

CITY OF FORT SASKATCHEWAN

Business Licence Bylaw C9-16

Motions:

1. That Council give first reading to Business Licence Bylaw C9-16.
2. That Council give second reading to Business Licence Bylaw C9-16.
3. That Council provide unanimous consent to proceed with third and final reading of Business Licence Bylaw C9-16.
4. That Council give third reading to Business Licence Bylaw C9-16.

Purpose:

To modernize and enhance the Business Licence Bylaw through:

1. Increased use of simplified and plain language.
2. Improved alignment with other municipal bylaws, as well as provincial and federal legislation.
3. Correction of spelling and grammatical errors.

History:

In 2005, Council approved Bylaw C20-05 to license and control businesses within the City of Fort Saskatchewan. Business licensing allows the City to establish regulations for business, captures valuable data to measure economic growth, and provides businesses with a legitimizing document that demonstrates they have met municipal requirements to operate. In addition, revenue generated through business licensing is reinvested back into community beautification, Business Development Program grants, and business retention and expansion activities with community partners.

Bylaw C20-05 has become outdated and requires improvements to better address changes in legislation and changes in business practices. In addition, there are sections of the Bylaw that lack clarity and that have resulted in misinterpretation.

In order to resolve these issues, Administration completed a comprehensive review of other municipal business licensing bylaws from around the region and across the country. Consultation was done with local businesses and an open business consultation meeting was held earlier this year. Multiple municipal departments, including Planning & Development, Legislative Services, Culture, and Protective Services, have been involved in the development and review of this new Bylaw. Due to the extent of the changes, line-by-line amendments were not practical; therefore the Bylaw was reconstructed.

Changes to the Bylaw:

While numerous changes were made to the Bylaw, there are no fee increases for the primary licence types: Resident Business and Non-resident Business.

Appendix 1 provides a comprehensive summary of the proposed changes, however some of the notable Bylaw changes are:

1. New or modified definitions for the terms “advertise”, “Applicant”, “Business Premises”, “dwelling”, “Farmers’ Market”, “Garage Sale”, “Non-profit Organization”. “Public Market”, “Special Event”, “Temporary Business Licence” and “Temporary Vendor”.
2. Simplification of Business Licence types, through modification of the definition for “Resident Business” and “Non-resident Business” and removal of the “Home-based Business” type.
3. The term “Professional” has been removed from the Bylaw. Professions which are regulated under provincial legislation such as the Professional and Occupation Associations Registration Act and the Health Professionals Act are now addresses under the Exemptions section of the Bylaw.
4. The terms “Hawk” and “Peddle” have been removed from the Bylaw. The act of hawking or peddling will fall under the term Temporary Vendor.
5. Farmers’ Markets, Public Markets, and Special Events have been defined and addressed within the new Bylaw to distinguish each type of event, while accurately reflecting legislation, and facilitating the inclusion of Temporary Vendors.
6. The term “Temporary Vendor” has been introduced to identify a type of business that operates from a temporary location for a temporary period of time. Temporary Vendors will still be classified as either a Resident Business or Non-resident Business, based on where their business premises is located.
7. A Temporary Business Licence fee type will be introduced to better serve businesses which operate within the city for a period of less than 28 consecutive days per year.
8. A Business Licence will be required for each Business, rather than each Business Premises.
9. Exemptions have been expanded to include persons under 18 years of age, Garage Sales, and professions which are specifically exempt from municipal licensing by a provincial or federal statute.
10. A Business Licence must be renewed before midnight on December 31st, rather than before January 31st of the following year, in order to better align with the budget year.
11. A section detailing how notice will be provided by the City has been added.
12. Appeals will now be made to the Subdivision and Development Appeal Board rather than Council.
13. Powers of the Business Licence Inspector and the Peace Officer have been separated into separate sections to improve clarity of responsibilities.

14. A section has been added describing how a Business Licence may be cancelled, suspended, or revoked and what the outcome and consequences of each may be.
15. A section providing detail on the responsibilities of the Licensee have been added for clarity.
16. The section on enforcement now references the *Municipal Government Act* with respect to how a Peace Officer may enter a premises.
17. Persons guilty of subsequent offences within a 12 month period will now have their fines doubled.

Plans/Standards/Legislation:

The new Business Licence Bylaw will provide improved alignment with other municipal bylaws and policies, as well as provincial and federal legislation.

Financial Implications:

Amendments to the Fees & Charges Bylaw will be required. No fees will increased, however some licence types will need to be modified as follows:

1. Removal of Accessory Home Occupation fee type. Accessory Home Occupations would be included under Resident Businesses fee type. The fees for both licence types was the same, therefore the fee would remain at \$90.00/year.
2. Removal of Transient Trader/Hawker, Peddler fee type. This category currently has both a daily rate of \$100.00 and annual rate of \$300.00. It would be replaced with the "Temporary Business Licence" fee type, which would be valid for 28 days at a fee of \$100.00.

There will also be minor financial implications regarding fines. The current Business Licence Bylaw imposes a \$300.00 fine for First Offence, \$500.00 fine for Second Offence and \$1,000.00 fine for Third and subsequent offences within a period of 12 months. The new Business Licence Bylaw would impose a \$300.00 fine for First Offence and then a fine which is double the amount of the previous offence for any subsequent offences committed within a period of 12 months.

If the new Business Licence Bylaw is approved, the Fees & Charges Bylaw will be presented at a future Council Meeting to implement the proposed changes.

Recommendation:

That Council give three readings to Bylaw C9-16.

Attachments:

1. Appendix 1 - Summary of changes to Business Licence Bylaw
2. Bylaw C9-16 - New Business Licence Bylaw
3. Bylaw C20-05 - Current Business Licence Bylaw

File No.:

Prepared by:	Mike Erickson Economic Development Officer	Date: May 2, 2016
Approved by:	Troy Fleming General Manager, Infrastructure & Community Services	Date: May 4, 2016
Reviewed by:	Kelly Kloss City Manager	Date: May 4, 2016
Submitted to:	City Council	Date: May 10, 2016