

BYLAW NO. 2021-11
A BYLAW OF THE TOWN OF MILLET
IN THE PROVINCE OF ALBERTA
TO ESTABLISH FEES RELATED TO BUSINESS LICENSING

WHEREAS Pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, the Council may pass Bylaws respecting businesses and provide for a system of licensing.

AND WHEREAS it is deemed expedient to provide for the licensing of certain businesses operating in Millet.

NOW THEREFORE, the Council of The Town of Millet, duly assembled 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:

- 2.1.1. **Advertising** means the promotion of a business by means not limited to flyers, business cards, signage.
- 2.1.2. **Applicant** means a person who applies for a license or renewal of a license.
- 2.1.3. **Business** means a commercial, merchandising, or industrial activity or undertaking; a profession, trade, occupation, calling or employment; or an activity providing goods or services, including rental properties, a cooperative or association of persons.
- 2.1.4. **Business License or License** means a license granted by the Town of Millet, authorizing the person to whom it is granted to carry on the business activity therein specified in the Town of Millet.
- 2.1.5. **Chief Administrative Officer (CAO)** means a person appointed to a position under Section 205 of the Municipal Government Act, RSA 2000, c M26, as amended.
- 2.1.6. **Charitable Organization** organization that is formed for a charitable purpose.
- 2.1.7. **Charitable purpose** includes a philanthropic, benevolent, educational, health, humane, religious, cultural, artistic or recreational purpose.
- 2.1.8. **Child Care Service** means development intended to provide care, educational activities and supervision for groups of seven or more children under 16 (sixteen) years of age during the day or evening, but does not include overnight accommodation, and is intended to be operated for at least 12 (twelve) consecutive weeks each year. This use class includes daycare centres, out-of-school care centres, drop-in centres and nursery schools and does not include day home operations.
- 2.1.9. **Council** means the Council of the Municipal Corporation of the Town of Millet.
- 2.1.10. **Day Home Operation (licensed)** means an accessory use in a private residence of the operator that is licenced by the Province to provide personal care, maintenance, supervision or education to children, and shall conform with the Province of Alberta Family Day Home Operations Standards.
- 2.1.11. **Day Home Operation (private)** means a home-based business that provides a child care program in the private residence of the operator for up to (6) six children

which may include infants, preschool children, kindergarten children and school-aged children.

- 2.1.12. **Development Permit** is a document that is issued under the Land Use Bylaw that authorizes a development and may include a plan or drawing or a set of plans or drawings, specifications, or other documents. A development permit is separate and distinct from a building permit.
- 2.1.13. **Enforcement Officer** means any Peace Officer appointed by the Peace Officer Act, a member of the Royal Canadian Mounted Police, or a Bylaw Enforcement Officer appointed by the Town under the Municipal Government Act.
- 2.1.14. **Major Home Based Business** means a development consisting of the use within an approved residential or accessory building by a resident of that dwelling for one or more businesses. Such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential use of the building and shall not change the residential character of the dwelling or accessory building other than exception of an approved sign. The dwelling may be used as a workplace by a non-resident. This use class does not include indoor merchandise sales.
- 2.1.15. **Minor Home Based Business** means a development consisting of the use within an approved residential building by a resident of that dwelling for one or more businesses. Such businesses shall not require more than one visitor/appointment at the same time throughout the day within the dwelling. The business use must be secondary to the residential use of the building and no aspects of the business operations shall be detectable from outside the property other than an approved sign. The dwelling shall not be used as a workplace for non-resident employees of the business. This use class does not include indoor merchandise sales.
- 2.1.16. **License Inspector** means and includes an Enforcement Officer, Licensing Officer or any person so designated the Chief Administrative Officer, to carry out provisions of this bylaw.
- 2.1.17. **Licensee** means a person to whom a license has been issued, pursuant to the provisions of this Bylaw.
- 2.1.18. **Non-Resident Business** means a business that does not have a permanent office or place of business within the corporate limits of the Town of Millet.
- 2.1.19. **Person** means an individual human being or corporation and includes a partnership, an association or a group of persons acting in concert.
- 2.1.20. **Premises** means a store, office, dwelling unit, warehouse factory, building, enclosure, or the place occupied or capable of being occupied, by any person for the purpose of carrying on any business.
- 2.1.21. **Rental properties** shall mean 3 or more residential dwelling units, detached, or attached. Samples are tri-plex, four-plex, row housing, apartments, multi-unit buildings, boarding homes consisting of 3 or more living units including residential leased lots and multi-tenant commercial building of 3 or more rental/lease spaces.
- 2.1.22. **Resident business** means a business where a permanent office or place of business is situated within the corporate limits of the Town of Millet.
- 2.1.23. **Town** the Municipal Corporation of the Town of Millet.
- 2.1.24. **Violation Ticket** means a violation ticket as defined in the Provincial Offences Procedure Act, RSA 2000, c P-34.

3. GENERAL PROVISIONS

- 3.1. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.2. Nothing in this Bylaw relieves a person from complying with any Federal and Provincial regulations, other bylaws or any requirements of any lawful permits, orders, or licenses.
- 3.3. All schedules attached to this Bylaw shall form part of this Bylaw.
- 3.4. Prior to issuing a business license, administration may circulate the application for review to other civic departments such as Fire Services, Enforcement Services, RCMP, and Building & Safety Codes, etc.
- 3.5. The Town shall issue an invoice in December of each year, for the following year's license fees, to all existing holders of valid business licenses.

4. LICENSE INSPECTOR

- 4.1. The CAO shall appoint a License Inspector or License Inspectors to carry out the terms of this Bylaw.
- 4.2. Every person applying for a business license shall complete an application form approved by the License Inspector and signed by the applicant or agent of the corporation.
- 4.3. Subject to the provisions of this Bylaw, upon receipt of an application for business license, the License Inspector may grant a business license or may refuse a business license, if, in their opinion, there are just and reasonable grounds for the refusal of the application, and or permit any restriction on a license.
- 4.4. Subject to the provisions of this Bylaw, where a business license has been granted pursuant to this Bylaw, the License Inspector may revoke or suspend the business license, if, in his opinion, there are just and reasonable grounds for the revocation of the license.
- 4.5. Upon a license being revoked or suspended as hereinbefore provided, the License Inspector shall notify the licensee thereof:
 - 4.5.1. By delivery of notice to him personally, or
 - 4.5.2. By mailing a registered letter to his place of residence or business, and, after the delivery of such notice, his business shall not be carried on until such time as a new license is issued or the suspended license is reinstated.
- 4.6. The License Inspector may determine that it is inappropriate to issue a license to a person where the safety, health or welfare of the public may be at risk due to the issuance of a license.
- 4.7. The power and duties of a License Inspector are:
 - 4.7.1. To administer this Bylaw and as far as possible see that all persons concerned conform to its provisions and to prosecute or assist to prosecute persons who fail to comply within.
 - 4.7.2. To make an inspection of all premises and locations for which a license is required or has been applied for, pursuant to this Bylaw.
 - 4.7.3. To investigate complaints lodged against a license and, if necessary, inspect the premises or location described in the complaints and to revoke any license issued and to levy fees or penalties pursuant to this Bylaw.

5. LICENSE REQUIREMENTS

- 5.1. License Application.
 - 5.1.1. Before a license is issued or renewed, a person must submit to the License Inspector:
 - 5.1.2. A business license application.
 - 5.1.2.1. The applicable license fee: and
 - 5.1.2.2. Any additional information required by this Bylaw or by the License Inspector.
- 5.2. No person shall give false information in an application pursuant to the provisions of this Bylaw.
- 5.3. Every person carrying on or engaged in any business in respect of which a license is required under this Bylaw shall give to the License Inspector all information necessary to enable him to carry out his duties.
- 5.4. If the applicant is not the registered owner of the said property, a letter of authorization from the registered owner will be required for operation of business.
- 5.5. No person shall carry on a business within the Town of Millet unless the person holds a license authorizing the person to carry on that business.
- 5.6. Any contractor applying for a Building, Development, Plumbing, Electrical and/or a Gas Permit, shall as a prerequisite to such issuance of such permit, have a Town of Millet Business License as prescribed herein.
- 5.7. Prior to a business license being issued, the applicant business will comply with all appropriate regulations in Town's Land Use Bylaw and other bylaws that the Town may enact from time to time.
- 5.8. No business license shall be granted until such time that the applicant holds a valid development permit for the location where the business is located.
- 5.9. No person shall contravene a condition of a license.
- 5.10. No business license shall be granted until such time that the applicant holds a valid provincial or federal license required by law.
- 5.11. Renewal for a business license of an existing business, fees shall be submitted and paid in full to the Town of Millet on or before 31st day of January of each current year.
- 5.12. Each new business license shall be valid only for the calendar year (January 1st – December 31st), except where indicated otherwise.
- 5.13. Unless otherwise specified in this Bylaw, license fees are not refundable
- 5.14. The license inspector or designate may refund a license fee if the license is not issued or renewed.
- 5.15. No business license shall be valid unless the said license has been signed by the License Inspector or anyone designated to act on his behalf.

- 5.16. Any advertising of the businesses referred to in this Bylaw shall be deemed to be proof of the fact that the person advertising is carrying on or operating any such business.
- 5.17. Any person issued a business licenses under this bylaw will either:
- 5.17.1. Display such license in a conspicuous location in the place of business, or,
 - 5.17.2. Carry the license, or copy therefore, with them if there is no permanent place of business within the Town.
- 5.18. All signage and advertising must comply with the current Land Use Bylaw.
- 5.19. Notification of Changes:
- 5.19.1. A Licensee shall forthwith notify the Town of,
 - 5.19.1.1. A change in address of the Licensee's business premises.
 - 5.19.1.2. A change in partnership/corporation of the business if the license is issued to a partnership.
 - 5.19.1.3. A change in the officers or director of the corporation if the license is issues to a corporation.
 - 5.19.1.4. A change in contact numbers, mailing address etc.
- 5.20. An issued business license cannot be transferred between owners or locations. If there is a change in ownership or business location, a new Business License will be required.
- 5.21. A Business License is not required for:
- 5.21.1. A business only working for the Town of Millet
 - 5.21.2. A business carried on by the Government of the Province of Alberta or the Government of Canada or a Crown Corporation created by either Government.
 - 5.21.3. A business expressly exempted from the requirement of a license by a statute of the Legislature of Alberta or Parliament of Canada.
 - 5.21.4. A person who contracts with any of the Governments or corporations designated in Section 20 a, b & c will be subject to all requirements of this Bylaw.
 - 5.21.5. Any person who is conducting business as a participant of a Trade Show, Craft Fair, Farmer's Market or Garage Sale.
 - 5.21.6. Any person who is conducting business as a wholesaler or distributor of goods to one or more licensed businesses within the Town.
 - 5.21.7. Any person who operates a business that, upon the satisfaction of the Licensing Officer, is carried out for religious, charitable, or approver Town events.
 - 5.21.8. The Crown in right of Alberta
 - 5.21.9. The Crown in right of Canada
 - 5.21.10. A person whose business is expressly exempted from the requirement of a business license by a statute of the Legislature of Alberta or Parliament of Canada.
- 5.22. The onus of proving that a person is exempt from the provisions of this Bylaw requiring a license is on the person alleging the exemption.
- 5.23. No person shall obstruct an Enforcement Officer or a License Inspector.

6. APPEAL PROCESS

- 6.1. In every case where:
- 6.1.1. An application for a business license has been refused.

- 6.1.2. A business license has been revoked the person seeking the license may appeal to the Town Council.
- 6.2. An appeal from subsection a) shall be made within thirty (30) days after such refusal or revocation.
- 6.3. All appeals shall be made in writing addressed to the Chief Administrative Officer of the Town of Millet and shall be dated as of the date received.
- 6.4. The Town Council, after hearing the applicant may:
 - 6.4.1. Direct a business license be issued.
 - 6.4.2. Direct a business license be issued with conditions.
 - 6.4.3. Refuse to grant a business license
 - 6.4.4. Uphold the revocation of a business license on the grounds which appear just and reasonable.

7. ENFORCEMENT

- 7.1. The CAO or designate of the Town, or an Enforcement Officer may, at their discretion, issue a letter or notice to anyone who is in contravention of any section of this Bylaw directing the said person to take any action required so as not to be in breach of the section. The notice or letter may provide a time frame for the person to complete the action.
- 7.2. Any person who does not comply with a notice or letter is subject to a penalty pursuant to a fine amount as listed in Schedule "B".
- 7.3. An Enforcement Officer is hereby authorized and empowered to issue a violation ticket to any person who the Enforcement Officer believes on reasonable and probable grounds has contravened any section of this Bylaw.
- 7.4. Any person to whom a violation ticket has been issued may make the voluntary payment, if one is offered, by delivering the violation ticket as per instructions on the violation ticket along with an amount equal to that specified for the offence as set out in this Bylaw.
- 7.5. Notwithstanding the provisions of this Bylaw, any person who has been issued a violation ticket pursuant to any section of this Bylaw may exercise his/her right to defend any charge of committing a contravention of any provision of this Bylaw.
- 7.6. A person issued a violation ticket for an offence shall be deemed sufficiently and properly served if served personally on the accused.
- 7.7. Corporation and Partnerships;
 - 7.7.1. When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
 - 7.7.2. If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

8. SEVERABILITY

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

9. REPEAL

9.1. Bylaw No. 2020-28 is hereby repealed.

10. EFFECTIVE DATE

10.1. This bylaw shall take effect on the date of third and final reading.

Read a first time this _____ day of November, A.D., 2021.

Read a second time this _____ day of November, A.D., 2021.

Read a third and final time this _____ day of November A.D., 2021.

TOWN OF MILLET

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A" – BUSINESS LICENSE FEES

Commercial Resident Business \$100.00

Commercial Non-Resident \$200.00

Monthly License (any category) \$125.00

Rental Properties	\$160.00	3 – 5	units/dwelling/lease space
	\$300.00	6 – 10	units/dwelling/lease space
	\$550.00	11 – over	units/dwelling/lease space

Annual business license fees shall be reduced by half (50%) when purchased after September 30 in any license year.

SCHEDULE “B” - VIOLATIONS AND PENALTIES

Any person who commits a breach of any of the provisions of this bylaw shall be liable to a penalty of \$400.00 (Four Hundred).

A person who commits a second or subsequent offence within a period of one (1) year may be subject to a fine that is double the amounts above.

Offence	Penalty First Offence	Penalty Second Offence
5.2 Provide False information on an application	\$400.00	\$800.00
5.3 Fail to provide information to a license inspector	\$400.00	\$800.00
5.5 Carry on a business without a license	\$400.00	\$800.00
5.7 Fail to comply with other bylaws	\$400.00	\$800.00
5.9 Contravene condition on a license	\$400.00	\$800.00
5.17.1 Fail to display license	\$400.00	\$800.00
5.17.2 Fail to carry license	\$400.00	\$800.00
5.18 Fail to comply with signage and advertising requirements	\$400.00	\$800.00
5.19.11 Fail to notify of address change	\$400.00	\$800.00
5.19.12 Fail to notify of change of partnership or corporation	\$400.00	\$800.00
5.19.13 Fail to notify a change in officers or director of a corporation	\$400.00	\$800.00
5.19.14 Fail to notify a change in contact number or address	\$400.00	\$800.00
5.23 No person shall obstruct an Enforcement Officer or a License Inspector	\$600.00	\$1200.00