

TOWN OF CALMAR

BYLAW #2023-06

BEING A BYLAW OF THE TOWN OF CALMAR, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION, CONTROL AND LICENSING OF BUSINESSES AND TRADES, PROFESSIONS AND OCCUPATIONS CARRIED ON WITHIN THE CORPORATE LIMITS OF THE TOWN AND TO PROVIDE FOR THE APPOINTMENT OF A BUSINESS LICENSE OFFICER.

WHEREAS, pursuant to Section 7(a) and Section 8 of the *Municipal Government Act, C. M-26, RSA, 2000*, as amended, a Council may pass bylaws for municipal purposes respecting to businesses, business activities and person(s) engaged in business; and regulate, control and license said businesses;

WHEREAS, pursuant to Section 7(i) of the *Municipal Government Act, C. M-26, RSA, 2000*, as amended, 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

AND WHEREAS, it is deemed desirable and equitable to enact a bylaw establishing a system of licensing, regulation and control for businesses, trades, professions and occupations carried on within the Town of Calmar.

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

1. TITLE

This Bylaw shall be cited as the "Business Licensing Bylaw."

2. INTERPRETATION and DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- a) **"Applicant"** means a person who applies for a license or renewal of a license required by this Bylaw.
- b) **"Application"** means a written application for a business license as provided by this Bylaw.
- c) **"Business"** means any business, trade, profession, industry, occupation, employment or calling and the providing of good and / or services.
- d) **"Business License Category"** means one of the following:
 - i. **"Resident Business"** means a person, firm or corporation within the corporate boundaries of the Town of Calmar who operates their business, trade, profession or occupation from taxable premises.
 - ii. **"Non-Resident Business"** means a person, firm or corporation who **does not** operate its business, trade, profession or occupation from taxable premises with the Town of Calmar.
 - iii. **"Resident General Contractor"** means any person, company, firm or corporation who is based with the Town of Calmar and normally engaged in the building and/or construction industry, and who accepts contracts as principal in the excavation, erection, construction, alteration, repair or demolition of any building or structure. It shall not include the owner of any building or premises personally doing work in, upon or about such building or structure.
 - iv. **"Non-Resident General Contractor"** means any person, company, firm or corporation who is **not** based with the Town of Calmar and normally engaged in the building and/or construction industry, and who accepts contracts as principal in the excavation, erection, construction, alteration, repair or demolition of any building or structure. It shall not include the owner of any

building or premises personally doing work in, upon or about such building or structure.

- v. **"Sub-Contractor"** means any person, company, firm or corporation who performs under contract to a General Contract. Sub-Contractors are included under the veil of the General Contractor's License, when performing duties on a specific project, otherwise the Sub-Contractor must obtain a separate business license.
- vi. **"Home-Based Business"** means any person, company, firm or corporation operating out of their place of residence within the Town of Calmar (either minor or major). Any Business License application must be accompanied by a Development Permit application and the corresponding fee. The Business License will not be issued until the Development Permit application is considered and approved by the Development Authority Officer.
- vii. **"Single Project Business"** means any business license that is issued only for a specific purpose and at a specific location.
- e) **"Business License Officer"** means the Town of Calmar employee designated to carry out the provisions of this Bylaw and designated by the Chief Administrative Officer (Town Manager).
- f) **"Business Premises"** means any store, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied for the purpose of carrying on a business.
- g) **"Carry on", "Carrying on", "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.
- h) **"Charitable or Non-Profit Organization"** means and incorporated or unincorporated organization formed for charitable purposes or for the promotion of general social welfare, and not organized for profit or personal gain, including:
 - i. a religious society or organization;
 - ii. a service club;
 - iii. a community veterans or youth organization;
 - iv. a social sport or fraternal organization or club;
 - v. an employer's or employee's organization.
- i) **"Charitable purpose"** includes a philanthropic, benevolent, educational, health, humane, religious, cultural, artistic or recreational purpose.
- j) **"Chief Administrative Officer"** means Town Manager of the Town of Calmar and any designate acting or authorized by the Chief Administrative Officer to act on his/her behalf.
- k) **"Council"** means the Council of the Town of Calmar.
- l) **"Development Permit"** requires meeting the zoning regulations that controls land uses in the Town of Calmar. In all cases, a Development permit is required for approval prior to the issuance of a Business License.
- m) **"Hawker or Peddler"** means a person not being a body corporate and who, whether as principal or agent;
 - i. goes from house to house selling or offering for sale any merchandise to any person, and who is not a wholesale or retail dealer in such merchandise to be afterwards delivered in or shipped into the Town of Calmar, or;
 - ii. offers or exposes for sale to any person by means of sample, patterns, cuts or blueprints, merchandise to be afterwards delivered or shipped into the Town of Calmar, or;
 - iii. sells merchandise on the streets or roads or elsewhere than at a building that is his permanent place of business or businesses that operate out of temporary structure, display or stand, but;

- iv. does not include a person selling meat, fish, fruit or other farm produce that has been produced, raised or grown by himself in Alberta, or;
- v. does not include a person selling fish of his own catching in Alberta.
- n) **"License"** means a Business License issued pursuant to this Bylaw.
- o) **"License Fee"** means a fee payable for a license as established in "Schedule A" attached to this Bylaw.
- p) **"Person"** means and includes an individual or a corporation and includes a partnership, association, firm, or group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires.
- q) **"Regional Business License"** means a Business License issued by the Town of Calmar in conjunction with the 39-20 Alliance, which holds validity in the Town of Calmar, Town of Thorsby, Village of Warburg and Village of Breton.
- r) **"Town"** means the Town of Calmar.

3. APPOINTMENT OF BUSINESS LICENSE INSPECTOR

The Council or Chief Administrative Officer (Town Manager) of the Town of Calmar shall appoint a Business License Inspector to carry out the provisions of this Bylaw.

4. DUTIES OF BUSINESS LICENSE INSPECTOR

- a) To review and ensure compliance of applications for licenses and transfers thereof;
- b) To conduct investigations with regard to proposed applications where necessary;
- c) To conduct inspections of business premises where necessary;
- d) To investigate complaints lodged against a business, if necessary;
- e) To refuse or grant business licenses where deemed appropriate;
- f) To revoke business licenses where deemed appropriate and necessary;
- g) To suspend business licenses where deemed appropriate and necessary;
- h) To administer this Bylaw as far as practicable, ensure that all person(s) concerned conform to its provisions and to commence prosecutions for violation of this Bylaw.
- i) To ensure the collection of fees and maintenance of records for all applications for licenses are managed.

5. BUSINESS LICENSE

- a) No business or person, within or partly within the Town of Calmar, shall be engaged in any business, profession, trade or occupation unless the person holds a valid Business License authorizing the business or person to engage in or operate that business, profession, trade or occupation, unless specifically exempted by law.
- b) Before the issuance of a Business License a person or business must submit to the Business License Inspector:
 - i. a complete Business License application with the appropriate fee;
 - ii. a complete Development Permit application, where required, and the appropriate fee, as set out in the Fees and Rates Bylaw.

6. **PROCEDURES AND CONDITIONS OF BUSINESS LICENSE**

- a) Any advertising of businesses, callings, trade or occupations referred to in this Bylaw shall be deemed to be prima facie proof to the fact that the person or business advertising is carrying on or operating any such business, calling, trade or occupation.
- b) If the applicant is not the registered owner of the said property, a letter of authorization from the registered owner, must be submitted along with the Business License Application.
- c) No Business shall operate until such time the applicant holds a valid Development Permit where required by this Bylaw and the Town of Calmar Land Use Bylaw.
- d) No Business shall operate until such time the applicant holds a provides to the Town of Calmar with the Business License Application a valid Provincial or Federal License as required by Law.
- e) All signage and advertising must comply with the Town of Calmar Land Use Bylaw.

7. **POSTING OF LICENSE**

- a) Person(s) or a Business issued a Business License under this Bylaw will either:
 - i. Display the Business License in a conspicuous location in the place of business, or;
 - ii. Carry the license, or copy thereof, with them if there is no permanent place of business with the Town of Calmar.

8. **LICENSE YEAR**

- a) The Town of Calmar shall invoice in November of each year to all holders of a valid Business License in the previous calendar year.
- b) If payment has not been submitted and received by the last business day of January the Business License shall may be terminated.
- c) If past due payment, for an existing business, is received after the last business day of January the fee shall be doubled.
- c) All business license fees paid are non-refundable, however, should the Business License Inspector not issue a business license the fee may be refunded.
- d) The business license fee, for a new business only, shall be reduced to one half of the fee when purchased after the last day of August in any license year.

9. **EXEMPTIONS FROM REQUIRING A BUSINESS LICENSE**

- a) Any business carried on by the Town of Calmar.
- b) A business carried on by the Government of the Province of Alberta or the Government of Canada or a Crown Corporation created by either Government.
- c) A business expressly exempted from the requirement of a license by a statute or the Legislature of Alberta or Parliament of Canada.
- d) A business that is a charitable or non-profit organization.
- e) Any person who is conducting business as a participant of a Trade Show, Craft Fair, Farmer's Market or Garage Sale.

10. **OPTIONAL REGIONAL BUSINESS LICENSING**

All Town of Calmar resident businesses, including general contractors, after first obtaining a valid Town of Calmar Business License, has the option to purchase a Regional Business License, in the amount of \$50.00, which will be valid for the provision of goods or services within the Town of Thorsby, Village of Warburg and Village of Breton, without having to purchase a valid business license from the said three villages. All revenues generated by the sale of a Regional Business License through the Town of Calmar shall be forwarded to the 39-20 Alliance.

11. **NOTIFICATION OF CHANGES**

Any Licensee shall forthwith notify the Town of Calmar, in writing, of any changes in the address, phone numbers or other pertinent information that was required on the application.

12. **TRANSFER OF LICENSE**

A Business License granted pursuant to the provisions of this Bylaw, may upon approval of the Business License Inspector, be transferred from one person or a company to another person or company, provided it is the same type of business that will be operating from the property, and upon payment of a transfer fee to be paid at the time of application for transfer.

13. **POWERS**

- a) REFUSAL – Subject to the provisions of this Bylaw, upon receipt of an application for a business license, the Business License Inspector may refuse to issue or renew a Business License, if, in his/her opinion there are just and reasonable grounds for the refusal of the application.
- b) REVOCATION-Subject to the provisions of this Bylaw, where a Business License has been granted, the Business License Inspector may revoke or suspend the Business License, if in his/her opinion there are just and reasonable grounds for the revocation of the license.
- c) Reasonable and just grounds for refusal or revocation may include, but are not limited to:
 - i. the applicant or Licensee does not or no longer meets this Bylaw or the Development Permit approval with respect to the License applied for or held;
 - ii. the Licensee has breached a condition of the License;
 - iii. the Applicant or Licensee or any of its officers or employees has contravened this Bylaw or Development Permit approval whether or not the contravention has been prosecuted;
 - iv. the Applicant or Licensee or any of its officers or employees furnishes false information or misrepresents any fact or circumstance to the Business License Inspector, Chief Executive Officer (Town Manager) or designate;
 - v. the applicant or Licensee or any of its officers or employees fails to pay any fee required by this Bylaw or fines imposed by a Court for a contravention of this Bylaw;
 - vi. in the opinion of the Chief Executive Officer (Town Manager), Business License Inspector or designate, it is in the public interest to do so.

14. **NOTICE OF REVOCATION OR SUSPENSION**

Upon revocation or suspension as hereinbefore provided, the Business License Inspector shall notify the Licensee thereof:

- a) By delivery of notice to the person or business personally, or
- b) By double registered mail to the person, residence or business;

And, after the delivery of such notice, the business or occupation, as the case may be, shall not be carried on until such time as a new Business License is issued or the suspended Business License is re-instated.

15. **NULLIFICATION OF LICENSE**

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, any license issued under this Bylaw, based in whole or in part on such certificate, authority, license or other document of qualification, shall be revoked automatically forthwith.

16. **APPEALS**

- a) In every case where an application for a Business License has been refused, or an existing Business License has been revoked, the person seeking the license or reinstatement may appeal to the Council of the Town of Calmar within thirty (30) days after such refusal or revocation.
- b) All appeals shall be made in writing addressed to the Chief Administrative Officer (Town Manager) for the Town of Calmar and shall be dated as of the date received by the Chief Administrative Officer (Town Manager).
- c) The Council of the Town of Calmar, after hearing the applicants appeal may:
 - i. direct a Business License be issued;
 - ii. direct a Business License be issued with conditions;
 - iii. refuse to grant a Business License;
 - iv. reinstate the Business License with or without conditions;
 - v. uphold the revocation of a Business License on grounds which appear just and reasonable.

17. **SUPPLY AND INFORMATION**

Every person(s) or business carrying on or engaged in any business in respect of which a license is required under this Bylaw, upon receipt of request from the Business License Inspector, shall supply all information necessary to enable him/her to carry out their duties.

18. **MANUFACTURED HOME PARK**

The Business License fee for Manufactured Home Parks shall pay the amount as provided for in "Schedule A", per year, per developed stall(s) occupied by a manufactured or mobile unit, except in the case where a Development Agreement is in place between the Town of Calmar and the owner / operator of the Manufactured Home Park.

19. **PENALTIES**

Any person(s) or business in contravention of any provision of this Bylaw shall be guilty of an offense and liable on summary conviction to a penalty as set out in "Schedule A".

Where an offense is nonpayment of a Business License fee hereunder, the convicting authority may adjudge the payment of the Business License fee thereof in addition to the fine imposed.

20. **VOLUNTARY PAYMENT**

Where any provisions of this Bylaw deemed to be contravened and an offense has been issued for the contravention(s), the accused may avoid appearing in Court to answer the said charge by submitting a voluntary payment to the Town of Calmar, as outlined in "Schedule A".

21. **SEVERABILITY**

Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

22. **RECINDING OF AND SUSPENSION OF EXISTING CONTROLS**

Bylaws No. 2017-13 is hereby rescinded.


23. **EFFECTIVE DATE**

This Bylaw shall come into forces and effect upon the final reading of this Bylaw.

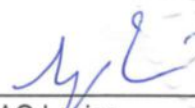
READ FIRST TIME THIS 06 DAY OF FEBRUARY 2023.

READ A SECOND TIME THIS 06 DAY OF FEBRUARY 2023.

READ A THIRD TIME, BY UNANIMOUS CONSENT, THIS 06 DAY OF FEBRUARY 2023



Mayor Carnahan



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