



**BYLAW NO. 2025/02/D**

**Name of Bylaw: Business License Bylaw**

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

**WHEREAS** the *Municipal Government Act, RSA 2000, c. M-26*, and amendments thereto (the "**Act**"), authorizes a Council to pass bylaws for municipal purposes;

**AND WHEREAS** section 7(a) of the Act provides that a Council may pass bylaws for municipal purposes respecting the safety, health, and welfare of people, and the protection of people and property;

**AND WHEREAS** section 7(e) of the Act provides that Council may pass bylaws for municipal purposes respecting businesses, business activities, and people engaged in business;

**AND WHEREAS** section 7(i) of the Act provides that a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Act or any other enactment, including all of the matters listed therein.

**AND WHEREAS** section 8 of the Act provides that 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 class in different ways; and
- c. Provide for a system of licenses, permits or approvals, including any or all of the matters listed therein.

**NOW THEREFORE** the Council of the Town of Drayton Valley duly assembled, hereby enact as follows:



## **TITLE**

**1.0** This Bylaw may be cited as the Business License Bylaw” of the Town of Drayton Valley.

## **DEFINITIONS**

**2.0** In this Bylaw:

**“Act”** means Municipal Government Act, RSA 2000, c. M-26, and amendments thereto

**“Adult Establishment”** means a premise or parts thereof in which products or services are provided which are of a sexual intent and shows or displays nudity with an erotic or sexually explicit intent. Typical uses would include but are not limited to adult mini-theatres, strip clubs or shows, sex shops, and adult video stores.

**“Applicant”** means a Person, or Business Entity that is lawfully entitled to make an application for a Business License.

**“Business”** means:

- a) a commercial, merchandising, or industrial activity or undertaking;
- b) a profession, trade, occupation, calling or employment; or
- c) an activity providing goods or services; and
- d) is inclusive of any kind of business activity conducted over the internet, whether for profit and however organized or formed, including a co-operative or association of Persons.

**“Business License”** means a valid and subsisting business license issued pursuant to this Bylaw.

**“Business License Fee”** means the fees, rates, and charges established for business in the Town’s Fee Schedule.

**“Business License Administrator”** means any person so designated herein by the Chief Administrative Officer (CAO) to administer this Bylaw.

**“Business Premises”** means any site occupied for the purpose of conducting Business.

**“Bylaw”** means a public regulatory law that is approved by Council that restricts or regulates the actions within the Town of Drayton Valley, which may impose penalties.



**“Charitable or Non-Profit Organization”** means an organization defined under the Charitable Fund-Raising Act, RSA 2000, c C-9, as amended and registered as such.

**“Chief Administrative Officer (CAO)”** means the Person appointed by Council to the position of chief administrative officer of the Town.

**“Council”** means the duly elected council of the Town.

**“Development Permit”** is a document permitting a specific land use or land uses in accordance with the Land Use Bylaw.

**“Direct Sales”** means any person, whether as principal or agent, who is in the business of soliciting, negotiating or concluding sales contracts in person at any place other than the seller’s place of business, such contracts to be for goods or services that will be purchased by an individual for primarily personal, family or household use.

**“Land Use Bylaw”** means the approved Land Use Bylaw, 2024/03/D as amended.

**“Licensee”** means a person holding a valid license issued pursuant to this Bylaw.

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

**“Local Business”** means a business or person conducting business within the Town limits.

**“Mobile Vendor”** means a mobile business that provides and prepares/cooks food for public consumption or sells products from a truck or vehicle, a cart, or other temporary structure capable of being moved from location to location.

**“Notice”** has the meaning ascribed to it in Section 13.1.

**“Out of Town Business”** means a business or person conducting business within the Town but is physically located outside the Town boundaries

**“Peace Officer”** means a Person appointed as a Peace Officer pursuant the Peace Officer Act, SA 2006, c P-3.5, a Bylaw Enforcement Officer appointed by the municipality pursuant to the Act, or a Police Officer pursuant to the Police Act, RSA 2000, c P-17.

**“Person(s)”** means any [person](#) or legal entity that can do the things a human is usually able to do in law – such as incur legal obligation, [sue](#) and be sued or [own property](#).

**“Regulation”** means the Direct Selling Business Regulation, Alta Reg 190/1999.



**“Town”** means the municipal corporation of the Town of Drayton Valley in the Province of Alberta or where the context so requires, the area contained within the boundaries of the Town of Drayton Valley.

**“Vendor”** means a person or business that purchases goods and services from distributors and resells these items to consumers or other businesses.

**“Violation Ticket”** means a ticket as defined in the Provincial Offences Procedure Act, RSA 2000, c P-34.

**“Wholesaler”** means those businesses that provide goods and/or services to other businesses but do not sell directly to the end user.

### **COMPLIANCE WITH THE LAND USE BYLAW**

**3.0** A valid Development Permit is required for any business land use not exempted in the Land Use Bylaw prior to a Business License being issued.

**3.1** The following Development Permit processes are outlined in the Land Use Bylaw:

- a) review and approval process; and
- b) appeal process.

**3.2** The Development Permit enforcement process is outlined in the Act.

### **A VALID BUSINESS LICENSE**

**4.0** No person or business shall conduct business within the Town without a valid Business License.

**4.1** A Business License is valid only under the following terms:

- a) The Business License is issued by the CAO or its authorized designate; and
- b) All fees associated with the Business License have been paid in full.

**4.3** A valid Business License does not exempt a Business from compliance with provincial, federal, or industry organization regulations.



- 4.4 A Business License issued under this Bylaw shall be posted in a prominent place within such Business and visible to the public.

### **BUSINESS LICENSE APPLICATIONS**

- 5.0 Applicants shall submit the approved Business License application form.
- 5.1 Applications will not be processed until deemed complete by the Business License Administrator.
- 5.2 The application must be signed by the registered landowner if the place of business is not owned by the applicant.
- 5.3 The applicant shall provide all approvals required to operate the Business including, but not limited to those required by government departments, agencies, and industry organizations.
- 5.4 If an application is submitted after January 1st, the Business License is valid on the date of approval and will expire on the 31st day of December of the same year.
- 5.5 Different businesses operating at the same location must submit separate applications.
- 5.6 In situations where one person or business is operating more than one location either on the same premises or at different locations, a separate application is required for each Business.

### **DIRECT SALES, MOBILE VENDORS**

- 6.0 Applications for Direct Sales will not be considered without submitting an approved direct seller's license in accordance with the Regulation.
- 6.1 Business Licenses issued for Direct Sales will not be renewed without an approved direct seller's license in accordance with the Regulation.
- 6.2 Direct Sales vendors shall conduct business in accordance with the Regulation.
- 6.3 No Person shall engage in mobile vending on public or private property until such Person has landowner consent and is the holder of a valid Business License.



- 6.4 Those participating in Direct Sales shall not attend upon properties, whether commercial or residential, that display "no soliciting" signs, or the like and shall not operate in such a manner that is offensive to the public.

### **ADULT ESTABLISHMENT LICENSES**

- 7.0 An Adult Establishment License may not be issued to people under the age of 18 years.
- 7.1 The owner, operator or manager of an Adult Establishment 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 the Adult Establishment.
- 7.2 The display of adult or sexually explicit materials on the outside or visible from the outside of the Adult Establishment is strictly prohibited.
- 7.3 An application may be referred to the Town's detachment of the Royal Canadian Mounted Police for review and comment.

### **DUTIES/POWERS/FUNCTIONS/RESPONSIBILITIES OF A BUSINESS LICENSE ADMINISTRATOR**

- 8.0 The Business License Administrator shall administer this Bylaw:
- a) create application forms, licenses or other documents;
  - b) evaluate applications and render decisions with or without conditions;
  - c) conduct site inspections;
  - d) collect Business License fees;
  - e) initiate action deemed necessary to ensure compliance with the provisions of this Bylaw;
  - f) ensure that all Business License applications are referred to the appropriate internal departments and outside agencies including, but not limited to, Protective Services and the local Health Authority;
  - g) establish a records management system to capture, track and store Business License related documents; and



h) any other responsibilities or functions deemed necessary to administer this Bylaw.

**8.1** The License administrator may delegate to other team members the functions (a), (c), and (d), through (h) outlined in Section 8.0.

**8.2** The License administrator may only delegate Section 8.0 (b). to a person, or persons designated by the CAO.

### **FEES**

**9.0** Business License application fees are listed in the Fee Schedule.

**9.1** A yearly fee is required to maintain a Business License and the fees are outlined in the Fee Schedule.

**9.2** A Business that ceases operating in the Town or has had its Business License suspended or revoked is not eligible for a refund of any fees incurred in the application or maintenance of such Business License.

### **FEE EXEMPTIONS**

**10.0** Provincial legislation and regulations allow for certain professions, trades and businesses to be exempt from municipal licensing fees. Businesses that fall under exemption legislation are still required to apply for a Business License but will not be required to pay any licensing fees if the terms of Section 10.3 are followed.

**10.1** If a Business falls under the prescribed exemptions for municipal licensing fees referred to in Section 10.3, such Business shall provide to the Town written evidence for the application of the exemption to the Business, to the satisfaction of the Town.

**10.2** If a fee exemption is granted pursuant to Section 10.3, such fee exemption does not preclude a Business from obtaining Development Permits, Building Permits or any other required municipal approvals for operation of the Business.

**10.3** A Business License fee is not required by the Town for certain events including, but not limited to:

- a) trade and commerce Shows;
- b) farmer's markets including vendors;
- c) Wholesalers selling to another business and not the end user;



- d) Those under the age of 16 selling on Lemonade Day;
- e) Those under the age of 16 fund raising for local non-profit organizations; and
- f) The yearly Drayton Valley Rodeo.

### **BUSINESS RECOMPENSE**

- 11.0** Business License application or renewal includes a fire inspection.
- 11.1** Each Business License includes membership in the Business Support Network.
- 11.2** Each Business License offers the ability to participate in the Trespassing Agent Program where applicable.
- 11.3** Sections 11.0, and 11.2 do not apply to Business Licenses issues to businesses existing outside of the Town boundaries.

### **ENFORCEMENT MEASURES**

- 12.0** A Business License may be revoked, suspended, or subject to enforcement measures in the following circumstances:
  - a) an application contains misrepresentation, incorrect, or incomplete information;
  - b) a Licensee incurs overdue Business License fees;
  - c) a Licensee fails to meet the conditions of a Development Permit;
  - d) a provincial or federal license issued for a Licensee has been suspended or revoked;
  - e) a Licensee ceases to carry a valid license, permit, or other qualifying documentation to legally operate;
  - f) a Licensee ceases operation of the Business;
  - g) a Licensee ceases to be a valid and subsisting entity at the Alberta Corporate Registry; or
  - h) a Licensee contravenes this Bylaw in a manner which the Town deems meriting such measure in its sole discretion.
- 12.1** In the event a Business License has been suspended or revoked under this Bylaw, such Business shall cease to operate within the Town.



## **NOTICE OF ENFORCEMENT MEASURES**

**13.0** Should a Business License be revoked or suspended, as herein before provided, the Licensee shall be notified by registered mail.

## **APPEALS**

**14.0** The applicant may appeal the decision to the Council in the following circumstances:

- a) a Business License has been refused;
- b) a Business License has been issued with conditions;
- c) a Business License has been revoked;
- d) a Business License has been suspended;
- e) the Business License Administrator has not waived a fee for charitable or non-profit organization; or

**14.1** An appeal shall be made in writing to the Office of the CAO of the Town within fifteen (15) business days from the date the Registered Letter is mailed, and shall include valid reasons for such an appeal.

**14.2** The appeal fee is listed in the Town's Fee Schedule.

**14.3** The decision issued by the Business License Administrator is stayed pending appeal.

**14.4** The appeal hearing shall be managed in the same manner as the Council decision items.

**14.5** Upon hearing the appeal, the Council may;

- a) uphold the decision of the Business License Administrator;
- b) reinstate a revoked or suspended Business License;
- c) approve a Business License with or without conditions; or
- d) amend the conditions of an approved Business License.



**14.6** The decision of Council is final and binding on all parties.

### **PENALTIES, VIOLATION TAGS AND TICKETS**

- 15.0** Any person who contravenes any provision of this Bylaw is guilty of an offence and liable to a minimum penalty as set out in Section 15.7.
- 15.1** Where a contravention of this Bylaw is of continuing nature, each day or offence of such contravention continues shall constitute a new and separate offence, and a violation tag or violation ticket may be issued for each day such offence continues.
- 15.3** A peace officer may issue a violation tag , in the form and manner as prescribed under the Provincial Offences Procedure Act, RSA 2000, c P-34, to any person whom the peace officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 15.4** Notwithstanding Section 15.5, a peace officer may immediately issue a violation ticket without issuing a violation tag.
- 15.5** If a violation tag is issued and not paid within the prescribed time, a peace officer may withdraw the violation tag and issue a violation ticket.
- 15.6** Fines:
- a) First Offence           \$500.00
  - b) Second Offence       \$750.00

### **INTERPRETATION**

- 16.0** Words used in the singular include the plural and vice-versa.
- 16.1** Words used in the present tense include the other tenses and derivative forms.

### **SEVERABILITY**

- 17.0** If any provision of this Bylaw is held be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining provisions of the Bylaw.



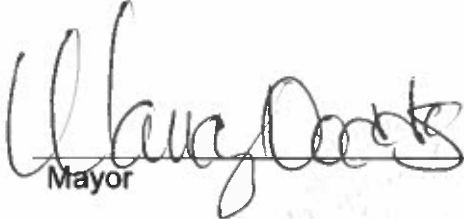
**AND THAT** this Bylaw shall rescind Bylaw No. 2021/01/D of the Town of Drayton Valley and shall have force and come into effect from and after the date of third reading thereof.


Read a first time this 7 day of May, 2025.

Non-Statutory Public Hearing held this 4 day of June, 2025.

Read a second time this 4 day of June, 2025.

Read a third and final time this 4 day of June, 2025.

  
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Mayor

  
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Chief Administrative Officer