

**TOWN OF PICTURE BUTTE  
BYLAW NO. 938-23**

**BEING A BYLAW OF THE TOWN OF PICTURE BUTTE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENCING OF CERTAIN BUSINESSES, TRADES, PROFESSIONS AND OCCUPATIONS.**

**WHEREAS** the Municipal Government Act RS.A. 2000, Chapter M-26 and amendments thereto, authorizes a Council to pass bylaws for municipal purposes; and

**WHEREAS** pursuant to Section 7 of the Municipal Government Act, Council may pass bylaws for municipal purposes respecting businesses, business activities, and persons engaged in business; and

**WHEREAS** pursuant to section 7(i) of the Municipal Government Act, a Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Municipal Government Act or any other enactment including an or all of the matters listed therein; and

**WHEREAS** pursuant to section 8 of the Municipal Government Act, a Council may in a bylaw:

- 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; and
- 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 Picture Butte, in the Province of Alberta, duly assembled, **HEREBY ENACTS AS FOLLOWS:**

1. This Bylaw may be cited as "The Business Licence Bylaw" of the Town of Picture Butte.

**2. DEFINITIONS**

- 2.1 In this Bylaw unless the context otherwise requires:
  1. "Applicant" means a person who applies for a licence or renewal of a licence required by this Bylaw.
  2. "Application" means a written application for a business licence as provided for by this Bylaw.
  3. "Business" includes any trade, profession, industry, occupation, employment or calling and the providing of goods and/or services.
  4. "Business licence" means a licence granted pursuant to this Bylaw.
  5. "Business premises" include 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 in accordance with the Town of Picture Butte Land Use Bylaw.
  6. "Charitable organization" means a recognized organization set up to represent a legitimate charity or for the promotion of general social welfare and includes:
    1. a religious society or organization
    2. a service club
    3. a community, veteran's or youth organization
    4. a social, sport or fraternal organization or club.
  7. "Chief Administrative Officer" means the person who is appointed by Bylaw to this position for the Town of Picture Butte.
  8. "Council" means the Municipal Council of the Town of Picture Butte.
  9. "Enforcement Officer" means the Town of Picture Butte Chief Administrative Officer, a member of the Royal Canadian Mounted Police, a municipal Police Officer, Police Constable, Bailiff, Constable, Bylaw Enforcement Officer or other person employed for the prevention of disorder and maintenance of the public peace.
  10. "Hawker or peddler" means a person not being a body corporate and who whether as principle or agent:
    1. 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 Town of Picture Butte.
    2. Offers or exposes for sale to any person by means of samples patterns, blueprints of merchandise or services of both to be afterwards delivered and shipped in the Town of Picture Butte.

3. Sells merchandise or services, or both on the streets or roads or elsewhere than at a building that is his permanent place of business including a person selling meat, fruit or other produce raised or grown by himself and a person selling fish of his own catching.
4. "Home occupation" means an occupation carried on in a residence by one or more members of a family actually occupying the said residence as a dwelling and for which the Enforcement Officer has approved the operation of a business from the dwelling.
11. "Land Use Bylaw" means the current Town of Picture Butte Land Use Bylaw.
12. "Licencee" means a person holding a valid and subsisting licence granted pursuant to the provisions of this Bylaw.
13. "Licence year" means the period commencing January 1st and ending December 31st each year.
14. "Non-resident" means a person, firm or occupation who does not operate their business, trade, profession or occupation from a taxable business premises within the Town of Picture Butte and who does not reside within the Town of Picture Butte.
15. "Resident" means a person, firm or corporation within the Town of Picture Butte who operates their business, trade, profession or occupation from a taxable premise and/or taxable business premise located within the Town of Picture Butte.
16. "Town" means the Municipal Corporation of the Town of Picture Butte or the area contained within the Town boundaries, as the context requires.
17. "Transient trades" means the business carried on by any person who does not ordinarily maintain within the Town a permanent place of business and who as a principal or agent buys or offers to buy, direct from the producer thereof any merchandise or service or both.
18. "Violation Ticket" means where an Enforcement Officer, or other official of the Town of Picture Butte believes that any person has committed a breach of any of the sections of the Bylaw, they may cause a violation ticket to be served upon such person pursuant to Part 2 of the Provincial Offences Procedure Act, Alberta
19. "Farmers' Market" means an open air or fully or partly covered market, for the sale of goods directly by the producers, or their representatives who are involved in the production, of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, locally prepared and ready to eat foods and local artisan crafts.
20. "Flea Market" means the carrying on a business to organize a group of more than three (3) merchants, vendors or participants, to gather in one location or building to offer handcrafts, produce and vegetables, food, new and used goods, wares, merchandise or services for sale for time periods of seven (7) days or less in duration.

### **3. ENFORCEMENT OFFICER**

- 3.1 The Council will appoint an Enforcement Officer to carry out the provisions of this Bylaw.
- 3.2 The duties of an Enforcement Officer are to:
  1. Receive and consider applications for a business licence
  2. Conduct investigations with regard to proposed applications.
  3. Conduct inspections of business premises.
  4. Collect business licence fees pursuant to this Bylaw.
  5. Grant or refuse a business licence.
  6. Revoke business licences where deemed appropriate and necessary.
  7. Initiate legal court action for violations of this Bylaw.

### **4. LICENCE APPLICATIONS**

- 4.1 Every person applying for a business licence shall apply in writing, using the prescribed form, to the Enforcement Officer at the Town Office.
- 4.2 The application must be:
  1. Completed in full,
  2. Signed by the applicant, or in case of a corporation its duly appointed agent, and
  3. Accompanied by the appropriate application fee.
- 4.3 All resident charitable organizations shall be exempt from any requirement to hold a licence established by this Bylaw unless they are carrying on a

- commercial business.
- 4.4 Flea Market Business Licenses fees shall be levied per event.

## 5. INSPECTION

- 5.1 Where a business or its location, or locations, require an approval or certificate under this Bylaw or any other Bylaw of the Town of Picture Butte, or any Provincial or Federal Statute, the location(s) where the business is to be carried on, including the land and buildings, therefore, may be inspected by those persons, inspectors and departments whose approval or certificate is required.

## 6. CONDITIONS OF BUSINESS LICENCE

- 6.1 Business Licences will be issued subject to:
1. Licensing requirements of Provincial or Federal Statute.
  2. Compliance with any other Bylaw of the Town of Picture Butte.
  3. Any other condition that may be deemed appropriate.
  4. The payment of the proper fee as provided by this Bylaw.
  5. Approval by the Enforcement Officer or anyone designated to act on his behalf.
- 6.2 No person shall carry on or operate any business within or partly within the Town without holding a valid business licence issued pursuant to the provisions of this Bylaw, unless specifically exempted by law.
- 6.3 Every business licence issued under this Bylaw shall be posted in a conspicuous place in the business premises of the said licence.
- 6.4 Persons wishing to carry on or engaged in any business in respect of which a licence is required under this Bylaw, shall upon request of the Enforcement Officer, provide all information necessary to enable him to carry out his duties.

## 7. TERM

- 7.1 Every business licence issued under the provisions of the Bylaw unless revoked shall terminate at mid-night on the 31st day of December of the licence year in which the said licence is issued.
- 7.2 The fee payable for a business licence between the 1st day of January and the 31st day of December in any licence year shall be the licence fee for the full year.

## 8 TRANSFER OF A BUSINESS LICENSE

- 8.1 An existing Business License issued under this Bylaw may be transferred upon application to and approval by the Town in the following circumstances:
- 8.2 When the transfer is from one Licensee to another for the same Business name in the same Business Premises;
- 8.3 When the transfer is for a change of civic address from one Business Premises to another for the same Licensee and Business, with the exception of a Home Occupation license.

## 9 LICENCE FEES

- 9.1 Business licence fees shall be according to the Fees, Rates and Services Bylaw passed by Council.
- 9.2 Business Licences may be extended by means of a Reciprocal Business Licence arrangement between Town Council and the Councils from other municipalities.
- 9.3 When a Reciprocal Business Licence arrangement has been made that agreement will supersede the applicable sections of this Bylaw.

## 10 POWER OF REFUSAL

- 10.1 Subject to the provisions of this Bylaw, upon receipt of an application for a business licence, the Enforcement Officer may refuse a business licence if, in their opinion the application does not meet the requirements of
1. This Bylaw, or
  2. Any other Bylaw of the Town of Picture Butte, or
  3. any Provincial or Federal Statute,
- 10.2 There are other just and reasonable grounds for the refusal of the application.

## 11 POWER TO REVOKE A LICENCE

- 11.1 Where a business licence has been granted pursuant to this Bylaw, the Enforcement Officer may revoke or suspend the business licence if, in their opinion the business no longer complies with provisions of:
  - 1. This Bylaw, or
  - 2. Any other Bylaw of the Town of Picture Butte, or
  - 3. Any Provincial or Federal Statute
- 11.2 There are just and reasonable grounds for the revocation or suspension of the licence.
- 11.3 A licence may be revoked or suspended for non-compliance with a Bylaw notwithstanding that the holder of that licence has not been prosecuted for a contravention of that Bylaw.

## 12 NOTICE TO REVOKE OR SUSPENSION A LICENCE

- 12.1 Upon a licence being revoked or suspended, as herein provided, the Enforcement Officer shall notify the licensee by:
  - 1. Delivering a notice to them personally, or
  - 2. Mailing a registered letter to the place of business or residence as shown on the licence.
- 12.2 Upon receipt of such notice the licensee shall cease operations until such time as a new licence is issued or the suspended licence is reinstated.
- 12.3 The recipient of a Notice of Revocation or Suspension may appeal the notice to Council.

## 13 NULLIFICATION OF LICENCE

- 13.1 Where any certificate, authority, licence or other document of qualification under this or any other Bylaw, or under any Statute of Canada or Province of Alberta is suspended, cancelled, terminated or surrendered, any licence issued under this Bylaw based in whole or in part on such certificate, authority, licence or other document of qualification shall be revoked automatically forthwith.
- 13.2 Where a licence is revoked pursuant to Section 22 hereof, the licensee shall forthwith:
  - 1. return the licence to the Enforcement Officer; or
  - 2. furnish the Enforcement Officer with satisfactory proof of a renewal or reissue of the certificate, authority, licence or other document of qualification.

## 14 APPEAL

- 14.1 Where:
  - 1. an application for a business licence has been refused, or
  - 2. a business licence has been revoked or suspended, the person seeking the licence may appeal to Council.
- 14.2 An appeal must be made by the applicant within fourteen (14) days after such refusal, revocation or suspension.
- 14.3 All appeals shall be:
  - 1. Made in writing addressed to the Chief Administrative Officer of the Town of Picture Butte.
  - 2. Dated as of the date received at the Town office.
- 14.4 Council, after hearing the applicant, may
  - 1. Direct a business licence be issued or reinstated,
  - 2. Direct a business licence be issued or reinstated with conditions,
  - 3. Refuse to issue a business licence,
  - 4. Uphold the "Notice to Revoke or Suspend".

## 15 PENALTIES

- 15.1 Where an Enforcement Officer believes that any person has committed a breach of any of the Sections of this Bylaw, they may cause a violation ticket to be served upon such person pursuant to Part 2 of the Provincial Offences Procedure Act, Alberta.
- 15.2 Any person violating any of the provisions of this Bylaw shall be subject to a fine as outlined in Schedule A. Second, Third and subsequent offences shall be considered within a twelve (12) month period.
- 15.3


**16 INTENTION OF COUNCIL**

- 16.1 It is the intentions of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provision of this Bylaw is declared invalid, all other provisions thereof shall remain valid and enforceable.
- 16.2 Bylaw No. 689-92 Business Licence Bylaw, and any amendments to it, is hereby rescinded when this bylaw shall come into force.
- 16.3 This Bylaw shall come into full force and effect on the day of its final passing.

READ A FIRST TIME THIS 28<sup>TH</sup> DAY OF AUGUST, A.D. 2023

READ A SECOND TIME THIS 28<sup>TH</sup> DAY OF AUGUST, A.D. 2023

READ A THIRD TIME AND FINALLY PASSED THIS 28<sup>TH</sup> DAY OF AUGUST, A.D. 2023

  
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Mayor  
Cathy Moore

  
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Chief Administrative Officer  
Keith Davis

**SCHEDULE A**

SECTION	OFFENCE	PENALTY 1 <sup>st</sup> Offence	PENALTY 2 <sup>nd</sup> Offence	PENALTY 3 <sup>rd</sup> Offence
15.2	Any Violation relating to the bylaw	\$250	\$500	\$1,000