

BEING A BY-LAW OF THE VILLAGE OF CLYDE IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING AND REGULATION OF BUSINESS ACTIVITY WITHIN THE VILLAGE OF CLYDE

WHEREAS, pursuant to Section 7(e) of the Municipal Government Act, Chapter M-26, RSA 2000 and amendments thereto, a Council may pass bylaws for municipal purposes respecting businesses, business activities, and persons engaged in business, and

WHEREAS, pursuant to section 8 of the Municipal Government Act, Chapter M-26, RSA 2000 and amendments thereto, 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;
- (c) provide for a system of licenses, permits or approval including any or all of the matters listed therein;

AND WHEREAS it is deemed in the best interest of the Village of Clyde that the council control and regulate all business carried on within the municipality;

NOW THEREFORE, the Municipal Council of the Village of Clyde in the Province of Alberta, duly assembled, hereby establishes the following rules and regulations to control and regulate all business carried on within the municipality

1. This By-Law may be cited as the '**Business Licensing By-Law**'.

2. **DEFINITIONS**

- (a) "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 servicesas described in Schedule A;
- (b) "Hawker" or "Peddler" means any person who, whether a principal or agent:
  - (i) goes from house to house selling or offering for sale any merchandise or services, 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 with the Village;
  - (ii) 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 shipped into the Village; and
  - (iii) sells merchandise or services, or both, on the street or the roads or elsewhere than at a building that is his permanent place of business, but does not include any person selling
    - (i) meat, fruit, or other farm produce that has been produced,

- raised, or grown by himself/ herself;
  - (ii) fish of his own catching.
- (c) "Home Occupation" means a trade, profession, or craft carried out by a person who is an occupant of a residential building as a use secondary to the residential use of the building;
- (d) "Licence" means a licence issued pursuant to this bylaw;
- (e) "Licence Fee" means a fee payable for a Licence as established in Schedule B;
- (f) "Licensing Officer" means the person duly appointed to this position by the Council of the Village of Clyde;
- (g) "Municipal Tag" means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Village;
- (h) "Non-resident" means any person who resides outside of the corporate limits of the Village of Clyde;
- (i) "Peace Officer" means a peace officer as defined in the Provincial Offences Procedure Act;
- (j) "Person" includes a corporation or partnership;
- (k) "Resident" means any person who resides within the corporate limits of the Village of Clyde;
- (l) "Subsequent Offence" means any offence under this bylaw committed by a Person after that Person has already been convicted of an offence under this bylaw or has voluntarily paid a fine for such an offence;
- (m) "Village" means the Village of Clyde;
- (n) "Violation Ticket" means a violation ticket as defined in the Provincial Offences Procedure Act.

### **3. APPLICABILITY**

- (a) This bylaw applies to any person operating any business, trade, occupation, or endeavour described in Schedule A and operating within the corporate limits of the Village of Clyde at any time during any calendar year who must pay to the Village of Clyde a Licence Fee as prescribed within Schedule B permitting such operation, business, trade, occupation, or endeavour.

### **4. SEVERABILITY**

- (a) If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

### **5. LICENSING**

- (a) No Person shall engage in or operate a Business in the Village unless the Person holds a Licence authorizing the Person to engage in or operate that Business.
- (b) Before the issue or renewal of a Licence a Person must submit to the Licensing Officer
  - (i) an application in a form established by the Council;
  - (ii) the Licence Fee;
  - (iii) any additional information required by the Licensing Officer.
- (c) The Licensing Officer may refuse to issue or renew a Licence, may suspend or cancel a Licence, and may impose any conditions on the Licence for the following reasons:
  - (i) the applicant or Licensee does not or no longer meets the requirements of this bylaw with respect to the License applied for or held;
  - (ii) the applicant or Licensee or any of its officers or employees:

- (i) furnish false information or misrepresent any fact or circumstance to a Peace Officer or the Licensing Officer;
  - (ii) has, in the opinion of the Licensing based on reasonable grounds, contravened this bylaw whether or not the contravention has been prosecuted;
  - (iii) fails to pay a fine imposed by a court for a contravention of this bylaw;
  - (iv) fails to pay any fee required by this bylaw; or
- (iii) in the opinion of the Licensing Officer based on reasonable grounds it is in the public interest to do so.
- (d) Before refusing to issue or renew a Licence, and before a Licence is suspended or cancelled or conditions are imposed, other than conditions imposed by this bylaw, the applicant or Licensee must be given:
  - (i) notice of the proposed refusal, suspension or cancellation or the proposed conditions with reasons, and
  - (ii) an opportunity to make written representations to the Licensing Officer.
- (e) If a decision is made to refuse the issue or renewal of a Licence, to suspend or cancel a Licence or to impose conditions on a Licence, other than conditions imposed by this bylaw, notice of the decision may be served on the applicant or Licensee:
  - (i) in Person on the applicant or Licensee or any of its officers or employees; or
  - (ii) by ordinary mail to the address in the application or in the records of the Village for the Licence.
- (f) Unless otherwise specified, Licence Fees are non-refundable but the Licensing Officer may refund a License Fee if the License Application is refused.

## **6. APPEALS**

- (a) A Person:
  - (i) who has been refused the issue or renewal of a Licence?
  - (ii) whose Licence has been suspended or cancelled; or
  - (iii) whose Licence is made subject to conditions, other than conditions imposed by this bylaw?may appeal the decision within thirty (30) days after the licence has been refused or revoked by the Licensing Officer, otherwise the right to appeal shall be forfeited.
- (b) A Person may not appeal a refusal to issue or renew a Licence if the reason for the refusal is the failure to pay any fee or provide any required information.
- (c) In the event of an appeal on refusal or revoking of Licence, the appeal shall be heard by the Village of Clyde Council, and the Council shall be the final judge of whether or not the refusal or revoking of a License was just and reasonable.

## **7. TERMINATION AND CANCELLATION**

- (a) Every License issued under the provisions of this bylaw shall terminate at midnight the thirty first (31<sup>st</sup>) day of December of the year in which said Licence was issued unless
  - (i) the Licence provides otherwise and is so endorsed; or
  - (ii) the Licence has been sooner cancelled or forfeited.

- (b) If a Licensee is convicted twice in any one calendar year of a breach of any of the provisions of this bylaw any Licence issued to said Licensee pursuant to the provisions of this bylaw shall be cancelled.
- (c) The term of a Licence issued to a partnership expires when there is a change in partners.

**8. DEATH OF LICENSEE**

- (a) If a Licensee dies during the term of the Licence, the Licence is deemed to be held by:
  - (i) the Licensee's executor;
  - (ii) the administrator of the Licensee's estate; or
  - (iii) the Licensee's next of kin where letters of administration have not been granted, until the Licence expires or the business ceases to be engaged or operated by any of those Persons, whichever event occurs first.

**9. LICENSEE OBLIGATIONS**

- (a) A Licence does not confer any property right and no Licensee may sell, transfer, assign, lease, or otherwise dispose of or deal in a Licence.
- (b) A Licensee shall forthwith notify the Licensing Officer in writing of:
  - (i) a change in the address of the Licensee's Business Address;
  - (ii) a change in the partners of the Business if the Licence is issued to a partnership;
  - (iii) a change in the officers or directors of the corporation if the Licence is issued to a corporation.
- (c) A Licensee shall:
  - (i) post the Licence in a prominent visible location in the Business premises; or
  - (ii) if it is not practical to post the Licence, produce the Licence forthwith upon demand by a Peace Officer or the Licensing Officer.
- (d) A Licensee shall permit a Peace Officer or the Licensing Officer to enter and inspect any Business premises for the purpose of determining compliance with this bylaw and any provisions of the Licence.
- (e) A Licensee shall not contravene any condition on a Licence.
- (f) It is the responsibility of the Person seeking a Licence from the Village of Clyde to ensure that they comply with all federal and provincial regulations pertaining to their business, and that they are in possession of any licences, permits, or approvals mandated by the federal and provincial governments.

**10. POWERS AND DUTIES OF LICENSING OFFICER**

- (a) To be responsible for receiving and processing all applications for Licences and Permits and issuing the same.
- (b) To keep adequate records of all applications for Licenses.

- (c) To make an inspection of any premises for which a Licence has been issued in order to ascertain that such premises comply with the provisions of this bylaw and the Licence itself.
- (d) The Licensing Officer may delegate any powers, duties, or functions under this bylaw to any employee of the Village.

## 11. ENFORCEMENT

- (a) A Person who contravenes this bylaw is guilty of an offence.
- (b) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.
- (c) For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.
- (d) When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- (e) If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.
- (f) A Person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$1000.00, and to imprisonment for not more than six months for non-payment of a fine.
- (g) The following fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:
  - (i) \$100.00 for a failure to display or produce the License forthwith upon the demand of a Peace Officer or Licensing Officer
  - (ii) \$200.00 for each Business being engaged in or operated in without a Licence, whichever is greater;
  - (iii) \$200.00 for any offence for which a fine is not otherwise established.
- (h) If the person is guilty of a Subsequent Offence, the fine amounts established in this section are doubled.
- (i) If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify the fine amount established by this bylaw for the offence.
- (j) A Person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.

- (k) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
  - (i) specify the fine amount established by this bylaw for the offence; or
  - (ii) require a Person to appear in court without the alternative of making a voluntary payment.
  
- (l) A Person who commits an offence may:
  - (i) if a Violation Ticket is issued in respect of the offence; and
  - (ii) if the Violation Ticket specifies the fine amount established by this bylaw for the offence; make a voluntary payment equal to the specified fine.
  
- (m) In a prosecution for a 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.

**24. FORCE AND EFFECT**

This By-Law shall take full force and effect upon passage of third and final reading and upon signing in accordance with Section 213 of the Municipal Government Act, Chapter M-26, RSA 2000 as amended.

READ A FIRST TIME THIS 15 DAY OF June, A.D. 2009.

READ A SECOND TIME THIS 15 DAY OF June, A.D. 2009.

Unanimous consent for third reading 15 DAY OF June, A.D. 2009.

READ A THIRD TIME THIS 15 DAY OF June, A.D. 2009.



MAYOR, DOUG NYALA

June 13/09  
date signed



CAO, DARLENE GROSS

June 16/09  
date signed

(SEAL)

Signed copy on file at Village Office.

## SCHEDULE "A"

### BUSINESS CLASSIFICATIONS

BUSINESS	DESCRIPTION
<b>Adult Mini-Theatre</b>	A facility with visual entertainment, live or otherwise, a primary feature of which is the exposure of naked breasts, buttocks or genitalia of any person and where the viewing area for patrons has a seating capacity of 10 persons or less.
<b>After Hours Dance Club</b>	A facility with dancing to live or recorded music between the hours of 2 a.m. and 8 a.m.
<b>After Hours Dance Event</b>	A commercial event with dancing to live or recorded music between the hours of 2 a.m. and 8 a.m. that takes place other than in an After Hours Dance Club.
<b>Alcohol Sales</b>	Selling alcoholic beverages for consumption off the premises.
<b>Amusement Establishment</b>	A facility with any table or electronic games, including video lottery terminals.
<b>Auction Establishment</b>	Selling goods by auction or the storage of such goods.
<b>Bar/Lounge</b>	Selling alcoholic beverages for consumption on the premises but without offering dancing to live or recorded music.
<b>Bed And Breakfast</b>	Providing accommodation within a private residence, not including the complete rental of such private residence.
<b>Bingo Establishment</b>	A facility requiring a bingo facility license pursuant to the <i>Gaming and Liquor Act</i> .
<b>Carnival</b>	Operating a variety of live shows, games or amusement rides.
<b>Construction Vehicle And Equipment Sales/Rentals</b>	Selling or renting new or previously owned motor vehicles, machinery or equipment used in the construction of buildings, roads, pipelines and other such undertakings, in oilfield or mining operations, in manufacturing, assembling or processing operations or in agricultural production.
<b>Convenience Store</b>	A facility which sells prepackaged products of a varying nature at one location for the convenience of consumers.
<b>Dance Club</b>	A facility with dancing to live or recorded music but without the sale of alcoholic beverages for consumption on the premises.
<b>Delivery/Transportation Services</b>	Providing vehicles for the delivery or transportation of people or goods.
<b>Exhibition Hall</b>	Providing facilities for meetings, conferences, sales or seminars on a temporary basis.
<b>Firearm/Ammunition Dealer</b>	Selling, purchasing, manufacturing, importing, exporting, repairing or altering of any firearm or ammunition.
<b>Food Processing</b>	Processing food or beverages in preparation for human consumption.
<b>Gaming Establishment</b>	A facility requiring a casino facility license pursuant to the <i>Gaming and Liquor Act</i> .
<b>General Business</b>	Any Business not otherwise specified in this Schedule.
<b>General Contractor</b>	Providing services with respect to the erection, alteration, cleaning, moving, repair or demolition of buildings or structures; excavation; landscaping; concrete preparation or delivery; electrical systems; drilling; heating or air conditioning systems; plumbing; paving; and

	road, sewer or other such construction.
<b>General Industrial</b>	Processing of raw materials; manufacturing, assembly, cleaning, servicing, testing, repairing, storage, shipping or distribution of commercial or industrial materials, goods or equipment; and vehicle painting or body repair.
<b>Home Based Business</b>	Any Business conducted out of residential premises.
<b>Indoor Participant Recreation Services</b>	An indoor facility for sports or active recreation where patrons are predominantly participants and spectators are generally incidental.
<b>Livestock Operation</b>	Breeding (including any associated sale), boarding (whether for sale, shipment, inspection, appraisal, slaughter, or any other purpose), training or sale of any animal other than an animal normally considered as a domestic household pet.
<b>Nightclub</b>	Selling alcoholic beverages for consumption on the premises and offering dancing to live or recorded music.
<b>Pawn Shop</b>	Receiving goods held as security for an advance of money.
<b>Personal Service Shop</b>	Providing services related to the care and appearance of the body or the cleaning or repair of personal effects.
<b>Public Market</b>	A facility used on a temporary basis by a number of vendors for the sale of new or previously owned goods.
<b>Realtor</b>	Providing services for the buying or selling of properties.
<b>Rental Accommodation</b>	Providing accommodation other than within a private residence.
<b>Restaurant</b>	Selling prepared food or non-alcoholic beverages for consumption on or off the premises.
<b>Second Hand Store</b>	Selling previously owned goods other than by Auction, Traveling or Temporary Sales or in a Public Market.
<b>Small Animal Breeding/Boarding Establishment</b>	Breeding (including any associated sale), boarding or training of any animal normally considered as a domestic household pet.
<b>Spectator Entertainment Establishment</b>	A facility offering live theatrical, musical or dance performances or showing motion pictures.
<b>Tobacco Sales</b>	Selling tobacco or tobacco products including the sale of such items by vending machine.
<b>Vehicle Fueling Station</b>	On-site sale of gasoline, propane or any other motor vehicle fuel product.
<b>Vehicle Repair</b>	The general maintenance or repair of motor vehicles or non-motorized recreational vehicles such as tent trailers, boats and other similar craft, but not including vehicle painting or body repair.
<b>Vehicle Sales/Rentals</b>	Selling or renting new or previously owned motor vehicles, or non-motorized recreational vehicles such as tent trailers, boats and other similar craft, but not including Construction Vehicle and Equipment Sales/Rentals or the sale of less than 5 previously owned vehicles per calendar year

**SCHEDULE "B"**  
**VILLAGE OF CLYDE**  
**ANNUAL BUSINESS LICENCE FEES**

<b>BUSINESS DESCRIPTION</b>	<b>RESIDENT FEE</b>	<b>NON RESIDENT FEE</b>
General Business License	\$50.00	\$100.00
Hawkers, Peddlers		
per day	\$15.00	\$25.00
per week	\$25.00	\$50.00
per year	\$50.00	\$100.00

1. For places of amusement not specified or provided for, amount is to be set by Council for each period allowed; provided that such Licence may be refused, if in the opinion of Council, a nuisance or undue annoyance will probably be caused to persons in the vicinity of the proposed location of such place of amusement.
2. Where two or more trades or occupations are carried on by a Licensee, each trade or occupation shall be subject to the Licence Fee.

SCHEDULE "C"

VILLAGE OF CLYDE  
APPLICATION FOR BUSINESS LICENCE



# APPLICATION FOR BUSINESS LICENCE

Name of Business:	
Name of Applicant:	
Description of Business or Service:	
Mailing Address:	
Municipal (Street) Address:	
Telephone :	
Fax:	
Email:	
Telephone (Home):	
Is this Business Being Operated From a Residence in Clyde?	
<input type="checkbox"/> NO:	Proceed to Next Section
<input type="checkbox"/> YES:	<p><i>Has a Development Permit been issued for this home occupation?</i></p> <p><input type="checkbox"/> NO: Please apply for a Development Permit. Your Business Licence will be issued once the permit is valid.</p> <p><input type="checkbox"/> YES: Permit Number _____</p> <p><i>Has the Development Permit been renewed this calendar year?</i></p> <p><input type="checkbox"/> YES: Proceed to Next Section</p> <p><input type="checkbox"/> NO: Please renew prior to issuance of Business Licence.</p>
If Operating as a Hawker/ Peddler, what is the Duration of the Licence you are Seeking?	<input type="checkbox"/> 1 Day <input type="checkbox"/> 1 Week <input type="checkbox"/> 1 Year
Are you a	<input type="checkbox"/> Resident <input type="checkbox"/> Non Resident      of the Village of Clyde?
Provincial Licence #	
The above information is true and correct, to the best of my knowledge	
Signed: _____	Dated : _____
<b>Office Use Only</b>	
License # _____	Fee \$ _____ C/R _____ Initials _____

The Information on this form is being collected for the purpose of a municipal operation or activity under the authority of the Freedom of Information and Protection of Privacy Act, Section 32 (c).



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