

**TOWN OF PEACE RIVER  
BYLAW NO. 1776**

**Being a Bylaw of the Town of Peace River in the Province of Alberta to provide for the licensing and regulation of businesses.**

**WHEREAS**, by virtue of the authority of the *Municipal Government Act* (RSA 2000 and amendments thereto), the Council of the Town of Peace River may pass bylaws for the purpose of regulating and licensing businesses being carried on within the Town of Peace River and,

**WHEREAS**, the Council of the Town of Peace River deems it expedient to regulate and license businesses within the municipality,

**NOW THEREFORE**, the Council of the Town of Peace River duly assembled enacts as follows:

**TITLE**

1. This bylaw may be cited as the ***“Business Licensing Bylaw”***.

**DEFINITIONS**

2. In this bylaw, unless the context otherwise requires:
  - a. “BUSINESS” means any business, trade, profession, industry, occupation, employment or calling and the providing of goods and services.
  - b. “BUSINESS LICENSE” means a license issued pursuant to this bylaw.
  - c. “BYLAW VIOLATION TICKET” means a form approved by Council providing for the payment of a voluntary penalty in lieu of prosecution.
  - d. “CHARITABLE ORGANIZATION” means a society or other entity which operates primarily for the benefit of the public and includes, without limitation:

church or other religious organizations  
service clubs  
community, veterans’ or youth organizations  
social, sport or fraternal clubs or organizations

- e. "CONTRACTOR" means and includes:
- i) any person, company, firm or occupation normally engaged in the building, construction, alteration, demolition or repair of buildings or structures of any kind; and
  - ii) "Sub-Contractor", meaning the business of sub-contracting to provide special or specific service in relation to a particular trade or contract, or the person or firm so engaged.
- f. "COUNCIL" means the Municipal Council of the Town of Peace River.
- g. "HAWKER OR PEDDLER" means a person not being a body corporate and who whether as a principal or agent:
- i) goes from house to house selling or offering for sale and goods or services, or both, and who is not a wholesale or retail dealer and does not have a permanent place of business in the Town of Peace River;
  - ii) 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 in or shipped into the Town of Peace River; or
  - iii) sells merchandise or services or both on the streets or roads or elsewhere than at a building that is his or her permanent place of business.
- Persons selling meat, fruit or other farm produce produced, raised or grown by himself, or fish of his or her own catching caught within the Province of Alberta are not included in this section.
- h. "HOME OCCUPATION" means the use of a building or site which is normally incidental to the principal residential use of the building or site and which meets the special requirements of this bylaw.
- i. "LICENSEE" means a person holding a valid license issued pursuant to this bylaw.
- j. "LICENSE INSPECTOR" means and includes any official appointed by the Town of Peace River to administer the provisions of this bylaw, and includes a Bylaw Enforcement Officer and a member of the Royal Canadian Mounted Police.

- k. "NON-RESIDENT" means a person, firm, or corporation that operates from premises outside a one hundred (100) kilometre radius of the Town of Peace River.
- l. "PEACE OFFICER" means a Bylaw Enforcement Officer of the Town of Peace River or a member of the Royal Canadian Mounted Police.
- m. "PERSON" means and includes any person, one or more persons, firm, partnership or body corporate.
- n. "PREMISES" means any store, office, warehouse, factory, building, enclosure, yard or any space occupied or used by a person for the purpose of a business.
- o. "PRIMARY INCOME" means that a Home Occupation is the first source of income within a household.
- p. "REGIONAL" means businesses operating within one hundred (100) kilometres of the Town of Peace River.
- q. "RESIDENT" means any person who resides within the Town of Peace River and:
- i) has purchased, rented or leased a residence within the Town of Peace River and resides therein; or
  - ii) has purchased, rented or leased premises or land for the purpose of carrying on a specified business.
- r. "SECONDARY INCOME" means that a Home Occupation is a second source of income for the household and not that of a primary source.
- s. "TOWN" means the Town of Peace River.
- t. "VENDING MACHINE" means a coin operated machine for the sale of beverages, confectionary items, newspapers and any other product.
- u. "VIOLATION TICKET" means a ticket issued under the provisions of the *Provincial Offences Procedures Act*.

### **GENERAL REQUIREMENTS**

3. No person shall, within the corporate limits of the Town of Peace River, carry on, or be engaged in any business, calling, trade, occupation or profession unless he or she has paid the prescribed fee as set out in Schedule "A" (attached hereto), and hold a valid and subsisting license issued pursuant to this bylaw.
4. The fees for a business license shall be set by resolution of Council and amended from time to time as deemed appropriate.
5. Where a person carries on two or more trades or occupations from separate premises, then separate licenses shall be required.
6. Vending machines located in any outdoor public place shall be licensed, and shall conform in all regards with the Land Use Bylaw and the Traffic & Streets Bylaw.

### **APPLICATIONS & FEES**

7. Applications for a license, or a transfer of a license shall be made in writing on a form provided by the License Inspector.
8. Applicants shall pay to the Town the prescribed fee for a license under this bylaw at the time of application.
9. Licenses issued under this bylaw shall be delivered or mailed to the Licensee, who shall post same in a conspicuous location in the business premises. The Licensee shall produce the license for inspection purposes upon demand of the License Inspector or any other duly authorized person.
10. All license applications are subject to the provision of any land use regulations of the Town of Peace River, and the issuance of a license shall not be deemed as approval to carry on a business in or on any premises in contravention of the provisions of a Land Use Bylaw in force in the Town of Peace River.
11. Licenses issued under this bylaw shall not be transferred except to a person who at the same time purchases the business in respect of which the license was issued. Transfers and changes of name are subject to a transfer fee as set out in Schedule "A".
12. Licenses issued under this bylaw shall terminate at midnight on the 31<sup>st</sup> day of December of the year in which the said license was issued, unless sooner cancelled or forfeited. Licenses will be automatically renewed and the annual fee invoiced to the Licensee at the commencement of each calendar year unless the Licensee gives written notice that the business has ceased to

operate. When a business ceases to operate, it is incumbent upon the Licensee to provide to the Town written notice of termination of the business. The Town must receive such written notice within thirty (30) days of the invoice being issued.

13. Thirty (30) days after the invoice is issued it becomes past due and subject to an interest penalty as established by a resolution of Council from time to time.
14. The Town may issue a license after July 1<sup>st</sup> of any license year for one half the annual fee as set out in Schedule "A", excluding any transfer fee.
15. License fees are non-refundable.

#### **PROVINCIAL LICENSE**

16. Where a person requires a Provincial license no license shall be issued under the provisions of this bylaw until such time as proof is provided of the person or business holds a valid Provincial license.
17. When a Provincial license is cancelled or suspended the municipal license shall be automatically void until reinstated by a License Inspector.

#### **DISPLAY OF LICENSE**

18. Licensees shall display their current license in a conspicuous location on their premises for convenient viewing by the general public or a License Inspector.
19. Hawkers and Peddlers shall carry on their person their current license or copy thereof and shall display the license upon the request of a prospective client or a License Inspector.

#### **REVOCAION OR SUSPENSION OF LICENSE**

20. A License Inspector may revoke or suspend any license issued under the provisions of this bylaw for failure to comply with any of the conditions or regulations herein, or any other bylaw or regulation of the Town of Peace River.
21. A License Inspector may refuse to grant a license or may revoke or suspend any license if, in his or her opinion, there are just and reasonable grounds for the refusal of the application or for the revocation or suspension of the license.

22. Where an application is refused or a license is revoked or suspended, the applicant or licensee may, within fourteen (14) days of such refusal, revocation or suspension, appeal the decision to Council. The ruling of Council shall be final.

**DUTIES OF A LICENSE INSPECTOR**

23. The duties and authority of a License Inspector shall be to:
- a. receive and deal with all applications for licenses and transfers of licenses;
  - b. keep a record of all applications for licenses;
  - c. record such information and details with respect to licenses and persons applying for licenses as may be required from time to time by Council or auditors of the Town;
  - d. maintain regular contact with relevant provincial regulators and licensing authorities to ensure the validity of provincially issued licenses;
  - e. make an inspection of all premises for which a license is applied for, where such an inspection is required by the terms of this bylaw;
  - f. administer this bylaw and as far as practical see that all persons concerned comply with its provisions; and
  - g. prosecute violations of this bylaw.
24. A License Inspector shall at all reasonable times have the right, after being properly identified, to enter upon any premises licensed under this bylaw for the purpose of inspection or for the purpose of ascertaining if the provisions of this bylaw are being complied with.
25. Any person hindering, obstructing, preventing or refusing such free access after a License Inspector has demanded admission shall be guilty of an offence under this bylaw.
26. A License Inspector may issue at his or her discretion:
- a. a warning notice;
  - b. a Violation Ticket providing for the payment of a voluntary penalty as set forth in Schedule "B", which forms part of this bylaw, in lieu of prosecution; or

- c. a Violation Ticket requiring the accused to appear in court to answer a charge of violating any provision of this bylaw.

### **CARNIVALS AND CIRCUSES**

- 27. All carnivals and circuses shall obtain a business license from the Town of Peace River before commencing operations.
- 28. All carnivals and circuses, or groups sponsoring such operations shall provide to the Town of Peace River proof of adequate liability insurance naming the Town as a co-insured.
- 29. Operators shall make available to a License Inspector, Bylaw Enforcement Officer or Peace Officer all mechanical inspection reports required for amusement rides under the *Safety Codes Act*.

### **EXEMPTIONS**

- 30. Charitable Organizations as defined in this bylaw are not required to procure an annual business license, but shall be subject to the following conditions:
  - a. the organization shall advise Council in writing of all planned fund-raising campaigns involving door-to-door solicitation; and
  - b. solicitations shall be made only between the hours of 9:00 am and 9:00 pm Monday to Saturday.

### **ENFORCEMENT**

- 31. Any person in contravention of any provision of this bylaw shall be guilty of an offence and liable to a specified penalty as listed in Schedule "B" which is attached to and forms part of this bylaw.
- 32. Where the offence is non-payment of any license fee, a Violation Ticket under Part 2 or 3 of the *Provincial Offences Procedures Act* may be issued at the License Inspector's discretion. The presiding judge shall adjudge payment of the license fee in addition to the fine imposed.
- 33. Bylaws 1552 and 1579 are hereby repealed.

34. This bylaw shall come into full force and effect on  
January 1, 2006.

Read a first time this 22<sup>nd</sup> day of August, 2005.

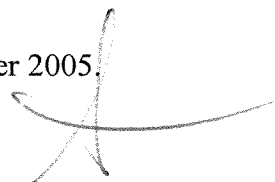


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Mayor - Lorne Mann

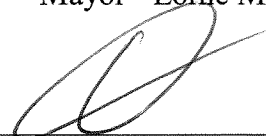


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CAO - Kelly Bunn

Read a second time this 14<sup>th</sup> day of November 2005.

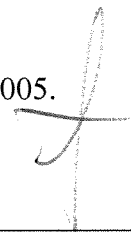


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Mayor - Lorne Mann



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CAO - Kelly Bunn

Read a third time this 14<sup>th</sup> day of November 2005.



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Mayor - Lorne Mann



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CAO - Kelly Bunn



SCHEDULE "A"Business License Fees

One Day License (Hawkers &amp; Peddlers) ..... \$ 50.00

Yearly Resident ..... \$ 150.00

Yearly Regional ..... \$ 200.00

Yearly Non-Resident ..... \$ 300.00

Home Occupation

Primary Income ..... \$ 150.00

Secondary Income ..... \$ 100.00

Transfer Fee ..... \$ 20.00Vending Machines ..... \$ 50.00/machineGeneral Contractors

	Annual Fee	Projects over \$250,000.00*
Resident	\$ 150.00 plus	\$1.00/\$1,000 of contract
Regional	\$ 200.00 plus	\$1.00/\$1,000 of contract
Non-Resident	\$ 300.00 plus	\$1.00/\$1,000 of contract

\* Unless it can be shown that all Sub-trades hold a valid Peace River Business License.

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**SCHEDULE "B"**

**Specified Penalty List**

Operate business without license:  
\$300.00 plus \$75.00/day

Non-payment of license fee:  
\$300.00 plus actual fee and accrued interest

Failure to display/produce license:  
\$100.00

Obstruct License Inspector:  
\$200.00