

TOWN OF GIMLI

BY-LAW NO. 98-02

BEING a by-law of the Town of Gimli for the purpose of licensing Businesses in the Town of Gimli

WHEREAS Subsection 232(1) of The Municipal Act, C.C.S.M., Cap. M225 (the “Act”) states in part that:

“A Council may pass by-laws for municipal purposes respecting the following matters:.....

(b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from taxation.....

(n) businesses, business activities and persons engaged in business”

AND WHEREAS it is deemed expedient and in the best interests of the Town of Gimli to provide for the issuance of licenses and regulation of persons and firms doing business in the Town of Gimli.

1) DEFINITIONS

- a) “License” means a license issued under this By-law
- b) “Administrator” means the Administrator for the Town of Gimli;
- c) “Town” means the Town of Gimli;
- d) “Transient Trader” means a Hawker or peddler and other persons who go from place to place, or from door to door, by any means bearing or drawing any goods, wares or merchandise for sale;
- e) “Council” means the Council of the Town;
- f) “Applicant” means any person or firm carrying on a business or intending to carry on a business in the Town of Gimli including any Transient Trader;
- g) “Business” means, subject to the terms of this By-law, any trade, auction, 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 has an established place of business within the Town and shall include the business of being a Transient Trader provided that such trade, occupation or calling shall derive income or profit realized from residents of the Town;
- h) “Wholesaler” means any business whose service is to supply other businesses goods for the purpose of resale;
- i) “Licensee” means the holder of a current license issued under this By-law.

2) LICENCES

- a) No person or firm shall carry on any business within the limits of the Town unless and until such time, as the person or firm has procured a license to do so from the Town and has paid the applicable license fee to the Town as set out in attached Schedule “A”. Every person and firm so licensed shall be subject to the provisions of this By-law.
- b) Any license issued under this by-law shall cover the period from January 1 to December 31 of each year and shall terminate on December 31 of each year except as provided in Schedule “A” of this by-law.
- c) No person or firm to whom a license has been issued shall carry on business after the license has lapsed or been cancelled by the Town unless a new license is issued by the Town.
- d) If, after investigation the Town concludes that a Licensee is carrying on business in an improper manner at the address shown on the application Council shall be entitled to revoke such license, within fourteen (14) days of serving the Licensee, by registered mail, with notice of his right to appeal. The decision of the Council, on appeal, shall be final and binding.

e) Upon revocation of a license, there will be no refund of any portion of the license fee paid by the Licensee.

f) Every License issued hereunder shall be produced by the Licensee at any time or times upon demand by the Administrator, or any member of Council, or any other person duly authorized by Council to demand production of the License.

3) APPLICATION

a) The applicant shall apply for a License at the Town of Gimli Office, 62 – 2nd Avenue,

b) Each application for a license will be completed on an approved form and shall contain:

- i) the name, occupation and address of the Applicant;
- ii) the nature of the business for which the license is being applied and the business address of the Applicant within the Town.
- iii) Any other information which may be deemed necessary and shall be accompanied by the fee listed on Schedule “A” of this By-law.

4) RESTRICTIONS

a) No Licensee shall carry on a business during the hours of quietness as stipulated in Town By-law No. 1059 or any amendments thereto

b) The Licensee shall carry on business in a manner which does not interfere with the person or property of any neighbour without first obtaining the express written permission or approval of the neighbour so being interred with by the License. In this By-law

5) EXEMPTIONS

a) any exemption to this by-law shall be made by resolution of Council from time to time.

b) Any business against which a business tax levy is assessed on the property primarily from which the business operates shall be exempt from the operation of this by-law

c) Any business against which a Town commercial mill rate is levied on the property primarily from which the business operates shall be exempt;

d) Any contractor or trades person who is required to purchase a building permit for the performance of a service is exempt for work done on the site covered by the permit;

e) Any wholesaler is exempt.

6) ENFORCEMENT AND PENALTY

a) This By-law shall be administered by a peace officer, By-law Enforcement Officer, or other individual duly appointed by the Council, and such person shall act under the general supervision of the Administrator.

b) It shall be the responsibility of the person named in Subparagraph (a) to ensure that this By-law is enforced and to report to the Administrator.

c) License fees shall be paid to the Town at the Town office.

d) Every person who contravenes or refuses, neglects, omits or fails to obey or observe any provision of the By-law is guilty of an offence and is liable, upon summary conviction, to a fine of not less than \$200.00 nor more than \$500.00 for each offence so convicted.

e) Each offence is to be considered as separate and apart from any previous subsequent offense.

9. THAT By-law No. 719, 739, 1058 and 1106 are hereby repealed.

DONE AND PASSED by Council of the Town of Gimli duly assembled on the
Day of 1998

Mayor William Barlow

Administrator: DJ. Sigmundson

Read a first time this 14th day of April , 1998
Read a second time this 9th day of June , 1998
Read a third time this 9th day of June , 1998

TOWN OF GIMLI
SCHEDULE “A” FOR
BY-LAW NO. 98-02

The following fees shall be paid to the Town to obtain a Business License. From time to time the Council of the Town may by resolution change the fees payable.

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| 1. | Each Transient Trader, hawker, or peddler | |
| | of | |
| | temporary nature, | \$100 per year |
| 2. | Any trades person or contractor, not exempt | \$25 per year |
| 3. | All other businesses, not exempt | \$25 per |
| | year | |