



# **The Corporation of the Township of Huron-Kinloss**

## **Consolidated Refreshment Vehicle By-Law**

**Effective Date: June 20<sup>th</sup>, 2011**

**Consolidated for convenience only**

The amending by-laws have been combined with the original by-law for convenience only. This consolidation is not a legal document. Certified copies of the original by-laws should be consulted for interpretations and applications of the by-laws on this subject.

The by-law numbers referenced in this consolidation refer to the by-laws that amended the principal by-law number 2006-50.

2006 – 50 as amended by the following amendments		
By-Law Number	Section Affected	Date By-Law Passed
2011-71	Schedule "A"	June 20 <sup>th</sup> , 2011

## 2006-50

### Being a By-Law to regulate food vending carts in the Township of Huron-Kinloss

**Whereas** Section 150 (1) of the Municipal Act, R.S.O., 2001, c.25, authorizes Councils to pass bylaws to license, regulate and govern any business wholly or partly carried on within the municipality even if the business is carried on from a location outside the municipality;

**And Whereas** Section 150 (8) of the Municipal Act, R.S.O., 2001, c. 25, without limiting subsection (1), the power to license, regulate and govern a business included the power,

- a) To prohibit the carrying on of or engaging in the business without a licence;
- b) To refuse to grant a licence or to revoke or suspend a licence;
- c) To fix the expiry date for a licence;
- d) To define classes of businesses and to separately licence, regulate and govern each class;
- e) To impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, including conditions,

Now Therefore **the Council for the Corporation of the Township of Huron-Kinloss enacts as follows:**

#### 1.0 Definitions

- 1.1 Food Vending – shall mean the sale of prepared foods ready for human consumption and shall include but not be limited to such items as hotdogs, sausages, French fries and assorted condiments
- 1.2 License – means a license issued pursuant to this by-law.
- 1.3 Licensee – means a person licensed under this by-law.
- 1.4 Location – means a position or site occupied or available for occupancy where food vending is permitted.
- 1.5 Medical Officer of Health – means the Medical Officer of Health for the Bruce-Grey-Owen Sound Health Unit.
- 1.6 Township – means the Corporation of the Township of Huron-Kinloss.
- 1.7 Refreshment Vehicle – means a vehicle, which is on wheels and is capable of being moved from place to place by a person.
- 1.8 Year – shall mean calendar year being January 1<sup>st</sup> to December 31<sup>st</sup>.

#### 2.0 Regulations

- 2.1 No person shall operate for personal gain food vending in the Township without first having obtained a license pursuant to this By-Law.
- 2.2 No person shall operate a refreshment vehicle in a location other than that specified on Schedule “A” of this By-Law.
- 2.3 License fees pursuant to this By-Law shall be as established by the Township of Huron-Kinloss Consolidated Fee By-law as amended from time to time.
- 2.4 No Licensee’s refreshment vehicle shall be located in such a manner that unreasonably confines, impedes or presents a hazard to pedestrians or other users of a sidewalk, untraveled portion of a municipal road allowance or municipal park.
- 2.5 Every refreshment vehicle used for food vending shall not exceed the dimensions of 27 square meters.
- 2.6 The Licensee shall ensure that their refreshment vehicle is equipped with a metal refuse container with a self-closing lid, and such container shall be kept in a clean sanitary condition and emptied at least once daily.

- 2.7 The Licensee shall ensure that their refreshment vehicle is equipped with a clearly marked recyclable container, with a self-closing lid, for cans and glass.
- 2.8 All refuse generated by the operation of a refreshment vehicle shall be disposed of in accordance with the Township of Huron-Kinloss Waste Management By-Law Number 2002-63, as amended.
- 2.9 The Licensee shall ensure that the refreshment vehicle and all parts and equipment for use in the dispensing of food are maintained in a clean and sanitary condition and at all times in good repair.
- 2.10 The Licensee shall comply with all applicable regulations of the Fire code and all requirements of the Ripley-Huron Fire Department or the Lucknow Fire Department.
- 2.11 No License shall be transferred except with consent in writing of the Township and the Township shall not be bound to give such consent.
- 2.12 The Licensee shall be solely responsible to pay any license or other fees that may be required by other agencies that have an interest in the lands upon which the license operates.
- 2.13 No Licensee shall operate a refreshment vehicle in a location where the operation of the refreshment vehicle would conflict with an existing agreement of Council or any of its Committees or Boards.
- 2.14 No Licensee shall operate a refreshment vehicle between the hours of 11:00pm and 8:00am of the next day.
- 2.15 No refreshment vehicle shall be equipped with any sounding device, loud speakers, amplifiers or other hailing devices for attracting attention.
- 2.16 Any lighting on a refreshment vehicle shall be only for the purpose of normal illumination.
- 2.17 A Licensee shall comply with all applicable provisions and regulations under the Health Protection and Promotion Act.
- 2.18 A licensee shall comply with the Sight Visibility Triangles in the applicable Township Zoning By-law.

### **3.0 Administration**

- 3.1 Every application for a license shall be accompanied by a completed form as shown as Schedule "B" to this By-Law.
- 3.2 Every application for a license shall be accompanied by a sketch or photograph or similar facsimile of the refreshment vehicle, and a site plan showing location of the lot.
- 3.3 Every applicant, prior to issuance of a license, shall provide a copy of his/her insurance policy which specifies the following:
  - 3.3.1 The Licensee shall have an insurance policy providing general liability insurance in the minimum amount of \$1,000,000.
  - 3.3.2 The Township may as necessary be named as an additional insured.
  - 3.3.3 The policy shall contain cross-liability coverage whereby the Township is indemnified against all liabilities, which in any way arise from any activity authorized by the license.
  - 3.3.4 The policy shall provide that 30 days prior written notice shall be provided to the Township in the event of any material amendment to or cancellation of the policy.
- 3.4 Each license application shall be approved by resolution of the Council of the Corporation of the Township of Huron-Kinloss.
- 3.5 The Township in any calendar year shall issue only six refreshment vehicle licenses.

### **4.0 Sundry**

- 4.1 Every person who contravenes any provision of this By-Law:
  - (i) is guilty of an offence; and,
  - (ii) upon conviction therefore is liable to a fine or penalty of not more than Five Thousand (\$5,000.00) Dollars as prescribed in The Provincial Offences Act, R.S.O. 1990, C.P.33, as amended.

4.2 The By-Law shall come into full force and effect upon its final passage.

4.3 The By-Law may be cited as the "Refreshment Vehicle By-Law".

**Read a First, Second and Third Time and Finally Passed** this 19<sup>th</sup> day of June, 2006.

Original Signed by Mitch Twolan  
Mayor

Original Signed By Sonya Watson  
Clerk

## **Schedule “A”**

All lands zoned as defined below in the applicable Township Zoning By-Law:

GC- General Commercial  
SC- Service Commercial  
VC- Village Commercial  
HC- Highway Commercial  
MI- General Industrial  
ML – Light Industrial



**Township of Huron-Kinloss Application For  
Refreshment Vehicle  
License Pursuant to By-Law 2006-50  
(Office revised)**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Phone #** \_\_\_\_\_

**Home #** \_\_\_\_\_

**Business #** \_\_\_\_\_

**Business Name** \_\_\_\_\_

**Location** \_\_\_\_\_

I have inspected the above referred refreshment vehicle and confirm that it complies with all Public Health regulations regarding same.

\_\_\_\_\_  
Medical Officer of Health

I have inspected the above referred to refreshment vehicle and confirm that it complies with all Fire Regulations regarding same.

\_\_\_\_\_  
Fire Chief

**Internal Use Only**

Proof of Insurance attached \_\_\_\_\_

Fee (as per Consolidated Fees By-Law) \_\_\_\_\_

Sketch attached \_\_\_\_\_

Approval from Property Owner (if applicable) \_\_\_\_\_

Resolution of Council \_\_\_\_\_

Date Issued \_\_\_\_\_

License Number \_\_\_\_\_