

CORPORATION OF THE TOWN OF RENFREW
BY-LAW NO. 36-2013

Being a by-Law respecting the licensing,
regulating and governing of vehicles from
which refreshments are sold.

WHEREAS Section 151 of the *Municipal Act, S.O. 2001, c.25*, as amended, provides that a municipality may provide for a system of licenses with respect to a business; and

WHEREAS the Council of the Corporation of the Town of Renfrew deems it to be in the public interest to license and regulate vehicles from which refreshments are sold.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Renfrew enacts as follows:

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PART 1 - DEFINITIONS

“**Chip Wagon**” shall mean a motor vehicle that is stationary in one designated site and is licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments.

“**Clerk**” shall mean the person appointed by by-law of the Town of Renfrew as the Municipal Clerk, and his/her deputies and designates.

“**Fire Chief**” means the Fire Chief of the Town of Renfrew or his/her designate.

“**Health Unit**” shall mean the Renfrew County & District Health Unit.

“**License**” shall mean a license issued under the provisions of this by-law.

“**Mobile Canteen**” shall mean any vehicle of any kind that is equipped for the preparation, storage, heating, cooling or sale of foodstuffs or beverages in or from the vehicle. Such vehicle shall be mobile, not permanently located and meet all applicable requirements of the *Highway Traffic Act* of Ontario, R.S.O. 1990, Chapter H.8, as amended, and can be moved from place to place.

“Motor Vehicle” includes an automobile, truck, trailer, motorcycle and any other vehicle propelled or driven otherwise than by muscular power.

“Municipal By-Law Enforcement Officer” shall mean a Police Officer, By-Law Enforcement Officer, or another person duly appointed to enforce the by-laws of the Town.

“Owner/Operator” shall mean the owner of a refreshment vehicle and/or a person who is selling, offering for sale or otherwise dispensing of refreshments.

“Refreshment” shall mean any food or beverage.

“Refreshment Cart” shall mean a muscle powered cart that is licensed or required to be licensed and is designated for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments.

“Refreshment Vehicle” shall include a Chip Wagon, Mobile Canteen and Refreshment Cart as defined by this by-law.

“Site Plan” shall mean a plan (drawing) to scale, showing details and items relevant to this by-law.

“Special Event” shall mean an event, the duration of which is temporary in nature and has a maximum duration of five (5) days.

“Town” shall mean the Corporation of the Town of Renfrew.

PART 2 - GENERAL LICENSING REGULATIONS

2.1 Administration of this by-law shall be the responsibility of the Clerk, who is hereby authorized to issue licenses to owners and in accordance with the provisions of this by-law.

2.2 The Clerk may revoke, cancel, suspend or refuse to renew or issue a license pursuant to the provisions of this by-law.

2.3 An application for a new license of a Refreshment Vehicle shall be completed in the form required by the Clerk and submitted along with the licensing fee.

2.4 An application for a renewal of a license of a Refreshment Vehicle shall be completed in the form required by the Clerk along with the licensing fee before the expiry date of such license. If the application is received after the expiry date of the license, a late fee will be applied.

2.5 The fees shall be as listed in Schedule “A” to this by-law.

2.6 Acceptance of the application and fee shall not represent approval of the application nor shall it obligate the Town to issue a license.

2.7 The term of each license shall be valid for a period of one year from the 1st day of January to the 31st day of December in each year, unless earlier revoked, amended, cancelled, suspended or voluntarily relinquished to the Town.

2.8 The Town may impose conditions as a requirement of obtaining, continuing to hold or renewing a license at any time during the term of the license.

2.9 Refreshment Vehicles shall be permitted to operate only on private/public property that is designated as Commercial, Industrial, or Parks and Recreation within the Town’s Comprehensive Zoning By-Law.

2.10 Notwithstanding Section 2.9 of this by-law, Refreshment Vehicles, shall be permitted to operate on the following public highways only, subject to the location being approved by Renfrew Town Council:

2.10.1 Plaunt Street South between Munroe Avenue and Hall Avenue;

2.10.2 Raglan Street South between Munroe Avenue and Opeongo Road; and

2.10.3 Argyle Street South between Munroe Avenue and Opeongo Road.

Refreshment Carts may operate on other public highways subject to approval by Renfrew Town Council.

2.11 An owner is entitled to be licensed and is entitled to have such license renewed,

except where:

- a) with the exception of Special Events, the operation of a refreshment vehicle is within 500 meters of an existing refreshment vehicle, as determined by the Town; or
- b) the past conduct of the owner affords reasonable grounds for belief that the owner will not carry on the activity for which the owner is applying for or/is licensed for, in accordance with law and with integrity and honesty; or
- c) the owner is carrying on activities that are, or will be if the owner was licensed, in contravention of this by-law; or
- d) there are reasonable grounds for belief that the premises, accommodation, equipment, vehicles or facilities in respect of which the license is required, do not comply with the provisions of this by-law or other applicable law; or
- e) there are reasonable grounds for belief that the owner has provided a false statement or false information for the purpose of obtaining a license; or
- f) the owner owes any outstanding money, including taxes, permit fees or outstanding work-orders to the Town; or
- g) the owner is in default of any fine or fines which have been imposed by a court as a sentence arising from a conviction for breach of a by-law enacted by the Town, or arising from a conviction for a breach of a law or regulation; or
- h) the owner is not in compliance with the Town's Zoning By-Law, any other Town by-laws, any other requirement under the *Planning Act* or any other Act.

PART 3 - APPLICATION REQUIREMENTS

- 3.1 The Owner shall provide in full, at the time the application is submitted, all of the information requested on the application form.
- 3.2 The Owner shall submit the following with the application:
 - a) a Site Plan drawn to scale showing details of the proposed site where the refreshment vehicle will be located, which shall include:
 - the exact location, including set-backs from property lines
 - adjacent structures
 - closest neighbours
 - entrances and exits to the site
 - parking spaces
 - roads
 - sign locations
 - approved electrical or other utility hook-ups
 - seating and/or tables, if any
 - other specific details, as required;
 - b) indicate what provisions will be made for:
 - garbage receptacles and lids
 - garbage removal
 - recycling
 - general cleanliness and tidiness of the site and surrounding area;
 - c) a copy of a "Certificate of Liability Insurance" in the amount of not less than two million dollars (2,000,000) for the operation of the Refreshment Vehicle, as identified in Section 4 of this by-law;
 - d) written approval by the Renfrew County & District Health Unit that the Refreshment Vehicle has been inspected and has met all health requirements;
 - e) a copy of an "Inspection Certificate" from a qualified TSSA Gas Technician (where propane is used) showing evidence of an inspection for compliance under the *Ontario Propane Code*, as amended;
 - f) for Chip Wagons and Mobile Canteens, written approval from the Fire Chief that the Chip Wagon or Mobile Canteen has been inspected and has met the requirements of the *Fire Protection and Prevention Act*, 1997, as amended.

- g) for Chip Wagons and Mobile Canteens, written permission from the property owner that the Owner/Operator of the Chip Wagon or Mobile Canteen has permission to use the property.

PART 4 - OWNER REQUIREMENTS

4.1 Every Owner licensed under this by-law shall:

- a) ensure compliance with this by-law and all other applicable law;
- b) ensure that any person employed by the Owner or otherwise involved in carrying on the business, will do so in compliance with this by-law and all other applicable laws;
- c) keep the interior and exterior of the Refreshment Vehicle in good repair;
- d) ensure that all equipment used for dispensing refreshments are kept in a clean and sanitary condition;
- e) clean up any debris, refuse and garbage resulting from the operation of the Refreshment Vehicle in the immediate vicinity of the serving location of the Refreshment Vehicle.
- f) accept all liability for all or any claims for injury or damage to any person or property caused or created by the operation of the Refreshment Vehicle.
- g) obtain and maintain motor vehicle insurance compliant with Ontario law for any road licensed vehicle.

In addition, where a refreshment vehicle is to be operated on or from any property, roadway, road right-of-way, or location owned by the Town, Commercial General Liability insurance shall be required and naming the Town as an additional insured.

PART 5 - SPECIAL EVENTS

5.1 A single license may be issued for multiple Refreshment Vehicles at festivals and events upon application by the festival/event organizing body.

5.2 The festival/event organizer shall submit the following with the application:

- a) a Site Plan drawn to scale showing details of the proposed site where the refreshment vehicles will be located, which shall include:
 - the refreshment vehicle types
 - the exact location of the refreshment vehicles
 - adjacent structures
 - entrance and exit information from adjacent streets
 - parking spaces
 - approved electrical or other utility hook-ups
 - seating and/or tables, if any
 - garbage receptacles with lids and recycling locations;
 - other specific details, as required.
- b) written commitment to remove all garbage, garbage containers, recyclables and recycle containers from the site within 24 hours of the conclusion of the event.
- c) written permission from the property owner.

5.3 Applications will be exempt from fees, however, all other provisions of this by-law will still apply.

PART 6 - REFRESHMENT VEHICLE INSPECTION

6.1 The Clerk may require an Owner to submit his/her Refreshment Vehicle for inspection at any time at an appointed place and time and the Owner shall submit each Refreshment Vehicle for inspection when required to do so by the Clerk.

6.2 Following an inspection where the Clerk does not approve a Refreshment Vehicle,

the License shall be removed and the Owner shall not operate the Refreshment Vehicle until the Owner obtains approval from the Clerk.

- 6.3 Failure to submit a Refreshment Vehicle for inspection as required shall result in the License being suspended by the Clerk until such time as the vehicle has been inspected and approved.
- 6.4 A fee shall be charged, as set out in Schedule "A", when a re-inspection is required:
 - a) to confirm compliance with a condition imposed;
 - b) to rectify a deficiency in order that a license be issued or re-instated;
 - c) because the Owner failed to appear at a scheduled inspection.

PART 7 - REVOCATION, SUSPENSION, CANCELLATION OR REFUSAL TO RENEW OR ISSUE

- 7.1 Where the Clerk has revoked, suspended, cancelled or refused to renew or issue a license under this by-law, a written notice signed by the Clerk shall be delivered to the Owner within seven (7) business days and such notice shall set out and give reasonable particulars of the grounds for the decision.
- 7.2 Where a license was revoked, suspended, cancelled or refused renewal, the Owner shall return the license to the Clerk within seventy-two (72) hours of receiving the written notice of the decision of the Clerk sent pursuant to this by-law.
- 7.3 When a person has had a license revoked, suspended or cancelled under this by-law, the Clerk, subsequent to the seventy-two (72) hour provision noted in Section 7.2, may enter upon the business premises or into the vehicle of the owner for the purpose of receiving, taking, or removing the said license.
- 7.4 When a person has had his/her license revoked, suspended, or cancelled under this by-law he/she shall not refuse to deliver or in any way obstruct or prevent the Clerk or Municipal By-Law Enforcement Officer from obtaining the said license.

PART 8 - SERVING OF NOTICE OR ORDER

- 8.1 Any notice or order required to be given pursuant to this by-law by the Clerk shall be deemed to be sufficiently served if delivered personally or sent by registered mail or by prepaid first class mail addressed to the person who service is to be made, at the address on the application or the last known address on file in the Clerk's Office.
- 8.2 Notice served by either registered mail or by prepaid first class mail shall be deemed to have been received on the fifth day following the mailing of the notice.

PART 9 - NOTICE OF CHANGE OF INFORMATION

- 9.1 When the owner who is a natural individual changes their name, address, or any information relating to the license, the owner shall notify the Clerk of the change within seven (7) business days after the change of information relating to the license and shall, if required by the Clerk, return the license immediately to the Clerk for amendment.
- 9.2 Where an owner is a corporation and there is a change in the information as set out in the application for license, such as the names or addresses of the officers or directors, the location of the corporate head office or any other change in ownership, the owner shall notify the Clerk of the change within seven (7) business days after the change of information relating to the license and shall, if required by the Clerk, return the license immediately to the Clerk for amendment.
- 9.3 The owner shall provide seven (7) days notice, in writing, of any cancellation, expiration or variation in the insurance policy required under this by-law.

PART 10 - POWER OF ENTRY

- 10.1 The Town may enter on a property at any reasonable time to for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - a) the provisions of this by-law;

- b) an order issued under this by-law; or
 - c) an order made under the *Municipal Act, 2001*, as amended.
- 10.2 Where an inspection is conducted by the Town, the person conducting the inspection may:
- a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and
 - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.
- 10.3 The Town's power of entry may be exercised by an employee, officer or agent of the Town or by a member of a police force with jurisdiction, as well as by any person under his/her direction.

PART 11 - ENFORCEMENT

- 11.1 Municipal By-Law Enforcement Officers are authorized to enforce this by-law on behalf of the Town.

PART 12 - OFFENCES

- 12.1 **Operating without a License**
Notwithstanding Part 5 - Special Events, no person shall operate a Refreshment Vehicle within the limits of the Town unless and until the owner has obtained a separate license for each Refreshment Vehicle, as issued under the provisions of this by-law.
- 12.2 **Failure to Display License**
No person shall fail to display his or her Refreshment Vehicle License in a conspicuous place at the site or vehicle to which the license applies.
- 12.3 **Failure to Operate under Endorsed Name**
No person shall promote or carry on business under any name other than the name endorsed upon the license, except in accordance with the provisions of this by-law.
- 12.4 **Failure to Report Change of Information**
No person shall fail to report to the Clerk every change of name, mailing address and telephone number for each Refreshment Vehicle License held, within seven (7) days of the change.
- 12.5 **Failure to Produce License**
No person shall fail to produce his or her License and identification upon request.
- 12.6 **Obstruction of Clerk**
No person shall obstruct the Clerk from conducting an inspection, or withhold, destroy, conceal or refuse to supply any information or thing required for the purpose of inspection.
- 12.7 **Obstruction of Municipal By-Law Enforcement Officer**
No person shall obstruct a Municipal By-Law Enforcement Officer from conducting an inspection, or withhold, destroy, conceal or refuse to supply any information or thing required for the purpose of inspection.

PART 13 - PENALTIES

- 13.1 Any person who contravenes any provision of this by-law shall be guilty of an offence and shall be liable, upon conviction, to a fine for each offence in accordance with Schedule "B" of this by-law.
- 13.2 Upon registering a conviction for the contravention of any provision of the by-law, in

addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to the *Municipal Act 2001*, as amended.

PART 14 - REPEAL

14.1 That By-Law 37-95 and By-Law 18-99 be repealed in their entirety.

PART 15 - VALIDITY/SEVERABILITY

15.1 If any section, clause or provision of this by-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this by-law shall have been declared to be invalid.

PART 16 - EFFECTIVE DATE

16.1 This by-law comes into force and takes effect immediately upon its passage thereof.

Read a first and second time this 24th day of June, 2013.

Read a third and final time this 24th day of June, 2013.

William R. Ringrose, Mayor

Kim R. Bulmer, Clerk

**THE CORPORATION OF THE TOWN OF RENFREW
BY-LAW NO. 36-2013**

SCHEDULE "A"

FEES

| | | |
|----|--|------------------------------------|
| 1. | Chip Wagon | \$300.00 per vehicle, per location |
| 2. | Mobile Canteen | \$250.00 per vehicle |
| 3. | Refreshment Cart | \$75.00 per cart |
| 4. | Refreshment Vehicle Transfer (vehicle to vehicle or owner to owner) | \$50.00 per transfer |
| 5. | Refreshment Vehicle Transfer (location to location) | \$150.00 per transfer |
| 6. | Re-inspection | \$50.00 per re-inspection |
| 7. | Late Fee | \$50.00 per application |

**THE CORPORATION OF THE TOWN OF RENFREW
BY-LAW NO. 36-2013**

SCHEDULE "B"

SET FINES

Part 1, Provincial Offences Act

| ITEM | Column 1 Short Form Wording | Column 2 Offence Creating Provision | Column 3 Set Fine |
|-------------|---|--|------------------------------|
| 1. | Operating without a License | Section 12.1 | \$300 |
| 2. | Failure to Display License | Section 12.2 | \$200 |
| 3. | Failure to Operate under Endorsed Name | Section 12.3 | \$200 |
| 4. | Failure to Report Change of Information | Section 12.4 | \$200 |
| 5. | Failure to Produce License | Section 12.5 | \$200 |
| 6. | Obstruction of Clerk | Section 12.6 | \$300 |
| 7. | Obstruction of Municipal By-Law Enforcement Officer | Section 12.7 | \$300 |

Note: The penalty provisions for the offences indicated above is Section 13 of By-Law No. 36-2013, a certified copy of which has been filed.

Note: The general penalty provisions for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33.