

**VILLAGE OF HEISLER**

**BYLAW 472-12**

**HAWKERS AND PEDDLERS BYLAW**

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

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**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 Village of Heisler that a Bylaw be passed regulating, licensing and controlling hawkers and peddlers operating within the municipal boundaries of the Village of Heisler

**NOW THEREFORE**, the Council of the Village of Heisler, 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 Village of Heisler
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 within the Village of Heisler;
  - 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 Village of Heisler, or
  - iii. sells merchandise on the streets or roads or elsewhere other than a building that is his permanent place of dwelling or business within the Village of Heisler;
6. **Mobile Vending Units** – means a motor vehicle, trailer, or similar structure designed for the purpose of offering products for sale.
7. **Person** – means a person or persons, firm, partnership or body corporate including a partnership, a group or persons acting in context or any association unless the context explicitly or by necessary implication, otherwise requires.
8. **Village** – means the Village of Heisler.
9. **Designated Officer** – means the Chief Administrative Officer of the Village and/or the Bylaw Enforcement Officer.

## **Section 2**

### **Licensing**

1. No person shall, within the Village of Heisler, carry on or operate any business as a hawker or peddler unless he/she hold a valid and subsisting license to conduct such business pursuant to the provisions of this bylaw.
2. Local service groups, producers or 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 with their annual cookie sale. An example of a local producer would be a market garden and sale of the produce.
3. The person shall make a written Application to the Village of Heisler 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 Village of Heisler.
7. The Licensee will produce the license for the inspection by a designated officer for the Village of Heisler or upon the request of any customer he approaches within the Village of Heisler.
8. A Designated Officer of the Village of Heisler 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. or after 9:00 p.m.
4. Mobile vending units shall not be allowed to park on Village 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.

## Section 5

1. **SEVERABILITY:** Should any provision of this bylaw be invalid, then such provision shall be severed and the remaining bylaw shall be maintained.

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

Read a FIRST time this 17<sup>th</sup> day of October, 2012 A.D.

Read a SECOND time this 17<sup>th</sup> day of October, 2012 A.D.

Read a THIRD time and passed by **unanimous consent** this 17<sup>th</sup> day of October, 2012 A.D.

X

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Sean Maciborski  
Mayor

X

Amanda Howell  
Interim CAO

**Schedule 'A'**

TO: Office of the Chief Administrative Officer      DATE: \_\_\_\_\_  
Village of Heisler  
Box 60  
128 Main Street  
Heisler, AB T0B 2A0

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

Name and Address of Applicant:

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

Phone Number: \_\_\_\_\_ Cell Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_ Website Address: \_\_\_\_\_

Other Government License Information: \_\_\_\_\_

Goods or Services being offered for sale: \_\_\_\_\_

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

License Duration: From: \_\_\_\_\_ To: \_\_\_\_\_

\_\_\_\_\_  
Print Name of Applicant

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

FOR MUNICIPAL OFFICE USE ONLY

APPLICATION #: \_\_\_\_\_

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

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

\_\_\_\_\_

RECEIPT #: \_\_\_\_\_

\_\_\_\_\_

LICENSE #: \_\_\_\_\_

\_\_\_\_\_  
Chief Administrative Officer

## Schedule 'B'

### License Fees:

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

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

Voluntary payment to avoid appearing in Court to answer to the charge

First Offence	\$ 50.00
2 <sup>nd</sup> & subsequent offences	\$100.00