

BYLAW NO. 1195-20
BEING A BYLAW OF
MACKENZIE COUNTY,
IN THE PROVINCE OF ALBERTA

TO REGULATE AND SET BUSINESS LICENSE REGULATIONS AND
REQUIREMENTS FOR BUSINESSES OPERATING
WITHIN MACKENZIE COUNTY

WHEREAS, the *Municipal Government Act*, RSA, 2000, c M-26 and amendments thereto, authorizes a Council to pass bylaws for municipal purposes; and

WHEREAS, pursuant to section 7(e) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business; and

WHEREAS, pursuant to section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein; and

WHEREAS, pursuant to section 8 of the *Municipal Government Act*, a council may in a bylaw:

- a) Regulate or prohibit;
- b) Deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways;
- c) Provide for a system of licenses, permits or approval including any or all of the matters listed therein;

NOW THEREFORE, the Municipal Council of Mackenzie County, in the province of Alberta, duly assembled, hereby enacts as follows:

1. CITATION

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

2. DEFINITIONS

- 2.1 In this Bylaw unless the context otherwise requires.
 - a) Act – means the Municipal Government Act, being Chapter M-26 Revised Statutes of Alberta, 2000 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 to be issued, pursuant to this Bylaw, for the purpose of licensing any business operating within Mackenzie 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) Bylaw Enforcement Officer – means the Development Authority or delegate who has been appointed the authority to enforce the provisions of this Bylaw.
- h) Charitable or Non-Profit Organization – means any person, association, or corporation engaged entirely in charitable activities, or engaged in the promotion of a general social welfare within the County, as defined by Revenue Canada under the Income Tax Act and/or has a valid Revenue Canada Registered Charity number.
- i) Council – means the Municipal Council for Mackenzie County in the Province of Alberta, as duly elected and defined in the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended.
- j) County – means the Municipal Corporation of Mackenzie County in the Province of Alberta, and or the area contained within the corporate boundaries of the said municipality, as the context may require.
- k) 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.
- l) Development Permit – means a document authorizing a development issued pursuant to the County's Land Use Bylaw.

- m) Fee – means the monetary amount levied on each application as set out in the Fee Schedule Bylaw.
- n) Garage Sale – means the displaying and offering for sale of five (5) or more items of goods, wares, or merchandise (other than boats, motor vehicles, or recreational vehicles of any kind) on private residential property for no more than four (4) weekends per calendar year.
- o) 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;
 - ii. offers or exposes for sale to any person by means of samples, patterns, cuts, or blueprints, merchandise or a service, or both, to be afterwards delivered in and shipped into the municipality to the customer;
 - iii. sells merchandise or a service, or both, on the streets or roads or elsewhere other than at a building that is a permanent place of business for that business; or
 - iv. does not have a permanent place of business in the municipality.
- p) Hawkers and Peddlers License – means a license to be issued, pursuant to this Bylaw, licensing any Non-Resident Business operating within Mackenzie County, entitling the licensee to carry on the activity therein specified.
- q) 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 a least one of the permanent residents of such a dwelling.
- r) Land Use Bylaw – means the Mackenzie County Land Use Bylaw and any amendments to the Land Use Bylaw.
- s) License – means a Business License or Hawkers and Peddlers License.
- t) Licensee – means a person to whom a license has been issued, pursuant to the provisions of the Bylaw.
- u) Merchandise – means commodities or goods that are bought and sold in business.

- v) Mobile Vendor – means any person selling goods, food, amusement, or services from a mobile motor vehicle, trailer, or similar structure that is designed for offering the sale of goods, food, or services.
- w) Non-resident – means a person who is not a resident of Mackenzie County.
- x) Non-resident Business – means any business, which does not ordinarily locate or maintain a permanent place of business within Mackenzie County. A person or business that maintains a regular place of business within the incorporated Towns of Rainbow Lake or High Level or Indian Reservations located within the boundaries of Mackenzie County shall not be considered a Non-resident Business, however they are encouraged to apply for a Business License with their typical municipal office.
- y) Person – means and includes any person, firm, partnership, body corporate, or association.
- z) Temporary Business – means any commercial or industrial business activity; a profession, trade, occupation; or an activity providing goods or services, where the duration of the business activity is equal to or less than four (4) consecutive months.
- aa) 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.
- bb) Year, in relation to any license issued under the provisions of this Bylaw – means a period of 365 consecutive days, commencing on March 1 and ending on February 28 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 is required to obtain a Business License or Hawkers and Peddlers License.
- 3.2 Every person who operates more than one store, branch, or premises in respect of any business shall take out a separate license in respect of each store, branch, or premises.

- 3.3 Any person who operates more than one business whether on the same premises or on separate premises is required to have separate Business Licenses for each business.
- 3.4 For businesses where more than one salesperson conducts business within the County, such as, but not limited to, AVON, Tupperware, Epicure, only the regional manager is required to obtain a Business License.
- 3.5 Any person who operates a Home-Based Business is required to obtain a Development Permit approval before a Business License will be issued.
- 3.6 No person shall be issued a 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 License is required in advance of those requirements.

4. EXEMPTIONS

- 4.1 The following Persons are not required to obtain a Business License however they are encouraged to obtain a Business License for the purpose of documentation within the County:
 - a) Charitable or Non-profit organizations, recreational societies, etc. which are registered under the Alberta Societies Act are encouraged to obtain a Business License but are not subject to fees;
 - b) Farmers or Businesses carrying on activities at a Farmer's Market so long as the operating organization is registered with the Farmer's Market Association;
 - c) Non-resident businesses whose only business activity is:
 - i. the supply or delivery of wholesale or bulk goods to a resident business or ;
 - ii. delivery of materials or goods provided that the transaction/negotiation to purchase those items takes place outside of the County;
 - d) An architect's corporation, a joint firm, a registered architect. Or a visiting project architect under the *Architect's act, Chapter A-44, R.S.A. 2000* and amendments thereto;

- e) An Alberta land surveyor, a surveyor's corporation, or a surveyor's partnership registered under the *Land Surveyor's Act, Chapter L-3, R.S.A. 2000* and amendments thereto;
- f) A professional engineer, Licensee, permit holder, or certificate holder under the *Engineering, Geological and Geophysical Professions Act, Chapter E-11, R.S.A. 2000* and amendments thereto;
- g) An insurance agent or adjuster as described in the *Insurance Act, Chapter E-11, R.S.A. 2000* and amendments thereto;
- h) A registered accountant as described under the Chartered Accountants Association;
- i) A medical doctor who is registered with the College of Physicians and Surgeons of Alberta;
- j) A dentist who is registered under the Dental Association of Alberta;
- k) A barrister or solicitor as registered under the Law Society of Alberta;
- l) Any other business which is excluded from the requirements of the Bylaw, by an Act of the Legislature, or by other Provincial Statute;
- m) A day home service provider that is registered with a provincially approved Day Home Agency;
- n) An owner of rental units including residential townhouses, triplexes, four-plexes, and apartments, provided that the owner is not a corporation;
- o) A Business exhibiting at a trade show or exhibition held in Mackenzie County for a consecutive period not exceeding seven (7) days;
- p) Residential garage sales, provided that the sale takes place on a residential property where that property owner or primary resident directly supervises and controls the sale to a maximum of four (4) weekends per calendar year;
- q) Regional Commissions, Intermunicipal Services Agencies, or Businesses carried on by the Government of the Province of Alberta or by the Government of Canada;

- r) Any person who provides light duty from time to time such as newspaper deliveries, baby-sitting, yard work, snow shoveling, etc;
- s) Any other Business exempted through or by order of Council.

5. PROCEDURE AND ISSUANCE OF LICENSE

- 5.1 All applicants should make application to the County on the appropriate License application form, furnishing such information as the form shall require and such additional information as may be reasonably required.
- 5.2 A statutory declaration where required by the County, in regards to the information contained within the form.
- 5.3 The registered property owner's signature is required on the application if the applicant is not the property owner.
- 5.4 Every person who makes an application for a license shall submit to and assist in every inspection required by the County.
- 5.5 The County will communicate the program through community media, social media, and through physical postings.
- 5.6 Administration will assign NAICS codes to each business which is the North American standard for categorizing businesses.
- 5.7 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, as well as applicable fees in accordance with the Fee Schedule Bylaw.
- 5.8 Renewal of a Business License is automatic and the renewal fee due on April 30th of each Year, unless sufficient notification is received by the County that a Business has closed or has ceased operations within the County.
- 5.9 Except where otherwise indicated or applied for, a Hawkers and Peddlers License shall be valid for one Year.

6. ADDITIONAL PROVISIONS FOR HAWKERS AND PEDDLERS

- 6.1 No person shall commence, or shall carry on or engage in, the business of Hawker or Peddler on public or private property within Mackenzie County unless and until such person is the holder of a Hawkers and Peddlers License.

- 6.2 Operations of Hawkers, Peddlers, or Mobile Vendors shall be restricted to privately or publically owned properties designated as Commercial, Industrial, or Recreational under the Land Use Bylaw.
- 6.3 No person shall commence, or shall carry on or engage in, the business of a Hawker, Peddler, or Mobile Vendor on a property unless or until they provide written consent by the owner of that property for the business to be conducted on that property.
- 6.4 Mobile Vendors shall not operate on any public roadway or road right-of-way.
- 6.5 Hawkers, Peddlers, and Mobile Vendors shall conduct their business in a manner and location on a property which causes minimal disturbance to the normal operations of that property and the surrounding roadways.
- 6.6 No License shall be issued to a Hawker, Peddler, or Mobile Vender of foodstuffs, fruits, and/or vegetables, unless or until they produce the appropriate permits, licenses, or certificates, as required by Alberta Health Services.

7. FEES

- 7.1 Any business located within Mackenzie County or operating within Mackenzie County, unless exempted under the provisions of this Bylaw, is subject to fees in accordance with the Fee Schedule Bylaw.
- 7.2 Each application for a License or a License Amendment shall be accompanied by the appropriate fee as per the Fee Schedule Bylaw.
- 7.3 Hawkers and Peddlers shall be subject to fees per day of operation within the County and must report their total days of operation within the County;
 - iii. on cessation of operation within the County; or
 - iv. on or before the last day of the Year for which their License is valid.
- 7.4 Fees will be nonrefundable.
- 7.5 Reminders of annual fees will be sent to each business and be advertised via newspaper and social media by March 1st of each year.

8. NON ISSUANCE OF LICENSES

- 8.1 No license shall be issued unless the proper forms, permits, application, and fees are received by Administration.
- 8.2 No license shall be issued if the application is received but not correctly submitted or required information is not provided.
- 8.3 An employee/business must comply with all sections of the bylaw, failure to do so will result in non-issuance of a License.
- 8.4 Businesses, which fail to obtain a License where one is required, will be subject to fines as outlined in the Fee Schedule Bylaw.

9. DISPLAYING BUSINESS LICENSES

- 9.1 The License must be displayed and visible at all times, if this is not possible the Licensee or employee must be able to produce the License upon request.
- 9.2 Any person or company who does not ordinarily maintain a permanent place of business within the County or who owns or operates a mobile business within the County must produce a valid License or a copy of the License upon request.
- 9.3 Every license shall bear on its face the date on which it is issued and the current year's approval sticker.
- 9.4 The County has the right to inspect a premise to insure it has proper licensing.
- 9.5 Temporary Business Licenses will be issued for such events as trade shows, circuses, etc. with fees in accordance with the Fee Schedule Bylaw.
- 9.6 A Licensee may never deface or reproduce the License.

10. TRANSFER OR AMENDMENT OF A BUSINESS LICENSE

- 10.1 No license shall be transferred without consent of administration and payment of applicable fees in accordance with the fee schedule bylaw.
- 10.2 Licenses shall be location and owner specific. A change in either of these will require amendment, including applicable permits in accordance with the Land Use Bylaw and *Safety Codes Act*, and fees in accordance with the Fee Schedule Bylaw.

- 10.3 An existing Business License issued under this Bylaw may be transferred upon application and approval by the Development Authority 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 civic address from one Business Premises to another for the same Licensee and Business.
- 10.4 No person who purchases the interest of, or part of the interest of, any person licensed pursuant to this Bylaw shall carry on or continue such Business without first having obtained a transfer of Business License.
- 10.5 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 *Safety Codes Act*.

11. ADMINISTRATION

- 11.1 The County shall receive, consider, and decide upon all applications.
- 11.2 Record such information and create business database as well as code (NAICS).
- 11.3 Ensure payment of the appropriate fee(s) and inform the applicant of required Development Permits or Safety Codes Permits.
- 11.4 Report to council about the Business Licenses periodically.

12. REVOCATION OF A LICENSE

- 12.1 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;
 - b) the Business location or ownership has changed without sufficient application to the County;
 - c) the Licensee has failed to pay the annual or other applicable fees before the stated due date(s);

- 12.2 When a License is revoked or suspended the business owner shall be notified in writing.
- 12.3 Any Business that continues to operate following revocation of a Business License will be subject to fines in accordance with the Fee Schedule Bylaw.

13. APPEALS

- 13.1 In every case where:
- a) An application for a 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.
- 13.2 An appeal shall be made in writing and addressed to Council; this shall be proposed within 21 days following refusal, revocation, and/or suspension or subject to conditions. Council will then make a decision within 14 days on the specific case and appeal.

14. PENALTIES

- 14.1 Any business who contravenes or disobeys, or refuses or neglects to obey any provision of this Bylaw by doing any act which the business is prohibited from doing or if they fail to do any act that falls under the Business License or Hawkers and Peddlers License, the business will face the corresponding penalty fee in accordance with the Fee Schedule Bylaw.

15. REPEAL AND REPLACE

- 15.1 This Bylaw repeals and replaces Bylaw 911-13 and Hawkers and Peddlers Bylaw 1018-16.

This Bylaw shall come into force and effect upon the date of the passing of the third and final reading.

READ a first time this 13th day of October, 2020.

READ a second time this 13th day of October, 2020.

READ a third time and finally passed this 13th day of October, 2020.

(original signed)

Joshua Knelsen
Reeve

(original signed)

Lenard Racher
Chief Administrative Officer