

**TOWN OF ALTONA  
BY-LAW 1752/2021**

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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, to be known as the "Business Licence By-law".

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**WHEREAS** Sections 232(1) and (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) business, 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 difference 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*

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*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 related to recovering the costs of regulations,*
  - 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*

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*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:

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 and 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;

b) "person" shall mean an individual, firm, partnership or corporation.

2. **THAT** any person from outside the Town of Altona or the Municipality of Rhineland not conducting business solely to the Commercial, Retail, or Industrial sectors within the Town of Altona

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must obtain a business licence from the Town of Altona and pay the fee as set out in Schedule "A" attached. Same schedule is subject to revision from time to time by resolution of Council.

3. **THAT** any person who sells goods, wares or services from a vehicle or other movable object, or by the use of telephone shall be subject to the following regulations:
  - a) any person, prior to any involvement in the activities described under this section, shall make application for business licence and shall pay the applicable business licence fee and no such activities shall take place prior to the approval of the business licence;
  - b) any person who sells food shall not park or stand their vehicle, or cart or object from which they sell food, at a location within the Town of Altona without first getting authorization from the Chief Administrative Officer of the Town of Altona.
4. **THAT** any sales of goods, wares or services either by means of going door to door, or from place to place are prohibited unless the sales are made on behalf of a charitable or non-profit organization from within the Town of Altona.
5. **THAT** all licences issued pursuant to this By-law shall be valid for a period of time not exceeding twelve (12) months from the date of issuance. Licences must be renewed prior to the date of expiration.
6. **THAT** no business licence is required under this by-law by any of the following:
  - 6.1 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 their immediate family, or their

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bona fide servants or employees.

6.2 Persons or businesses that are operating in a Commercial or Industrial Zone in the Town of Altona or the Municipality of Rhineland in accordance with the applicable zoning by-law.

6.4 Home based occupations that operate from within the Town of Altona or the Municipality of Rhineland.

6.5 Any business or person conducting business solely to the Commercial, Retail, or Industrial sectors for their operations within the Town of Altona, will not be required to obtain a business licence to operate in the Town of Altona.

7. **THAT** any person who carries on business without having acquired the necessary business licence shall be subject to a penalty not exceeding one thousand dollars (\$1,000.00). 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.
8. **THAT** any business licence previously approved by the Town of Altona may be revoked if there is just cause to do so.
9. **THAT** any person who breaches any provision of this by-law other than the failure to obtain the necessary licence shall be subject to a fine not exceeding one thousand dollars (\$1,000.00) 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.
10. **THAT** the Chief of Police of the Town of Altona, or in their absence their designate, shall act as the business licence inspector for the

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Town of Altona and be authorized to enforce this by-law.

11. **THAT** By-law No. 1583/2001 of the Town of Altona is hereby repealed as of the effective date of this bylaw.

12. **THAT** this by-law shall come into full force and effect on the passing thereof.

**DONE AND PASSED** in Council at The Town of Altona in the Province of Manitoba this 22<sup>nd</sup> day of June, A.D. 2021.

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Mayor

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Chief Administrative Officer

Read a first time this 8<sup>th</sup> day of June, A.D. 2021.

Read a second time this 22<sup>nd</sup> day of June, A.D. 2021.

Read a third time this 22<sup>nd</sup> day of June, A.D. 2021.

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**Schedule "A"**

The following fees will apply to any person conducting business within the Town of Altona and is subject to obtain a business licence.

1. Person located outside the limits of the Town of Altona or the Municipality of Rhineland:
  - a) conducting business for a period of seven consecutive days or less within the limits of the Town of Altona \$100.00
  - b) conducting business for a period of more than seven consecutive days and up to 365 consecutive days or less within the limits of the Town of Altona \$200.00