

TOWN OF MUNDARE

BYLAW NO 793/08

The council of the Town of Mundare, duly assembled, hereby enacts

1. This bylaw can be called “Business Licence Bylaw”.

DEFINITIONS

2. In this bylaw:

- a. “hawker or pedlar” means any person who does not have a permanent place of business within the Town who:
 - i. goes from house to house, business to business, offering for sale any merchandise or services;
 - ii. sells merchandise or services on the street or from vacant lands.
- b. “home business” means a business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building which does not change the character thereof;
- a. “licence year” means January 1 to December 31;
- b. “non-resident Business” means a business whose offices are located outside the Town, but does not include Hawker or Pedlar;
- c. “peace officer” means
 - i. a member of the Royal Canadian Mounted Police
 - ii. member of a municipal police service
 - iii. a special constable
 - iv. a bylaw enforcement officer;

AUTHORITY

3. The CAO, or any person authorized by the CAO, shall have the authority to:
 - i. receive and consider all business licence applications;
 - ii. conduct inspections of business premises;
 - iii. approve, with or without conditions, any business licence application;
 - iv. refuse any business licence application;

- v. revoke or suspend a business licence;
 - vi. collect fees
 - vii. enforce the bylaw
4. A Peace Officer is authorized to enforce the bylaw.
5. Council may waive the requirement for a business licence for any business or types of business as they see fit.

BUSINESS LICENCE

6. No person shall
- i. carry on or operate any business;
 - ii. carry on any undertaking or do any act or use or have any article for which a business licence is required;
- unless the person holds a valid and subsisting business licence.
7. Despite section 5, no business licence shall be required by/for:
- i. a charitable or non-profit organization;
 - ii. a federal, provincial or municipal government;
 - iii. a non-resident business;
 - iv. a hospital or educational institution;
 - v. a utility provider;
 - vi. a garage sale;
 - vii. a trade show
8. The fees for a business licence are as per Schedule A.
9. For business starting operation partly through the year, the fee will be prorated to the number of months left in the licence year.
10. No refunds will be issued for any fees.
11. A business licence shall be posted in a conspicuous place in the business premises.

APPLICATION

12. An application for a business licence shall be made to the Town office.
13. The renewal of a business licence shall be made no later than January 31 of each year.

APPEALS

14. A person may appeal:
 - i. the issuance of a business licence with conditions;
 - ii. the refusal of a business licence application;
 - iii. the revocation or suspension of a business licence.
15. An appeal shall be made in writing within thirty (30) days after the issuance of a business licence with conditions, the refusal of a business licence application, or the revocation or suspension of a business licence.
16. Town Council shall hear the appeal within forty five (45) days.
17. Town Council may:
 - i. issue or reinstate a business licence with or without conditions;
 - ii. refuse a business licence;
 - iii. uphold the revocation or suspension of a business licence.

OFFENSES AND PENALTIES

18. Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to penalty as set out in Schedule A.
19. Despite section 16, any person who commits a second or subsequent offence under this bylaw within one (1) year of committing the first offence is liable to a fine as set out in Schedule A.
20. In addition to any other remedy for non compliance with this bylaw, the Town may correct the violation and the costs incurred shall be paid to the Town and failing payment, the Town may add the cost to the taxes.
21. The bylaw enforcement officer is hereby authorized to issue a violation ticket to a person who the bylaw enforcement officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
22. A violation ticket may be issued to such person:
 - i. either personally; or
 - ii. by mailing a copy to last know mailing address
23. Where a contravention of this bylaw is of a continuing nature, further violation tickets may be issued by the bylaw enforcement officer provided, however, that no more than one violation ticket will be issued for each day that the contravention continues.

- 24. A person who has received a violation ticket may, in lieu of prosecution, pay to the Town the specified penalty.
- 25. The Town may proceed with legal action to enforce compliance with this bylaw.

GENERAL

- 26. Nothing in this bylaw will operate to relieve any person from complying with any Federal, Provincial or other Town law, order, regulation or bylaw.
- 27. Nothing in this bylaw will be construed as curtailing or abridging the right of the Town to obtain compensation for or to maintain an action for loss of or damage to property from or against the person or persons responsible.
- 28. Should any provision of this bylaw be deemed invalid, then such invalid provision may be severed and the remaining bylaw shall be maintained.
- 29. That bylaw 662/92 as amended is repealed.
- 30. This bylaw will go into force on July 1, 2008.

READ a first time on April 1, 2008

READ a second time on May 6, 2008

READ a third time on May 6, 2008

Date

Mayor

Date

Mayor

SCHEDULE A

Penalties

Section

6	Operating without a business licence	\$250.00
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Second Offense

17	Repeat offences within one year of the original offence	\$500.00
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Fees

Business Licence	\$40.00
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Home Based Business	\$10.00
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Hawker or Pedlar	\$20.00
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