

**BYLAW 887-R-04-24
TOWN OF COALDALE
PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF COALDALE
TO ESTABLISH THE LICENSING AND REGULATION
OF ALL BUSINESSES OR INDUSTRIES WITHIN THE TOWN OF COALDALE**

WHEREAS the *Municipal Government Act, RSA, 2000, c. M-26* and amendments thereto, authorize a Council to pass bylaws for municipal purposes;

AND WHEREAS Section 7 of the *Municipal Government Act, RSA, 2000, c. M-26* authorize the Council to pass bylaws for the municipal purpose of respecting business activities and persons engaged in business;

AND WHEREAS Section 8 of the *Municipal Government Act, RSA, 2000, c. M-26* permits Council to provide for a system of licenses, permits or approvals;

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

1. BYLAW TITLE: This bylaw may be cited as the “Business Licensing Bylaw”.

2. DEFINITIONS

2.1 In this bylaw unless the context otherwise requires:

- (a) “Adult Person” means any natural person over the age of eighteen (18) years of age.
- (b) “An Alberta Approved Farmers Market” means:
 - i. A market meeting minimum operational requirements that brings together multiple vendors in-person on a regular basis, creating an opportunity for Alberta entrepreneurs to see their Alberta products directly to consumers.
 - ii. A minimum of 80% of the vendors are Albertans who make, bake or grow the products they sell or a food establishment whose proposed operation has been approved by the Minister responsible for agriculture as an approved farmers’ market under the administration of that Minister’s department.
- (c) “Business” includes every business, trade, profession, industry, occupation, employment or calling, and the providing of goods and services.
- (d) “Bylaw Enforcement Officer” means an authorized Bylaw Enforcement Officer of the Town of Coaldale.

- (e) Designated Officer means a Bylaw Officer, or anyone appointed as a Designated Officer under this bylaw by the Chief Administrative Officer.
- (f) “Charitable Organization” means any religious, charitable, scientific, literary, or educational organization which is a registered Canadian charitable organization pursuant to the *Income Tax Act of Canada*.
- (g) “Chief Administrative Officer (CAO)” means the Chief Administrative Officer of the Town of Coaldale, and anyone authorized by the Chief Administrative Officer to act on their behalf.
- (h) Food Truck means a cart, trailer, or vehicle-mounted food service establishment, which is designed to set up on a temporary basis and be readily moveable, from which prepared food and/or beverages are offered for sale to the public.
- (i) “Home Occupation” means any occupation, trade, profession, or craft carried on by a person who lives in a residential dwelling where the business is the secondary use of the dwelling and includes any ancillary activity carried out at a residence on behalf of a business. “
- (j) “License” means a license issued pursuant to this bylaw.
- (k) “Licensee” means a person holding a valid license issued pursuant to this bylaw.
- (l) “License year” means the period commencing January 1 and ending December 31.
- (m) “Market” means 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.
- (n) “Resident” means:
 - (i) in the case of a natural person, one who has resided in the Town continuously for twelve (12) months prior to the date the license is applied for,
 - (ii) in the case of a business, one which is assessed for and is liable for property tax to the Town of Coaldale.
- (o) “Roadside Fruits and Vegetables Vendor” means any person or Business which sells or offers for sale:
 - (i) meats, fruits, or vegetables,
 - (ii) other farm produce at a temporary location on a street, road, private parking lot or elsewhere other than a building that is a permanent place of business.
- (p) “Taxi” means a motor vehicle employed in the conveyance of passengers for a fee with the original manufacturer designed seating capacity of 8 or fewer passengers, including the driver, but does not include a drive-yourself vehicle or Transportation Network Automobile.
- (q) “Taxi Operator” means a person who operates a taxi.
- (r) “Town” means the Corporation of the Town of Coaldale, or the area contained within the corporate boundaries of the Town as the context requires.
- (s) “Transportation Network” means an online enabled application, a digital

platform, software, a website, or any other system offered, used or operated by a Transportation Network Company and that is used by persons to pre-arrange the transportation of passengers for compensation by a Transportation Network Driver, as defined in the Transportation Network Companies Regulation 100/2016 and amendments thereto.

- (t) "Transportation Network Automobile" means a motor vehicle with a manufacturer's seating capacity originally designed for 8 or fewer passengers, including the driver, used to provide prearranged transportation of passengers for compensation using a Transportation Network, as defined in the Transportation Network Companies Regulation 100/2016 and amendments thereto but does not include a Taxi.
- (u) "Transportation Network Company" means a corporation, partnership, sole proprietorship, association or other entity, or individual that connects passengers with Transportation Network Drivers for pre-arranged transportation exclusively through the offering, use or operation of a Transportation Network, as defined in the Transportation Network Companies Regulation 100/2016 and amendments thereto.
- (v) "Transportation Network Driver" means a person authorized by a Transportation Network Company to operate a Transportation Network Automobile to provide prearranged transportation of passengers for compensation using a Transportation Network, as defined in the Transportation Network Companies Regulation 100/2016 and amendments thereto.

3. APPOINTMENT AUTHORITY & DUTIES

- 3.1 The Chief Administrative Officer (CAO) may appoint Designated Officer(s) to carry out the provisions of this bylaw.
- 3.2 A Designated Officer is authorized to:
 - (a) Receive, consider and deal with all applications for a license and transfer thereof.
 - (b) Record such information with respect to licenses as may be considered necessary.
 - (c) Periodically visit and inspect business premises and construction sites for the purpose of ascertaining whether the business is complying with the provisions of this or any other applicable bylaws.
 - (d) Refuse to grant a license or to revoke or suspend any license if, in their opinion, there are just and reasonable grounds for the refusal or the application or for the revocation or suspension of the license subject to the right of the applicant to appeal the refusal, revocation or suspension to Town Council.
 - (e) Issue a license, with or without conditions, upon payment or the appropriate fee.
 - (f) Prosecute violators of this bylaw.

4. LICENSE REQUIREMENTS

- 4.1 No person shall carry on or operate a business which is either wholly within or partly within and partly outside the Town unless the business holds a valid and subsisting license to do so, issued pursuant to this bylaw.
- 4.2 In a prosecution for contravention of this bylaw against engaging in or operating a business without a license, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.

5. EXCEPTIONS

- 5.1 A Business License is not required for the following businesses;
- (a) A Charitable or Non-Profit Organization registered under the Alberta Societies Act, and amendments thereto.
 - (b) A business carried on by the Government of Alberta or the Government of Canada.
 - (c) Businesses to which an exception is granted by Council resolution from time to time.
 - (d) A business that is exempted from business licensing by Federal or Provincial legislation, these include but are not limited to:
 - Agrology Profession Act
 - Alberta Approved Farmers Market
 - Architects Act
 - Engineer and Geoscience Professions Act
 - Health Professions Act
 - Insurance Act
 - Land Surveyors Act
 - Professional and Occupational Associations Registrations Act
 - Regulated Accounting Professions Act
 - Regulated Forestry Profession Act
 - Veterinary Profession Act
 - (e) Public educational and institutional uses.

6. APPLICATION & ISSUANCE OF LICENSES

- 6.1 Every application for a license shall be made by an adult person.
- 6.2 Every applicant for a license shall conform to the provisions of this bylaw and any other bylaw, Provincial Statute or Federal Act, applicable to that business.
- 6.3 If in the opinion of the Designated Officer an applicant for a license has complied with the terms of this bylaw and all-other applicable municipal bylaws, the

applicant shall be issued the license applied for upon payment of the applicable fee. Compliance with any Provincial Statutes and Federal Act will be on the onus of the applicant.

- 6.4 Where the Designated Officer issued a license which is subject to certain conditions, they shall endorse on the license issued the particulars of such conditions.
- 6.5 Every license issued under this bylaw shall be posted in a conspicuous place in the business premises of the applicant licensee.
- 6.6 Every annual license issued under the provisions of this bylaw shall terminate at midnight on the 31st day of December of the year in which said license was issued or such earlier date if the license has been revoked or suspended.
- 6.7 Every business, for which a yearly business license was issued in the previous license year must pay the business license fee as stated in the Town's Fees and Rates Bylaw.
- 6.8 The Designated Officer may refer any application for a license or for a transfer or renewal of a license to such persons or Town Departments as they deem advisable in the circumstances and the Bylaw Enforcement Officer shall deal with the application when such comments have been received.
- 6.9 All licenses issued are subject to the applicable land use regulations in force in the Town and the issuance of a license shall not be deemed approval to carry on a business in or on any premises in contravention of such regulations. If any case where a license is granted to a person to carry on a business in or on a premises where such activity is not permitted by the land use regulations of the Town, the Designated Officer shall forthwith cancel the license and refund the license fee to the applicant.
- 6.10 All businesses required to hold a license pursuant to this bylaw shall pay a license fee per business site in accordance with the Town's Fees and Rates Bylaw as approved by Town Council.
- 6.11
 - (a) Should a new annual license be issued after June 30th, in any year, the license fee shall be one-half of the appropriate annual license fee.
 - (b) A subsisting license issued under this bylaw may be transferred to another person upon application to the Bylaw Enforcement Officer and payment of ten (10%) percent of the annual license fees, provided the transferee has the necessary qualifications for such a license.
 - (c) Where a license is revoked or surrendered, the licensee is not entitled to any refund.

7. FOOD TRUCKS

- 7.1 (a) All Food Trucks are required to hold a license pursuant to this bylaw and shall pay an annual license fee per food truck business in accordance with the Town's Fees & Rates Bylaw as approved by Town Council.
- (b) All home-based Town of Coaldale resident food truck businesses are required to have a Home Occupation Development Permit prior to receiving a business license.
- (c) All food trucks operating within the Town of Coaldale shall be in compliance with Alberta Health Services rules and regulations.
- (d) All food trucks operating in the Town of Coaldale shall comply with the fire code in effect.
- (e) All food trucks must pass a Coaldale and District Emergency Services annual Fire Inspection before commencing operation.
- (f) Food trucks shall not be located where they are a hazard to the public as determined by the Development Officer, Bylaw Officer(s), Law Enforcement Officer(s), the Fire Chief or his designate, or the Director of Recreation & Community Services.

8. MARKETS

- 8.1 (a) All persons organizing a market are required to hold a license pursuant to this bylaw and shall pay an annual license in accordance with the Town's Fees & Rates Bylaw as approved by Town Council.
- (b) Charitable organizations registered pursuant to the Income Tax Act of Canada is not required to obtain a license.
- (c) A person operating a stall on the premises of a market does not require a license.
- (d) All home-based Town of Coaldale businesses are required to have a Home Occupation Development Permit prior to receiving a business license.

9. ROADSIDE FRUITS & VEGETABLES

- 9.1 (a) All persons operating a roadside fruit and vegetable business, are required to hold a license pursuant to this bylaw and shall pay an annual license in accordance with the Town's Fees & Rates Bylaw as approved by Town Council.
- (b) Charitable organizations registered pursuant to the Income Tax Act of Canada is not required to obtain a license.
- (c) All home-based Town of Coaldale businesses are required to have a Home Occupation Development Permit prior to receiving a business license.

10. PUBLIC TRANSPORTATION

10.1 Taxi

- (a) Every person operating a taxi or taxis who carries persons for hire from within the Town to places outside the Town or within the Town to another place within the Town shall obtain a business license.
- (b) No person shall:
 - (i) Operate a taxi in the Town unless that person is in possession of a valid Business license.
 - (ii) Operate a taxi unless their business license is always openly and prominently displayed in the vehicle in such a manner as to be visible to a passenger.
- (c) Before authorizing a Taxi Business License, the Manager of Community Policing, shall:
 - (i) Request a Criminal Record Check, production of a valid (minimum) Class 4 Alberta Driver's License, and a Driver's Abstract for all Taxi operators employed by the company and operating in Coaldale.
 - (ii) No person who has been convicted under the Criminal Code of Canada, within the previous five (5) years for the following offences, shall be allowed to operate a Taxi within the Town of Coaldale:
 - A sexual offence or offence relating to the corruption of public morals;
 - An offence relating to homicide, assault, kidnapping, arson or abduction;
 - An offence relating to robbery or extortion; and
 - An offence of criminal negligence, dangerous driving, impaired driving, or driving whilst their license is suspended.
- (d) The Detachment Commander of the Coaldale R.C.M.P. and the Manager of Community Policing have the right to direct a taxi operator license to be refused or suspended if the R.C.M.P. Detachment Commander or the Manager of Community Policing decide the person is not fit to operate a public conveyance or if the person does not comply with the provisions of this bylaw or any other applicable provincial or federal legislation.
- (e) Any person who operates any taxi or permits any taxi to be operated in the Town of Coaldale, shall:
 - (i) Maintain the taxi meter in good working condition so that the fare will be accurately registered at all times and to remove the taxi from operation when the taxi meter is improperly functioning;
 - (ii) The owner shall provide subsisting insurance and a Class 1 Alberta vehicle registration;
 - (iii) Maintain the vehicle in a manner and condition to ensure the safety of the customer being transported;
 - (iv) Ensure the company name is displayed on the passenger and driver side of the vehicle at a minimum size of 24 inches in width

by 6 inches in height. Companies with more than one vehicle shall also affix a unit number on the vehicle.

- (f) No Taxi operator shall, at any time, carry more persons as passengers than the number of seat belts provided.

10.2 Transportation Network Company

- (a) Every person operating a Transportation Network Company within the Town to places outside the Town or within the Town to another place within the Town, shall obtain a Business License.
- (b) Every person operating a Transportation Network Company within the Town of Coaldale, shall:
- (i) Provide proof of compliance with the Traffic Safety Act, Transportation Network Regulation at the time of application for a Town of Coaldale Business License and annually thereafter.
- (c) Before authorizing a Transportation Network Company Business License, the Manager of Community Policing, shall:
- (i) Request a Criminal Records Check, production of a valid (minimum) Class 1, 2 or 4 Alberta Driver's License, and a Driver's Abstract for all Transportation Network Automobile Operators employed by the Company and operating in Coaldale.
- (ii) No person who has been convicted under the Criminal Code of Canada, within the previous ten (10) years for the following offences, shall be allowed to operate a Transportation Network Automobile within the Town of Coaldale:
- A sexual offence or offence relating to the corruption of public morals;
 - An offence relating to homicide, assault, kidnapping, arson or abduction;
 - An offence relating to robbery or extortion; and
 - An offence of criminal negligence, dangerous driving, impaired driving, or driving whilst their license is suspended.
- (d) The Detachment Commander of the Coaldale R.C.M.P. or the Manager of Community Policing have the right to direct a Transportation Network Driver's license to be refused or suspended if the Detachment Commander of the Coaldale R.C.M.P. or the Manager of Community Policing decide the person is not fit to operate a public conveyance or if the person does not comply with the provisions of this bylaw or any other applicable provincial or federal legislation.

11. REVOCATIONS SUSPENSIONS & APPEALS

- 11.1 Where an application for a license is refused or where a license is revoked or suspended, the Designated Officer shall notify the applicant in writing or such refusal, revocation or suspension and the reasons for the same.

- 11.2 Pursuant to Section 11.1 of this bylaw, the applicant may appeal to Town Council.
- 11.3 An appeal pursuant to Section 11.2 shall be made in writing, addressed to the Municipal Clerk of the Town and shall be made within thirty (30) days after date of the refusal, revocation, suspension or date upon which the license was issued subject to conditions.
- 11.4 Town Council after hearing an appeal pursuant to Section 11.2, Town Council may:
- (a) Direct a license be issued without conditions;
 - (b) Direct a license be issued with conditions;
 - (c) Uphold the decision of the Designated Officer on grounds which appear just and reasonable by Town Council.

12. SPECIFIC REGULATIONS RESPECTING CERTAIN SPECIFIC BUINESSES

- 12.1 In addition to general provisions of this bylaw, including the requirement of a business license, the businesses dealt with in this part are subject to the following regulations.
- 12.2 Non-Resident Vendor
- (a) Means a business that does not ordinarily maintain within the Town a permanent place of business and applies to those businesses providing goods or product and selling from a commercial zoned business within the Town.
 - (b) The annual license fee for a Non-Resident shall be in accordance with the Town's Fees and Rates Bylaw as approved by Town Council.
- 12.3 Non-Resident Contractor
- (a) Means a business that does not ordinarily maintain within the Town a permanent place of business and applies to those businesses providing services within the Town.
 - (b) The annual license fee for a Non-Resident shall be in accordance with the Town's Fees and Rates Bylaw as approved by Town Council.
- 12.4 Home Occupations:
- (a) No license for a home occupation shall be granted until the applicant has first obtained the necessary development approval under the applicable land use regulations of the Town.
 - (b) The annual license fee for home occupations shall be in accordance with the Town's Fees and Rates Bylaw as approved by Town Council.

13. FINES AND PENALTY

- 13.1 Every person who violates any of the provisions of this bylaw, who suffers or permits any act or thing to be done in contravention or in violation of anything required to be done by any of the provisions of this bylaw or who does any act which violates any provisions of this bylaw, shall be deemed to be guilty of an offence against this bylaw and liable to the penalties herein imposed.
- 13.2 (a) Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that an offense has been committed under section 4.1 of this bylaw, they may serve upon such persons a Municipal Tag, or they may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with the *Provincial Offences Procedure Act R.S.A 2000, Chapter 34, as amended*.
- (b) The specified penalty shall be equal to the applicable full annual business licensing fee.
- 13.3 Every person who commits an offense against this bylaw is liable to a fine and penalty upon summary conviction of not more than TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS and not less than the applicable full annual business license fee and if in default of payment thereof, to imprisonment for a period not exceeding SIX (6) MONTHS.
- 13.4 Every person who commits an offense of a continuing nature is liable to a fine not exceeding TWO THOUSAND FIVE HUNDRED (\$2,500) DOLLARS for each day such offence is continued.

14. MISCELLANEOUS

- 14.1 Taxi Bylaw 552-R-11-05, and all amendments, thereto, are hereby repealed.
- 14.2 Business License Bylaw 451-C-06-00 and all amendments, thereto, are hereby repealed.
- 14.3 This bylaw shall come into force upon passing of third and final reading.

READ a FIRST time this 22nd day of April, 2024, for Business License Bylaw 887-R-04-24.

Mayor – Jack Van Rijn
Motion: 104-2024

CAO – Kalen Hastings

READ a SECOND time this 22nd day of April, 2024, for Business License Bylaw 887-R-04-24.

Mayor – Jack Van Rijn
Motion: 105-2024

CAO – Kalen Hastings

UNANIMOUS CONSENT provided on April 22, 2024, to hold all three readings in one meeting for Business License Bylaw 877-R-04-24.

Mayor – Jack Van Rijn
Motion: 106-2024

CAO – Kalen Hastings

READ a THIRD and FINAL time this 22nd day of April, 2024, for Business License Bylaw 887-R-04-24.

Mayor – Jack Van Rijn
Motion: 107-2024

CAO – Kalen Hastings