

**TOWN OF BON ACCORD
BYLAW 2017-02
BUSINESS LICENCE BYLAW**

A BYLAW OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA TO REGULATE AND SET BUSINESS LICENCE FEES FOR ANY PERSON ENGAGED IN ANY BUSINESS, CALLING TRADE, FIRM, OCCUPATION, PROFESSIONS OR INDUSTRY IN THE TOWN OF BON ACCORD

WHEREAS it is deemed expedient and proper pursuant to Section 7 and 8 of the Municipal Government Act, Chapter M26.1 of the Revised Statutes of Alberta, 2000, and amendments thereto, that the Council may regulate and license businesses and industries within the corporate limits of the Town of Bon Accord,

NOW THEREFORE the Municipal Council of the Town of Bon Accord, in the Province of Alberta, duly assembled enacts as follows:

SECTION 1: Short Title

This bylaw may be cited as the Business Licence Bylaw.

SECTION 2: Definitions & Business Descriptions

- a) "Business" includes business, trade, profession, industry, occupation, employment or calling, and the providing of goods and services including, but not limited to Section 2 d, f, g, l, j, k, l, m and q.
- b) "Business Licence" means a licence issued pursuant to this bylaw.
- c) "Business Licence fee" shall be the sums of money which are required for payment for a business licence as detailed in Section 8 of this bylaw.
- d) "Contractor" shall mean any person who undertakes, as a principle to carry out the whole of the work called for in a development permit issued by the Town of Bon Accord.
- e) "Council" shall mean the Council of the Town of Bon Accord.
- f) "Hawker" or "Peddler" means any person whether as a principle or agent who,
 - 1. goes from house to house selling or offering for sale any merchandise to any person, and who is not a wholesale or retail dealer in such merchandise with a permanent place of business in the Town of Bon Accord.
 - 2. offers or exposes for sale to any person by going door to door by means of samples, patterns, cuts, catalogues, or blueprints, merchandise to be afterwards delivered in or shipped into the Town of Bon Accord, or,
 - 3. acts as a street vendor.
- g) "Home Occupation" means a resident business that is operated out of a residence located in a residential district as identified in the Town's Land Use Bylaw and is

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operated as a use secondary to the residence and is subject to the requirements set out in the Town's Land Use Bylaw.

- h) "Licensing Officer" means a person or persons authorized by Council to carry out the provisions of this bylaw.
- i) "Non-resident business" means a business operating in the Town without maintaining a regular place of business within the Town of Bon Accord.
- j) "Person" means a person or persons, hawker, peddler, firm, partnership, or body corporate.
- k) "Business of Property Rental" is the business of receiving payment or services for the provision of two or more separate spaces for residential or business use.
- l) "Resident business" means a business that maintains a regular place of business within the Town of Bon Accord.
- m) "Street Vendor" means a person who sells merchandise or service on the streets or roads or elsewhere than at a building that is his permanent place of business in the Town but does not include any person selling:
 - 1. meat, fruit, or other farm produce which has been produced, raised, or grown in the Province of Alberta by himself, or,
 - 2. fish of his own catching within the Province of Alberta.
- n) "Street Vending Vehicle" means the device by which a street vendor transports, displays, prepares, and/or sells his/her goods or services.
- o) "Town" shall mean the Town of Bon Accord.
- p) "Sub-Contractor" shall mean a person who undertakes to carry out a portion of the work called for in a development permit issued by the Town, under the supervision of a contractor.
- q) "Advertising" means the promotion of a business by means not limited to flyers, signs, billboards, business cards, and requires a business licence.

SECTION 3: General Provisions

- 1. Business licences must be purchased prior to conducting business within the Town and are non-transferable.
- 2. Except as allowed under Section 3-5, no person shall, within the limits of the Town, carry on or be engaged in any business, unless they have paid the prescribed fee as set out in

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this Bylaw, and are in possession of a valid and subsisting business licence for each business conducted pursuant to the provisions of this bylaw.

3. Prior to a business licence being issued, the applicant business will comply with all appropriate regulations in the Town's Land Use Bylaw and regulations in other bylaws that the Town may enact from time to time.
4. No business licence shall be issued under the provisions of this Bylaw to any person or corporation who is required by law to obtain a provincial licence or permit until the applicant business has first produced the required licence or permit.
5. If a business is required to obtain a licence or permit from the Province of Alberta, the business is also required to obtain a business licence from the Town.
6. Any person that:
 - a) is under 18 years of age and does not have a permanent place of business or is not operating as a hawker or peddler;
 - b) is operating as a wholesaler or distributor of goods to one or more licenced businesses within the Town;
 - c) is conducting business as a participant of a Trade Show, Craft Fair, Farmers' Market, or garage sale;
 - d) operates a business operation that, upon the satisfaction of the Licensing Officer, is carried out for religious, charitable, or community purposes;
 - e) is only working directly for the Town;
 - f) is a sub-contractor only working in the Town on a project for which a contractor has a valid business licence;
 - g) promotes a business through Canada Post, telephones, fax machines, computers or through publications having a Bon Accord business licence;

shall be exempt from the requirements of Section 3-1

7. Except where indicated otherwise, each new business licence shall be valid only for the calendar year (January 1st – December 31st) for which it is issued.
8. Person issued business licences under this bylaw will either:
 - a) display such licence in a conspicuous location in the place of business, or,
 - b) carry the licence, or a copy therefore, on their person if there is no permanent place of business within the Town.

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9. The Licensee will produce the licence, upon request, for the inspection of any duly qualified officer of the Town.
10. The Licensing Officer of the Town may at any time revoke or suspend a licence issued under the provision of this bylaw for failure to comply with any conditions of the licence within this or any other Town bylaw.
11. Any business called in by a resident or commercial owner / occupier to undertake any work in renovations, construction, or services to only that property does not require a business licence; provided that no advertising is being done on the property by way of a sign.

SECTION 4: Special Provisions

1. Street Vendors
 - a) Operation shall be restricted to privately or publicly owned located in commercial/industrial or recreational districts as identified in the Town's Land Use Bylaw. Operation will be allowed on any public road way or street right-of-way.
 - b) Notwithstanding article (a) the Street Vendor shall operate his/her business in a manner and location on the property that causes minimal disturbance to the normal use of the property and no damage to the property.
 - c) Council may charge a fee, set by resolution from time to time, for parking on Town owned property.

SECTION 5: Licensing Officer

1. The Licensing Officer shall be the CAO or appointed delegate to carry - out the provisions of this bylaw.
2. The duties of the Licensing Officer are:
 - a) to receive and consider applications for business licence, ensuring compliance with this, and other, municipal bylaws,
 - b) to conduct investigations with regard to proposed applications where necessary,
 - c) to conduct inspections of business premises where necessary,
 - d) to collect business licence fees pursuant to this bylaw,
 - e) to refuse, or grant, business licences where deemed appropriate,

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- f) to revoke business licences where deemed appropriate and necessary,
- g) to inform the applicant business, or licensee, that they have the right to appeal to Council the refusal, revocation, or conditional granting of a licence,
- h) to commence prosecutions for violations of this bylaw, and,
- i) to appoint an authorized person to obtain any required information where necessary.

SECTION 6: Licence Applications

1. Every person applying for a new business licence shall submit - a written application signed by the applicant or, in case of a corporation, its duly appointed agent to the Town Administration.
2. A business licence for an existing business shall be renewed by the 31st day of January of each year. Renewal shall be effected by a business licence holder submitting the proper fees to the -Town Administration.

SECTION 7: Purchase of Licences

1. All business licences will be obtained at the Town Office on payment of required fee subject to the requirement of this bylaw and no business licence shall be issued until the fee has been paid.
2. Every person, or business, applying for a business licence shall submit to the Licensing Officer a written application in the prescribed form and signed by the applicant or his duly appointed agent.
3. Upon receipt of an application for a business licence, the Licensing Officer may:
 - a) grant a business licence,
 - b) grant a business licence subject to certain conditions,
 - c) refuse a business licence, if, in his/her opinion, there are just and reasonable grounds for the refusal.
4. Where a business licence has been granted pursuant to Section 6-3, the Licensing Officer may revoke the business licence if in his/her opinion, there are just and reasonable grounds for the revocation.

SECTION 8: Appeal Process

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1. In every case, where, under the provisions of Section 6, Sub-section 3 a), b), c) and sub-section 4:
 - a) an application for a business licence has been refused, or;
 - b) a business licence has been revoked, or;
 - c) has been issued subject to certain conditions; an appeal may be made to Town Council by the person seeking the business licence.
 - d) an appeal shall be made by serving written notice of appeal to the Chief Administrative Officer within 30 days after the date of refusal or revocation, or granting subject to certain conditions of any business licence.

2. The Council:
 - a) shall hold a hearing on any appeal within 30 days from receipt of the notice of appeal;
 - b) shall insure notice of the hearing is mailed by regular mail at least 7 days prior to the date of the hearing to the appellant; and ;
 - c) shall consider each appeal having due regards to the circumstances and merits of the case.

3. When an appeal is being heard, the Town Council shall hear:
 - a) the Licensing Officer, and/or;
 - b) the Appellant, and/or;
 - c) any other person who, in the Council's opinion, might be affected or should be heard.

4. In determining an appeal, the Council:
 - a) may confirm, reverse, or vary the decision of the Licensing Officer and may impose such conditions or limitations as it considers proper and desirable in the circumstances, and
 - b) shall render its decision in writing to the appellant within 30 days from the date of which the hearing is held.

5. A decision of the Town Council on any appeal is final and binding on all parties.

SECTION 9: Business Licence Fees

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1. Council may charge fees for business licences, as approved from time to time by Council resolution per the Business Licence Fee and Penalties Policy.

SECTION 10: Penalties

1. Any person in contravention of any provision of this bylaw shall be guilty of an offense and liable on summary conviction to a penalty per Business Licences Fees and Penalties Policy.

Bylaw 2012-04 is hereby - repealed.

This bylaw shall come into effect upon the third and final reading.

READ A FIRST TIME THIS 17th DAY OF January, 2017

Mayor Randolph Boyd

Chief Administrative Officer Vicki Zinyk

READ A SECOND TIME THIS 17th DAY OF January, 2017

Mayor Randolph Boyd

Chief Administrative Officer Vicki Zinyk

READ A THIRD TIME THIS 7th DAY OF February, 2017

Mayor Randolph Boyd

Chief Administrative Officer Steve Madden