

## **BYLAW NUMBER 1397**

BYLAW NUMBER 1397 OF THE TOWN OF INNISFAIL, IN THE PROVINCE OF ALBERTA.

BEING A BYLAW TO REPEAL BYLAWS 1206, 1251, 1272, 1283,1303,1352, 1382 AND 1392.

**WHEREAS** COUNCIL DEEMS IT NECESSARY TO REPEAL THESE AFOREMENTIONED BYLAWS AND REPLACE WITH THE FOREGOING REVISED BYLAW.

**AND WHEREAS** THE PROVISIONS CONTAINED IN THE MUNICIPAL GOVERNMENT ACT OF ALBERTA, CHAPTER M-26.1 WITH AMENDMENTS THERETO, PROVIDE AUTHORITY FOR THE ENACTMENT OF LEGISLATION PERTAINING TO THE PURPOSE OF REGULATING AND CONTROLLING BUSINESS BEING CARRIED ON WITH THE TOWN,

**AND WHEREAS** COUNCIL DEEMS IT DESIRABLE AND EQUITABLE TO ENACT A NEW BUSINESS LICENSING BYLAW.

**NOW THEREFORE, THE MUNICIPAL GOVERNMENT OF THE TOWN OF INNISFAIL, IN OPEN COUNCIL DULY ASSEMBLED, ENACTS AS FOLLOWS:**

### **PART 1 – SHORT TITLE**

1.1 THIS BYLAW MAY BE CITED AS “THE BUSINESS LICENSE BYLAW”

### **PART 2 – INTERPRETATIONS**

- 2.1 “ACT” MEANS THE MUNICIPAL GOVERNMENT ACT, CHAPTER 246, OF THE REVISED STATUTES OF ALBERTA 1970, AS AMENDED OR REPLACED FROM TIME TO TIME;
- 2.2 “APPLICANT” MEANS A PERSON WHO APPLIES FOR A LICENSE OR RENEWAL OF A LICENSE REQUIRED BY THIS BYLAW;
- 2.3 “BUSINESS” MEANS ANY BUSINESS, OCCUPATION, ACTIVITY, BILLBOARD SIGN, AMUSEMENT, ENTERTAINMENT, TRADE, EMPLOYMENT, PROFESSION OR CALLING;
- 2.4 “BUSINESS PREMISE” MEANS ANY LOCATION AT WHICH A BUSINESS IS CONTINUED, OPERATED, PERFORMED, KEPT OR HELD, OTHER THAN A LOCATION THE PRINCIPAL USE OF WHICH IS A RESIDENCE;
- 2.5 “CARRY ON” MEANS CONTINUE, OPERATE, PERFORM, KEEP, HOLD, OCCUPY, DEAL IN OR USE, FOR GAIN WHETHER AS PRINCIPAL OR AGENDA;
- 2.6 “CHARITABLE OR NON-PROFIT ORGANIZATION” MEANS A PERSON, ASSOCIATION OF PERSONS, OR A CORPORATION, ACTING FOR CHARITY OR IN THE PROMOTION OF GENERAL SOCIAL WELFARE AND INCLUDES;
- 2.6.1 a religious society or organization,
  - 2.6.2 a service club,
  - 2.6.3 a community, veterans or youth organization,
  - 2.6.4 a social, sport or fraternal organization or club,
  - 2.6.5 an employers’ or employees’ organization.

- 2.7 “COUNCIL” MEANS THE MUNICIPAL COUNCIL OF THE TOWN;
- 2.8 “HAWKER OR PEDDLER” MEANS ANY PERSON WHETHER AS PRINCIPAL OR AGENT WHO:
- 2.8.1 goes from house to house selling or offering for sale any merchandise or service, or both, to any person and who is not a wholesale or retail dealer in such merchandise or services, and not having a permanent place of business in the Town, or
  - 2.8.2 offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or services, or both, to be afterwards delivered in, and/or shipped into the Town, or
  - 2.8.3 sells merchandise or services, or both, on the streets or elsewhere than at a building that is his permanent place of business but does not include any person selling,
    - 2.8.3.1 meat, fish, or other farm produce that he has produced, raised or grown by himself, or
    - 2.8.3.2 fish of his own catching.
    - 2.8.3.3 vendors at a Farmer’s Market or shopping mall.
- 2.9 “LICENSE INSPECTOR” MEANS THE PERSON SO DESIGNATED THEREIN AND INCLUDES ANY INSPECTOR DESIGNATED BY COUNCIL, OR THE MUNICIPAL MANAGER, TO PERFORM THEIR DUTIES;
- 2.10 “LICENSEE” MEANS A PERSON HOLDING A VALID AND SUBSISTING LICENSE ISSUED PURSUANT TO THE PROVISIONS OF THIS BYLAW;
- 2.11 “MOTOR VEHICLE” MEANS AN AUTOMOBILE, TRUCK OR MOTORCYCLE;
- 2.12 “MUNICIPAL MANAGER” MEANS THE MUNICIPAL OFFICIAL OF THE TOWN FOR THE DURATION AS APPOINTED BY COUNCIL;
- 2.13 “NON-RESIDENT” MEANS A PERSON WHO IS UNABLE TO COMPLY WITH THE CONDITIONS OF SECTION 2.16 BELOW;
- 2.13 (A) “PAWN BROKER” MEANS THE BUSINESS OF LENDING MONEY ON THE PLEDGE OR PAWNING OF PERSONAL PROPERTY ON THE CONDITION THAT IT MAY BE REDEEMED AND INCLUDES ANY PERSON ENGAGED IN SUCH A BUSINESS;
- 2.14 “PERSON” MEANS A NATURAL PERSON, OR A BODY CORPORATE AND INCLUDES A PARTNERSHIP, A GROUP OF PERSONS ACTING IN CONCERN OR AN ASSOCIATION UNLESS THE CONTEXT EXPLICITLY OR BY NECESSARY IMPLICATION OTHERWISE REQUIRES;
- 2.15 “PLANNING BYLAW” MEANS ANY LAND USE AND ZONING BYLAW OF THE TOWN, AS AMENDED OR REPLACED;
- 2.16 “RESIDENT” MEANS A PERSON WHO EITHER OCCUPIES A RESIDENCE, OR MAINTAINS A BUSINESS PREMISE IN THE TOWN, AND INTENDS TO CONTINUE SAID OCCUPANCY OR MAINTENANCE DURING THE TERM OF VALIDITY OF THE LICENSE;

- 2.16 (A) "SECOND HAND DEALER" MEANS THE BUSINESS OF OPERATING PREMISES FOR, AND CARRYING ON OF, THE PURCHASING, SELLING OR EXCHANGING OF ARTICLES OR THINGS OF ANY KIND OR NATURE WHICH HAVE BEEN WORN OR USED AND SHALL WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, INCLUDE THE BUSINESS OF PURCHASING, SELLING, EXCHANGING OR IN ANY WAY DEALING IN SCRAP METAL OR JUNK.
- 2.17 "TOWN" MEANS THE TOWN OF INNISFAIL, A MUNICIPAL CORPORATION IN THE PROVINCE OF ALBERTA, AND WHERE THE CONTEXT SO REQUIRES MEANS THE AREA CONTAINED WITHIN THE CORPORATE BOUNDARIES OF THE SAID MUNICIPALITY.

### **PART 3 – APPLICATION OF BYLAW**

1. EVERY LICENSEE SHALL CONFORM TO THE PROVISIONS OF THIS BYLAW AND OF ANY OTHER BYLAW APPLICABLE TO THE BUSINESS ACTIVITY OR MATTER IN RESPECT OF WHICH SUCH LICENSE WAS ISSUED.

### **PART 4 – APPOINTMENT, POWERS AND DUTIES OF LICENSE INSPECTOR**

- 4.1 THE COUNCIL SHALL APPOINT A LICENSE INSPECTOR AND SUCH ASSISTANTS, HEREBY DESIGNATED MUNICIPAL OFFICIALS, AS MAY BE REQUIRED TO CARRY OUT THE TERMS OF THIS BYLAW;
- 4.2 THE POWERS AND DUTIES OF THE LICENSE INSPECTOR ARE:
- 4.2.1 to receive and process all applications for licenses and transfers thereof,
  - 4.2.2 to record all applications for licenses and transfers of licenses in a form required by Council,
  - 4.2.3 to file all duplicate counterparts of issued licenses and particulars thereof,
  - 4.2.4 to ascertain as far as reasonably practicable that all information furnished by an applicant in connection with an application for a license or transfer thereof is true in substance and in fact,
  - 4.2.5 to make an inspection of all premises for which a license has been applied for, where an inspection by the License Inspector is required by the terms of this bylaw,
  - 4.2.6 to prepare licenses or transfers pursuant to the terms of this bylaw and to issue all license and transfers under this bylaw,
  - 4.2.7 to investigate complaints lodged against a license and, if necessary, inspect the premises described in the complaints and to recommend to Council on the suspension, cancellation, or revocation of any license issued pursuant to this bylaw,
  - 4.2.8 whenever required to do so by the Municipal Manager to attend meetings of Council or any Committees of Council
  - 4.2.9 at the ending of each month to report in writing to the municipal Manager concerning,
    - 4.2.9.1 the number of licenses issued during the month;
    - 4.2.9.2 the number of licenses transferred;
    - 4.2.9.3 the amount of money received from all sources during the month and the total amount received from all sourced during the year and to date of the report;

- 4.2.9.4 the number of licenses refused;
- 4.2.9.5 the number of prosecutions;
- 4.2.9.6 the number of premises inspected;

4.2.10 to administer this bylaw and as far as practicable see that all persons concerned conform to its provisions and when instructed by Council to prosecute persons who fail to comply therewith.

**PART 5 – NECESSITY FOR LICENSE**

- 5.1 NO PERSON SHALL CONTINUE OR OPERATE ANY BUSINESS WITHIN OR PARTLY WITHIN THE TOWN WITHOUT HOLDING A VALID AND SUBSISTING LICENSE ISSUED PURSUANT TO THE PROVISIONS OF THIS BYLAW;
- 5.2 ANY ADVERTISING OF THE BUSINESS, CALLING, TRADE OR OCCUPATION SHALL BE DEEMED TO BE PRIMA FACIE PROOF OF THE FACT THAT THE PERSON ADVERTISING IS CONTINUING OR OPERATING ANY SUCH BUSINESS, CALLING TRADE OR OCCUPATION;
- 5.3 NOTWITHSTANDING ANY OTHER PROVISION IN THIS BYLAW, A LICENSE SHALL NOT BE REQUIRED OF A BUSINESS CARRIED ON BY THE GOVERNMENTS OF THE PROVINCE OF ALBERTA OR CANADA NOR SHALL A LICENSE BE REQUIRED OF ANY PERSON OR BUSINESS IF ANY STATUTE OF THE PROVINCE OF ALBERTA OR OF CANADA EXEMPTS SUCH PERSON OR BUSINESS FROM REQUIREMENTS OF MUNICIPAL LICENSING;
- 5.4 NOTWITHSTANDING ANY OTHER PROVISION IN THIS BYLAW, NO BUSINESS LICENSE IS REQUIRED BY A RESIDENT CHARITABLE OR NON-PROFIT ORGANIZATION.

5.4.1 nor a business as described in subsections 2.8.3.1, 2.8.3.2, 2.8.3.3.

**PART 6 – DURATION OF LICENSE**

- 6.1 EVERY LICENSE ISSUED UNDER THE PROVISION OF THIS BYLAW SHALL TERMINATE AT MIDNIGHT ON THE 31<sup>ST</sup> DAY OF DECEMBER OF THE YEAR IN WHICH SAID LICENSE WAS ISSUED UNLESS;
  - 6.1.1 the license has been sooner canceled or revoked.

**PART 7 – FEES**

- 7.1 FOR ANY BUSINESS INTENDED TO BE CARRIED ON WITHIN THE TOWN, A RESIDENT SHALL PAY AN ANNUAL SUM OF SEVENTY-FIVE DOLLARS (\$75.00);
- 7.2 FOR ANY BUSINESS INTENDED TO BE CARRIED ON WITHIN THE TOWN, A NON-RESIDENT SHALL PAY AN ANNUAL SUM OF ONE HUNDRED AND SEVENTY-FIVE DOLLARS (\$175.00) AND NOTWITHSTANDING SUBSECTION 6.1 THE LICENSE REMAINS VALID FOR A PERIOD OF 365 DAYS FROM THE DATE OF ISSUANCE; OR THE OPTION OF A MINIMUM FEE OF TWENTY-FIVE DOLLARS (\$25.00) PER MONTH BEING THE PERIOD OF LICENSE VALIDITY;

7.3 NOTWITHSTANDING ANYTHING TO THE CONTRARY HEREINBEFORE CONTAINED IN SUBSECTION 7.1 AND 7.2, THE LICENSE FEE FOR EACH HAWKER OR PEDDLER SHALL BE AS FOLLOWS:

- 7.3.1 non-resident THREE HUNDRED AND SEVENTY-FIVE DOLLARS (\$375.00);
- resident THREE HUNDRED AND SEVENTY-FIVE DOLLARS (\$375.00).

7.4 THE FEE PAYABLE FOR A LICENSE ISSUED BETWEEN THE 1<sup>ST</sup> DAY OF JANUARY AND THE 30<sup>TH</sup> DAY OF JUNE IN ANY GIVEN YEAR SHALL BE THE LICENSE FEE FOR THE FULL YEAR;

7.5 THE FEE FOR A LICENSE ISSUED AFTER THE 30<sup>TH</sup> DAY OF JUNE IN ANY YEAR SHALL BE ONE-HALF OF THE LICENSE FOR THE FULL YEAR;

7.6 A LICENSE, IF ISSUED, SHALL BE NULL AND VOID IF THE PAYMENT THEREFORE WAS MADE BY MEANS OF A NON-NEGOTIABLE DOCUMENT;

7.7 AN ANNUAL BUSINESS LICENSE FEE SHALL BE CHARGED TO ALL PROPERTY OWNERS WHERE EXISTING REVENUE-GENERATING BILLBOARD SIGNS ARE LOCATED. EACH SIDE ADVERTISING A BUSINESS CARRIED ON WITHIN THE TOWN OF INNISFAIL SHALL PAY AN ANNUAL SUM OF SEVENTY-FIVE DOLLARS (\$75.00). EACH SIDE ADVERTISING A BUSINESS NOT CARRIED ON WITHIN THE TOWN OF INNISFAIL SHALL PAY AN ANNUAL SUM OF ONE HUNDRED AND SEVENTY-FIVE DOLLARS (\$175.00).

**PART 8 – APPLICATION FOR LICENSE**

8.1 EVERY PERSON APPLYING FOR A BUSINESS LICENSE SHALL SUBMIT TO THE LICENSE INSPECTOR, A WRITTEN APPLICATION ON FORM SCHEDULE 1, ATTACHED TO AND FORMING PART OF THIS BYLAW, AND SIGNED BY THE APPLICANT;

8.2 EVERY APPLICATION FOR A BUSINESS LICENSE FOR AN EXISTING BUSINESS SHALL BE SUBMITTED TO THE LICENSE INSPECTOR NO LATER THAN THE 31<sup>ST</sup> DAY OF JANUARY OF EACH LICENSE YEAR.

8.3 ALL LICENSED MOBILE TRADES AND OCCUPATIONS SHALL PROVIDE TO THE MUNICIPAL MANAGER WRITTEN PROOF OF PERMISSION TO CARRY ON SAID MOBILE TRADE OR OCCUPATION ON PRIVATE PROPERTY AND FURTHER THAT NO TRADE OR OCCUPATION SHALL BE PERMITTED TO OPERATE ON A PUBLIC THOROUGHFARE OR RIGHT-OF-WAY.

**PART 9 – TRANSFER**

9.1 UNLESS OTHERWISE PROVIDED HEREIN, ANY SUBSISTING BUSINESS LICENSE ISSUED UNDER THIS BYLAW MAY BE TRANSFERRED UPON APPLICATION TO A MUNICIPAL OFFICIAL AND PAYMENT OF A PRESCRIBED FEE OF FIVE DOLLARS (\$5.00), PROVIDED THAT THE APPLICANT FURNISHES LEGAL DOCUMENTATION RELEASING THE RIGHTS AND INTEREST OF THE PREVIOUS OWNER.

**PART 10 – DISPLAY AND PRODUCTION OF LICENSE**

- 10.1 SPECIFIC PREMISES – EVERY LICENSE ISSUED UNDER THIS BYLAW SHALL BE MADE OUT AND DELIVERED TO THE LICENSEE WHO SHALL POST UP THE LICENSE IN A CONSPICUOUS PLACE IN HIS PLACE OF BUSINESS;
- 10.2 NON-SPECIFIC PREMISES – EVERY LICENSEE WHO HOLDS A LICENSE UNDER THIS BYLAW WHICH IS NOT LIMITED TO SPECIFIC PREMISES, SHALL SO LONG AS THE LICENSE IS IN FORCE, CARRY ON HIS PERSON OR HAVE IMMEDIATELY AVAILABLE THE LICENSE OR A DULY AUTHORIZED COPY THEREOF AND SUCH LICENSE SHALL, UPON REQUEST, FORTHWITH PRODUCE SAME TO A LICENSE INSPECTOR, ANY ASSISTANT, ANY POLICE OFFICER, OR OTHER DULY AUTHORIZED PERSON, OR ANY PERSON WITH WHOM HE IS DOING BUSINESS TO WHICH THE LICENSE RELATES.

**PART 11 – NULLIFICATION OF LICENSE**

- 11.1 WHERE ANY CERTIFICATE, AUTHORITY, LICENSE OR OTHER DOCUMENT OF QUALIFICATION UNDER THIS OR ANY OTHER BYLAW, OR UNDER ANY STATUTE OF THE PROVINCE OF ALBERTA OF CANADA IS SUSPENDED, CANCELED, TERMINATED OR SURRENDERED, ANY LICENSE ISSUED UNDER THIS BYLAW IN WHOLE OR IN PART ON SUCH CERTIFICATE, AUTHORITY, LICENSE OR OTHER DOCUMENT OF QUALIFICATION SHALL BE REVOKED AUTOMATICALLY FORTHWITH.
- 11.2 IN THE EVENT OF SUCH REVOCATION THE LICENSEE SHALL FORTHWITH:
- 11.2.1 return the license to the License Inspector, or
  - 11.2.2 furnish the License Inspector with proof satisfactory to it of a renewal or reissue of an certificate, authority, license or other document of qualification referred to in Subsection 11.1 above.
- 11.3 WHEN A NOTICE TO SUSPEND OR REVOKE A LICENSE IS GIVEN, IT SHALL HAVE ATTACHED TO IT THE FOLLOWING:
- 11.3.1 the reason for suspension or revocation in writing,
  - 11.3.2 the conditions under which the license will be reinstated;
- 11.4 WHERE AN APPLICATION FOR A LICENSE, OR FOR A TRANSFER OF LICENSE, OR WHERE AN EXISTING LICENSE HAS BEEN REVOKED OR SUSPENDED, THE LICENSEE OR APPLICANT AS THE CASE MAY BE, IS ENTITLED TO APPEAL TO COUNCIL THE REFUSAL, OR SUSPENSION OR REVOCATION OF THE LICENSE;
- 11.5 THE APPLICANT OR LICENSEE, AS THE CASE MAY BE, SHALL HAVE THIRTY DAYS FROM THE DATE OF REFUSAL OR NOTIFICATION OF SUSPENSION OR REVOCATION IN WHICH TO APPEAL TO COUNCIL, IN WRITING; OTHERWISE, THE RIGHT OF APPEAL SHALL BE BARRED AND EXTINGUISHED;
- 11.6 THE DECISION OF COUNCIL ON AN APPEAL IS BINDING ON ALL PARTIES;

- 11.7 EVERY PAWN BROKER SHALL KEEP A BOOK OR OTHER RECORD IN A FORM SATISFACTORY TO THE LICENSE INSPECTOR, IN WHICH SHALL BE RECORDED IN PERMANENT FORM AT THE END OF EACH TRANSACTION THE FOLLOWING INFORMATION:
- A) an accurate description of the property pawned or pledged;
  - B) a statement of any description, mark or other identifying characteristic of such property;
  - C) the date and time such property was acquired by the pawnbroker;
  - D) the rate of interest to be paid by the pledger;
  - E) the name, address and an accurate description of the person from whom or the source from where the property was acquired;
- 11.8 NO ENTRY IN SUCH BOOK OR RECORD SHALL BE ERASED, OBLITERATED OR DEFACED, NOR SHALL ANY PORTION THEREOF BE TORN OUT OR REMOVED.
- 11.9 EVERY PAWNBROKER SHALL AT THE TIME OF SUCH TRANSACTION DELIVER TO THE PERSON PAWNING OR PLEDGING PERSONAL PROPERTY WITH HIM A PERSONAL NOTE OR MEMORANDUM SIGNED BY HIM CONTAINING A SUMMARY OF THE ITEMS SET FORTH IN SECTION 11.7. NO CHARGE SHALL BE MADE OR RECEIVED BY THE PAWNBROKER FOR SUCH NOTE OR MEMORANDUM.
- 11.10 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 LICENSING INSPECTOR.
- 11.11 EVERY PAWN BROKER SHALL BEFORE THE 5<sup>TH</sup> DAY OF EACH MONTH DELIVER TO THE R.C.M.P. DETACHMENT A DETAILED AND ACCURATE DESCRIPTION OF ALL PERSONAL PROPERTY RECEIVED BY HIM UPON PLEDGE OR PAWN DURING THE PROCEEDING MONTH, INCLUDING:
- A) date and time when property was received;
  - B) the serial or folio number in the pawn broker's book or record, and
  - C) the names and a detailed description of the person or persons from whom the pledge or pawn was received, including the description of the clothing and any other distinguishing features of the pledger.
- 11.12 SUCH REPORT SHALL BE MADE ON FORMS APPROVED BY COUNCIL OF THE LICENSING INSPECTOR.
- 11.13 WHEN ANY PROPERTY IS RECEIVED OR SOLD, THE PAWN BROKER SHALL ENTER INTO SUCH BOOK OR RECORD:
- A) the names and address of the person purchasing or redeeming such property; and
  - B) the date of redemption or sale.
- 11.14 NO PAWN BROKER SHALL PERMIT ANY PROPERTY RECEIVED BY HIM AS A PLEDGE OR PAWN OR OTHERWISE AS SECURITY FOR ANY LOAN, TO BE REDEEMED OR REMOVED FROM THIS PLACE OF BUSINESS UNTIL AT LEAST 72 HOURS HAS ELAPSED FROM THE TIME SUCH PROPERTY WAS RECEIVED BY THE PAWN BROKER.
- 11.15 NO PAWN BROKER SHALL TAKE ANY PROPERTY AS A PLEDGE OR PAWN FOR SECURITY FOR ANY LOAN FROM ANY OF THE

FOLLOWING CLASSES OF PERSONS:

- A) any person who appears to be intoxicated,
- B) any person under the age of 18 years,
- C) any person who the pawn broker believes to have a criminal record or to have acquired the property illegally.

- 11.16 NO PAWN BROKER SHALL EMPLOY ANY PERSON TO TAKE AND RECEIVE ANY PAWN OR PLEDGE WHO IS UNDER 18 YEARS OF AGE NOR ANY PERSON WHO HAS BEEN CONVICTED FOR THEFT OR POSSESSION OF STOLEN PROPERTY.
- 11.17 NO PAWN BROKER SHALL PURCHASE OR OTHERWISE ACQUIRE ANY PERSONAL PROPERTY WHICH IS SECOND HAND EXCEPT WHERE SUCH PERSONAL PROPERTY HAS BEEN SOLD AS AN UNREDEEMED PLEDGE OR PAWN AND IS RE-ACQUIRED FROM THE PURCHASER.
- 11.18 NO PAWN BROKER SHALL RECEIVE OR ACCEPT ANY PROPERTY AS A PLEDGE OR PAWN BETWEEN THE HOURS OF 6:00 O'CLOCK IN THE AFTERNOON AND 9:00 O'CLOCK IN THE MORNING OF THE FOLLOWING BUSINESS DAY.
- 11.19 A LICENSEE SHALL NOT BE REQUIRED TO HOLD A LICENSE FOR DEALING IN SECOND HAND GOODS WHERE THE SECOND HAND GOODS ARE ACCEPTED AS PART OF THE CONSIDERATION FOR THE PURCHASE PRICE OF THE NEW GOODS OR CHATTELS.
- 11.20 EVERY SECOND HAND DEALER SHALL KEEP A BOOK OR OTHER RECORD IN DUPLICATE OF THE FOLLOWING INFORMATION:
- A) an accurate description of the second hand goods including serial numbers, makes and models and any distinguishing features, including the fact that the serial number had been removed or is missing;
  - B) the date and time of the day when such second hand goods were acquired;
  - C) the name, address and an accurate description of the person from whom or the source from where the second hand goods were acquired;
  - D) the amount paid for the second hand goods.
- 11.21 NO ENTRY MADE IN SUCH BOOK OR RECORD SHALL BE ERASED, OBLITERATED, DEFACED, DESTROYED, ALTERED, MUTILATED OR FALSIFIED NOR SHALL ANY PORTION THEREOF BE TORN OUT OR REMOVED.
- 11.22 THE BOOK OR RECORD REFERRED TO HEREIN AND ANY PERSONAL PROPERTY IN THE SECOND HAND DEALER'S SHOP OR PLACE OF BUSINESS SHALL BE OPEN TO INSPECTION AT ALL TIMES BY ANY PEACE OFFICER, OR THE LICENSE INSPECTOR AND THE DUPLICATED COPY OF SUCH BOOK OR RECORD SHALL BE DELIVERED TO THE PEACE OFFICER OF LICENSE INSPECTOR UPON REQUEST OR DEMAND.
- 11.23 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 HIS ACQUISITION OF THE SAME.

11.24 EVERY SECOND HAND DEALER SHALL KEEP SEPARATE AND APART FROM HIS OTHER GOODS THOSE GOODS REFERRED TO IN SECTION 11.23 UNTIL THE TIME SET FORTH IN THOSE SECTIONS HAS ELAPSED.

11.25 **NOTWITHSTANDING SECTION 11.20 THE FOLLOWING ARE EXEMPT:**

- A) THE PURCHASE OF SECOND HAND GOODS, WARES, MERCHANDISE OR OTHER EFFECT BARGAINED FOR OR DELIVERED TO THE PURCHASER AT ANY PLACE OUTSIDE THE TOWN, ALTHOUGH SUCH PERSON DISPOSES OF THE SAME WITHIN THE TOWN;
- B) PERSONS WHO DEAL IN SECOND HAND BOOKS;
- C) AUCTIONEERS;
- D) THRIFT SHOPS AND CLOTHING BANKS OPERATED BY ANY CHURCH OR CHARITABLE ORGANIZATION.

**PART 12 – PENALTIES AND OFFENSES**

12.1 ANY PERSON WHO CONTRAVENES OR DISOBEYS, OR REFUSES OR NEGLECTS TO OBEY ANY PROVISION OF THIS BYLAW BY:

- 12.1.1 doing any act which he is prohibited from doing herein,
- 12.1.2 failing to do any act or thing he is required to do herein,

IS GUILTY OF AN OFFENSE AND IS LIABLE ON SUMMARY CONVICTION, TO A FINE NOT EXCEEDING \$2500.00 IN ADDITION TO ANY LICENSE FEE HE MAY BE REQUIRED TO PAY PURSUANT TO PART 7 HEREOF AND IN THE EVENT OF FAILURE TO PAY, OR THE INABILITY TO PAY ANY FINE LEVIED AND ANY LICENSE FEE CHARGES HEREUNDER AND COSTS, TO IMPRISONMENT FOR A PERIOD NOT EXCEEDING SIX MONTHS, OR UNTIL SUCH FINE, LICENSE FEE AND COSTS OF COMMITMENT ARE PAID;

12.2 WHERE A PERSON IS CONVICTED OF OPERATING A BUSINESS FOR WHICH A LICENSE FEE IS PAYABLE, WITHOUT PAYMENT OF SUCH FEE HAVING BEEN MADE, THE COURT MAY, IN ADDITION TO THE FINE IMPOSED PURSUANT TO SUBSECTION 12.1 HEREOF, DIRECT THE PAYMENT OF THE APPLICABLE LICENSE FEE TO THE TOWN;

12.3 WHERE ANY OF THE PROVISIONS OF THIS BYLAW HAVE BEEN DEEMED TO BE CONTRAVENED AND AN OFFENSE NOTICE HAS BEEN ISSUED FOR THAT CONTRAVENTION; THE ACCUSED MAY AVOID APPEARING IN COURT TO ANSWER TO THE SAID CHARGE BY SUBMITTING TO THE TOWN A VOLUNTARY PAYMENT AS FOLLOWS:

- 12.3.1 First offense \$500.00
- Second offense \$1000.00

12.4 WHERE A BUSINESS IS BEING CARRIED ON IN CONTRAVENTION OF THIS BYLAW, OR WHERE A BREACH OF THE BYLAW IS OF A CONTINUING NATURE OR WHERE ANY PERSON IS CARRYING ON BUSINESS OR IS DOING ANY ACT, MATTER OR THING WITHOUT

HAVING PAID THE LICENSE FEE REQUIRED TO BE PAID BY THIS BYLAW; THEN IN ADDITION TO ANY OTHER REMEDY OR PENALTY IMPOSED IN THIS PART, THE TOWN MAY APPLY TO A JUDGE OF THE SUPREME COURT OF ALBERTA BY WAY OF ACTION OR ORIGINATING NOTICE FOR AN INJUNCTION OR OTHER ORDER, PROHIBITING THE PERSON SO CONTRAVENING THE BYLAW FROM CONTINUING TO CARY ON THE BUSINESS WITHOUT COMPLYING WITH THE PROVISIONS OF THIS BYLAW APPLICABLE TO THE BUSINESS FOR WHICH THE LICENSE IS REQUIRED.

**PART 14 – REPEAL**

13.1 **BYLAW 1206, 1251, 1272, 1283, 1303, 1352, 1382 AND 1392 AND AMENDMENTS THERETO ARE HEREBY REPEALED BY THE PASSAGE OF THIS BYLAW.**

**PART 14 – COMMENCEMENT OF BYLAW**

14.1 THIS BYLAW SHALL COME INTO FULL FORCE AND EFFECT ON THE 12 DAY OF MARCH, 2001.

READ A FIRST TIME IN OPEN COUNCIL THIS 12 DAY OF MARCH, 2001.

READ A SECOND TIME IN OPEN COUNCIL THIS 12 DAY OF MARCH, 2001.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY PASSED THIS 12 DAY OF MARCH, 2001.

ORIGINAL DOCUMENT SIGNED

**BYLAW NUMBER 1432**

BYLAW NUMBER 1432 OF THE TOWN OF INNISFAIL, IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO AMEND BYLAW NUMBER 1397, SECTION 12.3, THE BUSINESS LICENSE BYLAW.

WHEREAS, PURSUANT TO THE MUNICIPAL GOVERNMENT ACT, BEING CHAPTER M-26 OF THE REVISED STATUTES OF ALBERTA, 2000 AND AMENDMENTS THERETO, COUNCIL DEEMS IT NECESSARY TO AMEND THE AGENCY OF PAYMENT OF VOLUNTARY PENALTY.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF INNISFAIL, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED AMENDS SECTION 12.3 OF BYLAW 1397 TO READ AS FOLLOWS:

12.3 WHERE ANY OF THE PROVISIONS OF THIS BYLAW HAVE BEEN DEEMED TO BE CONTRAVENED AND AN OFFENCE NOTICE HAS BEEN ISSUED FOR THAT CONTRAVENTION; THE ACCUSED MAY AVOID APPEARING IN COURT TO ANSWER TO THE SAID CHARGE BY SUBMITTING TO THE PROVINCIAL COURT OF ALBERTA A VOLUNTARY PAYMENT AS FOLLOWS:

12.3.1	FIRST OFFENCE	\$500.00
	SECOND OFFENCE	\$1000.00

BYLAW NUMBER 1397 IS HEREBY SO AMENDED.

READ A FIRST TIME IN OPEN COUNCIL THIS 24<sup>TH</sup> DAY OF JANUARY, 2005.

READ A SECOND TIME IN OPEN COUNCIL THIS 24<sup>TH</sup> DAY OF JANUARY, 2005.

READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS 24<sup>TH</sup> DAY OF JANUARY, 2005.

ORIGINAL DOCUMENT SIGNED