

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 2012-11

Being a By-law of the Rural Municipality of East St. Paul for the Licensing and Regulation of Businesses Carried on within the Municipality.

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 it is 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 cooperative and an association of persons;

AND WHEREAS paragraph 232(1)(n) of the Act provides that a council may pass by-laws for municipal purposes respecting businesses, business activities and persons engaged in business;

AND WHEREAS paragraph 232(1)(o) of the Act provides that a council may pass by-laws for municipal purposes respecting the enforcement of by-laws;

AND WHEREAS subsection 232(2) of the Act provides that a council may in a by-law passed under subsection 232(1)

- (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 Fees, Discounts and Penalties Regulation 50/97 proclaimed 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 subclause 232(2)(e)(i) and (ii) of the Act for a rural municipality is \$200.00;

AND WHEREAS subsection 249(1) of the Act provides, in part, that a person who contravenes a by-law of a municipality is guilty of an offense;

AND WHEREAS subsection 249(2) of the Act provides that where a contravention continues for more than one day, the person is guilty of a separate offense for each day it continues;

AND WHEREAS Fees, Discounts and Penalties Regulation 50/97 proclaimed March 4, 1997, 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 section 237 of the Act provides that no municipality shall require a license 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;

NOW THEREFORE the Council of the Rural Municipality of East St. Paul in meeting duly assembled, enacts as follows:

1. That for the purposes of this by-law, "business" shall be defined as 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 Municipality, and includes a cooperative and an association of persons.
2. That for the purposes of this by-law, "person" shall be defined as including an individual, proprietorship, partnership, or corporation.
3. (a) Subject to subsections (b), (c) and (d) hereof, a person shall only be entitled to carry on a business within the Rural Municipality of East St. Paul after first having obtained from the Rural Municipality of East St. Paul a license to do so.

(b) No license shall be required under subsection (a) 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.

- (c) No license shall be required under subsection (a) for businesses engaged exclusively in the wholesale of goods to other businesses within the Rural Municipality of East St. Paul.
- (d) No license shall be required under subsection (a) where the business is required to pay a business tax in the Rural Municipality of East St. Paul.
4. (a) All persons carrying on a business in the Rural Municipality of East St. Paul, where such business is based in the Rural Municipality of East St. Paul, and is required to obtain a license, shall be subject to a license fee of Fifty Dollars (\$50.00) per year and require the prior approval of the Rural Municipality of East St Paul.
- (b) All persons carrying on a business in the Rural Municipality of East St. Paul where such business is based outside of the Rural Municipality of East St. Paul and be required to obtain a license, shall be subject to a license fee of Two Hundred Dollars (\$200.00) per year and require the prior approval of the Rural Municipality of East St Paul.
5. That for the purposes of this by-law, a business shall be deemed to be based in the Rural Municipality of East St. Paul if it has an established place of business, or stock-in-trade, or personal property used in connection therewith assessed and set out in the latest revised assessment roll of the Rural Municipality of East St Paul.
6. That all 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, contractors, trades people, or providers of services, shall, before transacting business in the Municipality, report to the Rural Municipality of East St. Paul Office and obtain a license as required under this by-law.
7. That every license issued under this by-law shall be effective only from the day of issue to and including the 31st day of December of the year of issuance.
8. That all 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, contractors, trades people, or providers of services transacting business in the Municipality, must cease to do business after 10:00 p.m. in each and every day of the week and shall not commence to do business or resume commercial activities until 8:00 a.m. the following day.

9. That every license issued hereunder shall be produced by the licensee at all reasonable times upon demand of an authorized officer of the Rural Municipality of East St. Paul.
10. That it is an offence to carry on a business within the Rural Municipality of East St. Paul without having first obtained a license under this by-law.
11. That any person violating the provisions of this by-law shall be liable to summary conviction to a fine of twice the amount of the applicable license fee, and where the violation of any of the provisions of this by-law continue for more than one day, the person or firm is guilty of a separate offence for each day that it continues.

DONE AND PASSED by the Council of the Rural Municipality of East St. Paul duly assembled this 5th day of September, A. D. 2012.



Mayor



Chief Administrative Officer

Read a first time this 23rd day of August, A. D. 2012.

Read a second time this 5th day of September, A. D. 2012.

Read a third time this 5th day of September, A. D. 2012.