

BYLAW 06-2017

THE BUSINESS LICENSE BYLAW

A BYLAW OF THE TOWN OF BARRHEAD, IN THE PROVINCE OF ALBERTA TO REGULATE, CONTROL AND LICENSE BUSINESSES OPERATING IN THE TOWN OF BARRHEAD.

WHEREAS, pursuant to the provisions of the Municipal Government Act, being Chapter M26, of the Statutes of Alberta, 2000, and amendments thereto, a Council may pass Bylaws respecting Businesses, Business activities, and persons engaged in Business; and,

WHEREAS, the Council of the Town of Barrhead has deemed it in the best interests of providing good government to pass a Bylaw regulating, controlling and licensing Businesses or Business activity in the Town of Barrhead;

NOW THEREFORE, duly assembled in a Regular Meeting, the Council of the Town of Barrhead, in the Province of Alberta, enacts as follows:

1. Title

This Bylaw shall be referred to as the Business License Bylaw.

2. Bylaw 04-2000, the Business License Bylaw, is hereby rescinded.

3. Definitions

In this Bylaw, unless context requires otherwise, the word, term or expression:

- a) "Applicant" means a person who applies for a Business License, or renewal of a License, required by this Bylaw.
- b) "Application" means a written Application, on a form approved pursuant to this Bylaw, for a Business License required by this Bylaw.
- c) "Business" means:
 - i) a commercial, merchandising, or industrial activity or undertaking,
 - ii) a profession, trade, occupation, calling or employment,
 - iii) an activity providing goods or services.
- d) "Business License" means a License issued pursuant to this Bylaw, on a form approved pursuant to this Bylaw, for the purposes of allowing a Business to operate within the corporate limits of the Town of Barrhead.
- e) "Business License Officer" means the Town of Barrhead employee or agent designated by the Council of the Town of Barrhead to enforce the provisions of this Bylaw.
- f) "Business License Year" means the calendar year from January 1 and ending December 31 of the same year.
- g) "CAO" means the Chief Administrative Office of the Town of Barrhead.
- h) "Council" means the Municipal Council of the Town of Barrhead.
- i) "Development Authority" means the person or group whom, through Bylaw, Council has delegated development powers on behalf of the municipality.

- j) "General Contractor" means a person or Business who enters into a contract to manage or otherwise oversee the erection, alteration, cleaning, moving, repair, or demolition of a building or structure. The General Contractor is responsible for managing the Sub-trades in any project.
- k) "Hawkers and Peddlers" means any person who, whether as a principle or agent:
- goes from door to door selling or offering for sale any merchandise or service to any person, and who does not have a permanent place of Business in Town;
 - offers or exposes for sale to any person by means of samples of merchandise or services or both to be afterwards delivered or shipped into the municipality;
 - sells merchandise or a service or both, on the streets or roads or elsewhere other than an permanent place of Business.
- l) "Home Based Business" means any occupation, trade, profession or craft, including a bed and breakfast operation and home day care, carried on by an occupant of a residential building as a use secondary to the residential use of the building and which does not change the character thereof.
- m) "Mobile Food Vending Unit" means any motorized, non-motorized, trailer, pushcart or other devise designed to be portable and not affixed to any land or structure from which food is vended, sold, served, displayed, offered for sale or given away.
- n) "Mobile Food Vendor" means any person who sells, serves or gives away food from a mobile vending unit designed for that purpose.
- o) "Mobile Vendor Permit" means a document authorizing a Mobile Food Vendor to operate within the Town of Barrhead pursuant to this bylaw.
- p) "Municipal Tag" means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Town of Barrhead.
- q) "Non-Resident" means a person or Business whose office or premises is not located in either the Town of Barrhead or the County of Barrhead No. 11.
- r) "Peace Officer" means a member of the RCMP, a Community Peace Officer duly appointed by the Solicitor General or a Bylaw Enforcement Officer as appointed by the Town.
- s) "Public Property" means any road, sidewalk, lane, boulevard, parking lot, park, open area, structure or building that is owned or leased by the Town of Barrhead, or any other government body.
- t) "Resident" means a person or Business whose office or premises is located within the Town of Barrhead or the County of Barrhead No. 11.
- u) "Sub-trades" means any person or Business who enters into a contract, or contracts to do work on a project under the supervision of a General Contractor.

- v) "Temporary Business" means a Business License granted to a person who intends to carry on a Business in the municipality for a period of not more than 1 week (7 days).
- w) Violation Ticket" shall have the meaning ascribed to it by the *Provincial Offence Procedures Act*, R.S.A. 2000, c. P-34, as amended, or its successor legislation;

4. Requirement for a Business License

- a) Any Businesses operating, or proposing to operate, within the Town of Barrhead, are required to apply for, and obtain, a Business License.
- b) Any person who carries on or operates a Business at more than one location shall obtain a separate Business License for each location.

5. Business License Exemption

- a) A Business does not require a Business License if the only reason they are in the Town of Barrhead is to conduct warranty work on a project where a Business License was previously granted.
- b) Any person selling fruits, vegetables or grains that are grown by the person themselves, is not required to apply for or obtain a Business License.
- c) The participants of a Farmer's Market, with the appropriate Provincial approvals, and the Farmer's Market itself, are not required to apply for or obtain a Business License.
- d) A Business carried on by the Government of the Alberta or Canada, a Business, trade or industry that is exempt under Provincial legislation.
- e) The Town receives written confirmation stating the Business is no longer operating in Town.
- f) The Business is a non-profit organization.
- g) The Business is providing goods or services to the residents of seniors lodge/extended care home exclusively.

6. Hawkers and Peddlers, Door to Door Sales

- a) No person shall carry on Business as a hawker or peddler unless and until such time the person is a holder of Business License pursuant to this bylaw.
- b) No person shall carry on a Business as a hawker or peddler on any public property unless expressed written permission is obtained by and at the discretion of the Town.
- c) Hawkers or peddlers shall be permitted to operate on private land provided that permission has been granted by the landowner.
- d) Hawkers, peddlers and door to door sales persons shall be required to carry a copy of the Business License with them at all times while they are operating within the Town limits.
- e) Hawkers and Peddlers operating within the Town shall abide by this and all bylaws in force in the Town of Barrhead.
- f) Violations of any provision of this bylaw or complaints received by the Town, will result in the Business License being revoked.

7. Mobile Food Vendors

- a) No person shall carry on a mobile food Vendor business without a valid business license from the Town of Barrhead.
- b) No person shall operate a mobile food vending unit within the Town limits without first obtaining a valid food handling permit from Alberta Health Services (AHS) and providing a copy of the same to the Town office.
- c) A mobile food Vendor shall carry the necessary general commercial liability insurance to operate a mobile food vending unit and provide a copy of the same to the Town office.
- d) All mobile food vending units using cooking equipment shall have a fully charged fire extinguisher accessible to the operator, and obtain fire inspection approval from Barrhead Fire Services
- e) A mobile food vending unit shall not impede traffic and/or pedestrians, endanger public safety or cause an unwelcome disturbance and must comply with all applicable bylaws of the Town.
- f) Generators use to provide power to the mobile vending unit may be permitted if the generator does not create a noise or pollution disturbance.
- g) A mobile food vending unit shall not operate on a public highway controlled by Alberta Transportation without written permission from Alberta Transportation and a copy provided to the Town.
- h) Mobile food Vendors must provide garbage and recycling receptacles for customers to discard any waste from the products sold
- i) Vendors shall not:
 - (i) discharge fat or other waste into the Town storm sewer system;
 - (ii) leave a mobile vending unit unattended,
 - (iii) leave a location without first ensuring the area is free of any debris associate with the business;
 - (iv) solicit or conduct business with persons in motor vehicles;
 - (v) carry on illegal activity from the mobile vending unit
- j) In all cases the Vendor shall indemnify and save harmless the Town from any actions, claims, damage, or loss arising from the operation or location of the mobile food vending unit or anything undertaken or neglected to be undertaken in connection with this business license and requirements.

8.. Application for a Business License

- a) Applications for a Business License shall be in writing, and on the Application approved pursuant to this Bylaw (see Application Forms).
- b) Applications for a Business License must be accompanied by the appropriate License fee as approved pursuant to this Bylaw (see Appendix A - Fees). No Business License Application shall be processed without the appropriate fee.
- c) General Contractors have the option to apply for a General Contractors License (see Appendix A - Fees). This Business License is valid for one project only, and will cover all Sub-trades working under the supervision of the General Contractor.

- d) If a Business is planning to operate a Business in the Town of Barrhead for a short time only, it will have the option of applying for a Temporary Business License (see Appendix A – Fees). A temporary License is valid for a 7 day period of time only.
- e) Should an Application for a Business License be denied for any of the reasons outlined in this Bylaw, the License fee, less a ten dollar (\$10) administration fee, shall be returned to the Applicant.

9. Approval of a Business License Application

- a) The Business Licensing Officer shall review all Business License Applications before approval is granted.
- b) Should a Business require, in the opinion of the Business Licensing Officer, planning approval, such approval will be secured from the appropriate Development Authority prior to approval of the Business License Application.
- c) The Business Licensing Officer may refuse to approve a Business License Application for the following reasons:
 - i) failure to receive the proper planning approval
 - ii) the Business proposed is contrary to municipal, provincial or federal regulation or statute
 - iii) the Application is not accompanied by the appropriate License fee
 - iv) the Applicant has an outstanding License fee from prior years.
- d) The approval of a Business License in no way removes the responsibility of the Applicant to ensure that it will receive all other required approvals pursuant to municipal, provincial or federal regulation or statute.
- e) The Business License (see Appendix E - Business License), once approved, must be placed in a conspicuous place within the Business, or if this is not feasible due to the type of Business, available for inspection by a Peace Officer at any time that Business is being carried out.
- f) Should the Business License Officer refuse to grant a Business License, he/she must communicate, in writing, the reasons for the decision.

10. Term of a Business License

- a) A Business License fee is due and payable upon receipt of renewal invoice and failure to pay the fee within 60 days of the invoice date will result in an additional 20% charge and or a penalty pursuant to this bylaw. All new Business License Applications must remit applicable payment (Appendix B – Fees) when Application is submitted for approval.
- b) Unless revoked or surrendered at an earlier date, a Business License is valid for the Business License Year, or part thereof, in the year that it was applied for and granted, regardless of the date of purchase.
- c) At no time will the Town of Barrhead refund, in whole or in part, a Business License paid to it pursuant to this Bylaw.

11. Transfer of a Business License

- a) Should a Business be sold to a new owner, the new owner may, with the Business License holders written permission, apply for transfer of the Business License to the new owner's name. The Application must be in writing, on the form supplied (see Appendix D - Transfer of a Business License), with the appropriate fee.
- b) Should a business request to transfer a food vending unit to a new owner/vendor, the new owner/vendor must comply with Section 7 of this bylaw and provide the necessary documentation prior to issuance of the business license.

12. Revocation of a Business License

- a) The Business License Officer may, if in his/her opinion there are reasonable and justifiable grounds, revoke a Business License granted pursuant to this Bylaw.
- b) Should the Business License Officer choose to revoke a Business License, the Business License holder must be served written notice fourteen (14) days prior to the revocation taking place. Such written notice must include the reasons for the revocation.
- c) At the expiration of the fourteen day period following notice of a Business License revocation, the Business License holder is hereby compelled to surrender, upon request, the Business License to the Business License Officer.

13. Right to Appeal

- a) A Business License holder or Applicant has the right to appeal to the CAO the decision of the Business License Officer, made pursuant to this Bylaw.
- b) An appeal of the decision of the Business License Officer must be made within 30 days of the date of his/her decision. An appeal must be in writing, must include a copy of the Business License Officer's notification, and must include the reasons for the appeal.
- c) The CAO may, after receiving the appeal, and hearing the evidence that he/she considers relevant, take any of the following steps:
 - i) direct that a Business License be issued to the Applicant
 - ii) uphold the refusal to grant a Business License
 - iii) direct that the revocation of the Business License be struck down
 - iv) uphold the revocation of the Business License
- d) The decision of the CAO is binding on all parties involved.

14. Penalties

- a) Any person or Business who contravenes, through direct action or omission, any section, sub-section, or other provision of this Bylaw is guilty of an offense.

First Offense	\$250.00
2nd & Subsequent Offenses	\$500.00

In addition, each offense shall include those costs associated with the enforcement and prosecution of the offense.

- b) In the case where the specific offense is related to the non-payment of the License fee established by this Bylaw, the outstanding fee will, in addition to the penalties set out by this Bylaw, be required to be paid as part of penalty imposed.

15. General Provisions

- a) It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of Council that if any provisions of this Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.
- b) Bylaw 09-2014 of the Town of Barrhead and any amendments are hereby repealed.
- c) This Bylaw will take full force on the day of its final reading.

Read a first time this 23rd day of May, 2017.

TOWN OF BARRHEAD



Mayor, Gerry St. Pierre



Kathy Vickery, Director of Corporate Services

Read a second time this 23rd day of May, 2017.

TOWN OF BARRHEAD



Mayor, Gerry St. Pierre



Kathy Vickery, Director of Corporate Services

Read a third time this 23rd day of May, 2017 and passed.

TOWN OF BARRHEAD



Mayor, Gerry St. Pierre



Kathy Vickery, Director of Corporate Services

APPENDIX "A" - FEES

The Business License Fees pursuant to Bylaw 09-2014 are as follows:

ANNUAL LICENSES

Resident Annual License - \$125.00

Home Based Business Annual License - \$175.00

Non - Resident Annual License - \$250.00

*NOTE: After August 31 of any given year the annual Licenses fees are reduced by 40%
(Excluding Temporary Business License, Hawkers, Peddlers, Door to Door Sales & Food
Vending units where these fees will remain the same as noted below)*

OTHER LICENSES

Hawkers, Peddlers, Door to Door Sales \$75.00/week

Temporary Business License - \$50.00/Week

Food Vending Unit License - \$125.00/yearly

General Contractor License - \$500.00



**TOWN OF BARRHEAD
BUSINESS LICENSE APPLICATION**

Box 4189, 5014-50 Avenue, Barrhead, AB T7N 1A2
 Phone: (780) 674-3301 Fax: (780) 674-5648 e-mail: town@barrhead.ca

Application: New Renewal Date: _____

Applicant Information:
 Name: _____ Phone: _____

 Address: _____ Postal Code: _____

Business Information:
 Business Name: _____
 Address: _____ Postal Code: _____

 Phone: _____ Fax: _____
 E-mail: _____ Website: _____
 Type of Business: _____

 AMVIC Registration Number (if applicable): _____
 Provincial Business License Number (if applicable): _____
 Number of Employees: _____
 Emergency Contact (in case of fire etc.)
 Name: _____ Phone: _____

Fire Department Information:
 Are any dangerous goods or chemicals stored at the Business location? Yes No
 If yes, please provide product description: _____
 Quantity of hazardous product: _____ Product I.D. No. (PIN) _____
 What type of storage containers are the products in? (i.e. bulk, drum, cylinders, etc.):

 Where are the hazardous products stored on the property? _____

Signatures:

 Date _____ Signature of Applicant _____

For Office Use Only
 Resident Non-Resident Hawker/Peddler Temporary Contractor
 License No: _____ Amount Paid: _____ Receipt No.: _____

 Date _____ Signature of Inspector _____

APPENDIX "D"



**TOWN OF BARRHEAD
HOME BASED BUSINESS APPLICATION**

Box 4189, 5014-50 Avenue, Barrhead, AB T7N 1A2

Phone: (780) 674-3301 Fax: (780) 674-5648 e-mail: town@barrhead.ca

Application: New Renewal Date: _____
 Annual Fee: **\$175.00**

Applicant Information:

Applicants Name: _____
 Business Name: _____
 Phone No(s): Res: _____ Business: _____
 Civic Address: _____ Postal Code: _____
 Mailing Address (If different from above): _____

 Email Address: _____

Business Information

1. Describe the Business: _____
2. What will the hours of operation be? _____
3. Will there be clients coming to the home? Yes No
 If yes how many _____ and how often? _____
4. If applicable how many off-street parking stalls are provided? _____
5. Will there be any storage of stock, materials, goods and equipment inside the home?
 Yes No If yes what is stored?

 Where is it stored? _____
7. Will there be deliveries made to the home? Yes No
 If yes, what type and how often _____

Fire Department Information:

Are any hazardous/flammable goods or chemicals stored as a result of the Business?
 Yes No (ie solvent, paint thinners, special cleaner etc)
 If yes, please provide product description: _____
 Quantity of hazardous product: _____
 What type of storage containers are the products in? _____
 Where are the hazardous/flammable products stored?

Signatures:

 Date Signature of Applicant

For Office Use Only

License No: _____ Amount Paid: _____ Receipt No.: _____

Land Use District: _____

 Date Signature of Inspector or Development
 Authority

HOME BASED BUSINESSES

- a) A Home Based Business shall be operated as a secondary use only and shall not change the principal character and external appearance of the dwelling in which it is located.
- b) A Home Based Business may have one non-illuminated fascia sign or nameplate to identify it, either within or flat attached to the dwelling with a maximum area of 0.92 m² (2.0 ft²).
- c) A Home Based Business shall not use more than 27% of the gross floor area of the residence.
- d) A Home Based Business shall not create any dust, traffic, congestion, late visitations, noise, odours, noxious fumes, interference with telecommunications or vibrations emanating from the premise which is not normally produced by a dwelling unit.
- e) A home occupation shall not generate any pedestrian or vehicular traffic or parking that is a source of inconvenience to adjacent landowners or tenants.
- f) There shall be no outside storage of materials, commodities or finished products.
- g) A Home Based Business shall be reviewed upon receipt of a complaint by an affected landowner. A permit for a Home Based Business may be suspended or revoked on the basis of non compliance on 30 days notice.
- h) A Home Based Business shall not create on-street parking that may be determined by the Development Authority to be an inconvenience to adjoining landowners or tenants.
- i) This provision does not apply to Home Based Businesses that have no Non-Resident employees, no signage, client visitations and is otherwise indistinguishable from the principal residential use.

BED AND BREAKFAST OPERATIONS

- (1) Persons wishing to operate a bed and breakfast operation shall be required to apply for a Home Based Business License from the Town of Barrhead.
- (2) A bed and breakfast operation shall be limited to residential land use districts and shall be contained entirely within the principal building.
- (3) A bed and breakfast operation shall be limited to one meal provided on a daily basis to registered guests only with such meal being prepared in one common kitchen and served in one common room.
- (4) In addition to the off-street parking requirements for the dwelling unit itself, as stipulated in the Land Use Bylaw, 1 (one) off-street parking space per rented guest room shall be required for a bed and breakfast operation.

APPENDIX "E"



TRANSFER OF BUSINESS LICENSE

Business Name: _____

Previous Owner: _____
(Business License Holder)

New Owner: _____

Please read the following carefully, then date and sign.

I authorize the Town of Barrhead to transfer the Business License for

_____ into the name of the new owner,
(Business Name)

(New Owner)

(Date) (Business License Holder)



FOR OFFICE USE ONLY

Transfer Fee Paid _____

Receipt No. _____

Transfer completed by _____

NOTE: A new Business Application must be completed and attached to this transfer document



Town of Barrhead

P.O. Box 4189, Barrhead, Alberta T7N 1A2

Phone: (780) 674-3301

BUSINESS LICENSE

Type

Issued To

Provincial License

Provincial Certificate

Issued

Account

Amount

License

Expires

With respect to the above information, this business has paid for a license to operate within the limits of the *TOWN OF BARRHEAD* until the above noted expiry date, unless this license be sooner suspended or forfeited, and this license is issued to the said licensee and is accepted and held by same subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling hereby licensed to be carried on.



Given under my hand and the corporate seal of
TOWN OF BARRHEAD

Clerk