

**BUSINESS LICENSE BYLAW
BYLAW NO. 1144**

BYLAW NO. 1144 **A BYLAW OF THE TOWN OF GRIMSHAW TO PROVIDE FOR THE LICENSING, CONTROL AND REGULATION OF ALL BUSINESSES WITHIN THE TOWN OF GRIMSHAW**

WHEREAS, pursuant to the Municipal Government Act, being Chapter M-26 2000, and amendments thereto, authorizes a Council to control and regulate all businesses within the Municipality, including the licensing of any or all such businesses, and

WHEREAS, where it is deemed expedient by the Council of the Town of Grimshaw to pass a Bylaw to provide for the licensing of businesses carried on in whole or in part within the Town

NOW THEREFORE, the Council of the Town of Grimshaw, in the Province of Alberta, **DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:**

1. CITATION

1.1 This Bylaw may be cited as the "Business License Bylaw".

2. DEFINITIONS

2.1 In this Bylaw unless the context otherwise requires;

- a. "BUSINESS" means any business or contractor, trade, profession, industry, occupation, employment of calling dealing with the providing of goods and/or services, or whether or not for profit and however organized or formed, including a person, partnership, corporation, manufacturing, cooperative or association of persons.
- b. "BUSINESS LICENSE OFFICER" means the Development Authority, Bylaw Enforcement Officer or Peace Officer for the enforcement of the Bylaw.
- c. "BUSINESS LOCATION" means the premises used or occupied by any person in the conduct of a business.
- d. "CONTRACTOR" means and includes any person who by contract or other monetary agreement, participates in any construction or demolition project and without the generality of the foregoing, includes any business connected with excavating, and filling, building, renovating, repairing, decorating or landscaping.
- e. "COUNCIL" means the Council of the Town of Grimshaw
- f. "GENERAL PUBLIC" means anyone other than a wholesale or retail business.
- g. "GOODS" means any article, thing or substance and includes subscriptions for books, magazines or any printed matter.
- h. "HAWKER" OR "PEDLER" means any person who, whether as a principal or agent,

- 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 that merchandise or service, and not having a permanent place of business in the Town, or
 - b. Offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or service, and not having a permanent place of business in the Town,
 - c. Sells merchandise or a service, or both, on the streets or roads or elsewhere than at a building at is his permanent place of business
- i. "HOME OCCUPATION" means a business that is conducted in or from a residence in the Town.
 - j. "LICENESE" means a license pursuant to this Bylaw.
 - k. "LICENSEE" means a person to whom a license has been issued, pursuant to the provisions of this Bylaw.
 - l. "LICENSE AUTHORITY" see BUSINESS LICENSE OFFICER.
 - m. "LICENSE FEE" means a fee payable for a license as established by Council
 - n. "NON-PROFIT ORGANIZATION" means a society or other entity which operates primarily for the benefit of the public and includes, without limitation;
 - a. Church or other religious organization;
 - b. Service club;
 - c. Community, veteran's, or youth organization; and
 - d. A social, sport or fraternal club or organization.
 - o. "NON-RESIDENT BUSINESS" means any person who is not a resident, as defined in this Bylaw, or the Town.
 - 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. "PREMISES" means an includes any store, office, warehouse, factory, building, enclosure, yard or other place used or capable of being used for the purpose of carrying on a business.
 - r. "RESIDENT" means a person who permanently occupies a dwelling place, other than a hotel or motel, in the Town of Grimshaw or who has purchased or leased a business premises in the Town for the purpose of carrying on a business.
 - s. "REVOKE" means to annul by recalling or taking back.
 - t. "TOWN BUSINESS" (see definition of Business above) within the Town limits of the Town of Grimshaw.

3. REGULATIONS

- 3.1 Every person carrying on a business in the Town of Grimshaw shall be the holder of a valid license and shall pay to the Town for such license, a fee prescribed in Schedule A of this Bylaw.
- 3.2 The license fee for a person commencing a business, listed in Schedule A, after the 30th day of June of the current calendar year, shall be one half of the annual fee.
- 3.3 Any person or business shall, before being issued a license, complete an application form as required by the License Inspector, and shall supply all the information required in the application.
- 3.4 No license shall be issued to any person unless he is the holder of a valid Provincial or Federal license, where required by Provincial or Federal legislation.
- 3.5 All licenses issued pursuant to this Bylaw, unless previously revoked or suspended, shall be valid for the period of time stated thereon and shall expire at twelve o'clock midnight on December 31st, in the year in which they were issued, except that Hawkers, Pedlars and Direct Salesmen may obtain a daily license and pay to the Town a fee as prescribed in the Schedule A of this Bylaw.
- 3.6 In the event that a license is revoked or surrendered, no refunds will be issued.
- 3.7 A valid license shall be displayed in a prominent place in the business premises and any person holding a valid license shall forthwith produce same for inspection when required to do so by a License Inspector.
- 3.8 Notwithstanding the provisions of the Bylaw, the Town, at its sole discretion, may require the general contractor of a project to provide a list of sub-trades for the project. Business licenses for the individual sub-trades will be included within the business license of the contractor.
- 3.9 A supplier bringing bulk goods to a licensed business for the purposes of resale shall not be required to obtain a business license.
- 3.10 A person carrying on more than one business must possess a separate business license for each business.
- 3.11 A business license is not transferrable from one person to another.
- 3.12 Non-profit organizations registered under the Society Act/Companies Act are exempt from licensing fees providing they show proof of non-profit status.

4. A LICENSE INSPECTOR

- 4.1 Shall receive and review all license applications.
- 4.2 Shall forward application forms for inspection by other Town Departments as required
- 4.3 Shall collect, or cause to be collected, all license fees as prescribed in this Bylaw.
- 4.4 May issue:

- 4.4.1 a warning ticket
- 4.4.2 a violation ticket providing for a voluntary penalty
- 4.4.3 a summons

5. VIOLATION TAGS

- 5.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 5.1 A Violation Tag shall be deemed to be sufficiently served if:
 - 5.1.1 Served personally to the accused;
 - 5.1.2 Mailed to the address of the registered owner of the Vehicle concerned, or the person concerned; or
 - 5.1.3 Attached to or left upon the Vehicle with respect of which the offence is alleged to have committed.
- 5.2 The Violation Tag shall state:
 - 5.2.1 the name of the business proprietor/owner/natural person, if known;
 - 5.2.2 the offence;
- 5.3 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 5.4 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offences, pay to the Town the penalty specified in the Violation Tag.

VIOLATION TAG

- 5.5 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 or Part 3 of the *Provincial Offences Procedure Act*.
- 5.6 Notwithstanding Section 5.1 of this Bylaw, a Peace Officer may immediately issue a Violation Ticket to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 5.7 A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 5.8 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided within Section B of this Bylaw.
- 5.9 When a clerk records in the Court records the receipt of a voluntary payment pursuant to Section 5.8 of this Bylaw and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

6. PENALTY

- 6.1 Every person who contravenes any provision of the Bylaw is guilty of an offense and is liable on summary conviction as per Schedule B of this Bylaw:

- 6.2 In the event that a person is convicted under this Bylaw for operating a business while not holding a valid license, the court may, in addition to any other penalties, order that the accused pay the required fee for license.
- 6.3 Notwithstanding any other penalty provisions of the Bylaw, a License Inspector may issue a voluntary penalty in lieu of a summons and the accused may within ten (10) days' pay a monetary fine as set out in Schedule B of this Bylaw.
- 6.4 In the event that a person who has been refused a license, or had a license revoked or suspended, carries on a business, he shall be guilty of an offense and be liable on Summary Conviction to a fine in accordance with Schedule B of this Bylaw for each day that such business is carried on. Upon conviction under this paragraph, the Court may order that the accused to cease to carry on such business.
- 6.5 A person holding a business license issued pursuant to this Bylaw is subject to all pertinent Federal, Provincial and Town regulations.

7. APPEAL

- 7.1 Any person who has been refused a business license, or had a business license revoked or suspended may appeal the decision of the License Inspector to Council.
- 7.2 An appeal must be in writing, addressed to the Chief Administrative Officer, and be made within fourteen (14) consecutive days of the date the appellant was notified of the decision
- 7.3 The written appeal shall specify the grounds for appeal.
- 7.4 The appeal shall be heard by the Town Council within thirty (30) days of receipt of the appeal.
- 7.5 Town Council may hear from the appellant and the License Inspector and any other person claiming to be affected by the decision which is subject of the appeal or accept any other information deemed pertinent to the subject matter of the appeal.
- 7.6 At the conclusion of the appeal hearing, Town Council may uphold, vary or rescind the decision of the License Inspector. A decision of the Town Council shall be final and binding.

8. AMENDMENTS

The Town of Grimshaw Bylaw 1139 and Bylaw 1143 and amendments thereto are hereby repealed.

9. READINGS

This Bylaw shall take effect on the 13th day of June 2013.

RECEIVED FIRST READING THIS
12th DAY OF JUNE, 2013 A.D.,
IN THE TOWN OF GRIMSHAW
IN THE PROVINCE OF ALBERTA

) _____
) (MAYOR) _____
) _____
) (CAO) _____
) _____

RECEIVED SECOND READING THIS
12TH DAY OF JUNE, 2013 A.D.,
IN THE TOWN OF GRIMSHAW
IN THE PROVINCE OF ALBERTA

) _____
) (MAYOR) _____
) _____
) (CAO) _____
) _____

RECEIVED THIRD READING THIS
12TH DAY OF JUNE, 2013 A.D.,
IN THE TOWN OF GRIMSHAW
IN THE PROVINCE OF ALBERTA

) _____
) (MAYOR) _____
) _____
) (CAO) _____
) _____

**Schedule A
FEES**

	<u>Annual</u>
Town Businesses	\$100.00
Home Based Occupation	\$ 60.00
Non-Resident Business (head office within AB)	\$200.00
Non-Resident Business(head office outside AB)	\$300.00
Hawkers & Pedlars	
Regardless of number of agents	
a) Daily:	\$ 75.00
b) Seasonal: (6 month term)	\$ 225.00
c) Yearly	\$ 350.00

**Schedule B
FINES**

Town Businesses	\$ 100.00
Home Based Occupation	\$ 60.00
Non-Resident Business (head office within AB)	\$ 200.00
Non-Resident Business(head office outside AB)	\$ 300.00

Non-Resident Hawkers & Pedlars	
a. Daily	\$ 75.00
b. Seasonal (6 months)	\$ 225.00
c. Yearly	\$ 350.00

Schedule C

APPLICATION

**TOWN OF GRIMSHAW
BUSINESS LICENSE APPLICATION**

Completion of this form does not guarantee approval of a business license. A new business shall not commence prior to a license being issued. Additional permits (e.g. building, development, home occupation, etc.) may also be required.

You must contact Alberta Government Services at 310-0000 (www.gov.ab.ca) to determine if a Provincial license is required for the proposed business. An Inspection by a health inspector may also be required, contact the Peace River Community Health Centre at (780) 624-7500.

BUSINESS INFORMATION:	<u>PLEASE PRINT</u>
Operating Name: _____	
Legal or Registered Name (if applicable): _____	
Alberta Provincial License (if applicable): _____	
Physical Location of Business: _____	
Business Phone No.: _____ Fax No.: _____	
Nature of Business: _____	
BILLING / MAILING ADDRESS:	
Address: _____ Postal Code: _____	
BUSINESS OWNER:	
Name: _____ Phone: _____	
Address: _____ Postal Code: _____	
PROPERTY OWNER: (if different from Business Owner)	
Name: _____ Phone: _____	
<i>The Town does not accept responsibility for businesses located on rental premises that do not have the approval of the property owner.</i>	
APPLICANT:	
Name: _____ Phone No.: _____	
Address: _____ Postal Code: _____	

License fees apply to the calendar year January 01st to December 31st. **All licenses, with the exception of day licenses, are automatically renewed and invoiced at the beginning of each year** unless written notice is received indicating that business has ceased operation as of December 31st of the previous year. Notice must be received within the first thirty (30) days.

The Licensee must notify the Town of Grimshaw immediately of any changes to the information listed above. The Town reserves the right to request that changes be submitted in writing. Changes in the physical location of a business may require submission of new development or home occupation permits.

Please refer to the Business License Bylaw No. 1144, and any amendments thereto for additional requirements.

Applicant Signature: _____ **Date:** _____

Applicant must be authorized to sign on behalf of the Licensee.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FOIP)

Section 40(1)(bb.1) of the Freedom of Information and Protection of Privacy Act allows a public body to disclose business contact information. The Town of Grimshaw may disclose the business contact information listed to the public. If you have any questions, please contact the Town Office at (780) 332-4626.

Town of Grimshaw
 P.O. Box: 377
 Grimshaw, Alberta TOH 1W0
 Phone: (780) 332-4626
 Fax: (780) 332-1250
 Email: cao@grimshaw.ca

OFFICE USE ONLY

Circle one of the following:

Town Business	\$100.00
Home Based Occupation Business	\$ 60.00
Non-Resident Business (head office within AB)	\$200.00
Non-Resident Business (head office outside AB)	\$300.00

License # Issued: _____
 Tax Roll: _____ Development Permit #: _____
 License Fee Collected:

Please put a check mark on one of the following boxes

Full Year ___ Half Year ___ or Other: _____

License Fee Collected: \$ _____ Receipt #: _____

Additional Information / Requirements:

Issued By: _____ Date: _____

**Schedule D
Town of Grimshaw
Hawkers and Pedlars Business License Application**

To: Licensing Officer

Date: _____

I hereby make application for a license under the provisions of the licensing Bylaw of the Town of Grimshaw to do business within the Town of Grimshaw.

I confirm: That I am the Principal (or agent) for

Name of Company _____

Address _____

Phone Number _____

Applicants Name _____

Vehicle License No. _____

Applicants Operators License No. _____

That I propose to sell/or perform the following work or service _____

Trade Name of article _____

That I possess a Provincial License (if applicable) for the said business giving an authority to sell the said articles in Alberta:

Alberta License No. _____ and expiring _____ 20_____

Herewith exhibited Yes _____ No _____

That I intend to canvass, sell, or operate within the Town of Grimshaw for __days/weeks commencing on _____ 20_____.

Canvassing/selling/operating a business must be limited to that period specified in the license issued.

Check applicable Period

- Daily \$75.00
- Seasonal \$225.00
- Yearly \$350.00

The license fee of \$ _____ dollars is enclosed with this application.

I (please print name) _____ do hereby apply for a Town of Grimshaw Business License for the propose of conducting business within the Town of Grimshaw and shall at all times indemnify and hold harmless the Town of Grimshaw and its employees or agents for any neglect or unlawful act or omission with may be caused by an person named in this application.

Date: _____ Signature: _____

For office use only

Approved: _____ Date: _____

(Licensing Officer)