



**A BYLAW OF THE VILLAGE OF MYRNAM, IN THE PROVINCE OF
ALBERTA, TO PROVIDE LICENCING AND REGULATIONS OF ALL
BUSINESSES, BUSINESS ACTIVITIES, AND PERSONS ENGAGED IN
BUSINESSES WITHIN THE VILLAGE OF MYRNAM**

WHEREAS pursuant to sections 7, 8, and 564 of the *Municipal Government Act, R.S.A. 2000, C. M-26*, as amended or repealed and replaced from time to time, that the Council may control and regulate all business and industry carried on within the Village of Myrnam including the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 premises within the municipality;

AND WHEREAS it is deemed expedient to provide for licencing of businesses operating within the Village of Myrnam;

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

1. SHORT TITLE

1.1 This Bylaw may be called the “Business Licence Bylaw”.

2. DEFINITIONS

2.1 “Applicant” means any Person who makes an Application for any Business Licence under the provisions of this Bylaw.

2.2 “Application” means a written Application for a Business Licence as provided for by this Bylaw and includes an Application to renew.

2.3 “Business” means the same meaning as provided by the *Municipal Government Act, R.S.A. 2000, C. M-26*, as amended or repealed and replaced from time to time, but does not include any business hired, employed or contracted by the Village and not otherwise doing business within the Village;

2.4 “Business Licence” means a licence issued pursuant to this Bylaw;

2.5 “Business Premises” means any store, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied for the purpose of carrying on a Business.

2.6 “Bylaw Officer” means a Bylaw Enforcement Officer appointed by the Village pursuant to *Municipal Government Act, R.S.A. 2000, C. M-26*, as amended or repealed and replaced from time to time, to enforce the Village bylaws, and includes a member of the Royal Canadian Mounted Police and a Peace Officer authorized under the *Peace Officer Act, S.A. 2006, C. P-3.5*, as amended or repealed and replaced from time to time, having jurisdiction in the Village.

2.7 “C.A.O.” means the Chief Administrative Officer of the Village, as appointed pursuant to the *Municipal Government Act, R.S.A. 2000, C. M-26*, as amended or repealed and replaced from time to time, or his or her designate.

- 2.8 Charitable Organization means any religious, charitable, scientific, literary or educational organization which is a registered Canadian Charitable Organization pursuant to the Income Tax Act of Canada, and/or Societies Act of Alberta.
- 2.9 "Council" means the municipal council of the Village of Myrnam.
- 2.10 "District Resident Business" means a business having a permanent establishment within the County of Two Hills No. 21;
- 2.11 "Garage Sale" means the displaying and offering of five or more items of new or used merchandise and personal property, excluding automobiles, from what is commonly referred to as private residential property.
- 2.12 "General Contractor" means any person(s), partnership(s), or corporations(s) who undertake to direct or supervise subcontractors to do, provide or carry on, within the corporate limits of the Village of Myrnam, trades or occupations relative to the construction industry.
- 2.13 "Hawker or Peddler" means any person whether as principal or agent;
- (a) 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
 - (b) 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 municipality, or sells merchandise or services, or both, on the streets or elsewhere than at a building that is his 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 himself, or fish of his own catching; unless prohibited by law.
- 2.14 "Home-Based Business" means a Business carried on by a Person, who is an occupant of the dwelling, as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small sign as provided for in the Land Use Bylaw.
- 2.15 "Land Use Bylaw" means the Land Use Bylaw of the Village.
- 2.16 "Licensee" means a Person holding a valid and existing Business Licence issued pursuant to the provisions of this Bylaw.
- 2.17 "Licence Issuer" means a person or persons authorized by Council to carry out the provisions of that Bylaw.
- 2.18 "Non-Resident Business" means a business not having a permanent establishment within the corporate limits of the County of Two Hills but does not include Hawkers and Peddlers.
- 2.19 "Person" means a person or persons, firm, corporation or partnership of any kind.

- 2.20 "Registered Non-Profit" shall mean a Business or enterprise which is registered as a non-profit organization with the Government of Alberta or the Government of Canada.
- 2.21 "Resident Business" means a business having a permanent establishment within the corporate limits of the Village of Myrnam.
- 2.22 "Subcontractors" means any person, partnership, or corporation who, under the direct of a General Contractor, property owner or person in possession of property, undertakes to provide or carry on a trade or occupation relative to the construction industry within the corporate limits of the Village of Myrnam.
- 2.23 "Village" means the Village of Myrnam in the Province of Alberta.
- 2.24 "Violation Tag" means a tag or similar document issued by the Village pursuant to *Municipal Government Act, R.S.A. 2000, C. M-26*, as amended or repealed and replaced from time to time.
- 2.25 "Violation Ticket" means a Ticket pursuant to the Provincial Offences Procedures Act, R.S.A. 2000, C. P-34, as amended or repealed and replaced from time to time, and regulations thereunder.

3. GENERAL REGULATIONS

- 3.1 No person shall carry on or operate any Business within or temporarily within the Village without holding a valid and subsisting Business Licence issued pursuant to the provisions of this Bylaw, unless specially exempted by Provincial or Federal Law or this Bylaw.
- 3.2 No person shall carry on or operate any Business within or temporarily with the Village that is considered illegal by the Government of Canada or the Government of the Province of Alberta.
- 3.3 A Person who operates more than one Business, either separately or together, shall maintain in force a valid Business Licence for each Business.
- 3.4 Every Business Licence issued under this Bylaw shall:
- (a) be posted in a conspicuous place in the Business Premises, or
 - (b) carried by the Licensee, in the absence of a Business Premises.
- 3.5 Any Person who operates more than one Business Premise in respect of any one Business shall request additional certified true copies of Businesses Licences to post conspicuously in each Business Premises. This section is not valid for Business Premise that is operating a different Business on another Business Premise.
- 3.6 Each General Contractor applying for a Business Licence will be required to disclose a list of all subcontractors to be used on a project; such disclosure to be done at the time of the Building Permit Application. Subcontractors on a project are required to have a Business Licence.
- 3.7 Hawkers or Peddlers shall not honk horns, play loud music, operate public address systems, or otherwise disturb the peace of the neighborhood, when vending their merchandise.

4. EXEMPTIONS:

- 4.1 The following organizations and persons shall be exempt from this bylaw:
- (a) Religious Charitable organizations
 - (b) Religious groups
 - (c) Minor Sports Associations, service clubs, schools, youth organizations
 - (d) Non-profit community service organizations
 - (e) Out-of-Town person or business that solely sells or supplies wholesale goods to existing businesses within the Village of Myrnam, excepting where that wholesale business is located within the Village.
 - (f) A person selling meat, fruit or other farm produce that has been raised or grown by himself/herself (i.e. Farmers Market vendor)
 - (g) A person selling fish of his/her own catching
 - (h) A person holding a Garage Sale

5. APPLICATION AND ISSUANCE

- 5.1 The C.A.O. of the Village is hereby appointed as Licence Issuer to carry out the provisions of this Bylaw.
- 5.2 The Licence Issuer, in administering the provisions of this Bylaw, will:
- (a) Receive and consider applications for a Business Licence.
 - (b) Conduct investigations regarding proposed applications where necessary.
 - (c) Conduct inspections of Business Premises where necessary.
 - (d) Collect Business Licence fees pursuant to this Bylaw.
 - (e) Refuse or grant Business Licences where deemed appropriate.
 - (f) Revoke or suspend Business Licences where deemed appropriate and necessary.
 - (g) Commence prosecutions for violations of this Bylaw.
 - (h) Delegate any power, duties or functions under this Bylaw to a designate wherenecessary.
- 5.3 A Person applying for a Business Licence shall submit to the Licence Issuer or his/her designate a complete written Application in a form as prescribed by the C.A.O.. The completed form must be signed by the Applicant, or in case of a corporation, its duly appointed agent.
- 5.4 Every person operating a licenced business shall, upon request of the Licence Issuer, disclose any information necessary to enable him/her to carry out his/her duties, subject to the Freedom of Information and Protection of Privacy Act.
- 5.5 If all the requirements of this Bylaw are met, the C.A.O. or his or her designate shall issue a Business Licence to an Applicant with or without conditions, where deemed appropriate.

- 5.6 No Business Licence shall be issued to any Person until the Applicant proves to the C.A.O. or his or her designate that the Person has complied with all the requirements of the Government of Canada and the Government of the Province of Alberta relating to the proposed Business or Business Premises, if applicable, including holding and valid Provincial or Federal Licences as may be required by law. Applicants are responsible to ensure that all requirements are met and proper Licences are acquired; the Village is not responsible if an Applicant or Business was granted a Business Licence without proper requirements or Licences from other levels of government.
- 5.7 No Business Licence shall be issued unless there is a valid and subsisting Village Development Permit for the proposed Business or Business Premises as required by the Land Use Bylaw.
- 5.8 No application will be considered complete unless accompanied by the corresponding fee as prescribed in Schedule "B", attached to and forming part of this Bylaw.
- 5.9 Upon receipt of an application for a Business Licence, the Licence Issuer may:
 - (a) grant a Business Licence; or
 - (b) refuse a Business Licence if in his opinion there are just and reasonable grounds for the refusal.
- 5.10 Every Business Licence is valid from January 1 to December 31 of the year issued, unless revoked, suspended or cancelled prior to that date.
- 5.11 An Application for the renewal of an existing Business Licence shall be submitted to the Village no later than the 31st of January of each Business Licence year.
- 5.12 Business Licences issued for the purpose of one construction project will be considered valid for the duration of that project, regardless if the project spans more than one calendar year, at the sole discretion of the Licence Issuer.
- 5.13 A Business Licence fee is not transferable or refundable.

6. REVOCATIONS OR SUSPENSIONS

- 6.1 The Licence Issuer may revoke or suspend any Business Licence for non-compliance with this Bylaw even if the Licensee has not been prosecuted for a contravention of that Bylaw.
- 6.2 If a Licensee is convicted of an offence under the Canadian Criminal Code with respect to illegal gaming, betting, prostitution or any other illegal activity, under the authorization of a Village of Myrnam Business Licence, the Business Licence shall be revoked.
- 6.3 Where a Business Licence is revoked or suspended pursuant to this Bylaw, the Licence Issuer or his or her designate shall notify the Licensee in writing of the revocation or suspension and the reason or reasons for the revocation or suspension. Notification shall be in the form of one of the following methods:
 - (a) By delivery of a notice to the Licensee personally; or
 - (b) By registered mail to the mailing address as shown on the Application.

- 6.4 After notification of revocation or suspension to the Licensee by the Village, the Business shall not operate.
- 6.5 When any required certificate, Licence or other document or qualification related to the Business issued by the Government of Canada or the Government of the Province of Alberta is terminated or surrendered, the Business Licence issued pursuant to this Bylaw immediately becomes null and void, without notice.
- 6.6 Where a Business Licence is revoked, the Licensee shall immediately return the Business Licence to the Village and the Business shall not operate until such time as a new Business Licence is issued.
- 6.7 Where a Business Licence is suspended, the Licensee may resume operation when the Business Licence is reinstated.

7. APPEALS

- 7.1 In every case where, an application for a Business Licence has been refused; or a Business Licence has been revoked or suspended, an appeal may be made to Council by the Applicant seeking the Business Licence.
- 7.2 An appeal under section 7.1 shall be made by serving written notice of appeal to the C.A.O. within fourteen (14) days after the date of the refusal or revocation and shall state the grounds upon which the appeal is based. The appeal must be accompanied by a fee prescribed in Schedule "B" for the appeal to be considered complete.
- 7.3 Council shall:
 - (a) hold a hearing on any appeal within thirty (30) days from receipt of the notice of appeal; and
 - (b) shall insure notice of the hearing is mailed by regular mail at least seven (7) 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.
- 7.4 When an appeal is being heard, Council shall hear,
 - (a) the Licence issuer,
 - (b) the appellant, and/or
 - (c) any other person who in the Council's opinion might be affected.
- 7.5 In determining an appeal, the Council,
 - (a) may confirm, reverse or vary the decision of the Licence issuer and may impose such conditions or limitations as it considers proper and desirable in the circumstances, and
 - (b) shall render its decision in writing to the appellant within thirty (30) days from the date on which the hearing is held.
- 7.6 A decision of the Village Council on any appeal is final and binding on all parties.

8. ENFORCEMENT

- 8.1 A Bylaw Officer shall be authorized to enforce the provisions of this Bylaw.
- 8.2 A Bylaw Officer may conduct inspections of Business Premises or locations where the Bylaw Officer has grounds to believe a Business is operating, for the purposes of ascertaining compliance with this Bylaw.
- 8.3 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) disclose any necessary information,
- to C.A.O., or Bylaw Officer as he/she might require in the fulfillment of their duties, subject to the Freedom of Information and Protection of Privacy Act.

9. OFFENSES AND PENALTIES

- 9.1 Any person in contravention of any provisions of this Bylaw shall be guilty of an offence and liable on summary conviction to a penalty as specified in Schedule "C", attached to and forming part of this Bylaw, in addition to any Business Licence fee he/she may be required to pay pursuant to this Bylaw.
- 9.2 Where a Person is convicted of operating a Business for which a Business Licence fee is payable, without payment of such fee having been made, the Court may, in addition to the penalty proposed pursuant to this Bylaw, direct the payment of the applicable Business Licence Fee to the Village.
- 9.3 Failure to voluntarily pay an offence ticket within the time specified may result in prosecution.

10. VIOLATION TAG AND VIOLATION TICKETS

- 10.1 A Bylaw Officer is hereby authorized and empowered to issue Violation Tags to any Person who the Bylaw Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 10.2 A Violation Tag may be issued to such Person either:
- (a) Personally; or
 - (b) By mailing a copy to such Person at his or her last known postal address.
- 10.3 A Violation Tag shall be in a form approved by the C.A.O. and shall state:
- (a) The name of the Person;
 - (b) The offence;
 - (c) The appropriate penalty for the offense as specified in Schedule "C" of this Bylaw;
 - (d) That the penalty shall be paid within 30 days of the issuance of the Violation Tag, and
 - (e) Any other information as may be required by the Village.

- 10.4 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may in lieu of prosecution of the offense, pay the Village the penalty specified in the Violation Tag.
- 10.5 Any Person who contravenes any section of this Bylaw for a second or subsequent time within twelve (12) month period is guilty of a second or subsequent offense and liable for a penalty as outlined in Schedule "C".
- 10.6 If the penalty specified on a Violation Tag is not paid within the prescribed time, then a Bylaw Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the "*Provincial Offenses Procedures Act*, R.S.A. 2000, P-34, as amended or repealed and replaced from time to time, to any Person who the Bylaw Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 10.7 Where a Violation Ticket has been issued to a Person pursuant to this Bylaw, that Person may plead guilty to the offence by submitting to a Clerk of the Provincial Court, the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket.

11. General

- 11.1 Should any section, subsection, clause or provision of this Bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this bylaw as a whole or any part thereof, other than the part so declared to be invalid.
- 11.2 That Bylaw 2021-05 be hereby rescinded.
- 11.3 This Bylaw shall come into full force and effect upon third and final reading.

READ a First time this ____ day of _____ 2021.
READ a Second time this ____ day of _____ 2021.
READ a Third time this ____ day of _____ 2021.
SIGNED AND PASSED this ____ day of _____ 2021.

VILLAGE OF MYRNAM

DONNA RUDOLF, MAYOR

ELSIE KIZIAK, CAO



**BYLAW NO. 2021-20
OF THE
VILLAGE OF MYRNAM**

**SCHEDULE "B"
FEES**

Type of Business	Fee	Validity of Licence
Home-Based Business	\$25.00	Annual
Resident Business	\$50.00	Annual
District Resident Business	\$75.00	Annual
Non- Resident Business	\$100.00	Annual
Hawker or Peddler	\$100.00	Day; or
	\$500.00	Annual
Appeal Fee	50% of Business Licence Fee	Per Appeal

**SCHEDULE "C"
PENALTIES**

Type of Offense	Penalty	Second or Subsequent Penalties
Operating a Business without a Business Licence	\$200.00	\$500.00
Operating a Business while Business Licence is suspended	\$200.00	\$500.00
Failure to post Business Licence	\$100.00	\$200.00
Failure to provide information or documents as required by the C.A.O or Bylaw Officer	\$100.00	\$250.00
Any other contravention of the Bylaw not specified above	\$100.00 - \$500.00 as determined by the C.A.O. or Bylaw Officer	Double initial penalty