

CORPORATION OF THE VILLAGE OF BARNWELL

IN THE

PROVINCE OF ALBERTA

BY-LAW NUMBER 2-85

BEING A BY-LAW OF THE VILLAGE OF BARNWELL IN THE PROVINCE OF ALBERTA PROVIDING FOR THE LICENSING AND REGULATING OF CERTAIN BUSINESS, CALLINGS, TRADES AND OCCUPATIONS.

WHEREAS, Section 222 of the Municipal Government Act (Part 5) being Chapter M-26 Revised Statutes of Alberta 1980 reads:

The Council may control and regulate all business carried on within the municipality including the manner of operation, and nature of operation and the location thereof, and may license any and all such businesses, (a) whether or not the business is mentioned elsewhere in this Act, and

(b) whether or not the business has a business premises within the municipality

AND WHEREAS, Section 224 of the Municipal Government Act (Part 5) being Chapter M-26 of the Revised Statutes of Alberta 1970 reads:

1. The Council may by By-Law do all things with respect to the regulation of any business or industry including the licensing thereof, the restriction and limitation of its operations and any other matter considered necessary with respect to such businesses or industry including the right to impose a penalty and to prohibit the carrying on of any business or industry without a license.

2. Such power extends within the municipality to persons who carry on any business or industry within and partly outside the municipality.

3. A license fee may be in the nature of a reasonable tax for the privilege conferred by the license for the purpose of raising revenue and may be computed in any manner accepted by the Council.

4. In fixing a license fee the Council shall, where applicable, have regard for the business tax payable by similar businesses in the municipality.

5. In establishing license fees the Council may charge a greater license fee to a person who does not maintain a place of business within the municipality or reside in the municipality or both.

6. The power to license a business or industry includes the power to specify the qualifications of the persons carrying on the business or industry and the conditions upon which such licenses shall be granted.

7. The Council may, in a by-law under this section or Section 222,

a) provide for the classification of businesses and industries for the purposes of the by-law:

b) prescribe different license fees for different classes of businesses and industries;

c) make any provision of the by-law applicable to one or more businesses or industries or one or more classes thereof;

AND WHEREAS, Section 225 of the Municipal Government Act (Part 5) being Chapter M-26 of the Revised Statutes of Alberta 1980 reads:

1. The Council may refuse to grant or may revoke or suspend a license on grounds, which, to it, appear just and reasonable and may delegate to the municipal officer on such terms and conditions as the Council by by-law may determine the power to refuse to grant or 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 the Council.

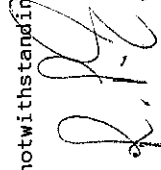
2. The Council may delegate to the medical health officer the power to revoke or suspend the license of any person who sells food or drink for human consumption within the municipality but who neglects or refuses to comply with the rules, orders or regulations of the Minister of Social Services and Community Health or the by-laws of the municipality relevant to such business.

3. A Suspension of a license under this section may be

a) for a period of time not exceeding the unexpired term of license, or

b) where the suspension is for non-compliance with a by-law, until the holder of the suspended license, in the opinion of the Council, complies with that by-law.

4. A license may be revoked or suspended for non-compliance with a by-law notwithstanding that the holder of that license has not been prosecuted for the contravention of that by-law.



AND WHEREAS, it is deemed expedient to enact a By-Law providing for the regulation and control of certain Businesses, Callings, Trades and Occupations etc.

NOW THEREFORE, The Council of the Village of Barnwell in the Province of Alberta duly assembled enacts as follows:

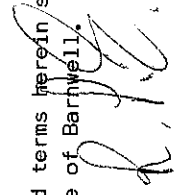
PART I

1. This By-law shall be known and may be cited as the Licensing By-Law of the Village of Barnwell.
2. In the By-Law unless the context otherwise requires:
 - a) Village means the Village of Barnwell
 - b) Council means the Council of the Village of Barnwell
 - c) License Inspector means the License Inspector for the Village of Barnwell
 - d) License means a license granted by the Village of Barnwell
 - e) License Year means the period commencing January 1st and ending on the next succeeding December 31st.
 - f) Person means and includes a firm, one or more persons, a partnership or body corporate.
 - g) Resident means a person, firm or corporation within the Village of Barnwell who operates their business, trade, profession or occupation from a taxable premises and/or taxable business premise located within the Village of Barnwell.
 - h) Non-Resident means a person, firm or occupation who does not operate their business, trade, profession or occupation from a taxable business premises within the Village of Barnwell and who does not reside within the Village of Barnwell.
 - i) Home Occupation means an occupation carried on in a residence by one or more member of a family actually occupying the said residence as a dwelling and for which the Council has approved the operation of a business from the dwelling on an annual basis.
 - j) Transient Trades, Hawker or Pedlar means the same as defined in Section 2 (7) of the Municipal Government Act (Part 1) of the Revised Statutes of Alberta 1970.
 - k) General Contractor shall mean and include any person, company or firm who normally accepts contracts as principal or sub-contractor in the Village of Barnwell, in erection, construction, alteration, repair or demolition of any building or structure.

PART II

GENERAL PROVISIONS

3. All applications for licenses shall be made in writing to the Office of the License Inspector on a form provided, giving such information and particulars as requested thereon.
4. No license shall be issued to a person under the provisions of the By-Law in a case where a Provincial License is required unless such person is the holder of the required Provincial License.
5. No person, shall, within the limits of, the Village of Barnwell, 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.
6. Provided that when a person carries on two or more trades or occupations, callings, or types of business in one premise, double the license fee shall be charged.
 - (i) The decision of what constitutes two or more trades for the purpose of this By-Law shall be decided by the License Inspector from information provided on application or personal knowledge of same.
 - e.g. groceries, meat, fresh fruits, vegetables
 - or Bakery, groceries
 - or Pharmacy, notions
 - or Service Station, car dealer
 - (ii) each separate location is subject to individual licensing.
 - (iii) all fees, special fees, shall be as shown and described in Schedule A to this By-Law attached hereto.
7. 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 Village of Barnwell.



8. Every license granted under the provisions of this By-Law shall terminate on December 13st, in the year in which said license was issued, unless expressly stated for a shorter period, or the license has been sooner cancelled or forfeited and
(1) The fee payable for a license issued between the first day of January and the Thirtieth day of September in any year shall be the license fee for the year. The fee for a license issued after the thirtieth day of September in any year shall be one half of the license fee for a full year, providing this section shall not apply to contractors, non-resident contractors, a Circus/Carnival or Rodeo, sale of alcoholic beverages or Hawker Pedlars.

(ii) Where an applicant for a special event license (Circus, carnival or rodeo) is a local service club from whom the Village benefits, the Council may waive the said Fee or rebate same by resolution of Council.

9. Every license issued under this By-Law shall be made out and delivered or mailed or given to the Licensee, who shall post same in a conspicuous place on his business premises, and whenever required to do so by the Municipal Administrator, License Inspector, Police Officer or any other duly authorized person, shall produce the license for inspection purposes. In the case of Pedlars or Hawkers, they shall carry on their persons said license, and shall produce same when requested to do so by those persons so listed above and any such persons being solicited.

10. No rebate shall be allowed to any Licensee or his Assignee, in respect of forfeiture of a license, or on account of non-usage of the rights and privileges thereby granted, or for any other cause.

11. 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.

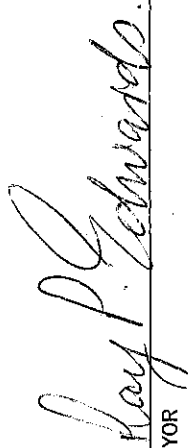
12. The Council may, upon the recommendations of the Municipal Administrator, License Inspector, or Building Inspector, at any time revoke or suspend any license issued under the provisions of this by-law for failure to comply with any health, safety or other regulations or codes of Alberta or Canada. Violations reported by the Health Unit, Fire Chief or Police will be taken as prima facie evidence in considering the revocation of license.

13. No license shall, under any of the provisions of this By-law, be required for hawking or peddling or selling by any person of meat, fruit or other farm produce that has been produced, raised or grown by himself.

Any person violating any of the provisions of this By-Law or any other person responsible for such violations, shall be liable on summary conviction before a Magistrate or any Justice of the Peace having jurisdiction to such penalties as are set out in the General Penalty By-law of the Village of Barnwell and in addition to the fines as set out in the said General Penalty By-law, the Magistrate or Justice may adjudge payment of the license fee as set out in this By-Law.

This By-Law shall come into force on the date of the final passing.

READ A FIRST TIME THIS	23RD	DAY OF	January	,	1985.
READ A SECOND TIME THIS	21ST	DAY OF	February	,	1985.
READ A THIRD TIME AND FINALLY PASSED THIS	13TH	DAY OF	March	,	1985.


MAYOR


VILLAGE ADMINISTRATOR

SCHEDULE A

<u>CATEGORIES</u>	<u>LICENSE FEES PER YEAR</u>
Contractor - General	
- Resident	\$10.00
- Non -Resident	200.00
Contractor - Sub	
- Resident	10.00
- Non-Resident	200.00
Home Occupations	10.00
Single Business, Trade, Calling and Occupations	10.00
Hawkers, Pedlars (for each Pedlar)	
- Per day	10.00