

**TOWN OF OYEN
BY-LAW NO. 808-11**

A BY-LAW OF THE TOWN OF OYEN IN THE PROVINCE OF ALBERTA, PROVIDING FOR THE LICENSING OF ALL BUSINESS ENTERPRISES OPERATING WITHIN THE CORPORATE LIMITS OF THE TOWN OF OYEN.

WHEREAS, by virtue of the power conferred on it by the Municipal Government Act, R.S.A. 1994; the Council of the Town Of Oyen, in the Province Of Alberta, duly assembled, enacts as follows:

SECTION 1 - SHORT TITLE

1. This by-law shall be known and may be cited as the "BUSINESS LICENSE BY-LAW" of the **Town** of Oyen.

SECTION 2 - DEFINITIONS

2. In this by-law the following terms (unless the context specifically requires otherwise) shall have the following meanings:
 - .1 "**APPLICANT**" shall mean a **Person** who applies for:
 - a) a **License**, or
 - b) a renewal of an existing **License**, or
 - c) a transfer of an existing **License**.
 - .2 "**APPLICATION**" shall mean a written **Application** for a **Business License** on a form provided by the **License Inspector**.
 - .3 "**BUSINESS LICENSE**" shall mean a **License** issued pursuant to this by-law.
 - .4 "**BUSINESS PREMISES**" shall mean any place where a **Person** is **Carrying On Business** and includes any land, building, structure, vehicle, or location.
 - .5 "**CARRYING ON BUSINESS**" shall include any trade, profession, industry, vocation, or calling that provides goods and/or services for gain, benefit, advantage, or livelihood. Proof of one (1) transaction in the business within the boundaries of the **Town** is sufficient to establish that the **Person** carried on or engaged in the business.
 - .6 "**CHARITABLE OR NOT FOR PROFIT ORGANIZATION**" shall mean a **Person** or association of **Persons** acting for a charity or in the promotion of general social welfare and includes:
 - a) a religious society or organization; or
 - b) a service club; or
 - c) a community veterans or youth organization; or
 - d) a social sport or fraternal organization or club; or
 - e) an employer or employees' organization.
 - .7 "**CHIEF ADMINISTRATIVE OFFICER**" means the Manager of the **Town** and anyone authorized to act on his/her behalf.
 - .8 "**COUNCIL**" shall mean the Municipal **Council** of the Town of Oyen.
 - .9 "**CRAFT OR TRADE SHOW**" means an organized activity at which:
 - a) crafts, goods or services are displayed and/or for sale by Not for Profit Organization(s); or
 - b) trades people are offering goods or services for sale for a profit

- .10 **“GARAGE SALES”** means the displaying and offering for sale of five or more items of goods, wares or merchandise (other than boats, motor vehicles or recreational vehicles of any kind) on private residential property.
- .11 **"GENERAL CONTRACTOR"** shall mean any **Person** who enters into a contract for the erection, alteration, cleaning, moving, repair, or demolition of a building or structure, and who enters into contracts with **Sub-Contractors** for the undertaking of certain elements of the overall project.
- .12 **"HOME OCCUPATION"** means an occupation, trade, profession, or craft carried on in a residential building by one or more of the occupants of the residence and which use of the dwelling is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
- .13 **“HOME OCCUPATION - CATALOGUE SALES or HOME PARTY BUSINESS”** means a **Business** which normally conduct business at the home of clients or customers.
- .14 **"LICENSE"** shall mean a **License** issued pursuant to this by-law.
- .15 **"LICENSEE"** shall mean a **Person** holding a valid and subsisting **License** issued pursuant to the provisions of this by-law.
- .16 **"LICENSE FEE"** shall be that fee set out in Schedule "A" of this by-law.
- .17 **"LICENSE INSPECTOR"** shall mean an employee of the **Town** appointed from time to time by the **Town** as a **License Inspector**.
- .18 **"LICENSE YEAR"** means the period commencing January 1st and ending on December 31st of the same calendar year.
- .19 **"MECHANICAL TRADE"** means any **Person** who, for compensation, carries on any of the trades designated in the regulations passed pursuant to the Apprenticeship and Industry Training Act, 1992, and includes:
- a) electrical contractor;
 - b) plumbing contractor;
 - c) steamfitting & pipefitting contractor;
 - d) gasfitting contractor;
 - e) motor mechanic;
 - f) auto body mechanic;
 - g) sheet metal contractor;
 - h) electronic technician;
 - i) refrigeration mechanic;
 - j) heavy duty mechanic;
 - k) elevator contractor;
 - l) locksmith.

NOTE: The **Business License** requirements of this by-law apply to the **Mechanical Trade** and not to employees of the licensed **Mechanical Trade**.

- .20 **"NON-RESIDENT BUSINESS"** shall mean a business that is not a **Resident Business**.
- .21 **“OFFICER”** shall mean a Community Peace Officer appointed by the Town pursuant to the Municipal Government Act to enforce Town by-laws and includes a member of the Royal Canadian Mounted Police and when authorized a Special Constable.
- .22 **"PEDDLER"** shall mean any **Person** who as principal or agent of a “Non-Resident Business” carries on business in the Municipality by:

- a) **Carrying On Business** transactions by soliciting and taking orders by telephone, by mail, or by other means for the sale of merchandise or services; or
- b) going from house to house offering for sale and selling any merchandise or service; or
- c) offering for sale and selling any merchandise or service to be afterwards delivered into or shipped into the **Town**; or
- d) selling merchandise or services on streets, parking lots, or elsewhere that is not a permanent **Business Premises**.

NOTE: The definition of a **Peddler** does not include any **Person** selling meat fruit, or other farm produce that has been raised or grown by himself. The definition of **Peddler** does include all **Persons** that may on occasion be referred to as hucksters or transient traders.

- .23 **"PERSON"** shall mean a natural Person, trustee, legal representative, proprietorship, body corporate, association, or partnership.
- .24 **"REAL ESTATE BUSINESS"** shall mean a business which facilitates the sale of real property, as defined within and governed by the Real Estate Act.
- .25 **"RENTAL ACCOMMODATION BUSINESS"** shall mean **Carrying On Business** by the renting or leasing of any building or portion thereof approved for the use and used as three (3) or more dwelling units.
- .26 **"RESIDENT BUSINESS"** shall mean a business that has a permanent **Business Premises**:
 - a) within the corporate limits of the **Town**; or
 - b) within the boundaries of the Municipal District of Acadia #34; or
 - c) within the boundaries of Special Area 3.
- .27 **"SEASONAL BUSINESS"** shall mean:
 - a) a garden tilling business; or
 - b) a weed cutting business; or
 - c) a snow removal business; or
 - d) other business activities that are seasonal in nature;
- .28 **"SUB-CONTRACTOR"** shall mean any **Person** who enters into a contract with a **General Contractor** for the erection, alteration, moving, cleaning, repair or demolition of any building or structure in the **Town** and, the includes a **Person** who carries on any one or more of the following businesses:
 - a) builder or carpenter;
 - b) roofing, siding application, and window/door moulding capping, stucco application, glass installing, door installing, plastering, or eavestrough installing;
 - c) excavating, landscaping, concrete or asphalt installing, reinforcing steel installing, sewer or water pipe and equipment installation, or paving;
 - d) structural steel installation, welding contracting, brick or stone mason;
 - e) building movers or demolition;
 - f) drywall and lath installing, flooring installing, painting and decorating, paper hanging, terrazzo or tile contracting;
 - g) ceiling installing, acoustical installation;
 - h) janitor service, window washing contractor, rug and upholstery cleaning, or chimney cleaning.
- .29 **"TOWN"** means the Municipal Corporation of the **Town** of Oyen in the Province of Alberta.
- .30 **"VIOLATION TAG"** means a tag or similar document issued by the Town

pursuant to Section 110 of the Municipal Government Act.

- .31 "VIOLATION TICKET" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act S.A. (1988), c P-21.5, as amended, and regulations there under.

SECTION 3 - REQUIREMENT OF BUSINESS LICENSE

- 3 Every **Person Carrying On Business** within the corporate limits of the **Town** is required to have a valid and subsisting **Business License** issued pursuant to the provisions of this by-law unless exempted by Federal or Provincial statutes or regulations.

SECTION 4 - LICENSE APPLICATION

- 4 **Application** for a **Business License** shall:
- .1 Be in writing on a form provided by the **License Inspector**;
 - .2 Be signed and submitted by the **Person** or a director or officer of the **Person** intending to carry on the business; and
 - .3 Be accompanied by a Certificate of Qualification where such Certificate is required by Federal or Provincial statute or regulation for the operation or performance of a particular business, calling, profession, trade, or occupation; and
 - .4 Be subject to the approval of a Development Permit for the location of the proposed business; and
 - .5 Include payment of the **Business License Fee** as set out in Schedule 'A' of this by-law.

SECTION 5 - POSTING AND INSPECTION

- 5.1 Every **Business License** issued pursuant to this by-law shall be made out and delivered or mailed to the **Licensee** who shall post the **License** in a conspicuous place on the **Business Premises**.
- 5.2 Every **Peddler** engaged in **Carrying On Business** in the **Town** shall carry on his **Person** a **Business License** receipt issued by the office of the **License Inspector** showing thereon the number of the **Business License** represented by that receipt.
- 5.3 A **Licensee** shall produce the **Business License** or in the case of a **Peddler**, a receipt for payment for the **License**, for inspection purposes whenever required to do so by the **License Inspector**.
- 5.4 All **Business Premises** located within the corporate limits of the **Town** in respect of which a **License** has been applied for or has been issued pursuant to the provisions of this by-law shall be subject to inspection by the **License Inspector**.
- 5.5 The **License Inspector** is hereby authorized to enter into any **Business Premises** during normal business hours located within the corporate limits of the **Town** in respect of which a **License** has been applied for or has been issued pursuant to the provisions of this by-law, to inspect for conditions that may contravene or fail to comply with the provisions of this by-law.

SECTION 6 - REFUSALS, REVOCATIONS, OR SUSPENSIONS

- 6.1 The **License Inspector** may refuse to grant a **Business License** if, in his opinion, there are just and reasonable grounds for the refusal. Failure to comply with the **License Application** requirements contained herein shall be grounds for refusal of a **License** application.
- 6.2 The **License Inspector** may revoke or suspend a **Business License** if, in his opinion, there are just and reasonable grounds for the revocation or suspension.

SECTION 7 - NOTICE OF REVOCATION OR SUSPENSION

- 7.1 Upon a **Business License** being revoked or suspended, the **License Inspector** shall notify the holder of the **License** by delivering the notice personally, or by registered or certified mail to the place of business as shown on the **License**.

SECTION 8 - APPEALS

- 8.1 In every case where a **Business License** has been refused, revoked, or suspended the **Applicant** may appeal to the **Town Council** who may:
 - a) confirm the refusal, revocation, or suspension, or
 - b) direct the **License** to be issued, or
 - c) reinstate the revoked **License**, or
 - d) remove or vary the suspension.
- 8.2 An appeal under this section shall be made by the **Applicant** within thirty (30) days after such refusal, revocation, or suspension.
- 8.3 All appeals under this section shall be made in writing addressed to the **Chief Administrative Officer** of the **Town** and shall be dated as of the date received by the **Chief Administrative Officer**.
- 8.4 Where a **Business License** is revoked or surrendered, the **Licensee** is entitled to a refund of one dollar (\$1.00).

SECTION 9 - TERM OF LICENSE

- 9 Every **Business License** issued under the provisions of this by-law shall terminate at midnight on the 31st day of December of the **License Year** in which the **License** was issued unless the **License** is revoked or surrendered.

SECTION 10 - TRANSFER OF BUSINESS LICENSE

- 10.1 A **Licensee** may transfer a **License** issued to him upon approval of the **License Inspector** and by paying the transfer fee as prescribed by this by-law. **Application** for the transfer of a business **License** shall:
 - a) be in writing on a form provided by the **License Inspector**; and
 - b) be signed and submitted by the **Person** or a director or officer of the **Person** intending to carry on the business; and
 - c) be accompanied by a Certificate of Qualification where such Certificate is required by Federal or Provincial statute or regulation for the operation or performance of a particular business, calling, profession, trade, or occupation; and
 - d) be subject to the approval of a Development Permit for the location of the proposed business; and
 - e) include all applicable legal documentation releasing the rights and interests of the previous **Licensee**.

SECTION 11 - LICENSE FEES

- 11.1 Every **Person** who carries on Business within the corporate limits of the **Town** shall pay each year to the **Town** the applicable **License Fee** as set out in Schedule "A" which forms part of this by-law. If the required **License Fee** has not been received by the **Town** before the first day of March of the current **License year**, the **Person Carrying On Business** will be deemed in contravention of this by-law.
- 11.2 The fee payable for a new **Business License** issued between the 1st day of January and the 31st day of August in any **License Year** shall be the **License Fee** for the full year.
- 11.3 The fee payable for a new **Business License** issued between the 1st day of September and the 30th day of November shall be one-half of the prescribed **License Fee** for the full year.
- 11.4 The **License Fee**, for a new business, payable after the 1st day of December of the **License Year** in which it is issued shall be applied to the next **License Year**.
- 11.5 The provisions of Sections 11.1, 11.2, 11.3, 11.4 shall not apply to **License Fees** for **Peddlers** or a **Seasonal Business** (see 11.6 & 11.7).
- 11.6 A **Business License** for a **Peddler** shall be applied for and be subject to the approval of the **License Inspector** prior to the **Person Carrying On Business** in the **Town**. A **Business License** for a **Peddler** shall be valid for only the term specified at the time of **Application** for the **Business License**. A **License Fee** as set out in Schedule "A" for a **Peddler** shall be paid to the **Town** at the time of the **License Application**.
- 11.7 A **Business License** for a **Seasonal Business** shall be applied for and be subject to the approval of the **License Inspector** prior to the **Person Carrying On Business** in the **Town**. A **License Fee** as set out in Schedule "A" for a **Seasonal Business** shall be paid to the **Town** at the time of the **License Application**.

SECTION 12 - EXEMPTIONS

- 12.1 a) From time to time the **Town** receives requests from various schools and charitable or not for profit organizations to conduct door to door fundraising within the corporate limits of the **Town**. As the **Town** understands the merits of permitting various charitable or not for profit organizations to conduct fundraising activities in this manner, the **Town** will consider the merits of various schools and charitable and not for profit organizations to conduct fundraising in this manner. Such applications will only be considered upon submission of a request in writing to the **License Inspector**.
- b) Upon receipt of a written request for fundraising from a school and bona fide charitable or non-profit organization, the **License Inspector** for the **Town** will consider the request. This will be contingent on the applicant providing:
 - (i) their registration number (If applicable); and
 - (ii) the dates requested for the fund raising activity.

Where the date requested is deemed unacceptable as a result of other community activities or other pre-established approvals for that particular date, an alternate date may be mutually agreed on.
- c) No more than two fundraisers will be permitted on any particular date.
- d) Upon a particular fundraising activity being deemed acceptable by the **License Inspector**, the **License Inspector** shall provide authorization to the applicant in

writing, of the particular fundraising activity, specifying the name of the organization and the dates specific to the activity.

- e) Each person involved in the fundraising activity shall as a condition to any approval carry and be prepared to provide personal identification as well as a copy of the letter, which authorizes the fundraising activity.
 - f) The **License Inspector** may, at his discretion create a “proposed schedule” for fundraising activities that may be used on a ongoing yearly basis, in order to regulate and maintain consistency in the scheduling from year to year. However, the application and confirmation process must occur on a year to year basis.
- 12.2 The provisions of this by-law shall not apply to businesses exempted by Provincial or Federal Statutes or regulations.
- 12.3 The holder of a **Business License** issued for a **Craft or Trade Show** in which all participants are Not for Profit Organizations and where the proceeds of the **Craft or Trade Show** are stated to be utilized toward a project within the **Town** may apply to the **License Inspector** for a refund of the **Business License Fee** The organizer / holder of the **Business License** for said **Craft of Trade Show** must supply a listing of all participants and the types of the products/service they will be selling.
- 12.4 **Garage Sales** shall be permitted without a Business License subject to the following:
- a) a maximum of two (2) **garage sales** in each calendar year may be conducted on each private residential property in the Town; and
 - b) a **garage sale** must not be conducted for a period of more than three days, whether consecutive or not.

SECTION 13 – PENALTIES

- 13.1 Any Person who contravenes a provision of this by-law is guilty of an offence and is liable to a penalty in the amount of \$100.00 for the first offence and \$200.00 for each subsequent offence.
- 13.2 Under no circumstances shall any Person contravening any provision of this by-law be subject to the penalty of imprisonment.
- 13.3 Nothing in this by-law shall be construed as curtailing or abridging the right of the Town to obtain compensation or to maintain an action for loss of or damages to property from or against the Person or Persons responsible.

SECTION 14 – VIOLATION TAG

- 14.1 An Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Officer has reasonable and probable ground to believe has contravened any provision of this by-law.
- 14.2 A Violation Tag may be issued to such Person:
- a) either personally; or
 - b) by mailing a copy to such Person at his or her last known post office address.
- 14.3 The Violation Tag shall be in a form approved by the Town or the responsible Town Official and shall state:
- a) the name of the Person;
 - b) the offence;
 - c) the appropriate penalty for the offence as specified in Section 13 of this by-law;
 - d) that the penalty shall be paid within thirty (30) days of issuance of the Violation Tag; and

- e) any other information that may be required by the Town.
- 14.4 Where contravention of this by-law is of a continuing nature, further Violation Tags may be issued by an Officer providing that no more than one Violating Tag shall be issued for each day that the contravention continues.
- 14.5 Where a Violation Tag is issued pursuant to this by-law, the Person to whom the Violation Tag is issued, may, in lieu of being prosecuted for the offence, pay to the Town Treasurer the penalty specified in the Violation Tag.
- 14.6 Nothing in this by-law shall prevent an Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes a provision of this by-law.

SECTION 15 – VIOLATION TICKET

- 15.1 If the penalty specified in a Violation Tag is not paid within the prescribed time period then an Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act.
- 15.2 When a Violation Ticket is issued, a Person who wished to plead guilty may make a voluntary payment by paying an amount equal to the specified penalty for the offence as provided for in Section 13 of this by-law.

SECTION 16 – SEVERABILITY

- 16.1 Should any provision of this by-law be invalid, then such invalid provision shall be severed and the remaining by-law shall be maintained.

SECTION 17 - REPEAL OF BY-LAW

- 17.1 The **Town** of Oyen By-law No. 647 is hereby repealed upon this by-law coming into effect.

Read a first time this 6th day of December, 2011

Read a second time this 6th day of December, 2011

Read a third time and passed this 6th day of December, 2011

Original signed by
Paul Christianson

MAYOR

Original signed by
Hermann Minderlein

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

RESIDENT BUSINESS	\$ 25.00
NON-RESIDENT BUSINESS	\$100.00
HOME OCCUPATION - OTHER THAN CATALOGUE SALES	\$ 50.00
HOME OCCUPATION - CATALOGUE SALES or HOME PARTY BUSINESS	\$ 10.00
PEDDLER	
- full year	\$500.00
- per month	\$250.00
- per week	\$150.00
- per day	\$100.00
CIRCUS, CARNIVAL, OR RODEO	
- per day	\$100.00
SEASONAL BUSINESS	\$ 10.00
BUSINESS LICENSE TRANSFER FEE	\$ 10.00
CRAFT OR TRADE SHOW	
- per day	\$100.00