

**Town of Crossfield
Business License Bylaw
Bylaw 2017-12**

BEING a Bylaw of the Town of Crossfield to provide for the licensing and regulating of businesses, trades and occupations carried on within the Town of Crossfield, and to rescind Town of Crossfield Bylaws 2003-01 Business License Bylaw.

WHEREAS: The Municipal Government Act, RSA 2000, C. M-26 as amended, authorize a Municipality by bylaw to control, regulate and license businesses within their boundaries;

AND WHEREAS: The Municipal Council for the Town of Crossfield deems it expedient to provide for the licensing of certain businesses operating within the Municipality;

NOW THEREFORE: The Municipal Council for the Town of Crossfield in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1: BYLAW TITLE

1.1 This Bylaw shall be known as the **Town of Crossfield Business License Bylaw**.

SECTION 2: DEFINITIONS

2.1 In this by-law the following terms (unless the context specifically requires otherwise) shall have the following meanings:

- a) **"ACT"** means the Municipal Government Act, Chapter M-26, R.S.A 2000, Chapter M-26.1 as amended or replaced from time to time;
- b) **"APPLICANT"** means a person who applies for a license, or a renewal of a license required by this bylaw;
- c) **"BUSINESS"** shall include any business, calling, trade, profession, industry, occupation employment or the provision of goods of services totally within or partly within the town, not otherwise specified herein, and not excluded by the Provincial Statutes;
- 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 a business;

- f) **“CARRY ON”** means carrying on, operate, perform, keep, hold, occupy, deal in or use for gain, whether as principal or agent, and includes all aspects of promoting, marketing, advertising, selling, delivering, supporting and servicing the goods or services of the business, but excluding responding to tenders;
- g) **“CHARITABLE OR NON-PROFIT ORGANIZATION”** means a person or persons acting for charity or in the promotion of general social welfare and includes:
- i. A religious society or organization;
 - ii. A service club;
 - iii. A community, veteran’s or youth organization;
 - iv. A social, sport or fraternal organization or club.
- h) **“CHIEF ADMINISTRATIVE OFFICER”** means the Chief Administrative Officer of the Town of Crossfield duly appointed by Town Council;
- i) **“COMMUNITY PEACE OFFICER”** shall mean a member of a Police Service, or a Peace Officer appointed pursuant to the Peace Officer Act, S.A. 2006, c. P-3.5 and the regulations thereof, as amended or replaced from time to time;
- j) **“CONTRACTOR – GENERAL”** means any person who entered into a contract or contracts for the erection, alteration, cleaning, moving, repair or demolition of building or structures within the Municipality, and, without limiting the generality of the foregoing, includes a person who carries on any one or more of the following businesses:
- i. Building or carpentry;
 - ii. Excavator, concrete, sidewalk, road, bridge or paving;
 - iii. Roofing, siding, stucco, glass installer or insulating;
 - iv. Linoleum installation, floor finishing or rug installation;
 - v. Painting, decorating, paper hanging, terrazzo or tile contractors;
 - vi. Brick or stone mason, structural steel or welding;
 - vii. Landscaping or ditching; and
 - viii. Janitor Service, window washing, rug, furnace or chimney cleaner.
- k) **“CONTRACTOR – SUBCONTRACTOR”** means a person or a company, to whom a general contractor has sublet all or a portion of a contract.
- l) **“COUNCIL”** means the Municipal Council of the Town of Crossfield;
- m) **“DEVELOPMENT AUTHORITY”** means the Planning & Development Department of the Town of Crossfield;
- n) **“DEVELOPMENT PERMIT”** means a document which authorizes development of a parcel of land or a business issued pursuant to the Town Land Use Bylaw;

- o) **"FARMERS MARKET OR FLEA MARKET"** means the gathering of people for the purchase of fruit, vegetables and other items from a market;
- p) **"HAWKER OR PEDDLER"** 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 Crossfield;
 - 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;
- q) **"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 permit has been approved under the provision of the Land Use Bylaw and all amendments thereto of the Town;
- r) **"LAND USE BYLAW"** means the current Town of Crossfield Land Use Bylaw.
- s) **"LICENSEE"** means a person holding a valid license issued pursuant to the provisions of this bylaw;
- t) **"LICENSE YEAR"** means a calendar year period commencing on January 1st and ending on December 31st of that year;
- u) **"MOBILE BUSINESS UNIT"** means a motor vehicle, temporary structure, display, stand or non-motorized chart or trailer from which a business is carried on and for which the Licensee is not listed on the assessment roll;
- v) **"PERSON"** means an individual human being or a corporation and includes a partnership, an association or a group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires;
- w) **"PREMISES"** means a store, office, dwelling unit, warehouse, factory, building, enclosure or other place occupied or capable of being occupied, by any person for the purpose of carrying on any business;
- x) **"SUBSEQUENT OFFENCE"** means any offence under this Bylaw committed by a person after that person has already been convicted of an offence under this Bylaw or has voluntarily paid a fine for such an offence;

- y) **“TEMPORARY BUSINESS LICENSE”** means a business license is issued to the Person(s) who is conducting business within the Town of Crossfield, for not more than 72 hours.
- z) **“TOWN”** means the Town of Crossfield, a municipal corporation in the Province of Alberta;
- aa) **“VIOLATION TICKET”** means any ticket or tag which is authorized by the Municipal Government Act and is in a form authorized under the Provincial Offences Procedures Act, issued for any offence in which a penalty may be paid out of court in lieu of appearing to answer a summon.

SECTION 3: BUSINESS LICENSE REQUIREMENT

- 3.1 No Person shall carry on a business in the Town unless the Person holds a license authorizing the Person to carry on that business. A Business license must be renewed every year.
- 3.2 Any Person who operates one or more Businesses either separately or together shall purchase a Business License for each Business.
- 3.3 License Fees and classification shall be established by resolution of Council. License Fee is provided in Schedule A of this Bylaw.
- 3.4 Payment of licenses issued for a new business shall be made prior to the opening of said business.
- 3.5 For any person operating a business from their home, they must first apply for a Home Occupation permit and receive approval, then apply for a business license.
- 3.6 Hawker and Peddler: Any Hawkers and Peddlers who operate from a temporary location or a motor vehicle must have a valid Temporary Business License and have their business licenses available at the site where sales are taking place, and must produce their business license when asked by a Peace Officer; a written permission from the property owner is required for Hawkers and Peddlers to carry on temporary business.
- 3.7 All Contractors and Sub-contractors conducting work within the corporate limits of the Town require a business license.
- 3.9 All Persons conducting business within the corporate limits of the Town of Crossfield must possess a valid business license by January 31st of the current license year.

- 3.10 A business that changes ownership, or the name and address of the business must submit a new business license application form with the updated/ new information. There will be no additional cost for updating of Business License information.
- 3.11 A business that changes the use or type of business must resubmit a new development permit application, and appropriate fees associated as per the Town of Crossfield's Fees & Rates Bylaw.
- 3.12 Any advertising of businesses, trades or occupations shall be deemed to be prima facie proof of the fact that the person is carrying on or operating any such business, trade or occupation.
- 3.13 No person shall carry on any business within the corporate limits of the Town of Crossfield from any street, sidewalk or Town owned property without the express consent of the Chief Administrative Officer or his or her delegate.
- 3.14 As directed by the Public Health Inspector, no license shall be issued to: Grocery & convenience stores, all food & beverage services (including mobile & concession), water processors, and all personal services until such time as appropriate inspection has been completed by the Public Health Inspector; written indication of approval must accompany the business license application.

SECTION 4: BUSINESSES EXEMPTED FROM BUSINESS LICENSE

- 4.1 Charitable or non-profit organizations registered under the Alberta Societies Act are exempt from obtaining a business license.
- 4.2 A license shall not be required for business being conducted by the Town of Crossfield or the Government of the Province of Alberta or the Government of Canada.

SECTION 5: CONDITIONS OF BUSINESS LICENSE

- 5.1 No business license shall be granted until such time that the applicant holds a valid development permit or home occupation permit, where required by the current Town of Crossfield Land Use Bylaw for the said business.
- 5.2 No business license shall be granted if the applicant fails to comply with any other Bylaw of the Town of Crossfield or Statute, Regulations of the Province of Alberta or Statute of Canada.
- 5.3 No business license shall be granted until such time as the applicant holds a valid Provincial or Federal license where required by law.

SECTION 6: LICENSE IDENTIFICATION

- 6.1 All active business licenses shall be displayed prominently by the business in such a location that it is easily viewable by the public and the Community Peace Officer.
- 6.2 A business shall, upon request, immediately provide the license to a Community Peace Officer, or any person with whom they are carrying on business.
- 6.3 A licensee who holds a business license or Provincial/Federal license which applies to specific premises or a mobile business unit must keep it posted in public view in the licensed premises or on the mobile business unit.
- 6.4 A person may not alter or deface a license.

SECTION 7: TERM OF LICENSE

- 7.1 Business license shall be valid from the date on which it was issued until 11:59 pm of December 31st of that year, unless it is a temporary license, in which case it shall be valid for the dates shown on the license.

SECTION 8: SUSPENSION OR REVOCATION OF A BUSINESS LICENSE

- 8.1 A Business License may be revoked or suspended for non-compliance with a Bylaw notwithstanding that the Licensee has not been prosecuted for the contravention of that Bylaw.
- 8.2 Where a Business License is revoked or suspended pursuant to subsection 8.1, the Town shall notify the Licensee of such revocation or suspension and the reason or reasons for the revocation or suspension. Notification shall be in the form of one of the following methods:
 - a. by delivery of a notice to the Licensee personally; or
 - b. by registered mail to the mailing address as shown on the Business License application.
- 8.3 After notification to the Licensee by the Town, the Business shall not operate.
- 8.4 When any required certificate, authority, license or other document of qualification issued by the Government of Canada, or the Government of the Province of Alberta is terminated or surrendered, any Business License issued pursuant to this Bylaw is immediately null and void and shall be considered as being revoked.

- 8.5 Where a Business License is revoked, the Licensee shall immediately return the Business License to the Town and the Business shall not operate until such time as a new Business License is issued.
- 8.6 Where a Business License is suspended, the Licensee may resume operation when the Business License is reinstated.
- 8.7 Where a Business License is revoked or suspended the Licensee is not entitled to a refund of the Business License fee.

SECTION 9: INSPECTIONS

- 9.1 All businesses that are licensed, or are required to be licensed may have the business premises and surrounding lot inspected by a Community Peace Officer and Town of Crossfield employees at any time, provided that notification is given in writing of the inspection
- 9.2 If a Community Peace Officer reasonably believes a person is carrying on a business requiring a license, or an applicant, shall,
- a. permit and assist in all inspections requested by a Community Peace Officer;
 - b. provide all identification, information, or documentation related to the inspection to a Community Peace Officer, and;
 - c. not provide to a Community Peace Officer false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with the licensing of the business.
- 9.3 No person shall attempt to prevent, obstruct, or hinder a Community Peace Officer from making an inspection authorized by this Bylaw.
- 9.4 During an inspection authorized under this section, a Community Peace Officer may examine any business record or document for the purpose of enforcing this Bylaw, and remove any relevant record or document from the business premise for the purpose of copying it.

SECTION 10: VIOLATION TICKETS

- 10.1 Any person contravening any provision of this bylaw is guilty of an offence and is subject to a penalty or fine as a set out in the under Schedule A of this Bylaw.

- 10.2 Businesses operating within the corporate limits of the Town of Crossfield that have not purchased their annual business license or renewal shall be prosecuted in accordance with this bylaw.
- 10.3 The Community Peace Officer is hereby authorized and empowered to issue a violation ticket to any person who has contravened any provision of this Bylaw.

SECTION 11: APPEALS

- 11.1 In the case where an Application has been refused or a Business License has been revoked or suspended, the Applicant or Licensee may appeal to Town Council.
- 11.2 The Applicant or Licensee shall make an appeal in writing within thirty (30) days after such refusal, revocation or suspension and shall state the grounds upon which the appeal is based. The appeal must be accompanied by a fee as prescribed in Schedule A for the appeal to be considered complete.
- 11.3 All appeals shall be addressed to the Chief Administration Officer and shall be considered received as of the date received by the Town, if the appeal meets all the requirements of subsection.
- 11.4 All appeals shall be heard by Town Council and Council may:
- a. direct a Business License be issued or reinstated, or
 - b. direct a Business License be issued or reinstated with conditions, or
 - c. direct a Business License be refused, or
 - d. uphold the decision of the Peace Officer on grounds that appear just and reasonable to Council.

SECTION 12: AMENDMENTS TO SCHEDULES

- 12.1 Town Council may by resolution amend Schedule "A" and "B" from time to time.

SECTION 13: GENERAL

13.1 This bylaw shall take effect on the 1st day of January 2018.

13.2 Bylaw 2013-17, being the Business License Bylaw is hereby repealed in its entirety.

Given first reading this 21st day of November, 2017;

Given second reading this 21st, day of November, 2017;

Given third and final reading this 21st, day of November, 2017.



Mayor Jo Tennant



Chief Administrative Officer Ken Bosman

Schedule A Licensing Fees & Violations

A. BUSINESS LICENSE FEE

- i. Fees paid by an applicant pursuant to this section are not refundable.
- ii. Business Licenses fee are as follows:

In Town Business and Out of Town Business \$50.00

After July 1 of the calendar year \$30.00*

Temporary Business License (72 hrs) \$40.00

*Pro-rated licensing fee is for new businesses only.

B. VIOLATIONS

	Bylaw Violation Tag <i>(Issued by Community Peace Officer or licensing officer/Inspector)</i>	Provincial Ticket <i>(Issued by Community Peace Officer)</i>
Initial Offense	Minimum of \$750.00 Maximum of \$1,000.00	Minimum of \$750.00 Maximum of \$1,000.00
Continued or Subsequent Offense	N/A	Minimum of \$1,000.00/day Maximum of \$2,500.00/day

**Schedule B
Business License Form**

BUSINESS LICENSE APPLICATION

Box 500, 1005 Ross Street.
Crossfield, Alberta, T0M 0S0
Phone: 403-946-5565
Fax: 403-946-4523

Application Status

New: _____
Renewal: _____
Information Update: _____



FOR OFFICE USE ONLY

Roll #: _____ Development Permit: Yes _____ No _____
Paid _____ License/File # _____ Date _____

Fee Schedule

In Town Business: \$50
Out of Town Business: \$50
Temporary License: \$40 per day
(A yearly renewal is required)

SECTION 1

(Information supplied in this section will be made available to the public to assist in marketing your business through printed directories, and web directories such as the Town's webpage.)

Legal Business Name: _____ Operating/Trade Name: _____
Civic Address: _____ Mailing Address: _____
Town/Province: _____ Postal Code: _____ Fax: _____
Website: _____ Business Phone: _____
Email: _____ Preferred Method of Contact: Email _____ Phone _____
Contact Person: _____ # of Employee: _____
Description of Business: _____

For any new businesses, a Development Permit must be completed and approved prior to start-up of the business in Town.

SECTION 2

(BUSINESS OWNER INFORMATION will be received in confidence and shall be protected in accordance with the Freedom of Information and Protection of Privacy Act, RSA, 2000, c. F-25, paragraph 16 (1) b.)

Owner(s) Name: _____ Address: _____
Town/City/Province: _____ Telephone: _____
Postal Code: _____ Email: _____

I hereby certify that the above information is true and properly sets out the business which is presently carried on by the applicant, owner, or operator as the case may be. Approval of the Business License does not exempt the applicant from the obtaining necessary permits required through Municipal Bylaws and Provincial Statutory Regulations.

Signature of Applicant: _____

Date: _____