

BY-LAW NO. 1507-01
OF THE
CITY OF WETASKIWIN
IN THE PROVINCE OF ALBERTA

A BY-LAW OF THE CITY OF WETASKIWIN IN THE PROVINCE OF ALBERTA, TO REPEAL AND REPLACE BYLAW NO. 1484-00 TO LICENSE AND REGULATE CERTAIN BUSINESSES, ACTIVITIES AND PERSONS ENGAGED IN BUSINESSES WITHIN THE CITY OF WETASKIWIN.

WHEREAS the Municipal Government Act, R.S.A. 1994, Chapter M-26.1, as amended grants a municipality the authority to regulate and license activities, industries or businesses.

THEREFORE, the Council of the City of Wetaskiwin in the Province of Alberta duly assembled, hereby enacts as follows:

1. That bylaw shall be known as the ' Business License Bylaw'.

2. DEFINITIONS

- | | |
|--|---|
| a) APPLICANT | means any Person who makes an Application for any Business License under the provisions of this Bylaw. |
| b) APPLICATION | a written Application for a Business License as provided for by this Bylaw and includes an Application to renew or transfer. |
| c) BUSINESS | shall have the same meaning as provided by the <i>Municipal Government Act</i> , C. M-26.1, RSA 1994, and amendments thereto. |
| d) BUSINESS LICENSE | means a License issued pursuant to this Bylaw. |
| e) BUSINESS PREMISES | means any store, office, warehouse, factory, building enclosure, yard or other place occupied or capable of being occupied for the purpose of carrying on a Business. |
| f) CHARITABLE OR
NON-PROFIT
ORGANIZATION | means a Person acting for charity or in the promotion of general social welfare and includes:
a religious society or organization |

- a service club
a community, veteran's or youth organization
a social, sport or fraternal organization or club.
- g) CITY means the Municipal Corporation of the City of Wetaskiwin.
- h) CITY MANAGER means the Chief Administrative Officer of the City, as appointed pursuant to the *Municipal Government Act*, or their designate.
- i) COUNCIL means the Municipal Council of the City.
- j) GROUP CARE FACILITY means a facility that provides resident services in a private residence, by hired staff, for six or fewer individuals who are not related to the resident householder. These residents may be handicapped, aged, disabled or in need of adult supervision and are provided services and supervision in accordance with their individual needs.
- k) HAWKER AND PEDDLER shall mean any person who, whether as principal or agent, locates on any street or roadway or elsewhere other than a building which is his permanent place of business, and offers for sale any merchandise to any person.
- l) HOME OCCUPATION means a Business carried on by a Person who is an occupant of a dwelling unit, as a use secondary to the residential use. This does not include Group Care Facilities.
- m) LAND USE BYLAW means the Land Use Bylaw of the City.
- n) LICENSE OFFICER means a person appointed in writing by the City Manager.
- o) LICENSEE means a Person holding a valid and existing Business License issued pursuant to the provisions of this Bylaw.
- p) MARKET means the business of providing, on a temporary or casual basis, stalls or other restricted areas for the display and date of goods, wares, services or merchandise to the public.
- q) MOBILE VENDOR

means:

- i) Traveling or Temporary Sales Selling goods or services other than food or beverages place to place, or from a temporary location in any place where the public has an expected right of access, but not including sales to a wholesale or retail dealer in any such goods;
- ii) Traveling or Temporary Food Sales Selling food or beverages place to place, or from a temporary location in any place where the public has an expected right of access, but not including sales to a wholesale or retail dealer in any such goods.

*amended by 1933-19

- r) NON-RESIDENT BUSINESS means a Business that is not a Resident Business or a Regional Resident Business.
- s) PEACE OFFICER means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, or a Special Constable.
- t) PERSON means any individual, firm, corporation, or partnership of any kind.
- u) REGIONAL RESIDENT BUSINESS means a Business that is established and located within the corporate limits of the County of Wetaskiwin or the Town of Millet.
- v) RESIDENTIAL LANDLORD means an individual or company that owns four or more residential rental units within the City of Wetaskiwin.
- w) RESIDENT BUSINESS means a Business that is established and located within the corporate limits of the City of Wetaskiwin.

3. A License Officer shall be authorized to carry out the necessary provisions of this Bylaw.

4. The City shall ensure:

- a) all Applications for a Business License or transfers are reviewed, considered and dealt with.
- b) if all requirements of this Bylaw are met, Business Licenses are issued with, or without conditions, where deemed appropriate, upon payment

in full of the required fee as prescribed in Schedule A, attached to and forming part of this Bylaw.

5. Authority of Officers

a) A License Officer may:

- (i) conduct investigations with regards to proposed applications, where necessary;
- (ii) refuse to grant a Business License, or revoke or suspend any Business License, or add conditions to an existing Business License if, in the opinion of the License Officer, there are just and reasonable grounds for the decision subject to the right of the Applicant to appeal the refusal, revocation, suspension, or conditions to Council;
- (iii) conduct inspections of Business Premises where necessary;
- (iv) periodically check and inspect Business Premises, for the purpose of ascertaining compliance with this Bylaw; and
- (v) initiate such legal action as is necessary to ensure compliance with the provisions of this Bylaw or with any conditions imposed upon the issuance of a Business License.

b) A Peace Officer may:

- (i) conduct investigations with regards to proposed applications, where necessary;
- (ii) conduct inspections of Business Premises where necessary;
- (iii) periodically check and inspect Business Premises, for the purpose of ascertaining compliance with this Bylaw; and
- (iv) initiate such legal action as is necessary to ensure compliance with the provisions of this Bylaw or with any conditions imposed upon the issuance of a Business License.

6. Business License Requirement

- a) No Person shall carry on or operate any Business within or partly within the City without holding a valid and subsisting Business License issued pursuant to the provisions of this Bylaw, unless specifically exempted by Provincial or Federal law, or this bylaw.
- b) Charitable or non-profit organizations registered under the Alberta Societies Act are exempt from obtaining a business license.

- c) For profit businesses working in conjunction with charitable or non-profit organizations are required to obtain a business license.
- d) No License is required by a vendor of goods only as part of the activities of a Market provided the event organizer is either licensed or a charitable or non-profit organization.
- e) Any advertising or soliciting of the Business shall be prima facie proof of the fact that the Business is being carried on, or operating.
- f) Any Person who operates one or more Businesses either separately or together shall buy a Business License for each Business.
- g) With the exception of short term accessory locations of seven days or less any Person who operates more than one store, branch, or premises within the City in respect of any Business shall take out a separate Business License for each separate store, branch or premises.
- h) All mobile food vendors/Mobile Vendors shall get a business license. An exception shall apply if the vendor is a charitable or non-profit vendor.

*amended by 1933-19

7. Business License Application and Issuance

- a) Any Person applying for a Business License shall submit to the City a complete written Application in a form as provided by the City. The completed form must be signed by the Applicant, or in the case of a corporation, its duly appointed agent.
- b) No Application shall be considered complete unless accompanied by the corresponding fee as prescribed in Schedule A, attached to and forming part of this Bylaw.
- c) Every Application for an existing Business shall be submitted to the City no later than the 31st of January of each Business License year.
- d) Every Business License is valid from January 1 to December 31 of the year issued, unless sooner revoked, suspended or cancelled.

8. Business License Revocations or Suspensions

- a) A Business License may be revoked or suspended for non-compliance with a Bylaw notwithstanding that the Licensee has not been prosecuted for the contravention of that Bylaw.
- b) Where a Business License is revoked or suspended pursuant to subsection 8.a), the City shall notify the Licensee of such revocation or suspension and the reason or reasons for the revocation or suspension. Notification shall be in the form of one of the following methods:

- i) by delivery of a notice to the Licensee personally; or
 - ii) by registered mail to the mailing address as shown on the Business License.
- c) After notification to the Licensee by the City, the Business shall not operate.
- d) When any required certificate, authority, license or other document of qualification issued by the Government of Canada, or the Government of the Province of Alberta is terminated or surrendered, any Business License issued pursuant to this Bylaw is immediately null and void and shall be considered as being revoked.
- e) Where a Business License is revoked, the Licensee shall immediately return the Business License to the City and the Business shall not operate until such time as a new Business License is issued.
- f) Where a Business License is suspended, the Licensee may resume operation when the Business License is reinstated.
- g) Where a Business License is revoked or suspended the Licensee is not entitled to a refund of the Business License fee.
- h) If, in the opinion of a designated officer, the continued carrying on or operation of a business in contravention of this or any other bylaw or enactment that the City is authorized to enforce is dangerous to public safety or property, the designated officer may by written order require the owner of the business to eliminate the danger to public safety in a manner specified, or to cease business operation.
- i) Without restricting the generality of the foregoing, the order may direct the business owner to:
- i) Stop doing something.
 - ii) Change the way in which the business is doing something, or
 - iii) Take any action or measures necessary to remedy the contravention of the enactment or bylaw, and, if necessary, to prevent a re-occurrence of the contravention.
- j) The order shall state a time within which the owner must comply with the directions, and state that if the owner does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the owner.
- k) The City may take whatever action or measures are necessary to remedy a contravention of any order made pursuant to this section, if the person to whom the order is directed has not complied with the order within the time specified in the order, and the appeal periods respecting the order have passed or, if an appeal has been made, the appeal has been decided and it allows the municipality to take the action or measures.

- l) If the order directed the owner to cease business operations, the City may, under this section, close the business premises and use reasonable force to remove the occupants.
- m) The expenses and costs of an action or measure taken by the City under this section are an amount owing to the City by the person who contravened the enactment or bylaw.
- n) A person who receives a written order under this section may by written notice request council to appeal the order within 14 days after the date the order is received. After appeal hearing the order, the council may confirm, vary, substitute or cancel the order.
- o) A person affected by the decision of a council under this section may appeal to the Court of Queen's Bench if the procedure requires to be followed by this Act is not followed, or the decision is patently unreasonable.
- p) The appeal must state the reasons for the appeal and must be made within 30 days after the date the decision of council is served on the person affected by the decision.
- q) The Court may confirm the decision, or declare the decision invalid and send the matter back to the council with directions.

*amended by 1662-06

9. Appeals

- a) In the case where an Application has been refused or a Business License has been revoked or suspended, the Applicant or Licensee may appeal to Council.
- b) The Applicant or Licensee shall make an appeal in writing within thirty (30) days after such refusal, revocation or suspension and shall state the grounds upon which the appeal is based. The appeal must be accompanied by a fee as prescribed in Schedule A for the appeal to be considered complete.
- c) All appeals shall be addressed to the City Manager and shall be considered received as of the date received by the City, if the appeal meets all the requirements of subsection 9b).
- d) All appeals shall be heard by Council and Council may:
 - i) direct a Business License be issued or reinstated, or
 - ii) direct a Business License be issued or reinstated with conditions, or
 - iii) direct a Business License be refused, or
 - iv) uphold the decision of the Peace Officer on grounds that appear just and reasonable to Council.
- e) The Appeal Fee may be returned to the applicant with the appeal decision. If the applicant fails to attend the appeal hearing the appeal fee will be forfeited to the City of Wetaskiwin.

*amended by 1662-06

10. Business License General Regulations

- a) No Business License shall be issued to any Person until the City receives the required fee as prescribed in Schedule A of this Bylaw.
- b) No Business License shall be issued to any Person until the Applicant proves to the satisfaction of the City that the Person has complied with all the requirements of the Government of Canada and the Government of the Province of Alberta relating to the proposed Business or Business Premises, if applicable.
- c) No new Business License shall be issued until the Applicant holds a valid City Development Permit where required by the Land Use Bylaw.
- d) A Business License is not valid unless signed by a license officer
- e) A valid Business License issued pursuant to this Bylaw shall be posted in a conspicuous place in the Business Premises for which the Business License is issued.
- f) Persons soliciting business or performing work on behalf of a non-resident or regional resident business shall carry a copy of the business license.
- g) A Resident Business may transfer a Business License upon completion of an Application form and payment of a fee prescribed in Schedule A of this bylaw, and legal documentation releasing the rights and interests of a previous owner.
- h) Every Person operating any Business in respect of which a Business License is required under this Bylaw shall, upon request, give to a Peace Officer all information necessary to enable him to carry out his duties.
- i) Once a Business License has been issued, no refund or partial refund of the Business License Fee is granted for any reason whatsoever.

11. Business License Specific Regulations

In addition to the general provisions of this Bylaw, including the requirement of a License, the Businesses dealt with in this part are also subject to the following regulations:

- a) Home Occupation(s)
 - i) No Business License shall be issued for a Home Occupation Business until the Applicant completes a Declaration in a form provided by the City, which reaffirms that there has been no change to the development as permitted by a City Development Permit and that the Business complies with all of the Home Occupation regulations of the Land Use Bylaw.

- b) Group Care Facility
 - i) Every Group Care Facility must have an approved development permit from the City and must obtain an annual business license.
 - ii) All Group Care facilities operated or approved by a licensed group may operate under one business license.

- c) Residential Landlords
 - i) Residential landlords require one business license that covers all building locations.
 - ii) The number of building or suites will be deemed as the residential landlords inventory.
 - iii) Residential landlords shall provide the City with a current list of all inventories.

- d) Network Marketing and Multi Level Marketing
 - i) All persons soliciting, advertising or selling product or services through network or multi-level marketing shall have a business license or carry a copy of the license of the parent company.
 - ii) The parent company can cover all persons soliciting, advertising or selling product or services through either network marketing or multi-level marketing by obtaining a business license.

- e) Door to Door Sales
 - i) All persons soliciting, advertising or selling product or services door to door shall have a business license or carry a copy of the license of the parent company.
 - ii) The parent company can cover all persons soliciting or selling products door to door on their behalf within the City by obtaining a business license.

- f) Hawkers and Peddlers
 - i) Hawkery and Peddlers must have a business license to operate within the City.
 - ii) Hawkery and Peddlers must have written permission from the property owner to locate and shall have development permits for all signage placed.

- g) Mobile Food Vendor/Mobile Vendor
- i) A Mobile Food Vendor/Mobile Vendor must obtain a valid Business License for each mobile unit.
 - ii) The License Officer may issue a Temporary License to a Mobile food Vendor/Mobile Vendor subject to the fee provided for in Schedule "A".
 - iii) A Mobile Food Vendor/Mobile Vendor must have a City of Wetaskiwin Vendor Permit subject to the fee provided for in Schedule "A".
 - iv) Mobile Food Vendors are not permitted to conduct business on any public roadway unless the roadway is closed to thru traffic as part of an approved Special Event Permit.
 - v) A Mobile Food Vendor Licensee must submit a new site plan and obtain approval from the License Officer prior to changing their location or deviating from the site schedule provided within their License.
 - vi) A Mobile Food Vendor Licensee shall ensure that during operation, whether on private or public property, the motor vehicle or trailer used by the Mobile Food Vendor is not parked within:
 - (1) 3 meters of a building entrance or exit;
 - (2) 6 meters of an intersection;
 - (3) 3 meters of a back alley or lane;
 - (4) 3 meters of another Mobile Food Vendor;
 - (5) 10 meters of the property line of any residential development;
 - (6) 25 meters of an existing eating establishment; and
 - (7) 50 meters of a school.
 - vii) For the purposes of subsection (vi) the measurement for setbacks from adjacent uses shall be taken from the building, not the property line.
 - viii) A Mobile Food Vendor shall not obstruct access to a fire hydrant, driveway, loading zone, or emergency access.
 - ix) A Mobile Food Vendor Applicant shall submit a general plan to the City with their Application, providing:
 - (1) the location of all sites where the Mobile Food Vendor proposes to operate as well as the dates and times when the Mobile Food Vendor proposes to operate at such sites;
 - (2) a layout plan for each site that the Mobile Food Vendor proposes to operate at, that includes the location where

the Mobile Food Vendor will operate on the site and the location of any seating, tables, garbage containers, temporary signage or other items relating to the Mobile Food Vendor.

- x) Unless the Mobile Food Vendor is part of an event with an approved Special Event Permit, a Mobile Food Vendor shall only operate between the hours of:
 - (1) 6:00 AM to 11:00 PM Monday to Saturday; and
 - (2) 8:00 AM to 10:00 PM Sunday or any statutory holiday.
- xi) There shall be no public consumption of food or beverages within the vehicle or trailer used by the Mobile Food Vendor.
- xii) Mobile Food Vendors shall ensure they provide and maintain garbage disposal containers on any site they operate on. Further, Mobile Food Vendors shall ensure that both the site they operate on and any adjacent lands are left in a reasonable state, free from garbage or damage attributed to their operation, following their operation.

*amended by 1933-19

12. General Penalties

- a) Any Person who contravenes any provisions of this Bylaw is guilty of an offense and is liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00) in addition to any License fee he may be required to pay pursuant to this Bylaw and in the event of failure to pay or the inability to pay any fine levied and any License fee and costs charged, to imprisonment for a period not exceeding one year or until such fine, License fee and costs are paid.
- b) Where a Person is convicted of operating a Business for which a License fee is payable, without payment of such fee having been made, the Court may, in addition to the fine imposed pursuant to this Bylaw, direct the payment of the applicable License fee to the City.
- c) Any Person who commits an offense of a continuing nature is liable to a fine for each day such offense is continued.

13. Voluntary Payment

- a) A person charged with an offense under this Bylaw may, in lieu of prosecution, pay the voluntary fine identified in Schedule "B" within thirty (30) days of the date of issue of the offense ticket.

14. Bylaw No. 1484-00 and all subsequent amendments are hereby repealed.

This Bylaw shall come into force and effect on January 1, 2002.

This by-law shall take effect on the final passing thereof.

Read a first time this 26th day of November, 2001.

Read a second time this 17th day of December, 2001.

Read a third time this 17th day of December, 2001.

Original Signed

Mayor

Original Signed

Chief Administrative Officer

<u>Business Type</u>	<u>Fee</u>
Resident	\$100.00*
Regional Resident	\$150.00*
Non-Resident	\$200.00*
Transfer of License	\$15.00
Appeal Fee	\$15.00
Mobile Vending Business License	
• Weekly (Monday to Sunday)	\$25.00/Week To a maximum of Yearly business license fee
Special Event Non-Profit	N/A

- The fee payable for a business license issued after the 31 day of August in any license year shall be one-half of the fees listed above except for the Mobile Vendor fee and Mobile Vendor Business License.
- No refunds are available for cancelled business licenses.

*amended by 1933-19

Schedule “B”

Section	Offense	Voluntary Fine
6	Operate without a Business License	First Offense – Double the fee of a business License
		Second Offense – Double the fee of a business License
		Third Offense – Double the fee of a business License
8(c)	Operating while business license is removed or suspended	\$500.00
10(e)	Not having business License Posted	\$100.00
10(f)	Not carrying a copy of the business license when required	\$100.00
11(g)(i)	Fail to obtain a mobile vendor business license	\$500.00
11(g)(iv)	Operate on roadway	\$250.00
11(g)(v)	Fail submit site plan	\$100.00
11(g)(vi)(a)	3 meters of a building entrance or exit	\$100.00
11(g)(vi)(b)	6 meters of an intersection	\$100.00
11(g)(vi)(c)	3 meters of a back alley or lane	\$100.00
11(g)(vi)(d)	3 meters of another Mobile Food Vendor	\$100.00
11(g)(vi)(e)	10 meters of the property line of any residential development	\$100.00
11(g)(vi)(f)	25 meters of an existing eating establishment	\$100.00
11(g)(vi)(g)	50 meters of a school	\$100.00
11(g)(viii)	Obstruct fire hydrant	\$500.00
11(g)(ix)	Have more than 2 temporary signs on site	\$100.00
10(g)(a)	Operate outside approved times Monday through Saturday	\$250.00
10(g)(b)	Operate outside approved times Sunday and Statutory Holidays	\$250.00
10(g)(xii)	Public consumption inside mobile vendor trailer or vehicle	\$100.00
10(g)(xiii)	Fail to keep site clear of garbage or clean up after you leave.	\$250.00

*amended by 1933-19

SCHEDULE "C" continued:



YEAR:

LOCATION:

List the location(s) of operation you are requesting for the vending unit below. By selecting the "OR" option between locations you will indicate you are providing several locations of interest and would only like to operate at one. By selecting the "AND" option between locations you will indicate you wish to receive one permit for multiple locations. List locations by descending order of preference with Location 1 being most preferable.

Location 1 Street:	Avenue:	Corner:	OR Named Location:
Location 2 Street:	Avenue:	Corner:	OR Named Location:
Location 3 Street:	Avenue:	Corner:	OR Named Location:
Location 4 Street:	Avenue:	Corner:	OR Named Location:
Location 5 Street:	Avenue:	Corner:	OR Named Location:

Processing may take up to 10 days. To minimize delays in processing, ensure the following requirements are met:

- This form is *fully* completed.
- Map showing proposed area(s).
- A letter of consent from property owners of ALL locations on private property or in front of a business .
- A business licence has been obtained and the business licence number is provided
- Insurance documentation displaying the amount and expiration date of the coverage is attached.
(Minimum \$2,000,000 (two million dollars) of General Public Comprehensive Liability Insurance)
- A copy of the Food Handling Permit for the vending unit is attached.
- A picture of the vending unit is provided.

I, _____, am the person whose name appears directly above and I have the authority to make this application on behalf of the named business. I have fully and accurately completed this application form. I have read the Vendor Terms and Conditions and agree to abide by them.

Signature

Date