Minute No. 343
Report - Executive Policy Committee - April 21, 2008

Item No. 2 Doing Business in Winnipeg By-law
File GG-5

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Doing Business in Winnipeg By-law, including the fee schedule, as outlined in Appendices A and B of the report from the Winnipeg Public Service dated April 16, 2008, be enacted and come into force on June 1, 2008.

2. That The City of Winnipeg License By-law No. 6551/95 be repealed concurrently with the enactment of the new Doing Business in Winnipeg By-law.

3. That the minor amendments to existing By-laws to facilitate enforcement and accommodate the new Doing Business in Winnipeg By-law, be enacted at the same time, including amendments to:

   A. Body Modification By-law No. 40/2005
   B The City Organization By-law No. 7100/97
   C The Fire Prevention By-law No. 150/2004
   D Food Services Establishment By-law No. 5160/89
   E Mobile Home License By-law No. 821/74

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 21, 2008, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

COUNCIL:

On December 19, 2007, Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the principles upon which a new Doing Business in Winnipeg By-law will be based, as proposed within the report from the Director of Community Services, Fire Paramedic Chief, Acting Chief of Police and Acting Director of Planning, Property and Development dated December 7, 2007, be adopted.

2. That based on the principles contained in the said report, the Winnipeg Public Service be directed to prepare a Doing Business in Winnipeg By-law, including a new fee structure, to come into force on June 1, 2008 and report back to Council with same by April 2008.

3. That The City of Winnipeg License By-law No. 6551/95 be repealed, effective June 1, 2008 (the date the new Doing Business in Winnipeg By-law comes into effect).

4. That minor modifications to existing By-laws to facilitate enforcement and accommodate the new Doing Business in Winnipeg By-law be enacted at the same time, including:

    A. repealing The Meat and Poultry By-law No. 3354/83 and The Milk and Dairy Products By-law No. 3218/82 and consolidating any relevant provisions of those into The Food Services Establishment By-law No. 5160/89;

    B. adding requirements for Wood Energy Technology Transfer (WETT) Certificates, currently imposed under the License By-law, to The Fire Prevention By-law No. 150/2004.

Report - Executive Policy Committee - April 21, 2008

DECISION MAKING HISTORY (continued)

COUNCIL (continued)

5. That as transition measures:

   A. The City enact the by-law to repeal the business license requirements under The City of Winnipeg License By-law No. 6551/95 for hawkers, and plant stalls (renewable on January 1) effective January 1, 2008 (Appendix A); and

   B. Business licenses issued under The City of Winnipeg License By-law No. 6551/95 that are subsisting at the time the new Doing Business in Winnipeg By-law takes effect will be recognized as valid until their expiry date (This will only effect mobile food vendors and rooming houses as their license renewals are due on January 1).

6. That all remaining business licensing requirements be contained within the Doing Business in Winnipeg By-law rather than through a conditional occupancy permit issued under the Winnipeg Building By-law, as identified in Red Tape Recommendation 3.4.

7. That Recommendations 3.5 and 3.6 (consolidation of fire, police and public health inspection processes) be addressed during the course of the by-law enforcement consolidation review currently underway.

8. That the Standing Policy Committee on Finance review license fees 18 months after implementation to ensure that the fees in the new system substantially achieve the goal of cost-recovery.

RE: Doing Business in Winnipeg By-law

FOR SUBMISSION TO: Executive Policy Committee

ORIGINAL REPORT SIGNED BY: Clive Wightman
Director of Community Services

Jim Brennan
Fire Paramedic Chief

Keith McCaskill
Chief of Police

Jim Paterson
Acting Director of Planning, Property & Development

REPORT DATE: April 16, 2008

RECOMMENDATION:

1. That Council enact the attached draft *Doing Business in Winnipeg By-la*w, including the attached fee schedule, to come into force on June 1, 2008;

2. That *The City of Winnipeg License By-law No. 6551/95* be repealed concurrently with the enactment of the new Doing Business in Winnipeg By-law;

3. That the minor amendments to existing By-laws to facilitate enforcement and accommodate the new *Doing Business in Winnipeg By-law*, be enacted at the same time, including amendments to;

    a. Body Modification By-law
    b. City Organization By-law
    c. Fire Prevention By-law
    d. Food Services Establishment By-law
    e. Mobile Home License By-law

Report Summary

Key Issues:

- Red Tape Recommendation 3 proposed to eliminate business licences in the City of Winnipeg and to merge important safety requirements now in the business licensing system into the occupancy permit system, and to consolidate others within a simpler Doing Business in Winnipeg By-law.
- On December 19, 2007, Council received the final report on Red Tape Recommendation 3 and adopted the principles upon which a new *Doing Business in Winnipeg By-la*w would be based. The Winnipeg Public Service was directed to prepare a *Doing Business in Winnipeg By-law*, including a new fee structure, to come into force on June 1, 2008 and report back to Council with same by April 2008.
- The proposed By-law is a new streamlined regulatory framework that is based on three rationales for regulation: public health protection, fire protection and law enforcement/crime prevention.
    - The Report adopted by Council on December 19, 2007 proposed to eliminate the requirement to obtain a licence for 49 of the 80 business activities that are currently regulated under the *City of Winnipeg License By-law 6551/95.*
    - Subsequently, the Winnipeg Public Service has been able to identify 6 additional business activities for which it is proposed that the requirement to obtain a licence be eliminated. These are:
        - Auctioneer's Assistant
        - Barber Shop
        - Beauty Salon
        - Carnival
        - Flea Market Promoter
        - Massage Therapist
    - As noted in the Report adopted by Council on December 19, 2007, new licensing provisions are proposed for indoor and outdoor public and semi-public swimming pools and whirlpools; and large public venues.
    - Even when a business will continue to be licensed, the proposed By-law reduces the regulatory requirements to the minimum necessary to achieve the purposes of the regulation. For example, the 15 day "hold period" has been lifted on some used goods and precious metals, notably those that are acquired from other licensed dealers who had a minimum 15 day hold period. In addition, record reviews are no longer necessary for operators of some businesses, such as banquet halls, concert halls and dance halls.

- The proposed By-law also modifies some of the existing licensing categories to better target particular concerns. For example, the former licence category of "rooming house" has been replaced with three specific categories which are 1) converted residential dwelling, 2) converted residential dwelling with shared facilities, and 3) shared facilities dwelling. The regulatory requirements are based on fire safety and public health protection for each. The result is that the mandatory inspections better reflect the fire and public health concerns in each type of dwelling. In addition, the licence fees for some "rooming houses" will be reduced in order to better reflect the actual cost of inspections. This addresses the concerns that have been raised with respect to all of the above being defined as rooming houses and subject to the same inspection processes and fee.
- The proposed By-law also re-organizes food service establishment licences to better reflect the potential risks posed by the various types of establishments and the costs of ensuring that they comply with relevant statutes and by-laws.

- Licence fees are based on the principle that, where regulation is justifiably imposed in order to protect the public, the cost of inspection and enforcement should be recovered from the licence fee. The licence fee schedule reflects the actual cost of carrying out regulatory services with licensing, by-law enforcement, record review, and inspection process costs consolidated into the new fee structure (Appendix B and C). Assuming an increase or decrease of 10% or less to be essentially the same fee, the result is that 12 fees will increase, 4 will decrease, 7 will remain the same and 4 new fees will be added.
- A provision has been added to allow the licence fees to increase by the increase in the Consumer Price Index on an annual basis. In addition, as directed by Council on December 19, 2007, the Standing Policy Committee on Finance will review the licence fees 18 months after implementation to ensure that the new fees substantially achieve the goal of cost-recovery.
- Currently, where several types of food service establishments are located in one business, a single licence is issued for the whole business, even though separate inspections are conducted and separate health permits issued for each food service. Under the new By-law, food service establishments that are each required to obtain a separate permit under the *Food Services Establishment By-law*, must obtain separate licences. This requirement will predominately affect large businesses with numerous food service establishments such as grocery stores, which will now be required to obtain a separate licence for the meat department, deli, bakery etc., as opposed to one licence for the entire store. In addition to facilitating a fee structure that more accurately reflects the actual cost of enforcement, this levels the playing field for smaller food service

establishments such as retail food courts, which historically have always required separate business licences for each kiosk.

- Licence fees will no longer be prorated or refundable and will not be waived or reduced. This change is proposed as the licensing application triggers a number of inspection and other processes on which the licence fee has been based. The fact that the licence is in force for only part of the year is irrelevant because the costs being supported by the licence are incurred to issue the licence, regardless of how long it remains in effect.
- In order to reduce red tape, when a business requires multiple business licences, the licences will be consolidated into one document whenever feasible.
- The License Branch will continue to administer business licensing under the new *Doing Business in Winnipeg By-law* until such time as the Community By-law Enforcement Unit becomes operational on November 1, 2008.
- Appeals of orders or decisions will be made by the Standing Policy Committee on Protection and Community Services in accordance with the City of Winnipeg Charter. Some appeals were formerly heard by the Standing Policy Committee on Property and Development and various standing policy committees sitting as the Appeals Committee.

Implications of the Recommendation(s):

General Implications

( ) None

(X) For the organization overall and/or for other departments

(X) For the community and/or organizations external to the City

( ) Involves a multi-year contract

- Comment(s): Adoption of the recommendations proposed in this report will result in the removal of business licensing requirements for 55 business activities and the implementation of a new *Doing Business in Winnipeg By-law*. Several of these business activities will continue to be regulated through other existing by-laws. The proposed new *Doing Business in Winnipeg By-law* will minimize the regulatory requirements for licensed businesses.

Policy Implications

( ) No

(X) Yes

Comment(s): This report proposes that a new *Doing Business in Winnipeg By-law* be adopted for implementation on June 1, 2008 and that the *City of Winnipeg License By-law 6551/95* be repealed concurrently with the adoption of the new bylaw.

Regulatory Implications

( ) None

(X) Eliminates or reduces regulatory impact

(X) Proposes regulatory impact

Comment(s): Based on using business licensing solely to address public health, fire safety and law enforcement/ crime prevention, adoption of this Report will result in the removal of business licensing requirements for 55 business activities. Moreover, all the restrictions associated with the remaining licence categories have been reviewed and many have been consolidated, removed or minimized. Four new categories and three new subcategories of licence will be created.

Environmental Implications

(X) No

( ) Yes

Comment(s):

Human Resources Implications

( ) No

(X) Yes

Comment(s): The License Branch will continue to administer business licensing under the new *Doing Business in Winnipeg By-law* until such time as the By-law Enforcement Unit becomes operational on November 1, 2008.

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s): Adoption of the recommendations proposed in this report is projected to be mill rate support neutral.

Report

REASON FOR THE REPORT:

At its meeting of March 22, 2006, the Executive Policy Committee directed the Chief Administrative Officer to prepare and forward reports on all remaining recommendations of the Red Tape Commission in an expedited manner, reflecting a list of priorities. One of these recommendations was Recommendation 3, namely:

> *Eliminate business licenses in the City of Winnipeg. Merge important public safety requirements now in the business license system into the occupancy permit system, and consolidate others within a simpler Doing Business in Winnipeg By-law.*

On December 19, 2007 Council concurred with the Administrative report dated December 7, 2007 and adopted the principles upon which the new *Doing Business in Winnipeg By-la*w was to be based. The Winnipeg Public Service was directed to prepare a *Doing Business in Winnipeg By-law*, including a new fee structure, to come into force on June 1, 2008 and report back to Council with same by April 2008.

HISTORY:

On November 23, 2004, the Mayor officially established a Red Tape Commission to review City operations and regulations in order to improve customer service while granting administrators more freedom to innovate.

The Red Tape Commission submitted a final report, dated June 28, 2005, containing 30 general recommendations, each with numerous more detailed sub-recommendations.

At its meeting of March 22, 2006, the Executive Policy Committee directed the Chief Administrative Officer to prepare and forward reports on all remaining recommendations of the Red Tape Commission, including Recommendation 3.

On April 3, 2007 The Standing Policy Committee on Property and Development referred Westminster Housing Society Inc.'s request for amendment to City of Winnipeg License By-law No. 6551/95 – Definition of a Rooming House to the Planning, Property and Development and Community Services Departments for consideration as part of the review by the Red Tape Report Implementation committee of Recommendation No. 3 pertaining to The City of Winnipeg License By-law No. 6551.95, and report back to the Standing Policy Committee on Property and Development for the meeting of the Committee scheduled for November 27, 2007.

On December 19, 2007, Council adopted principles upon which a new *Doing Business in Winnipeg By-la*w was to be based. The Winnipeg Public Service was directed to prepare a *Doing Business in Winnipeg By-law*, including a new fee structure, to come into force on June 1, 2008 and report back to Council with same by April 2008.

Furthermore Council adopted the following:

That *The City of Winnipeg License By-law No. 6551/95* be repealed, effective June 1, 2008 (the date the new *Doing Business in Winnipeg By-law* comes into effect);

That minor modifications to existing By-laws to facilitate enforcement and accommodate the new *Doing Business in Winnipeg By-law* be enacted at the same time, including;

a. repealing *The Meat and Poultry By-law No. 3354/83* and *The Milk and Dairy Products By-law No. 3218/82* and consolidating any relevant provisions of those into *The Food Services Establishment By-law No. 5160/89*;
b. adding requirements for Wood Energy Technology Transfer (WETT) Certificates, currently imposed under the License By-law, to *The Fire Prevention By-law No. 150/2004*;

That as transition measures:

a. the City enact the attached by-law to repeal the business license requirements under the *City of Winnipeg License By-law No. 6551/95* for hawkers, and plant stalls (renewable on January 1st) effective January 1, 2008; and

b. business licenses issued under the *City of Winnipeg License By-law No. 6551/95* that are subsisting at the time the new *Doing Business in Winnipeg By-law* takes effect will be recognized as valid until their expiry date (This will only affect mobile food vendors and rooming houses as their license renewals are due on January 1st);

That all remaining business licensing requirements be contained within the *Doing Business in Winnipeg By-law* rather than through a conditional occupancy permit issued under the Winnipeg Building By-law, as identified in Red Tape Recommendation 3.4;

That Recommendations 3.5 and 3.6 (consolidation of fire, police and public health inspection processes) be addressed during the course of the by-law enforcement consolidation review currently underway;

The Standing Policy Committee on Finance review license fees 18 months after implementation to ensure that the fees in the new system substantially achieve the goal of cost-recovery.

DISCUSSION:

Section 148 of *The City of Winnipeg Charter* states that "*Council may, in the interest of health, safety, welfare and protection of persons, or in the interest of preventing or minimizing nuisances, pass by-laws in respect of the following matters:*

a) businesses;
b) the carrying on of a business
c) persons carrying on a business
d) *premises in which businesses are carried on.*"

The City of Winnipeg currently regulates and licences the carrying on of 80 business activities under the *City of Winnipeg License By-law 6551/95*.

Red Tape Recommendation 3 was designed to reduce red tape for small business and to focus the City's resources on key public and municipal regulatory goals. A balanced approach to business regulation was proposed, whereby business activities would be regulated strategically in order to meet clear and specific goals.

On December 19, 2007, Council concurred with the Winnipeg Public Service that the new *Doing Business in Winnipeg By-law* should be limited to regulating businesses only where it is necessary to address issues of public health, fire safety, law enforcement and crime prevention. This rationale is consistent with the authority vested by the City Charter.

Removal of Licensing Requirements

A comprehensive review of all 80 business activities regulated under the *City of Winnipeg License By-law* was conducted by the Winnipeg Public Service using these three rationales. This review resulted in initial recommendations, set out in the December 19, 2007 Report, to remove the licensing requirements for 49 business activities in which the regulatory requirements were identified as unnecessary, redundant, or regulated by other existing regulatory processes (see Appendix D).

Subsequently, the Winnipeg Public Services has been able to identify 6 additional business activities whose licensing requirements can safely be removed without significant risk to the public. These are:

- Auctioneer's Assistant
- Barber Shop
- Beauty Salon
- Carnival
- Flea Market Promoter
- Massage Therapist

It is proposed that the Auctioneer Assistants' business licence be removed as the licence requirements for an Auctioneer are considered to be sufficient to regulate the auction business.

The Province of Manitoba provides training and certification for Hairstylists, Electrologists and Estheticians, under the Manitoba Apprenticeship Training program. Upon further consultation with the Province, the Winnipeg Public Service has determined that the Public Health Act no longer contains specific provisions relating to barber shops and beauty salons and that each of these trades currently require an annual permit from the Province. In light of these facts, this Report proposes that the municipal licensing of Barber Shops and Beauty Salons is not necessary.

Both carnival rides and flea markets are currently regulated by the Province under the *Amusement Act* and the *Consumer Protection Act* respectively. Consequently, this Report proposes that carnivals and flea market promoters should no longer require a separate municipal business licence. However, it is worth noting that all food service establishments on the premises of carnivals and flea markets will continue to require a Temporary Food Services Establishment licence.

The Report adopted by Council on December 19, 2007 proposed that Massage Therapists should continue to be regulated pending further review. Subsequently however, the Massage Therapy Association of Manitoba advised that it is actively pursuing provincial regulation as a health profession and that, in its opinion, municipal business licensing of massage therapists, predominately used to distinguish them from massagists, is no longer necessary. Subsequent follow-up with Blue Cross has confirmed that while they have historically relied on the City's business licences to validate health insurance payments for professional massages, the industry has existing criteria for approving massage therapy treatments in the rural areas that could readily be applied in the absence of a municipal licensing regime. This would be true for all insurance providers, as none are exclusive to the Winnipeg region. Accordingly this Report proposes that massage therapists should no longer be licensed by the City of Winnipeg.

Additional Licences Proposed

Public and Semi-public Swimming Pools - As noted in the Report adopted by Council on December 19, 2007, new licensing provisions are proposed for public and semi-public swimming pools and whirlpools, and for large public venues. Since pools that are used year-round require more inspections, this Report proposes that different fees be charged for public and semi-public swimming pools, depending on whether they are located indoors or outdoors.

Independent Escort Agencies - In order to allow individual escorts to operate independently, without the need to work for an escort service, this Report proposes the creation of a new category of escort agency licence – the independent escort agency – which would apply only to escorts who are self-employed.

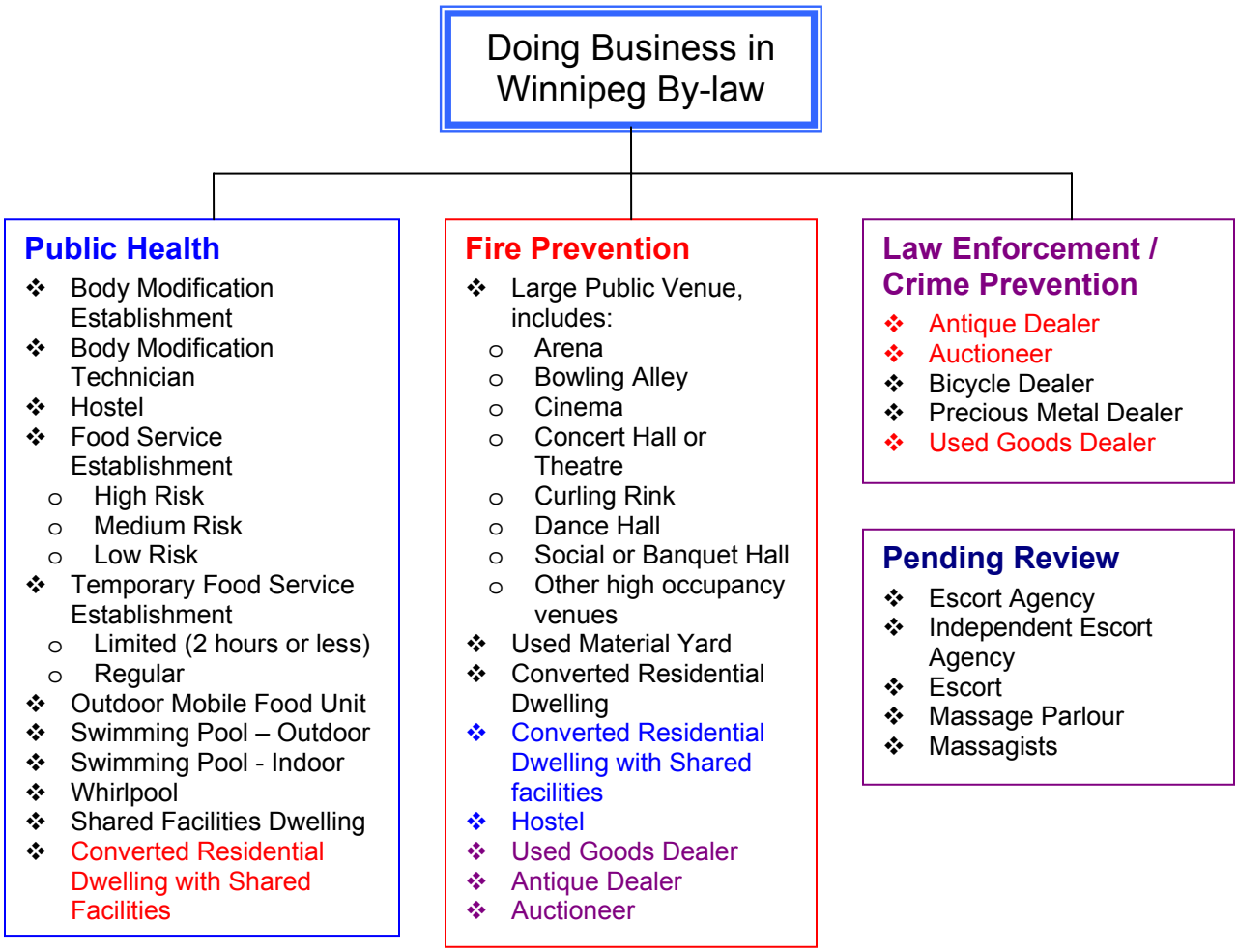
Converted Residential Dwellings, Converted Residential Dwellings with Shared Facilities and Shared Facility Dwellings - The proposed By-law also modifies some of the existing licence categories. Rather than licensing rooming houses, it proposes to licence converted residential dwellings (which may or not be rooming houses) and shared facility dwellings (which may or may not be converted residential dwellings) and identifies regulatory requirements based on fire safety and public health protection. A separate licence has been created for converted residential dwellings that are used as shared facilities dwellings.

Further review - In addition, as approved by Council on December 19, 2007, several business activities will continue to be licensed pending more substantial reviews of the regulations that affect them. These activities include massagists and massage parlours, escorts and escort service.

Elimination of the Use of Community Committee - In accordance with Red Tape Recommendation 3.2 and the Report approved by Council on December 19, 2007, new rules have been enacted to eliminate the requirement that Community Committee approve a new application for certain businesses to operate. A more property based approach has been adopted as zoning reforms proposed by the new *Zoning By-law 200/2006* include a broad “restricted activities” condition in the zoning system to entirely exclude some regulated activities from certain land designations. Based on this, the requirement for some business licence applicants to appear before the area Community Committee as a part of the licensing process has been removed.

Doing Business in Winnipeg By-law

As noted, the new *Doing Business in Winnipeg By-law* is based on three main rationales: public health, fire prevention, and law enforcement/ crime prevention. The following chart demonstrates in graphic form how the By-law has applied these rationales to specific business activities. It should be noted that some business activities are regulated in the new By-law under more than one rationale.



Note: Color coding indicates business activities that are regulated for more than one purpose.

Specific Business Activities Regulated by the Doing Business in Winnipeg by-law

Public Health

Objective: To enable local authorities, for the purpose of protecting public health, to regulate and control other business activities which inherently pose a high public health risk due to the potential for the spread of disease or infection.

Body Modification Services

Body modification establishments and technicians are regulated under the *Body Modification By-law* for sanitary conditions due to the inherent risk of the spread of disease or infection.

Licences under this division include:

a. Body Modification Establishment
b. Body Modification Technician

The licensing provisions for body modification establishments remain the same under the new by-law.

Hostels

Hostels (lodging houses) are regulated under the *Public Health Act.* In addition to public health inspections, hostels also receive regular fire inspections.

The definition of "hostel" is modified in the new By-law to further differentiate hostels from "bed and breakfast" establishments (which are not being licensed) and long-term accommodations in shared facilities dwellings. The licensing provisions for hostels remain substantially the same with the exception that hostels must now comply with the *Neighbourhood Liveability By-law* and will be subject to regular fire inspections.

Shared Facilities Dwelling

The new By-law removes the old definition of "rooming house" and proposes instead to regulate converted residential dwellings (which may or may not be rooming houses) and shared facility dwellings (which may or may not be converted residential dwellings) and identifies regulatory requirements based on fire safety and public health protection for each. A licence for a converted residential dwelling that is also a shared facilities dwelling is also proposed at a fee that is lower than if a shared facilities dwelling licence and a converted dwelling licence were both required.

The new definition of "shared facility dwelling" refers to a dwelling which is designed for sanitary facilities or cooking facilities to be shared by occupants of three or more dwelling units or in which dwelling units are shared by three or more people not operating in a single tenancy. This would include residences traditionally known as "rooming houses" but would also include some hotels that offer long-term tenancies. It would also include apartment blocks in which apartments are shared by three or more tenants who each have a rental arrangement with the owner. The rationale for licensing this sort of dwelling are the public health concerns raised by people who are not a family or a single housekeeping unit sharing common sanitary and cooking facilities.

A “converted residential dwelling” refers to a single family or two family home that has been converted into three or more dwelling units. While new conversions are governed by the Manitoba Building Code, older conversions are governed by the *Residential Buildings Fire Safety By-law No. 4304/86*. While some of these involve shared sanitary or cooking facilities, others do not. The rationale for licensing these residential dwellings is the concern over fire safety associated with the conversion. (See discussion of these licence categories under “Fire Prevention”)

Distinguishing between converted residential dwellings, converted residential dwellings with shared facilities, and shared facilities dwellings as separate licence categories has allowed for the establishment of specific licence fees that reflect the actual costs of inspection (i.e. Fire and Public Health) associated with each. This addresses concerns that have been raised with respect to all of the above being defined as rooming houses and subject to the same inspection processes.

In addition to the by-laws and statutes noted above, provisions under the *Public Health Act, Dwelling & Building Regulations* as well as several City by-law that are being subsumed into the *Neighbourhood Liveability By-law a*lso apply to these dwellings.

Food Services

Food service establishments are regulated under the *Public Health Act* and the *Food Services Establishment By-law No. 5160/89* and receive regular public health inspections. Business licensing provides a mechanism for ensuring compliance and recovering the cost of administering and enforcing the regulatory process. There were three classifications of food service establishments under the *License By-law 6551/95:* temporary; limited food handling; and other. New classifications of food service establishments have been developed based on the risk assessment model used by the Environmental Health Branch. The model takes into consideration risk factors such as the type of food being prepared or served, the likelihood of contamination or temperature abuse in the course of the food preparation and service, and the vulnerability of the likely consumers of the food. The new six-category model will facilitate a fee structure that more accurately reflect the actual cost of enforcement. The proposed food service establishment categories are:

a. Food Service Establishments
    i. high risk
    ii. medium risk
    iii. low risk

b. Temporary Food Services Establishment
   i. limited (two hours or less)
   ii. regular

c. Outdoor Mobile Food Vending Unit

Where a single business contains more than one food service establishment, each of which is required to obtain a separate permit under the *Food Services Establishment By-law*, it is proposed that a licence be required for each food service establishment being operated/issued a permit. This requirement will predominately affect large food service establishment such as grocery stores, which will be required to obtain a separate licence for its retail operation, meat department, deli, bakery etc. In addition to facilitating a fee structure that more accurately reflects the actual cost of enforcement, this approach "levels the playing field" for smaller food service establishments such as retail food courts, which historically have always required separate business licences for each kiosk.

The Food Service Establishment By-law is being amended to permit a temporary food services establishment licence to operate for up to 21 consecutive days (14 days with a possible 7 day extension) without having to obtain a permanent food handling establishment licence.

There were two classifications of outdoor mobile food vendors under the *License By-law 6551/95:* general and those selling only fresh fruit, vegetables and or pre-packaged food. A single category of outdoor mobile food vendor is proposed under the new By-law. Vendors selling only fresh uncut fruit or vegetables and/or pre-packaged foods will no longer require a licence at all.

While most of the regulations affecting outdoor mobile food units remain the same, the conditions preventing outdoor mobile food vendors from operating on a public street after sunset have been removed. In addition the insurance requirements have been increased to reflect current conditions.

<u>Public and Semi-Public Pools:</u>

This is a new category of business licence. Licences under this division include:

a. Swimming Pool - Indoor
b. Swimming Pool - Outdoor
c. Whirlpool

Public and semi-public swimming pools and whirlpools are regulated under the *Public Health Act – Swimming Pools and Other Water Recreational Facilities Regulations.* Until now, although they were regularly inspected by public health inspectors, public and semi-public swimming pools and whirlpools were not required to obtain a business licence.

Business licensing of public and semi-public swimming pools and whirlpools is proposed in this Report as a mechanism of tracking and ensuring compliance with the Act and to permit the City to recoup the costs of the on-going health inspection process. Wading pools are not included, as they are generally publicly owned or operated in conjunction with a licensed pool and thus adequately regulated.

Note: semi-public swimming and whirlpools includes pools used in conjunction with a hotel, motel, condominium, multiple family development, apartment block, campground, club or similar establishment. This licence category does not include a swimming pool or other water recreation facility located on the property of a single-family dwelling, used solely by the occupants of the dwelling or their guests.

Fire Prevention

Objective: To enable local authorities, for the purpose of fire prevention and life safety, to regulate and control businesses which have historically presented a high risk due to the likelihood, or the severity of impact of fire.

Large Public Venues

Facilities with large assembly occupancy are known to pose an unusually high risk due to the severity of impact in the case of a fire. The risk of a fire occurring also tends to increase in older buildings. Winnipeg has a sizable stock of aging large public venues with assembly occupancies in the form of public and private recreation and leisure facilities, which potentially pose a high risk. For this reason large public venues with assembly occupancy will be regulated for fire prevention under the *Doing Business in Winnipeg By-law.*

“Large Public Venue” means:

(a) a building or room inside a building designed or used as:
   i. arena
   ii. bowling alley
   iii. cinema
   iv. concert hall or theatre
   v. curling rink
   vi. dance hall
   vii. social or banquet hall

(b) a room with an occupancy load established under the Manitoba Building Code of more than 100 people that is used for the preponderant purpose of earning a profit:

Banquet halls, bowling alleys, cinemas, concert halls, dance halls, ice skating rinks, and roller skating rinks are currently regulated under the *License By-law*. Of these, bowling alleys, cinemas, and dance halls were previously subject to annual fire inspections. Under the new *Doing Business in Winnipeg By-law* all large public venues will be subject to a fire inspection over the course of 3 years. This would align with recently enacted regulations under *The Fire Prevention & Emergency Response Act* requiring fire inspections at least once every three years for all recreation centres. Food service establishments within a large public venue, such as a banquet hall, will be required to obtain a separate Food Services Establishment licence.

Used Material Yard

Used material yards are currently licensed and regulated under the *City of Winnipeg License By-law* for the purpose of fire prevention. The requirement for a certificate from the Record Review Board for new licence applications has been eliminated under the new by-law as the rationale for this regulation is concern for fire prevention associated with the storage of used materials and not crime prevention or law enforcement concerns associated with dealing in used goods. In order to deal in used goods a person would require a used goods dealer licence which contains the record review provision.

Under the previous *License By-law*, used material yards were required to be enclosed in a fence of at least 2.5 metres. In addition the fence was required to have a solid facade on any portion which fronts upon a public street. These requirements exceed that of the Manitoba Fire Code, which requires a 1.8 metre fence; however they have been retained in the new By-law in the interest of preserving existing neighbourhood liveability standards. If the fencing requirements were modified by a community committee, the new By-law will ensure that the modified requirements remain applicable unless they are varied by the Standing Policy Committee on Protection and Community Services.

Multiple Family Dwellings

Licences under this division include:

a. Converted residential dwelling
b. Converted residential dwelling with shared facilities

As noted above under "Public Health", the current By-law regulates "rooming houses" in what appears to be an effort to enforce requirements for single family or two-family homes that have been converted to multi-family dwellings and are governed by the *Residential Buildings Fire Safety By-law*. However, this approach confuses two issues: the fire safety concerns associated with the conversion of single family and two family homes into multiple family dwellings; and the public health concerns associated with numerous unrelated people sharing common cooking and sanitary facilities.

The new By-law will licence converted residential dwellings (which may or not be rooming houses) and shared facility dwellings (which may or may not be converted residential dwellings). The definition of "converted residential dwelling" corresponds to the definition of a Division II building under the *Residential Buildings Fire Safety By-law*, with the result that a licence will be required for any converted residential dwelling that has been upgraded in a manner that does not meet the current Building Code. This sort of conversion presents a higher risk of fire than if it was Building Code compliant and absorbs significant amount of time for inspections.

As noted, the new definition of "shared facility dwelling" refers to a dwelling which is designed for sanitary facilities or cooking facilities to be shared by occupants of three or more dwelling units and is regulated for the purpose of protecting public health. An additional new classification of a "converted residential dwelling with shared facilities" incorporates the licensing provisions of both of the aforementioned. These dwellings are regulated for both fire safety and public health protection.

Distinguishing between converted residential dwellings, converted residential dwellings with shared facilities, and shared facilities dwellings as separate licence categories has allowed for the establishment of specific licence fees that reflect the actual costs of inspection (i.e. Fire Prevention and Public Health) associated with each. This addresses the concerns that have been raised with respect to all of the above being defined as "rooming houses" and subject to the same inspection processes.
The By-law provides that licences under this division will be issued only upon evidence that the premises comply with relevant provisions of *The Public Health Act, Dwellings and Buildings Regulation*, the *Fire Prevention By-law* as well as the relevant zoning by-law and the new *Neighbourhood Liveability By-law*.

Crime Prevention & Law Enforcement

Objectives:

To enable local authorities, in order to suppress conditions that may foster crime and to assist law enforcement, to regulate and control businesses or those engaged in the business of buying and/or selling of second hand goods.

Used Goods Dealers

Licences under this division include:

a. Antique Dealer
b. Auctioneer
c. Bicycle Dealer
d. Precious Metal Dealer
e. Used Goods Dealer (formerly Pawnbroker and Second Hand Dealer)

Each of these business activities are currently licensed and regulated under the *City of Winnipeg License By-law.*

The goal of this division is to protect businesses and their customers from purchasing or otherwise acquiring goods that have been obtained illegally and to assist law enforcement agencies in enforcing elements of the Criminal Code relating to goods that have been stolen or otherwise illegally acquired. In drafting the regulatory provisions for businesses dealing in used goods, a balance was sought between these goals and the protection of the personal privacy of the person from whom the goods were obtained.

Under the proposed *Doing Business in Winnipeg By-law*, all businesses engaged in the business of buying and/or selling of used goods will be required to record detailed descriptions of the goods and the customer from whom they were obtained. In addition, Used Goods Dealers, Bicycle Dealers and Precious Metal Dealers will be required to use an electronic record keeping system to transmit the data relating to the goods to the Winnipeg Police Services (WPS) each business day. A reporting requirement was previously imposed by the License By-law on used good dealers (formerly pawnbrokers & second hand dealers) and precious metal dealers, but this could be done manually. In addition, the reporting requirement has now been extended to include all bicycle dealers who deal in used bicycles.

The proposed By-law will ensure that information concerning used goods being brought for sale or pawn will continue to be collected and transferred daily to the Winnipeg Police Service. However, recent court cases have underlined the importance of safeguarding the privacy of individuals who choose to avail themselves of the services of a used goods dealer, including a pawn shop. In order to accomplish this, the By-law limits the amount of personal information that dealers are required to collect and retain. It also provides that the personal information that is collected may only be accessed by the police if it is connected to property that has been identified as stolen or otherwise associated with a crime. Police will be allowed to obtain personal information and information about the recent transactions of a person only when they have evidence that the goods acquired from this person were involved in a crime or when the person has been charged with theft, break and enter or some similar crime. Licence inspectors will be able to access this personal information only in order to determine if the dealer is complying with the obligation to obtain and record this information.

Other Notable Changes:

- The number of licensing categories has been reduced by consolidating the second hand dealer and pawnbroker licences into a single "used goods dealer" licence.
- The auctioneer's assistant licence has been deleted, leaving a single licensing category for auctioneers.
- In addition to used goods dealers, antique dealers and auctioneer premises will now be subject to annual fire inspections as they present the same type of fire safety concerns as other used goods dealers.
- All persons requiring a Record Review are required to notify the City of any new criminal charges which occur during the licensing year.
- The requirement for used goods dealers to "hold" regulated goods for a 15 day period before disposition have been expanded to include bicycle dealers and precious metal dealers. This requirement allows WPS sufficient time to determine if the goods have been reported as stolen property.
- However, the "hold" provisions have been relaxed in some significant ways. It will not longer be required for:
    - used goods obtained from another dealer licensed in Winnipeg;
    - new or refurbished goods;
    - coins and precious metals (i.e. gold, silver, platinum) acquired from another dealer licensed under a regulatory regime in another jurisdiction that includes a 15 day hold period or from a government agency.
    - re-pawned items.
- The provision prohibiting antique dealers, precious metal dealers and used goods dealers from operating between 9:00 p.m. and 8:00 a.m. has been removed.
- The requirement to provide bonds of indemnity, previously imposed on pawnbrokers and auctioneers, has been removed

Escort Services

Escorts and Escort Services have been traditionally been licensed in Winnipeg and throughout Canada for a variety of reasons, including concerns about appropriate land use, crime prevention and the suppression of conditions that are conducive to crime. It is proposed that escorts and escort agencies continue to be licensed and that a more comprehensive review of the regulations pertaining to escorts, escort agencies, massagists and massage parlours be conducted in the future.

Licences under this division include:

a. Escort Agency (previously called Dating and Escort Services)
b. Independent Escort Agency
c. Escort

While waiting for a more extensive review, however, it was determined that some streamlining and improvements to regulatory requirements could be instituted immediately.

Under the *License By-law 6551/95*, escorts were required to work for a licensed escort service. It is proposed that an additional licence category be created for escorts who wish to be self-employed. The *Zoning By-law 200/2006* prohibits escort services from being located outside the area regulated by the Downtown Zoning By-law. This restriction would continue to apply and no escort agency licence or independent escort agency licence could be issued unless the proposed premise complies with the relevant zoning by-law.

In addition, after review, many of the requirements imposed by the current License By-law were considered by the Winnipeg Police Service and the Public Service to be unenforceable and unnecessary. For example, there is little value in requiring a record of a client's name and address to be kept by the escort service. In addition, because an escort service typically operates using telephones and cell phones without people coming and going at a specific location, it is proposed that the restrictions on the hours of operation be removed. In addition to addressing the realities of the marketplace, this should increase voluntary business licensing. However, the proposed By-law would impose a new requirement – that an escort service be required to record the physical location to which the escort has been sent to meet a client. This is intended to deter violence against escorts and to assist police in the event of the disappearance of an escort.

<u>Massage Services</u>

Massage parlours and massagists have been traditionally licensed for a variety of reasons including concerns about public health, inappropriate land use, crime prevention and the monitoring and suppression of conditions that are conducive to crime.

Massage services is one of the business activities previously identified that will continue to be licensed under largely the same regulatory scheme until a broader review of the regulation of all adult-oriented businesses can take place.

The location where Massage Parlours can operate is now regulated by the new *Zoning By-law 200/2006* and the *Downtown Winnipeg Zoning By-law*, rather than the *Doing Business in Winnipeg By-law*. The *Zoning By-law 200/2006* prohibits massage parlours

from being located outside the area regulated by the *Downtown Zoning By-law*. The *Downtown Zoning By-law* allows them as a conditional use. This change appropriately consolidates land use regulations for Winnipeg businesses within the City's Zoning By-laws. Any future changes with regard to regulating the location of these businesses would be done by Council amendments to the Zoning By-laws, which require public hearing processes.

While waiting for a more extensive review, however, it was determined that some streamlining and improvements to regulatory requirements could be instituted immediately. Minor modifications have been made to the clothing requirements for massagists under the new by-law. In addition the requirements for massage parlours to maintain a register of the name and address of the clients and the fees charged has been removed, as it was considered to be unreliable and unnecessary.

As noted above, massage therapists will no longer be regulated by the City. However, they will be defined and identified as a group of practitioners who will not be required to obtain licences as massagists under the By-law.

New Licence Fees

The proposed fees under the new By-law are attached as Attachment A to the By-law itself and in Appendix B of this Report.

As proposed by Red Tape Recommendation 3.7, in the proposed By-law, fees are based on a cost recovery model. The licence fee schedule is based on the actual cost of carrying out regulatory services with licensing, by-law enforcement, record review, and inspection process costs consolidated into the new fee structure. Assuming an increase or decrease of 10% or less to be essentially the same fee, the result is that 12 fees will increase, 4 will decrease, 7 will remain the same and 4 new fees will be added.

A provision has been added to allow the licence fees to increase by the increase in the Consumer Price Index on an annual basis. In addition, as per Council's direction on December 19, 2007, the Standing Policy Committee on Finance will review the fees 18 months after implementation to ensure that the fees in the new system substantially achieve the goal of cost-recovery.

Licence fees are not prorated or refundable and will not be waived or reduced. This approach reflects the fact that a licensing application triggers a number of inspection and other processes on which the licence fee has been based. The expenses associated with these processes, which the licensing fees are intended to support, are incurred whether the licence is sought at the beginning or part way through the licence year.

In order to minimize "red tape", when a single business requires multiple business licences, the licences will be consolidated into one document whenever feasible.

Consequential Amendments

Minor amendments to existing By-laws are required to facilitate enforcement and to accommodate the new *Doing Business in Winnipeg By-law*. It is proposed that these amendments be enacted at the same time, including;

a. Body Modification By-law
b. City Organizational By-law
c. Fire Prevention By-law
d. Food Services Establishment By-law
e. Mobile Home License By-law

In addition, as noted in the Report adopted by Council on December 19, 2007, *The Meat and Poultry By-law No. 3354/83* and *The Milk and Dairy Products By-law No. 3218/82* will be repealed and any relevant provisions consolidated into the *Food Services Establishment By-law.*

Implementation Plan

It is proposed that the new *Doing Business in Winnipeg By-law* be adopted for implementation on June 1, 2008 to align with the licensing year for the majority of business activities licensed under the current *City of Winnipeg License By-law.*

Under the current by-law, outdoor mobile food vendors and rooming houses licences are renewable on January 1st. As noted in the Report adopted by Council on December 19, 2007, as a transition measure, business licences issued under the *City of Winnipeg License By-law No. 6551/95* that are subsisting at the time the new *Doing Business in Winnipeg By-law* takes effect will be recognized as valid until their expiry date (outdoor mobile food vendors, converted residential dwellings, shared facility dwellings and converted residential dwellings with shared facilities (formerly known as rooming houses).

Communication Plan

A public communication plan will be developed to inform business owners of the new provisions and fees under the *Doing Business in Winnipeg By-law*. The updated information will be made available online via the City website and through BizPal, a free web-based service operated by Industry Canada which allows business owners to generate a list of all permits and licensing requirements from all levels of government through a simple on-line question and answer wizard.

Human Resource Implications

The License Branch will continue to administer business licensing under the new *Doing Business in Winnipeg By-law* until such time as the by-law enforcement unit becomes operational on November 1, 2008. With the implementation of the by-law enforcement

unit, all functions of the License Branch will be incorporated into the new Community By-law Enforcement Unit, thereby ensuring a smoother transition.

FINANCIAL IMPACT

Adoption of the recommendations proposed in this report is projected to be mill rate support neutral.

Financial Impact Statement

Date: April 16, 2008

Project Name:
Doing Business in Winnipeg By-law

COMMENTS:

There are no financial implications associated with the adoption of this report.

original signed by

Cindy Fernandes
Manager of Finance & Administration

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

- Public Works Department
- Internal Services Department: Legal Services Division
- Corporate Finance; Risk Management

External Consultation With:

- Massage Therapy Association of Manitoba
- Blue Cross

THIS REPORT SUBMITTED BY:

Department: Community Services Department
Division: Community Resource, Protection & Safety Services
Prepared by: Kelly Goldstrand, Manager
Karen Mathieson, Project Coordinator
File No.

Attachments:

Appendix A: Doing Business in Winnipeg By-law
Appendix B: Fee Schedule
Appendix C Compliance/ Inspection Table
Appendix D: Business activities in which the regulatory requirements are perceived as either being unnecessary, redundant, or regulated by other existing regulatory processes.

THE CITY OF WINNIPEG

DOING BUSINESS IN WINNIPEG BY-LAW NO. /2008



DBIW by-law april15 08.DOC

THE CITY OF WINNIPEG

BY-LAW NO. _____

A By-law of THE CITY OF WINNIPEG to regulate by licensing the activities of certain businesses.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

1 This By-law may be cited as the "Doing Business in Winnipeg By-law".

Definitions

2 In this By-law

"designated employee" means the Chief Administrative Officer of the City of Winnipeg and any employee of the City who has been delegated the authority to issue or renew a licence under this By-law;

"enforcement officer" means the Chief Administrative Officer of the City of Winnipeg, any member of the Winnipeg Police Service, and any other employee of the City who has been delegated the authority to administer or enforce all or part of this By-law;

"licence holder" means a person to whom a subsisting licence has been issued;

"manager" means an individual who has day-to-day management responsibilities for a business;

"person" means an individual, partnership or corporation;

"subsisting", in reference to a licence, means a licence that has not been suspended or revoked and that has not expired.

PART 1 – GENERAL PROVISIONS

Application for licence

3 An applicant for a licence under this By-law must provide information reasonably required by the designated employee in order to assess the application and to administer and enforce this Division.

Licence must be displayed

4(1) Subject to subsection (2), a person who requires a licence under this By-law must display the licence on the premises from which the business is carried on so that the licence is clearly visible to the public.

4(2) Where a person who requires a licence under this By-law does not carry on business from premises, he or she must produce the licence if requested to do so by a member of the public or an enforcement officer.

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Issuing licences

5(1) A designated employee is authorized to issue and renew licences under this By-law to persons:

(a) who pay the fee or fees set out in Schedule "A";

(b) who meet the requirements and standards established by or under this By-law for the licence; and

(c) whose business meets the requirements and standards established by other by-laws of the City of Winnipeg and other relevant legislation.

5(2) A designated employee is authorized to impose conditions on a licence that are designed to promote compliance with this By-law, other by-laws of the City of Winnipeg and other relevant legislation.

Duration of licence

6(1) The following licences expire on May 31 of each year:

(a) Body Modification Technician Licence and Body Modification Establishment Licence;

(b) Escort Licence, Escort Agency Licence and Independent Escort Agency Licence;

(c) Food Service Establishment (Low Risk) Licence, Food Service Establishment (Medium Risk) Licence, and Food Service Establishment (High Risk) Licence;

(d) Large Public Venue Licence;

(e) Massagist Licence and Massage Parlour Licence;

(f) Indoor Swimming Pool Licence, Outdoor Swimming Pool Licence and Whirlpool Licence;

(g) Antique Dealer Licence, Auctioneer Licence, Bicycle Dealer Licence, Precious Metals Dealer Licence, and Used Goods Dealer Licence.

6(2) The following licences expire on December 31 of each year:

(a) Outdoor Mobile Food Vendor Licence;

(b) Hostel Licence;

(c) Converted residential dwelling Licence;

(d) Converted residential dwelling with Shared Facilities Licence;

(e) Shared Facilities Dwelling Licence.

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6(3) A Temporary Food Service Establishment Licence and a Temporary Food Service Establishment (Limited) Licence expire on a date and at a time set out in the licence and may not be renewed.

Renewal of licence

7(1) The holder of a licence is entitled to renew a licence upon payment of the fee set out in Schedule "A" to renew the licence so long as:

(a) the licence is not currently suspended or revoked;

(b) subject to subsection (2), the licence has not expired; and

(c) where this By-law imposes requirements prior to a renewal, the requirements have been met.

7(2) A licence holder is permitted to renew a licence within 30 days after the expiration of the licence upon payment of an administrative fee in the amount of $50.00 in addition to the fee set out in Schedule "A" to renew the licence.

7(3) Where a fee is scheduled to be increased by the rate of inflation pursuant to subsections 13(6) and (7) on the day after a licence expires, the fee that must be paid to renew a licence is the fee as increased by the rate of inflation.

Licence not transferable

8 A licence issued under this By-law is issued to a particular person and may not be transferred to another person.

Licence issued for specific location

9(1) Unless the licence provides otherwise, a licence issued under this By-law authorizes the licence holder to conduct a business only at the specific location or locations specified in the licence.

9(2) In order to provide greater certainty, unless the licence provides otherwise, a person who carries on a business at more than one location, either concurrently or consecutively, must obtain a licence for each location.

Licence issued for specific business

10 Subject to section 66 (multiple businesses dealing in used goods or precious metals), a licence issued under this By-law authorizes a person to carry on only the specific business identified in the licence.

Suspension of licences

11(1) Subject to subsection 37(2) (suspensions of food service establishments) and subsection 38(3) (suspensions of outdoor mobile food units), a designated employee may suspend a licence for a period of up to 30 days without prior notice to the licence holder if

(a) allowing the licence holder to continue to carry on the business for which the licence was issued would create a reasonable apprehension of significant harm to:

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(i) the health or safety of people;

(ii) private or public property; or

(iii) the environment;

(b) the licence holder provided false information when applying for the licence;

(c) the information on which the decision to issue the licence was based was incorrect and the licence would not have been issued had the correct information been known;

(d) the licence holder or the business no longer meets the requirements and standards required for the licence to be issued;

(e) the past conduct of the licence holder creates a reasonable apprehension that the business will not be carried on in the future in compliance with this By-law, another by-law or other relevant legislation.

11(2) After suspending a licence under subsection (1), the designated employee must immediately provide notice to the licence holder of the suspension and the date that the suspension will expire unless the licence is revoked under section 12.

11(3) Notwithstanding subsection (1), where a hearing is scheduled under section 12 prior to the expiration of the suspension, at the request of the licence holder, the designated employee may extend the suspension for up to an additional 60 days.

Revocation of licences

12(1) The designated employee must immediately revoke a licence if the Record Review Board has revoked a certificate or, in the situation described in subsection 16(2), refused to issue a certificate for any individual for whom a certificate from the Record Review Board is required as a condition of the licence being issued.

12(2) The designated employee may revoke a licence if:

(a) the carrying on of the business for which the licence has been issued has resulted in harm or a significant risk of harm to:

(i) the health or safety of people;

(ii) private or public property; or

(iii) the environment;

(b) allowing the licence holder to continue to carry on the business for which the licence was issued would create a reasonable apprehension of significant harm to:

(i) the health or safety of people;

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(ii) private or public property; or

(iii) the environment;

(c) the licence holder provided false information when applying for the licence;

(d) the information on which the decision to issue the licence was based was incorrect and the licence would not have been issued had the correct information been known;

(e) the licence holder or the business no longer meet the requirements and standards required for the licence to be issued;

(f) the past conduct of the licence holder creates a reasonable apprehension that the business will not be carried on in the future in compliance with this By-law, another by-law or other relevant legislation.

12(3) Except for a revocation required by subsection (1), before revoking a licence, the designated employee must:

(a) notify the licence holder that consideration is being given to revoking the licence;

(b) provide the reasons why consideration is being given to revoking the licence; and

(c) give the licence holder a reasonable opportunity to be heard.

12(4) Once a licence is revoked, the person who previously held the licence is not permitted to apply for a new licence for a period of time determined by the designated employee at the time the licence is revoked.

Licence fees

13(1) A licence or renewal of a licence must not be issued by a designated employee until the fee specified in Schedule "A" for the licence or renewal has been paid by the licence holder.

13(2) Where a business is required to be licensed under more than one of the categories set out in Schedule "A", the applicant or licence holder must pay the fee specified in Schedule "A" for all of the categories applicable to the business before the licence may be issued or renewed.

13(3) An applicant must pay the entire annual licence fee applicable to the business notwithstanding that the application for a licence is made in the course of the licence year.

13(4) Licence fees are not refundable and may not be waived or reduced.

13(5) Where a fee is paid by cheque which cannot be cashed due to inadequate funds in the account, the licence issued or renewed for which the cheque was issued is void and a fee for the NSF cheque as prescribed by Council is payable by the person writing the cheque.

13(6) Subject to subsections (7), without the need for amendment of this By-law, the fees set out in Schedule "A" shall be increased on the following dates by an amount that is equal to the amount

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of inflation as calculated by the Consumer Price Index average, all items, for Winnipeg for the 12 month period ending four months prior to the effective date of the increase:

(a) for licences that expire on May 31, the fees shall be increased effective June 1, 2009 and annually on June 1st of each year thereafter; and

(b) for licences that expire on December 31, the fees shall be increased effective January 1, 2010 and annually on January 1st of each year thereafter.

13(7) For ease of administration, fees that are increased pursuant to subsection (6) shall be rounded up or down to the nearest dollar.

PART 2 – RECORD REVIEW

Record Review Board constituted

14(1) The Chief of the Winnipeg Police Service or delegate shall appoint at least three members of the Winnipeg Police Service to serve as members of a Record Review Board.

14(2) Subject to subsection (3), the Record Review Board shall sit in panels made up of at least three members to consider applications made pursuant to this By-law.

14(3) The Chief of the Winnipeg Police Service or delegate may determine an appropriate process for accepting and dealing with applications to the Record Review Board for a certificate and, without restricting the generality of the foregoing, may authorize a single member of the Record Review Board to issue a certificate in specified circumstances on behalf of the Record Review Board.

Applications for certificate from Record Review Board

15(1) Where this By-law requires that one or more certificates from the Record Review Board must be provided as a condition of obtaining a licence, the applicant must apply to the Record Review Board for the required certificates.

15(2) When applying for a certificate, an applicant must provide the Record Review Board with accurate identification and the releases and authorizations sufficient to allow the Record Review Board to review, throughout the duration of the licence, the criminal and other records of every individual for whom a certificate is required as a condition of obtaining a licence.

Individuals requiring record reviews

16(1) Subject to section 67 (employees of used goods dealers), where this By-law provides that a licence must not be issued unless a certificate from the Record Review Board has been issued, the certificate must be provided in respect of each of the following individuals:

(a) where the owner of the business is a sole proprietor, the owner;

(b) where the owner of the business is a partnership or a corporation, the manager of the business at each location from which business is carried on.

16(2) It is a condition of a licence issued under this By-law that, where an individual holding any

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position for which a Record Review certificate is required is replaced by another individual, the licence holder must, within 30 days of the replacement, apply to the Record Review Board for a certificate in respect of the new individual holding that position.

16(3) It is a condition of a licence issued under this By-law that a licence holder under this Part must immediately notify the Record Review Board when any individual for whom a Record Review certificate is required is convicted of a criminal offence.

Criteria for certificate
17(1) The Record Review Board must issue a certificate except where, after making or causing to be made any investigations or inquiries reasonably required to make this determination, including the review of criminal and other records, it concludes that allowing the individual for whom a certificate is sought to hold a licence or to manage a licenced business would create a reasonable apprehension of harm to the health, safety and welfare of persons or property or the reasonable apprehension that it would facilitate the commission of a criminal offence.

17(2) In making its determination under subsection (1), the Record Review Board shall consider the individual's record of convictions, if any, for criminal and other offences.

Revocation of certificate
18(1) Subject to subsection (2), the Record Review Board may revoke a certificate where it is aware of information that causes it to conclude that allowing the individual for whom a certificate has been issued to continue to hold a licence or to manage a licenced business creates a reasonable apprehension of harm to the health, safety and welfare of persons or property or the reasonable apprehension that it will facilitate the commission of a criminal offence.

18(2) Before revoking a certificate under subsection (1), the Record Review Board must:

(a) notify the licence holder and the person concerning whom the certificate has been issued that consideration is being given to revoking the certificate;

(b) provide the reasons why consideration is being given to revoking the certificate; and

(c) give the licence holder and the person concerning whom the certificate has been issued a reasonable opportunity to be heard.

PART 3 - REQUIREMENTS AND RULES FOR SPECIFIC BUSINESSES

Division One – Body Modification Services

Definitions
19 In this Division

"body modification establishment" has the same meaning as in the Body Modification By-law;

"body modification technician" has the same meaning as in the Body Modification By-law;

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Licence required
20(1) A person must not carry on the business of operating a body modification establishment without holding a subsisting Body Modification Establishment Licence issued under this Division.

20(2) A person must not operate as a body modification technician without holding a subsisting Body Modification Technician Licence issued under this Division.

Approvals required before licence issued
21(1) This section does not apply to the renewal of a licence, including a licence renewed within 30 days of its expiry under subsection 7(2).

21(2) A Body Modification Establishment Licence must not be issued until the designated employee receives:

(a) verification from a public health inspector that the premises at which the body modification establishment is proposed to be operated or carried on meets the requirements of *The Public Health Act*, the Body Modification By-law, other relevant City by-laws and other regulatory requirements relating to public health;

(b) verification from a City employee authorized to administer and enforce the *Winnipeg Zoning By-law* or the *Downtown Winnipeg Zoning By-law* that operation of the body modification establishment on the premises proposed is permitted under one of those two zoning by-laws; and

(c) a copy of an occupancy permit authorizing the body modification establishment to occupy the premises for which the licence is sought.

21(3) A Body Modification Technician Licence must not be issued unless the applicant provides a certificate from the Record Review Board in respect of himself or herself.

21(4) A Body Modification Establishment Licence must not be issued unless the applicant provides a certificate from the Record Review Board in respect of each of the individuals identified in section 16.

Compliance with Body Modification By-law mandatory
22(1) A person who is issued a Body Modification Establishment Licence under this Division must ensure that the body modification establishment complies with the Body Modification By-law, *The Public Health Act* and all other regulatory by-laws related to the body modification establishment.

22(2) A person who is issued a body modification technicians licence must ensure that he or she complies with the Body Modification By-law, *The Public Health Act* and all other regulatory by-laws.

Division Two – Escort Agencies

Definitions
23 In this Division

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"client" means an individual who has engaged, is engaging or is attempting to engage the services of an escort;

"escort" means an individual who charges or receives a fee for:

(a) acting as a date; or

(b) providing personal companionship for a limited period of time;

but does not include a person who provides care, supervision or assistance to children or to another person because of that other person's advanced age or mental or physical disability;

"escort agency" means

(a) a person who offers to arrange or arranges an introduction between an escort and another person or arranges an escort to provide a date or a period of companionship for another person; or

(b) a person who is the registered user of a telephone number or cellular phone number that is advertised as the number to telephone to arrange an introduction with an escort;

(c) a person who pays for, places or arranges an advertisement in any media offering to arrange an introduction with an escort;

(d) a person who operates an internet website promoting an escort service or offering to arrange an introduction with an escort;

"fee" includes any valuable consideration;

"independent escort agency" means an escort agency that is owned and operated by a single escort;

"nude" means a state of undress so as to expose

(a) the genital area of a male or a female body; or

(b) the breast of the female below a point immediately above the top of the areola.

Licence requirement

24(1) A person must not carry on the business of operating an escort agency without holding a subsisting Escort Agency Licence issued under this Division.

24(2) A person must not carry on the business of operating an independent escort agency without holding an Independent Escort Agency Licence issued under this Division.

24(3) A person must not operate as an escort without holding a subsisting Escort Licence issued under this Division.

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Escort must not operate except through agency
25 A person must not operate as an escort unless the escort holds a subsisting Independent Escort Agency Licence or unless all introductions between the escort and clients have been made by a licenced escort agency.

Age restriction on licensure
26(1) An Escort Licence or an Independent Escort Agency Licence must not be issued to an individual under the age of 18 years.

26(2) An Escort Agency Licence must not be issued to:

(a) an individual under the age of 18 years;

(b) a partnership where any partner is under the age of 18 years; or

(c) a corporation where any shareholder, director or officer is under the age of 18 years.

Information required prior to issuance of licence
27(1) An Escort Licence, an Escort Agency Licence or an Independent Escort Agency Licence must not be issued or renewed unless the applicant provides to the designated employee:

(a) where the applicant is an individual;

(i) government-issued personal identification sufficient to provide the family name and all given names of the applicant and the applicant's date of birth;

(ii) the current residential address of the applicant;

(iii) three coloured prints, not smaller than 4 cm. by 6 cm. and not larger than 9 cm. by 13 cm., of a photograph dated within the previous 60 days of the applicant's head and shoulders, with a statement signed by the applicant on the reverse side that the photograph is a true likeness of the applicant;

(b) where the applicant is a partnership or a corporation:

(i) the names of all partners of the partnership or directors and officers of the corporation;

(ii) government-issued personal identification sufficient to provide the family name and all given names of the manager of the escort agency and the manager's date of birth;

(iii) the current residential address of the manager;

(iv) three coloured prints, not smaller than 4 cm. by 6 cm. and not larger than 9 cm. by 13 cm., of a photograph dated within the previous 60 days of the manager's head and shoulders, with a statement signed by the manager on the reverse side that the photograph is a true likeness of the manager.

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27(2) Where the individual's name or address required to be provided by subsection (1) changes, or where the manager of the escort agency changes, the applicant must within 30 days notify the designated employee of the change and provide the current information.

Approvals required before escort agency licence issued

28(1) This section does not apply to the renewal of a licence, including a licence renewed within 30 days of its expiry under subsection 7(2).

28(2) An Escort Licence or an Independent Escort Agency Licence must not be issued unless the applicant provides a certificate from the Record Review Board in respect of himself or herself.

28(3) An Escort Agency Licence under this Division must not be issued unless a certificate from the Record Review Board is provided in compliance with section 16.

28(4) An Escort Agency Licence or an Independent Escort Agency Licence must not be issued until the designated employee receives:

(a) verification from a City employee authorized to administer and enforce the *Winnipeg Zoning By-law* or the *Downtown Winnipeg Zoning By-law* that operation of the business on the premises proposed is permitted under one of those two zoning by-laws; and

(b) a copy of an occupancy permit authorizing the business to occupy the premises for which the licence is sought.

Record must be kept

29(1) A person who carries on the business of operating an escort agency or an independent escort agency must, whenever an introduction is arranged between an escort and client or prospective client, make and maintain a record of the date, time and place or location where the escort will meet the client or prospective client.

29(2) A person who carries on the business of operating an escort agency or an independent escort agency must ensure that the record referred to in subsection (1) is maintained in a secure location as it was entered and that no part of the record is erased, obliterated, deleted or removed.

Escort agency must maintain list of escorts

30(1) A person who carries on the business of operating an escort agency must make and maintain on the premises of the escort agency:

(a) a current list of all the escorts employed by or under contract with the escort agency or for whom the escort agency provides introductions to clients or prospective clients; and

(b) a copy of the licences of every escort employed by or under contract with the escort agency or for whom the escort agency provides introductions to clients or prospective clients.

30(2) A person who carries on the business of operating an escort agency must make the documents required to be made and maintained by subsection (1) available for review by an

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enforcement officer at any time the escort agency is open for business and at any other reasonable time.

Requirements for escort agency
31(1) A person who carries on the business of operating an escort agency or an independent escort agency must ensure that:

(a) the escort agency does not arrange introductions between an escort and a client or prospective client unless the escort is licenced;

(b) no person under the age of 18 years is on the premises, whether as an employee, client or otherwise;

(c) no alcoholic beverages are purchased or consumed by any person on the premises;

(d) no individual exhibits himself or herself nude on the premises;

(e) no sign visible outside of the premises shows any nude male or female body;

(f) no printed words on the exterior of the premises indicates that the service provided on the premises includes any form of sexual or nude entertainment.

31(2) An escort and a person who carries on the business of operating an escort agency or an independent escort agency must not allow any handbill, sign, business card or advertisement which represents or advertises the business in any media, including the internet, to

(a) show or depict all or part of a nude male or female body; or

(b) state, imply or suggest that the service provided includes any form of sexual or nude entertainment.

Division Three – Food Services

Definitions
32 Unless otherwise defined in this By-law, terms in this Division have the same meaning as in the Food Service Establishment By-law No. 5160/89.

Requirement to obtain licence
33(1) Subject to subsection (2), a person must not carry on the business of operating a food service establishment without holding a subsisting licence issued pursuant to this Division.

33(2) The requirement set out in subsection (1) does not apply to a person who operates or carries on a business of operating a retail food store that is limited to keeping, handling, storing and selling pre-packaged food products that are not potentially hazardous food.

33(3) A person who carries on the business of operating a food service establishment that is not a temporary food service establishment or a outdoor mobile food unit must obtain a

(a) Food Service Establishment (Low Risk) Licence;

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(b) Food Service Establishment (Medium Risk) Licence; or

(c) Food Service Establishment (High Risk) Licence;

as determined under section 34.

33(4) A person who operates or carries on the business of a temporary food service establishment must obtain:

(a) a Temporary Food Service Establishment (Limited) Licence, if the establishment will operate for a period of two hours or less; or

(b) a Temporary Food Service Establishment Licence for any other temporary food service establishment.

33(5) A person who holds a Temporary Food Service Establishment Licence for particular location may, prior to the expiration of the licence, obtain an extension of the licence for a period of up to seven days upon payment of the fee set out in Schedule "A" and upon the Designated Employee, prior to the extension, receiving verification from a public health inspector that the premises at which the temporary food service establishment is proposed to be operated or carried on meets the requirements of *The Public Health Act*, the Food Service Establishment By-law and other relevant City by-laws and other regulatory requirements relating to public health.

33(6) A person who operates or carries on the business of an outdoor mobile food unit must obtain an Outdoor Mobile Food Unit Licence.

Food Service Establishment Licences

34(1) In the Chart attached as Schedule "B" to this By-law,

"adult only establishments" means premises that are, by law, accessible only to adults and includes establishments licenced under the Liquor Control Act from which minors are prohibited;

"extensively handled", in relation to food, means food that has been or is being prepared in the food service establishment in a way that significantly increases the potential for contamination or temperature abuse of the food or the cross-contamination of equipment or utensils and includes food that has been or is being chopped, cut, mixed, stewed, simmered, blended, canned, pickled, cooked and cooled, or cooled and reheated;

"low risk food" means food that is not potentially hazardous food;

"nursing homes" includes personal care homes licensed under *The Health Services Insurance Act*;

"medical boarding facility" includes a residential care facility licensed under *The Social Services Administration Act;*

"medical treatment facility" includes a hospital, a sanatorium or a facility designated by regulations under *The Mental Health Act*;

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"minimally handled", in relation to food, means pre-packaged "ready to eat" food that has been or is being reheated or served in the food service establishment without having been removed from the original packaging;

"moderately handled", in relation to food, means food that is neither extensively handled nor minimally handled and includes:

(a) food that has been or is being taken from a frozen state to a cooked state in one step in the food service establishment; or

(b) "ready to eat" food that was pre-packaged but has been or is being reheated or served in the food service establishment after having been removed from the original packaging;

"potentially hazardous" in relation to food, means potentially hazardous food as defined in the Food Service Establishment By-law;

"pre-packaged", in relation to food, means food that was bottled, canned, or otherwise sealed or wrapped in a container that protects the integrity of the food prior to its arrival at the food service establishment and continues to be so packaged;

34(2) In the Chart attached as Schedule "B" to this By-law:

(a) the categories in the first column refer to premises in which food service establishments are located and the numbers in each row of that column quantify the level of risk associated with that location;

(b) the categories in the first row refer to risk factors determined by:

(i) the type of handling received by the food in that food service establishment in combination with

(ii) the level of hazard associated with the food prepared or serviced in that food service establishment;

and the numbers in each column of that row quantify the level of risk of contamination or disease associated with that combination;

(c) the remaining numbers in the Chart are the sum of the numbers referred to in clauses (a) and (b) for the relevant column and row and quantify the total public health risk associated with the type of food prepared or served by a food service establishment, its service or preparation and the establishment's location.

34(3) In using the Chart attached as Schedule "B" to this By-law to determine the total public health risk associated with a particular food service establishment, the number assigned to the highest level of hazard of any food prepared or served by the food service establishment and the most extensive degree of handling received by any food prepared or served by the food service establishment shall be used.

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34(4) A food service establishment that is required to obtain a Food Service Establishment Licence under subsection 33(3) must obtain:

(a) a Food Service Establishment (Low Risk) Licence if the number in the Chart attached as Schedule "B" to this By-law and referred to in clause (2)(c) associated with that food service establishment is less than 25;

(b) a Food Service Establishment Medium Risk (Medium Risk) Licence if the number in the Chart attached as Schedule "B" to this By-law referred to in clause (2)(c) associated with the food service establishment is 25 or 30;

(c) a Food Service Establishment (High Risk) Licence if the number in the Chart attached as Schedule "B" to this By-law referred to in clause (2)(c) associated with the food service establishment is more than 30.

Multiple food service establishments on single premises

35 Where a person operates more than one food service establishment that is required to obtain a permit under the Food Services Establishment By-law, a licence issued under this Division is required for each food service establishment being operated.

Approvals prior to licence being issued

36(1) This section does not apply to the renewal of a licence, including a licence renewed within 30 days of its expiry under subsection 7(2).

36(2) A licence under this Division must not be issued to a food service establishment until the designated employee receives:

(a) verification from a public health inspector that the premises at which the food service establishment is proposed to be operated or carried on meets the requirements of *The Public Health Act*, the Food Service Establishment By-law and other relevant City by-laws and other regulatory requirements relating to public health;

(b) verification from a City employee authorized to administer and enforce the *Winnipeg Zoning By-law* or the *Downtown Winnipeg Zoning By-law* that operation of the business on the premises proposed is permitted under one of those two zoning by-laws;

(c) other than in the case of a outdoor mobile food unit or a food services establishment that will be in operation for 31 days or less, an occupancy permit authorizing the food service establishment to occupy the premises for which the licence is sought.

36(3) An Outdoor Mobile Food Unit Licence must not be issued unless the designated employee receives verification from a public health inspector that the equipment proposed to be used by the applicant meets the requirements of *The Public Health Act*, relevant City by-laws and other regulatory requirements relating to public health.

Compliance with Food Service Establishments By-law mandatory

37(1) A person who is issued a licence under this Division must ensure that the food service

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establishment complies with the Food Service Establishment By-law, *The Public Health Act* and other regulatory requirements relating to public health.

37(2) Notwithstanding section 11 (suspensions), a licence issued under this Division is automatically suspended when a closing order is issued pursuant to the Food Service Establishment By-law and the suspension remains in effect as long as the closing order remains in effect.

Insurance requirements for outdoor mobile food units

38(1) An Outdoor Mobile Food Unit Licence must not be issued until an applicant provides, in form and substance satisfactory to the designated employee, evidence that the applicant has obtained a policy of commercial general liability insurance in the amount of one million dollars inclusive, naming the City of Winnipeg as an additional insured with evidence of cross liability clause, contractual liability and completed operations cover, including a provision requiring a minimum of 15 days notice of cancellation with the deductible to be paid by the applicant.

38(2) An Outdoor Mobile Food Unit Licence is issued on condition that the licence holder must provide written notice to the designated employee of any material change to the policy required by subsection (1) within 30 days of the change taking effect.

38(3) Notwithstanding section 11 (suspensions), an Outdoor Mobile Food Unit Licence is automatically suspended where the insurance required by subsection (1) in respect of the outdoor mobile food unit is withdrawn, lapses or is otherwise ineffective and the suspension remains in effect until the requirement of subsection (1) is met.

Outdoor mobile food units on streets

39(1) A person operating or carrying on the business of operating a outdoor mobile food unit must ensure that the outdoor mobile food unit complies with the relevant provisions of the Streets By-law, the Traffic By-law and the Parking Meter By-law and, in particular, must ensure that, when being operated, neither the outdoor mobile food unit nor customers of the outdoor mobile food unit are obstructing or inhibiting vehicular or pedestrian traffic.

39(2) A person operating or carrying on the business of operating an outdoor mobile food unit that is not a motor vehicle licenced under *The Highway Traffic Act* must ensure that, when being operated, the outdoor mobile food unit is not located:

(a) on a roadway;

(b) on a street where the posted speed limit for vehicular traffic exceeds 60 kilometres per hour;

(c) within 20 metres of an intersection of a street on which the posted speed limit for vehicular traffic exceeds 60 kilometres per hour;

(d) within 5 metres of an intersection or crosswalk;

(e) within three metres of the public entrance to a building;

(f) within 20 metres of a bus stop;

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(g) within 20 metres of the vehicular or pedestrian entrance to a park;

(h) within 20 metres of the entrance to a food service establishment that has been issued a subsisting licence under subsection 33(3).

39(3) A person operating or carrying on the business of a outdoor mobile food unit that is not a motor vehicle licenced under *The Highway Traffic Act* must ensure that:

(a) when located on a street, the outdoor mobile food unit is equipped with wheels and that both it and any auxiliary receptacles used solely to store ice or beverages or to collect garbage are able to be easily moved by one person;

(b) the outdoor mobile food unit is not left unattended on a street.

39(4) A person operating or carrying on the business of operating an outdoor mobile food unit that is a motor vehicle licenced under The Highway Traffic Act must ensure that, when being operated on a roadway, the outdoor mobile food unit is:

(a) legally parked and engaged in business only with pedestrians located on a sidewalk;

(b) not located within three metres of the public entrance to a building;

(c) not within 20 metres of the vehicular or pedestrian entrance to a park;

(d) not within 20 metres of the entrance to a food service establishment that has been issued a subsisting licence under subsection 33(3);

(e) not within 20 metres of an intersection of a street on which the posted speed limit for vehicular traffic exceeds 60 kilometres per hour.

General rules for outdoor mobile food units
40 A person operating or carrying on the business of a outdoor mobile food unit must ensure that:

(a) when the outdoor mobile food unit is operated on private property, the person has at that location a written document from owner of the property authorizing the outdoor mobile food unit to be operated from the property;

(b) the name of the licence holder is displayed in letters at least 5 centimetres in height on the outdoor mobile food unit in location and manner that is clearly visible to the public.

Division Four – Hostels

Definitions
41 In this Division

"bed and breakfast establishment" means a dwelling in which

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(a) sleeping accommodations are rented;

(b) the maximum occupancy load, as determined by the Manitoba Building Code, is twelve or fewer;

(c) breakfasts are provided; and

(d) no individual is allowed to rent sleeping accommodations for more than 28 consecutive days;

but does not include:

(d) a facility licensed or otherwise regulated in its provision of accommodations by the Government of Manitoba or the Government of Canada;

(e) a hospital, a sanatorium or a facility designated by regulations under *The Mental Health Act*;

(f) a personal care home licensed under *The Health Services Insurance Act*;

(g) a residential care facility licensed under *The Social Services Administration Act;*

(h) a shared facilities dwelling or a hostel;

"dwelling" has the same meaning as in the Neighbourhood Liveability By-law No. 1/2008;

"dwelling unit" has the same meaning as in the Neighbourhood Liveability By-law No. 1/2008;

"hostel" means a dwelling where sleeping accommodations and shared cooking facilities are rented and no individual is allowed to rent sleeping accommodations for a period of more than 28 consecutive days but does not include:

(a) a facility licensed or otherwise regulated in its provision of accommodations by the Government of Manitoba or the Government of Canada;

(b) a hospital, a sanatorium or a facility designated by regulations under *The Mental Health Act*;

(c) a personal care home licensed under *The Health Services Insurance Act*;

(d) a residential care facility licensed under *The Social Services Administration Act;*

(e) a shared facilities dwelling or a bed and breakfast establishment;

"shared facilities dwelling" means a dwelling

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(a) which is designed for sanitary facilities or cooking facilities to be shared by occupants of three or more dwelling units, whether or not the dwelling units are occupied; or

(b) in which sanitary facilities or cooking facilities are shared by two or more residents of a dwelling unit that is not operated under a single tenancy;

but does not include

(c) a facility licensed or otherwise regulated in its provision of accommodations by the Government of Manitoba or the Government of Canada;

(d) a hospital, a sanatorium or a facility designated by regulations under *The Mental Health Act*;

(e) a personal care home licensed under *The Health Services Insurance Act*;

(f) a residential care facility licensed under *The Social Services Administration Act;*

(g) a hostel or a bed and breakfast establishment.

Hostel licence required

42 A person must not carry on the business of operating a hostel without holding a Hostel Licence issued under this Division.

Approvals required before hostel licence issued

43(1) This section does not apply to the renewal of a licence, including a licence renewed within 30 days of its expiry under subsection 7(2).

43(2) A Hostel Licence must not be issued until the designated employee has received:

(a) verification from a public health inspector that the premises at which the hostel is proposed to be operated meets the requirements of *The Public Health Act*, relevant City by-laws and other regulatory requirements relating to public health;

(b) verification from a City employee authorized to administer and enforce the *Winnipeg Zoning By-law* or the *Downtown Winnipeg Zoning By-law* that operation of the hostel on the premises proposed is permitted under one of those two zoning by-laws;

(c) verification from an individual authorized to administer and enforce the *Neighbourhood Liveability By-law* that the operation of the hostel on the premises proposed would not violate that By-law;

(d) an occupancy permit authorizing the hostel to occupy the premises for which the licence is sought;

(e) verification from the Fire Paramedic Chief or delegate that the operation of the hostel on the proposed premises meets the requirements of the Fire Prevention By-law, the Manitoba Fire Code and other regulatory requirements relating to fire

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safety;

(f) a certificate from the Record Review Board in compliance with section 16.

Division Five – Large Public Venues

44 In this Division

"arena" means a building or part of a building containing a sheet of artificially-created ice used for ice skating;

"bowling alley" means a building or part of a building that contains more than one lane for bowling, is open to the public and is operated for the preponderant purpose of earning a profit;

"cinema" means a building or part of a building that is designed and used for the showing of motion pictures, is open to the public and is operated for the preponderant purpose of earning a profit;

"concert hall or theatre" means a building or part of a building that is used to present musical concerts or recitals, dramatic, comedic or theatrical performances, or similar forms of entertainment and which is open to the public but does not include:

(a) a church, synagogue, mosque, temple or other place of religious worship;

(b) a public school, as that term is used in *The Public Schools Act*; and

(c) a private school, as that term is used in *The Education Administration Act*;

unless the place of worship or school is used for a concert, recital or performance that is not staged or sponsored by the place of worship or school;

"curling rink" means a building or portion of a building containing one or more sheets of artificially-created ice used for curling;

"dance hall" means a building or part of a building that is used for social dancing and that is operated for the preponderant purpose of earning a profit but does not include a social hall;

"large public venue" means

(a) a building or room inside a building designed or used as:

(i) an arena;

(ii) a bowling alley;

(iii) a cinema;

(iv) a concert hall or theatre;

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(iv) a curling rink;

(v) a dance hall;

(vii) a social or banquet hall; or

(b) a room with an occupant load established under the Manitoba Building Code of more than 100 people that is used for the preponderant purpose of earning a profit;

"social or banquet hall" means any building or part of a building that is rented to the public for receptions, private banquets, socials or other functions to which the general public is not admitted and at which liquor is served;

Licence required
45 A person must not carry on the business of operating a large public venue without holding a Large Public Venue Licence issued under this Division.

Application for licence
46 Before issuing a Large Public Venue Licence, a designated employee may require that an applicant provide a set of accurate floor plans for the building for which the licence is being sought at a level of detail sufficient to determine compliance with this Division.

Approvals required before licence issued
47(1) This section does not apply to the renewal of a licence, including a licence renewed within 30 days of its expiry under subsection 7(2).

47(2) A Large Public Venue Licence must not be issued until the designated employee has received:

(a) verification from the Fire Paramedic Chief or delegate that the operation of the business on the proposed premises meets the requirements of the Fire Prevention By-law, the Manitoba Fire Code and other regulatory requirements relating to fire safety;

(b) verification from a City employee authorized to administer and enforce the *Winnipeg Zoning By-law* or the *Downtown Winnipeg Zoning By-law* that operation of the business on the premises proposed is permitted under one of those two zoning by-laws;

(c) an occupancy permit authorizing the proposed business to occupy the premises for which the licence is sought.

47(3) A food service establishment must not be operated within a large public venue unless an subsisting licence for the food service establishment has been issued under Division 3.

Tri-annual fire inspections required
48 A Large Public Venue Licence must not be renewed unless within three years prior to the date of the renewal the Fire Paramedic Chief or delegate has issued verification that the operation

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of the business on the proposed premises meets the requirements of the Fire Prevention By-law, the Manitoba Fire Code, the fire safety provisions of the Manitoba Building Code and other regulatory requirements relating to fire safety.

Division Six – Massagists and Massage Parlours

Definitions
49 In this Part

"massage" means the physical external manipulation of the soft tissues of the human body, other than the hands, feet or head, by another person;

"massage parlour" means any premises, or any part of any premises, where members of the general public attend or are invited to attend to receive a massage from a massagist for a fee;

"massage therapist" means an individual who provides massages for therapeutic purposes and who is able to provide proof that he or she:

(a) is a member of:

(i) the College of Massage Therapists of British Columbia;

(ii) the College of Massage Therapists of Ontario;

(iii) the College of Massage Therapists of Newfoundland and Labrador; or

(iv) any other college of massage therapists that has been recognized by a Provincial regulatory statute; or

(b) has graduated from a school of massage therapy or educational program in massage therapy which requires a minimum of 2200 hours of study or completion of a 2 year program of study prior to graduation.

"**massagist**" means an individual who provides, or offers to provide, massages for a fee, but does not include

(a) a medical or therapeutic professional who provides massages as part of medical or therapeutic treatment and who is currently registered or otherwise entitled to practise under the laws of the Province of Manitoba;

(b) a massage therapist;

(c) an individual who carries on a business or occupation which is limited exclusively to massaging of the feet, hands, head or face; or

(d) a Provincially-certified esthetician who administers massages as part of a skin care treatment, where the massage is for the purposes of product application and is a minor or incidental and secondary part of the treatment;

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Licence requirement
50(1) A person must not carry on the business of operating a massage parlour unless the person holds a subsisting Massage Parlour Licence.

50(2) A person must not operate as an massagist unless the person holds a subsisting Massagist Licence.

Massagist must not operate except through massage parlour
51 A massagist must not provide a massage except in a licenced massage parlour.

Age restriction on licensure
52(1) A Massagist Licence must not be issued to an individual under the age of 18 years.

52(2) A Massage Parlour Licence must not be issued to:

(a) an individual under the age of 18 years;

(b) a partnership where any partner is under the age of 18 years; or

(c) a corporation where any shareholder, director or officer is under the age of 18 years.

Information required prior to issuance or renewal of licence
53(1) A Massagist Licence or a Massage Parlour Licence must not be issued or renewed unless the applicant provides to a designated employee:

(a) where the applicant is an individual;

(i) government-issued personal identification sufficient to provide the family name and all given names of the applicant and the applicant's date of birth;

(ii) the current residential address of the applicant;

(iii) three coloured prints, not smaller than 4 cm. by 6 cm. and not larger than 9 cm. by 13 cm., of a photograph dated within the previous 60 days of the applicant's head and shoulders, with a statement signed by the applicant on the reverse side that the photograph is a true likeness of the applicant;

(b) where the applicant is a partnership or a corporation:

(i) the names of all partners of the partnership and all directors and officers of the corporation;

(ii) government-issued personal identification sufficient to provide the family name and all given names of the manager of the massage parlour and the manager's date of birth;

(iii) the current residential address of the manager;

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(iv) three coloured prints, not smaller than 4 cm. by 6 cm. and not larger than 9 cm. by 13 cm., of a photograph dated within the previous 60 days of the manager's head and shoulders, with a statement signed by the applicant on the reverse side that the photograph is a true likeness of the manager.

53(2) Where the information required to be provided by subsection (1) changes, or where the manager of the massage parlour changes, the applicant must within 30 days notify the designated employee of the change and provide the current information associated with that change.

Approvals required before massage parlour licence issued

54(1) This section does not apply to the renewal of a licence, including a licence renewed within 30 days of its expiry under subsection 7(2).

54(2) A Massagist Licence must not be issued unless the applicant provides a certificate from the Record Review Board in respect of himself or herself.

54(3) A Massage Parlour Licence must not be issued unless the applicant provides a certificate from the Record Review Board in compliance with section 16.

54(4) A Massage Parlour Licence must not be issued until the designated employee receives:

(a) verification from a City employee authorized to administer and enforce the *Winnipeg Zoning By-law* or the *Downtown Winnipeg Zoning By-law* that operation of the massage parlour on the premises proposed is permitted under one of those two zoning by-laws; and

(b) a copy of an occupancy permit authorizing the massage parlour to occupy the premises for which the licence is sought.

Massage parlour operator must maintain list of massagists

55(1) The holder of a Massage Parlour Licence must ensure that the following is made and maintained on the premises of the massage parlour:

(a) a current list of all the massagists employed by, under contract to or operating within the massage parlour; and

(b) a copy of the licence of every massagist employed by, under contract to or operating within the massage parlour.

55(2) The holder of a Massage Parlour Licence must make the documents required to be made and maintained by subsection (1) available for review by an enforcement officer at any time the massage parlour is open for business.

Requirements for massage parlour

56(1) A person who carries on the business of operating a massage parlour must ensure that:

(a) no person other than a licenced massagist provides massages in the massage parlour;

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(b) no person under the age of 18 years is on the premises, whether as an employee, client or otherwise;

(c) no alcoholic beverages are purchased or consumed by any person on the premises;

(d) no individual exhibits himself or herself nude on the premises;

(e) no sign visible outside of the premises shows any nude male or female body;

(f) no printed words on the exterior of the premises indicate that the service provided at the massage parlour includes any form of sexual or nude entertainment.

56(2) A massagist and a person who carries on the business of operating a massage parlour must not allow any handbill, sign, business card or advertisement which represents or advertises the business in any media, including the internet, to

(a) show or depict all or part of a nude male or female body; or

(b) state, imply or suggest that the service provided includes any form of sexual or nude entertainment.

56(3) A person who operates a massage parlour must not allow the massage parlour to operate on any day between the hours of 11:00 p.m. and 8:00 a.m.

Requirements for massage parlours

57 A person who owns or operates a massage parlour must:

(a) ensure that every employee and massagist in the massage parlour is wearing clean, washable, non-transparent garments covering his or her body between the neck and no more than 10 cm above the top of the knee;

(b) ensure that no massages or other services are provided within any cubicle or room, booth or enclosed area within the massage parlour that is fitted with a door capable of being locked;

(c) ensure that the building within which the massagist's business is carried on is properly lighted and ventilated during the time that business is being carried on;

(d) maintain on the premises a current list of every operating or trade name, whether registered or not, used for the purposes of the business and must produce that list upon demand to an enforcement officer;

(e) provide the designated employee with a copy of the list required to be kept under clause (d) and provide an update within seven days of any change to the list of operating or trade names.

Requirements for massagists

58(1) A massagist must wear clean, washable, non-transparent garments covering his or her body

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between the neck and no more than 10 cm above the top of the knee at all times while in a massage parlour;

58(2) A massagist must not:

(a) provide a massage or other service within any cubicle or room, booth or enclosed area within the massage parlour that is fitted with a door capable of being locked;

(b) exhibit himself or herself in a nude state in a massage parlour.

Division Seven – Multiple Family Dwellings

59 In this Division

"bed and breakfast establishment" means a bed and breakfast establishment as defined in Division 4;

"converted residential dwelling" means a Division II building as defined in the Residential Fire Safety By-law No. 4304/86 but does not include:

(a) a building that would otherwise meet the definition of a Division II building but which complies with all applicable requirements for a Group C occupancy under the Manitoba Building Code;

(b) a facility licensed or otherwise regulated in its provision of accommodations by the Government of Manitoba or the Government of Canada;

(c) a hospital, a sanatorium or a facility designated by regulations under *The Mental Health Act*;

(d) a personal care home licensed under *The Health Services Insurance Act*;

(e) a residential care facility licensed under *The Social Services Administration Act;*

(f) a bed and breakfast establishment.

"dwelling" has the same meaning as in the Neighbourhood Liveability By-law No. 1/2008;

"dwelling unit" has the same meaning as in the Neighbourhood Liveability By-law No. 1/2008;

"shared facilities dwelling" means a shared facilities dwelling as defined in Division 4;

Licence required

60(1) Subject to subsection (3), a person must not carry on the business of operating a shared facilities dwelling without holding a subsisting Shared Facilities Dwelling Licence issued under this By-law.

60(2) Subject to subsection (3), a person must not carry on the business of operating a converted residential dwelling without holding a Converted residential dwelling Licence issued under this By-

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law.

60(3) Notwithstanding subsection (1) and (2), a person must not carry on the business of operating a shared facilities dwelling within a converted residential dwelling without a Converted Residential Dwelling with Shared Facilities Licence issued under this By-law.

Approvals required before licence issued
61(1) This section does not apply to the renewal of a licence, including a licence renewed within 30 days of its expiry under subsection 7(2).

61(2) A Shared Facilities Dwelling Licence or a Converted residential dwelling with Shared Facilities Licence must not be issued until the designated employee receives:

(a) verification from a City employee authorized to administer and enforce the *Winnipeg Zoning By-law* or the *Downtown Winnipeg Zoning By-law* that operation of the business on the premises for which the licence is sought is permitted under one of those two zoning by-laws;

(b) verification from an individual authorized to administer and enforce the *Neighbourhood Liveability By-law* that the operation of the business on the premises for which the licence is sought would not violate that By-law;

(c) where required by the Winnipeg Building By-law, a copy of an occupancy permit authorizing the business to occupy the premises for which the licence is sought.

61(3) A Converted residential dwelling Licence or a Converted residential dwelling with Shared Facilities Licence must not be issued until the designated employee receives verification from a City employee authorized to administer and enforce the Residential Fire Safety By-law No. 4304/86 that the premises at which the business is proposed to be operated or carried on meets the requirements of that By-law.

Division Eight – Public and Semi-Public Swimming Pools and Whirlpools

Definitions
62 In this Division

"indoor swimming pool" means a public swimming pool or a semi-public swimming pool, as those terms are defined by *The Swimming Pools and Other Water Recreational Facilities Regulation, Manitoba Regulation 132/97* or successor regulation, that is located inside a building or structure;

"outdoor swimming pool" means a public swimming pool or a semi-public swimming pool, as those terms are defined by *The Swimming Pools and Other Water Recreational Facilities Regulation, Manitoba Regulation 132/97* or successor regulation, that not is located inside a building or structure;

"whirlpool" means a whirlpool as defined by *The Swimming Pools and Other Water Recreational Facilities Regulation No. 132/97* or successor regulation;

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Licences required
63(1) A person must not operate an indoor swimming pool without holding a subsisting Indoor Swimming Pool Licence issued under this Division.

63(2) A person must not operate an outdoor swimming pool without holding a subsisting Outdoor Swimming Pool Licence issued under this Division.

63(3) A person must not operate a whirlpool without a Whirlpool Licence issued under this Division.

Approvals required before licence issued
64(1) This section does not apply to the renewal of a licence, including a licence renewed within 30 days of its expiry under subsection 7(2).

64(2) An Indoor Swimming Pool Licence, an Outdoor Swimming Pool Licence or a Whirlpool Licence may not be issued until the designated employee receives:

(a) verification from a public health inspector that the premises at which the business is proposed to be operated or carried on meets the requirements of *The Public Health Act*, relevant City by-laws and other regulatory requirements relating to public health;

(b) verification from a City employee authorized to administer and enforce the *Winnipeg Zoning By-law* or the *Downtown Winnipeg Zoning By-law* that operation of the business on the premises proposed is permitted under one of those two zoning by-laws;

Division Nine – Business Dealing in Used Goods and Precious Metals

65 In this Division

"acquisition", when referring to the acquisition of goods for which a record of transaction is required to be made and maintained by this Division, means acquisition by purchase, barter, collateral lending, pawn transaction, consignment, pledge, or any other manner;

"antique" means a decorative object, piece of furniture or other item produced in an earlier period that is valuable because of its age, beauty or rarity but does not include jewellry;

"antique dealer" means a person who carries on the business of dealing in antiques;

"auction" means the sale of real or personal property or goods by means of exchanges between an auctioneer and members of an audience consisting of a series of invitations for offers made by the auctioneer, offers by members of the audience, and the acceptance by the auctioneer of the highest or most favourable offer;

"auctioneer" means any person who carries on the business of selling or offering for sale any real or personal property or goods by public or private auction;

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"bicycle dealer" means a person who carries on the business of dealing in used bicycles;

"collateral lending transaction" means

(a) the deposit of goods in return for the loan of money upon interest on the security of the goods deposited; or

(b) the sale and deposit of goods by a person with the express or implied condition that the goods may be redeemed or repurchased, on any terms, by the person who sold or deposited the goods;

"dealing" means engaging in transactions or offering to engage in transactions by any means, including by way of internet communication, in respect of used goods;

"disposition" includes the

(a) sale or resale;

(b) redemption;

(c) storage at any place other than the place where the goods were acquired;

(d) transfer to another dealer; or

(e) any other form of disposition;

of used goods or other goods in respect of which a record of transaction is required to be made and maintained by this Division;

"fine art dealer" means a person who carries on the business of dealing in works of fine art;

"Police Chief" means the Chief of the Winnipeg Police Service or delegate;

"precious metals" includes

(a) coins;

(b) gems and other precious stones;

(c) gold, silver, platinum and other similar metals;

(d) paper money of numismatic value; and

(e) jewelry consisting of precious stones or precious metals;

"precious metals dealer" means a person who carries on the business of dealing in precious metals;

"record of transaction " means the record required to be kept by a person who holds a licence

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issued under this Division by section 69;

"transaction" means an incident in which

(a) goods are acquired and the person from whom the goods are acquired receives a benefit or gain or the promise of a benefit or gain; or

(b) goods are disposed of;

by any means, including by way of internet communication;

"used goods" includes

(a) goods that are not new, including bicycles, antiques, collectibles, art, jewellery that does not consist of precious stones or precious metals, precious metals, furniture, appliances, electronics, videos, computers and computer software, video games, household goods, building materials, sports equipment, and automobile parts;

(b) ferrous and non-ferrous non-precious metals in single shipments of less than four tons; and

(c) precious metals;

but does not include

(d) used books and magazines;

(e) used compact discs and long-playing records;

(f) clothing, except for outer garments made of leather or fur;

(g) non-precious metals in single shipments of four tons or more;

(h) cardboard, glass, paper or paper products;

(i) plastics;

(j) lumber or wood products;

(k) wood by-products, including sawdust, wood chips and chipped material;

(l) used tires;

"used goods dealer" means any person who, for the preponderant purpose of earning a profit, carries on a business which deals in used goods but does not include a person who deals in used goods or precious metals exclusively in one or more of the following ways:

(a) as an auctioneer;

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(b) as an antique dealer;

(c) as a bicycle dealer;

(d) as a precious metals dealer;

(e) as a fine art dealer;

(f) as a person who deals exclusively in

(i) footwear or used clothing other than outer garments made of leather or fur;

(ii) housewares, including dishes, pots, pans, cooking utensils and cutlery;

(g) a person licenced as a "dealer" under *The Drivers and Vehicles Act*, C.C.S.M. D104;

(h) as a retailer who accepts and resells goods that have been purchased new in a retail sales transaction and are returned by a dissatisfied customer for a refund, credit or exchange of another item of merchandise;

(i) as person who sells used goods that have previously been rented to the public by that person; or

(j) as a retailer who acquires used goods as an incident of a business as partial payment of the cost of another item of a similar nature on the basis of a one-for-one trade.

Licence requirement

65(1) A person must not carry on the business of an antique dealer without holding a subsisting Antique Dealer Licence issued under this Division.

65(2) A person must not carry on the business of an auctioneer without holding a subsisting Auctioneer Licence issued under this Division.

65(3) A person must not carry on the business of a bicycle dealer without holding a subsisting Bicycle Dealer Licence issued under this Division.

65(4) A person must not carry on the business of a precious metals dealer without holding a subsisting Precious Metals Dealer Licence issued under this Division.

65(5) A person must not carry on the business of a used goods dealer without holding a subsisting Used Goods Dealer Licence issued under this Division.

Multiple businesses

66(1) Where a person carries on more than one of the types of business referred to in section 65 at the same location, the person may either obtain licences for each of the businesses or may obtain a Used Goods Dealer Licence for all of the businesses.

66(2) Where a person chooses to obtain a Used Goods Dealer Licence for more than one of the

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types of business referred to in section 65, the person:

(a) must inform the designated employee of this choice at the time the Used Goods Dealer Licence is issued or at the time a licence in respect of an additional business would otherwise be required; and

(b) must comply with the requirements and obligations imposed by this By-law on used goods dealers in respect of all of the types of business to which the licence applies.

Record Review Board certificate required

67(1) A licence under this Division must not be issued unless the designated employee receives a certificate from the Record Review Board in respect of each of the individuals referred to in section 16 and in respect of any individual who is employed by the applicant or provides assistance to the applicant in respect of the business.

67(2) Subsections 16(2) (obligation to notify of changes) and 16(3) (obligation to notify of criminal charges) apply in respect of any individual who is employed by the applicant or provides assistance to the applicant in respect of the business.

Approvals required before licence issued

68(1) This section does not apply to the renewal of a licence, including a licence renewed within 30 days of its expiry under subsection 7(2).

68(2) The designated employee must not issue a licence under this Division unless the designated employee receives:

(a) verification from a City employee authorized to administer and enforce the *Winnipeg Zoning By-law* or the *Downtown Winnipeg Zoning By-law* that operation of the business on the premises for which the licence is sought is permitted under one of those two zoning by-laws;

(b) an occupancy permit authorizing the proposed business to occupy the premises for which the licence is sought.

68(3) The designated employee must not issue an Antique Dealer Licence, an Auctioneer Licence or a Used Goods Dealer Licence unless the designated employee receives verification from the Fire Paramedic Chief or delegate that the operation of the business on the proposed premises meets the requirements of the Fire Prevention By-law, the Manitoba Fire Code and other regulatory requirements relating to fire safety.

Record of transaction and other documentation

69(1) A person who carries on a business that is required to hold a licence under this Division must ensure that the business does not acquire or dispose of used goods unless a record of transaction is made and maintained in compliance with this Division for that transaction.

69(2) The record of transaction required by subsection (1) consists of

(a) a record of acquisition;

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(b) a record of identification;

(c) a record of disposition, when created.

69(3) A used goods dealer must make and maintain a record of transaction required by subsection (1) when the used goods dealer acquires

(a) goods that are not used; and

(b) compact discs and long playing records;

and the obligation to make and keep a record of transaction applies in respect of these goods as if they were used goods.

Record of acquisition
70 Subject to section 74, a record of acquisition required by section 69 must contain the following information:

(a) the time and date that the used goods were acquired in the transaction;

(b) a photograph of the used goods providing sufficient detail to identify the goods;

(c) the serial number, make, model number and manufacturer's name of any manufactured used goods acquired;

(d) a detailed statement of any writing, engraving and other distinctive marks on the used goods acquired;

(e) with respect to jewelry acquired:

(i) the type of jewelry;

(iii) the weight of the jewelry;

(iv) the karat of any precious stone which forms part of the jewelry;

(iv) any engraving or micro-reference on the jewelry;

(v) the number of precious stones and the type, colour, and shape of each precious stone;

(vi) whether the item of jewelry is typically worn by a man or a woman;

(f) the price or other consideration paid or given for the used goods or the agreed selling price for goods left to be sold on consignment.

Record of disposition
71 Subject to section 74, a record of disposition required by section 69 must contain the following information:

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(a) the time and date of the disposition;

(b) the form of the disposition; and

(c) if the disposition consists of storage of the used goods by the person who holds a licence issued under this Division at any place other than the place where the used goods were acquired, the location of any other place where the used goods have been placed into storage.

Record of identification
72(1) Subject to subsection (2) and section 74, a record of identification required by section 69 must contain the following:

(a) a photograph of the individual from whom the used goods are being acquired providing sufficient detail to identify the individual; and

(b) a copy of at least one piece of identification that appears to be accurate that contains the date of birth and the current address of the individual from whom the used goods are being acquired or to whom they are being disposed.

72(2) Where a business that is required to be licenced under this Division engages in a transaction with a partnership or corporation, the record of identification required by section 69 must contain the following:

(a) the name, address and telephone number of the partnership or corporation;

(b) the name of the individual entering into the transaction on behalf of the partnership or corporation.

Form of record of transaction
73(1) Subject to section 74, a record of transaction required by section 69 must be recorded by entering it in an electronic record keeping system in a form prescribed by the Police Chief such that a separate record of each transaction is created and saved in a retrievable and printable form.

73(2) A person who holds a licence issued under this Division must ensure that each record of transaction is assigned a number in order to distinguish that record of transaction from every other record of transaction recorded by that person.

Auctioneers' records of transaction
74(1) Subject to subsection (4), an auctioneer must ensure that a record of acquisition is made at the time used goods are deposited with the auctioneer for sale, consisting of the following information:

(a) the time and date that the used goods were deposited;

(b) either an accurate description of the used goods deposited or a photograph of the used goods providing sufficient detail to identify the used goods;

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(c) the serial number, make, model number and maker's name of the used goods deposited, if available;

74(2) Subject to subsection (4), an auctioneer must ensure that a record of disposition is made at the time used goods are sold at auction, consisting of the following information:

(a) the name and address of the person purchasing each article of used goods;

(b) the price for which each article of used goods was purchased.

74(3) Subject to subsection (4), an auctioneer must ensure that a record of identification is made at the time that used goods are deposited with the auctioneer for sale, which consists of the name and address of the individual who deposited the used goods for sale.

74(4) This section does not apply where:

(a) used goods are acquired by an auctioneer from a law enforcement agency or officer acting in an official capacity;

(b) used goods are acquired by an auctioneer from a trustee in bankruptcy, executor, administrator or receiver who has presented to the auctioneer proof of his or her position;

(c) used goods are acquired by an auctioneer from a public official who is acting under judicial process or authority and who has presented to the auctioneer proof of his or her position;

(d) an auctioneer conducts a public auction exclusively of the personal property of an individual and his or her immediate family and no goods that are the property of another person are included in that sale;

(e) an auctioneer conducts a public auction consisting solely of:

(i) livestock;

(ii) commercial or industrial machinery and vehicles;

(iii) real estate; or

(iv) goods on behalf of the Manitoba Public Insurance Corporation;

(f) an auctioneer conducts an auction which is not open to the public of:

(i) automobiles and trucks;

(ii) commercial vehicles; or

(iii) recreational vehicles and equipment.

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74(5) A record of transaction made by an auctioneer may be

(a) recorded by entering it in an electronic record keeping system in a form prescribed by the Police Chief such that a separate record of each transaction is created and saved in a retrievable and printable form; or

(b) may be kept in on a paper form prescribed by the Police Chief.

Maintenance and destruction of record of transaction

75(1) A person who carries on a business that is required to be licenced under this Division must ensure that a record of transaction is maintained as it was entered and that no part of the record is erased, obliterated, deleted or removed.

75(2) A record of transaction must be retained on the premises of the business for a period of not less than two years after the date of acquisition and must be available for inspection by an enforcement officer, including a member of the Winnipeg Police Service, in accordance with this Division.

75(3) No person may use personal information contained in a record of identification in any way other than as required by this By-law.

75(4) No person may disseminate personal information contained in a record of identification in any way other than as required by this By-law.

75(5) A person who carries on a business that is required to be licenced under this Division must ensure that a record of identification is destroyed as soon as a period of two years has elapsed after the date of acquisition.

Provision of records of acquisition to Police Chief

76(1) A used goods dealer, a bicycle dealer and a precious metals dealer must deliver to the Police Chief by the close of business every day that the business is open a copy of the records of acquisition that have been made since the time when the previous records of acquisition were delivered.

76(2) The records of acquisition referred to in subsection (1) must be delivered in electronic form in a manner and to an electronic address determined by the Police Chief.

Access to record of transaction by enforcement officers

77(1) A person who holds a licence issued under this Division must allow an enforcement officer, including a member of the Winnipeg Police Service, to enter at any time the licenced business is open for business all areas of the premises for which a licence has been issued and to view a record of transaction and any goods to which this Division applies in order to ensure compliance with this By-law.

77(2) A member of the Winnipeg Police Service must not access a record of identification in respect of a person or use a record of identification for the purposes of a criminal investigation unless:

(a) he or she has reasonable grounds to believe that used goods or precious metal that

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are identified in the same record of transaction as the record of identification were obtained by or in the course of the commission of a criminal offence;

(b) he or she has reasonable grounds to believe that used goods or precious metal acquired by any person who holds a licence issued under this Division in Winnipeg from the person within six months of the date the record of identification was made were obtained by or in the course of the commission of a criminal offence;

77(3) For purposes of clarification, subsection (2) does not apply to an enforcement officer other than a member of the Winnipeg Police Service.

77(4) Where a person who holds a licence issued under this Division is asked to provide a record of identification to, or to make a record of identification available for inspection by, an enforcement officer, the licence holder must provide it or make it available for inspection without regard to the enforcement officer's compliance with subsection (2).

Storage of used goods

78 A person who holds a licence under this Division must ensure that every item for which a record of transaction is required to be made and maintained is tagged or otherwise identified with the number of that record of transaction referred to in subsection 73(2) until the used goods are disposed of by sale, redemption or transfer to another dealer.

Disposition of used goods

79(1) Subject to subsection (2), used goods dealers, bicycle dealers and precious metals dealers must ensure that goods for which a record of transaction is required to be made and maintained are not disposed of until at least 15 days have elapsed since the goods were acquired.

79(2) Subsection (1) does not apply to:

(a) used goods acquired from a person who holds a licence under this Division;

(b) coins and gold, silver, platinum and other similar metals acquired from:

(i) a dealer located outside the City of Winnipeg who is determined by the Chief of the Winnipeg Police Service to be subject to a municipal or provincial regulatory regime that requires that the goods be retained for a period of time similar or greater than the time specified in subsection (1); or

(ii) a Federal, Provincial or Municipal government department or agency;

(c) new or refurbished goods; or

(d) used goods acquired in a collateral lending transaction that have previously been used as collateral in a collateral lending transaction involving the same individual providing the goods and the same licenced used goods dealer;

so long as the licence holder complies with subsection (3).

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79(3) The exemptions provided in clauses (2)(a) and (b) apply only if the licence holder records

(a) where the person from whom the goods were acquired is an individual, the name, address and telephone number of the individual;

(b) where the person from whom the goods were acquired is a partnership or corporation, the name of the individual acting on behalf of the person and the municipal or provincial licence number of the dealer; and

(c) where the goods were acquired from a Federal, Provincial or Municipal government department or agency, the name of the Federal, Provincial or Municipal government department or agency and the name of the individual acting on behalf of the department or agency.

Restrictions on dealers
80 A person who carries on a business that is required to be licenced under this Division must not, and must ensure that the business he or she is carrying on does not:

(a) acquire any goods from any person who is less than 18 years of age;

(b) acquire any goods from any person who is apparently under the influence of alcohol or a drug;

(c) go from house to house acquiring or soliciting to acquire any goods;

(d) acquire any goods that he or she has reason to suspect have been stolen or otherwise unlawfully obtained;

(e) acquire any goods that bear or customarily bear a serial number or distinguishing mark where that serial number or distinguishing mark has been altered, defaced, obliterated, obscured or removed;

(f) alter, deface, obliterate, obscure or remove any serial number or distinctive mark upon any goods purchased or received by the person in the course of his business;

Division 10 – Used Material Yards

Definitions
81 In this Division

"used materials" means any of the following:

(a) paper or paper products;

(b) plastics;

(c) used lumber or used wood products;

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(d) wood by-products, including sawdust, wood chips and chipped material;

(e) used tires;

"used material yard" means a place where used materials are stored out of doors.

Licence required
82 A person must not carry on the business of operating a used material yard without holding a Used Material Yard Licence issued under this By-law.

Approvals required before licence issued or renewed
83(1) This section does not apply to the renewal of a licence, including a licence renewed within 30 days of its expiry under subsection 7(2).

83(2) The designated employee must not issue a Used Materials Yard Licence unless the designated employee receives:

(a) verification from a City employee authorized to administer and enforce the *Winnipeg Zoning By-law* or the *Downtown Winnipeg Zoning By-law* that operation of the used material yard on the premises for which the licence is sought is permitted under one of those two zoning by-laws;

(b) verification from an individual authorized to administer and enforce the Neighbourhood Liveability By-law that the operation of the used material yard on the premises proposed would not violate that By-law;

(c) verification from the Fire Paramedic Chief or delegate that the operation of the used material yard on the proposed premises meets the requirements of this Division, the Fire Prevention By-law, the Manitoba Fire Code and other regulatory requirements relating to fire safety;

Standards for used material yards
84(1) A used material yard must comply with the Manitoba Fire Code.

84(2) Subject to section 100, a person who carries on the business of operating a used material yard must ensure that the used material yard is entirely enclosed with a fence that is:

(a) a uniform height of at least 2.5 metres;

(b) constructed and maintained to create a solid façade without gaps or holes on any portion of the fence that fronts on a street.

84(3) A person who carries on the business of operating a used material yard must ensure that used materials are not placed:

(a) outside the fence referred to in subsection (2);

(b) within 1.22 metres of any building or structure in the used material yard;

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(c) on the roof of any building or structure in the used material yard;

(d) within 1.5 metres of any dwelling;

(e) abutting any portion of the fence referred to in subsection (2) that fronts on a street.

84(4) A person who carries on the business of operating a used material yard must ensure that used material within three meters of a street is not greater than the height of the fence that surrounds the yard.

PART 4 – ADMINISTRATION

Powers of designated employees
85(1) Designated employees and enforcement officers may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law in accordance with *The City of Winnipeg Charter* and, for those purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.

85(2) It is a condition of every licence issued under this By-law that the licence holder must permit an enforcement officer to enter the premises to which this licence applies without prior notice at any time that the premises are open for business and at any other reasonable time.

Orders to remedy contravention
86 An order to remedy a contravention of this By-law and a notice of suspension or revocation of a licence must be issued in accordance with The City of Winnipeg Charter.

Appeal of order or decision
87(1) Where *The City of Winnipeg Charter* entitles a person appeal an order or a decision under this By-law, the appeal may be made to the Standing Policy Committee on Protection and Community Services in accordance with *The City of Winnipeg Charter*.

87(2) Subject to subsections (3) and (4), an administration fee of $250.00 is hereby imposed for each appeal made under subsection (1).

87(3) No appeal may be accepted by the City Clerk until the fee imposed by subsection (2) has been paid to the City Clerk.

87(4) The Standing Policy Committee on Protection and Community Services may order an administration fee referred to in subsection (2) to be refunded to the appellant if the appeal has been made in good faith and has some merit.

Address for service
88 Where an address for service must be determined, one of the following may be used:

(a) where the owner of a business or licence holder has provided an address for service, the address provided;

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(b) where the document being served relates to a business that is carried on at a location specified in the licence, the street address of the location;; or

(c) if the person to be served has provided his or her address in an application for a licence or a renewal of a licence under this By-law, the address provided in the application.

PART 5 – PENALTIES

Maximum penalties for violations of By-law
89 The maximum penalties set out in section 178(1) of *The City of Winnipeg Charter* are not applicable to violations of this By-law.

Minimum penalties for violations of By-law
90(1) Subject to subsection (2), a person who carries on a business without obtaining a licence as required by this By-law or who violates section 9 by carrying on a business for which a licence is required at a location that has not been specified in a licence, in addition to being required to obtain a licence for the business, is subject, upon summary conviction, to the following minimum fines:

(a) for a first offence, to a fine in an amount no less than the amount of the fee for the licence that was required;

(b) for a second offence, to a fine in an amount no less than twice the amount of the fee for the licence that was required;

(c) for a third offence and subsequent offences, to a fine in an amount no less than three times the amount of the fee for the licence that was required.

90(2) Notwithstanding subsection (1) a person who operates as an escort or a massagist without holding a subsisting licence as required by this By-law, in addition to being required to obtain a licence, is subject, upon summary conviction, to the following minimum fines:

(a) for a first offence, to a fine of no less than $500;

(b) for a second offence, to a fine of no less than $1000;

(c) for a third offence and subsequent offences, to a fine of no less than $3000.

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Standard penalties for outdoor mobile food units

91(1) Subject to subsection (2), a person who contravenes section 39 (outdoor mobile food units on street) may pay a fine of $100.00 plus mandatory court costs as provided by *The Summary Convictions Act* and thereafter shall not be prosecuted for the contravention.

91(2) Notwithstanding subsection (1), a person who contravenes section 39 (outdoor mobile food units on street) may pay a fine of $50.00 plus mandatory court costs as provided by *The Summary Convictions Act* within 16 days after the date the offence notice alleging the contravention was served upon the person and thereafter shall not be prosecuted for the contravention.

Minimum fines for violations of Part 9

92(1) A person who fails to make and maintain any part of a record of transaction in contravention of section 69 is subject, upon summary conviction, to a minimum fine of $1000 if the person is an individual and $5000 if the person is a partnership or a corporation.

92(2) A person who acquires any goods that bear or customarily bear a serial number or distinguishing mark where that serial number or distinguishing mark has been altered, defaced, obliterated, obscured or removed in contravention of clause 80(e) is subject, upon summary conviction, to a minimum fine of $500 if the person is an individual and $1000 if the person is a partnership or a corporation.

92(3) A person who alters, defaces, obliterates, obscures or removes any serial number or distinctive mark upon any goods purchased or received by the person in the course of his business in contravention of clause 80(f) is subject, upon summary conviction, to a minimum fine of $1000 if the person is an individual and $5000 if the person is a partnership or a corporation.

92(4) Subject to subsection (5), a person who fails to deliver records of acquisition to the Chief of Police in contravention of section 76 is subject, upon summary conviction, to a minimum fine of $500 if the person is an individual and $1000 if the person is a partnership or a corporation.

92(5) Notwithstanding subsection (4), a person who contravenes section 76 by failing to deliver records of acquisition to the Chief of Police within the time specified in section 76 but does deliver the records of acquisition within 24 hours after the time specified in section 76 is subject, upon summary conviction, to a minimum fine of $250 if the person is an individual and $500 if the person is a partnership or a corporation.

92(6) A person who fails to ensure that every item for which a record of transaction is required to be made and maintained is tagged or otherwise identified with the number of the record of transaction until the used goods are disposed of by sale, redemption or transfer to another dealer in contravention of section 78 is subject, upon summary conviction, to a minimum fine of $500 if the person is an individual and $1000 if the person is a partnership or a corporation.

92(7) A person who disposes of used goods prior to the expiration of a 15 day period in contravention of section 79 is subject, upon summary conviction, to a minimum fine of $500 if the person is an individual and $1000 if the person is a partnership or a corporation.

92(8) A person who acquires any goods from any person who is less than 18 years of age or from any person who is apparently under the influence of alcohol or a drug in contravention of clauses 80(a) or (b) is subject, upon summary conviction, to a minimum fine of $500 if the person is an

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individual and $1000 if the person is a partnership or a corporation.

PART 6 – CONSEQUENTIAL AMENDMENTS

Mobile Home Licence By-law

93 The Mobile Home Licence By-law No. 821/74 is amended by:

(a) repealing section 3 and substituting the following:

3. No person shall occupy a mobile home without being registered with the owner or operator of the trailer park unless:

(a) the tax collector is satisfied that the occupant of the mobile home is a bona fide tourist and the mobile home is being used for vacation or holiday purposes; or

(b) the mobile home is a temporary building as defined in the City of Winnipeg Building By-law and complies with the provisions of that By-law.

(b) striking out "*licencee*" wherever it appears and substituting "*owner or operator*".

Meat and Poultry By-law and Milk and Dairy Products By-law repealed

94 The Milk and Dairy Products By-law No. 3218/82 and the Meat and Poultry By-law No. 3354/83 are hereby repealed.

Food Service Establishment By-law amended

95 The Food Service Establishment By-law No. 5160/89 is amended by

(a) striking out the definition of "*Food Service Establishment*" and substituting the following:

*"**Food Service Establishment**" means any place where food is kept, handled, manufactured, packaged, stored, prepared, served or sold, regardless of whether consumption is on or off the premises and regardless of whether there is or is not a charge for the food, and includes*

(a) retail food stores and shops selling only pre-packaged foods;
(b) bakeries;
(c) butcher shops and fish shops;
(d) delicatessens;
(e) other retail food stores;
(f) canteens and commissaries, whether stationary or mobile;
(g) restaurants, banquet halls, cafeterias, beverage rooms, dairy bars, milk bars, ice cream parlours and caterers;
(h) residential care facilities, nursing homes, detention centres, day care kitchens, schools, soup kitchens and shelters;

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(i) hostels and shared facilities dwellings with shared kitchens;
(j) outdoor mobile food units;
(k) food processing plants, food packaging and warehouse facilities;
(l) any place where food service takes place on a temporary basis;
(m) producer markets where any food is being sold, other than agricultural produce grown in Manitoba sold by the individual who produced it, a member of the producer's immediate family or the producer's employee;

but does not include

(n) residential dwelling units, unless food is prepared or served for sale;
(o) food vending machines;
(p) retail stores selling only pre-packaged food that is not potentially hazardous and does not require refrigeration; and
(q) food supply vehicles.

(b) striking out the definition of "*Mobile Food Unit*" and adding the following in alphabetical order:

***"Outdoor Mobile Food Unit"** means a trailer, cart or vehicle-mounted food service establishment designed to be readily movable and located out of doors.*

(c) in the definition "*Potentially hazardous food*" adding "*fruit,*" immediately after "*milk products*";

(d) striking out "*the City of Winnipeg License By-law and amendments thereto*" in subsection 5.1 and substituting "*the Doing Business in Winnipeg By-law*";

(e) adding the following immediately after clause 7.2(f):

(g) No person may sell or offer for sale any meat or poultry on any street or door to door without the written permission of the Public Health Inspector.

(f) striking out subsection 7.3 and substituting the following:

7.3 Milk or dairy products sold, offered or deposited for sale, served, or used must be pasteurized, handled and packaged in a plant licensed under The Dairy Act, *or from a source outside the Province of Manitoba approved by the appropriate authority. Dry milk and dry milk products must be made from pasteurized milk and pasteurized milk products.*

(g) striking out "*mobile food unit*" wherever it appears and substituting "*outdoor mobile food unit*".

(h) in clauses 36.4(b) and (c), striking out "*notice*" wherever it appears and substituting "*order*".

City Organization By-law amended

96 The City Organization By-law No. 7100/97 is amended

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(a) by repealing subclause 9(2)(a) (iii);

(b) by adding the following immediately after subclause 10(a)(xxx):

(xxxi) Business Licencing;

(c) by adding the following immediately after clause 10(k.1):

(k.2) hearing and deciding appeals of decisions or orders made under the Doing Business in Winnipeg By-law that are subject to appeal.

(d) by repealing subclause 10(o)(iii);

(e) by striking out "*Licensing*" in the paragraph that precedes clause 11(a);

(f) by repealing subclauses 11(a)(iv) and 11(a)(vii);

(g) by repealing clause 11(s);

(h) by repealing subclause 11(dd)(iii);

(i) by repealing subclause 13(j)(iii);

(j) by repealing clause 13.1(1)(c).

Fire Prevention By-law amended

97 Subsection 37(1) of the Fire Prevention By-law No. 150/2004 is amended by adding "*and who files evidence of those qualifications with a designated employee*" immediately before "*is a qualified service person with respect to that fire protection/life safety installation.*"

Body Modification By-law amended

98 The Body Modification By-law No. 40/2005 is amended by striking out "*the City of Winnipeg License By-law*" wherever it appears and substituting "*the Doing Business in Winnipeg By-law*".

PART 7 - TRANSITION

Existing licences

99(1) Notwithstanding section 102 (repeal of License By-law), subsisting licences issued under The City of Winnipeg License By-law No. 6551/95 remain in effect until their expiry date.

99(2) Notwithstanding section 103 (coming into force), where this By-law requires that a licence must be obtained for a business, a person who has been issued a licence in respect of that business under The City of Winnipeg License By-law No. 6551/95 may obtain a licence under this By-law for that business prior to the date this By-law comes into force so long as the person and the business comply with section 7 of this By-law.

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99(3) Where

(a) this By-law requires that a business must not be carried on without a licence; and

(b) a licence has been issued in respect of that business under The City of Winnipeg License By-law No. 6551/95;

a licence issued under this By-law in respect of that business within 30 days of the expiry of the licence issued under The City of Winnipeg License By-law No. 6551/95 shall be considered to be a renewal of a licence under this By-law.

Used material yards

100(1) Where a used material yard is the subject of modified fencing requirements approved by the Community Committee under the City of Winnipeg License By-law No. 6551/95, the modified fencing requirements approved by the Community Committee supersede the requirements of subsection 84(2).

100(2) A person who carries on the business of operating a used material yard that is subject to modified fencing requirements approved by the Community Committee may apply to the Standing Committee on Protection and Community Services for a variation of the modified fencing requirements and section 87 applies to the application as if it were an appeal.

By-law replaces Winnipeg License By-law

101 This By-law is a successor to the City of Winnipeg License By-law No. 6551/95 and a reference in any by-law, policy, resolution or other document to the City of Winnipeg License By-law No. 6551/95 is deemed to be a reference to this By-law.

PART 8 - REPEAL AND COMING INTO FORCE

License By-law repealed

102 The City of Winnipeg License By-law No. 6551/95 is repealed.

Coming into force

103(1) Subject to subsection (2), this By-law comes into force on June 1, 2008.

103(2) Subsection 99(2) comes into force upon enactment of this By-law.

DONE AND PASSED, in Council assembled, this day of , 2008.

_____

Mayor

_____

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City Clerk

Approved as to content:

_____
Director of Community Services

Approved as to form:

_____
for City Solicitor/
Manager of Legal Services

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Schedule A
to the Doing Business in Winnipeg By-law No._____

Part 1: All license fees in this part are applicable to the licence year June 1, 2008 to May 31, 2009 and are subject to an inflationary increase based on the Consumer Price Index thereafter. Licence holders renewing a licence must pay the fee as increased by the rate of inflation.

No.	Business License	Annual Fee
1	Antique Dealer	$350
2	Auctioneer	$350
3	Bicycle Dealer	$200
4	Body Modification Establishment	$500
5	Body Modification Technician	$110
6	Escort	$130
7	Escort Agency	$4,000
8	Food Services Establishment (Low Risk)	$335
9	Food Services Establishment (Medium Risk)	$400
10	Food Services Establishment (High Risk)	$550
11	Hostel	$300
12	Independent Escort Agency	$2,000
13	Large Public Venue	$150
14	Massage Parlour	$4,000
15	Massagist	$130
16	Precious Metals Dealer	$400
17	Swimming Pool – Indoor	$500
18	Swimming Pool – Outdoor	$350
19(a)	Temporary Food Service Establishment	$300
19(b)	Temporary Food Service Establishment - Extension	$150
20	Temporary Food Services Establishment (Limited) (operate for a period of 2 hours or less)	$125
22	Used Goods Dealer	$450
23	Used Material Yard	$330
24	Whirlpool	$700

Part 2: All license fees in this part are applicable to the licence year June 1, 2008 to May 31, 2009 and are subject to an inflationary increase based on the Consumer Price Index thereafter. Licence holders renewing a licence must pay the fee as increased by the rate of inflation.

No.	Business License	Annual Fee
24	Converted Residential Dwelling	$275
25	Converted Residential Dwelling with Shared Facilities	$425
26	Outdoor Mobile Food Vendors	$350
27	Shared Facilities Dwelling	$240

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Schedule B
to the Doing Business in Winnipeg By-law No._____

	HANDLING OF PRE-PACKAGED LOW RISK FOODS OTHER THAN IN A RETAIL FOOD STORE 5	HANDLING OF UN-PACKAGED LOW RISK FOODS 5	HANDLING OF PRE-PACKAGED POTENTIALLY HAZARDOUS FOODS 10	MINIMALLY HANDLED POTENTIALLY HAZARDOUS FOODS 15	MODERATELY HANDLED POTENTIALLY HAZARDOUS FOODS 20	EXTENSIVELY HANDLED POTENTIALLY HAZARDOUS FOODS 30
ADULT ONLY ESTABLISHMENTS 5	10	10	15	20	25	35
ALL OTHER LOCATIONS 10	15	15	20	25	30	40
DAYCARES / NURSING HOMES / SENIORS RESIDENCES 15	20	20	25	30	35	45
MEDICAL TREATMENT FACILITY / MEDICAL BOARDING FACILITY 25	30	30	35	40	45	55

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Appendix B

FEE SCHEDULE

Part 1: All licence fees in this section are annual for the licence year June 1, 2008 to May 31, 2009 and subject to an annual increase equal to the increase in the Consumer Price Index average thereafter.

No.	Business Licence	Old Annual Fee	New Annual Fee
1	Antique Dealer	$200	$350
2	Auctioneer	$200	$350
3	Bicycle Dealer	$90	$200
4	Body Modification Establishment	$460	$500
5	Body Modification Technician	$110	$110
6	Escort	$105	$130
7	Escort Agency	$4,000	$4,000
8	Food Services Establishment – Low Risk	$200	$335
9	Food Services Establishment – Medium Risk	$330	$400
10	Food Services Establishment – High Risk	$330	$550
11	Hostel	$205	$300
12	Independent Escort Agency	-	$2,000
13	Large Public Venue	$160 to $390	$150
14	Massage Parlour	$4,000	$4,000
15	Massagist	$120	$130
16	Precious Metals Dealer	$365	$400
17	Swimming Pool - Indoor	-	$500
18	Swimming Pool - Outdoor	-	$350
19a	Temporary Food Service Establishment (up to 14 days)	$210	$300
19b	Temporary Food Service Establishment – extension	-	$150
20	Temporary Food Service Establishment – Limited (operate for a period of 2 hours or less)	$210	$125
21	Used Goods Dealer	$305 to $605	$450
22	Used Material Yard	$330	$330
23	Whirlpool	-	$700

Part 2: All licence fees in this section are annual for the licence year January 1, 2009 to December 31, 2009 and subject to an annual increase equal to the increase in the Consumer Price Index average thereafter.

No.	Business Licence	Old Annual Fee	New Annual Fee
24	Converted Residential Dwelling	$340	$275
25	Converted Residential Dwelling with Shared Facilities	$340	$425
26	Outdoor Mobile Food Vendor	$235 to $310	$350
27	Shared Facilities Dwelling	$340	$240

Appendix C

COMPLIANCE/ INSPECTION SCHEDULE

Licence	Zoning	Fire Prevention	Record Review	Public Health	Comments
Antique Dealer	X	X	X		
Auctioneer	X	X	X		
Bicycle Dealer	X		X		
Body Modification Establishment	X		X	X	
Body Modification Technician	X		X		
Converted Residential Dwelling	X	X			Formerly Rooming House
Converted Residential Dwelling with Shared Facilities	X	X		X	Formerly Rooming House
Escort			X		
Escort Agency	X		X		Formerly Dating & Escort
Food Services Establishment – Low Risk	X			X	
Food Services Establishment – Medium Risk	X			X	
Food Services Establishment – High Risk	X			X	
Hostel	X	X	X	X	
Independent Escort Agency	X		X		New sub-category
Large Public Venue	X	X			New consolidated licence
Massage Parlour	X		X		
Massagist			X		
Outdoor Mobile Food Vendors				X	
Precious Metals Dealer	X		X		
Shared Facilities Dwelling	X			X	Formerly Rooming House
Swimming Pool - Indoor	X			X	New
Swimming Pool - Outdoor	X			X	New
Temporary Food Services Establishment	X			X	
Temporary Food Services Establishment – Limited (operate for a period of 2 hours or less)	X			X	New sub-category
Used Goods Dealer	X	X	X		Formerly Pawn Shop & Second Hand Dealer
Used Material Yard	X	X			
Whirlpool				X	New

Business Licences proposed to be deleted in the previous report

The licensing requirement be removed for the following business activities in which the regulatory requirements are perceived as either being unnecessary, redundant, or regulated by other existing regulatory processes.

Licence Category	Current Licensing Regulations	Zoning Regulations	Other Considerations
Amusement Device	Ensure name, address & telephone number of owner displayed on machine	Allowed as an Accessory Use in Parks, Commercial and Industrial	Amusement Devices; no longer a contemporary concern.
Amusement Parlour	Community Committee approval of new licence applications, record review and Certificate of Fire Paramedic Chief required. Hours of operation regulated and parental consent of minors under 16 years of age required.	Conditional in Parks, Permitted in Commercial and Industrial	Nature of business has evolved; no longer a municipal concern. Rides regulated under The Amusement Act.
Awning & Canopy Installer	$10,000 Bond of indemnity $1.5M insurance policy	Not Regulated	May require ***Use of Street Permit*** if blocking public right of way
Billiard Parlour	Community Committee approval of new licence applications. Hours of operation regulated	Conditional in Parks, Permitted in Commercial and Industrial	No longer a contemporary concern from a public safety perspective.
Bus	Operator must provide name, licence plate and business address to customer upon request	Not Regulated	Regulated under the Motor Vehicle Act
Canvasser	Hour of operation regulated. Can not solicit orders on street.	Not Regulated	Direct Sellers Licence - The Consumer Protection Act
Chimney Sweep	Certificate of Fire Paramedic Chief required.	Not Regulated	Minor modification to ***Fire Prevention by-law*** will provide adequate regulation
Crane Operator	$10,000 Bond of indemnity $1.5M insurance policy	Not Regulated	May require ***Use of Street Permit*** if blocking public right of way
Furnace Vacuum Cleaner	$10,000 Bond of indemnity	Not Regulated	Usually residential activity. May require ***Use of Street Permit*** if blocking public right of way
Game (includes gaming devices)	Ensure name, address & telephone number of owner displayed on machine	Not Regulated	Gaming Devices no longer a contemporary concern
Hatchery, Chick		Conditional in Agricultural	Only a zoning issue at the municipal level.
Hawker	Hours of operation & location regulated. Ensure name, address & telephone number of owner displayed on vehicle.	Not Regulated	May require ***Use of Street Permit*** if using public right of way. Regulated under the Consumer Protection Act - Direct Sellers Licence

Licence Category	Current Licensing Regulations	Zoning Regulations	Other Considerations
House Mover	$10,000 Bond of indemnity	Not Regulated	Regulated through a move permit issued under the ***Traffic By-law No. 1573/7.***
Insulating Machine	$10,000 Bond of indemnity	Not Regulated	Usually residential activity. May require ***Use of Street Permit*** if blocking public right of way
Itinerant Photographer	Provide name and address of employees/ agents to Chief License Inspector	Not Regulated	Direct Sellers Licence - The Consumer Protection Act
Itinerant Salesman	Provide name and address of employees/ agents to Chief License Inspector	Not Regulated	Direct Sellers Licence - The Consumer Protection Act
Karting Track	Community Committee approval of new licence applications. $.5 M insurance policy required.	Conditional in Parks and minor Commercial, Permitted in major Commercial and Industrial	Regulated for safety under The Amusement Act
Laundry/ Dry Cleaning Plant	Hours of operation regulated. Ensure name, address and telephone number of operator must be posted.	Permitted in Industrial	No longer a contemporary concern
Livery Stable	Community Committee approval of new licence applications	Conditional in Agricultural	Regulated under The Farm Practices Protection Act
Livestock Dealer		Conditional in Agricultural	No longer a contemporary concern
Magazine Salesman	Hours of operation regulated. Provide name and address of employees/ agents to Chief License Inspector	Not Regulated	Direct Sellers Licence - The Consumer Protection Act
Motor Raceway	Community Committee approval of new licence applications. Certificate of Building Services, Fire Paramedic Chief, and Engineer's design. $2M insurance policy. Vehicles must be certified by a qualified mechanic.	Conditional in Parks, Commercial and Industrial	Amusement rides regulated under the Amusement Act
Oil Supply Service	$10,000 Bond of indemnity	Not Regulated	May require ***Use of Street Permit*** if blocking public right of way
Pet Shop	Certificate of Public Health Inspector	Retail allowed in all Commercial	Regulated under the Animal Care Act
Plant Stall		Not Regulated	No longer a contemporary concern.
Poultry Keeper		Conditional in Agricultural	Only a zoning issue at the municipal level. Operations regulated Provincially.
Poultry Slaughter House	Community Committee approval of new licence applications. Certificate of Public Health Inspector required.	Conditional in Agricultural, Permitted in Heavy Industrial	Only a zoning issue at the municipal level. Operations regulated Provincially.
Psychic Reader	Photograph and record review required.	Not Regulated	No longer a contemporary concern

Licence Category	Current Licensing Regulations	Zoning Regulations	Other Considerations
Rides	General liability insurance required	Not Regulated unless under a Special Event Permit	Regulated under The Amusement Act
Shooting Gallery	Certificate of Building Services required.	If indoor - Conditional in Parks, Permitted in Commercial and Industrial, If outdoor – Conditional in Parks, Permitted in Industrial and major Commercial areas.	No longer a contemporary fire safety concern
Shuffleboard		Not Regulated	No longer a contemporary concern
Sign Erector	$10,000 Bond of indemnity $1.5M insurance policy	Not Regulated	May require ***Use of Street Permit*** if blocking public right of way
Skateboard Facility	Certificate of Building Services	If indoor - Conditional in Parks, Permitted in Commercial and Industrial, If outdoor – Conditional in Parks, Permitted in Industrial and major Commercial areas.	Building permit required for construction
Soap Manufactory	Community Committee approval of new licence applications	Permitted in Industrial	No longer a contemporary concern
Soils Dealer	Community Committee approval of new licence applications. Certificate of Fire Paramedic Chief	Conditional in Agricultural, Permitted in Heavy Industrial	Only a zoning issue at the municipal level
Souvenir Book Seller	Provide name and address of employees/ agents to Chief License Inspector	Not Regulated	Direct Sellers Licence - The Consumer Protection Act
Souvenir Seller	Provide name and address of employees/ agents to Chief License Inspector	Not Regulated	Direct Sellers Licence - The Consumer Protection Act
Street Artist	Provide name and address to Chief License Inspector	Not Regulated	May require ***Use of Street Permit*** if blocking public right of way
Tannery	Community Committee approval of new licence applications. Certificate of Fire Paramedic Chief.	Permitted in Heavy Industrial	Only a zoning issue at the municipal level
Tobacconist		Retail Permitted in Commercial	Tobacco shops that permit smoking samples would still be inspected under the Smoking By-law
Toboggan Slide	Certificate of Building Services required.	Not Regulated	
Trailer Park		Permitted only in Mobile Home Park Zoning District	Regulated under the ***Mobile Home License By-law No. 821/74***
Transient Trader	Provide name and address of employees/ agents to Chief License Inspector	Not regulated	Direct Sellers Licence - The Consumer Protection Act

Licence Category	Current Licensing Regulations	Zoning Regulations	Other Considerations
Undertaker, Funeral Director	Community Committee approval of new licence applications	Retail Permitted in Commercial	Regulated under the Embalmers & Funeral Directors Act
Used Material Collector	Hours of operation regulated. May not acquire goods from minors.	Permitted in Medium and Heavy Industrial	Used material yards still regulated
Vending Machines (excluding vending machines that sell foods that may pose a health risk)	Ensure name, address & telephone number of owner displayed on machine	Not Regulated	No longer a contemporary concern. (Vending machines selling foods that may pose a health risk will be regulated within the Doing Business in Winnipeg By-law).
Waste Oil Trucker	Tank must be equipped with a metered power take-off pump, records maintained & weekly report submitted to Director of Water & Waste.	Not Regulated	Regulated under the Dangerous Goods Handling & Transportation Act. Concurrence from Director of Water & Waste received
Window Installer	$10,000 Bond of indemnity $1.5M insurance policy	Not Regulated	May require ***Use of Street Permit*** if blocking public right of way
Window Washer	$10,000 Bond of indemnity $1.5M insurance policy	Not Regulated	May require ***Use of Street Permit*** if blocking public right of way

Additional business licences proposed to be removed:

Licence Category	Current Licensing Regulations	Zoning Regulations	Other Considerations
Auctioneer's Assistant	Certificate from Record Review Board and bond of indemnity	Not applicable	Auctioneer will continue to be licensed
Barber Shop	Certificate of Public Health Inspector	Permitted in Residential Mixed Use, Commercial, Commercial Mixed Use, Manufacturing Mixed Use and M1 Industrial	Hairstylists, Electrologists and Estheticians are certified under the Manitoba Apprenticeship Training program.
Beauty Salon	Certificate of Public Health Inspector	Permitted in Residential Mixed Use, Commercial, Commercial Mixed Use, Manufacturing Mixed Use and M1 Industrial	Hairstylists, Electrologists and Estheticians are certified under the Manitoba Apprenticeship Training program.
Carnival	Certificate of Fire Paramedic Chief, Community Committee approval of new licence application and restrictions on the hours of operation	Temporary use - Special Event	Rides are regulated under The Amusement Act. Vendors selling food will continue to be regulated as a food services establishment
Flea Marker Promoter	Provide a record of all vendors	Not Regulated unless classified as a Special Event	Vendors selling food will continue to be regulated as a food services establishment
Massage Therapist	Accreditation from a recognized educational institution, CPR certificate and insurance	Not regulated	