

VILLAGE OF MCBRIDE

BUSINESS LICENCE BYLAW NO. 752, 2014



“A TOWN ON TRACK”

Amending Bylaws to the Village of McBride Business Licence Bylaw No. 752, 2014

Description	Amending Bylaw No.	Amend Bylaw Adoption Date
<p>i) Part 2 - DEFINITIONS is hereby amended by adding the following:</p> <p>“Cannabis” means all species and genus of the flowering plant in the family cannabaceae, whether growing or not, including the seed or clone of such plants and its preparations and derivatives, and as defined in the Cannabis Act (Canada), subject to any prescribed modifications.</p> <p>“Commercial Landlord” means a person or entity who holds a legal or beneficial interest in any premises within Municipal boundaries and leases, lets, or rents such premises to any other person or entity for the purpose; and;</p> <p>“Retail Cannabis Sales” means the use of a site for the sale or distribution of cannabis but excludes the sale of cannabis for exclusively medical purposes where the sale is made in accordance with federal medical cannabis or medical marihuana enactments and regulations.</p> <p>ii) Part 2 – DEFINITIONS is hereby further amended by replacing the definition of “Business” with the following:</p> <p>“Business” means the carrying-on of a commercial or industrial undertaking of any kind or nature of the providing of a professional, personal, or other service for the purpose of gain or profit, but does not include an activity carried on by the government, its agencies or government-owned corporations;</p> <p>iii) Part 4 - LICENCE REQUIREMENTS is hereby amended to add the following:</p> <p>4.5 “A person may not be granted a business licence for retail cannabis sales, and any existing business licence holder may not undertake or conduct cannabis sales as part of their business.”</p> <p>iv) Part 7 - SPECIFIC BUSINESS REGULATIONS is hereby amended to add the following:</p> <p>7.4 “Commercial Landlord</p> <p>7.4.1 A licensee for commercial landlord shall comply with the following requirements</p> <ul style="list-style-type: none"> • As a condition of continuing to hold a business licence in respect of carrying on a business as a commercial landlord, no business licence or business shall permit a commercial tenant, renter, or temporary use to operate on the licensee or business premises without a valid business licence.” 	780	October 9, 2018

<p>7.5 “Retail Cannabis Sales 7.5.1 No business licence shall be issued for Retail Cannabis Sales within the Village of McBride. “</p>		

THE CORPORATION OF THE VILLAGE OF MCBRIDE

BUSINESS LICENCE BYLAW NO. 752, 2014

A Bylaw to authorize the issuance of business licences and to regulate the businesses within the boundaries of the Village of McBride.

WHEREAS, Council may, pursuant to Section 8(6) of the *Community Charter*, regulate in relation to business;

AND WHEREAS, in regulating under the *Community Charter*, Council may, pursuant to section 15(1) of the *Community Charter*, provide that terms and condition may be imposed for obtaining, continuing to hold or renewing a licence permit, or approval, and specify the nature of the terms and conditions and who may impose them;

AND WHEREAS, Council may, pursuant to Section 154 of the *Community Charter*, delegate its powers, duties and functions to an officer or employee of the Village, which delegation may under section 60(4) of the *Community Charter* include the authority to suspend or cancel a business licence,

AND WHEREAS, it is deemed necessary and desirable that the Village of McBride enact a bylaw to authorize the issuance of business licences and the regulating of businesses;

NOW THEREFORE the Council of the Corporation of the Village of McBride, in open meeting assembled, **ENACTS AS FOLLOWS:**

PART 1 - CITATION

1.1 This Bylaw may be cited as the "Village of McBride Business Licence Bylaw No. 752, 2014"

PART 2 - DEFINITIONS

2.1 For the purpose of this Bylaw, unless the context otherwise requires, the following definitions shall apply:

"Applicant" means a written request by an Applicant for the issue of a Licence required by this Bylaw in a form and with content prescribed by this Bylaw;

"Applicant" means the Owner or a representative of the owner duly authorized to act on the Owner's behalf in relation to an Application;

"Authorized Person" means the Chief Administrative Officer of the Village or a person designated in writing, electronic or hardcopy, by the Chief Administrative Officer to carry out any act or function under this Bylaw;

"Business" means the carrying-on of a commercial or industrial undertaking of any kind or nature of the providing of a professional, personal, or other service for the purpose of gain or

profit, but does not include an activity carried on by the government, its agencies or government-owned corporations;

“Cannabis” means all species and genus of the flowering plant in the family cannabaceae, whether growing or not, including the seed or clone of such plants and its preparations and derivatives, and as defined in the Cannabis Act (Canada), subject to any prescribed modifications.

“Carnival” means a business that is temporarily located in the Village offering to the public mechanical riding devices, circus performances, games of skill or chance, or other similar attractions;

“Commercial Business” means any business specifically used but not limited to retail, office, entertainment, restaurants, or similar establishments;

“Commercial Landlord” means a person or entity who holds a legal or beneficial interest in any premises within Municipal boundaries and leases, lets, or rents such premises to any other person or entity for the purpose;

“Council” means the Council of the Village of McBride;

“Farmer’s Market” means a business in on outdoor or enclosed market, which is made up of multiple vendors that have for sale farm and garden produce, bake goods and handcrafts produced by full-time residents of the area;

“Garage Sale” means the occasional and not to exceed 3 days sale of second-hand household goods belonging to the owner or tenant of residential premises as an accessory use only to a single detached or two-unit dwelling, but does not include the sale of vehicles, new goods, or goods on consignment.

“General Contractor” means a person or business including operations from outside the village boundaries that performs construction alteration or repair work upon a building, structure, or other improvements

“Home Business” means a business which is carried on in a residential dwelling, only by the resident of that dwelling;

“Licence” means a permit obtained from the Village in the form set out by the Village, permitting the operation of a business;

“Licence Inspector” means the person from time to time duly appointed as Licence Inspector for the Village and also a person lawfully acting in that capacity;

“Licence Fee” means a fee or charge for a business Licence set out in the Village of McBride Fees and Charges Bylaw, as amended from time to time.

“Licencee” means the person to whom a valid business licence is issued;

“Mobile Vendor” means a person or business who is not a full time resident of the area selling or offering for sale goods or services primarily from a motor vehicle, trailer, cart, stand or other mobile device.

“Owner” means a person who owns a Business;

“Person” includes a firm or partnership, association, company society, and body corporate;

“Retail Cannabis Sales” means the use of a site for the sale or distribution of cannabis but excludes the sale of cannabis for exclusively medical purposes where the sale is made in accordance with federal medical cannabis or medical marihuana enactments and regulations.

“Village” means the Corporation of the Village of McBride.

PART 3 – APPLICATION

- 3.1 This bylaw applies to a Business carried on within the boundaries of the Village and includes a Business operating from a residence, Mobile Business and any subsidiary Business which is an integral part of a principal Business.
- 3.2 Every person applying for a Licence, transfer of Licence, or assignment of a Licence shall complete an application form as provided by the Village.
- 3.3 Any person applying for a Licence for any business governed by any Federal or Provincial enactment shall supply proof to the Village of their qualifications or of the qualification of his employees to carry on such business.
- 3.4 Notwithstanding anything herein contained, the amount of any licence fee payable by any person pursuant to the provisions of this bylaw shall be paid prior to the issuance of a business licence.

PART 4 – LICENCE REQUIREMENT

- 4.1 No persons shall carry on Business within the Village unless that person has obtained and holds a valid and subsisting Business Licence.
- 4.2 A person who operates a Business from more than one premise within the Village must apply for and maintain a separate licence for each Business.
- 4.3 No person shall operate a Business after receiving notice from the Village that the Licence for the Business has been suspended or cancelled.
- 4.4 A licence is not required for:
 - 4.4.1 A garage sale
- 4.5 A person may not be granted a business licence for retail cannabis sales, and any existing business licence holder may not undertake or conduct cannabis sales as part of their business.

PART 5 – LICENCE APPLICATION

- 5.1 An Applicant who wishes to obtain a Licence shall complete and submit an Application to the Authorized Person
- 5.2 Application Fee and Licence Fee in accordance with the Village of McBride Fees and Charges Bylaw, as amended from time to time, are payable to the Village at the time of application submission. Review of the application may only proceed when fees have been paid in full.
- 5.3 The Applicant shall provide true and accurate information respecting the Application to the Authorized Person.
- 5.4 The Authorized Person at the time of Application submission may review the application to verify general compliance with this Bylaw and other enactments, but will not check the adequacy or accuracy of the information provided by the Applicant.

PART 6 – EFFECTIVE PERIOD OF LICENCE

- 6.1 Except as otherwise provided for in this Bylaw, Licences may be granted for a one year period commencing on first day of January and to terminate on the thirty-first day of December of that year.
- 6.2 For Licence issued after the first day of January, the Licence shall be granted for an effective period to commence on the day of the Licence issuance and to terminate on the thirty-first day of December of that year.
- 6.3 Notwithstanding Sections 6.1 and 6.2, a Licence shall terminate on the earlier of:
 - 6.1.1 The end of effective period of the licence as determined by the Authorized Person;
 - 6.1.2 The thirty-first day of December of that year;
 - 6.1.3 That date on which the operation of the business ceases.

PART 7 – SPECIFIC BUSINESS REGULATIONS

- 7.1 Mobile Vendors
 - 7.1.1 A Mobile Vendor shall park vehicle, portable stand, cart or other mobile devices only on privately owned property in which they shall obtain written permission of the property owner.
 - 7.1.2 A Mobile Vendor may only do Business from a privately owned property which they have obtained written permission from the property owner
 - 7.1.3 A Health Permit is required when selling of perishable foods (i.e.: foods containing meat, poultry or dairy products).
 - 7.1.4 Every Mobile Vendor shall ensure that the business does not obstruct free movement of pedestrians and traffic.
 - 7.1.5 Every Mobile Vendor shall ensure that any and all litter, refuse or garbage generated by them will be disposed of appropriately and space they used is maintained and left in a safe, clean and sanitary condition.
- 7.2 Carnival

7.1.2 No business licence shall be issued for a Carnival until the applicant has provided written verification, satisfactory to the **Authorized Person** that the business has obtained and will maintain comprehensive general liability in an amount not less than two million dollars (\$2, 000, 000.00) and naming the **Village** as an additional insured party.

7.3 Any business not defined in this bylaw must receive approval from Council before receiving a business licence.

7.4 Commercial Landlord

7.4.1 A licensee for commercial landlord shall comply with the following requirements

- As a condition of continuing to hold a business licence in respect of carrying on a business as a commercial landlord, no business licence or business shall permit a commercial tenant, renter, or temporary use to operate on the licensee or business premises without a valid business licence.

7.5 Retail Cannabis Sales

7.5.1 No business licence shall be issued for Retail Cannabis Sales within the Village of McBride.

PART 8 – COMPLIANCE

8.1 The issuance of a Business Licence under the provisions of this bylaw shall not relieve the Licensee from complying with the provisions of any applicable federal, provincial or local government enactments.

8.2 The Village may refuse to grant a licence for business where the business, or the premises upon which the applicant wishes to conduct business, does not comply with the requirements of this bylaw or other Village bylaws.

PART 9 – TRANSFER AND ASSIGNMENT

9.1 No Licence shall be transferred from one person in respect of certain premises to that same person in respect of another premise, without prior approval of the Licence Inspector and the payment for the required transfer fee outlined in the Village of McBride Fees and Charges Bylaw, as amended from time to time.

9.2 The transfer of a Licence is subject to the same approvals as application for a new licence. The Licence Inspector may refuse the transfer where the Business or premise to which the applicant wishes to transfer the licence does not comply with this bylaw or other Village bylaws.

9.3 In the event of a sale of the Business for which such licence is issued, the Licence Inspector may permit an assignment of the licence to the purchaser of the Business upon receipt of the fee outlines in the Village of McBride Fees and Charges Bylaw, as amended from time to time.

PART 10 – DISPLAY OF LICENCE

- 10.1 The Licensee or person in charge or control of the premises in which the Business is carried on or practices, shall at all times keep the Licence prominently displayed in the sales or reception area of the premises to which the public has access, or another area designated by the Licence Inspector.
- 10.2 The Mobile Vendor shall carry upon them the licence granted to them by the Village at all times when the Mobile Vendor is engaged within the Village in business for which the licence was issued.

PART 11 – NOTIFICATION OF CHANGES

- 11.1 Every holder of a licence shall notify the Village of any change in the mailing and/or the business address, or any alterations to the premises in which the business is carried out, and upon the termination of the carrying on of the Business by the Licensee, the Village shall be notified that that Licence is no longer required.

PART 12 – INSPECTION

- 12.1 The Council may, by resolution, appoint a person to be the Licence Inspector, whose duty it shall be to administer the provisions of this bylaw.
- 12.2 The Licence Inspector shall maintain and keep records of all Licences issued.
- 12.3 In the event that a Licence Inspector has not been appointed, the Authorized Person or other designated Village representative shall administer this Bylaw.
- 12.4 The Authorized Person, Licence Inspector or other designated Village representative is hereby authorized and empowered to enter upon at all reasonable times any property in order to ascertain whether the provisions of this bylaw are being obeyed.

PART 13 – FEES

- 13.1 No licence shall be issued until the fee prescribed for that business or class of business has been paid to the Village.
- 13.2 Fees are due payable upon application for a Business Licence.
- 13.3 All fees are set out in the Village of McBride Fees and Charges Bylaw, as amended from time to time.
- 13.4 The fees to transfer a business licence or to change the ownership of the business are set forth in Village of McBride Fees and Charges Bylaw, as amended from time to time.
- 13.5 All fees for renewing a licence are due by February 28th of each year
- 13.6 If a Business Licence application is refused by the Village, or if a business licence application is cancelled by the applicant prior to the issuance of a business licence, the Village will refund the submitted fee less a \$35.00 (thirty-five) dollar administrative fee.

PART 14 – OFFENCE AND PENALTY

14.1 Offence

- 14.1.1 No person shall carry on a business for which a Licence is required pursuant to this bylaw, without holding a valid and subsisting licence for the business.
- 14.1.2 No person shall fail to display a valid and subsisting licence as required by the provisions of this bylaw.
- 14.1.3 No person shall fail to furnish any information or documentation as required by the provisions of this bylaw.
- 14.1.4 No person shall carry on or remain open for business after receiving a notice that their licence has been suspended or revoked.
- 14.1.5 No person shall contravene any provision of this bylaw.
- 14.1.6 No person shall neglect or refrain for doing anything required to be done by any provision of this bylaw.

14.2 Penalty

- 14.2.1 Any person contravening or committing any breach of or committing any offence against any provision of this bylaw or who suffers or permits any act or thing to be done in contravention of or in violation of any of the provisions of this Bylaw or refuses, omits, or neglects to fulfill, observe, carry out or perform any duty, obligation, matter or things whatsoever by this bylaw prescribed or imposed or required to be done is liable, on summary conviction, to a fine not less than two thousand (\$2,000.00) and not exceeding ten thousand (\$10,000.00), and the cost of prosecution; and each day during which any violation, contravention or breach shall continue shall be deemed a separate offence.

PART 15 –DELEGATION OF COUNCIL POWERS AND RECONSIDERATION

- 15.1 Council delegates to the Authorized Person the powers of Council to grant Licence under this Bylaw.
- 15.2 Council delegates to the Authorized Person the powers of Council to refuse, suspend or cancel licences under this Bylaw after having given the Licensee written notice of the decision and an opportunity to be heard in accordance with section 15.5.
- 15.3 After providing reasonable notice to the Licensee and, in relation to suspension under subsection 15.3.2, an opportunity for the persons affected to make representations to Council, the Village may discontinue the Licence:
 - 15.3.1 Because of unpaid Licence fee; or
 - 15.3.2 Because of non-compliance with the rules established by this Bylaw

- 15.5 Within ten (10) days of receipt of a notice of the Authorized Person’s decision to refuse, suspend or cancel a licence under this Bylaw, the applicant may request that Council review the edition subject to the following:
 - 15.5.1 The request shall be in writing, and include reason in support of the review;
 - 15.5.2 Upon receipt of a complete written request for Council’s review, the Authorized Person shall prepare and forward a report to both the Applicant and Council attaching the Application and setting out the reasons for the proposed decision; and
 - 15.5.3 Following this, Council shall review the decision proseed by the Authorized Person and either uphold the decision or substitute the Council’s decision for the Authorized Person’s.

PART 16 – SEVERABILITY

- 16.1 If any section, subsection, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, that section, subsection, clause, sub-clause or phrase shall be struck from the Bylaw any decision shall not affect the validity of the remaining portions of this Bylaw.

PART 17 – REPEAL

- 17.1 That the “Village of McBride Business Licence Bylaw No. 533, 1994” and all its amendments are hereby repealed.

READ A FIRST TIME THIS	9 th	DAY OF	September	2014
READ A SECOND TIME THIS	14 th	DAY OF	October	2014
READ A THIRD TIME THIS	14 th	DAY OF	October	2014
RECONSIDERED AND ADOPTED ON THE	28 th	DAY OF	October	2014

Corporate Officer

Mayor

*Certified a true copy of
“Village of McBride Business Licence Bylaw No. 752, 2014”
as adopted by Council*

Corporate Officer