

TOWN OF STEINBACH

BY-LAW NO. 1285

BEING A BY-LAW of the Town of Steinbach to provide for the licencing and control of trades and occupations.

WHEREAS Section 713 of the Municipal Act provides in part that the Council of a municipality may by by-law licence and regulate any business carried on within the municipality.

NOW THEREFORE the Council of the Town of Steinbach in regular meeting duly assembled enacts as follows:

1. Short title: This by-law may be referred to as "The Steinbach Licence By-Law".

2. THAT "transient trader" shall include any person who, (i) carries on, in a municipality, any kind of business who has not therein an established place of business;

(ii) who, as a regular and established course of business, supplies or offers to supply, in the Town of Steinbach, services of any kind and who is a person to whom sub-clauses (a) and (b) of clause 6 apply.

3. THAT a person shall not be deemed to be carrying on business in a municipality solely by reason of the fact that he does not have therein an established place of business.

4. THAT any person shall, before commencing any business of the nature or kind referred to in this by-law, possess a licence and pay the prescribed fee therefore, which licence may be issued by the Town of Steinbach.

5. THAT no person shall be granted a licence to carry on business unless he provides adequate parking space for his customers other than parking on a public highway, provided such space is reasonably available under the circumstances.

6. THAT the licences provided for in Section 4 of this by-law shall apply to:

(a) all persons who sell goods, wares, merchandise, or effects of any kind, or offer them for sale by sample cards, specimens, or otherwise for or on account of any retail merchant, manufacturer or other persons selling directly to a consumer, not having his principal place of business within the Town of Steinbach, or who, whether acting for themselves or as agents for other persons, take orders for any goods or for any finished articles whatsoever, that have been or are to be manufactured, made or completed in whole or in part in some place outside the limits of the Town of Steinbach, by any retail merchant, manufacturer or other persons not having his or its principal place or business within the limits of the Town of Steinbach, or who delivers the manufactured, made or completed goods or articles.

(b) all transient traders and other persons, who hawk, peddle, sell, or offer to sell goods, wares, merchandise, or chattels of any kind by auction or in any other manner, whether from any vehicle, or other conveyance; or from any tent, booth, stall, stand, or vacant lot; on or adjacent to a highway, or at any other place stated in a by-law and whether or not any such auction is conducted by a licenced auctioneer;

(c) all persons doing business within the Town of Steinbach who occupy premises for temporary purposes, and all other transient traders, whether occupying premises or not, who offer goods, wares, merchandise or effects of any description, for sale by auction or any other manner, and whether conducted by themselves or by a licenced auctioneer or otherwise.

(d) nurserymen and their agents, and all persons selling or offering for sale trees, shrubs, plants, and nursery stock, grown or propagated outside the province.

7. THAT no licence shall be required in the Town of Steinbach for hawking, peddling, or selling any goods, wares, or merchandise to any retail dealer, or the growth of produce of the province, if it is being hawked or peddled by the producer thereof, a member of his immediate family, or by his bona fide servants or employees, having written authority to do so.

8. THAT persons 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, require no licence under this By-law for any of those purposes; but nothing in this section authorizes or entitles any person to solicit any such subscriptions or advertising on any highway in the Town of Steinbach, and it shall be illegal for any such person to do so.

9. THAT transient traders, hawkers, peddlars, or petty chapmen and other persons carrying on petty trades, or who go from place to place, or from door to door, on foot or with any vehicle, bearing any goods, wares, or merchandise for sale, shall in all cases before transacting business in a municipality, report to the clerk or other proper officer of the Town of Steinbach Municipal Office, and obtain a Municipal Licence.

10. THAT the fee for an annual licence required under this by-law shall be SIXTY DOLLARS (\$60.00) for residents and TWO HUNDRED AND FIFTY DOLLARS (\$250.00) for non-residents.

11. THAT any person who contravenes, disobeys, omits or refuses, or neglects to comply with this By-law is guilty of an offence and is liable on summary conviction, to a fine of not more than two hundred dollars.

12. THAT all By-laws previously enacted by the Town of Steinbach, in force at the date of passing hereof, in any way contradicting, limited or restricting the force and effect of this by-law, are hereby repealed.

13. THAT wherever the word "person" is used in this By-law it shall be construed to include the plural as well as the singular and shall also include firms, partnerships, companies, and corporations.

14. This By-law shall be administered by an employee appointed by the Town of Steinbach who shall act under the general supervision of the Secretary-Manager.

(a) It shall be the duty of the appointed employee to see that this By-Law is enforced, and

(b) Complete and sign all licences issued by the Town, and keep a register containing full particulars of same, and

(c) Report to the Secretary-Manager, on a regular basis the number of licences granted since his last report, and the amount of money received since his last report.

15. THAT notwithstanding anything contained in this By-law, no licence shall be required to operate a truck, or such, under hire by the Town for the purpose of hauling snow from Town streets or lanes during any period declared by the Town Engineer to be a period of emergency requirements for snow hauling; the commencement and duration of such period of emergency to be communicated to the Licence Inspector by the Town Engineer.

16. THAT licences cannot be issued to any person required by law to obtain a licence under the "Transient Trader's Act" until the application has first produced a licence number under that Act; the municipal licence issued shall state the fact that the licensee has produced the licence required by the "Transient Trader's Act".

17. Refund of Licence Fees:

a) Except as provided in subsection (2), no refund of licence fee or any part thereof shall be allowed or granted in respect of the revocation of a licence or for any other reason.


b) Council may, by resolution, authorize a refund of all or part of any licence fee paid pursuant to this By-law where the premises occupied by the licensee have been destroyed by fire or other cause and the licensee desires to surrender his licence for the balance of the licence year.

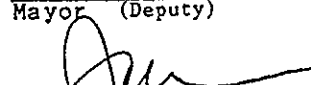
19. THAT the amount to be charged for all licence fees due and payable between January 1 and September 1, of the same year shall be the yearly licence fee set out in Section (10) and the amount of any licence fee due on or after September 1, shall be one-half the licence fee for a full year.

20. THAT no amusement parlour shall be operated within the limits of the Town of Steinbach without first obtaining a licence for that purpose pursuant to By-Law No. 881.

21. THAT this By-law shall come into force and effect on the date of the final passing thereof.

DONE AND PASSED in Council duly assembled this 18th day of February , A.D., 1991.

  
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Mayor (Deputy)

  
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Secretary-Manager

Read a first time this 18th day of February , A.D., 1991.  
Read a second time this 18th day of February , A.D., 1991.  
Read a third time this 18th day February, A.D., 1991.