

BYLAW NO. 2014-947  
OF THE  
TOWN OF TWO HILLS



A BYLAW OF THE TOWN OF TWO HILLS, IN THE PROVINCE OF ALBERTA,  
TO PROVIDE LICENSING AND REGULATIONS OF ALL BUSINESSES, BUSINESS  
ACTIVITIES, AND PERSONS ENGAGED IN BUSINESSES WITHIN  
THE TOWN OF TWO HILLS

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**WHEREAS** pursuant to the *Municipal Government Act, R.S.A. 2000, C. M-26*, as amended or repealed and replaced from time to time, that the Council may control and regulate all business and industry carried on within the Town of Two Hills including the manner of operation, the nature of the operation and the location thereof, and may license any or all such businesses or industries whether or not the business has a business premises within the municipality;

**AND WHEREAS** it is deemed expedient to provide for licensing of businesses operating within the Town of Two Hills;

**NOW THEREFORE**, the Council of the Town of Two Hills in the Province of Alberta, duly assembled, hereby enacts as follows:

**PART 1 - BYLAW TITLE**

1. This Bylaw is to be cited as the "Business License Bylaw".

**PART 2 - DEFINITIONS**

2. In this bylaw:
  - (a) "Applicant" means any Person who makes an Application for any Business License under the provisions of this Bylaw.
  - (b) "Application" means a written Application for a Business License as provided for by this Bylaw and includes an Application to renew or transfer.
  - (c) "Business" means the same meaning as provided by the *Municipal Government Act, R.S.A. 2000, C. M-26*, as amended or repealed and replaced from time to time, but does not include:



- i. any business hired, employed or contracted by the Town and not otherwise doing business within the Town;
- (d) "Business License" means a license issued pursuant to this Bylaw;
- (e) "Business Premises" means any store, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied for the purpose of carrying on a Business.
- (f) "Bylaw Officer" means a Bylaw Enforcement Officer appointed by the Town pursuant to *Municipal Government Act, R.S.A. 2000, C. M-26*, as amended or repealed and replaced from time to time, to enforce the Town bylaws, and includes a member of the Royal Canadian Mounted Police and a Peace Officer authorized under the *Peace Officer Act, S.A. 2006, C. P-3.5*, as amended or repealed and replaced from time to time, having jurisdiction in the Town.
- (g) "Chief Administrative Officer" means the Chief Administrative Officer of the Town, as appointed pursuant to the *Municipal Government Act, R.S.A. 2000, C. M-26*, as amended or repealed and replaced from time to time, or his or her designate.
- (h) "Council" means the municipal council of the Town of Two Hills.
- (i) "District Resident Business" means a business having a permanent establishment within the limits of the County of Two Hills No. 21;
- (j) "Hawker or Peddler" means any person whether as principal or agent;
  - i. goes from house to house selling or offering for sale any merchandise or services, or both, to any person, and who is not a wholesale or retail dealer in such merchandise or services, and not having a permanent place or business in the municipality, or
  - ii. offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or services, or both, to be afterwards delivered in and shipped into the municipality, or
  - iii. sells merchandise or services, or both, on the streets or elsewhere than at a building that is his permanent place of business
- (k) "Home-Based Business" means a Business carried on by a Person, who is an occupant of the dwelling, as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small sign as provided for in the Land Use Bylaw. (Mail order business are exempt i.e.: Avon, Epicure, Tupperware etc.)



- (l) "Land Use Bylaw" means the Land Use Bylaw of the Town.
- (m) "Licensee" means a Person holding a valid and existing Business License issued pursuant to the provisions of this Bylaw.
- (n) "License Issuer" means a person or persons authorized by Council to carry out the provisions of that Bylaw.
- (o) "Person" means a person or persons, firm, corporation or partnership of any kind.
- (p) "Registered Non-Profit" shall mean a Business or enterprise which is registered as a non-profit organization with the Government of Alberta or the Government of Canada.
- (q) "Business" means a business having a permanent establishment within the corporate limits of the Town of Two Hills.
- (r) "Town" means the Town of Two Hills in the Province of Alberta.
- (s) "Violation Tag" means a tag or similar document issued by the Town pursuant to *Municipal Government Act, R.S.A. 2000, C. M-26*, as amended or repealed and replaced from time to time.
- (t) "Violation Ticket" means a Ticket pursuant to the Provincial Offences Procedures Act, R.S.A. 2000, C. P-34, as amended or repealed and replaced from time to time, and regulations thereunder.

### PART 3 - GENERAL REGULATIONS

- 3.1 No person shall carry on or operate any Business within or temporarily within the Town without holding a valid and subsisting Business License issued pursuant to the provisions of this Bylaw, unless specially exempted by Provincial or Federal Law or this Bylaw.
- 3.2 No person shall carry on or operate any Business within or temporarily with the Town that is considered illegal by the Government of Canada or the Government of the Province of Alberta.
- 3.3 Any advertising of a Business shall be *prima facie* proof that the Business is being carried on or operating.
- 3.4 A Person who operates more than one Business, either separately or together, shall maintain in force a valid Business License for each Business.
- 3.5 Every Business License issued under this Bylaw shall:



- (a) be posted in a conspicuous place in the Business Premises, or
- (b) carried by the Licensee, in the absence of a Business Premises.

3.6 Any Person who operates more than one Business Premise in respect of any one Business shall request additional certified true copies Businesses Licenses to post conspicuously in each Business Premises. This section is not valid for Business Premise that is operating a different Business on another Business Premise.

3.7 Hawkers or Peddlers shall not honk horns, play loud music, operate public address systems, or otherwise disturb the peace of the neighborhood, when vending their merchandise.

#### **PART 4 - BUSINESS LICENSE APPLICATION AND ISSUANCE**

4.1 The Chief Administrative Officer of the Town is hereby appointed as License Issuer to carry out the provisions of this Bylaw.

4.2 The License Issuer, in administering the provisions of this Bylaw, will:

- (a) Receive and consider applications for a Business License.
- (b) Conduct investigations with regard to proposed applications where necessary.
- (c) Conduct inspections of Business Premises where necessary.
- (d) Collect business license fees pursuant to this Bylaw.
- (e) Refuse or grant Business Licenses where deemed appropriate.
- (f) Revoke or suspend Business Licenses where deemed appropriate and necessary.
- (g) Commence prosecutions for violations of this Bylaw.
- (h) Delegate any power, duties or functions under this Bylaw to a designate where necessary.

4.3 A Person applying for a Business License shall submit to the License Issuer or his or her designate a complete written Application in a form as provided by the Town and attached hereto as Schedule "A", as amended from time to time, as needed by the Chief Administrative Officer. The completed form must be signed by the Applicant, or in case of a corporation, its duly appointed agent.

4.4 If all the requirements of this Bylaw are met, the Chief Administrative Officer or his or her designate shall issue a Business License to an Applicant with or without conditions, where deemed appropriate.



- 4.5 No Business License shall be issued to any Person until the Applicant proves to the Chief Administrative Officer or his or her designate that the Person has complied with all the requirements of the Government of Canada and the Government of the Province of Alberta relating to the proposed Business or Business Premises, if applicable, including holding and valid Provincial or Federal licenses as may be required by law. Applicants are responsible to ensure that all requirements are met and proper licenses are acquired; the Town is not responsible if an Applicant or Business was granted a Business License without proper requirements or licenses from other levels of government.
- 4.6 No Business License shall be issued unless there is a valid and subsisting Town Development Permit for the proposed Business or Business Premises as required by the Land Use Bylaw.
- 4.7 No application will be considered complete unless accompanied by the corresponding fee as prescribed in Schedule "B", attached to and forming part of this Bylaw.
- 4.8 Upon receipt of an application for a business license, the License Issuer may:
- (a) grant a business license; or
  - (b) refuse a business license if in his opinion there are just and reasonable grounds for the refusal.
- 4.9 An Application for the renewal of an existing Business License shall be submitted to the Town no later than the 31<sup>st</sup> of January of each Business License year.
- 4.10 Every Business License is valid from January 1 to December 31 of the year issued, unless revoked, suspended or cancelled prior to that date, or unless otherwise indicated in Schedule "A".
- 4.11 A Business License fee is not refundable.

## **PART 5 – BUSINESS LICENSE REVOCATIONS OR SUSPENSIONS**

- 5.1 The License Issuer may revoke or suspend any Business License for non-compliance with this Bylaw even if the Licensee has not been prosecuted for a contravention of that Bylaw.
- 5.2 Where a Business License is revoked or suspended pursuant to this Bylaw, the License Issuer or his or her designate shall notify the Licensee in writing of the



revocation or suspension and the reason or reasons for the revocation or suspension. Notification shall be in the form of one of the following methods:

- (a) By delivery of a notice to the Licensee personally; or
- (b) By registered mail to the mailing address as shown on the Application.

5.3 After notification of revocation or suspension to the Licensee by the Town, the Business shall not operate.

5.4 When any required certificate, license or other document or qualification related to the Business issued by the Government of Canada or the Government of the Province of Alberta is terminated or surrendered, the Business License issued pursuant to this Bylaw immediately becomes null and void, without notice.

5.5 Where a Business License is revoked, the Licensee shall immediately return the Business License to the Town and the Business shall not operate until such time as a new Business License is issued.

5.6 Where a Business License is suspended, the Licensee may resume operation when the Business License is reinstated.

## **PART 6 – APPEALS**

6.1 In every case where,

- (a) an application for a business license has been refused; or
- (b) a business license has been revoked or suspended,

an appeal may be made to Council by the Applicant seeking the business license.

6.2 An appeal under subsection 6.1 shall be made by serving written notice of appeal to the Chief Administrative Officer within fourteen (14) days after the date of the refusal or revocation, and shall state the grounds upon which the appeal is based. The appeal must be accompanied by a fee prescribed in Schedule “B” for the appeal to be considered complete.

6.3 Council shall:

- (a) hold a hearing on any appeal within thirty (30) days from receipt of the notice of appeal; and
- (b) shall insure notice of the hearing is mailed by regular mail at least seven (7) days prior to the date of the hearing to the appellant; and
- (c) shall consider each appeal having due regard to the circumstances and merits of the case.



- 6.4 When an appeal is being heard, Council shall hear,
- (a) the license issuer, and
  - (b) any other person who in the Council's opinion might be affected.
- 6.5 In determining an appeal, the Council,
- (a) may confirm, reverse or vary the decision of the license issuer and may impose such conditions or limitations as it considers proper and desirable in the circumstances, and
  - (b) shall render its decision in writing to the appellant within thirty (30) days from the date on which the hearing is held.
- 6.6 A decision of the Town Council on any appeal is final and binding on all parties.

## **PART 7 - ENFORCEMENT**

- 7.1 A Bylaw Officer shall be authorized to enforce the provisions of this Bylaw.
- 7.2 A Bylaw Officer may conduct inspections of Business Premises or locations where the Bylaw Officer has grounds to believe a Business is operating, for the purposes of ascertaining compliance with this Bylaw.
- 7.3 Every Person carrying on or engaged in any business in respect of which a license is required under this Bylaw shall:
- (a) provide a valid and subsisting license, and
  - (b) give all necessary information,
- to Chief Administrative Officer, or Town Bylaw Officer as he or she might require in the fulfillment of their duties.

## **PART 8 - OFFENSES AND PENALTIES**

- 8.1 Any person in contravention of any provisions of this Bylaw shall be guilty of an offence and liable on summary conviction to a penalty as specified in Schedule "C", attached to and forming part of this Bylaw, in addition to any license fee he or she may be required to pay pursuant to this Bylaw.
- 8.2 Where a Person is convicted of operating a Business for which a Business License fee is payable, without payment of such fee having been made, the Court may, in addition to the penalty proposed pursuant to this Bylaw, direct the payment of the applicable License Fee to the Town.

## **PART 9 - VIOLATION TAG AND VIOLATION TICKETS**



- 9.1 A Bylaw Officer is hereby authorized and empowered to issue Violation Tags to any Person who the Bylaw Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 9.2 A Violation Tag may be issued to such Person either:
- (a) Personally; or
  - (b) By mailing a copy to such Person at his or her last known postal address.
- 9.3 A Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- (a) The name of the Person;
  - (b) The offence;
  - (c) The appropriate penalty for the offense as specified in Schedule "C" of this 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 Town.
- 9.4 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may in lieu of prosecution of the offense, pay the Town the penalty specified in the Violation Tag.
- 9.5 Any Person who contravenes any section of this Bylaw for a second or subsequent time within twelve (12) month period is guilty of a second or subsequent offense and liable for a penalty as outlined in Schedule "C".
- 9.6 If the penalty specified on a Violation Tag is not paid within the prescribed time, then a Bylaw Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *"Provincial Offenses Procedures Act, R.S.A. 2000, P-34, as amended or repealed and replaced from time to time,* to any Person who the Bylaw Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 9.7 Where a Violation Ticket has been issued to a Person pursuant to this Bylaw, that Person may plead guilty to the offence by submitting to a Clerk of the Provincial Court, the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket.

## PART 10 - GENERAL

- 10.1 Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.
- 10.2 This Bylaw comes into effect on the final passing thereof.





10.3 That Bylaw No. 2009-871 and all subsequent amendments are hereby repealed.

READ a first time this 27<sup>th</sup> day of September, 2022.

READ a second time this 27<sup>th</sup> day of September, 2022.

READ a third time and finally passed this 27<sup>th</sup> day of September, 2022.

TOWN OF TWO HILLS

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MAYOR

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INTERIM CHIEF ADMINISTRATIVE  
OFFICER



BYLAW NO. 2014-947

SCHEDULE "A"  
APPLICATION FORM



APPLICATION FOR BUSINESS LICENSE

Information about your business will be made available to potential customers and other vendors either from the Town office or Town website

New License  License Renewal  Change of Occupancy  Change of Address/Ownership

PLEASE PRINT

I, \_\_\_\_\_ here with make application for a Business License under the provisions of the Business License Bylaw No. 2014--947 of the Town of Two Hills to establish and operate a business within the Town of Two Hills.

The said Business will be operated as:

Company Name: \_\_\_\_\_

Contact Name & Title: \_\_\_\_\_

Address of Business (civic & mailing): \_\_\_\_\_

Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Description of Business: \_\_\_\_\_

***IF APPLICABLE*** As required by Provincial or Municipal Legislation, I have obtained and possess the following:

1) Alberta License Requirements: License #: \_\_\_\_\_ Expiry: \_\_\_\_\_

2) Approved Under Health Regulations: \_\_\_\_\_  
(Health Inspector)

3) Fire Discipline Inspection: \_\_\_\_\_  
(Attach Certification)

I, \_\_\_\_\_ certify that the above information is true and correct.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**For Office Use Only**

Business License Fee: \_\_\_\_\_ Receipt Number: \_\_\_\_\_

Business Type: \_\_\_\_\_ Issued By: \_\_\_\_\_

Other Comments: \_\_\_\_\_

Customer Code: \_\_\_\_\_



BYLAW NO. 2014-947

SCHEDULE "B"  
FEES

<i>Type of Business</i>	<i>Fee</i>	<i>Validity of License</i>
Registered Non-Profit	Nil	No license required
Home-Based Business	\$25.00	Annual
Business	\$50.00	Annual
Hawker or Peddler	\$100.00	Day; or
	\$500.00	Annual
Appeal Fee	50% of Business License Fee	Per Appeal

SCHEDULE "C"  
PENALTIES

<i>Type of Offense</i>	<i>Penalty</i>	<i>Second or Subsequent Penalties</i>
Operating a Business without a Business License	\$200.00	\$500.00
Operating a Business while Business License is suspended	\$200.00	\$500.00
Failure to post Business License	\$100.00	\$200.00
Failure to provide information or documents as required by the Chief Administrative Officer or Bylaw Officer	\$100.00	\$250.00
Any other contravention of the Bylaw not specified above	\$100.00 - \$500.00 as determined by the Chief Administrative Officer or Bylaw Officer.	Double initial penalty

