

APPLICATION FOR HOME BASED BUSINESS LICENSE

General Information:

Applicant: _____

Business Name: _____

Address: _____

Postal Code: _____ **Phone Number:** _____

Type of Home Based Business: _____

Conditions and Regulations: (as per Business Licensing By-law No. 6009/46/92)

1. For the purpose of this Division, "resident" shall mean a person actually residing in the residence where the home based business is or is proposed to be operating.
2.
 - (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.
3. A home based business must comply with the following requirements:
 - (a) it must be carried on in or from a residence;
 - (b)
 - (1) in the case of an on-site home based business it must be carried on solely by residents;
 - (2) in the case of an off-site home based business it may employ persons other than family members providing such employees do not operate from the residence, or park their vehicles at the residence;
 - (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) it must not occupy more than thirty decimal five square metres (30.5 m²) [three hundred twenty-eight decimal two square feet (328.2 ft²)] of the floor area of the residence, or twenty-five percent (25%) of the floor area, whichever is the lesser; except, one hundred percent (100%) of the floor area of a permitted accessory building, to a maximum aggregate total of forty-six decimal four five square metres (46.45 m²) [five hundred square feet (500 ft²)] may be used provided, where such permitted accessory building is a garage or carport, the number of parking spaces is not reduced below the minimum number of parking spaces required for the residence in the Zoning District in which it is located;
 - (e) there must be no construction or location of buildings or structures on the same site as the home based business for the sole purpose of storing goods or material required in association with the home based business;
 - (f)
 - (1) there must be not more than one (1) exterior display, commercial sign or sign indicating the name of the occupant, the home based business occupation or professional designation and/or the civic address of the dwelling which shall not exceed decimal one three (.13) square metres in sign surface area and must have either a window or door location;
 - (2) lighting may be located to reflect onto the identification sign in the event the business signage is incorporated into the street address but in no case shall an animated, flashing, rotating beam or beacon or scintillating sign be permitted;
 - (3) there must be no exterior storage of materials and no other exterior indication of the home based business or variation to the residential character;
 - (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) the storage of goods and chemicals, related to and on the same site as the home based business, shall be in accordance with the provisions of the Manitoba Building Code and the Manitoba Fire Code;
 - (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) it must not cause the generation of undue traffic and congestion in the neighbourhood;
 - (k)
 - (1) in addition to the minimum number of parking spaces required by the residence, only one additional parking space shall be provided on the site or space for a vehicle where such vehicle is related to the operation of the home based business. In no such case shall there be more than a total of two vehicles related to the home based business permitted on the site or space. All vehicles related to the home based business shall be parked on the same site or space as the home based business except where such vehicles cannot be so accommodated as a result of the above noted parking requirements, whereby such additional vehicles shall be parked elsewhere in a Zoning District which permits the parking of commercially or industrially related vehicles.
 - (2) off-street parking space for the business vehicle related to the home based business shall be provided and maintained in accordance with this section and the parking requirements for the residence in the Zoning District in which the residence is located.
 - (l) a maximum of two customer vehicles are permitted to be in attendance at the home based business at a time;
 - (m)
 - (1) the number of patrons of a home based business offering an instructional service, such as music, art or dance lessons, shall be limited to five (5) patrons at a time;
 - (2) the number of patrons of a home based business offering a one-on-one personal service, such as barbers and beauticians, shall be limited to two (2) patrons at a time;
 - (n) it must not be detrimental to the amenities or principle use of the neighbourhood;
 - (o) it must meet any related requirements set out in the Zoning By-law.
 - (p) where more than one home based business is permitted to operate from a residence, the regulations stated pertaining

to occupancy space requirements, parking requirements, and patron requirements, are the maximum limits permitted at a given residence and are not intended to be granted to each individual business.

4. (a) Any home based business application for the activity of vehicle repair and service, including mobile, requires approval from City Council prior to a license being issued.
(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
5. Any application for a home based business license which:
 - (1) does not meet the requirements set out in section 3; or
 - (2) is set out in subsection 4(b) as being not permitted; shall be denied.
6. (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 Council Committee, which appeal will act as a stay of proceedings until the decision of the Council Committee 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 Council Committee at the earliest opportunity.
(f) Upon receipt of a written notice for appeal hereunder, the Council Committee shall forthwith consider the suspension in respect to which the appeal is made and shall make such enquiries as considered necessary. The Council Committee 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 Council Committee will reconvene and finalize its 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.
(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 Council Committee, then the Supervisor of Municipal Licensing may revoke the home based business license or proceed to lay charges or both, as required.
7. 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 all other regulations, including conditions placed by City Council at the time of approving a Conditional Use application.

***** NO HOME ADDRESS IN ANY ADVERTISING *****

The undersigned, being the applicant, hereby agrees to comply with all conditions and regulations set out herein, submits the required fees, and requests issuance of a Home Based Business License.

Date: _____ Signature of Applicant: _____

information below is for office use only

Application Status:

The above application for a Home Based Business License is hereby

Approved 9

Approved, Subject to Conditions 9

Not Approved 9

Comments: _____

Date: _____ per: _____
SUPERVISOR OF MUNICIPAL LICENSING
