

**Town of Fort Macleod**  
**Bylaw 1836**

**A BYLAW OF THE TOWN OF FORT MACLEOD A MUNICIPAL CORPORATION IN THE PROVINCE OF ALBERTA**

**WHEREAS** the Municipal Government Act, RSA, 2000, c. M-26 and amendments thereto, authorizes a Council to pass bylaws for municipal purposes; and

**WHEREAS** pursuant to section 7(e) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business; and

**WHEREAS** pursuant to section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein; and

**WHEREAS** pursuant to section 8 of the *Municipal Government Act*, a council may in a bylaw:

- a. Regulate or prohibit;
- b. Deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways; and
- c. Provide for a system of licenses, permits or approvals, including any or all of the matters listed therein;

**NOW THEREFORE**, the Municipal council of the Town of Fort Macleod, in the province of Alberta, duly assembled, hereby enacts as follows:

1. **BYLAW TITLE:** This Bylaw may be cited as the **Business License Bylaw**.

2. **DEFINITIONS:**

In this Bylaw, unless the context otherwise requires:

"Act" means the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto.

"Applicant" means any person who makes an application for a business license under the provisions of this Bylaw.

"Auctioneer" means any person who sells or offers for sale, by public or private auction, any real or personal property.

"Business" means:

- a. a commercial, merchandising or industrial activity or undertaking;
- b. a profession, trade, occupation, calling or employment; or
- c. an activity providing goods or services, however organized or formed, including a cooperative or association of persons.

"Business License" means a license to be issued, pursuant to this bylaw, for the purpose of licensing any business operating within the Town.

"Business Premises" means 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.

"Bylaw Enforcement Officer" means any person employed by the Town as a Bylaw Enforcement Officer or Community Peace Officer.

"Calendar Year", in relation to any license issued under the provisions of this Bylaw, means a period of 365 consecutive days commencing on January 1 and ending on December 31.

"Carnival or Circus" means a Business where a collection of side shows, riding devices on which a number of people may ride at one time, trained animal shows, tight rope



walking, high wire displays, aerial acts, waxworks or games of chance or any combination of these operating at the same event and includes any event advertised as a Circus.

"Charitable or Non-profit Organization" means any person, association, or corporation engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Town, as defined by Revenue Canada under the Income Tax Act and that has a valid Revenue Canada Registered Charity number.

"Chief Administrative Officer" means the Chief Administrative Officer of the Town and includes any person to whom the Chief Administrative Officer's powers are delegated or any person appointed to act in the absence of the Chief Administrative Officer.

"Council" means the Municipal Council for the Town of Fort Macleod in the Province of Alberta, as duly elected and defined in the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended.

"Development Authority" means the person, commission or organization authorized to exercise development powers and perform duties on behalf of the Town as referred to in Division 3 of the Municipal Government Act.

"Development Permit" means a document authorizing a development issued pursuant to the Town's Land Use Bylaw.

"Farmers' Market" means an open air or fully or partly covered market, for the sale of goods directly by the producers, or their representatives who are involved in the production, of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, locally prepared and ready to eat foods and local artisan crafts.

"Fee" means the monetary amount levied on each application for a business license as set out in this bylaw.

"Flea Market" means the carrying on of a business to organize a group of more than three (3) merchants, vendors or participants, to gather in one location or building to offer handcrafts, produce and vegetables, food, new and used goods, wares, merchandise or services for sale for time periods of (7) seven days or less in duration.

"Garage Sale" means the displaying and offering for sale of five (5) or more items of goods, wares or merchandise (other than boats, motor vehicles or recreational vehicles of any kind) on private residential property, for time periods of (3) three days or less in duration.

"Hawker" or "Peddler" or means any person who, whether as principal or agent;

- goes from house to house selling or offering for sale any merchandise or service, or both, to any person and who is not a wholesale or retail dealer in that merchandise or service;
- offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered in and shipped into the municipality to the customer;
- sells merchandise or a service, or both, on the streets or roads or elsewhere other than at a building that is a permanent place of business; or
- does not have a permanent place of business in the municipality.

"Home Occupation" and "Home Based Business" means a business carried on as a secondary use of a dwelling unit and / or its accessory buildings, by at least one of the permanent residents of such a dwelling.

"Local Artisan or Producer" means an individual person residing within the MD of Willow Creek and produces consumables such as produce, eggs, meat, baking, arts and crafts, local handmade wares, who does not maintain a commercial operation in of the Town of



Fort Macleod or the MD of Willow Creek.

"Land Use Bylaw" means the Town of Fort Macleod Land Use Bylaw and any amendment to the Land Use Bylaw.

"License Inspector" means any person so designated herein and includes any such inspector as designated by the Chief Administrative Officer or Council, to perform their duties.

"Licensee" means a person holding a valid license issued pursuant to this Bylaw.

"Member Municipality" shall mean, those member municipalities of the Alberta Southwest Regional Alliance who choose to participate in the Regional Business Licensing program from time to time.

"Merchandise" means commodities or goods that are bought and sold in business.

"Mobile Vendor" means any person selling goods, food, amusements or services from a mobile motor vehicle, trailer, or similar structure that is designed for offering the sale of goods, food, or services.

"Municipal Ticket" means a form prescribed by the Chief Administrative Officer, or his designate, allowing payment to the Town of the penalty specified by this Bylaw for an offence, which shall be accepted by the Town in lieu of prosecution of the offence.

"Non-resident" means a person who is not a resident of the Town of Fort Macleod.

"Non-resident Business" means any business, which does not ordinarily locate or maintain a permanent place of business with the Town of Fort Macleod.

"Person" means a natural person or a body corporate, and includes a partnership, a firm, an association or other group of persons acting in concert.

"Principal Contractor" means the business of accepting contracts for a service, construction, alteration and repair of buildings or structures of any kind and the person or firm engaged in such business, and is responsible for the day-to-day oversight of a construction site, management of vendors and trades, and communication of information to involved parties throughout the course of a building project.

"Regional Business License" shall mean, a license to operate in any member municipality of the Alberta Southwest Regional Alliance (Regional Economic Development Area).

"Resident" means a person who:

- a. is located or permanently resides within the boundaries of the Town; and
- b. utilizes the space and services, including office area, telephone, mailing address or postal box from premises that are listed on the Town Tax Roll.

"Resident Business" means any business which ordinarily locates or maintains a permanent place of business within the Town, through property ownership or property rental or lease agreements.

"Sub-contractor" means the business or person engaged in providing services for a portion of a contract from a Principal Contractor or another sub-contractor.

"Temporary Business" means commercial or industrial business activity; a profession, trade, occupation; or an activity providing goods or services, where the duration of the business activity is equal to or less than four (4) consecutive weeks.

"Town" means the Municipal Corporation of the Town of Fort Macleod in the Province of Alberta, and or the area contained within the corporate boundaries of the said municipality, as the context may require.

"Trade Show" means a group of five or more persons at a single location, for a period of not more than seven (7) days, displaying to the public the types of goods, wares, merchandise, food or services that they have available for sale.

"Violation Ticket" means a violation ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000

### **3. APPOINTMENT AND DUTIES OF BUSINESS LICENSE INSPECTOR**

- 3.1. The Chief Administrative Officer shall appoint such Business License Inspectors as may be required to carry out the provisions of this Bylaw.
- 3.2. A Business License Inspector is authorized to:
  - a. administer and enforce the requirements of this Bylaw as far as practicable;
  - b. receive, consider and deal with all applications for a license and transfers thereof;
  - c. collect all fees required by this Bylaw and credit such fees to an account of the Town of Fort Macleod;
  - d. record such information with respect to licenses as may be considered necessary;
  - e. conduct investigations with regard to applications for a Business License where necessary;
  - f. conduct inspections of any Business to ascertain that the Business complies with the requirements of this Bylaw;
  - g. refuse to grant a license or, to revoke or suspend any Business License if, in his or her opinion, there are just and reasonable grounds for the refusal of the application or for the revocation or suspension of the Business License subject to the right of the applicant to appeal the refusal, revocation or suspension to Council. Where a Business License is revoked or suspended, an Inspector shall notify the licensee;
  - h. issue a Business License, with or without conditions, upon payment of the appropriate fee.

### **4. LICENSE REQUIREMENTS**

- 4.1. No person shall carry on or operate a business within the Town unless they hold a valid Business License issued pursuant to the provisions of this Bylaw, or is specifically exempted under the provisions of this Bylaw or Provincial or Federal legislation.
- 4.2. In a prosecution for contravention of this bylaw against engaging in or operating a business without a license, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.
- 4.3. Every person who operates more than one store, branch, or premises in respect of any business shall take out a separate license in respect of each such separate store, branch, or premises.
- 4.4. No person shall be issued a Business License without valid development approval(s) issued by the Development Authority under the Land Use Bylaw where necessary.
- 4.5. All home-based businesses require a Home Occupation Development Permit approval before a Business License will be issued.
- 4.6. No permit or approval shall be issued under the Town of Fort Macleod Land Use Bylaw unless the applicant is the holder of a subsisting business license under this Bylaw in respect of the type of work in question.
- 4.7. Notwithstanding that a Business License has been issued under the provisions of this bylaw, such License does not authorize or permit the Licensee to carry on a Business or any pursuit contrary to the provisions of other Town bylaws.

## 5. EXCEPTIONS

### 5.1. A Business License is not required for the following Businesses:

- a. a Charitable or Non-Profit Organization registered under the Alberta Societies Act, and amendments thereto;
- b. an architect's corporation, a joint firm, a registered architect or a visiting project architect under the *Architect's Act, Chapter A-44, R.S.A. 2000* and amendments thereto;
- c. an Alberta land surveyor, a surveyor's corporation or a surveyor's partnership registered under the *Land Surveyor's Act, Chapter L-3, R.S.A. 2000* and amendments thereto;
- d. a professional engineer, Licensee, permit holder or certificate holder under the *Engineering, Geological and Geophysical Professions Act, Chapter E-11, R.S.A. 2000* and amendments thereto;
- e. an insurance agent or adjuster as described in the *Insurance Act, Chapter I-3, R.S.A. 2000* and amendments thereto;
- f. a registered accountant as described under the Chartered Professional Accountants Act;
- g. a medical doctor who is registered with the College of Physicians and Surgeons of Alberta;
- h. a dentist who is registered under the Dental Association of Alberta;
- i. a barrister or solicitor as registered under the Law Society of Alberta;
- j. any other business which is excluded from the requirements of this Bylaw by an Act of the Legislature or other Provincial Statute including, but not limited to the following:
  - I. Medical Act;
  - II. Pharmaceutical Act;
  - III. Optometry Act;
  - IV. Regulated Accounting Profession Act (RAPA);
  - V. Chartered Professional Accountants Act; or
  - VI. Insurance Act;
- k. a club incorporated by Private Act of the Legislature of Alberta;
- l. a day home service provider that is registered with a provincially approved Day Home Agency that has a Business License through the Town;
- m. an Auctioneer complying with the requirements of Section 9 of this Bylaw;
- n. a Business that is to be in operation for less than four months and which is owned and operated by full-time students, with proof of enrollment;
- o. an owner of rental units including residential townhouses, triplexes, four-plexes and apartments;
- p. a Carnival or Circus under the provisions of Section 10;
- q. a newspaper and flyer delivery person who delivers the product to a house or Business;
- r. persons who are 18 years of age or younger and a resident of the Town of Fort Macleod or the MD of Willow Creek, to the sole discretion of the Business License Inspector;
- s. persons selling home-made baked goods, crafts, meat, plants, fruit or other farm produce that has been raised, grown or produced by himself within the Town of Fort Macleod or the MD of Willow Creek, and does not operate a commercial enterprise to sell such items;
- t. a Business that carries on activities at the Farmers' Market which is operated by an organization that is registered with the Farmers' Market Association;
- u. a Business exhibiting at a trade show or exhibition held in the Town of Fort Macleod for a consecutive period not exceeding seven (7) days;
- v. Flea markets that are managed by the Town of Fort Macleod, or one of it's committees of Council;



- has a Revenue Canada number and the profits go to the charitable organization represented;
- III. are raising funds for not-for-profit organizations that operate solely for cultural or religious goals, civic improvement, recreation, sport or similar community enhancement initiatives but not for profit provided that the profits go to the not-for-profit organization represented;
- w. Material delivery operations provided that the transaction/negotiation to purchase those items takes place outside of the corporate limits of the Town and that the company is not a Resident Business;
- x. Residential garage sales, provided that the sale takes place on a residential property where that property owner, or primary resident when referring to residential rental properties, directly supervises and controls the sale to a maximum of four (4) weekends per calendar year;
- y. Regional Commissions;
- z. Intermunicipal Service Agencies;
- aa. the Business is carried on or operated by the Town or at a location operated by an official or employee of the Town acting on behalf of the Town in his / her capacity as such official or employee;
- bb. the Business is carried on by the Government of the Province of Alberta or the Government of Canada;
- cc. any institution, association or other entity which is not conducted for gain, as determined by the License Inspector;
- dd. any other Business exempted through or by order of Council.

## **6. APPLICATION & RENEWAL PROCESS**

- 6.1. An Applicant shall make application on a form supplied by the Town, furnishing such information as the form shall require and such additional information as may be reasonably required.
- 6.2. Renewal of the Business License is required for each subsequent calendar year.
- 6.3. Each application for a Business License and/or renewal shall be accompanied by the appropriate fee as set out in Section 7 and Schedule "A" of this bylaw.
- 6.4. A Business License shall not be issued:
- a. If the applicant fails to provide all the information required or requested under this Bylaw.
  - b. To any applicant not in compliance with other Municipal Bylaws.
- 6.5. No person shall be issued a Business License or have such Business License renewed unless that person provides written confirmation in a form acceptable to the Town that all provincial and federal licensing requirements have been met.
- 6.6. A Business License is only valid when it has been signed by the License Inspector, and sealed with the Town of Fort Macleod corporate seal.

## **7. BUSINESS LICENSE FEES**

- 7.1. Renewed Business License fees shall be levied as per Schedule "A".



7.2. New Business Licenses are levied as follows:

- a. The fee payable for the first time Business License issued between January 1 and June 30 shall be the fee shown on Schedule "A".
- b. The fee payable for a first time Business License issued between July 1 and December 31 shall be 50% of the fee shown on Schedule "A".

7.3. If a Resident Business, with a current Business License, closes prior to July 1 of any License year, a refund of 50% the fee as set out in Schedule "A" may be refunded to the Licensee upon request. Administration fees apply, as outlined in Schedule "A".

7.4. Non-Resident Principal Contractors Business License fees shall be levied on any Contractor that has more than three (3) sub-trades or sub-contractors employed. Principal Contractors are required to submit a list of their sub-contractors with their business license application form. The Principal Contractors Business License Fee shall be levied as shown on Schedule "A".

7.5. Flea Market Business License fees shall be levied per event, as outlined in Schedule "A".

## **8. PROVISIONS FOR HAWKERS, PEDDLERS, MOBILE VENDORS & FULL SERVICE FOOD VENDORS**

8.1. No person shall carry on business as a Hawker, Peddler, Mobile Vendor or Full Service Food Vendor in public or private property within the boundary of the Town unless a Mobile Vendor Permit has been obtained from Town of Fort Macleod and is submitted with the Business License application.

8.2. No person shall commence, or shall carry on or engage in, the business of Hawker, Peddler, Mobile Vendor or Full Service Food Vendor on public or private property within the Town of Fort Macleod unless and until such person is the holder of a Business License issued pursuant to this bylaw.

8.3. A Business License issued to a Hawker, Peddler or Mobile Vendor of foodstuffs, fruits and/or vegetables, or a Full Service Mobile Food Vendor, shall be withheld until the Applicant has produced appropriate permits, licenses or certificates from Alberta Health Services.

8.4. In addition to holding a current Town of Fort Macleod Business Licence, mobile vendors must obtain the prior written consent of the property owner if operating on private property, which must be produced immediately upon request by Bylaw Enforcement Officer.

8.5. A mobile vendor must not carry on business on property owned or occupied by the Town without the written permission of the Town of Fort Macleod.

8.6. "Full Service Food Vehicle" means the business of operating a motor vehicle equipped for the storage and preparation of foods and beverages which is used as a mobile food premises and from which the foods and beverages are offered for sale directly to the public but does not include a motor vehicle which offers for sale primarily pre-packaged or pre-prepared foods and beverages.

8.7. A motor vehicle used as a Full Service Food Vehicle must not be more than 10 metres in length, or configured to permit customers to order or consume foods and beverages inside the motor vehicle.

8.8. A business licence is not required and the provisions of this Bylaw do not apply to a Full Service Food Vehicle participating in a Town-approved festival or event; or in an event sponsored by the Fort Macleod and District Chamber of Commerce.

8.9. A Full Service Food Vehicle may only carry on business daily from 7:00 a.m. to 3:00 a.m. the following day.



- 8.10. A Full Service Food Vehicle Licensee must ensure that receptacles for waste and recycling are provided for customers at all times when the Full Service Food Vehicle is operating
- 8.11. A Full Service Food Vehicle Licensee must ensure that any canopy or awning affixed to the Full Service Food Vehicle does not interfere with or impede: (a) the use of a sidewalk by pedestrians; or (b) the use of a street by vehicles.
- 8.12. A Full Service Food Vehicle may only carry on business at any location on a street for no more than 5 consecutive hours, subject to such shorter time as specified by any traffic control device that limits the length of time that a motor vehicle may be parked at that location. If, in the sole discretion of a Licence Inspector or Bylaw Enforcement Officer the safety of the Full Service Food Vehicle operator or of the general public is at risk; or the operation of the Full Service Food Vehicle unreasonably impedes the movement of vehicles or pedestrians along a street; the Licence Inspector or Bylaw Enforcement Officer may direct that the Full Service Food Vehicle either relocate or cease carrying on business from the place it is located.
- 8.13. A Full Service Food Vehicle must not carry on business on a street within 25 metres of a premises located at grade at which a restaurant or take out food location is open and operating measured from the nearest point of the Full Service Food Vehicle to the nearest public entrance to the restaurant. A Full Service Food Vehicle may carry on business on a street within 25 metres of a restaurant that is open and operating if the Licensee obtains the written permission of the operator of the restaurant or take out food location.
- 8.14. A Full Service Food Vehicle must not carry on business on a street within 100 metres of an elementary school, junior high school or high school during school days between 7:30 a.m. and 5:00 p.m., measured from the nearest point of the Full Service Food Vehicle to the nearest point of the parcel on which the school is located, unless requested as a special event participant by the institution. Licensee must provide written permission of the school administration for the event date specified.
- 8.15. The Licence Inspector or Bylaw Enforcement Officer is authorized to designate streets within the Town of Fort Macleod upon which a Full Service Food Vehicle may or may not carry on business. The Licence Inspector must keep a record of every street that has been designated for this purpose, of which a record must be available for public inspection at the Town Office during normal business hours.

## **9. PROVISIONS FOR AUCTIONEERS**

- 9.1. A Business License is not required for:
- a sale of the estate of a deceased person where the sale is made on the authority of an executor or administrator of the estate;
  - a sale by auction of goods and chattels taken in distress under the authority of a statute or recovery of a tax, rate or imposition made or levied pursuant to such statute; or
  - an auction held by a Charitable or Non-Profit organization as defined by this Bylaw where the Auctioneer is receiving no fee or commission for carrying on the auction.
- 9.2. Unless he holds a valid license as an Automobile Dealer, an Auctioneer shall not consign, sell or offer a motor vehicle by auction; however, where a motor vehicle is a part of a consignment of a major portion of the sale of household effects or of a business liquidation, an Auctioneer may sell by auction the motor vehicle along with the balance of the consignment.

## **10. PROVISIONS FOR A CARNIVAL OR CIRCUS**

- 10.1. No Business License shall be issued for a Carnival or Circus unless the Applicant provides proof of liability insurance in the amount of not less than two million dollars



(\$2,000,000), covering public liability for all personal injury, and property damage which may occur by reason of the operation of the Carnival or Circus. If the Carnival or Circus is to be located on Town owned land, the operator shall indemnify and save harmless the Town of Fort Macleod, its employees and agents, from and against all claims, expenses, actions, losses, costs and suits caused by or arising out of, directly or indirectly, the performance of the Carnival or Circus, or by reason of any matter or thing done by or not done by the Licensee, employees or agents.

10.2. The Town of Fort Macleod shall not be held responsible for personal injury or property damage caused by way of the issuance of a Business License for operation of a Carnival or Circus.

10.3. The License Inspector may issue a License at no fee if such Carnival or Circus is sponsored as a fund raising function by a Charitable or Non-Profit Organization, and the requirements of 10.1 and 10.2 above are met.

## **11. PROVISIONS FOR FLEA MARKETS**

11.1. A Business License for a Flea Market is required for the organizing entity only. All other individual vendors partaking in the Flea Market are not required to obtain a Business License.

11.2. The Business License issued pursuant to this schedule shall be valid:

- for the specific flea market only;
- for one location on which the flea market is to be held; and
- for the specific license period that the license is issued for.

11.3. Every applicant must co-operate with the License Inspector to ensure that all required inspections, including building, fire and health inspections, are conducted as required.

11.4. Every applicant for a Business License for a Flea Market to be located on property owned by the Town of Fort Macleod, shall file with the License Inspector proof of insurance of Commercial General Liability coverage subject to limits of not less than one million dollars (\$1,000,000.00) inclusive per occurrence for bodily injury, death and damage to property.

## **12. APPROVAL, REFUSAL, SUSPENSION, AND/OR REVOCATION**

12.1. The License Inspector shall approve and issue a Business License to any Business, following the submission of an application as required by this Bylaw, which complies with this Bylaw and all other Bylaws of the Town of Fort Macleod, and any other statutes or regulations.

12.2. The License Inspector may refuse to issue or renew a Business License, may suspend or revoke a Business License and may impose any conditions on a License for the following reasons:

- The applicant or Licensee does not or no longer meets the requirements of this Bylaw with respect to the license applied for or held;
- The applicant or Licensee or any of its officers or employees:
  - furnishes false information or misrepresents any fact or circumstance to a Bylaw Enforcement Officer or the License Inspector;
  - has, in the opinion of the License Inspector based on reasonable grounds, contravened this Bylaw whether or not the contravention has been prosecuted;
  - fails to pay any fee outstanding required by this Bylaw; or
- In the opinion of the License Inspector, based on reasonable grounds, it is in the public interest to do so.

12.3. Any business for which a Business License application has been refused, or any Business where an existing Business License has been revoked, shall cease operations immediately upon notification of the refusal or revocation by the License Inspector.



- 12.4. When a notice to revoke a Business License is given, it shall have attached to it in writing the reasons for revocation.
- 12.5. A person who applied for a Business License under this Bylaw for which a Federal or Provincial certificate, authority, license or other document of qualification that may be required in connection with the carrying on of a business, or a Provincial license where required under any Provincial Act shall produce the required documentation before the License Inspector issues a Business License in respect thereof.
- 12.6. Where any certificate, authority, License, document or any qualification under this or any other Bylaw or under any statute of Alberta or Canada is suspended, canceled, terminated or surrendered, any Business License issued under this Bylaw based in whole or in part on such certificate, authority, license, document or qualification shall be revoked automatically forthwith, with no refund.
- 12.7. Upon request by the Medical Officer of Health or the Building Inspector to do so, the License Inspector shall suspend the Business License(s) of any licensed premises concerned and shall not reinstate such Business License(s) until the Medical Officer of Health or the Building Inspector certifies that the premises concerned are again fit to be used.
- 12.8. With respect to complaints relating to a business or a businesses operation, if, in the sole opinion of Council, municipal resources are being disproportionately allocated to monitor and police said business, that Business License shall be immediately revoked.

### **13. TRANSFER OF A BUSINESS LICENSE**

- 13.1. An existing Business License issued under this Bylaw may be transferred upon application to and approval by the Licensing Inspector in the following circumstances:
- a. When the transfer is from one Licensee to another for the same Business name in the same Business Premises; or
  - b. When the transfer is for a change of civic address from one Business Premise to another for the same Licensee and Business, with the exception of a Home Occupation License.
- 13.2. Any person desiring to obtain a transfer of any Business License, or interest in any Business License, issued pursuant to this Bylaw and held by another person, shall make an application the same as that required to obtain a Business License under this Bylaw; and the powers, conditions, requirements and procedures relating to the granting and refusal of Licenses and appeals thereon, shall apply.
- 13.3. No person who purchases the interest of, or part of the interest of, any person licensed pursuant to this Bylaw shall carry on or continue such business without first having obtained a transfer of Business License or a new Business License.
- 13.4. No person to whom a Business 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 License Inspector to have his License transferred.
- 13.5. Any person desiring to obtain a transfer of any License issued pursuant to this bylaw, shall be required to pay a processing fee as outlined in Schedule "A".
- 13.6. A non-resident Person or Business is not allowed to transfer his or her License.

### **14. APPEALS**

- 14.1. Where an application for a license has been refused, or where an existing license has been revoked, suspended, or issued subject to conditions, the applicant or licensee



as the case may be, is entitled to appeal to Council the refusal or revocation of the license.

14.2. The applicant or licensee, as the case may be, shall have five (5) business days from the date of refusal, revocation, suspension, or issuance subject to conditions, in which to appeal to Council, in writing; otherwise, the right of appeal shall be barred and extinguished.

14.3. Any person desiring to appeal the decision of the License Inspector, pursuant to this bylaw, shall be required to pay an appeal fee as outlined in Schedule "A".

14.4. Council shall hear the appeal within thirty (30) days of receipt and shall give forty-eight (48) hours notice of the hearing in writing to the appellant.

14.5. Council, after hearing an appeal, may:

- a. Direct a Business License be issued without conditions;
- b. Direct a Business License be issued with conditions; or
- c. Uphold the decision of the License Inspector on grounds which appear just and reasonable to Council.

14.6. A decision of Council on an appeal is final and binding on all parties.

## **15. LICENSE IDENTIFICATION**

15.1. Every Business License issued under this bylaw shall be made out and delivered to the Licensee who shall post the license in a conspicuous place in the business premises and the proprietor shall produce the license for inspection purposes when required.

15.2. Any person or company who does not ordinarily maintain a permanent place of business within the Town and who goes about Town conducting business must produce a valid Business License or a copy of the License upon request.

## **16. LAND USE & DEVELOPMENT CONTROL**

16.1. The issuance of a Business License under this bylaw does not constitute development approval under the Town Land Use Bylaw. The holder of an existing Business License or an applicant for a Business License is responsible for obtaining such development approval as may be necessary. Where such approval cannot be obtained, the Development Authority shall forthwith cancel any existing Business License and refuse any further similar applications.

## **17. OFFENCES & PENALTIES**

17.1. Any person who contravenes any provision of this Bylaw by: doing any act or thing that is prohibited under the terms of this Bylaw; or fails to do any act or thing that is required to be done under the terms of this Bylaw; is guilty of an offence and the Town of Fort Macleod shall utilize whatever means deemed appropriate to affect collection.

17.2. A Violation Ticket may be issued by a Bylaw Enforcement Officer to any person alleged to have breached any provision of this Bylaw. The Violation Ticket shall require the payment to the Town of the Specified Penalty set out in Schedule "B" to this Bylaw.

17.3. A Violation Ticket shall be deemed to be sufficiently served:

- a. if served personally on the accused at the Business premise; or
- b. if mailed to the address of an Applicant or to the Business Premises address.

17.4. Should a person not pay the penalty provided or contravene any section of this Bylaw and a prosecution has been entered against him, he shall be liable on summary conviction to the penalties legislated under Section 566 of the *Municipal Government Act, Chapter M-26, R.S.A. 2000* and amendments thereto, in addition to any License fee he may be required to pay.

17.5. Where a person is convicted of carrying on a Business without first being Licensed with the Town, or without payment of the necessary fee having been made, the Court may direct payment of the applicable License fee to the Town in addition to the fine imposed pursuant to this Bylaw.

17.6. The Business License Inspector is authorized to take the necessary steps to initiate legal proceedings to enforce this Bylaw, by way of injunction or otherwise, against any Business deemed in non-compliance of this Bylaw.

#### **18. DUTIES OF BYLAW ENFORCEMENT OFFICER**

18.1. Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has

- a. carried on or operated a business without a valid and subsisting license issued under this bylaw;
- b. violated a business license condition imposed by a License Inspector; or
- c. contravened any other provision of this Bylaw;
- d. The Bylaw Enforcement Officer may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the *Provincial Offences Procedure Act* R.S.A. 2000 c. P- 34.

#### **19. SEVERABILITY PROVISION**

- a. Should any provision of the Bylaw be adjudicated invalid, such provision shall be severed and the remaining Bylaw shall be maintained in entirety.

#### **20. AMENDMENTS TO SCHEDULES**

- a. Administration may amend Schedules A, B or C from time to time as required, by resolution of Council.



**21. EFFECTIVE DATE OF BYLAW & REPEAL OF EXISTING BYLAWS**

21.1. The following Bylaws and all amendments thereto are hereby repealed:

- a. Bylaw No. 1530 (Business License Bylaw)
- b. Bylaw No. 1688 (amending Business License Bylaw 1530)
- c. Bylaw No. 1801 (amending Business License Bylaw 1530)
- d. Bylaw No. 1639 (amending Business License Bylaw 1530)

This Bylaw shall come into effect upon third and final reading as outlined below:

Read for a first time on the 11<sup>th</sup> day of January 2016

Read for a second time on the 8<sup>th</sup> day of February 2016

Read for a third and final time on the 8<sup>th</sup> day of February 2016

  
Rene Gendre, Mayor

  
Susan Keenan, Chief Administrative Officer

Signed by the Mayor and Chief Administrative Officer this 16 day of February 2016.

### Fort Macleod Business License Bylaw 1836: Schedule A - Fees

License Category	Business / Organization Type	Daily Fee / ADM Fee	Annual Fee	Event / Film Block
R	Resident Business	N/A	\$100	
R	Regional Alberta Southwest License Addition (See Schedule C)	N/A	\$80	
R	Home Occupation/Home Business	N/A	\$100	
R	Resident Hawkers, Peddlers, Mobile Vendors & Full Service Food Vendors	\$25	\$100	
NR	Non-Resident Business	\$175	\$250	
NR	Non-Resident Hawkers, Peddlers, Mobile Vendors & Full Service Food Vendors	\$25*	\$150	
NR	Non-Resident Principal Contractor w/ + 3 sub-trades and subcontractors	N/A	\$750	
NRSE	Carnival, Circus or Transient Exhibition	N/A	N/A	\$250
RSE	Resident-Hosted Flea Markets / Tradeshows / Festivals / Special Events	N/A	N/A	\$100
RL	Local Artisans or Producers**	\$0	\$0	
RC	Charitable, Non-Profit Organization	\$0	\$0	
NRF	Film (See Film Policy for additional location usage fees)	N/A	N/A	\$500
<b>Additional Fees:</b>				
DEV	Home Occupation Development Permits - See Schedule 4, Section 5 of the Land Use Bylaw #1824			
ADM	Business License Transfer Fee (Excluding Home Occupation Licences)	\$20		
ADM	Administrative Fee for Refund Request	\$25		
ADM	Administrative Fee for Appeal Request	\$50		

\* \$25 per day up to 5 days. Over 5 days = Annual Fee of \$150. Each day must be purchased separately on the day of use.

\*\* "Local Artisan or Producer" means an individual person residing within the MD of Willow Creek and produces consumables such as produce, eggs, meat, baking, arts and crafts, local handmade wares.

RL / RC A Business License application must be applied for prior to operating in the Town, no fee applied.

A Resident Business operating only after June 30 of any License year, the fees charged shall be 50% the fee shown on Schedule "A", with the exception of Temporary licenses, which will be as shown on Schedule "A".

If a Resident Business, with a current Business License, closes prior to July 1 of any License year, a refund of 50% the fee as set out in Schedule "A" shall be refunded to the Business owner upon request of the Licensee.



Fort Macleod Business License Bylaw 1836: Schedule B - Penalties				
The specified penalties for breach of Bylaw 1836 within the Town of Fort Macleod is:				
First Offence:	\$250			
Second Offence:	\$500			
Third Offence:	\$1,000			

## **Fort Macleod Business License Bylaw 1836: Schedule C**

### **ALBERTA SOUTHWEST REGIONAL BUSINESS LICENSE PROGRAM**

#### **DEFINITIONS**

"Member Municipality" shall mean, those member municipalities of the Alberta Southwest Regional Alliance who choose to participate in the Regional Business Licensing program from time to time.

"Regional Business License" shall mean, a license to operate in any member municipality of the Alberta Southwest Regional Alliance (Regional Economic Development Area).

#### **1. REGULATIONS**

- 1.1. As an option, for an additional flat fee of eighty dollars (\$80.00), each resident or local business with a valid Business License will be issued an annual Regional Business License seal recognized by all member municipalities.
- 1.2. Member Municipalities will purchase a seal, the design of which shall be approved by Alberta Southwest Regional Alliance, to be affixed to each annual Business License when the resident or local business pays the additional fee.
- 1.3. One-half of the Regional Business License fee will be forwarded on a monthly basis to the Alberta Southwest Regional Alliance for deposit to the credit of the Alberta Southwest Regional Alliance group.
- 1.4. If any member municipality revokes a local annual Business License for a business that has also purchased an annual Regional Business License, that revocation shall also apply to the Regional Business License and the municipality must, within three working days, notify all member municipalities.
- 1.5. If a business that has also purchased a Regional Business License cancels its local Business License, said cancellation shall also apply to the Regional Business License and the municipality must within three working days, notify all member municipalities of the cancellation.
- 1.6. Each member municipality retains the right to request proof that a business operating within their municipality, but residing in another member municipality, has purchased an annual Regional Business License. If said business does not possess a valid Regional Business License, the municipality at its discretion may enforce the penalties as per their Business License Bylaw.
- 1.7. Nothing in this bylaw grants regulation or control to the Alberta Southwest Regional Alliance group regarding what the municipality charges for its own local Business License or the rules surrounding the purchase, fines for operating without a valid business license, revocation or any other regulations regarding the municipality's local annual Business License.