

**BY LAW NO. 12-2001
OF THE
TOWN OF VERMILION
IN THE PROVINCE OF ALBERTA**

BEING A BY-LAW OF THE TOWN OF VERMILION IN
THE PROVINCE OF ALBERTA PROVIDES FOR THE
LICENSING, CONTROL, AND REGULATING OF ANY
BUSINESS WITHIN THE TOWN OF VERMILION

WHEREAS it is provided in and by the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, and amendments thereto, that the Council may control and regulate all business and industry carried on within the Town of Vermilion including the manner of operation, the nature of the operation and the location thereof, and may license any or all such businesses or industries whether or not the business has a business premise within the municipality.

NOW THEREFORE, THE COUNCIL OF THE TOWN OF VERMILION, IN THE PROVINCE OF ALBERTA DULY ASSEMBLED ENACTS AS FOLLOWS:

1. Definitions:
 - (1) "Business" includes business, trade, profession, industry, occupation, employment or calling, and the providing of goods and services, but does not include:
 - (a) a sub-contractor or other person who is performing under or employed by a principle contractor or business and is not otherwise doing business within the Town;
 - (b) any business hired, employed or contracted by the Town and not otherwise doing business within the Town.
 - (2) "Business license" means a license issued pursuant to this By-Law.
 - (3) "Council" means the Municipal Council for the Town of Vermilion.
 - (4) "District resident business" means a business having a permanent establishment within the limits of the Vermilion Recreation District in the County of Vermilion River No. 24, as established by the Vermilion and District Recreation Board.
 - (5) "Hawker or peddler" means any person whether as principal or agent:
 - (a) goes from house to house selling or offering for sale any merchandise or services, or both, to any person, and who is not a wholesale or retail dealer in such merchandise or services, and not having a permanent place or business in the municipality, or;
 - (b) offers or exposes for sale to any person by means of samples, patterns cuts or blueprints, merchandise or services, or both, to be afterwards delivered in and shipped into the municipality, or;

- (c) sells merchandise or services, or both, on the streets or elsewhere than at a building that is his permanent place of business, but does not include any person selling;
 - i) meat, fruit or other farm produce that has been produced, raised or grown by himself, or
 - ii) fish of his own catching.
 - (6) "License issuer" means a person or persons authorized by Council to carry out the provisions of that By-Law.
 - (7) "Non-resident business" means a business not having a permanent establishment within the corporate limits of the Town of Vermilion.
 - (8) "Peace officer" means a member of the Royal Canadian Mounted Police or a Bylaw Officer of the Town of Vermilion.
 - (9) "Person" means a person or persons, firm, partnership or body corporate.
 - (10) "Resident business" means a business having a permanent establishment within the corporate limits of the Town of Vermilion.
 - (11) "Town" means the Town of Vermilion.
 - (12) "Violation tag" means a tag or similar document issued by the Town of Vermilion pursuant to the Municipal Government Act, S.A. 1988, C.P-21.5, as amended, and Regulations thereunder.
 - (13) "Violation ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, S.A. 1988, C.P-21.5, as amended, and Regulations thereunder.
2. The Chief Administrative Officer of the Town of Vermilion or his designate, is hereby appointed as license issuer to carry out the provisions of this By-Law.
3. The duties of a License Issuer are:
- (1) To receive and consider applications for a business license.
 - (2) To conduct investigations with regard to proposed applications where necessary.
 - (3) To conduct inspections of business premises where necessary.
 - (4) To collect business license fees pursuant to this By-Law.
 - (5) To refuse or grant business licenses where deemed appropriate.
 - (6) To revoke business licenses where deemed appropriate and necessary.
 - (7) To commence prosecutions for violations of this By-Law.
4. Application for a Business License:
- (1) Every person applying for a business license shall submit to the license issuer a written application in the prescribed form and signed by the applicant or his duly appointed agent.
 - (2) Every application for a business license for an existing business shall be

submitted to the license issuer by the 31st day of January of each year.

5. Grant or Refusal of Business License:

- (1) Upon receipt of an application for a business license, the license issuer may:
 - (a) grant a business license, or;
 - (b) refuse a business license if in his opinion there are just and reasonable grounds for the refusal.
- (2) Where a business license has been granted pursuant to section 5(1)(a), the license issuer may revoke the business license if in his opinion there are just and reasonable grounds for the revocation.

6. Appeals:

- (1) In every case where, under the provisions of Section 5(1)(b):
 - (a) an application for a business license has been refused, or;
 - (b) a business license has been revoked, an appeal may be made to Town Council by the person seeking the business license.
- (2) An appeal under Section 6(1)(a) or 6(1)(b) shall be made by serving written notice of appeal to the Chief Administrative Officer within 30 days after the date of the refusal or revocation.
- (3) The Council:
 - (a) shall hold a hearing on any appeal within 30 days from receipt of the notice of appeal;
 - (b) shall ensure notice of the hearing is mailed by regular mail at least seven days prior to the date of the hearing to the appellant, and;
 - (c) shall consider each appeal having due regard to the circumstances and merits of the case.
- (4) When an appeal is being heard, the Town Council shall hear:
 - (a) the license issuer;
 - (b) the appellant, and;
 - (c) any other person who in the Council's opinion might be affected.
- (5) In determining an appeal, the Council:
 - (a) may confirm, reverse or vary the decision of the license issuer and may impose such conditions or limitation as it considers proper and desirable in the circumstances, and;
 - (b) shall render its decision in writing to the appellant within 30 days from the date on which the hearing is held.
- (6) A decision of the Town Council on any appeal is final and binding on all parties.

7. A business license issued under the provisions of this By-Law, unless revoked, shall terminate at midnight on the 31st day of December of the year in which the license was issued, unless otherwise stated on the license.

8. No person shall carry on or operate any business within the Town without

holding a valid and subsisting business license issued pursuant to the provisions of the By-Law, unless specifically exempted by legislation.

9. Every business license issued under this By-Law shall:
 - (1) Be posted in a conspicuous place in the business premises, or
 - (2) Carried by the licensee, in the absence of a business premise.

10. Every person carrying on or engaged in any business in respect of which a license is required under this By-Law shall:
 - (1) Provide a valid and subsisting license, and
 - (2) Give all necessary information to a Peace Officer or Town of Vermilion license issuer or designate as they might require in the fulfilment of their duties.

11. Business License Fees:
 - (1) No business license shall be granted until the business license fee has been paid.

 - (2) The business license fee shall be in accordance with the following:
 - (a) in the case of a resident business, the fee shall be Thirty (\$30.00) Dollars per person employed by the business, as determined in Section 11(2)(f), up to a maximum fee of Four Hundred and Eighty (\$480.00) Dollars;

 - (b) in the case of a district resident business, the fee shall be Sixty (\$60.00) Dollars per person employed in the Town up to a maximum fee of Nine Hundred and Sixty (\$960.00) Dollars;

 - (c) in the case of a non-resident business, the fee shall be Two Hundred Forty (\$240.00) Dollars per person employed in the Town up to a maximum fee of Two Thousand Four Hundred (\$2,400.00) Dollars;

 - (d) in the case of a hawker or peddler;
 - i) one hundred and twenty (\$120.00) dollars per day or;
 - ii) an annual fee consistent with Section 11(2)(b) or 11(2)(c);

 - (e) in the case of a resident/non-resident general construction contractor, a fee of five hundred (\$500.00) dollars may be paid in lieu of the fee outlined in Section 11(2)(a), 11(2)(b), or 11(2)(c), in which case the license issued will cover one specific project and will include subtrades for the period of that particular project;

- (f) the number of persons employed by a resident business as mentioned in Section 11(2)(a), shall be determined by using the same number of persons employed for at least 10 days during the month of October in the previous year;
- (2) For the purpose of greater clarity, and without restricting the generality of the foregoing, persons employed by any business shall include persons regularly employed but, do not include:
 - (a) weekend employees, or;
 - (b) casual employees, or;
 - (c) student employees;
12. Fees payable after June 30:
- (1) The fee payable for a business license issued in accordance with Section 11(2)(a), 11(2)(b), or 11(2)(c) after the 30th day of June in any year shall be one half of the license fee for the full year.
 - (2) Where a business license issued in accordance with Section 11(2)(a), 11(2)(b), or 11(2)(c) has been revoked or surrendered,
 - (a) before June 30th in any year, one half of the fee paid shall be refunded to the licensee or,
 - (b) after June 30th in any year, no refund shall be made.
13. Violation Tag:
- (1) A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw. A Violation Tag may be issued to such person:
 - (a) either personally, or;
 - (b) by mailing a copy to such a person at the last known Post Office address;
 - (c) the Violation Tag shall be in a form approved by the Town of Vermilion or License Issuer and shall state:
 - i) the name of the person;
 - ii) the offence;
 - iii) the appropriate penalty for the offence as specified in this Bylaw;
 - iv) that the penalty shall be paid within fourteen (14) days of the issuance of the Violation Tag;
 - v) and any other information as may be required by the Town of Vermilion.
 - (2) Where contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
 - (3) Where a Violation Tag is issued pursuant to this Bylaw, the person to

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SCHEDULE I

<i>Description</i>	<i>Penalty</i>
Operation of a business without a valid business license	a) for a first offence a penalty of \$250.00 b) for a second offence or subsequent offence a penalty of \$500.00