

TOWN OF MAGRATH
BYLAW 1277
(Business License Bylaw)

A BYLAW OF THE TOWN OF MAGRATH TO PROVIDE FOR THE LICENSING AND REGULATION OF BUSINESSES, TRADES AND OCCUPATIONS.

WHEREAS Section 7 of the Municipal Government Act, Statutes of Alberta, authorizes the Council to pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business;

AND WHEREAS Section 8 of the Municipal Government Act, Statutes of Alberta, states that every council may prohibit any business or thing until a license has been granted;

AND WHEREAS Section 8 of the Municipal Government Act, Statutes of Alberta, states that every council may establish fees for licenses, including fees for licenses that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue;

NOW THEREFORE, the council of the Town of Magrath, in the Province of Alberta duly assembled, thereby enacts as follows:

Name of the Bylaw

1. This Bylaw may be cited as the Business License Bylaw.

Definitions

2. For the purpose of this Bylaw, the following words mean:
 - a. "Act" means the Municipal Government Act, RSA 2000, Chapter M-26
 - b. "Administrator" means the Chief Administrative Officer of the Town of Magrath
 - c. "Application" means a written application for a Business License and includes an application to renew or amend a Business License
 - d. "Business" includes every business, trade, profession, industry, occupation, employment or calling and the providing of goods and services
 - e. "Council" means the Municipal Council of the Town of Magrath
 - f. "Charitable Organization" means any religious, charitable, scientific, literary or educational organization which is a registered Canadian charitable organization pursuant to the Income Tax Act of Canada
 - g. "Designated Officer" means the Chief Administrative Officer, Bylaw Enforcement Officer, RCMP Officer, Community Development Officer or Community Peace Officer
 - h. "Hawker or Peddler" means a person or business going from house to house selling or offering for sale any merchandise or service, or both

- i. "Home Occupation" means a business carried on by a person, who is an occupant of a residential building as a use secondary to the residential use of that building, in accordance with the Land Use bylaw.
 - i. Home business refers to an occupation, trade, profession, or craft carried on by a person who is an occupant of a residential building as a use secondary to the residential use of the building which in the opinion of the Designate Officer does not detract from the peaceful state of the neighbourhood.
 - ii. All new home business license applications must be submitted to the Development Authority for approval.
 - iii. Existing home businesses will be considered as a Resident Business when they renew the following calendar year, if they meet the conditions of their discretionary use permit.
- j. "Huckster" means any person who sells or offers for sale from a street display:
 - i. Food, beverages or refreshments
 - ii. Christmas tree vendor
 - iii. Other products, goods or services
- k. "Licensee" is a person holding a valid license issued pursuant to this bylaw
- l. "Non-Resident" means an adult person who lives outside of the Town of Magrath's municipal boundary and who will operate a business in the Town of Magrath.
- m. "Order" means a written order in accordance with subsection 545 of the Act
- n. "Reciprocal Business License" means a business that is registered as a legal business living within a member municipality that meets the requirements of the current Reciprocal Business Licensing Agreement as outlined in Appendix "A"
- o. "Resident" means an adult person who resides in or who operates a commercial store front business in the Town of Magrath
- p. "Special Event" means a business that provides a service to residents during a Town sponsored carnival, festival or fair.
- q. "Town" means the Municipal Corporation of the Town of Magrath

License Applications

1. Every person applying for a business license shall submit to the Town a written application on the applicable form as outlined in Appendix "B" or "C" (home occupation) of this Bylaw. The application form must be signed by the applicant or in case of a corporation its duly appointed agent.
2. Businesses that are currently licensed need not re-apply, however, the business license fee is due and payable by the last business day in February or the Designated Officer will issue a ticket for operating a business in Magrath without a current license.

3. Any child or youth under the age of eighteen (18) does not require a business license for providing goods or services within the Town of Magrath.

Requirements for a License

1. No license shall be issued to a person under provisions of the bylaw in a case where a provincial license is required or provincial regulations must be adhered to, unless such person is the holder of the required provincial license or produces evidence from the province that provincial regulations are being adhered to.
2. The Designated Officer may revoke the license of a licensee, in violation of the provisions of this or any other bylaw of the Town and/or in violation of any provisions or requirements of their license, by notifying the licensee in writing to suspend all operations of the licensed business until the provisions of the applicable bylaw are complied with.
3. No person shall carry on or operate or be engaged in a business or industry within the Town without first paying the applicable license fee (See Town of Magrath's current Fees and Rates Bylaw) and obtaining and holding a valid license, issued pursuant to the provisions of this bylaw.
4. If a person owns/operates numerous businesses that provide a good or a service to residents, they shall have a valid license for each business they represent where there is a distinct location of each business. Proprietors who own/operate numerous types of business from one location shall have a valid license for all operations at that one location. Incorporated companies shall have a valid license for each corporation.
5. The Development Officer may withhold the granting of any license to any person(s) until the Development Authority has issued its approval.
6. The act of the spouse, servant, clerk or employee acting in the cause of employment or any person licensed to carry on any business under this bylaw, shall be deemed and taken to be the licensee, and the licensee shall be held responsible therefore as though they themselves had done the act complained of.
7. The Council may refuse to grant a license to any person or applicant whose premises are not suitable for the business for which they have made application to have a license.
8. Every license issued under this bylaw shall be posted in a conspicuous place in the business premises of the licensed applicant and the Designated Officer

may enter all buildings and property at all reasonable times for the purpose of administering or enforcing this bylaw.

9. Every license issued under the provisions of this bylaw shall terminate at midnight on the 31st day of December of the year in which the license was issued or such earlier date if the license has been revoked or suspended; unless the license has been issued for a license that is not valid for the calendar year. These include hawkers, peddlers or hucksters who choose to purchase a single day business license or special events business license.
10. If, in the opinion of the Designated Officer, there are reasonable and just grounds because of violation of a Town bylaw, Provincial or Federal Statute, Rule or Regulation they may refuse to issue or renew the license of a licensee in violation, until such time that they comply with all relevant bylaws, fees and penalties of the Town of Magrath, Province of Alberta or Government of Canada.
11. If the Designated Officer deems it necessary, they may obtain from any person engaging a contractor or from any contractor engaging subcontractors, a complete list contractors/subcontractors engaged on any particular contract.
12. Any person, applicant or licensee shall immediately upon being given verbal notice or upon being served with an offense ticket and/or written notice of revocation of their business license, terminate the operation of their business.
13. A license that is issued in a municipality that is part of a Reciprocal Business License agreement will be considered a legal business license within the Town of Magrath provided the conditions of the agreement as outlined in Appendix "A" are met to the Town of Magrath's satisfaction.

License Subject to Zoning Regulations

1. All licenses issued are subject to the provisions of the Land Use Bylaw of the Town of Magrath and the issuance of a license shall not be deemed as approval to carry on a business in or on any premises in contravention of the provisions of the Land Use bylaw or any other Bylaw in force in the Town of Magrath. Where a license is granted to a person to carry on a business in or on premises where such activity is not permitted by the zoning regulation of the Town of Magrath, the Designated Officer shall forthwith cancel the license.

Revocation and Suspension of License

1. A Health Inspector of the Province of Alberta may direct the revoking of the license of any person who sells food or drink for human consumption within the Town but who neglects or refuses to comply with the rules, orders or

regulations of the Minister of Health or the bylaws of the Town relevant to such a business.

2. Upon being directed by the Health Inspector, a Designated Officer from the Town shall suspend the license of any business until the Health Inspector certifies that the offender is now in compliance with the offending legislation(s).

Appeal Where License Refused

1. In every case where:
 - a. An application for a license has been refused;
 - b. A license has been issued subject to condition;
 - c. A license has been revoked; or
 - d. A license has been suspended;

The person seeking the license may appeal to Town Council and the Council after hearing the applicant may:

- a. Direct a license be issued;
 - b. Direct a license be issued without conditions;
 - c. Direct a license be issued with conditions;
 - d. Refuse to grant a license; or
 - e. Uphold the revocation or suspension of a license, on just and reasonable grounds.
2. An appeal shall be made by the applicant within thirty (30) days after such refusal, revocation, suspension or conditions are imposed.
 3. All appeals shall be made in writing addressed to the Town Administrator and be dated as of the date received.

Fines and Penalties

1. Any person who contravenes any of the provisions or requirements of this bylaw is guilty of an offense and is liable for and subject to the penalty of not more than \$500.00 which can be reduced to the applicable license fee plus \$50.00 if the penalty is paid within fourteen (14) business days.
2. An offence ticket may be issued by a Designated Officer to any person, firm or corporation who has allegedly breached any provision of this bylaw and the said offense ticket shall require the appropriate penalty payment to the Town of Magrath within fourteen (14) days from the date of service of the said offense ticket.
3. Service of such offense ticket shall be sufficient if it is:
 - a. Personally served; or

- b. If mailed to the address of the person, firm or corporation who has allegedly contravened this bylaw.
4. If at any time after the expiration of the fourteen (14) days from service of the offense ticket, and up to and excluding the three (3) days prior to the return date on any summons issued, a person tenders payment for an offense ticket issued for contravention of any section of this bylaw, the Town shall accept payment of the penalty specified in lieu of prosecution.
 5. Should a person not pay the penalty provided for contravention of any section of this bylaw and a prosecution has been entered against them, they shall be liable on summary conviction to a fine not exceeding Five Hundred Dollars (\$500.00) in addition to any license fee they may be required to pay and in the event of failure to pay or the inability to pay any fine levied and any license fee charged hereunder and costs, to imprisonment for a period not exceeding sixty (60) days or until such fine, license fee and costs of committal are paid.
 6. 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, direct the payment of the applicable license fee to the Town.

Bylaw #962 is hereby repealed.

This this bylaw shall take effect on the date of the third and final reading.

Read a first time this 8 day of December, 2020.

Read a second time this 8 day of December, 2020.

Read a third and final time this 8 day of December, 2020.



Mayor – Russ Barnett



CAO – James Suffredine

RECIPROCAL BUSINESS LICENCING
MEMORANDUM OF UNDERSTANDING

WHEREAS the municipalities listed in Schedule A. recognize the importance of entrepreneurship and small businesses to their Communities;

WHEREAS these municipalities are committed to working together to foster entrepreneurship, promote small business and attract potential investment to their communities;

WHEREAS these municipalities understand the potential of home and community based businesses, electronic commerce, and the quality of life associated with smaller communities;

BE IT RESOLVED THAT the undersigned, on behalf of their communities;

1. Recognize and accept the validity of qualified reciprocal business licences issued by the aforementioned participating municipalities.
2. Will allow businesses that possess a qualified business licence from one of the aforementioned participating municipalities to conduct commercial enterprise in their municipality as per the following guidelines;
 - i. Home occupation and Commercial businesses with their home base in one of the participating municipalities listed in Schedule A. shall qualify for a reciprocal business licence.
 - ii. This agreement covers the offering of services only, and does not extend to the opening of new storefronts in the aforementioned participating municipalities.
 - iii. Reciprocal licencing will not apply to "Out of Town" businesses holding a licence in one of the participating municipalities listed in Schedule A.
 - iv. All participating municipalities will clearly mark on their qualifying business licence forms the word "reciprocal".
3. All participating municipalities shall retain the right to refuse any qualified reciprocal business licence issued by one of the other participating municipalities.

TERM


4. A participating municipality may serve notice to all other members by the 30th day of September of the current year that they intend to leave this Memorandum of Understanding on the 1st day of January of the following year.

This Memorandum of Understanding is effective the 30th day of April 2023.

Signed this 30th day of April, 2023.

SCHEDULE A
PARTICIPATING MUNICIPALITIES

TOWN OF COALHURST


Lyndsay Montana (May 26, 2023 11:40 EDT)
Mayor

TOWN OF MAGRATH


Byrne Cook (May 26, 2023 12:22 MDT)
Mayor

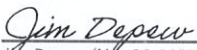
TOWN OF NOBLEFORD


Joan Boeder (May 26, 2023 09:46 MDT)
Mayor

TOWN OF PICTURE BUTTE


Cathy Moore (May 26, 2023 12:19 MDT)
Mayor

TOWN OF RAYMOND


Jim Depew (May 26, 2023 10:18 MDT)
Mayor

VILLAGE OF BARONS


Daniel Doell (May 10, 2023 14:58 MDT)
Mayor

VILLAGE OF STIRLING


Trevor Lewington (May 10, 2023 14:12 MDT)
Mayor

An agreement between:

Town of Magrath
Box 520, Magrath, Alberta, T0K 1J0

And

Town of Cardston
Box 280 Cardston, Alberta, T0K 0K0

The intent of the agreement between the Town of Cardston and Town of Magrath is to allow for resident businesses from each municipality to operate within the other municipality without the need for purchasing an additional business license. This arrangement will not be in effect for businesses that reside outside of the Town of Cardston or the Town of Magrath.

Each municipality will charge their own rate for resident business licenses. There will be no revenue sharing between municipalities for the licenses. Each municipality reserves the right to set, amend and change business license fees at their discretion and without the consultation or consent of the other municipality.

Each municipality will send notification to the other of business license sales on request, so that each party is aware of who is licensed to operate in the two municipalities.

If either municipality revokes the local annual business license for a business, then that municipality will inform the other and the license will be considered revoked for both municipalities.

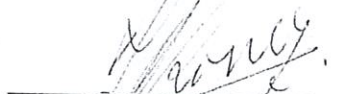
Each municipality reserves the right to request proof that a business operating within their municipality, but residing in the other municipality, has purchased an annual business license. If said business does not possess a valid license from their municipality of residence, the municipality at its discretion may enforce the penalties as per its Business License bylaw.

Either municipality may opt out of this agreement by giving notice to the other party of their intention. Changes to the agreement or opting out of either party will come into effect on the end of business on December 31st of the year that notice was given.



Russ Barnett
Mayor Town of Magrath

Sept 28 / 21
Date



Maggie Kronen
Mayor Town of Cardston

Sept 15, 2021
Date

APPENDIX "A"
Reciprocal Business License Agreement

RECIPROCAL BUSINESS LICENSE AGREEMENT

Dated this 13th day of June, 2014 A.D.

Between:

THE TOWN OF MAGRATH
(hereinafter referred to as "the Town")

of the first part

and

CARDSTON COUNTY
(hereinafter referred to as "the County")

of the second part

The intent of the agreement between the Town and the County is to allow for resident businesses from each municipality to operate within the other municipality without the need for purchasing an additional business license. This arrangement will not be in effect for businesses that reside outside of the Town of Magrath or the Cardston County proper.

Each municipality will charge their own rate for resident business licenses. There will be no revenue sharing between municipalities for the licenses. Each municipality reserves the right to set, amend and change business license fees at their discretion and without the consultation or consent of the other municipality.

Each municipality will send notification to the other of business license sales on at least a monthly basis, so the each party is aware of who is licensed to operate in the two municipalities.

If either municipality revokes the local annual business license for a business, then that municipality will inform the other and the license will be considered revoked for both municipalities.

Each municipality reserves the right to request proof that a business operating within their municipality, but residing in the other municipality, has purchased an annual business license. If said business does not possess a valid license from their municipality of residence, the municipality at its discretion may enforce the penalties as per its Business License Bylaw.

Either municipality may opt out of this agreement by giving notice to the other party of their intention. Changes to the agreement or opting out of either party will come into effect on the end of business on December 31st of the year that notice was given.

This agreement comes into effect on the date the last signature is affixed hereto.

TOWN OF MAGRATH



Mayor – Russ Barnett

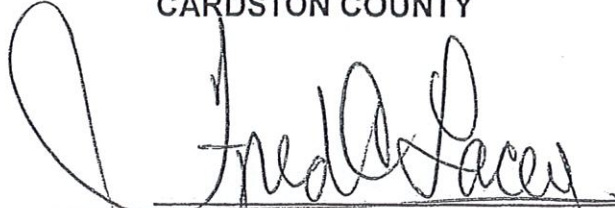


CAO – Wade Alston

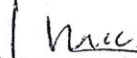
13 June 2014

Date

CARDSTON COUNTY



Reeve – Fred Lacey



CAO – Murray Millward

JUN 9, 2014

Date

APPENDIX "B"
Business License Application



6 North 1 Street West
P.O. Box 520
Magrath, Alberta
T0K 1J0
Ph: 403-758-3212 Fax: 403-758-6333

RESIDENT BUSINESS LICENSE APPLICATION FORM

Principal Owner / Licensee Information

Last Name: _____ First Name: _____
Civic Address: _____
Legal Address: Lot: _____ Block: _____ Plan: _____
Business Phone #: _____ Cell #: _____ Fax #: _____
Email: _____ Mailing Address: _____
City: _____ Province: _____ Postal Code: _____
Legal Land Owner: _____ Approval Attached:

Business Registration Type:

If Sole Proprietor:

Last Name: _____ First Name: _____
Business Operating /Trade Name: _____

If Partnership (Please list all partner's names)

Last Name: _____ First Name: _____
Last Name: _____ First Name: _____
Last Name: _____ First Name: _____
Business Operating /Trade Name: _____

If corporation or Limited Liability Company:

Legal Entity: _____
Business Operating /Trade Name: _____

Operations:

Describe your business activity:

Applicant Signature: _____ Date: _____

Fee per year: _____



6 North 1 Street West
P.O. Box 520
Magrath, Alberta
TOK 1J0
Ph: 403-758-3212 Fax: 403-758-6333

NON-RESIDENT BUSINESS LICENSE APPLICATION FORM

Principal Owner / Licensee Information

Last Name: _____ First Name: _____

Business Address: _____

City: _____ Province: _____ Postal Code: _____

Business Phone #: _____ Cell #: _____ Fax #: _____

Email: _____ Mailing Address: _____

Business Registration Type:

If Sole Proprietor:

Last Name: _____ First Name: _____

Business Operating /Trade Name: _____

If Partnership (Please list all partner's names)

Last Name: _____ First Name: _____

Last Name: _____ First Name: _____

Last Name: _____ First Name: _____

Business Operating /Trade Name: _____

If corporation or Limited Liability Company:

Legal Entity: _____

Business Operating /Trade Name: _____

Operations:

Describe your business activity:

Applicant Signature: _____ Date: _____

APPENDIX "C"
Home Occupation Business License Application

**TOWN OF MAGRATH
APPLICATION FOR A HOME OCCUPATION**

FORM J

APPLICATION NO. _____

APPLICANT: _____

ADDRESS AND POSTAL CODE: _____

REGISTERED OWNER: _____

ADDRESS AND POSTAL CODE: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Plan _____

Quarter _____ Section _____ Township _____ Range _____

EXISTING USE: _____

PROPOSED USE BEING APPLIED FOR: _____

NAME OF BUSINESS: _____

HAS A BUSINESS LICENSE BEEN APPLIED FOR? Yes No

PROPOSED HOURS OF OPERATION: _____ to _____

PROPOSED DAYS OF WEEK OF OPERATION (i.e. Mon-Fri, Sat, Sun): _____

NOISE GENERATED: Yes No

STORAGE OF GOODS ON PROPERTY: Yes No

OFF-STREET PARKING AVAILABLE: Yes No
(If yes, site plan required and number of spaces)

ADDITIONAL VEHICLES REQUIRED: Yes No

ANTICIPATED INCREASE IN VEHICULAR TRAFFIC: Yes No

ODOURS OR NOXIOUS EFFLUENTS: Yes No

REGISTERED OWNER OR PERSON ACTING ON BEHALF OF:

I certify that I am the registered owner or that the registered owner(s) of the land described above is aware of this application.

DATE: _____ SIGNED: _____

REGISTERED OWNER