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BYLAW NO. 573

VILLAGE OF NOBLEFORD
PROVINCE OF ALBERTA

A BYLAW OF THE VILLAGE OF NOBLEFORD TO PROVIDE FOR THE LICENSING, CONTROL AND REGULATING OF BUSINESS AND INDUSTRY WITHIN THE VILLAGE OF NOBLEFORD

WHEREAS by virtue of the power conferred upon it by the Municipal Government Act the Council of the Village of Nobleford may pass a Bylaw respecting businesses, business activities, and persons engaged in business and a system of licenses, in the Municipality of the Village of Nobleford;

AND WHEREAS the Council of the Municipality of the Village of Nobleford, in the Province of Alberta, deems it expedient to pass such a Bylaw;

NOW THEREFORE, THE COUNCIL OF THE VILLAGE OF NOBLEFORD DULY ASSEMBLED HEREBY ENACTS AS FOLLOWS:

TITLE 1 This Bylaw may be cited as the "Village of Nobleford Business License Bylaw".

DEFINITIONS 2 In this Bylaw, unless the context otherwise requires:

- a. **APPLICANT** means a Person who applies for a Business License or renewal of a Business License required by this Bylaw.
- b. **APPLICATION** means a written application for a Business License in the form of Schedule "A" to this bylaw.
- c. **BUSINESS** includes every business, trade, profession, industry, occupation, employment or calling and the providing of goods and/or services.
- d. **BUSINESS LICENSE** means a license issued pursuant to this Bylaw.
- e. **BUSINESS PREMISES** means a store, office, warehouse, factory, building enclosure, yard or other place occupied for the purpose of carrying on a Business.
- f. **CHARITABLE/NON-PROFIT ORGANIZATION** means a Person acting for charity or in the promotion of general social welfare and includes:
 - i. Religious societies or organizations;
 - ii. Service clubs;
 - iii. Community, veterans or youth organizations;
 - iv. Social, sport or fraternal organizations or clubs; and
 - v. Not for profit organizations.
- g. **CHIEF ADMINISTRATIVE OFFICER** means the Chief Administrative Officer of the Village.
- h. **COUNCIL** means the elected officials forming the municipal council of the Village.
- i. **LICENSEE** means a person holding a valid and subsisting Business License issued pursuant to this Bylaw.
- j. **LICENSE INSPECTOR** means a person authorized by the Village to carry out the provisions of this Bylaw.
- k. **LICENSE YEAR** means the period commencing January 1 and ending December 31.
- l. **NON-RATEPAYER** means a Business not listed on the Village tax assessment roll.
- m. **PERSON** means an adult natural person, firm, corporation, association and includes a partnership.
- n. **RATEPAYER** means a Business listed on the Village tax assessment roll.

- o. **VILLAGE** means the Municipal Corporation of the Village of Nobleford in the Province of Alberta or where the context requires a duly authorized official of the Municipal Corporation of the Village of Nobleford or where the context requires the area that is contained in the boundaries of the Village of Nobleford.

- BUSINESS LICENSE** 3 (1) No person shall carry on or operate any Business within, or partly within the Village without holding a valid and subsisting Business License to do so.
 (2) A single transaction in any Business or any advertising of any Business in Village is deemed to be prima facie proof of the carrying on or operating of such Business.

- EXEMPTIONS** 4 Notwithstanding Subsection 3(1) of this Bylaw, a Business License shall not be required for the following:
- a. A Business carried on or operated by or on behalf of the Village;
 - b. Charitable/Non-Profit Organizations;
 - c. Business as Council by resolution may from time to time exempt
 - d. Business carried on by the Government of the Province of Alberta or Canada; or
 - e. Business exempted from the requirements of municipal licensing by federal or provincial legislation.
 - f. A Business holding a valid reciprocal Business License from one of the participating communities.

- LICENSE INSPECTOR** 5 The Chief Administrative Officer may appoint one or more License Inspector to carry out the provisions of this Bylaw.

- DUTIES OF LICENSE INSPECTOR** 6 A License Inspector is authorized to:
- a. Conduct investigations with regard to Applications where necessary;
 - b. Refer any Application to any relevant authority for approval;
 - c. Conduct inspections of Business Premises to ascertain compliance with the provisions of this or any other applicable Bylaw;
 - d. Revoke or suspend a Business License if, in the opinion of the License Inspector, there are just and reasonable grounds for so doing;
 - e. Prosecute violators of this Bylaw.

- INSPECTION** 7. Where a Business or Business Premises require any approval or certificate under this Bylaw or any other bylaw of the Village, the Business Premises, including land and buildings, may be inspected by those persons, inspectors and departments whose approval or certificate is required.

- POWER OF REFUSAL** 8. Upon receipt of an Application and the proper fee the Village may:
- a. Grant a Business License;
 - b. Grant a Business License with conditions; or
 - c. Refuse to grant a Business License if there are just and reasonable grounds for refusal of the Application.

- CONDITIONS OF BUSINESS LICENSE** 9(1) A Business License shall not be granted unless:

- a. The Applicant holds a valid development permit, provincial license or federal license as required by law;
- b. The Applicant complies with the provisions of this Bylaw, all other Bylaws of the Village, and all provincial and federal legislation;
- c. Approval, if necessary, has been granted by all relevant authorities;
- d. The Applicant has submitted to the Village the proper fee as provided by this Bylaw;
- e. The Business License has been signed by the Chief Administrative Officer or designate.

(2) A Business License shall not be granted to any Business handling foodstuffs until such time as approval for the Business is received from the local health unit.

POSTING OF LICENSE

10 Every Business License shall be posted in a conspicuous place in the Business Premises of the Licensee.

NULLIFICATION OF LICENSE

11 Where any certificate, authority, license or other document of qualification under this or any other Bylaw or federal or provincial legislation is suspended, cancelled, terminated or surrendered, any Business License issued in whole or in part based on such certificate, authority, license or other document of qualification shall be immediately revoked.

NOTICE OF REVOCATION

OR SUSPENSION 12(1) Upon a Business License being refused, revoked or suspended the License Inspector shall provide written notice of the reasons for the same to the former Licensee by:

- a. Personal delivery, or
- b. Registered mail to the Business premises shown on the Application or Business License.

(2) After the delivery of such notice, the Business shall not be carried on until such time as a new Business License is issued or the suspended Business License is reinstated.

13 Upon revocation of a Business License based upon Section 11 of this Bylaw, the former Licensee shall forthwith:

- a. Return the Business License to the License Inspector; or
- b. Furnish satisfactory proof to the License Inspector of a renewal or re-issue of the certificate, authority, license or other document of qualification upon which the revocation was based.

APPEAL

14. If:

- a. An application for a Business License has been refused;
- b. A Business License has been granted with conditions; or
- c. A Business License has been revoked or suspended.

The Applicant or the former Licensee may appeal the refusal, conditions, revocation or suspension, as the case may be, to Council.

15. An appeal from a refusal, conditions, revocation or suspension of a Business License must be made within (30) days after such refusal, revocation or suspension.

16(1) All appeals shall be made in writing addressed to the Chief Administrative Officer of the Village and shall be deemed to be

dated as at the date the appeal is received by the Chief Administrative Officer.

- (2) A Notice of Appeal shall be in writing, be signed by the appellant and shall state:
- a) The date;
 - b) The name and address of the appellant;
 - c) A copy of the notice in respect of which the appeal is being taken;
 - d) The grounds for appeal.
17. After hearing an appeal Council may:
- a) Direct a Business License be issued or reinstated with or without conditions;
 - b) Refuse to grant a Business License;
 - c) Uphold the revocation or suspension of a Business License on grounds that appear just and reasonable.

TERMINATION OF LICENSE

18. Every Business License, unless earlier revoked, shall terminate at midnight on December 31 of the License Year in which the Business License was issued.

FEES PAYABLE

- 19 (1) Every Business shall pay to the Village a Business License fee as shown in Schedule "B" to this Bylaw.
- (2) Business License fees are due by January 31 of each year. AT the end of the month of February of each year a two percent (2%) per month penalty will be levied until the Business License fee is paid.
- (3) The fee payable for a Business License issued between January 1 and June 30 in any License Year shall be the license fee for the full year.
- (4) The fee payable for an annual Business License issued after June 30 in any License Year shall be one-half ($\frac{1}{2}$) of the license for the full year.
- 20 If a Business License is revoked or surrendered the former Licensee is entitled to a refund of ONE DOLLAR (\$1.00).

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Where a Business Licensee fee imposed by this Bylaw is unpaid by May 1 of any License Year, the Village will give notice in writing to the Licensee to pay the Business License fee. Upon receipt of the notice by the Licensee, the amount of the Business License fee shall be held to be a debt due by such person to the Village. If the Business License Fee is not paid by the Licensee the Village may charge the Business License fee against Business premises as taxes due and owing and collectible in the same manner as taxes.

TRANSFER

- 22 A licensee may transfer a Business License upon approval of the License Inspector. The fee for such a transfer shall be TEN DOLLARS (\$10.00).

SUPPLY OF INFORMATION

- 23 Every person carrying on or engaged in any Business in respect of which a Business License is required shall, within ten (10) days following the request of a License Inspector, give to the License Inspector all information necessary to enable the License Inspector to carry out the duties of a License Inspector.

OFFENCES

24 Any person who contravenes any provision of this Bylaw by:

- a. Failing to do any act or thing the Person is required to do;
Or
- b. Doing or permitting any act or thing which is prohibited.

Is guilty of an offence. Any such offence shall be deemed to be a strict liability offence.

PENALTIES

25(1) Any Person convicted of an offence pursuant to Section 24 of this Bylaw shall be liable upon summary conviction, except where a specific penalty is elsewhere imposed, to a fine not less than the applicable full annual Business License fee and not greater than \$2,500.00 or to imprisonment for a period not exceeding sixty (60) days, or to both a fine and imprisonment.

(2) Any person convicted of an offence pursuant to Subsection 25(1) of this Bylaw who fails to pay the fine imposed within the time allowed for payment is liable for imprisonment for not less than ten (10) days and not greater than sixty (60) days, unless the fine is paid sooner.

26(1) As an alternative to Subsection 25(1) of this Bylaw, if a License Inspector reasonably believes that a Person has contravened any provision of this Bylaw, the License Inspector may serve upon that Person a violation ticket in the form provided under the Provincial Offences Procedure Act, Alberta, Part 2 allowing payment of a penalty of not less than the applicable full annual Business License fee and not greater than \$2,500.00 and the recording of such payment shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.

(2) This Section shall not prevent a License Inspector from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act, Alberta, or from laying an information in lieu of issuing a violation ticket.

LICENSE FEES

27 The attached Schedule "B" forms part of this Bylaw.

SEVERABILITY

28 Each provision of this Bylaw shall be deemed independent of all provisions. Should any provision of this Bylaw be declared invalid, all other provisions herein shall remain valid and enforceable.

SCHEDULE "A"

LICENSING BYLAW 573
BUSINESS LICENSE APPLICATION

Name of Applicant(s): _____

Date of Birth: _____

Home Address: _____

City/Town: _____

Postal Code: _____

Telephone Number: _____

Name of Business: _____

Street Address: _____

City/Town: _____

Postal Code: _____

Phone Number: _____

Mailing Address: _____

City/Town: _____

Postal Code: _____

Type of Business/Name of Product: _____

Provincial License Number: _____

Police Department Approval: _____
(as required)

I/WE HEREBY APPLY FOR A BUSINESS LICENSE IN ACCORDANCE WITH THE ABOVE MENTIONED BYLAW TO CARRY ON BUSINESS WITHIN THE LIMITS OF THE VILLAGE OF NOBLEFORD

Date: _____

Applicant(s) Signatures: _____

*** The personal information requested on this form is being collected for the administration and billing of the Village of Nobleford, under the authority of the Municipal Government Act and is protected by the Freedom of Information and Protection of Privacy Act***

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FOR OFFICE USE ONLY

Category: _____ License #: _____ Fee: \$ _____

Comments: _____

Date: March 26, 2001

SCHEDULE "B"
LICENSE FEES

Description	Daily Fee	Monthly Fee	Yearly Fee
Ratepayers Zoned	n/a	n/a	15.00
Ratepayers Home Occupation	n/a	n/a	15.00
Non-Ratepayer	n/a	n/a	30.00

EFFECTIVE DATE 30 This Bylaw shall come into effect on the date of the final reading thereof.

Read a first time this 26th day of March, 2001.

Read a second time this 26th day of March 2001.

Read a third time and passed unanimously this 26th day of 2001.



Village Administrator



Mayor