

TOWN OF HIGH RIVER
ALBERTA

BY-LAW NO. 3895/97

Being a by-law of the Town of High River to license and regulate the business of PUSHCART VENDORS.

WHEREAS under the provisions of the Municipal Government Act, RSA 1994, Chapter M-26.1, the Council of the Town of High River may pass by-laws respecting businesses and provide for a system of licenses.

AND WHEREAS it is deemed expedient to provide for the licensing of pushcart vendors operating in the Town of High River.

NOW THEREFORE the Council of the Town of High River enacts as follows:

Title

1. This By-law may be cited as the "Pushcart Vendor License By-law".

Interpretation

2. In this By-law:
 - (a) "Authorized Pushcart Location" means an area approved by the Manager of Planning and Development for the Town of High River;
 - (b) "Town" means the Town of High River, a municipal corporation in the Province of Alberta and includes the area contained within boundaries of the Town of High River where the context requires;
 - (c) "License" means a pushcart Vendor License issued by the Town of High River under this By-law;
 - (d) "License By-law" means the Town's License By-law Number 3516/84;
 - (e) "Pushcart" means a hand operated or portable cart, wagon or other similar vehicle used for carrying goods or merchandise;
 - (f) "Pushcart Vendor" means any Person who, as principal or agent, sells or offers for sale, goods or merchandise from a Pushcart;
 - (g) "Residential Building" means a structure that contains one or more dwelling units including a house, multi-family dwelling, housing project, apartment building, lodging house, senior citizen complex or hospital;
 - (h) "Residential Development" means any land which is the site of a Residential Building and is designated

as one of the following Land Use Districts under the Land Use By-law”

- (I) R-1, R-2, R-2X or R-3
- (ii) Direct Control, where the applicable land use guidelines are primarily for residential uses.

- (I) “Sidewalk” means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a 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.

- 3. Except where inconsistent with this By-law, the provisions of the License By-law apply with all necessary modifications.

License

- 4. (1) A Pushcart Vendor shall obtain and maintain a valid License for each Pushcart.
- (2) Licenses shall be restricted to carrying on Business within the areas approved for Pushcart Vendors.
- (3) A Pushcart Vendor, while carrying on Business, shall display the License on the applicable Pushcart in a place and manner satisfactory to the License Inspector/By-law Officer.

License Requirements

- 5. An applicant for a License shall obtain the prior approval of,
 - (a) the Medical Officer of Health for the Town appointed by Headwaters Health Authority, if food products are to be sold or offered for sale from the Pushcart;

and shall have, and maintain during the currency of the License, public liability insurance of not less than one million dollars (\$1,000,000.00) in value.

License Fee

- 6. (1) A License shall not be issued by the License Inspector until the applicant has paid to the Town the fee set out in Schedule “A” of By-law 3754/93.
- (2) License fees are non-refundable.

Pushcart Operations

- 7. A Pushcart must be operated by a person of at least 18 years of age after 9:00 P.M.

Pushcart Locations

8. All Pushcart Locations on Town Property or Private Property require the approval of the Manager of Planning and Development and such approvals may be either conditional or unconditional.

Pushcart Locations - Private Property

9. (1) A Pushcart Vendor may carry on business on private property, where the Pushcart Vendor has obtained all necessary municipal approval and the written consent of the property owner.
- (2) A Pushcart Vendor shall only carry on business on private property within a Mall in compliance with the rules and regulations of the applicable Mall.

Hours of Operation

10. (1) A Pushcart Vendor may only carry on Business daily from 7:00 a.m. to 1:30 a.m.
- (2) If, in the sole discretion of the License Inspector, a member of the RCMP or the Manager of Planning and Development, the safety of the Pushcart operator or the general public is at risk a Pushcart Vendor may be required to either relocate or cease carrying on Business from that location.

Offences and Penalties

11. (1) Any person who contravenes any provision of this By-law by:
- (i) doing any act or thing which they are prohibited from doing; or
- (ii) failing to do any act or thing they are required to do;

is guilty of an offense and is liable on Summary Conviction, to a fine not exceeding two thousand dollars (\$2,000.00) in addition to any License Fee they may be required to pay, and, in the event of failure to pay or the inability to pay any fine levied and any License Fee charged and costs, to imprisonment for a period not exceeding one year or until such fine, License Fee and costs are paid.

- (2) Where any provision of this By-law provides for a minimum fine to be levied for contravention of this By-law including, but not limited to, the failure to obtain the License, the Court entering the conviction of the offence shall not levy a lesser fine than set out in the provision, and where a provision of this By-law provides for an increased fine for a second or

subsequent offence with respect to a particular business, then the fine to be levied shall not be less than the amount set for the second or subsequent offence.

- (3) Where a Business is being carried on in contravention of this By-law, or where the breach of this By-law is of a continuing nature or where any person is carrying on Business or is doing any act, matter or thing without having paid the License fee required to be paid by this By-law, then in addition to any other remedy or any penalty imposed by this By-law, the Town may, in any of those cases, apply to the Court of Queen's Bench by way of action or originating notice of an injunction or other order, prohibiting the person contravening the By-law from continuing to carry on the Business without obtaining a License, or from continuing to carry on the Business without complying with the provisions of this By-law.
12.
 - (1) Where a License Inspector or a member of the RCMP believes that a person has contravened any provision of this By-law, they may serve upon the person a voluntary payment tag in a form designated by the Town allowing payment to the Town of the fine specified in Schedule "A" of this By-law for the offence and that payment shall be accepted by the Town in lieu of prosecution for the offence.
 - (2) If the person upon whom a voluntary payment tag is served fails to pay the required sum within the time specified in the voluntary payment tag, the provisions of this section regarding acceptance of payment in lieu of prosecution do not apply.
 - (3) Nothing in this section shall:
 - (I) prevent any person from exercising their right to defend any charge of committing a breach of this By-law;
 - (ii) prevent any License Inspector or member of the RCMP from laying an information or complaint or Violation Ticket in lieu of serving a voluntary payment tag; or

- (iii) prevent any person from exercising any legal rights they may have to lay an information or complaint against any person (whether the person has made payment under the provisions of this By-law, or not) for a breach of this By-law.

Effective Date

- 13. This By-law comes into full force and effect upon Third and Final Reading thereof.

READ A FIRST, SECOND AND WITH UNANIMOUS CONSENT
OF ALL COUNCIL PRESENT A THIRD AND FINAL TIME THIS
23rd DAY OF JUNE AD. 1997.

MAYOR/DEPUTY MAYOR

TOWN MANAGER

SCHEDULE "A"

DOWNTOWN PUSH CART VENDOR LICENSE
BY-LAW NUMBER 3895/97

Voluntary Payment Fines

The voluntary payment fines which may be accepted in lieu of prosecution for a contravention of any of the provisions set out below shall be the amount opposite the Section number:

<u>Section</u>	<u>Payment Fine</u>	<u>2nd Offence</u>	<u>3rd Offence</u>
4(1)	\$250.00	\$500.00	\$1,000.00
4(4)	\$50.00		
7(1)	\$100.00		
10	\$100.00		
10(1)	\$100.00		
10(2)	\$100.00		
All other sections	\$50.00		