

**TOWN OF SUNDRE**  
**BYLAW NO. 810**

**A BYLAW OF THE TOWN OF SUNDRE FOR THE PURPOSE OF REGULATING AND LICENSING ALL BUSINESSES CARRIED ON WITHIN THE MUNICIPALITY PURSUANT TO THE POWERS AND PROVISIONS VESTED IN THE TOWN OF SUNDRE BY VIRTUE OF THE MUNICIPAL GOVERNMENT ACT CHAPTER M-26, R.S.A. 2000 WITH AMENDMENTS THERETO.**

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF SUNDRE ENACTS AS FOLLOWS:

**PART 1**

**SHORT TITLE AND INTERPRETATION**

**100.** This bylaw may be cited as "the License Bylaw".

**101.** Interpretation - in this bylaw, unless the context otherwise requires:

- (a) "**ACT**" means the Municipal Government Act, R.S.A. 2000, Chapter M-26.1 with amendments thereto;
- (b) "**APPLICANT**" means a person who applies for a license or renewal of a license required by this bylaw;
- (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 organised or formed, including a co-operative or association for persons.
- (d) "**C.A.O.**" means Chief Administrative Officer of the Town;
- (e) "**COUNCIL**" means the municipal Council of the Town;
- (f) "**DIRECT SELLER**" means the business of selling or offering for sale goods or services or both, or entering into agreements for the sale of goods or services of 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, entertainment's or parties of any kind;
- (g) "**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 provision of the Land Use Bylaw No. 705 with amendments, of the Town;
- (h) "**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;
- (i) "**LICENSEE**" means a person holding a valid and subsisting license issued pursuant to the provisions of this bylaw;
- (j) "**LICENSE INSPECTOR**" means the person so designated herein and includes an inspector designated

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by Council, or the Chief Administrative Officer, to perform their duties;

- (k) **"NON-RESIDENT"** means a person not ordinarily residing within the Corporate limits of the Town;
- (l) **"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;
- (m) **"RESIDENT"** means a person ordinarily residing within the Corporate limits of the Town;
- (n) **"RESIDENT BUSINESS"** means any business which ordinarily locates or maintains a permanent place of business within the Corporate limits of the Town;
- (o) **"TOWN"** means the Town of Sundre, 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;
- (p) **"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 Sundre and who as a principal or agent offers for sale any merchandise or food product to any person. When "squatting" on public or private property, approval in writing from the landowner must be submitted to the License Officer with the application.

## **PART 2**

### **APPLICATION OF BYLAW**

**200.** Every licensee shall conform to the provisions of this bylaw and any other bylaw applicable to the business, activity or matter in respect of which such license was issued.

## **PART 3**

### **APPOINTMENT, POWERS AND DUTIES OF LICENSE INSPECTOR**

**300.** The Council shall appoint a License Inspector to carry out the terms of this bylaw.

**301.** The power and duties of the License Inspector are:

- (a) to administer this bylaw and as far as practicable see that all persons concerned conform to its provisions and to prosecute persons who fail to comply therein;
- (b) to make an inspection of all premises and locations for which a license is required or has been applied for, pursuant to this bylaw, where an inspection by the License Inspector is required by the terms of this bylaw;
- (c) to investigate complaints lodged against a license and, if necessary, inspect the premises or location described in the complaints and to suspend, cancel, or revoke any license issued or to fine levy fees or penalties pursuant to this bylaw.

## **PART 4**

**LICENSE REQUIREMENTS AND FEES**

**400.** (a) A license is required to carry on or operate any of the following businesses:

- (i) Resident
- (ii) Non-Resident
- (iii) Home Occupation

(b) Any advertising of a business shall be deemed to be prima facie proof of the fact that the person advertising is carrying on or operating such business.

**401. No License Shall be Required:**

(a) for such other businesses as Council by resolution may from time to time exempt;

(b) as a general rule, a person who sells:

(i) meat, fish or other farm produce which has been produced, raised, or grown in the Province of Alberta by himself or,

(ii) fish of his own catching within the Province of Alberta,

is exempt from business licensing;

(c) if a business is carried on by the governments of Alberta or Canada nor shall a license be required by any person or business if any statute of Canada or of the Province of Alberta exempts such person or businesses from requirements of municipal licensing;

(d) Farmers Market;

(e) Trade Fair.

**402. Part Year**

(a) The License Inspector may after July 1 of any license year, issue a license for one-half the annual fee set out by resolution of Council.

(b) Where a license is surrendered, or revoked, prior to July 1, the Town shall refund to the licensee one-half of the annual fee therefore; but this provision shall not apply to any license issued for a period of less than the full license year.

**403. Procedure for Issuance of Licenses**

Every person who applies for a license shall supply the information required 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.

**404. Nullification of License**

(a) Where any certificate, authority, license or other document of qualification under this or any other bylaw, or under any statute of Canada or Province of Alberta is suspended, cancelled, terminated or surrendered, any license issued under this bylaw 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, the licensee shall forthwith:

(i) return the license to the License Inspector, or

(ii) furnish the License Inspector with proof satisfactory to it of a renewal or reissue of any certificate, authority, license or other document of qualification referred to in subsection 404(a) hereof.

**405. Non-Issuance of Licenses**

(a) No license shall be issued to any applicant therefore unless and until a report of any inspection made pursuant to this bylaw has been received by the License Inspector confirming that:

(i) the business is approved on the land or in the building in which it is to be conducted; and

(ii) the business will comply with all other requirements of these \_\_\_\_\_ and any other bylaw applicable thereto.

(b) No license shall be issued to any applicant therefore unless and until the applicant has filed with the License Inspector:

(i) any approvals or certificates required by other jurisdictions;

(ii) any federal or provincial certificate, authority, license or other document of qualification that may be required.

**406. Inspections, Revocations and Refusal**

(a) Where a business or its location or locations require any approval or certificate under this bylaw, 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) When a notice to suspend or revoke a license is given, it shall have attached to it the following:

(i) the reasons for suspension or revocation in writing;

(ii) the conditions under which the license will be reinstated.

(c) Where an application for a license has been refused, or where an existing license has been suspended or revoked, the applicant or licensee as the case may be, is entitled to appeal to the General Government

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Committee the refusal, or suspension or revocation of the license.

(d) The applicant or licensee, as the case may be, shall have thirty (30) days from the date of refusal or notification of suspension or revocation, in which to appeal to the Town Management and Governance Committee, in writing; otherwise, the right of appeal shall be barred and extinguished.

(e) The Town Management and Governance Committee shall hear the appeal within 30 days of receipt and shall give 5 days notice of the hearing in writing to the appellant.

(f) The Town Management and Governance Committee shall make a recommendation to Council within thirty (30) days of the hearing.

(g) A decision of Council on an appeal is final and binding on all parties.

### **407. Display and Production of License**

(a) Display on specific premises- every license issued under this bylaw shall be made out and delivered to the licensee who shall post the license in a conspicuous place in his business premises.

(b) Every licensee who holds a license under this bylaw which is not limited to specific premises, shall, so long as the license is in force, carry on his person or have immediately available the license or a duly authorized copy thereof and such license shall, upon request, forthwith produce same to a License Inspector, any assistant, any police officer, or other duly authorized person, or any person with whom he is doing business to which the license relates.

### **408. Duration of License**

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

- (a) the terms of this bylaw otherwise expressly provides; or
- (b) the license provides otherwise; or
- (c) the license has been sooner cancelled or forfeited.

### **409. Fees**

License fees shall be set from time to time by resolution of Council.

## **PART 5**

### **PENALTY**

**500.** Any person who commits a breach of this bylaw 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 \$2500.00 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**

**600. Repeal**

Bylaw No. 718 is hereby repealed.

THIS BYLAW COMES INTO EFFECT JANUARY 1st, 2005.

Read a first, second, and a third time in Council this 14<sup>th</sup> day of February, 2005, and finally passed.

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**MAYOR**

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**CHIEF ADMINISTRATIVE OFFICER**