

**VILLAGE OF THORSBY  
BYLAW #2001-03**

**A BYLAW OF THE VILLAGE OF THORSBY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION AND LICENSING OF BUSINESSES AND TRADES, PROFESSIONS AND OCCUPATIONS CARRIED ON WITHIN THE CORPORATE LIMITS OF THE VILLAGE AND TO PROVIDE FOR THE APPOINTMENT OF A LICENSE INSPECTOR.**

WHEREAS, the Council of the Village of Thorsby may, pursuant to Sections 7, 8 and 564 of the Municipal Government Act, R.S.A. 1994, pass a bylaw for the purpose of regulating and controlling businesses being carried on within the Village 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 Village of Thorsby and to further provide for the licensing of certain businesses, trades, professions and occupations carried on therein.

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

1. **TITLE**

This bylaw shall be cited as “the Business Licensing Bylaw” of the Village of Thorsby,

2. **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 or 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) **“Chief Administrative Officer”** means the Chief Administrative Officer of the Village of Thorsby and any person authorized by the Chief Administrative Officer to act on his/her behalf.
- 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 accept 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 Village of Thorsby.
- j) **“Hawker or Peddler”**
- 1) 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 Village, 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 Village, or
    - iii) sells merchandise in the streets or roads or elsewhere than at a building that is his permanent place of business but
  - 2) does not include a person selling,
    - i) meat, fish, fruit or other farm produce that has been produced, raised or grown by himself in Alberta, or
    - ii) fish or his own catching in Alberta.
- k) **“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.
- l) **“License”** means a license granted by the Village of Thorsby, authorizing the person to whom it is granted to carry on the business activity which has been granted.

- m) **“License Inspector”** means the license inspector for the Village of Thorsby.
- n) **“Minor”** means any 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 Village 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 Village 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 the second hand article or things thus acquired.
- s) **“Village”** means the Village 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 & Breton *(added by Bylaw 2016-03)*

### 3. **Appointment of License Inspector**

The Council of the Village of Thorsby shall appoint the Chief Administrative Officer as license inspector to carry out the provisions of the bylaw.

### 4. **Duties of License Inspector**

- 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 when 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.

### 5. **License Application**

- a) No person within or partly within the Village of Thorsby shall be engaged in any business unless or until he has paid the prescribed fee as set out in Schedule "A" unless specifically exempted by law.
- b) Every person applying for a business license shall submit to the license inspector a written application in the "Schedule B" attached to this bylaw and signed by the applicant or agent of the corporation.
- c) The Village 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.

6. **Power of Refusal**

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

7. **Power of Revocation**

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

8. **Notice of Revocation or Suspension**

Upon a license being revoked or suspended as hereinafter provided, the license inspector shall notify the licensee thereof:

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

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

9. **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 Village of Thorsby.
- d) No business license shall be granted until the applicant has submitted to the license inspector the proper fee as provided by this bylaw.
- e) No business license shall be valid unless the said license has been signed by the license inspector or anyone designated to act on his behalf.

10. **Holder of Valid and Subsisting License**

- a) No person shall carry on or operate any business within or partly within the Village of Thorsby without holding a valid and subsisting business license issued pursuant to the provisions of the bylaw, unless specifically exempted by 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.

11. **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.

12. **License Year**

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

13. **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 Village.
- d) A Business carried on by any person as part of the Thorsby & District Public Market. *(added by Bylaw #2015-03)*

13A. **Purchase of additional 39/20 Alliance Business License**

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 member communities.

14. **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 forthwith.

15. **Appeal**

- a) In every case where:

- i) an application for a business license has been refused, or
  - ii) a business license has been revoked,

the person seeking the license may appeal to the Village Council.
- b) An appeal under Subsection (a) shall be made within thirty (30) days after such refusal or revocation.
- e) All appeals shall be made in writing addressed to the Chief Administrative Officer of the Village of Thorsby and shall be dated as of the date received by the Chief Administrative Officer.
- f) The Village 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 a business license on the grounds which appear just and reasonable.

16. **Supply & Information**

Every person carrying on or engaged in any business in respect of which a license is required under this bylaw, upon request of the license inspector, shall give to the license inspector all information necessary to enable him to carry out his duties.

17. **Penalty**

- a) Any person in contravention of any provision of the bylaw shall be guilty of an offense and liable on summary conviction to a penalty of not more than Five Hundred Dollars (\$500.00).
- b) Where an offense is non-payment of a license fee hereunder, the convicting magistrate may adjudge the payment of the business license fee thereof in addition to the fine imposed.

18. **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 Village voluntary payment as follows:

First Offense	-	\$ 50.00
Second Offense	-	\$100.00
Third & Subsequent Offense	-	\$200.00

19. **Suspension of Existing Controls**

Bylaw # 84-3 and Bylaw # 2000-03 are hereby repealed.

20. **Date of Commencement**

This bylaw shall come into force and effect upon the final passing thereof.

Read a first time this 14<sup>th</sup> day of May, 2001.

Read a second time this 14<sup>th</sup> day of May, 2001.

Read a third time this 14<sup>th</sup> day of May, 2001.

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John Hillary  
Mayor

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Aleks Nelson  
Chief Administrative Officer

**VILLAGE OF THORSBY  
BYLAW 2001-03  
SCHEDULE "A"**

All Resident Businesses . . . . .	\$125.00
All Non-Resident Businesses . . . . .	\$250.00
Non-Resident General Contractors (includes Sub-Trades) . . . . .	\$350.00
Hawker/Peddler . . . . .	\$ 50.00/day \$200.00/year
39/20 Alliance Business License.....	\$ 50.00
<i>(added by Bylaw #2016-03)</i>	

Business license fees are due within 30 days of being invoiced.

Business Licenses purchased for a new business after July 1 of the licensing year will be charged at half the yearly rate.