

BYLAW #1105/01
of the
TOWN OF NANTON

A BYLAW OF THE MUNICIPALITY OF THE TOWN OF NANTON IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING OF ANY BUSINESS OPERATING WITHIN THE TOWN OF NANTON

1. ENACTMENT:

- 1.1. WHEREAS it is deemed desirable and equitable to enact a Bylaw to provide for the licensing of any business operating within the Town of Nanton; and
- 1.2. WHEREAS it is provided in and by the Municipal Government Act, being Chapter M-26.1, 1994 and amendments thereto, that the Council may regulate and license any type of business or industry;
- 1.3. NOW THEREFORE the Council of the Municipality of the Town of Nanton in the Province of Alberta duly assembled enacts as follows:

2. INTERPRETATION:

- 2.1. This Bylaw will be cited as the "Business License Bylaw" of the Town of Nanton.
- 2.2. "Application" is an application for a business license as provided for by this bylaw.
- 2.3. "Applicant" is any person who makes an application for any license under the provisions of this bylaw.
- 2.4. "Business" is a commercial, merchandising or industrial activity or undertaking; a profession, trade occupation, calling or employment; or an activity providing goods or services.
- 2.5. "Business License" is a license issued pursuant to this bylaw.
- 2.6. "Business Premises" is a store, office, warehouse, building enclosure, yard or other place occupied or capable of being occupied for the purpose of carrying on a business.
- 2.7. "Bylaw Enforcement Officer" is any person appointed by Council who is authorized to enforce the provisions of Municipal Bylaws.
- 2.8. "Carnival or Circus" is the business of providing to the public a collection of side shows, mechanical rides, trained animal acts, games of chance or other forms of entertainment.
- 2.9. "CAO" is the Chief Administrative Officer of the Town of Nanton, in the Province of Alberta, or anyone designated by the Chief Administrative Officer to act on his behalf.
- 2.10. "Contractor", without limiting the generality of the foregoing, is any person who undertakes as principal or sub-contractor to do, provide, or carry on, within the Town of Nanton, any of the following trades or occupations: Acoustical Installation, Asphalt Installation, Bricklaying, Building Movers, Carpentry, Ceramic Tile Installation, Chimney Repairs, Concrete, Crane/Hoist Lifting, Damp Proofing, Decorating, Demolition, Door/Window Installation, Drywalling, Eavestroughing, Excavation, Flooring Installation, Foundation Coating, Framing, Glasswork (including glazing), Insulation Installation, Lathing Installation, Masonry Painting, Paving, Precast Concrete Installation, Reinforcing Steel Installation, Roofing, Sandblasting, Scaffold Installation, Sewer or Water Installation, Siding Installation, Stuccoing or Plastering and Structural Steel Installation.
- 2.11. "Council" is the Council of the Town of Nanton in the Province of Alberta.
- 2.12. "Craft Show / Exhibit" is a group of five or more persons at a single location, for a period of not more than two weeks, displaying to the public the hand made craftwork, clothing, food or artwork that they have available for sale.
- 2.13. "Cultural Occupation" is a home occupation or calling which profits from the sale of goods or services (ie: art, music, dance, hobby crafts etc.)
- 2.14. "Daily Business License" is a business license that is in effect for a 24 hour period commencing at the time it is specified on the license.
- 2.15. "Farmers' Market" is a place or premises where handcrafted goods, home prepared foods, home grown produce and other products are offered for sale to, sold to or consumed by the Public.

- 2.16. "Hawker or Pedlar" is any person who, whether as principal or agent
- 2.16.1. goes from house to house selling or offering for sale any merchandise or service to any person, and who is not a wholesale or retail dealer in such merchandise having a permanent place of business in the Town,
 - 2.16.2. offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise to be afterwards delivered in or shipped into the Town, or
 - 2.16.3. sells merchandise on the streets or roads or elsewhere than at a building which is his permanent place of business.
- but does not include any person selling
- 2.16.4. meat, fish, fruit and vegetables or other farm produce which has been produced or grown by himself.
- 2.17. "Home Occupation" is an occupation, trade, profession or craft, carried on by an occupant of a dwelling unit as a use secondary to the residential use of the lot and which does not change the character thereof or have any exterior evidence of such secondary use.
- 2.18. "Kiosk" is a stall, table, booth or other type of readily movable business premises, not affixed to real property and occupied or operated for the purpose of providing services or of displaying and offering for sale any goods, wares or merchandise.
- 2.19. "Licensee" is any person who has been issued a Business License pursuant to the provisions of this bylaw.
- 2.20. "License Officer" is the CAO of the Town whose duties and responsibilities are outlined in Schedule 'A'.
- 2.21. "Mechanical Tradesperson" is any person who undertakes as principal or sub-contractor to do, provide, or carry on, within the Town of Nanton, any of the following trades or occupations: Auto Body Mechanic, Electrician, Electronic Technician, Elevator Construction / Repair, Gasfitter, Heavy Duty Mechanic, Locksmith, Motor Mechanic, Pipe fitter, Plumber, Recreation Vehicle Mechanic, Refrigeration Mechanic, Sheet Metal Mechanic, Steamfitter or Welder.
- 2.22. "Non Resident" is a person, firm or corporation whose business, trade or occupation is not operated at a premise located within the corporate limits of the Town.
- 2.23. "Non-Profit or Service Organization" is a duly organized group of individuals whose profits from a business undertaking are for charitable purposes rather than personal gain.
- 2.24. "Pawnbroker" is any person who lawfully exercises the trade of receiving or taking by way of pawn, pledge or exchange any goods for the repayment of money lent thereon.
- 2.25. "Peace Officer" is a member of the Royal Canadian Mounted Police, a Special Constable or other police officer appointed in and for the Province of Alberta.
- 2.26. "Person" is an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association and society.
- 2.27. "Public Land Use District" is lands designated Public – P within the Town of Nanton Land Use Bylaw.
- 2.28. "Resident" is a person, firm or corporation residing in the Town and operating a business premise located within the boundaries of the Town of Nanton.
- 2.29. "Special Constable" is a person employed by the Town who holds a Special Constable's Appointment pursuant to Section 42(1) of the Police Act, R.S.A. 1988, and amendments thereto.
- 2.30. "Town" is the Municipal Corporation of the Town of Nanton, in the Province of Alberta.
- 2.31. "Trade Fair" is a display of goods and products and/or a demonstration of products and services by businesses to promote trade held within a building for a period not exceeding one week.
- 2.32. "Violation Ticket" is a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 1988, c. P-21.5, as amended, and regulations thereunder.
- 2.33. "Weekly Business License" is a business license that is in effect for a seven (7) day period commencing on the day it is specified in the license.
- 2.34. Where the context requires, a reference to one gender means the other or neutral gender.

3. Application

- 3.1. A license must be obtained for the purpose of carrying on all or any business, trade or occupation, without limiting the generality of the foregoing includes Carnival or Circus, Contractor, Craft

- Show/Exhibit, Cultural Occupation, Hawker or Pedlar and Home Occupation, except where Business Tax is paid according to the Business Assessment and Tax Bylaw.
- 3.2. Every person applying for a business license shall submit to the Town a written application signed by the applicant or, in case of a corporation, it's duly appointed agent.
 - 3.3. Every person applying to operate a business within a Public Land Use District must receive prior written approval of Council and any organization operating such property.
 - 3.4. No business operating pursuant to Section 3.3 is to remain on the premises for longer than four consecutive days at one time.
 - 3.5. A business license for an existing, licensed business shall be renewed by the 15th day of February each year. Renewal shall be effected by a business license holder submitting, to the Town, the invoice issued, applicable fees and relevant development applications where necessary. Failure to renew by the specified date will result in a late payment fee assessed as per Schedule 'B'.
 - 3.6. Licensed businesses invoiced for renewal, which are no longer in operation within the Town, shall return the invoice to the Town noting that this business is no longer in operation.
 - 3.7. The business license fees shall be as outlined in Schedule 'B'.
 - 3.8. License fees are non refundable.
 - 3.9. A license granted pursuant to the provisions of this bylaw may, upon approval of the License Officer, be transferred from one person or company to another person or company upon payment of a transfer fee to be paid at the time of application for transfer, providing that the business name remains the same.
 - 3.10. No person to whom a license has been issued under this bylaw shall change the location of the premises in which he carries on his business, trade, profession or other occupation without first having applied to the Town to have his license altered. The powers, conditions, requirements and procedure relating to the granting or refusal of licenses and appeals thereon, shall apply to all such applications.
 - 3.11. Any licensee purchasing a Daily or Weekly Business License that wishes to extend that license to Weekly or Annual, may do so at any time during the calendar year, and the original fee paid shall be applied to the extended license.
 - 3.12. Annual business licenses issued under the provisions of this bylaw, unless revoked, shall terminate at midnight on the 31st day of December in the year in which the said license was issued.
 - 3.13. In the case of an applicant operating one or more business(es) in the same building, only one business license shall be required.
 - 3.14. In the case of more than one applicant operating one or more business(es) in the same building, a business license shall be required by each applicant.
 - 3.15. The following organizations shall be exempted from the provisions of this bylaw, with the exception of Craft Shows/Exhibits, Farmers' Markets and Trade Shows:
 - 3.15.1. Registered charitable organizations,
 - 3.15.2. Religious groups,
 - 3.15.3. Service organizations,
 - 3.15.4. Minor sports organizations,
 - 3.15.5. Schools,
 - 3.15.6. Cubs, Scouts, Guides and similar organizations.
 - 3.16. A supplier bringing bulk goods to a licensed business for the purposes of resale shall be exempted from the requirements of this bylaw.
 - 3.17. Business licenses shall be issued conditionally, and shall be subject to revocation, should the following conditions not be met, where applicable:
 - 3.17.1. Applicants must possess a valid development permit where required by the land use bylaw for the business;
 - 3.17.2. Applicants must hold a valid occupancy and/or building permit where required by Safety Codes;
 - 3.17.3. Applicants must comply with any other bylaws of the Town of Nanton;
 - 3.17.4. Applicants must furnish to the Town proof of a valid and sustaining certificate, license, or other document of qualification where required under this or any other bylaw, or any Statute of Canada or the Province of Alberta;
 - 3.17.5. Applicants must submit to the Town the proper fee as provided by this bylaw.
 - 3.18. A licensee shall maintain, on a continuous basis, the standards and requirements necessary to obtain a license or any standards that are imposed by bylaw or any other legislation after the license is issued.
 - 3.19. Where any certificate, authority, license or other document of qualification under this or any other Bylaw or under any statute of Canada or the Province of Alberta is suspended, cancelled, terminated or

surrendered, the License Officer shall suspend any license issued under this bylaw based in whole or in part on the certificate, authority, license or other document of qualification.

- 3.20. Upon a license being revoked, the License Officer shall notify the licensee of the revocation and the reasons for it by
 - 3.20.1. delivering a notice to the licensee personally; or
 - 3.20.2. delivering a notice by registered mail to the licensee's most recent place of business or residence as shown on the license or the application.
- 3.21. A person seeking a license may appeal to Council in every case where:
 - 3.21.1. an application for a business license has been refused; or
 - 3.21.2. a business license has been revoked.
- 3.22. An appeal under Section 3.17. shall be made by the applicant within thirty (30) days after such refusal or revocation.
- 3.23. All appeals must be made in writing addressed to the Chief Administrative Officer and must be dated as of the date received by the Chief Administrative Officer.
- 3.24. Council, after hearing the appellant, may:
 - 3.24.1. direct a business license to be issued;
 - 3.24.2. direct a business license be issued with conditions;
 - 3.24.3. refuse to grant a business license;
 - 3.24.4. uphold the revocation of a business license on grounds which appear just and reasonable; or
 - 3.24.5. direct for the reinstatement of the business license.
- 3.25. Where a license is required, pursuant to this bylaw, has been paid by the tender of an uncertified cheque, the license
 - 3.25.1. 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
 - 3.25.2. is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.
- 3.26. Where a business requires approval for licensing, or where a business is licensed, the business premise and surrounding lot may be inspected by a Bylaw Enforcement Officer.
- 3.27. A person who a Bylaw Enforcement Officer or License Officer reasonably believes is carrying on a business requiring a license, or an applicant, shall
 - 3.27.1. permit and assist in all inspections requested by a Bylaw Enforcement Officer;
 - 3.27.2. furnish to the Town all identification, information, or documentation related to the inspection or licensing requirement; and
 - 3.27.3. not provide to a Bylaw Enforcement Officer or the Town false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with the licensing of the business.
- 3.28. No person shall attempt to prevent, obstruct or hinder a License Officer from making an inspection authorized by this bylaw.
- 3.29. Proof of one transaction or offer to transact in a business is sufficient to establish that a business is being carried on.
- 3.30. Any advertising of a business operating within the Town is sufficient to establish that the person advertising is carrying on the business.

4. License Form / Identification / Display

- 4.1. An annual business license must be issued on a form bearing the identification of the Town.
- 4.2. Daily and weekly business licenses will be in the form of an official Town receipt indicating the date(s) for which the license is valid.
- 4.3. All licenses issued pursuant to this bylaw are and shall remain the property of the Town.
- 4.4. A licensee who holds a license, which applies to specific premises or a mobile business unit, must keep it posted in public view in the licensed premises or the mobile business unit.
- 4.5. A licensee who does not carry on business at a specific premises must carry or have immediately available, the license, and shall, upon request, immediately produce the license to a License Inspector, or any person with whom they are carrying on business.
- 4.6. A person must not reproduce, alter, or deface a license.

5. Enforcement

- 5.1. Any person violating any provision of this bylaw shall be guilty of an offence and liable to a fine.
- 5.2. Where a Bylaw Enforcement Officer, Special Constable or Peace Officer believes that any person has contravened any provision of this bylaw, he may serve upon such person a violation ticket.
- 5.3. A Violation Ticket will be deemed to have been sufficiently served
 - 5.3.1. if served personally on the accused; or
 - 5.3.2. if sent by registered mail; or
 - 5.3.3. if left at the accused's usual place of abode with an inmate thereof who appeared to be at least eighteen (18) years of age or over; or
 - 5.3.4. if sent by regular mail.
- 5.4. All Violation Tickets issued must contain the section of the bylaw which was contravened, provide for a voluntary payment amount pursuant to the provisions of this bylaw, and / or provide for a date, time and location for an appearance in Court should the accused exercise his right to defend any charge(s) pursuant to the provisions of this bylaw.
- 5.5. Any person who commits a contravention of any of the provisions of this bylaw will be liable upon summary conviction by any Court of competent jurisdiction, to a fine not exceeding two thousand five hundred dollars (\$2,500.00) and costs and in default of payment to imprisonment for a period not exceeding ninety (90) days.

7. Effective Date and Readings

- 7.1. Bylaws # 966/92, 970/92 and 1000/94 are hereby repealed.
- 7.2. This Bylaw will become effective January 1, 2002.
- 7.3. Read a first time this 10th day of December, A.D., 2001

TOWN OF NANTON

Chief Elected Official

Chief Administrative Officer

- 7.4. Read a second time this 17th day of December, A.D., 2001.
- 7.5. Read a third time this 17th day of December, A.D., 2001.

TOWN OF NANTON

Chief Elected Official

Chief Administrative Officer

SCHEDULE 'A'

License Officer

LICENSE OFFICER

The License Officer, or his designate, will be responsible for the administration of the provisions of this bylaw.

The License Officer, or his designate, will:

- Receive and consider applications for business licenses and transfers thereof.
- Record such information with respect to licenses as they may be considered necessary.
- To keep on file duplicate counterparts of all licenses issued and particulars.
- To ascertain as far as reasonably practicable, that all information furnished by an applicant in connection with an application for a license or transfer of license is true in substance and in fact.
- To collect business license fees pursuant to this bylaw
- To grant, with or without conditions, or refuse business licenses where deemed appropriate and for just and reasonable grounds.

SCHEDULE 'B'

Fee Schedule

	<u>Daily</u>	<u>Weekly</u>	<u>Annual</u>
Resident (Commercial)			\$ 60.00
Resident (Home Occupation)			\$120.00
Non-Resident	\$ 20.00	\$100.00	\$175.00

Trade Fair: \$50.00/ day

Farmers' Market: \$50.00/ day \$150.00/ year

Transfer Fee: \$10.00

Late Payment Fee: \$10.00

Prorated Fees for Resident Businesses established:

After June 30 th of the year	½ applicable fee
After September 30 th of the year	¼ applicable fee

SCHEDULE 'C'**Penalties for Violations**

	<u>Resident</u>	<u>Non-Resident</u>
First Offence:	\$100.00	\$215.00
Second Offence:	\$200.00	\$430.00
Third / Subsequent Offence:	Court	Court

Offences will be sequentially designated as 2nd or 3rd/subsequent, if they occur within one year of the first offence.