VILLAGE OF BOYLE
BYLAW #01-99

A BYLAW OF THE VILLAGE OF BOYLE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF CONTROLLING AND REGULATING ALL BUSINESSES OPERATING WITHIN THE VILLAGE OF BOYLE.

WHEREAS, pursuant to Sections 7 and 8 of the Municipal Government Act, 1994, being M-26.1 and amendments thereto, a Council may control and regulate all businesses operating within the municipality including the manner of operation, the nature of operation and the location thereof, and may license any or all of such businesses,

a) whether or not the business is mentioned elsewhere in the Act, and

b) whether or not the business has a business premises within the municipality, and

WHEREAS, Council has deemed it necessary to control, regulate and license businesses, trades, professions and occupations within the limits of the Village of Boyle.

NOW THEREFORE, the Council of the Village of Boyle in the Province of Alberta in regular session duly assembled HEREBY ENACTS AS FOLLOWS:

1. That this bylaw shall be known and cited as the "Business Licensing Bylaw" of the Village of Boyle.

2. <u>DEFINITIONS:</u>

a) APPLICANT – shall mean a person who applies for a license or renewal of a license required by this bylaw.

b) APPLICATION – shall mean a written application for a Business License as provided by this bylaw.

c) BUSINESS – shall include any trade, profession, industry, occupation, employment or calling for the purpose of providing goods and/or services.

d) BUSINESS LICENSE – shall mean a license issued pursuant to this bylaw.

e) BUSINESS PREMISES – shall mean the store, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied for the purpose of carrying on a business.

f) CHARITABLE OR NON-PROFIT ORGANIZATION – shall mean a person acting for a charity or in the promotion of general social welfare and also includes:

i) a religious society or organization,

ii) a service club,

iii) a community, veteran's or youth organization,

iv) a social, sport or fraternal organization or club.

g) CONTRACTOR OR TRADESPERSON – shall mean any person who undertakes as principal or sub-contractor to do, provide, or carry on within the limits of the Village of Boyle, trades or occupations relative to the construction industry. Any Tradesperson who operates out of a business premise within the Village of Boyle shall be considered under the fee category of other business as indicated in 16 h) of this bylaw.

h) HAWKER OR PEDDLER – shall mean any person whether as a principal or agent, who:

i) goes from house to house or from place to place selling, offering for sale any merchandise or services, 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 Village of Boyle, or

ii) offers and 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 Village of Boyle, or

iii) sells merchandise or services, or both, on the streets or elsewhere other than at a building that is his permanent place of business but does not include any person selling:

- meat, fruit, or any other farm produce that has been produced, raised or grown by himself in the Province of Alberta,

- fish of his own catching.

I) HOME OCCUPATION – shall mean an occupation, trade profession or craft carried on for gain in a residence by one or more members of a family actually occupying the said residence or dwelling, and which the Council approves for the occupants or the residence.

J) LICENSEE – shall mean a person holding a valid and subsisting license issued pursuant to the provisions of this bylaw.

K) LICENSE INSPECTOR – shall mean a person authorized by Council to carry out the provisions of this bylaw.

L) PERMITTED BUSINESS – shall mean a business that for the purpose of this bylaw shall be treated like a Resident Business and shall include any business which offers merchandise or services of necessity, and that type of business is presently not located within the Village.

M) NON-RESIDENT BUSINESS – shall mean a business that is neither a Resident Business nor a Permitted Business.

N) VILLAGE – shall mean the Village of Boyle.

O) VILLAGE COUNCIL – shall mean the Council of the Village of Boyle and/or anyone designed by the Council to act on their behalf.

3. <u>LICENSE INSPECTOR:</u>

a) The Office of "License Inspector" is hereby established, and Council, by resolution, may appoint a person to fill this position, and to carry out the provisions of this bylaw. If council passes no such resolution, then the Chief Administrative Officer is deemed to be the License Inspector.

b) The duties of the License Inspector are:

i) to receive and consider applications for a Business License,

ii) to conduct investigations with regard to proposed applications where necessary,

iii) to conduct inspections of business premises where necessary,

iv) to collect Business License fees pursuant to this bylaw,

v) to refuse to grant Business Licenses where deemed appropriate,

vi) to revoke Business Licenses where deemed appropriate and necessary,

vii) to initiate legal court action for violation of this bylaw.

4. NECESSITY FOR LICENSE:

No person shall within the Village:

a) carry on or operate any Business, or

b) carry on any undertakings or do any act or use, or offer any article for which a Business License is required under the provisions of this bylaw,

unless he holds a valid and subsisting Business License to do so issued pursuant to the provisions of this bylaw.

5. LICENSE APPLICATIONS:

a) Every person applying for a Business License shall submit to the License Inspector a written application in the form established and authorized by the License Inspector, and it must be signed by the applicant, or in the case of a corporation, its duly appointed agent.

b) every application for a Business License for an existing business shall be submitted to the License Inspector no later than the 31st day of January of each license year.

c) Every person carrying on or engaged in any business in respect of which a Business License is required under this bylaw, upon request of a License Inspector, shall give to the License Inspector or his designate, all the information necessary to enable him to carry out his duties.

6. INSPECTIONS:

Where a business or its location or locations requires any approval or certificate under this bylaw, or any Provincial or Federal Statute, then the location or locations where the business is to be carried on, including the land and buildings thereon may be inspected by those persons, inspectors and departments whose approval or certificate is required.

7. POWER OF REFUSAL:

Subject to the provisions of this bylaw, upon receipt of an application for a Business License, the License Inspector may grant a Business License or may refuse to grant a Business License if, in his opinion, there are just and reasonable grounds for the refusal of the application.

8. POWER OF REVOCATION:

Subject to the provisions of this bylaw, where a Business License has been granted pursuant to this bylaw, the License Inspector may revoke or suspend the Business License if, in his opinion, there are just and reasonable grounds for the revocation or suspension of the application.

9. REVOCATION WITHOUT PROSECUTION:

A Business License may be revoked or suspended for non-compliance with this bylaw, notwithstanding that the holder of that license has not been prosecuted for a contravention of this bylaw.

10. NOTICE OF REVOCATION OR SUSPENSION:

Upon a Business License being revoked or suspended as previously provided, the License Inspector shall notify the Licensee thereof,

a) by delivering a notice to him personally, or

b) by mailing a double registered letter to his place of business or residence as shown on the license,

and after the delivery of such notice to his business or occupation, as the case may be, the said business or occupation shall not be carried on until such time as a new license is issued or the suspended license is re-instated.

11. CONDITIONS OF A BUSINESS LICENSE:

a) No Business License shall be granted until such time as the Applicant holds a valid development permit where required by the Village of Boyle Land Use Bylaw for the said business.

b) No Business License shall be granted until such time as the Applicant holds a valid Provincial or Federal license where required by law.

c) No Business License shall be granted if the Applicant fails to comply with any other bylaw of the Village of Boyle, or statute of the Province of Alberta, or statute of Canada.

d) No Business License shall be granted to any person who is indebted to the Village for any debt in default, excluding therefrom any indebtedness for taxes.

e) No Business License shall be granted until the Applicant has submitted to the License Inspector or his designate the proper fee as provided by this bylaw.

f) No Business License shall be valid unless the said license has been signed by the License Inspector or anyone designated by him to act on his behalf.

g) No person shall carry on or operate any business within or partly within the Village without holding a valid and subsisting Business License issued pursuant to the provisions of this bylaw unless specifically exempted by law.

h) Every Business License issued under this bylaw shall be posted in a conspicuous place in the business premises of the said Licensee.

12. NULLIFICATION OF LICENSE:

a) Where any certificate, authority, license or other document of 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 or other document or qualification shall be revoked automatically forthwith.

b) Where a license is revoked pursuant to subsection 12 a) hereof, the Licensee shall forthwith:

i) return the Business License to the License Inspector, or

ii) furnish the License Inspector with proof satisfactory to it of a renewal/re-issue of any certificate, authority, license or other document or qualification referred to in subsection 11 a) hereof.

13. APPEAL:

a) In every case where:

i) an application for a Business License has been refused, or

ii) a Business License has been revoked or suspended, the person seeking the license may appeal the refusal to the Village Council.

b) An appeal from subsection 12 a) hereof shall be made by the Applicant within thirty (30) days after the refusal, revocation or suspension.

c) All appeals shall be made in writing addressed to the Municipal Administrator of the Village of Boyle, and shall be dated as of the date received by the Municipal Administrator.

d) The Village Council, after hearing the Applicant, may:

i) direct a Business License to be issued or re-instated, or

ii) direct a Business License to be issued or re-instated with conditions, or

iii) refuse to grant a Business License, or

iv) uphold the revocation or suspension of the Business License, on grounds which appear just and reasonable.

14. LICENSE YEAR AND FEE PERIOD:

a) The term "License Year" shall mean the period commencing January 1st and ending on December 31st in that same year.

b) Every Business License issued under the provisions of this bylaw, unless revoked, shall terminate at midnight on the 31st day of December of that license year in which the said license was issued.

c) The fee payable for a Business License issued between the 1st day of January and the 31st day of August in any license year shall be the license fee for the full year.

d) The fee payable for a Business License issued after the 31st day of August in any license year shall be one half of the license fee for the full year.

15. TRANSFER

A Licensee may transfer a Business License issued to him upon approval of the License Inspector or his designate and payment of the transfer fee as prescribed by this bylaw.

16. LICENSE FEES:

a) For the purpose of this section, a "Resident Hawker or Peddler" shall mean a person who has occupied a residence in the Village of Boyle for not less than two months prior to, and is occupying a residence at the time of making an application for a Business License.

b) A "Non-Resident Hawker or Peddler" shall mean a person who is not a "Resident Hawker or Peddler".

c) The Business License fee for a "Hawker or Peddler" shall be according to the following:

i) Resident – Fifty Dollars ($50.00) per license year, Twenty Dollars ($20.00) per week, or Ten Dollars ($10.00) per day, except the annual license fee shall be reduced by one half if the license is granted after August 31st in the current year.

ii) Non-Resident – Three Hundred Dollars ($300.00) per license year, One Hundred Dollars ($100.00) per week, or Fifty Dollars ($50.00) per day, except the annual license fee shall be reduced by one half if the license is granted after August 31st in the current year.

d) Where the business premises are located in a building, the principal use of which is residential (Home Occupation), the Business License fee shall be $25.00 except the annual fee shall be reduced by one half if the license is granted after August 31st in the current year.

e) For the purpose of this section, a "General Contractor" shall mean a person who is engaged in the construction industry, whether by entering into a contract or not with a principal to perform work or services, and whether or not the services of any subtrades may re required.

i) The Business License fee for a non-local Contractor shall be three hundred and fifty dollars ($350.00) and shall be one hundred fifty dollars ($150.00) for a local Contractor.

ii) When applying for a Business License, a General Contractor shall submit to the Village a list of names and addresses of all subcontractors. Penalties for non-compliance shall be in accordance to the Village of Boyle General Penalty Bylaw.

iii) The Business License fee for a tradesperson shall be thirty-five dollars ($35.00) for a local and forty-five ($45.00) for non-local tradesperson.

f) Other Special Status Business License fees:

i) Caterers – the Business License fee shall be Twenty-five dollars ($25.00) for local and thirty-five dollars ($35.00) for non-local caterers, per year.

ii) There shall be no fee and there shall be no requirement for a business license for professional services, including doctors, dentists, denturists, optometrists, ambulance services, chiropractors, lawyers or any other profession which, in the in opinion of the Licensing Officer fits in this category.

g) Where the transfer of a license has been granted, the fee for such a transfer shall be five dollars ($5.00).

h) The fee for all other Business Licenses for all Permitted Local Businesses, other than those specified elsewhere in this bylaw shall be thirty-five dollars ($35.00) except that this amount shall be reduced by one half if the license is granted after August 31st in the current year.

i) All charitable or non-profit organizations shall be exempt from any license fee established by this bylaw.

j) If a person operates more than one type of business within the Village, and the Business License fees would fall under two or more categories, then only the highest fee would apply.

17. <u>PENALTY:</u>

a) Any person who contravenes any provision of this bylaw is guilty of an offense, and is liable, on conviction, to a fine as set out in the Village or Boyle General Penalty Bylaw.

b) Where a person is convicted of operating a business for which a Business License fee is payable without payment of such fee being made, the Court shall, in addition to the fine imposed pursuant to subsection 16 a) hereof, direct the payment of the applicable Business License fee to the Village.

c) Where any provisions of this bylaw have been deemed to be contravened and an offense notice has been issued for that contravention, the accused may avoid appearing in Court to answer the said charge by submitting to the Village as voluntary payment as follows:

First Offense - $50.00
Second Offense - $100.00
Subsequent Offenses - $100.00

with this payment to be in addition to the Business License fee specified.

d) Failure to voluntarily pay an offense notice within the time specified may result in prosecution under this section of this bylaw.

18. Bylaws 6-91 and 5-93 are hereby rescinded.

19. This bylaw shall come into effect January 1, 1999.

Read a first time this 20th day of January, ~~1999.~~

Read a second time this 20th day of January, 1999.

Read a third and final time this 20th day of January, 1999.

VILLAGE OF BOYLE

Bob Clark, Mayor

Lucien N. Cloutier, CAO