

**Bylaw 1061/LIC/2020**

**A BYLAW OF THE TOWN OF FAIRVIEW, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF LICENSING, CONTROLLING AND REGULATING BUSINESSES, CALLINGS, TRADES AND OCCUPATIONS**

WHEREAS: Pursuant to the Municipal Government Act, Statutes of Alberta, 2000 Chapter M-26 which states, in part:  
*Section 7 (e) A council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business, and*

WHEREAS: Council of the Town of Fairview deems it desirable and necessary to pass a Business Licensing Bylaw,

NOW THEREFORE, Council of the Town of Fairview, duly assembled, enacts as follows:

1. This Bylaw shall be cited as the Town of Fairview Business Licensing Bylaw.
2. The following definitions shall apply, unless the context otherwise requires:
  - 2.1. "Business" as defined in the Municipal Government Act.
  - 2.2. "Charitable Organization" means any religious, charitable, scientific, literary, or educational organization which is a registered Canadian Charitable Organization pursuant to the Income Tax Act of Canada, and/or Societies Act of Alberta.
  - 2.3. "Commercial Property" means property within the Town of Fairview which is within the Commercial (C-1, C-1A, C-2, C-3, DC-C, RC-T) or Industrial (M-1, M-2) zones.
  - 2.4. "Council" means Council of the Town of Fairview
  - 2.5. "Garage Sale" means 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, where the duration of the activity is less than seven days
  - 2.6. "Home Based Business" means any business, occupation, trade, calling or craft 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 this bylaw and the Land Use Bylaw
  - 2.7. "Licensee" means a person holding a valid business license issued pursuant to this bylaw

2.8. "License Inspector" includes the Chief Administrative Officer, Bylaw Enforcement Officer or any other duly authorized and appointed person acting on their behalf.

2.9. "Local Rural" means a person, partnership, or corporation whose business headquarters and/or business enterprise is located within the M.D. of Fairview, Village of Hines Creek and Clear Hills Country corporate boundary.

2.10. "Person" means one or more person(s), a firm, partnership, or corporate body.

### 3. License Requirement

3.1. No person shall, within the corporate limits of the Town of Fairview, carry on, engage in or operate any business, calling, trade or occupation unless they have paid the prescribed business license fee as set out in Schedule A attached, and holds a valid and subsisting license issued pursuant to this bylaw.

3.2. Business entities which are operated from separate business premises or structures will be required to take out a separate business license for each premise. This does not apply to apartment buildings or rental housing units.

3.3. No person may operate more than one business from any one premise or structure without obtaining business licenses for every business.

### 4. Exemptions

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

4.1.1. charitable organizations,

4.1.2. religious groups,

4.1.3. minor sports associations, service clubs, schools, youth organizations,

4.1.4. non-profit community service organizations,

4.1.5. out-of-town person or business that solely sells or supplies wholesale goods to existing businesses within the Town of Fairview,

4.1.6. a person selling meat, fruit or other farm produce that has been personally raised or grown,

4.1.7. a person selling fish of his/her own catching,

4.1.8. a person holding a garage sale as defined in this bylaw, or

4.1.9. Municipal, provincial, and federal government offices and services.

4.2. Vendors at Alberta Approved Farmers' Markets shall be exempt from licensing. The market manager shall be responsible for compiling a list of each vendor, including contact information, for each market date.

4.3. Vendors and businesses at events and festivals approved by the Town of Fairview shall be exempt from licensing. Documentation in a format approved by the CAO must be submitted by the event or festival organizer to the Community Services department to obtain approval. The documentation shall include a name, description and contact information for each vendor and business.

## 5. Application for Business License

5.1. Every person who applies for a business license is required to be in possession of any provincial license required by the Government of Alberta

5.2. A Business License shall not be issued until the applicant has paid the prescribed fee as per Schedule A.

5.3. A Business License may be issued subject to certain conditions set forth by the License Inspector. Such conditions shall be included in writing with the license.

5.4. When deemed necessary, and for the health and safety of the public, the License Inspector may notify the Public Health Inspector of an applicant's new business.

## 6. License Term

6.1. Businesses shall be issued an annual license effective on the day noted on the license. A license must be renewed on or before the day in which the license expires.

6.2. The period the license is valid will be stated on the license.

## 7. Posting of License

7.1. Every license issued under this bylaw shall be posted in a visible location on the business premises and/or made available to the License Inspector.

## 8. Land Use Bylaw Compliance

8.1. All business licenses are granted subject to zoning regulations of the Town of Fairview according to the provisions of the Land Use Bylaw. A business license shall not be deemed as approved to carry on business in or on any premises in contravention of the Land Use Bylaw.

## 9. Harmless Agreement

9.1. Business licenses are issued on the condition that the licensee shall at all times indemnify and save harmless the Town of Fairview, as trustee for any person who may sustain loss or damage from any neglect or any unlawful act or omission of the person named in the license.

## 10. License Information

10.1. Every person operating a licensed business shall, upon request of the License Inspector, disclose any information necessary to enable them to carry out their duties, subject to the Freedom of Information and Protection of Privacy Act.

## 11. Powers and Duties of License Inspector

11.1. The License Inspector will:

11.1.1. Receive and deal with all applications, renewals, transfers of licenses

11.1.2. Keep a record of all applications

11.1.3. Record such information and details with respect to business licenses and persons applying for licenses as may be required

11.1.4. Verify licenses pursuant to the terms of this bylaw and issue all licenses under this bylaw

## 12. Suspension and Revocation

12.1. The License Inspector may revoke or suspend any license issued under the provisions of this bylaw for failure to comply with any conditions herein, or any other bylaw or regulation of the Town or Province.

12.2. The License Inspector may refuse to grant a license or may revoke or suspend any license, if, in their opinion, there is just and reasonable grounds for the refusal of the application or for revocation or suspension of the license, subject to the right of the applicant to appeal the refusal or revocation of suspension to Council.

12.3. Upon request by the Health Inspector, the License Inspector shall suspend the license of any business.

12.4. Where an application for a license is refused, or where a license is revoked or suspended, the License Inspector shall notify the applicant, in writing, of such refusal, revocation or suspension and the reasons for it.

13. Appeal

13.1.1. Where an application for a license or a transfer has been refused, or where a license has been authorized subject to conditions or where a license has been revoked, the applicant shall be entitled to appeal to Council.

13.1.2. Every appeal shall be made in writing to the Chief Administrative Officer within thirty (30) days after a license has been refused, revoked, or conditionally approved, otherwise the right to appeal shall have expired.

14. Should any provision of this Bylaw be deemed by a competent court to be invalid, then the invalid provision shall be severed, and the remainder of the Bylaw shall be maintained.

15. Bylaw No. 982/LIC/2012 is hereby repealed.

16. This Bylaw shall come into force upon receipt of its third and final reading.

READ A FIRST TIME this 17<sup>th</sup> day of November 2020

Signatures on original document

Mayor Gordon MacLeod

Signatures on original document

CAO Daryl Greenhill

READ A SECOND TIME this 1<sup>st</sup> day of December 2020

READ A THIRD TIME this 1<sup>st</sup> day of December 2020

Signatures on original document

Mayor Gordon MacLeod

Signatures on original document

CAO Daryl Greenhill

**Bylaw No. 1061/LIC/2020**

**Schedule A**

**Business License Fee Schedule**

<b>Type of Business License</b>	<b>License Term</b>	<b>Fee</b>
Main/Head Office Location - Commercial Property in Fairview	One year	No charge
Main/Head Office Location - Residential Property in Fairview	One year	\$75.00
Main/Head Office Location - Local Rural	One year	\$100.00
Main/Head Office Location - Alberta	One year	\$200.00
Main/Head Office Location - Other	One year	\$300.00
Weekly	Seven days	\$50.00