



**TOWN OF BLACKFALDS
BYLAW # 1209/17**

**BEING A BYLAW IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE CONTROL,
REGULATION AND LICENSING OF BUSINESSES WITHIN THE TOWN OF BLACKFALDS**

A Bylaw of the Town of Blackfalds, in the Province of Alberta, pursuant to the *Municipal Government Act*, being Chapter M26 of the Revised Statutes of Alberta, 2000 and amendments thereto, the purposes of controlling, regulating and licensing of businesses within the Town of Blackfalds.

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 the *Municipal Government Act* R.S.A. 2000, Chapter M 26 as amended, municipalities may by bylaw control, regulate and license businesses within their boundaries; 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) provide for a system of licenses, permits or approval including any or all of the matters

NOW THEREFORE the Municipal Council of the Town of Blackfalds, duly assembled hereby enacts:

PART 1 - TITLE

- 1.1 This Bylaw may be cited as the "**Business License Bylaw**".

PART 2 - DEFINITIONS

- 2.1 In this Bylaw:

- (a) "**Advertiser**" means any person who by appointment or otherwise
 - i. sells and/or attempts to sell
 - ii. solicits
 - iii. collects money
 - iv. distributes advertising material (handbills, circulars, etc.) or samples
 - v. uses a vehicle, animal, or other device for the purpose of visual advertising the merchandise or nature of business on any street
- (b) "**Advertising**" means the business of an advertiser or the employment of others or objects to act as advertisers.
- (c) "**Agent**" means every person who, by mutual consent, acts for the benefit of another, including sales representative or a person in care and control of the premises where a business is being conducted.
- (d) "**Amusement Arcade**" means the business of providing amusement or entertainment to the public, where four or more amusement, sport or arcade machines are provided.
- (e) "**Apartment**" a residential building with a shared outside entrance(s), consisting of at least three dwelling units.
- (f) "**Applicant**" means a person who applies for a business license or a renewal of a business license as required by this Bylaw.
- (g) "**Application**" means a written application for a business license as provided for by this Bylaw.
- (h) "**Auctioneer**" means any person who sells, offers for sale, or intends to sell goods, chattels or anything whatsoever by public auction.
- (i) "**Auctioneering**" means the business conducted by an auctioneer.
- (j) "**Automotive and Related**" shall mean any business where new or used motorized vehicles, ATV's, recreational vehicles are sold, salvaged, serviced, repaired, painted, washed, cleaned or upholstered, or where parts, tires, gasoline, propane or motor oil are sold for vehicles. It is of note that under the Fair Trading Act, specific automotive

businesses must obtain a license from the Alberta Motor Vehicle Industry Council before being issued a municipal business license.

- (k) **“Barber Shop, Hairstylist or Beauty Salon”** shall mean a business where any of the following are provided: shampooing, cutting, colouring, shaving, treating hair or related services.
- (l) **“Bed & Breakfast”** means a detached dwelling occupied by the property owner of the Bed & Breakfast host as a primary residence, in which are offered overnight accommodation and a breakfast meal, for rent to travelling guests who are temporarily visiting the Town and area.
- (m) **“Building Mover and /or Demolition”** means any person who engages in the business of moving or demolishing any structures.
- (n) **“Business”** means:
 - i. a commercial, merchandising or industrial activity or undertaking,
 - ii. a profession, occupation, employment or calling or employment; or
 - iii. an activity providing goods or services;

Whether or not for profit and however organized or form, including a co-operative or association of persons.

- (o) **“Business License”** means a license issued pursuant to this Bylaw.
- (p) **“Canvasser”** shall mean a person who canvases for contributions, or sells anything on a door to door basis on behalf of any charitable, profitable or non-profit organization for a monetary or other return.
- (q) **“Charitable or Non-Profit Organization”** means an association or corporation acting for charity or in the promotion of general social welfare and includes:
 - i. A religious society or religious organization
 - ii. A service club
 - iii. A community, veterans or youth organization
 - iv. A social, sport or fraternal organization or club
 - v. An employee or employee’s organization that raise money for specific projects and not for profit.
- (r) **“Carry on, carrying in, carried on and carries on”** means to conduct, operate, perform keep hold occupy deal in or use for a fee or exchange of benefits whether as principal or agent.
- (s) **“Chief Administrative Officer”** means the Chief Administrative Officer of the Town of Blackfalds as appointed by Council.
- (t) **“Cleaner, Dyers, and Launderers”** means the business of dry cleaning, dying, cleaning, sponging or pressing of clothes, feathers, furs or any fabric or textile whatsoever
- (u) **“Commercial Agent or Direct Sellers”** means the business of going from place to place for the purpose of selling goods or services when the transactions are negotiated by telephone or at the buyer’s residence, but does not include a bonafide commercial traveller.
- (v) **“Commercial Traveller”** means and includes any person who is a manufacturer’s agent or salesman who sells goods directly to businesses and distributors or sells such goods in wholesale lots.
- (w) **“Contractor - Sub”** means the business of contracting to provide a special service such as, but not limited to, excavator, concrete placer, plasterer, stucco, brick layer, stone mason, building mover, landscaper, floor layer or finisher, painter and paper hanger, roofing and siding applicator, structural steel erector, insulator, carpenter and cabinet maker and woodworker, plumber and gasfitter, electrician, sheet metal worker, or steam fitter to the owner of any property or any agent of the owner who supervises the erection, construction, alteration, or repair of buildings or structures.
- (x) **“Contractor - General”** means a person or company who is responsible for the construction and supervision for the erection, alteration, repair, or construction of any buildings or structures.
- (y) **“Collector or Collection Agency”** shall mean a person or company who carries on the business of collecting or attempting to collect debts for other persons.

- (z) **"Council"** means the Municipal Council of the Town of Blackfalds.
- (aa) **"Development Officer"** means the Development Officer of the Town of Blackfalds as appointed by Council.
- (bb) **"Development Permit"** means a document authorizing a development issued pursuant to the current Land Use Bylaw.
- (cc) **"Direct Sellers" or "Commercial Agent"** see **"Direct Sellers"**.
- (dd) **"Dwelling"** means a building and contains one (1) living unit.
- (ee) **"Farmers Market"** means the business of conducting a public open market at which various vendors or goods lease a stall or space from a holder of a provincial market approval through a non-profit organization and situated at the location approved by the Town of Blackfalds from time to time.
- (ff) **"Food Cart Vendor"** means a unit that sells or distributes food or non-alcoholic beverages other than fresh fruit and vegetables.
- (gg) **"Hawker/Peddler"** means any person who goes about the Town selling goods, wares, merchandise, fish, corn, food or food products on foot or from a vehicle or trailer, located on private land other than at a building which is his permanent place of business, and where the merchandise is delivered at the time the sale is made.
- (hh) **"Home Based Business"** means any occupation, trade, profession, craft carried on by an occupant of a residential building as a use secondary to the residential use of the building as per the regulations provided in the Town of Blackfalds Land Use Bylaw.
- (ii) **"Home Health Services"** shall mean a person, company, or organization which provides professional care services, in the home but not limited to the nurse's aide care, homemaking, companion/sitting, childcare services, relief or caregivers, shopping, transportation, foot care/blood pressure clinic, house cleaning, paramedical services to individuals living on their own or in group home settings.
- (jj) **"Janitor Service"** means the business of cleaning or maintaining in a clean condition all or any part of the interior or exterior of buildings and dwellings and includes the business of cleaning rugs and upholstery and the washing of the exterior and interior of windows.
- (kk) **"Kennel – Minor"** means the owning or harbouring of more than three (3) dogs over the age of 3 months and/or the owning or harbouring of more than three (3) cats over the age of 3 months in a residential area.
- (ll) **"Kennel – Major"** means a development for the purposes of boarding small animals normally considered as household pets for periods of greater than twenty four (24) hours and includes outside enclosures, pens, runs or exercise areas. This land use may also include training, grooming, impounding, quarantining facilities, animal shelters and retail sales of associated products.
- (mm) **"License Year"** means the period commencing January 1st to December 31st.
- (nn) **"Licensee"** means a person holding a valid and subsisting business license issued pursuant to the provisions of this Bylaw.
- (oo) **"License Fee"** means those fees prescribed in *Schedule "B"*.
- (pp) **"Licensing Inspector"** shall mean and include the Chief Administrative Officer, Peace Officer, Development Officer, or any other duly authorized and appointed person acting on their behalf.
- (qq) **"Massage or Massages"** means kneading, manipulating, rubbing, touching, or physically stimulating, by direct or indirect means, a person's body or part thereof and does include medical or therapeutic treatment given by a person duly qualified, licensed or registered so to do under the laws of the Province of Alberta.
- (rr) **"Massage Clinic"** means a business where massages are performed or offered to the public.
- (ss) **"Massage Therapist"** means a person who administers a massage.
- (tt) **"Medical Health Officer"** means the Public Health Inspector for the Province of Alberta.

- (uu) **"Motor Vehicle"**
 - i. a vehicle propelled by any power other than muscular power, or
 - ii. a moped,
 - iii. but does not include a bicycle, motorized wheel chair, an air craft, a water craft, farm and construction equipment or a motor vehicle that runs only on rails.
- (vv) **"Mobile Vending Unit"** means a motor vehicle, trailer, or similar mobile structure exceeding 3.3 m², designed for the purpose of preparing and offering the sale and distribution of food or non-alcoholic beverages, which does not contain customer seating and is capable of being moved.
- (ww) **"Mobile Vending Unit – Roaming"** means a mobile vehicle, travels on roadways, stops and parks when a customer requires service.
- (xx) **"Municipal Ticket"** means a ticket prescribed by the Town for a Bylaw offense providing a person with the opportunity to pay an amount to the Town in lieu of prosecution."
- (yy) **"Non-Resident"** means any person who is not a permanent resident in the Town.
- (zz) **"Non-Resident Business"** means a person, partnership, or business whose head office is located outside the corporate limits of the Town of Blackfalds.
- (aaa) **"Pawnbroker"** shall mean a person who carries on a business of loaning money on the security of the pledge or pawn of personal property or a person who holds himself out as ready to loan money on such security, but does not include banks, trust companies, or credit unions or other similar institutions.
- (bbb) **"Peace Officer"** includes a member of the RCMP, Bylaw Enforcement Officer, Community Peace Officer appointed through the Alberta Solicitor General, or any employee of the Town appointed or assigned to enforce the provisions of this Bylaw or as a Bylaw Enforcement Officer.
- (ccc) **"Person"** includes an individual, a group of individuals, firm, corporation, association, partnership, society or other similar cooperative organization.
- (ddd) **"Pet Dealer"** of caring for, boarding, breeding or selling of animals, and may include the retail sale of incidental products
- (eee) **"Photographer"** means a person carrying on the business of taking photographs or videotapes.
- (fff) **"Premises"** means and includes any store, office, warehouse, residential dwelling, factory, building enclosure, yard and other places occupied or capable of being occupied by any person for the purpose of carrying on any business.
- (ggg) **"Promoter"** shall mean a person who canvases for contributions, sell anything or organizes and promotes entertainment and performances on behalf of any charitable, profitable or non-profit organization for a monetary or other return in excess of actual disbursements made and expenses incurred by such person.
- (hhh) **"Public Market"** means a business, operating for profit, conducting a public open market at which various vendors lease and operate stalls.
- (iii) **"Push Cart Vending Unit"** means a push cart or similar mobile vehicle structure not exceeding 3.3 m² intended to be moved from location to location for the purpose of offering for sale food products, non-alcoholic beverages, flowers, handcraft jewellery, art or other non-food items.
- (jjj) **"Recreational Vehicle Sales"** shall mean a business where new or used recreational vehicles, not limited to motor, holiday trailers, campers, motor boats or ATVs are sold or repaired.
- (kkk) **"Resident"** means a person who is a permanent resident of Town.
- (lll) **"Residential Business"** means a business that is located within the Town by either:
 - i. Ownership of the occupied premise for the purpose of carrying on specified business, or
 - ii. Leasing premise for a period of not less than ninety (90) days for the purpose of carrying on a specified business, and that business premises are in compliance with the Land Use Bylaw of the Town.

- (mmm) **"Retail Business"** shall mean the indoor sale or display of merchandise, including indoor storage of merchandise in quantities limited to the needs of the outlet.
- (nnn) **"Retail Salesperson"** means any person who sells or agrees to sell any services, goods, or property of any nature or kind wherever situate, as individual items or in small quantities, as opposed to wholesale lots, directly to the consumer from any location within the Town; but shall not include charitable organizations, local youth groups, community service organizations and auctioneers.
- (ooo) **"Second Hand Dealer"** shall mean the business of purchasing, selling or exchanging of articles or things of any kind or nature which have been worn or used and shall without limiting the generality of the foregoing, include the business of purchasing, selling, exchanging or in any way dealing in scrap metal.
- (ppp) **"Special Event"** means activities, including parades, occurring with the Town which are open to or intended to attract the general public and will take place in or on publicly owned lands or facilities and where various vendors may operate during the event.
- (qqq) **"Subdivision and Development Appeal Board"** means the board established by the Subdivision and Development Appeal Board Bylaw 1076/08, as amended.
- (rrr) **"Town"** means the Municipal Corporation of the Town of Blackfalds and where the context so requires means the area contained within the corporate boundaries of the said municipality.
- (sss) **"Trade Show"** means the assembling of persons in one location for the purpose of promotion or providing goods and services to the general public.
- (ttt) **"Violation Ticket"** means a violation ticket as defined in the Provincial Offences Procedure Act, RSA 2000, c. P-34".
- (uuu) **"Wholesaler"** means any person, who buys products for resale, standing or after preparation, condition, or processing.

PART 3 - APPOINTMENT OF LICENSING INSPECTOR

- 3.1 The Chief Administrative Officer shall appoint a Development Officer as Licensing Inspector to carry out the provisions of this Bylaw.

PART 4 - DUTIES OF LICENSING INSPECTOR

- 4.1 Establish forms for the purpose of this Bylaw.
- 4.2 The Licensing Inspector is authorized to receive, consider and process all applications for a license.
- 4.3 Issue a license, with or without conditions, upon payment of the appropriate fee.
- 4.4 Periodically visit and inspect business premises and construction sites for the purpose of ascertaining whether the proprietor or contractor is complying with the provision of this or any other applicable Bylaw.
- 4.5 Take any steps or carry out any actions required to remedy a contravention of this Bylaw.

PART 5 - LICENSE REQUIREMENTS

- 5.1 No person shall within the Town:
- a) carry on or operate a business within the Town unless the person holds valid Municipal, Provincial and Federal licenses, permits, approvals clearances and insurances; and
 - i) be in the possession of a valid development approval under the Land Use Bylaw.
 - b) where a business subject to a business license is carried on or intended to be carried on from more than one premises, a business license shall be required in respect of each premises as though a business carried on in each were a separate business.

PART 6 - LICENSE EXEMPTIONS

- 6.1 Notwithstanding Part 5, No license shall be required for:
- a) A business carried on by the Town.

- b) A business carried on by the Government of Alberta or the Government of Canada or a crown corporation created by either governments;
- c) Charitable or Non-Profit organizations:
 - i. where any charitable organization wishes to be exempted from the requirements of this Bylaw to pay the full license fee, it shall apply to the Licensing Inspector for an exemption providing the name of the organization and such other information as the Licensing Inspector requires to determine that the organization is a charitable or non-profit organization;
 - ii. a charitable organizing or non-profit organization which receives an exemption under this section must otherwise comply with all provisions of this Bylaw:
 - a) Foster Homes as interpreted and administered under the Child, Youth, and Family Enhancement Act of Alberta;
 - b) Day Care Home for Children;
 - c) The Operator of a stall within a Farmers and/or Public Market;
 - d) Any proprietor that is exempt under Provincial or Federal legislation;
 - e) Special Event as defined in this Bylaw;
 - f) For such other businesses as Council by Resolution may from time to time exempt.

6.2 Proof of Exemption

- a) The onus of proving that a person is exempt from the provisions of this Bylaw requiring a license is on the person alleging the exemption.

PART 7 - FEES AND TERMS OF LICENSE

- 7.1 No Business License shall be granted until the applicant has submitted to the Licensing Inspector the proper fees as provided by this Bylaw.
- 7.2 Every annual business license issued under the provisions of this Bylaw unless cancelled, revoked or suspended shall be issued between the 1st day of January and terminate at midnight on the 31st day of December of the license year in which the said business license was issued.
- 7.3 A daily business license shall terminate at the end of the business day for which the license was issued.
- 7.4 After September 1st of any license year a business license shall be half the annual fee as set out in *Schedule "B"*.
- 7.5 Fees paid by the applicant pursuant to this section are not refundable.

PART 8 - NON-RESIDENT

- 8.1 Non-Resident means a business which is carried on, in whole or in part, within the Town, but which neither maintains a permanent residence within the Town nor is listed on any current Town tax assessment roll.
- 8.2 A Non-Resident business shall pay to the Town the fee for Non-Resident business set out in *Schedule "B"* prior to being issued a license;
- 8.3 The following business are not required to pay a fee for Non-Resident business:
 - a) Mobile Vending Unit, Push Cart Vending Unit or Hawker/Peddler operating within a Special Event on public property is subject to compliance with *Schedule "A"*.

PART 9 - LIABILITY INSURANCE

- 9.1 The Licensing Inspector may require a policy of liability insurance to be held in connection with the carrying on of any business.
 - a) the applicant shall furnish the Licensing Inspector with documentary evidence of such insurance in a form satisfactory to the Licensing Inspector.
- 9.2 The liability insurance policy required to be held by an applicant under this section must:

- a) be issued by an insurance company registered and license to do business in the Province of Alberta; and
 - b) be in an amount not less than Two Million Dollars (\$2,000,000.00) or as directed by the Licensing Inspector, to cover public liability for all personal injury and property damage which may occur by reason of the operation of the business.
- 9.3 Notwithstanding the existence of any liability insurance or the failure of any liability insurance or the failure of the Town to require the acquisition of such insurance, neither the Town or any official, servant employee or agent of the Town is liable for any damage or loss sustained or suffered by any person by reason of:
- a) the issuance of any license;
 - b) any acts or omissions of a licensee or person acting on his behalf; or
 - c) anything done or not done in any way connected with the license or this Bylaw.
- 9.4 Where a policy of liability insurance expires during the license year, the Licensee shall provide the Licensing Inspector with the renewal and where the policy of insurance expires or is cancelled or terminated, then the applicable license shall be automatically revoked and the Licensee shall cease to carry on business until the revocation is lifted or a new license is issued.
- 9.5 Where the Licensing inspector 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 toe Town 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.

PART 10 - CONSULTATIONS AND APPROVALS

- 10.1 The Licensing Inspector may consult or refer any application prior to issuing or renewing a license, with the Province of Alberta, RCMP, Alberta Health Services, Town of Blackfalds Fire Department, any other Town department deemed effected by the business or any other department or agency deemed necessary.
- 10.2 The issuance of a license under the Bylaw does not authorize or permit the Licensee to carry on business or any activity under such license contrary to the provisions of any Bylaw enacted by the Town of Blackfalds.
- 10.3 The issuance of a business license under this Bylaw does not constitute development approval under the Town's Land Use Bylaw. The holder of an existing license or an applicant for a business license is responsible for obtaining such development approval as may be necessary. Where such approval cannot be obtained, the Development Officer shall forthwith cancel any existing license and refuse any applications for license.
- 10.4 Every Business License issued under this Bylaw shall be posted in a conspicuous place in the premises visible to the general public.

PART 11 - INSPECTIONS

- 11.1 Where a business requires a consultant or approval for licensing or is licensed, then the business premises and surrounding lot may be inspected by the Licensing Inspector, Peace Officer or any other duly authorized and appointed person acting on their behalf.
- 11.2 A person who a Licencing Inspector reasonably believes is carrying on a business requiring a license, or an applicant, shall:
- a) permit and assist in all inspections requested by the Licensing Inspector;
 - b) furnish to a Licensing Inspector all identification, information, or documentation related to the inspection or licensing requirement.
- 11.3 No person shall attempt to prevent, obstruct or hinder a Licencing Inspector from making an inspection authorized by this Bylaw.
- 11.4 The Licensing Inspector may inspect Business Premises as necessary to ensure compliance with this Bylaw.

PART 12 - PROOF OF BUSINESS

- 12.1 Proof of one transaction or offer to transact in a business is sufficient to establish that a business is being carried on.
- 12.2 Any advertising or a business listed in Part 2 is sufficient to establish that the person advertising is carrying on the business.

PART 13 - TRANSFER OF BUSINESS LICENSE

- 13.1 An existing business license issued under this Bylaw may be transferred upon application to and approval by the Development Officer in the following circumstances:
- a) when the transfer is from one licensee to another for the same business in the same business premises
 - b) all business license transfers must comply with the provision of this Bylaw, the Land Use Bylaw and another other Bylaw of the Town.

PART 14 - REFUSAL, REVOCATION, SUSPENSION

- 14.1 Subject to an appeal to the Subdivision and Development Appeal Board, the Licensing Inspector may, if in his/her opinion have just and reasonable grounds:
- a) After consultation with and receiving approval from the Chief Administrative Officer or designate, the Licensing Inspector may suspend, refuse to grant, refuse to transfer, revoke or refuse to renew Business Licenses under this Bylaw if there is reasonable and just cause to do so and if in the opinion of the Licensing Inspector, they believe that:
 - i) the Licensee has contravened the provisions or requirements of this Bylaw or other Bylaw of the Town or any applicable Provincial or Federal licenses, permits, approvals, clearances and or insurances;
 - ii) The Business has changed to the extent that a new application for Business License would be refused;
 - iii) The Licensee or the Applicant is not worthy of public trust;
 - iv) The Applicant or Licensee has withheld or concealed information from the Licensing Inspector or has provided false information on an application for a Business License;
 - v) The Licensee or the Applicant refuses to admit the Licensing Inspector into the Business Premises from which the business is carried out.
- 14.2 The Licensing Inspector may cancel or suspend a Business License by issuing to the Licensee a "Notice of Cancellation or Suspension". Such notice may be given by personal service to the Licensee at the address shown on the application for Business License or residence as shown on the Application for a Business License.
- 14.3 The Licensing Inspector may suspend the effect of revocation of a license upon the performance by the Licensee of any conditions stated in writing on the "Notice of Cancellation or Suspension".
- 14.4 Upon receipt of the "Notice of Cancellation or Suspension" the Licensee shall terminate the operation of the Business License.
- 14.5 The Licensing Inspector shall maintain appropriate records pertaining to the licensing of businesses, infractions of this Bylaw and generally all matters arising out of the application and enforcement of this Bylaw.
- 14.6 Where a license is suspended or revoked by the Licensing Inspector, pursuant to this Bylaw, the Licensee shall surrender the license to the Licensing Inspector immediately.

PART 15 - APPEALS

- 15.1 In every case where:
- a) An application for a Business License has been refused, or
 - b) A Business License has been revoked or suspended,
- The person seeking the business license may appeal to the Subdivision and Development Appeal Board.
- 15.2 Any appeal under Part 14 shall be made by the applicant within the regulations provided in the Land Use Bylaw; otherwise the right of appeal shall be barred and extinguished.
- 15.3 All appeals shall be made in writing addressed to the Subdivision and Development Appeal Board and the effective date shall be the date received by the Municipal Office.
- 15.4 The Subdivision and Development Appeal Board shall hear the appeal within thirty (30) days from the effective date.
- 15.5 The Subdivision and Development Appeal Board shall operate in accordance with the provisions set forth in the Subdivision and Development Appeal Board Bylaw No. 1076/08 and any subsequent amendments thereof.

15.6 The Subdivision and Development Appeal Board after hearing the appellant may:

- a) Direct a business license be issued or reinstated with or without conditions,
- b) Refuse to grant a business license, or
- c) Uphold the revocation or suspension of a business license, on grounds which appear just and reasonable.

15.7 A decision of the Subdivision and Development Appeal Board in respect of an appeal under this Section shall be final and binding.

PART 16 - FINES AND PENALTIES

16.1 Any person who contravenes any provision or requirement of this Bylaw is guilty of an offence and is liable and subject to the penalties herein provided.

16.2 Where a Licensing Inspector has reasonable grounds to believe that a person has contravened any provision of this Bylaw:

- a) A fine of three hundred dollars (\$300.00) for the first offence;
- b) A fine of five hundred dollars (\$500.00) for the second offence and thereafter
- c) A fine of eight hundred (\$800.00) for a third or subsequent offense thereafter.
- d) In the case of an offence that is of a continuing nature or a repeat offence, 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 the amount not less than five hundred (\$500.00) for each such day.

16.3 All businesses operating within the corporate limits of the Town must purchase their business licenses by January 31 of that year, or a 15% penalty shall be added onto the outstanding license fees.

PART 17 - MUNICIPAL TICKET

17.1 A Peace Officer is hereby authorized and empowered to issue a Municipal Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provisions of this Bylaw.

17.2 A Municipal Ticket may be issued to such person:

- a) either personally, or
- b) by mailing a copy to such person at his last known post office address

17.3 The Municipal Ticket shall be in a form approved by the Town 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 thirty (30) days of the issuance of the Municipal Ticket; and
- e) any other information as may be required by the Chief Administrative Officer or his/her designate.

PART 18 - PAYMENT IN LIEU OF PROSECUTION

18.1 Where a Municipal Ticket is issued pursuant to this Bylaw, the person to whom the Municipal Ticket is issued may, in lieu of being prosecuted for the offense, pay to the Town, the penalty specified within the time period indicated on the Municipal Ticket.

PART 19 - VIOLATION TICKET

19.1 If a Municipal Ticket has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offenses Procedure Act.

19.2 Notwithstanding subsection 19.1, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offenses Procedure Act, to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

19.3 If a Violation Ticket is issued in respect of an offense, the Violation Ticket may;

- a) specify the fine amount established by the Bylaw for the offence; or

- b) require a person to appear in court without the alternative of making a voluntary payment.

PART 20 - VOLUNTARY PAYMENT

20.1 a person who commits an offense 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.

PART 21 - AMENDMENTS TO SCHEDULES

21.1 Council may by resolution amend *Schedule "A"* and *"B"* from time to time.

PART 22 – REPEAL

22.1 That Bylaw 1109/10 and amendments thereto are hereby rescinded upon this Bylaw coming into effect.

PART 23 – DATE OF FORCE

23.1 That this Bylaw shall come into effect, upon the date on which it is finally read and passed.

READ for the first time this 28th day of March, A.D. 20 17.

(RES. 68/17)



MAYOR MELODIE STOL



CAO MYRON THOMPSON

READ for the second time this 9th day of May, A.D. 20 17.

(RES. 120/17)

(AP)



MAYOR MELODIE STOL



CAO MYRON THOMPSON

READ for the third and final time this 9th day of May, A.D. 20 17.

(RES. 121/17)



MAYOR MELODIE STOL



CAO MYRON THOMPSON

LICENSED BUSINESS REGULATIONS

In addition to the general provisions of the Bylaw the businesses listed below are subject to the following special provisions:

1. AUCTIONEER

- 1.1 No person shall engage in auctioneering unless he/she is the holder of a valid Provincial license.

2. AUTO BODY SHOP, AUTOMOTIVE REPAIR AND SERVICE

- 2.1 Unless a Licensee of Auto Body Shop or an Automobile Repair and Service is also a holder of a valid Automobile Dealer License for the location where he operates, he shall not on any part of the site where such business is located:

- a) place or allow any person to place a motor vehicle which is advertised for sale,
- b) sell or offer to sell secondhand motor vehicles other than his own personal automobile which is registered in his name.

3. KENNEL / PET DEALER

- 3.1 A Kennel must comply with the following requirements:

- a) the *business* is subject to approval from the Development Authority.
 - i. Notwithstanding 4.1 a), a license is not required for a veterinary clinic where animals are only kept on the premises while receiving medical treatment.
- b) the business must be maintained, at all times, in a sanitary, well ventilated and clean condition;
- c) every animal must be kept in a sanitary, well bedded, well lit, well ventilated facility, kept at an appropriate temperature and shall be adequately fed and watered and kept in a clean, healthy condition; and
- d) no Kennel/Pet Dealer will sell or attempt to sell a diseased animal;
- e) every cage or container housing an animal will be of sufficient size to permit the animal to move about easily so as to maintain its physical well-being; and
- f) a Kennel/Pet Dealer must keep a record, by written or electronic means, in which shall be permanently and legibly recorded the following information:
 - i. the name and address of the supplier for each animal purchased;
 - ii. the date of such purchase;
 - iii. a full description of the animal;
 - iv. the name and address of the buyer of each animal; and
 - v. The date of each such sale.
 - vi. A Kennel/Pet Dealer must make the above information available, upon request, to the Licensing Officer, Peace Officer, RCMP and/or CAO.

4. CHRISTMAS TREE VENDOR

- 4.1 Every *person* who offers Christmas Trees for sale on the site outside of a building shall:
- i. first obtain an license listing the site or sites to be used and shall pay the License Fee set out in *Schedule "B"*, and;
 - ii. comply with any other Town Bylaws applicable to his operation and upon the site for which the License is issued, being that the site must be properly cleaned up of all left-over trees, branches, boxes, stakes, pipes and debris of any kind used in connection with the sale of the Christmas Trees, and cleaned to the satisfaction of the Licensing Inspector and shall be completed within one (1) week after the sale of the trees is completed.

5. CIRCUS/MIDWAY

- 5.1 The Development Officer shall not issue a license for a Circus or Midway unless the applicant produces proof of Liability Insurance in an amount adequate, in the opinion of the Town Chief Administrative Officer or his/her designate, covering Public Liability for all personal injury and property damage which may occur by reason of the operation of the Circus or Midway such insurance is endorsed so as to add to the Town of Blackfalds as an additional or an insured party for the time to be covered by the license.

6. CONSTRUCTION CONTRACTOR

- 6.1 Includes subcontractor and sub-tradesman such as, but not limited to excavator, concrete placer, plasterer, stucco, brick layer, stone mason, building mover, landscaper, floor layer or finisher, painter and paper hanger, roofing and siding applicator, structural steel erector, insulator, carpenter and cabinet maker and wood worker, plumber and gas fitter, electrical contractor, sheet metal worker, steam fitter.
- 6.2 A Contractor – General shall include with an application for business license a letter setting out the names and addresses of each sub-contractor engaged by the Contractor – General to carry out any of the work on any building or structure on which the Contractor – General holds the contract.
- 6.3 If the Contractor – General fails to provide a complete list of the sub-contractors to be used, the Contractor – General will be held liable for the Business License fees for those sub-contractors who fail to take out the required Business License.

7. PUBLIC MARKETS

- 7.1 Public Market Organization must pay a yearly Business License fee. All producers selling at the Public Market are covered under the Public Market Business License.

8. FIREARM/AMMUNITION DEALERS

- 8.1 All Firearm & Ammunition Dealers shall comply with all Federal, Provincial or Municipal Regulations concerning firearms and ammunition. The Licensing Inspector shall notify the Chief Administrative Officer and the RCMP if a person makes application to operate a business selling firearms and ammunition.

9. MOBILE VENDING UNIT, PUSH CART VENDOR OR HAWKER/PEDDLER

- 9.1 The licensee, or a person he/she hires may operate the mobile vending unit, push cart vending unit or as a hawker/peddler within Town provided:
 - a) The operator is:
 - ii. of the full age of eighteen (18) years,
 - iii. of the full age of twelve years and, if less than the age of eighteen (18) years, has first furnished the Licensee with a written consent signed by a parent or lawful guardian that he may operate a foot-pedaled or push cart.
 - b) Any mobile vending unit, push cart vending unit or hawker/peddler carrying on business on private or public lands within the Town must:
 - i. park and conduct business in areas approved by the Licensing Inspector,
 - ii. provide proof of motor vehicle and liability insurance, where applicable,
 - iii. be in possession of and display at all times, a valid business license issued by the Licensing Inspector for each premises or mobile vending unit where the business is carried on,
 - iv. visibly display all Alberta Health Services approvals where applicable,
 - v. not operate on any sidewalk, street or highway through the use of a push cart vending unit unless approved by the Licensing Inspector,
 - vi. the Licensing Inspector may include, on any license approval, any additional conditions necessary for the safe operation of the mobile vending unit, push cart vending unit or hawker/peddler specific to that location.
- 9.2 **Operation and Cleanliness:**
 - a) Vendors are not permitted to:
 - i. operate between the hours of 2:00 a.m. and 9:00 a.m. on any day as approved,
 - ii. smoke within five (5) metres of the mobile vending unit,
 - iii. leave the mobile vending unit or push cart vending unit unattended at any time during operation,
 - iv. leave the vending unit overnight,
 - v. serve customers in their vehicles,
 - vi. unless approved by the Licensing Inspector, use in the vending operation, tables or chairs, tents and/or unattached canopies,
 - vii. use generators to provide power to the vending unit if they create a discernible disturbance.
 - b) In all circumstances, vendors are required to provide garbage and recycling receptacles for patrons while the unit is in operation.

- c) All vendors are required to maintain a clean and neat vending area. Routine collection and disposal of any refuse within a five (5) metre radius of the unit shall occur while the unit is operating.

9.3 Safety and Obstruction Restrictions:

- a) If, in the sole discretion of a Licensing Inspector, Peace Officer or any other duly appointed person acting on their behalf the safety of the mobile vending unit, push cart vending unit or hawker/peddler impedes the movement of vehicles or pedestrian in any location;
 - i. the Licensing Inspector or Bylaw Enforcement Officer may direct that the mobile vending unit either relocate or cease carrying on business from the place it is located.
- b) The mobile vending unit, push cart vending unit or hawker/peddler must not create any visual or physical obstruction that will compromise the safety of pedestrians, or limit access to objects and areas including traffic lights, doorways, fire hydrants, driveways, loading zones, emergency access routes, roadways and roadway shoulders.
- c) The mobile vending unit or push cart vending unit must allow clearance on all sides of the vending unit such that pedestrians are able to easily and safely pass by without congestion.
- d) The mobile vending unit shall not be left unattached at any time.

9.4 Proximity to Schools and Concession Establishments

- a) No sale is to be made within 100 metres, any direction, of any public, separate or private school or public facility concession unless otherwise authorized by the *Licensing Inspector*.

9.5 Private Property

- a) A Mobile Vending Unit must not carry on business on private property without providing, to the Licensing Inspector, written consent from the property owner and/or occupier;
- b) The applicant for a license for a mobile vending unit or push cart on private property must submit to the Town, in a form acceptable to the Licensing Inspector;
 - i. a description and image of the mobile vending unit or push cart vending unit;
 - ii. Alberta Health Services approval where applicable;
 - iii. motor vehicle insurance where applicable;
 - iv. proof of liability insurance where required.
- c) Approval from the Development Authority where applicable.

9.6 Signage

- a) Vendors shall not use more than one (1) sign and, if a sign is used, it must be:
 - i. size not exceeding 0.61 m (2.0 ft) wide by 0.92 m (3.0 ft) high,
 - ii. portable and not attached to posts or other permanent objects, on sidewalks or infrastructure,
 - iii. be clearly visible and not obstruct pedestrian or traffic movements,
 - iv. removed when the vending unit is not at the vending location.
- b) Notwithstanding subsection 10.6, additional signage is subject to approval under the Town of Blackfalds Land Use Bylaw.

9.7 Mobile Vending Unit – Roaming

- a) Is prohibited from operation in the Town unless authorized by the Licensing Inspector. This does not include a business that travels to a customer's location to provide service for a prearranged appointment or those operation under this Bylaw as amended.

10. HOME BASED BUSINESS

- 10.1 A resident or property owner who intends to carry on a Home Based Business must apply for a Development Permit.
- 10.2 The applicant shall provide a copy of the approved Development Permit before he/she files a business license application form.

11. MASSAGE CLINIC

- 11.1 No premises or part thereof used as a massage clinic shall be used as a dwelling for sleeping purposes, unless the development permit has been approved for a residence.

- 11.2 The premises of every massage clinic shall be kept in a clean and sanitary condition at all times.
- 11.3 All massage appliances and any other article or device applied to a customers' body for or in connection with a massage shall be cleansed and disinfected after each individual use with a disinfecting solution satisfactory to the Medical Health Officer and no such appliance, article or device shall be used or available for use in a massage clinic unless it is so constructed as to be readily capable of being so cleansed or disinfected.
- 11.4 Subject to the Bylaw, no owner or operator shall permit in any massage clinic owned or operated by him/her the offering, selling, giving, performing or soliciting of any service other than massages, or the selling, giving, trading or offering of any goods unrelated to said massage unless the owner of the said massage parlour obtains the consent of the Town to so permit such trade, calling, business or occupation and, subject to the discretion of the Town, a description of such services or goods is endorsed on the license for the massage parlour.
- 11.5 No person under the age of eighteen (18) years may be or act as an owner or operator of a massage clinic or provide any services in a massage clinic.
- 11.6 No person shall perform or administer a massage unless he or she is licensed as a massage therapist pursuant to this Bylaw.
- 11.7 No applicant for a license as a massage therapist shall be issued a license unless the applicant is the holder of a Certificate of Proficiency in body Massage from a Post-Secondary Institution in Alberta; or a certificate of equal proficiency.
- 11.8 No owner's license shall be transferred and if an owner sells, leases or otherwise disposes of his massage clinic or the premises or part thereof upon or in which a massage parlour is operated to any person, his license in respect of such massage parlour or premises shall, notwithstanding any other provision of this Bylaw, terminate.

12. PAWNBROKER

- 12.1 A pawnbroker must not carry on the business of a second hand dealer on the same premises.
- 12.2 An applicant for a license as a pawnbroker must submit to the Town, in a form acceptable to the Licensing Inspector, the following information:
- a) full name (first, middle and last name) of the applicant;
 - b) date of birth of the applicant;
 - c) disclosure of criminal record information of the applicant;
 - d) if the applicant is a corporation, the applicant must supply the above information for all primary managers owners, partners, directory and officers of the corporation;
 - e) full list of employees of the business including their:
 - i. full name, (first middle and last name);
 - ii. date of birth;
 - iii. disclosure of criminal record information; and
 - iv. job title.
- 12.3 Every pawn shop must:
- a) not accept items to be pawned from a person under the age of 18 years;
 - b) maintain records in a form acceptable to the *Licensing Inspector*, in the English language in a form satisfactory to the *Licensing Inspector*, including by electronic means, in which will be permanently recorded at the time of each transaction the following information:
 - i. date and time of the goods received;
 - ii. full name, residential address, date of birth, telephone number, gender, eye color, hair color and weight of the person submitting an item to be pawned;
 - iii. copies of 2 pieces of identification of the person pawning the item of which one must be a piece of government issued identification with photo;
 - iv. description of the goods including the make, model, serial #, manufacturer's name, distinguishing marks
 - v. amount of money advanced for the pawned item; and
 - vi. the name of the employee that conducted the transaction;
 - c) Issue a receipt signed by the person pawning the goods that contains:
 - i. the day, month and year the advance money is due;
 - ii. the amount of money advanced;
 - iii. the interest rate charged;

- iv. the name and address of the business;
- d) retain copies of the above receipts for 2 years after the date of the transaction;
- e) identify goods received with an identification tag or sticker to associate the items with the record of the transaction;
- f) not accept goods that have been altered; on which the manufacturer's identification number or serial number has been removed, defaced, tampered with or in any way altered;
- g) retain unredeemed goods for a minimum period of 45 days (or 60 days if a *Licensing Inspector, Peace Officer* or RCMP and/or *Chief Administrative Officer* so requests;
- h) maintain records of redeemed goods that contain:
 - i. the full name of the employee who accepted the goods to be redeemed.
 - ii. the date and time goods are redeemed;
 - iii. the full name, residential address, date of birth, telephone number, gender, eye color, hair color and weight of those redeeming the pawned item;
 - iv. a description of the goods redeemed including the make, model, serial #, manufacturer's name and distinguishing marks; and
 - v. copies of two pieces of identification of the person redeeming the pawned item, one of which must be a government issued identification with photo.
- 12.4 Make the above information available upon request, to the *Licensing Inspector, Peace Officer, RCMP* and/or *Chief Administrative Officer*.
- 12.5 A pawnbroker must not carry on business in a dwelling unit or any premises located in a residential land use district as described in the Land Use Bylaw.
- 12.6 A pawnbroker must not acquire, sell or offer for sale a motor vehicle without first obtaining a business license.
- 12.7 No person shall offer personal property as a pledge or pawn, when not in lawful possession of the personal property.

13. PHRENOLOGIST & FORTUNE TELLER

- 13.1 Phrenologists and Fortune Tellers or any *person* who operates a similar *business*, must first obtain Security Clearance from the *Chief Administrative Officer, RCMP* and/or *Peace Officer* before a *license* will be issued.

14. PROFESSIONAL CANVASSER OR PROMOTER

- 14.1 A Professional Canvasser or Promoter shall mean one who receives monetary gain or profit and who:
 - a) solicits,
 - b) offers,
 - c) sells tickets or makes reservations for an entertainment or a performance in the name of a charitable or non-profit organization,
 - d) who sells anything in the name of a charitable or non-profit organization; or,
 - e) who solicits or receives contributions for a charitable or non-profit organization; or,
 - f) who holds out or in any way represents that the proceeds for such solicitation, sale, collection or contribution is for the benefit of a charitable or non-profit organization, shall take out a license and shall comply with the other provisions of this section applicable to him.
- 14.2 Before a Professional Canvasser or Promoter, commences canvassing, soliciting, selling tickets or reservations for or on behalf of a charitable or non-profit organization, he shall file with the Development Officer a statement setting out the name of the charitable or non-profit organization for which the canvass, solicitation or sale is to be made and the agreed share of the amount realized by such undertaking that the charitable or non-profit organization is to receive.
- 14.3 Information regarding a canvassing or promotion in the Town may be provided to the RCMP.

15. REAL ESTATE AGENT

- 15.1 When an Agent has purchased a license in the Town for his/her Agency, then the Salesman working for that Agency does not need an individual license.

16. SECOND HAND DEALER

16.1 Every second hand dealer shall keep a book or other record in duplicate of the following information:

- a) an accurate description of the second hand goods including serial numbers, makes and models and any distinguishing features, including the fact that the serial number had been removed or is missing,
- b) the date and time of the day when such second hand goods were acquired,
- c) the name, address and an accurate description of the person from whom the second hand good were acquired; and,
- d) the amount paid for the second hand goods.

No entry made in such book or record shall be erased, obliterated or defaced no shall any portion thereof be torn out or removed, and every person who erases, obliterates, defaces, destroys, alters, mutilates or falsifies any second hand dealer's book or record is guilty of an offence.

16.2 The book or record referred to herein and any personal property in the second hand dealer's shop or place of business shall be open to inspection at all times by any Peace Officer, Licensing Inspector or Licensing Inspector's designate and the duplicate copy of such book or record shall be delivered to the Peace Officer, Licensing Inspector or Licensing Inspector's designate upon request.

16.3 No second hand dealer shall dispose of or undertake the repair of any second hand goods until 72 hours have elapsed from the time of his acquisition of the same.

16.4 Every second hand dealer shall keep separate and apart from his other goods those goods which need repair until the set forth time of 72 hours has elapsed.

16.5 This section does not apply to:

- a) the purchase of second hand good, wares, merchandise or other effect bargained for or delivered to the purchaser at any place outside the Town, although such person disposes of the same within the Town,
- b) persons who deal in second hand books,
- c) auctioneers,
- d) thrift shops and clothing banks operated by any church or charitable organization.

17. SPECIAL EVENT

17.1 A *business license* for a *special event* is a valid *license* for vendors operating within the *special event* while the *special event* is in operation.

17.2 Mobile vendors, push carts or *hawkers/peddlers* operating within a *special event* on public property are not required to obtain a mobile vending permit as under this Bylaw.

18. STUDENTS

18.1 Students who operate a *business* for the months of April 1 to August 31 of any given year shall:

- a) provide proof of age and proof of Student status,
- b) pay the *License Fee* set out in *Schedule "B"*.

BUSINESS LICENSE FEES

SCHEDULE "B"

PART	SECTION	PARTICULARS	LICENSING FEE	EDI FEE	TOTAL
13	13.1	Business License Transfer	\$33.00	10%	\$36.30
6	6.1	Contractor – Sub Non Resident	\$242.00	10%	\$266.20
6	6.2, 6.3	Contractor – General Resident	\$121.00	10%	\$133.10
		Non-Resident Contractors – shall include a listing of all sub-trades used on a construction project	\$363.00	10%	\$399.30
7	7.1	Public Market	\$121.00	10%	\$133.10
10	10.1	Home Based Business	\$100.00	10%	\$110.00
9	9.1	Non-Resident Business & Mobile Retail Daily Rate	\$363.00	10%	\$399.30
			\$55.00	10%	\$60.50
		Resident Business Commercial/Retail Business	\$121.00	10%	\$133.10
		Industrial Business	\$121.00	10%	\$133.10
		Direct Sellers	\$100.00	10%	\$110.00
		Trade Show Resident (\$100) per event	\$121.00	10%	\$133.10
		Non-Resident (\$200) per event *Trade Show organizers must provide the Town of Blackfalds with a listing of participants along with their mailing addresses and telephone numbers prior to the event.	\$242.00	10%	\$266.20
NOTE: Economic Development Initiatives (EDI) is a fee to assist with special projects that would be deemed to enhance the Economic Development of the Town of Blackfalds.					