

**MUNICIPALITY OF JASPER**  
**BYLAW #110**

**BEING A BYLAW OF THE MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA TO REGULATE THE LICENSING AND CONDUCT OF BUSINESSES IN THE TOWN OF JASPER.**

**WHEREAS** the Council of the Municipality of Jasper finds it desirable to regulate the conduct of business in the Town of Jasper and to require businesses operating in the Town to acquire a Business License from the Municipality of Jasper;

**AND WHEREAS** the *Municipal Government Act* (Alberta) RSA 2000, Chapter M-26 as amended provides in Part 2 for the Council of the Municipality of Jasper to pass bylaws respecting the regulation and licensing of businesses operating within the Town;

**NOW THEREFORE** the Council of the Municipality of Jasper, in the Province of Alberta, duly assembled, enacts:

**1. CITATION**

- 1.1 This Bylaw may be cited as the “Town of Jasper Business Licensing Bylaw 2008A”.
- 1.2 Municipality of Jasper Bylaw #103, the “Town of Jasper Business Licensing Bylaw 2008” is hereby repealed.

**2. DEFINITIONS**

- 1.1 In this Bylaw:
  - 2.1.1 “*Applicant*” shall mean a Person who applies for a Business License or Business License Renewal as required by this Bylaw;
  - 2.1.2 “*Application*” shall mean a written Application for a Business License or Renewal thereof required under this Bylaw;
  - 2.1.3 “*Appropriate Use Requirements*” shall mean the Appropriate Use Requirements appended hereto as Schedule “A”;
  - 2.1.4 “*Automated Banking Machine*” shall mean a Business in which a machine provides customer access to such banking functions as deposits, withdrawals or transfers between accounts and does not mean a machine providing solely for cash withdrawals;
  - 2.1.5 “*Business*” shall mean:
    - 2.1.5.1 a commercial, merchandising or industrial activity or undertaking;
    - 2.1.5.2 a profession, trade, occupation, calling or employment; or
    - 2.1.5.3 an activity providing goods and services;

whether or not for profit and however organized or formed, including a co-operative association of Persons.

- 2.1.6 “*Business License*” shall mean a license issued by the Chief License Inspector pursuant to this Bylaw for the purpose of allowing a Business to operate within the Town of Jasper;
- 2.1.7 “*Business Premises*” shall mean any store, office, dwelling, warehouse, yard, building, enclosure or other place occupied or capable of being occupied for the purpose of carrying on a Business and in which place the carrying on of a business has been determined by the Parks Canada Agency to be a permitted or discretionary use, but does not include washrooms;
- 2.1.8 “*Busker*” shall mean a person who plays music or performs entertainment in a public place while soliciting money;
- 2.1.9 “*Bylaw Enforcement Officer*” shall mean a person appointed by the Municipal Manager as a Bylaw Enforcement Officer or a Municipal Compliance Officer pursuant to the provisions of the Jasper Municipal Enforcement Officer Bylaw;
- 2.1.10 “*Central Business District*” shall mean that area of the Town enclosed by Connaught Drive, Hazel Avenue, Geikie Street and Cedar Avenue, the Roadways and Sidewalks contained within this area and, except for Geikie Street where the Roadway and Sidewalks are not included, the Roadways and Sidewalks on both sides of those sections of Connaught Drive, Hazel Avenue and Cedar Avenue adjoining the area enclosed;
- 2.1.11 “*Charitable or Non-Profit Organization*” shall mean any Person, association or corporation engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Town, all of the resources of which are devoted entirely to charitable activities and not for profit or gain, and which does not confer a monetary or other benefit upon its members or directors. These include but are not limited to:
- 2.1.11.1 religious societies or organizations;
  - 2.1.11.2 service clubs;
  - 2.1.11.3 community, veteran or youth organizations;
  - 2.1.11.4 social, sport or fraternal organizations or clubs;
  - 2.1.11.5 employer or employee organizations; and
  - 2.1.11.6 museums, galleries, cultural organizations and educational institutions;
- 2.1.12 “*Chief License Inspector*” shall mean the Municipality of Jasper’s Manager of Licensing and Enforcement as appointed by the Director of Corporate and Legislative Services or in his absence shall mean the Director of Corporate and Legislative Services as appointed by the Municipal Manager, or his delegate;

- 2.1.13 “*Commercial Accommodation*” shall mean a Business engaged in the provision of rooms or suites for temporary sleeping accommodation, located on a commercial leasehold in the Town and which business may include Restaurants, Lounges or Beverage Rooms, meeting rooms, convention facilities, indoor recreation facilities, gift shops, convenience retail stores, personal services and staff housing;
- 2.1.14 “*Contractor*” shall mean a Business other than a Home-Based Business engaged in offering to any Person to perform or arrange to perform work involving an Improvement, and
- 2.1.14.1 a Contractor undertaking work related to a Parks Canada Development Permit or Building Permit must have a valid Business License;
- 2.1.14.2 notwithstanding 2.1.14.1 above, one offer to perform or offer to arrange to perform work on an Improvement is sufficient to establish that the business of a Contractor is being carried out; and
- 2.1.14.3 no Person undertaking or intending to undertake the business of a Contractor shall advertise or arrange to advertise as a Contractor unless licensed under this Bylaw;
- 2.1.15 “*Council*” shall mean the Council of the Municipality of Jasper;
- 2.1.16 “*Direct Seller*” shall mean a Business engaged in directing, managing, or coordinating the distribution or sale of goods or services for future delivery, including food products, where one or more agents including the licensee carry on business at a location other than the licensee’s premises, and includes the offer or exposure for sale to any person by means of samples, drawings, pictures, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered in and shipped into the Town;
- 2.1.17 “*Dwelling*” shall mean a building designed and used for human habitation and includes the following:
- 2.1.17.1 “*Apartment Housing*” shall mean a dwelling contained within a building in which the dwelling unit or dwelling units are arranged in any horizontal or vertical configuration which does not conform to the definition of any other residential classes described in this Bylaw and includes units located in lofts and above first-storey commercial occupancies, but does not include Apartment Buildings;
- 2.1.17.2 “*Apartment Building*” means a single building comprised of three or more dwelling units not including secondary suites and with shared entrance facilities, where none of the dwelling units are rented or available for rent or occupation for periods of less than 30 days;
- 2.1.17.3 “*Multi-unit Dwelling*” shall mean a single building designed to contain three or more dwelling units not including secondary suites and where none of the dwelling units are rented or available for rent or occupation for periods of less than 30 days;

- 2.1.17.4 “*One-unit Dwelling*” shall mean a detached building containing only one dwelling unit and designed solely for occupation by one household and does not include a manufactured home;
- 2.1.17.5 “*Primary Dwelling Unit*” shall mean the dwelling unit to which a secondary suite is associated;
- 2.1.17.6 “*Principle Dwelling*” shall mean a dwelling that is the main use of the site;
- 2.1.17.7 “*Row House*” shall mean a building containing a row of more than two dwelling units not including secondary suites and joined in whole or in part at the side only with no dwelling unit being placed over another in whole or in part where none of the dwelling units are rented or available for rent or occupation for periods of less than 30 days, and each dwelling unit has separate individual and direct access to grade;
- 2.1.17.8 “*Two-unit Dwelling*” means a single building containing two dwelling units, each having a separate entrance;
- 2.1.18 “*Home-based Business*” shall have the meaning attributed to it in the Land Use Regulation; that is a Business in respect of which a Dwelling is used as premises for an occupation, office, trade, craft, or Private Home Accommodation for gain or support, conducted entirely within the Dwelling as a use secondary to the residential use, subject and classified into the following types:
- 2.1.18.1 *Type 1* shall mean a Business conducted entirely within a Dwelling by an eligible resident who is the Licensee of such Business and who occupies the Dwelling as a principal residence, and the Land Use Regulations stipulate that such Business shall not involve client visitation at any time, shall not involve the storage of any materials or goods outdoors, nor shall any person other than the Licensee be engaged in such Business;
- 2.1.18.2 *Type 2* shall mean a Business conducted entirely within a Dwelling by an eligible resident who is the Licensee of such Business and who occupies the Dwelling as a principal residence, and the Land Use Regulations stipulate that such Business may have client visitation during normal business hours only and if such visitation occurs one additional on-site parking stall must be provided, and that such Business may have limited outdoor storage in the Dwelling’s rear yard, and no person other than the Licensee shall be engaged in such Business;
- 2.1.19 “*Improvement*” shall mean anything built, placed, altered or repaired which is in, upon, over or under land or water including a building and any clearing, dismantling, digging, drilling, excavating, grading, filling or tunnelling;
- 2.1.20 “*Land Use Regulation*” shall mean the land use regulations applied by Parks Canada in the Town of Jasper;
- 2.1.21 “*License Inspector*” shall mean a Municipality of Jasper Bylaw Enforcement Officer or Compliance Officer appointed by the Municipal Manager pursuant to the Jasper Municipal Enforcement Bylaw and designated as a License Inspector by the Chief License Inspector;

- 2.1.22 “*Licensee*” shall mean the holder of a valid and subsisting license issued pursuant to the provisions of this Bylaw;
- 2.1.23 “*Municipal Manager*” shall mean the Municipal Manager of the Municipality of Jasper and includes any person authorized to act for or in the name of the Municipal Manager;
- 2.1.24 “*Municipality of Jasper*” and “*Municipality*” shall mean the Specialized Municipality of Jasper created pursuant to the June 13<sup>th</sup> 2001 “Agreement for the Establishment of Local Government in the Town of Jasper” signed by the Minister of Canadian Heritage;
- 2.1.25 “*Municipal Violation Ticket*” shall mean a ticket or similar document issued pursuant to Part 3 of the *Provincial Offences Procedure Act, 2000 c.P-34*, as amended;
- 2.1.26 “*Non-Resident Business*” shall mean a Business carried on in whole or in part within the Town, but which neither maintains a permanent place of business within the Town nor is listed in any current Municipality of Jasper tax assessment roll;
- 2.1.27 “*Peace Officer*” shall mean:
- 2.1.27.1 a member of the Royal Canadian Mounted Police;
  - 2.1.27.2 a Bylaw Enforcement Officer or Compliance Officer; or
  - 2.1.27.3 a Community Peace Officer;
- 2.1.28 “*Person*” shall mean an individual, proprietorship, corporation or society;
- 2.1.29 “*Personal Property*” shall mean all property capable of ownership including goods, chattels, money, notes, bonds, stocks and intangible property but not land or any interest in land;
- 2.1.30 “*Personal Service*” shall mean a Business engaged in providing the following services, or engaged in the provision or use of equipment to provide the following services:
- 2.1.30.1 hair removal, including electrolysis, waxing and laser treatment;
  - 2.1.30.2 aesthetics, including manicures, pedicures and facials;
  - 2.1.30.3 shampooing, cutting or removing, colouring, styling or otherwise treating hair;
  - 2.1.30.4 hair replacement;
  - 2.1.30.5 shaving, massaging or otherwise treating the face or scalp;
  - 2.1.30.6 baths, including a steam cabinet, steam bath, hot tub, sauna or similar bath;
  - 2.1.30.7 body or ear piercing;
  - 2.1.30.8 physical fitness conditioning;

2.1.30.9 tanning;

2.1.30.10 tattooing;

and includes the retail sale of incidental products, but does not include a business where medical or therapeutic treatment is performed or offered by a person duly qualified and licensed to do so under the laws of the Province of Alberta;

2.1.31 “*Private Home Accommodation*” shall have the meaning attributed to it in the Land Use Regulation; that is, licensed visitor accommodation in a One-unit or a Two-unit Dwelling for transient paying guests on a short term basis operated as a Home-based Business;

2.1.32 “*Public Place*” shall mean, but is not limited to, any public highway, roadway, laneway, sidewalk, courtyard, passage, alley, parking lot, park, parkland, woodland, building or other place or structure in the Town of Jasper to which the public reasonably have or are permitted to have access, whether for payment or not, and which is under the care, ownership or control of the Municipality of Jasper;

2.1.33 “*Provincial Violation Ticket*” shall mean a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act, R.S.A. 2000 c. P-34*, as amended and regulations there under;

2.1.34 “*Renew*” and “*Renewal*” shall mean, in respect of a Business License, a License issued to a Business for a second or subsequent concurrent term and in respect of every License Renewal the Chief License Inspector may vary, remove or add License conditions as provided for in this Bylaw and may confirm any aspect of an Application in respect to such Renewal;

2.1.35 “*Resident*” shall mean a Person who resides in the Town;

2.1.36 “*Restaurant/Lounge/Beverage Room*” shall mean a Business engaged in one or more of:

2.1.36.1 the sale of prepared foods for consumption on the premises;

2.1.36.2 the sale of prepared foods for consumption off the premises; or

2.1.36.3 the sale of alcoholic beverages for consumption on the premises.

2.1.37 “*Street Vendor*” shall mean a Business engaged in offering or exposing for sale to any person, processed or unprocessed foodstuffs from:

2.1.37.1 a push-cart, wagon, or other wheeled or skidded vehicle located in or on a Public Place; or

2.1.37.2 any mobile preparation unit located in or on a Public Place;

2.1.38 “*Town*” and “*Town of Jasper*” shall mean the Town of Jasper as defined in the Agreement for the Establishment of Local Government in Jasper dated June 13<sup>th</sup>, 2001;

- 2.1.39 “*Transfer Fee*” shall mean the fee specified in the Bylaw for the transfer of a Business License from one owner of a business to the new owner of the business at the same location, or to reflect the relocation of a Business from one location to another;
- 2.1.40 Words importing the masculine gender only include the feminine gender whenever the context so requires and vice versa;
- 2.1.41 Words importing the singular shall include the plural whenever the context so requires and vice versa.

### 3. GENERAL PROVISIONS

- 2.1 The Chief License Inspector is hereby authorized to:
  - 3.1.1 issue Business Licenses;
  - 3.1.2 require the payment of fees for such issuance; and
  - 3.1.3 regulate the conduct of Businesses in the Town pursuant to the provisions of this Bylaw.
- 3.2 No Person shall establish, carry on or operate any Business within or partly within the Town of Jasper unless such Person:
  - 3.2.1 holds a valid and subsisting Business License issued by the Chief License Inspector pursuant to the provisions of this Bylaw; and
  - 3.2.2 has paid the fees set out in Schedule “B” hereto.
- 3.3 Notwithstanding Section 3.2 above, a Person is not required to hold a Business License if such Person is exempt from such requirement under the provisions of:
  - 3.3.1 the *Legal Profession Act* (Alberta, R.S.A 2000, Chapter L-8 as amended);
  - 3.3.2 the *Medical Profession Act* (Alberta, R.S.A 2000, Chapter M-11 as amended);
  - 3.3.3 the *Pharmaceutical Profession Act* (Alberta, R.S.A 2000, Chapter P-12 as amended);
  - 3.3.4 the *Optometry Profession Act* (Alberta, R.S.A 2000, Chapter O-10 as amended);
  - 3.3.5 the *Land Surveyors Act* (Alberta, R.S.A 2000, Chapter L-3 as amended);
  - 3.3.6 the *Regulated Accounting Profession Act* (Alberta, R.S.A 2000, Chapter R-12 as amended);  
or
  - 3.3.7 the *Insurance Act* (Alberta, R.S.A. 2000, Chapter I-3 as amended).
- 3.4 Every Charitable or Non-Profit organization conducting Business in the Town shall require a valid and subsisting Business License but shall be exempt from the fees provided for in Schedule “B” hereto.

- 3.5 Business conducted by individual Persons for a period of not more than one day not more than two times per year and as part of an event operated by a Charitable or Non-Profit organization shall be exempt from the licensing requirements and fees established by this Bylaw.
- 3.6 Every Business License issued pursuant to this Bylaw shall be posted in a conspicuous place in the Business Premises of the Licensee.

#### **4. BUSINESS CATEGORIES AND LICENSE FEES**

- 3.1 Council hereby authorizes the Chief License Inspector to establish Business categories to provide for the efficient and effective administration of Licenses and the Chief License Inspector may assign any Business to the Business Category he, in his sole discretion, deems appropriate.
- 4.2 Council hereby establishes Business License fees as described in Schedule "B" hereto.
- 4.3 Every Business License Fee shall be due at the full amount of the annual fee described in Schedule "B" hereto.
- 4.4 No Business License Fee shall be refundable.
- 4.5 Council hereby establishes the Transfer Fee established in Schedule "B" herein, and the Chief License Inspector shall apply such Transfer Fee to each transfer of a Business License from one owner to another or from one Business Premises to another.
- 4.6 Notwithstanding the provisions of Section 4.5 herein, no Home-based Business License shall be transferable.

#### **5. ADDITIONAL LICENSES**

- 5.2 Where the Chief License Inspector determines that an Applicant for a Business License is engaged in operations which can not reasonably be considered a part of or an extension of one Business but are operations or activities of a separate Business, whether operated from the same Business Premises or not, the Chief License Inspector shall require the licensing of those activities through the issuance of an additional Business License and shall so notify the Licensee and failure by the Licensee to within 10 days:

5.2.1 obtain such additional Business License; or

5.2.2 cease such additional Business activities;

shall be an offence under the provisions of this Bylaw and upon conviction the Licensee shall be liable to the penalties described in Schedule "C" herein.

- 5.3 Where the Chief License Inspector determines that a Restaurant/Lounge/Beverage Room is operating on or within the premises of a Commercial Accommodation Business, he shall require that each such Business be the subject of a separate Application and, upon completion of such Application, compliance with this Bylaw, and upon payment of the fees described in Schedule "B" attached hereto, be licensed separately pursuant to this Bylaw.

5.4 Where an Automated Banking Machine is operating on the Premises of any Business in the Town, the Business upon or within whose Premises such machine is located shall require a specific Business License for the operations of such machine unless such machine is supplied, operated and serviced by a bank or financial institution licensed under this Bylaw and with Business Premises in the Town.

## **6. ELIGIBILITY FOR LICENSING**

- 6.1 The activities proposed by every Applicant and those undertaken by every Licensee shall, as a condition of issuance of a Business License, adhere to the Appropriate Use Requirements contained in Schedule "A" hereto.
- 6.2 No Business License shall be issued to a Business carried out in part or proposed to be carried out in part outside the Town and within Jasper National Park unless the Applicant possesses a valid and subsisting license issued by Her Majesty the Queen in Right of Canada permitting the operation of such Business in Jasper National Park outside of the Town.
- 6.3 No Business License shall be issued until such time as the Applicant holds such valid Federal or Provincial licenses as are required by law, or holds such other permits or approvals as may be required by Municipality of Jasper bylaw and the onus shall be upon the Applicant to ensure that the requirements of this section are met and copies of all such licenses shall be provided to the Chief License Inspector by the Applicant at the time of Application.
- 6.4 No Business License shall be issued until such time as the Applicant holds such other permits and approvals as may be required by Federal or Provincial law including, but not limited to, land use development, fire code and building code permits and approvals, and copies of all such licenses, permits and approvals shall be provided to the Chief License Inspector by the Applicant at time of Application and, without limiting the scope and generality of the forgoing, such permits and approvals specifically include those required by the Land Use Regulation.
- 6.5 No Business License shall be granted to a Street-Vendor or Busker.
- 6.6 Notwithstanding Section 6.5 above, the Chief License Inspector may issue a Business License to a Street-Vendor provided all other requirements of this Bylaw are met and:
- 6.6.1 such Business was in 2006 the subject of a valid and subsisting Parks Canada business license issued for such activity;
  - 6.6.2 such Business operates only outside the Central Business District;
  - 6.6.3 such Business sells only ice cream and ice cream products;
  - 6.6.4 such Business operates only with and from one mobile cart;
  - 6.6.5 the Applicant for such license was in 2006 and is at the time of Application the owner of such Business; and
  - 6.6.6 subsequent to 2006, such Business is Licensed under the provisions of this Bylaw in the calendar year prior to any license Application.

## **7. LICENSE APPLICATIONS**

- 7.1 An Application for a Business License, for a Renewal of a Business License, or for transfer of a Business License shall be made to the Chief License Inspector in writing in a form established by the Municipal Manager and, unless otherwise specified, shall be made in person at a location to be designated by the Chief License Inspector .
- 7.2 An Application shall not be valid unless made by the owner or owners of the Business or an Applicant who will be the owner or owners of a proposed Business, or by a duly authorized agent of such owner or owners, and the Chief License Inspector may require a Statutory Declaration to be sworn as proof of such agency.
- 7.3 An Application shall not be complete and a Business License shall not be issued until the fees described in Schedule "B" attached hereto are received by the Municipal Manager, and such fees are not refundable.
- 7.4 The Chief License Inspector may consult, prior to issuing or Renewing a License, with the Province of Alberta, the Royal Canadian Mounted Police, the Parks Canada Agency, the Aspen Health Authority, the Municipality of Jasper Fire Department, the Municipality of Jasper Environmental Services Department, or such other agencies and organizations he deems appropriate, to determine whether they are in possession of information which, in the opinion of the Chief License Inspector, renders it inappropriate for an Applicant to be issued a Business License.
- 7.5 Where an Applicant operates or intends to operate a Business at a specific Business Premises or location in the Town, such Applicant shall be the Owner of such Business Premises or location or shall provide to the Chief License Inspector proof of a valid sublease for such Business Premises or location.
- 7.6 The Applicant shall provide with the application form any information required by this Bylaw or by the Chief License Inspector.

## **8. POWERS**

- 8.1 The Chief License Inspector may refuse to issue or Renew a Business License, may suspend or cancel a Business License and may impose any conditions on a Business License for the following reasons:
- 8.1.1 the Applicant or Licensee does not or no longer meets the requirements of this Bylaw, including the Appropriate Use Guidelines, with respect to the License applied for or held;
- 8.1.2 the Applicant or Licensee or, in respect of the business only, any of its officers or employees:
- 8.1.2.1 furnishes false information or misrepresents any fact or circumstance to a Peace Officer or the Chief License Inspector;
- 8.1.2.2 has, in the opinion of the Chief License Inspector, based on reasonable grounds, contravened this Bylaw, or any other Bylaw of the Municipality of Jasper, whether or not the contravention has been adjudicated;

- 8.1.2.3 fails to pay a fine imposed by a court for a contravention of this Bylaw;
- 8.1.2.4 fails to pay any fee required by this Bylaw; or
- 8.1.3 in the opinion of the Chief License Inspector, based on reasonable grounds, it is in the public interest to do so.
- 8.2 The Licensee of any Business who operates or undertakes or allows to be operated or undertaken such Business contrary to conditions established by the Chief License Inspector in respect of such Business is guilty of an offence and upon conviction is liable for the penalties set out in Schedule "C" attached hereto.
- 8.3 The Licensee of any Business who operates or undertakes or allows to be operated or undertaken such Business when the Business License in respect of such Business has been suspended or revoked, is guilty of an offence and upon conviction is liable for the penalties set out in Schedule "C" attached hereto.
- 8.4 A suspension of a Business License as provided for in this section may be:
  - 8.4.1 for a period not exceeding the unexpired term of the Business License; and
  - 8.4.2 where the suspension is for non-compliance with the provisions of this or any other Municipality of Jasper bylaw, until the holder of the suspended license complies with that Bylaw.
- 8.5 When a suspension of a Business License pursuant to Section 8.1 herein extends past the date of expiry of such Business License, such Business License shall not be re-issued except if it is the subject of an Application meeting all of the requirements of this Bylaw.

## **9. NOTICE**

- 9.1 Before refusing to issue or Renew a License, and before a License is suspended or cancelled or conditions are imposed, other than conditions imposed by this Bylaw, the Chief License Inspector shall provide the Applicant or Licensee:
  - 9.1.1 notice in writing of the proposed refusal, suspension or cancellation or the proposed conditions with reasons, and
  - 9.1.2 an opportunity to make written representations to the Chief License Inspector.

## **10. DECISION**

- 10.1 If a decision is made to refuse issuance or Renewal of a License, to suspend or cancel a License or to impose conditions on a License, other than conditions imposed by this Bylaw, written notice of the decision, which shall include reasons, may be served on the Applicant or Licensee:
  - 10.1.1 in Person on the Applicant or Licensee or any of its officers or employees; or
  - 10.1.2 by ordinary mail to the address in the Application or in the records of the Municipality for the License.

10.2 After service of a notice pursuant to Section 10.1 herein:

10.2.1 the suspended or revoked Business License shall be surrendered to the Chief License Inspector; and

10.2.2 the Business specified in the notice shall not be carried on until such time as a suspended license is reinstated or a revoked license is reissued.

## **11. NON-RESIDENT BUSINESSES**

11.1 Every Non-Resident Business engaging in Business in the Town shall require a Business License issued by the Chief License Inspector pursuant to the provisions of this Bylaw and shall pay the Business License Fee established in Schedule "B" herein.

## **12. INSPECTIONS**

12.1 The Chief License Inspector is hereby authorized to inspect at all reasonable times:

12.1.1 any Business Premises referenced in an Application or a License as a location in which Business does or will take place;

12.1.2 the land and lot surrounding such Business Premises;

12.1.3 the Dwelling within which a Private Home Accommodation is a Licensed Business; and

12.1.4 the land, lot and Improvements where the Chief License Inspector has reasonable grounds to believe a Business which requires a Business License is being carried on or operated without a Business License.

12.2 Pursuant to Section 12.1 herein, "reasonable times" shall, in respect of Private Home Accommodation businesses, include the period between 7:00 pm and 9:00 pm local time.

12.3 Every Applicant and every Business in the Town of Jasper shall permit and assist in all inspections required by the Chief License Inspector.

12.4 Every Applicant and every Business in the Town of Jasper shall furnish to the Chief License Inspector such identification, information or documentation as he may require in respect of an Application, a Business or an inspection, subject always to applicable Federal and Provincial regulation.

12.5 During an inspection undertaken pursuant to this Bylaw, the Chief License Inspector may examine any business record or document for the purpose of enforcing this Bylaw and may remove any relevant record or document from the business premises for the purpose of copying it, and shall provide receipts for any document or record so removed, and shall return such document or record to the Licensee not more forty-eight (48) hours after their removal.

12.6 No Person shall prevent, obstruct or hinder the Chief License Inspector in the course of an inspection pursuant to this Bylaw.

### **13. PROOF OF BUSINESS**

- 13.1 Proof of one Business transaction or of one offer to transact Business is sufficient to establish that Business is being carried on.
- 13.2 Any advertising of a Business is sufficient to establish that the Person advertising is carrying on a Business.

### **14. REVIEWS AND APPEALS**

- 14.1 Where an Application or a fee exemption has been refused, a License revoked or suspended, a condition or conditions attached to a Business License, or a Business assigned to a Business category, the Applicant in question may require the Municipal Manager to review such refusal, revocation, suspension, attachment or assignment by submitting to the Municipal Manager in writing a request for such review not more than ten (10) days after such refusal, revocation, suspension, attachment or assignment.
- 14.2 Where the Municipal Manager is in receipt of a request for a review pursuant to Section 14.1 herein, he shall conduct such review within five working days of such receipt of the request and on completion of his review:
- 14.2.1 may direct an Application be accepted and a Business License be issued; or
  - 14.2.2 may direct a fee exemption be provided; or
  - 14.2.3 may confirm the refusal, revocation or suspension of a Business License; or
  - 14.2.4 may reinstate a revoked license; or
  - 14.2.5 may vary or remove a suspension; or
  - 14.2.6 may confirm, vary or remove conditions; or
  - 14.2.7 may vary or confirm an assignment; and
  - 14.2.8 shall advise the Applicant in writing of his decision and the reasons for it not less than five working days after the conclusion of his review.
- 14.3 Every refusal, revocation, suspension, attachment of conditions, or assignment which is the subject of a review by the Municipal Manager shall remain in effect during such review and until or unless varied or removed by the Municipal Manager.
- 14.4 An Applicant who makes a request pursuant to s. 14.1 may appeal to Council a decision of the Municipal Manager pursuant to Section 14.2 herein by submitting to Council in writing a request for such appeal not more than ten (10) days after delivery by the Municipal Manager of notification of his decision pursuant to Section 14.2 herein.
- 14.5 Where Council is in receipt of an appeal pursuant to Section 14.4 herein, it shall within 21 days of such receipt convene an appeal hearing to which the Applicant shall be invited in writing and upon

conclusion of such appeal shall within five working days notify the Applicant, in writing, of its decision to:

- 14.5.1 direct an Application be accepted and a Business License be issued; or
  - 14.5.2 direct a fee exemption be provided; or
  - 14.5.3 confirm the refusal, revocation or suspension of a Business License; or
  - 14.5.4 reinstate a revoked license; or
  - 14.5.5 vary or remove a suspension; or
  - 14.5.6 confirm, vary or remove conditions; or
  - 14.5.7 vary or confirm an assignment.
- 14.6 Where Council is in receipt of an appeal pursuant to section 14.4 herein, the Municipal Manager's decision pursuant to Section 14.2 herein shall remain in effect during such appeal and until Council has delivered notification of its decision pursuant to the requirements of Section 14.5 herein.

## **15. OFFENSES**

- 15.1 Any Person who contravenes this Bylaw is guilty of an offence.
- 15.2 Persons contravening certain Sections of this Bylaw shall be liable for the penalties set out opposite such Section number in Schedule "C" hereto.
- 15.3 A Person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided is liable for the fine as specified in Schedule "C" hereto.
- 15.4 Every day during which a Person engages in or undertakes Business contrary to the provisions of this Bylaw shall constitute a new offence and the Person so doing is guilty of such offence and upon conviction is liable for the penalties set out in Schedule "C" attached hereto.
- 15.5 No Person shall, on land in the Town designated in the Land Use Regulation as R1, R2, R3 or R4, engage in or undertake the Business of renting or offering for rent, Private Home Accommodation by the night unless such Person is in possession of a valid and subsisting Business License issued by the Chief License Inspector in respect of such accommodation which shall specify which portions of the Dwelling on such land are to be used for such purpose and any Person so doing and any Person renting or offering for rent accommodation other than that specified in the Business License is guilty of an offence and upon conviction is liable for the penalties set out in Schedule "C" hereto.

## **16. MUNICIPAL VIOLATION TICKETS**

- 16.1 A Peace Officer is hereby authorized and empowered to issue a Municipal Violation Ticket to any Person the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

- 16.2 A Municipal Violation Ticket shall be deemed to be sufficiently served:
- 16.2.1 if served personally on the accused; or
  - 16.2.2 if mailed to the accused by registered mail.
- 16.3 The Municipal Violation Ticket shall be in a form approved by the Municipal Manager and shall state:
- 16.3.1 the name of the Person alleged to have committed the offence;
  - 16.3.2 the offence;
  - 16.3.3 the municipal or legal description of the land on or near where the offence took place;
  - 16.3.4 the penalty for the offence as specified in Schedule “C” of this Bylaw;
  - 16.3.5 that the penalty shall be paid within 30 days of the issuance of the Municipal Violation Ticket; and
  - 16.3.6 any other information as may be required by the Municipal Manager.
- 16.4 Where a Municipal Violation Ticket is issued pursuant to this Bylaw, the Person to whom such ticket is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified within the time period indicated on the Municipal Violation Ticket.

## **17. PROVINCIAL VIOLATION TICKET**

- 17.1 In those cases where a Municipal Violation Ticket has been issued and the penalty specified on such ticket has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Provincial Violation Ticket pursuant to *Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34* as amended.
- 17.2 Notwithstanding Section 17.1 herein, a Peace Officer is hereby authorized and empowered to immediately issue a Provincial Violation Ticket pursuant to *Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34*, as amended, to any person whom the Peace Officer has reason to believe has contravened any provision of this Bylaw.

## **18. SEVERABILITY**

- 18.1 If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.
- 18.2 If any provision herein is adjudged to be repugnant to any federal regulation or legislation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal legislation or regulation.

**19. COMING INTO EFFECT**

19.1 This Bylaw shall come into force and effect on the final day of passing thereof.

19.2 Business Licenses issued by the Chief License Inspector shall be effective on the date specified upon the License by the Chief License Inspector and every License shall cease to have force and effect at midnight on the 31<sup>st</sup> day of March following the specified effective date.

**GIVEN FIRST READING THIS 10<sup>th</sup> DAY OF JUNE A.D., 2008**

**GIVEN SECOND READING THIS 17<sup>th</sup> DAY OF JUNE A.D., 2008**

**GIVEN THIRD AND FINAL READING THIS 8<sup>th</sup> DAY OF JULY A.D., 2008**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL MANAGER

## SCHEDULE A

### Appropriate Use Requirements

1. Commercial businesses in the Town of Jasper shall operate so as to be consistent with the Appropriate Use Criteria contained in the Jasper National Park Management Plan, the Jasper Community Land Use Plan, and the Jasper Land Use Regulations, as amended.
2. Commercial businesses in the Town of Jasper should support sustainable use and enjoyment of the Jasper community and surrounding national parks lands.
3. Commercial businesses in the Town of Jasper should encourage enjoyment of the park and community cultural and natural resources and not be attractions unto themselves.
4. Commercial businesses in the Town of Jasper should be consistent with ecological and commemorative integrity and be appropriate to a World Heritage Site.
5. Commercial businesses in the Town of Jasper should either be a resident service or contribute to visitor services.
6. Commercial businesses in the Town of Jasper should not be a value-added process for production of products to be sold elsewhere and must have a need to be in the Town.

**SCHEDULE B**

**Fees**

**License Fees:**

All Businesses	\$165
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**Other Fees:**

License Transfer	\$100
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**SCHEDULE C**

**Penalties**

Section

<u>3.2</u>	Engage in or undertake Business in the Town while not in possession of a valid and substituting Business License in respect of such Business:	
	1 <sup>st</sup> offence	\$250
	2 <sup>nd</sup> and subsequent offences within one (1) calendar year of any previous offence under this Section	\$500
<u>8.2</u>	Engage in or undertake Business in the Town contrary to conditions established by the Chief License Inspector in respect of such Business:	
	1 <sup>st</sup> offence	\$250
	2 <sup>nd</sup> and subsequent offences within one (1) calendar year of any previous offence under this Section	\$500
<u>8.3</u>	Engage in or undertake Business in the Town when the Business License issued in respect of such Business has been revoked or suspended by the Chief License Inspector:	
	1 <sup>st</sup> offence	\$500
	2 <sup>nd</sup> and subsequent offences within one (1) calendar year of any previous offence under this Section	\$500
<u>15.5</u>	On land in the Town designated in the Land Use Regulation as R1, R2, R3 or R4, engage in or undertake the Business of renting or offering for rent accommodation by the night unless such Person is in possession of a valid and subsisting Business License issued by the Chief License Inspector in respect of such accommodation and specifying which portions of the Dwelling on such land are to be used for such purpose or renting or offering for rent accommodation other than that specified in the Business License.	
	1 <sup>st</sup> offence	\$250
	2 <sup>nd</sup> and subsequent offences within one (1) calendar year	\$500
<u>15.3</u>	Any offence for which a specified penalty is not provided in this Bylaw:	
	1 <sup>st</sup> offence	\$250
	2 <sup>nd</sup> and subsequent offences within one (1) calendar year	\$500