

Town of Wembley

BYLAW 683

HAWKERS & PEDDLERS LICENSE BY-LAW

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

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 By-law 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 Wembley that a Blaw be passed regulating, licensing and controlling hawkers and peddlers operating within the corporate limits of the Town of Wembley;

NOW THEREFORE, the Council of the Town of Wembley, 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 Wembley.
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 Wembley;
 - 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 Wembley, 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 Wembley;
6. **Peace Officer** – means a member of the Royal Canadian Mounted Police, a Peace Officer appointed pursuant to the Alberta Peace Officer Act, or a By-Law Enforcement Officer appointed by the Town of Wembley.
7. **Mobile Vending Units** - means a motor vehicle, trailer, or similar structure designed for the purpose of offering products for sale.
8. **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.
9. **Town** - means the Town of Wembley.

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 By-law.
2. Local service groups or charitable organizations may be given an exemption to the requirements of this by-law, 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 Wembley on the form specified in Schedule "A" which is hereby declared to form a part of this by-law.
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 by-law.
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 By-law shall carry the license on their person at all times when conducting their business within the Town of Wembley.
7. The Licensee will produce the license for the inspection by a designated officer for the Town of Wembley, Peace Officer or upon the request of any customer he approaches within the Town of Wembley.
8. A Designated Officer of the Town of Wembley may at any time revoke or suspend a license issued under the provisions of this By-law 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 By-law.
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 complaint, the Designated Officer or Peace Officer may advise the hawker or peddler of the nature of the complaint and may require that the matter be rectified.
6. If the Designated Officer for the municipality or Peace Officer 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 or Peace 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 shall be liable on summary conviction to a fine of not less than two hundred dollars (\$200.00) or more than two thousand dollars (\$2,000.00).

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

Read a first, second and by unanimous consent of all Councillors present, a third and final time and finally passed this 8th day of September A.D., 2014.

Mayor – Chris Turnmire

Chief Administrative Officer
Lori Parker

SCHEDULE "A"

TO: Office of the Chief Administrative Officer
Town of Wembley
P.O. Box 89
9940-101 Street
Wembley, Alberta T0H 3S0

DATE: _____

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. _____

Town of Wembley

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 1st to December 31st.