VILLAGE OF CHAUVIN
HAWKERS/PEDDLERS LICENSE
BYLAW # 2019-08

A BYLAW OF THE VILLAGE OF CHAUVIN, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING, CONTROL AND REGULATION OF HAWKERS AND PEDDLERS WITHIN THE VILLAGE OF CHAUVIN.

WHEREAS the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta 1994 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, whether or not the business has a business premises within the municipality; and

WHEREAS it is desirable and in the best interest of the Village of Chauvin that a Bylaw be passed regulating, licensing and controlling hawkers and peddlers operating within Chauvin;

NOW THEREFORE, the Council of the Village of Chauvin, duly assembled, hereby enacts as follows:

SECTION 1

Definitions:

1. **Application -** shall mean application for a business license and application for renewal of a license required by this Bylaw.

2. **Business License -** means a license issued pursuant to this Bylaw.

3. **Council -** shall mean the Council of the Village of Chauvin.

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 Village of Chauvin

   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 Chauvin, or

   iii. sells merchandise on the streets or roads or elsewhere than a building that is his permanent place of dwelling in the Village of Chauvin, but does not include any person selling:

5. **Mobile Vending Units -** means a motor vehicle, trailer, or similar structure designed for the purpose of offering products for sale.

6. **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.

7. **Village -** means the Village of Chauvin.

SECTION 2

General Provisions

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. Local service groups 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 Girl Guides and their annual cookie sale.

3. The person shall make written Application to the Office of the Municipal Manager, Village of Chauvin, 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 Business License shall be in effect for the duration stated on the business license provided.

6. Hawkers and peddlers issued a Business License under this Bylaw shall carry the license on their person at all times when conducting their business within the Village of Chauvin.

7. The Licensee will produce the license for the inspection by a designated officer for the Village of Chauvin or upon the request of any customer he approaches within the Village of Chauvin.

8. A Designated Officer of the Village of Chauvin 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 Business License shall be granted until such time as the applicant holds a valid Provincial or Federal License, where required by law.

2. No Business 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. nor after 8:00 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.

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

7.1 Read a FIRST time this _____ day of _____, 2019.

7.2 Read a SECOND time this _____ day of _____, 2019.

7.3 Read a THIRD and FINAL time with UNANIMOUS consent this _____day of _____, 2019

_____ Mayor

_____ Acting CAO

SCHEDULE A

TO: Office of the Municipal Manager DATE:_____ of

RE: APPLICATION FOR HAWKERS OR PEDDLERS" LICENSE

Name and Address of Applicant: _____
_____
_____
_____
_____

Goods or Services being offered for sale:
_____
_____

License Duration: From _____ to _____
_____

Signature of Applicant _____

FOR MUNICIPAL OFFICE USE ONLY

COMMENTS: _____

FEE:_____

SCHEDULE B

License Fees:

Hawkers and Peddlers License	$125.00/7days/peddler or $250.00/1 year/peddler

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 the charge	First offence $50.00 2nd& subsequent$100.00