

# VILLAGE OF CLIVE

## BYLAW #533-19

### Business License Bylaw

BEING A BYLAW OF THE VILLAGE OF CLIVE IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE CONTROL, REGULATION AND LICENSING OF BUSINESSES WITHIN THE VILLAGE.

**WHEREAS**, pursuant to the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 as amended Municipalities may by bylaw, control, regulate, and license businesses within their boundaries; and

**NOW THEREFORE**, the Council of the Village of Clive, in the Province of Alberta, duly assembled, enacts as follows:

#### **TITLE**

1. This bylaw may be called the “Business License Bylaw”.

#### **DEFINITIONS**

2. For the purposes of this bylaw;
  - a) **“APPLICANT”** shall mean a person who applies for a Business License or renewal of a Business License required by this Bylaw;
  - b) **“BUSINESS”** shall mean
    - i. a commercial, merchandising or industrial activity or undertaking;
    - ii. a trade, profession, occupation, employment or calling; or
    - iii. an activity providing goods and/or services however organized or formed, including co-operative or association of persons
  - c) **“BUSINESS LICENSE”** shall mean a license to be issued, pursuant to this bylaw, for the purpose of licensing any business operating within the Village.
  - d) **“CHARITABLE OR NON-PROFIT ORGANIZATION”** shall mean a person, association of persons, or a corporation, acting for charity or in the promotion of general social welfare which can not at any time distribute a dividend or profit to its members and includes;
    - i. a religious society or organization
    - ii. a service club
    - iii. a community, veterans or youth organization
    - iv. a social, sport or fraternal organization or club
    - v. schools funded by the public
  - e) **“COUNCIL”** shall mean the Municipal Council of the Village of Clive.
  - f) **“FARMERS MARKET”** shall mean any persons, society or organization who carries on a business of providing stalls, tables or space for which a fee is charged for a person to sell home grown vegetables, home grown fruits or fish of his own catching, home manufactured products, or local artisan crafts.
  - g) **“GENERAL CONTRACTOR”** shall mean any person who enters into a contract or contracts to build or renovate on a project.
  - h) **“HAWKER AND PEDDLAR”** shall mean any person whether as a principle or agent who:
    - i. goes from house to house or business to business selling or offering for sale any merchandise to any person, and who is not a wholesale or retail dealer in such merchandise with permanent place of business in the Village of Clive; or

- ii. offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise to be afterwards delivered in or shipped into the Village of Clive; or
  - iii. sells merchandise or services or both on the streets or roads or elsewhere other than a building that is his permanent place of business.
- i) **“HOME OCCUPATION”** shall mean any business, occupation, trade, calling or craft carried on from a residence or accessory residential building, by one or more members of a family occupying the said residence and for which a home occupation has been approved under the provisions of the Village of Clive’s Land Use Bylaw and any amendments thereto.
  - j) **“LICENSE”** shall mean a license granted by the Village of Clive pursuant to this Bylaw entitling the applicant to carry on a business.
  - k) **“NON LOCAL BUSINESS”** shall mean a business that is located outside of the municipal boundaries of the Village of Clive.
  - l) **“LOCAL BUSINESS”** shall mean a business located within the boundaries of the Village of Clive.
  - m) **“OFFICER”** shall mean an employee or independent contractor appointed by the Village to enforce the provisions of the Village’s Bylaws, and includes a member of the Royal Canadian Mounted Police, and when authorized a Peace Officer.
  - n) **“PERSON”** shall mean a natural person, business, sole proprietorship, a partnership or corporation.
  - o) **“PREMISES”** shall include store, office, warehouse, factory, building, enclosure, yard or other place occupied, or capable of being occupied by any person for the purpose of any business.
  - p) **“SUB-CONTRACTOR”** shall mean the business or person engaged in providing services to a portion of a contract from a General Contractor or another sub-contractor.
  - p) **“SUPPLIER”** shall mean a business, that supplies goods for resale or services to the holder of a Village Business License.
  - q) **“TEMPORARY BUSINESS”** means a business where the duration of the business activity is equal to or less than seven (7) days.
  - r) **“VILLAGE”** shall mean the Village of Clive, a municipal corporation in the Province of Alberta.

**NECESSITY FOR A LICENSE**

- 3. No person shall within or partly within the Village of Clive corporate limits:
  - i. carry on any business or;
  - ii. carry on any undertaking or do any act or use or have any article, for which a license is required under the provisions of this bylaw unless he holds a valid license issued pursuant to the provisions of this bylaw.
- 4. A valid business license is required to be listed on the Village of Clive’s Business Directory and on other promotional material maintained by the Village of Clive.

**LICENSE NOT REQUIRED**

- 5. A business license shall not be required for the following businesses;
  - i. Charitable or non-profit organizations;
  - ii. Operator of a stall within a Farmers Market, trade or craft show;
  - iii. Suppliers, be exempt only while operating as defined in this Bylaw;

- iv. A business that is carried on or operated by the Village or at a location operated by an official or employee of the Village acting on behalf of the Village;
  - v. Subcontractors for the period of time it takes to complete the particular project and where the General Contractor has a valid business license and has supplied the subcontractors name to the Village
  - vi. Any proprietor that is exempt under Provincial or Federal legislation.
6. When an exemption is granted to an organization, person or business pursuant to this section, unless the exemption, when granted, specifically otherwise provides, the organization, person or business shall comply with the provisions of this bylaw relating to the business to be carried on, other than the requirement to pay a license fee.

**LICENSE APPLICATION, TERM & RENEWAL PROCESS**

7. An applicant for a Business License shall make application to the Village of Clive in the form prescribed by the Village and supply such information as the Chief Administrative Officer may require from time to time.
8. Each application for Business License shall be accompanied by a fee determined from time to time and established by Council and set out in the Village of Clive’s Master Rates & Fees Bylaw#530-19, as amended.
9. The term of the License issued under this bylaw is for one year from January to December 31 in each calendar year.
10. Renewal of the business license is required for each subsequent calendar year and shall be accompanied by the appropriate fee as set out in the Village of Clive’s Master Rates & Fees Bylaw#530-19, as amended.
11. License Fees are due and payable prior to January 31. Renewal payments received after January 31 will incur a 15% penalty and can also lead to further offenses as per Section 18 and 19 of this bylaw.

**POSTING OF LICENSE**

12. The owner of the business shall post the license in a conspicuous place on the business premises.

**REQUIREMENT OF PROVINCIAL LICENSE**

13. Every person who applies for a business license from the Village is required to be in possession of a valid provincial license where such is required by the Province of Alberta.

**REVOCAION OR SUSPENSION OF LICENSE**

14. The Officer may revoke or suspend any license issued under the provisions of this bylaw
- i) for failure to comply with any of the conditions or regulations of this bylaw
  - ii) for failure to comply with any other bylaw or regulation of the Village, or
  - iii) for failure to comply with any legislation or regulation of the Province of Alberta.
  - iv) if in the opinion of the Officer the holder of a license intends or appears to intend to defraud or appears to have defrauded the public in any way; or
  - v) if in the opinion of the Officer the conduct of the licensee is offensive.
15. A Business License is automatically revoked if payment of fees required by this Bylaw is made by cheque or other instrument which is not accepted by the financial institution on which it is issued.

**APPEAL OF SUSPENSION OR REVOCAION**

16. Where a license has been revoked the person to whom the license was issued shall be entitled to appeal to Council.

- i. After hearing the appellant and the evidence adduced, council may,
- ii. confirm the suspension or revocation;
- iii. give conditional approval; or
- iv. direct that the license be issued either conditionally or unconditionally as may be deemed expedient in the public interest.

17. The decision of council shall be final.

#### **OFFENSES AND PENALTIES**

18. Any business that contravenes any provision of this bylaw is guilty of an offense and is liable for a fine of no less than \$250.00 and not more than \$1,000.00 exclusive of costs, and in the case of non-payment of the fine and costs so imposed, the person shall be imprisoned for a period of time not to exceed six months unless the fine and costs including the cost for committal are sooner paid.

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

This bylaw shall come into force and effect upon third reading.

Read a first time this 11<sup>th</sup> day of March, 2019.

Read a second time this 25<sup>th</sup> day of March, 2019.

Read a third and final time this 8<sup>th</sup> day of April, 2019.

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Mayor

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CAO

This page is for reference only – it is not included in the Business License Bylaw

Proposed Fees for the Master Rates and Fees Bylaw

Local Business	\$ 25.00
Non Local Business	\$ 50.00
Temporary Business/ Hawkers & Peddlers	\$ 25.00
Home Occupation?	\$ 15.00
Exempted Business	\$0.00