

**BYLAW 22-002  
OF  
LAC LA BICHE COUNTY**

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A BYLAW OF LAC LA BICHE COUNTY IN THE PROVINCE OF ALBERTA TO PROVIDE LICENCING, CONTROL AND REGULATING OF BUSINESSES OPERATING WITHIN LAC LA BICHE COUNTY.

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**WHEREAS** under the authority and pursuant to the *Municipal Government Act*, RSA 2000 c. M 26, and amendments thereto, the Council of Lac La Biche County may enact bylaws to control and regulate all businesses, business activities, and persons engaged in business carried on within Lac La Biche County including the manner of operation, the nature of the operation and the location thereof, and may licence any or all such businesses or industries whether or not the business has a business premise within the municipality;

**AND WHEREAS**, the Council of Lac La Biche County may enact bylaws respecting the safety, health and welfare of people and protection of people and property;

**AND WHEREAS**, the Council of Lac La Biche County may enact bylaws respecting the enforcement of bylaws made under the *Municipal Government Act*;

**NOW THEREFORE** under the authority and subject to the provisions of the *Municipal Government Act*, RSA 2000 c. M. 26, and by virtue of all other powers enabling it, the Council of Lac La Biche County, duly assembled, enacts as follows:

**Title**

1 This bylaw is called the “Lac La Biche County Business Licence Bylaw”.

**Definitions**

2 In this bylaw, the following words and phrases shall have the following meanings:

- (a) “**Act**” means the *Municipal Government Act*, Chapter M 26, RSA. 2000 and amendments thereto;
- (b) “**Business**” includes any, trade, profession, industry, occupation, employment or calling, providing goods and/or services, but does not include operations of not-for profit organizations, societies, clubs, associations etc.;
- (c) “**Business Licence**” means a licence issued pursuant to this Bylaw;
- (d) “**Business Premises or Premise**” 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;

- (e) **“Chief Administrative Officer”** or **“CAO”** shall mean the person appointed by Council as the Chief Administrative Officer pursuant to the Act, or his/her designate;
- (f) **“Council”** means the Municipal Council of the County;
- (g) **“County”** means Lac La Biche County;
- (h) **“Home Based Business”** means the carrying on of any business by any person whether as principal or agent from a residence or accessory residential building within The County;
- (i) **“Licencee”** means a Person who is the holder of a Business Licence;
- (j) **“Non-Resident Business”** means a business not having a permanent Business Premise within the corporate limits of the County;
- (k) **“Non-Resident Hawker or Peddler”** means any non-resident Person, whether as principal or agent that,
  - i. goes from house to house selling or offering for sale any merchandise or services, or both, to any Person, and who is not a wholesale or retail dealer in such merchandise or services, and not having a permanent place or business in the County, or
  - ii. offers or exposes for sale to any Person by means of samples, patterns, cuts, or blueprints, merchandise, or services, or both, to be afterwards delivered in and shipped into the County, or
  - iii. food vendors that operate from a mobile kiosk or vehicle with no permanent location, or
  - iv. sells merchandise or services, or both, on the streets or elsewhere than at a building that is a Person’s permanent place of business, but does not include any Person selling meat, fruit, or other farm produce that has been produced, raised, or grown by themselves, or fish of their own catching.
- (l) **“Peace Officer”** means any sworn member of the Royal Canadian Mounted Police, a Peace Officer appointed under the *Peace Officer Act*, S.A 2016, c.P-35 and amendments thereto, or a municipal enforcement officer, or other persons appointed by the County and who are authorized to enforce bylaws of the County;
- (m) **“Person”** includes an individual, firm, partnership or body corporate;
- (n) **“Resident Business”** means a Business having a permanent Business Premise within the corporate limits of the County;
- (o) **“Resident Hawker or Peddler”** means any County resident, whether as principal or agent with a Business Premise, that,
  - i. goes from house to house selling or offering for sale any merchandise or services, or both, to any Person, and who is not a wholesale or retail dealer in such merchandise or services, and not having a permanent place or business in the municipality, or

- ii. offers or exposes for sale to any Person by means of samples, patterns, cuts, or blueprints, merchandise or services, or both, to be afterwards delivered in and shipped into the County, or
  - iii. food vendors that operate from a mobile kiosk or vehicle with no permanent location, or
  - iv. sells merchandise or services, or both, on the streets or elsewhere than at a building that is a Person's permanent place of business, but does not include a Person selling, meat, fruit or other farm produce that has been produced, raised or grown by themselves, or fish of their own catching;
- (p) **"Violation Tag"** means a form alleging an offence of a County bylaw allowing for voluntary payment of the specified amount.
- (q) **"Violation Ticket"** is defined in the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34, as amended.

### **Application**

- 3 Any business operating in the County is required to have a valid Business Licence. The following Schedule will form part of this Bylaw:
- (a) Schedule "A"-Business Licence Rates
  - (b) Schedule "B"- Penalties

### **Licence Issuer, Process and Rules**

- 4 (1) The Chief Administrative Officer of the County is authorized to carry out the provisions of this Bylaw.
- (2) The Chief Administrative Officer shall:
- (a) Receive and consider applications for a business licence.
  - (b) Conduct investigations regarding proposed applications where necessary to ascertain compliance with this Bylaw.
  - (c) Conduct inspections of business premises where necessary to ascertain compliance with this Bylaw.
  - (d) Collect Business Licence fees pursuant to this Bylaw.
  - (e) Keep a record of all applications for Business Licences.
  - (f) Refuse or grant Business Licences where deemed appropriate and in accordance with this Bylaw.
  - (g) Revoke Business Licences where deemed appropriate and necessary at which time business activity must cease until compliance and a new Business Licence has been issued.
  - (h) Commence prosecutions for violations of this Bylaw.
  - (i) Limit the number of home based businesses per residence as set out in the Land Use Bylaw.
- (3) The application process shall be:

- (a) Every person applying for a Business Licence shall submit to the Chief Administrative Officer an application in the prescribed form and signed by the applicant or his duly appointed agent, along with any further or additional information requested by the Chief Administrative Officer. Without limitation to the generality of the foregoing, proof of compliance with all permits, licences, and fees related to the application will be requested.
  - (b) The applicant is solely responsible for ensuring that all municipal, provincial and/or federal approvals (which may include but are not limited to Public Health, Safety Codes Act, Peace Officers or Police) that are required for the carrying out of any Business have been received prior or along with an application for a Business Licence and are maintained in good standing throughout the duration of the term of the Business Licence and any renewal thereof.
  - (c) Existing businesses will be invoiced in November of each year and include a renewal application for the existing business to be submitted to the County with payment by the 31st day of December of each year.
- (4)** Upon receipt of an application for a Business License, the Chief Administrative Officer may:
- (a) Grant a Business License, or
  - (b) Refuse a Business License if there are just and reasonable grounds for the refusal. A Business License granted pursuant to subsection (a) herein may be revoked if in the opinion of the Chief Administrative Officer there are just and reasonable grounds for the revocation. For the purposes of this subsection (b), and without limiting the generality of this subsection (b), a contravention of or conflict with any federal, provincial or municipal legislation, regulations or bylaws which apply to the business in question may constitute just and reasonable grounds for refusal or revocation.
- (5)** A Business Licence issued under the provisions of this Bylaw, unless revoked, shall terminate at midnight on the 31st day of December of the year in which the Business Licence was issued, unless otherwise stated on the Business Licence.
- (6)** No Business Licence shall be granted until the Business Licence fee has been paid and all relevant permitting and inspections are satisfactorily completed.
- (7)** No Person shall carry on or operate any business within the County without holding a valid and subsisting Business Licence issued pursuant to the provisions of the Bylaw, unless specifically exempted by law.
- (8)** Every Business Licence issued under this Bylaw shall;
- a) be posted in a conspicuous place in the Business Premises, or
  - b) be carried by the Licencee, in the absence of a Business Premise.
- (9)** Every person carrying on or engaged in any business in respect of which a Business Licence is required under this Bylaw shall:
- (a) provide a valid and subsisting Business Licence, and
  - (b) give all necessary information upon the request of any Peace Officer, or the Chief Administrative Officer, in accordance with this Bylaw.

(10) Business Licence Renewal Fees (same as regularly applicable fees) for existing businesses are due and payable on or before the 31st day of December of the current calendar year or payable immediately upon commencing business in the County.

(11) All invoices for Business Licence fees outstanding thirty (30) days from the date of issue shall be subject to an interest charge on the unpaid balance as described in the County's Schedule of Fees and Charges Bylaw No. 20-002 as amended or replaced from time to time.

(12) No person shall provide false information or interfere with a Peace Officer or the Chief Administrative Officer while engaged in the execution of their duties.

(13) The County shall maintain a public list of Business Licences.

(14) A Business Licence issued under this Bylaw may not be sold, transferred, assigned, leased or otherwise disposed of.

(15) A Licencee shall permit a Peace Officer or the CAO to enter and inspect any Business Premise for the purpose of determining compliance with this Bylaw and produce any records that the Licencee is required to collect or maintain pursuant to this Bylaw when requested to do so.

(16) Any late payments for business licences will incur additional fees per Policy (CS-10-105, Interest Rate on Overdue Miscellaneous Accounts).

## Appeal Process

- 5 (1) In every case where, under the provisions of Section 4,
- (a) an application for a Business Licence is refused, or
  - (b) a Business Licence has been revoked,
- an appeal may be made to County Council by the Person seeking the Business Licence by serving written notice of appeal, and paying the appeal fee, to the Chief Administrative Officer within thirty (30) days after the date of the refusal or revocation.
- (2) The Council:
- (a) shall hold a hearing on any appeal within sixty (60) days from receipt of the notice of appeal provided however that Council may extend the time period referred to herein if Council considers it equitable to do so,
  - (b) shall ensure notice of the hearing is mailed by regular mail at least fourteen (14) days prior to the date of the hearing to the appellant, and
  - (c) shall consider each appeal having due regard to the circumstances and merits of the case.
- (3) When an appeal is being heard, County Council shall hear:
- (a) the Chief Administrative Officer,
  - (b) the appellant, and
  - (c) any other person who in the Council's opinion might be affected.
- (4) In determining an appeal, the Council:

- (a) may confirm, reverse or vary the decision of the Chief Administrative Officer and may impose such conditions or limitation as it considers proper and desirable in the circumstances, and
- (b) shall render its decision in writing as directed by the CAO to the appellant within 30 days from the conclusion of the hearing, which decision may be in the form of a Council resolution and is not required to include reasons for decision.

(5) A decision of County Council on any appeal is final and binding on all parties.

## **Compliance & Penalties**

- 6 (1) Any person who contravenes any provisions of this Bylaw by operating a Business in the municipal jurisdiction of the County without a Business Licence, fails to comply with any terms or conditions of a Business Licence issued pursuant to this Bylaw, or otherwise contravenes any provision of this Bylaw, is guilty of an offence and liable upon summary conviction:
- (a) for the first offence, for a fine of not less than the amount stated in "Schedule B" plus the applicable Business Licence fee;
  - (b) for the second or subsequent offence within a 12-month period, for double the original penalty as outlined in subsection 6(1)(a) of this Bylaw.

(2) A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provisions of this Bylaw.

- (a) Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the County the penalty specified on the Violation Tag which shall be calculated in accordance with subsection 6(1) herein.

(3) If the penalty specified on the Violation Tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.

(4) Notwithstanding any other provision of this Bylaw a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedures Act*, as amended, to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provisions of this Bylaw if in the opinion of the Peace Officer it is necessary or desirable to do so.

(5) For the purposes of any Violation Ticket issued pursuant to this Bylaw, the amounts set out in subsection 6(1) and Schedule "B" of this Bylaw shall be the applicable specified penalties.

## **Severability**

- 7 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

**Effective Date**

**8** This Bylaw shall come into force and effect on January 1, 2023 upon 3<sup>rd</sup> reading of Bylaw 22-002.

**THAT BYLAW 22-002 BE GIVEN FIRST READING THIS 1<sup>st</sup> DAY OF NOVEMBER, 2022.**

**THAT BYLAW 22-002 BE GIVEN SECOND READING THIS 1<sup>st</sup> DAY OF NOVEMBER, 2022.**

**THAT BYLAW 22-002 BE SUBMITTED FOR THIRD READING THIS 1<sup>st</sup> DAY OF NOVEMBER, 2022.**

**THAT BYLAW 22-002 BE GIVEN THIRD READING THIS 1<sup>st</sup> DAY OF NOVEMBER, 2022.**

“Original Signed”

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Mayor

“Original Signed”

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Chief Administrative Officer

## SCHEDULE "A"- Business Licence Rates

<b>Class</b>	<b>FEE</b>
Non-Resident Hawker and/or Peddler	\$10/week to a maximum of \$50 Annually
Resident Hawker and/or Peddler	\$5/week to a maximum of \$50 Annually
Resident Business	\$50 Annually
Home Based Business	\$25 Annually
Non-Resident Business	\$75 Annually
Appeal Fee	\$50

## SCHEDULE "B"- Penalties

<b>OFFENCE</b>	<b>FINE</b>
Subsection (6)(1)(a): First Offence	\$250
Subsection 6(1)(b): Second and Subsequent Offences	\$500