

**BY-LAW NO. 17-01  
TOWN OF FALHER**

A BYLAW OF THE TOWN OF FALHER IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING OF ALL BUSINESSES WITHIN THE TOWN OF FALHER UNDER THE PROVINCE OF ALBERTA MUNICIPAL GOVERNMENT ACT.

**WHEREAS**, pursuant to section 7(e) of the *Municipal Government Act RSA 2000*, a council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business; and

**WHEREAS**, pursuant to section 7(i) of the *Municipal Government Act RSA 2000*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all matters listed therein; and

**WHEREAS**, pursuant to section 7 (e) of the *Municipal Government Act R.S.A. 2000*, Chapter M-26 and amendments thereto, the Council of the Town of Falher may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business; and

**NOW THEREFORE**, the Council of the Town of Falher, in the Province of Alberta, duly assembled, hereby enacts as follows:

**1. TITLE**

- A. This bylaw may be cited as the Town of Falher Business License Bylaw.

**2. DEFINITIONS**

- A. **ACT** means the *Municipal Government Act*, being Chapter M-26 Revised Statutes of Alberta, 2000 as amended or replaced from time to time.
- B. **APPLICANT** means a person who applies for a license or renewal of a license required by this Bylaw and shall mean a person who is appealing from the refusal, revocation or suspension of a license.
- C. **BUSINESS** means a commercial, merchandising or industrial activity or undertaking a profession, trade, occupation, calling or employment or an activity providing goods and services, as described in Schedule "B" of this bylaw and whether or not for profit and however organized or formed, including a cooperative or association of persons.
- D. **BUSINESS LICENSE OFFICER** means the Chief Administrative Officer, Development Authority, Bylaw Enforcement Officer or Peace Officer for the enforcement of the bylaw.
- E. **BUSINESS LOCATION** means the premises used or occupied by any person in the conduct of a business.
- F. **COUNCIL** means the Council of the Town of Falher, elected pursuant to the Local Authorities Act, Revised Statutes of Alberta, 1994 and amendments thereto;
- G. **GARAGE SALE** means a sale that takes place on a residential property where that property owner, or primary resident when referring to rental properties, directly supervises and controls the sale.
- H. **LICENSE** means a license issued pursuant to this bylaw.
- I. **LICENSE AUTHORITY** see BUSINESS LICENSE OFFICER.
- J. **LICENSE FEE** means a fee payable for a license as established by Council.
- K. **NON-PROFIT ORGANIZATION** means a society or other entity which operates primarily for the benefit of the public and includes, without limitation:
  - i) or other religious organization;
  - ii) church service club; community,
  - iii) veteran's, or youth organization; and
  - iv) a social, sport or fraternal club or organization.

- L. **NON-RESIDENT BUSINESS** means a business which has not been established or the principals of which have not been resident in the Town for a period of at least six (6) months prior to the date of application for a Business License.
- M. **TOWN** means the Town of Falher, a municipal corporation of the Province of Alberta, and where the context so requires means the area contained within the corporate boundaries of the said municipality.

### 3. PERSONS SUBJECT TO LICENSE

- A. No person shall carry on any business as set out in Schedule "B" without having a valid business license.
- B. Notwithstanding any other provision in this Bylaw; a license shall not be required of a business carried on by the Government of Canada, the Government of Alberta or the Town of Falher, nor shall a license be required by a person or business if any federal or provincial enactment exempts such person or business from requirements of municipal licensing.
- C. Non-resident businesses shall obtain a license.

### 4. EXEMPTIONS

- A. No Business License is required by:
  - I. a non-resident business whose only business activity is the supply or delivery of wholesale or bulk goods to a resident business;
  - II. any person who is an employee of another person who holds a Business License or a person or other entity not required to obtain a license pursuant to this Section 4, unless otherwise provided in this Bylaw;
  - III. any person under the age of eighteen (18) years providing individual light duty occasional services such as paper deliveries, babysitting, yard work and snow shovelling; and
  - IV. a person selling meat, fruit or other farm produce that has been raised or grown by him/herself (ie. Farmer's Market vendor)
  - V. a person holding garage sales as defined in this bylaw.
    - a) a maximum of 4 garage sales per calendar year may be held from one location and for no longer than 4 consecutive days.
    - b) holding garage sales longer than the allotted times requires a development permit and business license.
    - c) garage sale holders are liable and obligated to ensure the items sold at a garage sale are safe and have not been recalled by the manufacturer for the product.
  - VI. any non-profit organization.
- B. For the purposes of section 4.1 (b), an "employee" is a person who is paid a salary or wage with respect to which there are deductions for any of Income Tax, Canada Pension Plan or Employment Insurance.

### 5. PROCEDURE FOR ISSUANCE OF LICENSE

#### A. Form of Application

An applicant for a license shall make application to the Town on the prescribed form, furnishing such information as the form shall require and such additional information as the Town may, from time to time require, including:

- i. license fee payable in respect of the business as established by Council.
- B. All licenses issued are subject to the land use regulations in force in the Town and the issuance of a license shall not be deemed as approval to carry on a business in or on any premises in contravention of such regulations. In any case, where a license is granted to a person to carry on a business in or on premises where such activity is not permitted by the land use regulations of the Town of Falher, the License Authority shall forthwith cancel the license.
- C. The License Authority shall not issue a license to a hawker for the purpose of selling food products or edibles of any nature unless and until, the food products and the license have both been approved and a permit issued from the Environmental Health Officer. Proof of approval must be provided by applicant to License Authority, prior to issuance of a Business License.

- D. No hawker who uses a vehicle in connection with sales as a hawker shall park the vehicle adjacent to a street unless the License Authority has first approved the location for such purpose.

#### **6. DISPLAY AND PRODUCTION OF LICENSE**

- A. A Business License shall be posted in a conspicuous place at the Business location so that it is visible to the customers of the Business.
- B. A Business License issued with respect to a Business that is not conducted at a fixed location shall be carried on the person of the Licensee or in or on the vehicle or apparatus from which such Business is conducted and shall be shown to a Business License Officer upon demand.
- C. All Business Licenses remain the property of the Town of Falher.

#### **7. LICENSE YEAR**

- A. Every license issued under the provisions of this Bylaw shall terminate at midnight on the 31st day of December of the year in which said license was issued or such earlier date if the license has been revoked or suspended.
- B. Notwithstanding Subsection 7.1, the Town may issue a license for a special event for the time period required or approved for the event.
- C. Every license shall bear on its face the date on which it is issued and the current year's approval sticker.

#### **8. ISSUANCE OF LICENSES**

- A. No license shall be issued until the applicant has paid to the Town the fee as established by Council.
- B. The Town shall after October 31 of the license year, accept the annual fee for the remainder of the current year and the subsequent year of a new application.

#### **9. TRANSFER OF LICENSES**

- A. A subsisting license issued under this Bylaw may not be transferred to another person.

#### **10. HARMLESS AGREEMENT**

- A. Business licenses are issued on the condition that the licensee shall at all times indemnify and save harmless the Town of Falher, 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.

#### **11. ADMINISTRATION**

- A. The Town shall:
  - i. receive, consider and decide upon all applications for a license;
  - ii. record such information with respect to licenses as may be considered necessary;
  - iii. ensure payment of the appropriate fee; and
  - iv. report to the Council on licensing in such a manner and at such times as they may require.

#### **12. SCHEDULES**

The document attached hereto and marked Schedule "A", and Schedule "B" shall form part of this Bylaw.

#### **13. ENACTMENT**

Bylaw Number 12-05 is hereby repealed.

**THAT** this Bylaw shall come into effect on the final reading thereof.

READ a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2017

READ a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2017

READ a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL ADMINISTRATOR

**SCHEDULE "A"**

**BUSINESS LICENSE FEE SCHEDULE**

Business Located on Commercial Property	\$100.00 Annual*
Home Based Business/Other	\$100.00 Annual*
Weekly (all)	\$ 25.00 Weekly

**SCHEDULE "B"**

### CLASSIFICATIONS

For the purpose of business license issuance, businesses shall be classified in one of the following categories.

**"ACCOMMODATIONS"** means a bed and breakfast, apartment rentals, hotel and/or motel, lot rentals, industrial camps.

**"ADULT ENTERTAINMENT FACILITY"** means premises used for the provision of any service appealing to erotic or sexual appetites or inclinations including, without limitation, adult mini-theatres, adult video stores and love boutiques/shops but does not include erotic entertainment agencies and erotic entertainers.

**"ALCOHOL SALES"** means the selling of alcoholic beverages for consumption either on or off the premises. Typical uses are taverns, bars, lounges or liquor stores.

**"AUTOMOTIVE SERVICES"** means an automotive body and paint service, repairs automotive sales and service, automotive wrecker, automotive specialty, recreational vehicles sales and service, snowmobile and accessories sales, mechanics, tire sales, car rentals.

**"BUSINESS SUPPORT SERVICE"** means a printing, duplicating or binding services, photographic processing, office maintenance, secretarial services, security, sales, rental and repairs to office equipment, electronics sales, and communication services.

**"CONSTRUCTION SERVICE"** means lawn and landscaping services, electrical and plumbing heating services, painting, woodworking or similar services. Janitorial services, general contractors, heavy equipment sales and rentals, home renovations service and storage services.

**"DELIVERY/TRANSPORTATION SERVICES"** means providing vehicles for the delivery or transportation of people or goods. Typical uses include a trucking service, log haul service, bulk fuel service and taxis.

**"FIREARM/AMMUNITION DEALER"** means selling, purchasing, manufacturing, importing, exporting, repairing or altering of any firearm or ammunition.

**"GAMING ESTABLISHMENT"** means a facility requiring a bingo facility license or casino facility license pursuant to the *Gaming and Liquor Act*.

**"GENERAL RETAIL SERVICE"** means a dry cleaning service, hair salon, tanning salon, laundromat, convenience store, tailor, shoe repair, pedicures, manicures and electrolysis service, video outlet, recycle depot, grocery store, clothing sales, fitness centre and industrial sales.

**"GENERAL CONTRACTOR"** means any person or business engaged in construction, building trades or construction project management that is under contract to develop or build any capital projects.

**"HAWKER or PEDDLER"** means the business of selling or offering merchandise and food products for sale.

**"HAWKER, NON-FOOD PRODUCTS"** means a business of selling or offering for sale goods, where the salesman offers for sale, solicits, negotiates or concludes the sales or agreements in person at the buyer's residence or place of employment, as a home occupation or elsewhere than the sellers permanent place of business, whether by merchandise, samples, cards, specimens, demonstrations or parties of any kind.

**"HOME BUILDERS"** means manufactured home sales and service, mobile home sales, a residential developer, or contractor.

**"HOME BASED BUSINESS"** means a home occupation, direct sales, and home office business carried on by an occupant of a residence.

**"LOCKSMITH"** means any person who operates the business of providing locks, keys or safes and services thereto.

**"MAJOR BUSINESS"** means production and sales of lumber, OSB sales, oilfield sales and service.

**"MASSAGE THERAPIST"** means a person who administers or offers to administer a massage for a fee who has obtained a certificate of proficiency in massage and is a member in good standing of an association of massage therapists in Alberta.

**"NON-PROFIT ORGANIZATION"** means a society established under the *Societies Act*, a company incorporated under Part 9 of the *Companies Act*, or a corporation incorporated under Part II of the *Canada Corporations Act*.

**"PAWN BROKER"** means receiving goods held as security for an advance of money.

**"PET SERVICES"** means pet supplies, pet sales, boarding of animals, grooming and pet shop.

**"PUBLIC MARKET"** means a facility used on a temporary basis by a number of vendors for the sale of agricultural products and crafts.

**"PROFESSIONAL SERVICES"** means providing services for such as but not limited to accounting, architectural, auctioneer, employment, engineering, insurance, travel agent, investment, legal, real estate, financial institutions, utility companies, vet services, health services, optometrist.

**"RESTAURANTS"** means food services that may include the sale of alcohol with a meal and must meet provincial requirements.

**"SPECIAL EVENTS"** means carnivals, circuses, indoor rodeo events, commercial or industrial fairs or similar events that are held for a short period of time.

**"TATTOOIST/BODY PIERCER"** means a person or business that provides or offers to provide tattooing or body piercing which may include piercing of the ears.