

**TOWN OF ONOWAY
BYLAW NO. 749-18**

**A BYLAW FOR THE TOWN OF ONOWAY IN THE PROVINCE OF ALBERTA, FOR THE
PURPOSE OF ESTABLISHING A BUSINESS LICENSE BYLAW FOR BUSINESSES WITHIN
THE TOWN OF ONOWAY**

WHEREAS, it is provided in and by the Municipal Government Act, being Chapter M-26, RSA 2000, Section 7, Part 2, Division 1 and amendments thereto, that the Town of Onoway may license and control all businesses within the Town of Onoway, including the manner of operation, the nature of the operation and the location thereof, and may license any or all such businesses whether or not the business has a business premises within the municipality.

NOW THEREFORE, the Municipal Council of the Town of Onoway, in the Province has deemed it expedient and proper to establish a Business License Bylaw as follows:

SECTION 1 TITLE

1. This Bylaw may be cited as "The Town of Onoway Business License Bylaw".

SECTION 2 DEFINITIONS

For the purpose of this Bylaw and in the Schedules attached hereto, unless the context otherwise requires:

- 2.1 **"Application"** means a written application for a business license as provided for by this bylaw;
- 2.2 **"Business"** includes business, trade, profession, occupation, employment or the providing of goods and services;
- 2.3 **"Business License"** means a license issued pursuant to this bylaw;
- 2.4 **"Business Premises"** includes a store, office, warehouse, building enclosure, yard or other place occupied or capable of being occupied for the purpose of carrying on a business;
- 2.5 **"Chief Administrative Officer"** means the Chief Administrative Officer (CAO) of the Town of Onoway;
- 2.6 **"Council"** means the Municipal Council of the Town of Onoway elected in accordance with the Local Authorities Election Act;
- 2.7 **"Development Officer"** means the Development Officer of the Town of Onoway or anyone designated by the Chief Administrative Officer;

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- 2.8 **“Hawker or Peddler”** means any person, whether as principal or agent, who:
- a) 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
 - b) 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
 - c) sells merchandise or services, or both, on the streets or elsewhere than at a building that is his permanent place of business, but does not include any person selling:
 - 1) meat, fruit or other farm produce that has been produced, raised or grown by himself;
or
 - 2) fish of his own catching
- 2.9 **“Home Occupation”** means an occupation carried on within a unit which is districted residential as outlined in the Town of Onoway Land Use Bylaw;
- 2.10 **“License Inspector”** means a person authorized by the Chief Administrative Officer to carry out the provisions of this bylaw or anyone acting on his/her behalf;
- 2.11 **“Municipal Tag”** means a form alleging an offence of a Municipal bylaw allowing for voluntary payment of the specified penalty;
- 2.12 **“Non Resident”** means any business which does not have a permanent office or place of business in the Town of Onoway;
- 2.13 **“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 Town and does not include a transient trader;
- 2.14 **“Seasonal”** means any business which operates less than six (6) months in any calendar year;
- 2.15 **“Student”** means any business operated by an individual who usually attends an educational institute or is enrolled in a recognized educational program;
- 2.16 **“Transient Trader”** means any person who does not maintain a regular and permanent place of business within the Town;
- 2.17 **“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.

SECTION 3 REQUIREMENT OF A BUSINESS LICENSE

- 3.1 The Town has deemed that the requirement for a business license is voluntary through 2018 and 2019 and will be mandated in 2020.

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- 3.2 No person shall carry on or operate any business within or partly within the Town without holding a valid and subsisting business license issued pursuant to the provisions of this bylaw unless specifically exempted by law.

SECTION 4 LICENSE INSPECTOR

- 4.1 The Chief Administrative Officer shall appoint a license inspector to carry out the provisions of this bylaw.
- 4.2 The duties of a license inspector are:
- a) to receive and consider applications for a business license;
 - b) to conduct investigations with regard to proposed applications where necessary;
 - c) to conduct investigations of business premises where necessary;
 - d) to collect business fees pursuant to this bylaw (no fee for 2018 and 2019);
 - e) to grant, with or without conditions, or refuse business licenses where deemed appropriate and for just and reasonable grounds;
 - f) 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;
 - g) to commence prosecutions for violation of this bylaw.

SECTION 5 LICENSE APPLICATIONS

- 5.1 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.
- 5.2 A business license for an existing business shall be renewed by the 15th day of February of each year. Renewal shall be effected by a business license holder submitting the proper fees to the license inspector.

SECTION 6 PREREQUISITES FOR A BUSINESS LICENSE

- 6.1
- 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 Town of Onoway;
 - d) No business license shall be granted until the applicant has submitted to the license inspector the proper fee as provided by this bylaw (no fee required for 2019).

SECTION 7 CONDITIONS OF A BUSINESS LICENSE

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- 7.1 Every business license issued under this bylaw shall be posted in a conspicuous place in the business premises of the license.
- 7.2 Every person carrying on or engaged 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 him to carry out his duties.
- 7.3 Every business license issued under the provisions of the bylaw shall terminate at midnight on the 31st day of December in the year in which the said license was issued, unless revoked (whereby if revoked earlier it becomes void on the date so deemed revoked)
- 7.4 Any business called in by a resident or commercial owner / occupier to undertake any work in renovations, construction, 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.

SECTION 8 OFFICIALS TO HAVE ACCESS TO LICENSE PREMISES

- 8.1 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 his/her authority shall be guilty of a breach of this bylaw.

SECTION 9 TRANSFER OF LICENSE

- 9.1 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.

SECTION 10 APPEALS

- 10.1 A person seeking a license may appeal to Town Council in every case where:
- a) an application for a business license has been refused or:
 - b) a business license has been revoked.
- 10.2 An appeal under subsection (1) shall be made by the applicant within thirty (30) days after such refusal or revocation.
- 10.3 All appeals shall be made in writing addressed to the Chief Administrative Officer (CAO) and shall be dated as of the date received by the CAO.
- 10.4 Town Council, after hearing the applicant may:
- a) direct a business license be issued;
 - b) direct a business license be issued with conditions;

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- c) refuse to grant a business license;
- d) uphold the revocation of a business license on grounds which appear just and reasonable.

10.5 A decision of Town Council in respect of an appeal under this section shall be final and binding.

SECTION 11 LICENSE FEES

- 11.1 The business license fees shall be as established by Schedule A.
- 11.2 The fee payable for a first time business license issued between the 1st day of January and the 31st of March in any year shall be the license fee for the full year.
- 11.3 The fee payable for a first time business license issued between the 1st day of April and the 30th day of June shall be 75% of the license fee for the full year.
- 11.4 The fee payable for a first time business license issued between the 1st day of July and the 30th day of September shall be 50% of the license fee for the full year.
- 11.5 The fee payable for a first time business license issued between the 1st day of October and the 31st day of December shall be 25% of the license fee for the full year.
- 11.6 The aforementioned reduction in fees does not apply to Student, Transient Trader or Hawker/Peddler business licenses.

SECTION 12 PENALTY

- 12.1 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 prescribed in Schedule "B" as amended from time to time. Such penalty may be issued on a Municipal Tag or Violation Ticket.
- 12.2 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 Town.
- 12.3 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 Town may, in any of these cases, apply to a judge at the Provincial Court of Alberta by way of an action or originating notice for an 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.

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12.4 A person shall not obstruct or hinder any person in the exercise of the performance of the person's powers pursuant to this Bylaw.

SECTION 13 VOLUNTARY PAYMENT TAGS

13.1 Where a peace officer or bylaw enforcement officer believes that a person has contravened any section of this Bylaw, he may serve upon such person a municipal tag or violation ticket voluntary payment ticket allowing payment of the penalty specified in Schedule "B" for such offense to the Town and such payment shall be accepted by the Town in lieu of prosecution for the offense.

13.2 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.

13.3 Nothing in this section shall:

- a) prevent any person from exercising his/her right to defend any charges of committing a breach of any provision of this Bylaw;
- b) prevent any Bylaw Enforcement Officer, Licensing Officer or any Peace Officer from laying an information or complaint in lieu of serving a voluntary payment tag, or
- c) 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;

13.4 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 Town for the offense in respect of which payment has been made, such payment shall be refunded.

SECTION 14 SCHEDULE

14.1 The documents attached hereto and marked "Schedule A" and "Schedule B" shall form Part of this Bylaw and shall be identified by the signature of the Chief Administrative Officer of the Town.

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SECTION 15 ENACTMENT

15.1 That this bylaw shall rescind: Bylaws 391-88; 451-93 and 549-00.


15.2 That this Bylaw shall come into full force and effect upon the date of the final reading thereof and signed in accordance with the Municipal Government Act.

Read a First Time the 15th day of November, 2018.

Read a Second Time the 15th day of November, 2018.

Unanimously consented to for third reading this 15th day of November, 2018.

Read a third and final time this 15th day of November, 2018.



Mayor Judy Tracy



Wendy Wildman, Chief Administrative Officer

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“SCHEDULE A”

**TOWN OF ONOWAY
BUSINESS LICENSE FEE SCHEDULE**

Resident	January 1	\$100.00
	April 1	\$ 75.00
	July 1	\$ 50.00
	October 1	\$ 25.00
Non Resident Or Seasonal	January 1	\$150.00
	April 1	\$112.50
	July 1	\$ 75.00
	October 15, 2018	\$ 37.50
Accessory Home Occupation	January 1	\$100.00
	April 1	\$ 75.00
	July 1	\$ 50.00
	October 1	\$ 25.00
Student		N/C
Transient Trader/Hawker		\$ 50.00/day \$250.00/week
Transfer Fee		\$ 25.00

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“SCHEDULE B”

**TOWN OF ONOWAY
VOLUNTARY PAYMENT TAGS**

First Offense	\$ 250.00
Second Offense	\$ 500.00
Third & Subsequent Offenses	\$1,000.00