

VILLAGE OF CAROLINE

BY-LAW #2014-001

A By-Law of the Village of Caroline, to license and regulate certain businesses, trades and occupations within the Village.

WHEREAS the Council of the Village of Caroline may, pursuant to provisions of the Municipal Government Act, RSA 1980, Chapter M-26 and amendments thereto, issue a by-law for the purpose of regulating and controlling businesses within the Village of Caroline, and;

WHEREAS it is deemed expedient to do so;

NOW THEREFORE, the Municipal Council of the Village of Caroline in the Province of Alberta, in council assembled, enacts as follows:

TITLE

1. This by-law may be cited as the "Business Licensing By-law of the Village of Caroline".

DEFINITIONS

2.
 - a. "Application" - a written application for a business license as provided for by this by-law;
 - b. "Business" - includes business, trade, profession, industry, occupation, employment, calling and the providing of goods and services;
 - c. "Business License" - a license issued pursuant to this By-law;
 - d. "Business Premises" - includes the store, office, warehouse, factory, building, enclosure, yard, or other place occupied or capable of being occupied for the purpose of carrying on a business;
 - e. "Hawker" - any person whether as principle or agent:
 - i) Goes from house to house selling or offering for sale any merchandise or services, or both, to any person, and who is not a wholesale or retail dealer in such merchandise or services, and not having a permanent place of business in the municipality, 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 or shipped into the municipality, or;
 - iii) Sells merchandise or services, or both on the streets or elsewhere than at a building that is his/her 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 in the Province of Alberta, fish of his/her own catching.
- f. "Home Occupation" – means an occupation carried on in a residence by one or more members of a family occupying the said residence as a dwelling, and for which the Council or delegated authority has approved the operation of a business from the dwelling; Only one "Home Occupation is permitted per property."
 - g. "Resident Business" – means a business that is established within the corporate limits of the Village of Caroline;
 - h. "Non-resident Business" – means a business that is established elsewhere than within the corporate limits of the Village of Caroline;
 - i. "Village" – means the Municipal Corporation of the Village of Caroline;
 - j. "Village Council" – means the Municipal Council of the Village of Caroline;
 - k. "Administrator" – means the Chief Administrative Officer (CAO) of the Village of Caroline, and anyone designated by the Administrator to act on their behalf;

LICENSE APPLICATIONS

- 3.
 - a. Every person applying for a business license shall submit to the Village Administrator a written application in the form attached to this By-law ("Schedule B") and signed by the applicant or, in the case of a corporation, its duly appointed agent;
 - b. Every application for a business license for an existing business shall be submitted to the Administrator by the 31st of January of each year;

- c. No business license shall be granted to a person under 18 years of age;

POWER OF REFUSAL

4. Subject to the provisions of this By-law, upon receipt of an application for a business license, the Administrator may grant a business license or may refuse a business license if there are just and reasonable grounds for the refusal of the application. Any refusal must be in writing;

POWER OF REVOCATION

5. Subject to the provisions of this By-law, where a business license has been granted pursuant to the By-law, the Administrator may revoke the business license if there are just and reasonable grounds for the revocation of the license;

CONDITIONS OF BUSINESS LICENSE

6.
 - a. No business license shall be granted for operations on a property for which there are zoning concerns and/or land use concerns;
 - b. No business license shall be granted until such time as the applicant holds a valid Provincial or Federal license where required by law;
 - c. No business license shall be granted if the applicant fails to comply with any other By-law of the Village of Caroline;
 - d. No business license shall be granted until the applicant has submitted to the Administrator the proper fee as provided by this By-law;
7. The following occupations or activities are exempted from requiring a license under the provisions of this By-law:
 - a. local service clubs;
 - b. farmers markets;
 - c. sellers of meat, fruit or other farm produce that has been produced, raised or grown by the seller;
8. With the exception of Section 9, no person shall carry on or operate any business within or partly within the Village without holding a valid and subsisting business license issued

pursuant to the provisions of this By-law unless specifically exempted by law;

9. Every business license issued under this By-law shall be posted in a conspicuous place in the business premises of the license;
10. Businesses may not be operated on property that is not owned by the holder of the Business license, without the express written consent of the property owner. In addition to private property, this also applies to Village owned property such as public parking lots;
11. Every business license issued under the provisions of the By-law, unless revoked, shall terminate at midnight on the 31st day of December of the year in which said license was issued. A grace period for renewal will be granted until March 31st of the preceding year;
12. Fees payable for Business Licenses are as per Schedule A and the By-law may be reviewed at any time;

APPEAL

13.
 - a. In every case where an application for a business license has been refused or revoked, the person seeking the license may appeal to the Village Council;
 - b. An appeal from subsection (a) must be made by the applicant within thirty (30) days after such refusal or revocation;
 - c. All appeals must be made in writing, addressed to the Council of the Village of Caroline, and must be dated as of the date received by the Administrator;
 - d. The appeal may not be heard if the date it is received by the Administrator falls outside of the thirty (30) day period outlined in section (b);
 - e. The Council, after hearing the applicant, may:
 - i) Direct a business license to be issued;
 - ii) Direct a business license to be issued with conditions;

- iii) Refuse to grant a business license, or;
- iv) Uphold the revocation of a business license;

PENALTY

- 14.
- a. Any person in contravention of any provision of this By-law shall be guilty of an offence and liable on summary conviction to a penalty as per Schedule A and costs;
 - b. Where an offence is non-payment of any license fee payable hereunder, the convicting magistrate may adjudge payment of the business license fee thereof in addition to the fine imposed;


ENACTMENT

15. This By-law shall come into full force and effect upon final reading;
By-law #2009-002 and all amendments thereafter are repealed upon final reading.

READ a first time this 13 day of January, 2014 AD

READ a second time this 27 day of January, 2014 AD

READ a third time this 27 day of January, 2014 AD



Mayor



Chief Administrative Officer

VILLAGE OF CAROLINE

BY-LAW #2014-001

SCHEDULE A EFFECTIVE JANUARY 27, 2014

FEES:

Business License	\$5
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FINES:

Non-compliance letter	\$100
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Contravention under section 14	\$500
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