

Bylaw No. 1018

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF FOOTHILLS NO. 31 FOR THE PURPOSE OF REGULATING AND LICENSING ALL BUSINESSES CARRIED ON WITHIN THE MUNICIPALITY.

WHEREAS the Council, by virtue of the power granted to it by Section 224 of the Municipal Government Act, being Chapter M26, R.S.A. 1980 and amendments thereto, has authority to pass Bylaws providing for the regulation and licensing of all businesses carried on within the municipality,

NOW THEREFORE the Council of the Municipal District of Foothills No. 31 in the Province of Alberta, enacts as follows:

Short Title and Definitions

- 1.1 This Bylaw shall be known and may be cited as the “Business Licensing Bylaw” of the Municipal District of Foothills No. 31.
- 1.2 In this Bylaw, unless the context otherwise requires:
 - a) “applicant” means a person who applies for a license or a renewal of a license required by this Bylaw, and shall also mean a person who is appealing from the refusal, revocation or suspension of a license.
 - b) “business” includes every business, trade, profession, industry, occupation, employment or calling, and the providing of goods and services.
 - c) “carry on” means carry on, operate, perform, keep, hold, occupy, deal in or use, for gain, whether as principal or agent.
 - d) “council” means the Council of the Municipal District of Foothills No. 31.
 - e) “licensing officer” means that person or persons appointed by the Council to issue licenses and assist in the administration and enforcement of this Bylaw.
 - f) “license year” means the period commencing January 1 and ending on the next succeeding December 31.
 - g) “municipality” means the Municipal District of Foothills No. 31, a municipal corporation in the Province of Alberta, and where the context so requires, means the area contained within the corporate boundaries of the said municipality.
 - h) “non-resident” means a person who does not operate a business from taxable premises within the municipality and who does not reside within the municipality.
 - i) “person” means and includes a firm, one or more persons, a partnership or a body corporate.
 - j) “resident” means a person who either resides principally in the municipality, or has established premises within the municipality from which to carry on a business.

Persons Subject to License

- 2.1 No person shall within, or partly within or partly without, the limits of the municipality, carry on any business referred to in Schedule "A" hereto unless he has paid the prescribed fee as set out in Schedule "A" and holds a valid and subsisting license issued pursuant to the provisions of this Bylaw.
- 2.2 The advertising of any business referred to in this Bylaw shall be deemed to be prima facie proof of the fact that the person advertising is carrying on such business.
- 2.3 When a person carries on two or more businesses, then separate licenses shall be required.
- 2.4 Where a business subject to licensing is carried on or intended to be carried on in more than one place within the municipality, a license shall be required in respect of each place as though the business carried on in each were a separate business.
- 2.5 Notwithstanding Section 2.1, no license shall be required:
 - a) for a business carried on or operated by the municipality or at a location operated by an official or employee of the municipality acting on behalf of the municipality in his or her capacity as such official or employee;
 - b) for a business carried on by the Governments of the Province of Alberta or Canada nor shall a license be required of any person or business if any Statute of Alberta or Canada exempts such person or business from requirements of municipal licensing.
 - c) for such other businesses as Council by Resolution may from time to time exempt.

Procedure For Issuance of Licenses

- 3.1 All applications for licenses shall be made in writing to the municipality, on the prescribed form, giving all information and particulars as requested thereon.
- 3.2 Every person who holds or makes application for a license shall submit to and assist in any inspection required by the licensing officer with respect to the business licensed or to be licensed and shall furnish to the licensing officer all information required by him.
- 3.3 A licensing officer may issue a day or a week license where authorized by Schedule "A".
- 3.4 Every license issued under this Bylaw shall be made out and delivered or mailed to the licensee, who shall post the same in a conspicuous place on the business premises and whenever required to do so by a licensing officer or other authorized officer of the municipality, shall produce the license for inspection purposes.
- 3.5 Every license granted under the provisions of this Bylaw shall terminate on the 31st day of December in the year in which the said license was issued, unless expressly stated to be for a shorter period, or the license has sooner been cancelled or forfeited.
- 3.6 Licenses issues under this Bylaw shall not be transferred except to a person who at the same time purchases the business in respect of which the license was issued.

License Fees

- 4.1 No license shall be issued until the applicable license fee set out in Schedule “A” has been paid to the municipality.
- 4.2 In the case of an initial application for a license, the fee required by Section 4.1 shall accompany the application for the license. In the case of renewal of a license, the fee shall be paid no later than 30 days following the mailing of a license renewal notice, failing which the license is automatically cancelled.
- 4.3 Where a license fee has been paid by the tender of an uncertified cheque, the license is automatically cancelled if the cheque is not accepted and cashed by the bank upon which it is draw.
- 4.4 The licensing officer may issue a license after July 1st of any license year for one-half the annual fee as set out in Schedule “A” and may issue a license after October 1st of any license year for one-quarter of the annual fee set out in Schedule “A”.
- 4.5 The municipality will reimburse license fees on a monthly prorated basis upon receiving proof of discontinuance of the business within the municipality.
- 4.6 The annual license fees shown on Schedule “A” may be changed from time to time by Resolution of Council.

Non-Issuance, Revocation or Refusal of License

- 5.1 No license shall be issued to any applicant unless and until the licensing officer has been satisfied that:
 - a) the business is approved on the land or in the building in which it is to be conducted; and
 - b) the business will comply with all the requirements of this and any other Bylaw applicable thereto.
- 5.2 No license shall be issued to any applicant unless and until the applicant has filed with the licensing officer:
 - a) copies of any approvals or certificates required by this and any other applicable Bylaw;
 - b) copies of any Provincial or Federal certificate, authority, license or other document of qualification that may be required.
- 5.3 Subject to an appeal to the Council, the licensing officer may refuse, or revoke or suspend any license required or issued pursuant to this Bylaw if, in the opinion of the licensing officer, there are just and reasonable grounds for the refusal of the application or for revocation or suspension of the license.
- 5.4 A suspension of a license may be:
 - a) for a period of time not exceeding the unexpired term of the license; or

b) where the suspension is for non-compliance with a Bylaw, until the holder of the suspended license, in the opinion of the licensing officer, complies with that Bylaw.

5.5 Upon a license being refused, revoked or suspended, the licensing officer shall notify the applicant or licensee thereof:

a) by delivering a notice to him personally; or

b) by mailing a double registered letter to his place of business or residence as shown on the license;

and after delivery of such notice, the business shall not be carried on until such time as a new license is issued, or the revoked or suspended license is reinstated.

5.6 An applicant who wishes to appeal against the refusal, revocation or suspension of a license shall serve written notice of appeal upon the Manager of the municipality within 30 days after receipt of notice under Section 5.5. Such notice of appeal may be served personally upon the Municipal Manager or may be mailed to him by double registered mail.

5.7 On the hearing of an appeal under Section 5.6 the Council may:

a) confirm the refusal, revocation or suspension,

b) direct that the license be issued,

c) reinstate the revoked license, or

d) remove or vary the suspension.

5.8 Where a notice of appeal against revocation or suspension of a license has been served, the licensing officer shall stay the revocation or suspension pending the hearing of the appeal unless the licensing officer is of the opinion that the continued operation of the business will present a danger to public safety or welfare.

Definition of Businesses

6.1 In this Bylaw and in Schedule "A" attached:

"airport operation" means the provision of an area of land or water including the frozen surface thereof, or other supporting surfaces used or intended to be used either in whole or in part for the arrival and departure or servicing of aircraft and includes any building, installation or equipment used in connection therewith for which an airport license has been issued by the Ministry of Transport.

"aircraft charter service" means the provision of aircraft that may be booked for trips, with pilot provided, and includes the hangar or hangars, and ancillary buildings (i.e. office) that may be required to carry on such business. This business may also include the keeping of aircraft for lease to pilots.

"alcoholic beverage sales" means the business of selling or offering to sell liquor to any consumer and for the purpose of this definition "liquor" shall have the meaning ascribed to it in the Liquor Control Act, RSA 1980 and amendments thereto.

“animal rendering” means the business of preparing and processing animal carcasses, meat scraps, or feathers for the purpose of obtaining usable by-products to be used in the animal feed industry and also includes the production of tallow.

“auction sales operation” means offering for sale by public or private auction of any real or personal property, by an auctioneer, within a building, or outdoors.

“auto body shop” means a business where motor vehicle bodies are repaired and/or painted and includes repairs or adjustments incidental to the trade of an auto body mechanic.

“automobile dealer” means a person who carries on the business of acquiring automobiles or motor trucks and sells or attempts to sell such automobiles or motor trucks.

“automotive repair and service” means a business where motor vehicles are serviced or repaired and includes not only the repair, installation or adjustment to any portion or part of a motor vehicle, but washing, upholstering, polishing, and the supplying of fuel and lubricants thereof or thereto.

“auto wrecker” means a person who carries on the business of wrecking or dismantling motor vehicles and selling or otherwise disposing of the parts or salvage thereof.

“bakery or bake shop” means a business where bread, cakes, pastries, cookies or any of them are baked or prepared for the wholesale or the retail trade, for consumption off the premises.

“barber shop or beauty parlor” means a business where any of the following services are offered or provided to persons:

- a) shampooing, cutting, coloring, styling or otherwise treating the hair;
- b) shaving, massaging or otherwise treating the face or scalp.

“bed and breakfast” means a business of the owners or occupants of a residence providing rooms to patrons for short-term stays, and provision of one or more meals per day to such patrons.

“building contractor, residential” means a person who is engaged in the business of constructing, repairing or renovating residential buildings designed for the accommodation of no more than two families.

“building contractor, commercial/industrial” means a person engaged in the business of constructing, renovating or repairing any buildings other than residential buildings designed for the accommodation of no more than two persons.

“building mover” means a person who carries on the business of moving houses or other buildings, including mobile homes.

“campground” means a development for the purpose of providing short-term accommodation for recreational vehicles and/or tents.

“caterer” means a person who prepares meals, lunches, sandwiches, salads, special foods,

beverages or refreshments for sale for consumption elsewhere than on his or her premises and includes a delicatessen operator, but no person licensed to operate a restaurant on the same premises under this Bylaw shall be deemed a Caterer.

“concrete batching plant” means the plant and equipment used in making concrete for immediate hauling off the premises to a job-site.

“cold storage plant” means a business where for a fee, a person may use cold storage facilities for the storing of vegetables, fowl or meat of any kind.

“country recreational lodge” means a business which provides for the short-term or occasional lodging and boarding of patrons in a central services building, and may also include guest cottages; this shall include Guest Ranches and similar developments.

“country recreational centre” means a business of operating a recreational development on a single site to provide physical recreation for patrons through means of day-to-day sporting and athletic facilities and may include structures and services accessory to the prime recreational use; this shall include, as examples, Golf Courses and Ski Hills, and developments of a similar nature.

“food processing” means a business where canned and dried fruits and vegetables, fruit and vegetable juices, soups, preserves, jams and jellies, pickles, cider, vinegar and other food products, or any of them, are canned, processed or manufactured and includes the quick freezing and packaging of fruits and vegetables and other food products.

“food store” means the business of selling at retail any combination of the following food products: bread and bakery products, candy and confections, dairy products, meats – cured and/or smoked or fresh meat not prepared or packaged on the premises, tea or coffee, spices, health foods or specialized food lines, groceries including tobacco products, frozen packaged foods, canned goods, eggs, fresh fruits and vegetables, for consumption off the premises.

“gas processing plant” means the business of operating a plant for the extraction from natural gas of hydrogen sulphide, helium, ethane, natural gas liquids or other substances.

“gravel, sand, marl, clay, and/or shale mine” means the business of excavating for, and removal of those products from the ground, and includes the trucking of the product off the premises;

“gravel crushing” means the operation, on a gravel mining site, of the machinery necessary for crushing of the gravel as it is removed from the ground;

“greenhouse” means a business where flowers, plants, shrubs or trees are grown or cultivated indoors for retail or wholesale distribution, and includes the sale of associated products incidental to the business of a greenhouse.

“Home Occupation” means any occupation, trade, profession or craft, whether part-time or full-time, carried on in a residence or on land within the municipality, by one or more members of a family occupying the said residence on the land.

“kennel, boarding” means a business where four or more dogs over the age of six months are kept or harbored for compensation and not for sale.

“kennel, breeding” means a business where four or more dogs over the age of six months are kept for the purpose of breeding animals which may be for sale to the public.

“landfill site” means an area of land used for the deposition of solid waste materials hauled in by the operator and/or by others.

“manufacturer” means a person engaged in the business of making, constructing, producing, fabricating, refining or processing tangible personal property for sale from any material, article or substance by mechanical, chemical or physical means and includes those businesses set out in Schedule “A” opposite the term “manufacturer”.

“meat processor” means a person who carries on a business of:

- a) manufacturing prepared meats and meat specialties, cured and smoked meats, fresh and cured sausages, canned meats, or any of them; or
- b) dressing carcasses for meat and meat products.

“motel” means a business providing sleeping units and ancillary services, with conveniently located parking spaces, designed or operated for the purpose of providing temporary accommodation to motorists.

“non-resident retailer” means any person who is a temporary resident of the municipality and who carries on a retail business in the municipality from premises for which he does not pay business tax to the municipality and who, either as principal or agent, sells or offers to sell to any consumer any goods, wares, or merchandise of any kind.

“nursery” means a business where flowers, plants, shrubs or trees are grown or cultivated outdoors for retail or wholesale distribution, and includes the sale of associated products incidental to the business of a nursery.

“outside storage” means the areas provided on land for the storage of materials such as, but not limited to, pipe and drilling equipment, trucks, recreation vehicles, construction equipment, building materials.

“pet dealer” means a person who:

- a) raises pets for sale;
- b) purchases pets for other than his personal use or enjoyment;
- c) sells pets acquired in any manner.

“restaurant” means a business where food and/or drink is prepared and sold for human consumption on the premises including the right to sell tobacco products without an additional license therefore.

“retail” means a sale of tangible personal property to a consumer or user for purposes of consumption or use, and not for resale.

“retail dealer” means the business of selling or offering for sale to the public at retail any goods, wares or merchandise or products of any kind, including tobacco products, but does not include food products.

“riding academy” means a business of keeping more than three ponies or horses which are rented to persons for riding purposes.

“salvage yard” means a business where scrap metal, materials from demolished buildings or structures, junk or salvage of any type is received, processed and stored on any premises outside a building.

“school, private” means a business of operating for compensation a place of instruction, and which may or may not offer courses of study equivalent to those offered in a public or separate school, but does not include a private, public or separate school or other school system maintained at public expense.

“school, vocational or commercial” means a business of operating or offering for compensation a place of instruction which offers courses in commercial, business, clerical, business machines, manual, mechanical, technical or other skills or practices but does not include private, public or separate school or other school system maintained at public expense.

“service station and bulk station” means a business where gas and oil products are sold to the travelling public, or in bulk to businesses or farmers/ranchers.

“towing service operator” means a person who carries on a business of towing motor vehicles where such business is not operated in conjunction with a licensed automotive repair and service business or any auto body shop.

“tree farm” means the planting and growing of trees, not within a building, for the purpose of retail and/or wholesale sales.

“trucking” means the business of providing trucks for local and/or long distance hauling, and includes the garages and service shops ancillary to the operation.

“warehousing” means the business of renting, leasing or offering to rent or lease space in a building or structure for the storing of any goods, wares or merchandise by any person.

“wholesale” means the sale or distribution of tangible personal property to any person for the purpose of resale at retail or to any institutional, commercial, and/or industrial consumer or user.

Offenses and Penalties

7.1 (1) Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this Bylaw by

- a) doing any act or thing which he is prohibited from doing herein, or
- b) failing to do any act or thing he is required to do herein

is guilty of an offense and is liable on summary conviction to a fine not exceeding \$1,000.00 in addition to any license fee required to be paid pursuant to Subsection (2) hereof and in the event of failure to pay, or the inability to pay any fine levied and any license fee charged hereunder and costs, to imprisonment for a period not exceeding 60 days or until such fine, license fee and costs or committal are paid.

(2) Where a person is convicted of carrying on a business for which a license fee is payable, without payment of such fee having been made, the Court may, in addition to the fine

imposed pursuant to Subsection (1) hereof, direct payment of the applicable license fee to the municipality.

First Reading: November 1st, 1988

Reeve

Municipal Manager

Second Reading: November 1st, 1988

Reeve

Municipal Manager

Third Reading, December 20th, 1988

Reeve

Municipal Manager

DONE AND PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta, this 20th day of December 1988.

Schedule "A" to Bylaw No. 1018

Schedule of Fees

<u>Business</u>	<u>Fee</u>
Airport operation	\$ 150.00
Aircraft charter service	250.00
Alcoholic beverage sales	150.00
Animal rendering	150.00
Auction sales operation	150.00
Auto body shop	150.00
Automobile dealer	150.00
Automotive repair & service	150.00
Auto wrecker	300.00
Bakery and Bake Shop	75.00
Barber Shop/Beauty Parlor	75.00
Bed & breakfast	150.00
Building contractor – residential	150.00
Building contractor – commercial/industrial	150.00
Building mover	150.00
Campground	25.00/unit
Caterer	150.00
Concrete batching plant	300.00
Cold storage plant	100.00
Country recreational lodge	500.00
Country recreational centre	500.00
Food processing	500.00
Food store	75.00
Gas processing plant	500.00
Gravel, sand, marl, clay, shale mine	
Class 1 – Average less than 5,000 cubic yards per year	750.00
Class 2 – Average more than 5,000 and less than 10,000 cubic yards per year	1,500.00
Class 3 – Average more than 10,000 and less than 20,000 cubic yards per year	3,000.00
Class 4 – Average more than 20,000 cubic yards per year	5,000.00
Gravel crushing	300.00
Greenhouse	100.00
Home occupation	75.00
Kennel – boarding & breeding	150.00
Landfill site	
Class 1 – average less than 5,000 cubic yards per year	750.00
Class 2 – average more than 5,000 and less than 10,000 cubic yards per year	1,500.00
Class 3 – average more than 10,000 and less than 20,000 cubic yards per year	3,000.00

Class 4 – average more than 20,000 cubic yards per year	5,000.00
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Manufacturer

Brewery	1,000.00
Cheese	500.00
Distillery	1,000.00
Flour	500.00
Pasteurization plant	500.00
Poultry processor	500.00
Rabbit processor	500.00
Soft drinks	1,000.00
Winery	1,000.00
Non-food products	150.00
Meat processor	500.00
Motel	500.00
Non-resident retailer	150.00
Nursery	100.00
Outside storage	150.00
Pet dealer	150.00
Restaurant	75.00
Retail	150.00
Retail dealer	150.00
Riding academy	150.00
Salvage yard	300.00
School – private	150.00
School – vocational or commercial	150.00
Service station & Bulk Station	150.00
Towing service operator	150.00
Tree farm	100.00

Trucking

- Class 1, less than 5 units	100.00
- Class 2, 5 to 10 units	200.00
- Class 3, 10 to 25 units	400.00
- Class 4, 25 or more units	1,000.00

Warehousing	150.00
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Wholesale	150.00
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