

## VILLAGE OF DONALDA

### BYLAW #642

A By-Law of the VILLAGE OF DONALDA in the PROVINCE OF ALBERTA, to provide for the licensing of mobile food vendors.

Whereas the Village of Donalda wishes to provide for the orderly conduct of mobile food vendors within the Village of Donalda, the Council of the Village of Donalda, duly assembled, hereby enacts as follows:

1. This by-law shall be known and may be cited as the "Mobile Food Vendor License By-law" of the Village of Donalda.

#### DEFINITIONS

2. In this by-law, unless otherwise, the context requires:
  - a) **Mobile Food Vendor** – means a person, partnership, corporation or any other entity that operates a vehicle, motorized or not, used to sell any form of food, whether processed or unprocessed, within the boundaries of the Village of Donalda or partially within and partially without the boundaries of the Village of Donalda.
  - b) **License** – means a license duly issued in accordance with this by-law.
  - c) **License Conditions:** means any conditions or terms endorsed onto a license by the License Inspector.
  - d) **License Inspector** – means the Administrator of the Village of Donalda.

#### NECESSITY FOR LICENSE AND LICENSE APPLICATIONS

3. No person, partnership, corporation or other entity shall carry on business as a Mobile Food Vendor within (or partly within and partly without) the Village of Donalda unless that person, partnership, corporation or other entity holds a valid and subsisting license duly issued pursuant to this by-law.
4. Applications for a Mobile Food Vendor license, for renewal of a Mobile Food Vendor license or for a transfer of a Mobile Food Vendor license shall be made on a form stipulated by the Licensing Inspector and shall be made in person at the Office of the Licensing Inspector at 5001 Main Street in the Village of Donalda.
5. Every person, partnership, corporation or other entity that applies for a Mobile Food Vendor license pursuant to this by-law shall be in the possession of any and all valid provincial licenses as may be required by the Government of Alberta.

6. The License Inspector shall not issue a license pursuant to this by-law unless the applicant has paid the required license fee as provided by this by-law.
7. The fee payable for a license issued between January 1<sup>st</sup> and December 31<sup>st</sup> in any particular year shall be the license fee set out in this by-law.
8. The License Inspector may issue a license that is subject to certain conditions that the License Inspector deems in his or her discretion to be necessary. Where a license is issued subject to conditions, the License Inspector shall endorse such conditions on the face of the license.

#### APPEAL PROCEDURES

- 9 (a) An appeal shall lie to the Council of the Village of Donalda in the event that the License Inspector refuses to issue a license or revokes a license pursuant to this by-law.
- 9 (b) All appeals pursuant to s. 9(a) shall be made in writing at the License Inspector's office on a form stipulated by the License Inspector not more than 30 days after the date on which the license is revoked or the license application is refused.
- 9 (c) Upon receiving a valid appeal pursuant to s. 9(a), the Council of the Village of Donalda shall decide whether the refusal to issue a license or revocation of a license was just and reasonable and can make any decision to reverse, confirm or amend the decision made by the License Inspector.

#### REQUIREMENT TO PRODUCE LICENSE

10. Every license issued under this by-law shall be made out and delivered to the licensee who shall produce said license whenever required to do so by the License Inspector, any assistant to the License Inspector, any Police Officer or any other duly authorized person.

#### EXPIRATION AND CANCELLATION OF LICENSES

11. Every license issued pursuant to this by-law shall expire at 11:59 p.m. on December 31<sup>st</sup> of the calendar year in which the license was issued, unless:
  - (a) the terms of this by-law expressly provide otherwise; or
  - (b) the license itself provides otherwise and is so endorsed by the License Inspector; or
  - (c) the license has been sooner cancelled or forfeited pursuant to the provisions of this by-law.
12. If a licensee is convicted of a breach of any of the provisions of this by-law, any licenses pursuant to this by-law issued to that licensee that are valid and subsisting at the time of such conviction shall be ipso facto cancelled.

ENFORCEMENT

13. Any person violating any of the provisions of this by-law shall be guilty of an offence and liable, on summary conviction, to a penalty of not more than Five Hundred dollars (\$500.00) and costs.
14. Any person who fails to comply with a legitimate request to produce a license pursuant to s. 10 of this by-law shall be guilty of an offence against the provisions of this by-law.

LICENSE FEES

15. The fee for a Mobile Food Vendor license shall be \$25.00 for each calendar year.

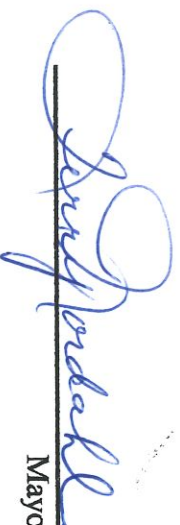
EFFECTIVE DATE

16. This by-law shall take full force and effect on the date of passing thereof.

By-Law #642 was given first reading this 14 day of April 2005 on a motion by Phil Racine

By-Law #642 was given second reading this 12 day of May, 2005 on a motion by Terry Nordahl

By-Law #642 was given third reading this 9<sup>th</sup> day of June, 2005 on a motion by Phil Racine

  
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Mayor

  
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Chief Administrative Officer