



BIG LAKES COUNTY BYLAW NO. 11-2021

Being a bylaw of Big Lakes County, in the Province of Alberta, for the purpose of providing for a system of business licensing.

WHEREAS, the Council by virtue of the power granted to it by Section 224 of the Municipal Government Act, RSA 2000, c. M-26, and amendments thereto, has authority to pass bylaws for the regulation and licensing of all businesses carried on within the municipality;

NOW THEREFORE, the Council of Big Lakes County, duly assembled, hereby enacts as follows:

1. TITLE

1.1 This bylaw may be cited as the Business License Bylaw.

2. DEFINITIONS

2.1 In this Bylaw, unless the context otherwise requires:

- a) "Act" means the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended or replaced periodically
- b) "Administration" means a designate of the Development Authority responsible for processing and issuing a business license.
- c) "Applicant" means a person who applies for a license under the provisions of this bylaw.
- d) "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 services, however organized or formed, including a cooperative or association of persons.
- e) "Business License" means a license issued pursuant to this Bylaw for the purpose of licensing any business operating within Big Lakes County, entitling the licensee to carry on the activity therein specified.
- f) "Business Premises" means the store, office, warehouse, factory, building, enclosure, yard, or other place occupied or capable of being occupied, by a person for the purpose of any business.
- g) "Council" means the municipal Council for Big Lakes County in the Province of Alberta as duly elected and defined in the Municipal Government, R.S.A. 2000, Chapter M-26, as amended.



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- h) "County" means the Municipal Corporation of Big Lakes County in the Province of Alberta, and or the area contained within the corporate boundaries of the said municipality, as the context may require.
- i) "Development Authority" means the person, commission, or organization authorized to exercise development powers and perform duties on behalf of the County as referred to in Division 3 of the Municipal Government Act.
- j) "Development Permit" means a document authorizing a development issued pursuant to the County's Land Use Bylaw.
- k) "Home Occupation or Home-Based Business" means a business carried on as a secondary use of a dwelling unit and or its accessory buildings, by at least one of the permanent residents of such a dwelling.
- l) "Land Use Bylaw" means the Big Lakes County Land Use Bylaw and any amendments to the Land Use Bylaw.
- m) "License" means a Business License.
- n) "Licensee" means a person to whom a license has been issued pursuant to the provisions of this Bylaw.
- o) "Merchandise" means commodities or goods that are bought and sold in business.
- p) "Non-resident" means a person who is not a resident of Big Lakes County.
- q) "Non-resident Business" means any business, which does not ordinarily locate or maintain a permanent place of business within Big Lakes County. A person or business that maintains a regular place of business within the incorporated Towns of High Prairie or Swan Hills, or First Nations or Metis Settlements located within the boundaries of Big Lakes County shall not be considered a Non-resident Business; however, they are encouraged to apply for a Business License within their typical municipal office.
- r) "Person" means and includes any person, firm, partnership, corporate body, or association.
- s) "Temporary Business" means any commercial or industrial business activity; a profession, trade, occupation, or an activity providing



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goods or services, where the duration of the business activity is equal to or less than four (4) consecutive months.

- t) "Trade Show" means a group of five (5) or more persons at a single location, for a period of not more than seven (7) days, displaying to the public the types of goods, wares, merchandise, food, or services that they have available for sale.
- u) "Year" in relation to any license issued under the provisions of this Bylaw means a period of 365 consecutive days, commencing on March 31st and ending on February 28th of the following calendar year,

3. **LICENSE REQUIREMENTS**

- 3.1 Any person carrying on or operating a business within the County, unless specifically exempted under the provisions of this Bylaw or Provincial or Federal legislation, may obtain a Business License from the County.
- 3.2 When a person carries on two or more businesses, then separate licenses would be required.
- 3.3 Where a business subject to licensing is carried on or intended to be carried on in more than one place within the municipality, a license shall be required in respect of each place as though the business carried on in each were a separate business.
- 3.4 For direct sales businesses where more than one salesperson conducts business within the County, only the regional may obtain a Business License.
- 3.5 Any person who operates a Home-Based business is required to obtain a Development Permit, if required by the County's Land Use Bylaw, before a Business License will be issued.
- 3.6 No person shall be issued a Business License or have such license renewed unless that person provides written confirmation, in a form acceptable to the County, that all Provincial and Federal licensing requirements have been met, or that a municipal Business License is required in advance of those requirements.
- 3.7 Notwithstanding Section 3.1, no license will be issued:
 - a) for a business carried on or operated by the municipality or at a location operated by an official or employee of the municipality acting on behalf of the municipality in his or her capacity as such official or employee;



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- b) for a business carried on by the Governments of the Province of Alberta or Canada nor shall a license be required of any person or business if any Statute of Alberta or Canada exempts such person or business from requirements of municipal licensing.
- c) for such other businesses as Council by resolution may deem ineligible from time to time.

4. EXEMPTIONS

- 4.1 A Business License is not mandatory within the County.

5. ISSUANCE OF LICENSE

- 5.1 All Business License applications shall be made in writing to the County on the prescribed form, giving all information as requested thereon.
- 5.2 The registered property owner's signature is required on the application if the applicant is not the property owner.
- 5.3 Every person who submits an application for a Business License shall submit to and assist in an inspection should it be required by the County.
- 5.4 The County will communicate the Business Licensing program in accordance with the Public Notification Bylaw.
- 5.5 If a business is sold and/or changes ownership, or if the primary place of conducting business changes, an amendment and applicable permits are required.
- 5.6 Renewal of a Business License is automatic unless sufficient notification is received by the County that a Business has closed or has ceased operations within the County.

6. BUSINESS LICENSE FEE

- 6.1 Business License fees shall be free of charge.

7. NON-ISSUANCE OF BUSINESS LICENSE

- 7.1 No License shall be issued unless the County is satisfied that
 - a) the business is approved on the land or in the building in which it is to be conducted; and
 - b) the business will comply with all the requirements of this and any other applicable Bylaw.
- 7.2 No License shall be issued to an applicant unless and until the applicant has filed with the County:



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- a) copies of any approvals or certificates required by this and any other applicable Bylaw;
 - b) copies of any Provincial or Federal certificate, authority, license or other document of qualification that may be required.
- 7.3 Subject to an appeal to the Council, the County may refuse, or revoke or suspend any license required or issued pursuant to this Bylaw if, in the opinion of the licensing officer, there are just and reasonable grounds for the refusal of the application or for revocation or suspension of the license.
- 7.4 A suspension of a license may be:
 - a) for a period of time not exceeding the unexpired term of the license; or
 - b) where the suspension is for non-compliance with a Bylaw, until the holder of the suspended license, in the opinion of the licensing officer, complies with that Bylaw.
- 7.5 Upon a license being refused, revoked or suspended, the licensing officer shall notify the applicant or licensee thereof:
 - a) by delivering a notice to him personally; or
 - b) by mailing a registered letter to his place of business or residence as shown on the license.
- 7.6 An applicant who wishes to appeal against the refusal, revocation or suspension of a license shall serve written notice of appeal upon the Manager of the municipality within 30 days after receipt of notice under Section 8.5. Such notice of appeal may be served personally upon the Municipal Manager or may be mailed to him by double registered mail.
- 7.7 On the hearing of an appeal under Section 5.6 the Council may:
 - a) confirm the refusal, revocation or suspension,
 - b) direct that the license be issued,
 - c) reinstate the revoked license, or
 - d) remove or vary the suspension.
- 7.8 Where a notice of appeal against revocation or suspension of a license has been served, the licensing officer shall stay the revocation or suspension pending the hearing of the appeal unless the licensing officer is of the opinion that the continued operation of the business will present a danger to public safety or welfare.



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8. DISPLAYING BUSINESSS LICENSE

- 8.1 Every License shall bear on its face the date on which it was issued and the current year's approval.
- 8.2 A Temporary Business License may be issued for events such as a trade show, circus, etc.
- 8.3 A Licensee shall not deface or reproduce the License.

9. TRANSFER OR AMENDMENT OF A BUSINESS LICENSE

- 9.1 An existing Business License issued under this Bylaw may be transferred upon application and approval by the Development Officer in the following circumstances:
 - i. When the transfer is from one Licensee to another for the same Business name and the same Business Premises;
 - ii When the transfer is for a change of municipal address from one Business Premises to another for the same Licensee and Business.
- 9.4 No person to whom a Business License has been issued under this Bylaw shall change the location of the Business Premises without first having applied for a Business License Amendment accompanied by the applicable permits under the Land Use Bylaw and the Safety Codes Act.

10. ADMINISTRATION

The County shall

- 10.1 receive, consider and decide upon all Business License Applications.
- 10.2 record such information and create a business database and assign a North American Industry Classification System (NAICS) code for statistical purposes.
- 10.3 inform the applicant of the required Development Permit or Safety Codes Permits.
- 10.4 Issue Business Licenses.

11. REVOCATION OF A LICENSE

- 11.1 The County may revoke a License if:
 - a) the applicable permits in accordance with the Land Use Bylaw and Safety Codes Act have not been obtained for the Business or Business Premises;



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- b) The Business location or ownership has changed without sufficient application to the County;
- 11.2 When a License is revoked or suspended, the Business owner shall be notified in writing.

12. APPEALS


- 12.1 In every case where:
- a) An application for a Business License has been refused,
 - b) A License has been issued, subject to conditions,
 - c) A License has been revoked, or
 - d) A License has been suspended,
- the applicant may appeal to Council.
- 12.2 An appeal shall be made in writing and addressed to Council within 21 days following refusal, revocation, and/or suspension, or subject to conditions. Council shall make a decision on the appeal within 30 days.

This bylaw shall come into effect upon the date of its third and final reading by Council.

Read a first time this 14th day of July, 2021

Read a second time this 28th day of July, 2021

Read a third time and finally passed this 11th day of August, 2021



Reeve



Chief Administrative Officer

2021-08-11

Date of Final Signature