

TOWN OF CHESTERMERE**PROVINCE OF ALBERTA****BYLAW NO. 035-09****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 pursuant to the provisions of the Municipal Government Act, Council may license and control all businesses within the Town of Chestermere including the manner of operation, the nature of the operation and the location thereof, and may license any or all such businesses whether or not the business has a business premises within the municipality.

NOW, THEREFORE, pursuant to the authority conferred upon it by the Municipal Government Act, R.S.A. 2000, c.M-26, as amended, or as repealed and replaced from time to time, the Council of the Town of Chestermere duly assembled, enacts as follows:

Citation

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

Definitions

2. 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. “CAO” means the Chief Administrative Officer or that person’s designate.
 - e. “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.
 - f. “Council” means the elected council of the Town of Chestermere.
 - g. “License Year” means a calendar year period commencing on January 1st and ending on December 31st.
 - h. “Non –resident” means a person who is not a resident of the Town of Chestermere.

- i. “Person” means a natural person, firm, corporation, association and includes a partnership.
- j. “Resident” means a person who:
 - i) is located or permanently resides within the boundaries of the Town;
 - ii) utilize the space and services including office area, telephone, mailing address or postal box from premises that are listed on the Town Tax Roll;
 - iii) has a development permit issued to him/her under the Land Use Bylaw; or
 - iv) maintains a Town of Chestermere mailing address, postal box or telephone number for the purposes of carrying on business.
- k. “Town” means the Town of Chestermere.

Requirement of a Business License

3. 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.
4. A person operating a business with multiple permanent locations within the corporate limits of the Town requires a business license for each location.
5. All contractors and sub-contractors conducting work within the corporate limits of the Town require a business license. Contractors must submit a list of their sub-contractors to the Town when applying for a Building Permit.
6. 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.
7. All persons conducting business within the corporate limits of the Town of Chestermere must possess a valid business license by February 15th of the current license year. A business failing to do so will be subject to the fees and/or penalties outlined in Schedule “A”. A business commencing operations after February 15th shall pay the normal fee(s).

Businesses Exempted From Obtaining a Business License

8. 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 Town describing the business, including its location(s), times and the group(s) responsible,
 - b. Written notice is provided at least three (3) days in advance of the commencement of business,
 - c. Approval has been granted by the Town, and
 - d. The business complies with all bylaws of the Town and any other statutes or regulations that may be applicable.
9. 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.
10. A license shall not be required for business being conducted by a person under 18 years of age.

Application for a Business License

11. Applications for a business license or a business license renewal shall be submitted in writing on the respective form prescribed in Schedule “B”.
12. Full payment of the appropriate fee as outlined in Schedule “A” of this bylaw shall accompany each application for a business license.
13. 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.
14. 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 February 15th of the license year.
15. A business license shall include all relevant information about the business as outlined in Schedule “C” and persons shall be requested to provide a profile for the Economic Development Committee as outlined in Schedule “D”.

Refusal, Suspension, or Revocation of a Business License

16. Where an application for a business license is refused, the applicant shall be advised of the reason or reasons for the refusal in writing.

17. 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.
18. 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 and be subject to penalties as outlined in Schedule “A”.
19. 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 shall have its business license refused, suspended or revoked regardless of whether or not they have or are being prosecuted for that contravention.
20. 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.
21. 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.
22. Any appeal of a decision to refuse, suspend or revoke a business license must be submitted by the owner or manager 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.
23. Any business who has made appeal to the CAO and has not been granted a business license may not apply for a business license until the next license year.
24. Notification of any suspension or revocation of a business license shall be made in writing and delivered to that business.

Refunds of Business License Fees

25. Upon death, retirement or closing, a business license may be surrendered to the Town by the original applicant or their estate. Licenses surrendered to the Town in this way on or before June 30th of the current license year shall be entitled to a refund of half (1/2) the annual fee.

Term of License

- 26. A business license shall be valid from the date on which it was signed 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.

Posting of Licenses

- 27. 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.

Penalties

- 28. Any business found to be in contravention of this bylaw shall be subject to penalty as outlined in Schedule “A” of this bylaw.
- 29. Each day shall constitute a separate offence.

Severability

- 30. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

General

- 31. This bylaw shall take effect upon third and final reading.
- 32. Schedules A, B, C, and D are attached to and form part of this bylaw
- 33. Bylaw 002-06, being the Business License Bylaw is hereby repealed in its entirety.

READ A FIRST TIME this 7th day of December, 2009 - Resolution # 484-09

READ A SECOND TIME this 7th day of December, 2009 Resolution # 485-09

READ A THIRD TIME this 7th day of December, 2009 - Resolution # 486-09
Resolution # 487-09

SIGNED by the Mayor and Chief Administrative Officer this 7th day of December, 2009.

Mayor

Chief Administrative Officer

SCHEDULE A**To BYLAW NO. 035-09**

Pursuant to bylaw 035-09, fees shall be levied according to the following:

Normal Fees

	Yearly	After July 1
Resident Yearly Fee	\$150.00	\$75.00
Non-Resident Yearly Fee	\$300.00	\$150.00
Daily	\$50.00	\$25.00
Change of Business Type	\$200.00	\$100.00
Change of Ownership	\$50.00	\$50.00
Change of Name	\$50.00	\$50.00
Appeal of Refusal, Revocation or Suspension	\$50.00	\$50.00

Late Payment Fee (in addition to applicable normal fees)

Payment received February 16th or later	add \$50.00
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Penalties

1st Offence	\$400.00
2nd and Subsequent Offences	\$1000.00



CHESTERMERE

SCHEDULE B

To BYLAW NO. 035-09

DISTRIBUTE COPIES TO: APPLICANT, FIRE DEPARTMENT, RCMP, FILE

TOWN OF CHESTERMERE

Business License Application

All fields on this Application form must be completed before the application can be processed. If any fields are irrelevant to your business, please indicate this by entering "NA".

BUSINESS INFORMATION			
Business Name			
Business Type			
Street Address			
Mailing Address			
Phone		Fax	
Website			

PRIMARY AND SECONDARY CONTACTS			
Name		Title	
Phone		Alternate Phone	
Fax		Email	

Name		Title	
Phone		Alternate Phone	
Fax		Email	

IN CASE OF EMERGENCY

The following information will be used in cases of Emergency. Please list those people that have 24 Hour Access to your Business Location

Contact Name 1 Keyholder Yes No		Phone Phone 2	
Contact Name 2 Keyholder Yes No		Phone Phone 2	
Contact Name 3 Keyholder Yes No		Phone Phone 2	

Are any DANGEROUS GOODS or CHEMICALS stored at the Business Location? If Yes, Identify.

ALARM INFORMATION

If your business is alarmed, please identify any of the above contacts that have the password/code.

PRE-REQUISITE

The Food Establishment Permit or copy of your Health Inspection form issued by the Calgary Health Region, Environmental Health MUST be attached to your application form.
(Contact the Health Inspector at 943-8060 should you require more information)

CALGARY HEALTH REGION # _____

As a contractor, are you accepting pre-payments from clients? (circle one) YES NO
If YES, please provide proof of Provincial Licensing

DECLARATION

I hereby certify that all information given in this application is true to the best of my knowledge.

Signature of Business Owner	
Date (yy/mm/dd)	

Application Type: New	Renewal	Transfer of Ownership	Day License	Name Change
License Number:	Amount Paid	Date:		

The information on this form is collected under the authority of Bylaw 035-09 and the FOIPP Act and is used solely for purposes related to carrying on a business within the Town of Chestermere. The relevant departments/committees within the Town of Chestermere that would access the information on this form are the Economic Development Committee and Emergency and Protective Services. Questions about the collection of the following information can be directed to Town of Chestermere, 105 Marina Rd, 403 207-7050.

SCHEDULE C

To BYLAW NO. 035-09

**TOWN OF CHESTERMERE
BUSINESS LICENSE
(Insert Year)**

This is to certify that

(Insert Business Name)

has purchased a License to carry on business within the corporate limits of the Town of Chestermere until the 31st day of December, ____ unless this license be sooner suspended or forfeited.

This License is issued to, accepted and held by

(Insert Business Name)

which is subject to any or all By-Laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling hereby licensed to be carried on.

Given under my hand and the corporate seal of
THE TOWN OF CHESTERMERE IN THE PROVINCE OF ALBERTA

on _____, ____ A.D.

Authorizing Signature

License Number: _____



CHESTERMERE

SCHEDULE D

To BYLAW NO. 035-09

Economic Development Committee Business Profile (Optional)

1	What year was your business established?	
2	Does your business have more than one location?	
3	Is your business stationary or mobile?	
4	What is the size of your business building location(s)? (m2 or ft2)	
5	How many employees does your business have?	
6	How many are full time employees?	
7	How many are part time employees?	
8	Does your business export any products or services?	YES NO
9	If you answered YES to 8, to where do you export?	
10	What do you export?	
11	Does your business import any products or services?	YES NO
12	If you answered YES to 11, from what locations do you import?	
13	If you answered YES to 11, what products or services do you import?	
14	What services or products does your business offer?	
15	Why have you chosen to do business in Chestermere?	
16	If applicable, why have you chosen to base your business in Chestermere?	

Signature _____

Date _____

The information on this form is collected under the authority of Bylaw 035-09 and the FOIPP Act and is used solely by the Economic Development Committee for the purposes of assisting and encouraging business in the Town of Chestermere. Questions about the collection of the following information can be directed to Town of Chestermere, 105 Marina Rd, Chestermere AB T1X 1V7 or call 403 207-7050.