

TOWN OF HIGH RIVER

ALBERTA

BY-LAW NO. 3516/84

Amendments:

1) 3551/85

2) 3593/88

3) ~~3756/93~~

BEING A BY-LAW OF THE TOWN OF HIGH RIVER FOR THE PURPOSE OF REGULATING AND LICENSING ALL BUSINESSES CARRIED ON WITHIN THE MUNICIPALITY.

WHEREAS

the Municipal Council has authority to pass By-Laws providing for the control and regulation of all businesses carried on within the Municipality;

NOW THEREFORE

the Council of the Town of High River enacts as follows:

Part 1.

Short Titles and Definitions:

1.1 This By-Law shall be known and may be cited as the "Licensing By-Law" of the Town of High River.

1.2 In this By-Law, unless the context otherwise requires;
(A) "BUSINESS" includes every business, trade, profession, industry, occupation, employment or calling and the providing of goods and services.

(B) "CONTRACTOR" means any person who undertakes as principal or sub-contractor to do, provide, or carry on, within the limits of the Town of High River any of the following trades or occupations:

The erection, addition, alteration, improvement, repair, renovation, excavation for, paving for, enlargement, demolition, the roofing, tiling, the laying or sanding of floors, concrete work, or masonry of, on or to any building or structure within the Town, and the installation, repairing, alteration, extending or removing of any heating, gas fitting, steam fitting, plumbing, sheet metal, lighting, electronic, electrical air conditioning, refrigerating or other fixture, apparatus, appliance or thing, in, on or about any building or structure within the Town; including the lathing, plastering preparation of walls for stucco, stuccoing, dry wall plastering, painting, decorating or paper hanging, in on or to any building or structure within the Town.

(C) "HAWKER OR PEDDLER" (Including Trade Fairs)

(i) means a person not being a body corporate and who, whether as principal 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 High River;

(b) offer 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 High River;

(c) sells merchandise on the streets or roads or elsewhere than at a building that is his permanent place of business;

BUT

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- (ii) Does not include a person selling
 - (a) meat, fruit or other farm produce that has been produced, raised or grown by himself within the Province of Alberta;

OR

- (b) fish of his own catching caught within the Province of Alberta.

(D) "HOME OCCUPATION" means an occupation, trade profession or craft carried on in a residence by one or more members of a family actually occupying the said residence as a dwelling and which home occupation has been approved under the provisions of the Land Use By-Law No. 3297/80 of the Town of High River.

(E) "NON-RESIDENT" means a person, firm or corporation who does not operate their business, trade, profession or occupation from taxable premises within the Town of High River and who does not reside within the Town of High River.

(F) "PERSON" means and includes a firm, one or more persons, a partnership or a body corporate.

(G) "RESIDENT" means a person who either resides principally within the Town of High River, or has established premises within the Town from which to do business.

Part 2.

General Provisions:

2.1 No person shall within, or partly within and partly without, the limits of the Town of High River, carry on, or be engaged in any business, unless he has paid the prescribed fee as set out in Schedule 'A', which forms part of this By-Law, and holds a valid and subsisting license, issued pursuant to the provisions of this By-Law.

Provided that when a person carries on two or more trades or occupations, then separate licenses shall be required.

2.2 Persons granted licenses under this By-Law shall conform to all regulations and terms herein specified and be subject to inspection at all times by any duly authorized officer of the Town of High River.

2.3 Every license issued under this By-Law shall be made out and delivered or mailed to the Licensee, who shall post same in a conspicuous place on his business premises and whenever required to do so by the Secretary-Treasurer, License Inspector, Police Officer or any other duly authorized person, shall produce the License for inspection purposes.

2.4 Council hereby reserves the right to request approval from either the Chief of Police, the Medical Officer of Health, the Fire Marshall or all three on any license issued.

2.5 Every license granted under the provisions of this By-Law shall terminate on the 31st. day of December in the year in which the said license was issued, unless expressly stated for a shorter period, or the license has been sooner cancelled or forfeited.

2.6 Payment of the license fee as set out in Schedule 'A' attached hereto, shall be made no later than 30 days following the mailing of the license renewal notice.

See amendment
Bylaw No. 3551/85

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- 2.7 Payment of licenses issued for new businesses shall be made prior to the opening of said business.
- 2.8 The Town may issue a license after July 1 of any license year for one half the annual fee as set out in Schedule 'A'; and the Town may issue a license after October 1st. of any license year for the set fee as set out in Schedule 'A'.
- 2.8 (A) ~~Bylaw No. 3551/85~~ *Bylaw No. 3756/93*
- 2.9 Licenses issued under this By-Law shall not be transferred except to a person who at the same time purchases the business in respect of which the license was issued.
- 2.10 All applications for licenses shall be made in writing to the Town Office on a form provided, giving such information and particulars as requested thereon.
- 2.11 No license shall be issued to a person under the provisions of this By-Law in a case where a Provincial License is required, unless such person is the holder of the required Provincial License.
- 2.12 No license shall be issued until such time as the applicant holds a valid Development Permit where required by the provisions of the Land Use By-Law No. 3297/80 of the Town of High River.
- 2.13 No business license shall be issued if the applicant fails to comply with the provisions of or regulations under any By-Law of the Town of High River.
- 2.14 The Council may at any time revoke or suspend any license issued under the provisions of this By-Law for failure to comply with any of the conditions or regulations herein.
- 2.15 The Town may issue a day or a week license as per Schedule 'A' ~~attached to this By-Law of Bylaw 3755/93 and any amendments or additions thereto~~.
- 2.16 The Town may waive the Business License Fee for extenuating circumstances.
- 2.17 The Town may issue a Trade Fair license as per the set fee ~~set out as in Schedule 'A' attached to this By-Law of Bylaw 3755/93 and any amendments or additions thereto~~.
- 2.18 ~~Bylaw No. 3551/85~~ *Deleted in it's entirety.*

See amendment

See amendment
Bylaw No. 3551/85

Amended
Bylaw 3756/93

Amended
Bylaw 3756/93
~~see amendment~~
Bylaw 3756/93

Necessity for License:

- 3.1 (A) No person shall within the Town
 - (i) carry on or operate any Businesses, callings, trades or occupations referred to in the By-Law unless he holds a valid and subsisting license issued pursuant to the provisions of this By-Law.
 - (B) The advertising of the businesses, callings, trades or occupations referred to in this By-Law shall be deemed to be a prima facie proof of the fact that the person advertising is carrying on or operating any such business, calling, trade or occupation.
- 3.2 Notwithstanding subsection 3.1 no license shall be required
 - (A) for a business carried on or operated by the Town or at a location operated by official or an employee of the Town acting on behalf of the Town in his capacity as such official or employee;
 - (B) by an official or employee of the Town carrying out any act in his official capacity;

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(C) for such other businesses as Council by Resolution may from time to time exempt.

3.3 Notwithstanding any other provision in this By-Law, a license shall not be required of a business carried on by the governments of the Province of Alberta or Canada nor shall a license be required by any person of business if any statute of Canada or of the Province of Alberta exempts such person or businesses from requirements of municipal licensing.

3.4 License fee ~~Schedule "A"~~ - no persons shall carry on or operate any business, calling, trade or occupation within or partly within and partly without the Town of High River mentioned or referred to in this By-Law without first paying to the Town the license fee prescribed ^{in Schedule "A" of 3785/93 and any amendments or additions thereto} ~~in this By-Law as set out in Schedule "A"~~ for the business, calling, trade or occupation concerned. A license, if issued, shall be null and void, if the payment therefore was made by means of a non-negotiable document. (i.e. NSF cheque)

Part 4.

Offenses and Penalties:

4.1 (A) Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this By-Law by,
(i) doing any act or thing which he is prohibited from doing herein;

(ii) failing to do any act or thing he is required to do herein;

is guilty of an offense and is liable on summary conviction, to a fine not exceeding \$ 500.00 in addition to any license fee he may be required to pay pursuant to subsection (B) hereof and in the event of failure to pay or the inability to pay any fine levied and any license fee charged hereunder and costs, to imprisonment for a period not exceeding 60 days or until such fine, license fee and costs of committal are paid.

(B) Where a person is convicted of carrying on a business for which a license fee is payable, without payment of such fee having been made, the Court may, in addition to the fine imposed pursuant to subsection (A) hereof, direct payment of the applicable license fee to the Town.

BY-LAWS NO. 3264/78, 3335/80, 3351/81, 3353/81, and 3382/81, are hereby rescinded.

THIS BY-LAW COMES INTO FULL FORCE AND EFFECT UPON THE THIRD AND FINAL READING.

READ A FIRST, SECOND AND BY UNANIMOUS CONSENT OF ALL COUNCIL PRESENT,

A THIRD AND FINAL TIME THIS 10 DAY OF DECEMBER 1984 A.D.

Laurel C Dougherty
Mayor,

John East
Secretary-Treasurer,



*Amended Bylaw 3756/93.
Schedule A - Deleted in it's entirety*

SCHEDULE 'A'

Fees amended by:
1) Bylaw No. 3551/85
2) Bylaw No. 3593/88

BUSINESS LICENSE FEES

IN TOWN (Resident)

\$ 100.00 per year
\$ 50.00 after July 1
\$ 30.00 after October 1

OUT OF TOWN (Non-Resident)

\$ 200.00 per year
\$ 100.00 after July 1
\$ 35.00 per week
\$ 10.00 per day

HOME OCCUPATION

\$ 150.00 per year
\$ 75.00 after July 1
\$ 40.00 after October 1

TRADE FAIR

\$ 250.00 per Fair

BED AND BREAKFAST ACCOMMODATION (Amended by Bylaw No. 3593/88)

\$100.00 per year
\$ 50.00 after July 1
\$ 25.00 after October 1

Effective date 10 Day of DECEMBER 1984, A.D.