

**ALBERTA BEACH
BYLAW 278-20
MOBILE VENDOR BYLAW**

A BYLAW OF THE VILLAGE OF ALBERTA BEACH A MUNICIPAL CORPORATION
IN THE PROVINCE OF ALBERTA

WHEREAS the Municipal Government Act, RSA, 2000, c. M-26 and amendments thereto, authorizes a Council to pass bylaws for municipal purposes; and

WHEREAS pursuant to section 7(e) of the Municipal Government Act, a Council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business; and

WHEREAS pursuant to section 7(i) of the Municipal Government Act, a Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Municipal Government Act or Any other enactment including any or all of the matters listed therein; and

WHEREAS pursuant to section 8(c) of the Municipal Government Act, a Council may in a bylaw provide for a system of licenses, permits or approvals, including any or all of the matters listed therein;

AND WHEREAS it is deemed expedient to provide for the permitting of all mobile vendors operating in the Village;

NOW THEREFORE, the Municipal Council of the Village of Alberta Beach, in the Province of Alberta, duly assembled, hereby enacts as follows:

1.0 BYLAW TITLE

This Bylaw may be cited as the "**Mobile Vendor Bylaw**".

2.0 DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- 2.1 "Act" means the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto.
- 2.2 "Applicant" means any person who makes an application for a Mobile Vendor and Seller Permit under the provisions of this Bylaw.
- 2.3 "Business" means:
 - (a) a commercial, merchandising or industrial activity or undertaking;
 - (b) a profession, trade, occupation, calling or employment; or
 - (c) an activity providing goods or services, however organized or formed, including a cooperative or association of persons.
- 2.4 "Business Premises" means the store, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied, by any person for the purpose of any business.
- 2.5 "Busker" means a person who entertains in a public place for donations.
- 2.6 "Bylaw Enforcement Officer" means any person employed by the Village as a Bylaw Enforcement Officer or Community Peace Officer.
- 2.7 "Charitable or Non-profit Organization" means any person, association, or corporation engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Village, as defined by Revenue Canada under the Income Tax Act and that has a valid Revenue Canada Registered Charity number.
- 2.8 "Chief Administrative Officer" or "C.A.O." means the Chief Administrative Officer of the Village and includes any person to whom the Chief Administrative Officer's powers are delegated or any person appointed to act in the absence of the Chief Administrative Officer.
- 2.9 "Council" means the Municipal Council for the Village of Alberta Beach in the Province of Alberta, as duly elected and defined in the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended.
- 2.10 "Development Authority" means the person, commission or organization authorized to exercise development powers and perform duties on behalf of the Village as referred to in Division 3 of the Municipal Government Act.
- 2.11 "Development Officer" means a person appointed as a Development Officer pursuant to the Village's Land Use Bylaw.
- 2.12 "Farmers' Market" means a market, for the sale of goods directly by the producers, or their representatives who are involved in the production, of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, locally prepared and ready to eat foods and local artisan crafts.
- 2.13 "Fee" means the monetary amount levied on each application for a Mobile Vendor Permit as set out in this Bylaw.
- 2.14 "Food Vendor" means any person selling from a mobile vending unit that is designated for offering the sale of food or consumables prepared on-site and requires issuance of a provincial food handler permit.

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- 2.15 "Hawker" or "Peddler" means any person who, whether as principal or agent;
- (a) goes from house to house selling or offering for sale any merchandise or service, or both, to any person and who is not a wholesale or retail dealer in that merchandise or service;
 - (b) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered in and shipped into the municipality to the customer;
 - (c) sells merchandise or a service, or both, on the streets or roads or elsewhere other than at a building that is a permanent place of business; and/or
 - (d) does not have a permanent place of business properly established in the municipality.
- 2.16 "Land Use Bylaw" means the most recent Village of Alberta Beach Land Use Bylaw and any amendments thereto.
- 2.17 "Merchandise" means commodities or goods that are bought and sold in business.
- 2.18 "Mobile Vending Unit" means a motor vehicle, trailer, temporary structure or display, or stand that is not permanently affixed to real property.
- 2.19 "Mobile Vendor" means any person selling goods, amusements or services from a Mobile Vending Unit that is designed for offering the sale of goods, food, amusements or services.
- 2.20 "Mobile Vendor Permit Application" means an administrative application form to be completed by the applicant for the issuance of a Mobile Vendor Permit.
- 2.21 "Mobile Vendor Permit" means a document authorizing a Mobile Vendor to operate in the Village of Alberta Beach pursuant to this Bylaw.
- 2.22 "Non-resident" means a person who is not a resident of the Village of Alberta Beach.
- 2.23 "Permittee" means a person holding a valid Mobile Vendor Permit issued pursuant to this Bylaw.
- 2.24 "Person" means a natural person or a body corporate, and includes a partnership, a firm, an association or other group of persons acting in concert.
- 2.25 "Resident" means a person who:
- (a) lives or permanently resides within the boundaries of the Village; and/or
 - (b) utilize the space and services including office area, telephone, mailing address or postal box from premises that are listed on the Village Tax Roll.
- 2.26 "Resident Business" means any business which ordinarily locates or maintains a permanent place of business within the Village.
- 2.27 "Sidewalk" means that part of a road or highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a road or highway between the curb line (or the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved.
- 2.28 "Temporary Business" means commercial or industrial business activity; a profession, trade, occupation; or an activity providing goods or services, where the duration of the business activity is equal to or less than four (4) consecutive weeks.
- 2.29 "Village" means the Municipal Corporation of Alberta Beach in the Province of Alberta, and or the area contained within the corporate boundaries of the said municipality, as the context may require.
- 2.30 "Vendor", in this Bylaw, means a Mobile Vendor or Seller.
- 2.31 "Violation Ticket" means a violation ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000.

3.0 PERMIT REQUIREMENTS / GENERAL REGULATIONS

- 3.1 For the purposes of administration of this Bylaw the Alberta Beach Assistant C.A.O. or Municipal Clerk represent the Development Authority of the Village and are responsible for carrying out its provisions.
- 3.2 No person shall carry on a Mobile Vendor or Seller Business without a valid Mobile Vendor Permit from Alberta Beach.
- 3.3 Submission of the Mobile Vendors Permit application to the Development Authority shall require the payment of the applicable fee as listed in the Fees & Rates Bylaw, and a site plan showing the area or areas in which the Mobile Vending Unit and signage is proposed to be located, and an Alberta Health Services Food Handling Permit if required.
- 3.4 If required, it is the responsibility of the Vendor to obtain an Alberta Health Services Food Handling Permit.
- 3.5 It is the responsibility of the Vendor to obtain and hold valid Provincial and Federal licenses, permits, approvals, clearances, and/or insurances required to operate this business legally and produce copies of the same to the Development Authority with the completed application.
- 3.6 For Mobile Vendors operating on Village owned property, the final approval of the application shall require that the Vendor indemnify and save harmless the Village of Alberta Beach, its employees and agents, from and against all claims, expenses, actions, losses, costs and suits caused by or arising out of, directly or indirectly, the performance of the Mobile Vendor Permit, or by reason of any matter or thing done by or not done by the Vendor, its employees or agents. Vendors must provide proof of liability insurance.

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- 3.7 For Mobile Vendors operating on Village owned property any onsite services, including electricity, natural gas or sewer may not be utilized without the permission of the Village.
 - 3.8 A Mobile Vendor Permit and all other required permits and licenses must be clearly visible at the Mobile Vending Unit at all times.
 - 3.9 A new application, documentation and payment of the fee for a Mobile Vendor Permit is required every year. A Mobile Vendor Permit will be valid only in the calendar year in which the permit has been approved and issued.
 - 3.10 Vendors shall assume all responsibility for themselves and anyone whom they have hired or otherwise authorized to sell goods or products at the vending location and to see that they are aware of and comply with the terms and conditions of their permit approval.
 - 3.11 Charitable or Non-Profit Organizations from within the Village who utilize the proceeds from the sale of goods and services to support projects within the community, may be exempted from permit fees, at the discretion of the Development Authority, but must meet the other requirements of this Bylaw.
 - 3.12 Permission will not be granted to Vendors to locate where a conflict with an existing business is evident to the Development Authority. Where a conflict arises with an existing business, the Development Authority reserves the right to relocate the Mobile Vendor.
 - 3.13 Mobile Vendors operating their business on public property must stay within the permitted area/s approved by the Development Authority, as indicated on the approved Mobile Vendor Permit site plan.
 - 3.14 Mobile Vendors shall not set up their Business on private property without first obtaining written authorization from the property owner, signed, and submitted to the Development Authority at the time of application for a Mobile Vendor Permit.
 - 3.15 The Mobile Vendor and the location of the Mobile Vending Unit shall not impede traffic and/or pedestrians, endanger public safety or cause an unwelcome disturbance and must be cognitive of and compliant with all other Village Bylaws.
 - 3.16 The Mobile Vending Unit and business equipment must be kept in clean and presentable condition at all times.
 - 3.17 Advertising or signage for this type of business is limited to the space available on the Mobile Vending Unit and locations approved on the site plan of the Mobile Vendor Permit.
 - 3.18 Generators used to provide power to the Mobile Vending Unit are only permitted if they do not create a noise or pollution disturbance.
 - 3.19 Vendors shall provide garbage and recycling receptacles at the Mobile Vending Unit for all customers to discard any waste from the product sold, and shall be responsible for the collection and removal of any and all waste generated by their activities.
 - 3.20 The Development Authority may suspend or revoke a permit issued under this Bylaw and may order the relocation or removal of any structure, sign, object, Mobile Vending Unit or display unit if, in the opinion of the Development Authority, the holder of the permit, or their employee, agent or authorized representative, has failed to comply with this Bylaw.
 - 3.21 A Mobile Vendor may only carry on Business daily within the hours approved on their Mobile Vendor Permit.
 - 3.22 Vendors are not permitted to leave the Mobile Vending Unit unattended during operation.
 - 3.23 If, in the sole discretion of the Development Authority or the Community Peace Officer, the safety of the Mobile Vendor operator or the general public is at risk, the Development Authority or the Community Peace Officer may immediately direct that the Mobile Vendor either relocate or cease carrying on business from that location.
 - 3.24 Despite anything to the contrary in this Bylaw, an individual Vendor who participates in a Farmers' Market located on a street does not require a permit or written permission under this Bylaw if the operator of the Farmers' Market has obtained a Mobile Vendors Permit in accordance with this Bylaw.
 - 3.25 Mobile Vendors that carry on business at an event that is coordinated and/or controlled by the Village of Alberta Beach, may not be required to obtain a Mobile Vendors Permit.
 - 3.26 Notwithstanding any of the forgoing the Village shall waive and not collect any fees for vendors sponsored by the Alberta Beach and District Agricultural Society and operating within the Agliplex building or directly upon the Agliplex lands.
 - 3.27 Approved Vendor sites will be at the following locations:
Gazebo Park; Boat Launch Park; other location may be considered and approved by the Village; and any Village site is available on a "1st come 1st served basis WITH issuance of a valid permit. PRIVATE commercial locations will be considered WITH written authorization from property owner.
- 4.0 APPEALS**
- 4.1 Where an application for a Mobile Vendor Permit has been refused, or where an existing Mobile Vendor Permit has been revoked, suspended, or issued subject to conditions, the applicant or Permittee as the case may be, is entitled to appeal to the Chief Administrative Officer the refusal or revocation of the license.

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- 4.2 The Applicant or Permittee, as the case may be, shall have five (5) business days from the date of refusal, revocation, suspension, or issuance subject to conditions, to appeal to the Chief Administrative Officer, in writing; otherwise, the right of appeal shall be barred and extinguished.
- 4.3 Any person desiring to appeal the decision of the Development Authority, pursuant to this Bylaw, shall be required to pay an appeal fee as outlined in the Fees & Rates Bylaw.
- 4.4 Chief Administrative Officer shall hear the appeal within fourteen (14) days of receipt and shall give forty-eight (48) hour notice of the hearing in writing to the appellant.
- 4.5 The Chief Administrative Officer, after hearing an appeal, may:
- a) Direct a Mobile Vendor Permit be issued without conditions,
 - b) Direct a Mobile Vendor Permit be issued with conditions, or
 - c) Uphold the decision of the Development Authority on grounds which appear just and reasonable to the Chief Administrative Officer.
- 4.6 Any appeal decision of the Chief Administrative Officer is final and binding on all parties.

5.0 DUTIES OF BYLAW ENFORCEMENT OFFICER

- 5.1 Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person is:
- a) operating a Mobile Vendor business without a valid Mobile Vendor Permit issued under this Bylaw;
 - b) has violated a Mobile Vendor Permit condition imposed by the Development Authority; or
 - c) contravened any other provision of this Bylaw;
 - d) the Bylaw Enforcement Officer may issue a summons by means of a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedure Act R.S.A. 2000 c. P-36.

6.0 OFFENCES & PENALTIES

- 6.1 Any person who contravenes any provision of this Bylaw by:
- a) doing any act or thing that is prohibited under the terms of this Bylaw; or
 - b) fails to do any act or thing that is required to be done under the terms of this Bylaw; is guilty of an offence and the Village of Alberta Beach shall utilize whatever means deemed appropriate to affect collection.
- 6.2 A Violation Ticket may be issued by a Bylaw Enforcement Officer to any person alleged to have breached any provision of this Bylaw. The Violation Ticket shall require the payment to the Village of the Specified Penalty set out in Schedule "A" to this Bylaw.
- 6.3 Should a person not pay the penalty provided or contravene any section of this Bylaw and a prosecution has been entered against him, he shall be liable on summary conviction to the penalties legislated under Section 666 of the Municipal Government Act, Chapter M-26, R.S.A. 2000 and amendments thereto, in addition to any Mobile Vendor Permit Fee they may be required to pay.
- 6.4 The Development Authority is authorized to take the necessary steps to initiate legal proceedings to enforce this Bylaw, by way of injunction or otherwise, against any Mobile Vendor business deemed in non-compliance of this Bylaw.

7.0 SEVERABILITY PROVISION

Should any provision of the Bylaw be adjudicated invalid such provision shall be severed and the remaining Bylaw shall be maintained in its' entirety.

8.0 EFFECTIVE DATE OF BYLAW

- 8.1 This Bylaw repeals Mobile Vendor Bylaw #261-18.
- 8.2 This Bylaw shall come into full force and effect upon the third and final reading and signing of this bylaw.


READ a first time this 15th day of December, 2020.

READ a second time this 15th day of December, 2020.

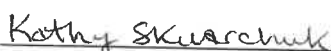
UNANIMOUS CONSENT to proceed to third reading this 15th day of December, 2020.

READ a third and final time this 15th day of December, 2020.

SIGNED by the Mayor and Chief Administrative Officer this 16th day of December, 2020.



Mayor, Jim Benedict



Chief Administrative Officer, Kathy Skwarchuk

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**Schedule "A"
Penalties**

The specified penalties for any enforced breaches of this Bylaw are:

- First Offence - \$100.00
- Second Offence - \$250.00
- Third Offence - \$500.00