



CITY OF
FORT SASKATCHEWAN

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BUSINESS LICENCE BYLAW

C10-23

WHEREAS, under the provisions of the *Municipal Government Act*, a council may pass bylaws respecting Business, Business activities, and persons engaged in Business, and provide for a system of licensing including any or all of the matters listed therein;

NOW THEREFORE, the Council of the City of Fort Saskatchewan in the Province of Alberta, enacts as follows:

This Bylaw is cited as the City of Fort Saskatchewan “Business Licence Bylaw”.

1. DEFINITIONS

In this Bylaw:

- (a) “Advertise” means any public notice, such as, but not limited to:
 - (i) a poster, a placard, a flyer;
 - (ii) a sign, including an inscribed board, structure, or device serving for advertising without being limited to free-standing signs, portable signs, electronic message sign, or banners;
 - (iii) a newspaper display;
 - (iv) a television or radio announcement designed to sell goods or publicize a service or vacancy;
 - (v) an internet or email display; or
 - (vi) a display delivered to mobile devices.
- (b) “Application” means a written or electronic application for a Business Licence, as provided for by this Bylaw.
- (c) “Applicant” means a person who applies for a licence or for renewal of a licence.
- (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;

whether or not for profit and however organized or formed, including a co-operative or association of persons.

- (e) “Business Licence” means a licence issued pursuant to this Bylaw.
- (f) “Business Licence Fees” means the fees, rates and charges established for businesses in the Fees and Charges Bylaw.
- (g) “Business Licence Inspector” means a person authorized by the City Manager to carry out the provisions of this Bylaw or anyone acting on his behalf.
- (h) “Business Premises” means a store, office, dwelling, warehouse, factory, building, enclosure, yard, or other place occupied or capable of being occupied by any person for the purpose of engaging in or operating any Business.
- (i) “City” means the City of Fort Saskatchewan, a municipal corporation in the Province of Alberta, and includes the area contained within the boundaries of the City of Fort Saskatchewan where the context requires.
- (j) “City Council” means the municipal Council of the City of Fort Saskatchewan.
- (k) “City Manager” means the City Manager of the City of Fort Saskatchewan or anyone designated by the City Manager to act on their behalf.
- (l) “Dwelling” means a complete building or self-contained portion of a building used by a household, containing sleeping, cooking and sanitary facilities, intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building.
- (m) “Farmers’ Market” means a multi-vendor organization in which at least 80% of the vendors sell goods that such vendor has made, baked, or grown within Alberta, and which is currently recognized by Alberta Agriculture, Food, and Rural Development as either a “full” or “temporary” status Farmers’ Market.
- (n) “Garage Sale” means an informal, irregularly scheduled sale of miscellaneous household goods by a private individual from a dwelling for a maximum of three (3) consecutive days.
- (o) “Land Use Bylaw” means the Land Use Bylaw of the City of Fort Saskatchewan.

- (p) “Licensee” means a person who holds a valid Business Licence issued pursuant to the provisions of this Bylaw.
- (q) “Mobile Vending Unit” means any motor vehicle, trailer, temporary structure, display or stand not permanently affixed to land used to assist in the selling and distribution of goods and/or services.
- (r) “Mobile Vendor” means any individual, business, corporation or organization selling goods and/or services from a Mobile Vending Unit.
- (s) “Municipal Tag” means a tag or similar document issued by the City, pursuant to the *Municipal Government Act* (MGA), for the purpose of notifying a person that an offence has been committed for which prosecution may follow.
- (t) “Non-profit Organization” means any incorporated or unincorporated organization formed for charitable purposes and not organized for profit or personal gain, including purposes which are of a philanthropic, benevolent, educational, health, humane, religious, cultural, artistic, or recreational nature.
- (u) “Non-resident Business” means a Business which operates, in whole or in part, within the City’s corporate limits, but which does not maintain a permanent Business Premises within the City’s corporate limits.
- (v) “Order” means a written order pursuant to the MGA, to remedy a contravention of this Bylaw.
- (w) “Peace Officer” means a Bylaw Enforcement Officer, a Community Peace Officer, or a member of the Royal Canadian Mounted Police.
- (x) “Person” means an individual, sole proprietorship, corporation, partnership, joint venture, co-operative or society.
- (y) “Public Market” means a Business which provides stalls, tables or space for temporary rent to Temporary Vendors who sell their goods and service directly to the public.
- (z) “Resident Business” means a Business which maintains a permanent Business Premises within the City’s corporate limits.
- (aa) “Special Event” means a temporary outdoor event including, but not limited to, festivals, parades, sport, recreation, or cultural activities, which does not exceed fourteen (14) consecutive days in duration, which would have a significant impact on the public, and which may include Temporary Vendors.

- (bb) “Subdivision & Development Appeal Board” means the Board established pursuant to the MGA.
- (cc) “Student” means any person enrolled in full time studies at a post-secondary institution.
- (dd) “Temporary Vendor” means a Business that sells goods or services for a limited period of time from a temporary location on public or private property within the City’s corporate limits.
- (ee) “Violation Ticket” means a Violation Ticket as defined in the *Provincial Offences Procedure Act*.

2. BUSINESS LICENCE REQUIREMENTS

- (a) No person shall engage in or operate a Business in the City unless the person holds a Business Licence authorizing them to engage in or operate that Business.
- (b) A Person who engages in or operates a Business at more than one location, shall only be required to hold one Business Licence provided the Business is offering the same goods and/or services or undertaking the same activity.
- (c) A Person who engages in or operates more than one Business at the same location shall be required to obtain a separate Business Licence for each Business unless as provided for in Subsection 2(b).
- (d) Two or more Businesses may operate at one Business Premises, but each Business shall obtain a separate Business Licence.
- (e) Any Advertising of a Business shall be deemed to be proof that the person advertising is engaging in or operating any such Business.
- (f) Proof of one transaction or offer to transact in a Business is sufficient to establish that a person is engaging in or operating a Business.

3. EXEMPTIONS

- (a) The following are exempt from obtaining a Business Licence:
 - (i) the Crown in right of Canada;
 - (ii) the Crown in right of Alberta;
 - (iii) a Crown corporation;

- (iv) the City of Fort Saskatchewan;
 - (v) an active member of an association registered under the *Professional and Occupational Associations Registration Act*;
 - (vi) a regulated member or a Business owned by a regulated member under the *Health Professions Act*;
 - (vii) a person whose Business is specifically exempt from municipal licensing by provincial or federal legislation;
 - (viii) a person under the age of 18 providing occasional light duty services and labor as an individual: and
 - (ix) a Student.
- (b) A Non-profit Organization may apply to the Business Licence Inspector for an exemption from the Business Licence fees. All applications shall be submitted in writing and may include the following information:
- (i) name of the organization;
 - (ii) purpose of the organization;
 - (iii) organizational structure;
 - (iv) a Confirmation of Registration, a charity registration number, or other government authorization;
 - (v) description of the activities that will be undertaken within the City.
- (c) Subsection 3(b) does not relieve the Non-profit Organization from otherwise complying with the terms of this Bylaw, or any other Bylaw of the City, or any other government authority.
- (d) No Business Licence is required for a Garage Sale when held at a dwelling or residential premises and when held for three (3) consecutive days or less.
- (e) The onus of proof for exemption from the provisions of this Bylaw is on the person alleging the exemption.

4. APPLICATION

- (a) Prior to issuance of a Business Licence, an Applicant shall obtain and produce for the Business Licence Inspector:
 - (i) an application in a form established by the Business Licence Inspector;
 - (ii) payment of Business Licence fees; and
 - (iii) any additional information required by the Business Licence Inspector.
- (b) Prior to issuance of a Resident Business Licence, an Applicant shall obtain and produce, for the Business Licence Inspector, proof of a valid and subsisting Development Permit for the Business premises.
- (c) An Application for a new, renewal or transfer of Business Licence shall be made by written or electronic means to the City's Economic Development Department.
- (d) A Business Licence application for any Business shall be made by the owner of the Business or an agent of the owner.
- (e) An Applicant must be at least eighteen (18) years of age.
- (f) A Business Licence does not relieve the Licensee from the obligation to obtain any other permit, licence or other approval that may be required under another Bylaw of the City or any other government authority.
- (g) A person shall not give false information in an application pursuant to the provisions of this Bylaw.

5. BUSINESS LICENCE FEES

- (a) Business Licence Fees are set out in the City's Fees and Charges Bylaw.
- (b) Fees for a new Business Licence may be reduced pro rata on a quarterly basis, as set out in the Fees and Charges Bylaw.
- (c) A Business who has held a Business Licence at any time prior to renewal is ineligible for pro rata rates as stated in Subsection 5(b).
- (d) An application for a Business Licence will not be considered by the Business Licence Inspector until the Applicant pays any required Business Licence Fees.
- (e) Unless otherwise specified in this Bylaw, Business Licence fees are not refundable.

- (f) The Business Licence Inspector may refund a Business Licence fee if the Business Licence is not issued or renewed.

6. TERM OF BUSINESS LICENCE

- (a) A four (4) month Seasonal Business Licence issued under the provisions of this Bylaw is valid effective the date issued and for 120 consecutive days.
- (b) Every Business Licence that is not a Seasonal Business License issued under the provisions of this Bylaw shall expire at 11:59:59 PM on the 31st day of December of the year in which said Business Licence was issued, unless the Business Licence has been cancelled or forfeited earlier.

7. RENEWALS

- (a) A Licensee that fails to renew their Business Licence prior to the end of the term shall construe their Business to have ceased operation and their licence shall be deemed to be expired.
- (b) Where a Business Licence has expired and the Business is still in operation, the person is guilty of an offence under this Bylaw.
- (c) Full payment of the Business Licence fee is required for renewal.
- (d) A person whose Business Licence has expired will be required to submit a new application to obtain a Business Licence.

8. POWERS OF THE BUSINESS LICENCE INSPECTOR

- (a) The City Manager may appoint a Business Licence Inspector to carry out the provisions of this Bylaw.
- (b) If the City Manager does not appoint a Business Licence Inspector, the City Manager is deemed to be the Business Licence Inspector.
- (c) The Business Licence Inspector may delegate any duty or responsibility of the Business Licence Inspector to an employee or agent of the City.
- (d) The Business Licence Inspector shall receive and consider applications to operate a Business within the City, including the power to consult with, obtain information from, and verify information with other employees or agents of the City, other governments, government agencies, or persons.
- (e) The Business Licence Inspector shall consider each complete application.

- (f) The Business Licence Inspector shall grant a Business Licence to an Applicant if the Applicant meets the requirements of this Bylaw.
- (g) The Business Licence Inspector has the right to refuse to issue or renew a Business Licence, may suspend or revoke a Business Licence, and may impose conditions on a Business Licence for the following reasons:
 - (i) The Applicant, or Licensee, or any of his agents or employees:
 - i. furnishes false information within an application;
 - ii. furnishes false information or misrepresents any fact or circumstance to the City;
 - iii. does not meet the requirements of this Bylaw with respect to the Business Licence applied for or held;
 - iv. breaches a condition of the Business Licence;
 - v. breaches a condition of the Development Permit;
 - vi. fails to pay any fee required by this or any applicable bylaw; or
 - vii. fails to pay a fine imposed by a court for a contravention of this Bylaw.
 - (ii) in the opinion of the Business Licence Inspector, based on reasonable grounds, it is in the public interest to do so.
- (h) Subject to subsection 7 (g), the Business Licence Inspector may refuse to re-instate a revoked or suspended Business Licence if the reasons for revoking or suspending the Business Licence have not been satisfied.
- (i) The Business Licence Inspector may carry out inspections of a Business Premises to ensure the operation complies with this Bylaw.
- (j) The Business Licence Inspector may establish forms for the purpose of this Bylaw.

9. POWERS OF THE PEACE OFFICER

- (a) The City Manager may appoint a Peace Officer to enforce the provisions of this Bylaw.
- (b) The Peace Officer may carry out inspections of a Business Premises to ensure the operation complies with this Bylaw.

- (c) The Peace Office may issue a Municipal Tag, as established by this Bylaw, to any Person who is in contravention of this Bylaw.

10. NOTICE

- (a) The City may provide written notice in any case where:
 - (i) an application has been refused;
 - (ii) a Business Licence has been revoked or suspended;
 - (iii) conditions are applied to a Business Licence;
 - (iv) a Business Licence has expired; or
 - (v) payment of a Business Licence fee is required.
- (b) Written notice may be provided:
 - (i) by mail to the persons' place of business or residence, as shown on their Business Licence or application;
 - (ii) by delivery to them personally; or
 - (iii) by electronic mail as shown on their application.

11. CANCELLATION, SUSPENSION AND REVOCATION

- (a) Any Business Licence may be cancelled, on condition that a written notice is provided to the Business Licence Inspector.
- (b) A Business Licence may be immediately suspended or revoked when any required certificate, licence, permit or other document of qualification, issued by the municipal, provincial or federal government, is terminated, suspended or surrendered.
- (c) A Business Licence may be refused, suspended, or revoked when the Business is in contravention of municipal bylaws, and/or provincial and federal legislation.
- (d) A Business Licence may be refused, suspended, or revoked when the Business is in arrears to the City.

- (e) Where a Business Licence has been suspended by the Business Licence Inspector, the Licensee may not operate until such time as their Business Licence has been reinstated.
- (f) Where a Business Licence has been revoked by the Business Licence Inspector, a person may not operate until such time as a new Business Licence is issued.

12. PROOF OF LICENCE

- (a) The onus of proving that a person has a valid and subsisting Business Licence for a Business shall be on the person alleging the Licence.

13. TRANSFER OF BUSINESS LICENCE

- (a) Unless otherwise provided herein, any subsisting Business Licence issued under this Bylaw may be transferred, upon application to the Business Licence Inspector and payment of the prescribed fees, provided that the Applicant has the required qualifications and furnishes legal documentation releasing the rights and interests of the previous owner.

14. RESPONSIBILITIES OF THE LICENSEE

- (a) A Licensee shall forthwith notify the Business Licence Inspector in writing of:
 - (i) a change in the name of the Business;
 - (ii) a change in the address or phone number of the Licensee's Business Premises;
 - (iii) a change in ownership of the Business;
 - (iv) a change in the partners of the Business if the Business Licence is issued to a partnership; or
 - (v) a change in the officers or directors of the corporation if the Licence is issued to a corporation.
- (b) A Licensee shall be responsible for producing their Business Licence forthwith upon demand by the Business Licence Inspector or a Peace Officer.
- (c) A Licensee shall be responsible for obtaining any required certificates, licences or permits legislated by the municipal, provincial, or federal governments.

- (d) A Licensee shall be responsible for the act or acts of his agents or employees in the operation of the Business in the same manner and to the same extent as though the act or acts were done by the Licensee.
- (e) A Licensee shall be responsible for renewing their Business Licence prior to the end of the term.

15. FARMERS' MARKETS

- (a) The Business responsible for operating a Farmers' Market shall submit to the Business Licence Inspector proof of membership in the Alberta Approved Farmers' Market Program administered by Alberta Agriculture and Rural Development.
- (b) A Business Licence for a Business operating a Farmers' Market is valid for Temporary Vendors operating within the Farmers' Market, while the Farmers' Market is in operation.

16. MOBILE VENDORS

- (a) Any Business operating as a Mobile Vendor shall obtain a valid Business Licence.
- (b) A Business operating as a Mobile Vendor which is on public property shall obtain all necessary permits and enter into an agreement with the City under the Mobile Vendor Policy.
- (c) A Business operating as a Mobile Vendor which is on private property shall comply with the Land Use Bylaw and obtain all necessary permits.

17. PUBLIC MARKETS

- (a) The Business responsible for operating a Public Market shall obtain a valid Business Licence.
- (b) A Business Licence for a Business operating a Public Market is valid for Temporary Vendors operating within the Public Market, while the public market is in operation.
- (c) The Business responsible for operating a Public Market shall obtain and keep a written record of each Temporary Vendor's:
 - (i) Legal Business name;

- (ii) Owner's address;
- (iii) Owner's name;
- (iv) Owner's phone number;
- (v) Required certificates, licences and permits legislated by municipal, provincial, or federal governments.

18. SPECIAL EVENTS

- (a) A Business operating a Special Event which is held outdoors on public property shall comply with the Land Use Bylaw and obtain all necessary permits, including, but not limited to an Outdoor Special Event Permit.
- (b) A Business operating a Special Event which is held outdoors on private property shall comply with the Land Use Bylaw and obtain all necessary permits.
- (c) A Business Licence for a Business operating a Special Event is valid for Temporary Vendors operating within the Special Event while the Special Event is in operation.
- (d) A Business operating a Special Event shall obtain and keep a written record of each Temporary Vendor's:
 - (i) Legal Business name;
 - (ii) Owner's address;
 - (iii) Owner's name;
 - (iv) Owner's phone number;
 - (v) Required certificates, licences and permits legislated by the municipal, provincial, federal governments.

19. ENFORCEMENT

- (a) Any person who is in contravention of this Bylaw is guilty of an offence.
- (b) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues

and a person guilty of such an offence is liable to a fine in an amount that is established by this Bylaw for each such day, or part of a day.

- (c) For the purpose of this Bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or an omission of the person, if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent exercising the powers or performing the duties on behalf of the person under their agency relationship.
- (d) 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 agreed to, or participated in the act or omission that constitutes the offence, is guilty of the offence.
- (e) 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 agreed to, or participated in the act or omission that constitutes the offence, is guilty of the offence.
- (f) A Licensee shall permit a Peace Officer to enter and inspect any Business Premises, as specified in section 542 of the Municipal Government Act, for the purpose of determining compliance with this Bylaw.

20. FINES AND PENALTIES

- (a) Any person who is in contravention of this Bylaw is guilty of an offence and is subject to receive a Municipal Tag in the amount of \$300.00 for the first offence.
- (b) A person who is guilty of a subsequent offence within a period of twelve (12) months is subject to receive a Municipal Tag or Violation Ticket, which is double the amount of the previous offence.
- (c) A person who is guilty of an offence, upon summary conviction in provincial court, is subject to a penalty not to exceed ten thousand dollars (\$10,000.00), exclusive of costs for breach thereof, or in a case of non-payment of the fine, or for the imprisonment of not more than six months for non-payment of a fine, as per the MGA.
- (d) If in the event, during prosecution for an offence, proof of a valid Business Licence is required, the person charged with the offence shall bear the burden of responsibility to provide proof that they were in possession of a valid Business Licence at the time of the offence.

- (e) In a prosecution for a contravention of this Bylaw against engaging in or operating a Business without a Business Licence, proof of one transaction in the Business or that the Business has been advertised is sufficient to establish that a person is engaged in or operates a Business.

21. INTERPRETATION

- (a) If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion must then be severed and the remainder of the Bylaw is deemed valid and enforceable.
- (b) All references in this Bylaw will be read with such changes in number and gender as may be appropriate, and references shall be read as a corporation or partnership, and pronouns shall be deemed to not be gender specific.
- (c) The insertion of headings is for convenience of reference only and shall not be construed so as to affect the interpretation or construction of this Bylaw.
- (d) Wherever the provisions of this Bylaw are, or are deemed to be in at variance with each other, the more restrictive of the two provisions shall apply.
- (e) Any reference in this Bylaw to provisions of statute, rules or regulations, shall be deemed to include references to such provisions as amended, modified or re-enacted from time to time.
- (f) Nothing in this Bylaw relieves any person from compliance with any other bylaw or applicable federal or provincial law, regulation or enactment.

22. EFFECTIVE DATE

- (a) This Bylaw becomes effective upon third and final reading, and has been duly signed.

23. REPEAL OF BYLAWS

- (a) Upon third reading of Bylaw C10-23, Bylaw C20-22 and all amendments thereto are hereby repealed.

READ a first time in Council this 24 day of October 2023.

READ a second time in Council this 24 day of October 2023.

READ a third time in Council this 24 day of October 2023.



Mayor



Director, Legislative Services

Date Signed: October 24, 2023