

TOWN OF LEGAL

BYLAW NO# 01-2000

BUSINESS LICENCE BYLAW

BEING A BYLAW OF THE TOWN OF LEGAL AND THE PROVINCE OF ALBERTA REGULATING, CONTROLLING AND SETTING LICENCE FEES PAYABLE TO AND APPLICABLE TO ANY FIRM, BUSINESS OR INDUSTRY BEING LICENCED IN THE TOWN OF LEGAL.

WHEREAS it is provided in and by the Municipal Government Act, being Chapter M-26.1, of the Revised Statutes of Alberta, 1994, and amendments thereto, that the council may licence and control all businesses within the Town of Legal including the manner of operation, the nature of the operation and location thereof, and may licence any or all such businesses whether or not the business has a business premises within the municipality.

NOW THEREFORE, the Municipal Council of the Town of Legal enacts as follows:

1. This bylaw shall be cited as the Business Licence Bylaw
2. In this bylaw unless the context otherwise requires:
 - (a.) **APPLICANT**, means a person who applies for a licence or a renewal of licence required by this bylaw.
 - (b.) **BUSINESS**, means any business, occupation, activity, amusement, entertainment, trade, employment, profession or calling.
 - (c.) **CARRY ON**, means carry on, operate, perform, keep, hold, occupy, deal in or use, for gain where there is principal or agents.
 - (d.) **CHARITABLE OR NON PROFIT ORGANIZATION**, means a person, association of persons or a corporation, acting for charity or in the promotion of general social welfare which cannot at any time distribute any dividend or profit to it's members and includes:
 - (i.) a religious society or organization,
 - (ii.) a service club,
 - (iii.) a community, veterans or youth organization,
 - (iv.) a sport or fraternal organization or club,
 - (v.) an employers or employees organization;
 - (e.) **CONTRACTOR OR DEVELOPER** shall mean a person who undertakes as principle or subcontractor to do, provide, or carry on within the limits of the Town of Legal, trades or occupations relative to the construction industry.
 - (f.) **COUNCIL**, means the Municipal Council of the Town of Legal.
 - (g.) **DEVELOPMENT OFFICER**, means the Development Officer of the Town of Legal as appointed by council.
 - (h.) **GENERAL CONTRACTOR**, means a person who is engaged in the construction industry whether by entering into a contract or not with a principle to perform work or services and whether or not the services of any subtrade may be required.
 - (i.) **HAWKER OR PEDLAR**, means any person who, whether principle or agent, and excepting non profit organizations,

- (i.) goes from house to house selling or offering for sale, any merchandise or service, or both, to any person, and who is not a wholesale or retail dealer in that merchandise or service, and not having a permanent place of business in the Town of Legal.
- (ii.) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or service to be afterwards delivered in and shipped into the Town of Legal, or
- (iii.) selling merchandise or a service, or both, on the streets or roads or elsewhere than at a building that is his permanent place of business, but does not include any person who sells,
 - (a.) meat, fruit or other farm produce that has been produced, raised, or grown by himself, in the Province of Alberta, or
 - (b.) fish, of his own, caught in the Province of Alberta
- (j.) **HOME OCCUPATION**, means any person, firm, corporation carrying on any business from a residence within the Town of Legal.
- (k.) **LAND USE BYLAW**, means Land Use Bylaw # 07-98 as amended and replaced and all other statutory plans and bylaws as have been made or may be passed by the Town of Legal.
- (l.) **LICENCE**, means a licence granted by the Town of Legal entitling the person to whom it is granted, to carry on an activity therein specified in the Town of Legal. A said licence shall be in the form of a written permit and showing thereon the type of business engaged in.
- (m) **LICENCEE**, means a person holding a valid and subsisting license issued pursuant to the provisions of this bylaw.
- (n.) **LICENCE INSPECTOR**, means the person so designated herein and includes any inspector designated by the Town Manager to perform such duties, and anyone acting or authorized to act on his behalf, including any member of the Royal Canadian Mounted Police or a peace officer in the enforcement of this bylaw.
- (o.) **MOTOR VEHICLE**, means any automobile, truck or motor cycle.
- (p.) **NONRESIDENT**, means any person who does not permanently reside or have a place of business in the Town of Legal.
- (q.) **PERSON**, means any natural person or body corporate and includes a partnership, a group of persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires.
- (r.) **POLICE**, means any member of the ROYAL CANADIAN MOUNTED POLICE or any peace officer appointed by the Town of Legal.
- (s.) **PREMISES**, includes the store, office, warehouse, factory, building, enclosure, yard, or other occupied, or capable of being occupied by any other person for the purpose of any business.
- (t.) **RESIDENT BUSINESS**, means a business that is physically established within the corporate limits of the Town of Legal.
- (u.) **TOWN**, shall mean the Town of Legal.

APPOINTMENT OF A LICENCE INSPECTOR

3. The Town Administrator shall appoint a licence inspector and such assistance as may be required to carry out the terms of this bylaw.

POWERS AND DUTIES

4. The powers and duties of the licence inspector are:
 - (a.) to receive and deal with all applicants for licenses and transfers thereof including the collection of money paid under this bylaw;
 - (b.) to ascertain that all information furnished by an applicant in connection with an application for a licence or transfer of a licence is true in substance and fact;
 - (c.) to keep adequate records of all applicants for licenses and in a form required by council whenever requested and from time to time concerning the administration of business licenses;
 - (d.) to prosecute violations of this bylaw and to administer this bylaw and as far as practicable see that all persons concerned conform to it's provisions and to prosecute persons who fail to comply therewith.

NECESSITY FOR LICENCE

5. No person shall within the Town:
 - (a.) carry on or operate any of the businesses, callings, trades or occupations referred to in this bylaw or in schedule "A" is hereby attached which Schedule "A" is hereby declared to be part of this bylaw, or
 - (b.) carry on any undertaking or do any act or use or have any article for which a licence is required under the provisions of this bylaw or Schedule "A".

LICENSE FEE

6. No person shall within the Town:
 - (a.) carry on or operate any business, calling, trade or occupation within or partly within the Town without first paying to the license inspector fee prescribed in this Bylaw or in schedule "A" hereto attached.

APPLICATION FOR LICENSE

7. (a.) Applications for a license for renewal of license or for a transfer of license shall be made to the license inspector and shall be made in person at the office of the license inspector.
- (b.) Every renewal of a license for an existing business shall be submitted to the license inspector no later than the 15st day of February of each license year.
- (c.) The license inspector may issue a business license subject to certain conditions, but where the license inspector issues a license, subject to certain conditions, he shall endorse on the license the particulars of such condition.
- (d.) No town license may be issued until the applicant has first produced the proper provincial license, if the trade or calling in question is required to be licensed under provincial regulations. The qualification number of the provincial license shall be endorsed on the town license.

SUBJECT TO LAND USE BYLAW

8. (a.) An applicant for a 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 # 07-98 and amendments thereto, before making application for a business license.

DISPLAY OF LICENCE

9. (a.) Every license issued under this bylaw shall be posted in a conspicuous place in the business premises in which the license was issued. Where the licensee does not occupy premises for the purpose of carrying on his trade, occupation or business, he shall produce the license upon request by the license inspector.

INSPECTION

10. (a.) Any premises or place, in respect of which a license has been issued under the provisions of this bylaw, shall be subject to an inspection at all reasonable times by the license inspector or other person duly authorized by council. Anyone who shall refuse admittance to such license inspector or person authorized by council shall be guilty of an offence under this bylaw and subject to any penalties herein imposed.

REVOCAION AND REFUSAL

11. (a.) Where, on inspection, a business which is subject to an inspection by or on behalf of the medical officer of health is found to contravene any provisions of the Public Health Act Chapter P-27, 1980, and any regulations made there under and amendments or substitutions therefore or any Town Bylaw

respecting health, the medical officer of health may revoke the license in respect thereof.

- (c.) Where, on inspection, a business which is subject to an inspection by or on behalf of the Fire Marshall or the Development Officer is found in contravention of:
 - (i) the Fire Prevention Act, R.S.A Chapter F-201, 1980, or as amended or replaced from time to time;
 - (ii) the Planning Act, R.S.A Chapter 9, 1980, or the Land Use Bylaw # 07-98, as replaced or amended from time to time;
- (d.) the fire Chief or Development Officer shall report a contravention to the license inspector who may revoke the license. The license inspector may revoke or refuse to grant any license on any grounds, which, in his opinion, are just and reasonable.
- (e.) Upon, the license being revoked, as herein before provided, the license inspector shall notify the licensee thereof:
 - (i.) by delivering a note to him personally; or
 - (ii.) mailing a double registered letter to his place of business or residence as shown on his license.
- (f.) And after the delivery or demand receipt 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.

APPEAL

- 12. (a.) Where an application for a license or for a transfer of license has been refused or has been authorized subject to conditions, the applicant may appeal to council.
- (b.) Every such appeal shall be made in writing within thirty (30) days after the license has been refused or revoked, otherwise the right to appeal shall be barred and extinguished.
- (c.) Town Council shall hear the appeal within thirty (30) days from the date in which the appeal was received. After hearing the applicant and the evidence adduced, council may confirm such refusal or conditional approval or may direct that the license be issued either conditionally or unconditionally as may be deemed expedient in the public interest. The decision of council is final and binding.

DURATION OF LICENCE

- 13. (a.) Every license issued under the provisions of this bylaw shall terminate at midnight (12:00 a.m.) on the thirty first (31st) of December of the year in which the license was issued unless;
 - (i.) the terms of this bylaw otherwise expressly provide; or
 - (ii.) the license provides otherwise and is so endorsed; or
 - (iii.) the license has been sooner cancelled or forfeited.

- (b.) If a licensee is convicted twice in any one (1) calendar year of a breach of the provisions of this bylaw, his license shall be cancelled.

FEES

- 14. (a.) The license inspector may after July 1st of any license year issue a license for one-half the annual fee set out in Schedule "A".
- (b.) where a license is surrendered or revoked, the town shall refund to the licensee, prior to July 1st, one-half the annual fee therefore, but this provision shall not apply to any license issued for a period less than the full license year.
- (c.) In no case will this portion of Schedule "A" reduce the fee below \$25.00.

PENALTIES

- 15. (a.) Any person contravening any provision of this bylaw shall be guilty of an offence and liable on summary conviction;
 - (i.) to a fine of not less than two hundred dollars (\$200.00) and not more than five hundred (\$500.00) dollars and costs for the first offence;
 - (ii.) to a fine of one hundred dollars (\$100.00) for every day the offence continues, exclusive of costs;
- (b.) As an alternative to subsection I of this section, the license inspector or the Special Constable may enforce the provisions of this bylaw and may issue an offence ticket, pursuant to the summary conviction act, to any person alleged to have committed one or more breaches of this bylaw. The offence ticket shall state the alleged offence and require forfeiture and payment of the appropriate fine as follows:
 - (i.) first offence; two hundred dollars (\$200.00) plus one hundred dollars (\$100.00) for each day the offence continues exclusive of costs,
 - (ii.) second or subsequent offences; five hundred dollars (\$500.00) plus two hundred dollars (\$200.00) for each day the offence continues, exclusive of costs.
- (c.) An offence ticker may be issued by personally serving it upon the alleged offender, or by sending it to the alleged offender by double registered mail to his last known place of residence or business.

This bylaw hereby rescinds Bylaw #09-95.

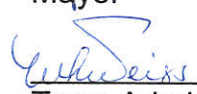
Read a first time this 17th day of January, 2000.

Read a second time this 17th day of January, 2000.

Read a third time and finally passed this 17th day of January, 2000.



Mayor



Town Administrator

SCHEDULE "A"

TOWN OF LEGAL BYLAW # 01-2000

BUSINESS LICENCE RATES

(1.) <i>COMMERCIAL (LOCAL)</i>	\$50.00
(2.) <i>NON-RESIDENT BUSINESSES</i>	\$100.00
(3.) <i>RESIDENT HOME OCCUPATION</i>	\$75.00
(4.) <i>BUILDING AND CONSTRUCTION GENERAL CONTRACTORS INCLUDING ALL SUB TRADES</i>	
<i>LOCAL</i>	\$100.00
<i>OUT OF TOWN</i>	\$250.00

A fee reduction of 10% will be processed for all licences purchased before February 15 of the licence year.