

BYLAW NO. 984-10
A BYLAW OF THE TOWN OF RAYMOND
IN THE PROVINCE OF ALBERTA
TO PROVIDE FOR THE LICENSING AND REGULATION OF BUSINESSES, TRADES AND
OCCUPATIONS

WHEREAS Section 7 of the Municipal Government Act, Statutes of Alberta, authorizes the Council to pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business; and

WHEREAS Section 8 of the Municipal Government Act, Statutes of Alberta, states that every council may prohibit any business or thing until a license has been granted; and

WHEREAS Section 8 of the Municipal Government Act, Statutes of Alberta, states that every council may establish fees for licences, including fees for licenses that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue;

NOW THEREFORE, the Council of the Town of Raymond duly assembled thereby enact as follows:

1. SHORT TITLE

This Bylaw may be known as the "Business License Bylaw"

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- 2.1. **ACT** means the Municipal Government Act, RSA 2000, c, M-26.1, section 541, as amended.
- 2.2. **TOWN** means the Municipal Corporation of the Town of Raymond.
- 2.3. **ADMINISTRATOR** means the Chief Administrative Officer of the Town.
- 2.4. **APPLICATION** means a written application for a business license and includes and application to renew or amend a business license.
- 2.5. **BUSINESS** includes every business, trade, profession, industry, occupation, employment or calling and the providing of goods and services.
- 2.6. **COUNCIL** means the Municipal Council of the Town.

- 2.7. **CHARITABLE ORGANIZATION** means any religious, charitable, scientific, literary or educational organization which is a registered Canadian charitable organization pursuant to the Income Tax Act of Canada.
- 2.8. **DESIGNATED OFFICER** means the Chief Administrative Officer, Bylaw Enforcement Officer, R.C.M.P. Officer, Community Development Officer or Community Peace Officer.
- 2.9. **FOOD TRUCK** means a motor vehicle, set up on a temporary basis, from which prepared food and beverages are offered for sale to the public for consumption.
- 2.10. **FOOD TRUCK OPERATOR** means a person who sells prepared food and beverages to the public for consumption from a food truck.
- 2.11. **HAWKER OR PEDDLER** means a person or business going from house to house selling or offering for sale any merchandise or service, or both.
- 2.12. **HOME OCCUPATION** means a business carried on by a person, who is an occupant of a residential building, as a use secondary to the residential use of that building, in accordance with the Land Use Bylaw.
- a) Home business refers to an occupation, trade, profession, or craft carried on by a person who is an occupant of a residential building as a use secondary to the residential use of the building which in the opinion of the Designated Officer does not detract from the peaceful state of the neighbourhood.
 - b) All new home business license applications must be submitted to the Development Authority for approval.
 - c) Existing home businesses will be considered as a Resident Business when they renew the following calendar year, if they met the conditions of their discretionary use permit.
- 2.13. **HUCKSTER** means a person who sells edible or non-edible products, goods, or services from a street display or a trailer.
- 2.14. **LICENSE** means a person holding a valid license issued pursuant to this Bylaw.
- 2.15. **NON-RESIDENT** means an adult person who lives outside of the Town's municipal boundary and who will operate a business inside the Town.
- 2.16. **ORDER** means a written order in accordance with subsection 545 of the Act.
- 2.17. **RECIPROCAL BUSINESS LICENSE** means a business that is registered as a legal business living within a member municipality that meets the requirements of the

current Reciprocal Business Licensing Agreement as outlined on the Reciprocal Business License Application form, which is posted on the Town website.

2.18. **RESIDENT** means an adult person who resides in or who operates a commercial store front business in the Town.

1. LICENSE APPLICATIONS

1.1. Every person applying for a business license shall submit to the Town a written application on the applicable form, which is available for download on the Town website. The application form must be signed by the applicant or in case of a corporation it's duly appointed agent.

1.2. Businesses that are currently licensed need not re-apply, however, the business license fee is due and payable by the last business day in February or else the Designated Officer will issue a ticket for operating a business in Raymond without a current license.

2. REQUIREMENTS FOR A LICENSE

2.1. No license shall be issued to a person under provisions of the bylaw in a case where a provincial license is required or provincial regulations must be adhered to, unless such person is the holder of the required provincial license or produces evidence from the province that provincial regulations are being adhered to.

2.2. The Designated Officer may revoke the license of a licensee, in violation of the provisions of this or any other bylaw of the Town and/or in violation of any provisions or requirements of their license, by notifying the licensee in writing to suspend all operations of the licensed business until the provisions of the applicable bylaw are complied with.

2.3. No person shall carry on or operate or be engaged in a business or industry within the Town or partly outside the Town without first paying the applicable license fee(s) (as established in the Town's "Fees and Charges Bylaw") and obtaining and holding a valid and subsisting license, issued pursuant to the provisions of this Bylaw.

2.4. If a person owns/operates numerous businesses that provide a good or a service to residents, they shall have a valid license for each business they represent.

2.5. The Development Officer may withhold the granting of any license to any person(s) until the Development Authority has issued its approval.

2.6. The act of the spouse, servant, clerk or employee acting in the cause of employment or any person licensed to carry on any business or calling under this Bylaw, shall be

deemed and taken to be the licensee, and the licensee shall be held responsible therefore as though they themselves had done the act complained of.

2.7. The Council may refuse to grant a license to any person or applicant whose premises are not suitable for the business for which they have made application to have a license.

2.8. Every license issued under this Bylaw shall be posted in a conspicuous place in the business premises of the licensed applicant and the Designated Officer may enter all buildings and property at all reasonable times for the purpose of administering or enforcing this Bylaw.

2.9. Every license issued under the provisions of this Bylaw shall terminate at midnight on the 31st day of December of the year in which the license was issued or such earlier date if the license has been revoked or suspended; unless,

- a) The application will be for a new commercial business located within the commercial district(s) of the Town. If they purchase a business license after August 31st they will be able to purchase the license at a prorated rate for the remainder of the current year and renew the license for the following year at the current year's rate.
- b) The application will be for a new home-based business that will be located within the Town that is approved by the Development Authority for a discretionary use permit. If approved after August 31st their license will expire at the end of the next calendar year.
- c) The application is for a business that receives a license which is not valid for the calendar year. These include hawkers/peddlers, hucksters, and food truck operators who choose to purchase either a temporary license or an event-based license.

2.10. If in the opinion of the Designated Officer there are reasonable and just grounds because of violation of a Town bylaw, Provincial or Federal Statute, Rule or Regulation they may refuse to issue or renew the license of a licensee in violation, until such time that they comply with all relevant bylaws, fees and penalties of the Town, Province of Alberta, or Government of Canada.

2.11. If the Designated Officer deems it necessary, they may obtain from any person engaging a contractor or from any contractor engaging subcontractors, a complete list of contractors/subcontractors engaged on any particular contract.

2.12. Any person, applicant or licensee shall immediately upon being given verbal notice or upon being served with an offense ticket and/or written notice of revocation of their business license, terminate the operation of their business.

- 2.13. No license issued under the provisions of this Bylaw will allow a business to be open to the public between the hours of 1:00am and 6:00am.
- 2.14. A license that is issued in a municipality that is part of Reciprocal Business License agreement will be considered a legal business license within the Town provided the conditions of the agreement as outlined on the Reciprocal Business License Application Form are met to the Town's satisfaction.

3. LICENSE SUBJECT TO ZONING REGULATIONS

- 3.1. All licenses issued are subject to the provisions of the Land Use Bylaw of the Town and the issuance of a license shall not be deemed as approval to carry on a business in or on any premises in contravention of the provisions of the Land Use Bylaw or any other bylaw in force in the Town. Where a license is granted to a person to carry on a business in or on premises where such activity is not permitted by the zoning regulation of the Town, the License Inspector shall forthwith cancel the license.

4. REVOCATION AND SUSPENSION OF LICENSE

- 4.1. A Health Inspector of the Province of Alberta may direct the revoking of the license of any person who sells food or drink for human consumption within the Town but who neglects or refuses to comply with the rules, orders or regulations of the Minister of Health or the bylaws of the Town relevant to such a business.
- 4.2. Upon being directed by the Health Inspector, a Designated Officer from the Town shall suspend the license of any business until the Health Inspector certifies that the offender is now in compliance with the offending legislation(s).

5. APPEAL WHERE LICENSE REFUSED

- 5.1. In every case where:

- a) An application for a license has been refused;
- b) A license has been issued subject to condition;
- c) A license has been revoked; or
- d) A license has been suspended;

The person seeking the license may appeal to Town Council and the Council after hearing the applicant, may:

- a) Direct a license be issued;
- b) Direct a license be issued without conditions;

- c) Direct a license be issued subject to conditions;
- d) Refuse to grant a license; or
- e) Uphold the revocation or suspension of a license, on just and reasonable grounds.

5.2. An appeal from subsection (1) clauses (a), (b), (c) and (d) shall be made by the applicant within thirty (30) days after such refusal, revocation, suspension or conditions are imposed.

5.3. All appeals shall be made in writing addressed to the Town Administrator and be dated as of the date received by.

6. FINES AND PENALTIES

6.1. Any person who contravenes any of the provisions or requirements of this Bylaw is guilty of an offence and is liable for and subject to:

- a) a penalty of not more than \$500.00 which can be reduced to the applicable license plus \$50.00 if the penalty is paid within fourteen (14) business days.

6.2. An offence ticket may be issued by a Designated Officer to any person, firm or corporation who has allegedly breached any provision of this Bylaw and the said offence ticket shall require the appropriate penalty payment to the Town within fourteen (14) days from the date of service of the said offence ticket.

6.3. Service of such offence ticket shall be sufficient if it is:

- a) Personally served; or
- b) Attached to the vehicle in respect of which an offence is alleged to have been committed; or
- c) If mailed to the address of the registered owner of the vehicle or to the person in possession of the said vehicle; or
- d) If mailed to the address of the person, firm or corporation who has allegedly contravened this Bylaw.

6.4. If at any time after the expiration of the fourteen (14) days from service of the offence ticket, and up to an excluding the three (3) days prior to the return date on any summons issued a person tenders payment for an offence ticket issued for contravention of any section of this Bylaw, shall accept payment of the penalty specified in Section 6.1. in lieu of prosecution.

6.5. Should a person not pay the penalty provided for contravention of any section of this Bylaw and a prosecution be entered against them, they shall be liable on summary conviction to a fine not exceeding FIVE HUNDRED DOLLARS (\$500.00) in addition to any license fee they may be required to pay pursuant to the "Fees and Charges Bylaw", and in the event of failure to pay or the inability to pay any fine levied and any license fee charged hereunder and costs, to imprisonment for a period not exceeding sixty (60) days or until such fine, license fee and costs of committal are paid.

6.6. Where a person is convicted of operating a business for which a license fee is payable, without payment of such fee having been made, the court may, in addition to the fine imposed pursuant section 7.1 above, direct the payment of the applicable license fee to the Town.

Bylaw No. 915-05 is hereby repealed.

That this Bylaw shall take effect on the date of the third and final reading.

READ A FIRST TIME THIS THE 7TH DAY OF DECEMBER, 2010.

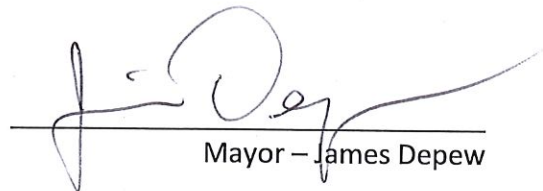
READ A SECOND TIME THIS THE 21ST DAY OF DECEMBER, 2010.

READ A THIRD TIME THIS THE 21ST DAY OF DECEMBER, 2010.

AMENDED AND READ A FIRST TIME THIS THE 5TH DAY OF APRIL, 2022.

READ A SECOND TIME THIS THE 19TH DAY OF APRIL, 2022.

READ A THIRD TIME THIS THE 19TH DAY OF APRIL, 2022.



Mayor – James Depew



Chief Administrative Officer – Kurtis Pratt