

**BYLAW NO. 2014-629**

**BEING A BY-LAW OF THE TOWN OF CORONATION IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING OF BUSINESSES OPERATING WITHIN THE TOWN OF CORONATION.**

**WHEREAS**, the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2005, hereinafter referred to as the “M.G.A.” provides for Council to pass bylaws pertaining to the control and regulating of business.

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

**SHORT TITLE**: This bylaw may be cited as the “Business Licensing Bylaw”

**DEFINITIONS**: In this bylaw unless the context otherwise requires:

- 1) **“Business”** means business, trade, profession, industry, occupation, employment or calling and the providing of goods and services and includes the business of a pedlar, transient trader, transient tradesman and cooperative or association of persons.
- 2) **“Charitable or Non-profit Organization”** means a person, association of persons, or a corporation, acting for charity or in the promotion of general social welfare which cannot at any time distribute any dividend or profit to its members and includes:
  - a) A religious society or organization;
  - b) A service club;
  - c) A community, veterans’ or youth organization;
  - d) A social, sport or fraternal organization or club;
  - e) An employers’ or employees’ organization
- 3) **“Council”** means the Municipal Council of the Town of Coronation.
- 4) **“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 Organizations; or
  - b) Trades people are offering goods or services for sale for a profit
- 5) **“Home Occupation”** means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and for which a home occupation development permit has been approved under the provision of the Land Use Bylaw of the Town of Coronation.

- 6) **“Resident Business”** means any person, firm or corporation carrying on business from a taxable premises within the corporate limits of the Town of Coronation.
- 7) **“Pedlar”** means any person who does not ordinarily maintain a place of business within the Town and who is not liable for a property tax in respect thereof and who either as principal or agent:
  - a) goes from house to house selling or offering for sale merchandise or services, or both, to any person who is not a wholesale or retail dealer in such merchandise or services having a permanent place of business in the Town, or;
  - b) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or services, or both, to be afterwards delivered in or shipped into the Town, or;
  - c) Sells merchandise or services, or both, on the streets or roads or elsewhere than at a building that is his permanent place of business.
- 8) **“Person”** means a natural person or a body corporate and includes a partnership, group of persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires.
- 9) **“Seasonal Business”** means:
  - a) A garden tilling business;
  - b) A tree trimming business;
  - c) A landscaping business;
  - d) A grass and weed cutting business; or
  - e) The business of snow removal
- 10) **“Separate Business”** means a business that has a different name than any other and that is collecting and reporting revenue for tax purposes under that individual name.
- 11) **“Town”** means the Town of Coronation, a Municipal Corporation in the Province of Alberta and where the context so requires means the area contained within the corporate boundaries thereof.
- 12) **“Transient Trader”** means any person who does not ordinarily maintain within the Town a permanent place of business and who is not liable for a business tax in respect thereof, and who either as principal or agent buys or offers to buy direct from the producer or owner thereof any merchandise or offers to sell to a consumer any merchandise.
- 13) **“Transient Tradesman”** means any person who does not ordinarily maintain within the Town a permanent place of business and who is not liable for a business tax in respect thereof and who either as principal or agent engages in selling, offering for sale, fabrication or installation of any goods and services or either of them.

## **GENERAL PROVISIONS:**

- 1) This Bylaw shall apply to any trade, business or occupation that is carried on with the intention of making a profit unless said trade, business or occupation provides written proof that it is exempt under provincial or federal legislation or other regulations or statutes.
- 2) All new businesses are required to obtain a business license before commencing operations and all existing businesses are required to renew their business licenses annually as set out in this Bylaw.
- 3) No person, pedlar, transient trader or transient tradesman shall carry on any Business in the Town without having a valid and subsisting license issued by the Town.
- 4) Persons granted licenses under this Bylaw shall conform to all regulations and terms herein specified and any other Bylaw applicable to the business, activity or matter in respect of which such license was issued, and be subject to inspection at all times by a License Inspector of the Town of Coronation.
- 5) No license shall be issued until such time as the applicant holds a valid Development Permit where required by the provisions of the Land Use Bylaw of the Town of Coronation, and has adhered to the requirements of any other level of government.
- 6) The business licence for the purpose of this by-law shall be valid from January 1<sup>st</sup> in any calendar year to December 31<sup>st</sup> of that calendar year, unless otherwise specified.
- 7) A business license for an existing business shall be renewed by the 15<sup>th</sup> day of February of each year. Renewal shall be affected by a business license holder submitting the proper fees to the License Inspector.
- 8) For purposes of this bylaw a person shall be deemed to be operating without a License if he or she continues to carry on business if:
  - a) In the case of a new resident business, the license fee is not paid prior to the operation of business activities.
  - b) In the case of a person, defined herein, as a canvasser or transient trader, the license fee is not paid prior to commencing any business activities.
- 9) Each separate business shall hold its own license. This applies to:
  - a) Separate businesses as defined by this Bylaw which are owned by the same person and which operate at the same physical premises; and
  - b) Separate businesses as defined by this Bylaw which are owned by different persons and operating at the same physical premises.

- 10) The advertising of the business in any form including, but not limited to, newspapers, TV, radio, flyer, internet, web site and other promotional materials; shall be deemed to be prima facie proof to the fact that the person advertising is carrying on or operating any such business.
- 11) Businesses such as mobile concessions, food trucks, or fruit stands which operate outside of a designated Farmers' Market or Craft or Trade Show, and all other transient businesses as defined in the definitions section of this Bylaw are required to obtain a business license.
- 12) **EXEMPTIONS:** No business license shall be required:
- a) For a business carried on or operated by the Town.
  - b) For any business carried on upon the grounds of the Coronation Agricultural Society during the period of any year when the Agricultural Fair is being held on those grounds.
  - c) For utilities that are under the jurisdiction of the Alberta Energy & Utilities Board of the province of Alberta.
  - d) For the occupation of farming, ranching, or farm labourer, domestic servant and unskilled labourer.
  - e) For a supplier bringing in bulk goods to a licensed business for the purpose of resale.
  - f) For a day home service provider that is registered with a provincially approved Day Home Agency.
  - g) For a person who is 18 years of age or younger and a resident of the Town of Coronation, provided the annual gross revenue from the business does not exceed \$5,000 per year.
  - h) For any business operating solely from within a Farmers' Market or Craft or Trade Show.
  - i) For Garage Sales, subject to the following:
    - i) A maximum of two garage sales in each calendar year may be conducted on each private residential property in the Town;
    - ii) A garage sale must not be conducted for a period of more than three days, whether consecutive or not
  - j) For door-to-door fundraisers for schools, charitable and not-for-profit organizations.
  - k) For charitable and non-profit organizations, but if requested, such organizations may be required to provide the Licensing Officer with:
    - i) The name of the organization, the Articles or Memorandum of Incorporation, and such other information as the Licensing Officer requires to determine that the organization is a charitable or non-profit organization as defined by the Bylaw;

- ii) A description of the business which the organization wishes to carry on and the time and place where it is to be carried on.
- l) For the employees of a person who holds a valid and subsisting license.
- m) For a business carried on by the Government of the Province of Alberta or the Government of Canada.
- n) For any business exempted from municipal licensing by a Statute of Canada or Alberta.
- o) For such businesses as Council by resolution may from time to time exempt.

**PROCEDURE FOR ISSUANCE OF LICENSES:**

- 13) An applicant for a license shall make application to a Licensing Officer of the Town on a form supplied by the Town furnishing such information as the form shall require and such additional information as the Licensing Officer may from time to time require together with a Provincial license where required under any Provincial Statute and the license fee hereinafter mentioned.
- 14) Where a business subject to licensing is carried on or intended to be carried on in more than one place a license shall be required in respect of each place as though the businesses carried on in each were a separate business.
- 15) A contractor or tradesman who obtains a license to work on any project which will not be completed in the calendar year in which the license was issued will not be subject to further licensing in the new year provided the licensed individual limits his work to that project only and that the period does not exceed twelve (12) months in duration.
- 16) As directed by the Public Health Inspector, no license shall be issued to:
  - a) Grocery and convenience stores;
  - b) All food and beverage services (including restaurants, mobile food services and concessions);
  - c) Water processors; and
  - d) All personal services;

Until such time as an appropriate inspection has been completed by the Public Health Inspector and written indication of approval must accompany the business license application.
- 17) No license shall be issued to a new resident business until an occupancy permit has been issued by the Fire Safety Codes Officer, a copy of which must accompany the business license application.
- 18) No license shall be issued to any person unless the business will comply with all Bylaws of the Town including the use of any premises in connection therewith.

- 19) Where any certificate, authority, license or other document of qualification under this or any other bylaw or under any Statute of Canada or Province of Alberta is suspended, cancelled, terminated or surrendered, any license issued under this Bylaw based in whole or in part on such certificate, authority, license or other document of qualification shall be revoked automatically forthwith.
- 20) No business license is valid unless signed by a Licensing Officer of the Town of Coronation.
- 21) Licensing Fees:
- a) The annual fee payable to the Town for each Non Resident Business License for each person carrying on business in the Town and who is not liable for property taxes in respect thereof, and who does not ordinarily reside in Coronation, shall be the sum of one hundred (\$100.00) dollars.
  - b) The annual fee payable to the Town for each Resident Business License for each person carrying on business in the Town and who is liable for property taxes in respect thereof, shall be the sum of fifty (\$50.00) dollars.
  - c) The annual fee payable to the Town for each Home Occupation or Seasonal Business License shall be the sum of Thirty (\$30.00) dollars.
  - d) Each license issued shall expire on the 31<sup>st</sup> day of December following the date of issue thereof unless otherwise stated.
  - e) Where the Town issues a license after June 30<sup>th</sup> and before October 1<sup>st</sup> of any license year, it will charge one-half (50%) of the annual business licensing fee, provided the business applying for the license has not been operating within the limits of the Town prior to July 1<sup>st</sup> of that year.
  - f) Where the Town issues a license after September 30<sup>th</sup>, it will charge one-quarter (25%) of the annual business licensing fee, provided the business applying for the license has not been operating within the limits of the Town prior to October 1<sup>st</sup> of that year.
  - g) The Licensing Officer may issue a temporary business license to a person for a seven consecutive day period expiring seven days from the date of purchase and the fee payable for such license shall be fifty (\$50.00) dollars.
  - h) The Licensing Officer may issue a license to a person to expire twenty-four (24) hours from the time of issue thereof and the fee payable to the Town for such license shall be the sum of twenty five (\$25.00) dollars.
- 22) The Chief Administrative Officer, the Finance and Accounting Clerk, and the Administrative Assistant of the Town are each hereby appointed as a Licensing Officer and a License Inspector for the Town.
- 23) Any person contravening a provision of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine of not less than Four Hundred (\$400.00) Dollars, and in default of payment, to imprisonment for a term of not more than thirty (30) days.

a) Where the offence is non-payment of any license fee payable the punishment shall include payment of the license fee in addition to the fine imposed.

24) This Bylaw shall come into effect on the date of final reading.

25) Bylaw 2011-589 is hereby repealed.

READ a first time this 11<sup>th</sup> day of August, 2014

READ a second time this 11<sup>th</sup> day of August, 2014

READ a third time and finally passed this 11<sup>th</sup> day of August, 2014

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Mayor

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Chief Administrative Officer