

VILLAGE OF CREMONA

BY-LAW NO: 387-05

BEING A BYLAW OF THE VILLAGE OF CREMONA IN THE PROVINCE OF ALBERTA RELATING TO THE LICENSING AND REGULATION OF CERTAIN BUSINESSES, OCCUPATIONS, AND PROPERTIES WITHIN THE VILLAGE OF CREMONA AND TO RESCIND BYLAW 192 RESPECTING THE LICENSING AND REGULATING OF CERTAIN BUSINESSES, CALLINGS, TRADES AND OCCUPATIONS.

WHEREAS pursuant to the provision of the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26-1, as amended, the Council of the Village of the Cremona deems it desirable to pass a Bylaw relating to the licensing and regulation of certain businesses, occupations and occupations within the Village of Cremona.

NOW THEREFORE the Council of the Village of Cremona, duly assembled, enacts as follows:

1. **SHORT TITLE:** this bylaw may be cited as the Licensing Bylaw;
2. **DEFINITIONS:**
 - 2.1 In this by-law, unless the context otherwise requires:
 - 2.1.1 **Act:** means the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26-1 as amended or replaced from time to time.
 - 2.1.2 **Applicant:** means a person who applies for a license or a renewal of a license required by this by-law.
 - 2.1.3 **Carry on:** means carry on, operate, perform, keep, hold, occupy, deal in or use, for gain, whether as principal or agent.
 - 2.1.4 **Charitable or Non-Profit Organization:** means a person, association of persons, 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:
 - a religious society or organization;
 - a service club;
 - a community, veterans' or youth organization;
 - a social, sport or fraternal organization or club;
 - an employers' or employees' organization;
 - 2.1.5 **Council:** means the Municipal Council of the Village of Cremona.
 - 2.1.6 **License:** means a license granted by the Village of Cremona entitling the person to whom it is granted to carry on business therein specified in the Village of Cremona.

- 2.1.7 License Appeal Board:** shall be composed of the Council.
- 2.1.8 Licensee:** means a person holding a valid and subsisting license issued pursuant to the provisions of this by-law.
- 2.1.9 License Inspector:** means the person so designated herein.
- 2.1.10 Home occupation:** means any person, firm or corporation carrying on any business out of a residence within the Village of Cremona.
- 2.1.11 Non-resident:** means any person who does not reside or have a place of business in the Village of Cremona.
- 2.1.12 Person:** means a natural person or a body corporate and includes a partnership, a group of persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires.
- 2.1.13 Police:** means any member of the R.C.M.P., or any Peace Officer, or Special Constable appointed by the Village of Cremona.
- 2.1.14 Premises:** includes the store, office, warehouse, factory, building, enclosure, yard or other place occupied, or capable of being occupied, by any person for the purpose of any business.
- 2.1.15 Resident business:** means any person, firm or corporation carrying on a business in the Village of Cremona.
- 2.1.16 Village:** means the Village of Cremona, a municipal corporation in the Province of Alberta.
- 2.2** Council shall appoint a License Inspector to carry out the terms of this by-law.

3. POWERS AND DUTIES

- 3.1** The powers and duties of the License Inspector are:
- 3.1.1** to receive and deal with all applications for licenses including the collection of money payable under this by-law;
- 3.1.2** to ascertain that all information furnished by an applicant in connection with an application for license is true in substance and in fact;
- 3.1.3** to prosecute violations and infractions of this by-law.
- 3.1.4** the Village, its employees and agents, while acting within the scope and course of their employment are exempt from any and all items and provisions of this by-law.

4. NECESSITY FOR LICENSE

- 4.1** No person shall, within the Village:
- 4.1.1** carry on or operate any of the business, callings, trades, or occupations referred to in this by-law; or
- 4.1.2** carry on any undertaking, do any act, or use or have any article for which a license is required;
- unless they hold a valid license from the Village obtained in accordance with the provisions of this by-law.
- 4.2** Licenses issued under this By-Law shall not be transferred except to a person who at the same time purchases the business in respect of which the license was issued.

5. LICENSE FEE

- 5.1** No person shall carry on or operate any business, calling, trade or occupation within or partly within the Village without first paying to the License Inspector, the license fee prescribed in the Rates Bylaw.
- 5.2** Provided that when a person carried on two or more trades or occupations, callings, or types of business in one premise, double the license fee shall be charged:
- 5.2.1** the decision of what constitutes two or more trades for the purpose of this ByLaw shall be decided by the License Inspector from information provided on application or personal knowledge of same.
- 5.2.2** each separate location is subject to individual licensing.

6. EXEMPTION FROM FEES

- 6.1** Where any charitable or non-profit organization wishes to be exempted from the requirements of this by-law to pay a license fee, it shall apply in writing to the License Inspector for such exemption, providing the License Inspector with:
- 6.1.1** the name of the organization, the Articles or Memorandum of Incorporation, and such other information as the License Inspector requires to determine that the organization as defined by this by-law;
- 6.1.2** a description of the business which the organization wishes to carry on and the time and place where it is to be carried on.
- 6.2** The License Inspector may grant any exemption applied for pursuant to this section with or without conditions, or may refuse to grant any such exemption.

6.3 Where an exemption is granted to an organization pursuant to this section, unless the exemption, when granted, specifically otherwise provides, the organization shall comply with the provisions of this by-law relating to the business to be carried on, other than the requirement to pay a license fee.

6.4 No license shall, under any of the provisions of this Bylaw, be required for hawking or peddling or selling by any person of meat, fruit or any other farm produce that has been produced, raised or grown by themselves.

7. APPLICATION FORM

7.1 An applicant for a license shall make application to the License Inspector on a form supplied by the License Inspector, furnishing such information as the form shall require and such additional information as the License Inspector may from time to time require, including:

7.1.1 a statutory declaration, where required by the License Inspector, substantiating the information contained in the form;

7.1.2 every Federal or Provincial Certificate, authority, license or other document or qualification that may be required in connection with the carrying on of a business;

7.1.3 a Provincial License where required under any Provincial Act;

7.1.4 any certificate or other approval required by any provision of this by-law in respect of the business;

7.1.5 the license fee payable in respect of the business as set out in this by-law.

8. HOME OCCUPATION

8.1 No license shall be issued for a home occupation until the applicant is in possession of a valid development permit issued under the provisions of Village's Land Use By-law.

8.2 Where a business subject to licensing is carried on or intended to be carried on in more than one location, a license shall be required in respect of each place as though the business carried on in each were a separate business.

9. COMPLIANCE

9.1 Whenever an applicant for a license has complied with the terms of this by-law and of any other by-laws applicable, he shall be entitled to the license applied for upon payment of the proper fee.

10. APPEAL

- 10.1** Where an application for a license or for a transfer of a license has been refused or has been authorized subject to conditions, the applicant may appeal to the License Appeal Board.
- 10.2** After hearing the applicant and the evidence adduced, the License Appeal Board may confirm such refusal or conditional approval 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 License Appeal Board is final.

11. PRODUCTION

- 11.1** Every licensee who holds a license under this by-law which is not limited to specific premises, shall, so long as the license is in force, have immediately available the license or duly authorized copy thereof and such licensee shall, upon request, forthwith produce same to a Police Officer, Special Constable of the Village, a License Inspector, or any person with whom he is doing business to which the license relates.

12. INSPECTION

- 12.1** 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 by-law a Police Officer, Special Constable of the Village, License Inspector or any other authorized person may inspect the building or location for any purpose under this by-law at all reasonable times during the license year.

13. REVOCATION AND REFUSAL

- 13.1** Where, on inspection, a business which is subject to an inspection by or on behalf of the Medical Officer of Health is found to contravene any provision of the Public Health Act R.S.A. ch. P-27.1. 1984 and any regulations made thereunder, and amendments or substitutions therefore or any By-law respecting health, the Medical Officer of Health may revoke the license in respect thereof.
- 13.2** Where on inspection, a business which is subject to an inspection by or on behalf of the Fire marshal or the Planning Department is found to contravene the provisions of:
- 13.2.1** the Fire Prevention Act R.S.A. Ch. F101. 1980 as amended or replaced from time to time
- 13.2.2** the Planning Act R.S.A. Ch. P9, 1980 or a Planning By-law as replaced or amended from time to time;
- the Fire Chief or the Planning Department shall report the contravention to the License Inspector who may revoke the license therefore.

13.3 The License Inspector may revoke or refuse to grant any license on any grounds which, are just and reasonable.

13.4 Upon a license being revoked as hereinbefore provided, the License Inspector shall notify the licensee thereof:

13.4.1 by delivering a notice to him personally: or

13.4.2 by mailing a double registered letter to his place of business or residence as shown on his license, and shall have been deemed to have been received five days after the date of mailing;

and after the delivery or deemed receipt of such notice his business or occupation, as the case may be, shall not be carried on until such time as a new license is issued.

14. DURATION

14.1 Every license issued under the provisions of this by-law shall terminate at midnight on the 31st day of December of the year in which said license was issued unless;

14.1.1 the license provides otherwise; or

14.1.2 the license has been sooner canceled or forfeited.

15. FEES

15.1 Where a fee required has been paid by the tender of an uncertified cheque, the license:

15.1.1 is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license; and

15.1.2 is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

16. PART YEAR

16.1 The License Inspector may, after July 1 of any license year, issue a license for one-half the annual fee set out in subsection (a) hereof:

16.1.1 providing this section shall not apply to contractors, a Circus/Carnival or Rodeo, sale of alcoholic beverages or Hawker/Peddlers,

16.2 No rebate shall be allowed to any Licensee or his Assignee, in respect of forfeiture of a license, or on account of non-usage of the rights and privileges thereby granted, or for any other cause.

17. PENALTY

- 17.1 Any person contravening any provision of this by-law shall be liable upon conviction therefor to a fine of not less than \$250.00 and not more than \$1,000.00 exclusive of costs, and in case of non-payment if the fine and costs so imposed, the person shall be imprisoned for a period of time not to exceed six months unless the fine and costs including the cost for committal are sooner paid.
- 17.2 Where the offense is non-payment of any license fee payable hereunder, the convicting provincial judge may apply payment thereof in addition to the fine imposed.

18. GENERAL

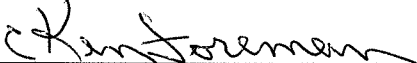
- 18.1 Any provision contained within this Bylaw is subject to being changed at the discretion of the C.A.O. Changing of a provision is independent of all other provisions and it is further the intention of the Municipal Council that if any provision of this by-law is changed or is declared invalid, all other provisions shall remain valid and enforceable.
- 18.2 Bylaw 192 is hereby rescinded.

This By-law shall have full force and effect on final passing thereof.

Read a first time this 13 day of September, 2005.

Read a second time this 27 day of September, 2005.

Read a third time this 27 day of September, 2005.



Mayor



Chief Administrative Officer

Sept 27, 2005
Date of Signing