



BYLAW NO. 05 – 2019

TOWN OF VEGREVILLE

THIS BYLAW NO. 05-2019 OF THE TOWN OF VEGREVILLE, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE CONTROL, REGULATION, AND LICENSING OF BUSINESSES WITHIN THE TOWN OF VEGREVILLE:

WHEREAS the *Municipal Government Act*, R.S.A, 2000 Chapter M-26 and amendments thereto, authorizes a Council to pass Bylaws for municipal purposes;

WHEREAS pursuant to section 7(a) of the Act, a Council may pass Bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS pursuant to section 7(e) of the Act, a Council may pass Bylaws for municipal purposes respecting Businesses, Business activities and Persons engaged in Business;

WHEREAS pursuant to section 7(i) of the Act, a Council may pass Bylaws for municipal purposes respecting the enforcement of bylaws made under the Act or any other enactment including any or all of the matters listed therein;

AND WHEREAS pursuant to section 8 of the Act, a Council may, through Bylaw:

- a. Regulate or prohibit;
- b. Deal with any development, activity, industry, Business or thing in different ways, divide each of them into classes and deal with each class in different ways; and
- c. Provide for a system of Licences, permits or approvals, including any or all of the matters listed therein;

NOW THEREFORE the Council of the Town of Vegreville, duly assembled, enacts as follows:

1. TITLE

- 1.1 This Bylaw may be cited as the **Business Licence Bylaw**.

2. DEFINITIONS

- 2.1 **Act** means the *Municipal Government Act*, R.S.A, 2000 Chapter M-26 and amendments thereto.
- 2.2 **Applicant** means a Person who applies for a Business Licence or a renewal of a Business Licence as required by this Bylaw.
- 2.3 **Business** means:
 - (a) A commercial, merchandising, marketing or industrial activity or undertaking that invoices for goods or services;
 - (b) A profession, trade, occupation, calling or employments; 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.
- 2.4 **Business Licence** means a Licence issued pursuant to this Bylaw.
- 2.5 **Carrying On** means to operate, pick up, deliver, perform, keep, hold, occupy, deal in or use, for gain, whether as a principal or agent.

- 2.6 **Conduct Business, Conducting Business** means a Person operating as a sole proprietorship, part of a partnership, self-employed, or earning income from commissions, or a Business that is selling, leasing or renting goods or services for a fee or exchange of benefits.
- 2.7 **Council** means the Municipal Council of the Town of Vegreville.
- 2.8 **Development Authority** means the Development Authority established and appointed by Council pursuant to the Act through the municipality's Development Authority Bylaw.
- 2.9 **Licence Inspector** means a Person or Persons designated and authorized in writing by the Chief Administrative Officer to administer and enforce the requirements of this Bylaw.
- 2.10 **Licensee** means a Person holding a valid and subsisting Business Licence issued pursuant to the provisions of this Bylaw.
- 2.11 **Peace Officer** means:
- (a) A member of the Royal Canadian Mounted Police; or
 - (b) A special constable appointed under the *Police Act*;
 - (c) A Person who is employed or retained by the Town whose duties include written authorization to issue Violation Tickets under the *Provincial Offences Procedure Act*.
- 2.12 **Person** includes an individual, a group of individuals, firm, corporation, association, partnership, society or other similar cooperative organization.
- 2.13 **Town** means the Municipal Corporation of the Town of Vegreville, and where the context so requires, means the area contained within the corporate boundaries of the said municipality.
- 2.14 **Town Manager** means the Chief Administrative Officer [CAO] of the Town of Vegreville
- 2.15 **Violation Ticket** has the same meaning as the *Provincial Offences Procedures Act*, RSA 2000, c. P-34, as amended

3. BUSINESS LICENCES

- 3.1 No Business nor Person shall Conduct Business within or partly within the Town without holding a valid Business Licence issued pursuant to the provisions of this Bylaw unless specifically exempt under the provisions of Section 4 of this Bylaw or can provide written proof that they are exempt under provincial or federal legislation.
- 3.2 Any advertising shall be deemed to be prima facie proof of the fact that a Business or Person is Conducting Business and will require a Business Licence unless exempt as outlined in Section 4.
- 3.3 Proof of one transaction or offer to transact in a Business is sufficient to establish that a Person is engaging in or operating a Business.
- 3.4 All contractors and sub-contractors Conducting Business within the Town require a Business Licence.
- 3.5 All Businesses or Persons Conducting Business within the corporate limits of the Town must possess a valid Business Licence by January 31st of the current Licence year. A Business commencing operations after January 31st shall pay the normal fee(s) as outlined in Bylaw 04-2019 Planning & Development Fees and Charges Bylaw.

- 3.6 A Person, who engages in or operates a Business at more than one location, shall obtain a Business Licence for each location.
- 3.7 A Person who engages in or operates more than one Business shall be required to obtain a separate Business Licence for each Business.
- 3.8 Two or more Businesses may operate at one premises, but each Business shall obtain a separate Business Licence

4. BUSINESS LICENCE EXEMPTION

- 4.1 For Businesses exempt from the provisions of this Bylaw see Schedule 'A'

5. BUSINESS LICENCE APPLICATION

- 5.1 Before the issuance of a Licence a Person must submit:
- (a) An application form as provided by the Town;
 - (b) The applicable fee; and
 - (c) Any additional information required by this Bylaw or any other Bylaw.

6. INSPECTIONS

- 6.1 All Businesses that are Licenced, or are required to be Licenced may have the premises and surrounding lot inspected by a Peace Officer at any time.
- 6.2 Subject to the entry notice provisions contained within the Act, a Designated Officer and/or a Peace Officer may enter a premises to conduct an inspection in order to determine whether this Bylaw is being complied with.
- 6.3 If a Peace Officer reasonably believes a Person or an Applicant is Carrying On a Business requiring a Business Licence, the Person or Applicant shall:
- (a) Permit and assist in all inspections requested by a Peace Officer;
 - (b) Provide all identification, information, and/or documentation related to the inspection, and;
 - (c) Not provide to a Peace 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.
- 6.4 No Person shall attempt to prevent, obstruct, or hinder a Peace Officer from making an inspection authorized by this Bylaw.
- 6.5 During an inspection authorized under this section, a Peace Officer may examine any Business record or document for the purpose of enforcing this Bylaw, and remove any relevant record or document from the Business premise for the purpose of copying it.

7. REFUSAL, SUSPENSION OR REVOCATION OF A BUSINESS LICENCE

- 7.1 Where an application for a Business Licence is refused, the Applicant shall be advised of the reason(s) for the refusal in writing.
- 7.2 A Business operating in a form not in accordance with its Business Licence shall be subject to the suspension or revocation of its Business Licence.

- 7.3 A Business which is in contravention of this or any other Bylaw of the Town, or legislation or regulation of the Government of the Canada may have its Business Licence refused, suspended or revoked regardless of whether or not they have or are being prosecuted for that contravention.
- 7.4 There shall be no refund of Business Licence fees.
- 7.5 A Business that has its Business Licence revoked shall not be entitled to a refund of licensing fees paid and must submit a new application and all corresponding fees before that Business may resume.
- 7.6 Where a Business Licence is revoked or suspended the Business shall immediately cease operating, and shall not commence operating until a Business Licence is reinstated or a new Licence is approved and issued by the Town.
- 7.7 Any Business Licence may be cancelled, on a condition that a written notice is provided to the Licence Inspector.
- 7.8 Where a Licensee has cancelled their Business Licence, they shall immediately return the Business Licence and the Business may not operate until such a time as a new Business Licence is issued.
- 7.9 A Business Licence may be immediately suspended or revoked when any required certificate, Licence, permit or other document of qualification, issued by the municipal, provincial or federal government, is terminated, suspended or surrendered.
- 7.10 Where the Licence Inspector has suspended a Business Licence, the Licensee may not operate until their Business Licence has been reinstated.
- 7.11 Where the Licence Inspector has revoked a Business Licence, a Person may not operate until a new Business Licence is issued.

8. NOTICE

8.1 The Town may provide written notice in any case where:

- (a) An application has been refused;
- (b) A Business Licence has been revoked or suspended;
- (c) Conditions are applied to a Business Licence;
- (d) A Business Licence has expired; or
- (e) Payment of a Business Licence fee is required.

8.2 Written notice may be provided:

- (a) By mail to the Persons' place of Business or residence, as shown on their Business Licence application;
- (b) By delivery to them personally; or
- (c) By electronic mail as shown on their application.

9. TERM OF LICENCE

9.1 A Business Licence issued pursuant to this Bylaw, unless previously suspended or revoked, is valid from the date on which it was issued until December 31st that year, unless:

- (a) It is a Temporary Business or Seasonal Business Licence, in which case it shall be valid for the dates shown on the Licence.

10. BUSINESS LICENCE FEES

10.1 For applicable fees pertaining to this Bylaw see Bylaw No 04-2019 Planning & Development Fees and Charges Bylaw.

11. APPEALS

11.1 In every case where:

- (a) An application has been refused;
- (b) a Business Licence has been suspended, revoked or issued subject to conditions

the Person seeking a Business Licence may appeal to the Town Manager.

11.2 The Applicant shall make an appeal within fifteen (15) days after such refusal, revocation, or suspension.

11.3 All appeals shall be made in writing addressed to the Town Manager of the Town of Vegreville and shall be dated as of the date received by the Town Manager.

11.4 The Town Manager shall hear the appeal, within thirty (30) days of receiving the written appeal.

11.5 Town Manager, after hearing the appellant may:

- (a) direct a Business Licence be issued or reinstated, with or without conditions;
- (b) refuse to grant a Business Licence, or
- (c) uphold the revocation or suspension of a Business Licence, on grounds, which appear just and reasonable.

11.6 Further to subsection 11.5., within fifteen (15) days of receiving the Town Manager's appeal decision, a Person may appeal the Town Manager's decision to Council by providing a written appeal to the Legislative Coordinator.

12. PENALTIES

12.1 Any Person who violates any of the provisions of this Bylaw or who permits any act or thing to be done in contravention of any of the provisions of this Bylaw, or who neglects or refrains from doing anything required by the provision of this Bylaw, or fails to comply with any order, notice, or direction given under this Bylaw is guilty of an offence.

12.2 Each day that a violation is permitted to exist shall constitute a separate offence.

12.3 Where the Licence Inspector believes that a Person has contravened this Bylaw, they may direct a Community Peace Officer to issue a Violation Ticket in accordance with the *Provincial Offences Procedures Act*.

12.4 A penalty of:

- (a) three hundred dollars (\$300.00) for the first offence;
- (b) five hundred dollars (\$500.00) for each subsequent offence;

shall be issued for contravention of this Bylaw.

12.5 The provisions of this section shall not prevent any Peace Officer from issuing a Violation Ticket requiring the court appearance of a Person in violation of this Bylaw pursuant to the *Provincial Offences Procedures Act*.

- 12.6 Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 and in default of payment of any fine imposed, to imprisonment for up to six (6) months.
- 12.7 All Businesses operating within the corporate limits of the Town of Vegreville must pay their prescribed Business Licences fee by February 28 of that year, or a 15% penalty shall be added onto the outstanding Licence fees.
- 12.8 All annual fees and penalties not paid by March 31 of the current year will have their Licence revoked. Any Business conducted without a Licence will be prosecuted as per Section 12.3 of this Bylaw.
- 12.9 Businesses operating within the corporate limits of Vegreville that have not purchased a Business Licence shall be prosecuted in accordance within Section 12.3 and/or 12.4 and/or 12.6 of this Bylaw.
- 12.10 A Violation Ticket may be issued by personally serving it upon the alleged offender or by sending it to the alleged offender by double registered mail.

13. APPOINTMENT, POWER AND DUTIES OF LICENCE INSPECTOR

- 13.1 The Infrastructure, Planning and Development Director is hereby appointed the Licence Inspector for purposes of this Bylaw.
- 13.2 The Licence Inspector is authorized to enforce and administer this Bylaw and is hereby authorized to receive, review and approve (with conditions where necessary) all applications for a Business Licence.
- 13.3 Where applicable, the Licence Inspector will not issue a Business Licence until the Applicant obtains and holds a valid development approval issued by the Development Authority under the Land Use Bylaw.
- 13.4 The Licence Inspector may suspend, refuse to grant, refuse to transfer, revoke, refuse to renew or impose conditions on a Business Licence under this Bylaw if, in the opinion of the Licence Inspector, there are reasonable grounds to do so, including without limitation, if the Licence Inspector is of the opinion that:
- (a) The Licensee or the Applicant is not bona fide;
 - (b) The Licensee or the Applicant has contravened the provisions of requirements of this Bylaw or any other bylaw of the municipality or any applicable provincial or federal Licences, permits, approvals clearances and/or insurances;
 - (c) The Business has changed to the extent that a new application for a Business Licence would be refused;
 - (d) The Licensee or the Applicant is not worthy of public trust;
 - (e) The Licensee or the Applicant has withheld or concealed information on an application for a Business Licence;
 - (f) The Licensee or the Applicant refused to admit the Licence Inspector into the premises, vehicle or apparatus from which the Business is carried out;
- 13.5 The Licence Inspector shall maintain a Business registry together with all appropriate records pursuant to Bylaw No. 14-2007 The Records Management Bylaw.
- 13.6 The Licence Inspector shall specify the form of Application and Business Licences under this Bylaw.

14. REPEAL

- 14.1 Business Licence Bylaw 2-96 is hereby repealed.

READ for a first time this 14th Day of January , 2019 A.D.

READ for a second time this 14th Day of January , 2019 A.D.

UNANIMOUS CONSENT RECEIVED FOR THIRD AND FINAL READING

READ for a third time this 14th Day of January , 2019 A.D.



TIM MACPHEE, Mayor



CLIFF CRAIG CLGM, Town Manager

SCHEDULE 'A'

Businesses Exempt from Bylaw No. 05-2019

The following are exempt from obtaining a Business Licence:

1. The Crown in right of Canada;
2. The Crown in Right of Alberta;
3. A Crown corporation;
4. The Town of Vegreville;
5. An active member of an association registered under the *Professional and Occupational Associations Registration Act*;
6. A regulated member or a business owned by a regulated member under the *Health Professions Act*;
7. Persons that do not operate a business and provide occasional services where they may receive a remuneration for their services and reimbursement for product costs;
8. A business for which the activities are carried out with a *Farmers Market Association*;
9. A dentist who is registered with the *Alberta Dental Association & College*;
10. A barrister or solicitor as registered under the *Law Society of Alberta*;
11. Any other business which is excluded from the requirements of this Bylaw by an Act of the legislature or other provincial statute, but not limited to the following:
 - a) Pharmacy and Drug Act,
 - b) Health Professions Act,
 - c) Chartered Professional Accountants Act,
 - d) Insurance Act,
 - e) Architects Act,
 - f) Land Surveyors Act, and
 - g) Engineering and Geoscience Professions Act.
12. A charitable or non-profit organization registered under the *Societies Act R.S.A 2000 Chapter S-14* and amendments thereto.
13. Any business providing goods or services solely to the Town of Vegreville for business related to the normal operation of the municipality.
14. Non-resident business that supplies bulk goods to a Licenced resident business for the purpose of resale.
15. Any person under 18 years of age and a student who does not have a permanent place of business or is not operating as a hawker pedlar.