

**Rural Municipality of Gimli**  
**BUSINESS LICENSE BY-LAW NO. 07-0049**

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## BY-LAW NO 07-0049

A by-law of The Rural Municipality of Gimli to provide for licensing and regulating of certain Businesses and Trades pursuant to the provisions of The Municipal Act C.C.S.M. Chap. M 225.

The Council of the Rural Municipality of Gimli, in Council assembled, enacts as follows:

### PART 1 GENERAL LICENSING PROVISIONS

#### 1. CITATION

This By-law may be referred to as "The Business License By-law".

#### 2. CONTINUING CONSOLIDATION

- a) The Chief Administrative Officer may cause to be prepared and printed, and kept up to date, a continuing consolidation of this by-law, and indices and appendices thereto, and may make such arrangements with respect thereto, and with respect to matters incidental thereto, as may be required.
- b) Where a continuing consolidation of this by-law is prepared, all approved revisions thereto shall bear the designation and be located as follows:
  - 1) When a specific portion has been amended or replaced by an amending by-law, the designation '[AM. B/L #]' shall be inserted immediately following the affected block of text.
  - 2) When a specific portion has been repealed or deleted by an amending by-law, the designation '[REP. B/L #]' shall be inserted adjacent to the current section, subsection, paragraph or clause number in place of the removed text.
  - 3) When a new portion has been enacted herein by an amending by-law, the designation '[EN. B/L #]' shall be inserted immediately following the added block of text.
  - 4) When any of the designations referred to in paragraphs 1), 2), and 3) above are inserted within the text of this by-law, the figure '#' shall be replaced by the actual number of the respective amending by-law.
  - 5) Where more than one clause, paragraph, or subsection of any particular section is affected by the same amending by-law, the designation may be placed at the end of each clause, paragraph, or subsection so affected or, at the left aligned margin of the paragraph, subsection, or section so affected, whichever is deemed to have more clarity in each particular instance.

#### 3. AMENDMENT OF SCHEDULES

Council of the Rural Municipality of Gimli may from time to time, by resolution, amend each and every schedule attached to this by-law.



#### 4. INTERPRETATION

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.

#### 5. 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 License" or "License" means the certificate issued to an applicant, permitting the applicant to carry on a Business;

"Business Assessment Tax" is a tax based on the value established by the Manitoba Assessment Branch for a specific business use and is billed annually in the same manner as property taxes."

"Charitable Organization" means any organization which is a registered Canadian Charitable Organization as defined in the Income Tax Act of Canada.

"Commercially Taxed Business" means a business which has a commercial property assessment identified on the property and pays a Business Assessment Tax for that specific business use."

"Municipality " means The Rural Municipality of Gimli;

"Council" means the Council of the Municipality;

"Chief Administrative Officer" means the Chief Administrative Officer for the Municipality, and anyone acting or authorized to act on his behalf.

"Fees and Charges By-Law" means the most current by-law of the Municipality that establishes fees and charges payable to the Municipality.

"Fire Chief" means the Fire Chief for the Municipality and anyone acting or authorized to act on his behalf.

"Garage Sale" means the retail selling or barter of any commodity or thing, including without limiting the foregoing, clothing, goods, wares, merchandise and handicrafts, from residential property, and includes a Rummage Sale and Yard Sale.

"General Contractor" means any person or business that complete the same work as or employes the services of tradesman for the purpose of providing services and construction activities. This may include but is not limited to residential and commercial home building and renovations, road surfacing, truck hauling, concrete , landscaping, home security, lawn maintenance, and and heavy equipment operatoins "

"Hawker" means any Person who goes from place to place on foot or Vehicle, bearing goods, wares, merchandise or food products for sale.

"Health Inspector" means the Public Health Inspector appointed by the Province under the Public Health Act.

"Home Occupation" means any business activity which includes manufacturing, sales, a commercial or professional operation, business, service, trade, practice, office or use which is carried on or in or from a dwelling unit and or it's permitted accessory buildings, is intended as a profit making

operation, is clearly incidental to, accessory to, or secondary to the residential use of the dwelling unit. “

"License Inspector" means the Chief Administrative Officer or any duly authorized Person acting on his behalf.

"License Year" means the period of time between the date a License is issued and the anniversary date which shall be established as the common Anniversary date of January 1<sup>st</sup> in each year.

"Licensed Premises" means the premises in which the Business referred to in the specific context is carried on;

"Non-Profit Organization" means

- a) a corporation that is prohibited from paying dividends to its members and distributing the assets to its members on a winding-up, or
- b) any other entity established under a law of Manitoba or Canada for a purpose other than to make a profit,
- c) community groups and service organizations selling goods or services for the sole purpose of fund raising for a specific activity or project.

but does not include a credit union, caisse populaire or co-operative established under a law of Manitoba or Canada;

"Non-Resident" means a Person who is not a Resident, property owner, or business owner of the Municipality.

"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 licensed by the operators of a food handling establishment.

"Peddler" has the same meaning as Hawker.

"Person" means any individual and includes a corporation, firm, partnership, club, and association or company or utilities.

"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 resides or owns property in the Municipality and includes

the owner of property in the Municipality which he uses for the purpose of carrying on a Business , or  
has leased premises in the Municipality for a period of not less than 180 days which he uses for the purpose of carrying on a Business .

"Rummage Sale" means the same as "Garage Sale".

"Tradesman" includes any person holding operating in a designated trade identified under the Trades Designation Regulation, Man.Reg.236/88 under the Apprenticeship and Trades Qualifications Act, C.C.S.M. c.A110.

"Transient Trader" includes any Non-Resident carrying on Business in the Municipality who:



goes from house to house selling or offering for sale any merchandise or services, or both, to any person, and who is not a wholesale or retail dealer in such merchandise or services, and who does not have a permanent place of business in the Municipality;

goes from house to house or to businesses and offers or exposes for sale to any person by means of samples, patterns, cuts or blue prints, merchandise or services or both, to be afterwards delivered in or shipped into the Municipality;

and includes a Hawker and Peddler but does not include a person

selling meat, fruit or other farm produce that has been produced, raised or grown by that person within the Province of Manitoba;

selling fish of his own catching caught within the Province of Manitoba;

selling goods or services on behalf of a commercial business located within the Municipality limits

"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.

"Yard Sale" means the same as "Garage Sale".

"Zoning By-Law" means the most current Zoning By-Law of the Rural Municipality of Gimli.

## 6. PERSONS REQUIRED TO BE LICENSED

- a) The Rural Municipality of Gimli will not conduct Business with any Person who is not in compliance with the provisions of this by-law.
- b) 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 License from the Municipality. No Person shall carry on a Business for which a License has been issued after the License has lapsed or been cancelled, unless a new License is issued therefore.
- c) Every Person, whether Resident or Non-Resident who applies for a License to carry on a Business shall pay a fee upon application and an annual fee thereafter, as established by the Fees and Charges By-Law, while carrying on the Business .
- d) No Person shall manage or conduct any Licensed Business except the Licensee thereof or a manager, employee or agent authorized to carry on the Business in the Licensee's behalf;

## 7. PERSONS EXEMPT FROM THIS BY-LAW

The following persons shall not require a Business License:

- a) Owner and or occupier of a commercially assessed Business Premises for which a Business Assessment Tax has been issued. Exemption is limited to the specific purpose for which the Business Assessment Tax was issued;
- b) Charitable and Non-Profit organizations as defined in this By-Law;
- c) Community halls and churches for fund raising initiatives;

- d) Businesses engaged exclusively in the wholesale of goods to any of the entities identified in a), b), c) that are located within the Municipality limits;
- e) Businesses engaged exclusively in the provision of services to any of the entities identified in a), ~~b)~~; c) that are located within the Municipality limits (not including construction work);
- f) Automatic vending slot machines

#### 8. PROCEDURE FOR ISSUANCE OF LICENSE

a) Form of application

An application for a License shall be made in writing upon a form approved by the Municipality and shown in Schedule "A".

b) The License Inspector shall issue a License to an applicant when he is satisfied that the applicant has complied with all conditions set out in this by-law;

c) All Licenses issued are expressly subject to the provisions of any zoning regulations of the Municipality and the issuance of a License 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;

#### 9. FEE ESTABLISHED

a) Amount of Fee

Subject to this section and before a License is issued, the applicant for a License shall pay to the Municipality the fee set forth in the Fees and Charges By-Law.

b) Part Year

The License Inspector may issue a License for part of a License Year and the fee to be charged therefore shall be prorated but shall not be less than 50% of the annual License fee, with the exception of Transient Traders and Outdoor Mobile Vending Units who shall pay the full annual License fee.

c) Refund of License Fee

i) Except as provided in subsection (ii), no refund of Licensee fee or part thereof shall be made in respect of the revocation of a License or for any reason;

ii) The Chief Administrative Officer may authorize a refund of all or part of a License fee where the premises occupied by the Licensee have been destroyed by fire or other cause and the Licensee desires to surrender his License for the balance of the year;

#### 10. LICENSE YEAR

a) Except as otherwise provided in this by-law, a License shall be issued for the period of a License Year.

b) Every License shall show the date on which it is issued and the date on which it will expire.

#### 11. DUTIES OF THE LICENSEE

a) Compliance

Every Licensee shall comply with all by-laws of the Municipality.

b) Change of address

Whenever a Licensee changes his address from that shown on his License, he shall forthwith notify the License Inspector.



- c) Produce License on Demand  
Every License issued hereunder shall be produced by the Licensee at all reasonable times on demand.
- d) Inspection of Premises  
The Licensee shall permit the License Inspector or his delegates to enter upon and inspect a product or Licensed Premises from time to time.
- e) License to be Posted Up  
Every Licensee who holds a License under this by-law which applies to premises shall, so long as the License is in force, keep it or an authentic copy thereof posted up in some conspicuous place on the Licensed Premises.
- f) License to be Visible  
In the case of the Transient Trader, the Licensee who holds a License under this by-law shall make the License visible to the general public while conducting Businesses and further must post the name address and phone number where the offices of the business are located.

## 12. REVOCATION OF LICENSES

- a) If the License Inspector determines that a Licensee is carrying on his Business in an improper manner, he shall forthwith revoke the License and notify the Licensee of such revocation by registered mail.
- b) A Licensee whose License 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.
- c) Upon hearing all the representations made on the issue, Council may by resolution, direct that the License remains revoked or not be revoked, or that it be renewed upon such conditions as Council deems proper; and any such resolution is final.

## 13. LICENSE INSPECTOR

- a) Administration  
This by-law shall be administered by the License Inspector.
- b) Duties of License Inspector  
The License Inspector shall enforce the by-law in accordance with the provisions thereof.
- c) Power of Inspection  
The License Inspector is hereby authorized at all reasonable times to enter upon and inspect any product or premises wherein any Business subject to License by this or any other by-law of the Municipality is being carried on.

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**PART II**  
**SPECIAL PROVISIONS RELATING TO CERTAIN TRADES**

**14. GARAGE SALES**

- a) For the purpose of this section, Garage Sale shall also include Rummage Sale, Yard Sale and any like activity.
- b) Every Licensee of a Garage Sale shall:
  - obtain his License prior to the commencement of his sale; and
  - display his License in a prominent manner on the premises where the sale is held.
- c) Every License issued shall be deemed to be a License for a period of 3 consecutive days.
- d) Rain date must be stated at time of issue of License.
- e) No more than 2 Licenses shall be issued to the same address during one calendar year;
- f) An applicant for a Garage Sale License shall pay a Garage Sale License fee as set out in the Fees and Charges By-Law.
- g) Every Licensee of a Garage Sale may post a maximum of 3 signs and 2 advertisements as permitted. Every Licensee shall remove all signs and advertising material within 3 hours following completion of the sale.

**15. OUTDOOR MOBILE FOOD VENDING UNIT**

- a) In this section "sunset" shall be that time shown on the Sunrise/Sunset Tables issued by Environment of Canada;
- b) No License to carry on the trade of Outdoor Mobile Food Vending Unit or Refreshment Vehicle shall be issued to an applicant unless the applicant first 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 License is applied for have been examined and found in a fit and clean condition and suitable for the purposes on such trade.
- c) General Liability
  - Every applicant for a License 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 License, a comprehensive general liability policy in a form satisfactory to the Municipality, which includes the following minimum limits of coverage per occurrence; and
    - maintain liability insurance in the minimum amount of \$1,000,000 and submit a copy of the insurance policy to the Licensing Inspector.
  - 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 upon 15 days prior written notice to the Municipality License Inspector;
  - No Person shall carry on the trade of an Outdoor Mobile Food Vending Unit unless the required insurance coverage is in force.
- d) Every Person operating an Outdoor Mobile Food Vending Unit shall cause his name to be legibly and conspicuously displayed in letters of a minimum height of 2 inches on both sides of any Vehicle used in the carrying on of his trade, in a place and manner satisfactory to the License Inspector.





- e) No Person shall operate from or with an Outdoor Mobile Food Vending Unit before 09:00 hours or after 20:00 hours except that where sunset is later than 20:30 hours, the trade may be carried on until one half hour before sunset unless otherwise approved by a resolution of Council or special event permit;
- f) No Person shall permit an Outdoor Mobile Food Vending Unit used by him to remain standing

within 50 metres from the main entrance to any food service establishment or to any building containing a food service establishment where there is located on the building or premise a sign or notice visible to passers-by indicating the existence of a food service establishment unless the owner or operator of the food service establishment is also the owner or operator of the mobile food vending unit.

In the traffic, parking or curb lanes of a street.

- g) No Person shall permit an Outdoor Mobile Food Vending Unit used by him to remain standing on a public road, public land, sidewalk or boulevard.
- h) No Person shall permit an Outdoor Mobile Food Vending Unit to remain standing unattended on a public road, public land, sidewalk or boulevard.
- i) No Person shall permit an Outdoor Mobile Food Vending Unit to remain standing on private residential property.
- j) No Person shall permit an Outdoor Mobile Food Vending Unit used by him to enter upon or remain standing upon private commercial property unless he has obtained written permission from the owner or occupant of the property (subject to clause 15f), which written permission shall be kept available and furnished on demand to any police officer or License Inspector.
- k) Auxiliary receptacles used by a Person Licensed to operate and Outdoor Mobile Food Vending Unit for the sole purpose of storing beverages or ice or for collecting garbage shall not require licensing as an Outdoor Mobile Food Vending Unit but every such receptacle shall be attached to the unit.
- l) No Person shall operate an Outdoor Mobile Food Vending Unit in a park or other facility owned or operated by the Municipality where a food concession has been tendered or awarded without written consent from the Chief Administrative Officer.

#### 16. TRANSIENT TRADER

- a) No Transient Trader, hawker or Peddler shall sell or offer to sell goods upon any public roadway, sidewalk or other public land or upon any residential property located in the Municipality
- b) No Transient Trader, Hawker or Peddler shall sell, or offer to sell, goods within 150 metres of premises where like or similar goods are sold.
- c) No Transient Trader, Hawker or Peddler shall sell or offer to sell goods upon private commercial property (subject to meeting the requirements of clause (16.b)) unless he has obtained written permission from the owner or occupant of the property, which written permission shall be kept available and furnished on demand to any police officer or License Inspector.
- d) A Transient Trader, Hawker or Peddler shall pay the full annual License fee, as set out in Section 9.b).
- e) The fees payable to the Municipality shall be the amount established in the Municipality's Fees and Charges By-Law for Transient Trader License Fee upon application, for each individual in the Business in the Municipality, and for each year thereafter.

**17. GENERAL CONTRACTOR**

- a) No General Contractor shall be provided with building permits, sewer permits, excavation permits, culvert permits, demolition permits, or building moving permits for work to be completed in the Municipality, or be awarded any contract or tender for the Municipality if they do not have a Business Licence or qualify to be exempt from this By-law under Clause 7.
- b) Any sub-trades employed by a General Contractor must also have a Business Licence or qualify to be exempt from this By-law under Clause 7.
- c) Any General Contractor or their sub-trade awarded any tender or contract for the Municipality must have general liability insurance and workers compensation coverage except for those contractors providing grass cutting services for the Municipality.
- d) Every applicant for a License to operate as General Contractor except those persons solely providing grass cutting services must
  - i) file with the application and shall maintain in force during the currency of the License, a comprehensive general liability policy in a form satisfactory to the Municipality, which includes the following minimum limits of coverage per occurrence; and
  - ii) maintain the liability insurance in the minimum amount of \$1,000,000 and submit a copy of the insurance policy to the Licensing Inspector.

**18. HOME OCCUPATION**

- a) Home Occupations must have a valid Home Occupation Order as approved by Resolution of Council.
- b) The Chief Administrative Officer or his designate shall determine if a business is required to apply for a Home Occupation Order.
- c) Home Occupations shall:
  - i) not detract from the neighbourhood;
  - ii) be carried on solely by the members of the family residing in the same dwelling unit without the employment of other persons.;
  - iii) have no outdoor storage of materials or products used by the business on the site.
  - iv) meet all of the requirements for Home Occupations as defined in the Municipal Zoning By-Law.

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**PART III  
ENFORCEMENT**

**19. OFFENCES AND PENALTIES**

- a) Subject to this section, any Person who contravenes or disobeys or refuses or neglects to obey any provision of this by-law, is guilty of an offence and liable, on summary conviction, to a fine of not less than \$ 500.00 and not more than \$ 1000.00 as set out in Regulation 50/97 of The Municipal Act.
- b) Where a Corporation commits an offence against this by-law, each director or officer of the Corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in the doing of the act that constitutes the offence, is also guilty of the offence and liable, on summary conviction, to the penalty for which provision is made in subsection a).



20. **COMMENCEMENT OF BY-LAW**

This by-law comes into force on the day after it receives final reading.

21. **REPEAL**

By-law No. 04-0016 is hereby repealed.

DONE AND PASSED AS A BY-LAW OF THE RURAL MUNICIPALITY OF GIMLI BY THE COUNCIL THEREOF IN OPEN SESSION ASSEMBLED THIS 12th DAY OF December, 2007.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

Read a 1st time this 24<sup>th</sup> day of October, 2007  
Read a 2nd time this 14th day of November, 2007  
Read a 3rd time this 12th day of December, 2007





**SCHEDULE A**

<b>Rural Municipality of Gimli APPLICATION FOR LICENSE</b>	
The undersigned hereby applies for a License as follows:	
<b>Name:</b>	<b>Name of Business:</b>
<b>Home Address:</b>	
<b>Business Address:</b>	
<b>Phone Number:</b>	<b>Type of Business: (describe in detail)</b>
<b>Fax Number:</b>	
<b>E-Mail:</b>	
<b>Type of Product:</b>	
<b>Mode of Transportation:</b>	
<b>Affiliation (if any): (name of company)</b>	
<b>If Salesman – Provincial License Number:</b>	
<b>If Mobile Food Vending Unit –</b> a) Health Inspector's Certificate _____ b) Proof of Insurance _____	
<b>Place of residence last 3 months:</b>	
<b>Other Information:</b>	
<b>DATE:</b>	<b>SIGNATURE:</b>
<b>FOR OFFICE USE ONLY:</b>	
<b>License Fee:</b>	<b>License No.:</b>
	<b>Class:</b>
<b>Conditions:</b>	
<b>Signature:</b>	



**[THIS PAGE LEFT BLANK FOR SCHEDULE "B" – BUSINESS LICENSE  
CERTIFICATE]**

A handwritten mark or signature in blue ink, consisting of a loop and a few trailing lines, located in the bottom right corner of the page.