

BY-LAW NO. 257

VILLAGE OF DUCHESS

A BY-LAW OF THE VILLAGE OF DUCHESS, PROVIDING FOR THE LICENSING AND REGULATING OF CERTAIN BUSINESSES, CALLINGS, TRADES AND OCCUPATIONS.

UNDER the authority of and subject to the provisions of Sections 214 to 222 inclusive, of the Municipal Government Act, being Chapter 246 of the Statutes of the Province of Alberta, the Municipal Corporation of the Village of Duchess, in Council duly assembled, enacts as follows:

PART 1

SHORT TITLE AND DEFINITIONS

This By-Law shall be known and may be cited as the "Licensing By-Law" of the Village of Duchess.

In this By-Law, unless the context otherwise requires:

- A) LICENSE INSPECTOR - Shall mean a person appointed by resolution of Council as a License Inspector for the Village of Duchess or any one authorized to act on his behalf.
- B) BUSINESS - Includes business, trade, profession, industry, occupation, employment or calling and the providing of goods and services.
- C) PERSON- Includes a Corporation or Partnership.
- D) RESIDENT - Means an adult person who has established a permanent place of residence in the Village of Duchess within six (6) months prior to an application for a license.
- E) PREMISES- Includes a store, office, warehouse, factory, building enclosure, yard or other place occupied or capable of being occupied for any purpose.
- F) AGENT - Meaning a person acting or doing business for another person or company.
- G) HAWKER OR PEDLER - Means a person not being a body corporate and who, whether as principal or agent -
 - 1) 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 Village of Duchess.
 - 2) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise to be afterward delivered in or shipped into the Village of Duchess.
 - 3) sells merchandise on the streets or roads or elsewhere than at a building that is his permanent place of business
 - but
 - 1) does not include a person selling meat, fruit or other farm produce that has been produced, raised or grown by himself,
 - or
 - 2) fish of his own catching
- H) TRANSIENT BUSINESS - Means any person who does not ordinarily maintain within the Village of Duchess a permanent place of business and who is not liable for a business tax in respect thereof, and who, as a principal or agent, buys or offers to buy direct from the producer thereof any merchandise or service or both or offers to sell to the consumer any merchandise or service or both.
- I) PAWNBROKER - Shall mean and include any person who carries on the business of receiving or taking by way of pawn or pledge, any personal property of the payment of money loaned thereon.

J) HOME OCCUPATIONS - Means a trade, profession or craft carried on by a person who is occupant of a resident building as a use secondary to the resident of the building.

1) No home occupation shall be granted a license without first receiving approval from the Village of Dutchess Council.

K) TRADESMEN - Shall mean any person who undertakes as principal sub-contractor to do, provide, or carry on, within the limits of the Village of Dutchess, any of the following trades or occupations:

The erection, addition, alteration, improvement, repair, renovation, excavation for, paving for, enlargement, demolition, the roofing, tiling, the laying or sanding of floors, concrete work, or masonry of, on or to any building or structure, within the Village, and the installation, repairing, alteration, extending or removing of any heating, gas fitting, steam fitting, plumbing, sheet metal, lighting, electronic, electrical air conditioning, refrigerating or other fixture, apparatus, appliance or thing, in, on or about any building or structure within the Village.

PROVIDED THAT for the purposes of this section, the following shall be considered to be one trade:

- 1) Heating and sheet metal
- 2) Gas fitting and steam fitting
- 3) Plastering and lathing and preparation of works for stuccoing, and stuccoing and dry wall plastering.
- 4) Air conditioning and refrigerating
- 5) Painting, decorating and paper hanging

L) GENERAL CONTRACTOR - Shall mean and include any person, company, or firm who normally accepts contracts as principal or sub-contractor in the Village of Dutchess, in the erection, construction, alteration, repair or demolition of any building or structure.

M) APPOINTMENT, AUTHORITY AND DUTIES OF LICENSE INSPECTOR

1) The Council of the Village of Dutchess shall appoint a License Inspector and such assistants as may be required to carry out the provisions of this By-Law.

2) The responsibility of a License Inspector are:

- a) to receive and deal with all applications for a license and transfers thereof;
- b) to consider and approve or refuse an application for a license;
- c) to record such necessary information and details with respect to licenses as may be required by the Village of Dutchess;
- d) to periodically visit and inspect all premises licensed by the Village of Dutchess, for the purpose of ascertaining whether the person licensed is complying with the provisions of the By-Laws governing such licenses or premises ;
- e) to issue a license on payment of appropriate fee;
- f) to diligently prosecute violators and infractions of this By-Law.

N) INSPECTION OF THE VILLAGE LICENSED PREMISES

The License Inspector or duly authorized person may enter all buildings and premises at all reasonable times for the purpose of administering or enforcing this By-Law.

PART II

GENERAL PROVISIONS

- A) No person shall, within the limits of the Village of Duchess, 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.

PROVIDED that when a person carries on two or more trades or occupations, double the license fee shall be charged.


- B) Persons granted licenses under this By-Law shall conform to all regulations and terms herein specified and be subject to the inspection at all times by any duly authorized officer of the Village of Duchess.
- C) Every license issued under this By-Law shall be made out and delivered or mailed 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.
- D) Every license granted under the provisions of this By-Law shall terminate on the 31st day of December in the year in which the said license was issued, unless expressly stated for a shorter period or the license has been sooner cancelled or forfeited.
- E) No rebate shall be allowed or granted to any Licensee or his assignee in respect to the forfeiture of a license, or on account of the non-usage of the rights and privileges thereby granted or for any other cause.
- F) 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.
- G) 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.
- H) No license shall be issued to a person under the provisions of this By-Law in a case where a Provincial License is required, unless such person is a holder of the required Provincial License.
- I) All fees shall be shown in Schedule "A" attached hereto.
- J) 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. Violatic reported by the Health Unit, Fire Chief or Police will be taken as prima facie evidence in considering the revocation of license.

No license shall under any provisions of this By-Law, be required for hawking and peddling or selling any goods, wares or merchandise that are grown, produced or manufactured in the province, if they are hawked, peddled, or sold by the person who is the owner, producer, or manufacturer thereof or by an employee or servant of such a person and authorized by him in writing to do so.


Any person violating any of the provisions of this By-Law or any other person responsible for such a violation shall be liable on summary conviction before a Magistrate or any Justice of the Peace having jurisdiction therein, to a penalty not exceeding Five Hundred Dollars (\$500.00), exclusive of cost, imposed, to imprisonment for any period not exceeding thirty (30) days unless such fine and costs, including the costs of committal are sooner paid.

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

INTRODUCED AND READ THREE TIMES IN COUNCIL this 13th day of February, 1979.



Mayor



Secretary-Treasurer

BY-LAW NO. 414/03

A BY-LAW TO AMEND BY-LAW NO. 257, A BY-LAW OF THE VILLAGE OF DUCHESS, IN THE PROVINCE OF ALBERTA, PROVIDING FOR THE LICENSING AND REGULATING OF CERTAIN BUSINESSES, CALLINGS, TRADE AND OCCUPATIONS – TO AMEND THE FEE SCHEDULE.

Under the authority of and subject to the provisions of Section 63(1), Chapter M-26 of the Municipal Government act, the Council of the Village of Duchess duly enacts:

Schedule "A" of the said By-law shall contain the following fees:

\$30.00 for all Home Occupations.

\$50.00 for all other Businesses within the Village limits.

\$85.00 for all Transient businesses.

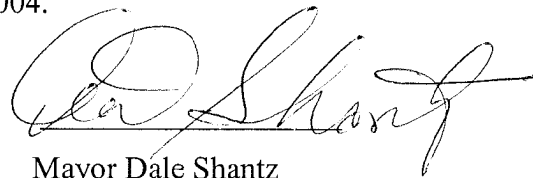
The rates are for a calendar year basis.

The date on which the fees become effective is January 1st, 2004.

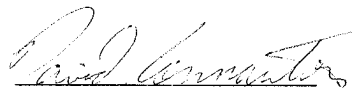
Read a first time this 19^h day of November, 2003

Read a second time this 19th day of November 2004.

Read a third time and duly passed this 19th day of November 2004.



Mayor Dale Shantz



C.A.O David Connauton