

**BY-LAW NO. 092/97**

**BEING A BY-LAW OF THE  
MUNICIPAL DISTRICT OF MACKENZIE NO. 23,  
IN THE PROVINCE OF ALBERTA**

**TO REGULATE AND SET BUSINESS LICENSE FEES FOR  
NON RESIDENT HAWKERS AND PEDDLERS ENGAGED IN ANY BUSINESS  
IN  
THE MUNICIPAL DISTRICT OF MACKENZIE NO. 23**

**WHEREAS**, pursuant to the provisions of the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-21, Sections 7 and 8 , the Council may pass a bylaw to regulate and license non-resident businesses and industries operating within the corporate limits of the Municipal District of Mackenzie No. 23,

**NOW THEREFORE**, the Council of the Municipal District of Mackenzie No. 23 in the Province of Alberta duly assembled, hereby enacts as follows:

1. **Title**     **HAWKERS AND PEDDLERS LICENSE BYLAW**

2. **Definitions**

- a) **“Business”** - includes business, trade, profession, industry, occupation, employment or calling, and the providing of goods and services.
- b) **“Council”** - means the Council of the Municipal District of Mackenzie No. 23.
- c) **“Hawker, Food Products”** - means the business of selling or offering for sale any food products but shall not include any person selling fish, meat, fruit, or other farm products which have been produced, raised, or grown by him/her in the Municipal District of Mackenzie No. 23, or fish of his/her own catching.
- d) **“Hawker” or “Peddler”** - means any person whether as a principle or agent who:
  - 1) goes from house to house selling or offering for sale any merchandise to any person, and who is not a wholesale or retail dealer in such merchandise with a permanent place of residence in the Municipal District of Mackenzie No. 23;
  - 2) offers or exposes for sale to any person by going door to door to obtain orders for merchandise to be afterwards delivered in or shipped in the Municipal District of Mackenzie No. 23;
  - 3) acts as a Street Vendor.
- e) **“License”** - means a license issued pursuant to this bylaw.
- f) **“License Fee”** - means the sum of money which is required for payment for a license as detailed in Section eight (8) of this bylaw.
- g) **“Bylaw Enforcement Officer”** - means a person or persons authorized by Council to carry out the provisions of this bylaw.

- h) **“M.D.”** - means the Municipal District of Mackenzie No. 23.
- i) **“Municipal District”** - means the Municipal District of Mackenzie No. 23.
- j) **“Non-resident business”** - means a person or business operating in the M.D. without maintaining a regular place of business within the M.D.
- k) **“Person”** - means a person or persons, hawker, peddler, firm, partnership, or corporate body.
- l) **“Street Vending Vehicle”** - means the device by which a Street Vendor transports, displays, prepares, and/or sells his/her goods or services.
- m) **“Street Vendor”** - means a person who sells merchandise or service on the streets or roads or elsewhere than at a building that is his/her permanent place of business in the Municipal District of Mackenzie No. 23 but does not include any person selling:
  - i) meat, fruit, or other farm produce which has been produced, raised, or grown in the Municipal District of Mackenzie No. 23 by himself/herself, or
  - ii) fish of his/her own catching within the Municipal District of Mackenzie No. 23.

### 3. **General Provisions**

1. Except as allowed under Subsection 2, no person shall, within the limits of the Municipal District, carry on or be engaged in any business unless he has paid the prescribed fee as set out in this bylaw, and is in possession of a valid and subsisting license issued pursuant to the provisions of this bylaw.
2. Any person that is conducting business as a participant of a trade show is exempt from the requirements of Section 3.1.
  - a) Except where indicated otherwise, each license shall be valid only for the calendar year (January 1 - December 31) for which it is issued.
  - b) Any person required to obtain a license as prescribed by this bylaw may apply for a special temporary license which will be valid for a period of seven (7) consecutive days and is subject to a special fee set out in this bylaw.
3. Persons that have been issued a business license under this bylaw will either:
  - a) display such license in a conspicuous location in their place of business, or
  - b) carry the license on their person if there is no permanent place of business.

4. The Licensee will produce the license for the inspection of any duly qualified officer of the Municipal District of Mackenzie No. 23, or an officer of the Royal Canadian Mounted Police.
5. The Bylaw Enforcement Officer of the Municipal District may at any time revoke or suspend a license issued under the provisions of this bylaw for failure to comply with any condition or regulation herein.

#### **4. Special Provisions**

1. Street Vendors;
  - a) Operations shall be restricted to privately or publicly owned properties located on Commercial/Industrial or Recreational Districts as identified in the M.D. Land Use Bylaw. Operation will not be allowed on any public roadway or street right-of-way.
  - b) Notwithstanding article 4.1.a) the Street Vendor shall operate his/her business in a manner and location on the property that causes minimal disturbance to the normal use of the property and no damage to the property.
  - c) Council may charge a rental fee, set by resolution from time to time, for parking on property owned by the Municipal District.

#### **5. Bylaw Enforcement Officer**

1. The Bylaw Enforcement Officer shall be appointed by the Chief Administrative Officer to carry out the provisions of this bylaw.
2. The duties of a Bylaw Enforcement Officer shall be:
  - a) to receive and consider applications for business license;
  - b) to conduct investigations with regard to proposed applications where necessary;
  - c) to conduct inspections of business premises where necessary;
  - d) to collect license fees pursuant to this bylaw;
  - e) to refuse, or grant licenses where deemed appropriate;
  - f) to revoke business licenses where deemed appropriate and necessary;
  - g) to commence prosecutions for violations of this bylaw; and
  - h) to appoint an authorized person to obtain any required information where necessary.

#### **6. Purchase of Licenses**

1. All licenses will be obtained at the Municipal District office on payment of the required fee subject to the requirement of this bylaw and no license shall be issued until the fee has been paid.

2. In all cases where a provincial license is required, no M.D. business license will be issued until the necessary provincial license has been obtained.
3. Every person applying for a license shall submit to the Bylaw Enforcement Officer a written application in the prescribed form and signed by the applicant or his duly appointed agent.
4. Upon receipt of an application for a license, the Bylaw Enforcement Officer may
  - a) grant a license, or
  - b) refuse a license if, in his opinion, there are just and reasonable grounds for this refusal.
5. Where a license has been granted pursuant to Subsection 4, the Bylaw Enforcement Officer may revoke the license where, in his opinion, there are just and reasonable grounds for the revocation.

## **7. Appeal Process**

1. In every case where, under the provisions of Section 6, Subsection 4 a),b), and Subsection 5,
  - a) application for a license has been refused, or
  - b) a license has been revoked,an appeal may be made by serving written notice of appeal to the Chief Administrative Officer within thirty (30) days after the date of refusal or revocation.
2. The Council
  - a) shall hold a hearing on any appeal within fourteen (14) days from receipt of the notice of appeal,
  - b) shall ensure notice of the hearing is mailed by regular mail at least seven (7) days prior to the date of the hearing to the applicant, and
  - c) shall consider each appeal giving due regards to the circumstances and merits of the case.
3. When an appeal is being heard, the Council shall hear
  - a) the Bylaw Enforcement Officer and/or
  - b) the applicant and/or
  - c) any other person who, in the Council's opinion, might be affected or should be heard.
4. In determining an appeal, the Council
  - a) may confirm, reverse, or vary the decision of the Bylaw Enforcement Officer and may impose such conditions or limitations as it considers proper and desirable in the circumstances, and

- b) shall render its decision in writing to the applicant within thirty (30) days from the date of which the hearing is held.
- 5. A decision of the Council on any appeal is final and binding on all parties.

**8. Hawkers and Peddlers License Fees**

Except as allowed for under section 6,

- 1. the fee for a yearly license for a resident business operating out of a Commercial or Industrial District as defined by the M.D. Land Use Bylaw, shall be \$100,
- 2. the fee for a weekly license (seven) (7) consecutive days shall be \$75, and
- 3. the fee for a daily license (one full business day) shall be \$35.

**9. Penalties**

- 1. Any person in contravention of any provision of this bylaw shall be guilty of an offense and liable on summary conviction to a penalty of
  - a) \$25 for a first offense,
  - b) \$500 for a second offense, and
  - c) \$1,000 for a third and subsequent offenses.

The adoption of this bylaw is effective upon the date of the passing of the third and final reading thereof.

First Reading given on this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Reuben Derksen, Reeve

\_\_\_\_\_  
John Maine,  
A/Chief Administrative Officer

Second Reading given on this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Reuben Derksen, Reeve

\_\_\_\_\_  
John Maine,  
A/Chief Administrative Officer

Third Reading and Assent given on this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Betty Bateman, Chairperson

\_\_\_\_\_  
Eva Schmidt, Municipal Secretary

Approved

Refused

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Bryan Clark, Official Administrator  
Municipal Affairs

\_\_\_\_\_  
Bryan Clark, Official Administrator  
Municipal Affairs