

TOWN OF EDSON

BYLAW NO. 2030

A Bylaw of the Town of Edson in the Province of Alberta, pursuant to the provisions of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto, to provide for the licensing, control and regulating of any business or industry within the Town of Edson.

WHEREAS it is deemed desirable and expedient to require that, for the purpose of providing some form of protection for resident consumers and to establish a record of those businesses which are operating within the community, each business shall be required to purchase a Business License;

AND WHEREAS it is deemed advisable, for purposes of clarity and equalization of the license requirements, to repeal the existing Business License Bylaws and enact a new Business License Bylaw;

NOW THEREFORE, the Municipal Council of the Town of Edson, duly assembled, enacts as follows:

PART I TITLE AND DEFINITIONS

SECTION 1

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

SECTION 2

1. "Applicant" shall mean a person who applies for a license or the renewal of a license required by this Bylaw.
2. "Application" shall mean a written application for a Business License required under this Bylaw.
3. "Business" shall mean any trade, profession, occupation, industry, employment or calling, and the providing of goods and/or services, but shall not include employees.
4. "Business License" shall mean a license to be issued, pursuant to this Bylaw, for the purpose of allowing any business to operate within the corporate limits of the Town of Edson.
5. "Business Premises" includes any store, office, warehouse, yard or other place occupied, or capable of being occupied, for the purpose of carrying on a business.
6. "Charitable or Non-profit Organization" shall mean any person, association or corporation acting for charity or in the promotion of general social welfare, and shall include:
 - i) Religious Societies or organizations
 - ii) Service clubs
 - iii) Community, veteran or youth organizations
 - iv) Social, sport or fraternal organizations or clubs
 - v) Employer or employee organizations
7. "Council" shall mean the Council of the Town of Edson.
8. "Employee" shall mean any person receiving remuneration for work being done from which government deductions are being withheld and remitted.
9. "Financial Institutions" shall mean any chartered bank, credit union, or trust company.

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10. "General Contractor" shall mean any person who enters into a contract or contracts for overseeing the erection, alteration, cleaning, moving, repair or demolition of buildings or structures within the Town; and, without limiting the generality of the foregoing, shall include any person acting as his/her own general contractor on any project.
11. "Hawker or Pedlar" shall mean any person who whether as principal or agent
 - i) goes from house to house selling or offering for sale any merchandise or service, or both, to any person, and who is not a wholesale or retail dealer in that merchandise or service, and not having a permanent place of business in the municipality.
 - ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered in and shipped into the municipality, or
 - iii) sells merchandise or a service, or both, on the streets or roads or elsewhere than at a building that is his permanent place of business, but does not include any person selling
 - (a) meat, fruit or other farm produce that has been produced, raised or grown by himself, or
 - (b) fish of his own catching.
12. "License Inspector" shall mean a person or persons authorized by the Council of the Town of Edson to carry out the provisions of this Bylaw.
13. "Mobile Home" shall mean
 - i) any vacation trailer or house trailer; or
 - ii) any structure whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another by being towed or carried and to provide living accommodation for one or more persons.
14. "Mobile Home Parks" shall mean
 - i) the business of owning or operating the site or parcel of land and providing serviced spaces for the parking and occupancy of mobile homes but does not include a motel where six or less mobile homes are parked or occupied.
15. "Offence Tag" shall mean a tag or ticket whereby the person alleged to have committed a breach of a provision of this Bylaw is given an opportunity to pay a voluntary penalty to the Town of Edson in lieu of prosecution for the offence.
16. "Non-Resident" shall mean any person, firm or corporation whose normal place of business is located outside of the boundaries of Yellowhead County, or within an incorporated town or village, with the exception of the Town of Edson, situated within the boundaries of Yellowhead County.
17. "Pawnbroker" means a person who carries on a business of loaning money on the security of the pledge or pawn of personal property or a person who holds himself out as ready to loan money on such security, but does not include banks, trust companies, credit unions or other similar institutions.
18. "Project Manager" shall mean any person who is engaged by a general contractor, or any person or firm acting as a general contractor, for the purpose of overseeing activity at a construction site or project; and, without limiting the generality of the foregoing, shall include any person acting as his/her own general contractor on any project.

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19. "Resident" shall mean any person, firm or corporation whose normal place of business is located within the corporate limits of the Town of Edson, and shall include those persons residing within the boundaries of Improvement District No. 14, but shall not include residents or incorporated towns or villages therein.
20. "Secondhand Dealer" means a person who carries on a Business of acquiring secondhand goods, wares or merchandise of any kind, including guns, and motor vehicles, for the purpose of selling or offering for sale such goods, wares or merchandise.
21. "Secondhand Goods" means personal property, wares or merchandise previously sold by a retailer to a consumer.
22. "Sub-Contractor" shall mean any contractor who enters into a contract or contracts to do work on a project under the supervision of a General Contractor, and shall include those areas of the construction industry which require master trades designations.
23. "Taxicab" shall mean a vehicle for public hire which is fitted with a taxi meter.
24. "Town" shall mean the municipal corporation of the Town of Edson.
25. "Town Manager" shall mean the Town Manager of the Town of Edson and anyone authorized by the council to act on his behalf.
26. "Voluntary Penalty" shall mean a penalty specified in this Bylaw for the contravention of a provision of this Bylaw, which amount shall be paid by a person to whom a municipal tag was issued.

PART II LICENSING**SECTION 3 - NECESSITY FOR LICENSE**

1. No person shall carry on or operate within, or partly within the Town any business, without holding a valid and subsisting business license issued pursuant to the provisions of this Bylaw unless specifically exempted by Council or Provincial or Federal statutes.

SECTION 4 - APPLICATIONS

1. Applications for a license for a new business or licensee shall be made in writing on a form provided by the License Inspector, and shall be made in person by those persons, or their agent, who are actively involved in the management of the business.
2. Applications for licenses which shall be submitted to Council for consideration will be
 - i) those applications for licensing of a taxi service.
 - ii) those applications for licensing of mobile home parks.
 - iii) those applications for licensing of pawnbrokers.
 - iv) those applications for licensing of secondhand dealers.
3. Applications for renewal of an existing Business License shall be made not later than the 15th day of February each year, and shall be accompanied by the appropriate fee as specified in the attached Schedule "A". Where the application for renewal is received later than the 15th day of February, a fee as specified in Schedule "A" of this bylaw shall be imposed.
4. Applications for the transfer of any license issued under the provisions of this Bylaw may be made for transfer of a license from
 - i) one person to another for the same business in the same business premises; or
 - ii) one business premises to another for the same licensee;
 and such application shall be accompanied by a fee in the amount of FIVE (\$5.00) DOLLARS.

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SECTION 5 - APPROVALS

1. No Business License shall be issued until such time as all of the necessary approvals have been received by the License Inspector.
2. The following approvals may be required at the discretion of the License Inspector:
 - i) Building Inspector - any new business premise
- any change in the type of business being carried on in an existing premise.
 - ii) Development Officer - all new developments and any others at the discretion of the Licensing Officer
 - iii) Fire Chief - all new applications
 - iv) Medical Officer of Health
 - any business where food and/or drink is prepared and/or served to the public
 - any business having vending machines which dispense food or confectionary
 - any business having washrooms available for public use
 - barber shops and beauty salons
 - day care centers
 - hotels and motels
 - rock concerts
 - v) Municipal Planning Commission
 - discretionary uses
 - vi) R.C.M.P. - all applications which could involve public safety and morals

SECTION 6 – CONDITIONS OF BUSINESS LICENSE

1. On any project being supervised by a general contractor or project manager, said contractor or manager shall be responsible for providing to the License Inspector a list of all names and addresses of contractors who will be involved in the project.
2. Every Business License issued under this Bylaw is subject to any Provincial and/or Federal statutes governing the conduct of the licensed business.
3. Every Business License issued under this Bylaw shall be posted in a conspicuous place in the business premises of the licensee.
4. Upon request of the License Inspector, every person engaged in any business for which a license is required under this Bylaw shall provide all information necessary to enable said License Inspector to carry out his duties.

SECTION 7 - CONDITIONS FOR TAXI SERVICE

1. Before any Business License is issued for a taxi service, the License Inspector shall provide a report to Council on
 - i) the condition of vehicles, meters and service to be provided;
 - ii) the driving record of all persons who will be operating taxis, and
 - iii) any other matter relevant to the applicant's business.

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2.
 - i) Every person operating a taxi or taxis shall equip each taxi with a meter and shall maintain same in good order.
 - ii) Each taxi company shall be responsible for submitting their taxi meters for testing, inspection and sealing each year between September 1st and October 31st, and a satisfactory certificate of accuracy shall be submitted to the Bylaw Enforcement Officer no later than October 31st.
3.
 - i) The meter shall not be started before the point of call is reached and shall be kept operating continuously while the taxi is under hire; and, when the trip is completed, neither more nor less than the amount of the fare shown on the meter shall be collected.
 - ii) Nothing contained in this Bylaw shall prevent the driver of the taxicab from granting to a person who is handicapped or sixty-five (65) years of age or older a discount in the rate of fares to be charged, and an owner and a customer may enter into a contract, in writing, for services to extend for a period of a year or more on runs between fixed points at an agreed tariff, but a duplicate original of such contract must first be filed with, and approved of, by the Bylaw Enforcement Officer.
 - iii) The rates of fares shall be submitted to the Bylaw Enforcement Officer each year upon application for a business license. Any change in the submitted rates during the year shall immediately be provided to the Bylaw Enforcement Officer.
4.
 - i) A minimum of three cars shall be provided, two cars to be operational at all times.
 - ii) Taxi companies shall be responsible for providing adequate off-street parking for their vehicles. All operating taxis must use this designated parking area when not carrying a paying passenger.
5. With due regard to the capacity of any vehicle being operated as a taxi, no more than five (5) occupants shall be carried at one time in a mid-sized vehicle and no more than seven (7) occupants shall be carried at one time in a full-sized vehicle.

SECTION 8 - CONDITIONS FOR MOBILE HOME PARK LICENSES

1. Before any Business License is issued for a Mobile Home Park, the License Inspector shall ensure the condition of the Mobile Home Park does not constitute a nuisance.
2. Every person operating a Mobile Home Park, shall maintain said Mobile Home Park in a neat and tidy manner.
3. Every person operating a Mobile Home Park shall ensure proper dust control of the roadways and proper signage within the Mobile Home Park.

SECTION 9 - CONDITIONS FOR PAWNBROKER LICENSES

1. Every Pawnbroker shall keep a record satisfactory in form to the License Inspector in which shall be permanently recorded the following information, which shall be secured and recorded at the time of each transaction:
 - (a) An accurate, detailed description of each item of personal property taken as a pledge and all markings, serial numbers, makes or models or other identification placed or marked on the property by the manufacturer or vendor thereof.
 - (b) A statement of any description, mark or specific identification which has been made on or attached to the property.
 - (c) The date and time of day when the property was given to the Pawnbroker as security.

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- (d) The rate of interest which is to be charged on the loan which is made on the security of the pledge.
 - (e) The Christian name, middle initial, surname and address, and a detailed description of the person or persons tendering the property as security for the loan, including, but not limited to, the record of numbers from two forms of identification from the following which confirm the name and address given:
 - i) Social Insurance Number Card
 - ii) Operator's License
 - iii) Birth Certificate
 - iv) Credit Card
 - v) Any other form of identification which would be acceptable to a chartered bank for the purpose of identifying a person cashing a cheque.
 - (f) If the person or persons tendering the property as security for the loan is a minor then either
 - i) A true copy of a Court Order allowing the loan, or
 - ii) The written consent of the minors' parent or legal guardian, and the personal identification of that parent or legal guardian in accordance with Subsection 1(e).
 - (g) The folio or serial number of the pledge.
 - (h) If and when the pledge is redeemed, the Pawnbroker shall record the amount of interest taken and his charges.
2. The Pawnbroker shall not erase, obliterate, deface or alter the record made pursuant to Subsection (1) and shall not direct, allow or suffer any other person erase, obliterate, deface or alter the record.
 3. The Pawnbroker shall retain the record made pursuant to Subsection (1) for one (1) year from the date of the transaction, or longer if requested by the Royal Canadian Mounted Police.
 4. The record required to be kept by Subsection (1) and every item of personal property in the Pawnbroker's place of business which he acquired as a security for a loan shall at all times be open to inspection by a Peace Officer, the License Inspector, or any person appointed by Council or by the License Inspector for that purpose.
 5. At the time a borrower deposits or delivers any personal property as security for a loan, the Pawnbroker shall without requiring or accepting any fee or charge for so doing deliver to the borrower a note or memorandum signed by the Pawnbroker containing a summary of the information which is required to be inserted in the record kept pursuant to Subsection (1) other than the description of the borrower.
 6. A Pawnbroker shall not
 - (a) allow any property received by him as security for a loan to be redeemed or removed from his place of business before seventy-two (72) hours have elapsed from the time the property was tendered to the Pawnbroker as security; or
 - (b) sell any property which he has received as security for a loan and which has not been redeemed within the time allowed to the borrower for redemption before three (3) months have elapsed from the time when the property was furnished to the Pawnbroker as a pledge.
 7. At the time any property received as security for a loan is either redeemed by the owner or sold because it has not been so redeemed, the Pawnbroker shall enter in the record kept pursuant to Subsection (1)
 - (a) the name and address of the person purchasing or redeeming such property; and
 - (b) the date of sale or redemption.

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8. A Pawnbroker shall not accept property as security for a loan or advance a loan on the receipt or promise of delivery of any property from
- (a) a person who is or who appears to be under the influence of alcohol or any drug; or
 - (b) a person who is under the age of eighteen (18) years, except:
 - i) upon a Court Order; or
 - ii) with the written consent of the minors' parent or legal guardian, and the parent or legal guardian has identified himself adequately as set out in Subsection (1)(e) herein; or
 - (c) any person failing to identify himself adequately as set out in Subsection (1)(e) herein; or
 - (d) a person who the Pawnbroker knows or has reasonable grounds to believe may have stolen or otherwise illegally acquired the property offered for security for a loan.
9. No Pawnbroker shall accept property on which the manufacturer's identification number or serial number has been removed, defaced, tampered with or in any way altered unless the prior written approval of the Royal Canadian Mounted Police has first been obtained.

SECTION 10 - CONDITIONS FOR SECONDHAND DEALERS

1. A Secondhand Dealer shall keep a book or record in a form satisfactory to the License Inspector in which shall be permanently recorded the following information:
- (a) An accurate, detailed description of any personal property acquired, and any markings, serial numbers, or other identification on such property.
 - (b) The price paid for such property.
 - (c) The date and time of day such property is acquired.
 - (d) The folio or serial number of the acquisition.
 - (e) The Christian name, middle initial, surname and address, and a detailed description of the person or persons from whom such acquisition was made, including, but not limited to, the record of numbers from two forms of identification from the following which confirm the name and address given:
 - i) Social Insurance Number Card;
 - ii) Operator's License;
 - iii) Birth Certificate;
 - iv) Credit Card;
 - v) Any other form of identification which would be acceptable to a chartered bank for the purpose of identifying a person cashing a cheque.
 - (f) If the person or person tendering the property as security for the loan is a minor then either
 - i) A true copy of a Court Order, or
 - ii) The written consent of the minor's parent or legal guardian, and the personal identification of that parent or legal guardian in accordance with Subsection 1(e).
 - (g) The license number and the description of the vehicle in which such property is delivered.
2. The Secondhand Dealer shall not erase, obliterate, deface or alter the record made pursuant to Subsection (1) and shall not direct, allow or suffer any other person erase, obliterate, deface or alter the record.
3. The Secondhand Dealer shall retain the record made pursuant to Subsection (1) for one (1) year from the date of the transaction, or longer if requested by the Royal Canadian Mounted Police.

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4. The record required to be kept by Subsection (1) and every item of personal property in the Secondhand Dealer's place of business shall at all times during the Secondhand Dealer's normal business hours be open to inspection by a Peace Officer, the License Inspector or any person appointed by Council or by the License Inspector for that purpose.
5. A Secondhand Dealer shall
 - (a) keep all secondhand goods acquired by him in connection with his business separate and apart from all other property in his place of business for seven (7) days after he acquired the same; and
 - (b) label all property with the date of acquisition and with the serial and folio number entered in respect of the property in the record required to be kept pursuant to Subsection (1) hereof.
6. No Secondhand Dealer shall, in the conduct of his business accept property from
 - (a) a person who is or who appears to be under the influence of alcohol or any drug; or
 - (b) a person who is under the age of eighteen (18) years, except:
 - i) Upon a Court Order; or
 - ii) With the written consent of the minor's parent or legal guardian, and the parent or legal guardian has identified himself adequately as set out in Subsection (1)(e) herein; or
 - (c) any person failing to identify himself adequately as set out in Subsection (1)(e) herein; or
 - (d) a person who the Secondhand Dealer knows or has reasonable grounds to believe may have stolen or otherwise illegally acquired the property.
7. No Secondhand Dealer shall accept property on which the manufacturer's identification number or serial number has been removed, defaced, tampered with or in any way altered unless the prior written approval of the Royal Canadian Mounted Police has first been obtained.

SECTION 11 - TERMS OF LICENSE

1. Unless revoked or surrendered at an earlier date, 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.

SECTION 12 - REFUSAL AND REVOCATION

1. Subject to the provisions of the Bylaw, the License Inspector may, upon receipt of an application for a Business License, either grant the license or, if in his opinion there are just and reasonable grounds to do so, refuse to grant a license, and;
2. Subject to the provisions of this Bylaw and subject to:
 - i) The License Inspector providing the License Holder with written reasons as to why the License Inspector intends to revoke the business licenses, and;
 - ii) The License Inspector providing the License Holder with a reasonable opportunity and reasonable notice of the date, time and place at which the License Holder may appear before the License Inspector to speak against the revocation of the Business License by the License Inspector, and;
 - iii) The License Holder should also be advised of the right to appeal any revocation of the Business License to Town Council.

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The License Inspector may thereafter, and provided that the License Inspector believes that there are just and reasonable grounds, may revoke a business license which has been granted.

3. If a licensee is convicted of an offense under the provisions of this Bylaw, any license issued under said Bylaw shall be cancelled.
4. Any license issued under the provisions of this Bylaw may be suspended at the request of the Medical Officer of Health, and shall not be reinstated until the Medical Officer of Health certifies the premises concerned are satisfactory.

SECTION 13 - RIGHT OF APPEAL

1. Any applicant seeking a Business License may appeal to Council in every case where
 - i) an application for a Business License has been refused;
 or
 - ii) a Business License has been revoked.
2. Any appeal from subsection (1) shall be made by the applicant or licensee within thirty (30) days of such refusal or revocation.
3. All appeals shall be made in writing and addressed to the Secretary-Treasurer of the Town of Edson and the date received by the Secretary-Treasurer shall constitute the date of appeal.
4. Council, after hearing the applicant, may
 - i) direct a Business License be issued;
 - ii) direct a Business License be issued with conditions;
 - iii) refuse to grant a Business License;
 - iv) uphold the revocation of a Business License.

PART III LICENSE INSPECTOR

SECTION 14 – APPOINTMENT AND DUTIES

1. Council shall appoint a License Inspector to carry out the provisions of this Bylaw.
2. The duties of a License Inspector are:
 - i) to receive and consider applications for a Business License;
 - ii) to conduct investigations with regard to proposed applications where necessary;
 - iii) to conduct inspections with regard to proposed applications where necessary;
 - iv) to collect Business License fees pursuant to this Bylaw;
 - v) to revoke Business Licenses where deemed appropriate and necessary;
 - vi) to issue Offense Tags for violations of this Bylaw;
 - vii) to commence prosecutions for violations of this Bylaw.

SECTION 15 - ANNUAL REVIEW OF LICENSE

1. On or before the 1st day of November in each year, the License Inspector shall send to the Secretary-Treasurer a list of the licenses issued for the current year, said list to include name and address of each licensee and the nature of the business licensed.
2. The above mentioned list shall be circulated to the Building Inspector, Development Officer and Fire Chief.

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3. On or before the 30th day of November each of the person and/or agencies included in subsection (2) shall report, in writing with reasons, to the Secretary-Treasurer, the names of any persons on the circulated list to whom
 - i) a license should not be issued; or
 - ii) a license should be issued with conditions.
4. Notifications shall then be forwarded to those persons whose licenses may not be renewed or may be renewed with conditions.

PART IV PENALTIES**SECTION 16 - VIOLATION TICKET**

1. A person who fails to do anything which he is required to do pursuant to this Bylaw, or who does anything which he is prohibited from doing under this Bylaw, is guilty of an offense and is liable on summary conviction,
 - i) for a first offense to a fine of not less than \$100.00 (one hundred dollars) and not more than \$250.00 (two hundred and fifty dollars) or in default of payment of the fine and costs to imprisonment for a period of not more than 60 (sixty) days; and
 - ii) for a second or subsequent offense to a fine of not less than \$200.00 (two hundred dollars) and not more than \$500.00 (five hundred dollars) or in default of payment of the fine and costs to imprisonment for a period of not more than 6 (six) months, unless in either case the fine and costs, including the cost of committal, are sooner paid; and
 - iii) in addition to (i) and (ii) above, when the conviction is for the non-payment of any license fee payable to the Town, the Court may adjudge payment thereof.

SECTION 17 – OFFENSE TAGS

1. Any Bylaw Enforcement Officer or Peace Officer may enforce the provisions of this Bylaw and may issue an offence tag to any person found to have committed a breach of the Bylaw. The offence tag shall state the alleged offence, the Bylaw number and the name "Business Licensing Bylaw" and require payment of the appropriate fine as provided in Schedule "B" attached hereto and declared to be part of this Bylaw to the Secretary-Treasurer within (30) days of issuance of the tag.
2. An offence tag may be issued by personally serving it upon the offender, or by leaving it at the residence of the offender or by sending it to the address shown on the offender's driver's license.
3. The provisions of this section are an initial alternative to a summons under Section 16 of this Bylaw. If an offence tag is issued and payment is made within the time limited then such payment shall be accepted in lieu of prosecution.
4. If a cheque is given in payment for an offence tag and the cheque is not honored by the financial institution on which it is drawn, the offence tag shall be treated in the same manner that it would have been if the cheque had not been given in payment for the appropriate fine provided in Schedule "B".

PART V FEES

SECTION 18

1. The fees to be charged for a Business License shall be those contained in Schedule "A" attached to and forming part of this Bylaw.
2. The fee payable for a Business License issued
 - i) between the 1st day of January and up to and including the 31st day of July, in any year shall be the license fee for a full year;

and
 - ii) on or after the 1st business day following the 31st day of July in any year shall be one-half the fee listed in Schedule "A".
3. Where a Business License is revoked or surrendered prior to and including the 31st day of July in any year, the Licensee shall be entitled to a refund of one-half of the fee paid upon written request.

PART VI ENACTMENT

SECTION 19

1. Schedules "A" and "B" of this bylaw may reviewed from time to time and amended and/or replaced by resolution of Council.
2. Bylaws numbered 1751 and 1966 shall be repealed when this Bylaw takes force and has effect.
3. This Bylaw shall take force and have effect from final passing thereof.

READ a first time this 12th day December A.D. 2006.

READ a second time this 12th day of December A.D. 2006

READ a third time and finally passed this 19th day of December A.D. 2006.

That this Bylaw shall take effect on final reading thereof.

 Mayor

 Director of Finance & Administration