

TOWN OF PENHOLD

BYLAW NO. 834/2025

BUSINESS LICENSING BYLAW

Being a Bylaw of the Town of Penhold in the Province of Alberta to provide for the control, regulation and licensing of all businesses within the Town.

WHEREAS pursuant to section 7(a) of the *Municipal Government Act*, a council may pass bylaws for the 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;

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;
- c) provide for a system of Licences, permits or approval including any or all of the matters

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

PART 1 – GENERAL PROVISIONS

SHORT TITLE

1. This bylaw may be cited as the Business Licensing Bylaw.



DEFINITIONS

2. In this bylaw:

- (a) **"active Licence"** means a Licence that is paid in full for the invoiced period
- (b) **"business"** means:
 - (i) a commercial, merchandising or industrial activity or undertaking,
 - (ii) a profession, trade, occupation, calling or employment; or
 - (iii) an activity providing goods or services;whether or not for profit and however organized or formed, including a co-operative or association of persons
- (c) **"business premises"** means the store, office, warehouse, building, enclosure, yard or other space occupied or capable of being occupied by any person for the purpose of any business.
- (d) **"cannabis retail sales"** means a specialty store Licences by the Province of Alberta where cannabis and cannabis accessories are sold
- (e) **"family day home"** means a Provincially Licenced or unLicenced home-based childcare service operated from a private residence that provides care for up to six (6) children, at any one time, not including the children of the provider
- (f) **"Farmer's Market"** means the business of conducting a public open market at which various vendors lease and operate stalls
- (g) **"food cart vendor"** means a unit that sells or distributes food or beverages other than fresh fruit and vegetables
- (h) **"Land Use Bylaw"** means a Bylaw of the Town of Penhold, as amended from time to time
- (i) **"Licence"** means a Licence issued for the operation of a business under this Bylaw and includes an administrative Licence and an operational Licence
- (j) **"Licensing Officer"** means the person designated and authorized in writing by the Chief Administrative Officer to administer and enforce the requirements of this bylaw




- (k) **“mobile vending unit”** means a motor vehicle, structure, cart, table, stand or display that is self-contained, used to operate a business and located in any place where the public has an expected right to access
- (l) **“municipal tag”** means a form of ticket prescribed by the Town for a bylaw offence providing a person with the opportunity to pay an amount to the Town in lieu of prosecution
- (m) **“non-resident”** means a person who does not reside or maintain permanent Business Premises in the Town
- (n) **“Officer”** means:
 - (i) a Licensing Inspector;
 - (ii) a Bylaw Officer appointed to enforce bylaws of the Town;
 - (iii) a Community Peace Officer appointed by the Solicitor General of Alberta and authorized by the Town; or
 - (iv) a member of the Royal Canadian Mounted Police
- (o) **“out of town Licence”** means a Licence that is issued to a business that is located outside of Town but is performing work in Town
- (p) **“pawn shop”** means a business that received goods that are held as security for an advance of money
- (q) **“person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative
- (r) **“resident”** means a person who resides or maintains a permanent business premises in the Town
- (s) **“second-hand store”** means a business that sells previously owned goods
- (t) **“special event”** means activities, including parades, occurring in the Town which are open to or intended to attract the public and will take place in or on publicly owned lands or facilities and where various vendors may operate during the event
- (u) **“Town”** means the Town of Penhold



- (v) “**violation ticket**” has the same meaning as in the *Provincial Offences Procedures Act*, RSA 2000, c. P-34, as amended

PART 2 - LICENSING

LICENCE REQUIRED

3. No person shall operate a business within the Town unless that person holds a valid Town of Penhold Business Licence.
4. Notwithstanding section 3 herein, businesses that are exempt from requiring a municipal Licence are required to register their business through the Licensing Officer.
5. A separate Licence is required for each location at which the business operates.
6. Where more than one business operates at the same location, each business must have a separate Licence.

LICENSING REQUIREMENTS

7. It is the responsibility of each Licencee to obtain as applicable, from the following as is required for the Licencee’s business:
 - (a) valid Municipal, Provincial and Federal Licences, permits, approvals, clearances and insurances; and
 - (b) valid development approvals under the Land Use Bylaw.
8. A Licencee shall immediately notify the Licensing Officer if any required Licence, permit, approval, clearance or insurance is suspended or revoked; and
9. A Licencee shall produce copies of the documents described in section 7(a) & (b) to the Licensing Officer upon request.
10. A Licence must be displayed in a prominent location on the business premises.

LICENCE APPLICATION

11. Before issuing a Licence a person must submit:
 - (a) an application in a form established by the Licensing Officer;



- (b) a current copy of the provincial business registration; and
 - (c) any additional information reasonably required by the Licensing Officer.
12. The Licencee shall promptly inform the Licensing Officer of any change in the information submitted in the Licence application.

EXEMPT BUSINESS REGISTRATION APPLICATION

13. Exempt businesses, prior to the issuance of a business Licence, must submit to the Licensing Officer any change in the information submitted in the Licence application.
14. There is no charge for business registration.
15. All registered businesses can be advertised in the Town's Business Directory.

TERM OF LICENCE

16. Unless a Licence is cancelled, revoked or suspended, a Licence issued under this bylaw terminates as follows:
- (a) weekly Licence – at the end of the seventh (7th) day for which the Licence was issued;
 - (b) seasonal Licence – period of time within the calendar year that is less than 4 months and expires no later than midnight, on the 31st day of December of the year for which the Licence was issued;
 - (c) yearly Licence – expires no later than at midnight on the 31st day of December of the year for which the Licence was issued;
 - (d) home occupation Licence – expires at midnight on the 31st day of December of the year for which the Licence was issued.
 - (e) Licencees are given until January 31 to renew their business Licence without penalty. Licences not renewed by midnight on January 31 are subject to penalties as outlined in Schedule B.

EXEMPTIONS

17. The following businesses are exempt from the requirement to obtain a business Licence:

- (a) charitable organizations;
- (b) non-profit Licenced family day homes;
- (c) the operator of a stall within a Farmer's Market;
- (d) any business that is working exclusively for the Town;
- (e) a newspaper and flyer delivery person who delivers the product to the house or business.
- (f) a residential garage sale that is on the residents property to a maximum of (4) weekends per calendar year.
- (g) any business that is exempt under Provincial or Federal legislations.

REFUNDS

18. Licence fees paid pursuant to the Fees and Charges Bylaw are not refundable.

MOBILE VENDING UNITS

19. Mobile vending units may only operate on private property in the **General Commercial District (C1)**, **Highway Commercial District (C2)**, **Light Industrial District (I1)** and **Industrial District (I2)** and on public land in the **Public Institutional District (PI)** as defined in the Land Use Bylaw as amended, and limited to public and quasi-public uses, Town owned parks, playgrounds, recreation facilities and parking facilities.

PART 3 – LICENSING OFFICER

POWERS OF LICENSING OFFICER

20. Without restricting any other power, duty or function granted by this Bylaw, the Licensing Officer may:
- (a) establish forms for the purposes of this Bylaw;
 - (b) carry out whatever inspections are reasonably required to determine compliance with this Bylaw;

- (c) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
- (d) require any person making application for a Licence to provide any information reasonably required to make a decision regarding the application;
- (e) require a person holding a Licence to provide any information reasonably required to make a decision regarding that Licence;
- (f) consider advice and recommendations from internal departments and outside agencies with respect to Licence applications and to determine whether the granting of a Licence to a particular applicant is appropriate and in the public interest;
- (g) issue a Licence with such terms and conditions as are deemed appropriate;
- (h) determine whether it is appropriate 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; and
- (i) in connection with pedicabs and quadricycles:
 - i. establish the hours of operation;
 - ii. establish the dates of operation.

REFUSAL, REVOCATION AND SUSPENSION

21. Subject to an appeal to the Licence Appeal Board, the Licensing Officer may refuse to grant any Licence and may impose any conditions on a Licence for any of the following reasons:

- (a) an applicant submits an application which does not comply with the requirements of this Bylaw;
- (b) the applicant or Licencee does not, or is no longer meeting the requirements of this bylaw;
- (c) the applicant or Licencee does not hold a valid certificate, authority, Licence or other documents of qualification under this or any other bylaw, or under any law of Canada or Alberta;
- (d) the Licencee or the applicant is not bona fide;



- (e) the Licencee is not worthy of public trust;
 - (f) the applicant or Licencee or any of its officers or employees;
 - i. furnishes false information or misrepresents any fact or circumstance to an Officer;
 - ii. has, in the opinion of the Licensing Officer based on reasonable grounds, contravened this Bylaw whether or not the contravention has been prosecuted;
 - iii. fails to pay a fine imposed by a court for a contravention of this Bylaw;
 - iv. has outstanding fees related to a business regulated under this Bylaw;
 - (g) in the opinion of the Licensing Officer based on reasonable grounds it is in the public interest to do so;
 - (h) the Licencee fails to allow an Officer or Licensing Officer to enter and inspect a unit for the purpose of determining compliance with this Bylaw.
22. Upon a Licence application being refused, or a Licence being revoked or suspended, the Licensing Officer shall notify the applicant of the refusal, revocation, or suspension and the reasons for it by:
- (a) delivering a notice to applicant or Licencee or any of its officers or employees personally;
 - (b) sending a notice by mail to the mailing address on the Licence application; or
 - (c) sending a notice by email to the email address on the Licence application.
23. Upon receipt of the notice of a revocation or suspension, the Licencee shall terminate the operation of the business immediately.

PART 4 – APPEAL PROCESS

24. Where the Licensing Officer refuses an application for a Licence, or suspends or revokes a Licence, the applicant may appeal the decision by submitting a written formal appeal to the Licensing Officer.
25. An applicant or Licencee wishing to appeal the decision of the Licensing Officer shall have five (5) business days from the date of refusal, revocation, suspension or



issuance subject to conditions, in which to make a written request to the Chief Administrative Officer stating the basis of the appeal, accompanied by the fee as shown in Schedule "A"; otherwise the right of appeal shall be barred and extinguished.

26. The appeal shall be heard by the Licensing Appeal Board, which shall consist of three (3) members of Council, at the time, and place set by the Chief Administrative Officer.
27. The Licensing Appeal Board shall hear the appeal within fourteen (14) days of receipt and shall give forty-eight (48) hours notice of the hearing in writing to the applicant.
28. The Licensing Appeal Board may, following a hearing of the appeal;
 - (a) confirm the refusal, revocation or suspension;
 - (b) direct that the Licence be issued;
 - (c) reinstate the revoked Licence; or
 - (d) remove or vary the suspension.
29. Where the Licensing Appeal Board finds that, in its opinion, that fault does not lie wholly with the applicant, the Licensing Board may refund all or part of the fee required.
30. A decision made by the Licensing Appeal Board on an appeal is final and binding on all parties.

PART 5 – ENFORCEMENT

OFFENSE

31. A person who contravenes this Bylaw is guilty of an offense.

CONTINUING OFFENSE

32. In the case of an offense that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offense is liable to a fine in an amount not less than the amount established by this bylaw, for each day the contravention continues.



VICARIOUS LIABILITY

33. For the purpose of this bylaw, an act or omission by an employee or agent of a person is deemed to be exercising the powers or performing the duties on behalf of the person under their agency relationship.

CORPORATIONS AND PARTNERSHIPS

34. When a corporation commits an offence under this bylaw, every principal, director, manager, employee, or agent of the corporation who authorized the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
35. If a partner in a partnership is guilty of an offence under this bylaw, each partner is guilty of the offence.

PROOF OF LICENCE AND EXEMPTION

36. The onus of proving that a person has a valid and subsisting Licence for a business is on the person alleging the Licence.
37. The onus of providing that a person is exempt from the provisions of this bylaw requiring a Licence is on the person alleging the exemption.

ENGAGING IN OR OPERATING A BUSINESS

38. Proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.

CERTIFIED COPY OF RECORD

39. A copy of a record of the Town, certified by the Chief Administrative Officer as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

FINES AND PENALTIES

40. A person who contravenes or fails to comply with any portion of this Bylaw is guilty of an offense and is liable to payment of the penalty specified in Schedule B of this Bylaw.



41. For an offence for which there is no penalty the following fine amounts are established for use on municipal tags and violation tickets if a voluntary payment option is offered:
- (a) \$300.00 for a first offence;
 - (b) \$500.00 for a second offence; and
 - (c) \$700.00 for a third or subsequent offence.
42. Where an Officer reasonably believes that a person has contravened any provision of this Bylaw, the Officer may, in addition to any other remedy at law, issue and serve upon the person a municipal tag or a violation ticket. The recording of the payment of a fine made to the Town pursuant to a municipal tag or to the Provincial Court of Alberta pursuant to a violation ticket shall constitute an acceptance of a guilty plea and a conviction for the offence.

MUNICIPAL TAG

43. An Officer is hereby authorized and empowered to issue a municipal tag to any person who the Officer has reasonable and probable grounds to believe has contravened any provisions of this Bylaw.
44. A municipal tag may be issued to such person:
- (a) either personally; or
 - (b) by mailing a copy to such person at his or her last known address.
45. The municipal tag shall be in a form approved by the Chief Administrative Officer and shall state:
- (a) the name of the person;
 - (b) the offence;
 - (c) the specified penalty established by this Bylaw for the offence;
 - (d) that the penalty shall be paid within 21 days of the issuance of the municipal tag; and
- any other information as may be required by the Chief Administrative Officer.



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- (a) \$300.00 for a first offence;
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- any other information as may be required by the Chief Administrative Officer.



PAYMENT IN LIEU OF PROSECUTION

46. Where a municipal tag is issued pursuant to this Bylaw, the person to whom the municipal tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified within the time period indicated on the municipal tag.

VIOLATION TICKET

47. If a municipal tag has been issued and if the specified penalty has not been paid within the prescribed time, then an Officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act*.
48. Notwithstanding Section 49, an Officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the *Provincial Offences Procedure Act* to any person who the Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
49. 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.

VOLUNTARY PAYMENT

50. A person who commits an offence may:
- (a) if a violation ticket is issued in respect of the offence; and
 - (b) if the violation ticket specifies the fine amount established by this Bylaw for the offence;
- make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the violation ticket, the specified penalty set out on the violation ticket.

OBSTRUCTION

51. No person shall obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this bylaw.



PART 6 – CONSULTATION

52. The Licensing Officer may consult with internal departments and external agencies regarding any Licence application for the issuance or renewal of a Licence.
53. Any notifications of concerns from internal departments or external agencies can be used by the Licensing Officer to make a decision on the issuance or renewal of a Licence.

PART 7 – CONSEQUENTIAL PROVISIONS

GENERAL

54. Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other Town bylaws, or any requirement of any lawful permit, order or licence.

SEVERABILITY

55. 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.

SCHEDULES

56. The following Schedules hereto attached form part of this Bylaw:
- (a) SCHEDULE A – SPECIFIED FEES/CHARGES
 - (b) SCHEDULE B - PENALTIES
 - (c) SCHEDULE C – MOBILE VENDING UNIT REGULATIONS – PRIVATE LAND

ENACTMENT

57. This Bylaw comes into force and effect when it has received third reading.
58. Bylaw 736/17 and its amendments are hereby repealed.



Read a First time by Council this 27th day of January, 2025

Read a Second time by Council this 10th day of February, 2025

Read a Third and Final time by Council this 24th day of February, 2025



Mayor Mike Yargeau



CAO, Rick Binnendyk

**BYLAW 834/2025
SCHEDULE A**

General Business Licence Fees	SPECIFIED PENALTY
Resident	\$70.00
Non-Resident	\$120.00
Specific Classification Business Licence Fees	
General Contractor with all sub-trades and subcontractors	
Up to eight (8) sub-trades	\$620.00
Each additional sub-trade fee per contractor	\$70.00
<i>It should be noted that the General Contractor must submit a listing of all sub-trades at the time of applying for a business Licence.</i>	
Non-Resident Single Contractor	\$70.00
<i>Less than seven (7) days contract/project duration</i>	
Non-Resident Single Contractor	\$95.00
<i>Less than three (3) month contract/project duration</i>	
Non-Resident Temporary/Weekly Licence	\$70.00
<i>Seven (7) days or less</i>	
Seasonal Licence	½ the fee
<i>Four (4) months or less</i>	
Other Charges	
Notice of change for Business Fee	\$25.00
Request for Appeal	\$100.00

**BYLAW 834/2025
SCHEDULE B
SPECIFIED PENALTIES**

SECTION	OFFENCE	SPECIFIED PENALTY
38	Engaging in or operating a Business without a valid Licence	\$400.00
7 (a) & (b)	Failure to obtain valid municipal, provincial or federal Licences, permits, approvals, inspections, clearances or insurances; or valid development approvals under the LUB.	\$200.00
9	Failure to produce documents to the Licensing Officer as required	\$200.00
16 (e)	Failure to renew business Licence prior to January 31 st deadline	
	MOBILE VENDING UNIT	
19 Schedule C	Breach of mobile vending unit Licence condition	\$200.00
	OBSTRUCTION	
51	Obstruct/hinder person in performance of powers	\$500.00

SCHEDULE C
MOBILE VENDING UNIT REGULATIONS

Any business that carries on a mobile vending unit with the Town must:

- (a) be self-contained;
- (b) maintain the unit at all times, in a sanitary, well-ventilated and clean condition;
- (c) Provide receptacles for waste and recycling for customers while the unit is operating;
- (d) regularly collect and dispose of any refuse within a six (6) meter radius of the unit while the unit is operating;
- (e) never leave the unit unattended;
- (f) not create any sight obstructions for pedestrians or vehicles;
- (g) not allow overhead canopies or vertically operating doors to obstruct or hinder safe pedestrian traffic;
- (h) not allow the unit to obstruct doorways, fire hydrants, driveways, loading zones, or emergency access routes;
- (i) orient the unit towards sidewalk traffic and away from any streets;
- (j) if operating a mobile food truck, place mats underneath the unit and clean up any grease or condiments which are produced by the unit or its customers;
- (k) ensure that any generator associated with the unit is reasonably quiet and not causing a disturbance;
- (l) not serve customers in their vehicles;
- (m) not actively solicit or harass anyone; and
- (n) not smoke within five (5) meters of the unit.

