

Bylaw No. 21-10 **“Business License Bylaw”**

BEING A BYLAW 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 LICENSING OF 39/20 ALLIANCE REGIONAL BUSINESS LICENSING FOR BUSINESSES WITHIN THE VILLAGE OF BRETON

WHEREAS the *Municipal Government Act, RSA 2000, Chapter M-26 (current version January 1, 2020) & future amendments thereto* 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 licensing 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 License; and

WHEREAS the Council of the Village of Breton deems that it is desirable and reasonable to provide for the regulation and licensing of a 39/20 Alliance Regional Business License 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 License Bylaw”.

2. Definitions

In this bylaw:

- a. **Act**, means the Municipal Government Act, RSA 2000, Chapter M-26, (current version January 1, 2020) & future amendments thereto.
- b. **Applicant**, means a person who applies for a business license or renewal of a business license 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 License**, means a license issued pursuant to the provisions of this bylaw within the Village of Breton.
- e. **Business License Fee**, means the cost of purchasing a business license as set out in the bylaw to establish fees for the Provision of Various Services.

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- 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. **License 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 License 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.
- s. **Regional Business License**, means a license to operate in any participating member municipality.

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- t. **Regional Business License Fee**, means the cost of purchasing a regional business license 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 license must be obtained for the purpose of carrying on all or any business, trade or occupation.
- b. Every person applying for a business license 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 license for an existing business shall be renewed by the 15th day of January each year. Renewal shall be made by a business license holder submitting to the village the applicable business license fee and providing confirmation that the information on file is correct. Failure to renew a business license on or before the 15th day of January each year will result in cancellation of the business license.
- d. Licensed businesses that do not wish to renew their business license shall provide written notification that the business is no longer in operation and that they no longer require a business license.
- e. The business license fee shall be established by bylaw.
- f. A business license granted pursuant to this bylaw may upon approval of the license 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 license 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 license altered.
- h. The powers, conditions, requirements and procedure relating to the granting or refusal of licenses 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 license shall be required.
- j. A business license 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, license or other document of

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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 licensing.

- 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 licensing 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 licensed business for the purposes of resale shall be exempt from the requirements of this bylaw.
- n. Business licenses 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, license 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 license fee.
- o. A licensee shall maintain on a continuous basis the standards and requirements necessary to obtain a license or any standards that are imposed by this bylaw or any other legislation.
- p. Where any certificate, authority, license 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 license officer shall suspend any license issued under this bylaw in whole or in part on the certificate, authority, license or other document of qualification.
- q. Upon a license being revoked the license officer shall notify the licensee of the revocation and the reason for it by:
 - i. Delivering a notice to the licensee personally; or

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- ii. Delivering a notice by registered mail to the licensee’s most recent place of business or residence as shown on the license or the application.
- r. In every case where an application for a business license has been refused or where a business license 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 license to be issued;
 - ii. Direct a business license be issued with conditions;
 - iii. Refuse to grant a business license;
 - iv. Uphold the revocation of a business license on grounds which appear just and reasonable; or
 - v. Direct for the reinstatement of the business license.
- v. A person who a Bylaw Enforcement Officer or License Officer reasonably believes is carrying on a business requiring a license, 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 licensing 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 License 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. License Form, Identification and Display

- a. An Annual business license shall be issued on a form bearing the identification of the Village.
- b. All licenses issued pursuant to this bylaw are and shall remain the property of the Village.
- c. A licensee who holds a license, which applies to a specific premises or a mobile business unit, must keep it posted in public view in the licenses premises or the mobile unit.

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- d. A licensee who does not carry on a business at a specific premises must carry or have immediately available, the license, and shall upon request immediately produce the license to a Bylaw Enforcement Officer, License Officer or any person with whom they are carrying on business with.
- e. A person shall not reproduce, alter or deface a business license.

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 Licenses

- 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 license will be issued an annual regional business license seal recognized by all participating member municipalities.
- b. Regional business license fees collected will be forwarded as necessary to the 39/20 Alliance.
- c. Any member municipality who revokes a local business license for a business that has purchased a regional business license, that revocation shall also apply to the regional business license 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 license cancels its local business license, said cancellation shall also apply to the regional business

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license 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 license. If the said business does not possess a valid regional business license the municipality at its discretion may enforce the penalties as set out in their business license bylaw.

7. Repeal

Bylaw 16-01 is hereby repealed

8. Effective Date

- a. This bylaw shall come into force and have effect upon third & final reading.

READ A FIRST TIME this 8th day of December, 2021


READ A SECOND time this 8th day of December, 2021

Given Unanimous Consent to go to a Third Reading

READ and THIRD AND FINAL TIME this 8th day of December, 2021



Glory Tornack, Mayor



Gail Postnikoff, Acting CAO