



## TOWN OF EDSON BYLAW NO. 2280

A Bylaw of the Town of Edson in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act, RSA 2000, c. M-26*, and amendments thereto, to establish a system for the licensing, control and regulation of all businesses and industry carried on within the Town of Edson.

**WHEREAS** the *Municipal Government Act, RSA 2000, c. M-26*, and amendments thereto, authorizes a Council to pass bylaws for municipal purposes;

**WHEREAS** section 7(a) of the *Act* provides that a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

**WHEREAS** section 7(e) of the *Act* provides that a council may pass bylaws for municipal purposes respecting businesses, business activities and Persons engaged in business;

**WHEREAS** section 7(i) of the *Act* provides that a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Act* or any other enactment, including any and all of the matters listed therein; and

**AND WHEREAS** section 8 of the *Act* provides that a council may, by 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 Edson, in the Province of Alberta, enacts as follows:

### 1. TITLE

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

### 2. DEFINITIONS AND INTERPRETATION

- 2.1 "Act" means the *Municipal Government Act, RSA 2000, c. M-26*, and amendments thereto;
- 2.2 "Business" means (i) a commercial, merchandising, or industrial activity or undertaking; (ii) a profession, trade, occupation, calling, or employment; (iii) an activity providing goods or services; and (iv) is inclusive of any kind of business activity conducted over the internet, whether or not for profit and however organized or formed, including a co-operative or association of Persons;

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- 2.3 “Business Licence” means a valid and subsisting Licence issued pursuant to this Bylaw;
- 2.4 “Business Licence Fee” means the fees, rates and charges established for businesses in the fees and charges Bylaw;
- 2.5 “Business Licence Inspector” means any person so designated herein by the Chief Administrative Officer (CAO) to administer, issue and/or support the enforcement of the licensing of any and all businesses operating within the Town pursuant to this Bylaw;
- 2.6 “Business Premises” means any store, dwelling unit, office, facility, warehouse, building, enclosure, or any other indoor or outdoor place occupied for the purpose of carrying on Business;
- 2.7 “Charitable or Non-Profit Organization” means any person, association, or corporate body registered under the *Societies Act, RSA 2000 c. S-14*, engaged entirely in charitable activities or engaged in the promotion of general social welfare within the Town, all the resources of which are devoted entirely to charitable activities and not for profit or gain, and which does not confer a monetary or other benefit upon its members or directors;
- 2.8 “Chief Administrative Officer” or “CAO” means the person appointed to that position by Council under the provisions of the *Act*, or their designate;
- 2.9 “Council” means the duly elected officials of the Town of Edson;
- 2.10 “County” means Yellowhead County, in the Province of Alberta (or its duly authorized representatives) or the area contained within its municipal boundaries, as the context requires;
- 2.11 “Licensee” means a Person to whom a Business Licence has been issued;
- 2.12 “Mobile Business Unit” or “Hawker/Peddler” means any mobile motor vehicle, trailer or similar mobile unit that is designed for offering the sale of goods, food or services on the streets or roads or elsewhere other than at a permanent location or does not have a Business Premises in the Town;
- 2.13 “Municipal Tag” means a Town form alleging an offence of a Town Bylaw and allowing for voluntary payment of the prescribed fine without prosecution;
- 2.14 “Non-Resident Business” includes any trade, profession, industry, occupation, employment, or calling and providing of goods and services, whose Business Premise is located permanently outside the boundaries of Yellowhead County, or within an incorporated town or village with the exception of the Town of Edson, situated within the boundaries of Yellowhead County;
- 2.15 “Person(s)” means a Person as defined in the *Interpretation Act, RSA 2000, c. P-34*, as amended;

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- 2.16 “Resident Business” includes any trade, profession, industry, occupation, employment, or calling and providing of goods and services, whose Business Premise is located permanently within the corporate limits of the Town of Edson or Yellowhead County, with the exception of an incorporated town or village within the County;
- 2.17 “Seasonal Business” refers to a business providing goods or services required in relation to a certain season in the year;
- 2.18 “Subcontractor” means a person providing sub-contract services to a General Contractor in relation to a particular trade, project or contract;
- 2.19 “Temporary Licence” refers to a Licence to conduct business in the Town of Edson for a period up to seven (7) consecutive days or less;
- 2.20 “Town” means the Town of Edson;
- 2.21 “Trade” meaning any Person who accepts contracts for a service, construction, alteration or repair to buildings or structures of any kind (above or below ground), that is required to uphold valid certificates or diplomas from accredited educational institutions or provincial, territorial, or federal authorities; and
- 2.22 “Violation Ticket” means a ticket as defined in the *Provincial Offences Procedure Act*, RSA 2000, c. P-34, as amended.

**Interpretation**

- 2.23 The following rules apply to the interpretation of this Bylaw:
- a. headings, titles, and margin notes in this Bylaw are for ease of reference only;
  - b. gender-specific words, phrases, and references are intended to be gender-neutral, and the singular includes the plural as the context requires;
  - c. every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid by a Court, all other provisions of this Bylaw remain valid and enforceable; and
  - d. references to Bylaws and enactments in this Bylaw include amendments and replacement Bylaws and enactments, and regulations and orders thereunder.

**3. APPOINTMENT AND DUTIES OF BUSINESS LICENCE INSPECTOR**

- 3.1 The Chief Administrative Officer (CAO) shall appoint a Business Licence Inspector as may be required to carry out the provisions of this Bylaw.

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- 3.2 Without restricting any other power, duty or function granted by this Bylaw, the Business Licence Inspector may:
- a. establish forms, applications or other documents for the purposes of this Bylaw;
  - b. require a Person applying for or holding a Business Licence to provide any information required to make a decision regarding that Business Licence;
  - c. carry out whatever inspections are reasonably required to determine compliance with this Bylaw;
  - d. in appropriate circumstances, prior to any Violation Ticket or Municipal Tag being issued, issue a written warning for an offence by outlining the nature of the contravention, the corrective action(s) that must be taken, and the deadline for such corrective action(s);
  - e. determine the procedures to be followed when making a decision to refuse, suspend, revoke or impose conditions on a Business Licence; and
  - f. delegate any powers, duties, functions, or responsibilities involved in the administration of this Bylaw.
- 3.3 A Business Licence Inspector is authorized to:
- a. administer and support the enforcement and requirements of this Bylaw as far as practicable;
  - b. receive, consider and deal with all applications for a Licence and transfers thereof;
  - c. collect all fees required by this Bylaw and credit such fees to an account of the Town;
  - d. record such information with respect to Business Licences as may be considered necessary;
  - e. conduct investigations with regard to applications for a Business Licence where necessary;
  - f. refuse to grant a Business Licence, or revoke or suspend any Business Licence if, in his or her opinion, there are just and reasonable grounds for the refusal of the application or for the revocation or suspension of the Business Licence subject to the right of the applicant to appeal the refusal, revocation or suspension to Council; and
  - g. issue a Business Licence, with or without conditions, upon payment of the appropriate fee.

**4. LICENSING**Business Licence Required

- 4.1 Except where permitted under sub. s. 4.3(e) of this Bylaw, no Person shall engage in or operate a Business in the Town without a valid Business Licence authorizing that Person to engage in or operate that Business.
- 4.2 Except where permitted under sub. s. 4.3(e) of this Bylaw, no Person shall engage in or operate a Business in the Town unless the Person holds a valid Business Licence with the appropriate Business Certification(s)/Designations for the type of Business the Person is engaged in or operating.

Business Licence Fees Exemption

- 4.3 A Business Licence fee is not required for the following:
- a. a Charitable or Non-Profit Organization;

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- b. a Business for which the activities are carried out with a Farmer's Market association;
- c. a dentist who is registered with the Alberta Dental Association & College;
- d. a barrister or solicitor as registered under the Law Society of Alberta; and
- e. any other Business which is excluded from the requirements of this Bylaw by an Act of the Legislature or other Provincial Statute including, but not limited to the following:
  - i. *Pharmacy and Drug Act,*
  - ii. *Health Professions Act,*
  - iii. *Chartered Professional Accountants Act,*
  - iv. *Insurance Act,*
  - v. *Architect Act,*
  - vi. *Land Surveyors Act, and*
  - vii. *Engineering and Geoscience Professions Act.*

4.4 Any Business qualifying for a fee exemption must still apply for and obtain a Business Licence unless specifically exempted from doing so under the provisions of any other applicable legislation.

Proof of Exemption

4.5 The onus of proving that a Person is exempt from any requirement of this Bylaw is on the Person alleging the exemption on a balance of probabilities.

Valid Locations

4.6 A Business Licence is only valid for:

- a. the specific Business Premises; or
- b. a Mobile Business Unit.

4.7 A Person shall not engage in or operate a Business at more than one Business Premises in the Town unless the Person holds a separate Business Licence for each Business Premises.

Display of Business Licence

4.8 A Licensee shall display the Business Licence in a prominent location at the Business Premises or Mobile Business Unit, visible to members of the public and to anyone conducting an inspection pursuant to this Bylaw.

4.9 A Licensee shall forthwith provide the Business Licence upon demand to anyone conducting an inspection pursuant to this Bylaw.

Business Licence Application

4.10 Before the issuance or renewal of a Business Licence, a Person must submit to the Business Licence Inspector:

- a. an application for issuance or renewal in a form prescribed by the Business Licence Inspector;
- b. all applicable fees as set out in the Town's current *Fees, Rates, and Charges Bylaw*; and

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- c. any other information required by this Bylaw or requested by the Business Licence Inspector.

4.11 An applicant must be at least 18 years old or have an agent at least 18 years old sign/authorize the application on behalf of the applicant.

Land Use Bylaw Compliance

4.12 Where a Person intends to carry on a Business at a specific Business Premises within the Town, the Person must ensure that all necessary approvals required under the Town's *Land Use Bylaw* have been obtained and that confirmation of such approvals is provided to the Business Licence Inspector prior to a Business Licence being issued or renewed.

Third Party Referrals and Consultations

4.13 No Business Licence shall be issued until such a time as all of the necessary approvals have been received by the Business Licence Inspector.

4.14 Prior to issuing or renewing a Business Licence, the following parties may be referred to, at the discretion of the Business Licence Inspector:

- a. the Province of Alberta;
- b. the Royal Canadian Mounted Police;
- c. the Edson and District Chamber of Commerce;
- d. the Alberta Gaming, Liquor and Cannabis Commission;
- e. the Alberta Motor Vehicle Industry Council;
- f. a Regional Health Authority; and
- g. any Town department to determine whether they are in possession of information which, in the opinion of the Licence Inspector, renders it contrary to the public interest for a Business Licence to be issued or renewed.

Issuance or Renewal of Business Licence

4.15 The Business Licence Inspector may issue or renew a Business Licence when all requirements of this Bylaw have been met.

4.16 Applications for renewal of an existing Business Licence must be made no later than the 15<sup>th</sup> day of February, of each calendar year.

4.17 If an application for a Business Licence is not renewed by the 15<sup>th</sup> day of February of each calendar year, then the Business Licence is deemed invalid and the Business will not be permitted to operate within Town limits until such a time when the Business Licence is renewed.

4.18 Where a Business Licence is issued or renewed in error or without all the necessary requirements of this Bylaw having been met, the Business Licence may be immediately suspended or revoked by the Business Licence Inspector, with an applicant having the right to appeal the decision.

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Fees

- 4.19 A Business Licence shall not be issued for any business until all approvals have been obtained and all fees paid in full.
- 4.20 Application fees for a Business Licence are nonrefundable.
- 4.21 A Business that ceases to operate in the Town or has its Business Licence suspended or revoked is not entitled to a refund of any fees paid.

Term of Business Licence

- 4.22 A Business Licence is valid from the date on which it is issued until December 31st of that year unless it is otherwise suspended, revoked or issued a Temporary or Seasonal Business Licence.
- 4.23 A Business Licence is automatically revoked if the Business ceases operation or when there is evidence of a cease in operation.

Cancellation of a Business Licence

- 4.24 A Licensee may cancel a Business Licence by providing written notice to the Business Licence Inspector.
- 4.25 The Business Licence Fee is not refundable after a cancellation, unless the Licence is cancelled because:
  - a. The Business Licence is a duplicate of a Business Licence already issued for which the Business Licence fee has been paid.

Change of Information

- 4.26 A Licensee shall forthwith notify the Business Licence Inspector in writing of any material change in the type, scope or operation of the Business or Business Classification(s) and shall provide a completed application to amend the Business Licence as well as the applicable fee.

Transfer of Business Licence

- 4.27 A Business Licence may be transferred upon application to and approval by the Business Licence Inspector in the following circumstances:
  - a. a transfer of the Business Licence from one Person to a different Person but with the same Business in the same Business Premises; or
  - b. a transfer of the Business Premises from one address to another address but with the same Business.
- 4.28 Any transfer of a Business Licence is subject to all other requirements of this Bylaw and to any applicable fee.

**TOWN OF EDSON BYLAW NO. 2280**Refusal, Suspension or Revocation of Business Licence

- 4.29 The Business Licence Inspector may refuse to issue or renew a Business Licence, may suspend or revoke a Business Licence, or may impose any conditions on a Business Licence for any of the following reasons:
- a. the applicant or Licensee does not or no longer meets the requirements of this Bylaw with respect to the Business Licence applied for or held;
  - b. the Business Licence Inspector has reasonable grounds for believing that the applicant does not or will not comply with another Bylaw of the Town, or an enactment of Alberta or Canada in relation to the operation of the Business;
  - c. the Licensee has breached a condition of the Business Licence;
  - d. the applicant or Licensee:
    - i. furnishes false information or misrepresents any fact or circumstance to the Business Licence Inspector;
    - ii. has, in the opinion of the Business Licence Inspector based on reasonable grounds, contravened this Bylaw, whether or not the contravention has been prosecuted;
    - iii. fails to pay a fine imposed by a court for a contravention of this Bylaw; or
    - iv. fails to pay any fee required by this or any applicable Bylaw;
- or
- e. in the opinion of the Business Licence Inspector based on reasonable grounds it is in the public interest to do so.
- 4.30 Where a Business Licence is revoked or suspended, the Licence Inspector shall notify the Licensee in writing.

Appeals

- 4.31 In every case where:
- a. an application for a Business Licence has been refused;
  - b. a Business Licence has been issued, subject to conditions;
  - c. a Business Licence has been revoked;
  - d. a Business Licence has been suspended; or
  - e. there is a refusal to waive a fee for a Charitable or Non-Profit Organization,
- the applicant may appeal the decision.
- 4.32 An appeal pursuant to s. 4.31 shall be made in writing, setting out the reasons for the appeal, and be delivered to Legislative Services within ten (10) days of the date that the applicant is first notified of the decision of the Business Licence Inspector.
- 4.33 On the filing of an appeal, a decision to revoke, suspend or place conditions on a Business Licence is stayed for until the date the appeal is scheduled and heard by Council during a regular Council meeting.



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- 4.34 Council, following an appeal held pursuant to s. 4.31 may by resolution:
- a. overturn the decision of the Business Licence Inspector;
  - b. vary the decision of the Business Licence Inspector or substitute its own decision; or
  - c. uphold the decision of the Business Licence Inspector.
- 4.35 The decision of Council pursuant to s. 4.34 is final.
- 4.36 Upon the refusal, suspension or revocation of a Business Licence, and if it is in the public interest to do so, the Business Licence Inspector may make a publication regarding the decision, provided that:
- a. An appeal has been made in respect of the decision pursuant to section 4.31, and Council has upheld the decision; or
  - b. The appeal period established in section 4.32 has expired and no appeal has been filed.

**5. ENFORCEMENT**

Offence

- 5.1 A Person who contravenes this Bylaw is guilty of an offence and is liable on summary conviction.

Fines and Penalties

- 5.2 A Person who is guilty of an offence under this Bylaw is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00.
- 5.3 Without restricting the generality of the preceding section, the following fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:
- a. for a first-time offense to a fine of not less than \$100.00 and no more than \$250.00; and
  - b. In the case of an offence that is of a continuing nature, a contravention constitutes to a fine of not less than \$200.00 and not more than \$500.00 with a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine for each such day.

Municipal Tag

- 5.4 A Municipal Tag may be issued for any offence under this Bylaw.
- 5.5 If a Municipal Tag is issued for an offence, the Municipal Tag must specify the fine amount established by this Bylaw for the offence.

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### Payment in Lieu of Prosecution

- 5.6 A Person who commits an offence may, if a Municipal Tag is issued for the offence, pay the fine amount established by this Bylaw for the offence and if the full amount is paid on or before the required date, the Person will not be prosecuted for the offence.

### Violation Ticket

- 5.7 If a Violation Ticket is issued for an offence under this bylaw, the Violation Ticket may:
- a. specify the fine amount established by this Bylaw for the offence; or
  - b. require a Person to appear in court without the alternative of making a voluntary payment.
- 5.8 A Person who commits an offence may, if a Violation Ticket is issued specifying the fine amount established by this bylaw for the offence, make a voluntary payment equal to the specified fine amount.

### Proof of Business Licence

- 5.9 The onus of proving that a Business has a Business Licence is on the Person alleging the existence of the Business Licence on a balance of probabilities.

### Engaging in or Operating a Business

- 5.10 In a prosecution for a contravention of this bylaw for engaging in or operating a Business without a Business Licence, proof of one transaction in the Business or that the Business has been advertised is sufficient to establish that a Person is engaged in or conducting Business.

### Obstruction

- 5.11 A Person shall not obstruct or hinder any Person in the exercise or performance of their powers under this bylaw.

## **6. TRANSITIONAL**

- 6.1 An existing Business Licence issued under Bylaw 2030, the Business Licence Bylaw, remains valid until the term of such Licence expires unless the Licence is otherwise revoked, suspended, forfeited, or replaced by a Business Licence issued under this bylaw.

## **7. SEVERABILITY**

- 7.1 If any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 7.2 In any place where this Bylaw conflicts with any Provincial Act or Regulation, the latter shall govern.

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**8. EFFECTIVE DATE**

8.1 Bylaw 2030 and all amendments thereto are hereby repealed.

8.2 This Bylaw shall come into effect upon third reading.

**READ** a first time this \_\_\_\_ day of \_\_\_\_, 20\_\_.

**READ** a second time this \_\_\_\_ day of \_\_\_\_, 20\_\_.

**READ** a third time and finally passed this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_

Mayor Kevin Zahara

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Christine Beveridge, CAO