

TOWNSHIP OF DOURO-DUMMER
BY-LAW NO. 1999-

**TOWNSHIP OF DOURO-DUMMER
BY-LAW NO. 1999-17**

**BEING a By-Law respecting the licensing and regulation of mobile canteens by the
Township of Douro-Dummer.**

WHEREAS Subsection 11 of Section 236 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, empowers Municipal Councils to pass by-laws and regulations governing vehicles from which refreshments are sold for consumption by the public;

AND WHEREAS the Corporation of the Township of Douro-Dummer deems it in the public interest to license and regulate mobile canteens within the Township of Douro-Dummer;

NOW THEREFORE the Municipal Council of the Township of Douro-Dummer enacts as follows:

1. **INTERPRETATION**

1.1 In this by-law:

- (a) **APPLICANT:** includes an association, organization or corporation making an application for a license;
- (b) **TOWNSHIP:** means the Corporation of the Township of Douro-Dummer;
- (c) **COUNCIL:** means the Council of the Corporation of the Township of Douro-Dummer;
- (d) **CLERK:** means the Clerk of the Corporation of the Township of Douro-Dummer or assignee;
- (e) **GRANT OF LICENSE:** means the exercise of power of Council to confer the privilege of the license upon the applicant;
- (f) **ISSUE OF LICENSE:** means the physical act whereby the proper officer for the Township completes all necessary administrative functions to perfect the grant of the license;
- (g) **HOLDER OF A LICENSE:** means the person who is granted the license by Council;
- (h) **MOBILE CANTEENS:** means any vehicle, whether mechanically propelled or otherwise, from which refreshments are sold for consumption by the public;
- (i) **PERSON:** includes a corporation and a partnership and the heirs, executors, administrators or other legal representatives of a person whom the context can apply according to law; and where the context permits, words importing the singular number or the masculine gender also include more persons, parties of things of the same kind, females as well as males;
- (j) **SPECIAL EVENTS:** shall mean an event, the duration of which is temporary in nature, and shall include, but not be restricted to, Jamboree, Heritage Day celebrations, Canada Day celebrations, auctions and Cottage Association events;
- (k) **EATING ESTABLISHMENT:** shall mean a commercial establishment where food is prepared therein and is offered for sale but shall not include a mobile canteen;
- (l) **OPERATE:** shall mean the selling or offering for sale of refreshments from such vehicle but shall not preclude the delivery of refreshments.

2. **GENERAL PROVISIONS**

- 2.1. The Council may, where it deems it expedient and in the best interests of the inhabitants of the Township, grant a license to an applicant in accordance with the provisions of this by-law. Such grant of license shall only be made by resolution of Council.
- 2.2. All licenses granted by Council under this by-law shall be issued by the Clerk, and such licenses shall be valid for the calendar year in which it is issued and may not be transferred or assigned.
- 2.3. Council may revoke or cancel any license issued pursuant to the provisions of this by-law.
- 2.4. Every application for a license hereunder shall be made in writing upon a form provided by the Clerk.
- 2.5. Every application for a license must be submitted to the Clerk at least seven (7) days prior to its consideration by Council and in the case of a special event, at least 21 days prior to the event.
- 2.6. The license as granted and issued may not be transferred, assigned, conveyed or sold to another applicant or person.
- 2.7. Fees for license as granted under this by-law shall be in accordance with Schedule "B" attached hereto and forming part of this by-law. A licensee shall pay the prescribed fee prior to the issuance of the license.

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- 2.8. The recipient or holder of a license shall not divest himself or herself of the rights and obligations of the said license.
- 2.9. Compliance with applicable statutes, regulations and by-laws whether provincial or municipal shall be deemed to be a condition of all licenses issued pursuant to this by-law
- 2.10. Failure to comply with the terms and conditions of the license may constitute grounds for revocation of the license by Council.

3. **LICENSING REGULATIONS**

- 3.1 A License shall be taken out by every person who engages in the business of conducting a mobile canteen save and except for:
- 3.1.1. charitable non-profit groups, associations or corporations who sell food and refreshments outdoors, to the general public, from barbeque-style cooking equipment, for the purpose of fund-raising, provided they have permission of the property owner or of the Township, in respect of public property, from which such sales are proposed to take place.
- 3.2 Any person obtaining a mobile canteen license shall be subject to the following regulations and conditions:
- 3.2.1. The licensee shall keep his/her vehicle and equipment, in the place where food is prepared, in a clean, sanitary and satisfactory condition and shall comply with the regulations of the Public Health Act respecting eating establishments, and shall at all times permit the Medical Officer of Health to inspect the vehicles.
- 3.2.2. Where applicable, the mobile canteen shall comply with the Fire Code under the Fire Marshals Act, the propane storage, handling and utilization code under the Energy Act, or any regulations passed affecting such vehicles.
- 3.2.3. The licensee shall ensure that no modifications are made to the mobile canteen, or equipment placed therein, without the prior approval of the Chief Building Official and/or the By-law Enforcement Officer.
- 3.2.4. A license shall be issued with respect to one vehicle only and shall be at all times affixed to the vehicle operated in a prominent position. One license does not cover more than one (1) mobile canteen.
- 3.2.5. Prior to beginning operation of a mobile canteen, a licensee shall file with the licensing officer proof of insurance for public liability in the amount of not less than FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00). Public liability shall be inclusive of bodily injuries, property damage and accident benefits, occasioned by any accident arising out of the operation of the mobile canteen in respect of which a license is obtained.
- 3.2.6. The proof of insurance shall include a provision therein or an endorsement thereof that the licensing officer will be given at least ten (10) days notice in writing of any cancellation or expiration in the policy.
- 3.2.7. A mobile canteen operator, prior to the issuance of a mobile canteen license shall provide an indemnification to the Township whereby the mobile canteen operator agrees to indemnify and hold harmless the Township, its agents, servants, employees and officials from any claims, actions or suits which might be brought against the said mobile canteen operator and the Township arising out of the said operation of the mobile canteen in any manner whatsoever or any error, negligence or omission of the mobile canteen operation, their agents, servants or employees.
- 3.2.8. A licensee shall not operate or permit to be operated, a mobile canteen on any prohibited area designated by the Township.
- 3.2.9. No mobile canteen shall be parked in any park or on Township property unless prior permission is received from the Township.
- 3.2.10. No mobile canteen shall be parked for the purpose of vending goods, food or refreshments within a distance of 100 metres of any eating establishment within the municipality.
- 3.2.11. Every owner of a mobile canteen shall ensure that garbage or litter resulting from his or her vending activity is collected for recycling and disposal, and shall provide receptacles for such purpose. In addition, any owner of a mobile canteen shall ensure that such garbage and litter is removed from the area of operation and disposed of at an approved landfill site.
- 3.2.12. Any advertising shall not be placed on any Municipal, County or Provincial highway without receiving prior approval from the appropriate governing body..
- 3.2.13. Mobile canteens shall only be operated on private property with the consent of the owner and occupant of the property and, except for special event licenses, upon a site zoned in a Commercial zoning category

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by the Township's zoning by-law.

3.2.14. Upon expiry of the license, mobile canteens shall be removed from the site.

4. **NUMBER AND CLASSES OF LICENSE**

- 4.1 Licenses will be issued on a first come, first serve basis. Applications will not be accepted before the beginning of the calendar year.
- 4.2 Notwithstanding Section 4.1 above, the Council may authorize the issuance of additional Mobile Canteen licenses for special events subject to any rules or regulations Council deems appropriate.
- 4.3 The maximum total number of mobile canteens operating in the municipality at any one time shall be:
 - 4.3.1. one (1) within the hamlet of Warsaw as shown on Schedule "A-1".
 - 4.3.2. one (1) within the hamlet of Douro as shown on Schedule "A-1".
 - 4.3.3. one (1) within the hamlet of Donwood as shown on Schedule "A-1".
 - 4.3.4. four (4) within that area of the Township shown on Schedule "A" excluding all areas illustrated on Schedule "A-1".

5. **PENALTIES**

- 5.1. Except as otherwise provided herein or by statute, any person convicted of a breach of any provision of this by-law shall forfeit and pay, at the discretion of the convicting Judge or Justice of the Peace, a penalty not exceeding \$5,000.00 for each event exclusive of costs.

6. **LEGALITY**

- 6.1 If any section or sections of this by-law, or parts thereof, that are found by any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of the by-law shall be deemed to be separate and independent therefrom and to be enacted as such.

7. **REPEALS**

- 7.1 By-law No. 25-1995 of the former Township of Dummer shall be repealed immediately subsequent to this by-law coming into full force and effect.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL
THIS 15th DAY OF February, 1999.

Original Signed

Reeve

Original Signed

Clerk

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SCHEDULE " B"

to By-law No. 1999-

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| 1. | Chip truck and Fast Food Vehicle | \$350.00 |
| 2. | Hot Dog Carts | \$200.00 |
| 3. | Ice Cream Carts | \$200.00 |
| 4. | Special Events | \$ 50.00 per day |