



Bylaw #2022-08 "Business Licensing"

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

WHEREAS: The Council of the Town of Thorsby may, pursuant to Sections 7, 8, and 564 of the Municipal Government Act, R.S.A 2000, pass a bylaw for the purpose of regulating and controlling businesses carried on within the Town of Thorsby.

AND WHEREAS: It is deemed desirable and equitable to enact a bylaw providing for the regulation and control of certain businesses, trades, professions, and occupations carried on within the Town of Thorsby and to further provide for licensing of certain businesses, trades, professions, and occupations carried on therein.

THEREFORE: The Council of the Town of Thorsby, duly assembled, hereby enacts as follows:

PART I: TITLE AND PURPOSE

1. That this Bylaw may be cited as the "Business Licensing Bylaw" of the Town of Thorsby.

PART II: DEFINITIONS

In this bylaw, unless the context otherwise requires:

- a) **"Applicant"** means a person who applies for a license or renewal of a license required by this bylaw.
- b) **"Application"** means a written application for a business license as provided by this bylaw.
- c) **"Auctioneer"** means a person who sells or makes a business of selling by auction.
- d) **"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.
- e) **"Business Premises"** includes the store, office, warehouse, factory, building, enclosure, yard, or other place occupied for the purpose of carrying on a business.
- f) **"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
- g) **"CAO"** means the Chief Administrative Officer of the Town of Thorsby and any person authorized by the Chief Administrative Officer to act on his/her behalf.



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- h) **"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 as principal or sub-contractor in excavation, erection, construction, alteration, repair, or demolition of any building or structure. The term "contractor" shall not include the owner of any building or premises personally doing work in, upon, or about such building or premises.
- i) **"Council"** shall mean the Council of the Town of Thorsby.
- j) **"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 and 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.
- k) **"Hawker or Peddler"** means a person not being a corporate body and who whether as 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 his 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 his or herself in Alberta.
- l) **"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.
- m) **"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.
- n) **"Minor"** means an individual that has not yet reached the age of 18 years.
- o) **"Non-Resident Business"** means a person, firm, or corporation who does not reside within the corporate boundaries of the Town of Thorsby.
- p) **"Person"** means and includes a firm, one or more persons, a partnership, or a corporate body.
- q) **"Resident Business"** means a person, firm, or corporation residing in the Town of Thorsby corporate boundaries.
- r) **"Second Hand Dealer"** shall include dealers in second hand articles and goods of every description and shall include dealers in new articles or goods of like and in payment thereof, and who afterwards dispose of second-hand article or things thus acquired.
- s) **"Town"** means the Town of Thorsby.
- t) **"39/20 Alliance Member"** being a community who is a member of the group of municipalities who make up the 39/20 Alliance being Thorsby, Calmar, Warburg, and Breton



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PART III: AUTHORITY

The Chief Administrative Officer and/or their designate is the delegated authority for this Bylaw.

PART IV: ADMINISTRATIVE BUSINESS LICENSE RESPONSIBILITIES

- a) To receive and deal with all applications for licenses and transfer thereof.
- b) To maintain a record of all applications for licenses and transfer of licenses.
- c) To conduct investigations with regard to proposed applications where necessary.
- d) To conduct inspections of business premises where necessary.
- e) To collect business license fees pursuant to this bylaw.
- f) To refuse or grant business licenses where deemed appropriate and necessary.
- g) To revoke business licenses where deemed appropriate and necessary.
- h) To temporarily suspend business licenses where deemed appropriate and necessary.
- i) To administer this bylaw as far as practicable, ensure that all persons concerned conform to its provisions and to commence prosecutions for violation of this bylaw.

PART V: LICENSE APPLICATION

- a) No person within or partly within the Town of Thorsby shall be engaged in any business unless or until he has paid the prescribed fee set out in Bylaw #2022-05 "Fees and Services" unless specifically exempted by law.
- b) Every person applying for a business license shall submit to the CAO and/or their designate a written application in the "Schedule B" attached to this bylaw and signed by the applicant or agent of the corporation.
- c) The Town of Thorsby shall issue an invoice in January of each year, for the current year's license fees, to all existing holders of valid business licenses.

PART VI: POWER OF REFUSAL

Subject to the provisions of the bylaw, upon receipt of an application for a business license, the CAO and/or their designate may grant a business license or refuse a business license, if in their opinion there are just and reasonable grounds for the refusal of the application.

PART VII: POWER OF REVOCATION

Subject to the provision of this bylaw, where a business license has been granted pursuant to this bylaw, the CAO and/or their designate may revoke or suspend the business license, if in his opinion, there are just and reasonable grounds for the revocation of the license.

PART VIII: NOTICE OF REVOCATION OR SUSPENSION

Upon a license being revoked or suspended as hereinafter provided, the CAO and/or their designate shall notify the licensee thereof:

- a) By delivery of notice to them personally, or
- b) By mailing a double registered letter to the address provided on the application,

and, after the delivery of such notice, their business shall not be carried on until such time as a new license is issued or the suspended license is reinstated.



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PART IX: CONDITIONS OF BUSINESS LICENSE

- a) No business license shall be granted until such time the applicant holds a valid development permit where required by the land use bylaw.
- b) No business license shall be granted until such time the applicant holds a valid provincial or federal license required by law.
- c) No business license shall be granted if the applicant fails to comply with any other bylaw of the Town of Thorsby.
- d) No business license shall be granted until the applicant has submitted to the CAO and/or their designate the proper fee as provided by Bylaw #2022-05 "Fees and Services."
- e) No business license shall be valid unless the said license has been signed by the CAO and/or their designate.

PART X: HOLDER OF VALID AND SUBSISTING LICENSE

- a) No person shall carry on or operate any business within or partly within the Town of Thorsby without holding a valid and subsisting business license issued pursuant to the provisions of the bylaw, unless specifically exempted by the law.
- b) Any advertising of the businesses, callings, trades, or occupation referred to in this bylaw shall be deemed to be prima facie proof of the fact that the person advertising is carrying on or operating any such business, calling, trade, or occupation.

PART XI: POSTING OF LICENSE

Every business license issued under this bylaw shall be posted in a conspicuous place in the business premises of the said license.

PART XII: LICENSE YEAR

Every business license issued under the provisions of this bylaw, unless revoked, shall terminate at midnight on the 31st day of December of the year in which the said license was issued.

PART XIII: EXEMPTIONS FROM BUSINESS LICENSING

Without restricting the generality of the provisions of this bylaw, the following are exempt from having to apply for a business license:

- a) Charitable or Non-Profit Organizations.
- b) Minors.
- c) Non-Resident businesses delivering their own goods into the Town.
- d) Resident businesses only, who purchase a Thorsby Resident business license may pay an additional fee of \$50.00 to acquire a 39/20 Business License which will entitle them to work within any of the 39/20 Alliance member communities without the purchase of an additional non-resident license within those same communities.
- e) Newspaper publishers and distributors
- f) Craft Fairs / Trade Shows
- g) A business carried on by any person as part of the Thorsby & District Public Market

PART XIV: NULLIFICATION OF LICENSE

Where any certificate, authority, license, or other document of qualification under this or any other bylaw, or under any statute of Canada or the Province of Alberta, is suspended, cancelled, terminated, or surrendered, any license issued under this bylaw based in whole or in part on such certificate, authority, license, or other document of qualification shall be revoked automatically.



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PART XV: APPEAL

- a) In every case where:
 - i. An application for a business license has been refused, or
 - ii. A business license is revoked,the person seeking the business license may appeal to the Town Council.
- b) An appeal under Subsection (a) shall be made within thirty (30) days after such refusal or revocation.
- c) All appeals shall be made in writing addressed to the Chief Administrative Officer of the Town of Thorsby and shall be dated as of the date received by the Chief Administrative Officer.
- d) The Town Council, after hearing the applicant, may:
 - i. Direct a business license be issued
 - ii. Direct a business license be issued with conditions
 - iii. Refuse to grant a business license
 - iv. Uphold the revocation of the business license on the grounds which appear just and reasonable.

PART XVI: SUPPLY & INFORMATION

Every person carrying on or engaged in business in respect of which a license is required under this bylaw, upon request of the CAO and/or their designate, shall give to the CAO and/or their designate all information necessary to enable them to carry out their duties.

PART XVII: ENFORCEMENT

OFFENCE

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

CONTINUING OFFENSE

- 2) 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 in an amount not less than that established in this bylaw for each such day.

VICARIOUS LIABILITY

- 3) 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 exercising the powers of or performing duties on behalf of the person under their agency relationship.

OWNER LIABLE

- 4) In addition to any other person, the owner of a premises is liable for all offenses committed on that premises.



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FINES AND PENALTIES

5) (1) Any person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000, and to imprisonment for not more than six months for non-payment of a fine.

(2) Without restricting the generality of subsection (1), the following fine amounts are established for use on violation tickets if a voluntary payment option is offered:

- a. \$2,000 for any offence for which a fine is not otherwise established in this section;
- b. \$500 for any offence under:
 - i. Part III section (2) sub-section (h)
 - ii. Section (6) sub-section (1)
 - iii. Part VII section (7);
 1. section (9) sub-section (1) and (3),
 2. section (10) sub-section (1a), (f), and (g) or;
 3. section (12) sub-section (3f)

MUNICIPAL TAG

1) If a municipal tag is issued in respect of an offense the municipal tag must specify the fine amount established in this bylaw for the offense.

PAYMENT IN LIEU OF PROSECUTION

2) A person who commits an offence may, if a municipal tag is used in respect of the offense, pay the fine amount established by Schedule A, and if the amount is paid on or before the date specified on the municipal tag, the person will not be prosecuted for the offense.

VIOLATION TICKET

3) If a violation ticket is issued in respect of an offence, the violation ticket may:

- a) specify the fine amount established in section 34 for the offence; or
- b) require the person charged to appear in court without the alternative of making a voluntary payment.

ORDER TO COMPLY

9) (1) If the Chief Administrative Officer believes, on reasonable grounds, that a person is contravening any provision of this bylaw, the Chief Administrative Officer may, by written order, require any person responsible for the contravention to remedy it.

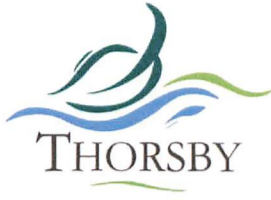
(2) The order may:

- a) direct a person to stop doing something or to change the manner in which the person is doing it;
- b) direct a person to take any actions or measures necessary to remedy the contravention of the bylaw and, if necessary, to prevent a re-occurrence of the contravention;
- c) state a time within which the person must comply with the directions;
- d) state that if the person does not comply with the directions within a specified time, the Town will take the action or measure.

(3) A person named in and served with an order issued pursuant to this section shall comply with any action of measure required to be taken within the time specified.

(4) An order issued pursuant to this section may be served:

- a) in the case of an individual:
 - i. by serving it personally to the individual;
 - ii. by leaving it for the individual at their apparent place of residence with someone who appears to be 18 years of age; or
 - iii. by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the Town or at the Land Titles registry; and
- b) in the case of a corporation:
 - i. by delivering it personally to any director or officer of the corporation;
 - ii. by delivering it personally a person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or
 - iii. by mail addressed to the registered office of the corporation.



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OBSTRUCTION

- 10) A person shall not obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this bylaw.

PART XVIII: GENERAL

POWERS OF THE CHIEF ADMINISTRATIVE OFFICER

- 1) Without restricting any other power, duty or function granted by this bylaw the Chief Administrative Officer may:
- a) carry out any inspections necessary to determine compliance with this bylaw;
 - b) take any steps or carry out any actions necessary to enforce this bylaw;
 - c) take any steps or carry out any actions necessary to remedy a contravention of this bylaw;
 - d) establish areas or instances where activities restricted by this bylaw are permitted;
 - e) take any steps or carry out any actions necessary to enforce standards, codes of practice and additional requirements as adopted by the Town from time to time, based on best management practices pertaining to wastewater management, which standards or codes may include those prescribed by the ACRWC.
 - f) issue permits with such terms and conditions as are deemed appropriate;
 - g) establish the criteria to be met for a permit pursuant to this bylaw; including but not limited to requirements to follow best management practices, codes of practice, and standard methods;
 - h) disconnect any access to the sewerage system if:
 - i. a property appears abandoned,
 - ii. a person fails to comply with this bylaw, or
 - iii. there is a threat to human health or the integrity of the sewerage system;and
 - i) delegate any powers, duties, or functions under this bylaw to an employee of the Town

CERTIFIED COPY OF RECORD

- 2) A copy of a record of the Town, certified by the Chief Administrative Officer 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.

PERMITS

- 3) (1) A Person shall apply for, obtain, and comply with all permits and authorities required of, and issued by, all applicable permitting authorities, including the Town and the ACRWC, during the sanitary servicing infrastructure construction, connection, and operation phases.
- (2) A person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this bylaw.
- (3) If any term or condition of a permit issued pursuant to this bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, the Chief Administrative Officer may immediately cancel the permit.
- (4) A person shall immediately produce a permit issued pursuant to this bylaw when requested to do so by a peace officer.

PROOF OF PERMIT

- 4) The onus of proving a permit or approval has been issued in relation to any activity otherwise regulated, restricted, or prohibited by this bylaw is on the person alleging the existence of such a permit on a balance of probabilities.

FEES

- 5) Fees for use of the sewerage system are as set out in the Fees Bylaw and may be calculated based on the averages of available sampling, or estimates of use, if necessary.



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PART XIX: VOLUNTARY PAYMENT

Where any provisions of this bylaw have been deemed to be contravened and an offense ticket has been issued for that contravention, the accused may avoid appearing in Court to answer the said charge by submitting to the Town voluntary payment set out in Schedule A.

PART XX: SEVERABILITY

In the event any portion of this Bylaw is found invalid by a Court of Law or is overturned by a superior jurisdiction, the validity of the remaining parts of the Bylaw shall not be affected.

PART XXI: REPEALS

Upon third and final reading of Bylaw #2022-08, Bylaw #2001-03 is hereby repealed

PART XXII: EFFECTIVE DATE

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

READ A FIRST TIME this 27th day of September, 2022

READ A SECOND TIME this 27th day of September, 2022

READ A THIRD AND FINAL TIME this 27th day of September, 2022

Darryl Hostyn, Mayor

Donna Tona, CAO



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SCHEDULE A: SPECIFIED PENALTY OPTION

Bylaw Section	First Offense	Second Offense	Third and Subsequent Offense
Section 10a	\$250	\$300	\$500
Section 11	\$50	\$75	\$100

SCHEDULE B: BUSINESS LICENSE APPLICATION



Business License Application

Town of Thorsby
Box 297
4917 Hankin Street
Thorsby Alberta TOC-2PO
780-789-3935

Email: info@thorsby.ca
Website: www.thorsby.ca

Year: _____ New Renewal Thorsby  39/20 Regional 

Business & Owner(s) Name: _____

Business Type/Service/Product: _____

Civic Address of Business: _____

Business Mailing Address: _____

Business Phone #: _____ Cell #: _____

Email: _____

Website: _____ Social Media: _____

Emergency Contact: _____ Phone #: _____

Home Based Business: Yes: No:

Will there be storage on the premises? Yes: No: Storage Type: _____

This Business _____ hereby gives consent for the information provided to be listed on the Thorsby Website and published on the Town Business Directory. Yes

FOIP Notification Statement

The personal information that you provide to the Town of Thorsby is collected under the authority of the Act and the Freedom of Information and Protection of Privacy (FOIP) Act - section 33(c). The information will be used for the purpose of office administration.

Collected personal information is protected from unauthorized access, collection, use, and disclosure in accordance with the FOIP Act and can be reviewed upon request subject to the provisions under the Act.

Questions regarding the collection of personal information can be directed to: Town of Thorsby CAO Donna Tona 780-789-3935 or dtona@thorsby.ca

Applicants Signature: _____ Date: _____

Applicants Name: (Please Print) _____

If your business is in the profession of Accounting, Medical and Engineering, you require a licence which is no charge.

Comments /Notes: _____

Fee: _____

For Office Use

Business Licence No: _____

Approved: No Yes

Comments:

Business Licencing Bylaw 2022-08

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> Resident Business | <input type="checkbox"/> Non-Resident Business | <input type="checkbox"/> Non-Resident General Contractor | <input type="checkbox"/> Hawkers/Peddlers |
| \$125.00 | \$250.00 | \$350.00 | \$50.00/Day-\$200.00/Year |
| | | | |
| <input type="checkbox"/> 39/20 Alliance Business License | <input type="checkbox"/> Pending | <input type="checkbox"/> Event/Market (CAO Authorized) | |
| \$50.00 (Services Breton, Warburg, Thorsby, Calmar) | | Fee _____ | |

(Development Permit Applications may be required and subsequently obtained prior to insurance of a Business License)

Business Licenses expire December 31 of each year and must be renewed annually by January 31 of the following year. Notice of cessation of a business, or service must be provided to the Town for record keeping.