TOWN OF WINNIPEG BEACH BY-LAW NO. 15/2015

A By-Law of the Town of Winnipeg Beach to provide for licensing and regulation of certain Businesses and Trades within the Town of Winnipeg Beach pursuant to the provisions of *The Municipal Act* C.C.S.M. Chap. M 225. (the "Act") which states in part that:

A Council may pass by-laws for municipal purposes respecting the following matter:......

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

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

AND WHEREAS it is deemed expedient and in the best interest of the Town of Winnipeg Beach to provide for the issuance of Licences and regulations of persons and firms doing business within the Town of Winnipeg Beach.

THEREFORE BE IT RESOLVED that the Council of the Town of Winnipeg Beach, in open meeting duly assembled enacts as follows:

PART 1 GENERAL LICENSING PROVISIONS

1. CITATION

This By-Law may be referred to as "The Business Licence By-Law".

2. BUSINESS BY-LAW SCHEDULES

2.1 Council of the Town of Winnipeg Beach may from time to time, by resolution, add or attach additional schedules as deemed necessary and amend each and every schedule attached to this By-Law and set out as attached hereto:

Schedule "A": Fees
Schedule "B": Business Licence Application
Schedule "C": Outdoor Mobile Food Vending Unit Application
Schedule "D": Notice of Requirement to Obtain a Business Licence
Schedule "E": Penalty Notice

Change Request for Business Licence

3. INTERPRETATION

Schedule "F":

In all parts of this By-Law, any word importing the male gender shall include the female gender and vice versa, and any word importing the singular shall include the plural, and vice versa, as applicable and unless the context requires a different interpretation.

4. **DEFINITIONS**

Unless the context otherwise requires, wherever used in this By-Law,

"Business" includes every trade, occupation, profession or venture conducted or carried on with a view to profit or gain;

"Business Licence" or "Licence" means the certificate issued to an applicant, permitting the applicant to carry on a Business;

"By-Law Enforcement Officer" means the "By-Law Enforcement Officer" appointed or authorized by the Council of the Town of Winnipeg Beach to enforce By-Laws of the Municipality;

"Chief Administrative Officer" (CAO) means the Chief Administrative Officer for the Municipality, and anyone acting or authorized to act on behalf of the CAO;

"Council" means the Council of the Town of Winnipeg Beach;

- "Due Date" means the time by which a person is required to obtain a business Licence in any calendar year, as determined by the CAO.
- "Garage Sale" mean the retail selling or barter of any commodity or thing (new or used), including without limiting the foregoing, clothing, goods, wares, merchandise and handicrafts, from residential property, and includes a Rummage Sale and Yard Sale.
- "Health Inspector" means the Public Health Inspector appointed by the Province under the Public Health Act;
- "Home Occupation" or Home Based Business" means an occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the residential use of the dwelling unit.
- "Licence Inspector" means the CAO, By-Law Enforcement Officer or any duly authorized Person acting on behalf of the CAO;
- "Licence Year" means the period of time in a calendar year from January 1 through December 31 of the same year and each 12 month period thereafter;
- "Licenced Premises" means the premises in which the Business referred to in the context is carried on;
- "Municipality" means the Town of Winnipeg Beach;
- "Non-Resident" means a Person who is not a Resident as defined in this by-law;
- "Outdoor Mobile Food Vending Unit" means a Vehicle, mobile or portable cooking or food storage unit, including a Refreshment Vehicle, pushcart, handcart or other similar device from which food is offered for sale and which is moved about from place to place or located at a temporary outdoor location other than upon premises Licenced by the operators of a food handling establishment;
- "Paid" means received in full at the Administration Office of the Municipality, be it by cheque, money order, cash, electronic transfer, debit card or any other method acceptable to the Municipality.
- "Person" means any individual and includes a corporation, firm, partnership, club, and association or company.
- "Refreshment Vehicle" means a Vehicle from which food products are sold or exposed for sale and which is not within a building equipped with sewer and water and other sanitary facilities as required by law in stores or shops;
- "Resident" means any Person who
 - i) is the owner of property in the Municipality, used for the purpose of carrying on a Business,
 - ii) has leased premises in the Municipality for a period of not less than 180 days which is used for the purpose of carrying on a Business;
- "Vehicle" has the meaning given to it by The Highway Traffic Act and with respect to the trade of Outdoor Mobile Food Vending Unit meaning an automobile, motor bicycle, traction engine, truck tractor, trailer or any device drawn, propelled or driven by any kind of power including muscular power but does not include a handcart;
- "Zoning By-Law" means the most current Zoning By-Law of the Town of Winnipeg Beach, and any amendments thereof.
- 5. SALE OF OWN PRODUCE
 - No Licence shall be required by a person 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 as per section 237 of The Municipal Act.
- 6. PERSONS REQUIRED TO BE LICENCED
 - i. The Town of Winnipeg Beach will not conduct Business with any Person who is not in compliance with the provisions of the By-Law.

- ii. Every Person carrying on any Business, whether or not it is carried on continuously or on an intermittent or one-time basis, shall first obtain a Business Licence from the Municipality. No Person shall carry on a Business for which a Licence has been issued after the Licence has lapsed or been cancelled, unless a new Licence is issued therefore.
- iii. Every Person, whether Resident or Non-Resident who applies for a Licence to carry on a Business shall pay a fee upon application and an annual fee thereafter, as established by the Council of the Town of Winnipeg Beach, while carrying on a business.
- iv. No Person shall manage or conduct any Licenced Business except the Licencee thereof or a manager, employee or agent authorized to carry on the Business in the Licencee's behalf.
- v. No person shall carry on or conduct any type of Business on any public sidewalk, roadway, lane or laneway or any other public space without either obtaining the appropriate Licence (as detailed in the existing Use of Public Sidewalks by-law), obtaining approval of the Licence Inspector or by Resolution of Council.

7. PROCEDURE FOR ISSUANCE OF LICENCE

i. Form of application An application for a Licence shall be made in writing upon a form approved by the Municipality and shown in Schedule "B";

ii. The Licence Inspector shall issue a Licence to an applicant when satisfied that the applicant has

complied with all conditions set out in this By-Law;

iii. All Licences issued are expressly subject to the provisions of any zoning regulations of the Municipality and the issuance of a Licence shall not be deemed to be approval to carry on a business in or on any premises in contravention of the provisions of a Zoning By-Law in force in the Municipality from time to time. Home based businesses shall make application to E.I.P.D. (East Interlake Planning District) as set out in the Municipal Zoning By-Law prior to making application for a Business Licence through the Municipality and providing the Municipality with the approval forms from E.I.P.D. Further, the issuance of a Licence shall not be deemed to be approval to carry on a business in or on any in premises in contravention of the provisions of any Provincial or Federal laws, statutes or regulations.

8. FEE ESTABLISHED

i. Amount of Fee

Subject to this section and before a Licence is issued, the applicant for a Licence shall pay to the Municipality the fee set forth in Schedule "A" of this by-law and established by the Council in the Town of Winnipeg Beach.

ii. Refund or Cancellation of Licence Fee

- a. Except as provided in subsection (b & c), no refund of Licencee fee or part thereof shall be made in respect of the revocation of a Licence or for any reason;
- b. The Chief Administrative Officer may authorize a refund of all or part of a Licence fee where the premises occupied by the Licencee have been destroyed by fire or other cause and the Licencee desires to surrender the Licence for the balance of the year;
- c. The Chief Administrative Officer may authorize the cancellation of a Notice of Requirement to Obtain a Business Licence if satisfied that the person does not intend to conduct business in the Municipality in the calendar year.

9. LICENCE YEAR

i. Except as otherwise provided in this By-Law, a Licence shall be issued for the period of a Licence Year, and defined as a calendar year.

ii. Every Licence shall show the date on which it is issued and the date on which it will expire.

-10. DUTIES OF THE LICENCEE

Compliance

Every Licencee shall comply with all by-laws of the Municipality. No Licencee shall carry on with any work during the hours of quietness as stipulated in the existing nuisance noise by-law unless the work is considered to be of such a nature as to constitute an emergency by the Licence Inspector.

Change of address

The Licence Inspector shall be immediately notified whenever a Licencee's address changes from that shown on the Business Licence.

Produce Licence on Demand

Every Licence issued hercunder shall be produced by the Licencee at all reasonable times on demand.

Inspection of Premises

The Licencee shall permit the Licence Inspector or his delegates to enter upon and inspect a product or Licenced Premises from time to time.

Licence to be Posted

Every Licencee who holds a Licence under this by-law which applies to premises shall, so long as the Licence is in force, keep it or an authentic copy thereof posted in some conspicuous place on the Licenced Premises.

Licence to be Visible vi.

The Licencee who holds a Licence under this by-law shall make the Licence visible to the general public while conducting Business and further must post the name, address and phone number where the offices of the business are located.

11. REVOCATION OF LICENCES

- If the Licence Inspector determines that a Licencec is carrying on his Business in contravention of Town By-Laws, he shall forthwith revoke the Licence and notify the Licencee of such revocation by registered mail.
- A Licencee whose Licence has been revoked, may, within 14 days of the mailing of the notice of revocation, appeal the revocation to Council and Council shall set a day, time and place for the hearing of the appeal.
- Upon hearing all the representations made on the issue, Council may by resolution, direct that the Licence remains revoked or not be revoked, or that it be renewed upon such conditions as Council deems proper, and any such resolution is final.

.2. LICENCE INSPECTOR

- i. Administration
 - This by-law shall be administered by the Licence Inspector.
- ii. Duties of Licence Inspector
 - The Licence Inspector shall enforce the by-law in accordance with the provisions thereof.
- iii. Power of Inspection

The Licence Inspector is hereby authorized at all reasonable times to enter upon and inspect any product or premises wherein any Business subject to Licence by this or any other by-law of the Municipality is being carried on.

PART II SPECIAL PROVISIONS RELATING TO CERTAIN TRADES

13. OUTDOOR MOBILE FOOD VENDING UNIT

- Outdoor Mobile Food Vending Units shall operate only if the unit meets the criteria for its legal operation, and
 - i) during Boardwalk Days and during the times indicated on the Application to Operate an Outdoor Mobile Food Vending Unit; or ii) any other special event as may be permitted by Council Resolution and during the times indicated on the Application to Operate an Outdoor Mobile Food Vending Unit.

If the owner/operator of the mobile food vending unit also owns or leases an existing and properly licensed food service establishment and;

The mobile food vending unit is located on the same or adjacent property as the existing food service establishment and further provided that the adjacent property is owned or

- ii. A Licence to carry on the trade of Outdoor Mobile Food Vending Unit or Refreshment Vehicle for Boardwalk Days or any other special event may be issued to an applicant once the applicant obtains and files with the Municipality a certificate from the Provincial Health Inspector that the Vehicle, mobile unit or premises in respect of which the Licence is applied for has been examined and found in a fit condition and suitable for the purposes on such trade.
- iii. No Person shall carry on the trade of an Outdoor Mobile Food Vending Unit unless the required insurance coverage is in force.

General Liability

Every applicant for a Licence (Schedule "C") to operate one or more Outdoor Mobile Food Vending Units shall:

- a. File with the application and shall maintain in force during the currency of the Licence, a comprehensive general liability policy in a form satisfactory to the Municipality, which includes the Town of Winnipeg Beach as an additional named insured and contains a cross-liability clause with the following minimum limits of coverage per occurrence, and;
- b. Maintain liability insurance in the minimum amount of \$1,000,000.00 and submit a copy of the insurance policy to the Municipal Office.
- c. Every such policy shall be accompanied by a written undertaking signed by the insurer or its duly authorized agent to the effect that the policy will not be cancelled except on 15 days prior written notice to the Municipality Licence Inspector;
- Outdoor Mobile Food Vending Units must be equipped with an attached or a detached garbage receptacle.

14. GARAGE SALES

Garage sales, yard sales, rummage sales or the like will not be permitted in the downtown area during Town Special Events. The downtown area is bounded by Murray Avenue on the North, a portion of Stitt Street on the West and Hamilton Avenue on the South.

15. SPECIAL EVENT PERMITS

Permits for the utilization of any sidewalk, street, lane, laneway, boulevard or other public space within the Municipality for a sidewalk type sale or other Town of Winnipeg Beach sanctioned special event can only take place:

i. provided application has been made, approved and fees paid as per Schedule "A" and;

ii. Any costs incurred by the Municipality in the erection or placement of barricades, closure of streets and other activities required of Municipal staff may be charged to the event host(s) unless exception is duly granted by resolution of Council or the C.A.O. prior to the event taking place.

16. AUCTIONS

Any individual, group or business conducting an Auction within the limits of the Town of Winnipeg Beach, must obtain 7 days prior to the event taking place, a valid business Licence to hold the said auction. The fee to carry on an auction is set out in Schedule "A".

17. EXCEPTIONS

Any exemption to this by-law shall be by resolution of Council from time to time.

18. FAILURE TO ACQUIRE REQUIRED PERMIT(s)

- (i) Each person who requires a business Licence will receive written notice (Schedule "D", Notice of Requirement to Obtain a Business Licence) from the Municipality advising the amount due (per Schedule "A") and the due date, as determined by the CAO. Thereafter each person will receive an invoice each year indicating the amount due and the due date for that year. Each person may appeal to the Municipality, prior to the due date, in writing (Schedule "F"), providing a valid reason for a change to the due date or cancellation of or change to the amount due.
- (ii) A penalty of \$250.00 will be levied to each person who does not obtain and pay for a required business licence by the due date indicated on the Notice of Requirement to Obtain a Business Licence or the annual invoice, as the case may be. The penalty will be reduced to \$50.00, provided the business licence fee and the penalty are paid in full on or prior to the date indicated on the Penalty Notice (Schedule "E").

REMEDYING CONTRAVENTIONS OF BY-LAW 19.

In accordance with The Municipal Act Manitoba (C.C.S.M. c. M225) regulation 50/97 Section 3, each person who has not paid any or all fees and/or penalties due under Section 18 of this by-law after the due date indicated on the Penalty Notice due date plus 16 days, is liable, on summary conviction, to an additional fine not exceeding \$1,000.00.

20. COMMENCEMENT OF BY-LAW

This By-Law comes into force the day after it receives third and final reading.

21. REPEAL

By-Law No. 4/2013 is hereby repealed.

DONE AND PASSED AS A BY-LAW OF THE TOWN OF WINNIPEG BEACH BY THE COUNCIL THEREOF IN OPEN SESSION ASSEMBLED THIS 13TH DAY OF JANUARY 2016.

Mayor Tony Pimentel

Chief Administrative Officer Kerry Lawless

Read a 1st time this 18th day of November 2015 (Resolution #378/2015) Read a 2nd time this 9th day of December 2015 (Resolution #407/2015)

Read a 3rd time this 13th day of January 2016 (Resolution #13/2016)

SCHEDULE "A"

FEES:

a)	Resident Approved Home Based Business Licence Fee	\$	100.00
b)	Non-Resident Business Licence Fee	\$	75.00
-c)	Resident Business Licence Fee	\$	50.00
d)	Reproduction of Business Licence	\$	25.00
e)	Auction Licence - per day of Auction	\$	50.00
f)	Special Event Permits (including Outdoor Mobile Vending Unit	:):	set by Committee
or	by Resolution of Council		

SCHEDULE "B" Town of Winnipeg Beach 29 Robinson Avenue Box 160, Winnipeg Beach, MB R0C 3G0 Tel: 204-389-2698 Fax: 204-389-2019 Website: www.winnipegbeach.ca e-mail:info@winnipegbeach.ca

Business Licence Application (January 1st thru December 31st)

general in	quiries. Permission granted		□Yes □No		
•	,	Signature of Bu			
Name of Business: *					
Type of Business: *	☐ Accommodations	☐ Home Se	ervices/Trades		
(please check one)	□Food Services	☐ Recreation	on/Entertainment		
	☐ Health/Professional	☐ Retail			
	□ Other		···		
Name of Owner:	*				
Contact Person:					
Civic Address: * _					
Mailing Address:	*		***************************************		
	*				
Website: * E-Mail: *			- I - I - I - I - I - I - I - I - I - I		
> Business Hours:	Business Hours: *				
Every Licencee	shall comply with all Towr	ı By-Laws			
	Fe	ees			
a) Residential Approve b) Non-Resident Busine	d Home Based Business Licence ess Licence Fee	Fee	\$100.00 75.00		
c) Business Licence Fe	ee		50.00		
e) Auction Licence - pe	er day of Auction hits (as set by Committee or by Re		50.00		
1 1000	Bandstand Sponsorships	opportunities	s are available		
FICE USE ONLY:			20		
chedule "B" By-Law 15/2015 ATE PAID:		Business	Licence #		
E POSTED ON WEBSI	TE:				

TOWN OF WINNIPEG BEACH APPLICATION TO OPERATE AN OUTDOOR MOBILE FOOD VENDING UNIT In accordance with By-Law 15-2015

Applic	ant	Town of Winnipeg Beach Date
Signature		Date:
Name (please print)		
I have read and und abide by them.	erstood the rules and r	egulations as described on the enclosed Information Sheet and agree to
and you will be disq	ualified from this and fu	
Payment received [☐ Amount \$	-
		ate received and submitted to the Town Office □
		mitted to the Town Office □
Special requests (v	ve will do our best to a	accommodate)
Detailed description	of craft/merchandise	
Telephone #:	Cell	E-mail:
Mailing Address:		
Contact Person:		
mpany Name:	<u> </u>	
Please return this poi PRINT CLEARLY TO	tion with your payment AVOID DELAYS. ALL	: .APPLICATIONS MUST BE SIGNED

TOWN OF WINNIPEG BEACH APPLICATION TO OPERATE AN OUTDOOR MOBILE FOOD VENDING UNIT By-Law 15-2015 Part II (in part)

PART II SPECIAL PROVISIONS RELATING TO CERTAIN TRADES

13. OUTDOOR MOBILE FOOD VENDING UNIT

- i. Outdoor Mobile Food Vending Units shall operate only if the unit meets the criteria for its legal operation, and
 - i) during Boardwalk Days and during the times indicated on the Application to Operate an Outdoor Mobile Food Vending Unit; or ii) any other special event as may be permitted by Council Resolution and during the times indicated on the Application to Operate an Outdoor Mobile Food Vending Unit.

OT

If the owner/operator of the mobile food vending unit also owns or leases an existing and properly licenced food service establishment and;

The mobile food vending unit is located on the same or adjacent property as the existing food service establishment and further provided that the adjacent property is owned or leased by the owner/lessee of the existing food.

- ii. A Licence to carry on the trade of Outdoor Mobile Food Vending Unit or Refreshment Vehicle for Boardwalk Days or any other special event may be issued to an applicant once the applicant obtains and files with the Municipality a certificate from the Provincial Health Inspector that the Vehicle, mobile unit or premises in respect of which the Licence is applied for has been examined and found in a fit condition and suitable for the purposes on such trade.
- iii. No Person shall carry on the trade of an Outdoor Mobile Food Vending Unit unless the required insurance coverage is in force.

General Liability

Every applicant for a Licence (Schedule "C") to operate one or more Outdoor Mobile Food Vending Units shall:

- File with the application and shall maintain in force during the currency of the
 Licence, a comprehensive general liability policy in a form satisfactory to the Municipality,
 which includes the Town of Winnipeg Beach as an additional named insured and contains a
 cross-liability clause with the following minimum limits of coverage per occurrence, and;
- 2. Maintain liability insurance in the minimum amount of \$1,000,000.00 and submit a copy of the insurance policy to the Municipal Office.
- Every such policy shall be accompanied by a written undertaking signed by the insurer or its
 duly authorized agent to the effect that the policy will not be cancelled except on 15 days prior
 written notice to the Municipality Licence Inspector;
- iii) Outdoor Mobile Food Vending Units must be equipped with an attached or a detached garbage receptacle.

SCHEDULE "D"

Notice of Requirement to Obtain a Business Licence

Name of Owner: Civic Address: In accordance with Town of Winnipeg Beach By-Law 15-2015, please find enclosed our invoiced business Licence Fee. The due date is	not in ly or on an icipality. No ience has
In accordance with Town of Winnipeg Beach By-Law 15-2015, please find enclosed our invoidable Business Licence Fee. The due date is	not in ly or on an icipality. No ience has
persons required to one time basis, shall first obtain a Business with any Person who is compliance with the provisions of the By-Law. ii. Every Person carrying on any Business, whether or not it is carried on continuous intermittent or one-time basis, shall first obtain a Business Licence from the Muniperson shall carry on a Business for which a Licence has been issued after the License of been cancelled, unless a new Licence is issued therefore. iii. Every Person, whether Resident or Non-Resident who applies for a Licence to can Business shall pay a fee upon application and an annual fee thereafter, as establish Council of the Town of Winnipeg Beach, while carrying on a business. iv. No Person shall manage or conduct any Licenced Business except the Licencee's manager, employee or agent authorized to carry on the Business in the Licencee's v. No person shall carry on or conduct any type of Business on any public sidewalk, lane or laneway or any other public space without either obtaining the appropriate detailed in the existing Use of Public Sidewalks by-law), obtaining approval of the Inspector or by Resolution of Council. 9. LICENCE YEAR i) Except as otherwise provided in this By-Law, a Licence shall be issued for the Licence Year, and defined as a calendar year. ii) Every Licence shall show the date on which it is issued and the date on which it Requirement to Obtain a Business Licence will receive written notice (Schedule Requirement to Obtain a Business Licence) from the Municipality advising the amount Schedule "A") and the due date, as determined by the CAO. Thereafter each person will invoice each year indicating the amount due and the due date for that year. Each person the Municipality, prior to the due date, in writing (Schedule "P"), providing a valid reachange to the due date or cancellation of or change to the amount due.	not in ly or on an icipality. No ience has
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business licence by the due date indicated on the Notice of Requirement to Obtain a 1 Licence or the annual invoice, as the case may be. The penalty will be reduced to \$50 the business licence fee and the penalty are paid in full on or prior to the date indicated Penalty Notice (Schedule "E").	.00, provided
19. REMEDYING CONTRAVENTIONS OF BY-LAW	
In accordance with <i>The Municipal Act Manitoba (C.C.S.M. c. M225) regulation 50/97</i> Sec person who has not paid any or all fees and/or penalties due under Section 18 of this by-la date indicated on the <i>Penalty Notice</i> due date plus 16 days, is liable, on summary convicti additional fine not exceeding \$1,000.00.	w after the due
Chief Administrative Officer Date	

SCHEDULE "E" PENALTY NOTICE

PENALTY NOTICE TOWN OF WINNIPEG BEACH BUSINESS LICENSE BY-LAW 15/2015

NAME:
ADDRESS:
You are charged that on theday of, 20 at approximatelya.m./p.m. you did unlawfully conduct business in the Town of Winnipeg Beach without obtaining a valid business license. Despite a Notice of Requirement having been previously been sent to you, a license has not been obtained to date.
Therefore a PENALTY in the amount of \$250.00 is now levied against you, payable on or before: (the Due Date). In accordance with the Town of Winnipeg Beach By-Law 15/2015, this penalty will be reduced to \$50.00, provided the business license fee and the penalty of \$50.00 are paid in full on or before the due date. Please submit payment to the Municipal Office at 29 Robinson Ave. Town of Winnipeg Beach.
**In accordance with <i>The Municipal Act Manitoba (C.C.S.M.c. M225) regulation 50/97 Section 3</i> , each person who has not paid any or all fees and/or penalties due under Section 18 of this by-law on or after the Business License fee due date plus 16 days, is liable, on summary conviction, to an additional fine not exceeding \$1,000.00.
Dated at Winnipeg Beach, in the Province of Manitoba this
day of, 20
By-Law Enforcement/Designated Officer for the Town of Winnipeg Beach 29 Robinson Ave.
Winnipeg Beach, MB. 204-389-2698

White - Breach / Canary -Courts / Pink- Town

SCHEDULE "F"

Change Request for Business Licence

Nam	ne of Business:		
Nam	ne of Owner:		
Civic	Address:		
ື່am	requesting that the Town of Winnipeg Beach:		
	Cancel my Business License fee for the year		
	Change the Due Date for my Business Licence to		
	Change the amount of my Business Licence fee to \$		
	Remove me from your Business Licence fee list.		
Expl:	anation:		
in,			
	Business Owner Signature	Date	