

THE CITY OF SPRUCE GROVE

BYLAW C-1284-23

BUSINESS LICENCE BYLAW

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-26, a Council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business;

WHEREAS, pursuant to the *Municipal Government Act*, a council may provide for a system of licenses, permits or approvals, including prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted;

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

1. BYLAW TITLE

1.1 This bylaw is called the "Business Licence Bylaw".

2. DEFINITIONS

2.1 "Act" means the *Municipal Government Act*, R.S.A. 2000, c M-26, as amended.

2.2 "Applicant" means a person who applies for a Business Licence, renewal or transfer of a Business Licence required by this bylaw.

2.3 "Appellant" means a person who has filed a notice of appeal in accordance with this bylaw.

2.4 "Business" means as per the 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.

2.5 "Business Licence" means a licence issued pursuant to this bylaw.

- 2.6 “Business Licence Administrator” means a person appointed by the City Manager having all authority to carry out the provisions of this bylaw.
- 2.7 “Business Location” means the site used or occupied for the conduct of a Business.
- 2.8 “Business Local” means a Business which is operated from a location within the City.
- 2.9 “Business Non-Local” means a Business which is physically located outside the City but is otherwise operated wholly or partly within the City.
- 2.10 “Charitable or Non-Profit Organization” means an organization defined pursuant to the *Charitable Fund-raising Act*, RSA. 2000, c C-9, as amended.
- 2.11 “City” means the municipal corporation of the City of Spruce Grove in the Province of Alberta or where the context so requires, the area contained within the boundaries of the City of Spruce Grove.
- 2.12 “City Manager” means the administrative head of the City of Spruce Grove.
- 2.13 “Council” means the Council of the City of Spruce Grove elected pursuant to the *Local Authorities Election Act*, R.S.A. 2000, c L-21, as amended.
- 2.14 “Home Occupation or Home Based Business” means a Business whose primary office is in the Business owner’s residence.
- 2.15 “Mobile Vending Business” means a vending Business that is carried on from a non-permanent, mobile facility, including but not limited to a motor vehicle, trailer, cart or cycle, within the City. Sales and services from this business type are limited to those offered at the mobile facility and cannot extend beyond.
- 2.16 “Peace Officer” means a member of the Royal Canadian Mounted Police, a Peace Officer appointed under the *Peace Officer Act*, SA 2006, c P-3.5 or a City Bylaw Officer appointed under the Act, and for the purposes of this bylaw, acts under the direction of the Business Licence Administrator.
- 2.17 “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.

- 2.18 “Temporary Business” means a Business which is carried on within a period of one (1), three (3), or six (6) months.
- 2.19 “Violation Ticket” means a violation ticket as defined in the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended or a ticket alleging an offence issued pursuant to the authority of the bylaws of the City.

3. BUSINESS LICENCE ADMINISTRATOR

- 3.1 The City Manager shall appoint a Business Licence Administrator to carry out the provisions of this bylaw.
- 3.2 The Business Licence Administrator shall:
- (a) be responsible for the processing of applications for issuance of Business Licenses;
 - (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;
 - (c) consider and decide on applications by issuing Business Licenses (with or without conditions) or refusing to issue a Business 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 and/or conditions of a Business License;
 - (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; and
 - (g) keep records as required for the administration of this bylaw.

4. CONTROL OF BUSINESS LICENSING

- 4.1 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.

- 4.2 A Business Licence will not be issued until all relevant development, building, electrical, gas or plumbing permits have been issued and received a “passed” final inspection or provided occupancy.
- 4.3 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.
- 4.4 Nothing in the bylaw relieves a person from complying with any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.

5. **EXEMPTIONS**

- 5.1 A Business Licence is not required for the following organizations or Businesses or alternately, can be considered fee exempt, 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) a Business *carried on* by the City;
 - (b) a Business *carried on* by the Government of the Province of Alberta or the Government of Canada or a Crown Corporation created by either Government;
 - (c) a Business expressly exempted from the requirement of a licence by a statute of the Legislature of Alberta or Parliament of Canada or;
 - (d) a Business carried on by any person as part of a Farmer’s Market;
 - (e) Business Non-Local that supply bulk goods for the purpose of resale to a Business Local holding a valid licence; and
 - (f) any person under the age of 18 providing occasional light duty services and labour as an individual.

- 5.2 Notwithstanding any exemption, any Business organization shall register Business and contact information by submitting a completed application to the Business Licence Administrator.
- 5.3 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.
- 5.4 Under the *Professional and Occupational Associations Registration Act*, R.S.A. 2000, c P-26, as amended, a registered member of the ECAA (Electrical Contractors Association of Alberta) are exempt from payment of Business Licence fees provided they are in good standing with the ECAA and include a current copy of their membership card. The Business Licence must be applied for under the Master Electricians name. All permits must be applied for as the Master Electrician.

6. APPLICATION FOR A BUSINESS LICENCE

- 6.1 Every Business shall have a separate Business Licence.
- 6.2 A Business with more than one Business Location shall have a separate Business Licence for each location.
- 6.3 A new application must be submitted for amendments to an existing Business Licence, including a change in ownership, legal name, type of Business or Business Location.
- 6.4 Information updates, such as a change of contact information or operating name, shall not require a new application, but notification must be submitted to the Business Licence Administrator in writing.
- 6.5 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) for a Home Occupation or Home Based Business additional information is required, including;
 - (i) expected Business visits;
 - (ii) materials and goods storage; and
 - (iii) expected employee visits;
 - (e) mailing address;
 - (f) primary phone number for the Business;
 - (g) classification of your Business (NAICS, North American Industry Classification System);
 - (h) Business owner contact, emergency contact and correspondence contact along with their primary phone number and email address; and
 - (i) 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.
- 6.6 All Business Licence applications shall be accompanied by the relevant fee set forth in the current *Development Fees and Fines Bylaw*, as amended.
- 6.7 Any Business requiring any other permit(s), which may include but not be limited to a development permit under the Land Use Bylaw, as amended or permits under the *Safety Codes Act*, RSA 2000, c S-1, as amended must obtain these permit(s) prior to the issuance of a Business Licence.
- 6.8 Notwithstanding Section 5.1(c), the Business Licence Administrator may request any other information or involve any agency or department deemed necessary to issue a Business Licence in accordance with this bylaw.
- 6.9 The Applicant is responsible for all necessary approvals from other regulatory bodies:
- (a) Alberta Health Services (AHS) regulates *Personal Services Regulation*, Alta Reg 1/2020, as amended and *Personal Services Standards*;

- (b) Alberta Health Services (AHS) regulates Food Handling Permits issued under the *Public Health Act*, RSA 2000, c P-37, as amended for mobile vending;
 - (c) City of Spruce Grove Fire Department regulates Fire Permit approvals for Mobile Vending Business;
 - (d) Alberta Gaming, Liquor & Cannabis (AGLC) regulates gaming, liquor and cannabis products through the *Gaming, Liquor and Cannabis Act*, RSA 2000, c G-1, as amended;
 - (e) Alberta Motor Vehicle Industry Council (AMVIC) regulates Alberta's automotive industry acting through the *Consumer Protection Act*, RSA 2000, c C-26.3, as amended, *Automotive Business Regulation*, Alta Reg 192/1999, as amended and the *Traffic Safety Act*, RSA 2000, c T-G, as amended; and
 - (f) Alberta Health Services (AHS) regulates and enforces tobacco and vaping retailers through the *Tobacco, Smoking and Vaping Reduction Act*, S.A. 2005, c T-3.8, as amended.
- 6.10 The Business Licensee must comply with the provisions of all other bylaws of the City of Spruce Grove and any Statutes of Canada or the Province of Alberta which may apply.
- 6.11 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.
- 6.12 If a Business Licence application is withdrawn prior to processing, the fee for the Business Licence will be refunded.

7. VALIDITY OF BUSINESS LICENCE

- 7.1 All Business Local or Business Non-Local annual licenses are valid from January 1 of a given year until 23:59:59 on December 31 of the same calendar year, unless the Business Licence is revoked by the Business Licence Administrator.
- 7.2 All Temporary Business Licenses are valid for a specified duration within a given year unless the Business Licence is revoked by the Business Licence Administrator.

- 7.3 If the Business Licence Administrator 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.
- 7.4 A Business Licence may be considered invalid for any Business that fails to comply with federal or provincial legislation or licensing, fails to comply with any condition of a Business Licence, or fails to comply with a bylaw of the City.
- 7.5 If the Business Licence Administrator 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; and
 - (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 Administrator.

8. BUSINESS LOCAL – BUSINESS LICENCE

- 8.1 A Business Local - Business Licence shall be issued for a Business that has a Business Location within the municipal boundary of the City.
- 8.2 A Business Local - Business Licensee must comply with all bylaws and policies of the City in order to obtain and maintain a current Business Licence.

9. BUSINESS NON-LOCAL – BUSINESS LICENCE

- 9.1 A Business Non-Local – Business Licence shall be issued for a Business that has a Business Location outside of the municipal boundary of the City but operates within the City.

10. TEMPORARY BUSINESS LICENCE

- 10.1 A Temporary Business Licence shall be issued for a Business, including a Mobile Vending Business, that intends to conduct business within the City on a temporary basis. A Temporary Business Licence shall be valid for a

specific time period within the calendar year and may be issued with conditions.

11. SPRUCE GROVE AND STONY PLAIN BUSINESS LICENCE ARRANGEMENT

- 11.1 Businesses located in, and licensed by, the Town of Stony Plain shall be entitled to carry on business within Spruce Grove without obtaining a Non-Local Business – Business Licence from the City.
- 11.2 Businesses located in Parkland County are entitled to participate in the “Spruce Grove and Stony Plain Business Licence Arrangement” attached as Appendix A, and must acquire a fee based Business Licence from either Stony Plain or Spruce Grove to carry out business in the City.
- 11.3 Businesses from the Town of Stony Plain or Parkland County with a valid Town of Stony Plain business licence must complete the application and renewal process as indicated in this bylaw, as necessary.
- 11.4 Revenue collected from Parkland County annual business licenses or temporary 6 month intermunicipal Business Licenses by the City will be shared fifty-fifty (50:50) with the Town of Stony Plain at the end of each fiscal year.

12. RENEWALS

- 12.1 A renewal notice shall go out to all Business Local and Business Non-Local Business Licence holders at the mid-point of November to allow for Business owners to renew their Business Licence and update information.
- 12.2 Any Business Local operating in the City without a valid Business Licence as of January 15 of a given year will be issued a penalty as described in Section 14.

13. APPEALS

- 13.1 Any person affected by a decision of the Business Licence Administrator, other than a decision to issue a Violation ticket, may appeal the decision to the Community Standards Appeal Committee by delivering a written notice of appeal and the appeal fee to the City Clerk within 14 calendar days of the decision.
- 13.2 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.

- 13.3 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.
- 13.4 Upon confirmation of a complete notice of appeal the City Clerk shall:
 - (a) Make arrangements for the Community Standards Appeal Committee 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 Administrator.
- 13.5 During the appeal hearing, the Community Standards Appeal Committee shall hear the Appellant or their designate and the Business Licence Administrator, and may hear any other party affected by the appealed decision.
- 13.6 At the conclusion of the appeal hearing, the Community Standards Appeal Committee may uphold, vary or rescind the decision of the Business Licence Administrator, and may elect to refund the appeal fee to the Appellant.
- 13.7 The City Clerk shall record the proceedings of the appeal hearing and advise the affected parties of the outcome within 15 business days of the date on which the appeal decision is made by the Community Standards Appeal Committee.
- 13.8 An appeal decision by the Community Standards Appeal Committee in respect of this bylaw is final and binding.

14. OFFENCES, TICKETS AND PENALTIES

- 14.1 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.

- 14.2 Each day that a violation is permitted to exist shall constitute a separate offence.
- 14.3 Where the Business Licence Administrator or Peace Officer believes that a person has contravened this bylaw, they may request a Peace Officer to issue a Violation Ticket.
- 14.4 A Violation 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.
- 14.5 A person who is guilty of an offense is liable to pay the amount specified on the Violation Ticket as established in the *Development Fees and Fines Bylaw*.
- 14.6 Where a Violation Ticket has been paid, such payment does not constitute an approval of said offence.
- 14.7 If a Violation 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 the bylaw pursuant to the *Provincial Offences Procedures Act*, RSA 2000, c P-34, as amended.

15. SEVERABILITY

- 15.1 Every provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions shall be severed and the remainder provisions shall remain valid and enforceable.

16. EFFECTIVE DATE

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

17. REPEAL OF BYLAW C-975-16

- 17.1 Bylaw C-975-16 is hereby repealed.

First Reading Carried	11 December 2023
Second Reading Carried	11 December 2023
Third Reading Carried	8 January 2024
Date Signed	8 January 2024

Mayor

City Clerk

UNCERTIFIED COPY