

**THE CORPORATION OF THE TOWNSHIP OF
EAST LUTHER GRAND VALLEY**

BY-LAW NUMBER 2012-36

**A BY-LAW FOR LICENSING, REGULATING AND GOVERNING VEHICLES FROM
WHICH REFRESHMENTS ARE SOLD FOR CONSUMPTION BY THE PUBLIC**

WHEREAS pursuant to the provisions of Part IV of the *Municipal Act*, S.O. 2001, as amended, the Council of the Township of East Luther Grand Valley may provide for a system of licenses with respect to businesses;

AND WHEREAS Section 391 of the *Municipal Act*, S.O. 2001, as amended, authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by them;

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

1. For the purpose of this by-law:
 - a. "Chip Truck" shall mean a mobile canteen which is also a motor vehicle or trailer which is equipped to be pulled by a motor vehicle and from which food products, which are cooked within the vehicle or trailer, and beverages, are sold. A chip truck shall not exceed 10 metres in length or 2.45 metres in width and shall not operate on the street allowance.
 - b. "Coffee Truck" shall mean a mobile canteen which is also a motor vehicle or a trailer and from which food products that are prepared elsewhere are sold. A coffee truck shall not exceed 6 metres in length or 2.45 metres in width and shall not operate on the street allowance.
 - c. "Eating Establishment" shall mean a commercial establishment where food prepared therein is offered for sale, but shall not include a mobile canteen.
 - d. "Hot Dog Cart" shall mean a mobile canteen which is not propelled by any motorized means and from which food products which are cooked within the vehicle, and beverages, are sold. A Hot Dog Cart shall not exceed 2.45 metres in length or 1.5 metres in width and shall not operate on the street allowance.
 - e. "Ice Cream Cart" shall mean a mobile canteen which is not propelled by any motorized means and from which ice cream, frozen milk or frozen water products are sold. An Ice Cream Cart shall not exceed 2.45 metres in length or 1.5 metres in width.

- f. "Mobile Canteen" shall mean any vehicle whether mechanically propelled or otherwise from which refreshments are sold for consumption by the public and shall include Chip Trucks, Coffee Trucks, Hot Dog Carts and Ice Cream Carts.
- g. "Operate shall mean the selling or offering for sale of refreshments from such vehicle but shall not preclude the delivery of refreshments.
- h. "Prohibited Area" shall mean any area on which the public is prohibited from parking.
- i. "Sidewalk" shall mean all such parts of the street allowance as are set aside by the Corporation for the use of pedestrians or used by the general public for the passage of pedestrians and includes boulevard and pedestrian walkways.
- j. "Street Allowance" shall mean the entire right-of-way of a common and public highway, street, avenue, driveway, square, place, bridge, viaduct, or trestle, designed and intended for or used by the general public for the passage of vehicles.
- k. "Urban Area" is defined as Grand Valley as referenced in the Township of East Luther Grand Valley Official Plan.

CONDITIONS FOR ISSUANCE

- 2. No person or persons (which terms shall include a partnership or corporation) shall operate a mobile canteen in the Township of East Luther Grand Valley without first having been issued a license to do so as hereinafter provided.
- 3. The provisions set forth for licensing shall be as follows:
 - a. 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 or she has received approval of an application from the Council of the Corporation of the Township of East Luther Grand Valley and a license has been issued by the Licensing Administrator, and that the fee as set out in "Schedule A" has been paid.
 - b. No license shall be issued until the fee therefore has been paid and there shall be no refund or reduction for any part of the year.
 - c. Upon submission of an application, provided by the Licensing 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 license will be issued.

4. No license shall be granted with respect with respect to any mobile canteen until the Licensing Administrator has received from those listed below a written statement certifying compliance with their standards.
 - i. Medical Officer of Health
 - ii. Fire Department
 - iii. Public Works Department
5. Following receipt of certificates from the County of Dufferin Public Works Department and the Fire Chief that they approve of the vehicle and equipment for the purpose for which it is to be used, the licensing officer shall issue a license to the applicant upon payment of a fee in accordance with the attached Schedule "A" and providing all other provisions of this by-law are complied with.
6. Where applicable, the mobile canteen shall comply with the Fire Code under the *Fire Marshals Act*, R.S.O. 1990, c. F.17, the Propane Storages, Handling and Utilization Code, Ontario Regulation 825/82 under the *Energy Act*, R.S.O. 1990, c. E.16, as amended, or any regulation passed in substitution therefor.
7. A license shall keep his or her vehicle and equipment and the place where food is prepared in a clean, sanitary and satisfactory condition and shall comply with the requirements of the *Laboratory and Specimen Collection Centre Licensing Act*, R.S.O. 1990, c. L.1, as amended, and regulations made thereunder respecting eating establishments and shall at all times permit the Country of Dufferin Health Department to inspect the vehicle, and there may be a regular monthly inspection of all vehicles licensed under this by-law.
8. Where reports have been received from the Country of Dufferin Health Department and the Fire Chief in respect of a mobile canteen, and the licensing officer has issued a license based on the reports, the license shall ensure that no modifications are made to the mobile canteen, or equipment placed therein, without the prior approval of the licensing officer.
9. A license shall be valid for the calendar year in which it is issued and not be transferred or assigned. In the event a license is issued between August 1st and December 31st of any year, the fee shall be 50% of the annual fee.
10. A license shall be issued with respect to one vehicle only and shall be at all timed affixed to the vehicle for which it has been issued.
11. Prior to beginning operation of a mobile canteen, a license shall file with the licensing officer proof of insurance for public liability in the amount of no less than One Million (\$1,000,000.00) Dollars public liability inclusive of bodily injuries, property damage and accident benefits and including damage occasioned by any accident arising out of the operation of the mobile canteen in respect of which license is obtained.

12. The Proof of insurance shall include a provision therein or an endorsement thereon that the licensing officer will be given at least 10 days' notice in writing of any cancellation, expiration or variation in the policy.
13. Prior to beginning operation of a mobile canteen located on land which abuts or lies adjacent to a highway under the jurisdiction of the Province of Ontario or is within distance of a highway or land which is regulated by the Province of Ontario through the Ministry of Transportation, Ontario, a license shall file with the licensing officer written confirmation of acceptance of the intended location the mobile canteen from the Ministry of Transportation, Ontario, or its successor.

NUMBER AND CLASSES OF LICENSE

14. No more than the following number of licenses shall be permitted and licenses shall be issued each year:
 - a. Chip Truck – a maximum of two licenses shall be permitted in the urban area with each license permitted a maximum of one licensed vehicle in the urban area.
 - b. Hot Dog Cart – a maximum of two licenses shall be permitted in the urban area.
 - c. Coffee Truck: a maximum of two licenses with each license permitted a maximum of two licensed vehicles should be allowed throughout the municipality.
 - d. Ice Cream Cart - a maximum of two licenses shall be permitted in the urban area with each license permitted a maximum of two licensed vehicles in the urban area.
15. Previous owners will be given the first opportunity to reapply for licenses but must reapply by March 1st of each year; otherwise, licenses will be issued on a first-come, first-served, basis.
16. Notwithstanding Sections 14 and 15 above, the Council of the Corporation of the Township of East Luther Grand Valley may authorize the issuance of additional mobile canteen license to non-profit or volunteer organizations subject to any regulations or rules council deems appropriate. Mobile canteen licenses for non-profit or volunteer organizations shall be exempt from paying license fees. Licensed mobile canteens may be used for this purpose at the request of non-profit or volunteer organizations for special events.

LOCATION REGULATIONS

17. A license shall not operate on any residential lands within the urban area.
18. Notwithstanding any provisions of permit marking of vehicles within the Township of East Luther Grand Valley, a mobile canteen other than an ice cream cart shall not operate on any portion of the street allowance. An ice cream truck shall not operate on any portion of the street allowance other than the portion on which vehicles travel without prior approval by the Council of the Township of East Luther Grand Valley, and only under such regulations as may be set by the said council.
19. No mobile canteen shall be parked in any park within the Township of East Luther Grand Valley under the jurisdiction of the Township of East Luther Grand Valley unless prior permission is received from the Township of East Luther Grand Valley and then only under such regulations as may be set by the council.
20. No mobile canteen shall be parked for the purpose of vending goods or refreshments within a distance of 50 metres of any eating establishment.

REGULATIONS

21. Every owner of a mobile canteen shall ensure that the garbage or litter resulting from his or her vending is collected for recycling or disposal, and shall provide receptacles for such purposes. In addition, every owner of a mobile canteen shall ensure that such garbage and litter is removed from the area of operation.
22. Any person who contravenes any of the provisions of this by-law shall on conviction of an offense be liable to a penalty (exclusive of the costs) as provided by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
23. If it is shown to the satisfaction of the Council of the Corporation of the Township of East Luther Grand Valley that a license has failed to comply with any of the provisions of this by-law, the Council, by resolution passed at any meeting thereof, may revoke any license issued hereunder.
24. That By-Law Number 98-12 of the Corporation of the Township of East Luther Grand Valley is hereby repealed.
25. This by-law shall come into force and take effect on the final passing thereof.

THIS BY-LAW READ FIRST AND SECOND TIME THIS 12 DAY OF June, 2012.

X 
John Oosterhof
Mayor

X 
Jane Wilson
CAO, Clerk-Treasurer

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS
12 DAY OF June, 2012.

X 
John Oosterhof
Mayor

X 
Jane Wilson
CAO, Clerk-Treasurer

SCHEDULE "A" TO BY-LAW NUMBER 2012 -30 AS AMENDED

FEES FOR LICENSES - MOBILE CANTEENS

All licenses expire on December 31st.

<u>Occupation, Trade Calling or Business</u>	<u>Annual License Fees</u>	
	Residents	Non-Residents
Selling of hot dogs from a Hot Dog Cart	\$50.00 per cart	\$75.00 per cart
Selling of ice cream from an Ice Cream Cart	\$50.00 per cart	\$75.00 per cart
Selling of chips from a Chip Truck	\$300.00 per truck	\$500.00 per truck
Selling of assorted food from A Coffee Truck	\$300.00 per truck	\$500.00 per truck.
Mobile Canteens: Attending one-time fund raising events in the Municipality by invitation from the organizer	EXEMPT	EXEMPT



TOWNSHIP OF EAST LUTHER GRAND VALLEY
 5 MAIN ST. N. P.O. BOX 249 GRAND VALLEY, ON, L0N 1G0
 PHONE: (519) 928-5652, Ext. 224
 mail@eastluthergrandvalley.ca

**APPLICATION FOR MOBILE FOOD VENDOR'S LICENCE
 BY-LAW NUMBER 2012-30**

Date of Application:	FOR OFFICE USE ONLY Licence #	
Owner's Name:		
Resident <input type="checkbox"/>	Non Resident <input type="checkbox"/>	
Owner's Address:		
Email Address:	Postal Code:	Phone:
Name of Business:		
Type of Business:		
List of food items to be sold:		
Location(s)		
If operating from private property, written permission from the owners or authorized agents of the property must be submitted.		
Proof of insurance must be submitted in accordance with Section 11 .		
<i>The undersigned hereby releases the Corporation of the Township of East Luther Grand Valley from any or all claims for damages which may arise in the carrying on of business within the Municipality under which the undersigned is licensed by the Municipality to do so.</i>		
Personal information collected on this form is collected pursuant to Section 151, Municipal Act S.O. 2001, c.25, as amended, and will be used for the purpose of processing your application. Questions about this collection should be directed to the Township of East Luther Grand Valley-519-928-5652		
I certify that the information contained herein is true and correct.		
Date:	Signature:	
DEPARTMENT		
	DATE APPROVED (Attach Approval)	COMMENTS
Health Unit – 71 Broadway Street 1-800-265-7293		
Fire Department – 173145, Cty Rd 25 519-928-3460		
Public Works Department		
FOR OFFICE USE ONLY		
Planning Department		
Paid:		
Insurance Rec'd:	Cheque #/Cash	Date:
Approved:	Insurance Expiry Date:	Letter(s) of permission from Property Owners and/or Event Organizer:
Appealed:	Not Recommended for Approval:	Reason:
		Date: