



A BYLAW OF THE TOWN OF RIMBEY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATION AND LICENSING OF BUSINESSES CARRIED ON WITHIN THE CORPORATE LIMITS OF THE TOWN AND TO PROVIDE FOR THE APPOINTMENT OF A LICENSE INSPECTOR.

WHEREAS

Pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, the Council may pass Bylaws respecting businesses and provide for a system of licensing;

NOW THEREFORE

The Council of the Town of Rimbey duly assembled enacts as follows:

PART I - BYLAW TITLE

- 1) This Bylaw may be cited as the "Business License Bylaw".

PART II - DEFINITIONS

- 1) In this Bylaw unless the context otherwise requires:
 - a) "business" means a commercial, merchandising or industrial activity or undertaking; a profession, trade, occupation, calling or employment; or an activity providing goods or services, including a cooperative or association of persons.
 - b) "business license" or "license" means a license granted by the Town of Rimbey, authorizing the person to whom it is granted to carry on the business activity therein specified in the Town of Rimbey.
 - c) "C.A.O." means the Chief Administrative Officer of the Town of Rimbey.
 - d) "Council" means the Council of the Town of Rimbey.
 - e) "development permit" means a document authorizing a development issued pursuant to the Town of Rimbey's Land Use Bylaw.
 - f) "Hawker or Peddler" means a person not being a body corporate and who, whether as principal or agent;
 - i) goes from house to house selling or offering for sale any merchandise to any person, and who is not a wholesale or retail dealer in such merchandise with a permanent place of business in the Town of Rimbey;
 - ii) offers or exposes for sale to any person by means of sample, patterns, cuts or blueprints, merchandise to be afterwards delivered or shipped into the Town, or;
 - iii) sells merchandise or a service, or both, on the streets or roads or elsewhere than at a building that is his permanent place of business in the Town;
 - iv) does not have a permanent place of business in the municipality.
 - g) "Home business" or "Home office" means a home business or home office as defined by the Town of Rimbey Land Use Bylaw.



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- h) "License Inspector" means and includes a Community Peace Officer, Licensing Officer or any person so designated by Council, or the Chief Administrative Officer, to perform their duties.
- i) "licensee" means a person to whom a license has been issued, pursuant to the provisions of this Bylaw.
- j) "local area business" means a business that does not have a permanent office or place of business within the corporate limits of the Town of Rimbey and is located within the County of Ponoka, west of the 5th meridian, or within Township 41 of the County of Lacombe.
- k) "non-resident business" means a business that does not have a permanent office or place of business within the corporate limits of the Town of Rimbey and includes a hawker or peddler.
- l) "Peace Officer" means any member of the RCMP, a Peace Officer and a Bylaw Enforcement Officer.
- m) "resident business" means a business where a permanent office or place of business is situated in either a commercial, industrial, residential, or direct control district within the corporate limits of the Town of Rimbey and includes a hawker or peddler.
- n) "Town" means the Town of Rimbey.

PART III – LICENSE INSPECTOR

- 1) Council or the C.A.O. shall appoint a License Inspector or License Inspectors to carry out the terms of this Bylaw.
- 2) The power and duties of a 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 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 Bylaw;
 - 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 and to levy fees or penalties pursuant to this Bylaw.

PART IV – LICENSE PROCEDURES

- 1) No person within or partly within the Town shall be engaged in any business unless and until they have paid the prescribed fee and hold a valid and subsisting business license as set out in Schedule "A" hereto, and issued pursuant to the provisions of this Bylaw, unless specifically exempted by law or within this Bylaw.



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- 2) Every person applying for a new business license shall submit to the License Inspector a written application as per Schedule "C" of this Bylaw and signed by the applicant or agent of the corporation.
- 3) The Town shall issue an invoice in December of each year for a business license for the upcoming year, to all holders of valid business licenses in the current calendar year.
- 4) Payment of the business license fee shall be made no later than the last business day of January, or the fee shall be doubled.
- 5) No business license shall be granted until the applicant has submitted to the License Inspector the proper fee as provided by this Bylaw. (moved - previously clause 14)
- 6) All Sub-Trades hired by a Developer must be in possession of a valid Town of Rimbey Business License.
- 7) Subject to the provisions of this Bylaw, upon receipt of an application for business license, the License Inspector may grant a business license or may refuse a business license, if, in his opinion, there are just and reasonable grounds for the refusal of the application.
- 8) Subject to the provisions of this Bylaw, where a business license has been granted pursuant to this Bylaw, the License Inspector may revoke or suspend the business license, if, in his opinion, there are just and reasonable grounds for the revocation of the license.
- 9) Upon a license being revoked or suspended as hereinbefore provided, the License Inspector shall notify the licensee thereof:
 - a) By delivery of notice to him personally, or
 - b) By mailing a registered letter to his place of residence or business,

and, after the delivery of such notice, his business shall not be carried on until such time as a new license is issued or the suspended license is reinstated.
- 10) No business license shall be granted until such time as the applicant holds a valid development permit where required by the Land Use Bylaw.
- 11) No business license shall be granted until such time as the applicant holds a valid Provincial or Federal license required by law.
- 12) No business license shall be granted if the applicant fails to comply with any other bylaw of the Town of Rimbey.
- 13) No business license shall be valid unless the said license has been signed by the License Inspector or anyone designated to act on his behalf.



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- 14) Any advertising of the businesses referred to in this Bylaw shall be deemed to be prima facie proof of the fact that the person advertising is carrying on or operating any such business.
- 15) Every business license issued under this Bylaw shall be posted in a conspicuous place in the business premises of the said license.
- 16) Every business license issued under the provisions of this Bylaw, unless revoked, shall terminate at midnight on the 31st day of December of the year in which the said license was issued.
- 17) No business license shall be required for:
 - a) Businesses specifically exempted from obtaining a municipal business license by Provincial or Federal legislation;
 - b) A business that is carried on by the Government of the Province of Alberta or Canada;
 - c) A business that is a charitable or non-profit organization;
 - d) A business that carries on its activities at the Farmer's Market;
 - e) A business that is carried on or operated by the municipality or its employees on behalf of the municipality;
 - f) A supplier bringing in bulk goods to a licensed business for the purpose of resale;
 - g) 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.
 - h) Such other businesses as Council by resolution may from time to time exempt.
- 18) Where any certificate, authority, license or other document of qualification under this or any other Bylaw, or under any statute of Canada or the 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.
- 19) In every case where an application for a business license has been refused or a business license has been revoked, the person seeking the license may appeal to Council.
- 20) A notice of appeal from Clause 18 shall be made within thirty (30) business days after a refusal or revocation.



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- 21) All appeals shall be made in writing addressed to the C.A.O. of the Town and shall be dated as of the date received by the C.A.O.
- 22) Council, after hearing the applicant may:
 - a) Direct a business license be issued;
 - b) Direct a business license be issued with conditions;
 - c) Refuse to grant a business license;
 - d) Uphold the revocation of a business license on the grounds which appear just and reasonable.
- 23) A decision of Council on an appeal is final and binding on all parties.
- 24) Every person carrying on or engaged in any business in respect of which a license is required under this Bylaw, upon receipt of the License Inspector, shall give to the License Inspector all information necessary to enable him to carry out his duties.
- 25) No person shall commence to, or shall carry on or engage in the business of a Hawker or Peddler on public property within the Town unless and until such person is the holder of a business license issued pursuant to this Bylaw.
- 26) There shall be no sales by Hawkers or Peddlers licensed pursuant to this Bylaw within 150 metres of stores selling similar produce or products.

PART V - ENFORCEMENT

- 1) The C.A.O. of the Town or a Peace Officer may, at their discretion, issue a letter or notice to anyone who is in contravention of any section of this Bylaw directing the said person to take any action required so as not to be in breach of the section. The notice or letter may provide a time frame for the person to complete the action.
- 2) Any person who does not comply with a notice or letter is subject to a penalty pursuant to a fine amount as listed in Schedule "B".
- 3) A Peace Officer is hereby authorized and empowered to issue a violation ticket to any person who the Peace Officer believes on reasonable and probable grounds has contravened any section of this Bylaw.
- 4) Any person to whom a violation ticket has been issued may make the voluntary payment, if one is offered, by delivering the violation ticket as per instructions on the violation ticket along with an amount equal to that specified for the offence as set out in this Bylaw.



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- 5) Notwithstanding the provisions of this Bylaw, any person who has been issued a violation ticket pursuant to any section of this Bylaw may exercise his/her right to defend any charge of committing a contravention of any provision of this Bylaw.
- 6) A person issued a violation ticket for an offence shall be deemed sufficiently and properly served if served personally on the accused.
- 7) Should a person within or partly within the Town be engaged in any business without a valid and subsisting business license, unless specifically exempted by law, then as per Section 8 of the Municipal Government Act they may be prevented from engaging in any business until such time that they attain a valid business license.

PART VI - SEVERABILITY

- 1) Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

PART VII - REPEAL

- 1) Bylaws 003/19, 006/19, 043/37, 153/47, 164/48, 169/48, 197/50, 221/51, 235/52, 250/53, 117/70, 149/71, 195/73, 707/99 and 873/11 are hereby repealed.

READ a First Time in Council this 28 day of November 2016.

READ a Second Time in Council this 28 day of November 2016.

UNANIMOUSLY AGREED to present this Bylaw for Third and Final Reading.

READ a Third Time and Finally Passed this 28 day of November 2016.

A handwritten signature in blue ink, appearing to read "Rick Pankiw".

Mayor Rick Pankiw

A handwritten signature in blue ink, appearing to read "Lori Hillis".

Chief Administrative Officer Lori Hillis



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SCHEDULE "A" – BUSINESS LICENSE FEES

Resident Business	\$35.00
Local Area Business	\$85.00
Home Office or Home Business	\$50.00
Non-Resident Business	\$250.00
Daily License (any category)	\$50.00

New annual business license fees shall be prorated to the month of application. This does not apply to a Non-Resident Business or Daily License.

SCHEDULE "B" - VIOLATIONS AND PENALTIES

Any person who commits a breach of any of the provisions of this bylaw shall be liable to a penalty of \$200.00 (Two-hundred dollars).

A person who commits a second or subsequent offence within a period of one (1) year may be subject to a fine that is double the amounts above.

The issuance of a violation ticket that includes a penalty does not preclude the requirement to obtain a valid business license.



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SCHEDULE "C" – BUSINESS LICENSE APPLICATION

Business Name:					
Mailing Address:					
Street Address of Business:					
Owned By:			Business Telephone No:		
Is This a Home Office or a Home Business? (A business is visited by a significant number of clients)				Will there be vendor and customer traffic?	
Description of the Business:					
*Important:	Applicant may not proceed with the business or any construction to the business site until a business license and other necessary permits have been obtained if required				
Date:			Signature of Applicant:		
<p><i>The personal information requested on this form is being collected for the purpose of processing your application and is governed, authorized and protected by the Freedom of Information and Protection of Privacy Act (FOIP). By providing this information, you consent to its use for the above purposes. If you have any questions with respect to the collection or release of this information, please contact the Town of Rimbey FOIP Coordinator at 403.843.2113.</i></p>					
Office Use Only					
Roll #:		Zoning:		Business License Fee:	\$
Is this a permitted use according to the Land Use By-Law?					
Legal Land Description:	Lot:	Block:		Plan:	
Was a development permit applied for?					
Approval by Administration:				Date:	