

**BYLAW 634/18
OF THE VILLAGE OF BAWLF
IN THE PROVINCE OF ALBERTA**

A BYLAW of the VILLAGE OF BAWLF in the Province of Alberta for the purpose of regulating and controlling VENDOR LICENSING AND BUSINESSES within the VILLAGE OF BAWLF.

WHEREAS, pursuant to the Municipal Government Act, Chapter M-26 R.S.A. 2000, and amendments there to, the Village of Bawlf Council has the power to pass a Bylaw within the Village

AND WHEREAS, all properties belonging to the Village shall be under the direct control and management of the Village

NOW THEREFORE, the Council of the Village of Bawlf, duly assembled, enacts as follows:

SHORT TITLE: This Bylaw may be referred to as the Business License Bylaw.

SECTION 1: DEFINITIONS

- a) "Business" means any business or contractor, trade, profession, industry, occupation, employment or calling dealing with the providing of goods and services.
- b) "Village" means the Village of Bawlf.
- c) "Contractor" means and includes any person who by contract or other monetary agreement, participates in any construction or demolition project and without the generality of the foregoing, includes any business connected with excavating, landfilling, building, renovating, repairing, decorating, or landscaping.
- d) "Council" means the Council of the Village of Bawlf.
- e) "General Public" means anyone other than a wholesale business.
- f) "Goods" means any article, thing or substance and includes subscriptions for books, magazines or any printed matter.
- g) "Home Occupation" means a business that is conducted in or from a residence of the Village.
- h) "License" means a business license issued pursuant to this Bylaw, entitling the licensee to carry on the activity therein specified for the period of time therein specified.

- i) "Licensee" means a person to whom a license has been issued, pursuant to the provisions of this bylaw.
- j) "License Inspector" means and includes a Bylaw Enforcement Officer, Village Administration, or anyone designated by the Village to carry out the provisions of this bylaw.
- k) "Non-Resident" means any person who is not a resident, as defined in this bylaw, of the Village.
- l) "Person" means and includes any person, or firm, or partnership, or body corporate or association.
- m) "Premises" means and includes any store, office, warehouse, factory, building, enclosure, yard or other place used or capable of being used for the purpose of carrying on a business.
- n) "Resident" means a person who permanently occupies a dwelling place, other than a hotel or motel, in the Village of Bawlf or who has purchased or leased a business premises in the Village for the purpose of carrying on a business.
- o) "Services" means performing a service or any work, act or deed, for any compensation whether monetary or otherwise.

SECTION 2: REGULATIONS

- a) Every person carrying on any business in the Village of Bawlf, including a home occupation, shall be the holder of a valid license and shall pay to the Village for such license, a fee prescribed in Bylaw 629/18 – Master Rates Bylaw.
- b) Any person or business shall, before being issued a license, complete an application form as required by the license inspector, and shall supply all the information required in the application.
- c) No license shall be issued to any person unless he is the holder of a Provincial or Federal license, where required by Provincial or Federal legislation.
- d) All licenses issued pursuant to this bylaw, unless previously revoked or suspended, shall be valid for the period of time stated thereon and shall expire at twelve o'clock midnight of December 31st in the year in which they were issued, except that Hawkers, Peddlers and Direct Salesmen may obtain a daily license to pay to the Village a fee as prescribed in Bylaw 629/18 – Master Rates Bylaw.
- e) A valid license shall be displayed in a prominent place in the business premises and any person holding a valid license shall forthwith produce same for inspection when required to do so by a License Inspector.

- f) Notwithstanding the provisions of this bylaw, the Village, at its sole discretion, may require the general contractor of a project to provide a list of subtrades for the project and the total business license fees will be payable by the general contractor with the term of the business licenses to expire at the end of the project. Business licenses for the individual subtrades will be included within the business license of the contractor.
- g) A supplier bringing bulk goods to a licensed business for the purposes of resale shall not be required to obtain a business license.
- h) A person carrying on more than one business must possess a separate business license for each business.
- i) A business license is not transferrable from one person to another.
- j) Any person who carries on or intends to carry on a business from more than one location must obtain a separate business license for each business location.
- k) Any advertising of the business shall be prima facie proof of the fact that the business is being carried on, or operating.

SECTION 3: A LICENSE INSPECTOR (VILLAGE ADMINISTRATION, BYLAW OFFICER, AND/OR OTHER PEOPLE DESIGNATED BY THE VILLAGE OFFICE)

- a) Shall receive and review all license applications.
- b) May inspect business premises before issuing a license and at any time thereafter to ensure that all regulations are observed.
- c) Shall collect, or cause to be collected, all license fees as prescribed in this bylaw.
- d) May grant a license, or refuse to grant a license, if in his opinion there is reasonable and just cause for refusal.
- e) May revoke or suspend a license if, in his opinion, there is reasonable and just cause for such action.
- f) May Issue:
 - i. A warning ticket
 - ii. A violation ticket providing for a voluntary penalty
 - iii. A summons requiring an accused to appear in court to a charge of violating this bylaw

SECTION 4: FEES

- a) All applicants for a license shall, before a license is issued, pay the Village a license fee as prescribed in Bylaw 629/18 – Master Rates Bylaw.
- b) The license fee for a person commencing a business after the 30th day of June of the current year, shall be one half of the annual fee prescribed in Bylaw 629/18 – Master Rates Bylaw.
- c) In the event that a license is revoked or surrendered, no refunds will be issued.

SECTION 5: APPEAL

- a) Any person who has been refused a business license, or had a business license revoked or suspended may appeal the decision of the License Inspector to Council.
- b) An appeal must be made in writing, addressed to the CAO, and be made within fourteen consecutive days of the date the appellant was notified of the decision.
- c) The written appeal shall specify the grounds for the appeal.
- d) The appeal shall be heard by the Village Council within thirty (30) days of receipt of the appeal.
- e) Village Council may hear from the appellant and the License Inspector and any other person claiming to be affected by the decision which is subject of the appeal or accept any other information deemed pertinent to the subject matter of the appeal.
- f) At the conclusion of the appeal hearing, Village Council may uphold, vary or rescind the decision of the License Inspector. A decision of the Village Council shall be final and binding.

SECTION 6: PENALTY

- a) Every person who contravenes any provision of this bylaw is guilty of an offense and is liable on summary conviction:
 - i. For a first offense, to a fine of not less than One Hundred dollars (\$100.00) nor greater than Five Hundred dollars (\$500.00).
 - ii. For a second or subsequent offense, to a fine of not less than Two Hundred dollars (\$200.00) and not more than One Thousand dollars (\$1000.00).

- b) In the event that a person is convicted under this bylaw for operating a business while not holding a valid license, the court may, in addition to any other penalties, order that the accused pay the required fee for the license.
- c) Notwithstanding any other penalty provisions of this bylaw, a License Inspector may issue a voluntary penalty in lieu of a summons and the accused may within ten (10) days pay the following monetary penalty to the Village:
 - 1. For license categories listed in Bylaw 629/18 – Master Rates Bylaw:
 - i. For the first offense \$75.00
 - ii. For a second and subsequent offense \$150.00
 - 2. By paying a voluntary penalty, whether in person or by an agent or by mail, an accused shall be deemed to be guilty of the offense.
 - 3. In the event that a person who has been refused a license, or had a license revoked or suspended, carries on a business, he shall be guilty of an offense and be liable on Summary Conviction to a fine of One Hundred Dollars (\$100.00) for each day that such a business is carried on. Upon conviction under this paragraph, the Court may order that the accused cease to carry on such business.
- d) A person holding a business license issued pursuant to this bylaw is subject to all pertinent Federal, Provincial, and Village regulations.

SECTION 7: EFFECTIVE DATE

This bylaw shall take effect on the date of passing thereof.

Read for a first time this 21st day of February, 2018.

Read for a second time this 21st day of March, 2018.

Read for a third time this 21st day of March, 2018 and finally passed.

Mayor

CAO

VILLAGE OF BAWLF BUSINESS LICENSE APPLICATION

Application Status:

New Change/Information

 Renewal

 Name

*** represents required fields**

*Description/Nature of Business:

(This is what will appear on the Business License)

*Legal or Registered Business Name:

*Operating/Trade Name:

*Business Owner(s):

Operator/Manager (if different from Business Owner):

*Business Location (operating address):

*Business Phone No: _____

*Mailing Address (if different from above):

Other Phone No: _____

Facsimile: _____

*City/Province: _____

Email: _____

*Postal Code: _____

Website: _____

I hereby certify that the above information is true and properly sets out all business or combination of businesses which it presently carried on by the applicant, owner, or operator as the case may be. I also permit this information to be advertised on the Village website under the Business Directory.

Signature of applicant: _____ Date: _____

Print name of applicant: _____

Office use only:

License Number:		Approval Date:		License Fee:		Receipt:	
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