

**TOWN OF BEAUMONT**  
**Bylaw Number 831-14**

**A Bylaw of the Town of Beaumont in the Province of Alberta  
to provide for the licensing and regulation  
of all business conducted within the Town of Beaumont.**

**WHEREAS** pursuant to the Municipal Government Act, the purpose of a municipality is to develop and maintain safe and viable communities; and

**WHEREAS** pursuant to the Municipal Government Act, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

**WHEREAS** pursuant to the Municipal Government Act, a council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business; and

**WHEREAS** pursuant to 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 and all of the matters listed therein; and

**WHEREAS** pursuant to the Municipal Government Act, a council may in a bylaw:

- (a) regulate or prohibit;
- (b) deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways; and
- (c) provide for a system of licenses, permits or approvals, including any or all of the matters listed therein;

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

**1. Short Title**

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

**2. Purpose**

- 2.1 The purpose of this bylaw is to establish a licensing regime for businesses, business activities and persons engaged in business and to provide for a safe community by suppressing conditions likely to lead to the commission of crime.

**3. Interpretation and Definitions**

- 3.1 In this bylaw, unless the context otherwise requires:

- (a) "adult entertainment" means a facility where entertainment or services are provided only to patrons over the age of eighteen (18) and includes, but is not limited to, night clubs, after-hours dance clubs, body rub centres, escort services, and exotic entertainers;

- (b) "applicant" means a person who applies for a business license, renewal or transfer of a business license required by this bylaw;
- (c) "application" means a written application for a business license, renewal or transfer of a business license, as provided for in this bylaw;
- (d) "business" means:
  - i) a commercial, merchandising or industrial activity or undertaking; or
  - ii) any trade, profession, industry, occupation, employment or calling; or
  - iii) the provision of goods and/or services of any kind;whether or not for profit and however organized or formed, including a co-operative or association of persons;
- (e) "business license" means a license or reference to a license issued pursuant to this bylaw;
- (f) "business premises" includes the store, office, warehouse, factory, building enclosure or other place occupied or capable of being occupied for the purpose of carrying on a business and in which place the carrying on of a business is a permitted or discretionary use under the Town of Beaumont Land Use Bylaw;
- (g) "CAO" means the Chief Administrative Officer or that person's designate;
- (h) "charitable" or "non-profit organization" means a person acting for a charity or in the promotion of general social welfare and includes:
  - i) a religious society or organization, or a Church;
  - ii) a service club;
  - iii) a community, veteran's or youth organization;
  - iv) a social, sport or fraternal organization/club;
- (h) "commence" means the point in time at which a business begins selling a service or good and shall not include preparations leading up to said point in time;
- (i) "Council" means the elected officials of the Town;
- (j) "day" means any complete day or portion thereof beginning at 12:00am and ending at 11:59pm;
- (k) "dayhome" means the provision of child care and supervision of children up to 12 years of age in the owner's private residence;
- (l) "special event" means an event that is recognized by the Town;
- (m) "general contractor" means a person or company engaged in the construction industry, whether by work or services and whether or not the services of any sub trade may be required, and includes an individual constructing or contracting to build a house;

- (n) “hawker” or “peddler” means any person who, whether as a principal or agent:
- i) goes from house to house selling or offering for sale any merchandise or a service, or both, to any person, and who is not a wholesale or retail detailer in that merchandise or service, and not having a permanent place of business in the municipality, or
  - ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered in, and/or shipped into a municipality, or
  - iii) sells merchandise or a service, or both, on the streets or elsewhere than at a building that is his permanent place of business but does not include any person selling:
    - meat, fruit or other farm produce that has been produced, raised or grown by themselves; or
    - fish of their own catching
- and does not include a mobile business unit.
- (o) “home-based business” means a business operating from land zoned for residential use pursuant to the Town of Beaumont Land Use Bylaw;
- (p) “licensee” means a person holding a valid and subsisting business license issued pursuant to the provisions of this bylaw;
- (q) “license fee” means those fees payable for a business license as stated in the Fees and Charges Bylaw, as amended from time to time;
- (r) “license inspector” means the person appointed under the provisions of this bylaw;
- (s) “license year” means a calendar year period commencing on January 1<sup>st</sup> and ending on December 31<sup>st</sup> of that year;
- (t) “mobile business unit” means a motor vehicle, temporary structure or display, or stand from which a business is carried on and for which the licensee is not listed on the assessment roll;
- (u) “non-resident” means a business which is not carried on from a business location within the Town, but is otherwise conducted partly or wholly within the Town;
- (v) “pawn shop” means the business of lending money on the pledge or pawning of personal property on the condition that it may be redeemed;
- (w) “Peace Officer” means a member of a police service as per the Police Act, a Community Peace Officer appointed by the Town pursuant to the Peace Officer Act, or a Bylaw Enforcement Officer appointed by the Town pursuant to the Municipal Government Act.
- (x) “person” means an individual human being or a corporation and includes a partnership, an association or a group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires;
- (y) “rental accommodation” means providing accommodation on a temporary or permanent basis;
- (z) “resident” business means a business that operates from a business premise that is located permanently within the boundaries of the Town, or a person who resides within the boundaries of the Town;

- (aa) “restricted product” means any of the following:
    - i) a product that displays a marijuana plant,
    - ii) a device intended to facilitate smoking activity, including a pipe (metal / glass blown, plastic, wood), water bong or vaporizer,
    - iii) a type of grinder (electric or manual),
    - iv) a type of digital weigh scale, and
    - v) a detoxifying product (including a drink, pill or other product) marketed for masking drug effects or making such effects undetectable through tests;
  - (bb) “seasonal business” means the supplying of goods, services or both and pertaining only to the cultivation of gardens, yard maintenance or snow removal during a seasonal term of either April 1<sup>st</sup> to October 31<sup>st</sup> or November 1<sup>st</sup> to April 30<sup>th</sup>;
  - (cc) “second-hand store” means a business where previously owned goods are acquired or received for re-sale;
  - (dd) “single project general contractor” means a general contractor performing a single construction project within the license year;
  - (ee) “subsequent offence” means any offence under this bylaw committed by a person after that person has already been convicted of an offence under this bylaw or has voluntarily paid a fine for such an offence;
  - (ff) “temporary business” means a business which is carried on for a period of 72 hours or less;
  - (gg) “Town” means the Town of Beaumont, a municipal corporation, in the Province of Alberta and where the context so requires, means the area contained within the corporate boundaries of the said Town;
  - (hh) “transfer” includes a sale or gift;
  - (ii) “violation ticket” means a violation ticket as defined in the Provincial Offences Procedure Act.
- 3.2 Any headings or subheadings in this bylaw are included for guidance purposes and convenience only, and shall not form part of this bylaw.
- 3.3 Specific references to laws in this bylaw are meant to refer to the current laws applicable within the Province of Alberta, or within Canada, as at the time this bylaw was enacted and as they are amended from time to time, including successor legislation.
- 3.4 All references in this bylaw shall be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.
- 3.5 Nothing in this bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
- 3.6 If any section or parts of this bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such section or parts shall be deemed to be severable and all other sections or parts of this bylaw shall be deemed to be separate and independent therefrom to be enacted as such.

#### **4. License Inspector**

- 4.1 The CAO must appoint a license inspector.
- 4.2 If the CAO does not appoint a license inspector, the CAO is the license inspector.
- 4.3 The license inspector may delegate any duty or responsibility of the license inspector to an employee or agent of the Town. If the license inspector is not the CAO, the license inspector may not delegate its authority to refuse, revoke or suspend a business license, or its authority to undertake inspections of lands or buildings.
- 4.4 The powers and responsibilities of the license inspector are to:
  - (a) receive and consider applications for business licenses;
  - (b) issue business licenses, impose conditions on business licenses and refuse to issue business licenses;
  - (c) revoke and suspend business licenses;
  - (d) keep a record of all business licenses issued and any particulars of those licenses;
  - (e) maintain a register of business licenses that is available to all departments of the Town to access for the purpose of administering and enforcing this bylaw, any other bylaw of the Town or an enactment of Alberta or Canada;
  - (f) undertake any inspections of lands or buildings and make any inquiries necessary to ensure compliance with this bylaw;
  - (g) be responsible for the administration and enforcement of this bylaw;
  - (h) establish forms for the purposes of this bylaw; and
  - (i) exercise any other power, responsibility or discretion provided under this bylaw.

#### **5. License Requirements**

- 5.1 No person shall carry on or operate any business within or partly within the Town without holding a valid and subsisting business license issued pursuant to the provisions of this bylaw unless specifically exempted under the provisions of this bylaw.
- 5.2 A business license is required for each business premise or mobile business unit where the business is carried on.
- 5.3 Sections 5.1 and 5.2 shall apply whether a person carries on or operates a business as a principal or as an agent.

#### **6. Exemptions**

- 6.1 A business license is not required for a business conducted by any of the following:
  - (a) the Crown in right of Alberta;
  - (b) the Crown in right of Canada;
  - (c) a Crown corporation;
  - (d) the Town;
  - (e) a person whose business is expressly exempted from the requirement of a business license by a statute of the Legislature of Alberta or Parliament of Canada;
  - (f) non-resident businesses that supply bulk goods for the purpose of resale to a resident business holding a valid business license;
  - (g) dayhomes registered with a dayhome agency, which agency holds a valid business license;

- (h) any subcontractor working under a general contractor in possession of a valid business license; or
- (i) any person under the age of 18 providing occasional light duty services and labour as an individual.

6.2 A person who contracts with any of the Governments or corporations designated herein will be subject to all the requirements of this bylaw.

6.3 A charitable or non-profit organization carrying on business for fund-raising shall be exempt from the licensing requirement.

## 7. Special Businesses

### 7.1 Adult Entertainment

- (a) In addition to any other requirements, before the issue or renewal of a business license for an adult entertainment business, the applicant must submit to the license inspector, in a form acceptable to the Town:
  - i) if the applicant is a corporation:
    - the full name and date of birth of all primary managers, owners, partners, directors and officers of the corporation; and
    - a recent Police Information Check issued by the RCMP for all primary managers, owners, partners, directors and officers of the corporation;
  - ii) If the applicant is an individual:
    - the full name and date of birth of the applicant;
    - a recent Police Information Check issued by the RCMP for the applicant; and
    - proof that the applicant is at least eighteen (18) years of age;
  - iii) A list of any web site addresses used to promote the adult entertainment business.
- (b) It is a deemed condition of every business license for an adult entertainment business that the licensee must:
  - i) keep a list of all persons employed in the business, including:
    - the full name of each employee;
    - the birth date of each employee;
    - any pseudonyms or aliases by which each employee is known; and
    - the telephone number for each employee;
  - ii) ensure that all employees are at least eighteen (18) years of age;
  - iii) ensure that a minimum of two employees are present on the business premises whenever the business is open to the public;
  - iv) not operate the adult entertainment centre between the hours of 2:00a.m. and 10:00a.m.

### 7.3 Hawker's/Peddlers

- (a) Hawkers and peddlers shall be required to obtain a business license for the umbrella organization and a business license for each salesperson. In addition to any other requirements, before the issue or renewal of business license the applicant shall provide the name, home address and cell phone information of each sales person working in Town.

- (b) Each salesperson shall be able to produce, upon request by a customer or other individual, company issued photo identification that matches the name on the business license for selling.

#### 7.4 Mobile Business Units

- (a) Businesses that operate out of a temporary structure, display or stand (ie, corn stand, temporary windshield repair etc.) require the registered landowner's written permission to be submitted with the application. Each specific location requires a license.
- (b) Mobile business units shall only be permitted a temporary business license.

#### 7.5 Pawn Shop and/or Second-Hand Store

- (a) In addition to any other requirements, before the issue or renewal of a business license for a pawn shop or second-hand store, a person must submit to the license inspector:
  - (i) if the applicant is a corporation:
    - the full name and date of birth of all primary managers, owners, partners, directors and officers of the corporation; and
    - a recent Police Information Check issued by the RCMP for all primary managers, owners, partners, directors and officers of the corporation;
  - (ii) If the applicant is an individual:
    - The full name and date of birth of the applicant; and
    - A recent Police information Check issued by the RCMP for the applicant;
    - The full name, date of birth and job title of every person working in the business
- (b) Whenever goods are received and held as security for an advance or money, or for resale by a second-hand store, the following information shall be accurately recorded, through a searchable electronic database:
  - (i) the date and time the goods were received;
  - (ii) the full name, date of birth, residential address, telephone number, gender, eye and hair colour of the person delivering the goods;
  - (iii) details from at least two (2) pieces of identification provided by the person delivering the goods, at least one of which must be government issued and have a photograph of the person;
  - (iv) a complete description of each good including where available, the make, model and serial number of the good, the manufacturers name and any distinguishing marks and have a photograph of each item;
  - (v) the amount of money advanced in respect of each good; and
  - (vi) the name of the person working in the business that conducted the transaction.
- (c) No goods shall be received and held as security for an advance of money, or for resale by a second-hand store, if the make, model, serial number, manufacturers name or any other distinguishing mark has been altered or in any way obliterated.
- (d) Whenever goods are received and held as security for an advance of money a written receipt shall be provided to the person delivering the goods, containing at least the following information:
  - (i) the day, month and year on which the money advanced is due;
  - (ii) the amount of money advanced;
  - (iii) the interest rate charged with respect to the advance; and

- (iv) the name and address of the business
  - (v) and shall be signed by the person delivering the goods and a copy of the signed receipt shall be retained by the pawn shop for a minimum of two (2) years.
- (e) No person shall alter, repair, forfeit, sell, dispose of or part with possession of any goods received and held as security for an advance of money, or for re-sale, until the expiration of forty-five (45) days from the date such goods were received.
  - (f) No person shall, during the period goods received and held as security for an advance of money, or for re-sale by a second-hand store, are required to be retained, remove or permit the removal of such goods from the business premises.
  - (g) All goods received and held as security for an advance of money, or for re-sale by a second-hand store, shall be kept separate and apart from all other merchandise and shall not be mixed with any other merchandise during the period the goods are required to be retained.
  - (h) All goods received and held as security for an advance of money, or for re-sale by a second-hand store, shall be identified with a tag or sticker in a manner sufficient to allow the association of a good with the information recorded with respect to its acquisition or receipt.
  - (i) No pawn shop or second-hand store shall receive from and/or hold goods for an individual under eighteen (18) years of age.

#### 7.6 Rental Accommodations

- (a) A business license shall be obtained for rental accommodations that contain three (3) or more rental units per titled lot.

#### 7.7 Special Events

- (a) In addition to any other requirements, before the issue or renewal of a business license for a special event, a person must submit to the license inspector proof of support and acknowledgement from the Town.
- (b) A business license for a special event is a valid business license for vendors operating within the special event while the special event is in operation.

### 8. License Application

- 8.1 An application shall be submitted in writing on the respective form.
- 8.2 An application shall not contain false or misleading information intended to mislead with regard to any matter or thing arising in connection with the licensing of the business.
- 8.3 Full payment of the appropriate fee as outlined in the Fees and Charges Bylaw, as amended from time to time, shall accompany each application or renewal.
- 8.4 A business submitting an application to renew a business license for the following license year shall not be deemed to be operating without a business license provided that the application for renewal and renewal fee is received on or before January 31<sup>st</sup> of the renewal year.
- 8.5 Home-based businesses must provide proof of residency at the time of application.



## **9. Consultations and Approvals**

- 9.1 The license inspector may consult, prior to issuing or renewing a license, with authorities and agencies including but not limited to, the Province of Alberta, the RCMP, Alberta Gaming and Liquor Commission, Alberta Motor Vehicle Industry Council, the Regional Health Authority, and Town departments to determine whether they are in possession of information which, in the opinion of the license inspector renders it inappropriate for a business license to be issued to a person.
- 9.2 Where a person intends to carry on business at a specific premises or location within the Town, the person shall, prior to the license inspector issuing a business license, ensure that all necessary approvals required under the Land Use Bylaw have been obtained and shall provide satisfactory proof thereof to the license inspector.

## **10. License Fees**

- 10.1 The fees for business licenses issued pursuant to this bylaw shall be as established in the Fees and Charges Bylaw, as amended from time to time.
- 10.2 All persons conducting business within the Town must possess a valid business license by January 31<sup>st</sup> of the current license year. A business commencing operations between January 31<sup>st</sup> and July 31<sup>st</sup> shall pay the normal fee(s). A business commencing operations on or after August 1<sup>st</sup> shall pay one-half (1/2) the normal fee(s), with the exception of temporary businesses, seasonal businesses, general contractors and/or single project general contractors.
- 10.3 Resident general contractors must possess a valid home-based business license or commercial business license in order to take advantage of the resident general contractor fee.
- 10.4 The commercial business license fee shall apply unless a business license type is specifically identified in the Fees and Charges Bylaw, as amended from time to time.
- 10.5 Once a business license has been issued, no refunds shall be awarded.
- 10.6 A business that ceases to operate shall not be entitled to a refund of any licensing fees paid.
- 10.7 A business that has its business license suspended or revoked shall not be entitled to a refund of licensing fees paid and must submit a new application and all corresponding fees before that business may resume.
- 10.8 A licensee may obtain a replacement business license for a business license that has been lost or destroyed by paying to the Town the fee for a replacement business license set out in the Fees and Charges Bylaw, as amended from time to time.

## **11. Term of License**

- 11.1 A business license shall be valid from the date on which it was issued until 11:59 pm of December 31<sup>st</sup>, of that license year, unless
- (a) The terms of this bylaw otherwise expressly provide, or;
  - (b) The business license provides otherwise, or;
  - (c) The business license has been sooner cancelled, revoked, suspended or forfeited.

- 11.2 A business license issued to a single project general contractor shall be valid until the completion of said project, unless otherwise revoked, suspended or cancelled.
- 11.3 The license inspector may issue a business license for a limited term or for a specified date in any case where the license inspector considers it appropriate to do so.
- 11.4 A person may not appeal to Council a decision to issue a business license for a limited term or for a specified date.

## **12. License Identification**

- 12.1 The business license shall bear on its face the following:
  - (a) the name of the licensee and each name under which the business is to be conducted;
  - (b) a description of the type of business for which the business license is issued;
  - (c) the location where the business is to be conducted;
  - (d) any special conditions on the business license;
  - (e) the date on which it was issued and the date on which the business license shall expire;
  - (f) the identification of the Town; and
  - (g) an authorized signature of the Town.
- 12.2 All business licenses issued pursuant to this bylaw are and shall remain the property of the Town.
- 12.3 A person may not alter, reproduce without permission, or deface a license.
- 12.4 All active business licenses must be displayed prominently by the licensee in such a location that it is easily viewable by the public and by Town staff.
- 12.5 A business shall, upon request, immediately produce the business license to the license inspector, to a Peace Officer, or to any person with whom they are carrying on business.

## **13. Obligations of Licensee**

- 13.1 A licensee must ensure that the business conducted under a business license complies with:
  - (a) this Bylaw, and
  - (b) any conditions imposed on the business license.
- 13.2 A licensee must:
  - (a) post the business license in a conspicuous location in the business premises where the business under the business license is carried on or operated; and
  - (b) produce, within twenty-four (24) hours, the business license to the license inspector or Peace Officer if requested to do so.
- 13.3 A licensee must give access to the business premises specified in the business license to the license inspector or Peace Officer.
- 13.4 A licensee must ensure that the yearly renewal fee is paid regardless of receipt of invoice.
- 13.5 No person may, in a single business location or under a single business license, display or offer for sale restricted products from three (3) or more categories thereof.
- 13.6 No person may sell a restricted product to a minor.

- 13.7 No person shall display a restricted product at a business premise such that the restricted product is visible from outside the business premise.
- 13.8 The restrictions of restricted products do not apply in the context of a licensed or regulated pharmacy as contemplated by the Pharmacy and Drug Act, or a licensed business within which such licensed or regulated pharmacy is operated.
- 13.9 A licensee shall not sell spray paint in any form to individuals under the age of eighteen (18).

#### **14. Notification of Change**

- 14.1 Every person who holds a business license shall notify the license inspector:
  - (a) of any change in:
    - (i) the business location applicable to the business;
    - (ii) the owner of the business if a transfer of the business has taken place;
    - (iii) the telephone or fax number applicable to the business
    - (iv) the name of the business; or
    - (v) the type of business carried on by the person,

and shall provide the license inspector with a duly completed and executed application to amend the business license and the applicable fee; or

- (b) if he ceases to carry on the business for which the business license was granted.

#### **15. Directory**

- 15.1 The license inspector may publish or authorize the publication of a publicly available directory of businesses in the Town and may establish procedures under which a directory is published or information included in it.
- 15.2 The directory may contain any information provided by an applicant or licensee under this bylaw, unless, at the time information is provided under this bylaw, or at the time of renewal, an applicant or licensee requests that information not be included in a directory.
- 15.3 When an applicant or licensee provides information under this bylaw, the applicant or licensee must be given an opportunity to exercise the right under Section 15.2.

#### **16. License Approval, Refusal, Suspension or Revocation**

- 16.1 Where a business license has been issued in error without payment of the applicable license fee, the business license may be revoked by the license inspector.
- 16.2 Where a business license is revoked the licensee shall forthwith return the business license to the license inspector.
- 16.3 A business license issued under this bylaw is not a representation to the licensee that the business complies with the requirements of any other bylaw or enactment.
- 16.4 The license inspector may refuse to issue or renew a business license, may suspend or revoke a business license and may impose any conditions on a business license for the following reasons:

- (a) the applicant or licensee does not or no longer meets the requirements of this bylaw with respect to the business license applied for or held;
  - (b) the applicant or licensee or any of its officers or employees:
    - i) furnishes false information or misrepresents any fact or circumstance to a Peace Officer or the license inspector;
    - ii) has, in the opinion of the license inspector based on reasonable grounds, contravened this bylaw whether or not the contravention has been prosecuted; or
    - iii) fails to pay any fee or outstanding fine required by this bylaw;
  - (c) a business license of the applicant for the same or a similar business has been revoked within the past twelve (12) months;
  - (d) the license inspector has reasonable grounds for believing that the applicant does not or will not comply with this bylaw, another bylaw of the Town, or an enactment of Alberta or Canada in relation to the carrying on or operation of the business; or
  - (e) in the opinion of the license inspector, based on reasonable grounds, it is in the public interest to do so.
- 16.5 Where a business license has been issued in error without all the necessary approvals required pursuant to this bylaw, the business license may be revoked by the license inspector.
- 16.6 A business license may be revoked or suspended for non-compliance with a bylaw, notwithstanding that the licensee has not been prosecuted for a contravention of that bylaw.
- 16.7 At any relevant time the license inspector may impose, in addition to the conditions referenced herein conditions on a new or existing business license in relation to the establishment or operation of the applicable business.
- 16.8 A business license is automatically revoked if payment of fees is made by cheque or other instrument which is not accepted by the financial institution on which it was issued.
- 16.9 The license inspector must give written notice of the refusal, revocation or suspension, setting out in general terms the reason for the refusal, revocation or suspension and, in the case of suspension, the period of the suspension.
- 16.10 The revocation or suspension of a business license herein is effective:
- (a) twenty-four (24) hours after delivery if the written notice is delivered personally to the licensee or the registered office of a corporate licensee; or
  - (b) seventy-two (72) hours after posting if the written notice is posted in a conspicuous place at the business premises specified in the application where the business is to be conducted or operated; or
  - (c) seven (7) days after mailing if the written notice is mailed by ordinary mail to the mailing address provided for in the application,
- whichever is earliest.
- 16.11 Where a business license is revoked or suspended the business shall immediately cease operating, and shall not commence operating until a business license is approved and issued by the Town.
- 16.12 The license inspector may revoke or suspend a business license in addition to or instead of prosecuting an offence under this bylaw or the Provincial Offences Procedure Act, or both.

## 17. Appeal

### 17.1 A person:

- (a) who has been refused the issue or renewal of a business license,
- (b) whose business license has been suspended or revoked; or
- (c) whose business license is made subject to conditions, other than conditions imposed by this bylaw;

may appeal the decision to the CAO within fourteen (14) days by providing a written submission to the Legislative Clerk. The CAO shall consider the appeal and provide a written decision to the person within five (5) business days of receiving the written submission.

- 17.2 Further to Section 17.1, within fourteen (14) days of receiving the CAO's appeal decision, a person may appeal the CAO's decision to Council by providing a written submission to the Legislative Clerk.
- 17.3 Upon receipt of the written submission specified in Section 17.2, the Legislative Clerk shall:
  - (a) make arrangements for Council to hear the appeal within 30 calendar days;
  - (b) notify the appellant and all other affected parties in writing of the date, time and place that the matter will be heard; and
  - (c) provide a copy of the notice and all relevant documentation to the license inspector.
- 17.4 The Legislative Clerk shall record the proceedings of the appeal and advise the affected parties of the outcome within fifteen (15) calendar days of the date on which the appeal decision is made by Council.
- 17.5 The Council, after hearing the applicant, may confirm or vary the decision of the CAO or license inspector.
- 17.6 Council's decision is final and binding.
- 17.7 Where a licensee has given notice of an intention to appeal the revocation, suspension or conditions of a business license a stay of the revocation, suspension or conditions will be permitted unless, in the opinion of the license inspector, the continued operation of the business may create a danger to the safety, health or welfare of the public.

## 18. Enforcement

- 18.1 The Town is not required to enforce this bylaw. In deciding whether to enforce this bylaw the Town may take into account any practical concerns, including available municipal budget and personnel resources.

## 19. Offence

- 19.1 A person who contravenes this bylaw is guilty of an offence.

**20. Inspections**

- 20.1 All businesses that are licensed, or are required to be licensed may have the business premises and surrounding lot inspected by the license inspector or Peace Officer at any time.
- 20.2 If the license inspector or Peace Officer reasonably believes a person is carrying on a business requiring a business license, a person, shall:
- (a) permit and assist in all inspections requested by the license inspector or Peace Officer;
  - (b) provide all identification, information, or documentation related to the inspection to the license inspector or Peace Officer, and;
  - (c) not provide to the license inspector or Peace Officer false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with the licensing of the business.
- 20.3 No person shall attempt to prevent, obstruct, or hinder the license inspector or Peace Officer from making an inspection authorized by this bylaw.
- 20.4 During an inspection authorized under this bylaw, the license inspector or Peace Officer may examine any business record or document required to be maintained under this Bylaw for the purpose of enforcing this bylaw, and remove any relevant record or document required to be maintained under this Bylaw from the business premise for the purpose of copying it, and will provide a receipt for any document or record so removed.
- 20.5 No person shall allow any false or misleading information to appear on any record required to be kept or prepared pursuant to this bylaw.

**21. Penalties**

- 21.1 Any person who is guilty of an offence is liable to a fine in an amount not less than that established herein, and not exceeding \$10,000, and to imprisonment for not more than six (6) months for non-payment of a fine.
- 21.2 Without restricting the generality of Section 21.1 the following fine amounts are established for use on violation tickets if a voluntary payment option is offered:
- (a) \$250.00 for any offence for which a fine is not otherwise established in this Section;
  - (b) \$500.00 for any offence under Sections 5.1, 5.2, 8.2, 20.2(c), 20.3 and/or 20.4;
  - (c) double these fine amounts for each subsequent offence.

**22. Continuing Offence**

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

**23. Violation Tickets**

- 23.1 A Peace officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the Provincial Offences Procedure Act to any person who the Peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

- 23.2 If a violation ticket is issued in respect of an offence, the violation ticket may:
- (a) specify the fine amount established by this bylaw for the offence; or
  - (b) require a person to appear in court without the alternative of making a voluntary payment.

**24. Voluntary Payment**

- 24.1 A person who commits an offence may:

- (a) if a violation ticket is issued in respect of any offence; and
- (b) if the violation tickets 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.

**25. Obstruction**

- 25.1 A person shall not obstruct or hinder any the license inspector or Peace Officer in the exercise or performance of their powers pursuant to this bylaw.

**26. Proof of License**

- 26.1 The onus of proving that a person has a valid and subsisting business license for a business is on the person alleging the business license on a balance of probabilities.

**27. Proof of Exemption**

- 27.1 The onus of proving that a person is exempt from the provisions of this bylaw requiring a business license is on the person alleging the exemption on a balance of probabilities.

**28. Proof of Business**

- 28.1 In a prosecution for a contravention of this bylaw against carrying on a business without a license, proof of one transaction in the business or that the business had been advertised is sufficient to establish that a person is carrying on the business.

**29. Certified Copy of Record**

- 29.1 A copy of a record of the Town, certified by the CAO as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

**30. Vicarious Liability**

30.1 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

**31. Corporations and Partnerships**

31.1 When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

31.2 If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

**32. Transition**

32.1 An existing business license issued under Bylaw 451-00 remains valid until the term of such business license expires, unless the business license is otherwise revoked, suspended or forfeited.

32.2 Bylaw No. 451-00 is hereby repealed in its entirety.

This Bylaw shall be effective as of the 1<sup>st</sup> day of January, 2015.

Read a First time in Council this 24<sup>th</sup> day of June, 2014.

Non-Statutory Public Hearing held this 22<sup>nd</sup> day of July, 2014.

Non-Statutory Public Hearing held this 25<sup>th</sup> day of November, 2014.

Read a Second time in Council this 25<sup>th</sup> day of November, 2014.

Read a Third and final time in Council and passed this 25<sup>th</sup> day of November, 2014.



Mayor



Legislative Clerk