

TOWN OF CHESTERMERE

PROVINCE OF ALBERTA

BYLAW #026-11

A Bylaw of the Town of Chestermere, in the Province of Alberta, to provide for the licensing of all business conducted within the Town of Chestermere.

WHEREAS The Municipal Government Act, RSA 2000, C. M-26 and amendments thereto provides that a Municipal Council may pass a by-law respecting businesses, business activities and persons engaged in business;

AND WHEREAS Council may regulate or prohibit any business and provide licenses, permits, and approvals;

AND WHEREAS Council deems it desirable to register business with the Town of Chestermere and establish license fees;

NOW THEREFORE The Municipal Council of the Town of Chestermere, Alberta duly assembled, hereby enacts as follows:

1. Title

(1) This bylaw may be cited as “The Business License Bylaw”

2. Definitions

In this bylaw:

- (a) “Applicant” means a person who applies for a license or a renewal of a license required by this bylaw;
- (b) “Business” includes a commercial, merchandising or industrial activity or undertaking; a profession, trade occupation, calling or employment; or activity providing goods or services;
- (c) “Business License” means a license issued pursuant to this bylaw;
- (d) “Business Premises” means any store, office, warehouse, yard or other place occupied, for the purpose of carrying on a business and in

which place the carrying on of a business is a permitted or discretionary use under the Town of Chestermere Land Use Bylaw;

- (e) “CAO” means the Chief Administrative Officer or that person’s designate;
- (f) “Commence” means the point in time at which a business begins selling a service or good and shall not include preparations leading up to said point in time;
- (g) “Council” means the elected council of the Town of Chestermere;
- (h) “Day” means any complete day or portion thereof beginning at 12:00am and ending at 11:59pm;
- (i) “License” and “Licensed” means a license or reference to a license issued under this bylaw;
- (j) “License Year” means a calendar year period commencing on January 1st and ending on December 31st of that year;
- (k) “Non –resident” means a person who is not a resident of the Town of Chestermere;
- (l) “Peace Officer” shall mean a member of a Police Service, or a Peace Officer appointed pursuant to the Peace Officer Act, S.A. 2006, c. P-3.5 and the regulations thereof, as amended or replaced from time to time;
- (m) “Person” means a natural person, firm, corporation, association and includes a partnership;
- (n) “Provincial Offences Procedure Act (POPA)” means the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time;
- (o) “Resident” means a business that operates from a business premises that is located permanently within the boundaries of the Town, or a person who resides within the boundaries of the Town;
- (p) “Town” means the Town of Chestermere, 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 Town.

3. Application

- (1) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
- (2) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- (3) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
- (4) All the schedules attached to this Bylaw shall form a part of this Bylaw.
- (5) This bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

4. Business Licenses

- (1) No person shall carry on or operate any business within or partly within the Town without holding a valid business license issued pursuant to the provisions of this bylaw unless specifically exempted under the provisions of this bylaw.
- (2) A person operating a business with multiple permanent locations within the corporate limits of the Town requires a business license for each location.
- (3) All contractors and sub-contractors conducting work within the corporate limits of the Town require a business license.
- (4) All persons operating a Home Occupation business must purchase a Business License. However, for businesses where more than one salesperson conducts business within the Town of Chestermere (ie: Avon or Tupperware) only the Regional Manager is required to obtain a business license. All other salespersons under this umbrella license are exempt from obtaining a business license.
- (5) All persons conducting business within the corporate limits of the Town of Chestermere must possess a valid business license by January 31st of the current license year. A business commencing operations after January 31st shall pay the normal fee(s).

- (6) Any advertising of businesses, trades or occupations shall be deemed to be prima facie proof of the fact that the person is carrying on or operating any such business, trade or occupation.

5. Businesses Exempted From Obtaining a Business License

- (1) Any charitable or non-profit organization shall be exempted from the requirement to obtain a business license for canvassing or fundraising activities provided that:
 - (a) Permission is requested in writing from the CAO describing the business, including its location(s), times and the group(s) responsible;
 - (b) Written notice is provided to the CAO at least three (3) days in advance of the commencement of business;
 - (c) Approval has been granted by the CAO;
 - (d) The business complies with all bylaws of the Town and any other statutes or regulations that may be applicable.
- (2) A license shall not be required for business being conducted by or on behalf of the Town of Chestermere or the Government of the Province of Alberta or the Government of Canada.
- (3) A license shall not be required for business being conducted by a person less than 18 years of age.

6. Application for a Business License

- (1) Applications for a business license or a business license renewal shall be submitted in writing on the respective form.
- (2) Full payment of the appropriate fee as outlined in Schedule "A" of this bylaw shall accompany each application for a business license.
- (3) A business that changes ownership, form of business, or the name of the business must submit a new application with the appropriate fee as outlined in Schedule "A" of this bylaw.
- (4) A business submitting an application to renew a business license for the following license year shall not be deemed to be operating without a

license provided that the application for renewal is received on or before January 31st of the license year.

- (5) No person shall give false information in an application pursuant to the provisions of this Bylaw.
- (6) Dayhomes shall be required to obtain a business license, however the fees associated with the license shall be waived.

7. Refusal, Suspension, or Revocation of a Business License

- (1) Where an application for a business license is refused, the applicant shall be advised of the reason or reasons for the refusal in writing.
- (2) A license is automatically revoked if payment of fees is made by cheque or other instrument which is not accepted by the financial institution on which it was issued.
- (3) A business which is operating in a form not in accordance with its business license shall be subject to the suspension or revocation of its business license.
- (4) A business which is in contravention of this or any other bylaw of the Town, or legislation or regulation of the Government of the Province of Alberta or the Government of Canada may have its business license refused, suspended or revoked regardless of whether or not they have or are being prosecuted for that contravention.
- (5) A business that ceases to operate shall not be entitled to a refund of any licensing fees paid.
- (6) A business that has its license suspended or revoked shall not be entitled to a refund of licensing fees paid and must submit a new application and all corresponding fees before that business may resume.
- (7) 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 Town.
- (8) Any appeal of a decision to refuse, suspend or revoke a business license must be submitted by the owner or manger of that business in writing to the CAO. The submission must state the basis of the appeal and be accompanied by the fee as outlined in Schedule "A". The CAO's decision shall be in writing and cannot be appealed.

- (9) Any business that has made an appeal to the CAO under section 7(8) and has not been granted a business license after that appeal may not apply for a business license until the next license year.
- (10) Notification of any suspension or revocation of a business license shall be made in writing.

8. Term of License

- (1) A business license shall be valid from the date on which it was issued until 11:59 pm of December 31st of that year, unless it is a temporary license, in which case it shall be valid for the dates shown on the license.

9. License Identification

- (1) All active business licenses must be displayed prominently by the business in such a location that it is easily viewable by the public and by Town staff.
- (2) A business shall, upon request, immediately produce the license to a Peace Officer, or any person with whom they are carrying on business.
- (3) A person may not alter, reproduce without permission, or deface a license.

10. Inspections

- (1) All businesses that are licensed, or are required to be licensed may have the business premises and surrounding lot inspected by a Peace Officer at any time.
- (2) If a Peace Officer reasonably believes a person is carrying on a business requiring a license, or an applicant, shall,
 - (a) permit and assist in all inspections requested by a Peace Officer;
 - (b) provide all identification, information, or documentation related to the inspection to a Peace Officer, and;
 - (c) not provide to a Peace Officer false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with the licensing of the business.

- (3) No person shall attempt to prevent, obstruct, or hinder a Peace Officer from making an inspection authorized by this Bylaw.
- (4) During an inspection authorized under this section, a Peace Officer may examine any business record or document for the purpose of enforcing this Bylaw, and remove any relevant record or document from the business premise for the purpose of copying it.

11. Penalties

- (1) Every person who contravenes any of the provisions of this Bylaw by doing any act or thing which the person is prohibited from doing is guilty of an offence.
- (2) Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00.
- (3) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "B" of this Bylaw in respect of that provision.
- (4) Where a contravention of this Bylaw is of a continuing nature, further tickets may be issued by a Peace Officer provided that no more than one violation ticket is issued for each day that the contravention continues.

12. Violation Tickets

- (1) Where a Peace Officer believes that a person, or owner has contravened any provision of this Bylaw, he may commence proceedings by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34.
- (2) This Section shall not prevent any officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, or from laying an information instead of issuing a violation ticket.

13. Severability

- (1) If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw

shall be deemed to be separate and independent there from and to be enacted as such.

14. General

- (1) This bylaw shall take effect on the 1st day of January 2012.
- (2) Bylaw 035-09, being the Business License Bylaw is hereby repealed in its entirety.

READ A FIRST TIME this day of

READ A SECOND TIME this day of

READ A THIRD TIME this day of

Mayor

Chief Administrative Officer

SCHEDULE "A"

Fees

License Type	Annual	After July 1	After October 1
Resident Yearly Fee	\$150.00	\$100.00	\$70.00
Non-Resident Yearly Fee	\$300.00	\$200.00	\$140.00

License Type	
Daily	\$50.00
3-Day	\$75.00
Week	\$90.00
Change of Business Type	\$50.00
Change of Ownership	\$50.00
Change of Name	\$50.00
Appeal of Refusal, Revocation, or Suspension	\$50.00

SCHEDULE "B"

Section	Offence	Specified Penalty	Minimum Penalty
4(1)	Operate business without license	\$500.00	\$300.00
6(5)	Give false information on application	\$250.00	\$150.00
7(7)	Carry on business when license suspended	\$2500.00	\$1500.00
9(1)	Fail to post business license within public view	\$250.00	\$150.00
9(2)	Fail to produce business license upon request	\$250.00	\$150.00
9(3)	Reproduce/alter/deface license	\$250.00	\$150.00
10(2)(a)	Business fail to permit inspection	\$1000.00	\$600.00
10(2)(b)	Business fail to provide identification/information	\$500.00	\$300.00
10(2)(c)	Provide false/misleading information to Peace Officer	\$1000.00	\$600.00
10(3)	Obstruct/hinder Peace Officer	\$1000.00	\$600.00
10(4)	Fail to provide Peace Officer with record	\$500.00	\$300.00