

**TOWN OF NOBLEFORD
IN THE PROVINCE OF ALBERTA
BYLAW NO. 677**

BEING a bylaw of the Town of Nobleford in the Province of Alberta, to provide for the licensing control and regulating of any business within the Town of Nobleford.

WHEREAS it is provided in and by the *Municipal Government Act*, being Chapter M-2 of the Revised Statutes of Alberta, 2000, and amendments thereto, that the Council may control and regulate all business and industry carried on within the Town of Nobleford, and may license any or all such businesses or industry whether or not the business has a business premises within the Town of Nobleford.

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 as amended, the Council of the Town of Nobleford, duly assembled, hereby enacts the following:

1.0 SHORT TITLE

This Bylaw may be known as the "Business License Bylaw of the Town of Nobleford".

2.0 DEFINITIONS

- (a) **"Applicant"** means a person who applies for a license or a renewal of a license required by this Bylaw.
- (b) **"Application"** means a written application for a Business License as provided for by this Bylaw.
- (c) **"Business"** means any trade, profession, industry, occupation, employment or calling and to providing of goods and/or services.
- (d) **"Business License"** means a license issues pursuant to this Bylaw.
- (e) **"Business Premises"** includes the store, residence, office, warehouse, factory, building, enclosure yard or other place occupied or capable of being occupied for the purpose of carrying on a business.
- (f) **"Council"** means the Council of the Town of Nobleford.
- (g) **"Direct Seller"** means a person engaged in the business of soliciting, negotiating or concluding sales contracts in person at any place other than the seller's place of business. Examples of "Direct Selling" include, but are not limited to, Avon, Scentsy, Pampered Chef, etc.
- (h) **"Existing Business"** includes any business holding a valid business license under this Bylaw on December 31st of the license year immediately preceding the year of Application.
- (i) **"Hawker or Peddler"** means a person not being a body corporate and who, whether principal or agent:
 - (a) 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 Nobleford;
 - (b) 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 Town of Nobleford;
 - (c) Sells merchandise on the streets or roads or elsewhere than at a building that is his or her permanent place of business.

A hawker or peddlers does not include a person selling

 - (a) Meat, fruit or other farm produce that has been produced, raised or grown by him or herself within the Province of Alberta; or
 - (b) Fish of his or her own catching caught within the Province of Alberta.
- (j) **"License Year"** is the period commencing January 1st and ending December 31st of a calendar year.
- (k) **"Licensee"** means a person holding a valid and subsisting license issued pursuant to the provisions of this Bylaw.

- (l) **“License Inspector”** means a person authorized by the Chief Administrative Officer to carry out the provisions of this Bylaw.
- (m) **“Person”** means a natural person, firm, corporation, association and includes a partnership.
- (n) **“Resident Business”** means a business that is established within the boundaries of the Town of Nobleford.
- (o) **“Municipality”** means the Municipal Corporation of the Town of Nobleford.
- (p) **“Town”** means the Municipal Corporation of the Town of Nobleford.

3.0 APPOINTMENT OF LICENSE INSPECTOR

The Chief Administrative Officer shall appoint a License Inspector to carry out the provisions of this Bylaw.

4.0 DUTIES OF A LICENSE INSPECTOR

- (a) To receive and consider applications for a Business License.
- (b) To conduct investigations with regard to proposed applications where necessary.
- (c) To conduct inspections of business premises where necessary.
- (d) To collect business license fees pursuant to this Bylaw.
- (e) To refuse to grant business licenses where the License Inspector deems it appropriate.
- (f) To ensure the business meets and follows the Land Use Bylaw.
- (g) To revoke business licenses where the License Inspector deems it appropriate.
- (h) To initiate legal court action for violations of this Bylaw.

5.0 LICENSE APPLICATIONS

- (a) The procedure for business license renewals will begin in November with all business owners and operators receiving a call to confirm that the business is still active and requires a license. Renewal invoices will be mailed from the last week in December to the first week in January with a payment due date of January 30th.
- (b) Every person applying for a Business License shall submit the application to the Town of Nobleford Town office. The application is to be signed by the applicant, or in the case of a corporation, an officer or a duly appointed agent.
- (c) Every application for a Business License for an existing business shall be submitted to the Town of Nobleford in the manner set out in this Bylaw no later than the 1st day of February of a License Year. Failure to comply with this Section may result in a penalty being assessed pursuant to Section 18 of this Bylaw.

6.0 EXEMPTION FROM LICENSING

No Business License shall be required:

- (a) For a business carried on or operated by the Town or owned by the Town and operated on behalf of the Town.
- (b) For any person under 18 years of age providing individual light duty occasional services such as snow shoveling, child minding, yard work, or newspaper delivery.
- (c) For any day home or day care business in which children or adults are supervised during the day.
- (d) For the participants of a Farmer's Market, with the appropriate Provincial approvals, and the Farmer's Market itself are not required to apply for a Business License.
- (e) For any person or business, notwithstanding any provision of this Bylaw, if such person or business is exempt from the requirements of Municipal Licensing by any Statute of Canada or the Province of Alberta.

7.0 INSPECTION

Where a business or its location require any approval of certification under this Bylaw or any other Bylaw of the Town or any Provincial Statute or any Federal Statute, then the location or locations where the business is to be carried on, including the land and buildings, therefore, may be inspected by those persons, inspectors and departments whose approval or certificates is required.

Every Business License issued under this Bylaw shall be displayed by the Licensee in a prominent place in the Licensee's business premises and whenever required by a License Inspector or any other duly authorized person.

8.0 POWER OF REFUSAL

Subject to the provisions of this Bylaw, upon receipt of an Application for a Business License, the License Inspector may refuse to grant a Business License, if in the opinion of the License Inspector there are just and reasonable grounds for the refusal of the Applicant's Application.

9.0 POWER OF REVOCATION

Subject to the provisions of this Bylaw, where a Business License has been granted pursuant to this Bylaw, the License Inspector may revoke or suspend the Business License if in the Business License Inspector's opinion there is just and reasonable grounds.

10.0 NOTICE OF REVOCATION OR SUSPENSION

Upon a Business License being revoked or suspended as herein before provided, the License Inspector shall notify the licensee thereof,

- (a) By delivery of a notice to the licensee personally, or
- (b) By mailing a registered letter to the licensee's place of business or residence as shown on the licensee's license.

After delivery of such notice, the licensee's business or occupation, as the case may be, shall not be carried on until such time as a new Business License is issued or the suspended Business License is reinstated.

11.0 CONDITIONS OF BUSINESS LICENSE

- (a) No Business License shall be granted until such time as the Applicant holds a valid Development Permit, where required for the said business.
- (b) No Business License shall be granted until such time as the Applicant holds a valid Provincial or Federal License where required by law.
- (c) No Business License shall be granted if the Applicant fails to comply with any other Bylaw of the Town of Nobleford or statute of the Province of Alberta or Statute of Canada.
- (d) No Business License shall be granted until the Applicant has submitted to the License Inspector the proper fee as provided by this Bylaw.
- (e) No Business License shall be valid unless the said license has been signed by the License Inspector or other authorized person.

12.0 ISSUING OF BUSINESS LICENSE

No person shall carry on or operate any business within or partly within the Town of Nobleford without holding a valid and subsisting Business License issued pursuant to the provisions of this Bylaw unless specifically exempted by law.

13.0 NULLIFICATION OF LICENSE

A suspension of a license may be:

- (a) For a period of time not exceeding the unexpired term of the Business License, or
- (b) If the suspension is for non-compliance with a Bylaw, until the holder of the suspended Business License, in the opinion of the License Inspector, complies with this Bylaw.

14.0 APPEAL

- (a) In every case where:
 - (i) an application for a Business License has been refused.

- (ii) a Business License has been revoked or suspended, the person seeking the Business License may appeal to Town of Nobleford Council.
- (b) An appeal from Subsection (a) shall be made by the applicant within thirty (30) days after such refusal, revocation or suspension.
- (c) All appeals shall be made in writing addressed to the Chief Administrative Officer of the Town of Nobleford and shall be dated as of the date received by the Chief Administrative Officer.
- (d) Town of Nobleford Council, after hearing the applicant, may:
 - (i) direct a Business License to be issued or reinstated with conditions.
 - (ii) direct a Business license to be issued or reinstated without conditions.
 - (iii) refuse to grant a Business License on grounds which appear to be just and reasonable.

15.0 TERMINATION OF LICENSE

Every Business License issued under the provisions of this Bylaw, unless revoked, shall terminate at midnight on the last day of the License Year.

16.0 FEE PAYABLE

- (a) The fee payable for a Business License issued between the 1st day of January and the 30th day of June in any License Year shall be the full fee for the License Year.
- (b) The fee payable for a Business License issued after the 30th day of June in any License Year shall be one-half of the full fee for the License Year.

17.0 SUPPLY OF INFORMATION

Every person carrying on or engaged in any business in respect of which a license is required under this Bylaw, upon request of the License Inspector, shall give to the License Inspector all information necessary to enable the License Inspector to carry on their duties.

18.0 COMBINED BUSINESS LICENSES

The Town of Nobleford reserves the right to enter into agreements with other municipalities to share business licenses.

18.0 PENALTY

Every person carrying on or engaged in any business in respect of which a license is required under this Bylaw, upon request of the License Inspector, shall give to the License Inspector all information necessary to enable the License Inspector to carry on their duties.

Any person who commences business or operates an existing business in the Town without obtaining the proper business license shall be issued a penalty amounting to double the amount of the business license, and will be required to obtain a business license. The business license and penalty must be paid within 5 business days of the date of the penalty being issued. If the business license and penalty are unpaid after 10 business days, the original penalty will be doubled and a stop work order will be issued.

If renewed licenses are not paid by January 30th, a penalty amounting to double the amount of the business license shall be issued, and a letter sent to the individual advising that the penalty will be doubled again if the license and penalty are not paid in full by July 1st of the current year.

After an application for a new license is completed and approved, the new license fee must be received within 5 business days. If unpaid after 5 business days, the license will not be issued.

Any person who fails to comply with any provision of this Bylaw shall be guilty of an offence and liable on summary conviction to a penalty of not more than one thousand dollars (\$1,000.00).


19.0 GENERAL

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

READ a **first** time this 11th day of January, 2022.




Mayor – Bill Oudshoorn




Administrator – Joseph Hutter

READ a **second** time this 11th day of January, 2022.



Mayor – Bill Oudshoorn




Administrator – Joseph Hutter

READ a **third** time and finally PASSED this 11th day of January, 2022.



Mayor – Bill Oudshoorn



Administrator – Joseph Hutter

Appendix “A”

Business License Fee Rates:

- Resident Business - \$50.00/year
- Resident/Non-Resident Direct Seller - \$25.00/year
- Resident hawker or peddler - \$25/year
- Non-resident Business - \$100.00/year or \$25.00/day (valid until the end of the current day)
- Non-resident hawker or peddler - \$25/day