

**TOWN OF MORINVILLE
PROVINCE OF ALBERTA
MOBILE VENDOR BYLAW
BYLAW 11/2024
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A BYLAW OF THE TOWN OF MORINVILLE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE CONTROL OF ANY MOBILE VENDOR WITHIN THE TOWN OF MORINVILLE

WHEREAS, Section 7 of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000 and all amendments thereunto, authorizes a Council to pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business, including the licensing of any or all such businesses.

NOW THEREFORE, the Municipal Council of Morinville, Alberta duly assembled hereby enacts as follows:

1.0 BYLAW TITLE

1.1 This Bylaw shall be cited as the “Mobile Vendor Bylaw”.

2.0 DEFINITIONS

2.1 “Act” means the *Municipal Government Act*, R.S.A. 2000, c.M-26, any regulations thereunder, and any amendments or successor legislation thereto;

2.2 “Applicant” means any person who makes an application for a Business Licence as a Mobile Vendor under the provisions of this Bylaw.

2.3 “Business” means any business, occupation, trade, employment, profession or provision of a service of any kind that is conducted for the purpose of earning income, whether or not it is conducted for the purposes of earning a profit.

2.4 “Business Licence” means a licence to be issued pursuant to the Town of Morinville Business Licence Bylaw and all amendments thereto.

2.5 “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.

2.6 “Charitable or Non-profit Organization” means a person, association of persons or a corporation, acting for charity or in the promotion of the general social welfare which cannot at any time distribute any dividend or profit to its members and includes:

2.6.1 A religious society or organization,

2.6.2 A service club;

2.6.3 A community, veterans or youth organization;

2.6.4 A sport or fraternal organization or club;

2.6.5 An employers’ or employees’ organization;

2.6.6 Museums, galleries, cultural organizations and educational institutions;

2.7 “Chief Administrative Officer” or “CAO” means the Chief Administrative Officer of Morinville appointed pursuant to s. 205 of the Act or the designate of the Chief Administrative Officer;

2.8 “Council” means Council of Morinville;

2.9 “Development Authority” means the Development Authority established pursuant to the Act through the Land Use Bylaw;

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- 2.10 “Development Officer” means a person appointed as a Development Officer pursuant to the Land Use Bylaw.
- 2.11 “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.
- 2.12 “Hawker” or “Peddler” means any person who, whether as principal or agent;
- 2.12.1 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;
- 2.12.2 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;
- 2.12.3 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
- 2.12.4 does not have a permanent place of business in the municipality
- 2.13 “Land Use Bylaw” means the Town of Morinville Land Use Bylaw and any amendments thereto.
- 2.14 “Merchandise” means commodities or goods that are bought and sold in the Business.
- 2.15 “Mobile Vending Unit” means a motor vehicle, trailer, temporary structure or display, or stand that is not permanently affixed to real property.
- 2.16 “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.
- 2.17 “Nuisance” means that, due to its conditions, it is detrimental to the use and enjoyment of others or may not be pleasing to the sight.
- 2.18 "Peace Officer" means a Peace Officer as defined in the Peace Officer Act, a Bylaw Enforcement Officer appointed by the Municipality, a designated officer as defined by the *Municipal Government Act*, or a Police Officer as defined in the *Police Act*.
- 2.19 "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.
- 2.20 “Resident” means a person who:
- 2.20.1 Is located or permanently resides within the boundaries of the Town; and/or

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2.20.2 Utilize the space and services including office area, telephone, mailing address or postal box from premises that are listed on the Town Tax Roll.

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

2.22 "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 it is paved or improved.

2.23 “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 twenty-one (21) consecutive days.

2.24 “Violation Ticket” means the same as in the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34 as amended or repealed and replaced from time to time.

3.0 GENERAL REGULATIONS

3.1 The Development Officer for the Town of Morinville is the Development Authority responsible for carrying out the provisions of this Bylaw.

3.2 No person shall carry on a Mobile Vendor Business within the road right-of-way adjacent to the commercial districts along 100 Street or 100 Avenue.

3.3 Mobile Vendors may only operate in road right-of-ways, including the commercial districts along 100 Street and 100 Avenue, as part of a special event that has obtained a Temporary Road Closure Permit.

3.4 Notwithstanding s. 3.3, Mobile Vendors may operate in road right-of-ways outside the commercial districts along 100 Street and 100 Avenue as long as the operation is moving and using intermittent stops to facilitate sales or has an approved Temporary Road Closure Permit.

3.5 It is the responsibility of the Vendor to obtain and hold valid Provincial and Federal licences, permits, approvals, clearances, and/or insurances required to operate this Business legally and produce copies of the same to the Development Officer if requested.

3.6 When Mobile Vendors operate on Town-owned property, they shall indemnify and save harmless the Town of Morinville, 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, 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 \$2,000,000.00 liability insurance upon request.

3.7 A Mobile Vendor’s Morinville Business Licence and all other required permits and licences must be clearly visible at the Mobile Vending Unit at all times.

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- 3.8 Mobile Vendors shall assume all responsibility for themselves and anyone 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 this Bylaw.
- 3.9 Mobile Vendors operating their Business on public property must stay within the prescribed area/s approved by the Development Authority, as indicated on the attached Mobile Vendor Public Property List.
- 3.10 Mobile Vendors shall not set up their Business on private property without first obtaining written authorization from the property owner. Written authorization must be produced upon demand of a Peace Officer or the Development Officer.
- 3.11 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.
- 3.12 Advertising or signage for this type of Business is limited to the space available on the Mobile Vending Unit and/or the use of a modular A-Frame sign with maximum dimensions of 24" x 36" temporarily erected at one of the location/s approved in Appendix 2: Public Lands Approved for Mobile Vendors
- 3.13 Generators used to provide power to the Mobile Vending Unit are only permitted if they do not create a nuisance.
- 3.14 Mobile Vendors shall provide garbage and recycling receptacles at the Mobile Vending Unit for all customers to discard any waste from the product sold.
- 3.15 The Development Authority may suspend or revoke a Business Licence if, in the opinion of the Development Authority, the holder of the licence, or their employee, agent or authorized representative has failed to comply with the provisions of this Bylaw. Appeals for the suspension or revocation of a Business Licence will be subject to the Appeals section of the Town of Morinville's Business Licence Bylaw.
- 3.16 A Mobile Vendor may only carry on Business between the hours of 8:00 AM and 11:00 PM.
- 3.17 Mobile Vendors are not permitted to leave the Mobile Vending Unit unattended during operation.
- 3.18 Mobile Vending Units cannot be left in approved areas overnight.
- 3.19 If, at the discretion of the Development Authority or the 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.
- 3.20 All Mobile Vendors shall allow inspection by Town of Morinville's Fire Services Department upon request.
- 3.21 All Mobile Vendors shall register their daily location using the Self-Serve Portal on the Town of Morinville's website.

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3.22 Any person operating under a Town of Morinville Youth Business Licence will not be subject to the requirements of this bylaw.

4.0 PENALTIES

4.1 Any person who contravenes, disobeys, refuses or neglects to obey any provision of this Bylaw by doing an act or thing which they are prohibited from doing herein or failing to do any act or thing they are required to do herein, is guilty of an offence and is liable, upon summary conviction, to the appropriate fine as outlined under *Appendix 1: Penalties*.

4.2 Where a business is being carried on in contravention of this Bylaw, or where a breach of the Bylaw is of a continuing nature, then in addition to any other remedy or any penalty imposed by this Bylaw the Municipality may, in any of these cases, apply to a judge at the Court of King's Bench of Alberta by way of action or originating notice for an injunction or other order, prohibiting the person so contravening the Bylaw from continuing to carry on the Business without complying with the provision of the Bylaw applicable to the Business.

4.3 Subject to the entry notice provisions of the *Municipal Government Act*, a designated officer of the Municipality, bearing proper identification, may enter/approach the Mobile Vending Unit to conduct an inspection to determine whether or not this Bylaw is being complied with.

4.4 A Peace Officer may issue a Violation Ticket to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

4.5 Three (3) violations of this Bylaw will result in a six (6) month suspension of the violator's business licence, as set out in Appendix 1.

5.0 DUTIES OF PEACE OFFICER

5.1 Where a Peace Officer believes, on reasonable and probable grounds, that a person is:

5.1.1 Operating a Mobile Vendor business without a valid Town of Morinville Business Licence; or

5.1.2 Has contravened any other provision of this Bylaw; the Peace 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.

6.0 ANNUAL REVIEW

6.1 This Bylaw shall be reviewed annually no later than March 31st.

7.0 SEVERABILITY

7.1 If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts 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.

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COMING INTO FORCE

This Bylaw shall come into full force and effect when it receives third reading and is duly signed.

READ a first time this 28 day of May, 2024.

READ a second time this 28 day of May, 2024.

READ a third and finally passed the 25 day of June, 2024.

ORIGINAL SIGNED

Simon Boersma
Mayor

ORIGINAL SIGNED

Naleen Narayan
Chief Administrative Officer

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**APPENDIX 1
PENALTIES**

The specified penalty for breach of this Bylaw is:

Description	Specified Penalty
First Offence	\$200.00
Second Offence	\$500.00
Third Offence	\$500.00, plus suspension of Business Licence for 6 Months

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**APPENDIX 2
PUBLIC LANDS APPROVED FOR MOBILE VENDORS**

Description	Address
The Bob Foster Extreme Sport Park	10621 107 Street
Skyline Ball Diamonds	10510 107 Street
Ray McDonald Sports Centre Grounds	9908 104 Street