

TOWN OF THE PAS

BY-LAW NO. 4552

BEING A BY-LAW OF THE TOWN OF THE PAS TO PROVIDE FOR THE LICENCING AND REGULATION OF BUSINESSES AND TO REPEAL BY-LAW NO. 4513.

WHEREAS Section 232(1) of the Municipal Act provides:

The Council 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;

AND WHEREAS subsection 232(2) of the Municipal Act provides:

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:
 - (i) establishing fees, and terms for payment of fees, for inspections, licenses, permits and approvals, including fees related to recovering the costs of regulation;
 - (ii) establishing fees for licenses, permits and approvals that are higher 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 license, permit or approval is granted;
- (g) require persons 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 WHEREAS the Council of The Town of The Pas deems it necessary and expedient to license and regulate businesses carried on with the Town of The Pas;

NOW THEREFORE THE COUNCIL OF THE TOWN OF THE PAS IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

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I. Short Title

This By-law may be referred to as the "Town of The Pas Licencing By-Law".

II. Definitions

"auctioneer" means any person who sells or offers for sale any real or personal property by public or private auction

"business" any commercial merchandising or industrial activity or undertaking, profession, trade, occupation or calling whether or not it is carried on continuously or on an intermittent or one-time basis however organized or formed and whether or not the person carrying on the business has an established place of business within the Town of The Pas.

Examples include but not limited to: restaurants / fast food, seasonal food units / refreshment vehicles, grocery stores, gas stations, hotel / motels, pawnbrokers / second hand stores, repairs shops / junk yards, home occupation, general contractors / trades

"charitable organization" – means any organization which is a registered Canadian Charitable Organization as defined in the Income Tax Act of Canada

"craft show" means an exhibition at which people sell items that they have made

"farmer's market" – means the collection of vendors selling hand-made goods, baked goods or meat, fruit or other farm produce that has been produced, raised or grown by that person within the Province of Manitoba, or fish of his own catching caught within the Province of Manitoba

"general contractor" means any person who is responsible for a specific contract and has one or more sub-traders performing work on his/her contract

"home based business" – means any occupation, trade, profession or craft conducted for gain **from** a dwelling unit, which use is incidental and secondary to the residential use of the dwelling and does not change the character of the home – ie: Scentsy, Epicure, Avon

"home occupation" – means any occupation, trade, profession or craft conducted for gain **in** a dwelling unit **by the resident or residents of the premises**, which use is clearly incidental and secondary the residential use of the dwelling and does not change the character of the home
– ie: Day Care

"junk yard" means an open area where waste or scrap material are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metal, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking or dismantling yard.

"licence inspector" means the Licence Inspector appointed by the Town of The Pas from time to time

"licence year" unless otherwise noted, means the calendar year

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“local business” – means any business owned / operated within a 50 km radius of the Town of The Pas (being OCN, the RM of Kelsey, Clearwater Lake)

“non-profit organization” – means an association / organization that conducts business for the benefit of the general public without shareholder and without a profit motive

“pawnbroker” means a person(s) who lends money upon interest on the security of articles of personal property pawned or pledged

“refreshment vehicle” means a vehicle, booth, stall or place wherein ice cream, popcorn, soft drinks, potato chips or confections are sold or exposed for sale and which is not on a public street and is not within a building equipped with sewer and water and other sanitary facilities as required in stores or shops by law

“restaurant” means any premises wherein prepared food is sold to the public for consumption whether or not consumption is on the premises

“second hand store” means a store, shop, yard or place wherein second hand goods are stored or dealt in. The term “second hand store” does not apply to the resale of used articles taken as part of the purchase price of new articles by a retail dealer whose principle or normal business is the sale of new articles; or to persons selling such articles, or to the sale of articles of furniture, silver, china, pottery, glassware, ivory, jewelry, sculpture, painting, carving, precious or semi-precious stones, or other articles of art of virtue, or the like, all of which are of a class or kind commonly called antiques, the value of which is normally increased by the age thereof

“sub-contractor” means any person who is responsible only for one specific portion of a contract which he/she is performing and or his / her hourly people are performing

“town” – means the Town of The Pas.

“tradeshow” means an exhibition for companies / businesses to showcase, demonstrate and sell their products and or services

“transient trader” means any person:

- (a) who sells goods, wares, merchandise, or effects of any kind, or offers them for sale by sample cards, specimens, or otherwise for or on account of any retail merchant, manufacturer, or any other person who sells directly to the consumer and does not have his / her or its principle place of business in the Town of The Pas; or
- (b) who, whether acting for themselves or as agents for other persons, takes orders for any goods or for any finished articles, that have been, or are to be manufactured, made or completed in the whole or in part outside the Town of The Pas by a retail merchant, manufacturer, or other person, who does not have his or its principal place of business in the Town of The Pas; or
- (c) who delivers the manufactured, made or completed goods or articles;
or

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- (d) who hawks, peddles, sells or offers to sell goods, wares, merchandise or chattels of any kind by auction or in any other manner;
 - (i) from any railway car, aircraft, vehicle or conveyance; or
 - (ii) from any tent, booth, stall, stand or vacant lot within the Town of The Pas, whether or not such auction is conducted by a licenced auctioneer; or
- (e) who does business in the Town of The Pas who occupies premises for temporary purposes, and all others who offer goods, wares, merchandise, or effects of any description whether occupying premises or not, for sale by auction in any other manner and whether or not such auction is conducted by an auctioneer; or
- (f) who is a nurseryperson or the agent of a nurseryperson selling or offering for sale trees, shrubs, plants, and nursery stock, grown and propagated outside of the Province of Manitoba; or
- (g) who has not resided in the Town of The Pas for a period of at least three months immediately preceding the time of his / her beginning to carry on business in the Town of The Pas; or
- (h) who has not established a place of business in the Town of The Pas;
- (i) who has a regular and established course of business supplies or offers to supply in the Town of The Pas, services of any kind and is a person to whom subsection (b) applies

III. General Provisions

1. No person shall carry on any of the trades, occupations or callings mentioned in this by-law and / or listed in Schedule "A" of Policy FA – 801 until he/she has obtained a valid and subsisting business licence from the Town of The Pas.
2. Notwithstanding any of the provisions of this by-law, no person need acquire a business licence for hawking, peddling or selling the growth of produce of the Province of Manitoba if it is being hawked, peddled or sold by the producer, a member of his / her immediate family, or his / her bona fide servants or employees (Farmer's Market).
3. Notwithstanding any of the provisions of this by-law, Non-Profit and Charitable Organizations will be required to obtain a business licence however there will be no fee attached to this.
4. The Town of The Pas shall appoint a Licence Inspector and may appoint one or more Assistant Licence Inspectors to assist or act as Licence Inspector in the absence of or vacancy in the position of the Licence Inspector.
5. All applications for business licences shall be made to the Licence Inspector of the Town of The Pas in the form prescribed or adopted by the said Licence Inspector. All applications shall contain:
 - a) The name, occupation and address of the applicant; and

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- b) The nature of the licence being applied for; and
- c) The place where the applicant will carry on the trade, occupation or calling with respect to which he/she seeks the licence; and

Upon receiving an application as mentioned above and the business licence fee for the trade, occupation or calling, as provided for in Schedule "A" of Policy FA – 801, the Licence Inspector shall issue and sign a business licence in the form prescribed, in which the form shall set out the year for which the licence has been issued and the trade, occupation or calling licenced.

Renewal shall be required annually upon receipt of invoice from the Town and paid in full prior to 4:30 pm on the 15th day of January of the year in which the licence pertains to.

- 6. Upon receipt of payment for the business licence the business will be added to the Town of The Pas Website Directory. Only those businesses that pay for a business licence will be added to this directory if they choose to do so.
- 7. All business licences issued pursuant to this By-Law shall be displayed in a prominent place where the trade, occupation or calling with respect to which the business licence was issued for is carried one.
- 8. The Council for the Town of The Pas may, on the recommendation of the person in charge of The Pas R.C.M.P. Detachment, or the Fire Chief or the Town of The Pas Building Inspector, or the Medical Officer of Health appointed under The Public Health Act, with just cause, revoke or suspend any business licence granted under this by-law.
- 9. Unless otherwise provided in this by-law, all business licences shall take effect on the first day of the year for which the business licence has been issued and all business licences shall expire on the last day of the year for which the business licence has been issued.
- 10. A business licence shall not be issued nor considered valid without payment.

IV. Special Provisions

1. Pawnbrokers

Each and every pawnbroker licenced to carry on business within the Town of The Pas shall maintain a record of all goods and chattels that he/she has acquired in the course of his / her business. The record shall consist of a description of the goods or chattel acquired along with the make and serial number, if there is one, the name of the person from whom it has been acquired, the last day for redemption of goods or chattel, and record shall be furnished for inspection in the pawnbroker's premises to any member of the R.C.M.P. on request during the pawnbroker's ordinary hours of business.

2. General Contractor, Sub-Contractor and Tradesperson

The term general contractor, sub-contractor and tradesperson apply, but are not limited to the following: demolition trades, moving trades, piling contractors, foundation contractors, forming trades, framers, roofers, siding trades, brick layers, stone masons, cement workers, plasterers, insulators, drywallers, painters, decorators, finishing carpentry trades,

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floor layers, plumbers, heating and ventilation trades, electricians, special trades, scavenger, chimney sweep and wood sawing operator.

3. Home Occupation

Any person licenced by the Town of The Pas to carry on an occupation in his / her home must comply with all the regulations of the Town of The Pas Zoning By-Law as it applies to home occupations.

4. Tradeshows / Craft shows

The host of the event will be responsible for applying and paying for the business licence. The business licence will only apply to that particular event, place, date and time. A business licence and fee will be required each time the organization holds such an event.

5. Restaurants

Each and every person who applies for a business licence to operate a restaurant, refreshment vehicle, or any other place where food is sold in a prepared state, shall provide the Licence Inspector, prior to the issuance of such business licence a certificate of approval from the Medical Officer of Health (Public Health) certifying that the area wherein such trade is proposed to be carried on is sanitary and that the employees are certified to be handling food.

VII. Penalties

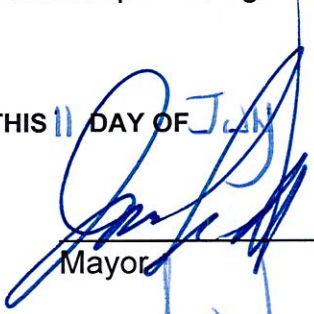
Any person who violates or fails to comply with any of the provisions of this by-law shall be guilty of an offence and liable to a fine not exceeding twice the amount of the applicable licence fee.

VIII. Repeals

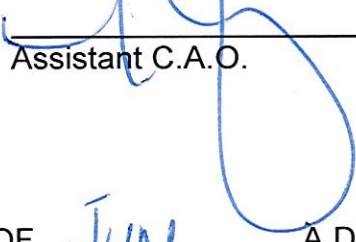
By-Law No. 4513 is hereby repealed. Any other By-Law of the Town of The Pas or portion thereof inconsistent with this By-Law is repealed to the extent that the said By-Law or portion thereof is inconsistent with this By-Law.

This by-law shall come into force and takes effect upon being read a third time and passed by Council

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 11 DAY OF July A.D. 2016.



Mayor



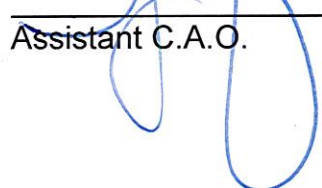
Assistant C.A.O.

CERTIFIED THAT BY-LAW NO. 4552 WAS:

READ A FIRST TIME THIS 27th DAY OF June A.D. 2016

READ A SECOND TIME THIS 11th DAY OF July A.D. 2016

READ A THIRD TIME THIS 11th DAY OF July A.D. 2016



Assistant C.A.O.



OUT-OF-TOWN BUSINESS LICENCE APPLICATION

Name of Owner / Operator _____

Name of Business _____

Nature of Business _____

Location of Business _____

Mailing Address of Business _____

Telephone Number(s): (business) _____ (work/cell) _____ (fax) _____

E-mail address: _____

Would you like your business information on the Town of The Pas Website under our Business Directory YES NO

If yes please provide the information you would like to appear with your Business Name if different then above or in addition:

I, the applicant identified above, hereby apply for a licence referred to above, to carry on the business in the Town of The Pas for the period _____ to _____

I, (We) hereby certify the above information to be correct and acknowledge that any false statement made upon this application may result in the revocation of the licence applied for. Be advised that this application is not a licence and does not constitute permission to conduct said business until the licence is issued.

_____ **DATE** _____ **SIGNATURE OF APPLICANT**

Fee Structure as per Schedule "A" to Town of The Pas Policy FA – 801 Fees for Services
and
By-Law No. 4552 Town of The Pas Licencing By-law

OUT-OF-TOWN BUSINESSES

Business, Occupation, Trade	Conditions	Licence Fee	Applied For
General Contractor	1 wk or less	\$150.00	
	Annual	\$500.00	
Sub-Contractor	1 wk or less	\$ 75.00	
	Annual	\$300.00	
Trades person	1 wk or less	\$ 50.00	
	Annual	\$150.00	
Transient Trader – utilizing 0-1 vehicle	1 wk or less	\$150.00	
	Annual	\$500.00	
* plus* each additional vehicle	1 wk or less	\$ 50.00	
	Annual	\$150.00	

Tradeshows \$500.00
Craft Shows \$250.00

Amount submitted with application: \$ _____

DATE ISSUED

LICENCE #

Receipt #



LOCAL BUSINESS LICENCE APPLICATION

Name of Owner / Operator _____

Name of Business _____

Nature of Business _____

Location of Business _____

Mailing Address of Business _____

Telephone Number(s): (business) _____ (work/cell) _____ (fax) _____

E-mail address: _____

Would you like your business information on the Town of The Pas Website under our Business Directory YES NO

If yes please provide the information you would like to appear with your Business Name if different then above or in addition:

I, the applicant identified above, hereby apply for a licence referred to above, to carry on the business in the Town of The Pas for the period _____ to _____

I, (We) hereby certify the above information to be correct and acknowledge that any false statement made upon this application may result in the revocation of the licence applied for. Be advised that this application is not a licence and does not constitute permission to conduct said business until the licence is issued.

DATE SIGNATURE OF APPLICANT

Fee Structure as per Schedule "A" to Town of The Pas Policy FA - 801 Fees For Services and By-Law No. 4552 Town of The Pas Licencing By-law

LOCAL BUSINESSES

All Local Businesses \$100.00 including but not limited to: restaurants / fast food, seasonal food units / refreshment vehicles, grocery stores, gas stations, hotels/ motels, pawnbrokers / second hand stores, repairs shops / junk yards, home occupation, general contractors / trades

Tradeshows \$500.00

Craft Shows \$250.00

Amount submitted with application : \$ _____

DATE ISSUED

LICENCE #

Receipt #