

**TOWN OF OLDS
BYLAW NO. 2008-05**

A BYLAW TO AMEND BUSINESS LICENSE BYLAW NO 00-16

A Bylaw of the Town of Olds, in the Province of Alberta, pursuant to provisions of the Municipal Government Act, being Chapter M-26 of the revised statutes of Alberta 2000 and amendments thereto, to provide for the amendment of the Business License Bylaw No 00-16,

WHEREAS the Municipal Council of the Town of Olds; duly assembled, deems it necessary and expedient to amend the Business License Bylaw No 00-16,

NOWTHEREFORE the Municipal Council of the Town of Olds; duly assembled, enacts as follows:

Repeal: Town of Olds Business License Amendment Bylaw 2005-04 Part 4 License Requirements and Fees.

Insert: Town of Olds Bylaw No 2008-05 A Bylaw to Amend Town of Olds Business License Bylaw No 00-16 as follows:

**PART 4
LICENSE REQUIREMENTS AND FEES**

401. No license shall be required;
- (a) For all business carried on or operated by any person on any grounds directly associated with any events that are directly supervised and controlled by the Olds Agricultural Society
408. Fees
- (a) All business license fees shall be levied on each application and are non-refundable.
- (b) Renewed business license fees are levied as follows;
- (i) Resident Business License Fee - \$100.00/Calendar Year
 - (ii) Resident Home Occupation Fee - \$100.00/Calendar Year
 - (ii) Non-resident Business License Fee - \$200.00/Calendar Year
- (c) New business licenses are levied as follows
- (i) The fee payable for a first time business license issued between the 1st of January and the 30th day of June shall be the license fee for the full year.
 - (ii) The fee payable for a first time business license issued between the 1st day of July and the 31st day of December shall be 50% of the license fee for the full year.

- (d) Pre-registration Discount for Yearly License Fee Renewals
- (i) Yearly business license fee renewals shall be given a 10% reduction in the fee levied as per section 408 (a) of this by-law, provided that the completed business license renewal application and appropriate fees are delivered to the Town of Olds Municipal Office on or Before December 1st prior to the year that the yearly business license renewal is being applied for.
- (e) Temporary License Fee
- Temporary business license fees shall be levied on any applicant who conducts business within the corporate limits of the Town of Olds where the duration of the business activity is equal to or less than two consecutive weeks. Each temporary business license shall be non-refundable and non-transferable. A temporary business license shall immediately terminate upon completion of the two-week time frame as stated on the license. Temporary business license fees are levied as follows;
- (i) Resident business temporary license fee \$25.00
 - (ii) Non-Resident Business temporary license fee \$50.00

This bylaw shall come into effect: February 1, 2008.

Citation: This bylaw may be cited as, "Business License Amendment Bylaw".

Read for a first time this 14th day of January, 2008.

Read for a second time this 14th day of January, 2008.

Read for a third and final time this 28th day of January, 2008.

Judy Dahl, Mayor

Dale Withage, CAO

SIGNED by the Chief Elected Officer and Chief Administrative Officer this 29th day of January, 2008.

**TOWN OF OLDS
BYLAW #00-016**

A Bylaw of the Town of Olds, in the Province of Alberta, pursuant to provisions of the Municipal Government Act, being Chapter M-26.1 of the revised statutes of Alberta 1994 and amendments thereto, to provide for the regulation and licensing of all businesses carried on within the municipality.

WHEREAS the Municipal Council of the Town of Olds; duly assembled, deems it necessary and expedient to provide for the regulation and licensing of all businesses carried on within the municipality,

NOWTHEREFORE the Municipal Council of the Town of Olds; duly assembled, enacts as follows:

PART 1

SHORT TITLE AND INTERPRETATION

100. This by-law may be cited as “the Business License By-law”.
101. DEFINITIONS – in this by-law, unless content otherwise requires:
- (a) “ACT” means the Municipal Government Act, Chapter M-26.1, R.S.A., 1994 and amendments thereto;
 - (b) “APPLICANT” means a person who applies for a business license or renewal of a business license required by this by-law;
 - (c) “BUSINESS” means a commercial, merchandising or industrial activity or undertaking; a profession, trade, occupation, calling or employment, or; an activity providing goods or services, whether or not for profit and however formed, including a cooperative or association of persons.
 - (d) “C.A.O.” means the Chief Administrative Officer of the Town;
 - (e) “COUNCIL” means the municipal Council of the town;
 - (f) “FEE” means the monetary amount levied on each application for a business license as set out in part 408 of this by-law;
 - (g) “LICENSE” means a license granted by the Town entitling the person to whom it is granted to carry on business therein specified in the Town;
 - (h) “LICENSEE” means a person holding a valid and subsisting license issued pursuant to the provisions of this by-law;

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- (i) "LICENSE INSPECTOR" means any person so designated herein and includes any such inspector as designated by Council, or the Chief Administrative Officer, to perform their duties;
- (j) "NON-RESIDENT" means a person not ordinarily residing within the Corporate limits of the Town;
- (k) "NON-RESIDENT BUSINESS" means any business, which does not ordinarily locate or maintain a permanent place of business within the Corporate limits of the Town. This category shall include those non-resident Building contractors and those non-resident trades people associated with the construction and /or repair of a building within the Corporate limits of the Town;
- (l) "RESIDENT" means a person ordinarily residing within the Corporate limits of the Town;
- (m) "RESIDENT BUSINESS" means any business which ordinarily locates or maintain a permanent place of business within the Corporate limits of the Town;
- (n) "HOME OCCUPATION" means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and for which a home occupation development permit has been approved under the provisions of the Land Use By-law and all amendments thereto of the Town;
- (o) "TRANSIENT BUSINESS" means any business, which sets up business on public or private property, but does not maintain a permanent place of business within the Town of Olds. This transient business involves the business of selling or offering for sale goods or services or both, or entering into agreements for the sale of goods or services or both for future delivery or performance, where the salesman offers for sale, solicits, negotiates or concludes the sales agreements at the buyer's residence or place of employment or elsewhere than at the seller's permanent place of business, whether by samples, cards, specimens, demonstrations, entertainments or parties of any kind;
- (p) "TOWN" means the Town of Olds, a municipal corporation of the Province of Alberta, and where the context so requires means the area contained within the corporate boundaries of said municipality.

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PART 2

APPLICATION OF BY-LAW

200. Every licensee shall conform to the provisions of this by-law and of all other by-laws applicable to the business, or business location in respect of which such license was issued.

PART 3

APPOINTMENT, POWERS AND DUTIES OF LICENSE INSPECTOR

300. The C.A.O. shall appoint a License Inspector or License Inspectors to carry out the terms of this by-law.
301. The power and duties of a License Inspector are:
- (a) To administer this by-law and as far as practicable see that all persons concerned conform to its provisions and to prosecute or assist to prosecute persons who fail to comply within;
 - (b) To make an inspection of all premises and locations for which a license is required or has been applied for, pursuant to this by-law, where an inspection by the License Inspector is required by the terms of this by-law;
 - (c) To investigate complaints lodged against a license and, if necessary, inspect the premises or location described in the complaints and to revoke any license issued or to levy fees or penalties pursuant to this by-law.

PART 4

LICENSE REQUIREMENTS AND FEES

400. (a) A license is required to carry on or operate any of the following businesses:
- (i) Resident Business
 - (ii) Non-Resident Business
 - (iii) Home Occupation Business
 - (iv) Transient Business

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- (b) In a prosecution for contravention of this by-law against engaging in or operating a business without a license, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.
- (c) A business license shall be required for all businesses operating within the area contained within the corporate boundaries of the Town of Olds irrespective of any other valid Federal, Provincial, or other municipal certificate, authority, license or other document of qualification unless specifically exempted by the provisions of this by-law or if any statute of Canada or of the province of Alberta specifically exempts such person or businesses from the requirements of municipal licensing;
- (d) When “squatting” on public or private property, approval in writing from the landowner must be submitted to the License Inspector with the application.

401. No license shall be required;

- (a) For any business carried on or operated by any person on any grounds directly associated with the Mountain View County Fair that are directly supervised and controlled by the Olds Agricultural Society;
- (b) For such other businesses as Council by resolution may from time to time exempt;
- (c) Farmers Markets;
- (d) 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.

402. Procedure for Issuance of Licenses

- (a) Each application for a Business License shall be accompanied by the appropriate fee as set out in Section 408 of this bylaw.
- (b) Every person who applies for a business license shall supply the information required by the License Inspector and shall assist the License Inspector in the performance of their duties by providing such additional information as may from time to time be required.

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403. 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 (a) hereof or any other applicable section of this by-law, the licensee shall forthwith return the license to the License Inspector and that license shall be deemed terminated.
- (c) Nothing within this by-law shall preclude a business or individual from re-applying for a business license subject to all aspects of this and all other applicable by-laws being adhered to.

404. Non-Issuance of Licenses

- (a) A license may not be issued to any applicant until the License Inspector has confirmed that the business will comply with all requirements of this and any other by-law applicable thereto.
- (b) No license shall be issued to any applicant therefore unless and until the applicant has filed with the License Inspector any federal or provincial certificate, authority, license or other document of qualification that may be required.

405. Inspections, Revocations and Refusal

- (a) Where a business or its location or locations require any approval or certificate under this by-law, then the location or locations where the business is to be carried on, including the land and building therefore, may be inspected by those persons, inspectors and departments whose approval or certificate is required.
- (b) With respect to complaints received relating to a business or a businesses operation, if, in the sole opinion of Council, municipal resources are being disproportionately allocated to monitor and police said business, that business license shall be immediately revoked.
- (c) Any business for which a license application has been refused, or any business where an existing license has been revoked, shall cease operations immediately upon notification of the refusal or revocation by the License Inspector.

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- (d) When a notice to revoke a license is given, it shall have attached to it in writing the reasons for revocation.
- (e) Where an application for a license has been refused, or where an existing license has been revoked, the applicant or licensee as the case may be, is entitled to appeal to Council the refusal or revocation of the license.
- (f) The applicant or licensee, as the case may be, shall have three (3) business days from the date of refusal or revocation, in which to appeal to Council, in writing; otherwise, the right of appeal shall be barred and extinguished.
- (g) Council shall hear the appeal within fourteen (14) days of receipt and shall give forty-eight (48) hours notice of the hearing in writing to the appellant.
- (h) A decision of Council on an appeal is final and binding on all parties.

406. Display and Production of License

- (a) Every license issued under this by-law shall be made out and delivered to the licensee who shall put up the license in a conspicuous place in his business premises.
- (b) Every licensee who holds a license under this by-law which is not limited to specific premises, shall, so long as the license is in force, have immediately available the license or a copy thereof and such license shall, upon request, forthwith produce same to a License Inspector, any police officer, or other duly authorized person, or any person with whom he is doing business to which the license relates.

407. Duration of License

Every license issued under the provision of this by-law shall terminate at midnight on the 31st day of December of the year in which said license was issued unless:

- (a) The license provides otherwise; or
- (b) The license has been sooner cancelled or forfeited.

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408. Fees

Business License fees shall be levied on each applicant and are non-refundable. There are no reductions in fee amounts for either a partial year or any portion of a year thereof. All license fees are based on a yearly amount for the duration of the License and are levied as follows:

- Resident Business License yearly fee \$50.00/Calender year
- Home Occupation Business License yearly fee \$75.00/Calender year
- Non-Resident Business License yearly fee \$150.00/Calender year
- Transient Business License yearly fee \$500.00/Calender year

PART 5

PENALTY

500. Any person who commits a breach of this by-law shall be liable upon summary conviction thereof, to a fine of not less than \$500.00 and not more than \$1,000.00 and, in addition thereto, to a fine of not less than \$500.00 and not more than \$2,500.00 for every day that the offence continues, and cost plus damages and in default thereof to imprisonment for a period not exceeding 60 days unless the fine and costs, including the costs of committal, are sooner paid.

PART 6

601. By-law number 1500-95 is hereby repealed.

THIS BYLAW COMES INTO EFFECT JANUARY 1ST, 2001.

Read a first time the 11th day of September 2000 on a motion made by Councillor Bodnar

Read a second time the ___ day of _____ on a motion made by Councillor _____

Read a third and final time the ___ day of _____ on a motion made by Councillor _____

Mayor Norma Lea Duncan

Dale Withage, CAO

Date of Signature(s):