



**BYLAW NO. 1126-1
OF THE TOWN OF HINTON IN
THE PROVINCE OF ALBERTA
A BYLAW TO PROVIDE FOR THE REGULATION AND LICENSING OF
BUSINESSES**

WHEREAS the Municipal Government Act, R.S.A, 2000 Chapter M-26 and amendments thereto, authorizes a council to pass bylaws for municipal purposes;

WHEREAS pursuant to section 7(a) of the Act, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS pursuant to section 7(e) of the Act, a council may pass bylaws for municipal purposes respecting Businesses, Business activities and Persons engaged in Business;

WHEREAS pursuant to section 7(i) of the Act, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Act or any other enactment including any or all of the matters listed therein;

AND WHEREAS pursuant to section 8 of the Municipal Government Act, a council may, through bylaw:

- a) Regulate or prohibit;
- b) Deal with any development, activity, industry, Business or thing in different ways, divide each of them into classes and deal with each class in different ways; and
- c) Provide for a system of licenses, permits or approvals, including any or all of the matters listed therein;

NOW THEREFORE the Council of the Town of Hinton, in the Province of Alberta, duly assembled, enacts as follows:

PART 1 - GENERAL LICENSING AND PROVISIONS

1.0 TITLE

1.1 This Bylaw may be cited as the "Business License Bylaw."

2.0 LICENSE REQUIREMENTS

2.1 No Person shall carry on or operate a Business within the Hinton Service Area unless he/she holds a valid Business License issued pursuant to the provisions of this Bylaw or is specifically exempted under the provisions of this Bylaw or Provincial or Federal legislation.

3.0 LICENSE APPLICATION

3.1 Before the issue or renewal of a License a Person must submit to Hinton:

3.1.1 An application form as provided by Hinton;

3.1.2 The applicable License Fee; and

3.1.3 Any additional information required by this Bylaw or any other Hinton Bylaw.

4.0 LICENSE FEES

4.1 Renewed Business License Fees shall be levied as per Schedule "A."

4.2 Business Licenses are levied as follows:

4.2.1 The Fee payable for a Business License issued between January 1 and June 30 shall be the Fees shown on Schedule "A";

4.2.2 The Fee payable for a Business License issued between July 1 and September 30 shall be 50% of the Fee shown on Schedule "A";

4.2.3 The Fee payable for a Business License issued between October 1 and December 31 shall be 25% of the Fee shown on Schedule "A"; and

4.2.4 A Temporary Business License Fee shall be levied on any Applicant who conducts Business within Hinton where the duration of the Business activity is on a per day basis. Each Temporary Business License shall be non-refundable and non-transferable. The Business License shall immediately terminate at the end of the timeframe stated on the license. Temporary Business License Fees shall be levied as shown on Schedule "A."

4.3 Any balance outstanding beyond 60 days from the date of issue of the invoice shall be subject to the fines listed as per Schedule "A."

4.4 A Person may operate up to two Businesses, callings, trades or occupations from any one premise. Any additional Business, calling, trade or occupation thereafter shall require a separate Business License.

5.0 FEE EXEMPTIONS

5.1 A Business License is not required for the following:

5.1.1 A Charitable or Non-Profit Organization registered under the *Societies Act*, R.S.A 2000 Chapter S-14, and amendments thereto;

5.1.2 Persons that do not operate a Business and provide occasional services where they may receive a remuneration for their services and reimbursement for product costs.

5.1.3 A Business for which the activities are carried out with a Farmer's Market association;

5.1.4 A dentist who is registered with the Alberta Dental Association & College;

5.1.5 A barrister or solicitor as registered under the Law Society of Alberta; and

5.1.6 Any other Business which is excluded from the requirements of this Bylaw by an Act of the Legislature or other Provincial Statute including, but not limited to the following:

- a) *Pharmacy and Drug Act,*
- b) *Health Professions Act,*
- c) *Chartered Professional Accountants Act,*
- d) *Insurance Act,*
- e) *Architects Act,*
- f) *Land Surveyors Act,* and
- g) *Engineering and Geoscience Professions Act*

6.0 LICENSE APPROVAL, REFUSAL, SUSPENSION OR REVOCATION

- 6.1** Prior to issuing or renewing a License, the Development Authority and Community Peace Officer may consult with authorities and agencies.
- 6.2** Where a Person intends to carry on Business at a specific premise or location within Hinton, the Person shall, prior to the Development Authority and Community Peace Officer issuing a License, ensure that all necessary approvals required under Hinton's bylaws have been obtained and shall provide satisfactory proof thereof to Hinton.
- 6.3** Where a License has been issued in error without all the necessary approvals required pursuant to this Bylaw, the License may be revoked by the Community Peace Officer.
- 6.4** Development Authority or Community Peace Officer may determine that it is inappropriate to issue a License to a Person where the safety, health or welfare of the public may be at risk due to the issuance of a License.
- 6.5** Where any certificate, authority, License or other document of qualification under this Bylaw or any other bylaw, or under any statute of Canada or the Province of Alberta is suspended, cancelled, terminated or surrendered, the Community Peace Officer shall suspend any License issued under this Bylaw based in whole or in part on the certificate, authority, License or other document of qualification.

7.0 INSPECTIONS

- 7.1** No Person shall attempt to prevent, obstruct or hinder the Community Peace Officer from making an inspection authorized by this Bylaw.

8.0 PROVISIONS FOR HAWKERS, PEDDLERS, MOBILE VENDORS & DOOR TO DOOR SALES

- 8.1** No Person shall commence, or shall carry on or engage in, the Business of Hawker, Peddler or Mobile Vendor or Door to Door Sales on public or private property within Hinton unless and until such Person has landowner consent and is the holder of a Business License issued pursuant to this Bylaw.

8.2 Door-to-Door Sales must be licensed under the Consumer Protections Act Revised Statutes of Alberta 2000, Chapter C-26.3, as amended and the Direct Selling Business Regulation per Service Alberta Requirements. Each salesperson shall require a police information check and vulnerable sectors check prior to application of Business License.

9.0 DUTIES OF COMMUNITY PEACE OFFICER

9.1 A Community Peace Officer may commence proceedings by issuing a summons by means of a Provincial Violation Ticket in accordance with Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000 Chapter P-34 as amended where a Community Peace Officer believes on reasonable and probable grounds that a Person has:

9.1.1 Carried on or operated a Business without a valid and subsisting license issued under this Bylaw;

9.1.2 Violated a Business License condition imposed by a Community Peace Officer; or

9.1.3 Contravened any other provision of this Bylaw.

10.0 LICENSE IDENTIFICATION

10.1 A Licensee shall:

10.1.1 Post the License in a prominent visible location in the premises; or

10.1.2 If it is not practical to post the License, produce the License forthwith upon request by a Community Peace Officer.

10.2 No Person shall reproduce, alter, or deface a License.

11.0 TRANSFER OF LICENSE

11.1 An Existing Business License issued under this Bylaw may be transferred upon application to and approval by Hinton in the following circumstances:

11.1.1 When the transfer is from one Licensee to another for the same Business name in the same Business Premises;

11.1.2 When the transfer is for a change of civic address from one Business Premises to another for the same Licensee and Business; or

11.1.3 If the new Licensee meets the same requirements as the previous owner in regard to Municipal, Provincial and/or Federal Legislation.

12.0 TERM OF LICENSE

12.1 A License issued pursuant to this Bylaw, unless previously suspended or revoked, or as otherwise specified in this Bylaw, is valid from the date issued stated thereon and shall expire at twelve o'clock midnight on December 31 in the year in which it was issued.

PART II- REGULATIONS PERTAINING TO CANNABIS BUSINESS LICENSE

13.0 CANNABIS BUSINESS LICENSE

13.1 A Person or company applying for a license for a Cannabis-Related Business must hold a valid License issued by Alberta Gaming and Liquor Commission.

13.2 The provisions of this Bylaw do not apply to production and distribution of Cannabis.

13.3 Requirements for Cannabis-Related Business applications:

13.3.1 A Person applying for the issuance or renewal of a license to carry on a Cannabis-Related Business where Cannabis is kept or present on the premises must:

- a) Make application to Hinton on the form provided for that purpose,
- b) Pay to Hinton the applicable license Fee,
- c) Provide a security plan for the premises that, in the opinion of Hinton, describes adequate security measures to mitigate risk of theft or robbery at the premises,
- d) Provide proof of a security alarm contract (by a third party) that includes monitoring at all times during the period for which the license is being sought,
- e) Provide proof of ownership or legal possession of the premises, and provide a current criminal record check and a vulnerable sector check for:
 - i) The Applicant,
 - ii) If the Applicant is a corporation, each shareholder, officer and director, and
 - iii) Each on-site manager and/or employee, and
- f) Applications for the issuance of a new Business License for a Retail Cannabis Store shall be circulated to Hinton's Bylaw, RCMP and Fire Departments, Alberta Health Services, and other relevant agencies or departments as required for referral and consultation.

13.3.2 Each issuance of a new Business License requires an updated police information check and vulnerable sectors check for each on-site manager, and/or employee, officer, director or shareholder of the Licensee.

14.0 AUTHORITY TO REFUSE A LICENSE

14.1 Hinton may suspend or refuse to issue or renew a license for a Retail Cannabis store if the Applicant or Licensee, or a shareholder, officer and/or employee, director or on-site manager of the Applicant or Licensee:

14.1.1 Was convicted, found guilty of, or liable for any contravention or offence relating to the conduct of a Business similar to that to which the license relates;

14.1.2 Was convicted, found guilty of, or liable for any contravention or offence in Hinton against this Bylaw or against any bylaw authorizing the issuance of a Business License or regulating the conduct of a Business; or

14.1.3 Was guilty of misrepresentation, nondisclosure or concealment of any material fact relating to the subject matter of the license or required to be stated in the application.

15.0 FURTHER REQUIREMENTS FOR ALL CANNABIS-RELATED BUSINESSES

15.1 A Person carrying on a Cannabis-Related Business must not:

15.1.1 Allow a Person under the age of 18 on the premises;

15.1.2 Advertise or promote the use of Cannabis to a Person under the age of 18;

15.1.3 Allow a Person to smoke, vape, consume or otherwise ingest Cannabis or products containing Cannabis on the premises; or

15.1.4 Display any advertising or sign that is visible from outside of the premises except for a maximum of two signs which display no images, are in a size as permitted under the Land Use Bylaw, and contain only:

a) Alpha-numeric characters, and

b) The Business name.

16.0 REQUIREMENTS FOR RETAIL CANNABIS

16.1 In addition to the requirements of section 13.3.1 and Licensing Fee under Schedule "A," a Person carrying on the Business of a storefront for Retail Cannabis must:

16.1.1 Prominently display a sign on the premises indicating that no Persons under 18 years of age are permitted on the premises;

16.1.2 Not use the premises to carry on Business other than the Cannabis-Related Business and accessory uses;

16.1.3 Ensure that windows on any street frontage of the premises are not blocked by translucent or opaque material, artwork, posters, shelving, display cases or similar elements; and

16.1.4 The hours of operations shall be per Alberta Gaming Liquor and Cannabis Regulations as amended.

16.2 Any Business that keeps Cannabis on the premises is subject to Land Use Bylaw 1088 Section 3-82 as amended.

PART III- ENFORCEMENT

17.0 OFFENCE

17.1 A Person who contravenes this Bylaw is guilty of an offence.

18.0 CONTINUING OFFENCE

18.1 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine as per Schedule "B" of this Bylaw in an amount not less than that established by this Bylaw.

19.0 FINES & PENALTIES

19.1 Should a Person not pay the penalty provided or contravene any section of this Bylaw and a prosecution has been entered against him/her, he/she shall be liable on summary conviction to the penalties legislated under section 566 of the Act, in addition to any License Fee he/she may be required to pay.

20.0 PROVINCIAL VIOLATION TICKET

20.1 In those cases where the annual renewal Business Licenses invoice has been issued and has not been paid within the prescribed time, a Community Peace Officer is hereby authorized and empowered to issue a Provincial Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000 Chapter P-34 as amended per Schedule "A".

20.2 Notwithstanding section 20.1, a Community Peace Officer is hereby authorized and empowered to immediately issue a Provincial Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000 Chapter P-34, as amended, to any Person whom the Community Peace Officer has reason to believe has contravened any provision of this Bylaw.

21.0 PAYMENT IN LIEU OF PROSECUTION

21.1 Where a Provincial Violation Ticket is issued pursuant to this Bylaw, the Person to whom the Provincial Violation Ticket is issued may, in lieu of being prosecuted for the offence, pay to the Province the penalty specified within the time period indicated on the Provincial Violation Ticket.

22.0 PROOF OF EXEMPTION

22.1 The onus of proving that a Person is exempt from the provisions of this Bylaw requiring a License is on the Person alleging the exemption.

23.0 PROOF OF BUSINESS

23.1 In a prosecution for a contravention of section 2.1 of this Bylaw for carrying on a Business without a License, proof of one transaction in the Business or that the Business had been advertised is sufficient to establish that a Person is carrying on the Business.

PART IV-INTERPRETATION & DEFINITION

24.0 INTERPRETATIONS

- 24.1 In this Bylaw, words have the meanings set out in the Act, except as defined in section 24.9 to 24.41, unless context otherwise requires.
- 24.2 Terms which are not defined in this Bylaw will, where the context permits, have the meaning assigned to them by the Land Use Bylaw, the Act, the *Interpretation Act*, R.S.A 200 Chapter 1-8 as amended, or a standard dictionary, whichever applies.
- 24.3 Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation, other bylaw or any requirement of any lawful permit, order or License.
- 24.4 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 24.5 All schedules attached to this Bylaw shall form part of this Bylaw.
- 24.6 Any headings or subheadings in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.
- 24.7 Specific references to laws in this Bylaw are meant to refer to the current laws applicable within the Province of Alberta as at the time this Bylaw was enacted and as they are amended from time to time, including successor legislation.

24.8 DEFINITIONS

- 24.9 **Act:** *The Municipal Government Act*, R.S.A 2000 Chapter M-26, of the Province of Alberta, as amended, and the regulations enacted thereunder.
- 24.10 **Applicant:** a Person who is lawfully entitled to make, and makes, an application for any document, approval, Development Permit, other permit or other thing that may be issued, made or done under the authority of this Bylaw.
- 24.11 **Business** includes:
- 24.11.1 A commercial, merchandising or industrial activity or undertaking;
 - 24.11.2 A profession, trade, occupation, calling or employment; or
 - 24.11.3 An activity providing goods and services including but not limited to: profit generating special events, food trucks, street vendors, Peddlers, Hawkers, Markets, or carnival or circus, whether or not for profit and however organized or formed, including a co-operative or association of Persons.
- 24.12 **Business License:** a Business License to be issued, pursuant to this Bylaw, for the purpose of licensing any Business operating within Hinton.

- 24.13 **Business Premises:** any store, office, dwelling, warehouse, yard, building, enclosure or other place occupied, or capable of being occupied, for the purpose of carrying on a Business and in which place the carrying on of a Business is a permitted or a discretionary use under the Land Use Bylaw.
- 24.14 **Bylaw:** unless otherwise stated means this Business License Bylaw 1126 as amended.
- 24.15 **Calendar Year:** in relation to any Business License issued under the provisions of this Bylaw, means a period of 365 consecutive days commencing on January 1 and ending on December 31.
- 24.16 **Cannabis:** Cannabis plant, fresh Cannabis, dried Cannabis, Cannabis oil and Cannabis plant seeds and any other substance defined as Cannabis in the *Cannabis Act (Canada)* and its regulation, as amended from time to time.
- 24.17 **Cannabis-Related Business:** carrying on of activity where:
- 24.17.1 The use of Cannabis for medical or any other purpose is advocated or promoted;
 - 24.17.2 Cannabis or paraphernalia used in the consumption or Cannabis are sold or otherwise provided to Persons for any purpose; or
 - 24.17.3 Cannabis is stored for a purpose of sale or distribution.
- 24.18 **Charitable or Non-Profit Organization:** an organization defined pursuant to *Charitable Fund-Raising Act*, R.S.A 2000 Chapter C-9 as amended and registered as such.
- 24.19 **Chief Administrative Officer:** the Person appointed by Council to the position of chief administrative officer of Hinton.
- 24.20 **Community Peace Officer** includes:
- 24.20.1 A member of the Royal Canadian Mounted Police;
 - 24.20.2 A Bylaw Enforcement Officer; or
 - 24.20.3 A Community Peace Officer.
- 24.21 **Council:** The Municipal Council for Hinton of Hinton in the Province of Alberta, as duly elected and defined in the Act.
- 24.22 **Development Authority:** a Person or body who is authorized to exercise Development Powers and perform duties on behalf of Hinton as per Land Use Bylaw 1088 Section 2-1.
- 24.23 **Development Permit:** a document issued by a Development Authority authorizing a Development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents, and the conditions of approval. A Development Permit is separate and distinct from a Building Permit under the Land Use Bylaw.
- 24.24 **Door to Door Sales:** means all Person(s) soliciting, advertising or selling products or services in a manner that involves going door to door to residential or businesses.

- 24.25 **Fee:** the monetary amount levied on each application for a Business License as set out in this Bylaw.
- 24.26 **Hawker or Peddler:** any Person who:
- 24.26.1 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 Hinton to the customer;
 - 24.26.2 Sells Merchandise or a service, or both, on the streets or roads or elsewhere other than at a building that is a permanent place of Business; or
 - 24.26.3 Does not have a permanent place of Business in Hinton.
- 24.27 **Hinton:** the Municipal Corporation of the Town of Hinton in the Province of Alberta, and/or the area contained within the corporate boundaries of said municipality, as the context may require.
- 24.28 **Hinton Service Area:** includes Hinton and 13 rural communities: Aspen Heights, Brule, Cadomin, Carldale, Entrance, Folding Mountain, Grandview Estates, Mountain View Estates, Maskuta Estates, Obed, Old Entrance, Overlander and Seabolt Estates.
- 24.29 **Home Occupation:** as defined in the Land Use Bylaw.
- 24.30 **Home-Based Business:** as defined in the Land Use Bylaw.
- 24.31 **Land Use Bylaw:** the Hinton Land Use Bylaw 1088 as amended from time to time.
- 24.32 **Licensee:** a Person holding a valid license issued pursuant to this Bylaw.
- 24.33 **Market:** a development used for the sale of new or used goods, crafts and food products by multiple vendors renting tables and space either in or out of an enclosed Building. Vendors may vary from day to day, although the general layout to be rented out stays the same.
- 24.34 **Merchandise:** commodities or goods that are bought and sold in a Business.
- 24.35 **Mobile Vendor:** any Person selling goods, food, amusements or services from a mobile motor vehicle, trailer, or similar structure that is designed for offering the sale of goods, food, or services.
- 24.36 **Non-Resident:** a Person who is not a resident of the Hinton Service Area.
- 24.37 **Person:** an individual, a group of individuals, a corporation, firm, partnership, proprietorship, association, society or co-operative.
- 24.38 **Prime/Principal Contractor:** the Business of accepting contracts for a service, construction, alteration and repair of buildings or structures of any kind and the Person or firm engaged in such Business and is responsible for the day-to-day oversight of a construction site, management of vendors and trades, and communication of information to involved parties throughout the course of a building project.

24.39 **Region:** the area beyond our defined community. See Hinton Service Area definition in section 24.28.

24.40 **Retail Cannabis:** a development used for the retail sale of Cannabis that is authorized by provincial or federal legislation.

24.41 **Provincial Violation Ticket:** a violation ticket or similar document issued pursuant to Part 2 or Part 3 of the *Provincial Offences Procedure Act*, R.S.A 2000 Chapter P-34, as amended.

25.0 REPEAL

25.1 Business License Bylaw 1020 is repealed.

26.0 ENACTMENT

26.1 This Bylaw shall come into force and effect when it received third reading and is duly signed.

READ a First time this 21st day of April, 2020.

READ a Second time this 21st day of April, 2020.

READ a Third and final time this 21st day of April, 2020.



Mayor



Legislative Clerk

**TOWN OF HINTON BUSINESS
LICENSE BYLAW 1126
SCHEDULE "A"**

BUSINESS LICENSE FEES	
Home-Based Business/Home Occupation	\$160.00 per Calendar Year
Commercial/Industrial Business	\$160.00 per Calendar Year
Regional Resident	\$160.00 per Calendar Year
Non-Resident	\$285.00 per Calendar Year
Hawker/Peddler	\$200.00 per Calendar Year \$50.00 for 3 Consecutive Months
Prime/Principal Contractor(+ more than 3 sub trades)	\$500.00 per Calendar Year
Temporary (not to exceed 7 days)	\$25.00 per Day
<i>If a Business with a current Business License closes prior to July 1 on any License year, a refund of 50% the Fee as set out above shall be refunded to the Business owner upon request of the Licensee.</i>	
BUSINESS LICENSE LEVIED AS FOLLOWS	
July - September	50% of the Annual Fee
October- December	25% of the Annual Fee
FINES FOR LATE PAYMENT OF ANNUAL RENEWALS	
After 60 days	\$250.00
After 90 days	\$500.00
After 120 days	\$750.00
FEE EXEMPTION	
Refer to Section 5.0 of Bylaw	

**TOWN OF HINTON
BUSINESS LICENSE BYLAW 1126
SCHEDULE "B"**

SPECIFIED PENALTIES FOR BREACH OF BYLAW	
First Offence	\$250.00
Second Offence	\$500.00
Third and Subsequent Offence	\$750.00