

**BYLAW NUMBER 1556-2013
TOWN OF INNISFAIL
BUSINESS LICENSE BYLAW**

BYLAW NUMBER 1556-2013 OF THE TOWN OF INNISFAIL, IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO PROVIDE FOR THE CONTROL, REGULATION AND LICENSING OF BUSINESSES.

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended Municipalities may by bylaw, control, regulate and license businesses within their boundaries;

NOW THEREFORE, the Council of the Town of Innisfail, in the Province of Alberta, duly assembled and under the powers conferred upon it by the authority of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, enacts as follows:

1. TITLE:

This Bylaw may be cited as the 'Business License Bylaw'

2. DEFINITIONS:

In this Bylaw, the following terms mean:

APPLICANT shall mean a person who applies for a Business License or renewal of a Business License required by this Bylaw;

APPLICATION shall mean a written application for a Business License or a renewal or transfer of ownership of a Business License as required by this Bylaw;

BUSINESS shall mean any trade, profession, occupation, industry, employment or calling carried on for the purpose of profit or gain and invoicing for goods or services; and any activity providing goods and/or services whether or not for profit and however organized or formed, including a co-operative or association of persons;

BUSINESS PREMISES shall mean any store, office, warehouse, residence, yard, motor vehicle, push cart or other place occupied for the purpose of carrying on a Business for which the 'Carrying on of Business' is a permitted or discretionary use under the Town of Innisfail Land Use Bylaw;

BUSINESS LICENSE shall have the meaning set out in the Municipal Government Act;

CARRY ON BUSINESS shall mean operate, perform, keep, hold, occupy, deal in or use for gain whether as principal or agent;

CHARITABLE OR NON-PROFIT ORGANIZATION shall mean any person, association or body corporate engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Town, all the resources of which are devoted entirely to charitable activities and not for a profit or gain and which does not confer a monetary or other benefit on its members or directors. Non Profit organization permit numbers must be submitted to be exempt from a Business License. These may include:

- a. Religious societies or organizations
- b. Service clubs
- c. Community, veteran or youth organizations
- d. Social, sport or fraternal organizations or clubs
- e. Employee or employer organizations
- f. Museums, galleries, cultural organizations and educational institutions;

CHIEF ADMINISTRATIVE OFFICER shall mean the Chief Administrative Officer as appointed by Bylaw of the Town of Innisfail;

CONTRACTOR shall mean the Business of accepting contracts for the construction and/or repair of buildings or the person or company engaged in such Business within context including the owner of property who supervises the construction;

HAWKER OR PEDDLER shall mean any person whether as principal or agent who:

- a. 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 such merchandise or services and not having a permanent place of Business in the Town of Innisfail; or
- b. Offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or services, or both, to be afterwards delivered in and/or shipped into the Town of Innisfail;
- c. Sells merchandise or services, or both, on the streets or elsewhere than at a building that is his permanent place of Business but does not include any person selling:
 - i. meat, fish or other farm produce that he has produced, raised or grown by himself; or
 - ii. fish of his own catching; or
 - iii. vendors at a Farmer's Market or shopping mall.

LICENSE INSPECTOR shall mean the person so designated therein and includes any inspector designated by Council or the Chief Administrative Officer or the Director Corporate Services to perform their duties;

LICENSEE shall mean a person holding a valid and subsisting Business License issued pursuant to the provisions of this Bylaw;

MOTOR VEHICLE shall have the meaning set out in the Traffic Safety Act, R.S.A. 2000 and amendments thereto;

MUNICIPAL TICKET shall mean a form prescribed by the Chief Administrative Officer of the Town or his designate, allowing payment to the Town Office of the penalty specified by this Bylaw for an offence, which shall be accepted by the Town in lieu of prosecution of the offence;

NON-RESIDENT BUSINESS shall mean a person who does not reside in the Town of Innisfail, provided that if such a person pays to the Town a business Tax, in respect of a Business, he/she shall be deemed for the purpose of that Business to be a Resident;

OFFICER shall mean a Town of Innisfail Peace Officer, Bylaw Officer, member of the R.C.M.P. or the Licensing Inspector or such other officers of the Town as may be appointed or authorized by the Chief Administrative Officer to enforce the provisions of this Bylaw;

RESIDENT shall mean a person, firm or body corporate who:

- a. Is located or resides within the boundaries of the Town of Innisfail; or
- b. Provides the space and services including office area, telephone, facsimile, and/or computer from premises that are listed on the Town of Innisfail Tax Roll; or
- c. Has a development permit and/or occupancy permit issued to him under the Land Use Bylaw; or
- d. Satisfies the Licensing Inspector that he intends to carry on Business within the Town of Innisfail for not less than six months;

TOWN shall mean the Town of Innisfail, a municipal corporation in the Province of Alberta, and where the context so requires means the area contained within the corporate boundaries of the said municipality;

VIOLATION TICKET shall mean a violation ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34.

3. LICENSE REQUIREMENTS

- 3.1 No person shall engage in or operate within or partly within the Town any Business described within this Bylaw, or any Non-Resident Business unless that person holds a Business License authorizing the engagement in or operation of that Business and having paid to the Town the fee required attached hereto as Schedule A.
- 3.2 It is the responsibility of the Applicant to obtain and hold valid Provincial and Federal licenses, permits, approvals, clearances and/or insurances.
- 3.3 It is the responsibility of the Applicant to obtain and hold a valid development approval(s) issued by the Development Authority under the Land Use Bylaw where necessary.
- 3.4 Where a Business operates at more than one Business Premises, each Business Premises requires a separate Business License.
- 3.5 Where more than one Business operates at one Business Premises, each Business requires a separate Business License.
- 3.6 Business License shall not be issued:
 - 3.6.1 If the Applicant fails to provide all the information required or requested under this Bylaw; or
 - 3.6.2 To any Applicant not properly in compliance with Municipal statute, regulation or Bylaw; or
 - 3.6.3 A Business License is not valid until it has been signed by the Town of Innisfail License Inspector.

4. APPLICATION PROCESS

- 4.1 Every application shall be made in accordance with the appropriate forms and submitted to the Licensing Inspector:
 - 4.1.1 for a new Business License
 - 4.1.2. to amend a Business License
 - 4.1.3. to transfer a Business License to another person; and
 - 4.1.4. to renew a Business License.
- 4.2 An Applicant for a Business License shall make Application to the Town of Innisfail in the form prescribed by the Town and supply such information the Licensing Inspector may require from time to time.
- 4.3 An Applicant shall not submit any information with respect to an Application which is false or misleading or inaccurate.
- 4.4 A Licensee shall apply to the Licensing Inspector for an amendment to the Business License if there is a change in:
 - 4.1.1 The Business location;
 - 4.1.2. The owner of the Business;

4.1.3. The contact information of the Business;

4.1.4. The Business name;

4.1.5. The type of Business.

4.5 Should a Business cease to carry on the Business for which a Business License is granted, the Licensee shall immediately notify the Licensing Inspector.

5. APPOINTMENT, POWERS AND DUTIES OF LICENSING OFFICER

5.1 The Licensing Inspector is authorized to enforce and administer this Bylaw and is hereby authorized to receive, review, renew and approve (with conditions where necessary) all Applications for a Business License.

5.2 The Licensing Inspector may suspend, refuse to grant, refuse to transfer, revoke or refuse to renew Business Licenses under this Bylaw if there is reasonable and just cause to do so and if in the opinion of the Licensing Inspector, they believe that:

5.2.1 The Licensee or the Applicant has contravened the provisions or requirements of the Bylaw or any other Bylaw of the Town of Innisfail or any applicable Provincial or Federal licenses, permits, approvals, clearances and/or insurances;

5.2.2. The Business has changed to the extent that a new Application for a Business License would be refused;

5.2.3 The Licensee or the Applicant has withheld or concealed information from the Licensing Inspector or has provided false information on an Application for a Business License;

5.2.4 The Licensee or the Applicant refuses to admit the Licensing Inspector into the Business Premises, vehicle or apparatus from which the Business is carried out.

5.3 The Licensing Inspector may cancel or suspend a Business License by issuing to the Licensee a 'Notice of Cancellation or Suspension', such notice may be given by personal service to the Licensee at the address shown on the Application for a Business License or by mailing a double registered letter to the Licensee at the Business Premises or residence as shown on the Application for a Business License.

5.4 Upon receipt of the 'Notice of Cancellation or Suspension' the Licensee shall terminate the operation of the Business immediately.

5.5 The Licensing Inspector may suspend the effect of revocation of a Business License upon the performance by the Licensee of any conditions stated in writing on the 'Notice of Cancellation or Suspension'.

5.6 The Licensing Inspector shall maintain appropriate records in accordance with the Records Retention and Disposition Bylaw pertaining to the licensing of businesses, infractions of this Bylaw and generally all matters arising out of the application and enforcement of this Bylaw.

5.7 The Licensing Inspector shall specify the form of Applications and licenses under this Bylaw.

5.8 The Licensing Inspector or Designate may periodically visit and inspect Business Premises to ensure compliance with this Bylaw.

6. OFFENCE

6.1 The issuance of a Business License under this Bylaw does not authorize or permit the Licensee to carry on Business contrary to the provision of the Land Use Bylaw.

- 6.2 No owner, manager of a commercial business or other property shall allow or permit any person to carry on any Business or activity thereon without such person being in possession of a subsisting Business License as required under this Bylaw.
- 6.3 Nothing contained in the Bylaw in any way prohibits or otherwise affects the Town of Innisfail's ability to utilize the enforcement provisions in the *Municipal Government Act* of Alberta and amendments thereto.
- 6.4 The Licensing Inspector or Designate may issue or cause to be issued Municipal Tickets or Violation Tickets providing for a voluntary penalty or a specified penalty the amounts of which are attached to and form part of this Bylaw as Schedule 'B'.

7. TERMINATION OF BUSINESS LICENSE

- 7.1 Every Business License issued under this Bylaw, unless revoked or surrendered, shall terminate at midnight on the 31st day of December of the year in which the Business License was issued.

8. POSTING OF BUSINESS LICENSE

- 8.1 Every Business License issued under this Bylaw will be made out and delivered or mailed to the Licensee who shall post same in a conspicuous place on the Business Premises or motor vehicle and whenever required to do so, by the Licensing Inspector, shall produce the Business License for inspection.
- 8.2 In the event that the Business Premise does not have public access, the Licensee shall provide any information requested by the Licensing Inspector to enable verification of same.

9. TRANSFER OF LICENSE

- 9.1 An existing Business License issued under this Bylaw may be transferred upon application to and approval by the Licensing Inspector in the following circumstances:
- 9.1.1 When the transfer is from one Licensee to another for the same Business in the same Business Premises; or
- 9.1.2 When the transfer is for a change of civic address from one Business Premises to another for the same Licensee and Business;
- 9.1.3 All Business License transfers must comply with the provisions of this Bylaw and the Land Use Bylaw and any other Bylaw of the Town of Innisfail;
- 9.1.4 A Licensee may not apply for a Business License transfer where only the assets of a Business were sold and transferred between Licensees.

10. RENEWAL AND COLLECTION OF FEES

- 10.1 On or about November 1st of each calendar year, the Licensing Inspector shall issue a letter to the Licensee of a Business License issued in the previous year for the amount required to renew the Business License for another year, to come to the Town Office to update any information and pay the Business Licensing fee and receive the Business License renewal for the next year.
- 10.2 An early application discount will be given for payment received by December 15th.
- 10.3 Deadline to renew a Business License for the current year will be the 31st day of January. Penalties will be applied to outstanding accounts after January 31st and can also lead to further offenses as per Section 6.

10.4 A Business 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.

11. EXEMPTIONS

11.1 The following are exemptions from the requirement to obtain a Business License, such exemptions do not include an exemption of approvals by the Development Authority:

a. Charitable or Non-Profit Organizations:

- i. A business that is carried on or operated by the Town or at a location operated by an official or employee of the Town acting on behalf of the Town;
- ii. Foster homes as interpreted and administered under the *Child, Youth and Family Enhancement Act* of Alberta;
- iii. Day Home care for children;
- iv. Home catalogue representatives;
- v. The operator of a stall within a Farmers Market;
- vi. Any proprietor that is exempt under Provincial or Federal legislation.

b. Regional Commissions

c. Intermunicipal Service Agencies

12. APPEAL

12.1 An Applicant may, in writing, appeal the decision of the Licensing Inspector to the Chief Administrative Officer within 14 days from the date the decision was made. After hearing the appeal the Chief Administrative Officer may confirm, amend or reverse the decision of the Licensing Inspector.

13. SEVERABILITY

13.1 In the event that any provisions of this Bylaw are found to be unlawful or outside the jurisdiction of the Town of Innisfail, such provision or provisions, as the case may be, will be severed from the Bylaw and the remaining provisions will continue to be in force.

Bylaw 1397, 1432 and 1458 and any amendments thereto are hereby rescinded by the passing of this bylaw.

Read a first time in open council this 26th day of August, 2013

Read a second time in open council this 26th day of August, 2013

Read a third time in open council and finally passed this 26th day of August, 2013



MAYOR



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE A
BYLAW 1556-2013
FEES

<u>License Type</u>	<u>Resident Business</u>	<u>Non-Resident Business</u>
General	\$100/year	\$300/year
Home Occupation	\$100/year	N/A
Daily	\$30/day (max 3 days)	\$60/day (max 3 days)
Hawkers/Peddlers	\$100	\$300

SCHEDULE B
BYLAW 1556-2013
PENALTIES

First Offence	\$250
Second Offence	\$500
Third Offence	\$1,000