

## BYLAW 965

A Bylaw of the Town of Grimshaw, in the Province of Alberta, to regulate and license any business or industry within the Town of Grimshaw.

WHEREAS Council has determined that no person or persons who do not have a business premise within the Town of Grimshaw, shall carry on any business or industry, without first obtaining a license and paying the necessary fee for same, and

WHEREAS, it is provided in and by the Municipal Government Act, being Part 2, Sections 7 and 8, Chapter M-26.1, 1994, and amendments thereto, that the Council of the Town of Grimshaw, in the Province of Alberta, may control and regulate all businesses or industry carried on within the Town including the manner of operation, the nature of the operation and the location thereof, and may license any or all classes of such businesses or industries which do not have a business premise within the Municipality.

NOW THEREFORE pursuant to Part 2, Sections 7 and 8 of the Municipal Government Act, being Chapter M-26.1, 1994, and any amendments thereto, the Council of the Town of Grimshaw, in the Province of Alberta, in Council duly assembled enacts as follows:

1. This Bylaw shall be cited as the Town of Grimshaw "Business Licensing Bylaw".
2. In this Bylaw, the following definitions shall apply:
  - (a) "Business" includes business, trade, profession, industry, occupation, employment or calling and the providing of goods and services.
  - (b) "Charitable Organization" 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) "Council" shall mean the Council of the Town of Grimshaw.
  - (d) "Licensee" is a person holding a valid license issued pursuant to this Bylaw.
  - (e) "License Issuing Officer" shall mean and include the Municipal Secretary or Municipal Treasurer.
  - (f) (i) "Non-Resident Business" means a person, firm or corporation which does not operate a business or industry from a business premise(s) within the Town of Grimshaw.  
(ii) "Sub-Regional" shall apply to a Non-Resident Business which operates within the designated circle as per Schedule "B" to this Bylaw.
  - (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) offers or exposes 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 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, or fish of his own catching.
  - (h) "Peace Officer" shall mean any member of the R.C.M.P. or Bylaw Enforcement Officer.
  - (i) The "Town" shall mean the Town of Grimshaw.
3. Provisions for Licensing:
- (a) No person shall, within the corporate limits of the Town of Grimshaw, carry on, or be engaged in any business, unless he or she has paid the prescribed fee as set out in Schedule "A" attached hereto, and holds a valid and subsisting license issued pursuant to this Bylaw.
  - (b) For the purpose of this Bylaw a Non-Resident Hawker or Pedlar shall be classified as a business, and as such shall be required to pay the fees prescribed in Schedule "A" attached hereto.
  - (c) A non-profit or charitable organization able to produce documented proof of a Provincial Registration Number may, at the discretion of the Licensing Officer, be granted a license which shall be exempt from fees to operate such business. The organization shall comply with the provisions of this Bylaw relating to the business to be carried on.
  - (d) The following fundraising organizations shall be exempted from licensing:
    - (i) registered charity organizations
    - (ii) religious group
    - (iii) service clubs, minor sports association, schools, clubs, scouts, guides, etc.
4. Applications:
- (a) Applications for a license, for renewal of license, or for a transfer of license shall be made in writing as per forms "A" attached to and forming part of this Bylaw.
  - (b) The person or persons applying for any license under this Bylaw shall pay to the Town of Grimshaw at the time of application, the sum of money set for the license by this Bylaw.
5. Every license issued under this Bylaw as per form "B" attached to and forming part of this Bylaw, shall be produced upon request, or as required to do so by the License Issuing Officer, or any other duly authorized person.
6. (a) All licenses are granted subject to the provisions of any zoning regulations of the Town of Grimshaw and issuance of a license shall not be deemed as approval to carry on a business in or on any premises in contravention of the provisions of a zoning bylaw or a Land Use Bylaw in force in the Town of Grimshaw.
- (b) Where a license is given to a person to carry on a business in or on premises where such activity is not permitted by the zoning regulation or Land Use Bylaw of the Town of Grimshaw, the License Issuing Officer shall forthwith cancel the license.



7. (a) The License Issuing Officer is hereby empowered to refuse to grant or to revoke any license if in his opinion the applicant is not the holder of a required Provincial License, or that if in his opinion the applicant or the holder of a municipal license intends to defraud or may defraud the public in any way or, if in his opinion, the conduct of the license is offensive.
  - (b) The License Issuing Officer may refuse to grant a license or may revoke or suspend any license, if in his opinion there are just and reasonable grounds for the refusal of the application or for revocation or suspension of the license, subject to the right of the applicant to appeal the refusal or revocation or suspension to Council.
8. Appeal Process:
    - (a) Where an application for a license or a transfer of a license has been refused or where a license has been authorized subject to conditions, or where a license has been revoked, the applicant shall be entitled to appeal to Council.
    - (b) After hearing the appellant and the evidence adduced, Council may confirm such refusal or conditional approval or may direct that the license be issued either conditionally or unconditionally as may be deemed expedient in the public interest, and the decision of the Council shall be final.
    - (c) Every such appeal shall be made in writing to the Municipal Secretary or the Municipal Treasurer within thirty (30) days after a license has been refused or revoked, otherwise the right to appeal shall have expired.
  9. (a) No license shall be issued to a person under the provision of this Bylaw in a case where a Provincial License is required, unless such person is the holder of the required Provincial License.
  - (b) If the Provincial License, required under any statute, is cancelled or suspended, the Town License issued under the provisions of this Bylaw shall be automatically void until the Provincial License is reinstated.
10. (a) Where the License Issuing Officer issued a license, subject to certain conditions, he shall endorse on the license the particulars of such conditions.
  - (b) The License Issuing Officer may revoke or suspend any license issued under the provisions of this Bylaw for failure to comply with any of the conditions or regulations herein, or any other Bylaw or regulation of the Town or the regulation of the Province.
11. Every license issued under the provisions of this Bylaw shall terminate at midnight on the 31st day of December of the year in which said license was issued unless expressly stated for a shorter period, or the license has been sooner cancelled or forfeited.
  12. (a) The fee payable for a license issued between the 1st day of January and the 30th day of June in any year shall be the license fee for the full year, except that any single contracts started under a valid license may be completed without obtaining a new license.
  - (b) Part Year:

The Town may issue a license after July 01 of any license year for one half (1/2) the annual fee set out in Schedule "A".

- (c) License issued under this Bylaw shall not be transferred except to a person who at the same time purchases the business in respect of which the license was issued.
13. License applications shall contain the condition that the parties thereto shall at all times indemnify and save harmless the Town of Grimshaw, as trustee for any person who may sustain loss or damage from any neglect or any unlawful act or omission of the person named in the license.
14. Exemption from Licensing:
- (a) No license shall be required by any person or business that falls under the Architects Act, the Land Surveyors Act, or the Engineering, Geological and Geophysical Professions Act.
- (b) 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 Grimshaw.
15. Mobile Arcades:
- (a) The keeper or person in charge of an arcade shall only keep or allow on the premises slot or automatic machines that do not contravene the prohibitions contained in the Canadian Criminal Code and, any license issued for any machine contravening the Canadian Criminal Code as amended, shall be null and void.
- (b) The operators of such arcades shall be responsible for the conduct of patrons on the premises.
16. Non-Resident Auctioneers:
- (a) No license shall be issued under this section until the License Issuing Officer is satisfied that the License required by the Government of the Province of Alberta has first been obtained.
17. Non-Resident Caterers:
- (a) Every caterer shall at all times maintain in good working condition adequate facilities, equipment and appliances used in preparing or serving food and shall comply with all regulations made under the Public Health Act with respect to the serving of food products.
- (b) Every caterer shall maintain all vehicles used in the transportation of food products in a clean and sanitary condition satisfactory to the Health Unit Inspector.
18. Circus or Concert Not Hosted By a Community Organization:
- (a) No circus or concert shall exhibit in the Town for a longer period than seven days unless a new license is taken out for each additional day such exhibition or show is exhibited.
- (b) The Licensee, Manager, Agent, or person in charge of every circus or other show mentioned, before opening for public admission, shall permit the License Issuing Officer, R.C.M.P., or any other examining official(s) full information with regard to the exhibits.

- (c) Before the licensee, manager, agent or person in charge of any circus or other show mentioned as herein defined shall be entitled to a license for the said exhibit, he must produce to the License Issuing Officer satisfactory proof that the circus, or other show mentioned, carries a public liability policy for an amount not less than Two Million (\$2,000,000.00) Dollars.
- (d) Where any circus or concert proposes to provide electrical and mechanical devices for the use of the Public, such electrical and mechanical devices shall be subject to inspection and approval by the Town Building Inspector.
- (e) An applicant for a license to hold a circus or concert shall, as a condition precedent to obtaining a license, furnish the Town with a bond in the sum of Two Hundred (\$200.00) Dollars for each site operated by him, which bond shall be withheld conditional upon the licensee properly cleaning up all sites, used in connection with the circus or concert; which cleaning shall be subject to the acceptance of the License Issuing Officer.
- (f) Where a person or an organization is exempt from the payment of a license fee he shall enter into an agreement with the Town that in consideration for the issue of the Circus or Concert License he shall be responsible for the proper cleanup and repair of the property or premises used.

19. Non-Resident Contractors:

- (a) For purposes of this section "Non-Resident Contractor" shall include any person who accepts contracts estimated to be totalling in excess of \$1,000.00 in any one year for the erection, construction, alteration, repair or demolition of buildings or structures, in Grimshaw.
- (b) A general contractor as herein defined in (a) above shall supply to the License Issuing Officer, the names and addresses of each sub-contractor engaged by him to carry out any of the work on any building or structure on which such general contractor holds the contract and shall pay one license fee which shall cover all of his subcontractors, as per the rates defined in Schedule "A".

20. Non-Resident Waste/Garbage Collectors:

- (a) Any person who collects or removes by vehicular means, residential, commercial, industrial garbage or construction wastes or garbage for gain shall obtain a license pursuant to the requirements of this Bylaw.

21. Violations:

- (a) Any person violating any of the provisions of this Bylaw shall be guilty of an offense and liable on summary conviction to a fine not less than \$250.00 and not more than \$1,000.00, exclusive of costs, or, in the case of non-payment, to imprisonment for a period not exceeding 60 days.
- (b) Where the offense is non-payment of any license fee payable hereunder, the presiding Provincial Judge shall adjudge payment thereof in addition to the fine imposed, and said revenues shall enure to the Town of Grimshaw.
- (c) Any prosecution or proceeding under this Bylaw providing for the licensing of any business, or of persons carrying on the business or engaged therein, it is alleged that the person proceeded against, carried on or engaged in the business without having first obtained a license to do so, proof of one transaction in the business is sufficient to establish that the person proceeded against, carried on or engaged in the business, contrary to the provisions of this Bylaw.


- (d) Every person carrying on or engaged in any business in respect of which a license is required under this Bylaw, on request of a License Issuing Officer shall give to the Officer all information necessary to enable him to carry out his duties.
  - (e) A person carrying on or engaged in any such business who fails to furnish the requested information within 15 days from the date on which the request is made is guilty of an offense and said application shall be null and void.
22. The duties and authority of the License Issuing Officer and other assistants are:
- (a) To receive and deal with all applications for licenses, renewal of licenses and transfers and where applicable to issue the same.
  - (b) To keep records of all applications for licenses.
  - (c) To record such information and details with respect to licenses and persons applying for licenses as may be required from time to time by the Council or the auditors of the Town.
  - (d) To verify licenses pursuant to the terms of this Bylaw and to issue all licenses under this Bylaw.
  - (e) Whenever requested to do so by Town Administration to attend meetings of Council or of any Committees of Council.
  - (f) 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.
  - (g) To prosecute persons committing violations of this Bylaw and to administer this Bylaw and as far as practicable see that all persons concerned conform to its provisions.
  - (h) To issue at his/her discretion:
    - (i) an invoice giving 30 days notice for payment of fees, and
    - (ii) upon expiry of the initial notice period, issue a 30 day final notice, and
    - (iii) cause the uncollected fees to be collected by a collection agency on behalf of the Town of Grimshaw, or
    - (iv) upon expiry of final notice, issue a summons requiring the accused to appear in Court for prosecution of violations occurring under the provisions of this Bylaw.

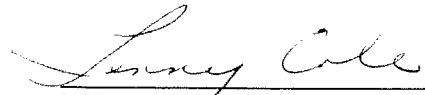


This Bylaw upon third and final reading shall rescind Bylaw 907.


This Bylaw shall come into effect on the date of its final passage thereof.

READ a first time this 24 day of May, A.D. 1995.

  
MAYOR

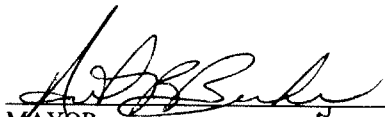
  
MUNICIPAL SECRETARY

READ a second time this 24 day of May, A.D. 1995.

  
MAYOR

  
MUNICIPAL SECRETARY

READ a third time and finally passed in Council duly assembled this 24 day of May, A.D. 1995.

  
MAYOR

  
MUNICIPAL SECRETARY



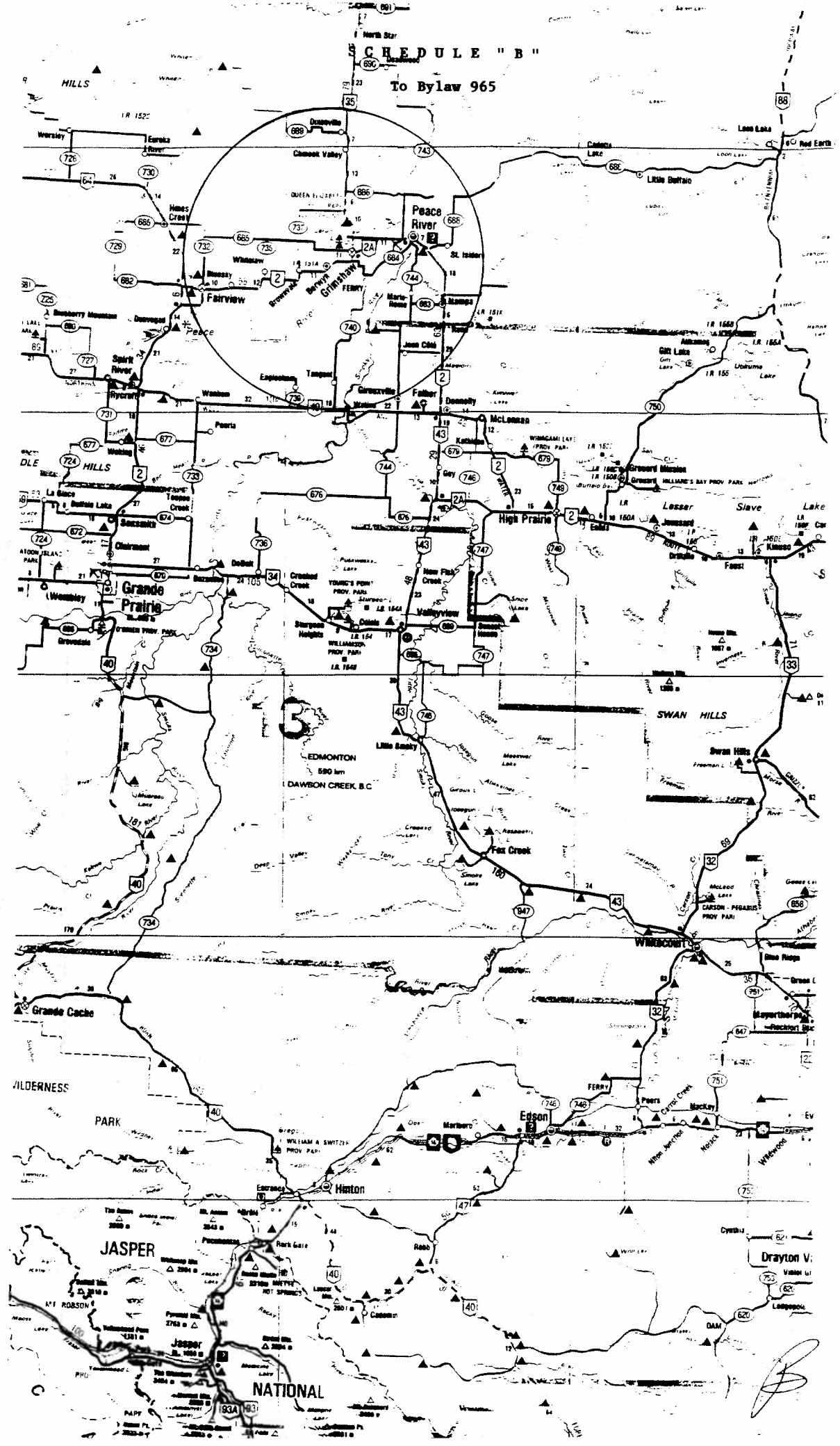
**SCHEDULE "A" TO BYLAW 965**

**Annual Business License Schedule of Fees**

- I. Non-Resident Business that is located outside of the sub-region area identified in Schedule 'B' .....\$200.00
- II. Non-Resident Business, that is located within an incorporated municipality that has legislated business licensing and is located within the sub-region area identified in Schedule "B" .....\$200.00
- III. Non-Resident Business that is located within an incorporated municipality within the sub-region area identified in Schedule "B": that has not legislated business licensing.....NO CHARGE
- IV. Non-Resident Hawkers and Pedlars:
  - a) Daily: \$75.00 per business regardless of number of agents.
  - b) Seasonal: \$225.00 per business Max. 6 months, regardless of number.
  - c) Yearly: \$350.00 per business regardless of number of agents.

AB

CHEDULE "B"  
To Bylaw 965



FORM "A"

TOWN OF GRIMSHAW

APPLICATION FOR NON-RESIDENT BUSINESS LICENSE

TO: Licensing Officer
Town of Grimshaw
P.O. Box 377
GRIMSHAW, Alberta
T0H 1W0

Date: \_\_\_\_\_

I herewith make application for a license under the provisions of the licensing Bylaw of the Town of Grimshaw, to do business within the Town of Grimshaw.

I hereby confirm:

That I am the principal (or agent) for \_\_\_\_\_ (Name of Company)
of \_\_\_\_\_
Phone: \_\_\_\_\_
Vehicle License No. \_\_\_\_\_
Applicants Operators License No. \_\_\_\_\_

I am employed by \_\_\_\_\_
of \_\_\_\_\_ (Address)
Phone \_\_\_\_\_ (work) \_\_\_\_\_ (home)

That I propose to sell and/or perform the following work or service \_\_\_\_\_
(Item in Detail)

Trade name of article \_\_\_\_\_

That I possess a subsisting Provincial License (if applicable) for the said business giving an authority to sell the said articles in Alberta:

Alberta License No. \_\_\_\_\_ and expiring \_\_\_\_\_ 19 \_\_\_\_\_
herewith exhibited Yes \_\_\_\_\_ No \_\_\_\_\_

That I intend to canvass, sell, or operate within the Town of Grimshaw for \_\_\_\_\_ days, \_\_\_\_\_ weeks, commencing on \_\_\_\_\_, 19 \_\_\_\_\_. Canvassing, selling or operating a business must be limited to that period specified in the license issued. Daily \_\_\_\_\_ Seasonal \_\_\_\_\_ Yearly \_\_\_\_\_ (Check applicable period)

The License fee of \_\_\_\_\_ dollars is enclosed with this application.

I, (please print name) \_\_\_\_\_ do hereby apply for a Town of Grimshaw Business License for the purpose of conducting a business within the Town of Grimshaw, and shall at all times indemnify and hold harmless the Town of Grimshaw, and its employees, or agents, for any neglect or unlawful act or omission which may be caused by any person named in this application.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

FOR OFFICE USE ONLY:

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_
(Licensing Officer)

[Handwritten signature]

FORM "B" TO BYLAW 965

TOWN OF GRIMSHAW

BUSINESS LICENSE

Town of Grimshaw No. \_\_\_\_\_

\$

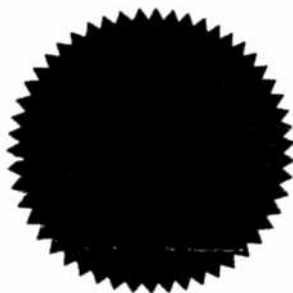
# LICENSE

This is to certify that \_\_\_\_\_

\_\_\_\_\_ has this day paid  
the sum of \_\_\_\_\_ DOLLARS  
for a License to carry on business as \_\_\_\_\_

\_\_\_\_\_ within the limits of the \_\_\_\_\_ of \_\_\_\_\_  
until the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_

unless this license be sooner suspended or forfeited, and this license  
is issued to the said \_\_\_\_\_ and is accepted and  
held by \_\_\_\_\_ subject to any or all By-laws,  
rules and regulations that are now, or hereafter may be in force, respecting the  
same or the trade, business or calling hereby licensed to be carried on



Given under my hand and the corporate seal of

.....

this ..... day of ..... A.D. 19 .....

.....

License issuing officer