

**CITY OF COLD LAKE  
PROVINCE OF ALBERTA  
BYLAW #196-PL-05**

A BY-LAW OF THE CITY OF COLD LAKE, FOR THE PURPOSE OF PROVIDING FOR THE LICENSING AND REGULATION OF CERTAIN BUSINESSES, OCCUPATIONS, AND PROPERTIES WITHIN THE CITY OF COLD LAKE, IN THE PROVINCE OF ALBERTA.

WHEREAS THE MUNICIPAL GOVERNMENT ACT, BEING CHAPTER M-26 OF THE REVISED STATUTES OF ALBERTA 2000, AS AMENDED, PROVIDES FOR THE PASSING OF BYLAWS TO LICENSE AND REGULATE CERTAIN BUSINESSES WITHIN A MUNICIPALITY;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF COLD LAKE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED HEREBY ENACTS AS FOLLOWS:

**BYLAW TITLE**

1. This bylaw may be cited as the "Business License Bylaw".

**DEFINITIONS**

2. In this bylaw unless the context otherwise requires:

- a) "Act" means the Municipal Government Act, Chapter M-26, R.S.A., 2000 as amended or replaced from time to time.
- b) "Applicant" means a person who applies for a business license.
- c) "Business" includes business, trade, profession, industry, occupation, employment or calling and the providing of goods or services.
- d) "Business Location" means the physical location or address where the business accounting functions reside including but not limited to a head office, home office or store but does not include a post office box.
- e) "CAO" means the Chief Administrative Officer for the City or his designate.
- f) "Carry on" means carry on, operate, perform, keep, hold, occupy, deal in or use, whether as principal, agent, contractor or sub-contractor.
- g) "Charitable or nonprofit organization" means a person, association of persons, society or a corporation, acting for charity or in the promotion of general social welfare which cannot at any time distribute any dividend or profit to its members and includes but is not limited to a religious group, society or organization; a service club; a community, veterans' or youth organization; a social, sport or fraternal organization or club; an employer's or employee's organization.
- h) "City" shall mean the City of Cold Lake.
- i) "Cold Lake Trading Area" means the area herein defined as follows and shown as Schedule "B" of this bylaw:

**East Boundary** is the Alberta and Saskatchewan Provincial Border;

**North Boundary** is the area between the North East corner of Section 36-T65-R1-W4, and westerly to the North West corner of Section 31-T65-R5-W4;

**West Boundary** is the area between the North West corner of Section 31-T65-R5-W4 southerly to the South West corner of section 6-T64-R5-W4, thence Easterly to the north west corner of section 34-T63-R4-W4, southerly to the south west corner of section 15-T61-R4-W4, thence easterly to the west boundary of the Cold Lake Indian Reserve #149B, thence southerly to the south west corner of section 3-T59-R3-W4;

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**South Boundary** is the area between the South West corner of section 3-T59-R3-W4 due east of the Alberta and Saskatchewan provincial border;

- j) "Commercial - Type 1" shall mean any business, which is carried on from a premises at a business location assessed on the City assessment roll as non-residential and the licensee either owns or rents the premises.
- k) "Council" shall mean the Municipal Council of the City of Cold Lake
- l) "Direct Sellers" means any person who, whether as principal or agent: and without restricting the generality of the foregoing shall include Hawkers and Peddlers:
  - i) goes from place to place selling or offering for sale any merchandise or service, or both, to any person, and who is not a wholesale or retail dealer in such merchandise or service.
  - ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, or;
  - iii) sells merchandise or a service, or both, elsewhere other than at a building that is his permanent place of business.
- m) "Fee" means license fees for use with this bylaw.
- n) "License" means a license granted by the City of Cold Lake entitling the person to whom it is granted to carry on a business therein specified in the City of Cold Lake.
- o) "Licensee" means a person holding a valid and subsisting license issued pursuant to the provisions of this bylaw.
- p) "Licensing Officer" shall mean the person so appointed by the CAO.
- q) "Non Assessed -Type 3" shall mean any business, which is carried on within the corporate limits of the City, and does not fall under the residential or commercial definitions of this bylaw. This may include but is not limited to Out-of-town Contractors and Direct Sellers. Sub types "a & b" refer to the business location in relation to the trading area shown in Schedule "B" of this bylaw.
- r) "Peace Officer" shall mean any member of the Royal Canadian Mounted Police, a Special Constable, or Bylaw Enforcement Officer so appointed by the Council.
- s) "Person" means a natural person or a body corporate and includes a partnership, group of persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires.
- t) "Premises" means either land or building located within the corporate boundaries of the City and is shown on the assessment roll of the City.
- u) "Residential - Type 2" means a business which is carried on from a premises at a *business location* assessed on the City assessment roll as residential and such licensee either owns or rents such premises.
- v) "Show" means a circus, carnival, midway, rodeo, auction, fair, market, trade show, theatrical or any other exhibition, event or display similar to the foregoing.
- w) "Transaction Location" means the physical or conceptual location where the offer and acceptance of goods and/or services takes place.

#### **LICENSING OFFICER**

3. The CAO shall appoint a Licensing Officer to carry out the terms of this bylaw. The powers and duties of the Licensing Officer are:

- a) to receive and deal with all applications for licenses.





- b) to conduct investigations with regards to proposed applications, where necessary.
- c) to collect business license fees pursuant to Schedule "A" of this bylaw
- d) to conduct inspections of business premises where necessary;
- e) to refuse or grant business licenses where deemed appropriate;
- f) to revoke business licenses where deemed appropriate and necessary;
- g) to report violations and infractions of this bylaw and assist in prosecution;

#### **NECESSITY FOR LICENSE**

- 4. No person shall carry on a business in the City without having first obtained a license in accordance with this bylaw, unless specifically exempted by Provincial, Federal law or this bylaw.
- 5. A person owning and/or operating two or more businesses in separate business locations shall obtain a license for each such business.
- 6. Where more than one business is conducted from a single business location the Licensing Officer may require a separate business license for each business if he deems that different individuals or corporations operate the businesses or the businesses financially operate separately.
- 7. No person shall allow or permit any employee, representative or agent to carry on business on their behalf in the City until such person has obtained a license in accordance with this bylaw.

#### **LICENSE APPLICATION**

- 8. Any person desirous of carrying on a business in the City shall complete the necessary application form as provided by the City.
- 9. No license shall be issued until the said application form has been completed in full.
- 10. If the business to be licensed is intended to be conducted in premises, the business location of such premises shall be designated in the license so issued, and thereafter the business shall be conducted at such municipal address and not elsewhere until the Licensing Officer has been notified in writing of any intended change of address.
- 11. Any person providing false or untrue information on such application form shall be guilty of an offense.
- 12. If the business to be licensed requires a Provincial License, no license shall be issued hereunder until the applicant has produced a valid Provincial License or reasonable facsimile acceptable to the Licensing Officer.
- 13. Notwithstanding any other section of this bylaw, any existing business having held a business license in the previous year may, at the discretion of the Licensing Officer, renew its business license by paying the prescribed license fee.
- 14. Subject to the provisions of this bylaw, upon receipt of an application for a business license, the Licensing Officer may grant a business license or may refuse a business license if in his opinion there are just and reasonable grounds for the refusal of the application.
- 15. If a license is refused, the applicant may appeal the decision to the Council in accordance with the appeal section of this bylaw.
- 16. All licenses required under this bylaw shall be issued under the authority of the Licensing Officer.





### EXEMPTIONS

17. Charitable or nonprofit organizations are not required to obtain a business license; however, they must inform the Licensing Officer prior to commencing any fundraising activities.
18. Notwithstanding other sections of this bylaw, the following organizations or business activities are hereby exempted from obtaining a business license excluding the licensing of a *show* and all listed herein may be required to submit information for administrative purposes, at the direction and discretion of the Licensing Officer:
  - a) The delivery of goods, wares, merchandise purchased outside of the corporate limits of the City provided that the contract to purchase such goods, wares, merchandise, or delivery was not made within the corporate limits of the City.
  - b) The distributing of free information in the form of magazines, flyers, pamphlets, newspapers, business cards and similar media.
  - c) The business or practice of a profession, trade or calling which, by the Laws of the Province of Alberta, a municipality is not empowered to license to carry on business within the municipality, including, without limiting the generality of the foregoing, the practice of medicine, law, dentistry, accounting by persons registered pursuant to the Regulated Accounting Profession Act, architecture, surveying, engineering and chiropractic services.
  - d) Any Municipal, Provincial, or Federal Government or Government Agency
  - e) A Charitable organization or professional fund raiser in accordance with an authorization or exemption given under the Charitable Fund-raising Act.
  - f) A non profit organization including *bona fide* religious groups.
  - g) A babysitting service excluding those requiring a provincial license as a Social Care Facilities regulated by the Social Care Facilities Licensing Act  
CHAPTER S-10 R.S.A.2000
  - h) Garage and Yard sales while on private property and selling residential items in a residential land use district.

### CONDITIONS OF LICENSE

19. No business license shall be granted until such time as the applicant or property owner holds a valid Development Permit where required by the Land Use Bylaw and/or any other bylaw of the City.
20. No business license shall be granted until such time as the applicant holds a valid Provincial or Federal License where required by law.
21. No business license shall be granted until the applicant has submitted to the License Officer, the proper fee as set by Council.
22. Any Principal Contractor shall provide a written list of all other Contractors and/or Sub-contractors, trades and sub-trades that are or will be in his employ within the boundaries of the City and will ensure all listed persons are duly licensed in accordance with this bylaw.
23. Every licensee shall prominently display the license and produce their license for inspection immediately when required to do so by the Licensing Officer, by any Peace Officer, or by any person duly authorized by the Council.
24. Where a business involves the occupation of a specific building or a specific location and such business is reasonably believed to require a license under this bylaw a Licensing Officer or any other authorized person may, upon giving reasonable notice, inspect the building or location for any purpose under this bylaw at all reasonable times during the license term.





25. Any person refusing inspection of any premises in which is conducted a business licensed hereunder after demand by any Peace Officer, the License Officer, or any person authorized by Council shall be guilty of an offense under this bylaw.
26. A person hosting a *show* such as a Trade Show, Market or Fair is required to purchase one license for all participants listed to the satisfaction of the Licensing Officer. The fee type shall be determined by the *transaction location* of the show.
27. Notwithstanding section 26, any local charitable or non-profit organization by itself or in conjunction with a another like organization, hosts two or more shows in a single calendar year, that organization, may be permitted to obtain an annual business license to cover all such shows during the licensing term and fees be classified as Commercial – Type 1.

#### **LICENSE FEES**

28. Business license fees shall be in accordance with Schedule “A” of this bylaw
29. All business license fees are non refundable.

#### **DURATION OF LICENSE**

30. A license issued hereunder shall commence on the date of issue and expire on the expiry date shown on the License. An Annual License shall expire at midnight on December 31<sup>st</sup> in the year it was issued.

#### **REFUSAL AND REVOCATION**

31. The License Officer may refuse to issue a license to any person or may revoke any license at any time if in the opinion of the License Officer there are just and reasonable grounds for the refusal of such application or for the revocation of any license.
32. Where, on inspection, a business which is subject to an inspection by or on behalf of any Federal, Provincial or Municipal Authority and is found to contravene the Act, Statute, Bylaw or Regulations of such authority, the license may be revoked.
33. The licensing officer may refuse to issue a license to any person who has outstanding fees, fines or other indebtedness to the City unless satisfactory arrangements are made with the City which are approved by the CAO.
34. Upon a license being revoked as herein before provided, the License Officer shall notify the licensee thereof:
  - a) by delivering a notice to him personally; or
  - b) by mailing a registered letter to his place of business or residence as shown on his license, which shall have been deemed to have been received seven days after the date of mailing;
35. Immediately following receipt of notification of revocation the business shall not continue to carry on until all conditions of the Council, Licensing Officer and this bylaw are met.

#### **APPEAL PROCEDURE**

36. Any applicant who has been refused or any person who has had his license revoked may appeal to the Council.
37. Any such appeal shall be in writing and shall be submitted to the CAO within (30) days of the date on the notification of refusal or revocation.
38. Council shall conduct a hearing within (21) calendar days following the receipt date of the written notice of appeal.

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39. At the hearing of the appeal the Council may review the written submissions of the appellant, the Licensing Officer and of any other person who may, at the discretion of Council, make verbal submissions.
40. After hearing the evidence submitted, the Council may confirm such refusal or may direct that the license be issued either conditionally or unconditionally as may be deemed expedient in the public interest, and the decision of the Council is final.

#### PENALTY

41. Any person contravening any of the provisions of this bylaw is guilty of an offense and is liable on conviction to a fine in accordance with section 566 of the Act. In the event such person is a partnership; each or any partner may be liable to the penalty aforesaid.
42. Notwithstanding the previous section, where any provisions of this bylaw have been deemed to be contravened, the Bylaw Enforcement Officer may issue a voluntary payment violation ticket or tag for that contravention and the accused may avoid appearing in court to answer the said charge by submitting the voluntary payment as indicated on the violation ticket in the amount indicated within this section.

##### Specified penalties for the offences of:

- a) Carry on a business without a valid and subsisting license \$500.00
- b) Fail to display or produce license \$200.00

43. In addition to the penalty provided, if the offence is for carry on a business without a license, in addition to the penalty imposed, such person shall also be required to pay the appropriate license fee.

#### GENERAL

44. In this bylaw the masculine shall be deemed to include the feminine and the singular be deemed to include the plural.
45. It is the intention of the Council of the City of Cold Lake that each separate provision of this bylaw shall be deemed independent of all other provisions and it is further the intention of the Council that if any provision of the bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of the bylaw shall remain valid and enforceable.

#### ENACTMENT /REPEAL

46. The following are hereby repealed or removed on passing of this bylaw:
  - a) Bylaw #004-PL-96 "The Business License Fee Bylaw" is repealed
  - b) Part V of bylaw 047-PL-98 is hereby repealed.
  - c) The following penalty sections from Schedule 2 of bylaw 047-PL-98 are hereby removed:
    - i) Section 133 Operate a business without a License \$250.00
    - ii) Section 134 Operate as a Peddler or Hawker without a license \$250.00
    - iii) Section 135 Fail to display business License \$25.00
    - iv) Section 136 Fail to produce business license \$250.00



**FIRST READING** passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 12<sup>th</sup> day of April, A.D. 2005, on motion by Councillor Gagnier.

**CARRIED**

**SECOND READING** passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 26<sup>th</sup> day of April, A.D. 2005, on motion by Councillor Gagnier as amended.

**CARRIED  
UNANIMOUSLY**

**THIRD AND FINAL READING** passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 26<sup>th</sup> day of April, A.D. 2005, on motion by Councillor Pelechosky.

**CARRIED  
UNANIMOUSLY**

**CITY OF COLD LAKE**

  
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**MAYOR**

  
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**CHIEF ADMINISTRATIVE OFFICER**

### Schedule "A"

The Business License Bylaw requires that the applicant pay a license fee to carry on a business within the corporate limits of the City. The following fees are deemed to be the License fees in accordance with this bylaw:

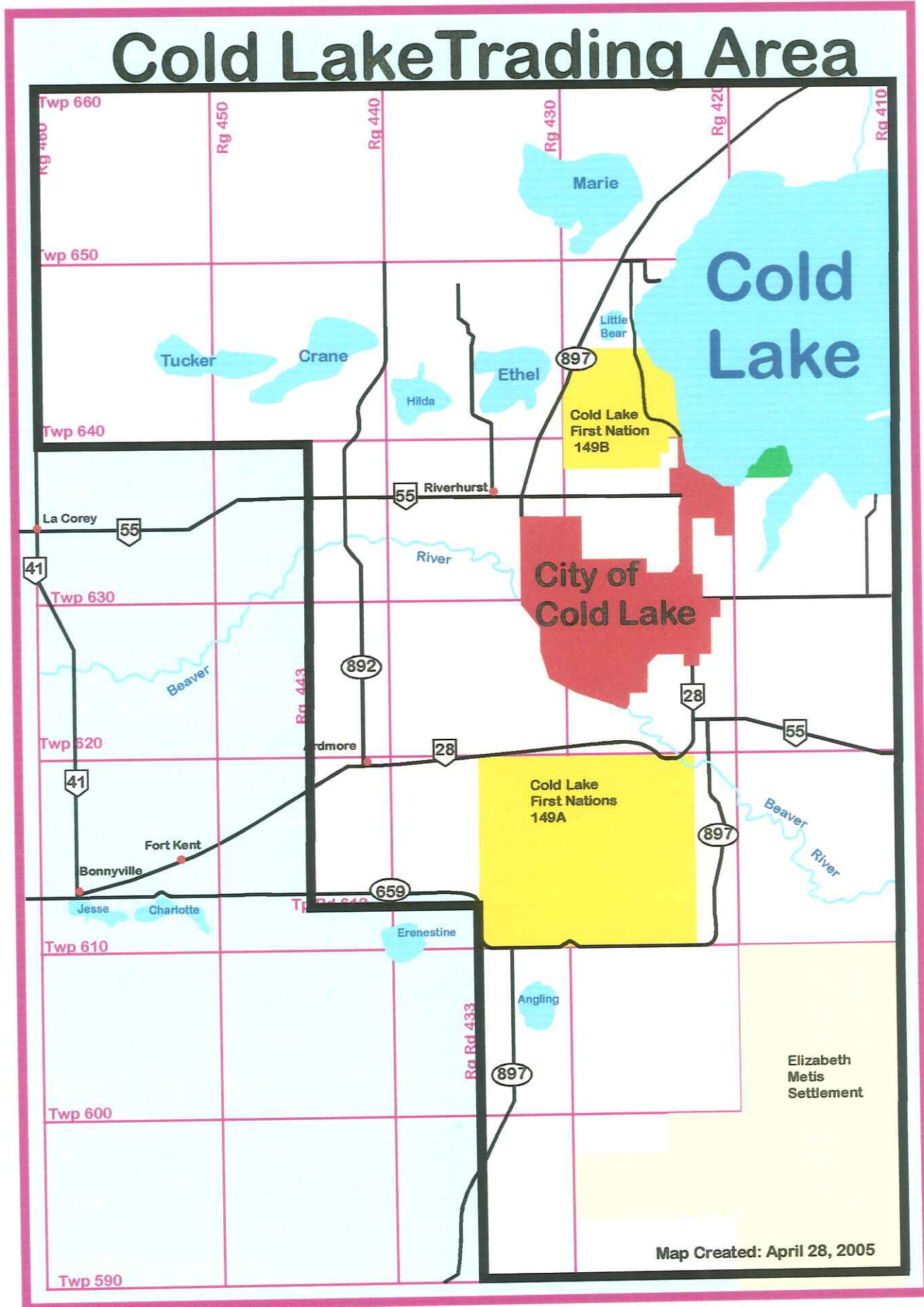
<u>CLASSIFICATION</u>	<u>TERM</u>			
	DAILY	WEEKLY	QUARTERLY	ANNUAL
COMMERCIAL - Type 1	\$10.00	\$25.00	\$50.00	\$75.00
RESIDENTIAL - Type 2	\$10.00	\$50.00	\$75.00	\$150.00
NON ASSESSED – Type 3				
Type:				
3a -Within the <i>Cold Lake Trading Area</i>	\$50.00	\$75.00	\$100.00	\$200.00
3b -Outside the <i>Cold Lake Trading Area</i>	\$150.00	\$250.00	\$400.00	\$500.00

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## SCHEDULE "B"

# Cold Lake Trading Area



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