**Minutes – Executive Policy Committee – February 22, 2013**

**Minute No. 174**
**Report – Standing Policy Committee on Protection and Community Services – February 19, 2013**

**Item No. 1 Doing Business in Winnipeg By-law 91/2008 Review; Food Establishment By-law No. 5160/89**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submits the following to Council:

1. That the following amendments to the Doing Business in Winnipeg By-law No. 91/2008 (as per Appendix A) be approved:

    A. Replace the Duration of Licence Schedule with an annual licence term, with renewal fees payable by the anniversary date of the issuance of the licence.
    B. Eliminate the licence categories of 'Auctioneer', 'Antique Dealer', and 'Large Public Venue'.
    C. Amend the definition of 'used goods' to exclude DVDs, movies, and video games, and amend the definition of 'Used Goods Dealer' to exclude businesses that deal exclusively in donated items, automobile parts, specialized medical equipment, sporting goods, appliances, home and office furniture, or children's furniture and clothing.
    D. Create a new licence category called 'Flea Market'.
    E. Create a new licence category called 'Food Services Establishment-Caterer'.
    F. Create a new licence category called 'Temporary Food Service Establishment – Seasonal'.
    G. Exempt 'Temporary Food Service Establishments' which serve only low-hazard food or low-hazard beverages from obtaining a licence.
    H. Require verification of compliance with the Neighbourhood Liveability By-law from a By-law Enforcement Officer for Hostel Licences, in place of the requirement for public health inspection and compliance with The Public Health Act.
    I. Amend the By-law to require verification of compliance with the Neighbourhood Liveability By-law from a By-law Enforcement Officer, for Converted Residential Dwellings with Shared Facilities Licences.
    J. Allow renewals of licences that have been expired for less than one year, upon payment of administrative fee.
    K. Incorporate bailiff services as a method of collecting fees on delinquent accounts.

**Report – Standing Policy Committee on Protection and Community Services – February 19, 2013**

L. Make amendments to improve business/technical processes as required, in order to ensure the most effective administration of the By-law.

2. That the consequential amendments to the Food Service Establishment By-law No. 5160/89 (as per Appendix A) be approved:
   A. Remove 'Shared Facilities Dwelling' and 'Hostel' from the definition of 'Food Service Establishment'.
   B. Revise definition and operating parameters for 'Catering Establishments'.
   C. Add definition and operating parameters for 'Seasonal Temporary Food Service Establishments'.

3. That the fee amounts and fee schedule as currently contained in the Doing Business in Winnipeg By-law No. 91/2008 be repealed, with all current fees being included in the City of Winnipeg's Fees and Charges Schedule.

4. That the financial implications associated with this report be referred to the 2013 – 2015 Budget process.

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

## Report – Standing Policy Committee on Protection and Community Services – February 19, 2013

DECISION MAKING HISTORY:

Moved by Councillor Fielding,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Fielding,

That the recommendation of the Standing Policy Committee on Protection and Community Services be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On February 19, 2013, the Standing Policy Committee on Protection and Community Services concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

# ADMINISTRATIVE REPORT

**Title:** **Doing Business in Winnipeg By-law 91/2008 Review**

**Critical Path:** Standing Policy Committee on Protection and Community Services, Executive Policy Committee, Council

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| M. Fifer | Original Signed By<br>C. Wightman<br>D. Clunis<br>R. Douglas | M Ruta | D Joshi<br>COO |

## RECOMMENDATIONS

1. That Council approve the following amendments to the Doing Business in Winnipeg By-law 91/2008 (as per Appendix A):

    a. Replace the Duration of Licence Schedule with an annual licence term, with renewal fees payable by the anniversary date of the issuance of the licence.
    b. Eliminate the licence categories of *'Auctioneer', 'Antique Dealer', and 'Large Public Venue'.*
    c. Amend the definition of *'used goods'* to exclude DVDs, movies, and video games, and amend the definition of *'Used Goods Dealer'* to exclude businesses that deal exclusively in donated items, automobile parts, specialized medical equipment, sporting goods, appliances, home and office furniture, or children's furniture and clothing.
    d. Create a new licence category called *'Flea Market'*.
    e. Create a new licence category called *'Food Services Establishment-Caterer'*.
    f. Create a new licence category called *'Temporary Food Service Establishment – Seasonal'*.
    g. Exempt '*Temporary Food Service Establishments*' which serve only low-hazard food or low-hazard beverages from obtaining a licence.
    h. Require verification of compliance with the Neighbourhood Liveability By-law from a By-law Enforcement Officer for Hostel Licences, in place of the requirement for public health inspection and compliance with The Public Health Act.
    i. Amend the By-law to require verification of compliance with the Neighbourhood Liveability By-law from a By-law Enforcement Officer, for Converted Residential Dwellings with Shared Facilities Licences.
    j. Allow renewals of licences that have been expired for less than one year, upon payment of administrative fee.
    k. Incorporate bailiff services as a method of collecting fees on delinquent accounts.
    l. Make amendments to improve business/technical processes as required, in order to ensure the most effective administration of the By-law.

2. That Council approve the consequential amendments to the Food Service Establishment By-law 5160/89 (as per Appendix A):

    a. Remove 'Shared Facilities Dwelling' and 'Hostel' from the definition of 'Food Service Establishment'.
    b. Revise definition and operating parameters for 'Catering Establishments'.
    c. Add definition and operating parameters for 'Seasonal Temporary Food Service Establishments'.

3. That the fee amounts and fee schedule as currently contained in the Doing Business in Winnipeg By-law be repealed, with all current fees being included in the City of Winnipeg's Fees and Charges Schedule.

4. That the financial implications associated with this report be referred to the 2013 – 2015 Budget process.

5. That the proper Officers of the City be authorized to do all things necessary in order to implement the intent of the foregoing.

## REASON FOR THE REPORT

The Doing Business in Winnipeg By-law was passed by Council on April 23, 2008, and implemented on June 1, 2008. The By-law has three key principles for licensing businesses in Winnipeg: 1) Public Health Protection; 2) Fire Safety; and 3) Crime Prevention.

Council approval is required to amend the Doing Business in Winnipeg By-law, to accurately reflect business licensing services in Winnipeg.

## IMPLICATIONS OF THE RECOMMENDATIONS

**Policy Implications**

1. The Public Service has reviewed the Doing Business in Winnipeg By-law and proposes the following amendments:

***Duration of License Schedule:***

a. An annual licence term allows a new licence applicant to operate for a full year, with annual fees being due on the anniversary date of the issuance of the licence. Late annual fee payments will still be subject to existing penalties. The annual licence will not apply to licences specifically issued for limited periods of time, such as Temporary Food Service Establishment licences.

***Elimination of Auctioneer, Antique Dealer, Large Public Venue Categories:***

b. The licence categories 'Auctioneer' and 'Antique Dealer' may be safely eliminated, as the risk of these venues being used to market stolen goods is not significant. Further, Winnipeg Fire Paramedic Service (WFPS) has a mandated inspection program under the Fire Safety Inspections Regulation, which addresses fire safety in public venues, and eliminating the 'Large Public Venue' licence category will reduce red tape.

***Amend Definition of Used Goods:***

c. Similar to CDs and LPs, DVDs, movies, and video games will be excluded from the definition of used goods, as administrative costs associated with tracking these items is high and they have limited benefit for crime prevention and enforcement activities. Additionally, 'Used Goods Dealers' who deal exclusively in donated items, automobile parts, specialized medical equipment, sporting goods, appliances, home and office furniture, or children's furniture and clothing pose little risk, and crime prevention-related enforcement activities are not necessary for these types of businesses.

***Creation of New License Categories:***

d. Creating a new licence category for flea markets allows some operating conditions to be imposed, with oversight by Winnipeg Police Service, for crime prevention purposes. Flea markets usually involve multiple temporary vendors under one roof, and appeal to small-scale businesses that deal primarily in used goods and collectables. Due to the limited nature of the operation, meeting retention and reporting requirements to the WPS is difficult, and the risk of stolen goods at flea markets is low. The licence proposed would have less stringent reporting requirements (this does not apply to precious metals dealers who must meet all applicable licensing and reporting requirements).
e. Creating a new licence category for restaurants who would like to be able to offer off-site catering services improves opportunities to cater special events, and eliminates the requirement for a temporary event licence for each occasion. Catered public events will still be subject to unannounced inspections, to ensure a consistent level of public safety and health protection.
f. A new licence for temporary food service establishments that are seasonal in nature, such as those preparing and serving food at a farmers' market, will allow the vendor to obtain a single licence for the season, and not have to obtain a Temporary Food Service Establishment License every 14 days. Seasonal Temporary Food Service Establishments will still require public health inspections and approvals, the fact that they operate in the same location week after week minimizes the need for repeat inspections.

***License Exemption – "Low-Hazard" Temporary Food Service Establishments:***

g. Temporary food service establishments serving only low-hazard items generally do not pose a risk to public health, and therefore do not require public health oversight and approvals. Such operations might include beverages or frozen novelties being sold or sampled at special events. These establishments will no longer require a licence under the By-law.

***Amend Hostel License Requirement Under Neighbourhood Liveability By-law:***

h. Hostels tend to be residential in nature, and licence approvals should include inspections by a By-law Enforcement Officer, to verify compliance with the Neighbourhood Liveability By-law rather than public health inspections.

***Amend Converted Residential Dwellings with Shared Facilities License Requirement Under Neighbourhood Liveability By-law:***

i. Converted Residential Dwellings with Shared Facilities is the licence required by a typical rooming house. Prior to a new licence application being approved, an Inspection by a By-law Enforcement Officer should be conducted, to ensure compliance with the Neighbourhood Liveability By-law.

***License Renewal Allowance:***

j. Business operators will be allowed to renew an expired licence upon payment of an administrative fee, for up to one year after the expiry date. This was the case under the old Licence By-law, when a failure to pay the licence fee but otherwise operating in compliance with the By-law was seen as a matter of debt collection rather than a By-law violation.

***Bailiff Services:***

k. Bailiff services are recommended to improve licence fee collection systems. This proved effective under the old Licence By-law (up to June 2008), with no additional costs to the City.

***Technical Amendments:***

l. Amendments are being made to improve administration and efficiency, such as adding tools and electronics to the definition of 'used goods', and addressing credit notes as a form of payment from Used Goods Dealers.

2. Recommendations with respect to the Food Service Establishment By-law:

***Amend Definition of Food Service Establishment and By-law:***

a. Hostels and shared facilities dwellings are primarily residential in nature, and compliance with the stringent kitchen requirements of the Food Service Establishment By-law is unnecessary. Instead, inspections should focus on compliance with the Neighbourhood Liveability By-law to determine compliance with housing and neighbourhood standards.

b. & c. Amendments to the Food Service Establishment By-law are necessary to define catering operations and seasonal temporary food service establishments, and to more accurately reflect the nature of the business they are conducting.

**Financial Implications**

The Doing Business in Winnipeg By-law amendments recommended in this report will result in decreased revenue in each year ($51,568 in 2013; $85,051 in 2014; $84,992 in 2015 forward). The elimination of the Auctioneer, Antique Dealer, and Large Public Venue licences and the amendment to the definition of a *'Used Goods Dealer'* is proposed to take effect immediately. Prorated refunds, considering the approval month of this report, for those license categories proposed for elimination will be issued.

Recognizing that there is a cost to implement these policy changes, this cost will be addressed through licence rate adjustments, that move towards full cost recovery pricing, during the 2013-2015 operating budget process and will therefore be eliminated upon approval of the 2013 budget.

**Other:**

A Doing Business in Winnipeg By-law Fact Sheet is included as Appendix B.

## HISTORY

In its report, the Red Tape Commission recommended simplifying the way we licence and regulate businesses in Winnipeg. As a result, the Doing Business in Winnipeg By-law was passed by Council on April 23, 2008, and implemented on June 1, 2008. The By-law has three key principles for licensing businesses in Winnipeg: 1) Public Health Protection; 2) Fire Safety; and 3) Crime Prevention. Based on these principles and the nature of City services provided, the number of types of business requiring a business licence was reduced from approximately 80 to 29.

## FINANCIAL IMPACT

**Financial Impact Statement** **Date:** November 30, 2012

**Project Name:** **First Year of Program** **2012**

Doing Business in Winnipeg By-Law 91/2008 Review

| | 2012 | 2013 | 2014 | 2015 | 2016 |
|---|---|---|---|---|---|
| **Capital** | | | | | |
| Capital Expenditures Required | $ - | $ - | $ - | $ - | $ - |
| Less: Existing Budgeted Costs | - | - | - | - | - |
| Additional Capital Budget Required | $ - | $ - | $ - | $ - | $ - |
| **Funding Sources:** | | | | | |
| Debt - Internal | $ - | $ - | $ - | $ - | $ - |
| Debt - External | - | - | - | - | - |
| Grants (Enter Description Here) | - | - | - | - | - |
| Reserves, Equity, Surplus | - | - | - | - | - |
| Other - Enter Description Here | - | - | - | - | - |
| Total Funding | $ - | $ - | $ - | $ - | $ - |
| Total Additional Capital Budget Required | $ - | | | | |
| Total Additional Debt Required | $ - | | | | |
| **Current Expenditures/Revenues** | | | | | |
| Direct Costs | $ - | $ - | $ - | $ - | $ - |
| Less: Incremental Revenue/Recovery | (6,330) | (51,568) | (85,051) | (84,992) | (84,992) |
| Net Cost/(Benefit) | $ 6,330 | $ 51,568 | $ 85,051 | $ 84,992 | $ 84,992 |
| Less: Existing Budget Amounts | 6,330 | 51,568 | 85,051 | 84,992 | 84,992 |
| Net Budget Adjustment Required | $ - | $ - | $ - | $ - | $ - |

**Additional Comments:**

The Doing Business in Winnipeg By-law amendments recommended in this report will result in decreased revenue in each year ($51,568 in 2013; $85,051 in 2014; $84,992 in 2015 forward).

Recognizing that there is a cost to implement these policy changes, this cost will be addressed through license rate adjustments, that move towards full cost recovery pricing, during the 2013 – 2015 operating budget process and will therefore be eliminated upon approval of the 2013 budget.

original signed by
Cindy Fernandes
Department Controller
Community Services Department

## CONSULTATION

**In preparing this Report there was consultation with:**

- Legal Services Department
- Chief Financial Officer
- Manitoba Health
- Farmers' Market Association of Manitoba
- Manitoba Restaurant and Foodservices Association

## SUBMITTED BY

Department: Community Services Department
Division: Community By-law Enforcement Services
Prepared by: Marcia Fifer, Administrative Coordinator - Licensing
Date: November 30th, 2012
File No.

**Appendix A:**



Draft Amending Bylaw

**Appendix B:**



DBIW Fact Sheet

**September 27, 2012**

**THE CITY OF WINNIPEG**

**BY-LAW NO.**

A By-law of THE CITY OF WINNIPEG to amend the Doing Business in Winnipeg By-law and the Food Service Establishment By-law

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

## PART 1
## AMENDMENTS TO THE DOING BUSINESS IN WINNIPEG BY-LAW

**Doing Business in Winnipeg By-law amended**

**1** The Doing Business in Winnipeg By-law No. 91/2008 is amended by this Part.

**Section 2 amended**

**2** Section 2 is amended by adding the following in alphabetical order:

***"applicable fee"*** *means a fee established by the Council of the City of Winnipeg, or pursuant to a delegation by Council, for the licence, service or other thing to which reference is made;*

***"licence"****, unless the context requires otherwise, means a licence issued under this By-law;*

**Clause 5(1)(a) replaced**

**3** Clause 5(1)(a) is replaced with the following:

*(a) who pay the applicable fee or fees for that licence;*

**Section 6 replaced**

**4** Section 6 is replaced with the following:

***Duration of licence***

*6 Where the expiration date of a licence is set out on the licence itself, the licence expires on the expiration date set out. Where the expiration date of a licence is not set out on the licence itself, the licence expires on the anniversary of the date it was issued.*

**Section 7 amended**

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**5(1)** Subsection 7(1) is amended by replacing "*the fee set out in Schedule A to renew the licence*" with "*the applicable fee*".

**5(2)** Subsection 7(2) is replaced with the following:

*7(2) A licence holder whose licence has expired may nonetheless renew the licence within one year after its expiration if the licence holder pays the applicable administrative fee in addition to the applicable fee to renew the licence.*

**Section 13 amended**

**6(1)** Subsections 13(1) and (2) are amended by replacing "*fee specified in Schedule "A"*" with "*applicable fee or fees*".

**6(2)** Subsection 13(2) is replaced with the following:

*13(3) An applicant must pay the entire annual licence fee applicable to the business even though the business will not be in operation throughout the entire year.*

**6(3)** Subsections 13(6) and (7) are repealed.

**Section 13.1 added**

**7** The following is added after section 13:

***Collection of licence fees***

*13.1 Without affecting any other remedy which the City may have to collect fees, if any business for which a licence is required by this By-law is carried on without a licence having been issued or with the licence for that business having expired, the designated employee is authorized to enforce payment of the applicable licence fee or fees by seizure and sale of the goods found on the premises in which the business is carried on or of the goods of the person who is carrying on the business wherever those goods may be found.*

**Several provisions amended**

**8** The following provisions are amended by striking out "*including a licence renewed within 30 days of its expiry under subsection 7(2)*":

(a) subsection 21(1);
(b) subsection 28(1);
(c) subsection 36(1);
(d) subsection 43(1);
(e) subsection 54(1);
(f) subsection 61(1);
(g) subsection 64(1);
(h) subsection 69(1);
(i) subsection 84(1);

**Section 27 amended**

**9** The following is added after subsection 27(1):

*27(1.1) A licence must not be issued under this section unless the individual whose personal identification is required in subsection (1) applies in person in order to give the designated employee an opportunity to determine the accuracy of the identification and the photographs provided as part of the application.*

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**Section 28 amended**

**10** Subsection 28(4) is amended by replacing "*An*" at the beginning of the subsection *with "If the businesses are located within the City of Winnipeg, an*".

**Section 32 amended**

**11** Section 32 is amended by renumbering it as subsection 32(1) and adding the following after it:

32(2) In this Division

**"farmer's market"** means a collection of at least two independent vendors located on a single property in which

(a) the vendors occupy temporary booths or spaces; and

(b) at least 50% of the booths or spaces are offering for sale

(i) agricultural produce grown in Manitoba; or

(ii) products derived from agricultural produce grown in Manitoba, such as preserves, pickles and frozen meat;

and are physically staffed by the individual who produced the produce or products, a member of the immediate family of the individual, or an employee of the individual.

**Section 33 amended**

**12(1)** Subsection 33(1) is replaced with the following:

*33(1) Subject to the exceptions set out in subsections (2) and (3), a person who carries on the business of operating a food service establishment that is not a temporary food service establishment, an outdoor mobile food unit or a catering establishment must obtain a*

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

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

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

*as determined in accordance with section 34.*

**12(2)** Subsections 33(3) to (6) are replaced with the following:

*33(3) A person who carries on the business of operating a catering establishment must obtain a Food Service Establishment (Caterer) Licence. If the catering establishment operates in the same premises as a food service establishment referred to in subsection (1) and the same person carries on both businesses, the person must only obtain a Food Service Establishment (Caterer) Licence and is not required to obtain a licence referred to in subsection (1).*

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*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;*

*(b) a Temporary Food Service Establishment (14 Day) Licence if the establishment will operate at a single location for a period of 14 days or less; or*

*(c) a Temporary Food Service Establishment (Seasonal) Licence if the establishment is operating exclusively at a single fixed location in a particular farmer's market.*

*33(5) A person who holds a Temporary Food Service Establishment (14 Day) 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 if*

*(a) the applicant pays the applicable fee for this extension; and*

*(b) the Designated Employee is satisfied that the establishment meets the standards that it would have to meet for an initial licence to be issued.*

*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 unless the outdoor mobile food unit sells only*

*(a) pre-packaged food products that are not potentially hazardous food;*

*(b) frozen milk products; or*

*(c) fresh, uncut fruit or vegetables.*

**Section 43 amended**

**13** Clause 43(2)(a) is replaced with the following:

*(a) verification from an individual authorized to administer or enforce the Neighbourhood Liveability By-law that the premises at which the hostel is proposed to be operated meets the requirements of that By-law;*

**Division 5 repealed**

**14** Division 5 is repealed.

**Section 53 amended**

**15** The following is added after subsection 53(1):

*53(1.1) A licence must not be issued under this section unless the individual whose personal identification is required in subsection (1) applies in person in order to give the designated employee an opportunity to determine the accuracy of the identification and the photographs provided as part of the application.*

**Section 61 amended**

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**16** Clause 61(2)(a) is replaced with the following:

*(a) in the case of a Converted Residential Dwellings with Shared Facilities Licence, verification from an individual authorized to administer or enforce the Neighbourhood Liveability By-law that the premises at which the converted residential dwelling with shared facilities is proposed to be operated meets the requirements of that By-law;*

**Section 65 amended**

**17** Section 65 is amended by

(a) replacing the definition "*auctioneer*" with the following:

***"auctioneer"*** *means any person who, for the preponderant purpose of earning a profit, carries on the business of conducting private or public auctions in which real or personal property or goods belonging to persons other than the auctioneer are sold or offered for sale;*

(b) adding the following in alphabetical order;

***"flea market"*** *means two or more antique dealers, bicycle dealers or used goods dealers who are located on a single property in close proximity to one another in order to engage in transactions, or to offer to engage in transactions, with members of the public and whose hours of operation are limited to weekends and statutory holidays;*

(c) in the definition "*used goods*",

(i) replacing clause (a) with the following:

*(a) goods that are not new, including bicycles, antiques, collectibles other than precious metals, art, used jewelry that does not consist of precious stones or precious metals, precious metals, musical instruments, furniture, appliances, electronics, computers and computer software, video game systems, household goods, building materials, tools, and sports equipment;*

(ii) replacing clause e with "*used DVDs, videos, video games, compact discs and long-playing records*"; and

(iii) adding "*or used automobile parts*" at the end of clause (l).

(d) in the definition "*used goods dealer*",

(i) adding "*, appliances or used office equipment*" at the end of subclause (f)(iii);

(ii) replacing subclause (f)(iv) with the following:

*(iv) children's toys, car seats, strollers, children's furniture or children's clothing;*

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(iii) adding the following after subclause (f)(iv);

*(v) specialized medical equipment or mobility aids;*

*(vi) sports equipment;*

(iv) replacing clause (j) with the following:

*(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 that is purchased at the time the used goods are acquired on the basis of no greater than a one-for-one trade, but not as a retailer who issues credit notes for used goods so acquired;*

(v) replacing the period at the end of the definition with a colon and adding the following after clause (k):

*(l) a person who deals only in used goods that have been donated to the person without any payment or exchange of goods having been made for them; A person can be a corporation or a partnership.*

**Section 66 amended**

**18(1)** Subsections 66(1) and (2) are repealed.

**18(2)** In subsections 66(3) and 66(5), "*and 66.2*" is added after "*66.1*".

**Section 66.1 amended**

**19** Section 66.1 is amended

(a) in subsection (1), by adding "*holding*" immediately before "*a Temporary Trade Show Licence*"; and

(b) by replacing subsection (2) with the following:

*66.1(2) Notwithstanding section 66, but subject to subsection (3), a person may, as a dealer at a temporary trade show, carry on the business of a bicycle dealer, a precious metals dealer, or a used goods dealer without a licence issued under this Division if the person is listed as a participant in the temporary trade show by the holder of the Temporary Trade Show Licence for that temporary trade show in compliance with section 81.1.*

**Section 66.2 added**

**20** The following is added after section 66.1:

***Flea markets***

*66.2(1) Subject to subsection 81.2, a person must not carry on the business of a flea market organizer without holding a Flea Market Licence issued under this By-law for each location in which a flea market is organized or arranged by the person.*

*66.2(2) Notwithstanding section 66, a person may, as a dealer at a flea market, carry on the business of a bicycle dealer or a used goods dealer without a licence issued under this Division*

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*if the person is listed as a participant in the flea market by the holder of a Flea Market Licence for that flea market in compliance with section 81.2.*

**Section 68 amended**
**21** Subsection 68(1) is amended by replacing "*A licence under this Division*" with "*Subject to sections 81.1 and 81.2, a licence under this Division*".

**Section 69 amended**
**22** Subsection 69(3) is amended by replacing "*an Antique Dealer Licence, an Auctioneer Licence*" and substituting "*Flea Market Licence*".

**Section 73 amended**
**23** Clause 73(1)(b) is replaced with the following:

*(b) either*

*(i) the name, date of birth and current address of the individual from whom the used goods are being acquired and a description of the piece of identification provided by the individual that appears to be accurate from which the name, date of birth and current address of the individual have been obtained; or*

*(ii) a photocopy or electronically-scanned copy of the piece of identification that appears to be accurate.*

**Section 75 repealed**
**24** Section 75 is repealed.

**Section 81.1 amended**
**25** Subsection 81.1(1) is replaced with the following:

*81.1(1) Sections 69 to 81, inclusive, do not apply to the holder of a Temporary Trade Show Licence nor to a person to whom subsection 66.1(2) applies.*

**Section 81.2 added**
**26** The following is added after section 81.1:

***Flea markets***
*81.2(1) Sections 70 to 81, inclusive, do not apply to the holder of a Flea Market Licence nor to a person to whom subsection 66.2(2) applies.*

*81.2(2) It is a condition of a Flea Market Licence that the holder of the licence must:*

*(a) provide the names of every person occupying a booth, stall, table or other exclusive space at, or otherwise participating in, the flea market to the Police Chief at least five days prior to the person beginning to participate in the flea market; and*

*(b) provide access to enforcement officers, including on-duty members of the Winnipeg Police Service, to inspect all items for sale or being held on the*

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*premises, without fee or charge at any time that the flea market is open to the public.*

**Schedule A repealed**
**27** Schedule A is repealed.

## PART 2
## AMENDMENTS TO THE FOOD SERVICE ESTABLISHMENT BY-LAW

**Food Service Establishment By-law amended**
**28** The Food Service Establishment By-law No. 5160/89 is amended by this Part.

**Section 2 amended**
**29** Section 2 is amended

(a) by replacing the definition "C*atering Establishment*" with the following:

***"Catering Establishment"*** *means both*

*(a) the principal location of a food service establishment where food is prepared for consumption elsewhere than on the premises; and*

*(b) the temporary location or locations at which food prepared at the principal location is served by the owners or employees of the establishment;*

*but does not include a food service establishment that prepares food to be taken away by customers or delivered for consumption elsewhere without being served there by owners or employees of the establishment.*

(b) by striking out clause (i) in the definition "*Food Service Establishment*"; and

(c) by replacing the definition "*Temporary Food Service Establishment*" with the following:

***"Temporary Food Service Establishment"*** *means a food service establishment that operates at a single location for six months or less.*

**Section 35 replaced**
**30** Section 35 is replaced with the following:

***CATERING ESTABLISHMENTS***

*35.1 A catering establishment must comply with applicable requirements set out in this By-law in respect of food preparation at its principal location and must to the greatest extent practicable prepare food at its principal location in order to limit food preparation at the temporary location where the food is served.*

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*35.2 A catering establishment must comply with section 14 when transporting food.*

*35.3 A catering establishment must comply with section 32 with respect to any temporary location in which its food is served.*

**Section 36 amended**

**31(1)** Subsection 36.1 is replaced with the following:

*36.1 A Public Health Inspector may serve a deficiency order on the operator or the person in charge of a food service establishment, requiring the person to correct violations listed in or attached to the said order within a time period specified in the order. The operator or person in charge of a food service establishment must comply with a deficiency order within the time period specified in the order.*

**31(2)** Subsection 36.2 is amended by adding "*issued under this By*-law" immediately after "*A notice, decision or order*".

**DONE AND PASSED**, this day of , 2012.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Community Services

Approved as to form:

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For Director of Legal Services/City Solicitor

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# DOING BUSINESS IN WINNIPEG BY-LAW

## WHAT YOU NEED TO KNOW

**The *Doing Business in Winnipeg By-law* (No. 91/2008) was passed by Council on April 23, 2008. The By-law has three key principles for licensing businesses: 1) Public Health Protection; 2) Fire Safety; and 3) Crime Prevention. Based on these principles, the types of businesses requiring a business licence fall into one of the following nine (9) categories:**

1. **Body Modification Services (Tattoo and Piercing Shops and Technicians)**
2. **Escort Agencies**
3. **Food Services (Indoor, Outdoor, Temporary, and Mobile)**
4. **Hostels**
5. **Massagists and Massage Parlours**
6. **Multiple Family Dwellings**
7. **Public and Semi-public Swimming Pools and Whirlpools**
8. **Businesses Dealing in Used Goods and Precious Metals**
9. **Used Material Yards**

### What are the requirements for a business licence?

- One or more permits or approvals from other City of Winnipeg departments will be required before a licence can be issued.
- All businesses operating at a fixed location must have approval from Zoning to ensure that the location of their business is zoned appropriately for the proposed use. In each zoning district, certain land uses are permitted outright, others are conditional upon approval, and some are prohibited.
- Other approvals that may be required include Fire Prevention, Occupancy, Public Health Inspection, or Criminal Record Checks.
- To find out more about specific licence requirements, visit our website at **Winnipeg.ca/cms/license_branch/business_license.stm**.

### What if my business doesn't fall into one of the nine categories above?

- Business types that are not listed in the By-law do not require a City of Winnipeg business licence, but will still require Zoning and Occupancy approvals, along with other permits/licences that may be necessary for the type of business being conducted.
- For more information on applicable permits and licences, visit BizPaL Online Business Permits and Licences at **Winnipeg.ca/interhom/bizpal/**.

### Do I require a business licence if I am working from home?

- Home-based businesses do not require a business licence; however, there are still zoning requirements when operating a business from home, and a Home Occupation Permit may be required.
- Queries should be directed to the Zoning Branch of the Planning, Property and Development Department, located at 31-30 Fort Street, or online at **Winnipeg.ca/ppd/zoning.stm**.

### How long is a business licence good for?

- Most licences are valid for one year from the effective date (the date the business intends to start operating). The owner of the business is required to renew the business licence prior to its expiry date to maintain the licence in good standing.
- Failure to renew a business licence on time will result in late payment fees, and may result in Common Offence Notices (tickets) being issued to the business owner.

### How much does a business licence cost?

- The cost of a business licence depends on the type of business being licenced.
- Visit our website at **Winnipeg.ca/cms/license_branch/business_license.stm** for fees associated with a specific type of business.

### How do I apply for a business licence?

- The application form is available on our website at **Winnipeg.ca/cms/license_branch/business_license.stm**. You can also call 311 to request an application by mail, or visit the Licensing Office at 18-30 Fort St. during operating hours to pick up an application in person.
- Submit your business licence application, along with the associated licence fee, by mail or in person to:

**The City of Winnipeg**
**Licensing Office**
**18-30 Fort St.** (Main level of the Fort Garry Place Mall)
**Winnipeg, MB R3C 4X3**

Hours of operation are Monday to Friday, 8:30 am – 4:30 pm, except holidays. Please note that if you are attending our office in person, new licence applications should be submitted before 4:00 pm, and licence renewals before 4:15 pm, to allow for same-day processing.

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