

CITY OF SPRUCE GROVE

BYLAW C-975-16

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;

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

1. **TITLE**

1.1 This bylaw is 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.

3. **DEFINITIONS**

3.1 “Appellant” means a person who has filed a notice of appeal in accordance with this bylaw.

3.2 “Business” means as per the *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 co-operative or association of persons.

- 3.3 “Business Licence” means a licence issued pursuant to this bylaw.
- 3.4 “Business Licence Administrator” means a person appointed by the City Manager having some authority to carry out the provisions of this bylaw under the direction of the Business Licence Inspector.
- 3.5 “Business Licence Inspector” means a person appointed by the City Manager having all authority to carry out the provisions of this bylaw.
- 3.6 “Business Location” means the site used or occupied for the conduct of a business.
- 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.
- 3.8 “Charitable or Non-Profit Organization” means an organization defined pursuant to the *Charitable Fund-Raising Act*, and registered as such.
- 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.
- 3.11 “Peace Officer” means a member of the Royal Canadian Mounted Police, a Peace Officer appointed under the *Peace Officer Act*, or a City Bylaw Officer, and for the purposes of this bylaw, acts under the direction of the Business Licence Inspector.
- 3.12 “Resident Business” means a business which is carried on from a business location within the City.
- 3.13 “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.
- 3.14 “Temporary Business” means a business which is carried on 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 Plain 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.

3.17 "Violation Ticket" means a violation ticket as defined in the *Provincial Offences Procedure Act*.

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.

5. **BUSINESS LICENCE ADMINISTRATOR**

5.1 The Business Licence Administrator shall assist the Business Licence Inspector as directed.

5.2 The Business Licence Administrator shall:

- (a) Receive applications for business licences;
- (b) Process applications for business licences as directed by the Business Licence Inspector; and
- (c) Issue business licences as directed by the Business Licence Inspector.

6. **CONTROL OF BUSINESS LICENSING**

- 6.1 Except as otherwise provided in this bylaw or in provincial or federal legislation, no person shall carry on a business unless a business licence has been issued pursuant to the provisions in this bylaw.
- 6.2 A valid business licence must be displayed in a prominent manner at the business location. Where the business is not carried out in a single location, the business licence must be made available for inspection on request. If there is more than one employee conducting business off site for a business, each employee shall be required to provide a copy of the business licence on request.

7. **WHERE A BUSINESS LICENCE IS NOT REQUIRED**

- 7.1 A business licence is not required for the following organizations or businesses, 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;
 - (b) Provincial Government offices and services;
 - (c) Federal Government offices and services;
 - (d) Any person specifically exempt from municipal licensing by legislation;
 - (e) Non-resident businesses that supply bulk goods for the purpose of resale to a resident business holding a valid licence; and
 - (f) Any person under the age of 18 providing occasional light duty services and labour as an individual.
- 7.2 Notwithstanding any exemption, any business organization shall register business and contact information by submitting a completed application form to the Business Licence Inspector or Administrator.
- 7.3 A charitable or non-profit organization may request an exemption from payment of fees as part of their business licence 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.

8. **APPLICATION FOR A BUSINESS LICENCE**

- 8.1 Every business shall have a separate licence.
- 8.2 A business with more than one business location shall have a separate business licence for each business location.
- 8.3 A new application must be submitted for:
 - (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.
- 8.4 Information updates, such as a change of contact information, shall not require a new application, but must be submitted to the Business Licence Inspector in writing.
- 8.5 Every application for a business licence shall contain the following information:
 - (a) The business location, with both the legal land description and the municipal address;
 - (b) The legal and operating business names;
 - (c) A description of the type of business to be carried on;
 - (d) The name of the business owner and contact information including a mailing address, e-mail address, fax number and phone number;
 - (e) 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;
 - (f) The licence or certificate number for any provincial or federal licence required to carry out the business;
 - (g) The date on which the business will commence operation; and
 - (h) The applicant's signature.

- 8.6 All business licence applications shall be accompanied by the relevant fee set forth in the Development Fees and Fines Bylaw, as amended.
- 8.7 Any business requiring any other permit(s), which may include but not be limited to a development permit under the Land Use Bylaw or permits under the Safety Codes Act, must obtain these permit(s) prior to the issuance of a business licence.
- 8.8 Notwithstanding Section 7.1(d), the Business Licence Inspector may request any other information or involve any agency or department deemed necessary to issue a business licence in accordance with this bylaw.
- 8.9 If an application for a business licence is refused because a development permit cannot be obtained, the fee for the business licence will be refunded.
- 8.10 If a business licence application is withdrawn prior to processing, the fee for the business licence will be refunded.

9. **VALIDITY OF BUSINESS LICENCE**

- 9.1 All business licences are valid from January 1 of a given year until 23:59:59 on December 31 of the same calendar year, unless the licence is revoked by the Business Licence Inspector.
- 9.2 If the Business Licence 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.
- 9.3 A business licence may be considered invalid for any business that fails to comply with federal or provincial legislation or licensing, 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.
- 9.5 If the Business Licence Inspector determines that there are reasonable grounds to invalidate a business licence:
 - (a) The business 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;

- (c) The business owner shall cease operation of the business until such time as a new business licence is issued or written notice of reinstatement is received from the Business Licence Inspector.

10. **RESIDENT BUSINESS LICENCE**

- 10.1 A resident business licence shall be issued for a business that has a business location within the municipal boundary of the City.
- 10.2 A resident business must comply with all bylaws and policies of the City of Spruce Grove in order to obtain and maintain a current business licence.

11. **NON-RESIDENT BUSINESS LICENCE**

- 11.1 A non-resident business licence shall be issued for a business that has a business location outside of the municipal boundary of the City.

12. **TEMPORARY BUSINESS LICENCE**

- 12.1 A temporary business licence shall be issued for a business that intends to conduct business within the City for a period of 72 consecutive hours or less, whether resident or non-resident.
- 12.2 A business which exceed the 72 hour time limit for its operations must submit an application for a resident or non-resident business licence.

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 tri-municipal 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.

14. **RENEWALS**

- 14.1 A renewal notice shall go out to all resident businesses, including Tri-Municipal licence holders, at the mid-point of November to allow for business owners to renew their business 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.
- 14.4 Any business operating in the City without a valid business licence as of February 15 of a given year will be issued a penalty as described in Section 16.

15. **APPEALS**

- 15.1 Any person affected by a decision of the Business Licence Inspector, other than a decision to issue a municipal ticket or a violation ticket, may appeal the decision to Council by delivering a written notice of appeal and the appeal fee to the City Clerk within 14 calendar days of the decision.
- 15.2 A notice of appeal shall state the name, address and telephone number of the appellant, and include a description stating why the decision is being appealed with all relevant facts and information, such as dates, places, persons and events.
- 15.3 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 appellant who shall have 3 business days to amend the notice of appeal to the City Clerk's satisfaction.
- 15.4 Upon confirmation of a complete notice of appeal the City Clerk shall:
- (a) Make arrangements for Council to hear the appeal within 30 calendar days;
 - (b) Notify the appellant 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.
- 15.5 During the appeal hearing, Council shall hear the appellant or their designate and the Business Licence Inspector, and may hear any other party affected by the appealed decision.
- 15.6 At the conclusion of the appeal hearing, Council may uphold, vary or rescind the decision of the Business Licence Inspector, and may elect to refund the appeal fee to the appellant.
- 15.7 The City Clerk shall record the proceedings of the appeal hearing and advise the affected parties of the outcome within 7 calendar days of the date on which the appeal decision is made by Council.

15.8 An appeal decision by Council in respect of this bylaw is final and binding.

16. **OFFENCES, TICKETS AND PENALTIES**

- 16.1 A business 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.
- 16.2 Each day that a violation is permitted to exist shall constitute a separate offence.
- 16.3 Where the Business Licence Inspector or Peace Officer believes that a person has contravened this bylaw, they may request a Peace Officer to issue a municipal ticket.
- 16.4 The municipal ticket must contain:
- (a) The name of the person contravening this bylaw;
 - (b) The offence;
 - (c) The specified penalty established in the Development Fees and Fines Bylaw; and
 - (d) Due date of payment.
- 16.5 A municipal 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.
- 16.6 A person who is guilty of an offense is liable to pay the amount specified on the municipal ticket as established in the Development Fees and Fines Bylaw.
- 16.7 Where a municipal ticket has been paid, such payment does not constitute an approval of said offence.
- 16.8 If a municipal ticket has been issued for first and/or subsequent offences and the specified penalty has not been paid or corrective measures have not been taken, the Peace Officer is authorized to issue a violation ticket requiring the court appearance of a person in violation of this bylaw pursuant to the *Provincial Offences Procedures Act*.

16.9 Notwithstanding Section 16.8, the Peace Officer may issue a violation ticket without previously issuing a municipal ticket if, in the opinion of the Peace Officer, the situation deems it necessary.

16.10 The violation ticket must state:

- (a) The name of the person contravening this bylaw;
- (b) The offence;
- (c) The specified penalty established in the Development Fees and Fines Bylaw; and
- (d) Due date of payment.

17. **EFFECTIVE DATE**

17.1 This bylaw comes into force and effect when it receives third reading and is duly signed.

18. **REPEAL OF BYLAW**

18.1 Bylaw C-855-13 is hereby repealed.

First Reading Carried 15 August 2016

Second Reading Carried 12 September 2016

Third Reading Carried 14 November 2016

Date Signed 16 November 2016

Mayor

City Clerk