

## **BYLAW 1807-99**

A Bylaw of the Town of Stettler to provide for the licensing of businesses.

The Municipal Council of the Town of Stettler in session duly assembled enacts as follows:

1. This Bylaw may be cited as the Licensing Bylaw.
2. In this Bylaw unless the context otherwise requires:
  - (a) "Business" means business, trade, profession, industry, occupation, employment or calling and the providing of goods and services and includes the business of a pedlar, transient trader and transient tradesman.
  - (b) "Council" means the Municipal Council of the Town of Stettler.
  - (c) "Persons" means a natural person or a body corporate and includes a partnership, group of persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires.
  - (d) "Town" means the Town of Stettler, a Municipal Corporation in the Province of Alberta and where the context so requires means the area contained within the corporate boundaries thereof.
  - (e) "Pedlar" means any person who does not ordinarily maintain a place of business within the Town and who is not liable for a business tax in respect thereof and who either as principal or agent:
    - I. goes from house to house selling or offering for sale merchandise or services, or both, to any person who is not a wholesale or retail dealer in such merchandise or services having a permanent place of business in the Town, 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 or shipped into the Town, or;
    - III. sells merchandise or services, or both, on the streets or roads 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.
  - (f) "Transient Trader" means any person who does not ordinarily maintain within the Town a permanent place of business and who is not liable for a business tax in respect thereof, and who either as principal or agent buys or offers to buy direct from the producer or owner thereof any merchandise or offers to sell to a consumer any merchandise except:
    - I. agricultural products raised, grown or produced by him.
    - II. fish of his own catching.

- (g) "Transient Tradesman" means any person who does not ordinarily maintain within the Town a permanent place of business and who is not liable for a business tax in respect thereof and who either as principal or agent engages in selling, offering for sale, fabricating or installation of any goods and services or either of them.
  - (h) "Non-Resident" means any business or person who does not ordinarily maintain a permanent place of business within the Town or County of Stettler boundaries.
3. (a) No person, pedlar, transient trader or transient tradesman shall carry on any business in the Town without having a valid and subsisting license issued by the Town.
- (b) For purposes of this bylaw a person shall be deemed to be operating without a license if he or she continues to carry on business in contravention of Section 3(a) if:
- I. In the case of a resident the license fee is not paid within 30 days of invoicing or prior to the operation of business activities.
  - II. In the case of a person, defined herein, as a canvasser or transient trader, the license fee is not paid prior to commencing any business activities.
- (c) Notwithstanding Sub-section 3(a) no license shall be required:
- I. for a business carried on or operated by the Town.
  - II. for any business carried on upon the grounds of the Stettler Agricultural Society during the period of any year when the Agricultural Fair is being held on those grounds.
  - III. utilities that are under the jurisdiction of the Alberta Energy & Utilities Board of the Province of Alberta.
  - IV. for the occupation of farming, ranching, or farm labourer, domestic servant and unskilled labourer.
  - V. for the sale of agricultural products produced by the vendor.
  - VI. for the sale of fish caught by the vendor.
  - VII. for the employees of a person who holds a valid and subsisting license.
  - VIII. for a business carried on by the Government of the Province of Alberta or the Government of Canada.
  - IX. for any business exempted from the Municipal licensing by a Statute of Canada or Alberta.
  - X. for such businesses as Council by resolution may from time to time exempt.

4. An applicant for a license shall make application to a License Officer of the Town on a form supplied by the Town furnishing such information as the form shall require and such additional information as the Licensing Officer may from time to time require together with a Provincial license where required under any Provincial Statute and the license fee hereinafter mentioned.
  5. Where a business subject to licensing is carried on or intended to be carried on in more than one place a license shall be required in respect of each place as though the business carried on in each were a separate business.
  6. A contractor or tradesman who obtains a license to work on any project which will not be completed in the calendar year in which the license was issued will not be subject to further licensing in the new year provided the licensed individual limits his work to that project only and that the period does not exceed twelve (12) months in duration.
  7. No license shall be issued to any person unless the business will comply with all bylaws of the Town including the use of any premises in connection therewith.
  8. Where any certificate, authority, license or other document of qualification under this or any other bylaw or under any Statute of Canada or Province of Alberta is suspended, cancelled, terminated or surrendered, any license issued under this Bylaw based in whole or in part on such certificate, authority, license or other document of qualification shall be revoked automatically forthwith.
  9. No such license is valid unless signed by a Licensing Officer of the Town of Stettler.
  10. (a) The annual fee payable to the Town for each license for each person carrying on business in the Town and who is not liable for a business tax in respect thereof and who does not ordinarily reside in the Town, but resides or maintains a place of business within the corporate limits of the County of Stettler including those Villages located therein shall be the sum of One Hundred and Twenty-Five (\$125.00) Dollars, all other non-resident annual fees shall be the sum of Three Hundred and Twenty-Five (\$325.00) Dollars.
    - (b) Each license issued pursuant to 10(a) shall expire on the 31<sup>st</sup> day of December next following the date of issue thereof.
    - (c) An applicant, when purchasing a license in accordance with Section 10(a) after the 1<sup>st</sup> day of September of that year shall be given the following license fee payment option.
      1. Pay 50% of the current year's license fee
- or -
2. Pay 100% of the applicant's applicable license fee for the upcoming year in addition to a pro-rated fee calculated based on the number of days remaining in the current licensing year.
  - (d) Notwithstanding 10(a), (b) & (c) the Licensing Officer may issue a license to a person for a seven consecutive day period expiring seven days from the time of purchase and the fee payable for such license shall be \$200.00.

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11. Notwithstanding Section 10, the Licensing Officer may issue a license to a person to expire twenty-four (24) hours from the time of issue thereof and the fee payable to the Town for such license shall be the sum of One Hundred (\$100.00) Dollars.
12. The Secretary-Treasurer of the Town, the Town Manager and the Development Officer of the Town are each hereby appointed as a Licensing Officer and a License Inspector for the Town.
13. (a) Any person contravening a provision of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine of not less than Four Hundred (\$400.00) Dollars and costs in default of payment, to imprisonment for a term of not more than thirty (30) days.  
  
(b) Where the offence is non-payment of any license fee payable the punishment shall include payment of the license fee in addition to the fine imposed.
14. Bylaw 1805-99 is hereby repealed.

READ a first time this 2<sup>nd</sup> day of February, A.D. 1999

READ a second time this 2<sup>nd</sup> day of February, A.D. 1999

READ a third time and finally passed this 2<sup>nd</sup> day of February, A.D. 1999

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MAYOR

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SECRETARY-TREASURER