

# TOWN OF PENHOLD

## BYLAW NO. 619/05

### BUSINESS LICENSE BYLAW

Being a Bylaw of the Town of Penhold in the Province of Alberta to control and regulate all businesses carried on within the Town limits.

**WHEREAS:** pursuant to the Municipal Government Act, being Chapter M-26,2000, and amendments thereto; authorizes a Council to pass a bylaw for the purpose of regulating, controlling and licensing all businesses being carried on within the Town of Penhold; and

**WHEREAS:** Section 2 further provides that in any bylaw passed under said section, Council may make provisions that it considers necessary to carry out the purpose of the bylaw; and,

**WHEREAS:** the Council of the Town of Penhold deems it expedient to pass such a bylaw.

**NOW THEREFORE:** The Municipal Council of the Town of Penhold in the Province of Alberta, duly assembled, HEREBY ENACTS AS FOLLOWS:

#### SECTION 1 ~ SHORT TITLE:

1. This Bylaw may be cited as the "Business Licensing Bylaw".

#### SECTION 2 ~ DEFINITIONS AND INTERPRETATIONS

1. In this Bylaw all definitions contained in the Act shall apply.
2. Interpretations of this Bylaw shall be consistent with the requirements of the Act.

In this Bylaw:

3. "Act" means the Municipal Government Act, being Chapter M-26, 2000, and amendments thereto;
4. "Bylaw" means the Business Licensing Bylaw.
5. "Council" means the Municipal Council of the Town of Penhold, in the Province of Alberta.
6. "Licensing Inspector" means the municipal official appointed by resolution of Council to administer and enforce the requirements of this Bylaw.
7. "Business" means any business, commerce or industry.
8. "License" means a license issued by the License Inspector pursuant to this Bylaw.
9. "Non-Resident" means that the business is not permanently located in the Town of Penhold, as determined by the License Inspector, during that license year.
10. "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 as determined by the License Inspector, and includes:
  - (a) a religious society or organization

- (b) a service club
  - (c) a community, veteran's or youth organization
  - (d) a social, sport or fraternal organization or club
  - (e) an employer's or employee's organization
  - (f) schools funded by the public, engaged in work or activity for which moneys remain in the school coffers or are donated to charity .
11. "Applicant" means a person who applies for a license or renewal of a license required by this Bylaw, and shall also mean a person who is appealing the refusal, revocation, or suspension of a license.
12. "License Year" means a calendar year period commencing on January 1st and ending on December 31st.
13. "Resident" means that the business maintains a permanent place of business in the Town of Penhold, as determined by the License Inspector, during the license year.
14. "General Contractor" means a person, whether as principal or agent, who is responsible for the construction of any building or structure that requires the use of two (2) or more construction contractors.

**SECTION 3 ~ NECESSITY FOR LICENSE:**

1. No person shall within or partly within the Town of Penhold corporate limits
- (a) Carry on or operate any of the businesses, callings, trades or occupations, or
  - (b) carry on any undertaking or do any act or use or have any article, for which a license is required under the provisions of this By-law unless he holds a valid license issued pursuant to the provisions of this By-law.

**SECTION 4 ~ BUSINESSES EXEMPTED FROM OBTAINING A BUSINESS LICENSE**

1. All businesses shall apply for and obtain a business license except as exempted by this Section.
2. Any charitable or non-profit organization shall be exempted from the requirement to obtain a business license provided that:
- (a) written notice is given to the Licensing Inspector providing a description of the business, the time and place of the business, and the charitable or non-profit organization responsible,
  - (b) that such written notice is provided not less than three (3) days prior to the start of the business,
  - (c) that the proposed business complies with all bylaws of the Town of Penhold, and any other statutes or regulations,
  - (d) that written approval has been provided by the License Inspector, and
  - (e) that the business is not a carnival or a circus.
3. A business license shall not be required for the following businesses;
- (a) an architect's corporation, a joint firm, a registered architect or a visiting project architect under the Architect's Act;
  - (b) an Alberta land surveyor, a surveyor's corporation or a surveyor's partnership registered under the Land Surveyor's Act;
  - (c) a professional engineer, licensee, permit holder or certificate holder under the Engineering, Geological and Geophysical Professions Act;
  - (d) an auctioneer complying with the requirements of Section 5(3) of this Bylaw;
  - (e) a business that is to be in operation for less than four months and which is owned and operated by full-time students;
  - (f) an owner of rental units including residential townhouses, triplexes, four-plexes, apartments and mobile home parks;
  - (g) an insurance agent or adjuster as described in the Insurance Act;
  - (h) a registered accountant as described under the Chartered Accountants Association;

- (i) a medical doctor who is registered with the College of Physicians and Surgeons of Alberta;
  - (j) a dentist who is registered under the Dental Association of Alberta;
  - (k) a barrister or solicitor as registered under the Law Society of Alberta;
  - (l) a business who is working exclusively for the Town of Penhold;
  - (m) a carnival or circus complying with Section 4(4) of this Bylaw;
  - (n) newspaper and flyer delivery person who delivers the product to the house or business.
  - (o) 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 to a maximum of four (4) weekends per calendar year.
4. Any business may exhibit or carry on business at the location of a trade show or exhibition recognized by the License Officer for a consecutive period not exceeding seven (7) days without a business license being required. Such trades shows and exhibitions include, but are not limited to, Penhold Day and WinterFest.

**SECTION 5 ~ APPLICATION FOR A BUSINESS LICENSE**

1. An applicant shall make an application to the License Inspector, in the form and manner prescribed by the License Inspector, and shall provide such information as is required by the License Inspector, including, but not limited to;
  - (a) name of the owner of the business; .
  - (b) name of the operator of the business;
  - (c) name, address and telephone numbers of the applicant;
  - (d) a description of the business;
  - (e) the location of the business;
  - (f) the name of the business; and
  - (g) any required Municipal or Provincial approvals.
2. Full payment of all fees required by this Bylaw shall accompany each application for a business license.
3. An applicant for a business regulated by the Licensing of Trades and Businesses Act shall provide evidence, satisfactory to the License Inspector, that the applicant is a holder of a license issued pursuant to the Trades and Businesses Act in respect to that business.
4. Where a business changes ownership, changes the form of its business, or changes the name of its business, an application shall be made as required by Section 5(1), accompanied by the fee as shown in Schedule "A".
5. The License Inspector shall provide, by advertisement and written notice mailed to all current license holders, notice to apply for a license for the next license year. Such advertisement and notice shall be provided on or following December of each license year.
6. Where an application is to renew an existing business license for the following license year, it shall be considered as an application required under this Part, except that the business shall not be considered as operating without a license provided that an application is received on or before January 31st of the license year.
7. Where a business subject to licensing is carried on or is intended to be carried on in more than one location within the Town of Penhold, a license shall be required in respect of each location as though the business carried on were a separate business.
8. All General Contractors are required to submit a list of their sub-contractors to the Town when applying for a Building Permit. General Contractors will pay fee as set out in Schedule "A" regardless of resident status.

**SECTION 6 ~ LAND USE AND DEVELOPMENT CONTROL:**

1. The issuance of business license under this bylaw does not constitute development approval under the Town's Land Use bylaws. The holder of an existing business license or an applicant for a business license is responsible for obtaining such development approval as may be necessary. Where such approval cannot be obtained, the License Inspector shall forthwith cancel any existing license and refuse any applications for license.

**SECTION 7 ~ APPROVAL, REFUSAL, SUSPENSION, OR REVOCATION OF A BUSINESS LICENSE**

1. The License Inspector shall approve and issue a Business License to any business, following the submission of an application as required by this Bylaw, which complies with this Bylaw and all other Bylaws of the Town of Penhold, and any other statutes or regulations.
2. Where any certificate, authority, license, document or any qualification under this or any other Bylaw or under any Statute of Canada or the 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, document or qualification shall be revoked automatically forthwith, with no refund.
3. Where a license is revoked pursuant to Section 7(2) hereof, the licensee shall forthwith:
  - (a) return the license to the Town of Penhold Office; or
  - (b) furnish the License Inspector within three (3) days with proof satisfactory to him, of a renewal or re-issuance of any certificate, authority, license, document, or qualification referred to in Section 7(2) hereof at which time the license will be considered for suspension, renewal or re-issuance.
4. Where an application for a Business License is refused, the License Inspector shall forthwith advise the applicant of the reason or reasons for the refusal in writing.
5. Where in the opinion of the License Inspector the loss of qualification under Section 7(2) is temporary, the License Inspector may immediately suspend the license in question for a period not to exceed 30 days. Re-issuance of the license after suspension shall be without the requirement to apply for a Business License.
6. Where a license is revoked or suspended the business shall immediately cease operating, and shall not commence operating until a Business License is approved and issued by the License Inspector.
7. Where a license is issued by the License Inspector it shall bear:
  - (a) the identification of the Town of Penhold;
  - (b) the license year;
  - (c) the expiry date;
  - (d) the classification of the business, as determined by the License Inspector;
  - (e) the name of the business; and
  - (f) the location of the business.
8. Each business license issued shall be clearly displayed at the location of the business for which it was issued.
9. 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 copy authorized by the License Inspector, and such licensee shall, upon request, forthwith produce same to the R.C.M.P. Officer, a License Inspector, a Bylaw Enforcement Officer or any person with whom he is doing business, to which the license relates.
10. Each license issued shall expire at the end of the current license year.

11. A license is automatically revoked if payment of fees required by this Bylaw is made by cheque or other instrument which is not accepted by the financial institution on which it is issued.
12. The classification of the business, as determined by the License Inspector, shall include all subsidiary and ancillary uses at that location operated by the same owner and no separate licenses or fees shall be required.

**SECTION 8 ~ APPEAL**

1. Where the License Inspector refuses an application for a license, or suspends or revokes a license, the applicant may appeal the decision of the License Inspector.
2. An applicant wishing to appeal the decision of the License Inspector shall make a written request to the Chief Administrative Officer stating the basis of the appeal, accompanied by the fee as shown in Schedule " A".
3. The appeal shall be heard by the Licensing Appeal Board, which shall consist of members of Council at the time and place set by the Chief Administrative Officer.
4. The Licensing Appeal Board may, following a hearing of the Appeal;
  - (a) confirm the refusal, revocation or suspension;
  - (b) direct that the license be issued;
  - (c) reinstate the revoked license; or
  - (d) remove or vary the suspension.
5. Where the Licensing Appeal Board finds that, in its opinion, that fault does not lie wholly with the applicant, the Licensing Board may refund all or part of the fee required by Section 5(2).

**SECTION 8 ~ DUTIES OF THE LICENSE INSPECTOR**

1. The License Inspector shall:
  - (a) administer and enforce the requirements of this Bylaw;
  - (b) collect all fees required by this Bylaw and credit such fees to an account of the Town of Penhold;
  - (c) provide reports and advise Council on business licensing, in such manner and at such times as Council may require.
2. The License Inspector may conduct investigations with regard to applications for a business license where necessary.
3. The License Inspector may conduct inspections of any business to ascertain that the business complies with the requirements of this Bylaw.
4. Every person carrying on or engaged in any business is required by the Act, on the request of the License Inspector, to give to the License Inspector all information necessary to enable him to carry out his duties.

**SECTION 9 ~ LICENSE FEES**

1. License fees shall be as prescribed by this Section and as prescribed by Schedule " A" of this Bylaw.
2. Except where a specific fee is provided for in Schedule "A" for that business classification, the general business license fees prescribed by Schedule "A" shall be paid.

3. Where the License Inspector determines that the business is a specific classification as shown on Schedule "A" then that fee shall be paid.
4. Where a business makes application for a business licence up to 30 days prior to January 1<sup>st</sup> that business licence will be deemed valid through the next calendar year.

**SECTION 10 ~ PENALTIES**

1. Every person who violates any of the provisions of this Bylaw, who suffers or permits any act or thing to be done in contravention or in violation neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, is guilty of an offence against this Bylaw and liable to the penalties thus imposed. Each day that a violation continues to exist shall constitute a separate offence.
2. Any person in contravention of any provision of this Bylaw shall be liable to:
  - (a) a penalty of:
    - (i) first offence - \$300.00
    - (ii) second and subsequent offences - \$500.00
  - (b) Where the offence is for non-payment of any license fee payable hereunder, the convicting judge may judge payment of the business license fee in addition to any other costs.
  - (c) All businesses operating within the corporate limits of the Town of Penhold must purchase their business license by no later than the 31<sup>st</sup> of March of that year, or a 15% penalty shall be added onto the outstanding license fees.
  - (d) Businesses operating within the corporate limits of the Town of Penhold that have not purchased their yearly business license shall be prosecuted in accordance with Section 10(1).
  - (e) A summons shall be served in accordance with the Provincial Procedures Act.

**SECTION 11 ~ GENERAL**

1. Bylaw #585/00 and all any other Business licence bylaws, amendments prior to the date of this passing are hereby rescinded.

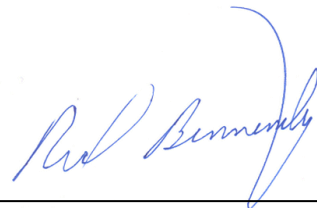
**READ A FIRST TIME this 14<sup>th</sup> day of February, 2005.**

**READ A SECOND TIME this 14<sup>th</sup> day of February, 2005.**

**READ A THIRD TIME AND FINAL TIME this 28<sup>th</sup> day of February, 2005**



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Mayor



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CAO

**TOWN OF PENHOLD  
Bylaw 619/05  
SCHEDULE "A"**

**General Business License Fees**

Resident	\$ 50.00
Non-Resident	\$ 100.00

**Specific Classification Business License Fees**

General Contractor with all sub-trades and subcontractors Up to eight (8) subtrades	\$ 600.00
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Each additional subtrade shall be at \$ 50.00 per contractor

It should be noted that the General Contractor must submit a listing of all Subtrades at the time of making a business license.

**Other Charges**

Notice of Change Fee	\$ 25.00
Request for Appeal	\$ 50.00
Administrative Costs	\$ 10.00