

**TOWN OF MORINVILLE
PROVINCE OF ALBERTA**

BYLAW 13/2011

Business Licence Bylaw

A BYLAW OF THE TOWN OF MORINVILLE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING AND CONTROL OF ANY BUSINESS WITHIN THE TOWN OF MORINVILLE

WHEREAS Section 7 of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 2000 and all amendments thereunto, authorises a Council to pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business, including the licensing of any or all such businesses.

NOW THEREFORE, the Municipal Council of the Town of Morinville, Alberta, duly assembled, hereby enacts as follows:

PART 1: DEFINITIONS

- 1.0 This Bylaw may be cited as the Business Licence Bylaw.
- 2.0 In this bylaw, except where otherwise defined:
- 2.1 **"ADVERTISING"** means any public notice meant to attract support for a business, including but not limited to:
- i) A poster;
 - ii) A placard;
 - iii) A flyer;
 - iv) A sign;
 - v) A newspaper display;
 - vi) A television or radio announcement designed to sell a product or publicise a service, or vacancy; or
 - vii) Internet.
- 2.2 **"APPLICANT"** means a person who applies for a licence or a renewal of a licence required by this Bylaw.
- 2.3 **"APPLICATION"** means a written application for a Business Licence and also includes an application to renew or amend a Business Licence, or a request for an exemption from the fees set pursuant to this Bylaw.
- 2.4 **"BUSINESS"** means any business, occupation, trade, employment, profession or provision of a service of any kind that is conducted for the purpose of earning income, whether or not it is conducted for the purposes of earning a profit.
- 2.5 **"BUSINESS LICENCE"** means a licence issued pursuant to this Bylaw.
- 2.6 **"BUSINESS LICENCE INSPECTOR"** means a person authorised by the Chief Administrative Officer to exercise the powers outlined in Section 3.0 of this Bylaw and may include a member of the Royal Canadian Mounted Police, or a Community Peace Officer of Morinville Enforcement Services, pursuant to the Public Security Peace Officer Program and the Peace Officer Act, S.A. 2006, c.P-3.5, as amended from time to time.
- 2.7 **"CALENDAR YEAR"** means a length of time lasting a year beginning on January 1st and ending on December 31st.
- 2.8 **"CHIEF ADMINISTRATIVE OFFICER"** means the Chief Administrative Officer of the Municipality appointed by Council, or the Director(s) of Department(s) designated by the Chief Administrative Officer.
- 2.9 **"CARRY ON"** means to carry on, continue, operate, perform, keep, hold, occupy, deal in or use a thing, object or practice for gain.

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- 2.10 **“CHARITY OR NON-PROFIT ORGANISATION”** means a person, association of persons or a corporation, acting for charity or in the promotion of the general social welfare which cannot at any time distribute any dividend or profit to its members and includes:
- i) A religious society or organisation,
 - ii) A service club;
 - iii) A community, veterans or youth organisation;
 - iv) A sport or fraternal organisation or club;
 - v) An employers’ or employees’ organisation;
 - vi) Museums, galleries, cultural organisations and educational institutions;
or,
 - vii) Other groups or organisations similar to those listed under i) – vi), in the opinion of the Business Licence Inspector.
- 2.11 **“CONTRACTOR”** means a person who undertakes as principal or subcontractor to do, provide or carry on business within the limits of the Municipality.
- 2.12 **“COUNCIL”** means the duly elected officers of the Municipality and the Chief Elected Officer.
- 2.13 **“DEVELOPMENT OFFICER”** means any person designated as such pursuant to the Municipality’s Land Use Bylaw.
- 2.14 **“DEVELOPMENT PERMIT”** means a permit issued pursuant to the Land Use Bylaw.
- 2.15 **“FEDERAL OR PROVINCIAL LICENCE”** means any licence, permit or accreditation, issued by the provincial or federal government, which is required to practice a certain profession, such as a law licence, a medical licence or a Chartered Accountant designation.
- 2.16 **“HAWKER” or “PEDDLER”** means a hawker, peddler, transient trader, itinerant seller or other person who:
- i) Enters the Municipality to buy, sell or otherwise deal in wares or merchandise, or offer or exposes for sale to any person, by means of samples, patterns, cuts, blue prints or pictures, wares or merchandise to be sold at that time or to be delivered afterwards or shipped to the Municipality;
 - ii) Sells merchandise or services, or both, on the street or elsewhere other than at a building that is their permanent place of business, but does not include any person operating a business within a residential dwelling, or any person selling: (i) meat, fruit or other farm produce that has been produced, raised or grown by himself, or (ii) fish of his own catching.
- 2.17 **“HAWKER/PEDDLER LICENCE”** means a Business Licence granted by the Business Licence Inspector to a person who intends to carry on business in the Municipality as a Hawker or Peddler.
- 2.18 **“HOME BASED BUSINESS”** means a home occupation carried on as a business within a dwelling pursuant to the Land Use Bylaw.
- 2.19 **“LAND USE BYLAW”** means the Land Use Bylaw of the Municipality and all amendments thereto as approved by Council.
- 2.20 **“LICENCEE”** means the person that obtains a licence from the Municipality pursuant to this Bylaw.
- 2.21 **“MUNICIPALITY”** means the Town of Morinville.

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- 2.22 **"NON-RESIDENT BUSINESS"** means a business that does not have a permanent office or place of business in the Municipality but which carries on any business partly or wholly within the limits of the Municipality.
- 2.23 **"PREMISES"** means any office, residence, store, warehouse, factory, building, enclosure, yard or other place used for the purpose of carrying on a business.
- 2.24 **"RENEWAL"** means a renewal of an existing Business Licence pursuant to this Bylaw.
- 2.25 **"RESIDENT BUSINESS"** means a business physically located within the corporate limits of the Municipality and includes Home Based Businesses.
- 2.26 **"SCOPE"** means a change of use or a change in intensity of use of a development pursuant to the Land Use Bylaw.
- 2.27 **"SPECIAL EVENT LICENCE"** means a Business Licence granted by the Business Licence Inspector to a person who intends to carry on business as part of a special event such as the Morinville and District Chamber of Commerce Regional Trade Show, and other similar special events, in the Municipality for a period of four (4) days or less, at the discretion of the Business Licence Inspector.
- 2.28 **"TEMPORARY LICENCE"** means a temporary Business Licence granted by the Business Licence Inspector to a person who intends to carry on business in the Municipality for a period of twenty one (21) days or less, at the discretion of the Business Licence Inspector.
- 2.29 **"VIOLATION TICKET"** means the same as in the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34 as amended or repealed and replaced from time to time.

BUSINESS LICENCE INSPECTOR

- 3.0 The Business Licence Inspector shall:
- 3.1 Issue Business Licences, impose conditions on licences, or refuse to grant licences on just or reasonable grounds;
- 3.2 Refuse, revoke or suspend Business Licences under circumstances as noted under Section 33.0 of this Bylaw;
- 3.3 Carry out inspections of premises, lands or buildings and make any inquiries necessary to ensure compliance with this Bylaw and Section 17 (2)(g) of the Freedom of Information and Protection of Privacy Act, including the power to obtain and verify information from other employees or agents of the Municipality, other governments, government agencies or persons, so long as the purpose is for information pertaining to the Business Licence;
- 3.4 Be responsible for the administration and enforcement of this Bylaw;
- 3.5 Exercise any other power or responsibility provided under this Bylaw; and,
- 3.6 Enforce penalties for violation of this Bylaw.

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NECESSITY OF A BUSINESS LICENCE

- 4.0 Except as provided for in Section 7.0 of this Bylaw, no person shall carry on or operate a business within the Municipality without a valid Business Licence.
- 5.0 Further to Section 4.0, any advertising of a business carried on or operating within the Municipality shall be considered proof of the fact that a person is carrying on or operating a business.
- 6.0 Any person who carries on or operates a business at more than one premise shall obtain a separate Business Licence for each premise.

EXEMPTION FROM LICENCING REQUIREMENTS

- 7.0 The following organisations and operations do not require a Business Licence:
- 7.1 Any person under 18 years of age providing individual light duty occasional services such as snow shovelling, babysitting, yard work, or newspaper delivery;
- 7.2 A vendor of goods only as part of the activities of a Farmer's Market as regulated by the Province of Alberta;
- 7.3 The following persons may carry on or operate a business in the Municipality without a Business Licence:
- i) the Crown in right of Alberta;
 - ii) the Crown in right of Canada;
 - iii) a Crown corporation;
 - iv) the Municipality; or
 - v) a person whose business is expressly exempted from the requirement of a Business Licence by a statute of the Legislature of Alberta or Parliament of Canada.
- If only part of a business is covered by an exemption under this subsection, the person who carries on or operates the business must comply with this Bylaw in respect of any part of the business that is not exempted.
- 7.4 A non-resident business that supplies bulk goods for the purpose of resale to a resident business that holds a valid Business Licence.
- 8.0 The Business Licence Inspector may upon receipt of proof waive a Business Licence fee upon receipt of an application for a fee waiver by a charity or non-profit organisation that wishes to carry out fundraising activities. A vendor carrying on business as part of the fundraising activities is deemed to be included under the Business Licence obtained by the charity or non-profit organisation provided the vendor is listed on the Business Licence obtained by the charity or non-profit organisation. This does not apply to vendors carrying on business as part of a special event as defined in Section 2.27.

PREREQUISITES FOR A BUSINESS LICENCE

- 9.0 No Business Licence shall be granted unless the applicant holds a valid development permit where required by the Land Use Bylaw for such a business.
- 10.0 No Business Licence shall be granted if the applicant fails to comply with any other Bylaws of the Municipality, or any laws of the Government of Alberta or the Government of Canada, that are relevant to the business in question.
- 11.0 When a required fee has been paid by cheque, the Business Licence is issued subject to it being cleared by the bank in question, and is automatically revoked if the cheque is returned by the applicant's bank for any reason.

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APPLICATION FOR A BUSINESS LICENCE

- 12.0 Application for a Business Licence shall be made by the owner of the business, or a representative designated with written authorisation from the owner, in the form required by the Business Licence Inspector and requires the following:
- 12.1 The applicant's full name;
 - 12.2 The name of the business and any trade name under which the business is to be conducted;
 - 12.3 The phone number of the business, along with the fax number if applicable;
 - 12.4 The operating address of the business;
 - 12.5 The mailing address of the business;
 - 12.6 The website of the business, if applicable;
 - 12.7 The e-mail address of the business, if applicable;
 - 12.8 The proper name of the owner of the business if separate from the applicant's name under Subsection 12.1;
 - 12.9 The emergency contact information of the owner or applicant, or another individual designated by the owner;
 - 12.10 The Business Licence fee specified under the Fee Schedule, unless that business is exempt under Section 7.0 of this Bylaw.
 - 12.11 The applicant's signature; and
 - 12.12 Any other information as deemed necessary by the Business Licence Inspector.
- 13.0 An applicant shall not submit any information with respect to an application that is misleading, false or inaccurate.

APPLICATION REVIEW AND DECISION

- 14.0 The Business Licence Inspector shall consider each complete application, or request for a waiver of fees as provided under Section 8.0 of this Bylaw, and will provide a decision within thirty (30) consecutive days of receipt of the complete application or request.
- 15.0 Subject to Section 8.0, no Business Licence shall be granted if the applicant fails to provide the appropriate fee to the Business Licence Inspector as outlined in the Fee Schedule, which must be provided with the initial application as noted under Section 12.0 of this Bylaw.
- 16.0 A person who intends to carry on business as a Hawker or a Peddler may apply to the Business Licence Inspector for a Hawker/Peddler Licence. A Hawker/Peddler Licence shall expire at 12:00 AM (midnight) on the day stated on the licence, and may be renewed by the Business Licence Inspector upon payment of the appropriate fee.
- 17.0 A person who intends to carry on a temporary business may apply to the Business Licence Inspector for a Temporary Business Licence. A Temporary Business Licence shall expire seven (7) days after the date stated on the licence, and may be renewed by the Business Licence Inspector upon payment of the appropriate fee.

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CONDITIONS OF BUSINESS LICENCE

- 18.0 The Licencee shall post their licence in a conspicuous place on the premises of their business, or where the business is otherwise being carried on, so it is visible to the patrons or customers of the business. If the Licencee does not occupy premises for the purposes of carrying on their business, they shall produce their licence for the Business Licence Inspector or any other person duly authorised by the Municipality upon request. Failure to produce or display a Business Licence will be considered an offence.
- 19.0 The Licencee shall ensure that the operation of their business complies with the conditions set out in their licence and any other applicable Bylaws and Federal and/or Provincial Statutes/Regulations.
- 20.0 The Licencee shall promptly inform the Business Licence Inspector of any changes in
- 20.1 The address of the business;
 - 20.2 The telephone, fax, e-mail or website address of the business;
 - 20.3 The name of the business;
 - 20.4 The type of business carried on by the Licencee;
 - 20.5 The ownership of the business; and
 - 20.6 Change in the scope of the business.
- 21.0 If a business ceases to carry on the business for which a licence is granted, the Licencee shall notify the Business Licence Inspector.
- 22.0 A Licencee will provide access to their business premises at all reasonable times to the Business Licence Inspector, after being properly identified, for the purpose of ascertaining if the provisions of this Bylaw are being complied with. The Licencee who allows or causes to allow any hindrance, prevention or refusal of access to the properly identified Business Licence Inspector to the premises shall be guilty of an offence.

LICENCE EXPIRY AND RENEWAL

- 23.0 A Business Licence shall expire on December 31st of the calendar year in which it was issued.
- 24.0 A Licencee who pays the renewal fee before their previous licence expires shall be issued a new Business Licence upon the expiry of their previous licence subject to the provisions of this Bylaw.
- 25.0 The fee payable for a Business Licence issued between January 1st and June 30th in any calendar year shall be the licence fee for the full year as determined by the Fee Schedule. The fee payable for a Resident or Non-Resident Business Licence issued between July 1st and December 31st shall be 50% of the licence fee for the full year as determined by the Fee Schedule.
- 26.0 If the Licencee does not pay the appropriate renewal fee by January 31st of the calendar year after their previous Business Licence has expired, their licence is hereby revoked as per Subsection 32.4 of this Bylaw and the Licencee is subject to Violation Tickets as stated in Section 49.0 of this bylaw, if they continue to operate their business.

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27.0 Upon refusing to issue or renew a Business Licence, the Business Licence Inspector must give written notice of the decision for refusal, setting out in general terms for the applicant the reasons for the decision and provide information on how the applicant may appeal the decision.

27.1 Where a notice is sent, given or served by mail, and the document is properly addressed and sent by prepaid regular mail, unless the contrary is proven, the service shall be presumed to be effected seven (7) days from the date of mailing if the document is mailed in Alberta to an address in Alberta.

TRANSFER OR SALE OF BUSINESS LICENCE

28.0 With the exception of home based businesses, a Licencee may transfer their Business Licence to a new owner upon submission of an application, provided that the new Licencee intends to carry on the same business as the previous Licencee and there is no change of use or a change in intensity of use and provided that the conditions in Section 29.0 of this Bylaw have been met.

29.0 A transfer made under Section 28.0 must:

29.1 Be made within five business days of the transfer of the business;

29.2 Provide a copy of transfer documentation satisfactory to the Business Licence Inspector; signed by both the Licencee and the person to whom the business is being transferred; and

29.3 Include any changes in the information that must be submitted to the Business Licence Inspector as defined in Section 12.0 and Section 20.0 of this Bylaw.

30.0 If an application for a transfer is not made within the time specified in Subsection 29.1, the Business Licence is revoked pursuant to Section 33.0 on the 6th business day following the transfer of the business.

31.0 Business Licences for home-based businesses are non-transferable.

CANCELLATION OR REVOCATION OF BUSINESS LICENCE

32.0 A Licencee may choose to cancel their Business Licence upon written request to the Business Licence Inspector. The licence fees will not be refundable.

33.0 The Business Licence Inspector may suspend or revoke a Business Licence under the following:

33.1 If the Licencee violates any conditions that may have been imposed on the Business Licence when it was first issued;

33.2 If the Licencee violates this or any other applicable Bylaws of the Municipality;

33.3 If the Licencee is found to have provided false information on their licence application;

33.4 When any required certificate, authority, licence or other document issued by the Government of Canada or the Government of Alberta and legally required for the operation of the business covered by the licence is suspended, cancelled, terminated or surrendered;

33.5 When a fee or fine owed by the Licencee has not been paid within the appropriate amount of time;

33.6 If, upon review by a Development Officer, a new Licencee obtains a transferred licence under Section 28.0 of this Bylaw and intends to make any changes to the

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nature of their new business that constitute a change of scope, such that a new development permit must be obtained; or

- 33.7 When an applicant's or Licencee's cheque provided as payment for a fee or fine is returned by the applicant's bank for any reason on which it was issued, as noted in Section 11.0 of this Bylaw.
- 34.0 When a Business Licence will be revoked under Section 33.0, the Business Licence Inspector shall notify the Licencee by:
- 34.1 Personal service of a notice on the Licencee; or
- 34.2 By mailing a notice to the Licencee to the Licencee's business location or residential address where a notice is sent, given or served by mail, and the document is properly addressed and sent by prepaid regular mail, unless the contrary is proven, the service shall be presumed to be effected seven (7) days from the date of mailing if the document is mailed in Alberta to an address in Alberta.
- 35.0 Upon revoking or suspending a Business Licence, the Business Licence Inspector must give written notice of the revocation or suspension, setting out in general terms for the Licencee the reasons for the revocation or suspension, and in the case of a suspension the period of the suspension, and provide information on how the Licencee may appeal the suspension or revocation to the Chief Administrative Officer.
- 36.0 If a Business Licence is suspended, the Licencee may resume operation when the Business Licence is reinstated, either by decision of the Business Licence Inspector or Council under Section 44.0 of this Bylaw.

APPEALS

- 37.0 Except as noted under Section 38.0, an applicant who has been refused a Business Licence may appeal to the Chief Administrative Officer when an application for a Business Licence has been refused, or an existing Business Licence has been suspended or revoked under Section 33.0 of this Bylaw.
- 38.0 An applicant may not appeal a refusal to issue or renew a licence if the reason for the refusal is the failure to pay any violation ticket fee or provide any required information.
- 39.0 An appeal made under Section 37.0 of this Bylaw must be made by the applicant to the Chief Administrative Officer within thirty (30) days of receipt as laid out in Sections 27.0 and 34.0.
- 39.1 An appeal shall be made in writing to the Chief Administrative Officer. The appeal form shall contain:
- i) the name of the applicant and contact information, including but not limited to mailing address and telephone number;
 - ii) information relating to the decision being appealed regarding the refusal of the issuance of, or the revocation or suspension of, a business licence;
 - iii) grounds for appeal; and
 - iv) any other information the Chief Administrative Officer considers necessary.

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- 40.0 Upon receipt of a notice the Chief Administrative Officer shall review the notice of appeal to ensure that it has been completed in accordance with the regulations of this Bylaw. If the Chief Administrative Officer determines that the appeal has not been properly completed, they shall notify the applicant, who will have three (3) days from receipt of the Chief Administrative Officer's notice to correct any insufficient information.
- 41.0 Upon confirming that an appeal is complete, the Chief Administrative Officer shall arrange for Council to hear the appeal at the next available meeting, providing a copy of the appeal to the Business Licence Inspector and advising both the Business Licence Inspector and the applicant of the date, time and place of the hearing.
- 42.0 Council shall hear the appeal within thirty (30) days of a properly filed appeal being received by the Chief Administrative Officer.
- 43.0 At the appeal hearing, Council shall hear from the Business Licence Inspector and the applicant, and may hear from any other persons who may be affected by the decision or accept any other evidence deemed relevant to the case.
- 44.0 After hearing the appeal, Council may:
- 44.1 Direct that a Business Licence be issued with conditions by the Business Licence Inspector;
 - 44.2 Direct that the applicant's licence fee be refunded; or,
 - 44.3 Uphold the revocation, suspension or refusal of renewal on grounds which appear just and reasonable.
- 45.0 The decision of Council shall be final and binding.

PENALTIES

- 46.0 Any person who contravenes, disobeys, refuses or neglects to obey any provision of this Bylaw by doing an act or thing which they are prohibited from doing herein or failing to do any act or thing they are required to do herein, is guilty of an offence and is liable, upon summary conviction, to the appropriate fine as outlined under the Fee Schedule.
- 47.0 Where a person is convicted of carrying on a business for which a licence fee is payable, without having paid the fee, the court may direct payment of the applicable licence fee to the Municipality, in addition to any fine imposed.
- 48.0 Where a business is being carried on in contravention of this Bylaw, or where a breach of the Bylaw is of a continuing nature, then in addition to any other remedy or any penalty imposed by this Bylaw the Municipality may, in any of these cases, apply to a judge at the Court of Queen's Bench of Alberta by way of action or originating notice for an injunction or other order, prohibiting the person so contravening the Bylaw from continuing to carry on the business without complying with the provision of the Bylaw applicable to the business for which the licence is required.
- 49.0 Violation Ticket
- 49.1 Subject to the entry notice provisions of the Act, a designated officer of the Municipality, bearing proper identification, may enter onto the land to conduct an inspection in order to determine whether or not this Bylaw is being complied with.
 - 49.2 A Peace Officer may issue a Violation Ticket to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

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- 49.3 A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended.
- 49.4 The Person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided as specified under the Fee Schedule.
- 49.5 When a clerk records in the Court records the receipt of a voluntary payment pursuant to Section 5.1(5)(d) and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.
- 49.6 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established in this Part of each such day.
- 50.0 Nothing in this Bylaw shall prevent:
- 50.1 Any person from exercising his right to defend any charges of committing a breach of any provision of this Bylaw;
- 50.2 Any Community Peace Officer or the Business Licence Inspector from recording any information or laying a complaint in lieu of serving a voluntary payment; or
- 50.3 Any person from exercising their legal rights such person may have to lay information or a complaint against any person (whether such person has made payment under the provisions of this Bylaw or not) for a breach of any provision of this Bylaw.

TRANSITION

- 51.0 A Business Licence granted under Bylaw 20/2009 and all amendments thereunto shall continue to be valid under this Bylaw until its official expiry date, at which time the Licencee must apply for a new licence as required by this Bylaw.

ANNUAL REVIEW

- 52.0 This Bylaw shall be reviewed annually no later than the end of October in conjunction with the annual budget process.

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SEVERABILITY

53.0 If any Section or Sections of this Bylaw or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

That Bylaw 20/2009 is hereby rescinded.

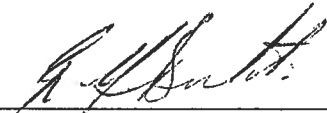
That this Bylaw shall come into full force and effect upon the final passing thereof.

READ a first time this 22nd day of November, 2011.

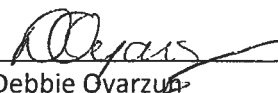
AMENDED this 13th day of December, 2011.

READ a second time this 13th day of December, 2011.

READ a third time and finally passed this 13th day of December, 2011.



R. Lloyd Bertschi
Mayor



Debbie Oyarzun
Interim Chief Administrative Officer

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FEE SCHEDULE

Business Licence Fees

Resident Businesses
\$100, \$50 after July 1

Non-Resident Businesses
\$200, \$100 after July 1

Resident Hawkers or Peddlers
\$100 or \$35/day

Non-Resident Hawkers or Peddlers
\$300 or \$50/day

Temporary Resident
\$50

Temporary Non-Resident
\$75

Resident Special Event Licence
\$25

Non-Resident Special Event Licence
\$50

Penalties

First Offence
\$200

Second and Subsequent Offences
\$500, plus \$250 for each additional day the offence continues