

VILLAGE OF CAROLINE

BY-LAW #002/09

A By-Law of the Village of Caroline, to license and regulate certain businesses, trades and occupations within the Village.

WHEREAS the Council of the Village of Caroline may, pursuant to provisions of the Municipal Government Act, RSA 1980, Chapter M-26 and amendments thereto, issue a by-law for the purpose of regulating and controlling businesses within the Village of Caroline, and;

WHEREAS it is deemed expedient to do so;

NOW THEREFORE, the Municipal Council of the Village of Caroline in the Province of Alberta, in council assembled, enacts as follows:

TITLE

1. This by-law may be cited as the "Business Licensing By-law of the Village of Caroline".

DEFINITIONS

2.
 - a. "Application" - a written application for a business license as provided for by this by-law;
 - b. "Business" - includes business, trade, profession, industry, occupation, employment, calling and the providing of goods and services;
 - c. "Business License" - a license issued pursuant to this By-law;
 - d. "Business Premises" - includes the store, office, warehouse, factory, building, enclosure, yard, or other place occupied or capable of being occupied for the purpose of carrying on a business;
 - e. "Hawker" - any person whether as principle or agent:
 - i) Goes from house to house selling or offering for sale any merchandise or services, or both, to any person, and who is not a wholesale or retail dealer in such merchandise or services, and not having a permanent place of business in the municipality, or;

- ii) Offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or services, or both, to be afterwards delivered in or shipped into the municipality, or;
- iii) Sells merchandise or services, or both on the streets or elsewhere than at a building that is his permanent place of business, but does not include any person selling meat, fruit or other farm produce that has been produced, raised or grown by himself, or in the Province of Alberta, fish of his own catching.
- f. "Home Occupation" – means an occupation carried on in a residence by one or more members of a family occupying the said residence as a dwelling, and for which the Council or delegated authority has approved the operation of a business from the dwelling;
- g. "Resident Business" – means a business that is established within the corporate limits of the Village of Caroline;
- h. "Non-resident Business" – means a business that is established elsewhere than within the corporate limits of the Village of Caroline;
- i. "Village" – means the Municipal Corporation of the Village of Caroline;
- j. "Village Council" – means the Municipal Council of the Village of Caroline;
- k. "Administrator" – means the Municipal Administrator of the Village of Caroline, and anyone designated by the Administrator to act on their behalf;

LICENSE APPLICATIONS

- 3.
 - a. Every person applying for a business license shall submit to the Village Administrator a written application in the form attached to this By-law ("Schedule B") and signed by the applicant or, in the case of a corporation, its duly appointed agent;
 - b. Every application for a business license for an existing business shall be submitted to the Administrator by the 31st of January of each year;

- c. No business license shall be granted to a person under 18 years of age;

POWER OF REFUSAL

- 4. Subject to the provisions of this By-law, upon receipt of an application for a business license, the Administrator 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;

POWER OF REVOCATION

- 5. Subject to the provisions of this By-law, where a business license has been granted pursuant to the By-law, the Administrator may revoke the business license if, in his opinion, there are just and reasonable grounds for the revocation of the license;

CONDITIONS OF BUSINESS LICENSE

- 6.
 - a. No business license shall be granted until such time as the applicant holds a valid development permit where required by the Land Use By-law of the Village of Caroline;
 - b. No business license shall be granted until such time as the applicant holds a valid Provincial or Federal license where required by law;
 - c. No business license shall be granted if the applicant fails to comply with any other By-law of the Village of Caroline;
 - d. No business license shall be granted until the applicant has submitted to the Administrator the proper fee as provided by this By-law;
- 7. The following occupations or activities are exempted from requiring a license under the provisions of this By-law:
 - a. local service clubs;
 - b. farmers markets;
 - c. sellers of meat, fruit or other farm produce that has been produced, raised or grown by the seller;
- 8. With the exception of Section 9, no person shall carry on or operate any business within or partly within the Village

without holding a valid and subsisting business license issued pursuant to the provisions of this By-law unless specifically exempted by law;

9. Every business license issued under this By-law shall be posted in a conspicuous place in the business premises of the license;
10. Businesses may not be operated on property that is not owned by the holder of the Business license, without the express written consent of the property owner. In addition to private property, this also applies to Village owned property such as public parking lots;
11. Every business license issued under the provisions of the By-law, unless revoked, shall terminate at midnight on the 31st day of December of the year in which said license was issued;
12.
 - a. Fees payable for Business Licenses are as per "Schedule A", attached to and forming part of this By-law;
 - b. The fee payable for a business license issued between the first day of January and the 30th day of September in any 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 year shall be one half of the license fee for the full year, if a business license is issued after the 30th day of September for a business that has been operating prior to the 30th day of September, the full license fee shall be applied;
 - d. Where a business license is revoked or surrendered, the licensee is entitled to a refund of one dollar (\$1.00);

APPEAL

- 13.
- a. In every case where an application for a business license has been refused or revoked, the person seeking the license may appeal to the Village Council;
 - b. An appeal from subsection (a) must be made by the applicant within thirty (30) days after such refusal or revocation;
 - c. All appeals must be made in writing, addressed to the Council of the Village of Caroline, and must be dated as of the date received by the Administrator;
 - d. The appeal will not be heard if the date it is received by the Administrator falls outside of the thirty (30) day period outlined in section (b);
 - e. The Council, after hearing the applicant, may:
 - i) Direct a business license to be issued;
 - ii) Direct a business license to be issued with conditions;
 - iii) Refuse to grant a business license, or;
 - iv) Uphold the revocation of a business license;

PENALTY

- 14.
- a. Any person in contravention of any provision of this By-law shall be guilty of an offence and liable on summary conviction to a penalty of not more than Five hundred dollars (\$500.00) and costs;
 - b. Where an offence is non-payment of any license fee payable hereunder, the convicting magistrate may adjudge payment of the business license fee thereof in addition to the fine imposed;

ENACTMENT

15. This By-law shall come into full force and effect upon final reading;
By-law #392 and all amendments thereafter are repealed upon final reading.

READ a first time this 20 day of October, 2009 AD

READ a second time this 20 day of October, 2009 AD

READ a third time this 20 day of October, 2009 AD

Laura Budmire
Mayor

[Signature]
Chief Administrative Officer

Schedule "A" – Business License Fees

Business License Fees

Resident Business (purchased January 1 – September 30) - \$50.00
Resident Business (purchased October 1 – December 31) - \$25.00*

Non-Resident Business (purchased January 1 – September 30) -
\$75.00

Non-Resident Business (purchased October 1 – December 31) -
\$37.50*

Home Occupation - \$50.00

Resident Hawkers (yearly license purchased January 1 – September
30) - \$50.00

Resident Hawkers (yearly license purchased October 1 – December 31)
- \$25.00*

Non-Resident Hawkers (yearly license purchased January 1 –
September 30) - \$100.00

Non-Resident Hawkers (yearly license purchased October 1 –
December 31) - \$50.00*

Hawkers (daily license) - \$30.00

* Licenses issued after September 30, for businesses that have been
operating prior to September 30 shall incur the full year's fee rather
than the discounted rate

Schedule "B" – Business License Application Form



Form **Business License Application**

LICENSE APPLICATION NUMBER _____ **2009 -** _____

I/we, under the provisions of the Village of Caroline By-Law #02/09, and in accordance with the plans and supporting information herewith and which forms part of this application hereby make application for obtaining a Business License.

APPLICANT: _____

TELEPHONE: _____

Applicant's Mailing Address: (include town and postal code)

DESCRIPTION OF PROPOSED BUSINESS:

ADDRESS OF PROPOSED BUSINESS (if applicable) (include town and postal code):

HAVE YOU RECEIVED:

A development permit? _____
(if yes, what is the permit number?) _____

Any applicable Federal/Provincial Licenses?
(if yes, which ones?) _____

ESTIMATED DATE OF COMMENCEMENT: _____

FEE: \$ _____

SIGNATURE OF APPLICANT _____ **DATE:** _____