

## BYLAW NO. PI 4/00

### A BYLAW OF THE TOWN OF GIBBONS IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING AND CONTROL OF ANY BUSINESS WITHIN THE TOWN OF GIBBONS.

WHEREAS, it is provided in and by the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1994 and amendments thereto, that the Council may license and control all businesses within the Town of Gibbons including the manner of operation, the nature of the operation and the location thereof, any may license any or all such businesses whether or not the business has a business premises within the municipality.

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

#### I. Title

1. This bylaw may be cited as "The Business License Bylaw" of the Town of Gibbons.

#### II. Definitions

"Accessory Home Occupation" - means an occupation carried on within a unit which is zoned residential as outlined in the Town of Gibbons Land Use Bylaw.

"Application" - means a written application for a business license as provided for by this bylaw.

"Business" - includes business, trade, profession, occupation, employment or the providing of goods and service.

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

"Business Premises" - includes a store, office, warehouse, building enclosure, yard or other place occupied or capable of being occupied for the purpose of carrying on a business.

"Council" - means the Municipal Council of the Town of Gibbons.

"Development Officer" - means the Development Officer of the Town of Gibbons or anyone designated by the Town Manager.

"Hawker or Peddler" - means any person, whether as principal or agent, who:

- a) goes from house to house or business to business selling or offering for sale any merchandise or services, or both, to any person and not having a permanent place of business in the municipality; 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 and shipped into the municipality; or
- c) sells merchandise or services, or both, on the streets or elsewhere than at a building that is his permanent place of business, but does not include any person selling:
  - I) meat, fruit or other farm produce that has been produced, raised or grown by himself, or
  - II) fish of his own catching

“License Inspector” - means a person authorized by the Town Manager to carry out the provisions of this bylaw or anyone acting on his behalf.

“Non-Resident” - means any business which does not have a permanent office or place of business in the Town of Gibbons.

“Resident” - means a business where a permanent office or place of business is situated in either a commercial, industrial, or urban service district of the Town and does not include a transient trader.

“Seasonal” - means any business which operates less than six (6) months in any calendar year.

“Student” - means any business operated by an individual who usually attends an educational institute or is enrolled in a recognized educational program.

“Town Manager” - means the Town Manager of the Town of Gibbons.

“Transient Trader” - means any person who does not maintain a regular and permanent place of business within the Town.

### III. Requirement of a Business License

- 1. No person shall carry on or operate any business within or partly within the Town without holding a valid and subsisting business license issued pursuant to the provisions of this bylaw unless specifically exempted by law.

### IV. License Inspector

- 1. The Town Manager shall appoint a license inspector to carry out the provisions of this bylaw.
- 2. The duties of a license inspector are:

- 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 grant, with or without conditions, or refuse business licenses where deemed appropriate and for just and reasonable grounds
- f) to revoke business licenses for just and reasonable grounds. Notice of revocation may be made by personal service upon the holder of the business license or by sending the notice by single registered mail to the person's residence or place of business
- g) to commence prosecutions for violation of this bylaw

#### V. License Applications

- 1. Every person applying for a business license shall submit to the license inspector a written application signed by the applicant or, in case of a corporation, its duly appointed agent.
- 2. A business license for an existing business shall be renewed by the 15th day of February of each year. Renewal shall be effected by a business license holder submitting the proper fees to the license inspector.

#### VI Prerequisites for A Business License

- 1.
  - a) No business license shall be granted until such time as the applicant holds a valid development permit where required by the land use bylaw for the 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 Gibbons.
  - d) No business license shall be granted until the applicant has submitted to the license inspector the proper fee as provided by this bylaw.

#### VII. Conditions of A Business License

- 1. Every business license issued under this bylaw shall be posted in a conspicuous place in the business premises of the license.
- 2. In the case of a business operating one or more outlets in the same building, only one business license shall be required.

3. The following organizations shall notify the license inspector in writing when carrying out fund raising activities, but there shall be no fee charged for a business license:
  - a) registered charitable organizations
  - b) religious groups
  - c) service clubs
  - d) minor sports associations
  - e) schools
  - f) cubs, scouts, guides & similar organizations
4. A supplier bringing bulk goods to a licensed business for the purposes of resale shall not be required to obtain a business license.
5. 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 him to carry out his duties.
6. Every business license issued under the provisions of the bylaw, unless revoked, shall terminate at midnight on the 31st day of December in the year in which the said license was issued.
7. Any business called in by a resident or commercial owner / occupier to undertake any work in renovations, construction, or services to only that property does not require a business license; provided that no advertising is being done on the property by way of a sign.

#### VIII. Officials To Have Access To License Premises

1. The license inspector shall at all reasonable times have the right, after being properly identified, to enter upon any premises licensed under the provisions of this bylaw for the purpose of inspection or for the purpose of ascertaining if the provisions of this bylaw are being complied with. Any person hindering, preventing or refusing such free access after such person has demanded admission and established his authority shall be guilty of a breach of this bylaw.

#### IX. Transfer of License

1. A license granted pursuant to the provisions of this bylaw, may upon approval of the license inspector, be transferred from one premises to another premises or from one person or company to another person or company upon payment of a transfer fee to be paid at the time of application for transfer.

#### X. Appeals

1. A person seeking a license may appeal to Town Council in every

case where:

- a) an application for a business license has been refused; or
  - b) a business license has been revoked.
2. An appeal under subsection (1) shall be made by the applicant within thirty (30) days after such refusal or revocation.
  3. All appeals shall be made in writing addressed to the Development Officer and shall be dated as of the date received by the Development Officer.
  4. Town Council, after hearing the applicant may:
    - a) direct a business license be issued;
    - b) direct a business license be issued with conditions;
    - c) refuse to grant a business license
    - d) uphold the revocation of a business license on grounds which appear just and reasonable.
  5. A decision of Town Council in respect of an appeal under this section shall be final and binding.

#### XI. License Fees

1. The business license fee shall be as established by Schedule A..
2. The fee payable for a first time business license issued between the 1st day of January and the 31st of March in any year shall be the license fee for the full year.
3. The fee payable for a first time business license issued between the 1st day of April and the 30th day of June shall be 75% of the license fee for the full year.
4. The fee payable for a first time business license issued between the 1st day of July and the 30th day of September shall be 50% of the license fee for the full year.
5. The fee payable for a first time business license issued between the 1st day of October and the 31st day of December shall be 25% of the license fee for the full year.
6. The aforementioned reduction in fees does not apply to Student, Transient Trader, or Hawker/Peddler business licenses.
7. Where a business license is revoked or surrendered, the licensee is entitled to a refund as established by resolution of Council.

#### XII. Penalty

1. Any person who contravenes or disobeys or refuses or neglects to obey any provision of this Bylaw by:
  - a) doing any act or thing which he is prohibited from doing herein; or
  - b) failing to do any act or thing he is required to do herein;

is guilty of an offense and is liable, upon summary conviction, to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Two Thousand Five Hundred Dollars (\$2,500.00) plus costs, in addition to any license fee he may be required to pay, and in the event of failure to pay or inability to pay any fine levied and any license fee charged hereunder and cost, to imprisonment for a period not exceeding sixty days or until such fine, license fee and costs of committal are paid.

2. Where a person is convicted of carrying on a business for which a license fee is payable, without payment of such fee having been paid, the court may, in addition to the fine imposed, direct payment of the applicable license fee to the Town.
3. Where a business is being carried on in contravention of this Bylaw, or where the breach of the Bylaw is of a continuing nature or where any person is carrying on business or is doing any act, matter or thing without having paid the license fee required to be paid by this Bylaw, then in addition to any other remedy or any penalty imposed by this Bylaw the Town may, in any of these cases, apply to a judge at the Supreme Court of Alberta by way of action or originating notice for an injunction or other order, prohibiting the person so contravening the Bylaw from continuing to carry on the business without complying with the provision of the Bylaw applicable to the business for which the license is required.

### XIII. Voluntary Payment Tags

1. Where a peace officer or bylaw enforcement officer believes that a person has contravened any section of this Bylaw, he may serve upon such person a voluntary payment ticket allowing payment of the penalty specified in Schedule "B" for such offense to the Town and such payment shall be accepted by the Town in lieu of prosecution for the offense.
2. If a person, upon whom a voluntary payment tag is served, fails to pay the required sum within the time specified in the voluntary payment tag, the provisions of this section regarding acceptance of payment in lieu of prosecution do not apply.
3. Nothing in this section shall:
  - a) prevent any person from exercising his right to defend any

charges of committing a breach of any provision of this Bylaw;

- b) prevent any Bylaw Enforcement Officer, Licensing Officer or any Peace Officer from laying an information or complaint in lieu of serving a voluntary payment tag, or
- c) prevent any person from exercising any legal rights such person may have to lay an information or complaint against any person (whether such person has made payment under the provisions of this Bylaw, or not) for a breach of any provision of this Bylaw.

- 4. Where any person has made payment pursuant to the provisions of this section and is subsequently prosecuted at the instance of some person other than the Town for the offense in respect of which payment has been made, such payment shall be refunded.

XIV. Schedule

The documents attached hereto and marked "Schedule A" and "Schedule B" shall form part of this Bylaw and shall be identified by the signature of the Town Manager of the Town.

XV. Repeal


Bylaw No. 6/94 of the Town of Gibbons is hereby repealed in its entirety.

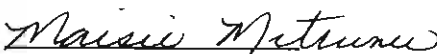
Read a first time this 13 day of December, 2000.

  
Mayor

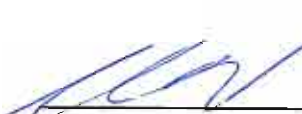
  
Town Manager

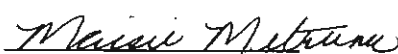
Read a second time this 13 day of December, 2000.

  
Mayor

  
Town Manager

Read a third and final time this 13 day of December, 2000.

  
Mayor

  
Town Manager

Disclaimer

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" Schedule A "

Town of Gibbons  
Business License Fee Schedule

Resident	January 1	\$ 30.00
	April 1	22.50
	July 1	15.00
	October 1	7.50
Non-Resident or Seasonal (percentage of Non-Resident)	January 1	\$150.00
	April 1	112.50
	July 1	75.00
	October 1	37.50
Accessory Home Occupation	January 1	\$100.00
	April 1	75.00
	July 1	50.00
	October 1	25.00
Student		\$ 15.00
Transient Trader/Hawker		\$ 50.00/day
		\$ 75.00/week
Transfer Fee		\$ 10.00



**"Schedule B"**

Town of Gibbons  
Voluntary Payment Tags

First Offense	\$ 50.00
Second Offense	\$100.00
Third & Subsequent Offenses	\$250.00