

BY-LAW NO. 741
OF THE
TOWN OF STAVELY

A BY-LAW OF THE MUNICIPALITY OF THE TOWN OF STAVELY, IN THE PROVINCE OF ALBERTA, THAT THE COUNCIL MAY CONTROL AND REGULATE ALL BUSINESS AND INDUSTRY CARRIED ON WITHIN THE TOWN OF STAVELY, INCLUDING THE MANNER OF OPERATION, THE NATURE OF THE OPERATIONS AND THE LOCATION THEREOF, AND MAY LICENSE ALL SUCH BUSINESSES OR INDUSTRIES WHETHER OR NOT THE BUSINESS HAS A BUSINESS PREMISES WITHIN THE MUNICIPALITY.

WHEREAS, Council of the Town of Stavely wish to control and regulate all business and industry carried on within the Town of Stavely, including the manner of operation, the nature of the operation and the location thereof, and may license all such businesses or industries whether or not the business has a business premises within the municipality.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Stavely in the Province of Alberta, duly assembled, enacts as follows:

TITLE:

1. This by-law may be cited as “The Business License By-law” of the Town of Stavely.

DEFINITIONS:

2. (a) **APPLICANT** – means a person who applies for a license or renewal of a license required by this By-Law.
- (b) **APPLICATION** – means a written application for a business license as provided for by this By-Law.
- (c) **BUSINESS** – includes any trade, profession, industry, occupation, employment or calling and the providing of goods and/or services.
- (d) **CONTRACTOR** – shall mean any person who undertakes as principle or sub-contractor to do, provide, or carry on, within the limits of the Town of Stavely, trades or occupations relative to the construction industry.
- (e) **GENERAL CONTRACTOR** – is defined as a contractor who contracts for any type of construction within the limits of the Town of Stavely where sub-contractors involved in any of the trades are required for completion of the contract, and includes a person undertaking to carry out two or more trades.

- (f) COUNCIL – means the Council of the Town of Stavely.
- (g) HAWKER OR
PEDDLER – means any person whether as principal or agent, who:
 - (i) goes from house to house or from place to place selling, offering for sale any merchandise or services, or both, to any person and who is not a wholesale or retail dealer in such merchandise or services, and not having a permanent place of business in the municipality, or
 - (ii) offers and exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or services, or both, to be afterwards delivered in and/or shipped into the municipality, or
 - (iii) sells merchandise or services, or both, on the streets or elsewhere than at a building that is his permanent place of business but does not include any person selling
 - A. meat, fruit, or other farm produce that has been produced, raised or grown by himself in the Province of Alberta,
 - B. fish of his own catching.
- (h) HOME OCCUPATIONS – means a trade, profession or craft carried on by a person who is occupant of a resident building as a use secondary to the resident use of the building.
 - (i) No home occupation shall be granted a license without first receiving approval from the Town of Stavely Municipal Planning Commission.
- (i) BUSINESS LICENSE – means a license issued pursuant to this By-Law.
- (j) LICENSE
ADMINISTRATOR – means the License Administrator of the Town of Stavely.
- (k) PERSON – means a natural person, firm, corporation, association and includes a partnership.
- (l) RESIDENT
BUSINESS – means a business that is established within the corporate limits of the Town of Stavely.
- (m) NON-RESIDENT
BUSINESS – means a business that is not a resident business.
- (n) TOWN – means Town of Stavely.

LICENSE ADMINISTRATOR:

- 3. The Municipal Administrator of the Town of Stavely shall be responsible to carry out the provisions of this By-Law.

4. The duties of a License Administrator are:
 - a) to receive and consider applications for a business license,
 - b) to conduct investigations with regard to proposed applications where necessary,
 - c) to conduct inspections of business premises where necessary,
 - d) to collect business license fees pursuant to this By-Law,
 - e) to refuse or grant business licenses where deemed appropriate,
 - f) to revoke business licenses where deemed appropriate and necessary,
 - g) to initiate legal court action for violation of this By-Law.

LICENSE APPLICATIONS:

5.
 - a) Every person applying for a business license or renewal shall submit to the License Administrator a written application on Schedule "A" attached to this By-Law and signed by the applicant or in case of a corporation, its duly appointed agent.
 - b) Every application for a business license for an existing business shall be submitted to the License Administrator no later than the 31st day of January of each license year.
 - c) Every person carrying on or engaged in any business in respect of which a license is required under this By-Law, on request of a License Administrator, shall give to the Administrator all information necessary to enable him to carry out his duties.
 - d) A person carrying on or engaged in any such business who fails to furnish the requested information within 10 days from the date on which the request is made is guilty of an offence and liable to a fine of not more than \$5.00 for every day during which the default continues.

POWER OF REFUSAL:

6. Subject to the provisions of this By-Law, upon receipt of an application for a business license, the License Administrator may grant a business license or may refuse to grant a business license if, in his/her opinion, there are just and reasonable grounds for the refusal of the application.

POWER OF REVOCATION:

7. Subject to the provisions of this By-Law, where a business license has been granted pursuant to this By-Law, the License Administrator may revoke or suspend the business license if in his/her opinion there are just and reasonable grounds for the revocation or suspension of the license.

REVOCATION WITHOUT PROSECUTION:

8. A license may be revoked or suspended for non-compliance with a By-Law notwithstanding that the holder of that license has not been prosecuted for a contravention of that By-Law.

NOTICE OF REVOCATION OR SUSPENSION:

9. Upon a license being revoked or suspended as hereinbefore provided, the license inspector shall notify the licensee thereof,
- a) by delivering a notice to him personally, or
 - b) by mailing a double registered letter to his place of business or residence as shown on his license.

And after the delivery of such notice his business or occupation, as the case may be, shall not be carried on until such time as a new license is issued or the suspended license is reinstated.

CONDITIONS OF BUSINESS LICENSE:

10. a) No business license shall be granted until such time as the applicant holds a valid Provincial or Federal license where required by law.
b) No business license shall be granted until the applicant has submitted to the License Administrator the proper fee as provided by this By-Law.
c) No business license shall be valid unless the said license has been signed by the License Administrator or anyone designated to act on his behalf.
11. No person shall carry on or operate any business within or partly within the Town without holding a valid and subsisting business license issued pursuant to the provisions of this By-Law unless specifically exempted by law.
12. Every business license issued under this By-Law shall be posted in a conspicuous place in the business premises of the said licensee.

APPEAL:

13. a) In every case where:
- i) an application for a business license has been refused,
 - ii) a business license has been revoked or suspended, the person seeking the license may appeal to the Town Council.
- b) An appeal from subsection a) hereof shall be made by applicant within thirty (30) days after such refusal, revocation or suspension.
- c) All appeals shall be made in writing addressed to the Municipal Administrator of the Town of Stavely and shall be dated as of the date received by the Municipal Administrator.
- d) Town Council, after hearing the applicant may:
- i) direct a business license to be issued or reinstated,
 - ii) direct a business license to be issued or reinstated with conditions,
 - iii) refuse to grant a business license,
 - iv) uphold the revocation or suspension of a business license, on grounds which appear just and reasonable.
14. The term "License Year" means the period commencing January 1st and ending on the next succeeding December 31st.

15. Every business license issued under the provisions of this By-Law, unless revoked, shall terminate at midnight on the 31st day of December of the license year in which the said license was issued.
16. a) The fee payable for a business license issued between the 1st day of January and 30th day of September in any license year shall be the license fee for the full year.
b) The fee payable for a business license issued after the 30th day of September in any license year shall be one-half of the license fee for the full year.
c) Where a business license is revoked or suspended, the licensee is entitled to a refund of One (\$1.00) Dollar.

TRANSFER OF LICENSE:

17. Any licenses issued by the Town of Stavely are not transferrable.

LICENSE FEES:

18. a) Where the business premises is located in a building that is the permanent place of business, the business license fee shall be Thirty (\$30.00) Dollars per license year, except this amount shall be reduced by one-half if the license is granted after September 30th in the current year.
b) Where the business premises are located in a building, the principal use of which is residential, the business license fee shall be Forty-Five (\$45.00) Dollars per license year, except this amount shall be reduced by one-half if the license is granted after September 30th in the current year.
c) Where the business premises are located outside of the Town limits, but inside the boundaries of the Municipal District of Willow Creek No. 26, the business license fee shall be Sixty (\$60.00) Dollars per license year, except this amount shall be reduced by one-half if the license is granted after September 30th in the current year.
d) Each resident or local business with a valid Town of Stavely business license, may, for an additional flat fee of Forty (\$40.00) Dollars, purchase a regional business license seal. The Regional Business License shall mean license to operate in any member municipality of the Alberta SouthWest Regional Alliance.
e) Where the business premises are located outside of the Town limits but are located in a municipality that is a member of the Alberta SouthWest Regional Alliance, upon proof they have purchased an annual Regional Business License, the Town will recognize same as a license to operate in their municipality.
f) The fee for a non-residence business license shall be One Hundred Fifty (\$150.00) Dollars per license year for each business, except this amount shall be reduced by one-half if the license is granted after September 30th in the current year.

- g) i) For the purpose of this section, a “General Contractor” means a person who is engaged in the construction industry whether by entering into a contract or not with a principal to perform work or services, and whether or not the services of any subtrades may be required.
- ii) The fee for a non-residence general contractor and sub-contractor shall be One Hundred Fifty (\$150.00) Dollars per license year, except this amount shall be reduced by one-half if the license is granted after September 30th in the current year.
- h) For the purpose of this section a resident “Hawker” or “Peddler” means a person who has occupied a residence in the Town of Stavely for not less than two months prior to and is occupying a residence at the time of making an application for a license.
- i) A non-resident “Hawker” or “Peddler” means a person who is not a resident “Hawker” or “Peddler”.
- j) The business license fee for a “Hawker” or “Peddler” shall be according to the following:
 - i) Resident – Forty Five (\$45.00) Dollars per license year, except the annual license shall be reduced by one-half if the license is granted after September 30th in the current year.
 - ii) Non-Resident – One Hundred Fifty (\$150.00) Dollars per license year, Thirty (\$30.00) Dollars per week, or Twenty (\$20.00) Dollars per day, except the annual license shall be reduced by one-half if the license is granted after September 30th of the current year.

PENALTY:

- 19. a) Any person who contravenes any provision of this By-Law is guilty of an offence and is liable on summary conviction to a fine of not less than Fifty (\$50.00) Dollars and not exceeding Five Hundred (\$500.00) Dollars in addition to any license fee he may be required to pay pursuant to subsection b) hereof and in the event of failure to pay or the inability to pay any fine levied and any license fee charged hereunto and costs, to imprisonment for a period not exceeding six (6) months or until such fine, license fee and costs of committal are paid.
 - b) Where a person is convicted for operating a business for which a license fee is payable, without payment of such fee having been made, the court shall, in addition to the fine imposed pursuant to subsection a) hereof, direct the payment of the applicable license fee to the Town.
20. Where any of the provisions of this By-Law have been deemed to be contravened and a notice has been issued for that contravention, the accused may avoid appearing in Court to answer to the said charge by submitting to the Town as voluntary payment as follows:
- First Offence – Fifty (\$50.00) Dollars
 - Second Offence – Seventy-Five (\$75.00) Dollars
 - Third Offence – One Hundred (\$100.00) Dollars

21. Failure to voluntarily pay an offence within the time specified may result in prosecution under Section 19 of this By-Law and Section 20 of this By-Law shall no longer apply.

22. By-Law No. 543 & No. 699 are hereby repealed.

This By-Law shall come into full force and effect upon the date of final passing.

READ a first time this 23rd day of February, 2009.

READ a second time this 23rd day of February, 2009.

READ a third time and finally passed this 23rd day of February, 2009.

Town of Stavely

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Mayor

.....
Municipal Administrator

Bylaw No. 741

**Schedule "A"
Application For Business License**

Business Name_____

Street Address_____

Mailing Address_____

Phone Number(s):_____

Fax Number:_____ Cell Number:_____

Owner/Manager Name_____

Nature of Business_____

Provincial License Number (If Applicable)_____

Applicants Signature_____

Date_____

For Office Use Only

License No_____

Approved_____

Approved On Conditions_____

Refused_____

Revoked_____

Fee Required \$_____ New_____ Renewal_____

