

**TOWN OF IRRICANA
AGENDA
SPECIAL MEETING OF COUNCIL
Date: March 22, 2021 Time: 7:00 P.M.**

- A. CALL TO ORDER**
- B. ATTENDANCE**
- C. AGENDA**
- D. PRESENTATIONS**
 - 1.
- E. MINUTES**
 - 1.
- F. CORRESPONDENCE FROM PREVIOUS MEETING**
- G. COMMITTEE REPORTS**
 - 1.
- H. OLD BUSINESS**
 - 1. None
- I. NEW BUSINESS**
 - 1. RFD – Business License Bylaw 006:2021
- J. COMMUNICATION / INFORMATION**
 - 1.
- K. FOLLOW-UP/ACTION & STATUS**
- L. PUBLIC INPUT**
 - 1. Please fill in the question sheets with all information fields completed.
Your questions will be answered by the appropriate person.
- M. CLOSED SESSION**
 - 1.
- N. ADJOURN.**

Request for Decision

To: Mayor Friesen and Council

From: Barrie Hutchinson, CAO

Date: March , 2021

Subject: Bylaw 006:2021 (Business License Bylaw)

DECISION: Yes / No / Deferred

CORRELATION TO STRATEGIC PLAN OR POLICY:

The MGA authorizes a Council to pass bylaws for municipal purposes.

KEY ISSUES AND BACKGROUND:

A revised Business License Bylaw is being presented to Council for review and subsequently pass upon approval as presented, or with amendments.

This revised Bylaw will rescind Business License Bylaw #05:2018, which was passed on February 5, 2018, and does not give clear direction to Administration when reviewing an application, for example in a residential district.

This current Bylaw essentially allows for anyone doing business in Irricana to receive a Business License without any initial vetting process. This also conflicts with sections of the Land Use Bylaw, which sets out the permitted and discretionary uses.

The proposed new Business License Bylaw now provides both Administration and Applicants with clear and defined parameters.

The Town's MAP Review had also required an updated Business License Bylaw as there was a conflict with the Rates and Fees Bylaw.

BENEFITS:

1. Provides Administration with a clear directive upon submission of an Application.
2. Provides an applicant with clear information on requirements.

Business License Bylaw

05:2018

COPY

Being a bylaw of the Town of Irricana in the province of Alberta to provide for the licensing of businesses, and to rescind Town of Irricana bylaw 8:2015

Whereas The Municipal Government Act RSA 2017 provides that a Municipal Council may pass a bylaw respecting businesses, and the licensing thereof, The Town of Irricana requires that all businesses located within the Town of Irricana, and all persons carrying on business within the Town of Irricana must first obtain a Business License from the Town Office.

Business licenses will be valid for one calendar year, and will expire each year at midnight December 31st.

The fee for the Business licence is posted in the Service Fees and Charges Bylaw 003:2017, schedule A.

Upon payment of the fee, the Town Office will issue a Business License in the form shown in appendix A.

This bylaw rescinds 8:2015 in its entirety. This bylaw takes effect upon its third and final reading.

READ A FIRST TIME THIS 22nd DAY OF January, 2018

READ A SECOND TIME THIS 5th DAY OF February, 2018

READ A THIRD TIME THIS 5th DAY OF February, 2018



Frank Friesen Mayor of Irricana



Tawnia Cardinale CAO

BYLAW 006:2021
TOWN OF IRRICANA

**Being a Bylaw of the Town of Irricana in the Province of Alberta to provide
for the Licensing of Businesses**

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

WHEREAS pursuant to section 7(i) of the Municipal Government Act, a Municipal Council may pass a bylaw respecting businesses, business activities and persons engaged in business; and

WHEREAS pursuant to section 7(i) of the Municipal Government Act, a Council may pass a bylaw for municipal purposes respecting the enforcement of bylaws made under the Municipal Government Act or any other enactment including any or all of the matters listed therein; and

WHEREAS pursuant to section 8 of the Municipal Government Act, a Council may in a 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 licenses, permits or approvals, including any or all of the matters listed therein;

AND WHEREAS the Municipal Council for the Town of Irricana deems it expedient to license businesses within the Municipality;

NOW THEREFORE, the Municipal Council of the Town of Irricana, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. TITLE

- 1.1 This bylaw shall be known as the “**Business License Bylaw.**”

2. DEFINITIONS

- 2.1 In this bylaw, the following words shall have the meanings given herein, unless the context otherwise requires:

- a) “**Act**” means the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, as amended or replaced from time to time.
- b) “**Applicant**” means any person who makes an application for a business license, or a renewal of a license under the provision of this bylaw.
- c) “**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 a co-operative or association of persons.
- d) “**Business License**” means a license to be issued pursuant to this bylaw, for the purpose of licensing any business operating within the Town of Irricana.

- e) **“Business Premises”** includes the store, office, warehouse, residential dwelling, factory, building enclosure, yard or other place occupied for the purpose of carrying on of a business and in which place the carrying on of a business is a permitted or discretionary use under the Town of Irricana’s Land Use Bylaw.
- f) **“Bylaw Enforcement Officer”** means any person employed by the Town as a Bylaw Enforcement Officer or Community Peace Officer.
- g) **“Calendar Year”**, in relation to any license issued under the provisions of this bylaw, means a period of 365 consecutive days commencing on January 1 and ending on December 31.
- h) **“Charitable or Non-Profit Organization”** means:
 - (a) any incorporated or unincorporated organization that is formed for a charitable purpose, including a philanthropic, benevolent, educational, health, humane, religious, cultural, artistic or recreational purpose, so long as the purpose is not part of a Business; or
 - (b) a person who makes solicitations for contributions to be used for a charitable purpose and who is not connected to any incorporated or unincorporated organization that is formed for the charitable purpose for which the solicitation is made; or
 - (c) any person, association or corporation engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Town, as defined by Revenue Canada under the Income Tax Act and that has a valid Revenue Canada Registered Charity number.
- i) **“Chief Administrative Officer”** means the Chief Administrative Officer of the Town of Irricana duly appointed by Town Council, and includes any person to whom the Chief Administrative Officer’s powers are delegated or any person appointed to act in the absence of the Chief Administrative Officer.
- j) **“Council”** means the Municipal Council for the Town of Irricana in the Province of Alberta, as duly elected and defined in the Municipal Government Act, RSA 2000, Chapter M-26, as amended.
- k) **“Development”** means the act or an instance of developing of a building or changing the use of a building or property in accordance with the Town of Irricana’s Land Use Bylaw.
- l) **“Development Authority”** means the person, commission or organization authorized to exercise development powers and perform duties on behalf of the Town as referred to in Division 3 of the Municipal Government Act.
- m) **“Development Permit”** means a document authorizing a development issued pursuant to the Town of Irricana’s Land Use Bylaw.
- n) **“Farmer’s Market”** means an open air or fully or partially covered market, for the sale of goods directly by producers, or their representatives who are involved in the production of: local fresh, dried or frozen plants, locally prepared and ready to eat foods and local artisan crafts.
- o) **“Fee”** means the monetary amount levied on each application for a business license as set out in the Town of Irricana’s Rates and Fees Bylaw.

- p) **“Flea Market”** means the carrying on of a business to organize a group of more than three (3) merchants, vendors or participants to gather in one location or building to offer handcrafts, produce and vegetables, food, new and used goods, wares, merchandise or services for sale for time periods of (7) seven days or less in duration.
- q) **“Garage Sale”** means the displaying and offering for sale of five (5) or more items of goods, wares or merchandise (other than boats, motor vehicles or recreational vehicles of any kind) on private residential property.
- r) **“General Contractor”** means a person who is engaged in the construction, service, alteration or repair of buildings or structures, and includes any owner of property who supervises such contractor, whether by entering into a contract or not and whether or not the services of any sub-trades may be required.

For the purposes of this bylaw, “general contractor” may also be additionally defined as a co-operative conducting business out of one place of business or farmer’s market.

- s) **“Hawker or Peddler or Street Vendor”** means any person whether as principal or agent, who:
 - (a) goes from 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 service and not having a permanent place or business in the municipality; or
 - (b) offers or exposes for sale to any person by means of samples, patterns, cuts or blue prints, merchandise or services, or both, to be afterwards delivered and/or shipped in to the municipality; or
 - (c) sell merchandise or services, or both, on the streets or elsewhere other than at a building that is his/her permanent place of business.
 - (d) does not have a permanent place of business in the municipality.
- t) **“Home Occupancy”** and **“Home Based Business”** means a business and/or occupation carried on in a residence by one or more members of a family actually occupying the said residence as a dwelling and from which a home-based business has been approved in accordance with the Town of Irricana’s Land Use Bylaw.
- u) **“Land Use Bylaw”** means the Town of Irricana’s Land Use Bylaw and any amendments to the Land Use Bylaw.
- v) **“License”** means a permit issued from the Town of Irricana pursuant to this Bylaw.
- w) **“Licensee”** means a person holding a valid license issued pursuant to this bylaw.
- x) **“Merchandise”** means commodities or goods that are bought and sold in business.
- y) **“Mobile Vendor”** means any person selling goods, food, amusements or services from a mobile motor vehicle, trailer or similar structure that is designed for offering the sale of goods, food or services.
- z) **“Municipal Ticket”** means a form prescribed by the Chief

Administrative Officer, or his designate, allowing payment to the Town of Irricana of the penalty specified by this Bylaw for an offence, which shall be accepted by the Town in lieu of prosecution of the offence.

- aa) **“Non-resident”** means any person who does not reside or have a place of business in the Town of Irricana.
- bb) **“Non –resident Business”** means any business, which does not ordinarily locate or maintain a permanent place of business within the Town of Irricana.
- cc) **“Person”** means a natural person or a body corporate and includes a partnership, a group of persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires.
- dd) **“Police”** means any member of the RCMP or any Peace Officer or Special Constable appointed by the Town of Irricana.
- ee) **“Principle Contractor”** means the business of accepting contracts for a service, construction, alteration and repair of buildings or structures of any kind and the person or firm engaged in such business, and is responsible for the day-to-day oversight of a construction site, management of vendors and trades, and communication of information to involved parties throughout the course of a building project.
- ff) **“Resident”** means a person who:
 - a) is located or permanently resides within the boundaries of the Town of Irricana; and/or
 - b) utilizes the space and services, including office area, telephone, mailing address or postal box from premises that are listed on the Town Tax Roll.
- gg) **“Resident Business”** means any business which ordinarily locates or maintains a permanent place of business within the Town of Irricana, through property ownership or property rental or lease agreements.
- hh) **“Sub-contractor”** means the business or person engaged in providing services for a portion of a contract from a principal contractor or another sub-contractor.
- ii) **“Subdivision and Development Appeal Board”** means the board that is duly authorized by Council to hear appeals and carry out the functions and duties of the Subdivision and Appeal Board as defined by bylaw.
- jj) **“Temporary Business”** means commercial or industrial business activity, a profession, trade, occupation or an activity providing goods and services, where the duration of the business activity is equal to or less than four (4) consecutive weeks.
- kk) **“Town”** means the Municipal Corporation of the Town of Irricana in the Province of Alberta and or the area contained within the corporate boundaries of the said municipality, as the context may require.
- ll) **“Trade Show”** means a group of five (5) or more persons at a single location, for a period of not more than seven (7) days, displaying to the public the types of goods, wares, merchandise, food or services that they have available for sale.

mm) **“Violation Ticket”** means a violation ticket as defined in the Provincial Offences Procedure Act, RSA 2000.

3. LICENSING PROVISIONS

- 3.1 No person shall, within the Town of Irricana boundaries:
- a) carry on or operate any business unless they hold a valid Town of Irricana Business License issued pursuant to the provisions of this Bylaw, or is specifically exempted under the provisions of this Bylaw or Provincial or Federal legislation; or
 - b) carry on any undertaking, do any act, or use or have any article for which a license is required, unless they hold a valid Town of Irricana Business License issued pursuant to the provisions of this Bylaw.
- 3.2 Any advertising of a business referred to in this bylaw shall be deemed to be a prima facie proof of the fact that the person is advertising or carrying on or operating such a business.
- 3.3 Each application for a Business License and/or renewal shall be accompanied by the appropriate fee(s) as set out in the Town of Irricana's Rates and Fees Bylaw.
- 3.4 A Business License shall not be issued if:
- a) the applicant fails to provide all the information required or requested under this Bylaw;
 - b) the applicant is not in compliance with other Municipal Bylaws.
- 3.5 Every person who operates more than one store, branch or premises in respect of any business shall take out a separate license in respect of each such separate store, branch or premises.
- 3.6 For Direct Sales businesses, where more than one salesperson conducts business within the Town of Irricana, such as, but not limited to: AVON, Tupperware, Mary Kay, Epicure, only the registered manager is required to obtain a Business License.
- 3.7 Every new Business shall apply for a Town of Irricana Business license accompanied by a development permit, where applicable, approved in accordance with the Town of Irricana's Land Use Bylaw.
- 3.8 All Home Based businesses require a Home Occupation Development Permit approval before a Business License will be issued.
- 3.9 An Applicant shall make application on a form supplied by the Town, furnishing such information as the form shall require and such additional information as may, from time to time be required, including:
- a) a statutory declaration, where required by the Town, substantiating the information contained in the form;
 - b) every Federal or Provincial certificate, authority, license or other document or qualification that may be required in connection with the carrying on of a business;
 - c) Any certificate or other approval required by any provision of this bylaw in respect of the business;
 - d) the license fee payable in respect of the business as set out in this bylaw.

- 3.10 All applications requiring a Fire Inspection as per the requirements set out in the Development Permit or Business License application must make an appointment with the Fire Chief.
- 3.11 Every applicant for a business license or for a renewal of business license shall be made in writing.
- 3.12 All licenses with the Town of Irricana shall expire on the 31st of December of the current year, regardless of the date of purchase and the fee for the year shall apply.
- 3.13 Every business license issued under this bylaw shall be posted in a conspicuous place in the business premises of the said licensee.
- 3.14 Every licensee who holds a license under this bylaw which is not limited to specific premises, shall, so long as the license is in force, have immediately available the license or duly authorized copy thereof and such license shall, upon request, forthwith produce same to a Peace Officer, Special Constable or any person with whom they are doing business to which the license relates.
- 3.15 Notwithstanding that a Business License has been issued under the provisions of this bylaw, such License does not authorize or permit the Licensee to carry on a Business or any pursuit contrary to the provisions of other Town of Irricana bylaws.

4. PROVISIONS FOR HAWKERS, PEDDLERS AND STREET VENDORS

- 4.1 No person shall commence to, or shall carry on or engage in, the business of Hawker, Peddler or Street Vendor on any property within the Town of Irricana unless and until such person is the holder of a Business License issued pursuant to this bylaw.
- 4.2 Hawkers, Peddlers and Street Vendors shall be permitted to operate on any privately or publically owned property within the Town of Irricana, provided that a letter of permission from the property owner has been submitted with the Business License application.
- 4.3 A Business License issued to a Hawker, Peddler or Street Vendor of foodstuffs, fruits or vegetables shall be withheld until the Applicant has produced a certificate from the local Health Authority or such other authorized Health Inspection Agency stating that the vehicle or receptacle from which the Applicant intends to sell produce is in a sanitary condition.
- 4.4 Inspection of any gas or propane hook ups must be conducted by a Safety Codes Officer before the Business License will be issued.
- 4.5 Violations of any provisions of this bylaw or any other bylaws in force in the Town of Irricana will result in the Business License being revoked.

5. EXCEPTIONS

- 5.1 A Business License is not required for the following Businesses:
 - a) a Charitable or Non-Profit Organization registered under the Alberta Societies Act, and amendments thereto;
 - b) an architect's corporation, a joint firm, a registered architect or a visiting project architect under the Architect's Act, Chapter A-44, RSA 2000 and amendments thereto;

- c) an Alberta land surveyor, a surveyor's corporation or a surveyor's partnership registered under the Land Surveyor's Act, Chapter L-3 RSA 2000 and amendments thereto;
- d) a professional engineer, Licensee, permit holder or certificate holder under the Engineering, Geological and Geophysical Professions Act, Chapter E-11, RSA 2000 and amendments thereto;
- e) an insurance agent or adjuster as described in the Insurance Act, Chapter I-3, RSA 2000 and amendments thereto;
- f) a registered accountant as described under the Chartered Accountants Association;
- g) a medical doctor who is registered with the College of Physicians and Surgeons of Alberta;
- h) a dentist who is registered under the Dental Association of Alberta;
- i) a barrister or solicitor as registered under the Law Society of Alberta;
- j) 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:
 - Medical Act
 - Pharmaceutical Act
 - Optometry Act
 - Certified General Accountants Act
 - Certified Management Accountants Act;
 - Insurance Act
- k) a club incorporated by Private Act of the Legislature of Alberta.
- l) a day home service provider that is registered with a provincially approved Day Home Agency that has a Business License through the Town of Irricana.
- m) an Auctioneer for the sale of an estate of a deceased person, of auctioned goods and chattels taken in distress under the authority of a statute or recovery of property taxes.
- n) a Business that is to be in operation for less than four months and which is owned and operated by full-time students.
- o) an owner of rental units including residential properties.
- p) a newspaper and flyer delivery person who delivers the product to a house or business.
- q) persons who are 18 years of age or younger and a resident of the Town of Irricana.
- r) Trade Fairs that are managed by the Town of Irricana.
- s) material delivery operations provided that the transaction/negotiation to purchase those items takes place outside the corporate limits of the Town and that the company is not a resident business.
- t) residential garage sales.
- u) any other Business exempted through or by order of Council.

6. LICENSE FEES

- 6.1 No person shall carry on or operate any business or occupation within the Town of Irricana without first paying to the Town the applicable license fee as prescribed in the Rates and Fees Bylaw, as amended.
- 6.2 All resident Charitable or Non-Profit Organizations and any Government organizations shall be exempt from any license fee established by this bylaw.
- 6.3 Where a fee required has been paid by the tender of any uncertified cheque, the license is:
 - a) subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license, and
 - b) is automatically revoked if the cheque is not accepted and cashed by the financial institution on which it is issued.

7. HOME OCCUPATION

- 7.1 No license shall be issued for a home occupation until the Applicant is in possession of a valid Development Permit issued under the provisions of the Town of Irricana's current Land Use Bylaw.

8. GENERAL CONTRACTORS AND SUB-CONTRACTORS

- 8.1 General contractors are required to have a Town of Irricana Business License and any subcontractors that are working for or on behalf of the general contractor must be listed on the general contractor's business license. All subcontractors fall under the general contractor's business license.

9. APPROVAL, SUSPENSION, REVOCATION AND/OR REFUSAL

- 9.1 The Town of Irricana shall approve and issue a Business License to any Business, following the submission of an application as required by this Bylaw, which complies with this Bylaw and other Bylaws of the Town of Irricana, and any other statutes or regulations.
- 9.2 The Town of Irricana may refuse to issue a Business License, may suspend or revoke a Business License and may impose any conditions on a License for the following reasons:
 - a) the applicant or Licensee does not or no longer meets the requirements of this Bylaw with respect to the license applied for or held; or
 - b) the applicant or Licensee or any of its officers or employees:
 - i) furnishes false information or misrepresents any fact or circumstance;
 - ii) has, based on reasonable grounds, contravened this Bylaw whether or not the contravention has been prosecuted;
 - iii) fails to pay any fee outstanding required by this Bylaw; or
 - iv) in the opinion of the Town, based on reasonable grounds, it is in the public interest to do so.
- 9.3 Where on inspection, a business which is subject to an inspection by or on behalf of the authority having jurisdiction, is found to contravene that authority or the provisions of the Alberta Safety Codes Act, such inspection and contravention shall be reported to the Chief Administrative Officer.

- 9.4 Where a Business has been licensed pursuant to this bylaw, the Chief Administrative Officer may revoke or suspend the Business License and initiate legal proceedings to enforce this bylaw by way of injunction or otherwise against the business if, in his/her opinion, the requirements of this bylaw have not been complied with.
- 9.5 With respect to complaints relating to a business or a business operation, if, in the sole opinion of Council, municipal resources are being disproportionately allocated to monitor and police said business, that business license shall be immediately revoked.
- 9.6 Upon a license being revoked as herein provided, the Chief Administrative Officer shall notify the licensee thereof by;
- a) contacting them personally, or
 - b) mailing a registered letter to their place of business or residence as shown on their business license and shall have been deemed to have been received five (5) days after the date of mailing;
- and after the delivery or deemed receipt of such notice their business or occupation, as the case may be, shall not be carried out on until such time as a new license is issued.

10. APPEALS

- 10.1 Where an application for a Business License has been refused, or where an existing license has been revoked, suspended or issued subject to conditions, the applicant or licensee, as the case may be, is entitled to appeal to Council the refusal or revocation of the license.
- 10.2 The applicant or licensee, as the case may be, shall have ten (10) business days from the date of refusal, revocation, suspension, or issuance subject to conditions, in which to appeal to Council, in writing, otherwise, the right to appeal shall be barred and extinguished.
- 10.3 Council shall hear the appeal at the next regularly scheduled Council meeting from the date of receipt of the written appeal and shall give notice in writing of the decision to the applicant.
- 10.4 Council, after hearing an appeal, may:
- a) direct a Business License be issued without conditions;
 - b) direct a Business License be issued with conditions; or
 - c) uphold the decision of Administration on grounds which appear just and reasonable to Council.
 - d) a decision of Council on an appeal is final and binding on all parties.

11. DURATION

- 11.1 Every Business License issued under the provisions of this bylaw shall terminate at midnight on the 31st day of December of the year in which the said license was issued unless:
- a) The license provides otherwise, or
 - b) The license has been sooner cancelled or revoked.
 - c) A monthly Hawker, Peddler or Street Vendor license will expire at midnight of the thirtieth (30th) day from the date of issuance.

12. LAND USE AND DEVELOPMENT CONTROL

12.1 The issuance of a Business License under this Bylaw does not constitute development approval under the Town of Irricana's 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 Business License and refuse any further similar applications.

13. PENALTIES

13.1 Any person violating any provisions of this bylaw shall be guilty of an offence and liable on summary conviction to a penalty of One Hundred Dollars (\$100.00), unless another penalty is provided in a Statute of the Province of Alberta that has special application to a business license hereunder, in which case the penalty provided in the latter Statute shall apply.

13.2 Where the offence is non-payment of any license fee payable hereunder, the convicting provincial judge may adjudge payment thereof in addition to the fine imposed.

13.3 An offence ticket may be issued by personally serving it upon the alleged offender or by leaving it at the residence of the alleged offender or by sending it to the alleged offender by registered mail.

13.4 Where any of the provisions of this bylaw have been deemed to be contravened, a form of notice commonly called a Violation Tag may be issued by a Bylaw Enforcement Officer or Peace Officer. The Violation Tag shall require the payment to the Town of Irricana.

14. SEVERABILITY

14.1 Should any section or part of the Bylaw be found to have been improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the Bylaw the remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

15. RESCIND PREVIOUS BYLAW

15.1 That Bylaw 05:2018 be rescinded in its entirety.

This Bylaw takes effect upon the date of the third and final reading.

READ A FIRST TIME this day of March, A.D., 2021

READ A SECOND TIME this day of March A.D., 2021

BE GIVEN UNANIMOUS CONSENT for a third and final reading this day of March, A.D., 2021

READ A THIRD AND FINAL TIME this day of March, A.D., 2021.

Mayor Frank Friesen

Chief Administrative Officer
Barrie Hutchinson