

**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 LICENCE  
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 Licence 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 Licence*" means a Licence that is valid for the period between January 1<sup>st</sup> and December 31<sup>st</sup> of the year it was issued;
- c) "*Applicant*" means a Person who applies for a Business Licence or a renewal of a Business Licence, in accordance with this Bylaw;
- d) "*Application*" means a written request for a Business Licence or a renewal of a Business Licence as required by this Bylaw, in the form prescribed by the Chief Administrative Officer;
- 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 Administrative Officer, 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 Administrative Officer*” 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 01.24*, as amended from time to time, and its successor legislation;
- q) “*Home-Sharing Insurance*” or “*Short-Term Rental Insurance*” means insurance offered by an accredited insurance broker intended to cover against losses relating to the rental of homes on a short-term basis that is not otherwise covered by online STR broker;
- r) “*Home Occupation*” means any business of any sector that meets the definitions established in the *Land Use Bylaw* for the corresponding Land Use District;
- s) “*Land Use Bylaw*” means the Town of Drumheller *Land Use Bylaw 16.20* as amended from time to time, and its successor legislation;

- t) *"Licence"* means a Business Licence, issued pursuant to this Bylaw, for the purpose of licensing any Person carrying on Business within the Town;
- u) *"Licensee"* means the holder of a valid and subsisting Business Licence, issued pursuant to this Bylaw;
- v) *"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;
- w) *"MGA"* means the *Municipal Government Act, R.S.A. 2000, c. M-26*, as amended from time to time, and its successor legislation;
- x) *"Micro Business"* means a Resident Business whose annual revenues are less than \$30,000 per year as verified by the Canada Revenue Agency;
- y) *"Mobile Business Unit"* means a vehicle, temporary structure, display, trailer, cart, or stand from which a business is carried on and for which the Licensee is not listed on the property tax assessment roll;
- z) *"Mobile Vendor"* means a Person who carries on Business from a Mobile Business Unit;
- aa) *"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*;
- bb) *"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;
- cc) *"Non-Principal Short-Term Rental"* means a Short-Term Rental that is not the Principal Residence of the property owner, but where the property owner lives within the jurisdiction of the Town;
- dd) *"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;
- ee) *"Non-Resident Short-Term Rental"* means a Short-Term Rental in which the property owner lives outside the jurisdiction of the Town;
- ff) *"Principal Residence"* means the usual place where an individual makes their home for the majority of a calendar year, and for these purposes, a Person can only have one Principal Residence at any given time;
- gg) *"Principal Short-Term Rental"* means a Short-Term Rental in which the Short-Term Rental is the property owner's Principal Residence;
- hh) *"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;
- ii) *"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;

- jj) "*Short-Term Rental*" or "*STR*" 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; and,
  - c) Hotels/Motels;
- kk) "*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 Administrative Officer;
  - 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 Administrative Officer; or,
  - vi) that involves temporary changes to the activities or access in a public space, including road closures and noise bylaw exemptions;
- ll) "*Temporary Licence*" means a Resident or Non-Resident Business Licence that is granted for the following temporary period of time:
- i) one (1) day;
  - ii) one (1) week;
  - iii) one (1) month; and,
  - iv) four (4) months;
- mm) "*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;
- nn) "*Type of Business Licence*" means a Business Licence with distinct provisions, Application process, or fees established, as established in the *Fee Schedule*, and may include a:
- i) General Business Licence;
  - ii) Mobile Vendor Business Licence;
  - iii) Charitable Organization Business Licence;
  - iv) Busker Business Licence;

- v) Market Business Licence;
- vi) Short-Term Rental Business Licence;
- vii) Special Event Business Licence;
- viii) Contractor Business Licence;
- ix) Micro-Business Licence; and,
- x) Home Occupation Business Licence.

### **3. LICENCE**

- 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 Administrative Officer.
- 3.2 Notwithstanding section 3.1, a Business Licence 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 Licence, 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 Administrative Officer, may, at their discretion, reissue a Licence 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 Administrative Officer:
- 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; and,
  - f) other such information as the Chief Administrative Officer may reasonably require.
- 4.2 No Person shall give false information in an Application pursuant to the provisions of this Bylaw.

## 5. LICENCE FEES & TERM

- 5.1 An Application for a Licence or for a renewal of a Licence shall not be considered by the Chief Administrative Officer 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 Administrative Officer.
- 5.2 The Chief Administrative Officer may establish different rates, as outlined in the *Fee Schedule*, for:
- a) Resident Businesses and Non-Resident Businesses;
  - b) Short-Term Rentals operated as Principal Short-Term Rentals, Non-Principal Short-Term Rentals, and Non-Resident Short-Term Rentals;
    - i) for the purposes of this Bylaw, a Short-Term Rental situated within a Dwelling Unit – Secondary or a Dwelling Unit – Garden, as established in the *Land Use Bylaw*, and situated on the same lot as a Principal Residence, shall be treated as a Principal Residence; and,
  - c) any other Type of Business Licence established within this Bylaw.
- 5.3 Every Annual Licence shall be for the period between January 1<sup>st</sup> and December 31<sup>st</sup> of the year in which said Licence was issued and shall be purchased for the full amount set out in the *Fee Schedule*, regardless of the date of purchase.
- 5.4 Every Annual Licence issued, unless revoked, shall terminate at midnight on the 31<sup>st</sup> day of December of the year in which said Licence was issued.

- 5.5 Every Annual Licence that was renewed by the Chief Administrative Officer must be paid by the Licensee by March 31<sup>st</sup> of the year it was renewed.
- 5.6 Every Temporary Licence issued, unless revoked, shall terminate after the prescribed time listed on the Licence, beginning from the date of issuance.
- 5.7 The Licensee must adhere to all conditions prescribed by the Chief Administrative Officer in association with the Licence at the time of approval.
- 5.8 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 Administrative Officer.

## **6. PROVISIONS FOR CHARITABLE ORGANIZATIONS**

- 6.1 Every Charitable Organization carrying on Business within the Town shall require a Business Licence, in accordance with Subsection 3.1.
- 6.2 Charitable Organizations that wish to be exempt from the Business Licence fees, in accordance with subsection 5.8, 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 Administrative Officer 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.
- 7.3 An Applicant must provide Liability Insurance to the Chief Administrative Officer in the manner described under Section 13 of this Bylaw prior to operating on Town property.
- 7.4 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 Administrative Officer.
- 7.5 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 Administrative Officer;
    - 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.
- 7.6 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 Administrative Officer; 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 Administrative Officer.
- 7.7 A Mobile Vendor may be requested to relocate at any time, at the sole discretion of the Chief Administrative Officer, 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 Administrative Officer;
    - 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 Administrative Officer, 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 Administrative Officer.
- 8.4 A Busker may be requested to relocate at any time, at the sole discretion of the Chief Administrative Officer, 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 Administrative Officer, 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 Licence.
- 9.4 A Market that wishes to Carry on Business on private property must provide written authorization from the landowner(s) to the Chief Administrative Officer; indicating,
- a) approval to operate at the specific address; and,
  - b) any additional requirements of the landowner(s), which will be reviewed by the Chief Administrative Officer.
- 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 In addition to Subsection 4.1, an Applicant for a Short-Term Rental Business Licence must provide the following items as part of their Application, in a form satisfactory to the Chief Administrative Officer:
- a) a floor plan detailing emergency evacuation routes and the location of fire extinguishers, in case of emergency;
  - b) photos detailing the location of sleeping areas and other facilities, intended to be used by the guest(s) within the Short-Term Rental;
  - c) evidence that the Short-Term Rental is either occupied as a Principal Short-Term

Rental, Non-Principal Short-Term Rental or Non-Resident Short-Term Rental;

- d) proof of current Home-Sharing Insurance, in the amount and form deemed appropriate by the Chief Administrative Officer; and,
  - e) any other such information as the Chief Administrative Officer may reasonably require.
- 10.3 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.
- 10.4 No Person shall Advertise a Short-Term Rental without a valid and subsisting Business Licence, and:
- a) Short-Term Rental Licensee who advertises or causes advertising to be distributed respecting the Short-Term Rental, must include the following within the advertisement, in a conspicuous location:
    - i) the valid Business Licence number; and,
    - ii) a statement directing any complaints regarding *Short-Term Rentals* to a location designated by the Chief Administrative Officer.
- 10.5 A Short-Term Rental Licensee must post, in a conspicuous location within the interior of the Short-Term Rental:
- a) an Emergency Contact List, which includes:
    - i) the name, phone number and email address of an emergency contact who can be reached twenty-four (24) hours per day during rental periods; and,
    - (ii) the contact information for local emergency services in the Town of Drumheller.
  - b) a map detailing emergency evacuation routes and the location of fire extinguishers in case of emergency; and,
  - c) the valid Licence, in accordance with Section 3.5 of this Bylaw.
- 10.6 A Short-Term Rental Licensee must possess and maintain the following within the Rental, to the standard determined by the Chief Administrative Officer.
- a) portable fire extinguisher(s);
  - b) smoke detector(s);
  - c) carbon monoxide detector(s);
  - d) exit signage; and,
  - e) a source of emergency lighting.

- 10.7 An applicant for a property owned by another Person 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 Administrative Officer.
- 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:
- a) Dwelling Unit – Multiple Unit (Apartment) Uses may be approved to operate additional Short-Term Rentals per parcel, at the discretion of the Development Authority.
- 10.9 A Short-Term Rental is **only** permitted within approved Dwelling Units, as defined in the *Land Use Bylaw*, which are only permitted within the following Land Use Districts:
- a) Countryside District (CSD);
  - b) Downtown District (DTD);
  - c) Neighborhood Centre District (NCD);
  - d) Neighborhood District (ND); and,
  - e) Rural Development District (RDD).
- 10.10 A Short-Term Rental may be required to undertake an inspection by Alberta Health Services, or a fire inspection by the Town of Drumheller Fire Department, at the discretion of the Chief Administrative Officer.
- 10.11 The Chief Administrative Officer will set an annual cap on the number of Business Licenses distributed to all Short-Term Rental Applicants.
- 10.12 A Short-Term Rental Licensee must not allow more than two guests per bedroom, not including Persons under the age of 12.

## 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 business (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 Licence must provide the following items as part of their Application, in the form prescribed by the Chief Administrative Officer:

- 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 Administrative Officer;
- c) liability Insurance, in the manner described under Section 13 of this Bylaw;
- d) an Alberta Health Services Food Handling Permit, if food will be served or sold at the Special Event;
- e) an Alberta Gambling and Liquor Commission (AGLC) liquor licence, if liquor will be served or sold at the Special Event; and,
- f) other such information as the Chief Administrative Officer may reasonably require.

11.5 Mobile Vendors participating in the Special Event must be licensed in accordance with Section 7 of this Bylaw.

- a) the Chief Administrative Officer may waive the fee for a Mobile Vendor participating in a Special Event, at their own discretion.

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 Administrative Officer 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 *Special Events Policy and Road Closures Policy*.

## 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 Licence, in accordance with Subsection 3.1, and

- a) a Contractor must provide an accurate listing of all its sub-contractors to the Chief Administrative Officer prior to being issued a Licence.

### **13. LIABILITY INSURANCE**

- 13.1 The Chief Administrative Officer 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 Administrative Officer with evidence of such insurance in a form satisfactory to the Chief Administrative Officer;
- 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 licensed to do Business in the Province of Alberta;
  - b) be in an amount sufficient, in the opinion of the Chief Administrative Officer 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 Administrative Officer 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 Administrative Officer 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 Administrative Officer 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 Administrative Officer.

- 14.2 The Chief Administrative Officer 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 Administrative Officer deems necessary in order to render a decision regarding the renewal or issuance of a Licence.
- 14.3 The Chief Administrative Officer may delegate any of their responsibilities within this Bylaw to employees of the Town of Drumheller.
- 14.4 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 Administrative Officer may refuse, suspend, or revoke, a Licence 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 Licence has been issued in error; or,
  - d) the Chief Administrative Officer 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 Administrative Officer.
- 15.3 The Chief Administrative Officer 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 Licence.
- 15.4 The Chief Administrative Officer shall notify the Applicant or Licensee, in writing, when there is a refusal, suspension, or revocation of a Licence, 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 Licence, the Business shall not be carried on until such time as a Licence is reissued or the suspended Licence is reinstated.
- 15.6 A Licence that has been revoked, pursuant to this Section, must be returned to the Chief Administrative Officer 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 Licence, 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 Licence, the Chief Administrative Officer may, in the Chief Administrative Officer's sole discretion, stay the suspension or revocation of a Licence 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,
    - 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 17.1 and *Schedule A*;
- 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) three times (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 Licence Bylaw, and Bylaw 01-18, Mobile Vendor Bylaw, and all amendments thereto, shall be repealed on the date this Bylaw comes into force.

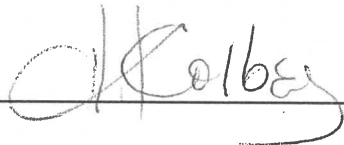
18.3 This Bylaw comes into force February 1, 2024.



READ A FIRST TIME THIS 10<sup>th</sup> DAY OF JULY, 2023

READ A SECOND TIME THIS 3<sup>rd</sup> DAY OF OCTOBER, 2023

READ A THIRD AND FINAL TIME THIS 22<sup>nd</sup> DAY OF JANUARY, 2024

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER

## **Schedule "A"**

### **Offences**

<b><u>Section</u></b>	<b><u>Offence Description</u></b>	<b><u>Penalty</u></b>
<b>GENERAL OFFENCES</b>		
General Penalties	All bylaw sections not specified in this schedule.	\$300
3.1, 6.1, 7.1, 8.1, 9.1,10.1, 11.1, 12.1	Operate or Advertise a Business without a Licence	\$1000
4.2	Provide false information on a Business Licence Application	\$1000
3.5, 10.4	Failure to advertise Business Licence in conspicuous location	\$300
15.5	Carry on Business while Licence suspended or revoked	\$1000
15.6	Failure to surrender a revoked Licence.	\$300
<b>MOBILE VENDORS &amp; BUSKERS</b>		
7.5 (a), 7.6	Operating outside of a permitted area	\$300
7.5 (b)	Operating outside of the approved times	\$300
7.7	Failure to relocate upon notice	\$1000
<b>MARKETS</b>		
9.2	Failure to furnish information regarding stalls.	\$300
<b>GENERAL CONTRACTORS</b>		
12.2	Failure to furnish information regarding sub-contractors	\$300
<b>SHORT-TERM RENTALS</b>		
10.3	Allowing Overlapping Bookings	\$1000
10.5	Failure to post required information in a conspicuous location	\$1000
10.8	Operating multiple Short-Term Rentals on a single parcel	\$1000