

Town of Drumheller COMMITTEE OF THE WHOLE MEETING AGENDA

**Tuesday, May 22, 2018, at 4:30 PM
Council Chamber, Town Hall
224 Centre Street, Drumheller, Alberta**



Page

1.0 CALL TO ORDER

1.1 Swearing In - Mayor for a Day: Janaya Chekowsky-McKenzie

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

5.2. 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 Mayor Colberg - Discussion on Bylaw 04.15 Business License amendment Bylaw 12.16 Schedule A Add Busker
- 7.2 Councillor Garbutt - Additional Affordable Housing Units - preliminary discussion
- 7.3 Councillor Garbutt - Hunts Housing development 50 year agreement ending 2022

8.0 CLOSED MEETING MATTERS

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8.0 CLOSED MEETING MATTERS

- 8.1 Land Matter - Potential Solar Project
[FOIPP Act S.23 Local Public Body Confidences]
- 8.2 Legal Matter - Canadian Badlands Passion Play Concert
[FOIPP Sec.23 Local Public Body Confidences]

Agenda Item # 7.1

TOWN OF DRUMHELLER

BYLAW NO. 12.16

A BYLAW OF THE TOWN OF DRUMHELLER TO AMEND BYLAW NO. 04.15 "BUSINESS LICENSE BYLAW"

The Council for the Town of Drumheller, duly assembled enacts as follows:

1. That Town of Drumheller Bylaw No. 04.15 be amended as follows:

By adding the definition "**busker**" to read as follows:


Busker means a person who plays, acts, sings or otherwise performs or entertains for voluntary reward in a public place as approved by the Town of Drumheller.

2. By setting the annual license fee of \$25.00.
3. This bylaw shall take effect on the day of the final passing thereof.


READ A FIRST TIME this 16th day of May, 2016.

READ A SECOND TIME this 16th day of May, 2016.

READ A THIRD TIME AND PASSED this 16th day of May, 2016.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

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

...

b) the requirements of this Bylaw have not been complied with; or

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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

... may in writing request to appeal the decision in accordance with the provisions identified in the Community Standards Appeal Board Bylaw. **Agenda Item # 7.1**

SECTION VIII: VIOLATIONS

40. All annually renewable resident business license fees shall be paid on or before March 31st 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.