, during the prosecution of an offence, proof of a valid and subsisting business license is required, the person charged with the offence shall bear the burden of responsibility to provide proof that he was in possession of a valid and subsisting business license at the time of the offence.

16. FEES

16.1. A business license shall not be issued nor considered valid without payment of fees as prescribed in "[Schedule B](#)".

17. CLASSIFICATION

17.1. For purposes of maintaining accurate records for use by municipal staff, business activities will be classified into one of the following groups as found in "[Schedule C](#)".

~~18. LIMITS ON RESIDENTIAL FACILITIES~~

~~18.1. A boarding, lodging or rooming house is limited to no more than four (4) tenants.~~

~~18.2. A group care facility is limited to no more than seven (7) residents.~~

~~18.3. A group care home is limited to no more than six (6) residents.~~

Amended by
Bylaw No.
15/2022

~~18.4. A residential care facility is limited to no more than five (5) residents excluding staff.~~

~~18.5. A residential care home is limited to no more than four (4) residents excluding staff.~~

18. PROVISIONS CONCERNING MOBILE VENDORS

18.1. Licensing Requirements

- a. Every Mobile Vendor shall, before receiving a license under this bylaw, provide the City with:
 - i. Public Health Approval
 - ii. Gas/Electrical Approval
 - iii. Fire Inspection Approval from the Fire Chief
 - iv. A current photo of the Vendor Unit in its entirety
 - v. A current photo of the valid license plate affixed to the Vendor Unit
 - vi. Proof of Automobile Liability
 1. Where a Mobile Vendor operates in or on City property, the City of Yorkton must be named as an additional insured entity as per Agreements and Contracts Policy No.20.160
 - vii. Proof of Commercial General Liability
 1. Where a Mobile Vendor operates in or on City property, the City of Yorkton must be named as an additional insured entity as per Agreements and Contracts Policy No.20.160
- b. A Business License must be obtained for each Vendor Unit operating.
- c. No Mobile Vendor shall operate a Vendor Unit without first obtaining the appropriate license from the City.
- d. Periodic inspections may be conducted to ensure compliance.

18.2 Conditions of Operation

- a. Every Mobile Vendor shall comply with all provisions of the City's current Traffic Bylaw Parking Regulations.
- b. Time Constraints
 - i. The Vendor Unit shall be removed from its location of operation between 2:00am - 8:30am on any day, unless part of an event.
 - ii. Weekly permits may be purchased if the Mobile Vendor chooses to remain overnight.
- c. Vendor Units shall be stored at an approved location when not in operation, in compliance with the City's current Property Standards Bylaw and current Zoning Bylaw.
- d. At the discretion of the Business License Inspector, the Vendor Unit must be clean, well lit, aesthetically pleasing in appearance and generally well-maintained.
- e. The area surrounding the Vendor Unit must be clean and free from litter and debris.
- f. Wastewater must be disposed of at approved locations.
- g. Placement of any furniture (i.e. tables, chairs, benches, etc.) associated with the Vendor Unit operations is not permitted.
- h. The Vendor Unit shall supply its own power and water source. Generators are permitted provided they do not cause a disturbance.
- i. Overhead canopies or doors shall not obstruct or hinder pedestrian traffic.

- j. Vendor Units shall not create any disturbance or nuisance in terms of noise, vibration, smoke, dust, odour, air pollution, heat, glare, bright light, hazardous or unacceptable waste.
- k. Mobile Vendors shall attend the Vendor Unit at all times while operating.
- l. The City reserves the right to demand the removal, or relocation of any Vendor Unit where it is found that the location in any way impedes pedestrian or vehicular traffic or their safety, causes disruption to any nearby business establishment, or is otherwise in contravention of this bylaw.

19. PROVISIONS CONCERNING PAWNBROKERS

- 19.1. Every pawnbroker shall, before receiving a license under this bylaw, provide the *City* with, and shall during the continuance of such license keep in force, a bond in the sum of Five Thousand Dollars (\$5,000.00) issued by a company licensed or registered to do business in the Province of Saskatchewan and in a form to be approved by the *City* Solicitor indemnifying the *City* and all other *persons* or corporations against loss owing to the default of the licensed arising out of any fraud, dishonesty, theft, misappropriation or misapplication in the conduct of his business.
- 19.2. No pawnbroker shall carry on, permit or allow to be carried on, the business of a secondhand dealer from the same premises from which the pawnbroker's business is being carried on, unless licensed as such.
- 19.3. Every pawnbroker shall keep a record book in a form and manner in which shall be permanently recorded the following information, which shall be secured and recorded at the time of each transaction:
- a. 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;
 - b. a statement of any description, mark or specific identification which has been made or attached to the property;
 - c. the date and time of day when the property was given to the pawnbroker as security;
 - d. the price of the pawn on the property;
 - e. the first name, surname, address and telephone number and the record of the numbers from two forms of identification that confirm the name given, one of which must confirm the name and address given from the following:
 - i Driver's License
 - ii Social Insurance Card
 - iii Health Services Card
 - iv Credit Card
 - v Treaty Card
 - vi Firearm Acquisition Certificate; or
 - vii Any other personal identification containing a photograph, address, and a signature;
 - f. the signature of the *person(s)* from whom the property was acquired; and
 - g. the inventory number of the acquisition
- 19.4. At the time a borrower deposits or delivers any personal property as security for a loan the pawnbroker or his employee shall, without requiring or accepting any fee or charge for so

doing, deliver to the borrower a note, receipt, sales slip or pawn ticket containing full and detailed particulars as required in the record kept per subsection 20.3 of this bylaw.

- 19.5. The pawnbroker or any employee of the pawnbroker shall not erase, obliterate, deface or alter the record made pursuant to subsection 20.3 of this bylaw and shall not direct, allow or suffer any other *person* to erase, obliterate, deface or alter the record.
- 19.6. The record required to be kept by subsection 20.3 of this bylaw, and every item of personal property in the pawnbroker's place of business which acquired as a security for a loan shall at all times be open to inspection by a Police Officer, the *business license inspector*, or any *person* appointed by *Council* for that purpose.
- 19.7. A pawnbroker shall submit a legible copy of any new entries made in the record kept under subsection 20.3 of this bylaw, to the Yorkton Municipal R.C.M.P. Detachment on a regular basis, at the end of each working week, and shall, upon request, provide the Yorkton Municipal R.C.M.P. Detachment and the License Inspector access to the permanent record kept under subsection 20.3 of this bylaw.
 - a. A pawnbroker shall not:
 - i allow any property received as security for a loan to be redeemed or removed from his place of business before seventy-two (72) hours has elapsed from the time the property was tendered to the pawnbroker as security; or
 - ii sell any property received as security for a loan and which has not been redeemed within the time allowed to the borrower for redemption before one month has elapsed from the time when the property was furnished to the pawnbroker as an acquisition.
- 19.8. A pawnbroker or an employee thereof shall not accept property as security for a loan or advance a loan on the receipt or promise of delivery of any property from:
 - a. a *person* who is or who appears to be under the influence of alcohol or any drug;
 - b. a *person* who is under the age of 18 years, or appears to be under the age of 18 years and cannot provide proof of age;
 - c. any *person* failing to identify himself adequately as set out in subsection 20.3.e); or
 - d. a *person* who the pawnbroker or an employee thereof knows or has reasonable grounds to believe may have stolen or otherwise illegally acquired the property offered for security for a loan.
- 19.9. No pawnbroker or an employee thereof 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.
- 19.10. No personal property coming into the possession of a pawnbroker, by way of pawn shall be redeemed, exchanged, sold, altered, or removed from the licensed premises or otherwise dealt with until the expiry of seven (7) days after the delivery to the Chief of Police of the report as required by subsection 20.3.
- 19.11. It shall be the duty of every pawnbroker to report to the Police with all possible information relating thereto, any *person* offering to deliver or sell to or exchange any articles, the possession of which such *person* is unable to satisfactorily explain, or which

article such licensee has any reason to believe has been stolen or illegally or fraudulently obtained.

19.12. No pawnbroker shall operate a pawnbroker business without first obtaining the appropriate *business license* from the *City*.

20. PROVISIONS CONCERNING SECOND HAND DEALERS & ANTIQUE DEALERS

20.1. *Second hand dealers* and antique dealers shall keep a registry in a form satisfactory to the *business license inspector* in which shall be permanently recorded, at the time any second hand good or antique is acquired, the following information:

- a. an accurate, detailed description of any personal property acquired, and any markings, serial numbers or other identification of the property;
- b. the price paid for such property;
- c. the date and time of day such property is acquired;
- d. the inventory number of the acquisition;
- e. the first name, surname, address and telephone number and the record of the numbers from two forms of identification that confirm the name given, one of which must confirm the name and address given from the following:
 - i Driver's License;
 - ii Social Insurance Card;
 - iii Health Services Card;
 - iv Credit Card;
 - v Treaty Card;
 - vi Firearm Acquisition Certificate; or
- f. any other personal identification containing a photograph, address, and a signature; and
- g. the signature of the *person(s)* from whom the property was acquired.

20.2. *Second hand dealers* and antique dealers shall keep all second hand goods and antiques acquired separate and apart from all other property in his place of business for a period of fifteen (15) days from the date the article is acquired and shall label each article with the date of acquisition and with the inventory number entered in the record kept under subsection 21.1 of this bylaw.

20.3. *Second hand dealers* and antique dealers shall submit a legible copy of any new entries made in the record kept under subsection 21.1 of this bylaw to the Yorkton Municipal R.C.M.P. Detachment on a regular basis, at the end of each working week, and shall, upon request, provide the Yorkton Municipal R.C.M.P. Detachment and the License Inspector access to the permanent record kept under subsection 21.1 of this bylaw.

20.4. Where any *second hand dealer*, antique dealer or employee thereof believes or has reason to believe that any property that has been obtained may have been stolen or otherwise fraudulently obtained, he shall notify the Yorkton Municipal R.C.M.P. Detachment that he has such property in his possession.

- 20.5. No *second hand dealer* or antique dealer shall, in the conduct of his business, nor any employee thereof accept property from:
- a. any *person* who is under the age of 18 years, or appears to be under the age of 18 years and cannot provide proof of age;
 - b. any *person* who fails or refuses to produce the requisite identification for the purposes of recording the transaction in accordance with subsection 21.1.e) of this bylaw; or
 - c. any *person* who appears to be under the influence of any alcohol or drug.
- 20.6. No *second hand dealer* or antique dealer shall carry on, or permit to be carried on, the business of a pawnbroker from the same premises from which the *second hand dealer's business* is being carried on, unless licensed as such.
- 20.7. No *second hand dealer*, antique dealer or an employee thereof 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.
- 20.8. No *second hand dealer* or antique dealer shall operate a second hand or antique business without first obtaining the appropriate license from the City of Yorkton.

21. SEVERABILITY

- 21.1. 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 the Bylaw

22. REPEALING BYLAW

Bylaw No. 24/2003 being a bylaw to classify, license, control and regulate businesses within the City of Yorkton, passed on the 7th day of April, 2003, and all amendments thereto are hereby repealed.

23. EFFECTIVE DATE OF BYLAW

This bylaw shall come into force and take effect on the day of final passing thereof.

MAYOR

CITY CLERK

Introduced and read a first time this 20th day of February, A.D., 2006.

Read a second time this 20th day of February, A.D., 2006.

Read a third time and adopted this 20th day of February, A.D., 2006.

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SCHEDULE A

AUTHORITY APPROVAL REQUIRED			
Business requiring third party approval prior to the issuance of a business license.			
City of Yorkton Fire Protective Services	City of Yorkton Building Services	Public Health/Sunrise Health Region	City of Yorkton Detachment of the RCMP
<i>bed and breakfast</i>	<i>autobody repair and paint shop</i>	Public Eating Establishments – Restaurants, church halls or community halls, institutional kitchens, mobile canteens, temporary food service (6 days or less a year), catering	<i>pawn brokers</i>
<i>boarding, lodging or rooming house</i>	<i>automotive maintenance</i>	Food Distribution – Grocery Stores, Convenience Stores, Food Warehouses	<i>second hand dealers</i>
<i>family child care home</i>	<i>bed and breakfast</i>	Personal Services – Tattoo parlors, hair dressers, massage therapy, esthetics (nails, waxing), electrolysis, reflexology, acupuncture, tanning. (Ear candling or selling ear candling equipment is prohibited by Health Canada)	<i>antique dealers</i>
<i>group care facility</i>	<i>boarding, lodging or rooming house</i>	Licensed Accommodations – Hotels, motels, campgrounds, bed a breakfast	
<i>group care home</i>	<i>family child care home</i>	Public Pools – whirlpools, hot tubs, water slides.	
<i>nursing home</i>	<i>group care facility</i>	Food Processors – abattoirs, meat shops, any food manufacturing (perogies, desserts) Deli, fish market or peddler	
<i>personal care home</i>	<i>group care home</i>	Bakeries	
<i>residential care facility</i>	<i>nursing home</i>	Recreation facilities – skating rinks	
<i>residential care home</i>	<i>personal care home</i>	Schools or Day cares	
	<i>residential care facility</i>	Water Processing – bottling, self fill	
	<i>residential care home</i>		

NOTE: Third party approval may be subject to inspections of the premises from which the *business* is conducted. Fees charged to *business license* applicants for third party approval are separate from business license fees in Schedule B.

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SCHEDULE B

A *Business License* shall not be issued nor considered valid without payment of fees as prescribed in the following table.

Business License Fee Schedule			
Business License Type	Application Fee¹	Business License Fee²	Pro-Rated Fee³ after September 1
<i>Resident</i>	\$50.00	\$50.00 annually	No prorated fee
<i>Non Resident</i>	\$50.00	\$200.00 annually	\$100.00
<i>Home Based Business</i>	\$50.00	\$50.00 annually	No prorated fee
<i>Home Occupation</i>	\$50.00	\$50.00 annually	No prorated fee
<i>Trade Shows</i>	Not required	\$10.00 per table/booth space for events four days or less \$20.00 per table/booth space for events five days or more	
<i>Transient Traders</i>	Not required	\$100.00 for each one week period or portion thereof.	
<i>Mobile Vendor⁴</i>	\$50.00	\$250.00 annually	\$150.00
<i>Direct Sellers</i>	\$50.00	Business License fees per the Resident and Non-Resident types	
<i>Direct Sales Contractors</i>	\$50.00		
<i>Fish Pedlars</i>	\$50.00		

1. Applied one time only at time application is received.
2. Applied at time of application and each year during continued operation of the business.
3. Applied as the Annual Renewal fee for all applications received after September 1, in the application year only.
4. **Mobile Vendors with a licensed commercial property in Yorkton that is directly related to the Vendor Unit will be eligible for a reduced fee equivalent to that of a Resident License.**

Amended by
Bylaw No.
15/2022

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SCHEDULE C

Business License Classification Codes			
Codes by Sequential Order		Codes by Alphabetical Order	
100	Financial Services	Agri-Industry	1600
200	Professional Services	Automotive	1300
300	Personal Services	Care Services	1700
400	Contracted Services	Commercial	1200
500	Seasonal Services	Contracted Services	400
600	<i>Transient Trader</i>	<i>Direct Seller</i>	2100
700	Retail Merchandising	Educational	1900
800	Wholesale	Entertainment, Sport, Leisure	1800
900	Transportation	Financial Services	100
1000	Manufacturing	Hospitality	1400
1100	Industrial	Industrial	1100
1200	Commercial	Information Technology	2300
1300	Automotive	Manufacturing	1000
1400	Hospitality	<i>Not Classified</i>	2000
1500	Utilities	Personal Services	300
1600	Agri-Industry	Professional Services	200
1700	Care Services	<i>Public Eating Establishments</i>	2200
1800	Entertainment, Sport, Leisure	Retail Merchandising	700
1900	Educational	Seasonal Services	500
2000	<i>Not Classified</i>	<i>Transient Trader</i>	600
2100	<i>Direct Seller</i>	Transportation	900
2200	<i>Public Eating Establishments</i>	Utilities	1500
2300	Information Technology	Wholesale	800