

THE CORPORATION OF THE TOWNSHIP OF STONE MILLS

BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN CHIP WAGONS, MOBILE CANTEENS AND OTHER REFRESHMENT VEHICLES IN THE TOWNSHIP OF STONE MILLS.

WHEREAS, Section 236 (11) of the Municipal Act, R.S.O. 1990 Chapter M. 45 authorizes Council to pass By-laws for licensing, regulating and governing vehicles from which refreshments are sold for consumption by the public and for revoking any such license;

AND WHEREAS, Section 210(73) of the said Act authorizes Council's to prohibit or regulate sales by retail in the Highways or on vacant lots adjacent to them;

AND WHEREAS, the Council of the Corporation of the Township of Stone Mills deems it expedient to pass a by-law for these purposes.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF STONE MILLS ENACTS AS FOLLOWS:

SECTION 1: Definitions

- 1) For the purpose of this By-law the following definitions shall apply:
 - a) "CHIP WAGON" shall mean a motorized vehicle equipped for the cartage, storage and preparation of food stuffs, beverages, confections and the aforesaid food items are offered directly for consumption to the general public. A chip wagon does not include a mobile canteen or a refreshment wheeled vehicle drawn by another motorized vehicle.
 - b) "CLERK" shall mean the Clerk of the Township of Stone Mills.
 - c) "CORPORATION" shall mean the Corporation of the Township of Stone Mills.
 - d) "COUNCIL" shall mean the Council of the Corporation of the Township of Stone Mills.
 - e) "LICENSE" shall mean a license issued under the provisions of this By-law.
 - f) "MEDICAL OFFICER OF HEALTH" shall mean the Medical Officer of Health for Kingston Frontenac Lennox and Addington Health Unit or his duly authorized delegate.
 - g) "MOBILE CANTEEN" shall mean a motorized vehicle equipped for cartage, storage, and preparations of food stuffs, beverages, confections and from which the aforesaid goods are offered for sale directly to the public for consumption primarily by persons at their place of employment or by persons attending a private function including auction sales or other special sale where the mobile canteen operator has been invited or authorized by the person holding the sale to dispense food and beverages at such function. A mobile canteen does not include a chip wagon or a refreshment wheeled vehicle drawn by another motorized vehicle.
 - h) "OTHER REFRESHMENT VEHICLE" shall mean a vehicle propelled by human muscle power selling ice cream products, pre-packaged food, fresh fruit and vegetable products and liquid refreshments only.

- i) "REFRESHMENT WHEELED VEHICLE DRAWN BY ANOTHER MOTORIZED VEHICLE" shall mean a wheeled vehicle equipped for the cartage, storage and preparation of food stuffs, beverages, confections and the aforesaid food items are offered directly for consumption to the general public. A refreshment wheeled vehicle drawn by another another motorized vehicle does not include a chip wagon or a mobile canteen.
- j) "PERSON" includes a Corporation.
- k) "ROADWORTHY" shall mean that the vehicle complies will all of the requirements of the Highway Traffic Act and is licensed for operation on a public highway.

SECTION 2: Licensing

- 1) No person shall operate a chip wagon, mobile canteen, refreshment wheeled vehicle drawn by another motorized vehicle, or other refreshment vehicle within the limits of the Township of Stone Mills who does not hold a valid license issued by the Township Clerk under the authority of this By-law.
- 2) a) Application for license shall be made to the Township Clerk on the required application form which comprises Schedule "A" to this By-law.
b) The said application when properly completed and accompanied by the applicable license fee shall be forwarded to the Township Council for its consideration together with other relevant information as the Clerk may obtain respecting the application.
c) The Township Clerk, upon approval by Township Council of the application, and upon payment of the applicable fee shall issue a license.
- 3) The annual fee per vehicle for such license shall be as follows:
 - a) Chip Wagon - \$250.00.
 - b) Mobile Canteen - \$250.00, provided however, that where the owner of such canteen pays a business tax to the Township of Stone Mills for premises used in connection with the operation of such canteen, the fee shall be \$150.00 for each vehicle.
 - c) Refreshment Wheeled Vehicle drawn by another motorized vehicle - \$250.00.
 - d) Other Refreshment Vehicle - \$50.00
- 4) The term of each license shall be valid only from the date it was issued until December 31st of the year it was issued. And no license shall be issued except on payment of the full amount of the prescribed fee. However, where a person (who has not at any time in the previous two (2) calender years held such a license), applies after the thirtieth day of September, a license may be issued for the balance of the term on payment of one half the license fee set out herein.
- 5) A license may be transferred from one vehicle to another upon application, with no fee payable.
- 6) A license may be transferred from one person to another upon application and payment of a ten dollar (\$10.00) transfer fee.

- 7) The license for a chip wagon or a refreshment wheeled vehicle drawn by another motorized vehicle shall be for a specific location and may be transferred to another location upon application and payment of a ten dollar (\$10.00) transfer fee.
- 8) Chip wagons, mobile canteens, refreshment wheeled vehicle drawn by another motorized vehicle and other refreshment vehicles are exempt from licensing under this By-law when they are involved in providing food services at special events where the operator is already paying a fee to the charitable organization sponsoring the event.
- 9) The operator of a mobile canteen, chip wagon, refreshment wheeled vehicle drawn by another motorized vehicle or other refreshment vehicle shall have at all times on display, the license granted by the Corporation and present this license on demand to inspection by any By-law Enforcement Officer of the Corporation.
- 10) That if a County Road is involved that a letter be received from the County allowing the sale of goods on a County Road and that the letter be included with the application to the Clerk.
- 11) That if a Provincial Highway is involved that a letter be received from the Ministry of Transportation, stating no objections, and a copy of the letter be included with the application to the Clerk.
- 12) That the decision of the Council of the Township of Stone Mills shall be final with regards to the issuing, suspending, and revoking of a license issued under this by-law.
- 13) That if any part of this By-law is deemed illegal that the section or sections in question will be considered repealed, and will in no way effect the remaining sections of the By-law.
- 14) That schedule "A" of this By-law can be changed by Council resolution, at any time, without notification.
- 15) Every Chip Wagon, other Refreshment Vehicle and Refreshment Wheeled Vehicle drawn by another Motorized Vehicle shall be permitted only on property which is zoned as commercial in the Township's Zoning By-laws.
- 16) That any other by-law or section of a by-law passed prior to this by-law that would contravene or conflict with any part of this by-law are hereby repealed.

SECTION 3: Regulations

- 1) General
 - a) The operator of every mobile canteen, chip wagon, refreshment wheeled vehicle drawn by another motorized vehicle or other refreshment vehicle shall at all times comply with the requirements of the Medical Officer of Health and prior to the issuance of a license under this By-law, supply the Clerk with written confirmation of compliance in this regard.
 - b) The operator of a mobile canteen, chip wagon, refreshment wheeled vehicles drawn by another motorized vehicle or other refreshment vehicle when on a public highway, shall be subject to the provisions of the Highway Traffic Act and all traffic and parking By-laws of the Corporation.

c) Every mobile canteen or chip wagon or other refreshment wheeled vehicle drawn by another motorized vehicle shall at all times be roadworthy and shall be licensed by the Ministry of Transportation of Ontario under the provisions of the Highway Traffic Act.

d) Every mobile canteen or chip wagon or other refreshment wheeled vehicle drawn by another motorized vehicle which is equipped with propane-fuelled appliances must be inspected by a certified propane fitter, registered by the Fuel safety Branch, and found to comply with the Ontario Propane Code and prior to the issuance of a license under this By-law, supply the Clerk with written confirmation of compliance in this regard.

e) Any sales on public streets or public property will be limited to Monday to Saturday 8:00 a.m. to 11:00 p.m., and Sunday from 10:00 a.m. to 8:00 p.m.

2) Mobile Canteens

a) The operator of a mobile canteen shall conduct business only while parked off the travelled portion of public street, public lands, highways, parks and boulevards, unless permission has been granted by the Corporation.

b) All mobile canteens shall be kept in a clean and presentable condition and be painted in a manner satisfactory to the Corporation and such shall include any signs appurtenant thereto. All refuse shall be deposited in proper containers and disposed of by the operator.

c) The operator of a mobile canteen shall not conduct business from areas designated as public parking, unless permission has been granted by the Corporation.

d) Each licensee of a mobile canteen shall be required to provide proof of a minimum of \$500,000.00 commercial liability insurance.

3) Chip wagon

a) The operator of every chip wagon shall at all times comply with all requirements of the Fire Chief of the Corporation with respect to fire safety and prevention. Every applicant for a license under this By-law shall submit written confirmation from the Fire Chief or compliance in this regard.

b) All chip wagons shall be kept in a clean and presentable condition and be painted in a manner satisfactory to the Corporation, and such shall include any signs appurtenant thereto. The property on which the chip wagon is located shall be maintained in a neat and tidy condition, and all refuse shall be deposited in proper containers and disposed of by the operator.

c) The chip wagon shall be roadworthy and capable of being mobile under its own power. Permanent electrical or other utility hook-ups are prohibited. Temporary electrical outlets shall bear an approval label certification from Ontario Hydro.

d) Chip wagons may only be located on private commercial property and permission of the owner in writing must be deposited with the Clerk prior to the issuance of a license.

e) A chip wagon shall be located at least ten metres from the front line of the property on which it is located. The ten metre setback restriction may be reduced, provided the chip wagon would not interfere with the site line.

f) The site for a chip wagon shall provide from a minimum of three vehicle parking spaces, for the exclusive use of the chip wagons patrons.

g) The applicant for a chip wagon license shall provide with the application a sketch of the proposed vehicle location, the dimensions of the property, the location of all buildings or structures on the property and the parking spaces to be provided.

h) Each license of a chip wagon shall be required to provide proof of a minimum of \$500,000.00 commercial liability insurance.

4) Refreshment Wheeled Vehicle Drawn by another Motorized Vehicle (hereafter referred to as Refreshment Wheeled Vehicle)

a) The operator of every Refreshment Wheeled vehicle shall at all times comply with all requirements of the Fire Chief of the Corporation with respect to fire safety and prevention. Every applicant for a license under this by-law shall submit written confirmation from the Fire Chief or compliance in this regard.

b) All Refreshment Wheeled Vehicles shall be kept in a clean and presentable condition and be painted in a manner satisfactory to the Corporation and such shall include any signs appurtenant thereto. The property on which the refreshment wheeled vehicle is located shall be maintained in a neat and tidy condition and all refuse shall be deposited in proper containers and disposed of by the operator.

c) The Refreshment Wheeled Vehicle shall be roadworthy and capable of being mobile under its own power. Permanent electrical or other utility hook-ups are prohibited. Temporary electrical outlets shall bear an approval label certification from Ontario Hydro.

d) Refreshment Wheeled Vehicles may only be located on private commercial property and permission of the owner in writing must be deposited with the Clerk prior to the issuance of a license.

e) A Refreshment Wheeled Vehicle shall be located at least ten metres from the front line of the property on which it is located.

f) The site for a Refreshment Wheeled Vehicle shall provide for a minimum of three vehicle parking spaces, for the exclusive use of the refreshment wheeled vehicle patrons.

g) The applicant for a Refreshment wheeled Vehicle license shall provide with the application a sketch of the proposed vehicle location, the dimensions of the property, the location of all buildings or structures on the property and the parking spaces to be provided.

h) Each license of a Refreshment Wheeled Vehicle shall be required to provide proof of a minimum of \$500,000.00 commercial liability insurance.

SECTION 4: Revocation of License

1) A license issued under the provisions of this By-law may be revoked by the Council when:

- a) Written notice has been received from the Medical Officer of Health or the Fire Chief stating that the vehicle is operating contrary to required standards, or
 - b) The licensee has been serviced notice of non-compliance with the terms of this By-law by the Clerk.
2. Revocation of the license by Council shall be subject to a hearing with provisions as provided by the Statutory Powers Procedures Act.

SECTION 5: Contravention

1) Any person who contravenes the provisions of the By-law shall be guilty of an offence and liable to a penalty not exceeding \$2,000.00 exclusive of costs recoverable under the Provincial Offences Act R.S.O. 1990 chapter P.33.

Read a first and second time this 16th day of Feb. 1998.

Read a third time, signed and sealed and finally passed this 16th day of Feb 1998.

James R. Macdonald
.....
James Macdonald, Reeve

Darlene Plumley
.....
Darlene Plumley, C.A.O./Clerk

1.

Schedule "A" of By-law No.

Chip Wagons, Mobile Canteens, Other Refreshment Vehicle,
Refreshment Wheeled Vehicle Drawn by Another Motorized Vehicle

DATE _____

NAME OF APPLICANT FOR LICENSE _____

ADDRESS OF APPLICANT _____

PHONE NUMBER _____

TYPE OF LICENSE APPLIED FOR; CHIP WAGON _____

MOBILE CANTEEN _____

REFRESHMENT WHEELED VEHICLE
DRAWN BY ANOTHER MOTORIZED
VEHICLE _____

OTHER REFRESHMENT VEHICLE _____

TRANSFER OF LICENSE OWNER TO OWNER (specify) _____

TRANSFER OF LICENSE LOCATION TO LOCATION (specify) _____

NUMBER OF VEHICLES TO BE LICENSED _____

VEHICLE(S) DESCRIPTION:

MAKE _____ MAKE _____

MODEL _____ MODEL _____

LICENSE PLATE NO. _____ LICENSE PLATE NO. _____

DESCRIPTION OF FOOD STUFFS, BEVERAGES TO BE SOLD: _____

LETTER OF COMPLIANCE:

CERTIFICATE OF SAFETY FOR MOTORIZED VEHICLE _____

PROOF OF INSURANCE ON MOTORIZED VEHICLE _____

2. SCHEDULE "A" TO BY-LAW NO.

PROOF OF COMMERCIAL LIABILITY INSURANCE _____

HEALTH INSPECTORS APPROVAL _____

STONE MILLS TOWNSHIP FIRE CHIEF _____

CERTIFIED PROPANE FITTER _____

LETTER OF APPROVAL FROM COUNTY OF LENNOX AND ADDINGTON _____

LETTER OF APPROVAL FROM THE MINISTRY OF TRANSPORTATION _____

VERIFICATION OF PRIVATE PROPERTY OWNER APPROVAL (If applicable) _____

PROPOSED LOCATION FOR OPERATION (Provide sketch if applicable) _____

FEE \$ _____ (Cheque to be included with application)

DECLARATIONS;

As the applicant/operator named above, I hereby make this application and confirm that I, have read By-law Number _____ and agree to abide by its regulations.

DATED THIS _____ DAY OF _____, 19 _____

APPLICANT/OPERATOR

This license is hereby granted and is in effect to December 31st, _____.

C.A.O./CLERK