



## **BYLAW # 442-24 BUSINESS LICENSE BYLAW**

A BYLAW OF THE VILLAGE OF MILO, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE CONTROL, REGULATION AND LICENSING OF BUSINESSES WITHIN THE MUNICIPALITY.

**WHEREAS**, the *Municipal Government Act, RSA 2000, Chapter M-26*, and amendments thereto, authorizes a Council to pass Bylaws for municipal purposes;

**WHEREAS**, PURSUANT TO Section 7(a) of the Act a Council may pass Bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

**WHEREAS**, pursuant to Section 7(e) of the 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 Act, a Council may pass Bylaws for municipal purposes respecting the enforcement of Bylaws made under the Act or any other enactment including any or all of the matters listed therein;

**NOW THEREFORE**, the Council of the Village of Milo duly assembled, hereby enacts as follows:

### **1) TITLE**

1.1 This Bylaw may be referred to as the "**BUSINESS LICENSE BYLAW**"

### **2) DEFINITIONS**

In this Bylaw, the following terms shall have the meanings shown:

- 2.1 "**Annual License**" refers to a license that is valid for the period between January 1<sup>st</sup>, and December 31<sup>st</sup>, of the year it was issued;
- 2.2 "**Applicant**" refers to any person who applies for a Business License or a renewal of a Business License as required by this Bylaw;
- 2.3 "**Application**" refers to a written request for a Business License or a renewal of a Business License, as within the Village of Milo as required by this Bylaw;



- 2.4 “Business”** refers to:
- 2.4.1 a commercial, merchandising or industrial activity or undertaking;
  - 2.4.2 a profession, trade, occupation, calling or employment; or
  - 2.4.3 an activity providing goods or services including but not limited to: profit generating special events, food trucks, street vendors, markets or Short-Term Rentals;
- 2.5 “Business Premises”** refers to any store, office, warehouse, residence, yard, motor vehicle, booth, mobile vending unit, push cart vending unit or other place occupied for the purpose of carrying on a business;
- 2.5 “Business License”** refers to a license issued by the CAO, pursuant to this Bylaw, for the purpose of licensing any Business operating within the Village of Milo;
- 2.7 “Carry on Business”** refers to conduct, operate, perform, keep, hold, occupy, deal in or use for gain whether as a principal or agent;
- 2.8 “Charitable or Non-Profit Organization”** refers to any person, association, or body corporate engaged in charitable activities, or engaged in the promotion of general social welfare within the Municipality, as defined by the Charitable Fundraising Act, R.S.A 2000 Chapter c-9 as amended and registered as such;
- 2.9 “CAO”** refers to the Chief Administrative Officer of the Village of Milo duly appointed by Village Council;
- 2.10 “Contractor”** refers to the business of accepting contracts for the construction and/or repair of buildings or other improvements or the person or company engaged in such business as the text requires;
- 2.11 “Community Peace Officer”** includes
- 2.11.1 A member of the Royal Canadian Mounted Police;
  - 2.11.2 A Bylaw Officer; or
  - 2.11.3 A community Peace Officer;
- 2.12 “Council”** refers to the elected officials forming the Municipal Council of the Village of Milo;



- 2.13 “Development Authority”** refers to a person or body authorized to perform duties on behalf of the municipality as per Land Use Bylaw 397-17, Section 12;
- 2.14 “Development Permit”** refers to a document issued by the Development Officer which authorizes development pursuant to the Village of Milo Land Use Bylaw. A Development Permit is separate and distinct from a Building Permit under the Land Use Bylaw;
- 2.15 “Fee”** the monetary amount levied on each application for a Business License as set out in Schedule “A” of this Bylaw or the Annual Rates and Fees Bylaw;
- 2.16 “Home Occupation”** as defined in the Land Use Bylaw;
- 2.17 “Home-Based Business”** as defined in the Land Use Bylaw;
- 2.18 “Land Use Bylaw”** refers to the Village of Milo Land Use Bylaw 397-17 as amended from time to time;
- 2.19 “Licensee”** refers to a person holding a valid Business License issued pursuant to this Bylaw;
- 2.20 “Market”** refers to a development used for the sale of new or used goods, crafts and/or food products by multiple vendors renting tables and space either in or out of an enclosed building. Vendors may vary from day to day, however the general layout to be rented out stays the same;
- 2.21 “Merchandise”** refers to commodities or goods that are bought and sold in a Business;
- 2.22 “Mobile Vendor”** refers to any person selling goods, foods, amusements or services from a mobile motor vehicle, trailer, or similar structure that is designed for offering the sale of goods, food, or services;
- 2.23 “Motor Vehicle”** refers to the meaning set out in the Highway Traffic Act, R.S.A. 2000 and amendments hereto;
- 2.24 “Municipality”** refers to the Municipal Corporation of the Village of Milo;



- 2.25 “Non-Principal Resident”** refers to a short-term rental unit that is a permanent dwelling but not someone’s principal residence;
- 2.26 “Prime/Principal Contractor”** refers to the Business of accepting contracts for a service, construction, alteration and repair of buildings or structures of any kind and the Person or firm engaged in such Business and is responsible for the day-to-day oversight of a construction site, management of vendors and trades, and communication of information to involved parties throughout the course of any project;
- 2.27 “Principal Resident”** refers to any place where any individual makes their home for a minimum of 240 days per year and for this purpose a person cannot normally reside at more than one dwelling or location;
- 2.28 “Provincial Violation Ticket”** refers to a violation ticket or similar document issued pursuant to Part 2 or Part 3 of the *Provincial Offences Procedure Act, R.S.A 2000, Chapter P-34*, as amended;
- 2.29 “Short-Term Rental”** refers to the business of providing temporary accommodation primarily utilized by visitors/tourists, in a dwelling unit or portion of a dwelling unit for periods of up to thirty (30) consecutive days and may be facilitated by online platforms (i.e., Airbnb). This includes Bed and Breakfasts for principal residence only.
- 2.30 “Special Event and Festivals”** refers to any music festival, dance festival, rave or any similar musical activity, sporting event, tradeshow, community not for profit organized event, or entertainment activity that is likely to attract 50 persons or more in any one 24-hour period which is held any place within the Municipality and to which members of the public are invited or admitted at charge or free of cost;
- 2.31 “Sub-Contractor”** refers to the business of contracting to provide a special service in relation to a particular trade or the person or firm engaged in such business, as the context requires;
- 2.32 “Transient Business”** refers to any business which sets up operations on public or private property, which comes into the Village to carry on its business, but does not maintain a permanent place of business within the Village of Milo or Vulcan County and who, as a principal or agent, offers for sale any service, merchandise or food product to any person. In these



instances, whether on public or private property, approval in writing from the landowner must be submitted to the CAO with the application.

**2.33** “Village” refers to the municipal corporation of the Village of Milo;

Terms not defined in this Bylaw will, where context permits, have the meanings assigned to them in the Municipality Land Use Bylaw. The above definitions shall apply to this Bylaw whether capitalized or not.

### **3) LICENSE REQUIREMENTS**

- 3.1** No person shall engage in or operate, within or partly within the Municipality, any Business described within this Bylaw or any Non-Resident Business unless that person is listed on the Registry authorizing the engagement in or operation of that Business within Village Limits.
- 3.2** It is the responsibility of the Applicant to obtain and hold valid Provincial and Federal licenses, permits, approvals, clearances, and insurances and produce copies of the same to the CAO upon request.
- 3.3** It is the responsibility of the Applicant to obtain and hold valid Development Permits issued by the Development Officer under the Land Use Bylaw where necessary.
- 3.4** Where a business operates at more than one Business Premises, each Business is required to be registered separately.
- 3.5** A business will not be approved:
  - 3.5.1** If the Applicant fails to provide all the information required or requested under this Bylaw;
  - 3.5.2** To any Applicant not properly licensed or approved or otherwise not in compliance with any Federal, Provincial, or Municipal Statute, Regulation or Bylaw.
- 3.6** A business is not approved without:
  - 3.6.1** Disclosure of legal name, address, phone number and email address

### **4) LICENSE APPLICATION and FEES**

- 4.1** Before the issuance or renewal of a License a person must submit to the Village of Milo:



- 4.1.1 an application form as provided by the Village;
- 4.1.2 the applicable License Fee;
- 4.1.3 any additional information as required by this Bylaw or any other Village of Milo Bylaw;
- 4.1.4 License Fees shall be levied as per Schedule "A" of this Bylaw or the Annual Rates and Fees Bylaw whichever is most recent

**4.2 Business License Fees are levied as follows:**

- 4.2.1 The fee payable for a Business License from January 1 to December 31 shall be full amount as per Schedule "A" or as listed in the most recent Rates and Fees Bylaw;

**5) BUSINESS LICENSE EXEMPTIONS**

**5.1 a Business License is not required for the following:**

- 5.1.1 A Charitable or non-profit Organization registered under the *Societies Act, R.S.A 2000 Chapter S-14* and amendments hereto;
- 5.1.2 A business for which the activities are carried out as a Farmer's Market association
- 5.1.3 Any Business which is excluded from the requirements of this Bylaw by an Act of the Legislature or other Provincial Statute including but not limited to the following:
  - a) the Alberta Dental Association and College,
  - b) the Law Society of Alberta,
  - c) the Pharmacy and Drug Act,
  - d) Health Professions Act,
  - e) Chartered Professional Accountants Act,
  - f) Insurance Act,
  - g) Architects Act,
  - h) Land Surveyors Act,
  - i) Engineering and Geoscience Professions Act, and
  - j) Professional and Occupational Associations Registration Act.

**6) LICENSE APPROVAL, REFUSAL, SUSPENSION OR REVOCATION**

**6.1 Prior to issuing or renewing a License, the Development Authority and Community Peace Officer may consult with authorities and agencies.**

**6.2 Where a Person intends to carry on Business at a specific premise or location within the Village of Milo the person shall, prior to the Development Authority and Community Peace Officer issuing a License,**





ensure that all necessary approvals under Village of Milo Bylaws have been obtained and shall provide satisfactory proof thereof to the Village of Milo.

- 6.3 Development Officer or Community Peace Officer may determine that it is inappropriate to issue a License to a Person where the safety, health or welfare of the public may be at risk due to the issuance of a License.
- 6.4 Where a License has been issued in error without all the necessary approvals required pursuant to this Bylaw the Community Peace Officer may revoke the License.
- 6.5 Where any certificate, authority, License or other document of qualifications under this Bylaw or any other bylaw or under any statute of Canada or the Province of Alberta is suspended, cancelled, terminated or surrendered, the Community Peace Officer shall suspend any License issued under this Bylaw based I whole or in part on the certificate, authority, License or other document of qualification.

## **7) INSPECTIONS**

- 7.1 No person shall attempt to prevent, obstruct or hinder the Community Peace Officer from making an inspection authorized by this Bylaw

## **8) PROVISIONS FOR HAWKERS, BUSKERS, PEDDLERS, MOBILE VENDORS & DOOR TO DOOR SALES**

- 8.1 No person shall commence, or carry on or engage in, Business of a Hawker, Busker, Peddlers, Mobile Vendors & Door to Door Sales on Public or Private property within the Village of Milo unless and until such person has landowner consent.
- 8.2 Door to door sales must be licensed under the Consumers Protection Act Revised statutes of Alberta 2000, Chapter C-26.3, as amended and the Direct Selling Business Regulation per service Alberta Requirements.

## **9) PROVISIONS FOR SHORT TERM RENTALS**

- 9.1 No person shall Carry on Business of operating a Short-Term Rental within the Village of Milo unless that Person has a valid Development Permit including a Land Use Waiver as per the Village of Milo Land Use Bylaw and a current and subsisting Business License, in accordance with this Bylaw.



- 9.2** In addition to Subsection 4.1, an applicant for short Term Rental Business License must provide the following items as part of their application, in a form satisfactory to the CAO:
- 9.2.1 a current Development Permit including the waiver for Land Use as per the Village of Milo Land Use Bylaw
  - 9.2.2 proof of current Home-Sharing Insurance, in the amount and form deemed appropriate by the CAO;
  - 9.2.3 proof of a fire prevention inspection
- 9.3** No person shall advertise a Short-Term Rental without a valid and subsisting Business License, and:
- 9.3.1 Any Short-Term Licensee who advertises or causes advertising to be distributed respecting the Short-Term Rental must include the valid Business License number within the advertisement.
- 9.4** A Short-Term Rental Licensee must post, in a conspicuous location within the interior of the Short-Term Rental:
- 9.4.1 an emergency contact list which includes the name, phone number and email address of an emergency contact who can be reached twenty-four (24) hours per day during rental periods.
  - 9.4.2 the valid License in accordance with this Bylaw.
- 9.5** A Short-Term Rental Licensee must possess and maintain the following within the Rental:
- a) portable fire extinguisher;
  - b) smoke detector(s);
  - c) carbon monoxide detector(s); and
  - d) a source of emergency lighting.
- 9.6** An applicant for a property owned by another person or authority must submit a letter of permission from the property owner outlining:
- 9.7.1 The approval to operate a Short-Term Rental at the specific address; and
  - 9.7.2 any additional requirements requested of the applicant by the landlord or the authority for CAO review.
- 9.7** Only one (1) Short-Term Rental is permitted per parcel unless otherwise specified in the Land Use Bylaw for the Land Use District in which the Short-Term Rental is located.





- 9.8 A Short-Term Rental is only permitted within the approved Dwelling Units as defined in the Land Use Bylaw, which are only permitted within the Residential Land Use District.
- 9.9 A Short-Term Rental is required to undertake an inspection by Alberta Health Services and a fire inspection by the local Fire Department.
- 9.10 The CAO and/or Village Council will set an annual cap on the number of Business Licenses distributed to Short-Term Rental Applicants.
- 9.11 A Short-term Rental Licensee must not allow more than two (2) guests to bedroom, not including Persons under the age of twelve (12).

## **10) PROVISIONS FOR SPECIAL EVENTS**

- 10.1 No Person shall Carry on the Business of operating a Special Event within the Village unless that Person has a valid and subsisting Business License, in accordance with Subsection 3.1.
- 10.2 For the Purpose of this Bylaw, the location of the Special event will be considered the Business License Premises of the Special Event, however all venues must be listed as part of the application.
- 10.3 An application must be submitted no later than thirty (30) days prior to hosting a Special Event.
- 10.4 In addition to Section 3 an applicant for a Special Events Business License must provide the following items as part of the application:
  - 10.4.1 a plan outlining the description, anticipated size and duration of the event and the safety and security measures being taken;
  - 10.4.2 a map detailing the location(s) of activities, temporary structures, and other details as may be required by the CAO.
  - 10.4.3 liability insurance, in a manner described under Section 11 of this Bylaw;
  - 10.4.4 an Alberta Gambling and Liquor Commission (AGLC) liquor license, if liquor will be served or sold at the Special Event.

## **11) LIABILITY INSURANCE**

- 11.1 The CAO may require a policy of liability insurance to be held in connection with carrying on of any Business, and the applicant shall furnish proof of such insurance upon a request of the CAO.



- 11.2** The liability insurance policy required to be held by an applicant under this Section must:
- 11.2.1 be issued by an insurance company registered and licensed to do Business in the Province of Alberta;
  - 11.2.2 be in an amount sufficient in the opinion of the CAO to cover public liability for all personal injury and property damage which may occur by reason of the operation of the Business; and
- 11.3** Notwithstanding the existence of any liability insurance or the failure of the Village to require the acquisition of such insurance, neither the Village nor any official, servant, employee or agent of the Village is liable for any damages or losses sustained or suffered by any Person by reason of:
- 11.3.1 the issuance of any license;
  - 11.3.2 the acts or omissions of a Licensee or Person acting on his behalf; or
  - 11.3.3 anything done or not done in any way connected with a License or this Bylaw.
- 11.4** Where a policy of liability insurance expires during the License year, the Licensee shall provide the CAO with proof of the renewal. Where a policy of liability insurance expires or is cancelled or terminated, the applicable License shall be automatically revoked and the Licensee shall cease carrying on Business until the revocation is lifted or a new Business is issued by the Village.
- 11.5** Where the CAO requires a policy of liability insurance in connection with the carrying on of any Business, a License to Carry on the Business shall not be issued or renewed unless the applicant indemnifies and saves harmless the Village against any and all loss, damage, claims, actions judgements, costs and expenses suffered or sustained by reason of or in connection with the carrying on of the Business.

## **12) DUTIES OF COMMUNITY PEACE/BYLAW OFFICER**

- 12.1** A Community Peace Officer or Bylaw Officer may commence proceedings by issuing a summons by means of a Provincial Violation Ticket in accordance with Part 2 of the *Provincial Offenses Procedure Act*, R.S.A 2000 Chapter P-34 as amended where a Peace Officer or Bylaw Officer believes on reasonable and probable grounds that a person has:



- 12.1.1 Carried on or operated a Business without a valid and subsisting Business License issued under this Bylaw;
- 12.1.2 Violated a Business License condition imposed by a Community Peace Officer or Bylaw Officer; or
- 12.1.3 Contravened any other provision of this Bylaw.

### **13) OFFENSE**

- 13.1 A Person who contravenes this Bylaw is guilty of an offense.
- 13.2 In case of an offence that is of a continuing, a contravention constitutes a separate offense 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 as per Schedule "B" of this Bylaw or as stated in the Village of Milo Annual Rates and Fees Bylaw, in an amount not less that established by this Bylaw.

### **14) FINES & PENALTIES**

- 14.1 Should a person not pay the penalty provided or contravene any section of this Bylaw and a prosecution has been entered against him/her/them, he/she/they shall be liable on summary conviction to the penalties legislated under Section 566 of the Act, in addition to any License fee he/she/they may be required to pay.

### **15) RESPONSIBILITIES**

- 15.1 The responsibilities of the Business owner:
  - 15.1.1 To provide a completed application to the CAO prior to doing business in the Village of Milo
  - 15.1.2 To keep CAO updated as to any changes of information
- 15.2 The responsibilities of the CAO:
  - 15.2.1 To review applications and grant approvals
  - 15.2.2 To maintain a Registry of Approved Businesses
  - 15.2.3 To review and publish an online Registry annually
  - 15.2.4 To remove any Business from the Registry which does not provide information as requested



**15.3 The responsibility of the property owner:**

15.3.1 To complete a Business Permit application including fees annually

15.3.2 To inform businesses and contractors of this Bylaw

15.3.3 To obtain a Fire Prevention Inspection

**16) EFFECTIVE DATE**

**16.1 This Bylaw shall come into force and effect January 1,2025.**

**READ A FIRST TIME 14th, DAY OF MAY,2024.**

  
\_\_\_\_\_  
Scott Schroeder, Mayor

  
\_\_\_\_\_  
Wendy Hingley, Chief Administrative Officer

**READ A SECOND TIME 13<sup>th</sup>, DAY OF AUGUST,2024.**

  
\_\_\_\_\_  
Scott Schroeder, Mayor

  
\_\_\_\_\_  
Wendy Hingley, Chief Administrative Officer

**READ A THIRD TIME AND PASSED THIS 10<sup>th</sup>, DAY OF SEPTEMBER,2024.**

  
\_\_\_\_\_  
Scott Schroeder, Mayor

  
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Wendy Hingley, Chief Administrative Officer



