

**BYLAW #2005-746
VILLAGE OF CARBON
IN THE
PROVINCE OF ALBERTA**

**A BYLAW TO PROVIDE FOR THE LICENSING AND REGULATION OF ANY
BUSINESS OR INDUSTRY WITHIN THE VILLAGE OF CARBON.**

WHEREAS, the Village of Carbon Council discussed the requirement of a Business Licensing Bylaw to protect and regulate business within the boundaries of the Village of Carbon;

WHEREAS, it is provided in and by the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26 and all amendments thereto, that the Council may control and regulate all business and industry carried on within the Village of Carbon including the manner operation, the nature of the operation and the location thereof, and may license any or all such businesses or industries whether or not the business has a business premises within the municipality.

NOW THEREFORE under the authority of the Municipal Government Act, the Council of the Village of Carbon, in the Province of Alberta, enacts as follows:

A. DEFINITIONS

In this bylaw, unless the context otherwise requires:

- (a) **"Council"** shall mean the Council of the Village of Carbon.
- (b) **"Village"** shall mean the Village of Carbon.
- (c) **"Person"** shall include a group of persons, a firm, a partnership, a corporation
- (d) **"Adult Person"** means any living person over the age of 18 years.
- (e) **"Chief Administrative Officer"** shall mean the Chief Administrative Officer of the Village of Carbon duly appointed by Council.
- (f) **"Charitable or Non-Profit Organization"** means a person or persons acting for charity or in the promotion of general social welfare and includes:
 - a religious society or organization; a service club; a community, veteran's or youth organization; a social, sport or fraternal organization or club.
- (g) **"General Contractor"** means a person who is engaged in the construction industry whether or not the services of any subtrades may be required.
- (h) **"Business"** shall include any business, calling, trade, profession, industry, occupation employment or the provision of goods or services totally within or partly within the Village, not otherwise specified herein, and not excluded by the Provincial Statutes.
- (i) **"Business Premises"** includes the store, office, warehouse, residential dwelling, factory, building enclosure, yard or other place occupied for the purpose of carrying on a business.
- (j) **"Hawker or Peddler"** means any person who, whether as principal or agent, who
 - 1. goes from house to house selling or offering for sale any merchandise or services, or both, to any person, and who is not a wholesale or retail dealer in such merchandise or service, and not having a permanent place or business in the municipality; or
 - 2. offers or exposes for sale to any person by means of samples, patterns, cuts or blue prints, merchandise or services, or both, to be afterwards delivered and/or shipped in to the municipality; or
 - 3. sells merchandise on the streets or roads or else where than at a building that is his permanent place of business, but does not include any person selling:
 - a. meat, fruit, or other farm produce that has been produced, raised or grown by him/herself or,
 - b. fish of his/her own catching.

- (k) **"Home Occupation"** means an occupation carried on in a residence by one or more members or a family actually occupying the said residence as a dwelling and from which the Council has approved the operation of a business from that dwelling and renewal of the business license.
- (l) **"Resident"** means any person or adult person who has lived in the Village of Carbon for twelve (12) consecutive months prior to application for a license.
- (m) **"Non-Resident"** means any person or adult person who is not a resident or does not maintain an office in the Village of Carbon.
- (n) **"Sub-Contractors"** means a person or a company, to whom a general contractor has sublet all or a portion of a contract.

B. REQUIREMENTS

1. All licenses required under this bylaw shall be obtained at the Village of Carbon office.
2. The fees payable for, and the duration of the license, shall be for the full year, January 1st to December 31st, inclusive. A license issued under this bylaw expires on the 31st day of December of the current year regardless of the date of purchase and the fee for the year shall apply.
3. License fees are listed in Schedule A attached to and forming part of this bylaw.
4. No person shall carry on or operate any business or occupation within or partly within the Village of Carbon without first paying the Village the license fee prescribed in "Schedule A" of this bylaw.
5. A business license shall be issued to a business within 10 business days of receipt of an application providing that the application is accompanied by the appropriate payment and documentation.
6. No license shall be issued for a home occupation until the applicant is in possession of a valid Home Occupation Permit issued under the provisions of the Village of Carbon's current Land Use Bylaw.
7. Business licenses shall be displayed in a conspicuous place and the licensee shall produce the said license when requested to do so by a Constable or other person duly authorized by Council to demand its production.
8. General contractors are required to have a Village of Carbon business license and any subcontractors that are working for or on behalf of the general contractor must be listed on the general contractors business license. All subcontractors fall under the general contractors business license.
9. The Council may refuse to grant any license if, in its opinion, there are just and reasonable grounds for the refusal of the application of the license.
10. The Council may delegate to the medical health office the power to revoke the license of any person who sells food or drink for human consumption within the Village, but who neglects or refuses to comply with rules, orders or regulations of the Minister of Health, or the bylaws of the Village relevant to such business.

11. If, in the opinion of the Village, there are just and reasonable grounds because of a violation of this bylaw or because of unbusinessman like actions, the Village may revoke or cancel a license issued to a licensee.
12. No license shall be issued to a hawker or peddler until he/she has first produced the proper provincial license.
13. Every hawker or peddler licensed under this bylaw shall produce and exhibit his license when required to do so by a Constable or other person duly authorized by Council to demand its production.
14. Any person found guilty of a breach of this bylaw shall, upon summary conviction, be liable to a fine not exceeding \$100.00 and associated costs set forth by Council.

C. APPEAL WHERE LICENSE IS REFUSED OR REVOKED

In every case where a license has been refused, revoked or cancelled, the duly appointed official of the Village shall, in writing, inform the licensee or person seeking the license that the license has been refused, revoked or cancelled and the reasons for so doing.

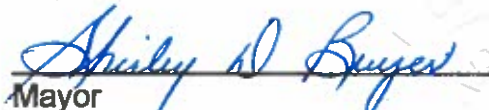
In every case where a license has been refused, revoked or cancelled the licensee or person seeking the license may appeal to the Village.

All appeals shall be made in writing addressed to the Chief Administrative Officer or the Village.

That this bylaw shall take effect on the date of the third and final reading.

READ A FIRST TIME this 12th day of September, 2005

READ A SECOND TIME this 12th day of September, 2005



Mayor



Municipal Administrator

Motion to proceed to third reading

CARRIED UNANIMOUSLY

READ A THIRD and final time, and finally passed this 12th day of September, 2005.



Mayor



Municipal Administrator



Schedule "A" to Bylaw No. 2005-746

FEES

(a) Business License Fee

- (1) Ten (\$10.00) dollars annually, due by January 15, or the first business day thereafter, at the Village of Carbon office.

(b) Hawkers and Peddler License Fees

- (1) A license fee of \$10.00 for one month, or
- (2) A license fee of \$40.00 for one year (January 1st to December 31st)

(c) Where a fee required has been paid by the tender of any uncertified cheque, the license:

- (1) is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license and,
- (2) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

FORM A

VILLAGE OF CARBON
Bylaw No. 2005-746
BUSINESS PERMIT APPLICATION

I/We hereby make application for a Business Permit in accordance with the plans and supporting information submitted herewith and which form part of this application.

APPLICANT: _____

ADDRESS: _____

TEL: (Res.) _____ (Bus.) _____ (Fax) _____

Email: _____

CIVIC ADDRESS: _____

LEGAL DESCRIPTION OF PROPERTY: LOT _____ BLOCK _____ PLAN _____

LAND USE DISTRICT: _____

DESCRIBE EXISTING USE OF LAND: _____

DESCRIBE PROPOSED BUSINESS: _____

ESTIMATED START DATE: _____

- I/We hereby give consent to post this business information on the Village of Carbon's website.
- I/We hereby give my consent to allow all authorized persons the right to enter the above land and/or buildings, with respect to this application only, and I/We hereby declare that the above information is, to the best of my/our knowledge, factual and correct.

DATE OF APPLICATION: _____

SIGNATURE OF APPLICANT: _____

REGISTERED PROPERTY OWNER: _____

(If different than applicant)

ADDRESS: _____

TEL: (Res.) _____ (Bus.) _____

DATE OF PERMISSION: _____

Permission is hereby given to Applicant to operate a business from the premises indicated above.

SIGNATURE OF PROPERTY OWNER: _____

DECISION

This is to notify you that the proposed business described above has been:

APPROVED:

APPROVED (with the following conditions):

REFUSED (for the following reasons):

DATE OF DECISION: _____

DATE OF ISSUE OF NOTICE OF DECISION: _____

You are further notified that you may appeal this decision to the Subdivision and Development Appeal Board in accordance with the provisions of Section C of this Bylaw. Such an appeal shall be made in writing and shall be delivered personally or mailed so as to reach the Secretary of the Subdivision and Development Appeal Board at the Village Office **NO LATER THAN 14 DAYS FOLLOWING THE DATE OF THE ISSUE OF THIS NOTICE.** The notice of appeal shall contain a statement of the grounds of the appeal.

Signature of Development Officer