

## BYLAW NO. 3609/2018

A Bylaw to licence and regulate businesses within the City of Red Deer.

THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the Business Licence Bylaw.
2. In this Bylaw:
  - (a) **“Business”** means:
    - i. a commercial, merchandising or industrial activity or undertaking;
    - ii. a profession, trade, occupation, calling or employment; or
    - iii. an activity providing goods or services,whether or not for profit and however organized or formed, including a co-operative or association of Persons;
  - (b) **“Cannabis”** means 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 regulations, as amended from time to time and includes edible products that contain cannabis;
  - (c) **“Cannabis Production Facility”** means any building in which an activity authorized by the Medical Marihuana Production Regulations, SOR/2013-119, or any successor or replacement legislation or regulation, is or may be conducted, including such activities as growing, producing, labelling, packaging, storing and transporting of cannabis;
  - (d) **“Cannabis Retail Sales”** means a retail store that is licensed by the Province of Alberta where Cannabis and Cannabis Accessories are lawfully sold to individuals who attend at the Premises;
  - (e) **“Carry On”, “Carrying On”, “Carried On” and “Carries On”** means to conduct, operate, perform, keep, hold, occupy, deal in or use, for a fee or exchange of benefits, whether as principal or agent;
  - (f) **“City”** means the City of Red Deer;
  - (g) **“Direct Seller”** means the activities of soliciting, negotiating or concluding in person, at any place other than the seller’s place of business, sales contracts, including direct sales contracts to which Part 3 of the *Fair Trading Act* applies, for the provision of goods or services, where the

buyer is a consumer, as per the *Designation Of Trades And Businesses Regulation*, Alberta Regulation 178/1999;

- (h) **"Drinking Establishment"** means a business the primary purpose of which is the sale of alcoholic beverages for consumption on the Premises in which the business is located and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption on the Premises, take-out food services, the sale of alcoholic beverages for consumption away from the Premises, and entertainment. A Drinking Establishment includes any Premises in respect of which a "Class A" Liquor Licence has been issued by the Alberta Gaming and Liquor Commission and where the terms of the licence prohibit minors;
- (i) **"Late Night Club"** means a facility, the primary purpose of which is to host late night events where:
  - i. no alcohol or alcoholic beverages are available on the Premises for consumption or sale;
  - ii. 20 or more patrons are assembled at any time between 3:00 a.m. and 6:00 a.m.;
  - iii. the events are held for the purpose of gain or profit;
  - iv. tickets are sold or an entrance or attendance fee is charged for persons to attend; and
  - v. music, noise or sound of any kind or source, including but not limited to amplified recorded or computer generated music, amplified recorded or computer generated sounds, live music, sound or band music is performed or played,
- (j) **"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;
- (k) **"Mobile Business Unit"** means a motor vehicle, temporary structure or display, or stand from which a Business is Carried On;
- (l) **"Mobile Supervised Consumption Services"** means a Business operated within a Mobile Supervised Consumption Services Unit, pursuant to an exemption granted for medical purposes by the federal government, offering a supervised and controlled environment where a Person may consume a controlled substance that was obtained in a manner not authorized under the *Controlled Drugs and Substances Act*;
- (m) **"Mobile Supervised Consumption Services Unit"** means a vehicle designed or retrofitted to accommodate Mobile Supervised Consumption Services and having no more than two-booths and room for two people to

recover post-consumption;

- (n) <sup>1</sup>**“Not for Profit Organization”** means
1. a society established under the *Societies Act*, R.S.A. 1980, c. S-18;
  2. a registered charity established under the *Income Tax Act*, R.S.A. 1985, c.1
  3. a company incorporated under Part 9 of the *Companies Act*, R.S.A. 1980, c. C-20;
  4. a company incorporated under Part II of the *Canada Corporations Act*, R.S.C. 1985, c. C-32; or
  5. a society, charity, or company established under successor or replacement legislation to any of the Acts referred to above.
- (o) **“Non Resident Business”** means a Business that is Carried On in Red Deer by a Person who either:
- i. does not reside or have its registered office in Red Deer; or
  - ii. does not own or lease the Premises that the Business is Carried On from.
- (p) **“Pawn”** means to give as a deposit anything in pledge or as security for the payment of a loan or debt;
- (q) **“Pawnbroker”** means a Person who Carries On the Business of loaning or holding oneself out as ready to loan money on the security of the pawn of property but does not include a bank, trust company, credit union or other similar institution, and includes an agent or employee;
- (r) **“Pawnd Goods”** means any item that is pawned but does not include real property;
- (s) **“Pawn Shop”** means a place of Business, which is not a residence, where a Person may Pawn Goods.
- (t) **“Peace Officer”** means a Peace Officer as defined in the *Provincial Offenses Procedure Act*, S.A. 1988, c P-21.5;
- (u) <sup>2</sup>**“Permanent Supervised Consumption Site”** means a Business operated within a standalone location, pursuant to an exemption granted for medical purposes by the federal government, offering a supervised and

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<sup>1</sup> Bylaw 3609/A-2019

<sup>2</sup> Bylaw 3609/A-2018

controlled environment where a Person may consume a controlled substance that was obtained in a manner not authorized under the *Controlled Drugs and Substances Act*;

- (v) **“Person”** includes an individual, sole proprietorship, corporation, partnership, joint venture, co-operative or society;
- (w) **“Premises”** means land, buildings, or structures;
- (x) **“Resident Business”** means a Business that is Carried On by a Person who either:
  - i. resides in Red Deer and Carries On a Business in Red Deer; or
  - ii. Carries On a Business from Premises in Red Deer which the Person owns or rents.
- (y) **“Second Hand Dealer”** means the Business of acquiring second-hand property by trade, purchase or consignment, for the purpose of selling or offering for sale, but does not include auction sales, auto-wreckers, or recycling depots;
- (z) <sup>3</sup>**“Second Hand Goods”** means any item that is being transferred to a second or later end user but does not include real property;
- (aa) **“Short Term Licence”** means a licence that is valid for not more than four (4) consecutive months in a calendar year;
- (bb) **“Regulated Business”** means a Business that is identified in a Schedule to this Bylaw, excluding Schedule “A” and Schedule “J”, in relation to which Council may adopt regulations in addition to those set out in the body of this Bylaw; and
- (cc) **“Trade Shows”** means an exposition where Businesses in a specific industry can gather to display, demonstrate or sell products or services to other participants or the general public, in a single event operated over the course of one day or one weekend.

### City Manager

3. The City Manager is authorized to:

- (a) receive and consider applications for business licences, including the power to consult with, obtain information from and verify information with other employees or agents of the City, other governments, government agencies or Persons;

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<sup>3</sup> Bylaw 3609/A-2018

- (b) issue business licences, impose conditions on business licences and refuse to issue business licences;
- (c) revoke and suspend business licences;
- (d) keep a record of all business licences issued and any particulars of those licences;
- (e) maintain a register of business licences that is available to all departments of the City to access for the purpose of administering and enforcing this bylaw, any other bylaw of the City or an enactment of Alberta or Canada;
- (f) undertake any inspections of lands or buildings and make any inquiries necessary to ensure compliance with this bylaw;
- (g) be responsible for the administration and enforcement of this bylaw; and
- (h) exercise any other power, responsibility or discretion provided under this bylaw.

#### **Directory**

- 4. The City Manager may publish or authorize the production of a directory of licensed businesses in the City, made publicly available.
- 5. The directory may contain any information provided by an applicant or licence holder under this bylaw.
- 6. When an applicant or licence holder provides information under this bylaw, the applicant or licence holder must be given an opportunity to exercise the right not be included in a directory that may be published under section 4.
- 7. The City Manager may establish terms and conditions under which a directory is published or information included in it.
- 8. The City Manager may also include information in the directory in relation to a Person who is not required to hold a business licence under this bylaw:
  - (a) on the request of that Person; and
  - (b) on terms and conditions established by the City Manager, including payment of a fee for inclusion.

#### **Requirement for a Business Licence**

- 9. A Person that Carries On a Business in Red Deer must hold a valid business licence authorizing the Person to Carry On that Business.

10. Section 9 applies whether a Person Carries On a Business as a principal or as an agent.

**Exclusions from the Requirement for a Business Licence**

11. The following Persons may Carry On a Business in Red Deer without a business licence:
  - (a) the Crown in right of Alberta;
  - (b) the Crown in right of Canada;
  - (c) The City; and
  - (d) a Person whose Business is expressly exempted from the requirement of a business licence by a statute of the Legislature of Alberta or Parliament of Canada.
12. No licence is required for:
  - (a) a Business that rents a stall, table, or space in a Market and Carries On within Market hours;
  - (b) Mobile Business Units that are operating as part of a Special Event approved by the City; or
  - (c) a Business that is operating as a vendor at a Trade Show.
  - (d) <sup>4</sup>a Not for Profit Organization that has no employees; or
  - (e) <sup>5</sup>a Not for Profit Organization that does not Carry On operations from a non-residential Premises located within the City of Red Deer.
13. The Person who organizes a Market or Trade Show is required to obtain a business licence.
14. If only part of a Business is covered by an exemption under section 11 or 12, the Person who Carries On the Business must comply with this bylaw in respect of any part of the Business that is not exempted.
15. A Person who contracts with any of the Governments or Persons designated in section 11 will be subject to all the requirements of this bylaw.

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<sup>4</sup> Bylaw 3609/A-2019

<sup>5</sup> Bylaw 3609/A-2019

**Application for a Business Licence**

16. Before the issue or renewal of a business licence, a Person must submit to the City Manager:
  - (a) an application in a form established by the City Manager;
  - (b) the applicable fee; and
  - (c) any additional information required by this bylaw or by the City Manager.
17. An applicant must be at least 18 years old or have an agent at least 18 years old sign/authorize on behalf of the applicant.
18. The application must be in the form required by the City Manager and information to be submitted with an application must include the following:
  - (a) the applicant's name;
  - (b) the legal name of the Business and any brand names/trade names/operating names under which the Business is to be conducted;
  - (c) the Business contact information, including phone number(s), email address(es), and mailing address;
  - (d) the operating address of the Business;
  - (e) the proper name of the owner(s) of the Business, including the corporate information;
  - (f) the owner(s) contact information, including phone number(s), email address(es), and mailing address(es);
  - (g) a description of the nature of the Business that includes type of Business and the number of employees;
  - (h) where a Person intends to engage in or operate a Business at a specific Premises within the City, the Person shall ensure all necessary approvals required by law have been obtained, and shall provide proof of a valid and existing Development Permit for the Premises;
  - (i) the signature/authorization of the applicant or the applicant's agent;
  - (j) any other information that the City Manager may reasonably require for the purpose of the administration of this bylaw; and
  - (k) the business licence fee specified under Schedule A, unless that Business

is exempt under section 11 or 12.

19. In addition to the information required in section 18, an applicant for a business licence for a Regulated Business must also provide the information and documents required by the Schedule applicable to that Business.
20. If there is any change to the information provided to the City Manager in the application for a business licence during the term of a business licence, the licence holder must advise the City Manager in writing of the change immediately.

### **Considering the Application**

21. The City Manager must consider each complete application, as outlined in section 18.
22. Subject to section 23, the City Manager must grant a business licence to the applicant if the applicant meets the requirements of this bylaw.
23. The City Manager may refuse to issue a business licence or may impose conditions on a business licence if the City Manager:
  - (a) has revoked or suspended a business licence of the applicant for the same or a similar Business within the past 12 months; or
  - (b) has reasonable grounds for believing that the applicant does not or will not comply with this bylaw, another bylaw of the City, or an enactment of Alberta or Canada in relation to the Carrying On of the Business; or
  - (c) has reasonable grounds for believing that issuing a business licence with respect to the proposed Business is not in the public interest.
24. The City Manager may consult, prior to issuing or renewing a business licence, with authorities and agencies, including but not limited to the Province of Alberta, the RCMP, and City departments, to determine whether they are in possession of information which, in the opinion of the City Manager, renders it inappropriate for a business licence to be issued to the Person.
25. At any relevant time, the City Manager may impose, in addition to the conditions referenced under section 23, conditions on a new or existing business licence in relation to the establishment or operation of the applicable Business.
26. The City Manager must specify on the business licence:
  - (a) the name of the licence holder(s) and each name under which the Business is to be conducted;
  - (b) a description of the type of Business for which the licence is issued;



- (c) the Schedule, if any, applicable to the regulation of the Business;
- (d) the location where the Business is to be conducted;
- (e) any conditions on the business licence; and
- (f) the expiry date of the business licence.

**Business Licence Fee**

- 27. If the fee for a business licence is not paid, the business licence is not valid.
- 28. Once the City Manager has issued a business licence, the business licence fee is not refundable.

**Effect of and Limitations on a Business Licence**

- 29. Subject to section 31, a business licence allows the licence holder to Carry On the Business described in the business licence, and a business licence for a Regulated Business allows the licence holder to Carry On the Regulated Business described in the business licence provided that the licence holder complies with the specific regulations for that Regulated Business.
- 30. A business licence remains the property of the City.
- 31. A business licence does not relieve the licence holder from the obligation to obtain any other permit, licence or other approval that may be required under another bylaw of the City or any other governmental authority.
- 32. A business licence does not confer any property right and no licence holder may sell, transfer, assign, lease or otherwise dispose of or deal in a licence.

**Term of Business Licence**

- 33. A business licence issued under this bylaw expires on December 31 of the year for which it was issued, unless:
  - (a) it is revoked earlier under section 39 of this bylaw; or
  - (b) it was issued as a Short Term Licence.

**Obligations of Business Licence Holder**

- 34. A licence holder must ensure that the Business conducted under a business licence complies with:
  - (a) this bylaw; and
  - (b) any conditions imposed on the business licence.

35. A licence holder must:
- (a) post the business licence in a conspicuous place in the Premises where the Business under licence is Carried On or operated;
  - (b) Carry On the Person of the licensee, or in or on the vehicle or apparatus from which the Business is Carried On; and
  - (c) produce the business licence to the City Manager or Peace Officer if requested to do so.
36. A licence holder must give access to the Premises specified in the business licence to the City Manager or a Peace Officer if requested to do so.

**Cancellation of Business Licence by a Licence Holder**

37. A licence holder may cancel a business licence by providing written notice to the City Manager.
38. If a licence is cancelled under section 37, the business licence fee is not refundable.

**Revocation or Suspension of Business Licence by City Manager**

39. If the Business Carried On or operated under a business licence does not comply with:
- (a) this bylaw;
  - (b) any condition imposed on the licence; or
  - (c) any other bylaw or enactment of Alberta or Canada applicable to the Business or the Premises where the Business is located,
- the City Manager may revoke the business licence or suspend the business licence for a period that the City Manager considers appropriate.
40. If an applicant for a business licence provides inaccurate or misleading information in an application for a business licence, the City Manager may revoke the business licence or suspend the business licence for a period that the City Manager considers appropriate.
41. The City Manager, upon the reasonable belief that the safety, health or welfare of the public may be at risk due to the issuance of the licence, may revoke the business licence or suspend the business licence for a period that the City Manager considers appropriate.

42. The City Manager must give written notice of the revocation or suspension, setting out in general terms the reason for the revocation or suspension and in the case of a suspension the period of the suspension.
43. The revocation or suspension of a business licence under section 39 is effective:
  - (a) 24 hours after delivery if the written notice is delivered personally to the licence holder or the registered office of a corporate licence holder;
  - (b) 72 hours after posting if the written notice is posted in a conspicuous place at the Premises specified in the licence where the Business is to be conducted or operated; or
  - (c) seven days after the written notice is sent to the mailing address provided in the application for a business licence or the address subsequently provided in writing under section 18,whichever is earliest.
44. In the notice suspending or revoking a licence, the City Manager may increase the time before which a revocation or suspension is effective from that established under section 43.
45. If the City Manager increases the amount of time under section 43, the City Manager may impose conditions on the business licence that the City Manager considers reasonable to ensure the protection of the public and the integrity of the administration of this bylaw.
46. A licence holder must cease Carrying On a Business immediately once a suspension or revocation is effective.
47. The City Manager may act under section 39 in addition to or instead of prosecuting an offence under this Bylaw or the *Provincial Offenses Procedure Act*, or both.

### **Appeals**

48. If the City Manager:
  - (a) refuses to issue a business licence;
  - (b) revokes or suspends a business licence;
  - (c) identifies a Business subject to a Schedule;
  - (d) imposes a condition on a business licence; or

(e) <sup>6</sup>Deleted

the applicant or licence holder may appeal the decision to the Red Deer Appeal and Review Board. Appeals are governed and processed in accordance with the provisions of the City of Red Deer *Appeal and Review Bylaw*, No. 3487/2012.

49. On the filing of an appeal in accordance with section 48, the decision being appealed is stayed, pending the decision of the Board.
50. The Red Deer Appeal and Review Board may:
  - (a) uphold the decision of the City Manager;
  - (b) vary the decision of the City Manager or substitute its own decision; or
  - (c) overturn the decision of the City Manager.

#### **Inspection of Lands and Buildings**

51. If there are reasonable grounds for believing that a Person is Carrying On a Business without a business licence, or is in contravention of this bylaw, the City Manager or Peace Officer may inspect the Business Premises and surrounding lands, without prior notice.

#### **Business Licence is not a Representation of Compliance with other Bylaws**

52. A business licence issued under this bylaw is not a representation to the licence holder that the Business complies with the requirements of any other bylaw or enactment and the licence holder is responsible to ensure that the licence holder complies with all applicable bylaws and enactments.

#### **Enforcement**

53. A Person is guilty of an offence if that Person:
  - (a) Carries On a Business in Red Deer without a business licence as required under this bylaw, unless an exclusion under section 11 applies;
  - (b) Carries On a Business in Red Deer in breach of a condition imposed on a business licence;
  - (c) hinders or obstructs any Person in the exercise or performance of the Person's duties or powers pursuant to this bylaw; or
  - (d) is in breach of any provision of this bylaw.
54. When a corporation commits an offence under this bylaw, every principal,

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<sup>6</sup> 3609/A-2019

director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

55. The owner of real property, who is registered on title at the Land Titles Office, shall be responsible for any act of a permit holder or Person Carrying On Business on the Premises located on the property that constitutes an offence under this Bylaw, in the same manner and to the same extent as though the act were done by the owner.

### **Fines and Penalties**

56. A Person who is guilty of an offence under this bylaw is liable to the specified penalty for that offence, as stated in the Specified Penalty Table under Schedule J.
57. A Person who breaches any of the provisions of this bylaw where the breach is of a continuing nature shall, in addition to the penalties set forth Schedule J, pay a penalty of not less than \$250 for each day that the breach continues.
58. A Person who has not submitted payment by December 31 of that year may be subject to a \$25.00 late fee that will form part of the total fee owing.
59. When a penalty is not specified under this bylaw, a Person who is guilty of an offence is liable to a fine not exceeding \$10,000, and in default of payment of the fine, to imprisonment for up to six months.

### **Municipal Violation Tag**

60. A Peace Officer may issue, with respect to an offence under this bylaw, a municipal violation tag specifying the fine amount (including any early payment fine amount), as may be established by this bylaw.
61. Where a municipal violation tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

### **Violation Ticket**

62. A Peace Officer may issue, with respect to an offence under this bylaw, a violation ticket:
- (a) specifying the fine amount established by this bylaw; or
  - (b) requiring an appearance in court without the option of making a voluntary payment.
63. Where a violation ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

**Effective Date**

- 64. *License Bylaw, No. 3159/96, Late Night Clubs Bylaw, No. 3275/2001 and Drinking Establishment Licensing Bylaw No. 3332/2004* are hereby repealed.
- 65. This bylaw shall come into force and take effect upon third reading.

READ A FIRST TIME IN OPEN COUNCIL this 20 day of August 2018.  
 READ A SECOND TIME IN OPEN COUNCIL this 4 day of September 2018.  
 READ A THIRD TIME IN OPEN COUNCIL this 4 day of September 2018.  
 AND SIGNED BY THE MAYOR AND CITY CLERK this 4 day of September 2018.

“Mayor Tara Veer”  
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 MAYOR

“Frieda McDougall”  
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 CITY CLERK

**Schedule "A"**  
**Fee Schedule**

GST EXEMPT

1. The fees for licences are:

(a)	Resident Business	\$108.00
(b)	Non Resident Business	\$420.00
(c)	Resident Short Term	\$50.00
(d)	Non-Resident Short-Term	\$175.00
(e)	Change Fee	\$25.00
(f)	Late Fee	\$25.00
  
2. Resident Business and Non Resident Business licence fees under this bylaw may be pro-rated on a monthly basis for each month from the date the licence is first issued until December 31 of that year, for any Business that was not operated or Carried On prior to the licence being issued. In no case will the pro-rated fee be less than \$35.00
  
3. Business licence fees to be reviewed each year, prior to the renewal process, based on the Consumer Price Index (CPI) of Alberta. Fees will be rounded to the nearest \$0.05.

<sup>7</sup>**Schedule "B"**  
**Pawn Shops and Pawnbrokers**

1. A Pawnbroker must not also Carry On the Business of a Second Hand Dealer on the same Premises.
2. A Pawnbroker must keep a record, recorded at the time of each transaction, of the following information, in a form satisfactory to the City Manager, including by electronic means, where the Pawnbroker receives Pawns Goods:
  - (a) the date and time at which the Pawns Goods were received;
  - (b) an accurate description of the Pawns Goods, including, but not limited to:
    - i. the make and model;
    - ii. the manufacturer's name;
    - iii. any serial number; and
    - iv. other distinguishing marks;
  - (c) the amount of money advanced for the Pawns Goods;
  - (d) the rate of interest which is to be charged on the loan which is made;
  - (e) the full name of the employee who accepted the Pawns Goods.
3. In addition to section 2, a Pawnbroker must record a complete and accurate description of the Person pawning the goods, including the Person's:
  - (a) full name;
  - (b) date of birth;
  - (c) current address and telephone number; and
  - (d) physical description which shall include the following specifics: eye colour, hair colour, height, weight, and any other distinguishing feature.
  - (e) two pieces of numbered identification, one being government issued and containing a picture of the Person tendering the Pawns Goods, that confirm the name and address given.
4. At the time a Person Pawns goods, a Pawnbroker must free of charge, give that Person a copy of the summary of information taken at the time the goods are Pawns.

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<sup>7</sup> Bylaw 3609/A-2018



5. Immediately upon request, a Pawnbroker must make available to the City Manager or Peace Officer an accurate copy of the information kept under section 3.
6. If Pawned Goods are redeemed, the Pawnbroker who conducts the transaction must record:
  - (a) Record the Pawnbroker's own name and the date the pawned goods were redeemed;
  - (b) Record the same information required under section 3 relative to the Person who has redeemed the Pawned Goods; and
  - (c) ensure the information recorded in sections 2 and 3 is kept in accordance with section 14.
7. A Pawnbroker must:
  - (a) not sell any Pawned Goods until at least forty-five (45) days have elapsed from the time the goods were Pawned;
  - (b) keep all Pawned Goods in the Pawn Shop where the Pawn occurred until forty-five (45) days have elapsed from the time the goods were Pawned; and
  - (c) keep all Pawned Goods which have not been redeemed within the time allowed and are for sale apart from all other Pawned Goods for which the forty-five (45) days have not yet elapsed.
8. Notwithstanding section 7, if a longer period of retention has been agreed upon between the Pawnbroker and the Person who Pawns Goods, the Pawnbroker cannot sell or remove the goods from the Pawn Shop where the Pawn occurred until that longer period has expired.
9. A Pawnbroker must not accept Pawned Goods:
  - (a) if the goods are offered by a Person who:
    - i. is under 18 years of age; or
    - ii. fails to provide the identification required under section 3; or
    - iii. appears to be intoxicated.
  - (b) if the goods have had or appear to have had the identification number or serial number removed or altered with in any way, unless prior written approval is obtained from the RCMP.

10. A Pawnbroker must not:
  - (a) erase or alter any information recorded under section 2 or section 3; or
  - (b) direct or allow any Person to erase or alter any information recorded under section 2 or section 3.
  
11. A Pawnbroker must post in a conspicuous location in the place of Business:
  - (a) the maximum interest rate allowed by the *Statutes of Canada* to be taken by the Pawnbroker; and
  - (b) a detailed statement as to the manner in which the interest rate charged by the Pawnbroker is calculated.
  
12. The books or records and any personal property in a Pawnbroker's Premises shall be open for inspection at all times by any Peace Officer or the City Manager.
  
13. On any day the Pawn Shop is open for business, each Pawnbroker shall deliver to the City Detachment of the RCMP, a detailed and accurate description of all Pawns received during the preceding 24 hour period (from 10:00 am that day to 10:00am of the previous day on which the shop was last open for business), including:
  - (a) the date and time of day when each property was received;
  - (b) the serial or folio number in the Pawnbroker's book or record; and
  - (c) the name, address and a detailed description of the Person or Persons from whom the Pawn was received, including the description of the clothing and any other distinguishing features.
  
14. The information required to be kept in sections 2 and 3 must be kept:
  - (a) in electronic form with automated reporting capabilities;
  - (b) in English;
  - (c) in the Pawn Shop; and
  - (d) for a period of one (1) year from the date the goods were Pawns.

**<sup>8</sup>Schedule "C"**  
**Second Hand Dealers**

1. A Second Hand Dealer shall not Carry On the Business of a Pawnbroker from the same Premises as the Second Hand Dealer Business.
2. A Person shall not be required to hold a licence for dealing in Second Hand Goods where the second hand goods are accepted as part of the consideration for the purchase price of new goods.
3. A Second Hand Dealer must keep a record in English, in a form satisfactory to the City Manager, in relation to each transaction of receiving Second Hand Goods:
  - (a) the date and time at which the Second Hand Goods were received;
  - (b) an accurate description of the Second Hand Goods, including, but not limited to:
    - i. the make and model;
    - ii. the manufacturer's name;
    - iii. any serial number; and
    - iv. other distinguishing marks; and
  - (c) the amount paid by the dealer for the Second Hand Goods.
4. In addition to section 3, a Second Hand Dealer must record a complete and accurate description of the Person of whom the Second Hand Goods were acquired, including the Person's:
  - (a) full name;
  - (b) date of birth;
  - (c) residential address and telephone number; and
  - (d) physical description which shall include the following specifics: eye colour, hair colour, height, weight, and any other distinguishing feature.
5. No entry made in such book, record or computer program shall be erased, obliterated or defaced, nor shall any portion thereof be torn out or removed.

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<sup>8</sup> Bylaw 3609/A-2018

6. The book, record or computer program required herein and any personal property in the Second Hand Dealer's place of Business shall be open to inspection at all times by any Peace Officer or City Manager, and the duplicate copy of such book or record shall be delivered to the Peace Officer or City Manager upon request.
7. No Second Hand Dealer shall dispose of or undertake the repair of any second hand goods until 72 hours have elapsed from the time of acquisition of such goods.
8. Each Second Hand Dealer shall keep separate and apart from his other goods those goods required to be held under section 7, until the time set forth in that section has elapsed.
9. Sections 3 to 8 inclusive do not apply to:
  - (a) the purchase of second hand goods, wares, merchandise or other effect bargained for or delivered to the purchaser at any place outside the City, although such Person disposes of the same within the City;
  - (b) Persons who deal in second hand books;
  - (c) auctioneers; or
  - (d) thrift shops and clothing banks operated by any church or charitable organization.

**Schedule “D”  
Mobile Business Units**

1. In addition to the requirements of section 18 of this Bylaw, an applicant for a business licence for a Mobile Business Unit, must submit to the City Manager, in a form acceptable to the City Manager; a schedule of all locations the Mobile Business Unit intends to Carry On Business, including civic address(es), date(s) and time(s).

**<sup>9</sup>Schedule E”**  
**Direct Sellers**

1. In addition to the requirements of section 18 of this Bylaw, an applicant for a business licence for a Direct Seller Business, must submit to the City Manager, in a form acceptable to the City Manager; proof of a current/valid direct selling business licence, issued under the *Direct Selling Business Licensing Regulation*, Alberta Regulation, 190/1999.
2. A Direct Seller may not Carry On Business between the hours of 8:00 PM and 8:00 AM.
3. A Direct Seller must carry with him a copy of the valid business licence issued under this Bylaw and produce it on request to each potential customer.

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<sup>9</sup> Bylaw 3609/A-2018

## **Schedule "F"**

### **Drinking Establishments**

#### **Mandatory Requirements**

1. The licence holder for a Drinking Establishment must:
  - (a) adhere to the provisions of all bylaws, enactments or regulations which apply to the Drinking Establishment;
  - (b) maintain in place a plan to the reasonable satisfaction of the City Manager which includes provisions for:
    - i. first aid for patrons of the establishment; and
    - ii. outside inspection and clean up in the vicinity of the Drinking Establishment during and after the hours of operation.
  - (c) require its manager and staff, on the request of a member of the RCMP, Peace Officer, Safety Codes Officer or City Manager to:
    - i. assist the member of the RCMP, City Manager or Peace Officer in carrying out an inspection of the Premises, and
    - ii. point out the location of the Drinking Establishment Licence so that it may be examined.

#### **Conditions Attached to Licence**

2. Where events have occurred in connection with the operation of a Drinking Establishment that put at risk the safety, health, welfare or property of members of the public or of the patrons or employees of the Drinking Establishment, the City Manager may include in the licence for that Drinking Establishment specific conditions which are intended to deal with that risk, including conditions respecting the following matters:
  - (a) the number and qualifications of security personnel who must be available at the Drinking Establishment;
  - (b) the procedures required to be in place to address emergency medical and security concerns;
  - (c) noise abatement measures which must be made to ensure noise outside or within the venue is minimized;
  - (d) requirements that the owner install and maintain a system of video camera surveillance, including specific requirements as to the number and type of cameras, their location and hours of operation, and the procedures governing the retention of copies of video tapes or other visual surveillance recordings;

- (e) a requirement that the owner install, maintain and operate an airport–style metal detecting security gate of a model and type and in a manner specified by the City Manager, for the purpose of identifying and barring entry to anyone carrying metal weapons;
- (f) a requirement that the owner enter into an agreement specifying the conditions set out herein, including such additional conditions as may be required by the City Manager pursuant to the provisions of subparagraph (g). Such agreement may, but need not, set out the terms and provisions which will give rise to a revocation or suspension of any licence granted under this Bylaw; and
- (g) such additional conditions consistent with the foregoing requirements, as are, in the opinion of the City Manager, reasonably necessary to protect the safety, health, welfare, and property of the patrons and employees of the Drinking Establishment.

### **Inspection of Premises and Facilities**

3. A Peace Officer, City Manager, Safety Codes Officer, or member of the RCMP may enter and inspect the Premises of any licensed Drinking Establishment at any reasonable time, including during its hours of operation:
  - (a) to determine if the facilities meet the requirements of this Bylaw, other applicable bylaws of the City or any other laws or regulations which the City Manager, Peace Officer, Safety Codes Officer or member of the RCMP is authorized to enforce;
  - (b) to ensure that the Licensee is complying with the requirements of this Bylaw, the conditions attached to a licence issued under this Bylaw and other applicable bylaws of the City or any other laws or regulations which the City Manager, Peace Officer, Safety Codes Officer or member of the RCMP is authorized to enforce;
  - (c) in the case of a facility whose licence has been suspended, to examine the Premises to determine whether the conditions leading to the suspension of the licence have been corrected.



<sup>10</sup>**Schedule “G”**

**Mobile and Permanent Supervised Consumption Services**

**Application Requirements**

1. In addition to any other requirements of this Bylaw, before the issuance or renewal of a business licence for a Mobile or Permanent Supervised Consumption Services, an applicant must submit the following to the City Manager in a form and with supporting documentation acceptable to the City Manager:
  - (a) Mobile Supervised Consumption Services Units
    - i. A signed landowner consent for each location where Mobile Supervised Consumption Services are proposed to be offered;
    - ii. A proposed schedule of the days of the week, times and location(s) where Mobile Supervised Consumption Services will be offered;
    - iii. A detailed description of the proposed Mobile Supervised Consumption Services Unit, including the layout of the booths and recovery spaces;
    - iv. Photographs of the interior and exterior of the vehicle;
    - v. A proposed security plan, including the number and qualifications of security personnel; and
    - vi. Confirmation the applicant has provided ~~with~~ the written notice required by section 3.
  - (b) Permanent Supervised Consumption Services
    - i. A signed landowner consent for the location of the Permanent Supervised Consumption Services;
    - ii. A proposed security plan, including the number and qualifications of security personnel; and
    - iii. Confirmation the applicant has provided the written notice required by section 3.
2. No licence for a Mobile or Permanent Supervised Consumption Services shall be issued unless the applicant has been granted an exemption for medical purposes by the federal government in accordance with section 56.1 of the *Controlled Drugs and Substances Act*.

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<sup>10</sup> Bylaw 3609/A-2018

3. Prior to submitting a licence application, the applicant must provide written notice of their intent to apply for a licence to each owner and occupant of land located within a 100 metre radius of the location(s) where the applicant is proposing to operate.
4. Applications for the issuance or renewal of a business licence for Mobile or Permanent Supervised Consumption Services may be circulated to Health Canada, Alberta Health Services and the RCMP for referral and consultation.

### **General Licence Conditions**

5. Prior to making a decision on issuance or renewal of a business licence, the City Manager may take into consideration any written submissions received in response to the notice issued under section 3.
6. In addition to conditions which may be listed as mandatory, the City Manager may impose terms and conditions on a licence for Mobile or Permanent Supervised Consumption Services if, in the opinion of the City Manager based on reasonable grounds, it is in the public interest to do so. Such conditions may address, without limitation, CPTED concerns, hours of operation, queue management, and security concerns.
7. Any terms and conditions imposed by the City Manager must not conflict with any term or condition of the associated exemption granted for medical purposes by the federal government pursuant to section 56.1 of the *Controlled Drugs and Substances Act*.

### **Mobile Supervised Consumption Services Unit Licence Conditions**

8. The following shall be mandatory conditions for business licences for Mobile Supervised Consumption Services:
  - (a) No outdoor storage of goods is allowed in connection with the operations of the Business;
  - (b) The Mobile Supervised Consumption Services Unit shall not remain at an approved location outside of the days and hours of operation approved in the licence;
  - (c) The site must be left in the condition it was prior to Business operation; and
  - (d) A licence for a Mobile Supervised Consumption Service Unit may only be issued for the following locations within the City of Red Deer:
    - i. 3942 50A Avenue; and
    - ii. 5246 53 Avenue

### **Permanent Supervised Consumption Services Licence Conditions**

9. The following shall be mandatory conditions for business licences for Permanent Supervised Consumption Services:
- (a) The licence holder must maintain in place a plan to address emergency, medical and security concerns;
  - (b) <sup>11</sup>The licence holder installs and maintains a monitored and professionally installed system of video camera surveillance;
  - (c) <sup>12</sup>License holder must maintain and execute a plan for daily outside inspections and twice daily clean up including needle pick up within a 150m radius of the Permanent Supervised Consumption Services during and after hours of operation;
  - (d) <sup>13</sup>The licence holder must designate one individual to serve as a liaison with the City and the public to address any emerging issues related to community concerns; and
  - (e) Such additional conditions reasonably necessary to protect the safety, health, welfare, and property of the attendees of the Permanent Supervised Consumption Service and its employees, and the public.

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<sup>11</sup> Bylaw 3609/A-2018

<sup>12</sup> Bylaw 3609/A-2018

<sup>13</sup> Bylaw 3609/A-2018

**SCHEDULE “H”**  
**Cannabis Retail Sales and Cannabis Production Facility**

**Application Requirements**

1. In addition to any other requirements of this bylaw, before the issuance or renewal of a business licence for Cannabis Retail Sales or Cannabis Production Facility, an applicant must submit the following to the City Manager in a form and with supporting documentation acceptable to the City Manager:
  - (a) A proposed security plan for the licensed Premises.

**Licence Conditions for Cannabis Retail Sales**

2. It is a condition of every business licence for Cannabis Retail Sales that the licence holder must:
  - (a) Maintain and keep on the licensed Premises:
    - i. Proof of a valid and subsisting Cannabis Licence pursuant to the *Gaming, Liquor and Cannabis Act* (Alberta), as amended from time to time; and
    - ii. A list of all Persons employed including proof of each employee’s compliance with the qualifications, conditions, or training requirements for employees of Cannabis Licensees set out in the *Gaming, Liquor and Cannabis Act* (Alberta), as amended from time to time.
  - (b) Produce the information set out in subsection (a) when requested to do so by a Peace Officer or City Manager;
  - (c) Display the business licence number assigned to their business licence for Cannabis Retail Sales in any advertisement for the Business placed in any newspaper, web page, magazine or periodical, and not advertise the Business unless any name, telephone number, e-mail address, internal address or other contact information used in the advertisement was previously provided to the City Manager;
  - (d) Ensure that a minimum of two employees are present on the licensed Premises at any time the Business is open to the public;
  - (e) Display the Licence in a prominent location in the Business as well as information regarding the health and safety impacts of Cannabis and resources available to users of Cannabis;
  - (f) Comply with an approved security plan; and
  - (g) Comply with all applicable municipal, provincial and federal legislation,

regulations, and other requirements, including the terms and conditions of any federal or provincial licence, permit or authorization, which apply to the operation of the Business.

### **Licence Conditions for Cannabis Production Facility**

3. It is a condition of every business licence for a Cannabis Production Facility that the licence must:
  - (a) Maintain and keep on the licensed Premises:
    - i. Proof of a valid and subsisting issued under the *Cannabis Act*, *Controlled Drugs and Substances Act*, or other applicable federal legislation, as amended from time to time; and
    - ii. A list of all Persons employed including proof of each employee's compliance with the qualifications, conditions, or training requirements set out in the *Cannabis Act*, *Controlled Drugs and Substances Act*, or other applicable federal legislation, as amended from time to time.
  - (b) Produce the information set out in subsection (a) when requested to do so by a Peace Officer;
  - (c) Comply with an approved security plan; and
  - (d) Comply with all applicable municipal, provincial and federal legislation, regulations, and other requirements, including the terms and conditions of any federal or provincial licence, permit or authorization, which apply to the operation of the licensed Premises.

## **Schedule "I"**

### **Late Night Clubs**

#### **Application for a Licence**

1. A Person wishing to obtain a licence for a Late Night Club may apply to the City Manager by providing an application in the form established by the City Manager, containing the following information:
  - (a) the full names and addresses of the following Persons:
    - i. the applicant; or
    - ii. where the applicant is a corporate entity, the directors and shareholders of the applicant;
  - (b) the consent of all the above parties for the Red Deer City RCMP to conduct a security check on them;
  - (c) the name and address of the registered owner of the Premises in which the Late Night Club will be located;
  - (d) a description of the usual types of events that will be held at the Late Night Club, including the hours of operation and the method by which admission will be charged; and
  - (e) a description satisfactory to the City Manager of the sound system to be used at the Late Night Club and any steps that will be taken by the applicant to ensure that no offence under the Community Standards Bylaw will occur and that noise disturbance outside the Late Night Club is minimized.
2. The City Manager may not issue a Late Night Club licence if:
  - (a) the City of Red Deer RCMP recommend against issuing the Late Night Club licence because of the criminal record of the applicant; or
  - (b) there are reasonable grounds to believe that it would not be appropriate to issue a Late Night Club licence to an applicant because the potential noise impact of the Late Night Club would create a nuisance in the community near the proposed club.
3. The City Manager may impose conditions in a Late Night Club licence respecting:
  - (a) the number and qualifications of security personnel which must be available at the Late Night Club;
  - (b) the procedures required to be in place to address emergency medical and security concerns;

- (c) the number of people who may attend the Late Night Club;
  - (d) noise abatement measures which must be made to ensure noise outside or within the venue is minimized; and
  - (e) such additional conditions as are, in the opinion of City Manager, reasonably necessary to protect the safety, health, welfare, and property of the attendees of the late night club and its employees.
4. A Late Night Club must meet the following requirements:
- (a) maintain in place an adequate security plan which includes provisions for:
    - i. first aid;
    - ii. entrance control to ensure that alcohol or illicit drugs are not brought into the Premises;
    - iii. outside inspection and clean up in the vicinity of the Late Night Club during and after the hours of operation; and
    - iv. line control including ensuring that patrons are not permitted to re-enter the Late Night Club after they have left;
  - (b) provide for an adequate supply of potable water at no cost to those in attendance.
5. A Late Night Club shall not remain open later than 6:00 a.m.

#### **Inspection Of Premises And Facilities**

6. A Peace Officer, City Manager, or member of the RCMP may enter and inspect the Premises of any intended or licensed Late Night Club at any reasonable time, including during its hours of operation:
- (a) to determine if the facilities meet the requirements of this bylaw;
  - (b) to ensure that the licensee is complying with the requirements of this bylaw or of a licence issued under this bylaw;
  - (c) in the case of a facility whose Late Night Club licence has been suspended, to examine the Premises to determine whether the conditions leading to the suspension of the licence have been corrected.

#### **Duty to Assist Inspector**

7. Late Night Club licences issued shall be subject to a condition that the licence holder must, on the request of a member of the RCMP, City Manager or Peace Officer:
- (a) assist the member of the RCMP, City Manager, or Peace Officer in carrying out an inspection under section 6; and

- (b) provide the member of the RCMP, City Manager, or Peace Officer with the Late Night Club licence and provide a place where it may be examined.



**<sup>14</sup>Schedule “J”  
Specified Penalties**

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	SPECIFIED PENALTY		
		1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence
<b>Applicable to all Licence Types</b>				
35(a)	Failing to post licence in a conspicuous place in the Premises or the vehicle/apparatus where the business is Carried On	\$250	\$500	\$1,000
36(c)	Failing to produce a licence upon request	\$250	\$500	\$1,000
36	Failing to give access to the Premises on the licence	\$250	\$500	\$1,000
40	Providing false, inaccurate or misleading information on a licence application	\$250	\$500	\$1000
46	Carry On Business while licence suspended or revoked	\$500	\$1,000	\$5,000
53(a)	Carry On or operate a Business without a licence	\$250	\$500	\$1,000
53(b)	Carries On a Business in breach of an imposed licence condition	\$500	\$1,000	\$2,500
53(c)	Hinders or obstructs any Person in the exercise or performance of the Person’s duties or powers	\$250	\$500	\$1,000
<b>Applicable to Pawn Shops</b>				
Schedule “B” 1	Pawnbroker Carrying on Business as a Second- Hand Dealer on the same Premises	\$500	\$1,000	\$2,500
Schedule “B” 2 & 3	Fail to keep satisfactory records	\$500	\$1,000	\$2,500
Schedule “B” 7	Failure to retain items for the specified time frame	\$500	\$1,000	\$2,500
Schedule “B” 9	Accepting goods from an unauthorized Person	\$500	\$1,000	\$2,500
Schedule “B” 10	Erasing, defacing, or altering records	\$500	\$1,000	\$2,500
12	Failure or refusal to allow inspection of	\$500	\$1,000	\$2,500

<sup>14</sup> Bylaw 3609/A-2018

	records by Peace Officer or City Manager			
<b>Applicable to Second Hand Dealers</b>				
Schedule "C" 1	Second Hand Dealer Carrying On Business of a Pawnbroker on the same Premises	\$500	\$1,000	\$2,500
Schedule "C" 3 & 4	Failure to keep satisfactory records	\$500	\$1,000	\$2,500
Schedule "C" 5	Erase, deface, remove or alter any portion of a record	\$500	\$1,000	\$2,500
Schedule "C" 6	Failure or refusal to allow inspections of records by Peace Officer or City Manager	\$500	\$1,000	\$2,500
Schedule "C" 7	Disposing or repairing of goods before the specified time frame has elapsed	\$500	\$1,000	\$2,500
<b>Applicable to Direct Sellers</b>				
Schedule "E" 2	Operating within prohibited timeframe (between 8:00PM and 8:00AM)	\$500	\$1,000	\$2,500
Schedule "E" 3	Failure to produce licence to customer upon request	\$500	\$1,000	\$2,500
<b>Applicable to Drinking Establishments</b>				
Schedule "F" 3	Failure or refusal to allow Peace Officer or City Manager on the Premises	\$500	\$1,000	\$2,500
<b>Applicable to Supervised Consumption Services</b>				
Schedule "G" 8(a)	Outdoor storage of goods in connection with operations of the business	\$1,000	\$5,000	\$10,000
Schedule "G" 8(b)	Unit on site outside of approved days and hours	\$1,000	\$5,000	\$10,000
Schedule "G" 8(c)	Failure to maintain site condition after Business operation	\$1,000	\$5,000	\$10,000
Schedule "G" 8(d)	Operating in an unapproved location	\$1,000	\$5,000	\$10,000
Schedule "G" 9(a)	Failure to maintain and/or execute a plan to address emergency, medical and security concerns	\$1,000	\$5,000	\$10,000
Schedule "G" 9(b)	Failure to install and/or maintain a system of video camera surveillance	\$1,000	\$5,000	\$10,000
Schedule	Failure to maintain and/or execute a	\$1,000	\$5,000	\$10,000

"G" 9(c)	plan for outside inspections and regular clean up			
Schedule "G" 9(d)	Failure to inform City of any emerging issues related to community concerns	\$1,000	\$5,000	\$10,000
<b>Applicable to Cannabis Retail Sales and Cannabis Production Facility</b>				
Schedule "H" 2(a)(i)	Failure to keep proof of valid subsisting Cannabis Licence on Premise	\$1,000	\$5,000	\$10,000
Schedule "H" 2(a)(ii)	Failure to keep list of all Persons employed	\$1,000	\$5,000	\$10,000
Schedule "H" 2(b)	Failure to produce information as requested by a Peace Officer or City Manager	\$1,000	\$5,000	\$10,000
Schedule "H" 2(d)	Failure to maintain a minimum of two employees during hours of operation	\$1,000	\$5,000	\$10,000
Schedule "H" 2(f)	Failure to comply with approved security plan	\$1,000	\$5,000	\$10,000
Schedule "H" 3(a)(i)	Failure to keep proof of valid and subsisting Cannabis Licence on Premise	\$1,000	\$5,000	\$10,000
Schedule "H" 3(a)(ii)	Failure to keep list of all Persons employed	\$1,000	\$5,000	\$10,000
Schedule "H" 3(b)	Failure to produce information as requested by Peace Officer or City Manager	\$1,000	\$5,000	\$10,000
Schedule "H" 3 (c)	Failure to comply with approved security plan	\$1,000	\$5,000	\$10,000
<b>Applicable to Late Night Clubs</b>				
Schedule "I" 5	Carrying on Business after 6 A.M.	\$500	\$1,000	\$2,500
Schedule "I" 7	Refusal to allow Peace Officer or City Manager to perform their duties	\$500	\$1,000	\$2,500