



## Bylaw #2025-02 Business Licensing

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### BEING A BYLAW OF THE TOWN OF THORSBY IN THE PROVINCE OF ALBERTA FOR THE REGULATION AND LICENSING OF BUSINESSES, TRADES, PROFESSIONS, AND OCCUPATIONS CARRIED ON WITHIN THE CORPORATE LIMITS OF THORSBY.

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- WHEREAS:** pursuant to Sections 7(e) of the Municipal Government Act, R.S.A 2000, a council may pass a bylaw for municipal purposes respecting businesses, business activities, and persons engaged in business; and
- WHEREAS:** pursuant to Section 7(i) of the Municipal Government Act, R.S.A 2000, a council may pass a bylaw for municipal purposes respecting the enforcement of bylaws made under the Municipal Government Act or any other enactment including any or all of the matters listed therein; and
- WHEREAS:** pursuant to section 8 of the Municipal Government Act, a council may enact a bylaw to:
- (a) Regulate or prohibit;
  - (b) Deal with any development, activity, industry, business, or thing in different ways, divide each of them into classes, and deal with each class in different ways;
  - (c) Provide for a system of licenses, permits or approvals, including any or all of the matters listed therein;
- NOW THEREFORE:** The Council of the Town of Thorsby, in the Province of Alberta, duly assembled, hereby enacts as follows:

#### PART I - TITLE

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

#### PART II - DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:
  - a. "**39/20 Alliance**" means the partnership between the Town of Calmar, Town of Thorsby, and Villages of Warburg and Breton, within the province of Alberta;
  - b. "**Act**" means the Municipal Government Act, RSA 2000, M-26 and amendments thereto;
  - c. "**Applicant**" means a person who applies for a license or renewal of a license required in this bylaw;
  - d. "**Application**" means a written application for a business license as provided by this bylaw;
  - e. "**Business**" means:
    - i. A commercial, merchandising, or industrial activity or undertaking,
    - ii. A profession, trade, occupation, calling, or employment, or,
    - iii. An activity providing goods and services, whether or not for profit and however organized or formed, including a co-operative or association of persons;
  - f. "**Business Premises**" includes the store, office, warehouse, factory, building, enclosure, yard, or other place occupied for the purpose of carrying on a business;
  - g. "**CAO**" means the Chief Administrative Officer of the Town of Thorsby as appointed by Council;
  - h. "**Carry On**", "**Carrying On**", "**Carried On**", "**Carries On**" means to conduct, operate, perform, keep, hold, occupy, deal in, or use for a fee or exchange of benefits, whether as principal or agent;
  - i. "**Charitable or Non-Profit Organization**" means a person or association of persons or a cooperation acting for charity in the promotion of general social welfare and includes:
    - i. A religious society or organization
    - ii. A service club
    - iii. A community veteran or youth organization
    - iv. A social sport or fraternal organization or club
    - v. An employer or employees' organization;

- j. **“Charitable Purpose”** includes a philanthropic, benevolent, educational, health, humane, religious, cultural, artistic, or recreational purpose;
- k. **“Contractor”** means the business of offering to any person to perform or arrange to perform work involving an improvement;
- l. **“Council”** shall mean the Council of the Town of Thorsby, duly elected;
- m. **“Child Care Act”** shall mean the Early Learning and Child Care Act, Statutes of Alberta 2007, Chapter E.0-1.
- n. **“Event Market”** shall mean any market set up to host multiple market stands selling home-made or otherwise goods that are not wholesale or retail merchandise, for the purpose of sale during events held within the Town of Thorsby. Individual stall or table operators within a traditional farmers’ market or community market do not need a separate retail dealer license. A market license is only given to markets that operate on a regular basis, such as community markets and farmers markets. Kiosks located within the farmers or community market under the market license type do not require a license unless they sell tobacco or alcohol, or if the market does not have a market license. If a license is not required, applicable approvals still need to be met;
- o. **“Fees Bylaw”** means the current Town of Thorsby Fees and Services Bylaw;
- p. **“Hawker or Peddler”** means a person not being a corporate body and who, whether principal or agent,
  - i. Goes from house to house selling or offering for sale any merchandise to any person, and who is not a wholesale or retail dealer in such merchandise to be afterwards delivered in or shipped into the Town, or
  - ii. Offers or exposes for sale to any person by means of sample, patterns, cuts or blueprints, merchandise to be afterwards delivered in or shipped into the Town, or
  - iii. Sells merchandise in the streets or roads or elsewhere than at a building that is their permanent place of business but does not include the person selling meat, fish, fruit, or other farm produce that has been produced, raised, grown, or caught by themselves in Alberta;
- q. **“Home Occupation”** means 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 ancillary buildings;
- r. **“Improvement”** means anything built, placed, altered, or repaired which is in, upon, over, or under land or water, including a building and any clearing, dismantling, digging, drilling, excavating, grading, filling, or tunnelling;
- s. **“Land Use Bylaw”** means the current iteration of the Town of Thorsby Land Use Bylaw and amendments thereto;
- t. **“License”** means a license granted by the Town of Thorsby, authorizing the person to whom it is granted to carry on the business activity which has been granted;
- u. **“License Fee”** means those fees payable for a license as prescribed in the Fees Bylaw;
- v. **“Licensee”** means a person holding a valid and subsisting license;
- w. **“Market”** means a regular gathering of people for the purchase and sale of provisions, livestock, and other commodities, and farmers markets;
- x. **“Minor”** means an individual that has not reached the age of 18;
- y. **“Mobile Business Unit”** means a motor vehicle, temporary structure or display, or stand from which a business is carried on and for which the Licensee is not listed on the tax roll;
- z. **“Municipal Tag”** means a ticket alleging an offense issued pursuant to the authority of a Bylaw of the Town;
- aa. **“Non-Residential Business”** means a person, firm, or corporation who does not reside within the corporate boundaries of the Town of Thorsby;
- bb. **“Non-Residential Seasonal Business”** means a person, firm, or corporation who does not reside within the corporate boundaries of the Town of Thorsby that provide services on a seasonal basis which is included but not limited to snow removal, lawn care, contracting services;
- cc. **“Peace Officer”** means a peace officer as defined in the Provincial Offences Procedure Act;
- dd. **“Person”** means an individual human being or a corporation and includes a partnership, association, or a group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires;



- ee. **“Premises”** means a store, office, dwelling unit, warehouse, factory, building, enclosure, or the place occupied or capable of being occupied, by any person for the purpose of carrying on any business;
- ff. **“Principal Contractor”** means the person or business appointed by a client to control or manage the construction phase of any project involving more than one contractor;
- gg. **“Residential Business”** means a person, firm, or corporation residing in the Town of Thorsby corporate boundaries;
- hh. **“Residential Seasonal Business”** means a person, firm, or corporation residing in the Town of Thorsby corporate boundaries who conducts business seasonally;
- ii. **“Season,” “Seasons,” “Seasonal”** shall mean, for the purpose of carrying on business, either
  - i. The period of April 1<sup>st</sup> to September 30<sup>th</sup>.
  - ii. The period of October 1<sup>st</sup> to March 31<sup>st</sup>.
- jj. **“Subsequent Offense”** means any offense under this Bylaw committed by a person after that person has already been convicted of an offense under this Bylaw, or has voluntarily paid a fine for such offense;
- kk. **“Sub-trade”** means the person, business, or organization named in the contract for any part of the works or any person to whom any part of the contract has been sublet by the principal contractor;
- ll. **“Town”** means the Town of Thorsby in the Province of Alberta;
- mm. **“Violation Ticket”** means a violation ticket as defined in the Provincial Offences Procedure Act;
- nn. **“Youth Business”** means a business run within the Town of Thorsby by a minor person or persons.

### PART III – GENERAL LICENSING PROVISIONS

#### 3. License Requirements

- 3.1 No person shall carry on a business in the Town of Thorsby unless the person holds a license authorizing the person to carry on that business unless specifically exempted by provincial or federal legislation, or Section 4 of this bylaw.
- 3.2 No person shall contravene a condition of a license.
- 3.3 A license is required for each premises or mobile business unit where the business is carried on.
- 3.4 A person owning and/or operating two or more businesses in separate business locations shall obtain a separate license for each business location.
- 3.5 Where more than one business is conducted from a single business location, the Town may require a separate business license for each business if the CAO, or their designate, deems that different individuals or corporations operate the businesses or the businesses financially operate separately.
- 3.6 No person shall allow or permit any employee, representative, or agent to carry on business on their behalf in the Town until such a person has obtained a license in accordance with this agreement.

#### 4. License Application

- 4.1 Any person who intends to carry on a business in the Town shall complete, in full, the necessary application form as provided by the Town, and provide any necessary supporting documentation.
- 4.2 The category shall be determined reasonably by the CAO or their designate at the time of the application being received.
- 4.3 If the business to be licensed requires a provincial license, the applicant shall provide said license or a reasonable facsimile acceptable to the Town.
- 4.4 Where required by law, the business will provide a current and passing public health inspection report.
- 4.5 The applicant shall provide any name(s) by which the business is known, operating, or doing business as, on the application form.
- 4.6 A person hosting a market is required to provide a list of all participants to the satisfaction of the Town. The host shall purchase one license which shall duly license all listed participants. The fee type shall be determined by the CAO, or their designate, according to the Fees Bylaw.

4.7 No person shall give false information in an application pursuant to the provisions of this bylaw.

## 5. License Fees

- 5.1 Any person who intends to carry on business in the Town shall submit, in full, the applicable license fee for their category according to the Fees Bylaw.
- 5.2 Unless otherwise specified in this bylaw, license fees are not refundable.
- 5.3 The CAO may issue a refund of a license fee if the license is not issued.
- 5.4 Where a license has been issued in error without payment of the applicable license fee, the license may be revoked by the CAO.

## 6. Exemptions

- 6.1 Any exemption under this bylaw solely provides exemption from the necessity of a license and does not extend to the necessity for obtaining a Development Permit where required under the Town's Land Use Bylaw, nor from complying with any other federal, provincial, or municipal act, statute, bylaw, or regulation.
- 6.2 Notwithstanding other sections of this bylaw, the following organizations or business activities are hereby exempted from applying for and obtaining a business license. All listed herein may be required to submit information for administrative purposes, at the direction and discretion of the CAO, or their designate.
  - 6.2.1 Business carried on by the Town.
  - 6.2.2 A business carried on by the Government of the Province of Alberta or the Government of Canada or a Crown Corporation created by either Government.
  - 6.2.3 The delivery of goods, wares, merchandise, but not including installation, construction, or any other such services, purchased outside of the corporate limits of the Town provided that the contract to purchase such goods, wares, merchandise, or delivery was not made within the corporate limits of the Town.
  - 6.2.4 The distributing of free information in the form of magazines, flyers, pamphlets, newspapers, business cards, and similar media.
  - 6.2.5 A business expressly exempted from the requirement of a license by a statute of the Legislature of Alberta or Parliament of Canada. It is the responsibility of the person claiming an exemption from the requirements of this bylaw to provide proof of such exemption to the satisfaction of the CAO, or their designate.
  - 6.2.6 A charitable organization or professional fundraiser.
  - 6.2.7 A nonprofit organization including without limitation bona fide religious groups.
  - 6.2.8 A babysitting service excluding those requiring a provincial license as Child Care Facilities under the Early Learning and Child Care Act.
  - 6.2.9 A garage or yard sale which is held for a maximum of three (3) consecutive days and up to three (3) times per calendar year at a single premises.
- 6.3 Charitable or nonprofit organizations must inform the Town prior to commencing any fundraising activities.
- 6.4 If an exempted organization or business requests a business license from the Town, the applicant shall pay the appropriate fee, as determined by the license type, in full.

## 7. Obligations of the Licensee

- 7.1 Every licensee shall prominently display the license and produce the license for inspection immediately when required to do so by the CAO, or their designate, any peace officer, or any person duly authorized by Council.
- 7.2 For businesses which are not carried on at a fixed business location, the license shall be:
  - 7.2.1 Carried on the person of the licensee; or
  - 7.2.2 Carried in or on the vehicle or apparatus from which the business is conducted; and
  - 7.2.3 Shown to the CAO, or their designate, any peace officer, or members of the public upon request.
- 7.3 The licensee shall re-fill the necessary application for any change in the:
  - 7.3.1 Description or fundamental type of business being carried on;
  - 7.3.2 Business location;
  - 7.3.3 Name of the business;
  - 7.3.4 Contact information applicable to the business.





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- 7.4 Subject to Section 5.3, the business location shall be designated on the license so issued, and thereafter the business shall be conducted on such address and not elsewhere, unless amended in accordance with Section 5.3.

### 8. Duration of License

- 8.1 A license issued pursuant to this bylaw, unless previously suspended or revoked, or otherwise specified in this bylaw, is valid from January 1<sup>st</sup> of the given year, and shall expire at twelve o'clock midnight on December 31<sup>st</sup>, with the exceptions as outlined in Sections 6.2, and 6.3.
- 8.2 Depending on the request and type of business to be performed by an applicant, a residential or non-residential seasonal business license is available for one of the following periods:
- 8.2.1 April 1<sup>st</sup> to September 30<sup>th</sup>
  - 8.2.2 October 1<sup>st</sup> to March 31<sup>st</sup>
- 8.3 A hawker/peddler business may get a business license with a duration of one (1) day.

### 9. License Renewal

- 9.1 A Licensee having held a business license in the previous year may, at the discretion of the CAO or their designate, renew their license by paying the fee as described in the Fees Bylaw.
- 9.2 No person shall carry on a business where a previous license issued pursuant to this bylaw has expired until such license has been renewed.
- 9.3 A grace period from January 1<sup>st</sup> to January 31<sup>st</sup> of a new business year may be provided to allow for renewal payments of business licenses, subject to the discretion of the CAO or their designate.
- 9.4 Where a business has not paid the fee to renew their license for the following calendar year, on or before January 31<sup>st</sup> of the new year, the renewal fee shall be subject to the late payment fine specified in "Schedule A". The late payment shall be owing in addition to the license fee in the Fees Bylaw.

### 10. Inspections

- 10.1 Where a business requires a consultation or approval for licensing or is licensed, then the premises and surrounding lot may be inspected by the CAO and/or a Peace Officer.
- 10.2 A person who the CAO, their designate, and/or a Peace Officer believes is carrying on a business requiring a license, an applicant, or a Licensee shall:
- 10.2.1 Permit and assist in all inspections requested by the CAO and/or a Peace Officer,
  - 10.2.2 Furnish to the CAO and/or a Peace Officer all identification, information, or documentation related to the inspection or licensing requirement; and
  - 10.2.3 Not provide to the CAO and/or a Peace Officer false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with the licensing of the business.
- 10.3 No person shall attempt or make an attempt to prevent, obstruct, or hinder the CAO and/or a Peace Officer from making an inspection authorized by this Bylaw.
- 10.4 During an inspection authorized under this section, the CAO and/or a Peace Officer may examine any business record or document for the purpose of enforcing this bylaw, remove any relevant record or document from the premises for the purpose of copying it, and will provide a receipt for any document or record so removed.
- 10.5 No person shall allow any false or misleading information to appear on any record required to be kept or prepared pursuant to this bylaw.

### 11. License Approval, Refusal, Suspension, or Revocation

- 11.1 The CAO may refuse to issue or renew a license, or may suspend or revoke a license for the following reasons:
- 11.1.1 The applicant or licensee does not or no longer meets the requirements of this bylaw with respect to the license applied for or held;
  - 11.1.2 The applicant or licensee, or any of its officers or employees:
    - 11.1.2.1 Furnishes false information or misrepresents any fact or circumstance to the CAO, their designate, and/or a Peace Officer.

- 11.1.2.2 Has, in the opinion of the CAO, their designate, and/or a Peace Officer, based on reasonable grounds, contravened this bylaw whether or not the contravention has been prosecuted.
- 11.1.2.3 Is found to be in contravention of any federal, provincial, or municipal act, statute, bylaw, or regulation.
- 11.1.2.4 Fails to pay any fee or outstanding fee required by this bylaw, as detailed in the Fees bylaw, or is otherwise indebted to the Town, unless satisfactory agreements are made with the Town which are approved by the CAO; or
- 11.1.2.5 In the opinion of the CAO, their designate, and/or a Peace Officer, based on reasonable grounds, it is in the public interest to do so.

## 12. Notice to Applicant or Licensee

- 12.1 Before refusing to issue or renew a license, and before a license is suspended or revoked or conditions are imposed, other than conditions imposed by this bylaw, the applicant or Licensee must be given:
  - 12.1.1 A notice of the proposed refusal, suspension, revocation, or the proposed conditions with reasons; and
  - 12.1.2 An opportunity to make a written representations to the CAO.
- 12.2 If a decision is made to refuse the issue or renewal of a license, to suspend or revoke a license, or to impose conditions on a license, other than conditions imposed by this bylaw, notice of the decision may be served on the applicant or Licensee:
  - 12.2.1 In person on the applicant or Licensee or any of its officers or employees; or
  - 12.2.2 By registered mail to the address in the application or in the records of the Town for the Licensee.

## 13. Appeal to Town Council

- 13.1 A person who has been refused the issue or renewal of a license, whose license has been suspended or revoked, or whose license is made subject to conditions, other than conditions imposed by this bylaw, may appeal the decision within (14) days by providing written notice to the CAO and the Town Legislative Clerk via email, an in-person written notice, or registered mail that must arrive before the deadline.
- 13.2 A person may not appeal a decision to issue a license for a limited term or for a specified date.
- 13.3 Where a licensee has given notice of an intention to appeal the revocation, suspension, or conditions of a license, the CAO may, in the CAO's sole discretion, stay the revocation, suspension, or conditions pending the hearing of the appeal if the continued operation of the business does not create a danger to the safety, health, or welfare of the public or Town assets.
- 13.4 The hearing of the appeal will occur at the next regular meeting of Council, provided that the notice is received at least eight (8) working days prior to the meeting in accordance with the Meeting Procedures Bylaw Part 19 Section 1. Otherwise, it will be held at the next available regular meeting of Council following.
- 13.5 At the hearing of the appeal, Council may review the written submission of the appellant, the CAO, and/or Peace Officer, and any other person who may, at the discretion of Council, make verbal submissions.
- 13.6 After hearing the evidence submitted, Council may confirm such refusal, suspension, or revocation, or may direct that license be issued or cease the suspension or revocation, either conditionally or unconditionally, as deemed in the public interest. The decision of Council is final.

## PART IV – REGULATIONS PERTAINING TO PARTICULAR BUSINESSES

### 14. Contractor

- 14.1 A Contractor that applies to the Town or their designate for a permit, including but not limited to a Building Permit, Development Permit, Plumbing Permit, Gas Permit, or Electrical Permit, must obtain a business license prior to receiving the approved permits required.
- 14.2 The CAO and/or a Peace Officer may inspect the premises or the site at which a Contractor is working.



- 14.3 Notwithstanding Subsection 30.1, proof of one offer to perform or offer to arrange to perform work on an improvement is sufficient to establish that the business of a Contractor is being carried on.

**15. Principal Contractor and Listed Sub-Trades**

- 15.1 A Principal Contractor who has been contracted to begin work on a project that requires a Development Permit must obtain an approved Development Permit through the title owner of the site of construction, or through their business with titleholder consent, prior to the authorization of a business license and commencement of any business.
- 15.2 At the time of the business license application, all sub-trades must be listed and provided to the CAO. Listed sub-trades cannot be changed or switched unless a license amendment fee is paid per the Fees Bylaw.

**PART V – ENFORCEMENT**

**16. Offense**

- 16.1 A person who contravenes this bylaw is guilty of an offense.

**17. Continuing Offense**

- 17.1 In the case of an offense that is of a continuing nature, a contravention constitutes a separate offense in respect of each day, or part of a day, on which it continues and a person guilty of such an offense is liable to a fine not less than that established by this Bylaw for each such day.

**18. Vicarious Liability**

- 18.1 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

**19. Corporations and Partnerships**

- 19.1 When a corporation commits an offense under this bylaw, every principal, director, manager, employee, or agent of the corporation who authorized the act or omission that constitutes the offense or assented to, acquiesced or participated in the act or omission that constitutes an offense is guilty of the offense whether or not the corporation has been prosecuted for the offense.
- 19.2 If a partner in a partnership is guilty of an offense under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offense, or assented to, acquiesced, or participated in the act or omission that constitutes the offense is guilty of the offense whether or not the corporation has been prosecuted for the offense.

**20. Fines and Penalties**

- 20.1 Where any provision of this bylaw has been deemed to be contravened, the Bylaw Enforcement Officer or Community Peace Officer may issue a voluntary payment violation ticket or municipal tag for that contravention. 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 in "Schedule A".
- 20.2 If the offense is for carrying on a business without a valid and subsisting license, in addition to the penalty imposed, such person shall also be required to obtain a business license in accordance with this bylaw, and pay the appropriate license fee per the Fees Bylaw.

**21. Obstruction**

- 21.1 No person shall hinder or obstruct any person in the exercise or performance of the person's powers pursuant to this bylaw.

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**PART VI - GENERAL**

**22. Proof of License**

22.1 The onus of proving that a person has a valid and subsisting license for a business is on the person alleging the license on a balance of probabilities.

**23. Proof of Exemption**

23.1 The onus of proving that a person is exempt from the provisions of this bylaw requiring a license is on the person alleging the exemption on a balance of probabilities.

**24. Proof of Business**

24.1 In a prosecution for a contravention of this bylaw against carrying on business without a license, proof of one transaction in the business or that the business had been advertised is sufficient to establish that a person is carrying on the business.

**25. Authority**

25.1 Without restricting any other power, duty, or function granted by this bylaw, the CAO may:

- 25.1.1 Carry on whatever inspections are reasonably required to determine compliance with this bylaw;
- 25.1.2 Delegate any powers, duties, or functions under this bylaw to an employee of the Town; and
- 25.1.3 Establish forms for the purpose of this bylaw.

**26. Certified Copy of Record**

26.1 A copy of a record of the Town, certified by the CAO as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

**27. Existing License**

27.1 An existing license issued under Bylaw #2022-08 Business Licensing, remains valid until the term of such license expires.

**28. Schedules**

28.1 "Schedule A" is deemed a valid and enforceable schedule attached to this bylaw.

**29. Severability**

29.1 Every provision of this bylaw is independent of all other provisions, and if any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

**PART VII - REPEAL**

30. Upon third and final reading of Bylaw #2025-02 Business Licensing, Bylaw #2022-08 Business Licensing and all amendments hereto are hereby repealed.

**PART VIII – EFFECTIVE DATE**

31. This Bylaw shall come into force and have effect upon the third and final reading.





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READ A FIRST TIME this 28<sup>th</sup> day of January, 2025

READ A SECOND TIME this 25<sup>th</sup> day of February, 2025

READ A THIRD AND FINAL TIME this 25<sup>th</sup> day of February, 2025

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Darryl Hostyn, Mayor

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Donna Tona, CAO

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SCHEDULE A – FINES FOR OFFENSE

Fines		
Section No.	Description	Fine Amount
3.1	Carrying on Business Without a Business License	\$550.00
4.7	Providing False or Untrue Information on a Licence Application	\$150.00
7.1	Fail to Display or Fail to Produce a License for Inspection	\$200.00
7.4	Carry on Business at a Location Other than the Location Provided for the Business License	\$200.00
9.2	Carrying on Business with an Expired License	\$500.00
10.1	Refuse an Inspection	\$200.00