

Town of Mayerthorpe

BYLAW 855

HAWKERS & PEDDLERS LICENSE BY-LAW

BEING A BYLAW OF THE TOWN OF MAYERTHORPE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING, CONTROL AND REGULATION OF HAWKERS AND PEDDLERS WITHIN THE TOWN OF MAYERTHORPE.

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**WHEREAS** the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta 1994 and amendments thereto, provides that a Council of a Municipality may by Bylaw control and regulate business, business activities and persons engaged in business within the municipality and provide for a system of licenses permits or approvals for same, and

**WHEREAS** it is desirable and in the best interest of the Town of Mayerthorpe that a Bylaw be passed regulating, licensing and controlling hawkers and peddlers operating within the corporate limits of the Town of Mayerthorpe;

**NOW THEREFORE**, the Council of the Town of Mayerthorpe, duly assembled, hereby enacts as follows:

**SECTION 1**

Definitions:

1. **Application** - shall mean application for a Hawkers and Peddlers license and application for renewal of a license required by this Bylaw.
2. **Hawkers and Peddlers License**- means a license issued pursuant to this Bylaw.
3. **Council** - shall mean the Council of the Town of Mayerthorpe.
4. **Exemption** - shall mean an exemption to the requirement to obtain a Hawkers and Peddlers License, such exemption to be given by a Council resolution.
5. **Hawker or Peddler** - means a person whether as a principle or agent who:
  - i. goes from residence to residence selling or offering for sale any merchandise or service to any person, and who is not a wholesale or retail dealer in merchandise or service with a permanent place of business in the Town of Mayerthorpe;
  - ii. offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise to be afterwards delivered or shipped into the Town of Mayerthorpe, or
  - iii. sells merchandise on the streets or roads or elsewhere than a building that is his permanent place of dwelling or business in the Town of Mayerthorpe;
5. **Mobile Vending Units**- means a motor vehicle, trailer, or similar structure designed for the purpose of offering products for sale.
6. **Person** - means a person or persons, firm, partnership or body corporate including a partnership, a group of persons acting in concert or any association unless the context explicitly or by necessary implication, otherwise requires.
7. **Town** - means the Town of Mayerthorpe.

## **SECTION 2**

### General Provisions

1. No person shall, within the Town, carry on or operate any business as a hawker or peddler unless he/she holds a valid and subsisting license to conduct such business pursuant to the provisions of this Bylaw.
2. Local service groups or charitable organizations may be given an exemption to the requirements of this bylaw, by a letter from the Chief Administrative Officer. An example of such organizations would be the Girl Guides and their annual cookie sale.
3. The person shall make written Application to the Office of the Town of Mayerthorpe on the form specified in Schedule "A" which is hereby declared to form a part of this bylaw.
4. When submitting the Application, the person shall pay the required license fee as listed in Schedule "B" which is hereby declared to form a part of this bylaw.
5. A Hawkers and Peddlers License shall be in effect for the duration stated on the business license provided.
6. Hawkers and Peddlers issued a License under this Bylaw shall carry the license on their person at all times when conducting their business within the Town of Mayerthorpe.
7. The Licensee will produce the license for the inspection by a designated officer for the Town of Mayerthorpe or upon the request of any customer he approaches within the Town of Mayerthorpe.
8. A Designated Officer of the Town of Mayerthorpe may at any time revoke or suspend a license issued under the provisions of this Bylaw for failure to comply with any of the conditions or regulations herein.

## **SECTION 3**

### Conditions and Regulations

1. No Hawkers and Peddlers License shall be granted until such time as the applicant holds a valid Provincial or Federal License, where required by law.
2. No Hawkers and Peddlers License shall be granted until the applicant has submitted to the Designated Officer the proper fee as provided by this Bylaw.
3. Hawkers, Peddlers and salesmen shall not call upon residents before 9:00 a.m. nor after 9:00 p.m.
4. Mobile vending units shall not be allowed to park on Town streets. They shall only be allowed on private property with the written consent of the owner, or in places specified by Council resolution.
5. No business shall conduct its operation in such a manner as to offend the general public. Upon receipt of bona fide complaints, the Designated Officer may advise the proprietor of the nature of the complaint and may require that the matter be rectified.
6. If the Designated Officer for the municipality finds a hawker, peddler or mobile vending unit in operation and such hawker, peddler or mobile vending unit does not have a valid and subsisting license to conduct business pursuant to the provisions of this bylaw, the Designated Officer may close the "business" immediately.

## SECTION 4

### PENALTIES

1. Any person who contravenes any provisions of this Bylaw is guilty of an offense and is liable on summary conviction to a fine, as set out in Schedule "C", in addition to any license fee he may be required to pay and costs, or if unable to pay any fine levied and any license fee charged hereunder and costs, to imprisonment for a period not exceeding sixty (60) days or until such fine, license fee, and costs of committal are paid.
2. Where a person is convicted of operating a business for which a license fee is payable, without payment of such fee having been made, the court shall, in addition to the fine imposed pursuant to subsection (1) hereof, direct the payment of the applicable license fee to the municipality.
3. Where any of the provisions of this Bylaw have been deemed to be contravened and an offense ticket has been issued for that contravention, the accused may avoid appearing in court to answer to the said charge by submitting to the Municipality a voluntary payment as outlined in Schedule "C", attached to and forming part of this bylaw.

This Bylaw shall come into full force and effect on the date of its final reading.

FIRST READING carried this 2<sup>nd</sup> day of December, 2002 A.D.

SECOND READING carried this 2<sup>nd</sup> day of December, 2002 A.D.

THIRD AND FINAL READING carried this 2<sup>nd</sup> day of December, 2002 A.D.

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Mayor

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Chief Administrative Officer

**SCHEDULE "A"**

TO: Office of the Chief Administrative Officer      DATE: \_\_\_\_\_  
Town of Mayerthorpe  
P.O. Box 420  
4911 – 52 Street  
Mayerthorpe, Alberta T0E 1N0

RE: **APPLICATION FOR HAWKERS OR PEDDLERS' LICENSE**

Name and Address of Applicant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

Goods or Services being offered for sale:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

License Duration:

From: \_\_\_\_\_ To: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

FOR MUNICIPAL OFFICE USE ONLY

APPLICATION NO. \_\_\_\_\_

COMMENTS: \_\_\_\_\_

FEE: \_\_\_\_\_

\_\_\_\_\_  
RECEIPT NO. \_\_\_\_\_

\_\_\_\_\_  
LICENSE NO. \_\_\_\_\_

\_\_\_\_\_  
Municipal Receptionist

cc: Mayerthorpe Chamber of Commerce

### **SCHEDULE 'B'**

License Fees:

Hawkers and Peddlers License	Daily License	\$100.00/day
	Annual License	\$300.00/year

Annual Licenses shall cover the calendar year-January 1<sup>st</sup> to December 31<sup>st</sup>.

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### **SCHEDULE 'C'**

Penalties:

Upon summary conviction any Contravention of any section of the bylaw		\$100.00 plus cost of license
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Voluntary payment to avoid appearing in court to answer the charge	First offence	\$ 50.00
	2 <sup>nd</sup> & subsequent offences	\$100.00