

BUSINESS LICENCE BYLAW
BYLAW NO.009-175-2022

A BYLAW OF THE VILLAGE OF HALKIRK, IN THE PROVINCE OF ALBERTA
TO REGULATE, CONTROL AND LICENCE BUSINESSES OPERATING
WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF HALKIRK

WHEREAS, the Municipal Government Act gives the Municipalities the power to enact bylaws and impose fines and penalties for infractions of their bylaws;

AND WHEREAS, it is desirable to pass a bylaw regulating, controlling, and licensing businesses or business activity in the Village of Halkirk.

NOW THEREFORE, the Council for the Village of Halkirk in the Province of Alberta, duly assembled, hereby enacts as follows:

1. SHORT TITLE

This Bylaw may be cited as the "**Business Licence Bylaw**".

2. DEFINITIONS

- a) "Administration" means the Chief Administration Officer or Development Officer or any other officer appointed by Council.
- b) "Applicant" means a person who applies for a Business Licence, or renewal of a Licence, required by this Bylaw.
- c) "Application" means a written Application, on a form approved pursuant to this Bylaw, for a Business Licence required by this Bylaw.
- d) "Bed and Breakfast Operation" means a Minor and ancillary/subordinate commercial use of a residence where accommodation is provided for periods of 14 days or less in approved guest room(s).
- e) "Business" means:
 - i) a commercial, merchandising, or industrial activity or undertaking,
 - ii) a profession, trade, occupation, calling or employment,
 - iii) an activity providing goods or services.

whether or not for profit and however organized or formed, including a co-operative or associated of persons.

- e) "Business Licence and License, Licensed and Licensing" means a Licence issued pursuant to this Bylaw, on a form approved pursuant to this Bylaw, for the

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purposes of allowing a Business to operate within the corporate limits of the Village of Halkirk.

- f) “Business Officer” means the Village of Halkirk employee or agent designated by the Council of the Village of Halkirk to enforce the provisions of this Bylaw.
- g) “Business Premises” includes a store, office, dwelling, warehouse, yard, building, enclosure or other place occupied, or capable of being occupied for the purpose of carrying on a Business and in which place the carrying of a Business is a permitted or discretionary use under the Village’s Land Use Bylaw.
- h) “Business Licence Year” means the calendar year from January 1 and ending December 31 of the same year.
- i) “CAO” means the Chief Administrative Officer of the Village of Halkirk.
- j) “Council” means the Municipal Council of the Village of Halkirk.
- k) “Development Authority” means the person or group whom, through Bylaw, Council has delegated development powers on behalf of the municipality.
- l) “General Contractor” means a person or Business who enters into a contract to manage or otherwise oversee the erection, alteration, cleaning, moving, repair, or demolition of a building or structure. The General Contractor is responsible for managing the Sub-trades in any project.
- l) “Hawkers and Peddlers” means any person who, whether as a principle or agent:
- goes from door to door selling or offering for sale any merchandise or service to any person, and who does not have a permanent place of Business in Village;
 - offers or exposes for sale to any person by means of samples of merchandise or services or both to be afterwards delivered or shipped into the municipality;
 - sells merchandise or a service or both, on the streets or roads or elsewhere other than a permanent place of Business.
- m) “Home Occupation” means any occupation, trade, profession or craft, including a bed and breakfast, and home day care, carried on by an occupant of a residential building as a use secondary to the residential use of the building and which does not change the character thereof.
- n) “Home Office” means any business carried on by an occupant of a residential building that is not open to clients or public and not as the primary workplace of the business.

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- o) "Lemonade Day" means the annual event in partnership with Community Futures, where youth explore the principles of entrepreneurship and sell lemonade to the public for profit while encouraged to donate to charity.
- p) "Mobile Food Vending Unit" means any motorized, non-motorized, trailer, push cart or other device designed to be portable and not affixed to any land or structure from which food is vended, sold, served, displayed, offered for sale or given away.
- q) "Mobile Food Vendor" means any person who sells, serves or gives away food from a mobile vending unit designed for that purpose.
- r) "Mobile Vendor Permit" means a document authorizing a Mobile Food Vendor to operate within the Village of Halkirk pursuant to this bylaw.
- s) "Municipal Tag" means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Village of Halkirk.
- t) "Peace Officer" means a member of the RCMP, a Community Peace Officer duly appointed by the Solicitor General or a Bylaw Enforcement Officer as appointed by the Village.
- u) "Public Property" means any road, sidewalk, lane, boulevard, parking lot, park, open area, structure or building that is owned or leased by the Village of Halkirk, or any other government body.
- v) "Sub-trades" means any person or Business who enters into a contract, or contracts to do work on a project under the supervision of a General Contractor.
- w) "Temporary Business" means a Business Licence granted to a person who intends to carry on a Business in the municipality for a period of not more than 1 week (7 days).
- x) "Violation Ticket" shall have the meaning ascribed to it by the Provincial Offence Procedures Act, R.S.A. 2000, c. P-34 as amended, or its successor legislation.

3. REQUIREMENT FOR A BUSINESS LICENCE

- a) Any Businesses operating, or proposing to operate, within the Village of Halkirk, is required to apply for, and obtain, a Business Licence.

4. BUSINESS LICENCE EXEMPTION

- a) A Business does not require a Business Licence if the only reason they are in the Village of Halkirk is to conduct warranty work on a project where a Business Licence was previously granted.

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- b) The participants of a Farmer's Market, with the appropriate Provincial approvals, and the Farmer's Market itself, are not required to apply for or obtain a Business Licence.
- c) A Business carried on by the Government of the Alberta or Canada, a Business, trade or industry that is exempt under Provincial legislation.
- d) The Village receives written confirmation stating the Business is no longer operating in Village.
- e) The Business is a Charitable or Non-profit Organization, registered under the Society Act of Alberta or the Agriculture Societies Act of Alberta.
- e) A Business carried out as part of 'Lemonade Day.'
- f) Any other Business exempted through or by order of Council.

5. HAWKERS AND PEDDLERS, DOOR TO DOOR SALES

- a) No person shall carry on Business as a hawker or peddler unless and until such time the person is a holder of Business Licence pursuant to this bylaw.
- b) No person shall carry on a Business as a hawker or peddler on any public property unless expressed written permission is obtained by and at the discretion of the Village.
- c) Hawkers or peddlers shall be permitted to operate on private land provided that permission has been granted by the landowner.
- d) Hawkers, peddlers and door to door salespersons shall be required to carry a copy of the Business Licence with them at all times while they are operating within the Village limits.
- e) Hawkers and Peddlers operating within the Village shall abide by this and all bylaws in force in the Village of Halkirk.
- f) Violations of any provision of this bylaw or complaints received by the Village, will result in the Business Licence being revoked.
- g) Hawkers, Peddlers, and Door to Door Salesperson shall not call on residents before 9 A.M. nor after 9 P.M.

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- h) No person shall, within the Village, carry on or operate any business as a Hawker or Peddler within 50 meters of businesses selling same or similar goods.

6. MOBILE FOOD VENDORS

- a) No person shall carry on a mobile food Vendor business without a valid business licence from the Village of Halkirk.
- b) No person shall operate a mobile food vending unit within the Village limits without first obtaining a valid food handling permit from Alberta Health Services (AHS) and providing a copy of the same to the Village office.
- c) A mobile food Vendor shall carry the necessary general commercial liability insurance to operate a mobile food vending unit and provide a copy of the same to the Village office.
- d) A mobile food vending unit shall not impede traffic and/or pedestrians, endanger public safety or cause an unwelcome disturbance and must comply with all applicable bylaws of the Village.
- e) Generators use to provide power to the mobile vending unit may be permitted if the generator does not create a noise or pollution disturbance.
- f) A mobile food vending unit shall not operate on a public highway controlled by Alberta Transportation without written permission from Alberta Transportation and a copy provided to the Village.
- g) Mobile food Vendors must provide garbage and recycling receptacles for customers to discard any waste from the products sold.
- h) Vendors shall not:
 - (i) discharge fat or other waste into the Village storm sewer system;
 - (ii) leave a mobile vending unit unattended;
 - (iii) leave a location without first ensuring the area is free of any debris associated with the business;
 - (iv) solicit or conduct business with persons in motor vehicles;
 - (v) carry on illegal activity from the mobile vending unit.

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- i) In all cases the Vendor shall indemnify and save harmless the Village from any actions, claims, damage, or loss arising from the operation or location of the mobile food vending unit or anything undertaken or neglected to be undertaken in connection with this business licence and requirements.

7) HOME OCCUPATION

- a) A Home Occupation shall be operated as a secondary use only and shall not change the principal character and external appearance of the dwelling in which it is located.
- b) A Home Occupation may have one non-illuminated fascia sign or nameplate to identify it, either within or flat attached to the dwelling with a maximum area of 0.92 m² (2.0 ft).
- c) A Home Occupation shall not use more than 27% of the gross floor area of the residence.
- d) A Home Occupation shall not create any dust, traffic, congestion, late visitations, noise, odors, noxious fumes, interference with telecommunications or vibrations emanating from the premise which is not normally produced by a dwelling unit.
- e) A Home Occupation shall not generate any pedestrian or vehicular traffic or parking that is a source of inconvenience to adjacent landowners or tenants.
- f) There shall be no outside storage of materials, commodities or finished products.
- g) A Home Occupation shall be reviewed upon receipt of a complaint by an affected landowner.
- h) A permit for a Home Occupation may be suspended or revoked on the basis of non-compliance on 30 days' notice.
- i) A Home Occupation shall not create on-street parking that may be determined by the Development Authority to be an inconvenience to adjoining landowners or tenants.
- j) This provision does not apply to Home Occupations that have no Non Resident employees, no signage, client visitations and is otherwise indistinguishable from the principal residential use.

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8) BED AND BREAKFAST OPERATIONS

- (1) Persons wishing to operate a bed and breakfast operation shall be required to apply for a Home Occupation Licence from the Village of Halkirk
- (2) A Bed and Breakfast Operation is listed as a discretionary use and is limited to residential land use districts and shall be contained entirely within the principal building.
- 3) A Bed and Breakfast Operation shall:
 - a) have a maximum of three (3) guest bedrooms at any one time;
 - b) not have more than one employee that is not a resident of the principal residential building;
 - c) not display any signs on the parcel unless approved by the Development Authority;
 - d) not include any cooking facilities in the quest bedroom;
 - e) offer one or more meals to the guests during their stay;
 - f) share a maximum of two parking stalls in tandem with other vehicle parking stalls located on the parcel.

9) BREEDING ANIMALS

- 1) Breeding Animals is not permitted in the Village of Halkirk.
- 2) Persons wishing to keep pets in their property located in the Village of Halkirk, please refer to the “Animal Control” bylaw #6-2022.

10) APPLICATION FOR A BUSINESS LICENCE

- a) Applications for a Business Licence shall be in writing, and on the Application approved pursuant to this Bylaw (see Application Forms).
- b) Applications for a Business Licence must be accompanied by the appropriate Licence fee as approved pursuant to this Bylaw (see Appendix A - Fees). No Business Licence Application shall be processed without the appropriate fee.

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- c) If a Business is planning to operate a Business in the Village of Halkirk for a short time only, it will have the option of applying for a Temporary Business Licence (see Appendix A — Fees). A temporary Licence is valid for a 1 - day period of time only.
- d) Should an Application for a Business Licence be denied for any of the reasons outlined in this Bylaw, the Licence fee, less a twenty-five dollar (\$25) administration fee, shall be returned to the Applicant.

11.) APPROVAL OF A BUSINESS LICENCE APPLICATION

- a) The Business Licensing Officer shall review all Business Licence Applications before approval is granted.
- b) Should a Business require, in the opinion of the Business Licensing Officer, planning approval, such approval will be secured from the appropriate Development Authority prior to approval of the Business Licence Application.
- c) The Business Licensing Officer may refuse to approve a Business Licence Application for the following reasons:
 - i) failure to receive the proper planning approval
 - ii) the Business proposed is contrary to municipal, provincial or federal regulation or statute;
 - iii) the Application is not accompanied by the appropriate Licence fee;
 - iv) the Applicant has an outstanding Licence fee from prior years.
- d) The approval of a Business Licence in no way removes the responsibility of the Applicant to ensure that it will receive all other required approvals pursuant to municipal, provincial or federal regulation or statute.
- e) The Business Licence, once approved, must be placed in a conspicuous place within the Business, or if this is not feasible due to the type of Business, available for inspection by a Peace Officer at any time that Business is being carried out.
- f) Should the Business Licence Officer refuse to grant a Business Licence, he/she must communicate, in writing, the reasons for the decision.

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12. TERM OF A BUSINESS LICENCE

- a) A Business Licence fee is due and payable upon receipt of renewal invoice. Failure to pay the fee within 30 days of the invoice date will result in an additional 20% penalty is applied to the outstanding monthly balance.
- b) All new Business Licence Applications must remit applicable payment (Appendix A — Fees) when Application is submitted for approval.
- c) Unless revoked or surrendered at an earlier date, a Business Licence is valid for the Business Licence Year, or part thereof, in the year that it was applied for and granted, regardless of the date of purchase.
- d) At no time will the Village of Halkirk refund, in whole or in part, a Business Licence paid to it pursuant to this Bylaw.

13. TRANSFER OF A BUSINESS LICENCE

- a) Should a Business be sold to a new owner, the new owner may, with the Business Licence holders written permission, apply for transfer of the Business Licence to the new owner's name. The Application must be in writing, on the form supplied, with the appropriate \$25.00 admin fee.
- b) Should a business request to transfer a food vending unit to a new owner/vendor, the new owner/vendor must comply with Section 6 of this bylaw and provide the necessary documentation prior to issuance of the business licence.

14. REVOCATION OF A BUSINESS LICENCE

- a) The Business Licence Officer may, if in his/her opinion there are reasonable and justifiable grounds, revoke a Business Licence granted pursuant to this Bylaw.
- b) Should the Business Licence Officer choose to revoke a Business Licence, the Business Licence holder must be served written notice fourteen (14) days prior to the revocation taking place. Such written notice must include the reasons for the revocation.
- c) At the expiration of the fourteen-day period following notice of a Business Licence revocation, the Business Licence holder is hereby compelled to surrender, upon request, the Business Licence to the Business Licence Officer.

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15. RIGHT TO APPEAL

- a) A Business Licence holder or Applicant has the right to appeal to the CAO the decision of the Business Licence Officer, made pursuant to this Bylaw.
- b) An appeal of the decision of the Business Licence Officer must be made within 30 days of the date of his/her decision. An appeal must be in writing, must include a copy of the Business Licence Officer's notification, and must include the reasons for the appeal.
- c) The CAO may, after receiving the appeal, and hearing the evidence that he/she considers relevant, take any of the following steps:
 - i. direct that a Business Licence be issued to the Applicant;
 - ii. uphold the refusal to grant a Business Licence;
 - iii. direct that the revocation of the Business Licence be struck down;
 - iv. uphold the revocation of the Business Licence.
- d) The decision of the CAO is binding on all parties involved.

16. PENALTIES

- a) Any person or Business who contravenes, through direct action or omission, any section, sub-section, or other provision of this Bylaw is guilty of an offense.

First Offense	\$250.00 + gst
2nd & Subsequent Offenses	\$500.00 + gst

In addition, each offense shall include those costs associated with the enforcement and prosecution of the offense.

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17. GENERAL PROVISIONS

- a) This Bylaw becomes effective upon its final passing.

18. SEVERABILITY

- a) Should any provision of this Bylaw be found to be invalid then such invalid provision shall be severed, and the remaining Bylaw shall be maintained.

READ a first time this 7th day of July A.D. 2022.

READ a second time this 9th day of August A.D. 2022.

READ a third and final time this 30th day of August A.D. 2022.

Thomas Schmidt, Mayor

Tamara Sloboda CPA, CGA
Tamara Sloboda, CAO

Appendix "A"

FEE SCHEDULE

The Business Licence Fees pursuant to Bylaw No. 009-175-2022 are as follows:

ANNUAL LICENCES

Annual Licence:

Year	Cost (Excl. GST)
2022	\$50.00
2023	\$75.00
2024	\$100.00
2025	\$125.00

Home Occupation:

Year	Cost (Excl. GST)
2022	\$50.00
2023	\$75.00
2024	\$ 100.00
2025	\$125.00

Replacement of a lost licence: \$25 + GST.

Fines:

- Carrying on or operating a Business within or partially within the Village without a valid and subsisting Business Licence: \$500 (Excl. GST) plus \$100 per day for each day the offence continues after the conviction.
- Failing to post the Business License in a conspicuous place on the Business premises of the Licensee: \$200 + GST
- Late fees and penalties for the non-payment on the Business License Account:
 - o Until April 1: \$25 + gst
 - o Until July 1: \$50 + gst
 - o Until October 1: \$75 + gst
 - o Until December 31: \$100 + gst

NOTE: After June 30 of any given year the fees on a new to Village, or a new out of Village business are reduced by 50%. (Excluding Temporary Business Licence, Hawkers, Peddlers, Door to Door Sales & Food Vending units where these fees will remain the same as noted below).

OTHER LICENCES

Hawkers, Peddlers, Door to Door Sales and Food Vendors \$75.00/week + GST.

Hawkers, Peddlers, Door to Door Sales and Food Vendors \$150.00/year + GST.

Temporary Business Licence - \$20.00/day + GST.