

## **BYLAW 2679/LIC/23**

### **BEING A BYLAW OF THE TOWN OF STONY PLAIN IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING CONTROL AND REGULATING OF ANY BUSINESS OR INDUSTRY WITHIN THE TOWN OF STONY PLAIN**

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WHEREAS, pursuant to section 7(a) of the *Municipal Government Act*, RSA 2000, c. M-26 and amendments thereto, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS, pursuant to section 7(e) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business; and

WHEREAS, pursuant to section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein; and

WHEREAS, pursuant to section 8 of the *Municipal Government Act*, a council may in a bylaw:

- (a) Regulate or prohibit;
- (b) Deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways; and
- (c) Provide for a system of licenses, permits or approvals, including any or all of the matters listed therein;

NOW THEREFORE, the Council of the Town of Stony Plain, in the Province of Alberta, duly assembled, enacts as follows:

#### **1.0.0 Title**

1.1.0 This bylaw may be cited as the "Business Licence Bylaw".

#### **2.0.0 Definitions**

2.1.0 "Applicant" means a Person who applies for a Business Licence, renewal or transfer of a Business Licence required by this bylaw;

2.2.0 "Business" means a business as defined in the *Municipal Government Act*:

- 2.2.1 a commercial, merchandising, or industrial activity or undertaking;
- 2.2.2 a profession, trade, occupation, calling or employment; or
- 2.2.3 an activity providing goods or services;  
whether or not for profit and however organized or formed, including a co-operative or association of persons;

2.3.0 "Business Licence" means a Business Licence issued pursuant to this bylaw;

2.4.0 "Chief Administration Officer or CAO" means a person in a position of authority and influence who serves as a link between Council and municipal operations. This includes a person to whom the Chief Administrative Officer's powers are delegated, or any person appointed to act in the absence of the Chief Administrative Officer;

2.5.0 "Council" means the Council of the Town elected pursuant to the *Local Authorities Election Act*, RSA 2000 cL-21;

2.6.0 "Home Based Business" means a Business whose primary location is in the business owner's residence;

2.7.0 "Licensee" means a Person who holds a valid and subsisting Business Licence issued pursuant to the provisions of this bylaw;

2.8.0 "Licensing Administrator" means a Person(s) authorized by the CAO to carry out the administration of this bylaw;

2.9.0 "Licensing Officer" means a Person authorized by the CAO to carry out the enforcement and inspections of this bylaw and may include the Town's Peace Officers and/or Bylaw Enforcement Officers;

2.10.0 "Local Business" means a Business that is physically located within the Town;



- 2.11.0 “Mobile Vendor” means a vending business that is carried on from a non-permanent, mobile facility, including but not limited to a motor vehicle, trailer, cart or cycle, within the Town where sales and services from this business type are limited to those offered at the mobile facility and cannot extend beyond;
- 2.12.0 “Non-Local Business” means a Business that is not physically located within the Town’s corporate boundaries that provides services within the Town;
- 2.13.0 “Non-profit Organization” or “Charitable” means an organization defined pursuant to the *Charitable Fund-Raising Act* and registered as such;
- 2.14.0 “Operating” means to carry on, conduct, operate, perform, keep, hold, occupy, deal in or use for a fee or exchange of benefits, whether as principal or agent;
- 2.15.0 “Parkland County Business” means a Business that is that is physically located within Parkland County, a municipal corporation in the Province of Alberta;
- 2.16.0 “Parkland County Business Licence” means a Business Licence issued by the Town to a Parkland County Business for Operating within the corporate boundaries of the Town of Stony Plain;
- 2.17.0 “Person” means an individual human being or a corporation and includes a partnership, an association, or a group of Persons acting in concert unless the context explicitly or by necessity implication otherwise requires;
- 2.18.0 “Premises” includes the store, office, warehouse, factory building, enclosure, yard, or other place occupied or capable of being occupied by any Person for the purposes of any Business;
- 2.19.0 “Temporary” means a business which is carried on within a period of 1 month, 3 months or 6 months;
- 2.20.0 “Town” means the Town of Stony Plain, a municipal corporation in the Province of Alberta, and where the context so requires, means the area contained within the corporate boundaries of the Town of Stony Plain.

### **3.0.0 Necessity for a Business Licence**

- 3.1.0 No Person shall operate a Business within the Town unless a Business Licence has been issued pursuant to the provisions in this bylaw and any applicable Business Licensing policies and procedures approved by the Town.
- 3.2.0 A Person who operates a Business at more than one location must have a separate Business Licence for each location.
- 3.3.0 No person shall contravene a condition of a business licence.
- 3.4.0 A Person who operates a Business shall follow all applicable legislation, regulations and bylaws. All persons or businesses shall be subject to inspection at any time by a Licensing Officer of the Town.

### **4.0.0 Exemptions**

- 4.1.0 A Business Licence is not required for the following organizations or Businesses and can be considered fee exempt, but shall nonetheless comply with the provisions of this bylaw and must be carried out in accordance with all other applicable legislation, regulations and bylaws:
- 4.1.1 Municipal government offices and services;
  - 4.1.2 Provincial government offices and services;
  - 4.1.3 Federal government offices and services;
  - 4.1.4 Any business specifically exempt from municipal licensing by a statute of the Legislature of Alberta or Parliament of Canada or;
  - 4.1.5 Anyone under eighteen (18) years of age and a resident of Stony Plain,
    - 4.1.5.1 Operating as a Home Based Business or Temporary business;
    - 4.1.5.2 Providing occasional light duty services such as paper deliveries, babysitting, yard work, snow shoveling;
    - 4.1.5.3 Operating a lemonade stand



- 4.2.0 Notwithstanding any exemption, any Business shall register business and contact information by submitting a completed application to the Licensing Administrator.

**5.0.0 Application for a Business Licence**

- 5.1.0 Before the issue or renewal of a licence a person must submit to the Licensing Administrator:
- 5.1.1 an application in a form established by the Licensing Administrator;
  - 5.1.2 the applicable licence fee; and
  - 5.1.3 any additional information required by this Bylaw or by the Licensing Administrator.
- 5.2.0 A new application must be submitted, in the prescribed form, for:
- 5.2.1 a change in Business name;
  - 5.2.2 a change in the nature of the Business;
  - 5.2.3 a change address;
  - 5.2.4 an exemption as described in Section 4.0; or
  - 5.2.5 a renewal of a Temporary Business Licence.
- 5.3.0 A new application will not be required for a change of contact information. Change of contact information must be submitted in writing, in the prescribed form, to the Licensing Administrator.
- 5.4.0 Every person who makes an application for a Business Licence must submit to and assist in every inspection required with respect to the Business to be Licensed and provide all information required.
- 5.5.0 No person shall give false information in any application.
- 5.6.0 Where required, proof of a valid development and safety codes permit(s) shall be provided by the Applicant to the Licensing Administrator prior to the issuance of a Business Licence.

**6.0.0 Business Licence Fees**

- 6.1.0 Business Licence fees are set out in the Town's Fees and Charges Bylaw.
- 6.2.0 If the Business Licence fee for a Business Licence is not paid the Business Licence is not valid.
- 6.3.0 A Charitable or Non-profit Organization may apply to the Licensing Administrator for an exemption from the Business Licence fee. The request must include a current copy of the Charitable or Non-profit Organization status;
- 6.4.0 Businesses with a second location in the Town will not be charged a fee for the application.
- 6.5.0 Non-local and Parkland County Businesses must pay a Business Licence fee each year.
- 6.6.0 Where a Business Licence is revoked, surrendered, or operation ceases, the Licensee is not entitled to a refund.
- 6.7.0 If a Business Licence application is withdrawn prior to processing, the fee for the Business Licence will be refunded.

**7.0.0 General Provisions to all Business Licences**

- 7.1.0 A Business Licence does not relieve the Licence holder from the obligation to obtain any other permit, licence or approval that may be required under another bylaw of the Town or any other governmental authority including any Statutes of Canada or the Province of Alberta that may apply.
- 7.2.0 All Business Licences granted are subject to the provisions of any land use or development regulations of the Town and issuance of a Licence shall not be deemed as approval to carry on a Business in or on any Business Location in contravention of the provisions in the Town's Land Use Bylaw.
- 7.3.0 A Person shall not obstruct or hinder any Person in the exercise or performance of their powers pursuant to this bylaw.

**8.0.0 Business Licence Year**

- 8.1 All Business Licences are valid from January 1 of a given year until 11:59:59 on December 31 of the same calendar year unless the Business Licence is revoked by the Licensing Administrator or Officer.
- 8.2 All Temporary Business Licences are valid for a specified duration of a given year unless the Business Licence is revoked by the Licence Administrator or Officer.

**9.0.0 Business Licence Renewal**

- 9.1.0 A renewal notice including the instructions for the renewal process shall go out to all Local and Non-Local Business Licensees to allow business owners to renew their business licenses and update information.
- 9.2.0 All Local Business renewals require confirmation, in the prescribed form, that the business still operates as previously identified.
- 9.3.0 A renewal of a Non-local or Parkland County Business Licence shall be submitted in the prescribed form.
- 9.4.0 Any Business operating in the Town without a valid Business Licence as of January 31 of a given year will be deemed inactive.
- 9.5.0 If a Business has been deemed inactive but is still operational, they are required to apply for a new business licence.

**10.0.0 Intermunicipal Business Licence Arrangement**

- 10.1.0 Businesses located in and licensed by the City of Spruce Grove shall be entitled to conduct Business within the Town without obtaining a Non-local Business Licence from the Town.
  - 10.1.1 Notwithstanding 10.1.0, Businesses operating within the Town of Stony Plain must comply with the Town's Business Licence Bylaw regulations and any prescribed terms and conditions.
- 10.2.0 Businesses located in Parkland County are entitled to participate in the Intermunicipal Business Licence Arrangement and must acquire a Parkland County Business Licence from either Stony Plain or Spruce Grove to carry out business in the Town.
- 10.3.0 Businesses with a valid Business Licence from the City of Spruce Grove will not be charged for a Business Licence in the Town. However, the applications, as described in Sections 5.0 and 9.0, must be submitted to the Licensing Administrator before Business can be conducted in the Town.
- 10.4.0 Revenue collected will be shared with the City of Spruce Grove at the end of each fiscal year as outlined in the prescribed revenue sharing agreement.

**11.0.0 Obligations of Business Licence Holder**

- 11.1.0 A Business Licence must be posted in a conspicuous place on the Business Licence Premises so that it is visible to the customers of the Business.
- 11.2.0 If a Business Licence is lost or damaged a new Business Licence may be issued.
  - 11.2.1 A fee will be levied per the Town's Fees & Charges Bylaw for a replacement Business Licence.
- 11.3.0 A Business Licence must be produced for the Licensing Officer if requested to do so.
- 11.4.0 A Licensee must give access to the premises specified in the Business Licence to the Licensing Officer subject to notice provisions contained within the *Municipal Government Act*.

**12.0.0 Mobile Vendors**

- 12.1.0 Any business operating as a Mobile Vendor shall obtain a valid Business Licence subject to this bylaw, including the additional requirements as outlined in Schedule A.



**13.0.0 Home Based Business**

- 13.1.0 Any business operating as a Home Based Business shall obtain a valid Business Licence subject to this bylaw.

**14.0.0 Business Licence Refusal, Revocation or Imposing of Conditions**

- 14.1.0 The Licensing Administrator may impose conditions on or refuse to issue a Business Licence for the following reasons:
- 14.1.1 has revoked or suspended a Business Licence of the Applicant for the same or a similar Business within the past 12 months, or
  - 14.1.2 has reasonable grounds for believing that the Applicant does not or will not comply with this Bylaw, another bylaw of the Town, or an enactment of Alberta or Canada in relation to the carrying on or operation of the Business.
  - 14.1.3 has reasonable grounds for believing that issuing a Business Licence with respect to the proposed Business is not in the public interest.
- 14.2.0 At any time the Licensing Administrator may impose conditions on a new or existing Business Licence in relation to the establishment or operation of the applicable Business.
- 14.3.0 A Licensing Officer may revoke or suspend a Business Licence if:
- 14.3.1 the Business is operating in contravention of the issued Business Licence;
  - 14.3.2 the Business Licence application is untruthful or inaccurate, or
  - 14.3.3 payment of a Business Licence has not been received by the due date.

**15.0.0 Notice of Revocation of Suspension**

- 15.1.0 Upon a Business Licence being revoked or suspended as provided in Section 14 of this bylaw, the Licensing Officer will notify the Licensee by:
- 15.1.1 delivery of a notice to the Licensee personally; or
  - 15.1.2 mailing a letter to the Licensee's place of Business or residence as shown on the Business Licence.
- 15.2.0 A notice of suspension or revocation of a Business Licence shall be deemed to be received on the date of service or seven (7) working days after the date it is mailed.
- 15.3.0 Upon delivery of notice of suspension or revocation of a Business Licence, a Person shall cease to carry on the Business with respect to which the Business Licence was issued.
- 15.4.0 Where a Business Licence is revoked pursuant to Section 14 hereof, the Licensee shall forthwith:
- 15.4.1 return the Business Licence to the Licensing Officer; or
  - 15.4.2 provide satisfactory proof to the Licensing Officer of renewal or reissue of any certificate, authority, Business Licence or other document of qualification referred to in Subsection (5.1.0) hereof.

**16.0.0 Nullification of Business Licence**

- 16.1.0 A Business Licence will be considered null and void where any certificate, authority, Business Licence, or other document of qualification under this or any other bylaw or under any Statute of Canada or the Province of Alberta is suspended, cancelled, or terminated.

**17.0.0 Appeal**

- 17.1.0 The Applicant may file an appeal in every case where:
- 17.1.1 an application for a Business Licence has been refused, or
  - 17.1.2 a Business Licence has been revoked or suspended, or
  - 17.1.3 a condition has been imposed on a business licence.
- 17.2.0 The Person seeking the Business Licence may appeal to the CAO.
- 17.3.0 An appeal from Subsection 17.1.0 shall be made by the Applicant within twenty-one (21) days after such refusal, revocation or suspension.

- 17.4.0 All appeals shall be made in writing, in the prescribed form, with the appeal fee identified in the Fees & Charges Bylaw and addressed to the Manager of Legislative Services for the Town.
- 17.5.0 The CAO will be scheduled to hear the appeal within twenty-one (21) days of receiving the written appeal.
- 17.6.0 After hearing the Appeal, the CAO shall:
- 17.6.1 direct a Business Licence to be issued or reinstated;
  - 17.6.2 direct a Business Licence to be issued or reinstated with conditions;
  - 17.6.3 refuse to grant a Business Licence;
  - 17.6.4 uphold the revocation or suspension of a Business Licence.
- 17.7.0 The decision of the CAO is final and binding.

**18.0.0 Penalty**

- 18.1.0 A Licensee and their agent, employees, managers, partners, principals or directors who violate any of the provisions of this bylaw or who permits any act or thing to be done in contravention of any of the provisions of this bylaw, or who neglects or refrains from doing anything required by the provisions of this bylaw, or fails to comply with any order, notice, or direction given under this bylaw is guilty of an offence and liable to a fine.
- 18.2.0 Each day that a violation is permitted to exist shall constitute a separate offence.
- 18.3.0 Where the Licensing Officer believes that a person has contravened this bylaw, they may issue a violation ticket in accordance with the *Provincial Offences Procedure Act*, RSA 2000, c. p-34 and amendments thereto.
- 18.4.0 Where there is a specified penalty listed for an offence in Schedule B, that amount is the specified penalty for the offence.
- 18.5.0 Where a penalty has not been specified in Schedule B a penalty of \$750.00 for a first offence and \$750.00 for each subsequent offence shall be issued for contravention of this bylaw.
- 18.6.0 The provisions of this section shall not prevent any Licensing Officer from issuing a violation ticket requiring the court appearance of a Person in violation of this bylaw pursuant to the *Provincial Offences Procedure Act*, RSA 2000, c. p-34 and amendments thereto.
- 18.7.0 Any Person who is convicted of an offence pursuant to this bylaw is liable on summary conviction to a fine not exceeding \$10,000 and in default of payment of any fine imposed, to imprisonment for up to 6 months.

**19.0.0 Appointment of Licensing Administrator and Licensing Officer**

- 19.1.0 The CAO shall appoint a Licensing Administrator(s) and (a) Licensing Officer(s) to carry out the provisions of this bylaw.

**20.0.0 Severability**

- 20.1.0 If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw is deemed valid.

**21.0.0 Review**

- 21.1.0 This bylaw shall be reviewed within its fourth year, being 2027, or at least once in every Council term.

**22.0.0 Repeal**

- 22.1.0 Bylaw 2619/LIC/19 and amendments thereto are hereby repealed.

**23.0.0 Effective Date**

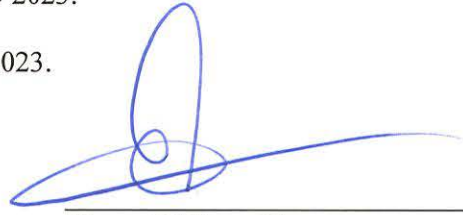
- 23.1.0 This bylaw shall take full force and effect on January 1, 2024.



Read a first time this 23<sup>rd</sup> day of October, AD 2023.

Read a second time this 14<sup>th</sup> day of November, AD 2023.

Read a third time this 14<sup>th</sup> day of November, AD 2023.



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Mayor William Choy



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Mike Morton  
General Manger, Corporate Services

**SCHEDULE A: MOBILE VENDORS****1.0.0 Definitions**

- 1.1.0 **Approved Location** means an address or physical location within the Town approved for the operation of a Mobile Vendor.
- 1.2.0 **Mobile Vendor** means the operator of a mobile vending service.
- 1.3.0 **Mobile Food Vendor** means a person selling food, beverages, snacks, ice cream or other products from a mobile vending unit which may operate at various approved locations within the Town.
- 1.4.0 **Mobile Vending Unit** means any mobile vehicle, cart, trailer, table, or stand or other primary piece of equipment used to assist the Mobile Vendor in the selling or distribution of food, products, and services.
- 1.5.0 **Private Property** means the land owned by a person or organization that is used for their exclusive use.

**2.0.0 General Conditions**

- 2.1.0 Mobile Vending is permitted on Private Property where the Site is districted for non-residential use. The Mobile Vendor shall have:
- 2.1.1 a valid Temporary Business Licence;
  - 2.1.2 a valid fire inspection approval from the Town of Stony Plain Fire Services or City of Spruce Grove Fire Services issued within the current calendar year;
  - 2.1.3 a valid food handling permit(s) issued by Alberta Health Services, as required, issued within the current year;
  - 2.1.4 a written authorization from the Private Property owner.
- 2.2.0 Mobile Vending is permitted on Approved Locations where the Site is districted for non-residential use. The Mobile Vendor shall have:
- 2.2.1 a valid Temporary Business Licence;
  - 2.2.2 a valid fire inspection approval from the Town of Stony Plain Fire Services or City of Spruce Grove Fire Services issued within the current year;
  - 2.2.3 a valid food handling permit(s) issued by Alberta Health Services, as required, issued within the current year;
  - 2.2.4 a valid proof of commercial liability insurance with a minimum liability limit of 2 million with the Town of Stony Plain named as an additional insured;
- 2.3.0 Mobile Vendors shall comply with any location restrictions and any additional conditions identified by the Licencing Administrator.

**3.0.0 Appearance and Site Management:**

- 3.1.0 A Mobile Food Unit shall be clean, well-lit, and aesthetically pleasing in appearance.
- 3.2.0 A Mobile Vending Unit and its immediate area shall be kept clean and neat.
- 3.3.0 A temporary garbage receptacle and a temporary recycling bin should be provided within 0.5 metres of the Mobile Vending Unit.
- 3.4.0 The Mobile Vendor shall have a waste management plan identifying disposal methods and locations for all waste products including fats, oils, grey water, garbage, and recycling. The waste management plan should include a clean-up plan in case of any accidental spills.
- 3.5.0 A Mobile Vending Unit shall not be left unattended or parked on Private Property after business hours.
- 3.6.0 Operation of Mobile Vending Units shall be conducted in a manner that does not restrict or interfere with the ingress or egress of the adjacent property owners or constitute an obstruction to adequate access by fire, police, or sanitation vehicles.



- 3.7.0 Mobile vendors shall not create any disturbance or nuisance in terms of noise, vibration, smoke, dust, odour, air pollution, heat, glare, bright light, hazardous or unacceptable waste. Lights, sounds, or actions which may be a distraction for motorists and/or pedestrians are not permitted.
- 3.8.0 Portable tents, canopies, furniture and fixtures (i.e., tables, chairs, benches, counters, etc.) associated with a mobile vendor shall not be set up at any location other than at a special event at locations approved by the event sponsor.
- 3.9.0 Only one sandwich board sign is permitted per mobile vendor unit and shall comply with the regulations outlined in the Town's *Land Use Bylaw Sign Regulations*.
- 3.10.0 Sandwich board signs shall not obstruct pedestrian or vehicular movement or sight lines at intersections and are subject to the regulations of the Town's *Land Use Bylaw*.
- 3.11.0 No Mobile Vending Unit shall be stored on a public street or on a residential lot.

SCHEDULE B: PENALTY

Referring Section of Bylaw 2679/LIC/23	Offence	1 <sup>st</sup> Offence Penalty	2 <sup>nd</sup> Offence Penalty
3.0.0, 5.0.0 & 7.0.0	Carry on business without a valid Stony Plain business licence	\$250	\$500
3.0.0	Operate separate business without a licence	\$250	\$500
5.0.0	Provide false information on the application	\$250	\$500
7.0.0	Contravene the condition of the licence	\$250	\$500
11.0.0	Fail to post or present business licence	\$250	\$500
14.0.0	Carry on business when suspended	\$250	\$500
18.5.0	For any offence for which a penalty is not otherwise established in Schedule A	\$750	\$750
Schedule A	Carry on mobile vending business without approval	\$250	\$500