

**THE MUNICIPALITY OF HARRISON PARK
BY-LAW NO. 15**

**BEING A BY-LAW OF TO PROVIDE FOR THE ISSUANCE OF
BUSINESS LICENSES AND TO PROVIDE FOR THE
REGULATION OF PERSONS AND FIRMS SUBJECT TO SUCH
BUSINESS LICENSES.**

WHEREAS subsection 1(1) of The Municipal Act S.M. 1996, c. 58 defines “business” as:

- (a) a commercial, merchandising or industrial activity or undertaking,
- (b) a profession, trade, occupation, calling or employment, or
- (c) 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;

AND WHEREAS subsection 232(1) of the Act, provides that:

“A Council may pass by-laws for municipal purposes respecting the following matters:

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

AND WHEREAS subsection 232(2) of the Act, states that:

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

- (a) regulate or prohibit;
- (b) adopt by reference in whole or in part, with any changes the council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a province or a recognized technical or professional organization, and require compliance with the code or standard;
- (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;
- (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;
- (e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:
 - (i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
 - (ii) establishing fees for licences, 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 licence, permit or approval is granted,

- (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,
 - (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 or with the by-law or for any other reason specified in the by-law, and
 - (vi) providing for the posting of a bond or other security to ensure compliance with a term or condition;
- (f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters;
- (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
- (h) require pawnbrokers to report all transactions by pawn or purchase to the head of council or to the police.

AND WHEREAS Section 237 of the Act, states that:

“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 the Fees, Discounts and Penalties Regulation 50/97 registered March 4, 1997 provides that the maximum fee that the Council of a municipality may establish for a business license for a calendar year under sub-clause 232(2)(e)(i) and (ii) of the Act, for a rural municipality is \$200.00;

AND WHEREAS subsection 249(1) of the Act states:

“A person who contravenes a by-law of a municipality is guilty of an offence and, if the by-law imposes no other penalty, is liable on summary conviction to a fine of not more than \$500.00 or to imprisonment for a term of not more than three months, or both.”

AND WHEREAS subsection 249(2) of the Act states:

“Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.”

AND WHEREAS the issuance of a license by The Municipality of Harrison Park under this by-law does not in any way guarantee warranty, effectiveness or efficiency of any product sold or service provided by any party having obtained such license;

NOW THEREFORE the Council of the Municipality of Harrison Park, in Council duly assembled, enacts as follows:

1. THAT 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;
2. THAT any person carrying on a business within the Municipality of Harrison Park must obtain a business license from the Municipality of Harrison Park and pay the following fee therefore:
 - i) if such person, or the principal shareholder if it is a corporation, resides outside of the corporate limits of the Municipality of Harrison Park, or the adjacent municipalities of Clanwilliam-Erickson, Yellowhead, Oakview, Minto-Odanah, and Rossburn, or the Town of Minnedosa, such fee shall be:
 - a) \$200.00 per annum
3. THAT any person required to obtain a business license shall provide the Municipality with:
 - a) proof of Worker’s Compensation Board coverage,
 - b) proof of liability insurance,
 - c) any other information requested by the Municipality.
4. THAT any person who sells his goods, wares or services either by means of going from place to place, door to door, or from a vehicle or other movable object, or by the use of telephone shall be subject to the following regulations:
 - a) any person who sells goods, wares or services by means of going from door to door or by use of telephone shall not conduct business:
 - i. between the hours of 9:00 p.m. and 8:30 a.m.
 - ii. on a Sunday.
 - b) any transient trader who sells food shall not park or stand his vehicle, or cart or object from which he sells food, within sixty (60) feet from a restaurant when such restaurant is open for business, unless such transient trader is attendance at a special community event duly sanctioned by the Council of the Municipality of Harrison Park.
5. THAT all licenses issued pursuant to the By-law shall expire on December 31st next following the issuance of such license. Licenses must be renewed on January 1st of each and every year or at the time the person commences business within the Municipality, whichever occurs sooner. Any party obtaining a license in any year shall pay the amount of the license fee prescribed in Section 2 of this By-law irrespective of how many days are left in the year, or how many days he will carry on business.
6. THAT no business license is required under this By-law by any of the following:

- a) Persons hawking, peddling, or selling the growth or produce of the Province if it is being hawked, peddled, or sold by the producer thereof, a member of his immediate family, or his bona fide servants or employees.
 - b) Persons or businesses that are operating in a Commercial or Industrial Zone in accordance with current municipal zoning by-laws.
 - c) Persons or businesses that for tax and assessment purposes on all or a portion of their property, are Property Class Other and are 65% assessment subject to tax.
 - d) Any business or person conducting business *solely* to the Commercial, Retail, or Industrial sectors in the Municipality.
 - e) Persons, or the principal shareholder if it is a corporation, who reside within the limits of the Municipality, or the adjacent municipalities of Clanwilliam-Erickson, Yellowhead, Oakview, Minto-Odanah, and Rossburn, or the Town of Minnedosa.
7. THAT every contractor, sub-contractor, or professional trade, undertaking work and operating on a job site, shall be deemed to be a separate business.
 8. THAT the Development Officer, may issue a “Stop Work” order on building construction job sites, if the contractor, sub-contractor, or professional trade, undertaking work and operating on a job site, fails to obtain a business license or meet the provisions of this By-law.
 9. THAT any person who carries on a business without having acquired the necessary business license shall be subject to a penalty not exceeding twice the amount of the applicable license fee. Said penalty shall be payable directly to the Municipality of Harrison Park and such penalty shall be in addition to the appropriate business license fee which such person must obtain in addition to paying the penalty.
 10. THAT any business license previously approved by the Municipality of Harrison Park may be revoked if:
 - a) there is just cause to do so, or
 - b) the license was issued in error, where home occupation approval is required prior to the issue of a business license, or
 - c) the business or person fails to meet the provisions of this or any other by-law of the Municipality of Harrison Park.
 11. THAT any person who breaches any provision of this by-law other than the failure to obtain the necessary license shall be subject to a fine not exceeding five hundred (\$500.00) Dollars or to imprisonment for a term not exceeding one (1) month, or to both such fine and such imprisonment. Where the contravention, refusal, neglect, omission or failure, continues for more than one (1) day, the person is guilty of a separate offence for each day that it continues.
 12. THAT the Development Officer, or in his absence his designate, shall act as the business license inspector for the Municipality of Harrison Park, and be authorized to enforce this By-law.
 13. THAT Rural Municipality of Harrison By-law No. 1260 is hereby repealed.

14. THAT Rural Municipality of Park By-law No. 1325 is hereby repealed.

15. THAT this By-law shall come into full force and effect upon passage.

DONE AND PASSED AS A BY-LAW OF THE MUNICIPALITY OF HARRISON PARK, IN COUNCIL DULY ASSEMBLED, AT ONANOLE, THIS 12th DAY OF MAY, A.D. 2015.

THE MUNICIPALITY OF HARRISON PARK

Lloyd Ewashko
Reeve

Chad Davies
Chief Administrative Officer

Read a first time this 14th day of April, A.D. 2015
Read a second time this 12th day of May, A.D. 2015
Read a third time this 12th day of May, A.D. 2015