

**BY LAW NO. 20-2014
OF THE
TOWN OF VERMILION
IN THE PROVINCE OF ALBERTA**

THIS 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 hereby enacts as follows:

1. In this Bylaw:
 - a) "business" includes business, trade, profession, industry, occupation, employment or calling, and the providing of goods and services, but does not include:
 - (i) 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,
 - (ii) any business hired, employed or contracted by the town and not otherwise doing business within the Town;
 - b) "business license" means a license issued pursuant to this By-Law;
 - c) "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.
 - d) "hawker or peddler" means any person whether as principal or agent,
 - (i) 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
 - (ii) 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

- (ii) 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,
 - a) meat, fruit or other farm produce that has been produced, raised or grown by himself, or
 - b) fish of his own catching;
 - e) "license issuer" means a person or persons authorized by Council to carry out the provisions of that By-Law;
 - f) "non-resident business" means a business not having a permanent establishment within the corporate limits of the Town of Vermilion;
 - g) "person" means a person or persons, firm, partnership or body corporate;
 - h) "resident business" means a business having a permanent establishment within the corporate limits of the Town of Vermilion;
 - i) "home occupation" means the carrying on of any business by any person whether as principal or agent from a residence or accessory residential building within the Town of Vermilion.
 - j) "town" means the Town of Vermilion.
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:
 - a) To receive and consider applications for a business license.
 - b) To conduct investigations with regard to proposed applications where necessary.
 - c) To conduct inspections of business premises where necessary.
 - d) To collect business license fees pursuant to this By-Law.
 - e) To refuse or grant business licenses where deemed appropriate.
 - f) To revoke business licenses where deemed appropriate and necessary.
 - g) To commence prosecutions for violations of this By-Law.
 4. The application process shall be:
 - a) 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.
 - b) Existing business will be invoiced in January of each year and include an application for the existing business to be submitted back to the town with payment by the 31st day of January of each year.

5. 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.

A business license granted pursuant to paragraph (1) subparagraph may be revoked if in the opinion of the license issuer there are just and reasonable grounds for the revocation.

6. The appeal process is:

- 1. In every case where, under the provisions of Section 5,
 - a) an application for a business license is refused, or
 - b) a business license has been revoked,

An appeal may be made to Town Council by the person seeking the business license by serving written notice of appeal to the Chief Administrative Officer within 30 days after the date of the refusal or revocation.

- 2. The Council,
 - a) shall hold a hearing on any appeal within 30 days from receipt of the notice of appeal,
 - b) shall insure 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.
- 3. 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.
- 4. 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 hearing date.
- 5. 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 Bylaw, 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 business license shall be granted until the business license fee has been paid.

9. The fee payable for a business license issued in accordance with the attached Schedule "A".

Where a business license issued in accordance with Schedule "A" 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.

10. 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 law.

11. Every business license issued under this By-Law shall;
- a) be posted in a conspicuous place in the business premises, or
 - b) carried by the licensee, in the absence of a business premise.

12. Every person carrying on or engaged in any business in respect of which a license is required under this Bylaw shall
- a) provide a valid and subsisting license, and
 - b) give all necessary information to a member of the Royal Canadian Mounted Police, Town of Vermilion Peace Officer, or Town of Vermilion license issuer as they might require in the fulfilment of their duties.

13. 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 business in the Town. Businesses commencing after July 1st in a given year will receive the license at half the annual cost.

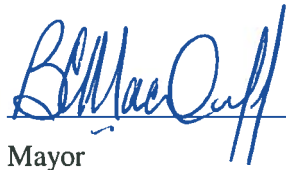
15. All invoices for Business License Fees outstanding after January 31st of the current calendar year shall be subject to a 1.5% per month interest charge on the unpaid balance.

16. Penalty for contravention shall be:
- Any person contravening any provision of this bylaw shall be guilty of any offence and liable on summary conviction to a fine of not less than two hundred and fifty dollars (\$250) and five hundred dollars (\$500) for any subsequent events.

Where the offence is for non-payment of any license fee payable hereunder, the convicting Justice may adjudge payment of the business license fee in addition to any other penalty.

17. By-Law 15-97 is hereby repealed.
18. This By-Law comes into effect on January 1, 2015.

READ A FIRST TIME IN COUNCIL THIS 2ND DAY OF
DECEMBER, A.D. 2014.



Mayor



Town Manager

READ A SECOND TIME IN COUNCIL THIS 2ND DAY OF
DECEMBER, A.D. 2014.

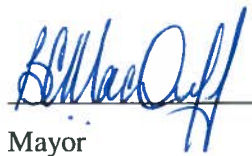


Mayor



Town Manager

READ A THIRD TIME IN COUNCIL THIS 2ND DAY OF
DECEMBER, A.D. 2014.



Mayor



Town Manager

SCHEDULE “A”

LICENSE	FEE
Hawker and Peddler	\$120/day to a maximum of \$500 Annually
Resident Business	\$150 Annually
Home Occupation	\$150 Annually
District Resident Business	\$150 Annually
Non-Resident Business	\$250 Annually
Non-Resident General Contractor	\$500 Annually
Seasonal Youth Entrepreneur Business	\$10 Annually