

**BYLAW NO. 21-20
OF THE TOWN OF STRATHMORE
IN THE PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF STRATHMORE, IN THE PROVINCE
OF ALBERTA, TO CONTROL AND REGULATE ALL BUSINESSES CARRIED
ON WITHIN THE TOWN OF STRATHMORE.**

UNDER AUTHORITY of and pursuant to the *Municipal Government Act, Chapter M-26, R.S.A. 2000*, and amendments thereto;

The Municipal Council of the Town of Strathmore in the Province of Alberta, duly assembled, **HEREBY ENACTS AS FOLLOWS:**

1. TITLE

1.1 This Bylaw may be cited as the "Business Licensing Bylaw".

2. DEFINITIONS AND INTERPRETATIONS

2.1 In this Bylaw all definitions contained in the Act shall apply.

2.2 Interpretations of this Bylaw shall be consistent with the requirements of the Act.

2.3 In this Bylaw:

(a) "Act" means the *Municipal Government Act, Chapter M-26, R.S.A. 2000*, and amendments thereto;

(b) "Applicant" means a person who applies for a License or renewal of a License required by this Bylaw, and shall also mean a person who is appealing the refusal, revocation, or suspension of a License.

(c) "Auctioneer" means a person who sells or offers for sale by public or private auction any real or personal property.

(d) "Business" means:

- (i) a commercial, merchandising or industrial activity or undertaking;
 - (ii) a profession, trade, occupation, calling or employment; or
 - (iii) an activity providing goods or services, however organized or formed, including a cooperative or association of persons.
- (e) "Bylaw Enforcement Officer" means any member of the Royal Canadian Mounted Police, a Municipal Peace Officer as appointed under the *Peace Officers Act, Chapter P-3.5, RSA 2006* and amendments thereto, or a Bylaw Enforcement Officer as appointed by the Town of Strathmore in accordance with Bylaw #87-06, as amended from time to time.
- (f) "Carnival or Circus" means a Business where a collection of side shows, riding devices on which a number of people may ride at one time, trained animal shows, tight rope walking, high wire displays, aerial acts, waxworks or games of chance or any combination of these operating at the same event and includes any event advertised as a Circus.
- (g) "Charitable or Non-Profit Organization" means a person, association of persons, or a corporation, acting for charity, or in the promotion of general social welfare as determined by the License Inspector, and includes:
- (i) a religious society or organization;
 - (ii) a service club;
 - (iii) a community, veteran's or youth organization;
 - (iv) a social, sport or fraternal organization or club;
 - (v) an employer's or employee's organization; or
 - (vi) schools funded by the public, engaged in work or activity for which moneys remain in the school coffers or are donated to charity.

- (h) "Council" means the Municipal Council of the Town of Strathmore, in the Province of Alberta.
- (i) "Farmers' Market" means an open air or fully or partly covered market, for the sale of goods directly by the producers, or their representatives who are involved in the production, of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, locally prepared and ready to eat foods and local artisan crafts.
- (j) "Flea Market" means the carrying on of a business to organize a group of more than three (3) merchants, vendors or participants, to gather in one location or building to offer handcrafts, produce and vegetables, food, new and used goods, wares, merchandise or services for sale for time periods of (7) seven days or less in duration.
- (k) "Garage Sale" means the displaying and offering for sale of five (5) or more items of goods, wares or merchandise (other than boats, motor vehicles or recreational vehicles of any kind) on private residential property.
- (l) "Hawker, Peddler or Street Vendor" means any person who, whether as principal or agent,
 - (i) goes from house to house selling or offering for sale any merchandise or service, or both to any person and who is not a wholesale or retail dealer in that merchandise or service;
 - (ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered to and shipped into the municipality;
 - (iii) sells merchandise or a service, or both, on the streets or roads or elsewhere other than at a building that is a permanent place of Business; or

- (iv) does not have a permanent place of Business in the municipality.
- (m) Home Occupation means a business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located. A home occupation may include, but is not restricted to, hairdressing and cutting, dressmaking, millinery and similar domestic crafts, music and/or dance instruction, minor repairs to household equipment, eating and drinking establishments, minor, a bed and breakfast establishment, a day home, and tutoring.
- (n) "License" means a License issued by the License Inspector pursuant to this Bylaw.
- (o) "Licensee" means a person holding a valid and subsisting License issued pursuant to the provisions of this Bylaw.
- (p) "License Inspector" means the municipal official appointed by resolution of Council to administer and enforce the requirements of this Bylaw.
- (q) "License Year" means the calendar year period commencing on January 1st and ending on December 31st.
- (r) "Non-Resident" means that the Business is not permanently located in the Town of Strathmore, as determined by the License Inspector, during that License year.
- (s) "Resident" means that the Business maintains a permanent place of Business in the Town of Strathmore, as determined by the License Inspector, during the License year.
- (t) "Trade Show" means a group of five or more persons at a single location, for a period of not more than seven (7) days, displaying to the public the types of goods, wares, merchandise, food or services that they have available for sale.

(u) "Violation Tag" means a tag or similar documents issued by the Town pursuant to the *Municipal Government Act, Chapter M-26, R.S.A. 2000* and amendments thereto.

3. BUSINESS LICENSE REQUIREMENTS

- 3.1 No person shall carry on or operate any Business within or partly within the Town without holding a valid Business License issued pursuant to the provisions of this Bylaw, unless specifically exempted under the provisions of this Bylaw or other Town of Strathmore Bylaws, or Provincial or Federal legislation.
- 3.2 Any advertising of Businesses, trades or occupations shall be deemed to be prima facie proof of the fact that the person is carrying on or operating any such Business, trade or occupation.
- 3.3 Where a Business, subject to licensing, is carried on or is intended to be carried on in more than one location within the Town of Strathmore, a License shall be required in respect of each location as though the Business carried on were a separate Business.
- 3.4 All contractors are required to submit a list of their sub-contractors.
- 3.5 For Businesses where more than one salesperson conducts Business within the Town of Strathmore, such as, but not limited to, Avon, Tupperware, Mary Kay, Arbonne, and Scentsy, only the Regional Manager is required to obtain a Business License.
- 3.6 All persons conducting Business within the corporate limits of the Town of Strathmore must possess a valid Business License by February 1st of the current License Year. Any Business operator failing to do so will be subject to the fees and/or penalties as outlined in Schedule "A".

4. BUSINESSES EXEMPTED FROM OBTAINING A BUSINESS LICENSE

- 4.1 Any Charitable or Non-profit Organization shall be exempted from the requirement to obtain a Business License provided that:

- (a) written notice is given to the Licensing Inspector providing a description of the Business, the time and place of the Business, and the Charitable or Non-profit Organization responsible;
- (b) that such written notice is provided not less than three (3) days prior to the start of the Business;
- (c) that the proposed Business complies with all Bylaws of the Town of Strathmore, and any other statutes or regulations;
- (d) that written approval has been provided by the License Inspector; and
- (e) that the Business is not a Carnival or a Circus.

4.2 A Business License shall not be required for the following Businesses;

- (a) an architect's corporation, a joint firm, a registered architect or a visiting project architect under the *Architects Act, Chapter A-44, R.S.A. 2000* and amendments thereto;
- (b) an Alberta land surveyor, a surveyor's corporation or a surveyor's partnership registered under the *Land Surveyors Act, Chapter L-3, R.S.A. 2000* and amendments thereto
- (c) a professional engineer, Licensee, permit holder or certificate holder under the *Engineering and Geoscience Professions Act, Chapter E-11, R.S.A. 2000* and amendments thereto;
- (d) an Auctioneer complying with the requirements of Section 803 of this Bylaw;
- (e) a Business that is to be in operation for less than four months and which is owned and operated by full-time students;
- (f) an owner of rental units including Residential townhouses, triplexes, four-plexes and apartments;
- (g) an insurance agent or adjuster as described in the *Insurance Act, Chapter I-3, R.S.A. 2000* and amendments thereto;
- (h) a registered accountant as described under CPA Alberta

- (i) a medical doctor who is registered with the College of Physicians and Surgeons of Alberta;
 - (j) a dentist who is registered under the College of Dental Surgeons of Alberta;
 - (k) a barrister or solicitor as registered under the Law Society of Alberta;
 - (l) a day home service provider that is registered with a provincially approved Day Home Agency;
 - (m) a Carnival or Circus under the provisions of Section 804;
 - (n) a newspaper and flyer delivery person who delivers the product to the house or Business;
 - (o) the sale by any person of agricultural products raised, grown or produced by such person within the Province of Alberta; or
 - (p) A Farmer's Market, Flea Market, or Garage Sale in continuous operation for a period not exceeding seven (7) days.
- 4.3 Any Business may exhibit or carry on Business at the location of a trade show or exhibition recognized by the License Officer for a consecutive period not exceeding seven (7) days without a Business License being required.

5. APPLICATION FOR A BUSINESS LICENSE

- 5.1 An Applicant shall make application in the form and manner prescribed by the License Inspector, and shall provide such information including, but not limited to;
- (a) name of the owner of the Business;
 - (b) name of the operator of the Business;
 - (c) name, address, email address and telephone numbers of the Applicant;
 - (d) a description of the Business;
 - (e) the location of the Business;

- (f) the name of the Business; and
 - (g) any required municipal or Provincial approvals.
- 5.2 Full payment of all fees required by this Bylaw shall accompany each application for a Business License.
- 5.3 Where a Business changes ownership, changes the form of its Business, or changes the name of its Business, a new application shall be made, and accompanied by the Notice of Change fee as shown in Schedule "A".
- 5.4 The License Inspector shall provide by email all current License holders renewal notification for the next License Year, prior to the end of each year.
- 6. APPROVAL, REFUSAL, SUSPENSION, OR REVOCATION OF A BUSINESS LICENSE**
 - 6.1 The License Inspector shall approve and issue a Business License to any Business, following the submission of an application as required by this Bylaw, which complies with this Bylaw and all other Bylaws of the Town of Strathmore, and any other statutes or regulations.
 - 6.2 A person who applied for a License under this Bylaw for which a Federal or Provincial certificate, authority, License or other document of qualification that may be required in connection with the carrying on of a business, or a Provincial License where required under any Provincial Act shall first produce to the License Department the required documentation before the License Inspector issues a Town License in respect thereof.
 - 6.3 Where any certificate, authority, License, document or any qualification under this or any other Bylaw or under any statute of Alberta or Canada is suspended, canceled, terminated or surrendered, any License issued under this Bylaw based in whole or in part on such certificate, authority, License, document or qualification shall be revoked automatically forthwith, with no refund.

- 6.4 Where a License is revoked pursuant to Section 603 hereof, the Licensee shall forthwith:
- (a) return the License to the Town of Strathmore Office; or
 - (b) furnish the License Inspector within three (3) days with proof satisfactory to him, of a renewal or re-issuance of any certificate, authority, License, document, or qualification referred to in Section 602 hereof at which time the License will be considered for suspension, renewal or re-issuance.
- 6.5 Where an application for a Business License is refused, the License Inspector shall forthwith advise the Applicant of the reason or reasons for the refusal in writing.
- 6.6 Where in the opinion of the License Inspector the loss of qualification under Section 603 is temporary, the License Inspector may immediately suspend the License in question for a period not to exceed thirty (30) days. Re-issuance of the License after suspension shall be without the requirement to apply for a Business License.
- 6.7 Where a License is revoked or suspended the Business shall immediately cease operating, and shall not commence operating until a Business License is approved and issued by the License Inspector.
- 6.8 Where a License is issued by the License Inspector it shall bear:
- (a) the identification of the Town of Strathmore;
 - (b) the License year;
 - (c) the expiry date;
 - (d) the classification of the Business, as determined by the License Inspector in conformance with the Town of Strathmore Land Use Bylaw, and amendments thereto;
 - (e) the name of the Business; and
 - (f) the location of the Business.

- 6.9 Each Business License issued shall be clearly displayed at the location of the Business for which it was issued.
- 6.10 Every Licensee who holds a License under this Bylaw which is not limited to a specific premise, shall, so long as the License is in force, carry on his person or have immediately available the License, or a copy authorized by the License Inspector, and such Licensee shall, upon request, forthwith produce same to the a License Inspector, or Bylaw Enforcement Officer or any person with whom he is doing Business, to which the License relates.
- 6.11 Every License issued under the provisions of this Bylaw shall terminate at midnight on the 31st day of December of the year stated on the face of the License unless:
- (a) the terms of this Bylaw otherwise expressly provide, or
 - (b) the License provides otherwise, or
 - (c) the License has been sooner cancelled or forfeited.
- 6.12 A License is automatically revoked if payment of fees required by this Bylaw are made by cheque or other instrument which is not accepted by the financial institution on which it is issued.
- 6.13 The classification of the Business, as determined by the License Inspector, shall include all subsidiary and ancillary uses at that location operated by the same owner and no separate Licenses or fees shall be required.

7. APPEAL

- 7.1 Where the License Inspector refuses an Application for a License, or suspends or revokes a License, the Applicant may appeal the decision of the License Inspector to Council.
- 7.2 An Applicant or Licensee wishing to appeal the decision of the License Inspector shall make a written request, addressed and posted to the Legislative Services Department (c/o Council) stating the basis of the appeal, accompanied by the fee as shown in Schedule "A".

- 7.3 The Applicant or Licensee shall have fifteen (15) business days from the date of refusal, revocation, suspension, or issuance subject to conditions, in which to appeal to Council through the terms above; otherwise the right of appeal shall be barred and extinguished.
- 7.4 The appeal shall be heard by Council within fifteen (15) business days of receipt and shall provide at least forty-eight (48) hours' notice of the meeting date to the appellant.
- 7.5 Council may, following a hearing of the Appeal;
- (a) confirm the refusal, revocation or suspension;
 - (b) direct that the License be issued;
 - (c) reinstate the revoked License; or
 - (d) remove or vary the suspension.
- 7.6 Where Council finds that, in its opinion, that fault does not lie wholly with the Applicant, the Licensing Board may refund all or part of the fee required by Section 702.
- 7.7 A decision of Council on an appeal is final and binding on all parties.

8. REGULATIONS

8.1 HAWKERS, PEDDLERS AND STREET VENDOR

- (a) No person shall carry on Business as a Hawker, Peddler or Street Vendor in public parks within the boundary of the Town without prior written permission from the Chief Administrative Officer.
- (b) Hawkers, Peddlers and Street Vendors shall be permitted to operate on any privately owned property within the Town of Strathmore, provided that a letter of permission from the property owner has been submitted with the Business License Application.
- (c) A Business License issued to a Hawker, Peddler or Street Vendor of foodstuffs, fruits and/or vegetables, shall be withheld until the

Applicant has produced a certificate from the Alberta Health Services or such other authorized Health Inspection Agency stating that the vehicle or receptacle from which the Applicant intends to sell produce is in a sanitary condition. Every such vehicle or receptacle shall at all times be subject to inspection by a Health Officer to ascertain that the said vehicle or receptacle and contents thereof are clean and sanitary.

- (d) Hawkers, Peddlers and Street Vendors operating within the Town of Strathmore shall abide by all other Bylaws in force in the Town of Strathmore
- (e) Violation of any provisions of this Bylaw pertaining to Hawkers, Peddlers and Street Vendors shall result in the Business License being revoked.

8.2 AUCTIONEERS

- (a) An Auctioneer License is not required for:
 - (i) a sale of the estate of a deceased person where the sale is made on the authority of an executor or administrator of the estate;
 - (ii) a sale by auction of goods and chattels taken in distress under the authority of a statute or recovery of a tax, rate or imposition made or levied pursuant to such statute;
 - (iii) an auction held by a Charitable or Non-Profit organization as defined by this Bylaw where the Auctioneer is receiving no fee or commission for carrying on the auction.
- (b) Unless they hold a valid License as an Automobile Dealer, an Auctioneer shall not consign, sell or offer a motor vehicle by auction; however, where a motor vehicle is a part of a consignment of a major portion of the sale of household effects or of a Business liquidation, an Auctioneer may sell by auction the motor vehicle along with the balance of the consignment.

8.3 CARNIVAL OR CIRCUS

- (a) No License shall be issued for a Carnival or Circus unless the Applicant provides proof of liability insurance in the amount of not

less than five million dollars (\$5,000,000), covering public liability for all personal injury, and property damage which may occur by reason of the operation of the Carnival or Circus;

- (b) The Town of Strathmore shall not be held responsible for personal injury or property damage caused by way of the issuance of a License for operation of a Carnival or Circus;
- (d) The License Inspector may issue a License at no fee if such Carnival or Circus is sponsored as a fund raising function by a Charitable or Non-Profit Organization, and the requirements of (a) and (b) above are met.

9. APPOINTMENT OF AND DUTIES OF THE LICENSE INSPECTOR

- 9.1 The Chief Administrative Officer shall appoint such Business License Inspectors as may be required to carry out the provisions of this Bylaw.
- 9.2 The License Inspector shall:
 - (a) administer and enforce the requirements of this Bylaw;
 - (b) collect all fees required by this Bylaw and credit such fees to an account of the Town of Strathmore; and
 - (c) provide reports and advise Council on Business licensing, in such manner and at such times as Council may require.
- 9.3 The License Inspector may conduct investigations regarding applications for a Business License where necessary.
- 9.4 The License Inspector may conduct inspections of any Business to ascertain that the Business complies with the requirements of this Bylaw.
- 9.5 Every person carrying on or engaged in any Business is required by the Act, on the request of the License Inspector, to give to the License Inspector all information necessary to enable him to carry out his duties.

10. DUTIES OF THE BYLAW ENFORCEMENT OFFICER

- 10.1 The Bylaw Enforcement Officer is hereby be appointed to enforce the provisions of this Bylaw.
- 10.2 The Bylaw Enforcement Officer shall at all reasonable times during regular Business hours have the right to enter any Business for the purpose of ascertaining if the provisions of this Bylaw are being complied with.
- 10.3 Where a person or Business is found to be in contravention to any of the provisions of this Bylaw, the Bylaw Officer may issue a warning and make recommendation to the Licensing Inspector to temporarily suspend the Business License until such time as the contraventions are rectified.

11. LICENSE FEES

- 11.1 Where a Resident Business operates only after June 30th of any License year, the fees paid shall be one half the fee shown on Schedule "A".
- 11.2 The provisions of Section 1101 shall not apply to Non-Resident Businesses all of whom are required to pay the full annual License fee regardless of the date the License is issued.
- 11.3 If a Resident Business, with a current Business License, closes prior to July 1st of any License year, a refund of one-half the fee minus an Administrative Fee as set out in Schedule "A" shall be refunded to the Business owner.
- 11.4 Where a first-time application for a Resident Business License has been approved, the fees paid shall be one half the fee shown on Schedule "A".
- 11.5 Where a Resident Business is owned and operated by a person 25 years of age or under the Business License Fee shall be waived.
- 11.6 Where a Resident Business License under the "Small Retail Commercial" category of Schedule "A" has been renewed for at least twenty-five (25) years by the same Licensee, the Business License Fee shall be waived.

12. PENALTIES

12.1 Any person who contravenes any provision of this Bylaw by:

- (i) doing any act or thing that is prohibited under the terms of this Bylaw; or
- (ii) fails to do any act or thing that is required to be done under the terms of this Bylaw

is guilty of an offence and the Town of Strathmore shall utilize whatever means deemed appropriate to affect collection.

12.2 A form of notice commonly called a Violation Tag may be issued by a Bylaw Enforcement Officer to any person alleged to have breached any provision of this Bylaw. The Violation Tag shall require the payment to the Town of the Specified Penalty set out in Schedule "B" to this Bylaw.

12.3 A Violation Tag shall be deemed to be sufficiently served:

- (a) if served personally on the accused at the Business premise; or
- (b) if mailed to the address of an Applicant or to the Business Premise's address.

12.4 Should a person not pay the penalty provided or contravene any section of this Bylaw and a prosecution has been entered against him, he shall be liable on summary conviction to the penalties legislated under Section 566 of the *Municipal Government Act, Chapter M-26, R.S.A. 2000* and amendments thereto, in addition to any License fee he may be required to pay.

12.5 Where a person is convicted of carrying on a Business without first being Licensed with the Town, or without payment of the necessary fee having been made, the Court may direct payment of the applicable License fee to the Town in addition to the fine imposed pursuant this Bylaw.

- 12.6 The Licensing Inspector of the Town is authorized to take the necessary steps to initiate legal proceedings to enforce this Bylaw, by way of injunction or otherwise, against any Business deemed in non-compliance of this Bylaw.

13. SEVERABILITY

- 13.1 It is the intention of the Council of the Town of Strathmore that each separate provision of this Bylaw shall be deemed to be independent of all other provisions herein and it is further the intention of Council that if any provision of this Bylaw is declared invalid, all other provisions thereof shall remain valid and enforceable.

14. GENERAL

- 14.1 Bylaw #10-08 and all amendments are hereby rescinded.

15. ENACTMENT

- 15.1 This Bylaw comes into full force and effect upon third and final reading.

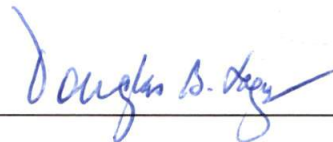
READ A FIRST TIME this 21st day of July, 2021

READ A SECOND TIME this 1st day of December, 2021

READ A THIRD TIME AND FINAL TIME this 1st day of December, 2021



MAYOR



CAO

Schedule "A"

| | 2022 | 2023 | 2024 |
|---|-------------|-------------|-------------|
| General Business License Fees | | | |
| Residential | \$ 100.00 | \$ 100.00 | \$ 110.00 |
| Non-Residential based on Siksika Reserve or in Wheatland County | \$ 150.00 | \$ 150.00 | \$ 175.00 |
| Non-Residential outside Strathmore, Siksika Reserve, or Wheatland County | \$ 225.00 | \$ 250.00 | \$ 275.00 |
| Specific Classification Business License Fees | | | |
| Home Based Business | \$ 100.00 | \$ 100.00 | \$ 110.00 |
| Restaurants | | | |
| Drive-Thru Restaurants | \$ 250.00 | \$ 400.00 | \$ 400.00 |
| Limited/Full-Service Restaurants | \$ 100.00 | \$ 100.00 | \$ 110.00 |
| Storefront Retail and Sales | | | |
| Large Retail Commercial (over 12,000 sq ft) | \$ 800.00 | \$ 900.00 | \$ 1,000.00 |
| Medium Retail Commercial (up to 12,000 sq ft) | \$ 500.00 | \$ 550.00 | \$ 600.00 |
| Small Retail Commercial (up to 5,000 sq ft) | \$ 100.00 | \$ 100.00 | \$ 110.00 |
| Hawkers, Peddlers and Street Vendors | \$ 100.00 | \$ 100.00 | \$ 110.00 |
| Contractors | | | |
| Contractors apply for the period required for a business license. | | | |
| Fee is \$5.00 per day (\$75.00 minimum / \$200 maximum) | | | |
| <i>Ex. If a license is required for 30 days the fee is \$150</i> | | | |
| Other Charges | | | |
| Notice of Change / Administrative Fee | \$ 25.00 | \$ 25.00 | \$ 25.00 |
| Appeal Request | \$ 100.00 | \$ 100.00 | \$ 100.00 |

Additional notes about Business License Fees:

1. Where a Resident Business operates only after June 30th of any License year, the fees paid shall be one half the fee shown on Schedule "A".
2. If a Resident Business, with a current Business License, closes prior to July 1st of any License year, a refund of one-half the fee minus an Administrative Fee as set out in Schedule "A" shall be refunded to the Business owner.
3. Where a first-time application for a Resident Business License has been approved, the fees paid shall be one half the fee shown on Schedule "A".
4. Where a Resident Business is owned and operated by a person 25 years of age or under the Business License Fee shall be waived.
5. Where a Resident Business License under the "Small Retail Commercial" category of Schedule "A" has been renewed for at least twenty-five (25) years by the same Licensee, the Business License Fee shall be waived.

Town of Strathmore

**Schedule "B"
Specified Penalty**

The specified penalty for breach of this Bylaw is:

- 1st Offence - \$ 500.00
- 2nd Offence - \$1,000.00
- 3rd Offence - \$2,500.00