

BY-LAW NO. 07/95

Being a By-Law of the Village of Bentley in the Province of Alberta, to provide for the licensing and regulating of certain businesses, professions, calling, trade or industry in the Village of Bentley.

WHEREAS it is deemed expedient and proper pursuant to Section 7 and 8 of the Municipal Government Act, Chapter M-21.1 of Revised Statutes of Alberta, 1994 that the Council regulate and license certain businesses and industries operating within the corporate limits of the Village of Bentley.

NOW THEREFORE the Council of the Village of Bentley, in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1

SHORT TITLE

This By-Law may be cited as the "Business Licensing By-Law".

SECTION 2

DEFINITIONS

- A. "Business" includes business, trade, profession, industry, occupation, employment or calling and the providing of goods and services.
- B. "Business License" means a license issued pursuant to this By-Law.
- C. "Business License Fee" shall be the sums of money which are required for payment for a business license as detailed in Schedule "A" of this By-Law.
- D. "General Contractor" shall mean any person who undertakes, as principle. to carry out the whole of the work called for in a development permit issued by the Village of Bentley.
- E. "Council" shall mean the Council of the Village of Bentley.
- F. "Hawker" or "Peddler" means any person whether as a principle or agent who:
- i) goes from house to house or business to business selling or offering for sale any merchandise to any person, and who is not a wholesale or retail dealer in such merchandise with permant place of business in the Village of Bentley.
 - ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise to be afterwards delivered in or shipped into the Village of Bentley.
 - iii) sells merchandise on the streets or roads or elsewhere other than a building that is his permanent place of business.
- G. "Home Occupation" means a resident business that is operated out of a residence located in a residential district as identified in the Village's Land Use By-Law and is operated as a use secondary to the residence and is subject to requirements set out in the Village's Land Use By-Law.
- H. "Licensing Officer" means a person or persons authorized by Council to carry out the provisions of this By-Law.
- I. "Non-Resident" means an individual person, a company, or a partnership, or a body corporate who does not operate their business, trade,

profession or occupation from taxable premises within the Bentley Fire District as shown on the attached Schedule "B".

J. "Resident" means an individual person, a company, a partnership, or a body corporate who either resides principally within the Bentley Fire District or has established premises within the Bentley Fire District from which to do business.

K. "Person" means a person or persons, hawker, peddler, partnership or body corporate.

L. "Sub-Contractor" shall mean a person who undertakes to carry out a portion of the work called for in a development permit issued by the Village of Bentley under the supervision of a contractor.

SECTION 3

GENERAL PROVISIONS

A. No person shall, within the limits of the Village of Bentley, carry on or be engaged in any business unless he has paid the prescribed fee as set out in this By-Law, and is in possession of a valid and subsisting business license issued pursuant to the provisions of this By-Law.

B. i) Except where indicated otherwise, each business license shall be valid only for the calendar year (January 1 - December 31) for which it is issued.

ii) In the case of a contractor or sub-contractor working on a single project, the business license issued to the contractor or sub-contractor shall be valid for the period it takes to complete the particular project.

C. Any person who operates their business:

i) from property that is registered in their name, and

ii) said property is located within the Village of Bentley corporate limits, and

iii) said property taxes are based on a commercial or industrial assessment,

shall be exempt from the requirements of Section 3.A.

D. Any person that:

i) is under 18 years of age and does not have a permanent place of business or is not operating as a hawker or peddler;

ii) is operating as a wholesaler or distributor of goods to one or more licensed businesses within the Village of Bentley;

iii) is conducting business as a participant of a trade or craft show

shall be exempt from the requirements of Section 3.1.

E. No business license shall be granted until such time as the applicant holds a valid Development Permit where required by the Land Use By-Law.

F. No Business License shall be granted until such time as the applicant holds a valid Provincial or Federal License where required by law.

G. No Business License shall be granted until the applicant has submitted to the Village Office the proper fee as provided by this By-Law.

H. Applications for a License, for renewal of license or for a transfer of license shall be made on a form to be provided by the License Inspector and shall be made in person at the Village of Bentley Municipal Office.

I. The License Inspector may issue a license subject to certain conditions, but where the License Inspector issues a license, subject to certain conditions, he shall endorse on the license the particulars of such condition.

J. Every License issued under this By-Law shall be made out and delivered to the licensee who shall produce said license whenever required to do so by the License Inspector, any assistant to the License Inspector, any Police Officer, or other duly authorized person.

K. Upon receipt of an application for a Business License, the Licensing Officer may:

- i) grant a Business License, or
- ii) refuse a Business License if, in his opinion, there are just and reasonable grounds for the refusal.

L. Where a Business License has been granted the Licensing Officer may revoke the Business License, if in his opinion, there are just and reasonable grounds for the revocation.

SECTION 4

APPEAL PROCESS

A. In every case where,

- i) an application for a Business License has been refused, or
- ii) a Business License has been revoked,

an appeal may be made to Village Council by the person seeking the Business License.

B. An appeal shall be made by serving written notice of appeal to the Municipal Administrator within thirty (30) days after the date of refusal or revocation.

C. The Council:

- i) shall hold a hearing on any appeal within fourteen (14) days of receipt of the notice of appeal.
- ii) shall insure notice of the hearing is mailed by regular mail at least seven (7) days prior to the date of the hearing to the appellant, and
- iii) shall consider each appeal having due regards to circumstances and merits of the case.

D. When an appeal is being heard, the Village Council shall hear:

- i) the Licensing Officer and/or
- ii) the Appellant and/or
- iii) any other person who, in the Council's opinion, may be affected or should be heard.

E. In determining an appeal, the Council

i) may confirm, reverse or vary the decision of the Licensing Officer and may impose such conditions or limitations as it considers proper and desirable in the circumstances, and

ii) shall render its decision in writing to the Appellant within thirty (30) days from the date of which the hearing is heard.

F. A decision of the Village Council on any appeal is final and binding on all parties.

SECTION 5

LICENSE FEES

License fees shall be charged in accordance with Schedule "A" which is attached to and forms part of this By-Law. Schedule "A" may be amended, from time to time, by resolution of Council.

SECTION 6

PENALTY

A. Any person contravening any provision of this By-Law shall be liable upon conviction thereof to a fine of not less than \$250.00 and not more than \$1,000 exclusive of costs, and in case of non-payment of 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.

B. Where the offence is non-payment of any license fee payable hereunder, the convicting provincial judge may adjudge payment thereof in addition to the fine imposed.

IT IS FURTHER ENACTED, that By-Law 426 and By-Law 431 are herewith repealed.

This By-Law shall be in effect on the date of the final passing thereof.

READ the first time this 14 day of November, 1995.

READ the second time this 14 day of November, 1995.

READ a third and final time this 14 day of November, 1995.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

VILLAGE OF BENTLEY
BUSINESS LICENSING BY-LAW NO. 07/95

SCHEDULE "A"

LICENSE FEES

Unless otherwise provided the following fees shall be for the calendar year:

General Contractor - fees based on Development Permit Value:

- Less than \$125,000 \$100.00 per construction project
- \$125,000 to \$225,000 \$200.00 per construction project
- Over \$225,000 \$300.00 per construction project

(Business License issued under this section will include all other businesses engaged by the "General Contractor".)

Resident Business *	25.00	
Hawker or Peddler	250.00	Yearly License
	150.00	Monthly License
	75.00	Weekly License
	35.00	Daily License
Home Occupations	25.00	
Non-Resident Business	50.00	

* A Resident Business shall also include a Resident General Contractor and the annual license fee of \$25.00 is applicable, however, if sub-contractors are engaged by the Resident General Contractor, they shall be required to purchase a Business License and their fee shall be in accordance with their residence status, i.e.

Resident Business	\$25.00
Non-Resident Business	\$50.00

(Change Approved January 10, 1996 Council Meeting.)