

IMPORTANT NOTICE
Town of Cochrane
Business Licence Bylaw 10/2009
OFFICE CONSOLIDATION

This document is consolidated into a single publication for the convenience of users. The official Bylaw and all amendments thereto are available from the Legislative Services Office and should be consulted in interpreting and applying this Bylaw. In case of any dispute, the original Business Licence Bylaw must be consulted. Where spelling, punctuation or type face was corrected, the amendment was not noted in the document.

For easy reference, the amending Bylaws are:

- 1) listed with a brief description on Page A; and
- 2) noted in the Table of Contents and adjoining the Sections that were amended to identify that a change has occurred in a Section, Subsection or Clause, subsequent to the adoption of the original Land Use Bylaw.

**Printed by the Manager, Legislative Services by the authority of Town
Council**

TOWN OF COCHRANE
Business Licence Bylaw 10/2009
Office Consolidation

Office Consolidated Version dated September 24, 2013

TOWN OF COCHRANE
Business Licence Bylaw 10/2009

Including Amending Bylaws:

| Bylaw | Description | Adopted |
|--------------|--|--------------------|
| 20/2013 | To amend Sections 3.6, 3.8, and 7.3. To delete Section 7.2 | September 23, 2013 |

TOWN OF COCHRANE BYLAW 10/2009

Being a Bylaw of the Town of Cochrane in the Province of Alberta to provide for the licensing of businesses.

WHEREAS: The Municipal Government Act, RSA 2000, C. M-26 and amendments thereto provides that a Municipal Council may pass a by-law respecting businesses, business activities and persons engaged in business.

AND WHEREAS: The Municipal Council for the Town of Cochrane deems it expedient to license businesses within the Municipality;

NOW THEREFORE: The Municipal Council for the Town of Cochrane in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

1.1 This bylaw shall be known as the Business License Bylaw.

2. DEFINITIONS

2.1 In this bylaw, the following words shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular; and words in the singular include the plural. The word “shall” is always mandatory, and not merely directory.

- (a) “Act” means the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto.
- (b) “Applicant” means a person who applies for a License, a renewal of License, or a transfer of License, as required by this bylaw.
- (c) “Application” means a written application for a Business License, or a renewal or transfer of a Business License, as required by this bylaw.
- (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 or services, however organized or formed, including a co-operative or association of persons.
- (e) “Business License” means a license to be issued, pursuant to this bylaw, for the purpose of licensing any business operating within the Town.
- (f) “Business Premises” means any store, office, warehouse, yard or other place occupied, for the purpose of carrying on a business and in which place the carrying on of a business is a permitted

or discretionary use under the Town of Cochrane Land Use Bylaw.

- (g) “Business Registry” or “Registry” means the list of all licensed businesses carrying on business within the Town of Cochrane.
- (h) “Carry on” means operate, perform, keep, hold, occupy, deal in or use, for gain, whether as principal or agent.
- (i) “Charitable or Non-profit Organization” means any person, association, or corporation engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Town, as defined by Revenue Canada under the Income Tax Act and that has a valid Revenue Canada Registered Charity number.
- (j) “Contractor” means
- (i) the business of accepting contracts for a service, construction, alteration and repair of buildings or structures of any kind or the person or firm engaged in such business, as the context requires; and includes any owner of property who supervises the service, construction, alteration and repair of buildings or structures where a general contractor is not engaged in such a project.
 - (ii) “Sub-contractor” means the business of sub-contracting to provide a special service in relation to a particular trade or contract; or the person or firm engaged in such business.
- (k) “Council” means the Municipal Council for the Town of Cochrane in the Province of Alberta, as duly elected.
- (l) “Dwelling unit” means a development designed to be used as a self contained residence by one or more person and contains cooking, living, sleeping, and sanitary facilities.
- (m) “Hawker” or “Peddler” or “Street Vendor” means any person who, whether as principal or agent,
- (i) goes from house to house selling or offering for sale any merchandise or service, or both, to any person and who is not a wholesale or retail dealer in that merchandise or service;
 - (ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered in and shipped into the municipality;
 - (iii) sells merchandise or a service, or both, on the streets or roads or elsewhere other than at a building that is a permanent place of business;
 - (iv) does not have a permanent place of business in the municipality.
- (n) “Licensee” means the holder of a valid and subsisting Business License issued pursuant to the provisions of this bylaw.
- (o) “Merchandise” means commodities or goods that are bought and sold in business.
- (p) “Natural person” means a human being.
- (q) “Non-resident” means a person who is not a resident of the Town of Cochrane.
- (r) “Officer” means the Police Officer, Peace Officer, Bylaw Enforcement Officer or other such duly appointed Officers of the Town of Cochrane.

- (s) “Permanent structures” means any shelter, booth, stand or other building constructed so as to not be moveable without dismantling.
- (t) “Person” means a natural person or a body corporate, and includes a partnership, proprietorship, limited partnership.
- (u) “Resident” means a person who:
 - (i) is located or permanently resides within the boundaries of the Town;
 - (ii) utilize the space and services including office area, telephone, mailing address or postal box from premises that are listed on the Town Tax Roll;
 - (iii) has a development permit issued to him / her under the Land Use Bylaw;
 - (iv) maintains a Town of Cochrane mailing address, postal box or telephone number for the purposes of carrying on business.
- (v) “NAICS” means “North American Industry Classification System” as defined by Statistics Canada 2002 North American Industry Classification System 12-501-XPE and 2007 North American Industry Classification System 12-501-XWE.
- (w) “Store Premise” means a development contained within a building for the sale of offering of goods and services to the public
- (x) “Town” means the Municipal Corporation of the Town of Cochrane in the Province of Alberta, and or the area contained within the corporate boundaries of the said municipality, as the context may require.

2.2 For the purposes of this bylaw the following definitions shall apply for classifying various businesses.

- (a) Home Based Business

A Business carried on as a secondary use of a dwelling unit and / or its accessory buildings, by at least one of the permanent residents of such a dwelling.
- (b) Retail Business

A Business where goods, wares, merchandise, substances, articles, or things are stored, offered or kept for sale at retail prices and includes storage on or about the Store Premise of limited quantities of such goods, wares, merchandise, substances, and articles.
- (c) Commercial Business
 - (i) A Business which acquires goods and services to be used in the production of further products or services for sale or rental to other businesses.
 - (ii) An Business primarily engaged in providing goods and services more to the business community than the general public.
 - (iii) Businesses that are governed under provincial or federal statutes/ trade acts.
- (d) Industrial Business

- (i) A Business primarily engaged in operations, which provide products directly from primary resources or which manufacture / assemble semi-finished goods, products or services.
- (ii) A Business that requires exterior storage space for primary resources or manufactured goods.

3. LICENSING PROVISIONS

- 3.1 An Applicant shall make application on a form supplied by the Town, furnishing such information as the form shall require and such additional information as may be reasonably required.
- 3.2 No person shall carry on any business, within the Town without first being licensed to do so, and having paid the fee as prescribed in Schedule "A" attached to this bylaw.
- 3.3 A Business shall not be required to be licensed if:
 - (a) the Business is carried on or operated by the Town or at a location operated by an official or employee of the Town acting on behalf of the Town in his / her capacity as such official or employee;
 - (b) the Business is carried on by the Government of the Province of Alberta or Canada;
 - (c) any statute of the Province of Alberta or Canada exempts such Business or person from the requirements of municipal licensing;
 - (d) the Business is a Charitable or Non-profit Organization;
 - (e) any other Business exempted through or by order of Council;
 - (f) the Town is in receipt of a completed Statutory Declaration stating that the Business is no longer operating in the Town of Cochrane
 - (g) the Business is a Day home service provider that is registered with a provincially approved Day home Agency that is licensed through the Town of Cochrane.
 - (h) the Business carries on its activity at the Farmer's Market which is operated by an organization that is registered with the Farmer's Market Association.
- 3.4 Notwithstanding that a Business License has been issued under the provisions of this bylaw, such License does not authorize or permit the Licensee to carry on a Business or any pursuit contrary to the provisions of other Town bylaws.
- 3.5 No person shall be issued a Business License or have such License renewed unless that person provides written confirmation in a form acceptable to the Town that all provincial and federal licensing requirements have been met, including, but not limited to, all licensing requirements under the Fair Trading Act of Alberta.
- 3.6 Any Business which commences business or operations after January 1st and has not previously been in operation in that calendar year shall pay the appropriate business license fee, as per the Council approved fees in Schedule "A". New licenses issued after January 31 shall pay a pro-rated fee calculated for the remaining months in the year (current)." (20/2013)

The Town may issue a license after October 1 of any license year for one fourth the annual fee as per the Council approved fees in Schedule "A" provided the business applying for the license has not been operating within the limits of the Town prior to October 1.

- 3.7 Any Business opting for a 3 or 6 month term license, as per the Council approved fees in Schedule "A", will be entitled to a consecutive 3 or 6 month period of licensing. In the event the Business continues to operate past the period of licensing, a new Application is required.
- 3.8 Renewal of the license is required for each subsequent calendar year, with fees due no later than the 31st day of January. (20/2013)
- 3.9 All licenses issued pursuant to this bylaw remain the property of the Town.
- 3.10 Any advertising of businesses, trades or occupations shall be deemed to be prima facie proof of the fact that the person is carrying on or operating any such business, trade or occupation.
- 3.11 When a Business which has been issued an annual Business License is removed from the Business Registry within three months of the Application, the Applicant is entitled to a refund equal to the unused portion of the license fee minus an administrative fee, as established from time to time. When a Business is removed from the Business Registry more than three months after the Application is made, the Applicant is not entitled to any refund of the License fees.
- 3.12 The annual Business License certificate issued pursuant to this bylaw shall be posted in a conspicuous place on the Business Premises of the Licensee, so as to be clearly visible to the public. For those Businesses that are not carried on at a fixed location, the License must be:
- (a) carried on the person of the Licensee; or
 - (b) carried in or on the vehicle or apparatus from which such Business is conducted;
 - (c) be shown to the Officer or members of the public upon demand.
- 3.13 Where a Business, subject to being licensed, is carried on or intending to be carried on in more than one premise separate licenses shall be required in respect to each premise and a separate fee shall be paid.
- 3.14 Two or more businesses, owned by the same natural person and located in the same premises shall be considered as one Business for the purposes of this bylaw, however, if the business activities are different, the business classification with the higher license fee shall apply, and the Businesses shall be listed separately in the Business Registry.
- 3.15 A subsisting Business License issued under this bylaw shall not be transferred from one person to another or from one location to another or to another Business except upon:
- (a) Application being made to the Town;
 - (b) the Applicant furnishing evidence of a transfer or assignment of the interests of the existing Licensee or of the location of the Business;
 - (c) the Applicant complying with the provisions of this bylaw.
 - (d) and the application being approved by the Town.

- 3.16 Should the North American Industry Classification code of a Business change as a result of a change in the nature or scope of the Business, the existing Business License shall be considered null and void and a new License must be applied for within 30 days of the notice of change of classification code.
- 3.17 Businesses no longer requiring a Business License, pursuant to this bylaw, are required to complete and sign a declaration provided by the Town within 30 days of termination of business.

4. PROVISIONS FOR HAWKERS, PEDDLERS AND STREET VENDORS

- 4.1 No person shall carry on business as a Hawker, Peddler or Street Vendor in public parks within the boundary of the Town until a Parks and Open Space Permit has been obtained from Town of Cochrane Parks Division and is submitted with the business license application.
- 4.2 No person shall commence to, or shall carry on or engage in, the business of Hawker, Peddler or Street Vendor on public property within the Town of Cochrane unless and until such person is the holder of a Business License issued pursuant to this bylaw. The Business License must be displayed clearly on the property.
- 4.3. A Hawker, Peddler or Street Vendor may carry on business on a sidewalk at any location except for the following:
- (a) Within 3 meters of a building or car park entrance or exit;
 - (b) Within 10 meters of an intersection as defined in the Traffic Safety Act;
 - (c) Within 3 meters of a back alley or lane;
 - (d) Within 3 meters of another Hawker, Peddler or Street Vendor or a food service location including a Hawker, Peddler or Street Vendor location on private property or a food take-out window;
 - (e) Where the location of a Hawker, Peddler or Street Vendor and its operator does not leave a minimum pedestrian passageway of 2.5 meters between the closest of the Hawker, Peddler or Street Vendor or its operator and the curb or building;
 - (f) Where the sidewalk is less than 3.5 meters wide;
 - (g) Where the Hawker, Peddler or Street Vendor or its operator obstruct a transit zone, fire hydrant, driveway, loading zone, emergency access or stand pipes;
 - (h) Within 25 meters of the property line of any Residential Development;
 - (i) Within 6 meters of a competing retail / food establishment; and
 - (j) No person shall carry on business as a Hawker, Peddler or Street Vendor on any public roads.
- 4.4 Hawkers, Peddlers and Street Vendors shall be permitted to operate on any privately owned property within the Town of Cochrane, provided that a letter of permission from the property owner has been submitted with the Application and a Development Permit obtained from the Town's Development Authority.
- 4.5 A Business License issued to a Hawker, Peddler or Street Vendor of foodstuffs, fruits and / or vegetables, shall be withheld until the Applicant has produced a certificate from the Calgary Board of Health or such other authorized Health Inspection Agency stating that the vehicle or receptacle from which the applicant

intends to sell produce is in a sanitary condition. Every such vehicle or receptacle shall at all times be subject to inspection by a Health Officer to ascertain that the said vehicle or receptacle and contents thereof are clean and sanitary.

- 4.6 Hawkers, Peddlers and Street Vendors operating within the Town of Cochrane shall abide by all other bylaws in force in the Town of Cochrane.
- 4.7 Violation of any provisions of this bylaw pertaining to Hawkers, Peddlers and Street Vendors shall result in the Business License being revoked.
- 4.8 Inspection of any gas or propane hook ups must be conducted by the Safety Codes Officer before the Business License will be issued.
- 4.9 This section of the Bylaw does not pertain to Buskers or Street Entertainers.

5. DUTIES OF THE COMMUNITY PEACE OFFICER

- 5.1 The Officer, as duly appointed by the Chief Administrative Officer of the Town, shall hereby be appointed to enforce the provisions of this bylaw.
- 5.2 The Officer shall at all reasonable times during regular business hours have the right to enter any business for the purpose of ascertaining if the provisions of this bylaw are being complied with.
- 5.3 Where a person or business is found to be in contravention to any of the provisions of this bylaw, the Officer may issue a Compliance Warning and make recommendation to the Chief Administrative Officer of the Town to temporarily suspend the business license until such time as the contraventions are rectified.

6. DELEGATION OF AUTHORITY

- 6.1 Council hereby delegates the following functions and duties to the Chief Administrative Officer:
 - (a) administer and enforce the requirements of this bylaw;
 - (b) invoice all active businesses;
 - (c) collect all fees required by this bylaw and credit such fees to the account of the Town;
 - (d) provide reports and advice to Council on business licensing in such manner and at such times as Council may require;
 - (e) maintain all Business Licensing records for a period of seven years;
- 6.2 The Chief Administrative Officer may delegate his / her authority to carry out the functions and duties as specified in this bylaw to an employee of the Town.

7. BUSINESS LICENSING FEES

- 7.1 North American Industry Classification System (NAICS) shall be used to determine business classes for the purposes of this bylaw. Where a Business could be categorized in two or more classifications, the classification with the higher licensing fee shall apply.

- 7.2 Invoices not paid prior to February 1 will be levied a flat rate penalty of \$30 on February 1 which will form part of the total fee owing. (20/2013)

8. INSPECTION AND ENFORCEMENT

- 8.1 Where a Business has been licensed pursuant to this bylaw, the Chief Administrative Officer may revoke or suspend the Business License and initiate legal proceedings to enforce this bylaw by way of injunction or otherwise against the business if, in his / her opinion, the requirements of this bylaw have not been complied with.
- 8.2 Notice of revocation of the Business License and the recommended enforcement procedure shall be given to the Licensee by means of personal service or by ordinary mail at the address shown on the Application for Licensing.

9. APPEALS

- 9.1 An applicant may appeal the category of business and the applicable fee assigned to a Business.
- 9.2 Where an Application has been refused, or a License has been revoked or suspended, the Applicant or Licensee may appeal the decision to the Town Council within ten (10) business days of receipt of notice of such refusal, revocation or suspension. All appeals shall be made in writing, accompanied by the applicable Appeal Fee as set out in Schedule "A" and addressed to the Chief Administrative Officer of the Town.
- 9.3 Upon receipt of an appeal, the Chief administrative Officer of the Town shall forthwith place the appeal upon the agenda of the next ensuing agenda of the Council at which time the appeal shall be heard. Accompanying such appeal shall be a written report of the License Inspector advising as to the reasons for his refusal of any application for a license of the revocation of any license.
- 9.4 At the hearing of the appeal the Council may review the written submissions of the appellant, the License Inspector and of any other persons the Council deems has the right to speak, or may hear such submissions verbally.
- 9.5 Within ten (10) days of the completion of the hearing, the Council shall:
- (a) direct that the business be added to the Business Registry;
 - (b) confirm the refusal, revocation or suspension of a Business License;
 - (c) reinstate the revoked license;
 - (d) remove or vary the suspension, or
 - (e) establish the category of business and/or its applicable licensing fee.
- as the case may be.
- 9.6 Fifty percent (50%) of the appeal fee shall be refunded to the appellant should the appeal be successful.
- 9.7 The Chief Administrative Officer of the Town may extend the time frame referred to in the above sections, but any such extension shall not exceed an additional ten (10) business days in total.

10. VIOLATIONS

10.1 Any person who contravenes any provision of this bylaw by:

- (a) doing any act or thing that is prohibited under the terms of this bylaw;
- (b) failing to do any act or thing that is required to be done under the terms of this bylaw;

is guilty of an offence and the Town of Cochrane can utilize whatever means deemed appropriate to affect collection.

10.2 A form of notice commonly called a Violation Tag may be issued by a Peace Officer or a Bylaw Enforcement Officer to any person alleged to have breached any provision of this Bylaw. The Violation Tag shall require the payment to the Town of the specified penalty set out in Schedule "B" to this bylaw and shall comply with and be served in accordance with the Provincial Offences Procedure Act (Alberta), as amended, and regulations thereunder.

10.3 A Violation Tag shall be deemed to be sufficiently served:

- (a) if served personally on the accused at the business premise; or
- (b) if mailed to the address of an Applicant or to the Business Premise's address.

10.4 Should a person not pay the penalty provided or contravention of any section of this Bylaw and a prosecution has been entered against him, he shall be liable on summary conviction to a fine of not less than five hundred (500.00) dollars and not exceeding ten thousand (10,000.00) dollars in addition to any license fee he may be required to pay.

10.5 Where a person is convicted of carrying on a business without first being licensed with the Town, or without payment of the necessary fee having been made, the Court may direct payment of the applicable license fee to the Town in addition to the fine imposed pursuant this bylaw.

10.6 The Chief Administrative Officer of the Town is authorized to take the necessary steps to initiate legal proceedings to enforce this bylaw, by way of injunction or otherwise, against any business, when such action is required prior to Council resolving to initiate legal proceedings.

11. GENERAL

11.1 The revenues generated from the license fees pursuant to this bylaw, less costs of administration, may be used for economic development purposes in the Town.

11.2 In the event that a Court of competent jurisdiction finds that any provisions of this bylaw to be unlawful or outside the jurisdiction of the Town, such provisions or provision, as the cause may be, will be severed from the bylaw and the remaining provisions will continue to be in force.

12. COMMENCEMENT AND CONSEQUENTIAL

12.1 Schedule "A" and "B" of this bylaw may be revised and amended from time to time by a resolution of the Town Council.

12.2 Bylaw No. 02/2008 of the Town of Cochrane is repealed upon this bylaw coming into force.

12.3 This bylaw shall come into force and take effect upon the date of final passage thereof

Read a first time October 26, 2009

Read a second time October 26, 2009

Read a third time October 26, 2009

Mayor

Municipal Clerk

SCHEDULE "A"
Town of Cochrane By-Law 10/2009
Business License Fees

Effective January 1, 2014 – Resolution #267/12/13

Resident

| | Annual January to December |
|---|---------------------------------------|
| Home Based | |
| ♦ Non GST registered | \$ 80.00 |
| ♦ GST registered | \$160.00 |
| Retail | \$160.00 |
| ♦ Retail Trade | |
| ♦ Business Service | |
| ♦ Food and Beverage Service | |
| ♦ Other Services | |
| Commercial and Industrial | \$160.00 |
| ♦ Agricultural and Related Services | |
| ♦ Manufacturing | |
| ♦ Construction | |
| ♦ Transportation and Storage | |
| ♦ Communication and other Utility | |
| ♦ Wholesale Trade | |
| ♦ Finance and Insurance | |
| ♦ Real Estate and Insurance Agent | |
| ♦ Educational Service | |
| ♦ Health and Social Services | |
| ♦ Accommodation | |
| ♦ Fishing and Trapping | |
| ♦ Logging and Forestry Industries | |
| ♦ Mining, Quarrying and Oil Well Industries | |

Non-Resident

| | |
|----------------------|-----------------|
| Home Based | |
| ♦ Non GST Registered | \$160.00 |
| ♦ GST Registered | \$320.00 |
| Retail | \$320.00 |
| Commercial | \$320.00 |

Term License fees

| | Resident | Non-Resident |
|--------------|-----------------|---------------------|
| 3 month term | \$48 | \$96 |
| 6 month term | \$96 | \$192 |

Appeal Fee: \$100.00

Business License Fees are GST Exempt

SCHEDULE “B”
Town of Cochrane By-Law 10/2009
Business License Bylaw

The specified penalty for breach of this bylaw is:

- 1st offence is a fine of double the Business Licensing Fee
- 2nd offence is a fine \$1,000.00
- 3rd offence is a fine of \$2,500.00



TOWN OF COCHRANE

Bylaw 20/2013

Being a bylaw of the Town of Cochrane in the Province of Alberta, Canada to amend Bylaw 10/2009.

WHEREAS: pursuant to the Municipal Government Act, S.A. 2000, Chapter M-26, as amended, the Council of the Town of Cochrane in the Province of Alberta has adopted Bylaw 10/2009 Procedural Bylaw;

WHEREAS: Council deems it desirable to amend the Business license Bylaw 10/2009;

NOW THEREFORE: the Council, duly assembled, hereby enacts as follows:

1. Amend Section 3.6 to read as follows:

"Any Business which commences business or operations after January 1 and has not previously been in operation in that calendar year shall pay the appropriate business license fee, as per the Council approved fees in Schedule "A". New licenses issued after January 31 shall pay a pro-rated fee calculated for the remaining months in the year (current)."

2. Amend Section 3.8 to read as follows:

"Renewal of the license is required for each subsequent calendar year, with fees due no later than the 31st day of January."

3. Amend Section 7.3 to read as follows:

"Invoices not paid prior to February 1 will be levied a flat rate penalty of \$30 on February 1 which will form part of the total fee owing."

4. Delete Section 7.2 in its entirety and renumber accordingly.

This Bylaw amends Bylaw 10/2009

This Bylaw shall come into full force and effect upon the date of third and final reading.

Read a first time September 23, 2013
Read a second time September 23, 2013
Unanimous consent September 23, 2013
Read a third time September 23, 2013



Mayor



Manager, Legislative Services