

TOWN OF MACKLIN

BYLAW NO. 13/01

A BYLAW FOR LICENSING

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

1. This Bylaw may be cited as the "*Licensing Bylaw*"
2. In this Bylaw:
 - (a) Bylaw Enforcement Officer means the Bylaw Enforcement Officer for the Town.
 - (b) Council means the Council of the Town.
 - (c) License Inspector means the Bylaw Enforcement Officer or any person appointed by Council for the purpose of enforcing this bylaw.
 - (d) Person means an individual or a group of two or more individuals or a corporation.
 - (e) Town means the Town of Macklin, Province of Saskatchewan.
 - (f) Town Administrator means the Administrator for the Town of Macklin.
3.
 - (a) No person shall carry on within the Town any business, industry, calling or occupation set out in Section 4 of this bylaw unless he possesses a valid and subsisting license for such purpose issued in accordance with the provisions of this Bylaw.
 - (b) License fees shall become due and a business license shall be applied for on January 1st of each year or at any time during the year immediately upon a person engaging in a business, industry, calling or occupation which requires a license pursuant to this Bylaw.
 - (c) Every license issued pursuant to this Bylaw shall expire on December 31 next following the date of issue unless sooner suspended or revoked, excepting where a lesser period of time may be stated on the license issued.
 - (d) No person to whom a license has been granted pursuant to this Bylaw shall offer for sale services, goods or merchandise, or solicit orders for future delivery of goods or merchandise within the Town.
 - (i) other than the kind or kinds described in the license; or
 - (ii) by any method except as stated in the license; or
 - (iii) at any time during any period when stores within the Town offering for sale or taking orders for similar services, goods or merchandise are required by Bylaw to be and remain closed.
 - (e) A license required to be taken out by any person under the provisions of this Bylaw shall be payable in respect of each separate place of business or activity or licensable thing used or kept by him at the time of application for each license, *except for licenses within the Town, one license shall be required for each business place.*
 - (f) In all cases a license shall be applied for and the appropriate fee paid for each and every business, industry, calling or occupation mentioned in this Bylaw, notwithstanding that more than one of the businesses, industries, calling or occupations are carried on in one place or premises unless otherwise stated in this Bylaw.
 - (g) Every license issued under this Bylaw shall specifically state the kinds of services goods or merchandise which the license is Authorized to offer for sale or take orders for as the case may be and whether in the case of goods or merchandise, he may offer the same for

sale by retail or by public auction or both.

- (h) One copy of every license issued pursuant to this Bylaw shall be delivered to the person licensed. Every person licensed pursuant to the Bylaw shall, at all reasonable time, upon request of the License Inspector, Town Administrator or any Peace Officer, produce such license for inspection purposes.

4. Persons required to be licensed under the provisions of this Bylaw are those persons carrying on any of the businesses, industries, callings or occupations defined in this section who are not operating the business from a property that is commercially assessed within the Town of Macklin subject to compliance with the terms and conditions, if any, set out under the subsections of this section as hereinafter stated:

- (a) **Accountants & Bookkeepers \$100 per year**
Every public bookkeeper or accountant, or a person who gives counseling in income tax matters and/or prepares income tax returns.
- (b) **Auctioneer \$50 per Auction in aggregate to \$200 per year**
Every person putting up for sale goods, wares, merchandise, or effects by public auction
- (c) **Building Mover \$50 per year**
Every person in the business of in moving buildings into or out of town.
- (d) **Caterer \$100 per year**
Every caterer which shall mean and include every person, restaurant, hotel, club or organization who or which, for profit or gain, supplies or furnishes group dinners, banquets, or luncheons; but should not include the following:
i) Any person, restaurant, hotel, club or organization situated and operating from a commercially assessed property within the Town of Macklin;
ii) Any religious organization in the Town of Macklin in furtherance of its work or religious education;
iii) Any charitable service club or non profit sports organizations;
- (e) **Commercial Contractor \$500 per year**
Includes every company deemed to be a general contractor (fee does not include any sub-trades.
- (f) **Daycare and Daytime baby-sitting services \$50 per year**
Every person, exclusive of a nursery school, who provides care during daytime hours, apart from their parents or guardian and provided that they are 18 years of age or older.
- (g) **Dressmakers, Seamstresses \$50 per year**
Any person carrying on the business of making alterations or repair to clothing or providing custom sewing for profit.
- (h) **Funeral Home Operator \$200 per year**
Any funeral home company which may be completing burial services within the Macklin Lakeview Cemetery.

- (i) **Furnace Cleaners \$100 per year**
Any individual company which may be providing maintenance or cleaning services for furnaces.
- (j) **Greenhouse and Market Garden \$25 per day in aggregate to \$200 per year**
Every person carrying the business operating a green house or market garden.
- (k) **Hairdresser \$50 per year**
Every person carrying on the business hairdressing or barbering.
- (l) **Hearing Aid Repair or Sales \$25 per day in aggregate to \$200 per year**
Every person carrying on the business of hearing aid testing, supply or repair.
- (m) **Home Based Business \$50 per year**
Every person conducting a small business wholly or partly on the business operator's residential address.
- (n) **Instructor \$25 per course in aggregate to \$100 per year**
Every person who carries on the business of instructing on a full-time basis another person with regard to the skill and knowledge necessary for practical purposes, provided that no non profit sports organization shall be included.
- (o) **Insurance Salesman \$25 per year**
Every person who sells fire, property, automobile, damage, life, etc.
- (p) **Janitorial Services \$25 per year**
Every person contracting to clean and maintain any building in the Town of Macklin who supplies goods, tools and or equipment for such work.
- (q) **Landscape Services \$25 per day in aggregate to \$100 per year**
Every person who lays out and or maintains gardens or grounds, or engages in the business of roto-tilling, snow removal or similar work, provided they are 18 years of age or older.
- (r) **Massage Therapist \$50 per year**
Anyone providing massage therapy or reflexology outside of a commercially assessed property within the Town of Macklin.
- (s) **Mechanic or Towing Service \$50 per year**
Every person carrying on the business of vehicle repair, vehicle towing and removal or similar occupations.
- (t) **Music Teacher \$50 per year**
Anyone providing instruction with regard to the skill and knowledge necessary for music, voice or other like artistic and practical purposes for profit, provided that no non profit organization shall be included.
- (u) **Optician \$100 per year**
Every person carrying on the business of optical services or repair.

- (v) **Petty Trades and Handyman \$25 per year**
Every person carrying on business as a knife grinder, saw sharpener, skate sharpener, locksmith or similar occupations
 - (w) **Photographer \$25 per day in aggregate to \$100 per year**
Every person carrying on the business as a photographer.
 - (x) **Piano Tuner \$25 per day in aggregate to \$100 per year**
Every person carrying on a business as a tuner, repairer or cleaner of organs and or pianos.
 - (y) **Real Estate Agent \$100 per year**
Every person carrying of the business of real estate dealer or agent who shall sell or negotiate the sale of any real estate not his own property and receive a commission or other remuneration.
 - (z) **Refrigeration and Appliance Repair \$100 per year**
Every person who operates a business and or receives remuneration for the repair of refrigeration units or other appliances.
 - (aa) **Sign Writer \$50 per year**
Every person carrying on the business of sign painter or sign writer, or in the business of selling art.
 - (bb) **Stock & Financial Investment Agents \$50 per year**
Every person carrying on the business of providing stock and investment advice on a commission or fee for service basis.
 - (cc) **Taxidermy \$50 per year**
Every person carrying on the business of taxidermy.
 - (dd) **Trades and or Subcontractors \$50 per job in aggregate to \$200 per year**
Every business including but not limited to and not included under the General Contractor definition: Carpenter, Drywaller, Eavestroughing, Electrician, Excavator, Mason, Painter, Plumber, etc.
 - (ee) **Transient Traders \$25 per day in aggregate to \$100 per year**
Every person carrying on business as a transient trader as defined by The Urban Municipality Act, 1984.
 - (ff) **Welder \$100 per year**
Every person carrying on the business of an electric welder, oxyacetylene welder or cold welder, not having a regular place of Business that is commercially assessed.
5. (a) Where applicant pays a license fee for a period less than one year, the amount of license fees paid by the applicant throughout the year in respect of a license for a period of less than one year shall be accumulated toward the cost of a yearly license, and upon the total amount of license fees paid by the applicant reaching the amount of the specified

license fee for on year, the applicant shall be granted a license for the remainder of the current year.

- (b) All applications for a license shall state:
 - (i) the name and address of the applicant
 - (ii) the nature of the license applied for
 - (ii) the place where the proposed trade is exercised or where the same is to be carried on
 - (iv) such other information as may be required by the License Inspector
- 6. The provisions of the Bylaw shall not apply to the following:
 - (a) Direct seller under The Direct Sellers Act.
 - (b) Any person who is assessed or subject to assessment in respect of the same business or special franchise.
 - (c) Railroads
 - (d) Any person who is operating the business from a property that is commercially assessed within the Town of Macklin.
 - (e) All individuals under the age (18) are exempt.
 - (f) Any person engaged in a business that may be specifically exempt.
- 6. The granting or refusal of granting of a business license to any person to carry on a business, industry, calling or occupation or the revoking or suspension of a license pursuant to the provisions of this Bylaw shall be in the absolute discretion of the council, but it shall give reasons for any refusal, suspension or revocation and, except as provided for *The Urban Municipality Act, 1984*, its actions are not open to question or review by any court.
- 7. The act of the spouse, servant, clerk or employee of any person licensed to carry on a business, industry, calling or occupation under this Bylaw pertaining to or in connection with the said business shall be deemed to be the act of the Licensee as though he had done the act himself.
- 8. No person to whom a license is granted under the provisions of this Bylaw shall conduct the business so licensed on any street, lane or property of the Town or on any road allowance or road, street or lane vested in Her Majesty or set aside for such purpose under the *North West Territories Act* or an Act of Saskatchewan or any other public place in the Town which is under the direction and control of the Council as set out in *The Urban Municipalities Act, 1984* or amendments thereto, without first having obtained express written consent in accordance with a resolution of the Council, except as other wise provided for in the Bylaw.
- 9. Any person who violates any provision of this Bylaw is guilty of an offence and shall be liable on summary conviction to the penalties as provided in the general penalty bylaw of the Town.
- 10. Due to the technical nature of some businesses, industries, callings or occupations where the individual/business is required to travel from outside the Town of Macklin, at the discretion of the Town Administrator a business license will not be required.
- 11. Bylaw No. 07/97 is hereby repealed.
- 12. This Bylaw shall have full force and effect on the date of final passage thereof.

Certified to be a true copy of Bylaw No. 13/01 adopted by the council of the Town of Macklin on the 13th day of August, 2001.