

**TOWN OF SEDGEWICK
BYLAW NO. 551/18
TOWN OF SEDGEWICK HAWKERS & PEDDLERS LICENSE BYLAW**

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

WHEREAS the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta 2000 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 Sedgewick that a Bylaw be passed regulating, licensing and controlling hawkers and peddlers operating within the corporate limits of the Town of Sedgewick.

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

1. Citation

- 1.1. This bylaw may be cited as the "Hawkers & Peddlers License Bylaw".

2. Definitions

- 2.1. **Application** means an application for a Hawkers and Peddlers license and application for renewal of a license as required by this Bylaw.
- 2.2. **Charitable or Non-profit group** means any person, association or corporation engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Town, as defined by Canada Revenue Agency and has a valid Revenue Canada Registered Charitable Number and/or is incorporated under the Societies Act of Alberta.
- 2.3. **Chief Administrative Officer (CAO)** means the Chief Administrative Officer of the Town and includes any person to whom the CAO's powers are delegated or any person appointed to act in the absence of the CAO.
- 2.4. **Designated Officer** means as delegated by the Chief Administrative Officer pursuant to MGA, s.209.
- 2.5. **Enforcement Officer** – means a member of the Royal Canada Mounted Police, a Special Constable, a Bylaw Enforcement Officer or any other Enforcement Officer.
- 2.6. **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 within the Town of Sedgewick;
 - 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 Sedgewick, or;
 - iii. sells merchandise on the streets or roads or elsewhere than a building that is his permanent place of dwelling or business within the Town of Sedgewick.
- 2.7. **Hawkers and Peddlers License** means a license issued pursuant to this Bylaw.
- 2.8. **Municipal Government Act (MGA)** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-16

- 2.9. **Mobile Vending Units** means a motor vehicle, trailer, temporary structure or similar structure or stand that is not affixed to real property, designed for the purpose of offering products for sale.
- 2.10. **Mobile Vendor** means any person selling goods, food, amusements or services from a Mobile Vending Unit that is designed for offering the sale of goods, food, amusements or services.
- 2.11. **Person** means a person or persons, firm, partnership or body corporate including a partnership, a group or persons acting in concert or any association unless the context explicitly or by necessary implication, otherwise requires.
- 2.12. **Town** means the municipal corporation of the Town of Sedgewick, in the Province of Alberta, and or the area contained within the corporate boundaries of the said municipality, as the context may require.
- 2.13. **Violation Tag** means a Violation Tag issued by the Town's Designated Officer.
- 2.14. **Violation Ticket** means a Violation Ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000.

3. Licensing

- 3.1. No person shall, within the Town of Sedgewick, carry on or operate any business as a hawker or peddler unless he/she holds a valid license to conduct such business pursuant to the provisions of this bylaw and possesses the license on their person while conducting business.
- 3.2. Charitable and non-profit groups may be given an exemption to the requirements of this bylaw, by a letter from the Chief Administrative Officer or Designated Officer.
- 3.3. A Hawker or Peddler license may be obtained as follows:
 - 3.3.1. The Person shall make a written Application to the Town of Sedgewick
 - 3.3.2. The license fee as specified in Schedule 'A' shall accompany the Application
- 3.4. A Hawkers and Peddler's License shall not be granted until the applicant has paid the Town the license fee.
- 3.5. A Hawkers and Peddlers License shall not be granted unless the applicant holds a valid Provincial or Federal License, where required by law.
- 3.6. A Hawkers and Peddlers License shall be in effect for the duration stated on the license provided.
- 3.7. The Licensee will produce the license for the inspection by a Designated Officer for the Town of Sedgewick or upon the request of any customer he approaches within the Town of Sedgewick.
- 3.8. A Designated Officer of the Town of Sedgewick 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.

4. Conditions and Regulations

- 4.1. Hawkers, Peddlers and salesmen shall not call upon residents before 9:00 a.m. or after 9:00 p.m.
- 4.2. Mobile Vending Units are only allowed on private property with the written consent of the owner and shall not park on Town streets. Permission to place Mobile Vending Units on public land shall require written approval from the CAO.
- 4.3. 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.

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the guilty plea and also constitutes conviction and the imposition of a fine in the amount of the specified penalty.

6. Severability

- 6.1. If any term of this Bylaw is found to be invalid, illegal, or unenforceable by a court or tribunal having the jurisdiction to do so, that term is to be considered to have been severed from the rest of this bylaw, and the rest of the bylaw remains in force unaffected by that finding or by the severance of that term.

7. Enactment

- 7.1. This Bylaw shall take effect at the date of final passing thereof.
7.2. Bylaw 484 is hereby rescinded.

First Reading passed in open Council duly assembled in the Town of Sedgewick, in the province of Alberta this 20 day of Dec, 2018.

Second Reading passed in open Council duly assembled in the Town of Sedgewick, in the province of Alberta this 26 day of Dec, 2018.

Third Reading passed in open Council duly assembled in the Town of Sedgewick, in the province of Alberta this 26 day of Dec, 2018.

TOWN OF SEDGEWICK



MAYOR



CHIEF ADMINISTRATIVE OFFICER

4.4. 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.

5. Offences and Penalties

- 5.1. 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 'B' in addition to any license fee they 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.
- 5.2. Notwithstanding clause 1 above, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing a first offence under this Bylaw, is liable on summary conviction to double the fine set for the first offence.
- 5.3. Violation Tag:
 - 5.3.1. A Designated Officer is hereby authorized and empowered to issue Violation Tags to any person who the Designated Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
 - 5.3.2. A Violation Tag may be issued to such person:
 - 5.3.2.1. either personally, or;
 - 5.3.2.2. by mailing a copy, via register mail, to such person at their last known postal address
 - 5.3.3. The Violation Tag shall be in a form approved by the CAO and shall state:
 - 5.3.3.1. the name of the person;
 - 5.3.3.2. the offense;
 - 5.3.3.3. the appropriate penalty for the offense;
 - 5.3.3.4. that the penalty shall be paid within 21 dates of the issuance of the Violation Tag, and;
 - 5.3.3.5. any other information as may be required by the Town.
 - 5.3.4. Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued, may, in lieu of prosecution of the offense, pay the Town the penalty specified in the Violation Tag.
- 5.4. Violation Ticket:
 - 5.4.1. An Enforcement Officer is hereby authorized and empowered to issue Violation Tickets to any person who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provisions of this Bylaw.
 - 5.4.2. A Violation Ticket issued with respect to a contravention of the Bylaw shall be served upon the person responsible for the contravention in accordance with the Provincial Offenses Procedure Act, R.S.A. 2000, C. P-34, as amended or repealed and replaced from time to time.
 - 5.4.3. The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the Summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence.
 - 5.4.4. When a Clerk of a Provincial Court records the receipt of a voluntary payment pursuant to section 4 of the Bylaw and, the Provincial Offenses Procedure Act. R.S.A. 2000, C. P-34, as amended or repealed and replaced from time to time, the act of recording constitutes acceptance of

Schedule 'A'

License Fees:

Hawkers and Peddlers License	Daily License	\$ 30.00
	Annual License	\$175.00

Annual Licenses shall cover the calendar year – January 1st to December 31st

Schedule 'B'

Penalties:

Upon summary conviction any Contravention of any section of the bylaw		\$100 plus Cost of license
Voluntary payment to avoid appearing in Court to answer to the charge	First Offence	\$ 50.00
	2 nd & subsequent offences	\$100.00