

## **Town of Drumheller Bylaw 01-18**

### **Mobile Vendor Bylaw**

#### **A BYLAW OF THE TOWN OF DRUMHELLER 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 mobile vendors operating in the Town; **NOW THEREFORE**, the Municipal council of the Town of Drumheller, in the province of Alberta, duly assembled, hereby enacts as follows:

1 **BYLAW TITLE**: This Bylaw may be cited as the **Mobile Vendor Bylaw**.

2 **DEFINITIONS**: In this Bylaw, unless the context otherwise requires:

"Act" means the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto.

"Applicant" means any person who makes an application for a Mobile Vendor Permit under the provisions of this Bylaw.

"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.

"Business License" means a license to be issued, pursuant to the Town of Drumheller Business License Bylaw, and all amendments thereto, for the purpose of licensing any business operating within the Town.

"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.

"Enforcement Officer" means any person employed by the Town to enforce this bylaw.

“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 Town, as defined by Revenue Canada under the Income Tax Act and that has a valid Revenue Canada Registered Charity number.

“Chief Administrative Officer” means the Chief Administrative Officer of the Town 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.

“Council” means the Municipal Council for the Town of Drumheller in the Province of Alberta, as duly elected and defined in the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended.

“Development Authority” means the person, commission or organization authorized to exercise development powers and perform duties on behalf of the Town as referred to in Division 3 of the Municipal Government Act.

“Development Officer” means a person appointed as a Development Officer pursuant to the Town’s Land Use Bylaw.

“Farmers’ Market” means an open air or fully or partly covered 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.

“Fee” means the monetary amount levied on each application for a business license as set out in this bylaw. “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 (d) does not have a permanent place of business in the municipality.

“Land Use Bylaw” means the Town of Drumheller Land Use Bylaw and any amendments thereto.

“Market” means the business of providing for rent, stalls, tables or spaces to merchants displaying for sale, offering for sale and selling goods to the public.

“Merchandise” means commodities or goods that are bought and sold in business. ‘Mobile Vending Unit’ means a motor vehicle, trailer, temporary structure or display, or stand that is not permanently affixed to real property.

“Mobile Vendor” means any person selling goods, food, amusements or services from a Mobile Vending Unit that is designed for offering the sale of goods, food, amusements or services.

"Mobile Vendor Permit" means a document authorizing a Mobile Vendor to operate in the Town of Drumheller pursuant to this Bylaw.

"Municipal Ticket" means a form prescribed by the Chief Administrative Officer, or his designate, allowing payment to the Town of the penalty specified by this Bylaw for an offence, which shall be accepted by the Town in lieu of prosecution of the offence.

"Non-resident" means a person who is not a resident of the Town of Drumheller.

"Peace Officer" means a Community Peace Officer, Bylaw Enforcement Officer, Police of Jurisdiction, or other person appointed by the Town and who is authorized to enforce Bylaws for the Town of Drumheller.

"Permittee" means a person holding a valid Mobile Vendor Permit issued pursuant to this Bylaw.

"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.

"Resident" means a person who: (a) is located or permanently resides within the boundaries of the Town; and/or (b) utilize the space and services including office area, telephone, mailing address or postal box from premises that are listed on the Town Tax Roll.

"Resident Business" means any business which ordinarily locates or maintains a permanent place of business within the Town.

"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.

"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.

"Town" means the Municipal Corporation of the Town of Drumheller in the Province of Alberta, and or the area contained within the corporate boundaries of the said municipality, as the context may require.

"Vendor", in this Bylaw, means a Mobile Vendor.

"Violation Ticket" means a violation ticket as defined in the Provincial Offences Procedure Act, R.S.A.2000.

"Youth Vendor" means a vendor under the age of 18 operating as a Mobile Vendor with written permission from a parent, or legal guardian.

### **3 PERMIT REQUIREMENTS / GENERAL REGULATIONS**

3.1 The Development Authority for the Town of Drumheller is the Development Officer for permitted uses, or the Municipal Planning Commission, (MPC) for discretionary uses. The Development Authority responsible for carrying out the provisions of this Bylaw.

3.2 No person shall carry on a Mobile Vendor Business without a valid Mobile Vending Permit from the Development Authority.

3.3 Submission of the Mobile Vendors Permit application to the Development Authority shall require the payment of the applicable fee as listed in Schedule "A", and a detailed 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 Town owned property, the final approval of the application shall require that the Vendor indemnify and save harmless the Town of Drumheller, 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 are required to show proof of sufficient liability insurance.

3.7 A Mobile Vendor Permit and all other required permits and licenses must be clearly visible at the Mobile Vending Unit at all times.

3.8 A new application, documentation and payment of the fee for a Mobile Vendor Permit is required each and every year. A Mobile Vendor Permit will be valid only in the year the permit has been approved and issued.

3.9 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.

3.10 Charitable or Non-Profit Organizations from within the Town 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.

3.11 No Vendor, Hawker or Peddler may sell goods, foods, amusements or services within 10 metres of a commercial retail storefront operation which sells similar goods, foods, amusements or services.

3.12 Permission will not be granted to Vendors to locate where a conflict with an existing business is evident. 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 may set up their business on private property by first obtaining written authorization from the property owner, signed, and submitted to the Development Authority. A Development Permit shall be submitted as identified in the Land Use Bylaw.

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 cognizant of and compliant with all other Town Bylaws.

3.16 The Vendor shall not engage in any illegal activity.

3.17 The Mobile Vending Unit and business equipment must be kept in clean and presentable condition at all times.

3.18 Advertising or signage for this type of business is limited to the space available on the Mobile Vending Unit and the location/s approved on the site plan of the Mobile Vendor Permit. One A-Board Sign that complies with the requirements in the Land Use Bylaw will be allowable at the discretion of the Municipal Planning Commission.

3.19 Electrical generators, or inverters used to provide power to the Mobile Vending Unit are only permitted if they do not create a noise or pollution disturbance. A Mobile Vending Unit may be relocated if the Mobile Vending Unit creates a noise or pollution disturbance.

3.20 Vendors shall provide garbage and recycling receptacles at the Mobile Vending Unit for all customers to discard any waste from the product sold.

3.21 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 the provisions of this Bylaw.

3.22 A Mobile Vendor may only carry on Business daily within the hours approved on their Mobile Vendor Permit.

3.23 Vendors should refrain from leaving the Mobile Vending Unit unattended during operation.

3.24 If, in the sole discretion of the Development Authority or a Peace Officer, the safety of the Mobile Vendor operator or the general public is at risk, the Development Authority or the Peace Officer may request that the Mobile Vendor either relocate or cease carrying on business from that location.

3.25 Despite anything to the contrary in this Bylaw, an individual Vendor who participates in a Public Market located on a street does not require a permit or written permission under this Bylaw if the operator of the Public Market has obtained a valid Business License to operate a Public Market as defined in the Business License Bylaw and the Market Organizer meets all requirements for the operation of a Public Market.

3.26 Mobile Vendors that carry on business at a Public Market, as defined in the Business License Bylaw or are associated with any events that are directly supervised and controlled by a Market are not required to obtain a Mobile Vendors Permit.

3.27 Mobile Vendors that carry on business at an event that is coordinated, supervised and controlled by the Town of Drumheller, are not required to obtain a Mobile Vendors Permit, however Mobile Vendors participating in a Public Market organized by the Town may be required to pay a fee to the Town as the Public Market organizer.

3.28 No person shall carry on business as a Mobile Vendor without a valid Business License from the Town of Drumheller.

#### **4 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 Community Standards Appeal Board regarding the refusal, suspension, or revocation of the license.

4.2 The Applicant or Permittee, as the case may be, shall have ten (10) business days from the date of refusal, revocation, suspension, or issuance subject to conditions, in which to appeal to the Community Standards Appeal Board, 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 Schedule "A".

4.4 The Community Standards Appeal Board shall hear the appeal within fourteen (14) days of receipt and shall give forty-eight (48) hours notice of the hearing in writing to the appellant.

4.5 The Community Standards Appeal Board, 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.

4.6 A decision of the Community Standards Appeal Board is final and binding on all parties.

#### **5 OFFENCES & PENALTIES**

5.1 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 Town of Drumheller shall utilize whatever means deemed appropriate to affect collection.

5.2 A Violation Ticket may be issued by a Peace Officer, or the Development Authority to any person alleged to have breached any provision of this Bylaw. The Violation Ticket shall require the payment to the Town of the Specified Penalty set out in Schedule "B" to this Bylaw.

5.3 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 566 of the Municipal Government Act, Chapter M-26, R.S.A. 2000 and amendments thereto, in addition to any Mobile Vendor Permit Fee he may be required to pay.

5.4 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.

## **6 DUTIES OF AN ENFORCEMENT OFFICER**

Where an 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; the Enforcement Officer may commence proceedings by issuing 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- 34.

## **7 SEVERABILITY PROVISION**

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

## **8 AMENDMENTS TO SCHEDULES**

Town Council may by resolution amend Schedules "A" and "B" from time to time as required. Administration may amend Schedule "C" from time to time as required.

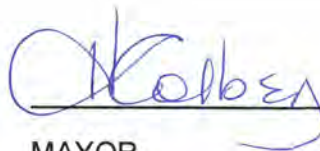
**9 EFFECTIVE DATE OF BYLAW**

This Bylaw shall take effect on the day of the final passing thereof.

READ A FIRST TIME ON THE 5th day of February, 2018.

READ A SECOND TIME ON THE 5th day of March, 2018 as amended.

READ A THIRD AND FINAL TIME ON THE 20<sup>th</sup> day of March, 2018 as amended.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

Town of Drumheller Mobile Vendor Bylaw 01-18

Schedule "A"

**Fees Mobile Vendor Permit Fees**

Resident Business.....	\$ 250.00 per Calendar Year
Non-Resident Business.....	\$ 350.00 per Calendar Year
Youth Vendor.....	\$ 20.00 per Calendar Year
Utility Fees .....	\$100 per month (where available)
Appeal Request .....	\$ 150.00

Note: The Municipal Planning Commission may issue a permit up to 2 years in duration, however any material change to the original permit application including the location, type of unit, type of service or other factor deemed significant to the Municipal Planning Commission requires a new permit application to be completed.

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**Schedule "B" Penalties**

The specified penalty for breach of this Bylaw is:

First Offence - \$ 200.00

Second Offence - \$ 400.00

Third Offence - \$ 800.00



Schedule "C"

## Mobile Vending Permit Application

224 Centre Street Drumheller AB T0J 0Y4

Main: 403.823.6300 Fax: 403.823.7739

Email: [development@dinosaurvalley.com](mailto:development@dinosaurvalley.com)

Applicant \_\_\_\_\_

Trade or Business Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ Postal Code \_\_\_\_\_

Email \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Cell \_\_\_\_\_ Other \_\_\_\_\_

### Vendor Unit Type

☐ ICE CREAM TRUCK

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Color: \_\_\_\_\_

License Plate #: \_\_\_\_\_

☐ FOOD TRUCK

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Color: \_\_\_\_\_

License Plate #: \_\_\_\_\_

☐ TRAILER

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Color: \_\_\_\_\_

License Plate #: \_\_\_\_\_

PERMIT FEE \_\_\_\_\_

PERMIT NUMBER \_\_\_\_\_

RECEIPT NO# \_\_\_\_\_

- ☐ SIDEWALK PUSH CART License Plate #: \_\_\_\_\_
- ☐ TABLE / KIOSK DESCRIPTION \_\_\_\_\_
- ☐ OTHER: DESCRIPTION: \_\_\_\_\_
- ☐ NOT APPLICABLE (HAWKER / PEDDLER) Products / Services Provided
- ☐ SIGNAGE: ☐ NO ☐ Yes Describe type of signage, include dimensions, and placement on site plan

\*\*\*NOTE: some signage may require an additional development permit

- ☐ PROPOSED LOCATION: Civic Address(es): \_\_\_\_\_

- ☐ HOURS OF OPERATION & DAYS OF THE WEEK (in each location noted above) \_\_\_\_\_

### Checklist of supporting documents to include with application

Site Plan: Provided Yes \_\_\_\_\_ No \_\_\_\_\_

\*\*\* (site plan is required showing the location of the Mobile Vendor Unit and signage)

Owner Authorization Yes \_\_\_\_\_ No \_\_\_\_\_

A Business License application has been submitted. Yes \_\_\_\_\_ No \_\_\_\_\_

A copy of Alberta Health Services Food Handling Permit, if required. Yes \_\_\_\_\_ No \_\_\_\_\_

A copy of Direct Sellers License, if required. Yes \_\_\_\_\_ No \_\_\_\_\_

\*Insurance documentation, Yes \_\_\_\_\_ No \_\_\_\_\_.

\*\*\*Minimum \$2 million liability naming the Town as also insured.

A photo of mobile vending unit. Yes \_\_\_\_\_ No \_\_\_\_\_

A copy of other Provincial licenses as required. Yes \_\_\_\_\_ No \_\_\_\_\_

Payment

I hereby make application under the provisions of the Mobile Vendor Bylaw # 18-01 for a Mobile Vendor Permit in accordance with the plans and supporting material submitted herein and which form part of this application.

Applicant \_\_\_\_\_

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

Date \_\_\_\_\_

\*\*\*\*If signing on behalf of a property owner or business owner, paperwork must be included showing the persons authorization to sign on behalf of the property owner or business owner.

\*\*\*\*I will report any variation to the operation of the Mobile Vending Unit to the Town of Drumheller that conflicts with the authorization noted above, by contacting the Development Authority at 403.823.1310. Failure to inform / obtain permission to vary the operation of the Mobile Vending Unit may be considered a violation resulting in a penalty.

The personal information on this form is collected under the Freedom of Information and Protection of Privacy Act and will be used in order to process this form. Please forward questions or concerns to the FOIPP Coordinator at 224 Centre Street, Drumheller, AB T0J0Y4  
Phone 403.823.1339, Fax 403.823.8006, or email [FOIP@Dinosaurvalley.com](mailto:FOIP@Dinosaurvalley.com)

**Mobile Vendor Permit – Approval/Refusal**

**OFFICE USE ONLY**

Mobile Vendor Permit Number \_\_\_\_\_

Mobile Vendor Permit App Fee \$ \_\_\_\_\_

Receipt # \_\_\_\_\_

PERMIT APPROVAL Yes \_\_\_\_\_ No \_\_\_\_\_

Approved By \_\_\_\_\_

Date Approved: \_\_\_\_\_

Permit Expiry Date: \_\_\_\_\_

**Special Conditions**

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

**Proposed Location(s) Approved:**

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

**Hours of Operation / Days of Week Approved:**

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

**Refused Reasons for Refusal:**

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

**Notes:**

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



**Authorization to Allow Mobile Vendor on Property As owner and/or manager of:**

\_\_\_\_\_ Name of business

I give permission for : \_\_\_\_\_, (owner/operator) for  
\_\_\_\_\_ (Name of business owner name of business to operate\*) as a Vendor  
on my property located at \_\_\_\_\_ (civic address) for the time period of  
\_\_\_\_\_.

Print name of property or business owner \_\_\_\_\_

Signature of property or business owner \_\_\_\_\_

Date \_\_\_\_\_

\*If signing on behalf of a property owner or business owner, paperwork must be included showing the persons authorization to sign on behalf of the property owner or business owner.

\*I will report any variation to the operation of the Mobile Vending Unit to the Town of Drumheller that conflicts with the authorization noted above, by contacting the Development Authority at 403.823.1310.