

TOWN OF ALTONA

BY-LAW NO. 1583/2001

BEING a By-law of the Town of Altona to provide for the issuance of business licences and to provide for the regulation of persons and firms subject to such business licences.

WHEREAS Sections 232(1) & 232(2) of The Municipal Act S.M. 1996, c.M225, provides:

232(1) "A Council may pass by-laws for municipal purposes respecting the following matters:

(n) businesses, business activities and persons engaged in business:"

232(2) "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 of 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, permit 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

TOWN OF ALTONA - BUSINESS LICENCE BY-LAW

related to recovering the costs of regulation,

ii) establishing fees for licences, permits and approvals that are higher for persons or businesses that 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 the Council of the Town of Altona deems it advisable to require business licences to be obtained and to regulate parties whom have to acquire such business licence.

NOW THEREFORE the Council of the Town of Altona in Council duly assembled enacts as follows:

TOWN OF ALTONA - BUSINESS LICENCE BY-LAW

1. THAT in this By-law:
 - a) "business" shall include any trade, occupation or calling, transient traders, peddlers or hawkers, 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 has an established place of business within the municipality.
 - b) "person" shall mean an individual, firm, partnership or corporation.
2. THAT any person carrying on a business within the Town of Altona who is not otherwise liable to pay a business tax, must obtain a business licence from the Town of Altona and pay a business licence fee in accordance with the Town of Altona Fees and Charges By-law which may be amended from time to time.
3. 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 his goods, wares or services by means of going from door to door or by use of telephone shall not conduct business between the hours of 9:00 P.M. and 8:30 A.M..
 - 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 in attendance at a special community event duly sanctioned by the Council of the Town of Altona.
4. THAT all licences issued pursuant to this By-law shall expire on December 31st next following the issuance of such licence. Licences must be renewed on January 1st of each and every year or at the time the person commences business within the Town, which ever occurs sooner. Any party obtaining a licence in any year shall pay the amount of the licence fee prescribed in Section 2 of this By-law irrespective of how many days are left in the year, or

TOWN OF ALTONA - BUSINESS LICENCE BY-LAW

how many days he will carry on business.


5. THAT no business licence 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 in the Town of Altona that pay a business tax to the Town of Altona as provided for in "The Municipal Act"
 - c) Persons selling goods only to retail dealers.
6. THAT any person who carries on business without having acquired the necessary business licence shall be subject to a penalty not exceeding twice the amount of the applicable licence fee. Said penalty shall be payable directly to the Town of Altona and such penalty shall be in addition to the appropriate business licence fee which such person must obtain in addition to paying the penalty.
7. THAT any business licence previously approved by Council may be revoked if there is just cause to do so.
8. THAT any person who breaches any provision of this by-law other than failure to obtain the necessary licence shall be subject to a fine in accordance with the Town of Altona Fines and Penalties By-law as amended from time to time. 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. In addition the person shall be liable to have his/her business licence immediately revoked.
9. THAT the Chief of Police of the Town of Altona, or in his absence his designate, shall act as the business licence inspector for the Town of Altona and be authorized to enforce this By-law.
10. THAT By-law No. 1282 of the Town of Altona, and any subsequent amendments thereto, is hereby repealed as of the effective date of

TOWN OF ALTONA - BUSINESS LICENCE BY-LAW

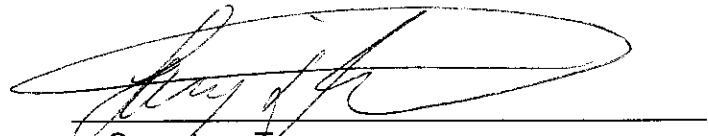
this by-law.

11. THAT this By-law shall come into full force and effect on the 1st day of January, A.D. 2002.

DONE AND PASSED in open Council duly assembled at the Council Chambers of the Town of Altona, in Manitoba, this 8th day of January, A.D. 2002.



Mayor



Secretary-Treasurer

Read a first time this 11th day of December, A.D. 2001
Read a second time this 11th day of December, A.D. 2001
Read a third time this 8th day of January, A.D. 2002