

**TOWN OF ROCKY MOUNTAIN HOUSE
BYLAW 2019/15V**

A Bylaw of the Town of Rocky Mountain House pursuant to provisions of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto, to provide for the regulation and licensing of all businesses carried on within the municipality.

WHEREAS the Council of the Town of Rocky Mountain House is committed to developing and maintaining a safe and viable community, and

WHEREAS Council may pass bylaws for municipal purposes respecting the safety, health, welfare and protection of people, and

WHEREAS Council may, in passing a bylaw, regulate or prohibit, or provide for a system of licenses, permits or approvals, for any development, activity, industry, business or thing, until a licence, permit or approval has been granted, which can include terms and conditions, and fines and penalties.

WHEREAS the Council of the Town of Rocky Mountain House; duly assembled, deems it necessary to provide for the regulation and licensing of all businesses carried on within the municipality,

NOW THEREFORE, the Council of the Town of Rocky Mountain House; duly assembled, enacts as follows:

TITLE:

1. This Bylaw may be cited as "**the Business License Bylaw**" of the Town of Rocky Mountain House.

DEFINITIONS:

2. In this Bylaw:
 - A. "**Abutting Vendor**" means a vending business that is located directly adjacent to an existing commercial establishment of which the operation is done by that establishment, and for the purposes of that establishment, including the selling of perishable items;
 - B. "**Applicant**" means a person who applies for a business license or renewal of a business license required by the Bylaw;
 - C. "**Business**" means:
 - i) a commercial, merchandising or industrial activity or undertaking,
 - ii) a profession, trade, occupation, calling or employment; or,

- iii) an activity providing goods or services whether or not for profit and however organized or formed, including cooperative or association of persons;
- D. **"Business Premises"** means the premises from which a Business is operated;
- E. **"Busker"** means a person (or persons) who entertains to solicit money from people in public spaces;
- F. **"CAO"** means the Chief Administrative Officer of the Town of Rocky Mountain House;
- G. **"Conversion therapy"** means the offering or provision of counselling or behaviour modification techniques, administration or prescription of medication, or any other purported treatment, service, or tactic used for the objective of changing, repressing, or discouraging a person's sexual orientation, gender identity, gender expression, or gender preference, or eliminating or reducing sexual attraction or sexual behaviour between persons of the same sex, not including
 - i) services that provide non-judgemental acceptance, support, or understanding of a person or that facilitate a person's coping, social support, or identity exploration or development, or;
 - ii) gender-affirming surgery or any service or assessment related to gender-affirming surgery, social, or medical transition.
- H. **"Council"** means the Municipal Council of the Town of Rocky Mountain House;
- I. **"County Resident Business"** means a Business that resides within the corporate limits of Clearwater County, but outside the corporate boundaries of the Town of Rocky Mountain House, that conducts business within the Town of Rocky Mountain House;
- J. **"Fee"** means the monetary amount levied on each application for a business license as set out in the Fees and Rates Bylaw;
- K. **"For Profit Events"** means events that are in nature, for commercial purposes of financial gain through the selling of good or services. Examples include Farmers Markets, other markets, trade fairs, for-profit music concerts. This does not include fundraising events.
- L. **"Home Occupation"** means any person, firm or corporation carrying on any business out of a residence within the Town of Rocky Mountain House.

- M. **"License"** means a license granted by the Town of Rocky Mountain House entitling the person, to whom it is granted, to carry on business therein specified in the Town of Rocky Mountain House;
- N. **"Licensee"** means a person holding a valid and subsisting License issued pursuant to the provisions of this Bylaw;
- O. **"License Inspector"** means the person designated and authorized in writing by the Chief Administrative Officer to administer and enforce the requirements of this Bylaw;
- P. **"Mobile Vendors"** means a vending business that can be easily relocated in four (4) hours and does not take up more than 100 sq. ft. Examples include hot dog or ice cream carts, other mobile vendors;
- Q. **"Municipal Tag"** means a form of ticket prescribed by the Town for a Bylaw Offence providing a person with the opportunity to pay an amount to the Town in lieu of prosecution;
- R. **"Not-for Profit Events"** means events that are in nature, for no monetary gain, and are thus community orientated, charitable, or activity-based;
- S. **"Non-Resident Business"** a Business that resides outside the corporate limits of Clearwater County and the corporate boundaries of the Town of Rocky Mountain House, that conducts business within the Town of Rocky Mountain House. This category shall include those non-resident contractors and trades people associated with the construction and/or repair of a building within the corporate boundaries of the Town of Rocky Mountain House;
- T. **"Officer"** means:
- i) the License Inspector;
 - ii) a Bylaw Officer appointed to enforce bylaws of the Town;
 - iii) a Community Peace Officer appointed by the Solicitor General of Alberta and authorized by the Town; or
 - iv) a member of the Royal Canadian Mountain Police;
- U. **"Patio"** means an extension to an existing eating or drinking establishment that requires no permanent construction and includes a seating area for customers;
- V. **"Resident Business"** means any Business that resides and maintains a permanent place of business within the corporate boundaries of the Town of Rocky Mountain House;
- W. **"Sidewalk Sales"** means tables and racks set up temporarily in front of a commercial establishment filled with retail merchandise;

- X. **"Temporary"** means a commercial use where there is a clear start and end date that does not extend past an annual year;
- Y. **"Town"** means the Town of Rocky Mountain House, a municipal corporation in the Province of Alberta.
- Z. **"Violation Ticket"** has the same meaning as in the *Provincial Offences Procedures Act, RSA 2000, c. P-34*, as amended.

APPOINTMENT, POWERS, AND DUTIES OF LICENSE INSPECTOR:

- 3. The CAO shall appoint a License Inspector(s) to carry out the terms of this Bylaw.
- 4. The powers and duties of the License Inspector are:
 - a) to establish forms for the purpose of this Bylaw, and to receive and administer all applications for Licenses with the appropriate fee payable under the Fees and Rates Bylaw;
 - b) to carry out whatever inspections are reasonably required to determine compliance with this Bylaw;
 - c) to require a person holding a license to provide any information reasonably required to make a decision regarding that License;
 - d) to consider the advice and recommendations from internal departments and outside agencies with respect to License applications and to determine whether the granting of a License to a particular applicant is appropriate in light of that advice;
 - e) to prosecute violations and infractions of this Bylaw.

LICENSE REQUIRED:

- 5. No person shall carry on or operate a Business in the Town unless the person holds a valid License authorizing the person to carry on or operate that Business and has paid the Town the fee for that License as set out in the Fees and Rates Bylaw.
- 6. A separate License is required for each location at which the Business operates. A Mobile Vendor may be exempt from requiring a License for each location, if each location, including specific times and dates, is clearly determined upon application.
- 7. Where more than one Business operates at the same location, each Business must have a separate License.
- 8. No License shall be required for:

- a) residential garage sales, provided that the sales take place on a residential property where that property owner, or primary resident, directly supervises and controls the garage sale;
- b) Non-profit, religious or charitable organizations;
- c) Non-profit Events;
- d) product delivery operations are exempted from needing a License provided that the company is not a Resident Business;
- e) any Business that is exempt under Provincial or Federal legislation;
- f) for any other businesses that Council by resolution may exempt;
- g) for landlords or any landlord businesses that own properties for rent.

APPLICATION:

- 9. An applicant for a License shall make application to the License Inspector on a form supplied by the License Inspector, furnishing such information as the form shall require and such additional information as the License Inspector may require including:
 - a) valid Federal or Provincial Certificate, authority, license or other document or qualification that may be required in connection with the carrying on of a Business;
 - b) valid development permit approval under the Town's Land Use Bylaw;
 - c) any certificate or other approval required by any provision of this Bylaw with respect to the Business;
 - d) the License fee payable in respect of the business as set out in the Fees and Rates Bylaw.
- 10. During the currency of a License, the Licensee shall promptly inform the License Inspector of any change in the information submitted in the License application.

REFUSAL, CANCELLATION, AND REVOCATION

- 11. The License Inspector may refuse to issue or renew a License, or may cancel or revoke a License for any of the following reasons:
 - a) the applicant or Licensee does not or no longer meets the requirements of this Bylaw, with respect to the License being applied for and held;

- b) where any certificate, authority, license or other document of qualification under this or any other Bylaw, or under any statute of Canada or Province of Alberta (i.e. Public Health Act, or Fire Prevention Act) is suspended, cancelled, terminated, or surrendered, any License issued under this Bylaw based in whole or in part on such certificate, authority, license or other document of qualification shall be revoked automatically forthwith;
 - c) the applicant or Licensee or any of its officers or employees:
 - i) furnishes false information or misrepresents any fact or circumstance to an Officer;
 - ii) has, in the opinion of the License Inspector based on reasonable grounds, contravened this Bylaw;
 - iii) fails to pay a fine imposed by a court for a contravention of this Bylaw.
 - iv) fails to pay any fee required by the Fees and Rates Bylaw or any other applicable Bylaw;
 - d) in the opinion of License Inspector based on reasonable grounds it is in the public interest to do so;
 - e) the Licensee refuses to admit an Officer into the Business Premises from which the Business is carried out.
12. The License Inspector shall notify the applicant or Licensee of a refusal, cancellation, or revocation of a License by:
- a) delivering a notice to the applicant or Licensee, or any of its officers or employees personally; or
 - b) sending a notice by ordinary mail to the mailing address on the application.
13. Conversion Therapy is not a permitted service provided by any Business, despite an organization being exempt from a License.

APPEAL:

- 14. A person may appeal a refusal, cancellation, or revocation of a License within fourteen (14) days by submitting a letter of appeal to Town Council.
- 15. An appeal shall be heard by Town Council within 30 days of the date upon which a letter of appeal has been received.
- 16. Council shall hear the appellant, the License Inspector, and any other person who, in the opinion of Council, is affected by the decision. Council may accept any other evidence or information deemed pertinent to the subject matter of the appeal.

17. After hearing the applicant and the evidence provided, Council may confirm such refusal, cancellation, or revocation, or may direct that the license be issued either conditionally or unconditionally. The decision of the Council is final.

DURATION:

18. Every License issued under the provisions of this Bylaw shall terminate at midnight on the 31st day of December of the year in which said License was issued unless:
 - a) the License provides otherwise; or
 - b) the License has been sooner cancelled or forfeited.

LICENSE FEES:

19. Business License fees shall be levied on each applicant and are non-refundable. All License fees are based on an annual duration (unless specified) and are provided in the Fees and Rates Bylaw.
20. The cost of a License will be half the cost from July 1 to December 31 if purchased between these dates each year. This will exclude daily business licenses, and all other Temporary Uses, which will remain unchanged.

TEMPORARY USE REGULATIONS:

BUSKERS

21. A Busking Licensee shall meet the following conditions:
 - a) adhere to the hours of operation as stipulated by the License Inspector;
 - b) shall not charge a minimum or set fee, but may receive donations for their performances;
 - c) shall not aggressively or persistently solicit donations;
 - d) shall not perform on sites that have been booked for For-profits or Not-for profit Events unless they are a part of the Event;
 - e) must carry a valid License.

FOR PROFIT EVENTS

22. A License for a For-profit Event is a valid License for all vendors operating within the Event while the Event is in operation.
23. If food handling and vending is a part of a For-profit Event, proof of Public Health inspector approval under the Public Health Act will be required prior to issuance of a License.

MOBILE VENDORS

24. An applicant for a License for a Mobile Vendor must submit to the Town, in the form acceptable to the License Inspector:
 - a) letter of permission from the property owner (if located on private property);
 - b) permission from the Town if located on Town property;
 - c) a description of the operation and hours of operation;
 - d) a sketch illustrating proposed layout location and dimensions;
 - e) photos and description of cart or vending unit;
 - f) time period requested with start and end date.
25. Before the issuance of a License, the application may be sent to the Public Health inspector for consultation where applicable.
26. A Mobile Vendor Licensee must adhere to the following conditions:
 - a) adhere to the hours of operation stipulated by the License Inspector;
 - b) maintain a clean work and storage area;
 - c) provide a garbage and recycle receptacles for the use of their customers;
 - d) not obstruct doorways, fire hydrants, driveways, loading zones, or emergency access routes;
 - e) display their License during operation.
27. Where a conflict arises with an existing business operation, the Town reserves the right to relocate a Mobile Vendor.

ENFORCEMENT:

OFFENCE

28. A person who contravenes this Bylaw is guilty of an Offence.

CONTINUING OFFENSE

29. 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 offense is liable to a fine in an amount not less than the amount established by this Bylaw, for each day the contravention continues.

PROOF OF LICENSE

30. The onus of proving that a person has a valid and subsisting License for a Business is on the person alleging the License, and such person shall, upon request, forthwith produce same to an Officer, or any person with whom he is doing business to which the License relates.

PROSECUTION

31. In a prosecution for a contravention of this Bylaw against engaging in or operating a Business without a License, proof of one transaction in the Business or that the Business has been advertised is sufficient to establish that a person is engaged in or operates the Business.

FINES AND PENALTIES

32. A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an Offence and liable upon summary conviction to a fine set out in Schedule B of this Bylaw, and in default of payment of any fine, to imprisonment for up to 6 months.
33. For any Offence for which there is a fine set out in Schedule A for a first Offence, the fine for any subsequent Offence is double the amount of the first Offence.
34. Where an Officer reasonably believes that a person has contravened any provision of this Bylaw, the Officer may, in addition to any other remedy at law, issue and serve upon the person a Municipal Tag or a Violation Ticket. The recording of the payment of a fine made to the Town pursuant to a Municipal Tag or to the Provincial Court of Alberta pursuant to a Violation Ticket shall constitute an acceptance of a guilty plea and a conviction for the Offence.

MUNICIPAL TAG

35. If a Municipal Tag is issued in respect of an Offence, the Municipal Tag must specify the fine amount established by this Bylaw for the Offence.

PAYMENT IN LIEU OF PROSECUTION

36. If a Municipal Tag is issued for an Offence to a person, that person may pay the fine amount established by this Bylaw for the Offence to the Town and if the amount is paid on or before the required date, the person will not be prosecuted for the Offence.

VIOLATION TICKET

37. If a Violation Ticket is issued for 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 option of making a voluntary payment;

and where a Violation Ticket specifies a fine amount, a payment equal to the specified amount may be made as directed on the Violation Ticket.

OBSTRUCTION

- 38. No person shall obstruct or hinder any person in the exercise or performance of the person’s powers pursuant to this Bylaw.

POLICE REFERRAL:

- 39. If the head of the RCMP Rocky Mountain House Detachment believes, on reasonable grounds, that the issue or renewal of a License would endanger the safety, health, or welfare of people or the protection of people or property, then he or she must notify the License Inspector forthwith, in writing.
- 40. If the License Inspector is notified of such concerns, then the License Inspector may refuse to issue or renew the License.

OTHER PROVISIONS:

- 41. The invalidity of any provision in this Bylaw shall not affect the validity of the remainder.
- 42. Business License Bylaw No. 14/16V is hereby repealed.
- 43. Bylaw No. 15/06V Amendment is hereby repealed.
- 44. Bylaw No 17/07V Amendment is hereby repealed.

READ a first time this 10 day of September, 2019.

READ a second time this 18 day of February, 2020.

READ a third time and final time this 18 day of February, 2020.

Redacted under Section 17 of the FOIP Act.

Tammy Burke, MAYOR

Redacted under Section 17 of the FOIP Act.

Dean Krause, CAO

SCHEDULE A – FINES AND PENALTIES

SECTION	OFFENCE	SPECIFIED FINE
5	Engaging in or operating a Business without a License	\$400.00
9. a)	Failure to provide valid Federal or Provincial Certificate, authority, license or other document or qualification	\$200.00
9.b)	Failure to provide valid development approval under the Town's Land Use Bylaw	\$200.00
10	Failure to advise the License Inspector of any changes in the information submitted in the license application	\$200.00
13	Providing Conversion Therapy Services	\$10,000.00
21	Breach of Busking License condition	\$200.00
26	Breach of Mobile Vending condition	\$200.00
30	Failure to provide proof of License	\$400.00
38	Obstruct/hinder person in performance of powers	\$200.00