

BY-LAW #2013 - 506
OF THE
TOWN OF DAYSLAND
PROVINCE OF ALBERTA

A BY-LAW OF THE TOWN OF DAYSLAND TO PROVIDE FOR THE LICENSING AND REGULATING OF BUSINESSES CARRIED ON WITHIN THE TOWN.

WHEREAS the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, authorizes a Council to control and regulate all businesses within the municipality, including, the licensing of any or all such businesses, and

WHEREAS it is deemed expedient by the Council of the Town of Daysland to pass a By-Law to provide for the licensing of businesses carried on in whole or in part within the Town;

NOW THEREFORE the Council of the Town of Daysland in Council duly assembled enacts as follows:-

1. This By-Law may be cited as "The Business License By-Law".

2. **Definitions**

(a) "Business" means any business or contractor, trade, profession, industry, occupation, employment of calling dealing with the providing of goods and/or services.

"Town" means the Town of Daysland.

"Contractor" means and includes any person who by contract or other monetary agreement, participates in any construction or demolition project and without the generality of the foregoing, includes any business connected with excavating, landfilling, building, renovating, repairing, decorating or landscaping.

"Council" means the Council of the Town of Daysland.

"General Public" means anyone other than a wholesale or retail business.

"Goods" means any article, thing or substance and includes subscriptions for books, magazines or any printed matter.

"Hawker" or "Pedlar" means any person who, whether as principal or agent,

(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, or

(ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered in and shipped into the Town, or

(iii) sells merchandise or a service, or both, on the streets or roads or elsewhere than at a building that is his permanent place of business.

(i) "Home Occupation" means a business that is conducted in or from a residence in the Town.

- (j) "License" means a business license issued pursuant to this By-Law, entitling the licensee to carry on the activity therein specified for the period of time therein specified.
- (k) "Licensee" means a person to whom a license has been issued, pursuant to the provisions of this By-Law.
- (l) "License Inspector" means and includes a By-Law Enforcement Officer, Town Administration, or anyone designated by the Town Office to carry out the provisions of this By-Law.
- (m) "Non-Resident" means any person who is not a resident, as defined in this By-Law, of the Town.
- (n) "Person" means and includes any person, or firm, or partnership, or body corporate or association.
- (o) "Premises" means and includes any store, office, warehouse, factory, building, enclosure, yard or other place used or capable of being used for the purpose of carrying on a business.
- (p) "Resident" means a person who permanently occupies a dwelling place, other than a hotel or motel, in the Town of Daysland or who has purchased or leased a business premises in the Town for the purpose of carrying on a business.
- (q) "Services" means performing a service or any work, act or deed, for any compensation whether monetary or otherwise.

3. **Regulations**

- (a) Every person carrying on any business in the Town of Daysland, including a home occupation, shall be the holder of a valid license and shall pay to the Town for such license, a fee prescribed in the Schedule of Fees as attached to this By-Law.
- (b) Any person or business shall, before being issued a license, complete an application form as required by the License Inspector, and shall supply all the information required in the application.
- (c) No license shall be issued to any person unless he is the holder of a valid Provincial or Federal license, where required by Provincial or Federal legislation.
- (d) All licenses issued pursuant to this By-Law, unless previously revoked or suspended, shall be valid for the period of time stated thereon and shall expire at twelve o'clock midnight of December 31st. in the year in which they were issued, except that Hawkers, Pedlars and Direct Salesmen may obtain a daily license and pay to the Town a fee as prescribed in the Schedule of Fees in this By-Law.
- (e) A valid license shall be displayed in a prominent place in the business premises and any person holding a valid license shall forthwith produce same for inspection when required to do so by a License Inspector.
- (f) Notwithstanding the provisions of this by-law, the Town, at its sole discretion, may require the general contractor of a project to provide a list of subtrades for the project and the total business license fees will be payable by the general contractor with the term of the business licenses to expire at the end of the project. Business licenses for the individual subtrades will be included within the business license of the contractor.
- (g) A supplier bringing bulk goods to a licensed business for the purposes of resale shall not be required to obtain a business license.

- (h) A person carrying on more than one business must possess a separate business license for each business.
- (i) A business license is not transferrable from one person to another.
- (j) A person who carries on or intends to carry on a business from more than one location must obtain a separate business license for each business location.
- (k) Any advertising of the business shall be prima fade proof of the fact that the business is being carried on, or operating.

4. **A License Inspector (Town Administration, Bylaw Officer, and Other People Designated by the Town Office):**

- (a) Shall receive and review all license applications.
- (b) May inspect business premises before issuing a license and at any time thereafter to ensure that all regulations are observed.
- (c) Shall collect, or cause to be collected, all license fees as prescribed in this By-Law.
- (d) May grant a license, or refuse to grant a license if in his opinion there is reasonable and just cause for refusal.
- (e) May revoke or suspend a license if, in his opinion, there is reasonable and just cause for such action.
- (f) May issue:-
 - (i) a warning ticket
 - (ii) a violation ticket providing for a voluntary penalty
 - (iii) a summons requiring an accused to appear in court to a charge of violating this By-Law.

- 5.
- (a) All applicants for a license shall, before a license is issued, pay to the Town a license fee as prescribed in the Schedule of Fees in this By-Law.
 - (b) The license fee for a person commencing a business, listed in Schedule 1 or Schedule 2, after the 30th day of June of the current calendar year, shall be one half of the annual fee prescribed in this By-Law in said Schedule 1 or Schedule 2.
 - (c) In the event that a license is revoked or surrendered, no refunds will be issued.

6. **Appeal**

- (a) Any person who has been refused a business license, or had a business license revoked or suspended may appeal the decision of the License Inspector to Council.
- (b) An appeal must be made in writing, addressed to the CAO, and be made within fourteen consecutive days of the date the appelland was notified of the decision.

- (c) The written appeal shall specify the grounds for the appeal.
- (d) The appeal shall be heard by Town Council within thirty (30) days of receipt of the appeal.
- (e) Town Council may hear from the appellant and the License Inspector and any other person claiming to be affected by the decision which is subject of the appeal or accept any other information deemed pertinent to the subject matter of the appeal.
- (f) At the conclusion of the appeal hearing, Town Council may uphold, vary or rescind the decision of the License Inspector. A decision of Town Council shall be final and binding.

7. **Penalty**

- (a) Every person who contravenes any provision of this By-Law is guilty of an offense and is liable on summary conviction:-
 - (i) For a first offense, to a fine of not less than One Hundred dollars (\$100.00) nor greater than Five Hundred (\$500.00) Dollars.
 - (ii) For a second or subsequent offense, to a fine of not less than Two Hundred (\$200.00) and not more than One Thousand (\$1,000.00) Dollars.
- (b) In the event that a person is convicted under this By-Law for operating a business while not holding a valid license, the court may, in addition to any other penalties, order that the accused pay the required fee for the license.
- (c) Notwithstanding any other penalty provisions of this By-Law, a License Inspector may issue a voluntary penalty in lieu of a summons and the accused may within ten (10) days pay the following monetary penalty to the Town:-
 - (1) For license categories listed in Schedule 1 or 2:

(i)	For the first offense	\$75.00
(ii)	For a second and subsequent offense	\$150.00
 - (2) By paying a voluntary penalty, whether in person or by an agent or by mail, an accused shall be deemed to be guilty of the offense.
 - (3) In the event that a person who has been refused a license, or had a license revoked or suspended, carries on a business, he shall be guilty of an offense and be liable on Summary Conviction to a fine of One Hundred Dollars (\$100.00) for each day that such business is carried on. Upon conviction under this paragraph, the Court may order that the accused cease to carry on such business.
- (d) A person holding a business license issued pursuant to this By-Law is subject to all pertinent Federal, Provincial and Town regulations.

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SCHEDULE OF FEES

Business License Fees for existing businesses are due and payable on or before the 31st day of January of the current calendar year or payable immediately upon commencing a new business in the Town.

SCHEDULE 1

Fees

(A) TOWN Businesses Annual \$20.00

SCHEDULE 2

(A) NON-TOWN or NON-COUNTY Businesses \$100.00/Year
Or
\$10.00/Day



**BY-LAW #2013-506
OF THE
TOWN OF DAYSLAND
IN THE PROVINCE OF ALBERTA**

A BY-LAW TO AMEND THE BUSINESS LICENSE BY-LAW #2012-506

Pursuant to the Municipal Government Act, R.S.A. 2000, C. M-26, as amended, the Municipal Council of the Town of Daysland, duly assembled enacts as follows:

1. That Bylaw 2012-606 is hereby rescinded and this Bylaw shall come into force and take effect on the day of third and final reading.

READ a FIRST time in COUNCIL _____.




MAYOR



CHIEF ADMINISTRATIVE OFFICER

READ a SECOND time in COUNCIL _____.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

UNANIMOUSLY CONSENTED TO AND READ a THIRD time and FINALLY PASSED in COUNCIL _____.



MAYOR



CHIEF ADMINISTRATIVE OFFICER



OFFICIAL ADMINISTRATOR