

CITY OF ST. ALBERT

BUSINESS LICENSE BYLAW 43/2000

Consolidated by Bylaw 20/2016 (September 19, 2016)

Being a bylaw relating to the licensing and
regulation of businesses in the City of St. Albert.

Title

1. This Bylaw may be cited as the Business License Bylaw.

Definitions

2. In this Bylaw:
 - (a) "Business" includes any business, occupation, activity, amusement, entertainment, trade employment, profession or calling and the provision of a service of any kind that is conducted for the purpose of earning income, whether or not it is conducted for the purpose of earning a profit;
 - (b) "City" means the City of St. Albert;
 - (c) "Business License" means a license to operate a Business, as issued in accordance with this Bylaw;
 - (d) "License Holder" means the Person to whom the applicable Business License has been issued;
 - (e) "License Inspector" means the Person appointed under Section 3;
 - (f) "Not For Profit Organization" means a non-profit organization as defined in the *Municipal Government Act*, R.S.A. 2000, cM-26;
 - (i) ~~a society established under the Societies Act, R.S.A. 1980, c. S-18,~~
 - (ii) ~~a company incorporated under Part 9 of the Companies Act, R.S.A. 1980, c. C-20, or~~
 - (iii) ~~a corporation incorporated under Part II of the Canada Corporations Act, R.S.C. 1985, c. C-32;~~
 - (g) "Peace Officer" means a peace officer as defined in the *Provincial Offences Procedure Act*, R.S.A. 2000, c P-34;21.5

- (h) "Person" includes an individual, sole proprietorship, corporation, partnership, joint venture, co-operative or society;
- (i) "Regulated Business" means a business that is identified in a Schedule to this Bylaw, excluding Schedule "A", in relation to which Council may adopt regulations in addition to those set out in the body of this Bylaw;
- (j) "Restricted Product" means any of the following:
 - (i) a product that displays a marijuana plant,
 - (ii) a device intended to facilitate smoking activity, including a pipe (metal / glass blown, plastic, wood), water bong or vaporizer,
 - (iii) a type of grinder (electric or manual),
 - (iv) a type of digital weigh scale,
 - (v) a detoxifying product (including a drink, pill or other product) marketed for masking drug effects or making such effects undetectable through tests;
- (k) "St. Albert" means the geographic area of the City;
- (l) "this Bylaw" includes any schedule to this Bylaw;
- (m) "Transfer" includes a sale or gift.

The License Inspector

- 3. (1) The chief administrative officer must appoint a License Inspector.
- (2) If the chief administrative officer does not appoint a License Inspector, the chief administrative officer is the License Inspector.
- (3) The License Inspector may delegate any duty or responsibility of the License Inspector to an employee or agent of the City.

Powers and Responsibilities of the License Inspector

- 4. The powers and responsibilities of the License Inspector are:
 - (a) to receive and consider applications for Business Licenses, including the power to consult with, obtain information from and

verify information with other employees or agents of the City, other governments, government agencies or Persons;

- (b) to issue Business Licenses, impose conditions on Business Licenses and refuse to issue Business Licenses;
- (c) to revoke and suspend Business Licenses;
- (d) to keep a record of all Business Licenses issued and any particulars of those licenses;
- (e) to maintain a register of Business Licenses that is available to all departments of the City to access for the purpose of administering and enforcing this Bylaw, any other bylaw of the City or an enactment of Alberta or Canada;
- (f) to undertake any inspections of lands or buildings and make any inquiries necessary to ensure compliance with this Bylaw;
- (g) to be responsible for the administration and enforcement of this Bylaw, and
- (h) to exercise any other power, responsibility or discretion provided under this Bylaw.

Directory

- 5. (1) The License Inspector may publish or authorize the publication of a publicly available directory of Businesses in the City.
- (2) Unless subsection (3) applies, the directory may contain any information provided by an applicant or License Holder under this Bylaw.
- (3) At the time information is provided under this Bylaw, an applicant or License Holder may require that information not be included in a directory that may be published under subsection (1).
- (4) When an applicant or License Holder provides information under this Bylaw, the applicant or License Holder must be given an opportunity to exercise the right under subsection (3).
- (5) The License Inspector may establish terms and conditions under which a directory is published or information included in it.

- (6) The License Inspector may also include information in the directory in relation to a Person who is not required to hold a Business License under this Bylaw:

- (a) on the request of that Person, and
- (b) on terms and conditions established by the License Inspector, including payment of a fee for inclusion.

Requirement for a Business License

6. (1) A Person that carries on or operates a Business in St. Albert must hold a valid Business License issued under this Bylaw.
- (2) Subsection (1) applies whether a Person carries on or operates a Business as a principal or as an agent.

Exclusions from the Requirement for a Business License

7. (1) The following Persons may carry on or operate a Business in St. Albert without a Business License:
- (a) the Crown in right of Alberta;
 - (b) the Crown in right of Canada;
 - (c) a Crown corporation;
 - (d) the City, and;
 - (e) a Person whose Business is carried on as part of a special event permitted by the chief administrative officer or designate;
 - (f) a Person whose Business is carried on as part of the St. Albert Farmer's Market, and
 - (g) a Person whose Business is expressly exempted from the requirement of a Business License by a statute of the Legislature of Alberta or Parliament of Canada.
- (2) If only part of a Business is covered by an exemption under subsection (1), the Person who carries on or operates the Business must comply with this Bylaw in respect of any part of the Business that is not exempted.

Application for a Business License

8. (1) A Person must submit an application for a Business License to the License Inspector.
- (2) The application must be in the form required by the License Inspector and include the following:
 - (a) the applicant's name;
 - (b) the name of the Business and any trade names under which the Business is to be conducted;
 - (c) the phone number of the Business;
 - (d) the operating address of the Business;
 - (e) the mailing address of the Business;
 - (f) the proper name of the owner of the Business, including the corporate access number if any;
 - (g) the address of the owner of the Business;
 - (h) the phone number of the owner of the Business;
 - (i) the name and phone number of an emergency contact for the Business;
 - (j) a description of the nature of the Business that includes, type of business, the number of employees and whether the Business will use or store hazardous materials;
 - (k) the signature of the applicant or the applicant's agent;
 - (l) any other information that the License Inspector may reasonably require for the purpose of the administration of this Bylaw, and
 - (m) the Business License fee specified under Schedule A, unless that Business is exempt under Section 9.
- (3) In addition to the information required in subsection (2), an applicant for a Business License for a Regulated Business must also provide the information and documents required by the Schedule applicable to that Business.

- (4) If there is any change to the information provided to the License Inspector in the application for a Business License during the term of a Business License, the License Holder must immediately advise the License Inspector in writing of the change.

Exemption from Fees

9. (1) A Not For Profit Organization may apply to the License Inspector for an exemption from the Business License fee required under Schedule A.
- (2) An application under subsection (1) must be in the form required by the License Inspector and must include:
 - (a) the name of the Not For Profit Organization;
 - (b) information regarding the corporate structure of the Not For Profit organization, including a BN, registered charity number, or other governmental authorization;
 - (c) the nature of the Business engaged in by the Not For Profit Organization;
 - (d) a description of how the proceeds from the Business are or will be used to advance the objectives of the Not For Profit Corporation, and
 - (e) a description of the Not For Profit Organization's activities in St. Albert and elsewhere.
- (3) After receipt of an application under subsection (2), the License Inspector may waive the Business License fee in whole or in part if the License Inspector considers that such a waiver is in the best interests of the City and its inhabitants.
- (4) The License Inspector may establish policies that guide the circumstances under which the License Inspector will waive a Business License fee.
- (5) A waiver under subsection (3) does not relieve the Not For Profit Organization from otherwise complying with the terms of this Bylaw.

Considering the Application

10. (1) The License Inspector must consider each complete application.

- (2) Subject to subsection (3), the License Inspector must grant a Business License to the applicant if the applicant meets the requirements of this Bylaw.
- (3) The License Inspector may refuse to issue a Business License or impose conditions on a Business License if the License Inspector:
 - (a) has revoked or suspended a Business License of the applicant for the same or a similar Business within the past 12 months, or
 - (b) has reasonable grounds for believing that the applicant does not or will not comply with this Bylaw, another bylaw of the City, or an enactment of Alberta or Canada in relation to the carrying on or operation of the Business.
 - (c) has reasonable grounds for believing that issuing a Business License with respect to the proposed Business is not in the public interest.
- (4) At any relevant time the License Inspector may impose, in addition to the conditions referenced under subsection (3), conditions on a new or existing Business License in relation to the establishment or operation of the applicable Business.
- (5) The License Inspector must specify on the Business License:
 - (a) the name of the License Holder and each name under which the Business is to be conducted;
 - (b) a description of the type of Business for which the license is issued;
 - (c) the Schedule, if any, applicable to ~~the regulation of a business~~ a Regulated Business;
 - (d) the location where the Business is to be conducted;
 - (e) any conditions on the Business License, and
 - (f) the expiry date of the Business License.

Business License Fee

11. (1) If the Business License fee for a Business License is not paid, the Business License is not valid.
- (2) Once the License Inspector has issued a Business License, the Business License fee is not refundable.

Effect of and Limitations on a Business License

12. (1) Subject to subsection (4), a Business License allows the License Holder to operate or carry on the Business described in the Business License and a Business License for a Regulated Business allows the License Holder to operate or carry on the Regulated Business described in the Business License provided that the License Holder complies with the specific regulations adopted by Council for that Regulated Business.
- (2) A separate Business License is required for each location ~~in St. Albert where a person operates or carries on a business~~ **in the City where that business is carried on.**
- (3) A Business License remains the property of the City.
- (4) A Business License does not relieve the License Holder from the obligation to obtain any other permit, license or other approval that may be required under another bylaw of the City or any other governmental authority.
- (5) If a License Holder Transfers a Business to another Person, the License Holder or **the new transferee** may apply to the License Inspector to Transfer the Business License to that Person.
- (6) An application under subsection (5) must:
 - (a) be made within five business days of the Transfer of the Business;
 - (b) be in the form required by the License Inspector;
 - (c) be signed by the License Holder, and the Person to whom the Business is Transferred, and
 - (d) include all or any of the information required under Section 8 that the License Inspector requires.

- (7) If an application for a Transfer is not made within the time specified under subsection (6)(a), the Business License is revoked on the 6th business day following the Transfer of the Business.

Term of Business License

13. A Business License issued under this Bylaw expires on December 31 of the year for which it was issued, unless it is revoked earlier under Section 12 of this Bylaw.

Obligations of Business License Holder

14. (1) A License Holder must ensure that the Business conducted under a Business License complies with:
- (a) this Bylaw, **including additional requirements of any Schedule appended to and forming a part of this Bylaw**; and
 - (b) any conditions imposed on the Business License.
- (2) A License Holder must:
- (a) post the Business License in a conspicuous place in the premises where the Business under the license is carried on or operated, and
 - (b) produce the Business License to the License Inspector or Peace Officer if requested to do so.
- (3) A License Holder must give access to the premises specified in the Business License to the License Inspector or a Peace Officer.
- 14.1 (1) No Person may, in a single Business location or under a single Business License, display or offer for sale Restricted Products from 3 or more categories thereof.
- (2) No Person may sell a Restricted Product to a minor.
- (3) No Person shall display a Restricted Product at a place of Business such that the Restricted Product is visible from outside the place of Business.
- (4) The restrictions of this section 14.1 do not apply in the context of a licensed or regulated pharmacy as contemplated by the *Pharmacy and Drug Act* RSA 2000 cP-13, or a licensed Business within which such licensed or regulated pharmacy is operated.

Cancellation of Business License by a License Holder

15. (1) A License Holder may cancel a Business License by providing a written notice to the License Inspector.
- (2) If a license is cancelled under subsection (1), the Business License fee is not refundable.

Revocation or Suspension of Business License by License Inspector

16. (1) If the Business carried on or operated under a Business License does not comply with:
 - (a) this Bylaw;
 - (b) any condition imposed on the license, or
 - (c) any other bylaw or enactment of Alberta or Canada applicable to the business or the premises where the Business is located,

the License Inspector may revoke the Business License or suspend the Business License for a period that the License Inspector considers appropriate.

- (2) If an applicant for a Business License provides inaccurate or misleading information in an application for a Business License, the License Inspector may revoke the Business License or suspend the Business License for a period that the License Inspector considers appropriate.
 - (2.1) The License Inspector, upon the reasonable belief that it is within the public interest to do so, may revoke the Business License or suspend the Business License for a period that the License Inspector considers appropriate.
- (3) The License Inspector must give written notice of the revocation or suspension, setting out in general terms the reason for the revocation or suspension and in the case of a suspension the period of the suspension.
- (4) The revocation or suspension of a Business License under subsection (1) is effective:

- (a) 24 hours after delivery if the written notice is delivered personally to the License Holder or the registered office of a corporate License Holder;
 - (b) 72 hours after posting if the written notice is posted in a conspicuous place at the premises specified in the license where the Business is to be conducted or operated, or
 - (c) seven days after mailing if the written notice is mailed by ordinary mail to the mailing address provided in the application for a Business License or the address subsequently provided in writing under Section 8(4), whichever is earliest.
- (5) In the notice suspending or revoking a license, the License Inspector may increase the time before which a revocation or suspension is effective from that established under subsection (4).
 - (6) If the License Inspector increases the amount of time under subsection (5), the License Inspector may impose conditions on the Business License that the License Inspector considers reasonable to ensure the protection of the public and the integrity of the administration of this Bylaw.
 - (7) A License Holder must cease carrying on or operating a Business immediately once a suspension or revocation is effective.
 - (8) The License Inspector may act under subsection (1) in addition to or instead of prosecuting an offence under this Bylaw or the *Provincial Offenses Procedure Act*, or both.

Appeals

- 17. (1) If the License Inspector:
 - (a) refuses to issue a Business License;
 - (b) revokes or suspends a Business License;
 - (c) identifies a Business subject to a Schedule;
 - (d) imposes a condition on a Business License, or
 - (e) refuses to waive a fee for a Not For Profit Organization,

the applicant or License Holder may appeal the decision to the Appeal Committee.

- (2) An appeal must be:
 - (a) in writing, setting out the reasons for the appeal;
 - (b) accompanied by the appeal fee required by Schedule A, and
 - (c) delivered to the office of the chief administrative officer within seven days of the date that the License Holder is first notified of the decision of the License Inspector under Section 16(4).
- (3) On the filing of an appeal in accordance with subsection (2), a decision to revoke or suspend a Business License is stayed for 30 business days or until the date the appeal hearing is scheduled, whichever occurs first.
- (4) As soon as reasonably possible after the filing of an appeal in accordance with subsection (2), the chief administrative officer must appoint an Appeal Committee for the purpose of hearing the appeal unless the chief administrative officer is the License Inspector under Section 3.
- (5) If the chief administrative officer is the License Inspector under Section 3, the Council must appoint an Appeal Committee.
- (6) An Appeal Committee must comprise three residents of St. Albert, but must not include the chief administrative officer, License Inspector or an employee of the City who works under the direction of the License Inspector.
- (7) The Appeal Committee must schedule the hearing of the appeal within 30 days of the filing of the notice of appeal.
- (8) Subject to the requirements of this Bylaw, the Appeal Committee may establish the procedure for the hearing of the appeal, grant adjournments and stay a decision to revoke or suspend a Business License subject to conditions.
- (9) The Appeal Committee must issue its decision with reasons, in writing, within seven business days of the conclusion of the hearing.
- (10) The Appeal Committee may:

- (a) uphold the decision of the License Inspector;
 - (b) vary the decision of the License Inspector or substitute its own decision, or
 - (c) overturn the decision of the License Inspector.
- (11) The decision of the Appeal Committee is final.

Inspection of Lands and Buildings

18. If there are reasonable grounds for believing that a Person is carrying on or operating a Business without a Business License, the License Inspector or peace officer may inspect lands or a building to determine whether a Person is carrying on or operating a Business without a Business License.

Business License is not a Representation of Compliance with other Bylaws

19. A Business License issued under this Bylaw is not a representation to the License Holder that the Business complies with the requirements of any other bylaw or enactment, and the License Holder is responsible to ensure that the License Holder complies with all applicable bylaws and enactments.

Offence

20. (1) A Person is guilty of an offence if that Person:
- (a) carries on or operates a Business in St. Albert without a Business License as required under this Bylaw, unless an exclusion under Section 7 applies;
 - (b) carries on or operates a Business in St. Albert in breach of a condition imposed on a Business License; or
 - (c) is in breach of any provision of this Bylaw.
- (2) When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

- (3) If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.
- (4) In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

Fines and Penalties

- 21. A Person who is guilty of an offence under this Bylaw is liable
 - (a) to a fine in the amount of \$1500.00; or
 - (b) on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than 1 year, or both.

Municipal Violation Tag

- 22. (1) A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount (including any Early Payment fine amount) as may be established by this Bylaw.
- (2) Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

Violation Ticket

- 23. (1) A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:
 - (a) specifying the fine amount established by this Bylaw; or
 - (b) requiring an appearance in court without the option of making a voluntary payment.

- (2) Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

Transition

~~24. A license issued under Bylaw 24/84 that is valid on the day that this Bylaw comes into force shall continue in force under this Bylaw until the date it would have expired under Bylaw 24/84, unless that license is otherwise revoked under this Bylaw.~~

~~25. Bylaw 24/84 is hereby repealed.~~

~~26. Schedule R to Bylaw 1/82, the Master Rates Bylaw, is hereby repealed.~~

~~27. The following Schedules form part of this Bylaw:~~

~~(a) Schedule A, and~~

~~(b) any other schedule adopted by Council by bylaw.~~

SCHEDULE "A"
TO BUSINESS LICENSE BYLAW 43/2000
 (As amended September 19, 2016)
 (Effective January 1, 2017)

GST EXEMPT

1. The fees for licenses are:			
Business	2017		
	Column 1	Column 2	Column 3
	For a Business License issued before May 1 or any license to which Column 2 does not apply.	For a Business License issued on or after May 1 for a license that expires on December 31 of that same year, for a business that was not carried on or operated before May 1.	For a Business License issued on or after September 1 for a license that expires on December 31 of that same year, for a business that was not carried on or operated before September 1.
In Town Business	140.76	\$105.57	59.16 \$70.38
Out of Town Business	682.38	\$511.79	397.80 \$341.19
2. The appeal fee is \$30 for each decision appealed	30.00	30.00	30.00

3. For the purpose of this schedule:

- (a) "In Town Business" means a Person who
 - (i) resides in St. Albert and carries on or operates a Business in St. Albert, or
 - (ii) carries on or operates a Business from premises in St. Albert which the Person owns or rents.
- (b) "Out of Town Business" means any Person, **other than an In Town Business**, who carries on or operates a Business in St. Albert.
- (c) "Premises" means land, buildings or both.

Schedule "B"

Pawn Shops

1. In this Schedule:
 - (a) "Pawn" means to give as a deposit anything in pledge or as security for the payment of a loan or debt;
 - (b) "Pawnbroker" means a Person who carries on the Business of loaning or holding oneself out as ready to loan money on the security of the pawn of property but does not include a bank, trust company, credit union or other similar institution, and includes an agent or employee;
 - (c) "Pawnd Goods" means anything that is pawned but does not include real property;
 - (d) "Pawn Shop" means a place of Business, which is not a residence, where a Person may pawn goods.
2. A Person must not act as a Pawnbroker unless that Person holds a Business License that specifically refers to this Schedule.
3. A Pawnbroker must record the following information in relation to each transaction where the Pawnbroker receives pawned goods:
 - (a) the date and time at which the Pawnd Goods were received;
 - (b) a full description of the Person Pawning the Goods including the Persons:
 - (i) full name,
 - (ii) date of birth,
 - (iii) residential address and telephone number, and
 - (iv) physical description which shall include the following specifics: eye colour, hair colour, height, weight, build and complexion;
 - (c) the numbers from two forms of identification that confirm the name and address given in subsection (b);

- (d) a complete and accurate description of the Pawns Goods, including if available:
 - (i) the make and model,
 - (ii) the manufacturer's name,
 - (iii) any serial number, and
 - (iv) other distinguishing marks;
 - (e) the amount of money advanced for the Pawns Goods;
 - (f) the rate of interest which is to be charged on the loan which is made; and
 - (g) the name of the Pawnbroker who conducted the transaction.
4. For the purpose of Section 3(c), the following kinds of identification are acceptable:
- (a) operator's license;
 - (b) birth certificate;
 - (c) credit card number; or
 - (d) any other form of identification usually accepted by a chartered bank for the purpose of identifying a Person cashing a cheque.
5. At the time a Person Pawns goods, a Pawnbroker must free of charge, give that Person a copy of the summary of information taken at the time the goods are Pawns.
6. Immediately upon request, a Pawnbroker must make available to a License Inspector or peace officer an accurate copy of the information kept under Section 3.
7. If Pawns Goods are redeemed, the Pawnbroker who conducts the transaction must record:
- (a) the Pawnbroker's own name and the date the Pawns Goods were redeemed;
 - (b) the same information required under Section 3 relative to the Person who has redeemed the Pawns Goods; and

- (c) ensure the information recorded in subsections (a) and (b) is kept in accordance with Section 13.
- 8. A Pawnbroker must:
 - (a) not sell any Pawned Goods until at least forty-five (45) days have elapsed from the time the goods were Pawned;
 - (b) keep all Pawned Goods in the Pawn Shop where the Pawn occurred until forty-five (45) days have elapsed from the time the goods were Pawned; and
 - (c) keep all Pawned Goods which have not been redeemed within the time allowed and are for sale apart from all other Pawned Goods for which the forty-five (45) days have not yet elapsed.
- 9. Notwithstanding Section 8, if a longer period of retention has been agreed upon between the Pawnbroker and the Person who Pawns goods, the Pawnbroker cannot sell or remove the goods from the Pawn Shop where the Pawn occurred until that longer period has expired.
- 10. A Pawnbroker must not accept Pawned Goods:
 - (a) if the goods are offered by a Person who:
 - (i) is under 18 years of age, or
 - (ii) fails to provide the identification required under Section 3, or
 - (iii) appears to be intoxicated; or
 - (b) if the goods have had or appear to have had the identification number or serial number removed or altered with in any way, unless prior written approval is obtained from the Royal Canadian Mounted Police (St. Albert Detachment).
- 11. A Pawnbroker must not:
 - (a) erase or alter any information recorded under Section 3 or Section 7; or
 - (b) direct or allow any Person to erase or alter any information recorded under Section 3 or Section 7.

12. A Pawnbroker must post in a conspicuous location in the place of Business:
 - (a) the maximum interest rate allowed by the *Statutes of Canada* to be taken by the Pawnbroker; and
 - (b) a detailed statement as to the manner in which the interest rate charged by the Pawnbroker is calculated.
13. The information required to be kept in Section 3 and Section 7 must be kept:
 - (a) in electronic form with automated reporting capabilities;
 - (b) in English;
 - (c) in the Pawn Shop; and
 - (d) for a period of one (1) year from the date the goods were Pawned.
14. All references to Sections are references to Sections within this Schedule "B".