

**BYLAW 1814-13
OF THE
CITY OF WETASKIWIN
IN THE PROVINCE OF ALBERTA**

BEING A BYLAW OF THE CITY OF WETASKIWIN, IN THE PROVINCE OF ALBERTA,
TO REGULATE THE HOURS OF OPERATION FOR CERTAIN BUSINESS ACTIVITIES

WHEREAS pursuant to Section 7(a) of the Municipal Government Act, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and protection of people and property; and

WHEREAS pursuant to Section 7(e) of 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 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 or any other enactment including any or all of the matters listed therein; and,

AND WHEREAS, pursuant to Section 8 of 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;
- (c) provide for a system of licenses, permits or approval including any or all of the matters listed therein.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WETASKIWIN ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the “Business Hours Bylaw”

INTERPRETATION

2. In this bylaw unless the context otherwise requires:

2.1 “Business License” means a License issued pursuant to Bylaw 1507-01 and

its amendments.

- 2.2 “City” means the municipal corporation of the City of Wetaskiwin or the area contained within the boundary thereof as the context requires.
- 2.3 “Liquor Delivery Service” means a person who engages in the business of delivering alcoholic beverages as regulated by the Gaming and Liquor Regulations.
- 2.4 “Liquor Off-Sales” means a person who engages in the business of selling alcoholic beverages for off-site consumption.
- 2.5 “Liquor Retail” means a person who engages in the businesses of selling alcoholic beverages for off-site consumption.
- 2.6 “Pawnbroker” means a person who engages in the business of granting credit to individuals for personal, family or household purposes and who takes and perfects security interests in consumer goods by taking possession of them, or who purchases consumer goods under agreements or undertakings, express or implied, that the goods may be repurchased by the sellers.
- 2.7 “Pawn Shop Bylaw” means the regulations for Pawn Shops as identified in Bylaw 1293-94 and its amendments.
- 2.8 “Peace Officer” means peace officer as defined in the Provincial Offences Procedure Act.
- 2.9 “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;
- 2.10 “Violation Ticket” means a violation ticket as defined in the Provincial Offences Procedure Act.

3. PAWNBROKERS

- 3.1 In addition to the requirements identified in the Business License Bylaw and the Pawnshop Bylaw, this business class shall only operate between the hours of 9:00 a.m. and 8:00p.m. weekdays, weekend days and statutory holidays.

4. LIQUOR RETAIL ESTABLISHMENTS

- 4.1 In addition to the requirements identified in the Business License Bylaw, this business class shall only operate between the hours of 10:00 a.m. and 10:00 p.m. weekdays, weekend days and statutory holidays.

5. LIQUOR OFF-SALES ESTABLISHMENTS

- 5.1 In addition to the requirements identified in the Business License Bylaw, this business class shall only allow off-sales between the hours of 10:00 a.m. and 10:00 p.m. weekdays, weekend days and statutory holidays.

6. LIQUOR DELIVERY SERVICES

- 6.1 In addition to the requirements identified in the Business License Bylaw, the holder of the above license may only perform liquor delivery services between the hours of 10:00 a.m. and 10:30 p.m. weekdays, weekend days and statutory holidays.

7. PENALTIES

- 7.1 Any person who breaches any section of this Bylaw is guilty of an offence and liable to:

7.1.1 payment of the penalty specified in Schedule "A" hereto; or

7.1.2 for any offence for which there is no penalty specified, to a penalty of not less than \$1,000.00 and not more than \$10,000.00;

and in default of the penalty, to imprisonment for up to 6 months.

- 7.2 A Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences and Procedures Act to any person who the Peace Officer has reasonable grounds to believe has contravened any provisions of this bylaw.

- 7.3 If a violation ticket is issued in respect of an offence, the violation ticket may:

- 7.3.1 specify the fine amount established by this Bylaw for the offence; or
- 7.3.2 require a person to appear in Court without the alternative of making a voluntary payment.
- 7.4 A person who commits an offence may:
 - 7.4.1 if a violation ticket is issued in respect of the offence; and
 - 7.4.2 if the violation ticket specifies the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Court Office specified on the violation ticket.
- 7.5 Notwithstanding the penalties established by Section 7.1 of this bylaw, the City may take any actions necessary to enforce this bylaw, including, but not limited to, the suspension or revocation of a Business License, the issuance of a Stop Order, or any other legal action required to bring about compliance with this bylaw.
- 8. If a court of competent jurisdiction should declare any Section or Subsection of this by-law to be invalid, such Section or Subsection shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law, and it is hereby declared that the remainder of the By-law shall be valid and remain in force.
- 9. This bylaw shall come into full force and effect upon the day of signing.

Read a first time this 13th day of May, 2013.

Read a second this 10th day of June, 2013.

Read a third time this 10th day of June, 2013.

Original Signed

MAYOR

Original Signed

CHIEF ADMINISTRATIVE OFFICER

Schedule "A"

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
Pawnshop Hours	3	1,000.00
a) Second offence within 1 year		2,500.00
b) Third and subsequent offences within 1 year		5,000.00
Retail Liquor Hours	4	1,000.00
a) Second offence within 1 year		2,500.00
b) Third and subsequent offences within 1 year		5,000.00
Off-Sales Liquor Hours	5	1,000.00
a) Second offence within 1 year		2,500.00
b) Third and subsequent offences within 1 year		5,000.00
Liquor Delivery Service Hours	6	1,000.00
a) Second offence within 1 year		2,500.00
b) Third and subsequent offences within 1 year		5,000.00

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