

Business License Bylaw**A Bylaw of the Town of Vulcan in the Province of Alberta to provide for the Control, Regulation and Licensing of Businesses within the Municipality.**

WHEREAS it is provided by the Municipal Government Act, Chapter M-26, R.S.A. 2000 as amended, that the Council may control and regulate all business and industry carried on within the Town of Vulcan including the manner of operation, the nature of the operation and the location thereof and may license any or all such businesses or industries whether or not the business has a business premises within the Municipality.

NOW THEREFORE, the Council of the Town of Vulcan duly assembled enacts as follows:

1. TITLE

This Bylaw may be cited as the "BUSINESS LICENSE BYLAW" of the Town of Vulcan.

2. DEFINITIONS

- (a) **"Applicant"** means a person who applies for a license or a renewal of a license required by this Bylaw.
- (b) **"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.
- (c) **"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. Also including 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.
- (d) **"Business Premises"** shall mean any store, office, warehouse, residence, yard, motor vehicle, booth, mobile vending unit, push cart vending unit or other place occupied for the purpose of carrying on a business.
- (e) **"Business License"** means a license issued pursuant to this Bylaw.
- (f) **"Business Registry"** means a list compiled by the Licensing Inspector of all licensed businesses operating with the Municipality.

- (g) **“Carry on business”** shall mean to conduct, operate, perform, keep, hold, occupy, deal in or use for gain whether as principal or agent.
- (h) **“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 Municipality. These may include:
- (a) Religious societies or organization
 - (b) Service clubs
 - (c) Community, veteran, or youth organizations
 - (d) Social, sport, or fraternal organization or clubs
 - (e) Museums, galleries, cultural organizations and educational institutions
- (i) **“Chief Administrative Officer”** shall mean the Chief Administrative Officer of the Town of Vulcan duly appointed by Town Council.
- (j) **“Contractor”** means the business of accepting contracts for the construction and/or repair of buildings or other improvements or the person or company engaged in such business as the context requires.
- (k) **“Council”** means the Municipal Council of the Town of Vulcan.
- (l) **“Day License”** means a business license issued to the person(s) who is conducting the business within the Town of Vulcan for not more than 5 (five) days and shall be issued in the form of a receipt.
- (m) **“Development Authority”** means the Planning and Development of the Town of Vulcan.
- (n) **“Development Permit”** means a document which authorized development pursuant to the Town of Vulcan Land Use Bylaw.
- (o) **“Direct Seller”** means a business, conducted by either an entity or agent, that goes to any place other than the entity’s place of business;
- selling or offering for sale any merchandise, including food products, or
 - offering or conducting any service to any person, or
 - offering a contract for any sales or service, and
 - is not a wholesale or retail dealer in such merchandise having a permanent place of business in the Town or Vulcan County.
- (p) **“Licensee”** shall mean the holder of a valid business license issued pursuant to the provisions of this Bylaw.
- (q) **“Licensing Inspector”** shall mean the Chief Administrative Officer or a person designated by the Chief Administrative Officer.

- (r) **“License Year”** means a calendar year commencing on January 1 and ending on December 31 of that year.
- (s) **“Market”** means the business of providing to an entity for compensation, stalls or other similarly restricted areas for the demonstration of products and services, disposal and sale of goods, wares or merchandise to the public, at a single location or premises, including but not limited to Farmer’s Markets, Flea Markets, Craft Shows or Trade Fairs.
- (t) **“Mobile Business Unit”** means a motor vehicle, temporary structure, display, stand or non-motorized cart or trailer from which a business is carried on and for which the Licensee is not listed on the assessment roll.
- (u) **“Motor Vehicle”** shall have the meaning set out in the Highway Traffic Act, R.S.A. 2000 and amendments thereto.
- (v) **“Municipality”** means the Municipal Corporation of the Town of Vulcan.
- (w) **“Non-Resident”** means a business not operating from a taxable premises within the Town or the geographical boundary established by Vulcan County.
- (x) **“Person”** means a natural person, firm, corporation, organization, association and includes a partnership.
- (y) **“Peace Officer”** shall mean a Peace Officer as defined in the *Provincial Offences Procedure Act*; as amended from time to time.
- (z) **“Rates and Fees Bylaw”** means the Municipality’s current Rates and Fees Bylaw
- (aa) **“Resident”** shall mean any person carrying on business from a taxable premises within the Town or operates a business within the geographical boundary established by Vulcan County.
- (bb) **“Special Event and Festivals”** means any music festival, dance festival, rock festival, rave or similar musical activity, sporting event, tradeshow, community not for profit organized event, or entertainment activity that is likely to attract 50 persons or more in any one 24 hour period which is held at any place within the Municipality and to which members of the public are invited or admitted at charge or free of cost.
- (cc) **“Sub-Contractor”** means the business of contracting to provide a special service in relation to a particular trade or the person or firm engaged in such business, as the context requires.

- (dd) **“Transient Business”** means any business which sets up operations on public or private property, or which comes into the Town to carry on its business, but does not maintain a permanent place of business within the Town of Vulcan or Vulcan County and who, as a principal or agent, offers for sale any service, merchandise or food product to any person. When “squatting” on public or private property, approval in writing from the landowner must be submitted to the Licensing Inspector with the application.
- (ee) **“Violation Ticket”** means a violation ticket as defined in the *Provincial Offences Procedure Act*, as amended from time to time.

Terms not defined in this Bylaw will, where context permits, have the meanings assigned to them in the Municipality Land Use Bylaw. The above definitions shall apply to this Bylaw whether capitalized or not.

3. **EFFECTIVE DATE/DELEGATION**

- 3.1 Bylaw 1468-17 comes into full force and effect upon the final passing thereof.
- 3.2 That Bylaw 1121, 1158 & 1326-05 are repealed.
- 3.3 Council hereby delegates the following functions and duties to the Chief Administrative Officer:
- a) Administer and enforce the requirements of this Bylaw;
 - b) Invoice all Businesses;
 - c) Collect all fees and other amounts required by this Bylaw;
 - d) Provide reports and advice to Council on business licensing in such manner and at such times as Council may require;
 - e) Maintain the Business Registry and all Business License records.
- 3.4 The Chief Administrative Officer may delegate any authority to carry out the functions and duties as specified in this Bylaw.
- 3.5 Any Peace Officer duly appointed by the Chief Administrative Officer shall enforce the provisions of this Bylaw.

4. **LICENSE REQUIREMENTS**

- 4.1 No person shall engage in or operate within or partly within the Municipality 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 Municipality the fee as per the Rates and Fees Bylaw.

- 4.2 It is the responsibility of the Applicant to obtain and hold valid Provincial and Federal licenses, permits, approvals, clearances and/or insurances and produce copies of same to the Licensing Inspector upon request.
- 4.3 It is the responsibility of the Applicant to obtain and hold valid development approval(s) issued by the Development Authority under the Land Use Bylaw where necessary.
- 4.4 Where a Business operates at more than one Business Premises, each Business Premise requires a separate Business License.
- 4.5 Where more than one Business operates at one Business Premises, each Business requires a separate Business License.
- 4.6 A Business License shall not be issued:
- (a) If the Applicant fails to provide all the information required or requested under this Bylaw;
 - (b) To any Applicant not properly licensed or approved or otherwise not in compliance with any Federal, Provincial, or Municipal Statute, Regulation or Bylaw.
- 4.7 A Business License is not valid until it has been signed by Licensing Inspector.
- 4.8 An Applicant or Licensee or person who the Licensing Inspector or Peace Officer reasonably believes is carrying on a Business requiring a Business License shall permit the License Inspector or Peace Officer to inspect the Business Premises to ensure compliance with this Bylaw.
- 4.9 No person shall attempt to prevent, obstruct or hinder the Licensing Inspector or Peace Officer from making an inspection authorized by this Bylaw.

5. APPLICATION PROCESS

- 5.1 Every application shall be made in accordance with the appropriate forms and submitted to the Licensing Inspector;
- (a) To amend a Business License;
 - (b) To transfer a Business License to another person; and
 - (c) To renew a Business License.
- 5.2 An Applicant for a Business License shall make application to the Municipality in the form prescribed by the Municipality and supply such information the Licensing Inspector may require from time to time.
- 5.3 An Applicant shall not submit any information with respect to an Application which is false, misleading or inaccurate.
- 5.4 A Licensee shall apply to the Licensing Inspector for an amendment to the License if there

is a change in:

- (a) The Business Premises;
- (b) The owner of the Business;
- (c) The contact information of the Business;
- (d) The Business name;
- (e) The type of Business carried on.

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

6. APPOINTMENT, POWERS AND DUTIES OF LICENSING OFFICER

- 6.1 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.
- 6.2 Where applicable, the Licensing Inspector will not issue a Business License until the Applicant obtains and holds valid development approval issued by the Development Authority under the Land Use Bylaw.
- 6.3 The Licensing Inspector may suspend, refuse to grant, refuse to transfer, revoke, refuse to renew or impose conditions on a Business License under this Bylaw if, in the opinion of the Licensing Inspector, there are reasonable grounds to do so, including, without limitation, if the Licensing Inspector is of the opinion that:
- (a) The Licensee or the Applicant is not bona fide;
 - (b) The Licensee or the Applicant has contravened the provisions or requirements of this Bylaw or any other Bylaw of the Municipality or any applicable Provincial or Federal licenses, permits, approvals clearances and/or insurances;
 - (c) The Business has changed to the extent that a new Application for a Business License would be refused;
 - (d) The Licensee or the Applicant is not worthy of public trust;
 - (e) 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;

- (f) The Licensee or the Applicant refused to admit the Licensing Inspector into the Business Premises, vehicle or apparatus from which the Business is carried out.
- 6.4 The Licensing Inspector shall maintain a Business Registry together with all appropriate records pertaining to the licensing of Businesses, infractions of this Bylaw and generally all matters arising out of the application and enforcement of this Bylaw.
- 6.5 The Licensing Inspector shall specify the form of Applications and Business Licenses under this bylaw.
- 6.6 The Licensing Inspector or Peace Officer or both shall periodically visit and inspect Business Premises to ensure compliance with this Bylaw.

7. OFFENCE

- 7.1 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.
- 7.2 No owner, manager of a Business or other property shall allow or permit any person to carry on any Business thereon without such person being in possession of a subsisting Business License as required under this Bylaw.

8. PENALTIES & ENFORCEMENT

- 8.1 Enforcement of this Bylaw shall be in compliance with Division 4, Enforcement of Municipal Law, of the Municipal Government Act. The procedure for dealing with a contravention of this Bylaw, may not be either limited to, or necessarily include, any or all of the provisions of the MGA, providing the process undertaken for any incident or property is fully documented, and is conducted in compliance with Division 4;
- 8.2 A Peace Officer, License Officer, the Chief Administrative Officer or designate is hereby authorized to enter any Property or Premises to inspect for conditions that contravene or fail to comply with any provisions of this Bylaw, as per Section 542 of the Municipal Government Act;
- 8.3 Any Peace Officer, License Officer, the Chief Administrative Officer or designate, or any other Person authorized by Council to do so, who enters upon a Property or Premises for the purposes of an inspection or to remedy a condition which constitutes a contravention of this Bylaw, shall be deemed to have the authorization of Council and shall not incur any liability therefore;
- 8.4 No Person shall attempt to prevent, obstruct or hinder a Peace Officer, License Officer, the Chief Administrative Officer or designate from making an inspection authorized by this Bylaw;
- 8.5 A Person who a Peace Officer or License Officer reasonably believes is carrying on a

business requiring a license, shall;

- (a) Permit and assist in all inspections requested by a Peace Officer;
 - (b) Furnish to the Town all identification, information, or documentation related to the inspection or licensing requirement; and
 - (c) Not provide to a Peace Officer or the Town false or misleading identification, information or documentation in respect to this Bylaw
- 8.6 Any person who contravenes any provision of the Bylaw is guilty of an offense and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000.00) Dollars, imprisonment for a term not exceeding one (1) year, or both.
- 8.7 Where there is a specified penalty listed for an offence in the Fees & Rates Bylaw, that amount is the specified penalty for the offence.
- 8.8 Where a person contravenes the same provision of this Bylaw two or three times within one 12-month period, the specified penalty payable in respect of the second or third contravention shall be the amount stated in the Fees & Rates Bylaw for the second and third offences.
- 8.9 In the case of an offense that is of a continuing nature, a contravention constitutes a separate offense in respect of each day or part of day on which it continues.
- 8.10 The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that person is liable under the provision of this or any other Bylaw.
- 8.11 Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve:
- (a) A violation ticket allowing payment according to the provision of the Provincial Offenses Procedure Act, Revises Statutes of Alberta 2000, Chapter P-34 and amendments thereto.
- 8.12 If a violation ticket is issued in respect to an offence, the violation ticket may;
- (a) Specify the fine amount established by this Bylaw for the offense as set out in the Fees & Rates Bylaw; or
 - (b) Require a person to appear in Court without the alternative of making a voluntary payment.

8.13 A person who commits an offense may:

- (a) If a violation ticket is issued in respect of the offense; and
- (b) If the violation ticket specified the fine amount established by this Bylaw for the offense

Make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.

9. TERMINATION OF LICENSE

9.1 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.

10. POSTING OF LICENSE

10.1 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, Motor Vehicle, Mobile Vending Unit or Push Cart Vending Unit and whenever required to do so, by the Licensing Inspector, shall produce the Business License for inspection.

10.2 In the event that the Business Premises does not have public access, the Licensee shall provide any information requested by the Licensing Inspector to enable verification of same.

11. TRANSEER OF LICENSE

11.1 An existing Business License issued under this Bylaw may be transferred upon application to and approval by the Licensing Inspector in the following circumstances:

- (a) When the transfer is from one Licensee to another for the same Business in the same Business Premises; or
- (b) When the transfer is for a change of civic address from one business premises to another for the same Licensee and Business.
- (c) All Business License transfers must comply with the provisions of this Bylaw and the Land Use Bylaw and any other Bylaw of the Municipality.
- (d) A Licensee may not apply for a Business License transfer where only the assets of a Business were sold and transferred between Licensees.

12. RENEWAL AND COLLECTION OF FEES

12.1 On or about January 01 of each calendar year, the Licensing Inspector shall issue an

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invoice to the Licensee of a Business License issued in the previous year for the amount required to renew the Business License for another year.

- 12.2 The license fee is due and payable within 30 days from the date of issue of the invoice and it is an offence not to pay same when due.

Upon expiry of the 30 days from the date of issue of the invoice any outstanding invoices will accrue interest as set forth in the Rates and Fees Bylaw.

- 12.3 Upon expiry of 60 days from the date of issue of the invoice:

(a) A Peace Officer may issue a Violation Ticket.

- 12.4 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.

- 12.5 Any Business which commences business in the Municipality part way through a calendar year shall pay the Business License fees as set forth in the Rates and Fees Bylaw.

13. **EXEMPTIONS**

- 13.1 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 under the Land Use Bylaw or any other municipal bylaw:

- (a) Charitable or Non-Profit Organizations;
- (b) A business that is carried on or operated by the Government of Alberta, Canada or the Municipality;
- (c) Municipality contracted business conducting business specifically for Municipality
- (d) Foster Homes as interpreted and administered under the *Child, Youth and Family Enhancement Act* of Alberta;
- (e) Home Catalogue Representatives;
- (f) Any person under the age of eighteen (18) years providing individual light duty occasional services such as paper deliveries, babysitting, yard work, snow shoveling;
- (g) The Operator of a stall within a Market;
- (h) Any proprietor that is exempt under Provincial or Federal legislation;

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- 13.2 Statutes or regulations by Canada or the Province of Alberta exempt some professions and occupations from the requirement of a municipal business license, by virtue of their membership in a provincial or federal association or other governing body. This exemption supersedes a municipal Bylaw and, therefore, the Town of Vulcan may not require certain business types to obtain a business license. The Town will apply its best effort to ensure no businesses are licensed and charged a fee in error, however, should this occur it is the responsibility of the business to provide written verification of membership in order to claim this exemption.

14. REGULATIONS PERTAINING TO SPECIFIC LICENSES

14.1 Daily Licenses

Where a Non-Resident requires a Business License to operate a Business within the Municipality for a duration not to exceed one week (five (5) days - whether consecutive or cumulative), the Applicant may make an Application and pay the fee for a daily license as set forth in the Fees and Rates Bylaw.

14.2 Markets

- (i) For the purposes of this Bylaw "Stall" shall mean a defined area within a Market.
- (ii) The Licensee of a Market shall, upon request, provide to the Licensing Inspector a current list of all stall operators.

14.3 Festivals & Special Events

- (i) Unless a Festival or Special Event is organized by the Municipality or a Charitable or Non-Profit Organization, a Business License is required by the persons hosting the event or festival and is required to be obtained a minimum of three weeks prior to the opening date.
- (ii) Business License applications for Festivals and Special Events shall be forwarded to the Development Office for consideration and determination of a designated area/specific location to host the event.

14.4 Direct Sellers & Transient Businesses

- (i) No person shall carry on business as a Direct Seller or Transient Business on private property or public property including parks, streets and sidewalks within the Municipality unless they possess a Business License, a letter of permission to operate on the property and a permit from the Development Officer.

14.5 Contractors

- (i) The Licensing Inspector may revoke a Contractor's or Subcontractor's Business License issued to any Licensee who has not obtained the necessary permits prior to commencement of any development, or construction project.
- (ii) The revocation of a Contractors or Sub-contractors License shall not exceed one calendar year from date of revocation.

15. APPEAL

- 15.1 Before refusing to issue or renew a Business License, and before a Business License is suspended or cancelled or conditions are imposed, other than conditions imposed by this Bylaw, the Applicant or Licensee must be given notice of the proposed refusal, suspension, cancellation or the proposed conditions with reasons; and an opportunity to make written representations to the Licensing Inspector.
- 15.2 If a decision is made to refuse the issue or renewal of a Business License, to suspend or cancel a Business License or to impose conditions on a Business License, other than conditions imposed by this Bylaw, notice of the decision may be served on the Applicant or Licensee:
 - a) in person on the Applicant or Licensee or any of its officers or employees; or
 - b) by registered mail to the address in the Application or in the Business Registry.

Upon receipt of such notice, the Applicant or Licensee shall cease operating the Business immediately.


- 15.3 A person who has been refused the issue or renewal of a Business License, whose Business License has been suspended or cancelled, or whose Business License is made subject to conditions, other than conditions imposed by this Bylaw, may appeal the decision within fourteen (14) days by providing written notice to the Chief Administrative Officer. Upon receipt of an appeal, the Chief Administrative Officer shall forthwith place the appeal on the agenda of the next ensuring agenda of the Council at which time the appeal shall be heard. Accompanying such appeal shall be a written report of the Licensing Inspector advising as to the reason for the refusal, suspension, cancellation or conditions. At the hearing of the appeal, Council may review the written submissions of the appellant, the Licensing Inspector and of any other person the Council deems has the right to speak, or may hear such submission verbally. Within ten (10) days of the completion of the hearing, Council shall:
 - (a) direct that the Business be added to the Business Registry;
 - (b) confirm the refusal, suspension, cancellation or conditions;
 - (c) reinstate the revoked Business License; or

- (d) remove or vary the suspension.


16. SEVERABILITY

- 16.1 In the event that any provisions of this Bylaw are found to be unlawful or outside the jurisdiction of the Municipality, 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.

Read a first time this 27th day of November, 2017.

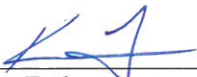


Kim Fath
Chief Administrative Officer



Tom Grant
Mayor

Read a second time this 27th day of November, 2017.




Kim Fath
Chief Administrative Officer




Tom Grant
Mayor

Unanimous consent received to hold third and final reading.

Read a third and final time this 27th day of November, 2017.



Kim Fath
Chief Administrative Officer



Tom Grant
Mayor

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