

**TOWN OF HIGH RIVER
BYLAW 4305/2011**

BEING A BYLAW OF THE TOWN OF HIGH RIVER FOR THE PURPOSES OF REGULATING AND LICENSING ALL BUSINESSES CARRIED ON WITHIN THE MUNICIPALITY.

WHEREAS the Municipal Government Act, Statutes of Alberta, 2000, Chapter 26 and amendments thereto, authorizes Council to control and regulate all businesses within a municipality, including licensing of any or all such businesses; and;

WHEREAS it is deemed expedient by the Council of Town of High River to pass a bylaw to provide for the licensing of businesses carried on in whole or in part within the municipality;

NOW

THEREFORE The Council hereby enacts the Bylaw as described within Schedule "A"

This Bylaw comes into full force and effect upon third and final reading.

READ A FIRST TIME THIS _____ DAY OF _____, A.D. 2011.

Mayor/Deputy Mayor

**Town Manager/Director of Legislative and
Administrative Services**

PUBLIC HEARING HELD _____, A.D. 2011

READ A SECOND TIME THIS _____ DAY OF _____, A.D. 2011.

Mayor/Deputy Mayor

**Town Manager/Director of Legislative and
Administrative Services**

READ A THIRD AND FINAL TIME THIS _____ DAY OF _____, A.D. 2011.

Mayor/Deputy Mayor

**Town Manager/Director of Legislative and
Administrative Services**

TOWN OF HIGH RIVER
BYLAW 4305/2011
Schedule "A"

1. Short Title

This Bylaw may be cited as the "Business License Bylaw" of the Town of High River.

2. Definitions

2.1 In this Bylaw, the following terms will have the following definitions:

"Act" means the *Municipal Government Act* RSA 2000, Chapter M-26, of the Province of Alberta, as amended from time to time.

"Application" means a written application for a business license as provided for by this Bylaw.

"Authorized Pushcart Location" means an area approved by the town's licensing officer, or the designate of that person.

"Bed and Breakfast" means an accessory use carried on within a single detached dwelling where temporary accommodation is provided for remuneration.

"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 services, however organized or formed, including a co-operative or association of persons.

"Business License" means a license to be issued, pursuant to this bylaw, for the purpose of licensing any business operating within the Town.

"Business Premises" means any store, office, warehouse, yard or other place occupied for the purpose of carrying on a business and in which place the carrying on of a business is permitted or discretionary use under the Town of High River Land Use Bylaw.

"Bylaw Enforcement Officer" means the persons appointed to enforce the provisions of this Bylaw, and includes a member of the Royal Canadian Mounted Police and a Special Constable.

"Charitable or Non-profit Organization" means any person, association, or corporation engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Town, as defined by Canada Revenue Agency (CRA) under the *Income Tax Act* and that has a valid CRA Registered Charity Number.

"Child Care Facility" means the use of a building or a portion thereof for the provision of care, maintenance and supervision of seven (7) or more children under the age of 13 years for periods not exceeding 24 consecutive hours and includes all group family childcare, out of school care and pre-school programs pursuant to the *Child Care Licensing Act*.

"Contractor" means and includes any person who by contract or other monetary agreement, participates in any construction or demolition project and without the generality of the foregoing, includes any business connected with excavating, land filling, building, renovating, repairing, decorating and/or landscaping.

"Council" means the Council of the Town of High River.

"Hawker or Peddler or Street Vendor" means any person who, whether as principal or agent:

- i. Goes from house to house selling or offering for sale any merchandise to any person, and who is not a wholesale or retail dealer in such merchandise with a permanent place of business in the Town of High River;
- ii. Offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered in or shipped into the municipality;
- iii. Sells merchandise or a service, or both, on the streets or roads or elsewhere other than at a building that is a permanent place of business in the municipality;

- iv. Does not have a permanent place of business in the municipality.

“Home Occupation, Minor” means a development consisting of the use of a principal residence by an occupant of that residence for gain or support for an occupation which is limited to a desk and telephone operation, and has been approved under the provisions of the current Land Use Bylaw of the Town of High River.

“Home Occupation, Major” means a development consisting of the use of a principal residence or accessory building on a residential site by an occupant of that residence for an occupation, trade or craft for gain or support with a limited amount of client contact in the home and with limited inside storage on site, and has been approved under the provisions of the current Land Use Bylaw of the Town of High River.

“Licensee” means a person to whom a business license has been issued pursuant to the provisions of this Bylaw.

“Licensing Officer” means the Director of Development Services, or the designate of that person.

“Municipality” means the municipal corporation of the Town of High River in the province of Alberta or the area contained within the boundaries of the Town of High River.

“Permanent Structures” means any shelter, booth, stand or other building constructed so as to not be moveable without dismantling.

“Person” means an individual, a group of individuals, a corporation, firm, partnership, proprietorship, association, society and co-operative.

“Pushcart” means a hand operated or portable cart, wagon or other similar vehicle used for carrying goods or merchandise.

“Pushcart Vendor” means any person who, as principal or agent, sells or offers for sale, goods or merchandise from a pushcart.

“Resident” means a person who either resides principally within the Town of High River or has established premises within the town from which to do business.

“Residential Building” means a structure that contains one or more dwelling units including a house, multi-family dwelling, housing project, apartment building, lodging house, senior citizen complex or hospital.

“Sidewalk” means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between the curb line (or the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved.

“Store Premise” means a place of business, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied by any person for the purpose of carrying on any business.

“Student” means an individual who attends an educational institute or is enrolled in a recognized educational program and whose parents or family are residents of the municipality.

“Trade Fair” means an event where vendors display to the public at a single location, goods, wares, merchandise, food or service they have available for sale. This use includes all agricultural events, entertainment events, energy/resource events, art/crafts events and collector’s events (including, but not limited to comics, stamps, coins and cards).

“Trade Show” means an event where businesses showcase their goods and merchandise for advertising purposes only. No products or services are sold or exchanged for monetary purposes.

2.2 Terms which are not defined in this Bylaw will, where the context permits, have the meaning assigned to them by the municipality’s Land Use Bylaw, the Act or a standard dictionary, whichever applies.

3. General Provisions

3.1 No person shall carry on or operate any business within or partially within the municipality without first being the holder of a valid and subsisting business license and has previously paid the prescribed fee as set out in the Current Town of High River Rate Bylaw including any amendments thereto.

3.2 A business license if issued, shall be null and void, if the payment therefore was made by means of a non-negotiable document (i.e. NSF cheque).

- 3.3 Payment of the business license fee shall be made no later than thirty (30) days following the mailing of the business license renewal notice, or penalties will be charged at a percentage rate considered appropriate by the municipality.
- 3.4 Payment of business licenses issued for new businesses shall be made prior to the opening of the said business.
- 3.5 For the purposes of this bylaw, when a person carries on two or more businesses, a separate business license shall be required for each business independently of their location.
- 3.6 All applications for business licenses, where required, shall be made in writing to the Licensing Officer or a form provided, giving such information and particulars as requested thereon.
- 3.7 Persons granted business licenses under this bylaw shall conform to all regulations and terms herein specified and be subject to inspection at all times by a Bylaw Enforcement Officer or the Licensing Officer or his/her designate.
- 3.8 Every business license issued under this bylaw shall be posted in a conspicuous place on the respective business premises and whenever required to do so by a Bylaw Enforcement Officer or the Licensing Officer or his/her designate shall produce the license for inspection purposes.
- 3.9 The Licensing Officer hereby reserves the right to request comments from either the Chief of Police, the Medical Officer of Health, the Fire Captain or any other authority as deemed appropriate before issuing a business license.
- 3.10 Every business license granted under the provisions of this bylaw shall terminate on the 31st day of December in the year in which the said business license was issued, unless expressly stated otherwise, or the license has been cancelled, revoked or suspended.
- 3.11 The town may issue a business license after July 1st or October 1st of any business license year with fees as set out in the current Town of High River Rate Bylaw including any amendments thereto.
- 3.12 The licensee shall notify the municipality in writing about the cessation of his/her business operation. Business license fees may be reimbursed on a pro-rated monthly basis upon receiving the written notification of discontinuation. An administration fee, as considered appropriate by the municipality, shall be applied to all cancelled business licenses.
- 3.13 Business licenses issued under this bylaw shall not be transferred except to a person who purchases the business in respect of which the business license was issued. The municipality shall be notified of all such prospective transfers in order that all associated records may be updated accordingly.
- 3.14 No business license shall be issued if the applicant fails to comply with the provisions of this bylaw and to all applicable municipal, provincial and federal regulations.
- 3.15 The municipality may at any time revoke or suspend any business license issued under this bylaw for failure to comply with any of the conditions or regulations contained in this bylaw or any applicable municipal, provincial and federal regulation.
- 3.16 If any business license is revoked, suspended or cancelled by the municipality, the Licensee is not entitled to a refund.
- 3.17 The town may issue to non-residents of the municipality daily, weekly or annual business licenses as per the current Town of High River Rates Bylaw including any amendments thereto. This option is not available to anyone who has a business based in their residence within the municipality.
- 3.18 Businesses operated by students or by a person who is eighteen (18) years or younger and a resident of a municipality shall obtain a development permit and an annual business license for "Home Occupations, Minor" at twenty-five percent of the total amount required in the current Town of High River Rate Bylaw including any amendments thereto.
- 3.19 Subject to Sections 3.11 and 3.18, semi-annual business licenses may be issued for businesses operated by a student or by a person who is eighteen (18) years or younger at the direction of the Licensing Officer.
- 3.20 Council may waive the business license fee for extenuating circumstances.
- 3.21 The advertising of business, callings, trades or occupations referred to in this bylaw shall be deemed to be *prima facie* proof, or evidence which unless rebutted would be sufficient, of the fact that the person advertising is carrying on or operating any such business, calling, trade or occupation.

4. Necessity for Business License

4.1 No business license shall be required for:

- i. businesses specifically exempted from obtaining a municipal business license by provincial or federal legislation;
- ii. a business that is carried on by the Government of the Province of Alberta or Canada;
- iii. a business that is a Charitable or Non-profit Organization;
- iv. a business that is a Day Home service provider that is registered with a provincially approved Day Home Agency that is licensed through the Town of High River;
- v. a business that carries on its activities at the Farmer's Market, which is operated by the Town or an organization that is registered with the Farmer's Market Association;
- vi. a business carried on or operated by the municipality or its employees on behalf of the municipality;
- vii. such other businesses as Council by resolution may from time to time exempt.

4.2 Business license fees are non-refundable.

5. Provisions for Hawkers, Peddlers, Pushcart Vendors and Street Vendors

5.1 No person shall carry on a business as a Hawker, Peddler, Pushcart Vendor or Street Vendor in public parks within the boundary of the town until a development permit has been obtained from the town's development authority.

5.2 No person shall commence to, or shall carry on or engage in the business of Hawker, Peddler, Pushcart Vendor, or Street Vendor on public property within the Town of High River unless and until such person is the holder of a business license issued pursuant to this bylaw. The business license shall be displayed clearly on the property.

5.3 A Hawker, Peddler, Pushcart Vendor or Street Vendor may carry on business on a sidewalk at any location except for the following:

- i. Within 3 meters of a building or car park entrance or exit;
- ii. Within 10 meters of an intersection as defined in the Traffic Safety Act;
- iii. Within 3 meters of a back alley or lane;
- iv. Within 3 meters of another Hawker, Peddler, Pushcart Vendor or Street Vendor or a food service location including a Hawker, Peddler or Street Vendor location on private property or a food take-out window;
- v. Where the location of a Hawker, Peddler, Pushcart Vendor or Street Vendor and its operator does not leave a minimum pedestrian passageway of 2.5 meters between an adjacent curb or building;
- vi. Where the sidewalk is less than 3.5 meters wide;
- vii. Where the Hawker, Peddler or Street Vendor or its operator obstructs a fire hydrant, driveway, loading zone, or emergency access;
- viii. Within 25 meters of the property line of any Residential Development;
- ix. Within 6 meters of a competing retail /food establishment; and;
- x. No person shall carry on business as a Hawker, Peddler, Pushcart Vendor or Street Vendor on any public roads.

5.4 Hawkers, Peddlers, Pushcart Vendors and Street Vendors may be permitted to operate on any privately owned property within the Town of High River, provided that a letter of permission from the property owner has been submitted with the application and a development permit obtained from the Town's development authority.

5.5 A Business License issued to a Hawker, Peddler, Pushcart Vendor or Street Vendor of foodstuffs, fruits and/or vegetables, shall be withheld until the applicant has produced a certificate from the Calgary Board of Health or such other authorized Health Inspection Agency stating that the vehicle or receptacle from which the applicant intends to sell produce is in a sanitary condition. Every such vehicle or receptacle shall at all times be subject to inspection by a Health Officer to ascertain that the said vehicle or receptacle and contents thereof are clean and sanitary.

5.6 Hawkers, Peddlers, Pushcart Vendors and Street Vendors operating within the Town of High River shall abide by all other bylaws in force in the Town of High River.

5.7 Violation of any provisions of this bylaw pertaining to Hawkers, Peddlers, Pushcart Vendors and Street Vendors shall result in the business license being revoked.

- 5.8 Inspection of any gas or propane hook ups must be conducted by the Safety Codes Officer before a business license is issued.
- 5.9 A Pushcart Vendor shall obtain and maintain a valid business license for each pushcart.
- 5.10 A Pushcart Vendor may only carry on business daily from 7:00 A.M. to 1:30 A.M.
- 5.11 A Pushcart Vendor must be operated by a person of at least 18 years of age after 9:00 P.M.
- 5.12 A Pushcart Vendor shall have and maintain during the currency of the business license, public liability insurance of not less than one million dollars (\$1,000,000) in value.
- 5.13 If in the sole discretion of the Licensing Officer, or his designate or a Bylaw Enforcement Officer, the safety of the Pushcart operator or the general public is at risk a Pushcart Vendor may be required to either re-locate or cease carrying on business from that location.
- 5.14 This section of the Bylaw does not pertain to Buskers or Street Entertainers.

6. Appeal

- 6.1 Any decision by the Licensing Officer may be appealed, in writing to Council, stating the reasons for the appeal. After hearing the appeal, Council may confirm, amend or reverse the decision of the Licensing Officer.
- 6.2 In an appeal hearing, Council may hear the appellant, the Licensing Officer or his/her designate and any other person who, in the opinion of Council, is affected by the decision.
- 6.3 The Licensing Officer shall notify the appellant, in writing, of the outcome of the appeal within seven (7) business days of the decision being rendered by Council.

7. Offences and Penalties

- 7.1 Violation Ticket:
- 7.1.1 Where a Bylaw Enforcement Officer or the Licensing Officer or his/her designate reasonably believe that a person has contravened any provision of this Bylaw, a violation ticket may be served upon that person in the form provided under the Provincial Offences Procedure Act of the Province of Alberta.
- 7.1.2 A violation ticket issued by a Bylaw Enforcement Officer or the Licensing Officer or his/her designate must be paid within ten (10) working days to the municipality as follows:
- | | |
|--|----------|
| i. For the first offence | \$100.00 |
| ii. For the second offence | \$250.00 |
| iii. Third and subsequent offences will be liable on summary conviction. | |
- 7.1.3 Unpaid violation tickets may be added to the annual business license fee of the subject business and collected upon business license renewal at the discretion of the municipality.
- 7.2 Summary Conviction Offense:
- 7.2.1 Any person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to fine not exceeding \$500.00 exclusive of costs.
- 7.2.2 Where contravention of this bylaw is non-payment of the business license fee, the Court shall direct payment of the business license fee in addition to the fine imposed.

8. Repeal of Existing Bylaws

- 8.1 Bylaw No. 3516/84 and amendments thereto are hereby repealed.
- 8.2 Bylaw No. 3895/97 and amendments thereto are hereby repealed.