

BYLAW NO. 1236-03
OF THE
TOWN OF BONNYVILLE

A BYLAW OF THE TOWN OF BONNYVILLE IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATION AND LICENSING OF BUSINESSES AND TO REPEAL BYLAW NO. 1088-94 AS AMENDED.

WHEREAS, it is provided in and by the Municipal Government Act, Chapter M-26.1 and amendments thereto, that the Council may license and control all businesses within the Town of Bonnyville including the manner of operation, the nature of the operation and the location thereof, and may license any or all such businesses whether or not the business has a business premises within the municipality.

AND WHEREAS Bylaw No. 1088-94 as amended "The Business License Bylaw" has been deemed inefficient.

NOW THEREFORE, the Council of the Town of Bonnyville in the Province of Alberta dully assembled enacts as follows:

1. TITLE

This Bylaw may be cited as "The Business License Bylaw" of the Town of Bonnyville.

2. DEFINITIONS IN THIS BYLAW:

- a. "Business" includes any business, occupation, activity, amusement, entertainment, trade employment, profession or calling and the provision of a service of any kind that is conducted for the purpose of earning income, whether or not it is conducted for the purpose of earning a profit;
- b. "Town" means the Town of Bonnyville;
- c. "License Inspector" means the person appointed under Section 3;
- d. "Not for Profit Organization" means
 - i) a society established under the *Societies Act, R.S.A. 1980, c. S-18,*
 - ii) a company incorporated under Part 9 of the *Companies Act, R.S.A. 1980, c. C-20, or*
 - iii) a corporation incorporated under Part II of the *Canada Corporations Act, R.S.C. 1985, c. C-32;*

- e. "Peace Officer" means a peace officer as defined in the *Provincial Offences Procedure Act, S.A. 1988, c P-21.5*;
- f. "Person" includes an individual, sole proprietorship, corporation, partnership, joint venture, cooperative or society;
- g. "Regulated Business" means a business that is identified in a Schedule to this Bylaw, excluding Schedule "A", in relation to which Council may adopt regulations in addition to those set out in the body of this Bylaw;
- h. "Town of Bonnyville" means the geographic area of the Town;
- i. "This Bylaw" includes any schedule to this Bylaw;
- j. "Transfer" includes a sale or gift.

3. THE LICENSE INSPECTOR

- 3.1 The Chief Administrative Officer must appoint a license inspector.
- 3.2 If the Chief Administrative Officer does not appoint a license inspector, the Chief Administrative Officer is the license inspector.
- 3.3 The license inspector may delegate any duty or responsibility of the license inspector to an employee or agent of the Town.

4. POWERS AND RESPONSIBILITIES OF THE LICENSE INSPECTOR

The powers and responsibilities of the license inspector are:

- 4.1 to receive and consider applications for business licenses, including the power to consult with, obtain information from and verify information with other employees or agents of the Town, other governments, government agencies or persons;
- 4.2 to issue business licenses, impose conditions on business licenses and refuse to issue business licenses;
- 4.3 to revoke and suspend business licenses;
- 4.4 to keep a record of all business licenses issued and any particulars of these licenses;
- 4.5 to 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;
- 4.6 to undertake any inspections of lands or buildings and make any inquiries necessary to ensure compliance with this Bylaw;

- 4.7 to be responsible for the administration and enforcement of this Bylaw, and
- 4.8 to exercise any other power, responsibility or discretion provided under this Bylaw.

5. DIRECTORY

- 5.1 The License Inspector may publish or authorize the publication of a publicly available directory of businesses in the Town.
- 5.2 Unless subsection 5.3 applies, the directory may contain information provided by an applicant or license holder under this Bylaw.
- 5.3 At the time information is provided under this Bylaw, an applicant or license holder may require that information not be included in a directory that may be published under subsection 5.1.
- 5.4 When an applicant or license holder provides information under this Bylaw, the applicant or license holder must be given an opportunity to exercise the right under subsection 5.3.
- 5.5 The license inspector may establish terms and conditions under which a directory is published or information included in it.
- 5.6 The license inspector may also include information in the directory in relation to a person who is not required to hold a business license under this Bylaw:
 - a) on the request of that person, and
 - b) on terms and conditions established by the license inspector, including payment of a fee for inclusion.

6. REQUIREMENT FOR A BUSINESS LICENSE

- 6.1 A person that carries on or operates a business in the Town of Bonnyville must hold a valid business license issued under this Bylaw.
- 6.2 Subsection (1) applies whether a person carries on or operates a business as a principal or as an agent.
- 6.3 Non-Profit or Charitable Organization able to produce documented proof of Provincial Registration may, at the discretion of the Chief Administrative Officer or the License Inspector be granted a Special Events License to operate a Special Event in accordance with the following requirements:
 - a) Special Events License shall be for specified dates.
 - b) Special Events License shall be for a specified location.

- c) The Special Events License shall cover only those businesses or participants under a signed contract with the sponsoring non-profit organization to participate in the Special Event and the Special Events License shall be deemed to cover their license fee requirements for the duration of the Special Event. However any person who carries on or is engaged in any business, trade, occupation or profession before or after the specified dates or the Special Events License shall be required to pay the prescribed fee for that business, trade, occupation or profession and shall hold a valid and subsisting license issued pursuant to the Licensing By-Law No. 1236-03.
- d) The Special Events License shall require that the sponsoring organization be responsible to provide a complete list of participants including participant name, permanent business address, phone number, and name of contact person.
- e) The Special Event Sponsoring Organization shall also be responsible to acquire proof of bonding, liability insurance, provincial licensing, and any other documents required by the Licensing Bylaw No. 1236-03 and provide such documents to the Town.
- f) The sponsoring organization shall assist the License Inspector in enforcing the requirements of the Licensing Bylaw and shall notify the Licensing Officer of any changes in the list of Special Events Participants.
- g) A Special Events License shall be issued for a fee as per Schedule "A" and shall be regulated as per Schedule "C" Special Events Regulations.

6.4 Except when a Non-Profit/Charitable Organization sponsors a Special Event where Non-Resident Businesses, Midways, Circuses, etc., are contracted to participate, then a Special Events License Fee shall be paid in accordance with Schedule "A".

6.5 Licensed Employees

Where this Bylaw provides that employees or agents are required to be licensed, the employer who engages the employees or the principal for whom the agents act shall:

- a) Furnish to the License Inspector a list of all such employees or agents required to be licensed;
- b) Amend such list when such employees or agents are changed and advise the License Inspector forthwith of such changes; and

- c) Be responsible for assuring that each such employee or agent is the holder of a valid and subsisting license required by this Bylaw.

6.6 Businesses on Several Premises

Where a business subject to licensing is carried on or intended to be carried on in more than one place, license shall be required in respect of each place as though the business carried on in each were a separate business.

6.7 Combination Licenses

Licenses to carry on two or more businesses by one person may be issued on one form of license provided that business and the proper license fee therefore is shown separately on such form. Each business shall; however, be deemed to be separately licensed.

7. EXCLUSIONS FROM THE REQUIREMENT FOR A BUSINESS LICENSE

7.1 The following persons may carry on or operate a business in the Town of Bonnyville without a business license:

- a) the Crown in right of Alberta;
- b) the Crown in right of Canada;
- c) a Crown corporation;
- d) the Town, and
- 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.

7.2 If only part of a business is covered by an exemption under subsection (1), the person who carries on or operates the business must comply with this Bylaw in respect of any part of the business that is not exempted.

8. APPLICATION FOR A BUSINESS LICENSE

8.1 A person must submit an application for a business license to the license inspector.

8.2 The application must be in the form required by the license inspector and include the following:

- a) the applicant's name;
- b) the name of the business and any trade names under which the business is to be conducted;

- c) the phone number of the business;
- d) the operating address of the business;
- e) the mailing address of the business;
- f) the proper name of the owner of the business, including the corporate access number if any;
- g) the address of the owner of the business;
- h) the phone number of the owner of the business;
- i) the name and phone number of an emergency contact for the business;
- j) a description of the nature of the business that includes, type of business, the number of employees and whether the business will use or store hazardous materials;
- k) the signature of the applicant or the applicant's agent;
- l) any other information that the license operator may reasonably require for the purpose of the administration of the Bylaw, and
- m) the business license fee specified under Schedule A, unless that business is exempt under Section 9.
- n) list of employees licensed.

8.3 In addition to the information required in subsection (2), an applicant for a business license for a regulated business must also provide the information and documents required by the Schedule applicable to that business.

8.4 If there is any change to the information provided to the license inspector in the application for a business license during the term of a business license, the license holder must immediately advise the license inspector in writing of the change.

9. EXEMPTION FROM FEES

9.1 A not-for-profit organization may apply to the license inspector for an exemption from the business license fee required under Schedule A.

9.2 An application under subsection (1) must be in the form required by the license inspector and must include:

- a) the name of the not-for-profit organization;

- b) information regarding the corporate structure of the not-for-profit organization, including a BN, registered charity number, or other governmental authorization;
 - c) the nature of the business engaged in by the not-for-profit organization;
 - d) a description of how the proceeds from the business are or will be used to advance the objects of the not-for-profit corporation, and
 - e) a description of the not-for-profit activities of the organization in the Town of Bonnyville and elsewhere.
- 9.3 After receipt of an application under subsection (2), the license inspector may waive the business license fee in whole or in part if the license inspector considers that such a waiver is in the best interests of the Town and its inhabitants.
- 9.4 The license inspector may establish policies that guide the circumstances under which the license inspector will waive a business license fee.
- 9.5 A waiver under subsection (3) does not relieve the not-for-profit organization from otherwise complying with the terms of this Bylaw.

10. CONSIDERING THE APPLICATION

- 10.1 The license inspector must consider each complete application.
- 10.2 Subject to subsection (3), the license inspector must grant a business license to the applicant if the applicant meets the requirements of this Bylaw.
- 10.3 The license inspector may refuse to issue a business license or impose conditions on a business license if the license inspector:
- a) has revoked or suspended a business license of the applicant for the same or a similar business within the past 12 months, or
 - b) 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 the business.
- 10.4 In addition to conditions under subsection (3), the license inspector may impose conditions on a business license if this Bylaw authorizes the license inspector to do so.

- 10.5 The license inspector must specify on the business license:
- a) the name of the license holder and each name under which the business is to be conducted;
 - b) a description of the type of business for which the license is issued;
 - c) the Schedule, if any, applicable to the regulation of the business;
 - d) the location where the business is to be conducted;
 - e) any conditions on the business license, and
 - f) the expiry date of the business license.

11. BUSINESS LICENSE FEE

- 11.1 If the business license fee for a business license is not paid, the business license is not valid.
- 11.2 Once the license inspector has issued a business license, the business license is not refundable.
- 11.3 When applying for a business license, normal applications and renewals will be the first day of January. The fee payable for a business license after the 31st day of August shall be one half of the license fee for the full year.

12. EFFECT OF AND LIMITATIONS ON A BUSINESS LICENSE

- 12.1 Subject to subsection (4), a business license allows the license holder to operate or carry on the business described in the business license.
- 12.2 A separate business license is required for each location in Bonnyville where a person operates or carries on a business.
- 12.3 A business license remains the property of the Town.
- 12.4 A business license does not relieve the license holder from the obligation to obtain any other permit, license or other approval that may be required under another bylaw of the Town, including provisions of parking subject to the land use bylaw or any other governmental authority.
- 12.5 If a license holder transfers a business to another person, the license holder may apply to the license inspector to transfer the business license to that person.

- 12.6 An application under subsection (5) must:
- a) be made within five business days of the transfer of the business;
 - b) be in the form required by the license inspector;
 - c) be signed by the license holder and the person to whom the business is transferred, and
 - d) include all or any of the information required under Section 8 that the license inspector requires.
- 12.7 If an application for a transfer is not made within the time specified under subsection (6)(a), the business license is revoked on the 6th business day following the transfer of the business.

13. TERM OF BUSINESS LICENSE

A business license issued under this Bylaw expires on December 31st of the year for which it was issued, unless it is revoked earlier under Section 12 of this Bylaw.

14. OBLIGATIONS OF BUSINESS LICENSE HOLDER

14.1 A license holder must ensure that the business conducted under a business license complies with:

- a) this Bylaw, and
- b) any conditions imposed on the business license.

14.2 A license holder must:

- a) post the business license in a conspicuous place in the premises where the business under the license is carried on or operated, and
- b) produce the business to the license inspector or peace officer if requested to do so.

14.3 A license holder must give access to the premises specified in the business license to the license inspector or a peace officer.

15. CANCELLATION OF BUSINESS LICENSE BY A LICENSE HOLDER

15.1 A license holder may cancel a business license by providing a written notice to the license inspector.

15.2 If a license is cancelled under subsection (1), the business license fee is not refundable.

16. REVOCATION OR SUSPENSION OF BUSINESS LICENSE BY LICENSE INSPECTOR

16.1 If the business carried on or operated under a business license does not comply with:

- a) this Bylaw;
- b) any condition imposed on the license, or
- c) any other bylaw or enactment of Alberta or Canada applicable to the business or the premises where the business is located,

the license inspector may revoke the business license or suspend the business license for a period that the license inspector considers appropriate.

16.2 If an applicant for a business license provides inaccurate or misleading information in an application for a business license, the license inspector may revoke the business license or suspend the business license for a period that the license inspector considers appropriate.

16.3 The license inspector must give written notice of the revocation or suspension, setting out in general terms the reason for the revocation or suspension, and in the case of a suspension, the period of the suspension.

16.4 The revocation or suspension of a business license under subsection (1) is effective:

- a) 24 hours after delivery if the written notice is delivered personally to the license holder or the registered office of a corporate license holder;
- b) 72 hours after posting if the written notice is posted in a conspicuous place at the premises specified in the license where the business is to be conducted or operated, or
- c) seven days after mailing if the written notice is mailed by ordinary mail to the mailing address provided in the application for a business license or the address subsequently provided in writing under Section 8(4),

whichever is earliest.

16.5 In the notice suspending or revoking a license, the license inspector may increase the time before which a revocation or suspension is effective from that established under subsection (4).

- 16.6 If the license inspector increases the amount of time under subsection (5), the license inspector may impose conditions on the business license that the license inspector considers reasonable to ensure the protection of the public and the integrity of the administration of this Bylaw.
- 16.7 A license holder must cease carrying on or operating a business immediately once a suspension or revocation is effective.
- 16.8 The license inspector may act under subsection (1) in addition to or instead of prosecuting an offence under this Bylaw or the *Provincial Offences Procedure Act*, or both.

17. APPEALS

17.1 If the license inspector:

- a) refuses to issue a business license;
- b) revokes or suspends a business license;
- c) identifies a business subject to a Schedule;
- d) imposes a condition on a business license, or
- e) refuses to waive a fee for a not-for-profit organization,

the applicant or license holder may appeal the decision to the Appeal Committee.

17.2 An appeal must be:

- a) in writing, setting out the reasons for the appeal;
- b) accompanied by the appeal fee required by Schedule A, and
- c) delivered to the office of the chief administrative officer within seven days of the date that the license holder is first notified of the decision of the license inspector under Section 16(4).

17.3 On the filing of an appeal in accordance with subsection (2), a decision to revoke or suspend a business license is stayed for 30 business days or until the date the appeal hearing is scheduled, whichever occurs first.

17.4 As soon as reasonably possible after the filing of an appeal in accordance with subsection (2), the chief administrative officer must appoint an Appeal Committee for the purpose of hearing the appeal unless the chief administrative officer is the license inspector under Section 3.

- 17.5 If the chief administrative officer is the license inspector under Section (3), Council must appoint an Appeal Committee.
- 17.6 An Appeal Committee must comprise three residents of Bonnyville, but must not include the chief administrative officer, license inspector or an employee of the Town who works under the direction of the license inspector.
- 17.7 The Appeal Committee must schedule the hearing of the appeal within 30 days of the filing of the notice of appeal.
- 17.8 Subject to the requirements of this Bylaw, the Appeal Committee may establish the procedure for the hearing of the appeal, grant adjournments and stay a decision to revoke or suspend a business license subject to conditions.
- 17.9 The Appeal Committee must issue its decision with reasons, in writing, within seven business days of the conclusion of the hearing.
- 17.10 The Appeal Committee may:
- a) uphold the decision of the license inspector;
 - b) vary the decision of the license inspector or substitute its own decision, or
 - c) overturn the decision of the license inspector.
- 17.11 The decision of the Appeal Committee is final.

18. INSPECTION OF LANDS AND BUILDINGS

If there are reasonable grounds for believing that a person is carrying on or operating a business without a business license, the license inspector or peace officer may inspect lands or a building to determine whether a person is carrying on or operating a business without a business license.

19. BUSINESS LICENSE IS NOT A REPRESENTATIVE OF COMPLIANCE WITH OTHER BYLAWS

A business license issued under this Bylaw is not a representation to the license holder that the business complies with the requirements of any other bylaw or enactment and the license holder is responsible to ensure that the license holder complies with all applicable bylaws and enactments.

20. OFFENCES

- 20.1 It is an offence to carry on or operate a business in Town of Bonnyville:
- a) without a business license under this Bylaw, unless an exclusion under Section 7 applies;

- b) in breach of a condition imposed on a business license, or
- c) in breach of any provision of this Bylaw.

20.2 A license holder is liable for a contravention of this Bylaw, committed

- a) by the license holder, or
- b) by a person employed or supervised by the license holder or by an agent of the license holder, where that person acts or omits to act with the express or implied consent of the license holder, or
- c) both.

20.3 A contravention of this bylaw constitutes a separate offence for each day that the contravention continues.

21. PENALTY

A person who commits an offense under Section 20 is liable for:

- a) a first offense to maximum fine equal to 2 times the license fee applicable to that business;
- b) a second offense to a maximum fine of \$1000, and
- c) a third or subsequent offense to a maximum fine of \$2500.

22. TRANSITION

A license issued under Bylaw No. 1088-94 that is valid on the day that this Bylaw comes into force shall continue in force under this Bylaw until the date it would have expired under Bylaw No. 1088-94, unless that license is otherwise revoked under this Bylaw.

23. Bylaw 1088-94 is hereby repealed.

24. The following Schedules form part of this:

- a) Schedule "A", Business License Fee Schedule
- b) Schedule "B" Regulated Business Schedule
- c) Schedule "C" Licensing and Regulations of Special Events License.
- d) Any other Schedule adopted by Council by Bylaw.

INTRODUCED AND GIVEN FIRST READING this 13th day of January, 2004, A.D.

R. Wiebe
MAYOR

cf
CHIEF ADMINISTRATIVE OFFICER

GIVEN SECOND READING this 13th day of January, 2004.

R. Wiebe
MAYOR

cf
CHIEF ADMINISTRATIVE OFFICER

GIVEN THIRD AND FINAL READING this 13th day of January, 2004.

R. Wiebe
MAYOR

cf

**TOWN OF BONNYVILLE
BYLAW NO. 1236-03
SCHEDULE "A"**

BUSINESS LICENSE FEES

1. **FEES FOR BUSINESS LICENSES**

	Resident	Rural Resident	Non-Resident	Home Occupation
Type A: General Business Retail, Personal Services, Business Support Services, Sub-Trades and Limited Contractors, Hawkers/Peddlers, Recreation, Business, Automotive Services/Repair Gas Bar, Rental Agencies, Apartment Buildings	\$100.00	\$150.00	\$300.00	\$100.00
Type B: Special Business Retail Businesses, Professionals, Consultants, Agencies, General Contractors, Communication Businesses, Financial Institutions/Businesses, Automotive Sales	\$200.00	\$250.00	\$400.00	\$200.00
Type C: Regulated Business	\$100.00	\$150.00	\$300.00	\$100.00

2. The appeal fee is \$100.00 for each decision appealed.

3. For the purposes of this Bylaw:

- a) A "Resident Business" means a person or business who carries on or operates a business from a commercial or industrial building, or land or both which they rent or own within the Town of Bonnyville.
- b) A "Rural Resident Business" means a person or business who carries on or operates a business from a building, land or both, which they rent or own, within the Municipal District of Bonnyville.
- c) "Home Occupation" means a person or business that carries on or operates the business from their personal residence which they rent or own within the Town of Bonnyville. Renters shall provide written permission of the owner of the residence, when applying for a Home Occupation Business License. Home Occupation Business License applicants also require a Home Occupation Development Permit to apply for their business license.

d) A "Non-Resident Business" means any other person or business that carries on or operated a Business in the Town of Bonnyville.

4. For the purpose of classifying a business type, the following descriptions are provided:

Type "A" - General business type shall include: General and Convenience Retail (including grocery stores, liquor stores, convenience stores, communication retail, shoe stores, clothing stores, hardware stores, jewelry, gift, furniture, computer, appliance, electronic, plumbing retail, electrical retail, glass retail, pet retail, used material retail, second hand retail, and sports retail stores, etc.).

Personal Service Shops (including barbers, hair salons, massage therapist, consultants, laundry mat, shoe repairs, dry cleaner, tattoo parlour, health spa, fitness gym, pawnbroker, etc.), Rental Agency (including apartment building owner/renter, office building operator), Recreation/Entertainment Facility Operator (including pool hall, theatre, fitness gym, roller blade arena, bowling alley, arcade, shooting range, archery range, etc.).

Type "B" - Special businesses including automotive, recreational vehicle sales, professional services.

Type "C" - Regulated business type shall include a special event permit (no charge), home occupations, second hand dealers, arcades, auctioneers, circuses, carnivals, building movers, waste and garbage collection, pawnbrokers, hawkers and peddlars, mobile parks.

**TOWN OF BONNYVILLE
BYLAW NO. 1236-03
SCHEDULE "B"**

REGULATED BUSINESS SCHEDULE

The following Businesses are and shall be regulated as specified herein:

1. Home Occupations

Home Occupations are a discretionary use in the Land Use Bylaw and are subject to Development Officer approval. They shall be subject to the following regulations:

- 1.1 the use is restricted to the dwelling unit or accessory building;
- 1.2 the approval of an office as a Home Occupation must be granted by the Development Officer and will be allowed only for normal office work therein by the occupant only;
- 1.3 no outside storage of goods, equipment, material of any kind or stock other than that normally associated with an office will be allowed on the site of the Home Occupant;
- 1.4 the peace, quiet, dignity and other amenities of the neighborhood shall not be disturbed by dust, noise, odor, smoke or traffic generated by the proposed Home Occupation;
- 1.5 no mechanical equipment other than office equipment for an approved office use, or housekeeping equipment ordinarily used for housekeeping purposes shall be used in connection with the Home Occupation;
- 1.6 not more than one vehicle for use by the business or the Home Occupation shall be parked on the site or any street adjacent thereto;
- 1.7 no variation from the external appearance and residential character of land or buildings shall be permitted;
- 1.8 the use shall not generate traffic problems within the district;
- 1.9 except with the approval of the Development Officer, no commercial vehicle of a capacity of more than three-quarter ton shall be parked or maintained on or about the lands;

- 1.10 no offensive noise, vibration, smoke, dust odors, heat or glare shall be produced by the use;
- 1.11 all permits shall be issued for no longer than 12 month period, at which time the permit may be renewed at the discretion of the Development Officer;
- 1.12 the permitted use shall only be applicable for the period of time the property is occupied by the applicant for such permitted use;
- 1.13 all permits issued for home occupations shall be subject to the condition that the permit may be revoked at any time if, in the opinion of the Development Officer, the use is or has become detrimental to the amenities of the neighborhood;
- 1.14 where a professional person desires to use his house for an office or a consulting room, such professional activities shall be limited to an individual practice. This will exclude clinics, partnerships, or any other combination of individuals. Such a use as will be permitted shall be a privilege to be enjoyed only by a resident of the dwelling and only upon explicit permission of the Development Officer, and
- 1.15 at all times, the privacy of the adjacent dwellings shall be preserved and the professional use shall not unduly offend the surrounding residents by way of excessive lighting, late calling clients of an unreasonable number, noise, traffic congestion or other nuisances.
- 1.16 No signs shall be erected upon the site of the Home Occupation or any lands adjacent thereto to advertise the home occupation other than as permitted under the provisions of the Land Use Bylaw.

2. Second Hand Dealers

- 2.1 No secondhand dealers shall acquire any secondhand goods from any person unless the person is a legal adult, and if not, accompanied by a parent or legal guardian.
- 2.2 No secondhand dealer shall alter, repair, dispose of or in any way part with possession of secondhand goods acquired in the course of his business until thirty (30) days from the date of acquisition have elapsed, and during this thirty (30) day period the secondhand dealer shall keep the secondhand goods on the licensed premises separate and apart from the other merchandise so that they may be examined at any time during business hours by the Royal Canadian Mounted Police or Peace Officer who may be accompanied by some private citizens for the purpose of assisting in locating and/or identifying goods reported stolen or suspected of being stolen.

- 2.3
- a) Every secondhand dealer shall keep a secondhand dealer's register consisting of a book in which the dealer shall record information about goods that he has acquired together with a description of the person from whom the goods were acquired and such record shall be completed as soon as the transaction has taken place.
 - b) Records in the secondhand dealer's register shall be in either of Canada's official languages and shall be in ink and shall be written plainly.
 - c) Every secondhand dealer shall enter in the register the following information:
 - i) the hour of each purchase, sale or exchange;
 - ii) the amount paid for the article;
 - iii) a brief description of the article, including serial number and maker's name if any and if the serial number has been removed or is missing, a special note if this fact shall be made;
 - iv) the given name, middle initial, surname and address;
 - v) the numbers from two forms of identification from the following which confirm the name and address given, i.e: operator's license, birth certificate, credit card, or any other form of identification which would be acceptable for the purpose of identifying a person.
 - d) Every person who destroys, alters, mutilates or falsifies any secondhand dealer's register is guilty of an offence against this Bylaw.
 - e) Every secondhand dealer shall keep his register open to inspection by members of the Royal Canadian Mounted Police or Peace Officer at all times.
 - f) Every secondhand dealer shall allow a member of the Royal Canadian Mounted Police or Peace Officer to remove his register for inspection for use in court. The secondhand dealer shall not be held liable for neglect in failing to enter purchases, or exchanges made while the register is so absent from his premises provided he makes the necessary entries immediately upon return of the register from notes he made at the time of any purchase or exchange

completed while the register was absent.

- 2.4 No secondhand dealer shall display any goods, wares or merchandise except upon property owned or controlled by the licensee, not upon any sidewalk, street or boulevard and all such goods, wares or merchandise shall be within property maintained in accordance with Town Bylaws.
- 2.5 In addition to the foregoing provisions of the Section, all persons, including merchants or dealers who take goods, wares, merchandise, or other effects for sale or exchange, whether the same be taken as incidental to their business or otherwise, shall furnish to any member of the Royal Canadian Mounted Police or Peace Officer upon request, full information with regard to any such goods, wares, merchandise or other effects.

3. Arcades

- 3.1 Both the owner, and where the on site manager is different from the owner, the manager of an Amusement Arcade shall be responsible for providing continuous and proper supervision and control of the Amusement Arcade and activities carried thereon, at all times when the Amusement Arcade is open to the public.
- 3.2 No person who is either an owner, manager, or an employee of an Amusement Arcade shall participate in the playing of a game on the Amusement Arcade Machines within that Amusement Arcade except when no member of the public is present or when demonstrating the use of a machine.
- 3.3 The owner of an Amusement Arcade shall ensure that adequate waste containers at the front exterior of the Amusement Arcade and ensure daily clean up on the property fronting the Amusement Arcade premises.

4. Auctioneers

- 4.1 A person who operated a business as an Auctioneer shall pay a license fee as prescribed in Schedule "A" herein.
- 4.2 Every Auctioneer shall keep proper books for account in which shall be recorded:
 - a) the name and address of all persons who engage him to sell real and personal property on their behalf;
 - b) an accurate description of property received;

- c) the name and address of person to whom sales are made;
- d) the date that monies received at the sale were turned over to the person engaging him to sell at auction within a 14 day period.

4.3 An Auctioneer need not obtain a license for:

- a) a sale by auction to which the Seizures Act applies;
- b) a sale of the estate of a deceased person where the sale is made on the authority of an executor or administrator of the estate;
- c) a sale by auction of goods and chattels taken in distress under the authority of a statute or recovery of a tax, rate or imposition made or levied pursuant to such statute;

4.4 Unless he holds a valid license as an Automobile Dealer, an Auctioneer shall not consign, sell or offer a motor vehicle by auction, however, where a motor vehicle is part of a consignment of a major portion of the sale of household effects or of a business liquidation, an Auctioneer may sell by auction the motor vehicle along with the balance of the consignment.

4.5 The books for account referred to in (b) above shall be open for inspection by a Peace Officer at any reasonable time.

5. Circuses/Carnivals

5.1 No license shall be issued for a carnival or circus unless the applicant provides proof of liability insurance in the amount of no less than one million dollars (\$1,000,000.00), covering public liability for all personal injury, and property damage which may occur by reason of the operation of the carnival or circus, and such liability insurance shall be maintained during the currency of the carnival or circus.

5.2 The License Inspector may issue a license at no fee if such carnival or circus is sponsored as a fund raising function by a charitable or non-profit organization, and if the requirements of (5.1) above are met.

6. Building Movers

6.1 Before any license shall be issued to a building mover for a moving business in the Town, the applicant applying for such a license shall execute a premises, property and operations, General Liability Policy with an insurance company in the sum of at least one million (\$1,000,000.00) dollars, and such General Liability Policy shall be maintained during the currency.

7. Waste and Garbage Collectors

7.1 Any person who collects or removes by vehicular means, residential, commercial, industrial garbage or construction wastes or garbage for gain shall obtain a license pursuant to the requirements of this Bylaw, but this section does not apply to vehicles owned and operated by the Town of Bonnyville.

7.2 Vehicles in excess of five tons are not permitted on residential lanes except by special license.

8. Pawnbroker

8.1 Every pawnbroker shall have a sign with his name and the word "Pawnbroker" in large legible characters thereon placed over the door outside the shop or other place used by him for carrying on his business.

8.2 Every pawnbroker shall at all times keep posted in a conspicuous position on his premises so as to be easily seen and ready by persons pledging goods, on a card or sign, having printed or painted thereon the following information:

a) the rate of profit allowed by the Statutes of Canada to be taken by pawnbrokers.

b) the amount which the pawnbroker is entitled to charge for the notes which he is required to furnish under the provisions of this Bylaw to a person pledging goods.

8.3 Every pawnbroker shall before the hour of twelve (12) o'clock in the forenoon on Monday of each week make out, sign and deliver to the Detachment Commander of the Bonnyville Detachment of the R.C.M.P., a true and correct written statement of all goods and articles received on deposit or by way of pledge during the next preceding twenty-four (24) hours, which said statement shall include therein a true and correct copy of the entries made in said book during the said period.

8.4 At any time of taking any pawn or pledge, every pawnbroker shall deliver to the person pledging articles or goods a written or printed note containing:

- a) the number of the entry made in said book in respect thereof;
- b) the day and month of the year in which the pledge was taken;
- c) the name and address of the person pledging;
- d) the description of the goods or articles pledged;
- e) the amount of money advanced thereon;
- f) name and address of the pawnbroker

and the pawnbroker shall not receive or retain any goods or articles as pledges or pawns unless the person pledging the same accepts the note.

8.5 The pawnbroker shall be entitled to charge for the note in this section required to be delivered by him to the person pledging goods or articles, the following fees:

- a) when the sum advanced is five (\$5.00) dollars.....Nil
- b) when the sum is more than five (\$5.00) dollars.....8% which schedule of charges (above) shall be printed in large legible type on the back of each note given a customer by a pawnbroker. Every pawnbroker shall securely attach the goods or articles pledged; a duplicate of the note given to the person pledging the same and in the event of such goods being redeemed, shall write or endorse on said duplicate note a true statement of the profit taken by him and shall keep such duplicate note in his custody for one year following the date such goods were redeemed.

8.6 No pawnbroker shall solely, because of the non-production of said note, refuse to deliver pledged goods or articles to the person entitled thereto upon payment of the amount lawfully owing thereon if the Detachment Commander of the Bonnyville Detachment of the R.C.M.P. certifies that the loss of said note has been proved to his satisfaction.

- 8.7 No pledged goods shall be forfeited or sold until the expiration of three (3) months from the date such goods were pledged, exclusive of the day of pledging; providing however, that this Section shall not be deemed to authorize a sale or forfeiture if:
- a) the parties have agreed upon a longer period of holding said goods;
 - b) such sale or forfeiture would be in any other way contrary to the general law.
- 8.8 Every pawnbroker shall keep a book recording particulars of all sales at auction of unredeemable goods, as follows:
- a) number of the pledge;
 - b) date of pledge;
 - c) name of person pledging;
 - d) date of sale;
 - e) money received in respect of each pledge;
 - f) name and address of auctioneer.
- 8.9 Every pawnbroker shall permit the person who pawned the goods or the person for whom the same were pawned or either's legal representative or agent to inspect the record of sale of goods by auction on payment of twenty-five (\$.25) cents for each inspection.
- 8.10 No pawnbroker shall:
- a) take any goods on pledge from any person who appears to be under the influence of alcohol or drugs;
 - b) employ any person under the age of sixteen (16) years to take any pledge;
 - c) purchase or take in pawn, pledge or exchange the note aforesaid of any other pawnbroker;
 - d) take any goods by way of pledge on any week or business day between the hours of six (6:00) p.m. and seven (7:00) a.m. of the following business day and shall not take any goods by way of pledge at any time on Sunday.

- 8.11 All books, accounts, entries, and notes of all goods pawned shall at all times be open to the inspection of the Detachment Commander of the Bonnyville Detachment of the R.C.M.P. or the License Inspector or any assistant or any Police Constable.
- 8.12 The Pawnbroker's Act, R.S.A., as may be amended from time to time, is hereby incorporated in this section and in case of any contradictions or conflict, the provisions of the said Act shall prevail.

9. Hawker and Peddler

- 9.1 A Hawker or Peddler of foodstuffs, fruits and/or vegetables is required to produce a certificate from the Local Board of Health stating that the vehicle or receptacle from which the applicant intends to sell foodstuffs is in a sanitary condition.
- 9.2 No Hawker or Peddler who uses a vehicle with his sales shall:
- a) permit the vehicle to remain stopped on a portion of a street except where such parking is allowed and during which time is actually engaged in making a delivery of a sale; or
 - b) permit the vehicle to stand adjacent to a street unless the location where he is standing the vehicle, for the purpose of his trade, has first been approved for such purpose by the Town License Inspector.

10. Mobile Parks

- 10.1 The licensee of the Mobile Park shall keep a register in writing, in the English language, containing the following information:
- a) the name of each person provided with accommodation; and
 - b) the date of arrival and departure of such person, and shall keep such register available for inspection at all times by the License Inspector or authorized personnel.
- 10.2 The Licensee of a mobile park shall notify the License Inspector in writing of:
- a) the name and address of the owner of each mobile unit in the mobile park within 14 days of its being occupied; and
 - b) any change of ownership or occupancy or any removal of a mobile unit from the park within 14 days of the change or removal.

11. Bonds

- 11.1 Before a license will be issued to any person in respect of a business, trade or occupation that requires an advance down-payment the applicant shall deposit with the License Inspector an irrevocable letter of credit or cash security deposit payable to the Town of Bonnyville; and
- 11.2 Such security deposit or letter of credit shall contain the condition that the parties thereto shall at all times indemnify and save harmless the Town of Bonnyville, as trustee for any person who may sustain loss or damage from any neglect or any unlawful act or omission of the person named in the security deposit or letter of credit.
- 11.3 The security deposit or letter of credit shall state therein that it inures to the benefit of any person suffering loss or damage as aforesaid.
- 11.4 The requirement for a security deposit or a letter of credit and the amount of same shall be at the discretion of the Licensing Officer.

**TOWN OF BONNYVILLE
BYLAW NO. 1236-03
SCHEDULE "C"**

**SCHEDULE FOR THE LICENSING AND REGULATION
OF SPECIAL EVENTS**

1. Purpose

The purpose of this Bylaw is to license and regulate special events in the Town of Bonnyville.

2. Definitions

- a) "Special Event" shall mean any sport tournaments, fund raisers, music festival, dance festival, "rock" festival, or similar activity, whether indoor or outdoor, estimated to attract 500 or more people in any one twenty-four (24) hour period, which is held at any place within the municipality, and to which members of the public are invited or admitted for a charge or free of costs;
- b) "Council" means the Council of the Town of Bonnyville;
- c) "Health Officer or Inspector" means "Executive Officer" of the local Health Board of the Northeast Alberta Health Unit, as defined in the Public Health Act".
- d) "License" means a person who has applied for and obtained a license to operate a special event pursuant to this bylaw;
- e) "Licensing Officer" means the Council or such person as Council may designate;
- f) "Municipality" means the Town of Bonnyville.

3. No person shall operate, maintain, conduct or advertise a special event in the municipality unless he/she has first obtained a license from the licensing officer to operate or conduct such a special event.

4. Applications for a license to conduct an indoor-outdoor special event shall be made to the licensing officer in writing at least sixty days prior to the proposed date of the special event and shall be accompanied by a non-refundable application fee of \$100.00 and shall contain the following information:

- a) The name, age, residence, and mailing address and telephone number or numbers of the person making such application. If the application is made by a partnership, the names and addresses of the partners shall appear. Where the applicant is an incorporated, the application shall be signed by at least two directors of the incorporated company and shall contain the addresses of such corporate directors and shall have attached a certified copy of the Certificate of Incorporation.
- b) A written statement of the kind, character, or type of special event which the applicant proposes to conduct, operate or carry on.
- c) The address or legal description of property where the proposed special event is to be conducted, operated, or carried on.

Additionally, the applicant shall submit proof of ownership of the place where the special event is to be conducted or a statement signed by the owner of the premises indicating his consent that the site be used for the proposed special event.

- d) The date or dates and the hours during which the special event is to be conducted.
- e) An estimate or the number of customers, spectators, participants, and other persons expected to attend the special event for each day it is conducted.
- f) The names and addresses of anyone contributing, investing, or having a financial interest greater than five hundred (\$500.00) dollars in producing the special event.
- g) A financial statement to give assurance of the ability of the applicant to meet the conditions of the license being applied for.
- h) The applicant will be required to provide security and proof of comprehensive liability insurance with the application for license. The security shall consist of an irrevocable letter of credit issued by a chartered bank or the Treasury Branch or a cash deposit to the satisfaction of the Town of Bonnyville.
- i) A detailed written explanation of the applicant's plans to provide security and fire protection, water supplies and facilities, sewage and drainage facilities, food supplies and facilities, sanitation facilities, first aid facilities and services, vehicle parking spaces, vehicle access policing and on-site traffic control and, if it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the premises and for camping or similar facilities. The applicant's plans shall include what provisions shall be made for number of spectators in

excess of the estimate, provisions for the clean-up of the premises and provisions for the removal of rubbish after the concert has concluded. A plot plan showing the arrangement of the facilities, including those for parking, egress, and ingress, shall be submitted with such application.

- j) The applicant will provide any other information requested by the Licensing Officer and deemed necessary by the Licensing Officer for consideration of the application for license.
5. Every person applying for a license pursuant to this bylaw shall satisfy the Licensing Officer and Health Officer that he/she is able to meet the conditions and requirements set out in this bylaw.
6. Every license to conduct an indoor-outdoor special event shall be subject to the following conditions and requirements:
- a) **Security Protection:** Every licensee shall provide at his/her own expense security protection. This shall include the provision of a minimum of one security officer for every 150 persons expected to be in attendance. When the Town of Bonnyville requires additional policing as a result of the Special Event, the operator will be required to pay the additional costs of policing and this cost may be deducted from the security provided.
 - b) **Water and Sanitation Facilities:** Every licensee shall provide an ample supply of potable water for drinking and sanitation purposes at the site of the special event. The minimum supply of water to outdoor special events shall be 68 litres of water for each person in attendance per day. All water shall meet Canadian Drinking Water Standards. Public and private flush-type water closets, lavatories, and drinking facilities and sewage and drainage systems and items incidental to the operation of the foregoing shall be required as determined by the health officer. This condition shall only be deemed to have been met where the health officer has accepted such arrangements as satisfactory.
 - c) **Food Concessions:** Where the proposed special event is to be held a distance of 200 metres from adequate public eating places, food handling places or like establishments, the applicant shall provide such food facilities as may be required by the health officer to adequately provide food services to those persons attending the special event.
 - d) Every licensee shall be required to furnish such trash cans and garbage receptacles as may be required by the health officer. An adequate supply of plastic bag liners to fit the trash cans shall be provided and each container shall at all times be tied and removed and a new plastic bag liner inserted. The pick up and removal of

trash, refuse, garbage and rubbish shall be at least once a day or more often if required by the municipality. A signed contract with a licensed refuse collector shall be submitted and filed with the health officer. The removal of all trash and refuse shall be at the licensee's expense.

- e) **First Aid Facilities:** Every licensee shall provide such first aid facilities at the site of the special event as may be required by the health officer. The licensee shall provide ambulance services to transport persons attending the concert from the site of the special event to the nearest hospital where need arises. The type of ambulance service shall be as required by the health officer. Where a proposed special event is expected to attract a large number of persons to a site located a distance of five (5) kilometers from adequate existing treatment facilities, the license may be required to provide emergency medical treatment facilities on the premises of the special event.
- f) **Parking Areas:** Every licensee shall provide adequate parking spaces for persons attending the concert by motor vehicle. The licensee may be called upon to provide a separate parking space for every two (2) persons expected to attend the concert by motor vehicle. Such parking areas shall be clearly marked. The licensing officer shall approve an applicant's "parking plan" before a license shall be issued.
- g) **Access and Parking Control:** The licensee shall provide adequate ingress and egress to the special event premises and parking areas, therefore necessary roads, driveways and entrance ways shall exist to insure the orderly flow of traffic into the premises from a highway or road which is part of the highway system or which is a highway maintained by the municipality. A special access way for fire equipment, ambulances and other emergency vehicles may be required. The licensing officer shall approve the licensee's plan for ingress and egress before a license shall be issued. Additionally, any licensee may be required to show that traffic guards are under his employ to insure orderly traffic movement and relieve traffic congestion in the vicinity of the special event area.
- h) **Hours of Operation:** All special events which are subject to a license pursuant to the provisions of the Order shall close and cease operations continuously between the hours of 2:00 a.m. and 6:30 a.m. of each and every day.
- i) **Communications:** The applicant shall be required to establish a communication system for public use where ordinary communications are not available. The licensing officer may require a provision of a mobile phone at the site of the special event.

- j) **Miscellaneous:** The licensing officer may impose such additional conditions as are reasonably calculated as necessary to protect the health, welfare and property of local residents and persons attending the special event.
- 7. **A licensee shall comply with all relevant Federal, Provincial, or Municipal laws in existence.**
 - 8. **The licensing officer may grant from any of the above requirements where it appears that such an action is in the best public interest. This ability to grant relief shall be limited to those items within the control of the licensing officer under this bylaw and does not relieve the licensee from any conditions or requirements imposed by law, contract or otherwise.**
 - 9. **Any person who:**
 - a) **operates, maintains, conducts, advertises a special event in the Town of Bonnyville without first having obtained the licenses required by this Order; or**
 - b) **and having obtained the license, fails to comply with the conditions set out in this Order or attached to a license;**

is guilty of an offence and is liable on conviction to a fine of not more than TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) and not less than ONE THOUSAND TWO HUNDRED AND FIFTY DOLLARS (\$1,250.00) and in addition to a fine of not more than TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) for every day the offense continues and in default of payment, to imprisonment for a term not exceeding thirty (30) days.