

BYLAW ~~21-23~~ 39-24

**A BYLAW OF THE TOWN OF OKOTOKS
IN THE PROVINCE OF ALBERTA
TO REGULATE BUSINESS AND THE LICENSING OF BUSINESSES**

WHEREAS pursuant to the provisions of the *Municipal Government Act (MGA Act)*, ~~Revised Statutes of Alberta~~ RSA 2000, Chapter M-26 and amendments thereto, Council of the Town of Okotoks (Town) may pass a bylaw for the purpose of regulating and licensing businesses within ~~the~~ Town of Okotoks; and

~~**WHEREAS** Council may control, regulate, and license business and provide for a system of licenses, permits, or approvals; and~~

WHEREAS Council may provide for a system of licenses, permits, or approvals respecting businesses, business activities, and persons engaged in business; and

WHEREAS Council deems it desirable to register businesses operating within and partially within ~~the~~ Town of Okotoks and establish a system for license fees, fines, and penalties.

NOW THEREFORE ~~the~~ Council of the Town of Okotoks enacts as follows:

1. SHORT TITLE

1.1. This Bylaw may be known as the "Business License Bylaw".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires, ~~the following means:~~

2.1. **Adult Entertainment Facility** - ~~means~~ the premises used for the provision of any service appealing to erotic or sexual appetites or inclinations including but not limited to:

- 2.1.1. adult mini-theatres;
- 2.1.2. adult video stores;
- 2.1.3. love boutiques or shops; and
- 2.1.4. any facility where erotic entertainers are present;

2.2. **advertiser** - ~~means~~ any person who:

- 2.2.1. distributes advertising materials and samples from door to door;
- 2.2.2. walks about the streets on foot carrying an advertising placard or sign; or
- 2.2.3. employs a vehicle, animal, or other device for the purpose of advertising any business;

2.3. **advertising** - ~~means~~ the business of an advertiser, or the employment of others

to act as advertisers, ~~and includes in~~ any form including but not limited to:

- 2.3.1. websites;
- 2.3.2. digital including social media;
- 2.3.3. business cards;
- 2.3.4. newspapers;
- 2.3.5. radio;
- 2.3.6. television;
- 2.3.7. flyers;
- 2.3.8. brochures; or
- 2.3.9. any other promotional materials;

2.4. **agent** - ~~means~~ any person who, by mutual consent, acts for the benefit of another, including a sales representative or a person in care and control of the premises where a business is being conducted;

2.5. **applicant** - ~~means~~ a person who applies or makes application for a business license or the renewal of a business license;

2.6. **application** - ~~means~~ a written application for a business license as provided for by this Bylaw and includes an application to renew, change address, amend, or transfer a business license to another owner;

2.7. **business** - ~~means~~:

2.7.1. a commercial, retail, merchandising, or industrial activity or undertaking;

2.7.2. a profession, trade, occupation, calling, or employment; or

2.7.3. an activity providing goods or services;

however organized or formed, including a co-operative or association of persons as stated in the definitions in the ~~MGA Act~~.

2.8. **business license** - ~~means~~ a license granted by the Town ~~of Okotoks~~ entitling the applicant to which it is granted to carry on business therein specified in the Town pursuant to the provisions of this Bylaw;

2.9. **carry on, carrying on, carried on, carries on** - ~~means~~ to conduct, operate, perform, keep, hold, occupy, deal in or use, for a fee or exchange of benefits, whether as principal or agent;

2.10. **Chief Administrative Officer (CAO)** - ~~means~~ the person appointed to the position of the ~~eChief aAdministrative eOfficer~~ for the Town ~~of Okotoks~~ within the meaning of the ~~MGA Act~~ and the Town's ~~of Okotoks'~~ CAO Bylaw;

2.11. **Christmas Tree Vendor** - ~~means~~ the business of selling, displaying for sale, or offering for sale to the public, natural Christmas trees;

~~2.12. **convenience store** - means a development used for the retail sale of those goods required by area residents or employees on a day-to-day basis, from business premises which do not exceed 420m² (4,520 sq. ft.) in~~

~~gross floor area. Typical uses include small food stores and variety stores selling confectionery, tobacco, grocery, non-alcoholic beverages, pharmaceutical, and personal care items, hardware or printed matter;~~

- 2.12. **Council** - ~~means~~ the Mayor and Councillors of the Town of Okotoks duly elected pursuant to the provisions of the *Local Authorities Election Act*, as amended, or any legislation in replacement or substitution thereof;
- 2.13. **Fees, Rates, and Charges Bylaw** - ~~means~~ the Town's ~~of Okotoks~~ Fees, Rates, and Charges Bylaw as amended or replaced;
- 2.14. **licensee** - ~~means~~ a person holding a valid and subsisting business license issued pursuant to the provisions of this Bylaw;
- 2.15. **License Inspector** - ~~means~~ a Peace Officer or the person appointed to assist in carrying out the administration and enforcement of this Bylaw and includes the Licensing Officer;
- 2.16. **Licensing Officer** - ~~means~~ the person employed by the Town ~~of Okotoks~~ to issue, regulate, inspect, ~~or~~ revoke business licenses;
- 2.17. **license year** - ~~means~~ the period commencing January 1st and ending on December 31st of the same calendar year;
- 2.18. **massage therapy** - ~~the physical external manipulation of the soft tissues of the human body, in a scientific and systematic manner, for the purpose of therapy or relaxation.~~
- 2.19. **minor** - ~~means~~ any person under the age of 18 years;
- 2.20. **Mobile Vending Unit** - ~~means~~ a portable unit or vehicle used to sell food items, fruits, vegetables, or artisan products;
- 2.21. **non-profit organization** - ~~means~~ a person, association of persons, or a corporation (unincorporated or incorporated), acting for charity or in the promotion of general social welfare which cannot at any time distribute any dividend or profit to its members and includes but is not limited to:
- 2.21.1. a religious society, church, or organization;
 - 2.21.2. a service club;
 - 2.21.3. a community, veterans', or youth organization;
 - 2.21.4. a social, sport, or fraternal organization or club; or
 - 2.21.5. an employers' or employees' organization, club, or social group;
- 2.22. **non-resident business** - ~~means~~ a business operating from a taxable premises outside ~~the corporate limits~~ of the Town ~~of Okotoks~~;
- 2.23. **person** - ~~means~~ an individual human being or a corporation and includes a partnership, an association, or a group of persons acting in concert unless the

context explicitly or by necessary implication otherwise requires;

2.24. Peace Officer –means:

- 2.24.1. a member of the Royal Canadian Mounted Police;
- 2.24.2. a Community Peace Officer as appointed by the Solicitor General of Alberta; or
- 2.24.3. a Bylaw Enforcement Officer as designated by the Town of Okotoks to enforce ~~municipal~~ Town bylaws;

2.25. premises - means a store, office, warehouse, factory, building, enclosure, yard, or other place occupied, or capable of being occupied, by any person for the purpose of any business;

2.26. resident business - means any person carrying on business from taxable premises within the Town;

2.27. seniors' lodge - means a housing facility developed for the use of senior citizens not capable of maintaining or not desiring to maintain their own housing accommodation;

2.28. separate businesses - means each of the businesses having the same or different trade names and/or legal names, operating out of multiple locations and collecting revenue for tax purposes under the same business name or each individual business name;

2.29. Town - means the Corporation of the Town of Okotoks in the Province of Alberta, and where the context so requires, **means** the area of land within the corporate boundaries thereof;

2.30. violation tag - means a notice or tag in a form as approved by the CAO, issued by the Town, allowing a voluntary payment option of a fine established under this Bylaw;

2.31. violation ticket - means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, ~~RSA Revised Statutes of Alberta~~ 2000, Chapter P-34 and any amendments or regulations thereto.

3. NECESSITY FOR BUSINESS LICENSE

3.1. No person shall carry on any business or be engaged in any business within or partly within or partly without, the boundary limits of the Town unless that person has a valid and subsisting business license, and has paid the fee as prescribed in the Fees, Rates and Charges Bylaw.

3.2. An applicant shall make application or amendments on a form supplied by the Town, furnishing such information, as the form shall require, and such additional information as may be reasonably required.

~~3.3. No person shall be issued a business license or have such business license renewed unless that person provides written confirmation in a form acceptable to the Licensing Officer, that all provincial and federal licensing requirements have been met, including, but not limited to, all licensing requirements under the *Fair Trading Act*, Revised Statutes of Alberta 2000, Chapter F-2.~~

No person shall be issued a business license or have such business license renewed unless that person has obtained all other licenses, permits, authorizations, or approvals required by federal, provincial, or municipal statutes.

~~3.4. No business license will be issued if the applicant fails to comply with the provisions of or regulations under any other Town bylaw.~~

~~3.5. No business license shall be issued until such time as the applicant holds a valid development permit where required by the provisions of the Town's Land Use Bylaw.~~

~~3.6. No business license will be issued until such time as the applicant and/or owner has completed all aspects of the final occupancy permit and/or inspection requirements as set out by the CAO (or designate) with respect to building codes and approvals.~~

~~3.7. No business license will be issued until such time as the applicant has completed all aspects of fire inspection to the satisfaction of the CAO.~~

3.4. Notwithstanding that a business license has been issued under the provisions of this Bylaw, such business license does not authorize or permit the licensee to carry on a business or any pursuit contrary to the provisions of any other Town Bylaw. No person shall commence or carry on a business unless:

~~3.4.1. the business location holds a valid development permit if required by the provisions of the Town's Land Use Bylaw;~~

~~3.4.2. all required final occupancy permit and inspection requirements have been completed and passed with respect to building codes and approvals;~~

~~3.4.3. all required fire inspections have been completed and passed; and~~

~~3.4.4. the business holds and is in compliance with any federal, provincial, or municipal statutes, regulations, bylaws, or other requirements.~~

3.5. No person shall contravene a condition of a business license and must follow all regulations. All persons or businesses shall be subject to inspection at any time by a License Inspector of the Town.

3.6. Where two or more separate, distinct business entities are operating from the same premises, a business license is required for each business.

3.7. Every business license holder must present a valid business license certificate should a License Inspector, Peace Officer, or any person with whom business is

being conducted request to see it. The business license certificate shall be posted in a conspicuous place on the business premises of the licensee, so that it is clearly visible to the public.

- 3.8.** For businesses that are not carried on at a fixed location, the business license certificate must be:
- 3.8.1.** carried on the person of the licensee; or
 - 3.8.2.** carried in or on the vehicle or apparatus from which the business is conducted; and
- be shown to the Licensing Officer or members of the public upon request.
- 3.9.** Every business license granted under the provisions of this Bylaw shall terminate at midnight on the 31st day of December in the calendar year in which the business license was issued. All annual business license holders are deemed to be renewing and will be invoiced for the next calendar year unless written verification is received otherwise (electronically or in writing), and it is assumed that renewal of the business license and payment of the business license fee is required each subsequent calendar year, no later than the 31st day of January or 30 days from the date of invoice.
- 3.10.** Exceptions to section ~~3.13~~ **3.9**:
- 3.10.1.** the business license provides otherwise (i.e. a term or seasonal business license); or
 - 3.10.2.** the business license has been sooner cancelled, ceased, or forfeited in writing.
- 3.11.** A subsisting business license issued under this Bylaw shall not be transferred from one person to another or from one location to another or to another business except upon:
- 3.11.1.** application being made to the CAO;
 - 3.11.2.** the applicant furnishing evidence of a transfer or assignment of the interest of the existing licensee or of the location of the business;
 - 3.11.3.** payment of the transfer or change of ownership fee as per the Fees, Rates and Charges Bylaw;
 - 3.11.4.** the applicant complying with the provisions of this Bylaw; and
 - 3.11.5.** the application being approved by the CAO.
- 3.12.** Any advertising of a business shall be deemed prima facie proof that the person is carrying on business.
- 3.13.** All business licenses issued pursuant to this Bylaw remain the property of the Town.

4. PREREQUISITES CONDITIONS FOR A BUSINESS LICENSE

- 4.1.** A business license shall not be issued:

- 4.1.1. if the applicant has failed to provide all the information required or requested under this Bylaw; or
- ~~b) to any applicant not properly licensed or approved or otherwise not in compliance with any Federal, Provincial or Municipal statute, regulation, Bylaw or other requirements; or~~
- 4.1.2. if a Licensing Officer or Licensing Inspector determines that there are reasonable grounds not to grant a business license. Such grounds may include, but are not limited to, the character of the applicant and a criminal record.

5. EXEMPTIONS

- 5.1. No business license is required if:
 - 5.1.1. the business is carried on or operated by the Town;
 - 5.1.2. a business carried on by the Government of the Province of Alberta or the Government of Canada or a Crown Corporation created by either Government;
 - 5.1.3. any statute of the Province of Alberta or Canada exempts such business or person from the requirements of municipal licensing;
 - 5.1.4. the business is a non-profit organization;
 - 5.1.5. the business is exempted through or by order of Council;
 - 5.1.6. the Town is in receipt of written confirmation stating that the business is no longer operating in the Town;
 - 5.1.7. the business is a non-resident business whose only business activity is the supply or delivery of wholesale or bulk goods to a resident business;
 - 5.1.8. a special event or community event is being organized or financially sponsored by the Town;
 - 5.1.9. a minor is providing individual light duty occasional services such as paper deliveries, babysitting, yard work, ~~and or~~ snow shoveling;
 - 5.1.10. a business is providing goods or services to the residents of a seniors' lodge exclusively ~~that business is exempt from the payment of a business license fee under this Bylaw;~~ or
 - 5.1.11. a business is a day home provider with less than seven (7) children under care.
- 5.2. ~~Where a non-profit organization wishes to be exempted from paying a business license fee, it shall apply in writing to the Licensing Officer providing the following information:~~
 - ~~a) the name of the organization, the Articles or Memorandum of Incorporation, and such other information as the Licensing Officer requires to determine that the organization is a non-profit organization; and~~
 - ~~b) a description of the business which the organization wishes to carry on and the time and place where it will be carried on.~~
- 5.3. ~~The Licensing Officer may grant any exemption to a non-profit organization with or without conditions, or may refuse to grant any such exemption.~~

- 5.2. Where a ~~private~~ business is donating any portion of their sales or revenues to a non-profit organization a business license is still required ~~unless that business is otherwise exempt from the licensing requirements pursuant to this Bylaw.~~
- 5.3. Where an exemption is granted to an organization pursuant to this section, unless otherwise stated under the exemption, the organization shall comply with all other provisions of this Bylaw relating to the business to be carried on.

6. BUSINESS LICENSE REQUIREMENTS

- 6.1. Every applicant for a business license must provide the following information on the application prescribed by the Licensing Officer:
- 6.1.1. the physical address for the proposed place of business;
 - 6.1.2. the trade name(s) under which the proposed business will operate;
 - 6.1.3. the full name, residential address, business address, and telephone number of the owner when the applicant is a sole proprietorship or partnership. The owner of the business must also sign the application form in addition to the applicant if the applicant is different from the owner of the business;
 - 6.1.4. the full name, residential address, business address, and telephone number of the principal managing employee or employees, when the applicant is a corporation;
 - ~~6.1.5. proof, satisfactory to the Licensing Officer, that the proposed place of business complies with all applicable land use regulations and health and safety regulations that may affect the use of the proposed place of business; and~~
 - 6.1.5. confirmation that the proposed place of business complies with all applicable federal, provincial, and municipal statutes, and proof of such compliance to the satisfaction of the Licensing Officer if required by the Licensing Officer; and
 - 6.1.6. such other information as the Licensing Officer may reasonably require.
- 6.2. No person shall give false information in any application.
- 6.3. For the purpose of administering the provisions of this Bylaw, the Licensing Officer is authorized to prepare and use such forms and notices as may be deemed necessary. Any such forms and notices are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized, and issued.
- 6.4. Forms, notices, and fees may be issued, mailed, electronically mailed, collected, served, or delivered in the course of the Licensing Officer's duties and responsibilities.
- 6.5. ~~All fees are not processed until the applicant has met the other municipal~~

~~requirements of obtaining the business license. Payment itself is not permission to operate the business within the community. The Licensing Officer must sign and/or approve the business license application in order for the business license to be granted and issued.~~

Payment of business license fees is not permission to operate the business within the Town. The business license is not deemed issued or approved until the Licensing Officer signs or approves the business license application.

- 6.6. Every person who makes an application for a business license shall submit to and assist every inspection required by the Licensing Officer or other designate with respect to the business to be licensed and furnish to the Licensing Officer all information required.

7. LICENSING OFFICER

- 7.1. The powers and duties of the Licensing Officer are:
- 7.1.1. to administer and enforce all requirements of the Bylaw including the applications for business licenses, invoicing all active businesses, and collection of money payable under this Bylaw;
 - 7.1.2. to ascertain that all information furnished by an applicant in connection with an application for a business license is true in substance and in fact; and
 - 7.1.3. to provide reports and advice to the CAO on business licensing in such manner and at such time as required.

8. BUSINESS LICENSING FEES

- 8.1. ~~The b~~Business license fees shall be established annually by Council as per the Fees, Rates, and Charges Bylaw.
- 8.2. Every applicant for a business license shall pay the business license fee set forth in the Fees, Rates, and Charges Bylaw and any business license is not valid if the fee prescribed under the Fees, Rates, and Charges Bylaw is not paid.
- 8.3. Where an annual business license fee is greater than one (1) dollar, the Town may issue a business license after July 1st of any license year for one half the annual fee as set in the Fees, Rates, and Charges Bylaw, if the business applying for the business license has not been operating within the limits of the Town prior to July 1st.
- 8.4. Once the Licensing Officer has issued a business license, the business license fee is not refundable.
- 8.5. When a business closes, moves, or ceases its operations at any time through the calendar year all paid business license fees are not refundable.

- 8.6. Payment of the business license fee for business license renewal shall be made no later than ~~thirty (30)~~ days following the date of invoice. Fees not paid within ~~thirty (30)~~ days will be charged as per the Fees, Rates, and Charges Bylaw.
- 8.7. Flat rate charges and penalties will be applied to all outstanding accounts on February 1st of the calendar year or the next business day if on a weekend. Flat rate charges and penalties shall be set in the annual Fees, Rates, and Charges Bylaw.

9. REVOCATION, SUSPENSION, OR REFUSAL OF A BUSINESS LICENSE

- 9.1. The Licensing Officer may revoke or suspend a business license if:
- 9.1.1. the person or business to whom the business license is issued contravenes any ~~F~~ederal, ~~P~~rovincial, or ~~M~~municipal statute, regulation, directive, or ~~b~~Bylaw, including this Bylaw, in the course of carrying on the business covered by the business license;
 - 9.1.2. in the opinion of the Licensing Officer, there are just and reasonable grounds to suspend or revoke a business license; ~~or~~
 - 9.1.3. ~~in the opinion of the Licensing Officer, any false, incorrect, or misleading information was provided in the application for the business license;~~
 - 9.1.4. ~~payment of the business license fee is not received; or~~
 - 9.1.5. any certification, authority, license, or other document of qualifications under any ~~F~~ederal, ~~P~~rovincial, or ~~M~~municipal statute, regulation, or ~~B~~ylaw required for the operation of the business covered by the business license is suspended, cancelled, terminated, or surrendered ~~effective on the date of the suspension, cancellation, termination or surrender.~~
- 9.2. Upon a business license being suspended, refused, or revoked, the licensee shall be notified:
- 9.2.1. by personal service of a notice on the licensee; or
 - 9.2.2. by mailing a notice to the licensee by double registered mail to the business location or residential address noted on the application for the business license.
- 9.3. A notice of suspension or revocation of a business license shall be deemed to be received on the date of service or seven (7) working days after the date it is mailed.
- 9.4. No refund or partial refund of business license fees charged to the applicant will be ~~refunded provided~~ if the business license is revoked or suspended, ~~nor for the duration of the suspension.~~
- 9.5. Upon receiving a notice of suspension or revocation of a business license, a person shall cease to carry on the business with respect to which the business license was issued.
- 9.6. Where a business involves the occupation of a specific building or a specific

location and such business is reasonably believed to require a business license under this Bylaw, a Peace Officer, Licensing Inspector, Licensing Officer, or any other authorized person may inspect the building or location for any purpose under this Bylaw at all reasonable times during the license year.

- 9.7. A suspension of a business license under this Bylaw may be:
- 9.7.1. for a period of time not exceeding the unexpired term of the business license; or
 - 9.7.2. where the suspension is for non-compliance with a statute, regulation, or bylaw, until the holder of the suspended business license, in the opinion of the Licensing Officer, complies with the statute, regulation, or bylaw.
- 9.8. A business license may be revoked, refused, or suspended for non-compliance with a statute, regulation, or bylaw notwithstanding that the licensee has not been prosecuted for a contravention of the statute, regulation, or bylaw.
- ~~9.9. Where any certificate, authority, license, or other document of 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 or other document of qualification shall be automatically revoked forthwith. The licensee shall:~~
- ~~a) return the business license to the Licensing Officer; and~~
 - ~~b) furnish the Licensing Officer with proof satisfactory of a renewal or reissue of any certificate authority, license or other document of qualification.~~
- 9.9. Upon request by a provincial health inspector to do so, the License Inspector shall suspend the business license of any licensed premises concerned and shall not reinstate such licensee until the provincial health inspector certifies that the premises concerned are again fit to be used.
- 10. APPEAL**
- 10.1 In every case where an application for a business license has been refused, a business license has been authorized subject to conditions, or where a business license has been revoked, the person seeking the business license shall be entitled to appeal to Council. Council shall be the judge of whether the refusal of the business license or conditions attached thereto was just and reasonable.
- 10.2 Any applicant who is affected by a decision of the Licensing Officer, other than a decision to issue a violation tag or violation ticket, may appeal to Council, by delivering to the CAO a notice of appeal in the form prescribed, within ~~thirty (30)~~ days. An appeal must be:
- 10.2.1 in writing, setting out the reasons for the appeal; and
 - 10.2.2 accompanied by the required appeal fee as set out in the Fees, Rates and Charges Bylaw.

- 10.3 Any appeal received after ~~thirty (30)~~ days shall be barred and extinguished.
- 10.4 If the CAO determines that a notice of appeal is not properly completed, ~~they he or she~~ shall notify the appellant and the appellant shall correct any deficiency in the notice of appeal within three (3) business days, failing which the notice of appeal will be deemed to be invalid. An appeal shall be heard by Council within ~~forty-two (42)~~ days of the date upon which a resubmitted notice of appeal is received by the CAO.
- 10.5 After hearing the applicant and the evidence, Council may uphold, vary, or reverse a decision of the Licensing Officer. The decision of Council in the appeal matter is final.
- 10.6 On the filing of an appeal in accordance with **subsection** 10.2, a decision to revoke or suspend a business license is stayed until the date Council has rendered a decision at the appeal hearing.
- 10.7 The CAO shall advise an appellant of the outcome of the appeal within seven (7) days of the decision being rendered by Council.

11. ADULT ENTERTAINMENT FACILITY

- 11.1 No agent or person operating an Adult Entertainment Facility shall:
- 11.1.1** permit any minor to enter or remain in the premises;
 - 11.1.2** display adult video tapes or sexually explicit material so that it is visible from outside the premises;
 - 11.1.3** display any sign or other form of advertisement that indicates that sexually explicit displays, shows, or material be available in the premises, or, in the opinion of a Licensing Inspector, is otherwise not in good taste;
 - 11.1.4** fail to post and keep posted at every entrance to the premises, signs sufficient to indicate clearly to any person approaching or entering the premises, that no minor is permitted to enter or remain in the premises; or
 - 11.1.5** fail to cover ~~One Hundred (100%) Percent~~ of all windows and doors on the premises with non-transparent glazing to limit any visibility from outside the premises.

12. CHRISTMAS TREE VENDOR

- 12.1 No Christmas Tree Vendor will be issued a business license until an annual letter from the landowner of the property granting approval for the Christmas Tree Vendor to be located on private property and confirming necessary liability insurance is in place.

13. MESSAGE THERAPY BUSINESS

- 13.1 No agent or person operating as a massage therapy business shall:

~~10.1.1. be issued a business license unless the massage therapist(s) are licensed, trained or have credentials, proof of which must be provided at time of application;~~

13.1.1 exhibit or allow to be exhibited, on or in the premises or elsewhere, any sign or other form of advertising that suggests or indicates that the premises is a place where any form of sexual intercourse or other sexual gratification is offered; or

13.1.2 distribute or display any advertising that suggests or indicates that any services provided include any form of sexual intercourse or other sexual gratification.

14. MOBILE VENDING UNITS

14.1 Mobile Vending Units may only participate at ~~M~~market/~~T~~rade ~~S~~show events or ~~S~~special ~~E~~vents as approved by the Town, and areas approved under ~~s~~Subsection 14.4.

14.2 Mobile Vending Units operating within the Town will adhere to all ~~p~~rovincial and ~~Municipal~~ Town laws.

14.3 Mobile Vending Units shall obtain an ~~Okotoks Town~~ business license or operate under a ~~Market/Trade Show or Special Events business~~ License issued only for the duration of the event in accordance with the Fees, Rates, and Charges Bylaw.

~~14.4 Mobile Vending Units are required to provide a copy of current health and fire inspection approvals, liability insurance, and licensing under Alberta Gaming, Liquor and Cannabis as required.~~

14.4 With the consent of the hosting business, Mobile Vending Units:

14.4.1 are permitted on the premises of a hosting business in a non-residential district when providing services that directly benefit the hosting business;

14.4.2 are permitted to operate on a public roadway with proof of invitation from the hosting business that indicates the ~~Mobile Vending Unit's operator's~~ intention to set up within ~~30.0-metres~~ of the hosting business.

14.5 Operation of Mobile Vending Units on public property (other than public roadways), is subject to the discretion of the CAO.

14.6 Hosting businesses must have a valid Town business license.

14.7 The operator of any Mobile Vending Unit is required to enter into a contractual agreement with the CAO acknowledging additional guidelines and terms and conditions when operating within the Town.

~~15. BUSINESS LICENSE FEES~~

~~15.1 Business license fees are specified in the Fees, Rates and Charges Bylaw and~~

~~shall form part of this Bylaw.~~

15. PENALTIES AND ENFORCEMENT

- 15.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than ~~Ten Thousand (\$10,000.00) Dollars~~, imprisonment for a term not exceeding one (1) year, or both.
- 15.2 Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.
- 15.3 Where a person contravenes the same provision of this Bylaw two (2) or three (3) times within one 12-month period, the specified penalty payable in respect of the second or third contravention shall be the amount stated in Schedule "A" for second and third offences.
- 15.4 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day on which it continues.
- 15.5 The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that person is liable under the provisions of this Bylaw or any other ~~b~~Bylaw.
- 15.6 Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve:
15.6.1 a violation tag allowing a payment of the specified penalty to the Town; or
15.6.2 a violation ticket allowing payment according to the provisions of the *Provincial Offences Procedure Act, RSA Revised Statutes of Alberta* 2000, Chapter P-34 and amendments thereto.
- 15.7 Service of a violation tag will be sufficient if it is:
15.7.1 personally served; or
15.7.2 served by regular mail to the person's last known mailing address.
- 15.8 If a violation ticket is issued in respect to an offence, the violation ticket may:
15.8.1 specify the fine amount established by this Bylaw for the offence as set out in Schedule "A" of this Bylaw; or
15.8.2 require a person to appear in Court without the alternative of making a voluntary payment.
- 15.9 A person who commits an offence may:
15.9.1 if a violation ticket is issued in respect of the offence; and
15.9.2 if the violation ticket specified the fine amount established by this Bylaw for the offence;

make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.

16. GENERAL

- 16.1 Any person who contravenes any provision of this Bylaw by:
- 16.1.1 doing any act or thing which the person is prohibited from doing; or
 - 16.1.2 failing to do any act or thing the person is required to do;
 - 16.1.3 is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.
- 16.2 ~~Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other Bylaw, or any requirement of any lawful permit, order, or license. Notwithstanding section 3.3 of this Bylaw, the issuance of a business license shall not be deemed to be confirmation that a person has complied with the requirements of any federal or provincial law or regulation or other bylaw.~~
- ~~Nothing in this Bylaw relieves a person from complying with any provision of any federal, provincial, or municipal statute. The issuance of a business license shall not be deemed to be confirmation that a person has complied with the requirements of any other federal, provincial, or municipal statute.~~
- 16.3 Schedule "A" of this Bylaw is included and forms part of the Bylaw.

17. SEVERABILITY

- 17.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

This Bylaw shall come into full force and effect upon third and final reading, and Bylaw 20-13 and any amendments thereto are hereby rescinded.

~~READ A FIRST TIME this 24th day of April 2023.~~

~~READ A SECOND TIME this 24th day of April 2023.~~

~~READ A THIRD TIME AND PASSED this 24th day of April 2023.~~

Mayor

Chief Administrative Officer

Redlined Version

SCHEDULE “A”

SECTION	OFFENCE	PENALTY 1 st offence	PENALTY 2 nd offence	PENALTY 3 rd and subsequent offences
3.1	carry on business without paid license fee	\$250	\$500	\$1000
3.9 3.5	contravene condition of business license	\$250	\$500	\$1000
3.10 3.6	operate separate businesses without license	\$250	\$500	\$1000
3.11 3.7	fail to post or present business license certificate	\$250	\$500	\$1000
3.12 3.8	fail to carry or show business license	\$250	\$500	\$1000
6.2	give false information on application	\$250	\$500	\$1000
9.5	carry on business when suspended	\$250	\$500	\$1000
11.1(a) 11.1.1	permit minor into Adult Entertainment Facility	\$250	\$500	\$1000
11.1(b) 11.1.2	display adult material so to be visible from outside Adult Entertainment Facility	\$250	\$500	\$1000
11.1(c) 11.1.3	display sign or advertise Adult Entertainment Facility	\$250	\$500	\$1000
11.1(d) 11.1.4	fail to post no minor sign	\$250	\$500	\$1000
11.1(e) 11.1.5	fail to have Adult Entertainment Facility windows properly glazed	\$250	\$500	\$1000
13.1(b) 13.1.1	massage therapy exhibit/display/advertise sex at facility	\$250	\$500	\$1000
13.1(c) 13.1.2	masseur distribute/advertise sex	\$250	\$500	\$1000
14.1	carry on mobile vending business without approval	\$250	\$500	\$1000