

**BYLAW NO.2013-795  
OF THE VILLAGE OF MANNVILLE**  
(hereinafter referred to as “the Municipality”)

**IN THE PROVINCE OF ALBERTA**

**A Bylaw of the Village of Mannville, in the Province of Alberta, for the purpose of licensing, controlling and regulating businesses, callings, trades and occupations.**

**WHEREAS:** Pursuant to Division 1 of the Municipal Government Act, Statutes of Alberta, 2000 Chapter M-26 with amendments in force as of November 24, 2010 which states, in part:

Section 7 (e), a Council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business, and

**WHEREAS,** Council of the Village of Mannville deems it desirable and necessary to pass a Business Licensing Bylaw,

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

1. This bylaw shall be cited as the ‘Village of Mannville Business Licensing Bylaw.’

2. **DEFINITIONS**

The following definitions shall apply, unless the context otherwise requires:

- a. **Applicant** means an individual who applies for a business license or renewal of a business license as required by this Bylaw.
- b. **Application** means a written application for a business license as provided by this Bylaw.
- c. **Auctioneer** is a person who sells or offers for sale by public auction any real or personal property.
- d. **Business** includes any trade, profession, industry, occupation employment or calling and the providing of goods and/or service.
- e. **Business License** means a license issued pursuant to this Bylaw.
- f. **Business Premises** means the store, office, warehouse, factory, building, enclosure, yard, or other place occupied or capable of being occupied for the purpose of carrying on a business.
- g. **Calendar Year** means from January 1 to December 31 of a given year
- h. **Caterer** means any person who prepares sandwiches, beverages, lunches or meals to be consumed at premises other than those of the licensee.
- i. **Charitable Organization** means any religious, charitable, scientific, literary or educational organization which is a registered Canadian Charitable Organization pursuant to the Income Tax Act of Canada, and/or Societies Act of Alberta.
- j. **Commercial Property** means property within the Village of Mannville which is subject to commercial taxation.
- k. **Council** means the Council of the Village of Mannville
- l. **Garage Sale** means the displaying and offering of five or more items of new or used merchandise and personal property, excluding automobiles, from what is commonly referred to as private residential property.
- m. **General Contractor** means any person(s), partnership(s), or corporations(s) who undertake to direct or supervise subcontractors to do, provide or carry on, within the corporate limits of the Village of Mannville, trades or occupations relative to the construction industry.
- n. **Hawker or Peddler** means any person who, whether as principal or agent:
  - i. Goes from house to house selling or offering for sale any merchandise or service, or both, to any person, and who is not a wholesale or retail dealer in that merchandise or service, and not having a permanent place of business within the municipality.
  - ii. Offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or service, or both, to be afterwards delivered in and shipped into the municipality, or;

iii. Sells merchandise or a service, or both, on streets, roads or elsewhere than at a building that is his permanent place of business, but does not include any person selling meat, fish of his own catching, fruit or produce that has been produced, raised or grown by himself.

- o. **Home-based Business** means any business, occupation, trade, calling or craft carried on from a residence or accessory residential building, by one or more of a family occupying the said residence and for which a home occupation has been approved under the provisions of this bylaw and the Land Use Bylaw.
- p. **Licensee** means a person holding a valid business license issued pursuant to this Bylaw.
- q. **License Inspector** includes Chief Administrative Officer, Bylaw Enforcement Officer and/or any other duly authorized and appointed person acting on his/her behalf.
- r. **Non-Profit Organization** means a person acting for a charity or in the promotion of general social welfare and includes a religious organization, service club, a community, veterans' or youth organization and a social, sport or fraternal organization or club.
- s. **Non-Resident** means a person, partnership or corporation whose business headquarters and/or business enterprise is located outside of the corporate boundaries of the Village of Mannville.
- t. **Person** means one or more person(s), a firm, partnership or corporate body
- u. **Provincial/Out of Province Business** means a person, partnership or corporation whose business headquarters and/or business enterprise is located outside of the Village and the County of Minburn corporate boundaries.
- v. **Resident Business** means a person, partnership or corporation whose business headquarters and/or business enterprise is located within the corporate boundaries of the Village of Mannville.
- w. **Subcontractors** means any person, partnership or corporation who, under the direct of a General Contractor, property owner or person in possession of property, undertakes to provide or carry on a trade or occupation relative to the construction industry within the corporate limits of the Village of Mannville.
- x. **Village** means the Village of Mannville
- y. **Village Council** means the Village of Mannville Council

**3. LICENSE REQUIREMENTS:**

- 3.1 No person shall, within the corporate limits of the Village of Mannville, carry on, engage in or operate any business, calling, trade or occupation referred to in this Bylaw unless he or she has paid the prescribed business licence fee as authorized by Council and as amended from time to time.
- 3.2 Business entities which are operated from separate business premises or structures will be required to take out a separate business license for each premise. This does not apply to apartment buildings or rental housing units.
- 3.3 No person may operate more than one business, callings, trades or occupations from any one premise or structure without obtaining business licenses for each and every business, calling, trade or occupation.

**4. EXEMPTIONS:**

The following organizations and persons shall be exempt from licensing:

- 4.1 Religious Charitable organizations
- 4.2 Religious groups
- 4.3 Minor Sports Associations, service clubs, schools, youth organizations
- 4.4 Non-profit community service organizations
- 4.5 Out-of-Town person or business that solely sells or supplies wholesale goods to existing businesses within the Village of Mannville, excepting where that wholesale business is located within the Village.
- 4.6 A person selling meat, fruit or other farm produce that has been raised or grown by himself/herself (i.e. Farmers Market vendor)
- 4.7 A person selling fish of his/her own catching
- 4.8 A person holding garage sales as defined in this bylaw

**5. APPLICATION FOR BUSINESS LICENSE:**

- 5.1 Applications for a license must be done in writing as per the appropriate prescribed form attached to this bylaw as Schedule B. Failure to disclose to the Village, any information required, shall be grounds for non-issuance or cancellation of the license and forfeiture of any business license fee paid.
- 5.2 Applications for a business license for an existing business shall be submitted to the License Inspector no later than the 31<sup>st</sup> day of January of each license year.
- 5.3 Every person who applies for a business license is required to be in possession of any provincial license required by the Government of Alberta.
- 5.4 A Village of Mannville Business License shall not be issued until the applicant has paid the prescribed fee, authorized by Council in the Master Rates Bylaw and as amended from time to time.
- 5.5 A Business License may be issued subject to certain conditions set forth by the License Inspector; such conditions shall be included on the license.
- 5.6 When deemed necessary, and for the health and safety of the public, the License Inspector may notify the Public Health Inspector of an applicant's new business.
- 5.7 Each General Contractor applying for a license will be required to disclose a list of all subcontractors to be used on a project; such disclosure to be done at the time of the Building Permit Application. Subcontractors on a project are required to have a business license.
- 5.8 A Licensee may transfer a license issued to him/her upon approval of the License Inspector and payment of the License Transfer Fee as approved and amended from time to time by Council.

**6. LICENSE TERM**

- 6.1 A Business License is valid for one year, defined as January 1<sup>st</sup> to December 31<sup>st</sup> of each calendar year.
- 6.2 Business Licenses issued for the purpose of one construction project will be considered valid for the duration of that project, regardless if the project spans more than one calendar year.

**7. POSTING OF LICENSE**

Every license issued under this bylaw shall be posted in a visible location on the business premises and/or made available to the Chief Administrative Officer, License Inspector or any other authorized person.

**8. LAND USE BYLAW COMPLIANCE**

All business licenses are granted subject to zoning requirements of the Village of Mannville according to the provisions of the Land Use Bylaw. A business license shall not be deemed as approved to carry on business in or on any premises in contravention of the Land Use Bylaw. All applications must first be approved by the Development Officer before the license may be validated by the Licensing Officer.

**9. HARMLESS AGREEMENT:**

Business Licenses are issued on the condition that the licensee shall at all times indemnify and save harmless the Village of Mannville, as trustee for any person who may sustain loss, damage or personal injury from any neglect or any unlawful act or omission of the person named in the license.

**10. LICENSE INFORMATION:**

Every person operating a licensed business shall, upon request of the License Inspector, disclose any information necessary to enable him/her to carry out his/her duties, subject to the Freedom of Information and Protection of Privacy Act.

**11. CONVICTIONS:**

If a licensee is convicted of an offence under the Canadian Criminal Code with respect to illegal gaming, betting, prostitution or any other illegal activity, under the authorization of a Village of Mannville Business License, the license shall be revoked.

**12. POWERS AND DUTIES OF LICENSE INSPECTOR:**

12.1 The License Inspector shall:

- 12.1.1 Receive and deal with all applications, renewals, and transfers of licenses
- 12.1.2 Keep a record of all applications
- 12.1.3 Record such information and details with respect to business licenses and persons applying for licenses as may be required.
- 12.1.4 Verify licenses pursuant to the terms of this bylaw and issue all licenses under this bylaw.

**13. SUSPENSION AND REVOCATION**

13.1 The License Inspector may revoke or suspend any license issued under the provisions of this bylaw for failure to comply with any condition herein, or any other bylaw or regulation of the Village or Province.

13.2 The License Inspector may refuse to grant a license or may revoke or suspend any license, if, in the opinion of the License Inspector, there is just and reasonable grounds for the refusal of the application or for revocation or suspension of the license, subject to the right of the applicant to appeal the refusal or revocation or suspension to Village Council.

13.3 Upon request by the Health Inspector, the License Inspector shall suspend the license of any business until the Health Inspector certifies the premises are again fit to be used.

13.4 Where an application for a license has been refused, or where a license is revoked or suspended, the License Inspector shall notify the applicant, in writing, of such refusal, revocation or suspension and the reasons for it.

**14. APPEAL**

14.1 Where an application for a license or a transfer has been refused, or where a license has been authorized subject to conditions or where a license has been revoked, the applicant shall be entitled to an appeal to Council.

14.2 Every appeal shall be made in writing to the Chief Administrative Officer within thirty (30) days after a license has been refused, revoked or conditionally approved, and shall be dated as of the date received by the Chief Administrative Officer; otherwise the right to appeal shall have expired.

14.3 The Council:

- 14.3.1 shall hold a hearing on any appeal within 30 days from receipt of the notice of appeal;
- 14.3.2 shall ensure notice of the hearing is mailed by regular mail at least seven (7) days prior to the date of the hearing to the appellant, and;
- 14.3.3 shall consider its decision in writing to the appellant within thirty (30) days from the date on which the hearing is held.

14.4 When an appeal is being heard, Village Council shall hear;

- 14.4.1 the License issuer
- 14.4.2 the appellant, and;
- 14.4.3 any other person, who in the Council's opinion might be affected.

14.5 Council, after hearing the applicant may;

- 14.5.1 Direct a Business License to be issued;
- 14.5.2 Direct a Business License to be issued with conditions;
- 14.5.3 Refuse to grant a Business License;

14.5.4 Uphold the revocation of a Business License on the grounds which appear just and reasonable.

14.6 A decision of Council on an appeal is final and binding on all parties.

**15. ENFORCEMENT**

15.1 Any person in contravention of any provision of this Bylaw shall be guilty of an offence and liable upon summary conviction, to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Two Thousand Five Hundred Dollars (\$2,500.00) plus costs, in addition to any license fee he/she may be required to pay and in the event of failure to pay or inability to pay any fine levied and any license fee charged hereunder and cost, to imprisonment for a period not exceeding sixty days or until such fine, license fee and costs of committal are paid.

15.2 Where the offence is non-payment of any license fee, a Violation Ticket under Part 2 or 3 of the *Provincial Offences Procedures Act* may be issued at the License Inspector's discretion. The presiding judge shall adjudge payment of the license fee in addition to the fine imposed.

15.3 Where a business is being carried on in contravention of this Bylaw, or where the breach of the Bylaw is of a continuing nature or where any person is carrying on business or is doing any act, matter or thing without having paid the license fee required to be paid by this Bylaw, then in addition to any other remedy or any penalty imposed by this Bylaw, the Village may, in any of these cases, apply to a judge at the Supreme Court of Alberta by way of action or originating notice for an injunction or other order, prohibiting the person so contravening the Bylaw from continuing to carry on the business without obtaining a license and paying the required fee therefore, or from continuing to carry on the business without complying with the provision of the Bylaw applicable to the business for which the license is required.

15.4 Where any of the provisions of this Bylaw have been deemed to be contravened and an offense ticket has been issued for that contravention, the accused may avoid appearing in Court to answer to the said charge by submitting to the Village a voluntary fine as follows:

15.4.1	First Offence	One Hundred Dollars (\$100)
15.4.2	Second Offence	Two Hundred Dollars (\$200)
15.4.3	Subsequent Offenses	Two Hundred & Fifty Dollars (\$250)

15.5 Failure to voluntarily pay an offence ticket within the time specified may result in prosecution under Sections 15.1 through 15.3 and Section 15.4 of this Bylaw shall no longer apply.

**16. SEVERABILITY PROVISION**

Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

**17. REPEAL**

Bylaw 635/84 is hereby repealed.

This Bylaw shall come into force and effect upon the Third Reading.

READ A FIRST TIME THIS 24<sup>th</sup> DAY OF SEPTEMBER 2013.

READ A SECOND TIME THIS 24<sup>th</sup> DAY OF SEPTEMBER 2013.

READ A THIRD TIME BY UNANIMOUS CONSENT OF COUNCIL AND FINALLY PASSED THIS 24<sup>th</sup> DAY OF SEPTEMBER 2013.

Margaret E. Hatch  
Deputy-Mayor Margaret Hatch

T. Rogers  
T. Rogers, CAO