Operating a Home-Based Business in Grand Falls-Windsor?

Guide to Municipal Regulations





Home-Based businesses are a growing part of the character of communities. The Town of Grand Falls-Windsor Development Regulations allows occupants of dwellings to conduct certain businesses from their homes. The Home-Based Business Regulations are intended to seek a balance between supporting a quiet, safe and aesthetic residential environment while permitting individuals to work from home to assist in their quest and right to earn a livelihood. There is also a hope that the Home-Based businesses that prosper will expand and locate within the traditional commercial business community.

This document is prepared in a question and answer format to assist applicants with questions regarding operating a Home-Based business in Grand Falls-Windsor.

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Legal Disclaimer

This guide provides a general overview of the regulations, permits and procedures applicable to doing business in the Town of Grand Falls-Windsor. The Town of Grand Falls-Windsor does not guarantee, warrant or make any representations that the information contained herein is the complete authority on regulations, permits, taxes and processes as they apply to business.

What is a Home-Based Business?

Home-Based Business means an Accessory business use to a residential Dwelling Unit where a resident conducts a profession or occupation that is clearly incidental to the primary Residential Use and is in accordance with the provisions defined by Regulation 14.0 Home-Based Businesses of the Development Regulations; excludes adult entertainment, automobile repair and servicing, tow truck operations and similar other uses that are not in character with the Residential Use of the neighbourhood.

What are some examples of Home-Based Businesses?

The following examples of occupations and professions, and similar uses may be conducted as a Home-Based Business:, Business and professional offices, excluding real estate offices, but including medical and dental offices, Artisan and other home crafts, Shoe repair, dressmaking, sewing repairs and tailor shop, pet grooming. Refer to the Home-Based Business Regulations, page 6, for more examples of permitted, excluded and Discretionary Uses.

What is involved with processing a Discretionary Use Application?

If the proposed business is deemed a discretionary use the applicant will be notified and the \$150 processing fee must be paid to the Cashier, Town Hall, 5 High Street to initiate the following:

- A notice will be posted to the Town's Facebook page and mailed to all persons whose land is in the immediate vicinity. This process is intended to inform the public that an application for a Home-Based Business has been received and that the type of business is considered a discretionary use, provide details of the application and to allow an opportunity for public input on the proposed development. A minimum period of seven (7) days will be given for response.
- Representations, if any, that are received will be submitted to Public Works & Development for review and make recommendation to Council.
- In consideration of an application for development, Council may, in its discretion and as a result of its review and consideration of issues identified within Regulation 3.6, conditionally approve or refuse and reject the application. In the evaluation and review of the Development Permit application, the Town Council as the approving Authority on development proposals may further determine to make a decision on an application on the basis of the following Regulations 3.6.1 to 3.6.11.
- The discretionary use process is approximately 4 to 6 weeks (Dates for committee and Council meetings are subject to change).

Is a Council decision required to approve a Home-Based Business?

Council approval for a Discretionary Use application is required as stated above. Permitted Uses do not require Council approval.

How do I register/apply to operate a Home-Based Business in Grand Falls-Windsor?

The following information is to be submitted to the Cashier's Office:

- 1. Home-Based Business Application Form (page 6);
- **2.** A scaled floor plan illustrating location and dimensions of the Home-Based business within the dwelling;
- **3.** License/s or approvals (if required) from agencies having jurisdiction or authority, ex. Food safetly, child care;
- 4. \$25 Administration Fee
- 5. \$150 Discretionary Use (if applicable) the applicant will be notified during review if the proposed business is a Discretionary Use.

How long does the registration process take?

Permitted Uses are usually processed within five(5) working days.

The Discretionary Use process is approximately 4 to 6 weeks (Dates for committee and Council meetings are subject to change).

What are the Home-Based Business Regulations?

The Home-Based Business Regulations are cited in Section 14.0 of the Town of Grand Falls-Windsor Development Regulations 2012-2022. These regulations outline the general regulations and lists occupations and professions (or similar uses not listed) that are permitted, excluded or discretionary. (Refer to Home-Based Business Regulations page 6)

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Are there other permits or approvals required?

Licenses/s or approvals (if required) from agencies having jurisdiction or authority ex. Food safety, child care.

The applicant will be notified if Service NL. approvals for fire life safety or building accessibility are required. A plan review from Service NL is only required if a portion of the home, that is dedicated to the business only, has its own separate entrance, for example, conversion of attached garage to a business. Walk-ins would always warrant a review from Service NL.

Approvals and permits are required for renovations or additions and signage. Please contact the Department of Public Works and Development located in the Town Hall, 5 High Street, 489-0427 or email permits@townofgfw.com for more information.

Is Signage permitted for my Home-Based Business?

A Home Based Business may have one non-illuminated sign not exceeding 0.20 m2 which includes the name of the Home Based Business and/or that of the license holder. The sign shall be placed within or flat against the main front wall of the dwelling unit or on an entry feature such as a gate, fence or steps, as approved by the Authority. (Application for Signage Permit page 13)

What happens when my Home-Based Business Application is approved?

When an application is approved, The Public Works & Development Department will notify the applicant via email with an attached Business Permit for the applicant's signature and date. The Business Permit establishes the conditions of permit and is to be signed by both the applicant and the Public Works & Development Department. Once received by the Public Works & Development Department, staff will then sign, date and email the Business Permit (with any related documents) to the applicant.

Can a Home-Based Business Permit be revoked?

As per Section 3.6.9 (6) Development Permit and Policy #E-16 Permit Revocation Process, the Town of Grand Falls-Windsor can revoke a permit for failure by the holder to comply with these regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.

Is there a business tax charged for Home-Based Businesses?

Class 1 \$250.00 Basic/Short Term Rentals

Class 2 \$350.00 Insurance/Professional/Trades

Class 3 \$500.00 Cleaning/Contractors Construction/Trucking

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Who can I contact if I have questions?

For general questions regarding the application process, help with completing the application:

Department	Contact	Phone	e-mail
Public Works &	Planning/GIS Technician	709-489-0211	planning@townofgfw.com
Development			

For permits required for renovations or additions and signage:

Department	Contact	Phone	e-mail
Public Works &	Permits	709–489-0427	permits@townofgfw.com
Development			

For support to help identify opportunities for growth and future sustainability:

Department	Contact	Phone	e-mail
Community Services	Economic & Business	709-489-0442	business@townofgfw.com
	Development		businesse townorgiw.com

Cashier

Department	Contact	Phone	e-mail
Corporate Services	Cashier	709-489-0402	cashier@townofgfw.com



P.O. Box 439, 5 High Street, Grand Falls-Windsor, NL A2A 2J8 Phone: (709) 489-0211 Fax (709) 489-0465 planning@townofgfw.com www.grandfallswindsor.com

Permit #:	
Date Received:	
Permit Fee:	

Application for Home-Based Business Permit

1. CONTACT INFORMATION (TO be		
	Business Name:	
Mailing Address:	Business Address:	
Postal Code:	Postal Code:	
	Telephone: Cell:	
Fax:	Fax:	
E-mail:	E-mail:	
Property owner (if different from appli	ant):	
	Telephone:	
	E-mail:	
2. BUSINESS INFORMATION (T	be completed by the Applicant)	
Description of Home Based Business: (x. what kind of business, equipment being used, if any, etc.)	
(For businesses that are deemed a Dis	retionary Use refer to the Home Based Business Guide, page 1)	
Days and hours of business operations:		
Days and nours of business operations.	Square footage area of	
house Square foots	ge area of Home Based Business Will an accessory bui	ilding
	ate size of buildingsq. feet (Refer to "Operating a Home-Bas	sed
Business in Grand Falls-Windsor, page	8, 14.5 General Regulations)	
3. BUSINESS DESCRIPTION (To	be completed by Applicant)	
(Attach any additional materials, map	correspondence, surveys, plans, etc.)	
Number of On-Site Parking Spaces:	Proposed Start-up Date:	
Do you propose to store goods/equipn	ent on site? No Yes If yes, indicate location & size of storage area	
Will people come to your home regard	ng business? No Yes If yes,visits per day.	_
Is signage proposed for the Home Base	d Business? No Yes If yes, Signage Permit required (Refer to	
("Operating a Home-Based Business i	Grand Falls-Windsor, page 9, 14.7 Signage For Home-Based Business &	
page 11 for Application for Sign Perm	t)	
Will you be requiring any renovations	o your current residence to accommodate this business?No Yes	
(If Yes, please indicate what renovation	· — —	
.,,	- · · · · · · · · · · · · · · · · · · ·	

Home Based Business Application (HBB) Checklist

Home Based Business Application Form completed in full

Applicants Signature & Date

Floor Plan (if required)

Administration fee of \$25

Owner's Signature & Date (if required)

Discretionary Use fee of \$150(payable if required). Applicant will be notified during review if required. (The discretionary use process is approximately 4 to 6 weeks)		
(The discretionary use p	modess is approximately 4 to 6 weeks)	
comply with all Municipal Regu codes, and agree to build in acc	n and confirm that the information supplied is complete and correct. I agree to ulations and By-laws, the latest edition of the National Building Code, ancillary cordance with the plans approved by the Town of Grand Falls-Windsor; and will not without applicable written approval and permits from the Town.	
Applicant's Signature: X	Date:	
	T AND THE PROPERTY OWNER ARE NOT THE SAME, THE SIGNATURE OF THE REQUIRED BEFORE THE APPLICATION CAN BE ACCEPTED FOR PROCESSING.	
Owner's Signature: X	Date:	
This Section for Public Works 8	2 Davidanment User	
	Zoning: Type of Business: Discretionary Use:	
	No Yes If Yes, Date Received:	
	Yes If Yes, Date Received:	
Comments:		
Staff Signature:		

Licenses/s or approvals (if required) from agencies having jurisdiction or authority ex. Food safety, child care

14.0 HOME BASED BUSINESSES

14.1 ACCESSORY USE

All home-based businesses shall:

- Be considered clearly as secondary and accessory uses to the primary residential use of the property;
- Maintain the privacy and enjoyment of adjacent residences and the character of the neighbourhood;
- Be entirely enclosed within a building, except a Child Care Centre is to use the rear yard as a play area;
- Not involve any internal or external structural alterations to the primary residential dwelling unit;
- Not externally indicate in any manner, other than one permitted sign, that the residential dwelling is being used for any other use than a residential use;
- Not involve the unenclosed storage or display of any materials related to the Home-Based Business use, except for plants and trees;
- · Be subject to a potential additional municipal water fee as determined by the Authority;
- Be subject to an annual business licensing requirement, as determined by the Authority.

14.2 PERMITTED USES

Only the following occupations and professions, and similar uses not specifically listed as follows, may be conducted as a home-based business:

- Business and professional offices, excluding real estate offices, but including medical and dental offices;
- Artisan and other home crafts;
- 3) Food preparation for catering services and baking;
- 4) Bed and Breakfasts;
- 5) Music and dance lessons and educational tutoring;
- Telephone and mail order business;
- 7) Art gallery and framing shop;
- 8) Pet grooming services;
- 9) Shoe repair, dressmaking, sewing repairs and tailor shop;
- 10) Furniture repair and upholstery;
- 11) Sale of bedding plants, produce, and trees grown on the same lot;

- 12) Varied personal service uses that do not disrupt the residential character of the neighbourhood such as small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists and insurance agents; and,
- 13) Discretionary Uses as approved by the Authority.

14.3 EXCLUDED USES

An accessory home-based business shall not include any business activity related to any of the following uses:

- Occupations that discharge or emit odors, noxious or toxic matter or vapors; heat, glare, noise and/or radiation;
- Manufacturing;
- · Welding;
- · Light industrial use;
- · The salvage, repair, maintenance or sales of motor vehicles, motor vehicle engines or parts;
- Tow truck operations;
- The use of mechanical or electrical equipment except as ordinarily utilized in purely domestic, household, recreational hobbies or a home office use;
- The use of any motor vehicle exceeding 4,500kg (9,920lbs.) licensed gross vehicle weight, or a commercial vehicle unless such vehicle is completely enclosed within a building;
- Materials and commodities that involve delivery to and from the home-based business residence in such bulk or quantity as to require regular or frequent delivery by a commercial vehicle or trailer;
- Occupations that result in traffic congestion, on street parking overflow, electrical interference, fire hazards or health hazards;
- Veterinary clinics, pet breeding and boarding kennels;
- Orchestra and band training;
- Tutoring or lessons for more than 3 classes per day to a maximum of 6 students per day;
- Office uses that generate regular daily visits by clients;
- · Public assembly use;
- Telephone or mail order sales of goods where customers enter the premises to inspect, purchase or take possession of goods;
- The sale of any commodity not produced on the premises;
- · Warehouse outlet;
- Contractors Yards:
- · Adult Entertainment Uses; and,
- Any other use that is not complimentary to the quiet enjoyment of a residential neighbourhood.

14.4 BEAUTY SALONS AND OTHER USES

- Beauty salons, hair stylists, barbers, massage services and tanning salons shall only be
 permitted as Home Based Business uses as a Discretionary Use, on the basis of specific
 outlined conditions being addressed by an applicant, and as approved by the Authority,
 except on properties larger than 0.8ha within the RR-1 and Rural zones where such uses are
 permitted as a Home Based Business.
- Beauty salons, hair stylists, barbers, massage services and tanning salons that are currently licensed as home base business but become non-conforming upon registration of these Development Regulations, shall be allowed to continue, and are subject to Regulation 14.5 and 14.6; and,
- Home based businesses for beauty salons, hair stylists, barbers, massage services and tanning salons shall not be open nor operate past 9 p.m. each evening.

14.5 GENERAL REGULATIONS

- No more than two home-based businesses shall be permitted within any one residential dwelling unit or accessory building;
- A home-based business shall only be conducted by the residents of the dwelling unit where the business is located;
- A home-based business use shall occupy less than 25% of the total floor area space of the dwelling unit, except for a Child Care Centre which may use 50% of the total area space of the dwelling unit and where an accessory building is used for the home-based business;
 Refer to Regulation 14.11.
- Home based businesses shall have a maximum of 3 employees per home-based business
 use, including not more than 1 non-resident employee;
- Any and all persons intending to conduct a home-based business shall apply to the Town for an application for a business license on the form prescribed by Council Policy; and,
- Home based business licenses may be subject to annual review and evaluation, including an
 assessment of any neighbourhood complaints received. Council may determine to not
 renew any home-based business license for an operation that is deemed not to be in full
 compliance to the requirements of Regulation 14.0 of the Development Regulations.

14.6 HOME BASED BUSINESS PARKING REQUIREMENTS

 In addition to the two required parking spaces for a residential zone use, a Home-Based Business shall provide one additional parking space for each non-resident employee working at such facility;

- A minimum of two parking spaces are required for Home Based Business uses involving students, patrons and a Child Care Centre, and for a Bed and Breakfast Use;
- All parking spaces are to be provided on the Lot for the Home-Based Business use and are to be paved or otherwise made durable and dust free; the front yard shall not be used to provide the required parking spaces; and,
- The Home Base Business applicant shall provide a Site Plan that indicates the parking spaces location and any landscape improvements related thereto at time of business license application.

14.7 SIGNAGE FOR HOME BASED BUSINESSES

A Home-Based Business may have one non-illuminated sign not exceeding 0.20 m² which includes the name of the Home-Based Business and/or that of the license holder. The sign shall be placed within or flat against the main front wall of the dwelling unit or on an entry feature such as a gate, fence or steps, as approved by the Authority.

14.8 BED AND BREAKFAST USE

- Bed and Breakfast uses are only allowed as a discretionary use within the Principal Building
 in the RS, RR-1 and Rural zones, and within Single Family Residential dwellings in the RM
 zones, and where such dwelling units are well maintained and attractive to the intended
 tourism accommodation use;
- Bed and Breakfast proposed uses will need to address the discretionary use provisions for conditions of use, including neighbourhood consultation and receive approval of the Authority;
- Bed and Breakfast proposed uses are subject to the National Building Code and municipal inspection;
- The principal use of the residential dwelling unit shall continue to be the home for the
 ongoing occupation by a single family; no other use such as for a Residential Care or
 Boarding use shall be permitted at the same time as a Bed and Breakfast use;
- The person(s) operating the Bed and Breakfast shall hold a valid license issued by the agency/ agencies having jurisdiction or authority; including a Business licence from the Town;
- No more than four bedrooms accommodating not more than eight persons at any one time may be used by residential homes for a Bed and Breakfast use; or at the discretion of Council;
- Breakfast is the intended meal to be provided to the Bed and Breakfast patrons; and,
- A Bed and Breakfast Use is not permitted within a subsidiary apartment, a mobile home or within multi-unit dwellings units in the RM zones.

14.9 CHILD CARE CENTRE AS HOME BASED BUSINESS

- A Child Care Centre shall be permitted in the Rural and RR-1 zones, but shall be a discretionary Use within the identified RS and RT zones;
- A Child Care Centre shall be duly licensed and approved, staffed, equipped and operated in accordance with the requirements of the agencies having jurisdiction or authority; and,
- A Child Care Centre operating as Home-Based Businesses shall be sited a minimum of 300 m from another Child Care Centre.

14.10 HOME BASED BUSINESS APPLICATION

All Home Base Businesses are to apply for a license to operate or to continue to operate within a residential zone property, on the application form prescribed by Council Policy.

14.11 HOME BASED BUSINESS USE OF ACCESSORY BUILDINGS

- 1. A Home Occupation in an Accessory Building is subject to the following:
 - a. the Accessory Building shall comply with other requirements set out in Section 14;
 - b. have no wholesale sales; retail sales may be permitted provided they are incidental to the home business;
 - be operated by a resident of the dwelling to which the accessory Building is associated and not employ more than 2 non-residents;
 - d. have activities associated with the home business which are not hazardous and which do not cause a significant increase in traffic, noise, odour, dust, fumes, lighting or other nuisance or inconvenience to residents of nearby properties;
 - e. have sufficient parking to accommodate the home business and the Dwelling Unit; and
 - f. have no change in type, nature, or intensity without the approval of Council.

14.12 SHORT-TERM RENTAL

-not listed in CD Zoning Requirements Section 28.0

- listed in RT
- listed in CG

- 1. Short-Term Rental uses are only allowed as a discretionary use within the RR-1, RS, RM, CD and Rural zones, and where such dwelling units are well maintained and attractive to the intended tourism accommodation use;
- Short-Term Rental proposed uses will need to address the discretionary use provisions for conditions of use, including neighbourhood consultation and receive approval of the Authority;
- 3. Short-Term Rental proposed uses are subject to the National Building Code and municipal inspection

- 4. No other use such as for a Residential Care or Boarding use shall be permitted at the same time as a Short-Term Rental use;
- The person(s) operating the Short-Term Rental shall hold a valid license issued by the agency/ agencies having jurisdiction or authority, including a Business licence from the Town;
- 6. No more than three bedrooms accommodating not more than six persons at any one time may be used by residential homes for a Short-Term rental;
- 7. A Short-Term Rental Use is not permitted within a mobile home.



P.O. Box 439, 5 High Street, Grand Falls-Windsor, NL A2A 2J8 Phone: (709) 489-0211 Fax (709) 489-0465 planning@townofgfw.com www.grandfallswindsor.com

Permit #:	
Date Received:	
Permit Fee:	

Application for Signage Permit

No sign or advertisement shall be erected or displayed within the Planning Area unless a permit for the sign or advertisement is first obtained from the Authority.

CONTACT INFORMA	TION		
Applicant: Address:):
City/Town/Province Postal Code: Telephone: Email Address:	2:	Postal Code: Telephone:	
SIGN INFORMATION			
Proposed Location: (address)		Property Owner: Address:	bac To
	(refer to section 14 of Policy for Signs and Advertisements)	City/Town/Province: Postal Code: Telephone:	
5	Width Height		
Description:			
SIGNATURE OF AGR	EEMENT		
I do solemnly declare	e that the information herein contained i	in the said application are true	and correct to the best of my knowledge.
Applicants Signatur	e:	Dat	e:
Property Owners Si (if applicable)	gnature:	Dat	re:

14.11 (xiv) When erecting a sign on property other than your own, written permission from the property owner will be required.

TOWN OF GRAND FALLS-WINDSOR

ENGINEERING & PUBLIC WORKS POLICY # E-16

Policy Subject:	Permit Revocation Process		
Date Approved:	October 1, 2019	Revised:	
Purpose:			
	To establish procedure and guidelines in revoking a permit that had previously been issued to a resident or business.		

Policy

The Town of Grand Falls – Windsor has procedures and guidelines in place to review applications for various permits including but not limited to residential and commercial permits, business permits (including home based business permits), sign installation, etc. (Hereafter referred to as the *permit*). Included in the approval of permits are some strict guidelines and/or conditions which *must* be adhered to in order to maintain in good standing.

If there is a concern or condition that puts the resident or business in violation that would potentially have the permit revoked, the following steps are to be followed:

- 1. A written notice is to be issued to the business/resident that must contain the following:
 - a. The details of the violation(s) (include photos where possible).
 - b. State that corrective action MUST be taken and specify a deadline to have such action completed that is determined by the Chief Administrative Officer (CAO) or designate.
 - c. State that the business/resident must provide the Town with their planned corrective action and schedule to have such work completed.
 - d. Note that if correspondence with a satisfactory plan of corrective action is not received by the deadline or the work is not completed by the date set by the CAO or designate, a second notice will be issued.
- 2. If the business/resident fails to comply with the requirements in 1 above to come in compliance with the permit as issued, a second notice (as referred in 1(d) above) is to be issued. This second notice must contain the following:
 - a. Details of the violation(s) and a description of continuing issues if any (include photos where possible).
 - b. Statement of a due date that applies if certain actions are not completed. The due date is determined by the CAO or designate (3 weeks maximum) and if the matter is not resolved in the opinion of the CAO or designate it will be referred to a Public Works & Planning Committee meeting or a Committee of the Whole (COW) meeting for review.
 - c. The second notice shall include the date of the next applicable Public Works Committee or the Committee of the Whole meeting where the matter will be discussed.
- 3. If the business/resident fails to comply with the requirements of the second notice then the matter shall be referred to the Public Works Committee or a Committee of the Whole meeting,
 - a. The business/resident has one opportunity to address this issue with Council and <u>must</u> notify the CAO or designate within 7 calendar days prior to the meeting date set in the letter. Late notifications <u>will not</u> be accepted. At this meeting the business/resident has an opportunity to present their case if they have met the deadline. There will not be any other opportunities to present their case to Council. The Public Works and Planning Committee or the Committee of the Whole will deliberate the information presented in committee and make its recommendations, in the absence of the business/resident, to Council that will be voted upon in a subsequent public meeting.

- b. The date and time of the subsequent public Council meeting where the permit is to be discussed and voted upon shall be communicated in writing to the business/individual with not less than 3 days' notice.
- 4. All Committee members <u>MUST</u> be present at the Public Works & Planning Committee meeting (or a majority of Council at COW) where this is addressed. Committee meeting will give an opportunity for discussion or presentations to be given by the business/resident (if conditions are met in 2 above); information provided by the CAO or designate; and the conditions of the original permit will be reviewed and discussed.
- 5. After the Public Works and Planning Committee (or the COW) review the matter and make a recommendations to Council this recommendation will be referred to a regular or special Public Council Meeting where a vote will occur on revoking (or not) a permit. The vote of Council in a public meeting to revoke a permit is a <u>FINAL</u> decision and there will be no further review by Council. If the decision of Council is to apply strict conditions, then these conditions shall be given as a <u>one-time</u> extension with a date set by the Authority where all outstanding issues must be resolved.
- 6. If Council allows a one-time extension with strict conditions as per 5 above and the business/resident does not comply or meet the deadline, the CAO or designate is to revoke the permit immediately without the matter being put to Council for another vote.
- 7. Once Council makes a decision, the business/resident has an opportunity to appeal the decision through the Municipal Appeals Board. The appeal information shall be forwarded to the business/resident with the letter that communicates the decision in 5 above.

The Town of Grand Falls-Windsor acknowledges that this policy is to be followed in all cases in the revocation of a permit. However, the Town reserves the right to move directly into step 2 if the CAO or designate determines the violation to be of a serious nature or a life and safety issue. The timelines may be moved up and a special meeting can be called in these cases.

All information in this process is to be kept confidential and adhere to the *Access to Information and Protection of Privacy Act*.

This procedure is to be considered retroactive and will apply to all permit holders, regardless of when the permit is issued. The Town will take steps to ensure that permit holders are notified of this new procedure before any action is taken by the Town with respect to revocation.

Darren Finn, CAO/Clerk

Approved by Council at Meeting #515 on October 1, 2019