

**BYLAW 834-C-11-21  
TOWN OF COALDALE  
PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF COALDALE  
TO ESTABLISH THE LICENSING AND REGULATION  
OF ALL BUSINESSES OR INDUSTRIES WITHIN THE TOWN OF COALDALE**

**WHEREAS** the *Municipal Government Act, RSA, 2000, c. M-26* and amendments thereto, authorize a Council to pass bylaws for municipal purposes;

**AND WHEREAS** Section 7 of the *Municipal Government Act, RSA, 2000, c. M-26* authorize the Council to pass bylaws for the municipal purpose of respecting business activities and persons engaged in business;

**AND WHEREAS** Section 8 of the *Municipal Government Act, RSA, 2000, c. M-26* permits Council to provide for a system of licenses, permits or approvals;

**NOW THEREFORE**, the Council of the Town of Coaldale, duly assembled hereby enacts as follows:

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

**2. DEFINITIONS**

2.1 In this bylaw unless the context otherwise requires:

- (a) “Adult Person” means any natural person over the age of eighteen (18) years of age.
- (b) “Business” includes every business, trade, profession, industry, occupation, employment or calling, and the providing of goods and services.
- (c) “Bylaw Enforcement Officer” means an authorized Bylaw Enforcement Officer of the Town of Coaldale.
- (d) Designated Officer means a Bylaw Officer or anyone appointed as a Designated Officer under this bylaw by the Chief Administrative Officer.
- (d) “Charitable Organization” means any religious, charitable, scientific, literary or educational organization which is a registered Canadian charitable organization pursuant to the *Income Tax Act of Canada*.
- (e) “Chief Administrative Officer (CAO)” means the Chief Administrative Officer of the Town of Coaldale and anyone authorized by the Chief Administrative Officer to act on their behalf.
- (f) “Home Occupation” means any occupation, trade, profession, or craft carried on by a person who lives in a residential dwelling where the

business is the secondary use of the dwelling and includes any ancillary activity carried out at a residence on behalf of a business. “

- (g) “License” means a license issued pursuant to this bylaw.
- (h) “Licensee” means a person holding a valid license issued pursuant to this bylaw.
- (i) “License year” means the period commencing January 1 and ending December 31.
- (j) “Resident” means:
  - (i) in the case of a natural person, one who has resided in the Town continuously for twelve (12) months prior to the date the license is applied for,
  - (ii) in the case of a business, one which is assessed for and is liable for property tax to the Town of Coaldale.
- (k) “Town” means the Corporation of the Town of Coaldale or the area contained within the corporate boundaries of the Town as the context requires.

### **3. APPOINTMENT AUTHORITY & DUTIES**

- 3.1 The Chief Administrative Officer (CAO) may appoint Designated Officer(s) to carry out the provisions of this bylaw.
- 3.2 A Designated Officer is authorized to:
  - (a) Receive, consider and deal with all applications for a license and transfer thereof.
  - (b) Record such information with respect to licenses as may be considered necessary.
  - (c) Periodically visit and inspect business premises and construction sites for the purpose of ascertaining whether the business is complying with the provisions of this or any other applicable bylaws.
  - (d) Refuse to grant a license or to revoke or suspend any license if, in their opinion, there are just and reasonable grounds for the refusal or the application or for the revocation or suspension of the license subject to the right of the applicant to appeal the refusal, revocation or suspension to Town Council.
  - (e) Issue a license, with or without conditions, upon payment of the appropriate fee.
  - (f) Prosecute violators of this bylaw.

### **4. LICENSE REQUIREMENTS**

- 4.1 No person shall carry on or operate a business which is either wholly within or partly within and partly outside the Town unless the business holds a valid and subsisting license to do so, issued pursuant to this bylaw.

- 4.2 In a prosecution for contravention of this bylaw against engaging in or operating a business without a license, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.

## **5. EXCEPTIONS**

- 5.1 A Business License is not required for the following businesses;
- (a) A Charitable or Non-Profit Organization registered under the Alberta Societies Act, and amendments thereto.
  - (b) A business carried on by the Government of Alberta or the Government of Canada.
  - (c) Businesses to which an exception is granted by Council resolution from time to time.
  - (d) A business that is exempted from business licensing by Federal or Provincial legislation, these include but are not limited to:
    - Agrolgy Profession Act
    - Architects Act
    - Engineer and Geoscience Professions Act
    - Health Professions Act
    - Insurance Act
    - Land Surveyors Act
    - Professional and Occupational Associations Registrations Act
    - Regulated Accounting Professions Act
    - Regulated Forestry Profession Act
    - Veterinary Profession Act
  - (e) Public educational and institutional uses.

## **6. APPLICATION & ISSUANCE OF LICENSES**

- 6.1 Every application for a license shall be made by an adult person.
- 6.2 Every applicant for a license shall conform to the provisions of this bylaw and any other bylaw, Provincial Statue or Federal Act, applicable to that business.
- 6.3 If in the opinion of the Designated Officer an applicant for a license has complied with the terms of this bylaw and all-other applicable bylaw, Provincial Statues and Federal Act, the applicant shall be issued the license applied for upon payment of the applicable fee.
- 6.4 Where the Designated Officer issued a license which is subject to certain conditions, they shall endorse on the license issued the particulars of such conditions.

- 6.5 Every license issued under this bylaw shall be posted in a conspicuous place in the business premises of the applicant licensee.
- 6.6 Every license issued under the provisions of this bylaw shall terminate at midnight on the 31<sup>st</sup> day of December of the year in which said license was issued or such earlier date if the license has been revoked or suspended.
- 6.7 Every business, for which a yearly business license was issued in the previous license year must pay the business license fee as stated in the Town's Fees and Rates Bylaw as approved by Town Council on or before January 31<sup>st</sup> of each license year.
- 6.8 The Designated Officer may refer any application for a license or for a transfer or renewal of a license to such persons or Town Departments as they deem advisable in the circumstances and the Bylaw Enforcement Officer shall deal with the application when such comments have been received.
- 6.9 All licenses issued are subject to the applicable land use regulations in force in the Town and the issuance of a license shall not be deemed approval to carry on a business in or on any premises in contravention of such regulations. If any case where a license is granted to a person to carry on a business in or on a premises where such activity is not permitted by the land use regulations of the Town, the Designated Officer shall forthwith cancel the license and refund the license fee to the applicant.
- 6.10 All businesses required to hold a license pursuant to this bylaw shall pay an annual license fee per business site in accordance with the Town's Fees and Rates Bylaw as approved by Town Council.
- 6.11 (a) Should a license be issued after June 30<sup>th</sup>, in any year, the license fee shall be one-half of the appropriate annual license fee.
- (b) A subsisting license issued under this bylaw may be transferred to another person upon application to the Bylaw Enforcement Officer and payment of ten (10%) percent of the annual license fees, provided the transferee has the necessary qualifications for such a license.
- (c) Where a license is revoked or surrendered, the licensee is not entitled to any refund.

## **7. REVOCATIONS SUSPENSIONS & APPEALS**

- 7.1 Where an application for a license is refused or where a license is revoked or suspended, the Designated Officer shall notify the applicant in writing of such refusal, revocation or suspension and the reasons for the same.
- 7.2 Pursuant to Section 7.1 of this bylaw, the applicant may appeal to Town Council.

- 7.3 An appeal pursuant to Section 7.2 shall be made in writing, addressed to the Legislative Coordinator of the Town and shall be made within thirty (30) days after date of the refusal, revocation, suspension or date upon which the license was issued subject to conditions.
- 7.4 Town Council after hearing an appeal pursuant to Section 7.2, Town Council may:
- (a) Direct a license be issued without conditions;
  - (b) Direct a license be issued with conditions;
  - (c) Uphold the decision of the Designated Officer on grounds which appear just and reasonable by Town Council.

## **8. SPECIFIC REGULATIONS RESPECTING CERTAIN SPECIFIC BUINESSES**

- 8.1 In addition to general provisions of this bylaw, including the requirement of a business license, the businesses dealt with in this part are subject to the following regulations.
- 8.2 Non-Resident Vendor
- (a) Means a business that does not ordinarily maintain within the Town a permanent place of business and applies to those businesses providing goods or product and selling from a commercial zoned business within the Town.
  - (b) The annual license fee for a Non-Resident shall be in accordance with the Town's Fees and Rates Bylaw as approved by Town Council.
- 8.3 Non-Resident Contractor
- (a) Means a business that does not ordinarily maintain within the Town a permanent place of business and applies to those businesses providing services within the Town.
  - (b) The annual license fee for a Non-Resident shall be in accordance with the Town's Fees and Rates Bylaw as approved by Town Council.
- 8.4 Home Occupations:
- (a) No license for a home occupation shall be granted until the applicant has first obtained the necessary development approval under the applicable land use regulations of the Town.
  - (b) The annual license fee for home occupations shall be in accordance with the Town's Fees and Rates Bylaw as approved by Town Council.

## **9. FINES AND PENALTY**

- 9.1 Every person who violates any of the provisions of this bylaw, who suffers or permits any act or thing to be done in contravention or in violation of anything required to be done by any of the provisions of this bylaw or who does any act

which violates any provisions of this bylaw, shall be deemed to be guilty of an offence against this bylaw and liable to the penalties herein imposed.

- 9.2 (a) Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that an offense has been committed under section 4.1 of this bylaw, they may serve upon such persons a Municipal Tag, or they may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with the *Provincial Offences Procedure Act R.S.A 2000, Chapter 34 as amended*.
- (b) The specified penalty shall in equal to the applicable full annual business licensing fee.
- 9.3 Every person who commits an offense against this bylaw is liable to a fine and penalty upon summary conviction of not more than TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS and not less than the applicable full annual business license fee and shall in default of payment thereof to imprisonment for a period not exceeding SIX (6) MONTHS.
- 9.4 Every person who commits an offense of a continuing nature is liable to a fine not exceeding TWO THOUSAND FIVE HUNDRED (\$2,500) DOLLARS for each day such offence is continued.

## 10. MISCELLANEOUS

- 10.1 Bylaw 451-C-06-00 and all amendments, thereto, are hereby rescinded.
- 10.2 This bylaw shall come into force upon passing of third and final reading.

READ a FIRST time this 8<sup>th</sup> day of November, 2021, for Business License Bylaw 834-C-11-21.

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Mayor – Jack Van Rijn  
Motion #: 409-2021

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CAO – Kalen Hastings

READ a SECOND time this 22<sup>nd</sup> day of November, 2021, for Business License Bylaw 834-C-11-21.

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Mayor – Jack Van Rijn  
Motion #: 432-2021

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CAO – Kalen Hastings

READ a THIRD and FINAL time this 22<sup>nd</sup> day of November, 2021, for Business License Bylaw 834-C-11-21.

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Mayor – Jack Van Rijn  
Motion #: 433-2021

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CAO – Kalen Hastings