



THE MUNICIPAL DISTRICT OF OPPORTUNITY NO.17

BYLAW 2012 – 03 (CONSOLIDATED FOR CONVIENIENCE) BUSINESS HOURS OF OPERATION

A Bylaw of the Municipal District of Opportunity No.17 in the Province of Alberta to regulate the hours of operation for certain business activities.

WHEREAS Section 7 (a) of the Municipal Government Act allows a Council to pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS Section 7 (e) of the Municipal Government Act allows a Council to pass bylaws respecting businesses, business activities and persons engaged in business;

AND WHEREAS Section 7 (i) of the Municipal Government Act allows a Council to pass bylaws respecting the enforcement of bylaws made under the Act or any other enactment, including any and all of the matters listed therein;

AND WHEREAS, pursuant to Section 8 of the Municipal Government Act, a Council may in a bylaw:

- a) regulate or prohibit;
- b) deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways;
- c) provide for a system of licenses, permits or approval including any or all of the matters listed therein.

NOW THEREFORE, the Council of the Municipal District of Opportunity No.17, in regular session duly assembled, enacts as follows:

SEVERABILITY

If any provision of this bylaw is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this bylaw or any documents which form part of this bylaw or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

SECTION 1 – SHORT TITLE

This Bylaw may be cited as the “Business Hours of Operation Bylaw.”

SECTION 2 – DEFINITIONS

- 2.1 “Business License Bylaw” means the Municipal District of Opportunity No. 17 Business License Bylaw 2007-01, as amended;
- 2.2 “Bylaw Enforcement Officer” means a person appointed by the M.D. to enforce this Bylaw, and includes a member of the Royal Canadian Mounted Police;
- 2.3 “Council” means the Council of the Municipal District of Opportunity No. 17;
- 2.4 “Liquor Delivery Service” means the business of delivering alcoholic beverages as regulated by the Gaming and Liquor Act;
- 2.5 “Liquor Off Sales” means the business of selling alcoholic beverages from a hotel, distillery, brewery, or winery for off-site consumption as regulated by the Gaming and Liquor Act;
- 2.6 “M.D.” means the Municipal District of Opportunity No. 17;
- 2.7 “Retail Liquor Store” means the businesses of selling alcoholic beverages for off-site consumption as regulated by the Gaming and Liquor Act;
- 2.8 “State of Local Emergency” has the same meaning as in the Emergency Management Act RSA 2000 C E-6.8;
- 2.9 “Subsequent Offence” means any offence under this Bylaw committed by a person after that person has already been convicted of an offence under this Bylaw or has voluntarily paid a fine for such offence; and
- 2.10 “Violation Ticket” means a violation ticket as defined in the Provincial Offences Procedure Act.

SECTION 3 –APPLICATION

- 3.1 This Bylaw applies to Liquor Delivery Services, Liquor Off Sales and Retail Liquor Stores in addition to the requirements set out in the Business License Bylaw.
- 3.2 Nothing in this Bylaw relieves any person from complying with the provisions of the Business License Bylaw and any penalties imposed in this Bylaw are in addition to,

not a substitute for, penalties that may be imposed under the Business License Bylaw.

SECTION 4 –RETAIL LIQUOR STORES

- 4.1 No person shall operate, cause or permit to be operated a Retail Liquor Store outside of the hours of 10:00 AM and 10:00 PM on Sunday, Monday, Tuesday, Wednesday, or statutory holiday and outside the hours of 10:00 AM and midnight on Thursday, Friday, Saturday.

SECTION 5 – LIQUOR OFF SALE

- 5.1 No person shall operate, cause or permit to be operated Liquor Off Sales outside of the hours of 10:00 AM and 10:00 PM on Sunday, Monday, Tuesday, Wednesday, or statutory holiday and outside the hours of 10:00 AM and midnight on Thursday, Friday, Saturday.

SECTION 6 – LIQUOR DELIVERY SERVICES

- 6.1 No person shall operate, cause or permit to be operated Liquor Delivery Service outside of the hours of 10:00 AM and 10:00 PM on Sunday, Monday, Tuesday, Wednesday, or statutory holiday and outside the hours of 10:00 AM and midnight on Thursday, Friday, and Saturday.

SECTION 7 – STATE OF LOCAL EMERGENCY

- 7.1 No person shall operate, cause or permit to be operated a Retail Liquor Store, Liquor Off Sales, or Liquor Delivery Service at any time or on any day while a State of Local Emergency is in effect in the geographic area containing the business.

SECTION 8 – OFFENCE

- 8.1 A person who fails to comply with any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to the fine specified in Schedule "A," and in default of payment, to imprisonment for up to 6 (six) months.
- 8.2 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket in accordance with the Provincial Offenses Procedure Act to any person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 8.3 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- 8.3.1 specify the fine amount established by this Bylaw for the offence; or

8.3.2 require a person to appear in Court without the alternative of making a voluntary payment.

8.4 A person who commits an offence may:

8.4.1 if a Violation Ticket is issued in respect of the offence; and

8.4.2 if the Violation Ticket specifies the fine amount established by this Bylaw for the offence,

make a voluntary payment equal to the specified fine by delivering the Violation Ticket and the specified fine to the Provincial Court.

8.5 When a clerk records in the court records the receipt of a voluntary payment pursuant to this Bylaw and the Provincial Offences Procedure Act, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

8.6 Notwithstanding the penalties established in Section 7.1 of this Bylaw, the M.D. may take any actions necessary to enforce this Bylaw including, but not limited to, the suspension or revocation of a business license issued under the Business License Bylaw, the issuance of a Stop Order pursuant to the Municipal Government Act, or any other legal action required to bring about compliance with this Bylaw.

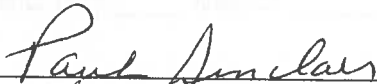
SECTION 9 – EFFECTIVE DATE

9.1 This Bylaw shall come into effect upon receiving third and final reading and being duly signed.

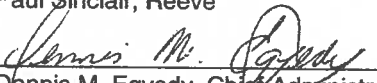
READ A FIRST TIME this 14th day of March, 2012

READ A SECOND TIME this 20th day of March, 2012

READ A THIRD AND FINAL TIME this 13th day of June 2012.



Paul Sinclair, Reeve



Dennis M. Egyedy, Chief Administrative Officer

SCHEDULE A

A person who fails to comply with any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to the fine specified as follows:

PENALTIES	SECTION	FINE
Retail Liquor Hours	4.1	\$1,000.00
Subsequent Offence		2,500.00
Liquor Off Sales	5.1	\$1,000.00
Subsequent Offence		2,500.00
Liquor Delivery Service Hours	6.1	\$1,000.00
Subsequent Offence		2,500.00
Operate During a State of Local Emergency	7.1	\$1,000.00
Subsequent Offence		2,500.00