

CITY OF CHESTERMERE

PROVINCE OF ALBERTA

BYLAW #020-21

A Bylaw of the City of Chestermere, in the Province of Alberta, to establish provisions for the permitting of mobile vendor operations.

WHEREAS the *Municipal Government Act, R.S.A. 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;

NOW THEREFORE, the Municipal Council of the City of Chestermere, Alberta hereby enacts as follows:

1. Title

- (1) This Bylaw may be cited as the “Mobile Vendors Bylaw.”

2. Definitions

- (a) “*Act*” means the *Municipal Government Act, R.S.A. 2000, c. M-26*, as amended;
- (b) “*Applicant*” means any person who makes an application for a Mobile Vendor Permit under the provisions of this bylaw;
- (c) “*Business*” means:
 - (i) a commercial, merchandising or industrial activity or undertaking;
 - (ii) a profession, trade, occupation, calling, or employment; or

an activity providing goods or services,
whether or not for profit, however organized or formed, including a cooperative or association of persons;

- (d) “*Business License*” means a license to be issued, pursuant to the City of Chestermere Business License Bylaw, and all amendments thereto, for the purpose of licensing any business operating within the City;
- (e) “*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;
- (f) “*Bylaw Enforcement Officer*” means any person employed by the City as a Bylaw Enforcement Officer or Community Peace Officer;
- (g) “*CAO*” means the Chief Administrative Officer of the City of Chestermere;
- (h) “*City*” means the municipal corporation of the City of Chestermere, in the Province of Alberta, or the area within the City of Chestermere corporate limits, as the context requires;
- (i) “*Event*” means a Special Event or Festival as defined by the City of Chestermere’s *Events & Festival Policy* and any amendments thereto;
- (j) “*Event Organizer*” means the individual or organization that is hosting the event and assumes all event responsibilities;
- (k) “*food*” means food as defined by the *Food Regulation*, Alta Reg 31/2006 or any successor legislation or regulation.
- (l) “*Food Handling Permit*” is a food handling permit issued by Alberta Health Services under the *Food Regulation* and any successor legislation or regulation;
- (m) “*Mobile Vendor*” means any person offering for sale or selling goods, food, amusements, or services from a Mobile Vending Unit;
- (n) “*Mobile Vendor Permit*” or “*permit*” means a document issued by the City authorizing the Mobile Vendor to operate in the City of Chestermere pursuant to this Bylaw;
- (o) “*Mobile Vending Unit*” means a motor vehicle, trailer, temporary structure or display, or stand that is not permanently affixed to real property and

designed or used for offering the sale of goods, food, amusements, or services;

- (p) “*Non-Chestermere Business*” means a Business or Person that has a Business address not located within the City;
- (q) “*Peace Officer*” means a police officer or member of a police service under the *Police Act, R.S.A. 2000, c. P-17*, or a Peace Officer appointed pursuant to the *Peace Officer Act, S.A. 2006, c. P-3.5*, or a person appointed as a bylaw enforcement officer pursuant to the *Municipal Government Act, R.S.A. 2000, c. M-26*;
- (r) “*Person*” means a natural person or a corporate body, and includes a partnership, firm, association, or other group of persons acting in concert;
- (s) “*Sidewalk*” means the part of a road or highway for 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;
- (t) “*Violation Ticket*” means a violation ticket as defined in the *Provincial Offences Procedure Act, R.S.A. 2000, c. P-34* as amended.

3. Application

- (1) This Bylaw applies to Applicants and Persons who own and operate Mobile Vendor Units within the boundaries of the City of Chestermere.
- (2) Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
- (3) This Bylaw is gender-neutral and, accordingly, any reference to one gender includes all others.

4. Permit Requirement

- (1) No person shall carry on a Business from, in or on a Mobile Vending Unit without a valid Mobile Vendor Permit.

5. Operation Requirements

- (1) Mobile Vendors that are serving food must have their Alberta Health Services Food Handling Permit readily visible at all times of operation.
- (2) Mobile Vendors must have valid copies of the following documents:
 - (a) Appropriate Alberta Motor Vehicle Industry Council (AMVIC) license, if required;
 - (b) Health inspection approval, if required;
 - (c) Fire inspection approval; and
 - (d) Liability insurance.
- (3) Mobile Vendors must submit a request for a fire inspection alongside their Business License application at least seven (7) days prior to operation.
- (4) Mobile Vendor Units must be clean, well-lit, and aesthetically pleasing in accordance with the City's *Community Standards Bylaw* and any amendments thereto.
- (5) Mobile Vendor Units shall supply their own power and water source. Generators are permitted, provided they do not cause a disturbance, as determined in accordance with the City's *Community Standards Bylaw* and any amendments thereto.
- (6) Overhead canopies, doors, or appurtenances shall not obstruct or hinder pedestrian or vehicular traffic.
- (7) Mobile Vendor Units shall at all times operate with the service side facing toward a Sidewalk or equally suitable safe location for patrons.
- (8) Placement of any furniture associated with the Mobile Vendor is prohibited. This does not include waste and recycling receptacles.
- (9) On-street storage of any apparatus associated with a Mobile Vendor Unit is prohibited.
- (10) Storage of apparatus associated with a Mobile Vendor Unit is permitted on a residential driveway between May 1 and October 31, provided that the Owner of the Business has a home-based Business License for the residence in accordance with the City of Chestermere *Business License Bylaw 027-16* and *Land Use Bylaw 022-10* and any amendments thereto.
- (11) Mobile Vendor operations shall be conducted in a manner that does not restrict or interfere with the ingress or egress of any adjacent property or

constitute an obstruction to the access or movement of emergency or City operations vehicles.

- (12) Mobile Vendors shall not create any disturbance or nuisance, including but not limited to noise, vibration, smoke, dust, odour, air pollution heat, glare, bright lights, or hazardous or unacceptable waste that encroaches on private property, public streets, public spaces, or which may be a distraction for motorists or pedestrians.
- (13) Mobile Vendors shall only operate within the locations specified in Schedule "A". It is at the discretion of the CAO to permit or restrict the number of Mobile Vendor Units at any given location.
- (14) Unless the City grants express written permission, a Mobile Vendor may only operate between the following hours:
 - (a) Monday to Saturday between 7:00 a.m. and 7:00 p.m.; and
 - (b) Sunday and Statutory Holidays between 10:00 a.m. and 6:00 p.m.
- (15) Mobile Vendors may operate on private property upon the written consent of the property owner.
- (16) Mobile Vendors that wish to operate at an Event must have written consent from the Event Organizer.

6. Non-Chestermere Mobile Vendors

- (1) A Non-Chestermere Mobile Vendor must obtain a Non-Chestermere Business License prior to any operation within City limits as per the *Business License Bylaw*.
- (2) A Non-Chestermere Mobile Vendor serving food must have their Alberta Health Services Food Handling Permit readily visible at all times of operation.
- (3) A Non-Chestermere Mobile Vendor must have valid copies of the following documents:
 - (a) Appropriate Alberta Motor Vehicle Industry Council (AMVIC) license, if required;
 - (b) Health inspection approval, if required;
 - (c) Fire inspection approval; and
 - (d) Liability insurance.

7. Mobile Vendor Permit Application and Lottery

- (1) A Person may apply to the City for a Mobile Vendor Permit. The application shall include a map or plan showing the proposed location or locations in which the Mobile Vending Unit will be operated for Business and an Alberta Health Services Food Handling Permit, if required, along with any applicable fee.
- (2) Charitable or non-profit organizations who use the proceeds from the sale of goods, food, amusements, or services to support projects within the City may be exempted from permit fees, at the discretion of the CAO, but must meet the other requirements of this Bylaw.
- (3) A Mobile Vendor Permit will only be valid in the year the permit was approved and issued.
- (4) The CAO is authorized to use a lottery system to issue permits where more than one (1) application has been received for the same location.
- (5) If more than one (1) application is submitted for any given location, the lottery shall be held on the second Friday of May of each year.
- (6) The application period shall commence on the first business day of April and end on the first Friday of May of each year. Applications received after the application period will only be considered after all the applications received during the initial application period have been processed and successful applicants have been notified.
- (7) Mobile Vendors wishing to be considered for the lottery system must submit the documents outlined in Sections 4(1) and 4(2).
- (8) Applicants that are awarded a permit must apply for and receive a Business License issued by the City of Chestermere.
- (9) Applicants that are not awarded a permit on the basis that the maximum number of permits have been issued for a specific time or location may be placed on a wait list in accordance with Section 7.
- (10) Mobile Vendors are permitted to operate from the first Friday of June until the last Sunday of September in the location they have been assigned.
- (11) When a lottery system is implemented for the issuance of a permit, the CAO is authorized to do the following:
 - (a) Establish policies and procedures with respect to the permit lottery;

- (b) Prescribe the date the lottery is to be held notwithstanding Sections 6(2), 6(3), and 6(7);
- (c) Prescribe the notice period for the lottery;
- (d) Prescribe the manner in which notice of the lottery is to be provided;
- (e) Prescribe the person who will conduct the lottery;
- (f) Prescribe the number of permits that will be issued under the lottery;
- (g) Prescribe the rules as to how the lottery will be conducted; and
- (h) Prescribe any other matter required for the conduct of the lottery.

8. Wait List for Permits

- (1) At the request of an applicant whose application has been refused, the name and contact information of such applicant may be added to the bottom of the wait list maintained by the City for such purpose.
- (2) The City may update the wait list periodically, removing names of applicants who have since been issued a permit or who have not renewed their request to be maintained on the wait list, in accordance with guidelines established by the City.
- (3) In the event that a permit becomes available through revocation, surrender, or increase in permitted numbers, the applicant whose name is at the top of the wait list shall be given notice, at the address provided on the application, advising that the applicant has seven (7) days from the effective date of the notice to advise the City of their intent to accept the permit, failing which their name will be removed from the wait list, and the next applicant on the wait list shall be given notice of the availability of the permit.
- (4) In the event that the wait list is exhausted and the available permit has not been issued, the permit shall remain available to subsequent applicants.

9. Offences and Penalties

- (1) A Person who contravenes any provision of this Bylaw by:
 - (a) doing any act or thing which the Person is prohibited from doing; or
 - (b) failing to do any act or thing the Person is required to do;is guilty of an offence.
- (2) Nothing in this Bylaw shall be construed as curtailing or bridging the right of the City to obtain compensation or to maintain any action for loss of or damage to property from or against the Person(s) responsible.

10. Violation Tickets

- (1) Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against that Person by the issuance of a Violation Ticket in accordance with the *Provincial Offences Procedure Act*.
- (2) Nothing in this Section prevents a Peace Officer from issuing a Violation Ticket requiring the court appearance of the defendant, pursuant to the provision of the *Provincial Offences Procedure Act*, or from laying an Information Notice instead of issuing a Violation Ticket.

11. Severability

- (1) If any section or part of this Bylaw are found in any court of law to be illegal, enforceable, or beyond the power of Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this Bylaw shall be deemed to be separate and independent therefrom and to be enacted as such and shall remain in full force and effect.

12. Strict Liability Offence

- (1) All offences created by this Bylaw are and shall be interpreted to be strict liability offences.

13. Coming Into Force

- (1) Whenever the singular and female gender is used in this Bylaw, the same shall include the plural, masculine, and neutral gender whenever the context so requires.
- (2) The City is not required to enforce this Bylaw.
- (3) In determining whether to enforce this Bylaw, the City may take into account any practical concerns, including the available budget and personnel resources.
- (4) No action for damages shall be taken or allowed against the City or any Person(s) acting in good faith under the authority of this Bylaw in respect of the destruction, sale, or other disposal of any property pursuant to this Bylaw or the loss of any fare or valid ticket.

14. General

- (1) This Bylaw shall take effect on the day which it is finally passed.
- (2) Policy 101, being the Prohibit Sale of Food and Beverages at Public Parks policy, is hereby repealed in its entirety.

READ A FIRST TIME this 20th day of July, 2021.

READ A SECOND TIME this 20th day of July, 2021.

READ A THIRD TIME this 20th day of July, 2021.

Resolution Numbers - 297-21 / 298-21 / 299-21 /

300-21



MAYOR



CAO

Schedule A

Mobile Vendor Locations (Approved)



Schedule A

Mobile Vendor Locations (Approved)



*Chestermere
Lake*

Anniversery
Park

WEST CHESTERMERE DR

Schedule A

Mobile Vendor Locations (Approved)

HWY 3 E

Sunset Park

EAST CHESTERMERE DR

Chestermere Lake

