

BYLAW 640/06

TOWN OF ELK POINT #043

A BY-LAW OF THE TOWN OF ELK POINT, IN THE PROVINCE OF ALBERTA, AUTHORIZING THE MUNICIPAL COUNCIL TO SET REGULATIONS OF ANY BUSINESS OR INDUSTRY INCLUDING THE LICENSING THEREOF, THE RESTRICTION AND LIMITATION OF ITS OPERATIONS AND ANY OTHER MATER CONSIDERED NECESSARY WITH RESPECT TO THE BUSINESS OR INDUSTRY INCLUDING THE RIGHT TO IMPOSE A PENALTY AND TO PROHIBIT THE CARRYING ON OF ANY BUSINESS OR INDUSTRY WITHOUT A LICENSE IN THE TOWN OF ELK POINT.

WHEREAS, under the provisions of the Municipal Government Act, Chapter M-26 of the revised statues of Alberta, 2000 and amendments thereto.

NOW THEREFORE, the Council for the Town of Elk Point in the Province of Alberta duly assembled enacts that:

1. SHORT TITLE:

This Bylaw may be cited as the “Business License Bylaw”.

2. DEFINITIONS:

The following definitions shall apply, unless the context otherwise requires:

- a. “Business - means business, trades, callings and occupations.
- b. “Charitable Organizations - means any religious charitable, scientific, literary or educational organization which is a registered Canadian Charitable Organization pursuant to the Income Tax Act of Canada and/or Societies Act of Alberta.
- c. “Circus” - means circus rides, menageries, hippodromes, exhibitions, midways, carnivals and other entertainment carried on by showmen.
- d. “Contractor” - means any person(s), partnership(s), or corporation(s) who undertake(s) as principal or sub-contractor to do, provide, or carry on within the corporate limits of the Town of Elk Point, trades or occupations relative to the construction industry, a person(s) working by the hour will be classed as a contractor if he/she (they) is (are) responsible for his/her own payroll, workers, compensation, UIC and CPP.
- e. “Council” - means the Council for the Town of Elk Point.
- f. “General Contractor” - means any person(s), partnership(s) or corporation(s) who undertake(s) to direct or supervise subcontractors to do, provide, or carry on, within the corporate limits of the Town of Elk Point, trades or occupations relative to the construction industry.
- g. “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 municipality,

- ii. offer or exhibit 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 municipality, or
- iii. Sells merchandise or a service, or both, on the streets or roads or elsewhere than at a building that is his/her permanent place of business, but does not include any person selling,
 - meat, fruit or other farm produce that has been produced, raised or grown by himself/herself, or
 - fish of his/her own catching.
- h. “Home Residential Occupations” - means any business, occupation, trade, calling or craft carried on from a residence or accessory residential building such as AVON, AMWAY SALES PARTIES, etc., by one or more members of a family actually occupying the said residence and from which a home occupation has been approved under the provisions of the Land Use Bylaw of the Town of Elk Point.
- i. “Licensee” - means a person holding a valid license issued pursuant to this Bylaw.
- j. “Licensing Officer” - means and includes the Town Municipal Administrator, Bylaw Enforcement Officer and/or any other duly authorized and appointed person acting on his/her behalf.
- k. “Non Resident Business” - means a person, partnership or corporation whose business headquarters and or business enterprise is not located within the corporate boundaries of the Town of Elk Point who pays a business license fee to the Town of Elk Point.
- l. “Person” - means and includes a firm, one or more persons, a partnership or a body corporate.
- m. “Resident Business” - means a person, partnership or corporation whose business headquarters and/or business enterprise is located within the corporate boundaries of the Town of Elk Point, and who pays property taxes and/or a business license to the Town of Elk Point.
- n. “Rural Resident Business” - means a person, partnership or corporation whose business headquarters and/or business enterprise is located in Division 1 and 2 of the County of St. Paul #19 and who pays a business license fee to the Town of Elk Point.
- o. “Street Vendor” - means a person who sells merchandise or service on the streets or roads or elsewhere than at a building that is his/her permanent place of business in the Town of Elk Point but does not include any person selling:
 - i. meat, fruit, or other farm produce which as been produced raised, or grown in the Province of Alberta by himself/herself or
 - ii. fish of his/her own catching in the Province of Alberta.

- p. “Sub-Contractor” - means any person, partnership or corporation who under the direction of a general contractor, property owner or person in possession of property undertakes to provide or carry on a trade or occupation relative to the construction industry within the corporate limits of the Town of Elk Point.

3. GENERAL PROVISIONS:

Except as allowed under Section (4), no person shall, within the corporate limits of the Town of Elk Point, carry on or be engaged in any business unless he/she has paid the prescribed fee as set out in this bylaw, and is in possession of a valid and subsisting business license issued pursuant to the provisions of this bylaw.

- a) Each business license shall be valid only for the calendar year (January 1st to December 31st) or for the period for which it is issued.
- b) The Licensee shall produce the license for the inspection of any duly qualified officer of the Town of Elk Point.
- c) The Licensing Officer of the Town of Elk Point may at any time revoke or suspend a license issued under the provisions of this bylaw for failure to comply with any of the conditions or regulations herein.

4. SPECIAL PROVISIONS:

- a) In the case of motorized street vending vehicles:
 - i) Operation shall be restricted to privately or publicly owned properties located in Commercial, Industrial or Recreational districts as identified in the Town’s Land Use Bylaw. Operation will not be allowed without the expressed approval in writing from the property owner. Operation will not be allowed on any public roadway or street right-of-way.
 - ii) When a street vendor has ceased business operations for the day the street vending vehicle and all displays shall be removed from the place of operation and the area cleaned of all garbage.
- b) The following organizations and persons shall be exempt from licensing:
 - i) registered charitable organizations,
 - ii) religious groups,
 - iii) minor sports associations, service clubs, schools, scouts, guides,
 - iv) non-profit community service organizations,
 - v) no license shall be required by any out of town person or business that solely sells or supplies wholesale goods to existing businesses within the Town of Elk Point, excepting where the wholesale business is located within the Town, then it shall have a Town Business license,
 - vi) a person selling meat, fruit or other farm produce that has been raised or grown by him/herself within the province of Alberta,
 - vii) a person selling fish of his/her own catching,
 - viii) a person holding a garage sale,

- c) The Licensing Officer shall not issue a license for a Circus before the Manager, Agent or person in charge of any circus as herein defined produces to the satisfaction of the Licensing Officer proof that the circus carries a public liability policy for an amount of not less than \$1,000,000.00. It is the responsibility of the sponsoring organization or Club to see that the circus has liability coverage in the amount as specified.

5. APPLICATION FOR BUSINESS LICENSE:

- a) Application for a license, for renewal of a license or for the transfer of a license, shall be made in writing on the prescribed form in accordance with Appendix "A" herein attached and forms part of this Bylaw.
- b)
 - i) Each General Contractor applying for a business license in the Town of Elk Point will be required to furnish the Licensing Officer, or his/her designate, with a list of all his sub-contractors which he uses on each construction project he undertakes, at the time of taking out the required Building Permit.
 - ii) Each Business license for a General Contractor shall be for the period of the contract if that period extend beyond the calendar year. Otherwise the license shall be for the calendar year only.

6. PRO-RATED BUSINESS LICENSE FEES:

Resident Businesses commencing operations in the period from September 1 to December 31 in any calendar year will be required to pay only one half of the total annual business license fee.

7. REFUNDABLE BUSINESS LICENSE FEES:

Upon the death or retirement of a resident business owner where the business is being permanently closed, the person, his/her estate, executor, or spouse may apply to the Town for a refund of the unexpired portion of the business license fee.

8. POWERS AND DUTIES OF LICENSING OFFICER:

- a) To receive and deal with all applications for licenses, renewal of licenses and transfers and, where applicable, to issue same.
- b) To keep a record of all applications for business licenses.
- c) To record such information and details with respect to business licenses and persons applying as may be required.
- d) To make an inspection of all premises for which a license is applied for where an inspection by the Licensing Officer is required.
- e) To administer this Bylaw and as far as practicable see that all persons concerned conform to its provisions and to see that persons who fail to comply therewith are prosecuted.

9. BUSINESS LICENSE FEES:

Are in accordance with Appendix "B" and "C" herein attached and forms part of this Bylaw.

10. PENALTIES:

- a) Any person in contravention of any provisions of this Bylaw shall be guilty of an offence and liable on a summary conviction to a penalty of:
 - i) \$100.00 for a first offense,
 - ii) \$250.00 for a second offense, and
 - iii) \$500.00 for a third and subsequent offence.
- b) Where the offence is for non-payment of an license fee, the convicting judge may adjudge payment of the business license fee in addition to any other penalty.

11. Bylaw 549/94 is repealed upon this Bylaw coming into force.

1ST READING READ a **FIRST** time in Council this 27th day of March, A.D., 2006.

2ND READING READ a **SECOND** time in Council this 27th day of March, A.D., 2006.

3RD AND FINAL READING READ a **THIRD** time in Council and **FINALLY PASSED** this 10th day of April, A.D., 2006.

Parrish Tung
MAYOR

Myron Goyan
TOWN MANAGER



APPLICATION FOR BUSINESS LICENSE

TOWN OF ELK POINT, ALBERTA

Box 448 Elk Point, Alberta T0A 1A0

I hereby make application for business license under the provisions of the Business License Bylaw of the Town of Elk Point to establish and operate a permanent business within the Town of Elk Point to operate a _____ business.

(Description of Business)

I hereby confirm:

1. That the said business(s) will be operated from the following location:

Lot _____, Block _____, Plan _____, Civic Address _____

2. The said business will be operated under the firm name of:

Name: _____

Contact Name: _____

Address: _____

Phone: _____

Business

Residence

3. The \$ _____ Business License fee is enclosed with this application

4. I, _____ do hereby apply for a Town of Elk Point Business

(Please print your name)

License for the purpose of conducting a business within the Town of Elk Point, and shall at all times indemnify and save harmless the Town of Elk Point, and employees or agents, from any neglect or unlawful act or omission which may be caused by any person name in this application.

Date: _____

Signature: _____

For Office Use Only:	Receipt # _____
Commercial _____	Home Base _____
Approved by Town Manager this _____ day of _____, 2006	
Signature: _____, Town Manager	

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TOWN OF ELK POINT

APPENDIX "B"

NON RESIDENT BUSINESS LICENSING FEES

General Business	\$200.00 a year
Contractors	\$300.00 a year
Hawkers	\$200.00 a year
Circus	\$150.00 per day
Professional Services	\$300.00 a year

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TOWN OF ELK POINT

APPENDIX "C"

RESIDENT BUSINESS LICENSING FEES

Commercial & Industrial	\$100.00 a year
Professional	\$100.00 a year
Rural Resident	\$150.00 a year
Home Base Business	\$50.00 a year