



BY LAW NO. 02-2015

OF THE VILLAGE OF WABAMUN IN THE PROVINCE OF ALBERTA

BUSINESS LICENSE / VENDOR BYLAW

A Bylaw for the purpose of licensing, regulating and controlling businesses, market vendors and vendors within the Village of Wabamun.

WHEREAS, pursuant to the Municipal Government Act, Chapter M-26 R.S.A. 2000, and amendments thereto, the Village of Wabamun Council has the power to pass a Bylaw within the Village

AND WHEREAS, the Municipal Government Act, Chapter M-26 R.S.A. 2000, and amendments thereto, in Section 7 (e) the Village of Wabamun Council has the power to pass a Bylaw for municipal purposes respecting business, business activities and persons engaged in business

AND WHEREAS, it is provided in and by the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, and amendments thereto, that the Council may control and regulate all business and industry carried on within the Village of Wabamun including the manner of operation, the nature of the operation and the location thereof, and may license any or all such businesses or industries whether or not the business has a business premise within the municipality.

NOW THEREFORE, the Council of the Village of Wabamun, duly assembled, enacts as follows:

SHORT TITLE: This Bylaw may be referred to as the Business License / Vendor Bylaw.

1. DEFINITIONS

- a. Amusement Vendor** - A person or company that charges a fee for the use of conveyances for the enjoyment of the public, which includes, but not limited to, paddleboats, jet skis, water rides, bicycles, scooters, snow mobiles etc. and is not established in a physical commercial storefront location within the Village.
- b. Business** - includes business, trade, profession, industry, occupation, employment or calling, and the providing of goods and services from a permanent commercial or industrial location within the Village, but does not include:
 - (i) a sub-contractor or other person who is performing under or employed by a principle contractor or business, which hold a valid business license, and is not otherwise doing business within the Village,
 - (ii) any business hired, employed or contracted by the Village or the Provincial or Federal Government or crown corporation and not otherwise doing business within the Village;
 - (iii) any business which is defined as a vendor, market vendor, hawker/peddler or busker
 - (iv) Residential Garage Sales, provided that the sale takes place on a residential property where that property owner or primary resident, when referring to residential rental properties, directly supervises and controls the sale. Garage sales can be held a maximum of four weekends per calendar year before a home occupation license will be required.
 - (v) a business expressly exempted from the requirement of a license by a statute of the Legislature of Alberta or Parliament of Canada
 - (vi) Material delivery operations provided that the transaction/negotiation to purchase those items takes place outside of the corporate limits of the Village.

- (vii) anyone under the age of 18 providing occasional casual labor
- (viii) a Village not for profit or charitable organization or a village religious, school, service club or minor sports fund raising event, all of which are exempt under this bylaw

- c. **Business License** - means a business license issued pursuant to this Bylaw;
- d. **Busker** - A person or group that performs in a public place for money.
- e. **Council** – means the Council of the Village of Wabamun
- f. **Development Authority** - the Village Administrator or a delegated employee of the Village, with the responsibility and authority to act in this position.
- g. **Hawker/Peddler** - A person who moves about the Village person to person or door to door selling goods, foods or services.
- h. **Home Occupation** - means the carrying on of any business by any person whether as principal or agent from a residence or accessory residential building within the Village of Wabamun.
- i. **Licensee** - anyone holding a business license or vendor permit from the Village of Wabamun
- j. **License Issuer** - means the development authority or designate of the Village of Wabamun
- k. **Market Vendor** - A commercial entity or Village organization which utilizes an approved physical storefront or public facility to rent space to other vendors
- l. **Market Vendor Permit** - a permit which may granted to an approved market vendor pursuant to this bylaw
- m. **Mobile Vending Unit** - A mobile motor vehicle, trailer, or similar structure exceeding 2m² and designed for preparing or offering the sale of goods, food or services.
- n. **Mobile Vending Unit - Local Commercial** - A mobile motor vehicle, trailer, or similar structure exceeding 2m² and designed for preparing or offering the sale of goods, food or services and is owned or operated by an existing commercial business with a physical storefront located in the village.
- o. **Non-resident Business** - means a business, trade, profession, industry, occupation, employment or calling, and the providing of goods and services from a location outside the Village.
- p. **Person** - means a person or persons, firm, partnership or body corporate
- q. **Push Cart Vending Unit** - A push cart, bicycle or similar manually powered mobile structure not exceeding 2m² from which goods, food or services are offered for sale.
- r. **Push Cart Vending Unit - Local Commercial** - A push cart, bicycle or similar manually powered mobile structure not exceeding 2m² from which goods, food or services are offered for sale and is owned or operated by an existing commercial business with a physical storefront located in the village.
- s. **Resident Business** - means a business, trade, profession, industry, occupation, employment or calling, and the providing of goods and services from a permanent commercial or industrial location with a physical storefront within the corporate limits of the Village of Wabamun

- t. **Residential Garage Sales** – means the selling of new or used goods from a residential property
- u. **Vendor** - The name given to any person or persons selling goods, food, amusements or services in the Village without a physical storefront approved for such a use.
- v. **Vendor Permit** - means a vendor permit issued pursuant to this bylaw
- w. **Village** - means the Village of Wabamun

2. The Development Authority of the Village of Wabamun or designate is hereby appointed as license issuer to carry out the provisions of this Bylaw.

3. The duties of a License Issuer are:

- a) To receive and consider applications for a business licenses, market vendor permits or vendor permits.
- b) To conduct investigations with regard to proposed applications where necessary.
- c) To conduct inspections of business and market vendor premises or vendors where necessary.
- d) To collect business license, market vendor and vendor permit fees pursuant to this Bylaw.
- e) To refuse or grant business licenses, market vendor permits or vendor permits where it is deemed appropriate.
- f) To revoke business licenses, market vendor permits or vendor permits where deemed appropriate and necessary.
- g) To commence prosecutions for violations of this Bylaw.

4. The application process shall be:

- a) Every person applying for a business license, market vendor permit or vendor permit shall submit to the license issuer a written application in the prescribed form as found in the Master Rates and Schedules Bylaw and signed by the applicant or his duly appointed agent.
- b) Resident businesses will be invoiced in January of each year and include an application for the existing business to be submitted back to the Village with payment by the 30th day of April of each year. Resident Businesses shall not be required to hold a business license until January 1st, 2016.
- c) Home Occupation License applications for those other than the home owner require a signed letter from the home owner authorizing the request for a license

5. Upon receipt of an application for a business license, market vendor permit or vendor permit, the license issuer may:

- a) grant a business license, market vendor permit or vendor permit, with or without conditions or
- b) refuse a business license, market vendor permit or vendor permit if in their opinion there are just and reasonable grounds for the refusal.

6. The appeal process is:

- a) In every case where, under the provisions of Section 5,
 - i) an application for a business license, market vendor permit or vendor permit is refused, or
 - ii) a business license, market vendor permit or vendor permit has been revoked,

An appeal may be made to Village Council by the person seeking the business license, market vendor permit or vendor permit by serving written notice of appeal to the Chief Administrative Officer within 30 days after the date of the refusal or revocation.

- b) The Council,

- i) shall hold a hearing on any appeal within 30 days from receipt of the notice of appeal,
 - ii) shall ensure notice of the hearing is mailed by regular mail at least seven days prior to the date of the hearing to the appellant, and
 - iii) shall consider each appeal having due regard to the circumstances and merits of the case.
 - c) When an appeal is being heard, the Village Council shall hear
 - i) the license issuer
 - ii) the appellant, and
 - iii) any other person who in the Council's opinion might be affected.
 - d) In determining an appeal, the Council
 - i) may confirm, reverse or vary the decision of the license issuer and may impose such conditions or limitation as it considers proper and desirable in the circumstances, and
 - ii) shall render its decision in writing to the appellant within 30 days from the hearing date.
 - e) A decision of the Village Council on any appeal is final and binding on all parties.
7. **A business license, market vendor permit or vendor permit 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 license was issued, unless otherwise stated on the license.**
 8. **No business license, market vendor permit or vendor permit shall be granted until the fee has been paid.**
 9. **Business license fees, market vendor permit fees and vendor permit fees and penalties for contravention of this bylaw shall be set out in the Master Rates and Schedules Bylaw**
 10. **Where a business license, market vendor permit or Vendor Permit issued in accordance with this bylaw and the fees set out in the Master Rates and Schedules Bylaw has been revoked or surrendered,**
 - a) before June 30th in any year, one half of the fee paid shall be refunded to the licensee or,
 - b) after June 30th in any year, no refund shall be made.
 11. **No person shall carry on or operate any business within the Village without holding a valid and subsisting business license, market vendor permit or vendor permit issued pursuant to the provisions of this Bylaw, unless specifically exempted by law.**
 12. **Every business license or vendor permit issued under this Bylaw shall;**
 - a) be posted in a conspicuous place in the business premises, vendor market or vendor location, or
 - b) carried by the licensee, in the absence of a suitable location to post it.
 13. **Every person carrying on or engaged in any business in respect of which a business license, market vendor permit or vendor permit is required under this Bylaw shall**
 - a) obtain a valid and subsisting license or permit, and
 - b) give all necessary information to a member of the Royal Canadian Mounted Police, Village Bylaw Officer, or the license issuer as they might require in the fulfilment of their duties.
 14. **Business License Fees for new businesses are due immediately upon commencing business in the Village unless otherwise stated in this bylaw. Commercial and Industrial Businesses commencing after July 1st in a given year will receive the license at half the annual cost.**
 15. **Vendors and market vendors shall assume all responsibility for themselves and anyone whom they have hired or otherwise authorized to sell goods or products at the vending**

location and to ensure that they are aware of and comply with the terms and conditions of this bylaw.

16. It is the responsibility of the vendor, market vendor or business to obtain and hold valid Provincial and Federal licenses, permits, approvals, clearances, and/or insurances required to operate this business legally and produce copies of the same to the Development Authority upon request, including those noted in section 1. (b.) i and ii
17. The final approval of the application for a vendor permit shall require that the vendor indemnify and save harmless the Village of Wabamun, its employees and agents, from and against all claims, expenses, actions, losses, costs and suits caused by or arising out of, directly or indirectly, the performance of the vending permit, or by reason of any matter or thing done by or not done by the vendor, its employees or agents. Vendors are required to show proof of liability insurance upon request.
18. No vendor, hawker, peddler or busker may sell goods, foods, amusements or services within 100m of a commercial retail storefront operation which sells similar goods or services unless permission for such has been granted in writing by the development authority after consultation with affected local commercial businesses.
19. Approved vendors operating their vending business on public property must stay within the permitted areas approved by the Village Council only, as listed on the site map in the Village Master Rates and Schedules Bylaw, unless provided for otherwise in writing by the development authority.
20. Vendors shall not set up their business on private property without first obtaining written permission from the property owner, signed, and submitted to the Development Authority during business hours, prior to operating.
21. The vendor shall not impede traffic and/or pedestrians, endanger public safety or cause an unwelcome disturbance and must be cognizant of and compliant with the Village Bylaws.
22. Market vendors may rent space to other vendors within the confines of their own property and those other vendors may operate under the market vendor's permit only during the normal operating hours of the market vendor.
23. A vendor's unit and business equipment must be kept in clean and presentable condition at all times.
24. Vendors shall provide garbage and recycling receptacles at the vending unit for all customers to discard any waste from the product sold and the vendor shall be required to properly dispose of or recycle all garbage and recyclables.
25. Should any provision of this Bylaw be found invalid, the invalid portion shall be severed and the remaining Bylaw shall be maintained.
26. Upon third and final reading Bylaw 10-2012 AND 06-2014 are hereby repealed
27. This Bylaw comes into effect upon third and final reading

READ A FIRST TIME IN COUNCIL THIS 21st DAY OF APRIL, 2015

READ A SECOND TIME IN COUNCIL THIS 19th DAY OF MAY, 2015

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 19th DAY OF MAY, 2015

SIGNED BY THE CEO THIS DATE

CHIEF ELECTED OFFICIAL

SIGNED BY THE CAO THIS DATE

CHIEF ADMINISTRATIVE OFFICER

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