

**BYLAW #1010-22  
THE CITY OF BEAUMONT  
BUSINESS LICENCE BYLAW**

Section 7(a) of the *Municipal Government Act*, RSA 2000, c M-26, provides that a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

Section 7(e) of the Act provides that a council may pass bylaws for municipal purposes respecting businesses, business activities and Persons engaged in business;

Section 7(i) of the Act provides that a council may pass bylaws for municipal purposes respecting, the enforcement of bylaws made under the Act or any other enactment, including any and all of the matters listed therein; and

Section 8 of the Act provides that a council may, through this 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 following matters listed therein.

Therefore Council enacts:

**PART I – DEFINITIONS, AND INTERPRETATION**

Definitions

1. In this bylaw:

(a) "Act" means the *Municipal Government Act*, RSA 2000, c M-26;

(b) "Business" means:

- (i) a commercial, merchandising, institutional or industrial activity or undertaking,
- (ii) a profession, trade, occupation, calling or employment, or
- (iii) an activity providing goods or services,

and whether or not for profit and however organized or formed, including a co-operative or association of Persons;

(c) "Business Classification" means the type of Business being engaged in or operated and includes:

(i) all of the following as defined in the City's current *Land Use Bylaw*:

- A) Business Use: Arts & Crafts, Home-Based Business – Major or Minor and Office;
- B) Commercial Use: Adult Entertainment, Drive Through Facility, Entertainment Establishment, Gas Station, Golf Course, Kennel, Restaurant /Café, Restricted Substance Retail, Retail & Service – General, and Retail & Service – Large;
- C) Industrial Use: Industrial – Medium, Industrial – Light, Recreational Vehicle Storage and Wash Station;

- D) Institutional Use: After Life Care, Cemetery, Culture, Education, Government, Hospital, Human Services, Recreation – Active, Recreation – Passive, Parking Lot with no associated use and Special Events;
  - E) Lodging Use: Bed & Breakfast, Campground and Hotel and Motel;
- (ii) Door to Door Sales: meaning any Person soliciting, advertising or selling products or services in a manner that involves going door to door of residential or business properties;
  - (iii) Hawker or Peddler: meaning any Person who:
    - A) offers or showcases for sale to any Person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered in, and shipped into the City to the customer;
    - B) sells merchandise or a service, or both, on the streets or roads or elsewhere other than at a permanent location; or
    - C) does not have a Business Premises in the City;
  - (iv) Incubator: meaning a shared space where multiple businesses operate out of to allow cost savings and convenience through the use of common infrastructures, such as equipment, utilities, professional services, receptionist custodial services
  - (v) Prime/Principal General Contractor: meaning any Person who accepts contracts for a service, construction, alteration or repair to buildings or structures of any kind (above or below ground) and is responsible for the day-to-day oversight of the construction site, management of vendors and trades, and communication of information to involved parties throughout the course of contracted work;
  - (vi) Trade: meaning any Person who is not a Prime/Principal General Contractor, and who accepts contracts for a service; construction, alteration or repair to buildings or structures of any kind (above or below ground);
  - (vii) General Business: meaning any Business not otherwise specified by another Business Classification set out in this bylaw; and
  - (viii) Temporary Business: meaning a Business where the duration of the Business activity is a maximum of seven days.
- (d) "Business Licence" means a valid and subsisting licence issued pursuant to this bylaw;
  - (e) "Business Premises" means any store, dwelling unit, office, facility, warehouse, building, enclosure, or any other indoor or outdoor place occupied for the purpose of carrying on Business;

- (f) "Charitable" or "Non-Profit Organization" means a person acting for a charity or in the promotion of general social welfare and includes:
  - (i) a religious society or organization, or a Church;
  - (ii) a service club;
  - (iii) a community, veteran or youth organization; or
  - (iv) a social, sport or fraternal organization/club.
- (g) "City" means the City of Beaumont;
- (h) "City Manager" means the chief administrative officer of the City or delegate;
- (i) "Licensee" means a Person to whom a Business Licence has been issued;
- (j) "Mobile Business Unit" means any mobile motor vehicle, trailer or similar structure that is designed for offering the sale of goods, food or services;
- (k) "Municipal Tag" means a City form alleging an offence of a City bylaw and allowing for voluntary payment of the prescribed fine without prosecution;
- (l) "Non-Resident" refers to a Person who is not a resident of, or whose business is not located in the City;
- (m) "Person" means a Person as defined in the *Interpretation Act*, RSA 2000, c I-8, as amended;
- (n) "Violation Ticket" means a violation ticket as defined in the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended.

Interpretation

- 2. The following rules apply to interpretation of this bylaw:
  - (a) headings, titles, and margin notes in this bylaw are for ease of reference only;
  - (b) gender-specific words, phrases, and references are intended to be gender-neutral, and the singular includes the plural as the context requires;
  - (c) every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid by a Court, all other provisions of this bylaw remain valid and enforceable; and
  - (d) references to bylaws and enactments in this bylaw include amendments and replacement bylaws and enactments, and regulations and orders thereunder.

**PART II – LICENSING**

Business Licence  
Required

- 3. No Person shall engage in or operate a Business in the City without a Business Licence authorizing that Person to engage in or operate that Business.

4. No Person shall engage in or operate a Business in the City unless the Person holds a Business Licence with the appropriate Business Classification(s) for the type of Business the Person is engaged in or operating.
- Licence Exemption 5. A Charitable or Non-Profit Organization carrying on business for fundraising shall be exempt from licensing requirements.
- Valid Locations 6. A Business Licence is only valid for:
- (a) the specific Business Premises; or
- (b) a Mobile Business Unit.
7. A Person shall not engage in or operate a Business at more than one Business Premises in the City unless the Person holds a separate Business Licence for each Business Premises.
- Display of Business Licence 8. A Licensee shall display the Business Licence in a prominent location at the Business Premises or Mobile Business Unit, visible to members of the public and to anyone conducting an inspection pursuant to this bylaw.
9. A Licensee shall forthwith provide the Business Licence upon demand to anyone conducting an inspection pursuant to this bylaw.
- Business Licence Application 10. Before the issue or renewal of a Business Licence, a Person must submit to the City Manager:
- (a) an application for issue or renewal in a form prescribed by the City Manager;
- (b) all applicable fees as set out in the City's current *Fees and Charges Bylaw*; and
- (c) any other information required by this bylaw or requested by the City Manager.
- Land Use Bylaw Compliance 11. Where a Person intends to carry on a Business at a specific Business Premises within the City, the Person must ensure that all necessary approvals required under the City's *Land Use Bylaw* have been obtained and that confirmation of such approvals is provided to the City Manager prior to a Business Licence being issued or renewed.
- Third Party Consultations 12. Prior to issuing or renewing a Business Licence, the City Manager may consult with any relevant authorities and agencies including but not limited to, the Province of Alberta, the Royal Canadian Mounted Police, the Beaumont Chamber of Commerce, the Alberta Gaming and Liquor Commission, the Alberta Motor Vehicle Industry Council, a Regional Health Authority, as well as any City department to determine whether they are in possession of information which, in the opinion of the City Manager, renders it contrary to the public interest for a Business Licence to be issued or renewed.
- Issue or Renewal of Business Licence 13. The City Manager may issue or renew a Business Licence when all requirements of this bylaw have been met.

14. Where a Business Licence is issued or renewed in error or without all the necessary requirements of this bylaw having been met, the Business Licence may be immediately suspended or revoked by the City Manager. A suspension or revocation under this section may not be appealed.
- Fees
15. Any Business listed in the *City's Fees and Charges Bylaw* as being exempt from payment shall not be charged a fee.
16. The onus of proving that a Business is exempt from paying a Business Licence fee is on the Person requesting the exemption on a balance of probabilities.
17. Any Business qualifying for a fee exemption must still apply for and obtain a Business Licence unless specifically exempted from doing so under the provisions of any other applicable legislation.
18. A Non-Resident must pay the applicable Non-Resident fee in addition to any fees required for the issue or renewal of a Business Licence where applicable.
19. The City Manager may provide a refund of all, or a portion of any fees paid if a Business Licence is not issued or renewed. Once a Business Licence has been issued or renewed any fees paid are not refundable.
20. A Business that ceases to operate in the City or has its Business Licence suspended or revoked is not entitled to a refund of any fees paid.
- Term of Business Licence
21. A Business Licence is valid from the date on which it is issued until December 31st of that year unless it is otherwise suspended or revoked.
22. A Business Licence is automatically revoked if the Business ceases operation.
- Renewal of Business Licence
23. A Business Licence may be renewed up to 45 days before the date on which it expires and within 30 days after the date on which it expires.
24. If a Business Licence is not renewed within 30 days after the date on which it expires then an application must be made for the issue of a new Business Licence.
- Change of Information
25. A Licensee shall forthwith notify the City Manager in writing of any material change in the type, scope or operation of the Business or Business Classification(s) and shall provide a completed application to amend the Business Licence as well as the applicable fee.
- Transfer of Business Licence
26. A Business Licence may be transferred upon application to and approval by the City Manager in the following circumstances:
- (a) a transfer of the Business Licence from one Person to a different Person but with the same Business in the same Business Premises; or
  - (b) a transfer of the Business Premises from one address to another address but with the same Business.
27. Any transfer of a Business Licence is subject to all other requirements of this bylaw and to any applicable fee.

Refusal, Suspension or Revocation of Business Licence

28. The City Manager may refuse to issue or renew a Business Licence, may suspend, or revoke a Business Licence, or may impose any conditions on a Business Licence for any of the following reasons:

(a) the applicant or Licensee does not or no longer meets the requirements of this bylaw with respect to the Business Licence applied for or held;

(b) the Licensee has breached a condition of the Business Licence;

(c) the applicant or Licensee:

(i) furnishes false information or misrepresents any fact or circumstance to the City Manager;

(ii) has, in the opinion of the City Manager based on reasonable grounds, contravened this bylaw, whether or not the contravention has been prosecuted;

(iii) fails to pay a fine imposed by a court for a contravention of this bylaw; or

(iv) fails to pay any fee required by this or any applicable bylaw;

or

(d) in the opinion of the City Manager based on reasonable grounds it is in the public interest to do so.

29. Any decision of the City Manager to refuse the issue or renewal of a Business Licence, to suspend or revoke a Business Licence, or to impose conditions on a Business Licence pursuant to this bylaw is final and binding and no appeal lies from any such decision.

### **PART III – ENFORCEMENT**

Offence

30. A Person who contravenes this bylaw is guilty of an offence.

Continuing Offence

31. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine for each such day.

Fines and Penalties

32. A Person who is guilty of an offence under this bylaw is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00.

33. Without restricting the generality of the preceding section, the following fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:

(a) \$250.00 for any offence not otherwise specified in this section; and

(b) \$2,000 for any Person carrying on the Business of a Prime/Principal Contractor or a Trade without a valid Business Licence.

Municipal Tag

34. A Municipal Tag may be issued for any offence under this bylaw.

35. If a Municipal Tag is issued for an offence, the Municipal Tag must specify

the fine amount established by this bylaw for the offence.

- Payment in Lieu of Prosecution
36. A Person who commits an offence may, if a Municipal Tag is issued for the offence, pay the fine amount established by this bylaw for the offence and if the full amount is paid on or before the required date, the Person will not be prosecuted for the offence.
- Violation Ticket
37. If a Violation Ticket is issued for an offence under this bylaw, the Violation Ticket may:
- (a) specify the fine amount established by this bylaw for the offence; or
  - (b) require a Person to appear in court without the alternative of making a voluntary payment.
38. A Person who commits an offence may, if a Violation Ticket is issued specifying the fine amount established by this bylaw for the offence, make a voluntary payment equal to the specified fine amount.
- Proof of Business Licence
39. The onus of proving that a Business has a Business Licence is on the Person alleging the existence of the Business Licence on a balance of probabilities.
- Proof of Exemption
40. The onus of proving that a Person is exempt from any requirement of this bylaw is on the Person alleging the exemption on a balance of probabilities.
- Engaging in or Operating a Business
41. In a prosecution for a contravention of this bylaw for engaging in or operating a Business without a Business Licence, proof of one transaction in the Business or that the Business has been advertised is sufficient to establish that a Person is engaged in or conducting Business.
- Certified Copy of Record
42. A copy of any City record certified by the City Manager as a true copy of the original may be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the Person signing it.
- Obstruction
43. A Person shall not obstruct or hinder any Person in the exercise or performance of their powers under this bylaw.
- Powers of the City Manager
44. Without restricting any other power, duty or function granted by this bylaw, the City Manager may:
- (a) establish forms or other documents for the purposes of this bylaw;
  - (b) require a Person applying for or holding a Business Licence to provide any information required to make a decision regarding that Business Licence;
  - (c) carry out whatever inspections are reasonably required to determine compliance with this bylaw;

- (d) in appropriate circumstances, prior to any Violation Ticket or Municipal Tag being issued, issue a written warning for an offence by outlining the nature of the contravention, the corrective action(s) that must be taken, and the deadline for such corrective action(s);
- (e) determine the procedures to be followed when making a decision to refuse, suspend, revoke or impose conditions on a Business Licence; and
- (f) delegate any powers, duties or functions under this bylaw to an employee of the City.

Review 45. This Bylaw will be reviewed by Council one (1) year after the Bylaw comes into force.

**PART IV – TRANSITIONAL**

Transitional 46. An existing licence issued under Bylaw 831-14, the Business License Bylaw, remains valid until the term of such licence expires unless the licence is otherwise revoked, suspended, forfeited or replaced by a Business Licence issued under this bylaw.

Repeal 47. Bylaw 831-14, the Business License Bylaw, is repealed.

Consequential Amendments 48. Schedule IV of Bylaw 1004-21, the 2022 Fees and Charges Bylaw, is amended by replacing it with the attached Schedule IV.

FIRST READING: April 12, 2022

SECOND READING: April 12, 2022

UNANIMOUS FOR THIRD: April 12, 2022

THIRD READING: April 12, 2022

SIGNED THIS 13<sup>th</sup> day of April 13, 2022.

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MAYOR

A/ *Sandy Dugan*  
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CLERK





