

THE CORPORATION OF THE TOWNSHIP OF LAURENTIAN VALLEY

BY-LAW NUMBER 2012-04-020

A BY-LAW TO AMEND BY-LAW 2011-06-029, BEING A BY-LAW TO LICENSE, REGULATE AND GOVERN CERTAIN BUSINESSES 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 commercial establishments utilizing trailers, and/or shipping containers for commercial storage in the Township of Laurentian Valley;

AND WHEREAS The Corporation of the Township of Laurentian Valley previously passed another by-law under Section 151 of the *Municipal Act, 2001*, to regulate certain other types of business being By-law 2011-06-029 "Mobile Food Vendor By-law";

Council of The Corporation of the Township of Laurentian Valley does hereby amend and rename By-law 2011-06-029 as follows:

- (a) Section 1.0 Short Title, is amended to delete the words "Mobile Food Vendors By-law" and replacing them with the words "Business Licensing By-law".
- (b) Definition 2.0 f) "licence" is amended by deleting the definition in its entirety and replacing it with the following:

" "licence" means a licence issued under the provisions of this by-law, which may be subject to conditions. "
- (c) Section 2.0 Definitions, is further amended by adding the following definitions to be inserted between the existing definitions in alphabetical order, with subsequent definitions being renumbered accordingly:

" "mobile food vendor" means any chip truck, food cart, ice cream bicycle, ice cream truck, mobile lunch truck, refreshment vehicle or refreshment stand as otherwise defined in this by-law.

"storage trailer, seacan or shipping container" means any trailer which does not have a valid licence under the Highway Traffic Act, whether or not the same is mounted on wheels; a mobile storage trailer; a storage structure or cargo box designed or once serving as commercial shipping or cargo container; a truck trailer or box; or the parking of a tractor-trailer or a separate tractor or cargo box; any of which are used for commercial storage, but shall not include an "eating establishment", or a seacan for which a building permit has been issued under the Building Code."
- (d) Section 3.1 Requirement for Licence is amended by adding the words "nor use a storage trailer, seacan or storage container for commercial storage" immediately following the words "refreshment stand" and before the words "within the Township".
- (e) Section 8.0 Limitation on Number, Section 9.0 Location Requirements, Section 10.0 Availability of Licence/Permit, Section 11.0 General Conditions and Section

12.0 Provisions Applicable to Ice Cream Trucks and Ice Cream Bicycles are removed in their entirety from the main part of the By-law and are added as Schedule "B", as shown on Schedule "B" attached to this By-law.

(f) A new Section 9.0 is added as follows:

"9.0 SCHEDULES: ADDITIONAL CONDITIONS FOR INDIVIDUAL BUSINESSES"

The following schedules are attached to and form part of this by-law:

- Schedule "A" - Licence Fees
- Schedule "B" - Additional Provisions Related to Mobile Food Vendors
- Schedule "C" - Additional Provisions Related to Storage Trailer, Seacan or Shipping Container


Each entry in the column of a schedule shall be read in conjunction with the entries across from that entry and not otherwise."

- (g) Section 13.0 Inspection is renumbered to Section 10.0, Section 14.0 Refusal, Revocation, Suspension is renumbered to Section 11.0, Section 15.0 Notice and Appeal is renumbered to Section 12.0, Section 16.0 Offence and Penalty is renumbered to Section 13.0, Section 17.0 Word Usage is renumbered to Section 14.0, Section 19.0 Severability is renumbered to Section 15.0, Section 20.0 Conflict with Other By-law is renumbered to Section 16.0, Section 21.0 Compliance With Any Other Applicable County, Provincial or Federal Requirement is renumbered to Section 17.0, Section 22.0 Repealing Section is renumbered to Section 18.0, Section 23.0 Effective Date is renumbered to Section 19.0, and subsequent cross-references are renumbered accordingly.
- (h) Section 18.0 is deleted in its entirety.
- (i) By adding a new "Schedule C" - ADDITIONAL PROVISIONS RELATED TO A STORAGE TRAILER, SEACAN AND SHIPPING CONTAINER USED FOR COMMERCIAL STORAGE, as shown on Schedule "C" attached to this By-law.

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

READ A FIRST AND SECOND TIME THIS SEVENTEENTH DAY OF APRIL, 2012.

READ A THIRD TIME AND PASSED THIS SEVENTEENTH DAY OF APRIL, 2012.



Jack Wilson, Mayor



John Baird, Chief Administrative Officer

SCHEDULE "A" TO BY-LAW NO. 2012-04-020

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

<u>A. Type of Mobile Food Vending Cart/Vehicle</u>	<u>Annual Fee</u>
i. Chip truck	\$25.00 per month or \$200.00 per year
ii. Food cart	\$25.00 per month or \$200.00 per year
iii. Ice cream bicycle	\$25.00 per month or \$200.00 per year
iv. Ice cream truck	\$25.00 per month or \$200.00 per year
v. Mobile lunch truck	\$25.00 per month or \$200.00 per year
vi. Refreshment stand	\$25.00 per month or \$200.00 per year

B. Storage Trailer, Seacan or Shipping Container

Storage Trailer, Seacan or Shipping Container \$125.00 per licence

SCHEDULE "B" TO BY-LAW NO. 2012-04-020

SCHEDULE "B" TO BY-LAW NUMBER 2011-06-029 ADDITIONAL PROVISIONS RELATED TO MOBILE FOOD VENDORS

1.0 LIMITATION ON NUMBER

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

2.0 LOCATION REQUIREMENTS

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 No person shall operate a refreshment vehicle or refreshment stand within 90 metres (295 feet) of any other refreshment vehicle, refreshment stand or restaurant.
- 2.6 Notwithstanding any other provision of Section 2.0, the location of special fund raising events shall be at the discretion of the Licensing Officer.
- 2.7 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.
- 2.8 Notwithstanding anything in Section 2.0, 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.

3.0 AVAILABILITY OF LICENCE/PERMIT

- 3.1 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.
- 3.2 The licence issued in respect of a licence for a refreshment vehicle shall be displayed in the vehicle in a visible location.

4.0 GENERAL CONDITIONS

- 4.1 Every person licensed under this by-law shall comply with all municipal, provincial

and federal laws.

- 4.2 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).
- 4.3 No person shall fail to keep his refreshment vehicle or refreshment stand in a clean and sanitary condition.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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 5.3.
- 4.8 No licensee shall permit any individual other than a bona fide employee to operate the refreshment vehicle or refreshment stand.
- 4.9 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.
- 4.10 No refreshment vehicle or refreshment stand shall use any flashing lights or sounding device for attracting attention except as described in Section 4.9 herein.
- 4.11 Any person operating a refreshment vehicle or refreshment stand shall:
 - 4.11.1 Provide a waste receptacle of an adequate size to contain all waste generated from the operation of the refreshment vehicle or refreshment stand.
 - 4.11.2 Ensure that all waste in the vicinity of the refreshment vehicle or refreshment stand is placed in such container before leaving the area.
 - 4.11.3 Remove such receptacle and its contents before leaving the area.
 - 4.11.4 Ensure that no waste generated by the operator or contained in his waste receptacle is deposited in any Township-owned waste containers; and
 - 4.11.5 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.
- 4.12 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.

- 4.13 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.

5.0 PROVISIONS APPLICABLE TO ICE CREAM TRUCKS AND ICE CREAM BICYCLES

- 5.1 Despite Section 4.4, 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.
- 5.2 Despite Section 2.2, ice cream bicycles may be permitted to operate in municipal parks.
- 5.3 Despite Section 4.7 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.

SCHEDULE "C" TO BY-LAW NO. 2012-04-020

**SCHEDULE "C"
TO BY-LAW NUMBER 2011-06-029
ADDITIONAL PROVISIONS RELATED TO STORAGE TRAILERS, SEACANS AND
SHIPPING CONTAINERS USED FOR COMMERCIAL STORAGE**

1.0 LOCATION REQUIREMENTS

- 1.1 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.
- 1.2 No person shall use or locate a storage trailer, seacan or shipping container on any property except from a location or locations approved by the Licensing Officer and as listed on the licence for such storage trailer, seacan or shipping container.
- 1.3 Every person applying for a licence for a storage trailer, seacan or shipping container to be located on property which the business operator does not own but rather leases or rents shall submit with the application a letter of permission with respect to the proposed use from the registered property owner.

2.0 AVAILABILITY OF LICENCE/PERMIT

- 2.1 The licensee shall ensure that the licence issued pursuant to this by-law is available for inspection at all times.

3.0 GENERAL CONDITIONS

- 3.1 Every person licensed under this by-law shall comply with all municipal, provincial and federal laws.
- 3.2 Portable extinguishers shall be installed in all licensed storage trailers, seacans or shipping containers, in compliance with the provisions of the Ontario Fire Code made under the Fire Protection and Prevention Act, 1997 as amended.
- 3.3 Every licensed storage trailers, seacans or shipping containers used to store flammable and/or hazardous materials shall be properly ventilated and placarded to identify the materials stored in the structure.
- 3.4 Every licensed storage trailer, seacan or shipping container shall have a maintained, access road capable of withstanding the weight of fire fighting equipment to within 45 metres of the accessory building and/or structure.
- 3.5 Every licensed storage trailer, seacan or shipping container shall be located a minimum distance of 10.0 metres from any existing buildings and from any other storage trailer, seacan or shipping container by a minimum distance of 5.0 metres.
- 3.6 Every licensed storage trailer, seacan or shipping container shall be located on a stable base, whether that be a concrete pad or gravel surface, in order to ensure that they are stable.
- 3.7 Every licensed storage trailer, seacan or shipping container shall be kept in good condition and not in an unsightly condition by reason of deterioration, damage or defacement.
- 3.8 The area around every licensed storage trailer, seacan or shipping container must be maintained in a way to be free and clear of any vegetation or undergrowth which

may result in a fire hazard.

- 3.9 A licence is not transferable from one storage trailer, seacan or shipping container to another and should a storage trailer, seacan or shipping container be relocated to another property in the Township, a new licence is required.
- 3.10 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 licensed storage trailer, seacan or shipping container or anything undertaken or neglected to be undertaken in connection with the use of the permit.