

## BYLAW NO. 2339

**CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT** to control and regulate businesses and industries within the City of Medicine Hat.

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

1. This Bylaw may be cited as the Licensing Bylaw.

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 handmade 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.

### 3. REQUIREMENT OF LICENSE

- 3.1 No person shall carry on or operate a business which is either wholly within or partly within and partly outside the City unless he holds a valid and subsisting license so to do issued pursuant to this Bylaw.
- 3.2 Any person engaged in or carrying on one or more different businesses either separately or together shall buy a license for each business.
- 3.3 Every person who operates more than one store, branch, or premises in respect of any business shall take out a separate license in respect of each such separate store, branch, or premises.
- 3.4 No permit or approval shall be issued under:
  - (a) Bylaw No. 1678 (the City of Medicine Hat Building Permit Bylaw);
  - (b) Bylaw No. 2126 (the Plumbing and Drainage Regulation Bylaw); or
  - (c) any City bylaw pursuant to which permits or approvals are issued for work involving electrical or gas connections

unless the applicant is the holder of a subsisting business license under this Bylaw in respect of the type of work in question.

### 4. EXCEPTIONS

This Bylaw shall not apply to:

- (a) a club incorporated by Private Act of the Legislature of Alberta, or
- (b) any institution, association or other entity which is not conducted for gain,

Amended by:  
Bylaw 2992  
Oct. 2, 1995

Amended by:

Bylaw 4172  
Jun. 18, 2013

as determined by the Chief Administrative Officer.

- (c) members of any professional association regulated by members of their own profession pursuant to a provincial statute.

## 5. APPOINTMENT AND DUTIES OF LICENSE INSPECTOR

- 5.1 The City Council may, by Resolution, appoint such Inspectors as may be required to carry out the provisions of this Bylaw.
- 5.2 An Inspector is authorized to:
  - (a) receive, consider and deal with all applications for a license and transfers thereof,
  - (b) record such information with respect to licenses as may be considered necessary by him,
  - (c) periodically visit and inspect business premises for the purpose of ascertaining whether the proprietor of such premises is complying with the provisions of this or any other applicable Bylaw,
  - (d) refuse to grant a license or, to revoke or suspend any license if, in his opinion, there are just and reasonable grounds for the refusal of the application or for the revocation or suspension of the license subject to the right of the applicant to appeal the refusal, revocation or suspension to Council,
  - (e) issue a license, with or without conditions, upon payment of the appropriate fee.
- 5.3 Where a license is revoked or suspended, an Inspector shall notify the licensee of such revocation or suspension and the reason or reasons for same.

## 6. PROCEDURE FOR APPLICATION

- 6.1 All applications for licenses pursuant to this Bylaw shall be made to the Inspector on the form provided for that purpose.
- 6.2 All applications for licenses shall give the description in detail of the premises in or upon which the applicant intends to carry on the business, trade, profession or other occupation in respect of which he has made an application for a license; and no person to whom a license has been granted shall carry on such business, trade, profession or other occupation in or upon any premises other than those set forth on the said application and license without first making an application pursuant to this section for a new license or a transfer of such license as hereinafter provided.
- 6.3 All premises in or upon which the applicant proposes to carry on or conduct any business, trade, profession or other occupation in respect of which he is required to hold a license pursuant to the provisions of this Bylaw shall first be approved by the Inspector and the applicant shall, upon request, produce such certificates or letters of approval as may be required by federal, provincial or municipal authorities, before any such license is granted.

7. TRANSFER OF LICENSES

- 7.1 Any person desiring to obtain a transfer of any license, or interest in any license, issued pursuant to this Bylaw and held by another person, shall make an application the same as that required to obtain a license under this Bylaw; and the powers, conditions, requirements and procedures relating to the granting and refusal of licenses and appeals thereon, shall apply.
- 7.2 No person who purchases the interest of, or part of the interest of, any person licensed pursuant to this Bylaw shall carry on or continue such business, trade, profession or other occupation without first having obtained a transfer of license or a new license.
- 7.3 No person to whom a license has been issued under this Bylaw shall change the location of the premises in which he carries on his business, trade, profession or other occupation without first having applied to the Inspector to have his license altered; and the powers, conditions, requirements and procedure relating to the granting or refusal of licenses and appeals thereon, shall apply to all such applications.
- 7.4 Any person desiring to obtain a transfer of any license issued pursuant to this bylaw, or any other bylaw of the City, shall be required to pay a processing fee in the sum of \$10.00.
- 7.5 A non-resident is not allowed to transfer his or her license.

Amended by:  
Bylaw 2391  
May 6, 1985

8. LICENSE FEES AND DURATION OF LICENSES

- 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".
- 8.2 Every license issued under the provisions of this Bylaw is valid and subsisting for a license year, unless:
- (a) the license specifically states that it is valid for some period of time other than a license year, under the provisions of this or any other bylaw; or
  - (b) the license has been sooner revoked, suspended or cancelled.
- 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.

Amended by:  
Bylaw 4833  
Dec 16, 2024

Amended by:  
Bylaw 4833  
Dec 16, 2024

9. POSTING OF LICENSES

Every license issued pursuant to this Bylaw shall be posted in a conspicuous place on the premises or on the thing or article in respect of which the license is issued.

10. REVOCATION AND SUSPENSION OF LICENSES

Amended by:  
Bylaw 2794  
Dec. 21, 1992

- 10.1 This section is in addition to the power of revocation and suspension given to the Inspector in Clause 5.2.
- 10.2 If a licensee is convicted twice in a license year of a breach of any of the provisions of this Bylaw any license issued to such licensee pursuant to the provisions of this Bylaw shall be ipso facto cancelled.
- 10.3 If a licensee is convicted:
- (a) of an offence under the provisions of the Criminal Code with respect to houses of ill fame or bawdy houses, or slot machines, or betting or gaming houses, or
  - (b) of an offence which by its nature is, in the opinion of the Chief of Police, facilitated by the type of licensed business carried on by the convicted licensee,
- the license issued to such licensee under the provisions of this Bylaw shall ipso facto be cancelled.
- 10.4 Upon request by the Medical Officer of Health or the Building Inspector so to do, the License Inspector shall suspend the license of any licensed premises concerned and shall not reinstate such licensee until the Medical Officer of Health or the Building Inspector certifies that the premises concerned are again fit to be used.

## 11. APPEALS FROM DECISIONS OF LICENSE INSPECTOR

- 11.1 In every case where:
- (a) an application for a license has been refused,
  - (b) a license has been issued, subject to conditions,
  - (c) a license has been revoked, or
  - (d) a license has been suspended,
- the applicant may appeal to City Council.
- 11.2 An appeal pursuant to Clause 11.1 shall be made in writing addressed to the City Clerk and shall be made within ten (10) days after date of the refusal, revocation, suspension or date upon which the license was issued subject to conditions.
- 11.3 The Notice of Intention to Appeal shall state in concise fashion the several grounds upon which the appeal is based.
- 11.4 Council after hearing an appeal pursuant to Clause 11.1 may:
- (a) direct a license be issued without conditions,
  - (b) direct a license be issued with conditions,
  - (c) uphold the decision of the License Inspector on grounds which appear just and reasonable to Council.

## 12. SPECIFIC REGULATIONS REGARDING CERTAIN BUSINESSES

- 12.1 In addition to the general provisions of this Bylaw, including the requirement of a business license, the businesses dealt with in this part are also subject to the following regulations:



12.2 Travelling or Temporary Sales

Amended by:  
Bylaw 4833  
Dec 16, 2024

- (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.

12.3 Carnivals, Circus and other Entertainments

- (a) The Licensee, Manager, Agent or person in charge of every carnival or circus or other show above mentioned, before opening for public admission, shall permit the License Inspector and Chief of Police or any member of the City Police Department to examine all exhibits and shall give to the examining official or officials, full information with regard to all exhibits and performances, and if the said examining officials are of the opinion that any exhibit, performance or entertainment amounts to an imposition upon the patrons or the respective patrons thereof, or is in the nature of a "sell" or "fake" such exhibit, performance, or entertainment shall not be permitted to take place.
- (b) Before the Licensee, Manager, Agent or person in charge of any carnival or circus as herein defined shall be entitled to a license for said circus he must produce to the satisfaction of the License Inspector proof that the carnival or circus carries a public liability policy for an amount of not less than \$1,000,000.00.

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

Amended by:  
Bylaw 4833  
Dec 16, 2024

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.

12.5 Repealed.

12.6 Repealed.

12.7 Repealed.

12.8 Repealed.

12.9 Repealed.

12.10 Garage Sales

- (1) A maximum of two garage sales in each calendar year may be

Amended by:  
Bylaw 3484  
May 4, 2004  
Amended by:  
Bylaw 3484  
May 4, 2004  
Amended by:  
Bylaw 2755  
Oct. 21, 1991

- conducted on each private residential property in the City.
- (2) A garage sale must not be conducted for a period of more than three days, whether consecutive or not.
  - (3) A person who contravenes the provisions of this section by:
    - (a) using or allowing to be used residential property owned or occupied by the person for more than two garage sales in a calendar year, or
    - (b) using or allowing to be used residential property owned or occupied by the person for a garage sale lasting more than three days

is guilty of an offense and liable upon summary conviction to pay a fine of not less than \$50.00 and not more than \$2,500.00 or to be imprisoned for not less than three (3) days in default of payment of the fine.

Amended by:  
Bylaw 2755  
Oct. 21, 1991

#### 12.11 Kiosks and Trade Shows

- (1) Subject to the provisions of section 12.11 (3) a resident who wishes to carry on business at a kiosk must be the holder of a subsisting Kiosk License.
- (2) Repealed.
- (3) A person who owns or occupies a building in which five or more businesses are located is entitled, upon payment of the prescribed fee set out in Schedule "A", to obtain an annual license described as a Mall Kiosk License under which an unlimited number of persons may carry on business from kiosks in the building without any additional licensing requirement apart from the Mall Kiosk License.
- (4) A person who is a participant in a Trade Show is entitled to
  - (a) accept orders or payments of money at the Trade Show location for performance of services or for delivery of goods, wares or merchandise at another location, or
  - (b) sell or attempt to sell any goods, wares, merchandise or services for immediate delivery or performance at the Trade Show location,
 without any additional licensing requirement apart from the Trade Show license.

Amended by:  
Bylaw 4495  
Aug. 21, 2018

#### 12.12 Cannabis Production and Distribution Facility

- (1) In addition to any other requirements under this Bylaw, before the issuance of a License for a Cannabis Production and Distribution Facility, a Person must submit to the License Inspector proof satisfactory to the License Inspector that the Business has obtained approval to operate as a Cannabis Production and Distribution Facility from the federal government.
- (2) A Cannabis Production and Distribution Facility shall not display or sell Cannabis.

- (3) If federal approval for a Licensee who holds a License for a Cannabis Production and Distribution Facility
  - (a) is cancelled or expires at any time during the term of the License for the Cannabis Production and Distribution Facility, then the License is deemed to be immediately cancelled without prior notice to the Licensee; or
  - (b) is suspended at any time during the term of the License for the Cannabis Production and Distribution Facility, then the License is deemed to be immediately suspended without prior notice to the Licensee and will remain suspended until the federal suspension is lifted by the federal government.
- (4) A Cannabis Production and Distribution Facility Licence must not be issued in connection with:
  - (a) a residential dwelling unit or any premises located in a residential land use district as described in the City's Land Use Bylaw; or
  - (b) a mobile business unit.

Amended by:  
Bylaw 4495  
Aug. 21, 2018

#### 12.13 Cannabis Retail Store

- (1) A Licensee shall not sell or display Cannabis until
  - (a) the Licensee has obtained approval from the provincial government to conduct Cannabis retail sales; and
  - (b) the Cannabis Act (Canada) has been proclaimed into force.
- (2) A Cannabis Retail Store License does not authorize the growing, producing, processing, testing, destroying or distribution of Cannabis.
- (3) A Cannabis Retail Store Licensee shall not allow the delivery of Cannabis from a Cannabis Retail Store to another location for consumption.
- (4) If provincial approval for a Licensee who holds a License for a Cannabis Retail Store
  - (a) is cancelled or expires at any time during the term of the License for Cannabis Retail Sales, then the License is deemed to be immediately cancelled without prior notice to the Licensee; or
  - (b) is suspended at any time during the term of the License for Cannabis Retail Store, then the License is deemed to be immediately suspended without prior notice to the Licensee and will remain suspended until the provincial suspension is lifted by the provincial government.
- (5) A License for a Cannabis Retail Store must not be issued in connection with:
  - (a) a residential dwelling unit or any premises located outside the Cannabis Retail Store Overlay as described in the City's Land Use Bylaw; or

- (b) a mobile business unit.

Amended by:  
Bylaw 4833  
Dec 16, 2024

#### 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 Kinetite 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.
- (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.

### 13. OFFENCES AND PENALTIES

Amended by:  
Bylaw 4104  
Oct. 8, 2013

- 13.1 A person who
  - (a) carries on or operates a business without a valid and subsisting license issued under this bylaw;
  - (b) violates a business license condition imposed by an Inspector; or
  - (c) contravenes any other provision of this Bylaw
 is guilty of an offence and liable upon conviction to pay a fine of not less than the specified penalty as set out in this Bylaw and not more than \$10,000 or in default of payment to imprisonment for a period of not more than one year.

Amended by:  
Bylaw 4104  
Oct. 8, 2013

- 13.2 Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has
  - (a) carried on or operated a business without a valid and subsisting license issued under this bylaw;
  - (b) violated a business license condition imposed by an Inspector; or
  - (c) contravened any other provision of this Bylaw
 the Bylaw Enforcement Officer may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the *Provincial Offences Procedure Act* R.S.A. 2000 c. P-34.

Amended by:  
Bylaw 4104  
Oct. 8, 2013

- 13.3 The specified penalty in respect of an offence under Subsection 13.1(a) shall be the greater sum of \$250 or 50% of the annual license fee charged for the business in question.

Amended by:  
Bylaw 4104  
Oct. 8, 2013  
Amended by:  
Bylaw 4104  
Oct. 8, 2013

- 13.4 The specified penalty for every offence other than an offence under subsection 13.1(a) shall be \$200.
- 13.5 Pursuant to subsection 27(2)(d) of the *Provincial Offences Procedures Act*, if the summons issued by a Bylaw Enforcement Officer under section 13.2 so provides, the person named in a summons may make a voluntary payment in the specified amount set out in section 13.3 or 13.4 as the case may be, and upon making the voluntary payment, that person is not required to appear before a justice to answer the summons.

Amended by:  
Bylaw 4104  
Oct. 8, 2013  
Amended by:  
Bylaw 4104  
Oct. 8, 2013

- 13.6 Each day, or part of a day, that an offence under this Bylaw continues constitutes a separate offence.
- 13.7 It is the intention of the Council that each separate provision of this Bylaw shall be deemed independent of all other provisions and it is further the intention of the Council that if any provision of this bylaw be declared invalid, all other provisions shall remain valid and enforceable.



14. REPEAL OF BYLAW 1468

Bylaw No. 1468 and all amendments thereto are hereby repealed.

15. EFFECTIVE DATE OF BYLAW

- (a) The intention of Council is that Schedules "A" and "B" attached hereto be retroactive in their effect and said Schedules are hereby deemed to have received Third Reading and come into force as of the 31st day of December A.D., 1983.
- (b) All of the other aspects of this Bylaw shall come into force as of the 19th day of March A.D., 1984.

**READ A FIRST TIME** in Open Council this 5th day of March A.D. 1984

**READ A SECOND AND THIRD TIME AND FINALLY PASSED** in Open Council this 19th day of March A.D. 1984

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

Schedule "A"

<b>Business License Fees</b>	<b>2025</b>	<b>2026</b>	<b>Notes</b>
<b>Tier 1 License</b>			
1 year License	\$50.00	\$50.00	Must provide proof of exemption.
<b>Tier 2 License</b>			
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.
<b>Tier 3 License</b>			
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.
<b>Tier 4 License</b>			
1 year License	\$800.00	\$900.00	
<b>Tier 5 License</b>			
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	

**GENERAL NOTES**

1. Applicants who dispute a fee may request a review by the City Planner and Director of Development Services. The decision of the City Planner may be appealed to the City Manager. The decision of the City Manager will be final and binding.
2. All fees listed above are GST exempt except where specifically noted.

**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

**GENERAL NOTES**

1. Applicants who dispute a fee may request a review by the City Planner and Director of Development Services. The decision of the City Planner may be appealed to the City Manager. The decision of the City Manager will be final and binding.
2. All fees listed above are GST exempt except where specifically noted.