

## BYLAW 15 -14

---

**BEING A BYLAW OF THE TOWN OF ATHABASCA IN THE PROVINCE OF ALBERTA, CANADA, TO PROVIDE FOR THE LICENSING OF BUSINESSES, TRADES, PROFESSIONALS AND OCCUPATIONS.**

---

**WHEREAS:** Council has previously passed Bylaw 15-98 and 17-99 being Bylaws to establish the fees and regulations for businesses; and

**WHEREAS:** Council has deemed it necessary to control, regulate and license businesses, traders, professions and occupations within the limits of the Town of Athabasca; and

**WHEREAS:** Sections 7 and 8 of the *Municipal Government Act, Chapter M-26, R.S.A. 2000*, give authorization to the Town.

**NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF ATHABASCA, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:**

1. Bylaw 15-98, Bylaw 17-99 and all other amendments thereto, are hereby rescinded.
2. This Bylaw shall be known as the "Business Licensing Bylaw.
3. In this Bylaw, unless the context otherwise requires:

**"APPLICANT"** shall mean a person who applies for a Business License or renewal of a Business License required by this Bylaw;

**"APPLICATION"** shall mean a written application for a Business License or a renewal or transfer of ownership of a Business License as required by this Bylaw;

**"ATHABASCA COUNTY"** shall mean that the business is owned and operated within Athabasca County;

**"BUSINESS"** shall mean any trade, profession, occupation, industry, employment or calling carried on for the purpose of profit or gain and invoicing for goods or services; and any activity providing goods and/or services whether or not for profit and however organized or formed, including a co-operative or association of persons;

**"BUSINESS PREMISES"** shall mean any store, office, warehouse, residence, yard, or other place occupied for the purpose of carrying on a Business for which the 'Carrying on of Business' is a permitted or discretionary use under the Town of Athabasca Land Use Bylaw;

**"BUSINESS LICENSE"** shall have the meaning set out in the Municipal Government Act;

**"CARRY ON BUSINESS"** shall mean operate, perform, keep, hold, occupy, deal in or use for gain whether as principal or agent;

## BYLAW 15 -14

**"CHARITABLE OR NON-PROFIT ORGANIZATION"** shall mean any person, association or body corporate engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Town, all the resources of which are devoted entirely to charitable activities and not for a profit or gain and which does not confer a monetary or other benefit on its members or directors. Non-Profit organization permit numbers must be submitted to be exempt from a Business License. These may include:

- a. Religious societies or organizations
- b. Service clubs
- c. Community, veteran or youth organizations
- d. Social, sport or fraternal organizations or clubs
- e. Employee or employer organizations
- f. Museums, galleries, cultural organizations and educational institutions;

**"CHIEF ADMINISTRATIVE OFFICER"** shall mean the Chief Administrative Officer as appointed by Bylaw of the Town of Athabasca;

**"CONTRACTOR"** shall mean the Business of accepting contracts for the construction and/or repair of buildings or the person or company engaged in such Business within context including the owner of property who supervises the construction;

**"HAWKER OR PEDDLER"** shall mean any person whether as principal or agent who:

- a. 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 such merchandise or services and not having a permanent place of Business in the Town of Athabasca; or
- b. Offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or services, or both, to be afterwards delivered in and/or shipped into the Town of Athabasca;
- c. Sells merchandise or services, or both, on the streets or elsewhere than at a building that is their permanent place of Business but does not include any person selling:
  - i. meat, fish or other farm produce that they have produced, raised or grown by themselves; or
  - ii. fish of their own catching; or
  - iii. vendors at a Farmer's Market or community facility.

**"LICENSE INSPECTOR"** shall mean the person so designated therein and includes any inspector designated by Council or the Chief Administrative Officer to perform their duties;

**"LICENSEE"** shall mean a person holding a valid and subsisting Business License issued pursuant to the provisions of this Bylaw;

## BYLAW 15 -14

**"MOTOR VEHICLE"** shall have the meaning set out in the Traffic Safety Act, R.S.A. 2000 and amendments thereto;

**"MUNICIPAL TICKET"** shall mean a form prescribed by the Chief Administrative Officer of the Town or his designate, allowing payment to the Town Office 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 BUSINESS"** shall mean that the business does not own, rent or lease a space within town limits that is used for the conduct of that business;

**"OFFICER"** shall mean a Town of Athabasca's Peace Officer, Bylaw Officer, member of the R.C.M.P. or the Licensing Inspector or such other officers of the Town as may be appointed or authorized by the Chief Administrative Officer to enforce the provisions of this Bylaw;

**"RESIDENT BUSINESS"** shall mean a person, firm or body corporate who:

- a. Is located or resides within the boundaries of the Town of Athabasca; or
- b. Provides the space and services including office area, telephone, facsimile, and/or computer from premises that are listed on the Town of Athabasca Tax Roll; or
- c. Has a development permit and/or occupancy permit issued to them under the Land Use Bylaw; or
- d. Satisfies the Licensing Inspector that they intend to carry on Business within the Town of Athabasca for not less than six months;

**"TOWN"** shall mean the Town of Athabasca, a municipal corporation in the Province of Alberta, and where the context so requires means the area contained within the corporate boundaries of the said municipality;

**"VIOLATION TICKET"** shall mean a violation ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34.

### 4. LICENSE REQUIREMENTS

- 4.1 No person shall engage in or operate within or partly within the Town any Business described within this Bylaw, or any Non-Resident Business unless that person holds a Business License authorizing the engagement in or operation of that Business and having paid to the Town the fee required attached hereto as Schedule "A."
- 4.2 It is the responsibility of the Applicant to obtain and hold valid Provincial and Federal licenses, permits, approvals, clearances and/or insurances.
- 4.3 It is the responsibility of the Applicant to obtain and hold a valid development approval(s) issued by the Development Authority under the Land Use Bylaw where necessary.

## BYLAW 15 -14

- 4.4 Where a Business operates at more than one Business Premises, each Business Premises requires a separate Business License.
- 4.5 Where more than one Business operates at one Business Premises, each Business requires a separate Business License.
- 4.6 Business License shall not be issued:
  - 4.6.1 If the Applicant fails to provide all the information required or requested under this Bylaw;  
or
  - 4.6.2 To any Applicant not properly in compliance with Municipal statute, regulation or Bylaw; or
  - 4.6.3 A Business License is not valid until it has been signed by the Town of Athabasca License Inspector.

## 5. APPLICATION PROCESS

- 5.1 Every application shall be made in accordance with the appropriate forms and submitted to the Licensing Inspector:
  - 5.1.1 for a new Business License.
  - 5.1.2 to amend a Business License.
  - 5.1.3 to transfer a Business License to another person.
- 5.2 An Applicant for a Business License shall make Application to the Town of Athabasca in the form prescribed by the Town and supply such information the Licensing Inspector may require from time to time.
- 5.3 An Applicant shall not submit any information with respect to an Application which is false or misleading or inaccurate.
- 5.4 A Licensee shall apply to the Licensing Inspector for an amendment to the Business License if there is a change in:
  - 5.1.1 The Business location;
  - 5.1.2 The owner of the Business;
  - 5.1.3 The contact information of the Business;
  - 5.1.4 The Business name;
  - 5.1.5 The type of Business.

## **BYLAW 15 -14**

- 5.5 Should a Business cease to carry on the Business for which a Business License is granted, the Licensee shall immediately notify the Licensing Inspector.

### **5. APPOINTMENT, POWERS AND DUTIES OF LICENSING OFFICER**

- 5.1 The Licensing Inspector is authorized to enforce and administer this Bylaw and is hereby authorized to receive, review, renew and approve (with conditions where necessary) all Applications for a Business License.

- 5.2 The Licensing Inspector may suspend, refuse to grant, refuse to transfer, revoke or refuse to renew Business Licenses under this Bylaw if there is reasonable and just cause to do so and if in the opinion of the Licensing Inspector, they believe that:

5.2.1 The Licensee or the Applicant has contravened the provisions or requirements of the Bylaw or any other Bylaw of the Town of Athabasca or any applicable Provincial or Federal licenses, permits, approvals, clearances and/or insurances;

5.2.2. The Business has changed to the extent that a new Application for a Business License would be refused;

5.2.3 The Licensee or the Applicant has withheld or concealed information from the Licensing Inspector or has provided false information on an Application for a Business License;

5.2.4 The Licensee or the Applicant refuses to admit the Licensing Inspector into the Business Premises, vehicle or apparatus from which the Business is carried out.

- 5.3 The Licensing Inspector may cancel or suspend a Business License by issuing to the Licensee a 'Notice of Cancellation or Suspension', such notice may be given by personal service to the Licensee at the address shown on the Application for a Business License or by mailing a registered letter to the Licensee at the Business Premises or residence as shown on the Application for a Business License.

- 5.4 Upon receipt of the 'Notice of Cancellation or Suspension' the Licensee shall terminate the operation of the Business immediately.

- 5.5 The Licensing Inspector may suspend the effect of revocation of a Business License upon the performance by the Licensee of any conditions stated in writing on the 'Notice of Cancellation or Suspension'.

- 5.6 The Licensing Inspector shall maintain appropriate records in accordance with the Records Retention and Disposition Bylaw pertaining to the licensing of businesses, infractions of this Bylaw and generally all matters arising out of the application and enforcement of this Bylaw.

- 5.7 The Licensing Inspector shall specify the form of Applications and licenses under this Bylaw.

## BYLAW 15 -14

- 5.8 The Licensing Inspector or Designate may periodically visit and inspect Business Premises to ensure compliance with this Bylaw.

### 6. OFFENCE

- 6.1 The issuance of a Business License under this Bylaw does not authorize or permit the Licensee to carry on Business contrary to the provision of the Land Use Bylaw.
- 6.2 No owner, manager of a commercial business or other property shall allow or permit any person to carry on any Business or activity thereon without such person being in possession of a subsisting Business License as required under this Bylaw.
- 6.3 Nothing contained in the Bylaw in any way prohibits or otherwise affects the Town of Athabasca's ability to utilize the enforcement provisions in the *Municipal Government Act* of Alberta and amendments thereto.
- 6.4 The Licensing Inspector or Designate may issue or cause to be issued Municipal Tickets or Violation Tickets providing for a voluntary penalty or a specified penalty the amounts of which are set out in the "General Penalty Bylaw 21-90."

### 7. TERMINATION OF BUSINESS LICENSE

- 7.1 Every Business License issued under this Bylaw, unless revoked or surrendered, shall terminate at midnight on the 31<sup>st</sup> day of December of the year in which the Business License was issued.

### 8. POSTING OF BUSINESS LICENSE

- 8.1 Every Business License issued under this Bylaw will be made out and delivered or mailed to the Licensee who shall post same in a conspicuous place on the Business Premises or motor vehicle and whenever required to do so, by the Licensing Inspector, shall produce the Business License for inspection.
- 8.2 In the event that the Business Premise does not have public access, the Licensee shall provide any information requested by the Licensing Inspector to enable verification of same.

### 9. RENEWAL AND COLLECTION OF FEES

- 9.1 On or about November 1<sup>st</sup> of each calendar year, the Licensing Inspector shall issue a letter to the Licensee of a Business License issued in the previous year for the amount required to renew the Business License for another year, to come to the Town Office to update any information and pay the Business Licensing fee and receive the Business License renewal for the next year.
- 9.2 Deadline to renew a Business License for the current year will be the 31<sup>st</sup> day of January. A \$20.00 penalty will be applied to outstanding accounts after January 31<sup>st</sup> and can also lead to further offenses as per Section 6.

**BYLAW 15 -14**

**10. EXEMPTIONS**

10.1 The following are exemptions from the requirement to obtain a Business License; such exemptions do not include an exemption of approvals by the Development Authority:

- a. Charitable or Non-Profit Organizations.
- b. Regional Commissions.
- c. Intermunicipal Service Agencies.
- d. Doctors and Lawyers.

**11. APPEAL**

11.1 An Applicant may, in writing, appeal the decision of the Licensing Inspector to the Chief Administrative Officer within 14 days from the date the decision was made. After hearing the appeal the Chief Administrative Officer may confirm, amend or reverse the decision of the Licensing Inspector.

**12. SEVERABILITY**

12.1 In the event that any provisions of this Bylaw are found to be unlawful or outside the jurisdiction of the Town of Athabasca, such provision or provisions, as the case may be, will be severed from the Bylaw and the remaining provisions will continue to be in force.

**THIS BYLAW SHALL TAKE FULL FORCE AND EFFECT UPON DATE OF FINAL READING.**


**READ FOR A FIRST TIME THIS 21<sup>ST</sup> DAY OF OCTOBER, A.D. 2014.**

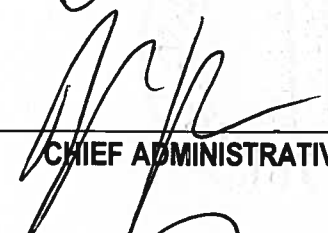
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

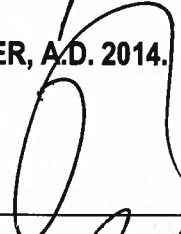
**READ FOR A SECOND TIME THIS 21<sup>ST</sup> DAY OF OCTOBER, A.D. 2014.**


**BYLAW 15 -14**

  
\_\_\_\_\_  
**MAYOR**

  
\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER**

**READ FOR A THIRD AND FINAL TIME THIS 4<sup>TH</sup> DAY OF NOVEMBER, A.D. 2014.**

  
\_\_\_\_\_  
**MAYOR**

  
\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER**

**BYLAW 15 -14**

**SCHEDULE "A" FEES**

**BYLAW 15-14**

<u>License Type</u>	<u>Resident Business</u>	<u>Athabasca County</u>	<u>Non-Resident Business</u>
General	\$100/year	\$200/year	\$300/year
Home Occupation	\$100/year	N/A	N/A
Daily	\$30/day (max 3 days)	\$45/day (max 3 days)	\$60/day (max 3 days)
Hawkers/Peddlers	\$100	\$200	\$300

**Operating for 1 week within the Town of Athabasca = 25% of the Annual Fee**

**Operating for 2 months or less within the Town of Athabasca = 50% of the Annual Fee**