

BYLAW NO. 891
BUSINESS LICENSE BYLAW

BEING A BYLAW OF THE TOWN OF REDWATER, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR
THE LICENSING AND CONTROL OF ANY BUSINESS OPERATING WITHIN THE TOWN OF REDWATER.

WHEREAS, it is provided in and by the Municipal Government Act, that the Council may license and control all Businesses within the Town of Redwater including the manner of operation, the nature of the operation and the location thereof, and may License any or all such Businesses whether or not the Business has a Business Premise within the Municipality.

NOW THEREFORE, the Council of the Town of Redwater duly assembled enacts as follows:

1. TITLE

1.1 This bylaw may be cited as "The Business License Bylaw" of the Town of Redwater.

2. DEFINITIONS

2.1 **"Advertising"** means any public notice meant to attract support for a Business located in the Town, including but not limited to:

2.1.1 a poster,

2.1.2 a placard,

2.1.3 a flyer,

2.1.4 a sign, including an inscribed board, structure or device serving for advertising without being limited to free-standing signs, portable signs or banners,

2.1.5 a newspaper display

2.1.6 a television or radio announcement designed to sell a product or publicize a service, or vacancy, or

2.1.7 internet and social media

2.2 **"Application"** means a written application for a Business License as provided for by this bylaw.

2.3 **"Business"** means:

2.3.1 a commercial, merchandising or industrial activity or undertaking

2.3.2 a profession, trade, occupation, calling or employment, or

2.3.3 an activity providing goods or services

whether or not it is conducted for profit and however organized or formed, including a co-operative or association of persons.

2.4 **"Business License"** means a license issued pursuant to this bylaw

2.5 **"Business License Administrator"** means a person authorized by the Town Manager to carry out the provisions of this bylaw or anyone acting on their behalf.

- 2.6 **“Council”** means the Council of the Town of Redwater.
- 2.7 **“Development Officer”** means the Development Officer of the Town of Redwater or anyone designated by the Town Manager
- 2.8 **“Hawker or Peddler”** means any person who does not maintain a regular and permanent place of Business within the Town and who, whether as a principal or agent sells merchandise or services, or both, on the street or elsewhere than at a building that is their permanent place of Business. A Hawker or Peddler does not include:
- 2.8.1 any Person selling:
- 2.8.1.1 meat, fruit or other farm produce that has been produced, raised or grown by themselves or
- 2.8.1.2 fish of their own catching
- 2.8.2 door-to-door solicitors and salespeople except for those organizations listed in Section 11.3.
- 2.9 **“Home Occupation (minor or major)”** means an occupation carried on within a unit which is zoned residential as outlined in the Town of Redwater Land Use Bylaw within the Town.
- 2.10 **“Non-Resident”** means any Business which does not have a permanent office or place of Business in the Town of Redwater, and does not include Hawkers and Peddlers.
- 2.11 **“Peace Officer”** means:
- 2.11.1 a member of the Royal Canadian Mounted Police;
- 2.11.2 a member of a municipal police service;
- 2.11.3 a Community Peace Officer where under that person’s appointment as a Community Peace Officer that person is empowered to carry out the duties of a Peace Officer, or
- 2.11.4 a Bylaw Enforcement Officer who is appointed by the Council of the Town of Redwater.
- 2.12 **“Person”** means an individual, sole proprietorship, corporation, partnership, joint venture, co-operative or society.
- 2.13 **“Premises”** includes a store, office, warehouse, building enclosure, residential dwelling, yard or other place occupied or capable of being occupied for the purpose of carrying on a Business.

- 2.14 **“Resident”** means a Business where a permanent office or place of Business is situated within the Town.
- 2.15 **“Town”** means the Municipal Corporation of the Town of Redwater.
- 2.16 **“Town Manager”** means the Chief Administrative Officer of the Town of Redwater.
- 2.17 **“Violation Tag”** means a tag or similar document issued by the Town pursuant to the *Municipal Government Act R.S.A. 2000, c. M-26* as amended or repealed and replaced from time to time and regulation thereunder.
- 2.18 **“Youth”** means any business operated by an individual who is under 18 years of age, within the Town

3. APPOINTMENT, POWERS AND DUTIES OF THE BUSINESS LICENSE ADMINISTRATOR

- 3.1. The Town Manager shall appoint a Business License Administrator to carry out the provisions of this bylaw. If the Town Manager does not appoint a Business License Administrator, the Town Manager is the Business License Administrator.
- 3.2. The Business License Administrator shall receive and consider Applications to operate a Business within the Town including the power to consult with, obtain information from, and verify information with other employees or agents of the Town, other governments, government agencies, or persons.
- 3.3. The Business License Administrator shall consider each complete Application.
- 3.4. Notwithstanding Subsection 3.3, Applications for door-to-door solicitation or sales shall not be considered except for those organizations listed in Section 11.3.
- 3.5. The Business License Administrator may grant a Business License, with or without conditions, to an applicant meeting the requirements of this bylaw and paying the required fee.
- 3.6. Notwithstanding Subsection 3.5, the Business License Administrator may, at his/her discretion, impose conditions on a Business License or refuse to issue a Business License.
- 3.7. The Business License Administrator has the right to revoke or suspend a Business License at any time if, in his/her opinion, it has become a detriment to the Town or a nuisance to the residents. A Business License may also be revoked if:
- 3.7.1 the information contained within an Application is deemed to be false,
- 3.7.2 a Business License fee remains outstanding as of the 1st day of January in the year in which the Business License would be valid or,
- 3.7.3 penalty fees are not paid within thirty (30) days of the date in which the penalty is levied.

Notice of revocation may be made by personal service upon the holder of the Business License or by sending the notice by single registered mail to the Person's residence or place of Business.

- 3.8. The Business License Administrator shall refuse to re-instate a revoked or suspended Business License if the reasons for revoking or suspending the Business License have not been satisfied.
- 3.9. The Business License Administrator may carry out inspections of a Business Premise to ensure the operation complies with this bylaw.

4. APPOINTMENT, POWERS AND DUTIES OF A PEACE OFFICER

- 4.1. The Town Manager shall appoint a Peace Officer to enforce the provisions of this bylaw.
- 4.2. The Peace Officer may carry out inspections of a Business Premise to ensure the operation complies with this bylaw.

5. REQUIREMENTS OF A BUSINESS LICENSE

- 5.1. No Person shall carry on or operate any Business within or partly within the Town without holding a valid and subsisting Business License issued pursuant to the provisions of this bylaw unless specifically exempted by law.
- 5.2. Any Advertising of a Business shall be deemed to be proof of the fact that the Person advertising is carrying on or operating any such Business.
- 5.3. A Person who engages in or operates one or more Businesses in the same building, either separately or together, shall only be required to purchase one Business License.
- 5.4. A Person who engages in or operates a Business at more than one location shall purchase a separate Business License for each location.
- 5.5. In all circumstances, reference must be made to the Land Use Bylaw regarding development permit requirements for Businesses.

6. BUSINESS LICENSE APPLICATIONS

- 6.1. Applications for a Business License, for renewal of a Business License, or for a transfer of a Business License shall be made in writing on a form to be provided by the Business License Administrator.
- 6.2. An Application for a Business License for any Business shall be made by the owner of the Business or the representative of the owner.



- 6.3. Every applicant for a Business License must be at least eighteen (18) years of age, except if the Application is for a "Youth" Business License.
- 6.4. Renewal shall be affected by a Business License holder submitting the proper fees to the Business License Administrator.

7. TERM OF BUSINESS LICENSE

- 7.1. Every Business License issued under the provision of this bylaw shall terminate at midnight on the 31st of December of the year in which said Business License was issued unless the Business License has been sooner cancelled, revoked or forfeited.
- 7.2. Any Business License may be cancelled by providing written notice to the Business License Administrator.
- 7.3. Business License renewals shall be paid in full on or before the 31st day of December, of the year in which the existing Business License expires.
- 7.4. Failure to make payment for the renewal of a Business License as described in 7.3 above shall construe the Business License as being cancelled.
- 7.5. A Business License does not relieve the Business License holder from the obligation to obtain any other permit, license or other approval that may be required under another bylaw of the Town or any other government authority.

8. TRANSFER OF A LICENSE

- 8.1. A Business License granted pursuant to the provisions of this bylaw, may, upon approval from the Business License Administrator, be transferred from one Business Premise to another Business Premise or from one Person to another Person upon payment of a transfer fee to be paid at the time of Application for transfer.
- 8.2. A Business License issued for a Home Occupation (minor or major) shall become null and void if the said applicant relocates the Business to a subsequent residential premise.

9. PREREQUISITES FOR A BUSINESS LICENSE

- 9.1. No Business License shall be granted until such time as the applicant holds a valid development permit where required by the Land Use Bylaw for the Business.
- 9.2. No Business License shall be granted if the applicant fails to comply with any other bylaw of the Town.
- 9.3. No Business License shall be granted until the applicant has submitted to the Business License Administrator the proper fee as provided by this bylaw.

10. LICENSE FEES



- 10.1. No Person shall carry on or operate any Business within or partly within the Town without first paying the Business License fee as outlined in Schedule A of this Bylaw.
 - 10.1.1. The fee payable for a first time Business License issued between the 1st day of January and the 30th day of June in any year shall be the Business License fee for the full year.
 - 10.1.2. The fee payable for a first time Business License issued between July 1 and December 31 shall be 50% of the Business License fee for the full year.
 - 10.1.3. The aforementioned reduction in fees does not apply to Youth or Hawker/Peddler Business Licenses.
 - 10.1.4. Notwithstanding the provisions in this bylaw all Resident, Home Occupation and Youth Businesses will have the applicable business license fee waived from January 1, 2021- December 31, 2021.
- 10.2. The Person holding a Business License is not entitled to a refund for a cancelled, suspended, revoked or surrendered Business License.
- 10.3. Where a Business License has not been renewed pursuant to Subsection 7.3. of this bylaw, and the Business is still in operation, the Person is guilty of an offence under this bylaw.
- 10.4. The following are excluded from paying the fee for a Business License:
 - 10.4.1. the Crown in right of Canada
 - 10.4.2. the Crown in right of Alberta
 - 10.4.3. a Crown corporation
 - 10.4.4. Members of a registered association as described in the Professional and Occupational Associations Registration Act
 - 10.4.5. Sub-Contractors who work under a General Contractor who holds a valid Town Business License
 - 10.4.6. The Town of Redwater, or
 - 10.4.7. Not-for-profit groups and business participating in a Not-for profit function

11. CONDITIONS OF A BUSINESS LICENSE

- 11.1. Every Business License issued under this bylaw shall be posted in a conspicuous place in the Business Premises. The Person shall produce said Business License for inspection purposes whenever required by the Business License Administrator, Peace Officer, or other authorized person.
- 11.2. No door-to-door sales or solicitation shall be permitted in Town, whether or not the Business has a valid Business License.
- 11.3. Door-to-door activities by the following organizations shall continue to be allowed:
 - 11.3.1 Registered charitable organizations

- 11.3.2 Religious groups
- 11.3.3 Service clubs
- 11.3.4 Minor sports associations
- 11.3.5 Schools
- 11.3.6 Cubs, scouts, guides & similar organizations

- 11.4. The Organizations in Section 11.3 shall notify the Business License Administrator in writing when carrying out fundraising activities, but there shall be no requirements for a Business License.
- 11.5. On a construction project, the general contractor shall be required to obtain a Business License.
- 11.6. A supplier bringing in bulk goods to a Licensed Business for the purpose of resale shall not be required to obtain a Business License.
- 11.7. Every Person carrying on or engaged in any Business in respect of which a Business License is required under this bylaw, upon request of the Business License Administrator or Peace Officer, shall provide all information necessary to enable him to carry out their duties.

12. INSPECTION

- 12.1. Any Premises for which a Business License has been issued under the provisions of this bylaw may be subject to inspection by the Business License Administrator, Peace Officer, or authorized person.
- 12.2. Any Person who, after demand for inspection has been made by the Business License Administrator, Peace Officer, or authorized person, refuses admittance to the Business Premises or obstructs the Business License Administrator, Peace Officer or authorized person shall be guilty of an offence under this bylaw.

13. REVOCATIONS OR SUSPENSIONS

- 13.1. When any required certificate, authority, license or other document of qualification issued by the Government of Canada, or the Government of the Province of Alberta is terminated or surrendered, any Business License issued pursuant to this bylaw is immediately null and void and shall be considered as being revoked.
- 13.2. Where a Business License is revoked, the Person shall immediately return the Business License to the Town and the Business shall not operate until such time as a new Business License is issued.
- 13.3. Where a Business License is suspended, the Person may resume operation when the Business License is reinstated.

14. APPEALS

- 14.1. A Person may appeal to Town Council in every case where:



- 14.1.1 an Application for a Business License has been refused; or
- 14.1.2 a Business License has been revoked or suspended.
- 14.2. An appeal filed pursuant to subsection (14.1) shall be made by the Person within thirty (30) days after such refusal, revocation or suspension.
- 14.3. All appeals shall be made in writing addressed to the Town Manager and shall be dated as of the date received by the Town Manager.
- 14.4. The Town Manager shall present the appeal to Town Council at the next available Council Meeting for Council's decision.
- 14.5. Town Council, after hearing the appeal, may:
 - 14.5.1 Direct a Business License be issued or re-instated;
 - 14.5.2 Direct a Business License be issued or re-instated with conditions;
 - 14.5.3 Uphold the refusal, revocation or suspension of a Business License on grounds which appear just and reasonable.
- 14.6. A decision of Town Council in respect of an appeal under this section shall be final and binding.

15. PENALTIES

- 15.1. Any Person who contravenes, disobeys, refuses or neglects to obey any provision of this bylaw by:
 - 15.1.1 Doing any act or thing which is prohibited; or
 - 15.1.2 Failing to do any act or thing that is required to do herein;
- Is guilty of an offense and is liable, to a penalty as outlined in Schedule "B" in addition to any Business License fee required to be paid.

16. VIOLATION TAGS

- 16.1. Where a Peace Officer believes that a person has contravened any section of this bylaw, a Peace Officer may serve upon such person a Violation Tag allowing payment of the penalty specified in Schedule "B" for such offense to the Town and such payment shall be accepted by the Town.
- 16.2. A Violation Tag may be served to a Person as follows:
 - 16.2.1 in the case of an individual:
 - 16.2.1.1 by delivering it personally to the individual;
 - 16.2.1.2 by leaving it for the individual at the apparent place of Business or
 - 16.2.1.3 residence with someone who appears to be a least 18 years of age; or



by mail addressed to the individual at the apparent place of Business or residence or to any address for the individual; and

16.2.2 in the case of a corporation, sole proprietorship, partnership, joint venture, cooperative or society:

16.2.2.1 by delivering personally to any director or officer;

16.2.2.2 by delivering it personally to an individual apparently in charge of an office of the corporation, sole proprietorship, partnership, joint venture, cooperative or society at an address held by the corporation, sole proprietorship, partnership, joint venture, cooperative or society; or

16.2.2.3 by mail addressed to the registered office of the corporation, sole proprietorship, partnership, joint venture, cooperative or society.

16.3 A Violation Tag issued pursuant to this bylaw shall be in a form approved by the Town Manager and shall state:

16.3.1 the name of the Person to whom the Violation Tag is issued;

16.3.2 a description of the Property upon which the offence has been committed, if applicable;

16.3.3 a description of the offence and the applicable bylaw section;

16.3.4 the appropriate penalty for the offence as specified in Schedule "B" of this Bylaw;

16.3.5 the time period in which the specified penalty must be paid; and

16.3.6 any other information as may be required by the Town Manager or a Peace Officer.

16.4 Nothing in this section shall:

16.4.1 Prevent any Person from exercising their right to defend any charges of committing a breach of any provision of the Bylaw,

16.4.2 Prevent any , Business Licensing Administrator or any Peace Officer from laying an information or complaint in lieu of serving a violation tag, or

16.4.3 Prevent any Person from exercising any legal rights such Person may have to lay an information or complaint against any Person (whether such Person has made payment under the provisions of this Bylaw, or not) for a breach of any provision of this bylaw.

17. SEVERABILITY

17.1 It is the intention of Council that each separate provision of this bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this bylaw be declared invalid, that provision shall be deemed to be severed and all other provisions of the bylaw shall remain in force and effect.

18. SCHEDULE

18.1 The document attached hereto and marked Schedule "A" and Schedule "B" shall form part of this bylaw

19. ENACTMENT




19.1. Bylaw No. 891 shall come into full force and effect upon the day it receives third and final reading by Council.

19.2. Bylaw No. 846 of the Town of Redwater, is hereby repealed.

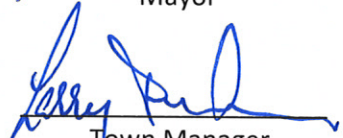
READ a FIRST TIME this 2nd day of February 2021.

READ a SECOND TIME this 2nd day of February 2021.

READ a THIRD and FINAL TIME this 2nd day of February 2021.



Mayor



Town Manager



SCHEDULE "A"
Bylaw 891
Business License Fee Schedule

Resident	January 1	\$ 35.00
	July 1	\$ 17.50
Non Resident	January 1	\$150.00
	July 1	\$ 75.00
Home Occupation	January 1	\$100.00
	July 1	\$ 50.00
Hawkers & Peddlers		\$ 50.00/day
		\$ 75.00/week
Youth		\$ 15.00
Transfer Fee		\$ 10.00



SCHEDULE "B"

Bylaw 891
Penalties

First Offense	\$50.00
Second Offense	\$100.00
Third and Subsequent Offenses	\$250.00

Payment under the Violation Tag must be made within 48 hours of being served upon the Person.

