

**VILLAGE OF STIRLING  
IN THE PROVINCE OF ALBERTA  
Bylaw No. 445-13  
Business License Bylaw**

**A BY-LAW OF THE VILLAGE OF STIRLING IN THE PROVINCE OF ALBERTA  
TO CONTROL, REGULATE AND LICENSE BUSINESSES**

**WHEREAS**, the Municipal Government Act RSA 2000, Chapter M-26 and amendments thereto, authorize a Council to control, regulate and license businesses carried on within or partly within and partly outside the municipality,

**AND WHEREAS** it is deemed proper and expedient to pass a bylaw to provide for the controlling, regulating and licensing of businesses carried on within or partly within the municipality,

**NOW THEREFORE** the Council of the Village of Stirling, duly assembled, enacts as follows:

1. This Bylaw may be cited as the "Business License Bylaw".
2. In this Bylaw, unless the context otherwise requires,
  - a) **Act** means the Municipal Government Act, RSA 2000 C M-26 and regulations made under the Municipal Government Act as amended.
  - b) **Auctioneer** means a business that conducts sales by accepting bids from the public;
  - c) **Business** means:
    - i) a commercial, merchandising or industrial activity or undertaking,
    - ii) a profession, trade, occupation, calling or employment, or
    - iii) an activity providing of goods or services;whether or not for profit and however organized or formed, including a co-operative or association of persons;
  - d) **Bylaw** means the Village of Stirling Bylaw No. 445-13 as may be amended from time to time;
  - e) **Bylaw Enforcement Officer** means a person appointed to enforce the provisions of this Bylaw, and includes a member of the Royal Canadian Mounted Police Municipal Bylaw Officer, Peace Officer and, when authorized, a Special Constable;
  - f) **Charitable Organization** means any incorporated or unincorporated organization that is formed for a charitable purpose;

- g) **Charitable Purpose** includes a philanthropic, benevolent, educational, health, humane, religious, cultural, artistic or recreational purpose;
- h) **Chief Administrative Officer** means the Person appointed to the position of Chief Administrative Officer by the Council of the Village of Stirling and includes any Person that the Chief Administrative Officer may appoint as his designate for purposes of carrying out his responsibilities under this Bylaw and further includes any Person that may be appointed to act in the absence of the Chief Administrative Officer;
- i) **Council** means the Municipal Council of the Village of Stirling;
- j) **County Resident** means
- i) In the case of a natural person, one who has established and is living in a permanent residence in the County of Warner No. 5 including any municipalities therein;
  - ii) In the case of a firm or corporation, one which has established a permanent place of business within the boundaries of the County of Warner No. 5 including any municipalities therein;
- k) **Hawker or Peddler** 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, and not having a permanent place of business in the municipality or County of Warner No. 5,
  - 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, or
  - iii) sells merchandise or a service, or both, on the streets or roads from a vehicle or trailer as defined in the Traffic Safety Act, RSA 2000 C T-6 including amendments thereto and replacements thereof, with a gross vehicle weight not exceeding 17,000 kilograms or elsewhere than at a building that is his permanent place of business, but does not include any person selling meat, fruit, or other farm produce, produced, raised or grown by himself, or fish of his own catching;
- l) **Huckster** means any person who, whether as principal or agent, sells or offers for sale any meat, fish or agricultural produce of any kind on the streets or roads from a vehicle or trailer as defined in the Traffic Safety Act, RSA 2000 C T-6 including amendments thereto and replacements thereof, or elsewhere than at a building that is his permanent place of business;
- m) **Kiosk** means a stall, table, booth or other type of readily movable business premises, not affixed to real property but not from a motor vehicle or trailer as defined in the Traffic Safety Act, RSA 2000 C T-6 including amendments thereto

and replacements thereof, and occupied or operated for the purpose of providing services or of displaying and offering for sale any goods, wares or merchandise;

- n) **License Inspector** means and includes a Bylaw Enforcement Officer, License Inspector, Designated Officer or anyone appointed by Council to carry out the provisions of this Bylaw;
- o) **Licensee** means the person or business holding a valid and subsisting license;
- p) **Mall** means any enclosed structure with five or more businesses located within;
- q) **Non-resident** means any person, firm or corporation who is not a Village Resident or County Resident as defined in this Bylaw.
- r) **Person** means any person, firm, partnership, association, corporation, company or organization of any kind;
- s) **Premises** means a store, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied, by any person for the purpose of carrying on any business;
- t) **Transient Merchant** means any person who does not maintain a permanent place of business within the Village, who as principal, employee or agent, sells or attempts to sell goods, wares, merchandise from a vehicle or trailer as defined in the Traffic Safety Act, RSA 2000, C T-6, including amendments thereto and replacements thereof; with a gross vehicle weight exceeding 17,000 kilograms, or other premises but does not include those businesses included the definition of a huckster, hawker or peddler or an auctioneer selling used goods;
- u) **Village** means the Village of Stirling, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the Village of Stirling, as the context may require;
- v) **Village Resident** means
  - i) In the case of a natural person, one who has established and is living in a permanent residence in the Village of Stirling, or
  - ii) In the case of a firm or corporation, one which has established a permanent place of business within the corporate boundaries of the Village of Stirling and satisfies the License Inspector that he intends to carry on business within the Village for more than 90 days;
- w) **Violation Tag** means a tag or similar document issued by the Village pursuant to the Act;
- x) **Violation Ticket** means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, C P-34, as amended and any Regulations thereto;

- y) **Wholesaler** means a business or person that is not a Village resident who sells or attempts to sell goods, wares, merchandise or food to any person for the purpose of resale or to any institution, industrial or commercial consumer;
3. a) No person shall carry on or operate any business within or partly within the Village of Stirling unless and/or until he holds a valid subsisting license to do so, issued pursuant to this bylaw, and has paid the prescribed fee as set out in Schedule "A" attached hereto and forming part of this bylaw.
- b) A Business License shall not be issued unless the License Fee as set out in Schedule "A" is paid in full and the business license application form (Form A) has been properly filled out and submitted.
- c) Any business not possessing a valid Business License shall be considered to be guilty of an offense against this bylaw and liable to the penalties imposed in this bylaw.
- d) Business License Fees for existing businesses are due and payable on December, 31 of each year. A late payment fee be added to the prescribed fee set out in Schedule "A" hereto for each business operating within or partly within the Village of Stirling that has not paid the annual license fee before January 31 of the current year.
- e) Should a new license be issued after June 30<sup>th</sup>, in any year, the license fee shall be one-half of the appropriate annual license fee.
- f) The provisions of subsection 3(e) shall not apply to:
- i) non-resident businesses, non-resident hucksters, and non-resident contractors,
  - ii) transient businesses, canvassers, hawkers, peddlers or hucksters,
- all of whom are required to pay the full annual license fee regardless of the date the license is issued and shall not be permitted to transfer their license.
4. The provisions of Clause 3 do not apply to any business which
- a) Is specifically exempted from obtaining a Municipal Business License by Provincial or Federal legislation;
  - b) Is operated by, in the opinion of License Inspector, a charitable or nonprofit organization;
  - c) Is operated by a person who is 18 years or younger and a resident of the Village of Stirling or County of Warner No. 5, provided the annual gross revenue from the business does not exceed \$5,000 per year;
  - d) Is carried on during and on the same general premises as the Stirling Settler Days, the Stirling Fall Festival and the Christmas Craft Sale.

- e) Is person-selling meat, fruit or other farm produce that has been raised, grown or produced by himself within the Village of Stirling or County of Warner No. 5;
  - f) Is a person selling fish of his own catching, caught within the Village of Stirling or County of Warner No. 5;
  - g) Is a wholesaler as defined in this Bylaw.
5. For the purpose of this bylaw, where a business operates with sales outlets at more than one location, each outlet shall require a separate business license.
  6. Notwithstanding clause 5, a resident business which has a valid and subsisting license, is not required to obtain an a separate license to operate a business at a second location for a special event that does not exceed a period of 45 days.
  7. For the purpose of this bylaw, where a person carries on more than one trade or occupation, only one license is required but if each trade or occupation is operated as a separate firm or company, whether from the same location or not, a separate business license is required for each firm or company.
  8. Every applicant for a license shall conform to the provisions of this bylaw and any other municipal, provincial or federal regulations applicable to the business prior to the issuance of a business license.
  9. All applications for a business license shall be made in writing on the form provided and shall be forwarded to the Village of Stirling giving such information and particulars as requested thereon.
  10. Every person granted a license pursuant to this bylaw shall conform to the provisions of this bylaw and to all applicable municipal, provincial and federal regulations.
  11. A business license issued pursuant to this bylaw shall be posted in a conspicuous place in the business premises for which it was issued. In addition, the License Inspector may request any business to display any other notice that he may deem necessary to clearly indicate that the business has a valid and subsisting license.
  12. Any premises or place in respect of which a license has been issued pursuant to this bylaw may be subject to inspections during regular business hours by the License Inspector or any other person authorized by the Council to do so. Any licensee who refuses to allow an inspection, or who refuses to produce his license on demand, shall be guilty of an offence and shall be liable to the penalties imposed under this bylaw.
  13. A license issued pursuant to the bylaw shall terminate at midnight on the 31st day of December of the year in which it was issued unless it was expressly issued for a shorter period or the license has been sooner cancelled or revoked.
  14. A license issued pursuant to this bylaw may only be transferred, upon written request of the licensee, to the person who at the same time purchases the business in respect of which the license was issued.

15. If any annual license is revoked, suspended or cancelled by the Village, the licensee is not entitled to a refund.
16. The Council shall appoint by resolution a License Inspector to administer this bylaw and the License Inspector is hereby authorized to:
  - a) Receive, consider, approve and deal with all applications for a business license and transfer thereof;
  - b) Record such information, with respect to licenses, as may be considered necessary by him;
  - c) Periodically visit and inspect business premises;
  - d) Refuse to grant any business license if, in his opinion, the business will be contravening provisions of this bylaw or any other applicable municipal, provincial or federal resolution or for any other just and reasonable cause;
  - e) Issue a license, with or without conditions, upon payment of the appropriate fee;
  - f) May issue:
    - i) a warning ticket;
    - ii) a violation tag providing for a voluntary penalty;
  - g) Revoke, suspend or cancel a business license if in his opinion there is reasonable and just cause to do so;
17. Any decision of the License Inspector may be appealed, in writing, to the Council, stating the reasons for the appeal. After hearing the appeal the Council may confirm, amend or reverse the decision of the License Inspector.
18. Any appeal pursuant to Clause 17 shall be made, in writing, and addressed to the Village Administrator and shall be made within 14 days after the date upon which the decision of the License Inspector was made.
19. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable:
  - a) upon the issuance of a Violation Tag the specified penalty as listed on Schedule "B" attached to and forming part of this Bylaw or;
  - b) upon summary conviction to a fine not exceeding \$10,000.00 and not less than double the applicable license fee for each offence, exclusive of costs, plus the court may assess an additional fine of not less than \$250.00 per day for each day the violation continued after the Violation Tag or Violation Ticket was issued. The court may assess a fine or imprisonment for a period not exceeding one year or both.

20. a) A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- b) A Violation Tag may be issued to such Person:
- i) Personally; or
  - ii) By mailing a copy to such person at his last known post office address; or
  - iii) If being issued to a corporation by serving the Violation Tag personally upon the manager, secretary, receptionist or other officer or person apparently in charge at any premises of the corporation, or by mailing a copy to such person by registered mail.
- c) The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- i) the name of the Person;
  - ii) the municipal or legal description of the land on or near where the offence took place;
  - iii) the offence;
  - iv) the penalty for the offence as set out on Schedule "B" to this Bylaw;
  - v) that the penalty shall be paid within fifteen (15) days of the issuance of the Violation Tag; and
  - vi) any other information as may be required by the Chief Administrative Officer or by the provisions of the Act or the Provincial Offences Procedure Act, RSA 2000, C P-34 as amended.
21. Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Bylaw Enforcement Officer provided, however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
22. Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified on the Violation Tag.
23. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.
24. a) In those cases where a Violation Tag has been issued and the penalty or penalties specified on the Violation Tag have not been paid within the prescribed time, a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, C P-34, as amended, or as repealed and replaced from time to time.

- b) Notwithstanding any provisions of this Bylaw, a Bylaw Enforcement officer is hereby authorized and empowered, without having first issued a Violation Tag and at the Bylaw Enforcement Officer's discretion, to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 200, C P-34, to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- c) A Violation Ticket issued pursuant to this Bylaw shall be issued in the form and manner specified by the Provincial Offences Procedure Act RSA 2000, C P-34, and any regulations made there under.

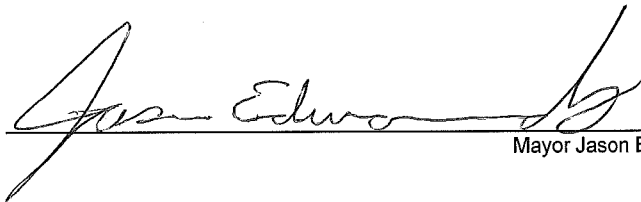
25. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

26. This bylaw shall come into force and take effect on the date of final passing.

READ A FIRST TIME THIS THE 16<sup>TH</sup> DAY OF JANUARY, 2013.

READ A SECOND TIME THIS THE 6<sup>TH</sup> DAY OF FEBRUARY, 2013.

READ A THIRD TIME AND PASSED THIS THE 20<sup>TH</sup> DAY OF FEBRUARY, 2013.



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Mayor Jason Edwards



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Chief Administrative Officer J. Scott Barton



**BYLAW NO. 445-13  
SCHEDULE "A"**

**BUSINESS LICENSE FEES**

- |    |   |               |
|----|---|---------------|
| 1. | Village Resident Business<br>(includes hawkers & peddlers)  | \$10.00/year  |
| 2. | County Resident Business<br>(includes hawkers & peddlers)   | \$50.00/year  |
| 3. | Non-resident Business<br>(excluding kiosk business,<br>hawkers, peddlers, hucksters &<br>transient merchants) | \$50.00/year  |
| 4. | Kiosk Business, hawkers, peddlers, hucksters  |               |
|    | a) Village Resident   | \$10.00/year  |
|    | b) County Resident  | \$50.00/year  |
|    | c) Non-resident   | \$50.00/year  |
| 5. | Transient Merchant License  | \$500.00/year |

(Note A: In addition to the annual license fee, Transient Merchants must pay, at the time of taking out a license, \$200.00 for each day they will be doing business in the Village, to a total maximum payment of \$1,000.00.

A person who sells goods, wares, merchandise or services as an employee or agent of a licensed transient merchant is not required to take out a separate license as a transient merchant.)

- |    |  |          |
|----|--|----------|
| 6. | Renewal - Late Payment Fee (As per Section 3d) | \$ 25.00 |
|----|--|----------|

**BYLAW NO. 445-13  
SCHEDULE "B"**

**SPECIFIED PENALTIES**

<b>Bylaw Section:</b>	<b>Offence Description:</b>	<b>Penalty:</b>
3 a)	Failure to hold a valid business license	\$250.00
	Any other violation not specifically not specifically mentioned in this schedule	\$250.00



# Village of Stirling Business License Application Form

Form A

Box 360, 229 4th Avenue, Stirling, Alberta T0K 2E0  
P 403-756-3379 F 403-756-2262 email: office@stirling.ca

I/We, hereby submit the following application under the provisions of the Village of Stirling Business License Bylaw No. 445-13, for a license to operate/conduct a business within the Village of Stirling.

Is this a Home based business? Yes  No  Do you have a Home Occupation Permit? Yes  No

Business Name: \_\_\_\_\_

Registered Owner(s): \_\_\_\_\_

Contact Name: \_\_\_\_\_

Business Location (physical address): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Town/City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Business Phone # \_\_\_\_\_ Business Fax: \_\_\_\_\_

Business Website: \_\_\_\_\_ Business Email: \_\_\_\_\_

Type of Business (which **industry sector** you think best categorizes this business and please include a **brief description** of services/products offered) \_\_\_\_\_

\*Number of Employees – Full Time: \_\_\_\_\_ Part Time: \_\_\_\_\_ Casual/Seasonal: \_\_\_\_\_

Does your business require a Village of Stirling Development Permit, Provincial Permit or Federal Approval to operate (i.e.: new commercial business, new use of an existing space, or Alberta Health Services Facility number)? Yes  No

Agency: \_\_\_\_\_ Permit # \_\_\_\_\_

Please note that the following businesses must attach a copy of your site approval from the Public Health Inspector: grocery & convenience stores, all food & beverage services (including mobile & concession), water processors, and all personal services.

The Village of Stirling often receives inquiries for businesses in the community and we use our business directory to inform people of your business. If you do **NOT** want your business information published in an online or print Business Directory – please check this box.

### Applicant Declaration

I hereby certify that all information given in this application is true and accurate and I agree to abide by all and any Bylaws, Rules and Regulations that now or hereafter may be in force with respect to the same trade, business or calling hereby licensed.

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Date)

The personal information requested on this form is being collected for the Business Licensing Program as required by the Village of Stirling, under the authority of the Municipal Government Act and is protected by the *Freedom of Information and Protection of Privacy Act* (the FOIP Act). If you have any questions about the collection or use of your personal information, contact the Village of Stirling office at 403-756-3379.

### For Office Use Only:

License No. \_\_\_\_\_ Receipt No. \_\_\_\_\_ Date: \_\_\_\_\_

Code: Home Occ. 01 / Commercial Business 02 / Non-Resident 03 Amount Paid: \$10 / \$10 / \$50 / pro-rated \$ \_\_\_\_\_

Add to Online Directory Yes/ No Completed By \_\_\_\_\_