

## BYLAW 22-10

### BEING A BYLAW OF THE TOWN OF BANFF, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR LICENSING OF BUSINESSES OPERATING WITHIN THE TOWN OF BANFF

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**WHEREAS** the Council of the Town of Banff deems it necessary to provide for the regulation and Licensing of all Business carried on within the municipality;

**AND WHEREAS** Banff is, first and foremost, a town within a National Park and World Heritage Site whose purposes and objectives are set out in the Banff National Park of Canada Management Plan and Banff Incorporation Agreement;

**AND WHEREAS** the Council of the Town of Banff has dedicated a certain proportion of Business Licence fees levied against Businesses in the Town for the purpose of marketing the Town as a tourist destination area;

**AND WHEREAS** Sections 7 and 8 of the Municipal Government Act, RSA 2000, Chapter M-26 authorizes a Council to give the Council authority to pass such a Bylaw;

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

#### CITATION

1. This Bylaw may be cited as the “Business Licence Bylaw.”

#### DEFINITIONS

2. In this bylaw:
  - a) Any reference to a named act is a reference to an Act of the Legislature of Alberta, as amended from time to time;
  - b) Any reference to a Town of Banff staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.
  - c) The definitions in Schedule “A” will apply to the corresponding words if the first letter of that word is capitalized in this bylaw:  
assembled, enacts as follows:

#### LICENSING REQUIREMENTS

3. Except as otherwise provided for in this Bylaw, a Licence is required to carry on or operate any of the following Businesses:
  - a) Resident Business
  - b) Non-Resident Business

4. Without limitation to the definitions in Schedule “A” to this Bylaw, the following shall constitute carrying on a Business within the Town of Banff for the purposes of this Bylaw:
  - a) Conducting any one or more transactions, or making any one or more offers to conduct a transaction, within the Town of Banff; or
  - b) Advertising a Business where, in the opinion of the Licence Inspector, there is an intent for the Business to be carried out within the Town of Banff.
5. Residents and non-residents of the Town shall be entitled to equal rights in all matters relating to the issuance of Licences.
6. Separate Licences are required if two or more owners are operating Businesses from the same Business Premises.
7. No Licence shall be required to carry on or operate any Business that is exempt under the provisions of any Statute of Canada or the Province of Alberta. The onus of proving that a Business is exempt from requiring a Licence is on the Business alleging the exemption.
8. No Licence shall be required by the operator or participants to carry on or operate a craft sale, a rummage sale, a flea market or a residential garage sale where the duration of the activity is less than seven consecutive days.
9. No Licence shall be required by a Non-Resident Business to deliver goods within the Town when those goods are purchased by the recipient from a place or business outside the Town.
10. No Licence shall be issued to a Business carried on or to be carried on partly in the Town and partly elsewhere in Banff National Park unless a Licence has first been issued by Her Majesty the Queen in right of Canada or her designate.
11. No Licence shall be issued until such time as the Applicant holds current and valid Municipal, Provincial or Federal permits, approvals licences or clearances as required by the relevant Municipal, Provincial, or Federal bylaws, statutes or regulations, including a valid Town of Banff development permit where applicable.
12. No Licence shall be issued to a Business which, in the opinion of the Licence Inspector, is not necessary to meet the purposes and objectives of the Town as are set out in the "Town of Banff Incorporation Agreement" made between the Government of Canada and the Government of the Province of Alberta as of the 12th day of December, 1989 and further referred to in the Town of Banff Land Use Bylaw, the Banff Community Plan, and Banff National Park of Canada Management Plan.
13. No Licence shall be issued for Hawkers.

## LICENCE APPLICATION AND FEES

14. Every Applicant for a Licence, for renewal of a Licence, or for a transfer of Licence:
- a) must provide the following information, in the form prescribed by the Licence Inspector:
    - i. The civic and legal address for the proposed place of Business;
    - ii. The trade name under which the proposed Business will operate;
    - iii. Where the Applicant is a sole proprietorship or partnership, the full name, mailing address and telephone number of the Applicant or Applicants;
    - iv. Where the Applicant is a corporation, the full name and mailing address of the principal managing employee or employees and the telephone number of the Business;
    - v. Any certificate, authority, Licence or other document of qualification under this or any other Bylaw, or under any Statute of Canada or the Province of Alberta that may be required in connection with the carrying on of the Business;
    - vi. Such other information as the Licence Inspector may reasonably require.
15. An Application for a Licence or for a renewal of a Licence shall not be considered by the Licence Inspector until the fees as set out in this bylaw have been received by the Town. Unless otherwise indicated in this bylaw, the fees shall be:
- a) \$190; and
  - b) the amounts in Schedule “B;” and
  - c) in the case of a Non-Resident Business, \$190.
- Amended 2022.12.12 Bylaw 388-5  
Amended 2023.02.27 Bylaw 471*
16. Any Non-Resident Business in the Service sector may be issued up to two (2) temporary Business licences per calendar year, which shall be valid for thirty (30) consecutive days from issue, upon approval from the Licence Inspector for a Licence fee of:
- a) 189.75; plus
  - b) \$155.25, allocated as a Schedule B fee.
- Amended 2022.12.12 Bylaw 388-5  
Amended 2023.02.27 Bylaw 471*
17. Any Non-Resident Business that is engaged in class 400, 401 or 500 may be issued a temporary Licence, valid for twenty-four hours from issue from the Licence Inspector for a Licence fee of:
- a) \$129.25; plus
  - b) \$105.75, allocated as a Schedule B fee.
- Amended 2022.12.12 Bylaw 388-5  
Amended 2023.02.27 Bylaw 471*
18. Any Non-Resident Business who has held a temporary Business Licence in accordance with section 16 or section 17 and who subsequently applies for an annual Licence within the same calendar year shall be credited with the fee amount already received.

19. Notwithstanding the fees set out in this bylaw, if an Applicant for a Resident Business Licence satisfies the Licence Inspector by way of statutory declaration or otherwise that the gross annual revenue of the Business is \$30,000.00 or less, the total Business Licence fee shall be \$190, with 50% of the fee allocated as a Schedule “B” fee.

Amended 2022.12.12 Bylaw 388-5  
Amended 2023.02.27 Bylaw 471

20. When a Licence is issued to a Business to carry on operations in two or more Business Sectors from the same Business Premises, the Licence fee shall be calculated as \$190 plus the fee amounts in Schedule “B” for each Business Sector Fee in which the Business operates.

Amended 2022.12.12 Bylaw 388-5  
Amended 2023.02.27 Bylaw 471

21. Temporary Sales located in an established commercial premises will be subject to a daily Licence fee of:

- a) \$190/day if already licensed elsewhere in Banff for the same category;
- b) \$812/day if not licensed elsewhere in Banff for the same category.

Amended 2022.12.12 Bylaw 388-5  
Amended 2023.02.27 Bylaw 471

22. The Business Licence Fee, pursuant to Schedule “B”, for each Hotel, Bed and Breakfast Home, and Bed and Breakfast Inn with greater than four rooms shall be determined by the Town each year in accordance with the following:

- a) Every Hotel, Bed and Breakfast Home and Bed and Breakfast Inn, greater than four rooms, shall provide to the Licence Inspector, or to any person authorized by the Licence Inspector, on or before November 15, of each year, with the information specified in Section 22(b) of this Bylaw;
- b) For 2007, and each year thereafter, the Business Licence Fee shall be an amount equal to 50 percent of the Alberta Tourism Levy, as defined in the Tourism Levy Act, RSA 2000, c. T-5.5, payable by that Hotel, Bed and Breakfast Home or Bed and Breakfast Inn with greater than four rooms, for the prior year, subject to any acceptable adjustments thereto as reported in an acceptable form, to the Licence Inspector by such business or their authorized agent which shall include any chartered accountant authorized on behalf of such businesses to provide this information to the Licence Inspector;
- c) Any amendment to this bylaw provision shall not be operative until the expiry of 12 consecutive months commencing as of the first day of the January following the year in which any such amendment is passed by Council.

23. All Business licence fees are due and payable:

- a) For all Business except for Hotels, Bed and Breakfast Homes, and Bed and Breakfast Inns with greater than four rooms, thirty days after the date invoices are sent to Licensees.
  - i. Notwithstanding section 23(a), All Business except for Hotels, Bed and Breakfast Homes, and Bed and Breakfast Inns with greater than four rooms may enter into a

payment plan with the Town to make three equal payments due on March 31, June 30, and September 30 of each calendar year, providing:

- The Licensee’s account with the Town is in good standing,
  - The Business Licence for which the fee is due is active from January 1 to December 31 of the calendar year, and
  - The Licence Inspector has not approved a reduction of the fee in accordance with section 19 of this bylaw.
- ii. If a Licensee who has entered the payment plan in accordance with section 23(i) fails to make two consecutive payments, the full amount owing is due and payable and the Licensee is ineligible for the payment plan for the next calendar year.
- b) For Hotels, Bed and Breakfast Homes, and Bed and Breakfast Inns with greater than four rooms, following issue of an invoice, in accordance with the following:

| <b>Percentage of Annual Fee</b> | <b>Date Payment is Due</b> |
|---------------------------------|----------------------------|
| 20%                             | March 31                   |
| 25%                             | June 30                    |
| 40%                             | September 30               |
| 15%                             | December 31                |

24. Charitable and Non-Profit Organizations and Family Day Homes, as defined in this Bylaw, are exempt from all requirements of this Bylaw.
25. If a Hotel, Bed and Breakfast Home, or Bed and Breakfast Inn with greater than four rooms ceases operations for any reason within a licensing year, the Business licence fee up to the date the Business ceases operations is due and payable.
26. Any Resident or Non-Resident Business which commences Business or operation after January 1st and has not previously been in operation in that calendar year shall pay prorated amount of the appropriate Licence fees provided for in this bylaw, which amount shall be prorated on a quarterly basis.
27. The Licence Inspector may allow any Business closed for a renovation for which a development permit or a building permit has been issued to pay a prorated Licence Fee, based on the period of time the Business is closed due to the renovations.
28. Licence fees must be paid in full by the due date. Post-dated cheques must be valid the date on which payment is due. A Licence fee is non-refundable. Unpaid Licence fees are a debt owed to the Town.
29. Where a Licence fee has been paid by an uncertified cheque the Licence:
- a) may be issued subject to the cheque being accepted and cashed by the bank, and
  - b) will be automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

30. The fee to replace a lost licence is \$25.
31. A Licensee may transfer a Licence issued to him to another person or to another Business Premises, or change the information contained on the Licence upon approval of the Licence Inspector.
32. All Licence fees shall be used:
  - a) for the administration and enforcement of this Bylaw, for visitor experience project funding, and for other municipal services, and
  - b) in the case of Schedule "B" for the marketing and promotion of the Town as a tourist destination area.

### **TERM OF LICENCE**

33. Every annual Licence issued under the provisions of this Bylaw, unless revoked, cancelled or surrendered, shall terminate at midnight on the 31st day of December of the year in which said Licence was issued.
34. Notwithstanding Section 33, unless the Town is notified in writing of surrender or cancellation, a Business holding a valid Licence on December 31st is deemed to wish to renew that Licence for a subsequent year, and the Town will issue an invoice to that Business for the fee owing in accordance with this bylaw. If the Licence fee is not received by the Town within the time periods provided for in Section 23, the fee will be subject to monthly interest charges, until such time that it is paid or is determined by the Licence Inspector that the licence is surrendered or cancelled. Where interest is charged, it shall be charged on the outstanding balance each month and the monthly rate of interest used to calculate the interest owing shall be one and one half percent (1.5%).
35. Where the Town has approved a quarterly payment structure for Business licence fees, the Licence will be considered surrendered if any of the four payments is not received in full by the Town within thirty days of the due date provided for in this Bylaw.

### **POSTING OR PRODUCTION OF LICENCE**

36. A Licensee shall:
  - a) post the Licence in a prominent visible location in the Business Premises; or
  - b) if it is not practical to post the Licence, produce the Licence forthwith upon demand by a Licence Inspector or Bylaw Services Officer.

### **NATIONAL PARK REGULATIONS**

37. The granting of a Licence pursuant to this Bylaw does not of itself establish that the holder of the Licence is a "Resident" as defined in the National Parks Lease and Licence of Occupation Regulations (Canada) as amended.

## CONSULTATIONS

38. The Licence Inspector may consult, prior to issuing or renewing a Licence, with the Province of Alberta, the RCMP, Parks Canada, Alberta Health Services, and any Town Department to determine whether they are in possession of information which, in the opinion of the Licence Inspector, renders it inappropriate for an Applicant to be issued a Licence.
39. The Licence Inspector may determine that it is inappropriate to issue a Licence to an Applicant where the safety, health or welfare of the public may be at risk due to the issuance of a Licence.
40. With respect to Licence renewal, the Licence Inspector may renew the Licence without consulting the Town Planning and Development department, if the Town Planning and Development department has previously confirmed that all necessary approvals required under the Town's Land Use Bylaw have been obtained, and,
  - a) There has not been a change in the Business ownership since the Town Planning and Development department gave approval, and,
  - b) The Business has been carried on continuously at the same Business Premises and in the same manner.
41. Subject to the provisions of this Bylaw, upon receipt of an Application for a Licence, the Licence Inspector may,
  - a) Grant a Licence, or
  - b) Refuse a Licence, if the Applicant is in breach of this or any other Bylaw of the Town, does not have occupancy (if required pursuant to the Town's Building Permit Bylaw), has not met the requirements of this Bylaw, or in the Licence Inspector's opinion, there are other just and reasonable grounds for the refusal of the Application.

## INSPECTIONS

42. Where a Business requires a Business licence or is Licensed, then the Business Premises and surrounding lot may be inspected by a Licence Inspector or Bylaw Services Officer, who shall at all reasonable times have the right to enter upon any Business Premises required to be Licensed under the provisions of this Bylaw for the purpose of inspection or for the purpose of ascertaining if the provisions of this or any other Bylaw of the Town are being complied with.
43. A Licence Inspector or Bylaw Services Officer may inspect a Business Premises or site at which a contractor is working for the purpose of ascertaining if the provisions of this or any other Bylaw of the Town are being complied with.
44. A person whom a Licence Inspector reasonably believes is carrying on a Business requiring a Business Licence, or who is an Applicant, shall,
  - a) permit and assist in all inspections requested by a Licence Inspector or Bylaw Services Officer;

- b) furnish to a Licence Inspector or Bylaw Services Officer all identification, information, or documentation related to the inspection or Licensing requirement; and
  - c) not provide to a Licence Inspector or Bylaw Services Officer false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with the Licensing of the Business.
45. No person shall attempt to prevent, obstruct or hinder a Licence Inspector or Bylaw Services Officer from making an inspection authorized by this Bylaw.
46. During an inspection authorized under this Bylaw, a Licence Inspector or Bylaw Services Officer may examine any Business record or document for the purpose of enforcing this Bylaw, remove any relevant record or document from the Business Premises for the purpose of copying it, and will provide a receipt for any document or record so removed.

### **REFUSAL, REVOCATION, SUSPENSION**

47. A Licence Inspector shall refuse an Application if, in the opinion of the Licence Inspector, any Licensing requirements of this bylaw have not been met or the Licence Inspector has reasonable grounds to believe that operation of the Business poses a danger to the safety, health or welfare of the public.
48. A Licence Inspector may suspend or revoke a Licence if:
- a) The Licensee fails to comply with the Licensing requirements of this bylaw; or
  - b) The Licence Inspector has reasonable grounds to believe that operation of the Business poses a danger to the safety, health or welfare of the public.
49. The Licence Inspector may make inquiries and receive information, including information from the Applicant, to determine whether there are just and reasonable grounds for the refusal of an Application, or a revocation, or a suspension of a Licence.
50. A suspension of a Licence may be:
- a) for a period of time not exceeding the unexpired term of the Licence; or
  - b) where the suspension is for non-compliance with the licensing requirements of this bylaw, until the holder of the suspended Licence proves compliance to the satisfaction of the Licence Inspector.
51. A Licence may be revoked or suspended for non-compliance with any law or regulation notwithstanding that the holder of the Licence has not been prosecuted for a contravention of that law, where the Licence Inspector has reasonable grounds to believe that the Licensee poses a danger to the safety, health or welfare of the public, to the protection of property.
52. When an Application for a Licence is refused, or when a Licence is revoked or suspended, the Licence Inspector shall notify the Applicant or Licensee, in writing, of the refusal, revocation or suspension and the reasons for it:



- a) by delivering a notice to the Applicant or Licensee personally; or
  - b) by delivering a notice by registered mail to the Applicant's or Licensee's most recent place of Business or residence as shown on the Licence or Application.
53. After the delivery of a notice of the refusal of an Application or a suspension or revocation of a Licence, the Business shall not be carried on until such time as a Licence is issued or the suspended Licence is reinstated.

## **APPEALS**

54. Where an Application for a Licence has been refused, a Licence revoked or suspended or an exemption has been refused, the Application may appeal the decision to Council. All appeals shall be made in writing addressed to the Licence Inspector of the Town and received by the Town within 45 days of the date of issue of refusal, revocation or suspension.
55. Any Applicant for a License may appeal to Council the License fee imposed or the Business Sector of Business applied to the Applicant. All appeals of Licence fee or Business Sector shall be made in writing addressed to the Licence Inspector of the Town and received by the Town, on or before the due date for payment of the Licence fee.
56. Upon receipt of any appeal under Section 54 or 55 Council, or a Committee appointed by Council, shall,
- a) Schedule and hold an appeal hearing not more than thirty days following receipt of appeal;
  - b) Advertise the date, time and details of the appeal hearing at least once a week for two consecutive weeks in at least one newspaper or other publication circulating in the area to which the appeal relates;
  - c) Allow any third party to make written or oral representation in support of or in opposition to the appeal at its first regular meeting following receipt of the recommendation;
  - d) If a Committee hears the appeal, make a written recommendation to Council within fifteen days of the hearing following which Council shall make a decision upon the appeal;
  - e) If Council hears an appeal, make a decision on the appeal.
57. Council may extend the time frames referred to in Section 54 and 56 of this Bylaw, but any such extension shall not exceed fifteen (15) days in total.

## **VIOLATIONS**

58. Any Person who contravenes a provision of this bylaw or the terms of any permit issued pursuant to this bylaw is guilty of an offence and is liable for the penalty set out in Schedule "C", or if no penalty is specified in Schedule "C" for the offence, for the penalty in accordance with Section 61 of this bylaw.
59. When a corporation commits an offence under this bylaw, every principal, director, manager, employer or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the

offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

60. If a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.
61. Violation tickets:
  - a) Where a Licence Inspector reasonably believes that a person has contravened any provision of this bylaw, the Licence Inspector or Bylaw Services Officer may serve upon the person a Violation Ticket, allowing payment of the specified penalty set out in Schedule “C” for the offence, and the recording of such payment by the Court shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.
  - b) This section shall not prevent any Licence Inspector or Bylaw Services Officer from issuing a ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act or from laying an information in lieu of issuing a Violation Ticket.
62. Except as otherwise provided in this Bylaw, a person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided, is liable to a fine of not less than \$200.00 and not more than \$500.00.
63. The imposition of a fine either by issuance of a Violation Ticket or by summary conviction in court shall not relieve any person so fined from any debt owing to the Town for an unpaid Business Licence.

## **TRANSITION**

64. 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.
65. Schedules “A,” “B,” and “C” form part of this Bylaw.
66. Bylaw 22-9 is repealed upon this Bylaw coming into force.
67. This Bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designates.

## TEMPORARY MORATORIUM ON ISSUANCE OF NEW BUSINESS LICENCES FOR BED AND BREAKFAST HOMES

Section 68 – 70 Added 2023.07.12 Bylaw 408

68. No new Business Licences shall be issued for Bed and Breakfast Homes until such time as Council of the Town of Banff has considered amendments to the Town of Banff Land Use Bylaw with respect to Bed and Breakfast Homes (the “Land Use Bylaw Amendments”) and:
- (a) the Land Use Bylaw Amendments are given third reading by the Council of the Town of Banff and receive approval of the Federal Minister in accordance with the requirements of the Town of Banff Incorporation Agreement;
  - (b) the Land Use Bylaw Amendments are defeated by the Council of the Town of Banff, at any reading of the bylaw to amend the Land Use Bylaw, or;
  - (c) The Federal Minister refuses to approve the Land Use Bylaw Amendments.
69. The following Applications for a Licence or renewal of a Licence shall be exempt from the temporary moratorium on issuance of new Business Licences for Bed and Breakfast Homes:
- (a) Applications for a Business Licence, or renewal thereof, for a Bed and Breakfast Home which has been identified as a historic resource by the Town of Banff Heritage Corporation;
  - (b) Applications for the renewal of a valid and subsisting Business Licence for a Bed and Breakfast Home which was issued prior to the effective date of the moratorium;
  - (c) Applications for a Business Licence for a Bed and Breakfast Home, or renewal thereof, for which a Business Licence was not issued prior to the effective date of the moratorium but for which:
    - i. a Development Permit was issued, or conditionally approved, by the Development Authority of the Town of Banff prior to the effective date of the moratorium, or;
    - ii. a complete Development Permit Application was received prior to the effective date of the moratorium, and for which a Development Permit is subsequently issued.
  - (d) Applications for a Business Licence for a Bed and Breakfast Home for which a Business Licence was not issued prior to the effective date of the moratorium, and to which the exceptions set out in subsections (a) and (c) herein do not apply, if the issuance of the Licence would not result in the total number of Business Licences issued for Bed and Breakfast Homes in the Town of Banff exceeding the combined total of:
    - i. the number of such licences that existed as the effective date of the moratorium, and;
    - ii. the number of such licences issued pursuant to subsection (c) herein.

For the purposes of determining the total number of Business Licences issued for Bed and Breakfast Homes in the Town of Banff in accordance with this subsection (d) any Business Licence issued for a Bed and Breakfast Home which has been identified as a historic resource by the Town of Banff Heritage Corporation shall be excluded.

For further clarity, the prohibition set out in Section 68 of this Bylaw shall not apply to the applications referred to in subsections (a)-(d) herein.

70. Any Bed and Breakfast Home for which a Business Licence was issued prior to the effective date of the moratorium, or for which a Business Licence or renewal is issued in accordance with Section 69 herein, may continue to operate in accordance with its approved Business Licence. Nothing in the foregoing shall be interpreted as contrary to a Licence Inspector's authority to suspend or revoke a Licence, or refuse to issue a Licence, or the Licensee's obligation to comply with all applicable federal, provincial and municipal legislation, regulations and bylaws.

READ A FIRST TIME this 12<sup>th</sup> day of July, 2021.

READ A SECOND TIME, as amended, this 12<sup>th</sup> day of July, 2021.

READ A THIRD TIME, as amended, this 12<sup>th</sup> day of July, 2021.

SIGNED AND PASSED this 28<sup>th</sup> day of July, 2021.

On Original

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Karen Sorensen  
Mayor

On Original

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Kelly Gibson  
Town Manager

## SCHEDULE “A” – DEFINITIONS

1. **Applicant** means a person who applies for a Licence or the renewal of a Licence required by this Bylaw.
2. **Application** means a written Application for a Business licence or renewal thereof required under this Bylaw.
3. **Business** means
  - a) a commercial, merchandising or industrial activity or undertaking;
  - 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.
4. **Business Licence and License, Licensed and Licensing** means a Licence issued pursuant to this Bylaw.
5. **Business Premises** includes any store, office, dwelling, warehouse, yard, building, enclosure or other place occupied, or capable of being occupied, for the purpose of carrying on a Business and in which place the carrying on of a Business is a permitted or discretionary use under the Town’s Land Use Bylaw.
6. **Business Sector and Business Sectors** means any one of the following: lodging, restaurants/bars, retail, transportation/attractions/entertainment, or service.
7. **Bylaw Services Officer** means an employee of the Town who has been appointed to the position of Bylaw Enforcement Officer or Bylaw Services Officer pursuant to Bylaw Enforcement Officer Bylaw 5-2.
8. **Carry on, carrying on, carried on and carries on** means to conduct, operate, perform, keep, hold, occupy, deal in or use, for a fee or exchange of benefits, whether as principal or agent.
9. **Charitable Organization** means
  - a) any incorporated or unincorporated organization that is formed for a charitable purpose, including a philanthropic, benevolent, educational, health, humane, religious, cultural, artistic or recreational purpose, so long as the purpose is not part of a Business, or
  - b) a person who makes solicitations for contributions to be used for a charitable purpose and who is not connected to any incorporated or unincorporated organization that is formed for the charitable purpose for which the solicitation is made.
10. **Development Officer** means a person appointed as Development Officer to fulfil the duties specified in the Town of Banff Land Use Bylaw.
11. **Family Day Home** means the accessory use of a dwelling, operated under contract with a Family Day Home Agency, to provide care and supervision on an ongoing basis of six or fewer children including, where applicable, the provider’s own children.

12. **Family Day Home Agency** means an individual, partnership, group of individuals or a corporation that contracts with a Child and Family Services Authority to administer a family day home service, which may include provider recruitment, selection, training, and monitoring; assistance to parents with choosing a home; enrolment and placement of children in homes; and may also include the collection of parent fees and payment of providers.
13. **Hawker** means any person who:
  - a) goes from house to house selling or offering for sale any merchandise or service, or both, to any person, and who is not a wholesale or retail dealer and direct seller in that merchandise or service, and not having a permanent place of business in the municipality, or
  - b) sells merchandise or a service, or both, on the streets or roads or elsewhere than at a building that is his permanent place of business.
14. **Licensee** means the holder of a valid and subsisting Licence issued pursuant to the provisions of this Bylaw.
15. **Licence Inspector** means the Town's Manager of Corporate Services or any other person as may be authorized by Council to enforce the provisions of this Bylaw.
16. **Lodging** means a person, corporation or organization resident in Banff engaged in the rental of accommodation on a short term basis, including hotels, motels, hostels, and bed & breakfasts.
17. **Non-Profit Organization** means a club, society, or association that's organized and operated solely for social welfare, civic improvement, pleasure or recreation, or any other purpose except profit.
18. **Non-Resident Business** means a Business that is carried on, in whole or in part, within the Town, but neither maintains a permanent place of Business within the incorporated boundaries of the Town nor is listed on any current Town tax assessment roll.
19. **Resident Business** means any Business that locates or maintains a permanent place of Business within the incorporated boundaries of the Town, including commercial operations, licensed home occupations and bed and breakfast operations.
20. **Restaurant/Bar** means a person, corporation or organization resident in Banff engaged in the retail sale of food or beverage to the public for consumption within the premises or off the site, and, without limiting the foregoing, includes licensed drinking establishments, restaurants, cafes, delicatessens, ice cream shops, tea rooms, lunchrooms and take-out restaurants.
21. **Retail** means the sale or offering for sale of tangible personal property from a premises in the Town of Banff to a consumer for purposes of use and not for resale, and without limiting the forgoing includes the retail sale of groceries, beverages, baked goods, household goods, clothing, jewellery, furniture and appliances, hardware, printed matter, confectionery, gifts and souvenirs, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationery and similar goods, minor public services, such as postal services and film processing depots, and convenience retail stores from within an enclosed building.

22. **Service** means a person, corporation or organization engaged in the operation of a business in Banff which primarily serves residents or businesses defined as Lodging, Restaurants/Bars, Retail, Ski area or Transportation/Attraction/Entertainment; and without limiting the forgoing includes; agency sales or distributors, automotive, banks, full service banking machines (when no local branch), brokerages, business support services, car washes, cleaning services, contractors, currency exchanges, educational services, financial institutions, garages, laundry and linen supplies, marriage commissioners, newspapers, personal services including massage and spa, printing businesses including publishers, designers and websites, property development firms, property management companies, repair services, service stations, towing companies, trades, travel agencies, and wholesalers.
23. **Town** means the Corporation of the Town of Banff and, where the context requires, the land included within the boundaries of the Town of Banff.
24. **Transportation/Attraction/Entertainment** means a person, corporation or organization resident in the Town of Banff engaged in the operation of public transportation, a photography, film or video production business, a tour and/or guide business, or in the operation of a business which primarily operates as a business encouraging patrons to use its facilities and, without limiting the foregoing, includes movie theatres, live theatres, bowling alleys, pool rooms, museums, gondola lifts, arcades, rentals, golf courses and tennis courts; or in the business of selling, providing or distributing tour packages, tour arrangements and reservation services.
25. **Temporary Sales** means the selling of goods or services, including food and beverages from a temporary location in any place where the public has an expected right of access, but not including sales to a wholesale or retail dealer in any such goods.
26. **Violation Ticket** means any ticket or tag in a form approved by the Town of Banff, authorized under the Provincial Offences Procedures Act, issued for any offence for which a penalty may be paid out of court in lieu of appearing to answer a summons.

## SCHEDULE “B” – 2021 BUSINESS LICENCE FEES

Amended 2021.12.06 – Bylaw 388-4

Amended 2022.12.12 – Bylaw 388-5

Amended 2023.02.27 Bylaw 471

|  |                        | 2023 Fee   |
|--|------------------------|--|
| Resident Business Licence Fee (base amount) - Section 15(a)                                  | per licence + schedule | \$190.00   |
| Non-Resident Business Licence Fee (base amount) - Section 15(c)                              | per licence + schedule | \$190.00   |
| Non-Resident Service Sector 30 Day Temporary Licence - Section 16                            | per licence            | \$345.00   |
| Non-Resident Class 400,401,500 One-Day - Section 17  | per licence            | \$235.00   |
| Resident Business with Gross Revenue Deduction - Section 19                                  | per licence            | \$190.00   |
| Multiple Business on One Premise - Section 20  | per licence            | \$190.00   |
| Temporary Retail Sales - licensed elsewhere - Section 21(a)                                  | per licence/per day    | \$190.00   |
| Temporary Retail Sales - not licensed elsewhere - Section 21(b)                              | per licence/per day    | \$812.00   |
| <b>Business Sector</b>   | <b>Class</b>           | <b>2022 Fee</b>  |
| <b>Sector I - Lodging</b>  |                        |  |
| Lodging - Hotels, B&B Inns, and B&B Homes with greater than four (4) rooms                   | 100                    | Fee determined annually in accordance with Section 22 of the Bylaw |
| Lodging - B&B Homes with four (4) rooms or less (per pillow)                                 | 101                    | \$47.47  |
| <b>Sector II - Restaurant/Bar</b>  |                        |  |
| Restaurant/Bar (per seat)  | 200                    | \$40.18  |
| <b>Sector III - Retail</b>   |                        |  |
| Retail Sales (per square foot)   | 300                    | \$2.16   |
| Cannabis Retail (per square foot)  | 300                    | \$2.16   |
| <b>Sector IV -Transportation, Attractions and Entertainment</b>                              |                        |  |
| Photographers/Videos   | 400                    | \$548-54   |
| Activities/Guiding/ Reservations/DMC/ Event Planners   |                        |  |
| Owner/Operator or one employee   | 401A                   | \$548.45   |
| Two to five employees  | 401B                   | \$670.44   |
| Six to nineteen employees  | 401C                   | \$792.35   |
| Twenty or over employees   | 401D                   | \$914.25   |
| Heli Skiing/Heli Hiking  | 402                    | \$4,144.59   |
| Horse Livery   | 403                    | \$8,045.36   |
| Movie Theatres (per screen)  | 404                    | \$1,340.90   |
| <b>Motor Vehicles</b>  |                        |  |
| 1 – 2 Vehicles   | 405A                   | \$1,218.99   |
| 3 - 6 Vehicles   | 405B                   | \$1,828.49   |
| 7 – 19 Vehicles  | 405C                   | \$3,656.99   |
| 20 – 25 Vehicles   | 405D                   | \$6,094.96   |
| 26 – 30 Vehicles   | 405E                   | \$10,970.95  |
| 31 – 35 Vehicles   | 405F                   | \$13,408.95  |
| 36 – 40 Vehicles   | 405G                   | \$17,072.62  |
| 41 – 45 Vehicles   | 405H                   | \$19,503.92  |
| 46 – 50 Vehicles   | 405I                   | \$21,941.90  |
| Over 50 Vehicles   | 405J                   | \$24,379.88  |
| Rental Cars  | 406                    | \$2,438.00   |
| <b>Sector V - Service</b>  |                        |  |
| Agency or Sales Business, Business Support, Contractors, Automotive Repair, Service or other |                        |  |
| Owner/Operator or one employee   | 500A                   | \$548.54   |
| Two to five employees  | 500B                   | \$670.44   |
| Six to nineteen employees  | 500C                   | \$792.35   |
| Twenty or over employees   | 500D                   | \$914.25   |
| Bank/Financial Institution   | 504                    | \$6,338.78   |
| Banking Machines / Full Service ATM (per ATM)  | 505                    | \$1,840.68   |
| Newspapers   | 506                    | \$3,413.18   |
| **Minimum Business Licence Fee   |                        | \$548.54   |



## SCHEDULE “C” – SPECIFIED PENALTIES

| Section | Description  | Amount   |
|---------|--|--|
| 3       | Carrying on or operating a Business within or partially within the Town without a valid and subsisting Business Licence. | \$500.00 plus \$100.00 per day for each day the offence continues after conviction |
| 45      | Refusing a Licence Inspector or Bylaw Services Officer from conducting any inspection authorized by this bylaw           | \$500.00   |
| 36      | Failing to post the Business Licence in a conspicuous place on the Business premises of the Licensee                     | \$200.00   |