



## TOWN OF HIGH LEVEL

### BYLAW NO.873-08

#### **A BYLAW OF THE TOWN OF HIGH LEVEL TO PROVIDE FOR THE LICENSING, CONTROL AND REGULATION OF ALL BUSINESSES WITHIN THE TOWN OF HIGH LEVEL**

**WHEREAS**, pursuant to section 7(e) of the *Municipal Government Act RSA 2000*, 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 RSA 2000*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all matters listed therein; and

**WHEREAS**, pursuant to section 8 of the *Municipal Government Act RSA 2000*, a council may by 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 case 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 Town of High Level, in the Province of Alberta, **DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:**

#### **1. CITATION**

- 1.1 This bylaw may be cited as the Town of High Level Business License Bylaw.

#### **PART I - INTERPRETATION**

#### **2. DEFINITIONS**

- 2.1 In this Bylaw unless the context otherwise requires;

- a) "ACT" means the *Municipal Government Act*, being Chapter M-26 Revised Statutes of Alberta, 2000 as amended or replaced from time to time.
- b) "APPLICANT" means a person who applies for a license or renewal of a license required by this Bylaw and shall mean a person who is appealing from the refusal, revocation or suspension of a license.

- c) "BUSINESS" means a commercial, merchandising or industrial activity or undertaking a profession, trade, occupation, calling or employment or an activity providing goods and services, as described in Schedule "B" of this bylaw and whether or not for profit and however organized or formed, including a cooperative or association of persons.
- d) "BUSINESS LICENSE OFFICER" means the Development Authority, Bylaw Enforcement Officer or Peace Officer for the enforcement of the bylaw.
- e) "BUSINESS LOCATION" means the premises used or occupied by any person in the conduct of a business.
- f) "COUNCIL" means the Council of the Town of High Level, elected pursuant to the Local Authorities Act, Revised Statutes of Alberta, 1994 and amendments thereto;
- g) "LICENSE" means a license issued pursuant to this bylaw.
- h) "LICENSE AUTHORITY" see BUSINESS LICENSE OFFICER.
- i) "LICENSE FEE" means a fee payable for a license as established by Council.
- j) "NON-PROFIT ORGANIZATION" means a society or other entity which operates primarily for the benefit of the public and includes, without limitation:
  - i) church or other religious organization;
  - ii) service club;
  - iii) community, veteran's, or youth organization; and
  - iv) a social, sport or fraternal club or organization.
- k) "NON-RESIDENT BUSINESS" means a business which has not been established or the principals of which have not been resident in the Town for a period of at least six (6) months prior to the date of application for a Business License.
- l) "PERSON" means a natural person or a body corporate and includes a partnership, a group of persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires.
- m) "REVOKE" means to annul by recalling or taking back.
- n) "SAFETY CODES ACT" means the provincial legislation allowing for the certification of safety codes officers, the issuing of certificates of competency and the enforcement of codes and standards.
- o) "TOWN" means the Town of High Level, a municipal corporation of the Province of Alberta, and where the context so requires means the area contained within the corporate

boundaries of the said municipality.

- p) “VOLUNTARY PAYMENT TAG” means a tag in an approved form issued in respect of a contravention of this Bylaw allowing payment to be made in lieu of prosecution.

### **3. PERSONS SUBJECT TO LICENSE**

- 3.1 No person shall carry on any business as set out in Schedule “B” without having a valid business license.
- 3.2 Notwithstanding any other provision in this Bylaw; a license shall not be required of a business carried on by the Government of Canada, the Government of Alberta or the Town of High Level nor shall a license be required by a person or business if any federal or provincial enactment exempts such person or business from requirements of municipal licensing.
- 3.3 Non-resident businesses shall obtain a license.

### **4. EXEMPTIONS**

- 4.1 No Business License is required by:
- a) a non-resident business whose only business activity is the supply or delivery of wholesale or bulk goods to a resident business;
  - b) any person who is an employee of another person who holds a Business License or a person or other entity not required to obtain a license pursuant to this Section 4, unless otherwise provided in this Bylaw;
  - c) any person under the age of eighteen (18) years providing individual light duty occasional services such as paper deliveries, baby sitting, yard work and snow shovelling; and
  - d) any non-profit organization.
- 4.2 For the purposes of section 4.1 (b), an “employee” is a person who is paid a salary or wage with respect to which there are deductions for any of Income Tax, Canada Pension Plan or Employment Insurance.

### **5. PROCEDURE FOR ISSUANCE OF LICENSE**

#### **5.1 Form of Application**

An applicant for a license shall make application to the Town on the prescribed form, furnishing such information as the form shall require and such additional information as the Town may, from time to time require, including:

- a) a statutory declaration, where required by the Town, substantiating the information contained in the form;

- b) evidence of public liability insurance, where required by any Federal, Provincial or Town enactment;
  - c) every Federal or Provincial Certificate, authority license or other document or qualification that may be required in connection with the carrying of the business as set out in Schedule "C";
  - d) any certificate or other approval required by a provision of this Bylaw in respect of the business;
  - e) the license fee payable in respect of the business as established by Council;
  - f) the registered property owner's signature is required on a license application if the applicant does not own premises specified on the application.
- 5.2 Every person who makes an application for a license shall submit to and assist in every inspection required by the Town with respect to the business to be licensed and furnish to the Town all information required.
- 5.3 An application for a license for a business to be carried on at a specific location in the Town requires approval from the Safety Codes Officer and the Development Authority indicating that the approvals required by the Land Use Bylaw and regulations passed pursuant to the *Safety Codes Act* for the use at that location have been issued.
- 5.4 All licenses issued are subject to the land use regulations in force in the Town and the issuance of a license shall not be deemed as approval to carry on a business in or on any premises in contravention of such regulations. In any case, where a license is granted to a person to carry on a business in or on premises where such activity is not permitted by the land use regulations of the Town of High Level, the License Authority shall forthwith cancel the license.
- 5.5 The License Authority shall not issue a license to a hawker for the purpose of selling food products or edibles of any nature unless and until, the food products and the license have both been approved and a permit issued from the Environmental Health Officer. Proof of approval must be provided by applicant to License Authority, prior to issuance of a Business License.
- 5.6 No hawker who uses a vehicle in connection with sales as a hawker shall park the vehicle adjacent to a street unless the License Authority has first approved the location for such purpose.

## 6. NON-ISSUANCE OF LICENSES

- 6.1 No license shall be issued to any applicant unless and until the Town has received a report of any inspection made pursuant to this Bylaw that;
- a) the business is approved on the land or in the building in which it is to be conducted in accordance to the Land Use Bylaw or the *Safety Codes Act*; and

- b) the business will comply with all the requirements of this and any other Bylaw applicable thereto.
- 6.2 No license shall be issued to any applicant unless the applicant has filed with Town;
- a) any approvals or certificate required by this Bylaw; and
  - b) any Federal or Provincial Certificate, authority, license or other document of qualification that may be required.
- 6.3 Where an approval required by this Bylaw has not been filed and as a result, thereof, the Town has refused to issue a license, the applicant may appeal to Council, which may direct that:
- a) the license be issued, or
  - b) the license be refused, or
  - c) further investigation or inspection is made on the matter;

## **7. REVOCATION OR SUSPENSION OF A BUSINESS LICENSE**

- 7.1 The Business License Officer may revoke or suspend a Business License if:
- a) the person to whom the license is issued contravenes any Federal, Provincial, or Municipal statute, regulation, directive or Bylaw, including this Bylaw, in the course of carrying on the business covered by the License;
  - b) in the opinion of the Business License Officer, there are just and reasonable grounds to revoke or suspend a Business License; or
  - c) any certification, authority, License or other document of qualification under any Federal, Provincial, or Municipal statute, regulation or Bylaw required for the operation of the Business covered by the License is suspended, cancelled, terminated or surrendered effective on the date of the suspension, cancellation, termination or surrender.
- 7.2 Upon a Business License being suspended or revoked, the holder shall be notified:
- a) by personal service of a notice on the holder; or
  - b) by mailing a notice to the holder's mailing address noted on the application for the Business License.
- 7.3 A notice of suspension or revocation of a Business License shall be deemed to be received on the date of service or five (5) working days after the date it is mailed.

- 7.4 Upon receiving a notice of suspension or revocation of a Business License, a person shall cease to carry on the business with respect to which the License was issued.
- 7.5 Where a License is revoked or suspended, the Licensee shall return the License to the Town.

## **8. DISPLAY AND PRODUCTION OF LICENSE**

- 8.1 A Business License shall be posted in a conspicuous place at the Business location so that it is visible to the customers of the Business.
- 8.2 A Business License issued with respect to a Business that is not conducted at a fixed location shall be carried on the person of the Licensee or in or on the vehicle or apparatus from which such Business is conducted and shall be shown to a Business License Officer upon demand.
- 8.3 All Business Licenses remain the property of the Town of High Level.

## **9. LICENSE YEAR**

- 9.1 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 or such earlier date if the license has been revoked or suspended.
- 9.2 Notwithstanding Subsection 9.1, the Town may issue a license for a special event for the time period required or approved for the event.
- 9.3 Every license shall bear on its face the date on which it is issued and the current year's approval sticker.

## **10. ISSUANCE OF LICENSES**

- 10.1 No license shall be issued until the applicant has paid to the Town the fee as established by Council.
- 10.2 The Town shall after October 31 of the license year, accept the annual fee for the remainder of the current year and the subsequent year of a new application.

## **11. TRANSFER OF LICENSES**

- 11.1 A subsisting license issued under this Bylaw may not be transferred to another person.

## **12. ADMINISTRATION**

- 12.1 The Town shall:

- a) receive, consider and decide upon all applications for a license;
- b) record such information with respect to licenses as may be considered necessary;
- c) periodically visit and inspect business premises and construction sites for ascertaining whether the proprietor or contractor is complying with the provisions of this Bylaw;
- d) ensure payment of the appropriate fee; and
- e) report to the Council on licensing in such a manner and at such times as they may require.

## **PART II- SPECIAL PROVISIONS RELATING TO CERTAIN BUSINESSES**

### **TAXI, LIMOUSINE AND AIRPORT SHUTTLE LICENSES**

#### **13. Taxi, Limousine and Airport Shuttle License**

- 13.1 An applicant for a taxi broker license, a limousine service license or airport shuttle Business License shall provide to the Business License Officer:
- a) a list of the motor vehicles to be used by the applicant including make, model and license plate number;
  - b) a list of all drivers or operators to be employed or engaged by the applicant or otherwise listed in the applicant's business, including their full names, addresses and Alberta driver's license numbers; and
  - c) such additional personal and other information which the Business License Officer may request.
- 13.2 A taxi broker requires a separate Business License for each name under which the taxi broker carries on business.
- 13.3 A taxi broker, limousine service and airport shuttle owner shall obtain a license for each taxi, limousine or airport shuttle operated by that person.
- 13.4 An applicant for a taxi broker, limousine service or airport shuttle Business License shall provide to the Town:
- a) the name of the registered owner and proof of registration of each vehicle to be licensed for use in the business;
  - b) proof that each such vehicle is insured as required by the Province of Alberta;

- c) a mechanical fitness report with respect to each vehicle as prescribed by the Business License Officer, completed and passed by a licensed mechanic within the period of two (2) weeks prior to the date of application; and
  - d) any other information required by a License Inspector.
- 13.5 Each taxi shall:
- a) prominently display on both sides of its exterior the name and phone number of the taxi broker;
  - b) display on its roof an illuminable dome light;
  - c) If a vehicle licensed as a taxi cab ceases to be licensed as a taxi for any reason, its owner shall ensure that all markings of any kind upon or within it, which serve to identify it as a taxi, are removed within seven (7) days of the date on which it ceases to be licensed as a taxi.
- 13.6 Every taxi broker shall maintain a dispatch office and provide a dispatch system which:
- a) Ensures a staffed twenty-four (24) hour a day on each day in a year providing prompt service except where adverse weather and road conditions or extreme work loads preclude the supply of service; and
  - b) Maintains a two-way radio communications network between all taxis of the taxi business that are on duty for as long as those taxis remain on duty;
- 13.7 A License issued to a taxi, limousine or airport shuttle owner shall be openly displayed at all times in the vehicle in such a manner as to be visible to passengers and no person shall use a license or allow it to be used by any other person or with respect to any vehicle other than the one for which the license was issued.
- 13.8 A taxi broker or operator of a limousine service or airport shuttle business shall at all times ensure that all taxis, limousines or airport shuttles owned by or affiliated with that person's business are clean, in good condition and mechanically maintained so as to be safe and suitable for use by the public.
- 13.9 A taxi owner shall not operate or permit the operation of a taxi, limousine, or airport shuttle that does not meet the standards of repair and cleanliness prescribed by the Business License Officer.
- 13.10 A Business License Officer may at any time require a taxi, limousine, or airport shuttle to be inspected by a motor vehicle service center designated by the Town, at such time and place as that License Inspector may designate and the vehicle owner shall deliver such taxi, limousine or airport shuttle at the time and place so designated. All costs of the mechanical inspection shall be paid by the vehicle owner.



- 13.11 A Business License Officer may at any time inspect any taxi, limousine, or airport shuttle to determine the following:
- a) the validity of the taxi, limousine, or airport shuttle license;
  - c) the validity of the driver's chauffeur license;
  - d) the mechanical condition of the vehicle; or
  - e) standards of repair and cleanliness of the vehicle.
- 13.12 A taxi broker shall inform the Business License Officer within seventy-two (72) hours of any addition to or deletion from either list furnished pursuant to subsection 13.1.
- 13.13 Where a Peace Officer believes, on reasonable and probable grounds, that an offence has been committed under this bylaw in relation to a taxi, limousine or airport shuttle, the Peace Officer may seize that vehicle and cause it to be removed, and stored at a suitable location at the expense of the owner.
- 13.14 All taxi, limousine and airport shuttle licenses shall expire at midnight on December 31<sup>st</sup> of each year.
- 13.15 All taxi brokers must visibly display their fee schedule in all taxi vehicles.

#### **14. Chauffeur License**

- 14.1 No person shall operate a taxi, limousine or airport shuttle in the Town unless that person is in possession of a chauffeur license issued by the Town.
- 14.2 All chauffeur licenses shall expire at midnight in December 31<sup>st</sup> of each year.
- 14.3 Every taxi broker, limousine, or airport shuttle business owner shall ensure that each person employed in operating any taxi, limousine, or airport shuttle is in possession of a current Alberta driver's license and a chauffeur license,
- 14.4 No person shall operate a taxi, limousine, or airport shuttle unless his or her chauffeur license is openly displayed at all times in the vehicle in such a manner as to be visible to passengers.
- 14.5 The Business License Officer shall consider the driving record and criminal record of any applicant for a chauffeur license and shall refuse or revoke the same, if in The Business License Officer's opinion, the applicant is unsuitable to operate a public conveyance for any reason.
- 14.6 No chauffeur license or renewal shall be issued to any person who:
- a) has been convicted under the *Criminal Code of Canada* within the five (5) year period immediately preceding the date of application of:

- i) a sexual offence or offence relating to the corruption of public morals;
  - ii) an offence relating to homicide, assault, kidnapping, arson or abduction;
  - iii) an offence relating to robbery or extortion; and
  - iv) an offence of criminal negligence, dangerous driving, impaired driving, operating a motor vehicle with a blood alcohol content over eighty (80) mg per one hundred (100) ml of blood, refusing to provide samples of breath or driving whilst his or her driver's license is suspended;
- b) has been convicted under the *Criminal Code of Canada*, or the *Controlled Drugs and Substances Act* or any successor legislation within the three (3) year period immediately preceding the date of application, of any offence not described in subsection 14.6 (a);
  - c) has been charged with any offence under the *Criminal Code of Canada* or the *Controlled Substances Act* until the charge has been withdrawn or the matter is otherwise dealt with in a manner which does not result in a conviction;
  - d) In the opinion of the Business License Officer, has been convicted of an excessive number of offences under the *Traffic Safety Act*, *Highway Traffic Act*, *the Motor Vehicle Administration Act*, or any successor legislation, and/or any Bylaw of the Town.

14.7 When an individual with an existing chauffeur license has been charged with an offence under the *Criminal Code of Canada* or the *Controlled Substances Act*:

- a) the individual shall forthwith notify a license inspector of the charges;
- a) upon receiving notification of the charges, the Business License Officer shall suspend the chauffeur's license of the individual until the charge has been withdrawn on the matter is otherwise dealt with in a manner which does not result in a conviction.

## **15. ADULT ENTERTAINMENT FACILITY**

15.1 No owner, operator or any person working in an adult entertainment facility shall:

- a) permit any person under the age of eighteen (18) years to enter or remain in any such facility;
- b) display adult video tapes or sexually explicit material so that it is visible from outside the facility; or
- c) display any sign or other form of advertisement that indicates that sexually explicit displays, shows or material be available in the facility or, in the opinion of a License Inspector, is otherwise not in good taste.

- 15.2 The owner or operator of an adult entertainment facility shall post and keep posted at every entrance to the facility, signs sufficient to indicate clearly to any person approaching or entering the facility, that no person under the age of eighteen (18) years is permitted to enter or remain in such facility.
- 15.3 If less than 50% of inventory is of an adult novelty nature, then Section 15.1(a) does not apply, however inventory must not be visible from main inventory section

#### **17. MASSAGE THERAPY**

- 17.1 A Business License shall not be issued to a massage clinic unless a Massage Therapist is accredited.
- 17.2 No person shall exhibit or allow to be exhibited on or in any massage clinic or elsewhere any sign or other form of advertisement that suggests or indicates that the massage clinic is a place where any form of sexual intercourse or other sexual gratification is offered.

#### **18. TATTOOING OR BODY PIERCING**

- 18.1 Any tattooing business shall, before providing services, require every client to sign a consent form acknowledging that he or she:
- a) is eighteen (18) years or older;
  - b) submits to the procedure of his or her own free will;
  - c) is not under the influence of drugs or alcohol; and
  - d) is aware that the tattoo is permanent.

#### **19. OFFENCES AND PENALTIES**

- 19.1 Any person who contravenes or disobeys, or refuses or neglects to obey any provision of the Bylaw by:
- a) doing any act or thing which the person is prohibited from doing herein;
  - b) failing to do any act or thing the person is required to do herein;
  - c) is guilty of any offense and is liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1,000.00) but not less than One Hundred Dollars (\$100.00) in addition to any license fee the person may be required to pay pursuant to subsection (3) hereof and in the event of failure to pay or the inability to pay any fine levied and any license fee charged hereunder.

- 19.2 Where a Business License Officer reasonably believes that a person has contravened any provision of this Bylaw, the Business License Officer may commence proceedings against the person pursuant to the provisions of the Provincial Offences Procedure Act, allowing for a voluntary payment in the amount of the specified penalty as set out in Schedule "A" in respect of the said offence.
- 19.3 This Section shall not prevent any Business License Officer from issuing a violation ticket in the form of a summons requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act, or from laying an information in lieu of issuing a violation ticket.
- 19.4 Where any provisions of this Bylaw or Schedule "A" hereto provides for a minimum fine to be made for contravention of this Bylaw relating to a business which is required to be licensed hereunder, including, but not limited to, the failure to obtain the license, the court entering the conviction of the offence, shall not levy a lesser fine than set out in the provision, and where a provision of this Bylaw or Schedule "A" hereto provides for an increased fine for a second or subsequent offence with respect to a particular business, then the fine to be levied shall not be less than the amount set for such second or subsequent offence.
- 19.5 Where a Business License Officer believes that a person has contravened any section of this Bylaw, the Business License Officer may serve upon such a person a voluntary payment tag in a form designated by the Town allowing payment of the penalty specified in Schedule "A" for such offence to the Town and such payment shall be accepted by the Town in lieu of prosecution for the offence in addition to any license fee the person may be required to pay pursuant to subsection (3). Service is deemed successful if:
- a) delivered personally;
  - b) delivered by registered mail to the business address;
  - c) left at the place of business.
- 19.6 If the person upon whom a voluntary payment tag is served fails to pay the required sum within the time specified in the voluntary payment tag, the provisions of this section regarding acceptance of payment in lieu of prosecution do not apply;
- 19.7 Nothing in this section shall:
- a) prevent any person from exercising his right to defend any charge of committing a breach of any of the sections in this Bylaw.
  - b) prevent any person from exercising any legal rights such person may have to lay an information or complaint against any person (whether such person has made payment under the provisions of this Bylaw, or not) for a breach of any of the sections.

19.8 Where any person has made payment pursuant to the provisions of this section and is subsequently prosecuted at the instance of some person other than the Town for the offence in respect of which such payment has been made, such payment shall be refunded;

**20. SCHEDULES**

The document attached hereto and marked Schedule "A", Schedule "B" and Schedule "C" shall form part of this Bylaw.

**21. FORCE AND EFFECT**

This Bylaw shall come into effect on the final reading thereof.


**22. REPEALS**

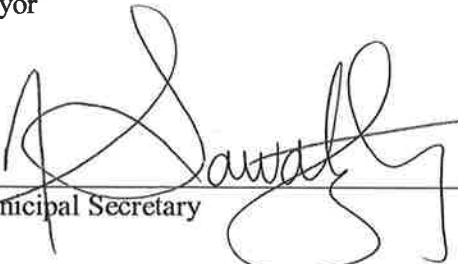
Bylaw Number 786-03 is hereby repealed.

READ A FIRST TIME this 15<sup>th</sup> day of December, 2008.

READ A SECOND TIME this 15<sup>th</sup> day of December, 2008.

READ A THIRD AND FINAL TIME this 23<sup>rd</sup> day of February, 2009.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Municipal Secretary