

THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

BYLAW NO. 21-98

BEING a bylaw for licensing, regulating and governing vehicles from which refreshments and/or food are sold for consumption and for revoking any such licence.

WHEREAS the Municipal Act, R.S.O., c. M.45, section 236 (11) provides for licensing, regulation and governing vehicles from which refreshments and/or food are sold for consumption by the public, and for revoking any such licence.

WHEREAS the Council of the Corporation of the Township of North Dundas deems it expedient to licence, regulate and govern refreshment vehicles.

THEREFORE the Council of The Corporation of the Township of North Dundas enacts as follows:

DEFINITIONS

1. In this bylaw and schedules:
 - i) **Applicant** means a person who applied for:
 - a) licence required to be taken out under the provisions of this bylaw;
OR
 - b) a renewal of a licence.
 - ii) **Municipal Official** means anyone appointed by the Corporation of the Township of North Dundas to enforce the provisions of this bylaw.
 - iii) **Class of Licence** means a licence identified by a capital letter of the alphabet corresponding to a class of vehicle from which refreshments and/or food are being sold under Schedule 'A' attached hereto and forming part of this bylaw.
 - iv) **Council** means the Municipal Council of the Corporation of The Township of North Dundas.
 - v) **Eastern Ontario Health Unit** means the Local Health Unit for the United Counties of Stormont, Dundas and Glengarry.
 - vi) **Licence** means a licence issued under the provisions of this bylaw.

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- vii) **Clerk** means the Clerk/Administrator or Deputy Clerk, in absence of the Clerk, of the Corporation of the Township of North Dundas.
- viii) **Licensee** means the person to whom a licence is issued under the provisions of this bylaw.
- ix) **Medical Officer** means the District Medical Officer of Health or a person authorized by him/her.
- x) **Operator** when used in reference to a vehicle from which refreshments and/or food are being sold for consumption refers to the person who alone, or with others, operates, manages, supervises, runs or controls a vehicle from which refreshments and/or food are sold for consumption and "operate", "operation" and other words of like import or intent shall have the corresponding meaning.
- xi) **Owner** when used in reference to a vehicle from which refreshment and/or food are being sold for consumption means a person who alone, or with others, has a right to possess or occupy or actually does possess or occupy and includes a lessee of a vehicle from which refreshments and/or food are sold for consumption.
- xii) **Person** includes a firm or corporation to whom or to which the context applies.
- xiii) **Private property** means all property within the limits of the Township of North Dundas and includes property of the municipal, federal and provincial government, but excluding any of the sidewalks, the streets and highways thereof.
- xiv) **Refreshments and/or food** means food or drinks for human consumption or any ingredient thereof including hot dogs, french fried potatoes, fruits, pastries, candy, peanuts, popcorn, ice cream, ice cream cones, iced milk and other iced confectionery.
- xv) **Vehicle** means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle.

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2.0 LICENCE

2.1 There shall be taken out by;

- a) Every person who carries on or is engaged in providing, as an operator of a vehicle from which refreshments and/or food are sold for consumption,
- b) Every person who carries on or is engaged in providing, as owner of a vehicle from which refreshments and/or food are being sold for consumption,

a licence from the Township authorizing them to carry on their several trades, callings, businesses and occupations in the Township, in or upon the class of vehicle from which refreshments and/or food are being sold for consumption, for each such vehicle and/ or location.

2.2 The licence shall be in the form authorized by this bylaw and shall be displayed in a prominent position on the motor vehicle.

2.3 The licence is not transferable.

2.4 No such licence shall permit the motor vehicle to be used for the sale or refreshments and/or food for consumption by the public on any municipal property or park within the limits of the municipality before first obtaining permission from the Township.

3.0 APPLICATION

3.1 Application for a licence under this bylaw shall be made to the Clerk-Administrator and, to the said application shall be annexed a certificate from the Medical Health Officer that the vehicle and equipment therein are suitable or the purpose of sale of refreshments and/or food to the public.

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- 3.2 The Clerk-Administrator shall, in considering the application, take into account the following;
- a) that the application, as laid in Schedule 'A', is complete and all necessary documentation is provided,
 - b) that all operators of such vehicles shall carry insurance covering their business operations, with respect to liability to persons consuming their food beverages, for an amount of at least \$1,000,000 and shall provide proof of such insurance to the Township Clerk,
 - c) that, if stationary, the use of the site is in conformity with the Township Zoning Bylaw.
 - d) that all taxes and rates assessed against the property and payable to the Corporation of the Township of North Dundas have been paid in full to date of the said application.
 - e) that the annual fee, as laid out in Schedule 'B' attached hereto and forming part of this bylaw is enclosed with the application.
 - f) in the case of a fund raising event, that the applicant has provided a financial statement, as per Schedule 'D', for the previous licence issued for any previous event.

4.0 **FEE**

- 4.1 The fee shall be as per Schedule 'B' attached hereto and forming part of this bylaw.

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5.0 **SUSPEND, REVOKE, NON-RENEWAL**

- 5.1 The Council may suspend a licence or revoke a licence issued to an owner of, or an operator of, a vehicle from which refreshments and/or food are being sold for consumption;
- a) where the provision of services by an owner or an operator may result in a breach of this bylaw or any other bylaw of the Township of North Dundas;
 - b) on such reasonable grounds as may be determined by the Council.
- 5.2 The Council may suspend a licence for such period of times as it may determine.
- 5.3 Where a licence is not renewed, or upon suspension or revocation of the licence, the licensee shall within twenty-four (24) hours of the effective date return the licence certificate and any identification card, issued by the Township.
- 5.4 No licensee shall refuse entry to the Municipal Official upon the premises or have access to any of its property for the purpose of receiving or taking or removing the licence certificate.
6. If a court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced the Council to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force.
- 7.1 Any person who contravenes any of the provisions of this bylaw is guilty of an offence and shall be liable on conviction thereof, forfeit and pay a penalty as set out in the general penalty provision found under the Provincial Offences Act, R.S.O. 1990, c. P. 33.

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- 7.2 In addition to any other penalties provided in this bylaw upon discovery of any vehicle parked or left unattended in contravention of the provisions of this bylaw, the Municipal Official may cause such vehicle to be moved or taken to and placed in another location, and all costs and charges for the removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, c. R.25.
8. Nothing in this bylaw is intended to determine vehicle safety under the Highway Traffic Act, food handling or health under the jurisdiction of the Eastern Ontario Health Unit or provincial/federal authority, or confer compliance with any other bylaw or provincial law.
9. Failure to observe any of the provisions of this bylaw is sufficient grounds for the Clerk to revoke the said licence.
10. Bylaw 922 is hereby repealed.
11. This bylaw shall come into force and take effect on the date of its passage in open Council.

READ A FIRST AND SECOND TIME this *4th* day of *May* 19 *98*.


MAYOR


CLERK-ADMINISTRATOR

READ A THIRD TIME passed, signed and sealed in open Council this *4th* day of *May* 19 *98*.


MAYOR


CLERK-ADMINISTRATOR

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Schedule 'A'

Classes of Vehicles

Every owner and operator shall take out a separate licence for one or more of the following classes of vehicles from which refreshments or food are sold for consumption.

CLASS "A"

Mobile Premises means a vehicle or other itinerant premises, from which **prepackaged** refreshments or food are offered for sale to the public including ice cream vending.

Class "A-1" Authorizing the licensee to provide services and selling refreshments and/or food products on **private property** from mobile premises **currently licensed** to be driven on the streets.

CLASS "B"

Mobile Preparation Premises means a vehicle or other itinerant refreshments and/or food premises from which refreshments or food **prepared therein** are offered for sale to the public and includes any such vehicle which is stationary.

Class "B-1" Authorizing the licensee to provide services and selling refreshments and/or food products on **private property** from a mobile preparation premises **currently not licenced** to be driven on the streets.

Class "B-2" Authorizing the licensee to provide services and selling refreshment and/or food products on **the streets** in the Township from a **mobile preparation premises**. Class "B-2" licences shall be issued for special functions only and must have prior approval of the Council.

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Schedule 'B'

LICENCE FEES

	<u>Non-Resident</u>	<u>Resident</u>
Class "A-1"	\$600.00	\$300.00
Class "B-1"	500.00	250.00
Class "B-2"	100.00	50.00
Minimum fee	50.00	50.00

MINIMUM FEE

Shall apply to;

- 1) Community fund raising events that benefit the inhabitants of the Township of North Dundas. (ie: Dairyfest)

EXEMPTION

- 1) Fund raising events, by not for profit organizations, shall be exempted from any fee. Said fund raising event must supply the Township with a financial statement, as per Schedule 'D', indicating total revenues and where said funds have been donated. (ie: Dundas Community Learning)

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4. Approvals

The following approvals must be attached to this application;

4.1 Approval of the Eastern Ontario Health Unit _____

4.2 Inspection report from the gas company _____

Not Required _____

4.3 Written approval from the property owner _____

Not Required _____

5. Insurance

5.1 Company _____

5.2 Policy No. _____

Statement from insurance company, stating amount of liability coverage, must accompany this application.

6. Applicant's Signature

SIGNATURE: _____

DATE: _____

PART "B" To be completed by the Municipal Administration

1. RECEIVED BY _____

2. DATE RECEIVED _____

3. COMMENTS _____

BYLAW NO. 21-98
Schedule 'C'

APPLICATION FOR A LICENCE
SALE OF REFRESHMENTS AND/OR FOOD FROM VEHICLES

PART 'A' To be completed by applicant (please type or print clearly)

1. Name, Address, Telephone/Fax Numbers

1.1 Name _____

1.2 Address _____

1.3 Telephone # _____

1.4 Fax # _____

2. Vehicle Information

2.1 Make/Model _____

2.2 Year Fabricated _____

2.3 Serial Number _____

2.4 Dimensions:
a) Height _____ b) Width _____ c) Length _____

2.5 Equipment
a) Cooking _____

b) Refrigeration _____

c) Gas _____ d) Water _____

3. Class of Licence Applied for

3.1 Class A _____ Or B _____

3.2 Civic Address _____

3.3 Property Owner _____

BYLAW NO. 21-98
Schedule 'E'

LICENCE

THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

To All Whom It May Concern:

This licence is granted to _____ of _____
_____. (Address), to operate a REFRESHMENT VEHICLE under
Class _____ of Bylaw No. 21-98 within the limits of the Township of North Dundas.

Provided the operator duly observes all such laws, bylaws, rules and regulations, matters
and things as are, or may be enacted by the Municipal Council of the Township of North Dundas.

This licence shall continue in force until **DECEMBER 31, 19**__ and no longer.

Issued this _____ day of _____, 19 _____.

RECEIVED \$ _____, the sum of this licence.

SEAL

CLERK