

BYLAW NO. 3159/96

Being a bylaw of The City of Red Deer to control, regulate and license businesses within the city.

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

PART I

SHORT TITLE AND DEFINITIONS

1 This bylaw may be cited as "The License Bylaw".

2 In this bylaw,

"**Advertiser**" means:

- (a) Any person who distributes advertising material and samples from door to door;
- (b) Any person who walks about the streets on foot carrying an advertising placard or sign;
- (c) Any person who employs a vehicle, animal, or other device for the purpose of advertising any business on City streets;

"**Advertising**" means the business of an advertiser or the employment of others to act as advertisers;

"**Amusement Arcade**" means a business where three or more machines, games or devices are kept for the purpose of furnishing entertainment or amusement to the public for a fee;

"**Auctioneer**" means any person who sells, offers for sale, or intends to sell goods, chattels or anything whatsoever by public auction;

"**Auctioneering**" means the business conducted by an auctioneer;

¹"**Bed & Breakfast**" means a detached dwelling occupied by the property owner of the Bed & Breakfast host as a primary residence,

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in which are offered overnight accommodation and a breakfast meal, for rent to travelling guests who are temporarily visiting the Red Deer area, in compliance with the regulations contained in the Land Use Bylaw:

"Billiard rooms" means a business where billiards or pool tables or similar tables are kept for the use of the public;

"Boxing" and **"Wrestling"** means the business of conducting or sponsoring any professional boxing or wrestling contest;

"Building Mover" and **"Demolition"** means any person who engages in the business of moving or demolishing houses or other structures;

"Business" shall have the meaning set out in the Municipal Government Act;

"Circus and Other Shows" means the business of maintaining and operating a shooting gallery, carnival, midway, mechanical ride, menagerie, animal show, wax works, side show, rodeo, display of juggling, riding, rope walking, sleight of hand tricks, or other exhibitions with the use of animals and equipment, and providing entertainment to the public for a fee in the form of musical and theatrical productions, none of which originate in the City and are not sponsored by local youth groups, community organizations, the Westerner Exposition Association, Red Deer International Folk Festival, or the Recreation Department of the City;

"Cleaner", **"Dyers"** and **"Lauderers"** means the business of dry-cleaning, dying, cleaning, sponging or pressing of clothes, feathers, furs or any fabric or textile whatsoever;

"Commercial Agent" or **"Direct Sellers"** means the business of going from place to place for the purpose of selling goods or services when the transactions are negotiated by telephone or at the buyer's residence, but does not include a bonafide commercial traveller;

"**Commercial Traveller**" means and includes any person who is a manufacturer's agent or salesman who sells goods directly to businesses and distributors or sells such goods in wholesale lots;

¹"**Contractor (General)**" means the business of accepting contracts for the erection, alteration, construction, repair of buildings or structures of any kind or the person or firm engaged in such business, as the context requires, and includes any subcontractor or subtrade, as listed in Schedule 'A' section 13, or any owner of property or any agent of the owner who supervises the erection, construction, alteration and repair of buildings or structures where a general contractor is not engaged in the project;

"**Detective**" or "**Security Patrol**" shall have the same meaning as set out in the Private Investigators and Security Guard Act;

²"**Farmer's Market**" means the business of conducting a public open market at which various vendors of goods lease a stall or space from a holder of a provincial market approval and situate at the location approved by the City from time to time.

³"**Festival**" means any music festival, dance festival, rock festival, rave, or similar musical or entertainment activity likely to attract 50 persons or more in any one 24 hour period, at which music is provided by paid or amateur performers, or by pre-recorded means, which is held at any place within the city and to which members of the public are invited or admitted at charge, or free of cost, but shall not include:

- (a) any activity conducted by a religious organization recognized by federal, municipal or provincial agencies as such for tax exemption purposes;

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² 3159/B-96

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- (b) any activity conducted by a recognized government agency;
- (c) any activity conducted by any other organization or service club, which the Manager is satisfied, is a non-profit organization, notwithstanding that such organization might not be registered for income tax purposes with Revenue Canada;
- (d) any activity promoted or conducted by the Red Deer Westerner Exposition Association on lands or premises under its direct control;
- (e) does not include any event which takes place at premises which are licensed under the Alberta Gaming and Liquor Act.

"Hawker/Peddler" means a person who goes about the City selling goods, wares, merchandise, food, fish, corn, or food products from a vehicle or trailer or one that locates on 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;

¹**"Home Music Instructor/Instruction"** means the instruction of students in musical instruments, voice and musical theory for formal educational purposes from a dwelling unit subject to regulations of the Land Use Bylaw;

"Home Occupation" shall have the meaning set out in the City Land Use Bylaw;

"Janitor Service" means the business of cleaning or maintaining in a clean condition all or any part of the interior or exterior of

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buildings and dwelling houses and includes the business of cleaning rugs and upholstery and the washing of the exterior and interior of windows;

"Mall Kiosk" means a stall, table, booth, or other type of readily movable business premises, not affixed to real property and occupied or operated for the purpose of providing services or of displaying and offering for sale any goods, wares, or merchandise in a mall or shopping centre or similar locations;

"Manager" means the Inspections and Licensing Manager of the City;

"Massage" or **"Massages"** means kneading, manipulating, rubbing, touching or physically stimulating, by direct or indirect means, a person's body or part thereof, but does not include medical or therapeutic treatment given by a person duly qualified, licensed or registered so to do under the laws of the Province of Alberta;

"Massage Clinic" means a business where massages are performed or offered to the public;

"Massage Therapist" means a person who administers a massage;

"Medical Health Officer" means the Public Health Inspector for the Province of Alberta;

"Mobile Vending Unit or Canteen" means a motor vehicle, trailer, or similar mobile structure exceeding 3.3 m², designed for the purpose of preparing and offering the of sale food products, which does not contain customer seating and is capable of being moved;

"Non-resident" means a person who does not reside in the City, provided that if such person pays to the City a business tax in respect of a business, he shall be deemed for the purpose of that business to be a resident;

"Pawnbroker" 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 business;

"Photographer" means a person or firm carrying on the business of taking photographs or videotapes;

"Public Bath" means a business operating as a steam Finnish, Turkish or Russian bath;

"Push Cart Vending Unit" means a push cart or similar mobile structure not exceeding 3.3 sq. m, intended to be moved from location to location for the purpose of offering for sale food products, beverages or flowers.

"Resident", for the purpose of this Bylaw, means a person, firm or corporation that:

- (a) is located or resides within the boundaries of the City, or
- (b) provides the space and services including office area and telephone from premises that are listed on the business tax roll, or
- (c) has an occupancy permit issued under the Land Use Bylaw; and
- (d) satisfies the Manager that he intends to carry on business within the City for not less than six months;

"Retail Salesperson" means any person who sells or agrees to sell any services, goods, or property of any nature or kind wherever situate, as individual items or in small quantities, as opposed to wholesale lots, directly to the consumer from any location within the City; but shall not include charitable organizations, local youth groups, community service organizations and auctioneers;

"Second Hand Dealer" means the business of operating premises for, and the 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;

"Sub-Contractor" means the business of contracting to provide a special service in relation to a particular trade as outlined in

Schedule "A" or the person or firm engaged in such business, as the context requires;

"Trade Fairs/Shows" means an event that hosts a group of 5 or more vendors at a single location, displaying to the public the types of goods, wares, merchandise, food or service that they have available for sale. Trade fairs include all agricultural events, entertainment events, community events, energy/resource events, arts/crafts events, and collector's events (including, but not limited to, comics, stamps, coins, cards);

"Transient Trader" means a non-resident who as principal, employee or agent sells or attempts to sell goods or services at premises not otherwise licensed by the City for that sales activity and in particular, at a motel, hotel or the Westerner site or any other location approved by the Manager;

"Vehicle" shall have the meaning set out in the Highway Traffic Act, R.S.A. 1980;

PART 2

APPOINTMENT, POWERS AND DUTIES OF INSPECTIONS AND LICENSING MANAGER

- 3 All licenses issued under this Bylaw shall be in a form approved by the Manager.
- 4 The Manager has the authority to:
 - (a) grant, refuse to grant, revoke, renew or refuse to renew licenses under this Bylaw;
 - (b) maintain appropriate records pertaining to the licensing of businesses, infractions of this Bylaw, and generally all matter arising out of the application and enforcement of this Bylaw;
 - (c) enforce the provisions of this Bylaw.
- 5 The Manager shall refuse to grant or renew a license, and shall revoke or suspend a license, if in his opinion, and upon reasonable grounds, he believes that:

- (a) The applicant is not bona fide;
- (b)¹ The applicant or the Licensee has contravened the provisions or requirements of this bylaw or any other bylaw of the City, or any enactment of the Province of Alberta;
- (c) The applicant or Licensee is not worthy of public trust;
- (d) The applicant or Licensee has withheld or concealed information from the Manager, his designate, or a peace officer, or has provided false information on any application for a license;
- (e) The Licensee refuses to admit the Manager, his designate, a peace officer, or any other person authorized by this bylaw or any Statute of the Province of Alberta, into the premises, vehicles or apparatus from which the business is carried out;
- (f) There are other just and reasonable grounds for so doing.

6 The Manager may suspend the effect of revocation of a license upon the performance by the Licensee of any conditions stated in writing by the Manager.

7 (1) Notice of the cancellation or suspension of a license may be given by personal delivery of such notice to the Licensee or by mailing a double registered letter to the Licensee at his place of business or residence as shown on the license.

(2) The Licensee shall immediately upon being given verbal notice, or upon being served with written notice of the revocation of his license, terminate the operation of his business.

²8 (1)³ If the Manager refuses to grant or renew a license or revokes or suspends a license, the applicant or Licensee may appeal the decision to the Red Deer Appeal & Review Board, in accordance with relevant procedures as outlined in the City of Red Deer Committees Bylaw.

¹ 3159/A-96

² 3159/A-2008

³ 3159/A-2009

PART 3

GENERAL REGULATIONS REGARDING LICENSES

- ¹9 (1) No person shall carry on any business referred to in this Bylaw or in Schedule "A" attached hereto, without first being the holder of a valid and subsisting license to do so and having paid to the City the fee required under Schedule "A".
- (2) The fees listed in Schedule "A" may be reduced pro-rata on a monthly basis for each month or partial month from the date the License is first issued until December 31 of that year for any Licensee who has not obtained a License in the past.
- 10 The issuance of a license under this bylaw does not authorize or permit the Licensee to carry on business or any activity under such license contrary to the provisions of the City Land Use Bylaw.
- 11 ²(1) All licenses issued pursuant to this Bylaw shall be valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.
- (2) All licenses issued remain the property of the City.
- 12 (1) All licenses issued shall be conspicuously displayed at or near the main entrance of businesses that are carried on at a fixed location.
- (2) 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 Manager, his designate, a bylaw enforcement officer, or peace officer upon demand.
- 13 The Manager or his designate may issue concurrent licenses to businesses which carry on their business from several locations, vehicles or apparatus simultaneously.
- 14 (1) A commercial agent representing a company or business and working in conjunction with a person who holds a home occupation

¹ 3159/B-2015

² 3159/B-2015

license for same may be licensed under that home occupation for a resident license fee as a commercial agent.

- (2) Commercial agents working in conjunction with a person who holds a home occupation license must produce proof of that arrangement satisfactory to the Manager.
- 15 Each additional business operated from a licensed home occupation site will be charged a resident license fee.
- 16 No transfer of a license shall have any effect:
 - (a) without the prior written approval of the Manager;
 - (b) without the transferee paying therefore a fee of \$10.00.
- 17 No business whether or not licensed under this Bylaw, shall use any highway within the control, management or direction of the City for the purposes of display, advertising, or carrying on any business without first obtaining permission as required by the City.
- 18 No owner or manager of a hotel, motel, mall, commercial business or other property shall knowingly allow, suffer, or permit any person to carry on any business or activity thereon without such person being the holder of a subsisting license where required under this bylaw.

PART 4

EXCEPTIONS TO LICENSE REQUIREMENT

- 19 No license is required for the carrying on of any business that:
 - (a) is carried on in the Exhibition Grounds during the Westerner Exposition;
 - (b) is carried on in conjunction with the activities of the Red Deer International Folk Festival;
 - (c) is an amateur boxing or wrestling match;

- (d) consists of vending machines that are placed to be accessible only to the employees of the Licensee and are not intended for the use of the public;
- (e) is a concession run by the City or its employees on behalf of the City;
- (f)¹ is carried on by a vendor of goods only as part of the activities of a Farmer's Market.

20 Where, in the Manager's opinion, a natural combination of businesses are carried on or will be carried on by the Licensee or prospective Licensee in a subcontractors or sub-trades category, the Manager may waive payment of the fee for all but one of those businesses.

PENALTIES

²21

- (a) A person who breaches any of the provisions of this bylaw shall be guilty of an offence and shall be liable upon conviction to a fine of not less than \$250 and not more than \$10,000, exclusive of costs and, in default of this payment, to imprisonment for a period not exceeding six months.
- (b) 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 in section 21(a), pay a penalty of not less than \$250 for each day that the breach continues.

22 Where contravention of this Bylaw is the non-payment of the license fee, the Judge or Justice presiding in Court may direct payment of the license fee in addition to the penalty imposed.

PART 5

REGULATIONS RESPECTING SPECIFIC LICENSES

AMUSEMENT ARCADE

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- 23 The Owner and the Manager of an Amusement Arcade shall be jointly and severally responsible for providing proper and adequate continuous supervision and control of the premises on which the business is carried on at all times when the same are open to the public.
- 24 At all times when an Amusement Arcade is open to the public either the Owner or a Manager employed by the Owner shall be personally present on the said premises.
- 25 No person shall act as Manager for an Amusement Arcade unless he or she is the full age of 18 years.
- 26 The Owner or Manager of an Amusement Arcade shall not employ any person of less than 18 years of age in connection in any way with the operation of an Amusement Arcade.
- 27 The Owner, Manager, and any employee engaged in the operation of an Amusement Arcade shall not suffer, allow or permit persons not actively making use of the amusement, sport or arcade machines located on the premises, to loiter upon the said premises.
- 28 No person under the age of 14 years shall be permitted on the premises of an Amusement Arcade unless accompanied by a parent or guardian.
- 29 An Amusement Arcade license shall not be required in respect of rides operated for the amusement of children.

BILLIARD ROOMS

- 30 No Owner or Manager of a billiard room shall permit any person under the age of 14 years to enter, frequent or attend at the billiard room unless accompanied by a parent or guardian.
- 31 The Owner or Manager of a billiard room shall inquire and determine the age of any person who has entered the billiard room, whom he has reason to believe is under the age of 14 years.

32 The Owner or Manager of a billiard room shall request any person who is not 14 years of age or older, or who fails or refuses to prove that he is 14 years of age or older, to leave the billiard room.

CONTRACTORS

¹33

- (a) The Manager may suspend or revoke a Contractor's license where the Licensee has:
 - (i) commenced any development prior to obtaining all necessary permits; or
 - (ii) failed to commence or complete development within the time required by the Land Use Bylaw and in accordance with a permit issued according to the Land Use Bylaw or has failed to comply with any of the conditions of the permit.
- (b) The Manager may refuse to renew a Contractor's license if permits issued more than one year prior to the license renewal date remain outstanding as a result of required inspections that have not been completed or safety concerns that have not been addressed to the satisfaction of the Safety Codes Officer involved.
- (c) The suspension or revocation of a Contractor's license may be for the remaining of the existing license period and for an additional maximum period of 24 months thereafter or a lesser period as the Manager deems appropriate."

²33.1 Notwithstanding anything contained in this bylaw, the Contractor shall complete all outstanding developments that are the subject of the suspension, revocation, or renewal refusal of the license, to the satisfaction of the Safety Codes Officer. The penalty for failing to

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complete outstanding developments is contained in Section 21 of this Bylaw.”

¹34 A suspension, revocation, or renewal refusal of a license shall not be effective until:

- (a) The Manager has given 14 days written notice to the Licensee of the proposed suspension, revocation, or renewal refusal; and
- (b) The Licensee has not appealed the proposed suspension, revocation, or renewal refusal within the allotted appeal period, or having filed an appeal, the appeal has been heard as specified in this bylaw and has been denied.”

BOOK AGENTS (CANVASSERS)

35 Seven clear days prior to the commencement of his business operation every person to whom a book agent license is issued shall provide the following information to the Manager and shall advise the Manager of any changes in the following information in writing:

- (a) the names of the persons comprising his sales crew;
- (b) the place or places of residence of the members of his sales crew, together with their addresses in the City;
- (c) the Provincial license number of each sales person.

36 Where any person is an employee of a book agent, such employee may take out a license for the period running concurrently with the period of the license issued to the employer.

37 Not more than 4 employees' licenses shall be issued for each employer's license.

FESTIVALS

38 No person shall operate, maintain, conduct, advertise, sell or furnish tickets for any outdoor or indoor festival in the City unless he shall have obtained a license from the City to operate or conduct such festival.

39¹ Applications for licenses to conduct a festival shall be made in writing to the Manager not less than 90 days prior to the commencement date of the festival and shall contain the following information:

- (a) the name, age, residence and the mailing address of the person making such application. If the application is made by a partnership, the name and addresses of the partners shall appear. When the applicant is a corporation, the application shall be signed by the President, Vice President and Secretary of such corporation and shall contain the addresses of such corporate officers, and the names and addresses of the directors of the company , and shall have annexed thereto, a certified copy of the Articles of Incorporation of the company;
- (b) a written statement of the kind, character or type of festival which the applicant proposes to conduct, operate or carry on;
- (c) the address or legal description of the place where the proposed festival is to be conducted, operated or carried on, together with the proof of ownership of such place, and a statement signed by the owner of such place indicating his consent that such place be used for the proposed festival;
- (d) the date or dates and the hours during which the festival is to be conducted;
- (e) an estimate of the number of customers, spectators, participants and other persons expected to attend the festival for each day it is conducted;
- (f) a detailed written explanation of the applicant's plans to provide security and fire protection, internal and external police protection, water supplies and facilities, medical facilities and services, food supplies and facilities, vehicle

¹ 3159/A-2001

access and on-site traffic control, off-site parking arrangements, and if it is proposed or expected that spectators or participants will remain at night or overnight, arrangements for illuminating the premises and for camping or similar facilities. Such plans shall include provision to be made for spectators in excess of the estimate, provisions for the removal of rubbish after the event has concluded, and shall have attached thereto a plot-plan showing the arrangements of the facilities including those for parking, egress and ingress;

- (g) confirmation from the David Thompson Regional Health Authority that the proposal meets all the standards required under the Public Health Act of Alberta and any regulations thereunder, and any standards established by the City;
- (h) confirmation from the Red Deer Fire Department that the arrangements made by the applicant comply with the relevant fire codes and regulations thereto; and
- (i) a letter from a licensed insurance company undertaking to issue a Certificate of Public Liability and property damage insurance in the amount not less than \$1,000,000.00.

40

Upon receipt of the application and the information required herein, and upon payment by the applicant to the City of the license fee required in Schedule "A", the Manager may issue a license to the applicant for the festival, subject to all or any of the following conditions:

- (a) that the applicant enter into an agreement in form satisfactory to the City undertaking to indemnify and save harmless the City from, of and against all claims, demands, suits, judgements, and actions of every nature or kind arising out of the operation of the festival;
- (b) that the applicant post an irrevocable letter of credit or cash security in the sum of \$50,000.00 with The City, together with a letter of authority directed to The City and granting unto The City unrestricted powers to use all or any portion of the funds so secured for the purpose of providing police and fire protection and ambulance services for the festival and for the purpose of making payment of all costs related to site

clean-up, property damage, garbage removal, and any other expenses to which The City is put either directly or indirectly as a result of the conduct and operation of the festival, should any or all of the foregoing expenses remain unpaid for a period of 30 days following the conclusion of the said festival. The applicant may be required by The City to provide such evidence as The City may require to satisfy The City that all expenses referred to herein have been paid in full; and

- (c) such further and other conditions as the Manager in his discretion considers necessary or advisable having regard to the nature of the festival and the arrangements which have been made by the applicant to provide adequate police protection, water, food, sanitation and medical facilities.

41 No festival license shall be issued for any site other than lands designated under the Land Use Bylaw for such purpose.

MASSAGE CLINIC

42 No license shall be issued for a massage clinic until the applicant provides to the Manager:

- (a) a letter of approval of the proposed massage clinic from the David Thompson Regional Health Authority; and
- (b) a valid massage therapist's license issued to the applicant.

43 Every applicant must use his own legal name in making an application for a license and no such license shall be issued to any person in any name other than his own legal name.

44 The premises of every massage clinic shall be kept in a clean and sanitary condition at all times.

45 Each owner and operator of a massage clinic, shall ensure that no person other than a licensed massage therapist shall be present at the massage of any person.

46 No washroom, toilet, sink or basin used for domestic purposes shall be used in connection with a massage clinic.

- 47 No owner or operator shall permit in any massage clinic owned or operated by him the offering, selling, giving, performing or soliciting of any service other than massages, or the selling, giving, trading or offering of any goods unless the owner of the said massage clinic obtains the consent of the City to so permit such trade, calling, business or occupation and, subject to the discretion of the City, a description of such services or goods is endorsed on the license for the massage clinic.
- 48 No food or beverage shall be prepared, consumed, kept for sale, sold, bought, given or offered free of charge in any massage clinic provided that:
- (a) there may be installed in a massage clinic a vending machine which dispenses non-alcoholic beverages only; and
 - (b) persons employed by or under contract of services to an owner or operator of a massage clinic, and such owner or operator, may prepare food for their own use and consume food in a room in such massage clinic used exclusively for such purposes.
- 49 No person under the age of 18 may be or act as an owner or operator of a massage clinic or provide any services therein.
- 50 No owner or operator of a massage clinic, or a massage therapist shall:
- (a) provide a massage, or any other service or services, in a massage clinic to a person who is or appears to be intoxicated by alcohol or under the influence of a drug or to any person whose appearance or condition provides reasonable cause to believe that the provision of such services to such person may cause illness or injury to him;
 - (b) permit any person who appears to be intoxicated by alcohol or under the influence of a drug to enter or remain in any massage clinic operated by him;
 - (c) use or permit to be used any camera or other photographic or recording device in, upon or at a massage clinic by any person other than a Peace Officer, Medical Health Officer or

a Public Health Inspector acting under his direction, or a Bylaw Enforcement Officer of the City, or

- (d) provide any movies, slide shows, games of skill, or sports activities on or in the premises occupied by a massage clinic or any activity or entertainment of any kind other than those approved by the City on issuance of the license for the massage clinic.

51 Except where massage services have been approved as an accessory use to an existing business holding a valid occupancy permit:

- (a) no massage therapist shall perform massage services at any place other than the premises of a massage clinic licensed under this bylaw;
- (b) no massage therapist shall provide massage as an approved accessory use where two or more massage therapists are employed unless a massage clinic license is issued for such use.

52 No person shall perform or administer a massage unless he or she is licensed as a massage therapist under this Bylaw.

53 No massage therapist license shall be issued unless the applicant:

- (a) is the holder of Certificate of Proficiency in Body Massage; or
- (b) is the holder of a written statement from the Medical Health Officer for the David Thompson Regional Health Authority that the applicant has qualifications equivalent to those required for a Certificate of Proficiency in Body Massage; and
- (c) is the holder of a health inspection certificate or employed at a massage clinic holding a health inspection certificate.

54 No person shall operate a massage clinic unless he is the holder of a valid massage therapist license.

- 55 The Manager may at any time require any person who performs massages in a massage clinic to be medically examined by the Medical Officer of Health or a Medical Doctor designated by him and the Medical Health Officer may make a report of such examination to the Manager.
- 56 No owner's license shall be transferred and if an owner sells, leases or otherwise disposes of a massage clinic or the premises or part thereof upon or in which a massage clinic is operated, the license in respect of such massage clinic shall, notwithstanding any other provision of this bylaw, terminate.
- 57 Any Bylaw Enforcement Officer, Peace Officer, or any other person authorized by the Manager, may inspect any premises for which a massage clinic license has been issued at all reasonable times. Any person who refuses admission to any such person or who refuses to produce his license when called upon by any such person to do so, shall be guilty of an offence.

PAWN BROKER

- 58 No Pawn Brokers license shall be issued to any person who carries on business as an auctioneer, or as a second hand dealer.
- 59 Every pawn broker shall keep a book or other record in a form satisfactory to the Manager 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, including serial numbers, makes and models, etc.;
 - (b) the date and time such property was acquired by the pawn broker;
 - (c) the rate of interest to be paid by the pledgor;
 - (d) the name, address and an accurate description of the person from whom the property was acquired.
- 60 No entry in such book or record shall be erased, obliterated or defaced, nor shall any portion thereof be torn out or removed.

- 61 Every pawn broker shall at the time of each 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 59. No charge shall be made or received by the pawn broker for such note or memorandum.
- 62 The books or records and any personal property in a pawn broker's premises shall be open for inspection at all times by any peace officer, or the Manager.
- 63 Each pawn broker shall before 12:00 o'clock noon on any day his business premises is open for business deliver to The City Detachment of the R.C.M.P. a detailed and accurate description of all personal property received by him upon pledge or pawn during the period preceding 10:00 o'clock in the forenoon of that day and after 10:00 o'clock in the forenoon of the previous day on which his 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 pawn broker's book or record; and
 - (c) the name, address 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 feature of the pledgor.
- 64 Such report shall be made in form approved by the Manager.
- 65 When any property is redeemed or sold, the pawn broker shall enter into such book or record:
- (a) The name and address of the person purchasing or redeeming such property; and
 - (b) The date of redemption or sale.

- 66 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 his place of business until at least 72 hours has elapsed from the time of first receiving such property, and no property shall be sold until a period of three months has elapsed from the time such property was received by the pawn broker.
- 67 No pawn broker shall take any property as a pledge or pawn for security for any loan from any of the following persons:
- (a) any person who appears to be intoxicated by alcohol or under the influence of drugs;
 - (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;
- 68 No pawn broker shall employ to take or receive any pawn or pledge, any person under 18 years of age nor any person who has been convicted of theft or possession of stolen property.
- 69 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.

SECOND HAND DEALERS

- 70 A person 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 new goods.
- 71 Each second hand dealer shall keep a book or other record in duplicate containing 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 the second hand goods were acquired; and
- (d) the amount paid by the dealer for the second hand goods.

72 No entry made in such book or record shall be erased, obliterated or defaced nor shall any portion thereof be torn out or removed.

73 The book or record 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, a Bylaw Enforcement Officer, or the Manager and the duplicate copy of such book or record shall be delivered to the Peace Officer, the Bylaw Enforcement Officer, or the Manager upon request.

74 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.

75 Each second hand dealer shall keep separate and apart from his other goods those goods referred to in Section 74 until the time set forth in that section has elapsed.

76 Sections 71 to 75 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;
- (d) thrift shops and clothing banks operated by any church or charitable organization.

PUSH CART VENDING UNITS AND MOBILE VENDING UNITS

- 77 Push cart vending units may be permitted at locations approved by the Manager, on public or private property.
- 78 Mobile vending units or mobile canteens may be permitted at locations approved by the Manager, on public or private property.
- 79 Licenses issued to hawkers or the vendors of unprepared food items shall be subject to a condition that there will be no signs posted on private or public lands. Only one sign, not to exceed two feet by two feet may be located on the vehicle or kiosk.

REPEAL AND TRANSITIONAL

- 80 License Bylaw No. 2846/84 is repealed.
- 81¹ The following provisions apply to any license issued under this bylaw in 2015:
- (a) For licenses issued after May 1, 2015, the license fees set out in Schedule "A" shall be reduced pro-rata on a monthly basis for each month or partial month from the date the license is first issued until December 31.
 - (b) For licenses issued before May 1, 2015, provided the licensee has paid the fee for a license which was to be valid for 12 months, the license will expire on December 31, 2015, and the licensee shall receive a pro-rated credit for all remaining months or partial months which, at the licensee's discretion may be applied to the licensee's 2016 license fees or refunded to the licensee.

¹ 3159/B-2015

READ A FIRST TIME IN OPEN COUNCIL this 11 day of March A.D. 1996.

READ A SECOND TIME IN OPEN COUNCIL this 11 day of March A.D. 1996.

READ A THIRD TIME IN OPEN COUNCIL this 11 day of March A.D. 1996.

AND SIGNED BY THE MAYOR AND CITY CLERK this 11 day of March A.D. 1996.

"G. D. SURKAN"

MAYOR

"KELLY KLOSS"

CITY CLERK

SCHEDULE "A"**Schedule of Fees¹**

Type of Business	Resident	Non-Resident
1 Advertising on foot or vehicle	\$ 60.00	\$ 180.00
2 Ambulance - per vehicle	60.00	180.00
3 Amusement Arcade	60.00	N/A
4 Arts or Crafts - sale by the Artist when the sale is not conducted under the auspices of the Allied Arts Council	NIL	60.00
Allied Arts Council Crafts Sale	120.00	N/A
5 Auctioneer	60.00	180.00
6 Public Bath, Health or Fitness Club or Facility, Gymnasium, Tanning Salon	60.00	N/A
6.1 Bed & Breakfast	180.00	N/A
7 Billiard Room	60.00	N/A
8 Boxing and Wrestling (Professional)	60.00	180.00
9 Building Movers/Demolition	60.00	360.00
10 Christmas Tree Vendor	330.00	440.00
Note: Where the applicant holds a current business license from the City or is on the City business tax roll the license fee shall be \$267.50		
11 Circus or other Show (excepting a festival) per day	120.00	240.00
12 Cleaner, Dyers or Launderers - per business	N/A	360.00

¹ 3159/B-96, 3159/A-2001, 3159/C-2001, 3159/A-2013, 3159/A-2015

SCHEDULE "A"

Type of Business	Resident	Non-Resident
13 Contractor -including sub-contractor and sub-tradesman such as, but not limited to, excavator, concrete placer, plasterer, stucco drywaller, brick layer, stone mason, building mover, landscaper, floor layer or finisher, painter and paper hanger, roofing and siding, applicator, structural steel erector, insulator, carpenter and cabinet maker and wood worker, plumber and gas fitter, electrical contractor, sheet metal worker, steam fitters	60.00	360.00
14 Detective or Security Patrol Agency	60.00	180.00
15 Commercial Agent or Direct Sellers	60.00	360.00
16 Employee of a Commercial Agent	60.00	180.00
17 Farmer's Market - \$330.00 annual fee		
18 Festival - per day or part thereof, whether or not such day is a public holiday	1,095.00	1,095.00
19 Hawkers or Pedlars (per location)	60.00	360.00
19.1 Home Music Instructor/Instruction	60.00	N/A
20 Home Occupation	180.00	N/A
21 Janitor Service	N/A	180.00

SCHEDULE "A"

Type of Business	Resident	Non-Resident
22 Mall Kiosk - annual fee		
(a) up to 500 sq. ft.	N/A	360.00
(b) over 500 sq. ft.	N/A	1095.00
23 Massage Clinic	120.00	N/A
24 Massage Therapist	60.00	60.00
25 Mobile Vending Unit or Canteen	120.00	360.00
26 Pawnbroker, Second Hand Dealer	60.00	N/A
27 Phrenologist, Fortune Teller, Hypnotist, Palmist, Card Reader, Graphologist or other similar occupation	240.00	600.00
28 Photographer	NIL	360.00
29 Push Cart Vending Units	60.00	
30 Street Entertainers	24.00	24.00
31 Trade Fair or Trade Show:		
(a) No Charge where Red Deer residents and businesses may participate;		
(b) Where Red Deer residents and businesses may not participate, the fee will be \$820.00 per annum plus \$360.00 for each day the show is in operation.		

SCHEDULE "A"

Type of Business	Resident	Non-Resident
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- 32 Transient Trader - \$825.00 annual fee plus \$360.00 per day for each day that a sale is conducted. In addition, the license will not be valid until:
- (a) 30 days after the City has:
 - (i) placed a notice in a local daily newspaper of the granting of a license to a Transient Trader, and
 - (ii) given notice in writing to any person who has filed with the City a request for notice of the granting of Transient Traders license and has paid an annual fee of \$22.00 to cover the cost of such notice; and
 - (b) the applicant has paid the license fee and the cost of advertising.

- 33 Westerner Exposition Association - \$1,095.00 per year

This License includes permission for the conduct of Trade Fairs and Trade Shows and sale of any goods, property or services being offered in conjunction with those events, provided those events are open to participation by Red Deer residents and businesses. In that case, the participants in the Trade Fair or Trade Show do not require individual licenses.

Where Red Deer residents and businesses are not permitted to participate in the event, then a Trade Fair or Trade Show license is required.