# BYLAW 8:2015
## TOWN OF IRRICANA

**Being a Bylaw of the Town of Irricana in the Province of Alberta to provide for the licensing of businesses and to rescind Town of Irricana Bylaw 04:2005.**

**WHEREAS** the Municipal Government Act, RSA 2000, C. M-26 and amendments thereto provides that a Municipal Council may pass a bylaw respecting businesses, business activities and persons engaged in business.

**AND WHEREAS** the Municipal Council for the Town of Irricana deems it expedient to license businesses within the Municipality;

**NOW THEREFORE** the Council of the Town of Irricana duly assembled enacts as follows:

**1. TITLE**

1.1 This bylaw shall be known as the **"Business License Bylaw**."

**2. DEFINITITONS**

2.1 In this bylaw, the following words shall have the meanings given herein, unless the context otherwise requires:

a) "Act" means the Municipal Government Act, Chapter M-26, as amended or replaced from time to time.

b) "Applicant" means a person who applies for a license, or a renewal of a license as required by this bylaw.

c) "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 or services,

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

d) "Business License" means a license issued pursuant to this bylaw.

e) "Business Premises" includes the store, office, warehouse, residential dwelling, factory, building enclosure, yard or other place occupied for the purpose of carrying on of a business and in which place the carrying on of a business is a permitted or discretionary use under the Town of Irricana's Land Use Bylaw.

f) "Charitable or Non-Profit Organization" means:

(i) any incorporated or unincorporated organization that is formed for a charitable purpose, including a philanthropic, benevolent, educational, health, humane, religious, cultural, artistic or recreational purpose, so long as the purpose is not part of a Business, or

(ii) a person who makes solicitations for contributions to be used for a charitable purpose and who is not connected to any incorporated or unincorporated organization that is formed for the charitable purpose for which the solicitation is made.

g) “Chief Administrative Officer” means the Chief Administrative Officer of the Town of Irricana duly appointed by Town Council.

h) “Council” means the Municipal Council of the Town of Irricana”.

i) “Development” means the act or an instance of developing of a building or changing the use of a building or property in accordance with the Town of Irricana’s Land Use Bylaw.

j) “General Contractor” means a person who is engaged in the construction, service, alteration or repair of buildings or structures, and includes any owner of property who supervises such contractor, whether by entering into a contract or not and whether or not the services of any sub-trades may be required.

For the purposes of this bylaw, “general contractor” may also be additionally defined as a co-operative conducting business out of one place of business or farmer’s market.

k) “Hawker or Peddler or Street Vendor” means any person whether as principal or agent, who:

(i) goes from house to house selling or offering for sale any merchandise or services, or both, to any person, and who is not a wholesale or retail dealer in such merchandise or service and not having a permanent place or business in the municipality; or

(ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blue prints, merchandise or services, or both, to be afterwards delivered and/or shipped in to the municipality; or

(iii) sell merchandise or services, or both, on the street or elsewhere that at a building that is his/her permanent place of business.

(iv) does not have a permanent place of business in the municipality.

l) “Home Occupancy” means an occupation carried on in a residence by one or more members or a family actually occupying the said residence as a dwelling and from which a home-based business has been approved in accordance with the Town of Irricana’s Land Use Bylaw.

m) “Non-resident” means any person who des not reside or have a place of business in the Town of Irricana.

n) “Person” means a natural person or a body corporate and includes a partnership, a group of persons acting in concert of an association unless the context explicitly or by necessary implication otherwise requires.

o) “Police” means any member of the RCMP or any Peace Officer or Special Constable appointed by the Town of Irricana.

p) “Subdivision and Development Appeal Board” means the board that is duly authorized by Council to hear appeals and carry out the functions and duties of the Subdivision and Appeal Board as defined by bylaw.

q) “Sub-contractors” means a person or a company, to whom a general contractor has sublet all or a portion of a contract.

r) “Town” means the Town of Irricana, a municipal corporation in the Province of Alberta.

## 3. LICENSING PROVISIONS

3.1 No person shall, within the Town of Irricana boundaries:

a) Carry on or operate any business, or

b) Carry on any undertaking, do any act, or use or have any article for which a license is required;

unless they hold a valid Town of Irricana Business License obtained in accordance with the provisions of this bylaw.

3.2 Any advertising of business referred to in this bylaw shall be deemed to be a prima facie proof of the fact that the person is advertising or carrying on or operating such a business.

3.3 Every new Business shall apply for a Town of Irricana Business license accompanied by a development permit approved in accordance with the Town of Irricana's Land Use Bylaw.

3.4 An Applicant shall make application on a form supplied by the Town, furnishing such information as the form shall require and such additional information as may from time to time required, including:

a) A statutory declaration, where required by the Town, substantiating the information contained in the form;

b) Every Federal or Provincial certificate, authority, license or other document or qualification that may be required in connection with the carrying on of a business;

c) Any certificate or other approval required by any provision of this bylaw in respect of the business;

d) The license fee payable in respect of the business as set out in this bylaw.

3.5 All applications requiring a Fire Inspection as per the requirements set out in the Development Permit or Business License application must make an appointment with the Fire Chief at no cost.

3.6 Every applicant for a business license, for a renewal of business license or transfer of business license shall be made in writing.

3.7 All licenses with the Town of Irricana shall expire on the 31st of December of the current year regardless of the date of purchase and the fee for the year shall apply.

3.8 Every business license issued under this bylaw shall be posted in a conspicuous place in the business premises of the said licensee.

3.9 Every licensee who holds a license under this bylaw which is not limited to specific premises, shall, so long as the license is in force, have immediately available the license or duly authorized copy thereof and such license shall, upon request, forthwith produce same to a Peace Officer, Special Constable or any person with whom they are doing business to which the license relates.

## 4. PROVISIONS FOR HAWKERS, PEDDLERS AND STREET VENDORS

4.1 No person shall commence to, or shall carry on or engage in, the business of Hawker, Peddler or Street Vendor on any property within the Town of Irricana unless and until such person is the holder of a Business License issued pursuant to this bylaw.

4.2 Hawkers, Peddlers and Street Vendors shall be permitted to operate on any privately or publically owned property within the Town of Irricana, provided that a letter of permission from the property owner has been submitted with a Development Permit application.

4.3 A Business License issued to a Hawker, Peddler or Street Vendor of foodstuffs, fruits or vegetables shall be withheld until the Applicant has produced a certificate from the local Health Authority 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.

4.4 Inspection of any gas or propane hook ups must be conducted by a Safety Codes Officer before the Business License will be issued.

4.5 Violations of any provisions of this bylaw or any other bylaws in force in the Town of Irricana will result in the Business License being revoked.

## 5. LICENSE FEES

5.1 No person shall carry on or operate any business or occupation within the Town of Irricana without first paying to the Town the applicable license fee as prescribed in the Service Fees and Charges Bylaw 13:2002, as amended which forms part of this bylaw under Schedule “A.

5.2 All resident Charitable or Non-Profit Organizations and any government organizations shall be exempt from any license fee established by this bylaw.

5.3 Where a fee required has been paid by the tender of any uncertified cheque, the license is:

a) subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license, and

b) is automatically revoked if the cheque is not accepted and cashed by the financial institution on which it is issued.

## 6. HOME OCCUPATION

6.1 No license shall be issued for a home occupation until the Applicant is in possession of a valid Development Permit issued under the provisions of the Town of Irricana’s current Land Use Bylaw.

## 7. GENERAL CONTRACTORS AND SUB-CONTRACTORS

7.1 General contractors are required to have a Town of Irricana business license and any subcontractors that are working for or on behalf of the general contractor must be listed on the general contractor’s business license. All subcontractors fall under the general contractor’s business license.

## 8. REVOCATION AND REFUSAL

8.1 Where on inspection, a business which is subject to an inspection by or on behalf of the authority having jurisdiction, is found to contravene that authority or the provisions of the Alberta Safety Codes Act, such inspection and contravention shall be reported the to the Chief Administrative Officer.

8.2 Where a Business has been licensed pursuant to this bylaw, the Chief Administrative Officer may revoke or suspend the Business License and initiate legal proceedings to enforce this bylaw by way of injunction or otherwise against the business if, in his/her opinion, the requirements of this bylaw have not been complied with.

8.3 Upon a license being revoked as herein provided, the Chief Administrative Officer shall notify the licensee thereof by;

a) contacting them personally, or

b) mailing a registered letter to their place of business or residence as shown on their business license and shall have been deemed to have been received five (5) days after the date of mailing;

and after the delivery or deemed receipt of such notice their business or occupation, as the case may be, shall not be carried out on until such time as a new license is issued.

## 9. DURATION

9.1 Every license issued under the provisions of this bylaw shall terminate at midnight on the 31st day of March of the year in which the said license was issued unless:

a) The license provides otherwise, or

b) The license has been sooner cancelled or revoked.

c) A monthly Hawker, Peddler or Street Vendor license will expire at midnight of the thirtieth (30th) day from the date of issuance.

## 10. PENALTIES

10.1 Any person violating any provisions of this bylaw shall be guilty of an offence and liable on summary conviction to a penalty of Five Hundred Dollars ($500.00), unless another penalty is provided in a Statute of the Province of Alberta that has special application to a business license hereunder, in which case the penalty provided in the latter Statute shall apply.

10.2 Where the offence is non-payment of any license fee payable hereunder, the convicting provincial judge may adjudge payment thereof in addition to the fine imposed.

10.3 An offence ticket may be issued by personally serving it upon the alleged offender or by leaving it at the residence of the alleged offender or by sending it to the alleged offender by registered mail.

10.4 Where any of the provisions of this bylaw have been deemed to be contravened, a form of notice commonly called a Violation Tag may be issued by a Peace Officer and the accused may avoid appearing in court

to answer to the said charge by submitting to the Town a voluntary payment as set out in Schedule “B”.

**11. SEVERABILITY**

11.1 Should any section or part of the Bylaw be found to have been improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the Bylaw the remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

**12. RESCIND PREVIOUS BYLAW**

12.1 That Bylaw 4:2010 be rescinded in its entirety.

This Bylaw takes effect on the date of the third and final reading.

READ A FIRST TIME this 14th day of December, A.D., 2014.

READ A SECOND TIME this 14th day of December A.D., 2015

READ A THIRD AND FINAL TIME this 16th day of February, A.D., 2016.

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MAYOR Chief Administrative Officer