

VILLAGE OF RYCROFT BYLAW NO. 88-08

A BYLAW OF THE VILLAGE OF RYCROFT IN THE PROVINCE OF ALBERTA TO LICENSE, REGULATE AND CONTROL BUSINESSES AND INDUSTRY.

Whereas, the Municipal Government Act, RSA 2000, Chapter M-26 as amended, provides that the Council of a municipality may, by bylaw, regulate businesses including licensing; and

Whereas, the Municipal Council of the Village of Rycroft deems it desirable to make regulations controlling businesses and industry;

NOW THEREFORE under the authority of the Municipal Government Act RSA 2000, Chapter M-26, the Council of the Village of Rycroft, in the Province of Alberta, duly assembled enacts as follows:

Part 1

SHORT TITLE

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

Part 2

DEFINITIONS

2. In this Bylaw the following words shall have the meaning prescribed hereto but at no time in the use of the words as relating to this Bylaw any word be construed to have a meaning within the popular usage of the word within the English language.
 - a) "**Auctioneer**" shall mean a person who sells or offers for sale by public auction any real or personal property;
 - b) "**Business**" shall mean any business, trade, calling or occupation;
 - c) "**Bylaw Officer**" shall mean the person designated to enforce the bylaws of the Village as designated by the Council;
 - d) "**CAO**" shall mean the Chief Administrative Officer for the Village of Rycroft as appointed by the Council;
 - e) "**Caterer**" shall mean any person or organization who prepares sandwiches, beverages, lunches or meals to be consumed at premises other than those of the licensee;
 - f) "**Commercial Property**" shall mean any property within the Village of Rycroft which is subject to commercial taxation;
 - g) "**Council**" shall mean the duly elected Council of the Village of Rycroft;
 - h) "**Contractor**" shall mean any person who undertakes as principal or sub-contractor to do, provide, or carry on, within the Village limits, trades or occupations relative to the construction industry;
 - i) "**General Contractor**" shall mean a person(s), partnership(s), or corporation(s), who undertake to direct or supervise sub-contractors to do, provide, or carry on within the corporate limits of the Village of Rycroft: trades or occupations relative to the construction industry;
 - j) "**Garage Sale**" shall mean displaying and offering for sale five or more items of new or used merchandise and personal property, excluding automobiles, from what is commonly referred to as private residential property;

- k) **"Hawker or Peddler"** means a person not being a body corporate and who, whether as principle agent or not, or principle, or agent.
 - i. Goes from house to house selling or offering for sale any merchandise to any person, and who is not wholesale or retail dealer in such merchandise with a permanent place of business in the Village of Rycroft;
 - ii. Offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise afterwards delivered in or shipped into the Village of Rycroft;
 - iii. Sells merchandise on the streets or roads or elsewhere than at a building that is his/her permanent place of business, but
 - iv. Does not include a person selling meat, fruit or other farm produce that has been produced, raised or grown by himself/herself, or fish of his own catching;
- l) **"Home Based Business"** shall mean any calling, trade, craft, or occupation carried on from a residence or accessory residential building, by one or more members of a family occupying the said residence and for which a home occupation has been approved under the provisions of the Land Use Bylaw;
- m) **"Licensee"** shall mean a person holding a valid business license issued pursuant to this bylaw;
- n) **"License Inspector"** shall mean the CAO, a Bylaw Enforcement Officer, a member of the RCMP, a member of a municipal police force or a special constable authorized and appointed person acting on his/her behalf to enforce this bylaw;
- o) **"Locksmith"** shall mean any person who operates the business of providing locks, keys and safes and services thereto;
- p) **"Non-Residential Business"** shall mean a business that has no business property nor does the owner reside within the Corporate limits of the Village of Rycroft;
- q) **"Real Estate Agents"** shall mean any person or persons in the business of selling or offering for sale real or personal property within the corporate limits of the Village of Rycroft;
- r) **"Residential Business"** shall mean a business that has a business property within the Corporate limits of the Village of Rycroft;
- s) **"Second Hand Dealer"** shall mean dealers in used articles and goods of every description;
- t) **"Sub-contractor"** shall mean any person(s), partnership(s), or corporation(s), who is under the direction of a general contractor, property owner, or person in possession of property, who undertakes to provide or carry out a trade or occupation relative to the construction industry within the corporate limits of the Village of Rycroft;
- u) **"Taxi Service"** shall mean the business of offering for gain or profit, the use of metered or non-metered vehicles and drivers.

Part 3
LICENSING

- 3. No person shall, within, or partly within and partly without, the Village of Rycroft, carry on or operate any business, calling, trade or occupation, or carry on any undertaking, or do any act or use, or have any article for which a license is required under the provisions of this Bylaw, unless he holds a valid and subsisting license issued pursuant to the provisions of this Bylaw.
 - a) Every person who applies for a business license of the Village of Rycroft shall be in possession of a valid Provincial business license as required by the Province of Alberta.
 - b) The CAO shall not issue a license until the applicant has paid the appropriate license fee as is set out in the Master Rates Bylaw of the Village of Rycroft.
 - c) Every license shall have effect from the date of issue or renewal until the 31st day of December next following or until revoked, whichever is sooner.
 - d) Notwithstanding Section 3 c), a license may be issued for a specific number of day or days as indicated on the license.
 - e) The CAO may issue a business license subject to certain conditions, but shall endorse on the license the particulars of such conditions.
 - f) For the purpose of this Bylaw a business, calling, trade or occupation shall be classified as Resident or Non-Resident and the respective license so endorsed.
 - g) A business license issued under this Bylaw is not transferable.

- h) Where a license-holder changes his/her business name or address the license may be amended to reflect the change upon such terms as the CAO may require.
- i) Every license shall be displayed in a conspicuous place at the chief place of business in the Village of Rycroft for which it was issued.
- j) Every business license shall, at all reasonable times, be produced upon request for the CAO, a Peace Officer, a Bylaw Officer or any person authorized on that behalf by the Council or CAO.

Part 4

APPLICATIONS

- 4. Any person requiring a business license under this Bylaw shall apply to the CAO in Form "A" of "Schedule A" as attached hereto and forming a part of this Bylaw, and tender the fee prescribed in the Village's Master Rates Bylaw.
 - a) An application for a license for any business or occupation of any type mentioned in this Bylaw shall be made jointly by all persons who will be actively engaged in the management and control of the business and those persons only. If in the course of any license year additional persons are added to those sharing the management and control of the licensed operations, then the additional names shall be forthwith given to the CAO. Failure to disclose any of the information required herein shall be ground for immediate cancellation of the license if issued, and the forfeiture of any fee paid for the license.

Part 5

ISSUANCE

- 5. Upon being satisfied that an application is in compliance with this Bylaw and that the applicant is entitled to the license applied for, the CAO shall issue the license in the prescribed form, which shall be signed by the CAO under the seal of the Village of Rycroft.

Part 6

REFUNDS

- 6. Except as otherwise ordered by the Council, no money shall be refunded to a person whose license has been revoked or surrendered while still current.

Part 7

RENEWAL

- 7. Subject to subsection 7 a) a renewal of a business license may be issued without application upon payment of the prescribed fee to the CAO.
 - a) Notwithstanding subsection 7, the CAO may require an applicant for renewal of a business license to make an application in accordance with **Part 6** where, in the opinion of the CAO, circumstances have changed.

Part 8

REVOCAION

- 8. The CAO may, subject to the provisions of this Bylaw, revoke a business license issued under this Bylaw where he/she is satisfied that;
 - a) The license was issued or renewed in error;
 - b) The license has violated the provisions of the Bylaw in respect to any business licensed or required to be licensed under this Bylaw;
 - c) The license, when licensed as a resident, was not, or has ceased to be, a resident.

Part 9

APPEAL

9. A person aggrieved by revocation or refusal or failure to issue a business license, may appeal in writing to the Council with a copy to be served in person upon the CAO stating the matter complained of, the grounds of appeal, and the relief sought.
- a) The Council shall hear and determine an appeal made under subsection 9, at such time and place within the Village as the Council may decide, and following such a hearing the Council may order the CAO to,
 - i. Issue a business license upon such terms as the Council may specify;
 - ii. Renew or reinstate a business license that has expired or been revoked;
 - iii. Revoke a license; or
 - iv. Refuse to issue or renew a business license.

Part 10

TEMPORARY BUSINESS LICENSE

10. Pending the result of an appeal made under subsection 9, the Council may order the CAO to issue a temporary business license.

Part 11

DECISION ON APPEAL

11. An order of the Council made under subsection 9 a), shall be binding upon the CAO and the person appealing.

Part 12

PENALTIES

12. Within this Bylaw, where no other penalty is provided, a person found guilty by a Provincial Judge of violating a provision of this Bylaw shall be liable to a minimum fine of fifty dollars and a maximum fine of one thousand dollars, or in default of payment to imprisonment in a Provincial Jail for a maximum of six months or both.

Part 13

INSPECTION

13. Any premise or place in respect of which a business license has been issued under the provisions of this Bylaw shall be subject to inspection at all times by the CAO, and by personnel of the Provincial Board of Health, and by personnel of the Building Standards Branch and Fire Prevention Branch of Alberta Labour.

Part 14

TRADES AND OCCUPATIONS

14. The Council, by resolution, may define any business trade or occupation, for the purpose of this Bylaw.
- a) The Council, by resolution, may pass regulations for the conduct of the various businesses, trades or occupations.

Part 15

VOLUNTARY PENALTIES

15. The specified voluntary penalties for the following subsections are:
- a) 3 \$100.00
 - b) 3 j) \$50.00

Part 16

ENACTMENT

16. Under proclamation of this Bylaw and enactment of it by the Council, all former Bylaws pertaining to business licensing are repealed and cancelled.

Part 17

EXEMPTIONS

17. The following organizations and persons shall be exempt from licensing:

- a) Registered Charitable Organizations;
- b) Religious Groups;
- c) Minor Sports Associations, Service Clubs, Schools, and Youth Organizations;
- d) Non-Profit Community Service Organizations;
- e) Out-of-town persons or businesses that solely sells or supplies wholesale goods to existing businesses within the Village of Rycroft, excepting where that wholesale business is located within the Village;
- f) A person selling meat, fruit or other farm produce that has been raised or grown by himself/herself;
- g) A person selling fish of his/her own catching;
- h) A person holding garage sales as defined in this bylaw.

Received first reading this 9th day of December, 2008.

Received second reading this 13th day of January, 2009.

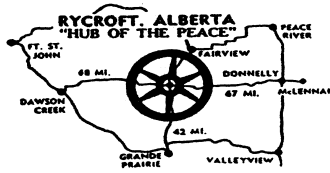
Received third and final reading this 27 day of January, 2009.

Village of Rycroft

Original signed by the Mayor and CAO on January 30, 2009.

Mayor
Matt Dika

CAO
Monique Jeffrey



SCHEDULE "A"

FORM "A"

VILLAGE OF RYCROFT

APPLICATION FOR A BUSINESS LICENSE

I hereby make application for a business license under the provisions of the Business License Bylaw of the Village of Rycroft to establish and operate a business as follows:

Name of Business: _____

Nature of Business: _____

Operating Under (Name Number Company, if applicable): _____

Mailing Address: _____

Civic Address: _____

Telephone #: _____

Fax #: _____

Email: _____

Name of Owner: _____

Contact Person: _____

	Resident	Non-Resident
Business	_____	_____
Hawker/Peddler	_____	_____
General Contractor	_____	_____
Sub-Contractor	_____	_____
Home Based Business	_____	
Apartment House	_____	
Amusement Place	_____	

I do hereby apply to the Village of Rycroft for the purpose of conducting a business within the Village of Rycroft, and shall at all times indemnify and save harmless the Village of Rycroft and its employees or agents from any neglect or unlawful act or omission which may be caused by any person named in this application.

Date: _____

Signature: _____