

## By-Law #1568

A By-Law of the Town of Cardston, in the Province of Alberta providing for the licensing and regulating of certain businesses, callings, trades, occupations and employments.

Under authority of the Municipal Government Act, R SA 2000, Chapter M-26 and amendments thereto, the Municipal Corporation of the Town of Cardston in the Province of Alberta in Council duly assembled, enacts as follows:

### Part I

#### Short Title and Definitions

1. This By-law shall be known and may be cited as the "Licensing By-law" of the Town of Cardston
2. In this By-law, unless the context otherwise requires-
  - a. "Business" – includes an ongoing business, trade profession, occupation, employment or calling, or enterprise for remuneration
  - b. "Commercial Business" – is a business which operates in an area other than a residential or an agricultural zoned area of the Town of Cardston or active trading area, unless the main purpose of the building is residential.
  - c. "Contractor" – shall mean and include any person, company, firm of corporation who is normally engaged in the building and/or construction industry, and who accepts contracts as principal or sub-contractor in excavation, erection, construction, alteration, repair or demolition of any building or structure. The term "Contractor" shall not include the owner of any building or premises personally doing work in, upon, or about such building or premises.
  - d. "Hawker" or "Peddler" –
    - i. means a person not being a body corporate and who, whether as principal or agent,
      1. Goes from establishment to establishment selling or offering for sale any merchandise to any person, and who is not a wholesale or retail dealer in such merchandise to be afterwards delivered in or shipped into the town or
      2. Offers or exposes for sale to any person by means of sample, patterns, cuts or blueprints, merchandise to be afterwards delivered in or shipped into the Town, or
      3. Sells merchandise on the streets or roads or elsewhere than at a building that is his permanent place of business, but
    - ii. Does not include a person selling
      1. Meat, fruit, or other farm produce that has been produced, raised or grown by himself, or

2. Fish of their own catching.

- e. "Licensee" – is a person holding a valid license issued pursuant to this By-law.
- f. "License Inspector" – shall mean and include the Municipal Administrator of the Town of Cardston and/or any other duly authorized person acting on his behalf.
- g. "Member Municipalities" – shall mean those municipalities who are members of Alberta Southwest Regional Alliance and have agreed to participate in the Regional Business License Program.
- h. "Mobile Street Vendor" – shall mean and include any person or company who operates a primary business from a licensed and inspected mobile vehicle.
- i. "Municipal Administrator" – shall mean the Municipal Administrator of the Town of Cardston and anyone acting or authorized by the Municipal Administrator to act on his behalf.
- j. "Pawnbroker" – shall mean one who loans money on security of personal property pledged in his keeping.
- k. "Person" – includes a Corporation, Partnership, Firm, Company or Individual.
- l. "Regional Business License" – shall mean a license to operate in any member municipality.
- m. "Resident" – means a resident of Cardston's active trading area.
- n. "Resident Business" – is a business which operates in a residentially or agriculturally zoned area of the Town or active trading area.
- o. "Resident Wholesaler" – means a wholesaler who is a resident of Cardston's active trading area.
- p. "Second-Hand Dealer" – shall include dealers in second-hand articles and goods of every description and shall include dealers in new articles or goods of like and in payment thereof, and who afterwards dispose of the second-hand articles or things thus acquired.
- q. "Student" – means a person enrolled in a secondary educational institution and who lives in Cardston's active trading area.
- r. "Taxi" – means any motor vehicle which is employed in the conveyance of passengers for hire excepting ambulances, hearses, drive-yourself vehicles, and motor vehicles having a legal seating capacity of seven or more adult persons including the driver and which are rented solely by the hour or chartered solely by the trip.
- s. "Wholesaler" – means a merchant middleman who sells chiefly to retailers, other merchants, or industrial institutional and commercial users and is not a resident of the active trading area.

Part II

General Provisions

3. No person shall, within the limits of the Town of Cardston, carry on, or be engaged in any business unless he or she has paid for a business license issued pursuant to this By-Law and to any or all amendments thereto. When a person carries on two or more trades or businesses or professions, the license fee payable shall be the fee for the major operation plus \$15.00 for each additional business.
4. The Council may, at any time, revoke or suspend any license issued under the provisions of this By-law for failure to comply with any of the conditions or regulations herein, or any other By-law or regulation of the Town, or the regulations of the Province.
5. Every license issued under this By-law shall be made out and delivered to the Licensee, who shall post same in a conspicuous place in his business premises and whenever required to do so by the Municipal Administrator or License Inspector, shall produce the license for inspection purposes.
6. All licenses shall expire at midnight on the 31<sup>st</sup> day of December of the year in which said License was issued, unless the terms of this By-law otherwise expressly provides.
7. The fee payable for a license issued between the 1<sup>st</sup> day of January and the 31<sup>st</sup> day of August in any year shall be the license fee for a full year. The fee for a license issued after the 31<sup>st</sup> day of August in any year shall be one half of the license fee for the full year, except that any single contracts started under a valid license may be completed without obtaining a new license. This section doesn't apply to Hawker & Peddler's license fee in Section 33 and to Contractor's license fee in Section 33.
8. If a license is revoked or surrendered, the licensee is entitled to a refund or part of the license fee, which shall be in proportion to the non-expired part of the term for which it was granted.
9. The person or persons applying for any license under this By-law shall pay to the Town of Cardston at the time of application, the sum of money set for this license by this By-law.
10. The Municipal Administrator or License Inspector may withhold the granting of any license to any person or persons for ratification of the Council before issuing same.
11. The act of spouse, servant, clerk, or other employee or any person licensed to carry on any business or calling under this By-law, shall be deemed and taken to be the act of the licensee, and the licensee shall be held responsible therefore as though he had done the act complained of himself.
12. No license shall be issued to a person under the provisions of this By-law in a case where a Provincial license is required, unless such person is already the holder of the required Provincial license.
13. The Municipal Administrator or License Inspector may, if he deems fit, on being satisfied that an entertainment or fund raising project is given for Church or Charitable purposes or for community purposes, where not less than fifty (50%) per cent of the proceeds thereof are for such church, charitable or community purposes, allow such entertainment or fund raising project without any license fee being charged.
14. The Town Council may refuse a license to any circus, menagerie, Wild West show, or traveling show, notwithstanding the fact that the proprietor, owner,

manager, agent, or person in charge has obtained a license from the Province of Alberta.

15. Any person requiring a license to operate within the Town of Cardston as a Hawker, Peddler or as an agent shall obtain a business license prior to conducting business. To obtain a business license for direct sales, a Hawker, Peddler or agent must produce a valid Provincial License. No license will be issued unless this criterion is met.
16. A person, who complies with all the By-laws and Regulations, as outlined by the Town of Cardston and the Province of Alberta, shall upon payment of the license fee set forth be issued the required license by the Municipal Administrator or License Inspector of the Town of Cardston, unless the same is being withheld for ratification of Council.
17. All Businesses must comply with the Land Use By-law which is in effect.
18. Non-resident Contractors or businesses who provide a service not otherwise available in the Town of Cardston's active trading area, shall be deemed to be a Resident Contractor or resident business.
19. All license fees shall be paid to the Town of Cardston, whose receipts shall constitute a valid license for the amounts identified on the receipt.
20. Any person whose License has been revoked, suspended or who has been denied a license may appeal the revocation, suspension, or denial to the Council.

### Part III

#### Regional Business Licenses

21. All business licenses issued in accordance to this By-law and applying to Regional Business Licenses shall be subject to the following conditions:
  - a. As an option, for an additional flat fee of \$40.00 each resident of local business with a valid Business License will be issued an annual Regional Business License seal recognized by all member municipalities.
  - b. Member Municipalities will purchase a seal, the design of which shall be approved by Alberta Southwest Regional Alliance, to be affixed to each annual Business License when the resident or local business pays the additional fee.
  - c. One-half of the Regional Business License fee will be forwarded on a monthly basis to the Managing Partners Municipality of the Alberta Southwest Regional Alliance group for deposit to the credit of the Alberta Southwest Regional Alliance group.
  - d. If any member municipality revokes a local annual Business License for a business that has also purchased an annual Regional Business License, that revocation shall also apply to the Regional Business License and the municipality must, within three working days, notify all member municipalities.
  - e. If a business that has also purchased a Regional Business License cancels its local Business License, said cancellation shall also apply to the Regional Business License and the municipality must within three working days, notify all member municipalities of the cancellation.

- f. Each member municipality retains the right to request proof that a business operating within their municipality, but residing in another member municipality, has purchased an annual Regional Business License. If said business does not possess a valid Regional Business License, the municipality at its discretion may enforce the penalties as per its Business License By-law.
- g. Nothing in the By-law grants regulation or control to the Alberta Southwest Regional Alliance group regarding what the municipality charges for its own local Business License or the rules surrounding the purchase, fines for operating without a valid business license, revocation or any other regulations regarding the municipality's local annual Business License.
- h. This portion of the By-law, regarding Regional Business Licenses, comes into effect on January 1, 2003.

#### Part IV

#### Mobile Street Vendors

22. All business licenses issued in accordance to this By-law and applying to Mobile Street Vendors shall be subject to the following conditions:
- a. All supplies necessary to carry out the said business must be kept and stored in a secure, permanent storage location which is kept separate from the vehicle used for the sale of products.
  - b. The storage facility as well as the mobile vehicle in which the business will be operated from must be inspected by the regional health inspector and the licensee must provide all health permits prior to any license being issued.
  - c. The mobile vehicle must be equipped with a separate source of energy such as propane or a small generator, and if the licensee has a propane source of energy in the mobile vehicle, he or she must have the vehicle inspected by the Cardston County Emergency Services' Fire Chief to ensure all safety regulations have been met, and the licensee must provide written documentation from the Fire Chief stating whether the vehicle is safe to use a propane source or if safety regulations have not been met.
  - d. The mobile vehicle must be registered as a commercial vehicle and the licensee must provide proof of registration prior to any license being issued.
  - e. The licensee must have a permanent office location which is separate from the mobile vehicle where a phone is hooked up and that has a proper mailing address.
  - f. No person shall by any means sell anything whatsoever upon any of the streets, which includes roadways, sidewalks and boulevards, in the Town of Cardston unless a permit has been obtained from the Development Officer.
  - g. The Development Officer may, in his or her discretion, issue a permit, refuse to issue a permit or issue upon conditions as he or she deems appropriate.

- h. Without restricting the generality of subsection 22g all permits issued shall be subject to the following conditions:
  - i. That the permit is terminable upon 48 hours notice in writing or immediately upon breach of any condition by the applicant.
  - ii. That the applicant shall maintain a minimum clearance of 1.82 meters (6 feet) of sidewalk for pedestrian movement.
  - iii. No applicant may obtain a permit for an area larger than the front footage of the parcel of land adjacent to the sidewalk.
  - iv. The applicant shall pay to the Town of Cardston a fee of \$2.00 per day, plus the applicable license.
- i. The Development Officer may, in his or her discretion, allow, refuse to allow, or allow under certain conditions the applicant to sell their product from any property owned by the Town of Cardston.
- j. Without restricting the generality of subsection 22i the applicant may sell their product from any Town owned property; on a privately owned commercial or residential property; on a vacant lot not owned by the Town; in front of a commercial business, residential property, or a recreational facility; or in the parking lot of a commercial business or a recreational facility, under the discretion of the Development Officer and subject to the following conditions:
  - i. There is not a concession stand currently in operation on the property the applicant would like to sell from, unless a written agreement is made between the concession stand manager and the vendor.
  - ii. All permits needed to sell from any sidewalk or street are obtained and issued by the Development Officer.
  - iii. The sale of the vendor's goods will not be in direct conflict with any goods currently sold from the commercial or recreational property the vendor is requesting to sell in front of or beside.
  - iv. The vendor must obtain written permission from the property owner prior to the sale of goods and if the owner grants permission to sell on their premises he or she must specify in the permission letter the appropriate place from which the vendor may sell from on the property.
  - v. The vendor must obtain written permission from the event organizer prior to the sale of goods if an event will be in progress at or near the location the vendor wishes to sell from and if the event organizer grants permission he or she must specify when the appropriate time for the vendor to sell his goods would be and the appropriate place from which the vendor may sell from at or near the event.
- k. No person unless authorized to do so by the Town of Cardston shall erect or maintain any sign upon a street or sidewalk in the Town of Cardston.

“Pawn Broker and Second-Hand Dealer”

23. All sellers to Second-Hand Dealers or Pawnbrokers must produce at least two forms of identification of which one form of identification must contain a photograph. Appropriate identification may include but not limited to the following:

- a. Driver’s License
- b. Birth Certificate
- c. Credit Card
- d. A photo identification positively identifying the seller
- e. The license number and description of the vehicle in which the merchandise was delivered.

24. All records of transactions must have a clause stating that on a regular basis, the RCMP/By-law Officer review the records.

25. Second-Hand Dealer

- a. Every license to be granted to any person dealing in second-hand articles shall designate the house or place in which the person receiving such articles shall be authorized to carry on such business.
- b. No second-hand dealer shall purchase in the way of his business any goods, articles, or things whatsoever from any minor under the age of eighteen.
- c. Every second-hand dealer shall keep a permanent record of all purchases with an adequate description, which record, as well as all articles so purchased, shall be open to the inspection of the Municipal Administrator or License Inspector.
- d. Every Second-Hand Dealer who receives or has in his possession any goods, articles or things suspected of being lost or stolen shall forthwith notify the R.C.M.P.

26. Pawnbroker

- a. Every person licensed to carry on the business of a pawnbroker or keeper of a pawn shop within the Town of Cardston, shall keep a book in which shall be fairly written in ink at the time of each loan, an accurate account and description in English, of the goods, articles or things pawned or pledged, and a statement of any marking thereon, at the time of the pawning of same, the rate of interest to be paid, and the name and address of the person pawning the goods.
- b. No entry in such book shall be erased or defaced and no leaves shall be torn out of such book. The pawnbroker shall at the time of each loan deliver to the customer a memorandum or note, signed by him or her, containing the substance of the agreement.
- c. The said book, as well as every article or thing of value pawned, or pledged, shall be open to the inspection of the Municipal Administrator, License Inspector or R.C.M.P. during normal hours of operation.
- d. No person licensed as a pawnbroker shall take any article in pawn from any person appearing to be intoxicated or whom he has reasonable cause to suspect to have stolen or come dishonestly into possession of such article, or under the age of eighteen years.

- e. Every Pawnbroker who receives or has in his possession any goods, articles or things suspected of being lost or stolen shall forthwith notify the R.C.M.P.

For further information regarding Regulations for Pawnbrokers or Secondhand Dealers please refer to By-law #1537

#### Part VI

##### Taxi Cab Operators

27. Every person that is a resident of Cardston that operates a taxi service to carry persons for hire shall obtain a business license.
28. Any person who operates any taxi or permits any taxi to be operated within the Town of Cardston shall:
  - a. Obtain the necessary driver's license from the Registrar's Office and provide proof of such license upon purchase of the business license.
  - b. Register the vehicle(s) that will be used for the transportation of persons as a taxi as a commercial vehicle and provide proof of such registration upon purchase of the business license, and provide proof of all applicable insurance.
  - c. Establish their own fares for the transportation of persons within the Town of Cardston and to or from places outside the Town.
29. No taxi shall at any time carry more persons as passengers than the number of seats belts provided in the vehicle and if there is any breach or infraction to this section with respect to any licensed taxi, the business license issued for such taxi will be revoked and cancelled.

#### Part VII

##### License Inspector

30. The Council may appoint a License Inspector whose duties shall be to enforce this By-law, and to report to Council as requested from time to time.
31. Every person carrying on or engaged in any business in respect of which a license is required under this By-law, on request of the Municipal Administrator or License Inspector, shall give to the Municipal Administrator or License Inspector all information necessary to enable him to carry out his duties.
32. The Municipal Administrator or License Inspector is authorized to enter any land, building or premises during hours in which business is being conducted, or appears to be being conducted, to inspect for conditions that constitute a nuisance or that contravene this By-law.

#### Part VIII

##### License Fees

33. a. Non-Resident Hawkers and Peddlers shall pay a license fee of \$250.00 per year per person or \$100.00 per day per person.



- b. The license fee for all contractors, who do not have a place of business in the Town of Cardston or in the active trading area shall be as follows:

For a contract of contracts to do work, inclusive of materials,

Up to \$5,000.00 a license fee of \$100.00

From \$5,001.00 to \$10,000.00 a license fee of \$200.00

Over \$10,000.00 a license fee of \$300.00

- c. The license fee for a residential business shall be \$50.00 for the first business classification and \$15.00 for each classification thereafter.
- d. The license fee for a commercial business shall be \$35.00 for two owners and \$8.00 for each additional full time employee and \$4.00 for each part-time employee. In addition, there will be a \$15.00 fee for a second business classification.
- e. The license fee for Mobile Street Vendors shall be \$100.00 per year.
- f. The license fee for Circuses and Midways, or similar type shows shall be from \$100.00 to \$200.00 as determined by the Municipal Administrator or License Inspector, depending on their size and capacity.
- g. The license fee for businesses that do not have a place of business in the Town of Cardston or in the Town's active trading area, shall be \$100.00 unless otherwise specified in this By-law.
- h. A resident student is not required to have a business license.
- i. Wholesalers are not required to have a business license unless they sell retail or unless they are a "resident wholesaler".
- j. The fee for trade show, trade fairs, flea markets, etc. shall be \$75.00 per event.

#### Part IX

#### Penalties

- 34. Any person found carrying on a business without first having obtained a license, according to the fees set forth in this By-Law, shall be guilty of an offense and liable to a penalty as set forth in this By-Law without first obtained said license to do so and the Municipal Administrator, or License Inspector may take the necessary steps to close down any business, or to stop any construction, until a license to carry out the business or construction has been obtained.
- 35. Any person violating any of the provisions of this By-law, or any other person responsible for such violation, shall be liable on summary conviction before a Magistrate, or any Justice of the Peace having the jurisdiction therein. All fees for business licenses are due January 1<sup>st</sup> of each year or prior to starting a business. Fines may be levied after 31 days of business operation without purchasing a business license.

Fines for contravention of this By-law will be

- a. A penalty of \$100.00 or 10 days imprisonment for the 1<sup>st</sup> offense.

- b. A penalty of \$200.00 or 20 days imprisonment for the 2<sup>nd</sup> offense.
- c. A penalty of \$300.00 or 30 days imprisonment for the 3<sup>rd</sup> offense.
- d. Any person found in violation of Part IV subsection 22f shall pay a penalty of \$50.00 per day for each and every day that he or she continues to sell anything whatsoever from a street or sidewalk within the Town without having first purchased a permit to do so.
- e. Any person found in violation of Part IV subsection 22k shall pay a penalty of \$25.00 per day for each and every day that he or she has a sign erected upon a street or sidewalk without receiving prior authorization to do so by the appropriate Town official.


This Bylaw shall come into force upon December 20/07 and By-Law 1462 shall be rescinded on that date

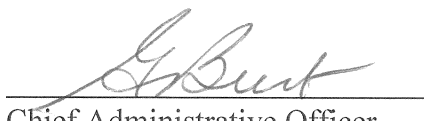
Received First Reading this 27 Day of November, 2007.

Received Second Reading this 17 Day of December, 2007.

Received Third and Final Reading this 17 Day of December, 2007.

Signed by the Mayor and the Chief Administrative Officer this 20 day of December, 2007.

  
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Mayor

  
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Chief Administrative Officer