

OFFICE CONSOLIDATION

CITY OF CHESTERMERE

PROVINCE OF ALBERTA

BYLAW #027-16

(Amended by Bylaw #025-18)

A Bylaw of the City of Chestermere, in the Province of Alberta, to provide for the licensing of all business conducted within the City of Chestermere.

WHEREAS the Municipal Government Act, R.S.A. 2000, c. M-26 and amendments thereto provides that a Municipal Council may pass a Bylaw respecting businesses, business activities, and persons engaged in business;

AND WHEREAS Council may regulate or prohibit any business and provide licenses, permits, and approvals;

AND WHEREAS Council deems it desirable to register businesses with the City of Chestermere and establish license fees;

NOW THEREFORE the Municipal Council of the City of Chestermere, Alberta, duly assembled, hereby enacts as follows:

1. Title

- (1) This Bylaw may be cited as the "Business License Bylaw".

2. Definitions

- (1) "*Applicant*" means a Person who applies for a Business License or a renewal of a Business License required by this Bylaw;
- (2) "*Business*" or "*Businesses*" includes a commercial, merchandising, or industrial activity or undertaking; a profession, trade occupation, or employment; or activity providing goods or services;
- (3) "*Business License*" means a License issued pursuant to this Bylaw;
- (4) "*Business Premises*" means any home, store, office, warehouse, yard, or other place occupied for the purpose of carrying on a Business which is a permitted or discretionary use under the City of Chestermere Land Use Bylaw;

- (5) “CAO” means the Chief Administrative Officer for the City of Chestermere, or that Person’s designate;
 - (6) “*Chestermere Business*” means a Business that is located within the boundaries of the City, or a Person Conducting Business whose registered Business address is located within the boundaries of the City (this shall include Commercial Premises and Major/Minor Home Business as defined by the Land Use Bylaw);
 - (7) “*Childcare*” or “*Day Home*” includes that which is defined by the Land Use Bylaw and any amendments thereto under “Child Care Facility”;
 - (8) “*City*” means the City of Chestermere, a municipal corporation, in the Province of Alberta and where the context so requires, means the area contained within the corporate boundaries of said City;
 - (9) “*Class 4 Driver’s License*” means a provincially issued driver’s license that enables the holder to operate a taxi, ambulance, or bus (including school or kindergarten buses) where seating capacity is not over twenty-four (24) passengers, excluding the operator; and all motor vehicles included under a Class 5 Driver’s License;
- (025-18)
- (10) “*Commence*” means the point in time at which a Business begins selling services or goods and shall not include preparations leading up to said point in time;
 - (11) “*Commercial Premises*” means any home, store, office, warehouse, yard, or other place occupied for the purpose of carrying on a Business which is a permitted or discretionary use under the City of Chestermere Land Use Bylaw;
 - (12) “*Conduct Business*” or “*Conducting Business*” means a Person operating as a sole proprietorship, part of a partnership, self-employed, or earning income from commissions, or a Business that is selling, leasing, or renting goods or services for a fee or exchange of benefits;
 - (13) “*Council*” means the elected Council of the City of Chestermere;
 - (14) “*Day*” means any complete Day or portion thereof beginning at 12:00 a.m. and ending at 11:59 p.m.;

- (15) “*Lake*” means on or in the water or shore of Chestermere Lake;
- (16) “*License*” or “*Licensed*” means a License or reference to a License issued under this Bylaw;
- (17) “*License Year*” means a calendar year period commencing on January 1 and ending on December 31 of that year;
- (18) “*Livery Vehicle*” means a taxi, limousine, or rideshare services which includes private ride-for-hire vehicles, and does not include rental vehicles;
- (19) “*Major/Minor Home Business*” includes that which is defined by the Land Use Bylaw and any amendments thereto;
- (20) “*Non-Chestermere Business*” means a Business or a person Conducting Business that has a Business address not located within the City (this shall include, but is not limited to a mobile food vendor, or contractor having a Business address outside of the City);
(025-18)
- (21) “*Open Market*” means two (2) or more vendors that sell their own products directly to the general public at a fixed location under a coordinating organization which includes but is not limited to an artisan or farmers market;
- (22) “*Peace Officer*” shall means a member of a Police Service or a Peace Officer appointed pursuant to the *Peace Officer Act, S.A. 2006, c. P-3.5* and the regulations thereof and any amendments thereto;
- (23) “*Provincial Offences Procedure Act*” means the *Provincial Offences Procedure Act, R.S.A. 2000, c. P-34* and the regulations thereof and any amendments thereto.

3. Application

- (1) Nothing in this Bylaw relieves a Person from complying with any provision of any provincial or federal law or regulation, other Bylaw, or any requirement of any lawful permit, order, or License.
- (2) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.

- (3) Where this Bylaw refers to another Act, Bylaw, regulation, or agency, it includes reference to any Act, Bylaw, regulation, or agency that may be substituted therefore.
- (4) All the Schedules attached to this Bylaw shall form a part of this Bylaw.
- (5) This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

4. Business Licenses

- (1) No Business or Person shall Conduct Business within or partly within the City without holding a valid Business License issued pursuant to the provisions of this Bylaw unless specifically exempt under the provisions of Section 5 of this Bylaw or can provide written proof that they are exempt under provincial or federal legislation.
- (2) Any advertising shall be deemed to be prima facie proof of the fact that a Business or Person is Conducting Business and will require a Business License unless exempt as outlined in Section 5.
- (3) A Business or Person Conducting Business involved in the sale of goods from a mobile platform will require a Business License as outlined in Schedule "A", provided that:
 - (a) they comply with all Bylaws of the City and any other applicable provincial or federal legislation;
 - (b) the Person obtains approval from the landowner in writing, or from the CAO is operating on City held land which includes roads.
- (4) A Business or Person Conducting Business with multiple permanent locations within the corporate limits of the City requires a Business License for each location.
- (5) All contractors and sub-contractors Conducting Business within the City require a Business License.
- (6) Livery Vehicle drivers Conducting Business as outlined in Section 2(11) are:
 - (a) permitted to drop off customers without obtaining any form of Business Licence from the City, but require a Business Licence if they are picking up customers from within the City;

- (b) required to hold a valid Class 4 Driver's Licence to obtain a Business Licence and pay the annual fee outlined in Schedule "A"; and
- (c) subject to inspection as outlined in Section 10.

(025-18)

- (7) All Businesses or Persons Conducting Business within the corporate limits of the City must possess a valid Business License by January 31 of the current License Year. A Business commencing operations after January 31 shall pay the normal fee(s) as outlined in Schedule "A".

5. Business License Exemptions

- (1) The following will be exempt from obtaining a Business License:
 - (a) Any Business or Person Conducting Business that is defined by provincial legislation as being exempt from a municipal License as outlined in Schedule "C";
 - (b) A Business or Person Conducting Business as part of a special or community event being organized or financially sponsored by the City;
 - (c) A Business or Person Conducting Business by or on behalf of the City of Chestermere, the Government of Alberta, or the Government of Canada;
 - (d) Anyone Conducting Business who is less than eighteen (18) years of age;
 - (e) A Business or Person Conducting Business for a duration of no more than two (2) consecutive Days in the City that is donating all of the profit to a charitable or non-profit organization and has a letter from the charity or non-profit organization to support this claim;
 - (f) A Business or Person Conducting Business within an Open Market, provided that the organization operating the Open Market:
 - (i) complies with all Bylaws of the City and any other statutes or regulations that may be applicable;
 - (ii) obtains a Business License as outlined in Section 6(7); and
 - (g) A Person providing an outdoor service, even at a cost to participants, that does not include the sale, lease, or rental of

goods/equipment and shall include, but is not limited to, yoga in the park, fitness boot camp, provided that;

- (i) the Person operates for less than two hundred (200) hours annually, and for a maximum of three (3) hours per Day;
- (ii) the Person obtains approval from the landowner in writing, or from the CAO if operating on City held land.

6. Application for a Business License

- (1) Applications for a Business License or a Business License renewal shall be submitted in writing on the respective form.
- (2) Full payment of the appropriate fee as outlined in Schedule "A" of this Bylaw shall accompany each application for a Business License.
- (3) A Business that changes ownership, form of Business, or the name of the Business must submit a new application with the appropriate fee as outlined in Schedule "A" of this Bylaw.
- (4) A Business submitting an application to renew a Business License for the following License Year shall not be deemed to be operating without a License provided that the application for renewal is received on or before January 31 of the License Year.
- (5) No Person shall give false information in an application pursuant to the provisions of this Bylaw.
- (6) Childcare/Day Homes shall be required to obtain a Business License, however the fees associated with the License shall be waived.
- (7) Organizers of an Open Market shall be required to obtain a Business License, however the fees associated with the Business License may be waived as outlined in Section 6(9).
- (8) Applications for Conducting Business on the Lake shall be subject to the provisions of the WID/City of Chestermere Agreement as well as City policies as determined by Council.
- (9) Where any charitable or non-profit organization wishes to be exempt from the requirements of this Bylaw to pay the full License fee, it shall request of the CAO an exemption, providing the name of the organization and such other information as the CAO requires to determine that the organization is a charitable or non-profit organization.

7. Refusal, Suspension or Revocation of a Business License

- (1) Where an application for a Business License is refused, the applicant shall be advised of the reason or reasons for the refusal in writing by a Peace Officer or City staff.
- (2) A Business License is automatically revoked if payment of fees is made by cheque or other instrument which is not accepted by the financial institution of which it was issued.
- (3) A Business which is operating in a form not in accordance with its Business License shall be subject to the suspension or revocation of its Business License.
- (4) A Business which is in contravention of this or any other Bylaw of the City, or Provincial or Federal legislation or regulation, may have its Business License refused, suspended, or revoked regardless of whether or not they have or are being prosecuted for that contravention.
- (5) There shall be no refund of Business License fees.
- (6) A Business that has its Business License suspended or revoked shall not be entitled to a refund of licensing fees paid and must submit a new application and all corresponding fees before that Business may resume.
- (7) Where a Business License is revoked or suspended the Business shall immediately cease operating and shall not Commence operation until a Business License is approved and issued by the City.
- (8) Any appeal of a decision to refuse, suspend, or revoke a Business License must be submitted by the owner or manager of that Business in writing to the CAO. The submission must state the basis of the appeal and be accompanied by the fee as outlined in Schedule "A". The CAO's decision shall be in writing and cannot be appealed.
- (9) Any Business that has made an appeal to the CAO under Section 7(8) and has not been granted a Business License after that appeal may not apply for a Business License until the next License Year.
- (10) Notification of any suspension or revocation of a Business License shall be made in writing by a Peace Officer or City staff.

8. Term of License

- (1) A Business License shall be valid from the date on which it was issued until 11:59 p.m. of December 31 that year, unless it is a temporary Business License, in which case it shall be valid for the dates shown on the License.

9. License Identification

- (1) All active Business Licenses must be displayed prominently by the Business in such a location that is easily viewable by the public and City staff.
- (2) A Business shall, upon request, immediately produce the License to a Peace Officer, City staff, or any Person with who they are carrying on Business.
- (3) A Person may not alter, reproduce without permission, or deface a License.

10. Inspections

- (1) All Businesses that are Licensed, or are required to be Licensed, may have the Business Premises and surrounding lot inspected by a Peace Officer at any time.
- (2) If a Peace Officer reasonably believes a Person or an applicant is carrying on a Business requiring a Business License, the Person or applicant shall:
 - (a) permit and assist in all inspections requested by a Peace Officer;
 - (b) provide all identification, information, and/or documentation related to the inspection, and;
 - (c) not provide to a Peace Officer false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with the licensing of the Business.
- (3) No Person shall attempt to prevent, obstruct, or hinder a Peace officer from making an inspection authorized by this Bylaw.
- (4) During an inspection authorized under this Section, a Peace Officer may examine any Business record or document for the purpose of enforcing this Bylaw, and remove any relevant record or document from the Business Premises for the purpose of copying it.

11. Penalties

- (1) Every Person who contravenes any of the provisions of this Bylaw by doing any act or thing which the Person is prohibited from doing is guilty of an offence.
- (2) Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00.
- (3) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "B" of this Bylaw in respect of that provision.
- (4) Where a contravention of this Bylaw is of a continuing nature, further tickets may be issued by a Peace Officer provided that no more than one (1) violation ticket is issued for each Day that the contravention continues.
- (5) A Peace Officer may suspend a Business License for seven (7) Days where a Person is contravening any provisions of this Bylaw, any other Bylaw, or any other Provincial or Federal Act or Regulation, and where they are not complying with a Peace Officer's demands to correct their contravening actions. This suspension does not limit or hinder the application of any other penalty described in Section 11.

12. Violation Tickets

- (1) Where a Peace Officer believes that a person has contravened any provision of this Bylaw, they may Commence proceedings by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act, R.S.A. 2000, c. P-34*.
- (2) This Section shall not prevent any Peace Officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, or from laying an information instead of issuing a violation ticket.

13. Severability

- (1) If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

14. General

- (1) This Bylaw shall take effect on the 1st day of January, 2017.
- (2) Bylaw 026-11 and Bylaw 023-13, being the Business License Bylaw, are hereby repealed in their entirety.

READ A FIRST TIME THIS 5th DAY OF December, 2016.

READ A SECOND TIME THIS 5TH DAY OF December, 2016.

READ A THIRD TIME THIS 19th DAY OF December, 2016.

Resolution Numbers: 459-16, 460-16, 492-16

MAYOR

CAO

Schedule "A": Business License Fees

License Type	Annual (Jan 1 – Dec 31)	After July 1	After October 1
Chestermere Business			
Commercial Premise	\$150.00	\$75.00	\$40.00
Major Home Business	\$100.00	\$50.00	\$25.00
Minor Home Business	\$50.00	\$25.00	\$15.00
Non-Chestermere Business	\$300.00	\$150.00	\$75.00

Other License Types	
1 Day	\$50.00
3 Consecutive Days	\$70.00
7 Consecutive Days	\$90.00
30 Consecutive Days	\$120.00
Seasonal 4 Month License (Consecutive)	\$150.00
Change of Business Type, Ownership, or Name	\$50.00
Appeal of Refusal, Revocation, or Suspension	\$50.00
Livery Vehicle	\$50.00 (025-18)

Schedule "B": Penalties

Section	Offence	Specified Penalty	Minimum
4(1)	Operate business without business license	\$500.00	\$300.00
6(5)	Give false information on application	\$250.00	\$150.00
7(7)	Carry on business when business license suspended	\$2500.00	\$1500.00
9(1)	Fail to post business license within public view	\$250.00	\$150.00
9(2)	Failure to produce business license upon request	\$250.00	\$150.00
9(3)	Reproduce/alter/deface license	\$250.00	\$150.00
10(2)(a)	Business fails to permit inspection	\$1000.00	\$600.00
10(2)(b)	Business fails to provide identification/information	\$500.00	\$300.00
10(2)(c)	Provide false/misleading information to Peace Officer	\$1000.00	\$600.00
10(3)	Obstruct/hinder Peace Officer	\$1000.00	\$600.00
10(4)	Fail to provide Peace Officer with record	\$500.00	\$300.00

Schedule “C”: Professional Business License Registration

If a Business or Person Conducting Business is exempt from obtaining a Business License as outlined by various provincial Acts, that Business or Person Conducting Business does not require a Business License.

The onus is on the Business or Person Conducting Business to provide proof of exemption.

There are a number of permits a Business or Person Conducting Business will require to established a Business in Chestermere. Prior to commencement of business operations, the owner or manager of the Business must go to the Development Services reception desk at City Hall to discuss specific requirements.

Those Businesses that are exempt from obtaining a Business License will receive a complimentary listing in the City of Chestermere Business Listing.