

**BYLAW NO. B-52/2005
OF THE CITY OF AIRDRIE
IN THE PROVINCE OF ALBERTA**

Being a bylaw to provide for the licensing of trades, businesses, and occupations.

WHEREAS under the authority and subject to the provisions of the *Municipal Government Act*, RSA 2000, c M-26 and amendments thereto, City Council may pass bylaws respecting businesses, business activities and persons engaged in business; and

WHEREAS City Council may regulate or prohibit any business and provide for a system of licences, permits or approvals; and

WHEREAS City Council deems it desirable to register businesses? within the City of Airdrie and establish licence fees; and

NOW THEREFORE the Municipal Council of the City of Airdrie in Council duly assembled enacts as follows that:

Part 1 – Short Title

1.01 This Bylaw may be cited as the “Business Licence Bylaw.”

Part 2 – Application of

2.01 This Bylaw shall apply to any trade, business or occupation that:

- (a) is carried on with the intention of making a profit unless said trade, business or occupation provides written proof that they are provided with an exemption under provincial or federal legislation; and
- (b) such trade, business or occupation is carried on for a period in excess of seventy-two (72) hours or three (3) days cumulatively throughout the course of the licence period.

2.02 Clause 2.01(b) does not apply to transient traders, transient canvassers, non-established contractors, and hawkers and peddlers.

Part 3 – Appointment, Powers and Duties of Licence Inspector

3.01 The City Manager shall appoint a Licence Inspector and such assistants as may be required to carry out the terms of this Bylaw.

- 3.02 A Bylaw Enforcement Officer or a Peace Officer shall have the same powers and duties as the Licence Inspector.
- 3.03 The powers and duties of the Licence Inspector are:
- (a) to receive and deal with all applications for licences and transfers thereof;
 - (b) to keep a record of all applications for licences and transfers of licences;
 - (c) to keep on file duplicate counterparts of all licences issued and the particulars thereof;
 - (d) to ascertain as far as reasonably practicable that all information furnished by an applicant in connection with an application for a licence or transfer of licence is true in substance and fact;
 - (e) to make an inspection of all premises for which a licence has been applied for where an inspection by the Licence Inspector is required by the terms of this Bylaw;
 - (f) to prepare all licences or transfers pursuant to the terms of this Bylaw and to issue all licences and transfers under this Bylaw;
 - (g) as often as necessary, to inspect all premises licenced or required to be licenced pursuant to the provisions of this Bylaw in order to ascertain that such premises comply with the said provisions;
 - (h) to administer this Bylaw and, as far as practicable, see that all persons concerned conform to its provisions and to prosecute persons who fail to comply therewith.

Part 4 – General Provisions

Necessity for Licence

- 4.01 No person shall within, or partly within and partly without, the City
- (a) carry on or operate any trade, business, or occupation; or
 - (b) carry on any undertaking or do any act or use

for which a licence is required under the provisions of this Bylaw unless he holds a valid and subsisting licence to do so issued pursuant to the provisions of this Bylaw.

- 4.02 Any advertising of businesses, trades or occupations shall be deemed to be prima facie proof of the fact that the person is carrying on or operating any such business, trade or occupation.
- 4.03 A licence, if issued, shall be null and void if the payment therefor was made by means of a nonnegotiable document.
- 4.04 The licence fee for a business operating from a residence, where these are permitted under the *Land Use Bylaw* for the City, shall be payable in accordance with the provisions of *the User Fees and Charges Bylaw*.¹
- 4.05 No licence for a business to be operated from a residence where land use approval is required shall be issued until approval under the Land Use Bylaw is first given.
- 4.06 Applications for a licence, for renewal of a licence, or for a transfer of a licence shall be made in writing on a form to be provided by the Licence Inspector, and, unless otherwise provided, in person at the office of the Licence Inspector.
- 4.07 All licences are granted subject to the provisions of any land use or development control regulations of the City and issuance of a licence shall not be deemed as approval to carry on a business in or on any premises in contravention of the provisions of a Land Use Bylaw or a Development Control Bylaw in force in the City. Where a licence is granted to a person to carry on a business in or on premises where such activity is not permitted by the Land Use Bylaw of the City, the Licence Inspector shall forthwith cancel the licence and refund the licence fee to the applicant.

Approvals Required for Issue of Licences

- 4.08 The applicant is solely responsible for ensuring that all municipal, provincial, and federal approvals (which may include but are not limited to the Medical Health Officer, Fire, Police, Building Inspector) that are required for the carrying out of any business, trade, or occupation have been received prior to application for a business licence and are maintained in good standing throughout the duration of the term of the business licence and any renewal thereof.
- 4.09 The Licence Inspector may request and the applicant shall provide upon request any further documentation deemed necessary by the Licence Inspector, which

¹ Bylaw B-44/2023

documentation may include but not be limited to criminal records checks or background checks by the police service of jurisdiction.

Compliance

- 4.10 Whenever an applicant for a licence has complied with the terms of this Bylaw and of any other applicable bylaws, the applicant shall be entitled to the licence applied for upon payment of the proper fee.
- 4.11 In a case where an applicant is unable directly to comply with the terms of any other applicable bylaws and such non-compliance is of a minor nature, does not involve danger to life or health, and will not prejudicially affect other persons, a licence may be issued to the applicant subject to such conditions as the Licence Inspector may require and such licence may be cancelled should the licensee fail to meet the conditions imposed.
- 4.12 Notwithstanding Paragraph 4.10, a person who applied for a licence under this Bylaw for which a Provincial Licence, certificate or approval is required under the Licensing of Trades and Business Act, the Municipal Government Act, or any other statute of Alberta, shall first produce to the Licence Department the required Provincial Licence, certificate, or approval before the Licence Inspector issues a City licence in respect thereof.
- 4.13 If the Provincial Licence required under any statute is cancelled or suspended, the City licence issued under the provisions of this Bylaw shall be automatically void and shall so remain unless and until a new Provincial Licence therefor is issued or the suspended Provincial Licence is reinstated.

Appeal Where Licence is Refused

- 4.14 In every case where an application for a licence has been refused, a licence has been authorized subject to conditions, or where a licence has been revoked, the person seeking the licence shall be entitled to appeal to the City Council; and Council shall be the judge of whether the refusal of licence or conditions attached thereto was just and reasonable.
- 4.15 Every such appeal shall be made in writing within thirty (30) days after a licence has been refused or revoked otherwise the right of appeal shall be barred and extinguished.

Conditional Licences

- 4.16 Where the Licence Inspector issues a licence subject to certain conditions, the Licence Inspector shall endorse on the licence the particulars of such conditions.
- 4.17 All licences required under this Bylaw shall show the location of the business, with the exception of the following:
- (a) transient traders;
 - (b) transient canvassers;
 - (c) non-established contractors;
 - (d) hawkers and peddlers;

Posting of Licence in Premises

- 4.18 Every licence issued under this Bylaw shall be made out and delivered to the licensee, who shall post the licence in a conspicuous place in his business premises and whenever required by the Licence Inspector, any assistant, any Peace Officer, or other duly authorized person, the licensee shall produce said licence for inspection.

Inspection of Licensed Premises

- 4.19 Any premises or place in respect of which a licence has been issued under the provisions of this Bylaw shall be subject to inspection at all times by the Licence Inspector or his assistants or by any person duly authorized in that behalf.
- 4.20 The Licence Inspector or his assistants or any person duly authorized are hereby authorized to enter into any lands, buildings or premises within the City to inspect for conditions that may contravene or fail to comply with the provisions of this Bylaw. Any person who, after demand for inspection has been made by the Licence Inspector or authorized person, refuses admittance to the premises or place of which such person has charge or control or obstructs the Licence Inspector or authorized persons shall be guilty of an offense against the provisions of this Bylaw.
- 4.21 Any premises or place in respect of which a licence has been issued under the provisions of this Bylaw shall also be subject to inspection at all times by any Peace Officer and any person who, after demand for inspection has been made by any such Peace Officer, refuses admittance to the premises or place of which

such person has charge or control or obstructs such Peace Officer shall be subject to prosecution for an offense against the provisions of this Bylaw or if the circumstances so justify, the Peace Officer may take appropriate proceedings under the Criminal Code.

- 4.22 Any licensee who, on the occasion of such an inspection or otherwise, furnishes to the Licence Inspector, Peace Officer or authorized person false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with such inspection shall be guilty of an offense against this Bylaw.
- 4.23 The Licence Inspector, his assistants, or any person duly authorized by Council in that behalf, are hereby authorized to enter into any lands, buildings or premises within the City to ascertain whether the business, trade or occupation requires a licence under the provisions of this Bylaw.

Duration of Licence

- 4.24 Every licence issued under the provisions of this Bylaw shall terminate at midnight on the 31st day of December of the year stated on the face of the licence unless
- (a) the terms of this Bylaw otherwise expressly provide, or
 - (b) the licence provides otherwise, or
 - (c) the licence has been sooner cancelled or forfeited.
- 4.25 The fee payable for a licence issued between the 1st day of January and the 30th day of June in any year shall be the licence fee for the full year. The fee for a licence issued after the 30th day of June in any year shall be one half of the licence fee for the full year.

Transfer of Licence

- 4.26 Unless otherwise provided herein, any subsisting licence issued under this Bylaw may be transferred upon application to the Licence Inspector and payment of a fee, as outlined in the *User Fees and Charges Bylaw*, provided that the applicant has the required qualifications and the premises or property concerned in the transfer comply with the provisions hereof and with the provisions of any other relevant bylaw.²

² Bylaw B-44/2023

Revocation and Suspension of Licence

4.27 If a licensee is convicted twice in any one calendar year of a breach of any of the provisions of this Bylaw, any licence to such licensee pursuant to the provisions of this Bylaw shall be cancelled.

4.28 If a licensee is convicted:

(a) of an offense under the provisions of the Criminal Code with respect to house of ill fame or bawdy houses, or slot machines, or betting gaming house, or

(b) of an offense which by its nature is, in the opinion of the police service of jurisdiction, facilitated by the type of licenced business carried on by the convicted licensee;

the licence issued to such licensee under the provisions of this Bylaw shall be cancelled.

4.29 Upon request by the Medical Health Officer to do so, the Licence Inspector shall suspend the licence of any licenced premises concerned and shall not reinstate such licensee until the Medical Health Officer certifies that the premises concerned are again fit to be used.

False Information

4.30 No person shall furnish false or misleading information of any kind concerning any goods, articles, or thing sold, pledged, pawned, exchanged or delivered to or left with any auctioneer, bicycle dealer, secondhand dealer, merchant or person within the City, for the purpose of sale, pledge, pawn exchange or other disposal thereof, and no person shall furnish any false or misleading information concerning the owner of or the person dealing with any such goods, articles or things.

Part 4.1 – E-Scooters³

4.1.01 In this bylaw, e-scooter has the same definition as in Traffic Bylaw No. B-14/2016, as amended or replaced from time to time.

4.1.02 In addition to any other requirements of this Bylaw, a business wishing to obtain a licence for an e-scooter business must submit to the City Manager or designate:

³ Bylaw B-24/2022

- (a) evidence the business has obtained approval from the Province of Alberta to operate e-scooters;
- (b) evidence the business has obtained commercial general liability insurance, property insurance and automobile third party liability insurance in respect of an e-scooter business;
- (c) a security deposit, as set out in the *User Fees and Charges Bylaw*, for each e-scooter the business will deploy in the City;⁴
- (d) a fee, set out in the *User Fees and Charges Bylaw*, per e-scooter the business will deploy in the City, for the City to offset expenses arising from educating the public about e-scooter operations and managing the e-scooter program;⁵
- (e) a licence agreement signed by the City and the business; and
- (f) such other documentation as the City Manager or designate may require.

4.1.03 The licensee for an e-scooter business must:

- (a) notify the City immediately in writing if the Provincial approval for the operation of the e-scooters is withdrawn or not renewed;
- (b) immediately report to the City if an e-scooter is involved in an accident, a crime, or an act of vandalism;
- (c) provide such other information the City Manager or designate may require to effectively monitor and evaluate e-scooter presence in the city;
- (d) pick up abandoned e-scooters in non-approved zones in accordance with Traffic Bylaw No. B-14/2016;
- (e) respond to complaints within three (3) hours;
- (f) remove e-scooters from the city between November 1 and March 15 of each year;

⁴ Bylaw B-44/2023

⁵ Bylaw B-44/2023

- (g) disclose to the City the transmission frequency, geographic accuracy, and margin for error of the global positioning system (GPS) tracking capability of each e-scooter;
- (h) use geo-fence technology and have in-app ability to communicate by text or in-app alert, and decelerate and ultimately stop their e-scooters, alerting the e-scooter operator that the e-scooter is being ridden or parked in a non-licensed area; and
- (i) not rent an e-scooter to an operator younger than sixteen (16) years of age.

4.1.04 If an e-scooter business licensee fails to comply with the requirements of this Bylaw or the licence agreement, the City Manager or designate may modify the licence conditions including reducing fleet sizes, adding additional licence conditions, or revoking the licence.

- (a) If the licence is revoked for failure to comply with the conditions of the licence or for any other reason, the e-scooter business must remove its entire fleet from the city within 14 days of notice, unless otherwise directed by the City.

4.1.05 E-scooters must be dock less and have:

- (a) hardware to enable active location tracking of e-scooters via the global positioning system (GPS);
- (b) a kickstand, bell, and lights;
- (c) a speed-limiting system restricting maximum speed(s) as set by Traffic Bylaw No. B-14/2016;
- (d) visible individual markings or unit numbers, including the name of the business ;
- (e) visible contact information for the business, including a toll-free phone number, so customers or other members of the public can report issues or make relocation requests;
- (f) battery level indicator shown on the e-scooter or the licensee's in-app software; and
- (g) an internal electronic lock operable wirelessly by mobile phone app.

4.1.06 The security deposit required is forfeited to the City, in part or whole:

- (a) if the operation of an e-scooter results in damage to public or third-party property or injury to the e-scooter rider or any other person, or
- (b) if the City incurs costs to retrieve, relocate, or store e-scooters because of an e-scooter business licensee is in noncompliance with this or any other City bylaw.

Part 5 – Penalties

- 6.01 Any person who contravenes any of the provisions or requirements of this Bylaw is guilty of an offence and is liable for and subject to a penalty of Five Hundred (\$500) Dollars, which is reduced to Two Hundred Fifty (\$250) Dollars, plus the applicable licence fee if the penalty is paid within ten (10) days.⁶
- 6.02 An offence ticket may be issued by a Peace Officer, a Bylaw Enforcement Officer or the Licence Inspector to any person, firm or corporation who has allegedly breached any provision of this Bylaw and the said offence ticket shall require the appropriate penalty payment to the City within ten (10) days from the date of service of the said offence ticket.
- 6.03 If at any time after the expiration of the ten (10) days from service of the offence ticket and up to and excluding the three (3) days prior to the return date on any summons issued, a person tenders payment for an offence ticket issued for contravention of any section of this Bylaw, the City shall accept payment of the specified penalty in lieu of prosecution.
- 6.04 If the person upon whom such offence ticket is served fails to pay the required sum within the times outlined herein, the provisions of this section for acceptance of payment in lieu of prosecution do not apply.
- 6.05 Where any person has made payment pursuant to the provisions of this part and is prosecuted for the offence in respect of which such payment has been made, such payment shall be refunded.
- 6.06 Should a person not pay the penalty provided for contravention of any section of this Bylaw and a prosecution has been entered against him, he shall be liable on summary conviction to a fine not less than Five Hundred (\$500) Dollars and not exceeding Ten Thousand (\$10,000) Dollars in addition to any licence fee he may be required to pay.

⁶ Bylaw B-44/2023

6.07 If a person is convicted of an offense against the licensing requirements of this Bylaw, the convicting Provincial court judge or commissioner shall, in addition to any penalty imposed under this Bylaw, add the appropriate licence fee as part of the penalty.⁷

Part 6 – Repeal Bylaw

7.01 Business Licence Bylaw No. 746 and any amendments thereto are hereby repealed in their entirety.

Part 7 – Effective Date

8.01 This Bylaw shall come into full force and effect as of the first day of January, 2006.

READ a first time this 5th day of December, 2005.

READ a second time this 5th day of December, 2005.

READ a third time this 19th day of December, 2005.

EXECUTED this 20th day of December, 2005.

“L. Bruce”
MAYOR

“S. Pollyck”
CITY CLERK

Consolidated 12/28/2023 <hr/> <i>Charlotte Satink</i> <hr/> City Clerk

⁷ Bylaw B-44/2023

SCHEDULE "A"⁸**Specified Penalties - E-Scooters**

Section	Applicable to E-Scooters	1st Offence	2nd Offence	3rd Offence
4.1.02 (a)	Failure to obtain and keep Provincial Approval while operating in the City of Airdrie	\$1,000	\$5,000	\$10,000
4.01.03 (b)	Failure to provide data and records for an e-scooter involved in an accident, a crime or an act of vandalism	\$500	\$1,000	\$2,500
4.01.03 (e)	Failure to respond to complaints within three (3) hours for e-scooters dropped in non approved zones	\$500	\$1,000	\$2,500
4.01.03 (f)	Failure to remove e-scooters between November 1 and March 15	\$500	\$1,000	\$2,500

⁸ Bylaw B-32/2019; Bylaw B-41/2020, Bylaw B-24/2022, Bylaw B-44/2023