

## BYLAW NO. ????

### The Prohibited Businesses Bylaw, 2021

The Council of the City of Saskatoon enacts:

#### Short Title

1. This Bylaw may be cited as *The Prohibited Businesses Bylaw, 2021*.

#### Definitions

2. In this Bylaw:
  - (a) **"business"** means any of the following activities, whether or not for profit and however organized or formed:
    - (i) a commercial, merchandising or industrial activity or undertaking;
    - (ii) the carrying on of a profession, trade, occupation, calling or employment;
    - (iii) an activity providing goods or services;
  - (b) **"City"** means the City of Saskatoon;
  - (c) **"person"** includes an individual, proprietorship, partnership, corporation, association, or other legal entity.

#### Purpose

3. The purpose of this Bylaw is to prohibit certain businesses and business activities in the City.

#### Prohibited Businesses

4. No person may engage in or operate a business listed in Schedule "A".

## **Proof of Contravention**

5. In a prosecution for a contravention of this Bylaw, proof of either of the following is sufficient to establish that a person engaged in or operated a business:
- (a) proof of one transaction in the business;
  - (b) proof that the business has been advertised.

## **Offences and Penalties**

6. (1) No person shall contravene or fail to comply with any provision of this Bylaw.
- (2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction:
- (a) in the 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.
- (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 person to whom a summons ticket is issued pursuant to subsection (3) shall, upon the 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 penalty set out in subsection (2).

## **Corporations**

7. If a corporation commits an offence under this Bylaw, the directors or officers of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence are guilty of the offence and liable on summary conviction to the penalties mentioned in clause 6(2)(a), whether or not the corporation has been prosecuted or convicted, or both.

## **Partnerships**

8. If a partner in a partnership is guilty of an offence under this Bylaw, each partner in the partnership who authorized, assented to, acquiesced, or participated in the act that constitutes the offence is guilty of the offence.

## **Administration and Enforcement of Bylaw**

9.
  - (1) The administration and enforcement of this Bylaw is delegated to the General Manager of Community Services.
  - (2) The General Manager of Community Services is authorized to further delegate the administration and enforcement of this Bylaw, in whole or in part, to other employees of the City.

## **Inspections**

10.
  - (1) The inspection of property 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) 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*.

**Coming into Force**

11. This Bylaw comes into force on the day of its final passing.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Read a third time and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

## Schedule “A”

### Prohibited Businesses

Business	Prohibited Business Activity
Conversion Therapy	<p>“Conversion Therapy” means the following when used for the purpose of changing a person's sexual orientation, gender identity or gender expression, or for the purpose of repressing or reducing non-heterosexual attraction or sexual behaviour:</p> <ul style="list-style-type: none"> <li>(a) the offering or provision of counselling or behaviour modification techniques;</li> <li>(b) any other purported treatment, service, practice or the offering or sale of any goods;</li> </ul> <p>but does not include those that relate to:</p> <ul style="list-style-type: none"> <li>(c) a person’s exploration and development of an integrated personal identity without favouring any particular sexual orientation, gender identity or gender expression; or</li> <li>(d) repressing or reducing sexual attraction or behaviour for any purpose unrelated to a desire to be heterosexual, including for the purpose of managing sexual addiction or maintaining celibacy.</li> </ul>