

Village of Edberg
BYLAW NO. 427-04-10

A BYLAW OF THE VILLAGE OF EDBERG, IN THE PROVINCE OF ALBERTA, TO PROVIDE LICENSING AND REGULATIONS OF ALL BUSINESSES, BUSINESS ACTIVITIES AND PERSON ENGAGED IN BUSINESSES WITHIN THE VILLAGE OF EDBERG

WHEREAS pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, a municipality may pass bylaws respecting businesses and provide for a system of licensing;

AND WHEREAS it is deemed expedient to provide for the licensing of businesses operating within the Village Of Edberg.

THEREFORE, the Council of the Village of Edberg in the Province of Alberta, duly assembled, hereby enacts as follows:

PART 1: BYLAW TITLE

SHORT TITLE

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

PART II: DEFINITIONS

2. **DEFINITIONS**

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| a) | “Applicant” | means any Person who makes an Application for any Business License under the provisions of this Bylaw. |
| b) | “Application” | means a written Application for a Business License as provided for by this Bylaw and includes an Application to renew or transfer. |
| c) | “Business” | means the same meaning as provided by the <i>Municipal Government Act</i> , R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time. |
| d) | “Business License” | means a license issued pursuant to this Bylaw. |

- e) “Business Premises” means any store, office warehouse, house, building, enclosure, yard or other place occupied or capable of being occupied for the purpose of carrying on a Business.
- f) “Bylaw Officer” means a Bylaw Enforcement Officer appointed by the Village pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, to enforce the Village bylaws, and includes a member of the Royal Canadian Mounted Police and a Peace Officer authorized under the *Peace Officer Act*, S.A. 2006, c. P-3.5, as amended or repealed and replaced from time to time, having jurisdiction in the Village.
- g) “Chief Administrative Officer” means the Chief Administrative Officer of the Village, as appointed pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, or his or her designate.
- h) “Council” means the municipal council of the Village of Edberg.
- i) “Home Business” means a Business carried on by a Person, who is an occupant of the dwelling, as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small sign as provided for in the Land Use Bylaw.
- j) “Land Use Bylaw” means the Land Use Bylaw of the Village.
- k) “Licencee” means a Person holding a valid and existing Business License issued pursuant to the provisions of this Bylaw.
- l) “Person” means any individual, firm, corporation or partnership of any kind.
- m) “Temporary Business” means a business that operates for less than six months any given license year.

- n) “Village” means the Village of Edberg in the Province of Alberta.
- o) “Violation Tag” means a tag or similar document issued by the Town or its Agent pursuant to Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.
- p) “Violation Ticket” means a Ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time, and the regulations thereunder.

PART III: APPLICATION

3. BUSINESS LICENSE REQUIREMENTS

- a) No Person shall carry on or operate any Business within or temporarily within the Town without holding a valid and subsisting Business License issued pursuant to the provisions of this Bylaw, unless specifically exempted by Provincial or Federal law or this Bylaw.
- b) Any advertising of a Business shall be *prima facie* proof that the Business is being carried on or operating.
- c) A Person who operates more than one Business, either separately or together, shall maintain in force a valid Business License for each Business.
- d) Any Person who operates more than one Business Premise in respect of any Business shall take out a separate Business License for each Business Premise.

4. BUSINESS LICENSE APPLICATION AND ISSUANCE

- a) A Person applying for a Business License shall submit to the Chief Administrative Officer or his or her designate a complete written Application in a form as provided by the Village and attached hereto as Schedule “A”. The completed form must be signed by the Applicant, or in the case of a corporation, its duly appointed agent.
- b) If all the requirements of this Bylaw are met, the Chief Administrative Officer or his or her designate shall issue a Business License to an Applicant or Licencee with or without conditions, where deemed

appropriate, upon payment in full of the required fee as prescribed in Schedule “B” attached to and forming part of this Bylaw.

- c) No Application shall be considered complete unless accompanied by the corresponding fee as prescribed in Schedule “B”.
- d) An Application for the renewal of an existing Business License shall be submitted to the Village of Edberg no later than the 31st of January of each Business License year.
- e) Every Business License is valid from January 1 to December 31 of the year issued, unless revoked, suspended or cancelled prior to that date.

5. **BUSINESS LICENSE REVOCATIONS OR SUSPENSIONS**

- a) The Chief Administrative Officer or his or her designate may revoke or suspend any Business License for non-compliance with this Bylaw notwithstanding that the Licencee has not been prosecuted for a contravention of that Bylaw.
- b) Where a Business License is revoked or suspended pursuant to subsection 5(a), the Chief Administrative Officer or his or her designate shall notify the Licencee in writing of the revocation or suspension and the reason or reasons for the revocation or suspension. Notification shall be in the form of one of the following methods:
 - i) by delivery of a notice to the Licencee personally; or
 - ii) by registered mail to the mailing address as shown on the Business License.
- c) After notification to the Licencee by the Village, the Business shall not operate.
- d) When any required certificate, license or other document or qualification related to the Business issued by the Government of Canada or the Government of the Province of Alberta is terminated or surrendered, the Business License issued pursuant to this Bylaw immediately becomes null and void, without notice under Section 5(b).
- e) Where a Business License is revoked, the Licencee shall immediately return the Business License to the Village and the Business shall not operate until such time as a new Business License is issued.
- f) Where a Business License is suspended, the Licencee may resume operation when the Business License is reinstated.

- g) Where a Business License is revoked or suspended, the Licencee is not entitled to a refund of the Business License fee.

6. **APPEALS**

- a) In the case where an application has been refused or a Business License has been revoked or suspended, the Applicant or Licencee may appeal the refusal, revocation or suspension to Council.
- b) The Appeal of an Applicant or Licencee shall be in writing and filed within thirty (30) days of the refusal, revocation or suspension and shall state the grounds upon which the appeal is based. The appeal must be accompanied by a fee as prescribed in Schedule “B” for the appeal to be considered complete.
- c) All appeals shall be addressed to the Chief Administrative Officer and shall be considered properly filed if delivered within the time limit set out in Section 6(b).
- d) All appeals shall be heard by Council and in deciding the Appeal, Council may:
 - i) direct that a Business License be issued or reinstated;
 - ii) direct that a Business License be issued or reinstated with conditions; or
 - iii) direct that a Business License be refused.

7. **BUSINESS LICENSE GENERAL REGULATIONS**

- a) No Business License shall be issued to any Person until the Applicant proves to the satisfaction of the Chief Administrative Officer or his or her designate that the Person has complied with all the requirements of the Government of Canada and the Government of the Province of Alberta relating to the proposed Business or Business Premises, if applicable, including holding any valid Provincial or Federal licenses as may be required by law.
- b) No Business License shall be issued unless there is a valid and subsisting Village Development Permit for the proposed Business or Business Premises as required by the Land Use Bylaw. All Development Applications must be approved by Village Council.

- c) A Business License is not valid unless signed by the Chief Administrative Officer or his or her designate.
- d) A valid Business License issued pursuant to this Bylaw shall be posted in a conspicuous place in the Business Premises for which the Business License is issued.
- e) A Licensee may transfer a Business License to any Person or from one Business Premise to another upon completion of an Application form and payment of a fee prescribed in Schedule “B” of this Bylaw, and, if applicable, any legal documentation releasing the rights and interest of a previous Licensee.
- f) Every Person operating any Business in respect of which a Business License is required under this Bylaw shall co-operate with and, upon request, provide to the Chief Administrative Officer or his or her designate or to a Bylaw Officer all information necessary to enable that individual to carry out his or her duties.
- g) The Chief Administrative Officer, in administering the provisions of this Bylaw, may:
 - i) conduct investigations with regard to proposed Applications;
 - ii) conduct inspections of a Business or Business Premises, or proposed Business Premises;
 - iii) refuse to grant a Business License, or revoke or suspend any Business License, or add conditions to a Business License upon issuance or renewal if, in the opinion of the Chief Administrative Officer or his or her delegate, there are just and reasonable grounds for the decision subject to the right of the Applicant to appeal the refusal, revocation, suspension or conditions to Council; and
 - iv) delegate any power, duties or function under this Bylaw to a designate.

PART IV: ENFORCEMENT

8. AUTHORITY OF BYLAW OFFICER

- a) A Bylaw Officer shall be authorized to enforce the provisions of this Bylaw.
- b) A Bylaw Officer may conduct inspections of Business Premises or locations where the Bylaw Officer has grounds to believe a Business is operating, for the purposes of ascertaining compliance with this Bylaw.

PART V: PENALTIES AND OFFENSES

9. GENERAL PENALTIES AND OFFENSES

- a) Any Person who contravenes any provision of this Bylaw is guilty of an offense and is liable on summary conviction to a fine as specified in Schedule "C", attached to and forming part of this Bylaw, in addition to any license fee he or she may be required to pay pursuant to this Bylaw.
- b) Where a Person is convicted of operating a Business for which a Business License fee is payable, without payment of such fee having been made, the Court may, in addition to the fine proposed pursuant to this Bylaw, direct the payment of the applicable License Fee to the Village.

10. VIOLATION TAG

- a) A Bylaw Officer is hereby authorized and empowered to issue Violation Tags to any Person who the Bylaw Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- b) A Violation Tag may be issued to such Person either:
 - i) personally; or
 - ii) by mailing a copy to such Person at his or her last known postal address.
- c) The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - i) the name of the Person;

- ii) the offense;
 - iii) the appropriate penalty for the offense as specified in Schedule “C” of this Bylaw;
 - iv) that the penalty shall be paid within 30 days of the issuance of the Violation Tag; and
 - v) any other information as may be required by the Village.
- d) Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may in lieu of prosecution of the offense, pay the Village the penalty specified in the Violation Tag.
 - e) Any Person who contravenes any section of this Bylaw for a second or subsequent time within a twelve (12) month period is guilty of a second or subsequent offense and liable for fines as outlined in Schedule “C”.

11. **VIOLATION TICKETS**

- a) If the penalty specified on a Violation Tag is not paid within the prescribed time, then a Bylaw Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, P-34, as amended and repealed and replaced from time to time.
- b) Notwithstanding subsection 11(a) above of this Bylaw, a Bylaw Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, P-34, as amended or repealed and replaced from time to time, to any Person who the Bylaw Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- c) Where a Violation Ticket has been issued to a Person pursuant to this Bylaw, that Person may plead guilty to the offence by submitting to a Clerk of the Provincial Court, the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket

PART VI: GENERAL

12. **SEVERABILITY**

Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

13. **EFFECTIVE DATE**

This Bylaw shall come into effect January 1, 2011.

14. **REPEAL**

Upon passing of by-law 427-04-10, by-law 302-07-88 is repealed

FIRST READING passed in open Council duly assembled in the Village of Edberg, in the Province of Alberta, this 16th day of, August A.D. 2010.

SECOND READING passed in open Council duly assembled in the Village of Edberg, in the Province of Alberta, this 16th day of, August A.D. 2010.

THIRD AND FINAL READING passed in open Council duly assembled in the Village of Edberg, the Province of Alberta, this 16th day of August A.D. 2010.

MAYOR LORNE KLEVGAARD

CHIEF ADMINISTRATIVE OFFICER
PATRICK RISK

SCHEDULE "A"

BUSINESS LICENSE APPLICATION

**Name of
Company**

**Type of
Business**

Mailing Address

Street Address

Town/City

Province

Postal Code

Telephone

Fax

Cell

Email

Website

**List of Relevant
Provincial and
Federal
Certificates &
Approvals as
Attached**

Additional Comments / Information

SCHEDULE "B"
LICENSE FEES

BUSINESS TYPE	FEE
Non-Resident Business	\$25.00 per year.
Regular Business (operate more than six months per year)	\$25.00 per year
Home Occupation	\$25.00 per year
Temporary Business (operate less than six months per year)	\$25.00 per occurrence
Circuses and other Business of this nature	\$50.00 per day
Transfer of License	\$15.00
Appeal	\$15.00

**SCHEDULE “C”
PENALTIES**

Section No.	Description of Offense	1st Offense	2nd and Subsequent Offences
3(a)	Operating Business without a Business License.	<i>\$100</i>	<i>\$500</i>
5(e)	Operating Business while Business License is suspended or revoked.	<i>\$200</i>	<i>\$500</i>
7(d)	Failure to post Business License on Business Premises.	<i>\$100</i>	<i>\$200</i>
7(f)	Failure to provide information or documents as required by the CAO or Bylaw Officer.	<i>\$100</i>	<i>\$200</i>
	Any other contravention of the Bylaw not specified above.	<i>\$100</i>	<i>\$200</i>