

**CITY OF WINKLER
BUSINESS LICENCE BYLAW
BYLAW NO. 2120-14**

BEING a By-law of the City of Winkler to provide for the issuance of business licences and to provide for the regulation of persons and firms subject to such business licences.

WHEREAS Sections 232(1)(2) of The Municipal Act S.M. 1996, c.M225, provides:
232(1) “A Council may pass by-laws for municipal purposes respecting the following matters:

(n) businesses, business activities and persons engaged in business:”

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this division:

- a) regulate or prohibit;
- b) adopt by reference in whole or in part, with any changes the council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a province or a recognized technical or professional organization, and require compliance with the code of standard;
- c) deal with any development, activity, industry, business, or thing in different ways, or divide any of them into classes and deal with each class in different ways;
- d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;
- e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following;
 - i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
 - ii) establishing fees for licences, permits and approvals that are higher for persons or businesses that do not reside or maintain a place of business in the municipality,
 - iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,
 - iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,

- v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law, and
- vi) providing for the posting of a bond or other security to ensure compliance with a term or condition;
- f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters;
- g) require persons and salespersons who do not reside or have a place of business in the municipality to report to the municipal office before conducting business in the municipality; and
- h) require pawnbrokers to report all transactions by pawn or purchase to the head of council or to the police.

AND WHEREAS the Council of the City of Winkler deems it advisable to require business licences to be obtained and to regulate parties whom have to acquire such business licence.

NOW THEREFORE the Council of the City of Winkler in Council duly assembled enacts as follows:

1. THAT in this By-law:

a) “business” means

- i) a commercial, merchandising, or industrial activity or undertaking,
- ii) a profession, trade, occupation, calling or employment, or
- iii) an activity providing goods and services,

whether or not carried on continuously or on an intermittent or one time basis and whether or not for profit, and however organized or formed, and includes a co-operative and an association of person; (“enterprise”)

2. THAT any person carrying on a business within the City of Winkler, who is not otherwise liable to pay a business tax or who is not exempt under Section No. 6 of this by-law, must obtain a business licence from the City of Winkler and pay the fee as set out in Schedule “A” attached. Same schedule is subject to revision from time to time by resolution of Council.

3. THAT each individual salesperson who sells his goods, wares or services from a vehicle or other movable object, or by the use of telephone shall be subject to the following regulations:
 - a) each salesperson, prior to any involvement in the activities described under this section, shall make application for business licence and each shall pay the applicable business licence fee and no such activities shall take place prior to the approval of the business licence.
 - b) any salesperson who sells food shall not park or stand his vehicle, or cart or object from which he sells food, within sixty (60) feet from a restaurant when such restaurant is open for business, unless such transient trader is in attendance at a special community event duly sanctioned by the Council of the City of Winkler.
4. THAT any sales of goods, wares or services either by means of going door to door, or from place to place are prohibited.
5. THAT all licences issued shall be valid for a period of time not exceeding twelve (12) months from the date of issuance. Licences must be renewed prior to the date of expiration.
6. THAT no business licence is required under this By-law by any of the following:
 - 6.1 Persons hawking, peddling or selling the growth or produce of the Province if it is being hawked, peddled or sold by the producer thereof, a member of his immediate family, or his bona fide servants or employees.
 - 6.2 Persons or businesses that are operating in a Commercial or Industrial Zone in accordance with the City of Winkler Zoning By-law and who are paying the appropriate business tax .
 - 6.3 Subject to Section 6.5, any business or person paying a business tax, business licence, or paying the commercial rate of Real Property taxes in the Town of Morden or R.M. of Stanley will not need to obtain a business licence to operate in the City of Winkler. The City of Winkler may require proof of such status.
 - 6.4 Any business or person conducting business *solely* to the Commercial, Retail, or Industrial sectors for their operations, will not be required to obtain a business licence to operate in the City of Winkler.
 - 6.5 Section 6.3 does not apply to salespersons described in Section 3.
7. THAT any person who carries on business without having acquired the necessary business licence shall be subject to a penalty not exceeding One Thousand (\$1,000.00) Dollars. Said penalty shall be payable directly to the City of Winkler and

such penalty shall be in addition to the appropriate business licence fee which such person must obtain in addition to paying the penalty.

8. THAT any business licence previously approved by Council may be revoked if there is just cause to do so.
9. THAT any person who breaches any provision of this by-law other than the failure to obtain the necessary licence shall be subject to a fine not exceeding One Thousand (\$1,000.00) Dollars or to imprisonment for a term not exceeding one (1) month, or to both such fine and such imprisonment. Where the contravention, refusal, neglect, omission or failure, continues for more than one (1) day, the person is guilty of a separate offense for each day that it continues.
10. THAT the Chief of Police of the City of Winkler, or in his absence his designate, shall act as the business licence inspector for the City of Winkler and be authorized to enforce this By-law.
11. THAT By-law No. 1921-07 of the City of Winkler is hereby repealed as of the effective date of this by-law.
12. THAT this By-law shall come into full force and effect on the passing thereof.

DONE AND PASSED in open Council duly assembled at the Council Chambers of the City of Winkler, in Manitoba, this ____ day of _____, 2014.

CITY OF WINKLER

Mayor

City Manager

Read a first time this ____ day of _____, A.D. 2014.

Read a second time this ____ day of _____, A.D. 2014.

Read a third time this ____ day of _____, A.D. 2014.

Schedule "A" to By-law No. 2120-14

Setting annual business licence fees (subject to revision from time to time by Resolution of Council).

	<u>Annual or less</u>
Resident of Winkler, Morden or Stanley	\$75.00 each
Non-resident	\$300.00 each