

BY-LAW NO. 1603

BUSINESS LICENSE

Being a by-law relating to the licensing and regulation of certain businesses, occupations, and properties within The Municipal District of Willow Creek No. 26, in the Province of Alberta.

Pursuant to the provisions of the Municipal Government Act of Alberta, Chapter M-26.1, 1994, and amendments thereto, the Municipal Council of The Municipal District of Willow Creek No. 26 hereby ENACTS AS FOLLOWS:

1. This by-law may be cited as the "Business License Bylaw."
2. In this by-law, unless the context otherwise requires:
 - a) "Act" means the Municipal Government Act, Chapter M-26.1, 1994 as amended or replaced from time to time.
 - b) "Applicant" means a person who applies for a license or a renewal of a license required by this by-law.
 - c) "Carryon" means carryon, 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) "Contractor" means any person who undertakes as principal or sub-contractor to do, provide, or carry on, trades or occupations relative to the construction industry.
 - f) "Council" means the Municipal Council of The Municipal District of Willow Creek No. 26.
 - g) "Hawker" or "Peddler" means any person who, whether as principal or agent,
 - i) goes from house to house selling or offering for sale any merchandise or service, or both, to any person, and who is not a wholesale or retail dealer in that merchandise or service, and not having a permanent place of business in the municipality,
 - ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise both, to be afterwards or a service, or delivered in and shipped into the municipality, or
 - iii) sells merchandise or a service, or both, on the streets or roads or elsewhere than at a building that is his permanent place of business, but does not include any 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.
 - h) "Home occupation" means any person, firm or corporation carrying on any business out of a residence within The Municipal District of Willow Creek No. 26,
 - i) "License" means a license granted by The Municipal District of Willow Creek No. 26 entitling the person to whom it is granted to carryon business therein specified within The Municipal District of Willow Creek No. 26.
 - j) "Licensee" means a person subsisting license issued provisions of this by-law. holding a valid and pursuant to 'the
 - k) "License Inspector" means the person so designated herein.
 - l) "Municipal District" means The Municipal District of Willow Creek No. 26, a municipal corporation in the Province of Alberta.


- m) "Non-resident" means any person who does not permanently reside or have a place of business within the geographical boundaries of The Municipal District of Willow Creek No. 26.
 - n) "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.
 - o) "Police Officer" means any member of the R.C.M.P., or any Peace Officer, Special Constable or ByLaw Enforcement Officer appointed by The Municipal District of Willow Creek No. 26.
 - p) "Premises" means the store, office, warehouse, factory, building, enclosure, yard, vehicle or other place occupied, or capable of being occupied, by any person for the purpose of any business.
 - q) "Resident business" means a business being carried on by a person, firm or corporation within the jurisdiction of The Municipal District of Willow Creek No. 26, Town of Nanton, Town of Stavely, Town of Claresholm, Town of Granum and Town of Fort Macleod.
 - r) "Voluntary Penalty" means a penalty specified in this by-law for a contravention of a provision of this by-law which amount may be paid by a person to whom a Voluntary Summons was issued.
 - s) "Voluntary Summons" is a summons or ticket wherein the person alleged to have committed a breach of a provision of this by-law is given an opportunity to pay a voluntary penalty to the Municipal District or to the Clerk of the Provincial Court, as the case may be, in lieu of prosecution for the offense.
3. Council shall appoint a License Inspector to carry out the terms of this by-law.
 4. 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 by-law;
 - 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 by-law;
 - d) to issue a business license under this bylaw.
 5. The License Appeal Board shall be composed of the Council.
 6. No person shall, within the Municipal District, carryon or operate any of the businesses, callings, trades, or occupations referred to in this by-law unless he holds a valid license from the Municipal District obtained in accordance with the provisions of this by-law.
 7. No person shall carryon or operate any business, calling, trade or occupation within or partly within the Municipal District without first paying to the License Inspector, the license fee prescribed in Schedule "A" of this bylaw.
 8. a) Where any charitable or non-profit organization wishes to be exempted from the requirements of this by-law 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 "charitable or non-profit" as defined by this by-law;
 - ii. a description of the business which the organization wishes to carryon 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 conditions, or may refuse to grant any such exemption.
 - c) 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 by-law relating to the business to be carried on, other than the requirement to pay a license fee.
 9. The following shall be exempt from any and all items and provisions of this by-law:
 - (a) Any government, its employees and agents, and contractors and sub-contractors hired for government related projects, while working within the scope and course of those projects.

- (b) utility companies, public and private, but does not include contractors or sub-contractors hired by the utility companies.
 - (c) Those businesses exempted from the requirement of a municipal license by reasons of special provisions in the statutes governing them, including, but not necessarily limited to, the following:
 - i. Architects
 - ii. Surveyors
 - iii. Engineers
 - iv. Farmers selling their own produce
 - v. Fishermen selling their own catch
 - vi. Chiropractors
 - vii. Accountants
 - viii. Lawyers
 - ix. Doctors
 - x. optometrists
 - xi. Insurers and Insurance Agents
10. 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;
 - (c) a Provincial License where required under any Provincial Act;
 - (d) a Fire Inspection Report conducted annually by an approved Fire Inspector shall be submitted with a new application or request for renewal of a business license for the following types businesses:
 - i. businesses located within an industrial park and/or commercial business complex;
 - ii. all premises open to the general public for retail, commercial or personal services requiring a business license;
 - iii. Home Occupations are exempt from this requirement.
 - (e) any certificate or other approval required by any provision of this by-law in respect of the business;
 - (f) the license fee payable in respect of the business as set out in the by-law.
11. 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 Municipal District's Land Use By-law.
12. 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 place was a separate business.
13. Whenever an applicant for a license has complied with the terms of this by-law and of any other applicable by-laws they shall be entitled to the license applied for upon payment of the proper fee.
14. (a) Where an application for a license or for a transfer of a license or for an exemption from any or all requirements of this by-law 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 or the exemption granted either conditionally or unconditionally as may be deemed expedient in the public interest, and the decision of the License Appeal Board is final.
15. Every licensee who holds a license under this by-law 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, produce same to a

- Police Officer, a License Inspector, or any person with whom he is doing business to which the license relates.
16. 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, License Inspector or any other authorized person may inspect the building or location for any purpose under this by-law at all reasonable times during the license year.
17. (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, Chapter P-27.1, R.S.A. 1984 and any regulations made thereunder, and amendments or substitutions therefore or any By-law 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 Fire Marshal or the Planning Department is found to contravene the provisions of:
- i. the Fire Prevention Act Chapter F-101, R.S.A., 1980 or as amended or replaced from time to time;
 - ii. the Municipal Government Act, Statutes of Alberta, Chapter M-26, 2000, as amended or a Planning By-law as amended or replaced from time to time; the Fire Chief or the Planning Department shall report the contravention to the License Inspector who may revoke the license.
- (c) The License Inspector may revoke or refuse to grant any license on any grounds which are just and reasonable.
- (d) Upon a license being revoked as provided above, the License Inspector shall notify the licensee accordingly:
- i) by delivering a notice to him personally; or
 - ii) by mailing a double registered letter to his place of business or residence as shown on his license, and it 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 his business or occupation, as the case may be, shall not be carried on until such time as a new license is issued.
18. Every license issued under the provisions of this by-law shall terminate at midnight on the 31st day of December of the year in which said license was issued unless:
- (a) the license provides otherwise; or
 - (b) the license has been sooner cancelled or forfeited.
19. (a) Where a 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.
- (b) Regarding licenses applied for only part of a year:
- i) The License Inspector may, after July 1 of any license year, issue a license for one half the annual fee set out in Schedule "A" of this by-law.
 - ii) Where a license is surrendered or revoked, the Municipal District shall refund to the licensee, prior to July 1, one-half the annual fee, but this provision shall not apply to any license issued for a period of less than the full license year.
20. (a) Any person who contravenes any provision of this By-law:
- i) is guilty of an offense;
 - ii) who pays to the Municipal District the sum of one hundred (\$100,00) dollars, and the applicable license fee, prior to the commencement of proceedings pursuant to subsection (iii) below, shall not be prosecuted for the contravention;

- iii) upon summary conviction, shall be liable to a fine of not less than two hundred fifty (\$250.00) dollars and not more than one thousand (\$1,000.00) dollars.
- (b) Any person who is guilty of the offense of failing to pay any license fee payable herein shall, in addition to the fine referred to in section 20(a) (iii), be directed to pay the applicable license fee to the Municipal District within a period of time specified by the Court.
21. (a) A Police Officer is hereby authorized and empowered to issue a Voluntary Summons to any person who the Police Officer has reasonable and probable grounds to believe has contravened any provision of this By-law.
- (b) A Voluntary Summons may be issued to such person:
- personally; or
 - by mailing a copy by double registered post
 - to such person at his last known post office address; or by leaving at such person's usual place of abode with a person thereof who appears to be at least sixteen (16) years of age;
 - where such person is an association, partnership, or corporation, if mailed by double registered post, to the last known address or registered office or if left with a person who appears to be at least sixteen (16) years of age and is employed by or is an officer of the association, partnership, or corporation.
- (c) Nothing in this By-law shall prevent a Police Officer from immediately issuing a Violation Ticket or Summons, for the mandatory Court appearance of any person who contravenes any provision of this By-law.
22. Any person's penalty shall be reduced in the following fashion if a voluntary payment is made pursuant to a voluntary summons issued under Section 19:
- by \$20.00 if payment is received within seven (7) days of the date of issuance of the voluntary summons,
 - by \$10.00 if payment is received between eight (8) and fifteen (15) days of the date of issuance of the voluntary summons.
23. That upon the passing of this by-law, that By-Law No. 1107 dated December 9, 1992 is hereby repealed.

READ a **first** time this 12th day of May, 2010.



Reeve – Henery Van Hierden



Municipal Administrator/CAO – Cynthia Vizzutti

READ a **second** time this 12TH day of May, 2010.

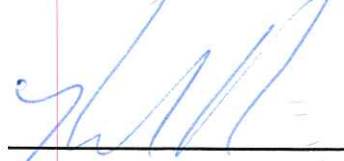


Reeve – Henery Van Hierden



Municipal Administrator/CAO – Cynthia Vizzutti

READ a **third** time and finally **PASSED** this 12th day of May, 2010.



Reeve – Henery Van Hierden



Municipal Administrator/CAO – Cynthia Vizzutti

THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26
BY-LAW NO. 1603
SCHEDULE "A"

BUSINESS LICENSE FEES

CLASSIFICATION

AMUSEMENT OPERATORS:

Including Billiard Parlour or Pool Room Keeper, Bowling Alley, Go Carts
Golf Course & Miniature Golf Course, Motion Picture Theatre
Riding Stables or Dude Ranch

Un-licensed - **\$25.00**

Licensed (AGLC license required) - **\$100.00**

Circus - for each day operation is allowed will be \$25.00

Other amusements not specified or provided for – Fee to be set by Council for each period allowed will be \$50.00 to \$ 500.00

NOTE:

1. License for amusements may be refused if, in the opinion of Council, a nuisance or undue annoyance will probably be caused to persons in the vicinity of the proposed location of such place of amusement.
2. A licensee operating under this Classification shall comply with and be governed by The Municipal District of Willow Creek No. 26 By-Law No. 1111 (Public Places, Amusements, and Assemblies) and as amended or replaced from time to time.

AUTOMOTIVE and RELATED:

Including - Automotive and Related Retail Hardware Sales, Auto Body Shop, Auto Dealer Sales & Service(*Provincial License Required*), Auto Leasing Agency, Auto Parts (Wholesale), Bulk Oil and Gas Storage and Sales (*Provincial License Required*), Car Wash, General Garage, Recreation Vehicle Dealer Sales & Service, Tire Sales and Repair, Wreckers, Used Parts, Farm Implement Dealer Sales and Service, Machinery & Small Engine Repairs will be \$ 25.00.

BANKING and RELATED:

Including Credit Bureau & Credit Union, Loan Companies, Chartered Banks will be \$50.00

CATALOGUE SALES: (*Provincial License Required*);\$25.00

CATERING and RELATED:

(Health Permit Required): \$ 50.00 for Non-resident and \$25.00 for a residents

COMMERCIAL BUILDING RENTALS:

\$ 20. 00 / 1 , 000 sq. ft. (minimum \$25.00 - maximum \$500.00)

CONTRACTORS:

(*Provincial License Required for Home Improvements when a contract is made and any prepayment accepted*):

\$ 50.00 for Non-resident and \$ 25.00 for residents

DINING ROOMS and RELATED: (*Health Food Permit Required*):

Including - coffee shops, cafeterias, light meals, drive-in dairy and/or food bar, restaurants, dining rooms

Un-licensed shall be **\$25.00** residents)

Licensed (AGLC license required) shall be **\$100.00**

FARM/RANCH SUPPLIERS:

\$50.00 for non-residents and \$25.00 for residents

GRAIN and RELATED:

Including Chopping, flour and feed mills; feed stores; fertilizer dealers; grain elevators and annex, seed cleaning will be \$50.00 for non residents and \$25.00 for residents.

HAIRDRESSING and RELATED:

Including - hairdressers, hairstylists, barbers, beauty services, makeup \$50.00 for non-resident and \$25.00 for residents.

IRON WORKS and RELATED:

Including - blacksmith, machine shop, sheet metal, steel workers, welding will be \$50.00 for non-resident and \$25.00 for residents.

IRRIGATION and RELATED:

Including hardware sales, installation, repair service will be \$50.00 for non-resident and \$25.00 for residents.

KENNELS and RELATED:

Including selling, grooming, breeding and/or boarding will be \$50.00 for non-resident and \$25.00 for residents.

LUMBERYARDS:

Including lumber storage and or retailing will be \$25.00 for residents.

MEAT PROCESSING and RELATED:

Including - cold storage lockers, mobile slaughter service, packing plants, slaughter houses, custom cutting & wrapping and/or curing will be \$50.00 for non-resident and \$25.00 for residents.

MINING and RELATED SALES:

Including - sand and gravel, asphalt, metals, precious and semi-precious stones will be \$50.00 for non-resident and \$25.00 for residents.

OILFIELD and RELATED:

Including - oilfield supplies, well service, pipeline contractor, oil refineries, and gas processing plants will be \$50.00 for non-resident and \$25.00 for residents.

RENTAL UNITS and RELATED:

Campgrounds, Bed & Breakfast/Country vacation Accommodations (*Health Food permit required*) will be \$25.00 for residents.

Hotels will be \$100.00 for residents

Motels will be \$10.00(per unit) for residents

Mobile Home/Trailer Courts will be \$10.00(per stall) for residents

Residential Room or Room & Board Accommodations will be \$25.00 (per house) for residents.

RETAIL LIQUOR OUTLET: will be \$100.00 for residents.

RETAIL SALES:

For the purpose of this section "General Retail License" shall include any person who offers for sale within The Municipal District of Willow Creek No. 26 any general retail goods or services, not specifically mentioned elsewhere in the By-law or this schedule will be \$50.00 for non-resident and \$25.00 for residents.

SUB-CONTRACTORS and RELATED:

Including - brick, or block layer, stonemason, carpenter, cabinet maker, wood worker, concrete contractor, concrete transit-mix, electrician, excavator, carpet layer, floor finisher or sander,

gas fitter, insulator, landscaper, fencer, painter, paper hanger, decorator, plasterer, stucco worker, drywall applicator, plumber, prefabricated housing manufacturer, roofer,

siding applicator, steam fitter, structural steel erector, upholsterer will be \$50.00 for non-resident and \$25.00 for residents.

TRANSPORTATION and RELATED:

Including - building movers, buses (passenger and/or freight), charter air service, cartage delivery,

furniture moving and/or storage, general trucking, sand & gravel hauling, livestock hauling, oilfield hauling, Recreation Vehicle storage, rentals

(vehicle/machinery/equipment), travel agent, tree movers. Will be \$50.00 for non-resident and \$25.00 for residents.

WHOLESALE, MANUFACTURING, PROCESSING PLANTS: will be \$ 25.00 for residents.

MISCELLANEOUS:

All following listed, will be \$50.00 for non residents and \$25.00 for residents.

Advertising Sign Painter, contractor or erector

Antique dealer

Appliance Repair

Auctioneer (*Provincial License Required*)

Cleaning (clothes, rugs, houses, windows,& furnishings)

Consultant

Furnace Cleaning

Furniture and/or Upholstery Repair

Gunsmith

Hawker or Peddler (*Provincial License Required if going door to door*)

Janitorial Service/Window Cleaner.

Magazine or Book Sales - Each Agent

Management Services.

Music Teacher

Photographer - art dealer.

Roadside Confection, Fruit or Produce.

Septic Service

Stenographer/Secretarial Service

Taxidermist.

Tax Return Preparation, unless prepared by someone having a professional designation under The Chartered Accountants Act, Certified Management Accountants Act, Certified General Accounts Act

Trailer Sales & Service

Undertaker/Funeral Parlour

All following listed, will be \$25.00 for residents.

Dancing School

Day Nursery

Open Storage

Parking Lots

Printing shop and Newspaper business

Steam, Turkish bath and warehouses

See Exemptions, Sec. 9

HOME OCCUPATIONS:

In-home jewellery sales, clothing, wares, cosmetics, crafts, cleaning products, and other related items will be \$ 25.00 for residents.

NOTE:

Any other business not specifically mentioned in this Schedule or not provided for in any other place in the by-law shall be subject to the requirements and fees set by the Council. In the event a categorized business encompasses two or more of the listed businesses, and no other provisions have been made either in the by-law or this schedule for adjusting the license fee, the license fee shall be the higher fee as set out in this Schedule.