

BYLAW #7:2022

**VILLAGE OF FORESTBURG
PROVINCE OF ALBERTA**

A bylaw of the Village of Forestburg, in the Province of Alberta to regulate the licencing of businesses operating within the Village of Forestburg.

WHEREAS it is provided in and by the Municipal Government Act, being Chapter M-26, of the Revised Statutes of Alberta, 2000, and amendments thereto, that the council may licence and control all businesses within the Village of Forestburg including the manner of operation, the nature of the operation and location thereof, and may licence any or all such businesses whether or not the business has a business premises within the municipality.

WHEREAS the Village of Forestburg wishes to undertake economic development activities, and believes that increased economic development will be a benefit to local businesses; and thus, will earmark all business licence fee revenue as a portion of the funding for economic development activities, and

WHEREAS the Municipal Government Act provides for councils to pass bylaws to regulate businesses, business activities and persons engaged in business, and

WHEREAS the Municipal Government Act provides that a system of licences may be enacted.

NOW THEREFORE the Council of the Village of Forestburg, duly assembled, hereby enacts as follows:

1. SHORT TITLE

1.1 This Bylaw may be cited as the "Business Licence Bylaw".

2. DEFINITIONS

"Applicant" shall mean a person who applies for a licence or a renewal of licence as required by this bylaw.

"Business" shall mean any business, occupation, profession, trade, calling, industry, or employment and includes the business of a peddler, transient trader, transient tradesman and cooperative or association of persons carried on with the intent to sell any goods and/or services at a reasonable expectation of profit.

"Carry on" shall mean operate, perform, keep, hold, occupy, deal in or use, for gain where this is principal or agents.

"Charitable or Non-Profit Organization" shall mean a person, association or persons or a corporation, acting for charity or in the promotion of general social welfare which cannot at any time distribute any dividend or profit to its members and includes:

- a) A religion society or organization.
- b) A service club.
- c) A community, veterans, or youth organization.

- d) A sport or fraternal organization or club.
- e) An employers' or employees' organization.

"Council" shall mean the Municipal Council of the Village of Forestburg.

"Craft or Trade Show" shall mean an organized activity at which:

- a) Crafts, goods or services are displayed and/or for sale by Not-for-Profit Organizations;
or
- b) Trades people are offering goods or services for sale of profit

"Home Occupation" shall mean any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and for which a home occupation development permit has been approved under the provision of the Land Use Bylaw of the Village of Forestburg.

"Land Use Bylaw" shall mean Bylaw 10:2012 Land Use Bylaw as amended and replaced, and all other statutory plans and bylaws as have been made or may be passed in the Village of Forestburg.

"Licence" shall mean a licence granted by the Village of Forestburg entitling the person to whom it is granted, to carry on an activity therein specified in the Village of Forestburg. A said licence shall be in the form of a written permit and showing thereon the type of business engaged in.

"Licencing Officer" shall mean any person designated by the Village of Forestburg to monitor and/or enforce compliance with any federal or provincial legislation, this bylaw or any other municipal bylaw related to the operation of businesses within the Village of Forestburg.

"Pedlar" shall mean any person who does not ordinarily maintain a place of business within the Village and who is not liable for a property tax in respect thereof and who either as principal or agent:

- a) Goes from house to house selling or offering for sale merchandise or services, or both, to any person who is not a wholesale or retail dealer in such merchandise or services having a permanent place of business in the Village; 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 or shipped into the Village; or,
- c) Sells merchandise or services, or both, on the streets or roads or elsewhere than at a building that is his permanent place of business.

"Person" shall mean any natural person or body corporate and includes a partnership, group of persons acting in concert or an association unless the context explicitly or by necessary implementation otherwise requires.

"Personal Services" shall mean any person, firm or corporation providing services related to the care and appearance of the body.

"Resident Business" shall mean any person, firm or corporation carrying on business from any non-residential assessable premises within the corporate limits of the Village of Forestburg.

"Separate Business" shall mean a business that has a different name than any other and that is collecting and reporting revenue for tax purposes under that individual name.

“Transient Trader” shall mean any person who does not ordinarily maintain within the Village a permanent place of business and who is not liable for a business tax in respect thereof, and who either as principal or agent buys or offers to buy direct from the producer or owner thereof any merchandise or offers to sell to a consumer any merchandise.

“Transient Tradesman” shall mean any person who does not ordinarily maintain within the Village a permanent place of business and who is not liable for a business tax in respect thereof and who either as principal or agent engages in selling, offering for sale, fabrication or installation of any goods and services or any combination of either of them.

“Village” shall mean the Village of Forestburg.

3. GENERAL PROVISIONS

- 3.1 This bylaw shall apply to any trade, business or occupation that is carried on with the intention of making a profit unless said trade, business or occupation provides written proof that it is exempt under provincial or federal legislation or other regulations or statutes.
- 3.2 All businesses are required to obtain a business licence before commencing operations and all existing businesses are required to renew their business licences annually as set out in this bylaw.
- 3.3 No person, pedlar, transient trader or transient tradesman shall carry on any business in the Village without having a valid and subsisting licence issued by the Village.
- 3.4 Persons granted licences under this Bylaw shall conform to all regulations and terms therein specified and any other Bylaw applicable to the business, activity or matter in respect of which such licence was issued and be subject to inspection at all times by a Licencing Officer of the Village of Forestburg.
- 3.5 No licence shall be issued until such time as the applicants holds a valid Development Permit where required by the provisions of the Land Use Bylaw of the Village of Forestburg and has adhered to the requirements of any other level of government.
- 3.6 The business licence for the purpose of this bylaw shall be valid from January 1st in any calendar year to December 31st of that calendar year, unless otherwise specified.
- 3.7 A business licence for an existing business shall be renewed by the 28th day of February of each year. Renewal shall be affected by a business licence holder submitting the proper fees to the Licencing Officer.
- 3.8 Each licence issued under this bylaw shall be posted in a conspicuous place in the business premises in which the licence was issued. When the licensee does not occupy premises for the purpose of carrying on his trade, occupation, or business, he shall produce the licence upon request by the Licencing Officer.
- 3.9 For the purposes of this bylaw, a person shall be deemed to be operating without a licence if he or she continues to carry on business if:
 - 3.9.1 In the case of a new resident business, the licence fee is not paid prior to the operation of business activities.
 - 3.9.2 In the case of a person, defined herein, as a canvasser or transient trader, the licence fee is not paid prior to commencing any business activities within the Village.

- 3.10 Each separate business shall hold its own licence. This applies to:
- 3.10.1 Separate businesses as defined by this Bylaw which are owned by the same person, and which operate at the same physical premises; and
 - 3.10.2 Separate businesses as defined by this Bylaw which are owned by different persons and operate the same physical premises.
- 3.11 The advertising of the business in any form including, but not limited to, newspapers, TV, radio, flyer, internet, website and other promotional materials, shall be deemed to be prima fascia proof to the fact that the person advertising is carrying on or operating any such businesses.
- 3.12 Businesses such as mobile concessions, food trucks, or fruit stands which operate outside of a designated Farmers' Market or Craft or Trade Show, and all other transient businesses as defined in the definitions section of this Bylaw are required to obtain a business licence.
- 3.13 If an individual disputes an activity or operation being classified as a business, the licencing officer may ask the individual to demonstrate that no business income and/or expenses are being claimed on his/her personal income tax return. In the case of a new activity or operation, the settlement of the dispute shall be deferred until after the date of next filing of a personal income tax return. No licence fee need be paid until after settlement of a dispute.
- 3.14 The Chief Administrative Officer, the Assistant Administrator or the Administrative Clerk are each hereby appointed as a Licencing Officer for the Village.

4. EXEMPTIONS

- 4.1 No business licence shall be required:
- 4.1.1 For a business carried on or operated by the Village.
 - 4.1.2 For utilities that are under the jurisdiction of the Alberta Energy & Utilities Board of the Province of Alberta.
 - 4.1.3 For the occupation of domestic servant and unskilled labourer where this person is employed by a residential property owner or tenant.
 - 4.1.4 For a supplier bringing in bulk goods to a licenced business for the purposes of resale.
 - 4.1.5 For a day home provider that is registered with a provincially approved Day Home Agency.
 - 4.1.6 For a person who is 18 years of age or younger and a resident of the Village of Forestburg, provided the annual gross revenue from the business does not exceed \$5,000 per year.
 - 4.1.7 For any business operating solely from a Farmers' Market or Craft or Trade show.
 - 4.1.8 For garage sales, subject to the following:
 - 4.1.8.1 A maximum of two garage sales in each calendar year may be conducted on each private residential property in the Village.

- 4.1.8.2 A garage sale must not be conducted for a period of more than three (3) days, whether consecutive or not.
- 4.1.9 For door-to-door fundraisers for local schools, charitable and not-for-profit organizations;
- 4.1.10 For non-local charitable and non-profit organizations, but if requested, such organizations may be required to provide the Licencing Officer with:
 - 4.1.10.1 The name of the organization, the Articles of Memorandum of Incorporation, and such other information as the Licencing Officer requires to determine that the organization is a charitable or non-profit organization as defined by the Bylaw.
 - 4.1.10.2 A description of the business which the organization wishes to carry on and the time and place where it is to be carried on.
- 4.1.11 For the employees of a person who holds a valid and subsisting licence;
- 4.1.12 For a business carried on by the Government of the Province of Alberta or the Government of Canada.
- 4.1.13 For any business exempted from municipal licencing by a Statute of Canada or Alberta.
- 4.1.14 For any business holding a valid business license as issued any another municipality within the boundaries of Flagstaff County excepting peddler, transient trader, or transient tradesman.
- 4.1.15 For such businesses as Council, by resolution, may from time to time exempt.

5. LICENCING OFFICER

- 5.1. The powers and duties of the Licencing Officer are:
 - 5.1.1. To receive and deal with all applicants for licences and transfer thereof including the collection of money paid under this bylaw.
 - 5.1.2. To ascertain that all information furnished by an applicant in connection with an application for a licence or transfer of a licence is true in substance and fact.
 - 5.1.3. To keep adequate records of all applicants for licences and in a form required by Council whenever requested from time to time concerning the administration of business licences;
 - 5.1.4. To prosecute violations of this bylaw and to administer this bylaw and as far as practicable to see that all persons concerned conform to the provisions of this bylaw and to prosecute such persons who fail to comply therewith.
- 5.2. Any premises or place, in respect of which a licence has been issued under the provisions of this bylaw, shall be subject to an inspection at all reasonable times by the Licencing Officer or other person duly authorized by Council. Anyone who shall refuse admittance to such Licencing Officer or person authorized by Council shall be guilty of an offence under this bylaw and subject to any penalties herein imposed.

6. BUSINESS LICENCE

- 6.1. An applicant for a licence shall make application to a Licencing Officer of the Village on a form supplied by the Village furnishing such information as the form shall require and such additional information as the Licencing Officer may from time to time require together with a Provincial licence where required under any Provincial Statute and the licence fee hereinafter mentioned.
- 6.2. Where a business subject to licencing is carried on or intended to be carried on in more than one place, a licence shall be required in respect of each place as though the businesses carried on in each were a separate business.
- 6.3. A contractor or tradesman who obtains a licence to work on any project which will not be completed in the calendar year in which the licence was issued will not be subject to further licencing in the new year provided the licenced individual limits his work to that project only and that the period does not exceed twelve (12) months in duration.
- 6.4. As directed by the Public Health Inspector, no licence shall be issued to the following businesses until such time as an appropriate inspection has been completed by the Public Health Inspector and written indication of approval must accompany the business licence application:
 - 6.4.1. Grocery and convenience stores.
 - 6.4.2. All food and beverage services (including restaurants, mobile food services and concessions).
 - 6.4.3. Water processors; and,
 - 6.4.4. All personal services.
- 6.5. No licence shall be issued to any person unless the business will comply with all Bylaws of the Village including the use of any premises in connection therewith.
- 6.6. Where any certificate, authority, licence 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 licence issued under this Bylaw based in whole or part on such certificate, authority, licence or other document of qualification shall be revoked automatically forthwith.
- 6.7. No business licence is valid unless signed by a Licencing Officer of the Village of Forestburg.

7. FEES

- 7.1. The annual business licence fee for each Business Licence for each person carrying on business in the Village in place of business that is liable for property taxes in respect thereof, shall be the sum of Twenty-Five (\$25.00) dollars.
- 7.2. The annual business licence fee for each Home Occupation Business Licence for each person carrying on business in the Village in a place of business that not liable for property taxes in respect thereof, shall be the sum of One Hundred Twenty (\$120.00) dollars.
- 7.3. The business licence fee for each Pedlar, Transient Trader or Transient Tradesman shall be as follows:

- 7.3.1. Thirty-five (\$35.00) per day; or,
- 7.3.2. One Hundred Seventy-Five (\$175.00) per year.
- 7.4. Where the Village issues a licence after June 30th of any licence year, it will charge one-half (50%) of the annual business licence fee, provided the business applying for the licence has not operated within the limits of the Village prior to July 1 of that year. This clause does not pertain to Pedlars, Transient Traders, or Transient Tradesmen.
- 7.5. Each business licence shall expire on the 31st day of December following the date of issue thereof unless otherwise stated.

8. PENALTIES

- 8.1. Any person contravening a provision of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine of not less than Two-Hundred and Fifty (\$250.00) dollars, and in default of payment, to imprisonment for a term of not more than thirty (30) days.
 - 8.2. Subsequent offences by the same person in contravention of this bylaw will be subject to an escalation of fine by no less than \$50.00 for each and every subsequent offence.
9. This bylaw shall come into effect per approval.
10. Bylaw 9:2014 is hereby repealed.

Read for a First Time This 20th day of October 2022.

Read for a Second Time this 20th day of October 2022.

Unanimous Consent for Third and Final Reading this 20th day of October 2022.

Read a Third and Final Time this 20th day of October 2022.



Mayor



Chief Administrative Officer