

**CONTINUING CONSOLIDATION  
BUSINESS LICENSING BY-LAW NO.6009/46/92**

AS AMENDED BY BY-LAWS NO. 6055/04/93, NO. 6065/14/93, NO. 6101/50/93, NO. 6182/31/94, NO. 6187/36/94, NO. 6273/122/94, NO. 6290/17/95, NO. 6336/63/95, NO. 6354/81/95, NO. 6371/17/96, NO. 6375/21/96, NO. 6477/40/97, NO. 6478/41/97, NO. 6498, NO. 6568, NO. 6605, NO. 6665, NO. 6832, NO. 7128, NO. 7190, 7251 AND NO. 7339.

BEING A BY-LAW of The City of Brandon to provide for the issuance of licenses and for the regulating and governing of businesses and of persons so licensed to be known as the "Business Licensing By-law".

WHEREAS The City of Brandon is empowered under Section 331 and Part XIII of The Municipal Act, R.S.M. 1988, c.M225 to license and regulate any business carried on within the municipality.

AND WHEREAS the issuance of a license by The City of Brandon under this By-law does not in any way warranty effectiveness, utility or efficiency of any product sold or service provided by any party having obtained such license.

NOW THEREFORE, the Council of The City of Brandon in a meeting assembled enacts as follows:

**PART I: INTERPRETATION, APPLICATION AND DEFINITIONS**

**1. Interpretation and Application**

- (a) All persons who conduct or in future will conduct business in the City of Brandon 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 relevant Provincial or Federal Statutes in which case the provisions of such statutes shall override the provisions of this by-law.
- (b) The City of Brandon will not conduct business with any person who is not in compliance with the provisions of this by-law.
- (c) Notwithstanding subsection (a), rates to be paid by transient businesses shall be subject to By-law No. 5060/03/81 until such time as Ministerial approval, pursuant to clause 713(3)(d) of the Act, has been received for the rate structure set out in this by-law. Upon receipt of Ministerial approval, this by-law shall apply without exception to transient businesses.  
[AM. B/L 6273/122/94]

**2. Definitions**

In this by-law:

- (a) "**AMUSEMENT DEVICE**" means any machine, table, musical instrument, or any other device, operated by the insertion of a coin, slug, token, plate or disc, or for which the use of is charged and paid in another manner, and which may be operated by the public generally for use as a game, entertainment or amusement, and shall, without restricting the generality thereof, include such devices as shooting galleries, photo studios, automatic devices, ball, dart or disc throwing games, strength testing machines, marble machines, pin ball machines, skill ball, mechanical grab machines, collector card machines, mechanical rides, and all games, operations or transactions similar thereto under whatever name they may be indicated, but does not include vending machines.  
[AM. B/L 6065/14/93]
- (b) "**AMUSEMENT PARLOUR**" means any store, shop, room, building or place where five or more amusement devices are kept or operated and to which the public is admitted either with or without payment of a fee.
- (c) "**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 the business has an established place of business within the municipality and whether or not payment for such product or service is made by cash, credit, or barter.
- (c.1) "**BUSINESS ACTIVITY**" includes any profession, activity, or enterprise which may lawfully be carried on.  
[EN. B/L 6336/63/95]

- (c.2) "**BUSINESS OFFICE**" includes a desk, chair, telephone, answering machine, filing cabinets, stationary, computer and printer, personal copier, and fax machine related to the normal operation of a business office.  
[EN. B/L 6336/63/95]
- (d) "**BUSINESS, RESIDENT**" means any business currently established within the City providing such business has been established therein for at least three (3) months.
- (e) "**BUYER OF PRECIOUS METALS**" means any person carrying on the business of purchasing precious stones, precious metals, plates or coins from any person other than a dealer.
- (f) "**CHARITABLE LICENSE**" means a license issued to a charitable organization that is, in the opinion of the Supervisor of Municipal Licensing, an organization which performs services of public good or welfare without profit and operates for a charitable object or purpose as follows:
  - (1) relief of poverty,
  - (2) education,
  - (3) the advancement of religion, or
  - (4) any purpose beneficial to the community, but does not include the license requirement for professional fundraisers.
- (f.1) "**CONCESSIONAIRE**" means any master vending company licensed by the City for the purpose of approving, organizing, and monitoring the operation of all concessions at special events.  
[EN. B/L 6478/41/97]
- (g) "**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.
- (h) "**CRAFTS PERSON**" means any person who makes hand-made goods, produced by themselves or their immediate family, and offers them for sale.
- (i) "**CRAFT SHOW**" means any event, not exceeding seven (7) days in duration, where the hand-made goods of a crafts person are displayed or offered for sale. [AM. B/L 6101/50/93]
- (i.1) "**CRAFT SELLING AREA**" means that area used for displaying items offered for sale at a craft show, the size of which shall not exceed nine (9) square metres. [EN. B/L 6065/14/93; AM. B/L 6187/36/94]
- (i.2) "**DESIGNATED SITE**" means any area established for conducting an activity related to a special event and includes such surrounding area, including streets, roads, and other public property under the control of the City, as deemed necessary for the purpose.  
[EN. B/L 6478/41/97]
- (j) "**ESCORT**" means any person who acts as a date for any customer or client of an escort service.
- (k) "**ESCORT SERVICE**" means any business which offers to provide or does provide an introduction between two persons for a period of companionship of short duration for which said service a fee is charged, levied or otherwise imposed for each occasion the escort service is provided or each occasion the introduction is made, and includes a dating service.
- (l) "**FIXED SEASONAL UNIT**" means a canteen, or other similar business from which food items are dispensed, being operated seasonally from a building or structure at a fixed location.
- (l.1) "**FLEA MARKET**" means any event where a variety of goods are displayed and offered for sale. [EN. B/L 6101/50/93]
- (m) "**GARAGE SALE**" means the sale of second-hand goods by an individual from his property located in an area zoned as Residential, and including but not limited to yard sale, basement sale and any other sale of a similar nature.

- (n) "**HAWKER**" means any person who peddles a product or service either door-to-door, or through telephone solicitation, or through distribution of advertising material, but does not include transient business.  
[AM. B/L 6273/122/94]
- (n.1) "**HOME-BASED BUSINESS**" means any business activity carried out for gain in a residence for which a current development permit is issued in accordance with the City of Brandon Zoning By-law.  
[EN. B/L 6336/63/95. AM. B/L 7128]
- (n.2) "**HOME-BASED DIRECT SELLER**" means any resident who: (1) holds a valid Vendor's license or Direct Seller's license, as issued by the Province of Manitoba, or; (2) is an agent or representative of a firm which is in possession of a valid Vendor's license, as issued by the Province of Manitoba; or (3) can provide proof of such firm being registered in the Province of Manitoba.  
[EN. B/L 6371/17/95; AM. B/L 6477/40/97]
- (o) [REP. B/L 7128]
- (p) [REP. B/L 6055/04/93]
- (q) [REP. B/L 7251]
- (r) [REP. B/L 7251]
- (s) "**MINOR**" means any person under the age of 18 years.
- (t) "**MOBILE FOOD CART**" means a push cart which is designed to be readily movable but is not self-propelled by motor or pedal power and from which food items are dispensed.
- (u) "**MOTORIZED FOOD UNIT**" means a self-contained unit which is propelled by motor power and from which food items are dispensed.
- (v) "**NUISANCE**" means an activity which interferes with the reasonable use of public or private property by any individual entitled to use such property.
- (v.1) "**OFF-SITE**" means a home-based business where the major portion of the activity is conducted away from the residence, and only a minor portion of the activity, such as a business office or minor storage, is conducted within the residence. [EN. B/L 6336/63/95]
- (w) "**OFF STREET PARKING AREA**" means a parking area owned or operated by the City as more fully detailed in subsection 215(4) of The Highway Traffic Act.
- (x) "**OFFICER**" means a peace officer, police officer or constable working for the Police Department or any person appointed as a by-law enforcement officer, unless the context thereof requires otherwise.
- (x.1) "**ON-SITE**" means a home-based business where the major portion of the activity is conducted in the residence.  
[EN. B/L 6336/63/95]
- (y) "**OPERATOR**", when used in reference to a seasonal food unit, means any person occupying, in possession of, or in charge of any seasonal food unit.
- (z) "**OWNER**", when used in reference to a seasonal food unit, means any person who owns a seasonal food unit.
- (aa) "**PAWNBROKER**" means any person who exercises the trade of receiving or taking, by way of pawn or pledge, any goods for the repayment of money lent thereon, and includes a pawnbroking business.
- (ab) "**PEDAL CART**" means a cart, designed for roving, which is self-propelled by pedal power and from which food items are dispensed.
- (ac) "**PEDESTRIAN**" means a person afoot, or a person in a wheelchair or a child's carriage or a physically handicapped person operating a motorized mobility aid.
- (ad) "**PERSON**" means any individual and includes business, corporation, firm, partnership, association, company or group of persons.

- (ae) "**PERSON IN CHARGE**", when used in reference to a seasonal food unit, means the operator or the individual present at a seasonal food unit who is the apparent supervisor of the seasonal food unit, and if no individual is the apparent supervisor then any employee present shall be conclusively deemed to be the person in charge.
- (af) "**PRIVATE PROPERTY**" means any property other than a street or an off-street parking area.
- (ag) "**PROFESSIONAL FUNDRAISER**" means any person who is in the business of fundraising directly as an agent for a charitable organization or as an agent for any person seeking charitable donations from residents of the City.
- (ah) "**PROFESSIONAL PRACTICE**" means the business carried on by an accountant, architect, dentist, engineer, land surveyor, lawyer (barrister and/or solicitor), medical doctor (physician and/or surgeon), nurse, psychologist, social worker, teacher, veterinarian or any other person engaged in private practice for remuneration from or on behalf of clients, excluding professionals employed on a full-time basis by government, public agencies or other business the primary function of which is not to provide professional services, but including all such professionals engaged in private practice on a part-time basis.
- (ai) "**PUBLIC HEALTH INSPECTOR**" means a Public Health Inspector appointed by the Province of Manitoba under The Department of Health Act or The Public Health Act.
- (ai.1) "**RESIDENCE**" means and includes a dwelling, a dwelling unit, a mobile home, or an accessory building, each as defined in the Zoning [EN. B/L 6336/63/95]
- (aj) "**RESIDENT**" means any person currently residing in the City, unless otherwise indicated, providing such person has been a resident therein for at least three (3) months. [AM. B/L 6055/04/93]
- (ak) "**SEASONAL FOOD UNIT**" includes fixed seasonal unit, mobile food cart, motorized food unit, pedal cart, and trailer food unit unless otherwise expressly provided.
- (al) "**SEASONAL FOOD UNIT VENDOR**" means the owner, operator, or any person in charge of a seasonal food unit.
- (am) "**SECOND-HAND BROKER**" means any person who engages in brokering the sale of second-hand items between owners and potential buyers, whether such buyers purchase items for resale or for their own use.
- (an) "**SECOND-HAND DEALER**" means a keeper of a second-hand store.
- (ao) "**SECOND-HAND STORE**" means a store, shop, yard or place where second-hand goods are stored or dealt in.
- (ap) "**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.
- (ap.1) "**SPECIAL EVENTS**" means any event of provincial, national, or international significance being hosted in, and sponsored by, the City. [EN. B/L 6478/41/97]
- (aq) "**TAAC**" means the Traffic Authority Advisory Committee, or its designate, as established by the City's Traffic By-law.
- (aq.1) "**TEMPORARY FOOD SERVICE ESTABLISHMENT**" includes all mobile food units at a fixed location for not more than three (3) consecutive days in conjunction with a single event. [EN. B/L 7339]
- (ar) "**TRADE SHOW**" means any event at which products are displayed for the purpose of introducing the public to a product or to enhancements in a product, or for comparing and trading a similar commodity, which without restricting the generality of the foregoing may include any gun show, car show, hot rod show, home show, coin show, stamp collector show, or card collector show, but does not include a resident business, paying business tax, solely or jointly conducting a sale.

- (as) **"TRAILER FOOD UNIT"** means a fifth wheel or other trailer unit which is not self-propelled and from which food items are dispensed.
- (at) **"TRANSIENT BUSINESS"** includes any person carrying on business in the City who:
- (1) offers to provide services for a price; or
  - (2) offers goods or merchandise for sale by retail or by auction; or
  - (3) solicits any person who is not a wholesale or retail dealer for orders:
    - (i) to provide future services for a price; or
    - (ii) for the future delivery of goods or merchandise; or
  - (4) has not obtained a development permit from the Development Officer; or
  - (5) is not listed on the City's current Business Assessment Roll for that business and/or location; or
  - (6) is a non-resident contractor providing a service;
- but does not include a person who is selling the growth or produce of the province if such is being sold by the producer thereof, a member of his immediate family, or his bona fide servants or employees. [AM. B/L 6187/36/94; B/L 6273/122/94]
- (au) **"UNSANITARY CONDITION"** means a condition or circumstance:
- (1) that is offensive, or
  - (2) that is or may be injurious to health, or (3) that may contaminate food with dirt, or
  - (4) that contaminates or pollutes or may contaminate or pollute food, air or water, or
  - (5) that may render food, air, or water injurious to the health of any person, and includes a nuisance, or
  - (6) that is or may be a substantial or imminent danger or hazard to public health.
- (au.1) **"VEHICLE"** means motor vehicle and includes off-road and all-terrain vehicles. [EN. B/L 6336/63/95]
- (av) **"VENDING MACHINE"** means any coin operated machine from which such items as newspapers, magazines, liquid refreshments, food, snacks, candy, or tobacco products are dispensed.
- (aw) [REP. B/L 6065/14/93]

**PART II: LICENSE REQUIREMENTS**

**DIVISION I: Persons Subject to License**

**3. Trades, Occupation or Calling**

It shall be an offense for any person to carry on in the City any business, including a professional practice, without having obtained a license from the City to do so, and any such business for which a license has been issued shall not be carried on after such license has lapsed or been cancelled, unless and until a new license is issued therefor.

**4. (a) A General Business License shall be obtained by every business including, but not limited to, those referenced in section 2, with the exception of those set out in subsections (b) and (c) hereto.**

[AM. B/L 6498]

**(b) The following shall require a special license as set out in the City's annual fee schedule:**

- (1) Amusement Device Distributor**
- (2) Amusement Parlour**
- (3) Auctioneer**
- (4) Charitable License**
- (5) Circus, Menagerie, Side Show and other like shows**
- (6) Contractor**
- (7) Craft sale, including Craft show and Crafts person**
- (8) [REP. B/L 6498]**
- (9) [REP. B/L 6498]**
- (9.1) Flea Market**
- (9.2) Home-Based Business**
- (9.3) Home-Based Direct Seller**
- (10) [REP. B/L 7251]**
- (11) Pawnbroker**
- (12) Seasonal Food Unit**
- (13) Second-hand store, dealer in collection or storing second-hand goods, second-hand broker, and buyer of precious metals**
- (14) Selling, distributing or installing vending machines or self serve cabinets**
- (15) Transient Business**
- (16) [REP. B/L 6055/04/93]**

[AM. B/L 6101/50/93; B/L 6336/63/95; 6371/17/95; B/L 6605]

**(c) The following are not permitted to operate in the City:**

- (1) Escort**
- (2) Escort Service**

[EN. B/L 6498]

**DIVISION II: General License Conditions**

**5. Every license granted pursuant to this By-law, unless otherwise provided, shall be effective only from date of issue to and including the 31st day of December of the year of issuance.**

**6. Where two or more persons carry on or engage in partnership in any trade, calling, business or occupation, the license may be issued in the name of one partner only, but when the application for license is made, the name and address of each member of the partnership shall be set out therein.**

**7. Every license issued hereunder shall be produced by the Licensee at all reasonable times on demand of the Supervisor of Municipal Licensing or any Officer or other persons duly authorized to demand its production.**

**8. The City reserves the right to revoke any license issued for actual or suspected noncompliance with the provisions of this by-law.**

**9. (a) Where a license under this By-law involves a business where the health, safety, or security of anyone involved with or utilizing the services of the business may be at risk, the Supervisor of Municipal Licensing may refer the application or business license to the appropriate City department, Provincial authority or regulating agency having jurisdiction. If clearance is not provided, the Supervisor of Municipal Licensing will not issue or will revoke the license and shall proceed in accordance with subsection (f).**

[AM. B/L 7251]

**(b) All applications for an amusement parlour license shall be submitted for a prelicense investigation pursuant to PART III, DIVISION I.**

- (c) [REP. B/L 6498]
  - (d) [REP. B/L 6498]
  - (e) [REP. B/L 7251].
  - (f) Where the Supervisor of Municipal Licensing refuses to issue or revokes any license, he shall notify the applicant of such refusal or revocation and advise of provisions for appealing the decision to the Director of Administrative Services. Any applicant wishing to appeal such decision shall submit a written request to the Supervisor of Municipal Licensing who will forthwith submit the application for the license and request for appeal, together with a report thereon, to the Director of Administrative Services. The decision of the Director of Administrative Services with respect to business licensing shall be final and absolute. [AM. B/L 6665]
  - (g) Notwithstanding that a proposed home-based business may comply with all existing regulations set out in PART III, DIVISION XI, the Supervisor of Municipal Licensing may elect to submit the application to City Council for direction respecting the issuance of such a license where he is uncertain as to the suitability of the proposed business.  
[EN. B/L 6336/63/95]
10. License to Designate Premises  
Every applicant applying for a license to carry on a business in the City shall designate in his application a store, shop or place in the City in which he intends to carry on his business, and such place shall be designated on the license when issued.
11. No person licensed to carry on business under this by-law shall advertise or promote or carry on such business under any name other than the name endorsed upon his license.

**DIVISION III: License Fees**

12. (a) Every person seeking a license hereunder shall make application therefor to the Supervisor of Municipal Licensing and shall tender with such application the nonrefundable license fee as designated in the City's annual fee schedule for such business or purpose.  
[AM. B/L 6605]
- (b) Notwithstanding subsection (a), no license fee will be required to be paid by any person in relation to the occupancy of space at the property of the Keystone Agricultural and Recreational Centre Inc. during the periods in each year when the Provincial Exhibition of Manitoba, Royal Manitoba Winter Fair or Agricultural Exhibition (Ag-Ex) are operating.
- (c) Notwithstanding subsection (a), no license fee will be required to be paid by a charity selling crafts where all items are donated.  
[AM. B/L 6065/14/93]
- (d) Notwithstanding subsection (a), no license fee will be required to be paid by a concessionaire or by any vendors approved by a concessionaire for operating within the designated sites.  
[EN. B/L 6478/41/97]
- (e) Notwithstanding subsection (a), the event organizer shall make application for a temporary food service establishment blanket license and tender such application with nonrefundable license fee as designated in the City's annual fee schedule.  
[EN. B/L 7339]
13. (a) The amount to be charged for all annual license fees due and payable January 1st shall be the annual license fee set out in the City's annual fee schedule and the amount of any license fee for a new business shall be prorated at the rate of 1/12 of the respective annual fee for each month, or part thereof, remaining in the then current calendar year. For the purposes of this provision a new business is one which has not previously operated in the City as determined by business name or ownership, either sole or partner.  
[AM. B/L 6273/122/94; B/L 6477/40/97; B/L 6605]
- (b) Notwithstanding subsection (a), any person obtaining a transient business license shall be required to pay the full annual license fee.  
[AM. B/L 6273/122/94]

14. Whenever a licensee changes his address from that shown on his license, he shall forthwith notify the Supervisor of Municipal Licensing and the license granted to the business may, subject to compliance with other City by-laws, be transferred to the new premises.
15. (a) Pursuant to subsection 719(2) of the Act, the General Business License fee for any business paying business tax shall be reduced to \$10.00 while any and all additional license fees as in the City's annual fee schedule to remain payable in full.  
[AM. B/L 6065/14/93; B/L 6605]
  - (a.1) Notwithstanding the \$10.00 fee required in accordance with subsection (a), and consequent to the waiving of the 1994 Business Tax, any business listed on the City's current Business Assessment Roll shall be deemed to have a Business License in accordance with this by-law for the current year. [EN. B/L 6182/31/94]
  - (b) Any business entitled to be placed on the City's Business Tax Roll shall be required to pay the relative license fee save and until such business is added to said Business Tax Roll.

**PART III: SPECIAL LICENSE CONDITIONS    DIVISION I: Amusement Parlours**

16. This Division shall not apply to a beverage room, beer parlour, or cocktail room licensed under The Liquor Control Act of The Province of Manitoba.

**Subdivision I: Application for License**

17. Any applicant for an amusement parlour license must, at the time of making application in accordance with section 12:
  - (a) submit a plan or sketch of the property and the building, or portion thereof in which the amusement parlour will be located, showing:
    - (1) the dimensions of the property, building and proposed amusement parlour area;
    - (2) the approximate location of all amusement devices; and
    - (3) the location of all fire and other exits;
  - (b) specify the number of amusement devices to be installed in a licensed premises ensuring each amusement device has a minimum 2 square metres of floor space within the licensed premises, excluding office space, toilet space and other service area space.
18. All changes to premises operating under an amusement parlour license must be reported to the Supervisor of Municipal Licensing who may, depending on the changes, either alter the license as required, or proceed in accordance with section 19. The Supervisor of Municipal Licensing will collect any fees which may be required for additional amusement devices.

**Subdivision II: Pre-License Investigations**

19. Upon receiving an application for an amusement parlour license, the Supervisor of Municipal Licensing will send a copy of the application, together with the submitted plan or sketch, to:
  - (a) the Chief of Police, who will investigate the background of the applicant or, if the application is a corporation, the background of the principals of the corporation and the proposed operators of the amusement parlour. The Chief of Police will conduct such an investigation as he deems necessary and, without restricting the generality thereof, he will consider the residence of the parties involved in the application, previous business dealings of the applicant, and check for past criminal records or current criminal charges.
  - (b) the Fire Chief, who will inspect the proposed premises to ascertain whether the proposed amusement parlour meets the specifications of the City's Fire Prevention By-law.
  - (c) the Chief Building Inspector, who will inspect the proposed premises to ascertain whether the proposed amusement parlour meets the specifications of the City's Building By-law.



- (d) the Development Officer, who will ensure the proposed location and use meet the specifications of "The City of Brandon Zoning By-law".
- 20. The Chief of Police, Fire Chief, Chief Building Inspector, and Development Officer will each forward to the Supervisor of Municipal Licensing, within thirty days of the application, their recommendation as to whether or not the license should be granted.
- 21. If the Chief of Police, Fire Chief, Chief Building Inspector, Development Officer or any one of them, recommends the license should not be granted, written reasons for the recommendation shall be submitted to the Supervisor of Municipal Licensing at the same time as the recommendation.

**Subdivision III: Issuance or Refusal of License**

- 22. If the Chief of Police, Fire Chief, Chief Building Inspector, and Development Officer each recommend the approval of the license application, then the Supervisor of Municipal Licensing may, subject to compliance with all other provisions of this By-law by the applicant, issue the license.
- 23. In the event that the Chief of Police, Fire Chief, Chief Building Inspector, Development Officer or any one of them have not recommended approval of the license, the Supervisor of Municipal Licensing shall notify the applicant, by registered mail:
  - (a) that the application for license has been refused;
  - (b) of the reasons for the refusal; and
  - (c) of provisions for appealing the application for a license to the Director of Administrative Services.[AM. B/L 6665]

**Subdivision IV: Appeal to Director of Administrative Services**

- 24. The applicant will have fourteen days from the date of such notice of refusal by the Supervisor of Municipal Licensing to appeal the refusal to the Director of Administrative Services.  
[AM. B/L 6665]
- 25. [REP. B/L 6665]
- 26. [REP. B/L 6665]
- 27. Where an appeal is made, any written recommendations of the Chief of Police, Fire Chief, Chief Building Inspector, and Development Officer shall be considered in conjunction with the Director's deliberations regarding the applicant's license request. [AM. B/L 6665]
- 28. Upon hearing any and all representations on the issue, the Director of Administrative Services will provide written advice to grant or refuse an amusement parlour license.  
[AM. B/L 6665]

**Subdivision V: Conditions of Operating Under License**

- 29. Every amusement parlour shall be closed to business between 2400 hours (12:00 midnight) and 0800 hours (8:00 a.m.).
- 30. The operator of any amusement parlour shall at all times, when it is open for business, supervise and keep under control the operation and activity of the said amusement parlour, either personally or by his agent, employee or servant, who shall be of the full age of eighteen (18) years and shall conform with and carry out the provisions of all by-laws of the City and all Provincial and Federal laws, and all regulations made thereunder, respecting public health and sanitation.

**DIVISION II: Auctioneers**

- 31. **Name and Business to be Displayed**  
Every auctioneer shall exhibit in a conspicuous place and manner, at his auction room or at such other place in which for the time being he may be engaged in selling or putting up goods for sale, his name and business as auctioneer; but if several persons exercise the trade of auctioneer in partnership, only the name of the firm and the business need be exhibited as aforesaid.
- 32. **Auctions in Public Parks or on Public Streets**  
No auctioneer shall conduct an auction in any public park or on any public street or thoroughfare in the City without the specific authority of Council.

33. **Auctioneer Not To Be Pawnbroker**  
A license to carry on the occupation of a pawnbroker shall not be granted to an auctioneer.

**DIVISION III: Circus, Menagerie,  
Ride Show, Carnival & Other Like Shows**

34. **Bond of Indemnity**  
Every applicant for a license to conduct a travelling circus or other like travelling exhibition or any carnival, shall indemnify and save the City harmless by furnishing the City with a bond for Five Thousand Dollars (\$5,000.00), satisfactory in form to the City Solicitor, or deposit cash to that amount with the City. Such bond shall be conditional also upon due compliance by the licensee with the by-laws of the City and no license shall be issued until such bond is furnished or cash deposited.

35. **Charitable Organizations**  
When in the opinion of a majority of the members of Council, satisfactory evidence has been received by the Council that any travelling circus or other like travelling exhibition about to be held, operated or conducted for the purpose of raising funds for any church organization or any charitable organization recognized as such by Council, or any service club which is a member of any service club organization having clubs throughout Canada is in fact being operated for charitable purposes, Council may in its sole discretion by resolution duly passed, authorize that any license fee payable under this by-law may be reduced to a fee as set out the City's annual fee schedule, provided that no license shall be granted for the period of the Provincial Exhibition of Manitoba without the specific authority of Council. [AM. B/L 6605]

**DIVISION IV: Escort Service and Escorts**

36. [REP. B/L 6498]  
37. [REP. B/L 6498]  
38. [REP. B/L 6498]  
39. [REP. B/L 6498]  
40. [REP. B/L 6498]  
41. [REP. B/L 6498]

**DIVISION V: Garage Sales & Home Craft Sales**

42. The provisions of this by-law respecting obtaining of licenses and payment of license fees shall not pertain to this Division.
43. (a) A maximum of 3 garage sales in each calendar year may be conducted on each private residential property in the City.
- (b) A garage sale may not be conducted for a period of more than 2 consecutive days.
- (c) Any person conducting a garage sale must comply with and is subject to all the provisions of the City's Traffic By-law relating to the erection and removal of any sign advertising such garage sale.
- (d) For the purpose of this Division, garage sale shall be deemed to include the sale of items made by a crafts person in their own home or any similar occasion where the personal property of the vendor or their immediate family is offered for sale from a residence, auxiliary structure, or surrounding property. [EN. B/L 6055/04/93]
44. The penalty for violation of the provisions set out in this Division shall be as set out in Section 74.

**DIVISION VI: Massagists**

45. [REP. B/L 7251]  
46. [REP. B/L 7251]  
47. [REP. B/L 7251]

**DIVISION VII: Seasonal Food Unit Vendors**

**Subdivision I: License Requirements**

48. Any applicant for a seasonal food unit license must, at the time of making application in accordance with Section 12:
- (a) submit, and maintain, a valid permit from the Public Health Inspector with respect to the seasonal food unit and its operation being in compliance with all provincial health standards;
  - (b) submit a diagram showing the proposed location for the seasonal food unit which diagram must have been submitted for and received approval from:
    - (1) the Property Administrator for City owned property, including off-street parking lots; or
    - (2) the property owner for private property; or
    - (3) the Supervisor of Municipal Licensing 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;
  - (c) maintain liability insurance in the minimum amount of one million dollars (\$1,000,000) and submit a copy of the insurance policy to the Supervisor of Municipal Licensing.
49. The Supervisor of Municipal Licensing or the Chairman, or Acting Chairman, of the TAAC has the authority to deny the issuance of a seasonal food unit license where in his opinion same would not be in compliance with the conditions as set out herein or it is in the public interest to do so.
50. Any seasonal food unit license issued in accordance with this Division must be conspicuously displayed on the seasonal food unit and is not transferable nor assignable.

**Subdivision II: Conditions of Operating Under License**

51. Every seasonal food unit vendor shall:
- (a) ensure the area surrounding the seasonal food unit is clean and free from litter and rubbish and that no unsanitary condition exists;
  - (b) ensure the mobile food cart is removed from its location of operation between 0200 hours (2:00 a.m.) and 0800 hours (8:00 a.m.) on any day; and
  - (c) comply with all provisions of the City's Traffic By-law and Nuisance By-law as they pertain to the unobstructed movement of vehicular traffic and pedestrian traffic and regulating any conduct which could be considered as a public nuisance.
52. (a) Mobile food carts shall only be located on private property, off-street parking lots, Or sidewalks where such location has been approved pursuant to subsection 48(b) and shall not be located directly in front of the entrance to any existing eating establishment. Each food cart operator may submit a maximum of four (4) locations where he may operate.
- (b) Motorized food units and trailer food units, excluding mobile lunch trucks, shall only be located on private property or off-street parking lots where such location has been approved pursuant to subsection 48(b).
  - (c) Fixed seasonal units shall only be located on private property which is used mainly for recreational activities.
  - (d) Pedal carts shall not operate from a fixed location, must have a current bicycle license, and every operator of a pedal cart must adhere to all regulations pertaining to bicycles as set out in the City's Traffic By-law.
53. (a) The Supervisor of Municipal Licensing may revoke a seasonal food unit license where a mobile food cart has not occupied its approved space for a period of more than fourteen consecutive days. Upon such revocation the seasonal food unit vendor shall not operate at such location or elsewhere unless and until a new license

for the mobile food cart is obtained in accordance with the provisions of this by-law, and the City does not guarantee the same location will be available upon reapplication.

- (b) The City reserves the right to demand the removal, or relocation to a specified location, of any mobile food cart where it is found that the location in any way impedes pedestrian or vehicular traffic or their safety, or causes a disruption to any nearby business establishment, and such decision shall be at the absolute discretion of the TAAC.
54. Where the TAAC deems such action necessary it shall first make a verbal request to the seasonal food unit vendor to relocate or remove the mobile food cart. Where such verbal request has not been complied with within one hour, the TAAC shall provide written notice to the seasonal food unit vendor, stating that the mobile food cart must be removed, or relocated to a specified location, within such time limit as the TAAC determines reasonable in each case. Upon the expiration of the said time limit, if the mobile food cart has not been removed or relocated, the City Engineer shall cause same to be removed and stored at the Police Storage Yard. The expense of such removal shall be the responsibility of the owner.
55. Upon the removal of any mobile food cart by the City, the Supervisor of Municipal Licensing shall give written notice to the owner advising that:
- (a) the mobile food cart is in the possession of the Police Service; and [AM. B/L 6273/122/94]
  - (b) same may be recovered upon payment of the removal costs and a \$50.00 storage fee to the Supervisor of Municipal Licensing.
56. Any mobile food cart removed by the City will be kept for a maximum period of sixty (60) days and if not recovered in accordance with section 55, will be sold or otherwise disposed of and any revenue garnered will be retained by the City and applied against the removal costs and storage fee.

**Subdivision III: Special Events Concessions**

- 56.1 (a) The City may, at its discretion, issue a special events license to a concessionaire and only those vendors approved by the holder of such license are authorized to place concessions within designated sites.
- (b) Notwithstanding subsection (a), mobile vendors who hold pre-existing valid licenses to operate within the area of a designated site, and those who hold a business license to dispense goods from property within the area of a designated site, shall be permitted to continue such existing operation without interruption. [EN. B/L 6478/41/97]

**Subdivision IV: Temporary Food Service Establishment**

- 56.2 The event organizer for a temporary food service establishment blanket license must, at the time of making the application in accordance with Section 12(e):
- (a) ensure that each mobile food unit attending the event has a valid permit from the Public Health Inspector in compliance with the requirements of Manitoba Regulation 339/88R, and the Food and Food Handling Establishments Regulation under The Public Health Act;
  - (b) submit a diagram showing location of all mobile food units; and
  - (c) maintain liability insurance in the minimum amount of two million dollars (\$2,000,000) with the City added as an additional named insured and submit a copy of the insurance policy to the Supervisor of Municipal Licensing. [EN. B/L 7339]

**DIVISION VIII: Pawnbrokers**

57. Records to be Kept (a) Access to an electronic on-line recordkeeping system (in this Division the "erecord"), which shall remain the property of the City and under the control of the Chief of Police, will be provided by the City to each pawnbroker. Immediately upon receiving goods, articles, or things for pawn or pledge, the pawnbroker shall make an entry in the e-record showing:
- (1) an accurate account and description, including serial number where applicable, of the goods, articles or things pawned or pledged;
  - (2) a statement of any descriptive marks thereon;
  - (3) the name, address, and a minute personal description of the person pawning or pledging the goods, articles, or things; and

- (4) confirmation that photo identification was used to verify the age and identity of the individual pawning or pledging.
  - (b) All entries are assigned a unique system-generated number. The pawnbroker is permitted to add to the e-record an inventory number of their choosing, and the article shall be tagged with the corresponding number.
  - (a) The e-record shall be the only record maintained by the pawnbroker. Any documentation taken as proof of identification will be returned to the individual or, if the pawnbroker made a copy of the identification the copy will be destroyed, once the information is entered into the e-record.  
[AM. B/L 7190]
- 58. **Memorandum of Receipt of Goods**  
Every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, articles or things, a memorandum or note signed by the pawnbroker, containing the substance of the entry required to be made in the e-record. No charge shall be made or received by any pawnbroker for any such entry, memorandum or note. [AM. B/L 6273/122/94, AM. B/L 7190]
- 59. **Inspections**
  - (a) Every article or thing pawned or pledged, shall at all reasonable times be open to the inspection of the Police.
  - (b) The Police have the right to inspect the business establishment to ascertain there are no additional record systems being maintained.  
[AM. B/L 7190]
- 60. **Dealing in Second-Hand Goods**  
No pawnbroker shall, unless he has also taken out a license as a second-hand dealer or buyer of precious metals, purchase or acquire by barter any second-hand article or thing whatsoever offered to him.
- 61. **Record of Redemption of Goods**  
Immediately after the redemption or sale of any pawned article an entry shall be made in the e-record showing by whom the article was redeemed or purchased, the residence and description of said person and the date of redemption or purchase. [AM. B/L 7190]
- 62. **Goods to be Kept Seven Days**  
No property received on deposit or pledge by a pawnbroker shall be permitted to be redeemed or removed from its place of business for a period of fourteen days after entry in the e-record, provided however that such redemption or removal may be permitted on the specific written permission of the Chief of Police.  
[AM. B/L 7190]
- 63. **Dealing with Minors Prohibited**  
No pawnbroker shall take or receive in pawn or pledge for money loaned, any property, bond, note, security, article or thing produced or presented by any minor, or the ownership of which is in or which is claimed by any such minor, or which may be in the possession of or under control of any such minor.
- 64. **Employment of Minors Prohibited**  
No pawnbroker shall employ any minor to take pledges in pawn.
- 65. **Dealing with Intoxicated Persons or Thieves Prohibited**  
No pawnbroker shall take any article in pawn from any person appearing to be intoxicated, nor from any person whom he knows to be a convicted thief.
- 66. **Pawnbrokers Not to be Auctioneers**  
No license to carry on the business of an auctioneer shall be issued to a pawnbroker.

**DIVISION IX: Second-Hand Dealers & Brokers, Buyers of Precious Metals**

- 67. **Dealing with Minors Prohibited**  
The purchase by second-hand dealers or buyers of precious metals, of second-hand goods or precious metals from any minor is prohibited. Further, a second-hand broker is prohibited from acting as a broker on behalf of a minor.
- 68. **Records to be Kept**
  - (a) A bound pre-numbered book (in this Division the "record book") which shall remain the property of the City, under the control of the Chief of Police, will be provided by the Supervisor of Municipal Licensing to each second-hand dealer and each buyer

of precious metals. Immediately upon purchasing or having deposited with him any goods or articles, the second-hand dealer or buyer of precious metals shall make an entry in the record book showing:

- (1) an accurate account and description of the goods or articles, including a serial number where applicable;
- (2) a statement of any identifying or descriptive marks thereon;
- (3) the name, address, and a minute personal description of the person selling or depositing the goods or articles.

The Chief of Police, in conjunction with the Supervisor of Municipal Licensing, may agree to a varied method of record keeping.

- (b) All entries shall be clearly written in ink in numerical order, and the article tagged with the corresponding number. No entry made in the record book shall be erased, obliterated or defaced and no leaves shall be torn out.
- (c) A second-hand broker shall maintain records in a format satisfactory to the Chief of Police and the Supervisor of Municipal Licensing which shows the name, address, and phone number of all persons seeking to list items for sale and concurrently maintain a listing of the names, addresses, and telephone numbers of all persons seeking to purchase second-hand items. Such brokers shall provide copies of these lists to an Officer or the Supervisor of Municipal Licensing at whatever time, or times, such lists are requested and shall further supply any and all other information requested by an Officer or the Supervisor of Municipal Licensing in relation to potential vendors and purchasers of second-hand goods as listed with the broker. Such records shall be retained for a minimum period of eighteen (18) months.

**69. Records Open to Inspection**

The record book, as well as all goods or articles purchased or deposited, shall at all reasonable times be open to the inspection of the Supervisor of Municipal Licensing or any officer.

**70. Retention of Goods**

- (a) Any goods purchased by or deposited or left with any second-hand dealer or buyer of precious metals shall be retained by such dealer or buyer as the case may be in the store or shop where it carries on its business for a period of seven days from the date on which it entered such in the book as required, that such goods had been purchased by it or deposited or left with it. Such goods shall be kept separate and apart from all other goods on the premises for the whole of the said period.
- (b) Subsection (a) shall not apply to:
  - (1) second-hand furniture or automobiles;
  - (2) precious stones, precious metals, plates, coins or second-hand goods purchased at public auction or from a licensed second-hand dealer; or
  - (3) any goods for which the period for retention has been altered on the specific written permission of the Chief of Police, insofar as the retention period is concerned.

**71. Distinctive Marks Not to be Removed**

- (a) No distinctive mark upon any second-hand goods, precious stones, precious metals or plates purchased by any second-hand dealer or buyer of precious metals shall be removed, erased, obliterated, rendered obscure or in any way altered until the expiration of the retention period provided for in section 70.
- (b) Subsection (a) shall not apply to precious stones, precious metals, plates, coins or second-hand goods purchased at public auction or from a licensed second-hand dealer.

**72. House to House Collection of Precious Metals Prohibited**

No buyer of precious metals shall go from house to house soliciting, purchasing or collecting precious stones, precious metals, plates or coins.

**73. Showing Goods to Police**

Every buyer of precious metals and every second-hand dealer who shall receive or be in possession of any goods, articles or things supposed to have been lost or stolen, shall forthwith on demand, show the same to the Chief of Police or any Officer.

**DIVISION X -- Vending Machines**

**73.1** Every vending machine must have affixed, in a conspicuous place, a legible identification tag which shall state the current name, address and telephone number of the distributor.

- 73.2 (a) Where the distributor of any vending machine is in contravention of any of the provisions of this by-law, it shall be sufficient for the Supervisor of Municipal Licensing to send notice of intended seizure to the distributor, if known, and in any case to the owner of the property from which the machine is to be removed. [AM. B/L 6477/40/97]**
- (b) Any vending machine seized pursuant to subsection (a) will be stored by the City for a period of sixty (60) days during which time the distributor may recover it by paying the penalty as set out herein and any storage fees which may be outstanding.**
- (c) Following the sixty (60) day recovery period the City may sell or otherwise dispose of the vending machine. Any funds realized from the sale of the vending machine shall first be applied toward the outstanding storage costs, then to paying penalties, and any remaining will be retained by the City.**

**[EN. 6290/17/95]**

**DIVISION XI – Home-Based Business and Home-Based Direct Seller**

**73.3 For the purpose of this Division,**

- (a) "resident" shall mean a person actually residing in the residence where the homebased business is or is proposed to be operating; and**
- (b) "home-based business" shall include home-based direct seller where appropriate.**  
**[EN. B/L 6336/63/95; AM. B/L 6371/17/96]**

**73.4 (a) Any person operating an established home-based business which experiences any addition, change, or alteration, is required to notify the Licensing Section, prior to allowing the business activity to continue, and the license may, subject to the business still complying with all the regulations, be upgraded and confirmed at no additional cost.**

- (b) Compliance with the provisions of this Division does not negate the requirement to comply with the provisions of other City by-laws including, but not restricted to, the Building By-law and Zoning By-law.**

**[EN. B/L 6336/63/95]**

**73.5 A home-based business must comply with the following requirements:**

- (a) it must be approved and continue to operate under a development permit in accordance with the City of Brandon Zoning By-law;**  
**[AM. B/L 7128]**
- (b) [REP. B/L 7128]**
- (c) articles sold or offered for sale must be limited to those produced therein or articles that are produced elsewhere but are prepackaged and held only on a temporary basis for distribution to customers outside the residence;**
- (d) [REP. B/L 7128]**
- (e) [REP. B/L 7128]**
- (f) [REP. B/L 7128]**
- (g) it must not, by reason of emission of odour, dust, smoke, noise, gas, fumes, cinders, light, vibration, refuse matter, or water carried waste, become offensive or obnoxious, or create a nuisance on or beyond any site or space line of the site or space containing the home-based business;**
- (h) [REP. B/L 7128]**
- (i) it must not have any commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle, bicycle, or parcel or letter carrier mail service using vehicles typically involved in residential deliveries;**
- (j) [REP. B/L 7128]**
- (k) [REP. B/L 7128]**
- (l) [REP. B/L 7128]**
- (m) [REP. B/L 7128]**

(n) [REP. B/L 7128]

(o) [REP. B/L 7128]

(p) where more than one home-based business is permitted to operate from a residence, the regulations are the maximum limits permitted at a given residence and are not intended to be granted to each individual business.

[EN. B/L 6336/63/95, AM. B/L 7128]

73.6 (a) [REP. B/L 7128]

(b) The following activities shall not be permitted as home-based businesses and will not be granted a home-based business license:

- (1) Dating service / Escort service
- (2) Full retail service

[EN. B/L 6336/63/95]

73.7 Any application for a home-based business license which:

- (a) does not meet the requirements set out in section 73.5; or
- (b) is set out in subsection 73.6(b) as being not permitted; shall be denied.

[EN. B/L 6336/63/95]

73.8 (a) Notwithstanding any other penalty provisions, or the right under Section 8 to revoke a license, the Supervisor of Municipal Licensing, upon finding that any provision of this Division has been contravened or has not been complied with or has been complied with improperly or only in part or that conditions exist which, in his opinion, constitute a violation to this Division, may suspend the home-based business license.

(b) Notice of any license suspension under this section shall be in writing and directed to the licensee of the home-based business in respect of which the suspension is made advising of the City's intent to revoke the license unless the noncompliance is corrected to the satisfaction of the Supervisor of Municipal Licensing within ten (10) days of the suspension, and further advising of the licensee's right to appeal such suspension in accordance with subsection (e).

(c) A notice of license suspension made under this by-law shall be served:

- (1) personally upon the person to whom it is directed; or
- (2) by registered mail; or
- (3) by posting a copy of it in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known, or refuses to accept service of the notice of suspension.

(d) For the purposes of this Division, the members of the Building Standards Committee, as established by the Building Safety and Property Standards By-law, shall comprise the membership of the Council Committee.

(e) Any person claiming to be injuriously affected by a license suspension under this Division may appeal to the Director of Administrative Services, which appeal will act as a stay of proceedings until the decision of the Director of Administrative Services is issued. Such appeal must be in writing and submitted to the Supervisor of Municipal Licensing within ten (10) days of the notice of suspension. The Supervisor of Municipal Licensing will then arrange for the appeal to be considered by the Director of Administrative Services at the earliest opportunity. [AM. B/L 6665]

(f) Upon receipt of a written notice for appeal hereunder, the Director of Administrative Services shall forthwith consider the suspension in respect to which the appeal is made and shall make such enquiries as considered necessary. The Director of Administrative Services shall then:

- (1) confirm the suspension and provide the licensee ten (10) days to comply with the by-law provisions to the satisfaction of the Supervisor of Municipal Licensing or the license will be revoked; or
- (2) recommend an amendment to the provisions of the by-law, which shall act as a stay of proceedings until the matter is addressed by City Council, following which the Director of Administrative Services will finalize consideration of the appeal; or
- (3) lift the suspension and permit the licensee to resume operating the home-based business; and



a copy of this final decision will be served upon the Appellant in like fashion to the service of a notice of suspension hereunder.

[AM. B/L 6665]

- (g) Notwithstanding any other provision of this by-law, where a license has been suspended under this section and, at the expiration of the ten (10) day time limit, the suspension has not been lifted by the Supervisor of Municipal Licensing, the by-law provisions have not been complied with, and no appeal has been made to the Director of Administrative Services, then the Supervisor of Municipal Licensing may revoke the home-based business license or proceed to lay charges or both, as required. [EN. B/L 6336/63/95; AM. B/L 6665]

73.9 Any existing home-based business which holds a valid license may continue to operate notwithstanding that business would otherwise be prohibited, subject to compliance with the City of Brandon Zoning Bylaw or any other by-law or law. [EN. B/L 6336/63/95, AM. B/L 7128]

#### DIVISION XII – Public Trade Shows

74. A public trade show, as defined in this by-law, shall be subject to the following:

- (a) event organizers of the trade show shall submit a listing of all registered exhibitors to the Treasury Department no later than one (1) week prior to the event;
- (b) the Treasury Department shall determine the number of exhibitors of transient status that shall be subject to the Public Trade Show Fee as set out in the City of Brandon's Fee Schedule;
- (c) the Treasury Department shall prepare an invoice for payment by the event organizer based on the fees noted in (b) above.

75. Notwithstanding Section 74, no public trade show fee will be required to be paid by any person in relation to the occupancy of space at the property of the Keystone Agricultural and Recreational Centre Inc. during the periods in each year when the Provincial Exhibition of Manitoba, Royal Manitoba Winter Fair or the fall fair are operating. [EN. B/L 6832]

#### PART IV: PENALTIES

76. (a) Any person contravening, or refusing, omitting, failing or neglecting to observe or comply with this by-law shall be liable to revocation of license and/or upon conviction before a magistrate or judge be liable for a maximum fine of \$500.00 as set out in subsection 202(1) of the Act.
- (b) Notwithstanding subsection (a), should a penalty be imposed for operating a business without a license, such penalty shall be twice the required license fee.
- (c) Notwithstanding subsection (a), any person who contravenes the provisions set out in Division V respecting Garage Sales by using or allowing to be used residential property owned or occupied by him:  
(1) for more than 3 garage sales in a calendar year, or (2) for a garage sale lasting more than 2 consecutive days, is guilty of an offense and liable upon summary conviction to a minimum fine of \$100.00 or a maximum fine of \$500.00.
- (d) Notwithstanding subsections (a) and (b), the penalty set out therein does not apply to those activities in general having games and activities as set out in Section 715 of the Act which are subject to the penalties as set out therein.
- (e) Notwithstanding subsection (a), any person who contravenes the provisions set out in Division VIII respecting Pawnbrokers or Division IX respecting Second-Hand Dealers, Second-Hand Brokers and Buyers of Precious Metals, shall be liable upon summary conviction to a minimum fine of \$100.00 or a maximum fine of \$500.00.
- (f) Pursuant to subsection 202(2) of the Act any contravention, refusal, neglect, omission, or failure that continues for more than one day, shall constitute a separate offense for each day that it continues.

#### PART V: REPEAL AND ENACTMENT

77. (a) Licensing By-law No. 5060/03/81 and amending By-laws No. 5340/50/85, No. 5371/02/86, No. 5785/60/90, No. 5876/33/91, No. 5910/67/91, and No. 5964/01/92 are hereby repealed.

- (b) Amusement Parlour By-law No. 5234/03/84 is hereby repealed.
- (c) Mobile Refreshment Services By-law No. 3266 and amending By-law No. 4684 are hereby repealed.
- (d) Pursuant to subsection 1(c), rates to be paid by transient businesses shall be subject to By-law No. 5060/03/81 until such time as Ministerial approval has been obtained, notwithstanding the repeal of the said By-law No. 5060/03/81.  
[AM. B/L 6273/122/94]

78. (a) This By-law shall take effect on the passing thereof and all licenses issued to the date of passing of the By-law shall be applicable until December 31st, 1992 and every license application after the date of passing of the by-law shall comply with the within by-law.
- (b) Notwithstanding subsection (a), any licensee who was issued a license prior to the date of passing of this by-law for business which will not be conducted until after this by-law has taken effect shall be required to pay the full fee set out by this by-law.

DONE AND PASSED by the Council of The City of Brandon duly assembled this 15th day of June A.D. 1992.

\_\_\_\_\_  
"R. N. Borotsik"  
MAYOR

\_\_\_\_\_  
"W. I. Ford"  
CITY CLERK

Read a first time this	1st	day of June	A.D. 1992.
Read a second time this	15th	day of June	A.D. 1992.
Read a third time this	15th	day of June	A.D. 1992.

I, Amber Dawn Chapil, Acting Clerk of the municipality of The City of Brandon, DO HEREBY CERTIFY the within to be a true and correct copy of Business Licensing By-law No. 6009/46/92 as amended by By-laws No. 6055/04/93, No. 6065/14/93, No. 6101/50/93, No. 6182/31/94, No. 6187/36/94, No. 6273/122/94, No. 6290/17/95, No. 6336/63/95, No. 6354/81/95, No. 6371/17/96, No. 6375/21/96, No. 6477/40/97, No. 6478/41/97, No. 6498, No. 6568, 6605, No. 6665, No. 6832, No. 7128, No. 7190, No. 7251 and No. 7339.

\_\_\_\_\_  
"A. Chapil"  
A. Chapil, A/City Clerk

**SCHEDULE "A"**

**Licensing By-law No. 6009/46/92**

**[AM. B/L 6055/04/93; B/L 6065/14/93; B/L 6101;50/93; B/L 6187/36/94; B/L 6273/122/94;  
B/L 6290/17/95; B/L 6336/63/95; B/L 6354/81/95; B/L 6371/17/96; B/L 6375/21/96; B/L 6498]**

**[REP. B/L 6605]**