



Bylaw 4833

A BYLAW OF THE CITY OF MEDICINE HAT to amend Bylaw 2339, being the Licensing Bylaw.

WHEREAS Council considers it advisable to amend Bylaw 2339;

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

1. Bylaw 2339 is hereby amended as follows:

(a) Section 2. is hereby repealed and replaced with the following:

“2. DEFINITIONS

In this Bylaw, unless the context otherwise requires, and whether or not the defined terms are capitalized herein:

“Adult Entertainment” means a Business that provides entertainment, goods or services that appeal to or stimulate, or are intended to appeal to or stimulate, the prurient interests or erotic desires of its customers or patrons, whether or not that is a principal use, but does not include a Business that holds a valid and subsisting License under the Escort Service Bylaw and does not include a retail Business that provides goods of that kind (including printed, audio recorded or video recorded material) if a Person authorized to represent the Business is able to show on a balance of probabilities that:

- (a) not more than 30% of the retail floor area of the Business contains goods of that kind;
- (b) the total number of goods of that kind on the premises does not at any time exceed 30% of the total number of all goods on the premises that are available for inspection, sale, rental or loan;
- (c) goods of that kind are at all times kept physically separate from all other goods on the premises that are available for inspection, sale, rental or loan; and
- (d) goods of that kind are not sold, rented or loaned to, or made available for inspection by, Persons under the age of eighteen (18) years.

“Alcohol Sales (Consumption On-Premises / Minors Allowed)” means a Business that sells or provides alcoholic beverages for consumption on the Premises, where Minors are allowed in all areas of the Premises during all hours of operation.

“Alcohol Sales (Consumption On-Premises / Minors Prohibited)” means a Business that sells or provides alcoholic beverages for consumption on the

Premises where Minors are prohibited from at least some portion of the Premises during some portion of the hours of operation.

"Applicant" means any Person who makes an application for any License under the provisions of this Bylaw.

"Business" means an activity or enterprise conducted for gain, benefit, advantage, or livelihood, including every trade, industry, occupation, employment, and the providing of goods and services, and without restricting the generality of this definition, it includes the activities specifically enumerated in Schedule "B" of this Bylaw.

"Bylaw Enforcement Officer" means any individual employed by the City as a police officer, bylaw enforcement officer, community peace officer or Inspector.

"Cannabis" has the meaning given to the term in the federal *Cannabis Act* (Canada), and associated regulations, as amended.

"Cannabis Production and Distribution Facility" means any Person who carries on a Business used for the production, cultivation, and growth of Cannabis; the processing of raw Cannabis materials; the making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi- finished or finished Cannabis goods and products; the storage or transshipping of Cannabis materials, goods and products; or the distribution and sale of Cannabis materials, goods and products to Cannabis Retail Stores or to individual customers, but does not include a Cannabis Retail Store.

"Cannabis Retail Store" means any Person who carries on a Business used for the retail sale of Cannabis that is authorized by provincial or federal legislation, but. does not include Cannabis Production and Distribution Facility.

"Carnival" means any entertainment or festivity where rides and/or games of chance are made available to the public for a fee.

"Chief Administrative Officer" means the Chief Administrative Officer, operating under the title "City Manager", for the City and includes any individual to whom the Chief Administrative Officer's powers are delegated or any individual appointed to act in the absence of the Chief Administrative Officer.

"Circus and other Entertainments" includes circus, circus riding, menageries, exhibitions, sideshows, midways.

"Chief of Police" means the Chief of Police of the Medicine Hat Police Service, and includes any individual designated by the said Chief of Police to perform such duties with respect to this Bylaw.

"City" means the municipal corporation of the City of Medicine Hat, or the area contained within the boundary thereof, according to the context in which the term is used.

"Construction, Contracting, and Labour Services" means a Business that performs, provides, or manages work, and may supply related materials in relation to the construction, assembly, demolition, inspection, cleaning, or maintenance of residential or commercial buildings, land, structures, infrastructure, or electrical or mechanical systems. This includes trades for which journeyman/master's certification is available (irrespective of whether the applicant is a certified journeyman).

"Council" means the Council of the City.

"Craft Show" means a group of five or more individuals at a single location, for a period of not more than two weeks, displaying to the public the hand made craftwork, clothing, food or artwork that they have available for sale.

"Debt Repayment/Payday Loans" includes any Person, firm or corporation engaged in the Business of lending money and who takes security for the repayment thereof.

"Farmers Market" means a Business that organizes a market approved as an Alberta Approved Farmers' Market in accordance with the *Public Health Act* (Alberta), Food Regulation. A Licence for a Farmers' Market is a valid Licence for vendors operating on the Premises and within the Farmers' Market while the Farmers' Market is in operation.

"Garage Sale" means the displaying and offering for sale of five or more items of goods, wares or merchandise (other than boats, motor vehicles or recreational vehicles of any kind) on private residential property.

"General Business" means a Tier 2 Business as identified in Schedule "B".

"Hotel or Motel" means a Business that offers temporary lodging on the Premises, but does not include lodging in a private dwelling or other residential property.

"Inspector" means the individual or individuals appointed from time to time as License Inspectors of the City.

"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.

"Large Format Retailer" means a Business that sells new goods or rents items to consumers or end users, and has a total gross floor area of 50,000sqft or more.

"License" means a license issued under the provisions of this Bylaw, and for the purposes of Section 5.2 includes a card or other type of document issued by the Inspector.

"License Year", in relation to any License issued under the provisions of this Bylaw, means a period of 365 consecutive days commencing the day on which the License is issued.

"Licensee" means a Person holding a valid License issued pursuant to this Bylaw.

"Liquor Retail Store" means a Business that sells, provides, imports, exports, or distributes alcoholic beverages for consumption off the Premises.

"Location" means within 100 meters from the previous setting up.

"Minor" means a Natural Person under the age of eighteen (18) years.

"Mobile Food Vendor" means a Business that sells prepared or packaged food or beverages directly to consumers from place to place, or from a temporary location where the public has an expected right of access.

"Mobile Food Unit" means a cart, trailer, or a vehicle-mounted foodservice establishment designed to be readily movable.

"Motor Vehicle Repair, Maintenance or Modification" means a Business that repairs, rebuilds, restores, maintains, inspects, cleans, modifies, or customizes motorized or non-motorized vehicles, including private passenger vehicles, commercial vehicles, off-highway vehicles, recreational vehicles, motorcycles, boats, and trailers, but does not include services related to bicycles, e-bikes, e-scooters, small engines, or industrial equipment sales, rental, and repair.

"Natural Person" means an individual human being.

"Non-Resident" means a Person who is not a Resident.

"Pawnbroker" means any Person who lawfully exercises the trade of receiving or taking goods as security for the repayment of money lent thereon.

"Person" means a Natural Person or a body corporate, and includes a partnership, a firm, an association or other group of persons acting in concert.

"Premises" means the store, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied, by any Person for the purpose of any Business.

"Resident" means:

- (a) a Natural Person who has resided in the City, or within thirty-five (35) kilometres of the City, for at least three (3) months; or
- (b) a Person who has both
 - (i) carried on Business, and
 - (ii) maintained a place of Business in the City for a continuous period of at least three (3) months.

"Residential Development" means any district designated residential in the City of Medicine Hat Land Use Bylaw.

"Roadway" means a highway as defined in the *Traffic Safety Act* R.S.A. 2000c.T-6, as amended or replaced from time to time.

"Small Format Retailer" means a Business that sells new goods or rents items to consumers or end users, and has a total gross floor area of less than 50,000sqft.

"Trade Show" means a group of five or more Persons at a single location, for a period of not more than two (2) weeks, displaying to the public the types of goods, wares, merchandise, food or services that they have available for sale but does not include a Craft Show.

"Travelling or Temporary Sales" means a Business that sells goods or services directly to consumers from place to place, from a temporary location where the public has an expected right of access, from a vending machine, or at a consumer's place of residence."

- (b) Subsection 8.1 is repealed and replaced with the following:

"8.1 The fees payable for a license issued under the provisions of this Bylaw shall be:

- (a) the fees specified in Schedule "A" in accordance with the tier the Business falls into as specified in Schedule "B".

(c) The following is inserted following subsection 8.2:

“8.3 Where a Business has more than one (1) Business category, the fee corresponding with the highest applicable tier under Schedule “B” will be the Licence or renewal fee, Tier 1 being the lowest and Tier 5 being the highest.”.

(d) Section 12.2 is repealed and replaced with the following:

“12.2 Travelling or Temporary Sales

- (a) The Inspector may impose such terms and conditions as they consider reasonable on a Travelling or Temporary Sales License including, subject to the provisions of Section 12.2 (c), a requirement that a Person carry a card or other type of document issued by the Inspector while carrying on business in Travelling or Temporary Sales.
- (b) A Travelling or Temporary Sales License may be issued to a Person other than a Natural Person.
- (c) The Inspector shall refer:
 - (i) every Applicant for a Travelling or Temporary Sales License, and
 - (ii) every Person who wishes to carry on Travelling or Temporary Sales as an employee or agent,

to the Medicine Hat Police Service for a criminal record check, and the Inspector shall not:
 - (iii) issue a Travelling or Temporary Sales License; or
 - (iv) issue a card or other type of document to authorize any Person to engage in Travelling or Temporary Sales if the Person has within the preceding two (2) years been found guilty of theft, fraud, possession of stolen property or any other criminal offence involving an imputation of dishonest or fraudulent conduct, in Canada or in any other country so far as the Inspector is able to determine with the assistance of the Medicine Hat Police Service.
- (d) Section 12.2 (c) shall not be construed or interpreted to derogate from the discretion of the Inspector under Section 5.2 (d) to:
 - (i) refuse to grant a License or to issue a card or other type of document to a Person who has been convicted of a criminal offence of a type other than that specified in Section 12.2 (c), or
 - (ii) refuse to grant a License or to issue a card or other type of document to a Person who has been convicted of a criminal

offence of a type mentioned in Section 12.2 (c), more than two years (2) before the date on which the application is made.

- (e) No Person shall carry on the business of Travelling or Temporary Sales except between the hours of 9:00 o'clock a.m. and 8:00 o'clock p.m. on a day other than a statutory holiday.
- (f) Every Person carrying on Travelling or Temporary Sales must at all times have in his or her possession proof of authorization under this Bylaw to carry on such Business.”.

(e) Section 12.4 is repealed and replaced with the following:

“12.4 Construction, Contracting, and Labour Services

- (a) For the purposes of this Bylaw and notwithstanding any other definition of resident herein contained, a general contractor, project manager, building construction sub-contractor or mechanical tradesperson shall be deemed a Resident if said Person's permanent place of Business is located within a twenty-four (24) kilometre radius of the City.
- (b) Upon request of the Inspector a Person making application for a building permit shall furnish a list disclosing the general contractor or project manager, subcontractors, mechanical tradespersons and materials suppliers in respect of the project.
- (c) An Applicant for a License to carry on Business as Construction, Contracting, and Labour Services in respect of a specific construction or renovation project or projects must provide to the Inspector a complete and accurate list of all Persons that the Applicant anticipates using as subcontractors or materials suppliers on the project or projects, including the addresses and telephone numbers of such Persons.
- (d) The Inspector may at any time request a holder of a subsisting Construction, Contracting, and Labour Services License to provide a complete and accurate list of all Persons that the Licensee is then using as subcontractors or materials suppliers on any construction or renovation project supervised or managed by the Licensee, including addresses and telephone numbers of such Persons, and refusal to supply such a list or failure to supply the list within a reasonable time after the request is made, shall be grounds for the Inspector to revoke the Licensee's License to carry on the Business of Construction, Contracting, and Labour Services.

- (e) In the case of a mechanical trade, no License shall be issued to an individual or company until the Inspector is satisfied that either:
 - (i) the individual or company, or
 - (ii) an officer or shareholder of the company actively engaged by the company, or
 - (iii) an employee of the individual or company actively engaged by the individual or company,

is the holder of a Trade Certificate under the *Apprenticeship and Industry Training Act* (Alberta) in which the individual or company wishes to engage.

- (f) Any License granted to an individual or company under this section 12.4 is granted subject to the following conditions:
 - (i) If the License was granted to an individual or company based upon the qualifications under Subsection (e), and the individual or company ceases to be actively engaged in the Business or ceases to be so qualified the License shall be revoked.
 - (ii) If the License was granted based upon the qualifications of an officer or employee actively engaged by the individual or company and that Person ceases to be actively engaged by that individual or company or ceases to be qualified, the License shall be revoked.
- (g) No Person having the qualifications required under Subsection (e) of this section shall allow such qualification to be used as a basis for obtaining a License if such qualifications have previously been used to obtain another License which is still subsisting.”.

- (f) Section 12.5 is repealed.
- (g) Section 12.6 is repealed.
- (h) Section 12.7 is repealed.
- (i) In subsection 12.11 (1), “provisions of sections 12.11 (2) and” is repealed and replaced with “provision of section”.
- (j) Subsection 12.11 (2) is repealed.
- (k) In subsection 12.11 (3), any reference to “Schedule “B”” is replaced with “Schedule “A””.
- (l) The following is inserted following subsection 12.13 Cannabis Retail Store:
 - “12.14 Mobile Food Vendor

- (a) A Mobile Food Vendor shall obtain and maintain a valid License for each Mobile Food Unit.
- (b) A Mobile Food Vendor, while carrying on Business, shall display the License on the applicable Mobile Food Unit. Before a License can be issued or renewed the Applicant must provide the following documents to the Inspector for each Mobile Food Unit:
 - (i) Written approval from Alberta Health Services.
 - (ii) Written approval from the City's Safety Codes Services.
 - (iii) Written approval from Medicine Hat Fire Service.
 - (iv) A copy of the registration with license plate number and the gross vehicle weight (GVW) of the Mobile Food Vendor Unit; GVW cannot exceed 6500 kgs.
- (c) A Mobile Food Vendor must dispose of all grey water at the City's bulk industrial water station and wastewater disposal station located at 1257 Brier Park Way NW.
- (d) A Mobile Food Vendor must not carry on Business on private property without obtaining the prior written consent of the private property owner or occupier of the private property owner or occupier.
- (e) A Mobile Food Vendor must not carry on Business on City owned property without obtaining the prior written consent from the City department in care or management of that property, other than a Roadway, if legally parked.
- (f) The following locations are NOT available for Mobile Food Vendors to operate at as they have concessions services: Big Marble Go Centre, Echo Dale Regional Park, Athletic Park, and Gas City Campground. In addition, the following locations are NOT available to operate at when the renter of the location has an operating concession: Moose Ball Complex, Ross Glen Towne Centre, Kin Coulee Knette Picnic Shelter, and Kin Coulee Toboggan Hill Picnic Shelter.
- (g) Written permission of the private property owner or occupier must be immediately provided by a Mobile Food Vendor to an Inspector upon request, as applicable.
- (h) Subject to subsection (f), a Mobile Food Vendor may carry on Business on private or public property at any location where the Mobile Food Vendor has obtained the consent of the property owner or occupier in writing, except the following:
 - (i) Within three (3) metres of a building entrance or exit;
 - (ii) Within six (6) metres of an intersection;
 - (iii) Within three (3) metres of a back alley or lane;

- (iv) Within three (3) metres of another pushcart or food service location;
 - (v) Where the location of the pushcart and its operator does not leave a minimum pedestrian passageway of 2.5 metres between the closest of the pushcart or its operator and the curb or building;
 - (vi) Where the pushcart or its operator obstruct a transit zone, fire hydrant, driveway, loading zone, or emergency access;
 - (vii) Within ten (10) metres of the property line of any Residential Development; or
 - (viii) Within ten (10) metres of existing eating establishment and the vehicle is not parked over night at vending locations, unless as part of a public event.
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- (i) Liability insurance coverage in the amount of two million (\$2,000,000.00) dollars per claim with the City named as an additional insured must be established and a certificate of insurance delivered in advance to the City.
 - (j) A Mobile Food Vendor must provide adequate garbage receptacles. Litter and garbage must be cleaned up and removed from City lands and disposed of at the landfill.
 - (k) Electrical power access will not be provided by the City for a Mobile Food Vendor.
 - (l) A Mobile Food Vendor must contact special event or festival organizers directly to obtain prior permission to take part in an event if City property is booked.
 - (m) A Mobile Food Vendor can operate from a Roadway if they are legally parked and the window servicing the customer is facing the sidewalk. Customers cannot be allowed to enter the Roadway for any reason.
 - (n) A Mobile Food Unit cannot be configured to permit customers to order or consume foods and beverages inside the motor vehicle.
 - (o) Mobile Food Vendors are prohibited from parking or stopping longer than five (5) minutes in any Residential Development.
 - (p) Mobile Food Vendors wishing to attend any public event must first contact the event organizers directly to obtain permission to take part in an event on public property.
 - (q) A Mobile Food Vendor must clean up after service within a one (1) block area, and in surrounding areas as directed by an Inspector.

- (r) A Mobile Food Vendor may be required to move locations as directed by a Bylaw Enforcement Officer for safety reasons.
 - (s) Notwithstanding parking restrictions or landowner consent, Mobile Food Vendors are not to stay at any one location and vend for a period of greater than four (4) hours unless they are part of a special event.”.
- (m) Schedule “A” of Bylaw 2339 is repealed and replaced with Schedule “A” attached to this Bylaw.
- (n) Schedule “B” of Bylaw 2339 is repealed and replaced with Schedule “B” attached to this Bylaw.

2. This Bylaw shall come into force on January 1, 2025.

READ A FIRST TIME in open Council on November 18, 2024.

READ A SECOND TIME in open Council on December 16, 2024.

READ A THIRD TIME in open Council on December 16, 2024.

SIGNED AND PASSED on December 17, 2024.

MAYOR – Linnsie Clark

CITY CLERK – Tarolyn Aaserud

SCHEDULE "A" TO BYLAW NO. 2339
AS AMENDED BY BYLAW NO. 4833

Schedule "A"

Business License Fees	2025	2026	Notes
Tier 1 License			
1 year License	\$50.00	\$50.00	Must provide proof of exemption.
Tier 2 License			
1 year License	\$200.00	\$225.00	
3 year License	\$500.00	\$550.00	At the discretion of the Inspector. No refunds if business closes early.
Tier 3 License			
1 year License	\$400.00	\$450.00	
3 year License	\$1,000.00	\$1,100.00	At the discretion of the Inspector. No refunds if business closes early.
Tier 4 License			
1 year License	\$800.00	\$900.00	
Tier 5 License			
1 year License	\$2,500.00	\$2,750.00	
Non-Resident Fee (in addition to Tier License)	\$500.00	\$500.00	
Administration Fee	\$55.00	\$55.00	

SCHEDULE "B" TO BYLAW NO. 2339
AS AMENDED BY BYLAW NO. 4833

Schedule "B"

Tier 1 Businesses

Non-Profit Organization

Tier 2 Businesses

General Business (includes all other businesses not specifically listed in this schedule)

Tier 3 Businesses

Alcohol Sales (Consumption On-Premises / Minors Allowed); Carnival; Construction, Contracting, and Labour Services; Craft Show; Circus and other Entertainments; Debt Repayment/Payday Loans; Farmers Market; Hotel or Motel; Mobile Food Vendor; Motor Vehicle Repair, Maintenance, or Modification; Pawnbroker; Trade Show; Transient Trader

Tier 4 Businesses

Alcohol Sales (Consumption On-Premises / Minors Prohibited); Cannabis Production and Distribution Facility; Cannabis Retail Store; Kiosk; Large Format Retailer (>50,000sqft); Liquor Retail Store

Tier 5 Businesses

Adult Entertainment