

**BY-LAW NO. 2546**

**THE TOWN OF MINNEDSOSA**

**Being a By-Law of the Town of Minnedosa Providing for the Licensing, Regulating and Governing of Certain Trades and Occupations within the Town of Minnedosa**

WHEREAS Section 232 of Division 2 of Part 7 of The Municipal Act states in part as follows:

232(1) A council of a municipality may pass by-laws for municipal purposes respecting the following matters:

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

(o) the enforcement of by-laws.

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

(a) regulate or prohibit;

(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;

(e ) subject to the regulations, provide for a system of licenses, permits or approvals, including any or all of the following:

(ii) establishing fees for licences, permits and approvals including fees that are higher than for persons or businesses who 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;

(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 with the by-law or for any other reason specified in the by-law.

(g) require persons who do not reside or have a place of business to report to the municipal office before conducting business in the municipality.

236(1) (b) remedying contraventions of by-laws including:

(ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law.

AND WHEREAS Section 237 of The Municipal Act provides that:

237 Despite clause 232(2)(e) (by-laws respecting licences, permits, approvals), a municipality may not require that a licence, permit or approval be obtained to sell produce grown in Manitoba if the sale is by the individual who produced it or an immediate family member or employee of the individual.

AND WHEREAS Fees, Discounts and Penalties Regulation 50/97 provides that the maximum fee that a council of a municipality may establish for a business license for a calendar year under subclause 232(2)(e)(i) and (ii) for an urban municipality with fewer than 5,000 residents is \$200.00.

AND WHEREAS Fees, Discounts and Penalties Regulation 50/97 provides that the maximum fine that a council may impose in respect of a contravention of a by-law is \$1,000.00.

AND WHEREAS it is deemed expedient and in the best interest of the Town of Minnedosa to provide for such licensing and regulations of certain trades and occupations within the Town of Minnedosa;

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED AS A BY-LAW OF THE TOWN OF MINNEDOSA IN COUNCIL DULY ASSEMBLED AS FOLLOWS:

DEFINITIONS:

1. THAT this By-Law may be referred to as the “Town of Minnedosa Licensing By-Law”

2. THAT where used 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 or 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 persons; (enterprise)

(b) "**Person**" means In law, an individual or incorporated group having certain legal rights and responsibilities including foreign and domestic corporations.

(b) "**Town**" shall mean the Town of Minnedosa.

(c) "**Act**" shall mean The Municipal Act of Manitoba

LICENSES TO BE OBTAINED:

3. THAT any person who intends to carry on business in the Town, whose business is not located within the Town, shall obtain a license before transacting any business within the Town.

4. THAT it is an offence to carry on a business of the nature as described within this by-law without having first obtained a license under this by-law.

TRANSIENT TRADERS TO REPORT:

5. THAT transient traders, hawkers, peddlers and other persons who go from place to place, or from door to door, by any means, bearing, or drawing any goods, wares or merchandise for sale, shall, before transacting business in the Town report to the Civic Administration Building to obtain a license.

LICENSE FEES:

6. THAT transient traders, hawkers, peddlers and other persons shall pay a license fee of Two Hundred Dollars (\$200.00) to the Town.

LICENSE EXPIRATION:

7. THAT every license issued under this by-law shall be effective from the day of issue to and including the 31st day of December in the year of the issuance.

LICENSES NOT REQUIRED:

8. THAT no license shall be required for the following:

(a) For selling produce grown in Manitoba if the sale is by the individual who produced it or an immediate family member or employee of the individual.

(b) For businesses which are not located in the Town, but within the Rural Municipality of Minto-Odanah, who support the businesses located with the Town.

DEMAND:

9. THAT every licence issued under this by-law shall be produced by the licensee upon demand of an authorized officer of the Town or any member of the Royal Canadian Mounted Police.

PENALTIES:

10. (a) THAT any person who contravenes, violates, disobeys, or refuses, omits, neglects or fails to comply with any provisions of this By-Law is guilty of an offence and is liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1,000.00).

(b) THAT in addition to the provisions of the immediately preceding paragraph, the licence of any person in violation of this By-Law may be revoked by the Chief Administrative Officer or his/her designate.

REPEALS:

11. THAT By-Law No. 2094 and By-law No. 2333 be hereby repealed.

PASSED AND ENACTED as a By-Law of the Town of Minnedosa thereof duly assembled at the Civic Administration Office in the Town of Minnedosa this 10<sup>th</sup> day of May A.D. 2016.

THE TOWN OF MINNEDOSA

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Mayor

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CAO

Read a first time this 12<sup>th</sup> day of April 2016  
Read a second time this 10<sup>th</sup> day of May 2016  
Read a third time this 10<sup>th</sup> day of May 2016