



Bylaw No. 2006-86

Disclaimer:

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Office Consolidation

THE LICENSING BYLAW, 2007

Bylaw No. 2006-86

Including Amendments to June 27, 2016

This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:

- a) the original bylaw and of all bylaws amending it; and**
- b) the fact of passage of the original and all amending bylaws.**

AMENDMENTS

Bylaw No. 2007-75

Bylaw No. 2009-71

Bylaw No. 2011-64

Bylaw No. 2016-48

DATE PASSED

October 15, 2007

November 23, 2009

December 19, 2011

June 27, 2016

Bylaw No. 2006-86

The Licensing Bylaw, 2007

Part I – General Matters

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

1 Bylaw No. 9565 known as *The Licensing Bylaw* is repealed.

Title

2 This Bylaw may be cited as “The Licensing Bylaw, 2007”.

Purpose

3 The purpose of this Bylaw is to licence businesses in the City in order to:

(1) regulate businesses; and

(2) ensure compliance with land-use and building regulations;

Authority

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

Definitions

5 In this Bylaw:

“**agent**” means every person who, by mutual consent, acts for the benefit of another, including a sales representative, employee or independent distributor.

“**applicant**” means a person who applies for a licence or renewal of a licence.

“**business**” means “business” within the meaning of *The Cities Act*.

“**carry on**”, “**carrying on**”, “**carried on**” and “**carries on**” means to conduct, operate, perform, keep, hold, occupy, deal in or use whether as principal or agent.

“**City**” means the City of Regina.

“**City Manager**” means the person appointed to the position of City Manager by City Council.

Repealed. (#2016-48, s. 19(2), 2016)

Repealed. (#2009-71, s. 13, 2009)

Approved as to form this _____ day of _____, 200_____.

City Solicitor

“Director” means the person appointed to the position of Director, Community Services, of the City or his or her designate;

“dwelling unit” means one or more rooms used or designed to be used as a residence by one or more persons and containing kitchen, living, sleeping areas and includes access to sanitary facilities.

Repealed. (#2011-64, s. 19, 2011)

“licence”, “licensed” and “licensing” means a licence or reference to a licence issued under this Bylaw.

“non-resident business” means a business which is carries on the majority of its business, in whole or in part within the City, and does not maintain a permanent premise within the City, but shall not include a non-profit corporation that is incorporated, continued or registered pursuant to *The Non-profit Corporation Act, 1995* (Saskatchewan) or equivalent from other provinces in Canada.

“person” means an individual or a corporation and includes a partnership, an association or a group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires.

“premise” means a dwelling unit, enclosure or other place occupied or capable of being occupied, by any person for the purpose of carrying on any business with each resident business being deemed to have at least one premise at the address indicated on the current licence application form, as required by subsection 9(1)(a).

“resident business” means any business that operates from a premise, located on property in the City that is not assessed and taxed as commercial or industrial property and has total revenue for the year in excess of \$5,000.00, but does not include a non-profit corporation that is incorporated, continued or registered pursuant to *The Non-profit Corporation Act, 1995* (Saskatchewan) or equivalent from other provinces in Canada.

(#2007-75, s. 5, 2007; #2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(3), 2016)

Part II - General Licensing

Administration and Enforcement

- 6 (1) The Director is authorized to administer and enforce the provisions of this Bylaw and is a designated officer for the purposes of Part XII, Division 4 of *The Cities Act*.
- (2) The Director is authorized to delegate to any City employee any power, duty or function assigned to the Director by this Bylaw.

(3) The Director is authorized to appoint any employee or agent of the City as a designated officer for the purpose of enforcing this Bylaw.
 (#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)

7 The Director or his or her designate shall have the following powers:

- (1) to receive and deal with all applications for licences;
- (2) to keep a record of all applications for licences;
- (3) to issue all licences under the provisions of this Bylaw and to keep full particulars of such licences;
- (4) to ascertain, as far as reasonably practicable, that all information furnished by an applicant in connection with an application for a licence is true in substance and in fact;
- (5) to prepare all licences pursuant to the terms of this Bylaw and to issue all licences under this Bylaw;
- (6) to inspect all premises licensed or required to be licensed pursuant to the provisions of this Bylaw in order to ascertain that such premises comply with this Bylaw;
- (7) to administer this Bylaw and as far as practicable to see that all persons concerned conform to its provisions and are prosecuted if they fail to comply herewith;
- (8) to issue Notices of Violation subject to the provisions of section 72;
- (9) to do such other activities or make such other inquiries as may be required to carry out this Bylaw.
 (#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)

Licence Required

- 8 (1) A person shall not carry on a resident business or a non-resident business unless that person has a valid and subsisting licence issued by the City.
- (2) A licence is required for each premise where a resident business is operated in the City.
- (3) Notwithstanding subsection (1), a licence is not required:
- (a) for a business carried on by the City; or
 - (b) for a business carried on by the Governments of the Province of Saskatchewan or Canada or a Crown Corporation created by either Government; but

- (i) a person who contracts with any of the Governments, persons or organizations designated in subsection (3) will be subject to all the requirements of this Bylaw.
- (c) for a business that is incorporated, continued or registered pursuant to *The Non-profit Corporation Act, 1995* (Saskatchewan) or equivalent from other provinces in Canada; and
- (d) for a business that operates from a premise located on property that the City assesses and taxes as commercial or industrial property;
- (e) for such other businesses as Council may from time to time exempt.

Application

- 9 (1) Every applicant for a licence must provide the following information, in the application form the Director or his or her designate prescribes:
- (a) address in the City for the proposed place of business;
 - (b) business name under which the proposed business will operate;
 - (c) a copy of proof of registration of the business name with the Corporations Branch (Saskatchewan) or equivalent federal or provincial agency;
 - (d) where the applicant is a sole proprietor or partnership, the full name, mailing address and telephone number of the applicant or applicants;
 - (e) where the applicant is a corporation:
 - (i) the full legal name of the corporation;
 - (ii) full name of the applicant;
 - (iii) mailing address of the principal managing employee or employees;
 - (iv) the telephone number of the business; and
 - (v) a copy of proof of registration as a corporation with the Corporations Branch (Saskatchewan) or equivalent federal or provincial agency;
 - (f) nature of the business for which the licence is required;
 - (g) area of the premise where the business will be carried out;

- (h) any certificate, authority, licence or other document of qualification under this or any other Bylaw, or under any Statute of Canada or the Province of Saskatchewan that may be required in connection with the carrying on of the business;
- (i) information as required by the Director or his or her designate to carry out the consultation process under section 16 of this Bylaw;
- (j) confirmation of compliance with the requirements under section 16 of this Bylaw;
- (k) such other information as the Director or his or her designate may reasonably require.

(2) Where a licence has been issued in error without the authorization required pursuant to clause 9(1)(h) the Director or his or her designate may revoke the licence.

(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)

Licence Fee

10 (1) The Deputy City Manager or his or her designate shall not issue a licence until the applicant pays the licence fee set out in Schedule "A" and any other fees, including fees for inspections, required by this or any other bylaw.

(2) Fees paid by an applicant pursuant to this section are not refundable.

(3) Where a licence has been issued in error without the applicant paying the fees required pursuant to this section, the Director or his or her designate may revoke the licence.

(4) Where an applicant is a first time applicant for a licence for a resident business, the applicant shall pay the discounted fee as set out in Schedule "A".

(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)

Term of Licence

11 All licences issued pursuant to this Bylaw shall be for a calendar year, or the remaining portion of the calendar year in which it is issued and shall expire on December 31st of the year in which the licence was issued;

Renewal

12 A business operating within the City, which requires a licence pursuant to this Bylaw must renew its licence annually in the manner prescribed by this Bylaw.

13 Every business to whom the Director or his or her designate has issued a licence shall furnish to the Director or his or her designate the licence renewal

fee as set out in Schedule “A” and any other information the Director or his or her designate may require.

(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)

Discontinuance or Change

- 14 (1) When the information required to be provided to the Director or his or her designate becomes inaccurate, then the licensee must promptly provide updated and accurate information to the Director or his or her designate.
- (2) A licensee shall maintain, on a continuous basis, the standards and requirements necessary to obtain a licence or any standards that are imposed by bylaw or any other legislation after the licence is issued.
- (3) A licensee must notify the Director or his or her designate if its business is discontinued.
- (4) A licensee must notify the Director or his or her designate if the nature of the business changes.
- (5) A licensee must apply for a new licence if the business relocates.
- (6) A licensee purchasing or taking over a business must apply for a new licence.

(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)

Zoning and Building Standards

- 15 (1) A licence will not be issued under this Bylaw for any business or premise occupied by a business which does not conform to any other law, made or administered by the City, including zoning, building or plumbing standards.
- (2) The issuing of a licence to a person or business does not relieve that person or business of the responsibility of conforming to any other law.

Consultations and Approvals

- 16 (1) The Director or his or her designate may consult, prior to issuing or renewing a licence, with the Province of Saskatchewan, the Regina Police Service, and any department of the City to determine whether they are in possession of information which, in the opinion of the Director or his or her designate, renders it inappropriate for an applicant to be issued a licence.

- (2) Where an applicant intends to carry on business at a specific premise or location within the City, the applicant shall, prior to the Director or his or her designate issuing a licence, ensure that all necessary approvals required under *The Regina Zoning Bylaw*, or any other relevant City bylaw, have been obtained and shall provide satisfactory proof thereof to the Director or his or her designate.
- (3) The Director or his or her designate may refuse to issue a licence if:
- (a) for any premise at or from which the applicant intends to undertake his or her business, the nature or type of such business activity intended to be undertaken by the applicant at that location is not allowed by *The Regina Zoning Bylaw*; or
 - (b) the Director or his or her designate suspects that the information provided by the applicant is false or misleading.
- (4) The Director or his or her designate may determine that it is inappropriate to issue a licence to an applicant where the safety, health or welfare of the public may be at risk due to the issuance of a licence.
- (5) For the purpose of a licence renewal, where the City has previously confirmed that all necessary approvals required under *The Zoning Bylaw* and other relevant City bylaws have been obtained and
- (a) there has not been a change in the business ownership since the City had given approval; and
 - (b) the business has been carried on continuously at the same premise and in the same manner;

the Director or his or her designate may renew the licence without requiring the prior approval of or consultation with any other City departments.

(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, ss. 19(4), 19(5) and 19(6) 2016,)

Inspections

- 17 (1) Where a resident business requires a consultation or approval for licensing or is licensed, then the resident business' premise and surrounding lot may be inspected by the Director or his or her designate to:
- (a) determine if this Bylaw is being complied with.
 - (b) verify the information provided by the applicant or licensee for the purpose of obtaining or renewing a licence.
 - (c) obtain any additional information from any person to whom a licence has been issued regarding the conduct of that person's

business activities that may be required by the Director or his or her designate.

- (2) A person whom the Director or his or her designate reasonably believes is carrying on a business, requiring a licence, or an applicant, shall:
 - (a) permit and assist in all inspections requested by the Director or his or her designate.
 - (b) furnish to the Director or his or her designate all identification, information, or documentation related to the inspection or licensing requirements, including a written authorization, in a form acceptable to Canada Revenue Agency, which authorization grants the City access to Canada Revenue Agency information to verify the business' income level.
 - (i) Such authorization shall be for the corporation, individual, partnership or other entity that is carrying on the business.
 - (c) not provide to the Director or his or her designate false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with the licensing of the business.
- (3) No person shall attempt to prevent, obstruct or hinder the Director or his or her designate from making an inspection authorized by this Bylaw.
- (4) During an inspection authorized under this Bylaw, the Director or his or her designate may:
 - (a) examine any business record or document for the purpose of enforcing this Bylaw.
 - (b) remove any relevant record or document from the business premise for the purpose of copying it, and will provide a receipt for any document or record so removed.
- (5) All inspections conducted pursuant to the authority of this Bylaw shall be carried out in accordance with the provisions of this Bylaw and *The Cities Act*.
- (6) The Director or his or her designate shall not enter a premise, house or any other building or structure located on residential property without the consent of the owner or occupant of that property.
- (7) In the event the Director or his or her designate is refused access or entry to any property or premise pursuant to subsection (6), the Director or his or her designate may apply to a justice of the peace or a provincial court judge for a warrant pursuant to section 325 of *The Cities Act*.

(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)

Refusal, Revocation, Suspension

- 18 (1) If a licensee contravenes any term or condition of this Bylaw, the Director or his or her designate may revoke the licence.
- (2) The Director or his or her designate may reinstate a revoked licence if he or she is satisfied that the licensee is complying with the Bylaw.
- (3) Any licensee may appeal the revocation of a licence to the Regina Appeal Board by making application to the Regina Appeal Board in the form provided by the Director or his or her designate within (30) days from the date of service of the letter from the Director, or his or her designate revoking the licence.

(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)

Licence Identification

- 19 (1) A licence must be issued on a form bearing the identification of the City and all licences issued pursuant to this Bylaw are and shall remain the property of the City.
- (2) A licence must bear on its face the date on which it is issued and the date on which the licence will expire.
- (3) A licensee who holds a licence which applies to specific premise must keep it posted in public view in the licensed premise.
- (4) A licensee who does not carry on business at a specific premise must carry or have immediately available, the licence, and shall, upon request, immediately produce the licence to the Director or his or her designate, or any person with whom they are carrying on business.
- (5) A person must not reproduce, alter or deface a licence.

(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)

Transfer of Licence

- 20 A licence is not transferable from one person to another or from one person's business premise to another.

Part III - Pawnbrokers, Secondhand Dealers, Coin Dealers and Tow Truck Service

Application of Part III

- 21 Parts I and II of this Bylaw apply to businesses licensed under this Part in addition to the provisions in this Part.

Definitions

"auctioneer" means an individual who conducts the bidding at a sale by auction of any property, in the City of Regina.

"coin dealer" means a person who carries on the business of buying or exchanging coins or sets of coins as collectors' items by transactions conducted directly with any person.

"pawnbroker" means a pawnbroker within the meaning of *The Pawns Property (Recording) Act*.

"pawnshop" means a business where more than 10 pawn transactions per month are concluded.

"pawn transaction" means a pawn transaction within the meaning of *The Pawns Property (Recording) Act*.

"secondhand dealer" means any person who purchases or sells secondhand goods as defined by this Bylaw.

"secondhand goods" includes personal property of every description, the same having been previously owned and used by some person that fall under the following categories of goods:

- (a) Firearms and Accessories
- (b) Archery Equipment and Accessories
- (c) Bicycles and Accessories
- (d) Jewellery
- (e) Musical Instruments and Accessories
- (f) Photographic/Video Equipment and Accessories
- (g) Televisions and Remote Control Pads
- (h) Video Cassette Recorders and Players
- (i) Stereo Components, including:
 - Compact Disc Players
 - Amplifiers
 - Pre-Amplifiers
 - Speakers
 - Turntables
- (j) Ghetto Blasters

- (k) Vehicle Accessories, including:
 - Radar Detectors
 - Cassette Decks
 - Compact Disc Players
 - Amplifiers
 - Speakers
 - Alarms
 - Mag Wheels
- (l) Tools
 - Mechanical
 - Automotive
 - Carpentry
 - AutoBody
 - Compressors
- (m) Lawn Mowers
- (n) Lawn Trimmers
- (o) Hedge Trimmers
- (p) Chain Saws
- (q) Sporting Goods
- (r) Fur Coats and Apparel
- (s) Leather Clothing
- (t) Compact Discs and Accessories
- (u) Cassette Tapes and Accessories
- (v) Video Cassettes
- (w) Video Games and Video Game Cartridges and Accessories
- (x) Computer and Electronic Entertainment Systems and Accessories, including brand names such as:
 - Nintendo
 - Super Nintendo
 - Game Boy
 - Sega Genesis
- (y) Microwave Ovens
- (z) Office Equipment
 - Typewriters
 - Word Processors
 - Computers and Keyboards
 - Adding Machines
 - Telephones
 - Answering Machines
 - Printers
- (aa) Cellular Phones
- (bb) Walkman Sports CD's and Tape Player/Radio Combinations but does not include:
 - (i) goods that are antiques, as defined by this Bylaw;
 - (ii) goods that are obtained or acquired through auction, consignment or estate sales; or

- (iii) goods that are obtained or acquired by purchase of government surplus or salvage stock from an agency disposing of such stock in bulk lots.

“tow truck service” means the activity of towing or transporting vehicles in the City.

"unconditional sale" means an unconditional sale within the meaning of *The Pledged Property (Recording) Act*.

Secondhand Dealer

- 22 (1) No person shall operate as a secondhand dealer in the City without a licence issued in accordance with this Bylaw.
- (2) A person applying for a licence to operate as a secondhand dealer must pay the fee provided for in Schedule “A”.
- (3) A person operating as a secondhand dealer must renew their licence annually in the manner prescribed by the City and must pay the renewal fee provided for in Schedule “A”.
- 23 A secondhand dealer shall keep a Secondhand Registry in a form satisfactory to the Director or his or her designate in which shall be permanently recorded, at the time any Secondhand Good is acquired, the following information:
- (1) an accurate, detailed description of any personal property acquired, and any markings serial numbers or other identification of the property;
 - (2) the price paid for such property;
 - (3) the date and time of day such property is acquired;
 - (4) the folio or serial number of the acquisition;
 - (5) the first name, middle initial, surname, address and telephone number, and a detailed description of the person or persons from whom the property was acquired, including, but not limited to, the record of the numbers from two forms of identification that confirm the name given, one of which must confirm the name and address given, from the following:
 - (a) Social Insurance number card;
 - (b) Operator's licence;
 - (c) Hospital Services card; or
 - (d) Credit Card;

- (6) the signature of the person or persons from whom the property was acquired;
 - (7) the licence number and description of vehicle in which such property was delivered, if known; and
 - (8) the unique Licence Identification Card number of the person performing that transaction as specified in section 31.
(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)
- 24 A secondhand dealer shall keep all secondhand goods acquired separate and apart from all other property in his place of business for a period of fifteen days from the date the good is acquired and shall label each good with the date of acquisition and with the serial and folio number entered in the record kept under section 23.
- 25 A secondhand dealer shall provide a legible copy of any new entries made in the record kept under section 23 to the Regina Police Service on a regular basis as requested, which may be as frequent as daily, and shall provide the Regina Police Service and the Director or his or her designate access to the permanent record kept under section 23 upon request.
(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)
- 26 Where any secondhand dealer or employee of a secondhand dealer believes or has reason to believe that any property which he has obtained has been or may have been stolen or otherwise fraudulently obtained he or she shall notify the Chief of Police or an Officer of the Regina Police Service that he has such property in his possession.
- 27 No secondhand dealer shall, in the conduct of his or her business, nor shall any employee of a secondhand dealer, accept property from:
- (1) any person who is under the age of sixteen, or appears to be under the age of sixteen years and cannot provide proof of age;
 - (2) any person who fails or refuses to produce the requisite identification for the purposes of recording the transaction in accordance with the provisions of this Bylaw; or
 - (3) any person who is or appears to be under the influence of any alcohol or drug.
- 28 No secondhand dealer shall carry on, or permit or allow to be carried on, the business of a pawnbroker from the same premise from which the secondhand dealer business is being carried on.

- 29 No secondhand dealer shall purchase a secondhand good on which the manufacturer's identification or serial number has been visibly tampered with, removed, defaced or in any way altered unless the dealer has obtained prior written approval from the Chief of Police.
- 30 Every secondhand dealer who buys or takes on consignment any coins is required to obtain a separate licence as a coin dealer in addition to his secondhand dealer's licence.
- 31 No secondhand dealer shall operate a secondhand business nor employ anyone in his secondhand business without first obtaining:
- (1) a Certificate of Approval from the Chief of Police for himself and each employee which certificate must be renewed annually, within twelve (12) months of the date of issue; and
 - (2) a Licence Identification Card from the Director or his or her designate for himself and each employee. The Director or his or her designate shall not issue such a card until the Certificate of Approval under subsection 31(1) has been obtained.
- (#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)
- 32 The Licence Identification Card issued under subsection 31(2) must be worn or displayed in accordance with section 19.
- 33 Each Licence Identification Card shall bear a unique number which shall correspond with any person mentioned in subsection 31(1), and which number shall be recorded in the Secondhand Registry each time that person performs a transaction.

Pawnbroker

- 34 (1) No person shall operate a pawnshop in the City without a licence issued in accordance with this Bylaw.
- (2) A person applying for a licence to operate a pawnshop must pay the fee provided for in Schedule "A".
 - (3) A person operating a pawnshop must renew their licence annually in the manner prescribed by the City and must pay the renewal fee provided for in Schedule "A".
- 35 Every pawnbroker shall before receiving a licence under this Bylaw provide the City with, and shall during the continuance of such licence keep in force, a bond in the sum of Five Thousand (\$5,000.00) Dollars issued by a company licensed or registered to do business in the Province of Saskatchewan and in a form to be approved by the City Solicitor indemnifying the City and all other persons or Corporations against loss owing to the default of the licensee arising out of any fraud, dishonesty, theft, misappropriation or misapplication in the conduct of his business.

36 The Director or his or her designate shall not issue a pawnbroker licence for any premise that is already licensed either as an auctioneer or as a secondhand dealer or both.

(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)

37 Every pawnbroker shall keep a pawnbroker Registry in a form and manner satisfactory to the Director or his or her designate in which shall be permanently recorded the following information, which shall be secured and recorded at the time of each transaction:

- (1) an accurate, detailed description of each item of personal property taken as a pledge and all markings, serial numbers make or model or other identification placed or marked on the property by the manufacturer or vendor thereof;
- (2) a statement of any description, mark or specific identification which has been made on or attached to the property;
- (3) the date and time of day when the property was given to the pawnbroker as security;
- (4) the rate of interest which is to be charged on the loan which is made on the security of the pledge and how the interest shall be calculated;
- (5) the first name, middle initial, surname, address and telephone number, and a detailed description of the person or persons from whom the property was acquired, including, but not limited to, the record of the numbers from two forms of identification that confirm the name given, one of which must confirm the name and address given, from the following:
 - (a) Social Insurance Number Card;
 - (b) Operator's Licence;
 - (c) Hospital Services Card; or
 - (d) Credit Card.
- (6) the signature of the person or persons from whom the property was acquired;
- (7) the folio or serial number of the pledge; and
- (8) the unique Licence Identification Card number of the person performing that transaction as specified in section 50.

(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)

- 38 The pawnbroker or any employee of the pawnbroker shall not erase, obliterate, deface or alter the record made pursuant to section 37 and shall not direct, allow or suffer any other person to erase, obliterate, deface or alter the record.
- 39 The record required to be kept by section 37 and every item of personal property in the pawnbroker's place of business which he or she acquired as a security for a loan shall at all times be open to inspection by a Police Officer, the Director or his or her designate, or any person appointed by Council or by the Director or his or her designate for that purpose.
(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)
- 40 At the time a borrower deposits or delivers any personal property as security for a loan the pawnbroker or his or her employee shall, without requiring or accepting any fee or charge for so doing, deliver to the borrower a note or memorandum signed by the pawnbroker containing a summary of the information which is required to be inserted in the record kept pursuant to section 37 other than the description of the borrower.
- 41 A pawnbroker shall not:
- (1) allow any property received by him or her as security for a loan to be redeemed or removed from his or her place of business before seventy-two hours elapse from the time the property was tendered to the pawnbroker as security; or
 - (2) sell any property which he or she has received as security for a loan and which has not been redeemed within the time allowed to the borrower for redemption before three months have elapsed from the time when the property was furnished to the pawnbroker as a pledge.
- 42 At the time any property received as security for a loan is either redeemed by the owner or sold because it has not been so redeemed the pawnbroker or his or her employee shall enter in the record kept pursuant to section 37:
- (1) the name, address and signature of the person purchasing or redeeming such property;
 - (2) the record of the numbers from two forms of identification as specified in subsection 37(5);
 - (3) the date of sale or redemption;
 - (4) the signature of the pawnbroker or his or her employee performing the transaction.
- 43 When any property is received pursuant to subsection 42, the pawnbroker or his or her employee shall record on each individual item:
- (1) the date and time the item was received;

- (2) the pawnbroker Registry transaction number corresponding to that item;
and
 - (3) the pawnbroker's or employee's Licence Identification Card number.
- 44 A pawnbroker or his or her employee shall not accept property as security for a loan or advance a loan on the receipt or promise of delivery of any property from:
- (1) a person who is or who appears to be under the influence of alcohol or any drug;
 - (2) a person who actually is or who appears to be under the age of eighteen years;
 - (3) any person failing to identify himself or herself adequately as set out in section 37(5) herein;
 - (4) a person who the pawnbroker or his or her employee knows or has reasonable grounds to believe may have stolen or otherwise illegally acquired the property offered for security for a loan.
- 45 No pawnbroker or his or her employee shall accept property on which the manufacturer's identification number or serial number has been removed, defaced, tampered with or in any way altered unless the prior written approval of the Chief of Police has first been obtained.
- 46 Every pawnbroker shall deliver to the Chief of Police or Officer in charge of the Police Station on every day except a holiday or Sunday before the hour of 12:00 noon a true report clearly written up in the English language on a form required by section 37, setting forth all personal property that has come into his possession by way of pawn, pledge, purchase or exchange during the preceding 24 hours. The report when made on the day following a holiday or Sunday shall cover the period since the last report.
- 47 No personal property coming into the possession of a pawnbroker, by way of pawn shall be redeemed, exchanged, sold, altered, or removed from the licensed premise or otherwise dealt with until the expiry of 72 hours after the delivery to the Chief of Police of the report as required by section 46 above.
- 48 Every pawnbroker shall have a sign with his or her name and the word "pawnbroker" in large, legible characters thereon placed over the door outside the shop or other place used by him or her for carrying on his business.
- 49 Every pawnbroker shall at all times keep posted in a conspicuous position on his or her premise so as to be easily seen and read by persons pledging goods, on a card or sign having printed or painted thereon the following information:

- (1) the rate of interest permitted by the *Criminal Code of Canada* to be charged by pawnbrokers;
 - (2) the amount which the pawnbroker is entitled to charge for the notes which he or she is required to furnish under the provisions of this Bylaw to a person pledging goods.
- 50 No pawnbroker shall operate a pawnbroker business nor employ anyone in his or her pawnbroker business without first obtaining:
- (1) a Certificate of Approval from the Chief of Police for himself or herself and each employee which certificate must be renewed annually, within twelve (12) months of the date of issue; and
 - (2) a Licence Identification Card from the Director or his or her designate for himself or herself and each employee. The Director or his or her designate shall not issue such a card until the Certificate of Approval under section 50(1) has been obtained.
- (#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)
- 51 The Licence Identification Card issued under subsection 50(2) must be worn or displayed in accordance with section 19.
- 52 Each Licence Identification Card shall bear a unique number which shall correspond with any person mentioned in section 50(1), and which number shall be recorded in the pawnbroker Registry each time that person performs a transaction.

Electronic Recording and Reporting of Pawn Transactions

- 53 Effective January 1, 2006, all pawnbrokers shall record and report all pawn transactions electronically in accordance with *The Pawned Property (Recording) Act*.

Coin Dealer

- 54 (1) No person shall operate as a coin dealer in the City without a licence issued in accordance with this Bylaw.
- (2) A person applying for a licence to operate as a coin dealer must pay the fee provided for in Schedule "A".
- (3) A person operating as a coin dealer must renew their licence annually in the manner prescribed by the City and must pay the renewal fee provided for in Schedule "A"
- 55 When a coin dealer acquires or takes on consignment any coins by direct transactions conducted in person with individual vendors other than incorporated bodies or associations, he shall list the coins in the register pursuant to section 57 of this section and include the information required by section 58.

- 56 All coins or collections thereof acquired by a coin dealer by direct transactions conducted in person with individual vendors other than incorporated bodies of associations shall be kept separate and apart from other coins or coin collections in which he or she is dealing for a period of fifteen (15) days from the date of acquisition unless prior authorization is received from the Chief of Police for disposal or purchase of such coins or collections thereof and during such time the said coins or collections thereof shall be available during business hours for inspection by the Chief of Police or by any persons authorized by him for this purpose.
- 57 A coin dealer licensed pursuant to this Bylaw shall keep a coin dealer Registry to be purchased from the Director or his or her designate in which he shall record all the information required by section 58 of this Bylaw.
(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)
- 58 The following information shall be included in the register kept pursuant to section 57:
- (1) the date and hour of the purchase or acquisition of the coins or collections thereof;
 - (2) a full description of the coins, or collections thereof acquired including the date of minting or issue when the same is legible thereof;
 - (3) the price paid therefor;
 - (4) the first name, middle initial, surname, address and telephone number, and a detailed description of the person or persons from whom such acquisition was made, including, but not limited to a record of the numbers from two forms of identification which confirm the name given, one of which must confirm the name and address given, from the following:
 - (a) Hospital Services Card;
 - (b) Operator's Licence;
 - (c) Social Insurance Number Card; or
 - (d) Credit Card;
 - (5) the signature of the person or persons from whom the property was acquired;
 - (6) in the case of bills or notes acquired as collector's items such detail as is normally available on the bills or notes including the serial numbers; and
 - (7) the unique Licence Identification Card number of the person performing that transaction as specified in section 64.

- 59 Unless a person who:
- (1) wishes to sell or exchange coins or a collection thereof as collectors' items; and,
 - (2) is actually or apparently less than the full age of eighteen years;
- tenders to the coin dealer sufficient proof of ownership of all coins or collection thereof which he or she wishes to sell together with a written authority to sell the same signed by his or her parent or guardian a coin dealer shall not accept any coins or collection thereof from such person.
- 60 No person shall deface, mutilate or destroy the register required by sections 57 and 58.
- 61 Every coin dealer shall provide the Regina Police Service and the Director or his or her designate access to their coin dealer Registries upon reasonable request.
(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)
- 62 Notwithstanding any other provision of this Bylaw where a numismatic society affiliated with or recognized by and in good standing with the Canadian Numismatic Association holds an annual show attended by coin dealers from other provinces and countries and of which show it has advised the Director or his or her designate at least two weeks in advance of the time of holding and duration of the show, the coin dealers participating in the said show in the building where the show is being held need not comply with the provisions of this Bylaw respecting, licensing, maintaining of records and making of reports but shall comply with the provisions of sections 57 and 58.
(#2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)
- 63 Where a coin dealer is in attendance at or participating in an annual numismatic show of the type described in section 62 notwithstanding the provisions of this subsection, he or she shall:
- (1) allow a Director or his or her designate, a Police Officer or another person appointed by the City for such purpose to inspect any or all coins which he or she has on display at the show or which are in his or her possession while he or she is participating at the shows;
 - (2) answer all reasonable questions which a Director or his or her designate, a Police Officer or other person appointed by the City for such purpose may ask concerning the source of any or all of the coins and where the coin dealer obtained them or the disposition or proposed disposition of them; and

- (3) not conduct any transactions involving coins or coin collections other than at the premise where the coin show is being held or at any time other than during the annual show without complying with the other provisions of this Bylaw.

(#2009-71, s. 13, 2009, #2016-48, s. 19(4), 2016)

64 No coin dealer shall operate a coin dealer business nor employ anyone in his or her coin dealer business without first obtaining:

- (1) A Certificate of Approval from the Chief of Police for himself and each employee which certificate must be renewed every five (5) years, or at the request of the Director or his or her designate; and
- (2) A Licence Identification Card from the Director or his or her designate for himself and herself and each employee. The Director or his or her designate shall not issue such a card until the Certificate of Approval under subsection 64(1) has been obtained.

(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)

65 The Licence Identification Card issued under subsection 64(2) must be worn or displayed in accordance with section 19.

66 Each Licence Identification Card shall bear a unique number which shall correspond with any person mentioned in subsection 64(1), and which number shall be recorded in the coin dealer Registry each time that person performs a transaction.

Tow Truck Service

67 (1) No person shall operate a tow truck service as a resident business in the City without a licence issued in accordance with this Bylaw.

(2) All persons operating a tow truck service in the City and all drivers for such tow truck service shall obtain Identification Cards as provided for in section 69.

(3) A person applying for a licence to operate a tow truck service as a resident business must pay the fee for resident business as provided for in Schedule "A".

(4) All tow truck services and all drivers for such tow truck services must each pay the fee provided for in Schedule "A" for the Identification Card, as required in section 69.

(5) A person operating a tow truck service as a resident business must renew the resident business licence annually in the manner prescribed by the City and must pay the renewal fee provided for in Schedule "A".

- (6) All tow truck services and all drivers for such tow truck services must renew their individual Identification Cards annually and in the manner prescribed by the City must pay the renewal fee provided for in Schedule "A".
(#2011-64, s. 19, 2011)
- 68 All persons engaged in the business of towing vehicles, when towing or seizing a vehicle from private property at the request or direction of a person other than the owner of the vehicle or his agent, shall:
- (1) as soon as practicable and in no event later than one hour after the vehicle is moved from the private property, notify the Regina Police Service by telephone or in person giving the address of the private property and a description of the vehicle including licence plate or, where the vehicle bears no current valid licence plate, the vehicle identification number; and
 - (2) maintain a written record of the information required under subsection 68(1), in a form approved by the Director or his or her designate, in the place of business which shall be open to inspection by Director or his or her designate and any member of the Regina Police Service.
(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)
- 69 No tow truck service operator shall operate a tow truck service nor employ anyone in his or her tow truck service business without first obtaining:
- (1) a Certificate of Approval from the Chief of Police for himself or herself and each employee which certificate must be renewed annually, and
 - (2) a Licence Identification Card from Director or his or her designate for himself or herself and each employee. The Director or his or her designate shall not issue such a card until the Certificate of Approval under subsection 69(1) has been obtained.
(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)
- 70 The Licence Identification Card issued under subsection 69(2) must be worn or displayed by the employee in accordance with section 19.
- 71 Each Licence Identification Card shall bear a unique number which shall correspond with an employee mentioned in subsection 69(1) and which number shall be recorded in the written record mentioned in subsection 68(2) each time that employee tows or seizes a vehicle.

Part IV - Offences and Penalties

Offences and Penalties

- 72 (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) Where the Director or his or her designate has reason to believe that a person has contravened any provision of this Bylaw, including failure to obtain the appropriate licence and pay the requisite licence fee, the Director or his or her designate may issue a Notice of Violation to such person.
- (3) 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 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for each day during which the offence continues; and
 - (b) in the case of a corporation, to a fine not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$25,000 for each day during which the offence continues.
- (4) Where the offence is failure to obtain the required licence pursuant to this Bylaw, the convicting judge may order the licence be obtained in addition to imposing a fine.
- (5) Where the offence is failure to obtain the appropriate licence and pay the requisite licence fee, the Notice of Violation shall indicate that the City will accept voluntary payment in an amount equal to 50% of the applicable licence fee, in addition to payment of the requisite licence fee at City Hall.
- (6) Where the City of Regina receives voluntary payment of the prescribed amount, including the licence fee, under subsection (5), the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- (7) Upon conviction of an offence for which there is a voluntary payment option provided under subsection (5), the court shall impose a minimum fine of a sum not less than 200% of the applicable licence fee.

(8) The Director or his or her designate may, where the breach of this Bylaw is of a continuing nature over a person’s carrying on business or in doing any act, matter or thing without having paid the licence fee required to be paid by this Bylaw, in any of those cases, apply to the Court of Queen’s Bench, by way of an action or originating notice for an injunction, or for an order:

- (a) prohibiting a business contravening the Bylaw from continuing to carry on business without obtaining a licence and paying the required licence fee, or
- (b) from continuing to carry on the business without complying with the provisions of this Bylaw applicable to the businesses for which the licence is required.

(#2009-71, s. 13, 2009; #2011-64, s. 19, 2011, #2016-48, s. 19(4), 2016)

Coming into Force

73 This Bylaw comes into force and takes effect as of January 1, 2007.

READ A FIRST TIME THIS 18th DAY OF DECEMBER 2006.

READ A SECOND TIME THIS 18TH DAY OF DECEMBER 2006.

READ A THIRD TIME AND PASSED THIS 18TH DAY OF DECEMBER 2006.

P. FIACCO
Mayor

R. M. MARKEWICH
City Clerk (SEAL)

CERTIFIED A TRUE COPY

City Clerk

Schedule "A"

Licence Fees

		Initial Fee	Renewal Fee
Resident Business Licence Fee		\$112.50	\$225.00
Non-Resident Business Licence Fee		\$450.00	\$450.00
Pawn Broker Business Licence Fee		\$235 per location	\$235.00 per location
Secondhand Dealer Business Licence Fee with Manual Reporting to the Regina Police Service		\$835 per location	\$835.00 per location
Secondhand Dealer Business Licence Fee with Electronic Reporting to the Regina Police Service		\$235.00 per location	\$235.00 per location
Coin Dealer Business Licence Fee		\$335 per location	\$335.00 per location
Tow Truck Service Licence Identification Card Fee		\$35.00	35.00
Secondhand Dealer And Coin Dealer Registry Book		\$7.00 each	\$7.00 each

Schedule "B"

VEHICLE SEIZURE REPORT
(as provided for in section 71 - Tow Truck Service)

VEHICLE SEIZURE REPORT
(all seizures made at the request of any
person other than the owners of the vehicle
to be called in within the hour to the Complaints Desk of
the Regina Police Service at Police Headquarters,
1717 Osler Street, Regina 569-3333)

DATE OF SEIZURE	LOCATION OF SEIZURE (where towed from)	LOCATION OF STORAGE (where towed to)	VEHICLE DESCRIPTION (colour, make, model and year)	LICENCE & SERIAL #

Employee Licence Identification Card #

ABSTRACT

Bylaw No. 2006-86

The Licensing Bylaw, 2007

PURPOSE: The purpose of this Bylaw is to repeal *The Licensing Bylaw*, Bylaw No. 9565 and create a new licensing bylaw that regulates business and ensures compliances with land-use and building requirements. This bylaw reduces the number of licence categories from Bylaw No. 9565 and establishes licence categories, namely resident business, non-resident business, secondhand dealers, pawnbrokers, coin dealers and tow truck services.

ABSTRACT: This Bylaw repeals *The Licensing Bylaw*, Bylaw No. 9565 and creates a new licensing bylaw that reduces the pre-existing categories of business. This bylaw establishes two new licence categories, namely a resident business licence and a non-resident business licence. This bylaw retains licence categories from Bylaw No. 9565 regarding secondhand dealers, pawnbrokers, coin dealers and tow truck services. This bylaw permits the City to revoke a licence where the licensee does not comply with the provisions of the bylaw and permits the licensee to appeal the revocation to the Regina Appeal Board. The bylaw enforcement proceedings are similar to those in Bylaw No. 9565, wherein a person contravening the bylaw would receive a Notice of Violation and be required to pay the judge imposed fine and/or obtain the required business licence.

STATUTORY

AUTHORITY: Sections 8 and 9 of *The Cities Act*

MINISTER'S APPROVAL: N/A

PUBLIC HEARING: N/A

PUBLIC NOTICE: N/A

REFERENCE: Finance & Administration Committee, December 5, 2006, FA06-51

AMENDS/REPEALS: This Bylaw repeals Bylaw No. 9565

CLASSIFICATION: Regulatory

ORIGINATING

DEPARTMENT: Revenue and Administration