



DRAYTON VALLEY

'Pulling Together'

BUSINESS LICENSE BYLAW 2008/18/D

CONSOLIDATED SEPTEMBER 2018



DRAYTON VALLEY

'Pulling Together'

BYLAW NO. 2008/18/D

BEING THE BYLAW OF THE TOWN OF DRAYTON VALLEY IN THE PROVINCE OF ALBERTA, FOR THE REGULATION OF ALL BUSINESSES AND INDUSTRY CARRIED ON WITHIN THE TOWN OF DRAYTON VALLEY.

WHEREAS pursuant to s. 7 of the *Municipal Government Act*, R.S.A 2000, c. M-26, as amended, Council may pass bylaws for municipal purposes respecting, *inter alia*, the following matters:

- a) The safety health and welfare of people and the protection of people and property; and
- b) Businesses, business activities and persons engaged in business.

AND WHEREAS pursuant to s. 8 of the MGA Council may, in bylaw, *inter alia*:

- a) Regulate or prohibit;
- b) Provide for a system of licenses, permits or approvals, including any or all of the following:
 - i) Establishing fees for licenses, permits and approvals, including fees for licenses, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue;
 - ii) Establishing fees for licenses, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality;
 - iii) Prohibiting any development, activity, industry, business or thing until a license, permit or approval has been granted;
 - iv) Providing that terms and conditions may be imposed on any license, permit or approval, the nature of the terms and conditions and who may impose them;
 - v) Setting out the conditions that must be met before a license, permit or approval is granted or renewed, the nature of the conditions and who may impose them;

- vi) Providing for the duration of licenses, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the bylaw or for any other reason specified in the bylaw.
- vii) For the enforcement of bylaws;

AND WHEREAS Council for the Town deems it advisable to enact this Bylaw for the above mentioned purposes;

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

1. TITLE

This Bylaw may be cited as “The Business License Bylaw” of the Town of Drayton Valley.

2. DEFINITIONS

2.1 **ADULT BUSINESSES** means any establishment or operation to which persons under the age of eighteen (18) years are not admitted or to whom goods or services are not provided, but excludes Retail Liquor Stores (as defined below), and places or operations where in the opinion of the Municipal Planning Commission the adult part of the total activity is not the primary function of the business. Examples of ‘adult businesses’ include but are not limited to:

- (a) strip clubs or live performance(s) which have nudity, or partial nudity, of any person;
- (b) smoke shops or other shops dedicated primarily to selling products related to smoking;
- (c) escort or dating services;
- (d) stores which include the sale of drug paraphernalia, other than licensed pharmacies or medical or veterinary practices. [as amended by Bylaw 2012/26/D]

This does not include a medical marijuana dispensary(ies), cannabis counselling business(es) or cannabis retail store(s), or a business selling cannabis accessories; nor does this include a cannabis production and distribution facility(ies). [added by Bylaw 2018/10/D]

2.2 **APOPA** – means the *Alberta Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended.

2.3 **APPLICANT** – means the Person who applies for a license or a renewal of a license required by this Bylaw.

- 2.4 **APPLICATION FOR BUSINESS LICENSE** – means the Application attached hereto as Schedule “B” Form “A” and forming part of this Bylaw.
- 2.6 **APPLICATION FOR A HOME OCCUPATION BUSINESS LICENSE** - means the application attached hereto as Schedule “B” Form “C” and forming part of this Bylaw
- 2.7 **APPLICATION FOR PEDDLER’S BUSINESS LICENSE** – means the Application attached hereto as Schedule “B” Form “B” and forming part of this Bylaw.
- 2.8 **BUSINESS** – means any trade, profession, industry, occupation, employment or calling and the providing of goods and/or services.
- 2.9 **BUSINESS LICENSE** – means a license issued pursuant to this Bylaw.
- 2.10 **BUSINESS PREMISES** – means the store, office, warehouse, factory, structure, building, enclosure, yard, land or other place occupied or capable of being occupied for the purpose of carrying on a business.
- 2.11 **CANNABIS** [added by Bylaw 2018/10/D]
- i. means any part of the cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds, and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time;
 - ii. including edible products that contain cannabis in any of its forms;
 - iii. means the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
 - iv. includes any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;
 - v. but does not mean:
 - a) a non-viable seed of a cannabis plant;
 - b) a mature stalk, without any leaf flower, seed or branch, of such a plant;
 - c) fibre derived from a stalk; or
 - d) the root or any part of the root of such a plant
- 2.12 **CANNABIS ACCESSORY (IES)** [added by Bylaw 2018/10/D]- means, as defined in the *Cannabis Act* (Canada) and its regulations, as amended from time to time:
- i. a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of cannabis; or

- ii. a thing that is deemed under subsection (3) to be represented to be used in the consumption or production of cannabis

2.13 **CANNABIS COUNSELLING BUSINESS** [added by Bylaw 2018/10/D] means a use:

- i. where counselling on cannabis is provided by persons who are not medical professionals;
- ii. where consumption of cannabis is not permitted;
- iii. where the sale of cannabis is not permitted; and
- iv. that may include the ancillary retail sale or rental of cannabis accessories

2.14 **CANNABIS RETAIL STORE(S)** [added by Bylaw 2018/10/D] means a retail store licensed by the Province of Alberta where cannabis and cannabis accessories are sold to individuals who attend at the premises, but does not include a cannabis production and distribution facility, a medical marijuana dispensary or a business which allows the consumption of cannabis on-site, such as a cannabis lounge

2.15 **CHARITABLE, NON-PROFIT ORGANIZATION OR NOT-FOR-PROFIT ORGANIZATION** – means a Person acting for charity or in the promotion of general social welfare and includes:

- a) A religious society or organization;
- b) A service club;
- c) A community, veterans' or youth organization;
- d) A social or fraternal organization or club; and
- e) Organizations responsible for planning not-for profit community functions.

2.16 **DATING OR MATCHMAKING SERVICE** – means a Business which focuses on long-term and marriage-oriented matchmaking or dating services, requiring users to complete compatibility questionnaires.

2.17 **DRUG PARAPHERNALIA** means any product, equipment, thing or material used or intended to be primarily used to produce, process, package, store, inject, ingest, inhale or otherwise introduce into the human body, or to disguise or hide the presence of, a controlled substance as defined in the *Controlled Drugs and Substances Act*, R.S.C.; [as added by Bylaw 2012/26/D]

2.18 **GENERAL CONTRACTOR** – means a person who is engaged in the construction industry whether by entering into a contract or not with a

principal to perform work or services and requires the services of subtrades to complete the construction project.

- 2.19 **HAWKER OR PEDDLER OR TRANSIENT TRADER** – means any person, whether as principal or agent, who:
- a) goes from house to house, or door to door selling or offering for sale any merchandise or service, or both, to any Person, and who is not a wholesale or retail dealer in such merchandise or services, and does not have a permanent Business Premise in the municipality, or
 - b) offers or exposes for sale to any Person by means of samples, patterns, cuts or blueprints, merchandise or services, or both, to be afterwards delivered, and/or shipped into the municipality, but
 - c) does not include those Persons who are participating in the provincially designated “Farmer’s Market” program, provided that those Persons are in fact eligible to participate in the program under the established guidelines, and
 - d) does not include those Persons conducting business who are otherwise a Resident Business.
- 2.20 **HOME OCCUPATION** – means a Business carried on within a dwelling unit or residential accessory building which is secondary to the residential occupancy and does not change the character thereof.
- 2.21 **LICENSEE** – means a Person holding a valid and subsisting license issued pursuant to the provision of this Bylaw.
- 2.22 **LICENSE INSPECTOR** – means the Person authorized by a resolution of Town Council, or appointed by the Town Manager, to carry out the provisions of this Bylaw.
- 2.23 **MGA** – means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended.
- 2.24 **NON-RESIDENT BUSINESS** – includes any trade, profession, industry, occupation, employment or calling and providing of goods and services, within the boundaries of the Town of Drayton Valley, whose Business Premise or branch Business Premise is located permanently outside the boundaries Town of Drayton Valley and outside a surrounding radius of 5 miles from the Town boundary.
- 2.25 **NOTICE OF DECISION** – means the Notice, as applicable to the License Inspector’s decision, as attached hereto as Schedule “B” Form “D” or Form “E” and forming part of this Bylaw.

- 2.26 **PEACE OFFICER** [added by Bylaw 2018/10/D] – means a person appointed as a Peace Officer pursuant to section 7 of the *Peace Officer Act*, S.A. 2006, chapter P-35, and also includes but is not limited to a Police Officer, Royal Canadian Mounted Police Officer, Special Constable, Bylaw Enforcement Officer, Safety Codes Officer, or a person designated by Council to enforce the provisions of this Bylaw.
- 2.27 **PERSON** – includes a natural Person, firm, corporation, association or partnership.
- 2.28 **PROFESSIONAL BUSINESS(ES)** – includes professionals such as doctors, banks or mortgage/finance companies, insurance agents/agencies, lawyers, accountants, or others providing professional services, whose Business Premises or branch Business Premises is located permanently within the Town.
- 2.29 **RESIDENT BUSINESS** – includes any trade, profession, industry, occupation, employment or calling and providing of goods and services, whose Business Premises or branch Business Premise is located permanently within the boundaries of the Town of Drayton Valley.
- 2.30 **RETAIL LIQUOR STORE** means development used for the provincially licensed retail sale of any and all types of alcoholic beverages to the public for consumption off the premises. [as added by Bylaw 2012/26/D]
- 2.31 **RURAL RESIDENT BUSINESS** - includes any trade, profession, industry, occupation, employment or calling and providing of goods and services, within the Town of Drayton Valley, whose Business Premises or branch Business Premise is located permanently within five (5) miles of the boundaries of the Town of Drayton Valley.
- 2.32 **TOWN** – means the Town of Drayton Valley.
- 2.33 **TOWN COUNCIL** – means the Municipal Council of the Town of Drayton Valley.
- 2.34 **TOWN MANAGER** – means the Manager of the Town of Drayton Valley and anyone designated by the Manager to act on his/her behalf.
- 2.35 **TOWN OF DRAYTON VALLEY** – means the municipality as outlined in Schedule “C” attached hereto and forming part of this Bylaw.
- 2.36 **VIOLATION TICKET** – means any ticket issued by the Town pursuant to a bylaw, or a Violation Ticket as defined by the *Alberta Provincial Offences Procedure Act*.

- 2.37 **WHOLESALEERS OR SUPPLIERS** – means those businesses providing goods and/or services to another business on a wholesale basis, and who do not engage in the provision of those goods or services to individuals or businesses on a retail level.

PART I - BUSINESS LICENSING

3. HOLDER OF VALID SUBSISTING LICENSE

- 3.1 No person shall carry on any Business within the Town of Drayton Valley without first being the holder of a valid and subsisting Business License to do so and having paid the Town the fees in the amount which is provided for in The Town of Drayton Fee Schedule.
- 3.2 Notwithstanding Section 3.1 above, no license shall be required:
- 3.2.1 for any business carried on by the Town, any Municipal Government, the Government of Alberta or the Government of Canada;
 - 3.2.2 for any school division or a provincially regulated child care provider (either private or public);
 - 3.2.3 for any health authority
 - 3.2.4 for any business which is excluded from the requirements of this Bylaw by an Act of the Legislature, the onus of proof of which lies on the business, including, but not restricted to:
 - 3.2.4.1 *Legal Professions Act*;
 - 3.2.4.2 *Medical Act*;
 - 3.2.4.3 *Pharmaceutical Act*;
 - 3.2.4.4 *Optometry Act*;
 - 3.2.4.5 *Chartered Accountants Act*;
 - 3.2.4.6 *Certified General Accountants Act*;
 - 3.2.4.7 *Certified Management Accountants Act*;
 - 3.2.4.8 *Insurance Act*;
 - 3.2.5 for any business carried on by any person participating in an annual Trade and Commerce Show;
 - 3.2.6 for any person or business participating in a regularly scheduled Farmer's Market;
 - 3.2.7 all local Charitable , Non-Profit Organizations or Not-For-Profit Organizations.

- 3.3 In the cases where one Person is operating more than one business, the following shall apply:
- 3.3.1 more than one business operating out of the same Business Premises and owned by the same Person require one Business License.
 - 3.3.2 more than one business operating out of separate Business Premises and owned by the same Person require individual Business Licenses.
- 3.3 A wholesaler, without Business Premises in Drayton Valley, conducting business on a wholesale supplier capacity shall be exempt from the necessity of obtaining a Business License.
- 3.4 Operations of taxis, cabs, hacks or limousines shall be exempt from this Bylaw and governed by the requirements of the Town of Drayton Valley's Traffic Bylaw

4. BUSINESS LICENSE APPLICATIONS

Unless indicated to the contrary in this Bylaw,

- 4.1 Every person applying for a Business License shall submit to the License Inspector a written application in the prescribed format, as per Form "A", Schedule "B" attached to this Bylaw. Such application shall be signed by the Applicant, or in the case of a corporation, its duly appointed agent.
- 4.2 Form "A", Schedule "B", must also be signed by the registered landowner in Section 2, to confirm that the registered owner is aware of and approves the Business taking place on his/her property.
- 4.3 Except for Adult Businesses, a Business License renewal application is NOT required, unless a Business License is suspended, revoked or cancelled upon payment of the yearly fee provided for herein, a new Business License will automatically be issued for each calendar year for an existing business, upon payment of a yearly fee when invoiced.
- 4.4 **Any amendments or alterations that affect the operation of the business, or changes to the information required by this Bylaw, including information related to the business owner, and contact information, shall be submitted to the License Inspector immediately following such change.**
- 4.5 Every person wishing to carry on business as a hawker, peddler or transient trader shall submit to the license inspector a written application of Form "B", Schedule "B" attached to this Bylaw, and signed by the

Applicant, or in the case of a corporation, its duly appointed agent. If such hawker, peddler or transient trade is to take place from a fixed location, Form “B”, Schedule “B”, must also be signed by the registered landowner in Section 3, to confirm that the registered owner is aware of and approves the Business taking place on his/her property.

5. PROCESS OF ISSUING A BUSINESS LICENSE

- 5.1 Upon approval or refusal of the Application for Business License, and any required supporting Forms, as set out in Schedule “B”, the License Inspector will issue a Notice of Decision as per the attached Form “E” or Form “F”.
- 5.2 The Notice of Decision will be supplied to the Applicant. If the application is approved, the Notice of Decision will be accompanied by the Business License and will contain the standard conditions of the Business License and any special conditions that apply to the specific license being issued. In the event that the application is refused, the Notice of Decision will be provided with reasons for refusal

6. CONDITIONS OF BUSINESS LICENSE

- 6.1 The License Inspector may require the Applicant to obtain a valid Development Permit for the said business, prior to issuance of a Business License.
- 6.2 The Applicant shall provide the License Inspector with proof of a valid Provincial or Federal Business License, where such license is required by law for that business to operate. This includes health inspections, and any Provincially or Federally regulated permits and licenses specific to industrial or commercial operations, approvals or licenses required for the business or industry.
- 6.3 The Applicant, the Licensee of the Business and the owner of the property where the Business is located, must comply with all of the bylaws of the Town and all statutes, regulations and laws of the Province of Alberta and of Canada, and the onus of proving such compliance is upon the Applicant, the Licensee of the Business, or the owner of the property, as the case may be.
- 6.4 No Business License, or renewal thereof, shall be granted nor be in effect, if the Applicant has not submitted to the License Inspector the proper fee as provided in The Town of Drayton Fee Schedule.
- 6.5 No Business License shall be valid unless the said license has been signed by the License Inspector, or his/her designate.

- 6.6 Before the License Inspector, or his/her designate, shall issue a Business License to any person with transient trader, hawker or peddler status in respect to any of the following: circuses, carnivals, midways, daredevil exhibitions, stampedes, menageries, shooting galleries or any similar show, Business or activity:
- 6.6.1 the Applicant or Applicants for such license shall provide to the License Inspector evidence of a Premises, Property and Operations General Liability Policy, such policy to be issued by an Insurance Company, approved by the License Inspector, in the sum of at least One Million Dollars (\$1,000,000) or provide proof that such policy in this amount is carried, and such policy shall remain in force during the life of the Business License.
 - 6.6.2 a schedule of prices of admission and food is filed and security in the amount of One Thousand Dollars (\$1,000) is lodged with the License Inspector. The security shall be forfeited to the Town unless the schedule of prices is adhered to; and
 - 6.6.3 Sign an indemnity whereby the Town will be held harmless and kept indemnified against any and all expenses, losses or damages or costs (including legal costs on a solicitor and his own client basis) to which the said Town may be put or may pay by reason arising out of the use of the municipal grounds or premises, or activities related to the Business with circus or midway, daredevil exhibition, carnival, stampede, shooting gallery, such indemnity to remain in force during the life of the license.
- 6.7 The daily license fee required by this Bylaw from operators of midways, daredevil exhibitions or other similar shows as listed under Section 6.6 shall be waived for the Evergreen Rodeo sponsored once each year by the Drayton Valley Lion's Club, or any service club.
- 6.8 Once a Business License has been approved by the License Inspector, the Business License fee, as per The Town of Drayton Fee Schedule shall be due and owing to the Town of Drayton Valley, and the License is not valid until the Business License fee is paid to the Town.
- 6.9 Issuance of a Business License for a Hawker, Peddler or Transient Trader operation, other than those listed within sections 6.6 or 6.7 above, shall be subject to the following conditions:
- 6.9.1 Hawkers, Peddlers, Transient Traders and salespersons shall not call upon residents before 9:00 a.m., nor after 9:00 p.m.

- 6.9.2 Hawkers, Peddlers, Transient Traders and salespersons shall not attend upon properties, whether commercial or residential, which display “no soliciting” signs, or the like.
- 6.9.3 No business shall operate in such a manner as to offend any member of the general public. Upon receipt of complaint, the License Inspector may advise the proprietor of the nature of the complaint and require that the matter be rectified.
- 6.9.4 Should the License Inspector or their designate find an unlicensed Hawker, Peddler or Transient Trader operating within the Town, the License Inspector or designate may close the business immediately.
- 6.9.5 No mobile vending unit shall be permitted to park on Town streets, lanes, parks or sidewalks, nor offer for sale any goods or services within the Town’s premises, without the express consent of Town Council. Operation of a mobile vending unit shall be permitted on private property only with the written consent of the registered landowner or their representative.

PART II - HOME OCCUPATIONS

7. CONDITIONS AND REGULATIONS OF HOME OCCUPATIONS

- 7.1 Home Occupations shall be allowed, provided that the owner meets the regulations governing home occupations. All applications for home occupations must be accompanied with a signed copy of the written application in the prescribed format, as per Form “C”, Schedule “B” attached to this Bylaw.
- 7.2 Home Occupations are subject to the conditions as follows:
- 7.2.1 The Applicant shall provide the Business License Inspector with proof a valid Provincial or Federal License, where such license is required by law for that business to operate. The onus for compliance with any other Bylaw of the Town of Drayton Valley, or Statute of the Province of Alberta, or Statute of Canada, is on the owner/Applicant.
 - 7.2.2 Current Business License or copy of license shall be posted in a conspicuous place in the business premises of the said licensee or produced to client upon request.
 - 7.2.3 Subject to the provisions of the Business License Bylaw, the License Inspector may revoke or suspend the Business License if, in his/her opinion, there are just and reasonable grounds for the revocation or suspension of the license.
 - 7.2.4 The license may be revoked or suspended for non-compliance with a Bylaw, notwithstanding that the holder of that license has not been prosecuted for a contravention of that Bylaw.
 - 7.2.5 Subject to any/all Federal, Provincial or Municipal permits as required. This may include but not be limited to Health, Development, Building and/or Safety Code Permits.
 - 7.2.6 Payment of proper license fee. Business License fees shall be paid on a yearly basis. The Business License Year means the period commencing January 1st, or the date of approval, and ending on December 31st of any given year.
 - 7.2.7 The licensee may transfer a license issued to him/her **upon approval** of the License Inspector and receipt of the required fee for a change of name (not owner) or location.

- 7.2.8 A Home Occupation shall be operated as a secondary use only and shall not change the principal character or external appearance of the dwelling in which it is located.
- 7.2.9 No more than 25% (twenty five percent) of the gross floor area of the principal building shall be used for a home occupation.
- 7.2.10 No advertisement or sign visible from the exterior of the dwelling shall be permitted as part of a home occupation other than that provided for under Section 11.1 of the Town of Drayton Valley Signage Bylaw No. 2007/23/D: 'In residential districts, one non-illuminated fascia sign or nameplate may be used to identify a home business, and this sign shall be no greater than 0.275 m² (3 feet square) in area.' Such signage is subject to Development and Building Permit approval.
- 7.2.11 Persons employed as part of a home occupation shall be limited to the residents of the dwelling unit and other employees as determined by the Development Authority.
- 7.2.12 A home occupation shall not be permitted in a residence if, in the opinion of the Development Authority, it would be more appropriately located in the Commercial or Industrial Land Use District.
- 7.2.13 A home occupation shall not, in the opinion of the Development Authority, be a source of inconvenience, materially interfere with or affect the use, enjoyment or value of neighbouring parcel by way of excessive noise, smoke, steam, odor, dust, vibration or refuse matter which would not commonly be found in the neighborhood.
- 7.2.14 There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference in radio or television reception.
- 7.2.15 A home occupation shall not generate pedestrian or vehicular traffic or parking shortage in excess of that which is characteristic of the land use district in which it is located.
- 7.2.16 Any vehicles parked on-street or off-street as a result of a home occupation shall, in the opinion of the Development Authority, not be a source of inconvenience to adjacent landowners or tenants.
- 7.2.17 A home occupation that attracts clients, customers or students to the premises shall be limited to a maximum of six persons in attendance at any one time.

- 7.2.18 No person operating a home occupation shall keep or permit in any part of a yard, a commercial vehicle loaded or unloaded of a maximum weight in excess of 5500 kg.
- 7.2.19 A home occupation, whether or not a development permit has been required/issued, shall be reviewed by the Town of Drayton Valley when complaints are registered against the home occupation by an affected landowner.
- 7.2.20 If, at any time, any of the requirements for home occupations are not complied with, whether or not a development permit has been required/issued, the License Inspector may utilize the mechanisms available under the Town of Drayton Valley Land Use Bylaw, the Town of Drayton Valley Signage Bylaw, the Town of Drayton Valley Business License Bylaw and the Municipal Government Act.
- 7.2.21 A home occupation permit does not exempt compliance with health regulations or any other municipal or provincial regulation(s).
- 7.3 Bed and Breakfast operations are determined to be discretionary uses under most residential zonings within the Town's Land Use Bylaw 2007/24/D. As such, the operation of a Bed and Breakfast is subject to approval of a Development Permit. Provided that a Development Permit has been approved, a Business License is required and shall be subject to the following conditions:
- 7.3.1 Conditions as listed with section 7.2 above, as determined to be applicable by the License Inspector;
- 7.3.2 Bed and breakfast operations shall be contained entirely within the principal building;
- 7.3.3 Operation shall be limited to one meal provided on a daily basis to registered guests only, with such meal being prepared in one common kitchen and served in one common room;

**PART III – BUSINESS LICENSE REGULATIONS
(FOR ALL BUSINESS OPERATIONS)**

8. POSTING OF LICENSE

Every Business License issued under this Bylaw shall be posted in a conspicuous place in the business premises of the said Licensee.

9. INSPECTION

Where a Business or its location or locations require any license, permit, approval or certification under this Bylaw or any other Bylaw of the Town, or any Provincial Statute or Federal Statute, then the location where the Business is to be carried on, including the land and the buildings, may be inspected by those Persons, inspectors and departments with jurisdiction regarding such licenses, permits, approvals or certification. This shall include, but shall not be limited to, the David Thompson Health Region, at their discretion.

10. DUTIES/POWERS OF A LICENSE INSPECTOR

10.1 The powers and duties of the License Inspector shall include as may be necessary

10.1.1 to receive and consider Applications for a Business License;

10.1.2 to conduct investigations with regard to proposed applications ;

10.1.3 to conduct inspections of business premises;

10.1.4 to collect Business License fees pursuant to this Bylaw;

10.1.5 to refuse to grant Business Licenses where refusal is deemed appropriate by the License Inspector;

10.1.6 to revoke Business Licenses where revocation is deemed appropriate by the License Inspector;

10.1.7 to suspend a Business License where suspension is deemed appropriate by the License Inspector;

10.1.8 to initiate legal action for violation of this Bylaw where legal action is deemed appropriate by the License Inspector;

10.1.9 to ensure that all applications for Business Licenses conform to the Land Use Bylaw, including parking and traffic considerations;

10.1.10 to ensure that all applications for Business Licenses are referred to the appropriate authorities, including but not limited to the Fire Department, Director of Protective Services and Health Authority;

11. POWER OF REFUSAL

Subject to the provisions of this Bylaw, upon receipt of any application for a Business License, the License Inspector may grant a Business License or may refuse to grant a Business License if, in his/her discretion (as outlined in the proceeding section 13), there are just and reasonable grounds for the refusal of the application.

12. POWER OF REVOCATION OR SUSPENSION

12.1 Subject to the provisions of this Bylaw, where a Business License has been granted pursuant to this Bylaw, the License Inspector may revoke or suspend the Business License if, in his/her opinion, there are just and reasonable grounds for the revocation or suspension of the license.

12.2 Failure to provide payment of the Business License yearly fee within 60 days of invoicing by the Town will result in automatic revocation of the Business License. Reapplication will be required for the defunct business and shall be subject to the fees as set out in the Town of Drayton Fee Schedule.

12.3 Businesses which continue to operate without a valid Business License, as a result of failure to pay, are subject to the penalties as set out in Section 26.5.

13. LICENSE INSPECTOR'S DISCRETION TO REFUSE, SUSPEND OR REVOKE

13.1 In exercising his/her discretion in determining whether a Business License should be refused, suspended or revoked, the License Inspector may consider the following factors:

13.1.1 any approved land use for the Business, or the property on which the business is being conducted;

13.1.2 any fraud, misrepresentation or incorrect information utilized in obtaining a license, permit or approval required for the Business or the property from which the Business is conducted;

13.1.3 the manner in which the Business is, will be, or has been conducted and its effect on the safety and viability of the surrounding community, including:

- i) any possible disruptions or disturbances created for others;
- ii) any effect, or possible effect, on the safety, health or welfare of people and the protection of people and property;

13.1.4 any recommendations or written comments received from the Royal Canadian Mounted Police, other Peace Officers or other Police or Law Enforcement Agencies;

13.1.5 any written comments received from adjacent landowners where referral has been made to those Persons;

13.1.6 any specific requirements of this Bylaw;

13.1.7 any non-compliance or breach of this Bylaw, or any other bylaw, statute, regulation or law;

13.1.8 any other factors the License Inspector deems just and reasonable having regard to the purpose of the municipality as set out in s. 3 of the MGA, and the intent and purpose of this Bylaw as set out in the preamble of this Bylaw.

14. REVOCATION OR SUSPENSION WITHOUT PROSECUTION

A Business License may be revoked or suspended for non-compliance with any Bylaw of the Town of Drayton Valley, notwithstanding that the holder of that license has not been prosecuted for a contravention of that Bylaw.

15. NOTICE OF REVOCATION OR SUSPENSION

15.1 Upon a Business License being revoked or suspended as herein before provided, the License Inspector shall notify the Licensee thereof:

15.1.1 by delivery of a notice to him/her personally; or

15.1.2 by mailing a registered letter to his/her place of Business or residence as shown on his/her application for Business License or the Town's assessment records; or

15.1.3 in the case of a business being carried out on rented or leased premises, notice shall also be provided to the registered landowner.

15.2 After the delivery of such notice, the Business or occupation, as the case may be, shall not be carried on until such time as a new Business License is issued or the suspended license is reinstated.

16. TERMINATION OF LICENSE

16.1 Where any certificate, authority, license or other document or qualification under this or any other Bylaw, or under any Statute of Canada or Province of Alberta is suspended, cancelled, terminated or surrendered, any Business License issued under this Bylaw based in whole or in part on such certificate, authority, license, permit, approval or other document of qualification shall be cancelled and terminated immediately.

16.2 Where a license is terminated, pursuant to s. 16.1 hereof, the licensee shall forthwith:

16.2.1 return the Business License to the License Inspector, or

16.2.2 furnish the License Inspector with proof satisfactory to him/her of a renewal or reissue of any certificate, authority, license, approval or other document of qualification as may be required by the License Inspector.

17. APPEAL

17.1 Where an application for a Business License had been refused, or a Business License has been revoked or suspended, the person seeking the Business License may appeal to Town Council.

17.2 An appeal shall be made by the Licensee or Applicant within fifteen (15) days after such refusal, revocation or suspension has been received. The notice of appeal shall be accompanied by the appropriate appeal fee set out in Schedule A. Town Council may adjourn or reschedule the appeal hearing as they deem appropriate.

17.3 All notices of appeal shall be made in writing, give reasonable particulars of the grounds of appeal, be addressed to the Town Manager and shall be dated as of the date received by the Town Manager.

17.4 The procedure applicable to the appeal hearing shall be at the discretion of Town Council, but unless directed to the contrary by Town Council, the procedure shall be in the general nature of the procedure utilized by the Town of Drayton Valley Subdivision and Development Appeal Board, varied as may be required by the circumstances.

17.5 Upon hearing the appeal, Town Council may:

17.5.1 direct a Business License to be issued or reinstated;

17.5.2 direct a Business License to be issued or reinstated with conditions;

17.5.3 direct a Business License to be issued or reinstated on a temporary trial basis, for a period of time directed by Town Council, with or without conditions;

17.5.4 refuse to grant a Business License; or

17.5.5 uphold the revocation, suspension or refusal of the Business License on grounds which appear just and reasonable.

18. LICENSE YEAR

18.1 The term “License Year” means the period commencing January 1st and terminating on December 31st of any given calendar year.

18.2 In the case of a new Business License application made after June 30th of a year, the Business License shall commence on the date of approval and expire on the 31st day of December. Automatic renewal shall occur on the 1st day of January of the following calendar year.

19. TERMINATION OF LICENSE

19.1 Every Business License issued under the provisions of the Bylaw, unless revoked earlier, shall terminate at midnight on December 31st of the license year in which the license was issued.

19.2 Pursuant to section 4.3 above, if a Business License is not required for the business year, the Owner or Applicant for the Business must provide written notice that the Business has ceased to operate. It is the obligation of the Applicant or Owner to provide notice in a timely manner to the License Inspector. Cancellation is subject to the Town retaining the deposit, as set out in the Town of Drayton Fee Schedule.

20. FEES PAYABLE

20.1 The fee payable for a Business License issued between the 1st day of January and the 31st day of December in any license year shall be the license fee for the full year as per the Town of Drayton Fee Schedule.

20.2 Notwithstanding s. 20.1, the fee payable shall be reduced by ½, as per The Town of Drayton Fee Schedule, for a Business License which has been applied for between the 1st day of July and the 31st day of December in any license year. The full yearly Business License fee shall apply each and every year thereafter, as set out in section 20.1 above.

20.3 Where a Business License is revoked or surrendered, the licensee is entitled to a refund of One Dollar (\$1.00).

21. EXEMPTION FOR PAYMENT OF LICENSE FEES

Any professional business, as defined within Section 2, any charitable, non-profit organization or not-for-profit organization shall be exempt from the requirements of this Bylaw to pay a Business License fee, or to apply in writing for a Business License.

22. TRANSFER

A licensee may only transfer a Business License issued to him/her upon approval of the License Inspector and payment of the transfer fee as prescribed in the Town of Drayton Fee Schedule of the Bylaw.

23. SUPPLY OF INFORMATION

Every person carrying on or engaged in any business for which a Business License is required under this Bylaw, upon request of a License Inspector, shall give to the License Inspector all information necessary to enable the License Inspector to carry out his/her duties.

24. BUILDING MOVERS

24.1 Before any Business License is issued for moving a building the person applying for such Business License shall provide to the License Inspector evidence of a Premises, Property and Operational General Liability Policy issued by an insurance company, approved by the License Inspector, for the sum of at least One Million Dollars (\$1,000,000) or file proof that such a policy is carried by the person or company concerned and such a policy shall remain in force during the life of the license.

24.2 The moving of any building is subject to the requirements of the Town's Land Use Bylaw 2007/24/D.

25. GENERAL

Any regulating or situation relating to the licensing or fee structure of a Business License shall be dealt with at the discretion of the License Inspector.

26. OFFENCES AND PENALTIES

26.1 Any Person who:

26.1.1 violates or fails to comply with any of the provisions of this Bylaw; or

26.1.2 neglects or fails to do anything they are required to do pursuant to this Bylaw;

is guilty of an offence.

26.2 Any Bylaw Enforcement Officer, or Special Constable, may issue a ticket, notice or form, commonly referred to as a “Violation Ticket”, in accordance with APOPA to any Person alleged or believed to have breached, violated or failed to comply with the provisions of this Bylaw, or who has neglected or failed to do anything they are required to do pursuant to this Bylaw.

26.3 Any Person who is guilty of an offence pursuant to this Bylaw, is liable, on summary conviction, to pay a penalty as set out in section 26.5 below, unless another penalty is specifically provided for by a statute of the Province of Alberta that has specific application to any Business License or offence hereunder, in which case, the penalty provided for in the statute shall apply.

26.4 In addition, where the offence is the non-payment of any license fee payable hereunder, a Provincial Court Judge may order payment thereof in addition to the fine imposed.

26.5 Pursuant to APOPA the Person named in the Violation Ticket may make a voluntary payment to the Town in the amounts set out below, in which case, that Person is not required to appear before a Justice to answer the Violation Ticket. Payment of the penalties required are as follows:

26.5.1 Breach of any provision of this Bylaw other than the Bylaw provisions regarding Adult Business:

26.5.1.1 First Offence \$150.00

26.5.1.2 Second Offence \$300.00

26.5.1.3 Subsequent Offences \$500.00.

26.5.2 Breach of any provisions in this Bylaw related to an Adult Business:

- 26.5.2.1 Unlicensed Adult Business: \$2,500.00;
- 26.5.2.2 Improper Advertising: \$ 500.00;
- 26.5.2.3 Failure to Provide
Change of Information: \$ 500.00
- 26.5.2.4 Failure to Provide
Proof of Valid License \$ 500.00
- 26.5.2.5 Providing Incorrect, Incomplete
or Misleading Information \$1,000.00.

26.5.3 Breach of any provisions in this Bylaw related to a cannabis business:

- 26.5.3.1 Unlicensed Cannabis Business: \$2,500.00;
- 26.5.3.2 Improper Advertising:
\$1,000.00;
- 26.5.3.3 Failure to Provide
Change of Information: \$ 500.00;
- 26.5.3.4 Failure to Provide
Proof of Valid License \$ 500.00:
- 26.5.3.5 Providing Incorrect, Incomplete
or Misleading Information: \$1,000.00

27. GENERAL

- 27.1 Any License issued pursuant to this bylaw is the property of the Town and may not be transferred, unless approved by the Licensing Officer.
- 27.2 No License may be issued or renewed if the Applicant, or any individual or corporation named in the application, has an unpaid fine owing to the Town for an offense under this bylaw.
- 27.3 The License Inspector may carry out whatever inspections are reasonably required to determine compliance with this bylaw.

PART IV- SPECIAL PROVISIONS RELATING TO ADULT BUSINESSES

Standard Business License regulations, as noted above, shall apply to all Adult Businesses, in addition to the following:

28. ADULT BUSINESS LICENSES

28.1 Anyone conducting an Adult Business (defined within Section 2) must obtain an Adult Business License.

28.2 Before any person carried on or provides the services of an Adult Business, a written application must be made to the License Inspector for an Adult Business License.

28.3 An Adult Business License may not be issued to:

28.3.1 an individual under the age of 18 years;

28.3.2 a partnership with any partner under the age of 18 years; or

28.3.3 a corporation with any shareholder, director or officer under the age of 18 years.

28.4 Every Application for the issue or renewal of an Adult Business License must be in a form prescribed by the Town and must contain at least the information set out in Part IV hereof.

28.5 If the Applicant for an Adult Business License is an individual:

28.5.1 family name and all given names;

28.5.2 date of birth; and

28.5.3 a current 4" x 6" color photograph of the Applicant

28.6 If the Applicant is a partnership:

28.6.1 the family names and given names for each partner;

28.6.2 the date of birth of each partner; and

28.6.3 a current 4" x 6" color photograph of each partner.

28.7 If the Applicant is a corporation:

28.7.1 the legal name of the corporation;

- 28.7.2 the corporate access number;
- 28.7.3 the legal name and corporate access number for each corporate shareholder;
- 28.7.4 the family name, given names and date of birth for each individual shareholder and each individual shareholder of a corporate shareholder;
- 28.7.5 the family name, given names and date of birth for each director and each director of a corporate shareholder; and
- 28.7.6 the family name, given names and date of birth for each officer of a corporate shareholder.
- 28.8 For all Applicants for an Adult Business License:
 - 28.8.1 the complete legal name of each Person employed by or offering services through or in affiliation with the Adult Business whether by direct employment, independent contract, or otherwise;
 - 28.8.2 the Business address of the Adult Business;
 - 28.8.3 the Business telephone numbers used by the Adult Business including, but not limited to, cellular phones, digital phones, pagers and fax lines;
 - 28.8.4 all names used by the Adult Business;
 - 28.8.5 all electronic mail addresses used by the Adult Business; and
 - 28.8.6 all internet computer addresses used by the Adult Business.
- 28.9 Every Application for the issue or renewal of an Adult Business License must contain current information as required herein and be personally signed by:
 - 28.9.1 the individual named in the Application;
 - 28.9.2 each partner named in the Application; or
 - 28.9.3 each director of a corporation named in the Application as the case may be.
- 28.10 Every Adult Business License expires on the 31st of December of the year in which it is issued, unless it is revoked earlier pursuant to this Bylaw and must be re-applied for each year. Adult Business Licenses do not

automatically renew upon payment of the yearly business license fee.

29. ADULT BUSINESS OPERATIONAL CONDITIONS

- 29.1 The owner, operator or manager of an Adult Business shall post, and keep posted, at every entrance of the building, signage which clearly indicates that no person under the age of eighteen (18) years is permitted to enter or to remain in the Adult Business.
- 29.2 No owner, operator, manager or any person working in an Adult Business [as amended by Bylaw 2012/26/D] shall:
 - 29.2.1 permit any individual or person under the age of eighteen (18) years to enter or to remain in any such business premises; or
 - 29.2.2 display adult material or sexually explicit material so that it is visible from the outside of the business premises; or
 - 29.2.3 display any signage or form of advertisement that indicates that sexually explicit materials, shows or displays are available in the business or, in the opinion of the License Inspector, is otherwise not in good taste
- 29.3 The display of adult materials or sexually explicit materials in such a manner as to be visible from the outside of the Adult Business is strictly forbidden.

30. REFERRAL OF APPLICATIONS FOR ADULT BUSINESS LICENSES

- 30.1 Every application for the issue or renewal of an Adult Business License must be referred to the Drayton Valley detachment of the Royal Canadian Mounted Police (RCMP).
- 30.2 The RCMP may upon receipt of an application for the issue or renewal of an Adult Business License, make or cause to be made any investigation reasonably required to determine whether the issue or renewal of the Adult Business License would endanger the safety, health or welfare of people or the protection of people or property.
- 30.3 Such investigations must include, but are not limited to, a criminal record check of all individuals named anywhere in the application.
- 30.4 If the RCMP believes, on reasonable grounds, that the issue or renewal of the Adult Business License would endanger the safety, health or welfare of people or the protection of people or property then the RCMP must notify the License Inspector forthwith, in writing.

- 30.5 If the License Inspector is notified, in writing, that the RCMP believes, on reasonable grounds that the issue or renewal of the Adult Business License would endanger the safety, health or welfare of people or the protection of people or property, then the License Inspector must not issue or renew the Adult Business License.
- 30.6 If an application for the issue or renewal of an Adult Business License has been referred to the RCMP and if no written response has been received from the RCMP within 15 days from the date of the referral, then the License Inspector may proceed on the basis that the RCMP does not believe, on reasonable grounds, that the issue of renewal of the Adult Business License would endanger the safety, health or welfare of people or the protection of people or property.
- 30.7 The License Inspector must not issue or renew an Adult Business License unless the Applicant is in compliance with all relevant provisions of the Land Use Bylaw.

30. SPECIFIC OFFENCES RELATING TO ADULT BUSINESSES

- 31.1 No Person under the age of eighteen (18) shall engage in the Business of or operate an Adult Business.
- 31.2 No Person shall operate an Adult Business without holding a valid and subsisting Adult Business License.
- 31.3 No Adult Business shall employ the services of a person under the age of eighteen (18) years.
- 31.4 No Adult Business shall advertise or promote their services in any fashion using a name other than the name on the License issued to the Adult Business unless the name has been registered with the Registrar of Corporations and the License Inspector so advised.
- 31.5 No Adult Business shall advertise or promote their services in any fashion using:
- 31.5.1 a telephone number;
 - 31.5.2 a name;
 - 31.5.3 an electronic mail address; or
 - 31.5.4 an internet address,
- unless the Adult Business has first provided the number, name or address in writing to the License Inspector.

- 31.6 If a corporation carrying on Adult Business commits an offence pursuant to this Bylaw, any director, officer or agent of the corporation who directed, authorized, assented to, acquiesced or participated in the commission of the offence is a party to and guilty of the offence and is liable on the conviction to any fine or penalty provided for the offence, whether or not the corporation has been prosecuted or convicted.
- 31.7 In the event that an Adult Business, or any director, officer, agent, contractor or employee of the that Adult Business is convicted of an offence under this Bylaw, or any other Town bylaw, they shall immediately advise the License Inspector of that conviction.
- 31.8 No Adult Business shall advertise or promote their business in any fashion without including the number of their Business License.
- 31.9 No Person shall supply incorrect, incomplete or misleading information in an Application for the issue or renewal of an Adult Business License.
- 31.10 All Adult Businesses shall notify the License Inspector forthwith, in writing, of any change to any of the information contained in the most recent Application for the issue or renewal of an Adult Business License.
- 31.11 A Licensee shall provide their Adult Business License when requested to do so by a Peace Officer.

32. ADULT BUSINESS LICENSE FEES

- 32.1 The Licensing fees for Adult Business Licenses are set out in The Town of Drayton Fee Schedule.

33. SUSPENSIONS AND REVOCATIONS

- 33.1 If a Licensee is convicted of an offence under this Bylaw the Licensee must advise the License Inspector immediately of the conviction and show cause why any License held by the Licensee should not be suspended or revoked.
- 33.2 If a Licensee who has been convicted of an offence under this Bylaw subsequently commits and is convicted of a further offence under this Bylaw, the Licensee must advise the License Inspector immediately of the conviction and any License held by the Licensee is immediately suspended for a minimum period of three months. The Licensee must show cause why any License held by the Licensee should not be revoked.
- 33.3 If a Licensee who has been convicted on two separate occasions of offences under this Bylaw is subsequently convicted of a further offence under this

Bylaw any License held by that Licensee is immediately revoked. The Licensee must immediately advise the License Inspector of the conviction. The revocation of a License pursuant to this subsection may not be appealed.

33.4 If the License Inspector believes, on reasonable grounds that, a Licensee is operating in contravention of the Land Use Bylaw, whether or not the Licensee has been charged or convicted of an offence, or has breached this Bylaw, the License Inspector may serve notice upon the Licensee that the Licensee must show cause why any License held by the Licensee should not be suspended or revoked.

33.5 Any Adult Business License issued in the name of a corporation is immediately suspended if there is a change in the shareholder(s), director(s) or officer(s) of the corporation. However, this subsection does not apply if the Licensee obtains the written consent of the License Inspector prior to any change in the shareholder(s), director(s) or officer(s) being made.

33.6 Pursuant to the provisions of this section, the License Inspector may:

- a) except where a License has been suspended for a minimum period pursuant to this Bylaw, cancel any suspension and re-instate a License;
- b) subject to any minimum period of suspension pursuant to this Bylaw, suspend a License for a period of up to six months; or
- c) revoke any Adult Business License.

33.7 An Applicant for the issue or renewal of a License may appeal the refusal of the License Inspector to issue or renew the License to Town Council.

33.8 Unless provided to the contrary by this Bylaw, a Licensee may appeal any suspension or revocation of a License imposed by the License Inspector to Town Council in the same manner as an appeal of the refusal by the License Inspector to issue or renew a License.

**PART IV(I) – SPECIAL PROVISIONS RELATING TO CANNABIS
RETAIL STORES AND CANNABIS COUNSELLING BUSINESSES**

34. CANNABIS BUSINESS LICENSES

- 34.1 Anyone operating a cannabis retail store, a store selling cannabis accessories or a cannabis counselling business (defined within Section 3 and hereinafter collectively referred to as a “cannabis business”) must obtain a Business License in compliance with this Bylaw, as well as a Development Permit pursuant to the Town’s Land Use Bylaw.
- 34.2 Before any person carries on or provides the services of a cannabis business, a written application must be made to the License Inspector for a Business License.
- 34.3 A Business License for a cannabis business may not be issued to:
- 34.3.1 an individual under the age of 18 years;
 - 34.3.2 a partnership with any partner under the age of 18 years; or
 - 34.3.3 a corporation with any shareholder, director or officer under the age of 18 years.
- 34.4 Every Application for the issue or renewal of a Business License for a cannabis business must be in a form prescribed by the Town and must contain at least the information set out in Part IV(I) hereof.
- 34.5 All Applicants for a cannabis Business License must provide:
- 34.5.1 the business address of the cannabis business;
 - 34.5.2 the business telephone numbers including, but not limited to, cellular phones, digital phones, pagers and fax lines;
 - 34.5.3 all names used by the cannabis business;
 - 34.5.4 all electronic mail addresses used by the cannabis business;
 - 34.5.5 all internet computer addresses used by the cannabis business;
 - 34.5.6 the original signature of the Applicant;
 - 34.5.7 the original signature of the owner(s) of the parcel of land from which the business is proposed to be operated; and

- 34.5.8 a copy of the retail cannabis license issued by Alberta Gaming and Liquor Commission, which shall be provided to the Town prior to occupancy of the business premises.

35. CANNABIS BUSINESS OPERATIONAL CONDITIONS

- 35.1 The owner, operator or manager of a cannabis business shall post, and keep posted, at every entrance of the building, signage which clearly indicates that no person under the age of eighteen (18) years is permitted to enter or to remain in the premises.
- 35.2 No owner, operator, manager or any person working in a cannabis business shall:
- 35.2.1 permit any individual or person under the age of eighteen (18) years to enter or to remain in any such business premises; or
 - 35.2.2 display cannabis, cannabis accessories or signage so that it is visible from the outside of the business premises; or
 - 35.2.3 display any signage or form of advertisement that indicates that cannabis or cannabis accessories are available in the business;
 - 35.2.4 allow a person to smoke, vape, consume or otherwise ingest cannabis or products containing cannabis on the premises; or
 - 35.2.5 use the premises to carry on business other than the cannabis-related business and accessory use.
- 35.3 The maximum operating hours of a cannabis business shall be ten o'clock in the morning (10:00 am) to ten o'clock in the evening (10:00 pm), seven (7) days per week, excluding those dates of closure mandated by the Province of Alberta.

36. SPECIFIC OFFENCES RELATING TO CANNABIS BUSINESSES

- 36.1 No Person under the age of eighteen (18) shall engage in the business of or operate a cannabis business.
- 36.2 No Person shall operate a cannabis business without holding a valid and subsisting Business License.
- 36.3 No cannabis business shall employ the services of a person under the age of eighteen (18) years.

- 36.4 No cannabis business shall advertise or promote their services in any fashion using a name other than the name on the Business License issued to the cannabis business unless the name has been registered with the Registrar of Corporations and the License Inspector so advised.
- 36.5 No cannabis business shall advertise or promote their services in any fashion using:
- 36.5.1 a telephone number;
 - 36.5.2 a name;
 - 36.5.3 an electronic mail address; or
 - 36.5.4 an internet address,
- unless the cannabis business has first provided the number, name or address in writing to the License Inspector.
- 36.6 No person shall supply incorrect, incomplete or misleading information in an Application for the issue or renewal of a cannabis Business License.
- 36.7 All cannabis businesses shall notify the License Inspector forthwith, in writing, of any change to any of the information contained in the most recent Application for the issue or renewal of a Business License. In so updating such information, the holder of the Business License shall be required to complete any forms required by the Town and submit, immediately upon request, the appropriate fees as set out in the Town's Annual Fee Schedule for the change in the Business License information.
- 36.8 A Licensee shall provide their Business License when requested to do so by a Peace Officer.

37. CANNABIS BUSINESS LICENSE FEES

- 37.1 The Licensing fees for a cannabis Business License are set out in the Town's Annual Fee Schedule."

PART V- IMPLEMENTATION

This Bylaw shall rescind Bylaw No. 91-29 of the Town of Drayton Valley, and shall have force and come into effect from and after the date of third reading thereof.

READ A FIRST TIME THIS _____ **DAY** OF _____, **2008**, A. D.

MAYOR

TOWN MANAGER

PUBLIC HEARING HELD THIS _____ **DAY** OF _____, **2008**, A.D.

READ A SECOND TIME THIS _____ **DAY** OF _____, **2008**, A. D., AS
AMENDED

MAYOR

TOWN MANAGER

READ A THIRD AND FINAL TIME THIS _____ **DAY** OF _____, **2008**, A. D.,
AS AMENDED

MAYOR

TOWN MANAGER

SCHEDULE "B" FORM "A"



APPLICATION for Business License

Town of Drayton Valley
Planning & Development Department
5120 - 52nd Street, Box 6837
Drayton Valley, AB T7A 1A1
Phone: (780) 514-2200
Fax: (780) 542-5753
www.town.draytonvalley.ab.ca

FOR BUSINESSES TO BE OPERATED IN COMMERCIAL & INDUSTRIAL ZONED AREAS ONLY

*All Sections Must Be Completed In **FULL**
~PLEASE PRINT~*

OFFICE USE ONLY

License #: _____ Customer #: _____
Application Fee: \$ _____ Receipt #: _____
Date Received: _____
Date Issued: _____

APPLICANT INFORMATION (to be completed by the individual making application for Business License)

Applicant's Name: _____
Applicant's Address: _____
(City) (Province) (Postal Code)
Work Phone: (____) _____; Home Phone: (____) _____
Cell Phone: (____) _____; Fax: (____) _____

BUSINESS INFORMATION (information specific to the proposed business operations)

Legal Business Name (if registered corporation): _____
Operating Business Name: _____
Number of Employees: Full Time: _____ Part Time: _____
Business Legal Land Description: Lot _____, Block _____, Plan _____ Zoning: _____
Business Mailing Address: _____
(City) (Province) (Postal Code)
Business Street Address: _____
(City) (Province) (Postal Code)
Business Owner's Name: _____ E-mail address: _____
Home Phone: (____) _____; Business Phone: (____) _____; Cell Phone: (____) _____
Business Owner's Address: _____
(City) (Province) (Postal Code)
Business Description (please be specific - ie: "retail - sporting goods and clothing"):

Information supplied in this section will be made available to the public to assist in marketing your business through printed and web directories, such as the Town's webpage and AlbertaFirst.com.

REGISTERED LAND OWNER (to be completed by registered landowner, as noted on a Certificate of Title.)

I, (Print Name) _____, hereby certify that:

1. I am the registered owner of the land described above; or
1. I am the representative of the registered owner of the land described above (explanation of signing authority - ie: "director of company", "property manager") _____*
2. I am aware of the business being operated on my property by the above-noted party, and hereby consent to such use.

Signature: _____

Mailing Address: _____
(City) (Province) (Postal Code)

Phone No.: (____) _____ (____) _____
(Home) (Work)

* Proof of signing authority may be required prior to issuance of Business License.

CONTINUED ON REVERSE ...



APPLICATION for Business License

Town of Drayton Valley
Planning & Development Department
5120 - 52nd Street, Box 6837
Drayton Valley, AB T7A 1A1
Phone: (780) 514-2200
Fax: (780) 542-5753
www.town.draytonvalley.ab.ca

FOR BUSINESSES TO BE OPERATED IN COMMERCIAL & INDUSTRIAL ZONED AREAS ONLY

DETAILS OF PROPOSED DEVELOPMENT FOR BUSINESS

1. Are you renovating or altering the building to accommodate the business? Yes No
If yes, you must make separate application for Development Permit and/or Building Permit, as required and return same with this Business License Application.

APPLICANT SIGNATURE

DATE

NOTES:

- Any activity carried out prior to obtaining the required Permit Approval(s) signed by an authorized Development Officer of the Town of Drayton Valley and prior to the appeal expiry date is at the applicant's own risk.
- The information on this form is collected under the authority of Paragraph 32c of *The Alberta Freedom of Information and Protection of Privacy Act*, RSA, 2000, Ch. F-18.5, and shall only be used for the purpose for which it was collected.
- Advice of any change of ownership, closure, etc., must be provided to the Town in writing. Failure to provide such notice may result in a penalty.

FOR OFFICE USE ONLY		
Zoning: _____	Permitted Use / Discretionary Use	Referral Required: Yes / No
Approved / Refused	_____ Planning & Development Officer	_____ Date

SCHEDULE "B" FORM "B"



APPLICATION for Peddlers Business License

Town of Drayton Valley
Planning & Development Dep't.
5120 - 52nd Street, Box 6837
Drayton Valley, AB T7A 1A1
Phone: (780) 514-2200
Fax: (780) 542-5753
www.town.draytonvalley.ab.ca

*All Sections Must Be Completed In FULL
~PLEASE PRINT~*

OFFICE USE ONLY

License #: _____ Customer #: _____
Application Fee: \$ _____ Receipt #: _____
Date of Approval: _____
Date of Issuance: _____

SECTION 1 - BUSINESS INFORMATION

Date: _____

Legal Business Name: _____ Directors/Shareholders: _____

Operating Business Name: _____ Number of Employees: _____

Business Phone: (____) _____; Business Fax: (____) _____; Alternate Phone: (____) _____

Business Mailing Address: _____ (City) (Province) (Postal Code)

Business Street Address: _____ (City) (Province) (Postal Code)

Industry Description: _____ Contractor Code (if applicable): _____

Website: _____ e-mail: _____

Contact Name: _____ Title: _____

SECTION 2 - DETAILS OF TRADE

The proposed temporary location of your trade (ie. parking lot - specify which, door-to-door, etc.)

Number of vendors _____ Number of days Permit is required for: _____

SECTION 3 - LAND OWNER INFORMATION **

If your trade is being carried on in a location owned by another party (ie. parking lot) please complete the following:

Name of Registered Land Owner _____

Legal Land Description: Plan _____; Block _____; Lot _____

Registered Land Owner's Mailing Address: _____ (City) (Province) (Postal Code)

Registered Land Owner's Phone No.: Business: (____) _____ Home: (____) _____

**** Signature of registered land owner or attached written consent from the registered land owner.**

REGISTERED LAND OWNER SIGNATURE

DATE

I certify that the information I have provided in the foregoing portion of this document is true to the best of my knowledge. I hereby confirm that I will abide by the regulations of the Town of Drayton Valley after I have received my Peddler's License, knowing that failure to do so will result in cancellation of this License. I further certify that I will refrain from attending at locations which are clearly marked with a "No Soliciting" sign, or other deterrent for such solicitations.

APPLICANT SIGNATURE

DATE

SCHEDULE "B" FORM "C"



APPLICATION for Home Occupation Business License

Town of Drayton Valley
Planning & Development Department
5120 - 52nd Street, Box 6837
Drayton Valley, AB T7A 1A1
Phone: (780) 514-2200
Fax: (780) 542-5753
www.town.draytonvalley.ab.ca

All Sections Must Be Completed In FULL
~PLEASE PRINT~

OFFICE USE ONLY

License #: _____ Customer #: _____
Application Fee: \$ _____ Receipt #: _____
Date Received: _____
Date Issued: _____

APPLICANT INFORMATION (to be completed by the individual making application for Business License)

Applicant's Name: _____
Applicant's Address: _____
(City) (Province) (Postal Code)
Work Phone: (____) _____; Home Phone: (____) _____
Cell Phone: (____) _____; Fax: (____) _____

BUSINESS INFORMATION (to provide information specific to the proposed business operations)

Legal Business Name (if registered corporation): _____
Operating Business Name: _____
Number of Employees: Full Time: _____ Part Time: _____
Business Legal Land Description: Lot _____, Block _____, Plan _____, Zoning: _____
Business Mailing Address: _____
(City) (Province) (Postal Code)
Business Street Address: _____
(City) (Province) (Postal Code)
Business Owner's Name: _____ E-mail address: _____
Home Phone: (____) _____; Business Phone: (____) _____; Cell Phone: (____) _____
Business Owner's Address: _____
(City) (Province) (Postal Code)
Business Description (please be specific - ie: "retail - sporting goods and clothing"):

Information supplied in this section will be made available to the public to assist in marketing your business through printed and web directories, such as the Town's webpage and AlbertaFirst.com.

REGISTERED LAND OWNER (to be completed by registered landowner, as noted on a Certificate of Title.)

I, (Print Name) _____, hereby certify that:
1. I am the registered owner of the land described above; or
1. I am the representative of the registered owner of the land described above (explanation of signing authority - ie: "director of company", "property manager") _____
2. I am aware of the business being operated on my property by the above-noted party, and hereby consent to such use.
Signature: _____ Mailing Address: _____
Phone No.: (____) _____ (Home) (____) _____ (Work) _____ (Postal Code) _____

* Proof of signing authority may be required prior to issuance of Business License.

DETAILS OF PROPOSED DEVELOPMENT FOR BUSINESS

1. Are you renovating or altering the building to accommodate the business? Yes No
If yes, you must make separate application for Development Permit and/or Building Permit, as required and return same with this Business License Application.

APPLICANT SIGNATURE

DATE

NOTES:

- Any activity carried out prior to obtaining the required Permit Approval(s) signed by an authorized Development Officer of the Town of Drayton Valley and prior to the appeal expiry date is at the applicant's own risk.
- The information on this form is collected under the authority of Paragraph 32c of The Alberta Freedom of Information and Protection of Privacy Act, RSA, 2000, Ch. F-18.5, and shall only be used for the purpose for which it was collected.
- If relocating, the business owner must reapply to operate from a new location. Advice of any change of ownership, closure, etc., must be provided to the Town in writing.

Page 1 of 3

APPLICATION for Home Occupation Business License

Town of Drayton Valley
Planning & Development Department
5120 - 52nd Street, Box 6837
Drayton Valley, AB T7A 1A1
Phone: (780) 514-2200
Fax: (780) 542-5753
www.town.draytonvalley.ab.ca

All Questions Must Be Completed In FULL ~PLEASE PRINT~

1. Are there any other home occupations operating from this location? Please circle: Yes No
If so, provide the name and nature of the business(es) _____
2. Excluding vehicles, what equipment, trailers or materials are required for the business? _____
Where are they stored (ie. in the home, garage, outside, at a commercial storage site, etc.)? _____
Provide complete description (or photograph) of any items to be stored outside. _____
3. Will there be any stock-in-trade kept on the premises? Please circle: Yes No
If so, how much and how is it sold or distributed? _____
Where is it stored? _____
4. Will there be any flammable or hazardous materials on the premises as a result of the business (ie. solvents, paint thinners, special cleaners, etc.)? Please circle: Yes No
If so, what is the material, how much is being kept at the premises, and where it is stored? _____
5. Does the material require any special training for use or special storage provisions? Please circle: Yes No
6. Are any permits required for their storage or use? Please circle: Yes No
If so, please provide a copy of the permit.
7. What work will be done on the premises? _____
8. Where will the work be done? _____
9. What will the hours of operation be? _____
10. If all the work is not done at the premises, where else will it take place? _____
11. Are there any employees of the business who are not members of the family or bona fide occupants of the dwelling? Please circle: Yes No
If there are, how many? _____
Where do they work? _____
If they are working from the residence, where do they park their vehicles? _____
12. How many vehicles are involved in the business? _____ How many personal vehicles do you have? _____
Where are they parked? _____
13. Provide a description of the business vehicle(s) (state height, length, weight and number of passengers). Applicants may provide a colour photograph. _____
14. Will the vehicle(s) exhibit any markings or logos identifying the business? Please circle: Yes No
The Applicant is responsible to ensure that vehicles are operated in compliance with *Truck Route Regulations*, etc.
15. Will there be any exterior indication to the public of this home occupation (noise, exterior activity, smoke, odors, traffic, signage, etc.)? Please circle: (If the Applicant is erecting a sign, they must receive prior approval through separate Development Permit)
Yes No
If yes, please provide details. Failure to disclose anticipated impacts would be grounds for immediate revocation of the permit. _____
16. Will there be any clients coming to the home? Please circle: Yes No
If yes, how many and what time(s) of day will they be coming to the home? _____
Where will they park? _____



APPLICATION for Home Occupation Business License

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Planning & Development Department
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HOME OCCUPATION REGULATIONS

"Home Occupations" means any occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate.

A home occupation may be permitted upon the completion of the Town of Drayton Valley's Application for a Business License and the Questionnaire for Home Occupation and payment of the prescribed fee.

A home occupation shall comply with the following general regulations:

1. no variation from the external appearance and residential character of land or buildings shall be permitted, unless specifically permitted by the Development Authority;
2. no offensive noise, vibration, smoke, dust, odors, heat, glare, electrical or radio disturbance or unusual hours of operation shall be produced by the home occupation;
3. the privacy and enjoyment of adjacent dwellings shall be preserved;
4. home occupations shall not adversely affect the amenities of the neighbourhood;
5. home occupations may not occupy more than 25% of the gross floor area of the principal building (for child care, subject to Provincial Regulations);
6. use of accessory buildings is permitted;
7. signage for a home occupation may not exceed 0.275 square metres and must be placed flat against the building (front and back);
8. each application to operate a home occupation in a DC district requires the approval of Town Council;
9. the home occupation must not generate any pedestrian or vehicular traffic or parking in excess of that which is characteristic of the neighbourhood within which it is located;
10. the maximum number of employees for the home occupation (on site) shall not exceed three (3) at any one time; one of which may be a non-resident;
11. parking for all employees shall be maintained on site and not more than one commercial vehicle with one accessory trailer (gross vehicle weight cannot exceed 4500 kgs), used in conjunction with the home occupation, shall be parked or maintained on or about the site;
12. no visible outside storage related to the home occupation is permitted on or adjacent to the site;
13. must comply with all Town Bylaws;
14. licenses are valid from the date of approval until December 31st of the current year, unless sooner revoked or cancelled by the Town;
15. home occupation licenses apply only to the address as stated on the Application for Home Occupation, and does not constitute a building permit; and
16. a home occupation license may be revoked at any time if, in the opinion of the Development authority, the operator of a home occupation has violated any provisions or this Bylaw or the conditions of the License.

BUSINESS OWNER COMMENTS: _____

I hereby certify that the information I have provided in the foregoing portion of this document is true to the best of my knowledge. I hereby confirm that I will abide by the above rules after I have received my Business License for a Home Occupation, knowing that failure to do so will result in cancellation of this License.

APPLICANT SIGNATURE

DATE

FOR OFFICE USE ONLY

Zoning: _____	Permitted Use / Discretionary Use	Referral Required: Yes / No
Approved / Refused	_____ Planning & Development Officer	_____ Date

SCHEDULE "B" FORM "D"



NOTICE OF DECISION for Business License Permit

Town of Drayton Valley
Planning & Development Dep't.
5120 - 52nd Street, Box 6837
Drayton Valley, AB T7A 1A1
Phone: (780) 514-2200
Fax: (780) 542-5753
www.town.draytonvalley.ab.ca

LICENSE APPLICANT: _____

ADDRESS: _____
(City) (Province) (Postal Code)

BUSINESS CIVIC ADDRESS: _____

Lot _____, Block _____, Plan _____ Zoning: _____

Your Business License Application has been considered by the ☐ DEVELOPMENT OFFICER ☐ TOWN COUNCIL, and

☐ APPROVED SUBJECT TO THE CONDITIONS BELOW

☐ REFUSED FOR THE FOLLOWING REASONS: _____

Any/all Municipal, Provincial and Federal permits must also be obtained, as required, including but not limited to Building, Health and/or Safety Code approvals.

The following additional conditions are standard Business License Approvals and MUST BE complied with:

- 1) The applicant shall provide the Business License Inspector with proof a valid Provincial or Federal License, where such license is required by law for that business to operate. The onus for compliance with any other Bylaw of the Town of Drayton Valley, or Statute of the Province of Alberta, or Statute of Canada, is on the owner/applicant.
- 2) Current Business License or copy of license shall be posted in a conspicuous place in the business premises of the said licensee or produced to client upon request.
- 3) Subject to the provisions of the Business License Bylaw, the License Inspector may revoke or suspend the Business License if, in his/her opinion, there are just and reasonable grounds for the revocation or suspension of the license.
- 4) The license may be revoked or suspended for non-compliance with a Bylaw, notwithstanding that the holder of that license has not been prosecuted for a contravention of that Bylaw.
- 5) Subject to any/all Federal, Provincial or Municipal permits as required. This may include but not be limited to Health, Development, Building and/or Safety Code Permits.
- 6) Payment of proper license fee. Business License fees shall be paid on a yearly basis. The Business License Year means the period commencing January 1st and ending on December 31st of any given year.
- 7) The licensee may transfer a license issued to him/her upon approval of the License Inspector and receipt of the required fee for a change of name (not owner) or location.
- 8) The Applicant/Landowner, prior to making any alterations to the interior or the exterior of the building, particularly, for the addition of signage for the business, shall make Development and Building Permit Application.

SPECIAL CONDITIONS:

DEVELOPMENT OFFICER SIGNATURE

DATE OF DECISION

SCHEDULE "B" FORM "E"



NOTICE OF DECISION for Home Occupation Business License Permit

Town of Drayton Valley
Planning & Development Dep't.
5120 - 52nd Street, Box 6837
Drayton Valley, AB T7A 1A1
Phone: (780) 514-2200
Fax: (780) 542-5753
www.town.draytonvalley.ab.ca

LICENSE APPLICANT: _____
ADDRESS: _____
(City) (Province) (Postal Code)
BUSINESS CIVIC ADDRESS: _____
Lot _____, Block _____, Plan _____, Zoning: _____
Your Business License Application has been considered by the ☐ DEVELOPMENT OFFICER ☐ TOWN COUNCIL, and
☐ APPROVED SUBJECT TO THE CONDITIONS BELOW
☐ REFUSED FOR THE FOLLOWING REASONS: _____

Any/all Municipal, Provincial and Federal permits must be obtained, as required, including but not limited to Building, Health and/or Safety Code approvals.

The following additional conditions are standard of Home Occupation Business License Approvals and **MUST BE** complied with:

1. A Home Occupation shall be operated as a secondary use only and shall not change the principal character or external appearance of the dwelling in which it is located.
2. No more than 25% (twenty five percent) of the gross floor area of the principal building shall be used for a home occupation.
3. No advertisement of sign visible from the exterior of the dwelling shall be permitted as part of a home occupation other than that provided for under Section 11.1 of the Town of Drayton Valley Signage Bylaw No. 2007/23/D: 'In residential districts, one non-illuminated fascia sign or nameplate may be used to identify a home business, and this sign shall be no greater than 0.275 m² (3 feet square) in area.' Such signage is subject to Development and Building Permit approval.
5. Persons employed as part of a home occupation shall be limited to the residents of the dwelling unit and other employees as determined by the Development Authority.
6. A home occupation shall not be permitted in a residence if, in the opinion of the Development Authority, it would be more appropriately located in the Commercial or Industrial Land Use District.
7. A home occupation shall not, in the opinion of the Development Authority, be a source of inconvenience, materially interfere with or affect the use, enjoyment or value of neighbouring parcel by way of excessive noise, smoke, steam, odor, dust, vibration or refuse matter which would not commonly be found in the neighborhood.
8. There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference in radio or television reception.
9. A home occupation shall not generate pedestrian or vehicular traffic or parking shortage in excess of that which is characteristic of the land use district in which it is located.
10. Any vehicles parked on-street or off-street as a result of a home occupation shall, in the opinion of the Development Authority, not be a source of inconvenience to adjacent landowners or tenants.
11. A home occupation that attracts clients, customers or students to the premises shall be limited to a maximum of six persons in attendance at any one time.
12. No person operating a home occupation shall keep or permit in any part of a yard, a commercial vehicle loaded or unloaded of a maximum weight in excess of 5500 kg.
13. Persons wishing to operate a home occupation from their place of residence may be required to apply for a development permit from the Town of Drayton Valley.
14. A home occupation, whether or not a development permit has been required/issued, shall be reviewed by the Town of Drayton Valley when complaints are registered against the home occupation by an affected landowner.
15. If, at any time, any of the requirements for home occupations are not complied with, whether or not a development has been required/issued, the Development Authority may utilize the mechanisms available under the Town of Drayton Valley Land Use Bylaw, the Town of Drayton Valley Signage Bylaw, the Town of Drayton Valley Business License Bylaw and the *Municipal Government Act*.
16. A home occupation permit does not exempt compliance with health regulations or any other municipal or provincial regulation(s).
17. Any changes of operation of the business may require further permit approval from the Town of Drayton Valley.

SPECIAL CONDITIONS:

DEVELOPMENT OFFICER SIGNATURE

DATE OF DECISION

435693.doc;October 4, 2018