

## BY-LAW #317-06

BEING A BY-LAW OF THE TOWN OF COALHURST, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING OF CERTAIN BUSINESSES, TRADES, PROFESSIONS AND OCCUPATIONS.

WHEREAS the Municipal Government Act R.S.A. 2000, Chapter M-26 states that the purposes of a municipality are:

- a. To provide good government,
- b. To provide services, facilities, or other things that, in the opinion of the council, are necessary or desirable for all or part of the municipality, and
- c. To develop and maintain safe and viable communities;

AND WHEREAS, pursuant to Section 7 of the Municipal Government Act, R.S.A. 2000, M-26, Council may pass bylaws for municipal purposes respecting businesses, business activities, and persons engaged in business;

NOW THEREFORE the Council of the Town of Coalhurst, in the Province of Alberta, duly assembled, HEREBY ENACTS AS FOLLOWS:

1. This By-Law may be cited as "The Business License By-Law" of the Town of Coalhurst.

### DEFINITIONS

2. In this By-Law unless the context otherwise requires:
  - a. "Applicant" means a person who applies for a license or renewal of a license required by this By-Law.
  - b. "Application" means a written application for a business license as provided for by this By-Law.
  - c. "Business" includes any trade, profession, industry, occupation, employment or calling and the providing of goods and/or services.
  - d. "Business license" means a license granted pursuant to this By-Law.
  - e. "Business premises" include the store, office, warehouse, factory, building enclosure, yard or other place occupied or capable of being occupied for the purpose of carrying on a business in accordance with the Town of Coalhurst Land Use By-Law.

- f. "Charitable organization" means a recognized organization set up to represent a legitimate charity or for the promotion of general social welfare and includes:
  - i. a religious society or organization
  - ii. a service club
  - iii. a community, veteran's or youth organization
  - iv. a social, sport or fraternal organization or club.
- g. "Chief Administrative Officer" means the person who is appointed by By-Law to this position for the Town of Coalhurst.
- h. "Council" means the Municipal Council of the Town of Coalhurst.
- i. "Enforcement Officer" means the Town of Coalhurst Chief Administrative Officer, or the Development Officer or a By-Law Enforcement Officer of the Town.
- j. "Hawker or peddler" means a person not being a body corporate and who whether as principle or agent:
  - (i) Goes from house to house selling or offering for sale any merchandise or services or both, to any person and who is not a wholesale or retail dealer in such merchandise or services, and not having a permanent place of business in the Town of Coalhurst.
  - (ii) Offers or exposes for sale to any person by means of samples patterns, blueprints of merchandise or services of both to be afterwards delivered and shipped in the Town of Coalhurst.
  - (iii) Sells merchandise or services, or both on the streets or roads or elsewhere than at a building that is his permanent place of business including a person selling meat, fruit or other produce raised or grown by himself and a person selling fish of his own catching.
- k. "Home occupation" means an occupation carried on in a residence by one or more members of a family actually occupying the said residence as a dwelling and for which the Enforcement Officer has approved the operation of a business from the dwelling.
- l. "Land Use By-Law" means the current Town of Coalhurst Land Use By-Law.
- m. "Licensee" means a person holding a valid and subsisting license granted pursuant to the provisions of this By-Law.
- n. "License year" means the period commencing January 1st and ending December 31st each year.

- o. "Municipal Subdivision & Development Appeal Board" means the board established by By-Law to hear appeals to decisions related to subdivisions and developments, including business licenses.
- p. "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 Town of Coalhurst and who does not reside within the Town of Coalhurst.
- q. "Peace Officer" means a member of the Royal Canadian Mounted Police, a municipal Police Officer, Police Constable, Bailiff, Constable, By-Law Enforcement Officer or other person employed for the prevention of disorder and maintenance of the public peace.
- r. "Resident" means a person, firm or corporation within the Town of Coalhurst who operates their business, trade, profession or occupation from a taxable premise and/or taxable business premise located within the Town of Coalhurst.
- s. "Town" means the Municipal Corporation of the Town of Coalhurst or the area contained within the Town boundaries, as the context requires.
- t. "Transient trades" means the business carried on by any person who does not ordinarily maintain within the Town a permanent place of business and who as a principal or agent buys or offers to buy, direct from the producer thereof any merchandise or service or both.
- u. "Violation Ticket" means where a Peace Officer, Enforcement Officer, or other official of the Town of Coalhurst believes that any person has committed a breach of any of the sections of the By-Law, they may cause a violation ticket to be served upon such person pursuant to Part 2 of the Provincial Offences Procedure Act, Alberta

#### **ENFORCEMENT OFFICER**

- 3. The Council will appoint an Enforcement Officer to carry out the provisions of this By-Law if other than the Chief Administrative Officer, or, the Development Officer or in the absence of the Chief Administrative Officer or Development Officer, as the case may be.
- 4. The duties of an Enforcement Officer are to:
  - a. Receive and consider applications for a business license.
  - b. Conduct investigations with regard to proposed applications.
  - c. Conduct inspections of business premises.
  - d. Collect business license fees pursuant to this By-Law.

- e. Grant or refuse a business licenses.
- f. Revoke business licenses where deemed appropriate and necessary.
- g. Initiate legal court action for violations of this By-Law.

#### LICENSE APPLICATIONS

- 5.
  - a. Every person applying for a business license shall apply in writing, using the prescribed form, to the Enforcement Officer.
  - b. The application must be:
    - i. Completed in full,
    - ii. Signed by the applicant, or in case of a corporation its duly appointed agent, and
    - iii. Accompanied by a Fifty (\$30.00) Dollar application fee.
  - c. A non-resident business shall be exempt from any requirement to hold a license established by this Bylaw if:
    - i. they are providing a service for which a development permit is not required,
    - ii. they are providing a service to an owner of a completed residence within the Town of Coalhurst and
    - iii. the service is of the following nature:
      - a. home renovation,
      - b. home improvement,
      - c. home maintenance,
      - d. appliance or equipment repair,
      - e. cleaning services, or
      - f. delivery and installation of goods purchased outside of the Town of Coalhurst.
  - d. All resident charitable organizations shall be exempt from any requirement to hold a license established by this By-Law unless they are carrying on a commercial business.

#### INSPECTION

- 6. Where a business or its location, or locations, require an approval or certificate under this By-Law or any other By-Law of the Town of Coalhurst, or any Provincial or Federal Statute, the location(s) where the business is to be carried on, including the land and buildings, therefore, may be inspected by those persons, inspectors and departments whose approval or certificate is required.

#### CONDITIONS OF BUSINESS LICENSE

7. Business Licenses will be issued subject to:
  - a. Licensing requirements of Provincial or Federal Statute.
  - b. Compliance with any other By-Law of the Town of Coalhurst.
  - c. Any other condition that may be deemed appropriate.
  - d. The payment of the proper fee as provided by this By-Law.
  - e. Approval by the Enforcement Officer or anyone designated to act on his behalf.
8. No person shall carry on or operate any business within or partly within the Town without holding a valid business license issued pursuant to the provisions of this By-Law, unless specifically exempted by law.
9. Every business license issued under this By-Law shall be posted in a conspicuous place in the business premises of the said license.
10. Persons wishing to carry on or engaged in any business in respect of which a license is required under this By-Law, shall upon request of the Enforcement Officer, provide all information necessary to enable him to carry out his duties.

#### TERM

11. Every business license issued under the provisions of the By-Law unless revoked shall terminate at mid-night on the 31st day of December of the license year in which the said license is issued.
12. The fee payable for a business license between the 1st day of January and the 31<sup>st</sup> day of December in any license year shall be the license fee for the full year.

#### NOT TRANSFERABLE

13. A business license is not transferable to a new business and cannot be sold with the business.

#### LICENSE FEES

14. a. The business license fee for a "Hawker" or "Peddler" shall be according to the following:
  - i. Resident - Twenty-five (\$25.00) Dollars per license year.
  - ii. Non-resident - One Hundred Dollars (\$100.00) Dollars per license year, or Twenty-five (\$25.00) Dollars per day.

- b. Where the business premises are located in a building the principal use of which is residential the business license fee shall be Fifty (\$50.00) Dollars per license year.
  - c. The fee for a non-residential business license in connection with building contractors and sub-trades involved in new construction projects shall be One Hundred (\$100.00) Dollars per calendar year.
  - d. The fee for all other business license other than specified in a, b and c shall be Seventy-five (\$75.00) Dollars per license year for property owners and residents of the Town of Coalhurst and Two Hundred (\$200.00) Dollars for non-property owners or non-residents of the Town of Coalhurst.
15. Business Licenses may be extended by means of a Reciprocal Business License arrangement between Town Council and the Councils from other municipalities.
- a. When a Reciprocal Business License arrangement has been made that agreement will supersede the applicable sections of this By-Law.

**POWER OF REFUSAL**

16. Subject to the provisions of this By-Law, upon receipt of an application for a business license, the Enforcement Officer may refuse a business license if, in his opinion:
- a. The application does not meet the requirements of
    - i. This By-Law, or
    - ii. Any other By-Law of the Town of Coalhurst, or
    - iii. any Provincial or Federal Statute,
  - b. There are other just and reasonable grounds for the refusal of the application.

**POWER TO REVOKE A LICENSE**

17. Where a business license has been granted pursuant to this By-Law, the Enforcement Officer may revoke or suspend the business license if, in his opinion:
- a. The business no longer complies with provisions of
    - i. This By-Law, or
    - ii. Any other By-Law of the Town of Coalhurst, or
    - iii. Any Provincial or Federal Statute
  - b. There are just and reasonable grounds for the revocation or suspension of the license.

18. 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 a contravention of that By-Law.

#### NOTICE TO REVOKE OR SUSPENSION A LICENSE

19. Upon a license being revoked or suspended, as herein provided, the Enforcement Officer shall notify the licensee by:
- a. Delivering a notice to him personally, or
  - b. Mailing a registered letter to the place of business or residence as shown on the license.
20. Upon receipt of such notice the licensee shall cease operations until such time as a new license is issued or the suspended license is reinstated.
21. The recipient of a Notice of Revocation or Suspension may appeal the notice to the Municipal Subdivision and Development Appeal Board.

#### NULLIFICATION OF LICENSE

22. Where any certificate, authority, license or other document of qualification under this or any 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.
23. Where a license is revoked pursuant to Section 22 hereof, the licensee shall forthwith:
- a. return the license to the Enforcement Officer; or
  - b. furnish the Enforcement Officer with satisfactory proof of a renewal or reissue of the certificate, authority, license or other document of qualification

#### APPEAL

24. a. Where:
- i. an application for a business license has been refused, or
  - ii. a business license has been revoked or suspended, the person seeking the license may appeal to the Municipal Subdivision and Development Appeal Board.
- b. An appeal must be made by the applicant within fourteen (14) days after such refusal, revocation or suspension.
- c. All appeals shall be:

- i. Made in writing addressed to the Chief Administrative Officer of the Town of Coalhurst.
  - ii. Dated as of the date received at the Town office.
  - iii. Accompanied by a non-refundable fee of \$500.
  - iv. Held in accordance with the appeal procedure as defined in the Town of Coalhurst Land Use By-Law.
- d. The Municipal Subdivision and Development Appeal Board, after hearing the applicant, may
- i. Direct a business license be issued or reinstated,
  - ii. Direct a business license be issued or reinstated with conditions,
  - iii. Refuse to issue a business license,
  - iv. Uphold the "Notice to Revoke or Suspend".

#### **PENALTIES**

25. Where a peace Officer believes that any person has committed a breach of any of the Sections of this By-Law, they may cause a violation ticket to be served upon such person pursuant to Part 2 of the Provincial Offences Procedure Act, Alberta.
26. Any person who commits a breach of any of the provisions of this By-Law will be liable to a penalty of:
- a. For the first offence to a penalty of Two Hundred Fifty (\$250.00), or in default of payment to a term of imprisonment of not more than six (6) months, or to both.
  - b. For a second offence within a six (6) month period to a penalty of Four Hundred (\$400.00) or in default of payment to a term of imprisonment of not more than six (6) months, or to both.
  - c. For a third offence within a six (6) month period to a penalty of One Thousand (\$1,000.00) Dollars or in default of payment to a term of imprisonment of not more than six (6) months, or to both.

#### **INTENTION OF COUNCIL**

27. It is the intentions of the Town Council that each separate provision of this by-law shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if



any provision of this by-law is declared invalid, all other provisions thereof shall remain valid and enforceable.

28. Any references to the masculine (he) shall also refer to the feminine (she).
29. By-Law #317-06 is hereby rescinded.
30. This By-Law shall come into full force and effect on the day of its final passing.

READ A FIRST TIME THIS 23<sup>RD</sup> DAY OF MAY, A.D. 2006

READ A SECOND TIME THIS 23<sup>RD</sup> DAY OF MAY, A.D. 2006

READ A THIRD TIME AND FINALLY PASSED THIS 23<sup>RD</sup> DAY OF MAY, A.D. 2006

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Mayor

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Chief Administrative Officer