



**THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA  
BY-LAW 810-2018  
BUSINESS LICENSE BYLAW**

Being a Bylaw of the Town of Fox Creek, in the Province of Alberta, to provide for licensing of businesses operating within the Town of Fox Creek

**WHEREAS** the Council of the Town of Fox Creek deems it necessary to provide for the regulation and licensing of all Business carried on within the municipality,

**AND WHEREAS** Sections 7 and 8 of the Municipal Government Act, RSA 2000, Chapter M-26 gives the Council authority to pass such a Bylaw.

**AND WHEREAS** Section 145 of the Municipal Government Act gives Council authority to pass bylaws in relation to the establishment, functions, procedures and conduct of council committees.

**NOW THEREFORE**, the Council of the Town of Fox Creek, in the Province of Alberta, duly assembled, enacts as follows:

**SECTION 1 – TITLE**

1.0 This Bylaw shall be known as “The Business License Bylaw”

**SECTION 2 – DEFINITIONS**

2.0 **“Administration”** means the Chief Administration Officer or Development Officer or any other officer appointed by Council.

2.1 **“Applicant”** means a person who applies for a License or the renewal of a License required by this Bylaw.

2.2 **“Application”** means a written Application for a Business License or renewal thereof required under this Bylaw.

2.3 **“Boarding House (Rooming House)”** means a building or part of a building in which at least two (2) unrelated persons, exclusive of the proprietor’s family, and who do not require assisted living, live and share kitchen and bathroom facilities. The Land Use Bylaw does not allow more than six (6) unrelated persons in a boarding house.

2.4 **“Business”** means

- a) a commercial, merchandising or industrial activity or undertaking
- b) a profession, trade, occupation, calling or employment, or
- c) an activity providing goods or services,

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

2.5 **“Business License and License, Licensed and Licensing”** means a License issued pursuant to this Bylaw.

- 2.6 **“Business Premises”** includes a 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 is a permitted or discretionary use under the Town’s Land Use Bylaw.
- 2.7 **“Business Sector and Business Sectors”** means any one of the following: lodging, restaurants/bars, retail, transportation/attractions/entertainment, or service.
- 2.8 **“Bylaw Officer”** means an employee of the Town who has been appointed to the position of Bylaw Enforcement.
- 2.9 **“Carry on, carrying on, carried on and carries on”** means to conduct, operate, perform, keep, hold, occupy, deal in or use, for a fee or exchange of benefits, whether as principal or agent.
- 2.10 **“Charitable Organization”** means:
- a) any incorporated or unincorporated organization that is formed for a charitable purpose, including a philanthropic, benevolent, educational, health, human, religious, cultural, artistic or recreational purpose, so long as the purpose is not part of a Business, or
  - b) a person who makes solicitations for contributions to be used for a charitable purpose and who is not connected to any incorporated or unincorporated organization that is formed for the charitable purpose for which the solicitation is made.
- 2.11 **“Committee”** means the Infrastructure and Protective Services Committee of the Town.
- 2.12 **“Development Officer”** means a person appointed as Development Officer by resolution of Council to fulfil the duties specified in the Town of Fox Creek Land Use Bylaw.
- 2.13 **“Hawker”** means any person who:
- a) goes from house to house selling or offering for sale any merchandise or services, or both, to any person, and who is not a wholesale or retail dealer and direct seller in that merchandise or service, and not having a permanent place of business in the municipality, or
  - b) sells merchandise or a service, or both, on the streets or roads or elsewhere than at a building that is his permanent place of business.
- 2.14 **“Home Occupation”** means any occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and for which a home occupation development permit has been approved under the provision of the Land-Use Bylaw.
- 2.15 **“Home Office”** means any business carried on by an occupant of a residential building that is not open to clients or public and not as the primary workplace of the business.
- 2.16 **“Licensee”** means the holder of a valid and subsisting License issued pursuant to the provisions of this Bylaw.
- 2.17 **“Non-Profit Organization”** means a club, society, or association that’s organized and operated solely for social welfare, civic improvement, pleasure or recreation, or any other purpose except profit.
- 2.18 **“Non-Resident Alberta Based Business”** means a Business that is carried on, in whole or in part, within the Town, but neither maintains a permanent place of Business within the incorporated boundaries of the Town nor is listed on any current Town tax assessment roll, with a head office located within the Province of Alberta

- 2.19 **“Non-Resident – Out of Province Based Business”** means a Business that is carried on, in whole or in part, within the Town, but neither maintains a permanent place of Business within the incorporated boundaries of the town nor is listed on any current Town tax assessment roll, with a head office located outside of the Province of Alberta.
- 2.20 **“Restaurant/Bar”** means a person, corporation or organization resident in Fox Creek engaged in the retail sale of food or beverage to the public for consumption within the premises or off the site, and, without limiting the foregoing, includes licensed drinking establishments, restaurants, cafes, ice cream shops, tea rooms, lunchrooms and take-out restaurants.
- 2.21 **“Retail”** means the sale of offering for sale of tangible personal property from a premises in the Town of Fox Creek to a consumer for purposes of use and not for resale, and without limiting the forgoing includes the retail sale of groceries, beverages, baked goods, household goods, clothing, jewellery, furniture and appliances, hardware, printed matter, confectionery, gifts and souvenirs, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationery and similar goods, minor public services, such as postal services and film processing depots, and convenience retail stores from within an enclosed building.
- 2.22 **“Service”** means a person, corporation or organization engaged in the operation of a business in Fox Creek which primarily serves residents or businesses defined as Lodging, Restaurants/Bars, Retail, Attraction/Entertainment; and without limiting the forgoing includes; agency sales or distributors, automotive, banks, full service banking machines (when no local branch), brokerages, business support services, car washes, cleaning services, contractors, currency exchanges, educational services, financial institutions, garages, laundry and linen supplies, newspapers, personal services including massage and spa, printing businesses including publishers, designers and websites, property development firms, property management companies, repair services, service stations, towing companies, trades, travel agencies, and wholesalers.
- 2.23 **“Town”** means the Corporation of the Town of Fox Creek and, where the context requires, the land included within the boundaries of the Town of Fox Creek.
- 2.24 **“Temporary Sales”** means the selling of goods or services, including food and beverages from a temporary location in any place where the public has an expected right of access, but not including sales to a wholesale or retail dealer in any such goods.
- 2.25 **“Violation Ticket”** means any ticket or tag in a form approved by the Town of Fox Creek, authorized under the Provincial Offenses Procedures Act, issued for any offence for which a penalty may be paid out of court in lieu of appearing to answer a summons.

### SECTION 3 – LICENSING PROVISIONS

- 3.0 No person shall carry on any business, within the Town without first being licensed to do so, and having paid the fee as prescribed in Schedule A attached to this bylaw.
- 3.1 A Business shall not be required to be licensed if:
- a) the Business is carried on or operated by the Town or at a location operated by an official or employee of the Town acting on behalf of the Town in his / her capacity as such official or employee;
  - b) the Business is carried on by the Government of the Province of Alberta or Canada;
  - c) any statute of the Province of Alberta or Canada exempts such Business or person from the requirements of municipal licensing;
  - d) the Business is a Charitable or Non-profit Organization;
  - e) any other Business exempted through or by order of Council;

- f) the Town is in receipt of a completed Statutory Declaration stating that the Business is no longer operating in the Town of Fox Creek;
  - g) the Business is a Day home service provider that is registered with a provincially approved Day home Agency that is licensed through the Town of Fox Creek;
  - h) the Business carries on its activity at the Farmer's Market which is operated by an organization that is registered with the Farmer's Market Association;
  - i) any craft sale, rummage sale, flea market or a residential garage sale, of which the duration is less than seven consecutive days.
- 3.2 Any advertising of businesses, trades or occupations shall be deemed to be prima facie proof of the fact that the person is carrying on or operating any such business, trade or occupation.
- 3.3 No person shall be issued a Business License or have such License renewed unless that person provides written confirmation in a form acceptable to the Town that all provincial and federal licensing requirements have been met, including, but not limited to, all licensing requirements under the Fair Training Act of Alberta.
- 3.4 Notwithstanding that a Business License has been issued under the provisions of this bylaw, such License does not authorize or permit the Licensee to carry on a Business or any pursuit contrary to the provisions of other Town bylaws.
- 3.5 All licenses issued pursuant to this bylaw remain the property of the Town.
- 3.6 The annual Business License certificate issued pursuant to this bylaw shall be posted in a conspicuous place on the Business Premises of the Licensee, so as to be clearly visible to the public. For those Business that are not carried on at a fixed location, the License must be:
- a) carried on the person of the Licensee; or
  - b) carried in or on the vehicle or apparatus from which such Business is conducted;
  - c) be shown to the Officer or member of the public upon demand.
- 3.7 Where a Business, subject to being licensed, is carried on or intending to be carried on in more than one premise separate licenses shall be required in respect to each premise and a separate fee shall be paid.
- 3.8 Two or more businesses, owned by the same natural person and located in the same premises shall be considered as one Business for the purposes of this bylaw; however, if the business activities are different, the business classification with the higher license fee shall apply, and the Businesses shall be listed separately in the Business Registry.
- 3.9 A subsisting Business License issued under this bylaw shall not be transferred from one person to another or from one location to another or to another Business except upon:
- a) application being made to the Town;
  - b) the Applicant furnishing evidence of a transfer or assignment of the interests of the existing Licensee or of the location of the Business;
  - c) the Applicant complying with the provisions of this bylaw; and
  - d) the application being approved by the Town.
- 3.10 Business no longer requiring a Business License, pursuant to this bylaw, are required to complete and sign a declaration provided by the Town within thirty (30) days of termination of business.
- 3.11 Each business License issued pursuant to this bylaw shall automatically terminate at midnight on the 31<sup>st</sup> day of December in the calendar year for which such license was issued. Renewal of the license is required for each subsequent calendar year, no later than the 31<sup>st</sup> day of December. Term licensees (day or week) terminate at the end of the period as indicated.

- 3.12 The Town will issue only three (3) business licenses for Cannabis Retail with a maximum of one (1) license issued per separate business entity.

#### SECTION 4 – DUTIES

- 4.0 The Bylaw Officer, as duly appointed by the Chief Administrative Officer of the Town, shall hereby be appointed to enforce the provisions of this bylaw.
- 4.1 The Bylaw Officer shall at all reasonable times during regular business hours have the right to enter any business for the purpose of ascertaining if the provisions of this bylaw are being complied with.
- 4.2 Council delegates the following functions and duties to the Chief Administrative Officer:
- a) administer and enforce the requirements of this bylaw;
  - b) invoice all active businesses;
  - c) collect all fees required by this bylaw and credit such fees to the account of the Town;
  - d) maintain all Business Licensing records for a period of seven years.
- 4.3 The Chief Administrative Officer may delegate his / her authority to carry out the functions and duties as specified in this bylaw to an employee of the Town.

#### SECTION 5 – APPLICATION PROCESS

- 5.0 Before the issuance or amendment or transfer of a License a Person must submit to the Administration:
- a) an application in a form established by the Town;
  - b) the License Fee;
  - c) any applicable Home-Based Business Fee and/or Non-Resident License Fee;
  - d) a current corporate registry search for all corporate applicants; and
  - e) proof of a valid and subsisting Development Permit for the Business premises; and
  - f) any additional information required by the Administration.
- 5.1 A Business License shall not be issued:
- a) if the applicant has failed to provide all the information required or requested under this Bylaw;
  - b) to any applicant not properly licensed or approved or otherwise not in compliance with any Federal, Provincial or Municipal statute, regulation, Bylaw or other requirement;
  - c) if any information with respect to an application is false, misleading, incomplete or inaccurate; or
  - d) if Administration determines that there are reasonable grounds not to grant a Business License. Such grounds may include, but not limited to, the character of the applicant and a criminal record.
- 5.2 Any business license application that has not received approvals from all Municipal, Provincial, and Federal departments or agencies due to the applicant's inability to comply with the license requirements within 90 days from the date of filing the application shall be deemed to be refused.
- 5.3 A Business License is not valid until it has been signed by Administration.
- 5.4 Administration may consult, prior to issuing or renewing a License, with the Province of Alberta, the RCMP, and any Town Department to determine whether they are in possession of information which, in the opinion of Administration, renders it inappropriate for an Applicant to be issued a License.

- 5.5 The holder of a Business License shall apply to the Administration for an amendment to the license if there is any change in the business location, the owner, the contact, the name, or the type of the business.

#### SECTION 6 – FEES

- 6.0 Any Business which commences business or operations after January 1<sup>st</sup> and has not previously been in operation in that calendar year shall pay the appropriate business license fee, as per the Council approved fees in Schedule A.
- 6.1 The Town may issue a license after October 1<sup>st</sup> of any license year for one forth the annual fee as per the Council approved fees in Schedule A provided the business applying for the license has not been in operation within the limits of the Town prior to October 1st.
- 6.2 Annual Business License invoices are to be mailed at least thirty (30) days prior to the January 1st commencement of the license term.
- 6.3 Business License invoices paid prior to the January 1<sup>st</sup> will pay the fees as per the Council approved fees in Schedule A. Invoices not paid after January 1st will be levied an additional fee in Schedule B which will form part of the total fee owing.
- 6.4 When a License Fee required has been paid by an uncertified cheque, the License is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.
- 6.5 When a Business which has been issued an annual Business License is removed from the Business Registry within three (3) months of the Application, the Applicant is entitled to a refund equal to the unused portion of the license fee minus an administrative fee, as established from time to time. When a Business is removed from the Business Registry more than three (3) months after the Application is made, the applicant is not entitled to any refund of the License Fees.
- 6.6 Charitable, Non-Profit Organizations as defined in this Bylaw, are exempt from all requirements of this Bylaw.

#### SECTION 7 – REVOCATION, SUSPENSION, AND REFUSAL

- 7.0 The Administration may refuse to issue or renew a License, may suspend or revoke a License and may impose any conditions on a License for the following reasons:
- a) in his / her opinion, the applicant or Licensee does not or no longer meets the requirements of this bylaw with respect to the License applied for or held;
  - b) in his / her opinion based on reasonable grounds it is in the public interest to do so;
  - c) the licensee has breached a condition of the License;
  - d) the applicant or Licensee or any of its officers or employees:
    - i) furnishes false information or misrepresents any fact or circumstances to a Peace Officer or the Administration;
    - ii) fails to pay a fine imposed by a court for a contravention of this bylaw;
    - iii) fails to pay any fee required by this or any applicable bylaw.
- 7.1 If there are reasonable grounds for believing that a person is carrying on or operating a Business without a Business License, the Administration or Bylaw Officer may inspect lands or buildings to determine whether it is the case.
- 7.2 Administration may make inquiries and receive information, including information from the Applicant, to determine whether there are just and reasonable grounds for the refusal of an Application, or a revocation, or a suspension of a License.
- 7.3 A suspension of a License may be:

- a) for a period of time not exceeding the unexpired term of the License; or
- b) until the non-compliance of the suspended business is rectified to the satisfaction of the Administration.

- 7.4 When an Application for a License is refused, or when a License is revoked or suspended, Administration shall notify the Applicant or Licensee, in writing, of the refusal, revocation or suspension and the reasons for it:
- a) by delivering a notice to the Applicant or Licensee personally; or
  - b) by delivering a notice by registered mail to the Applicant's or Licensee's most recent place of Business or residence as shown on the License or Application.
- 7.5 After the delivery of a notice of the refusal of an Application or suspension or revocation of a License, the Business shall not be carried on until such time as a License is issued or the suspended License is reinstated.

## SECTION 8 – APPEALS

- 8.0 An Applicant may appeal the category of business and the applicable fee assigned to a Business.
- 8.1 Where an Application for a License has been refused, or a License has been revoked or suspended, or an exemption has been refused, the Applicant may appeal the decision to Council within ten (10) business days of receipt of notice of such refusal, revocation or suspension. All appeals shall be made in writing addressed to the Administration of the Town, accompanied by the applicable Appeal Fee as set out in Fees and Charges Bylaw 800-2017, on or before the due date for payment of the License fee.
- 8.2 On the filing of an appeal in accordance with subsection 10.2, a decision to revoke or suspend a Business License is stayed for thirty (30) business days or until the date the appeal hearing is schedule, whichever occurs first.
- 8.3 At the hearing of the appeal the Council may review the written submissions of the appellant, the License Inspector and of any other persons the Council deems has the right to speak, or may hear such submissions verbally.
- 8.4 Within ten (10) business days of the completion of the hearing, the Council shall:
- a) direct that business be added to the Business Registry;
  - b) confirm the refusal, revocation or suspension of a Business License;
  - c) reinstate the revoked license;
  - d) remove or vary the suspension, or
  - e) establish the category of business and/or its applicable licensing fee.
- As the case may be.
- 8.5 Fifty percent (50%) of the appeal fee shall be refunded to the appellant should the appeal be successful.
- 8.6 The Chief Administrative Office of the town may extend the time frame referred to in the above sections, but any such extension shall not exceed an additional ten (10) business days in total.

## SECTION 9 – OFFENCES AND PENALTIES

- 9.0 Any Person who contravenes a provision of this bylaw by:
- a) doing any act or thing that is prohibited under the terms of this bylaw;
  - b) failing to do any act or thing that is required to be done under the terms of this bylaw;
- is guilty of an offence and the Town of Fox Creek can utilize whatever means deemed appropriate to affect the collection.

- 9.1 A form of notice called a Violation Ticket may be issued by a Bylaw Officer or a Peace Officer to any person alleged to have breached any provision of this bylaw. The Violation Ticket shall:
- a) require the payment to the Town of the specified penalty set out in Schedule B to this bylaw and shall comply with and be served in accordance with the Provincial Offences Procedure Act, as amended, and regulations thereunder; or
  - b) require an appearance in Court without the option of making a voluntary payment.
- 9.2 Violation Ticket shall be deemed to be sufficiently served:
- a) if served personally on the accused at the business premise; or
  - b) if mailed to the address of an Applicant or to the business premise's address.
- 9.3 Should a person not pay the penalty provided or contravention of any section of this bylaw and prosecution has been entered against him, he shall be liable on summary conviction to a fine of not less than five hundred (500.00) dollars and not exceeding ten thousand (10,000.00) dollars in addition to any fine or license fee he may be required to pay.
- 9.4 Where a person is convicted of carrying on a business without first being licensed with the Town, or without payment of the necessary fee having been made, the Court may direct payment of the applicable license fee to the Town in addition to the fine imposed pursuant this bylaw.
- 9.5 When a corporation commits an offence under this bylaw, every principal, director, manager, employer or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 9.6 If a partnership is guilty of an offence under this bylaw, each partner in the partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.
- 9.7 Nothing in this section shall:
- a) prevent Administration from laying an information or complaint in lieu of issuing a Violation Ticket; or
  - b) prevent any person from exercising his right to defend any charges of committing a breach of any provision of this bylaw.

## **SECTION 10 – CANNABIS PRODUCTION AND DISTRIBUTION**

- 10.1 A cannabis production and distribution facility shall adhere to all applicable Federal and Provincial policy, procedures and guidelines as they relate to cannabis production and distribution.
- 10.2 A cannabis production and distribution facility will ensure that a proper HVAC system capable of effectively filtering odors is installed, maintained and operational.

## **SECTION 11 – CANNABIS RETAIL STORE**

- 11.1 A cannabis retail store shall adhere to all applicable Federal and Provincial Policy, procedures and guidelines as they related to cannabis production and distribution.
- 11.2 Cannabis Retail Store hours of operation:



- a) A cannabis retail store may set its hours of operation between the maximum allowable hours of 10:00 a.m. and 12:00 a.m., Monday through Sunday. Store may operate reduced hours.
- b) Town Council has the authority to reduce or increase hours of operation.
- c) A cannabis retail store must be closed:
  - i. On Christmas Day (December 25); and
  - ii. At all times other than the hours endorsed for cannabis sales on the license.

11.3 A cannabis retail store shall deliver, within 30 days of the previous quarterly period to the Town License Inspector, in the manner specified by the Director, a report on the gross volume of cannabis sold during the previous quarterly period for each cannabis retail store the licensee operates in the Town.

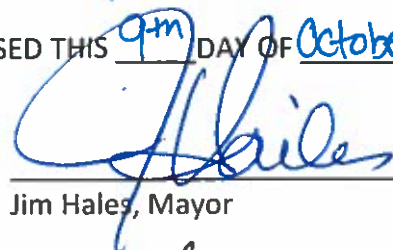
**NOW THEREFORE**, the Council of Fox Creek duly assemble and pursuant to the provisions of the said Municipal Government Act and the amendments thereto, enacts as follows:

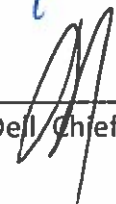
Bylaw 810-2018 – Business License Bylaw shall come into effect January 1<sup>st</sup>, 2019, furthermore upon passing thereof and upon taking effect, Bylaw 796-2017 and any amendments thereto are hereby repealed.

READ A FIRST TIME IN COUNCIL THIS 25<sup>th</sup> DAY OF June, 2018

READ A SECOND TIME IN COUNCIL THIS 23<sup>rd</sup> DAY OF July, 2018

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 9<sup>th</sup> DAY OF October, 2018

  
\_\_\_\_\_  
Jim Hales, Mayor

  
\_\_\_\_\_  
Roy Dell, Chief Administrative Officer

**SCHEDULE A – BUSINESS LICENSE FEES**

<b>Business License Application Fee</b>	<b>\$20.00</b>
<b>License Fees (Per year unless designated otherwise)</b>	
<u><b>In-Town Businesses:</b></u>	
Home Office	\$100.00
Home Occupation (No GST Number)	\$25.00
Home Occupation (GST Registrant)	\$125.00
All Commercial & Industrial (including but not limited to: restaurant/bar, retail, service, hotels, apartments, bed and breakfast, boarding house, etc.)	\$75.00
Multi Commercial	\$150.00
<u><b>Out of Town Businesses:</b></u>	
1-Day Business License	\$ 25.00
1-Week Business License	\$100.00
Annual Business License – Head Office Based in Alberta	\$250.00
Annual Business License – Head Office Based Out of Alberta	\$350.00
<b>Replacement of a lost license</b>	<b>\$25.00</b>

**Refunds:**

Where a Business License is surrendered, revoked or cancelled, the Town of Fox Creek shall refund the license fee as follows:

- a) If surrendered, revoked or cancelled within three (3) months of the Application, the Applicant is entitled to a refund equal to licensee ½ (one half) of the annual fee, but this provision shall not apply for an license issues for a period of less than the full license year
- b) If surrendered, revoked or cancelled after three (3) months after the Application is made, the applicant is not entitled to any refund of the License Fees.

## SCHEDULE B – FINES

Description	Amount
Carrying on or operating a Business within or partially within the Town without a valid and subsisting Business License	\$500.00 plus \$100.00 per day for each day the offence continues after the conviction
Refusing Administration or the Bylaw Officer from conducting any inspection authorized by this Bylaw	\$500.00
Failing to post the Business License in a conspicuous place on the Business premises of the Licensee	\$200.00
Late fees and penalties for the non-payment on the Business License Account	Until April 1 - \$25.00 Until July 1 - \$50.00 Until October 1 - \$75.00 Until December 31 - \$100.00

## SCHEDULE C – BUSINESS TYPES

Business	Description	Regulatory Requirements																																												
Adult Entertainment Facility	Premises used for the provisions of any service appealing to erotic or sexual appetites or inclinations including, without limitation, adult mini-theatres, adult video stores and love boutiques/shops but does not include erotic entertainment agencies or erotic entertainers.	Criminal Record Check																																												
Amusement Arcade	Premises where five or more amusement, sports or arcade machines are kept for the purpose of furnishing entertainment or amusement to the public.																																													
Auctioneer	Offering for sale by public auction any real or personal property.																																													
Auto Wrecker	Wrecking and/or dismantling motor vehicles and selling or otherwise disposing of parts of salvage from those vehicles.																																													
Billiard Room	Premises where billiard or pool tables are kept for the use of the public.																																													
Boarding House (Rooming House)	Means a building or part of a building in which at least two (2) unrelated persons, exclusive of the proprietor's family, and who do not require assisted living, live and share a kitchen and bathroom facilities. The Land Use Bylaw does not allow more than six (6) unrelated persons in a boarding house.																																													
Cannabis Production and Distribution	A development used principally for one or more of the following activities as it relates to Cannabis: <ul style="list-style-type: none"> <li>• The production, cultivation, and growth of Cannabis;</li> <li>• The processing of raw materials;</li> <li>• The making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;</li> <li>• The storage or transshipment of materials, goods and products; or</li> <li>• The distribution and sale of materials, goods and products to Retail Store, Cannabis stores or to individual customers.</li> </ul>																																													
Cannabis Retail Store	A development used for the retail sale, promotion, storage, distribution or dispensing of cannabis or cannabis derived products.																																													
Charitable Organization	<ul style="list-style-type: none"> <li>• Any incorporated or unincorporated organization that is formed for a charitable purpose, including a philanthropic, benevolent, education, healthy, human, religious, cultural, artistic or recreational purpose, so long as the purpose is not part of a Business, or</li> <li>• A person who makes solicitations for contributions to be used for a charitable purpose and who is not connected to any incorporated or unincorporated organization that is formed for the charitable purpose for which the solicitation is made.</li> </ul>																																													
Chauffeur	Licensed operator of a taxi or limousine with a valid Chauffeur Permit.	Criminal Record Check, driving record.																																												
Circus/Carnival	A travelling show featuring animal and human performances.																																													
Construction/Renovations	General contractor, project manager, sub-contractor or any other person other than an employee doing any work of any nature whatsoever in the course of the construction, renovation or repair of buildings or other works including, without limitation the following types of work: <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Acoustical installation</td> <td>handyman</td> </tr> <tr> <td>Asphalt installation</td> <td>Insulation installation</td> </tr> <tr> <td>Bricklaying</td> <td>Janitorial</td> </tr> <tr> <td>Building movers</td> <td>Landscaping</td> </tr> <tr> <td>Carpentry</td> <td>Lathing installation</td> </tr> <tr> <td>Ceramic tile installation</td> <td>Masonry</td> </tr> <tr> <td>Chimney Repairs</td> <td>Painting</td> </tr> <tr> <td>Concrete</td> <td>Paving</td> </tr> <tr> <td>Crane/hoist lifting</td> <td>Precast concrete installation</td> </tr> <tr> <td>Damp proofing</td> <td>Reinforcing steel installation</td> </tr> <tr> <td>Decorating</td> <td>Roofing</td> </tr> <tr> <td>Demolition</td> <td>Rug, Furnace &amp; Chimney Cleaning</td> </tr> <tr> <td>Door/window installation</td> <td>Sandblasting</td> </tr> <tr> <td>Dry walling</td> <td>Scaffold installation</td> </tr> <tr> <td>Eavestroughing</td> <td>Sewer/water installation</td> </tr> <tr> <td>Excavation</td> <td>Sidewalk Contractor</td> </tr> <tr> <td>Flooring Installation</td> <td>Siding Installation</td> </tr> <tr> <td>Foundation Coating</td> <td>Snow removal</td> </tr> <tr> <td>Framing</td> <td>Structural Steel installation</td> </tr> <tr> <td>General Contractor</td> <td>Stucco and/or plastering</td> </tr> <tr> <td>Glass working and glazing</td> <td>Upholsterer</td> </tr> <tr> <td></td> <td>Window Washer</td> </tr> </table>	Acoustical installation	handyman	Asphalt installation	Insulation installation	Bricklaying	Janitorial	Building movers	Landscaping	Carpentry	Lathing installation	Ceramic tile installation	Masonry	Chimney Repairs	Painting	Concrete	Paving	Crane/hoist lifting	Precast concrete installation	Damp proofing	Reinforcing steel installation	Decorating	Roofing	Demolition	Rug, Furnace & Chimney Cleaning	Door/window installation	Sandblasting	Dry walling	Scaffold installation	Eavestroughing	Sewer/water installation	Excavation	Sidewalk Contractor	Flooring Installation	Siding Installation	Foundation Coating	Snow removal	Framing	Structural Steel installation	General Contractor	Stucco and/or plastering	Glass working and glazing	Upholsterer		Window Washer	
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Delivery Service	Operating vehicles, including any bicycle, for delivery purposes for gain within the Town.																																													
Erotic Entertainer	Performing or agreeing to perform erotic entertainment for a fee, "erotic entertainment" being a nude or semi-nude live performance which has as its principle feature the nudity or partial nudity of a person.	Criminal Record Check																																												
Erotic Entertainment Agency	A business employing or representing an erotic entertainer which offers to provide or provides the services of an erotic entertainer.																																													
Escort	A person who acts as an escort as part of the service provided by an escort service.	Criminal Record Check, Physicians certificate																																												

Business	Description	Regulatory Requirements												
Escort Service	For a fee, providing introductions for a person to another person for a period of companionship or short duration.	For the applicant and/or the owner(s) of the agenda: Criminal Record Check												
Family Day Home	Provision of care in a residence for six (6) or less children under the age of thirteen (13) years, two (2) or more of who are children of someone other than the person operating the home.	For the applicant and each employee: Criminal Record Check, Current First Aid Certificate												
Fortune Teller	An individual person who, for remuneration or gain of any kind, purports to: <ul style="list-style-type: none"> <li>• Foretell the future, or</li> <li>• Temporarily or permanently alter the normal functioning of the human mind;</li> </ul> By any means whatsoever, and without limiting the generality of the foregoing includes a palm-reader, hypnotist, astrologer, numerologist, card-reader, psychic, graphologist, phrenologist, crystal-ball gazer, and medium or laser therapist.													
Garage Sale	The displaying or and offering for sale five (5) or more items of goods (other than boats, motor vehicles or recreational vehicles) on private residential property.													
Hawker or Peddler	A person who goes from house to house, business to business or person to person selling any merchandise and/or service who does not have a permanent place of business in the Town.	Criminal Record Check												
Home Occupation	A Business carried on by an occupant of a residence.													
Limousine Broker	A Transportation service that provides a full size luxury class vehicle, as approved by the Chief License Inspector.													
Massage Therapist	A person who administers or offers to administer a massage for a fee who has obtained a certificate of proficiency in massage and is a member in good standing of an association of massage therapists in Alberta.													
Mechanical Trade	Any mechanical or other trade for which a journeyman certification is available including, without limitation, the following trades: <table style="width: 100%; border: none;"> <tr> <td>Electrical</td> <td>Plumbing</td> <td>Refrigeration</td> </tr> <tr> <td>Electronics</td> <td>Gasfitting</td> <td>Sheet Metal</td> </tr> <tr> <td>Locksmiths</td> <td>Steamfitting</td> <td>Welding</td> </tr> <tr> <td>Mechanics</td> <td>Pipefitting</td> <td></td> </tr> </table>	Electrical	Plumbing	Refrigeration	Electronics	Gasfitting	Sheet Metal	Locksmiths	Steamfitting	Welding	Mechanics	Pipefitting		
Electrical	Plumbing	Refrigeration												
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Mechanics	Pipefitting													
Mobile Vending Unit	A motor vehicle, trailer, push cart, or similar mobile structure designed for the purpose of offering food products or beverages for sale.													
Non-Resident	A business carried on by a non-resident.													
Restaurant/ Bar	A person, corporation or organization resident in Fox Creek engaged in the retail sale of food or beverage to the public for consumption within the premises or off the site, and, without limiting the foregoing, includes licensed drinking establishments, restaurants, cafes, ice cream shops, tea rooms, lunchrooms and take-out restaurants.													
Retail	The sale of offering for sale of tangible personal property from a premises in the Town of Fox Creek to a consumer for purposes of use and not for resale, and without limiting for forgoing includes the retail sale of groceries, beverages, baked goods, household goods, clothing, jewelry, furniture and appliances, hardware, printed matter, confectionary, gifts and souvenirs, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and similar goods, minor public services, such as postal services and film processing depots, and convenience retail stores from within an enclosed building.													
Secondhand Dealer	A person, other than one who deals in secondhand books, who, in the course of business, primarily deals in worn or used goods of any kind.													
Shows	A troupe or company of actors, musicians, or other dramatic, musical or other performers, not performing in a licensed theatre, hall or community-owned building or any person offering any other class of entertainment not licensed by this bylaw.													
Tattooist or Body Piercer	Provides or offers to provide tattooing or body piercing, but does not include the piercing of ears.	Criminal Record Check, physicians certificate												
Taxi Broker	Operating a taxi business within the Town.													
Towing/Boosting Service	Operating trucks for the purpose of towing or boosting vehicles and trailers.	For the applicant each employee and sub-contractor: Criminal Record Check												
Trade Show	A group of five (5) or more persons gathered at a single location and displaying to the public, the types of goods, food or services that they have for sale including without limitation, farmers/ flea markets.													
Transient Trader	A person who has a temporary sales location in the Town selling or attempting to sell goods or services and who is not an employee of a principal of a business holding a license for a business selling those goods or services.													



## **Town of Fox Creek Applicant Disclosure – Cannabis Retailer**

**Read the instructions carefully** – they contain important information required for the completion of the disclosure package.

Cannabis Retail Applications may be submitted to the Town by the following means

**In-Person:**

Town Administration Office  
**Planning and Development (Development Permitting)**  
102 Kaybob Drive  
Fox Creek, Alberta T0H 1P0

**Electronic Submissions via:**

**Email:** [development@foxcreek.ca](mailto:development@foxcreek.ca)  
**Subject line:** Cannabis Retail Application

**Mail Submissions via:**

Town of Fox Creek  
**Attn: Director of Planning and Development (Business Licensing)**  
PO Box 1410  
Fox Creek, Alberta T0H 1P0

For further information, please contact the Director of Planning and Development by telephone at 780.622.3896 or by email at [development@foxcreek.ca](mailto:development@foxcreek.ca).

## INSTRUCTIONS

### A. TERMS / DEFINITIONS

1. **AGLC** – Alberta Gaming, Liquor & Cannabis
2. **Applicant** – Individual, corporation or other entity applying for a license, registration or approval.
3. **Associated Applicant** – Individual, corporation or other entity that is or will be in a(n):
  - I. Owner;
  - II. Partner (in a partnership);
  - III. Promoter;
  - IV. Shareholder directly or indirectly controlling 10% or more of the shares in the **Applicant**; or
  - V. Any Individual or entity with a direct or indirect financial interest of 10% or more in the **Applicant**.
4. **Cannabis License** – means a license under the *Gaming, Liquor and Cannabis Act* (Alberta) that authorizes the purchase, sale, transport, possession, storage or use of cannabis.
5. **Cannabis Supplier** – means a person who holds a license under the Federal Act that authorizes the person to produce cannabis for commercial purposes or to sell cannabis to AGLC.
6. **Control** –
  - I. Power to direct;
  - II. Any direct or indirect influence which, if exercised, would result in control in fact of the corporation whether directly through the ownership structure, or indirectly through a trust, a contract, ownership of shares, stocks, equities or securities of another corporation or entity.
  - III. The ability to appoint, elect or cause the appointment or election of a director, whether or not that ability is exercised.
  - IV. Any owner, shareholder, other individual, or corporate entity related to an associated applicant that has direct or indirect control of 10% or more of the **applicant**.
7. **Controlling Interest** – The holding by an individual group or corporate entity a majority of a business, giving the holder a means of exercising control.
8. **Director** –
  - I. Those individuals acting collectively to whom the duty of managing the general affairs of the company is delegated by the shareholders. Their duty is to conduct the business of the company for the greatest benefit of the shareholders.
  - II. Any individual acting in a capacity of the Town similar to that of a director of a company.
  - III. A trustee, officer, member of an executive committee and any individual occupying a similar position.
9. **License and/or registration** – a license or registration issued under the Gaming, Liquor and Cannabis Act.
10. **Officer** –
  - I. An individual employed in connection with the administration and management of a department.
  - II. The chairman and vice-chairman of the board of directors, the president, vice-president, secretary, assistant secretary, treasurer, assistant treasurer, general manager, and any other individual designated an officer by by-law or resolution of the directors, and any other individual who performs functions for a company similar to those normally performed by an individual occupying any of those offices.
  - III. The chairman, president, vice-president, secretary, treasurer, comptroller, general counsel, general manager, director, managing director or any other individual who performs functions for a corporation similar to those normally performed by an individual occupying any such office.
11. **Partner** – A reference to a partner of an individual includes a spouse, common-law spouse or individual connected to the applicant by virtue of an adult interdependent relationship.
12. **Promoter** – Any individual, corporation or other entity who:
  - I. Acting alone or in concert with one or more individuals or corporate entities, directly or indirectly takes the initiative in founding, organizing or substantially reorganizing a business, or



- II. In connection with the founding, organization or substantial reorganization of the business, directly or indirectly received, in consideration of services or property or both, 10% or more of a class of shares of 10% or more of the proceeds from the same of a class of shares.

**B. COMPLETING THE DISCLOSURE**

- 1. Individuals are only required to complete **one** disclosure form.
- 2. Enforcement Services may request disclosure from other individuals and entities associated with the applicant.
- 3. An answer must be provided for every question – do not leave blank spaces:
  - I. If a question does not apply, write “Does not Apply” or “N/A”.
  - II. If there is nothing to disclose, write “None”
  - III. Answers such as see previous disclosure or no changes since last disclosure are **NOT** acceptable when questions ask for current information.
- 4. All disclosures must be typed or printed clearly. Illegible disclosures will be returned.
- 5. The disclosure may not be modified in any way. Modified disclosures will be returned.
- 6. If additional space is required, either make additional copies of the page, or use additional paper and attach it to the appropriate page.
- 7. All attachments must be clearly labelled as “Attachment 1, Attachment 2, Attachment 3,” etc. The attachment number must then be noted **in the space provided beside** the applicable question.
- 8. All attachments must be an accurate copy of the original, and be signed by you.
- 9. The disclosure must be signed/initialed as follows:
  - I. Initial and date each page to verify all statements made are accurate, all material facts are included, and all requested information and documents are provided.

- II. Sign the Statutory Declaration. The Declaration must be witnessed by an individual authorized to take declarations.

- 10. Keep a copy of the disclosure for your records. You may be contacted for further information, documents or clarification.
- 11. Incomplete disclosures will be returned to the appropriate individual for completion.

**C. IMPORTANT INFORMATION**

- 1. All information and documents provided as part of this disclosure:
  - I. Become Property of Enforcement Services and will not be returned.
  - II. Are confidential and will be treated as such.
  - III. Are for Enforcement Services use to determine the applicant’s eligibility for a business license.
  - IV. Will be verified through an investigative process – further information, documents or clarification may be requested.

**D. PROTECTION OF INFORMATION**

- 1. The information collected in this disclosure is only used in determining the eligibility of the applicant for a business license.
- 2. All application packages shall be kept confidential and shall only be released in accordance with the Freedom or Information and Protection of Privacy Act (FOIP Act) (Alberta)





## APPLICANT IDENTITY

1. Applicant's Legal Name: \_\_\_\_\_

2. Retailer Name: \_\_\_\_\_

3. Business Address: Street: \_\_\_\_\_

Town: \_\_\_\_\_ Province: \_\_\_\_\_

Country: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Website: \_\_\_\_\_

4. Mailing Address: Street/ Box: \_\_\_\_\_

Town: \_\_\_\_\_ Province: \_\_\_\_\_

Country: \_\_\_\_\_ Postal Code: \_\_\_\_\_

5. Company Representative to contact regarding **all matters**

Name: \_\_\_\_\_

Position: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Town: \_\_\_\_\_ Province: \_\_\_\_\_

Country: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

6. Is the applicant known by any other name?

No

Yes, list all names: \_\_\_\_\_



## CORPORATE STRUCTURE

7. Has the applicant **ever** made application for or held any cannabis retail licenses/ approvals in any **other** jurisdiction?

No     
  Yes     
 Check () one

Name & Address of Regulatory Agency	Contact Name & Telephone Number	License / Registration Type	Date Licensed & Status	Details

8. List of **current** owners, investors, promoters, parent or holding companies, shareholders and partners (in a partnership).

Individual/Person Name	Position or Relationship	% of Ownership

**CORPORATE STRUCTURE - CONTINUED**



9. List all other corporate entities **currently** associated to the applicant include all subsidiary companies and those the applicant has a financial, organizational or managerial interest in. Disclosure may be requested. Provide details as to the nature and extent of any financial, organizational or managerial interest.

Name	Relationship	Contact Name & Telephone Number

10. List all **current** directors and officers. (Personal disclosures and must be provided)

Name	Position

11. Total current members of employees – **applicant**: \_\_\_\_\_

12. Attach a **current** organizational chart showing the reporting structure and all key employees.

**CORPORATE STRUCTURE - CONTINUED**



13. Has the Applicant ever been licensed/ registered with AGLC?  No  Yes **Check (☑) one**

License/ Registration Type	Date Licensed/ Registered & Status	Details

14. Has the Applicant ever been involved in any capacity in the production, distribution or selling of Cannabis?  No  Yes **Check (☑) one**

Name & Address of Regulatory Agency	Date	Contact Name & Telephone Number	Details



## CRIMINAL / LITIGATION / DISCIPLINARY INFORMATION

**Important Information:** Failure to provide full disclosure will be taken into account in assessing the **applicant's** character, honesty and integrity and may result in the applicant being denied a license / registration.

- A.** An applicant may not be eligible for license/registration if the character, financial history or competence of the applicant or any associated person (including but not limited to an owner, shareholder, director, officer, key employee, or partner of any individual shareholder, director, officer or key employee) poses a threat to the integrity of the retail of cannabis.
- B.** Enquiries will be made to determine if the applicant or any associated person has ever been charged with or convicted of, or is subject to pending charges for a criminal, regulatory, civil or other statutory offence.
- C.** The applicant and all associated persons must provide full disclosure of all criminal and civil proceedings on the appropriate disclosures.
- D.** Failure to disclose any such involvement will be taken into account when assessing the applicant's eligibility for license/ registration.
- E.** The particulars of any offence or claim and the sentence or penalty imposed will be reviewed to determine whether a conviction or charge affects the applicant's eligibility for license/ registration.

### F. INSTRUCTIONS

- 1. Answer "**YES**" and provide all information **even if**:
  - i. The charges were dismissed or subsequently downgraded to a lesser charge.
  - ii. The applicant was not convicted.

If answering **yes**, ensure you check () the appropriate box and list all incidents as requested.

- 2. Answer "**NO**" if any records relating to a charge or conviction have been expunged or otherwise officially sealed by a court or government agency.

### DEFINITIONS:

**Charge** – includes any indictment, information, summons or other notice of the alleged commission of a criminal offence.

**Arrest** – includes any detaining, holding or taking into custody by any law enforcement authority to answer for the alleged performance of any offence.

**Offence** – Includes all offences, regardless of the seriousness, under any Federal, Provincial or Municipal statute, or violations of probation or any other court order.

**CRIMINAL / LITIGATION / DISCIPLINARY INFORMATION - CONTINUED**



1. Has the applicant ever been investigated for, charged with or convicted of a criminal offence or other violation of any statute, regulation or code?

No  Yes **Check (☑) one**

Date	Reason for Investigation, Charge or Conviction	Disposition and Sentence	Enforcement Agenda Name and Location

2. Has the applicant ever had any cannabis retailer license/approval denied, suspended, revoked or made subject to any sanctions or fines?

No  Yes **Check (☑) one**

Type of License/Registration	Name of Licensing Agency and Contact Name and Telephone Number	Date and Reason(s) for Denial, Suspension, Revocation or Condition

3. Has the applicant ever been defendant or plaintiff in a lawsuit in the last five years? (Include all collection matters, debt matters, bankruptcy, insolvency or liquidation).

No  Yes **Check (☑) one**

Date of Order, Judgement or Decree	Docket/File Number	Details	Issuing Court and Location



## COMPANY REPRESENTATIVE STATUTORY DECLARATION

### COMPANY REPRESENTATIVE COMPLETING APPLICATION

Name: \_\_\_\_\_ Position: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Town: \_\_\_\_\_ Province: \_\_\_\_\_ Fax: \_\_\_\_\_  
Country: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Email: \_\_\_\_\_

I, \_\_\_\_\_  
(PRINT *Company Representative Name*)

#### DO SOLEMNLY DECLARE THAT

1. I have prepared this disclosure on behalf of \_\_\_\_\_, the applicant.
2. I have provided an answer to every question on this disclosure.
3. The information provided is true, accurate and complete to the best of my knowledge, and all required disclosures and other documentation have been provided.
4. Any document accompanying this disclosure that is not an original document is a true copy of the original document.

**I MAKE** this solemn declaration conscientiously believing it to be true and knowing that is of the same force and effect as if made under oath.

**Declared** before me at \_\_\_\_\_ in the province of \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_\_.

\_\_\_\_\_  
Company Representative Signature

\_\_\_\_\_  
Notary Public, Justice of the Peace, Commissioner of Oaths,  
or other Individual Authorized to take Declarations.

\_\_\_\_\_  
My Appointment Expires



## APPLICANT OWNER/PRESIDENT STATUTORY DECLARATION

**Applicant Full Legal Name:** \_\_\_\_\_

I, \_\_\_\_\_ (Applicant Owner or President)

Of the Town of \_\_\_\_\_ in the Province of \_\_\_\_\_

### DO SOLEMNLY DECLARE THAT

1. I have read this Applicant Disclosure for License/Registration Application and have verified all information contained in it.
2. I have personally initialed and dated each page of this Applicant Disclosure declaring that the information provided is true, accurate and complete to the best of my knowledge.

**I MAKE** this solemn declaration conscientiously believing it to be true and knowing that it is the same force and effect as if made under oath.

**Declared** before me at \_\_\_\_\_ in the province of \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_\_.

\_\_\_\_\_  
Applicant Owner or President's Signature

\_\_\_\_\_  
Notary Public, Justice of the Peace, Commissioner of Oaths,  
or other Individual Authorized to take Declarations.

\_\_\_\_\_  
My Appointment Expires