

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 842, 2012

Business License Bylaw

A Bylaw of the Municipality of Crowsnest Pass in the Province of Alberta to provide for the Control, Regulation and Licensing of Businesses within the Municipality.

WHEREAS It is provided by the Municipal Government Act, Chapter M-26, R.S.A. 2000 as amended, that the Council may control and regulate all business and industry carried on within the Municipality of Crowsnest Pass including the manner of operation, the nature of the operation and the location thereof and may license any or all such businesses or industries whether or not the business has a business premises within the Municipality.

NOW THEREFORE, The Council of the Municipality of Crowsnest Pass duly assembled enacts as follows:

1. TITLE

This Bylaw may be cited as the “BUSINESS LICENSE BYLAW” of the Municipality of Crowsnest Pass.

2. DEFINITIONS

- (a) **“Alberta SouthWest Regional Alliance-Regional Business License”** previously known as **Mounties to Mountains Economic Regional Initiative-MMERI** shall mean a license to operate in any participating Member Municipality with the condition that the Municipality of Crowsnest Pass maintains its membership to this program.
- (b) **“Applicant”** means a person who applies for a license or a renewal of a license required by this Bylaw.
- (c) **“Application”** shall mean a written application for a business license or a renewal or transfer of ownership of a business license as required by this bylaw and includes a written application for a permit through the Planning & Development department for the Municipality of Crowsnest Pass.
- (d) **“Auctioneer”** means any person(s) selling or offering for sale by public auction any real or personal property.
- (e) **“Business”** shall mean any trade, profession, occupation, industry, employment or calling carried on for the purpose of profit or gain and invoicing for goods or services; and any activity providing goods and/or services whether or not for profit and however organized or formed, including a co-operative or association of persons.
- (f) **“Business Premises”** shall mean any store, office, warehouse, residence, yard, Motor Vehicle, booth, Mobile Vending Unit, Push Cart Vending Unit or other place occupied for the purpose of carrying on a business for which the “Carrying on of Business” is a permitted or discretionary use under the Municipality of Crowsnest Pass Land Use Bylaw.
- (g) **“Business License”** means a license issued pursuant to this Bylaw;
- (h) **“Business Registry”** means a list compiled by the Licensing Inspector of all licensed businesses operating with the Municipality”.
- (i) **“Carry on business”**,- “carrying on business” shall mean to conduct, operate, perform, keep, hold, occupy, deal in or use for gain whether as principal or agent.

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- (j) **“Charitable or Non-Profit Organization”** shall mean any person, association, or body corporate engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Municipality, all the resources of which are devoted entirely to charitable activities and not for a profit or gain and which does not confer a monetary or other benefit on its members or directors. These may include:
- (a) Religious Societies or Organization
 - (b) Service Clubs
 - (c) Community, veteran, or youth organizations
 - (d) Social, sport, or fraternal organization or clubs
 - (e) Museums, galleries, cultural organizations and educational institutions
- (k) **“Chief Administrative Officer”** shall mean the Chief Administrative Officer as appointed by bylaw of the Municipality of Crowsnest Pass.
- (l) **“Contractor”** means the business of accepting contracts for the construction and/or repair of buildings or other improvements or the person or company engaged in such business as the context requires, including the owner of property who supervises the construction and/or repair.
- (m) **“Council”** means the municipal Council for the Municipality as duly elected;
- (n) **“Downtown Core”** means any area within Municipal Boundaries that is a geographical, commercial and/or community location as identified by the Municipality for operating commercial districts and/or hosting special events and festivals.
- (o) **“Farmer’s Market”** means the business of conducting a public open market at which various vendors lease and operate a stall from a person for the purpose of selling goods or services or both to the public at a location approved by the Municipality.
- (p) **“Fees and Charges Bylaw”** means the Municipality’s Fees, Rates and Charges Bylaw No. 855, 2012;
- (q) **“Hawker/Peddler”** means a person who moves about the Municipality selling or offering for sale, goods or services or both, from a Motor Vehicle or trailer or on the streets or roads or elsewhere other than at a building that is a permanent place of business;
- (r) **“Licensee”** shall mean the holder of a valid business license issued pursuant to the provisions of this Bylaw.
- (s) **“Licensing Inspector”** shall mean the Chief Administrative Officer or a person designated by the Chief Administrative Officer;
- (t) **“Member Municipalities”** shall mean those municipalities who are members of Alberta SouthWest Regional Alliance and have agreed to participate in the Regional License Program (previously known as MMERI).
- (u) **“Mobile Vending Unit”** means a mobile Motor Vehicle, trailer, or similar structure exceeding 3.3m², designed for preparing or offering the sale of food, which does not contain customer seating.
- (v) **“Mobile Vendor”** means a person who sells or offers sale food from a Mobile Vending Unit;
- (w) **“Motor Vehicle”** shall have the meaning set out in the Highway Traffic Act, R.S.A. 2000 and amendments thereto.

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- (x) **“Municipal Tag”** means a ticket alleging an offence issued pursuant to the authority of a Bylaw of the Municipality;
- (y) **“Municipality”** means the Municipal Corporation of the Municipality of Crowsnest Pass.
- (z) **“Non-resident”** shall mean a person who is not a Resident;
- (aa) **“Person”** means a natural person, firm, corporation, organization, association and includes a partnership.
- (bb) **“Peace Officer”** shall mean a peace officer as defined in the *Provincial Offences Procedure Act*; as amended from time to time;
- (cc) **“Push Cart Vending Unit”** means a push cart or similar mobile structure not exceeding 3.3m², intended to operate from a location approved by the Development Authority, for the purpose of offering food for sale.
- (dd) **“Push Cart Vendor”** means a person who sells or offers for sale food from a Push Cart Vending Unit;
- (ee) **“Regional Business License”** shall mean a license to operate in any Member Municipality.
- (ff) **“Resident”** shall mean a person who:
 - (a) Is located or ordinarily resides within the boundaries of the Municipality; or
 - (b) Uses space and services including office space, telephone, facsimile, and/or computer from premises that are listed on the Municipality Tax Roll; or
 - (c) Has a development permit issued to that person under the Land Use Bylaw; or
 - (d) Satisfies the Licensing Inspector that he intends to carry on business within the Municipality for not less than six months.
- (gg) **“Special Event and Festivals”** means any music festival, dance festival, rock festival, rave or similar musical activity, sporting event, tradeshow, community not for profit organized event, or entertainment activity that is likely to attract 50 persons or more in any one 24 hour period which is held at any place within the Municipality and to which members of the public are invited or admitted at charge or free of cost.
- (hh) **“Street Performer”** includes every person who entertains the public or performs on the street music, dancing, singing, miming, pantomiming, puppetry, juggling, magic sleight of hand tricks, or other performing or exhibitions seeking money from the public.
- (ii) **“Sub-Contractor”** means the business of contracting to provide a special service in relation to a particular trade or the person or firm engaged in such business, as the context requires.
- (jj) **“Tourist Home”** means a commercial use wherein a dwelling unit is offered for rent to guests for a period of three (3) days or more, to a maximum of 28 days.
- (kk) **“Violation Ticket”** means a violation ticket as defined in the *Provincial Offences Procedure Act*, as amended from time to time.

Terms not defined in this Bylaw will, where context permits, have the meanings assigned to them in the Municipality Land Use Bylaw. The above definitions shall apply to this Bylaw whether capitalized or not.

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3. EFFECTIVE DATE/DELEGATION

- 3.1 Bylaw 842, 2012 come into full force and effect upon the final passing thereof.
- 3.2 That Bylaw 599, 2002 is repealed.
- 3.3 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 Businesses;
 - c) Collect all fees and other amounts required by this Bylaw;
 - d) Provide reports and advice to Council on business licensing in such manner and at such times as Council may require;
 - e) Maintain the Business Registry and all Business License records.
- 3.4 The Chief Administrative Officer may delegate any authority to carry out the functions and duties as specified in this Bylaw.
- 3.5 Any Peace Officer duly appointed by the Chief Administrative Officer shall enforce the provisions of this Bylaw.

4. LICENSE REQUIREMENTS

- 4.1 No person shall engage in or operate within or partly within the Municipality any Business described within this Bylaw or any Non-resident Business unless that person holds a Business License authorizing the engagement in or operation of that Business and having paid to the Municipality the fee as per the Fees and Charges Bylaw.
- 4.2 It is the responsibility of the Applicant to obtain and hold valid Provincial and Federal licenses, permits, approvals, clearances and/or insurances and produce copies of same to the Licensing Inspector upon request.
- 4.3 It is the responsibility of the Applicant to obtain and hold a valid development approval(s) issued by the Development Authority under the Land Use Bylaw where necessary.
- 4.4 Where a Business operates at more than one Business Premises, each Business Premise requires a separate Business License.
- 4.5 Where more than one Business operates at one Business Premises, each Business requires a separate Business License.
- 4.6 A Business License shall not be issued:
- a. If the Applicant fails to provide all the information required or requested under this Bylaw;
 - b. To any Applicant not properly licensed or approved or otherwise not in compliance with any Federal, Provincial, or Municipal statute, regulation or bylaw.
- 4.7 A Business License is not valid until it has been signed by Licensing Inspector.
- 4.8 An Applicant or Licensee or person who the Licensing Inspector or Peace Officer reasonably believes is carrying on a Business requiring a Business License shall permit the Licence Inspector or Peace Officer to inspect the Business Premises to ensure compliance with this Bylaw.

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4.9 No person shall attempt to prevent, obstruct or hinder the Licensing Inspector or Peace Officer from making an inspection authorized by this Bylaw.

5. APPLICATION PROCESS

5.1 Every application shall be made in accordance with the appropriate forms and submitted to the Licensing Inspector;

- (a) To amend a Business License;
- (b) To transfer a Business License to another person; and
- (c) To renew a Business License;

5.2 An Applicant for a Business License shall make application to the Municipality in the form prescribed by the Municipality and supply such information the Licensing Inspector may require from time to time.

5.3 An Applicant shall not submit any information with respect to an Application which is false or misleading, or inaccurate.

5.4 A Licensee shall apply to the Licensing Inspector for an amendment to the License if there is a change in:

- (a) The Business Premises;
- (b) The owner of the Business;
- (c) The contact information of the Business;
- (d) The Business name;
- (e) The type of Business carried on;

5.5 Should a Business cease to carry on the business for which a Business License is granted, the Licensee shall immediately notify the Licensing Inspector.

6. REGIONAL BUSINESS LICENSE (ALBERTA SOUTHWEST REGIONAL ALLIANCE PREVIOUSLY KNOWN AS MOUNTIES TO MOUNTAINS ECONOMIC REGIONAL INITIATIVE-MMERI)

6.1 As an option, for an additional fee and as determined annually by the Alberta SouthWest Regional Alliance as set forth in the Fees and Charges Bylaw, each Resident or Business, with a valid Business License will be issued an annual Regional Business License seal recognized by all Member Municipalities. The purchase of a Regional Business License does not preclude the Business's obligation to purchase a local business license in each Member Municipality in which it has a storefront or physical presence.

6.2 Each year Alberta SouthWest Regional Alliance will provide the regional seal to each Member Municipality to be affixed to each annual local Business License when the resident of a local business pays the additional fee.

6.3 The Municipality will retain a portion of the Regional Business License as determined annually by the Alberta SouthWest Regional Alliance and the balance of the Regional License Fee will be forwarded on a bi-annual basis to Alberta SouthWest Regional Alliance Ltd.

6.4 If any Member Municipality revokes an annual local business license for a business that has also purchased an annual Regional Business License, that revocation shall also apply to the Regional Business License and the Municipality must, within three working days, notify all Member Municipalities.

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- 6.5 If a Business that has also purchased a Regional Business License cancels its local business license, said cancellation shall also apply to the Regional Business License and the Municipality must, within three working days, notify all Member Municipalities of the cancellation.
- 6.6 Each Member Municipality retains the right to request proof that a business operating within its municipality, but residing in another Member Municipality, has purchased an annual Regional Business License. If said business does not possess a valid Regional Business License, the Municipality, at its discretion, may enforce the penalties pursuant to its own Business License Bylaw.

7. APPOINTMENT, POWERS AND DUTIES OF LICENSING OFFICER

- 7.1 The Licensing Inspector is authorized to enforce and administer this Bylaw and is hereby authorized to receive, review, renew and approve (with conditions where necessary) all Applications for a Business License.
- 7.2 Where applicable, the Licensing Inspector will not issue a Business License until the Applicant obtains and holds valid development approval issued by the Development Authority under the Land Use Bylaw.
- 7.3 The Licensing Inspector may suspend, refuse to grant, refuse to transfer, revoke, refuse to renew or impose conditions on a Business License under this Bylaw if, in the opinion of the Licensing Inspector, there are reasonable grounds to do so, including, without limitation, if the Licensing Inspector is of the opinion that:
- (a) The Licensee or the Applicant is not bona fide;
 - (b) The licensee or the Applicant has contravened the provisions or requirements of this Bylaw or any other bylaw of the Municipality or any applicable Provincial or Federal licenses, permits, approvals clearances and/or insurances;
 - (c) The Business has changed to the extent that a new Application for a Business License would be refused;
 - (d) The Licensee or the Applicant is not worthy of public trust;
 - (e) The Licensee or the Applicant has withheld or concealed information from the Licensing Inspector or has provided false information on an Application for a Business License;
 - (f) The Licensee or the Applicant refused to admit the Licensing Inspector into the Business Premises, vehicle or apparatus from which the Business is carried out;
- 7.4 The Licensing Inspector shall maintain a Business Registry together with all appropriate records [**note: deleted as there is no Records, Retention and Disposition Bylaw**] pertaining to the licensing of Businesses, infractions of this Bylaw and generally all matters arising out of the application and enforcement of this Bylaw.
- 7.5 The Licensing Inspector shall specify the form of Applications and Business Licenses under this bylaw.
- 7.6 The Licensing Inspector or Peace Officer or both shall periodically visit and inspect Business Premises to ensure compliance with this Bylaw.

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8. OFFENCE

- 8.1 The issuance of a Business License under this Bylaw does not authorize or permit the Licensee to carry on business contrary to the provision of the Land Use Bylaw.
- 8.2 No owner, manager of a Business or other property shall allow or permit any person to carry on any Business thereon without such person being in possession of a subsisting Business License as required under this Bylaw.
- 8.3 Any person who contravenes any provision of this Bylaw is guilty of an offence.

Municipal Tag

A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

- 8.4 A Municipal Tag may be issued to such person:
- (a) either personally or
 - (b) By mailing a copy to such person at his last known post office address.
- 8.5 The Municipal Tag shall be in a form approved by the Licensing Inspector and shall state:
- (a) Name of the person; and
 - (b) The nature of the offence; and
 - (c) The penalty for the offence;
 - (d) The time frame within which the penalty is due to be paid; and
 - (e) Any other information as may be required by the Licensing Inspector
- 8.6 Where a Municipal Tag is issued pursuant to this Bylaw, the person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified within the time period indicated on the Municipal Tag.

Violation Ticket

- 8.7 If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*;
- 8.8 Notwithstanding subsection 8.7, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw;
- 8.9 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may;
- a) specify the penalty amount established by this Bylaw for the offence; or
 - b) Require a person to appear in court without the alternative of making a voluntary payment.

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- 8.10 A person who commits an offence may:
- a) If a Violation Ticket is issued in respect of the offence; and
 - b) If the Violation Ticket specified the penalty amount established by this Bylaw for the offence;

Make a voluntary payment by submitting to a Clerk of the Provincial Court on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

- 8.11 A person who is guilty of an offence is liable to a penalty in an amount not less than \$500.00 and not more than \$10,000.00, and in default of payment of the fine and costs to imprisonment for a term not exceeding one (1) year.
- 8.12 Where a contravention of this bylaw is of a continuing nature, further Municipal Tags or Violation Tickets may be issued by the Peace Officer, provided that no more than one Municipal Tag or Violation Ticket may be issued for each 24 hour period that the contravention continues.
- 8.13 Nothing contained in the bylaw in any way prohibits or otherwise affects the Municipality's ability to utilize the enforcement provisions in the *Municipal Government Act* of Alberta and amendments thereto.

9. PENALTY

- 9.1 Any person who is guilty of an offense and is liable for the following penalties:

- (a) FIVE HUNDRED (\$500.00) DOLLARS for a first offence; or
- (b) ONE THOUSAND (\$1,000.00) DOLLARS for a second offence;

in addition to any license fee the person may be required to pay pursuant to this Bylaw

- 9.2 Where a person is convicted of operating a Business for which a license fee is payable, without payment of such fee having been made, the court may, in addition to the fine imposed pursuant to subsection (a) hereof, direct the payment of the applicable license fee to the Municipality.

10. TERMINATION OF LICENSE

- 10.1 Every Business License issued under this Bylaw, unless revoked or surrendered, shall terminate at midnight on the 31st day of December of the year in which the Business License was issued.

11. POSTING OF LICENSE

- 11.1 Every Business License issued under this Bylaw will be made out and delivered or mailed to the Licensee who shall post same in a conspicuous place on the Business Premises, Motor Vehicle, Mobile Vending Unit or Push Cart Vending Unit and whenever required to do so, by the Licensing Inspector, shall produce the Business License for inspection.

- 11.2 In the event that the Business Premises does not have public access, the Licensee shall provide any information requested by the Licensing Inspector to enable verification of same.

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12. TRANSFER OF LICENSE

- 12.1 An existing Business License issued under this Bylaw may be transferred upon application to and approval by the Licensing Inspector in the following circumstances:
- (a) When the transfer is from one Licensee to another for the same Business in the same Business Premises; or
 - (b) When the transfer is for a change of civic address from one business premises to another for the same Licensee and Business.
 - (c) All Business License transfers must comply with the provisions of this Bylaw and the Land Use Bylaw and any other Bylaw of the Municipality.
 - (d) A Licensee may not apply for a Business License transfer where only the assets of a Business were sold and transferred between Licensees.

13. RENEWAL AND COLLECTION OF FEES

- 13.1 On or about January 01 of each calendar year, the Licensing Inspector shall issue an invoice to the Licensee of a Business License issued in the previous year for the amount required to renew the Business License for another year.

- 13.2 The license fee is due and payable within 30 days from the date of issue of the invoice and it is an offence not to pay same when due.

Upon expiry of the 30 days from the date of issue of the invoice any outstanding invoices will accrue interest as set forth in the Fees and Charges Bylaw.

- 13.3 Upon expiry of 60 days from the date of issue of the invoice:

- (a) The Licensing Inspector may cause the uncollected invoice to be collected by a collection agency on behalf of the Municipality; or
- (b) A Peace Officer may issue a Municipal Tag or Violation Ticket..

- 13.4 A Business License is automatically revoked if payment of fees required by this Bylaw is made by cheque or other instrument which is not accepted by the financial institution on which it is issued.

- 13.5 Any Business which commences business in the Municipality part way through a calendar year shall pay the Business License fees as set forth in the Fees and Charges Bylaw.

14. EXEMPTIONS

- 14.1 The following are exemptions from the requirement to obtain a Business License; such exemptions do not include an exemption of approvals by the Development Authority under the Land Use Bylaw or any other municipal bylaw:

- (a) Charitable or Non-Profit Organizations;
- (b) A business that is carried on or operated by the Government of Alberta, Canada or the Municipality;
- (c) Foster Homes as interpreted and administered under the *Child, Youth and Family Enhancement Act* of Alberta;
- (d) Day Home Care for Children;
- (e) Home Catalogue Representatives;
- (f) The Operator of a stall within a Farmers Market;
- (g) Any proprietor that is exempt under Provincial or Federal legislation;

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- (h) An Auctioneer who:
 - (i) Is acting for a sale by auction to which the *Seizures Act* of Alberta applies;
 - (ii) Is acting for the sale of the estate of a deceased person where the sale is made on the authority of an Executor of the estate;
 - (iii) Is acting for the sale of goods and chattels taken in distress under the authority of a statute or recovery of a tax, rate or imposition made or levied pursuant to a statute; or
 - (iv) Is acting for a charitable organization provided that the auctioneer is not receiving a fee or commission for carrying on the auction;
- (i) Craft Sales and Garage Sales that are held at any location a maximum four (4) times per year for a maximum of two (2) consecutive days.

15. REGULATIONS PERTAINING TO SPECIFIC LICENSES

15.1 Daily Licenses

Where a Non-Resident requires a Business License to operate a Business within the Municipality for a duration not to exceed one week (seven (7) days - whether consecutive or cumulative), the Applicant may make an Application and pay the fee for a daily license as set forth in the Fees and Charges Bylaw.

(a) Street Performers

- (i) A Street Performer may not perform anywhere within the Municipality unless he holds a Business License authorizing the Street Performer to perform at a specific location and/or by an approved Special Event Permit.
- (ii) Only one Street Performer may perform at a given location at any one time except in the case of a Special Event with permission of the Licensing Inspector.
- (iii) A Street Performer may not obtain more than eight (8) Business Licenses in a calendar year and the maximum number of consecutive days that a Street Performer may perform under one Business License at an authorized location is five (5).
- (iv) The Municipality has the authority to determine the locations within the Municipality at which street performing shall be permitted considering, but not restricted to traffic, safety and noise issues and the Municipality may direct the Licensing Inspector to issue Business Licenses according to same.
- (v) While performing, a Street Performer shall accept and respond to direction from a Peace Officer and will provide evidence of satisfactory identification.
- (vi) A Street Performer shall not, unless otherwise authorized by the Licensing Inspector:
 - i. Use objects dangerous to onlookers;
 - ii. Use amplifiers, loudspeakers or public address systems; or
 - iii. Behave in a manner that unreasonably disturbs other persons or obstructs or interferes with pedestrian or vehicular traffic.

(b) Farmers Markets

- (i) For the purposes of this Bylaw “Stall” shall mean a defined area within a Farmers Market.
- (ii) The Licensee of a Farmers Market shall, upon request, provide to the Licensing Inspector a current list of all stall operators.

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(c) Festivals and Special Events

- (i) Unless a Festival or Special Event is organized by the Municipality, a Business License is required by the persons hosting the event or festival and is required to be obtained a minimum of three weeks prior to the opening date.
- (ii) Business License applications for Festivals and Special Events shall be forwarded to the Development Office for consideration and determination of a designated area/specific location to host the event.

(d) Hawkers, Peddlers, Push Cart Vendors & Mobile Vendors

- (i) Mobile Vendors and Push Cart Vendors will not be permitted in the Downtown Core of the Municipality with the exception of Charitable and Non-Profit Organizations which have received approval through a Special Events Application through the Municipality.
- (ii) No person shall carry on business as a Mobile Vendor, Push Cart Vendor or Hawker/Peddler on private property or public property including parks, streets and sidewalks within the Municipality unless they possess a Business License and a letter of permission and permit from the Development Officer.

(e) Tourist

- (i) Tourist Homes are regulated through the Land Use Bylaw and all persons operating a Tourist Home must receive approval from the Development Officer prior to acquisition of a Business License.
- (ii) The Licensee of a Tourist Home shall provide the Municipality with the name and phone number(s) of at least one local person (adult) that is authorized to act on the Licensee's behalf in the Licensee's absence. The Licensee is responsible for ensuring this information is kept up to date and for notifying the Municipality of any changes to this information.

(f) Contractors

- (i) The Licensing Inspector may revoke a Contractor's or Subcontractor's Business License issued to any Licensee who has not obtained the necessary permits prior to commencement of any development, or construction project.
- (ii) The revocation of a Contractors or Sub-contractors License shall not exceed one calendar year from date of revocation.

16. APPEAL

16.1 Before refusing to issue or renew a Business License, and before a Business License is suspended or cancelled or conditions are imposed, other than conditions imposed by this Bylaw, the Applicant or Licensee must be given notice of the proposed refusal, suspension, cancellation or the proposed conditions with reasons; and an opportunity to make written representations to the Licensing Inspector.

16.2 If a decision is made to refuse the issue or renewal of a Business License, to suspend or cancel a Business License or to impose conditions on a Business License, other than conditions imposed by this Bylaw, notice of the decision may be served on the Applicant or Licensee:

- a) person on the Applicant or Licensee or any of its officers or employees; or

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- b) by registered mail to the address in the Application or in the Business Registry.

Upon receipt of such notice, the Applicant or Licensee shall cease operating the Business immediately.

16.3 A person who has been refused the issue or renewal of a Business License, whose Business License has been suspended or cancelled, or whose Business License is made subject to conditions, other than conditions imposed by this Bylaw, may appeal the decision within fourteen (14) days by providing written notice to the Chief Administrative Officer. Upon receipt of an appeal, the Chief Administrative Officer shall forthwith place the appeal on the agenda of the next ensuring agenda of the Council at which time the appeal shall be heard. Accompanying such appeal shall be a written report of the Licensing Inspector advising as to the reason for the refusal, suspension, cancellation or conditions. At the hearing of the appeal, Council may review the written submissions of the appellant, the Licensing Inspector and of any other person the Council deems has the right to speak, or may hear such submission verbally. Within ten (10) days of the completion of the hearing, Council shall:

- a) direct that the Business be added to the Business Registry;
- b) confirm the refusal, suspension, cancellation or conditions;
- c) reinstate the revoked Business License; or
- d) remove or vary the suspension.

17. SEVERABILITY

17.1 In the event that any provisions of this Bylaw are found to be unlawful or outside the jurisdiction of the Municipality, such provision or provisions, as the case may be, will be severed from the Bylaw and the remaining provisions will continue to be in force.

READ a first time this 19th day of June, 2012.

CARRIED UNANIMOUSLY

READ a second time this 17th day of July, 2012.

CARRIED UNANIMOUSLY

READ a third time and finally passed this 17th day of July, 2012.

CARRIED UNANIMOUSLY

Bruce Vernon Decoux

MAYOR

Original Signed

Myron Thompson

CHIEF ADMINISTRATIVE OFFICER