

THE CORPORATION OF THE TOWNSHIP OF LAURENTIAN VALLEY

BY-LAW NUMBER 2011-06-029

A BY-LAW TO LICENSE, REGULATE AND GOVERN MOBILE FOOD AND REFRESHMENT VENDING IN THE TOWNSHIP OF LAURENTIAN VALLEY

WHEREAS Section 151 of the *Municipal Act, 2001*, provides that a municipality may license, regulate and govern any business wholly or partly carried on within the municipality;

AND WHEREAS The Corporation of the Township of Laurentian Valley deems it expedient to license, regulate and govern mobile food and refreshment vending in the Township of Laurentian Valley;

BE IT THEREFORE ENACTED by the municipal council of The Corporation of the Township of Laurentian Valley as follows:

1.0 SHORT TITLE

This by-law shall be known as the "Mobile Food Vendor's By-law".

2.0 DEFINITIONS

In this by-law:

- a) "charitable organization" means an organization which is created primarily for a charitable object or purpose in Ontario, is operated not for profit, and includes a religious organization or minor sports group.
- b) "chip truck" means a vehicle or trailer of sufficient size to allow a person to prepare therein french fried potatoes, and from within which french fried potatoes, hamburgers, hot dogs, hot or cold beverages, non-hazardous pre-packaged foods, such as potato chips, popcorn, nuts, candy bars and similar non-hazardous confections may be sold.
- c) "Clerk" means the Clerk of The Corporation of the Township of Laurentian Valley.
- d) "Council" means the Council of The Corporation of the Township of Laurentian Valley.
- e) "food cart" means a cart which is propelled by muscular power and is equipped with cooking or barbeque grills on which to prepare hot food, and such push cart shall not exceed overall dimensions of 75 centimetres in width and 1.5 metres in length.
- f) "ice cream bicycle" means an insulated container for storing and transporting frozen ice cream, propelled totally by muscular power without motorized assistance and from which ice cream and other frozen confections may be sold.
- g) "ice cream truck" means a vehicle modified to transport frozen ice cream from place to place, which is duly licensed by the Ministry of Transportation and is capable of being driven on highways or within municipalities and from which ice cream and other frozen confections may be sold.
- h) "licence" means a licence to permit the operation of a refreshment vehicle or refreshment stand in the Township of Laurentian Valley, issued under the provisions of this by-law, which may be subject to conditions.
- i) "licensee" means any person who is licensed as required by this by-law.
- j) "Licensing Officer" means the Clerk of the Township or his designate.
- k) "mobile lunch truck" means a vehicle modified to transport food preparation and serving equipment from place to place, which is duly licensed by the Ministry of Transportation and is capable of being driven on highways or within municipalities.

- l) "Non-resident" means the applicant/business does not own, rent or lease a permanent building in the Township of Laurentian Valley.
- m) "Officer" means a municipal by-law enforcement officer, provincial offences officer, police officer, medical officer of health, licensing officer or public health inspector.
- n) "proof of insurance" means a certified copy of a policy of insurance or a certificate of insurance issued by a company authorized to carry on the business of insurance in the Province of Ontario in accordance with the *Insurance Act*, R.S.O. 1990, c.I.8, as amended, that shows proof of liability coverage as required by this by-law.
- o) "refreshment vehicle" means any vehicle from which food and refreshments are for sale or sold for consumption by the public, and includes, without limiting the generality of the foregoing, a chip truck, food cart, ice cream bicycle, ice cream truck and mobile lunch truck, irrespective of the type of power employed to move the refreshment vehicle from one point to another.
- p) "refreshment stand" means any facility (other than a restaurant or similar permanent establishment) from which food and refreshments are for sale or sold for consumption by the public on a seasonal basis, but does not include a refreshment vehicle.
- q) "Township" means The Corporation of the Township of Laurentian Valley and its locality including its geographic area.
- r) "waste" includes food, disposable eating utensils, paper, wooden, cardboard, plastic, glass or metal products used in the preparation, serving or consumption of the food or beverages offered for sale from a refreshment vehicle or refreshment stand.

3.0 REQUIREMENT FOR LICENCE

- 3.1 No person shall operate any refreshment vehicle or refreshment stand within the Township of Laurentian Valley, unless he has obtained a licence in accordance with the requirements of this by-law.

4.0 FEE REDUCTION AND EXEMPTIONS

Non-profit community associations, charitable organizations, service clubs and other organizers of special fund-raising events carried on solely for the benefit of a particular charity or non-profit organization are required to obtain a licence to operate any refreshment vehicle or refreshment stand and comply with the requirements of this by-law. Provided that the person, organization, association or service club is directly responsible for the vending operation, the fee for such licence as set out in Schedule "A" to this By-law shall be waived.

Notwithstanding any other provision of this By-law to the contrary, no licence or fee is required for the operation of a refreshment stand at either the Shady Nook Community Centre, the Alice and Fraser Recreation Centre and Stafford Park.

5.0 APPLICATION AND LICENCE FEE

- 5.1 Every applicant for a licence or a licence renewal, as required by this by-law, shall file with the Licensing Officer a completed application in the form prescribed by the Clerk and such other information or documentation as the Licensing Officer may require, and shall pay the required licence fee as set out in Schedule "A" to this by-law.
- 5.2 No fee pursuant to Section 5.1 shall be pro-rated for a portion of the month or a portion of the year.
- 5.3 The assignment, transfer, lease or granting the right to use by the Licensee to any other person is expressly prohibited.
- 5.4 Every Licensee shall report to the Licensing Officer in writing, any change of address or telephone number within fifteen (15) days of such change.

- 5.5 Every person applying for a licence, as required by this by-law, shall file with the Licensing Officer proof of insurance as set out in section 10 herein.
- 5.6 Every fee paid for a licence application under this by-law is refundable if the licence applied for is not issued by the Licensing Officer.
- 5.7 Acceptance of the licence fee does not constitute approval of the application or oblige the Township to issue a licence.
- 5.8 Upon receipt of each application completed in accordance with the requirements of this by-law, the Licensing Officer may request comments or reports from other Township departments as appropriate or make such other inquiries and obtain and review such other information and documents relevant to the application as the Licensing Officer considers necessary for the proper processing of the application.
- 5.9 If a report adverse to the application is received by the Licensing Officer and cannot be resolved by staff, such application and all other pertinent information shall be forwarded to Council for its decision as to whether a licence shall be issued or refused.

6.0 COMMENCEMENT AND EXPIRY OF LICENCE

- 6.1 Any yearly licence issued under the provisions of this by-law shall be for the current year and shall expire on the 31st day of December in the year of issue, or any monthly licence shall expire on the date of expiry set out on the licence or shall expire on the date that the said licence is revoked or suspended.

7.0 RENEWAL

- 7.1 Every person licensed under this by-law shall make application for the renewal of such licence prior to the expiration of the said licence and in any event no later than two (2) weeks prior to the expiry date.

8.0 LIMITATION ON NUMBER

- 8.1 The number of licences issued annually to permit the operation of a refreshment vehicle or refreshment stand shall not be limited.

9.0 LOCATION REQUIREMENTS

- 9.1 All premises occupied by a business licensed pursuant to the provisions of the By-Law shall be required to satisfy the Building Code, the Official Plan, the Zoning By-Law, the Property Standards By-Law and all other By-Laws of the Corporation of the Township of Laurentian Valley as may be in effect from time to time.
- 9.2 No person shall operate a refreshment vehicle or refreshment stand on any municipal property, which shall, for the purposes of this by-law, include road allowances, municipal parks, parking lots, Operations Centre and recreation facilities, unless authorized by the Clerk.
- 9.3 No person shall operate any refreshment vehicle or refreshment stand from any property except from a location or locations approved by the Licensing Officer and as listed on the licence for such refreshment vehicle or refreshment stand.
- 9.4 No person shall operate a refreshment vehicle or refreshment stand within 8 metres (26 feet) of the vehicular entrance to the property or in any location which will obstruct the flow of vehicles.
- 9.5 No person shall operate a refreshment vehicle or refreshment stand within 90 metres (295 feet) of any other refreshment vehicle, refreshment stand or restaurant.

- 9.6 Notwithstanding any other provision of Section 9.0, the location of special fund raising events shall be at the discretion of the Licensing Officer.
- 9.7 Every person applying for a licence to permit the operation of a refreshment vehicle or refreshment stand who intends to operate from private property shall submit with the application a letter of permission with respect to the proposed use from the registered property owner or his authorized agent.
- 9.8 Notwithstanding anything in Section 9, the owner of a mobile lunch truck, which has the sole purpose of travelling from place to place to serve a number of private locations is permitted to serve his clients in any zone and shall not be required to provide letters of permission from the property owners.

10.0 AVAILABILITY OF LICENCE/PERMIT

- 10.1 When operating a refreshment vehicle or a refreshment stand, the operator shall ensure that the licence issued pursuant to this by-law is available for inspection at all times.
- 10.2 The licence issued in respect of a licence for a refreshment vehicle shall be displayed in the vehicle in a visible location.

11.0 GENERAL CONDITIONS

- 11.1 Every person licensed under this by-law shall comply with all municipal, provincial and federal laws.
- 11.2 Every licensee of a chip truck, ice cream truck and mobile lunch truck, shall ensure that a minimum five (5) pound ABC dry chemical fire extinguisher or other such extinguisher as required by the Fire Chief or his designate, is attached to the vehicle at all times. In addition, all vehicles equipped with fryers shall be equipped with a Class K wet chemical or alkali-based dry chemical portable extinguisher and the operator of such vehicle shall be knowledgeable in the proper use of such fire extinguisher(s).
- 11.3 No person shall fail to keep his refreshment vehicle or refreshment stand in a clean and sanitary condition.
- 11.4 No person shall offer for sale or sell from a refreshment vehicle or refreshment stand, any goods, wares, merchandise or other item other than refreshments, food stuffs and confections.
- 11.5 No person operating a refreshment vehicle or refreshment stand shall be under the influence, or consume, or have in his possession, any alcohol or drugs other than any drugs prescribed by a duly qualified medical practitioner which do not and may not impair his ability to operate the vehicle/stand while in charge of the same.
- 11.6 No person shall sell any food from a refreshment vehicle or refreshment stand unless the food is wrapped and sold in individual, single-serving packages or disposable containers, and serviettes are provided for customers.
- 11.7 No person shall operate a refreshment vehicle or refreshment stand between the hours of 12:00 midnight and 6:00 a.m. on any day, except as described in Section 12.3.
- 11.8 No licensee shall permit any individual other than a bona fide employee to operate the refreshment vehicle or refreshment stand.
- 11.9 No person shall operate a mobile lunch truck, chip truck or an ice cream truck unless it has been equipped with an audible reversing alarm to alert the public

when the vehicle is backing up.

- 11.10 No refreshment vehicle or refreshment stand shall use any flashing lights or sounding device for attracting attention except as described in Section 11.9 herein.
- 11.11 Any person operating a refreshment vehicle or refreshment stand shall:
- 11.11.1 Provide a waste receptacle of an adequate size to contain all waste generated from the operation of the refreshment vehicle or refreshment stand.
 - 11.11.2 Ensure that all waste in the vicinity of the refreshment vehicle or refreshment stand is placed in such container before leaving the area.
 - 11.11.3 Remove such receptacle and its contents before leaving the area.
 - 11.11.4 Ensure that no waste generated by the operator or contained in his waste receptacle is deposited in any Township-owned waste containers; and
 - 11.11.5 Maintain the designated area and the pavement, sidewalk and boulevard adjacent thereto in a clean and sanitary condition free from grease, papers, rubbish and debris.
- 11.12 No person shall operate a refreshment vehicle or refreshment stand unless he is in compliance with the *Health Protection and Promotion Act*, R.S.O. 1990, c H.7, and its regulations as amended.
- 11.13 In all cases, the licensee shall indemnify and save the Township harmless from any actions, claim, damage, or loss whatsoever arising from the use of the designated area or anything undertaken or neglected to be undertaken in connections with the use of the permit.

12.0 PROVISIONS APPLICABLE TO ICE CREAM TRUCKS AND ICE CREAM BICYCLES

- 12.1 Despite Section 11.4, no person shall operate an ice cream truck or an ice cream bicycle from which is sold:
- heated or cooked food
 - milk or any beverages
 - any goods, wares or merchandise or other item other than ice cream, and frozen refreshments.
- 12.2 Despite Section 9.2, ice cream bicycles may be permitted to operate in municipal parks.
- 12.3 Despite Section 11.7 no person shall operate or permit the operation of an ice cream truck or bicycle between the hours of 11:00 p.m. and 7 a.m. on any day.

13.0 INSPECTION

- 13.1 Any person to whom a licence has been issued pursuant to this by-law shall permit any Officer, at any reasonable time, to inspect the refreshment vehicle or refreshment stand for which the licence was issued as well as the equipment and other personal property used or kept for hire in connection with the carrying on of the licensed business.

13.2 Any person who is licensed as required by this by-law shall, upon the request of any Officer, the Clerk, any person authorized by Council or any other person to whom they are offering goods for sale, produce their licence for inspection and provide, in writing, their name and address and also the name and address of their employer if applicable.

14.0 REFUSAL, REVOCATION, SUSPENSION

14.1 Any contravention of any by-law or any other law may be grounds for the refusal, suspension or revocation of the licence.

14.2 If the Licensing Officer deems that the continuation of a business poses an immediate danger to the health or safety of any person or to any property, the Licensing Officer may, for the time and on such conditions as considered appropriate, without a hearing, suspend a licence subject to providing the licensee with the reasons for the suspension, either orally or in writing, and providing an opportunity to respond to them.

14.3 Upon suspension or revocation of a licence issued under this by-law, the licensee shall return to the Licensing Officer all licences issued by the Township, and an Officer shall have access to any premises, vehicles or other property of the licensee for the purpose of receiving or taking the licence, and no person shall refuse to deliver the licence to the Licensing Officer or shall in any way prevent or hinder the Licensing Officer from receiving or taking same.

15.0 NOTICE AND APPEAL

15.1 Any person who has his licence refused, suspended or revoked shall be entitled to request a hearing of the matter by Council, provided that such a request is delivered to the Clerk's Department in the Township of Laurentian Valley within seven (7) days of the notification by the Licensing Officer of the refusal, suspension or revocation of a licence. If a written request for a hearing is not received by the Clerk's Department within this time frame the licence shall stand refused, suspended or revoked.

15.2 Upon receipt of a request for a hearing, Council shall conduct a hearing and either confirm the refusal, suspension or revocation of a licence, or direct the issuance or reinstatement of a licence upon such terms and conditions as Council shall deem advisable. The decision of Council in this regard shall be final.

15.3 When a hearing date has been fixed and the applicant or licensee has been given notice and does not attend at the place and at the time appointed for the hearing, the licence is deemed to be refused, suspended or revoked as of the date of the hearing, and no further notice shall be given to the applicant or licensee. The decision of Council in this regard shall be final.

15.4 Any notice or order required to be given by the Licensing Officer to an applicant or a licensee shall be sufficiently served if delivered personally or by telephone transmission of a facsimile or sent by registered or certified mail, addressed to the person to whom service is required to be made, according to the application for the licence or licence records.

15.5 Any notice required to be given by an applicant for a licence, or by a licensee to the Township, shall be sufficiently served if delivered personally to the Licensing Officer or by telephone transmission of a facsimile or sent by registered or certified mail, addressed to the Township of Laurentian Valley, Municipal Offices, 460 Witt Road, Pembroke, Ontario K8A 6W5, Fax No.: 613-735-5820.

15.6 When service is made through registered or certified mail, the service shall be deemed to have been made on the seventh day after the day of mailing.

SCHEDULE "A"
TO BY-LAW NUMBER 2011-06-029
ANNUAL LICENCE FEES

<u>Type of Mobile Food Vending Cart/Vehicle</u>	<u>Fee</u>
Chip truck	\$25.00 per month or \$200.00 per year
Food cart	\$25.00 per month or \$200.00 per year
Ice cream bicycle	\$25.00 per month or \$200.00 per year
Ice cream truck	\$25.00 per month or \$200.00 per year
Mobile lunch truck	\$25.00 per month or \$200.00 per year
Refreshment stand	\$25.00 per month or \$200.00 per year

15.7 When service is made by telephone transmission of a facsimile between 4:30 p.m. and midnight, it shall be deemed to have been made on the following day.

15.8 When service is made by personal delivery, it shall be deemed to have been received on the day that it was delivered.

16.0 OFFENCE AND PENALTY

16.1 Every person who contravenes any provisions of this by-law or any director or officer of a corporation who concurs in such contravention by a corporation is guilty of an offence and, upon conviction, shall be liable to a fine as provided under the *Provincial Offences Act*, R.S.O. 1990, as amended from time to time.

17.0 WORD USAGE

17.1 As used in this by-law, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.

17.2 The headings and subheadings used in this by-law shall not form part of the by-law, but shall be deemed to be inserted for convenience of reference only.

18.0 SCHEDULES

18.1 The schedules referred to in this by-law shall form part of this by-law. Each entry in a column of a schedule shall be read in conjunction with the entries across from that entry and not otherwise.

19.0 SEVERABILITY

19.1 A decision of a competent court that one or more provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or part of provisions of this By-law.

20.0 CONFLICT WITH ANY OTHER BY-LAW

20.1 In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed, the provisions of this by-law shall prevail.

21.0 COMPLIANCE WITH ANY OTHER APPLICABLE COUNTY, PROVINCIAL OR FEDERAL REQUIREMENT

21.1 The licensee must also comply with all other applicable requirements of the County of Renfrew, the Province of Ontario and/or the Government of Canada.

22.0 REPEALING SECTION

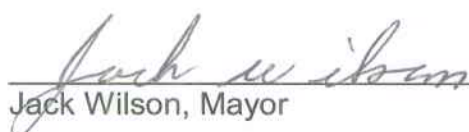
22.1 By-law 01-05-86 of the Township of Laurentian Valley is hereby repealed.

23.0 EFFECTIVE DATE

This by-law shall come into force and take effect on the day of final passing thereof.

READ A FIRST AND SECOND TIME THIS TWENTY-FIRST DAY OF JUNE, 2011.

READ A THIRD TIME AND PASSED THIS TWENTY-FIRST DAY OF JUNE, 2011.


Jack Wilson, Mayor


John Baird, Chief Administrative Officer