

**BYLAW 5/2003**

**A BYLAW OF THE MUNICIPALITY OF THE TOWN OF HIGH PRAIRIE,  
IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION AND LICENSING OF  
BUSINESSES.**

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**WHEREAS:** Section 7 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 1980, and amendments thereto, provides that the Council of a municipality may pass bylaws for municipal purposes regulating businesses, business activities and persons engaged in businesses.

**AND WHEREAS** The Municipal Council of the Town of High Prairie, in the Province of Alberta deems it necessary to regulate and license businesses, business activities and persons engaged in businesses within the corporate limits of the Town,

**NOW THEREFORE COUNCIL OF THE TOWN OF HIGH PRAIRIE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:**

This Bylaw shall be cited as the Town of High Prairie “Business Licensing Bylaw”.

**INTERPRETATION**

**I.** In this Bylaw, the following definitions shall apply:

- a.** “**Appellant**” means a person who has filed a notice of appeal in accordance with the terms of this Bylaw.
- b.** “**Applicant**” means a person who applies for a Business License, applies to renew a Business License, or applies to amend an existing Business License.
- c.** “**Business**” includes business, trade, profession, industry, occupation, employment or calling and the providing of goods and services.
- d.** “**Charitable or Not for Profit Organization**” means a person, association of persons, or a corporation, acting for charity or in the promotion of general social welfare and includes:
  - a religious society or organization
  - an organization incorporated under the Societies Act
  - a service club
  - a community, veterans or youth organization
  - a social, sport or fraternal organization or club
  - an employers or employees organization
- e.** “**Council**” shall mean the Council of the Town of High Prairie.
- f.** “**Hawker/Peddlers/Canvassers**” shall refer to any person who hawks, peddles, or otherwise goes about from place to place or from house to house or to hotels or restaurants, or any person who goes about canvassing or soliciting orders from persons other than wholesalers or retailers or who sells goods or wares of any kind or description to any consumer for future delivery.
- g.** “**Home Occupation**” shall have the meaning as set out in the Town of High Prairie’s Land Use Bylaw.
- h.** “**License Inspector**” means any person so designated to assist in carrying out the administration and enforcement of this Bylaw.
- i.** “**License Year**” means a twelve (12) month period commencing on the 1<sup>st</sup> day of January to the 31<sup>st</sup> day of December in which the license application is approved and issued.

## BYLAW 5/2003

### A BYLAW OF THE MUNICIPALITY OF THE TOWN OF HIGH PRAIRIE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION AND LICENSING OF BUSINESSES.

- j. **“Non-Resident Business”** means a person, firm or corporation which does not operate a business or industry from a business premise located within the Town of High Prairie, but who either as principal or agent contracts, sells or offers to sell to any consumer any service, goods, wares or merchandise of any kind on a regular basis within the corporate limits of the Town of High Prairie.
- k. **“Peace Officer”** means any member of the R.C.M.P or a Special Constable of the Town of High Prairie.
- l. **“Person”** includes an individual, a group of individuals, a corporation, firm, partnership, proprietorship, association, society or co-operative organization.
- m. **“Resident Business”** means a person, firm or corporation who carries on a business and does ordinarily maintain within the Town a permanent place of business and who either as principal or agent contracts, sells or offers to sell to any consumer any service, goods, wares or merchandise of any kind, and shall include a Home Occupation.
- n. **“Temporary Business”** means a commercial, merchandising or industrial activity or undertaking; a profession, trade, occupation, calling or employment; or an activity providing goods or services; however formed including a cooperative or association of persons, carried on within the corporate limits of the Town of High Prairie, where the duration of the business activity is equal to or less than two consecutive weeks.
- o. **“Town”** means the Town of High Prairie, a municipal corporation of the Province of Alberta.

#### II. POWERS AND DUTIES OF THE LICENSE INSPECTOR

1. The Development Officer of the Town of High Prairie shall be designated as the License Inspector for purposes of administering and enforcing this Bylaw.
2. The License Inspector may from time to time delegate the administration or enforcement of this Bylaw to another municipal staff member.
3. The License Inspector or his or her delegate has the authority to grant, refuse to grant, revoke, renew or refuse to renew licenses under this Bylaw.
4. The License Inspector or his or her delegate shall carry out the following powers, duties, and functions:
  - a) Ascertain that all information furnished by an applicant in connection with an application for a license or transfer of a license is true in substance and in fact; and
  - b) Prosecute violations and infractions of this Bylaw and administer this Bylaw, and as far as is practical, see that each person concerned conforms to its provisions; and
  - c) Keep records of all applications for licenses and transfers of licenses.

#### III. PROVISIONS FOR LICENSING

1. No person shall, within the corporate limits of the Town of High Prairie, carry on, or be engaged in any business, unless he or she has paid the prescribed fee as set out in Schedule “A” attached hereto, and holds a valid and subsisting Business License issued pursuant to this Bylaw.

## BYLAW 5/2003

### A BYLAW OF THE MUNICIPALITY OF THE TOWN OF HIGH PRAIRIE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION AND LICENSING OF BUSINESSES.

2. A Business License shall be required to carry on or operate any of the following businesses:
  - a) Resident Business
  - b) Non- Resident Business
  - c) Temporary Business
3. A separate business license is required for each separate business, regardless of ownership.
4. A license issued under the provisions of this Bylaw shall expire on December 31<sup>st</sup> in the year of issue, unless previously suspended or revoked. Every license shall bear on its face the date on which it was issued and the date on which it will expire.
5. Each applicant for a Business License shall pay the License Fee as per the attached Schedule "A" of this Bylaw.
6. Each applicant for a Business License for a new Resident or Non-resident business shall pay a pro-rated License Fee consisting of HALF (1/2) the annual business License Fee as per Schedule "A" of this Bylaw if the License is obtained after June 30<sup>th</sup> in the year issued.
7. A licensee may transfer a license issued to him/her provided he/she obtains the approval of the License Inspector and pays the transfer fee set out in Schedule "A" of this Bylaw.
8. No person being the owner, or having control of land or premises within the Town shall rent, lease or otherwise allow any person to carry on or operate any business, calling, trade or occupation unless that person has first obtained and is the holder of a current Business License from the Town.
9. A Business License, if issued, shall be null and void if the payment thereof was made by means of a non-negotiable document (i.e. N.S. F. cheque).
10. No Business License is required by:
  - the Town of High Prairie;
  - schools (non-commercial), school authorities or public colleges;
  - the local health authority;
  - the local ambulance authority, if publicly owned and operated;
  - the Government of the Province of Alberta or the Government of Canada;
  - a non-resident business that supplies and or delivers wholesale **or** bulk goods to a resident business which holds a valid business license;
  - any person that is an employee of some other person, who is licensed under this bylaw;
  - any charitable or non-profit organization; or
  - residential garage sales provided that the sale takes place on a residential property where that property owner, or primary resident when referring to rental properties, directly supervises and controls the sale.

#### IV. APPLICATION PROCESS

1. Applications for a new license or for a transfer of license shall be made in writing and submitted to the License Inspector.
2. The License Inspector shall issue annual License Renewals to Resident and Non-

## BYLAW 5/2003

### A BYLAW OF THE MUNICIPALITY OF THE TOWN OF HIGH PRAIRIE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION AND LICENSING OF BUSINESSES.

Resident Businesses continuing to operate within the Town of High Prairie without requiring a written application, based upon their prior year's Business License.

3. An applicant for a new license shall make application to the License Inspector on a form supplied by the Town, furnishing such information as the form shall require and such additional information as the License Inspector may, from time to time require, including, but not limited to:
  - a) Every Federal, Provincial, or Municipal permit, authority, license or other document of qualification that may be required in connection with the carrying on of a business.
  - b) Business's requiring health approval such as food establishments, institutions, hotels and personal service facilities must submit a current, valid and subsisting approval in writing from the Public Health Inspector.
  - c) When the applicant is a body corporate, the names and addresses of the Directors and Officers of the corporation, its registered address and proof of due incorporation.
4. The License Inspector may refuse to grant or renew a license and shall revoke or suspend a license if in his opinion, and upon reasonable grounds, he believes that:
  - a) The applicant is not bona fide;
  - b) The applicant or the licensee has contravened the provisions or requirements of this Bylaw or any enactment of the Province of Alberta;
  - c) The Applicant or Licensee has withheld or concealed information or has provided false information on any application for a license.
5. Notice of the cancellation or suspension of a license may be given by personal delivery of such notice to the Licensee or by mailing a registered letter to the Licensee at his place of business or residence as shown on the license.
6. The Licensee shall immediately upon being given verbal notice, or upon being served with written notice of the revocation of his license, terminate the operation of his business.

#### V. APPEAL PROCESS

1. Where an application for a license or for a transfer of a license has been refused or has been authorized subject to condition, or where a license has been revoked, the applicant or licensee may appeal to Council.
2. Any such appeal shall be made in writing to the Town's Chief Administrative Officer within thirty (30) days after a license has been refused or revoked. If an appeal is not received in writing within thirty (30) days, the right of appeal shall be barred and extinguished.
3. The Chief Administrative Officer shall place the appeal before Council within twenty one (21) days of receiving the appeal.
4. After hearing the applicant and the evidence adduced, Council may:
  - a) Confirm the License Inspector's refusal to issue or renew or transfer a Business License; or
  - b) Confirm the License Inspector's cancellation or suspension of a Business License; or
  - c) Direct that the license be issued either conditionally or unconditionally; as may be deemed expedient in the public interest.

#### VII. PENALTIES

**BYLAW 5/2003**

**A BYLAW OF THE MUNICIPALITY OF THE TOWN OF HIGH PRAIRIE,  
IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION AND LICENSING OF  
BUSINESSES.**

1. Any person who commits a breach of this Bylaw shall be liable, upon summary conviction thereof, to a fine of not less than \$250.00 and not more than \$1000.00.
2. Any Bylaw Enforcement Officer or Peace Officer may enforce the provisions of this Bylaw and may issue an offence ticket to any person found to have committed a breach of the Bylaw.

**VIII. TRANSITIONAL**

1. The attached Schedule "A" forms a part of this Bylaw.
2. Bylaw number 6/79 and subsequent amending Bylaws 4/81, 8/87, 4/88, and 11/93 and any other amending bylaws are hereby repealed.
3. This bylaw shall come into force and effect upon July 1, 2003.
4. During 2003, the License Inspector shall issue 2003 License Renewals to Resident and Non-Resident Businesses that are currently operating within the Town of High Prairie without requiring a written application.
5. During 2003, each Resident and Non-Resident Business shall pay a pro-rated License Fee consisting of ONE HALF (1/2) the annual business License Fee as per Schedule "A" of this Bylaw.

Read a first time this 25<sup>th</sup> day of June, 2003

Read a second time this 25<sup>th</sup> day of June, 2003

Given Unanimous Consent this 25<sup>th</sup> day of June, 2003

Read a third and final time this 25<sup>th</sup> day of June, 2003

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John Brodrick, Mayor

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Rod Griffiths, CAO

**BYLAW 5/2003**

**A BYLAW OF THE MUNICIPALITY OF THE TOWN OF HIGH PRAIRIE,  
IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION AND LICENSING OF  
BUSINESSES.**

**Schedule “A”**

**Bylaw 5/2003**

Being part of the Town of High Prairie Business License Bylaw providing for the annual fees associated with the Licensing of Businesses.

<b>License Type</b>	<b>Resident/year</b>	<b>Non-Resident/year</b>	<b>Temporary/2 weeks</b>
<b>General License Fee</b>	\$50.00 /year	\$50.00 /year	\$50.00
Amusement Arcades	\$50.00 /year		\$50.00
Auctioneers	\$50.00 /year	\$50.00 /year	\$50.00
Building Construction, Renovations, Mechanical Trades	\$50.00 /year	\$50.00 /year	\$50.00
Circus		\$50.00 /year	\$50.00
Hawkers/Peddlers/Canvassers	\$50.00 /year	\$50.00 /year	\$50.00
Home Occupations	\$50.00 /year		
Pawnbrokers	\$50.00 /year		
Taxis & Limousines	\$50.00 /year	\$50.00 /year	
Mobile Home Park	\$50.00 /year		
Transfer of License	\$10.00	\$10.00	\$10.00

Note: Each applicant representing a new Resident or Non-Resident Business shall pay a pro-rated License Fee consisting of ONE HALF (1/2) the annual business License Fee as per Schedule “A” of this Bylaw if the License is obtained after June 30<sup>th</sup> in the year issued.