

RURAL MUNICIPALITY OF ST. ANDREWS

BY-LAW NO. 4402

“THE BUSINESS LICENSING BY-LAW”

BEING a By-Law of the Rural Municipality of St. Andrews (the “Municipality”) providing for the licensing and regulation of business conducted within the Municipality.

WHEREAS subsection 1(1) of *The Municipal Act, S.M. 1996, c. 58* (the “Act”) defines a “business” as:

- (a) a commercial, merchandising or industrial activity or undertaking,
- (b) a profession, trade, occupation, calling or employment, or
- (c) an activity providing goods or 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 association of persons;

AND WHEREAS subsection 232(1) of the Act provides, in relevant part:

A council may pass by-laws for municipal purposes respecting the following matters:

- (n) businesses, business activities and persons engaged in business;
- (o) the enforcement of by-laws.

AND WHEREAS subsection 232(2) of the Act provides, in relevant part:

Without limiting the generality of subsection 232(1), a council may in a by-law passed under this Division:

- (a) regulate or prohibit;
- (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;
- (e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:
 - i. establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
 - ii. establishing fees for licences, permits and approvals that are higher for persons or business who do not reside or maintain a place of business in the municipality
 - iii. prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted
 - iv. providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,
 - v. providing for the duration of licences, 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;
- (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 subsection 237 of the Act provides:

Despite clause 232(2)(e) (by-laws respecting licences, permits, approvals), a municipality may not require that a licence, permit or approval be obtained to sell produce grown in Manitoba if the sale is by the individual who produced it or an immediate family member or employee of the individual.

AND WHEREAS Section 2 of Regulation 50/97 (Fees, Discounts and Penalties Regulation) of The Municipal Act provides:

For the purpose of subclauses 232(2)(e)(i) and (ii) of the Act, the maximum fee that a council may establish for a business licence for a calendar year is as follows:

(a) Rural municipality:	\$200.00
(b) Urban municipality with 5,000 residents or less:	\$200.00
(c) Urban municipality with 5,000 residents or more:	\$500.00

AND WHEREAS subsection 242(1) of the Act provides:

If a designated officer finds that a person is contravening a by-law or this or any other Act that the municipality is authorized to enforce, the designated officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the officer, the circumstances so require.

AND WHEREAS Section 3 of Regulation 50/97 (Fees, Discounts and Penalties Regulation) of The Municipal Act provides:

For the purpose of subclause 236(1)(b)(ii) of the Act, the maximum fine that a council may impose in respect of a contravention of a by-law is \$1,000.00.

NOW THEREFORE, the Council of the R.M. of St. Andrews, in open meeting, duly assembled, enacts as follows:

1.00 INTENT OF BY-LAW

1.01 The intent of this By-law is to regulate businesses operating within the RM of St. Andrews by ensuring compliance with municipal zoning, safety, and regulatory standards. The by-law establishes a framework for issuing licences, establishes fees, and promotes responsible business practices, while protecting public health and safety and supporting local economic growth and development.

2.00 DEFINITIONS

Unless the context otherwise requires, where used in this by-law:

2.01 "Applicant" means owner, or such other person authorized by the owner to make application for a Business Licence.

- 2.02 "Business" means any commercial, merchandising or industrial activity or undertaking, profession, trade, occupation, calling or employment, an activity providing goods or services, whether or not carried on continuously or on an intermittent or one-time basis and whether or not for profit, and however organized and formed, and whether or not conducted on an established place of business within the Municipality and includes a co-operative and association of persons.
- 2.03 "Business Licensing Clerk" means a municipal employee or designate responsible for receiving, processing and issuing business licence applications and maintain related records.
- 2.04 "Council" means the Council of The Rural Municipality of St. Andrews.
- 2.05 "Designated Officer" means a municipal employee or designate established by Council, to carry out the powers, duties and functions, and to ensure compliance with the provisions of this by-law.
- 2.06 "Municipality" means The Rural Municipality of St. Andrews.

3.00 NECESSITY FOR LICENCE:

- 3.01 Any person carrying on a business within the boundaries of the Municipality, who is not otherwise liable to pay a business tax or who is not exempt under Section 4.00 of this by-law, must obtain a business licence from the Municipality and pay the fee as set out in **Schedule "A"** attached hereto.
- 3.02 A separate business licence is required for each separate business entity.
- 3.03 A separate business licence is required for each business location.
- 3.04 Any advertising of business, trade or occupations will be deemed proof of the fact that the person is carrying on or operating any such business, trade or occupation.
- 3.05 The organizer of a tradeshow, farmers' market, or community event shall be required to obtain a business licence if goods and services are provided in exchange for monetary compensation.

4.00 EXEMPTIONS FOR LICENCE

- 4.01 No business licence is required under this by-law for any of the following:
- (a) Persons or businesses whose only business activity is the supply or delivery of wholesale or bulk goods to a resident business within the Municipality;
 - (b) Persons or businesses that rent a stall, table or space as a vendor at a tradeshow, farmer's market or community event;
 - (c) Persons or businesses conducting a concert, recital, show or other entertainment in any part of a church or regular meeting place, where all artists and performers are amateurs, and money charged or collected for or in connection with admissions, is to be used for the benefit of the church or meeting place;
 - (d) Persons conducting a garage or estate sale of household items located on private residential premises, provided that the sale is temporary in nature and limited to personal property; or

- (e) Persons or businesses specifically exempt from municipal licensing by legislation of the Province of Manitoba.

5.00 DURATION OF LICENCE

- 5.01 Every licence issued under this by-law shall take effect from the date of issue and shall remain in force and effect until midnight on the 31st day of December of the year stated on the face of the licence, unless:
 - (a) The terms of this by-law otherwise expressly provide;
 - (b) The licence provides otherwise; or
 - (c) The licence has been cancelled, forfeited, or otherwise withdrawn.
- 5.02 Monthly licences may be issued to accommodate trial and/or temporary business activities.

6.00 APPROVALS FOR LICENCE

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

7.00 APPLICATION FOR LICENCE

- 7.01 An applicant shall submit a completed Business Licence Application Form **Schedule "A"** attached hereto, with all required information, submittals and payments, to the Municipality for review and consideration.
- 7.02 An applicant may not submit any information with respect to an application, which is false, misleading, incomplete, or inaccurate.
- 7.03 No business licenced to carry on business under this by-law may advertise and/or promote or carry on such business under any name, other than the name endorsed upon their respective business licence.

8.00 POSTING OF LICENCE

- 8.01 Every licence issued under the provisions of this by-law must be posted in a conspicuous place at the business location so that it is visible to customers of the business. Should the place of business be located outside the boundaries of the Municipality, this requirement shall be waived.
- 8.02 A business licence issued with respect to a business that is not conducted at a fixed location, must be carried on the person of the licence holder, or in the vehicle or apparatus from which such business is conducted, and

shall be shown to the Designated Officer upon request. If there is more than one employee conducting business off site, each employee shall be required to provide a copy of the business licence upon request of the Designated Officer.

- 8.03 Every licence issued under the provisions of this by-law shall be produced by the licensee at all reasonable times, upon the request of the Designated Officer.

9.00 DUTIES OF THE LICENCED BUSINESS

- 9.01 Every business shall comply with all other by-laws of the Municipality and all appropriate federal and provincial legislation.
- 9.02 Whenever a business changes its name or address from that shown on the licence, they shall immediately notify the Municipality of said changes.
- 9.03 The business shall permit the Designated Officer, their assistants, or any other person authorized by the Designated Officer to enter upon and inspect the licenced premises for compliance with this by-law.
- 9.04 Every business licence application, provided the place of business is situated within the boundaries of the Municipality, shall be subject to a land-use verification by the Red River Planning District, to ensure that compliance with the provisions of the Municipality's Zoning By-Law is maintained.
- (a) Where a licence is granted to a business to carry on a business in or on premises where such activity is not permitted by the Municipality's zoning by-law, that licence shall be automatically void and of no effect unless, or, until it is approved to be upheld by the Municipality.

10.00 REVOCATION, REFUSAL AND CONDITIONS OF LICENCES

- 10.01 If the Designated Officer determines that a licensee is carrying on Business in an improper manner or is found in contravention of any portion of this By-Law, the Designated Officer may revoke the licence and shall promptly notify the licensee of such revocation.
- 10.02 The Business Licensing Clerk may refuse to issue a business licence or may impose conditions on a business licence if the Designated Officer has:
- (a) Revoked and/or suspended a business licence of the applicant for the same or similar business within the same calendar year;
- (b) Reasonable grounds to believe the applicant cannot, does not or will not comply with this by-law, any federal, provincial or other municipal statute, regulation, by-law or other requirements(s); or
- (c) Determined that it is inappropriate to issue a licence to an applicant where the safety, health or welfare of the public may be at risk due to the issuance of a licence.
- 10.03 Any applicant who is refused a licence may appeal the decision of the Business Licensing Clerk and/or Designated Officer to Council, provided that:
- (a) The Applicant submits a completed appeal form per **Schedule "B"** to the Municipality within 30 days of the refusal;

- (b) Upon receipt of the completed appeal form, Council shall set a day, time and place for the hearing of the appeal. Notice shall be provided to the applicant upon confirmation of said hearing;
- (c) Upon hearing all representations on the issue, Council may, by resolution, either uphold the revocation/refusal or direct that the business licence be issued, with or without conditions as deemed proper. Any decision rendered by Council resolution shall be final.

11.00 PENALTIES

- 11.01 Any business that contravenes or disobeys or refuses or neglects to obey with any provision(s) of this by-law is guilty of an offence and is liable to a maximum fine of \$1000.00. Where the violation of any of the provisions of this by-law continues for more than one day, the business is guilty of a separate offence for each day that it continues.
- 11.02 The costs of an action or measure taken by the Municipality under this by-law are an amount owing to the Municipality by the person who contravened the by-law.
- 11.03 In addition to all other rights of collection which the Municipality may have at law, such amounts may be collected by the Municipality in the same manner as taxes which are levied against or in respect of any land or personal property and may be collected or enforced under The Municipal Act.
- 11.04 Any funds paid in full or partial satisfaction of any fine levied, shall be first firstly applied in payment of the fine, and secondly, in payment of any outstanding licence fee(s).

12.00 EFFECTIVE DATE

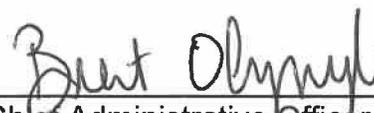
- 12.01 All by-laws, resolutions and orders passed relative to the issuance and enforcements of business licences are hereby repealed upon the date this by-law comes into effect.
- 12.02 By-Law No.'s 3976 & 4053 are hereby repealed.
- 12.03 That this by-law shall be deemed to have come into force and take effect on January 1, 2025.

DONE AND PASSED by the Council of the Rural Municipality of St. Andrews, in regular session assembled in Clandeboye, Manitoba, this 12th day of November, A.D., 2024.

THE RURAL MUNICIPALITY OF ST. ANDREWS



Mayor



Chief Administrative Officer

Read a first time this 22nd day of October, A.D., 2024

Read a second time this 12th day of November, A.D., 2024

Read a third time this 12th day of November, A.D., 2024



RM OF ST. ANDREWS BUSINESS LICENCE APPLICATION FORM

Type of Application (select one from each side)	
<input type="checkbox"/> Business Licence	<input type="checkbox"/> General Business (<i>Section B</i>)
<input type="checkbox"/> Annual Licence Renewal	<input type="checkbox"/> Home-Based (<i>Section C</i>)
<input type="checkbox"/> Change of Business Information	<input type="checkbox"/> Based outside the Municipality

SECTION A – BUSINESS INFORMATION:

Type of Business Organization (check the one that applies):

- Sole Proprietorship
 Partnership
 Corporation
 Co-operative

Business Location: _____

Business Owner Name: _____

Mailing Address: _____

Phone: _____ Cell: _____

Email: _____

Business Operating Name: _____

Mailing Address: _____

Website: _____

EMERGENCY CONTACT:

Name: _____ Position: _____ Phone: _____

Home Address: _____

BUSINESS DETAILS:

Date of Commencement: _____

Describe Business Activities (please be as specific as possible):



**RM OF ST. ANDREWS
BUSINESS LICENCE APPLICATION FORM**

SECTION B – GENERAL BUSINESS:

<p>Total Floor Area: Of the building: _____ sq. ft Of the business: _____ sq. ft</p>	<p>Number of Business Vehicles: On Site: _____ Off Site: _____</p>
<p>Number of employees: F/T: _____ P/T: _____</p>	<p>Hours of Operation: _____ to _____ / _____ <i>(days of week)</i></p>
<p>Changes / Renovations to Premises: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please describe: _____ _____ _____</p>	<p>Site Plan Requirements:</p> <ul style="list-style-type: none"> ▪ Property/Unit Boundaries ▪ Building & Storage Locations ▪ Approximate Utility Locations ▪ Parking & Access ▪ Signage Locations

SECTION C – HOME BASED BUSINESS:

<p>Total Floor Area: Of the dwelling: _____ sq. ft Of the business: _____ sq. ft</p>	<p>Additional Information: Business Vehicles On-Site: <input type="checkbox"/> Yes <input type="checkbox"/> No Goods and/or Equipment stored On-Site: <input type="checkbox"/> Yes <input type="checkbox"/> No Clients/Customers On-Site: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes (to any above), please describe: _____ _____ _____ _____</p>
<p>Number of employees: F/T: _____ P/T: _____</p>	
<p>Changes / Renovations to Premises: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please describe: _____ _____ _____</p>	
<p>Are you the registered owner of the property? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(Letter of authorization required)</i></p>	



**RM OF ST. ANDREWS
BUSINESS LICENCE APPLICATION FORM**

SECTION D – FEE SCHEDULE & LAND USE INFORMATION (OFFICE USE ONLY)

<u>Based within the Municipality:</u>		<u>Info for Planning District:</u>
Business Licence (General)	\$150.00 <input type="checkbox"/>	Roll Number: _____
└ Licence Renewal	\$100.00 <input type="checkbox"/>	Zoning: _____
└ Pro-Rated Licence (after July 1)	\$75.00 <input type="checkbox"/>	Legal Desc: _____
Business Licence (Home-Based)	\$75.00 <input type="checkbox"/>	Site Plan (attached):
└ Licence Renewal	\$50.00 <input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
└ Pro-Rated Licence (after July 1)	\$37.50 <input type="checkbox"/>	Comments:
Monthly Business Licence	\$15.00 <input type="checkbox"/>	_____
<u>Based outside the Municipality:</u>		_____
Business Licence (General)	\$200.00 <input type="checkbox"/>	_____
└ Pro-Rated Licence (after July 1)	\$100.00 <input type="checkbox"/>	_____
Monthly Business Licence	\$20.00 <input type="checkbox"/>	_____
Total Fees:	\$ _____	

APPLICANT STATEMENT:

I / We the undersigned hereby make application for a Business Licence in accordance with the information as stated, and further declare that the statements made true and correct. I / We further undertake, if granted licence applied for, to comply with each and every obligation as set forth in by-laws now in force, or which may hereafter come into force in the Municipality. I / We further understand that all business licences expire December 31 of each year, unless stated otherwise, and must be renewed each year. Every Business Licence is subject to review at any time and be suspended or revoked for just cause.

Signature: _____ Date: _____

This collection of personal information is authorized under Sections 36(1) (a), (b), and (c) of *The Freedom of Information and Protection of Privacy Act* (FIPPA). The information will be used for business licensing and emergency purposes only.

Questions can be directed to the Municipality at (204) 738-2264 or info@rmofstandrews.com.

