

THE CORPORATION OF THE MUNICIPALITY OF GREY HIGHLANDS

BY-LAW NO. 2009 - 93

BEING A BY-LAW TO LICENSE AND TO REGULATE REFRESHMENT VEHICLES

WHEREAS the Municipal Act, S.O. 2001, c.25, as amended, s.150 authorizes Council to license, regulate and govern any business wholly or partly carried on within the Municipality, to impose conditions for the purpose of consumer protection upon any highway or part of it or in any public park or other public place;

AND WHEREAS Council deems it appropriate to license and to regulate refreshment vehicles;

NOW THEREFORE the Council of The Corporation of the Municipality of Grey Highlands hereby enacts as follows:

1. DEFINITIONS

1.1 For the purpose of this by-law the following definitions shall apply:

- a) "Council" means the Council of The Corporation of the Municipality of Grey Highlands.
- b) "Health Unit" means the Grey Bruce Health Unit.
- c) "Municipality" shall mean The Corporation of the Municipality of Grey Highlands.
- d) "Park" means a park, public dock, ball diamond, soccer field, playground, beach, recreation area, recreation centre, or any other area in the Municipality owned or used by the Municipality and devoted to active or passive recreational use.
- e) "Person" shall mean an individual human being, his/her personal agent, heir, successors and assigns, and shall include a corporation with or without share capital.
- f) "Refreshment Vehicle" shall mean a vehicle as defined herein in accordance with the Highway Traffic Act, R.S.O., 1990, c.H.8, as amended, from which refreshments are sold.
- g) "Refreshments" shall mean but shall not be limited to such items as fish, french fries, hot dogs, hamburgers, ice cream, pop and similar items which can be sold from a vehicle which conforms with the requirements of this By-law and any other regulations that any other agency or Ministry may impose.
- h) "Service Club" means a non-profit, charitable organization established within the Municipality of Grey Highlands.
- i) "Trailer" shall mean any vehicle constructed to be attached and propelled by a motor vehicle and that is capable of being used by persons for living, sleeping or eating, even if the vehicle is jacked-up or its running gear is removed.
- j) "Vehicle" shall mean 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 or a street car.

2. LICENSING

- 2.1 No person shall own, operate, lease or maintain a refreshment vehicle within the corporate limits of the Municipality without a license.

3. APPLICATION FOR LICENSING

- 3.1 Application for a license under this By-law shall be made to the Clerk in the prescribed form in Schedule "B" attached hereto which forms part of this By-law.
- 3.2 Each application shall be accompanied by appropriate approvals from the following agencies or ministries:
- i) Health Unit;
 - ii) Ministry of Transportation for Provincial Highways (if applicable);
 - iii) County of Grey for County Roads (if applicable).
- 3.3 Each application shall be circulated to the following for approval:
- i) Fire Department;
 - ii) Building/Planning Department;
 - iii) Public Works Department.
- 3.4 Each application shall be accompanied by a Certification of inspection by an authorized inspector for gas or propane installations.
- 3.5 Each application shall be accompanied by a letter from the Owner's insurance company assuring the refreshment vehicle owner carries a minimum of one million dollars public liability, property damage inclusive, against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss of or damage to, property resulting from any one incident. In addition, all refreshment vehicle owners shall provide the Municipality of Grey Highlands with an original copy of the liability certificate, which covers both the licensee and the municipality in the amount of \$1,000,000.00 (One Million Dollars). Such insurance shall contain an endorsement specifying that the municipality shall be given a minimum (30) thirty days written notice of any change, expiration, or cancellation of such policy.
- 3.6 Each application shall be accompanied by a letter from the property owner where the vehicle is to be located.

4. FEES

- 4.1 Prior to the issuance of a Refreshment Vehicle License, the applicant shall pay such fee as set out in Schedule "A" attached hereto and forming part of this by-law.

5. REQUIREMENTS OF LICENSEE

- 5.1 Every licensee shall:
- a) ensure that every refreshment vehicle is equipped with a metal refuse container with a self closing lid, and such container shall be kept in a clean and sanitary condition and emptied at least once daily; or
 - a disposable litter container which shall be replaced at least once daily; and
 - such containers shall be used for the disposal of all refuse.
 - b) ensure that every refuse container is located in such a position on the vehicle so as to be easily accessible by persons making purchases while the vehicle is stopped;

- c) ensure that the vehicle and all parts and equipment for use in the dispensing of refreshments are maintained in a clean and sanitary condition and at all times in good repair;
- d) ensure that hard ice cream and related products are maintained in a hard condition in the vehicle at all times;
- e) ensure that no thawed or partially thawed products are refrozen, stored or sold from the vehicle;
- f) ensure that soft ice cream and related products are stored in a refrigerated cabinet suitable for the storage of soft ice cream and related products, as approved by the Medical Officer of Health;
- g) ensure that all foodstuffs are wrapped or sold in individual packages;
- h) ensure that adequate refrigeration, as approved by the Medical Officer of Health, is provided for perishable foodstuffs which shall be kept so refrigerated;
- i) ensure that the date of expiration is clearly and legibly marked on or affixed to the wrapper of all sandwiches or pre-packaged food stuffs sold from the vehicle;
- j) ensure that beverages, which shall include but shall not be limited to, milk, juices, and soft drinks are only sold in individual disposable containers;
- k) ensure that where a vehicle is powered by propane, the vehicle is inspected and certified at the time of application and on an annual basis by an authorized inspector and such certification shall be filed with the Issuer of Licenses annually in the month of January, or at the time of application, or as may be required;
- l) ensure that where the vehicle is powered by propane, or as otherwise may be required by the Chief Fire Official or the Issuer of Licenses, a minimum five pound ABC dry chemical fire extinguisher shall be mounted on the vehicle and the operator of such vehicle shall be knowledgeable in the proper use of such fire extinguisher;
- m) ensure that vehicles from which hot, prepared foods are sold are so equipped as to maintain such foods so heated at a temperature as approved by the Medical Officer of Health;
- n) ensure that no LPG (liquified petroleum gas) LNG (liquefied natural gas) or any combustible fueled appliance is operated within 10 feet (3 metres) of any structure, door, window, or opening which shall include an alcove or alleyway;
- o) ensure that the vehicle is free from holes, crevices or cracks and the surface is readily washable and is kept clean and in good condition;
- p) ensure that only single service condiments, milk, cream and sugar are used;
- q) ensure that only single service disposable cups, plates, forks, spoons, knives and containers are used and serviettes shall be provided from a dispenser.
- r) ensure that a recycling container is available.

- 5.2 Every person selling or handling refreshments and foodstuffs shall be clean and neat in appearance and shall maintain clean hands at all times.
- 5.3 No person employed with any licensee under this Section shall be suffering from any form of contagious disease while actively engaged in his work.
- 5.4 No licensee shall permit any individual other than a bona fide employee to operate the refreshment vehicle.

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- 5.5 Every vehicle shall have posted or painted, in a contrasting colour, on both side panels, in clearly visible letters, the name of the business.
- 5.6 Every license issued under this By-law shall be displayed in a conspicuous location on the vehicle and shall be produced on demand by any Police or Peace Officer or an Official of the Municipality assigned the duties of enforcing this By-law.
- 5.7 No person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Officer in the exercise of a power or the performance of a duty under this By-law.
- 5.8 No refreshments shall be sold from a vehicle drawn by an animal.
- 5.9 Every licensee shall at his own expense, whenever required to do so by the Issuer of Licences, bring such vehicle to any person designated by the Issuer of Licences for inspection.
- 5.10 No vehicle licensed under this By-law shall purport to sell or sell refreshments to the public while situated, standing or parked on a public highway, park or playground, or other public property within the corporate limits of the Municipality, unless having obtained Council authorization.
- 5.11 No vehicle licensed under this By-law shall be permitted in residential areas.
- 5.12 Refreshment vehicles licensed under this By-law shall be permitted to operate on commercially zoned private property.

6. EXPIRY

- 6.1 A license shall terminate on December 31st of each year, regardless of the date it was obtained from the Municipality.
- 6.2 No person shall continue to operate under the authority of an expired license unless he has filed an application for renewal complete in all respects and paid the renewal fee shown on Schedule "A" attached hereto.

7. REVOCATION

- 7.1 The Municipality may revoke, refuse or cancel any license at any time that does not comply or continue to comply with the provisions of the By-law. Notice of revocation of any license may be given by the Municipality by registered letter signed by the Clerk, mailed or delivered to the last known address, and the license shall then cease and terminate and be of no further effect.

8. ENFORCEMENT & FINES

- 8.1 Every person who contravenes any provision of this By-law is guilty of an offence and shall be liable to a fine in the amount to be determined pursuant to the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, and every such fine is recoverable under the Provincial Offences Act.
- 8.2 The conviction of an offender upon the breach of any provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provision and the Judge or Justice may

convict any offender repeatedly for continued or subsequent breaches of the By-law and the provisions of the Municipal Act, S.O. 2001, c.25, as amended, s.150 from time to time, shall further apply to any continued or repeated breach of this By-law.

- 8.3 If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires the jurisdiction of Council or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any other provisions of the By-law which shall remain in full force and effect.

9. EXEMPTIONS

- 9.1 Notwithstanding the provisions of this By-law, no person shall be required to submit a license fee when refreshments are offered for sale in conjunction with Fall Fairs, Auctions, Community Festivals or any Council authorized event for which prior approval of Council has been obtained or where the vehicle is accessory to a permitted use under the Zoning By-law.
- 9.2 Notwithstanding the provisions of this By-law, provided that the primary business is located in another municipality, a license will not be required for a vehicle with a valid license from another Municipality within the County of Grey, that sells refreshments that are refrigerated or maintained in a heated state, and sold at construction and business sites within the Municipality of Grey Highlands.
- 9.3 Notwithstanding Section 9.1 and Section 9.2, all other requirements of this by-law shall be met to maintain the safety of the public (including regulations under the Health Protection and Promotion Act, Reg. 562 Food Premises).

10. ENACTMENT

- 10.1 This By-law shall come into full force and effect on January 1, 2010.
- 10.2 This By-law may be referred to as the "Municipality of Grey Highlands Refreshment Vehicle By-law".
- 10.3 The following By-laws are hereby repealed effective December 31, 2009: By-law #13 1998 (former Township of Artemesia); By-law Number 861 (former Village of Markdale); and By-law Number 17, 1991 (former Township of Euphrasia).

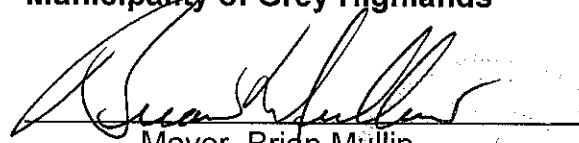
11. GENERAL

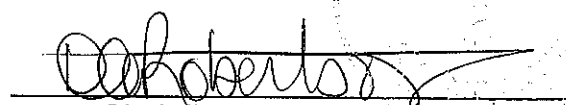
- 11.1 That Schedules "A" and "B" as set out herein and attached hereto form part of this By-law.

BY-LAW READ A FIRST AND SECOND TIME THIS 9th DAY OF October, 2009 .

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 26th DAY of October, 2009.

**The Corporation of the
Municipality of Grey Highlands**


Mayor, Brian Mullin


Clerk, Debbie Robertson

SCHEDULE “A”
FEES

First Refreshment Vehicle	\$150.00
Each Additional Refreshment Vehicle	\$150.00
Renewal	\$100.00

Note:

Any change to Schedule “B” to By-Law No. 2009 - 93 is subject to a new license and payment of the “First Refreshment Vehicle” fee.

SCHEDULE "B"

**MUNICIPALITY OF GREY HIGHLANDS
APPLICATION TO OPERATE A REFRESHMENT VEHICLE**

NEW BUSINESS: ☐ License Fee: \$150.00

RENEWAL: ☐ Renewal Fee: \$100.00

APPLICANT IDENTIFICATION:

Registered Name of Business _____

Name of Applicant _____

Address of Applicant _____

Operating Business Address _____

Mailing Address _____

Postal Code _____

Telephone Numbers: Residence _____ Business _____

Contact Person/Position _____
Name Position

REFRESHMENT VEHICLE INFORMATION

Type of Vehicle Being Used _____

Type of Food Being Served _____

Proposed Location of Vehicle _____

Days of Operation _____

Hours of Operation _____ a.m. to _____ p.m.

Is a "Deep Fryer" Being Installed? _____

OTHER INFORMATION

Owner of Property Vehicle to be Located On _____

Address of Property Owner _____

Letter of Property Owner Permission Must Accompany Application:	Received	<input type="checkbox"/>
Letter of Approval from Health Unit:	Received	<input type="checkbox"/>
Letter from Insurance Company:	Received	<input type="checkbox"/>
Letter of Approval from Fuel Safety Branch:	Received	<input type="checkbox"/>
Letter of Approval from Ministry of Transportation:	Received	<input type="checkbox"/>
Letter of Approval from County of Grey:	Received	<input type="checkbox"/>

OFFICE USE ONLY

The following approvals must be completed before the license can be issued.

Fire Chief _____ Date _____

Planner _____ Date _____

MLEO _____ Date _____

Dated this _____ day of _____,

Signature of Owner/Agent

Witnessed by Municipal Staff