

AMENDMENT

BY-LAW NUMBER 93-09

OF THE TOWN OF VALLEYVIEW

IN THE PROVINCE OF ALBERTA

BEING a By-Law of the Town of Valleyview to amend By-Law 87-17 Licensing and Regulations to address Charitable or Non Profit Organizations obtaining a business license.

WHEREAS it is deemed expedient to amend By-Law 87-17.

NOW THEREFORE under the authority and subject to the provisions of the Municipal Government Act RSA 1980, the Council of the Town of Valleyview duly assembled, enacts that By-Law 87-17 be amended as follows:

Add to Page 3 Sec. #5.1 (c) "Canvass on behalf of a registered Charitable or Non-Profit Organization.

Add to Page 3 Sec. #7.2 (e) "In the case of a Group falling under Section 5.1 (c) no fee will be charged.

Delete Page 4 Sec. #8 "Exemptions" in its entirety.

READ a first time this 13th day October 1993, A.D.

READ a second time this 13th day October 1993, A.D.

READ a third time this 13th day October 1993, A.D.


MAYOR


MUNICIPAL SECRETARY

* Amended by
93-09

BY-LAW NUMBER 87-17

OF THE TOWN OF VALLEYVIEW

IN THE PROVINCE OF ALBERTA

BEING A BY-LAW OF THE TOWN OF VALLEYVIEW TO PROVIDE FOR THE LICENSING AND REGULATION OF CERTAIN BUSINESS, OCCUPATIONS AND PROPERTY WITHIN THE TOWN OF VALLEYVIEW

The Municipal Council of the Town of Valleyview hereby ENACTS AS FOLLOWS:

Title

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

Definitions

2. In this By-law unless the context otherwise requires:

- (1) "Act" means the Municipal Government Act, Chapter M26, R.S.A., 1980 as amended or replaced from time to time;
- (2) "applicant" means a person who applies for a license or a renewal of a license required by this By-law;
- (3) "business" means any business, occupation, activity, amusement, entertainment, trade, employment, profession or calling;
- (4) "carry on" means carry on, operate, perform, keep, hold, occupy, deal in or use, for gain, whether as principal or agent;
- (5) "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 its members and includes:
 - (a) a religious society or organization,
 - (b) a service club,
 - (c) a community, veterans' or youth organization,
 - (d) a social, sport or fraternal organization or club,
 - (e) an employers' or employees' organization,
- (6) "Development Officer" means the Town's appointed officer with the control and management of the Planning By-laws;
- (7) "Council" means the Municipal Council of the Town of Valleyview;
- (8) "Hawker or Pedlar" means a person not being a body corporate and who whether as principle agent or not, or principle or agent
 - (a) goes from house to house selling or offering for sale any merchandise to any person, and who is not a wholesale or retail dealer in such merchandise with a permanent place of business in the Town of Valleyview;
 - (b) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise to be afterwards delivered in or shipped into the Town of Valleyview;
 - (c) sells merchandise on the streets or roads or elsewhere than at a building that is his permanent place of business.

But does not include a person selling

- (a) meat, fruit or other farm produce that has been produced, raised or grown by himself, or
- (b) fish of his own catching.

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- (9) "License" means a license granted by the Town of Valleyview entitling the person to whom it is granted to carry on an activity therein specified in the Town of Valleyview. The said License shall be in the form of a written permit and showing thereon the type of business engaged in;
- (10) "license" means a person holding a valid and subsisting license issued pursuant to the provisions of this By-law;
- (11) "License Inspector" means the person so designated herein and includes any inspector designated by the Council to perform such duties, and anyone acting or authorized to act on his behalf, including any member of the Royal Canadian Mounted Police in the enforcement of this By-law;
- (12) "home occupation" means any person, firm or corporation carrying on any business from a residence within the Town of Valleyview;
- (13) "motor vehicle" means an automobile, truck or motorcycle;
- (14) "non-resident" means any person including hawkers and pedlars, who do not permanently reside or have a place of business in the Town of Valleyview
- (15) "person" means a natural person or a 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;
- (16) "Planning By-laws" means Land Use By-law No. 86-6 as amended or replaced and all other statutory plans and by-laws as have been made or may be passed by the Town.
- (17) "Police" means any member of the R.C.M.P., or any Peace Officer, or By-law Enforcement Officer, appointed by the Town of Valleyview;
- (18) "premises" includes the store, office, warehouse, factory, building, enclosure, yard or other place occupied, or capable of being occupied, by any person for the purpose of any business;
- (19) "resident" means any person, firm or corporation who does permanently reside or have a place of business in the Town of Valleyview and the license shall authorize the licensee to carry on the licensed business only in or upon the premises designated in such license.
- (20) "Town" means the Town of Valleyview, a municipal corporation of the Province of Alberta, and where the context so requires means the area contained within the corporate boundaries of the said municipality;

Appointment of License Inspector

3. The Council shall appoint a License Inspector and such assistants as may be required to carry out the terms of this By-law, and should no appointment occur then the Town Manager shall automatically be the License Inspector.

Powers and Duties

4. The powers and duties of the License Inspector are:
- (1) to receive and deal with all applications for licenses and transfers thereof including the collection of money payable under this By-law;
 - (2) to ascertain that all information furnished by an applicant in connection with an application for a license or transfer of a license is true in substance and in fact;
 - (3) to prosecute violations and infractions of this By-Law.

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5. Necessity of License

(1) No person shall within the Town:

- (a) carry on or operate any of the businesses, callings, trades or occupations referred to in this By-law; or
- (b) carry on any undertaking, do any act, or use or have any article for which a license is required;

unless he holds a valid license from the Town of Valleyview obtained in accordance with the provisions of the By-law.

- 5 (c) *See Amendment*
- (2) Any advertizing of the businesses, callings, trades or occupations shall be deemed to be prima facie proof of the fact that the person advertizing is carrying on or operating any such business, calling, trade or occupation.
 - (3) Any person engaged in or carrying on one or more business either separately or together, shall pay a license for each business carried on.

6. Duration

Every license issued under the provisions of this By-law shall terminate at midnight on the 31st day of December of the year in which said license was issued unless:

- (1) the license provides otherwise; or
- (2) the license has been sooner cancelled or forfeited.

7. License Fee

- (1) No person shall carry on or operate any business, calling, trade or occupation within or partly within the Town without first paying to the License Inspector the license fee prescribed in this By-law.
- (2) (a) The license fee for all Town and Improvement District #16 resident businesses excluding the Town of Fox Creek shall be \$30.00 per annum
- (b) The license fee for all non-resident businesses shall be \$200.00 per annum for non-food.
- (c) The license fee for all non-resident businesses shall be \$150.00 per annum for food.
- (d) The license fee for all non-residents home occupations daily use shall be \$50.00 per day.

7 (e) *See Amendment*

(3) Where a fee required has been paid by the tender of an uncertified cheque, the license:

- (a) is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license; and
 - (b) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.
- (4) (a) The License Inspector may, after July 1 of any license year, issue a license for a newly established or starting business, for one half the annual fee set out in subsection (1) hereof.
 - (b) Should the business be established before July 1, of the year, and the person applied for a license or is issued a license after July 1, the business will still be subject to the entire annual license fee.

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- (c) Where a license is surrendered or revoked, the Town shall refund to the licensee, prior to July 1, one-half the annual fee therefor, but this provision shall not apply to any license issued for a period of less than the full license year.

8. Exemptions ← Deleted

- (1) All Charitable or Non-Profit Organizations shall be exempt from the provisions of this By-law and no Business License shall be deemed to be necessary.

9. Application

- (1) An applicant for a license shall make application to the License Inspector furnishing such information as the License Inspector may from time to time require, including:
- (a) every Federal or Provincial Certificate, authority, license or other document or qualification that may be required in connection with the carrying on of a business;
 - (b) a Provincial License where required under any Provincial Act;
 - (c) any certificate or other approval required by any provision of this By-law in respect of the business;
 - (d) the license fee payable in respect of the business as set out in this By-law.
- (2) An application for license for any business or occupation of a type mentioned in this By-law shall be made jointly by all the persons who will actively be engaged in the management and control of the business and those persons only. If, in the course of any license year, additional persons are added to those sharing the management and control of the licensed operation, then the additional names shall be forthwith given to the License Issuer. Failure to disclose to the Town any of the information required shall be grounds for immediate cancellation of the license if issued and the forfeiture of any fee paid for the license.
- (3) 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 offense and liable to a fine of not more than \$5.00 for every day during which the default continues.

10. Home Occupations

- (1) No license shall be issued for a home occupation until the applicant is in possession of a valid development permit issued under the provisions of the Town's Land Use By-law.
- (2) Where a business subject to licensing is carried on or intended to be carried on in more than one location, a license shall be required in respect of each place as though the business carried on in each were a separate business.

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Circuses, Midways, etc.

Before the License Inspector shall issue a license to any person or persons with transient trader or hawker or pedlar status in respect to any of the following:

- (a) circuses, carnivals, midways, dare-devil exhibitions, stampedes, menageries, shooting galleries, or any similar shows.
- (b) the applicant or applicants for such license shall execute a premises, property and operations general liability policy to be with an insurance company approved by the Town Manager, the sum of at least one million dollars (\$1,000,000.00) or file proof that a policy in this amount is carried, such policy to remain in force during the life of the license.

And provided that no license shall be issued until a schedule or prices of admission and food is filed and a bond in the amount of One Thousand (\$1,000.00) dollars is lodged with the Town Manager. This shall be conditioned that the bond will be forfeited unless the schedule prices are kept, and further, the losses or damages to which the said Town be put or may pay by reason arising out of use of the grounds by the circus or midway, dare-devil exhibition, carnival, stampede, shooting gallery etc., such bond remain in force during the life of the license.

The daily license fee required from operators of midways, dare-devil exhibitions or other similar shows as listed under Section 11b shall be waived for functions of any service club of the Town of Valleyview

Compliance

- (1) Whenever an applicant for a license has complied with the terms of this By-law and of any other by-laws applicable, he shall be entitled to the license applied for upon payment of the proper fee.
- (2) 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 conditions.

Appeal

- (1) Where an applicant for a license or for a transfer of a license has been refused or has been authorized subject to conditions, the applicant may appeal to the Council.
- (2) After hearing the applicant and the evidence adduced, the 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, and the decision of the council is final.
- (3) Every such appeal shall be made in writing within thirty (30) days after a license has been refused or revoked, otherwise the right of appeal shall be barred and extinguished.

Production

Every licensee who holds a license under this By-law which is not limited to specific premises, shall, so long as the license is in force, have immediately available the license or duly authorized copy thereof and such licensee shall, upon request, forthwith produce same to a Police Officer, a License Inspector, or any person with whom he is doing business to which the license relates.

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15. Inspection

Where a business involves the occupation of a specific building or a specific location and such business is reasonably believed to require a license under this By-law a Police Officer, a License Inspector or any other authorized person may inspect the building or location for any purpose under this By-law at all reasonable times during the license year.

16. Revocation and Refusal

(1) 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 R.S.A. ch. P27 1980 and any regulations made thereunder, and amendments or substitutions therefor or any Town By-law respecting health, the Medical Officer of Health may revoke the license in respect thereof.

(2) 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 to contravene the provisions of:

(a) the Fire Prevention Act R.S.A. Ch. F101 1980 or as amended or replaced from time to time;

(b) the Planning Act R.S.A. Ch. P9 1980 or a Planning By-law as replaced or amended from time to time;

the Fire Chief or the Development Officer shall report the contravention to the License Inspector who may revoke the license therefor.

(3) The License Inspector may revoke or refuse to grant any license on any grounds which, in his opinion, are just and reasonable.

(4) upon a license being revoked 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 shall have been deemed to have been received five days after the date of mailing;

and after the delivery or deemed 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.

17. Penalty

(1) Any person contraveing any provision of this By-law shall be liable upon conviction therefor to a fine of not less than \$250.00 and not more than \$1,000.00 exclusive of costs, and in case of non-payment of the fine and costs so imposed, the person shall be imprisoned for a period of time not to exceed six months unless the fine and costs including the cost for committal are sooner paid.

(2) Where the offence is non-payment of any license fee payable hereunder, the convicting Provincial judge may adjudge payment thereof in addition to the fine imposed.

(3) As an alternative to subsection 1 of this section, the License Inspector may enforce the provisions of this By-law and may issue a ticket to any person alleged to have committed one or more breaches of the By-law. The ticket shall state the alleged offence and require forfeiture and payment of the appropriate fine as follows:

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17. Penalty cont'd

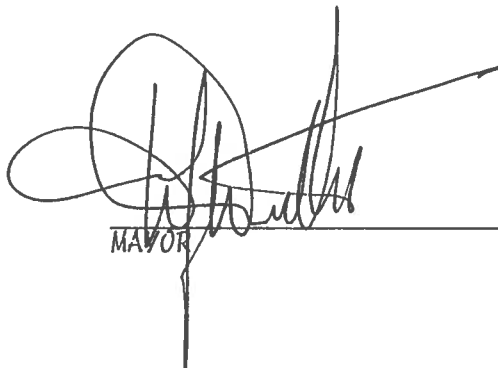
- (3) (a) a penalty equivalent to twice the applicable license fee shall be levied against and paid by any person who commits a breach of any of the provisions of this By-law;
- (b) a penalty equivalent to three times the applicable license fee shall be levied against and paid by any person who commits for a second time a breach of provisions of this By-law provided the offence is committed within twelve (12) months of the committing of the first offence;
- (c) a penalty equivalent to four times the applicable license fee shall be levied against and paid by any person who commits for a third time or time in excess of three (3) a breach of any of the provisions of this By-law provided the offence is committed within twelve (12) months of the committing of the first offence.
- (4) An offence ticket may be issued by personally serving it upon the alleged offender or by leaving it at the residence of the alleged offender or by sending it to the alleged offender by single registered mail.

18. By-Law 87-17 supercedes By-Law 86-3 and shall come into effect on the final reading.

READ a first time this 25th day of November A.D., 1987

READ a second time this 9th day of December A.D., 1987

READ a third and final time this 9th day of December A.D., 1987


MAYOR


MUNICIPAL SECRETARY