

Amended by Bylaw # 135

TOWN OF CLARESHOLM
PROVINCE OF ALBERTA
BYLAW # 1300

A Bylaw of the Town of Claresholm to provide for the licensing and regulation of businesses, within the Town of Claresholm.

WHEREAS it is provided in and by the Municipal Government Act that the Council may issue licenses to control and regulate business and industry carried on within or partly within Town and may license any and all such businesses whether or not such businesses are specifically provided for in the Municipal Government Act.

THEREFORE the Council of the Town of Claresholm duly assembled hereby enacts the following:

This Bylaw may be cited as the Business License Bylaw of the Town of Claresholm.

1.0 Definitions

In this Bylaw, unless the context otherwise requires:

1. **Adult Person** - Shall mean any person over the age of 16 years of age.
2. **Business** - Shall include, as well as any trade, profession, industry, occupation, employment or calling, the providing of goods or services to the public or to any other party.
3. **Council** - Shall mean the Council of the Town of Claresholm.
4. **Town** - Shall mean the Town of Claresholm.
5. **License Inspector** - Shall mean any person so designated by the Town Council.
6. **Licensee** - Shall mean a person holding a valid business license issued pursuant to this Bylaw.
7. **Person** - Shall include a corporation, firm, partnership, association and their respective legal representatives.
8. **Premises** - Shall include any store, office, warehouse, factory, building enclosure, yard or other place wholly or partially within the town that is occupied or capable of being occupied for any purpose.
9. **Resident** - Shall mean a person who has lived in the Town of Claresholm for 6 consecutive months immediately prior to application for a license.
10. **Non-Resident** - Shall mean a person who is not a resident.
11. **Contractor** - Shall mean any person who undertakes the erection, construction, alteration, repair or demolition of any land, building or structure, and shall include any owner of a property who causes, or any person who supervises the erection, construction, alteration, repair or demolition of any land, building or structure thereon.

12. **Canvasser** - A Canvasser is an adult person who takes or attempts to take orders by telephone or other means, for the sale of merchandise or service or both for future delivery or services to be furnished or performed in the future.
13. **Hawker or Peddler** means any person who, whether as principal or agent,
 - a. Goes from house to house selling or offering for sale any merchandise or service, or both, to any person; who is not a wholesaler or retailer in such merchandise or service, and not having a permanent place or business in the municipality or,
 - b. Offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints or merchandise or service, or both, to be afterwards delivered in and shipped into the municipality, or
 - c. Sells merchandise or services, or both, on the streets or roads or elsewhere than in a building that is his permanent place of business but does not include any persons selling:
 - i. Meats, fruits or other farm produce that has been produced, raised or grown by himself.
 - ii. Fish of his own catching.
14. **Sub-Contractor** - Shall mean a person contracting with or employed directly or indirectly by a Contractor or his agent to do work or perform services in the Town of Claresholm but does not include a person who merely furnishes materials.
15. **Improvement** - Shall mean anything constructed, erected, built, placed, demolished, dug, drilled, moved or intended to be constructed, on or in land except a thing that is neither affixed to the land or intended to become a part of the land.
16. **Home Occupation** - Shall mean an occupation, trade, profession or craft carried on by a person at his residence or at any other residence in the Town as a use secondary to the residential use of the building.

2.0 Appointment, Authority and Duties of a License Inspector

The Council, by resolution, may appoint one or more License Inspectors, to carry out the provisions of this Bylaw.

The duties and powers of a License Inspector are inter alia:

1. To consider and approve or refuse all license applications.
2. To secure the due observance of this Bylaw.
3. On receipt of the appropriate fees, to issue licenses hereunder where warranted.

4. To prosecute violators of this Bylaw.
5. Such other duties as Council may require.

3.0 General

1. Every application for a license or renewal or transfer thereof shall be made to a license inspector by an adult person in writing and shall disclose the names and addresses of all persons who are actively engaged in the management and control of the business. Every applicant for a license shall conform to the provisions of this Bylaw and any other Bylaw applicable to the business or industry.
2. Failure to disclose any information reasonably required by the License Inspector herein shall be grounds for withholding a license or immediate cancellation of any license issued and forfeiture of any fees paid. Any changes in the management and control of the business shall be communicated to the License Inspector forthwith.

4.0 Requirements for License

1. No person shall, whether within the Town or partly within the Town:
 - a. Carry on or operate any business without obtaining the necessary license unless specifically exempted therefrom by provincial law.
2. If, in the opinion of the License Inspector, an applicant for a license has complied with the terms of this Bylaw and of any other applicable Bylaw, the applicant is entitled to a license upon payment of the appropriate fee.
3. A License Inspector may issue a conditional license, and he shall endorse on any conditional license issued, the particulars of such conditions.
4. Every license issued under this Bylaw shall be displayed in a conspicuous place in the premises in which the business so licensed is being carried on.
5. Every license issued under this Bylaw shall terminate at midnight on the 31st day of December of the year in which it was issued unless otherwise provided herein.
6. Except for nonresident contractors, hawkers and peddlers and Christmas Tree Vendors, the fee payable for a license issued between the last day of January and 31st day of October in any year shall be the license fee for the full year. The fee for a license issued after the 31st day of October shall be one half of the license fee for the full year, provided that the business did not commence operation prior to October 31st of that year. This reduction in license fees does not apply to license fees which are based on a contract cost.

7. Except where license fees are levied on a daily basis, when a license is revoked or cancelled prior to June 1st in any year, the licensee is entitled to a refund of one half the license fee paid for the year.
8. No license shall be issued under this Bylaw unless the License Inspector is satisfied that all licenses required by the Government of Alberta have first been obtained by the applicant.
9. Unless otherwise provided herein, any subsisting license issued under this Bylaw may, upon application to the License Inspector, be transferred upon payment of 10 percent of the annual license fee if, in the opinion of the License Inspector, the proposed transferee meets the provisions of this or any other applicable Bylaw.
10. The License Inspector may on just and reasonable grounds refuse to issue or renew a license or may cancel the license of any licensee who, in the opinion of the License Inspector, is in violation of any Town Bylaw or provincial law or regulation.
11. An applicant shall be promptly informed in writing by the License Inspector if his application for a license or the renewal of a license has been refused and the reasons for such refusal.
12. If, in the opinion of the License Inspector, there has been a substantial attempt by the licensee to correct any deficiencies or violations of any Town Bylaw, or provincial law or regulation, he may, upon receipt of the proper fees issue a license to the licensee.
13. A License under this Bylaw shall be signed by the License Inspector or Secretary-Treasurer of the Town or other authorized person and shall contain a description of the business so licensed and the premises covered by such license.
14. Any license granted under this Bylaw shall be authority only to engage in or carry on business on the premises therein described and not in or on any other premises, provided however that this section shall not apply to hawkers or peddlers and to other persons carrying on a business, the nature of which requires such a person to go from place to place throughout the Town.
15. Where a person receives a license under the authority of this Bylaw, such license does not relieve any person from any other licensing or permit requirements required under law.

5.0 License Subject to Zoning Regulations

1. The issuance of a license shall not be deemed as approval to carry on any business in or on any premises that are in contravention of the provisions of any other Bylaw of the Town. Where a license is granted to a person to carry on a

business in or on premises where such activity is not permitted by the zoning regulations of the Town of Claresholm, the License Inspector shall forthwith cancel the license and refund the license fees to the applicant.

6.0 Relocation and Suspension of License

1. Upon being directed by the appropriate Medical Health authorities to do so, a License Inspector may suspend the license of any business and shall not reinstate such license until the appropriate Medical Health Officer certifies that the premises concerned meet all applicable health standards.
2. Any act or omission of a wife, servant, clerk, agent or employee of a person licensed under this Bylaw shall be deemed to be the act or omission of the licensee and the licensee shall be responsible for such act or omission, as though it were done by the Licensee himself.

7.0 Appeal Where License Refused

1. In every case where:
 - a. A license or a license renewal has been refused,
 - b. A license has been issued subject to conditions,
 - c. A license has been cancelled,the person seeking a license may appeal to the Town Council and the Council, after hearing the applicant, may:
 - a. Direct that license or renewal be issued with or without conditions,
 - b. Refuse to grant a license or a renewal,
 - c. Uphold or revoke the cancellation of a license on any ground which appear just and reasonable.
2. An appeal from the decision of a License Inspector shall be made by the applicant within 30 days after notification of the License Inspector's decision has been communicated to the applicant.
3. Every appeal shall be in writing, addressed to the Secretary-Treasurer and shall be dated as of the date it is received by him.

8.0 Inspection by Town of Licensed Premises

A License Inspector or other person authorized by Council may inspect any premises at all reasonable times for the purpose of administering or enforcing this Bylaw; and any person who refuses admission to a License Inspector or authorized person or who neglects or refuses to produce the appropriate license upon request, shall be guilty of an offence.

9.0 License Fees

1. Where there is a distinction made between types of businesses or activities in the zoning Bylaw, the distinction shall be deemed to be made in this Bylaw and separate business license shall be required for each business or activity. However, where different activities are operated under one management then only one License is required per business site.
2. All businesses operating whether wholly or partially within the Town shall pay an annual license fee of \$50.00 per business unless otherwise provided for in this Bylaw.
3. A business license shall not be required for publicly funded, educational or institutional establishments in the Town.
4. No person is required to take out a license under this Section who is in the employ of some other person who holds a license under this section.

Without limiting the generality of the foregoing, the license fee for each of the following business shall be the amount set opposite their common designation:

Auctioneers \$100.00 per annum

Canvassers Resident \$100.00 per annum
 Non-Resident \$ 50.00 per day
 \$100.00 per week
 \$200.00 per month
 \$300.00 per year

Carnivals and circuses \$100.00 per day

Resident Contractors
 operating from a residence site \$100.00 per annum
 operating from a business site \$ 50.00 per annum

Non-Resident Non-Construction \$ 75.00 per annum

Non-Resident Contractors

\$ 150.00 per year when doing under \$15,000.00 gross business in Town

\$ 175.00 per year when doing over \$15,000.00 but under \$40,000.00 gross business in Town

\$ 225.00 per year when doing over \$40,000.00 but under \$75,000.00 gross business in Town

\$ 325.00 per year when doing over \$75,000.00 but under \$150,000 gross business in Town

\$ 650.00 per year when doing over \$150,000.00 but under \$250,000.00 gross business in Town

\$1,000.00 per year when doing over \$250,000.00 gross business in Town

And that the onus of establishing the amount of the contract to the satisfaction of the License Inspector shall be on the nonresident contractor. If a nonresident contractor undertakes further contracts in the Town of Claresholm prior to December 31st in the year in which the license was issued, further fee or fees will be levied but not to exceed the maximum total fee of \$1,000.00 for that calendar year.

Hawkers, Peddlers, and Direct Sellers:

Non-Resident	\$ 50.00 per day or \$100.00 per week or \$200.00 per month or \$300.00 per year
Resident	\$100.00 per year

Itinerant Shows and entertainments and other transient businesses:
\$ 50.00 per day or
\$300.00 per annum

Photographers:

Resident	operating from business \$ 50.00 per annum operating from residence \$100.00 per annum
Non-Resident	\$300.00 per annum

Salvage Dealers and Secondhand Dealers:

Resident	\$ 50.00 per annum
Non-Resident	\$300.00 per annum

Christmas Tree Vendors \$ 50.00 per annum per site
(No fee for religious or community groups)

Spiritualist, Fortune Tellers & Hypnotist:

Resident	operating from business \$ 50.00 per year operating from residence \$100.00 per year
Non-Resident	\$ 50.00 per day \$100.00 per week \$200.00 per month \$300.00 per year

10.0 Contractor and Sub-contractor

1. Upon request of the License Inspector any person making application for a building permit shall furnish a list of contractors and subcontractors who are, or will be, working on the building project together with the address of same.

11.0 Hawkery, Peddlery and Director Sellers

1. Without restricting the generalities of Section 9.0, a person who sells merchandise on a wholesale basis to retail merchants in the Town shall not be required to obtain a license pursuant to this section.

2. All hawkers and peddlers shall require a separate license of each employee or agent who acts as a hawker or peddler in the Town.

12.0 Home Occupations

1. A person carrying on any occupation not otherwise mentioned in paragraph 9.0 at a residence shall pay the following license fee:

\$100.00 per annum per occupation

2. Any person carrying on a home occupation who:
 - a. Is physically handicapped, or
 - b. Can show that the business must be operated from a home for compassionate reasons, may apply to the Council to be relieved of paying the full license fee established for home occupation and such decision of Council shall be final.

13.0 Fines and Penalties

1. A person violating any provision of this Bylaw shall be guilty of an offence and liable upon summary conviction to a fine of not less than \$200.00 and not more than \$2,000.00 and in default of payment thereof, to imprisonment for a period of not less than 30 days.
2. Where a person is found guilty of nonpayment of a license fee payable hereunder, the convicting provincial court judge may order payment thereof in addition to imposing a fine.
3. The License Inspector may enforce the provisions of this Bylaw by issuing a voluntary fine to any person alleged to have committed one or more breaches of the Bylaw. The voluntary fine shall state the alleged offence and require payment of the appropriate fee as provided in Schedule "A" attached hereto and declared to be part of this Bylaw by the date indicated on the voluntary fine.
4. A voluntary fine may be issued by personally serving it upon the alleged offender or by leaving it at the residence or place of business of the alleged offender or by serving it on the alleged offender by single registered mail.
5. A person carrying on or engaged in business in the Town of Claresholm who fails to furnish all the information reasonably required by a License Inspector within 10 days after a request in writing for such information is served on the person, shall be guilty of an offence and liable upon summary conviction to a fine of not less than \$25.00 for each day after the expiration of the 10 day period that the default continues providing that the total of such fines shall not exceed the sum of \$1,000.00 against any one person.

14.0 Schedule "A"

1. A voluntary fine of \$200.00 for a first offence.


Cap.

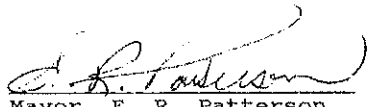
- 2. A voluntary fine of \$250.00 for a second offence, provided the second offence is committed within twelve (12) months of the first offence.
- 3. A voluntary fine of \$500.00 for a third offence providing the offence is committed within twelve (12) months of the first offence.

15.0 Bylaws numbers 1269 ^{14 15} and ~~1275~~ ¹⁵ are hereby repealed.

16.0 This Bylaw shall take effect on the date of final passage.

READ a first time in Council this 9 day of APRIL ,
 A.D. 1990.
 READ a second time in Council this 14 day of JANUARY ,
 A.D. ~~1990.1991~~ ^{1991 to 1992}
 READ a third time in Council and passed this 14 day of
 JANUARY , A.D. ~~1990.1991~~ ^{1991 to 1992}


 Larry Flexhaug, Secretary-Treasurer


 Mayor, E. R. Patterson