

THE TOWN OF NEEPAWA
BY-LAW NO. 3056

BEING A BY-LAW OF THE TOWN OF NEEPAWA PROVIDING FOR THE LICENSING, REGULATING, AND GOVERNING OF CERTAIN TRADES AND OCCUPATIONS WITHIN THE TOWN OF NEEPAWA.

WHEREAS Section 713 and 714 of Division I of Part XIII of The Municipal Act states in part as follows:

713(2) The council of a municipality may by by-law license and regulate any business carried on within the municipality.

713(3) The power to license and regulate a business includes the power:

- (a) to prohibit the carrying on of a business without a license;
- (b) to define classes of businesses and to license and regulate each business separately;
- (c) to license and regulate
 - (i) premises or places used
 - (ii) machines, devices, vehicles or other personal property used, and
 - (iii) persons employed or engaged,in carrying out a business
- (d) to set a fee not exceeding \$200.00 to obtain a license
 - (i) for carrying on a business,
 - (ii) to use premises or places in carrying on a business,
 - (iii) for each machine, device, vehicle or other personal property used in carrying on the business, or
 - (iv) for each person employed or engaged in carrying on the business;
- (e) to impose a fine not exceeding twice the amount of the applicable license fee on a person for:
 - (i) carrying on a business,
 - (ii) using premises or a place in carrying on a business,
 - (iii) using a machine, device, vehicle or other personal property in carrying on a business, or
 - (iv) for employing or engaging persons in carrying on a business,without having obtained the appropriate license.

713(4) Any person who intends to carry on a business in a municipality that has passed a by-law under subsection (2) regulating that business shall obtain a license to carry on the business before transacting any business in the municipality.

714(1) 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, shall, before transacting business in a municipality, report to the clerk or other proper officer of the municipality and obtain a municipal license, if a license is required by by-law.

714(2) No municipality shall require a license for 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.

AND WHEREAS it is deemed expedient and in the best interest of the Town of Neepawa to provide for such licensing and regulations of certain trades and occupations within the Town of Neepawa;

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED AS A BY-LAW OF THE TOWN OF NEEPAWA IN COUNCIL DULY ASSEMBLED AS FOLLOWS:

DEFINITIONS:

1. THAT this By-Law may be referred to as the "Town of Neepawa Licensing By-Law"
2. THAT where used in this by-law:
 - (a) "Business" shall include any trade, occupation, or calling whether or not it is carried on continuously or on an intermittent or one-time basis and whether or not the person carrying on the business within the municipality.
 - (b) "Town" Shall mean the Town of Neepawa:

LICENSES TO BE OBTAINED:

4. Any person who intends to carry on business in the Town, whose business is not located within the Town, shall obtain a license before transacting any business within the Town.

TRANSIENT TRADER TO REPORT:

5. 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, shall, before transacting business in the Town report to the Municipal Administrator or other proper officer of the Town and obtain a license.

LICENSE FEES:

6. (a) Transient traders, hawkers, and peddlers shall pay an annual license fee of Two Hundred Dollars (\$200.00) to the Town.

(b) Businesses which are not located in the Town, but within the Rural Municipality of Langford, Rosedale or Lansdowne, who support the businesses located within the Town shall not be required to pay an annual license fee to the Town.

(c) Auctioneers or other persons who sell, offer for sale, or put up for sale goods, wares, merchandise or effects by public auction, shall pay an annual license fee of Fifty Dollars (\$50.00) to the Town.

LICENSE EXPIRATION:

7. Every license shall expire on the 31st day of December in the year of which the license was issued.

LICENSES NOT REQUIRED:

8. No license shall be required for the following:
 - (a) For 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) For soliciting subscriptions or advertising for daily or weekly newspapers, farm publications, trade publications and magazines published in Canada, or books approved by The Public Libraries Act and The Municipal Act.

PENALTIES

9. (a) Any person who carries on a business, used premises or a place in carrying out a business, uses a machine, device, vehicle or other personal property in carrying on a business, or employs or engages persons in carrying on a business, without having obtained the appropriate license shall be liable to a fine not exceeding Four Hundred Dollars (\$400.00).

(b) Any person who contravenes, violates, disobeys, or refuses, omits, neglects or fails to comply with any other provision of this By-Law is guilty of an offence and is liable on summary conviction to a fine not exceeding Five Hundred Dollars (\$500.00) or to imprisonment for a term not exceeding three months, or to both such a fine and such an imprisonment.

(c) In addition to the provisions of the immediately preceding paragraph, the licence of any person in violation of this By-Law may be revoked by the Municipal Administrator.

10. By-Law No. 2795 is hereby repealed.

PASSED AND ENACTED as a By-Law of the Town of Neepawa thereof duly assembled at the County Court Building in the Town of Neepawa this 4 day of March A.D. 2008.

THE TOWN OF NEEPAWA

Mayor

CAO

Read a first time this 19th day of February 2008
Read a second time this 4th day of March 2008
Read a third time this 4th day of March 2008