



LICENSE APPEAL BOARD

Policy and Procedures

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NOTE: All references to *Legislation* in this document refers to *The License Appeal Board Bylaw, 2012*.

STRUCTURE

1. **COMPOSITION**

The Saskatoon License Appeal Board is appointed by resolution of City Council. Council shall appoint five members to hear and determine appeals in accordance with Section 3(3) of the *License Appeal Board Bylaw*. A member of council is not eligible to be appointed as a member of the Board [Section 3(3) of the *Bylaw*].

Membership on the License Appeal Board is determined by membership on the Board of Revision. Members are appointed for a one-year term and can be re-appointed. Except in unusual circumstances, a member may not serve more than six years. In accordance with Section 3(7) members of the License Appeal Board must take an official oath in the prescribed form prior to carrying out any duties, power or function of the board.

2. **JURISDICTION**

The License Appeal Board adjudicates appeals under the provisions of Section 4 of *The Saskatoon License Appeal Board Bylaw, 2012*. This bylaw deals with appeals where the business license is denied, suspended, cancelled or has conditions placed upon it by the City.

3. **REMUNERATION**

Each member of the License Appeal Board will receive payment of \$25.00 for each meeting attended by the member; and in addition, the member who writes the decision of the Board shall receive a further \$25.00 for each decision written by the member.

4. **CHAIRPERSON**

The duties and responsibilities of the Chair are to:

- ◇ Assume responsibilities January 1 to December 31 of the year appointed.

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- ◇ Provide leadership and attend to all matters necessary for the proper operation of the License Appeal Board, ensuring that the City's obligations are met in accordance with the legislative requirements contained in *The License Appeal Board Bylaw, 2012*.
- ◇ Ensure legal counsel is provided in the areas relevant to the jurisdiction of the License Appeal Board and in the procedures of administrative tribunals, as required.
- ◇ Take responsibility for training/orientation of Board members regarding hearings, rules of evidence, decision-making and decision writing of an administrative tribunal or quasi-judicial board.
- ◇ Serve as Chair at the hearings.
- ◇ Review and sign decisions of the Board.
- ◇ Ensure Board directives, policies and appropriate conduct are adhered to at the hearings.
- ◇ Carry out the responsibilities of members as set out below.

5. **MEMBERS**

The duties and responsibilities of the members are to:

- ◇ Attend hearings and advise the Secretary of the Board if they are unable to attend or anticipate arriving late.
- ◇ Be familiar with hearing procedures.
- ◇ Review the hearing documents prior to the hearing.
- ◇ Contribute at the hearing by asking questions and participating in discussion/deliberation and decision-making in accordance with established procedures.
- ◇ Declare any conflict of interest with respect to appeals and inform the Secretary of the Board of any potential conflict of interest well in advance of the hearing.
- ◇ Render a decision in writing, together with reasons, within 30 days of the conclusion of the hearing.

6. SECRETARY

The Secretary is responsible for all administrative and operational matters of the Board to ensure compliance with relevant sections of *the License Appeal Board Bylaw*.

The duties and responsibilities of the Secretary are to:

- ◇ Serve notice of hearing at least 30 days prior to the sitting of the Board, on the appellant; and the City [Section 8(2)].
- ◇ Collect appeal fees.
- ◇ Schedule hearings and produce hearing documentation for Board members.
- ◇ Process requests for recording of hearings and production of a transcript.
- ◇ Assist in preparation of decisions and sign decisions of the Board.
- ◇ Distribute written decisions to the appellant, the municipality, and all persons who made representations at the public hearing, by registered mail, within 10 days of the date on which the decision is made. [Section 16(3)].

7. LEGAL COUNSEL

The Board may retain the services of consultants that may be necessary to assist it in the discharge of its responsibilities, and council is responsible for any costs incurred by the board in respect of those appointments. The Chair will recommend legal counsel or other consultants required and have the recommendation ratified by the Board members.

8. BOARD MEETINGS

The Secretary of the Board shall ensure that at the first meeting of the Board each year, members elect a Chair for the year and they may also elect a vice-chair.

Meetings will be conducted in accordance with Robert's Rules of Order.

9. ISSUES/ROLES

Role of a license appeal board member vs. other positions

License appeal board members are appointed for their knowledge and expertise in various development-related topics. Many board members hold other positions in the community that should be kept separate from their role as board member. This does not mean that members cannot rely upon their general knowledge of development-related matters, but it does mean that if members rely upon any specific knowledge of a matter that they gained outside the hearing, they must disclose the point to the parties so they have an opportunity to respond. If in doubt, the safest course of action is to disclose.

Independence and impartiality: the rule against bias

License appeal board members have a responsibility to look at the way they conduct themselves not from their own points of view, but from the perspective of others. Board members must act independently and impartially, much like judges. A decision maker must hear a complaint with an open mind and without being influenced by external forces. A bias exists when a decision is influenced by a monetary or personal interest, or anything else that would influence the decision. Bias can arise from things a board member may have written or said about the case or about the parties.

Decision makers must not only avoid bias, but also avoid creating a perception of bias. A party challenging a board decision in court does not have to prove actual bias; a reasonable perception of bias is enough. A perceived bias exists when the circumstances suggest to a reasonable observer that there may be bias, even though the board member is not actually biased.

The perception that persons other than board members have been actively involved in the decision making process is a common source of bias allegations. The “test” is whether a reasonable observer would think that, in the circumstances, a fair hearing is possible.

Out-of-hearing conduct

In avoiding a perception of bias, board members should keep discussions with individuals from any of the parties inside or outside the hearing room to a minimum. Board members should be cautious during breaks and avoid mingling with any party involved in a complaint.

Board members should remember that few places are totally private and any discussion between board members should take place in a private area. No

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discussion of the hearing should take place outside the hearing room, except with fellow board members.

In-hearing conduct

All board members have a responsibility not only to be fair, but also to appear fair. This includes not acting inappropriately (rudeness, overly aggressive conduct, lack of impartiality, indiscretion, or closed-mindedness). This has two implications:

- Board members have a responsibility to look at the way they conduct themselves, not only from their point of view, but also from the perspective of others
- Board members should not take criticisms, comments, or advice on the issue of fairness as an affront to their dignity. It may be that a member created an unintended impression.

Body language and tone of voice can convey a wrong message to a complainant. Lack of eye contact, raised eyebrows, an angry, sympathetic, incredulous, or impatient tone of voice can conflict with the words a board member uses. All actions and expressions contribute to the appearance of fairness.

Parties are often willing to accept bad news if they feel that they have been heard through a fair process by an open-minded board. But an air of impatience, indifference, or hostility can ruin that impression. Try to look at the proceedings through the eyes of the parties who may be directly and personally affected by your board's decision.

PROCESSING APPEALS

1. ***RECEIPT OF APPEAL APPLICATIONS***

A notice of appeal must be received within **30 days** after the date on which the license was suspended, revoked, cancelled or denied [Section 6(1)].

An appeal can be made by completion of a notice of appeal form.

The Notice of Appeal shall contain the following information:

- ◇ reasons for appeal
- ◇ summary of supporting facts for each reason
- ◇ the prescribed fee
- ◇ the mailing address of the appellant

2. ***APPEAL FEES***

An appeal fee of \$50.00 is required to file an appeal [Section 7(1)].

3. ***NON-COMPLIANCE WITH APPEAL DEADLINE DATE***

The Secretary shall determine whether the Notice of Appeal has been received from the Appellant within the 30-day appeal deadline outlined in Section 6(1).

If, in the opinion of the Secretary, the notice of appeal does not comply with Section 5, the Secretary shall notify the appellant of the deficiencies in the notice of appeal and grant the appellant one 14-day extension to perfect the notice of appeal.

If an appellant fails to file an appeal within the 30-day appeal deadline, the Secretary shall refuse to file the notice of appeal, unless the appeal board, on application by the appellant, extends the time for filing the notice of appeal.

The Secretary shall not set a hearing date for an appeal unless, the Secretary's opinion, the appellant has met the requirements set out in Section 5.

4. ***FILING OF SUPPORTING DOCUMENTATION***

Section 9(1) of the *Bylaw* requires that the Appellant shall, not later than 20 days before the date fixed for hearing the appeal, file with the Secretary of the Board

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all supporting documentation that is intended to be submitted in support of the appeal.

Section 9(2) requires that where required by the board, the council, or anyone acting for and on behalf of the council, shall transmit to the Board, not later than 10 days before the date fixed for hearing the appeal, the original or true copies of supporting documentation in its possession relating to the subject matter of the appeal.

Section 9(3) requires that if an appellant intends to make use of any report, document, record or other written evidence on the hearing of the appeal in response to materials served on him or her by the City pursuant to Section 9(2), that the appellant shall file a copy of the materials with the Secretary, and on the City, not later than 5 days before the date set for the hearing.

The Bylaw, requires that at least 10 days before the date set for the hearing, the City shall file with the Secretary and serve on the appellant a copy of the appellant's license, if any, and a copy of the notice from the City informing the appellant that the license has been refused, suspended, or cancelled, or that the license has been issued conditionally [Section 9(5)].

Late materials from the appellant and/or the City will be submitted to the Board at the hearing. The Board is not obliged to accept or consider these late materials; however, if there is no objection from either party to the appeal, the material will be entered as evidence and marked as an Exhibit (Exhibit A- or R-).

The Secretary shall forward a copy of any additional material received from the Appellant, the City and/or neighbouring property owners, to the Appellant and/or the City, as soon after receipt as possible.

Any material received by the Secretary and rejected as an exhibit at the hearing, will be identified as "information only" and become part of the file, but not included as evidence or marked as an Exhibit.

In the event that the Appellant and/or the City has supplemental material to be presented at the hearing, in response to a submission from either party or a neighbouring property owner, the material will be received by the Secretary and submitted as additional documentation to the Board at the time of the hearing. The Board is not obliged to accept or consider this material. If the Board agrees to accept the material and there is no objection from either party to the appeal, the material will be marked as an "Exhibit".

5. SCHEDULING OF APPEALS

The Secretary shall schedule all appeals with due consideration for the Board members, the Administration and the appellants.

A hearing before the Board must be held no later than 60 days after the date the Notice of Appeal is filed, and a Notice of Hearing must be served not later than 30 days before the date fixed for hearing the appeal. Notice must be served by personal service, ordinary mail or registered mail, to the appellant, and the City.

Notices to appellants will include a copy of *The Licence Appeal Board Bylaw* as well as a copy of an "Information Sheet" (Appendix A)

As a matter of practice, the Notice of Hearing to the appellant is sent by registered mail. Registered mail is deemed to be received on the 5th day following mailing. Therefore the notice to the appellant must be sent 30 + 5 days prior to the hearing date.

As a standard practice, it is expected that the appellant will attend on the scheduled hearing date. There may be some instances where the appellant does not wish to attend and provides the Board with the authority to proceed in the appellant's absence. The Secretary will be required to relay this message to the Board, either in writing prior to the hearing or verbally at the hearing.

In cases where the appellant does not show up at the hearing without prior notice, the Board will be required to make a decision as to whether it will proceed in the appellant's absence or dismiss the appeal without a hearing.

Requests for postponements will be considered and will be at the discretion of the Board. Such requests will generally be granted unless they are recurrent and deemed by the Board to be unreasonable and/or stalling the process. Requests for a postponement received prior to the distribution of the Notice of Hearing will be accommodated and the Notice of Hearing will reflect the change. Requests for postponements received after distribution of the Notice of Hearing must be placed before the board for consideration of a postponement to a suitable date.

Hearings will be scheduled based on the availability of the appellant, board members and civic staff. The Secretary will determine the order of hearings based on their complexity. A docket outlining the order of the hearings will be provided to the Chair and posted on the door of the meeting room prior to the start of the hearings.

If an appellant is not present at the time the appeal appears on the docket, the Board will proceed with the next appeal on the docket and the appeal (where the appellant is not in attendance or late) will be considered at the end of the docket. If an appellant is still not in attendance at the end of the docket, the Board will

make a decision on whether to proceed in the appellant's absence or to dismiss the appeal.

6. *RECORDING OF HEARINGS*

A party may request that a hearing or a part of a hearing be recorded and a party may also request that a transcript be prepared. Where such a request is made to the Secretary of the Board at least two full working days before the hearing, the Chair of the Board shall issue an Order (Appendix B), in writing, that the recording be made by an official court reporter. The costs of the recording will be charged against the requesting party. If a transcript is not requested at the time that the recording is requested, then the transcript may be requested by either party at a later date. In any event, the party requesting the transcript will bear the cost of such request.

In the event that the Board determines that it wishes to record a hearing for its own internal purposes, such recording will not be provided to the parties and access to the recording tapes will be limited to the Board members and the Secretary of the Board.

A summary of proceedings (hearing notes) for the use of Board members and the Secretary only will be recorded in written form by the Secretary of the Board, in keeping with the categories outlined on the Record of Decision form.

7. *WITHDRAWAL OF APPEALS*

Section 5(3) of *The Bylaw* states that an appellant may withdraw his or her appeal for any reason by notifying the Secretary of the Board at least 7 days before the day on which the appeal is scheduled to be heard. The appeal fee is non-refundable as per Section 7(3) and may not be waived or reduced under any circumstances.

Where the withdrawal notification has been received after the documents have been distributed to the City and Board members, and the docket has been printed, the Secretary shall make a notation on the docket that the appeal has been withdrawn.

CONFLICT OF INTEREST

Declaring Conflict of Interest

Appointment of members to the Board are subject to compliance with the City of Saskatoon Code of Conduct for Members of Civic Boards, Commissions, Authorities and Committees as outlined in Policy C01-003 Appointments to Civic Boards, Commissions, Authorities, and Committees. Members shall act honestly and in good faith in exercising their duties to the best of their abilities. In doing so, a number of specific principles are applicable including the duty to avoid conflicts of interest.

Members must avoid any conflict of interest, or the appearance of a conflict between their own personal interests or the interests of any closely connected person, and the interests of the Board or The City of Saskatoon. Members must attempt to avoid not only actual conflict, but the potential for conflict.

It is not possible to outline all circumstances where conflicts of interest might arise for Board members, but the following examples represent clear instances where a Board member should disclose their potential conflict.

- A member is in a conflict of interest where the member, a closely connected person, or a Corporation in which the member or closely connected person has a controlling interest, has a financial interest in a matter before the Board. Financial interest is defined under section 115(1) of The Cities Act.
- The appellant is a family member or is a friend of the member.
- The member bears personal antipathy toward the appellant.
- There is, for some other reason, a reasonable basis for believing that the member may not act impartially towards one of the parties.

A suggestion by a party to an appeal that a member may be in a conflict of interest, or that there is reason to believe that the member is biased or will be impartial, must never be dismissed out of hand. The Board should always take the time to consider whether there is a reasonable apprehension of bias. The Board Chair may wish to consult with counsel to the Board when required. Where the allegation of conflict or bias is clearly unfounded, then after deliberation, the Board may proceed as originally constituted. If there is real doubt, the simple and sensible solution is to, as the member, to remove themselves from participating in that particular hearing in order to avoid future challenges.

Bear in mind that the Board must consider not only actual bias, but the perception of bias.

HEARINGS

Hearings of the License Appeal board are open to the public and the media may attend. Upon application to the board by any party to the appeal, the board may close all or part of its hearing to the public if the matter under discussion falls under one of the exemptions found in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* or refers to personal information of a party which, if disclosed, could be an invasion of privacy and outweighs public interest in disclosure [Section 10(2)]

Section 224(1) of *The Cities Act* requires that the Board hear any of the parties, being the appellant, City, and any other person who wishes to be heard in support of or objecting to the application.

1. SCOPE OF THE APPEAL

The scope of the appeal will be the issues outlined by the City Administration in their letter of any condition on a license, or the denial, suspension or cancellation of a business license issued by the City pursuant to any City Bylaw.

2. HEARING DOCUMENTS

Hearing documents will be prepared for each board member and forwarded by courier or regular mail prior to the hearing date. The documents will include the letter from the City Administration advising a license has been denied, suspended or cancelled, or holds a license upon which conditions have been imposed. Also included will be copies of the Notice of Appeal from the Appellant, the Notice of Hearing, as well as any additional evidence submitted by the Appellant, the City. The hearing documents will be provided to the five board members, the City and the Appellant. The Secretary will keep the original copies of all documents on file.

All documents will be stamped "For Identification Only" followed by an A (Appellant), R (Respondent) or B (Board) designation and a consecutive number. Materials received from the Appellant will be marked "A"; materials from the City will be marked "R" and materials provided by the Board Secretary such as the Notice of Hearing and letters from neighbouring property owners will be marked "B". For example the Notice of Appeal will be marked A.1.

A docket outlining the order of the hearings will be available to the Chair and also posted outside the meeting room door prior to commencement of the hearings.

3. QUORUM

A majority of the members of the Board constitutes a quorum for the purpose of a meeting or a hearing. This would mean that three out of the five Board members must be present.

4. CONDUCTING THE HEARINGS

- The Chair of the Board will read the opening statement to commence the session.
- The Chair will introduce the Board members, Board Secretary and Court Reporter (if present).
- The Chair will ask the City's representative to introduce himself and any other representatives of the City present.
- The Chair will call the Appellant forward to state his/her name for the record and introduce any other representatives present on his/her behalf.
- The Chair will review the documents received to date, and if there are no objections from either party, the documents will be marked as official Exhibits.
- The Chair will ask the Appellant to take the affirmation and present the evidence.

Affirmation (ask the following question)

Do you solemnly affirm that the evidence you are about to give in this matter is the whole truth and nothing but the truth?

- The Chair will ask the City's representative to take the affirmation (this need be done only once if the same representatives of the City will be in attendance for additional hearings), and present evidence.

Affirmation (ask the following question)

Do you solemnly affirm that the evidence you are about to give in this matter (and the hearings which follow) is the whole truth and nothing but the truth?

- Following presentation of evidence, the Chair will ask both parties if they have any questions of each other.
- The Chair will ask the Appellant if there is any further evidence to present, based on matters raised by the City's representative or neighbouring property owners (rebuttal evidence). This evidence should be different from what has already been presented and must be related to the matters raised by the City (or neighbours). This is not an opportunity for the appellant to repeat the evidence already presented.
- The Chair will close the hearing and indicate that the Board will render a written decision which will subsequently be provided to the appellant by registered mail within 10 days of the date of the decision.

5. FAILURE TO APPEAR

If the appellant is not present at the hearing, the appeal will be moved to the end of the docket and considered at that time. If the appellant is still not present, the appeal may be considered in the appellant's absence. If the Board decides to consider the appeal in the absence of the appellant, then any written materials filed by the appellant will be reviewed and the City's representative will be given an opportunity to respond and/or make a recommendation. If the appellant has not filed written materials, then the Board will ask the City's representative if there is a recommendation. If there is a recommendation from the City's representative, the Board will consider it.

(Also see Page No. 8)

6. *EXPERT WITNESSES*

Where an appellant, or the City's representative wishes to call an expert witness, (i.e., a person who has specialized training and expertise in some or all of the issues in the hearing) they will have to "qualify" the expert before the Board will grant the person expert witness status. This will occur at the beginning of that witness' testimony. The party calling the witness will get the witness to testify about his/her area of expertise, and then will ask the Board to accept the witness "...as an expert in...". The other party will then get an opportunity to cross-examine the witness on his/her expertise. Once that cross examination is complete, the Board will ask the other party if there is an objection to the acceptance of the witness as an expert. If there is an objection, the objections shall be outlined and the parties then can make argument on these points. The objecting party might argue, for example, that the witness is not an expert at all, or that the witness' expertise does not support the description of the expertise put forward by the party calling the witness. The Board must then decide whether to accept the witness as an expert as requested by the party calling the witness (if appropriate, the board might limit the description of expertise more narrowly than put forward).

The expert will generally give opinion evidence and may also give factual evidence. Opinion evidence may be given hypothetically. If this is done, the party calling the witness should set out a hypothetical question stating all of the assumptions necessary for the expert to give the opinion. Then that hypothetical question can be applied to the facts of the case. Opinion evidence may also be given based on the expert's knowledge of the facts of the case. In that event, the expert should describe the factual bases to support his/her conclusions.

(See Appendix "D" for Qualification of an Expert Witness)

7. *DECISIONS*

The Chair will assist in the preparation of a written decision, providing reasons for each decision, in accordance with an established decision outline (Appendix E).

Members of the Board should take notes during the hearing process. The Secretary will be available to assist the Board during the decision-making process by providing a summary of the proceedings, if necessary, and to document any additional information as well as the Board's decision. The Secretary will provide administrative/secretarial support.

Decisions on appeals shall be signed by the Chair and the Secretary. In the Chair's absence, a decision must be signed by any other board member and the Secretary.

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The Board must **render its decision in writing, together with reasons, following the conclusion of the hearing.** A copy of the written decision is forwarded by the Secretary of the Board by registered mail to the appellant, the municipality, and all persons who made representations at the public hearing **within 10 days of the date of the decision** (10 days less 5 days for receipt of registered mail = 5 days).

In the event an issue arises after the hearing and/or the decision is rendered, the Chair may request additional information/evidence from the appellant and/or the City's representative. In the case where only one party is consulted, the other party will be advised accordingly. If the Board determines that an amendment needs to be made to the Decision, all parties will be advised and the amendment will be made only if there is no disagreement by either party. If there is disagreement regarding a proposed amendment to the Decision, the Board will consult with its legal counsel.

PROCEDURES FOR CHAIRING A HEARING

This is a meeting of the License Appeal Board. The Board consists of members of this community who have been appointed by City Council to serve a neutral position on the Board. The Board will hear the appellant and the City, with the appellant having the final comments. The Board will make a determination based on the evidence presented at the hearing and within Section 16 of *The License Appeal Board Bylaw, 2012*.

The Board will reserve its decision to a later date at which time a detailed written decision will be provided by registered mail.

The Chair will be in charge of procedural rulings and any rulings will be final for the purpose of the hearing. Please address all comments and questions through the Chair.

My name is << >>, I am the Chair of the Board. The other Board members are << >>. The Secretary of the Board is Janice Hudson of the City Clerk's Office.

I would ask that the City's representative and the Appellant introduce themselves

Additionally, if there is anyone else present for this hearing, would you please identify yourself and for the record state your name and interest in the appeal.

The following documents which have been submitted and are on file have been identified as follows: <<A.1, being...; R.1 being...; B.1 being....etc >>.

If there is no objection from either party, these documents will now be formalized as Exhibits.

The Board has established that all persons who give evidence before the board will be required to affirm that the evidence they give will be the truth.

Would both parties to the appeal please stand: -

Do you solemnly affirm that the evidence you are about to give in this matter is the whole truth and nothing but the truth?

(To the Appellant) Would you please proceed with your statement with respect to this appeal.

(To the City) Does the City have any questions of the Appellant at this time?

(To Board Members) Do Board Members have any questions of the appellant at this time?

(To the City's representative) Please proceed with your statement on this appeal.

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(To the Appellant) Do you have any questions of the City's representative at this time?

(To Board members) Do members of the Board have any questions they wish to ask the City's representative(s) at this time?

(To the Gallery) Is there anyone else present who wishes to address this matter? If so, please identify yourself and affirm.

(To the Appellant) Do you have any new additional comments to make or any rebuttal comments, based upon the evidence presented by the City? *(or others who have presented evidence)* If not, you may summarize your case or make any closing statements.

(To the Board) Do Board members have any final questions?

There being no further testimony, this hearing is now closed.

The Board will now review the evidence and render a written decision, with reasons, which you will receive by registered mail.

Decisions of the appeal board are final and not open to question or review in any court and no decision of the appeal board shall be retrained by any other process or proceeding in any court or be removable by application for judicial review or otherwise into any court on any grounds.



SASKATOON LICENSE APPEAL BOARD

INFORMATION SHEET

Introduction

The Saskatoon License Appeal Board is a body appointed by City Council and is administered by the City Clerk's Office. The Board is impartial and receives its authority from *The Saskatoon License Appeal Board Bylaw, 2012*, and *The Cities Act*. The Board Members come from a variety of backgrounds and are not City of Saskatoon employees.

How do I appeal to the Board?

An appeal form, and instructions for submission, will be supplied to you with the notification that your application for a License has been denied, or has been made conditional, or has been suspended, or cancelled.

When you submit an appeal, you must:

- provide the applicant mailing address and telephone numbers where the applicant can be reached;
- list the License number, license type and either the License expiry date or application date (whichever is applicable);
- state the location of the business (if applicable);
- select whether your License was refused, suspended, cancelled, or made conditional;
- clearly state the reason for the appeal;
- in summary form, list the particular facts on which the appeal is based, being as specific as possible;
- sign and date the appeal; and
- enclose the appeal fee

Submit the completed appeal form with the **\$50** appeal fee, within 30 days after the date you have been served. If the filing fee is not paid within the required time frame, the appeal is deemed to be dismissed. Please send a current dated cheque or money order payable to The City of Saskatoon.

Who do I file my appeal with?

The appeal form and filing fee should be **mailed or delivered to:**

Secretary, Saskatoon License Appeal Board
City Clerk's Office, City Hall
222 - 3rd Avenue North
Saskatoon, SK S7K 0J5

When will my appeal be heard?

Your appeal must be heard no later than 60 days after the date the notice of appeal is filed. You will be notified by **registered mail** and be provided with at least 30 days' notice in writing of the location, date and time of your appeal. It is important that you pick up your registered mail.

Can I continue to operate pending my hearing?

An appeal pursuant to the above **does not operate as a stay** of the denial, suspension or cancellation appealed from unless the appeal board, on an application by the appellant, decides otherwise.

You must indicate on your appeal form, or separately in writing, a request to the board to consider a stay.

Do I need to attend the hearing?

If you do not wish to attend the hearing, you may send someone to represent you. **If you do not attend or are not represented, the Board may proceed with the hearing and make its decision based on your written Notice of Appeal and the information provided by the City's representative, or they may dismiss the appeal without a hearing.**

What happens at a License Appeal hearing?

The Board members and parties to the appeal will be introduced. Anyone giving evidence before the Board will be asked to affirm that the evidence being presented is the truth. You will be asked to explain the situation to the Board. The City's representative will then be given an opportunity to make its case to the Board. There will be an opportunity for questions from both you and the City's representative. Board members may also have questions of both you and the City's representative.

Is there anything else I should know about?

Notes are taken by the Secretary of the Board during your hearing and are for the Board's use only.

If you wish to have any part of the hearing recorded or wish to have a transcript of the hearing for your own purposes, you must submit your request in writing to the Secretary of the Board at least 2 days prior to the date of the hearing. The Secretary of the Board will

arrange for a certified court reporter to attend the hearing and you will be responsible for any recording or transcription fees (please contact the City Clerk's Office at 975-3240 for details regarding transcription fees). Unless there is a formal Order by the Chair of the Board, no one is allowed to make any recordings of any kind or photograph any portion of the proceedings.

The Saskatoon License Appeal Board conducts its hearings in public but may, upon application of any party to an appeal, close all or part of its hearing to the public if the matter to be discussed refers to personal information that constitutes an invasion of privacy that outweighs the public interest in disclosure.

Can I withdraw my appeal?

To withdraw an appeal, you must notify the Secretary of the Saskatoon License Appeal Board in writing at least seven days prior to the date on which the appeal is to be heard by the appeal board.

The appeal fee is non-refundable.

When will the Board make its decision?

The Board will make its decision after the hearing. The written decision will be provided to you by **registered mail** within 10 days of the date of the decision.

Can I appeal the decision of the License Appeal Board?

No. Every decision of the Saskatoon License Appeal Board is final and not open to question or review in any court.

For additional information please contact the **City Clerk's Office at 306-975-3240.**

Note: This is an information document only and has no legislative sanction. For legislative certainty, check *The Saskatoon License Appeal Board Bylaw, 2012*.

(January 2020)



O R D E R

SASKATOON LICENSE APPEAL BOARD

PURSUANT to Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*, the _____ of the Saskatoon License Appeal Board hereby makes the following Order:

1. The Respondent's document filed in this matter and described more particularly below is declared to be confidential.
2. The Appellant, _____, shall treat the said document as confidential, and shall not release, reproduce, disclose or distribute same in any manner whatsoever, save and except for the sole purpose of legitimate preparation for this litigation.
3. The document falling within the ambit of this Order is as follows:

C(R).1 **CONFIDENTIAL - POLICE REPORT** – _____, received _____, 20____.

4. This Order in no way determines the issue of the admissibility of any of the said document.
5. The copy of the said document filed with the Board shall be sealed upon conclusion of this matter, and shall not be opened without a further Order of the Secretary.
6. The Board may, in its written ruling on this appeal, make such further Orders as to confidentiality and privacy of documents as may be required, having regard to Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.

DATED at the City of Saskatoon, in the Province of Saskatchewan, this _____ day of _____, 20____.

Per: _____

LICENSE APPEAL BOARD - ORDER FOR TRANSCRIPT

I hereby order that this hearing, or portion of hearing, be recorded by _____ of
Saskatoon, SK., with or without a transcript copy of the recording, and further, that any
costs associated with the recording, any transcript of the recording, or copies of the
recording or transcript be charged against the party requesting the recording.

Chair, License Appeals Board

QUALIFICATION OF AN EXPERT WITNESS

In the Policy and Procedure Manual, there is a provision dealing with expert witnesses. Either an appellant or the City may call someone to provide expert testimony. The following will briefly deal with the procedure a Board Chair should use when faced with the prospect of dealing with an expert witness.

1. The witness must be **qualified**. There is a process by which this is done. Once that process has been completed, the Board Chair (in consultation with his/her members) will have to decide if the witness has sufficient expertise to testify as proposed.
2. The witness does not give any expert testimony unless and until he is qualified by the Panel Chair to do so. Whoever is calling that witness goes first. Usually, the witness will have a typewritten resume or curriculum vitae to give to the Panel. If so, it should be recorded as an Exhibit in the appeal hearing, irrespective of whether the witness is ultimately qualified. The Panel Chair should ask for a copy of the resume at the beginning.
3. The Board Chair should ask the other party if the qualifications of the proposed expert are in dispute, or agreed. If agreed, much time will be saved. Next, the party calling the proposed expert asks the expert questions. The witness is put under oath at this time. The witness should confirm (under oath) that all of the information contained in the resume is true. Then, the party calling the witness asks questions exploring the qualifications of that witness.
4. Frequently asked qualification questions will often include:
 - A. **Name, address, background**
 - B. **Business or Occupation**
 - Description of business or occupation.
 - How long in that business, and in what capacity.
 - Duties in that capacity.
 - Other relevant positions held, description of duties.
 - C. **Education**
 - Undergraduate degree/certificate obtained; where and when?
 - Postgraduate degree/certificate obtained; where and when?
 - Any Masters or Ph.D. thesis written?

D. Training

- What courses have been taken that relate to their “expert” opinion?
- Who has the witness trained under?
- When, and for how long?

E. Licenses

- Is a license required (i.e. Appraisal Institute of Canada)?
- When was the license first obtained? Held on a continuous basis?
- Is any upgrading or re-certification required?

F. Professional Associations

- Memberships held?
- Any executive positions held?
- Other related information.
- Teaching positions? Articles or books published? Lectures delivered?
- Consulting work?

G. Court/Tribunal experience

- Has this witness ever been qualified to give expert testimony in another forum? If so, when and where, and who qualified him/her?
- How frequently has this witness testified?
- Has this witness testified for both sides or only one?
- Is the witness being paid for his testimony today? By whom, and how much?

H. Experience in Area of Specialty

- Types of things the witness usually does? How often?
- Methodology used?
- Is the area of expertise previously recognized in law?
- Frequency of use of skill: (i.e. how many appraisals done in the last 12 months? Career)?

5. Once the first side is done, then the opposite party has the right to cross-examine on qualifications. At the end, the Panel Chair can ask questions of clarification.

- 3 -

6. At this point the party trying to use the expert should advise the Panel as to precisely **what** the expert is qualified in. In other words, on what subjects can this witness offer expert opinion testimony? There is often debate about this.
7. It is the **Panel Chair** that must decide both if the proposed expert is qualified, and in what area. The Panel Chair must rule on this point and advise both sides of the ruling, so both sides know how to proceed. This should be done immediately, but if in doubt, adjourn for 10 minutes and contact legal counsel.
8. At some point, the other side should be asked if they want time (an adjournment) to consider their position. They may have been caught by surprise by the expert witness. You must carefully balance each party's rights.
9. Each case is different. An expert should be readily familiar with the matter for which his opinion is being sought.
10. Once all this is done, the appeal proceeds as with any other witness. In other words, the party calling him/her asks questions; the other side cross-examines; the original party rebuts.
11. This is a rough procedural guideline only. It is not exhaustive.

RECORD OF DECISION

SASKATOON LICENSE APPEAL BOARD

APPEAL NO.: -20

RESPONDENT: _____ City of Saskatoon

In the matter of an appeal to the City of Saskatoon, Licence Appeal Board by:

respecting _____ for _____.

IN ATTENDANCE:

Before _____, Chair
_____, Member
_____, Member

**Appeared for
the Appellant**

Appeared for _____, City of Saskatoon

The appeal was heard in Committee Room “E”, Ground Floor, City Hall in the City of Saskatoon on _____, 20_____.

GROUND AND ISSUES:

THE APPELLANT, _____ launched an appeal under Section _____ in connection with the City's letter _____. The City's letter outlined the following:

As set out in the Notice of Appeal to the Saskatoon Licence Appeal Board (Exhibit "A.1"), the Appellant outlined the reasons for appealing, as follows:

EXHIBITS:

Exhibit A.1 Application to Appeal received _____.

Exhibit R.1 Letter dated _____ from the Community Services Department, Development Services Branch, to _____.

Exhibit R.2 _____ submitted by the Development Services Branch, Community Services Department, received _____.

Exhibit B.1 Notice of Hearing dated _____.

EVIDENCE AND ARGUMENT OF THE APPELLANT:

The Appellant, _____. The following is a summary of _____ evidence and argument.

EVIDENCE AND ARGUMENT OF THE RESPONDENT:

The City of Saskatoon, being the Respondent, was represented by _____ of the Community Services Department, Planning and Development Branch.

BYLAWS:

In the general course of its deliberations, the Board was guided by principles expressed in *The Saskatoon Licence Appeal Board Bylaw, 2012*, and any amendments thereto, in its entirety.

As provided for in Sections 5(1) and 6(1) of *The Saskatoon Licence Appeal Board Bylaw*:

5. (1) A licence appeal may only be taken by a person who:

- (a) *has applied for a licence and been denied, or holds a licence that has been suspended or cancelled, or holds a licence upon which conditions have been imposed; and*
 - (b) *believes that an error has been made by the City in the decision to deny, suspend or cancel a licence, or to issue a licence with conditions.*
- 6. (1) *A notice of appeal, together with the filing fee prescribed in section 7, must be filed with the secretary of the appeal board within 30 days after the date the appellant is served or is deemed to have been served with the decision of the City.*

As provided for in Section 16(1) and (2) of *The Saskatoon Licence Appeal Board Bylaw*:

- 16. (1) *Subject to subsection (2), after hearing an appeal, the appeal board may, as the circumstances require and as the board considers just and expedient:*
 - (a) *confirm, revoke or vary the City's decision to impose conditions or to refuse, suspend or cancel a licence; or*
 - (b) *substitute its own decision for the decision appealed from.*
- (2) *In determining an appeal under subsection(1), the appeal board:*
 - (a) *is bound by the provisions of the bylaw pursuant to which a licence is refused, suspended, cancelled or issued conditionally; and*
 - (b) *may confirm, revoke or vary the City's decision only if the appeal Board's decision would not:*
 - (i) *contradict the purpose and intent of the licensing bylaw;*
 - (ii) *grant the appellant a special privilege inconsistent with the restrictions on other person under the same licensing bylaw; or*
 - (iii) *amount to a relaxation of the provisions of the licensing bylaw so as to contradict the purposes and intent of the licensing bylaw.*

Section of the Business License Bylaw applies and requires

Section of the Adult Services Licensing Bylaw applies and requires

APPLICATION /ANALYSIS:

In determining the appeal, the Board was governed by Section 16 of *The Saskatoon Licence Appeal Board Bylaw, 2012*.

- 1. Does the granting of this appeal grant to the applicant a special privilege inconsistent with the restrictions on other persons under the same licensing bylaw?**

2. Does the granting of this appeal contradict the purpose and intent of the licensing bylaw?

3. Does the granting of this appeal amount to a relaxation of the provisions of the licensing bylaw so as to contradict the purposes and intent of the licensing bylaw?

DECISION:

DATED AT SASKATOON, SASKATCHEWAN, THIS _____ DAY
OF _____, 20__.

CITY OF SASKATOON LICENCE APPEAL BOARD

, Chair

Janice Hudson, Secretary

TAKE NOTICE that in accordance with Section 16(1) of *The Saskatoon Licence Appeal Board Bylaw, 2012*, every decision of the appeal board is final and not open to question or review in any court, and no decision of the appeal board shall be restrained by injunction, prohibition, *mandamus*, *quo warranto*, *certiorari* or other process or proceeding in any court or be removable by application for judicial review or otherwise into any court on any grounds.

Bylaw No. 9036

The Saskatoon Licence Appeal Board Bylaw, 2012

**Codified to Bylaw No. 9599
(July 29, 2019)**

BYLAW NO. 9036

The Saskatoon Licence Appeal Board Bylaw, 2012

Whereas under the provisions of clause 8(1)(h) of *The Cities Act*, a city has the general power to pass any bylaws that it considers expedient in relation to businesses, business activities and persons engaged in business;

And whereas under the provisions of subsection 8(3) of *The Cities Act*, the power to pass bylaws includes the power to:

- regulate or prohibit;
- provide for a system of licences, inspections, permits or approvals;
- establish fees for the licence;
- prohibit any business until a licence has been granted or an inspection performed;
- impose terms and conditions on any licence;
- impose conditions that must be met before a licence is granted or renewed;
- provide for the duration of licences and their suspension or cancellation for failure to comply with a term or condition of the bylaw or for any other reason specified in the bylaw;
- provide for an appeal, the body that is to decide the appeal and related matters;

And whereas The City of Saskatoon desires to pass a bylaw to establish an appeal body to hear appeals from the refusal, suspension or cancellation of any business licence issued by the City;

Now therefore The City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as The Saskatoon Licence Appeal Board Bylaw, 2012.

Definitions

2. In this Bylaw:
 - (a) “appeal board” means the Saskatoon Licence Appeal Board;
 - (b) “City” means The City of Saskatoon;
 - (c) “Council” means the council of The City of Saskatoon;

- (d) “Mayor” means the mayor of The City of Saskatoon; and
- (e) “person” means an individual, proprietorship, partnership, corporation, association, or other legal identity.

Appeal Board Established

- 3.
 - (1) The appeal board is hereby established.
 - (2) Council shall appoint not less than five persons to constitute the appeal board for the City.
 - (3) No member of Council is eligible to sit as a member of the appeal board.
 - (4) No member of the appeal board shall hear or vote on any decision that relates to a matter with respect to which the member has a pecuniary interest within the meaning of section 115 of *The Cities Act*.
 - (5) Council shall prescribe:
 - (a) the term of office of each member of the appeal board;
 - (b) the manner in which vacancies are to be filled; and
 - (c) the remuneration and expenses, if any, payable to each member.
 - (6) Council shall appoint a secretary of the appeal board, and prescribe the term of office and the duties of the secretary.
 - (7) No member of the appeal board shall carry out any power, duty or function of that office until the member has taken an official oath in the form prescribed in Schedule “A”.
 - (8) The members of the appeal board shall choose a chairperson from among themselves.
 - (9) The chairperson of the appeal board may:
 - (a) appoint panels of not less than three members of the appeal board; and
 - (b) appoint a chairperson for each panel.

- (10) Each panel appointed pursuant to subsection (9) may hear and rule on appeals concurrently as though it were the appeal board in every instance.
- (11) A majority of the members of the appeal board or of a panel constitutes a quorum for the purposes of sitting or hearing or of conducting the business of the board or panel.
- (12) A decision of the majority of the members of the appeal board or of a panel is the decision of the appeal board.
- (13) The Mayor may appoint a person as an acting member of the appeal board if any member is unable to attend a hearing of the board.

Jurisdiction of Appeal Board

- 4. The appeal board shall have the exclusive jurisdiction to hear an appeal from the imposition of any condition on a licence, or the denial, suspension or cancellation of a business licence issued by the City pursuant to any City bylaw.

Appeal Procedure

- 5. (1) A licence appeal may only be taken by a person who:
 - (a) has applied for a licence and been denied, or holds a licence that has been suspended or cancelled, or holds a licence upon which conditions have been imposed; and
 - (b) believes that an error has been made by the City in the decision to deny, suspend or cancel a licence, or to issue a licence with conditions.
- (2) A notice of appeal must be in writing in the form prescribed in Schedule "B" and must:
 - (a) set out the reasons for the appeal and the material facts upon which the appeal is based; and
 - (b) include the mailing address of the appellant.
- (3) An appellant may withdraw their appeal for any reason by notifying the secretary of the appeal board at least seven days before the day on which the appeal is to be heard by the appeal board.

Filing Notice of Appeal

6. (1) A notice of appeal, together with the filing fee prescribed in section 7, must be filed with the secretary of the appeal board within 30 days after the date the appellant is served or is deemed to have been served with the decision of the City.
- (2) The appellant shall give notice of appeal pursuant to this section by personal service, by registered mail or by ordinary mail.
- (3) On receiving a notice of appeal, the secretary of the appeal board shall, as soon as is reasonably practicable, provide the City with a copy of the notice of appeal.
- (4) An appeal pursuant to subsection (1) does not operate as a stay of the denial, suspension or cancellation appealed from unless the appeal board, on an application by the appellant, decides otherwise.
- (5) If an appellant fails to file an appeal within the time prescribed by subsection (1), the secretary of the appeal board shall refuse to file the notice of appeal, unless the appeal board, on application by the appellant, extends the time for filing the notice of appeal.

Fees

7. (1) An appellant who files a notice of appeal shall, at the time of filing the appeal, pay a fee of \$50.00 in respect of each notice of appeal.
- (2) A notice of appeal shall not be considered as having been filed unless the notice of appeal and the applicable fee have been received by the secretary of the appeal board within the time prescribed in subsection 6(1).
- (3) The fees referred to in this section are non-refundable and may not be waived or reduced under any circumstances.

Notice of Hearing

8. (1) The secretary of the appeal board shall set the date, time and location for the hearing before the appeal board, which hearing shall be held no later than 60 days after the date the notice of appeal is filed.
- (2) The secretary of the appeal board shall, at least 30 days before the hearing, serve on the appellant and the City a notice stating:

- (a) the date, time and location of the hearing; and
 - (b) that, if the appellant fails to appear at the hearing, the hearing may proceed in the appellant's absence, at which time the appeal may be dismissed.
- (3) The secretary of the appeal board may give notice pursuant to this section by personal service, by registered mail, or by ordinary mail to the appellant:
 - (a) at the address for service indicated on the notice of appeal; or
 - (b) if no address is given in the notice of appeal, at the address entered on the appellant's licence application.
- (4) After notice has been served pursuant to subsection (3), the appellant, the City and the secretary of the appeal board may agree to an earlier hearing date for the appeal, if necessary.
- (5) The secretary of the appeal board shall not set a hearing date for an appeal unless, in the secretary's opinion, the appellant has complied with all the requirements set out in section 5.
- (6) If, in the opinion of the secretary of the appeal board, the notice of appeal does not comply with section 5, the secretary shall:
 - (a) notify the appellant of the deficiencies in the notice of appeal; and
 - (b) grant the appellant one 14-day extension to perfect the notice of appeal.
- (7) If the appellant does not comply with the notice given pursuant to subsection (6), the secretary of the appeal board may refuse to file the notice of appeal, which action is deemed to be a refusal by the appeal board to hear the appeal.

Disclosure of Evidence

- 9. (1) If an appellant intends to make use of any report, document, record or other written evidence on the hearing of an appeal, at least 20 days before the date set for the hearing, the appellant shall:
 - (a) file a copy of the materials with the secretary of the appeal board; and
 - (b) serve a copy of the materials on the City.

- (2) If the City intends to make use of any report, document, record or other written evidence on the hearing of an appeal, at least 10 days before the date set for the hearing, the City shall:
 - (a) file a copy of the materials with the secretary of the appeal board; and
 - (b) serve a copy of the materials on the appellant.
- (3) If an appellant intends to make use of any report, document, record or other written evidence on the hearing of the appeal in response to materials served on the appellant pursuant to subsection (2), at least five days before the date set for the hearing the appellant shall:
 - (a) file a copy of the materials with the secretary of the appeal board; and
 - (b) serve a copy of the materials in response on the City.
- (4) If a party does not comply with any of subsections (1), (2) or (3), the appeal board may:
 - (a) accept and consider the material sought to be filed; or
 - (b) refuse to accept or consider the material sought to be filed.
- (5) At least 10 days before the date set for the hearing, the City shall file with the secretary of the appeal board and serve on the appellant:
 - (a) a copy of the appellant's licence, if any; and
 - (b) a copy of the notice from the City informing the appellant that their licence had been refused, suspended or cancelled, or that the licence has been issued conditionally.
- (6) The time limits referred to in subsections (1), (2) and (3) shall apply only to documentary evidence, and nothing in this section shall preclude a party from filing a written submission, including legal argument, with the appeal board at the beginning of or prior to the hearing of the appeal.

Public Hearings

- 10. (1) Subject to subsections (2), (3) and (4), the appeal board shall conduct its hearings in public.

- (2) The appeal board may, on the application of any party to an appeal, close all or part of its hearing to the public, if the matter to be discussed:
 - (a) is within one of the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*; or
 - (b) refers to personal information of a party which, if disclosed, could result in an invasion of privacy that clearly outweighs the public interest in disclosure.
- (3) The appeal board may deliberate and make its decisions in meetings closed to the public.
- (4) If the appeal board closes a hearing to the public, it may also make all or any of the following orders:
 - (a) an order that personal information for an individual licensee that forms part of a report, study, transcript or decision be purged or masked before the report, study, transcript or decision is released to the public; or
 - (b) any other order respecting procedures to be followed by the parties to the appeal respecting the disclosure or release of any information arising from the appeal.

Proceedings before Appeal Board

- 11. (1) The appeal board is not bound by the rules of evidence or any other law applicable to court proceedings and has the power to determine the admissibility, relevance and weight of any evidence.
- (2) The appeal board may require any person giving evidence before it to do so under oath, or by affirmation.
- (3) All oaths or affirmations necessary to be administered to witnesses may be administered by any member of the appeal board hearing the appeal.
- (4) The appeal board may make rules to govern its proceedings that are consistent with *The Cities Act*, this Bylaw and with the duty of fairness.

Witnesses

- 12. (1) A party to an appeal may testify, and may call witnesses to testify, at the hearing before the appeal board.

- (2) For the purposes of a hearing before the appeal board, a party may request the secretary of the appeal board to issue a subpoena to any person:
 - (a) to appear before the appeal board;
 - (b) to give evidence; and
 - (c) to produce any documents and things that relate to the matters at issue in the appeal.
- (3) The party requesting the secretary of the appeal board pursuant to subsection (2) to issue a subpoena shall serve the subpoena on the person to whom it is directed.
- (4) For the purposes of subsection (3), service of a subpoena is to be effected by:
 - (a) personal service on the person to whom it is directed; or
 - (b) registered mail sent to the address of the person to whom it is directed.
- (5) Subject to subsection (6), no person who is served with a subpoena pursuant to subsection (3) shall:
 - (a) without just excuse fail to attend at the time and place specified in the subpoena; or
 - (b) refuse to testify or produce documents as required under the subpoena.
- (6) If a person who is not a party is required by a subpoena to attend at a hearing of an appeal, the person is relieved of the obligation to attend unless, at the time of service of the subpoena, attendance money calculated in accordance with *The Queen's Bench Rules* is paid or tendered to the person.
- (7) Unless the appeal board otherwise orders, the party responsible for service of a subpoena is liable for payment of attendance money pursuant to subsection (6).

Evidence

13. Any party to an appeal shall tender all of the evidence on which the party relies at the appeal board hearing.

Failure to Appear

14. If an appellant fails to appear either personally or by agent at the appeal board hearing, the board may:
 - (a) hear and decide the appeal in the absence of the party; or
 - (b) dismiss the appeal without a hearing.

Amending Notice of Appeal

15.
 - (1) On application made by an appellant appearing before it, an appeal board may, by order, grant leave to the appellant to amend their notice of appeal so as to add a new ground on which it is alleged that error exists.
 - (2) An order made pursuant to subsection (1) may be made subject to any terms and conditions that the appeal board considers appropriate.
 - (3) An order made pursuant to subsection (1) must be in writing.

Decisions

16.
 - (1) Subject to subsection (2), after hearing an appeal, the appeal board may, as the circumstances require and as the board considers just and expedient:
 - (a) confirm, revoke or vary the City's decision to impose conditions or to refuse, suspend or cancel a licence; or
 - (b) substitute its own decision for the decision appealed from.
 - (2) In determining an appeal under subsection (1), the appeal board:
 - (a) is bound by the provisions of the bylaw pursuant to which a licence is refused, suspended, cancelled or issued conditionally; and
 - (b) may confirm, revoke or vary the City's decision only if the appeal board's decision would not:
 - (i) contradict the purpose and intent of the licensing bylaw;

- (ii) grant the appellant a special privilege inconsistent with the restrictions on other persons under the same licensing bylaw; or
 - (iii) amount to a relaxation of the provisions of the licensing bylaw so as to contradict the purposes and intent of the licensing bylaw.
- (3) After a decision is made pursuant to subsection (1), the secretary of the appeal board shall, by ordinary mail, send a copy of the decision together with written reasons, if any, for the decision to each party in the appeal.
- (4) Every decision of the appeal board is final and not open to question or review in any court, and no decision of the appeal board shall be restrained by injunction, prohibition, *mandamus*, *quo warranto*, *certiorari* or other process or proceeding in any court or be removeable by application for judicial review or otherwise into any court on any grounds.

Service of Documents

- 17. (1) Any notice or other document that is given or served personally is deemed to have been given or served on the date of actual service.
- (2) Any notice or other document dealing with an appeal that is given or served by registered or ordinary mail is deemed to have been given or served on the fifth business day after the date of its mailing unless the person to whom the notice or other document was sent establishes that, through no fault of their own, the person did not receive the notice or other document or received it at a later date.

Consequential Amendments

- 18. (1) Bylaw No. 6066, *The License Bylaw* is amended:
 - (a) by repealing section 8; and
 - (b) by repealing section 13 and substituting the following:

“13. The denial, suspension or cancellation of a license issued under this bylaw may be appealed to the Saskatoon Licence Appeal Board, pursuant to the provisions of The Saskatoon Licence Appeal Board Bylaw, 2012.”

- (2) Bylaw No. 8075, *The Business License Bylaw, 2002* is amended by repealing subsection 16(3) and substituting the following:

“(3) The denial, suspension or cancellation of a license issued under this Bylaw may be appealed to the Saskatoon Licence Appeal Board, pursuant to the provisions of *The Saskatoon Licence Appeal Board Bylaw, 2012*.”

Coming Into Force

19. This Bylaw shall come into force on the day of its final passing.

Read a first time this 18th day of June, 2012.

Read a second time this 18th day of June, 2012.

Read a third time and passed this 18th day of June, 2012.

“Donald J. Atchison”

Mayor

“Janice Mann” “SEAL”

City Clerk

Schedule "A"

Declaration of Member of Saskatoon Licence Appeal Board

I, _____, having been appointed to the office of
_____ of the Saskatoon Licence Appeal Board for The City of
Saskatoon,
(members/secretary)

do solemnly promise and declare that:

1. I will truly, faithfully and impartially, to the best of my knowledge and ability, perform the duties of this office;
2. I have not received and will not receive any payment or reward, or promise of payment or reward, for the exercise of any corrupt practice or other undue execution of this office;
3. I am not for any reason disqualified from holding this office.

Declared before me at _____)
_____, Saskatchewan,)
this _____ day of _____, 20____)

Signature of Declarant

A Commissioner for Oaths/A Notary Public
in and for the Province of Saskatchewan
My appointment expires _____
- or - Being a Solicitor

**Notice of Appeal – Licence
Saskatoon Licence Appeal Board**

To the Secretary of the Saskatoon Licence Appeal Board:

| Personal Information | | |
|--|----------------------------|---------------------|
| Name of Appellant | Agent Name (if applicable) | Date Received Stamp |
| Street Address (for notification purposes) | | (Office Use Only) |
| City | Province | |
| Residential Phone # () | Business Phone # () | Email Address |

| License/Application Particulars | | | | | | | | | |
|--------------------------------------|------------------------------------|--|----|----|--------------------------|----|----|--|--|
| License Number (if applicable) | License Type (e.g. taxi, pawnshop) | Please pick <u>one</u> of the following: | | | | | | | |
| | | Licence Expiry Date | | | Licence Application Date | | | | |
| | | YYYY | MM | DD | YYYY | MM | DD | | |
| Location of Business (if applicable) | | | | | | | | | |

| My Licence Was: (Check <u>one</u> box only) | | | |
|---|------------------------------------|------------------------------------|---|
| <input type="checkbox"/> Refused | <input type="checkbox"/> Suspended | <input type="checkbox"/> Cancelled | <input type="checkbox"/> Made Conditional |

[illegible]

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| Signature of Appellant/Agent | Date YYYY MM DD | | |
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| Final Date of Appeal YYYY MM DD | | | SLAP Appeal Number | Fee Paid <input type="checkbox"/> Yes <input type="checkbox"/> No | Hearing Date YYYY MM DD | | | Date Appellant Notified YYYY MM DD | | |
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Bylaw No. 8075

The Business License Bylaw, 2002

**Codified to Bylaw No. 9590
(August 26, 2019)**

BYLAW NO. 8075
The Business License Bylaw, 2002

The Council of The City of Saskatoon enacts:

Part I
General Matters

Title

1. This Bylaw may be cited as “The Business License Bylaw, 2002”.

Purpose

2. The purpose of this Bylaw is to license businesses in The City of Saskatoon so as:
 - (a) to regulate businesses;
 - (b) to ensure compliance with land-use and building regulations;
 - (c) to gather land-use information; and
 - (d) to facilitate planning decisions.

Definitions

3. In this Bylaw,
 - (a) “business” means any of the following activities:
 - (i) a commercial, merchandising or industrial activity or undertaking;
 - (ii) the carrying on of a profession, trade, occupation, calling or employment; or
 - (iii) an activity providing goods or services;

- (a.1) “business day” means a weekday – Monday, Tuesday, Wednesday, Thursday or Friday – with the exception of any statutory holiday which falls on any of those days;
- (b) “City” means The City of Saskatoon;
- (c) “contractor” means a person who constructs, alters, maintains, repairs or removes buildings or structures, installs heating plants, plumbing or other fixtures or performs other similar work in the City and who does not have business premises in the City;
- (d) “direct sales contractor” means a person who does not have business premises in the City and 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.
- (e) “direct seller” means a person who does not have business premises in the City and:
 - (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 orders for the future delivery of goods or services; or
 - (iii) does both of the things mentioned in subclauses (i) and (ii);
- (f) “farmers’ market” means a group of persons operating collectively which sells products that they bake, make, or grow;
- (g) “home-based business” means a home-based business within the meaning of The Zoning Bylaw;
- (g.1) “pawnbroker” means a pawnbroker within the meaning of *The Pledged Property (Recording) Act*;

- (g.2) “pawnshop” means a business wherein more than 10 pawn transactions per month are conducted;
- (g.3) “pawn transaction” means a pawn transaction within the meaning of *The Pawned Property (Recording) Act*;
- (h) “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 such as hobby shows, home improvement shows, sports and leisure shows, and craft shows;
- (i) “transient trader” means a transient trader within the meaning of *The Cities Act*;
- (j) “unconditional sale” means an unconditional sale within the meaning of *The Pawned Property (Recording) Act*.

Part II General Licensing

License Required

4. (1) No person shall carry on any business in the City without a license.
- (2) No person shall carry on a home-based business in the City without a license.

Application

5. (1) A person must apply in writing to the City for a license before commencing business.
- (2) An application must include all requested information, including:
 - (a) name, occupation and address of the applicant;
 - (b) the nature of the business for which the license is required;
 - (c) the place where the business is to be carried on;
 - (d) the area of the premises where the business will be carried on;
 - (e) the name under which the business will be operated; and
 - (f) the name of a contact person.

License Fee

6. (1) A person must pay the fee provided for in Schedule No. 1 when applying for a license.
- (2) A person will not be issued a license until the fee outlined in subsection (1) has been paid.

Premises Licensed Separately

7. (1) If a business is carried on at more than one location, a person must obtain a license for each location.
- (2) A license issued under the provisions of this Bylaw is only valid at the location for which it is issued.

Provincial License Required

8. (1) 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.
- (2) Any license issued under this Bylaw without the person first obtaining the required provincial license is invalid.

License Issued for One Year Unless Otherwise Stated

9. (1) Every license shall be for one (1) year from the date of issue of the license unless otherwise stated on the license.

Renewal

10. (1) A person must renew their license annually in the manner prescribed by the City.
- (2) A person must pay the fee provided for in Schedule No. 1 when renewing the license.

Discontinuance or Change

11. (1) A person must notify the City if a business is discontinued.
- (2) A person must notify the City if either the size or nature of the business changes.
- (3) A person must apply for a new license if the business relocates.
- (4) A person purchasing or taking over a business must apply for a new license but shall not be required to pay a new license fee.

License to be Displayed

12. Any license issued under this Bylaw must be displayed in a prominent place at the place of business for which the license was issued.

Zoning and Building Standards

13. (1) A license will not be issued under this Bylaw for any business or any premises occupied by the business which does not conform to any zoning, building, plumbing and other requirements of the City.
- (2) The issuing of a license to a person does not relieve that person of the responsibility of conforming with any zoning, building, plumbing, and other requirements of the City.

Licenses not Required within Exhibition Grounds

14. A license will not be required for any business operating within the limits of the exhibition grounds of the City during the annual exhibition.

Granting of Licenses

15. The City may issue licenses in the following circumstances:
 - (a) the required application form has been completed;
 - (b) the required license fee has been paid;
 - (c) if required, the necessary provincial license has been produced;
 - (d) if required, the necessary written approval of Saskatchewan Health Authority has been produced;
 - (e) if required, the necessary written approval of the Utilities & Environment Department has been produced; and
 - (f) the business or the premises occupied by the business complies with all the zoning, building, plumbing and other requirements of the City.

Revoking or Suspending of Licenses

16. (1) If a licensee contravenes any term or condition of this Bylaw, the City may suspend or cancel the license.
- (2) The City may reinstate a suspended license if it is satisfied that the licensee is complying with the Bylaw.
- (3) The denial, suspension or cancellation of a license issued under this Bylaw may be appealed to the Saskatoon Licence Appeal Board, pursuant to the provisions of *The Saskatoon Licence Appeal Board Bylaw, 2012*.

Distress

17. The City may recover any license fee by distress in accordance with the provisions of *The Cities Act*.

Enforcement of Bylaw

18. (1) The administration and enforcement of this Bylaw is hereby delegated to the General Manager of the Community Services Department and the Chief Financial Officer for The City of Saskatoon.
- (2) The General Manager of the Community Services Department and the Chief Financial Officer for The City of Saskatoon are hereby authorized to further delegate the administration and enforcement of this Bylaw to designated officers.
- (3) The General Manager of the Community Services Department and the Chief Financial Officer for The City of Saskatoon may appoint any employee or agent of the City as a designated officer for the purposes of enforcing this Bylaw.

Inspections

19. (1) The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with Section 324 of *The Cities Act*.
- (3) No person shall obstruct a designated officer who is authorized to conduct an inspection under this Section, or a person who is assisting a designated officer.

Part III Specific Licensing

Application of Part II

20. Part II of this Bylaw does not apply to businesses licensed under this Part except for Sections 5, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18 and 19.

Transient Traders

21. For the purposes of this Bylaw, transient traders are classified into the following categories:
- (a) farmers' markets;
 - (b) mobile food vendors;
 - (c) trade shows; and
 - (d) other transient traders.

Farmers' Markets

22. (1) No person or persons shall operate a farmers' market without a license.
- (2) An applicant for a license to operate a farmers' market must pay the fee provided for in Schedule No. 2 when applying for a license.
- (3) No license for a farmers' market will be issued until the fee outlined in subsection (2) has been paid.
- (4) If a farmers' market is carried on at more than one location, a person or persons operating a farmers' market must obtain a license for each location.
- (5) A license issued for a farmers' market is only valid at the location for which it is issued.
- (6) The license fee will cover all persons offering goods or merchandise for sale at the farmers' market.

- (7) A person or persons operating a farmer's market must renew their license annually in the manner prescribed by the City.
- (8) A person or persons operating a farmers' market must pay the fee provided for in Schedule No. 2 when renewing the license.

Mobile Food Vendors

- 23. (1) No person shall carry on business as a mobile food vendor without a license.
- (2) A person operating a mobile food vendor cart or vehicle must pay the fee provided for in Schedule No. 2 when applying for a license.
- (3) A license will not be issued for a mobile food vendor until the fee outlined in subsection (2) has been paid.
- (4) A separate license must be obtained for each cart or vehicle operated by a mobile food vendor.
- (5) A license issued for a mobile food vendor is only valid for the locations specified in the license.
- (6) A license will not be issued for a mobile food vendor for a location on public right of way or a sidewalk, until the applicant has first produced the written approval of the Utilities & Environment Department of the City.
- (7) A license will not be issued for a mobile food vendor, until the applicant has first produced the written approval of Saskatchewan Health Authority.
- (8) A person operating a mobile food vendor must renew their license annually in the manner prescribed by the City.
- (9) A person operating a mobile food vendor must pay the fee provided for in Schedule No. 2 when renewing the license.

Trade Shows

24. (1) No person shall operate a trade show without a license.
- (2) A person operating a trade show must pay the fee provided for in Schedule No. 2 when applying for a license.
- (3) A person will not be issued a license to operate a trade show until the fee outlined in subsection (2) has been paid.
- (4) If a trade show is carried on at more than one location, a person must obtain a license for each location.
- (5) A license issued for a trade show is only valid at the location for which it is issued.
- (6) The license fee provided for in Schedule No. 2 will cover all persons offering goods or merchandise for sale at the trade show.
- (7) A person must obtain a license to operate a trade show whether or not they already have a business license for another premise unless the trade show is to be held at such other premise.

Other Transient Traders

25. (1) Subject to Sections 22, 23 and 24, no person shall carry on business in the City as a transient trader without a license.
- (2) A person operating a business as a transient trader must pay the fee provided for in Schedule No. 2 when applying for a license.
- (3) A person will not be issued a license to operate a business as a transient trader until the fee outlined in subsection (2) has been paid.
- (4) If a transient trader carries on a business at more than one location, a license must be obtained for each location.
- (5) A license issued for a transient trader is only valid at the location for which it is issued.

- (6) A person operating a business as a transient trader must renew their license annually in the manner prescribed by the City.
- (7) A person operating a business as a transient trader must pay the fee provided for in Schedule No. 2 when renewing the license.

Direct Sellers or Direct Sales Contractors

26. (1) No person shall carry on business as a direct seller or a direct sales contractor in the City without a license.
- (2) A person operating as a direct seller or direct sales contractor must pay the fee provided for in Schedule No. 2 when applying for a license.
 - (3) A person operating as a direct seller or direct sales contractor will not be issued a license until the fee outlined in subsection (2) has been paid.
 - (4) A person operating as a direct seller or direct sales contractor must renew their license annually in the manner prescribed by the City.
 - (5) A person operating as a direct seller or direct sales contractor must pay the fee provided for in Schedule No. 2 when renewing the license.

Contractors

27. (1) No person shall carry on business as a contractor in the City without a license.
- (2) A person operating as a contractor must pay the fee provided for in Schedule No. 2 when applying for a license.
 - (3) A person operating as a contractor will not be issued a license until the fee outlined in subsection (2) has been paid.
 - (4) A person operating as a contractor must renew their license annually in the manner prescribed by the City.
 - (5) A person operating as a contractor must pay the fee provided for in Schedule No. 2 when renewing the license.

Part IV Pawnbrokers

Application of Part II

27.1 All of Part II of this Bylaw except Sections 6 and 10 applies to businesses licensed under this Part.

Requirement for License

- 27.2 (1) No person shall operate a pawnshop in the City without a license.
- (2) A person applying for a license to operate a pawnshop must pay the fee provided for in Schedule 3.
- (3) A person operating a pawnshop must renew their license annually in a manner prescribed by the City and must pay the renewal fee provided for in Schedule 3.

Separation Distances for Pawnshops

- 27.3 (1) A pawnshop shall not be located within 160 metres of another pawnshop, as measured from property line to property line.
- (2) When a person applies for a license for a pawnshop and there exists another pawnshop within 160 metres of it, the application shall be denied by the City.
- (3) The 160 metre separation distance specified in this Section shall not apply to pawnshops in existence on October 4, 2004 and on this date possessed a valid business license.
- (4) If a duly licensed pawnshop which existed on or prior to October 4, 2004 is subsequently destroyed, the 160 metre separation distance specified in this Section shall continue to not apply and the owner may rebuild on the same location as long as the owner does so within six months of the incident and does not increase the area of the pawnshop.
- (5) Notwithstanding subsection (3), the 160 metre separation distance shall apply:

- (a) if a pawnshop existing prior to October 4, 2004 ceases operation for a period of six months or more or remains unlicensed for a period of six months or more; or
- (b) if the area of a pawnshop which existed prior to October 4, 2004 is increased.

Timing of Pawn Transactions

- 27.4 (1) A pawnbroker shall hold any property received in a pawn transaction or unconditional sale for at least two consecutive clear business days.
- (2) A pawnbroker shall not display for sale any property received in a pawn transaction or unconditional sale for 30 days.
- (3) A pawnbroker shall not sell any property received in a pawn transaction or unconditional sale until it has been displayed for sale for at least 15 days after the 30 day period mentioned in subsection (2).

Minors

- 27.5 A pawnbroker shall not engage in a pawn transaction or conditional sale with a person under the age of 18 years.

Pawning of Personal Identification

- 27.6 A pawnbroker shall not accept personal identification in a pawn transaction.

Electronic Recording and Reporting of Pawn Transactions

- 27.7 Effective January 1, 2005 all pawnbrokers shall record and report all pawn transactions electronically in accordance with *The Pawned Property (Recording) Act*.

Part V Offences and Penalties

Offences and Penalties

28. (1) No person shall:
- (a) obstruct or hinder any designated officer or any other person acting under the authority of this Bylaw; or
 - (b) fail to comply with any other provision of this Bylaw.
- (2) Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:
- (a) in a case of an individual, to a fine not exceeding \$10,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$10,000.00 for each day during which the offence continues; and
 - (b) in the case of a corporation, to a fine not exceeding \$25,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$25,000.00 for each day during which the offence continues.

Notice of Violation Offences

- 28.1 (1) Every person who contravenes a provision of Section 27.4, 27.5, 27.6 or 27.7 of this Bylaw is guilty of an offence and liable on summary conviction to a fine:
- (a) for the first offence of \$250.00;
 - (b) for the second offence of \$500.00;
 - (c) for a third or subsequent offence of not less than \$500.00 and not more than \$10,000.00 in the case of an individual or \$25,000.00 in the case of a corporation.
- (2) Except as provided in subsection (3), the following procedure shall apply to offences committed under Sections 27.4, 27.5, 27.6 and 27.7:

- (a) a police officer or a designated officer may issue a notice of bylaw violation to any person committing a first or second offence under subsection (1). The notice shall require the person to pay to the City the amount specified in clause (1)(a) or (b);
 - (b) the fine may be paid:
 - (i) in person, during regular office hours, to the cashier located at City Hall, Saskatoon, Saskatchewan,
 - (ii) by deposit, at the depository located at the main entrance to City Hall, Saskatoon, Saskatchewan, or
 - (iii) by mail addressed to the Office of the City Treasurer, City Hall, Saskatoon, Saskatchewan, S7K 0J5;
 - (c) if payment of the fine as provided in clause (1)(a) or (b) is made prior to the date when the person contravening the Bylaw is required to appear in court to answer a charge, the person shall not be liable to prosecution for that offence.
- (3) The provisions of subsection (2) shall not apply in the case of a third or subsequent offence.
- (4) For the purposes of this Section, an offence shall be deemed to be a first offence if the offender has not been convicted of the same offence within the year immediately preceding the commission of the alleged offence.

Coming into Force

29. This Bylaw comes into force and takes effect as of January 21, 2002.

Read a first time this 21st day of January, 2002.

Read a second time this 21st day of January, 2002.

Read a third time and passed this 21st day of January, 2002.

“James Maddin”
Mayor

“Janice Mann”
City Clerk

“SEAL”

Schedule 1

| | |
|---|----------|
| License fee for businesses which are new or have changed location | \$125.00 |
| License fee for businesses which are renewing their licenses and have not changed either their location or nature of the business | \$ 85.00 |

Schedule 2

| | |
|---|----------|
| License fee for farmers' markets per location | \$125.00 |
| License fee for each non-motorized mobile food vendor cart or vehicle | \$100.00 |
| License fee for each motorcycle mobile food vendor | \$250.00 |
| License fee for each motorized mobile food vendor vehicle other than a motorcycle | \$500.00 |
| License fee for a trade show | \$500.00 |
| License fee for other transient traders | \$500.00 |
| License fee for direct sellers | \$ 50.00 |
| License fee for direct sales contractor | \$400.00 |
| License fee for contractors | \$400.00 |

Schedule 3

| | |
|---|----------|
| License fee for a new pawnshop or a pawnshop which has changed its location | \$500.00 |
| License fee for renewal of pawnshop which has not changed its location | \$250.00 |

Bylaw No. 6066

The License Bylaw

**Codified to Bylaw No. 9070
(February 10, 2014)**

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BYLAW NO. 6066

A bylaw of The City of Saskatoon 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 License Bylaw".

WHEREAS it is deemed desirable and expedient to amend and consolidate the bylaws of The City of Saskatoon regarding the licensing, regulating and governing of persons engaged in certain occupations and of places used for certain purposes in The City of Saskatoon;

NOW THEREFORE the Council of The City of Saskatoon enacts as follows:

License Inspector

1. There shall be an officer appointed by Council to be called "The License Inspector" who shall be directly responsible for the supervision and control of the License Department.

Duties of License Inspector

2. The duties and powers of the License Inspector shall be as follows:
 - (a) To make inquiries with respect to the granting of licenses to secure the due observance of the bylaws of the City.
 - (b) To consult with the Chief of Police or his deputy prior to granting a license for mechanical amusement devices.
 - (c) To periodically visit and inspect all premises licensed under this bylaw for the purpose of ascertaining whether the persons so licensed are complying with the provisions of this bylaw governing such licenses of premises.
 - (d) To diligently prosecute violators for infractions of this bylaw.
 - (e) To keep a register containing the names of all persons applying for licenses, the names of all persons to whom licenses have been granted or refused, together with in the latter case the grounds of refusal, and also the names of all persons to whom the licenses have been transferred.

- (f) To confer with the Director of Finance on all matters incidental to his office.
- (g) To sign all licenses and transfers of licenses issued under the provisions of this bylaw and to keep full particulars and duplicates thereof.
- (h) To report at least once a month to the City Manager through the General Manager of the Finance Department all revenues received and expenses incurred in the License Department for the month preceding.
- (i) To collect all license fees provided for by this bylaw and to pay all monies received thereunder to the City Treasurer.

General

- 3. No person shall carry on any business nor make use of any premises required to be licensed under this bylaw unless:
 - (a) a license has been taken out in his name in respect to such business; or
 - (b) a license has been transferred to his name in respect to such business in accordance with the provisions of this bylaw.

Licenses Not Required Within Exhibition Grounds

- 4. (Repealed - Bylaw No. 8073 - January 21/02)

No Double Assessment

- 5. (Repealed - Bylaw No. 7589 - December 16/96)

Form of Application

- 6. All applications for licenses shall be in writing, addressed to "The License Inspector of The City of Saskatoon", and shall contain the following information:
 - (a) The name, occupation and address 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 trade or calling is to be carried on.
- (d) The period for which the license is required.
- (e) Where a bond is required, the names of the bondsmen or sureties or the name of the guaranty company prepared to issue the necessary bond of indemnity, as the case may be.

Applications for Taxicabs to be Approved by Chief of Police

7. (Repealed – Bylaw No. 9070 – Feb. 10/14)

License Inspector to Refer Application to City Council

8. (Repealed – Bylaw No. 9036 – June 18/12)

License Issued for 1 Year from January 1st

9. Except as otherwise provided in this bylaw, every license unless the same is sooner forfeited, shall be for one (1) year from the first day of January in the then current year and shall expire on the thirty-first day of December of the same year.

License Fee a Debt

10. (1) A license fee shall be in the nature of a tax for the privilege conferred by it and on termination at the end of the license year the yearly renewal license shall immediately be due and payable unless the business has been discontinued before the end of the year.

License Fee May be Levied by Distress

- (2) In addition to prosecution for any infraction of this bylaw the City may levy the license fee by distress under the provisions of The Urban Municipality Act.

License to be in Duplicate

11. Every license issued under this bylaw shall be prepared in duplicate, one copy of which shall be retained by the License Inspector, and the other copy of which shall be delivered to the licensee, who shall display same in a prominent place at his place of business.

Transfer of License

12. (1) Any license issued under this bylaw may, unless otherwise specifically provided, be transferred, upon the applicant therefor securing the approval of the License Inspector and upon payment of a transfer fee in the amount of Two Dollars (\$2.00).

Owner to Endorse License Before Transfer

- (2) Any application for a transfer of license shall be accompanied by a statement signed by the original licensee that he has discontinued business from his original premises and that he has no objection to the license being transferred.

Business to be Carried on in Same Premises

- (3) The transfer of a license under this bylaw shall only entitle the transferee to carry on business at the place or premises for which the license was originally issued.

Revocation of License

13. The denial, suspension or cancellation of a license issued under this bylaw may be appealed to the Saskatoon Licence Appeal Board, pursuant to the provisions of The Saskatoon Licence Appeal Board Bylaw, 2012.

Existing Licenses

14. In any case where a license has been taken out by any person pursuant to any bylaw heretofore in force in that behalf, such license shall stand good for the times for which the same was issued and no new license shall be required to be taken out by any person holding such license until the expiration of the term for which such license shall have been issued;

but all other provisions of this bylaw shall apply to every person holding such license as if the same had been issued under the provisions of and pursuant to this bylaw.

Auctioneer

15. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Plumber's License and Annual Fee

16. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Transient Trader

17. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Caterer

18. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Portable Workshop

19. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Window Cleaning

20. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Rug or Upholstery Cleaning

21. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Janitor Service

22. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Mobile Food Vendor

23. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Cigarette Vending Machines

24. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Regulations re Billiard Halls

25. (1) No person under the age of sixteen (16) years shall enter any billiard hall.
- (2) No person shall loiter in or about any billiard hall.
- (3) No owner, operator or employee of a billiard hall shall permit any person under the age of sixteen (16) years of age to enter such billiard hall unless accompanied by a parent or adult guardian, nor permit any person to linger or loiter about such premises.

25A.

An owner, operator, or person in charge of a pinball arcade shall not permit any person under fourteen (14) years of age to enter a pinball arcade or play therein a pinball machine or video game machine or other game or device of like nature

- (a) on a school day except between the hours of 4:00 o'clock p.m. and 10:30 o'clock p.m.
- (b) on a day other than a school day between the hours of 10:30 o'clock p.m. and 9:00 o'clock a.m. the next following day.

25B.

An owner, operator, or person in charge of a pinball arcade shall not permit any person to enter a pinball arcade or play therein a pinball machine or video game machine or other game or device of like nature

- (a) on a day other than a Sunday between the hours of 12:01 o'clock a.m. and 8:00 o'clock a.m.
- (b) on a Sunday between the hours of 12:01 o'clock a.m. and 1:00 o'clock p.m.

25C.

For the purposes of Sections 25A., 25B., 25D., and 25E., "pinball arcade" means a building, or that part of a building, or that area of a building, that contains any pinball machine or video game or other game or device of like nature for the use of customers or the public.

25D.

An owner, operator, or person in charge of a pinball arcade who contravenes any provision of Section 25A. or Section 25B. shall be guilty of an offence and shall be liable upon conviction to a penalty of not less than \$75.00 or more than \$500.00 and costs.

25E.

In addition to the penalty provided under Section 25D., an owner, operator, or person in charge of a pinball arcade who is convicted of an offence under Section 25A. or under Section 25B. may have his license suspended or revoked by City Council in accordance with Sections 156 and 157 of The Urban Municipality Act, R.S.S. 1978, Chapter U-10.

Coin-Operated Music Machines

26. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Mechanical Amusement Machines

27. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Mechanical Ride

28. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Vending Machines

29. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Transient Barber or Hairdresser

30. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Public Hall

31. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Dancing or Music Academy/School

32. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Preschools

33. (Repealed - Bylaw No. 8073 - Jan. 21/02)

34. (Repealed - Bylaw No. 7268 - Feb. 3/92)

Merry-Go-Round

35. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Private Investigators and Security Guards

36. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Pawnbrokers

- 37. (Repealed – Bylaw No. 8358 – Oct. 4, 2004)
- 38. (Repealed – Bylaw 8358 – January 1, 2005)
 - (a) (Repealed – Bylaw No. 8358 – Oct. 4, 2004)
 - (b) (Repealed – Bylaw No. 8358 – January 1, 2005)
 - (c) (Repealed – Bylaw No. 8358 – January 1, 2005)
 - (d) (Repealed – Bylaw No. 8358 – January 1, 2005)
 - (e) (Repealed – Bylaw No. 8358 – January 1, 2005)
 - (f) (Repealed – Bylaw No. 8358 – January 1, 2005)
 - (g) (Repealed – Bylaw No. 8358 – Oct. 4, 2004)
 - (h) (Repealed – Bylaw No. 8358 – Oct. 4, 2004)

Secondhand Stores, Junk Stores, Operators of Scrap Metal Yards, Auto Wreckers and Salvage Yards

- 39. Everyone who carries on the business of a secondhand store, junk store, scrap metal yard, auto wrecking, or salvage yard, shall be subject to the following regulations:
 - (a) The property occupied by anyone who carries on any of the businesses referred to in this section except secondhand stores shall be fenced with chain link, sheet metal or close board materials, to a height of six (6) feet above ground level.
 - (b) No person carrying on any of the businesses referred to in this section shall in the conduct of his business, purchase goods or chattels from any person under the age of eighteen (18) years, or from any person who fails to identify himself for the purpose of the record required to be kept pursuant to paragraph (c) hereof.
 - (c) Any person carrying on any of the businesses referred to in this section shall keep a book or record in a form satisfactory to the Chief of Police in which shall be recorded at the time any property is purchased, the following information:

- (i) An accurate detailed description of any personal property purchased, any markings, serial numbers or other identification on such property;
 - (ii) The price paid for such property;
 - (iii) The date property is purchased;
 - (iv) The name, address and description of the person or persons from whom such purchase is made;
 - (v) The license number and description of the vehicle in which the property was delivered.
- (d) The book or record referred to in paragraph (c) hereof shall be open to inspection by the License Inspector or Peace Officer at all times during business hours.
- (e) Every person to whom this section applies shall, each working day, deliver to the Chief of Police an accurate report from the records referred to in paragraph (c) of all goods, articles or things purchased by him the preceding day.
- (f) No person to whom this section refers shall sell any goods or chattels purchased by him for a period of five (5) days from the time of purchase of same, and when any sale is made, the name and address of the purchaser shall be recorded together with any information required by this section to be recorded.
- 39A. (a) In addition to any requirement on the part of any person carrying on any business referred to in Sections 38 and 39 for the keeping of any record, every person carrying on any such business shall record each transaction separately on a card similar to that attached hereto and marked as "Schedule A" and forming part of this bylaw.
- (b) Supplies of cards referred to in subsection (a) may be obtained from the Office of the Chief of Police.
- (c) Every person to whom this section applies shall deliver completed cards for each business transaction to the Office of the Chief of Police not later than 11:00 a.m. of the business day following the acquiring of the goods.

Taxicabs

40. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Number of Taxicabs

40A. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Taxicab Licenses

41. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Temporary Seasonal Taxicab Licenses

42. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Taxicabs Inspection Certificate

43. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Taxicabs to be Equipped with Taximeter at all Times

44. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Taxicabs to be Submitted for Inspection to Test Meters

45. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Meter to be Tested

46. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Meter Not to be Tampered With

47. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Position of Indicator of Taximeter

48. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Fees to be Charged

49. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Most Direct Feasible Route

(Repealed – Bylaw No. 9070 – Feb. 10/14)

Flat Rate Charge

49A. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Tariff of Fees to be Displayed in Taxicab

50. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Meter to be Set to Record Fare According to Tariff of Fees

(Repealed – Bylaw No. 9070 – Feb. 10/14)

Individual Passengers from Same Point

51. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Passengers from Several Places to Same Destination

(Repealed – Bylaw No. 9070 – Feb. 10/14)

Taxicab Ordered by One Passenger Accompanied by Others

(Repealed – Bylaw No. 9070 – Feb. 10/14)

**Passengers Discharged at Different Points
at Direction of Person Ordering Taxicab**

(Repealed – Bylaw No. 9070 – Feb. 10/14)

Limousine

52. (Repealed – Bylaw No. 9070 – Feb. 10/14)

52A. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Transportation Depot Limousine

53. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Wheelchair-Accessible Taxicab Licenses

53A. (Repealed – Bylaw No. 9070 – Feb. 10/14)

Motor Trucks, Trailers, Garden Tractors etc.

54. (Repealed - Bylaw No. 8073 - Jan. 21/02)

License Inspector to Supply Licensee with Tag

55. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Tags to be Exhibited and Lost Tags to be Replaced

56. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Building Mover

57. (1) (Repealed - Bylaw No. 8073 - Jan. 21/02)

- (2) For the purpose of this bylaw, every person shall be deemed to carry on the business of a building mover who shall remove any building from within the limits of the City of Saskatoon.

Bond of \$5,000.00 Required

- (3) No license shall be issued to any person to carry on the business of a building mover until the applicant shall file with the License Inspector a bond in a form satisfactory to the City Solicitor in the sum of Five Thousand Dollars (\$5,000.00) with two (2) sureties or the bond of a guaranty company providing that the licensee will pay any and all loss or damages which may be sustained by the City as a result of the licensee injuring any tree, pavement, street, sidewalk, fire hydrant or any electric light or telegraph pole or wire belonging to the City, whether said damage or injury shall be inflicted by said party or his agents, employees or workmen and also providing that the licensee will indemnify and save harmless the City against all liabilities, damages, costs and expenses which may in any way accrue against the City in consequence of the granting of such license. Provided further that the licensee shall pay and compensate the City for any services necessarily provided by it in consequence of granting such license.

Contractors

58. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Painting Contractors

59. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Bicycles

60. (1) (Repealed - Bylaw No. 7387 - Dec. 20/93)

(2) (Repealed - Bylaw No. 7387 - Dec. 20/93)

(3) (Repealed - Bylaw No. 7387 - Dec. 20/93)

(4) Every bicycle which is found, delivered to or recovered by the Saskatoon Police Service must be kept by the Saskatoon Police Service for at least 90 days, unless it is claimed by the owner. Any bicycle which remains unclaimed may be sold at a public auction or given away.

In the event of a sale, notice of the sale must be advertised in a newspaper circulating in the City of Saskatoon at least once each week for two successive weeks. The second advertisement must be at least 1 week prior to the date of the sale. The notice must contain a list of the make and model of each bicycle to be sold.

A person may reclaim a bicycle at any time up to 12:00 noon of the day of the sale if the person establishes ownership of the bicycle and pays the charges for hauling, storage and other necessary expenses incurred by the Saskatoon Police Service. The storage fees shall be payable at a rate of \$1.00 per day after the first ten days to a maximum of \$25.00.

Any bicycles to be given away must be given to:

- a) a charitable institution for children;
- b) a residential school for children;
- c) a public or private welfare agency for distribution to needy children; or
- d) a department of The City of Saskatoon for municipal purposes only.
(Revised - Bylaw No. 7387 - December 20, 1993)

(5) (Repealed - Bylaw No. 7387 - Dec. 20/93)

61. (Repealed - Bylaw No. 7387 - Dec. 20/93)

62. (Repealed - Bylaw No. 7387 - Dec. 20/93)

63. (Repealed - Bylaw No. 7387 - Dec. 20/93)

Driver Training

64. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Retail Sale

65. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Shows or Exhibits

66. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Christmas Tree Lots

67. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Free-Lance Photographer

68. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Farmers' Market

69. (Repealed - Bylaw No. 8073 - Jan. 21/02)

Massage Parlours

70. - 80. (Repealed - Bylaw No. 9011 - March 12, 2012)

Businesses Not Otherwise Provided For

81. (Repealed - Bylaw No. 7589 - Dec. 16/96)
82. Except as hereinbefore provided, every person licensed under this bylaw to carry on any trade, occupation, calling or business in any shop, house, building, place or premises shall keep his license posted up in some conspicuous place therein.
83. (1) The License Inspector shall not issue any license under this bylaw to any person required by law to obtain a provincial license, until the applicant has first produced to the License Inspector the required provincial license, and a license issued without such production is invalid.
- (2) A license issued to a person required to produce a provincial license shall state the fact that the Licensee has produced the proper provincial license.

Ambulances

84. (Repealed - Bylaw No. 8073 - Jan. 21/02)
- 84A. (Repealed - Bylaw No. 7835 - March 8/99)
85. Wherever in this bylaw a license is required to be taken out by any person, the license fee provided therefor shall be payable in respect of each separate place of business kept by him.
86. Bylaw No. 5049 of The City of Saskatoon and all amendments thereto are hereby repealed.
87. This bylaw shall come into force and take effect on the 1st day of January, A.D. 1981.

Read a first time this 15th day of December A.D. 1980.

Read a second time this 15th day of December A.D. 1980.

Read a third time and passed this 15th day of December A.D. 1980.

"C. Wright"

Mayor

(SEAL)

"J. Kolynchuk"

City Clerk

Schedule No. 1

License Fees

(Repealed – Bylaw No. 9070 – Feb. 10/14)

Transfer Fee

(Repealed – Bylaw No. 9070 – Feb. 10/14)

Seasonal Taxicab Distribution Lottery Participation Fee

(Repealed – Bylaw No. 9070 – Feb. 10/14)

Schedule A

NAME

ADDRESS

| | | |
|--------------------|--------|-----------------|
| SEX | HEIGHT | HAIR |
| AGE | WEIGHT | RACE |
| CLOTHING & REMARKS | | IDENT. PRODUCED |

DEALER

| ARTICLE | TRADE NAME MAKE | MODEL SERIAL | SIZE COLOUR | MATERIAL |
|---------|--------------------|-----------------|----------------|-----------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| DATE | TIME | AMOUNT PAID | | PURCH NO. |

Bylaw No. 9011

The Adult Services Licensing Bylaw, 2012

**Codified to Bylaw No. 9646
(September 30, 2019)**

BYLAW NO. 9011

The Adult Services Licensing Bylaw, 2012

Whereas under the provisions of clause 8(1)(b) of *The Cities Act*, S.S. 2002, c. C-11.1, a city has the general power to pass any bylaws that it considers expedient in relation to the safety, health and welfare of people and the protection of people and property;

And whereas under the provisions of clause 8(1)(h) of *The Cities Act*, a city has the general power to pass any bylaws that it considers expedient in relation to businesses, business activities and persons engaged in business;

And whereas under the provisions of subsection 8(3) of *The Cities Act*, the power to pass bylaws includes the power to:

- regulate or prohibit;
- provide for a system of licences, inspections, permits or approvals;
- establish fees for the licence;
- prohibit any business until a licence has been granted or an inspection performed;
- impose terms and conditions on any licence;
- impose conditions that must be met before a licence is granted or renewed;
- provide for the duration of licences and their suspension or cancellation for failure to comply with a term or condition of the bylaw or for any other reason specified in the bylaw; and
- provide for an appeal, the body that is to decide the appeal and related matters;

And whereas The City of Saskatoon desires to pass a bylaw to license persons engaged in the business of supplying adult services;

And whereas The City of Saskatoon recognizes Parliament's jurisdiction to regulate in the field of Criminal Law and that the City has limited jurisdiction to deal with such matters;

And whereas The City of Saskatoon has no intention to abrogate or license any activity intended to be a “sexual service” under the *Criminal Code*;

Now therefore The City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as The Adult Services Licensing Bylaw, 2012.

Definitions

2. In this Bylaw,

- (a) “adult service” means any service of an adult nature appealing to or designed to appeal to erotic or sexual appetites or inclinations.

In this definition:

- (i) “service” includes activities, facilities, performances, exhibitions, viewing and encounters; and
 - (ii) “services designed to appeal to erotic or sexual appetites or inclinations” includes;
 - (A) acting as an escort, companion, guide or date;
 - (B) modelling lingerie;
 - (C) performing a striptease or similar dance; and
 - (D) performing a body rub;
 - (a.1) “adult entertainment venue” means an adult entertainment venue within the meaning of the Zoning Bylaw No. 8770;
 - (b) “adult service agency” means a business which offers to arrange or arranges the supply of adult services;
 - (c) “adult service performer” means a person who:
 - (i) is employed by, affiliated with or contracted by an adult service agency to perform an adult service on behalf of the agency; or

- (ii) is paid to perform an adult service in an adult entertainment venue;
- (d) “adult service worker” means a person who is employed by an adult service agency in a capacity other than as an adult service performer;
- (e) “alternative medical treatment” means a healing practice intended to improve the health and well-being of the person receiving the treatment, that does not fall within the realm of conventional medicine, provided it is given by a person with demonstrated qualifications, and includes:
 - (i) acupuncture and other traditional Chinese medicine;
 - (ii) aromatherapy;
 - (ii) chiropractic manipulation;
 - (iv) reflexology; and
 - (v) Reiki;but does not include:
 - (vi) a body-rub as defined in this Bylaw;
- (f) “body-rub” includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person’s body or part thereof but does not include:
 - (i) medical or therapeutic treatment given by a person with demonstrated qualifications to perform the treatment; or
 - (ii) alternative medical treatment given by a person with demonstrated qualifications to perform the treatment;
- (g) “business” means a business within the meaning of *The Cities Act*;
- (h) “City” means The City of Saskatoon;
- (i) “independent adult service agency” means any adult service business which is owned, operated and serviced by one adult service performer;

- (j) “out-call” means attending at the premises of the customer to provide services;
- (k) “person” means an individual, proprietorship, partnership, corporation, association, or other legal entity;
- (l) “specified criminal activity” means any of the offences listed in Schedule “A” for which less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date;
- (m) “transient adult service performer” means an adult service performer that does not reside or maintain a place of business in the City; and
- (n) “transient independent adult service agency” means an adult service agency which is owned, operated and serviced by one person that does not maintain a permanent residence or place of business in the City.

Licence Required

- 3. (1) No person shall carry on the business of an adult service agency, an independent adult service agency, a transient independent adult service agency, an adult service performer, a transient adult service performer, or an adult service worker without having a valid and subsisting licence pursuant to the provisions of this Bylaw.
- (2) If the owner of a licensed adult service agency personally performs an adult service on behalf of the agency, in addition to the licence for the agency, the owner must hold a valid adult service performer licence.

Licensing Requirements – Adult Service Agency

- 4. (1) Before any person may operate an adult service agency, a written application must be made to the City for an adult service agency licence.
- (2) An adult service agency licence may not be issued to:
 - (a) an individual under the age of 18 years;
 - (b) a partnership with any partner under the age of 18 years; or
 - (c) a corporation with any director or officer under the age of 18 years.

- (3) Every application for the issue or renewal of an adult service agency licence must be in a form prescribed by the City and must contain at least the following information regarding the applicant:
- (a) if the applicant is an individual:
 - (i) family name and all given names;
 - (ii) date of birth;
 - (iii) current address and telephone number;
 - (iv) acceptable written proof of the applicant's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
 - (A) include a photograph;
 - (B) be government issued;
 - (C) be original, not a copy of the document;
 - (D) indicate a unique identification number; and
 - (E) be valid (i.e., current). An expired licence or passport is not acceptable.
 - (v) written proof of the applicant's Canadian citizenship or residency status; and
 - (vi) a criminal record check;
 - (b) if the applicant is a partnership:
 - (i) the family name and all given names for each partner;
 - (ii) the date of birth for each partner;
 - (iii) the current address and telephone number for each partner;
 - (iv) acceptable written proof of each partner's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
 - (A) include a photograph;

- (B) be government issued;
 - (C) be original, not a copy of the document;
 - (D) indicate a unique identification number; and
 - (E) be valid (i.e., current). An expired licence or passport is not acceptable;
- (v) written proof of Canadian citizenship or residency status for each partner; and
- (vi) a criminal record check for each partner;
- (c) if the applicant is a corporation:
 - (i) the legal name of the corporation;
 - (ii) the corporate entity number;
 - (iii) the family name, all given names and the date of birth for each director;
 - (iv) the family name, all given names and the date of birth for each officer;
 - (v) acceptable written proof of the principal managing employee's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
 - (A) include a photograph;
 - (B) be government issued;
 - (C) be original, not a copy of the document;
 - (D) indicate a unique identification number; and
 - (E) be valid (i.e., current). An expired licence or passport is not acceptable;
 - (v) written proof of Canadian citizenship or residency status for the principal managing employee; and
 - (vi) a criminal record check for the principal managing employee;

- (d) for all applicants:
 - (i) the complete legal name and current licence number of each adult service performer working for the adult service agency whether by direct employment, independent contract, or otherwise;
 - (ii) the complete legal name and current licence number of each adult service worker working for the adult service agency whether by direct employment, independent contract or otherwise;
 - (iii) the business address of the agency;
 - (iv) the business telephone numbers used by the agency including, but not limited to, cellular telephones, digital telephones, pagers and facsimile lines;
 - (v) all names used by the agency;
 - (vi) all electronic mail addresses used by the agency; and
 - (vii) all internet computer addresses used by the agency.
- (4) Every application for the issue or renewal of an adult service agency must be personally signed by:
 - (a) the individual named in the application;
 - (b) each partner named in the application; or
 - (c) each director of a corporation named in the application,as the case may be.

Licensing Requirements – Independent Adult Service Agency

- 5. (1) Before any person may operate an independent adult service agency, a written application must be made to the City for an independent adult service agency licence.
- (2) An independent adult service agency licence may not be issued to:
 - (a) an individual under the age of 18 years;

- (b) a partnership; or
 - (c) a corporation with any shareholder, director or officer under the age of 18 years.
- (3) An independent adult service agency licence may only be issued to an individual if that individual is the only person performing adult services on behalf of that agency.
- (4) An independent adult service agency licence may only be issued to a corporation if the only person performing adult services on behalf of that agency is the sole shareholder, director and officer of that corporation.
- (5) Every application for the issue or renewal of an independent adult service agency licence must be in a form prescribed by the City and must contain at least the following information regarding the applicant:
 - (a) if the applicant is an individual:
 - (i) family name and all given names;
 - (ii) date of birth;
 - (iii) current address and telephone number;
 - (iv) acceptable written proof of the applicant's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
 - (A) include a photograph;
 - (B) be government issued;
 - (C) be original, not a copy of the document;
 - (D) indicate a unique identification number; and
 - (E) be valid (i.e., current). An expired licence or passport is not acceptable;
 - (v) written proof of Canadian citizenship or residency status; and
 - (vi) a criminal record check;

- (b) if the applicant is a corporation:
 - (i) the legal name of the corporation;
 - (ii) the corporate entity number;
 - (iii) the family name, all given names and the date of birth for the sole shareholder, director and officer;
 - (iv) acceptable written proof of the identity and age of the sole shareholder, director and officer (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
 - (A) include a photograph;
 - (B) be government issued;
 - (C) be original, not a copy of the document;
 - (D) indicate a unique identification number; and
 - (E) be valid (i.e., current). An expired licence or passport is not acceptable;
 - (v) written proof of Canadian citizenship or residency status of the sole shareholder, director and officer; and
 - (vi) a criminal record check of the sole shareholder, director and officer;
- (c) for all applicants:
 - (i) the complete legal name and current licence number of each adult service worker working for the independent adult service agency whether by direct employment, independent contract, or otherwise;
 - (ii) the business address of the agency;
 - (iii) the business telephone numbers used by the agency including, but not limited to, cellular telephones, digital telephones, pagers and facsimile lines;
 - (iv) all names used by the agency;

- (v) all electronic mail addresses used by the agency; and
 - (vi) all internet computer addresses used by the agency.
- (6) Every application for the issue or renewal of an independent adult service agency must be personally signed by:
 - (a) the individual named in the application; or
 - (b) the sole shareholder, director and officer of the corporation,as the case may be.

Licensing Requirements – Transient Independent Adult Service Agency

- 5.1
- (1) Before any person may operate as a transient independent adult service agency, a written application must be made to the City for a transient independent adult service agency licence.
 - (2) A transient independent adult service agency licence may not be issued to:
 - (a) an individual under the age of 18 years;
 - (b) a partnership; or
 - (c) a corporation with any shareholder, director or officer under the age of 18 years.
 - (3) A transient independent adult service agency licence may only be issued to an individual if that individual is the only person performing adult services on behalf of that agency and that person does not maintain a permanent residence or place of business in the City.
 - (4) A transient independent adult service agency licence may only be issued to a corporation if the only person performing adult services on behalf of that agency is the sole shareholder, director and officer of that corporation and that person does not maintain a permanent residence or place of business in the City.
 - (5) Every application for the issue or renewal of a transient independent adult service agency licence must be in a form prescribed by the City and must contain at least the following information regarding the applicant:

- (a) if the applicant is an individual:
 - (i) family name and all given names;
 - (ii) date of birth;
 - (iii) current address and telephone number;
 - (iv) acceptable written proof of the applicant's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
 - (A) include a photograph;
 - (B) be government issued;
 - (C) be original, not a copy of the document;
 - (D) indicate a unique identification number; and
 - (E) be valid (i.e., current). An expired licence or passport is not acceptable;
 - (v) written proof of Canadian citizenship or residency status; and
 - (vi) a criminal record check;
- (b) if the applicant is a corporation:
 - (i) the legal name of the corporation;
 - (ii) the corporate entity number;
 - (iii) the family name, all given names and the date of birth for the sole shareholder, director and officer;
 - (iv) acceptable written proof of the identity and age of the sole shareholder, director and officer (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
 - (A) include a photograph;
 - (B) be government issued;

- (C) be original, not a copy of the document;
 - (D) indicate a unique identification number; and
 - (E) be valid (i.e., current). An expired licence or passport is not acceptable;
- (v) written proof of Canadian citizenship or residency status of the sole shareholder, director and officer; and
- (vi) a criminal record check of the sole shareholder, director and officer;
- (c) for all applicants:
 - (i) the complete legal name and current licence number of each adult service worker working for the transient independent adult service agency whether by direct employment, independent contract, or otherwise;
 - (ii) the mailing address of the agency;
 - (iii) the business telephone numbers used by the agency including, but not limited to, cellular telephones, digital telephones, pagers and facsimile lines;
 - (iv) all names used by the agency;
 - (v) all electronic mail addresses used by the agency; and
 - (vi) all internet computer addresses used by the agency.
- (6) Every application for the issue or renewal of a transient independent adult service agency licence must be personally signed by:
 - (a) the individual named in the application; or
 - (b) the sole shareholder, director and officer of the corporation,as the case may be.

Licensing Requirements – Adult Service Performer

6. (1) Before any person may carry on business as an adult service performer, a written application must be made to the City for an adult service performer licence.
- (2) An adult service performer licence may not be issued to:
 - (a) an individual under the age of 18 years; or
 - (b) a partnership or a corporation.
- (3) Every application for the issue or renewal of an adult service performer licence must be in a form prescribed by the City and must contain at least the following information regarding the applicant:
 - (a) family name and all given names;
 - (b) date of birth;
 - (c) current address and telephone number;
 - (d) acceptable written proof of the applicant's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
 - (i) include a photograph;
 - (ii) be government issued;
 - (iii) be original, not a copy of the document;
 - (iv) indicate a unique identification number; and
 - (v) be valid (i.e., current). An expired licence or passport is not acceptable;
 - (e) written proof of Canadian citizenship or residency status;
 - (f) a criminal record check;
 - (g) nicknames, aliases and other names used by the applicant; and
 - (h) agency or adult entertainment venue for whom the applicant works, whether by direct employment, independent contract, or otherwise.

- (4) Every application for the issue or renewal of an adult service performer must be personally signed by the individual named in the application.

Licensing Requirements - Transient Adult Service Performer

- 7.
 - (1) Before any person may carry on business as a transient adult service performer, a written application must be made to the City for a transient adult service performer licence.
 - (2) A transient adult service performer licence may not be issued to:
 - (a) an individual under the age of 18 years; or
 - (b) a partnership or a corporation.
 - (3) Every application for the issue or renewal of a transient adult service performer licence must be in a form prescribed by the City and must contain at least the following information regarding the applicant:
 - (a) family name and all given names;
 - (b) date of birth;
 - (c) current address and telephone number;
 - (d) acceptable written proof of the applicant's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
 - (i) include a photograph;
 - (ii) be government issued;
 - (iii) be original, not a copy of the document;
 - (iv) indicate a unique identification number; and
 - (v) be valid (i.e., current). An expired licence or passport is not acceptable;
 - (e) written proof of Canadian citizenship or residency status;
 - (f) a criminal record check;

- (g) nicknames, aliases and other names used by the applicant; and
 - (h) anticipated length of time working in the city of Saskatoon.
- (4) Every application for the issue or renewal of a transient adult service performer must be personally signed by the individual named in the application.

Licensing Requirements – Adult Service Worker

8. (1) Before any person may work as an adult service worker, a written application must be made to the City for an adult service worker licence.
- (2) An adult service worker licence may not be issued to:
- (a) an individual under the age of 18 years; or
 - (b) a partnership or a corporation.
- (3) Every application for the issue or renewal of an adult service worker licence must be in a form prescribed by the City and must contain at least the following information regarding the applicant:
- (a) family name and all given names;
 - (b) date of birth;
 - (c) current address and telephone number;
 - (d) acceptable written proof of the applicant's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
 - (i) include a photograph;
 - (ii) be government issued;
 - (iii) be original, not a copy of the document;
 - (iv) indicate a unique identification number; and
 - (v) be valid (i.e., current). An expired licence or passport is not acceptable;
 - (e) written proof of Canadian citizenship or residency status;

- (f) a criminal record check;
 - (g) nicknames, aliases and other names used by the applicant; and
 - (h) adult service business for whom the applicant works, whether by direct employment, independent contract, or otherwise.
- (4) Every application for the issue or renewal of an adult service worker licence must be personally signed by the individual named in the application.

Issuance of Licence

9. (1) Upon the filing of a completed application for a licence pursuant to this Bylaw, the City shall, within 60 days after the receipt of the application, either issue a licence, with or without conditions, or issue a written notice of intent to deny a licence, to the applicant.
- (2) The City shall approve the issuance of a licence unless one or more of the following is found to be true:
- (a) the applicant is less than 18 years of age;
 - (b) the applicant is delinquent in the payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to an adult service business;
 - (c) the applicant has failed to provide information as required by sections 4, 5, 5.1, 6, 7 or 8 for the issuance of the licence;
 - (d) the applicant has been convicted of a specified criminal activity. The fact that a conviction is being appealed shall have no effect under this clause. For the purpose of this Bylaw, "conviction" means a conviction or a guilty plea; and includes a conviction of any business entity for which the applicant had, at the time of the offence leading to the conviction for a specified criminal activity, a management responsibility or a controlling interest;
 - (e) the applicant has an outstanding warrant for arrest or committal under the *Criminal Code*, R.S.C. 1985, c. C-46, from any jurisdiction in Canada.

- (f) the licence application fee required by this Bylaw has not been paid;
 - (g) the applicant has falsely answered a question or request for information on the application form; or
 - (h) the proposed adult service business is located in a zoning district other than a district in which adult service businesses are allowed to operate under the Zoning Bylaw, or is not in compliance with the location restrictions established for adult service businesses in the appropriate zoning districts.
- (3) An applicant that is ineligible for a licence because of a conviction for specified criminal activity may qualify for a licence only when the applicable time period specified in subsection 2(l) has elapsed.
- (4) The licence, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the licence issued to that applicant, the expiration date, the conditions, if any, attaching to the licence and if the licence is for an adult service agency or an independent adult service agency, the address of the business. The adult service agency or independent adult service agency licence shall be posted in a conspicuous place at or near the entrance to the adult service agency or independent adult service agency, so that it may be easily read at any time.
- (5) In addition to the requirements under subsection (4), a licence for an independent adult service agency, a transient independent adult service agency, an adult service performer, a transient adult service performer or an adult service worker shall contain a photograph of the licensee. The licensee shall keep the licence on the licensee's person or on the premises where the licensee is then working, and shall produce such licence for inspection upon request by a police officer or other authorized City official.

Conditions Attaching to Licence

10. (1) The City may impose any additional terms and conditions on a licence issued pursuant to this Bylaw that are consistent with the intent of the Bylaw where the City is satisfied that:
- (a) it is necessary to ensure compliance with any duties imposed on the licensee pursuant to this Bylaw;

- (b) it is necessary to ensure the integrity of the licensing scheme in the Bylaw; and
 - (c) it is appropriate and in the public interest to do so.
- (2) Every licensee shall comply with the terms, conditions and restrictions to which the licence is subject.

No Further Licensing Required

- 11. A licence issued pursuant to this Bylaw shall be a valid business licence, and licensing under any other City bylaw shall not be required.

Fees

- 12.
 - (1) An applicant for an adult service agency licence, an independent adult service agency licence, a transient independent adult service agency, an adult service performer licence, a transient adult service performer or an adult service worker licence shall, upon filing the application, pay the initial licence fee prescribed in Schedule "B".
 - (2) A licensee who wishes to renew a licence shall, upon filing an application for renewal of a licence, pay the annual licence renewal fee prescribed in Schedule "B".
 - (3) If the initial licence or annual licence renewal is refused, the fee paid pursuant to subsections (1) and (2) shall be returned to the applicant.
 - (4) Except as provided in subsection (3), the initial licence fee and annual licence renewal fee are non-refundable. If a licence is suspended or revoked, no licence fee or part thereof is refundable to a licensee.

Expiration of Licence

- 13.
 - (1) Each licence shall expire one year from the date of issuance and may be renewed, provided an application for renewal of a licence and annual licence renewal fees are received by the City no later than the expiration date of the current licence. An application received after that date shall be processed as a new application and the initial licence fees shall apply.
 - (2) An application for renewal of a licence must include all the same information required for an initial licence pursuant to sections 4, 5, 5.1, 6, 7 or 8, depending upon the type of licence applied for.

- (3) Upon receiving an application for renewal of a licence and determining that the applicant is in full compliance with the provisions of this Bylaw, the City shall issue a new licence, with or without conditions.
- (4) If the City denies renewal of a licence, the applicant shall not be issued a licence for one year from the date of denial. If, subsequent to the denial, the City finds that the basis for the denial has been corrected or abated, the applicant shall be granted a licence if at least three months have elapsed since the date that the denial became final.

Suspension and Revocation of Licence

- 14. (1) Any licence issued under this Bylaw may be suspended or cancelled for any of the following reasons:
 - (a) a licensee or an employee of a licensee has violated or failed to comply with any provision of this Bylaw;
 - (b) a licensee or an employee of a licensee has violated or failed to comply with any condition of the licence;
 - (c) a licensee or an employee of a licensee has refused to allow an inspection of the adult service agency or the independent adult service agency premises as authorized by this Bylaw;
 - (d) a licensee has given false or misleading information in the material contained in the application for the licence; or
 - (e) a licensee has been convicted of a specified criminal activity during the term of the licence. The fact that a conviction is being appealed shall have no effect on the revocation of the licence.
- (2) The City shall provide written notice of the suspension or cancellation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the licensee of the right to appeal. Such notice shall be given or served on the licensee in accordance with section 347 of *The Cities Act*.
- (3) If the City cancels a licence, the fee paid for the licence shall be forfeited. A person whose licence has been cancelled under this section may not apply for a new licence for a period of one year from the date that the cancellation took place.

- (4) The power to suspend or cancel a licence pursuant to this section is in addition to the penalties contained in section 23. The City may suspend or cancel a licence whether or not a licensee has been charged or convicted of an offence under this Bylaw.

Additional Regulations re Minors

- 15. (1) No adult service agency, independent adult service agency or transient independent adult service agency shall employ or contract with any person under the age of 18 years in any capacity whatsoever.
- (2) No adult service agency, independent adult service agency, transient independent adult service agency, adult service performer or transient adult service performer shall furnish or offer to furnish any services to any person under the age of 18 years.
- (3) No adult service agency or independent adult service agency shall allow a person under the age of 18 years on the premises of the agency.

Adult Service as Home Based Business

- 16. If an adult service agency or an independent adult service agency is permitted to carry on business as a home based business in the City, the agency may do so provided:
 - (a) the adult service is supplied on an out-call basis only; and
 - (b) the business complies with all development standards for home based businesses in the Zoning Bylaw.

Separation Distances for Adult Service Agencies and Independent Adult Service Agencies

- 16.1 (1) Where an adult service agency or independent adult service agency is otherwise a permitted use, an adult service agency or independent adult service agency shall not be located within 160 metres of another adult service agency or independent adult service agency, as measured from property line to property line.
- (2) When a person applies for a licence for an adult service agency or independent adult service agency, and there exists another adult service agency or independent adult service agency within 160 metres of the applicant's proposed location, the application shall be denied by the City.

- (3) Subsections (1) and (2) shall not apply to an adult service agency or independent adult service agency operated as a home based business.

Separation Distances for Adult Entertainment Venues

- 16.2 (1) Where an adult entertainment venue is otherwise a permitted use, an adult entertainment venue shall not be located within 160 metres of another adult entertainment venue or adult service agency or independent adult service agency, as measured from property line to property line.
- (2) When a person applies for a license for an adult service agency or independent adult service agency, and there exists an adult entertainment venue within 160 metres of the applicant's proposed location, the application shall be denied by the City.
- (3) Subsections (1) and (2) shall not apply if an adult service agency or independent adult service agency is operating as a home based business.

List of Employees

- 17. (1) An adult service agency shall maintain, at all times, a current list of all employees. The list shall contain:
 - (a) the complete legal name and current licence number of each adult service performer working for the adult service agency whether by direct employment, independent contract, or otherwise; and
 - (b) the complete legal name and current licence number of each adult service worker working for the adult service agency whether by direct employment, independent contract or otherwise;
- (2) An independent adult service agency or transient independent adult service agency shall maintain, at all times, a current list of all adult service workers working for the independent adult service agency or transient independent adult service agency whether by direct employment, independent contract or otherwise, which list shall include the complete legal name and current licence number for each adult service worker.
- (3) The lists referred to in subsections (1) and (2) shall be kept current and shall be available for inspection at any time, upon request by a police officer or other authorized City official.

Transfer of Licence

18. A licence issued pursuant to this Bylaw is not transferable from one licensee to another or in the case of an adult service agency or an independent adult service agency, from one's business premises to another.

Exemptions

19. (1) Except as provided in section 16.2, the provisions of this Bylaw shall not apply to:
- (a) adult theatres;
 - (b) adult bookstores;
 - (c) adult novelty stores;
 - (d) adult video stores; or
 - (e) adult entertainment venues.
- (2) The businesses referred to in subsection (1) shall be licensed under the applicable business licensing bylaw of the City.

Right of Appeal

20. (1) If the City imposes conditions on a licence, or denies, suspends or cancels a licence, the aggrieved party may appeal the City's decision to the Saskatoon Licence Appeal Board.
- (2) The rules, procedure and time limits for an appeal pursuant to subsection (1) shall be governed by the provisions of The Saskatoon Licence Appeal Board Bylaw, 2012.
- (3) In determining an appeal, the Saskatoon Licence Appeal Board;
- (a) is bound by the provisions of this Bylaw; and
 - (b) is prohibited from modifying or repealing a decision, or substituting its own decision unless it is satisfied on a balance of probabilities that the City has misapplied the provisions of this Bylaw in the denial, suspension or cancellation of a licence or the imposition of conditions on a licence.

Administration and Enforcement of Bylaw

21. (1) The administration and enforcement of this Bylaw is hereby delegated to the General Manager, Community Services Department for the City.
- (2) The General Manager, Community Services Department for the City is hereby authorized to further delegate the administration and enforcement of this Bylaw, in whole or in part, to other employees of the City and to the Saskatoon Police Service.

Inspections

22. (1) The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with section 324 of *The Cities Act*.
- (3) No person shall obstruct a person who is authorized to conduct an inspection under this section, or a person who is assisting in the inspection.
- (4) If a person refuses to allow or interferes with an inspection authorized by this section, or if a person fails to respond to a reasonable request for access to a property, the City may apply for a warrant authorizing entry in accordance with section 325 of *The Cities Act*.

Offences

23. (1) No person shall:
- (a) fail to comply with any provision of this Bylaw;
 - (b) fail to comply with a term or condition of their licence;
 - (c) obstruct or interfere with any person acting under the authority of this Bylaw; or
 - (d) alter or deface a licence issued pursuant to this Bylaw.
- (2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction:

- (a) in the case of a first offence:
 - (i) to a fine of not less than \$250.00 and not more than \$1,000.00 for an individual and not less than \$500.00 and not more than \$2,000.00 for a corporation;
 - (ii) imprisonment for a term of not more than two months; or
 - (iii) both the fine and imprisonment;
 - (b) in the case of a second or subsequent offence:
 - (i) to a fine of not less than \$500.00 and not more than \$2,500.00 for an individual and not less than \$1,000.00 and not more than \$5,000.00 for a corporation;
 - (ii) imprisonment for a term of not more than three months; or
 - (iii) both the fine and imprisonment.
- (3) If a person is found guilty of an offence under this Bylaw, the court may, in addition to any other penalty imposed:
- (a) in the case of a person who holds a licence, suspend the licence for a term of not more than three months; or
 - (b) in the case of a person who did not hold a licence at the time of conviction, order that the person is ineligible to apply for a licence for a term of not more than three months.
- (4) Offences under this Bylaw are designated as offences for which proceedings may be commenced pursuant to Part III of *The Summary Offences Procedure Act, 1990* by the issuance of a summons ticket.
- (5) A person to whom a summons ticket is being issued pursuant to subsection (4) shall, upon request by the person issuing the summons ticket, provide their name, address and date of birth. A person who fails to provide this information is guilty of an offence and liable on summary conviction to the penalties set out in subsection (2).
- 23.1 (1) Notwithstanding section 23, in the case of a person who contravenes a provision of this Bylaw for the first time, a peace officer may issue a Notice of Violation to that person.

- (2) The Notice of Violation shall provide that, if the person pays the City the sum of \$250.00 within 14 calendar days of the date of the Notice of Violation, the person shall not be prosecuted for the contravention.
- (3) The fine may be paid:
 - (a) in person, during regular office hours, to the cashier located at City Hall, Saskatoon, Saskatchewan;
 - (b) by deposit, at the depository located at the main entrance to City Hall, Saskatoon, Saskatchewan; or
 - (c) by mail addressed to the Office of the City Treasurer, City Hall, 222 – 3rd Avenue North, Saskatoon, Saskatchewan, S7K 0J5.

Bylaw to Prevail

- 24. The provisions of this Bylaw prevail where there is any conflict between any provision of this Bylaw and any other bylaw of the City.

Consequential Amendments

- 25. Bylaw No. 6066, “The License Bylaw” is amended by:
 - (a) repealing Sections 70 to 80 inclusive; and
 - (b) striking out “Section 73(1) (Massage Parlours).....\$95.00” in Schedule No. 1.

Coming into Force

- 26. This Bylaw comes into force on the 1st day of July, 2012.

Read a first time this 12th day of March, 2012

Read a second time this 12th day of March, 2012

Read a third time and passed this 12th day of March, 2012.

“Donald J. Atchison”
Mayor

“Janice Mann” “SEAL”
City Clerk

Schedule “A”

| Offences under the <i>Criminal Code</i> | | | | | |
|---|---|--------------|-------|--|--------------------------------|
| | Offence | Section | | Offence | Section |
| (a) | Sexual interference | s.151 | (n) | Common bawdy-house: found in | s. 210(2)(b) |
| (b) | Invitation to sexual touching | s. 152 | (o) | Common bawdy-house: owner | s. 210(2)(c) |
| (c) | Sexual exploitation | s. 153 | (p) | Repealed by Bylaw 9646 – September 30, 2019 | |
| (d) | Sexual exploitation of person with a disability | s. 153.1 | (q) | Repealed by Bylaw 9646 – September 30, 2019 | |
| (e) | Obscene matter: selling, exposing or exhibiting | s. 163(2) | (r) | Repealed by Bylaw 9646 – September 30, 2019 | |
| (f) | Child pornography: printing and publishing | s. 163.1(2) | (s) | Repealed by Bylaw 9646 – September 30, 2019 | |
| (g) | Child pornography: importing and distributing | s. 163.1(3) | (t) | Stopping or impeding traffic | s. 213(1) |
| (h) | Child pornography: possession | s. 163.1(4) | (t.1) | Communicating to provide sexual services for consideration | s. 213(1.1) |
| (i) | Parent or guardian procuring sexual activity | s. 170 | (u) | Sexual assault | s. 271 |
| (j) | Indecent Acts | s. 173(1) | (v) | Trafficking in persons | s. 279.01 |
| (k) | Exposure to person under age of sixteen years | s. 173(2) | (w) | Criminal organization offences | s. 2, 467.11, 467.12 or 467.13 |
| (l) | Common bawdy-house: keeping | s. 210(1) | (x) | Obtaining sexual services for consideration | s. 286.1 |
| (m) | Common bawdy-house: inmate | s. 210(2)(a) | (y) | Material benefit from sexual services | s. 286.2 |
| | | | (z) | Procuring | s. 286.3 |

Schedule “A”
(Continued)

| Offences under the <i>Controlled Drugs and Substances Act</i> | | |
|--|---|----------------|
| | Offence | Section |
| (a) | Trafficking | s.5(1) |
| (b) | Possession for the purpose of trafficking | s. 5(2) |
| (c) | Importing and exporting | s. 6(1) |
| (d) | Possession for the purpose of exporting | s. 6(2) |
| (e) | Production of substance | s. 7 |

Schedule “B”

| Fees | | |
|-------------|---|------------|
| | Adult Service Agency Licence | Fee |
| (a) | Initial Licence | \$500.00 |
| (b) | Annual Licence Renewal | \$200.00 |
| | | |
| | Independent Adult Service Agency Licence | |
| (c) | Initial Licence | \$250.00 |
| (d) | Annual Licence Renewal | \$100.00 |
| | | |
| | Transient Independent Adult Service Agency Licence | |
| (e) | Initial Licence | \$250.00 |
| (f) | Annual Licence Renewal | \$100.00 |
| | | |
| | Adult Service Performer (i.e. Employed, Affiliated, Contracted, Transient) | |
| (g) | Initial Licence | \$250.00 |
| (h) | Annual Licence Renewal | \$100.00 |
| | | |
| | Adult Service Worker Licence | |
| (i) | Initial Licence | \$250.00 |
| (j) | Annual Licence Renewal | \$100.00 |

BYLAW NO. 9651

**The Vehicles for Hire
Bylaw, 2019**

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BYLAW NO. 9651

The Vehicles for Hire Bylaw, 2019

Whereas subsection 4(1) of *The Vehicles for Hire Act*, S.S. 2018, c. V-3.2, permits a city to make bylaws respecting the regulation and licensing of transportation networks and transportation network companies;

Whereas section 10 of *The Vehicles for Hire Regulations*, c. V-3.2, Reg. 1, permits a city to make bylaws requiring transportation network companies to establish a complaints process for accepting, recording, reviewing and responding to complaints from the public;

Whereas clause 8(1)(b) of *The Cities Act*, S.S. 2002, c. C-11.1, permits a city to make bylaws in relation to the safety, health and welfare of people and the protection of people and property;

Whereas clause 8(1)(h) of *The Cities Act* permits a city to make bylaws in relation to businesses, business activities and persons engaged in business;

Whereas, pursuant to subsection 8(3) of *The Cities Act*, the power to pass bylaws includes the power to:

- regulate or prohibit;
- provide for a system of licences, inspections, permits or approvals;
- establish fees for the licence;
- prohibit any business until a licence has been granted or an inspection performed;
- impose terms and conditions on any licence;
- impose conditions that must be met before a licence is granted or renewed;
- provide for the duration of licences and their suspension or cancellation for failure to comply with a term or condition of a bylaw or for any other reason specified in the bylaw;
- provide for an appeal, the body that is to decide the appeal and related matters;

Whereas the City of Saskatoon desires to enact a bylaw to regulate and licence vehicles for hire, including taxi services and transportation network companies, in the City of Saskatoon;

Now therefore, the Council of the City of Saskatoon enacts:

PART I
Short Title and Interpretation

Short Title

1. This Bylaw may be cited as *The Vehicles for Hire Bylaw, 2019*.

Definitions

2. In this Bylaw:

- (a) **“affiliated”** means engaged in an arrangement to provide dispatch services;
- (b) **“bodily fluids”** means feces, urine or vomit;
- (c) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (d) **“certificate of registration”** means a certificate of registration issued pursuant to *The Traffic Safety Act*;
- (e) **“City”** means the City of Saskatoon;
- (f) **“class PT”** means a class of vehicles established by the regulations to *The Traffic Safety Act*;
- (g) **“conviction”** means a conviction or a guilty plea, and includes a conviction of any business entity for which the applicant had, at the time of the prescribed criminal offence leading to the conviction, a management responsibility or a controlling interest;
- (h) **“Council”** means the Council of the City of Saskatoon;
- (i) **“dispatch”** means the act or service of sending or directing a:
 - (i) TNC vehicle, through a transportation network, to a person or persons who have requested vehicle-for-hire service using a transportation network; or
 - (ii) taxi, by electronic or any other means, to a person or persons who have requested a taxi including by use of a mobile application, text message, internet web page, cell phone or email communication;

- (j) **“D409 certificate”** means the Canadian Standards Association standard D409-92, Motor Vehicle for the Transportation of Persons with Physical Disabilities as amended from time to time by the Canadian Standards Association;
- (k) **“electronic payment system”** means a system by which a passenger may pay a fare by an immediate electronic withdrawal from their bank account or charge to their credit card account;
- (l) **“enterprise taxi licence”** means a licence issued to a taxi driver pursuant to this Bylaw through the enterprise taxi licence distribution lottery;
- (m) **“enterprise taxi licence distribution lottery”** means the process by which the City distributes enterprise taxi licences;
- (n) **“General Manager”** means the General Manager of Community Services or a designate;
- (o) **“owner plate”** means a metal plate or decal issued by the City, to be attached to a taxi, that identifies the licensee and the vehicle to which the licence applies and applies to all licences whether permanent, temporary or enterprise;
- (p) **“person”** means a person as defined in *The Vehicles for Hire Act* and includes an individual, a corporation, a partnership and the heirs, executors, administrators or other legal representatives of a person;
- (q) **“positive”** means that a notation, as referred to in subsection 6.3(2) of the *Criminal Records Act*, is disclosed through a vulnerable sector check;
- (r) **“prescribed”** means prescribed in *The Vehicles for Hire Regulations*;
- (s) **“service animal”** means an animal that has specialized training to provide services to a person with a disability;
- (t) **“street hailing”** means offering, soliciting, or accepting offers to provide transportation, or providing transportation, to passengers that is not vehicle-for-hire service;
- (u) **“taxi”** means a taxi as defined in *The Vehicles for Hire Act*;

- (v) **“taxi broker”** means a person licensed under this Bylaw who accepts calls in any manner for the dispatch of taxis and who dispatches taxis;
- (w) **“taxi brokerage”** means the general business of a taxi broker and shall be deemed to include the land and premises where the business is carried on;
- (x) **“taxi driver”** means a person licensed to drive a taxi pursuant to this Bylaw, whether the taxi owner or an agent, lessee or employee of the taxi owner;
- (y) **“taxi licence”** means a licence from the City that grants to the holder thereof the running rights to operate a taxi in the City;
- (z) **“taxi owner”** means a person granted a taxi licence to operate a taxi in the City;
- (aa) **“temporary wheelchair accessible taxi licence”** means a licence from the City that grants to the holder thereof the running rights to operate a temporary wheelchair accessible taxi in the City;
- (bb) **“TNC”** means a transportation network company;
- (cc) **“TNC driver”** means an affiliated driver as defined in *The Vehicles For Hire Regulations*;
- (dd) **“TNC vehicle”** means a vehicle as defined in *The Vehicles for Hire Act* and used to provide vehicle-for-hire service;
- (ee) **“transportation network”** means a transportation network as defined in *The Vehicles for Hire Act*;
- (ff) **“transportation network company”** means a transportation network company as defined in *The Vehicles for Hire Act*;
- (gg) **“transportation network company licence”** means a licence issued to a transportation network company pursuant to clause 15(1)(a);
- (hh) **“trip data”** means:
 - (i) for transportation network companies, information collected and maintained by a transportation network company respecting the dispatching and conveyance of passengers by TNC drivers and includes the following:

- (A) the time a request for the dispatch of a vehicle is received by the transportation network;
 - (B) the time a TNC driver accepts the dispatch of a vehicle through the transportation network;
 - (C) the time the trip begins;
 - (D) the time the trip concludes;
 - (E) passenger wait time;
 - (F) trips cancelled by the TNC driver;
 - (G) trips for which the passenger did not appear;
 - (H) whether the trip involved the conveyance of a person with a disability related to mobility;
 - (I) the number of trips per month for each wheelchair accessible TNC vehicle; and
- (ii) for taxi brokers, information collected and maintained by a taxi broker respecting the dispatching and conveyance of passengers by taxis affiliated with the taxi broker and includes the following:
- (A) the time a call is received requesting the dispatch of a taxi;
 - (B) the time a taxi driver accepts the dispatch of a taxi;
 - (C) the time a taxi driver engages the taximeter for that dispatched call;
 - (D) the time a taxi driver turns the taximeter off at the conclusion of the trip;
 - (E) passenger wait time;
 - (F) trips cancelled by the taxi driver;
 - (G) trips for which the passenger did not appear;
 - (H) whether the trip involved the conveyance of a person with a disability related to mobility;

- (l) the number of trips per month for each wheelchair accessible taxi;
- (ii) **“vehicle-for-hire inspector”** means a person employed by the City and authorized by the General Manager to act as a vehicle-for-hire inspector for the purposes of this Bylaw;
- (jj) **“vehicle-for-hire service”** means vehicle-for-hire service as defined in *The Vehicles for Hire Act*;
- (kk) **“vulnerable sector check”** means a verification as referred to in subsection 6.3(3) of the *Criminal Records Act*;
- (ll) **“wheelchair accessible taxi”** and **“wheelchair accessible TNC vehicle”** mean a vehicle that:
 - (i) is specifically designed to carry persons with disabilities related to mobility;
 - (ii) is equipped with a mechanical device that can load, transport and unload a person using a wheelchair or other mobility aid without that person having to leave the wheelchair or other mobility aid; and
 - (iii) complies with Canadian Standards Association standard D409-92, Motor Vehicle for the Transportation of Persons with Physical Disabilities;
- (mm) **“wheelchair accessible taxi licence”** means a licence from the City that grants to the holder thereof the running rights to operate a wheelchair accessible taxi in the City.

PART II Licensing

DIVISION I General Licensing Matters

General Authority

- 3. The City shall have the power to:
 - (a) limit the number of taxis that may operate in the City;

- (b) determine the types of licences that may be granted; and
- (c) determine the manner in which any licence is to be allocated.

Types of Licences

4. The City may issue the following licences:

- (a) Taxi Licence;
- (b) Taxi Broker's Licence;
- (c) Taxi Driver's Licence;
- (d) Wheelchair Accessible Taxi Licence;
- (e) Temporary Wheelchair Accessible Taxi Licence;
- (f) Enterprise Taxi Licence;
- (g) Transportation Network Company Licence.

Number of Taxi Licences

5. (1) The City may issue up to 160 taxi licences within the City.
- (2) In addition to the taxi licences mentioned in subsection (1), the City may issue:
- (a) up to 35 enterprise taxi licences;
 - (b) up to five wheelchair accessible taxi licences;
 - (c) up to 16 temporary wheelchair accessible taxi licences; and
 - (d) up to five additional temporary wheelchair accessible taxi licences, in excess of the limit mentioned in clause (c).

Licence Required

6. (1) No person shall:

- (a) subject to subsection (3), drive a taxi in the City unless that person holds a valid taxi driver licence;
 - (b) drive a taxi as an enterprise taxi in the City unless that person holds a valid enterprise taxi licence;
 - (c) operate a taxi in the City unless that person holds a valid taxi licence, wheelchair accessible taxi licence or temporary wheelchair accessible taxi licence;
 - (d) carry on business of a taxi brokerage in the City unless that person holds a valid taxi broker licence; and
 - (e) dispatch or participate in the dispatching of vehicle-for-hire services or offer, use or facilitate a transportation network in the City unless that person holds a valid transportation network company licence.
- (2) In addition to the licence mentioned in subsection (1), a taxi broker and a transportation network company shall also obtain a general business licence from the City.
- (3) If a taxi driver is affiliated with a brokerage carrying on business in a jurisdiction outside the City, and the brokerage is not licensed to carry on business in the City, the driver may drive a taxi from that brokerage in the City without a licence if:
 - (a) the trip originates outside the City and terminates with the passenger being dropped off at a single destination within the City; or
 - (b) the trip originates and terminates outside the City, provided that:
 - (i) the entire trip constitutes a single fare;
 - (ii) at least one passenger who started the trip outside the City is also a passenger when the trip terminates; and
 - (iii) the entire trip occurs on the same calendar day.
- (4) **“Trip”** for the purposes of clause (3)(b) includes any conveyance of the passenger who originally engaged the service outside the City limits on the day the trip originated, provided that the ultimate destination is a return to outside the City limits.

Advertising

7. (1) No person shall hold themselves out to be licensed under this Bylaw unless they are so licensed.
- (2) No person shall advertise the provision of any taxi services or vehicle-for-hire services unless they hold a valid and subsisting licence under this Bylaw.

Licence Fees

8. (1) No person shall be licensed under this Bylaw until payment of the fee established by Schedule "A" is received by the City.
- (2) Subject to subsection (3), licence fees are non-refundable. If a licence is suspended or cancelled, no licence fee or part thereof is refundable.
- (3) If the licence or the licence renewal is denied, the fee paid pursuant to subsection (1) shall be returned.

Licence Conditions

9. (1) The City may impose any terms and conditions on a licence issued pursuant to this Part that are consistent with the intent of this Bylaw if the City is satisfied that:
 - (a) it is necessary to ensure compliance with any duties imposed on the licensee pursuant to this Bylaw;
 - (b) it is necessary to ensure the integrity of the licensing scheme in this Bylaw; and
 - (c) it is appropriate and in the public interest to do so.
- (2) Every wheelchair accessible taxi licence and temporary wheelchair accessible taxi licence shall be subject to a condition that priority is given to the conveyance of passengers with a disability related to mobility.
- (3) Every licensee shall comply with the terms, conditions and restrictions of the licence.

Property of the City

10. (1) The following licences issued pursuant to this Bylaw remain at all times the sole property of the City and do not confer any property rights:
- (a) temporary wheelchair accessible taxi licences;
 - (b) taxi driver licences and photo identification;
 - (c) enterprise taxi licences;
 - (d) transportation network company licences.
- (2) A licensee or other person in possession of a licence mentioned in subsection (1) shall not sell, assign, transfer, lease or otherwise dispose of or give up control of the licence, except in accordance with this Bylaw, and shall surrender the licence to the City immediately if requested by the City.
- (3) A taxi broker's licence shall not be assigned or transferred.

Confidentiality

11. Subject to section 28, the information provided by an applicant in pursuit of a licence under this Part shall be maintained by the City on a confidential basis, subject to the provisions of *The Local Authority Freedom of Information and Protection of Privacy Act*.

DIVISION II Taxi Driver Licence

Application for Taxi Driver's Licence

12. (1) An application for a taxi driver's licence shall be made to the City on such forms and accompanied by such information as established by the City.
- (2) The application shall include the following information:
- (a) the applicant's full name;
 - (b) the applicant's date of birth;
 - (c) the applicant's current address and telephone number;

- (d) a letter from a taxi broker on company letterhead confirming its affiliation with the applicant taxi driver;
 - (e) written proof that the applicant holds a valid and subsisting prescribed class of Saskatchewan Driver's Licence issued by Saskatchewan Government Insurance;
 - (f) a criminal record check that meets the prescribed requirements and includes a vulnerable sector check;
 - (g) the applicant's certificate of approval from the Saskatoon Police Service;
 - (h) written proof that the applicant has completed any training program approved and required by the City;
 - (i) the issuing jurisdiction and the effective dates of any licence or permit held by the applicant to drive a taxi and whether such licence or permit has been denied, revoked or suspended, and if so, the reason or reasons therefor.
- (3) If a taxi driver is using electronic means including a mobile application, text message, internet web page, cell phone or email communication to dispatch their taxi, the taxi driver shall also require a taxi broker's licence.
- (4) The application shall be accompanied by the fee established by Schedule "A".

Issuance of Taxi Driver's Licence

13. (1) Within 30 days of the receipt of a completed application for a taxi driver's licence, together with the applicable fee, the City shall either:
- (a) issue a licence, with or without conditions; or
 - (b) deny the application for a licence.
- (2) The City shall approve a licence unless one or more of the following is determined to be true:
- (a) the applicant is less than 18 years of age;
 - (b) the applicant failed to provide information as required by section 12 or has provided false or misleading information in the application;

- (c) the applicant has been convicted of a prescribed criminal offence. The fact that a conviction is being appealed shall have no effect under this clause;
 - (d) the applicant's driving privileges or Saskatchewan Driver's Licence have been suspended, cancelled, revoked or invalidated for any reason;
 - (e) the applicant has an outstanding warrant for arrest or committal under the Criminal Code;
 - (f) the licence fee established by Schedule "A" has not been paid.
- (3) The licence, if granted, shall contain the following information:
- (a) the name of the person to whom the licence is granted;
 - (b) the conditions, if any, attaching to the licence;
 - (c) the number of the taxi driver's licence issued to the applicant;
 - (d) the date of issue of the licence.
- (4) In addition to the requirements of subsection (3), the licensee shall also be issued photo identification.
- (5) If the application is denied, the City shall provide the applicant with a copy of its decision together with written reasons for the decision.

DIVISION III

Taxi Broker and Transportation Network Company Licence

Licence Application

14. (1) An application for a taxi broker licence or transportation network company licence shall be made to the City on such forms and accompanied by such information as established by the City.
- (2) The application shall include the following information:
- (a) the applicant's full name;
 - (b) the applicant's current address and telephone number;

- (c) for a taxi broker licence:
 - (i) a copy of the applicant's business licence issued by the City confirming the location of the applicant's business;
 - (ii) proof that the applicant has a system for receiving requests and dispatching taxis licensed pursuant to this Bylaw and forming part of the broker's fleet, and confirmation that the system will not interfere with any other taxi broker, taxi owner or fleet of vehicles;
 - (iii) the issuing jurisdiction and the effective dates of any licence or permit held by the applicant to provide dispatch services to a taxi and whether such licence or permit has been denied, cancelled, revoked or suspended, and if so, the reason or reasons therefor;
- (d) for a transportation network company licence:
 - (i) a copy of the applicant's business licence issued by the City;
 - (ii) proof in a form satisfactory to the City that the applicant has a transportation network;
 - (iii) proof in a form satisfactory to the City that the applicant has insurance in compliance with section 7 and section 8 of *The Vehicles for Hire Act*.
- (3) The application shall be accompanied by the fee established by Schedule "A".

Licence Issue

- 15. (1) Within 30 days of the receipt of a completed application for a taxi broker licence or a transportation network company licence, together with the applicable fee, the City shall either:
 - (a) issue a licence, with or without conditions; or
 - (b) deny the application for a licence.
- (2) The City shall approve a licence unless one or more of the following is determined to be true:

- (a)
 - (i) in the case of an individual, the individual is less than 18 years of age;
 - (ii) in the case of a partnership, the managing partner is less than 18 years of age;
 - (iii) in the case of a corporation, the managing director is less than 18 years of age;
 - (b) the applicant failed to provide information as required by section 14 or has provided false or misleading information in the application;
 - (c) the fee established by Schedule "A" has not been paid.
- (3) The licence, if granted, shall contain the following information:
 - (a) the name of the person to whom the licence is granted;
 - (b) the expiration date of the licence;
 - (c) the conditions, if any, attaching to the licence;
 - (d) the number of the business licence issued to the applicant;
 - (e) the address of the taxi brokerage or transportation network company.
- (4) If the application is denied, the City shall provide the applicant with a copy of its decision together with written reasons for the decision.

DIVISION IV **Taxi and Wheelchair Accessible Taxi Licence**

Application for Taxi or Wheelchair Accessible Taxi Licence

- 16.
 - (1) An application for a taxi licence or wheelchair accessible taxi licence shall be made to the City on such forms and accompanied by such information as established by the City.
 - (2) The application shall include the following information:
 - (a) the applicant's full name;
 - (b) the applicant's current address and telephone number;

- (c) written proof of vehicle registration and insurance for the taxi identifying the applicant as the owner of the vehicle and a class PT designation;
 - (d) written proof of the taxi broker with which the taxi licence or wheelchair accessible taxi licence is affiliated;
 - (e) proof of liability insurance in the amount of \$2 Million identifying the City as an additional insured;
 - (f) a validated Light Vehicle Inspection Certificate for the taxi completed by a Saskatchewan Government Insurance accredited mechanic dated no earlier than 90 days prior to the licence application;
 - (g) the issuing jurisdiction and the effective dates of any other licence or permit held by the applicant to operate a taxi, and whether such licence or permit has been denied, cancelled or suspended, and if so, the reason or reasons therefor.
- (3) In addition to the requirements of subsection (3), an application for a wheelchair accessible taxi licence shall include a valid D409 certificate.
- (4) The application shall be accompanied by the fee established by Schedule "A".
- (5) If a taxi owner intends to drive a taxi, the taxi owner shall also require a taxi driver licence.
- (6) If a taxi owner is using electronic means including a mobile application, text message, internet web page, cell phone or email communication to dispatch their taxi, the taxi owner shall also require a taxi broker's licence.
- (7) Taxi owners shall hold a separate licence for each taxi or wheelchair accessible taxi.
- (8) If the applicant for a taxi licence or a wheelchair accessible taxi licence is a partnership, the application must:
- (a) be completed by one of the partners;
 - (b) disclose the identity of all other partners; and
 - (c) include all of the information required by subsections (2) and (3).

Issuance of Taxi or Wheelchair Accessible Taxi Licence

17. (1) Within 30 days of the receipt of a completed application for a taxi licence or a wheelchair accessible taxi licence, together with the applicable fee, the City shall either:
 - (a) issue a licence, with or without conditions; or
 - (b) deny the application for a licence.
- (2) The City shall approve a licence unless one or more of the following is determined to be true:
 - (a)
 - (i) in the case of an individual, the individual is less than 18 years of age;
 - (ii) in the case of a partnership, the managing partner is less than 18 years of age;
 - (iii) in the case of a corporation, the managing director is less than 18 years of age;
 - (b) the applicant failed to provide information as required by section 16 or has provided false or misleading information in the application;
 - (c) the fee established by Schedule "A" has not been paid.
- (3) The licence, if granted, shall contain the following information:
 - (a) the name of the person to whom the licence is granted;
 - (b) the number of the business licence issued to the applicant;
 - (c) the expiration date of the licence;
 - (d) the conditions, if any, attaching to the licence;
 - (e) the taxi plate number;
 - (f) the name of the taxi broker with which the applicant is affiliated.
- (4) If the application is denied, the City shall provide the applicant with a copy of its decision together with written reasons for the decision.

Disposition of Taxi or Wheelchair Accessible Taxi Licence

18. (1) Taxi licences and wheelchair accessible taxi licences may be sold, gifted, bequeathed or otherwise transferred upon:
- (a) compliance by the transferee with all administrative and statutory requirements for obtaining and holding a taxi licence or a wheelchair accessible taxi licence;
 - (b) submission by the transferee of a completed application form, including supporting documentation, to the City in accordance with section 16;
 - (c) submission by the transferee of the complete bill of sale for the taxi licence or wheelchair accessible taxi licence including the sale price; and
 - (d) payment by the transferee to the City of the applicable transfer fee as established Schedule "A".
- (2) In addition to the requirements of subsection (1), the transferee of a wheelchair accessible taxi licence must also submit a current D409 certificate to the City.
- (3) When transferring a licence under this section, the transferor shall, in all cases, surrender the licence to the City for cancellation. The transferor shall also surrender the owner plate to the City for cancellation, if required. The City shall issue a new licence to the transferee containing the information required by subsection 17(3), and a new owner plate, if required.

Issuing Taxi Owner Plates

19. Upon issuing a taxi licence or a wheelchair accessible taxi licence, the City shall also provide the licensee with an owner plate for the vehicle.

Transfer of Taxi Owner Plates

20. (1) An owner plate may be moved from one vehicle to another if:
- (a) the vehicle to which the plate is assigned requires repairs or servicing, and is temporarily unavailable for service; or
 - (b) the vehicle to which the plate is assigned is being permanently replaced with a different vehicle.

- (2) If transferring an owner plate, the taxi owner shall immediately, within the business hours of City Hall:
 - (a) provide the City with:
 - (i) a validated Light Vehicle Inspection Certificate for the replacement vehicle; and
 - (ii) a certificate of vehicle registration for the replacement vehicle showing a class PT designation;
 - (b) pay the owner plate replacement fee established by Schedule “A” to the City; and
 - (c) return the owner plate from the original vehicle to the City.
- (3) Upon receipt of the materials mentioned in subsection (2), the City shall issue a new owner plate for the replacement vehicle.

DIVISION V **Temporary Wheelchair Accessible Taxi Licence**

Method of Issuing Temporary Wheelchair Accessible Taxi Licence

21. (1) The City may, in its discretion, issue temporary wheelchair accessible taxi licences at such times as it considers appropriate.
- (2) Subject to the limits mentioned in clauses 5(2)(c) and (d), the City shall determine the number, if any, of temporary wheelchair accessible taxi licences to be issued.
- (3) Temporary wheelchair accessible taxi licences may be issued with or without a public tender process.
- (4) Before September 3, 2020, temporary wheelchair accessible taxi licences issued pursuant to clause 5(2)(d) shall be allocated to taxi brokers based on licensed taxi fleet size.

Term of Temporary Wheelchair Accessible Taxi Licence

22. (1) A temporary wheelchair accessible taxi licence issued pursuant to clause 5(2)(c) shall be valid for a term commencing on September 3, 2019 and ending on September 2, 2024.

- (2) A temporary wheelchair accessible taxi licence issued pursuant to clause 5(2)(d) shall be valid for a term of five years commencing on September 3, 2015 and ending on September 2, 2020.
- (3) After the term established by subsection (2) has expired, a temporary wheelchair accessible taxi licence issued pursuant to clause 5(2)(d) shall be valid for a term commencing on September 3, 2020 and ending on September 2, 2024.
- (4) If a taxi broker to whom temporary wheelchair accessible taxi licences have been allocated ceases operations for any reason and the term of the licences has not expired, those licences shall revert to the City and shall be reallocated for the remainder of the term of the licences to the remaining taxi brokers based upon the fleet size of each taxi broker.
- (5) If a taxi owner to whom a temporary wheelchair accessible taxi licence has been issued ceases to be a taxi owner for any reason and the term of the licence has not expired, the licence shall revert to the City and shall be reissued for the remainder of the term pursuant to this Division.
- (6) Lease fees shall not be charged for the use of a temporary wheelchair taxi licence. Only normal operating costs may be recovered.

Application for Temporary Wheelchair Accessible Taxi Licence

- 23. (1) An application for a temporary wheelchair accessible taxi licence shall be made to the City on such forms and accompanied by such information as established by the City.
- (2) The application shall include the information required by subsections 16(2) and (3).

Issuance of Temporary Wheelchair Accessible Taxi Licence

- 24. (1) Within 30 days of the receipt of a completed application for a temporary wheelchair accessible taxi licence together with the fee established by Schedule "A", the City shall either:
 - (a) issue a licence, with or without conditions; or
 - (b) deny the application for a licence.

- (2) The City shall approve a licence unless one or more of the following is determined to be true:
 - (a) the applicant is less than 18 years of age;
 - (b) the applicant failed to provide information as required by section 16 or provided false or misleading information in the application;
 - (c) the fee established by Schedule “A” has not been paid.
- (3) The licence, if granted, shall contain the following information:
 - (a) the name of the person to whom the licence is granted;
 - (b) the number of the business licence issued to the applicant;
 - (c) the expiration date of the licence;
 - (d) the conditions, if any, attaching to the licence;
 - (e) the taxi plate number;
 - (f) the name of the taxi broker with which the applicant is affiliated.
- (4) If the application is denied, the City shall provide the applicant with a copy of its decision together with written reasons for the decision.

DIVISION VI **Enterprise Taxi Licence**

Method of Issuing Licence

- 25. (1) The City may, in its discretion, issue enterprise taxi licences, at such times and in such numbers as may be necessary to meet the demand for such services.
- (2) Enterprise taxi licences shall be distributed using the lottery system described in this Division.

Eligibility to Participate in the Enterprise Licence Distribution Lottery

26. (1) In this section,
 - (a) **“closely connected person”** means the agent, business partner or family member of an applicant;
 - (b) **“controlling interest”** means an interest that a person has in a corporation if the person beneficially owns, directly or indirectly, or exercises control or direction over shares of the corporation carrying more than 25% of the voting rights attached to all issued shares of the corporation;
 - (c) **“family”** means the spouse, parent or child of an applicant;
 - (d) **“senior officer”** means a member of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any of those offices;
 - (e) **“spouse”** means:
 - (i) the legally married spouse of a person, with whom the person is cohabiting; or
 - (ii) a person who has cohabited with another person as spouses continuously for a period of not less than two years.
- (2) The intent of the lottery is to distribute enterprise taxi licences to licensed taxi drivers only.
- (3) A taxi driver is ineligible to participate in the enterprise taxi licence distribution lottery if:
 - (a) the taxi driver currently owns or has owned a taxi licence at any time within the two years immediately preceding the lottery draw;
 - (b) someone in the taxi driver’s family currently owns or has owned a taxi licence at any time within the two years immediately preceding the lottery draw; or
 - (c) the taxi driver or a closely connected person has a controlling interest in, or is a senior officer of, a corporation that owns or has owned a taxi licence at any time within the two years immediately preceding the lottery draw.

- (4) In order to participate in the lottery, the applicant must:
 - (a) hold a valid and subsisting prescribed class of Saskatchewan Driver's Licence issued by Saskatchewan Government Insurance;
 - (b) hold a valid taxi driver's licence, including photo identification issued by the City;
 - (c) be affiliated with a taxi broker carrying on business and licensed by the City;
 - (d) have, at a minimum, four years' experience driving a taxi in the City as at the date of the application; and
 - (e) have driven a taxi in the City at least four shifts per week, each week in the past 52 weeks, excluding vacation time and medical leave.
- (5) A taxi driver may submit only one application per lottery draw. If a taxi driver submits more than one application, the taxi driver shall be ineligible to participate in that lottery draw.

Application for Licence

- 27. (1) An application to participate in the lottery shall be made to the City on such forms and accompanied by such information as established by the City.
- (2) The application shall include the following information:
 - (a) the applicant's full name;
 - (b) the applicant's date of birth;
 - (c) the applicant's current address and telephone number;
 - (d) the applicant's current taxi driver licence number.
- (3) The application shall be accompanied by the fee established by Schedule "A".

Enterprise Taxi Licence Distribution Lottery

- 28. (1) The enterprise taxi licence distribution lottery shall be conducted in accordance with this section.

- (2) The City shall establish a lottery pool for the distribution of enterprise taxi licences.
- (3) The application for an enterprise taxi licence, once received, shall be marked for identification and placed with all other applications for the draw.
- (4) The City shall conduct the draw for enterprise taxi licences in public.
- (5) All applications for the lottery shall be drawn and numbered in the order in which they were drawn.
- (6) The number of licences to be issued from the lottery pool shall be determined by the City in advance of the lottery draw.
- (7) Licences shall be issued in the order in which the applications were drawn.
- (8) Before issuing a licence, the City shall:
 - (a) review the application to determine the applicant's eligibility in accordance with subsections 26(3) and (4); and
 - (b) determine the taxi broker for which the applicant intends to drive.
- (9) If the applicant is found to be ineligible to participate in the lottery draw, or abandons the application, the licence shall be issued to the next eligible applicant drawn from the lottery pool.
- (10) The names of the successful applicants drawn from the lottery pool shall be announced at the lottery draw.
- (11) The City shall provide each taxi broker with the names of the successful applicants from the lottery.
- (12) If an applicant is found to be ineligible to participate in the lottery draw, the City shall notify the applicant, in writing, of its decision together with written reasons for the decision.
- (13) The names of the unsuccessful applicants shall not be disclosed.

Issuance of Licence

29. (1) After the enterprise taxi licence distribution lottery is complete, the City shall notify the successful applicant or applicants that they have been granted an enterprise taxi licence and of the commencement date of the licence.

- (2) At least two days prior to the commencement date of the licence, the applicant shall:
 - (a) provide the City with:
 - (i) a validated Light Vehicle Inspection Certificate for the vehicle to which the licence is granted which certificate must be completed by a Saskatchewan Government Insurance accredited mechanic and be dated within the previous six months;
 - (ii) written proof of vehicle registration and insurance for the taxi identifying the applicant as the owner of the vehicle and a class PT designation; and
 - (iii) payment of the fee established by Schedule "A"; and
 - (b) present the vehicle to the City for a general taxi and meter inspection.
- (3) If the applicant satisfies the conditions in subsection (2), the City shall approve the licence.

Term of Licence

30. (1) An enterprise taxi licence shall be valid for four years commencing on June 29, 2019 and ending on June 28, 2023.
- (2) The licensee shall return the enterprise taxi licence to the City immediately after the expiry of the term.
- (3) The licensee shall immediately surrender the enterprise taxi licence to the City if:
 - (a) the licensee ceases to operate the taxi for a minimum of 40 hours per week, subject to subsection (4);
 - (b) the licensee ceases to be the only taxi driver driving the taxi;
 - (c) it is determined that the licensee has provided false or misleading information in the application; or
 - (d) the licensee's driving privileges or Saskatchewan Driver's Licence have been suspended, cancelled, revoked or invalidated for any reason.

- (4) The licensee is entitled to take up to a combined total of eight weeks annually for vacation and medical leave without surrendering the enterprise taxi licence to the City pursuant to clause (3)(a).
- (5) In the event a licence is surrendered pursuant to subsection (3), the City shall offer the licence to the next eligible applicant from the lottery pool.

Use of Licence

- 31. The licensee may choose the taxi broker for which the licensee will drive and may change taxi brokers upon written notification to the City and payment of the applicable fee as established by Schedule "A".

DIVISION VII Licence Expiration and Renewal

Licence Expiry

- 32. Unless renewed pursuant to section 33, a licence expires:
 - (a) on the expiry date shown on the licence; or
 - (b) if no expiry date is shown on the licence:
 - (i) for a taxi broker licence, taxi driver licence or transportation network company licence, one year from the date of its issue;
 - (ii) for a taxi licence, wheelchair accessible taxi licence, or temporary wheelchair accessible taxi licence, on December 31 of the year in which the licence was issued; and
 - (iii) for an enterprise taxi licence, on June 28 each year.

Licence Renewal

- 33.
 - (1) An application to renew any licence under this Bylaw shall be received by the City on or before the expiration date of the current licence.
 - (2) The application shall be made on such forms and include such information as established by the City.

- (3) When a licence is being renewed, the application shall include the information set out in:
 - (a) subsection 12(3), in the case of a taxi driver;
 - (b) subsection 14(2), in the case of a taxi broker or transportation network company; or
 - (c) subsections 16(2) and (3), in the case of a taxi owner.
- (4) The application shall include the applicable fee established by Schedule "A".
- (5) Upon receipt of the completed application and the applicable fee, the City shall either renew the licence with or without conditions, or issue a written notice of intent to deny renewal of the licence.
- (6) The City shall approve the renewal provided that the applicant has fully complied with all applicable requirements of this Bylaw.
- (7) If the renewal is denied, the City shall provide the applicant with a copy of its decision together with written reasons for the decision.
- (8) Subject to an appeal pursuant to subsection 63(1), if the City denies a renewal, no licence under this Bylaw shall be issued to the applicant for a period of one year from the date of denial.

PART III Operational Requirements

DIVISION I Fares

Fares to be Charged

- 34. (1) A fare shall be charged for each vehicle-for-hire service trip or taxi trip in accordance with Schedule "B".
- (2) Notwithstanding subsection (1), if a taxi broker has a written contract with a business or other entity to convey passengers, the flat rate charge per trip as provided for in the written contract may be charged. A copy of the contract shall be provided to the City upon request.

- (3) If, at the direction of the person who ordered the taxi, passengers are picked up at different locations to be carried to the same destination, the taxi driver shall charge no more than what the lawful charge would be for a continuous trip from the starting location to the end destination.
- (4) If several passengers, each of whom has ordered taxi service, are carried from the same location in one taxi to different destinations, each destination shall be deemed to be the end of a trip, and at each destination the taxi driver shall clear the taximeter and charge for each such trip the amount recorded on the taximeter.
- (5) If, at the direction of the person who ordered the taxi, passengers who entered the taxi at the same location are to be carried to different destinations, the taxi driver shall charge no more than what the lawful charge would be for a continuous trip from the starting destination to the end destination.

Fares to be Paid

- 35. No person, having received vehicle-for-hire service or taxi service, shall fail or neglect to pay the fare charged pursuant to section 34 at the conclusion of the trip.

Engaging Taximeter

- 36. (1) The taximeter must be engaged at the commencement of each taxi trip, once the passenger is loaded into the taxi, regardless whether a fare is being charged for the trip, or the taxi is being used on an hourly rate basis or otherwise pursuant to a written contract.
- (2) The taximeter must remain engaged throughout a taxi trip and be disengaged to the time off status only at the end of the trip once the destination is reached.
- (3) The taximeter must reflect the vacant status once payment for the trip has been received and the passenger has disembarked from the taxi.
- (4) Notwithstanding subsection (1), the taximeter may be engaged prior to loading a passenger only when the driver has been requested by the passenger to wait for a period in excess of 5 minutes, or at the consent of the passenger.

DIVISION II
Taxi Cleaning Amount

Charging a Cleaning Amount

37. (1) A taxi driver may include an amount, established by Schedule “B”, in the fare if a passenger soils the interior of the taxi with bodily fluids.
- (2) The amount mentioned in subsection (1) shall be clearly identified by the taxi driver to the passenger when charged pursuant to section 34.
- (3) No passenger, having soiled the interior of a taxi with bodily fluids, shall neglect or fail to pay the amount mentioned in subsection (1) at the conclusion of the trip.

Appealing a Cleaning Amount

38. (1) Notwithstanding subsection 37(3), if a passenger believes that an amount has been improperly included in a fare pursuant to subsection 37(1), the passenger may appeal to the General Manager.
- (2) If the General Manager determines that an amount has been improperly included in a fare:
- (a) the taxi driver and the taxi broker may be found in contravention of subsection 65(1); and
- (b) the General Manager may require the taxi driver or taxi broker to refund the amount to the passenger.

DIVISION III
TNC Driver Obligations

TNC Driver

39. No person shall provide vehicle-for-hire service unless that person is a TNC driver.

TNC Driver Responsibilities

40. (1) Every TNC driver shall:

- (a) be at least 18 years of age;

Driver Appearance and Behaviour

- (b) maintain a clean and properly groomed personal appearance, dressing appropriately to provide a public service;
- (c) conduct themselves in a courteous, prudent and safe manner;

Fares to be Charged

- (d) charge a fare as established by Schedule "B";

Requirement to Provide Service

- (e) provide service to any person when dispatched through a transportation network;
- (f) provide service to any passenger unless the passenger engages in abusive, violent or threatening behaviour;
- (g) provide reasonable assistance to any passenger as requested or required in the circumstances;
- (h) ensure that all trips are logged through the transportation network;

Most Economical Route

- (i) take the most economical route from the starting location to the end destination unless otherwise directed by the passenger;

Number of Passengers

- (j) permit no more passengers than the number of seatbelts available for use in the vehicle;

Passenger Property

- (k) take care of all property delivered or entrusted to them, or left in the vehicle by any passenger;

- (l) at the conclusion of each trip:
 - (i) take all reasonable steps to identify any property left in the TNC vehicle by a passenger and return the property to the passenger; and
 - (ii) if the passenger cannot be located or the property cannot otherwise reasonably be returned to the passenger, deliver the property to the Lost & Found Department of the Saskatoon Police Service within 48 hours of the conclusion of the trip;

Documents to be Kept in TNC Vehicle

- (m) ensure that the following are in the TNC vehicle at all times when providing vehicle-for-hire service:
 - (i) proof of their affiliation with a licensed transportation network company;
 - (ii) their valid and subsisting prescribed class of Saskatchewan Driver's Licence issued by Saskatchewan Government Insurance;
 - (iii) the validated vehicle inspection certificate, as required by section 54;

Documents Produced Upon Request

- (n) produce, upon request by the City:
 - (i) proof of their affiliation with a licensed transportation network company;
 - (ii) their valid and subsisting prescribed class of Saskatchewan Driver's Licence issued by Saskatchewan Government Insurance;
 - (iii) the current certificate of registration for the TNC vehicle;
 - (iv) the validated vehicle inspection certificate, as required by section 54;
 - (v) proof of valid insurance that meets the prescribed requirements; and

- (vi) any other information pertaining to the operation of the TNC vehicle requested by the City;

Reporting Requirements

- (o) immediately report to the transportation network company of:
 - (i) being charged with or convicted of any prescribed criminal offence; or
 - (ii) suspension, cancellation, revocation, invalidation or amendment of their driving privileges or Saskatchewan Driver's Licence;

Vehicle Cleanliness, Maintenance and Repair

- (p) ensure that the TNC vehicle complies with Division I of Part IV;
- (q) upon request by the City, immediately produce the TNC vehicle to the City for additional inspections to ensure compliance with this Bylaw; and

Service Animals

- (r) permit a passenger with a disability to be accompanied by their service animal in the vehicle.
- (2) In addition to subsection (1), every TNC driver providing vehicle-for-hire service in a wheelchair accessible TNC vehicle shall:
- (a) operate a wheelchair accessible TNC vehicle only when the vehicle and its equipment comply with Canadian Standards Association standard D409-92;
 - (b) properly restrain every person in a wheelchair or other mobility aid; and
 - (c) produce a valid D409 certificate upon request by the City.

Street Hailing

41. A TNC driver shall not engage in street hailing at any time and shall only provide vehicle-for-hire service dispatched through a transportation network.

Accepting Payment

42. A TNC driver shall not accept payment by cash, cheque or by means of an electronic payment system that is separate from the transportation network.

DIVISION IV Transportation Network Company Obligations

Transportation Network Company Responsibilities

43. (1) Every transportation network company shall:

Responsibility for Drivers

- (a) ensure that its TNC drivers:
 - (i) are at least 18 years of age;
 - (ii) hold a valid and subsisting prescribed class of Saskatchewan Driver's Licence;
 - (iii) have valid insurance that complies with *The Vehicles for Hire Act* and meets the prescribed requirements;
 - (iv) have a criminal record check that meets the prescribed requirements and includes a vulnerable sector check;
 - (v) have not:
 - (A) been charged with or convicted of any prescribed criminal offence;
 - (B) received a positive vulnerable sector check; or
 - (C) had their driving privileges or their Saskatchewan Driver's Licence suspended, cancelled, revoked or invalidated for any reason;
 - (vi) immediately report to it if:
 - (i) they are charged with or convicted of any prescribed criminal offence; or

- (ii) their driving privileges or their Saskatchewan Driver's Licence are suspended, cancelled, revoked, invalidated or amended for any reason; and
- (vii) otherwise conduct themselves in accordance with section 40;

Display of Information

- (b) ensure that the following information is available to all passengers of a TNC driver providing vehicle-for-hire service:
 - (i) transportation network company name and contact information;
 - (ii) City contact information, as established by the City;
 - (iii) TNC driver's first name and a current photograph of the TNC driver's face;
 - (iv) provincial licence plate, make and model of the vehicle;
 - (v) the applicable fare in accordance with Schedule "B";

Responsibility for Vehicles

- (c) only dispatch a vehicle if the vehicle:
 - (i) has a current vehicle registration that complies with *The Vehicles for Hire Act*;
 - (ii) has valid insurance that complies with *The Vehicles for Hire Act* and meets the prescribed requirements;
 - (iii) has a validated vehicle inspection certificate, as required by section 54;
 - (iv) is marked in accordance with section 51; and
 - (v) otherwise complies with Division I of Part IV;

Trip Data

- (d) collect trip data and retain the same pursuant to section 44;

- (e) report trip data to the City on a monthly basis. Trip data is to be received by the City no later than the 15th day of each month for the previous month;
- (f) remit the applicable per-trip fees and any surcharges in accordance with Schedule "A";

Inspections

- (g) upon request by the City, immediately produce a vehicle to the City for additional inspections to ensure compliance with this Bylaw;

Complaints Process

- (h) establish and maintain a documented complaints process to promptly investigate and respond to complaints regarding service, fares, or the condition or operation of any vehicle, received by the transportation network company from the public; and
 - (i) make all relevant data from the complaints process available for inspection by the City upon request.
- (2) The information required by clause (1)(b) may be provided electronically through the transportation network.

Dispatch Records

44. (1) A transportation network company shall keep records related to all vehicles and TNC drivers dispatched by it, including:
- (a) an account of all trips in the form established by the City;
 - (b) a list of all TNC drivers and all vehicles used by TNC drivers;
 - (c) information to confirm compliance with clauses 43(1)(a) and 43(1)(c); and
 - (d) any other information required by the City to ensure compliance with this Bylaw.
- (2) A transportation network company shall keep all of the records required by subsection (1) for a minimum of one year of the date of the record.

- (3) Upon request by the City, a transportation network company shall, within 10 days of the request, provide copies, or access to an electronic database, of any record required to be kept by the transportation network company pursuant to subsection (1).

DIVISION V Transportation Network

Transportation Network Features

45. A transportation network shall:

- (a) at the time of the request, disclose to the passenger requesting the vehicle-for-hire service:
 - (i) the first name and photograph of the TNC driver providing the vehicle-for-hire service;
 - (ii) a description of the make, model, colour and provincial licence plate of the TNC vehicle;
 - (iii) the applicable rate being charged for the trip;
 - (iv) any variable or surge pricing for the trip; and
 - (v) an estimate of the total fare for the trip;
- (b) allow the passenger to track the location and route of the TNC vehicle while en route to pick up the passenger and while carrying the passenger;
- (c) provide the ability for the passenger to rate the TNC driver;
- (d) include a process by which the passenger accepts or refuses the vehicle-for-hire service prior to the trip commencing and keep a record of such acceptance or refusal;
- (e) provide an electronic payment system; and
- (f) provide an electronic receipt to the passenger at the end of the trip or shortly thereafter that includes information confirming:
 - (i) the total fare paid for the trip;

- (ii) the date, time and duration of the trip;
- (iii) the location at which the passenger was picked up and location to which the passenger was driven;
- (iv) the first name of the TNC driver; and
- (v) the provincial licence plate number of the TNC vehicle.

DIVISION VI **Taxi Driver Obligations**

Taxi Driver's Responsibilities

46. (1) Every taxi driver shall:

Driver Appearance and Behaviour

- (a) at all times when operating a taxi, maintain a clean and properly groomed personal appearance, dressing appropriately to provide a public service as per the policy established by the taxi broker;
- (b) at all times when operating a taxi, conduct themselves in a courteous, prudent and safe manner;

Licence and Taxi Fares Visible

- (c) at all times when operating a taxi, have their taxi driver's licence, including photo clearly visible to passengers;
- (d) at all times when operating a taxi, ensure that a clear decal indicating the applicable taxi fares as established by Schedule "B" is affixed to the interior of the taxi and is plainly visible to passengers;

Taxi Broker Affiliation

- (e) be affiliated with a taxi broker;

Taxi Fares to be Charged

- (f) engage the taximeter in accordance with section 36;
- (g) operate a taxi only when the taximeter is sealed and the seal is intact;

- (h) charge the taxi fares in accordance with section 34;
- (i) when an amount pursuant to section 37 is charged, immediately:
 - (i) report the amount charged to the City; and
 - (ii) provide the City with the in-car camera footage of the soiling for which the amount was charged;

Responding to Calls

- (j) provide service to any person when dispatched by a taxi broker as being the next available taxi nearest the location of the request for service according to the taxi broker's computerized global positioning system;
- (k) provide service to any person anywhere in the City or to any point beyond the City limits for the taxi fare established by Schedule "B";
- (l) provide service to any passenger unless the passenger engages in abusive, violent or threatening behaviour;
- (m) be signed in to the dispatch system of the taxi brokerage at all times the taxi is on duty;
- (n) ensure that all trips are logged in through the dispatch system of the taxi brokerage;

Most Economical Route

- (o) take the most economical route from the starting location to the end destination when the general fare as established by Schedule "B" applies, unless otherwise directed by the passenger;

Number of Passengers

- (p) permit no more passengers than the number of seatbelts available for use in the taxi;

Passenger Property

- (q) take care of all property delivered or entrusted to them, or left in the taxi by any passenger;

- (r) at the conclusion of each trip:
 - (i) take all reasonable steps to identify any property left in the taxi by a passenger and return the property to the passenger; and
 - (ii) if the passenger cannot be located or the property cannot otherwise reasonably be returned to the passenger, deliver the property to the Lost & Found Department of the Saskatoon Police Service within 48 hours of the conclusion of the trip;

Receipts

- (s) upon the request of the passenger, provide a receipt for the trip;

Documents to be Kept in Taxi

- (t) at all times when operating a taxi, ensure that the following documents are in the taxi:
 - (i) a validated Light Vehicle Safety Inspection Certificate or a copy thereof;
 - (ii) a current Saskatchewan Driver's Licence issued by Saskatchewan Government Insurance;
 - (iii) a current taxi driver's licence issued by the City;

Documents Produced Upon Request

- (u) produce, upon request by the City:
 - (i) a validated Light Vehicle Safety Inspection Certificate or a copy thereof;
 - (ii) a current Saskatchewan Driver's Licence issued by Saskatchewan Government Insurance;
 - (iii) a current taxi driver's licence issued by the City; and
 - (iv) a current vehicle registration for the taxi;

Reporting Requirements

- (v) immediately notify the City of:

- (i) being charged with or convicted of any prescribed criminal offence; or
- (ii) cancellation, suspension, revocation, invalidation or amendment of their driving privileges or Saskatchewan Driver's Licence;

Vehicle Cleanliness, Maintenance and Repair

- (w) maintain the interior and the exterior of a taxi in accordance with section 52;

Taxi Stands

- (x) enter a taxi stand by positioning the taxi at the end of any line formed by other taxis; and

Service Animals

- (y) permit a passenger with a disability to be accompanied by their service animal in the taxi.
- (2) In addition to subsection (1), every taxi driver operating under a wheelchair accessible taxi licence or a temporary wheelchair accessible taxi licence shall:
- (a) operate a wheelchair accessible taxi only when the vehicle and its equipment comply with Canadian Standards Association standard D409-92;
 - (b) properly restrain every occupant of a wheelchair or other mobility aid;
 - (c) produce, upon the request of the City, a valid D409 certificate; and
 - (d) accept dispatch requests for accessible taxi service from or for a person with a disability related to mobility on a priority basis.

DIVISION VII Taxi Owner Obligations

Taxi Owner's Responsibilities

47. (1) Every taxi owner shall:

Licences, Registration, Insurance and Safety

- (a) hold a separate taxi licence or wheelchair accessible taxi licence for each taxi or wheelchair accessible taxi;
- (b) maintain vehicle registration and insurance on each taxi or wheelchair accessible taxi identifying the owner of the vehicle and class PT designation;
- (c) file with the City, at least 3 business days prior to the expiry date of any current insurance policy, an insurance renewal policy or a certificate of insurance;
- (d) submit each taxi for a safety inspection in accordance with section 54 and ensure that each taxi complies with the safety requirements to maintain a validated Light Vehicle Inspection Certificate;

Use of Licensed Drivers Only

- (e) ensure that drivers driving for the owner hold a valid taxi driver's licence issued by the City;

Change of Broker Affiliation

- (f) within 3 business days, notify the City if the owner changes affiliation with a taxi broker;

Vehicle Equipment and Markings

- (g) securely affix the owner plate issued to each taxi or wheelchair accessible taxi to the taxi or wheelchair accessible taxi;
- (h) ensure that every taxi is equipped with the proper vehicle equipment and otherwise complies with Part IV;
- (i) ensure the immediate repair of any mechanical defects when reported by a taxi driver, taxi broker or the City;

Documents to Remain in the Taxi

- (j) keep at all times in each taxi or wheelchair accessible taxi the original or a photocopy of:
 - (i) the current certificate of registration for the taxi or wheelchair accessible taxi;

- (ii) the current taxi licence or wheelchair accessible taxi licence;
and
- (iii) the validated Light Vehicle Inspection Certificate;

Notification of Information Change

- (k) immediately notify the City of a change of address;
 - (l) immediately notify the City of a change of ownership of a taxi licence in accordance with section 18; and
 - (m) immediately notify the City of an owner plate transfer in accordance with section 20.
- (2) In addition to the responsibilities mentioned in subsection (1), every owner operating under a wheelchair accessible taxi licence shall:
- (a) ensure that priority is given to the conveyance of passengers with a disability related to mobility;
 - (b) ensure that the wheelchair accessible taxi is equipped with the appropriate tie downs or other equipment to properly secure passengers with disabilities using a wheelchair or other mobility aid; and
 - (c) ensure that a wheelchair accessible taxi and its equipment complies at all times with Canadian Standards Association standard D409-92.

DIVISION VIII
Taxi Broker Obligations

Taxi Broker's Responsibilities

48. Every taxi broker shall:

Permanent Office

- (a) maintain a permanent office in the City where the taxi brokerage business is carried on;

Taxi Driver and Owner Affiliation

- (b) maintain a list of all taxi drivers and taxi owners affiliated with the taxi broker;
- (c) upon the request of the City, provide the list of all taxi drivers and taxi owners with whom the taxi broker is affiliated;
- (d) within 3 business days, notify the City if a licensed taxi owner ceases affiliation with the taxi broker;

Dispatch Services

- (e) provide or ensure that dispatch services are provided 24 hours per day, seven days per week;
- (f) have a telephone number listed in the local telephone directory where the taxi broker can be reached at all times;
- (g) ensure that taxis are dispatched only to drivers holding a current taxi driver's licence issued by the City;
- (h) dispatch taxi drivers on the basis of the next available taxi located nearest the location of the request for service;
- (i) dispatch requests for wheelchair accessible taxi service from or for a person with a disability related to mobility on a priority basis to the next available wheelchair accessible taxi located nearest the location of the request for service;
- (j) dispatch requests for assistance from a taxi driver on a priority basis;

Responsibility for Drivers

- (k) ensure that taxi drivers affiliated with the taxi broker immediately report to the City if:
 - (i) they are charged with or convicted of any prescribed criminal offence; or
 - (ii) their driving privileges or their Saskatchewan Driver's Licence are suspended, cancelled, revoked, invalidated or amended for any reason;
- (l) ensure that taxi drivers affiliated with the taxi broker hold a valid taxi driver's licence issued by the City;

- (m) ensure that taxi drivers affiliated with the taxi broker do not operate taxis failing to display proper vehicle markings or vehicle markings associated with another broker;
- (n) ensure that taxi drivers affiliated with the taxi broker maintain a clean and properly groomed personal appearance, dressing appropriately to provide a public service;
- (o) ensure that taxi drivers affiliated with the taxi broker conduct themselves in a courteous, prudent and safe manner;
- (p) ensure that taxi drivers affiliated with the taxi broker are signed in to the dispatch system at all times when the taxi is on duty;
- (q) ensure that the taximeter is sealed at all times;
- (r) ensure that taxi drivers affiliated with the taxi broker charge only the taxi fares mentioned in section 34;
- (s) ensure that taxi drivers affiliated with the taxi broker immediately:
 - (i) report to the City when they charge an amount pursuant to section 37; and
 - (ii) provide the City with the in-car camera footage of the soiling for which the amount was charged;

Vehicle Equipment and Markings

- (t) ensure that at all times when a taxi is engaged in providing services, a clear decal indicating the applicable taxi fares as established by Schedule "B" is located in the taxi in plain view of passengers;
- (u) ensure that every taxi is equipped with the proper vehicle equipment, displays the proper taxi vehicle markings and otherwise complies with Part IV;
- (v) produce each taxi annually for the purposes of testing the taximeter;
- (w) ensure the continued compliance of each taxi with the safety requirements to maintain a validated Light Vehicle Inspection Certificate;
- (x) ensure the continued filing, with the City, at least 3 business days prior to the expiry date of any current insurance policy, an insurance renewal policy or a certificate of insurance;

Trip Data

- (y) collect trip data and retain the same for a period of not less than three months;
- (z) report trip data to the City on a monthly basis. Trip data is to be received by the City no later than the 15th day of each month for the previous month;
- (aa) upon request of the City, permit the City direct access to the taxi dispatch system to verify the accuracy of the trip data being supplied by the taxi broker;

Inspections

- (bb) upon the request of the City, immediately produce a taxi to the City for additional inspections to ensure compliance with this Bylaw;

Insurance

- (cc) ensure that every taxi affiliated with the taxi broker is covered by liability insurance in the amount of \$2 Million identifying the City as an additional insured;

Complaints Process

- (dd) establish and maintain a documented complaints process to promptly investigate and respond to complaints regarding service, fares, or the condition or operation of any vehicle, received by the taxi broker from the public; and
- (ee) make all relevant data from the complaints process available for inspection by the City upon request.

Fewer than 5% Wheelchair Accessible Taxis

- 49. (1) Subject to subsection (2), any taxi broker with less than five percent of its licensed taxi fleet being wheelchair accessible taxis shall pay the per trip accessibility surcharge established by Schedule "A".
- (2) The per trip accessibility surcharge established by Schedule "A" shall only be paid for trips by taxis that are not wheelchair accessible taxis.

PART IV
Vehicle Requirements

DIVISION I
General

Compliance

50. Every taxi and TNC vehicle in the City shall comply with this Division.

Vehicle Markings

51. (1) Every TNC vehicle shall have:
- (a) decal identification that meets the prescribed requirements; and
 - (b) no equipment or markings in or on the vehicle that identify the vehicle as a taxi, including:
 - (i) the words “taxi”, “cab” or “accessible taxi”;
 - (ii) a top light or meter; or
 - (iii) a brokerage’s name, contact information or logo.
- (2) Nothing in subsection (1) restricts a wheelchair accessible TNC vehicle from displaying the international symbol of access, provided that it does not exceed 20 cm x 20 cm and does not contain any words.
- (3) Every taxi must have a decal or other marking identifying the taxi broker with which the taxi is affiliated affixed to each side of the vehicle.

Vehicle Cleanliness, Maintenance and Repair

52. (1) The interior of every vehicle including the trunk shall be maintained in a clean and tidy condition. Without limiting the generality of the foregoing, at a minimum, the vehicle shall be:
- (a) free of all dirt, dust, grease, oil and any item which can be transferred onto a passenger’s clothing or possessions;

- (b) free of all garbage or other items not intrinsic to the operation of the vehicle;
 - (c) free of all noxious substances; and
 - (d) free of excess wear, including tears and cigarette burns in the upholstery.
- (2) The exterior of every vehicle shall be maintained in good repair and in a clean condition, free from exterior body damage and excessive dirt and dust.

Vehicle Age

53. (1) Every vehicle used:
- (a) as a taxi shall be no more than seven years old, subject to clause (b);
 - (b) as a wheelchair accessible taxi shall be no more than nine years old; and
 - (c) as a TNC vehicle shall be no more than ten years old.
- (2) For the purposes of this section, the age of the vehicle shall be determined in accordance with the following formula:

$$VA = CLY - VMY$$

where:

VA = age of vehicle

CLY = calendar year

VMY = vehicle model year

Vehicle Inspection and Safety

54. (1) Every vehicle shall have an annual Light Vehicle Inspection completed by a Saskatchewan Government Insurance accredited mechanic at a facility approved by Saskatchewan Government Insurance.
- (2) Notwithstanding subsection (1), the City may, in its discretion, require more frequent inspections at a facility appointed by the City.

- (3) A copy of the current vehicle inspection certificate provided pursuant to subsection (1) shall remain in the vehicle at all times.
- (4) The validated Light Vehicle Inspection Certificate sticker must be affixed to the rear passenger side window of a taxi at all times.

DIVISION II **Taxi Equipment**

Taxi Equipment

55. Every taxi must be equipped with:

- (a) a taximeter approved by the City;
- (b) electronic equipment capable of accepting credit card and debit payments for services rendered;
- (c) electronic equipment capable of accepting dispatch calls;
- (d) an emergency call button;
- (e) a global positioning system;
- (f) fully functional dome lights and topper capable of illumination; and
- (g) a fully functional in-car camera.

Taximeters

56. (1) Every taximeter must be:

- (a) tested and sealed by the City annually or otherwise as required by the City;
- (b) equipped with a light of sufficient power to illuminate the dial of the taximeter at all times when the taxi is on duty;
- (c) clearly visible to passengers at all times when the taxi is on duty;
- (d) maintained in good working condition at all times;

- (e) set so as to record the fare according to the taxi fares established by Schedule "B" and affixed to the interior of the vehicle;
 - (f) used only when an authorized seal is intact; and
 - (g) capable of calculating and displaying a fare based on time and distance.
- (2) Notwithstanding clause 1(a), every taxi must be produced sooner upon the request of the City for the purposes of resetting the taximeter in the event of a change in the taxi fares established by this Bylaw or otherwise as requested by the City. The taximeter must be resealed by the City in the event of any change in the taxi fares.
- (3) No person shall tamper with a taximeter or seal.

Global Positioning Systems

57. Every global positioning system must:

- (a) be capable of tracking and locating the position of a taxi;
- (b) include a taxi location system;
- (c) be equipped with an emergency call button; and
- (d) be fully operational at all times when the taxi is available for hire to the public.

In-Car Camera

58. (1) Every in-car camera must:

- (a) be mounted on the inside of the taxi windshield;
 - (b) fully show the interior of the taxi; and
 - (c) be fully operational at all times when the taxi is available for hire to the public.
- (2) Decals must be affixed to both rear side windows notifying potential passengers of the presence of in-car cameras.

- (3) No person shall:
 - (a) tamper or interfere with an in-car camera; or
 - (b) block, obstruct or disable an in-car camera such that it cannot capture and record audio and video of all occupants of the taxi.

PART V
Authority, Inspections and Enforcement Procedures

DIVISION I
Authority

Delegation of Authority

- 59. (1) The administration and enforcement of this Bylaw is delegated to the General Manager.
- (2) The General Manager is authorized to further delegate the administration and enforcement of this Bylaw, in whole or in part, to other employees of the City and to the Saskatoon Police Service.
- (3) The General Manager may appoint any vehicle-for-hire inspectors that the General Manager considers necessary and define their duties and responsibilities.

DIVISION II
Inspections

Inspectors

- 60. Every vehicle-for-hire inspector shall:
 - (a) administer and enforce this Bylaw;
 - (b) carry out inspections under this Bylaw; and
 - (c) perform any other duties and exercise any other powers that may be delegated by the General Manager.

Inspections

61. (1) The inspection of property, including vehicles, by the City to determine if this Bylaw is being complied with is authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with section 324 of *The Cities Act*.
- (3) The City, in conducting an inspection may:
- (a) collect data;
 - (b) conduct any test;
 - (c) examine books, records and documents; and
 - (d) require production of documents and property for the purposes of examination or making copies.
- (4) No person shall obstruct a person who is authorized to conduct an inspection under this section, or a person who is assisting in that inspection.
- (5) If a person refuses to allow or interferes with an inspection authorized by this section, or if a person fails to respond to a reasonable request for access to a property, the City may apply for a warrant authorizing entry in accordance with section 325 of *The Cities Act*.

DIVISION III Suspension and Cancellation of Licences

Licence Suspension and Cancellation

62. (1) A licence issued under this Bylaw may be suspended or cancelled for any of the following reasons:
- (a) a licensee, an employee of a licensee or a TNC driver has violated or failed to comply with this Bylaw;
 - (b) a licensee, an employee of a licensee or a TNC driver has violated or failed to comply with a condition of the licence;
 - (c) a licensee, an employee of a licensee or a TNC driver has refused to allow an inspection as authorized by this Bylaw;

- (d) a licensee has given false or misleading information in the application for the licence;
 - (e) in the case of a taxi driver, a licensee has been charged with or convicted of any prescribed criminal offence or the licensee's driving privileges or Saskatchewan Driver's Licence has been suspended, cancelled, revoked, invalidated or amended. The fact that a conviction is being appealed shall have no effect on the suspension or cancellation of the licence.
- (2) The City shall provide written notice of the suspension or cancellation in a brief statement setting forth the complaint, the grounds for suspension or cancellation and notifying the licensee of the right to appeal. Such notice shall be given or served in accordance with section 347 of *The Cities Act*.
 - (3) If the City cancels a licence, the fee paid by the licensee shall be forfeited. A person whose licence has been cancelled under this section shall not apply for a new licence for a period of one year from the date that the cancellation took place.
 - (4) The power to suspend or cancel a licence pursuant to this section is in addition to the penalties contained in section 65. The City may suspend or cancel a licence whether or not the licensee has been charged or convicted of an offence under this Bylaw.

DIVISION IV

Right to Appeal Licence Conditions, Denial, Suspension or Cancellation of Licence

Right to Appeal

- 63. (1) The aggrieved party may appeal to the Saskatoon Licence Appeal Board the City's decision to:
 - (a) deny, suspend or cancel a licence issued under this Bylaw;
 - (b) not renew a licence issued under this Bylaw; or
 - (c) impose conditions on a licence issued under this Bylaw.

- (2) The rules, procedure and time limits for an appeal pursuant to subsection (1) shall be governed by the provisions of *The Saskatoon Licence Appeal Board Bylaw, 2012*.
- (3) In determining an appeal, the Saskatoon Licence Appeal Board:
 - (a) is bound by the provisions of this Bylaw; and
 - (b) may modify or repeal the City's decision or substitute its own decision only if it is satisfied on a balance of probabilities that the City has misapplied the provisions of this Bylaw in the denial, suspension or cancellation of a licence or the imposition of conditions on a licence.

DIVISION V Impoundment of Vehicle

Impoundment

- 64. (1) If, in the opinion of the City, a taxi is unsafe to convey passengers, the City may order that the taxi be removed from service immediately.
- (2) An order pursuant to subsection (1) may be given, verbally or in writing, to all or any of the following:
 - (a) the taxi owner;
 - (b) the taxi broker;
 - (c) the taxi driver.
- (3) Upon receipt of an order, the person to whom the order is directed shall immediately remove the taxi from service.
- (4) The taxi shall remain out of service until the taxi passes a Light Vehicle Inspection completed by a Saskatchewan Government Insurance accredited mechanic.
- (5) If the person to whom the order is directed refuses or neglects to remove the taxi from service, the City may impound the taxi.
- (6) The taxi, if impounded, shall not be removed or released until all fees, costs and charges relating to the impoundment have been paid.

PART VI
Offences and Penalties

Offences and Penalties

65. (1) No person shall:
- (a) contravene or fail to comply with any provision of this Bylaw;
 - (b) contravene or fail to comply with a term or condition of any licence;
 - (c) obstruct or interfere with an employee or agent of the City exercising any of the powers conferred by this Bylaw; or
 - (d) destroy, alter or deface a licence issued pursuant to this Bylaw.
- (2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction:
- (a) for a first offence:
 - (i) in the case of an individual, to a fine of not less than \$250.00 and not more than \$1,000.00, to imprisonment for not more than two months, or both;
 - (ii) in the case of a corporation, to a fine of not less than \$500.00 and not more than \$2,000.00; and
 - (iii) in the case of a continuing offence, to a further fine of not less than \$250.00 and not more than \$2,500.00 per day or part of a day during which the offence continues; and
 - (b) for a second or subsequent offence:
 - (i) in the case of an individual, to a fine of not less than \$500.00 and not more than \$2,500.00, to imprisonment for not more than three months, or both;
 - (ii) in the case of a corporation, to a fine of not less than \$1,000.00 and not more than \$5,000.00; and
 - (iii) in the case of a continuing offence, to a further fine of not less than \$500.00 and not more than \$2,500.00 per day or part of a day during which the offence continues.

- (3) If a person is found guilty of an offence under this Bylaw, the court may, in addition to any other penalty imposed:
 - (a) in the case of a person who holds a licence, suspend the licence for a term of not more than three months; and
 - (b) in the case of a person who did not hold a licence at the time of the conviction, order that the person is ineligible to apply for a licence for a term of not more than three months.
- (4) Offences under this Bylaw are designated as offences for which proceedings may be commenced pursuant to Part III of *The Summary Offences Procedure Act, 1990* by the issuance of a summons ticket.
- (5)
 - (a) Notwithstanding subsection (2), in the case of a person who contravenes subsection (1) for the first time, a vehicle-for-hire inspector or a peace officer may issue a notice of violation to that person.
 - (b) The notice of violation shall provide that the person shall not be prosecuted for the contravention if the person, within 14 calendar days of the date of the notice of violation, pays the City the sum of:
 - (i) \$250.00 in the case of an individual; or
 - (ii) \$500.00 in the case of a corporation.
 - (c) The fine pursuant to clause (b) may be paid:
 - (i) in person, during regular office hours, to the cashier located at City Hall, Saskatoon, Saskatchewan;
 - (ii) by deposit, at the depository located at the main entrance to City Hall, Saskatoon, Saskatchewan; or
 - (iii) by mail, addressed to Corporate Revenue, City Hall, 222 – 3rd Avenue North, Saskatoon, Saskatchewan S7K 0J5.
- (6) A person to whom a summons ticket is issued pursuant to subsection (4) or to whom a notice of violation is issued pursuant to subsection (5) shall, upon the request by the person issuing the summons ticket or notice of violation, provide their name, address and date of birth. A person who fails to provide this information is guilty of an offence and liable on summary conviction to the penalty set out in subsection (2).

- (7) If the prosecutor considers it appropriate, the prosecutor may, on or before the court appearance date, permit a person who has been issued a summons ticket to pay the amount specified in clause (5)(b) to avoid prosecution.

PART VII Miscellaneous

Annual Reporting

66. The General Manager shall report to Council annually with respect to:
- (a) the fees and fares to be charged under this Bylaw;
 - (b) recommended changes to this Bylaw; and
 - (c) the operation of wheelchair accessible taxis including any compliance issues.

Bylaw to Prevail

67. If this Bylaw conflicts with any other bylaw of the City, this Bylaw prevails.

Bylaw No. 9070 Repealed

68. *The Taxi Bylaw, 2014* is repealed.

Bylaw No. 9548 Repealed

69. *The Transportation Network Company Bylaw, 2018* is repealed.

Coming into Force

70. (1) Subject to subsection (2), this Bylaw comes into force on the day of its final passing.
- (2) Section 49 comes into force on January 1, 2020.

Read a first time this 30th day of September, 2019.

Read a second time this 30th day of September, 2019.

Read a third time and passed this 30th day of September, 2019.

"Charlie Clark"

Mayor

"Joanne Sproule"

City Clerk

"SEAL"

Schedule “A”

Fees

1. Transportation Network Company Fees & Surcharges

- (1) TNC Licence Fee - 1 to 10 TNC vehicles \$2,500
- (2) TNC Licence Fee - 11 to 50 TNC vehicles \$12,500
- (3) TNC Licence Fee - 51 or more TNC vehicles \$25,000
- (4) Per-Trip Fee \$0.20
- (5) Per Trip Accessibility Surcharge.....\$0.07
- (6) The per-trip fees and accessibility surcharges shall be received by the City from the transportation network company no later than the 15th day of each month for the previous month.
- (7) The per trip accessibility surcharge shall only be paid for trips by TNC vehicles that are not wheelchair accessible TNC vehicles.

2. Taxi Licence Fees & Surcharges

- (1) Taxi Licence Fee \$525.00
- (2) Taxi Broker Licence Fee \$305.00
- (3) Taxi Driver Licence Fee \$35.00
- (4) Wheelchair Accessible Taxi Licence Fee\$25.00
- (5) Temporary Wheelchair Accessible Taxi Licence Fee \$25.00
per licence year
- (6) Enterprise Taxi Licence Fee \$350.00
per licence year
- (7) Per Trip Accessibility Surcharge..... \$0.07
- (8) The per-trip accessibility surcharge shall be received by the City from the taxi brokerage no later than the 15th day of each month for the previous month.

3. Taxi Transfer Fees

(1) Taxi Licence Transfer Fee \$375.00

(2) Wheelchair Accessible Taxi Licence Transfer Fee \$375.00

4. Owner Plate Replacement Fee \$25.00

5. Enterprise Taxi Lottery Participation Fee \$50.00

Schedule “B”

Fares

Vehicle-for-hire Service Fares

1. The minimum fare shall be at least \$3.75 per trip.

Taxi Fares

General Taxi Fares

2.
 - (a) \$3.75 for the first 130 metres or portion thereof;
 - (b) \$0.25 for each additional 130 metres or portion thereof; and
 - (c) \$0.25 for each additional 35 seconds of time while the taxi is on a trip, including waiting at the request of passengers.

General Van Taxi Fares

3. 1.5 times the amount shown on the taximeter when a van taxi is carrying five or more passengers, or is carrying an amount of luggage or freight that cannot be accommodated by a sedan-type taxi.
4. General Van Taxi Fare does not apply to wheelchair accessible taxis carrying a passenger using a wheelchair or other mobility aid.

Hourly Fares

5.
 - (a) \$40.00 per hour up to 16 kilometres; and
 - (b) \$1.92 for each additional kilometre in excess of 16.

General Provisions

6. All trips provided by a wheelchair accessible taxi shall be subject to the General Taxi Fares unless the General Van Taxi Fares otherwise apply.
7. All taxi fares as established by this Schedule shall include the Federal Goods and Services Tax.

8. There shall be no extra charge for normal hand baggage.
9. In addition to any taxi fare established by this Schedule, when payment is made by debit transaction an optional surcharge of up to \$0.90 may be added to the taxi fare for each debit transaction.
10. In accordance with section 37, an amount of \$100.00 may be included in the taxi fare when a passenger soils the interior of a taxi with bodily fluids.

Bylaw No. 9525

The Cannabis Business License Bylaw, 2018

**Codified to Bylaw No. 9645
(September 30, 2019)**

BYLAW NO. 9525

The Cannabis Business License Bylaw, 2018

Whereas under the provisions of clause 8(1)(b) of *The Cities Act*, S.S. 2002, c. C-11.1, a city has the general power to pass any bylaw that it considers expedient in relation to the safety, health and welfare of people and the protection of people and property;

And whereas under the provisions of clause 8(1)(h) of *The Cities Act*, a city has the general power to pass any bylaw that it considers expedient in relation to businesses, business activities and persons engaged in business;

And whereas under subsection 8(3) of *The Cities Act*, the power to pass bylaws includes the power to:

- regulate or prohibit;
- provide for a system of licenses, inspections, permits or approvals;
- establish fees for the license;
- prohibit any business until a license has been granted or an inspection performed;
- impose terms or conditions on any license;
- impose conditions that must be met before a license is granted or renewed;
- provide for the duration of licenses and their suspension or cancellation for failure to comply with a term or condition of the bylaw or for any other reason specified in the bylaw;
- specify a minimum distance that two or more businesses within a class or two or more classes of businesses must be separated from one another;
- provide for an appeal, the body that is to decide the appeal and related matters;

And whereas the Federal Government has legalized recreational cannabis use;

And whereas the Provincial Government will be regulating certain areas of recreational cannabis use;

And whereas The City of Saskatoon desires to pass a bylaw to license cannabis-related businesses;

And whereas The City of Saskatoon recognizes Parliament's jurisdiction to regulate in the field of criminal law and that the City has limited jurisdiction to deal with such matters.

Now therefore, the Council of The City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as *The Cannabis Business License Bylaw, 2018*.

Definitions

2. In this Bylaw:
 - (a) “applicant” means any person applying for a license under this Bylaw;
 - (b) “business” means a business as defined in *The Cities Act*;
 - (c) “cannabis” means cannabis as defined in *The Cannabis Control (Saskatchewan) Act* and includes any products containing cannabis;
 - (d) “cannabis production facility” means a federally-licensed facility used for the purpose of cultivation, harvesting, production, processing, manufacturing, packaging, testing, storage or shipping of cannabis or goods and products derived from cannabis;¹
 - (e) “cannabis retail store” means a provincially-licensed retail store where cannabis or cannabis products are sold, and which may include the sale of related accessories and ancillary items, but does not include manufacturing or processing of products to be sold on-site;²
 - (f) “City” means The City of Saskatoon;
 - (g) “person” means an individual, proprietorship, partnership, corporation, association or other legal entity;
 - (h) “Zoning Bylaw” means the Zoning Bylaw No. 8770 of The City of Saskatoon, as amended from time to time.

License Required

3. No person shall operate a cannabis production facility or a cannabis retail store without having a valid and subsisting license under this Bylaw.

Advertising

¹ As defined in the Zoning Bylaw.

² As defined in the Zoning Bylaw.

4. (1) No person shall hold themselves out to be licensed under this Bylaw unless they are so licensed.
- (2) No person shall advertise a cannabis-related business in the City unless:
 - (a) permitted under federal or provincial legislation; and
 - (b) that person holds a valid and subsisting license under this Bylaw.

Licensing Requirements

5. (1) Any person who applies for a license to operate a cannabis production facility or a cannabis retail store shall:
 - (a) apply in a form prescribed by the City which must contain at least the following information:
 - (i) name, occupation and address of the applicant;
 - (ii) the nature of the business for which the license is required;
 - (iii) the place where the business is to be carried on;
 - (iv) the name under which the business will be operated; and
 - (v) the name of the contact person;
 - (b) pay the prescribed fee under section 6; and
 - (c) provide proof of the required federal or provincial license or permit.

Fees

6. (1) An applicant for a cannabis production facility or a cannabis retail store shall, upon filing the application, pay the initial license fee of \$20,000.
- (2) A licensee who wishes to renew a license for a cannabis production facility or a cannabis retail store shall, upon filing an application for renewal of a license, pay the annual license renewal fee of \$85.
- (3) If the initial license is refused, the fee paid under subsection (1) shall be returned to the applicant.

- (4) If the annual license renewal is refused, the fee paid under subsection (2) shall be returned to the applicant.
- (5) Except as provided in subsection (3), the initial license fee is non-refundable.
- (6) Except as provided in subsection (4), the annual license renewal fee is non-refundable.
- (7) If a license is suspended or cancelled, no license fee or part thereof is refundable to a licensee.
- (8) A licensee who wishes to change the location of a cannabis production facility or a cannabis retail store shall, upon filing an application for a change of location, pay the fee of \$125.

Separation Distances

- 7. (1) A cannabis retail store shall not be located within 160 metres of another cannabis retail store, as measured from property line to property line.
- (2) When a person applies for a license for a cannabis retail store and there exists another cannabis retail store within 160 metres of it, the license shall be denied by the City.

Issuance of License

- 8. (1) The City shall approve the issuance of a license except where one or more of the following applies:
 - (a) the applicant is less than 19 years of age;
 - (b) the business or any premises occupied by the business does not comply with all applicable federal, provincial or municipal regulation;
 - (c) the applicant has failed to provide information as required by section 5 for the issuance of a license;
 - (d) the license fee required by this Bylaw has not been paid; or
 - (e) the applicant has falsely answered a question or request for information on the application form.

- (2) Every person who applies for the issuance or renewal of a license to operate a cannabis production facility must provide confirmation of a fire inspection satisfactory to the Saskatoon Fire Department before a license will be issued.
- (3) Upon filing of a completed application for a license under this Bylaw, the City shall, within 60 days after receipt of the application, either issue a license, or issue a written notice of intent to deny a license, to the applicant.
- (4) The license, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, the conditions attaching to the license and the address of the business. The license shall be posted in a conspicuous place on the premises so that it may be easily read at any time.

Conditions Attaching to License

- 9. (1) No person operating a cannabis production facility or a cannabis retail store shall:
 - (a) allow an individual under the age of 19 on the premises at any time;
 - (b) employ an individual under the age of 19;
 - (c) advertise or promote the use of cannabis to an individual under the age of 19;
 - (d) allow an individual to smoke, vape, consume or otherwise ingest cannabis or products containing cannabis on the premises;
 - (e) allow an odor to emanate from the property which unreasonably interferes with the comfort, repose, health or peace of individuals of ordinary sensitivity; and
 - (f) display any advertising or sign that is visible from outside of the premises which displays images other than:
 - (i) alpha-numeric characters; and
 - (ii) the business name.
- (2) Sign permits as provided for in the Sign Regulations, as appended to the Zoning Bylaw, are required for any permanent sign.

- (3) The provisions of Signage Group No. 3 of the Sign Regulations, as appended to the Zoning Bylaw, apply to a cannabis production facility and a cannabis retail store regardless of the zoning district.
- (4) A person operating a cannabis retail store shall:
 - (a) prominently display a notice on the premises indicating that no individuals under the age of 19 are permitted on the premises;
 - (b) ensure that two employees are present on the premises at all times when the business is open to the public; and
 - (c) ensure that windows on any street frontage of the premises are not blocked by translucent or opaque material, artwork, posters, shelving, display cases or similar elements.
- (5) In addition to the conditions required in this section, the City may impose any additional terms and conditions on a license issued under this Bylaw that are consistent with the intent of the Bylaw where the City is satisfied that:
 - (a) it is necessary to ensure compliance with any duties imposed on the licensee under this Bylaw;
 - (b) it is necessary to ensure the integrity of the licensing scheme in the Bylaw; and
 - (c) it is appropriate and in the public interest to do so.
- (6) No person shall fail to comply with the terms and conditions of a license.

Transfer of License

- 10. A license issued under this Bylaw is not transferable.

No Further Licensing Required

- 11. A license issued under this Bylaw shall be a valid business license, and licensing under any other City bylaw shall not be required.

Expiration of License

12. (1) Each license shall expire one year from the date of issuance.
- (2) A license may be renewed, provided an application for renewal of a license and annual license renewal fees are received by the City no later than the expiration date of the current license. An application received after that date shall be processed as a new application and the initial license fee shall apply.
- (3) An application for renewal of a license must include all the same information required for an initial license pursuant to section 5.
- (4) Upon receiving an application for renewal of a license and determining that the application is in full compliance with the provisions of this Bylaw, the City shall issue a new license.
- (5) If the City denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial.
- (6) Notwithstanding subsection (5), if subsequent to the denial, the City finds that the basis for the denial has been corrected or abated, the applicant may be granted a license if at least three months have elapsed since the date that the denial became final.

Suspension and Cancellation of License

13. (1) Suspension or cancellation of a federal or provincial license or permit for the operation of a cannabis production facility or a cannabis retail store shall result in the immediate suspension or cancellation of a license issued under this Bylaw.
- (2) Any license issued under this Bylaw may be suspended or cancelled for any of the following reasons:
 - (a) a licensee or an employee of a licensee has violated or failed to comply with any provision of this Bylaw;
 - (b) a licensee or an employee of a licensee has violated or failed to comply with any condition of the license;
 - (c) a licensee or an employee of a licensee has refused to allow an inspection of the premises as authorized by this Bylaw;
 - (d) a licensee has given false or misleading information in the material contained in the application for the license; or

- (e) a licensee has been convicted of a criminal offence during the term of the license. The fact that a conviction is being appealed shall have no effect on the cancellation of the license.
- (3) The City shall provide written notice of the suspension or cancellation in a brief statement setting forth the complaint, the grounds for suspension or cancellation and notifying the licensee of the right of appeal. Such notice shall be given or served on the licensee in accordance with section 347 of *The Cities Act*.
- (4) If the City cancels a license, the fee paid for the license shall be forfeited. A person whose license has been cancelled under this section may not apply for a new license for a period of one year from the date of the cancellation.
- (5) The power to suspend or cancel a license pursuant to this section is in addition to the penalties contained in section 17.

Right of Appeal

- 14. (1) If the City imposes conditions on a license, or denies, suspends or cancels a license, the license holder may appeal the City's decision to the Saskatoon License Appeal Board.
- (2) The rules, procedures and time limits for an appeal pursuant to subsection (1) shall be governed by the provisions of *The Saskatoon License Appeal Board Bylaw, 2012*.
- (3) In determining an appeal, the Saskatoon License Appeal Board:
 - (a) is bound by the provisions of this Bylaw; and
 - (b) may modify, repeal or substitute its own decision only if it is satisfied on a balance of probabilities that the City has misapplied the provisions of this Bylaw in the denial, suspension or cancellation of a license or the imposition of conditions on a license.

Administration and Enforcement of Bylaw

- 15. (1) The Administration and enforcement of this Bylaw is hereby delegated to the General Manager, Community Services Department for the City.
- (2) The General Manager, Community Services Department for the City is hereby authorized to further delegate the administration and enforcement of this Bylaw, in whole or in part, to other employees of the City.

Inspections

16. (1) The inspection of the property by the City to determine if this Bylaw is being complied with is hereby authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with section 324 of *The Cities Act*.
- (3) No person shall obstruct a person who is authorized to conduct an inspection under this section, or a person who is assisting in the inspection.
- (4) If a person refuses to allow or interferes with an inspection authorized by this section, or if a person fails to respond to a reasonable request for access to a property, the City may apply for a warrant authorizing entry in accordance with section 325 of *The Cities Act*.

Offences

17. (1) No person shall:
 - (a) fail to comply with any provision of this Bylaw;
 - (b) fail to comply with a term or condition of their license;
 - (c) obstruct or interfere with any person acting under the authority of this Bylaw; or
 - (d) alter or deface a license issued under this Bylaw.
- (2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction:
 - (a) for a first offence:
 - (i) in the case of an individual, to a fine of not less than \$2,500 and not more than \$10,000, to imprisonment for not more than three months, or both;
 - (ii) in the case of a corporation, to a fine of not less than \$5,000 and not more than \$25,000;
 - (iii) in the case of a continuing offence to a fine of not less than \$1,000 per day or part of a day during which the offence continues;

- (b) for a second or subsequent offence:
 - (i) in the case of an individual, to a fine of not less than \$5,000 and not more than \$10,000, to imprisonment for not more than four months, or both;
 - (ii) in the case of a corporation, to a fine of not less than \$10,000 and not more than \$25,000;
 - (iii) in the case of a continuing offence to a fine of not less than \$1,500 per day or part of a day during which the offence continues.
- (3) If a person is found guilty of an offence under this Bylaw, the court may, in addition to any other penalty imposed:
 - (a) in the case of a person who holds a license, suspend the license for a term of not more than one year;
 - (b) in the case of a person who did not hold a license at the time of the conviction, order that the person is ineligible to apply for a license for a term of not more than one year; or
 - (c) order the person to comply with this Bylaw or a term or condition of their license.
- (4) Offences under this Bylaw are designated as offences for which proceedings may be commenced pursuant to Part III of *The Summary Offences Procedure Act, 1990* by the issuance of a summons ticket.
- (5) A person to whom a summons ticket is being issued pursuant to subsection (4) shall, upon request by the person issuing the summons ticket, provide their name, address and date of birth. A person who fails to provide this information is guilty of an offence and liable on summary conviction to the penalties set out in subsection (2).

Coming into Force

18. (1) This Bylaw, with the exception of subsections 6(2), 6(4), 6(6) and 12(2) to (5), shall come into force on the day *The Cannabis Control (Saskatchewan) Act* comes into force.
- (2) Subsections 6(2), 6(4), 6(6) and 12(2) to (5) of this Bylaw shall come into force on October 1, 2019.

Read a first time this 25th day of June, 2018.

Read a second time this 25th day of June, 2018.

Read a third time and passed this 25th day of June, 2018.

"Charlie Clark"

Mayor

"Joanne Sproule"

City Clerk

"SEAL"