



- e) "Charitable or nonprofit organization" means a person, association of persons, or a corporation, acting for charity or in the promotion of general social welfare which cannot at any time distribute any dividend or profit to its members and includes but is not limited to:
  - i. a religious society or organization; a service club, a community, veterans' or youth organization, a social, sport or fraternal organization or club; an employer's or employee's organization
- f) "Commercial" means any business, which is carried on from premises assessed on the Town assessment roll as non-residential and such business either owns or rents such premises.
- g) "Council" means the Municipal Council of the Town of Hanna
- h) "Esthetics service" means applying make-up, providing facials, manicures or pedicures and removing hair by waxing.
- i) "Fee" means license fees for use with this Bylaw as set from time to time by resolution of Council
- j) "Home Based Business" means a business carried on as a secondary use of a dwelling unit and/or its accessory buildings, by at least one of the permanent residents of such a dwelling.
- k) "License" means a license granted by the Town of Hanna entitling the person to whom it is granted to carry on business therein specified in the Town of Hanna.
- l) "Licensee" means a person holding a valid and subsisting license issued pursuant to the provisions of this Bylaw.
- m) "Licensing Inspector" means the person so appointed by the Council.
- n) "License Year" means the period commencing January 1<sup>st</sup> and ending on December 31<sup>st</sup> of the same calendar year.
- o) "Manager" means the Chief Administrative Officer of the Town of Hanna.
- p) "Non Assessed" shall mean any business, which is carried on within the corporate limits of the Town, and does not fall under the residential or commercial definitions of this Bylaw. This includes but is not limited to Contractors and Hawkers & Peddlers.
- q) "Peace Officer" means any member of the Royal Canadian Mounted Police, a Special Constable, or Bylaw Enforcement Officer so appointed by the Council.
- r) "Person" means a natural person or a body corporate and includes a partnership, group of persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires.

- s) "Personal service" means the following services:
  - a. Body or ear piercing;
  - b. Removing hair by electrolysis
  - c. Esthetics services (defined above in subsection h)
  - d. An undertaking set out in section 2 of the *Hairstylist Trade Regulation*, other than facial treatment;
  - e. Tattooing.
- t) "Premises" means either land or building located within the corporate boundaries of the Town and shown on the assessment roll of the Town.
- u) "Residential" means a business which is carried on from a premises assessed on the Town assessment roll as residential and such business either owns or rents such premises
- v) "Town" means the Town of Hanna.
- w) "Special Event" means activities, occurring in the Town which are open to or intended to attract the general public and include the selling of goods or services for purposes of financial gain. Examples include Farmers' Markets, other markets, trade fairs, for-profit concerts. This does not include fundraising events.

### **PART III LICENSE INSPECTOR**

1. Council shall appoint a License Inspector to carry out the terms of this Bylaw.
2. The powers and duties of the License Inspector are:
  - a) to receive and deal with all applications for licenses.
  - b) to conduct investigations with regards to proposed Applications, where necessary.
  - c) to collect business license fees pursuant to this Bylaw
  - d) to conduct inspections of business premises where necessary;
  - e) to refuse or grant business licenses where deemed appropriate;
  - f) to revoke business licenses where deemed appropriate and necessary;
  - g) to prosecute violations and infractions of this Bylaw;
  - h) to prepare an application form for use with this Bylaw, which must be approved by the Manager

#### **PART IV      NECESSITY FOR LICENSE**

1. No person shall carry on a business in the Town without having first obtained a license in accordance with this Bylaw, unless specifically exempted by Provincial, Federal law or Municipal Bylaw.
2. A person owning and/or operating two or more businesses in separate locations shall obtain a license for each such business.
3. Where more than one business is conducted from a single location the License Inspector may require a separate business license for each business if he deems that different individuals or corporations operate the business.
4. No person shall allow or permit any employee, representative or agent to carry on business on their behalf in the Town until such person has obtained a license in accordance with this Bylaw.
5. A Business shall not be required to be licensed if:
  - a. The business is carried on or operated by the Town or at a location operated by an official or employee of the Town acting on behalf of the Town in his/her capacity as such official or employee;
  - b. The business is carried on by the Government of the Province of Alberta or the Federal Government of Canada
  - c. It is expressly exempted from the requirement of a license by a statute of the Legislature of Alberta or Parliament of Canada;
  - d. The business or practice of a profession, trade or calling which, by the Laws of the Province of Alberta, a municipality is not empowered to license to carry on business within the municipality, including, without limiting the generality of the foregoing; the practice of medicine, law, dentistry, accounting by persons registered pursuant to the Chartered Accountants Act, Certified Management Accountants Act, architecture, surveying and engineering and chiropractic.
  - e. The business carries on its activity at the Farmers' Market which is operated by an organization that is registered with the Alberta Farmers' Market Association
6. A license for a Special Event is a valid license for all vendors operating within the event while the event is in operation
  - a. If food handling and vending is a part of a for-profit event, proof of Public Health inspector approval under the Public Health Act will be required prior to issuance of a license.

7. Where any registered charitable organization or not for profit organization registered under the societies act wishes to be exempted from the requirements of this Bylaw to pay a license fee, it shall apply to the License Inspector for an exemption providing the name of the organization, charitable or registered society number and such other information as the Officer requires determining that the organization is a charitable organization.
  - a. The onus of providing **proof** that a person is exempt from the provisions of this bylaw requiring a license is on the person alleging the exemption.

#### **PART V LICENSE APPLICATION**

1. Any person desirous of carrying on a business in the Town shall attend at the Town Office and complete the necessary application form provided by the Town.
2. No license shall be issued until the said application form has been completed in full.
3. If the business to be licensed is intended to be conducted in premises, the municipal address of such premises shall be designated in the license so issued, and thereafter the business shall be conducted at such municipal address and not elsewhere until the License Inspector has been notified in writing of any intended change of address.
4. Any person providing false or untrue information on such application form shall be guilty of an offense.
5. If the business to be licensed requires a Provincial or Federal License, no license shall be issued hereunder until the applicant has produced such a license.
6. If the business to be licensed requires inspection by a health inspector; such as but not limited to, businesses of a personal service nature, no license shall be issued hereunder until the applicant has produced appropriate documentation that an inspection has taken place and approval has been received.
7. Notwithstanding Part V Section 2 and 3, any existing business having held a business license in the previous year may, at the discretion of the License Inspector, renew its business license by paying the prescribed license fee.
8. Subject to the provisions of this Bylaw, upon receipt of an application for a 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.
9. If a license is refused in accordance with Part V Section 6 , the applicant may appeal the decision to the Council in accordance with Part IX of this Bylaw.
10. All licenses required under this Bylaw shall be issued under the authority of the License Inspector.

## **PART VI CONDITIONS OF BUSINESS LICENSE**

1. No business license shall be granted until such time as the applicant holds a valid Development Permit where required by the Land Use Bylaw and/or any other Bylaw of the Town.
2. No business license shall be granted until such time as the applicant holds a valid Provincial or Federal License where required by law.
3. No business license shall be granted until the applicant has submitted to the License Inspector, the proper fee as set by Council.
4. The requirement of a premises, property and operations general liability policy or a license fee may be waived for any performance sponsored by a local charitable or nonprofit organization or Town Department and conducted for the benefit of the community.
5. Any Contractor shall provide a written list of all Contractors or Subcontractors that are or will be in his employ within the boundaries of the Town, when required by the License Inspector.
6. Every business shall produce their license for inspection when required to do so by the License Inspector, by any Peace Officer, or by any person duly authorized by the Council to make such inspections.
7. Where a business involves the occupation of a specific building or a specific location and such business is reasonably believed to require a license under this Bylaw a License Inspector or any other authorized person may, upon giving reasonable notice, inspect the building or location for any purpose under this Bylaw at all reasonable times during the license year.
  - a. Any person refusing inspection of any premises in which is conducted a business licensed hereunder after demand by any Peace Officer, the License Inspector, or any person authorized by Council shall be guilty of an offense under this Bylaw.
8. A Licensee shall forthwith notify the License Inspector in writing of:
  - a. A change in the address of the Licensee's Business Premises
  - b. A change in the partners of the business if the license is issued to a partnership; or
  - c. A change in the officers or directors of the corporation if the license is issued to a corporation
9. A license does not confer any property right and no licensee may sell, transfer, assign, lease or otherwise dispose of or deal in a license.

#### **PART VII DURATION OF LICENSE**

1. A license issued hereunder shall commence on the date of issue and expire on the expiry date shown on the License or shall expire on the date of the expiration of the license holder's Provincial License.
2. The fee payable for a new Business License issued between the 1<sup>st</sup> day of January and the 30<sup>th</sup> day of June in any License Year shall be the License Fee for the full year.
3. The fee payable for a new Business License issued between the 1<sup>st</sup> day of July and the 30<sup>th</sup> day of November shall be one-half of the prescribed License Fee for the full year.
4. The License Fee for a new business, payable after the 1<sup>st</sup> day of December of the License Year in which it is issued shall be applied to the next License Year.

#### **PART VIII REFUSAL AND REVOCATION**

1. The License Inspector may refuse to issue a license to any person or may revoke any license if in the opinion of the License Inspector there are just and reasonable grounds for the refusal of such application or for the revocation of any license.
2. Where, on inspection, a business which is subject to an inspection by or on behalf of any Federal, Provincial or Municipal Authority and is found to contravene the Act, Bylaw or Regulations of such authority, the license may be revoked.
3. Upon a license being revoked as herein before provided, the License Inspector shall notify the licensee thereof:
  - i) by delivering a notice to him personally; or
  - ii) by mailing a letter to his place of business or residence as shown on his license, which shall have been deemed to have been received seven days after the date of mailing;
4. After notification to the Licensee by the Town, the business shall not operate.

#### **PART IX APPEAL PROCEDURE**

1. Any applicant who has been refused or any person who has had his license revoked may appeal to the Council.
2. Any such appeal shall be in writing within 30 days of notification of refusal or notification and shall be submitted to the License Inspector.
3. Upon receipt of an appeal, the License Inspector shall forthwith place the appeal upon the agenda of the ensuing meeting of Council, at which time the appeal shall be heard.

4. At the hearing of the appeal the Council may review the written submissions of the appellant, the License Inspector and of any other person who may, at the discretion of Council, make verbal submissions.
5. After hearing the evidence submitted, the Council may confirm such refusal or may direct that the license be issued either conditionally or unconditionally as may be deemed expedient in the public interest, and the decision of the Council is final.

#### **PART X PENALTY**

1. Any advertising of businesses, trades or occupations, shall be deemed to be prima facie proof of the fact that the person is carrying on or operating any such business, trade or occupation.
2. The onus of proving that a person has a valid and subsisting License for a Business is on the person alleging the License, and such person shall, upon request, forthwith produce same to the License Inspector, or any person with whom he is doing business to which the License relates.
3. Any person contravening any of the provisions of this Bylaw is guilty of an offense and is liable on conviction to a fine in accordance with Section 566 of the Act, which may include prosecution in Provincial Court and up to six (6) months incarceration.
4. Notwithstanding Part X Section 3 where any provisions of this Bylaw have been deemed to be contravened, the Bylaw Enforcement Officer may issue a voluntary payment violation ticket for that contravention and the accused may avoid appearing in court to answer the said charge by submitting the voluntary payment as follows:
  - a) First Offence - Twice the annual fee for the license in question if the penalty is carrying on a business without a license or \$300.00. for any other infraction.
  - b) Second and subsequent Offences - Four times the annual fee for the license in question if the penalty is for carrying on a business without a license or \$600.00 for any other infraction.
5. In the event such person who contravenes this Bylaw is a partnership; each or any partner may be liable to the penalty aforesaid.
6. In addition to the penalty provided in Part X Sections 3 and 4, if the offence is for the failure to obtain a license, in addition to any penalty imposed, such person shall be required to pay the appropriate license fee.



**PART XI GENERAL**

1. In this Bylaw the masculine shall be deemed to include the feminine and the singular be deemed to include the plural.
2. It is the intention of the Council of the Town of Hanna that each separate provision of this Bylaw shall be deemed independent of all other provisions and it is further the intention of the Council that if any provision of the Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of the Bylaw shall remain valid and enforceable.

**PART XII ENACTMENT /REPEAL**

1. This Bylaw shall come into effect January 1, 2016.
2. Bylaw 889 is repealed effective December 31, 2015.

READ A FIRST TIME THIS 08<sup>th</sup> DAY OF SEPTEMBER 2015.

\_\_\_\_\_  
Mayor Chris Warwick

\_\_\_\_\_  
Chief Administrative Officer  
Kim Neill

READ A SECOND TIME THIS        DAY OF        2015.

READ A THIRD TIME AND FINALLY PASSED THIS        DAY OF        2015.

\_\_\_\_\_  
Mayor Chris Warwick

\_\_\_\_\_  
Chief Administrative Officer  
Kim Neill