

Bylaw No. 16-01
Village of Breton

Business Licence Bylaw

BEING A BYLAW OF THE MUNICIPAL CORPORATION OF THE VILLAGE OF BRETON, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATING AND LICENCING OF BUSINESSES WITHIN THE VILLAGE OF BRETON AND TO PROVIDE FOR THE REGULATING AND LICENCING OF 39/20 ALLIANCE REGIONAL BUSINESS LICENCING FOR BUSINESSES WITHIN THE VILLAGE OF BRETON

WHEREAS the *Municipal Government Act, RSA 2000, Chapter M-26* provides that a Council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business, and

WHEREAS the Council of the Village of Breton deems that it is desirable and reasonable to provide for the regulation and licencing of businesses within the Village of Breton; and

WHEREAS the Council of the Village of Breton is a member of the 39/20 Alliance and supports the establishment of a 39/20 Alliance Regional Business Licence; and

WHEREAS the Council of the Village of Breton deems that it is desirable and reasonable to provide for the regulation and licencing of a 39/20 Alliance Regional Business Licence for businesses within the Village of Breton;

NOW THEREFORE the Village of Breton, in the Province of Alberta, duly assembled hereby enacts;

1. Title

This bylaw may be cited as the "Business Licence Bylaw".

2. Definitions

In this bylaw:

- a. **Act**, means the Municipal Government Act, Chapter M-26, R.S.A. 2000 as amended.
- b. **Applicant**, means a person who applies for a business licence or renewal of a business licence required by this bylaw.
- c. **Business**, means a commercial, merchandising or industrial activity or undertaking, a profession, trade, occupation, calling or employment, or an activity providing goods or services, however formed, including a cooperative or association of persons.
- d. **Business Licence**, means a licence issued pursuant to the provisions of this bylaw within the Village of Breton.

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- e. **Business Licence Fee**, means the cost of purchasing a business licence as set out in the bylaw to establish fees for the Provision of Various Services.
- f. **Business Premises**, means a store, office, warehouse, factory, building enclosure, yard or other place occupied or capable of being occupied for the purpose of carrying on a business.
- g. **CAO**, means the Chief Administrative Officer of the Village of Breton or anyone designated by the Chief Administrative Officer to act on their behalf.
- h. **Contractor**, means a person, firm or corporation who is engaged in the building and/or construction industry whether by entering into a contract or not with another person, firm or corporation to perform work and services regardless of whether or not the services of any sub-trades may be required.
- i. **Council**, means the Municipal Council of the Village of Breton.
- j. **Hawker**, means any person whether as a principal or agent who:
 - i. Goes house to house selling or offering for sale any merchandise or services, or both, to any person, and who is not a wholesale or retail dealer in such merchandise or services, and not having a permanent place of business in the village; or
 - ii. Offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or services, or both, to be afterwards delivered in and shipped into the village; or
 - iii. Sells merchandise or a service, or both, on the streets or elsewhere than at a building that is his permanent place of business but does not include any person selling meat, fruit or other farm produce that has been produced, raised or grown by himself, or fish of his own catching.
- k. **Home Occupation**, means a business approved pursuant to the Land Use Bylaw.
- l. **Licence Officer**, means the CAO or anyone designated by the Chief Administrative Officer to act on their behalf.
- m. **Licensee**, means any person who has been issued a Business Licence pursuant to the provisions of this bylaw.
- n. **Member Municipalities**, means those member municipalities of the 39/20 Alliance who choose to participate in the Regional Business Licensing Program.
- o. **Non Profit Organization**, means a duly organized group of individuals whose profits from a business undertaking are for charitable purposes.
- p. **Non Resident**, means a person not ordinarily residing within the Village of Breton.
- q. **Non Resident Business**, means any business, which does not ordinarily locate or maintain a permanent place of business within the corporate limits of the village.
- r. **Person**, means an individual, a firm, a partnership, a joint venture, a proprietorship, a corporation, an association or a society.

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- s. **Regional Business Licence**, means a licence to operate in any participating member municipality.
 - t. **Regional Business Licence Fee**, means the cost of purchasing a regional business licence as set out in the bylaw to establish fees for the Provision of Various Services.
 - u. **Resident**, means a person ordinarily residing within the municipal boundary of the Village of Breton.
 - v. **Resident Business**, means any business which ordinarily locates or maintains a permanent place of business within the municipal boundary of the Village of Breton.
 - w. **Village**, is the Municipal Corporation of the Village of Breton.
3. Bylaw Application
- a. A licence must be obtained for the purpose of carrying on all or any business, trade or occupation.
 - b. Every person applying for a business licence shall submit to the village a written application signed by the applicant, or in the case of a corporation it's duly appointed agent.
 - c. A business licence for an existing business shall be renewed by the 1st day of March each year. Renewal shall be made by a business licence holder submitting to the village the applicable business licence fee and providing confirmation that the information on file is correct. Failure to renew a business licence on or before the 1st day of March each year will result in cancellation of the business licence.
 - d. Licenced businesses that do not wish to renew their business licence shall provide written notification that the business is no longer in operation and that they no longer require a business licence.
 - e. The business licence fee shall be established by bylaw.
 - f. A business licence granted pursuant to this bylaw may upon approval of the licence officer be transferred from one person to another upon payment of a transfer fee provided that the business name and nature of the business remain the same.
 - g. No person to whom a licence has been issued under this bylaw shall change the location of the business premises in which the business is carried on without first having applied to the village to have the business licence altered.
 - h. The powers, conditions, requirements and procedure relating to the granting or refusal of licences and appeals shall apply to all such applications.
 - i. In the case of an applicant operating one or more business in the same building, only one business licence shall be required.

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- j. A business licence shall be required for all businesses operating within the corporate limits of the Village of Breton irrespective of any other valid Federal, Provincial or other municipal certificate, authority, licence or other document of qualification unless specifically exempted by the provision of this bylaw or if any Statute of Canada or of the Province of Alberta specifically exempts such person or business from the requirement of municipal licencing.
- k. The following organizations shall be exempt from the provisions of this bylaw:
 - i. Registered charitable organizations
 - ii. Religious groups
 - iii. Service organizations
 - iv. Minor sports organizations
 - v. Schools
 - vi. Businesses carried on by the Government of Alberta and the Government of Canada.
 - vii. Businesses exempted from the requirements of municipal licencing by Federal or Provincial legislation.
- l. No squatting shall be allowed on village owned lands unless written permission has been given by the CAO.
- m. A supplier bringing bulk goods to a licenced business for the purposes of resale shall be exempt from the requirements of this bylaw.
- n. Business licences shall be issued conditionally and where applicable shall be subject to revocation should the following conditions not be met:
 - i. Applicants must possess a valid development permit where required by the land use bylaw for the business;
 - ii. Applicants must hold a valid occupancy and/or building permit where required by Safety Codes;
 - iii. Applicants must comply with any other bylaws of the Village of Breton;
 - iv. Applicants must furnish to the village proof of a valid and sustaining certificate, licence or other document of qualification where required under this or any other bylaw or any Statute of Canada or Alberta;
 - v. Applicants must submit to the village the proper business licence fee.
- o. A licensee shall maintain on a continuous basis the standards and requirements necessary to obtain a licence or any standards that are imposed by this bylaw or any other legislation.
- p. Where any certificate, authority, licence or other document of qualification under this or any other bylaw or under any statute of Canada or Alberta is suspended, cancelled, terminated or surrendered the licence officer shall suspend any licence issued under this bylaw in whole or in part on the certificate, authority, licence or other document of qualification.

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- q. Upon a licence being revoked the licence officer shall notify the licensee of the revocation and the reason for it by:
 - i. Delivering a notice to the licensee personally; or
 - ii. Delivering a notice by registered mail to the licensee's most recent place of business or residence as shown on the licence or the application.
 - r. In every case where an application for a business licence has been refused or where a business licence has been revoked a person may appeal to Council.
 - s. An appeal shall be made by the applicant within thirty (30) days after such refusal or revocation.
 - t. All appeals must be made in writing, addressed to the CAO and must be dated as of the date received by the CAO.
 - u. Council after hearing the appellant may:
 - i. Direct a business licence to be issued;
 - ii. Direct a business licence be issued with conditions;
 - iii. Refuse to grant a business licence;
 - iv. Uphold the revocation of a business licence on grounds which appear just and reasonable; or
 - v. Direct for the reinstatement of the business licence.
 - v. A person who a Bylaw Enforcement Officer or Licence Officer reasonably believes is carrying on a business requiring a licence, or an applicant shall:
 - i. Permit and assist in all inspections requested by a Bylaw Enforcement Officer;
 - ii. Furnish to the Village all identification, information or documentation related to the inspection or licencing requirement;
 - iii. Not provide to the Bylaw Enforcement Officer or the Village false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with the licensing of the business.
 - w. No person shall attempt to prevent, obstruct or hinder a Licence Officer from making an inspection authorized by this bylaw.
 - x. Proof of one transaction or offer to transact in a business is sufficient to establish that a business is being carried on.
 - y. Any advertising of a business operating within the Village is sufficient to establish that the person advertising is carrying on the business.
4. Licence Form, Identification and Display
- a. An Annual business licence shall be issued on a form bearing the identification of the Village.

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- b. All licences issued pursuant to this bylaw are and shall remain the property of the Village.
- c. A licensee who holds a licence, which applies to a specific premises or a mobile business unit, must keep it posted in public view in the licences premises or the mobile unit.
- d. A licensee who does not carry on a business at a specific premises must carry or have immediately available, the licence, and shall upon request immediately produce the licence to a Bylaw Enforcement Officer, Licence Officer or any person with whom they are carrying on business with.
- e. A person shall not reproduce, alter or deface a business licence.

5. Enforcement

- a. Any person violating any provision of this bylaw shall be guilty of an offence and liable to a fine.
- b. Where a Bylaw Enforcement Officer or Peace Officer believes that any person has contravened any provision of the bylaw, they may serve upon such person a violation ticket.
- c. A violation ticket will be deemed to have been sufficiently served:
 - i. If served personally on the accused; or
 - ii. If sent by registered mail; or
 - iii. If sent by regular mail.
- d. All violation tickets issued must contain the section of the bylaw which is contravened, provide for a voluntary payment amount pursuant to the provisions of the bylaw and provide a date, time and location for an appearance in Court should the accused exercise their right to defend any charge pursuant to the provisions of the bylaw.
- e. Any person who commits a contravention of any of the provisions of this bylaw will be liable upon summary conviction by any Court of competent jurisdiction to a fine not exceeding two thousand five hundred dollars (\$2,500.00) and costs and in default of payment to imprisonment for a period not exceeding ninety (90) days.

6. Regional Business Licences

- a. As an option and for an additional fee as set out in the bylaw to establish fees for the Provision of Various Services a resident or local business with a valid business licence will be issued an annual regional business licence seal recognized by all participating member municipalities.
- b. Regional business licence fees collected will be forwarded as necessary to the 39/20 Alliance.

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- c. Any member municipality who revokes a local business licence for a business that has purchased a regional business licence, that revocation shall also apply to the regional business licence and the municipality must notify all participating municipalities as soon as reasonably possible of the revocation.
- d. Any business that has purchased a regional business licence cancels its local business licence, said cancellation shall also apply to the regional business licence and the municipality must notify all participating municipalities as soon as reasonably possible of the cancellation.
- e. Each member municipality retains the right to request proof that a business operating within their municipality, but residing in another participating member municipality has purchased a regional business licence. If the said business does not possess a valid regional business licence the municipality at its discretion may enforce the penalties as set out in their business licence bylaw.

7. Effective Date

- a. This bylaw shall become effective the first day of April, 2016.

READ A FIRST TIME this 10th day of February, 2016

READ A SECOND time this 10th day of February, 2016

READ and THIRD AND FINAL TIME this 10th day of February, 2016

Alan Barker, Mayor

Terry Molenkamp, CAO