

**BY-LAW 449/16  
OF THE VILLAGE OF GLENDON  
REGULATION AND LICENSING OF BUSINESSES**

A BYLAW OF THE VILLAGE OF GLENDON IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATION AND LICENSING OF BUSINESSES.

A BYLAW OF THE VILLAGE OF GLENDON IN THE PROVINCE OF ALBERTA TO REPEAL BYLAW NO. 428-12.

WHEREAS, it is deemed expedient by the Council of the Village of Glendon to regulate businesses of persons carrying of a business within the corporate limits of the Village of Glendon. Now therefore, under the authority and subject to the provision of the Municipal Government Act, RSA 2000, Chapter M-26.1 as amended and by virtue of all other powers in the Village of Glendon, duly assembled, enacts as follows.

WHEREAS, the Village of Glendon Council repeal Bylaw No. 428-12 and all amendments.

**SECTION 1 Title**

- 1.1 This By-law shall be known as the Village of Glendon Business Licensing By-law.

**SECTION 2 Purpose**

- 2.1 To license those businesses and persons engaged in a business activity within the Corporate Limits of the Village of Glendon.
- 2.2 Every licensee shall conform to the provisions of this by-law and of all other by-law applicable to the business or business location in respect of which such license was issued

**SECTION 3 Definitions**

Every licensee shall conform to the provisions of this by-law and of all other by-law applicable to the business.

- 3.1 "Act" means the Municipal Government Act, Chapter M-26 RSA 2000 and amendments thereto.
- 3.2 "Applicant" means a person who applies for a business license or renewal of a business license required by this by-law.
- 3.3 "Business" means a commercial, merchandising or industrial activity or undertaking: a profession, trade, occupation, calling or employment or an activity providing goods or service, however formed, including a cooperative or association of persons.
- 3.4 "CAO" means of the Chief Administrative Officer to the Village of Glendon.
- 3.5 "Council" means the Municipal Council of the Village of Glendon.
- 3.6 "Fee" means the monetary amount levied on each application for a business license as set out in Part 6 of this by-law.
- 3.7 "Licensee" means a license granted by the Village entitling the person to whom it is granted to carry on business therein specified in the Village.
- 3.8 "License" means a person holding a valid and subsisting license issued pursuant to the provisions of this by-law.

- 3.9 "License Inspector" means any person so designated herein and includes any such inspector as designated by Council, or the Chief Administrative Officer, to perform their duties.
- 3.10 "Non-Resident" means a person not ordinarily residing within the corporate limits of the Village of Glendon.
- 3.11 "Non-Resident Business" means any business which does not ordinarily locate or maintain a permanent place of business is within the corporate limits of the Village. This category shall include those non-resident building contractors and those non-resident building contractors and those non-resident trades people associated with the construction and/or repair of a building within the corporate limits of the Village.
- 3.12 "Resident" means a person ordinarily residing within the corporate limits of the Village.
- 3.13 "Resident Business" means any business which ordinarily locates or maintains a permanent place of business within the corporate limits of the Village.
- 3.14 "Temporary Business" means a commercial, merchandise 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 carried on within the corporate limits of the Village of Glendon where the duration of the business activity is equal to or less than two consecutive weeks.
- 3.15 "Non-Profit Organization" means an organization:
- \* incorporated under the Societies Act.
  - \* register under Part 9 of the Companies Act.
  - \* formed under the Agricultural Society Act.
  - \* formed under the Cemetery Companies Act.
  - \* registered under Part 21 of the Business Corporation Act if the Extra-provincial corporation does not carry on business for the purpose of gain, or incorporated by a private act of the Parliament of Canada or the Legislative Assembly of Alberta, of the corporation:
    - i) does not pay dividends to its shareholders or any part of its shareholders or any part of its incomes to any member for the member's personal benefits.
    - ii) does not distribute property to its shareholders or members on its winding-up or dissolution.
- 3.16 "Village" means the Village of Glendon, a municipal corporation of the Province of Alberta, and where the context so requires means the area contained within the corporate boundaries of said municipality.

#### **SECTION 4 Application**

- 4.1 An applicant for a license shall make application of the Village office, on a form supplied by the Village, furnishing such information as the form shall require and such additional information as the Village may from time to time require, including.
- \* A statutory declaration where required by the Village.
  - \* A bond or public liability insurance where required in a form satisfactory for the Village.
  - \* A provincial license where required under any Provincial Act.

- 4.2 Every license shall conform to the provisions of this by-law and of all other by-law applicable to the business, or business location in respect of which such license was issued.
- 4.3 Where any certificate, authority, license or other document of qualification under this or other by-law or under any statute of Canada Province of Alberta is suspended, cancelled, terminated or surrendered, any license issued under this by-law based in whole or in part on such certificate, authority, license or other document of qualification shall be revoked automatically forthwith.
- 4.4 An application for a license for business to be carried on in a residential zoning district shall first be approved by the Development Officer.
- 4.5 Every licensee shall conform to the provisions of this by-law and of all other by-laws.

## **SECTION 5 Appointment, Powers, and Duties of License Inspectors**

- 5.1 The CAO shall appoint a License Inspector for the License Inspector to carry out the terms of this by-law.
- 5.2 The License Inspector in the administration of this by-law shall as far as practical see that all persons concerned conform to its provisions and to prosecute persons who fail to comply within.
- 5.3 The License Inspector shall investigate complaints lodged against a license and, if necessary, inspect the premises or location described in the complaints and to revoke any license or to levy fines or penalties pursuant to the by-law.

## **SECTION 6 License Requirement and Fees**

- 6.1 Every licensee shall conform to the provisions of this by-law and of all other by-law applicable to the business, a license is required to carry on or operate any of the following businesses.
  - \* Resident business
  - \* Non-resident business
  - \* Temporary business
- 6.2 In a prosecution for contravention of this by-law against engaging in or operating 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.
- 6.3 A business license shall be required for all businesses operating within the area contained within the corporate boundaries of the Village of Glendon irrespective of any other valid Federal, Provincial, or other municipal certificate, authority, license or other document of qualification unless specifically exempted by the provisions of this by-law or if any statute of Canada or of the Province of Alberta specifically exempts such person or businesses from the requirements of municipal licensing.
- 6.4 No door to door sales will be permitted or licenses issued.
- 6.5 When "squatting" on public or private property approved in writing from, the landowner must be submitted to the License Inspector with the application.
- 6.6 No license shall be required for anyone engaged in selling farm produce locally grown.

- 6.7 No license shall be required for residential garage sales, provided that the sale take place on a residential property, where that property owner or primary resident, when referring to residential rental properties, directly supervises and controls the sale.
- 6.8 No license shall be required for non-profit organizations.
- 6.9 Material delivery operations are exempted from needing a license provided that the transaction/negotiation to purchase those items take place outside of the corporate limits of the Village of Glendon and that the company is not a Resident business.
- 6.10 Every licensee who holds a license under this by-law which applies to specific premises shall, so long as the license is in force, keep it or a duly authorized copy thereof posed in some conspicuous place in the licensed premises as may be approved by the License Department.
- 6.11 Every licensee who holds a license under this by-law which is not limited to specific premises shall, so long as the license is in force, carry on his person or have immediately available the license or a duly authorized copy thereof.
- 6.12 License Year means the period commencing January 1<sup>st</sup> and ending on the next succeeding December 31<sup>st</sup>, except as otherwise provided in the by-law a license shall cover the period from the date of issue to the end of the current license year, but a license may be issued in advance for the next succeeding license year. Every license shall bear on its face the date on which it is issued and the date on which it will expire.

## **SECTION 7 Penalties and Enforcement**

7.1 Any person, or business who contravenes any of the provision or requirement of this by-law is guilty of an offence and is liable for and subject to a penalty as follows:

- \* Conducting a business without a license:
  - 1<sup>st</sup> offence = a fine not less than \$100.00 and not more than \$200.00
  - 2<sup>nd</sup> offence = a fine not less than \$200.00 and not more than \$500.00
  - 3<sup>rd</sup> offense = a fine not less than \$500.00 and not more than \$1000.00

Section 7.1 of this by-law, may be amended from time to time by resolution of Council.

7.2 Where an officer authorized by Council to enforce this by-law has reasonable grounds to believe that a person has contravened any provision of this by-law he/she may issue to such person an offence ticket allowing the payment of the penalty specified in subsection 7.1 to the Village within 14 days of the issuance of the offence ticket. Such payment shall be accepted by the Village in lieu of prosecution for the offence.

7.3 Service of an offence ticket shall be sufficient if it is

- \* Personally served
- \* Served by registered mail to the last known business location or residence of the person who is alleged to have committed the offence, or
- \* Left with some competent adult who resides with or works at the business location of the person who is alleged to have committed the offence.

7.4 The offence ticket shall state:

- \* The name and business or residence address of the person who is alleged to have committed the offence, if ascertainable
- \* The offence
- \* The location, date and time of the offence
- \* The appropriate penalty of the offence and
- \* that the penalty shall be paid within (14) fourteen days of the issuance of the offence ticket to avoid prosecution of the offence.

7.5 If the penalty specified in the offence ticketed is not paid with the prescribed time period, an officer authorized by Council to do so may issue a violation ticket regarding the offence in accordance with the provision of the Provincial Offences Procedure Act Chapter P-34 RSA 2000 and amendments thereto or any other applicable act that may be in force at the time of the offence. The said officer may indicate a voluntary payment option on the violation ticket, the amount of the payment being the prescribed in subsection 7.1.

This by-law comes into effect upon final passing hereof.

INTRODUCED AND GIVEN FIRST READING THIS 9 DAY OF August A.D., 2016

Laura Papiorny  
LAURA PAPIRNY - MAYOR

Melody Kwiatkowski  
MELODY KWIATKOWSKI - CAO

READ A SECOND TIME THIS 9 DAY OF August A.D., 2016

Laura Papiorny  
LAURA PAPIRNY - MAYOR

Melody Kwiatkowski  
MELODY KWIATKOWSKI - CAO

READ A THIRD TIME THIS 9 DAY OF August A.D., 2016

Laura Papiorny  
LAURA PAPIRNY - MAYOR

Melody Kwiatkowski  
MELODY KWIATKOWSKI - CAO