



**TOWN OF CARDSTON
IN THE PROVINCE OF ALBERTA**

BYLAW 1667

BUSINESS LICENSING BY-LAW

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TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA

BYLAW 1667

BUSINESS LICENSING BY-LAW

A BY-LAW OF THE TOWN OF CARDSTON, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING AND REGULATION OF BUSINESSES, TRADES, AND OCCUPATIONS.

WHEREAS, under the authority of the Municipal Government Act, R. S. A. 2000, Chapter M-26, and amendments thereto, municipalities are given authority to enact bylaws in regards to the licensing of businesses, the Council of the Town of Cardston, duly assembled, enacts as follows:

PART I - TITLE, PURPOSE, DEFINITIONS AND INTERPRETATION

- TITLE** 1) This bylaw shall be known as the “Business Licensing By-Law” of the Town of Cardston.
- PURPOSE** 2) The Purpose of this Bylaw is to [do something] within the Municipality of the Town of Cardston.
- DEFINITIONS** 3) In this bylaw, unless the context otherwise requires:
- (a) “Business” – shall include an ongoing business, trade profession, industry, occupation, employment or calling, or enterprise, and the providing of goods and/or services for remuneration.
 - (b) “Charitable or Non-Profit Organization” – shall mean a person acting for charity or in the promotion of general social welfare or others and includes:
 - i. Religious societies or organizations
 - ii. Service clubs
 - iii. Community, veteran’s or youth organizations
 - iv. Social, sport, or fraternal organizations or clubs
 - v. Any organization able to produce documentation that it is non-profit, by way of a Provincial Non-profit Registration Number issued by the Province of Alberta.
 - (c) “Chief Administrative Officer” – shall mean the Chief Administrative Officer of the Town of Cardston and anyone

authorized by the Chief Administrative Officer to act on his/her behalf.

(d) “Commercial Business” – shall mean a business which operates in an area within the Town of Cardston limits that is classified for assessment purposes as commercial or industrial, unless the main purpose of the building is residential.

(e) “Contractor” –

i. shall mean and include any person, company, firm or 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, moving, or demolition of any building or structure within the Town of Cardston limits.

ii. The term “Contractor” shall not include the owner of any building or premises who is personally doing work in, upon, or about such building or premises within the Town of Cardston limits.

iii. The term “Contractor” shall include, but not be limited to, persons who carry on any one or more of the following business(es):

(1) Contractors or General Contractors

(2) Carpenters

(3) Excavator, concrete, sidewalk, road, bridge, or paving contractor

(4) Roofing, siding, stucco contractor

(5) Glass installer

(6) Insulating contractor

(7) Linoleum, floor finishing, rug installation

(8) Painter, decorator, paper hanging

(9) Terrazzo or tile contractors

(10) Brick or stone mason

(11) Structural steel contractor

(12) Welding contractor

(13) Landscaping or ditching

(14) Electrical contractor



(15) Plumbing and gas fitting contractor

- (f)** “Development Officer” – shall mean the Development Officer of the Town of Cardston and anyone authorized to act on his/her behalf as appointed by the Chief Administrative Officer.
- (g)** “Farmers or Flea Market” – shall mean the business of providing to persons for compensation, stalls or other similarly restricted areas for the disposal and sale of goods, wares or merchandise to the public.
- (h)** “Hawker” or “Peddler” –
- i.** Shall mean 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 or service, or both, to any person, and who is not a wholesale or retail dealer in which such merchandise or service is 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.
- (i)** “Huckster” – shall mean any person who sells or offers for sale:
- i.** Meat, fruit, or other farm produce that has been produced, raised, or grown by themselves; or
 - ii.** Fish of their own catching.
- (j)** “Licensee” – shall mean a person holding a valid business license issued pursuant to this By-law.
- (k)** “License Inspector” – shall mean and include the Chief Administrative Officer of the Town of Cardston and/or any other duly authorized person acting on his/her behalf, or a Peace Officer, and authorized by Council to carry out the

provisions of the bylaw.

- (l)** “Mobile Street Vendor” – shall mean and include any person or company who operates a primary business from a licensed and inspected mobile vehicle.
- (m)** “Municipal Tag” – shall mean a ticket alleging an offence, issued pursuant to the authority of a By-law of the Town of Cardston.
- (n)** “Music Teacher” – shall mean and include any person who teaches piano, singing, or any other musical instrument from a residentially zoned property within the Town of Cardston limits.
- (o)** “Non-Resident” – shall mean and include any person who does not actively reside, and who does not operate a commercial store front business in the Town of Cardston limits.
- (p)** “Pawnbroker” – shall mean one who loans money on security of personal property pledged in his keeping.
- (q)** “Peace Officer” – shall mean a Peace Officer as defined by the *Peace Officer Act* of the Province of Alberta, or a Bylaw Enforcement Officer of the Town of Cardston.
- (r)** “Person” – shall include a Corporation, Partnership, Firm, Company or Individual.
- (s)** “Prima Facie” – plain or clear; self-evident; obvious.
- (t)** “Resident” – shall mean any person who resides in or who operates a commercial store front business in the Town of Cardston limits.
- (u)** “Residential Business” – shall mean a business which operates in an area within the Town of Cardston limits that is classified for assessment purposes as residential.
- (v)** “Resident Wholesaler” – shall mean a wholesaler who actively resides within the Town of Cardston limits.
- (w)** “Second-Hand Dealer” – shall mean any person or business who carries on the business of purchasing, selling, or having in their possession for sale, or advertises for sale second-hand articles and goods of every description that have been used, reconditioned or remade, including antiques, and shall include dealers in new articles or goods of like and who afterwards dispose of the second-hand articles or things thus acquired.
- (x)** “Student” – shall mean a person who is under the age of 18

years of age or who is presently enrolled in a secondary educational institution and who lives within the Town of Cardston limits.

- (y)** “Taxi” – shall mean 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.
- (z)** “Wholesaler” – shall mean a merchant middleman who sells chiefly to retailers, other merchants, or industrial, institutional and commercial users and who does not currently reside within the Town of Cardston limits.

**RULES FOR
INTERPRETATION**

- 4)** The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

PART II – GENERAL PROVISIONS

SECTIONS

- 5)** No personal shall, within the limits of the Town of Cardston, carry on or be engaged in any business unless he or she holds a valid and subsisting business license issued pursuant to the provisions of this by-law and to any or all amendment thereto.
 - (a)** A business license will not be issued pursuant to the provisions of this By-law unless all appropriate fees as per Schedule ‘A’ have been paid in full to the Town of Cardston upon application for said license.
 - (b)** If a person owns/operates numerous businesses that provide a good or a service within the Town of Cardston limits, they shall possess a valid license for each business they represent, unless the separate businesses operate under the same title, entity, or company name and are deemed as one business for income tax purposes.
- 6)** Any advertising of the business(es) shall be deemed to be prima facie proof of the fact that the person advertising is carrying on or operating any such business(es).
- 7)** Every license issued under this By-law shall be made out and delivered to the Licensee, who shall post said license in a conspicuous place in his/her business premises and, whenever required to do so by the Chief Administrative Officer or License



Inspector, shall produce the license for inspection purposes.

- (a)** Every licensee who holds a license under this By-law which is not limited to specific premises, shall have the license or a copy available and shall produce said license upon request to a License Inspector, any Police Officer, or other duly authorized person, or any person with whom he is doing business to which the license relates.
- 8)** 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.
- (a)** 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.
- 9)** All licenses shall expire at midnight on the 31st day of December of the year in which said license was issued, unless:
- (a)** The terms of this By-law otherwise expressly provides;
 - (b)** The license provides otherwise;
 - (c)** The license has been previously cancelled or forfeited.
- 10) License Fees:**
- (a)** License Fees shall be as per Schedule 'A' attached.
 - (b)** License Fees shall be levied on each applicant, unless the terms of this By-law otherwise exempts the applicant from such fees.
 - (c)** All fees for business licenses are due January 1st of each year or prior to starting a business.
 - (d)** The fee payable for a license issued between the 1st day of January and the 31st day of August in any year shall be the license fee for a full year. The fee for a new license issued after the 31st day of August in any year shall be one half of the license fee for the full year.

- i.** This section does not apply to a Non-resident Hawker & Peddler's license fee and to a Non-resident Contractor's license fee as set forth in Schedule 'A'.
- (e)** Non-resident Contractors or Non-resident businesses who provide a service not otherwise available in the Town of Cardston limits, shall be deemed to be a resident contractor or resident business.
- (f)** The fee for a Contractor does not include sub-trades used on any job.
- (g)** Administration fees as set forth in Schedule 'A' will be charged for any license transfers, license changes, a copy of a current business license, or for any application to the Planning Commission for approval of a discretionary business as set forth in the Land Use By-law.
 - i.** Where a licensee wishes to request changes to current business/owner information or change any information on a current business license, he/she shall make application to the License Inspector for such changes and pay the Administration fees as set forth in Schedule 'A'.
 - ii.** If a business is transferred, sold to, or bought by a new owner, the new owner will be required to fill out a new application and will be required to pay the appropriate Administration fees as set forth in Schedule 'A'.

11) Exemptions:

- (a)** No license shall be required for:
 - i.** Businesses as Council, by resolution, may exempt from time to time.
 - ii.** Material delivery operations provided that the transaction/negotiation to purchase those items takes place outside of the corporate limits of the Town of Cardston and that the company is not a resident business.
 - iii.** Wholesalers, unless they sell retail or unless they are a resident wholesaler.
 - iv.** Business carried on by the Government of the Province of Alberta or Canada.

- v.** Businesses exempt from the requirements of municipal licensing by Federal or Provincial legislation.
- vi.** A business working exclusively for, or on behalf of, the Town of Cardston.
- vii.** Charitable or Non-Profit Organizations.
- viii.** A student.
 - (1)** If the student is attending a post-secondary educational school:
 - (a)** Proof of school attendance must be presented at time of application. The student must also present proof of school attendance at the beginning of each year for renewal of the business license.
 - (b)** Proof of school attendance must be in the form of a letter from the school administration stating the owner/operator of the business is a current student of the school for the current year of the business license.
 - (c)** The student must present the letter along with a current, valid student identification card that contains their photograph.

12) Revocation, Refusal, and Nullification of licenses:

- (a)** The Chief Administrative Officer, Town Council, or License Inspector 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, or if there are just and reasonable grounds for the revocation or suspension of the license.
- (b)** If a license is revoked or surrendered, the licensee will not be entitled to a refund.
- (c)** The Chief Administrative Officer or License Inspector may withhold the granting of any license to any person or persons for ratification of the Council before issuing same.



- (d)** 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.

13) Appeals:

- (a)** Any person whose application has been refused or whose license has been revoked, suspended or who has been denied a license may appeal the revocation, suspension, or denial to the Town Council.
- (b)** An appeal from sub-section (a) must be made by the applicant within 14 business days after such refusal, revocation, suspension, or denial has been given, otherwise, the right of appeal shall be barred and extinguished.
- (c)** All appeals must be made in writing and addressed to the Chief Administrative Officer of the Town of Cardston and shall be dated as the date received by the Chief Administrative Officer.
- (d)** The Town Council, after reviewing the appeal, may:
 - i.** Direct a Business License be issued or reinstated;
 - ii.** Direct a Business License be issued or reinstated with conditions;
 - iii.** Refuse to grant a Business License;
 - iv.** Uphold the revocation or suspension of a Business License, on grounds which appear just and reasonable.
- (e)** A decision of Council on an appeal shall be final and binding on all parties.

- 14)** 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 him/herself.

- 15)** All Businesses must comply with the Land Use By-law which is in effect. Any business located in a R1 residential zoned dwelling such as a Bed and Breakfast, Boarding house, Day

care facility, Tourist home, or any other home occupation which is a discretionary use under the Land Use By-law must make an application to the Municipal Subdivision & Development Authority for approval before a business license can be obtained.

PART III – TOWN AND COUNTY BUSINESS LICENSE AGREEMENT

16) In accordance with and subject to the terms of the Town and County Regional Business License Agreement attached as ‘Schedule B’, business licenses granted by Cardston County to businesses residing within the County will be honoured by the Town of Cardston.

PART IV – FARMERS OR FLEA MARKETS

17) A person organizing a farmers or flea market shall be required to obtain a license for each location.

18) Notwithstanding Section 1, charitable or non-profit organizations are not required to obtain a license for organizing a farmers or flea market.

19) A person operating a stall or table on the premises of a market does not require a license provided the operator has obtained a license for the market.

PART V – MOBILE STREET VENDORS

20) 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 a permit upon conditions as he or she deems appropriate.
- (h)** Without restricting the generality of subsection 1.g. 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 1.i. 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.

PART VI – PAWN BROKER AND SECOND HAND DEALER

- 21)** 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)** Passport
 - (e)** A photo identification positively identifying the seller
 - (f)** The license number and description of the vehicle in which the merchandise was delivered.
- 22)** All records of transactions must have a clause stating that on a regular basis, the RCMP/By-law Officer may review the records.
- 23)** 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 Chief Administrative Officer 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.

24) 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 Chief Administrative Officer, 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.

25) Effective immediately, before the issue or renewal of a License for a Pawn Shop or Second-Hand Store, a person must submit to the Town Administrator or designate the name, date of birth and job title of every person working in the Pawn Shop or Second-Hand Store.

The definition of “goods” is defined as items received or acquired and held as security for an advance of money, or are purchased without being held for security for an advance of money.

- (a)** Whenever goods are received or acquired, the following

information shall be accurately recorded:

- i.** the date and time the goods were received;
 - ii.** the full name, date of birth, residential address, telephone number, gender, of the person delivering the goods;
 - iii.** details from at least 2 pieces of identification provided by the person delivering the goods, at least one of which must have a photograph of the person;
 - iv.** a complete description of each good including, where available, the make, model and serial number of the good, the manufacturer's name and any distinguishing marks;
 - v.** the amount of money advanced in respect of each good;
 - vi.** the name of the person working in the Pawn Shop or Second-Hand Store that conducted the transaction.
- (b)** No goods shall be received and acquired if the make, model, serial number, manufacturer's name, or any other distinguishing mark has been altered or in any way obliterated.
- (c)** Whenever goods are received and acquired, a written receipt shall be provided to the person delivering the goods, containing at least the following information:
- i.** the day, month and year on which the money advanced is due;
 - ii.** the amount of money advanced;
 - iii.** the interest rate charged with respect to the advance;
 - iv.** the name and address of the business.
- (d)** The receipt required by this section must be signed by the person delivering the goods and a copy of the signed receipt shall be retained by the Pawn Shop or Second-Hand Store for a minimum of two years.
- (e)** No person shall alter, repair, forfeit, sell, dispose of or part with possession of any goods received and held as security for an advance of money until the expiration of 30 days from the date such goods were received. The holding period

in this section may be extended by up to 60 days upon the written direction of a Peace Officer having a reasonable suspicion that particular goods may have been acquired through the commission of a criminal offence. This section does not apply to goods redeemed by the person who delivered them.

- (f)** No person shall, during the period goods received and held as security for an advance of money are required to be retained, remove or permit the removal of such goods from the Pawn Shop or Second-Hand Store, except as noted in section 25 (e) above.
- (g)** Notwithstanding this section, a person may store goods received and held as security for an advance of money at a location other than the business premises of the Pawn Shop or Second-Hand Store if the location has been authorized by the Municipal Administrator.
- (h)** All goods received and held as security for an advance of money shall be kept separate and apart from all other merchandise in a Pawn Shop or Second-Hand Store and shall not be mixed with any other merchandise during the period the goods are required to be retained.
- (i)** All goods received and held as security for an advance of money shall be identified with a tag or sticker in a manner sufficient to allow the association of a good with the information recorded with respect to its receipt.
- (j)** Whenever goods received and held as security for an advance of money are redeemed the same information required to be recorded upon the receipt of the goods shall be recorded at the time of redemption.
- (k)** The information required to be recorded by this part is as follows:
 - i.** shall be recorded in a form and manner acceptable to the Municipal Administrator;
 - ii.** shall be made available to a Peace Officer forthwith upon request;
- (l)** No person shall receive and hold goods as security for an advance of money from an individual under 18 years of age.



PART VII : TAXI CAB OPERATORS

- 26)** Every person that is a resident of Cardston that operates a taxi service to carry persons for hire shall obtain a business license.
- 27)** 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.
- 28)** 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 VIII : LICENSE INSPECTOR

- 29)** 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.
- 30)** 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 Chief Administrative Officer or License Inspector, shall give to the Chief Administrative Officer or License Inspector all information necessary to enable him/her to carry out his/her duties.

- 31)** The Chief Administrative Officer 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 and for the purpose of administering or enforcing this By-law.
- (a)** Any person who refuses admission to the License Inspector or Chief Administrative Officer or who neglects or refuses to produce the appropriate license upon request, shall be guilty of an offence and liable to a penalty as set forth in Schedule 'A'.
- (b)** Any person who, on occasion of such inspection or otherwise, furnishes to the License Inspector or Chief Administrative Officer false or misleading information with regard to the business or its operation shall be guilty of an offence and liable to a penalty as set forth in Schedule 'A'.
- 32)** If the License Inspector deems it necessary, they may obtain from any person engaging a contractor or from any contractor engaging sub-contractors, a complete list of contractors/subcontractors engaged on any particular contract.

PART IX : FINES AND PENALTIES

- 33)** Any person found carrying on a business without first having obtained a license, according to the fees set forth in this By-law, or any person who contravenes any of the provisions or requirements outlined in this By-law shall be guilty of an offence and liable to a penalty as set forth in Schedule 'A'.
- 34)** If a person or business has not first obtained said license, the Chief Administrative Officer, 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 and shall be guilty of an offence and liable to a penalty as set forth in Schedule 'A'.
- 35)** Any person who contravenes any of the provisions or requirements of this bylaw is guilty of an offence and is liable for and subject to the penalties as set forth in Schedule 'A'.
- 36)** 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.

37) Annually renewed license invoices will be due 30 days from date of billing. Outstanding invoices as of March 31st will be subject to a penalty of \$25.00 which will be applied to the cost of a license renewal.

38) A municipal tag may be issued by a License Inspector to any person or business who has allegedly breached any provision of this By-law and the said municipal tag shall require the appropriate penalty payment to the Town of Cardston within 14 days from the date of service of the said municipal tag.

(a) Service of such municipal tag shall be sufficient if it is:

i. Personally served; or

ii. Attached to the vehicle in respect of which an offence is alleged to have been committed; or

iii. If mailed to the address of the registered owner of the vehicle or to the person in possession of the said vehicle; or

iv. If mailed to the address of the person or business who has allegedly contravened this By-law.

(b) After such municipal tag has been properly served, if payment is received within 7 business days of the date the municipal tag was issued, the amount payable will be reduced to the amount of the appropriate Business License fee as set forth in Schedule 'A'.

ENFORCEMENT

39) Enforcement policies are as follows:

(a) A person who contravenes any section of this by-law is guilty of an offence.

(b) 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 and a person guilty of such an offence is liable to a fine in an amount not less than that established by this by-law for each such day.

(c) For the purposes of this by-law, an act or omission by an employee or agent of a person is deemed also to be an act of

omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

- (d)** When a corporation commits an offence under this by-law, 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.
- (e)** If a partner in a partnership is guilty of an offence under this by-law, 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.
- (f)** A person who is guilty of an offence is liable to a fine in amount not less than that established in Schedule "A", and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.
- (g)** Without restricting the generality of section (f), the following fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:
 - i.** \$200.00 for any offence for which a fine is not otherwise established in Schedule "A".
- (h)** If a person is guilty of a subsequent offence, the fine amounts established are doubled.
- (i)** If a Municipal Tag is issued in respect of an offence, the Municipal Tag must specify the fine amount established by this by-law for the offence.
- (j)** A person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this by-law for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
- (k)** If a Violation Ticket is issued in respect of an offence, the

Violation Ticket may:

- i.** specify the fine amount established by this by-law for the offence;
- ii.** require a person to appear in court without the alternative of making a voluntary payment.

(1) A person who commits an offence may:

- i.** if a Violation Ticket is issued in respect of the offence, and
- ii.** if the Violation Ticket specifies the fine amount established by this by-law for the offence;

make a voluntary payment equal to the specified fine.

PART X : SEVERABILITY

EFFECTIVE DATE **40)** This Bylaw shall come in force upon the date of its third and final reading.

REPEAL **41)** Bylaw 1610 and amendments there to shall be rescinded.

Received First Reading this 27th day of March, 2018

Received Second Reading this 24th day of April, 2018

Received Third & Final Reading this 24th day of April, 2018

Signed by the Mayor and the Chief Administrative Officer this 2nd day of May, 2018

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

SCHEDULE 'A'

LICENSE FEES

- | | |
|---|--|
| 1. Small Commercial Business
(shall consist of 1 to 5 employees) | \$50.00 per year |
| 2. Large Commercial Business
(shall consist of more than 5 employees) | \$100.00 per year |
| 3. Residential Business | \$60.00 per year |
| 4. Music Teacher | \$25.00 per year |
| 5. Mobile Street Vendor | \$150.00 per year |
| 6. Resident Huckster | \$25.00 per year |
| 7. Non-resident Huckster | \$60.00 per year |
| 8. Non-resident Business | \$150.00 per year |
| 9. Non-resident Contractors | \$300.00 per year |
| 10. Non-resident Hawkers and Peddlers | \$300.00 per year
\$100.00 per day. |
| 11. Trade Shows, Trade fairs,
Flea Markets, Farmer's Markets | \$80.00 per location or
event |
| 12. Circuses and Midways, or similar type shows shall be from \$100.00 to \$200.00 per day as determined by the Chief Administrative Officer or License Inspector, depending on their size and capacity. | |
| 13. Administration Fees | \$10.00 per transaction |
| 14. The fee for submitting an application to the Municipal Subdivision & Development Authority will be as per the Land Use By-Law and any amendments thereto. If the application is approved, this fee will be applied towards the cost of the development permit required. If the application is denied, the application fee will not be refunded. The Business License fee as set forth in this Schedule will also be required at time of approval. | |

PENALTIES

1. A penalty of \$100.00 for the 1st offense.
2. A penalty of \$200.00 for the 2nd offense.
3. A penalty of \$300.00 for the 3rd offense.
4. Any person found in violation of part V section 1.f. 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.
5. Any person found in violation of Part V Section 1.k. 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
6. Annual Renewal Late Payment Penalty: \$25.00

