

**THE TOWN OF CHURCHILL BY-LAW NO. 796/2020****BEING A BY-LAW OF THE TOWN OF CHURCHILL TO PROVIDE FOR AND AUTHORIZE LICENSING, REGULATING AND GOVERNING OF PERSONS DOING BUSINESS TO BE KNOWN AS THE "BUSINESS LICENSING BY-LAW"**

**WHEREAS** Sections 232 (1) of the Municipal Act, C.C.S.M., Cap. M225 (the "Act") states in part that:

232 (1) A Council may pass by-laws for municipal purposes respecting the following matters

(b) people, activities and things in, on or near public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from taxation;

(c) subject to section 233, activities or things in or on private property;

(n) businesses, business activities and persons engaged in business;

**AND WHEREAS** the Council for the Town of Churchill deems it expedient to provide regulations to business activities relating to the sale of goods and services not subject to commercial tax assessment;

**NOW THEREFORE BE IT AND IT IS HEREBY ENACTED** as a by-Law of The Town of Churchill as follows:

**1. Title**

- a) This By-law may be referred to as the "Business Licensing By-Law"

**2. Purpose**

- a) The purpose of this by-law is to regulate business within the Town of Churchill subject to this By-Law.
- b) To create a registry of businesses operating in the Town of Churchill subject to this By-Law.
- c) To promote resident and non-resident businesses carrying out commercial activities within the Town of Churchill that are not subject to commercial tax.

**3. Definitions**

- a) "Aesthetic Services" means any service relating to enhancing beauty, which are not surgical procedures, including but not limited to: skin care, cosmetology services, makeup artistry,

water therapies, manicures, pedicures, aromatherapy, airbrush tanning, facials, spa therapy, body treatments, waxing, reflexology, artificial nails, eyelash/eyebrow tinting and shaping.

- b) "Accommodation Provider" means any accommodation being provided from a premise not subject to commercial tax including but not limited to Bed and Breakfasts, Hostels, Guest Houses and other forms of short-term rentals.
- c) "Administrator" means a designate of the Town of Churchill who is appointed by the Executive Director to administer this By-Law.
- d) "Artisan Group" means any group comprised of those who work in or create fine arts or handcrafts including carvers and beaders, seamstress, sculptor or similar person.
- e) "Charitable Organization" means an organization or group recognized by Canada Revenue Agency as being charitable and in full compliance with the requirements under the Income Tax Act that apply to registered charities.
- f) "Commercial Filming and Photography" means any production company or individual undertaking work on feature films, television films, television programs/series, television commercials, documentaries, educational films, music videos, commercial photography. All commercial filming and photography companies and individuals must comply with the Town of Churchill Filming Guidelines.
- g) "Contractor" means any person or group of people who undertakes a contract to provide materials or labour to perform a service or a job, including but not limited to carpentry, janitorial, roofing/shingling, concrete work, electrical and plumbing.
- h) "Home Business" means any business, profession or hobby:
  - I. not subject to commercial tax assessment.
  - II. Carried on from an individual's residence, whether as a primary or alternative source of income.

- i) "Independent Tour Operator" means anyone providing guiding, or tours, including walking, and in vehicles, that is not directly affiliated with a commercial business within Churchill.
- j) "Licensee" means the holder of a business license.
- k) "Non-resident" means anyone that does not maintain a permanent, full-time residence within Churchill.
- l) "Non-Profit Organization" means
  - I. A corporation that is prohibited from paying dividends to its members and distributing the assets to its members on a winding-up, or
  - II. Any other entity established under a law of Manitoba or Canada for the purpose other than to make a profit.

But does not include a credit union, caissee Populaire or co-operative established under a law for Manitoba or Canada.

For the purpose of this By-Law service clubs, athletic teams and other groups or organizations seeking to raise money through donations for the advancement of athletics, culture and the arts, health and welfare or education are included.

- m) "Resident" for the purpose of this By-Law means an individual that maintains a permanent place of residence within the boundaries of the Town of Churchill or surrounding sub-divisions of Goose Creek and Camp Nanuq
- n) "Sales Representative" means any person who sell goods, wares, merchandise, foodstuffs, effects of any kind, or offer them for sale by sample cards, specimen, or otherwise that are to be delivered afterwards, excluding the sale of goods made by an existing retailer subject to commercial tax within the Town of Churchill.

#### **4. Licence Exemptions**

- a) Any business against which a commercial tax levy is assessed on the property primarily from which the business operates shall be exempt from the operation of the By-Law.

- b) A manufacturing activity or industry
- c) Sale of goods by wholesale
- d) The generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.
- e) The sale of goods, wares or merchandise by an existing retailer, subject to commercial tax assessment, if the temporary selling activity is an extension of the existing permanent business at the same premises.
- f) Individuals selling items as a part of an Artisan Group, which already holds a business licence. Any individual selling and or promoting separately from the Artisan Group and its events will be required to purchase a separate licence.
- g) That no license shall be required to sell produce grown in Manitoba if the sale is by the individual who produced it, or an immediate family member of the individual or an employee of the organization.

#### **5. Administration, Regulation and Control of By-Law**

- a) The Administrator shall be responsible for the licencing and enforcement of this by-law.
- b) The Administration Services Office shall maintain a record of all registered home businesses and shall collect the license fees in accordance with the set fees set out in the "Fees and Charges By-Law"
- c) Licences shall expire, unless earlier revoked, on the last day of December of the year of issue.
- d) An applicant for a licence, herein provided, upon satisfying the Administrator that the applicant is lawfully entitled to, and upon completion of application and payment of the fee prescribed, shall receive a licence.
- e) Upon being made aware that an unlicensed business is being carried out in The Town of Churchill, the Administrator will, by registered letter, advise the operator of the provision of this By-law and the operator shall register the business then purchase a business license, or cease operation within two (2) weeks.

- f) The Administrator shall not refund fees paid for licences lawfully issued
- g) No person shall do business in the Town of Churchill as a:
  - I. Aesthetic Service Provider;
  - II. Accommodation Provider;
  - III. Artisan Group;
  - IV. Contractor;
  - V. Commercial Filming and Photography business;
  - VI. Independent Tour Operator;
  - VII. Salesperson or Sales Representative;
  - VIII. Or any other home business.

Until the Administrator has issued an annual business licence.

- h) The annual licence fees are outlined within "THE FEES AND CHARGES BY-LAW"
- i) The Administrator shall not issue a licence to any person who previously had their licence suspended or revoked.
- j) Licences issued under the provisions of this By-law are not transferable;

#### **6. Licence Refusal, Suspension and Revoking of Licence**

- a) The Administrative Services Offices may refuse to issue a business licence to an applicant when:
  - I. The applicant submits an incomplete business licence application form.
  - II. The applicant submits false or inaccurate information on a business licence application form.
  - III. The issuance of the business licence would be contrary to the public interest as determined by Council.
- b) An applicant that has been refused a business licence may make a written application to

Council to have the application request re-considered.

c) The Administrator may suspend or revoke a licence on valid grounds including

- I. When said licence has been obtained by fraud or deceit;
- II. Deliberate misrepresentation by the licensee of goods, merchandise or effects offered for sale in the Town.

d) Prior to suspending or revoking any licence, the Administrator shall serve notice in writing, together with a copy of this section of the By-Law, to the person whose licence is to be suspended or revoked, requiring the person within seven days after service of notice to render to the Administrator a statement in writing why the licence should not be suspended or revoked.

- I. Service of such notice may be made personally on the licensee or by registered mail and where service is made by registered mail as aforesaid, service shall be deemed to have been made on the date of posting such notice by registered mail.
- II. If at the expiration of the seven days of service of notice the licensee shall have failed to show to the Administrator sufficient cause why his licence should not be suspended or revoked, the Administrator may proceed to suspend or revoke the said licence.

## 7. Penalties

a) Every person who contravenes any section or provision of this by-law shall be liable to a penalty or fine not exceeding the sum of five hundred dollars (\$500.00) in addition to the cost of licence.

**THAT** this By-law shall come into force and have effect immediately from and after the passing thereof;

**THAT** By-laws No. 621/95 and 414/87 be hereby rescinded.

**DONE AND PASSED** as a By-Law of the Town of Churchill this 13<sup>th</sup> day of February 2020.

Read a first time this 16<sup>th</sup> day of January, 2020  
Read a second time this 13<sup>th</sup> day of February 2020  
Read a third time this 13<sup>th</sup> day of February 2020

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Mayor  
Michael Spence

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Executive Director  
Cory Young

A handwritten signature in black ink, appearing to be 'Cory Young', written over a horizontal line.