

**TOWN OF MILK RIVER  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 1015**

**BEING A BYLAW OF THE TOWN OF MILK RIVER, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING AND REGULATING OF BUSINESSES.**

**WHEREAS** THE MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, c. M-26 – THAT COUNCIL OF THE TOWN OF MILK RIVER MAY AUTHORIZE THE REVISION OF ALL OR ANY OF THE BYLAWS OF THE MUNICIPALITY; AND

**AND WHEREAS** THE COUNCIL MAY BY BYLAW CONTROL OR REGULATE BUSINESS AND INDUSTRY CARREID ON WITHIN THE MUNCIPALITIY AND MAY LICENSE ANY OR ALL BUSINESSES OR INDUSTRY; AND

**AND WHEREAS** THE COUNCIL OF THE TOWN OF MILK RIVER CONSIDERS IT NECESSARY TO REGULATE AND LICENSE BUSINESSES OPERATING WITHIN THE TOWN OF MILK RIVER,

**NOW THEREFORE**, THE COUNCIL OF THE TOWN OF MILK RIVER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED ENACTS AS FOLLOWS:

**SHORT TITLE**

This Bylaw may be cited as the “Business License Bylaw.”

**DEFINITIONS**

In this Bylaw:

**Administrator** shall mean the Chief Administrative Officer (CAO) of the Town of Milk River and anyone acting or authorized by the CAO to act on their behalf.

**Business** shall mean a person, any business, trade or profession, industry occupation, employment or calling and the providing of goods and/or services.

**Contractor** shall mean and include any person, company, firm or corporation who is normally engaged in the building and/or construction industry and who accepts contracts. This meaning shall not include the owner of any building or premises who is personally doing work in, upon or about such building or premise.

**Council** shall mean the Council of the Town of Milk River.

**Hawker/Pedlar** shall mean any person who, whether as principal, or agent,

- i. Goes from house to house selling or offering for sale any merchandise or service, or both, to any person, and who is not a wholesale or retail dealer in that merchandise or service, and not having a permanent place of business in Town,
- ii. Offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered in and shipped into the municipality, or
- iii. Sells merchandise or a service, or both, on the streets or roads or elsewhere than at a building that is a permanent place of business, but does not include any person selling meat, fruit or other farm produce that has been produced, raised or grown or fish of their own catching.

**Home Occupation** shall mean an occupation for gain or support which shall be an incidental and subordinate use to the principal residential use and shall be restricted to the dwelling unit and accessory building.

**Licensee** shall mean any person or business holding a valid license issued pursuant to this bylaw.

**License Inspector** shall mean the person appointed to the position or a member of the Royal Canadian Mounted Police or a Peace Officer appointed pursuant to the Peace Officer Act or a Bylaw Enforcement Officer.

**Municipality** shall mean the Town of Milk River, in the Province of Alberta.

**Special Event** shall mean an event intended to attract members of the public for the purpose of selling, displaying or promoting goods or services, entertaining or educating held over one or more days on a regular basis (ie. a farmers market)

## **GENERAL PROVISIONS**

- 1) No person shall, within the limits of the municipality, carry on, or be engaged in any business without first obtaining a license from the municipality.
- 2) The fees payable for licenses issued shall be valid from January 1 to December 31, except as otherwise provided for in this bylaw.
- 3) All licenses shall expire at midnight on December 31 of the year said license was issued, except as otherwise provided for by the bylaw.

- 4) Licensees shall post licenses in a conspicuous place in the business premises and shall produce said license whenever required to do so by the License Inspector for inspection purposes. Hawkers or Pedlars shall produce the license at each residence or business which is solicited.
- 5) The Council may, at any time, revoke or suspend any license issued pursuant to this bylaw for failure to comply with any of the conditions or regulations herein, or any other bylaw or regulation of the municipality or regulations of the Province of Alberta or Government of Canada.
- 6) Any business for which the license has been revoked or suspended or which has been denied a license may appeal to Council in writing and within 30 business days. Town Council's decision is final and binding.
- 7) If a license is revoked or surrendered, the licensee will not be entitled to any refund.
- 8) No license shall be issued to a business pursuant to the provision of this bylaw in the case where a provincial license is required, unless such business is the holder of said provincial license. The administrator will confirm the status of such businesses which require provincial licenses with any such government agency empowered to issue provincial licenses prior to issuing a municipal license.
- 9) For the purposes of this bylaw, any business which produces proof of holding a current business license from either the County of Warner, Village of Warner or the Village of Coutts, shall be deemed to hold a current Town of Milk River business license.
- 10) Any business found carrying on a business without first having obtained a license is guilty of an offence and liable to a penalty up to \$250/day for each and every day that the business continues to carry out such business without having first obtained said license to do so. The License Inspector may take the necessary action to close down any business, or to stop any construction, until a license to carry out business has been obtained.
- 11) The provisions of this section shall not prevent any License Inspector from issuing a violation ticket requiring a court appearance of a person in violation of this bylaw pursuant to the *Provincial Offences Procedures Act*.
- 12) Any resident business, or person conducting a home occupation, who has not obtained a license shall be penalized at a rate of 5% for each and every month that the license remains unpaid.
- 13) The Town may add to the tax roll of the parcel of land all unpaid fees and fines/penalties in accordance with Section 553 of the *Municipal Government Act*.

14) Licenses shall not be transferable.

15) Licenses shall be charged at the rates as described in Schedule A of this bylaw and shall be billed commencing in January of every year. After sending (3) three notices to the business, the license fees and associated penalties will be added to the property tax roll.

16) A minimum license fee of \$50 for business licenses or \$100 for a non-resident business licenses shall be paid by any business which is not otherwise provided for pursuant to this bylaw.

### **LICENSE INSPECTOR**

1) The Administrator shall appoint a License Inspector whose duties shall be to enforce this bylaw and to make reports to Council as necessary.

2) The License Inspector may request any or additional information from any business which is necessary to the License Inspector to enable them to carry out their duties.

3) The License Inspector is authorized to enter any land, building, or premises during normal working hours to inspect for conditions that contravenes this bylaw.

**THAT** it is the intention of Council that each separate provision of the Bylaw shall be deemed independent of all other provisions herein and it is further the intention of Council that if any provisions of the Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

**THAT** Bylaw No. 773 and Bylaw No. 788 are hereby repealed.

**THAT** Schedule "A" be deemed to form a part of this Bylaw.

**THAT** this Bylaw comes into force on the day it is finally passed. Read a first, second and by unanimous consent of the Councillors present a third and final time this the 5<sup>th</sup> day of November, 2018.

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Mayor – Peggy Losey

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CAO – Ryan Leuzinger

**SCHEDULE "A" – License Fees/Rates**

<b>Resident Business Home Occupations</b>	<b>\$50</b>
<b>Out of Town Businesses (including contractors, hawkers, pedlars, etc.)</b>	<b>\$150</b>
<b>Special Event</b>	<b>\$150</b>
<b>Day License (to a max of \$100)</b>	<b>\$25</b>