



CITY OF STEINBACH

BUSINESS LICENSE BY-LAW NO. 2204

A by-law of the City of Steinbach to provide for the issuance of business licenses and to provide for the regulation of persons and firms subject to such business licenses.

March 15, 2022 - First Reading

April 5, 2022 - Second and Third Reading

PART 1: AUTHORITY, ENACTMENT AND DEFINITIONS

1. AUTHORITY

The City of Steinbach is empowered under Part 7 of the Municipal Act of the Province of Manitoba; to license and regulate businesses, business activities and persons engaged in business by by-law and to impose penalties for the violation of any such by-law.

2. ENACTMENT

Now therefore, the Council of the City of Steinbach enacts as by-law the following:

3. TITLE

This by-law shall be known as and may be cited as the "Steinbach Business License By-Law"

4. PROVINCIAL AND FEDERAL LEGISLATION

All persons who conduct or in the future will conduct business in the City of Steinbach shall in all respects conform to the provisions of this by-law save and except where provisions of this by-law are inconsistent with provisions of Provincial or Federal Statues in which case the provisions of such statues shall override the provisions of this by-law.

5. DEFINITIONS

In this by-law:

- 5.1. **"Business"** is:
 - a commercial, merchandising, or industrial activity or undertaking,
 - a profession, trade, occupation, calling or employment, or
 - an activity providing goods and or services,
 - determined to be a business 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; ("enterprise")
- 5.2. **"City"** means the City of Steinbach
- 5.3. **"City Manager Designate"** means the person or persons designated by the City Manager of the City who have been given authority over sections of this by-law.

PART 2: LICENSE PROVISIONS

6. NECESSITY FOR LICENSE

- 6.1. Any person carrying on a business within the City of Steinbach, who is not otherwise liable to pay a business tax or who is not exempt under Section No. 7 of this by-law, must obtain a business license from the City of Steinbach and pay the fee as set out in Schedule "A" attached. Schedule "A" is subject to revision from time to time by resolution of Council.
- 6.2. A separate business license is required for each separate business entity.

- 6.3. A separate business license is required for each business location.
- 6.4. Any advertising of businesses, trades or occupations will be deemed to be prima facie proof of the fact that the person is carrying on or operating any such business, trade or occupation.
- 6.5. The organizer of a tradeshow, farmer's market or community event is required to obtain a business license.

7. EXEMPTIONS

No business license is required under this by-law by any of the following:

- 7.1. Persons or businesses that are operating on a Commercial or Industrial Zoned property in accordance with the City of Steinbach Zoning By-Law and who are paying the appropriate property taxes for that property.
- 7.2. Persons or businesses whose only business activity is the supply or delivery of wholesale or bulk goods to a resident business;
- 7.3. Persons or businesses that rent a stall, table or space as a vendor at a tradeshow, farmer's market or community event;
- 7.4. Persons or businesses specifically exempt from municipal licensing by legislation of the Province of Manitoba.

8. DURATION OF LICENSE

- 8.1. Every license issued under the provisions of this by-law will terminate at midnight on the 31st day of December of the year stated on the face of the license unless
 - The terms of this by-law otherwise expressly provide;
 - The license provides otherwise; or
 - The license has been sooner cancelled or forfeited.
- 8.2. 72-hour licenses may be issued to accommodate trial or temporary business activity.

9. APPROVALS REQUIRED FOR ISSUE OF LICENSES

- 9.1. The applicant for any given business license is solely responsible for ensuring that all municipal, provincial and/ or federal approvals that are required for the carrying out of any business, trade, or occupation have been received prior to application for a business license and are maintained in good standing throughout the duration of the term of the business license and any subsequent renewals thereof. Any such provincial licenses, certificates or approvals must be submitted with an application for a business license.
- 9.2. If a provincial license required under any statute is cancelled or suspended, the City business license issued under the provisions of this by-law will be automatically void and will remain so unless and until a new provincial license therefore is issued or the suspended provincial license is reinstated.

- 9.3. A City Manager Designate may request and the applicant must provide upon request any further documentation deemed necessary by the City Manager Designate. This may include but is not limited to criminal records checks, or background checks by the police service of jurisdiction.

10. POSTING OF LICENSE

- 10.1. Every license issued hereunder must be posted in a conspicuous place at the business location so that it is visible to the customers of the business.
- 10.2. A business license issued with respect to a business that is not conducted at a fixed location must be carried on the person of the license holder or in or on the vehicle or apparatus from which such business is conducted and shall be shown to a City Manager Designate upon request. If there is more than one employee conducting business off site, each employee will be required to provide a copy of the business license upon request of a City Manager Designate.
- 10.3. Every license issued hereunder must be produced by the Licensee at all reasonable times upon the request of any City Manager Designate.

11. APPLICATION FOR LICENSE

- 11.1. An applicant may not submit any information with respect to an application which is false, misleading, incomplete, or inaccurate.
- 11.2. No person licensed to carry on business under this by-law may advertise or promote or carry on such business under any name other than the name endorsed upon their business license.
- 11.3. Applicants must include all information required on a City of Steinbach business license application at time of submission.
- 11.4. All licenses required under this by-law must show the location of the business with the exception of the following:
 - Transient traders,
 - Transient canvassers,
 - Non-established contractors,
 - Hawkers and peddlers.

12. COMPLIANCE WITH CITY LAND USE BY-LAWS

All licenses are granted subject to the provisions of any land use or development control regulations of the City and issuance of a license will not be deemed as approval to carry on a business in or on any premises in contravention of the provisions of any zoning by-law, land use by-law or development control by-law in force in the City.

Where a license is granted to a person to carry on a business in or on premises where such activity is not permitted by any zoning by-law, land use by-law or development control by-law of the City, that license is automatically void and of no effect unless or until it is approved to be reinstated by a City Manager Designate.

13. CONDITIONS OF LICENSE

- 13.1. At any relevant time, a City Manager Designate may impose conditions on a new or existing business license in relation to the establishment or operation of the applicable business.
- 13.2. A City Manager Designate may refuse to issue a business license, void a business license, or may impose conditions on a business license if a City Manager Designate:
 - Has revoked or suspended a business license of the applicant for the same or a similar business within the past twelve (12) months;
 - Has reasonable grounds for believing that the applicant does not or will not comply with this by-law, with any federal, provincial or other municipal statute, regulation, by-law or other requirement; or
 - Has determined that it is inappropriate to issue a license to an applicant where the safety, health or welfare of the public may be at risk due to the issuance of a License.

PART 3: PENALTIES AND ENFORCEMENT

14. PENALTIES

- 14.1. Subject to the Administrative Penalty By-Law, or a by-law implemented under the authority of the Provincial Offences Act, any person who contravenes or disobeys, or refuses or neglects to obey any provision(s) of this by-law is guilty of an offence and is liable to the fines listed in Schedule “A”.
- 14.2. Where a corporation commits an offense against this by-law, each person who is authorized, or consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes offence, is likewise guilty of the offense and liable to the penalty for which provision is made in section 14.1.
- 14.3. Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the guilty person is liable to a separate offense for each day it continues.
- 14.4. The costs (including legal fees related to the enforcement) of an action or measure taken by the City under this by-law are an amount owing to the City by the person who contravened the by-law, The Municipal Act, The Planning Act, or any other Act the City is authorized to enforce.
- 14.5. In addition to all other rights of collection which the City may have at law, such amounts may be collected by the City in the same manner as a tax may be collected or enforced under The Municipal Act.

15. INSPECTION

- 15.1. The City Manager Designate may enter land/property, buildings or structures at any reasonable time to carry out an inspection, enforcement or action, or request that anything be produced to assist in the inspection, remedy, enforcement or action taken.

- 15.2. The City Manager Designate must display or produce upon request identification showing that they are authorized to make the entry.
- 15.3. The City Manager Designate may take written notes of any violations that may exist, and may take photographic evidence, which will be kept on file.
- 15.4. The City Manager Designate may conduct any further inspections necessary to determine whether the actions or measures set out in a Notice of Contravention or an Order to Remedy a Contravention have been taken to remedy the contravention or situation, or to prevent a reoccurrence of the contravention.
- 15.5. It shall be the City Manager Designates opinion and discretion whether a Notice of Contravention or Order to Remedy a Contravention have been complied with.

PART 4: SEVERABILITY

If any section, subsection, sentence, clause, phrase or other portion of this by-law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the by-law.

PART 5: REPEAL

The following by-laws are hereby repealed:

- The Steinbach License By-Law No. 1285 (1991)
- All amendments and amending by-laws to The Steinbach License By-Law No. 1285
- The Steinbach Amusement Parlor By-Law No. 881 (1982)
- All amendments and amending by-laws to the Steinbach Amusement Parlor By-Law No. 881

DONE AND PASSED in Council duly assembled, this __th day of ____, 2022.

Mayor

City Manager

SCHEDULE A: BUSINESS LICENSE FEES & PENALTY FINES

(subject to revision from time to time by Resolution of Council).

BUSINESS LICENSE FEES:

Business License Type	License Fee
Resident of Steinbach (<i>Annual</i>)	\$100.00 each
Resident of Steinbach (<i>September 1 or later of the current year</i>)	\$50.00 each
Non-resident (<i>Annual</i>)	\$300.00 each
Non-resident (<i>September 1 or later of the current year</i>)	\$150.00 each
72-hour	\$50.00 each

PENALTY FINES:

Steinbach Business License By-Law No. 2204		Fine	
Provision	Contravention	Full Penalty (\$)	Discounted Penalty (\$)
s. 6	Carrying on a business within the City of Steinbach without a business License where a business license is required.	500	250
s.12	Contravening the use specific standards found in City of Steinbach Zoning By-Law No. 2100 and any future amendments or successive by-laws.	1000	500

Penalty fines are discounted when paid within the timeframe given in the Steinbach Administrative Penalty By-Law.