

Request for Decision

TITLE:	Business License Bylaw
DATE:	July 10, 2023
PRESENTED BY:	Reg Johnson, Manager of Economic Development
ATTACHMENTS:	Business License Bylaw 06.23, Business License 04-15, Mobile Vendor License 01-18.

SUMMMARY:

Short Term Rentals (STRs) are currently defined and regulated under Bylaw 16.20 – Town of Drumheller Land Use Bylaw as a *Tourism Dwelling*, however, the Land Use Bylaw has not been an effective medium to regulate and monitor the operation of these *Tourist Dwelling*. Additionally, the process of acquiring a Development Permit may have discouraged residents from changing their residence to a *Tourism Dwelling*, leading to low compliance. In order to increase compliance while ensuring resident and visitor safety, Administration has recommended amending the *LUB* to remove references to *Tourist Dwelling*, and instead regulating Short Term Rentals (STRs) through a new *Business License Bylaw* (BLB).

After review of our current *Business License Bylaw 04-15* (BLB), Administration has determined that the current BLB requires significant amendments to eliminate provisions that are currently obsolete. Administration recommends the repeal and replacement of *Business License Bylaw 04-15* and *Mobile Vendor Bylaw 01-18* by a single successor bylaw, *Business License Bylaw 06.23*, that will provide licensing and regulation for resident and non-resident businesses, mobile vendors, STRs, special events and buskers.

Administration believes that the successor legislation will meet the following three (3) major Council priorities related to STRs and other businesses within the Town, which are:

1. Safety;
2. Compliance; and,
3. Competition.

Furthermore, Administration believes the consolidation of multiple licensing requirements into a single successor legislation will provide the following benefits:

- Ease of administration and decrease in administration costs for the Town;
- Increased comprehension by residents, leading to increased compliance;
- Decreased enforcement challenges and costs;
- Decreased possibility of legal challenge.

Short-Term Rentals

Administration intends to create a Good Host Guide that outlines the requirements and regulations of STRs that will be provided to all applicants. Applicants will be required to acknowledge that they have read, understand and will comply with all regulations within the Good Host Guide prior to being issued a license. These rules will require the applicant to:

- Provide a floor plan and photos detailing where the bedrooms and other facilities, intended to be used by the guest(s), are located;

- Disallow overlapping booking;
- Only operate in approved land use districts;
- Obtain permission from the property owner to operate the STR, if they are not the property owner;
- Only operate one STR per parcel.
- Post the following in a conspicuous location
 - The name, phone number and email address of an emergency contact person who can be reached twenty-four (24) hours per day during rental periods;
 - A map detailing emergency evacuation routes in case of emergency;
 - The occupancy limit, in accordance with the National Fire Code; and
 - The valid License, in accordance with Section 3.5 of this Bylaw.

Campgrounds, Bed and Breakfasts and Hotels/Motels will be subject to a Resident Business License and will not be subject to the conditions of a Short-Term Rental Business License

TRANSITION

Administration believes that this method of regulating STRs will ensure the safety of guests and visitors while reducing unnecessary barriers residents may face in acquiring a Business License.

Administration recommends that enforcement of STR licensing **not** take place until January 1, 2024 to ensure a fair transition for STR owners. To encourage compliance, Administration recommends STR business licenses be at no cost for the remainder of 2023 and that a discount incentive of 50% on the 2024 Business License fee be offered to residents who purchased a license in 2023. Administration will offer a no-cost STR Business License in 2024 to STR owners currently operating a Tourism Dwelling in order to provide a just transition to the new model.

IMPLICATIONS / CONSEQUENCES

- Significant communication campaign will be required to alert STR owners to changes in licensing requirements
- Enforcement will be required, beginning in January 2024, to ensure STR owners and other business owners are complying with the provisions of the new BLB. Enforcement will be conducted with the help of Airbnb, VRBO and other online STR brokers, which require STR operators to meet local regulations. These online brokers will remove advertisements that do not include a business license, which should increase the workload associated with enforcement and encourage compliance.
- Significant increase in administration workload due to the creation of a Good Host Guide (which outlines the requirements for operating a STR within the Town), Update of Application Forms, and increase in BLB applications due to the inclusion of STRs.
- STRs currently operating illegally and not meeting the requirements specified within the Bylaw will either no longer be able to operate or may have to make significant changes to their operation in order to meet BLB requirements. Those potentially affected include:
 - Those operating an STR in a recreational vehicle on their property (no longer permitted)
 - Those operating multiple STRs on a single parcel (only one STR per parcel)
 - Those operating in a space that does not conform to egress or occupancy, (building permits will be required for changes to egress)

RECOMMENDATION:

Administration recommends Council give first reading to Business License Bylaw 06.23.

FINANCIAL IMPACT:

Administration will charge an annual STR Business License fee of \$100 per STR. According to the Airbnb and VRBO analysis software AirDNA, the average STR renter in Drumheller receives approximately \$21,288 per annum in revenue. Therefore, we believe a \$100 license fee is an appropriate fee. The number may change upon program review in future years. This will result in \$10,000 in revenue for the town. The majority of this revenue will be used to cover the expenses associated with administering and enforcing STR regulations.

Administration will continue to see licensing revenue from other Business License applications. The new Business Licensing fees are based on the fees associated with *Business License Bylaw 04-15* and *Mobile Vendor Bylaw 01-18*

STRATEGIC POLICY ALIGNMENT:

Increased simplicity and decreased administration resulting from a single successor bylaw regulating multiple licensed activities will result in increased compliance and resident comprehension. Increased compliance will increase the safety of residents and guests of the Drumheller Valley.

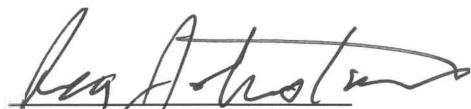
COMMUNICATION STRATEGY:

Administration will begin developing a communication plan to outline the regulation of the new *Business License Bylaw*. In particular, this communication plan will focus on the addition of STR requirements and will incentivize STR owners to register their STR as soon as practicable. The communication plan will be ready by third reading.

MOTION: Councillor Hansen-Zacharu, Mon Jul 10, 2023, M2023.164

Moves that Council give first reading to Business License Bylaw 06.23 as presented and set a Public Hearing for September 5, 2023.

Seconded: Councillor Price



Prepared by:
Reg Johnston
Manager of Economic Development



Approved by:
Darryl E. Drohomerski, C.E.T.
Chief Administrative Officer

TOWN OF DRUMHELLER
BYLAW NUMBER 06.23
DEPARTMENT: CORPORATE SERVICES

Repeals Bylaw 04.15
Repeals Bylaw 01-18

**A BYLAW OF THE TOWN OF DRUMHELLER, IN THE PROVINCE OF ALBERTA, TO
PROVIDE FOR THE DEVELOPMENT AND REGULATION OF A BUSINESS LICENSE
REGISTRY.**

WHEREAS pursuant to Section 7 and Section 8 of the *Municipal Government Act, R.S.A. 2000, c. M-26*, a municipal council may pass bylaws respecting the regulation of businesses, business activities and persons engaged in business;

AND WHEREAS, it is deemed appropriate to require the licensing of businesses operating within the Town of Drumheller;

NOW, THEREFORE, the Council of the Town of Drumheller, duly assembled, enacts as follows:

1. SHORT NAME

This Bylaw shall be cited as the Town of Drumheller "*Business License Bylaw.*"

2. DEFINITIONS

2.1 For the purposes of the Bylaw, the following definitions shall apply:

- a) "*Agent*" means every 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;
- b) "*Annual License*" means a License that is valid for the period between January 1st and December 31st of the year it was issued,
- c) "*Applicant*" means a Person who applies for a Business License or a renewal of a Business License, in accordance with this Bylaw,
- d) "*Application*" means a written request for a Business License or a renewal of a Business License as required by this Bylaw, in the form prescribed by the Chief Licence Inspector;
- e) "*Business*" means:
 - i) a commercial, merchandising or industrial activity or undertaking,
 - ii) a profession, trade, occupation, calling or employment; or
 - iii) an activity providing goods or services;

- f) *“Business Premises”* means any store, office, dwelling, warehouse, yard, building, enclosure, Mobile Business Unit or other place occupied or capable of being occupied for the purpose of carrying on a Business in a permitted and discretionary use in accordance with the Land Use Bylaw;
- g) *“Busker”* shall mean a Person who plays music or performs entertainment in a public place while soliciting money;
- h) *“Carry on”, “carrying on”, “carried on” and “carries on”* means:
 - i) to conduct, operate, perform, keep, hold, occupy, deal in or use, for a fee or exchange of benefits, whether as principal or Agent; and
 - ii) to Advertise for a business, where in the opinion of the Chief License Inspector, there is an intent for the Business to be carried out within the Town;
- i) *“Charitable organization”* means any incorporated or unincorporated organization that is formed for a charitable purpose;
- j) *“Charitable purpose”* includes a philanthropic, benevolent, educational, health, humane, religious, cultural, artistic or recreational purpose;
- k) *“Chief Licence Inspector”* means the Chief Administrative Officer of the Town of Drumheller, or their designates;
- l) *“Community Standards Bylaw”* means the Town of Drumheller Community Standards Bylaw 06.19, as amended from time to time, and its successor legislation;
- m) *“Day Time”* means between the hours of 7:00 AM and 10:00 PM of the same day, on weekdays, and between the hours of 9:00 AM and 10:00 PM of the same day, on weekends;
- n) *“Development Authority”* means the Town of Drumheller Development Officer or the Town of Drumheller Municipal Planning Commission (MPC), as established in the Land Use Bylaw;
- o) *“Dwelling Unit”* means one or more rooms used, or designed to be used, as a residence by one or more persons and containing sleeping areas and that meets the definition(s) established In the Land Use Bylaw for the corresponding Land Use District;
- p) *“Fee Schedule”* means the Town of Drumheller *Fees, Rates and Charges Bylaw 23.22* and attached Service Fee Schedule, as amended annually, and its successor legislation;
- q) *“MGA”* means the *Municipal Government Act, R.S.A. 2000, c. M-26*.
- r) *“Mobile Business Unit”* means a motor vehicle, temporary structure or display, or stand from which a business is carried on and for which the Licensee is not listed on the property tax assessment roll;
- s) *“Mobile Vendor”* means a Person who carries on Business from a Mobile Business Unit.

- t) *"Municipal Enforcement Officer"* means any person appointed as a Bylaw Enforcement Officer pursuant to Section 555 of the *MGA* or as a Community Peace Officer pursuant to Section 7 of the Peace Officer Act, R.S.A. 2006, c. P-3.5.
- u) *"Home Occupation"* means any business of any sector that meets the definitions established in the Land Use Bylaw for the corresponding Land Use District;
- v) *"Land Use Bylaw"* means the Town of Drumheller Land Use Bylaw 16.20 as amended from time to time, and its successor legislation;
- w) *"License"* means a business license, issued pursuant to this Bylaw, for the purpose of licensing any Person carrying on Business within the Town;
- x) *"Licensee"* means the holder of a valid and subsisting Business License, issued pursuant to this Bylaw;
- y) *"Market"* means the business of providing for rent, stalls, tables, or spaces to merchants displaying for sale, offering for sale, and selling goods to the public;
- z) *"Micro Business"* means a Resident Business whose annual revenues are less than \$30,000 per year as verified by the Canada Revenue Agency;
- aa) *"Night Time"* means the hours between 10:00 PM and 7:00 AM of the next day, on weekdays, and between the hours of 10:00 PM and 9:00 AM of the next day, on weekends.
- bb) *"Non-Resident Business"* means a business carried on in whole or in part within the Town, but which does not have business premises within the Town and is not listed on the current property tax assessment roll;
- cc) *"Person"* means a natural person 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;
- dd) *"Resident Business"* means a Business that is carried on in whole or in part within the Town, and which has a business premises within the Town;
- ee) *"Short Term Rental"* means the Business of offering a dwelling unit or portion of a dwelling unit, as defined in the Land Use Bylaw, for temporary accommodation to a single party of guests for a period of twenty-eight (28) days or less, and includes those Businesses offering accommodation through an online broker or marketplace, but does not include:
 - a) Campgrounds
 - b) Bed and Breakfasts
 - c) Hotels/Motels
- ff) *"Special Event"* means any organized gathering of people:
 - i) with the primary purpose of supporting a community, cultural, recreational or sport experience;

- ii) that would have a significant impact on public property and/or public safety, in the opinion of the Chief Licensing Inspector;
 - iii) that require temporary structures installed in a public space;
 - v) in a private space that generate any impact on pedestrian or vehicular traffic or parking in excess of that which is considered normal for the community, in the opinion of the Chief Licensing Inspector; or
 - vi) that involves temporary changes to the activities or access in a public space, including road closures and noise bylaw exemptions.
- gg) "*Temporary License*" means a Resident or Non-Resident Business License that is granted for the following temporary period of time:
- i) one (1) day;
 - ii) one (1) week;
 - iii) one (1) month;
 - iv) four (4) months.
- hh) "*Town*" means the Town of Drumheller, a municipal corporation in the Province of Alberta, and includes the area contained within the corporate boundaries of the Town of Drumheller, as the context may require;

3. LICENSE

- 3.1 No Person shall carry on a Business in the Town or advertise for a Business in the Town unless that Person has a valid and subsisting Licence issued by the Chief License Inspector.
- 3.2 Notwithstanding section 3.1, a Business License is not required:
- a) for a Business carried on by the Town; or,
 - b) for a Business carried on by the Government of the Province of Alberta, the Government of Canada, or a Crown Corporation created by either Government.
- 3.3 A Licence is required for each Business Premises where the Business is carried on.
- 3.4 Separate Business Licences are required if two (2) or more Persons are carrying on Businesses from or within the same Business Premises.
- 3.5 Every License, issued pursuant to this Bylaw, shall be posted in a conspicuous location in the Business Premises of the Licensee, so as to be clearly visible to the public.
- 3.6 All Licenses shall remain the property of the Town.
- 3.7 A Licence is not transferable from one Person to another Person or between Business Premises or Mobile Business Units.
- i) If a Licensee is moving Business Premises within the Town, The Chief Licensing

Inspector, may, at their discretion, reissue a License without the associated fee(s), if the move of the Business Premises does not necessitate a change in the Intensity or Use of the Business, as defined in the Land Use Bylaw.

4. APPLICATION REQUIREMENTS

- 4.1 Every Applicant for a Licence must provide the following information, in the form prescribed by the Chief Licence Inspector:
- a) the civic and legal address for the proposed place of Business;
 - b) the trade name(s) under which the proposed Business will operate;
 - c) where the Applicant is a sole proprietorship or partnership, the full name, mailing address, telephone number, and email address of the Applicant(s):
 - i) confirmation of this information may be required through presentation of two pieces of identification, one of which must be government issued picture identification;
 - d) where the Applicant is a corporation, the full name, mailing address, telephone number, and email address of the principal managing employee(s) or board members:
 - i) confirmation of this information may be required through presentation of two pieces of identification, one of which must be government issued picture identification;
 - e) Any certificate, authority, licence or other document of qualification under this or any other Bylaw, or under any Statute of the Province of Alberta or the Government of Canada, that may be required in connection with the carrying on of the Business;
 - f) other such information as the Chief Licence Inspector may reasonably require; and
- 4.2 No Person shall give false information in an application pursuant to the provisions of this Bylaw.

5. LICENSE FEES & TERM

- 5.1 An Application for a Licence or for a renewal of a Licence shall not be considered by the Chief Licence Inspector until the fee(s), as set out in the *Fee Schedule*, or any fines incurred pursuant to this Bylaw, have been received by the Chief License Inspector.
- 5.2 Every Annual License shall be for the period between January 1st and December 31st of the year in which said License was issued and shall be purchased for the full amount set out in the Fee Schedule, regardless of the date of purchase.
- 5.3 Every Annual Licence issued, unless revoked, shall terminate at midnight on the 31st day of December of the year in which said Licence was issued.
- 5.4 Every Annual Licence that was renewed by the Chief Licensing Inspector must be paid

by the Licensee by March 31st of the year it was renewed.

- 5.5 Every Temporary License issued, unless revoked, shall terminate after the prescribed time listed on the License, beginning from the date of issuance.
- 5.6 Notwithstanding Section 5.1, any Business exempt from fees under the provisions of any Statute of the Province of Alberta or the Government of Canada, or any Charitable Organization, will be granted an exemption upon providing proof of exemption in a manner deemed sufficient by the Chief License Inspector.

6. PROVISIONS FOR CHARITABLE ORGANIZATIONS

- 6.1 Every Charitable Organization carrying on Business within the Town shall require a Business License, in accordance with Subsection 3.1
- 6.2 Charitable Organizations that wish to be exempt from the Business License fees, in accordance with subsection 5.6, must provide proof that they are a registered non-profit organization.
- 6.3 A Charitable Organization which receives an exemption under this section must otherwise comply with all provisions of this Bylaw.

7. PROVISIONS FOR MOBILE VENDORS

- 7.1 No Person shall carry on a Business from a Mobile Business Unit within the Town unless that Person has a valid and subsisting Business Licence, in accordance with Subsection 3.1.
- 7.2 In addition to Subsection 4.1, an Applicant must provide the following items to the Chief Licensing Inspector as part of their application;
- a) an Alberta Health Services Food Handling Permit, if food will be served or sold from the Mobile Business Unit.
- 7.2 A Mobile Vendor operating on Town Property *must* provide Liability Insurance to the Chief Licensing Inspector in the manner described under Section 10 of this Bylaw.
- 7.3 A Mobile Vendor shall not sell goods or provide services within ten (10) metres of a brick and mortar Business that sells similar goods or provides similar services, as determined by the Chief Licensing Inspector.
- 7.4 A Mobile Vendor that wishes to carry on Business on Town property must:
- a) remain within the permitted area(s), as approved by the Chief Licensing Inspector;
 - i) A Mobile Vendor shall not be granted priority or exclusive rights to carry on Business in a permitted area(s), but shall have the right to carry on Business on a first-come, first-served basis; and,
 - b) only operate during Day Time hours.
 - i) A Mobile Vendor shall not leave their Business Premises within the

permitted area(s) during Night Time hours.

- 7.5 A Mobile Vendor that wishes to carry on Business on private property is only permitted within the Neighbourhood Centre District (NCD), Tourism Corridor District (TCD) and the Employment District (EC), as established in the *Land Use Bylaw*, and must provide written authorization from the landowner(s) to the Chief Licensing Inspector; indicating,
- a) approval to operate a Mobile Business Unit at the specific address; and,
 - b) any additional requirements of the landowner(s), which will be reviewed by the Chief Licensing Inspector.
- 7.6 A Mobile Vendor may be requested to relocate at any time, at the sole discretion of the Chief Licensing Inspector, if:
- a) the safety of the Mobile Vendor operator or the general public are at risk;
 - b) the operation of the Mobile Business Unit unreasonably impedes the movement of vehicles or pedestrians; or,
 - c) the operation of the Mobile Business Unit is deemed a Nuisance in accordance with the *Community Standards Bylaw*.

8. PROVISIONS FOR BUSKERS

- 8.1 No Person shall carry on a Business of busking within the Town unless that Person has a valid and subsisting Business Licence, in accordance with Subsection 3.1.
- 8.2 A Busker that wishes to carry on Business on Town property must:
- a) remain within the permitted area(s), as approved by the Chief Licensing Inspector;
 - i) a Busker shall not be granted priority or exclusive rights to carry on Business in a permitted area(s), but shall have the right to carry on Business in a first come, first served basis; and,
 - b) only operate during Day Time hours.
- 8.3 A Busker that wishes to carry on Business on private property must provide written authorization from the landowner(s) to the Chief Licensing Inspector, specifying;
- a) approval to busk at the specific address; and,
 - b) any additional requirements of the landowner(s), which will be reviewed by the Chief Licensing Inspector.
- 8.4 A Busker may be requested to relocate at any time, at the sole discretion of the Chief Licensing Inspector, if:
- a) the safety of the Busker or the general public are at risk;
 - b) the operation of the Busker unreasonably impedes the movement of vehicles or

pedestrians; or,

- c) the operation of the Busker is deemed a Nuisance in accordance with the *Community Standards Bylaw*.

9. PROVISIONS FOR MARKETS

- 9.1 No Person shall carry on the Business of operating a Market within the Town unless that Person has a valid and subsisting Business Licence, in accordance with Subsection 3.1.
- 9.2 A Market Licensee must, upon request, furnish to the Chief Licence Inspector, the following:
 - a) the name and address of any operator of any stall, table or space; and
 - b) the type of goods, wares or merchandise sold by the operator.
- 9.3 A Person who rents a stall, table or space in a Market and operates within the Market's hours of operation are not required to obtain an individual License.
- 9.4 A Market that wishes to carry on Business on private property is must provide written authorization from the landowner(s) to the Chief Licensing Inspector; indicating,
 - a) approval to operate a Mobile Business Unit at the specific address; and,
 - b) any additional requirements of the landowner(s), which will be reviewed by the Chief Licensing Inspector.
- 9.5 For the purposes of this Bylaw, A Market operating on Town Property is considered a "Special Event" and is subject to the provisions in Section 11.

10. PROVISIONS FOR SHORT TERM RENTALS

- 10.1 No Person shall carry on the Business of operating a Short-Term Rental within the Town unless that Person has a valid and subsisting Business Licence, in accordance with Subsection 3.1.
- 10.2 A Short-Term Rental Licensee must meet all minimum standards of the *National Fire Code – 2019 Alberta Edition*, prior to the issuance of a Business License.
- 10.2 In addition to Subsection 4.1, an Applicant for a Short-Term Rental Business License must provide the following items to the Chief Licensing Inspector as part of their application;
 - a) a floor plan and photos detailing where the sleeping areas and other facilities, intended to be used by the guest(s), are located within the Short-Term Rental.
- 10.4 A Short-Term Rental Licensee must not allow overlapping bookings, whereby two (2) or more unrelated or unassociated Persons are accommodated in the Dwelling Unit(s) at the same time.
- 10.5 No Person shall Advertise a Short-Term Rental without a valid License, and:

- a) Short-Term Rental Licensee who advertises or causes advertising to be distributed respecting the Short-Term Rental, must include the valid Business License number within the advertisement, in a conspicuous location.
- 10.6 A Short-Term Rental Licensee must post, in a conspicuous location on the interior of the Dwelling Unit(s) used for the Business:
- a) The name, phone number and email address of an emergency contact Person who can be reached twenty-four (24) hours per day during rental periods;
 - b) A map detailing emergency evacuation routes in case of emergency;
 - c) The occupancy limit, as determined by the Development Authority; and
 - d) The valid License, in accordance with Section 3.5 of this Bylaw.
- 10.7 An applicant for a property owned by a landlord or under a condominium association, homeowner's association, property management company, or similar authority, must submit a letter from their respective affiliation outlining:
- a) the approval to operate a Short-Term Rental at the specific address; and,
 - b) any additional requirements of the landlord, condominium association, homeowner's association or property management company, which will be reviewed by the Chief Licensing Inspector.
- 10.8 Only one (1) Short-Term Rental is permitted per parcel unless otherwise specified in the Land Use Bylaw for the Land Use District in which the Short-Term Rental is located.
- 10.9 A Short-Term Rental is **only** permitted within the following land use districts, as established in the *Land Use Bylaw*:
- a) Countryside District (CSD);
 - b) Downtown District (DTD);
 - c) Neighborhood Centre District (NCD);
 - d) Neighborhood District (ND); and,
 - e) Rural Development District (RDD).

11. PROVISIONS FOR SPECIAL EVENTS

- 11.1 No Person shall carry on the Business of operating a Special Event within the Town unless that Person has a valid and subsisting Business Licence, in accordance with Subsection 3.1.
- 11.2 For the purposes of this Bylaw. The location of the Special Event shall be considered the Business Premises of the Special Event.

- 11.3 An Applicant must submit an application no later than fifteen (15) days prior to hosting a Special Event; and,
- a) if the Special Event requires a road closure, the application must be submitted no less than thirty (30) business days prior to hosting a Special Event;
- 11.4 In addition to Subsection 4.1, an Applicant for a Special Events Business License must provide the following items to the Chief Licensing Inspector as part of their application;
- a) a plan outlining the description, anticipated size and duration of the event and the safety and security measures being taken;
 - b) a map detailing the location of activities, temporary structures, and other details as may be required by the Chief Licensing Inspector;
 - c) liability Insurance, in the manner described under Section 10 of this Bylaw; and
 - d) an Alberta Health Services Food Handling Permit, if food will be served or sold at the Special Event.
- 11.5 Mobile Vendors participating in the Special Event must be licensed in accordance with Section 7 of this Bylaw.
- 11.6 Special Events that involve noise that may disturb the peace of the general public, or which involves the use of sound amplifying equipment during the Night Time, must apply for a temporary permit in accordance with the *Community Standards Bylaw*.
- 11.7 In addition to Section 14, The Chief Licensing Inspector will evaluate and approve all applications based on the criteria of this Section as well as the safety, health and welfare of the general public;
- a) Road closures and bylaw exemptions shall be granted subject to the time, date and location of the Special Event, in accordance with the *Town of Drumheller Street, Sidewalk and Public Place Use Bylaw*.

12. PROVISIONS FOR CONTRACTORS

- 12.1 No Person shall carry on the Business of operating as a contractor within the Town unless that Person has a valid and subsisting Business Licence, in accordance with Subsection 3.1.
- 12.2 A Contractor shall ensure that every sub-contractor it employs has a valid and subsisting Business License, in accordance with Subsection 3.1, and
- a) a Contractor must provide an accurate listing of all its sub-contractors to the Chief Licensing Inspector prior to being issued a license.

13. LIABILITY INSURANCE

- 13.1 The Chief Licence Inspector may require a policy of liability insurance to be held in connection with the carrying on of any business, and:

- a) the Applicant shall furnish the Chief Licence Inspector with evidence of such insurance in a form satisfactory to the Chief Licence Inspector;
- 13.2 The liability insurance policy required to be held by an applicant under this Section must:
- a) be issued by an insurance company registered and licenced to do business in the Province of Alberta;
 - b) be in an amount sufficient, in the opinion of the Chief License Inspector to cover public liability for all personal injury and property damage which may occur by reason of the operation of the business; and
 - c) include the Town as an additional named insured with thirty (30) days written notice to be given to the Town prior to cancellation of, or material change to, the policy.
- 13.3 Notwithstanding the existence of any liability insurance or the failure of the Town to require the acquisition of such insurance, neither the Town nor any official, servant, employee or agent of the Town is liable for any damage or loss sustained or suffered by any person by reason of:
- a) the issuance of any licence;
 - b) any acts or omissions of a licensee or person acting on his behalf; or
 - c) anything done or not done in any way connected with a licence or this Bylaw.
- 13.4 Where a policy of liability insurance expires during the licence year, the Licensee shall provide the Chief License Inspector with proof of the renewal. Where a policy of liability insurance expires or is cancelled or terminated, the applicable licence shall be automatically revoked and the Licensee shall cease carrying on business until the revocation is lifted or a new Business Licence is issued by the Town.
- 13.5 Where the Chief Licence Inspector requires a policy of liability insurance in connection with the carrying on of any business, a licence to carry on the business shall not be issued or renewed unless the applicant indemnifies and saves harmless the Town against any and all loss, damage, claims, actions, judgments, costs and expenses suffered or sustained by reason of or in connection with the carrying on of the business.

14. CONSULTATIONS & APPROVALS

- 14.1 The Applicant shall, prior to the Chief Licence Inspector issuing a licence, consult with the Development Authority and ensure that all necessary approvals and permits required under Land Use Bylaw have been obtained, and shall provide satisfactory proof thereof to the Chief Licence Inspector.
- 14.2 The Chief Licence Inspector may consult, prior to issuing or renewing a licence, with the Province of Alberta, the Royal Canadian Mounted Police, Alberta Health Services, the Drumheller Fire Department, any Town Department, or other bodies or Persons the Chief License Inspector deems necessary in order to render a decision regarding the renewal or

issuance of a License.

- 14.3 The Applicant or Licensee is responsible for obtaining and maintaining any certificate, authority, licence, permit, insurance, or other document of qualification under this or any other Bylaw, Statute of the Province of Alberta, or Statute of the Government of Canada, that may be required in connection with the carrying on of their Business.

15. SUSPENSION AND REVOCATION

- 15.1 The Chief License Inspector may refuse, suspend, or revoke, a License if:

- a) The Applicant or Licensee fails to comply with the requirements of this Bylaw;
- b) The Applicant or Licensee fails to comply with the provisions of the *Community Standards Bylaw*, any other Bylaw of the Town, or any applicable Statute of the Province of Alberta or the Government of Canada;
- c) The License has been issued in error;
- d) The Chief Licence Inspector has reasonable grounds to believe that operation of the Business poses a danger to the safety, health or welfare of the general public.

- 15.2 A suspension of a Licence may be:

- a) for a period of time not exceeding the remaining term of the Licence; or,
- b) where the suspension is for non-compliance with the licensing requirements of this Bylaw, until the holder of the suspended Licence proves compliance to the satisfaction of the Chief Licence Inspector.

- 15.3 The Chief License Inspector may make inquiries and receive information, including information from the Applicant or Licensee, to determine whether there are just and reasonable grounds for the refusal, suspension, or revocation of a License.

- 15.4 The Chief License Inspector shall notify the Applicant or Licensee, in writing, when there is a refusal, suspension, or revocation of a License, which shall include the corresponding reasons for the decision and shall be issued to the Applicant or Licensee by means of:

- a) In-person delivery;
- b) registered mail; or,
- c) by leaving it with a Person who appears at least eighteen (18) years of age at the address of the Applicant or Licensee.

- 15.5 After the delivery of a notice of refusal, suspension, or revocation of a License, the Business shall not be carried on until such time as a Licence is reissued or the suspended Licence is reinstated.

- 15.6 A License that has been revoked, pursuant to this Section, must be returned to the Chief Licensing Inspector as soon as reasonably possible.

16. APPEALS

- 16.1 Any Applicant or Licensee who wishes to challenge a decision regarding the refusal, suspension, or revocation, of a License, shall make a formal appeal through the *Tourism Corridor and Community Standards Appeal Board* as outlined in the *Tourism Corridor and Community Standards Appeal Board Bylaw*.
- 16.2 Where an Applicant Licensee has given notice of an intention to appeal the suspension or revocation of a License, the Chief Licence Inspector may, in the Chief Licence Inspector's sole discretion, stay the suspension or revocation of a License pending the hearing of the appeal, if the continued operation of the business does not create a danger to the safety, health or welfare of the public.
- 16.3 All notices of appeal shall be accompanied by a notice of appeal deposit in the amount specified in the *Tourism Corridor and Community Standards Appeal Board Bylaw*.

17. VIOLATIONS

- 17.1 A Person who contravenes or fails to comply with a provision of this Bylaw, or who interferes with or obstructs a Municipal Enforcement Officer in the execution of their duties under this Bylaw is guilty of an offence and shall be liable, upon summary conviction
- a) to a fine not less than three hundred (\$300.00) dollars but not exceeding ten thousand (\$10,000.00) dollars and in default of payment of any fine imposed, to a period of imprisonment not exceeding one (1) year; and,
 - i) the fine for the specific offence, in respect to the contravention of this Bylaw, shall be established in *Schedule A* of this Bylaw.
- 17.2 Where a Municipal Enforcement Officer has reasonable grounds to believe that a Person has contravened or failed to comply with a provision of this Bylaw, that Municipal Enforcement Officer may serve that Person with a Violation Tag by means of:
- a) in-person delivery;
 - b) registered mail; or,
 - c) by leaving it with a Person who appears at least eighteen (18) years of age at the address of the Applicant or Licensee.
- 17.3 The Violation Tag shall be in a form prescribed by the issuing Municipal Enforcement Officer and shall include:
- a) the name of the defendant;
 - b) the nature of the offence;
 - c) the fine for the offence, in accordance with Section 14.1;
 - d) the statement that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and,
 - e) any other information as may be required by the Municipal Enforcement Officer.

17.4 A Person convicted multiple times of the same offence, under this Bylaw, within a twenty-four (24) month period shall be subject to a fine

- a) twice (2x) the amount established in *Schedule A* of this Bylaw, if convicted at least two (2) times; or,
- b) twice (3x) the amount established in *Schedule A* of this Bylaw, if convicted at least three (3) times;

17.5 Where an issued Violation Tag has not been paid within the prescribed time, the Municipal Enforcement Officer may issue a Violation Ticket in accordance with the *Provincial Offences Procedure Act, R.S.A. 2000, c. P-34*:

- a) nothing in this Section shall prevent a Municipal Enforcement Officer from immediately issuing a Violation Ticket Where a Municipal Enforcement Officer has reasonable grounds to believe that a Person has contravened or failed to comply with a provision of this Bylaw.

18. TRANSITIONAL

18.1 If any portion of this Bylaw is found to be invalid, that portion shall be severed from the remainder of the Bylaw and shall not invalidate the whole Bylaw.

18.2 Bylaw 04-15, Town of Drumheller Business License Bylaw, and Bylaw 01-18, Mobile Vendor Bylaw, and all amendments thereto, shall be repealed on December 31st, 2023. All licenses issued in accordance with Bylaw 01-18 and Bylaw 04-15 shall be subject to the corresponding Bylaw until the date of repeal.

18.3 This Bylaw comes into force when it receives third reading and is signed by the Mayor and the Chief Administrative Officer.

READ A FIRST TIME THIS 10th DAY OF JULY, 2022

READ A SECOND TIME THIS ___ DAY OF _____

READ A THIRD AND FINAL TIME THIS ___ DAY OF _____

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Schedule “A” Offences

<u>Section</u>	<u>Offence Description</u>	<u>Penalty</u>
GENERAL OFFENCES		
General Penalties	All bylaw sections not specified in this schedule.	\$300
3.1, 10.4	Operate or Advertise a Business without a License	\$1000
4.2	Provide false information on a Business License Application	\$1000
3.5, 10.5	Failure to advertise Business License in conspicuous location	\$300
15.5	Carry on business while license suspended or revoked	\$1000
15.6	Failure to surrender a revoked license.	\$300
MOBILE VENDORS & BUSKERS		
7.4	Operating outside of a permitted area	\$300
7.4	Operating outside of the approved times	\$300
7.6	Failure to relocate upon notice	\$1000
MARKETS		
9.2	Failure to furnish information regarding stalls.	\$300
GENERAL CONTRACTORS		
12.2	Failure to furnish information regarding sub-contractors	\$300
SHORT TERM RENTAL		
10.3	Allowing Overlapping Bookings	\$1000
10.5	Failure to post required information in a conspicuous location	\$1000
10.7	Operating multiple Short-Term Rentals on a single parcel	\$1000

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