

AMENDING BY-LAW 98-01

TOWN OF MCLENNAN

PROVINCE OF ALBERTA

A BY-LAW OF THE TOWN OF MCLENNAN IN THE PROVINCE OF ALBERTA TO AMEND BY-LAW 96-02, THE LICENSING AND CONTROL OF ANY BUSINESS WITHIN THE TOWN OF MCLENNAN.

WHEREAS it is provided in and by the Municipal Government Act, of the Statutes of Alberta, 1995 and amendments thereto that the Council may license and control all businesses within the Town of McLennan including the manner of operation, the nature of the operation and the location thereof, and may license any or all such businesses whether or not the business has a business premises within the municipality.

NOW THEREFORE, the Council of the Town of McLennan duly assembled enacts as follows:

1.

**RATES:**

- (a) There is a rate of **\$100.00 yearly** for local or out-of-town businesses conducting business within the Town of McLennan.
- (b) Peddlars rate of **\$35.00** per day or **\$100.00** yearly.

**New Businesses:** rate established by starting quarter.

January	-	March	\$100.00
April	-	June	75.00
July	-	September	50.00
October	-	December	25.00

2.

**MULTIPLE BUSINESSES:**

- (a) Multiple Businesses owned by one person/family/company operating in one location requires one license only.
- (b) Multiple Businesses owned by one person/family/company operating in more than one location requires a license for each business.
- (c) Multiple Businesses operating in one location but as separate businesses require a license for each business.

READ a first time in Council this 9th day of February, 1998.

READ a second time in Council this 9th day of February 1998.

READ a third time in Council this 9th day of February, 1998.

TOWN OF MCLENNAN

  
MAYOR

  
SECRETARY-TREASURER

BY-LAW 96-02

TOWN OF McLENNAN

PROVINCE OF ALBERTA

A BY-LAW OF THE TOWN OF McLENNAN IN THE PROVINCE OF ALBERTA PROVIDE LICENSING AND CONTROL OF ANY BUSINESS WITHIN THE TOWN McLENNAN.

WHEREAS it is provided in and by the Municipal Government Act, the Statutes of Alberta, 1995 and amendments thereto, that the Council may license and control all businesses within the Town of McLennan including the manner of operation, the nature of operation and the location thereof, and may license any or all such businesses whether or not the business has a business premises within the municipality.

NOW THEREFORE the Council of the Town of McLennan duly assembled enacts as follows:

1. TITLE

This Bylaw may be cited as "THE BUSINESS LICENSE BYLAW" of the Town of McLennan.

2. DEFINITIONS

(a) "Application" shall mean a written application for a business license as provided for by this Bylaw.

(b) "Business" shall mean a trade, profession, occupation, employment or calling and the providing of goods and services.

(c) "Business License" shall mean a license issued pursuant to this Bylaw.

(d) "Business Premises" shall mean a store, office, warehouse, building enclosure, yard or other place occupied or capable of being occupied for the purpose of carrying on a business.

(e) "Hawker/Peddler" shall mean any person whether as principal or agent who:

(i) goes from house to house or business to business selling or offering for sale any merchandise or services, or both, to any person; or

(ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or services, or both, to be afterwards delivered in and shipped into the municipality; or

(iii) sells merchandise or services, or both, on the streets or elsewhere than at a building that is his permanent place of business, but does not include any person selling meat, fruit or other farm produce that has been produced, raised or grown by himself, or fish of his own catching.

(f) "Home Occupation" shall mean any occupation, trade, profession or craft carried on within a dwelling unit for gain or support which shall be a secondary use to the principal residential use and shall be restricted to the dwelling unit and approved accessory buildings. Approved Home Occupations shall be limited to those uses which do not interfere with the rights of other residences for the full enjoyment of a residential neighborhood.

(i) "Type A Home Occupation" shall mean any Home Occupation which is not classified a Type B or Type C Occupation.

- (ii) "Type B Home Occupation" shall mean offices in the home using the dwelling and/or accessory building as a professional or business office for gain or support by a person who occupies the dwelling as his private residence. An office in the home shall be limited to a desk and telephone operation. Typical uses would include off site janitorial services, porta welding, single vehicle trucking, accountants and catalogue sales where there is at the residence no storage of goods, no direct client contact at the residence and no parking of more than one business vehicle at the residence.
- (iii) "Type C Home Occupation" shall mean homecrafts for gain or gain or support as a direct result of the extension of a hobby or child care services not exceeding five (5) children at any given time conducted within the dwelling at their private residence. Homecrafts are secondary to the residence use. This class does not include personal service shops or commercial schools such as beauty parlors, barber shops and dance schools nor does it include home cooking and preserving for gain or support. Typical uses include dress making, millinery and similar domestic homecrafts, the manufacture of novelties and souvenirs, handicrafts, stamp and coin collecting and sales as an extension of a hobby, individual instruction to music students, the carrying out of minor repairs to household equipment normally used within a dwelling and to have not more than (3) garage sales per calendar year.
- (g) "License Inspector" shall mean a person authorized by Council to carry out the provisions of this Bylaw.
- (h) "Non-Resident" shall mean any business which does not have permanent office or place of business in the Town of McLennan.
- (i) "Resident" shall mean a business whose permanent office or place of business is situated in either a commercial, industrial, or urban service district of the Town.
- (j) "Secretary Treasurer" shall mean the Secretary Treasurer of the Town of McLennan and anyone designated by the Secretary Treasurer to act on his behalf.
- (k) "Town" shall mean the Town of McLennan.
- (l) "Town Council" shall mean the Municipal Council of the Town of McLennan.
- (m) "Town Manager" shall mean the Town Manager of the Town of McLennan and anyone designated by the Town Manager to act on his behalf.

3.

REQUIREMENT OF A BUSINESS LICENSE

- (a) No person shall carry on or operate any business within or partly within the Town of McLennan without holding a valid and subsisting business license issued pursuant to the provisions of this Bylaw unless specifically exempted by 1.
- (b) The following businesses and organizations shall be exempt from 3(a):
- registered charitable organizations;
  - religious groups;
  - service groups;
  - minor sports associations;
  - schools;
  - scouts, brownies, guides, and other similar organization
  - type C home organizations;
  - suppliers bringing billed goods to a licensed business for the purpose of resale.



4. LICENSE INSPECTOR

- (a) The Town Council shall appoint a license inspector to carry out the provisions of this Bylaw.
- (b) The duties of a license inspector are:
  - (i) to receive and consider applications for business license;
  - (ii) to conduct investigations with regard to proposed applications where necessary;
  - (iii) to conduct inspections of business premises where necessary;
  - (iv) to collect business license fees pursuant to this Bylaw;
  - (v) to grant, with or without conditions, or refuse business licenses where deemed appropriate and for just and reasonable grounds;
  - (vi) to revoke business licenses for just and reasonable grounds. Notice of revocation may be made by personal service upon the holder of the business license or by sending the notice by single registered mail to the persons residence or place of business;
  - (vii) to commence prosecutions for violation of this Bylaw

5. LICENSE APPLICATIONS

- (a) Every person applying for a business license shall submit to the license inspector a written application in the form "A" attached to this Bylaw and signed by the applicant or in the case of a corporation, its duly appointed agent.
- (b) A business license for an existing business shall be renewed by the 31st day of January of each year. Renewal may be affected by a business license holder submitting to the license inspector the proper fees as provided by this Bylaw.

6. PREREQUISITES FOR A BUSINESS LICENSE

- (a) No business license shall be granted until such time as the applicant hold a valid development permit where required by the Land Use Bylaw for the business.
- (b) No business license shall be granted until such time as the applicant holds a valid Provincial or Federal License where required by law.
- (c) No business license shall be granted until the applicant has submitted to the license inspector the proper fee as provided by this Bylaw.

7. CONDITIONS OF A BUSINESS LICENSE

- (a) Every business license issued under this Bylaw shall be posted in a conspicuous place in the business premises of business license holder.
- (b) In the case of a business operating one or more outlets in the same building only one business license shall be required.
- (c) On a construction project, all contractors, whether general or sub, will be required to obtain a business license.

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- (d) Every person carrying on or engaged in any business in respect or which a license is required under this Bylaw, upon request of the license inspector, shall give to the license inspector all information necessary to enable him to carry out his duties.
- (e) Every business license issued under the provisions of the Bylaw, unless revoked, shall terminate at midnight on the 31st day of December in the year in which the said license was issued.
- (f) Every business issued a license under the provisions of this Bylaw shall maintain in good standing the prerequisite conditions listed in Clause 6(a) and 6(b).
- (g) The Town shall maintain a list of licensed businesses for public inspection.

8. OFFICIALS TO HAVE ACCESS TO LICENSED PREMISES

The license inspector shall at all reasonable times have the right, after being properly identified, to enter upon any premises licensed under the provisions of this Bylaw for the purpose of inspection or for the purpose of ascertaining if the provisions of this Bylaw are being complied with. Any person hindering, preventing or refusing such free access after such person has demanded admission and established his authority shall be guilty of a breach of this Bylaw.

9. TRANSFER OF LICENSE

A license granted pursuant to the provisions of this Bylaw may, upon approval from the license inspector, be transferred from one premise to another premise or from one person or company to another person or company upon the payment of a transfer fee of five (\$5.00) dollars to be paid at the time of application for transfer.

10. APPEALS

- (a) A person seeking a license may appeal to the Town Council in every case where an application for a business license has been refused or a business license has been revoked.
- (b) An appeal from subsection (a) shall be made by the applicant within thirty (30) days after such refusal or revocation.
- (c) All appeals shall be made in writing addressed to the Secretary Treasurer of the Town of McLennan and shall be dated as of the date received by the Secretary Treasurer.
- (d) Town Council, after hearing the applicant, may:
  - (i) direct a business license be issued;
  - (ii) direct a business license be issued with conditions;
  - (iii) refuse to grant a business license;
  - (iv) uphold the revocation of a business license, on grounds which appear just and reasonable.
- (e) A decision of Town Council in respect of an appeal under this section shall be final and binding.

11. LICENSE FEES

The fee payable in respect of any license required under the provisions of this Bylaw shall be the amount set out in Schedule "B" to this Bylaw.

12. PENALTIES

- (a) Any person violation any provision of this Bylaw shall be guilty of an offense and liable on summary conviction:
  - (i) to a penalty of not less than Two Hundred (\$200.00) dollars and not more than Seven Hundred and Fifty (\$750.00) dollars and costs for the first offense; and
  - (ii) to a penalty of not less than One Hundred (\$100.00) dollars for every day the offense continues, exclusive of costs;
- (b) As an alternative of (a) above, the license inspector or a Bylaw Enforcement Officer may enforce the provision of this Bylaw and may issue an offense ticket, pursuant to the Summary Convictions Act, to any person alleged to have committed one or more breaches. The offense tickets shall state the alleged offense and the amount of the appropriate fine as provided in Schedule "C" which is attached to and forms part of this Bylaw.
- (c) An offense ticket under Section "b" above may be issued by personal service upon the alleged offender or by leaving it at the residence of the alleged offender or by sending it to the alleged offender by single registered mail.
- (d) Where the offense is non payment of any license fee payable hereunder, the court may adjust payment thereof in addition to the fine imposed.

13. This Bylaw shall come into full force and effect on the passage of this Bylaw.

READ a first time this 8 day of January, A.D., 1996.

TOWN OF McLENNAN

Ron Faulkner  
MAYOR

Richard J. Duncan  
SECRETARY TREASURER

READ a second time this 11 day of March, A.D., 1996.

TOWN OF McLENNAN

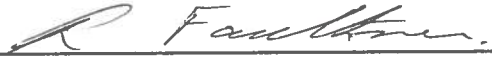
R Faulkner  
MAYOR

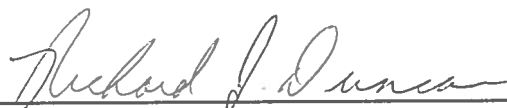
Richard J. Duncan

TOWN OF McLENNAN BY-LAW 96-02  
con't

READ a third time and finally passed this 11 day of  
March, A.D., 1996.

TOWN OF McLENNAN

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
SECRETARY-TREASURER

TOWN OF McLENNAN  
 BUSINESS LICENSE APPLICATION - SCHEDULE "A"  
 BY-LAW 96-02

APPLICANT INFORMATION:

Name of Applicant: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Home Phone No. \_\_\_\_\_  
 Provincial License # if Applicable: \_\_\_\_\_

=====  
 BUSINESS INFORMATION:

Name of Business: \_\_\_\_\_  
 Business Description: \_\_\_\_\_  
 Business Location: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Alternate Phone No: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Resident: \_\_\_\_\_ Non Resident: \_\_\_\_\_

Type of License:  
 a). Hawker/Pedlar \_\_\_\_\_ b). Contractor \_\_\_\_\_  
 c). Home Occupation \_\_\_\_\_ c). Other \_\_\_\_\_

Fee Payable: \_\_\_\_\_ Day (s) @ \$ \_\_\_\_\_ /Day = \_\_\_\_\_  
 \_\_\_\_\_ 1 Year @ \$ \_\_\_\_\_ / 1 Year = \_\_\_\_\_

\_\_\_\_\_  
 Signature of Receiver

\_\_\_\_\_  
 Signature of Applicant

=====  
 \*\* OFFICE USE ONLY\*\*

Development Permit Issued: Yes/No \_\_\_\_\_ Applied: \_\_\_\_\_

Land Use District: \_\_\_\_\_

Date Approved/Refused: \_\_\_\_\_

Approved By: \_\_\_\_\_

Comments: \_\_\_\_\_

License # \_\_\_\_\_

Annual Renewal:  
 Dates & Fees

_____	_____	_____
_____	_____	_____
_____	_____	_____



TOWN OF McLENNAN BY-LAW 96-02  
Con't

TOWN OF McLENNAN  
SCHEDULE "B"  
BY-LAW 96-02

LICENSE FOR:

	Resident	Non-Resident
Hawker/Peddler - Daily	\$ 30.00	\$ 60.00
- Yearly	\$ 140.00	\$ 420.00
All Other Businesses	\$ 100.00	\$ 120.00

TOWN OF McLENNAN BY-LAW 96-02  
Con't

TOWN OF McLENNAN  
SCHEDULE "C"  
BY-LAW 96-02

FINE STRUCTURE FOR SECTION 12 (B)

VIOLATION OF ANY PROVISION OF THIS BY-LAW

First Offence:

Double the fee for a business license (including the license fee plus One Hundred (\$100.00) dollars for each day the offense continues, exclusive of costs.

