

VILLAGE OF BOYLE
BYLAW # 10-23

BEING A BYLAW OF THE VILLAGE OF BOYLE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING AND CONTROL OF ANY BUSINESS OPERATING WITHIN THE VILLAGE OF BOYLE.

WHEREAS, pursuant to Sections 7 and 8 of the Municipal Government Act, Chapter M-26, R.S.A. 2000, that the Council may license and control all businesses within the Village of Boyle including the manner of operation, the nature of the operation and the location thereof, and may license any or all such businesses whether or not the business has a business premise within the Village of Boyle.

NOW THEREFORE, the Council of the Village of Boyle, in the Province of Alberta, duly assembled hereby enacts as follows:

1. TITLE

1.1 This bylaw may be cited as the "Business Licensing Bylaw".

2. DEFINITIONS

2.1 "**Advertising**" means any public notice meant to attract support for a Business located in the Village, including but not limited to:

- a) a poster; or
- b) a placard; or
- c) a flyer; or
- d) a sign, including an inscribed board, structure or device serving for advertising without being limited to free standing signs, portable signs or banners, or
- e) a newspaper display, or
- f) a television or radio announcement designed to sell a product or publicize a service, or vacancy, or
- g) Internet and social media

2.2 "**Application**" means a written application for a Business License as provided for by this bylaw.

2.3 "**Business**" means:

- a) a commercial, merchandising or industrial activity or undertaking, or
- b) a profession, trade, occupation, calling or employment, or
- c) an activity providing goods or services

2.4 "**Business License**" means a license issued pursuant to this bylaw.

2.5 "**Business License Administrator**" means a person authorized by the CAO to carry out the provisions of this bylaw or anyone acting on their behalf.

2.6 "**CAO**" means the Chief Administrative Officer for the Village of Boyle.

2.7 "**Council**" means the Council of the Village of Boyle.

2.8 "**Hawker or Peddler**" means any person who does not maintain a regular and permanent place of Business within the Village and who, whether as a principal or agent sells

merchandise or services, or both, on the street or elsewhere than at a building that is their permanent place of Business. A Hawker or Peddler does not include:

- a) any person selling:
 - i) meat, fruit, or other farm produce that has been produced, raised or grown by themselves or
 - ii) fish of their own catching
- b) door-to-door solicitors and salespeople except for those organizations listed in Section 11.3.

2.9 **“Home Occupation (minor or major)”** means an occupation carried on within a premise which is zoned residential as outlined in the Village of Boyle Land Use Bylaw within the Village.

2.10 **“Non-Resident”** means any Business which does not have a permanent office or place of Business in the Village of Boyle and does not include Hawkers and Peddlers.

2.11 **“Peace Officer”** means:

- a) a member of the Royal Canadian Mounted Police;
- b) a member of a municipal police service;
- c) a Community Peace Officer where under that person’s appointment as a Community Peace Officer that person is empowered to carry out the duties of a Peace Officer, or
- d) a Bylaw Enforcement Officer who is appointed by the Council of the Village of Boyle.

2.12 **“Person”** means an individual, sole proprietorship, corporation, partnership, joint venture, co-operative or society.

2.13 **“Premises”** includes a store, office, warehouse, building enclosure, residential dwelling, yard, or other place occupied or capable of being occupied for the purpose of carrying on a Business.

2.14 **“Resident”** means a Business where a permanent office or place of Business is situated within the Village.

2.15 **“Village”** means the municipal corporation of the Village of Boyle.

2.16 **“Violation Tag”** means a tag or similar document issued by the Village pursuant to the Municipal Government Act, Chapter M-26, R.S.A. 2000, as amended or repealed and replaced from time to time and regulation thereunder.

3. APPOINTMENT, POWERS, AND DUTIES OF THE BUSINESS LICENSE ADMINISTRATOR

3.1 The CAO and/or designate(s) are the Business License Administrator appointed to carry out the provisions of this bylaw.

3.2 The Business License Administrator shall receive and consider Applications to operate a Business within the Village including the power to consult with, obtain information from, and

BR
BS

verify information with other employees or agents of the Village, other governments, government agencies, or persons.

- 3.3 The Business License Administrator shall consider each complete Application.
- 3.4 Notwithstanding Subsection 3.3, Applications for door-to-door solicitation or sales shall not be considered except for those organizations listed in Section 11.3.
- 3.5 The Business License Administrator may grant a Business License, with or without conditions, to an applicant meeting the requirements of this bylaw and paying the required fee.
- 3.6 Notwithstanding Subsection 3.5, the Business License Administrator may, at his/her discretion, impose conditions on a Business License or refuse to issue a Business License.
- 3.7 The Business License Administrator has the right to revoke or suspend a Business License at any time if, in his/her opinion, it has become a detriment to the Village or a nuisance to the residents. A business License may also be revoked if:
 - a) the information contained within an Application is deemed to be false,
 - b) a Business License fee remains outstanding as of the 1st day of January in the year in which the Business License would be valid or,
 - c) penalty fees are not paid within thirty (30) days of the date in which the penalty is levied.

Notice of revocation may be made by personal service upon the holder of the Business License or by sending the notice by single registered mail to the Person's residence or place of Business.

- 3.8 The Business License Administrator shall refuse to re-instate a revoked or suspended Business License if the reasons for revoking or suspending the Business License have not been satisfied.
- 3.9 The Business License Administrator may carry out inspections of a Business Premise to ensure the operation complies with this bylaw.

4. APPOINTMENT, POWERS, AND DUTIES OF A PEACE OFFICER

- 4.1 The CAO shall appoint a Peace Officer to enforce the provisions of this bylaw.
- 4.2 The Peace Officer may carry out inspections of a Business Premise to ensure the operation complies with this bylaw.

5. REQUIREMENTS OF A BUSINESS LICENSE

- 5.1 No Person shall carry on or operate any Business within or partly within the Village without holding a valid and subsisting Business License issued pursuant to the provisions of this bylaw unless specifically exempted by law.
- 5.2 Any Advertising of a Business shall be deemed to be proof of the fact that the Person advertising is carrying on or operating any such Business.
- 5.3 A Person who engages in or operates one or more Businesses in the same building, either separately or together, shall require a separate Business License for each Business.

- 5.4 A Person who engages in or operates a Business at more than one location shall purchase a separate Business License for each location.
- 5.5 In all circumstances, reference must be made to the Land Use Bylaw regarding development permit requirements for Businesses.

6. BUSINESS LICENSE APPLICATIONS

- 6.1 Applications for a Business License, for a renewal of a Business License, or for a transfer of a Business License shall be made in writing on a form to be provided by the Business License Administrator.
- 6.2 An Application for a Business license for any Business shall be made by the owner of the Business or the representative of the owner.
- 6.3 Every applicant for a Business License must be at least eighteen (18) years of age, except if the Application is for a "Youth" Business License.
- 6.4 Renewal shall be affected by a Business License holder submitting the proper fees to the Business License Administrator.

7. TERM OF BUSINESS LICENSE

- 7.1 Every Business license issued under the provision of this bylaw shall terminate at midnight on the 31st of December of the year in which said Business License was issued unless the Business License has been sooner cancelled, revoked, or forfeited.
- 7.2 Any Business License may be cancelled by providing written notice to the Business License Administrator.
- 7.3 Business License renewals shall be paid in full on within 60 days of the issue date of the Business License renewal.
- 7.4 Failure to make payment for the renewal of a Business License as described in Section 7.3 above shall construe the Business License as being cancelled.
- 7.5 A Business License does not relieve the Business License holder from the obligation to obtain any other permit, license, or other approval that may be required under another bylaw of the Village or any other government authority.

8. TRANSFER OF A LICENSE

- 8.1 A Business License granted pursuant to the provisions of this bylaw, may, upon approval from the Business License Administrator, be transferred from one Business Premise to another Business Premise or from one Person to another Person upon payment of a transfer fee to be paid at the time of Application for transfer.

9. PREREQUISITES FOR A BUSINESS LICENSE

- 9.1 No Business License shall be granted until such time as the applicant holds a valid development permit where required by the Land Use Bylaw for the Business.



- 9.2 No business License shall be granted if the applicant fails to comply with any other bylaw of the Village.
- 9.3 No Business License shall be granted until the applicant has submitted to the License Administrator the proper fee as set in the "Fees and Charges Bylaw".

10. LICENSE FEES

- 10.1 No person shall carry on or operate any Business within or partly within the Village without first paying the Business License fee as outlined in the "Fees and Charges Bylaw".
- a) The fee payable for a first time Business License issued between the 1st day of January and the 30th day of June in any year shall be the Business License fee for the full year.
 - b) The fee payable for a first time Business License issued between July 1st and December 31st shall be 50% of the Business License fee for the full year.
 - c) The aforementioned reduction in fees does not apply to Youth or Hawker/Peddler Business Licenses.
- 10.2 The Person holding a Business License is not entitled to a refund for a cancelled, suspended, revoked, or surrendered Business License.
- 10.3 Where a Business License has not been renewed pursuant to Subsection 7.3 of this bylaw, and the Business is still in operation, the Person is guilty of an offense under this bylaw.
- 10.4 The following are excluded from paying the fee for a Business License:
- a) The Crown in right of Canada
 - b) The Crown in right of Alberta
 - c) A Crown corporation
 - d) Members of a registered association as described in the Professional and Occupational Associations Registration Act
 - e) Sub-Contractors who work under a General Contractor who holds a valid Village Business License
 - f) The Village of Boyle, or
 - g) Not-for-profit groups and business participating in a Not-for-profit function

11. CONDITIONS OF A BUSINESS LICENSE

- 11.1 Every Business License issued under this bylaw shall be posted in a conspicuous place in the Business Premises. The Person shall produce said Business License for inspection purposes whenever required by the Business License Administrator, Peace Officer, or other authorized person.
- 11.2 No door-to-door sales or solicitation shall be permitted in the Village, whether or not the Business has a valid Business License.
- 11.3 Door-to-door activities by the following organizations shall continue to be allowed:
- a) Registered charitable organizations
 - b) Religious groups

- c) Service clubs
- d) Minor sports associations
- e) Schools
- f) Cubs, scouts, guides & similar organizations

11.4 The Organizations in Section 11.3 shall notify the Business License Administrator in writing when carrying out fundraising activities, but there shall be no requirements for a Business License.

11.5 On a construction project, the general contractor shall be required to obtain a Business License.

11.6 A supplier bringing in bulk goods to a Licensed Business for the purpose of resale shall not be required to obtain a Business License.

11.7 Every Person carrying on or engaged in any Business in respect of which a Business License is required under this bylaw, upon request of the Business License Administrator or Peace Officer, shall provide all information necessary to enable him to carry out their duties.

12. INSPECTION

12.1 Any Premises for which a Business License has been issued under the provisions of this bylaw may be subject to inspection by the Business License Administrator, Peace Officer, or authorized person.

12.2 Any Person who, after demand for inspection has been made by the Business License Administrator, Peace Officer, or authorized person, refuses admittance to the Business Premises or obstructs the Business License Administrator, Peace Officer or authorized person shall be guilty of an offense under this bylaw.

13. REVOCATIONS OR SUSPENSIONS

13.1 When any required certificate, authority, license or other document of qualification issued by the Government of Canada, or the Government of Alberta is terminated or surrendered, any Business License issued pursuant to this bylaw is immediately null and void and shall be considered as being revoked.

13.2 Where a Business License is revoked, the Person shall immediately return the Business License to the Village and the Business shall not operate until such time as a new Business license is issued.

13.3 Where a Business License is suspended, the Person may resume operation when the Business License is reinstated.

14. APPEALS

14.1 A Person may appeal to Village Council in every case where:

- a) An Application for a Business License has been refused; or
- b) A Business License has been revoked or suspended.

14.2 An appeal filed pursuant to subsection 14.1 shall be made by the Person within thirty (30) days after such refusal, revocation or suspension.

- 14.3 All appeals shall be made in writing addressed to the CAO and shall be dated as of the date received by the CAO.
- 14.4 The CAO shall present the appeal to Village Council at the next available Council meeting for Council's decision.
- 14.5 Village Council, after hearing the appeal, may:
- a) Direct a Business License be issued or re-instated;
 - b) Direct a Business License be issued or re-instated with conditions;
 - c) Uphold the refusal, revocation or suspension of a Business License on grounds which appear just and reasonable.
- 14.6 A decision of Village Council in respect of an appeal under this section shall be final and binding.

15. PENALTIES

- 15.1 Any Person who contravenes, disobeys, refuses or neglects to obey any provision of this bylaw by:
- a) Doing any act or thing which is prohibited; or
 - b) Failing to do any act or thing that is required to do herein;

Is guilty of an offense and is liable to a penalty as outlined in Schedule "A" in addition to any Business License fee required to be paid.

16. VIOLATION TAGS

- 16.1 Where a Peace officer believes that a person has contravened any section of this bylaw, a Peace Officer may serve upon such person a Violation Tag allowing payment of the penalty specified in Schedule "A" for such offense to the Village and such payment shall be accepted by the Village.
- 16.2 A Violation Tag may be served to a Person as follows:
- a) In the case of an individual:
 - i. by delivering it personally to the individual;
 - ii. by leaving it for the individual at the apparent place of Business or
 - iii. residence with someone who appears to be at least 18 years of age; or
 - iv. by mail addressed to the individual at the apparent place of Business or residence or to any address for the individual; and
 - b) in the case of a corporation, sole proprietorship, partnership, joint venture, cooperative or society:
 - i. by delivering personally to any director or officer;
 - ii. by delivering it personally to an individual apparently in charge of an office of the corporation, sole proprietorship, partnership, joint venture, cooperative or society; or
 - iii. by mail addressed to the registered office of the corporation, sole proprietorship, partnership, joint venture, cooperative or society.

16.3 A Violation Tag issued pursuant to this bylaw shall be in a form approved by the CAO and shall state:

- a) the name of the Person to whom the Violation Tag is issued;
- b) a description of the property upon which the offence has been committed, if applicable;
- c) a description of the offence and the applicable bylaw section;
- d) the appropriate penalty for the offense as specified in Schedule "A" of this Bylaw;
- e) the time period in which the specified penalty must be paid; and
- f) any other information as may be required by the CAO or a Peace Officer.

16.4 Nothing in this section shall:

- a) Prevent any Person from exercising their right to defend any charges of committing a breach of any provision of the Bylaw.
- b) Prevent any, Business License Administrator or any Peace Officer from laying an information or complaint in lieu of serving a violation tag, or
- c) Prevent any Person from exercising any legal rights such Person may have to lay an information or complaint against any Person (whether such Person has made payment under the provisions of this Bylaw, or not) for a breach of any provision of this bylaw.

17. SEVERABILITY

17.1 It is the intention of Council that each separate provision of this bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this bylaw be declared invalid, that provision shall be deemed to be severed and all other provisions of the bylaw shall remain in force and effect.

18. SCHEDULE

18.1 The document attached hereto and marked Schedule "A" shall form part of this bylaw.

19. ENACTMENT

19.1 Bylaw 10-23 shall come into full force and effect upon the day it receives third and final reading by Council.

19.2 Village of Boyle Bylaw 01-99 is hereby repealed upon this bylaw coming into effect.

READ FOR A FIRST TIME THIS 4TH DAY OF OCTOBER, A.D. 2023.

Barbara Smith

for MAYOR

Walter Smith

CHIEF ADMINISTRATIVE OFFICER

READ FOR SECOND TIME THIS 4TH DAY OF OCTOBER, A.D. 2023.

Barbara Smith
for MAYOR

Wanda Smith
CHIEF ADMINISTRATIVE OFFICER

READ FOR A THIRD AND FINAL TIME THIS 4TH DAY OF OCTOBER, A.D. 2023.

Barbara Smith
for MAYOR

Wanda Smith
CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

Bylaw 10-23

Penalties

First Offense \$ 50.00

Second Offense \$ 100.00

Third and Subsequent Offenses \$ 250.00

Payment under the Violation Tag must be made within 48 hours of being served upon the Person.

Handwritten signature and initials in the bottom right corner of the page.