

BYLAW NO. 847
The Business License Bylaw

**Being a Bylaw of the Village of Delburne, in the Province of Alberta,
relating to the licensing and regulation of certain
businesses, occupations, and properties.**

PURSUANT TO provisions of the Municipal Government Act, Chapter M-26.1, 1994 and amendments thereto:

WHEREAS it is expedient to enact a bylaw that relates to the licensing and regulation of certain businesses, occupations, and properties within the community, therefore the Municipal Council of the Village of Delburne ENACTS AS FOLLOWS:

1. Title

This bylaw may be cited as "The Business License Bylaw."

2. Definitions

In this bylaw, unless the context otherwise requires:

- a. "Act" means the Municipal Government Act, Chapter M-26.1, 1994 and amendments thereto or as replaced or amended from time to time.
- b. "applicant" means a person who applies for a license or a renewal of a license required by this bylaw.
- c. "carry on" means to carry on, operate, perform, keep, hold, occupy, deal in or use, for gain, whether as principal or agent.
- d. "charitable or non-profit organization" means a person, association of persons, or a corporation, acting for charity or in the promotion of general social welfare which cannot at any time distribute any dividend or profit to its members and includes:
 - i. a religious society or organization;
 - ii. a service club;
 - iii. a community, veterans' or youth organization;
 - iv. a social, sport or fraternal organization or club;
 - v. an employers' or employees' organization;
- e. "Council" means the Municipal Council of the Village of Delburne.
- f. "Fire Chief" means the Fire Chief of the Village of Delburne.
- g. "Hawker and Pedlar" means a traveling vendor or a vendor only requiring a temporary license.
- h. "Home Occupation" means any business granted a license by the Village of Delburne and given approval to carry on business out of the home of the licensee.
- i. "License" means a license granted by the Village of Delburne entitling the person to whom it is granted to carry on business therein specified in the Village of Delburne.
- j. "License Appeal Board" shall be composed of the Council.
- k. "licensee" means a person holding a valid and subsisting license issued pursuant to the provisions of this bylaw.
- l. "License Inspector" means the person so designated by Council.

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- m. "Local non-resident" means any person, firm or corporation whose permanent base for their business is within the boundaries of the County of Red Deer including the urban municipalities of the City of Red Deer, the Towns of Bowden, Innisfail, Penhold, Sylvan Lake, and the Village of Elnora.
- n. "Medical Officer of Health" means the Medical Officer of Health as defined in the Public Health Act R.S.A. Chapter P-27.1, 1984.
- o. "non-resident" means any person, firm, or corporation whose permanent base for their business is beyond the boundaries of the County of Red Deer.
- p. "person" means a natural person or a body corporate and includes a partnership, a group of persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires.
- q. "Police" means any member of the R.C.M.P., or any Peace Officer, or Bylaw Enforcement Officer, appointed by the Village of Delburne.
- r. "premises" include the store, office, warehouse, factory, building, enclosure, yard or other place occupied, or capable of being occupied, by any person for the purpose of any business.
- s. "resident business" means any person, firm or corporation carrying on business in the Village of Delburne.
- t. "Residential Business" means a Home Occupation.
- u. "Safety Codes Office" means Safety Codes Officer as defined in the Safety Codes Act, Chapter S-0.5,
- v. "Supplier" means a business, corporation and/or individual that supplies goods for resale to the holder of a Village Business license. Notwithstanding this, if a business, corporation and/or individual supplies a service to equipment required for the operation of a holder of a Village Business license, they may be exempted from requiring a license;
- w. "Village" means the Village of Delburne, a municipal corporation in the Province of Alberta.

3. Appointment of License Inspector

Council shall appoint a License Inspector to carry out the terms of the this bylaw.

4. Powers and Duties of License Inspector

The powers and duties of the License Inspector are:

- a. to receive and deal with all applications for licenses including the collection of money payable under this bylaw;
- b. to ascertain that all information furnished by an applicant in connection with an application for a license is true in substance and in fact;
- c. to prosecute violations and infractions of this bylaw.

5. Necessity for License

- a. No person shall, within the Village of Delburne:
 - i. carry on or operate any of the business, callings, trades, or occupations referred to in this bylaw; or
 - ii. carry on any undertaking, do any act, or use or have any article for

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which a license is required;
unless that person holds a valid license from the Village of Delburne obtained in accordance with the provisions of this bylaw.

- b. Notwithstanding subsection (a), no license shall be required:
 - i. for a business carried on or operated by the Village or at a location operated by an official or employee of the Village acting on behalf of the Village in their capacity as such official or employee;
 - ii. by an official or an employee of the Village carrying out any act in their official capacity;
 - iii. for such other business as Council, by resolution, may from time to time exempt.
- c. Notwithstanding any other provision in this bylaw a license shall not be required of a business carried on by the Governments of the Province of Alberta or Canada nor shall a license be required by any person or business if any statute of Canada or the Province of Alberta exempts such person or business from requirements of municipal licensing.

6. Exemptions from Fees

- a. Where any charitable or non-profit organization wishes to be exempted from the requirements of this bylaw to pay a license fee, it shall apply in writing to the License Inspector for such exemption, providing the License Inspector with:
 - i. the name of the organization, the Articles or Memorandum of Incorporation, and such other information as the License Inspector requires to determine that the organization is a charitable or non-profit organization as defined by this bylaw;
 - ii. a description of the business which the organization wishes to carry on and the time and place where it is to be carried on.
- b. The License Inspector may grant any exemption applied for pursuant to this section with or without condition, or refuse to grant any such exemption.
- c. Suppliers shall be exempt only while operating as previously defined. As soon as they begin to conduct business with unlicensed individuals a license is required.
- d. Farmers markets are also exempted from requiring a license.
- e. Where an exemption is granted to an organization pursuant to this section, unless the exemption, when granted, specifically otherwise provides, the organization shall comply with the provisions of this bylaw relating to the business to be carried on, other than the requirement to pay a license fee.

7. Application Form

An applicant for a license shall make application to the License Inspector on a form supplied by the License Inspector, furnishing such information as the form shall require and such additional information as the License Inspector may from time to time require, including:

- a. a statutory declaration, where required by the License Inspector, substantiating the information contained in the form;
- b. every Federal or Provincial Certificate, authority, license or other document or qualification that may be required in connection with the carrying on of a business;

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- c. a Provincial License where required under any Provincial Act;
- d. any certificate or other approval required by any provision of this bylaw in respect of the business;
- e. the license fee payable in respect of the business as set out in this bylaw.

8. Home Occupation

- a. No license shall be issued for a home occupation until the applicant is in possession of a valid development permit issued under the provisions of the Village of Delburne's Land Use Bylaw.
- b. Where a business subject to licensing is carried on or intended to be carried on in more than one location, a license shall be required in respect of each place as though the business carried on in each were a separate business.

9. Compliance

Whenever an applicant for a license has complied with the terms of this bylaw and of any other bylaws applicable, the applicant shall be entitled to the license applied for upon payment of the proper fee.

10. Appeal Process

- a. Where an application for a license, or for a transfer of a license, has been refused or has been authorized subject to conditions, the applicant may appeal to the License Appeal Board.
- b. After hearing the applicant and the evidence adduced, the License Appeal Board may confirm such refusal or conditional approval or may direct that the license be issued either conditionally or unconditionally as may be deemed expedient in the public interest.
- c. The decision of the License Appeal Board is final.

11. Production

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, have immediately available the license or duly authorized copy thereof and such licensee shall, upon request, forthwith produce same to a Police Officer, a License Inspector, or any person with whom the licensee is doing business to which the license relates.

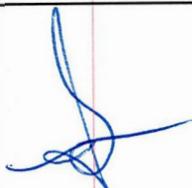
12. Inspection

Where a business involves the occupation of a specific building or a specific location and such business is reasonably believed to require a license under this bylaw a Police Officer, a License Inspector or any other authorized person may inspect the building or location for any purpose under this bylaw at all reasonable times during the license year.

13. Revocation and Refusal

- a. Where, on inspection, a business which is subject to an inspection by or on behalf of the Medical Officer of Health is found to contravene any provision of the Public Health Act R.S.A. Chapter P-27.1, 1984 and any regulations made thereunder, and amendments or substitutions therefore or any Bylaw respecting health, the Medical Officer of Health may revoke the license in respect thereof.
- b. Where, on inspection, a business which is subject to an inspection by or on behalf of the Safety Codes Officer is found to contravene the provisions of

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the Safety Codes Act, Chapter S-0.5, or as amended or replaced from time to time, the Safety Codes Officer shall advise the Fire Chief, who shall report the contravention to the License Inspector who may revoke the license therefore.

- c. The License Inspector may revoke or refuse to grant any license on any grounds which, in his opinion, are just and reasonable.
- d. Upon a license being revoked as hereinbefore provided, the License Inspector shall notify the licensee thereof:
 - i. by delivering a notice to the licensee personally; or
 - ii. by mailing double registered letter to the licensee's place of business or residence as shown on the licensee's license, and shall have been deemed to have been received five days after the date of mailing; and after the delivery or deemed receipt of such notice the business or occupation, as the case may be, shall not be carried on until such time as a new license is issued.

14. Duration

Every license issued under the provisions of this bylaw shall terminate at midnight on the 31st day of December of the year in which the said license was issued unless:

- a. the license provides otherwise; or
- b. the license has been sooner canceled or forfeited.

15. Business License Fees and Charges

- a. No person shall carry on or operate any business, calling, trade or occupation within or partly within the Village of Delburne without first paying to the License Inspector, the license fee prescribed in the *Schedule of Fees and Charges for Business Licenses* as maintained in the current Fees and Charges Bylaw.
- b. Where an applicant only requires a Business License for a short period of time, a "Hawker and Pedlars License" may be purchased and this license will have a term of validity of no more than three (3) days from issuance.
- c. Where the applicant is applying for a new Business License, the Business License fee may be pro-rated from the nearest month.
- d. Where an existing Business License is not renewed by January 31 of the current year, a late fee, as prescribed in the *Schedule of Fees and Charges for Business Licenses* as maintained in the current Fees and Charges Bylaw, may be levied.
- e. Where the Business License fee required has been paid by the tender of an uncertified cheque, the license:
 - i. is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license; and
 - ii. is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

16. Penalty

- a. Any person contravening any provision of this bylaw shall be liable upon conviction therefore to a fine of not less than \$250.00 and not more than

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\$1000.00 exclusive of costs, and in case of non-payment of the fine and costs so imposed, the person shall be imprisoned for a period of time not to exceed six months unless the fine and costs including the cost for committal are sooner paid.

- b. Where the offense is non-payment of any license fee payable hereunder, the convicting provincial judge may adjudge payment thereof in addition to the fine imposed.

17. Replacing Previous Bylaws

Upon passing of this bylaw, Bylaw 779 and Bylaw 792 shall cease to be in effect.

FIRST READING of Bylaw No. 847 granted this 9th day of December, 1997.

SECOND READING of Bylaw 847 granted this 22nd day of December, 1997.

THIRD AND FINAL READING of Bylaw 847 granted this 22nd day of December, 1997.


Raymond Reckseidler, Mayor


Larry Baran, Municipal Administrator

