

**TOWN OF MORINVILLE
PROVINCE OF ALBERTA
BYLAW 7/2019**

Youth Business Licence Bylaw

A BYLAW OF THE TOWN OF MORINVILLE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING AND CONTROL OF ANY BUSINESS WITHIN THE TOWN OF MORINVILLE

WHEREAS Section 7 of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 2000 and all amendments thereunto, authorises a Council to pass bylaws for municipal purposes respecting businesses operated by youth, its business activities and persons engaged in business, including the licensing of any or all such businesses.

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

PART 1: DEFINITIONS

1.0 This Bylaw may be cited as the Business Licence Bylaw.

2.0 In this bylaw, except where otherwise defined:

2.1 **"ADVERTISING"** means any public notice meant to attract support for a business, including but not limited to:

- i) A poster;
- ii) A placard;
- iii) A flyer;
- iv) A sign;
- v) A newspaper display;
- vi) A television or radio announcement designed to sell a product or publicise a service, or vacancy; or
- vii) Internet.

2.2 **"APPLICANT"** means a person who applies for a licence or a renewal of a licence required by this Bylaw.

2.3 **"APPLICATION"** means a written application for a Business Licence and also includes an application to renew or amend a Business Licence, or a request for an exemption from the fees set pursuant to this Bylaw.

2.4 **"BUSINESS"** means any business, occupation, trade, employment, profession or provision of a service of any kind that is conducted for the purpose of earning income, whether or not it is conducted for the purposes of earning a profit.

2.5 **"BUSINESS LICENCE"** means a licence issued pursuant to this Bylaw.

2.6 **"BUSINESS LICENCE INSPECTOR"** means a person authorised by the Chief Administrative Officer to exercise the powers outlined in Section 3.0 of this Bylaw and may include a member of the Royal Canadian Mounted Police, or a Community Peace Officer of Morinville Enforcement Services, pursuant to the Public Security Peace Officer Program and the Peace Officer Act, S.A. 2006, c.P-3.5, as amended from time to time.

2.7 **"CALENDAR YEAR"** means a length of time lasting a year beginning on January 1st and ending on December 31st.

2.8 **"CHIEF ADMINISTRATIVE OFFICER"** means the Chief Administrative Officer of the Municipality appointed by Council, or the Director(s) of Department(s) designated by the Chief Administrative Officer.

2.9 **"CARRY ON"** means to carry on, continue, operate, perform, keep, hold, occupy, deal in or use a thing, object or practice for gain.


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- 2.10 **"COUNCIL"** means the duly elected officers of the Municipality and the Chief Elected Officer.
- 2.11 **"DEVELOPMENT OFFICER"** means any person designated as such pursuant to the Municipality's Land Use Bylaw.
- 2.12 **"DEVELOPMENT PERMIT"** means a permit issued pursuant to the Land Use Bylaw.
- 2.13 **"FEDERAL OR PROVINCIAL LICENCE"** means any licence, permit or accreditation, issued by the provincial or federal government, which is required to practice a certain profession, such as a law licence, a medical licence or a Chartered Accountant designation.
- 2.18 **"HOME BASED BUSINESS"** means a home occupation carried on as a business within a dwelling pursuant to the Land Use Bylaw.
- 2.19 **"LAND USE BYLAW"** means the Land Use Bylaw of the Municipality and all amendments thereto as approved by Council.
- 2.20 **"LICENCEE"** means the person that obtains a licence from the Municipality pursuant to this Bylaw.
- 2.21 **"MUNICIPALITY"** means the Town of Morinville.
- 2.22 **"PORTABLE"** means any aspect of the business that is relocatable throughout the municipality, including:
- i) Going house to house selling or offering the sale of their goods,
 - ii) A temporary structure or mobile unit
- 2.23 **"PREMISES"** means any office, residence, store, warehouse, factory, building, enclosure, yard or other place used for the purpose of carrying on a business.
- 2.24 **"RENEWAL"** means a renewal of an existing Business Licence pursuant to this Bylaw.
- 2.25 **"RESIDENT BUSINESS"** means a business physically located within the corporate limits of the Municipality and includes Home Based Businesses.
- 2.26 **"SCOPE"** means a change of use or a change in intensity of use of a development pursuant to the Land Use Bylaw.
- 2.27 **"YOUTH"** means any person under the age of 18 years.

BUSINESS LICENCE INSPECTOR

- 3.0 The Business Licence Inspector shall:
- 3.1 Issue Business Licences, impose conditions on licences, or refuse to grant licences on just or reasonable grounds;
 - 3.2 Refuse, revoke or suspend Business Licences under circumstances as noted under Section 24.0 of this Bylaw;
 - 3.3 Carry out inspections of premises, lands or buildings and make any inquiries necessary to ensure compliance with this Bylaw and Section 17 (2)(g) of the Freedom of Information and Protection of Privacy Act, including the power to obtain and verify information from other employees or agents of the Municipality, other governments, government agencies or persons, so long as the purpose is for information pertaining to the Business Licence;



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- 3.4 Be responsible for the administration and enforcement of this Bylaw;
- 3.5 Exercise any other power or responsibility provided under this Bylaw; and,

NECESSITY OF A BUSINESS LICENCE

- 4.0 A youth business licence is not an obligatory process and a youth proprietor will not be penalized if a youth business licence application is not made.
- 5.0 Any advertising of a business carried on or operating within the Municipality shall be considered proof of the fact that a person is carrying on or operating a business.
- 6.0 Any person who carries on or operates a business at more than one premise shall obtain a separate Business Licence for each premise.

PREREQUISITES FOR A BUSINESS LICENCE

- 7.0 The sole proprietor(s) and operator of the business must meet the standard as a youth, as defined in the Bylaw.
- 8.0 No Business Licence shall be granted unless the applicant holds a valid development permit where required by the Land Use Bylaw for such a business.
- 9.0 No Business Licence shall be granted if the applicant fails to comply with any other Bylaws of the Municipality, or any laws of the Government of Alberta or the Government of Canada, that are relevant to the business in question, including labour laws.

APPLICATION FOR A BUSINESS LICENCE

- 10.0 Application for a Business Licence shall be made by the owner of the business, or a representative designated with written authorisation from the owner, in the form required by the Business Licence Inspector and requires the following:
 - 10.1 The applicant(s) full name;
 - 10.2 The name and any trade name under which the business is to be conducted; of the business
 - 10.3 The phone number of the business, along with the fax number if applicable;
 - 10.4 The operating address of the business;
 - 10.5 The mailing address of the business;
 - 10.6 The website of the business, if applicable;
 - 10.7 The e-mail address of the business, if applicable;
 - 10.8 The proper name(s) of the owner(s) of the business if separate from the applicant's name under Subsection 10.1;
 - 10.9 The contact information of the legal guardian;
 - 10.10 The applicant(s) signature; and
 - 10.11 Any other information as deemed necessary by the Business Licence Inspector.
- 11.0 An applicant shall not submit any information with respect to an application that is misleading, false or inaccurate.


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CONDITIONS OF BUSINESS LICENCE

- 12.0 The Licencee shall post their licence in a conspicuous place on the premises of their business, or where the business is otherwise being carried on, so it is visible to the patrons or customers of the business. If the Licencee does not occupy premises for the purposes of carrying on their business, they shall produce their licence for the Business Licence Inspector or any other person duly authorised by the Municipality upon request. Failure to produce or display a Business Licence will be considered an offence.
- 13.0 The Licencee shall ensure that the operation of their business complies with the conditions set out in their licence and any other applicable Bylaws and Federal and/or Provincial Statutes/Regulations.
- 14.0 The Licencee shall promptly inform the Business Licence Inspector of any changes in
- 14.1 The address of the business;
 - 14.2 The telephone, fax, e-mail or website address of the business;
 - 14.3 The name of the business;
 - 14.4 The type of business carried on by the Licencee;
 - 14.5 The ownership of the business; and
 - 14.6 Change in the scope of the business.
- 15.0 If a business ceases to carry on the business for which a licence is granted, the Licencee shall notify the Business Licence Inspector.
- 16.0 A Licencee will provide access to their business premises at all reasonable times to the Business Licence Inspector, after being properly identified, for the purpose of ascertaining if the provisions of this Bylaw are being complied with. The Licencee who allows or causes to allow any hindrance, prevention or refusal of access to the properly identified Business Licence Inspector to the premises shall be guilty of an offence.
- 17.0 Portable businesses must receive confirmation from the Inspector to locate at specific locations, proof of valid development permit, if applicable, and written consent from the landowner, if applicable.
- 18.0 At any relevant time, the Inspector may impose, in addition to the conditions referenced under this Bylaw, conditions on a new or existing Business Licence in relation to the establishment or operation of the applicable Business in regards to nuisances or ensuring compliance with any authorization from the Municipality or another authority.

LICENCE EXPIRY AND RENEWAL

- 19.0 A Business Licence shall expire on December 31st of the calendar year in which it was issued.
- 20.0 Upon refusing to issue or renew a Business Licence, the Business Licence Inspector must give written notice of the decision for refusal, setting out in general terms for the applicant the reasons for the decision and provide information on how the applicant may appeal the decision.
- 21.0 Where a notice is sent, given or served by mail, and the document is properly addressed and sent by prepaid regular mail, unless the contrary is proven, the service shall be presumed to be effected seven (7) days from the date of mailing if the document is mailed in Alberta to an address in Alberta.


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TRANSFER OR SALE OF BUSINESS LICENCE

22.0 Youth Business Licences are non-transferable.

CANCELLATION OR REVOCATION OF BUSINESS LICENCE

23.0 A Licencee may choose to cancel their Business Licence upon written request to the Business Licence Inspector.

24.0 The Business Licence Inspector may suspend or revoke a Business Licence under the following:

24.1 If the Licencee violates any conditions that may have been imposed on the Business Licence when it was first issued;

24.2 If the Licencee violates this or any other applicable Bylaws of the Municipality;

24.3 If the Licencee is found to have provided false information on their licence application;

24.4 When any required certificate, authority, licence or other document issued by the Government of Canada or the Government of Alberta and legally required for the operation of the business covered by the licence is suspended, cancelled, terminated or surrendered;

25.0 When a Business Licence will be revoked under Section 24.0, the Business Licence Inspector shall notify the Licencee by:

25.1 Personal service of a notice on the Licencee; or

25.2 By mailing a notice to the Licencee to the Licencee's business location or residential address where a notice is sent, given or served by mail, and the document is properly addressed and sent by prepaid regular mail, unless the contrary is proven, the service shall be presumed to be effected seven (7) days from the date of mailing if the document is mailed in Alberta to an address in Alberta.

26.0 Upon revoking or suspending a Business Licence, the Business Licence Inspector must give written notice of the revocation or suspension, setting out in general terms for the Licencee the reasons for the revocation of suspension, and in the case of a suspension the period of the suspension, and provide information on how the Licencee may appeal the suspension or revocation to the Chief Administrative Officer.

ANNUAL REVIEW

27.0 This Bylaw shall be reviewed annually no later than the end of October in conjunction with the annual budget process,

(This section intentionally left blank)


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SEVERABILITY


28.0 If any Section or Sections of this Bylaw or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

That this Bylaw shall come into full force and effect upon the final passing thereof.

READ a first time this 12th day of November, 2019.

READ a second time this 10th day of December, 2019.

READ a third time and finally passed this 10th day of December, 2019.



Barry Turner
Mayor



Stephane Labonne
Chief Administrative Officer