

TOWN OF TOFIELD

BY-LAW NUMBER 983

A BY-LAW OF THE TOWN OF TOFIELD TO PROVIDE FOR THE LICENSING AND REGULATING OF CERTAIN BUSINESSES, CALLINGS, TRADES AND OCCUPATIONS.

WHEREAS, by virtue of the power conferred on it by the Municipal Government Act, the Council of the Town of Tofield, in the Province of Alberta, duly assembled, enacts as follows:

Short Title and Definitions

1. This By-Law shall be known and may be cited as the "Licensing By-Law" of the Town of Tofield.
2. In this By-Law, unless otherwise, the context requires:
 - (a) **PERSON** - includes a Corporation or Partnership.
 - (b) **HAWKER or PEDDLER** -
 - (i) means a person not being a body corporate and who, whether as principal agent or not, or principle 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 Tofield.
 - (B) offers 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 Tofield.
 - (C) sells merchandise on the streets or roads or elsewhere than at a building that is his permanent place of business,

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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, or
 - (B) fish of his own catching.
- (c) **CONTRACTOR** - shall mean any person who is not a resident of the Town of Tofield, who undertakes as principle contractor to do, provide, or carry on trades or occupations relative to the construction industry.
- (d) **SUB-CONTRACTOR** - shall mean the same as above by deleting the word principle.
- (e) **LICENSE INSPECTOR** - shall mean the Administrator of the Town of Tofield.

Necessity For License

3. No person shall within (or partly within and partly without) the Town:
 - (a) carry on or operate any of the businesses, callings, trades or occupations referred to in this By-Law, or
 - (b) carry on any undertaking or do any act or use or have any article for which a license is required under the provisions of this By-Law, unless he holds a valid and subsisting license so to do issued, pursuant to the provisions of this By-Law.

4.
 - (a) Applications for a license, for renewal of license or for a transfer of license shall be made on a form to be provided by the License Inspector and shall be made in person at the office of the Licensing Inspector.
 - (b) Every person who applies for a business license of the Town of Tofield shall be in the possession of a valid provincial license, as required by the Government of Alberta.
 - (c) The License Inspector shall not issue a license until the applicant has paid the proper license fee as set out herein.
 - (d) The fee payable for a license issued between the first day of January and the 31st day of December in any year shall be the license fee as set out herein.
 - (e) An application for license for any business or occupation of a type mentioned in this By-Law shall be made jointly by all the persons who will be actively engaged in the management and control of the business and those persons only. If in the course of any license year additional persons are added to those sharing the management and control of the licensed operation, then the additional names shall be forthwith given to the License Inspector. Failure to disclose to the Town any of the information required herein, shall be a ground for immediate cancellation of the license, if issued, and the forfeiture of any fee paid for the license.
 - (f) The License Inspector may issue a license, subject to certain conditions, but where the License Inspector issues a license, subject to certain conditions, he shall endorse on the license the particulars of such condition.

Appeal

5. Where an application for a license or for a transfer or license has been refused or has been authorized, subject to conditions, the applicant may appeal:
 - (a) Every appeal shall be made in writing within thirty (30) days after a license has been refused or revoked by the Inspector, otherwise the right of appeal shall be barred and extinguished.
 - (b) In the event of an appeal on refusal or revoking of a license, the appeal shall be heard by the Council, and the Council shall be the final judge of whether the refusal or revoking of a license was just and reasonable.

Posting of License

- 6. Every license issued under this By-Law shall be made out and delivered to the licensee who shall produce said license whenever required so to do by the License Inspector, any assistant to the License Inspector, any Police Officer, or other duly authorized person.

Termination and Cancellation

- 7. (a) Every license issued under the provisions of this By-law shall terminate at midnight, the 31st day of December of the year, in which said license was issued, unless:
 - (i) the terms of this By-Law otherwise expressly provide; or
 - (ii) the license provides otherwise and is so endorsed; or
 - (iii) the license has been sooner cancelled or forfeited.
- (b) If a licensee is convicted in any one calendar year of a breach of any of the provisions of this By-Law, any licenses issued to such licensee, pursuant to the provisions of this By-Law, shall be ipso facto cancelled.

Enforcement

- 8. (a) Any person violating any of the provisions of this By-Law shall be guilty of an offence and liable, on summary conviction to a penalty of not more than Five Hundred Dollars (\$500.00) and costs.
- (b) Where the offence is non-payment of any license fee payable hereunder, the convicting magistrate shall adjudge payment in addition to the fine imposed.
- (c) Any person who, after demand for inspection, has been made by the Inspector, Executive Officer or authorized person, refuses or obstructs an Inspector, Executive Officer or authorized person, shall be guilty of an offence against the provisions of this By-Law.

9.

License Fees

(a) Contractor	-	\$100.00
(b) Sub-Contractor	-	\$ 50.00
(c) Hawker or Peddler	-	\$ 75.00 per day
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	-	\$225.00 per year
(d) Volume Sales on Rental Premises (Liquidators)	-	\$200.00

10. Repeal of Previous By-Laws

By-Law Number 878 and amendments thereto of the Town of Tofield is hereby repealed.

11. Effective Date

This By-Law shall take full force and effect on the date of passing thereof.

READ a first and second time this 13th day of July, 1992.


MAYOR


ADMINISTRATOR

READ a third time and finally passed this 13th day of July, 1992.


MAYOR


ADMINISTRATOR