

**LAC STE. ANNE COUNTY
PROVINCE OF ALBERTA
BYLAW #05-2020**

1. SHORT TITLE

This Bylaw may be cited as “Business License Bylaw.”

2. INTERPRETATION

In this Bylaw, unless the context otherwise requires:

- (a) “Act” means the Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26.1 and Amendments thereto, or replaced, from time to time;
- (b) “Applicant” means a person who applies for a license or a renewal of a license required by this Bylaw;
- (c) “Business” means any business as defined in Section 1(1) of the Municipal Government Act or successor legislation;
- (d) “Carry on” means carry on, operate, perform, keep, hold, occupy, deal in or use for gain, whether as principal or agent, and includes all aspects of promoting, marketing, advertising, selling, delivering, supporting and servicing the goods or services of the business, but excluding responding to tenders;
- (e) “Charitable” or “not-for-profit organization” means a person, association of persons or a Corporation, acting for charity or in the promotion of general social welfare and includes:
 - (i) A religious society or organization;
 - (ii) A service club;
 - (iii) A community, veterans or youth organization;
 - (iv) A social, sport or fraternal organization or club;
 - (v) An employer’s or employee’s organization;
- (f) “Chief License Inspector” means a person appointed by the County Manager;
- (g) “Council” means the Council of Lac Ste. Anne County;
- (h) “Council” means the Council of Lac Ste. Anne County;
- (i) “Member Municipalities” means the region consisting of all municipalities within Perimeter boundary of Lac Ste. Anne County including the County.
- (j) “Municipality” means Lac Ste. Anne County, a municipal corporation;
- (k) “Licensee” means a person holding a valid and subsisting license issued pursuant to the provisions of this Bylaw;
- (l) “License” means a business License issued pursuant to this Bylaw;
- (m) “License Inspector” means an Inspector appointed to assist in carrying out the administration and enforcement of this Bylaw and includes the Chief License Inspector and RCMP;
- (n) “Regional Business License” means any Business License, certificate or permit issued to a business by the municipality in which its primary office is located to operate or provide services within the Member Municipality Area.
- (o) “Person” means a natural person or a corporate body and includes a partnership, a group of persons acting in concert or an association unless the context explicitly, or by necessary implication, otherwise requires;
- (p) “Planning Bylaw” means any Land Use Bylaw of the Municipality, as amended or replaced;

- (q) "Planning Division" means the Planning and Development Department charged with the control and management of the Planning Bylaw;
- (r) "Premises" includes a store, office, warehouse, factory, building, enclosure, yard or other place occupied, or capable of being occupied, by any person for the purpose of any business;
- (s) Regional Business License means a license to operate in any Member Municipality.
- (t) "Resident Business - means a business which has been established or the principals of which have been resident in the Municipality for a period of at least six (6) months or the person has established a permanent place of business which can be verified by providing a copy of a lease which extends for a period of at least six (6) months. Any resident business shall pay a license fee in accordance to County bylaws unless exempted hereinafter provided;
- (u) "Non-Resident Business" - means a person who carries on a business and does not ordinarily maintain, within the Municipality, a permanent place of business or a principal residence.

3. **NECESSITY FOR LICENSE**

- (a) Except as provided in Section 4 of this bylaw, no person shall carry on or operate any business within the County whether residents or non-residents, unless that person is the holder of a valid and subsisting License issued pursuant to the provisions of this Bylaw.
- (b) Any advertising of a business within the County shall be deemed to be a prima facie proof of the fact that the person advertising is carrying on or operating any such business within the County.

4. **EXEMPTION FROM LICENSING OR FEES**

- (a) Notwithstanding Section 9(c) no License shall be required:
 - (i) For a business carried on or operated by the County, Member Municipality, or owned by the County and operated on behalf of the County;
 - (ii) For any provincial government agency and services;
 - (iii) For any municipal government agency and services;
 - (iv) For any Federal government agency and services;
 - (v) For a Non-Resident Business supplying bulk goods to a Resident Business, which holds a License and which, purchases the bulk goods for the purpose of resale;
 - (vi) For any person or business not withstanding any provision of this Bylaw if such person or business is exempt from the requirements of Municipal licensing by any Statue of Canada or the Province of Alberta.
- (b) Notwithstanding any provision contained in this Bylaw to the contrary, no person carrying on the business of raising or producing crops, livestock, or poultry within the County shall be required to obtain a License under this Bylaw unless the business is in relation to some other type of commerce excluding farmers markets.
- (c) Subsection 3(b) shall not apply to intensive agricultural uses (including market gardens, apiaries, tree nurseries, greenhouses) or to small animal breeding/ boarding/training facilities; and dog breeding and/or boarding facilities that are required under the County's Land Use Bylaw to obtain a development permit
- (d) All Non-Profit Organization shall be exempted from the requirements of paying a License fee under this Bylaw, unless it is deemed by the License Inspector a non-exempt business. At which point the Non-Profit shall be required to apply for and operate under a business license.
- (e) The License Inspector may grant any fee exemption applied for pursuant to this section, provided that the Inspector is satisfied that the organization is in fact a charitable or Non-Profit Organization as defined in this Bylaw.

- (f) Where an exemption from payment of license fees is granted pursuant to this section, the organization shall comply with all provisions of this Bylaw in relation to the business carried out.
- (g) Where an exemption is refused, an organization may appeal such decision to Council as if the license has been refused.
- (h) Any County ran or sanctioned event may be exempt.
- (i) The direct sale of baked goods for up to two consecutive days.
- (j) Any individual sole proprietorship operating under POARA shall be exempt from the requirements of this Bylaw.
- (k) Any business licensed and holding a Regional Business License in a member municipality
- (l) Any business where the resident business is exempted from a business licenses in a member municipality unless said member municipality has no business license bylaw in place in that case a business license would be required.

5. INDIVIDUAL LICENSE

A license shall be issued to a person who owns or carries on a particular business.

6. BUSINESS ON SEVERAL PREMISES

Where a business is carried on in more than one place, one license fee shall be required in respect of all locations, subject to the following conditions:

- (a) the business license must identify all locations;
- (b) Each location must be carrying on the same business, under the same business name, with the same owners.

7. COMBINATION LICENSES

Licenses to carry on two or more businesses by one person may be issued on one form of license provided each business and the proper license fee, therefore, are shown on such form. Each business shall, however, be deemed to be separately licensed.

8. ISSUANCE OF LICENSES

(a) LICENSE FEES

No license shall be issued until the applicant therefore has paid to the License Office the fee set forth or **calculated** as set forth in The Planning and Development Fee Bylaw. The license issued shall be null and void if the payment is not received.

(b) PAYMENT BY CHEQUE

Where a fee required pursuant to Subsection 8b(1) has been paid by the tender of an uncertified cheque, the license:

- (i) is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license; and
- (ii) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

(c) INSPECTIONS DURING LICENSE YEAR

Where a business involves the occupation of a specific building or a specific location and such business is reasonably believed to require a license under this Bylaw hereto:

- (i) A Peace Officer, a License Inspector or any other person authorized by Council or the County Manager, may inspect the building or location for any purpose under this Bylaw at all reasonable times during the license year; and
- (ii) no person shall attempt to prevent, obstruct or hinder any person authorized by this section from making such inspection.

- (d) **DISPLAY AND PRODUCTION OF LICENSE**
 - (i) **DISPLAY ON SPECIFIC PREMISES**
Every licensee who holds a license under this Bylaw which applies to specific premises shall, so long as the license is in force, keep it, or a duly authorized copy thereof, posted in some conspicuous place on the licensed premises visible by the public.
 - (ii) **PRODUCTION WHERE NO SPECIFIC PREMISES**
Every licensee who holds a license under this Bylaw which is not limited to specific premises shall, so long as the license is in force, carry on their person, or have immediately available the license or a duly authorized copy thereof, and such licensee shall, upon request, forthwith produce same to a Peace Officer, a License Inspector or any person with whom they are doing business to which the license relates.
- (e) **LICENSE YEAR**
 - (i) The term "license year" means the period commencing January 1 and ending on the next succeeding December 31.
 - (ii) Except as otherwise provided in this Bylaw, a license shall cover the period from the date of issue to the end of the current license year.
 - (iii) Every license shall bear on its face the date on which it will expire.

9. REGIONAL BUSINESS LICENSE

- (a) The holder of a valid and subsisting Regional Business License issued by a member municipality and which does not carry on a Resident Business within the County, shall be entitled to carry on Business within County without obtaining a business license from the County.
- (b) Any Business which is not located in a member municipality shall not be entitled to obtain a Regional Business License.
- (c) If any Member Municipality revokes a Regional Business License, that revocation shall also apply to the Municipality's exemption of not requiring a license and the Business must get a license with the County within seven working days.
- (d) The County retains the right to request proof that a business operating within its municipality, but residing in another Member Municipality, has purchased and maintains a valid Regional Business License in its resident municipality. If said business does not possess a valid Regional business License, the Municipality, at its discretion may enforce the penalties pursuant to this Bylaw.
- (e) Where a Business or its directors have outstanding property, taxes owed to the Municipality, in accordance with Section 11 the County may refuse to honor a regional business license.

10. ADMINISTRATION

This Bylaw shall be administered by the Chief License Inspector who shall be appointed from time to time by the County Manager.

11. POWER OF REFUSAL, REVOCATION, CANCELLATION AND SUSPENSION

The Chief License Inspector may refuse to issue or renew a License, may revoke, cancel or suspend a License and may impose any conditions on a License for the following reasons:

- (a) The applicant or Licensee does not or no longer meets the requirements of this bylaw with respect to the License applied for or held;
- (b) The Applicant or Licensee or any of its officers or employees;
 - (i) Furnishes false information or misrepresents any fact or circumstance to a Peace Officer, Development Officer or the License Inspector;
 - (ii) Has in the opinion of the License Inspector, based on reasonable grounds, contravened this Bylaw whether or not the contravention has been prosecuted;

- (iii) Fails to pay a fine imposed by a court for a contravention of this Bylaw;
 - (iv) Fails to pay any fees required by this Bylaw.
- (c) The applicant has failed to comply with all relevant Municipal, Provincial, and Federal Bylaws, regulations, statutes, order and permits.
 - (d) In the opinion of the License Inspector the safety, health, or welfare of the public may be at risk based on reasonable grounds it is in the public interest to do so.
 - (e) The applicant fails to comply with any other County bylaw or enactment established by Lac Ste. Anne County.
 - (f) Failure to pay outstanding property taxes owed to the County unless the outstanding taxes are a result of a preapproved tax payment plan with the County

12. NOTICE OF REFUSAL, REVOCATION, CANCELLATION AND SUSPENSION.

Prior to refusing, revoking, cancelling or suspending a License, the License Inspector may:

- (a) Make inquiries and receive information, including from the Applicant to determine whether there are just and reasonable grounds for the refusal of the Application, a revocation, cancellation of a suspension of a License;
- (b) Suspend a license prior to completing inquiries to determine whether there are just and reasonable grounds for the suspension, cancellation or revocation of a License, where in the sole discretion of the License Inspector it is in the public interest to do so or the safety, health or welfare of the public may be at risk if the License is not suspended immediately. In the case of such suspension, the inquiries by the License inspector must be completed within ten (10) days of the suspension.
- (c) The License inspector who refuses, revokes, cancels or suspends a license pursuant to any of the provisions contained in Subsection 11 shall notify the Licensee thereof,
 - (i) by the delivery of a notice to the Licensee at the address of the Licensee as shown on the License or application form or
 - (ii) by Mailing a registered letter to the Licensee's place of business or residence as shown on the License or application form, and upon the delivery of such notice or five (5) business days after the mailing of such notice, the business permitted by the License shall not be carried on until such time as a new License is issued or the suspended License is reinstated.

13. APPEAL

- (a) In every case where:
 - (i) An Application for a license has been refused or
 - (ii) A License has been revoked, cancelled or suspended.
 The person seeking the License or the person whose License has been refused, revoked, cancelled or suspended may appeal to Council.
- (b) An appeal pursuant to this section shall be made by the applicant within thirty (30) days of the date of such refusal or the delivery or mailing of notice of such revocation, cancellation or suspension in the manner hereinbefore provided.
- (c) All appeals shall be made in writing to the License Inspector for the County and shall be dated as of the date received by the License Inspector and the Committee shall hear the appeal as soon as shall be reasonably possible.
- (d) The Council after hearing the appellant and any other party allowed by the council to make a submission may
 - (i) Direct a License to be issued or reinstated with or without conditions;
 - (ii) Uphold the refusal to grant a License; uphold the revocation, cancellation, or suspension of a License on grounds which appear just and reasonable.

14. TRANSFER OF LICENSE

Unless otherwise provided herein, any subsisting License issued under this Bylaw may be transferred upon application to the License Inspector and payment of the transfer fee prescribed in the Planning and Development Fee Bylaw, provided the applicant has the required qualifications and furnished legal documentation to assist or transfer interest of the previous Licensee.

15. PENALTIES

- (a) Any person who contravenes or fails to comply with any provision of this Bylaw shall be liable upon conviction thereof to a penalty as established pursuant to Schedule A of this Bylaw which may be amended and authorized at any time by Council Resolution.

Where the offense is a nonpayment of any License fee payable hereunder than in addition to any of the penalties set forth in Subsection 15(a), The Court may order payment of the said License fee in addition to any penalty and costs imposed pursuant to Subsection 15(a)

- (b) A License Inspector or any Peace Officer in lieu of proceeding with any punishment by way of prosecution for the contravention of this Bylaw as provided for in Subsection 15(a) may issue an offence ticket to any person alleged to have committed one or more breaches of this Bylaw. The offence ticket shall state the alleged offence and require the forfeiture and payment of the appropriate fine as provided for in Schedule A attached. Hereto
- (c) An offence ticket may be issued by personally serving it upon the alleged offender or by leaving it at the residence or business location of the alleged offender or by sending it to the alleged offender by registered mail.

SPECIAL PROVISIONS RELATING TO CERTAIN BUSINESSES

16. AUCTIONEER

- (a) Every Auctioneer shall keep proper books of account in which shall be recorded:
 - (i) The names and addresses of all persons who engage them to sell Real and Personal Property on their behalf.
 - (ii) An accurate description of all property received.
 - (iii) The names and addresses of all persons to whom the Real or Personal Property is sold.
 - (iv) An accurate description of all property sold and the price at which such sale was made.
- (b) The books of every Auctioneer shall be kept open at all times for the inspection of any Peace Officer or License Inspector.
- (c) All goods and chattels received by an Auctioneer shall be kept separate and apart from other goods and chattels received previously for a period of five (5) days, exclusive of Saturdays, Sundays and Public Holidays, from the date such goods and chattels are received and, during such five (5) day period, such goods and chattels may be examined and inspected at any time by any Peace Officer or any person appointed by the County Council for this purpose.
- (d) An Auctioneer License is not required for:
 - (i) A sale by auction to which the Seizure Act, as amended or replaced from time to time, applies.
 - (ii) A sale of the estate of a deceased person where the sale is made on the authority of the Executor or Administrator of the estate.
 - (iii) A sale by auction of goods and chattels taken in distress under the authority of a statute or recovery of a tax, rate or imposition made or levied pursuant to such statute.
- (e) An Auctioneer shall not sell nor permit to be sold at an auction:

- (i) any item or portion of the goods which they are auctioning so covered or disguised that the persons bidding at the auction do not know what goods are being tendered for the bid; or
 - (ii) any goods in the form of chance or by lot so that the persons bidding are not aware of what article or group of articles they may obtain.
- (f) An Auctioneer shall not employ or knowingly allow another person to bid for the purpose of raising the bids made by others with the bona fide intention of completing a purchase whether or not any genuine bidder makes a higher bid.
- (g) An Auctioneer shall comply with all of the requirements of The Consumer Protection Act S.A. 2000, as amended or replaced from time to time.

17. AUTO WRECKER and/or SALVAGE YARD

- (a) An Auto Wrecker or a person who carries on business as a Salvage Yard shall keep a book or record in a form satisfactory to the Chief License Inspector in which shall be permanently recorded at the time any property is acquired, the following information:
- (i) The date and time of day such property is acquired.
 - (ii) The Legal name, middle initial, surname and address, as confirmed by identification, of the person or persons from whom such acquisition was made.
 - (iii) The license number and description of any vehicle in which such property is delivered.
 - (iv) A detailed description of the property acquired.
- (b) An Auto Wrecker or a person who carries on a business as a Salvage Yard shall not accept property from any person actually or apparently under the age of 18 years or from any person who fails to identify himself for the purposes of the records required to be kept pursuant to Subsection 16 (a).

The permanent record, as described in Subsection (a), must be available at all times on demand of any Peace Officer, the Licensee Inspector or any person appointed by the License Inspector or by Council for this purpose.

- (c) Where an auto wrecker or a person who carries on business as a Salvage Yard believes or has reason to believe that any property which they have obtained has been or may have been stolen or otherwise fraudulently obtained, they shall notify the Chief of Police or a Peace Officer that they have such property in their possession.

18. CONTRACTORS

- (a) No person shall carry on or operate the business of a Contractor unless or until they hold a subsisting license issued pursuant to the provisions of the Bylaw for each of the defined categories.
- (b) A Contractor as herein defined shall supply to the License Inspector, upon request, the names and addresses of each sub-contractor engaged by them to carry out any of the work on any building or structure on which such Contractor holds the contract.
- (c) The issuance of a license hereunder shall not be deemed to authorize any activity by a contractor except where such is permissible pursuant to the Land Use Bylaw of the Municipality and the required permit or permits have been obtained.

19. HAWKER, FOOD PRODUCTS

- (a) No Hawker who uses a vehicle in connection with their sales as a Food Products Hawker shall:
- (i) permit the vehicle to remain stopped on any portion of a street except where parking is allowed; or
 - (ii) permit the vehicle to stand adjacent to a street unless the location where they are standing the vehicle, for the purpose of their trade, has first been approved for such purpose by the Municipality.

- (b) The License Inspector shall not issue a license to a Hawker for the purpose of selling food products or edibles of any nature unless and until the food products and the Licensee have both been approved by the Regional Health Authority and a permit therefore from the Regional Health Authority has been issued.
- (c) There shall be no sales by Hawkers licensed pursuant to this Section within thirty (30) metres of stores selling similar goods.

20. HAWKER, NON-FOOD PRODUCTS

- (a) No Non-Food Products Hawker, who uses a vehicle in connection with their sales as a Non-Food Products Hawker, shall:
 - (i) permit the vehicle to remain stopped on any portion of a street except where parking is allowed; or
 - (ii) permit the vehicle to stand adjacent to a street unless the location where they are standing the vehicle for the purpose of this trade has first been approved for such purpose by the Municipality.
- (b) Notwithstanding any other provisions of this Bylaw, a person:
 - (i) who owns or operates premises which are used for or in connection with the production, handling, processing or sales of merchandise and who personally sells such merchandise; or
 - (ii) who is a representative of a wholesale vendor distributing articles of merchandise on a wholesale basis to retail merchants thereof for resale by or through them; is not required to obtain a Hawker, Non-Food Products License.
- (c) There shall be no sales by Hawkers licensed pursuant to this Section within thirty (30) metres of stores selling similar goods.

21. KENNEL, BOARDING

- (a) A person applying for a License for a Boarding Kennel shall furnish the following information on an application form supplied by the License Inspector:
 - (i) The civic address and, if available, the legal description of the proposed location of the Kennel.
 - (ii) The size of the site on which the Kennel is to be located and the distance or distances of all quarters where the pets are to be stored from all dwelling and all other buildings and the nature of all other buildings if they are non-residential.
 - (iii) The maximum number of dogs which the Kennel will accommodate.
 - (iv) The sanitary arrangements to be made in all parts of the kennel where the dogs are kept, including the details of the water supply and of the drainage and floor materials and cleansing methods installed or proposed to be installed for the Kennel.
 - (v) The construction of the Kennel and quarters in such detail as the Regional Health Authority or the License Inspector require.
- (b) A Boarding Kennel shall be constructed in accordance with all standards prescribed therefore by the Regional Health Authority and, unless and until the Regional Health Authority approves the premises to be used for a Boarding Kennel, the License Inspector shall not issue a License to the owner or operator of such premises.
- (c) A Boarding Kennel License is not required for a veterinary or an animal hospital where animals are only kept on the premises while they are receiving medical or surgical veterinary treatment.
- (d) The holder of a Boarding Kennel License shall keep the kennel in a clean and sanitary condition at all times.
- (e) The owner of a Boarding Kennel shall provide individual runs for every dog over the age of six months.

22. MARKET OPERATOR (farmers, traders, flea)

- (a) A person carrying on the business of a Market Operator shall furnish to the License Inspector or a Peace Officer upon request all information available to them concerning the operator of any stall or other restricted area that is operated on the premises of a Market.
- (b) A person who is the operator of a stall or other restricted area that is operated on the premises of a Market shall furnish the License Inspector or Peace Officer, upon request, all information available to them concerning the operator or operation of any such stall or restricted area.

23. PAWNBROKER

- (a) The License Inspector shall not issue a License as a Pawnbroker to a person who carries on business either as an Auctioneer or as a Secondhand Dealer, or both, or who has a subsisting License under this Bylaw as an Auctioneer or as a Secondhand Dealer.
- (b) Every Pawnbroker shall keep a record satisfactory in form to the Chief License Inspector in which shall be permanently recorded at the time of each transaction, the following information:
 - (i) An accurate, detailed description of each item of property taken as a pledge and all identifying markings, serial numbers, makes or models or other identification placed or marked on the property.
 - (ii) The date and time of day when the property was given to the Pawnbroker as security.
 - (iii) The rate of interest which is to be charged on the loan which is made on the security of the pledge.
 - (iv) The full name and address, as confirmed by identification, and a detailed description of the person or persons tendering the property as security for the loan.
 - (v) The folio or serial number of the pledge.
- (c) The Pawnbroker shall not erase, obliterate, deface or alter the record made pursuant to Subsection (b) and shall not direct, allow or suffer any other person to erase, obliterate, deface or alter the record.
- (d) The record required to be kept by Subsection (b) and every item of property in the Pawnbroker's place of business which was acquired as a security for a loan shall at all times be open to inspection by a Peace Officer, a License Inspector or any person appointed by Council or by the Chief License Inspector for that purpose.
- (e) At the time a borrower deposits or delivers any personal property as security for a loan, the Pawnbroker shall without requiring or accepting any fee or charge for so doing deliver to the borrower a note of memorandum signed by the Pawnbroker containing a summary of the information which is required to be inserted in the record kept pursuant to Subsection 2(b) other than the description of the borrower.
- (f) Every Pawnbroker shall retain a permanent record of each transaction. These records must be available to the Police, peace officer, or a person appointed by the Chief Licensing Inspector upon request.
- (g) A Pawnbroker shall not:
 - (i) allow any property received by them as security for a loan to be redeemed or removed from their place of business before seventy-two (72) hours have elapsed from the time the property was tendered to the Pawnbroker as security; or
 - (ii) sell any property which they have received as security for a loan and which has not been redeemed within the time allowed to the borrower for redemption before three (3) months have elapsed from the time when the property was furnished to the Pawnbroker as a pledge.
- (h) At the time any property received as security for a loan is either redeemed by the owner or sold because it has not been so redeemed, the pawnbroker shall enter in the record kept pursuant to Subsection 23(b):
 - (i) the name and address of the person purchasing or redeeming such property;
 - (ii) and the date of sale or redemption.

- (i) A Pawnbroker shall not accept property as security for a loan or advance a loan on the receipt or promise of delivery of any property from:
 - (i) a person who is or who appears to be under the influence of alcohol or any drug; or
 - (ii) a person who actually is or who appears to be under the age of eighteen (18) years; or
 - (iii) any person failing to identify himself adequately as set out in Subsection (b) herein; or a person who the Pawnbroker knows or has reasonable grounds to believe may have stolen or otherwise illegally acquired the property offered for security for a loan.
- (j) No Pawnbroker shall accept property on which the manufacturer's identification number or serial number has been removed, defaced, tampered with or in any way altered unless the prior written approval of the Police has first been obtained.

24. PET DEALERS

- (a) For the purpose of this Section, "pet" means an animal or bird kept by a person for other than work or food.
- (b) A Pet Dealer's License is not required if:
 - (i) a person who sells not more than one litter of pups in any calendar year; or
 - (ii) a person who sells animals only to a Pet Dealer licensed pursuant to the Bylaw; or
 - (iii) the Society for Prevention of Cruelty to Animals.
- (c) A Pet Dealer shall:
 - (i) maintain the quarters and every retail outlet operated by them in a sanitary, well ventilated, clean and well-lit condition and free from any offensive odors;
 - (ii) keep the animals in sanitary, well-bedded, well-ventilated, lighted, clean and substantially constructed quarters which are maintained at a healthful temperature at all times.
 - (iii) where the quarters are less than twelve (12) metres distance from other buildings or premises to which the public has access, have the quarters furnished with a concrete or other impermeable floor with a drain opening constructed as a plumbing feature capable of being cleaned and washed.
 - (iv) if the pets include birds, keep the birds in adequately sized cages having removable metal or other impermeable bottoms which shall be cleaned daily;
 - (v) adequately feed and water their stock of pets and keep the same in a clean, healthy condition free from vermin and disease;
 - (vi) report to a veterinarian any sign of infection or disease or any unhealthy condition existing or spreading among their stock of pets; and
 - (vii) if any dogs are over the age of six months and are kept for a period of longer than seventy-two (72) hours, provide separate runs for each such dog.
- (d) A Pet Dealer shall not:
 - (i) keep their pets in crowded quarters;
 - (ii) sell any diseased pet;
 - (iii) sell any dog under the age of eight weeks;
 - (iv) display any animal in a shop or display window except where such windows are out of drafts and not in direct sunlight.
- (e) A Pet Dealer shall secure a certificate to the effect that each dog kept or sold by them has been inoculated against distemper and shall furnish such certificate to the purchaser of each dog sold by the Dealer.
- (f) A Pet Dealer shall obtain the name, address and description of every person selling a pet to them and, if the Dealer has reason to suspect that the pet may be stolen or unlawfully acquired by the seller, report the matter to the Police.
- (g) The Regional Health Authority may inspect the premises operated by a Pet Dealer and all quarters owned by them at all reasonable times or at any time upon a complaint being furnished to them which they consider to be valid.

25. SECONDHAND DEALER

- (a) A Secondhand Dealer shall keep a book or record in a form satisfactory to the Chief License Inspector in which shall be permanently recorded at the time any secondhand property is acquired the following information:
 - (i) An accurate, detailed description of any personal property acquired, and any markings, serial numbers or other identification on such property.
 - (ii) The price paid for such property.
 - (iii) The date and time of day such property is acquired.
 - (iv) The folio or serial number of the acquisition.
 - (v) The full name and address, as confirmed by identification, and a detailed description of the person from whom such acquisition was made.
- (b) A Secondhand Dealer shall not erase, obliterate or in any way remove any entry in the record kept pursuant to Subsection 25(a) hereof, and shall not permit allow or suffer any other person to erase, obliterate or remove anything from the record and shall be responsible for keeping the record available at all times to produce on the demand of any Peace Officer, the License Inspector or any person appointed by the License Inspector or by Council for this purpose.
- (c) In addition to making the record required by Subsection 25(a) hereof, the Secondhand Dealer shall provide a true and accurate record of all transactions to the Police or a person appointed by the Chief Licensing Inspector no later than 10 o'clock in the morning of the business day following the acquiring of the goods.
- (d) A Secondhand Dealer shall:
 - (i) keep all secondhand property acquired by them in connection with their business separate and apart from all other property in their place of business for fifteen (15) days after they have acquired the same; and
 - (ii) label all property with the date of acquisition and with the serial and folio number entered in respect of the property in the record required to be kept pursuant of subsection 26(1) hereof.
- (e) Where a Secondhand Dealer believes or has reason to believe that any property which they have obtained has been or may have been stolen or otherwise fraudulently obtained, they shall notify the Peace Officers or a Police Office that they have such property in their possession.
- (f) Where a person in the business of selling principally new goods proves to the satisfaction of the License Inspector that they obtained all secondhand goods offered for sale or sold by them either:
 - (i) from persons who furnished the secondhand goods as part of the consideration for the purchase from them of new goods of the same or similar type; or
 - (ii) from Government surplus stock purchased by them from any agency disposing of such surplus stock in bulk lots; then they shall not be deemed to be carrying on a business requiring a License as a Secondhand Dealer in respect of that merchandise.
- (g) No Secondhand Dealer shall, in the conduct of their business, accept property from
 - (i) any person actually or apparently under the age of 18 years;
 - (ii) any person who fails to identify himself for the purpose of the record required to be kept pursuant to Subsection (1) hereof; or
 - (iii) a person who is or who appears to be under the influence of any alcohol or drug.
- (h) A person who is required to obtain a License pursuant to this Section shall not carry on a business of Pawnbroker nor buy or otherwise deal in pawn tickets.

26. TATTOO

No person shall tattoo any person under the age of 18 years unless and until a parent or guardian of the person to be tattooed consents in writing to such person being tattooed.

27. USED CAR DEALER

- (a) No person shall commence or carry on or engage in the business of a Used Car Dealer without having first obtained a License to do so pursuant to the provisions of this Bylaw.
- (b) Every Used Car Dealer, who purchases or receives, or who permits to be left in or at their place or premises for sale or disposal, any secondhand or used motor vehicles of any description, shall forthwith fill in and sign a form satisfactory to the Police containing the:
 - (i) time and date of sale;
 - (ii) name, address and description of person selling or delivering motor vehicle to the Dealer and whether the person selling or delivering the motor vehicle is doing so on their behalf or on behalf of some other person, in the latter case, showing the name and address of such other person;
 - (iii) make, model, serial number and engine number of the motor vehicle;
 - (iv) information as to documents of title or ownership of motor vehicle submitted by the person concerned;
 - (v) and shall keep such documents on file at their place of business premises and,
 - (vi) whenever required to do so, shall permit a Peace Officer to inspect the same.
- (c) Every Used Car Dealer shall obtain from each person from whom they purchased a motor vehicle or from whom they received a motor vehicle for sale or other disposal:
 - (i) documents proving that the person concerned owns the motor vehicle concerned or has authority to sell and dispose thereof;
 - (ii) a written agreement for sale of the motor vehicle to the Used Car Dealer or written authority for the Used Car Dealer to sell or dispose of such motor vehicle, as the case may be, bearing the signature of the person selling;
 - (iii) and shall keep such documents on file at their place of business premises and,
 - (iv) whenever required to do so, shall permit a Peace Officer to inspect the same.

28. DIRECT SALESMAN

- (1) A license for direct selling is not required by:
 - (a) A farmer engaged in direct selling of produce raised on their own farm in the Province of Alberta, or a person who is an employee of a farmer and has written authority of the farmer to sell such produce on the farmer's behalf.
 - (b) Subject to Subsection 4
- (2) A person who does not sell directly to the end users of their products, commonly known as commercial travelers, whether a resident or nonresident of the Municipality.
- (3) Notwithstanding Clause (b) of Subsection 28(1), a person who engages in direct selling to an employee of a wholesaler, retailer or manufacturer requires a license.
- (4) No person shall have or allow any Direct Salesman to engage in direct selling on behalf of the person unless the Direct Salesman has taken out a Direct Salesman License.
- (5) Every person who allows Direct Salesmen to engage in direct selling on their behalf shall furnish to the License Inspector a list of the names and addresses of all such Direct Salesmen.

29. SEVERABILITY

Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

30. EFFECTIVE DATE

- (a) This bylaw shall come into effect upon the date of its third reading.
- (b) Bylaw 20-2013 is hereby repealed the date of final passing.

READ a FIRST time on the 23rd day of April, A.D. 2020.

READ a second time on the 23rd day of April, A.D. 2020.

Given unanimous consent on the 23rd day of April, A.D. 2020.

READ a third and final time on the 23rd day of April, A.D. 2020.



Reeve



(SEAL)
County Manager

**BYLAW NO. 05-2020:
SCHEDULE "A"**

Penalties

- 1) A penalty of Two Hundred Dollars (\$200.00) shall be levied against and paid by any person who commits a breach of any of the provisions of this Bylaw
- 2) A penalty of Three Hundred Fifty Dollars (\$350) shall be levied against and paid by any person who commits for a second time a breach of the provisions of this Bylaw provided the offence is committed within twelve (12) months of the commission of the first offence.
- 3) A penalty of Six Hundred Fifty Dollars (\$650) shall be levied against and paid by any person who commits for a third time a breach of the provisions of this Bylaw provided the offence is committed within twelve (12) months of the commission of the second offence