

**BYLAW # 2024-009
BUSINESS LICENSE BYLAW
VILLAGE OF HALKIRK
IN THE
PROVINCE OF ALBERTA**

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, has deemed it expedient and proper to establish a Business License Bylaw as follows:

1. SECTION 1 TITLE

This bylaw may be cited as the "Village of Halkirk Business License Bylaw".

2. SECTION 2 DEFINITIONS

- A) **"Application"** means a written application for a business license as provided for by this bylaw;
- B) **"Business"** means business, employment, occupation, profession, trade or the providing of goods and services;
- C) **"Business License"** means a license issued pursuant to this bylaw;
- D) **"Business Premises"** means a building enclosure, office, store warehouse, yard or other place occupied or capable of being occupied for the purpose of carrying on a business;
- E) **"Chief Administrative Officer"** means the Chief Administrative Officer (CAO) of the Village of Halkirk;
- F) **"Council"** means the Municipal Council of the Village of Halkirk elected in accordance with the Local Authorities Act;
- G) **"Development Officer"** means the Development Officer for the Village of Halkirk, or anyone designated by the Chief Administrative Officer;
- H) **"Hawker or Peddler"** means any person, whether as a principal or agent, who:
 - Goes from house to house or business to business selling or offering for sale any merchandise or services, or both, to any person and not having a permanent place of business within the municipality; or
 - Offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or services, or both, to be afterwards delivered in and shipped into the municipality; or S
 - Sells merchandise or services, or both, on streets or elsewhere than at abuilding that is his permanent place of business, but does not include any person selling:
 - Meat, fruit or other farm produce that has been produced, raised or grown by themselves; or

- Fish of their catching.
- I) **“Home Occupation”** means an occupation carried on within a unit which is districted residential as outlined in the Village of Halkirk Land Use Bylaw;
- J) **“License Inspector”** means a person authorized by Chief Administrative Officer and/or the Chief Administrative Officer themselves to carry out the provisions of this bylaw or anyone acting on their behalf;
- K) **“Municipal Tag”** means a form alleging an offence of a Municipal bylaw allowing for voluntary payment of the specified penalty;
- L) **“Non-Resident”** means any business which does not have a permanent office or place of business in the Village of Halkirk;
- M) **“Resident”** means a business where a permanent office or place of business is situated in either a commercial, industrial or urban service district of the Village and does not include a transient trader;
- N) **“Seasonal”** means any business which operates less than six (6) months in any calendar year;
- O) **“Student”** means any business operated by an individual who usually attends an educational institute or is enrolled in a recognized educational program;
- P) **“Transient Trader”** means a person who does not maintain a regular and permanent place of business within the Village;
- Q) **“Violation Ticket”** means a ticket issued pursuant to Part II or Part III, as applicable, of the Provincial Offences Procedures Act and the regulations thereunder.

3. SECTION 3 REQUIREMENTS OF A BUSINESS LICENSE

- A) No person shall carry on or operate any business within or partly within the Village without holding a valid and subsisting business license issued pursuant to the provisions of this bylaw unless specifically exempted by law.
- B) No license shall be required:
 - For any Provincial government offices and services;
 - For any Municipal government offices and services;
 - For any Federal government offices and services; or
 - For any person or business specifically exempt from Municipal licensing by legislation.

Exempt businesses may voluntarily apply for a Business License and submit the appropriate fee if they choose to be included in the Regional Business Directory.

4. SECTION 4 LICENSE INSPECTOR

- A) The Chief Administrative Officer shall appoint a License Inspector to carry out the provisions of this bylaw.
- B) The duties of a License Inspector are:
 - i) To receive and consider applications for a business license;
 - ii) To conduct investigations regarding proposed applications where necessary;
 - iii) To conduct investigations of business premises where necessary;
 - iv) To collect business fees pursuant to the Master Rates Bylaw 2024-011
 - v) To grant, with or without conditions or refuse business licenses where deemed appropriate and for just and reasonable grounds;
 - vi) To revoke business licenses for just and reasonable grounds, notice of revocation may be made by personal service upon the holder of the business license or by sending the notice by single registered mail to the person's residence or place of business;
 - vii) To commence prosecutions for violation of this bylaw.

5. SECTION 5 LICENSE APPLICATIONS

- A) Every person applying for a business license shall submit to the license inspector a written application signed by the applicant or, in the case of a corporation, its duly appointed agent.
- B) A business license for an existing business shall be renewed by the 15th day of February of each year. Renewal shall be affected by a business license holder submitting the proper fees to the Village of Halkirk office.

6. SECTION 6 PREREQUISITES FOR A BUSINESS LICENSE

- A) No business license shall be granted until such time as the applicant holds a valid development permit where required by the Land Use Bylaw for the business;
- B) No business license shall be granted until such time as the applicant holds a valid provincial or federal license where required by law;
- C) No business license shall be granted if the applicant fails to comply with any other bylaw of the Village of Halkirk; and
- D) No business license shall be granted until the applicant has submitted to the Village of Halkirk License Inspector the proper fee as provided in the Master Rates Bylaw 2024-011

7. SECTION 7 CONDITIONS OF A BUSINESS LICENSE

- A) Every business license issued under this bylaw shall be posted in the business premises in a location that may be seen by the public.
- B) Every person carrying on or engaging in any business in respect of which a license is required under this bylaw, upon request of the license inspector, shall give to the license inspector all information necessary to enable them to carry out their duties.
- C) Every business license issued under the provisions of the bylaw shall terminate at midnight on the 31st of December in the year in which the said license was issued, unless revoked (whereby if revoked earlier it shall become void on the date so deemed revoked).
- D) Any business called in by a resident or commercial owner/occupier to undertake any work in construction, renovations or services to only that property does not require a business license, provided that no advertising is being done on the property by way of a sign.

8. SECTION 8 OFFICIALS TO HAVE ACCESS TO LICENSE PREMISES

The license inspector shall at all reasonable times have the right after being properly identified, to enter upon any premises licensed under the provisions of this bylaw for the purpose of inspection or for the purpose of ascertaining if the provisions of this bylaw are being complied with. Any person hindering, preventing or refusing such free access after such person has demanded admission and established their authority shall be guilty of a breach of this bylaw.

9. SECTION 9 TRANSFER OF LICENSE

A license granted pursuant to the provisions of this bylaw, may upon approval of the license inspector, be transferred from one premises to another premises or from one person or company to another person or company upon payment of a transfer fee to be paid at the time of application for transfer.

10. SECTION 10 APPEALS

- A) A person seeking a license may appeal to the Village of Halkirk Council in every case where:
 - 1. An application for a business license has been refused or
 - 2. A business license has been revoked.

- B) An appeal under subsection (A) shall be made by the applicant within thirty (30) days after such refusal or revocation.

- C) All appeals shall be made in writing addressed to the CAO and shall be dated as of the date received by the CAO.
- D) Village Council, after hearing the applicant may:
 - 1. Direct a business license be issued;
 - 2. Direct a business license be issued with conditions;
 - 3. Refuse to grant a business license; or
 - 4. Uphold the revocation of a business license on the grounds which appear just and reasonable.
- E) A decision of the Village Council in respect of an appeal under this section shall be final and binding.

11. SECTION 11 LICENSE FEES

- A) The Business license fees shall be established in the Master Rates Bylaw 2024-011
- B) The Fee payable for a business license issued shall be the license fee for the full year.

12. SECTION 12 PENALTY

- A) Any person who commits a breach of any of the provisions of this Bylaw shall on conviction for such a breach be liable to a penalty as established in the Master Rates Bylaw 2024 - 011 as amended from time to time. Such penalty may be issued on a Municipal Tag or Violation Ticket.
- B) Where a person is convicted of carrying on a business for which a license fee is payable, without payment of such fee having been paid, the court may, in addition to the fine imposed, direct payment of the applicable license fee to the Village.
- C) Where a business is being carried on in contravention of this bylaw, or where the breach of the Bylaw is of a continuing nature or where any person is carrying on business or is doing any act, matter or thing without having paid the license fee required to be paid by this Bylaw, then in addition to any other remedy or any penalty imposed by this bylaw the Village may, in any of these cases, apply to a judge at the Provincial Court of Kings Bench by way of action or originating notice for the injunction or other order, prohibiting the person so contravening the Bylaw from continuing to carry on the business without complying with the provision of the Bylaw applicable to the business for which the license is required.
- D) A person shall not obstruct or hinder any person in the exercise of the performance of the person's power pursuant to this Bylaw.

13. SECTION 13 VOLUNTARY PAYMENT TAGS

- A) Where a peace officer or bylaw enforcement officer believes that a person has contravened any section of this Bylaw, they may serve upon such person a municipal tag or violation ticket voluntary payment ticket allowing payment of the penalty specified in

the Master Rates Bylaw 2024 - 011 for such offense to the Village and such payment shall be accepted by the Village in lieu of prosecution for the offense.

- B) If a person, upon whom a voluntary payment tag is served, fails to pay the required sum within the time specified in the voluntary payment tag, the provisions of this section regarding acceptance of payment in lieu of prosecution do not apply.
- C) Nothing in this section shall:
- i) Prevent any person from exercising their right to defend any charges of committing a breach of any provision of this bylaw;
 - ii) Prevent any Bylaw Enforcement Officer, Licensing Officer or any Peace Officer from laying and information or complaint in lieu of serving a voluntary payment tag; or
 - iii) Prevent any person from exercising any legal rights such person may have to lay an information or complaint against any person (whether such person has made payment under the provisions of this bylaw, or not) for a breach of any provision of this Bylaw.
- D) Where any person has made payment pursuant to the provisions of this section and is subsequently prosecuted at the instance of some person other than the Village for the offense in respect of which payment has been made. Such payment shall be refunded.

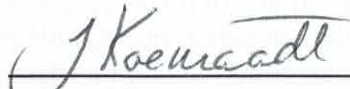
14. SECTION 14 ENACTMENT

- A) This Bylaw shall rescind Bylaw No 009-175-2022 in it's entirety.
- B) That this Bylaw shall come into force and effect upon the date of the final reading thereof and signed in accordance with the Municipal Government Act.

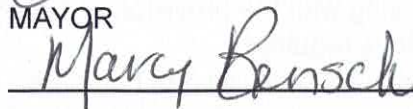
Read a first time on the 14^h day of November, 2024.

Read a second time on the 14^h day of November, 2024.

Read a Third and Final time on the 14^h day of November, 2024.



MAYOR



CAO