

**TOWN OF SELKIRK**

**BY-LAW NO. 4802**

**A BY-LAW OF THE TOWN OF SELKIRK PROVIDING FOR THE LICENCING AND CONTROLLING OF TRADES AND OCCUPATIONS.**

WHEREAS the Municipal Act (RSM 1970 CAP M225) empowers a municipality to pass by-laws to licence and regulate trades and occupations;

AND WHEREAS it is deemed to be in the best interest of the Town of Selkirk to issue business licences;

NOW THEREFORE the Council of the Town of Selkirk in a meeting duly assembled, enacts as follows:

SHORT TITLE

1. This By-Law may be referred to as “The Town of Selkirk Licencing By-Law”.

DEFINITIONS

2. Unless the context otherwise requires wherever used in this By-Law;
  - (a) “Business” includes any trade, occupation or calling through which a product or service is offered or supplied whether or not it is carried on continuously or on an intermittent or one-time basis and whether or not the person carrying on business within the municipality and whether or not payment for such product or service is made by cash, credit or barter.
  - (b) “Canvasser” includes any person or organization which raises funds by soliciting donations.
  - (c) “Circus Operator and Showman” shall include any person operating a circus, exhibit, show, rides or midway.
  - (d) “Contractor” means any person who is involved in any building trade, particularly but not limited to, electricians, plumbers, carpenters, masons, painters, floor covering installers, and drywallers, and in this By-Law, “sub-contractor” has the same meaning as “contractor”.
  - (e) “Hawker” includes any person who goes from place to place or door to door by any means bearing or drawing any good, wares or merchandise for sale or who pedals a product or service either door to door or through telephone solicitation or through distribution of advertising material.
  - (f) “Licence Inspector” means the Licence Inspector appointed by the Town of Selkirk from time to time.
  - (g) “Licensed Premises” means the premises in which the trade referred to in the context is carried on.
  - (h) “Major Event Site” means any Town property or portion of Town property designated for a major event by the Council of the Town of Selkirk within the Town Major Event Policy, or otherwise.

(i) “Mobile Food Unit” includes a self-contained food unit, whether motorized or otherwise, from which food items are dispensed.

(j) “Non-resident Contractor” means a contractor who occasionally provides services or delivers goods within the Town but does not carry on business nor have any fixed location within the Town.

(k) “Off Street Parking Area” means a parking area owned or operated by the Town as more fully detailed in subsection 215(a) of The Highway Traffic Act.

(l) “Pawnbroker” means a person who lends money upon interest on the security of articles of personal property pawned or pledged.

(m) “Private Property” means any property other than a street or an off street parking area.

(n) “Regional Residents” shall include a person who is not resident of the Town of Selkirk, but he is a resident of the R.M. of St. Andrews, R.M. of St. Clements, R.M. of East St. Paul or the R.M. of West St. Paul.

(o) “Seasonal Food Vendor” shall include any person selling or dispensing food items from a fixed location for less than the whole of any calendar year, but does not include an occasional food vendor at a major event site.

(p) “Sidewalk” means that portion of a street between the curb or the edge of a roadway and the adjacent property line that is improved or any other portion of a street improved and contained within a raised curb intended for the use of pedestrians.

## GENERAL LICENCING PROVISIONS

### TRADES AND OCCUPATIONS

3. A licence pursuant to this By-Law shall be obtained by all persons carrying on business within the Town of Selkirk.

4. Notwithstanding anything contained in this By-Law:

(a) No person shall be prevented from selling products grown, prepared or manufactured solely by himself or members of his family in the area located between Queen Avenue and Morris Avenue east of Eveline Street between the hours of 8:00 am and 11:00 am on any Saturday between the 1st of July and 31st of October, both inclusive, in any given year.

(b) No licence is required to hold a concert, recital, show or other entertainment in any part of a church or like regular meeting place for the holding of religious services under the auspices of the persons in charge of the said church or meeting place when all the artists or other performers are amateurs or the money charged or collected for or in connection with admission is to be used for the benefit of the church or meeting place.

5. (a) Before a licence is issued, the applicant shall pay to the Licence Inspector the licence fee prescribed by Council from time to time for the business, business location, vehicle, machine, exhibit, concession or ride as set out

hereafter. In the event that a person maintains more than one business location, vehicle, machine, exhibit, concession, show or ride, an additional licence shall be required for each business location, vehicle, machine, exhibit, concession, show or ride in excess of the business location for which a license has been applied for and the fee for each additional business location, vehicle, machine or exhibit, concession, show or ride shall be fixed at \$10.00 per business location, vehicle, machine or exhibit, concession, show or ride.

(b) Where an applicant is applying for a licence for a business, business location, vehicle, machine, exhibit, concession show or ride and is also liable to the Town for business taxes pursuant to the provisions of The Municipal Act for the business being licenced, the licence fee to be paid by the applicant for each licence required shall be reduced to a maximum of \$10.00 per business, business location, vehicle, machine or exhibit, in addition to the business taxes for which the applicant is liable.

(c) Every showman or circus operator shall obtain a separate licence for each separate show, exhibit, concession or ride.

#### ADMINISTRATION

6. (a) Licence Inspector: This By-Law shall be administered by a Licence Inspector appointed by the Town who shall act under the general supervision of the Council.

(b) It shall be duty of the Licence Inspector to see that this By-Law is enforced.

(c) The Licence Inspector shall:

- (i) collect all money payable to the Town under this By-Law and shall daily pay such money over to the Secretary-Treasurer.
- (ii) make out and sign all licences and keep the register containing full particulars of same.
- (iii) carry out such other duties as assigned by Council.

#### APPLICATION FOR LICENCE

7. Every applicant for a licence under this By-Law shall apply for same in writing to the Licence Inspector and any licences so applied for may be issued by the Licence Inspector.

#### ISSUE OF LICENCES

Need for Licence

8. No person who is not on the business tax roll for the Town shall carry on a business without having a licence from the Town so to do, nor shall such person carry on a business for which a licence has been issued after the licence has lapsed or been cancelled, unless and until a new licence is issued therefore and every person so licenced shall be subject to the provisions of this By-Law.

Any person carrying on any of the businesses mentioned in this By-Law contrary to the provisions herein shall be guilty of a breach of this By-Law and upon receiving notice from the Licence Inspector, shall immediately cease carrying on the said business until he is issued licence for same.

#### INDIVIDUAL LICENCE

9. Depending on the nature of the business for which a licence is applied for, each individual licence shall be issued to a person to carry on a particular business, either:
- I. within the Town as a whole, or
  - II. within the specified premises within the Town.

#### SUITABILITY OF PREMISES

10. (a) No licence shall issue to any premises until the Licence Inspector has received confirmation from the Selkirk & District Planning Area Board that the intended use of the premises complies with the zoning requirements of the Town of Selkirk for that intended purpose.
- (b) No business licence shall be issued to a person required by law to obtain a licence under The Consumer Protection Act until such person has produced a proper licence issued under that Act.
- (c) The Licence Inspector shall not be required to issue a licence pertaining to any licenced premises unless the Licence Inspector has received confirmation by the appropriate health authorities that the vehicle, place, or premises to which the licence pertains is in compliance with the Provincial Health Regulations for the intended purpose.

#### TERM OF LICENCE

11. (a) All licences under this By-Law shall take effect from the date of issue and shall remain in full force and effect until the 31st day of December next succeeding the date of issue, unless they are expressed to be granted for a shorter period or unless same shall become sooner forfeited.
- (b) A licence may be issued in advance for any licence year during the two months preceding the commencement thereof.
- (c) Every licence shall bear on its face the date on which it was issued and the date on which it will expire.

#### PRO-RATED LICENCES

12. (a) For any licence issued between the 1st day of January and the 1st day of April in any year, the amount to be paid for the same shall equal the charge for the full year; for a licence issued subsequent to the 1st day of April and prior to the 1st day of July, the charge shall be equal to three-quarters of the full charge for one year, and for any licence issued subsequent to the 1st day of July in any year, the charge shall be equal to one-half the amount charged for the full year.
- (b) No refund of any licence fee or any part thereof is allowed in respect of

the revocation or the cancellation of a licence for any reason and no transfer of any licence from one party to another or one machine, premises, exhibit or vehicle to another machine, premises, exhibit or vehicle respectively shall be permitted.

#### DUTIES OF THE LICENCEE

13. (a) Every licensee shall comply with all By-Laws of the Town and all appropriate federal and provincial legislation.

(b) Whenever a licensee changes the address of the business from that shown on the business licence, the licensee shall notify the Licence Inspector of the new address.

(c) Every licensee who holds a licence under this By-Law which applies to particular premises shall, so long as the licence is in force, keep it, or a duly authorized copy thereof, posted up in some conspicuous place on the licenced premises or on the vehicle or exhibit to which it applies. Failure to post the licence as required herein shall constitute a breach of this By-Law.

(d) The Licensee shall permit the Licence Inspector, his assistants or any other person duly authorized by the Licence Inspector to enter upon and inspect the licenced premises from time to time.

#### REVOCAION OF LICENCES

14. Council of the Town of Selkirk shall be entitled to revoke any licence issued under this By-Law upon the happening of any of the following events:

(a) Upon the licensee being convicted of an offence pursuant to the provisions of this By-Law;

(b) Upon the premises or vehicles within which the Licencee carries on business being in breach of the appropriate zoning or Public Health regulations affecting same following the Licencee being given two (2) weeks notice by the Licence Inspector to rectify any such deficiency.

(c) Upon the Licencee refusing or neglecting to pay the appropriate business tax or licence fee or any portions thereof following the expiration of seven (7) days notice by the Licence Inspector to the Licencee of the intended revocation.

#### PERSONS UNDER 14 NOT PERMITTED IN BILLIARD HALLS

15. No licensee, keeper or possessor of any billiard, pool or bagatelle table or of any machines, tables, musical instruments or other devices, or any pinball machines, electronic video machines, skillball machines or other mechanical or electrical amusement devices or machines, that are kept on or operated from any premises shall admit to the premises in which such machines or devices are kept or operated a minor under the age of 14 years or allow such minor to remain therein without the consent in writing of the

parents or guardian and the onus of proof that such consent has been given shall be upon such licensee, keeper or possessor.

#### HAWKERS

16. No Hawker shall:

(a) permit any vehicles used by him to remain standing in any street except while he is actually engaged in making a sale to a customer;

(b) permit any vehicle he is using while carrying on his trade to stand elsewhere than upon a public highway;

17. Any hawkers, or agents, or employees or anyone acting on their behalf, shall prominently display on his person in legible writing a badge or card displaying the name of the individual bearing the badge or card, and the name, number, address and business number of the Licensee.

18. A hawker shall not carry on his trade within the Town before 9:00 o'clock am or after 8:00 o'clock pm on any given day.

#### CANVASSERS

19. A Canvasser shall not carry on any canvassing within the Town of Selkirk before 9:00 o'clock am or after 8:00 o'clock pm. on any day.

#### NON-RESIDENT CONTRACTOR

20. Every Non-Resident Contractor shall obtain a licence and pay the fee set out in Schedule "A" to this By-Law from time to time.

#### PAWNBROKER

21. Every pawnbroker shall;

(c) keep a book in which shall be clearly written in ink, at the time of each loan, an accurate account and description in French or English of the goods, articles or things pawned or pledged, and a statement of any descriptive marks thereon, the time of pledging the same, the rate of interest to be paid on the loan, and the name and residence and a reasonably clear personal description of the person pawning or pledging the goods, articles or things. No entry made in the book shall be erased, obliterated or defaced, and no leaves shall be torn out;

(b) at the time of each loan, deliver to the person pawning or pledging any goods, articles or things, a memorandum or note signed by him, containing the substance of the entry required to be made in his book and he shall make no charge for any such entry, memorandum or note;

(c) at all reasonable times, make the said book, article or thing pawned or pledged available to the Licence Inspector or any person duly authorized by him or any members of the police force;

(d) immediately after the redemption or sale of any pawned articles, make an entry in the book referred to herein, showing by whom the article was redeemed or

purchased, his residence and physical description, and the date of such redemption or purchase;

(e) hold in pawn all property received on deposit or pledge by him for the period of seventy-two hours after the copy and statement has been delivered pursuant to Section 21(b) hereof.

22. No Pawnbroker shall:

(a) receive on deposit any goods, articles or thing before the hour of 8:00 o'clock a.m. or after 9:00 o'clock p.m. nor carry on his trade on any Sunday or statutory holiday;

(b) take or receive in pawn or pledge for money loaned, any property, bonds, notes, securities, article or thing produced or presented by any person under the age of eighteen years, or the ownership of which is in or which is claimed by such person or which may be in the possession or under control of such a person;

(c) employ any person who is to take pledges in pawn under the age of eighteen years;

(d) take any article in pawn from any person appearing to be intoxicated, or any person whom he knows to be a thief or to have been convicted of larceny or burglary;

(e) carry on trade of auctioneer.

#### SEASONAL FOOD UNIT VENDORS

23. Any applicant for a seasonal food unit licence must:

(a) submit a diagram showing the proposed location for the seasonal food unit which diagram must have been submitted for and received approval from:

I. the Secretary-Treasurer for Town owned property, including off-street parking lots; or

II. the property owner for private property;

III. the Secretary-Treasurer for placement of a mobile food cart on a sidewalk;

and in issuing such approval, consideration should be given to the proposed location being such that it adds to the pedestrian environment, does not impede access to other Businesses, and does not cause traffic visibility problems;

(b) maintain liability insurance in the minimum amount of one million dollars (\$1,000,000.00) and submit a copy of the insurance policy to the Licence Inspector.

#### CONDITIONS OF OPERATING SEASONAL FOOD UNITS AND MOBILE FOOD UNITS

24. Every seasonal food unit vendor and every mobile food unit operator shall:

(a) ensure the area surrounding the food unit is clean and free from litter and rubbish and that no unsanitary condition exists;

(b) comply with all provisions of the Town's traffic By-Law as it pertains to the unobstructed movement of vehicular traffic and pedestrian traffic and regulating any conduct which could be considered as a public nuisance.

25. Mobile food units shall only be located on private property, off-street parking lots, or sidewalks where such location has been authorized for use by the Owner in writing and approved by the Licence Inspector at the time of the issuance of the licence. No unit shall be located directly in front of the entrance of any existing eating establishment. No operator shall be entitled to more than 4 licences for mobile food units within the Town at any given time.

26. Mobile food units manually powered by the operator thereof, shall not operate from a fixed location. In addition to the business licence, the operator of such a unit shall be required to maintain an up to date bicycle licence issued by the town of Selkirk and adhere to all regulations pertaining to bicycles as set out in the Town's traffic By-Law.

27. The Town reserves the right to demand the removal, or relocation to a specified location, of any mobile food unit where it is found that its location in any way impedes pedestrian or vehicular traffic of their safety, or causes a disruption of any nearby business establishment. In the event of non-removal following a request from the Town to remove such unit, the Town shall be entitled to revoke the licence of the offending unit.

#### MAJOR EVENT FOOD UNIT VENDORS

28. (a) All mobile food units in attendance at any Major Event must have written permission from the person designated by the Town as the Coordinator for Major Events of the Town of Selkirk to operate within the Major Event Site.

#### PENALTIES

29. Subject to this section, every person who contravenes any section of this By-Law is guilty of an offence and is liable on conviction to pay a fine not exceeding \$400.00 and not less than \$50.00. Where any offences occur in respect of more than one business, business location, vehicle, machine, exhibit, show, concession or ride licenced to a single licencees, a separate offence shall be deemed to have occurred in respect of each violation for each business, business location, vehicle, machine, exhibit, show, concession or ride. Option "B" 75.00 after 11 Days.

30. Subject to the provisions of The Municipal Act, any amounts owing to the Town for unpaid licence fees or fines and costs in respect of any conviction for any breach of this By-Law may be added to and collected in the same manner as taxes which are levied against or in respect of any land or personal property.

31. Where any contravention of this By-Law occurred for more than one day, the person charge therein is guilty of a separate offence for each day that such contravention continues.

32. The Town of Selkirk By-Law Nos. \_\_\_ are hereby repealed. #4565-4600-4755

DULY enacted as a By-Law of the Town of Selkirk, this 22 day of August  
A.D. 1994.

TOWN OF SELKIRK

*Original signed by RS Oliver*

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Mayor

*Original signed by Gloria J. Vinie*

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Secretary-Treasurer

READ A FIRST TIME      this    8th    day of      August, A.D., 1994.

READ A SECOND TIME    this    22    day of      August, A.D., 1994.

READ A THIRD TIME     this    22    day of      August, A.D., 1994.

BY-LAW 4802

SCHEDULE A

FEE SCHEDULE

- |    |                          |                   |
|----|--------------------------|-------------------|
| 1) | Resident Licence Fee     | \$100.00 per year |
| 2) | Regional Licence Fee     | \$150.00 per year |
| 3) | Non-resident Licence Fee | \$200.00 per year |
| 4) | Major Event Vendor Fee   | \$ 25.00 per year |
| 5) | Charitable Events        | No fee required   |

Sub-trades are included in the above fees.