

BYLAW NO. 26-2023

A BYLAW OF THE CITY OF LLOYDMINSTER IN THE PROVINCES OF ALBERTA AND SASKATCHEWAN TO PROVIDE FOR THE LICENSING CONTROL AND REGULATING OF ANY BUSINESS OR INDUSTRY

WHEREAS the Council of the City of Lloydminster deems it necessary to establish a bylaw to deal with businesses, business activities and persons engaged in business.

AND WHEREAS *The Lloydminster Charter* provides authority to City Council to pass bylaws for municipal purposes;

AND WHEREAS *The Lloydminster Charter* provides authority to the City to pass bylaws respecting the enforcement of bylaws.

NOW THEREFORE the Council of the City of Lloydminster deems it necessary to establish a bylaw to register businesses operating within the City of Lloydminster and establish a system for fees, fines and penalties; and

NOW THEREFORE, the Council of the City of Lloydminster, pursuant to the authority granted in Section 15 of *The Lloydminster Charter*, enacts as follows:

1. SHORT TITLE

1.1. This Bylaw shall be cited as the Business Licence Bylaw.

2. DEFINITIONS

2.1. The definitions listed in Schedule "A" attached to this Bylaw shall apply, unless context otherwise requires.

3. APPOINTMENT, AUTHORITY AND DUTIES OF THE CITY MANAGER

3.1. Except where specific authority is reserved to Council, in the Bylaw the administration and enforcement of this Bylaw is hereby delegated to the City Manager.

3.2. Without restricting any other power, duty or function granted by this Bylaw, the City Manager may carry out anything required for the administration of this Bylaw, including but not limited to the following:

3.2.1. delegate any powers, duties or functions under this Bylaw to an employee of the City;

3.2.2. carry out any inspections that are reasonably required to determine compliance with this Bylaw;

3.2.3. establish any forms required for the administration of this Bylaw.

4. BUSINESS LICENCES

4.1. No person shall actively seek Business activities in or locate a Business within the City unless a Business Licence has been issued pursuant to this Bylaw.

4.2. All Businesses shall be charged a fee in accordance with the *Fees and Charges Bylaw*.

BYLAW NO. 26-2023

- 4.3. Business Licence fees for all Businesses are due upon approval of the Business Licence Application or as otherwise indicated by the Licensing Administrator.
- 4.4. Multiple Businesses at a single location:
 - 4.4.1. Where a single location contains multiple Public Facing Businesses, each Business is required to obtain a Business Licence.
- 4.5. Business at Multiple locations:
 - 4.5.1. Where a Business is carried on or intended to be carried on concurrently in more than one location, a Business Licence shall only be required for each Public Facing location.
- 4.6. Any Advertising of a Business shall be deemed to be proof that the person Advertising is actively seeking or operating a Business.
- 4.7. Notwithstanding Section 4.1 above, a Business Licence shall not be required for:
 - 4.7.1. Municipal government services;
 - 4.7.2. Provincial government services;
 - 4.7.3. Federal government services;
 - 4.7.4. any Non-Resident Business working for any level of government;
 - 4.7.5. any person or Business specifically exempted from municipal licensing by Provincial or Federal legislation;
 - 4.7.6. the Lloydminster Agricultural Exhibition Association; or
 - 4.7.7. any person that holds a garage sale on a private residential property for a maximum of three (3) consecutive days and no more than three (3) events in a calendar year.
- 4.8. Notwithstanding anything in this Bylaw:
 - 4.8.1. for any public market that consists of multiple Businesses, if the public market organizer holds an active Special Licence Public Market with the City, the participating Businesses are not required to obtain a Business Licence for the purposes of conducting Business at the public market;
 - 4.8.2. public markets not organized by an exempted Business, wherever located, shall require a Special Licence Public Market.
- 4.9. Where a Business Licence is revoked or surrendered, or operation ceases, the Business Licensee shall not be entitled to a refund.
- 4.10. A Business Licence shall be produced on a document bearing, but not limited to;
 - 4.10.1. the identification of the City;
 - 4.10.2. the Business name(s); and
 - 4.10.3. the Business Licence number.
- 4.11. Every Business that holds a Business Licence shall display the Business Licence in a prominent place on the Business Premise.

BYLAW NO. 26-2023

5. APPLICATIONS

- 5.1. A Business Licence applicant shall make an application in the manner satisfactory to the City Manager.
- 5.2. Every Person who makes an application for a Business Licence shall submit to assist in every inspection required by the Licensing Administrator.
- 5.3. Business Licence updates such as a change in ownership, a change in contact information or a change in location may not require a new Business Licence application, but updates shall be submitted to the Licensing Administrator for review and shall be subject to a fee in accordance with the *Fees and Charges Bylaw* and must be in accordance with all other City bylaws.

6. BUSINESS LICENCE RENEWALS

- 6.1. Business Licences shall be renewed on or before January 1, or as otherwise indicated by the Licensing Administrator. Renewal fees shall be equal to the Business Licence fee in accordance with the *Fees and Charges Bylaw*.
- 6.2. Business Licence renewal fees are due on the renewal date as indicated by the Licensing Administrator and are subject to finance charges in accordance with City policies, as amended from time to time.
- 6.3. Any Business that wishes to renew their Business Licence, once the Business Licence has lapsed in accordance with the *Land Use Bylaw*, shall apply for a new Business Licence and must be in accordance with all other City bylaws.

7. BUSINESS LICENCE YEAR

- 7.1. All full year Business Licences are valid from January 1 of a given year until December 31 of the same calendar year, unless the Business Licence is revoked by the Licensing Administrator.
- 7.2. All short-term Business Licences are valid from the date issued for six (6) months or shall expire on December 31 of the same calendar year, whichever comes first.

8. REGULATION PERTAINING TO PARTICULAR BUSINESS TYPES

- 8.1. General Licence A shall include any Business in a building that is under 500 square feet or a Pop-Up Business.
- 8.2. General Licence B shall include any Business in a building that is within 500 - 4,999 square feet.
- 8.3. General Licence C shall include any Business in a building that is 5,000 square feet and over.
- 8.4. Non-Resident Licence A shall include any Business outside the City within the boundary established in accordance with Schedule "C" to this Bylaw.

BYLAW NO. 26-2023

- 8.5. Non-Resident Licence B shall include any Hawker/Peddler and any Business located outside the City and outside the boundary established in accordance with Schedule "C" to this Bylaw.
- 8.6. Special Licence Child Care Facility shall include any Business that is licensed under the applicable provincial licensing regulations including, but not limited to day care, private babysitting facility, family day home, out of school care and pre-school programs.
- 8.7. Special Licence Not-for-Profit shall include any Business that is incorporated as a not-for-profit.
- 8.8. Special Licence Public Market shall include any Business operating in a temporary location for a limited period of time. Public markets shall ensure they have written permission from property owners before conducting any Business on private or public property. Special Licence Public Market shall include, but is not limited to:
 - 8.8.1. Farmer's Market; and
 - 8.8.2. Mobile Vendors.
- 8.9. Special Licence Professional shall be a voluntary licence for any Business that is exempted in accordance with Section 4.7.5 of this Bylaw.
- 8.10. Special Licence Youth Entrepreneur shall be a voluntary educational licence and shall be available to any Business owned by any person under the age of eighteen (18).
- 8.11. Special Licence Economic Development Partnership shall be a limited voluntary licence to share in the regional marketing objectives of the City.
- 8.12. Tobacco Retailer Surcharge shall apply to any Business, in addition to their Business Licence fee, that keeps for sale, sells, exposes, or offers for sale Tobacco and Tobacco products.
- 8.13. Cannabis Retailer Surcharge shall apply to any Business, in addition to their Business Licence fee, that keeps for sale, sells, exposes, or offers for sale Cannabis and Cannabis products.

9. POWER OF REFUSAL AND REVOCATION

- 9.1. Subject to the provision of the Bylaw, the Licensing Administrator may grant, revoke, suspend or refuse to grant a Business Licence if in the opinion of the Licensing Administrator there are just and reasonable grounds for the refusal or revocation of the Business Licence such as, but not limited to non-payment or non-compliance with any municipal Bylaws.
- 9.2. Upon a Business Licence being revoked or suspended, the Licensing Administrator shall notify the Business Licensee thereof by written notice, delivered personally or by regular mail.
- 9.3. Where a Business Licence is revoked the Business Licensee shall forthwith destroy the Business Licence or return the Business Licence to the Licensing Administrator.

BYLAW NO. 26-2023

- 9.4. An appeal may be made by written format to the Office of the City Clerk where:
- 9.4.1. a Business Licence application has been refused; or
 - 9.4.2. a Business Licence has been revoked or suspended.
- 9.5. An appeal shall be made in writing within fourteen (14) calendar days after receiving notification of a Business Licence refusal, revocation, or suspension to the Office of the City Clerk.
- 9.6. Upon receiving a notice of appeal the City Clerk shall, within fourteen (14) calendar days:
- 9.6.1. direct the Business Licence to be issued or reinstated, with or without any other conditions, as reasonably determined by the City Clerk; or
 - 9.6.2. uphold the refusal, revocation, or suspension.
- 9.7. Once an appeal has been decided by the City Clerk, the matter shall be closed and shall not be subject to further appeal.

10. PENALTIES

- 10.1. Any person who contravenes this Bylaw is guilty of an offence.
- 10.2. Persons having contravened certain sections of this Bylaw shall be liable for the penalties set out in such section or set out in Schedule "B" hereto.
- 10.3. A notice or form commonly called a Notice of Violation having printed wording approved by the City Manager, may be issued by a Bylaw Enforcement Officer to any person alleged to have breached any provision of this Bylaw, and the said notice shall require the payment of the City of Lloydminster in the amount specified in Schedule "B" hereto.
- 10.4. A Notice of Violation shall be deemed to be sufficiently served:
- 10.4.1. if served personally on the accused; or
 - 10.4.2. if mailed to the address of the person accused by regular mail.
- 10.5. The amounts specified in Schedule "B" hereto shall be the specified penalties for the purposes of the *Provincial Offences Procedures Act* (Alberta) or the *Summary Offences Procedure Act 1990* (Saskatchewan).

11. NUMBER AND GENDER REFERENCES

- 11.1. All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

12. SEVERABILITY

- 12.1. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

BYLAW NO. 26-2023

This Bylaw shall come into force and effect upon the final passing thereof.

The following bylaws and all amendments thereto are hereby repealed:

- Bylaw No. 28-2021, Business Licence Bylaw.

INTRODUCED AND READ a first time this 20th day of November, 2023, A.D.

READ a second time this ___ day of _____, 2023, A.D.

READ a third time this ___ day of _____, 2023, A.D.

Date Signed

MAYOR

Date Signed

CITY CLERK

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BYLAW NO. 26-2023

SCHEDULE "A"

Definitions

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| Advertising | To describe or draw attention to a service in a local public medium in order to promote a business activity taking place within City Limits. |
| Business | A commercial, merchandising or industrial activity or undertaking; A profession, trade, occupation, craft or employment; or An activity providing goods and services whether or not for profit and however organized or formed, including a cooperative and association of persons. |
| Bylaw Enforcement Officer | A Person appointed by the City pursuant to <i>The Lloydminster Charter</i> to enforce City Bylaws, including a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer appointed under the <i>Peace Officer Act S.A. 2006, c. P-3.5</i> , as amended or repealed and replaced from time to time. |
| Business Licence | A document issued pursuant to the Bylaw that permits a Business to operate within the City of Lloydminster. |
| Business Licensee | A Person holding a valid and subsisting Business Licence issued pursuant to the is Bylaw. |
| Cannabis | As defined in the <i>Cannabis Act</i> (Canada) and its regulations and amended from time to time. |
| Charter | Refers to <i>The Lloydminster Charter</i> . |
| Child Care | Defined as outlined in the <i>Land Use Bylaw</i> under "Child Care Services" and any amendments thereto. |
| City | The City of Lloydminster and the area contained within the corporate boundaries of the City. |
| City Manager | The Commissioner of the City of Lloydminster as appointed by Council or designate. |
| Council | The Municipal Council of the City of Lloydminster. |
| Economic Development Partnership | Defined as a limited voluntary licence for businesses, corporations, organizations, municipalities that do not require a business licence but still opt to be considered in initiatives that enhance the local economic conditions and leverage regional resources to build capacity for sustainable regional economic development. |
| Farmer's Market | Where two (2) or more vendors sell their own products directly to the general public at a fixed location under a coordinating organization which includes but not limited to an artisan or craft fair or any combination thereof. |

BYLAW NO. 26-2023

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| Garage Sale | An informal, irregularly scheduled sale of miscellaneous household goods on private residential property. |
| Hawker/Peddler | Any Person who, whether as principal or agent, goes from house to house selling or offering for sale any merchandise or service, or both. |
| Licensing Administrator | An employee of the City of Lloydminster responsible for managing the City's Business Licence program. |
| Mobile Vendor | Any Business where sales or service or both are operating strictly from a motor vehicle, trailer or cart, including but not limited to mobile canteen/concession, sale of merchandise, or windshield repair vendor. |
| Order | Any written notice or letter that requires a Person to remedy a contravention of this Bylaw or the <i>Lloydminster Charter</i> |
| Person | Any individual, a group of individuals, a corporation, firm, partnership, proprietorship, association, society or co-operative organization |
| Pop-Up | A Business who sells goods or services located in a commercial building for no more than six (6) months in a calendar year for the purpose of market testing for any goods or services and operates as a seasonal or short-term vendor. |
| Public Facing | Any place, whether publicly or privately owned, to which members of the public have access as a right or by express or implied invitation, whether on payment of any fee or not. |
| Tobacco | Any products or device controlled under the <i>Tobacco and Vapour Products Control Act</i> (SK) as amended or the <i>Tobacco and Smoking Reduction Act</i> (AB) as amended and shall include Vapour Products. |
| Summary Offence Ticket | As defined by the <i>Summary Offences Procedures Act</i> (Saskatchewan), as amended from time to time. |
| Vapour Products | Means any or all of the following: An e-cigarette, an e-substance; a cartridge for or a component of an e-cigarette. |
| Violation Ticket | As defined by the <i>Provincial Offences Procedure Act</i> (Alberta), as amended from time to time. |

BYLAW NO. 26-2023

SCHEDULE "B"

Penalties

| OFFENCE | SECTION | FINE |
|--|----------------|-------------|
| Operating without a Licence | 4.1 | \$500 |
| 2 nd offence within 12 months | | \$1,000 |
| Each subsequent offence within 12 months | | \$5,000 |
| Any other provision of the Bylaw | 10.2 | \$300 |
| 2 nd offence within 12 months | | \$500 |
| Each subsequent offence within 12 months | | \$2,500 |

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BYLAW NO. 26-2023

SCHEDULE "C"

Radius Boundary Map

