

**BEING A BYLAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING, CONTROL AND REGULATION OF ALL BUSINESSES WITHIN THE TOWN OF WESTLOCK**

**WHEREAS** pursuant to the provisions of the *Municipal Government Act*, and amendments thereto, a Council may pass a bylaw for the purpose of regulating and licensing businesses operating within the Town of Westlock; and

**WHEREAS**, Council may control, regulate, and license businesses and provide for a system of licenses, permits, or approvals to do so; and

**WHEREAS**, Council deems it desirable to register businesses operating within the Town of Westlock and establish a system for license fees, fines and penalties.

**NOW THEREFORE**, the Council of the Town of Westlock, duly assembled enacts as follows:

**1. TITLE**

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

**2. DEFINITIONS**

In this Bylaw, unless context otherwise requires:

**2.1 Act** means the *Municipal Government Act*, Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto.

**2.2 Adult Entertainment Facility** means a facility offering live or video entertainment of an erotic nature, the main feature of which is the nudity or partial nudity of any person and includes but is not limited to adult video store, love boutiques, and shops.

**2.3 Advertising** means the Business of an Advertiser or the employment of others or objects to act as Advertisers, including but not limited to:

- a) a poster,
- b) a placard,
- c) a flyer,
- d) a sign, including an inscribed board, structure or device serving for Advertising without being limited to free-standing signs, portable signs or banners,
- e) a newspaper display,
- f) a television or radio announcement designed to sell a product or publicize a service, or vacancy, or

g) Internet and social media.

**2.4 A-Frame Sign** means a self-supporting sign comprised of two panels joined at the top used to promote products or services on or adjacent to the property where the sign is displayed.

**2.5 Applicant** means a person who applies for a Business License or renewal of a Business License as required by this Bylaw.

**2.6 Application** means a written Application for a Business License as provided for by this Bylaw on the prescribed form.

**2.7 Alcohol Sales** means the selling of alcoholic beverages for consumption on the premises and/or off the Premises; in which minors are allowed in all areas of the Premises or where minors are prohibited from at least some portion of the Premises.

**2.8 Business** means:

- a) a commercial, merchandising or industrial activity or undertaking,
- b) a profession, trade, occupation, calling or employment carried on for purpose of profit or gain and invoicing for goods and services,
- c) an activity providing goods and/or service;

however organized or formed, including a cooperative or association of persons as stated in the Act;

**2.9 Business License** means a License issued pursuant to this Bylaw.

**2.10 Calendar Year** means, in relation to any license issued under the provisions of this Bylaw, a period of 365 (366 in the case of a leap year) consecutive days commencing on January 1 and ending on December 31.

**2.11 Charitable or Non-Profit Organization** means any person, association, or corporation engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Town, as defined by Revenue Canada under the Income Tax Act and that has a valid Revenue Canada Registered Charity number.

**2.12 Chief Administrative Officer (CAO)** means the Chief Administrative Officer of the Town of Westlock as appointed by Council.

**2.13 Council** means the Municipal Council of the Town of Westlock.

- 2.14 **Development Officer** means the Development Officer of the Town of Westlock or anyone designated for that purpose by the Chief Administrative Officer.
- 2.15 **Development Permit** means a document authorizing a development issued pursuant to the Town's Land Use Bylaw.
- 2.16 **Event/Festival** means carnival, rodeo events, fairs, festivals that are held for a short period of time.
- 2.17 **Farmers Market** means an open air or fully or partly covered market, for the sale of goods directly by the producers, or their representatives who are involved in the production, of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, locally prepared and ready to eat foods and local artisan crafts.
- 2.18 **Fee** means the monetary amount levied on each application for a business license as set out in Town's Fees and Rates Bylaw.
- 2.19 **Hawker/Peddler** means any Person who goes about the Town selling goods, wares, merchandise, or food products on foot or from a vehicle or trailer, located in any street, or roadway other than at a building which is his permanent place of Business, and where the merchandise is delivered at the time the sale is made.
- 2.20 **Home Based Business** means any occupation, trade, profession, craft carried on by an occupant of a residential building as a use secondary to the residential use of the building as per the regulations provided in the Town of Westlock Land Use Bylaw.
- 2.21 **Land Use Bylaw** means the Town of Westlock Land Use Bylaw and any amendments thereto.
- 2.22 **Licensee** means a person holding a valid and subsisting Business License issued pursuant to the provisions of this Bylaw.
- 2.23 **Mobile Vending Unit** means any mobile vehicle, cart, trailer, table, or stand or other primary piece of equipment used to assist the mobile vendor in the selling or distribution of food, products, and services.
- 2.24 **Non-Resident Business** means any Business that does not have a Premise in which the Business operates out of within the corporate

limits of the Town of Westlock or the geographical area of Westlock County or the Village of Clyde.

- 2.25 Operational Footprint** means the area of a building required to provide resources for the use of business operations.
- 2.26 Peace Officer** means a Bylaw Enforcement Officer, a Community Peace Officer, or a member of the Royal Canadian Mounted Police.
- 2.27 Person** includes an individual, a group of individuals, sole proprietorship, firm, corporation, association, partnership, society or other similar cooperative organization.
- 2.28 Premises** means and includes any store, office, warehouse, residential dwelling, factory, building enclosure, yard and other places occupied or capable of being occupied by any person for the purpose of carrying on any Business.
- 2.29 Principal Contractor** means 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.
- 2.30 Real Estate Agent** has the same meaning as defined by the Real Estate Council Alberta.
- 2.31 Resident Business** means a Business that is located within the Town of Westlock corporate limits or the geographical areas of Westlock County or the Village of Clyde, by either:

  - a) Ownership of the occupied Premise for the purpose of carrying on specified Business or
  - b) Leasing Premise for the purpose of carrying on a specified Business.
- 2.32 Separate Business** means each business having the same or different trade names and/or legal names, operating out of multiple locations and collecting revenue for tax purposes under the same business name or each individual business name.

- 2.33 Subcontractor** means the business or person engaged in providing services for a portion of a contract from a Principal Contractor or another sub-contractor.
- 2.34 Tobacco Sales** means the selling of tobacco or tobacco products.
- 2.35 Town** means the municipal corporation of the Town of Westlock.
- 2.36 Violation Tag** means a notice or tag in a form as approved by the CAO, issued by the Town, allowing a voluntary payment option of a fine established under this Bylaw.
- 2.37 Violation Ticket** means a violation ticket as defined in *the Provincial Offences Procedure Act, R.S.A 2000*
- 2.38 Youth** means a person under 18 years of age.

**3. DUTIES OF THE DEVELOPMENT OFFICER**

- 3.1** The Development Officer is authorized to enforce and administer this Bylaw and is hereby authorized to receive, review and approve, with conditions where necessary all Applications for a Business License and to classify Businesses for the purpose of establishing applicable License fees.
- 3.2** Where applicable, the Development Officer shall not issue a Business License until the Applicant obtains and holds a valid development approval issued by the Development Authority under the Land Use Bylaw and/or Safety Codes Act.
- 3.3** The Development Officer shall maintain appropriate records pertaining to the licensing of Businesses, infractions of this Bylaw and generally all matters arising out of the Application and enforcement of this Bylaw.
- 3.4** The Development Officer may inspect Business Premises as necessary to ensure compliance with this Bylaw.
- 3.5** The Development Officer shall notify Alberta Health Services, Tobacco Vaping Enforcement Division, of any new retail vaping business license applications as per the *Tabacco Smoking and Vaping Reductions Regulation, Section 6 and Section 7*. The Development Officer shall refer the following information:

- a) Legal entity name;**

- b) Trade name (if applicable);
- c) Primary Agent for service;
- d) Company director; and
- e) Physical and mailing addresses.

**4. NECESSITY FOR BUSINESS LICENSE**

**4.1** No person shall within the Town:

- a) carry on or operate a Business referred to in this Bylaw or
- b) carry on any undertaking or do any act or use or have any article for which a Business License is required under the provisions of the Bylaw; unless the Person holds a valid and subsisting Business License to do so, issued pursuant to the provision of this Bylaw.

**4.2** Any Advertising of a Business shall be deemed to be proof of the fact that the Person Advertising is carrying on or operating any such Business.

**4.3** Where a Business subject to Business License is carried on or intended to be carried on from more than one Premise, a Business License shall be required in respect of each Premise as though a Business carried on in each were a separate Business.

**4.4** The issuance of a License under the Bylaw does not authorize or permit the Licensee to carry on Business or any activity under such License contrary to the provisions of the Town's Land Use Bylaw for those Premises located in the Town of Westlock Corporate limits.

**5. LICENSE NOT REQUIRED**

**5.1** Business Licenses are not required for:

- a) the Business is carried on or operated by the Town of Westlock;
- b) a Charitable or Non-Profit Organizations;
- c) Foster Homes as interpreted and administered under the *Child, Youth, and Family Enhancement Act* of Alberta;
- d) a Day Home Service Provider that is registered with a provincially approved Day Home Agency that is Licensed through the Town of Westlock;

- e) the operator of a stall within a Farmer's Market, which is operated by an organization that is registered with the Farmer's Market Association;
- f) the business is a non-resident business whose only business activity is the supply or delivery of wholesale or bulk goods to a resident business;
- g) any youth;
- h) a person providing infrequent or irregular services such as babysitting, yard work, and snow shoveling;
- i) sub-contractors performing work for a principal contractor and who are not advertising their individual business within Town limits;
- j) individual real estate agents listing property for sale in Town, with exception of a brokerage having a local office within Town limits;
- k) any Business that is carried on by the Government of Alberta or Canada;
- l) a Certified Master Electrician who is a regulatory member of the ECAA (Electrical Contractors Association of Alberta) qualifies for business license exemption, provided they have supplied administration with the supporting documentation of an active membership;
- m) an architect's corporation, a joint firm, a registered architect or a visiting project architect under the *Architect's Act*, Chapter A-44, R.S.A. 2000 and amendments thereto;
- n) an Alberta land surveyor, a surveyor's corporation or a surveyor's partnership registered under the *Land Surveyor's Act*, Chapter L-3, R.S.A. 2000 and amendments thereto;
- o) a professional engineer, Licensee, permit holder or certificate holder under the *Engineering, Geological and Geophysical Professions Act*, Chapter E-11, R.S.A. 2000 and amendments thereto;
- p) any other Business that is exempt under Provincial or Federal

legislation; and

- q) any such other Businesses as Council by resolution may from time to time exempt.

**5.2** Where a charitable or non-profit organization wishes to apply for a business license for legitimacy purposes and be exempted from paying a business license fee, it shall apply in writing to the Licensing Officer providing the following information:

- a) the name of the organization, the Articles or Memorandum of Incorporation, and such other information as the Development Officer requires to determine that the organization is a non-profit organization; and
- b) a description of the business which the organization wishes to carry on and the time and place where it will be carried on.

**6. BUSINESS LICENSE APPLICATIONS**

- 6.1** Every Application for a Business License, for renewal of a Business License or a transfer of a Business License shall be made in writing on a form to be provided by the Town.
- 6.2** Payment of license fees itself is not permission to operate the business within the community. The Development Officer must sign and/or approve the business license application for the business license to be granted and issued.

**7. PREREQUISITES FOR A BUSINESS LICENSE**

- 7.1** No Business License shall be granted until such time as the Applicant holds a valid Development Permit as required by the Land Use Bylaw for the said Business or Businesses located within the Town of Westlock.
- 7.2** Businesses located within the geographical area of Westlock County and the Village of Clyde will not be required to hold a valid Development Permit from the Town of Westlock, unless any activities of the Business require a Development Permit.
- 7.3** No Business License shall be granted until such time as the Applicant holds a valid Provincial or Federal License where required by law or as required by the Town.

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- 7.4** No Business License shall be granted if the Applicant fails to comply with any other Bylaw of the Town of Westlock or Statute of the Province of Alberta or Statute of Canada.
- 7.5** No Business License shall be granted until the Applicant has submitted to the Development Officer the proper fees as provided by the Town's Fees and Rates Bylaw, as amended from time to time.
- 7.6** No Business License shall be valid unless the Business License has been signed by the Development Officer or anyone delegated to act on their behalf.
- 7.7** Where two or more separate, distinct business entities operate from the same premises, a business license is required for each business.

**8. DURATION OF BUSINESS LICENSE**

- 8.1** Every annual Business License issued under the provision of this Bylaw unless revoked, shall terminate at midnight on the December 31<sup>st</sup> of the calendar year in which the said Business License was issued.
- 8.2** New Applications received after October 31<sup>st</sup> of the calendar year, shall pay the License fee which will be valid for November 1<sup>st</sup> to December 31<sup>st</sup> of the subsequent calendar year.

**9. BUSINESS LICENSE RENEWALS**

- 9.1** Every business license granted under the provisions of this Bylaw shall terminate at midnight on the 31<sup>st</sup> day of December in the calendar year in which the business license was issued. All annual business license holders are deemed to be renewing and will be invoiced for the next calendar year unless written verification is received otherwise (electronically or in writing), and it is assumed that renewal of the business license and payment of the business license fee is required each subsequent calendar year, no later than the last day of February or 60 days from the date of invoice.
- 9.2** A licensee that fails to renew their business license within 60 days shall then be considered expired and therefore, the business must cease operation.
- 9.3** Fines and/or penalties may apply for licenses not renewed after 60 days.

**10. RESPONSIBILITIES OF THE LICENSEE**

- 10.1** Every Business License issued under this Bylaw shall be posted in a conspicuous place within the place of Business.

- 10.2** A licensee shall be responsible for obtaining any required certificates, license or permits legislated by the municipal, provincial or federal government.
- 10.3** A licensee shall be responsible for producing their business license upon demand of the Development Officer, Peace Officer or any person with whom business is being conducted request to see it.
- 10.4** A licensee shall notify the Development Officer in writing of any of the following:
- a)** Change of name of a business;
  - b)** Change in the address of phone number of a licensee's business premises; and
  - c)** Change in ownership of a business.
- 10.5** A Business License issued for a Home Business shall become null and void if the said Applicant relocates the Business to another residential Premise.
- 10.6** All Licenses issued to Businesses that are not carried on at a fixed location shall be carried on the Person of the Licensee or in or on the vehicle or apparatus from which such Business is carried on and shall be shown to the Development Officer, their designate, or Peace Officer upon demand.

## **11. SUSPENSION, REFUSAL OR REVOCATION OF A BUSINESS LICENSE**

- 11.1** The Development Officer may suspend, refuse to grant, refuse to transfer, revoke or refuse to renew Business Licenses under this Bylaw if there is reasonable and just cause to do so and if in the opinion of the Development Officer, they believe that:
- a)** The Applicant has contravened the provisions or requirements of this Bylaw or other Bylaws of the Town or any applicable Provincial or Federal Licenses, permits, approvals, clearances and or insurances;
  - b)** The Business has changed to the extent that a new Application for Business License would be refused;
  - c)** The Licensee or the Applicant has withheld or concealed information from the Development Officer or has provided false

information on an Application for a Business License;

- d) The Licensee or the Applicant refuses the Development Officer access into the Business Premises or vehicle from which the Business is carried out.

**11.2** The Development Officer may cancel or suspend a Business License by issuing to the Licensee a Notice of Cancellation or Suspension, such notice may be given by personal service to the Licensee at the address shown on the Application for Business License or by sending by regular mail a letter to the Licensee at the Business Premises or residence as shown on the Application for a Business License.

**11.3** A notice of cancellation or suspension of a business license shall be deemed to be received on the date of personal service or seven (7) working days after the date it is mailed.

**11.4** No refund or partial refund of business license fees charged to the applicant will be refunded if the business license is revoked or suspended, nor for the duration of the suspension.

**11.5** Upon receipt of the notice of cancellation or suspension the Licensee shall terminate the operation of the Business with respect to which the business license was issued.

**11.6** The Development Officer may suspend the effect of revocation of a License upon the performance by the Licensee of any conditions stated in writing on the notice of Cancellation or suspension.

## **12. ADULT ENTERTAINMENT FACILITIES**

**12.1** The owner, operator or any person employed in these facilities shall:

- a) keep posted at every entrance to the facility, signs sufficient to indicate clearly to any person approaching or entering the facility, that no person under the age of eighteen (18) years is permitted to enter or remain in such facility;
- b) not permit any person under the age of eighteen (18) years to enter or remain or work in any such facility;
- c) not display any sign or other form of advertisement that indicates that sexually explicit display, shows, materials or services are available in the facility;

- d) not display adult video tapes or sexually explicit material so that it is visible from outside the facility;
- e) not allow illegal activities such as drug possession or trafficking;
- f) report illegal activities to the Royal Canadian Mounted Police.

**13. SPECIAL EVENTS**

- 13.1** A business operating a special event which is held outdoors on public property shall comply with the Land Use Bylaw and obtain all necessary permits, including, but not limited to an outdoor special event permit.
- 13.2** A business license for a business operating a special event is valid for temporary vendors operating within the special event while the special event is in operation.
- 13.3** A business operating a special event shall obtain and keep written record of each temporary vendor's:
  - a) Legal business name;
  - b) Owners name;
  - c) Owners address;
  - d) Owners phone number; and
  - e) Required certificates, licenses and permits legislated by municipal, provincial, and federal governments.

**14. MOBILE VENDORS**

- 14.1** A mobile vendor shall always post its business license on the mobile vending unit and in a location visible to the public.
- 14.2** The mobile vendor must receive consent from a private landowner prior to operating business on the land or premises.
- 14.3** Operation of a mobile vending unit shall be conducted in a manner that does not restrict or interfere with the ingress or egress of the adjacent property owners or constitute an obstruction to adequate access by fire, police or waste management vehicles.

- 14.4** Mobile vending units shall not block access to alleyways, driveways, fire hydrants or loading zones and shall not be operated within 10 m of any intersection or crosswalk.
- 14.5** Mobile vending units shall not be parked in barrier free spaces or impede access to barrier free spaces.
- 14.6** Mobile vending units shall not impede access to any fire lane, driving lane, loading zone or electric charging station.
- 14.7** Mobile vending units shall not be parked in any location where, in the opinion of the Town, they are likely to create a safety hazard or impede the flow of pedestrian or vehicular traffic.
- 14.8** Generators shall not pose a nuisance to the public, adjacent uses or residents, or businesses. Power cords cannot create a tripping hazard and must be removed daily.
- 14.9** Mobile vendors shall not create any disturbance or nuisance in terms of noise, vibration, smoke, dust, odour, air pollution, heat, glare, bright light, hazardous or unacceptable waste. Lights, sounds or actions which may be a distraction for motorists and/or pedestrians are not permitted.
- 14.10** Only one (1) A-frame sign is permitted per mobile vending unit and shall comply with the Town of Westlock Land Use Bylaw regulations. A-frame signs must not obstruct pedestrian or vehicular movement or sight lines at intersections.
- 14.11** Storage of a mobile vending unit on a public street is not permitted.
- 14.12** Mobile vendors may conduct business in accordance with the Town of Westlock Community Standards Bylaw and/or during the same hours of a special event.
- 14.13** The following is not permitted, unless approved by the Town at the Town's sole discretion: outdoor sound systems, drive through service, sale of alcohol, tobacco or cannabis.
- 14.14** All elements associated with mobile food vendor operations (including overhead awnings, doors, line-ups, signage, seating and waste receptacles) shall not cause any vehicular or pedestrian obstructions or hazards.

**14.15** Mobile vendors shall provide proper trash and recycling receptacles for customers.

**15. LAND USE AND DEVELOPMENT CONTROL**

**15.1** The issuance of a Business License under this Bylaw does not constitute development approval under the Town's Land Use Bylaw. The holder of an existing License or an Applicant for a Business License is responsible for obtaining such development approval as may be necessary. Where such approval cannot be obtained, the Development Officer shall forthwith cancel any existing License and refuse any Applications for License.

**16. APPEALS**

**16.1** In every case where:

- a) An Application for a Business License has been refused, or
- b) A Business License has been revoked or suspended,

**16.2** The Person seeking the Business License may appeal to Council, in writing.

**16.3** Any appeal under Subsection 16.1 shall be made by the Applicant within ten (10) Business days of receipt notice of such refusal, revocation or suspension; otherwise the right of appeal shall be barred and extinguished.

**16.4** Council shall hear the appeal within thirty (30) days from the effective date.

**16.5** Council, after hearing the appellant, may:

- a) Direct a Business License be issued or reinstated,
- b) Direct a Business License be issued or reinstated with conditions,
- c) Refuse to grant a Business License, or
- d) Uphold the revocation or suspension of a Business License, on grounds which appear just and reasonable.

- 16.6** A decision of the Council on an appeal is final and binding on all parties.

**17. FEES PAYABLE**

- 17.1** The fee payable for an annual Business License issued between the 1<sup>st</sup> day of January and the 31<sup>st</sup> day of December in any calendar year shall be the Business License fee for the full year as set in the Town's Fees and Rates Bylaw.

- 17.2** A Resident Business may qualify for exemption from the business license fees for the respective calendar year, if one of the following criteria is met:

- a)** Has commenced a new Resident business, with a storefront located within the Town; or
- b)** Has commenced a new Resident business which is an approved home-based business within the Town; or
- c)** Has expanded its operational footprint, in the respective calendar year.

- 17.3** Any business that qualifies for the fee exemption shall submit their request for exemption in writing to the Development Officer along with their business license application or renewal and shall continue to adhere to all requirements as stated in this Bylaw.

- 17.4** Once a business license is issued, the business license fee is not refundable.

- 17.5** When a business closes, moves, or ceases its operations at any time through the calendar year all paid business license fees are not refundable.

**18. OFFENCE AND PENALTY**

- 18.1** Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine of not less than \$150.00, and not more than \$10,000.00 or imprisonment for a term of not more than one year, or both.

- 18.2** Notwithstanding the foregoing, the fine amounts set out in Schedule "A" of this Bylaw are established as specified penalties for use on Violation Tags and Violation Tickets. The Peace Officer will consider the cause, duration, severity, and impact of the contravention when determining a penalty amount.
- 18.3** A contravention of this Bylaw constitutes a separate offence in respect of each day or part of a day on which it continues. A person guilty of such offence is liable to a fine in an amount not less than that established by this bylaw for each such day. No proceedings may be instituted under this Bylaw more than two (2) years after the last occurrence of the alleged offence.
- 18.4** Notwithstanding the foregoing, the minimum fine and specified penalty payable in respect of a second or subsequent contravention of the same section of this Bylaw committed within twenty-four (24) months shall be double the minimum fine and specified penalty of the previous offence, up to a maximum penalty of \$10,000.00.

**19. VICARIOUS LIABILITY**

- 19.1** In this Bylaw, employees, employers, principals, and agents, are each severally liable and each guilty of the offence for any contravention of or any failure to comply with this Bylaw committed in the course of employment or in the course of the agent's exercising powers or performing duties on behalf of their principal.
- 19.2** When a corporation contravenes or fails to comply with this Bylaw, every principal, director, officer, manager, employee or agent of the corporation who authorized, assented to, acquiesced, or participated in the act or omission that constitutes the offence is severally liable and guilty of the offence.
- 19.3** If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence, or assented to, or agreed to, or participated in the act or omission that constitutes the offence, is guilty of the offence.
- 19.4** In this Bylaw, the legal and beneficial owners of any land are each severally liable and each guilty of the offence if the tenant(s), lessee(s), or occupier(s) of such land contravene or fail to comply with this Bylaw in relation to such land.
- 19.5** In this Bylaw, the operator and the owner(s) of any vehicle are each severally liable and each guilty of the offence if either of them contravenes



or fails to comply with this Bylaw in relation to any such vehicle. In this section, "owner" has the same definition as is used in the *Traffic Safety Act*, RSA 2000, c T-6, and all amendments thereto.

**20. INSPECTING AND REMEDYING CONTRAVENTIONS**

**20.1** On behalf of the Town of Westlock, any Peace Officer, employee or agent of the Town of Westlock may enter upon any parcel of land within the Town of Westlock and take any actions or measures deemed necessary by such person(s) to achieve any of the following purposes:

- a) To carry out any inspections to determine compliance with this Bylaw;
- b) To eliminate any danger to public safety caused by a structure, excavation, or hole;
- c) To deal with the unsightly condition of the property;
- d) To extinguish fires;
- e) To keep sidewalks adjacent to the subject premises clear of snow and ice;
- f) To enforce this Bylaw; or
- g) To prevent a re-occurrence of any contravention of this Bylaw.

**20.2** Except as otherwise provided, in this Bylaw, notice shall be provided as follows:

- a) If a Peace Officer, employee or agent of the Town of Westlock reasonably believes that there may be an emergency related to the subject premises, a fire located upon the subject premises, or that there is snow or ice located on the sidewalk adjacent to the subject premises, no notice is required;
- b) Where only an investigation to determine compliance is conducted, notice may be effected upon the occupants of the premises in writing or verbally not less than 24 hours in advance, and need not be in the form of an Order to Remedy; and
- c) Subject to the foregoing, no such action or measures referred to in the preceding section may be performed until seven (7) days have elapsed following the mailing of an order to remedy the danger, unsightly condition, or contravention, as prescribed by the *Municipal*

*Government Act, RSA 2000, c M-26, and all amendments thereto (an "Order to Remedy"). An Order to Remedy shall be served personally or by registered mail to the address specified in the Land Titles Certificate for any parcel of land which will be affected by such action or measures. Such mailing shall be effective notwithstanding that the registered mail is not accepted or retrieved.*

- 20.3** All expenses, costs, and legal costs on a solicitor-client basis incurred by the Town of Westlock or its agents for any such action or measure performed pursuant to this Bylaw or the *Municipal Government Act, RSA 2000, c M-26, and all amendments thereto*, are amounts owing to the Town of Westlock by the person who was required to do something by the Order to Remedy, shall be paid within thirty (30) days of any such person receiving notice of the amount due by registered mail served and effective in the same manner as the Order to Remedy, and are amounts which may be added to the property tax roll, the business tax roll, or both pursuant to the *Municipal Government Act, RSA 2000, c M-26, and all amendments thereto*.
- 20.4** No person shall obstruct or hinder any other person in the exercise or performance of that person's powers pursuant to this Bylaw.

**21. VIOLATION TAGS**

Any Peace Officer, in that Officer's sole discretion, is hereby authorized and empowered to issue a Violation Tag to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened or failed to comply with any provision of this Bylaw.

- 21.1** A Violation Tag may be issued to any person either:
  - a)** Personally;
  - b)** By placing a copy of the Violation Tag upon a vehicle registered to such person; or
  - c)** By mailing a copy to such person by registered or ordinary mail to their last known mailing address.
- 21.2** A Violation Tag shall be in a form approved by the Town of Westlock and shall include:
  - a)** the name of the person;
  - b)** the date upon which the offence was committed;

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- c) the section number(s) of this Bylaw which were contravened;
  - d) the appropriate specified penalty or minimum fine for the offence as prescribed by this Bylaw; and
  - e) the time within which the entire penalty must be paid to the Town of Westlock.
- 21.3** If payment is received by the Town of Westlock within the period of time permitted by any such Violation Tag, no Information or Violation Ticket may be issued against the same offender for the same offence.
- 21.4** Except where a Violation Tag has been paid as prescribed herein, nothing in this Bylaw shall limit a Peace Officer's discretion to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, RSA 2000 and all amendments thereto, or instead lay an Information pursuant to the *Criminal Code*, RSC 1985 and all amendments thereto, at any time within 2 years of the last occurrence of the offence, regardless of whether or not a Violation Tag has been issued.
- 21.5** Any Peace Officer, in that Officer's sole discretion, is authorized to issue a Violation Ticket which permits the voluntary payment of the fine or specified penalty indicated thereon in the manner specified by the *Provincial Offences Procedure Act*, RSA 2000, and all amendments and regulations thereto.

**22. REPEALS**

**22.1** Town of Westlock Business License Bylaw 2015-09 and all amendments are hereby repealed.

**23. EFFECTIVE DATE**

This Bylaw becomes effective upon third and final reading.

READ a first time this 8 day of July 2024.

READ a second time this 8 day of July 2024.

Unanimous consent for third and final reading this 8 day of July 2024.

READ a third and final time and passed this 8 day of July 2024.

Signed by Mayor and CAO this day of 2024.



Jon Kramer, MAYOR

CURTIS SNEEL



Simone Wiley, CAO

COS  
SW

**SCHEDULE "A"**  
**OFFENCES**

The following fine amounts are established for use on violation tags and violation tickets if a voluntary payment option is offered, which amounts shall be specified penalties for the purposes of the *Provincial Offences Procedures Act*.

MINIMUM FINE: \$150.00

MAXIMUM FINE: \$10,000.00

Offence	First Offence	Second Offence	Third Offence
Any breach of this Bylaw	\$150.00	\$300.00	\$500.00*

*\*for a third or any additional offences*

*EW*

*cos*