

# **Town of Drumheller COMMITTEE OF THE WHOLE MEETING AGENDA**

**March 2, 2015 at 4:30 PM  
Council Chamber, Town Hall  
224 Centre Street, Drumheller, Alberta**



Page

## **1.0 CALL TO ORDER**

3-4

- 1.1 Alberta Community Crime Prevention Association - Fraud Prevention Month in Alberta

## **2.0 DEVELOPMENT OR REVIEW OF STRATEGIC PLAN**

## **3.0 DEVELOPMENT OR REVIEW OF POLICIES**

## **4.0 DELEGATIONS**

## **5.0 REPORTS FROM ADMINISTRATION**

### **5.1. CAO'S REPORT**

5-20

- 5.1.1 Amended Business License Bylaw 04.15
- 5.1.2 Request from Community Futures Big Country to transfer 49 shares in 878947 Alberta Ltd. to the Town of Drumheller

### **5.2. DIRECTOR OF INFRASTRUCTURE SERVICES' REPORT**

### **5.3. DIRECTOR OF CORPORATE SERVICES' REPORT**

### **5.4. DIRECTOR OF COMMUNITY SERVICES' REPORT**

### **5.5. DIRECTOR OF PROTECTIVE SERVICES' REPORT**

## **6.0 ANNUAL BUDGET REVIEW**

## **7.0 COUNCIL MEMBERS ROUND TABLE DISCUSSION**

- 7.1 Councillor S. Shoff re Council's professional development account

## **8.0 IN-CAMERA MATTERS**

**8.0 IN-CAMERA MATTERS**

8.1 Personnel Matter



**Alberta Community Crime Prevention Association**  
Lower Main 1609 – 14 Street NW  
Calgary, AB T3C 1A4  
(403) 313 – 2566  
[albertacrimeprevention.com](http://albertacrimeprevention.com)

February 25, 2015

### **AN INVITATION TO SUPPORT FRAUD PREVENTION MONTH IN ALBERTA**

This letter is an invitation for you and others within your organization, to participate in this year's *Fraud Prevention Month*. This event is held in March of each year in Alberta. *Fraud Prevention Month* is led by the Alberta Crime Prevention Association (ACCPA), a nonprofit, community-based organization dedicated to enhancing education and building awareness of the importance of crime prevention. During *Fraud Prevention Month*, ACCPA works in collaboration with police agencies, the financial industry, and numerous community partners to coordinate many worthwhile activities associated to fraud prevention.

This year, in an effort to inform people about the importance of protecting themselves from fraudulent scams, ACCPA is excited to organize a campaign to help prevent citizens from being victims of fraud. *Fraud Prevention Month* will kick-off on Monday, March 2, 2015. During each week in March, key messages associated to senior fraud awareness, homeowner's fraud safety and charity and business awareness will be disseminated through social and traditional media. The month will culminate with an event highlighting the importance of senior safety pertaining to fraudulent scams. This year, the main focus was decided to show the importance of senior awareness in relation to romance and special friend scams. The kick-off will provide information and tips for seniors to ensure they do not become a victim of fraudulent acts.

In the event that you wish to have a Proclamation for Fraud Prevention Month, please find attached a sample.

Thank you very much for your time and consideration. We look forward to your support. If you have questions, please contact me – [lillian@albertacrimeprevention.com](mailto:lillian@albertacrimeprevention.com) or I may be reached at 403-852-0498.

Yours truly,

Lillian B. Jones  
Executive Director

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## ***Agenda Item # 1.1***

WHEREAS fraud takes many shapes and forms; one of the frauds that the Alberta Fraud Prevention Committee is focussing on is romance frauds that target senior citizens;

AND, WHEREAS, the approach of those criminals who are intent on stealing money from seniors is often to establish a personal bond with the intended victim;

AND, WHEREAS, citizens who meet someone either on-line, or over the phone, must be wary of any and all romantic overtures that are extended by strangers;

NOW, THEREFORE, I, MAYOR TERRY YEMEN, MAYOR OF THE TOWN OF DRUMHELLER, DO HEREBY PROCLAIM MARCH 2, 2015 AS ROMANCE SCAM AWARENESS DAY IN DRUMHELLER.



**BYLAW 04-15**

**TOWN OF DRUMHELLER**

**Business License Bylaw**

**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 8 of the *Municipal Government Act*, being Chapter M-26.1 of the Revised Statutes of Alberta, 2000 as amended A Council may by Bylaw, do all things with respect to the regulation of any development, activity, industry, or business within the municipality, including the licensing thereof;

**WHEREAS** Council for the Town of Drumheller deems it appropriate to register businesses being carried on within the municipality;

**NOW THEREFORE THE COUNCIL OF THE TOWN OF DRUMHELLER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:**

**SECTION I: TITLE**

1. This bylaw may be cited as the "Town of Drumheller Business License Bylaw."

**SECTION III: DEFINITIONS**

2. (1) In this bylaw:

In this Bylaw, the following words shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular; and words in the singular include the plural. The words he, she or they shall mean feminine or masculine. The word "shall" is always mandatory, and not merely directory.

"Act" means the *Municipal Government Act*, Chapter M-26.1 of the Revised Statutes of Alberta, 2000 as amended.

"Advertise" means to promote, describe or publicize merchandise or services in a public forum including but not limited to commercial vehicles, newspapers, flyers, radio, television, fax communications or internet communications, howsoever created and distributed.

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## **Agenda Item # 5.1.1**

"Agent" means a person hired by a home owner to fill out the Building Trade List to the Business License application supplied by the Town of Drumheller, and or a person hired by a commercial business to represent them.

"Applicant" means a person who applies for business license, a renewal of the business license, or a transfer of a business as required by this Bylaw.

"Application" means a written application for a business license, or a renewal of a business license, as required by this Bylaw.

"Application for Appeal" means the completion of a form provided by the Town of Drumheller to the Applicant after the Applicant has completed all steps in the decision review process as referred to in sections 31 and 32 of this Bylaw.

"Authority" means any employee of the Town of Drumheller designated by the License Inspector to collect information and payments required for the completion of the sale of a Business License as described in this Bylaw.

"Business" means:

- a) a commercial, merchandising, marketing or industrial activity or undertaking that invoices for goods or services;
- b) a profession, trade, occupation, calling or employment; or
- c) an activity providing goods or services, whether or not for profit and however organized or formed, including a co-operative or association of persons.

"Business Premises" means any store, office, warehouse, residence, yard or other place occupied, for the purpose of carrying on a business and where the Business telephone, computer or fax machine are located and in which the "Carrying on Business" is a permitted or discretionary use under the Town of Drumheller Land Use Bylaw.

"Business Registry" or "Registry" shall be the listing of all applicable businesses carrying on business within the Town of Drumheller.

"Business License" means a license to be issued, pursuant to this Bylaw, for the purpose of licensing any business operating within the Town.

"Building Trade List" shall mean a mandatory list attached to all building permit application forms from the Town of Drumheller Planning and Development Department. The list is to be filled out by the, homeowner, Business owner, Contractor or Agent hired by the homeowner or business owner. (Building Permits are required for all leasehold renovations or new developments).

"Busker" shall mean a person who plays music or is to perform entertainment in a public place while soliciting money.

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"Carry on Business" shall mean to operate, perform, keep open, or hold open, for gain, whether as principal or agent.

## Agenda Item # 5.1.1

The business or practice of a profession, trade or calling which, by the Laws of the Province of Alberta, a municipality is not empowered to license to carry on business within the municipality, including, without limiting the generality of the foregoing, the practice of medicine, law, dentistry, accounting by persons registered pursuant to the Chartered Accountants Act, Certified General Accountants Act and Certified Management Accountants Act, architecture, surveying and engineering and chiropractic;

"Charitable or Non-Profit Organization" shall mean any person, association, or body corporate engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Town, all the resources of which are devoted entirely to charitable activities and not for profit or gain, and which does not confer a monetary or other benefit upon its members or directors. Non-Profit Organizations shall apply for a Business License each year. These may include:

- a) Religious societies or organizations;
- b) Service clubs;
- c) Community, veteran or youth organizations;
- d) Social, sport or fraternal organizations or clubs;
- e) Employer or employee organizations;
- f) Museums, galleries, cultural organizations and educational institutions.

"Commercial & Light Industrial" means businesses in any sector located in commercial or light industrial zonings. A reasonable measure would be a business whose square footage is 300 sq. m. (3,229 sq. ft.) or less and is employing 3 or more people in the business.

"Council" means the Municipal Council for the Town of Drumheller in the Province of Alberta, as duly elected.

"Full Service Food Vehicle" means the business of operating a motor vehicle equipped for the storage and preparation of foods and beverages which is used as a mobile food premises and from which the foods and beverages are offered for sale directly to the public. A Full Service Food Vehicle shall not be more than 10 metres in length and not configured so customers can order and consume foods and beverages inside the motor vehicle.

"General Contractor" means the business of accepting contracts for the erection, alteration, construction, repair of buildings or structures of any kind or the person or firm engaged in such business, as the context requires; and includes any owner of property who supervises the erection, construction, alteration and repair of buildings or structures where a general contractor is not engaged in such a project.

"Goods" shall mean the commodities or goods that are bought and sold in business.

"Hawker" or "Peddler" means any person who, whether as principal or agent, who:

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## **Agenda Item # 5.1.1**

- i) Goes from house to house selling or offering for sale any merchandise or service, or both, to any person and who is not a wholesale or retail dealer in that merchandise or service, and not having a permanent place of business in the municipality;
  - a. Offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered in and shipped into the municipality; or
  - b. Sells merchandise or a service, or both, on the streets or roads or elsewhere, other than at a building that is his permanent place of business, but does not include any person selling;
  - c. Meat, fruit or other farm produce that has been produced, raised or grown by himself within the Province of Alberta; or
  - d. Fish, of his own catching, caught in the Province of Alberta; or
  - e. Goes from house to house selling or offering for sale retail electrical or natural gas supply or service contracts and are licensed in accordance with the Electricity Marketing Regulations and / or Natural Gas Direct Marketing Regulation and not having a permanent place of business in Town; however,
- ii) The business of a Hawker or Peddler as hereinafter defined shall be deemed not to include:
  - a. The sale of goods, wares and merchandise to businesses licensed under this By law where such goods, wares and merchandise are purchased for the exclusive purpose of resale and not consumption;
  - b. the delivery of goods, wares and merchandise purchased outside of the corporate limits of the Town provided the contract for purchase for such goods, wares or merchandise was not made in whole or in part within the corporate limits of the Town;
  - c. the installation of the goods, wares and merchandise described in subsection b) above provided that the services so rendered are of a relatively nominal value and can be reasonably considered incidental to the delivery of the goods, wares or merchandise; and

“Home Occupation” means any business of any sector holding a valid home occupation development permit as required in a residential zone in the Town of Drumheller Land Use Bylaw.

“Home Occupation Permit ” means a permit issued from the Town of Drumheller Planning and Development Department to carry on a commercial business in a residential area. This application is to be approved and issued as a prerequisite to obtaining a Business License.

“Large Commercial & Heavy Industrial” means larger businesses located in commercial or heavy industrial zonings. A reasonable measure would be a business whose square footage is 300 sq. m. (3,229 sq. ft.) or more.

“License” or “Licensed” shall mean the holder of a valid and subsisting Business License issued and pursuant to the provisions of this Bylaw.

“License Inspector ” means the Chief Administrative Officer of the Town, or any designated employee referred to in this bylaw as “Officer” hired by the Town of Drumheller to administer,



issue and / or enforce the licensing of any and all businesses in the Town pursuant to this Bylaw.

**"Lodging" means a person, corporation or organization engaged in the rental of accommodation on a short term basis, including hotels, motels, country inns, and bed & breakfast establishments having 4 rooms or more.**

**"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.**

**"Micro Business" means a resident business whose annual revenues are less than \$30,000 per year as verified by Canada Revenue Agency.**

**"Mobile Business Unit" means a motor vehicle, trailer, temporary structure or display, stand, push cart or other wheeled unit from which a business is carried on and for which the licensee is not listed on the Town tax assessment roll and includes a "Full Service Food Vehicle."**

**"Natural Person" means an individual human being.**

**"Non-Resident" means a person who does not qualify as a Resident or Home Occupation. This includes all commercial businesses utilizing Town of Drumheller facilities that do not make their business premises in the Town of Drumheller.**

**"Officer" shall mean the Town of Drumheller Bylaw Enforcement Officer, or any member of the Royal Canadian Mounted Police; or such other officers of the Town of Drumheller as may be appointed or authorized by the Chief Administrative Officer of the Town to enforce the provisions of this Bylaw.**

**"Permanent structures" shall mean any shelter, booth, stand or other structure constructed so as to not be moveable without dismantling.**

**"Person" means a natural person, a body corporate, partnership, firm, organization, society or group, including but not limited to a group of persons acting in concert or association.**

**"Resident" means a person, either living in the Town or maintaining business premises of a permanent nature in the Town**

**"Services" shall mean the provision of labour or assistance or the performance of duties or functions whether or not for the purposes of receiving remuneration.**

**"Special Event" shall mean an activity or occasion taking place on or within the Town of Drumheller and requiring the completion of a Special Events Permit and adherence of any conditions determined by the Town for the staging of a Special Event by an Officer.**

**"Special Event Permit" shall mean a document obtained by an applicant who intends to organize a Special Event on or within Town lands as approved by an Officer.**

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## **Agenda Item # 5.1.1**

"Specialized Services" shall mean a necessary service provided by a Non-Resident under this Bylaw and is a service which cannot be provided by a Resident or Home Occupation.

"Stall" shall mean a space as defined for rental in a Market, or by the organizers of a Special Event at another location as approved by an Officer.

"Street Vendor" means any person, whether as a principal or agent, offers or exposes for sale to any other person, any merchandise, processed or unprocessed foodstuffs or other thing from:

- a) a) a push-cart, wagon, or other wheeled vehicle; and
- b) b) any mobile business unit located on a public street, highway, or park; and
- c) c) shall not be less than fourteen years of age.

"Sub-Contractor" means a person providing sub-contract services to a General Contractor in relation to a particular trade, project or contract.

"Temporary License" refers to non-resident business owners conducting business in the Town of Drumheller for a period up to:

- d) three days; or
- e) one month; or
- f) four months;

"Third Party Agent" refers to a person retained by the Travel Drumheller Marketing Association to audit, or verify the manner of collection and adjustment of fees collected within Schedule "B" of this bylaw.

"Town" means the Municipal Corporation of the Town of Drumheller in the Province of Alberta, or the area contained within the corporate boundaries of the said municipality.

### **SECTION III: DUTIES OF THE OFFICERS**

3. The Town's Officers are hereby appointed to enforce the provisions of this Bylaw, and shall be considered responsible for the enforcement of all provisions of this Bylaw.

4. The Bylaw Enforcement Officers shall:

- a) grant, renew and transfer business licenses pursuant to this Bylaw;
- b) maintain appropriate records pertaining to the licensing of businesses, infractions of this Bylaw, and generally all matters arising out of the application and Bylaw Enforcement of this Bylaw.

5. License Inspection Officers may refuse to grant, renew or transfer a business license if, in the Officer's determination:

- a) the applicant is in breach of this or any other Bylaw of the Town, or any applicable municipal or federal statute or regulation;

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b) the applicant does not hold current and valid Municipal, Provincial or Federal approvals, licenses, clearances or insurances as required by the relevant Municipal, Provincial or Federal Bylaw statutes or regulations.

## **Agenda Item # 5.1.1**

When an application has been refused, the Officer shall provide written reasons for the refusal.

### **SECTION IV: REGISTRATION PROVISIONS**

6. The Business License Office for the purposes of this Bylaw shall be Town Hall, located at 224 Centre Street, Drumheller, Alberta, T0J0Y4, or other place as designated by the Town from time to time.

7. An Applicant for a Business License shall complete an application on the approved form, furnishing such information as the form shall require and such additional information as the Officer or Town's representative may reasonably require.

- (a) An Officer may require a policy of liability insurance to be held in connection with the carrying on of any business:
  - i. The applicant shall furnish an Officer with documents proving the existence of such insurance to the satisfaction of an Officer, and
  - ii. such policy of liability insurance associated to the carrying on of any business shall indemnify and saves harmless the Town against any and all loss, damage, actions, claims, judgments, costs and expenses suffered or sustained in connection with, or because of, the carrying on of business or a business license shall not be issued.
- (b) The liability insurance policy required by an applicant under this section must:
  - i. be in an amount that is adequate, in the opinion of the CAO, to cover public liability for all personal injury and property damage which may occur in the course of operation of the business, and the insurance shall be endorsed to add the Town as an additional insured and with thirty days written notice to be given to the Town prior to cancellation of, or any material change made to the policy and the policy shall include the following cross liability clause:
- (c) 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 servant, official employee or agent of the Town is liable for any damage or loss sustained or suffered by any person by reason of:
  - i. any acts or omissions of a licensee or person acting on his behalf;
  - ii. the issuance of any license; or
  - iii. anything done or not done in any way connected with a license or this Bylaw.
- (d) Where a policy of liability insurance expires during the license year the Licensee shall provide the Town with proof of renewal
- (e) When the policy of insurance expires or is terminated or cancelled, then the applicable license shall be automatically revoked and the Licensee shall cease carrying on business until the revocation is lifted or a new license issued by the Town.

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8. Except where permitted in clause 10, no Person shall carry on or operate a business within this Bylaw without first having obtained a Business License for the Business in accordance with the terms of this Bylaw.

**Agenda Item # 5.1.1**

9. Notwithstanding clause 8 of this part, a Business shall not be required to be licensed if:

- a) the Business is carried on or operated by the Town or at a location operated by an official or employee of the Town acting on behalf of the Town in his capacity as such official or employee; or
- b) the Business is carried on by the Government of the Province of Alberta or Canada; or
- c) any Statute of the Province or Canada exempts such Business or Person from the requirements of Municipal licensing; The business or practice of a profession, trade or calling which, by the Laws of the Province of Alberta, a municipality is not empowered to license to carry on business within the municipality, including, without limiting the generality of the foregoing, the practice of medicine, law, dentistry, accounting by persons registered pursuant to the Chartered Accountants Act, Certified General Accountants Act and Certified Management Accountants Act, architecture, surveying and engineering and chiropractic; or
- g) Council has, by resolution, exempted said Business.

10. Notwithstanding clause 9 of this Part, a charitable or non-profit organization may be exempted from the requirement of being registered with the Town, upon the charitable or non-profit organization establishing, to the satisfaction of the Officer or the Authority that:

- a) all of the resources of the organization are devoted entirely to charitable activities; or
- b) no monetary or other benefits are conferred upon the members of the organization or its directors; or
- c) the activities of the organization are of benefit to the Town and residents of the Town; or
- d) the majority of return or income is utilized for the promotion of the objectives of the organization in the Town.

11. Notwithstanding the business being licensed under the provisions of this Bylaw, such license does not authorize or permit the licensee to "Carry on Business" or any pursuit contrary to the provisions of other Town Bylaws and other applicable Provincial or Federal acts, regulations, standards and codes.

12. Any business, with the exception of temporary licenses, which commences business or operation after:

- a) January 1st and before December 31<sup>st</sup> shall pay the full amount of the appropriate business license fee set out in applicable Schedule adopted by Council.

13. A Market Licensee must, upon request, furnish to an Officer the following:

- (a) the name and address of any operator of any stall, table or space; and

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(b) the type of goods, wares or merchandise sold by the licensee;

## **Agenda Item # 5.1.1**

(c) A license is not required of a person who rents a stall, table or space in a Market

and operates within the Market's hours of operation.

14. No business shall be licensed until such time as the applicant holds a valid Provincial or Federal license where required by law; and holds any other such permits and approvals as may be required by Federal or Provincial law, or municipal Bylaw. Copies of all such licenses, permits and approvals must be provided to the Officer or Authority upon request.

15. Each license issued pursuant to this Bylaw shall automatically terminate at midnight on the 31st day of December in the calendar year for which such license was issued.

16. All licenses issued pursuant to this Bylaw remain the property of the Town.

17. When a business license is revoked, the applicant is not entitled to any refund of license fees unless it is a Home Occupation Permit that is not approved through the Planning and Development Department in the Town of Drumheller.

18. All licenses issued pursuant to this Bylaw shall be posted in a conspicuous place on the business premises of the licensee, so as to be clearly visible to the public.

For those businesses that are not carried on at a fixed location, the license must be:

a) carried on the person of the Licensee ; or

b) carried in or on the vehicle or apparatus from which such business is conducted; and shall be shown to the Officer, or members of the public upon demand.

19. Each license shall be issued to a person who owns or carries on a particular business either in the Town or in specified premises in the Town.

20. A subsisting business license issued under this Bylaw shall not be transferred from one person to another nor from one location to another.

21. A General Contractor shall be responsible for ensuring that an accurate listing of all of its Trades, Sub-trades, and Sub contractors is provided to the Authority prior to issuing a business license. Failure of the General Contractor to provide an accurate listing to the Authority will result in the denial of a business license to the General Contractor and any affiliated businesses operating under its direction.

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**SECTION V: PROVISIONS FOR HAWKERS, PEDDLERS, BUSKERS AND STREET VENDORS**

**Agenda Item # 5.1.1**

22. No person shall carry on business as a Hawker, Peddler, Busker or Street Vendor within the Town without first obtaining a Business License.

23. Those Hawkers, Peddlers and Buskers who require a stationary but non-permanent booth or location shall be required to obtain written permission of the property owner unless within the Market area under the direction of the Market Organizers.

24. Hawkers, Peddlers, Street Vendors and Buskers shall comply with all provisions contained in the Community Standards Bylaw.

25. Council may by resolution designate any area, park, street, or part thereof within the Town as a Street Vending Area .

26. No person shall use any area, park, street or any part thereof for the purpose of offering or exposing for sale or selling any merchandise, processed or unprocessed foodstuffs or other thing unless such person is the holder of a subsisting license issued pursuant to this Bylaw.

27. Where the vending license referred to herein is to be used for the purpose of and during a special event, the License Inspector may impose conditions on the license respecting the area to be covered by the license, the number and location of vendors permitted within the area and such other conditions as the License Inspector deems necessary.

29. Street Vendors shall ensure that both the vending unit and its operator are located within the marked boundaries of the assigned location when carrying on business.

30. No street vendor may carry on business;

- h) within three (3) metres of a building entrance or exit;
- i) within six (6) metres of an intersection as defined in the Traffic Safety Act;
- j) within three (3) metres of a back alley or lane;
- k) within three (3) metres of another street vendor or a food service location such as a restaurant or a food takeout window;
- l) where the sidewalk is less than three and one half (3.5) metres wide;
- m) where the vending unit or its operator obstruct a transit zone, fire hydrant, driveway, loading zone, emergency access or standpipes, unless otherwise approved by an Officer.

31. If in the sole discretion of an Officer, the safety of the Street Vendor or the general public is at risk, an Officer may request that the Street Vendor either relocate or cease carrying on business from that location.

**SECTION VI: INSPECTION AND BYLAW ENFORCEMENT**

32. Where a Business has been licensed pursuant to this Bylaw, the Officer or Authority may revoke the Business License if, the Officer or Authority determines:

- a) the Business was improperly licensed; or

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b) the requirements of this Bylaw have not been complied with. **Agenda Item # 5.1.1**

c) the Business has changed to the extent that a new application for the Business License would be refused; or

d) there are other just and reasonable grounds for the revocation of the license.

33. Notice of the revocation or suspension of a Business License shall be given to the applicable Licensee by:

a) Personal service of such notice to the Business License holder; or

b) Delivery of a notice to the address shown on the Application for License; or

(c) Sending a notice by any means shown on the Application supplied to the Town; or

(d) By any of Canada Post's methods allowing for receipt signature to the address shown on the Application for a License.

The Business may request a review of the Officers or Authority's decision to suspend or revoke the License. The Business is allowed to remain in operation until final determination is made by the Town's Chief Administrative Officer.

34. The Officer or Authority shall at all reasonable times have the right to enter upon any premises under the provisions of this Bylaw for the purpose of inspection or for the purpose of ascertaining if the provisions of this Bylaw are being complied with.

35. Where a Person or Business is found to be in contravention to any of the provisions of this or any other Bylaw, the Authority or the Officer may temporarily suspend the Businesses License until such time as the contraventions are rectified.

36. The advertising of any Business, Merchandise or Services insofar as the Business, Merchandise and/or Services is located or intended to be provided within the Town shall be prima facie proof of the fact that the Person Advertising is "Carrying on Business" within the Town.

37. Where upon inspection, a Business has failed to be licensed pursuant to this Bylaw or is otherwise in non-compliance with this Bylaw, Bylaw Enforcement may be commenced.

## **SECTION VII: DECISION REVIEW**

38. Where a Person disputes the decision of the Officer or Authority with respect to the requirement to obtain a Business License, or where a Person disputes the decision of the Officer or the Authority to refuse, revoke or suspend the Person's Business Registry License, that Person may in writing request the Town's Chief Administrative Officer to review the decision. The Town's Chief Administrative Officer will render a decision within 30 days of receipt of the request to review.

39. Where a Person disputes the decision of the Chief Administrative Officer with respect to the requirement to obtain a Business License, or where a Person disputes the decision of the Chief Administrative Officer to refuse, revoke or suspend the Person's Business Registry License, that Person

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may in writing request to appeal the decision in accordance with the Community Standards Appeal Board Bylaw. **Agenda Item # 5.1.1**

## **SECTION VIII: VIOLATIONS**

40. All annually renewable resident business license fees shall be paid on or before March 31<sup>st</sup> of the current year.

41. Nothing contained in the Bylaw in any way prohibits or otherwise affects the Town's ability to utilize the Bylaw Enforcement provisions contained in Part 13, Division 4 of the Municipal Government Act, S.A. 1994, Chapter M-26.1, as amended.

42. Any Person, Business, Trade, or Contractor who contravenes any provision of this Bylaw shall be guilty of an offence and shall be liable to a fine which is the greater of \$500.00 for a first offence, \$1000.00 for a second offence, and \$1,500.00 for a third, or any further offences. In the event such person is a partnership, each or any partner is liable for the penalty aforesaid. All fines are minimum fines.

43. An Officer is hereby authorized and empowered to issue a Violation Tag to any Person, Business or Trade who the Officer has reasonable and probable grounds to believe has contravened any provision of the Bylaw.

44. The Town may require any person, business, or trade to complete a statutory declaration. Any Person, Business or Trade, who unlawfully completes the statutory declaration will be subject to a minimum fine of \$1,000.00.

45. A Violation Tag may be issued to such Person, Business or Trade:

- a) personally; or
- b) by emailing or faxing a copy to such Person at the email address, or fax number supplied on the Application; or
- b) by mailing a copy to such Person at his or her last known post office address.

46. The Violation Tag shall be in a form approved by the Officer and shall state:

- a) the name of the defendant;
- b) the nature of the offence;
- c) the appropriate penalty for the offence as specified in the Bylaw;
- d) that the penalty shall be paid within 30 days of the issuance of the Violation Tag; and
- e) Any other information as may be required by the Officer.

47. Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.



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48. Where a Violation Tag is issued, the person to whom the Violation Tag is issued is liable for being prosecuted for the offence, pay to the Town Treasurer the penalty specified on the Violation Tag.

## **Agenda Item # 5.1.1**

49. Nothing in this Bylaw shall prevent an Officer from immediately issuing a Violation Ticket.

50. In those cases where a Violation Tag has been issued and if the penalty specified on a Violation Tag has not been paid within the prescribed time, then an Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, Chapter P-21.5 as amended.

51. Notwithstanding anything to the contrary, an Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, SA 1988, Chapter P-21.5, as amended, to any person who the Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

### **SECTION IX: GENERAL**

52. The revenues generated from licensing fees pursuant to this Bylaw, shall be dedicated to municipal priorities as outlined in the approved municipal budget by Council. All Business licensing fees collected by the Authority or Officer are to be made payable to the Town of Drumheller.

53. Town Council may amend the Business License fees outlined in any schedule attached to this Bylaw.

54. In the event that a Court of competent jurisdiction finds that any provision(s) of this Bylaw to be unlawful or outside the jurisdiction of the Town, such provision(s), as the case may be, will be severed from the Bylaw and the remaining provisions will be valid, notwithstanding any invalidity of any provision of this Bylaw.

...  
REPEAL

## ***Agenda Item # 5.1.1***

Town of Drumheller bylaw number 04-09 is hereby repealed.

### **COMMENCEMENT**

This bylaw shall take effect on the date of the third and final reading.

READ A FIRST TIME this 9<sup>th</sup> Day of February, 2015

READ A SECOND TIME this (DATE), 2015

READ A THIRD TIME this (DATE), 2015

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Mayor

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Chief Administrative Officer

**SCHEDULE "A" 2015 FEE SUMMARY** **Agenda Item # 5.1.1**

**Annual Micro Business = \$50 (Resident's only)**

**Charitable / Non-Profit Organizations = \$0**

**Resident Business License = \$238 (Annual).**

**Temporary Non Resident License Fees are as follows:**

**1 Week: \$75**

**1 Month: \$150**

**4 Months: \$350**

**Annual Non Resident License Fee: \$350**

**Special Event License Fee shall be the same as the Temporary Non Resident License Fees as shown above, unless organized by a Charitable or Non-Profit Organization. An Officer may require proof of non profit /charitable status.**

**Temporary Non Resident Licenses apply for Hawkers and Peddlers including Non-Resident Event Organizers. Temporary Non Resident Licenses also apply to Specialized Services, including Sub Contractors.**

**\*All Schedule "A" Business License fees are due on or before April 1<sup>st</sup> in 2015 and on or before March 31<sup>st</sup> every year thereafter.**

...

**Schedule "B" – 2015 ANNUAL License Fees** **Agenda Item # 5.1.1**  
**Schedule B takes effect on 1<sup>st</sup> day of April, 2015 notwithstanding third and final reading.**

All Classes referred to in Schedule "B" are approved annually based on the recommendations of a Third Party Agent as administered by Travel Drumheller Marketing Association and approved by the Town of Drumheller.

**Class 29: LODGING SECTOR**

Hotels, Motels, Bed and Breakfast Establishments and Country Inns	\$496.78/room /year
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Lodging sector fees are calculated based on the current hotel inventory using a 3-year historical average for Occupancy and Average Daily Rate (ADR) or

58% (Occupancy rate based on Historical Performance for Alberta South) x \$117.33 (Average Daily Rate)  
x 2% (Destination Marketing Fee) x 365 days = \$496.78

Calculations are based on industry performance in the years: 2011, 2012 & 2013 and subject to adjustment.

Seasonal Hotels, Motels, Bed and Breakfast Establishments and Country Inns (those operating less than 9 months per year) shall remit 75% of the required fees, upon proof satisfaction of the License Inspector – that operations were suspended for more than 3 months each year.

Operations having 4 rooms or more are included in Schedule "B" however those with fewer than 4 rooms will be required to pay a regular business license fee as shown in Schedule "A"

2015 - Payment Schedule	% of Annual Fee Due
	0%
June 30th	25%
September 30th	50%
December 31st	10%

Campgrounds and RV resorts removed from Schedule B.