

TOWN OF HIGH RIVER
IN THE PROVINCE OF ALBERTA
BYLAW 4511/2017

BEING A BYLAW OF THE TOWN OF HIGH RIVER FOR THE PURPOSES OF REGULATING AND LICENSING ALL BUSINESSES CARRIED ON WITHIN THE TOWN

WHEREAS the Council of the Town of High River deems it necessary to provide for the regulation and Licensing of all Business carried on within the Town,

AND WHEREAS Sections 7 and 8 of the *Municipal Government Act*, RSA 2000, Chapter M-26 provides Council with the authority to pass such a Bylaw;

NOW THEREFORE, the Council of the Town of High River duly assembled, enacts as follows:

Short Title

1. This Bylaw may be cited as the “Business License Bylaw” of the Town of High River.

Definitions

2. In this Bylaw, the following terms will have the following definitions:

- (a) **“Act”** means the *Municipal Government Act*, RSA 2000, Chapter M-26, of the Province of Alberta, as amended from time to time.
- (b) **“Applicant”** means a Person who applies for a Business License or the renewal of a Business License required by this Bylaw.
- (c) **“Application”** means an application for a Business License as provided for by this Bylaw.
- (d) **“Business”** means:
 - i A commercial, merchandising or industrial activity or undertaking;
 - ii A profession, trade, occupation, calling or employment; or
 - iii An activity providing goods and services, including but not limited to: profit generating special events, food trucks, street vendors, peddlers, hawkers, markets, film and television production within the Town.
Whether or not revenue generating and however organized or formed, including a co-operative or association of Persons.
- (e) **“Business License”** means a Business License to be issued, pursuant to this Bylaw, for the purpose of licensing any Business operating within the Town.
- (f) **“Business Premises”** means any store, office, dwelling, warehouse, yard, building, enclosure or other place occupied, or capable of being occupied, for the purpose of carrying on a Business and in which place the carrying on of a Business is permitted or discretionary use under the Town’s Land Use Bylaw.
- (g) **“Bylaw Enforcement Officer”** means any Person appointed to enforce the provisions of this Bylaw, and includes a member of the Royal Canadian Mounted Police or a Community Peace Officer.
- (h) **“Carry on”, “carrying on”, “carried on” and “carries on”** means to conduct, operate, perform, keep, hold, occupy, deal in or use, for a fee or exchange of benefits, whether as principal or agent.
- (i) **“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 Canada Revenue Agency (CRA) under the *Income Tax Act*.
- (j) **“Council”** means the Council of the Town of High River.
- (k) **“Family Day Home”** means the accessory use of a dwelling, operated under contract with a Family Day Home Agency, to provide care and supervision on an ongoing basis of six or fewer children including, where applicable, the provider’s own children.
- (l) **“Family Day Home Agency”** means any Person, that contracts with a Child and Family Services Authority to administer a Family Day Home service, which may include: provider recruitment, selection, training, and monitoring; assistance to parents with choosing a home; enrolment

- and placement of children in homes; and may also include the collection of parent fees and payment of providers.
- (m) **"Licensee"** means a Person to whom a Business License has been issued pursuant to the provisions of this Bylaw.
 - (n) **"Licensing Officer"** means the Director of Engineering, Planning and Operations or his or her designate.
 - (o) **"MD Resident"** means a Resident of the Municipal District of Foothills No 31.
 - (p) **"Non-Resident"** means a Person who does not reside principally within the Town or has not established a Business Premises within the Town from which to do business.
 - (q) **"Person"** means an individual, a group of individuals, a corporation, firm, partnership, proprietorship, association, society and co-operative.
 - (r) **"Rate Bylaw"** means the Town of High River Rate Bylaw, as amended from time to time.
 - (s) **"Resident"** means a Person who either resides principally within the Town or has established Business Premises within the Town from which to conduct business.
 - (t) **"Residential Building"** means a structure that contains one or more dwelling units including a house, multi-family dwelling, housing project, apartment building, lodging house, senior citizen complex or hospital.
 - (u) **"Temporary"** means a daily, weekly or monthly Temporary Business License.
 - (v) **"Town"** means the municipal corporation of the Town of High River in the Province of Alberta or the area contained within the boundaries of the Town of High River.
 - (w) **"Violation Ticket"** means any ticket or tag in a form approved by the Town, authorized under the Provincial Offences Procedures Act, issued for any offence for which a penalty may be paid out of court in lieu of appearing to answer a summons.
3. Terms which are not defined in this Bylaw will, where the context permits, have the meaning assigned to them by the Town's Land Use Bylaw, the Act, the *Interpretation Act*, or a standard dictionary, whichever applies.

General Provisions

- 4. No Person shall carry on or operate any Business within or partially within the Town without first paying to be the holder of a valid and subsisting Business License. Paying the prescribed fee as set out in the Rate Bylaw.
- 5. The advertising of Business referred to in this Bylaw shall be deemed to be *prima facie* proof, or evidence which unless rebutted would be sufficient, of the fact that the Person advertising is carrying on or operating any such Business.
- 6. If a Business License was issued, it shall be null and void if the payment therefore was made by means of a non-negotiable document or cheque.
- 7. Business License fees must be paid in full by the due date. Post-dated cheques must be valid the date on which payment is due. Unpaid Business License fees are a debt owed to the Town and penalties will be charged at a percentage rate as set out in the Rate Bylaw.
- 8. For the purposes of this Bylaw, when a Person carries on two or more Businesses, a separate Business License shall be required for each Business independent of their location.
- 9. Persons granted Business Licenses under this Bylaw shall conform to all regulations and terms herein specified and be subject to inspection at all times by a Bylaw Enforcement Officer or the Licensing Officer.
- 10. Every Business License issued under this Bylaw shall be posted in a conspicuous place on the respective Business Premises and; whenever required to produce the same to a Bylaw Enforcement Officer or the Licensing Officer, shall produce the Business License for inspection purposes.
- 11. The Licensing Officer hereby reserves the right to request comments from either the Province of Alberta, the RCMP, the Medical Officer of Health, the Town's Fire Chief or any other authority, as deemed appropriate, before issuing a Business License.
- 12. Every Business License granted under the provisions of this Bylaw shall terminate on the 31st day of December in the year in which the said Business License was issued, unless expressly stated otherwise, or the Business License has been cancelled, revoked or suspended.

13. The Town may issue a Business License after July 1st of any Business License year with fees as set out in the Rate Bylaw.
14. The Licensee shall notify the Town in writing about the cessation of his/her Business operation.
15. A Business License issued under this Bylaw shall not be transferred except to a Person who purchases the Business in respect of which the Business License was issued. The Town shall be notified of all such prospective transfers so that all associated records may be updated accordingly.
16. A Business License issued under this Bylaw may be transferred to a new Business Premises, if ownership is retained by the same Person and notification of the change is provided to the Licensing Officer.
17. No Business License shall be issued until such time as the Applicant complies with the provisions of this Bylaw and to all applicable municipal, provincial and federal regulations, statutes, bylaws or permits.
18. The Town may at any time revoke or suspend any Business License issued under this Bylaw for failure to comply with any of the conditions or regulations contained in this Bylaw or any applicable municipal, provincial and federal regulation, statutes, bylaws or permits.
19. If any Business License is revoked, suspended or cancelled by the Town, the Licensee is not entitled to a refund of his or her Business License fee.
20. The Town may issue to Non-Residents of the Town an annual Non-Resident Business License as per the Rate Bylaw.
21. The Town may issue to Non-Residents of the Town a Temporary Business License; on a daily, weekly, monthly basis as per the Rate Bylaw. This option is not available to anyone who has a Business within the Town.
22. The Town may issue to an MD Resident an MD Resident Business License as per the Rate Bylaw.
23. A Business operated by a Person who is twenty-five (25) years or younger, and is a Resident of the Town, shall obtain a Business License as per the Rate Bylaw.
24. The fee to replace a lost Business License is prescribed in the Rate Bylaw.

Business License Application and Fee

25. Every Applicant for a Business License, for renewal of a Business License, or for a transfer of a Business License must provide the following information, in the form prescribed by the Licensing Officer:
 - i. The civic and legal address for the proposed place of Business;
 - ii. The trade name under which the proposed Business will operate;
 - iii. Where the Applicant is a sole proprietorship or partnership, the full name, mailing address, email address and telephone number of the Applicant or Applicants;
 - iv. Where the Applicant is a corporation, the full name, mailing address, the email address, and telephone number of the registered office for the Business;
 - v. Any certificate, authority, permit, license or other document of qualification under this or any other Bylaw, or under any Statute of Canada or the Province of Alberta that may be required in connection with the carrying on of the Business;
 - vi. Such other information as the Licensing Officer may reasonably require.
26. An Application for a new Business License shall not be considered by the Licensing Officer until the fees as set out in the Rate Bylaw have been received by the Town.
27. Notwithstanding Clause 3.9, unless the Town is notified in writing of surrender or cancellation, a Business holding a valid Business License on December 31st is deemed to wish to renew that Business License for a subsequent year, and the Town will issue an invoice to that Business for the fee owing in accordance with the Business License Bylaw and Rate Bylaw.

28. Payment of the Business License fee for a Business License renewal shall be made no later than thirty (30) days after receiving the issuance of the Business License renewal notice, or penalties will be charged at the rate set out in the Rate Bylaw.

Necessity for Business License

29. No Business License shall be required for:
- i. A Business that is carried on by the Government of the Province of Alberta or Canada;
 - ii. A Business that is a Charitable or Non-profit Organization;
 - iii. A Family Day Home;
 - iv. A Business that carries on its activities at the Farmers' Market, which is operated by the Town or an organization that is registered with the Farmers' Market Association;
 - v. A Business carried on or operated by the Town;
 - vi. Any Business that is exempt under the provisions of any Statute of Canada or the Province of Alberta. The onus of proving that a Business is exempt from requiring a Business License is on the Business alleging the exemption;
 - vii. A craft sale, a rummage sale, a flea market or a residential garage sale where the duration of the activity is less than seven (7) consecutive days;
 - viii. A Non-Resident Business to deliver goods within the Town when those goods are purchased by the recipient from a place or business outside the Town.

Refusal, Revocation and Suspension

30. A Licensing Officer shall refuse an Application if, in the opinion of the Licensing Officer, any Business Licensing requirements of this Bylaw have not been met or the Licensing Officer has reasonable grounds to believe that operation of the Business poses a danger to the safety, health or welfare of the public.
31. A Licensing Officer may suspend or revoke a Business License if:
- i. The Business fails to comply with the Licensing requirements of this Bylaw; or
 - ii. The Licensing Officer has reasonable grounds to believe that operation of the Business poses a danger to the safety, health or welfare of the public.
32. The Licensing Officer may make inquiries and receive information, including information from the Applicant, to determine whether there are just and reasonable grounds for the refusal of an Application, or a revocation, or a suspension of a Business License.
33. A suspension of a Business License may be:
- i. For a period of time not exceeding the unexpired term of the Business License; or
 - ii. Where the suspension is for non-compliance with the licensing requirements of this Bylaw, until the holder of the suspended Business License proves compliance to the satisfaction of the Licensing Officer.
34. A Business License may be revoked or suspended for non-compliance with any law or regulation notwithstanding that the holder of the Business License has not been prosecuted for a contravention of that law, where the Licensing Officer has reasonable grounds to believe that the Business poses a danger to the safety, health or welfare of the public, or to the protection of property.
35. When an Application for a Business License is refused or when a Business License is revoked or suspended, the Licensing Officer shall notify the Applicant or Business License holder in writing of the refusal, revocation or suspension and the reasons for it:
- i. By delivering a notice to the Applicant or Business License holder personally; or
 - ii. By delivering a notice by registered mail to the Applicant's or Business License holder's most recent place of Business or residence as shown on the Business License or Application.
36. After the delivery of a notice of the refusal of an Application or a suspension or revocation of a Business License, the Business shall not be carried on until such time as a Business License is issued or the suspended Business License is reinstated.

Appeal

37. Where an Application for a Business License has been refused, a Business License revoked or suspended or an exemption has been refused, the Applicant may appeal the decision to Council. All appeals shall be made in writing addressed to the Town of High River, and received by the Town within forty-five (45) days of the date of issue of refusal, revocation or suspension.
38. In an appeal hearing, Council may hear the appellant, the Licensing Officer and any other Person who, in the opinion of Council, is affected by the decision.
39. Upon receipt of any appeal under Section 7.1 Council, or a Committee appointed by Council, shall:
 - i. Schedule and hold an appeal hearing not more than thirty (30) days following receipt of appeal;
 - ii. Advertise the date, time and details of the appeal hearing at least once a week for two (2) consecutive weeks in at least one newspaper or other publication circulating in the area to which the appeal relates;
 - iii. Allow any third party to make written or oral representation in support of or in opposition to the appeal at its first regular meeting following receipt of the recommendation;
 - iv. If a committee hears the appeal, make a written recommendation to Council within fifteen (15) days of the hearing following which Council shall make a decision upon the appeal;
 - v. If Council hears an appeal, make a decision on the appeal.
40. Council may extend the time frames referred to in Section 7.3 of this Bylaw, but any such extension shall not exceed fifteen (15) days in total.
41. The Town shall notify the appellant, in writing, of the outcome of the appeal within seven (7) business days of the decision being rendered by Council.

Offences and Penalties

Violation Ticket:

42. Where a Bylaw Enforcement Officer or the Licensing Officer reasonably believe that a Person has contravened any provision of this Bylaw, a Violation Ticket may be served upon that Person in the form provided under the Provincial Offences Procedure Act of the Province of Alberta.
43. A Violation Ticket issued by a Bylaw Enforcement Officer or the Licensing Officer must be paid within ten (10) working days to the Town as per the Rate Bylaw.
44. Unpaid Violation Tickets may be added to the annual Business License fee of the subject Business and collected at the time of renewal of the Business License renewal at the discretion of the Town.


Summary Conviction Offense:


45. Any Person who contravenes any provision of this Bylaw is guilty of an offence under this Bylaw and is liable on summary conviction to a fine as outlined in the Rate Bylaw.
46. The imposition of a fine either by issuance of a Violation Ticket or by summary conviction in court shall not relieve any Person so fined from any debt owing to the Town for an unpaid Business License.

Transition

47. Every provision of this Bylaw is independent of all other provisions and, if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
48. Bylaw No. 4305/2011 and amendments thereto are hereby repealed.


READ A FIRST TIME THIS 23 DAY OF January, 2017.


MAYOR/DEPUTY MAYOR



TOWN MANAGER

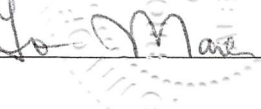
READ A SECOND TIME THIS 23 DAY OF January, 2017.


MAYOR/DEPUTY MAYOR


TOWN MANAGER

READ A THIRD TIME THIS 23 DAY OF January, 2017.


MAYOR/DEPUTY MAYOR


TOWN MANAGER

SIGNED AND PASSED THIS 27 DAY OF January, 2017.


MAYOR/DEPUTY MAYOR


TOWN MANAGER

