

TOWN OF BRUDERHEIM

BYLAW 01-2021

A BYLAW OF THE TOWN OF BRUDERHEIM TO PROVIDE FOR THE LICENSING AND CONTROL OF ANY BUSINESS OPERATING WITHIN THE TOWN OF BRUDERHEIM

**WHEREAS**, the Council of the Town of Bruderheim is committed to developing and maintaining a safe and viable community, and

**WHEREAS** Council may pass bylaws for municipal purposes respecting the safety, health, welfare and protection of the people, and

**WHEREAS** under the provisions of the Municipal Government Act, Council may, in passing a bylaw, regulate or prohibit, or provide for a system of licenses, permits or approvals, for any development, activity, industry, business or things, until a license, permit or approval has been granted, which can include terms and conditions, and fines and penalties.

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

**1. TITLE**

1.1. This Bylaw shall be known and may be cited as the "Business License Bylaw" for the Town of Bruderheim.

**2. DEFINITIONS**

In this bylaw:

2.1. "**Advertise**" means any public notice meant to attract support for a Business located in the Town, including but not limited to:

- a) a poster;
- b) a placard;
- c) a flyer;
- d) a sign, including an inscribed board, structure or device serving for advertising without being limited to free-standing signs, portable signs or banners;
- e) a newspaper display;
- f) a television or radio announcement designed to sell a product or publicize a service, or vacancy; or
- g) internet, social media or e-mail display
- h) a display delivered to a mobile devices.

2.2. "**Applicant**" means a person who applies for a license or the renewal of a license as **required** by this Bylaw.

2.3. "**Application**" means a written application in the prescribed form for a business license or a renewal of a business license as required by this bylaw.

2.4. "**Business**" means:

- 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 co-operative or association of persons.

- 2.5. **"Business License"** means a license issued, pursuant to this bylaw with or without conditions, for the purpose of licensing any business operating within the corporate limits of the Town of Bruderheim.
- 2.6. **"Business License Administrator"** means a person designated by the Chief Administrative Officer to carry out the provisions of this Bylaw and acting on their behalf.
- 2.7. **"Business License Fees"** means the fees, rates and charges established for businesses in the Land Use Bylaw of the Town of Bruderheim.
- 2.8. **"Business Premises"** means any store, office, warehouse, residence, dwelling, enclosure, yard, or other place occupied or capable of being occupied by any person for the purpose of carrying on a Business.
- 2.9. **"Bylaw Officer"** means a Bylaw Officer who has been appointed by Council.
- 2.10. **"Charitable or Non-Profit Organization"** means an association or corporation acting for charity or in the promotion of general social welfare and includes:
- a) a religious society or religious organization;
  - b) a service club;
  - c) a community, veterans or youth organization;
  - d) a social, sport or fraternal organization or club.
- 2.11. **"Chief Administrative Officer"** means the Chief Administrative Officer for the Town of Bruderheim;
- 2.12. **"Council"** means the Municipal Council of the Town of Bruderheim in the Province of Alberta.
- 2.13. **"Development Authority"** means the Development Officer of the Town of Bruderheim.
- 2.14. **"Development Permit"** means a document which authorizes development of a parcel of land or a business issued pursuant to the Town Land Use Bylaw.
- 2.15. **"Dwelling"** means a complete building or self-contained portion of a building used by a household, containing sleeping, cooking and sanitary facilities, intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building.
- 2.16. **"Farmer's Market"** means any person, society or organization belonging to the Alberta Agricultural Farmer's Market Program who is in the business of providing stalls, tables or space for which a fee is charged to persons selling, on a temporary basis, goods, wares, services or merchandise which have been handcrafted, grown or produced, caught, processed or baked to the general public.
- 2.17. **"Garage Sale"** means an informal, irregularly scheduled sale of miscellaneous household goods by a private individual from a dwelling for a maximum of three (3) consecutive days.

- 2.18 **"Land Use Bylaw"** means the Land Use Bylaw of the Town of Bruderheim.
- 2.18. **"Licensee"** means an individual person, firm, sole proprietorship, partnership or corporation holding a valid and subsisting business license issued pursuant to this Bylaw.
- 2.19. **"License Year"** means the period commencing January 1 and ending December 31 of the same year.
- 2.20. **"Non-Resident Business"** means a person, partnership or business whose office is located outside the corporate limits of the Town of Bruderheim.
- 2.21. **"Notice of Decision"** means the Notice as applicable to the Development Authority's decision pursuant to this Bylaw and the Land Use Bylaw.
- 2.22. **"Person"** means a natural person, a group of individuals, firm, corporation, association, partnership, society or other similar cooperative organization.
- 2.23. **"Public Market"** means a Business which provides stalls, tables or space for temporary rent to Temporary Vendors who sell their goods and services directly to the public.
- 2.24. **"Resident Business"** means a Business which maintains a permanent Business Premises within the Town corporate limits.
- 2.25. **"Town"** means the Municipal Corporation of the Town of Bruderheim and where the context so requires means the area contained within the Corporate Limits of the said municipality.
- 2.26. **"Violation Ticket"** means a tag or ticket whereby the person alleged to have committed a breach of a provision of this Bylaw is given an opportunity to pay a voluntary penalty to the Town of Bruderheim in lieu of prosecution for the offense.

### 3. **APPOINTMENT, POWERS AND DUTIES OF THE BUSINESS LICENSE ADMINISTRATOR**

- 3.1. The CAO shall appoint a Business License Administrator to carry out the provisions of the bylaw. The Business License Administrator is authorized to administer this bylaw and is hereby authorized:
- a) To receive, review and approve with conditions where necessary all applications for a business license;
  - b) To classify businesses for the purposes of establishing applicable license fees;
  - c) To conduct investigations with the Development Officer with regards to proposed applications and where applicable the Business License Administrator shall not issue a Business License until the applicant obtains and holds a valid development approval pursuant to the Land Use Bylaw;
  - d) To collect business license fees pursuant to the Fees and Charges Bylaw for the Town of Bruderheim;
  - e) To refuse to grant; to cancel; to suspend; to revoke or refuse to renew business licenses where deemed appropriate pursuant to this By-law if there is reasonable and just cause to do so and if in the opinion of the Business License Administrator, they believe that:
    - i. The Applicant has contravened the provisions or requirements of this bylaw or other bylaws of the Town or any applicable Provincial or Federal licenses or permits;

- ii. The Business has changed to the extent that a new application for a Business License would be refused or is required;
  - iii. The Licensee has withheld or concealed information from the Business License Administrator or has provided false information on an application for a Business License; or
  - iv. The Licensee refuses to admit the Business License Administrator into the business premises or vehicle from which the business is carried out.
- f) To maintain appropriate records pertaining to the licensing of businesses, infractions of this Bylaw, and generally all matters arising out of the application and enforcement of this Bylaw; and
- g) To specify the format appearance of forms for business license applications and licenses under this Bylaw as required from time to time.

#### 4. NECESSITY FOR LICENSE

- 4.1. Notwithstanding any provision of this bylaw, a business license is not required by any person or business, if any Statute of Canada or the Province of Alberta exempts such person or business from the requirements of municipal licensing. The onus to provide proof of exempt status rests with the business license applicant and is not the responsibility of the Business License Administrator.
- 4.2. No person shall within the boundaries of the Town of Bruderheim;
- a) carry on or operate a business; or
  - b) carry on any undertaking or do any act or use for which a business license is required;
- unless he/she holds a valid business license issued pursuant to the provisions of this bylaw.
- 4.3. The issuance of a license under this bylaw does not authorize or permit the Licensee to carry on a business or any activity under such license contrary to the provisions of the Town of Bruderheim Land Use Bylaw or any other legislation.

#### 5. LICENSE NOT REQUIRED

- 5.1. Notwithstanding Section 4 above, no license is required for:
- a) Charitable or non-profit organizations registered under the *Alberta Societies Act* who are exempt from obtaining a business license; (**proof of exemption from municipal licensing must be provided**);
  - b) Foster Homes as interpreted and administered under the *Child, Youth, and Family Enhancement Act* of Alberta;
  - c) The operator of a stall within a duly licensed Farmer's Market under the provisions of this bylaw; (a license is required for vendors' to sell their product outside the limits of the Farmer's Market premises);
  - d) any person providing educational instruction through a program organized by the Town or any person engaged solely in teaching cultural, educational or recreational skills;
  - e) any person employed by or an official acting on behalf of the Town of Bruderheim for the express purpose of carrying out a contract for the Town;
  - f) any 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:
    - *Legal Professions Act*;
    - *Medical Act*;
    - *Pharmaceutical Act*;
    - *Optometry Act*;

- *Chartered Accountants Act;*
  - *Certified General Accountants Act;*
  - *Certified Management Accountants Act;*
  - *Insurance Act;* and
- g) For such other businesses as determined by Council or other legislation from time to time as exempt.

## **6. PREREQUISITES FOR A BUSINESS LICENSE**

- 6.1. A Business License will not be issued:
- a) to any person under 18 years of age;
  - b) until such time as the applicant holds a valid Development Permit where applicable or required pursuant to the Land Use Bylaw;
  - c) until such time as the applicant holds a valid Provincial or Federal license where required by law;
  - d) if the applicant fails to comply with any other bylaw of the Town of Bruderheim or Statute of the Province of Alberta or Statute of Canada.
- 6.2. No Business License shall be granted until the applicant has submitted the proper fees as provided by this bylaw;
- 6.3. No Business License shall be valid unless signed by the Business License Administrator or anyone designated to act on their behalf;
- 6.4. No person shall operate more than one business, calling, trade, or occupation from any one premise without obtaining a business license for each and every business, calling, trade, or occupation carried on in excess of the original one;
- 6.5. No business license shall be issued for a business identified as a discretionary use until:
- *Fourteen days after the Development Permit has been approved and issued under the provisions of this bylaw and the Town of Bruderheim Land Use Bylaw, or*
  - *Where an appeal is made pursuant to the Land Use Bylaw, a license shall not be issued until such time as the appeal has been heard and a decision rendered by the Subdivision and Development Appeal Board.*
- 6.6. Every Social Care Facility must have an approved Development Permit from the Town and must obtain a license to operate a Social Care Facility pursuant to the *Social Care Facilities Licensing Act* and the Supportive Living Accommodation Licensing Regulation and all amendments thereto;
- 6.7. General Contractor shall include with an application for business license a letter setting out the names and addresses of each sub-contractor engaged by the General Contractor to carry out any of the work on any building or structure on which the General Contractor holds a contract.
- 6.8. No person shall carry on any business within the corporate limits of the Town of Bruderheim from any street, sidewalk or Town owned property without the express consent of the Business License Administrator.
- 6.9. Any person who engages in the business of conducting sales by means of home party or catalogue including but not limited to products such as cosmetics, house wares, or holistic remedies etc., shall have a business license. In the event the parent company has obtained an annual business license, all home catalogue sales representatives may be covered under the license issued to the parent company.

**7. DISPLAY OF BUSINESS LICENSE**

- 7.1. Every Business License shall be posted in a conspicuous place in the business premises and the proprietor shall produce the license for inspection purposes to the Business License Administrator or their designate when required. Any person or company who does not ordinarily maintain a permanent place of business within the Town and who goes about Town conducting business must produce a valid business license or a copy of the license upon request.

**8. DURATION OF BUSINESS LICENSE**

- 8.1. Every business license issued shall terminate at midnight December 31" of the license year in which it was issued.

**9. LAND USE AND DEVELOPMENT CONTROL**

- 9.1. The issuance of a Business License under this bylaw does not constitute development approval under the Town Land Use Bylaw. The holder of an existing business license or an applicant for a business license is responsible for obtaining such development approval as may be necessary. Where such approval cannot be obtained, the Development Authority shall forthwith cancel any existing license and refuse any further like applications.

**10. BUSINESS LICENSE APPLICATION, RENEWALS AND FEES**

- 10.1. Any person applying for a business license shall submit to the Town a completed written application in the prescribed form. The form must be signed by the applicant, or in the case of a corporation, its duly appointed agent.
- 10.2. A Business License granted pursuant to the provisions of this bylaw, may upon approval from the Business License Administrator, be transferred from one Business Premise to another Business Premise or from one Person to another Person upon payment of a transfer fee to be paid at the time of Application for transfer.
- 10.3. A Business License issued for a Home Occupation (minor or major) shall become null and void if the said applicant relocates the Business to a subsequent residential premise.
- 10.4. Annual licensing fees are due and payable by January 31 of each year. Business licenses with outstanding renewal fees become subject to suspension, penalties and fines effective February 1st of each license year as provided in Schedule "A" attached to and forming part of this bylaw.
- 10.5. Council by resolution from time to time may establish and amend penalties as prescribed in Schedule "A" of this Bylaw.
- 10.6. Once a Business License has been issued, no refund or partial refund of the Business License fee will be granted at the discretion of the Business License Administrator.

**11. INSPECTION AND ENFORCEMENT**

- 11.1. Where a business has failed to meet the licensing conditions or is otherwise in non-compliance:
- a) A license may be revoked or suspended until such time as the identified contravention(s) have been rectified.
  - b) Upon a license being revoked or suspended, the Development Authority will notify the licensee by:

- i. Delivering a "Notice of Revocation/Suspension of Business License" order personally to the Licensee at the address shown on the Business License application; or; by
    - ii. Mailing a letter to the place of business or personal residence as shown on the business license which shall be deemed to have been received after three (3) business days.
  - c) The Business License Administrator may reinstate the license order upon the corrective performance of any conditions stated in writing on the Notice of Revocation/Suspension order.
  - d) The business shall immediately cease operations until such time as a new business license is issued or the existing license is reinstated.
- 11.2. Before approving a Business License application for a discretionary use, or before relaxing or waiving or interpreting any part of the Land Use Bylaw, the Development Officer must notify the owners of nearby land by mail or by advertising in the local newspaper, and if the neighboring landowners reply within 14 days, the Development Officer will consider their comments and recommendations before authorizing the Business License Administrator to issue a Business License.
- 11.3. Where a certificate, license or other document of qualification under this or any other bylaw, statute or Province of Alberta regulation has been suspended, cancelled terminated or surrendered, any license issued under this bylaw based in whole or in part on such certificate, authority or license, shall become invalid immediately.
- 11.4. A business license is not valid unless signed by the Business License Administrator.

## **12. APPEALS**

- 12.1. A Person may appeal to Town Council in every case where:
- a) an Application for a Business License has been refused; or
  - b) a Business License has been revoked or suspended.
- 12.2. An appeal filed pursuant to subsection (13.1) shall be made by the Person within thirty (30) days after such refusal, revocation or suspension.
- 12.3. All appeals shall be made in writing addressed to the CAO and shall be dated as of the date received by the CAO.
- 12.4. The CAO shall present the appeal to Town Council at the next available Council Meeting for Council's decision.
- 12.5. Town Council, after hearing the appeal, may:
- a) Direct a Business License be issued or re-instated;
  - b) Direct a Business License be issued or re-instated with conditions;
  - c) Uphold the refusal, revocation or suspension of a Business License on grounds which appear just and reasonable.
- 12.6. A decision of Town Council in respect of an appeal under this section shall be final and binding.

## **13. PENALTIES**

- 13.1. Any Person who contravenes, disobeys, refuses or neglects to obey any provision of this bylaw by:

- a) Doing any act or thing which is prohibited; or
- b) Failing to do any act or thing that is required to do herein.

13.2. Is guilty of an offense and is liable, to a penalty as outlined in Schedule "A" in addition to any Business License fee required to be paid.

#### **14. APPOINTMENT, POWERS AND DUTIES OF A BYLAW OFFICER**

14.1. The Bylaw Officer may carry out inspections of a Business Premise to ensure the operation complies with this bylaw.

14.2. The Bylaw Officer is hereby authorized and empowered to issue a violation ticket to any person who has contravened any provision of this Bylaw.

#### **15. VIOLATION TAGS**

15.1. Where a Bylaw Officer believes that a person has contravened any section of this bylaw, a Bylaw Officer may serve upon such person a Violation Tag allowing payment of the penalty specified in Schedule "A" for such offense to the Town and such payment shall be accepted by the Town.

15.2. A Violation Tag may be served to a Person as follows:

- a) in the case of an individual
  - (i) by leaving it for the individual at the apparent place of Business or residence with someone who appears to be a least 18 years of age; or by mail addressed to the individual at the apparent place of Business or by delivering it personally to the individual;
- b) in the case of a corporation, sole proprietorship, partnership, joint venture, cooperative or society:
  - (i) by delivering personally to any director or officer; by delivering it personally to an individual apparently in charge of an office of the corporation, sole proprietorship, partnership, joint venture, cooperative or society at an address held by the corporation, sole proprietorship, partnership, joint venture, cooperative or society; or
  - (ii) by mail addressed to the registered office of the corporation, sole proprietorship, partnership, joint venture, cooperative or society.

15.3. A Violation Tag issued pursuant to this bylaw shall be in a form approved by the CAO and shall state:

- a) the name of the Person to whom the Violation Tag is issued;.
- b) a description of the Property upon which the offence has been committed, if applicable;
- c) a description of the offence and the applicable bylaw section;
- d) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
- e) the time period in which the specified penalty must be paid; and
- f) any other information as may be required by the CAO, or the Business License Administrator or Development Officer.

15.4. Nothing in this section shall:

- a) Prevent any Person from exercising their right to defend any charges of committing a breach of any provision of the Bylaw;
- b) Prevent any, Business Licensing Administrator or any Bylaw Officer from relaying an information or complaint in lieu of serving a violation tag; or



- c) Prevent any Person from exercising any legal rights such Person may have to relay any information or complaint against any Person {(whether such Person has made payment under the provisions of this Bylaw, or not} for a breach of any provision of this bylaw.

**16. SEVERABILITY**

- 16.1. It is the intention of Council that each separate provision of this bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this bylaw be declared invalid, that provision shall be deemed to be severed and all other provisions of the bylaw shall remain in force and effect.

**17. SCHEDULE**

- 17.1. The document attached hereto and marked Schedule "A" shall form part of this bylaw.


**18. ENACTMENT**

- 18.1. Bylaw No. 01-2021 shall come into full force and effect upon the day it receives third and final reading by Council.
- 18.2. Bylaw No. 52-2016 of the Town of Bruderheim, is hereby repealed.

Read a first time this 17<sup>th</sup> day of February, 2021

Read a second time this 03 day of March, 2021

Read a third and finally passed this 03 day of March, 2021

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
ADMINISTRATION

Schedule "A"

PENALTIES

First Offence	\$50.00
Second Offence	\$100.00
Third and Subsequent Offences	\$250.00

