

SCHEDULE "A"

Village of Wabamun Economic Diversification Matters Bylaws for Repeal

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LIST OF BYLAWS AND RATIONALE FOR REPEAL

1. Village of Wabamun Bylaw No. 03-2020: Business and Vendor Licensing

Parallel Parkland County Bylaws: N/A

Rationale for repeal:

Parkland County has made the decision to remove the need for business licences and regulates businesses through the approval of a development permit.

Repealing this bylaw aligns the hamlet of Wabamun with the regulatory framework of Parkland County and ensures the same experience for all business owners within Parkland County.

Bylaw document: available at [Appendix A](#)

2. Village of Wabamun Bylaw No. 06-88: Hawkers and Pedlars Bylaw

Parallel Parkland County Bylaws: N/A

Rationale for repeal:

This bylaw is an additional layer of business regulation and licence that Parkland County has not historically implemented.

Repealing this bylaw aligns the hamlet of Wabamun with the regulatory framework of Parkland County and ensures the same experience for all business owners within Parkland County.

Bylaw document: available at [Appendix B](#)

APPENDIX A:
WABAMUN BYLAW NO. 03-2020: Business and Vendor Licensing



BY LAW NO. 03-2020
OF THE VILLAGE OF WABAMUN IN THE PROVINCE OF ALBERTA
BUSINESS LICENSE / VENDOR BYLAW

A Bylaw for the purpose of licensing, regulating and controlling businesses, market vendors and vendors within the Village of Wabamun.

WHEREAS, pursuant to the Municipal Government Act, Chapter M-26 R.S.A. 2000, and amendments thereto, the Village of Wabamun Council has the power to pass a Bylaw within the Village

AND WHEREAS, the Municipal Government Act, Chapter M-26 R.S.A. 2000, and amendments thereto, in Section 7 (e) the Village of Wabamun Council has the power to pass a Bylaw for municipal purposes respecting business, business activities and persons engaged in business

AND WHEREAS, it is provided in and by the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, and amendments thereto, that the Council may control and regulate all business and industry carried on within the Village of Wabamun including the manner of operation, the nature of the operation and the location thereof, and may license any or all such businesses or industries whether or not the business has a business premise within the municipality.

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

SHORT TITLE: This Bylaw may be referred to as the Business License / Vendor Bylaw.

1. DEFINITIONS

- a. Amusement Vendor** - A person or company that charges a fee for the use of conveyances for the enjoyment of the public, which includes, but not limited to, paddleboats, jet skis, water rides, bicycles, scooters, snow mobiles etc. and is not established in a physical commercial storefront location within the Village.
- b. Business** - includes business, trade, profession, industry, occupation, employment or calling, and the providing of goods and services from a permanent commercial or industrial location within the Village, but does not include:
 - (i) a sub-contractor or other person who is performing under or employed by a principle contractor or business, which hold a valid business license, and is not otherwise doing business within the Village,

- (ii) any business hired, employed or contracted by the Village or the Provincial or Federal Government or crown corporation and not otherwise doing business within the Village;
 - (iii) any business which is defined as a vendor, market vendor, hawker/peddler or busker
 - (iv) Residential Garage Sales, provided that the sale takes place on a residential property where that property owner or primary resident, when referring to residential rental properties, directly supervises and controls the sale. Garage sales can be held a maximum of four weekends per calendar year before a home occupation license will be required.
 - (v) a business expressly exempted from the requirement of a license by a statute of the Legislature of Alberta or Parliament of Canada
 - (vi) Material delivery operations provided that the transaction/negotiation to purchase those items takes place outside of the corporate limits of the Village.
 - (vii) anyone under the age of 18 providing occasional casual labor
 - (viii) a Village not for profit or charitable organization or a village religious, school, service club or minor sports fund raising event, all of which are exempt under this bylaw
- c. **Business License** - means a business license issued pursuant to this Bylaw;
- d. **Busker** - A person or group that performs in a public place for money.
- e. **Council** – means the Council of the Village of Wabamun
- f. **Development Authority** - the Village Administrator or a delegated employee of the Village, with the responsibility and authority to act in this position.
- g. **Hawker/Peddler** - A person who moves about the Village person to person or door to door selling goods, foods or services.
- h. **Home Occupation** - means the carrying on of any business by any person whether as principal or agent from a residence or accessory residential building within the Village of Wabamun.
- i. **Licensee** - anyone holding a business license or vendor permit from the Village of Wabamun
- j. **License Issuer** - means the development authority or designate of the Village of Wabamun
- k. **Market Vendor** - A commercial entity or Village organization which utilizes an approved physical storefront or public facility to rent space to other vendors

- l. Market Vendor Permit** - a permit which may granted to an approved market vendor pursuant to this bylaw
- m. Mobile Vending Unit** - A mobile motor vehicle, trailer, tent, canopy or similar structure exceeding 2m² and designed for preparing or offering the sale of goods, food or services.
- n. Mobile Vending Unit - Local Commercial** - A mobile motor vehicle, trailer, or similar structure exceeding 2m² and designed for preparing or offering the sale of goods, food or services and is owned or operated by an existing commercial business with a physical storefront located in the village.
- o. Non-resident Business** - means a business, trade, profession, industry, occupation, employment or calling, and the providing of goods and services from a location outside the Village.
- p. Person** - means a person or persons, firm, partnership or body corporate
- q. Push Cart Vending Unit** - A push cart, bicycle or similar manually powered mobile structure not exceeding 2m² from which goods, food or services are offered for sale.
- r. Push Cart Vending Unit - Local Commercial** - A push cart, bicycle or similar manually powered mobile structure not exceeding 2m² from which goods, food or services are offered for sale and is owned or operated by an existing commercial business with a physical storefront located in the village.
- s. Resident Business** - means a business, trade, profession, industry, occupation, employment or calling, and the providing of goods and services from a permanent commercial or industrial location with a physical storefront within the corporate limits of the Village of Wabamun
- t. Residential Garage Sales** – means the selling of new or used goods from a residential property
- u. Vendor** - The name given to any person or persons selling goods, food, amusements or services in the Village without a physical storefront approved for such a use.
- v. Vendor Permit** - means a vendor permit issued pursuant to this bylaw
- w. Village** - means the Village of Wabamun

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- 2. The Development Authority of the Village of Wabamun or designate is hereby appointed as license issuer to carry out the provisions of this Bylaw.**
 - 3. The duties of a License Issuer are:**
 - a) To receive and consider applications for a business licenses, market vendor permits or vendor permits.
 - b) To conduct investigations with regard to proposed applications where necessary.
 - c) To conduct inspections of business and market vendor premises or vendors where necessary.
 - d) To collect business license, market vendor and vendor permit fees pursuant to this Bylaw.
 - e) To refuse or grant business licenses, market vendor permits or vendor permits where it is deemed appropriate.
 - f) To revoke business licenses, market vendor permits or vendor permits were deemed appropriate and necessary.
 - g) To commence prosecutions for violations of this Bylaw.
 - 4. The application process shall be:**
 - a) Every person applying for a business license, market vendor permit or vendor permit shall submit to the license issuer a written application in the prescribed administration approved form and signed by the applicant or his duly appointed agent.
 - b) Resident businesses will be invoiced in January of each year and include an application for the existing business to be submitted back to the Village with payment by the 30th day of April of each year. Resident Businesses shall not be required to hold a business license until January 1st, 2016.
 - c) Home Occupation License applications for those other than the home owner require a signed letter from the home owner authorizing the request for a license
 - 5. Upon receipt of an application for a business license, market vendor permit or vendor permit, the license issuer may:**
 - a) grant a business license, market vendor permit or vendor permit, with or without conditions or
 - b) refuse a business license, market vendor permit or vendor permit if in their opinion there are just and reasonable grounds for the refusal.
 - 6. The appeal process is:**
 - a) In every case where, under the provisions of Section 5,
 - i) an application for a business license, market vendor permit or vendor permit is refused, or
 - ii) a business license, market vendor permit or vendor permit has been revoked,



An appeal may be made to Village Council by the person seeking the business license, market vendor permit or vendor permit by serving written notice of appeal to the Chief Administrative Officer within 30 days after the date of the refusal or revocation.

- b) The Council,
 - i) shall hold a hearing on any appeal within 30 days from receipt of the notice of appeal,
 - ii) shall ensure notice of the hearing is mailed by regular mail at least seven days prior to the date of the hearing to the appellant, and
 - iii) shall consider each appeal having due regard to the circumstances and merits of the case.
 - c) When an appeal is being heard, the Village Council shall hear
 - i) the license issuer
 - ii) the appellant, and
 - iii) any other person who in the Council's opinion might be affected.
 - d) In determining an appeal, the Council
 - i) may confirm, reverse or vary the decision of the license issuer and may impose such conditions or limitation as it considers proper and desirable in the circumstances, and
 - ii) shall render its decision in writing to the appellant within 30 days from the hearing date.
 - e) A decision of the Village Council on any appeal is final and binding on all parties.
7. **A business license, market vendor permit or vendor permit issued under the provisions of this Bylaw, unless revoked, shall terminate at midnight on the 31st day of December of the year in which the license was issued, unless otherwise stated on the license.**
 8. **No business license, market vendor permit or vendor permit shall be granted until the fee has been paid.**
 9. **Business license fees, market vendor permit fees and vendor permit fees and penalties for contravention of this bylaw shall be set out in the Schedule "A" attached**
 10. **Where a business license, market vendor permit or Vendor Permit issued in accordance with this bylaw and the fees set out in Schedule "A" attached has been revoked or surrendered,**
 - a) before June 30th in any year, one half of the fee paid shall be refunded to the licensee or,
 - b) after June 30th in any year, no refund shall be made.
 11. **No person shall carry on or operate any business within the Village without holding a valid and subsisting business license, market vendor permit or vendor permit issued pursuant to the provisions of this Bylaw, unless specifically exempted by law.**

- 12. Every business license or vendor permit issued under this Bylaw shall;**
 - a) be posted in a conspicuous place in the business premises, vendor market or vendor location, or
 - b) carried by the licensee, in the absence of a suitable location to post it.
- 13. Every person carrying on or engaged in any business in respect of which a business license, market vendor permit or vendor permit is required under this Bylaw shall**
 - a) obtain a valid and subsisting license or permit, and
 - b) give all necessary information to a member of the Royal Canadian Mounted Police, Village Bylaw Officer, or the license issuer as they might require in the fulfilment of their duties.
- 14. Business License Fees for new businesses are due immediately upon commencing business in the Village unless otherwise stated in this bylaw. Commercial and Industrial Businesses commencing after July 1st in a given year will receive the license at half the annual cost.**
- 15. Vendors and market 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 ensure that they are aware of and comply with the terms and conditions of this bylaw.**
- 16. It is the responsibility of the vendor, market vendor or business 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 upon request, including those noted in section 1. (b.) i and ii.**
- 17. The final approval of the application for a vendor permit shall require that the vendor indemnify and save harmless the Village of Wabamun, 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 vending 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 upon request.**
- 18. No vendor, hawker, peddler or busker may sell goods, foods, amusements or services within 100m of a commercial retail storefront operation which sells similar goods or services unless permission for such has been granted in writing by the development authority after consultation with affected local commercial businesses.**
- 19. Approved vendors operating their vending business on public property must stay within the permitted areas approved by the Village Council only, as listed on the site map in Schedule "B" attached, unless provided for otherwise in writing by the development authority.**

- 20. Vendors shall not set up their business on private property without first obtaining written permission from the property owner, signed, and submitted to the Development Authority during business hours, prior to operating.
- 21. The vendor shall not impede traffic and/or pedestrians, endanger public safety or cause an unwelcome disturbance and must be cognitive of and compliant with the Village Bylaws.
- 22. Market vendors may rent space to other vendors within the confines of their own property and those other vendors may operate under the market vendor's permit only during the normal operating hours of the market vendor.
- 23. A vendor's unit and business equipment must be kept in clean and presentable condition at all times.
- 24. Vendors shall provide garbage and recycling receptacles at the vending unit for all customers to discard any waste from the product sold and the vendor shall be required to properly dispose of or recycle all garbage and recyclables.
- 25. Should any provision of this Bylaw be found invalid, the invalid portion shall be severed and the remaining Bylaw shall be maintained.
- 26. Upon third and final reading Bylaw 07-2019 is hereby repealed
- 27. This Bylaw comes into effect upon third and final reading

READ A FIRST TIME IN COUNCIL THIS 4th DAY OF August, 2020

READ A SECOND TIME IN COUNCIL THIS 4th DAY OF August, 2020

GIVEN UNANIMOUS CONSENT TO PROCEED TO THIRD AND FINAL READING THIS 4th DAY OF August, 2020

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 4th DAY OF August, 2020

Aug. 05, 2020

SIGNED BY THE CEO THIS DATE

CS

CHIEF ELECTED OFFICIAL

Aug. 05, 2020

SIGNED BY THE CAO THIS DATE

[Signature]

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

ANNUAL BUSINESS LICENSE FEES

RESIDENT BUSINESS	\$25.00
NON-RESIDENT BUSINESS	\$25.00
HOME OCCUPATION BUSINESS	\$25.00

SEASONAL (May 1 – Sept 30) VENDOR FEES:

AMUSEMENT VENDOR	\$200.00
HAWKER / PEDDLER	\$200.00
MARKET VENDOR	\$25.00
MOBILE VENDING UNIT	\$1000.00
MOBILE VENDING UNIT – LOCAL COMMERCIAL	\$250.00
PUSH CART VENDOR	\$200.00
PUSH CART VENDOR – LOCAL COMMERCIAL	\$50.00
BUSKER	\$50.00

WEEKLY (7 consecutive days) VENDOR FEES:

AMUSEMENT VENDOR	\$40.00
HAWKER / PEDDLER	\$50.00
MOBILE VENDING UNIT	\$200.00
MOBILE VENDING UNIT – LOCAL COMMERCIAL	\$50.00
PUSH CART VENDOR	\$50.00
PUSH CART VENDOR – LOCAL COMMERCIAL	\$10.00
BUSKER	\$10.00

DAILY (7 am – 10 pm on the same day) VENDOR FEES:

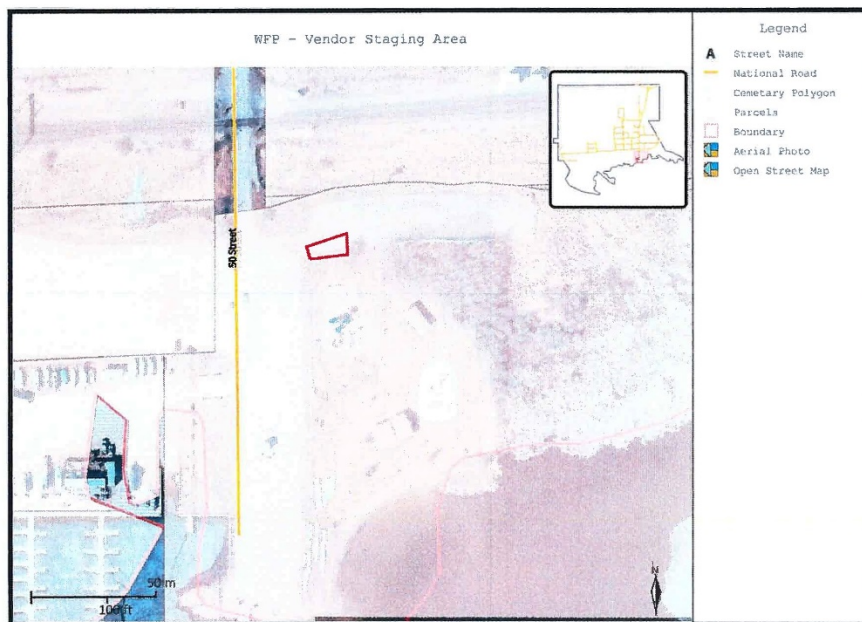
MOBILE VENDING UNIT	\$100.00
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PENALTIES FOR CONTRAVENTION OF THE BYLAW

- A. Any person contravening any provision of this bylaw shall be guilty of any offence and liable on summary conviction to a fine of not less than two hundred dollars (\$200) and five hundred dollars (\$500) for any subsequent events.
- B. Where the offence is for non-payment of any license fee payable hereunder, the convicting Justice may adjudge payment of the business license fee in addition to any other penalty.

SCHEDULE "B" PERMITTED AREAS

1. Waterfront Park – not allowed on the grass



The Village of Wabamun makes no representation as to the completeness, timeliness and accuracy of the information contained on this website. The Village of Wabamun expressly disclaims liability for any and all damages and losses arising from or in any way related to the use of this website.

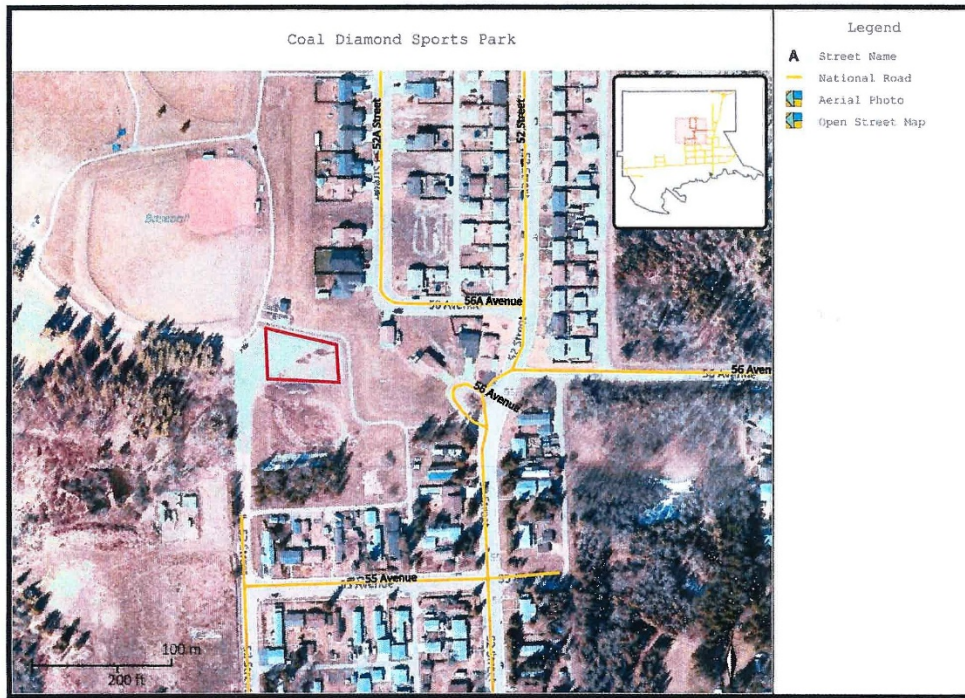
2. Wabamun Common



The Village of Wabamun makes no representation as to the completeness, timeliness and accuracy of the information contained on this website. The Village of Wabamun expressly disclaims liability for any and all damages and losses arising from or in any way related to the use of this website.

C

3. Diamond Sports Park



The Village of Wabamun makes no representation as to the completeness, timeliness and accuracy of the information contained on this website. The Village of Wabamun expressly disclaims liability for any and all damages and losses arising from or in any way related to the use of this website.

**APPENDIX A:
WABAMUN BYLAW NO. 06-88: Hawkers and Pedlars Bylaw**

VILLAGE OF WABAMUN

BY-LAW NO. 06-88

**A BY-LAW OF THE VILLAGE OF WABAMUN IN THE PROVINCE OF ALBERTA
PROVIDING FOR THE LICENSING AND REGULATING OF HAWKERS AND PEDLARS.**

WHEREAS under Section 224 of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta, 1980 and amendments thereto, provides that a Council by By-Law may regulate and control any business or industry.

AND WHEREAS the Council of the Village of Wabamun in the Province of Alberta deems it proper and expedient to pass a By-Law for the licensing and controlling the business of Hawkers and Pedlars within the corporate limits of the Village of Wabamun.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE VILLAGE OF WABAMUN, IN THE PROVINCE OF ALBERTA, duly assembled enacts as follows:

That this By-Law may be cited as "The Hawkers and Pedlar's License By-Law" of the Village of Wabamun.

1.0 DEFINITIONS

1.1 "ACT"

"Act" means the Municipal Government Act, Chapter M-26, R.S.A., 1980, as amended, or replaced, from time to time.

1.2 "ADMINISTRATOR"

"Administrator" means the Administrator for the Village of Wabamun and anyone acting or authorized by the Administrator to act on his behalf.

1.3 "APPLICANT"

"Applicant" means a person who applies for a license or a renewal of a license required by this By-Law.

1.4 "COUNCIL"

"Council" means the municipal council of the Village of Wabamun.

1.5 "HAWKERS or PEDLARS"

a) Hawkers or Pedlars means any person who whether as principal or agent:

(i) goes from house to house selling or offering for sale any merchandise or service, or both, to any person and who is not a licensed wholesale or retailer in such merchandise or service in the municipality and not having a licensed permanent place of business in the municipality;
or

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By-Law No. 06-88

(ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or service or both to be afterwards delivered in and shipped into the municipality; or

(iii) sells merchandise or services, or both, on the streets or roads or elsewhere than at the building that is his/her permanent place of business, but does not include any person selling:

1. meat, fruit or other farm product that has been produced, raised, or grown by his/herself;
2. fish of his own catching.

1.6 "LICENSE YEAR"

"License Year" means a period commencing January 1 and ending on the next succeeding December 31.

1.7 "PERSON"

"Person" means a natural person or a body corporate and includes a partnership, a group of persons acting in concert or any association unless the context explicitly or by necessary implication, otherwise requires.

1.8 "RESIDENT"

"Resident" shall mean any adult person who has lived in the Village of Wabamun for 12 consecutive months immediately prior to application for a license.

1.9 "VILLAGE"

"Village" means the Village of Wabamun, Province of Alberta, and where the context requires, means the area contained within the corporate boundaries of the said municipality.

2.0 REQUIREMENT FOR LICENSE

2.1 No person shall within the Village carry on or operate any business as a hawker or pedlar unless he holds a valid and subsisting license to conduct such business pursuant to the provisions of this By-Law. An Applicant for a license shall make written Application to the Office of the Administrator, Village of Wabamun on the form specified in Schedule "A" which is hereby declared to form a part of this By-Law, and shall, when submitting the Application, pay the required license fee.

The licence fee shall be as follows:

- a) Non-resident, adult person, the sum of \$ 25.00 per day.
- b) Resident, adult person, the sum of \$ 25.00 per license year.

Handwritten note on a yellow sticky note:
\$2500.00 / yr. non-res.

Handwritten initials: WPS

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 Village of Wabamun
 By-Law No. 06-88

- c) Any resident commencing a business operation on or after September 1 of each year and carrying on or operating for any part of the remainder of the year, shall be assessed a license fee equivalent to 1/2 of the normal annual license fee for that year.
- 2.2 No person shall apply for a Village licence unless he/she is in possession of a valid Provincial License.
- 2.3 The Administrator may refuse to grant or may revoke any license required under this By-Law if in his opinion there are just and reasonable grounds for the refusal of the application or for the revocation of such license.
- 2.4 Upon a license being revoked or suspended as herein or before provided, the Administrator shall notify the Applicant thereof:
- By delivery of a notice to him personally; or
 - By mailing a single registered letter to his place of business or residence as shown on his license.

And after the delivery of such notice his business or occupation, as the case may be, shall not be carried on until such time as a new license is issued or the suspended license is reinstated.

- 2.5 Any person who commits a breach of any of the provisions of this By-Law shall be guilty of an offence and shall be liable, upon summary conviction, except where a specific penalty is elsewhere imposed, to a fine not exceeding \$ 2,500.00 exclusive of costs, or in the case of nonpayment, to imprisonment for a period not exceeding 60 days.

3.0 APPEAL

- 3.1 In every case where
- an application for a license has been refused;
 - a license has been issued subject to conditions;
 - a license has been revoked, or
 - a license has been suspended; the person seeking the license may appeal to the Village Council and Council after hearing the applicant, may
 - direct a license be issued;
 - direct a license be issued without conditions;
 - direct a license be issued with conditions;
 - refuse to grant a license;
 - uphold the revocation or suspension of a license on grounds which appear just and reasonable.

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3.2 An appeal from subsection 3.1 clauses (a) (b) (c) and (d) shall be made by the applicant within thirty (30) days after such refusal, revocation, suspension or conditions imposed.

3.3 All appeals shall be made in writing addressed to the Administrator and shall be dated as of the date received by him.

4.0 EXEMPTION

The representative of a wholesale vendor distributing articles of merchandise on a wholesale basis to retail merchants shall not be required to obtain a license.

5.0 COMING INTO FORCE

This by-law shall come into force and effect on the first day of January, 1989.

READ A FIRST TIME THIS 5th DAY OF DECEMBER A.D. 1988.

READ A SECOND TIME THIS 5th DAY OF DECEMBER A.D. 1988.

READ A THIRD TIME AND PASSED IN COUNCIL THIS 19th DAY OF DECEMBER A.D. 1988.



MAYOR



ADMINISTRATOR

EAP:ma.i