

THE TOWN OF SNOW LAKE
- BY-LAW NUMBER 787/96

BEING A BY-LAW OF THE TOWN OF SNOW LAKE TO
PROVIDE FOR THE LICENSING AND REGULATING
OF BUSINESSES WITHIN THE TOWN OF SNOW LAKE.

WHEREAS Section 713 of Division I of Part XIII of the Municipal Act provides the authority for the Council of a municipality to pass by-laws for the licensing of any business, for the setting of a fee to be paid for such license and for the enforcing of the payment of the license fee;

AND WHEREAS it is deemed necessary and in the public interest to enact a by-law providing for the issuance of business licenses;

NOW THEREFORE BE IT RESOLVED that the Council of the Town of Snow Lake, in Council duly assembled, hereby enacts as follows:

1. This by-law shall be referred to as "The Town of Snow Lake Licensing By-Law".

2. Definitions: Wherever used in this by-law unless the context otherwise requires:

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 has an established place of business within the municipality;

b) "Carrying on business" shall mean that a person shall not be deemed not to be carrying on business in the Town solely by reason of the fact that he does not have therein an established place of business;

c) "Person" shall mean any corporation, firm, partnership, club or association;

d) "Secretary-Treasurer" shall mean the duly appointed Secretary-Treasurer of the said Town;

e) "Salesman" shall mean any person who offers to sell or sells, and/or delivers to any consumer in the Town, any goods, wares, merchandise, or effects of any kind in his behalf, or that of any person, retail merchant or manufacturer not having his principal place of business in the Town; and

- i) who has resided in the Town for a period of at least three (3) months immediately preceeding the time of his beginning to carry on business therein; and
- ii) who has not an established place of business.

f) "Tradesman" shall mean any person skilled in a trade who supplies or offers to supply, in the Town, services of any kind; and

- i) who has resided in the Town for a period of at least three (3) months immediately preceeding the time of his beginning to carry on business therein; and
- ii) who is not, or has not therein an established place of business.

g) "Transient trader" shall mean any person:

- i) who carries on, in the Town, from place to place, or from door to door, by any means, bearing or drawing any goods, wares or merchandise for sale; and

ii) who has not resided in the Town for a period of at least three(3) months immediately preceding the time of beginning to carry on business therein; and

iii) who, as a regular and established course of business, supplies or offers to supply, in the Town, services of any kind and who is a person to whom sub-clause (ii) applies; and

iv) who is not, or has not therein an established place of business.

h] "Town" shall mean the Town of Snow Lake.

3. PERSONS SUBJECT TO LICENSE

a] No person shall carry on any any of the businesses as a Salesman, Tradesman, or Transient Trader without having a license from the Town to do so; nor shall any such business for which a license has been issued be carried on after such license has lapsed or been cancelled, unless and until a new license is issued therefor.

b] No license pursuant to this By-Law shall be transferable.

4. EXEMPTIONS FROM LICENSES

No license is required in the Town for:

a] Hawking, peddling, or selling from any vehicle or other conveyance, any goods, wares or merchandise to any retail dealer; or

b] Hawking, peddling or selling anything which is the growth or produce of the Province of Manitoba if it is being hawked or peddled by the producer thereof, or by a member of his immediate family, or by his bona fide servants or employees having written authority in that behalf; or

c] Soliciting subscriptions or advertising for daily or weekly newspapers, farm publications, trade publications and magazines, published in Canada, or books approved by the Public Library Advisory Board appointed under the Public Libraries Act.

5. RESPONSIBLE AUTHORITY

The Secretary-Treasurer shall be responsible for the enforcement of this By-Law.

6. LICENSE YEAR

a] The Term "License Year" in the case of all licenses except those as otherwise noted shall mean twelve months from the date of the purchase of said license.

b] The exception to subsection a of this clause shall be the license year shall mean twelve months from the date the Tradesman, Salesman or Transient Trader is determined to have commenced business operations within the Town.

7. ISSUE OF LICENSES

The Secretary-Treasurer shall issue all licenses authorized herein at the prescribed fee on a serially numbered certificate setting forth:

- a) the name, address and occupation of the applicant; and
- b) the purpose for which the license is required; and
- c) the date of issue and the expiry date of the license; and
- d) such other particulars as the Secretary-Treasurer may deem fit.

8. LICENSE FEES NOT REFUNDABLE

Fees or any part thereof paid for licenses lawfully issued under this by-law shall not be refundable for any reason.

9. HOURS OF OPERATION

No Transient Trader, Hawker or Peddlar shall solicit orders for the purchase of and future delivery of goods, wares, or merchandise of any kind before 9:00 a.m. or after 7:00 p.m. on any date.

10. REGULATION AND CONTROL

If, in the opinion of the Secretary-Treasurer, an applicant is not a fit and proper person to be licensed hereunder, he may reject the application and refuse to issue a license.

The Secretary-Treasurer may suspend or revoke a license on valid ground including:

- a) when said license is obtained by fraud or deceit, or used or exercised contrary to the provisions thereof.
- b) commission of any illegal act by the licensee exposing him as an unfit and improper person to be licensed for the purposes herein.
- c) disorderly conduct in the Town.
- d) deliberate misrepresentation by the licensee of goods, merchandise, or effects ordered for sale by him in the Town.

11. FEES

The license fee shall be as follows:

- a) Salesman- \$100.00/license year
- b) Tradesman- \$100.00/license year
- c) Transient Trader- \$150.00/license year

12. EXPIRY DATE OF LICENSES

Yearly licenses shall expire twelve months from the date of purchase of the license, or twelve months from the date the business is deemed to have commenced, whichever is the lesser time.

13. PENALTIES

Any person found guilty of any breach of the provisions of this By-Law shall be liable upon conviction to a fine not exceeding Five Hundred Dollars (\$500.00) in addition to costs.

14. BAZAARS AND FLEA MARKETS

a) Any charitable or religious organization or any service club, sponsoring a bazaar, flea market, or like event, at which goods, other than food or used clothing, are offered for sale shall be required to obtain a license under this section for the sale of any goods sold at the said bazaar, flea market or like event. The said license shall be in lieu of any other business license that may be required by individuals elsewhere in this by-law.

b) The fee for the said license shall be five dollars (\$5.00) for each day or part thereof.

c) This section does not apply to:

- i) individuals sponsoring such events; and
- ii) teas or bake sales sponsored by charitable or religious organizations or service clubs, at which the sale of goods is incidental thereto.

15. EFFECTIVE DATE

a) This by-law shall come into force on the date of its passage.

16. THAT By-Law 589/86 and all amendments thereto be and are hereby rescinded.

DONE AND PASSED this 2nd day of December, A.D. 1996.

THE TOWN OF SNOW LAKE

J. W. [Signature]
MAYOR, DEPUTY

Grace E. Young
SECRETARY-TREASURER

READ A FIRST TIME THIS 2th DAY OF December, A.D. 1996.

READ A SECOND TIME THIS 2nd DAY OF December, A.D. 1996.

READ A THIRD TIME THIS 2nd DAY OF December, A.D. 1996.