

9.

BYLAW NO. 2-96 TOWN OF VEGREVILLE

THIS BYLAW BEING BYLAW NO. 2-96 OF THE TOWN OF VEGREVILLE, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF LICENSING AND REGULATING ANY BUSINESS OR INDUSTRY WITHIN THE TOWN OF VEGREVILLE

WHEREAS, Part 2 of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 1994 and amendments thereto, authorizes a Council to pass a bylaw for the purpose of regulating, controlling and licensing all businesses being carried on within the Town of Vegreville; and

WHEREAS, said Part 2 further provides that in any bylaw passed under said section, Council may make provisions that it considers necessary to carry out the purpose of the bylaw; and

WHEREAS, the Council of the Town of Vegreville deems it expedient and in the public interest to pass such a bylaw.

NOW THEREFORE, the Council of the Town of Vegreville in the Province of Alberta duly assembled enacts as follows.

This Bylaw may be cited as the "**Business License Bylaw.**"

1. DEFINITIONS

- 1.1 "**Applicant**" means a person who applies for a business license or a renewal of a business license as required by this Bylaw.
- 1.2 "**Application**" means a written application for a business license as provided for by this Bylaw.
- 1.3 "**Business**" includes any business, calling, trade, profession, industry, occupation, employment or the provision of goods or services totally within or partly within the Town, not otherwise specified herein, and not excluded by the Provincial Statutes.
- 1.4 "**Business License**" means a license issued pursuant to this Bylaw.
- 1.5 "**Carry On**" means operate, pick up, deliver, perform, keep, hold, occupy, deal in or use, for gain, whether as a principal or agent.
- 1.6 "**Charitable or Non-Profit Organization**" means a person(s) acting for charity or in the promotion of general social welfare which cannot legally or otherwise at any time distribute any dividend or profit to its members and includes:
 - a) a religious society or religious organization

- b) a service club
 - c) a community, veteran's or youth organization
 - d) a social, sport or fraternal organization or club
 - e) an employers or employees organization
- 1.7 **"Contractor - Construction"** means and includes subcontractor and subtrades such as, but not limited to, excavator, concrete placer, plasterer, stucco, brick layer, stone mason, building mover, landscaper, floor layer or finisher, painter and paper hanger, roofing and siding applicator, structural steel erector, insulator, carpenter and cabinet maker and woodworker, plumber and gasfitter, electrician, sheet metal worker, steam fitter.
- 1.8 **"Contractor - General"** means a person whether as principal or agent who is responsible for the construction of any building or structure that requires the use of two (2) or more construction contractors.
- 1.9 **"Council"** means the Municipal Council of the Town of Vegreville.
- 1.10 **"Development Officer"** means the Development Officer of the Town of Vegreville as appointed by Council.
- 1.11 **"Farmers Market"** means any person who is a member of the Alberta Agriculture Farmers Market Program approved by the Town of Vegreville, that sell products which they have handcrafted, grown or produced, processed or baked and sell their products a maximum of three (3) hours per week within the Town of Vegreville.
- 1.12 **"Hawker or Pedlar"** means any person whether as principal or agent who does not have a permanent place of business within the Town of Vegreville who:
- a) goes from house to house, business to business, solicits by telephone or offers for sale by any means any merchandise or services to any person, or
 - b) offers or exposes for sale to any person sample patterns, cuts, blueprints, merchandise or services to be delivered at a later date or shipped into the municipality, or
 - c) sells merchandise or services on the streets or from vacant lands, but does not include a person selling:
 - i) meat, fruit or other farm produce that has been produced, raised or grown by himself/herself, or
 - ii) fish or his/her own catching.
- 1.13 **"Home Occupation"** means the carrying on of any business by any person whether as principal or agent from a residence or accessory residential building within the Town of Vegreville. (See Schedule "C" for regulations.)

- 1.14 "**License Inspector**" means a person authorized by Council to carry out the provisions of this Bylaw and/or anyone acting or authorized to act on his/her behalf, including the Bylaw Enforcement Officer and any member of the Royal Canadian Mounted Police (RCMP) in the enforcement of this Bylaw.
- 1.15 "**License Year**" means the period commencing January 1st and ending December 31st.
- 1.16 "**Licensee**" means a person holding a valid and subsisting business license issued pursuant to the provisions of this Bylaw.
- 1.17 "**Non-Resident**" means any person who is not a permanent resident in the Town.
- 1.18 "**Non-Resident Business**" means a business whose headquarters or enterprise is located outside the Town that retails or wholesales goods, products or services within the Town by principal or agent to the general public.
- 1.19 "**Non-Resident Special Sale**" means the (disposal) retailing or wholesaling of goods or products by a business, person or agent to the general public from any premises within the Town for a period of less than thirty (30) days.
- 1.20 "**Person**" includes an individual, a group of individuals, firm, corporation, association, partnership, society or other similar cooperative organization.
- 1.21 "**Premises**" means and includes any store, office, warehouse, residential dwelling, factory, building enclosure, yard or other place occupied or capable of being occupied by any person for the purpose of carrying on any business.
- 1.22 "**Resident**" means a person who is a permanent resident in the Town.
- 1.23 "**Resident Business**" means a business that is located within the Town by either:
- a) ownership of the occupied premises for the purpose of carrying on a specified business, or
 - b) leasing premises for a period of not less than ninety (90) days for the purpose of carrying on a specified business; and
- that the business premises are in compliance with the Land Use Bylaw of the Town of Vegreville.
- 1.24 "**Seasonal Business**" means the supplying of goods, services or both and pertaining only to the cultivation of gardens, yard maintenance or snow removal during a seasonal term of either April 1 to October 31 or November 1 to April 30.
- 1.25 "**Town**" means the Municipal Corporation of the Town of Vegreville, and where the context so requires means the area contained within the corporate boundaries of the said municipality.

1.26 "Town Manager" means the Town Manager of the Town of Vegreville as appointed by Council.

1.27 "Trade Show" means the assembling of persons in one location for the purpose of promotion or providing goods and services to the general public.

2. APPOINTMENT OF LICENSE INSPECTOR

2.1 The Council shall appoint a License Inspector to carry out the provisions of the Bylaw.

3. DUTIES OF A LICENSE INSPECTOR

- 3.1 To receive and consider all applications for a business license.
- 3.2 To conduct investigations with regard to proposed applications and suspected situations where business is being or believed to be carried on without a business license pursuant to this Bylaw.
- 3.3 To conduct inspections of business premises.
- 3.4 To collect business license fees pursuant to this Bylaw.
- 3.5 To grant with or without conditions or refuse business licenses where deemed appropriate.
- 3.6 To revoke business licenses where deemed appropriate and necessary.
- 3.7 To administer the Bylaw, and as far as practical, see that all concerned conform to its provisions.
- 3.8 To monitor all forms of advertising directed to the Town residents.
- 3.9 To initiate legal court action for violations of this Bylaw.

4. NECESSITY FOR BUSINESS LICENSE

- 4.1 No person shall within the Town:
- a) carry on or operate any business referred to in this Bylaw, or
 - b) carry on any undertaking or do any act or use or have any article for which a business license is required under the provisions of this Bylaw,
- unless he/she holds a valid and subsisting business license to do so issued pursuant to the provisions of this Bylaw.
- 4.2 Notwithstanding Subsection 4.1, no business license shall be required:
- a) For any business providing goods or services to the Town of Vegreville for business related to the normal operation of the municipality.

- b) By the Elk Island Regional School System, the Vegreville Catholic Separate School District No. 16 and the Lakeland College for business related to the normal operation of their respective educational systems.
 - c) For a non-resident business that supplies bulk goods to a licensed resident business for the purpose of resale.
 - d) By a person under 18 years of age and a student who does not have a permanent place of business or is not operating as a hawker and pedlar.
- 4.3 Notwithstanding any provision in this Bylaw, a business license shall not be required by any person or business if any Statute of Canada or of the Province of Alberta exempts such person or business from requirements of municipal licensing.
- 4.4 No person shall carry on or operate any business within or partly within the Town of Vegreville without first securing or holding a valid and subsisting business license issued pursuant to the provisions of this Bylaw and amendments thereto, and Bylaws passed from time to time, unless specifically exempted by law.

5. INDIVIDUAL BUSINESS LICENSE

- 5.1 A business license shall be issued to a person who owns or carries on any business either in the Town or specified premises in the Town.
- 5.2 Each business carried on by a person shall require a separate business license.

6. BUSINESS ON SEVERAL PREMISES

- 6.1 Where a business subject to business licensing is carried on or intended to be carried on from more than one premises, a business license shall be required in respect of each premises as though the business carried on in each were a separate business.

7. BUSINESS LICENSE APPLICATIONS

- 7.1 Every application for a business license, for renewal of a business license or for a transfer of a business license shall be made in writing on a form to be provided by the Town of Vegreville.
- 7.2 Every renewal of a business license for an existing business shall be submitted to the Town of Vegreville no later than the 31st day of January of each business license year.

8. PREREQUISITES FOR A BUSINESS LICENSE

- 8.1 No business license shall be granted until such time as the applicant holds a valid Development Permit as required by the Land Use Bylaw for the said business.



- 8.2 No business license shall be granted until such time as the applicant holds a valid Provincial or Federal License where required by law.
- 8.3 No business license shall be granted if the applicant fails to comply with any other Bylaw of the Town of Vegreville or Statute of the Province of Alberta or Statute of Canada.
- 8.4 No business license shall be granted until the applicant has submitted to the License Inspector the proper fee as provided by this Bylaw.
- 8.5 No business license shall be valid unless the said business license has been signed by the License Inspector or anyone designated to act on his/her behalf.

9. BUSINESS LICENSE SUBJECT TO THE LAND USE BYLAW

- 9.1 An applicant for a business license shall obtain and produce for the License Inspector a Development Permit from the Development Officer subject to the provisions of the Land Use Bylaw of the Town of Vegreville before making application for a business license. This provision shall also apply to the renewal of a business license where it is required by the Land Use Bylaw and is a condition of Development Permit approval.

10. DISPLAY OF BUSINESS LICENSE

- 10.1 Every business license issued under this Bylaw shall be posted in a conspicuous place in the premises of the said business.

11. INSPECTION

- 11.1 Where a business or its location or locations require any approval or certificate under this Bylaw or any other Bylaw of the Town of Vegreville or any Provincial Statute or any Federal Statute, then the location or locations where the business is to be carried on including the land and buildings may be inspected by those inspectors and departments whose approval or certificate is required.

12. POWER OF REFUSAL

- 12.1 Subject to the provisions of this Bylaw, the License Inspector may refuse to grant a business license if in his/her opinion there are just and reasonable grounds.

13. POWER OF REVOCATION

- 13.1 The License Inspector may revoke or suspend any business license, if in his/her opinion there are just and reasonable grounds.

- 13.2 The License Inspector may revoke or suspend any business license for non-compliance with this Bylaw or provincial regulation notwithstanding that the holder of that business license has not been prosecuted for a contravention of that Bylaw or provincial regulation.

14. NOTICE OF REVOCATION OR SUSPENSION

- 14.1 Upon a business license being revoked or suspended, the License Inspector shall notify the licensee thereof

- a) by delivery of a notice to him/her personally, or
- b) by mailing a double registered letter to his/her place of business or residence as shown on his/her business license, and shall have been deemed to have been received five (5) working days after the date of mailing,

and after the delivery or deemed receipt of such notice, the business or occupation as the case may be, shall not be carried on until such time as a new business license is issued or the suspended business license is reinstated. Otherwise, fines applicable under Section 20, Penalties will be imposed.

15. APPEALS

- 15.1 In every case where:

- a) an application for a business license has been refused, or
- b) a business license has been revoked or suspended,

the person seeking the business license may appeal to the Business License Appeal Board.

- 15.2 An appeal under Subsection 15.1 shall be made by the applicant within thirty (30) days after such refusal, revocation or suspension, otherwise the right of appeal shall be barred and extinguished.

- 15.3 All appeals shall be made in writing addressed to the Town Manager of the Town of Vegreville and the effective date shall be the date received by the Town Manager.

- 15.4 The Business License Appeal Board shall hear the appeal within thirty (30) days from the effective date.

- 15.5 The Business License Appeal Board shall consist of two (2) members from Town Council and three (3) members at large from the community.

- 15.6 The Business License Appeal Board after hearing the appellant may:

- a) direct a business license be issued or reinstated,
- b) direct a business license be issued or reinstated with conditions,

- c) refuse to grant a business license, or
 - d) uphold the revocation or suspension of a business license, on grounds which appear just and reasonable.
- 15.7 A decision of the Business License Appeal Board in respect of an appeal under this Section shall be final and binding.

16. EXEMPTIONS FROM FEES

- 16.1 Where any charitable or non-profit organization wishes to be exempted from the requirements of this Bylaw to pay a business license fee, it shall apply in writing to the License Inspector for such exemption, and provide the License Inspector with:
- a) the name of the organization, the Articles or Memorandum of Incorporation, and such other information as the License Inspector requires to determine that the organization is a charitable or non-profit organization as defined by this Bylaw;
 - b) a description of the business which the organization wishes to carry on and the time and place where it is to be carried on.
- 16.2 The License Inspector may grant any exemption applied for pursuant to this Section with or without conditions, or may refuse to grant an exemption.
- 16.3 Where an exemption is granted to an organization pursuant to this Section, unless the exemption when granted specifically otherwise provides, the organization shall comply with the provisions of this Bylaw relating to the business to be carried on, other than the requirement to pay a business license fee. Exemptions must be applied for prior to date(s) the business or function is being carried out.
- 16.4 Trade Shows do not qualify for exemptions from fees under this Bylaw.

17. FEE PAYABLE

- 17.1 The fee payable for an annual business license issued between the 1st day of January and the 31st day of August in any license year shall be the business license fee for the full year.
- 17.2 The fee payable for an annual business license issued after the 31st day of August in any license year shall be one half of the business license fee for the full year.

18. DURATION OF BUSINESS LICENSE

- 18.1 Every annual business license issued under the provisions of the Bylaw unless revoked, shall terminate at midnight on the 31st day of December of the license year in which the said business license was issued.

19. TRANSFER OF BUSINESS LICENSE

- 19.1 Unless otherwise provided herein, any subsisting business license issued under this Bylaw may be transferred upon application to the License Inspector and payment of the prescribed fee, provided that the applicant has the required qualifications and furnishes legal documentation releasing the rights and interests of the previous owner.

20. PENALTIES

- 20.1 Any person contravening any provision of this Bylaw shall be guilty of any offence and liable on summary conviction:
- a) to a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00) and costs for the first offence;
 - b) to a fine of not less than one hundred dollars (\$100.00) for every day the offence continues, exclusive of costs;
 - c) in the event of default of either of the fines and costs noted in (a) or (b) to imprisonment for a period of time not to exceed six (6) months unless the fine and costs including the cost of committal are sooner paid.
- 20.2
- a) All businesses operating within the corporate limits of Vegreville must purchase their business licenses by March 31st of that year, or a 15% penalty shall be added onto the outstanding license fee.
 - b) Businesses operating within the corporate limits of Vegreville that have not purchased their yearly business licenses shall be prosecuted in accordance with Section 20.1.
- 20.3 An Offence Ticket may be issued by personally serving it upon the alleged offender or by sending it to the alleged offender by double registered mail.

21. AMENDMENTS TO SCHEDULES

- 21.1 Town Council may by resolution amend Schedules "A", "B" and "C" from time to time.

22. EFFECTIVE DATE & REPEAL EXISTING BYLAWS

- 22.1 This Bylaw shall come into force and effect on January 1, 1997.
- 22.2 The existing Business Licensing Bylaw and all amendments thereto of the Town of Vegreville in the Province of Alberta and hereby repealed on the effective date of this Bylaw.

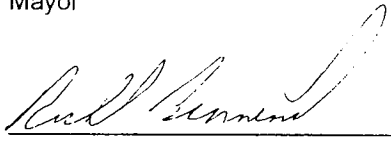
READ for a first time this **12th** day of **February**, 1996 AD.

READ for a second time this **27th** day of **May**, 1996 AD.

READ for a third time this **16th** day of **October**, 1996 AD.



DAVID KUCHERAWA
Mayor



RICHARD BINNENDYK
Town Manager

**BYLAW NO. 2-96
SCHEDULE "A"**

BUSINESS LICENSE FEES

1. BUSINESS LICENSE TRANSFER

1.1 The business license transfer fee shall be:

- a) Ten dollars (\$10.00)

2. CONTRACTOR - CONSTRUCTION (Fees do not include subtrades.)

2.1 Resident

The business license fee for one (1) year shall be:

- a) Thirty-five dollars (\$35.00) for a contractor that is a resident business
- b) One hundred fifty dollars (\$150.00) for a contractor that is not a resident business but that is a resident.

2.2 Non-Resident

The business license fee shall be:

- a) One (1) day - Fifty dollars (\$50.00)
- b) One (1) week - Seventy-five dollars (\$75.00)
- c) One (1) month - One hundred dollars (\$100.00)
- d) Six (6) months - One hundred fifty dollars (\$150.00)
- e) One (1) year - Two hundred dollars (\$200.00)

3. CONTRACTOR - GENERAL

3.1 Resident

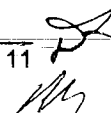
The business license fee for one (1) year shall be:

- a) Thirty-five dollars (\$35.00) for a general contractor that is a resident business
- b) One hundred fifty (\$150.00) for a general contractor that is not a resident business but that is a resident

3.2 Non-Resident

The business license fee shall be:

- a) One (1) month - One hundred fifty dollars (\$150.00)
- b) Six (6) months - Three hundred dollars (\$300.00)
- c) One (1) year - Five hundred dollars (\$500.00)



3.3 The fee under Contractor - General includes all subtrades used on a construction project.

4. **FARMERS MARKET**

4.1 Agents, businesses or persons that operate at the Farmers Market but do not comply with Farmers Market Guidelines shall pay a business license fee of:

- a) **Resident** - One (1) year - Thirty-five dollars (\$35.00)
- b) **Non-Resident** - One (1) year - Two hundred dollars (\$200.00)

5. **HAWKER/PEDLAR**

5.1 The business license fee shall be:

- a) One (1) day - Thirty-five dollars (\$35.00)
- b) **Resident** - One (1) year - One hundred fifty dollars (\$150.00)
- c) **Non-Resident** - One (1) year - Two hundred dollars (\$200.00)

6. **HOME OCCUPATION**

6.1 The business license fee for all Home Occupations shall be:

- a) One (1) year - One hundred fifty dollars (\$150.00)

7. **HUSKY PLAZA MALL RENTAL CONTRACT**

7.1 The business license fee shall be:

- a) **Agent, business or persons with a signed Husky Plaza Mall Rental Contract** - One (1) year - Thirty-five dollars (\$35.00)

8. **NON-RESIDENT BUSINESS**

8.1 The business license fee shall be:

- a) One (1) year - Two hundred dollars (\$200.00)

9. **NON-RESIDENT SPECIAL SALE**

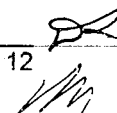
9.1 The business license fee per occurrence shall be:

- a) Five hundred dollars (\$500.00).

10. **RESIDENT BUSINESS**

10.1 The business license fee shall be:

- a) One (1) year - Thirty-five dollars (\$35.00)



11. **RESIDENT GARAGE SALE**

11.1 Resident garage sales shall be held by the occupant of the residential dwelling or necessary residential building and be limited to the sale of privately owned goods.

11.2 The business license shall be:

- a) **First two (2) sales from the same location** - No fee
- b) **Third and subsequent sales** - Twenty-five dollars (\$25.00)

12. **SEASONAL BUSINESS**

12.1 The business license fee shall be:

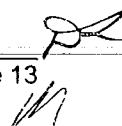
- a) Seventy-five dollars (\$75.00) for a resident business per seasonal term
- b) One hundred fifty (\$150.00) for a non-resident business per seasonal term

13. **TRADE SHOW**

13.1 The business license fee shall be:

- a) One hundred dollars (\$100.00) per event

13.2 Trade Show organizers must provide the Town of Vegreville with a list of participants along with their mailing addresses and phone numbers prior to the event.



BYLAW NO. 2-96
SCHEDULE "B"

HUSKY PLAZA MALL RENTAL CONTRACT

HUSKY PLAZA MALL agrees to rent table space (including tables) to _____ for the purpose of selling _____ to the general public. This space will be for the regular Friday markets only. Other times may be allowed at the discretion of the Mall Administrator.

IT IS UNDERSTOOD AND AGREED UPON by _____ that the Mall assumes NO responsibility in the event of loss, theft, breakage or any other damage to the merchandise, or any injury whatsoever to the vendors and/or the vendors' representatives.

Merchandise of the vendor will be displayed on the table(s) provided, below it or behind it only and not in front of or to the sides of it.

The Mall retains the right to cancel this agreement at any time if it feels the vendor is not acting in the best interests of the Mall and the market. The Mall Administrator's instructions will be adhered to at all times.

It is further understood that Town bylaws require that all vendors must have a license to sell at the Mall.

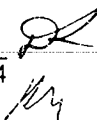
MALL ADMINISTRATOR

AGREED TO in all respects by:

Date

VENDOR

LICENSE #



**BYLAW NO. 2-96
SCHEDULE "C"**

HOME OCCUPATION REGULATIONS

1. Temporary Approval: To be assessed annually at the time of the re-issuance of the Business License.
2. Development approval by Development Officer and
 - a) No yard signs - one (1) sign on dwelling at a maximum of two (2) square feet.
 - b) Limit of two (2) parked cars business-related.
 - c) Business License Form completed to the satisfaction of the Licensing Officer.
 - d) There shall be no major alterations to the dwelling or accessory buildings to accommodate the business.
 - e) No work in connection with a permitted Home Occupation may be carried out in the residence or ancillary buildings if offensive noise, vibrations, smoke, dust, odours, heat or glare will result from such work. In addition, there shall be no mechanical or electrical equipment used which creates visible and audible interference in radio or television reception in adjacent dwellings.
 - f) No back yard storage shall be allowed so such use would not be an interference with residential character of the area.

I have read and understand the above conditions of the Business License regulations and I agree to and will operate in accordance with the above condition of approval.

Date

Applicant's Signature (Owner)

