

By-Law No. 1101
of the
Town of St. Paul

A By-law of the Town of St. Paul, in the Province of Alberta, pursuant to the provisions of the Municipal Government Act, being Chapter M-26 A.S.A. 2000 and amendments thereto, to provide for the regulations and licensing of businesses, business activities and persons engaged in business within the Town of St. Paul.

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A By-law of the Town of St. Paul, in the Province of Alberta, pursuant to the provisions of the Municipal Government Act, being Chapter M-26 R.S.A. 2000 and amendments thereto, to provide for the regulations and licensing of businesses, business activities and persons engaged in business within the corporate limits of the Town of St. Paul.

Whereas, it is deemed expedient by the Council of the Town of St. Paul to regulate and establish a licensing fee for businesses of persons carrying on a business within the corporate limits of the Town of St. Paul.

Now therefore, under the authority and subject to the provision of the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended and by virtue of all other powers in the Town of St. Paul; the Council of the Town of St. Paul, duly assembled, enacts as follows.

Section 1 Title

- 1.1 This By-law shall be known as the Town of St. Paul Licensing By-law.

Section 2 Purpose

- 2.1 To license those businesses and persons engaged in a business activity within the Corporate Limits of the Town of St. Paul.
- 2.2 Every licensee shall conform to the provisions of this by-law and of all other by-laws applicable to the business or business location in respect of which such license was issued.

Section 3 Definitions

- 3.1 “Act” means the Municipal Government Act, Chapter M-26 R.S.A. 2000 and amendments thereto.
- 3.2 “Applicant” means a person who applies for a business license or renewal of a business license required by this by-law.
- 3.3 “Business” means a commercial, merchandising or industrial activity or undertaking: a profession, trade, occupation, calling or employment or an activity providing goods or services, however formed, including a cooperative or association of persons.
- 3.4 “C.A.O.” means the Chief Administrative Officer of the Town.
- 3.5 “Council” means the Municipal Council of the Town.
- 3.6 “Fee” means the monetary amount levied on each application for a business license as set out in Part 6 of this by-law.
- 3.7 “License” means a license granted by the Town entitling the person to whom it is granted to carry on business therein specified in the town.
- 3.8 “Licensee” means a person holding a valid and subsisting license issued pursuant to the provisions of this by-law.
- 3.9 “License Inspector” means any person so designated herein and includes any such inspector as designated by Council, or the Chief Administrative Officer, to perform their duties.
- 3.10 “Non-Resident” means a person not ordinarily residing within the corporate limits of the Town.
- 3.11 “Non-Resident Business” means any business which does not ordinarily locate or maintain a permanent place of business within the corporate limits of the Town. This category shall include those non-resident building contractors and those non-resident trades people associated with the construction and/or repair of a building within the corporate limits of the Town.

- 3.12 “Resident” means a person ordinarily residing within the corporate limits of the Town.
- 3.13 “Resident Business” means any business which ordinarily locates or maintains a permanent place of business within the corporate limits of the Town.
- 3.14 “Temporary Business” means a commercial, merchandise or industrial activity or undertaking: a profession, trade occupation, calling or employment, or an activity providing goods or services, however formed, including a cooperative or association of persons carried on within the corporate limits of the Town of St. Paul where the duration of the business activity is equal to or less than two consecutive weeks.
- 3.15 “Non-Profit Organization” means an organization:
- ♣ incorporated under the Societies Act
 - ♣ registered under Part 9 of the Companies Act
 - ♣ formed under the Agricultural Societies Act
 - ♣ formed under the Cemetery Companies Act
 - ♣ registered under Part 21 of the Business Corporations Act if the extra-provincial corporation does not carry on business for the purpose of gain, or incorporated by a private act of the Parliament of Canada or the Legislative Assembly of Alberta, if the corporation:
 - i) does not pay dividends to its shareholders or any part of its income to any member for that member’s personal benefit, and
 - ii) does not distribute property to its shareholders or members on its winding-up or dissolution.
- 3.16 “Town” means the Town of St. Paul, a municipal corporation of the Province of Alberta, and where the context so requires means the area contained within the corporate boundaries of said municipality.

Section 4 Application

- 4.1 An applicant for a license shall make application to the Town office, on a form supplied by the Town, furnishing such information as the form shall require and such additional information as the Town may from time to time require, including:
- ♣ A statutory declaration where required by the Town
 - ♣ A bond or public liability insurance where required in a form satisfactory to the Town
 - ♣ A provincial license where required under any Provincial Act

♣ The license fee payable in respect of the business as set out in Section 6

- 4.2 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.
- 4.3 Licenses to carry on two or more businesses by one person may be issued on one form of license provided each business and the proper license fee therefore is shown separately on such form. Each business shall, however, be deemed to be separately licensed.
- 4.4 Every license shall conform to the provisions of this by-law and of all other by-laws applicable to the business, or business location in respect of which such license was issued.
- 4.5 Where any certificate, authority, license or other document of qualification under this or other by-law, or under any statute of Canada or Province of Alberta is suspended, cancelled, terminated or surrendered, any license issued under this by-law based in whole or in part on such certificate, authority, license or other document of qualification shall be revoked automatically forthwith.
- 4.6 Where an annual license fee is greater than one dollar, the License Inspector may after July 1st of any license year, issue a license for one half the annual fee not out in Section 6 hereof.
- 4.7 When a license is surrendered or revoked, the Town shall refund to the licensee prior to July 1st, one half the annual fee therefore, but this provision shall not apply to any license issued for a period of less than the full license year.
- 4.8 An application for a license for a business to be carried on in a residential zoning district, shall first be approved by the Municipal Planning Commission.
- 4.9 Every licensee shall conform to the provisions of this by-law and of all other by-laws.

Section 5 Appointment, Powers and Duties of License Inspectors

- 5.1 The C.A.O. shall appoint a License Inspector or License Inspectors to carry out the terms of this by-law.
- 5.2 The License Inspector in the administration of this by-law shall as far as practicable see that all persons concerned conform to its provisions and to prosecute persons who fail to comply within.
- 5.3 The License Inspector shall investigate complaints lodged against a license and, if necessary, inspect the premises or location described in the com-

plaints and to revoke any license or to levy fines or penalties pursuant to the by-law.

Section 6 License Requirement and Fees

- 6.1 A license is required to carry on or operate any of the following businesses:
- ♣ Resident business
 - ♣ Non-resident business
 - ♣ Temporary business
- 6.2 In a prosecution for contravention of this by-law against engaging in or operating a business without a license, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.
- 6.3 A business license shall be required for all businesses operating within the area contained within the corporate boundaries of the Town of St. Paul irrespective of any other valid Federal, Provincial, or other municipal certificate, authority, license or other document of qualification unless specifically exempted by the provisions of this by-law or if any statute of Canada or of the Province of Alberta specifically exempts such person or businesses from the requirements of municipal licensing.
- 6.4 When “squatting” on public or private property approved in writing from the landowner must be submitted to the License Inspector with this application.
- 6.5 No license shall be required for anyone engaged in selling farm produce locally grown.
- 6.6 No license shall be required for residential garage sales, provided that the sale takes place on a residential property, where that property owner or primary resident, when referring to residential rental properties, directly supervises and controls the sale.
- 6.7 No license shall be required for non-profit organizations.
- 6.8 Material delivery operations are exempted from needing a license provided that the transaction/negotiation to purchase those items takes place outside of the corporate limits of the Town of St. Paul and that the company is not a Resident Business.
- 6.9 License Fees shall not be issued until the applicant therefore has paid to the License Division, the fee set forth or calculated as set forth on Schedule “A” attached.
- 6.10 Every licensee who holds a license under this by-law which applies to specific premises shall, so long as the license is in force, keep it or a duly authorized copy thereof posted in some conspicuous place in the licensed premises as may be approved by the License Department.

- 6.11 Every licensee who holds a license under this by-law which is not limited to specific premises shall, so long as the license is in force, carry on his person or have immediately available the license or a duly authorized copy thereof.
- 6.12 License Year means the period commencing January 1st and ending on the next succeeding December 31st. Except as otherwise provided in the by-law or schedule “A” a license shall cover the period from the date of issue to the end of the current license year, but a license may be issued in advance for the next succeeding license year. Every license shall bear on its face the date on which it is issued and the date on which it will expire.

Section 7 Penalties and Enforcement

- 7.1 Any person, or business who contravenes any of the provision or requirement of this by-law is guilty of an offence and is liable for and subject to a penalty as follows:
- ♣ Conducting a business without a license:
 - 1st offence = \$250.00
 - 2nd offence = \$500.00
 - 3rd or subsequent offence = \$1,000.00
- 7.2 Where an officer authorized by Council to enforce this bylaw has reasonable grounds to believe that a person has contravened any provision of this by-law, he or she may issue to such person an offence ticket allowing the payment of the penalty specified in subsection 7.1 to the Town within 14 days of the issuance of the offence ticket. Such payment shall be accepted by the Town in lieu of prosecution for the offence.
- 7.3 Service of an offence ticket shall be sufficient if it is
- ♣ Personally served
 - ♣ Served by the registered mail to the last known business location or residence of the person who is alleged to have committed the offence, or
 - ♣ Left with some competent adult who resides with or works at the businesses location of the person who is alleged to have committed the offence.
- 7.4 The offence ticket shall state
- ♣ The name and business or residence address of the person who is alleged to have committed the offence, if ascertainable
 - ♣ The offence
 - ♣ The location, date and time of the offence

- ♣ The appropriate penalty for the offence and
- ♣ That the penalty shall be paid within (14) fourteen days of the issuance of the offence ticket to avoid prosecution of the offence.

7.5 If the penalty specified in the offence ticket is not paid within the prescribed time period, an officer authorized by Council to do so may issue a violation ticket regarding the offence in accordance with the provisions of the Provincial Offences Procedure Act Chapter P-34 R.S.A. 2000 and amendments thereto or any other applicable act that may be in force at the time of the offence. The said officer may indicate a voluntary payment option on the violation ticket, the amount of the payment being that prescribed in subsection 7.1.

This by-law comes into effect upon final passing hereof.

By-law No. 844 of the Town of St. Paul is hereby repealed upon the final passing hereof.

Read a first time in Council this 9th day of February, 2004.

Read a second time in Council this 24th day of May, 2004.

Read a third time and passed this 24th day of May, 2004.

John Trefanenko, Mayor

Wayne Horner, C.A.O