

CORPORATION OF THE TOWNSHIP OF
EAST LUTHER GRAND VALLEY

BY-LAW 98- 12

A BY-LAW TO LICENCE, GOVERN, AND REGULATE
FOOD AND REFRESHMENT VENDING IN THE
TOWNSHIP OF EAST LUTHER GRAND VALLEY

WHEREAS Section 109 (2) of the Municipal Act, R.S.O. 1990c.M.45, authorizes Municipal Councils to pass by-laws to licence, regulate or govern the trades, calling on businesses for which such places or things are used, and the persons carrying on or engaged in them:

AND WHEREAS Municipal Councils are authorized to regulate the business of refreshment vehicles and refreshment stands;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST LUTHER GRAND VALLEY ENACTS AS FOLLOWS:

SECTION 1 - DEFINITIONS

In this By-Law unless the context otherwise requires:

- 1.1 TOWNSHIP means the Corporation of the Township of East Luther Grand Valley.
- 1.2 CHIPWAGON shall mean a vehicle or trailer of sufficient size to allow a person to prepare therein french fried potatoes, and from within which french fried potatoes, hot or cold beverages, non-hazardous pre-packages foods such as potato chips, popcorn, nuts, candy bars and similar non-hazardous confections may be sold.
- 1.3 COUNCIL shall mean the Council of the Corporation of the Township of East Luther Grand Valley.
- 1.4 FOOD CART shall mean 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 in excess of 75 centimetres in width and 1.5 metres in length.
- 1.5 ICE CREAM CART shall mean an insulated container, for storing and transporting frozen ice cream, mounted on wheels and propelled by muscular or engine power.
- 1.6 LICENCING ADMINISTRATOR shall mean the person appointed by Council to issue licences, or any person designated by him/her.
- 1.7 MOBILE LUNCH WAGON shall mean a vehicle modified to transport food preparation and serving equipment from place to place, and is licenced for and is capable of being driven on highways or within municipalities.
- 1.8 PERSON includes any individual, firm or corporation and its successors or other legal representatives thereof.
- 1.9 REFRESHMENT VEHICLE shall mean any vehicle from which food and refreshments are sold for consumption by the public, and includes without limiting generality of the foregoing, carts, wagons, trailers and trucks, irrespective of the type of motive power employed to move the refreshment vehicle from one point to another.

- 1.10 REFRESHMENT STAND shall mean any facility other than a permanent establishment form which food and refreshments are sold for consumption by the public, but does not include a refreshment vehicle.
- 1.11 WASTE as defined in By-Law 95-18 as Household waste.
- 1.12 RECYCLABLE ITEMS as defined as Blue Box Items in By-Law 95-18.

SECTION 2 - GENDER NEUTRAL

- 2.1 Where in this by-law the word "his" is used it shall be understood that the words "her" may also be used without changing the meaning or requirements of the provisions set out herein.

SECTION 3 - LICENCING PROVISIONS

- 3.1 No person shall engage in or carry on any of the occupations, trades, callings or businesses listed in column 1 of Schedule "A" attached to, and forming part of this By-Law within the Township of East Luther Grand Valley, unless and until he has received approval of an application from the Council of the Corporation of the Township of East Luther Grand Valley and a licence has been issued by the Licencing Administrator, and that the fee as set out in Schedule "A" has been paid.
- 3.2 No licence shall be issued until the fee therefore has been paid and there shall be no refund or reduction for any part of any year.
- 3.3 Upon submission of an application, provided by the Licencing Administrator, which has been completed and signed by the applicant, and which has received approval of the Council of the Corporation of the Township of East Luther Grand Valley, a licence will be issued.
- 3.4 No Licence shall be granted with respect to any refreshment vehicle or refreshment stand until the Licencing Administrator has received from those listed below a written statement certifying compliance with their standards:
 - 1. Medical Officer of Health
 - 2. Fire Department
 - 3. Public Works Department
- 3.5 No licence shall be granted with respect to any refreshment vehicle or refreshment stand until the Licencing Administrator has received a copy of the insurance policy described in 4.1 (f).
- 3.6 The Licence shall be for the calendar year in which it is issued and shall expire on the 31st day of December next following the date of issue.
- 3.7 The provisions of this By-law require that a licence be issued each current year and that a licence must be applied for and approved, under the regulations set out in Section 3.1 to 3.5.
- 3.8 All vehicles to which I licence applies may be inspected at all reasonable times by any police officer, municipal law enforcement officer or by a public health inspector.

- 3.9 Each person obtaining a licence which applies to a refreshment vehicle or refreshment stand shall keep the licence posted in a conspicuous place on such vehicle, and the licence shall remain posted so long as it is in force.
- 3.10 (a) Subject to the Statutory Powers Procedure Act, the Council may revoke any licence granted herein, is not bound to give any reasons for so doing, and the decision of Council in this regard is not open to question or review by any Court.
- (b) Without restricting the generality of paragraph (a) of this subsection, any licence may be revoked by reason of a violation of this By-Law, the failure of the Licensee to comply with any of the provision of this By-Law, or the failure by the Licensee to maintain the minimum standard and requirements necessary for licencing in the first instance.

SECTION 4 - PROVISION APPLICABLE TO ALL REFRESHMENT VEHICLES AND REFRESHMENT STANDS

- 4.1 No person shall:
- (a) Operate a refreshment vehicle in contravention of the Highway Traffic Act;
- (b) Operate a refreshment vehicle or refreshment stand unless he is wearing clean clothes and is neat and clean in appearance;
- (c) Operate a refreshment vehicle or refreshment stand if, upon request by a Public Health Inspector, or any person named by a Public Health Inspector, before or after such request he fails to provide a Certificate from a qualified physician certifying the good health of the operator;
- (d) Operate a refreshment vehicle or refreshment stand if the sanitary condition of which is not satisfactory to any public health inspector;
- (e) Operate a refreshment vehicle or refreshment stand which has not been approved by ta public health inspector prior to the commencement of the operation of the vehicle in the calendar year to which the licence relates;
- (f) Operate a refreshment vehicle or refreshment stand unless he takes out and keeps in force during such operation a comprehensive policy of public liability and property damage insurance acceptable to the Corporation of the Township of East Luther Grand Valley providing insurance coverage in respect of any one accident to the limit of one million dollars (\$1,000,000.00) exclusive of interest costs, against loss or damage resulting from bodily injury to or death of one or more persons and loss of or damage to property. Such policy or policies shall name the Corporation of the Township of East Luther Grand Valley as an additional insured thereunder, and also that the Corporation of the Township of East Luther Grand Valley be indemnified by the operator of the vehicle so that if a law suit was filed against the Township notwithstanding that this person had general liability insurance, the operator or owner of the licence or vehicle would be required to pay to the Township any and all costs that they incurred, or losses suffered by the Township, as a result of the law

suit.

- (g) Operate a refreshment vehicle or refreshment stand unless there is posted up with the licence a certificate as to insurance required by paragraph (f) of this subsection 4.1
- (h) Operate a refreshment vehicle or refreshment stand from which is sold heated or cooked food unless such refreshment vehicle or refreshment stand is capable of maintaining the prepared food at a temperature of not less than 65 degrees Celsius;
- (l) Operate a refreshment vehicle or refreshment stand from which is sold milk, unless the refreshment vehicle or refreshment stand is capable of maintaining the milk at a temperature of not more than 5 degrees Celsius.

4.2 Refreshment stands may not operate in the following areas:

- (a) In front of the Grand Valley & District Community Centre or Lions Club Park without the approval of the Community Centre Board or the Lions Club.

SECTION 5 - PROVISIONS APPLICABLE TO FOOD CARTS

5.1 The number of licences issued annually for food carts shall not be limited.

5.2 No person shall;

- (a) Operate a food cart in any park area.
- (b) Operate a food cart unless he provides on the food cart or in close proximity to the food cart, a waste receptacle and recyclable receptacle the volume of which is not less than 0.42 cubic metres and ensure that all garbage in the vicinity of the food cart is placed in the waste receptacle or recyclable receptacle before leaving the area.
- (c) Sell from the food cart any food unless the food is wrapped and sold in individual, single-serving packages or disposable containers, and serviettes are provided for customers;
- (d) Sell from the food cart any goods, wares or merchandise or other items other than refreshments, food stuffs and containers;

5.3 Food Carts may not operate in the following areas:

- (a) In front of the Grand Valley & District Community Centre or Lions Club Park without the approval of the Community Centre Board or the Lions Club.

SECTION 6 - PROVISIONS APPLICABLE TO ICE CREAM CARTS

6.1 The number of licenses issued annually for ice cream carts shall not be limited.

6.2 No person shall:

- (a) Operate an ice cream cart, unless he provides at all times during the operation of the ice cream cart, on the ice cream cart, or in close proximity to the ice cream cart, a waste receptacle, the volume of which is not less than 0.014 metres:

- (b) Operate an ice cream cart from which is sold ice cream or frozen refreshments, unless the ice cream and frozen refreshments are wrapped and sold in individual, single serving packages or disposable containers, and serviettes are provided for customers;
- (c) Operate an ice cream cart from which is sold heated or cooked food;
- (d) Operate an ice cream cart from which is sold milk or any beverages; or
- (e) Sell from the ice cream cart any goods, wares or merchandise or other item other than ice cream and frozen refreshments.

6.3 Ice Cream Carts may not operate in the following areas;

- (a) In Front of the Grand Valley & District Community Centre and Grand Valley Lions Club Park without the approval of the Community Centre Board or the Lions Club.

SECTION 7 - PROVISIONS APPLICABLE TO CHIPWAGONS

7.1 The number of licences issued annually for chipwagons shall not be limited.

7.2 Except as provided in paragraph 7.3, chipwagons may operate from any legal parking space provided that an applicable parking fee or other fee associated with occupying the space has been paid as required.

7.3 Chipwagons may not operate in the following areas:

- (a) In front of the Grand Valley & District Community Centre and the Grand Valley Lions Club Park without approval of the Community Centre Board or the Lions Club.

7.4 No person shall:

- (a) Operate a chipwagon in areas in the Township other than the areas approved by Council;
- (b) Operate a chipwagon on a sidewalk;
- (c) Operate a chipwagon in a park area.
- (d) Operate a chipwagon, unless he provides at all times during the operation of the chipwagon, in close proximity to the chipwagon, a waste receptacle and recyclable receptacle the volume of which is not less than 0.42 cubic metres, and ensure that all garbage in the vicinity of the chipwagon is placed in the waste receptacle or recyclable receptacle before leaving the area.
- (e) Sell from the chipwagon any sandwich, cake, donut, hot dog, hamburger or other food unless the food is wrapped and sold in individual, self-serving packages or disposable containers, and serviettes are provided for customers;
- (f) Sell from the chipwagon any goods, wares or merchandise or other item other than refreshments, food stuffs and confections;

SECTION 8 - PROVISIONS APPLICABLE TO MOBILE LUNCH WAGONS

- 8.1 The number of licences issued annually for lunch wagons shall not be listed.
- 8.2 No person shall:
 - (a) Operate a mobile lunch wagon in any Municipal Park.
 - (b) Operate a mobile lunch wagon on a sidewalk;
 - (c) Operate a mobile lunch wagon unless he provides at all times during the operation on or within the lunch wagon, a waste receptacle the volume of which is not less than 0.014 cubic metres and recyclable receptacle.
 - (d) Sell from the mobile lunch wagon any food unless the food is wrapped and sold in individual, single serving packages or disposable containers, and serviettes are provided for customers;
 - (e) Sell from the mobile lunch wagon any goods, wares or merchandise or other item other than refreshments, food stuffs and confections.

Mobile lunch wagons may not operate in the following areas;

- (a) In front of the Grand Valley & District Community Centre and Grand Valley Lions Club Park without approval of the Community Centre Board or the Lions Club.

SECTION 9 - EXEMPTIONS:

- 9.1 Non-profit Service Groups are required to obtain a licence to operate any mobile food vehicle as defined in this by-law, they are however, exempt from the required licencing fee.

SECTION 10 - CONTRAVENTION

- 10.1 Any person who contravenes any provision of this By-Law is guilty of an offence and is subject to a fine of not less than \$250.00 and not more than \$5,000.00.
- 10.2 This By-law shall be enforced by the By-Law Enforcement Officer of the Township of East Luther Grand Valley.

SECTION 11 - EFFECTIVE DATE

- 11.1 This By-Law shall come into force on the 14 day of APRIL, 1998.

BY-LAW READ A FIRST AND SECOND TIME THIS 14 DAY OF APRIL, 1998



REEVE

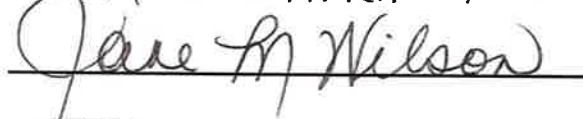


CLERK

BY-LAW READ A THIRD TIME AND PASSED THIS 14 DAY OF APRIL, 1998



REEVE



CLERK

SCHEDULE "A"

<u>Occupation, Trade Calling or Business</u>	TOWNSHIP RESIDENTS	NON-RESIDENTS
-Selling of food from a food cart	\$ 50.00	\$ 75.00 per cart
-Selling of ice cream from an ice cream cart	\$ 50.00	\$ 75.00 per cart
-Selling of chips from a chipwagon	\$200.00	\$300.00 per chipwagon
-Selling of assorted food from a mobile lunch wagon wagon	\$200.00	\$300.00 lunch
-Selling of food from a refreshment vehicle	\$200.00	\$300.00 per refreshment vehicle
-Selling of food from a refreshment stand	\$200.00	\$300.00 per refreshment stand
