

**TOWN OF VAUXHALL
BYLAW NO 907-16
BUSINESS LICENSE BYLAW**

BEING A BYLAW OF THE TOWN OF VAUXHALL, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENCING CONTROL AND REGULATING OF ALL BUSINESSES OR INDUSTRIES WITHIN THE TOWN OF VAUXHALL.

WHEREAS *The Municipal Government Act* (Alberta, R.S.A. 2000, Chapter M-26, and amendments thereto) authorizes a Council to pass and enforce a bylaw for the purpose of regulating, controlling and licensing all businesses within the Town of Vauxhall;

AND WHEREAS it is in the public's best interest to license, monitor, regulate and inspect businesses that operate within the town;

NOW THEREFORE the Council of the Town of Vauxhall enacts as follows;

1. NAME OF BYLAW

This bylaw may be cited as the "Business License Bylaw"

2. DEFINITIONS AND INTERPRETATIONS

"Adult Person" – means any person of the age of eighteen (18) years or older. This includes a corporation, firm partnership, individual person, their heirs, executors, administrators, or other legal representatives.

"Application" – a written application for a business license as provided for by this bylaw.

"Business" – means an activity or enterprise conducted for gain, benefit advantage, or livelihood, including trade, profession, industry, occupation, employment or calling and the providing of goods and services

"Business License" – means a license issued pursuant to this bylaw to conduct business within the Town of Vauxhall's corporate limits.

"Business License Fee" – shall be the sums of money which are required for payment for a business license as detailed in a Schedule of the Rate Bylaw

"Contractor" – means any person who offers goods and/or services to a resident by contract and has established premises within the Town of Vauxhall from which to do business, or can also mean any person who offers goods and/or services to a resident by contract who does not have an established premise within the Town of Vauxhall

"Carnival"-means any entertainment or festivity where rides and/or games of chance are made available to the public for a fee.

"Charitable Organizations" – includes any religious, charitable, cultural, recreational and service organization which is registered pursuant to the Canadian Income Tax Act or designated by the Town of Vauxhall.

"Circus" – includes circuses, menageries, circus rides, side-shows, midways, exhibitions and other entertainment usually carried on by showmen.

"Council" – shall mean the Council of the Town of Vauxhall

"Hawker or Pedlar" – means any person going from house to house or from party to party selling or offering for sale any merchandise or service, or both, but does not include any person selling:

- a) Meat, fruit or other farm produce that has been produced, raised or grown by themselves,
- b) Fish or their own catching

"Huckster" – Shall mean any person who sells or offers for sale:

- a) Meat, fruit or other farm produce that has been produced, raised or grown by themselves,
- b) Fish of their own catching

"Home Occupation" – means a business carried on by a person, who is an occupant of a residential building, as a use secondary to the residential use of that building

"Licensee" – means a person holding a valid license issued pursuant to this bylaw means a person holding a valid license issued under the authority of this bylaw.

"Licencing Officer" – means person or persons authorized by the CAO to carry out the provisions of this Bylaw.

"Municipal Violation Ticket" – means a ticket alleging an offence, issued pursuant to the authority of a bylaw of the town

"Non-Resident" – means an individual person, a company, or a partnership, or a body corporate who does not operate their business, trade, profession or occupation from taxable premises within the Town of Vauxhall

"Premises" – means a store, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied, by any person for the purpose of carrying on any business

"Resident" – means an individual person, a company, a partnership, or a body corporate who either resides principally within the Town of Vauxhall and has established premises within the Town of Vauxhall from which to do business

"Transient Salesperson" – includes any hawker, peddler, door to door salesman, canvasser, service person, etc., who has not otherwise bought a Town business license. This does not include a person selling farm produce raised or grown by himself in the Province of Alberta, and commercial fish of his own catching caught in the Province of Alberta.

"Truckers and Deliverymen" – means any person(s) engaged in the business of delivering and/or picking up in the Town any goods, articles, or effects of any kind or nature.

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3. LICENCING OFFICER

The Licencing Officer shall be appointed by the CAO, and will be granted authority to carry out the provisions of this bylaw. The Licencing Officer may delegate authority to carry out the provisions of this bylaw, and may or may not be the appointed Peace Officer for the municipality.

The Licencing Officer is authorized to:

- a. Receive, consider, approve and deal with all applications for a license, cancellation and transfer thereof.
- b. Record such information with respect to licences as may be considered necessary.
- c. Periodically visit and inspect business premises and construction sites for the purpose of ascertaining whether the proprietor or contractor is complying with the provisions of this or any other applicable bylaw
- d. Refuse to grant a licence or to revoke or suspend any licence if, in his/her opinion, that are just and reasonable grounds for the refusal of the application or for the revocation or suspension of the licence subject to the right of the applicant to appeal the refusal, revocation or suspension to council.
- e. Issue a licence, with or without conditions, upon payment of the appropriate fee.
- f. Revoke, suspend or cancel a Business License if there is reasonable and just cause to do so.
- g. Prosecute violators of this bylaw.

4. APPLICATION AND LICENCE PROVISIONS

- a. Every application for a licence shall be made by an adult person.
- b. No person shall carry on or conduct any business as defined herein, in the Town, who is not a holder of a valid and subsisting license for that business, unless they are a Deliveryman or Trucker as defined in the definitions of this bylaw.
- c. All applications for a Business Licence shall be made in writing on the form provided and shall be forwarded to the town giving such information and particulars as requested thereon.
- d. Before being granted a Business Licence, each Business shall conform to the provisions of this Bylaw and to all applicable municipal, provincial and federal regulations. Every person who proposes to do business within the Town shall, prior to doing business obtain the required license from the Town. For those businesses requiring a license of the Province of Alberta, the Alberta license shall be affixed in a conspicuous place on the premises and shall be available for inspection by the Town on demand. No person shall be required to purchase more than one business license for his operations on a site covered by a single certificate of title.
- e. If in the opinion of the Licencing Officer an applicant for a licence has complied with the terms of this bylaw and all other applicable bylaws, Provincial Statutes and Federal Act, the applicant shall be issued the licence applied for upon payment of the applicable Business Licence Fee.
- f. Full payment of all fees required by this Bylaw shall accompany each application for a business licence.
- g. Council must approve any business license request for a Carnival or Circus, and will take into consideration all factors, including but not limited to the location of said event, structure, insurance, duration, and any other concerns or requests.

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- h. For the purpose of this Bylaw, where a person carries on more than one trade or occupation, only one licence is required but if each trade or occupation is operated as a separate firm or company, whether from the same location or not, a separate Business Licence is required for each firm or company.
- i. Every licence issued under this bylaw shall be posted in a conspicuous place in the business premises of the applicant licensee. Any licensee who refused to permit an inspection, or who refuses to produce his license on demand, shall be guilty of an offence and shall be liable upon summary conviction to the penalties imposed under this bylaw.
- j. Every licence issued under the provisions of this bylaw shall terminate at midnight on the 31st day of December of the year in which said licence was issued or such earlier date if the licence has been revoked or suspended.
- k. Should the licence be issued after September 30th, in any year, the licence fee shall be one-half of the appropriate annual licence fee.
- l. If any annual business licence is revoked, suspended or cancelled by the Town of Vauxhall, the licensee is not entitled to a refund. The council of the Town may for cause cancel any license issued under this bylaw.
- m. The Town Administration shall issue licenses as provided in this bylaw, signed and sealed with the Town seal enforced by a peace officer or member of the RCMP or office Designate.
- n. No licence for a home occupation shall be granted until the applicant has first obtained the necessary development approval under the applicable land use regulations of the Town of Vauxhall.
- o. No licence shall be issued to a huckster or transient salesperson until said applicant has received approval from a Public Health Officer. Each transient salesperson, fish truck, fruit truck shall require an individual license.

5. EXEMPTIONS:

The Businesses specified in S.5 do not require a business license, provided that they adhere to the provisions of this bylaw and all other Municipal, Provincial or Federal Regulations;

- a) The Business is specifically exempted from obtaining a municipal Business License by Provincial or Federal legislation;
- b) The Business is a charitable or Non-Profit Organization;
- c) The Business is carried on during an event hosted by Non-Profit Organizations, or any other special event so deemed by the CAO or a resolution of Council.
- d) The Business is selling products at the Vauxhall Farmers Market, which have been grown, produced, handcrafted, processed or baked by the vendor;
- e) The Business is a wholesaler as defined in this Bylaw; or
- f) The Business provides goods or services exclusively to the Town of Vauxhall.

6. REVOCATIONS, SUSPENSIONS AND APPEALS

- a. Where an application for a licence is refused or where a licence is revoked or suspended, the Licencing Officer shall notify the applicant in writing of such refusal, revocation or suspension and the reasons for the same.

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- b. In every case where an application has been refused, subject to conditions, revoked or suspended or a remedial order has been issued, the applicant may appeal to the Town council to review the remedial order or decision made by the Licensing Officer or Peace Officer. Such appeal must be filed within fourteen (14) days of the date the orders are received.
- c. An appeal pursuant to Section 4 shall be made in writing addressed to the town and shall be made within thirty (30) days after date of the refusal, revocation, suspension or date upon which the licence was issued subject to conditions.
- d. Council after hearing an appeal pursuant to Section 4 may:
 - i. Direct a licence be issued without conditions,
 - ii. Direct a licence be issued with conditions
 - iii. Uphold the decision of the Licencing Officer on grounds which appear just and reasonable to the town council;
 - iv. Confirm, vary, substitute or cancel the remedial order.

7. ENFORCEMENT

- a) A Peace Officer is for the purpose of enforcement of this Bylaw, a Designated Officer of the Town, and is authorized and empowered to issue a Violation Ticket to any person(s) who has contravened any provisions of this Bylaw;
- b) A person who contravenes or does not comply with any provision of this Bylaw is guilty of an offence;
- c) Fines and penalties imposed on a conviction of this offence under this Bylaw are an amount owing to the Town;
- d) Any person who breaches any provision of the bylaw is guilty of an offence and liable upon issuance of a Violation Ticket to the specified penalty imposed within Section 9 of this Bylaw; or
- e) Upon summary conviction to a fine of not less than the amount specified in Section 9 of this Bylaw, for each offence; or
- f) To a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.
- g) Where a breach of this Bylaw is of a continuing nature, each day on which it continues or is repeated shall constitute a separate offence, and shall be liable to a separate penalty.
- h) If a person upon whom a Violation Ticket is served above fails to pay the voluntary payment within the time specified, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34, as amended, or as repealed and replaced from time to time.

8. RATES AND FEES

- a) Refer to a Schedule of the Town of Vauxhall's Rates Bylaw.

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9. FINE AND PENALTY AMOUNTS

Violation	1 st Offence	2 nd Offence
Conduct Business without current or valid License	\$250.00	\$500.00
Fail to produce Business License	\$50.00	\$100.00
Fail to comply with Remedial Order	\$500.00	\$1,000.00
Fail to provide Provincial or Federal applicable license	\$100.00	\$200.00
Fail to display Valid Business License	\$50.00	\$100.00

10. RESCINDED OR AMENDED BYLAW


Bylaw No. 721 is hereby repealed in it's entirely

11. EFFECTIVE DATE

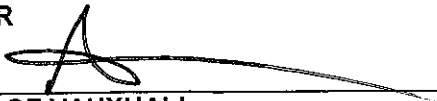
READ A FIRST TIME IN COUNCIL THIS 6TH DAY OF SEPTEMBER, 2016.

READ A SECOND TIME IN COUNCIL THIS 19TH DAY OF SEPTEMBER, 2016

READ A THIRD TIME AND FINAL TIME THIS 19TH DAY OF SEPTEMBER, 2016



TOWN OF VAUXHALL
MAYOR



TOWN OF VAUXHALL
CHIEF ADMINISTRATIVE OFFICER