

BY-LAW NO. 1018-16

**BEING A BY-LAW OF-MACKENZIE COUNTY
IN THE PROVINCE OF ALBERTA**

**TO REGULATE AND SET LICENSE FEES FOR
NON RESIDENT HAWKERS AND PEDDLERS
ENGAGED IN ANY BUSINESS IN MACKENZIE COUNTY**

WHEREAS, pursuant to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26, Sections 7 and 8, Council may pass a bylaw to regulate and license non-resident businesses and industries operating within the corporate limits of Mackenzie County.

NOW THEREFORE, the Council of Mackenzie County in the Province of Alberta, duly assembled, hereby enacts as follows:

1. **TITLE**

- a) This Bylaw shall be cited as the 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) **“Business License”** - means an annual license issued by the County for the privilege of doing any kind of business, trade, profession, or any other activity in the County, by whatever name called, which document is required to be conspicuously posted or displayed except to the extent to the taxpayer’s business license tax or other financial information is listed thereon.
- i) A business license is subject to all businesses within the County and specific businesses with head offices located outside of the County but doing business within the County.
- c) **“Bylaw Enforcement Officer”** - means a person or persons authorized by Council to carry out the provisions of this bylaw.
- d) **“Council”** - means the Council of Mackenzie County.
- e) **“County”** - means the municipal corporation of Mackenzie County.

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- f) **“Economic Development Officer”** - means a person or persons authorized by Council to carry out the provisions of this bylaw.
- g) **“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 Mackenzie County, or fish of his/her own catching.
- h) **“Hawker” or “Peddler”** - means any person whether as a principle or agent who;
 - i) 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 Mackenzie County,
 - ii) 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 Mackenzie County,
 - iii) acts as a Street Vendor.
- i) **“License”** - means a license issued pursuant to this bylaw.
- j) **“License Fee”** - means the sum of money which is required for payment for a license as detailed in Section eight (8) of this bylaw.
- k) **“Non-resident business”** - means a person or business operating in the County without maintaining a regular place of business within the County in accordance with the Mackenzie County Business License Bylaw. A person or business that maintains a regular place of business within the incorporated Towns of Rainbow Lake and High Level or Indian Reservations located within the County’s boundary, shall not be considered a Non-resident business.
- l) **“Person”** - means a person or persons, hawker, peddler, firm, partnership, or corporate body.
- m) **“Street Vending Vehicle”** - means the device by which a Street Vendor transports, displays, prepares, and/or sells his/her goods or services.
- n) **“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 Mackenzie County, but does not include any person selling;

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- i) meat, fruit, or other farm produce which has been produced, raised, or grown in Mackenzie County by himself/herself, or,
- ii) fish of his/her own catching Mackenzie County.

3. **GENERAL PROVISIONS**

- a) Except as allowed under Section 3. b), no person shall, within the limits of the County, carry on or be engaged in any business unless he has registered and paid the prescribed fee as set out in either this bylaw or the Mackenzie County Business License Bylaw and is in possession of a valid and subsisting Hawkery and Peddlers License or Business License.
- b) Any person that is conducting business as a participant of a trade show is exempt from the requirements of Section 3. a).
- c) Except where indicated otherwise, each license shall be valid only for the calendar year (January 1 - December 31) for which it is issued.
- d) Persons that have been issued a Hawkery and Peddlers License under this bylaw will either;
 - i) display such license in a conspicuous location in their place of business, or,
 - ii) carry the license on their person if there is no permanent place of business.
- e) The licensee will produce the license for the inspection of any duly qualified officer of Mackenzie County, or an officer of the Royal Canadian Mounted Police.
- f) The Bylaw Enforcement Officer and Economic Development Officer of the County 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.
- g) The License Authority shall not issue a license to a hawker for the purpose of selling food products or edibles of any nature unless and until, the food products and the license have both been approved and a permit issued from the Environmental Health Officer. Proof of approval must be provided by applicant to License Authority, prior to issuance of a Hawkery and Peddlers License.

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- h) Any application for a Hawklers and Peddlers License for a business to be carried on at a specific location in the County requires approval from the Safety Codes Officer and the Development Authority indicating that the approvals required by the Land Use Bylaw and regulations passed pursuant to the Safety Codes Act for the use at that location have been issued.

4. STREET VENDORS

- a) Operations shall be restricted to privately or publicly owned properties located on Commercial, Industrial or Recreational Districts as identified in the County's Land Use Bylaw. Operation will not be allowed on any public roadway or street right-of-way.
- b) Vendors must provide a letter of consent from the landowners of the property upon which they propose to operate.
- c) Notwithstanding Section 4.b) 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.
- d) No hawker who uses a vehicle in connection with sales as a hawker shall park the vehicle on property owned by Mackenzie County unless the License Authority has first approved the location for such purpose.

5. ENFORCEMENT

- a) The Bylaw Enforcement Officer and Economic Development Officer shall be appointed by the Chief Administrative Officer to carry out the provisions of this bylaw.
- b) The duties of the Bylaw Enforcement Officer and Economic Development Officer shall be;
 - i) to receive and consider applications for a Hawklers and Peddlers License,
 - ii) to conduct investigations with regard to proposed applications where necessary,
 - iii) to conduct inspections of business premises where necessary,
 - iv) to collect license fees pursuant to this bylaw,

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- v) to refuse or grant licenses where deemed appropriate,
- vi) to revoke Hawkery and Peddlers Licenses where deemed appropriate and necessary,
- vii) to commence prosecutions for violations of this bylaw,
- viii) to appoint an authorized person to obtain any required information where necessary, and,
- ix) to accept and investigate complaints made against hawkers and peddlers and follow up with actions deemed appropriate and necessary.

6. PURCHASE OF LICENSES

- a) All licenses will be obtained at the County office on payment of the required fee subject to the requirement of this bylaw and no license shall be issued until the processing fee has been paid.
- b) In all cases where a provincial license is required, no Mackenzie County Hawkery and Peddlers License will be issued until the necessary provincial license has been obtained.
- c) The applicant may be required to submit a copy of any Federal or Provincial Certificate, authority license or other document or qualification that is required for them to carry out business.
- d) The applicant is required to submit any certificate or other approval required by a provision of this Bylaw in respect of the business.
- e) Every person applying for a license shall submit a written application in the prescribed form and signed by the applicant or his duly appointed agent.
- f) Upon receipt of an application for a license, County may;
 - i) grant a license, or,
 - ii) refuse a license if there are just and reasonable grounds for this refusal.
- g) Where a license has been granted pursuant to Section 6. h) i), the County may revoke the license where, there are just and reasonable grounds for the revocation.

7. APPEAL PROCESS

- a) In every case where, under the provisions of Section 6. f) and g);
 - i) application for a license has been refused, or,
 - ii) 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.
- b) The Council;
 - i) shall hold a hearing on any appeal within fourteen (14) days from receipt of the notice of appeal,
 - ii) 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,
 - iii) shall consider each appeal giving due regards to the circumstances and merits of the case.
- c) When an appeal is being heard, the Council shall hear;
 - i) the Bylaw Enforcement Officer or the Economic Development Officer,
 - ii) the applicant and/or,
 - iii) any other person who, in the Council's opinion, might be affected or should be heard.
- d) In determining an appeal, the Council;
 - i) may confirm, reverse, or vary the decision of the Bylaw Enforcement Officer or Economic Development Officer and may impose such conditions or limitations as it considers proper and desirable in the circumstances, and,
 - ii) shall render its decision in writing to the applicant within thirty (30) days from the date of which the hearing is held.
- e) A decision of the Council on any appeal is final and binding on all parties.

8. HAWKERS AND PEDDLERS LICENSE FEES

License fees shall apply for the following as per the Mackenzie County Fee Schedule Bylaw.

- a) Hawkerc and Peddlers License Application Processing Fee
- b) After a Hawkerc and Peddlers License has been granted by the County, a fee will be charged per day of operation as a hawker and peddler within the County.
 - i) The business owner is required to self-report their total days of operation by December 31 each year and will subsequently be invoiced by the County.
 - ii) As an alternative to Section 8. b) i), upon completion of their operation within the County, a business may report their total days of operation in person at a Mackenzie County office and have their final payment be processed and completed immediately.

9. PENALTIES

- a) Penalties shall be applicable as per the Mackenzie County Fee Schedule Bylaw in place at the time of the offence.
- b) If the business fails to report their total days of operation to the County by December 31 of each year, they will be invoiced for the total operational business days in a year.

10. EFFECTIVE DATE AND REPEAL OF BYLAW

- a) That Bylaw 092/97 and all amendments thereto are hereby repealed.
- b) The adoption of this bylaw is effective upon the date of the passing of the third and final reading thereof.

READ a first time this 9th day of February, 2016.

READ a second time this 8th day of March, 2016.

READ a third time and finally passed this 23rd day of March, 2016.

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(original signed)

Bill Neufeld
Reeve

(original signed)

Joulia Whittleton
Chief Administrative Officer