**TOWN OF WILKIE**

**BYLAW NO. 35/01**

**A BYLAW OF THE TOWN OF WILKIE TO CLASSIFY, REGULATE, CONTROL AND LICENCE ANY BUSINESS, TRADE OR CALLING WITHIN THE TOWN OF WILKIE EXCEPT THOSE BUSINESSES OPERATING FROM A COMMERCIALLY ASSESSED PROPERTY .**

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

**PART I - Short Title and Interpretation:**

1. This Bylaw may be cited as the Licensing Bylaw.
2. In this Bylaw:
	1. Administrator means the Administrator of the Town of Wilkie.
	2. Building, Business, Closed, Occupant, Owner, Premises, Store, and Transient Trader, shall be interpreted within the meaning of the Urban Municipality Act, 1984.
	3. Councilmeans the Council of the Town of Wilkie
	4. Handi-man means any person doing the following:

(i) grass mowing done with garden tractor or riding mower

(ii garden tilling done with a garden tractor

(iii) snow blowing or removal done by machine

(iv) repairs and maintenance to buildings/plumbing/electrical up to $150 per job (labour only)

1. tree trimming and removal
2. fence construction and/or maintenance

(e)Peace Officer means a member of the R.C.M.P., bailiff, Special Constable or other person duly authorized or appointed by Council to preserve and maintain the public peace.

1. R.C.M.P. means a member of the Royal Canadian Mounted Police.
2. Town means the Town of Wilkie.
3. In this Bylaw:
	1. A reference to an enactment of the Legislature of Saskatchewan is a reference to the enactment as amended from time to time.
	2. Words in the singular include the plural and the words in the plural include the singular and words importing the masculine gender include the feminine.

**PART II - License Requirements:**

1. No person shall carry on any trade, business or calling as set out in Schedule A attached to this Bylaw within the Town unless they have in their possession a valid existing license for the purposes issued in accordance with the provisions of this bylaw.
2. Persons required to be licensed under the provisions of this bylaw are those persons carrying on the business, industries, callings or occupations defined in Schedule A who are not operating from a commercially assessed property.
3. Any person required to obtain a license under this bylaw shall make application to the Administrator.

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1. Each application for a license shall include the following information:
	1. The name and address of both the applicant and the business.
	2. The specific nature of the business for which the license is required.
	3. The place where the business in respect of which the license is required is to be exercised or carried on.
2. The application shall be in the form as set out on Exhibit A attached to this Bylaw and the applicable license fee prescribed by Schedule A attached to this bylaw shall be paid in full at the time of filing the application.
3. The Administrator shall issue a receipt to the applicant for the license fee tendered with the application in Section 7 with such receipt denoting approval of application.

**PART III - Granting of License**

1. Every license shall specifically state the kinds of services, goods or merchandise which the licensee is authorized to offer for sale or take orders for as the case may be and whether in the case of goods or merchandise, the licensee may offer the sane for sale by retail or public auction or both and such license shall also state the restrictions or restrictions set forth in Section 11 hereof.
2. No person to whom a license has been granted under this bylaw shall offer for sale services, goods or merchandise or solicit orders for future delivery of goods or merchandise within the Town:

Other than those services, goods or merchandise as described and set out in the license or;

by any method except as stated in the license.

**PART IV - Duration of License:**

License fees shall become due and a business license shall be applied for on January 1st of each year or 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.

Every license issued pursuant to this Bylaw shall expire on December 31 next following date of issue unless sooner suspended or revoked.

Where an applicant pays a license fee for a period of 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 one year, the applicant shall be granted a license for the remainder of the current year.

**PART V - Evidence of License:**

Every person licensed under this bylaw shall, at all reasonable times, upon request of the Administrator, or any Peace Officer or any person, produce such license for inspection purposes.

No person to whom a license has been granted shall hinder, prevent or refuse any official mention under Section 14 from free access to the licensees business location when such official has displayed his badge of office or other authorization.

**PART VI - Suspension, etc. of Licenses:**

The Council may refuse, suspend or revoke a license in its absolute discretion, but it shall give reasons for any refusal, suspension or revocation and its actions are not open to review by any Court.

The power of the Council to refuse, suspend or revoke a license is to be exercised in good faith, without discrimination and in the public interest.

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Where a license is suspended or revoke a license until the licensee has been given full opportunity to be heard by the Council.

Where a license is suspended or revoked the licensee shall be entitled to a refund of a part of the license fee in proportion to the unexpired part of the term for which it was granted.

**PART VII - Location Prohibition:**

No person to whom a license has been granted under this bylaw shall conduct a business so licensed on any street, lane, public place or Town property unless the license permits them to do so but may conduct a business on private property with the consent of the property owner as long as such business does not pose a conflict or hazard to residents of the area or traffic in the vicinity of the area where the licensee is located.

**PART VIII - Prorating:**

If a license is applied for subsequent to September 1 of any year, the license fee payable shall be 50% of the fee prescribed in Schedule A where the license applied for is a yearly license. This discount shall not be apply to per job fees.

**PART VIII - Penalties:**

Any person who contravenes any of the provisions of this bylaw is guilty of an offense and liable, on summary conviction, to a fine of $100.00.

**PART X - Repeal:**

Bylaw number 8/95 and 8/89 is hereby repealed.

Mayor

(SEAL)

Administrator

**EXHIBIT A BYLAW NO. 35/01**

**TOWN OF WILKIE**

**LICENCE APPLICATION**

DATE:

NAME

ADDRESS:

TELEPHONE:

BUSINESS NAME:

(if different from above)

ADDRESS:

TELEPHONE:

Specify services, codes or merchandise offered for sale;

**IF SINGLE JOB LICENSE:**

MUNICIPAL ADDRESS OF JOB:

LOT , BLOCK , PLAN

PERSON WHOM WORK IS BEING DONE FOR:

LOCATION OF TRANSIENT TRADER:

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Date Signature of Applicant

**LICENSE IS HEREBY GRANTED AS PER THE ABOVE APPLICATION. YOUR RECEIPT SHALL BE PROOF OF LICENSE.**

LICENSE FEE $ RECEIPT NO.

Date Town Administrator