

TOWN OF NIVERVILLE

BY-LAW No. 793-18

Being a by-law of the Town of Niverville for the purpose of licensing Temporary for-profit Businesses.

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

"A Council may pass by-laws for municipal purposes respecting the following matters...

(b) people, activities and things in, on or near a 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.....

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

AND WHEREAS it is deemed expedient and in the best interests of the Town of Niverville (Town) to provide for the issuance of licenses and regulation of persons and firms doing business in the Town.

1) DEFINITIONS

- a. "License" means a license issued under this Bylaw;
- b. "Administrator" means the Administrator for the Town;
- c. "Town" means the Town of Niverville;
- d. "Transient Trader" means a peddler and other persons who go from place to place, or from door to door, by any means bearing or drawing any goods, wares, services or merchandise for sale;
- e. "Council" means the Council of the Town;
- f. "Applicant" means any person or firm carrying on a business or intending to carry on a business in the Town including any Transient Trader;
- g. "Business" means, subject to the terms of the Bylaw, any trade, auction, occupation or vocation whether or not it is carried on continuously or on an intermittent or one-time basis, and whether or not the person has an established place of business within the Town, and shall include the business of being a Transient Trader;
- h. "Wholesaler" means any business whose service is to supply other businesses goods for the purpose of resale;
- i. "Licensee" means the holder of a current license issued under this Bylaw.

2) LICENSES

- a. No person or firm shall carry on any business within the limits of the Town unless and until such time as the person or firm has procured a license to do so from the Town and has paid the applicable license fee to the Town as set out in attached Schedule "A", which may be duly amended by resolution of Council. Every person and firm so licensed shall be subject to the provisions of this Bylaw.
- b. Any license issued under this Bylaw shall cover the period from January 1 to December 31 of each year and shall terminate on December 31 of each year except as provided in Schedule "A" of this Bylaw. Annual licenses may be pro-rated to the end of the calendar year but cannot be less than the fee for a one-month temporary for-profit license.

- c. No person or firm to whom a license has been issued shall carry on business after the license has lapsed or been cancelled by the Town unless a new license is issued by the Town.
- d. If after investigation the Town concludes that a Licensee is carrying on business in an improper manner, Council shall be entitled to suspend such license. Licensee will be notified by registered mail of their right to appeal within fourteen (14) days of service. The decision of Council on appeal shall be final and binding.
- e. Upon revocation of a license, there will be no refund of any portion of the license fee paid by the Licensee.
- f. Every license issued hereunder shall be produced by the Licensee at any time or times upon demand by the Administrator, or any member of Council, or any other person duly authorized by Council to demand production of the License.

3) APPLICATION

- a. The applicant shall apply for a License at the Town Office, 86 Main Street during regular business hours.
- b. Each application for a license will be completed on an approved form and shall contain:
 - i. the name, occupation, address, phone number and email address of the Applicant;
 - ii. the nature of the business for which the license is being applied and the business address of the Applicant within the Town; and
 - iii. Any other information which may be deemed necessary and shall be accompanied by the fee listed on Schedule "A" of this Bylaw.

4) RESTRICTIONS

- a. No Licensee shall carry on a business during the hours of quiet as stipulated in Town Bylaw No. 655-07 or any amendments thereto; and
- b. The Licensee shall carry on business in a manner which does not interfere with the person or property of any neighbor without first obtaining the express written permission of the Town in accordance with Zoning regulations.

5) EXEMPTION

- a. Any exemption to this Bylaw shall only be made by resolution of Council from time to time conducted during a duly called open Council business meeting.
- b. Any business against which a business tax levy is assessed on the property primarily from which the business operates shall be exempt from the operation of this Bylaw.
- c. Any business against which a Town commercial mill rate is levied on the property primarily from which the business operates shall be exempt;
- d. Any contractor or trades person who is required to purchase a building permit for the performance of a service is exempt for work performed on the site covered by the permit.
- e. Any wholesaler is exempt.
- f. 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 or employee of the individual.

6) ENFORCEMENT AND PENALTY

- a. This Bylaw shall be administered by a peace officer, Bylaw Enforcement Officer, or other individual duly appointed by the Council, and such person shall act under the general supervision of the Administrator.
- b. It shall be the responsibility of the person named in Subparagraph (a) to ensure that this Bylaw is enforced and to report it to the Administrator.
- c. License fees shall be paid to the Town at the Town Office.
- d. Every person who contravenes or refuses, neglects, omits or fails to obey or observe any provision of the Bylaw is guilty of an offence and is liable, upon summary conviction, to a fine of not less than \$200.00 nor more than \$500.00 for each offence so convicted.
- e. Each offense is to be considered as separate and apart from any previous subsequent offense.

7) THAT By-law No. 441-93 is hereby repealed.

DONE AND PASSED by Council of the Town of Niverville duly assembled on the 15th day of May, 2018.

Mayor

Chief Administrative Officer

Read a first time 1st day of May, 2018

Read a second time 15th day of May, 2018

Read a third time 15th day of May, 2018

SCHEDULE "A"
Town of Niverville
By-law No. 793-18

The following fees shall be paid to the Town to obtain a Business License.

1. Temporary For-Profit Business License
 - a. Weekly Rate - \$250 for 7 consecutive days
 - b. Monthly Rate - \$750 for 30 consecutive days
 - c. Annual Rate - \$1,500 for 365 consecutive days