



## Claresholm

# TOWN OF CLARESHOLM PROVINCE OF ALBERTA BYLAW #1615 (consolidated)

A Bylaw of the Town of Claresholm to provide for the licensing and regulation of businesses, within the Town of Claresholm.

**WHEREAS** it is provided in and by the *Municipal Government Act* that the Council may issue licenses to control and regulate business and industry carried on within or partly within Town and may license any and all such businesses whether or not such businesses are specifically provided for in the *Municipal Government Act*.

**NOW THEREFORE** pursuant to the provisions of the *Municipal Government Act*, the Council of the Town of Claresholm duly assembled hereby enacts the following:

This Bylaw may be cited as the Business License Bylaw of the Town of Claresholm.

### 1.0 Definitions

In this Bylaw, unless the context otherwise requires:

1. **Adult Person** – Shall mean any person over the age of 18 years of age.
2. **Business** – Shall include, as well as any trade, profession, industry, occupation, employment or calling, the providing of goods or services to the public or to any other party.
3. **Council** – Shall mean the Council of the Town of Claresholm.
4. **Farmers Market** – means an open air or fully or partly covered market, for the sale of goods directly by the producers, or their representatives who are involved in the production, of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, locally prepared and ready to eat foods and local artisan crafts.
5. **Flea Market** – means the carrying on of a business to organize a group of more than three (3) merchants, vendors or participants, to gather in one location or building to offer handcrafts, produce and vegetables, food, new and used goods, wares, merchandise or services for sale for time periods of (7) seven days or less in duration.
6. **Garage Sale** – means the displaying and offering for sale of five (5) or more items of goods, wares or merchandise (other than boats, motor vehicles or recreational vehicles of any kind) on private residential property.
7. **Town** – Shall mean the Town of Claresholm.
8. **License Inspector** – Shall mean any person so designated by the Town Council.
9. **Licensee** – Shall mean a person holding a valid business license issued pursuant to this Bylaw.
10. **Mobile Vendor** – means any person selling goods, food, amusements or services from a mobile motor vehicle, trailer, or similar structure that is designed for offering the sale of goods, food, or services.
11. **Trade Show** – means a group of five or more persons at a single location, for a period of not more than seven (7) days, displaying to the public the types of goods, wares, merchandise, food or services that they have available for sale.
12. **Person** – Shall include a corporation, firm, partnership, association and their respective legal representatives.
13. **Premises** – Shall include any store, office, warehouse, factory, building enclosure, yard or other place wholly or partially within the town that is occupied or capable of being occupied for any purpose.
14. **Resident** – Shall mean a person who lives in the Town of Claresholm.
15. **Non-Resident** – Shall mean a person who is not an inhabitant of Claresholm.
16. **Contractor** – Shall mean any person who undertakes the erection, construction, alteration, repair or demolition of any land, building or structure, and shall include any owner of a property who causes, or any person who supervises the erection, construction, alteration, repair or demolition of any land, building or structure thereon.
17. **Canvasser** – A Canvasser is an adult person who takes or attempts to take orders by telephone or other means, for the sale of merchandise or services or both for future delivery or services to be furnished or performed in the future.
18. **Hawker, Peddler or Direct Seller** – Shall mean any person who, whether as principal or agent,
  - a. Goes from house to house selling or offering for sale any merchandise or service, or both, to any person; who is not a wholesaler or retailer in such merchandise or service, and not having a permanent place or business in the municipality or,
  - b. Offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints or merchandise or service, or both, to be afterwards

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- delivered in and shipped into the municipality, or
- c. Sells merchandise or services, or both, on the streets or roads or elsewhere than in a building that is his permanent place of business but does not include any persons selling:
  - i. Meats, fruits or other farm produce that has been produced, raised or grown by himself.

19. **Sub-Contractor** – Shall mean a person contracting with or employed directly or indirectly by a Contractor or his agent to do work or perform services in the Town of Claresholm but does not include a person who merely furnishes materials.

20. **Improvement** – Shall mean anything constructed, erected, built, placed, demolished, dug, drilled, moved or intended to be constructed, on or in land except a thing that is neither affixed to the land nor intended to become a part of the land.

21. **Seniors Lodge** – Shall mean a housing facility developed for the use of senior citizens not capable of maintaining or not desiring to maintain their own housing accommodation.

22. **Home Occupation** – Shall mean an occupation, trade, profession or craft carried on by a person at his residence or at any other residence in the Town as a use secondary to the residential use of the building.

23. **Vacation Rentals** – Shall mean short-term rentals including Air BnB's. This includes owner operated or properties managed by a third party. This does not include Bed & Breakfasts.

(amended Bylaw 1742, July 2022)

## 2.0 Appointment, Authority and Duties of a License Inspector

The Council, by resolution, may appoint one or more License Inspectors, to carry out the provisions of this Bylaw.

The duties and powers of a License Inspector are inter alia:

1. To consider and approve or refuse all license applications.
2. To secure the due observance of this Bylaw.
3. On receipt of the appropriate fees, to issue licenses hereunder where warranted.
4. To prosecute violators of this Bylaw.
5. Such other duties as Council may require.

## 3.0 General

1. Every application for a license or renewal or transfer thereof shall be made to a License Inspector by an adult person in writing and shall disclose the names and addresses of all persons who are actively engaged in the management and control of the business. Every applicant for a license shall conform to the provisions of this Bylaw and any other Bylaw applicable to the business or industry.

2. Failure to disclose any information reasonably required by the License Inspector herein shall be grounds for withholding a license or immediate cancellation of any license issued and forfeiture of any fees paid. Any changes in the management and control of the business shall be communicated to the License Inspector forthwith.

## 4.0 Requirements for License

1. No person shall, whether within the Town or partly within the Town:
 

- a. Carry on or operate any business without obtaining the necessary license unless specifically exempted under the provisions of this bylaw or by provincial or federal legislation.

2. If, in the opinion of the License Inspector, an applicant for a license has complied with the terms of this Bylaw and of any other applicable Bylaw, the applicant is entitled to a license upon payment of the appropriate fee.

3. A License Inspector may issue a conditional license, and he shall endorse on any conditional license issued, the particulars of such conditions.

4. Every license issued under this Bylaw shall be displayed in a conspicuous place in the premises in which the business so licensed is being carried on.

5. Any person or company who does not ordinarily maintain a permanent place of business within the Town and who goes about Town conducting business must produce a valid Business License or a copy of the License upon request.

6. Every license issued under this Bylaw shall terminate at midnight on the 31<sup>st</sup> day of December of the year in which it was issued unless otherwise provided herein.

7. Except for non-resident contractors, hawkers, peddlers, direct sellers, and Christmas tree vendors, all new business licenses purchased after June 30<sup>th</sup> of any year shall be one half of the license fee for the full year, provided the business did not commence operation prior to June 30<sup>th</sup> of that year.

8. A business license for an existing, licensed business shall be renewed by the 1<sup>st</sup> of March each year. Renewal shall be affected by a business license holder submitting applicable fees, and relevant development applications where necessary. Failure to renew by the specified date will result in a late payment fee as per Schedule "B".

9. No license shall be issued under this Bylaw unless the License Inspector is



satisfied that all licenses required by the Government of Alberta have first been obtained by the applicant.

10. Every person who operates more than one store, branch, or premises in respect of any business shall take out a separate license in respect of each such separate store, branch, or premises.
11. For Businesses where more than one salesperson conducts business within the Town of Claresholm, such as, but not limited to, AVON, Tupperware, Mary Kay, only the regional manager is required to obtain a Business License.
12. The License Inspector may on just and reasonable grounds refuse to issue or renew a license or may cancel the license of any licensee who, in the opinion of the License Inspector, is in violation of any town Bylaw or provincial law or regulation.
13. An applicant shall be promptly informed in writing by the License Inspector if his application for a license or the renewal of a license has been refused and the reasons for such refusal.
14. If, in the opinion of the License Inspector, there has been a substantial attempt by the licensee to correct any deficiencies or violations of any Town Bylaw, the License Inspector may, upon receipt of the proper fees issue a license to the licensee.
15. A License under this Bylaw shall be signed by the License Inspector of the Town or other authorized person and shall contain description of the business so licensed and the premises covered by such license.
16. Any license granted under this Bylaw shall be authority only to engage in or carry-on business on the premises therein described and not in or on any other premises, provided however that this section shall not apply to hawkers, peddlers, or mobile vendors, and to other persons carrying on a business, the nature of which requires such a person to go from place to place throughout the Town.
17. Where a person receives a license under the authority of this Bylaw, such license does not relieve any person from any other licensing or permit requirements required under the law.

#### 5.0 Exceptions

A Business License is not required for the following Businesses:

1. A Charitable or Non-Profit Organization registered under the Alberta Societies Act, and amendments thereto;
2. A minor providing individual light duty occasional services such as paper deliveries, babysitting, yard work and snow shoveling;
3. Publicly funded, educational or institutional establishments in the Town.
4. A business providing goods and services to the residents of a seniors lodge exclusively;
5. Persons selling home-made baked goods, crafts, meat, plants, fruit or other farm produce that has been raised, grown or produced by themselves within the Town of Claresholm, and does not operate a commercial business to sell such items;
6. A Business that carries on activities at the Farmers Market which is operated by an organization that is registered with the Farmer's Market Association;
7. A Business exhibiting at a trade show or exhibition held in the Town of Claresholm for a consecutive period not exceeding seven (7) days;
8. Residential garage sales, provided that the sale takes place on a 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;
9. The Business/ Event is carried on or operated by the Town or at a location operated by an official or employee of the Town acting on behalf of the Town in his / her capacity as such official or employee;
10. The Business is carried on by the Government of the Province of Alberta or the Government of Canada;
11. Any other Business exempted through or by order of Council.

#### 6.0 Zoning Regulations, Relocation and Suspension of License

1. The issuance of a license shall not be deemed as approval to carry on any business in or on any premises that are in contravention of the provisions of any other Bylaw of 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 regulations of the Town of Claresholm, the License Inspector shall forthwith cancel the license.
2. Upon being directed by the appropriate Medical Health authorities to do so, a License Inspector may suspend the license of any business and shall not reinstate such license until the appropriate Medical Health Officer certifies that the premises concerned meet all applicable health standards.
3. Any act or omission of a clerk, agent or employee of a person licensed under this Bylaw shall be deemed to be the act of omission of the licensee and the licensee shall be responsible for such act or omission, as though it were done by the Licensee themselves.



7.0 **Appeal Where License Refused**

1. In every case where:
  - a. A license or a license renewal has been refused,
  - b. A license has been issued subject to conditions,
  - c. A license has been cancelled,the person seeking a license may appeal to the Town Council and the Council, after hearing the applicant, may:
  - a. Direct that license or renewal be issued with or without conditions,
  - b. Refuse to grant a license or renewal,
  - c. Uphold or revoke the cancellation of a licenseOn any ground which appear just and reasonable.
2. An appeal from the decision of a License Inspector shall be made by the applicant within 30 days after notification of the License Inspector's decision has been communicated to the applicant.
3. Every appeal shall be in writing, addressed to the License Inspector and shall be dated as of the date it is received.

8.0 **Inspection by Town of License Premises**

A License Inspector or other person authorized by Council may inspect any premises at all reasonable times for the purpose of administering or enforcing this Bylaw; and any person who refuses admission to a License Inspector or authorized person or who neglects or refuses to produce the appropriate license upon request, shall be guilty of an offence.

9.0 **License Fees**

1. Where there is a distinction made between types of businesses or activities in the zoning bylaw, the distinction shall be deemed to be made in this bylaw and separate business license shall be required for each business or activity. However, where different activities are operated under one management then only one License is required per business site.
2. All Businesses operating whether wholly or partially within the Town shall pay an annual license fee of \$50.00 per business unless otherwise provided for in this Bylaw.
3. The fee payable for a Business License issued between July 1 and December 31 shall be 50% of the fee shown on Schedule "A".
4. The fee payable for a first time Business License issued between July 1 and December 31 shall be 50% of the fee shown on Schedule "A".

10.0 **Contractor and Sub-contractor**

1. Upon request of the License Inspector any person making application for a building permit shall furnish a list of contractors and subcontractors who are, or will be, working on the building project together with the address of same.

11.0 **Hawkers, Peddlers, Direct Sellers and Mobile Vendors**

1. A person who sells merchandise on a wholesale basis to retail merchants in the Town shall not be required to obtain a license pursuant to this section.
2. All hawkers, peddlers, direct sellers, or mobile vendors shall require a separate license of each employee or agent who acts as a hawker, peddler, direct seller or mobile vendor in the Town.
3. A Business License issued to a Hawker, Peddler or Mobile Vendor of foodstuffs, fruits and/or vegetables, shall be withheld until the Applicant has produced appropriate permits, licenses or certificates from Alberta Health Services.

12.0 **Provisions for Flea Markets**

A Business License for a Flea Market is required for the organizing entity only. All other individual vendors partaking in the Flea Market are not required to obtain a Business License. The Business License issued pursuant to this schedule shall be valid:

1. For the specific flea market only;
2. For one location on which the flea market is to be held;
3. For the specific license period that the license is issued for and;
4. Every applicant must co-operate with the License Inspector to ensure that all required inspections, including building, fire and health inspections, are conducted as required.

13.0 **Provisions for Vacation Rentals**

1. A business license is required if you own/manage/operate a short-term or vacation rental property.

2. If you own a vacation rental that is being managed by a third party, that third party company requires the business license.

(Amended Bylaw 1742, July, 2022)

14.0 **Transfer / Changes to a Business License**

1. An existing Business License issued under this Bylaw may be transferred / changed upon application to and approval by the Licensing Inspector in the following circumstances;
  - a. When the transfer is from one Licensee to another for the same Business name in the same Business Premises; or
  - b. When there is a change of civic address from one Business Premise to another for the same Licensee and Business with the same land use designation (zoning).
2. No person to whom a Business License has been issued under this Bylaw shall change the location of the premises in which he carries on his business, trade, profession or other occupation without first having applied to the License Inspector.
3. Any person desiring to obtain a transfer / change of any License issued pursuant to this bylaw, shall be required to pay a processing fee as outlined in Schedule "A".
4. A non-resident Person or Business is not allowed to transfer his or her License.

15.0 **Fines and Penalties**

1. A person violating any provision of this Bylaw shall be guilty of an offence and liable upon summary conviction to a fine of not less than \$200.00 and not more than \$2,000.00 and in default of payment thereof, to imprisonment for a period of not less than 30 days.
2. Where a person is found guilty of non-payment of a license fee payable hereunder, the convicting provincial court judge may order payment thereof in addition to imposing a fine.
3. The License Inspector may enforce the provisions of this Bylaw by issuing a voluntary fine to any person alleged to have committed one or more breaches of the Bylaw. The voluntary fine shall state the alleged offence and require payment of the appropriate fee as provided in Schedule "B" attached hereto and declared to be part of this Bylaw by the date indicated on the voluntary fine.
4. A voluntary fine may be issued by personally serving it upon the alleged offender or by leaving it at the residence or place of business of the alleged offender or by serving it on the alleged offender by single registered mail.

16.0 **Amendment to Schedule**

Town Council may by resolution amend Schedule "A" and /or Schedule "B" from time to time as required.

17.0 Bylaw number 1300 is hereby repealed.

18.0 This Bylaw shall take effect on the date of final passage.

Read a first time in Council this **21<sup>st</sup>** day of **July** 2016 A.D.

Read a second time in Council this **22<sup>nd</sup>** day of **August** 2016 A.D.

Read a third time in Council and finally passed in Council this **22<sup>nd</sup>** day of **August**  
2016 A.D.

  
Abe Tinney, Chief Administrative Officer

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**Schedule "A" - Fees**

Without limiting the generality of the foregoing, the license fee for each of the following business shall be the amount set opposite their common designation:

<b><u>Canvassers</u></b>	Resident	\$100.00 per annum
	Non-Resident	\$ 50.00 per day
		\$100.00 per week
		\$200.00 per month
		\$300.00 per year

**Carnivals and circuses** \$100.00 per day

<b><u>Resident Contractors</u></b>	operating from a residence site	\$100.00 per annum
	operating from a business site	\$ 50.00 per annum

**Non-Resident Non-Construction** \$100.00 per annum

**Non-Resident Contractors**

- \$100.00 per year when doing under \$15,000.00 gross business in Town
- \$175.00 per year when doing over \$15,000.00 but under \$40,000.00 gross business in Town
- \$225.00 per year when doing over \$40,000.00 but under \$75,000.00 gross business in Town
- \$325.00 per year when doing over \$75,000.00 but under \$150,000.00 gross business in Town
- \$650.00 per year when doing over \$150,000.00 but under \$250,000.00 gross business in Town
- \$1,000.00 per year when doing over \$250,000.00 gross business in Town

The onus of establishing the amount of the contract to the satisfaction of the License Inspector shall be on the non-resident contractor. If a non-resident contractor undertakes further contracts in the Town of Claresholm prior to December 31<sup>st</sup> in the year in which the license was issued, further fee or fees will be levied but not exceed the maximum total fee of \$1,000.00 for that calendar year.

**Hawkers, Peddlers, Direct Sellers, Mobile Vendors:**

Non-Resident	\$ 50.00 per day or \$100.00 per week or \$200.00 per month or \$300.00 per year
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Resident \$100.00 per year

Itinerant Shows and entertainments and other transient business:	\$ 50.00 per day or \$300.00 per annum
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**Salvage Dealers and Secondhand Dealers**

Resident \$ 50.00 per annum

Non-Resident \$300.00 per annum

<b><u>Christmas Tree Vendors</u></b> (No fee for religious or Community groups)	\$ 50.00 per annum per site
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**Home Occupation** \$100.00 per annum

**Other Charges:**

**Transfer / Change on Information Fee:** \$ 10.00

**Late Payment Fee:** \$ 15.00

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Schedule "B" – Fines

1. A voluntary fine of \$200.00 for a first offence.
2. A voluntary fine of \$250.00 for a second offence providing the second offence is committed within twelve (12) months of the first offence.
3. A voluntary fine of \$500.00 for the third offence providing the offence is committed within twelve (12) months of the first offence.