

BYLAW 615-16
HAWKERS & PEDDLERS BYLAW
OF THE
VILLAGE OF INNISFREE

A BYLAW of the Village of Innisfree in the Province of Alberta for the purpose of regulating and controlling hawkers and peddlers within the Village of Innisfree.

WHEREAS pursuant to the *Municipal Government Act*, Chapter M-26 R.S.A. 2000, and amendments thereto, the Village of Innisfree Council has the power to pass a bylaw within the Village;

AND WHEREAS the *Municipal Government Act*, Chapter M-26 R.S.A. 2000, and amendments thereto, in Section 7 (e) the Village of Innisfree Council has the power to pass a Bylaw for municipal purposes respecting businesses, business activities and persons engaged in business

AND WHEREAS all properties belonging to the Village shall be under the direct control and management of the Village

NOW THEREFORE the Council of the Village of Innisfree duly assembled enacts as follow:

SHORT TITLE: This Bylaw may be referred to as the Peddlers Bylaw.

1.0 **Definitions**

- 1.1 Application** shall mean application for a Hawker's/Peddlers License from the Village of Innisfree;
- 1.2 CAO** shall mean the Chief Administrative Officer of the Village of Innisfree as defined in section 1(1)(c) of the *Municipal Government Act*, RSA, 2000, c.M-26;
- 1.3 Council** means the Council of the Village of Innisfree as defined in section 1(1)(e) of the *Municipal Government Act*, RSA, 2000, c.M-2;
- 1.4 Exemption** shall mean an exemption to the requirement to obtain a Hawkers and Peddlers License, such exemption to be given by Council approval;
- 1.5 Hawker or Peddler** means a person, whether as principle or agent who:
 - 1.5.1** 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 Innisfree;
 - 1.5.2** 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 Village of Innisfree, or
 - 1.5.3** sells merchandise on the streets or roads or elsewhere than a building that is his permanent place of dwelling or residence in the Village of Innisfree;
- 1.6 Mobile Vending Units** means a motor vehicle, trailer or similar structure designed for the purpose of offering products for sale;
- 1.7 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;
- 1.8 Village** means the Village of Innisfree or, the area within the corporate limits or the Village of Innisfree, as the context may require;

2.0 General Provisions

- 2.1 No person shall, within the Village, 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.
- 2.2 Local service clubs or charitable organizations may be given an exemption to the requirements of this bylaw, by resolution of Council. An example of such organizations would be the Innisfree Ukrainian Dance group selling cookie dough.
- 2.3 The person shall make written Application at the Office of the Village of Innisfree from the CAO, or their designate, on the form specified in Schedule 'A' which is hereby declared to form a part of this bylaw.
- 2.4 When submitting the Application, the person shall pay the required license fee as recorded and amended from time to time in the Master Rates Bylaw.
- 2.5 A Hawker's License shall be in effect for the duration stated on the Hawker's License provided.
- 2.6 Hawkers and Peddlers issued a License under this Bylaw shall carry the license on their person at all times when conducting their person at all times when conducting their business within the Village of Innisfree.
- 2.7 The Licensee will produce the license for the inspection by a designated officer for the Village of Innisfree or upon the request of any customer he/she approaches within the Village of Innisfree.
- 2.8 A Designated Officer of the Village of Innisfree 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.

3.0 Conditions and Regulations

- 3.1 No Hawker's License shall be granted until such a time as the applicant holds a valid Provincial or Federal License, where required by Bylaw.
- 3.2 No Hawker's License shall be granted until the applicant has submitted to the Designated Officer the proper fee as provided in the Master Rates Bylaw and as amended from time to time.
- 3.3 Mobile vending units shall not be allowed to park on Village streets. They shall only be allowed on private property within the written consent of the owner, or in places specified by Council resolution.
- 3.4 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 hawker of the nature of the complaint and may require that the matter be rectified.
- 3.5 If the Designated Officer for the municipality finds that 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.

4.0 Penalties

- 4.1 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 he may be and costs, to imprisonment for a period not exceeding sixty (60) days or until such fine, license fees and costs of committal are paid.
- 4.2 Where any provisions of this Bylaw have been deemed to be contravened and an offense 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 outline in Schedule 'C,' attached to and forming part of this Bylaw.

5.0 Severability, Repeal and Effective Date

5.1 Should any provision of this Bylaw be found invalid, the invalid portion shall be severed and the remaining Bylaw shall be maintained.

5.2 Any and all previous Hawker and Peddler License Bylaws are hereby repealed.

5.3 This Bylaw shall come into force and effect on the day of the Third and Final Reading.

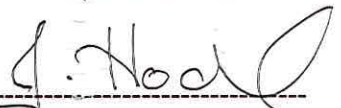
Read a First time this 19th day of January, 2016.

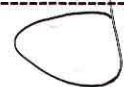
Read a Second time this 19th day of January, 2016.

By unanimous consent, read a Third time and finally passed this 19th day of January 2016.



Mayor Deb McMann





J. Hodel, CAO

SCHEDULE 'A'

TO: Office of the Municipal Manager
Village of Innisfree, Box 69, 5116 – 50 Avenue
INNISFREE, Alberta T0B 2G0

DATE: _____

RE: APPLICATION FOR HAWKERS OR PEDDLERS" LICENSE

Name and Address of Applicant:

PHONE NO: _____ CELL NO. _____

EMAIL: _____ WEBSITE: _____

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. _____

SCHEDULE 'B'

Penalties:

Upon summary conviction any
Contravention of any section of the Bylaw **\$100.00 plus cost of license**

Voluntary payment to avoid appearing
in court to answer the charge

First offence:	\$ 50.00 plus cost of license
2 nd & Subsequent :	\$100.00