

VILLAGE OF LONGVIEW
BYLAW 417-18 BUSINESS LICENSE

BEING A BYLAW IN THE VILLAGE OF LONGVIEW IN THE PROVINCE OF ALBERTA TO SET BUSINESS LICENSES FOR THE VILLAGE OF LONGVIEW

NOW THEREFORE, pursuant to and under authority of the Municipal Government Act, R.S.A. 2000, Chapter M- 26 and amendments thereto, the Council of the Village of Longview, in the Province of Alberta, duly assembled, enacts as follows;

WHEREAS, the Municipal Government Act, R.S.A. 2000, Chapter M-26, authorizes Council to set various rates and fees for services provided by the Village;

WHEREAS, the Municipal Government Act, R.S.A. 2000, Chapter M-26, Part 2, Division 1, Section 7(e) provides that a council may pass bylaws for municipal purposes respecting business, business activities and persons engaged in business; and

WHEREAS, Section 8(c) of the same provides that council may in a bylaw provide for a system of licenses, permits or approvals;

AND WHEREAS the Council of the Village of Longview has deemed it desirable and necessary to amend the rates and fees for Business Licenses within the Village of Longview;

NOW THEREFORE, the Council of the Village of Longview, duly assembled, enacts as follows:

1. TITLE

1.1 This Bylaw shall be cited as the Business License Bylaw.

2. REPEAL

2.1 Bylaw 380-15 is hereby repealed.

In this Bylaw

3.1 DEFINITIONS

- a) "Applicant" means a person who applies for a license or a renewal of a license required under this Bylaw;
- b) "Business" means
 - i) a commercial, merchandising or industrial activity or undertaking,
 - ii) a profession, trade, occupation, calling or employment, or
 - iii) an activity providing goods or serviceswhether or not for profit and however organized or formed, including a co-operative or association of persons;
- c) "CAO" means the Chief Administrative Officer of the Village, or a designate thereof;
- d) "Cannabis" means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined in the *Cannabis Act* (Canada) and its regulations and any amendments and includes edible products that contain cannabis

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- e) "Cannabis Accessory" means a thing that is commonly used in the consumption or production of cannabis. A cannabis accessory includes, but is not limited to, rolling papers, or wraps, holders, pipes, water pipes, bongs vaporizer that is represented to be used in the consumption of cannabis.
- f) "Charitable or Non-Profit Organization" shall mean any person, association, or body corporate engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Municipality, all the resources of which are devoted entirely to charitable activities and not for a profit or gain and which does not confer a monetary or other benefit on its members or directors. These may include:
 - i) Religious societies or organization;
 - ii) Service clubs;
 - iii) Community, veteran, or youth organizations;
 - iv) Social, sport, or fraternal (community) organization or clubs; or
 - v) Museums, galleries, cultural organizations and educational institutions.
- g) "Council" means the Municipal Council of the Village of Longview.
- h) "Development Authority" means a person or committee appointed by Council to act as a development authority pursuant to the MGA.
- i) "Market" means the business of conducting a public open market at which various vendors lease and operate a stall from a person or agent for the purpose of selling goods or services or both to the public at a location approved by the Municipality.
- j) "Hawker/Peddler" means a person who moves about the Municipality selling or offering for sale, goods or services or both, from a motor vehicle or trailer or on the streets or roads or elsewhere other than at a building that is a permanent place of business.
- k) "Home occupation" means any business, occupation, trade calling or craft carried on from a residence or accessory residential building, by one or more members of a family actually occupying said residence;
- l) "Licensee" means a person, partnership or corporation who holds a valid license issued pursuant to this Bylaw;
- m) "License Inspector" means and includes the CAO, Bylaw Enforcement Officer or any other duly authorized and appointed person acting on their behalf;
- n) "Mobile Vending Unit" means a mobile Motor Vehicle, trailer, or similar structure exceeding 3.3 m² (35.5 ft²) designed for preparing or offering the sale of food items or artisan products.
- o) "Mobile Vendor" means a person who sells or offers for sale food from a Mobile Vending Unit.
- p) "Motor Vehicle" shall have the meaning set out in the Highway Traffic Act, R.S.A. 2000 and amendments thereto.
- q) "Municipality" means the Municipal Corporation of the Village of Longview.

- r) "Non-profit Organization" means a person, association of persons, or a corporation, acting for charity or in the promotion of general social welfare;
- s) "Non-resident" means a person, partnership or corporation whose headquarters or business enterprise is located outside of the Village of Longview;
- t) "Peace Officer" means any member of the RCMP or any Peace Officer, or Bylaw Enforcement Officer, appointed by the Village of Longview
- u) "Person" means a sole proprietorship, a partnership or a corporation;
- v) "Premises" means any store, office, warehouse, factory, building, enclosure, yard, or other place occupied, or capable of being occupied, by any person for the purpose of any business;
- w) "Push Cart Vending Unit" means a push cart or similar mobile structure not exceeding 3.3 m² (35.5 ft²) designed for preparing or offering the sale of food items or artisan products.
- x) "Push Cart Vendor" means a person who sells or offers for sale food from a Push Cart Vending Unit.
- y) "Resident" shall mean any person carrying on business from a taxable premise within the Town.
- z) "Resident Business" means a person, partnership or corporation whose business headquarters or business enterprise is located within the Village, and pays property taxes to the Village;
- aa) "Retail Cannabis Store" means any person who carries on or operates a Business from premises in Town that displays or offers for sale Cannabis.
- bb) "Sub-Contractor" means the business of contracting to provide a special service in relation to a trade or the person or firm engaged in such business.
- cc) "Village" means the Village of Longview;
- dd) "Violation ticket" shall mean a tag or ticket whereby the person alleged to have committed a breach of a provision of this Bylaw is given an opportunity to pay a voluntary penalty to the Village in lieu of prosecution for the offenses;

4.0 NECESSITY FOR LICENSE

No person shall within, or partly within, the limits of the Village carry on, or be engaged in, any business, unless that person or their agent, has acquired and holds a valid license issued pursuant to this Bylaw.

5.0 EXEMPTIONS

Notwithstanding Section 4, no license shall be required:

- a) for a business carried on or operated by the Village or at a location operated by an official or employee of the Village, acting on behalf of the Village,
- b) for a business carried on or operated by means of a contract with the Village, if the business carried on under the contract is the only business carried on in the Village,

- c) a non-resident business whose only business activity is the supply or delivery of goods to a location within the limits of the Village,
- d) any person under the age of eighteen (18) years,
- e) by any person or business if any Statute of Canada or the Province of Alberta exempts such a person or business from requirements of municipal licensing, or
- f) for such other businesses as Council by resolution may from time to time exempt.

6.0 APPLICATION

Applications for all classifications of business licenses or their renewal shall be made in writing on the respective form prescribed in Schedule A.

Upon receipt of an application for a business license, the Licensing Officer may:

- a) approve the application and grant a business license,
- b) hold the application until such time as the applicant satisfies any requirements for a provincial license or development permit, or
- c) reject the application and refuse a business license if in the opinion of the License Inspector, the person, company, or organization is not operating in good faith, is offensive to the public, or is suspected of trying to defraud the public.

An approved license shall not be issued until the applicant has paid the proper license fee as set out in Village Fees and Fines Bylaw.

7.0 FEES

All businesses required to hold a business license pursuant to this bylaw shall pay a license fee as per the Rates set out in the Village Fees and Fines Bylaw and the classification of the business as per the provisions of this Bylaw.

Payment for licenses issued for a new business shall be made prior to the opening of said business.

Where an annual license fee is greater than one dollar, the Village may issue a license after July 1 of any license year, for one half the annual fees as set by the Fees and Fines Bylaw, if the business applying for the license has not been operating within the limits of the Village prior to July 1.

8.0 FEE EXEMPTIONS

The Licensing Officer may grant any exemption to a charitable or non-profit organization applied for herein with or without conditions, or may refuse to grant any such exemption.

Where an exemption is granted to an organization pursuant to Section 5, unless the exemption when granted, specifically otherwise provides, the organization shall comply with the provisions of this Bylaw relating to the business to be carried on, other than the requirement to pay a license fee.

9.0 LICENSE CLASSIFICATION

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Where a business utilizes any type of permanent premises within, or partly within the Village excepting a residence or residential building unit, the operator of that business shall be required to obtain a Resident Business License.

Where a business utilizes a residence or residential dwelling unit within, or partly within the Village, the operator of that business shall be required to obtain a Home Occupation Business License.

Where a business has its base of operation or premises or location outside of the Village and the business activity is carried on within the Village outside of a permanent business premises or residence, the operator of that business shall be required to obtain a Non-Resident Business License.

10 SPECIAL PROVISIONS

In addition to the general provisions of this Bylaw, those businesses listed below shall also comply with special provisions and requirements set out therein.

While a business may not be specifically enumerated in the provisions the business may be deemed by the License Inspector as similar in nature and operation to those specified and shall therefore follow the provisions contained therein.

10.1 Construction Contractor

- a) A general contractor, with the purchase of a construction contractor's business license as per this Bylaw, shall cover all subcontractors hired by the holder of that license.

10.2 Retail Cannabis Stores

- a) A Retail Cannabis Store shall adhere to all applicable Federal and Provincial legislation as they relate to retail sales of cannabis.
- b) The maximum operating hours for a Retail Cannabis Store shall be 10:00 a.m. to 12:00 a.m. (midnight) daily, excluding those dates of closure mandated by the Province of Alberta.
- c) The applicant for a Business Licence for a Retail Cannabis Store must provide a copy of the retail cannabis licence issued by the Alberta, Gaming, Liquor and Cannabis Commission at time of application.

10.3 Markets

- a) For the purposes of this Bylaw "Stall" shall mean a defined area within a Market.
- b) The Licensee of a Market shall, upon request, provide to the Licensing Officer a current list of all stall operators.
- c) The operator of a market, including markets, craft markets, or any other type of market, with the purchase of market business license, shall cover all individual retailers present at any market put on by that license holder.

10.4 Mobile Vendors, Push Cart Vendors, Hawkers/Peddlers

- a) Mobile Vendors and Push Cart Vendors shall only carry on business at special event locations approved by a Licensing Officer or Licensing Inspector. Written approvals from the event organizer must accompany all business licence applications of this nature.
- b) No person shall carry on business as a Mobile Vendor, Push Cart Vendor or Hawker/Peddler on private property or public property including parks, streets and sidewalks within the Municipality unless they possess a Business Licence and a letter of permission and permit from the Development Officer.
- c) Mobile Vendors and Push Cart Vendors may be permitted to conduct business within community halls, recreation centers, arenas and similar venues, on a case by case basis relative to other municipal bylaws and at the discretion of the Licensing Officer.
- d) All holders of a business license for the operation of a mobile food cart or concession must park and conduct business pursuant to the Village of Longview Traffic Bylaw, or within off-road areas with express permission of the Licensing Officer.

11 COMBINATION LICENSE

No person may operate more than one business, calling, trade or occupation from any one premises or structure without obtaining business licenses for each and every business, calling, trade or occupation carried on.

12 TERM OF LICENSE

The term of license issued under this Bylaw is for one year from January 1 to December 31 in each calendar year unless the license has been sooner cancelled or forfeited.

13 RENEWAL AND COLLECTION OF LICENSE FEES

Business license renewal fees are due on or about January 1 of each calendar year.

If four (4) weeks from the renewal date a license renewal remains unpaid, a notice shall be issued to the previous license holder directly that:

- a) the business license fee is to be paid immediately. The owner of any unpaid license will be subject to the penalty as outlined in Schedule D, unless the business owner advises the Village that the business has been permanently closed or is no longer providing services to residents within the Village.
- b) if the previous license holder does not provide written notice of the business closure or discontinuance of service, a four (4) week final notice will be issued by the Village.

Any balance outstanding beyond eight (8) weeks from the renewal date, the previous license holder shall be assessed a penalty as set out in Schedule D. An invoice will be sent to the previous license holder directly.

At the expiry of the eight (8) weeks from the renewal date, the License Inspector may cause the issuance of a violation tag to be issued to the previous license holder for violations occurring during the provisions of this Bylaw.

14 REQUIREMENT FOR PROVINCIAL LICENSE

Every person who applies for a business license from the Village is required to be in possession of a valid provincial license where such is required by the Province of Alberta.

15 DISCLOSURE OF INFORMATION

Every person carrying on or engaged in any business in respect of which a license is required under this Bylaw, on request of a License Inspector, shall give to the Inspector all information necessary to enable them to carry out their duties.

16 LAND USE AND DEVELOPMENT CONTROL

The issuance of a business license under this Bylaw does not constitute a development approval under the Village's Land Use Bylaws. The holder of an existing business license or applying for a business license is responsible for obtaining such development approval as may be necessary.

17 POSTING OF LICENSE

Every license issued under this Bylaw shall be provided to the licensee who shall post the same in a conspicuous place on their business premises and whenever required to do so, by any individual, whether a License Inspector, Village employee, or member of the public, shall produce the license for inspection.

18 LICENSING OFFICER

The power and duties of the Licensing Officer, under this Bylaw, are:

- a) To administer and enforce this Bylaw;
- b) to receive and deal with all applications for business licenses under this Bylaw;
- c) to ascertain as far as reasonably practicable, that all information furnished by an applicant in connection with an application for a license is true in substance and fact,
- d) to process and make decisions on the issuance of a license, within ten (10) days of the date the application was received,

The CAO may from time to time appoint such persons as License Officer as may be necessary to assist in the administration and enforcement of this Bylaw.

19 INSPECTION OF PREMISES

Where a business involves the occupation of a specific building or a specific location and such business is reasonably believed to require a license under this Bylaw, a Peace Officer, Bylaw Enforcement Officer, License Inspector, the CAO, or any other authorized person may inspect the building or location for any purpose under this Bylaw at all reasonable times during the license year.

20 REVOCATION OR SUSPENSION OF LICENSE

The License Inspector may revoke or suspend any license issued under the provisions of this Bylaw

- a) for failure to comply with any of the conditions or regulations of this Bylaw,
- b) for failure to comply with any other Bylaw or regulation of the Village,
- c) for failure to comply with any legislation or regulations of the Province of Alberta or the Government of Canada,
- d) if in the opinion of the License Inspector the applicant or the holder of a business license intends or appears to intend to defraud or appears to have defrauded the public in any way, or
- e) if in the opinion of the License Inspector the conduct of the licensee is offensive.

In addition to the revocation or suspension of a non-resident business license, the License Inspector may ask assistance from a Peace Officer to escort an itinerant to the corporate limits of the Village.

Where a fee has been paid by cheque and such is not accepted and cashed by the bank on which it is drawn, the license will automatically be revoked.

If a licensee is convicted twice in any one calendar year of a breach of any of the provisions of this Bylaw, any license issued to licensee pursuant to the provisions of this Bylaw may be immediately cancelled.

Upon the request of the Health Inspector, the License Inspector shall suspend the license of any licensed premises concerned and shall not reinstate such license until the premises are certified fit to be used.

Upon a license being revoked or suspended, the Licensing Officer shall notify the licensee thereof:

- a) by personally delivery a notice; or,
- b) by mailing the notice to the place of business or residence.

21 APPEAL

When a license has been revoked, refused, suspended or authorized subject to conditions, the person so affected shall within thirty (30) days notify the CAO of his intention to appeal the said revocation, suspension, refusal or conditions:

- a) by personally delivering to the CAO a written notice of appeal,
- b) by mailing to the CAO a written notice of appeal.

When the Licensing Officer has revoked or suspended a license and the person whose license has been revoked or suspended notifies the CAO of the intention to appeal the said revocation or suspension, the Licensing Officer shall stay the revocation or suspension pending the hearing of the appeal where in the opinion of the Licensing Officer the person whose license has been revoked does not present a danger to public safety or welfare by the continued holding of the license.

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An appeal shall be heard by Village Council, within six (6) weeks of the receipt of the appeal.

After hearing the appellant and the evidence adduced, Council may:

- a) confirm such refusal or revocation
- b) give conditional approval,
- c) may direct that the license be issued either conditionally or unconditionally as may be deemed expedient in the public interest, and

the decision of Council shall be final.

22 OFFENCES AND PENALTIES

A person licensed, or required to be licensed by this Bylaw, shall comply with all provisions contained therein relative to the business in respect of which the license is issued or required.

Any person violating any of the provisions of this Bylaw or any of the conditions of the license granted to them, shall be guilty of an offence and liable on summary conviction to a fine as outlined in the Village Fees and Fines Bylaw.

A violation ticket may be issued by a Peace Officer or Bylaw Enforcement Officer to any person, firm or corporation who has allegedly breached any provision of this Bylaw and the said violation ticket shall require the appropriate penalty payment to the Village.

A violation ticket shall be deemed sufficiently served if:

- a) served personally on the accused, or
- b) sent to the alleged offender by mail at the last available address.

If at any time after the expiration of the date of payment laid out on the violation tag, and up to and excluding three days prior to the court appearance on any summons issued, a person tenders payment for an offence ticket issued for contravention of any section of this Bylaw, the Village shall accept payment of the penalty in lieu of prosecution.

In prosecution for contravention of this Bylaw against engaging a business without a license, 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 operates the business.

23 SEVERABILITY

Each provision of this Bylaw is independent of all other provisions. If any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

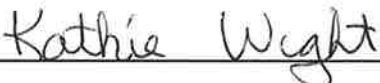
THIS BYLAW comes into full force and effect upon third and final reading.

READ a first time this 18th day of December, 2018 A.D.

READ a second time this 18th day of December, 2018 A.D..

PROCEED to third reading this 18th day of December, 2018 A.D. Unanimously Carried

READ a third and final time this 18th day of December, 2018 A.D.



MAYOR



CHIEF ADMINISTRATIVE OFFICER



SCHEDULE A

**VILLAGE OF LONGVIEW
BUSINESS LICENSE APPLICATION**

**BUSINESS LICENSE BYLAW 417-18
AND AMENDMENTS THERETO**

APPLICATION TYPE: Resident Home Occupation Non-Resident

SPECIAL BUSINESS TYPE (if applicable): Construction Contractor Market

LICENSE DURATION: Annual 1 Month 1 Week

REGISTERED BUSINESS NAME: _____

OPERATING BUSINESS NAME _____

BUSINESS ADDRESS (CIVIC): _____

(MAILING): _____

TELEPHONE No: _____ FAX No: _____

PUBLIC EMAIL: _____ WEB SITE: _____

TYPE OF BUSINESS _____

PROVINCIAL CERTIFICATIONS (Copies may be required where applicable):

- ▶ AMVIC (automotive sales and repairs) applicable) ▶ Provincial License (e.g. liquor license, etc. as applicable)
- ▶ Food Establishment Permit ▶ Provincial Health Inspection Certificates
- ▶ Personal Service Inspection (Esthetics, massage, tattoo, piercing, etc.)

I hereby certify all the above information to be true and correct, and further that all provincial certifications required for the operation of this business have been applied for and approved by the appropriate agency, and may be produced upon request.

▶ **SIGNATURE OF APPLICANT:** _____

DATE: _____ PRINT NAME: _____

A 10% LATE PAYMENT PENALTY SHALL BE LEVIED AGAINST BUSINESS LICENSES WHICH ARE NOT RENEWED ON OR BEFORE February 1st.

FOR OFFICE USE ONLY

Date Received: _____

Business License # _____

Fees: _____