

## **Appendix 1**

### **Summary of Changes to Business Licence Bylaw**

1. **Advertise**

The definition of the term was updated to include advertising online, Internet, email, and on mobile devices.

2. **Applicant**

The term has been added to define a person who is applying for a licence or to renew a licence. It has been added to distinguish from a Licensee, who is person who currently holds a valid Business Licence.

3. **Business Premises**

The term has been added to define the location in which a business operates from.

4. **Dwelling**

The term was defined to reflect terminology within the Land Use Bylaw.

5. **Farmers' Market**

The term has been defined to distinguish it from a Public Market. Farmers' Markets are approved and regulated by Alberta Agriculture, Food and Rural Development.

6. **Public Market**

The term has been defined to distinguish it as a type of business which rents out stalls, on a temporary basis, to Temporary Vendors and which is not regulated by Alberta Agriculture and Rural Development.

7. **Garage sale**

The term has been defined as it was not previously. The intention in defining it is to provide a Business Licence exemption for informal, irregularly scheduled, sales of household good from a dwelling for a period of 3 consecutive days or less.

8. **Non-profit Organizations**

The definition of "Non-profit Organization" has been redefined, as Non-Profit Organizations may be exempt from Business Licence fees if they provide required documentation, such as a Confirmation of Registration, a charity registration number, or other government authorization. Non-profit Organizations include

eligible charitable organizations, service clubs, societies, religious organizations, social groups, sport associations, and other community groups.

9. **Resident and Non-resident Businesses**

The objective was to provide a very simple and clear distinction between the two types of Business Licences.

- a) Resident Businesses have been defined as having a permanent business premises within the City.
- b) Non-resident Businesses have been defined as operating within the City limits but do not have a permanent business premises within the City.
- c) Home-base Business/or Accessory Home Occupations have been removed as there is no need from a Business Licencing perspective to differentiate between a home business or a business located on a commercial property. Regulations for businesses operating in residential areas is addressed through the Land Use Bylaw when the business applies for their Development Permit.

10. **Professional**

The definition of Professional has been removed from the Bylaw. In its place, guidelines regarding exemptions for businesses and professions that are regulated under provincial and federal legislation such are now addressed.

11. **Hawker or Peddler**

These terms have been removed from the definitions and Bylaw. The act of hawking or peddling would be included in the more general term of Temporary Vendor. Temporary Vendors will require a Business Licence to operate in the City, unless they are operating under a Farmers' Market, Public Market, or Special Event.

12. **Special Event**

The term has been defined to differentiate from Public Markets and Farmers' Markets.

- a) A Special Event refers to an outdoor event held on public or private property.
- b) Organizers of a Special Event must comply with the Land Use Bylaw.
- c) Organizers of a Special Event held on City property must comply with the Land Use Bylaw and obtain a Special Event Permit.
- d) A licence for a Special Event would act as a Business Licence for the Temporary Vendors on site during the period the Special Event. The reason for this is that many vendors may only operate at one or two events per year, and a fee of \$100 or \$300 may discourage them from participating in Special Events. Consultation

indicated this may have a negative impact on organizations which host Special Events.

- e) Non-profit Organizations who operate a Special Event, would still be exempt from paying a fee for their Business Licence.

**13. Temporary Business Licence**

This Licence category has been established to accommodate and encourage compliance among non-resident businesses which operate within the City for a short period of time. A business may purchase multiple Temporary Business Licences throughout the year. The fee for Temporary Business Licence, which is valid for 28 days will be \$100.

**14. Temporary Vendor**

The term Temporary Vendor has been defined to identify a type of business that operates from a temporary location for a temporary period of time. As an example, an exhibitor or vendor at a Farmers' Market, Public Market, or Special Event, as well as door-to-door sales, fruit stands, and food trucks would fall under this definition.

**15. Licences and Number of Locations**

As the Business Licence Bylaw provides regulations for business and not land, a Business Licence will be required for each business a person operates rather than for each premises that a business operates at. Therefore:

- a) Registered business that operate from more than one business premises, will now only need one Licence for the business.
- b) An owner that operates multiple businesses from one business premises will now require a Business Licence for each business.

**16. Exemptions**

Exemptions for a Business Licence now include:

- a) Professions regulated under Professional and Occupational Associations Registration Act.
- b) Professions regulated under the Health Professions Act.
- c) Any business which is specifically exempt from municipal licensing by provincial or federal legislation.
- d) Persons under 18 years of age.
- e) Garage Sales, as long as they meet the definition of Garage Sale.

Non-profit Organizations will continue to be exempt from Business Licence fees, once they have provided proper documentation. It is the responsibility of the applicant to prove and provide proper documentation to be eligible for any exemption.

17. **Application**

Added clarification that Resident Businesses will require a Development Permit.

18. **Business Licence fees**

Now include the term “pro rata” when referring to pricing for new Licences. This payment option was available before but not mentioned in the Bylaw.

19. **Term of Licence & Renewal**

The current Business Bylaw states that a Business Licence terminates on December 31<sup>st</sup>, however payment is not required for renewal until January 31<sup>st</sup> of the following year. In order to better align with the budget year and to avoid confusion around the Business Licence expiry date and the renewal deadline, both will now fall on the same date, which is December 31<sup>st</sup>.

Licensees will be required to renew their Licence and make payment prior to December 31<sup>st</sup> at 11:59:59 PM, if they choose to continue to operate the following year. It will be the responsibility of the applicant to renew prior to expiration of their Licence. The City will continue to send out reminder notifications for renewal prior to December of the current year.

20. **Powers**

Power of the Business Licence Inspector and the Peace Officer have been separated into separate sections to improve clarity of responsibilities.

21. **Notice To Licensees**

- a) A section detailing how notice may be provided by the City has been added.
- b) Written notice may be provided either in person, by mail, or by electronic mail.

22. **Cancellation, Suspension, Revocation**

A section has been added describing how a Licence may be cancelled, suspended or revoked and what are the results and consequences are.

23. **Appeal**

Appeals will now be made to the Subdivision and Development Appeal Board rather than Council. This will align with legislation when responding to appeals.

24. **Responsibilities of the Licensee**

A section on responsibilities of the licensee has been added.

- a) Licensees are responsible for notifying the City of any changes to their location, contact information, and ownership.
- b) Licensees are ultimately responsible for the acts of their employees or agents.
- c) It is the responsibility of the licensee to renew their Licence on time.

25. **Farmers' Markets**

A new section on Farmers' Markets has been added.

- a) The operator of a Farmers' Market will be required to show proof of membership in the Alberta Farmer's Market Program.
- b) The definition of "Farmers' Market" has been changed to reflect legislation under Alberta Agriculture, Food and Rural Development.

26. **Public Market**

- a) The operator of the Public Market will be required to obtain a Business Licence.
- b) Public Market operators will be required to maintain a record of Temporary Vendors' contact information and are responsible for verifying required permits (Ex. food handling permit, liquor licences, employment agencies licence, etc.).
- c) Temporary vendors operating at the public market will not be required to have a Business Licence during the Public Market.

27. **Special Events**

A new section for Special Events has been added.

- a) Special Events are specific to outdoor events held on public or private property.
- b) The operator of a Special Event will be required to maintain a record of Temporary Vendors' contact information and are responsible for verifying required permits.
- c) Special Events held on City property will also require a Special Event – Outdoor Permit.

**28. Enforcement & Fines & Penalties**

- a) The section on Enforcement now references the *Municipal Government Act* with respect to how a Peace Officer may enter a premise.
- b) Persons guilty of a subsequent offence within a period of 12 months, now will receive a fine double the amount of the previous offence.
- c) Previously fines were \$300 for first offence, \$500 for second offence, \$1,000 for third and subsequent offences committed within 12 months of committing first offence.