

**BYLAW 2007 - 01**

**OF THE MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17**  
**In the Province of Alberta**

Being a Bylaw of the Municipal District of Opportunity No. 17 in the Province of Alberta, providing for the licensing, controlling and regulating of Business in the whole of the Municipal District.

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WHEREAS Sections 7 and 8 of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M 26.1 with amendments in force as of January 1, 2004, provides that the Council may by Bylaw license and control all businesses within the MD of Opportunity No. 17. This includes 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 businesses have business premises within the municipality.

AND WHEREAS, the Council of the MD of Opportunity No. 17 deems it necessary to provide for a Bylaw for the purpose of licensing and controlling all businesses operated within the MD of Opportunity No. 17.

NOW THEREFORE, the Municipal District of Opportunity No. 17 the Council, duly assembled, enacts as follows:

**1. Bylaw Name**

This Bylaw shall be cited as the Municipal District of Opportunity No. 17 Business License Bylaw.

**2. Definitions**

The following definitions shall apply, unless the context otherwise requires:

- a) "Application" shall mean a written application as provided for by administration.
- 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, or yard capable of being occupied for the purpose of carrying on a business.
- e) "Bylaw Officer" shall mean a person authorized by Council to carry out the provisions of this Bylaw.
- f) "Council" shall mean the Council of the Municipal District of Opportunity No. 17
- g) "Garage Sale" shall mean the displaying and selling of new and used personal property, excluding automobiles, from private residential property.
- h) "Hawker" or "Peddler" means any person who, whether as principal or agent
  - (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.
- i) "Home Based Business" shall mean a home business carried on by an occupant of a residential building as a use secondary to the residential use and which does not change the character or outside appearance thereof or have any exterior evidence of such a secondary use other than approved signage and business vehicle.
  - (i) "Home Craft/Child Care" (Type A):  
Means home crafts for 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. A Home Craft may involve direct client contact, but only to a minor extent and requires no additional employees. Home Crafts may include but are not limited to sewing, tailoring and similar domestic crafts, handcrafts, hobbies, music instruction, and tutoring.
  - (ii) "Direct Sales" (Type B):

Means a home based business operated by a person who carries on the business of selling or offering for sale goods or services or both, or entering into agreements for the sale of goods or services or both, for delivery or performance at a future date, where the salesperson offers for sale, solicits, negotiates or concludes the sale of agreement in person at a location other than at the seller's residence.

(iii) "Professional Services" (Type C):

Means a small-scale business or professional office operated in a home by a person who occupies the dwelling as a residence. A home office is limited to a desk, a telephone and related office equipment, does not engage in the warehousing or sale of goods, and requires no additional employees. A home office may include but is not limited to offices of accountants, doctors, business consultants, contractors, lawyers, bookkeepers, and architects.

(iv) "Bed & Breakfast" (Type D):

Means a dwelling in which no more than four units (without cooking facilities) are made available for the temporary accommodation of the travelling or vacationing public. The number of approved units will depend on the availability of on-site parking. A person who occupies the dwelling as a private residence shall operate the bed and breakfast.

(v) "Other" (Light Industrial/Light Commercial) (Type E):

Means a home based business, excluding the above noted operated in the home and may be extended to an accessory residential building provided that the minimum on-site parking requirements are met. The number of "Outside District Boundaries" employees working on-site shall not exceed two at any given time.

- j) "Home Occupation" shall have the same meaning as in the Municipal District of Opportunity No. 17 Land Use Bylaw.
- k) "Outside District Boundaries" shall mean any business that does not have a permanent office or place of business in the Municipal District of Opportunity No. 17 boundaries.
- l) "Within District Boundaries" shall mean a business whose permanent office or place of business is situated in either a commercial, industrial, or residential district with the Municipal District of Opportunity No. 17, or lives on an Indian Reserve within the Municipal District of Opportunity No. 17 boundaries.
- m) "Chief Administrative Officer" shall mean the Chief Administrative Officer of the MD of Opportunity No. 17 or anyone designated by the Chief Administrative Officer to act on his/her behalf.
- n) "Violation Ticket" means a violation ticket as defined in the Provincial Offences Procedures Act (Alberta).

**3. Necessity for a License**

No person shall, within (or partly within and partly without) the corporate limits of the Municipal District of Opportunity No. 17, carry on, engage in or operate any business unless he or she has paid the prescribed business license fee as set out in Schedule "A" attached, and holds a valid and subsisting license issued pursuant to the Bylaw.

**4. Exemptions From Business License Fees and Licensing**

The following organizations and persons shall be exempted from licensing and license fees.

- a) Religious groups and charitable organizations
- b) Minor sports associations, service clubs, schools, community organizations, youth clubs, etc.
- c) Non-profit community service organizations registered charitable organization;
- d) scouts, brownies, guides, and other similar organizations;
- e) type A home based businesses;
- f) Suppliers bringing bulk goods to a licensed business for the purposes of resale.
- g) Rate payers or residents of the Municipal District selling farm produce that has been raised by them.
- h) Residents of the Municipal District holding garage sales, auctions, etc.

**5. Applications for a Business License**

- a) Every person applying for a business license, to amend a Business License, to transfer a Business License to another person, or to renew a Business License; shall submit to the Bylaw Officer a written application signed by the applicant or in the case of a corporation, its duly appointed agent.
- b) Applicants must be in possession of any applicable valid license required by the Government of Canada or the Province of Alberta upon the request of, or where required by the Municipal District.
- c) A license shall not be issued until the fee has been paid.
- d) The Manager or designated Bylaw Officer may refuse to issue a business license if he or she has reasonable and probable grounds to believe the applicant may attempt to defraud the public in any way or if in his/her opinion the conduct of the business is offensive.
- e) A business license for an existing business license shall be renewed by the 31<sup>st</sup> day of January of each year. Renewal may be affected by a business license holder submitting to the Bylaw Officer the proper fees as provided by this Bylaw.

**6. Prerequisites for a Business License**

No business license shall be granted:

- a. Until such time as the applicant holds a valid development permit where required by the Land Use Bylaw for the business.
- b. Until such time as the applicant holds a valid Provincial or Federal License where required by law.
- c. Until the applicant has remitted the proper fees as provided by this Bylaw.
- d. If the applicant has failed to provide all the information required or requested under this Bylaw;
- e. To any applicant not properly licensed or approved or otherwise not in compliance with any Federal, Provincial or Municipal Statute, regulation, bylaw or other requirement;

**7. Conditions of a Business License**

- a) In the case of a business operating one or more outlets in the same building only one business license shall be required, however two or more businesses situated in the same building that are not dependant on each other for survival, will be levied a business license fee for each business operating in the building.
- b) Every person carrying on or engaged in any business in respect of which a license is required under this Bylaw, upon request of the Bylaw Officer, shall give to the Bylaw Officer, all information necessary to enable him/her to carry out his/her duties.
- c) Every business license issued under the provisions of the Bylaw, unless revoked, shall terminate at midnight on the 31<sup>st</sup> day of December in the year that the said license was issued.
- d) 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).
- e) The MD of Opportunity No. 17 shall maintain a list of licensed businesses for public inspection.
- f) The holder of a Business License shall apply to the Bylaw Officer for an amendment to the license if there is any change in:
  - i. the business location;
  - ii. the owner of the business;
  - iii. the telephone or fax number of the business
  - iv. the name of a business, or
  - v. the type of business carried on
- g) If a person ceases to carry on the business for which a Business License is granted, that person shall immediately notify the Bylaw Officer.

**8. Officials to Have Access to Licensed Premises**

The Bylaw Officer shall at all reasonable times have the right, after being properly identified, to enter upon any premises licensed under the provisions of the Bylaw for the purpose of inspection or for the purposes of ascertaining if the provisions of the 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) A license granted pursuant to the provisions of the Bylaw may, upon approval from the Bylaw Officer, 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 as set out in Schedule "A" attached, to be paid at the time of the application for transfer, provided that the business name remains the same.

**10. Posting of License**

- a. A Business License shall be posted in a conspicuous place at the business location so that it is visible to the customers of the business.
- b. A Business License issued with respect to a business that is not conducted at a fixed location shall be carried on the person of the licensee or in or on the vehicle or apparatus from which such business is conducted and shall be shown to the Bylaw Officer upon demand, or in such case that a business is located out of District, the business office will be responsible to provide the License upon request.

**11. Zoning**

All business licenses are granted subject to the provisions of any zoning regulations of the Municipal District of Opportunity No. 17.

**12. Save Harmless Agreement**

Business licenses contain the condition that the licensee shall at all times indemnify and save harmless the Municipal District of Opportunity No. 17, its agents, heirs and successors, from all claims arising from negligent or unlawful acts or omissions of the licensee.

**13. License Information**

Every licensee, on request of the Manager or his/her designate, shall produce all information necessary for the person to carry out his/her duties.

**14. Cancellations and Refunds**

- a) The Manager or designated officer is hereby empowered to cancel without refund a business license where:
  - i. the licensee is in contravention of Article 8 above
  - ii. the business activities result in a convictions for an offense under the provisions of the Criminal Code of Canada or other federal and provincial statutes
  - iii. the Medical Officer of Health requests cancellation of the business license
  - iv. any provincial or federal license required for the operation of the business have been canceled or suspended
- b) Where a licensee requests early termination of the license, no refund will be paid.
- c) Upon a Business License being suspended or revoked, the holder shall be notified:
  - i. By personal service of a notice of the holder; or
  - ii. By mailing a notice to the holder by registered mail to the holder's business location or residential address noted on the application of the Business License.
- d) A notice of suspension or revocation of a Business License shall be deemed to be received on the date of service or five (5) working days for after the date is mailed.
- e) Upon receiving a notice of suspension or revocation of a Business License, a person shall cease to carry on the business with respect to which the license was issued.

**15. Violations**

- a) Any person violating any of the provisions of this Bylaw shall be guilty of an offense and liable on summary conviction to a fine of not less than \$200.00 or, in the case of non-payment of the fine, to imprisonment for a period not exceeding fifteen (15) days.
- b) If, in any prosecution or proceeding under this Bylaw, it is alleged that the person proceeded against, carried on or engaged in a business without first having obtained a business license, proof of one transaction in the business or proof that the business has been advertised is sufficient to establish that the person proceeded against, carried on or engaged in the business.

**16. Appeals**

- a) An applicant who has been refused a license, or a licensee who has had his/her license cancelled, may appeal to the Council.
- b) Appeals shall be in writing and shall be submitted to the Manager within fifteen (15) days of the refusal or cancellation.
- c) The appeal hearing shall be held within thirty (30) days of the first regular council meeting following receipt of the appeal and a council decision shall be rendered within thirty (30) days of conclusion of the appeal hearing.
- d) After hearing the appeal, Council 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 ground, which appear just and reasonable.
- e) A decision of the Council in Respect of an appeal under this section shall be final and binding.

**17. License Fees**

The fees payable in respect of any license required under the provisions of this Bylaw shall be the amount set out in Schedule "A" attached to and forming part of this Bylaw.

**18. Penalties**

- a) Any person violating 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 to (a) above, the Bylaw Officer or a Bylaw Enforcement Office may enforce the provision of the Bylaw and may issue an offense ticket, pursuant to the Provincial Offenses Procedures 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 "B" attached to and forming 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.
- e) In default of payment of any business license fees charged by the MD of Opportunity No. 17, the MD of Opportunity No. 17 may recover the same by action in a Court of competent jurisdiction or may make such rates a charge against the property to which the rate was payable, such rates are subject to the same penalties and are collectible by the same procedure as taxes levied by the MD of Opportunity No. 17.

19. Bylaw 2006 - 09, is hereby repealed in its entirety.

20. The Council may, from time to time, amend the rates in Schedule "A" by Council Resolution.

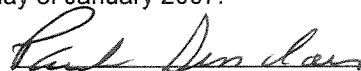

**21. Date of Effect**

This Bylaw shall take effect on the date of the third and final reading.

Read a first time this 10<sup>th</sup> day of January 2007.

Read a second time this 10th day of January 2007.

Read a third time and passed this 10<sup>th</sup> day of January 2007.

  
REEVE  
  
MANAGER

**SCHEDULE "A"**

**BYLAW 2007 - 01  
MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17**

**BUSINESS LICENSE FEES**

*All fees are per annum unless stated otherwise*

LICENSE TYPE	WITHIN DISTRICT BOUNDARIES	OUTSIDE DISTRICT BOUNDARIES
Hawkers & Peddlers	\$50.00 (per day) \$100.00 (2 – 5 days) \$200.00 ( 6 days & over, not to exceed current year)	\$100.00 (per day) \$200.00 (2 – 5 days) \$200.00 ( 6 days & over, not to exceed current year)
Home Occupations	\$100.00	\$200.00
Transient Exhibitions	N/A	\$100.00/day
All other business types not listed and excluding (type "A")	\$100.00	\$200.00
Additional fee for tobacco and alcohol	\$25.00	\$50.00
Transfer of License fee	\$25.00	\$50.00
Renewal Fee	\$75.00	\$150.00

These are the fees set forth by the Municipal District of Opportunity and they will be effective to and for carrying on, engage in, or operate any and all businesses within the Municipal District Boundaries. *All fees are non-refundable.*

**SCHEDULE "B"**

**BYLAW 2007 - 01  
MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17**

**Fine structure for Section 18**

**Violation of any provision of this Bylaw:**

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