



A By-law of the Town of Stavelly to provide for the licensing and regulation of businesses, within the Town of Stavelly.

WHEREAS, it is provided in and by the *Municipal Government Act* that the Council may issue licenses to control and regulate business and industry carried on within or partly within the Town and may license any and all such business whether or not such businesses are specifically provided for in the *Municipal Government Act*

NOW THEREFORE pursuant to the provisions of the *Municipal Government Act*, the Council of the Town of Stavelly duly assembled hereby enacts the following:

**1.0 TITLE OF BYLAW:**

1.1 This by-law may be cited as “The Business License By-law” of the Town of Stavelly.

**2.0 DEFINITIONS:**

In this Bylaw, unless the context otherwise requires:

- a) ADULT PERSON – Shall mean any person over the age of 18 years of age.
- b) APPLICATION – Means a written application for a business license as provided for by this By-Law.
- c) BUSINESS – Shall include, as well as any trade, profession, industry, occupation, employment or calling and the providing of goods and/or services to the public or to any other party.
- d) BUSINESS LICENSE – means a license issued pursuant to this By- Law.
- e) CANVASSER – A canvasser is an adult person who takes or attempts to take orders by telephone or other means, for the sale of merchandise or services or both for future delivery or services to be furnished or performed in the future.
- f) COUNCIL – Shall mean the Council of the Town of Stavelly
- g) CONTRACTOR – Shall mean any person who undertakes the erection, constructions, alteration, repair or demolition of any land, building or structure, and shall include any owner of a property who causes, or any person who supervises the erection, construction, alteration, repair or demolition of any land, building or structure thereon.
- h) FARMERS MARKET – Means an open air or fully or partly covered market, for the sale of goods directly by the producers, or their representatives who are involved in the production of local fresh, dried or frozen fruits and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, locally prepared and ready to eat foods and local artisan crafts.
- i) FLEA MARKET – Means the carrying on of a business to organize a group of more than three (3) merchants, vendors or participants, to gather in one location or building to offer handcrafts, produce and vegetables, food, new and used goods, wares, merchandise or services for sale for time periods of seven (7) days or less in duration.
- j) GARAGE SALE – Means the displaying and offering for sale of five (5) or more items of goods, wares or merchandise (other than boats, motor vehicles or recreational vehicles of any kind) on private residential property.
- k) GENERAL CONTRACTOR – Is defined as a contractor who contracts for any type of construction within the limits of the Town of Stavelly where sub-contractors involved in any of the trades are required for completion of the contract, and includes a person undertaking to carry out two or more trades.
- l) HAWKER, PEDDLER or DIRECT SELLER – Means any person whether as principal or agent, who:
  - (i) Goes from house to house or from place to place selling, 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 of 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/or shipped into the municipality, or



- iii) 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 in the Province of Alberta
  - b. Fish of his/her own catching.
- (m) HOME OCCUPATION – Shall mean an occupation, trade, profession or craft carried on by a person at their residence or any other residence in the Town as a use secondary to the residential use of the building. No home occupation shall be granted a license without first receiving approval from the Town of Stavely Municipal Planning Commission.
- (n) IMPROVEMENT – Shall mean anything constructed, erected, built, placed, demolished, dug, drilled, moved or intended to be constructed, on or in land except a thing that is neither affixed to the land nor intended to become a part of the land.
- (o) LICENSE INSPECTOR– Means any person so designated by the Town Council of the Town of Stavely.
- (p) LICENSEE – Means a person holding a valid business license issued pursuant to this Bylaw.
- (q) MOBILE VENDOR – Means any person selling goods, food, amusements or services from a mobile vendor vehicle, trailer or similar structure that is designed for offering the sale of goods, food or services.
- (r) NON-RESIDENT – Shall mean a person who is not an inhabitant of Stavely.
- (s) PERSON – Means a natural person, corporation, firm, organizations, partnership, association and their respective legal representatives.
- (t) PREMISES – Shall include any store, office, warehouse, factory, building enclosure, yard or other place wholly or partially within the town that is occupied or capable of being occupied for any purpose.
- (u) RESIDENT – Shall mean a person who lives in the Town of Stavely
- (v) RESIDENT BUSINESS – Means a business that is established within the corporate limits of the Town of Stavely.
- (w) SUB-CONTRACTOR – Shall mean a person contracting with or employed directly or indirectly by a Contractor or his agent to do work or perform services in the Town of Stavely but does not include a person who merely furnishes materials.
- (x) TOWN – Means Town of Stavely.
- (y) TRADE SHOW – means a group of five or more persons at a single location, for a period of not more than seven (7) days, displaying to the public the types of goods, wares, merchandise, food or services that they have available for sale.

### **3.0 APPOINTMENT, AUTHORITY & DUTIES OF A LICENSE INSPECTOR:**

- 3.1 The Council, by resolution, may appoint one or more License Inspectors, to carry out the provisions of this By-Law.

The duties and powers of a License Administrator/Inspector are the following:

- a) To consider and approve or refuse all business applications.
- b) To secure the due observance of this Bylaw.
- c) On receipt of the appropriate fees, to issue licenses hereunder where warranted.
- d) To conduct inspections of business premises where necessary,
- e) Such other duties as Council may require.

### **4.0 GENERAL:**

- 4.1 Every application for a license or renewal or transfer thereof shall be made to a License Inspector by an adult person in writing and shall disclose the names and addresses of all persons who are actively engaged in the management and control of the business. Every applicant for a license shall conform to the provisions of this Bylaw and any other Bylaw applicable to the business or industry.
- 4.2 Failure to disclose any information reasonably required by the License Inspector herein shall be grounds for withholding a license or immediate cancellation of any license issued and forfeiture of any fees paid. Any changes in the management and control of the business shall be communicated to the License Inspector forthwith.
- 4.3 No entity shall carry on or operate any Business within or partially within the Town without first paying to be a holder of a valid and subsisting Business License, and paying the prescribed fee as set out in Schedule "A".



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**5.0 REQUIREMENTS FOR LICENSE:**

- 5.1 No person shall, whether within the Town or partly within the Town:
  - a) Carry on or operate any business without obtaining the necessary license unless specifically exempted under the provisions of this bylaw or by provincial or federal legislation.
- 5.2 If, in the opinion of the License Inspector, an applicant for a license has complied with the terms of this bylaw and of any other applicable bylaw, the applicant is entitled to a license upon payment of the appropriate fee.
- 5.3 A License Inspector may issue a conditional license, and they shall endorse on any conditional license issued, the particulars of such conditions.
- 5.4 Every license issued under this bylaw shall be displayed in a conspicuous place in the premises in which the business so licensed is being carried on.
- 5.5 Any person or company who does not ordinarily maintain a permanent place of business within the Town and who goes about Town conducting business must produce a valid Business License or a copy of the License upon request.
- 5.6 Every License issued under this Bylaw shall terminate at midnight on the 31<sup>st</sup> of December of the year in which it was issued unless otherwise provided herein.
- 5.7 Except for non-resident contractors, hawkers, peddlers, direct sellers, all new business licenses purchased after September 30<sup>th</sup> of any year shall be one half of the license fee for the full year, provided the business did not commence operation prior to September 30<sup>th</sup> of that year.
- 5.8 A business license for an existing licenses business shall be renewed by the 1<sup>st</sup> of February each year. Renewal shall be affected by a business license holder submitting applicable fees, and relevant development applications where necessary. Failure to renew by the specified date will result in a late penalty fee as per Schedule "B" at the discretion of the License Inspector.
- 5.9 No license shall be issued under this Bylaw unless the License Inspector is satisfied that all licenses required by the Government of Alberta have first been obtained by the applicant.
- 5.10 Every person who operates more than one store, branch, or premises in respect of any business shall take out a separate license in respect of each such separate store, branch or premises.
- 5.11 For businesses where more than one salesperson conducts business within the Town of Stavely, such as, but not limited to, AVON, Tupperware, Mary Kay, only the regional manager is required to obtain a Business License.
- 5.12 The License Inspector may on just and reasonable grounds refuse to issue or renew a license or may cancel the license of any licensee who, in the opinion of the License Inspector, is in violation of any town Bylaw or provincial law or regulation.
- 5.13 An applicant shall be immediately notified in writing by the License Inspector if their application for a license or the renewal of a license has been refused and the reasons for such refusal.
- 5.14 If, in the opinion of the License Inspector, there has been a substantial attempt by the licensee to correct any deficiencies or violations of any Town Bylaw, the License Inspector may, upon receipt of the proper fees issue a license to the licensee.
- 5.15 A license under this Bylaw shall be signed by the License Inspector of the Town or other authorized person shall contain description of the business so licensed and the premises covered by such license.
- 5.16 Any license granted under this Bylaw shall be authority only to engage in or carry on business on the premises herein described and not in or on any other premises, provided however that this section shall not apply to hawkers, peddlers or mobile vendors, and to other persons carrying on a business, the nature of which requires such a person to go from place to place throughout the Town.
- 5.17 Where a person receives a license under the authority of this Bylaw, such license does not relieve any person from any other licensing or permit requirements required under the law.

**6. EXCEPTIONS:**

A Business License is not required for the following businesses:

- 6.1 A Charitable or Non-Profit Organization registered under the Alberta Societies Act, and amendments thereto;



- 6.2 A minor providing individual light duty occasional services such as paper deliveries, babysitting, yard work and snow removal;
- 6.3 Publically funded, educational or institutional establishments in the Town;
- 6.4 Persons selling home-made baked goods, crafts, meat, plants, fruit or other farm produce that has been raised, grown or produced by themselves within the Town of Stavely, and does not operate a commercial business to sell such items;
- 6.5 A Business exhibiting at a trade show or exhibition held in the Town of Stavely for a consecutive period not exceeding four (4) days;
- 6.6 Resident garage sales, provided that the sale takes place on a residential property where that property owner, or primary resident when referring to a residential rental properties, directly supervises and controls the sales to a maximum of three (3) weekends per calendar year;
- 6.7 A garage/yard sale occurring more than three (3) times in a calendar year or on a weekday shall be deemed to be a business and will require a development permit for a home occupation and will be subject to the home occupation rules and regulations. In addition to business license an addition fee for each additional garage sale over the permitted three (3) will be subject to license fee set out in Schedule "A".
- 6.8 the Business/Event is carried on or operated by the Town or at a location operated by an official or employee of the Town acting on behalf of the Town in his/her capacity as such official or employee;
- 6.9 The Business is carried on by the Government of the Province of Alberta or the Government of Canada;
- 6.10 Any other Business exempted through or by the order of Council.

**7. ZONING REGULATIONS, RELOCATION AND SUSPENSION OF LICENSE:**

- 7.1 The issuance of a license shall not be deemed as approval to carry on any business in or on any premises that are in contravention of the provisions of any other Bylaw of the Town. Where a license is granted to a person to carry on a business in or on premises where such activity is not permitted by the zoning regulations of the Town of Stavely, the License Inspector shall forthwith cancel the License.
- 7.2 Upon being directed by the appropriate Medical Health authorities to do so, a License Inspector may suspend the license of any business and shall not reinstate such license until the appropriate Medical Health Officer certifies that the premises concerned meet all applicable health standards.
- 7.3 Any act or omission of a clerk, agent or employee of a person licensed under this Bylaw shall be deemed to be the act of omission of the licensee and the licensee shall be responsible for such act or omission, as though it were done by the Licensee themselves.

**8. APPEAL WHERE LICENSE REFUSED:**

- 8.1 In every case where;
  - a) A license or a license renewal has been refused,
  - b) A license has been issued subject to conditions,
  - c) A license has been cancelled,the person seeking a license may appeal to the Town Council and the Council, after hearing the applicant, may:
  - a) Direct that license or renewal be issued with or without conditions,
  - b) Refuse to grant a license or renewal,
  - c) Uphold or revoke the cancellation of a licenseOn any ground which appear just and reasonable.
- 8.2 An appeal from the decision of a License Inspector shall be made by the applicant within thirty (30) days after the notification of the License Inspector's decision has been communicated to the applicant.
- 8.3 Every appeal shall be made in writing, addressed to the License Inspector and shall be dated as of the date it is received.



**9. INSPECTION BY TOWN OF LICENSE PREMISES:**

A License Inspector or other person authorized by Council may inspect any premises at all reasonable times for the purpose of administering or enforcing this Bylaw; and any person who refuses admission to a License Inspector or authorized person or who neglects or refuses to produce the appropriate license upon request, shall be guilty of an offence.

**10. LICENSE FEES:**

- 10.1 Where there is a distinction made between types of businesses or activities in the zoning bylaw, the distinction shall be deemed to be made in this bylaw and separate business license shall be required for each business or activity. However, where different activities are operated under one management then only one License is required per business site.
- 10.2 All Businesses operating whether wholly or partially within the Town shall pay an annual license fee as per Schedule "A".
- 10.3 The application fee for a new home based business license will have a onetime fee as per Schedule "A".
- 10.4 All Resident Business Licenses issued between September 30<sup>th</sup> and December 31<sup>st</sup> shall be 50% of the fee shown in Schedule "A".
- 10.5 All Resident first time Business Licenses issued between September 30<sup>th</sup> and December 31<sup>st</sup> shall be 50% of the fee shown on Schedule "A".
- 10.6 Each Resident Business within a valid Town of Stavelly Business License, may, for an additional fee in Schedule "A" purchase a Regional Business License to operate in any member municipality of the Alberta Southwest Regional Alliance.
- 10.7 All Non-Resident business licenses will have an annual fee as per Schedule "A". Only the yearly license shall be subject to 50% of the fee shown in Schedule "A" after September 30<sup>th</sup>.
- 10.8 All Business License Fees are non-refundable.

**11. CONTRACTOR & SUBCONTRACTOR:**

- 11.1 Upon request of the License Inspector any person making application for a building permit shall furnish a list of contractors and subcontractors who are, or will be, working on the building project together with the address of same.

**12. HAWKERS, PEDDLERS, DIRECT SELLERS AND MOBILE VENDORS:**

- 12.1 A person who sells merchandise on a wholesale basis to retail merchants in the Town shall not be required to obtain a license pursuant to this section.
- 12.2 All hawkers, peddlers, direct sellers, or mobile vendors shall require a separate license of each employee or agent who acts as a hawker, peddler, direct seller or mobile vendor in Town.
- 12.3 A direct seller or services business may only be conducted from door to door between 9:00am, and 8:00pm daily and not on Sundays.
- 12.4 Direct seller must wear legible and visible identification with salespersons full name and name, business address and phone number of licensee.
- 12.5 Mobile vendors may only participate in a market, special event or community event approved by the Town when Mobile Business Unit complies with 12.5 and 12.6.
- 12.6 A Mobile Business may operate in a Public Institutional Land Use District.
- 12.7 A Mobile Business may be permitted on the premises of a hosting Business of a non-residential district when providing services that directly benefits the hosting Business on the same site for a limited period.

**13. PROVISIONS FOR FLEA MARKETS**

A Business License for a Flea Market is required for the organizing entity only. All other individual vendors partaking in the Flea Market are not required to obtain a Business License. The Business License issued pursuant to this schedule shall be valid:

- 13.1 For the specific flea market only;
- 13.2 For one location on which the flea market is to be held;
- 13.3 For the specific license period that the license is issued for and;



13.4 Every applicant must co-operate with the License Inspector to ensure that all required inspections, including building, fire and health inspections are conducted as required,

**14.0 TRANSFER / CHANGES TO A BUSINESS LICENSE:**

- 14.1 An existing Business License issued under this Bylaw may be transferred / changed upon application to and approval by the Licensing Inspector under the following circumstances:
  - a) When the transfer is from one Licensee to another for the same Business name in the same Business premises; or
  - b) When there is a change of civic address from one Business Premises to another for the same Licensee and Business with the same land use designation (zoning).
- 14.2 No person to whom a Business License has been issued under this Bylaw shall change the location of the premises in which they carry on their business, trade, profession or other occupation without first having applying to the License Inspector.
- 14.3 A Non-resident Person or Business is not allowed to transfer their License.

**15.0 FINES AND PENALTIES:**

- 15.1 A person found violating any provisions of this Bylaw shall be guilty of an offense and liable upon summary conviction to a fine of not less than Two Hundred (\$200.00) and not more than two thousand (\$2,000.00) and in default of payment thereof, to imprisonment for a period of not less than 30 days.
- 15.2 Where a person is found guilty of non-payment of a license fee payable hereunder, the convicting provincial court judge may order payment thereof in addition to imposing a fine.
- 15.3 The License Inspector may enforce the provisions of this Bylaw by issuing

**16.0 AMMENDMENT TO SCHEDULE:**

Town Council may by resolution amend Schedule "A" and/or Schedule "B" from time to time as required.

Bylaw No. 741, 758 and 798 are hereby repealed.

This Bylaw shall come into full force and effect upon the date of the final passing.

Read a First time this 25<sup>th</sup> day of APRIL, 2022.

Read a Second time this 25<sup>th</sup> day of APRIL, 2022.

Unanimous consent given to present for third reading this 25<sup>th</sup> day of APRIL, 2022.

Read a Third time this 25<sup>th</sup> day of APRIL, 2022.

TOWN OF STAVELY

  
\_\_\_\_\_  
Mayor / Deputy Mayor

  
\_\_\_\_\_  
Chief Administrative Officer



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**SCHEDULE "A" – FEES**

Without limiting the generality of the foregoing, the license fee for each of the following business shall be the amount set opposite their common designation:

Resident Business License	\$ 30.00
Resident Home Occupation Application Fee	\$ 35.00
Resident Home Occupation License	\$ 45.00
Resident - Hawker, Peddler, Direct Seller, Mobile Vendor	\$ 45.00
Alberta SW Regional Business License	\$ 80.00
Garage Sale Permit Fee	\$ 10.00
Non Resident Business License – Daily	\$ 20.00
Non Resident Business License – Weekly	\$ 30.00
Non Resident Business License – Yearly	\$ 150.00
Non Resident General Contractor & Sub-Contractor	\$ 150.00
Non Resident - Hawker, Peddler, Direct Seller, Mobile Vendor	\$ 150.00

**SCHEDULE "B" – FINES**

Late Payment Fee	\$ 15.00
Voluntary Fine for a first (1 <sup>st</sup> ) offence	\$ 200.00
Voluntary Fine for a second (2 <sup>nd</sup> ) offence providing it is committed within twelve (12) months of the first (1 <sup>st</sup> ) offence	\$ 250.00
Voluntary Fine for third (3 <sup>rd</sup> ) offence providing the offence is committed within twelve (12) months of the first (1 <sup>st</sup> ) offence	\$2000.00

