

MUNICIPALITY OF CROWSNEST PASS

BY-LAW NO. 599, 2002

A BY-LAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING CONTROL AND REGULATING OF ANY BUSINESS OR INDUSTRY WITHIN THE MUNICIPALITY OF CROWSNEST PASS.

WHEREAS it is provided by the Municipal Government Act, Chapter M-26.1, R.S.A. 1996 as amended, that the Council may control and regulate all business and industry carried on within the Municipality of Crowsnest Pass including the manner of operation, the nature of the operation and the location thereof and may license any or all such businesses or industries whether or not the business has a business premises within the Municipality.

NOW THEREFORE, the Council of the Municipality of Crowsnest Pass duly assembled enacts as follows:

**1. TITLE**

This By-Law may be cited as the "BUSINESS LICENSE BY-LAW" of the Municipality of Crowsnest Pass.

**2. DEFINITIONS**

- (a) APPLICANT: means a person who applies for a license or a renewal of a license required by this By-law.
- (b) APPLICATION: a written application for a business license as provided for by this By-law.
- (c) AREA RESIDENT: means all businesses from Pincher Creek, Alberta to Fernie, British Columbia as well as the area known as the Elk Valley.
- (d) BUSINESS: includes any trade, profession, industry, occupation, employment, or calling and the providing of goods and/or services.
- (e) BUSINESS LICENSE: means a license issued pursuant to this By-law.
- (f) BUSINESS PREMISES: includes the store, warehouse, factory, building enclosure, yard or other place occupied or capable of being occupied for the purpose of carrying on a business.
- (g) CHARITABLE OR NON-PROFIT ORGANIZATION: means a person acting for charity or in the promotion of general social welfare and includes:
  - 1. a religious society or organization;
  - 2. a service club;
  - 3. a community, veteran's or youth organization;
  - 4. a social, sport or fraternal organization or club.
- (h) CHIEF ADMINISTRATIVE OFFICER: means the Chief Administrative Officer of the Municipality of Crowsnest Pass.
- (i) LICENSEE: means a person holding a valid and subsisting license issued pursuant to the provisions of this By-Law.
- (j) LICENSE INSPECTOR: means a person authorized by Council to carry out the provisions of this By-Law.
- (k) MEMBER MUNICIPALITIES: shall mean those municipalities who are members of MMERI and have agreed to participate in the Regional License Program.
- (l) MMERI: shall mean the Mounties to Mountains Economic Regional Initiative.

**2. DEFINITIONS – cont'd**

- (m) MUNICIPALITY: means the Municipal Corporation of the Municipality of Crowsnest Pass.
- (n) MUNICIPAL COUNCIL: means the Municipal Council of the Municipality of Crowsnest Pass.
- (o) PERSON: means a natural person, firm, corporation, association and includes a partnership.
- (p) REGIONAL BUSINESS LICENSE: shall mean a license to operate in any member municipality.
- (q) RENTAL PROPERTY: means a person(s) or company that is in the business of renting two (2) or more parcels of land and/or buildings or parts thereof.
- (r) RESIDENT BUSINESS: means all local businesses within the Municipality.
- (s) NON-RESIDENT BUSINESS: means a business that is not a resident or area resident business.

**3. EXEMPT**

No license shall be required:

- (a) for a business carried on or operated by the Municipality of Crowsnest Pass;
- (b) for charitable or non-profit organizations;
- (c) for such other businesses as Council by resolution may from time to time exempt;
- (d) for a business carried on by the Government of the Province of Alberta or Canada;
- (e) by any person or business if any statute of Canada or of the Province exempts such person or business from requirements of Municipal licensing.

**4. APPOINTMENT OF LICENSE INSPECTOR**

The Chief Administrative Officer may appoint a License Inspector(s) to carry out the provisions of this By-Law.

**5. THE DUTIES OF THE LICENSE INSPECTOR**

- (a) to conduct investigations with regard to proposed applications where necessary;
- (b) to conduct inspections of business premises where necessary;
- (c) to revoke business licenses where deemed appropriate and necessary;
- (d) to initiate legal court action for violations of this By-Law.

**6. INSPECTION**

Where a business or its locations require any approval or certificate under this By-Law or any other By-Law of the Municipality of Crowsnest Pass, the locations where the business is to be carried on, including the land and buildings, may be inspected by those persons, inspectors, and departments whose approval or certificate is required.

**7. POWER OF REFUSAL**

Subject to the provisions of this By-Law, upon receipt of an application for a business license, the Municipality may grant a business license or may refuse to grant a business license, if in his opinion there are just and reasonable grounds for the refusal of the application.

**8. POWER OF REVOCATION**

Subject to the provisions of this By-Law, where a business license has been granted pursuant to this By-Law, the License Inspector may revoke or suspend the business license if in his opinion there are just and reasonable grounds for the revocation or suspension of the license.

**9. NOTICE OF REVOCATION OR SUSPENSION**

Upon a license being revoked or suspended as hereinbefore provided, the License Inspector shall notify the licensee thereof,

- (a) by delivery of a notice to him/her personally, or
- (b) by mailing a double registered letter to his/her place of business or residence as shown on his/her license.

After the delivery of such notice, the business or occupation, as the case may be, shall not be carried on until such time as a new license is issued or the suspended license is reinstated.

**10. CONDITIONS OF BUSINESS LICENSES**

- (a) No Business License shall be granted until such time as the applicant holds a valid Provincial or Federal License where required by law.
- (b) No Business License shall be granted until such time as the applicant holds a valid Development Permit where required for the said business.
- (c) No Business License shall be granted if the applicant fails to comply with any other By-Law of the Municipality of Crowsnest Pass, or Statute of the Province of Alberta, or Statute of Canada.
- (d) No Business License shall be granted until the applicant has submitted to the Municipality the proper fee as provided by this By-Law.
- (e) No Business License shall be valid unless the said License has been signed by the Chief Administrative Officer or his designate.
- (f) No Business License shall be granted to any business handling food stuffs, until such time as approval is received and presented from the Local Health Unit. (This may be done upon application.)

**11. HOLDER OF VALID & SUBSISTING LICENSE**

No person shall carry on or operate any business within, or partly within, the Municipality without holding a valid and subsisting Business License issued pursuant to the provisions of this By-Law unless specifically exempted by law.

**12. POSTING OF LICENSE**

Every Business License issued under this By-Law shall be posted in a conspicuous place in the business premises of the said Licensee.

**13. NULLIFICATION OF LICENSE**

- (a) Where any certificate, authority, license or other document of qualification under this or any other By-Law, or under any Statute of Canada or Province of Alberta, is suspended, cancelled, terminated or surrendered, any license issued under this By-Law based in whole or in part on such certificate, authority, license or other document of qualification shall be revoked automatically forthwith;
- (b) Where a License is revoked pursuant to subsection 13(a) hereof, the Licensee shall forthwith:
  - 1. return the License to the License Inspector, or
  - 2. furnish satisfactory proof to the License Inspector of a renewal or re-issue of any certificate, authority, License or other document of qualification referred to in subsection 13(a) hereof.

**14. REGIONAL BUSINESS LICENSE**

- (a) As an option, for an additional fee, each resident or area resident with a valid Business License will be issued an annual Regional Business License seal recognized by all member municipalities.
- (b) Member Municipalities will purchase a seal, the design of which shall be approved by MMERI, to be affixed to each annual Business License when the resident or local business pays the additional fee.
- (c) One-half of the Regional Business License fee will be forwarded on a monthly basis to the Managing Partner Municipality of MMERI for deposit to the credit of MMERI.
- (d) 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.
- (e) 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.
- (f) 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 per their Business License Bylaw.
- (g) 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 regulations regarding the municipality's local annual Business License.

**15. APPEAL**

- (a) In every case where:
1. an application for a Business License has been refused;
  2. a Business License has been revoked or suspended the person seeking the License may appeal to the Municipal Council.
- (b) An appeal from subsection (a) shall be made by the applicant within thirty (30) days after such refusal, revocation or suspension.
- (c) All appeals shall be made in writing addressed to the Chief Administrative Officer of the Municipality of Crowsnest Pass and shall be dated as of the date received by the Chief Administrative Officer.
- (d) The Municipal Council, after hearing the applicant, may:
1. direct a Business License be issued or reinstated;
  2. direct a Business License be issued or reinstated with conditions;
  3. refuse to grant a Business License;
  4. uphold the revocation or suspension of a Business License, on grounds which appear just and reasonable.

**16. LICENSE YEAR**

The term "License Year" means the period commencing January 1st and ending December 31st.

**17. TERMINATION OF LICENSE**

Every Business License issued under the provisions of this By-Law unless revoked shall terminate at midnight on the 31st day of December of the license year of which the said License was issued.

**18. FEE PAYABLE**

- (a) Business License fees are due by January 31st of each year. After January 31st of each year a 2% per month penalty will be levied until the license fee is paid.
- (b) The fee payable for a Business License issued between the 1st day of January and the 30th day of September in any license year shall be the license fee for the full year.
- (c) The fee payable for a Business License issued after the 30th day of September in any license year shall be one-half (1/2) of the license for the full year.
- (d) Where a Business License is revoked or surrendered the Licensee is entitled to a refund of ONE (\$1.00) DOLLAR.

**19. TRANSFER**

A Licensee may transfer a license issued to him/her upon approval of the License Inspector. Where the transfer of a license has been granted, the fee for such a transfer shall be TWENTY (\$20.00) DOLLARS.

**20. SUPPLY OF INFORMATION**

Every person carrying on or engaged in any business in respect of which a license is required under this By-Law, upon request of a License Inspector, shall give to the License Inspector all information necessary to enable him/her to carry out his/her duties.

**21. PENALTY**

(a) Any person who contravenes any provisions of this By-Law is guilty of an offence and is liable on summary conviction to a fine of FIVE HUNDRED (\$500.00) DOLLARS in addition to any license fee he/she may be required to pay pursuant to subsection (b) hereof and in the event of failure to pay or the inability to pay any fine levied and any license fee charged hereunder, and costs, to imprisonment for a period not exceeding sixty (60) days or until such fine, license fee, and costs of committal are paid.

(b) Where a person is convicted of operating a business for which a license fee is payable, without payment of such fee having been made, the court may, in addition to the fine imposed pursuant to subsection (a) hereof, direct the payment of the applicable license fee to the Municipality.

**22. VOLUNTARY PAYMENT**

Where any of the provisions of this By-Law have been deemed to be contravened and an offence ticket has been issued for that contravention, the accused may avoid appearing in court to answer to the said charge by submitting to the Municipality a voluntary payment of FIVE HUNDRED (\$500.00) DOLLARS.

If payment is made within seven (7) days of the date the Offense Ticket was issued, the amount payable will be reduced to the amount of the appropriate Business License fee.

**23. DATE OF COMMENCEMENT**

This By-Law shall come into effect on January 1, 2003 upon the final reading and shall repeal By-Law No. 482, 1998 and any amendments thereto.

**24. LICENSE FEES**

The attached Schedules outlining all applicable license fees forms part of this By-Law.

Read a first time this 17<sup>th</sup> of December, 2002

CARRIED UNANIMOUSLY

Read a second time this 17<sup>th</sup> of December, 2002

CARRIED UNANIMOUSLY

Read a Third time and finally passed this 17<sup>th</sup> of December, 2002

CARRIED UNANIMOUSLY

JOHN IRWIN  
MAYOR

RON McCULLOUGH  
CHIEF ADMINISTRATIVE OFFICER

**ORIGINAL SIGNED**

**LICENSE FEES**

**SCHEDULE "A" GENERAL**

RESIDENT PERSONS

And

AREA RESIDENT PERSONS: \$ 75.00 per annum

REGIONAL LICENCE FOR  
RESIDENT PERSONS

And

AREA RESIDENT PERSONS: \$ 40.00 per annum

NON-RESIDENT PERSONS: \$350.00 per annum

**SCHEDULE "B" DAY RATE**

NON-RESIDENT PERSONS: \$ 75.00 per day

**SCHEDULE "C" - FLEA MARKETS, CRAFT SALES GARAGE SALES**

No rate shall be levied for local organized garage sales that are held at any location 4 times per year for a maximum of two (2) consecutive days otherwise the Resident and Non-Resident rates shall apply.