



BYLAW 2015-02

Office Consolation current as of July 7, 2022

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR BUSINESS REGISTRY LICENCING

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

1: TITLE

1.1. This bylaw shall be known as the “Business Registry Licence Bylaw.”

2: PURPOSE

2.1. The purpose of this bylaw is to create a registry of businesses operating in the Town of Canmore in order to identify and understand business activity in the municipality.

2.2. The revenues generated from business registry licensing fees shall be dedicated to economic development purposes of the Town as determined by Council.

3: INTERPRETATION

3.1. Words which have been defined in the *Municipal Government Act*, the *Peace Officer Act* and the *Interpretation Act* shall have the same meaning when used in this bylaw.

3.2. In this bylaw,

“advertise” means to promote, describe or publicize merchandise or services in a public forum including but not limited to commercial vehicles, newspapers, flyers, radio, television, fax communications or internet communications, however created and distributed;

“agent” means a person hired to represent another person or a commercial business;

“applicant” means a person who applies for business registry licence or a renewal of the business registry licence in accordance with this bylaw;

2021-01

“application” means a written application submitted to the Town of Canmore for a business registry licence or a renewal of a business registry licence, in accordance with this bylaw;

2021-01

“business” means:

- a) a commercial, merchandising, marketing or industrial activity or undertaking that invoices for goods or services;
- b) a profession, trade, occupation, calling or employment; or
- c) an activity providing goods or services, whether or not for profit and however organized or formed, including a co-operative or association of persons;

“business premises” means a place of business: any store, office, warehouse, residence, yard or other place occupied, for the purpose of carrying on a business that is an approved use under the Town’s Land Use Bylaw;

2021-01

“business registry” means a list of all businesses that have been issued a business registry licence;

“business registry licence” means a licence issued in accordance with this bylaw;

“business registry licence coordinator” means a person hired to administer and issue business registry licences;

“busker” means a person who performs entertainment in a public place while soliciting money;

“carry on” means conduct, operate, perform, keep, hold, occupy, deal in, or use, for gain, whether as principal or agent;

“community special events” are events that have been issued a community special event permit by the Town;

2021-01

“dwelling unit” means as defined under the Town’s Land Use Bylaw

2021-01

“general contractor” means the owner of a business who enters into contracts for the erection, alteration, construction, repair of buildings or structures of any kind and includes any owner of property who supervises the erection, construction, alteration and repair of buildings or structures where a general contractor is not engaged in such a project;

“hawker” means any person who, whether as principal or agent, goes from door to door 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 who does not have a permanent place of business in the Town;

“home occupation – Class 1” means an accessory use of a dwelling unit by a resident for a small-scale business which is incidental to the primary use as a residence, undetectable from outside the dwelling unit;

2021-01

“home occupation – Class 2” means an accessory use of the dwelling unit or private garage by a resident for a small-scale business which is incidental to the primary use as a residence, and that has been issued a home occupation – Class 2 development permit in accordance with the Town’s Land Use Bylaw;

2021-01

“licencee” means the holder of a business registry licence;

“micro-business” means a business earning less than \$30,000 a year in gross annual revenue; including but not limited to a side business without material expenditure of time, with a single product or service;

2021-01

“non-resident business” means a business that carries on activities, in whole or in part, within the Town, but:

- a) does not maintain a permanent place of business within Canmore; or
- b) does not maintain a permanent place of business in a neighbouring jurisdiction where that jurisdiction has an inter-municipal service agreement with the Town of Canmore;

“resident business” means a business that:

- a) maintains a permanent place of business within the boundaries of the Town; or
- b) maintains a permanent place of business in a neighbouring jurisdiction where that jurisdiction has an inter-municipal service agreement with the Town of Canmore;

“special events” are events that have been issued a special events permit by the Town;

“sub-contractor” means a person hired by a general contractor to provide goods or services in relation to a particular trade, project or contract;

“temporary licence” means a business registry licence issued to a non-resident business for one of the following time periods:

- a) three days;
- b) one month;
- c) three months; or
- d) six months;

2021-01

“Town” means the Town of Canmore in the Province of Alberta or the land lying within the corporate limits of the Town, as the context requires;

“umbrella rider” means an annual fee paid by a licenced resident business owner to allow one or more other businesses to be carried out on the owners business premises without purchasing a separate business registry licence.

“vendor” means any person who, whether as a principal or agent, offers or exposes for sale to any other person, processed or unprocessed foodstuffs, services, or retail items from:

- a) a push-cart, wagon, or other wheeled or skidded vehicle; or
- b) a mobile preparation unit; or
- c) a stall, booth, table or space.

“violation tag” means a municipal tag or similar document issued by a peace officer in relation to an offence under this bylaw;

“violation ticket” means a ticket issued pursuant to the Provincial Offences Procedures Act, as amended, and the regulations thereunder.

4: DUTIES OF THE BUSINESS REGISTRY LICENCE COORDINATOR

4.1. The business registry licence coordinator shall:

- a) grant and renew business registry licences; and
- b) maintain appropriate records pertaining to the licensing of businesses, infractions of this bylaw, and generally all matters arising out of the application and enforcement of this bylaw.

2021-01

4.2. The business registry licence coordinator may refuse to grant and renew a business registry licence if, in their determination:

- a) the applicant is in breach of this or any other bylaw of the Town, or any applicable municipal, provincial, or federal statute or regulation; or
- b) the applicant does not hold current and valid municipal, provincial or federal permits, approvals, licences, clearances or insurances as required by the relevant municipal, provincial or federal bylaws, statutes or regulations.

2021-01

4.3. When an application has been refused, the business registry licence coordinator shall provide written reasons for the refusal.

5: REGISTRATION PROVISIONS

5.1. Except as otherwise provided for in this bylaw, no person shall carry on any business in the Town without first having obtained a business registry licence for the business prior to first day of operation.

2021-01

5.2. An owner of a business shall obtain a business registry licence for each physical address, premises, or location where the business is carried on within the Town and a separate fee shall be paid for each location's licence.

2021-01

5.2.1 Businesses that do not require a development permit may be subject to additional conditions including but not limited to proof of liability insurance and pre-approved route of operation on public roads.

2021-01

5.3. When one owner is carrying on more than one business from the same premises, the owner shall obtain a separate business registry licence for each business.

5.4. When two or more owners are carrying out separate businesses from the same premises:

- a) each owner shall obtain a business registry licence for each business, or
- b) one of the owners shall add an umbrella rider to their existing business registry licence if applicable in accordance with section 5.7 of this bylaw.

2021-01

5.5. An umbrella rider may be added to an existing resident business registry licence to allow one or more separate businesses to be carried out on the business premises without obtaining separate business registry licences for a maximum of 3 consecutive days.

5.6. *Repealed 2021-01*

5.7. Umbrella riders shall not apply to:

- a) Businesses that advertise their goods or services as being provided from the licenced business' premises for a period of time greater than 3 days, or
- b) Maintenance, repair and construction services, or
- c) Businesses carried out as part of a community special event.

2021-01

5.8. When a business is carried out as part of a community special event:

- a) The owner shall obtain a business registry licence, or
- b) The organizer of a community special event shall obtain one business registry events licence to allow one or more separate businesses to be carried out as part of the community special event.

2021-01

5.9. When two or more owners are carrying out separate businesses from the same premises or for the same construction project or community special event:

- a) a business owner is responsible for ensuring that all separate businesses being carried out on their business premises hold a valid business registry licence or are included under the owner's umbrella rider, or events licence.
- b) A general contractor is responsible for ensuring that all of their sub-contractors hold a valid business registry licence, and
- c) The organizer of a community special event is responsible for ensuring all separate businesses being carried out as part of the community special event hold a valid business registry licence or are included under the organizer's business registry special events licence.
- c.1) The organizer of a film production or a photoshoot conducted within the Town is responsible for ensuring all separate businesses being carried out as part of the film production or photoshoot hold a valid business registry licence;

2021-01

5.10. A business shall be exempted from the requirements of this bylaw if:

- a) the business is carried on by the Town, the government of Canada or the Province of Alberta,
or

- b) the business provides goods or services exclusively to the Town, the government of Canada or the Province of Alberta, or
- c) the business provides written proof that they are exempt under a statute of Canada or the Province of Alberta, or
- d) the business is included under the umbrella licence of another business, or
- e) the business is included under a licence obtained by a community special event organizer.

f) *Repealed 2021-01*

2021-01

5.11. A business shall be exempted from all provisions of this bylaw except for the requirement to obtain a licence to cover business activities held as part of a community special event if:

- a) The business has been exempted by the Town from municipal property taxation, or
- b) The business is a registered charitable or non-profit organization.

2021-01

5.12. *Repealed 2021-01*

5.12.1. The applicant is solely responsible for ensuring that all municipal, provincial and/or federal approvals (which may include but not be limited to those provided by the Alberta Public Health Officer, Fire, Police, Building Inspector, Albert Liquor and Gaming Commission, or Alberta Motor Vehicle Industry Council) that are required for the carrying out of any business, trade, or occupation have been received prior to operating of the business and are maintained in good standing throughout the duration of the term of the business licence and any renewal thereof.

Bylaw 2021-01

5.12.2. Copies of all such licences, permits and approvals referred to in section 5.12.1 must be provided to business registry licence coordinator upon request.

2021-01

5.13. A business registry licence shall not be transferred from one person to another and a new business licence shall be required upon transfer of business ownership

2021-01

5.13.1. When a business has been transferred from one person to another, the applicant must provide evidence of a transfer or assignment of the interests of the existing licensee or of the location of the business.

2021-01

5.13.2. Buskers must be in possession of a business registry licence and must comply with all conditions set out in the Town's busking permit.

2021-01

5.14. A business registry licence does not authorize or permit the licensee to carry on business or any other pursuit in contravention to the provisions of other Town bylaws and other applicable provincial or federal acts, regulations, standards and codes.

5.14.1. The business owner is responsible for notifying the business registry licence coordinator of any changes to the business including, licence category (e.g. changing from resident commercial business to a home occupation), physical location, mailing address, primary contact, business owner, business name, or business phone number, mailing address or website and for paying fees in accordance with Schedule A.

2021-01

5.14.2. A business owner is responsible for notifying the business registry licence coordinator if their business ceases to operate within Canmore and is subject to paying any outstanding licence fees prior to the licence being cancelled.

2021-01

6: APPLICATION AND FEES

6.1. An applicant for a business registry licence shall complete an application on the approved form, furnishing such information as the form shall require and such additional information as the business registry licence coordinator may reasonably require.

6.2. A business registry licence or for the renewal of a business registry licence shall not be approved by the business registry licence coordinator until the fees set out in Schedule A are received by the Town.

2021-01

6.3. Any business, except for a business that has been issued a temporary licence, that renews an existing business registry licence or that commences business on or after January 1 and on or before June 30 shall pay the full amount of the business registry licence fee provided for in Schedule A.

6.4. Any business, except for a business that has been issued a temporary licence, that commences business on or after July 1 and on or before September 30 shall pay 50% of the annual business registry licence fee provided for in Schedule A.

2021-01

6.5. Any business, except for a business that has been issued a temporary licence, that commences business on or after October 1 shall pay 25% of the annual business registry licence fee provided for in Schedule A.

2021-01

6.6. A non-resident business shall pay a non-resident business registry licence fee provided for in Schedule A regardless of any other category that may apply to the business.

6.7. If an applicant for a resident business registry licence satisfies the business registry licence coordinator by way of written declaration that the gross annual revenue of the business is \$30,000.00 or less, the applicant shall qualify for the micro-business licence fee as provide provided for in Schedule A.

2021-01

6.7.1 The business registry licence coordinator may request, and the applicant shall provide upon request, any further documentation deemed necessary by the business registry licence coordinator.

2021-01

- 6.8. Any business exempted from this bylaw may voluntarily obtain a business registry licence by completing the application and paying the applicable fee in accordance with Schedule A.
- 6.9. An owner may change the licenced name of their business upon payment of a fee in accordance with Schedule A.

7: TERM OF LICENCE

- 7.1. Each licence issued pursuant to this bylaw shall automatically terminate at midnight on the 31st day of December in the calendar year for which such licence was issued except for:
 - a) business registry licences issued to home occupations – Class 2, which will expire on the same date as the development permit, and
 - b) temporary licences, which will expire on midnight on the expiry date on the business registry licence.

8: POSTING OR PRODUCTION OF LICENCE

- 8.1. All licences 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.
 - 8.2. For those businesses that are not carried on at a fixed location, the licence 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; and
 - b.1) available for immediate viewing on a digital device; and
 - c) shown to a peace officer, business registry licence coordinator or members of the public upon demand.
- 2021-01
- 2021-01
- 8.3. All licences issued pursuant to this bylaw remain the property of the Town.

9: INSPECTION AND ENFORCEMENT

- 9.1. Any person who contravenes a provision of this bylaw is guilty of an offence and shall be liable for a penalty of \$250.00 for a first offence, \$500.00 for a second offence, and \$1,000.00 for third or subsequent offences, plus the applicable licence fee in accordance with Schedule A.
 - 9.2. Notwithstanding section 9.1, any person who unlawfully completes the written declaration required under section 6.7 shall be liable for a minimum penalty of \$1,500.00 plus the applicable licence fee in accordance with Schedule A.
- 2021-01

- 9.3. A peace officer or business registry licence coordinator shall at all reasonable times have the right to enter upon any licenced premises under the provisions of this bylaw for the purpose of inspection or for the purpose of ascertaining compliance with the provisions of this bylaw.
- 9.4. A peace officer is hereby authorized and empowered to issue a violation tag to any person who the officer has reasonable and probable grounds to believe has contravened any provision of the bylaw.
- 9.5. A violation tag may be issued to such person:
- a) personally; or
 - b) by mailing a copy to such person at their last known address.
- 2021-01
- 9.6. The violation tag shall be in a form approved by the peace officer and shall state:
- a) the name of the defendant;
 - b) the nature of the offence;
 - c) the appropriate penalty for the offence as specified in the bylaw;
 - d) that the penalty shall be paid within 30 days of the issuance of the violation tag; and
 - e) Any other information as may be required by the peace officer.
- 9.7. Where a contravention of this bylaw is of a continuing nature, further violation tags may be issued by the peace officer, provided however, that no more than one violation tag shall be issued for each day that the contravention continues.
- 9.8. Where a violation tag is issued, the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the town the penalty specified on the violation tag.
- 9.9. Notwithstanding section 9.5 of this bylaw, a peace officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the *Provincial Offences Procedures Act*, as amended, to any person who a peace officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 9.10. Where the penalty specified on a violation tag has not been paid within the prescribed time, a peace officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act*, as amended.
- 9.11. In addition to issuing a violation tag or ticket, a peace officer or business registry licence coordinator may revoke the business registry licence if, in the peace officer's or business registry licence coordinator's determination:

- a) the business was improperly licenced; or

- b) the requirements of this bylaw have not been complied with; or
- c) the business has changed to the extent that a new application for the business registry licence would be refused; or
- d) the business is in contravention of Town bylaws, safety or fire codes, health regulations or any other federal, provincial or municipal requirement.

9.12. Notwithstanding section 9.11, where a person or business is found to be in contravention of any of the provisions of this or any other bylaw, a peace officer or business registry licence coordinator may temporarily suspend the businesses licence until such time as the contraventions are rectified.

9.13. Notice of the suspending or revoking of a business registry licence shall be given to the applicable licensee by:

- a) delivery of a notice to the address shown on the application for licence; or
- b) sending a notice by any of Canada Post's methods allowing for receipt signature to the address shown on the application for a licence.

9.14. When a business is removed from the registry, the applicant is not entitled to any refund of registration fees, unless an applicant has paid for a business registry licence while awaiting approval for another Town permit, and that permit is refused.

9.14.1 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.

2021-01

10: DECISION REVIEW

10.1. Where a person disputes the decision of a peace officer or business registry licence coordinator with respect to the requirement to obtain a business registry licence, or where a person disputes the decision of a peace officer or business registry licence coordinator to refuse, revoke or suspend the person's business registry licence, that person may in writing request the Enforcement Appeal Review Committee to review the decision.

2022-11

10.2. Repealed 2022-11

10.3. When a request to review has been submitted, the business in question may remain licenced until final determination is made by the Enforcement Appeal Review Committee.

2022-11

11: VIOLATIONS

11.1. In prosecution for a contravention of a bylaw against engaging or operating a business without a licence, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.

12: ENACTMENT/TRANSITION

12.1. Council shall hold a public hearing that follows the process set out in the Municipal Government Act regarding public hearings prior to second reading of any bylaw intended to amend Schedule A of this bylaw.

12.2. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

12.3. Schedule A forms part of this bylaw.

12.4. Bylaw 2010-14 and its amendments are repealed.

12.5. This bylaw shall come into force on May 1, 2015.

OFFICE CONSOLIDATION

This document is a consolidation of a bylaw with one or more amending bylaws. Anyone making use of this consolidation is reminded that it has no legislative sanction. Amendments have been included for convenience of reference only. The approved bylaws should be consulted for all purposes of interpreting and applying the law.

Bylaws included in this consolidation:

2015-02	Business Registry Bylaw
2021-02	Business Registry Bylaw Amendment – Omnibus
2022-11	Enforcement Appeal Review Committee

SCHEDULE A – BUSINESS REGISTRY LICENCE FEES

2021-01

Accommodations based on number of rooms	
Bed and Breakfast: (max 2 rooms)	\$130
Hotels, Motels, Inns, Hostels, Bed & Breakfasts: 1-4 9 rooms	\$195
Hotels, Motels, Inns, Hostels, Bed & Breakfasts: 50 – 150 rooms	\$325
Hotels, Motels, Inns, Hostels, Bed & Breakfasts: 150 + rooms	\$520
Construction & Development	
Contractor/Trade Person	\$130
Builder: < 15 units/year	\$325
Builder: > 15 units/year	\$520
Developer & Commercial/Industrial: projects over 1,500 sq. m	\$1,040
General	
Auto Dealership (5 or more employees)	\$520
Banking & Commercial Lending Institutions	\$520
Busker	\$32.50
Golf Courses	\$520
Home Occupation Class 1 and Class 2	\$130
Micro-Business	\$32.50
Property Management > 15 units	\$520
Real Estate Brokers	\$520
Umbrella Rider	50% of the applicable business registry fee to a maximum of \$300
Voluntary Registration for Exempt Businesses	\$50
Hawkers and Vendors	
1 day	\$25
2-3 days	\$50
1 year	\$150

Non Resident Business	
Annual Licence	\$600
Temporary Licence: 3 days	\$75
Temporary Licence: 1 month	\$150
Temporary Licence: 3 months	\$200
Temporary Licence: 6 months	\$300
Restaurants & Bars (excludes outdoor patio seating)	
Restaurants: 0 - 35 seats	\$130
Restaurants: 36 - 69 seats	\$325
Restaurants: >69 seats	\$520
Retail/ Commercial/ Wholesale/Industrial	
Resident Business: <300 sq.m	\$130
Resident Business: 300 sq. m to 1,500 sq.m	\$325
Resident Business: > 1,500 sq. m.	\$1,040
Gasoline Retail	\$325
Special Events	\$75 per day
Administrative Fees	
Business Name Change	\$25