



**BYLAW #1550-11
of the
TOWN OF PINCHER CREEK
FOR THE PURPOSE OF REGULATING
BUSINESS LICENSES**

A Bylaw of the Town of Pincher Creek, in the Province of Alberta, pursuant to provisions of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto, to provide for the regulation and licensing of all businesses carried on within the municipality.

WHEREAS the Municipal Council of the Town of Pincher Creek, duly assembled, deems it necessary and expedient to provide for the regulation and licensing of all businesses carried on within the municipality;

NOW THEREFORE the Municipal Council of the Town of Pincher Creek, duly assembled, hereby enacts as follows:

**PART 1
SHORT TITLE AND INTERPRETATION**

1. This Bylaw may be cited as the Business License Bylaw.

2. Definitions:

- a. ACT means the Municipal Government Act, Chapter M-26, R.S.A. 2000 and amendments thereto.
- b. APPLICANT means a person who applies for a business license or renewal of a business license required by this bylaw.
- c. BUSINESS means a commercial, merchandising or industrial activity or undertaking, a profession, trade, occupation, calling or employment, or an activity providing goods or services, however formed, including a cooperative or association of persons.
- d. BUSINESS PREMISES includes a store, office, warehouse, factory, building enclosure, yard or other place occupied or capable of being occupied for the purpose of carrying on a business.
- e. CAO means the Chief Administrative Officer of the Town of Pincher Creek.
- f. CONTRACTOR means a person, firm or corporation who is engaged in the building and/or construction industry whether by entering into a contract or not with another person, firm or corporation to perform work and services regardless of whether or not the services of any sub-trades may be required.
- g. COUNCIL means the Municipal Council of the Town of Pincher Creek.
- h. FEE means the monetary amount levied on each application for a business license as set out in Schedule A.

- i. GARAGE SALE means a garage sale on residential property where that property owner, or primary resident when referring to residential rental properties, directly supervises and controls the sale to a maximum of four (4) weekends per calendar year.
- j. HAWKER OR PEDDLAR means any person whether as a principal or agent who:
 - (1) goes house to house selling or offering for sale any merchandise or services, or both, to any person, and who is not a wholesale or retail dealer in such merchandise or services, and not having a permanent place of business in the Town, or
 - (2) 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 Town, or
 - (3) sells merchandise or a service, 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 meat, fruit or other farm produce that has been produced, raised or grown by himself, or fish of his own catching.
- k. HOME OCCUPATION shall mean a business approved pursuant to the Land Use Bylaw, Schedule 5.
- l. LICENSE means a license granted by the Town entitling the person to whom it is granted to carry on business herein specified in the Town.
- m. LICENSEE means a person holding a valid and subsisting license issued pursuant to the provisions of this bylaw.
- n. LICENSE INSPECTOR means any person or persons so designated herein and includes any such inspector as designated by the CAO to perform their duties.
- o. MALL RATE shall cover the license fee for sales conducted in the central mall area of the Ranchland Mall, but shall not include businesses leasing space in the Mall.
- p. MOBILE SALES OUTLET means a business selling from a motorized vehicle located in a temporary location.
- q. NON-PROFIT ORGANIZATION means a person acting for charity or in the promotion of general social welfare and includes:
 - (1) religious societies or organizations
 - (2) service clubs
 - (3) community, veterans or youth organizations
 - (4) social, sport or fraternal organizations for clubs
 - (5) not for profit organizations
- r. NON-RESIDENT means a person not ordinarily residing within the Corporate limits of the Town of Pincher Creek.

- s. NON-RESIDENT BUSINESS means any business, which does not ordinarily locate or maintain a permanent place of business within the corporate limits of the Town. This category shall include those non-resident building contractors and those non-resident trades people associated with the construction and/or repair of a building within the corporate limits of the Town.
- t. MOBILE SALES OUTLET means a business selling from a motorized vehicle located in a temporary location.
- u. RESIDENT means a person ordinarily residing within the Corporate limits of the Town.
- v. RESIDENT BUSINESS means any business which ordinarily locates or maintains a permanent place of business within the Corporate limits of the Town, Municipal District of Pincher Creek and the Village of Cowley.
- w. TOWN means the Municipality of the Town of Pincher Creek.
- x. TRANSIENT EXHIBITIONS shall include circus, circus riding, menageries, waxworks, exhibitions, freak shows, sideshows, midways, carnivals, raves, concerts, and other entertainment events usually carried on by showmen.

PART 2

APPLICATION OF BYLAW

- 3. Every licensee shall conform to the provisions of this bylaw and of all other bylaws applicable to the business, or business location in respect of which such license was issued.

PART 3

APPOINTMENT, POWERS AND DUTIES OF LICENSE INSPECTOR

- 4. The CAO shall appoint a License Inspector or License Inspectors to carry out the terms of this bylaw.
- 5. The power and duties of a License Inspector are:
 - a. To administer this bylaw and as far as practicable see that all persons concerned conform to its provisions and to prosecute or assist to prosecute persons who fail to comply within.
 - b. To make an inspection of all premises and locations for which a license is required or has been applied for, pursuant to this bylaw, where an inspection by the License Inspector is required by the terms of this bylaw.

- c. To request inspection of all premises and locations from the Fire Chief, Building Inspector or Health Inspector as he deems necessary.
- d. To investigate complaints lodged against a licensee and, if necessary, inspect the premises or location described in the complaints and to revoke any license issued or to levy fees or penalties pursuant to this bylaw.

PART 4

LICENSE REQUIREMENTS

- 6. No person shall carry on any trade, occupation, calling or business without first being the holder of a Town of Pincher Creek business license.
 - a. Where there is a distinction made between types of businesses or activities in the Land Use bylaw or if two or more distinct businesses operate or intend to operate from one business premise, then the distinction shall be deemed to be made in this bylaw and a separate business license shall be required for each such business or activity.
 - b. A separate business license shall be required for each business premise.
 - c. The fee for a Contractor does not include sub-trades used on any job.
 - d. Any person who continues to carry on a trade, or occupation without a business license once they have been charged under Part 4, Section 6 of this bylaw, shall have any equipment used to carry out their trade or occupation seized for a period of thirty (30) days.
- 7. No business license shall be granted until the applicant holds a valid Development Permit where required for the said business.
- 8. No business license shall be granted until satisfactory inspections have been conducted by the License Inspector, Fire Chief, Building Inspector or Health Inspector where required for the said business.
- 9. In a prosecution for contravention of this bylaw against engaging in or operating a business without a license, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.
- 10. A business license shall be required for all businesses operating within the area contained within the Corporate limits of the Town of Pincher Creek irrespective of any other valid Federal, Provincial, or other municipal certificate, authority, license or other document of qualification unless specifically exempted by the provision of this bylaw or if any Statute of Canada or of the Province of Alberta specifically exempts such person or business from the requirements of municipal licensing.
- 11. When squatting on private property, approval in writing from the landowner must be

submitted to the License Inspector with the application.

12. No squatting shall be allowed on Town-owned lands, unless written permission has been given by the CAO.
13. **Exemptions:**
 - a. For such businesses as Council by resolution may from time to time exempt.
 - b. Material delivery operations are exempted from needing a license provided that the transaction/negotiation to purchase those items takes place outside of the Corporate limits of the Town of Pincher Creek and that the company is not a resident business.
 - c. Wholesalers who sell chiefly to retailers, other merchants or industrial, institutional and commercial users and are not a resident of the active trading area and which retailers, merchants or industrial, institutional, and commercial users use the products purchased for re-sale purposes.
 - d. Business carried on by the Government of the Province of Alberta or Canada.
 - e. Businesses exempted from the requirements of municipal licensing by Federal or Provincial legislation.
 - f. A business working exclusively for, or on behalf of, the Town of Pincher Creek.
 - g. For any business carried on or operated by any person on any lands directly associated with, or events supervised and controlled by the Pincher Creek and District Agricultural Society, the Pincher Creek and District Historical Society or the Pincher Creek and District Chamber of Economic Development.
14. **Procedure for Issuance of Licenses:**
 - a. Each application for a business license shall be accompanied by the appropriate fee as set out in Schedule A of this bylaw.
 - b. Each application for a business license shall be accompanied by the appropriate approval, if required, by the License Inspector, Building Inspector, Fire Chief or Health Inspector.
 - c. Every person who applies for a business license shall supply the information required by the License Inspector and shall assist the License Inspector in the performance of his duties by providing such additional information as may from time to time be required.
15. **Nullification of License**

- a. Where any certificate, authority, license or other document of qualification under this or any other bylaw, or under any Statute of Canada or Province of Alberta is suspended, cancelled, terminated or surrendered, any license issued under this bylaw based in whole or in part on such certificate, authority, license or other document of qualification shall be revoked automatically.
- b. Where a license is revoked pursuant to subsection (a) hereof, or any other applicable section of this bylaw, the licensee shall return the license to the License Inspector and that license shall be deemed terminated.
- c. Nothing within this bylaw shall preclude a business or individual from re- applying for a business license subject to all aspects of this and all other applicable bylaws being adhered to.

16. Non-Issuance of Licenses:

- a. A license may not be issued to any applicant until the License Inspector has confirmed that the business will comply with all requirements of this and any other applicable bylaw.
- b. No license shall be issued to any applicant unless and until the applicant has filed with the License Inspector any Federal or Provincial certificate, authority, license or other document of qualification that may be required.

17. Inspections, Revocations and Refusal

- a. Where a business or its location or locations require any approval or certificate under this bylaw, then the location or locations where the business is to be carried on, including the land and building therefore, may be inspected by those persons, inspectors and departments whose approval or certificate is required.
- b. Any business for which a license application has been refused, or any business where an existing license has been revoked, shall cease operations immediately upon notification of the refusal or revocation by the License Inspector.
- c. When a notice to revoke a license is given, it shall have attached to it in writing the reasons for revocation.
- d. Where an application for a license has been refused, or where an existing license has been revoked, the applicant or licensee is entitled to appeal to Council.
- e. The applicant or licensee shall have three (3) business days from the date of refusal or revocation in which to appeal to Council, in writing, otherwise, the right of appeal shall be barred and extinguished.
- f. Council shall hear the appeal within fourteen (14) days of receipt and shall give forty-eight (48) hours notice of the hearing in writing to the appellant.

- g. A decision of Council on an appeal is final and binding on all parties.

18. Display and Production of License

- a. Every license issued under this bylaw shall be made out and delivered to the licensee who shall put up the license in a conspicuous place in his business premises.
- b. Every licensee who holds a license under this bylaw which is not limited to specific premises, shall have the license or a copy available and shall produce said license upon request to a License Inspector, any police officer, or other duly authorized person, or any person with whom he is doing business to which the license relates.

19. Duration of License:

- a. Every license issued under the provisions of this bylaw shall terminate at midnight on the 31st day of December of the year in which said license was issued unless:
 - (1) The license provides otherwise, or
 - (2) The license has been previously cancelled or forfeited.

20. Transfer of License:

- a. A licensee may request a transfer of a license issued to him upon approval of the License Inspector and upon paying the fee as identified in Schedule A. This does not apply to changes in business owners.

21. License Changes:

- a. Where a Licensee wishes to change any item(s) listed on his current business license, he shall make application to the License Inspector for such changes and pay the fee as identified in Schedule A.

22. Fees:

- a. License fees shall be as per Schedule A attached.
- b. License fees shall be levied on each applicant and are non-refundable.
- c. The fee payable for a business license issued between the first day of September and the 31st day of December in any license year shall be one-half of the license fee of the full year.
- d. Every business, for which a yearly business license was issued in the previous license year, must pay the business license fee as shown in Schedule A to this bylaw, on or before February 28 of each License Year.
- e. Every business, for which a yearly business license was issued in the previous license year, and who does not pay the license fee by February 28 of the current License Year, shall be assessed an additional \$25.00 penalty.

**PART 5
ALBERTA SOUTHWEST REGIONAL BUSINESS LICENSE**

23. Definitions

- a. MEMBER shall mean those municipalities who are members of Alberta Southwest Regional Alliance and have agreed to participate in the Regional Business License Program.
 - b. REGIONAL BUSINESS LICENSE shall mean a license to operate in any member municipality.
 - c. ASWRA shall mean the Alberta Southwest Regional Alliance.
24. As an option, for an additional flat fee, as indicated in Schedule A, each resident or local business with a valid Business License will be issued an annual Regional Business license seal recognized by all member municipalities. The purchase of a Regional Business License does not preclude the businesses' obligation to purchase a local business license in each community in which they have a storefront or physical presence.
 25. Member Municipalities will purchase a seal, the design of which shall be approved by ASWRA, to be affixed to each annual Business License when the resident or local business pays the additional fee.
 26. An amount, agreed upon by ASWRA and the Town of Pincher Creek, of the Regional Business License fee will be forwarded on a monthly basis for deposit to the credit of the ASWRA group.
 27. If any Member Municipality revokes a local annual Business License for a business that has also purchased an annual regional Business License, that revocation shall also apply to the Regional Business License and the municipality must, within three working days, notify all member municipalities.
 28. If a business that has also purchased a Regional Business License cancels its local Business License, said cancellation shall also apply to the Regional Business License and the municipality must within three working days, notify all Member Municipalities of the cancellation.
 29. Each Member Municipality retains the right to request proof that a business operating within their municipality, but residing in another member municipality, has purchased an annual Regional Business License. If said business does not possess a valid Regional Business License, the municipality at its discretion may enforce the penalties as stated in Part 6 of this bylaw.
 30. Nothing in this bylaw grants regulation or control to the MMERI group regarding what the municipality charges for its own local Business License or the rules surrounding the purchase, fines for operating without a valid business license, revocation or any other regulation regarding the municipality's local annual Business License.

PART 6

PENALTY


31. Any business whose license is due and payable on February 28th of the License Year and who does not pay this fee, shall be assessed a \$25.00 penalty.

32. Any person who commits a breach of this bylaw shall be liable upon summary conviction thereof, to a fine of not less than \$500.00 and not more than \$1,000 and, in addition thereto, to a fine of not less than \$500.00 and not more than \$2,500.00 for every day that the offence continues, and cost plus damages and in default thereof to imprisonment for a period not exceeding 60 days unless the fine and costs, including the costs of committal.

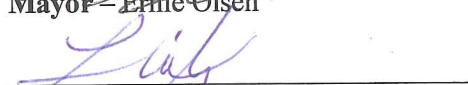
PART 7

33. Bylaw No. 1550 and amendments thereto are hereby repealed.
34. This bylaw comes into force and effect upon final reading thereof.

READ A FIRST TIME THIS 28 DAY OF November, 2011, A.D.




Mayor – Ernie Olsen




CAO – Laurie Wilgosh

READ A SECOND TIME THIS 12 DAY OF December, 2011, A.D.




Mayor – Ernie Olsen




CAO – Laurie Wilgosh

READ A THIRD TIME THIS 12 DAY OF December, 2011, A.D.



Mayor – Ernie Olsen



CAO – Laurie Wilgosh

FEE SCHEDULE

Resident:

. New Resident Business Fee	Yearly \$125 Weekly \$ 50
. Resident Business Renewal Fee	Yearly \$125.00 (if paid before February 28 th) Yearly \$150.00, includes a \$25.00 penalty (if paid after February 28 th)

Home Occupations:

. New Home Occupation Fee	Yearly: \$125
. Home Occupation Renewal Fee	Yearly \$125.00 (if paid before February 28 th) Yearly \$150.00, includes a \$25.00 penalty (if paid after February 29 th)

Mall Rate

Yearly \$1,200

Non-Profit

There is no license fee or non-profit
organizations.

Non-Resident Business

. Contractor	Yearly: \$325	Weekly: \$165
. Hawker Peddler	Yearly: \$325	Weekly: \$165
. Mobile Sales Outlet	Yearly: \$325	Weekly: \$165
. Transient Exhibitions	Yearly: \$325	Weekly: \$165

ASWRA Business License Yearly: \$ 80

Garage Sales
\$10 per sale

Administration Charges

. Transfer	\$10 per transaction
. License Change	\$10 per transaction