#### CITY OF SPRUCE GROVE

BYLAW C-1284-23<del>975-16</del>

#### **BUSINESS LICENCE BYLAW**

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000, c.M-26, a municipality shall provide for the licensing, regulation and control of business within the City of Spruce Grove;

AND-WHEREAS the City of Spruce Grove wishes to adopt a business licence bylaw; pursuant to the *Municipal Government Act*, RSA 2000 cM-26, a council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business;

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-26, a council may provide for a system of licenses, permits or approvals, including prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted;

NOW THEREFORE, the Council for the City of Spruce Grove, duly assembled, hereby enacts as follows:

## 1. BYLAW TITLE

1.1 This bylaw is <u>called the "Business Licence Bylaw".</u> the Business Licence Bylaw of the City of Spruce Grove in the Province of Alberta, and is referred to throughout as "this bylaw".

#### 2. INTERPRETATION

- 2.1 The term "City" in this bylaw shall refer to the municipal corporation of the City of Spruce Grove in the Province of Alberta, unless otherwise noted.
- 2.2 The term "City Manager" in this bylaw shall refer to the Chief

  Administrative Officer of the City of Spruce Grove.
- 2.3 The term "Council" in this bylaw shall refer to the Council of the municipal corporation of the City of Spruce Grove in the Province of Alberta.

#### 2.3. **DEFINITIONS**

32.1 "Act" means the Municipal Government Act, RSA 2000 cM-26, as amended.

- 2.2 "Applicant" means a person who applies for a Business Licence, renewal or transfer of a Business Licence required by this bylaw.
  - 2.3 "Appellant" means a person who has filed a notice of appeal in accordance with this bylaw.
  - 2.43.2 "Business" means as per the Act: Municipal Government Act.
    - (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 cooperative or association of persons.

- 2.53.3 "Business Licence" means a licence issued pursuant to this bylaw.
- 2.63.4 "Business Licence Administrator" means a person appointed by the City Manager having some <u>all</u> authority to carry out the provisions of this bylaw under the direction of the <u>Business Licence Inspector</u>.
- 3.5 "Business Licence Inspector" means a person appointed by the City—
  Manager having all authority to carry out the provisions of this bylaw.
- -2.73.6 "Business Location" means the site used or occupied for the conduct of a Bbusiness.
- 2.8 "Business Local" means a Business which is operated from a location within the City.
- 2.9. "Business Non-Local" means a Business which is physically located outside the City, but is otherwise operated wholly or partly within the City.
- 3.7 "Bylaw Officer" means an employee of the City of Spruce Grove appointed as such and who, in the execution of their duties, is a person employed for the preservation and maintenance of the public peace.7
- 2.103.8 "Charitable or Non-Profit Organization" means an organization defined pursuant to the Charitable Fund-raising Act, RSA 2000, c C-9, as amended, and registered as such.
- 2.11 "City" means the municipal corporation of the City of Spruce Grove in the Province of Alberta or where the context so requires, the area contained within the boundaries of the City of Spruce Grove.

- 2.12 "City Manager" means the administrative head of the City of Spruce Grove.
- 2.13 "Council" means the Council of the City of Spruce Grove elected pursuant to the Local Authorities Election Act, RSA 2000 cL-21, as amended.
- 2.14 "Home Occupation or Home Based Business" means a Business whose primary office is in the Business owner's residence.
- 2.15 "Mobile Vending Business" means a vending Business that is carried on from a non-permanent, mobile facility, including but not limited to a motor vehicle, trailer, cart or cycle, within the City. Sales and services from this business type are limited to those offered at the mobile facility and cannot extend beyond.
- 3.9 "Municipal Ticket" means a ticket alleging an offence issued pursuant to the authority of the bylaws of the City.
- 3.10 "Non-Resident Business" means a business which is not carried on from a business location within the City, but is otherwise conducted partly or wholly within the City.
- 2.163.11"Peace Officer" means a member of the Royal Canadian Mounted Police, a Peace Officer appointed under the Peace Officer Act, SA 2006, c P-3.5, as amended or a City Bylaw Officer appointed under the Act, and for the purposes of this bylaw, acts under the direction of the Business Licence Administrator. Inspector.
- 3.12 "Resident Business" means a business which is carried on from a business location within the City.
- 2.173.13 "Subsequent Offence" means an offence committed by a person after that person has already been convicted of the same offence or has voluntarily paid a fine for the same offence.
- 2.183.14"Temporary Business" means a Business which is carried on within a period of one (1), three (3), or six (6) months. for a period of 72 hours or less.
- 3.15 "Tri-Municipal" means the region consisting of three municipalities: the City of Spruce Grove, the Town of Stony Plan and Parkland County.
- 3.16 "Tri-Municipal Licence" means a business licence or an approval to operate a business issued by a Tri-Municipal municipality.

2.193.17"Violation Ticket" means a violation ticket as defined in the *Provincial Offences Procedure Act, RSA 2000, c P-34, as amended* or a ticket alleging an offence issued pursuant to the authority of the bylaws of the City.

### 4. BUSINESS LICENCE INSPECTOR

- 4.1 The City Manager shall appoint a Business Licence Inspector to carry out the provisions of this bylaw.
  - 4.2 The Business Licence Inspector shall:
    - (a) Process applications for business licences;
    - (b) Keep and maintain for the inspection of the public during office hours, a copy of this bylaw and all amendments thereto and ensure that copies of the same are available to the public at a reasonable charge;
    - (c) Consider and decide on applications by issuing business licences (with or without conditions) or refusing to issue a licence;
    - (d) Cancel, suspend or alter any business licence when appropriate;
    - (e) Inspect any business to determine whether it is in compliance with the bylaw;
    - (f) Initiate action as deemed necessary to ensure compliance with the provisions of this bylaw and conditions of the business licence, including legal action if required;
    - (g) Keep records as required for the administration of this bylaw; and
    - (h) Issue each business licence.

### 35. BUSINESS LICENCE ADMINISTRATOR

- 5.1 The Business Licence Administrator shall assist the Business Licence Inspector as directed.
- 3.1 The City Manager shall appoint a Business Licence Administrator to carry out the provisions of this bylaw.
- <u>35.2</u> The Business Licence Administrator shall:

Receive applications for business licences:

(a) Process applications for business licences as directed by the Business Licence Inspector; and

Issue business licences as directed by the Business Licence Inspector-

- (a) Be responsible for the processing of applications for issuance of Business Licenses;
- (b) Keep and maintain for the inspection of the public during office hours, a copy of this bylaw and all amendments thereto and ensure that copies of the same are available to the public;
- (c) Consider and decide on applications by issuing Business Licenses (with or without conditions) or refusing to issue a licence;
- (d) Cancel, suspend or alter any Business Licence when appropriate;
- (e) Inspect any Business to determine whether it is in compliance with the bylaw and/or conditions of a Business Licence;
- (f) Initiate action as deemed necessary to ensure compliance with the provisions of this bylaw and conditions of the Business Licence, including legal action if required; and
- (a) (g) Keep records as required for the administration of this bylaw.

### 46. CONTROL OF BUSINESS LICENSING

- 46.1 Except as otherwise provided in this bylaw or in provincial or federal legislation, no person shall carry on a Bbusiness unless a Bbusiness Llicence has been issued pursuant to the provisions in this bylaw.
- 4.2 A Business Licence will not be issued until all relevant development, building, electrical, gas or plumbing permits have been issued and received a "passed" final inspection or provided occupancy.
- 4.36.2 A valid Bbusiness Licence must be displayed in a prominent manner at the Bbusiness location. Where the Bbusiness is not carried out in a single location, the Bbusiness Licence must be made available for inspection on request. If there is more than one employee conducting business off site for a Bbusiness, each employee shall be required to provide a copy of the Bbusiness Licence on request.

4.4 Nothing in the bylaw relieves a person from complying with any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.

## 75. EXEMPTIONS WHERE A BUSINESS LICENCE IS NOT REQUIRED

- 57.1 A Bbusiness Licence is not required for the following organizations or Bbusinesses or alternately, can be considered fee exempt, but shall nonetheless comply with the provisions of this bylaw and must be carried out in accordance with all other applicable legislation, regulations and bylaws:
  - (a) Municipal Government offices and services a Business carried on by the City;
  - (b) Provincial Government offices and services a Business carried on by the Government of the Province of Alberta or the Government of Canada or a Crown Corporation created by either Government;
  - (c) Federal Government offices and services a Business expressly exempted from the requirement of a licence by a statute of the Legislature of Alberta or Parliament of Canada or;
  - (d) Any person specifically exempt from municipal licensing by legislation a Business carried on by any person as part of a Farmer's Market;
  - (e) <u>Business Non-Local Non-resident businesses</u> that supply bulk goods for the purpose of resale to a <u>Business Local resident business</u> holding a valid licence; and
  - (f) any person under the age of 18 providing occasional light duty services and labour as an individual.
- 57.2 Notwithstanding any exemption, any <u>B</u>business organization shall register <u>B</u>business and contact information by submitting a completed application form to the Business Licence <u>Inspector or Administrator</u>.
- 57.3 A Ceharitable or Nnon-pProfit Oerganization may request an exemption from payment of fees as part of their Bbusiness Llicence application. The request must include a current copy of charitable or non-profit status.
- 7.4 In the case of a trade-show or community event, the organizer may provide a written statement to indicate that they have verified each vendor—has a valid business licence for the City, including a Tri-Municipal licence issued by any of the three participating communities, and any other

- required licences. Where such a statement is provided, no business licence is required for vendors.
- 5.4 Under the *Professional and Occupational Associations Registration Act*,
  R.S.A. 2000, c P-26, as amended, a registered member of the ECAA
  (Electrical Contractors Association of Alberta) are exempt from payment of
  Business Licence fees provided they are in good standing with the ECAA
  and include a current copy of their membership card. The Business
  Licence must be applied for under the Master Electricians name. All
  permits must be applied for as the Master Electrician.

## <u>68. APPLICATION FOR A BUSINESS LICENCE</u>

- <u>68</u>.1 Every <u>B</u>business shall have a separate <u>Business L</u>licence.
- <u>68.2</u> A <u>B</u>business with more than one <u>B</u>business <u>L</u>location shall have a separate <u>B</u>business <u>L</u>licence for each <u>business</u> location.
- 68.3 A new application must be submitted for amendments to an existing Business Licence, including a change in ownership, legal name, type of Business or Business Location.
  - (a) Amendments to an existing business licence, including a change to a different business name or a change to the nature of the business;
  - (b) A transfer of a business licence to a different owner;
  - (c) An exemption as described in Section 6.1; or
  - (d) Renewal of a non-resident business licence.
- 68.4 Information updates, such as a change of contact information or operating name, shall not require a new application, but notification must be submitted to the Business Licence Administrator Inspector in writing.
- <u>68.5</u> Every application for a <u>B</u>business <u>L</u>licence shall contain the following information:
  - (a) the **Bb**usiness **Ll**ocation, with both the legal land description and the municipal address;
  - (b) the legal and operating **Bb**usiness names;
  - (c) a description of the type of Bbusiness to be carried on;

- (d) for a Home Occupation or Home Based Business additional information is required, including;
  - (i) expected Business visits;
  - (ii) materials and goods storage; and
  - (iii) expected employee visits
  - \_The name of the business owner and contact information including a mailing address, e-mail address, fax number and phone number;
- (d)(e) mailing address Authorization and signature from the registered owner or designated agent of the property where the proposed business is located if the registered property owner is different from the business owner;
- (e)(f) primary phone number for the Business The licence or certificate number for any provincial or federal licence required to carry out the business;
- (f)(g) classification of your Business (NAICS, North American Industry Classification System) The date on which the business will commence operation; and
- (h) Business owner contact, emergency contact and correspondence contact along with their primary phone number and email address; and The applicant's signature.
- (g)(i) authorization and signature from the registered owner or designated agent of the property where the proposed Business is located if the registered property owner is different from the Business owner.
- 68.6 All Bbusiness Licence applications shall be accompanied by the relevant fee set forth in the <u>current</u> Development Fees and Fines Bylaw, <u>as amended</u>.
- 68.7 Any Bbusiness requiring any other permit(s), which may include but not be limited to a development permit under the Land Use Bylaw, as amended or permits under the Safety Codes Act, RSA 2000, c S-1, as amended must obtain these permit(s) prior to the issuance of a Bbusiness Llicence.
- Notwithstanding Section 57.1(cd), the Business Licence Administrator Inspector may request any other information or involve any agency or department deemed necessary to issue a Beusiness Licence in accordance with this bylaw.

- 6.9 The Applicant is responsible for all necessary approvals from other regulatory bodies:
  - (a) Alberta Health Services (AHS) regulates Personal Services
    Regulation, Alta Reg 1/2020, as amended and Personal Services
    Standards;
  - (b) Alberta Health Services (AHS) regulates Food Handling Permits issued under the *Public Health Act*, RSA 2000, c P-37, as amended for mobile vending;
  - (c) City of Spruce Grove Fire Department regulates Fire Permit approvals for Mobile Vending Business;
  - (d) Alberta Gaming, Liquor & Cannabis (AGLC) regulates gaming, liquor and cannabis products through the *Gaming, Liquor and Cannabis Act*, RSA 2000, c G-1, as amended;
  - (e) Alberta Motor Vehicle Industry Council (AMVIC) regulates Alberta's automotive industry acting through the Consumer Protection Act, RSA 2000, c C-26.3, as amended, Automotive Business Regulation, Alta Reg 192/1999, as amended and the Traffic Safety Act, RSA 2000, c T-G, as amended; and
  - (f) Alberta Health Services (AHS) regulates and enforces tobacco and vaping retailers through the *Tobacco*, *Smoking and Vaping Reduction Act*, S.A. 2005, c T-3.8, as amended.
- 6.10 The Business Licensee must comply with the provisions of all other bylaws of the City of Spruce Grove and any Statutes of Canada or the Province of Alberta which may apply.
- 6.118.9If an application for a Bbusiness Licence is refused because a development permit cannot be obtained, the fee for the Bbusiness Licence will be refunded.
- 68.120If a Bbusiness Licence application is withdrawn prior to processing, the fee for the Bbusiness Licence will be refunded.

# 79. VALIDITY OF BUSINESS LICENCE

79.1 All <u>B</u>business <u>Local or Business Non-Local annual</u> licensees are valid from January 1 of a given year until 23:59:59 on December 31 of the same calendar year, unless the <u>Business</u> <u>L</u>licence is revoked by the Business Licence <u>Administrator</u>. <u>Inspector</u>.

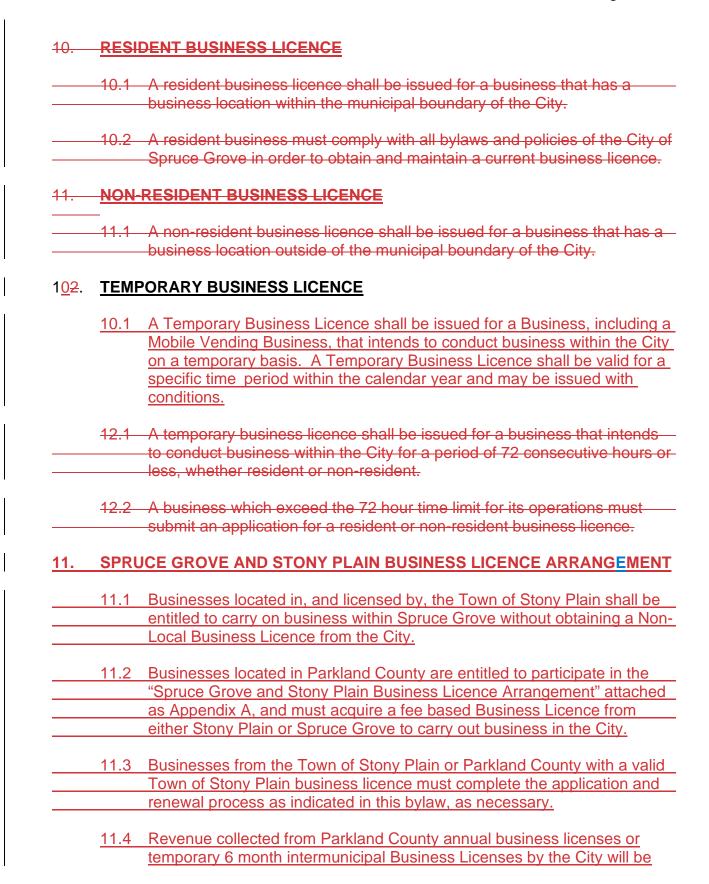
- 7.2 All Temporary Business Licenses are valid for a specified duration within a given year unless the Business Licence is revoked by the Business Licence Administrator.
- 79.32 If the Business Licence Administrator Inspector determines that information provided on the application is incomplete or incorrect, the Business Licence may be refused, or deemed invalid if it has already been issued.
- 79.43 A Bbusiness Licence may be considered invalid for any Bbusiness that fails to comply with federal or provincial legislation or licensing, fails to comply with any condition of a Business Licence, or fails to comply with a bylaw of the City. or fails to comply with a bylaw of the City of Spruce Grove.
- 9.4 If a business licence is lost or damaged, a new one may be issued. An administrative fee for the reissue will be levied in such a case.
- 79.5 If the Business Licence <u>Administrator Inspector</u> determines that there are reasonable grounds to invalidate a <u>Bbusiness Llicence</u>:
  - (a) the Bbusiness owner shall be notified in person or by registered mail;
  - (b) if delivered by registered mail, the notice shall be deemed received after five business days; and
  - (c) the <u>B</u>business owner shall cease operation of the <u>B</u>business until such time as a new <u>B</u>business <u>L</u>licence is issued or written notice of reinstatement is received from the Business Licence <u>Administrator</u>. <u>Inspector</u>.

#### 8. BUSINESS LOCAL – BUSINESS LICENCE

- 8.1 A Business Local Business Licence shall be issued for a Business that has a Business Location within the municipal boundary of the City.
- 8.2 A Business Local Business Licensee must comply with all bylaws and policies of the City in order to obtain and maintain a current Business Licence.

#### 9. BUSINESS NON-LOCAL LICENCE

9.1 A Business Non-Local – Business Licence shall be issued for a Business that has a Business Location outside of the municipal boundary of the City but operates within the City.



shared fifty-fifty (50:50) with the Town of Stony Plain at the end of each fiscal year.

### 13. TRI-MUNICIPAL BUSINESS LICENCE

- 13.1 A tri-municipal business licence shall be issued for a business that has a business location within the municipal boundary of the City, and wishes to conduct additional business in Stony Plain and Parkland County.
  - 13.2 A person who carries on a non-resident business and holds a valid trimunicipal licence issued by the Town of Stony Plain or holds an approval
    to operate from Parkland County is entitled to carry on business within the
    City without obtaining a non-resident business licence.

### 1<mark>2</mark>4. **RENEWALS**

- 124.1 A renewal notice shall go out to all <u>Business Local and Business Non-Local Business Licence resident businesses</u>, including Tri-Municipal licence holders at the mid-point of November to allow for <u>B</u>business owners to renew their <u>B</u>business <u>L</u>licence and update information. at no charge.
- 14.2 A resident business that has not renewed its business licence by January

  15 of a given year will be issued an expiration notice and required to

  submit an application to obtain a new business licence.
- 14.3 A letter shall go out to all non-resident businesses at the mid-point of

  November to remind business owners to reapply for a business licence if
  they wish to continue to conduct business in the City.
- 124.24Any Bbusiness Local operating in the City without a valid Bbusiness Licence as of January February 15 of a given year will be issued a penalty as described in Section 146.

## 135. APPEALS

135.1 Any person affected by a decision of the Business Licence <a href="InspectorAdministrator">InspectorAdministrator</a>, other than a decision to issue a <a href="municipal Violation ticket">municipal Violation ticket</a>, or a violation ticket, may appeal the decision to <a href="municipal Community Standards Appeal Committee Council">the Community Standards Appeal Committee Council</a> by delivering a written notice of appeal and the appeal fee to the City Clerk within 14 calendar days of the decision.

- 135.2 A notice of appeal shall state the name, address and telephone number of the <u>Aappellant</u>, and include a description stating why the decision is being appealed with all relevant facts and information, such as dates, places, persons and events.
- 135.3 Upon receipt of an appeal, the City Clerk shall ensure that the notice is complete. If the notice of appeal is not complete, the City Clerk shall notify the Aappellant who shall have 3 business days to amend the notice of appeal to the City Clerk's satisfaction.
- 135.4 Upon confirmation of a complete notice of appeal the City Clerk shall:
  - (a) Make arrangements for the Community Standards Appeal Committee

    Council to hear the appeal within 30 calendar days;
  - (b) Notify the Aappellant and all other affected parties in writing of the date, time and place of the appeal hearing; and
  - (c) Provide a copy of the hearing notice and all relevant documentation to the Business Licence—Inspector Administrator.
- 135.5 During the appeal hearing, the Community Standards Appeal Committee

  Council shall hear the Aappellant or their designate and the Business

  Licence Inspector Administrator, and may hear any other party affected by the appealed decision.
- 135.6 At the conclusion of the appeal hearing, the Community Standards Appeal

  Committee Council may uphold, vary or rescind the decision of the

  Business Licence Inspector Administrator, and may elect to refund the appeal fee to the Aappellant.
- 135.7 The City Clerk shall record the proceedings of the appeal hearing and advise the affected parties of the outcome within 157 business calendar days of the date on which the appeal decision is made by the Community Standards Appeal Committee. Council.
- 135.8 An appeal decision by the Community Standards Appeal Committee Council in respect of this bylaw is final and binding.

## 146. OFFENCES, TICKETS AND PENALTIES

146.1 A Bbusiness owner and their agents, employees, managers, partners, principals or directors 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 provisions of this bylaw, or fails to comply with any order, notice, or direction given under this bylaw is guilty of an offence.
- 146.2 Each day that a violation is permitted to exist shall constitute a separate offence.
- 146.3 Where the Business Licence <u>Administrator Inspector</u> or Peace Officer believes that a person has contravened this bylaw, they may request a Peace Officer to issue a <u>Violation municipal Tticket</u>.
- 16.4 The municipal ticket must contain:

The name of the person contravening this bylaw;

The offence;

The specified penalty established in the Development Fees and Fines Bylaw; and

Due date of payment.

- 146.45A <u>Violation municipal</u> <u>T</u>ticket will be prepared by the Peace Officer and delivered to the appropriate persons by the Peace Officer, by registered mail or via document service company providing an affidavit of service.
- 146.56A person who is guilty of an offense is liable to pay the amount specified on the Violation municipal Tticket as established in the Development Fees and Fines Bylaw.
- 146.67Where a <u>Violation municipal</u> <u>T</u>ticket has been paid, such payment does not constitute an approval of said offence.
- 146.78If a Violation municipal Tticket has been issued for first and/or Subsequent Oeffences and the specified penalty has not been paid or corrective measures have not been taken, the Peace Officer is authorized to issue a Violation Tticket requiring the court appearance of a person in violation of this bylaw pursuant to the Provincial Offences Procedures Act, RSA 2000, c P-34, as amended-
- 16.10 The violation ticket must state:

		The offence;		
		The specified penalty established in the Development Fees andFines Bylaw; and		
		(d)	Due date of payment.	
15.	SEVE	VERABILITY		
	15.1	any p	provision of this bylaw is independent of all other provisions and if rovision is declared invalid by a Court, then the invalid provisions be severed and the remainder provisions shall remain valid and ceable.	
1 <u>6</u> 7.	EFFECTIVE DATE			
	1 <u>6</u> 7.1		oylaw comes into <u>force and</u> effect <del>on, 20, when it</del> <u>ves third reading and is duly signed.</u>	
18. REPEAL OF BYLAW C-975-16				
	18.1	Bylaw	C-975-16 is hereby repealed.	
First Reading Carried				
Second Reading Carried				
Third Reading				
Date Signed				
			Mayor	
			City Clerk	

The name of the person contravening this bylaw;