

**Town of Olds
Bylaw 2018-46**

A BYLAW OF THE TOWN OF OLDS 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 Olds, 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 Olds 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.

"Bylaw Enforcement Officer" means any person employed by the Town as a Bylaw Enforcement Officer or Community Peace Officer.

"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 Olds 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 mobile vendor as set out in the Town of Olds Rates 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 Olds Land Use Bylaw and any amendments thereto.

"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 Olds 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 Olds.

"Permitee" 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 Olds 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.

3 PERMIT REQUIREMENTS / GENERAL REGULATIONS

- 3.1 The Development Officer for the Town of Olds is 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 Town of Olds.
- 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 Town of Olds '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 Town owned property, the final approval of the application shall require that the Vendor indemnify and save harmless the Town of Olds, 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 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

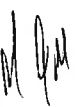
- 3.8 A new application, documentation and payment of the fee for a Mobile Vendor Permit is required each and every year. A Mobile Vendor Permit will be valid only in the year the permit has been approved and issued.
- 3.9 Vendors shall assume all responsibility for themselves and anyone whom they have 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 100 meters 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 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 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.
- 3.19 Generators used to provide power to the Mobile Vending Unit are only permitted if they do not create 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 are not permitted to leave the Mobile Vending Unit unattended during operation.
- 3.24 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, a the Development Authority or the Community 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 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.
- 3.26 Mobile Vendors that carry on business on any grounds that are directly associated with any events that are directly supervised and controlled by the Olds Regional Exhibition, are not required to obtain a Mobile Vendors Permit.
- 3.27 Mobile Vendors that carry on business on any grounds that are owned, supervised and controlled by Olds College, are not required to obtain a Mobile Vendors Permit.
- 3.28 Mobile Vendors that carry on business at an event that is coordinated, supervised and controlled by the Town of Olds, are not required to obtain a Mobile Vendors Permit.
- 3.29 No person shall carry on business as a Mobile Vendor without a valid Business License from the Town of Olds.

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 Chief Administrative Officer the refusal or revocation of the license.
- 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, in which 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 Town of Olds "Rates Bylaw".
- 4.4 Chief Administrative Officer 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 appelliant.
- 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 Chief Administrtrative Officer.
- 4.6 A decision of Chief Administrative Officer on an appeal 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 Olds shall utilize whatever means deemed appropriate to affect collection.

- 5.2 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 Town of the Specified Penalty set out in Appendix 1.
- 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 BYLAW ENFORCEMENT OFFICER

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;

the Bylaw 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 APPENDICES

Town Council may by resolution amend Appendix 1.
Administration may amend Appendix 2 from time to time as required.

9 EFFECTIVE DATE OF BYLAW & REPEAL OF EXISTING BYLAW

This Bylaw comes into full force and effect on January 1, 2019.

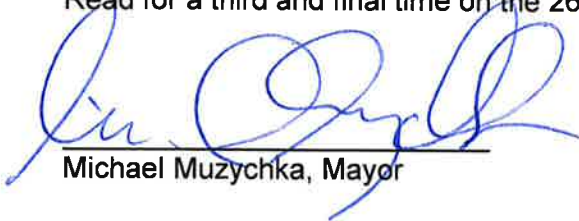
Bylaw 2015-19 and all amendments thereto are hereby repealed.

Read for a first time on the 26th day of November, 2018.

Read for a second time on the 26th day November, 2018.

Unanimous consent given to present for third reading this 26th day of November, 2018.

Read for a third and final time on the 26th day of November, 2018.



Michael Muzychka, Mayor



Michael Merritt, Chief Administrative Officer

Signed by the Mayor and Chief Administrative Officer this *27th* day of *November* 2018.

Town of Olds Mobile Vendor Bylaw 2018-46
Appendix 1
Penalties

The specified penalty for breach of this Bylaw is:

- First Offence - \$ 200.00
- Second Offence - \$ 400.00
- Third Offence - \$ 800.00



Mobile Vendor Permit Application



Town of Olds

4512 46 Street
 Olds AB T4H 1R5
 Main: 403.556.6981
 Fax: 403.507.4856
 Email: planning@olds.ca

MVP # _____
 Business License # _____

| | | |
|---|------------------|---|
| Permittee Information | | |
| Trade or Business Name _____ | | |
| Applicant _____ | Tel Fax _____ | Cell _____ |
| Business Address _____ | | Postal Code _____ |
| Email _____ | | |
| Vendor Unit Type | | |
| <input type="checkbox"/> ICE CREAM TRUCK Make: _____ Model: _____ Year: _____ Color: _____ License Plate #: _____ | | |
| <input type="checkbox"/> FOOD TRUCK Make: _____ Model: _____ Year: _____ Color: _____ License Plate #: _____ | | |
| <input type="checkbox"/> TRAILER / VEHICLE Make: _____ Model: _____ Year: _____ Color: _____ License Plate #: _____ | | |
| <input type="checkbox"/> SIDEWALK PUSH CART License Plate #: _____ | | |
| <input type="checkbox"/> TABLE / KIOSK | | |
| <input type="checkbox"/> OTHER: Describe Unit: _____ | | |
| <input type="checkbox"/> NOT APPLICABLE (HAWKER / PEDDLER) | | |
| Products / Services Provided | | |
| | | |
| Signage | | |
| <input type="checkbox"/> Yes If Yes, describe what type of signage _____ *Note: Show signage location/s on site plan. | | <input type="checkbox"/> No |
| Proposed Location/s | | |
| Civic Address: _____ | | |
| <input type="checkbox"/> Site Plan Provided (site plan is required showing the location of the Mobile Vendor Unit and signage) | | <input type="checkbox"/> Owner Authorization Provided |
| Checklist | | |
| <input type="checkbox"/> A Business License application has been submitted. | | <input type="checkbox"/> Insurance documentation, if required. |
| <input type="checkbox"/> A copy of Alberta Health Services Food Handling Permit, if required. | | <input type="checkbox"/> A photo of mobile vending unit, if required. |

A copy of Direct Sellers License, if required.

A copy of other Provincial licenses as required.

OFFICE USE ONLY

Mobile Vendor Permit App Fee \$ _____ Receipt # _____

PERMIT APPROVAL

Approved By _____ Date Approved: _____

Hours of Operation / Days of Week Approved: _____ Permit Expiry Date: _____

Special Conditions: _____

Refused Reasons for Refusal: _____

Notes: _____

I hereby make application under the provisions of the Mobile Vendor Bylaw # 2015-19 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

Date

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 4512 46 Street, Olds, AB T4H 1R5. Phone 403-556-6981, Fax 403-556-6537, or email FOIP@olds.ca



Town of Olds

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.