



**TOWN OF BOW ISLAND
BYLAW NO 2022:02
BUSINESS LICENSE BYLAW**

BEING A BYLAW OF THE TOWN OF BOW ISLAND, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENCING CONTROL AND REGULATING OF ALL BUSINESSES OR INDUSTRIES WITHIN THE TOWN OF BOW ISLAND.

WHEREAS *The Municipal Government Act* (Alberta, R.S.A. 2000, Chapter M-26, and amendments thereto) authorizes a Council to pass and enforce a bylaw for the purpose of regulating, controlling and licensing all businesses within the Town of Bow Island;

AND WHEREAS it is in the public's best interest to license, monitor, regulate and inspect businesses that operate within the town;

NOW THEREFORE the Council of the Town of Bow Island enacts as follows;

1. NAME OF BYLAW

This bylaw may be cited as the "Business License Bylaw"

2. DEFINITIONS AND INTERPRETATIONS

"Adult Person" – means any person over the age of eighteen (18) years of age.

"Application" – a written application for a business license as provided for by this bylaw.

"Business" – means an activity or enterprise conducted for gain, benefit advantage, or livelihood, including trade, profession, industry, home based business or the providing of goods and services

"Business License" – means a license issued pursuant to this bylaw

"Business License Fee" – shall be the sums of money which are required for payment for a business license

"Council" – shall mean the Council of the Town of Bow Island

"Huckster" – Shall mean any person who sells or offers for sale:

- a) Meat, fruit, or other farm produce that has been produced, raised or grown by themselves or by an approved grower,
- b) Fish of their own catching

"Home Occupation" – means a business carried on by a person, who is an occupant of a residential building, as a use secondary to the residential use of that building

"Licensee" – means a person holding a valid license issued pursuant to this bylaw

"Licencing Officer" – means person or persons authorized by Council to carry out the provisions of this bylaw

"Municipal Tag" – means a ticket alleging an offence, issued pursuant to the authority of a bylaw of the town

"Non-Resident" – means an individual person, a company, or a partnership, or a body corporate who does not operate their business, trade, profession, or occupation from taxable premises within the Town of Bow Island

"Non-Resident Contractor" – means any person who offers goods and/or services to a resident by contract who does not have an established premise within the Town of Bow Island or surrounding County.



“Premises” – means a store, office, warehouse, factory, building, enclosure, yard, lot, or other place occupied or capable of being occupied, by any person for the purpose of carrying on any business

“Resident” – means an individual person, a company, a partnership, or a body corporate who either resides principally within the Town of Bow Island and has established premises within the Town of Bow Island from which to do business

“Resident Contractor” – means any person who offers goods and/or services to a resident by contract and has established premises within the Town of Bow Island or surrounding County from which to do business

“Sub-Contractor” – means any person who undertakes to sub-contract from a contractor or owner and pays their own benefits

“Transient Salesperson” means any person such as a hawker, peddler, canvasser, salesperson, service person, etc. going from house to house or from party to party selling or offering for sale any merchandise or service, or both, but does not include any person selling:

- c) Meat, fruit, or other farm produce that has been produced, raised, or grown by themselves,
- d) Fish or their own catching

3. BUSINESS LICENCING OFFICER

The Business Licencing Officer is granted authority to carry out the provisions of this bylaw. The Business Licencing Officer may delegate authority to carry out the provisions of this bylaw

The Licencing Officer is authorized to:

- a. Receive, consider and deal with all applications for a license and transfer thereof.
- b. Record such information with respect to licences as may be considered necessary.
- c. Use assistance of a Designated Officer to periodically visit and inspect business premises and construction sites for the purpose of ascertaining whether the proprietor or contractor is complying with the provisions of this or any other applicable bylaw
- d. Refuse to grant a licence or to revoke or suspend any licence if, in his/her opinion, that are just and reasonable grounds for the refusal of the application or for the revocation or suspension of the licence subject to the right of the applicant to appeal the refusal, revocation or suspension to council.
- e. Issue a licence, with or without conditions, upon payment of the appropriate fee.
- f. Transfer non-compliance files to authorities to prosecute violators of this bylaw.

4. APPLICATION AND LICENCE PROVISIONS

- a. Every application for a licence shall be made by an adult person. Any person who provides a service or conducts business within the Town requires a business license. This includes but is not limited to a person who conducts business for profit, providing a paid service, receives monetary gain for work, or sells goods or wares to others, and all other trades or occupations of which livelihood depends on business profits.
- b. All applications for a Business Licence shall be made to the town giving such information and particulars as requested thereon.



- c. Before being granted a Business Licence, each Business shall conform to the provisions of this Bylaw and to all applicable municipal, provincial and federal regulations.
- d. If in the opinion of the Licencing Officer an applicant for a licence has complied with the terms of this bylaw and all other applicable bylaws, Provincial Statutes and Federal Act, the applicant shall be issued the licence applied for upon payment of the applicable Business Licence Fee.
- e. Full payment of all fees required by this Bylaw shall accompany each application for a business licence.
- f. For the purpose of this Bylaw, where a person carries on more than one trade or occupation, only one licence is required but if each trade or occupation is operated as a separate firm or company, whether from the same location or not, a separate Business Licence is required for each firm or company.
- g. Every licence issued under this bylaw shall be posted in a conspicuous place in the business premises of the applicant licensee.
- h. Every licence issued under the provisions of this bylaw shall terminate at midnight on the 31st day of December of the year in which said licence was issued or such earlier date if the licence has been revoked or suspended.
- i. Should the licence be issued after September 30th, in any year, the licence fee shall be one-half of the appropriate annual licence fee.
- j. If any annual business licence is revoked, suspended, or cancelled by the Town, the licensee is not entitled to a refund. The Town may cancel or revoke any license upon discretionary evaluation.
- k. No licence for a home occupation shall be granted until the applicant has first obtained the necessary development approval under the applicable land use regulations of the Town of Bow Island.
- l. No licence shall be issued to a huckster until applicant has received approval from a Alberta Health Officer, if applicable.
- m. Each transient salesperson, fish truck, fruit truck shall require an individual license.
- n. Town Council may by resolution waive license fees for charitable organizations

5. REVOCATIONS, SUSPENSIONS AND APPEALS

- a. Where an application for a licence is refused or where a licence is revoked or suspended, the Licencing Officer shall notify the applicant in writing of such refusal, revocation or suspension and the reasons for the same.
- b. In every case where an application has been refused, subject to conditions, revoked or suspended the applicant may appeal to the council.
- c. An appeal pursuant to Section 5(b) shall be made in writing addressed to the town and shall be made within thirty (30) days after date of the refusal, revocation, suspension or date upon which the licence was issued subject to conditions.
- d. Council after hearing an appeal pursuant to Section 5(b) may:
 - i. Direct a licence be issued without conditions,
 - ii. Direct a licence be issued with conditions
 - iii. Uphold the decision of the Licencing Officer on grounds which appear just and reasonable to the town council



6. FEES

All persons requiring a business license as outlined in this bylaw are subject to fees set out in the Bow Island Rates and Fees Bylaw, as amended from time to time.

7. OFFENCES AND PENALTIES

1. If any person is found to be carrying on or operating a business without a valid and subsisting license issued pursuant to this bylaw, a peace officer or member of the RCMP may cause to be served upon such person a violation ticket allowing payment of a penalty, said penalty being the purchase of the required license and the sum of \$100.00 charged to the business in question in lieu of prosecution.
2. Every person who commits a breach of any of the provisions of this bylaw shall upon summary conviction thereof, be liable to a fine not exceeding twenty five hundred dollars (\$2,500.00) and costs, and in default thereof to imprisonment for a period not exceeding six months.
3. It is the intention of Council if any provisions of this bylaw be declared invalid all other provisions shall remain valid and enforceable.

8. RESCINDED OR AMENDED BYLAW

Bylaw No. 2010:01 is hereby repealed in it's entirely

9. EFFECTIVE DATE

READ A FIRST TIME IN COUNCIL THIS 14th DAY OF March, 2022.

READ A SECOND TIME IN COUNCIL THIS 28th DAY OF March, 2022

READ A THIRD TIME AND FINAL TIME THIS 28th DAY OF March, 2022

**TOWN OF BOW ISLAND
MAYOR**

**TOWN OF BOW ISLAND
CHIEF ADMINISTRATIVE OFFICER**