

BYLAW NO. 906

BEING a Bylaw of the Town of Carstairs, in the province of Alberta, relating to the licensing and regulation of businesses in the Town of Carstairs and repeal of Bylaw No. 577.

NOW THEREFORE, be it resolved that pursuant to the Municipal Government Act R.S.A. 1994, M-26-1, as amended, the Council of the Town of Carstairs duly assembled enacts as follows:

Title:

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

Definitions:

2. In this Bylaw, unless the context otherwise requires:
 - a) Act means the Municipal Government Act, Chapter 26-1, R.S.A., 1994 as amended or replaced from time to time.
 - b) Applicant means a person who applies for a license or a renewal of a license required by this bylaw.
 - c) Carry On means carry on, operate, perform, keep, hold, occupy, deal in or use, for gain, whether as principal or agent.
 - d) Council means the Municipal Council of the Town of Carstairs.
 - e) Chief Administrative Officer means the Chief Administrative Officer of the Town of Carstairs.
 - f) License means a license granted by the Town of Carstairs entitling the person to whom it is granted to carry on business therein specified in the Town of Carstairs.
 - g) License Appeal Board shall be composed of the Council.
 - h) Licensee means a person holding a valid and subsisting license issued pursuant to the provisions of this bylaw.
 - i) Home Occupation means any person, firm or corporation carrying on any business out of a residence within the Town of Carstairs.
 - j) Non-resident means any person who does not reside or have a place of business in the Town of Carstairs.
 - k) Person means a natural person or a body corporate and includes a partnership, a group of persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires.
 - l) Police means any member of the RCMP or any Peace Officer or Special Constable appointed by the Town of Carstairs.
 - m) Premises includes the store, office, warehouse, factory, building, enclosure, yard or other place occupied, or capable of being occupied, by any person for the purpose of any business.

n) Resident Business means any person, firm or corporation carrying on a business in the Town of Carstairs.

o) Town means the Town of Carstairs, a municipal corporation in the Province of Alberta.

p) License Year means the period commencing January 1 and ending on the next succeeding December 31.

Necessity for License:

3. No person shall, within the Town of Carstairs:

a) Carry on or operate any business or

b) Carry on any undertaking, do any act, or use or have any article for which a license is required,

unless he holds a valid license from the Town of Carstairs obtained in accordance with the provisions of this bylaw.

License Fee:

4. No person shall carry on or operate any business or occupation within or partly within the Town without first paying to the Town the license fee prescribed in current years Bylaw.

5. When a business requires diversification to operate successfully, then one single business license fee will be levied on the owner. However, an owner of two or more businesses that are not dependent on each other for survival, will be levied a business license fee for each business operating.

Application Form:

6. An applicant for a license shall make application to the Town on a form supplied by the Town, furnishing such information as the form shall require and such additional information as the Town may from time to time require, including:

a) a statutory declaration, where required by the Town, substantiating the information contained in the form;

b) every Federal or Provincial Certificate, authority, license or other document or qualification that may be required in connection with the carrying on of a business;

c) a Provincial License where required under any Provincial Act;

d) any certificate or other approval required by any provision of this bylaw in respect of the business;

e) the license fee payable in respect of the business as set out in this bylaw.

Home Occupation:

7. a) No license shall be issued for a home occupation until the applicant is in possession of a valid development permit issued under the provisions of the Town of Carstairs' Land Use Bylaw.

b) Where an application for a development permit has been approved by CAO, the CAO shall immediately issue notice of the decision by mailing a notice of the decision to all adjacent landowners who may be affected, as determined by the CAO.

c) Where a business subject to licensing is carried on or intended to be carried on in more than one location, a license shall be required in respect of each place as though the business carried on in each were a separate business.

Compliance:

8. Whenever an applicant for a license has complied with the terms of this bylaw and of any other bylaws applicable, he shall be entitled to the license applied for upon payment of the proper fee.

Appeal:

9. a) Where an application for a license or for a transfer of a license has been refused or has been authorized subject to conditions, the applicant may appeal to the License Appeal Board.

b) After hearing the applicant and the evidence adduced, the License Appeal Board may confirm such refusal or conditional approval or may direct that the license be issued either conditionally or unconditionally as may be deemed expedient in the public interest and the decision of the License Appeal board is final.

Production:

10. Every licensee who holds a license under this Bylaw which is not limited to specific premises, shall, so long as the license is in force, have immediately available the license or duly authorized copy thereof and such license shall, upon request, forthwith produce same to a Police Officer, Special Constable or any person with whom he is doing business to which the license relates.

Inspection:

11. Where a business involves the occupation of a specific building or a specific location and such business is reasonably believed to require a license under this bylaw a Police Officer, Special Constable or any other authorized person may inspect the building or location for any purpose under this bylaw at all reasonable times during the license year.

Revocation and Refusal:

12. a) Where, on inspection, a business which is subject to an inspection by or on behalf of the Medical Officer of Health is found to contravene any provision of the Public Health Act R.S.A. ch. P-27.1. 1984 and any regulations made thereunder and amendments or substitutions therefore or any Bylaw respecting health, the Medical Officer of Health may revoke the license in respect thereof.

b) Where on inspection, a business which is subject to an inspection by or on behalf of the Fire Marshall or the Planning Department is found to contravene the provisions of:

i) the Fire Prevention Act R.S.A. Ch. P9, 1980 or a Planning Bylaw

as replaced or amended from time to time;

- ii) the Planning Act R.S.A. Ch. P9, 1980 or a Planning Bylaw as replaced or amended from time to time;

the Fire Chief or the Planning Department shall report the contravention to the Chief Administrative Officer who may revoke the license therefore.

c) The Chief Administrative Officer may revoke or refuse to grant any license on any grounds which are just and reasonable.

d) Upon a license being revoked as hereinbefore provided, the Chief Administrative Officer shall notify the licensee thereof:

- i) by contacting him personally, or
- ii) by mailing a registered letter to his place of business or residence as shown on his license and shall have been deemed to have been received five days after the date of mailing;

and after the delivery or deemed receipt of such notice his business or occupation, as the case may be, shall not be carried on until such time as a new license is issued.

Duration:

13. Every license issued under the provisions of this bylaw shall terminate at midnight on the 31st day of December of the year in which said license was issued unless;

- a) the license provides otherwise, or
- b) the license has been sooner canceled or forfeited.

Fees:

14. a) Where a fee required has been paid by the tender of an uncertified cheque, the license:

- i) is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license and
- ii) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

b) Part Year

- i) The Chief Administrative Officer may, after July 1 of any license year, issue a new license for one-half the annual fee set out in Rates Bylaw. This clause does not pertain to the re-issuance of a license.

Penalty:

15. a) Any person contravening any provision of the bylaw shall be liable upon conviction therefore to a fine of not less than \$250.00 and not more than \$1,000.00 exclusive of costs, and in case of non-payment, if the fine and costs so imposed, the person shall be imprisoned for a period of time not to exceed six months unless the fine and costs, including the cost for committal are sooner paid.

b) Where the offense is non-payment of any license fee payable hereunder, the convicting provincial judge may cause payment thereof in addition to the fine imposed.

c) All court costs, including those incurred by the Town, will be the liability of the person who contravened this bylaw and brought upon themselves a conviction.

This By-Law shall come into force and effect on the date of the final passing thereof.

Read a first time this 11th day of October A.D., 2005.

Read a second time this 11th day of October A.D., 2005.

Read a third and final time this 11th day of October A.D., 2005.

Lance Colby, Mayor

Carl McDonnell, CAO