

**TOWN OF ECKVILLE**  
**BY-LAW 622/99**

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THIS BY-LAW BEING BY-LAW 622/99 OF THE TOWN OF ECKVILLE IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF LICENSING AND REGULATING ANY BUSINESS OR INDUSTRY WITHIN THE TOWN OF ECKVILLE

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WHEREAS Section 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 by-law for the purpose of regulating, controlling and licensing all businesses being carried on within the Town of Eckville; and

WHEREAS Section 2 further provides that in any by-law passed under said section, Council may make provisions that it considers necessary to carry out the purpose of the by-law, and

WHEREAS the Council of the Town of Eckville deems it expedient to pass such a by-law.

NOW THEREFORE the Council of the Town of Eckville in the Province of Alberta duly assembled enacts as follows:

**1. TITLE**

This By-law may be cited as the "Business License By-Law".

**2. DEFINITIONS**

- 2.1 "**Applicant**" means a person who applies for a business license or a renewal of a business license as required by this by-law.
- 2.2 "**Business**" includes any business, calling, trade, profession, industry, occupation, employment or the provision of goods and services totally within or partly within the Town, not otherwise specified herein, and not excluded by the Provincial Statutes.
- 2.3 "**Business License**" means a license issued pursuant to this by-law.
- 2.4 "**Carry On**" means operate, pick up, deliver, perform, keep, hold, occupy, deal in or use, for gain, whether as a principal or agent.
- 2.5 "**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 employee or employees organization
- 2.6 "**Council**" means the Municipal Council of the Town of Eckville.
- 2.7 "**Farmers Market**" means the organization belonging to the Alberta Agricultural Farmers Market Program that sell products which have been handcrafted, grown or produced, processed or baked with such products being sold a maximum of three (3) hours per week within the Town of Eckville.
- 2.8 "**Home Based Business**" means any occupation, trade, profession, craft carried on by an occupant of a residential building as a use secondary to the residential use of the building as per the regulations provided in the Town of Eckville Land Use By-Law.
- 2.9 "**Licensing Officer**" means a person authorized by Council to carry out the provisions of this

By-law and/or acting or authorized to act on his/her behalf, including the By-Law Enforcement Officer/Special Constable and any member of the Royal Canadian Mounted Police (RCMP) in the enforcement of this by-law.

- 2.10 **"License Year"** means the period commencing January 1st to December 31st.
- 2.11 **"Licensee"** means a person holding a valid and subsisting business license issued pursuant to the provisions of this by-law.
- 2.12 **"Municipal Administrator"** means the Municipal Administrator of the Town of Eckville as appointed by Council.
- 2.13 **"Non-Resident"** means any person who is not a permanent resident in the Town.
- 2.14 **"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.
- 2.15 **"Person"** includes an individual, a group of individuals, firm, corporation, association, partnership, society or other similar co-operative organization.
- 2.16 **"Premises"** means and includes any store, office, warehouse, residential dwelling, factory, building enclosure, yard and other places occupied or capable of being occupied by any person for the purpose of carrying on any business.
- 2.17 **"Resident"** means a person who is a permanent resident of Town.
- 2.18 **"Resident Business"** means a business that is located within the Town by either:
- a) ownership of the occupied premise for the purpose of carrying on a specified business, or
  - b) leasing premise for a period of not less than ninety (90) days for the purpose of carrying on a specified business, and
- that business premises are in compliance with the Land Use By-Law of the Town of Eckville.
- 2.19 **"Town"** means the Municipal Corporation of the Town of Eckville and where the context so requires means the area contained within the corporate boundaries of the said municipality.
- 2.20 **"Trade Show"** means the assembling of persons in one location for the purpose of promotion or providing goods and services to the general public.

### **3. APPOINTMENT OF LICENSING OFFICER**

- 3.1 The Municipal Administrator shall be appointed the Licensing Officer to carry out the provisions of this By-Law.

### **4. DUTIES OF THE LICENSING OFFICER**

- 4.1 To receive and inspect all applications for business licenses.
- 4.2 To conduct investigations with regard to proposed applications and suspected situations where business is being or believed to be carried out without a business license pursuant to this by-law.
- 4.3 To conduct inspections of business premises.
- 4.4 To collect business license fees pursuant to this by-law.
- 4.5 To grant with or without conditions or refuse business licenses where deemed appropriate.
- 4.6 To revoke business licenses where deemed appropriate and necessary.

- 4.7 To administer the By-law, and as far as practical, see that all concerned conform to its provisions.
- 4.8 To monitor all forms of advertising directed to the Town residents.
- 4.9 To initiate legal court action for violations of this by-law.

**5. NECESSITY FOR BUSINESS LICENSE.**

- 5.1 No person shall within the Town:
- a) carry on or operate a business referred to in this by-law 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 the by-law;
- unless he/she holds a valid and subsisting business license to do so issued pursuant to the provision of this by-law.
- 5.2 Notwithstanding Subsection 5.1, no business license shall be required:
- a) For any business providing goods and services to the Town of Eckville for business related to the normal operation of the municipality.
  - b) For a non-resident business that supplies bulk goods to a licensed resident business for the purpose of resale.
  - c) For the carrying on of any business which, in the opinion of the Licensing Officer, is being conducted for religious, charitable or community purposes.
  - d) By a person under 18 years of age and a student who does not have a permanent place of business.
- 5.3 Notwithstanding any provision of this by-law, a business license shall not be required by any person or business if any Statute of Canada or the Province of Alberta exempts such person or business from requirements of municipal licensing.
- 5.4 No person shall carry on or operate any business within or partly within the Town of Eckville without first securing or holding a valid and subsisting business license issued pursuant to the provisions of this by-law and amendments thereto, and by-laws passed from time to time, unless specifically exempted by law.

**6. INDIVIDUAL BUSINESS LICENSES**

- 6.1 Any 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.
- 6.2 Each business carried on by a person shall require a separate business license.

**7. BUSINESS ON SEVERAL PREMISES**

- 7.1 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 premise as though a business carried on in each were a separate business.

**8. BUSINESS LICENSE APPLICATIONS**

- 8.1 Every applicant for a business license shall submit a written application in the prescribed form, signed by the applicant or his/her agent, together with the required fee.

**9. PREREQUISITES FOR A BUSINESS LICENSE**

- 9.1 No business license shall be granted until such time as the applicant holds a valid Development Permit as required by the Land Use By-Law for the said business or businesses located within the Town of Eckville.

- 9.2 No business license shall be granted until such time as the applicant holds a valid Provincial or Federal License where required by law.
- 9.3 No business license shall be granted if the applicant fails to comply with any other by-law of the Town of Eckville or Statute of the Province of Alberta or Statute of Canada.
- 9.4 No business license shall be granted until the applicant has submitted to the Licensing Officer the proper fees as provided by this by-law.
- 9.5 No business license shall be valid unless the said business license has been signed by the Licensing Officer or anyone designated to act on his/her behalf.

**10 DISPLAY OF BUSINESS LICENSE**

- 10.1 Every business license issued under this by-law 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 certification under this by-law or any other by-law of the Town of Eckville 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 of certificate is required.

**12 POWER OF REFUSAL**

- 12.1 Subject to the provisions of the by-law, the Licensing Officer 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 Licensing Officer may revoke or suspend any business license, if in his/her opinion there are just and reasonable grounds.
- 13.2 The Licensing Officer may revoke or suspend any business license for non-compliance with this by-law or provincial regulation notwithstanding that the holder of that business license has not been prosecuted for a contravention of that by-law or provincial regulation.

**14 NOTICE OF REVOCATION OR SUSPENSION**

- 14.1 Upon a business license being revoked or suspended, notice may be given by personal delivery of such notice to the Licensee or by mailing a double registered letter to the Licensee at his/her place of business or residence as shown on his/her license.
- 14.2 The Licensee shall terminate the operation of his/her business immediately upon being given verbal notice, or upon being served with written notice of the revocation of his/her license. 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 business license is issued or the suspended business license is reinstated. Otherwise, fines applicable under Section 19, Penalties, will be imposed.

**15. APPEALS**

- 15.1 If the Licensing Officer refuses to grant a license or to renew a license or revokes or suspends a license, the applicant or Licensee, as the case may be, may appeal to Council.
- 15.2 Every such appeal shall be made in writing within 30 days of the refusal, revocation or suspension, otherwise there shall be no right to appeal.
- 15.3 Council shall hold a hearing on such appeal within 30 days of the date of receipt of the notice of appeal, giving notice of the hearing date to the appellant by regular mail at least 7 days prior to the date of the hearing.

15.4 When considering an appeal, Council shall have due regard to the circumstances and merits of the case and shall hear the Licensing Officer or his designate, the appellant and any other person who may be affected or whom Council agrees to hear.

15.5 Council may confirm, reverse or vary the decision of the Licensing Officer and may impose such conditions or restrictions on the license as it considers proper and desirable in the circumstances.

15.6 Council shall render its decision on an appeal in writing within 30 days of the date of the hearing and Council's decision on such appeal is final and binding.

16. **FEES PAYABLE**

16.1 The fee payable for an annual business license issued between the 1<sup>st</sup> day of January and the 31<sup>st</sup> day of December in any license year shall be the business license fee for the full year.

17 **DURATION OF BUSINESS LICENSE**

17.1 Every annual business license issued under the provisions of this Bylaw unless revoked, shall terminate at midnight on the 31<sup>st</sup> day of December of the license year in which the said business license was issued.

18 **REGULATIONS RESPECTING SPECIFIC LICENSES, SPECIAL CIRCUMSTANCES**

For the purpose of this Section, "hawker and peddler" means a person:

- a) who goes about Town selling or offering for sale any goods or service and who is not a wholesale or retail dealer in such goods or service with a permanent place of business in the Town;
- b) who goes about the Town offering or exposing for sale by means of samples, patterns, cuts or blueprints, goods to be later delivered to the customer, or;
- c) who sells goods on the street or elsewhere than at a building which is his/her permanent place of business.

18.1 **Farmers Markets, Flea Markets, and Trade Shows**

- a) A license is required for each location at which a Farmer's Market, Flea Market or Trade Show is operated.
- b) A person who operates a stall in a Farmer's Market, Flea Market or Trade Show does not require a license.
- c) A person who organizes or who operates a stall in a Farmer's Market, Flea Market, or Trade Show shall furnish to the Licensing Officer or to a peace officer upon request any information available to him concerning the operator or operation of any stall in the Farmer's Market, Flea Market or Trade Show.

18.2 **Community Functions**

- a) No hawker or peddler is permitted to operate within the area described as Block 12, Plan 264HW during a community function unless he/she has prior, written consent from the group or organization putting on the function.
- b) A hawker and peddler shall furnish to the Licensing Officer or to a peace officer upon request any information available to him concerning the operator or operation.

19 **PENALTIES**

19.1 A person who contravenes any provision of this bylaw shall be guilty of an offence and shall

be liable upon conviction therefore to a fine of not more than \$500.00 and in addition to payment of the solicitor-client costs of the Town incurred in prosecution of the offence, and in default of payment of the fine and costs to imprisonment for a term not exceeding 6 months.

19.2 Where the offence is for non-payment of a license fee, the Court may direct payment of the license fee in addition to any other penalty.

**20 AMENDMENTS TO SCHEDULES**

20.1 Town Council may by resolution amend Schedule "A" from time to time.

**21 EFFECTIVE DATE AND REPEAL EXISTING BY-LAWS**

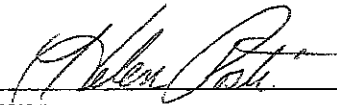
21.1 This bylaw shall come into force and effect on January 1, 2000.

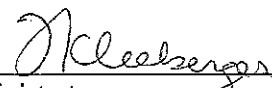
21.2 Bylaw No. 557/92 is hereby rescinded in its entirety.

READ for the first time this 25<sup>th</sup> day of October, A.D. 1999.

READ for the second time this 8<sup>th</sup> day of Nov. A.D. 1999

READ for the third and final time this 10 day of Jan. A.D. 2000

  
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Mayor

  
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Administrator

**TOWN OF ECKVILLE**

**BY-LAW 622/99**

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**SCHEDULE "A"**

**BUSINESS LICENSE FEES**

1. **NON-RESIDENT BUSINESS OR HAWKER AND PEDDLER**

1.1 The annual license fee shall be:

- a) \$20.00 within the area of telephone exchanges 746 and 729;
- b) \$100.00 outside of the area of telephone exchanges 746 and 729.

2. **RESIDENT BUSINESS OR HAWKER AND PEDDLER**

2.1 The annual license fee shall be:

- a) \$20.00.

3. **HOME BASED BUSINESS**

3.1 The annual license fee shall be:

- a) \$20.00.

4. **FARMER'S MARKET, FLEA MARKET, TRADE SHOW**

4.1 The annual license fee shall be:

- a) \$100.00.