

**BYLAW 2020-13
OF THE
TOWN OF ST. PAUL**

A BYLAW OF THE TOWN OF ST. PAUL, IN THE PROVINCE OF ALBERTA, 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.

1. TITLE

- 1.1 This Bylaw may be referred to as the "Business License Bylaw".

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 bylaw and of all other bylaws applicable to the business or business location in respect of which such license was issued.

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 bylaw.
- 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 "Cannabis Facility" means development used principally for one or more of the following activities as it relates to medicinal or recreational cannabis:
- a. The production, cultivation, and growth of cannabis;
 - b. The processing of raw materials;
 - c. The making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;
 - d. The storage or transshipping of materials, goods and products; or
 - e. The distribution and sale of materials, goods and products to a Cannabis Store or to individual customers.
- This use does not allow the on-site consumption of Cannabis, and does not include Cannabis Store or Retail sales as an Accessory Use in the Land Use Bylaw.
- 3.5 "Cannabis Store" means a store licensed by the Province of Alberta, and where all cannabis that is offered for sale or sold must be from a federally approved and licensed facility. This Use does not allow the on-site consumption of cannabis. Cannabis Accessories may be sold or rented, and counselling services may be provided. This Use does not include Cannabis Facility. A Cannabis Store does not apply to any other Use, and shall not be an Accessory Use to any other Use in the Land Use Bylaw.
- 3.6 "CAO" means the Chief Administrative Officer or designate, appointed pursuant to the MGA.
- 3.7 "Development Authority" means the Development Authority established by the Land Use Bylaw and appointed by Council.
- 3.8 "Development Permit" means a document authorizing a development issued pursuant to the Land Use Bylaw.
- 3.9 "Farmers' Market" means an open air or fully or partly covered market, for the sale of goods directly by the producers, who are involved in the production of local fresh, dried or frozen fruits and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, locally prepared and ready to eat foods and local artisan crafts.
- 3.10 "Council" means the municipal Council of the Town of St. Paul.
- 3.11 "Fee" means the monetary amount levied on each application for a business license as set out in Part 6 of this bylaw.
- 3.12 "Food Vendor" means any Mobile Vendor offering prepared food/meals and beverages for sale. This does not include vendors selling produce or fresh or frozen meats and fish.

- 3.13 "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.
- 3.14 "Licensee" means a person holding a valid and subsisting license issued pursuant to the provisions of this bylaw.
- 3.15 "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.
- 3.16 "Mobile Vendor" means any person(s) offering food and beverages, goods, services or merchandise for sale, other than from a permanent business location.
- 3.17 "Non-Resident" means a person not ordinarily residing within the corporate limits of the Town.
- 3.18 "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.
- 3.19 "Private Property" means lands within the jurisdiction of the Town owned by a person or organization other than the Town.
- 3.20 "Public Lands" means any highway, parkland, roadway, lane trail, alley or passage, whether a thoroughfare or not, and includes any open space to which the public have or are permitted to have access, whether by payment or otherwise owned or controlled by the Town.
- 3.21 "Resident" means a person ordinarily residing within the corporate limits of the Town.
- 3.22 "Resident Business" means any business which ordinarily locates or maintains a permanent place of business within the corporate limits of the Town.
- 3.23 "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 not more than consecutive 14 days.
- 3.24 "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:

- a. Does not pay dividends to its shareholders or any part of its income to any member for that member's personal benefit, and
- b. Does not distribute property to its shareholders or members on its winding-up or dissolution.

3.25 "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.

4. APPLICATION

4.1 An applicant who requires a license shall make application to the Town office, on the business license applicant form attached as Schedule "B", furnishing such information as the form and may require 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 bylaw and of all other bylaws 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 bylaw, or under any statute of Canada or Province of Alberta is suspended, cancelled, terminated or surrendered, any license issued under this bylaw 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 set 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 When submitting an application for a new business, the applicant and/or owner must first consult with Planning & Development to determine if the proposed business requires a Development Permit under the Land Use Bylaw. If a Development Permit is required, the business must first be approved by the Development Authority (Planning & Development) before the business license is issued.
- 4.9 Every licensee shall conform to the provisions of this bylaw and all other bylaws.

5. APPOINTMENT, POWERS, AND DUTIES OF LICENSE INSPECTORS

- 5.1 The CAO shall appoint a License Inspector(s) to carry out the terms of this bylaw.
- 5.2 The License Inspector in the administration of this bylaw shall as far as practical see that all persons concerned conform to its provision 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 complaints and to revoke any license or to levy fines or penalties pursuant to this bylaw.

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 bylaw 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 or qualification unless specifically exempted by the provisions of this bylaw 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 approval 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, including those located within Farmers' Markets.
- 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 Town of St. Paul, the fee set forth or calculated as set forth on Schedule "A" attached.
- 6.10 Every licensee who holds a license under this bylaw 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 Town of St. Paul.
- 6.11 Every licensee who holds a license under this bylaw 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 bylaw or Schedule "A" a license shall cover the period from the date of issue to the end of the current license year. Every license shall bear on its face the date on which it is issued and the date on which it will expire.

7. **FOOD/MOBILE VENDOR**

- 7.1 No person shall operate as a Food or Mobile Vendor with the Town, unless they hold a valid Town Business License.
- 7.2 At the time Food trucks purchase their annual business licence, they will need to also obtain a letter from the Town of St. Paul, authorizing them to operate their food truck on public land within the town, so long as they locate in a legal parking spot.
- 7.3 Unless specifically authorized to do so, a Mobile Vendor shall not operate on Public Lands.
- 7.4 Food and Mobile Vendors shall not operate within 50 meters of any business where the same or similar goods, services or merchandise are sold.

8. PENALTIES AND ENFORCEMENT

8.1 Any person, or business who contravenes any of the provision or requirement of this bylaw 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

8.2 Where an officer authorized by Council to enforce this bylaw has reasonable grounds to believe that a person has contravened any provision of this bylaw, 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.

8.3 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.

8.4 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 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.

8.5 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 of the violation ticket, the amount of the payment being that prescribed in subsection 7.1.

9. EFFECTIVE DATE/REPEAL


9.1 This Bylaw repeals the Town of St. Paul Bylaw 1254 and amendments thereto.

9.2 This Bylaw becomes effective upon third and final reading.

MOTION BY COUNCILLOR BOISVERT THAT BYLAW 2020-11 BE GIVEN FIRST READING THIS 28TH DAY OF SEPTEMBER, 2020.


MOTION BY COUNCILLOR TAYLOR THAT BYLAW 2020-11 BE GIVEN SECOND READING THIS 13TH DAY OF OCTOBER, 2020.


MOTION BY COUNCILLOR NOEL THAT BYLAW 2020-11 BE GIVEN THIRD AND FINAL READING THIS 13TH DAY OF OCTOBER, 2020.



Maureen Miller
Mayor


Kim Heyman
Chief Administrative Officer


Mayor Initials: 

CAO Initials: 

Schedule "A"

BUSINESS TYPE	
<u>Type A: General Business</u> Retail Business/Service, Personal Service, Business Support Service, Recreation, Automotive Service/Repair, Fuel Bar/Service Station, Feed/Food Manufacturing, Fitness Centre, Laundry/Laundromat, Rental Agency, Apartment Building, Taxi, Communication Business, Professional, Consultant, Restaurant.	\$100.00
<u>Type B: General Business</u> Financial Institution, Shopping Centre, Utility Company, Hotel/Motel, Hawker/Peddler, General Contractor, Arcades (Permanent)	\$200.00
<u>Type C: AGLC</u> Lounge/Club/Bar Liquor Store Cannabis Store Cannabis Facility	\$500.00 \$500.00 \$1200.00 \$4000.00
<u>Type D: Regulated Business</u> Circus, Carnival, Exhibition, Festival/Concert, Arcades (Temporary).	\$250.00/day

Mayor Initials: 

CAO Initials: 

Schedule "B"



Town of St. Paul
 Box 1480
 St. Paul, AB T0A 3A0
 Phone: 780-645-4481
 Fax: 780-645-5076
 www.town.stpaul.ab.ca

<input type="checkbox"/> New	<input type="checkbox"/> Change of Address	<input type="checkbox"/> Change of Owner	<input type="checkbox"/> Change of Name	<input type="checkbox"/> Change of Category
------------------------------	--	--	---	---

Business Operating Name: _____
 Business Address: _____
 Business Mailing Address: _____
 Effective Date: _____

Type of Business: _____
 Business Phone No.: _____ Business Fax No.: _____
 Website: _____ Email Address: _____

Applicant Information (if different than owner)
 Name: _____ Phone: _____
 Cell Phone: _____ Fax: _____
 Address: _____
 Email address: _____ Signature: _____

Owner Information
 Name: _____ Phone: _____
 Cell Phone: _____ Fax: _____
 Address: _____
 Email address: _____ Signature: _____

I hereby make application for a license in accordance with all the information as above stated and declare that this is true and correct statement and I further agree to comply with all relevant bylaws of the Town of St. Paul.

Date of Application: _____

Would you like the St. Paul & District Chamber of Commerce to send you information on becoming a member? ☐ Yes ☐ No
 Do you give the Town of St. Paul authority to share your contact information with the St. Paul & District Chamber of Commerce? ☐ Yes ☐ No
Note: This form is to be submitted yearly by December 31st for the following calendar year.

Mayor Initials:

CAO Initials: