

## BYLAW 616-16

A Bylaw that Council may control and regulate all business and industry carried out within the Village of Innisfree, including the manner of operation, the nature of the operations and the locations thereof, and may license all such businesses or industries whether or not the business has business premises within the Municipality.

**WHEREAS** it is provided in and by the *Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000*, section 7 (e), that a Council may pass bylaws for municipal purposes with respect to businesses, business activities and persons engaged in business.

**FURTHER**, pursuant to section 8 of the *Municipal Government Act* provides that Council may pass bylaws to regulate or prohibit, establish fees for resident and non-resident business licenses and establish other conditions that must be met before a license is granted.

**AND FURTHER**, pursuant to sections 557(a) and 564 of the *Municipal Government Act* provide that Council may pass bylaws with regards to penalties for operating without a license or for contravention of any portions of the Bylaw that sets out the Business Licensing conditions.

**NOW THEREFORE**, the Council of the Village of Innisfree, duly assembled enacts as follows:

### **1.0 Title**

1.1 This bylaw may be cited as the "Business Licensing Bylaw" of the Village of Innisfree.

### **2.0 Definitions:**

2.1 '*Applicant*' means a person who applies for a license or renewal of a license required by this Bylaw.

2.2 '*Application*' means a written application for a business license as provided by this Bylaw.

2.3 '*Auctioneer*' includes every person selling or offering for sale by public auction any real or personal property if holding a subsisting Provincial License pursuant to the sale of chattels under the *Public Auctions Regulation, Alberta Regulations 196/1999*.

2.4 '*Business*' includes any trade, profession, industry, occupation, employment or calling and the providing of goods and/or services;

2.5 '*Business License*' or '*License*' means a license issued pursuant to this Bylaw.

2.6 '*Business Premises*' means the store, office, warehouse, factory, building, enclosure, yard or other placed occupied or capable of being occupied for the purpose of carrying on a business;

2.7 '*CAO*' means '*Chief Administrative Officer*' as defined in section 1(1) (c) of the *Municipal Government Act, RSA, 2000, c M-26*;

2.8 '*Carry on*' means operate, pick up, deliver, perform, keep, hold occupy, deal in or use, for gain, whether as an principal or an agent;

2.9 '*Charitable*' or '*Non-Profit Organization*' means a person acting for a charity or in the promotion of general social welfare and includes:

2.9.1 A religious society or organization;

2.9.2 A service club;

2.9.3 A community, veterans' or youth organization;

2.9.4 A social, sport or fraternal organization or club.

- 2.10 'Contractor' shall mean any person who undertakes as principle or sub-contractor to do, provide, or carry on, within the limits of the Village of Innisfree trades or occupations relative to the construction industry.
- 2.11 'General Contractor' is defined as a contractor who contracts for any type of construction within the limits of the Village of Innisfree where sub-contractors involved in any of the trades are required for completion of the contract, and includes a person undertaking or carrying on a business.
- 2.12 'Hawker' or 'Peddler' means any person whether as principal or agent, who:
- 2.12.1 Goes from house to house or from place to place selling, offering for sale any merchandise or services, or both, to any person who is not a wholesale or retail dealer in such merchandise or services, and not having a permanent place of business in the Municipality, or;
  - 2.12.2 Offers and exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or services, or both, to be afterward delivered in, and/or shipped into the Municipality;
  - 2.12.3 Sells merchandise or services, or both, on the streets or elsewhere than at a building that is his permanent place of business but does not include any person selling:
    - 2.12.3.1 Meat, fruit or other farm produce that has been produced, raised or grown by himself in the Province of Alberta;
- 2.13 'Home Occupation' means the carrying on of any business by any person whether as principal or agent from a residence or accessory residential building within the Village of Innisfree;
- 2.14 'Licensee' means a person holding a valid and subsisting license issued pursuant to the provisions of this Bylaw;
- 2.15 'License Inspector' means a person authorized by Council to carry out the provisions of this Bylaw and/or anyone acting or authorized to act on his/her behalf, including a Bylaw Enforcement Officer and any member of the Royal Canadian Mounted Police (RCMP) in the enforcement of this Bylaw;
- 2.16 'License Year' means the period commencing January 1<sup>st</sup> and ending December 31<sup>st</sup>;
- 2.17 'Non-Resident' means a business whose headquarters or enterprise is located outside of Village municipal boundary, that retails or wholesales goods, products or services within the Village by principal or agent to the general public;
- 2.18 'Resident Business' means a business that is located within the corporate limits of the Village of Innisfree;
- 2.19 'Village' means the Municipal Corporation of the Village of Innisfree pursuant to the *Municipal Government Act*;
- 2.20 'Village Council' means the Councillors of the Village of Innisfree, as defined in section 1(1) (e) of the *Municipal Government Act*, RSA, 2000, c M-26.

### **3.0 License Inspector**

- 3.1 Village Council shall appoint a license inspector to carry out the provisions of this bylaw.
- 3.2 The duties of the license inspector are:



- 3.2.1 To receive and consider applications for a license;
- 3.2.2 To conduct investigations with regard to proposed applications where necessary;
- 3.2.3 To conduct inspections of business premises where necessary;
- 3.2.4 To collect business license fees pursuant to this Bylaw;
- 3.2.5 To refuse or grant business licenses where deemed appropriate;
- 3.2.6 To revoke business licences where deemed appropriate and necessary;
- 3.2.7 To initiate legal court action for violation of this Bylaw.

#### **4.0 Necessity for a Business License**

- 4.1 No person shall, within the Village:
  - 4.1.1 carry on or operate any business referred to in this Bylaw, or
  - 4.1.2 carry on any undertaking or do any act or use or have any article for which a business license is required under the provisions of this Bylaw, unless he/she holds a valid and subsisting business license to do so issued pursuant to the provisions of this Bylaw.
- 4.2 Notwithstanding subsection 4.1, no Business License shall be required:
  - 4.2.1 for any charitable or non-profit organizations operating within the Village of Innisfree;
  - 4.2.2 for the Buffalo Trail Regional School Division for business related to the normal operation of their educational system;
  - 4.2.3 for any business providing goods or service to the Village of Innisfree for business related to the normal operation of the municipality;
  - 4.2.4 for a non-resident business that supplies bulk goods to a licensed resident business for the purpose of resale, or
  - 4.2.5 for a person under eighteen (18) years of age and a student who does not have a permanent place of business or is not operating as a hawker or pedlar.
- 4.3 Notwithstanding any provision in this Bylaw, a business license shall not be required by any person or business if any Statute of Canada or the Province of Alberta exempts such person or business from the requirements of municipal licensing.
- 4.4 No person shall carry on or operate any business within or partly within the Village of Innisfree without first securing or holding a valid Business License issued pursuant to this Bylaw and amendments thereto, and Bylaws passed from time to time, unless specifically exempted by Bylaw.

#### **5.0 Business License Applications**

- 5.1 Every person applying for a business license shall submit to the License Inspector, a written application on Form 'A' attached to this Bylaw and signed by the applicant or in the case of a corporation, its duly appointed agent;
- 5.2 Every application for a business license for an existing business shall be submitted to the license inspector no later than the 31<sup>st</sup> day of January or each license year.
- 5.3 Every person carrying on, or engaged in any business in respect of which a license is required under this Bylaw, on request of a license inspector, shall give to the inspector all information necessary to carry out his duties.



5.4 A person carrying on or engaged in any such business who fails to furnish the requested information within ten (10) days from the date on which the request is made, is guilty of an offence and liable to a fine of not more than \$5.00 for every day during which the default continues.

#### **6.0 Prerequisites for a Business License**

6.1 No business license shall be granted until such a time as the applicant holds a valid Development Permit as required by the Land Use Bylaw for the said business.

6.2 No business license shall be granted until such a time as the applicant holds a valid Provincial or Federal License where required by law.

6.3 No business license shall be granted if the applicant fails to comply with any other Bylaw of the Village of Innisfree or Statute of Canada or the Province of Alberta.

6.4 No business license shall be granted until the applicant has submitted to the License Inspector, or their designate, the proper fee as set out in the Master Rates Bylaw and as amended from time to time.

6.5 No business license shall be valid unless the said business license has been imprinted with the Village seal.

#### **7.0 Conditions of Business License**

7.1 A resident who intends to carry on a home occupation shall comply with the following special provisions:

7.1.1 No advertising signs permitted in areas zoned R-1 or R-2.

7.1.2 No outside storage of material, commodities or finished products without prior written approval from the License Inspector.

7.1.3 No commodity other than the product or service of the home occupation shall be sold on the premises.

7.1.4 No persons other than the residents of the dwelling shall be employed in the occupation.

7.1.5 Any vehicles parked on-street or off-street as a result of a home occupation shall, in the opinion of the License Inspector, not be a source of inconvenience to adjacent land owners or tenants.

7.1.6 A permit issued for a home occupation is liable for recall on thirty (30) days' notice and is valid for one year.

#### **8.0 Display of Business License**

8.1 Every business license issued under this Bylaw shall be posted in a conspicuous place in the premises of the said business.

#### **9.0 Inspection**

9.1 Where a business or its location or locations requires any approval of certificate under this Bylaw of the Village of Innisfree or, any Provincial or Federal Statute, then the location(s) where the business is to be carried on, including the land and buildings, therefore may be inspected by those persons, inspectors and departments whose approval or certificate is required.

## **10.0 Power of Refusal**

**10.1** Subject to the provisions of this Bylaw, upon receipt of an application for a business license, the license inspector may grant a business license or may refuse to grant a business license if, in his opinion, there are just and reasonable grounds for the refusal of the application.

## **11.0 Power of Revocation**

**11.1** Subject to the provisions of this Bylaw, where a business license has been granted pursuant to this Bylaw, the license inspector may revoke or suspend the business license if in his opinion there are just and reasonable grounds for the revocation or suspension of the business license.

## **12.0 Revocation without Prosecution**

**12.1** A license may be revoked or suspended for non-compliance with a Bylaw notwithstanding that the holder of that license has not been prosecuted for a contravention of that Bylaw.

## **13.0 Notice of Revocation or Suspension**

**13.1** Upon a license being revoke or suspended, as hereinbefore provided, the license inspector shall notify the licensee thereof:

**13.1.1** by delivering a notice to him personally, or

**13.1.2** by mailing a Registered Letter to his place of business or residence as shown on his license.

**13.2** And after the delivery of such notice, his/her business or occupation, as the case may be, shall not be carried on until such a time as a new license is issued or the suspended license is re-instated.

## **14.0 Appeals**

**14.1** In every case where,

**14.1.1** an application for a business license has been refused, or

**14.1.2** a business license has been suspended or revoked,

the person seeking the business license may appeal to the Business License Appeal Board.

**14.2** An appeal under subsection 13.1 shall be made by the applicant within thirty (30) days after such refusal, suspension or revocation; otherwise, the right of appeal shall be barred and extinguished.

**14.3** All appeals shall be made in writing addressed to the CAO of the Village of Innisfree and the effective date shall be the date the written appeal is received by the CAO.

**14.4** The Business License Appeal Board shall hear the appeal within thirty (30) days from the effective date.

**14.5** The Business License Appeal Board will consist of three (3) members of Village Council.

**14.6** The Business License Appeal Board, after hearing the appellant may:

**14.6.1** Direct a business license to be issued or reinstated;

**14.6.2** Direct a business license to be issued or reinstated with conditions,

**14.6.3** Refuse to grant a business license, or

**14.6.4** Uphold the suspension or revocation of a business license, on grounds which appear just and reasonable.

**14.7** A decision of the Business License Appeal Board in respect of an appeal under this section shall be final and binding.

**15.0 Nullification of License**

**15.1** Where any certificate, authority, license or other document of qualification under this or other Bylaw, or under any Statute of Canada or the Province of Alberta is suspended, cancelled, terminated or surrendered, any license issued under this Bylaw based in whole or part on such certificate, authority, license or other document of qualification shall be revoked automatically forthwith.

**15.2** Where a license is nullified pursuant to subsection 15.1 hereof the license shall forthwith:

**15.2.1** Return the license to the License Inspector, or

**15.2.2** Furnish the License Inspector with proof satisfactory to it of a renewal or reissue of any certificate, authority, license or other document of qualification in question.

**16.0 Penalty**

**16.1** Any person who contravenes any provision of this Bylaw is guilty of an offense and liable on summary conviction to a fine of not less than One Hundred (\$100.00) Dollars and not exceeding Twenty-Five Hundred (\$2,500) Dollars in addition to any License fee he/she may be required to pay pursuant the Bylaw hereof.

**16.2** And in the event of failure to pay or the inability to pay any fine levied and any license fee charged hereunto and costs, imprisonment for a period not exceeding six (6) months or until such fine, license fee and costs of committal are paid.

**16.3** Where a person is convicted for operating a business for which a license fee is payable, without payment of such fee having been made, the court shall, in addition to the fine imposed pursuant to the Bylaw hereof, direct the payment of the applicable license fee to the Village.

**16.4** Where any of the provisions of this Bylaw have been deemed to be contravened and an offence ticket has been issued for that contravention, the accused may avoid appearing in Court to answer to said charge by submitting to the Village, a voluntary payment as follows:

**16.4.1** First Offence                      Fifty (\$50) Dollars

**16.4.2** Second Offence                  One Hundred (\$100) Dollars

**16.4.3** Subsequent Offence          One Hundred (\$100) Dollars

**16.5** Failure to voluntarily pay an offence ticket within the time specified may result in prosecution under the above section of this Bylaw and the option of voluntary payment shall no longer apply.

**17.0 General**

**17.1** Should any provision of this Bylaw be found invalid, the invalid portion shall be severed and the remaining Bylaw shall be maintained.

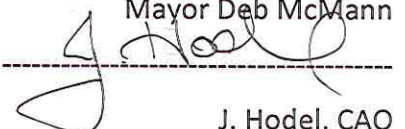
**17.2** Business License Bylaw 615-16 and all amendments thereto and any other Business License Bylaws are hereby repealed.

**17.3** Read a First and Second time, and read a Third and Final time by unanimous consent of Council this 16<sup>th</sup> Day of February, 2016.

**17.4** This Bylaw shall come into force and effect on the day of the Third and Final Reading.

  
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Mayor Deb McMann

  
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J. Hodel, CAO

**FORM 'A' – BUSINESS LICENSE APPLICATION**

Village of Innisfree PO BOX 69, 5116 – 50 Avenue, Innisfree, AB T0B 2G0  
 Phone: (780) 592-3886 Fax: (780) 592-3729 Email: [inifree@telus.net](mailto:inifree@telus.net)

ACCOUNT NO. \_\_\_\_\_ APPLICATION DATE: \_\_\_\_\_

Please provide one of the following:

*Registered business name: OR, *Personal name operating as:	Bus. Phone: Bus. Fax: Bus. Email: Bus. Website:
Civic Address:	Postal Address:
City:	Province: PO Code:

Describe the type of Business:

Applicant's Name:	Home Phone: Cell Phone: Personal Email:
Business Mailing List (if different)	
City:	Province: PO Code:

- Resident**      *A person, firm or corporation who is located or resides within the boundaries of the Village of Innisfree and/or who has a valid Occupancy Permit issued pursuant to the Alberta Safety Codes Act.*
- Non-Resident**      *A person, firm or corporation who does not reside within the boundaries of the Village of Innisfree.*

**NOTES:** Copies of the appropriate certificate(s) are required with application

Occupancy Permit# \_\_\_\_\_  
 Alberta Provincial License # \_\_\_\_\_ (Commercial Agent, Direct Seller, etc.)  
 Alberta Heating Ticket# \_\_\_\_\_  
 Alberta Plumbing Ticket# \_\_\_\_\_  
 Alberta Gas P-Ticket# \_\_\_\_\_  
 Alberta Master Electrician Provincial Certificate# with EXPIRY DATE: \_\_\_\_\_  

*As per Business License Bylaw*

Further information regarding other regulations can be obtained by contacting the Village of Innisfree at (780) 592-3886. The granting of this license shall in no way relieve the owner from complying with the requirements of the Business License Bylaw or any relevant bylaws of the Village of Innisfree, or other Provincial or Federal Statutes or regulations in place.

I certify that I will abide by all regulations after I have received my License, knowing that failure to comply will result in cancellation of the business license.

The personal information contained in this form is collected under the authority of the *Municipal Government Act*. The information will be used for the purpose(s) of license issuing, administration and statistics. The information noted as 'releasable' is available to the public and outside agencies. If you have any questions about the collection or use of the personal information provided, please contact the CAO for the Village of Innisfree at (780) 592-3886.

\$ \_\_\_\_\_  
 Annual License Fee (must accompany application)      Applicant's Signature

**THIS IS NOT A BUSINESS LICENSE**