

TOWN OF MORDEN

By-Law No. 9-2005

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

WHEREAS Sections 232(1)(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 licenses, permit 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 that 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,

(iv) providing that terms and conditions may be imposed on any license, permit or approval, and providing for the nature of the terms and conditions and who may impose them,

(v) providing for the duration of licenses, 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 Morden deems it advisable to require business licenses to be obtained and to regulate parties whom have to acquire such business license.

NOW THEREFORE the Council of the Town of Morden 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 person; (“enterprise”)

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

2. THAT any person carrying on a business within the Town of Morden who is not otherwise liable to pay a business tax, must obtain a business license from the Town of Morden and pay the following fee therefore:

i) if such person, or the principal shareholder if it is a corporation, resides within the limits of the Town of Morden then such fee shall be:

a) \$35.00 per annum if the business is a hobby or on a part-time basis only

b) \$75.00 per annum if the business is full time or intended to provide significant income for the person.

ii) if such person, or the principal shareholder if it is a corporation, resides outside the corporate limits of the Town of Morden then the fee shall be as follows:

a) Home based occupations from the R.M. of Stanley that operate in the Town of Morden will be required to pay a business license to the Town of Morden at the same fees as outlined in i) a) and i) b) above.

b) Any business or person outside the corporate limits of the Town of Morden, City of Winkler, and the R.M. of Stanley shall pay \$150.00 per annum to operate within the Town of Morden.

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 Morden.

4. **THAT** all licenses issued pursuant to this By-law shall expire on December 31st next following the issuance of such license. Licenses must be renewed on January 1st of each and every year or at the time the person commences business within the Town, whichever ever occurs sooner. Any party obtaining a license in any year shall pay the amount of the license fee prescribed in Section 2 of this By-law irrespective of how many days are left in the year, or how many days he will carry on business.

5. **THAT** no business license is required under this By-law by any of the following:
 - 5.1 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 his immediate family, or his bona fide servants or employees.

 - 5.2 Persons or businesses that are operating in a Commercial or Industrial Zone in accordance with the Town of Morden Zoning By-law.

 - 5.3 Any business or person paying a commercial tax rate in the City of Winkler or R.M. of Stanley will not need to obtain a business license to operate in the Town of Morden.

 - 5.4 Home based occupations that operate from within the City of Winkler are not required to pay a business license fee to the Town of Morden if they have transactions in the Town of Morden, subject to the condition that they have a current business license in the City of Winkler.

 - 5.5 Any business or person conducting business **solely** to the Commercial, Retail, or Industrial sectors within the Town of Morden will not be required to obtain a business license to operate in the Town of Morden.

6. **THAT** any person who carries on business without having acquired the necessary business license shall be subject to a penalty not exceeding twice the amount of the applicable license fee. Said penalty shall be payable directly to the Town of Morden and such penalty shall be in addition to the appropriate business license fee which such person must obtain in addition to paying the penalty.

7. **THAT** any business license 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 the failure to obtain the necessary license shall be subject to a fine not exceeding five hundred (\$500.00) Dollars 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.

9. **THAT** the Chief of Police of the Town of Morden, or in his absence his designate, shall act as the business license inspector for the Town of Morden and be authorized to enforce this By-law.

10. **THAT** By-law No. 11-2004 of the Town of Morden is hereby repealed as of the effective date of this by-law.

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

DONE AND PASSED in open Council duly assembled at the Council Chambers of the Town of Morden, in Manitoba, this day of , A.D. 2005.

TOWN OF MORDEN

Mayor

Director, Finance & Administration

Read a first time this 9th day of May A.D. 2005.
Read a second time this day of A.D. 2005.
Read a third time this day of A.D. 2005.