

CITY OF GRANDE PRAIRIE

OFFICE CONSOLIDATION

BYLAW C-1393

**A Bylaw for the Licensing and Regulation of Businesses
within the City of Grande Prairie**

(As amended by Bylaw C-1393A)

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26, Grande Prairie City Council may pass bylaws for municipal purposes respecting services provided by or on the behalf a municipality;

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 licences, permits or approvals, including any or all of the matters listed therein.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF GRANDE PRAIRIE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED HEREBY ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw shall be called the "Business Licence Bylaw".

PART I - INTERPRETATION

DEFINITIONS

- 2.1 In this Bylaw, the following terms will have the following definitions:

"Act" means the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, or any statute enacted in its place.

"Application" means a written Application for a Business Licence and includes an Application to renew, transfer or amend a Business Licence.

"Business" means as per the *Municipal Government Act*:

- (a) a commercial, merchandising or industrial activity or undertaking;
- (b) a profession, trade, occupation, calling or employment; or

(c) an activity providing goods and services;

Whether for profit or Non-Profit and however organized or formed, including a co-operative or association of Persons.

"Business Licence" or **"Licence"** means any Business Licence issued pursuant to the provisions of this Bylaw.

"Business Location" means the premises used or occupied by any Person in the conduct of Business.

"Charitable or Non-Profit Organization" means an organization defined pursuant to the *Charitable Fund-Raising Act* and registered as such.

"Chief Business Licence Inspector" means the Person appointed to that position by the City or their designate.

"City" means the municipal corporation of the City of Grande Prairie having jurisdiction under the Act and other applicable legislation.

"City Clerk" means the Person appointed by Council to the designate officer position of City Clerk or their designate.

"Contractor" means a Business of offering to any Person to perform or arrange to perform work including but not limited to involving anything; built, placed, altered or repaired which is in, upon, over or under land or water, including a building and any clearing, dismantling, digging, drilling, excavating, grading, filling or tunneling.

"Council" means the duly elected municipal Council of the City.

"Criminal Record Check" means a Criminal Record Check obtained from the Royal Canadian Mounted Police or other Police Service.

"Direct Seller" means a Person who goes from house to house, Business to Business or Person to Person selling any merchandise and/or service.

"Entrepreneurial Youth" means any Person under the age of eighteen (18) years.

"Home Occupation" means a business that is located in a residential dwelling, or combination of a residential dwelling and an accessory building, in a residential neighbourhood to conduct a business activity by at least one (1) permanent resident of the dwelling. This includes Home Businesses and Home Offices as defined in the City's [Land Use Bylaw C-1260](#). This does not include business entities where the entirety of the operations of the business occur off site.

"Licence Inspector" means a Licence Inspector employed by the City, a Peace Officer and, where the context permits.

"Mobile Cooking Operation" means a motor vehicle, trailer, pushcart, or similar mobile structure designed for the purpose of offering food products or beverages ready for immediate consumption.

"Mobile Vending Unit" means a Non-Resident Business who has a temporary sales location in the City selling or attempting to sell goods or services.

"Non-Resident Business" means a Business that does not reside or maintain a permanent Business Location in City.

"Peace Officer" means any member of the Royal Canadian Mounted Police, a Peace Officer and a Bylaw Enforcement Officer of the City.

"Person" means without limiting the generality of the term, any individual, or any Business entity including, but not limited to, a firm, partnership, association, corporation, society, or legal entity.

"Private Child Care Provider" means the provision of care in a residence for six (6) or less children under the age of thirteen (13) years, not including the operator's children and provides care for more than six (6) hours per week.

"Resident Business" means a Business which is carried on from a permanent Business Location within the City limits.

"Separate Business Entity" means a distinct legal entity or any form of undertaking Business that takes one (1) of the following forms:

- (a) an individual;
- (b) a corporation, with or without share capital, that is not traded on a public exchange;
- (c) a corporation with shares that are traded on a public exchange;
- (d) a non-profit corporation;
- (e) an Indian Band;
- (f) a partnership (general or limited) of individuals, corporations, Indian Bands or any combination thereof;
- (g) a joint venture of individuals, corporations, Indian Bands, or any combination thereof; or
- (h) any other form of legal entity or form of undertaking Business.

"Standing Committee" means a committee established by a Council under the Act, as set out in the City's [Procedure Bylaw C-1299, Schedule "B"](#).

"Temporary Business" means a Business which is carried on for a pre-determined period.

"Violation Ticket" means a Violation Ticket as defined in the *Provincial Offences Procedures Act*.

- 2.2 Terms which are not defined in this Bylaw will, where the context permits, have the meanings assigned to them in the [Land Use Bylaw C-1260](#).
- 2.3 Any reference to legislation of Canada or the Province of Alberta is deemed to include a successor legislation.

PART II - LICENCE PROVISIONS

NECESSITY FOR LICENCE

- 3.1 This Bylaw shall apply to any trade, Business or occupation with the intent of making a profit. No Person shall engage in or operate a Business within the City unless a Business Licence has been issued pursuant to the provisions of this Bylaw.
- 3.2 No Business shall operate in the City unless in compliance with any Federal, Provincial or Municipal statute, regulation or Bylaw.
- 3.3 A separate Business Licence is required for each Separate Business Entity.
- 3.4 A separate Business Licence is required for each Business Location.

EXEMPTIONS

- 4.1 A Business Licence is not required for the following organizations or Businesses, 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:
- (a) Municipal Government offices and services;
 - (b) Provincial Government offices and services;
 - (c) Federal Government offices and services;
 - (d) Charitable or Non-Profit Organizations;
 - (e) any Person specifically exempt from municipal licensing by legislation;
 - (f) any institution, association or other entity which is not conducted for gain, as determined by the Chief Business Licence Inspector;
 - (g) a Business that rents a stall, table or space as a vendor at a tradeshow, farmer's market or community event;
 - (h) a Non-Resident Business whose only Business activity is the supply or delivery of wholesale or bulk goods to a Resident Business;
 - (i) any Person who is an employee of another Person who holds a Business Licence, or a Person or other entity not required to obtain a Licence pursuant to this Section 4, unless otherwise provided in this Bylaw; and
- 4.2 For the purpose of Section 4.1(g), a tradeshow, farmer's market, or community event, the organizer is required to obtain a Business Licence. Businesses that rent a stall, table or space as a vendor at a tradeshow, farmer's market, or community event do not require a Business Licence and are limited to operating only during the scheduled hours of the event and only at that location. A Business operating outside of these specific event hours or location will require a Business Licence.
- 4.3 For the purpose of Section 4.1(i), an "employee" is a Person who is paid a salary or wage with respect to which there are deductions for any Income Tax, Canada Pension Plan, or Employment Insurance.

APPOINTMENT, AUTHORITY AND DUTIES OF CHIEF BUSINESS LICENCE INSPECTOR AND LICENCE INSPECTOR

- 5.1 The City shall appoint a Chief Business Licence Inspector and may employ one or more other Licence Inspectors.
- 5.2 The Chief Business Licence Inspector and the Licence Inspectors are authorized to:
- (a) administer and enforce this Bylaw;
 - (b) approve or refuse Business Licence Applications, either with or without conditions;
 - (c) cancel, suspend, alter, add conditions to, or revoke any Business Licence where it is deemed to be appropriate;
 - (d) issue a minor variance or exemption from the terms of this Bylaw where it is deemed to be appropriate;
 - (e) inspect or investigate any Business to determine whether it is in compliance with this Bylaw;
 - (f) issue orders requiring compliance with this Bylaw;
 - (g) initiate and conduct prosecutions for violations of this Bylaw; and
 - (h) collect Business Licence fees on behalf of the City.

PREREQUISITES FOR A BUSINESS LICENCE

- 6.1 Any Business requiring any other permit(s) related to ensuring the eligibility of the proposed Business Location, which may include but not limited to a Development Permit under the [Land Use Bylaw C-1260](#) or permit(s) under the *Safety Codes Act*, must obtain these permit(s) prior to the issuance of a Business Licence.
- 6.2 Notwithstanding Section 4.1(e), the Chief Business Licence Inspector may request any other information or involve any agency, authorities or department deemed necessary to issue a Business Licence in accordance with this Bylaw.
- 6.3 Applicants for Businesses under Part III of this Bylaw shall comply with the regulatory requirements as stipulated under the specific Business type by delivering the appropriate document or documents to the Chief Business Licence Inspector.

APPLICATION PROCESS

- 7.1 An Application must be submitted for:
- (a) a new Business Licence;
 - (b) amendments to an existing Business Licence, including a change to a different Business name, a change to a different Business Location or a change to the nature of the Business;
 - (c) a transfer of a Business Licence to another Person; and
 - (d) an exemption as described in Section 4.1.

- 7.2 An applicant for a Business Licence shall make Application to the City on a form prescribed by the Chief Business Licence Inspector and include the following:
- (a) the name of the Business, including the legal or corporate name if any and any trade names under which the Business is to be conducted;
 - (b) the applicant's name;
 - (c) the phone number of the Business;
 - (d) the email address of the Business;
 - (e) the physical address of the Business;
 - (f) the mailing address of the Business;
 - (g) the proper name of the owner(s) of the Business;
 - (h) the address of the owner(s) of the Business;
 - (i) the phone number of the owner(s) of the Business;
 - (j) the email address of the owner(s) of the Business;
 - (k) the main contact name, position, phone number, and email address of the Business, if different from the applicant or owner(s);
 - (l) a description of the nature of the Business that includes, primary type of business as classified by the North American Industry Classification System (NAICS), the approximate square footage of the business premises, if the business premises is owned, leased, or rented, if the business is part of a franchise, the number of full-time and part-time employees;
 - (m) the provincial licence number if the Business is required to be licensed by the province;
 - (n) the signature of the applicant or applicant's representative; and
- 7.3 An applicant shall not submit any information with respect to an Application which is false, misleading, incomplete or inaccurate.
- 7.4 If a Person ceases to carry on the Business for which a Business Licence is granted, that Person shall immediately notify the Chief Business Licence Inspector.

BUSINESS LICENCE APPLICATION FEE, DURATION OF LICENCE, CONDITIONS AND VALIDITY

- 8.1 All Business Licence Applications shall be accompanied by the relevant fee in accordance with the [Fees, Rates and Charges Bylaw C-1395, Schedule "A"](#).
- (a) if an Application for a Business Licence is refused because a Development Permit cannot be obtained, the fee for the Business Licence will be refunded;
 - (b) if an Application for a Business Licence is withdrawn prior to processing, the fee for the Business Licence will be refunded; or
 - (c) if a complete Business Licence Application is not received within three (3) months of the application date, the fee will not be refunded, and the Application will be closed.
- 8.2 Unless otherwise specifically determined, every Business Licence shall expire at 12:00 a.m., at month end, one (1) calendar year from the initial date of issuance, unless revoked by the Chief Business Licence Inspector.

- 8.3 Notwithstanding Section 8.2, a Temporary Business Licence shall be issued for a Non-Resident Business that intends to conduct Business for a period of three (3) consecutive months or less. A Business which exceeds the term of this Licence for its operations must apply for a Non-Resident Business Licence.
- 8.4 The Chief Business Licence Inspector may issue a Licence for a limited term or for a specified date in any case where the Chief Business Licence Inspector considers it appropriate to do so. A Person:
- (a) may not appeal a decision to issue a Licence for a limited term or for a specified date.
- 8.5 Renewal notices will be sent out one (1) month prior to the Business Licence expiring. Businesses that have not renewed their Business Licence by month end of its anniversary month will receive a final notice and be deemed delinquent. Delinquent Businesses will be subject to the renewal fee and late fee in accordance with the [Fees, Rates and Charges Bylaw C-1395, Schedule "A"](#). Businesses that fail to renew will receive a late fee for each month that they remain delinquent.
- 8.6 At any relevant time, the Chief Business Licence Inspector may impose conditions on a new or existing Business Licence in relation to the establishment or operation of the applicable Business.
- 8.7 The Chief Business Licence Inspector may refuse to issue a Business Licence or may impose conditions on a Business Licence if the Chief Business Licence Inspector:
- (a) has revoked or suspended a Business Licence of the applicant for the same or a similar Business within past twelve (12) months;
- (b) has reasonable grounds for believing that the applicant does not or will not comply with this Bylaw, with any Federal, Provincial or other Municipal statute, regulation, bylaw or other requirement;
- (c) has reasonable grounds for believing that issuing a Business Licence with respect to the proposed Business is not in the public interest; or
- (d) has determined that it is inappropriate to issue a Licence to an applicant where the safety, health or welfare of the public may be at risk due to the issuance of a Licence.
- 8.8 A Business Licence is not valid until it has been signed and sealed by a Licence Inspector.

TRANSFER OF LICENCE

- 9.1 A Business Licence may be transferred from one location to another location or from one Person to another Person with consent of a Licence Inspector and provided that the transfer fee, in accordance with the [Fees, Rates and Charges Bylaw C-1395, Schedule "A"](#) is paid.

GENERAL PROVISIONS TO ALL BUSINESS LICENCES

- 10.1 No Business shall:
- (a) display adult video tapes or sexually explicit material so that it is visible from outside the Business Location;
 - (b) display any sign or other form of advertisement that indicated that sexually explicit displays, shows or material will be available in the Business Location; or
 - (c) engage in or allow any employee or other Person on the Business Location, to engage in or offer to engage in any act of prostitution.
- 10.2 A Business Licence does not relieve the Licence holder from the obligation to obtain any other permit, Licence or other approval that may be required under another bylaw of the City or any other governmental authority.
- 10.3 All Business Licences granted are subject to the provisions of any land use or development regulations of the City 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 City's [Land Use Bylaw C-1260](#).

POSTING OF LICENCE

- 11.1 A Business Licence shall be posted in a conspicuous place at the Business Location so that is it visible to the customers of the Business.
- 11.2 A Business Licence issued with respect to a Business that is not conducted at a fixed location shall be carried on the Person of the Licence holder or in or on the vehicle or apparatus from which such Business is conducted and shall be shown to a Licence Inspector upon request. If there is more than one employee conducting Business off site, each employee shall be required to provide a copy of the Business Licence upon request.
- 11.3 If a Business Licence is lost or damaged, a new one may be issued provided that the replacement fee, in accordance with the [Fees, Rates and Charges Bylaw C-1395, Schedule "A"](#) is paid.
- 11.4 All Business Licences remain the property of the City.

REVOCAION OR SUSPENSION OF A BUSINESS LICENCE

- 12.1 The Chief Business Licence Inspector may revoke or suspend a Business Licence if:
- (a) the Person to whom the Licence is issued contravenes any Federal, Provincial or Municipal statute, regulation, directive or Bylaw, including this Bylaw, in the course of carrying on the Business covered by the Licence;
 - (b) a Licence has been issued in error without all the necessary approvals required;
 - (c) in the opinion of the Chief Business Licence Inspector, there are just and reasonable grounds to suspend or revoke a Business Licence; or
 - (d) any certification, authority, Licence or other document of qualification under any Federal, Provincial or Municipal statute, regulation or Bylaw required for the operation of the Business covered by the Licence is suspended, cancelled, terminated or

surrendered effective on the date of the suspension, cancellation, termination or surrender.

- 12.2 Upon a Business Licence being suspended or revoked, the holder shall be notified:
- (a) by personal service of a notice on the holder; or
 - (b) by mailing a notice to the holder by registered mail to the holder's Business Location or mailing address noted on the application for the Business Licence.
- 12.3 A notice of suspension or revocation of a Business Licence shall be deemed to be received on the date of service or five (5) working days after the date it is mailed.
- 12.4 Upon receiving a notice of suspension or revocation of a Business Licence, a Person shall cease to carry on the Business with respect to which the Licence was issued.

APPEALS

- 13.1 Any Person who is affected by a decision of a Licence Inspector, other than a decision to issue a Violation Ticket, may appeal to the Standing Committee by delivering to the City Clerk, a notice of appeal in the form prescribed by the City within fourteen (14) days of the date of the decision.
- 13.2 If the City Clerk determines that a notice of appeal is not properly completed, they shall notify the appellant and the appellant shall correct the notice of appeal within three (3) days, failing which the notice of appeal will be deemed to be invalid.
- 13.3 Upon confirming that a notice or appeal is complete, the City Clerk shall:
- (a) arrange for the Standing Committee to hear the appeal; and
 - (b) notify the appellant in writing of the date, time, and place of the appeal hearing.
- 13.4 An appeal shall be heard by the Standing Committee within forty-two (42) days of the date upon which a properly completed notice of appeal is received by the City Clerk.
- 13.5 In an appeal hearing, the Standing Committee shall hear the appellant, the Licence Inspector or their designate and any other Person who, in the opinion of the Standing Committee, is affected by the decision. The Standing Committee may accept any other evidence or information deemed pertinent to the subject matter of the appeal.
- 13.6 The Standing Committee may uphold, vary, or reverse a decision of a Licence Inspector.
- 13.7 The City Clerk shall advise an appellant of the outcome of the appeal within seven (7) days of the decision being rendered by the Standing Committee.

PART III - SPECIAL PROVISIONS RELATING TO CERTAIN BUSINESSES**CANNABIS RETAIL STORE (Removed by Bylaw C-1393A – April 22, 2024)****CONTRACTOR**

- 15.1 A Contractor that makes application for a permit with the City including but not limited to a Building Permit, a Development Permit, Plumbing and Gas Permit, an Electrical Permit or a Mechanical Permit, must have a Business Licence.
- 15.2 Prior to a Licence being issued to an individual or company, the Chief Business Licence Inspector shall be satisfied by the complete submission of a prerequisite form confirming that:
- (a) the individual or company; or
 - (b) an employee of the individual or company actively engaged by the individual or company;
- has a valid and subsisting provincial certificate for the trade or trades in which the individual or company wishes to engage.
- 15.3 Any Licence granted to an individual or company is granted subject to the following conditions:
- (a) if the Licence was granted to an individual or company based upon their or its qualifications under Section 15(1) and they or it ceases to be actively engaged in the Business or ceases to be so qualified the Licence shall be revoked; or
 - (b) if the Licence was granted based upon the qualifications of an employee actively engaged by the individual or company and that employee ceases to be actively engaged by that individual or company or ceases to be qualified, the Licence shall be revoked.

DIRECT SELLER

- 16.1 Seven (7) full days prior to the commencement of the Business operation, a Direct Seller Business shall provide the following information:
- (a) the names and addresses of the Persons comprising the representatives' team, including their temporary or permanent places of residence in the City;
 - (b) a recent identification photo of each representative; and
 - (c) the contact information of the regional lead hand responsible for the Direct Sellers in the City.
- 16.2 A Direct Seller Business shall hold a valid Business Licence during the soliciting, negotiating or concluding in Person, of sale contracts for goods and services of the Business' representatives.
- 16.3 A separate Licence is required for each Direct Seller regardless of whether that Direct Seller is an employee of some other Person.

- 16.4 A new Criminal Record Check is required for every new or renewal application for a Direct Seller's Licence. Criminal Record Checks older than ninety (90) days will not be accepted for a Direct Seller's Licence application.
- (a) upon the Direct Seller receiving their Licence, each Direct Seller shall provide:
- (i) their company issued ID card; and
 - (ii) a government issued ID card.
- 16.5 An Applicant who has been convicted of theft, fraud, possession of stolen property or any other criminal offence involving an accusation of dishonest or fraudulent conduct in the preceding two (2) years will not be granted a Direct Seller's Licence.
- 16.6 A Direct Seller may not carry on Business between the hours of 8:00 p.m. and 9:00 a.m.
- 16.7 A Direct Seller must display both their company issued ID card and their City issued ID card when soliciting sales for goods and services.
- 16.8 A Direct Seller's Licence shall be valid for six (6) months from when the Licence is issued.

ENTREPRENEURIAL YOUTH

- 17.1 An Entrepreneurial Youth is eligible for a Business Licence free of charge.
- 17.2 A Business Licence is not an obligatory process and a youth proprietor will not be penalized if a Business Licence Application is not made.

GARAGE SALES AND YARD SALES

- 18.1 A maximum of two (2) garage sales, each for a period not exceeding three (3) consecutive days, in any calendar year may be conducted on any private residential property without a Business Licence.

MOBILE COOKING OPERATIONS

- 19.1 Prior to a Licence or a renewal of a Licence being issued to a Mobile Cooking Operation, the Chief Business Licence Inspector shall be satisfied that the unit has passed all inspections governed under the Safety Codes Act for Mobile Cooking Operations and has received approval from Alberta Health Services.
- 19.2 Mobile Cooking Operations shall only carry on Business on non-residential private property with permission of the property owner or on public/City-owned property approved by the City.
- 19.3 Mobile Cooking Operations shall provide recycling and waste receptacles to customers when in operation, unless participating in an event where receptacles are provided by the event organizer.

MOBILE VENDING UNITS

- 20.1 Mobile Vending Units shall only carry on Business on non-residential private property with permission of the property owner or on public/City-owned property approved by the City.

PRIVATE CHILD CARE PROVIDER

- 21.1 A Private Child Care Provider shall provide:
- (a) a new Criminal Record Check with Vulnerable Sector Check for every new or renewal Application. A Criminal Record Check with Vulnerable Sector Check is required for each Child Care Provider and for any Person residing in the residence over the age of eighteen (18) years. Criminal Record Checks older than ninety (90) days will not be accepted for a Private Child Care Provider's Application; and
 - (b) a valid First Aid Certificate in Child Care.

TRADE-SHOW, FARMER'S MARKET OR COMMUNITY EVENTS

- 22.1 A Person who is a participant in a tradeshow, farmer's market, or community event is entitled to accept orders or payments of money at the event location for performance of services, sales of goods or for delivery of goods.

PART IV - OFFENCES AND PENALTIES

- 23.1 A Person who breaches provisions of this Bylaw is guilty of an offence and is liable for the following specified fine amounts:
- (a) \$500.00 for commencing Business operations without a valid Business Licence;
 - (b) \$50.00 for failing to display a valid Business Licence;
 - (c) \$500.00 for continuing Business activity after the Business Licence has been suspended or cancelled;
 - (d) \$1,000.00 for any offence of Section 10.1; and/or
 - (e) \$250.00 for any offence for which a fine is not otherwise established in this section.
- 23.2 Each day that a violation continues to exist shall constitute a separate offence.
- 23.3 In addition to any fine imposed for an offence under Section 3.1, a court may impose a fine in the amount of the Licence fee for each Business being engaged in or operating without a Licence.
- 24.1 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) specify the fine amount established by this Bylaw for the offence; or
 - (b) require a Person to appear in court without the alternative of making a voluntary payment.

- 25.1 A Person who commits an offence:
 - (a) if a Violation Ticket is issued in respect of the offence; and
 - (b) if the Violation Ticket states the fine amount specified in this Section for the offence; may make a voluntary payment equal to the specified fine.

REPEAL EXISTING BYLAW

26.1 Effective May 1, 2021, Bylaw C-1064 and all amendments are hereby repealed.

READINGS

27.1 This Bylaw shall come into force on May 1, 2021.

READ a first time this 19 day of October, 2020.

READ a second time this 19 day of October, 2020.

"B. Given" (signed)

Mayor

"A. Karbasheski" (signed)

City Clerk

READ a third time and finally passed this 30 day of November, 2020.

"B. Given" (signed)

Mayor

"A. Karbasheski" (signed)

City Clerk