

BYLAW NO. 1462

OF THE TOWN OF WHITECOURT
PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF WHITECOURT,
IN THE PROVINCE OF ALBERTA,
TO LICENCE AND REGULATE HAWKERS & PEDLARS
WITHIN THE TOWN OF WHITECOURT

WHEREAS Council deems it expedient and proper to regulate and control hawkers and peddlers within the Town of Whitecourt.

NOW THEREFORE under the authority of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, the Municipal Council of the Town of Whitecourt, in the Province of Alberta, duly assembled, enacts as follows:

1. **Definitions:**

- 1.1 **Hawkers & Pedlars Licence** - means a licence issued pursuant to this Bylaw.
- 1.2 **Exemption** - shall mean an exemption to the requirement to obtain a Hawkers & Pedlars Licence, such exemption to be given by the Chief Administrative Officer.
- 1.3 **Hawker or Pedlar** - means a person whether as a principle or agent who:
 - a. 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 Whitecourt;
 - b. 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 Whitecourt; or
 - c. sells merchandise on the streets or roads or elsewhere than a building that is his/her permanent place of dwelling or business in the Town of Whitecourt.
- 1.4 **Mobile Vending Units** - means a motor vehicle, bicycle, trailer or similar structure designed for the purpose of offering products for sale.
- 1.5 **Non-Profit Organization** - means an incorporated federal or provincial organization that does not distribute its surplus funds to owners or shareholders, but instead uses those funds to help pursue the organization's goals.
- 1.6 **Local Non-Profit Group** - means a community group from Whitecourt or area, whether incorporated or not, that distributes surplus funds to provide services to the community or their members.

2. **General Provisions:**

- 2.1 No person shall, within the Town of Whitecourt, carry on or operate any business as a Hawker or Pedlar unless he/she holds a valid and subsisting licence to conduct such business pursuant to the provisions of this Bylaw.
- 2.2 A written application must be completed for each licence issued, as per Schedule "A" attached to this Bylaw. Each sales person for a company is required to have a licence while engaged in the sales process.
- 2.3 All registered non-profit organizations shall be exempt from any requirement to hold a licence established by this Bylaw, only when soliciting donations without the sale of goods or services. In the event that goods or services are being sold, with revenue from the sales being donated to the non-profit organization, a licence will be required. Local non-profit groups are exempt from this regulation. Non-profit organizations and local non-profit groups may register their fundraising campaigns with the Town Office.
- 2.4 Hawkers and Pedlars locating on private property, outside of the principal building, will require a licence under the terms of this Bylaw. In the event a development permit is required for the sales of a product or service, a Hawkers and Pedlars licence will not be required.
- 2.5 No licence will be considered valid until the appropriate fee, as per Schedule "B" attached to this Bylaw, has been paid.
- 2.6 A licence may be transferred from one salesperson within a company to another, subject to completion of Schedule "A" and payment of the fee outlined in Schedule "B."
- 2.7 Hawkers and pedlars issued a licence under this Bylaw shall carry the licence on their person at all times when conducting their business within the Town of Whitecourt and shall produce the licence for inspection by a Peace Officer or upon the request of any customer he/she approaches within the Town of Whitecourt.
- 2.8 A Peace Officer may at any time revoke or suspend a licence issued under the provisions of the Bylaw for failure to comply with any of the conditions or regulations herein.
- 2.9 This Bylaw shall not apply to any person or persons providing merchandise or services at the invitation of the property occupant.
- 2.10 This Bylaw shall not apply to hawkers and pedlars providing goods or services on Town of Whitecourt property at the invitation of the Town, or the Town's lessee.

3. **General Conditions & Regulations:**

- 3.1 The appropriate fee must be paid before the licence will be issued.
- 3.2 Hawkers, pedlars, and salespeople can only call upon residents between the hours of 9:00 a.m. and 9:00 p.m.
- 3.3 Mobile vending units shall stop only while actively engaged in making a sale. When all customers have been served, if after 15 minutes there are no more customers, the mobile vending unit must be moved to a new location.

- 3.4 Mobile vending units will not be permitted to sell their product within 50 metres of any business selling any same or similar product.
- 3.5 Mobile vending units will not be permitted in any Town park, including, but not limited to, Rotary Park, unless they have been approved, in writing, by the Town Director of Community Services, as a vendor for a special event.
- 3.6 Mobile vending units can locate no closer than 150m to the entrance(s) of Rotary Park, and no closer than 50m to the entrance of any other Town park.
- 3.7 A Peace Officer may terminate the sales made by a Hawker or Pedlar if they do not have a valid licence.
- 3.8 All licences shall be valid from January 1 to December 31.

4. **Penalties:**

- 4.1 Any person who breaches any section of this Bylaw is guilty of an offence and liable to:
 - a. payment of the penalty specified in Schedule "B" hereto; or
 - b. for any offence for which there is no penalty specified, to a penalty of not less than \$200 and not more than \$10,000.and in default of any payment of any penalty, to imprisonment for up to six (6) months.
- 4.2 A Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 4.3 If a violation ticket is issued in respect of an offence, the violation ticket may:
 - a. specify the fine amount established by this Bylaw; or
 - b. require a person to appear in Court without the alternative of making a voluntary payment.
- 4.4 A person who is issued a violation ticket in respect to an offence may, if the ticket specifies the fine amount established by this Bylaw for this offence, make voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Court office specified on the violation ticket.

5. **Severability:**

- 5.1 The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

6. **Repeal of Existing Bylaws:**

- 6.1 This Bylaw shall supercede Bylaw No. 778 and any amendments thereto.

READ a first time this 26 day of April 2011.

READ a second time this 26 day of April 2011.

READ a third and final time this 26 day of April 2011.

Redacted under Section 17 of the FOIP Act.

Mayor

Redacted under Section 17 of the FOIP Act.

CAO

Signed by the Mayor and CAO this 29 day of April, 2011.

**TOWN OF WHITECOURT
APPLICATION - HAWKERS & PEDLARS LICENCE**

COMPANY NAME & ADDRESS:

REGISTERED SOCIETY/NPO:

Incorporation No. _____

Telephone: _____ Cell: _____

E-Mail: _____

NAME(S) OF SALESPERSON(S): _____

GOODS OR SERVICES BEING OFFERED FOR SALE: _____

By signing this form, the applicant acknowledges the following:

1. Each individual salesperson must be properly licenced and must carry their licence with them at all times.
2. Sales calls can be made only between the hours of 9:00 a.m. and 9:00 p.m.
3. The licence is not transferable between individual salespersons.

Signature of Applicant

FOR TOWN OFFICE USE ONLY

Comments: _____

Application No. _____

Fee: _____

Licence No(s). _____

Town Receptionist

SCHEDULE "B"
BYLAW NO. 1462
Schedule of Fees & Fines

Fees:	Section	Amount
Annual Licence Fee - valid January 1 - December 31	2.5	\$200
Transfer of Licence within a company	2.6	\$ 25 per licence transfer
Fines:		
Operating without a valid licence	2.1, 2.3, 2.4	\$200 + purchase of licence
Failure to pay licence fee	2.5	\$200 per licence
Failure to carry licence on person or produce upon request	2.7	\$200
Operating outside of prescribed hours	3.2	\$200
Mobile Vending Units:		
• parked on town streets in excess of prescribed time	3.3	\$200
• operating within 50m of a business selling similar items	3.4	\$200
• operating in Town park without approval	3.5	\$200
• operating too close to Town park	3.6	\$200