

# THE CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE

## BY-LAW NO. 2002-15

Being a by-law to regulate and licence the operation of mobile canteens and refreshment vehicles in the Township of McNab/Braeside.

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**WHEREAS** the Township of McNab and the Village of Braeside were amalgamated by order of The Minister of Municipal Affairs and Housing under subsection 25.2(4) of the Municipal Act effective January 1, 1998; and

**AND WHEREAS** Section 210(73) of the Municipal Act, Chapter M.45, R.S.O. 1990, authorizes Council to prohibit or regulate retail sales in the highways or on vacant lots adjacent to them and for regulating traffic in and preventing the blocking up of highways by vehicles or otherwise;

**AND WHEREAS** the Council of the Corporation of the Township of McNab/Braeside deems it appropriate to enact a by-law to effect said purpose;

**NOW THEREFORE** the Council of the Corporation of the Township of McNab/Braeside enacts as follows:

### **Section 1 - Authorization and Administration**

#### **1.1 Title**

This by-law shall be known as the "Mobile Canteen and Refreshment Vehicle By-law" of the Corporation of the Township of McNab/Braeside.

#### **1.2 Scope**

The provisions of this by-law shall apply to all mobile canteens and refreshment vehicles from which refreshments are sold within the boundaries of the municipal corporation.

#### **1.3 Violation and Penalties**

Any person convicted of a breach of any of the provisions of this by-law shall be liable to a fine not to exceed one thousand dollars (\$1,000.00) exclusive of costs, for each such offence, and every penalty shall be recoverable under the Provincial Offences Act.

#### **1.4 Effective Date**

This by-law shall come into force and take effect immediately upon the passing thereof.

#### **1.5 Validity**

Should any section, clause or provision of this by-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder shall not be affected.

#### **1.6 Administrator**

This by-law shall be administered by the Clerk of the Corporation of the Township of McNab/Braeside.

#### **1.7 Inspection**

The Clerk or any employee of the Corporation acting under their direction may, at any reasonable hour, inspect any vehicle licenced under this by-law, where there is reason to believe that any provision of the by-law is being violated.

#### **1.8 Licence**

- (a) No person shall operate a mobile canteen or refreshment vehicle without a valid licence issued by the Corporation of the Township of McNab/Braeside for each such vehicle operated.
- (b) A licence issued pursuant to the terms and conditions of this By-law shall be valid only for the calendar year in which it is issued.
- (c) The licence fees to be paid at the time of application shall be:
  - (i) seventy-five dollars (\$75.00) for mobile canteens, as herein defined;

- (ii) one hundred and seventy-five (\$175.00) for refreshment vehicles, as herein defined.
- (d) Licences shall not be transferrable.
- (e) Every person obtaining a licence under this by-law shall keep said licence posted up in some conspicuous place on or in the vehicle for which the licence was issued and when requested produce the licence for inspection.
- (f) No person shall be granted or hold a licence for the operation of a mobile canteen or refreshment vehicle unless he/she has, in writing, agreed to indemnify and hold harmless the municipality, it's agents, servants, employees and officials from any claims, actions or suits which might be brought against the said person and the municipality arising out of the operation of the mobile canteen or refreshment vehicle in any manner whatsoever, or any error, negligence, or omission of the person, his/her agents, servants or employees.

### 1.9 Application for Licence

- (a) Mobile Canteens - Each application for a licence to operate a mobile canteen including the renewal of such a licence shall include the following:
  - (i) Written notice from the Medical Officer of Health stating that the vehicle for which the licence is being sought complies with all applicable health regulations.
  - (ii) Written notice from the Fire Chief stating that the vehicle for which the licence is being sought complies with all applicable fire regulations, codes and practices.
  - (iii) The name and address of the vehicle owner.
  - (iv) The motor vehicle current licence plate number.
- (b) Refreshment Vehicles - Each application for a licence to operate a refreshment vehicle including the renewal of such a licence shall contain the following:
  - (i) Written notice from the Medical Officer of Health stating that the vehicle for which the licence is being sought complies with all applicable health regulations.
  - (ii) Written notice from the Fire Chief stating that the vehicle for which the licence is being sought and any proposed operating location comply with all applicable fire regulations, codes and practices.
  - (iii) The name and address of the vehicle owner.
  - (iv) The name of the owner of the property or properties of which the vehicle will operate.
  - (v) A site plan for each proposed operating location of the vehicle showing proposed vehicle location, all structures situated on the property, and the distance between the vehicle and all such structures and between the property lines.

### 1.10 Revocation of Licence

A licence issued under this by-law may be revoked by Council where:

- (i) Written notice is received by Council from the Medical Officer of Health or the Fire Chief stating that the vehicle is operating contrary to acceptable

standards; or

- (ii) The licensee has been served notice of non-compliance with this by-law by the Clerk and has failed to take such action as deemed necessary within twenty-one (21) days of the date of the notice; or
- (iii) The licensee has been served by the Clerk three (3) notices of non-compliance with this by-law during the period for which the licence was issued;

and Council shall serve notice to the licensee of the impending revocation at least fourteen (14) days prior to the proposed date of revocation, and the licensee or his representative may appear before Council to show cause why he believes such licence should not be revoked.

**Section 2 - Definitions** - The following definitions shall apply to the interpretation of this by-law:

- 2.1 “Clerk” shall mean the C.A.O./Clerk of the Corporation of the Township of McNab/Braeside or his/her designate.
- 2.2 “Corporation” shall mean the Corporation of the Township of McNab/Braeside.
- 2.3 “Council” shall mean the Council of the Corporation of the Township of McNab/Braeside.
- 2.4 “Fire Chief” shall mean the Chief of the Fire Department of the Township of McNab/Braeside or his/her designate.
- 2.5 “Licence” shall mean a licence issued under this by-law.
- 2.6 “Medical Officer of Health” shall mean the Medical Officer of Health for the Renfrew County and District Health Unit or his/her subordinates to whom he/she may delegate such authority from time to time.
- 2.7 “Mobile Canteen” shall mean a vehicle from which food and drink are dispensed for consumption principally by persons at their place of employment throughout the Township and not to the general public.
- 2.8 “Operate” shall mean the act of selling, offering for sale, or other dispensing of food or drink.
- 2.9 “Refreshment Vehicle” shall mean any vehicle, whether mechanically propelled or otherwise, from which refreshments are sold for consumption by the general public, but shall not include such vehicles used principally as canteens.
- 2.10 “Roadworthy” shall mean that the vehicle complies with the equipment and performance standards prescribed by the Highway Traffic Act of Ontario.
- 2.11 “Served” shall mean by prepaid ordinary mail addressed to the address shown on an application for a licence or other address as requested by the owner in writing to the Clerk.
- 2.12 “Setback” shall mean the perpendicular distance between the nearest lot line and the vehicle and is synonymous with “minimum yard”.
- 2.13 “Vehicle” shall mean an automobile or other motor vehicle, a motor home, a trailer, or any other device which is capable of being drawn, propelled or driven by any kind of power or anything that has been used in like manner but does not include a bicycle or any other device powered solely by means of human effort.

### **Section 3 - Operation of Vehicle**

#### **3.1 Roadworthy Vehicles**

All mobile canteens are required to be roadworthy, with current motor vehicle licence plates and capable of moving without tow or push.

3.2 Zoning

Refreshment vehicles shall only be permitted to operate on private property in commercial zones defined by a by-law of the Corporation and enacted under the Planning Act and shall adhere to all applicable provisions therein including but not limited to all the setback requirements for the zone in which it is situate.

3.3 Fire Hazard

Notwithstanding anything else in this by-law no refreshment vehicle shall operate within any minimum distance of an existing structure as may be deemed essential for fire safety by the Fire Chief.

3.4 Municipal Parks

Notwithstanding anything else in this by-law a mobile canteen or refreshment vehicle may operate in a municipal park with the approval of Council and for such a period as authorized by Council resolution.

3.5 Public Streets

Mobile canteens shall not be permitted to operate for more than thirty consecutive minutes from any location where parking is permitted on a public street and only permitted to operate from a public street where access onto the property being served is restricted or unreasonable to expect due to construction or similar activity on the site.

3.6 Special Occasions

Notwithstanding anything else in this by-law Council may by resolution upon application by a licensee permit the operation of a mobile canteen or refreshment vehicle for a special occasion and may set out operating conditions which differ from those of this by-law.

3.7 Operating Location of Refreshment Vehicle

The operating location of a refreshment vehicle must be approved by the Clerk either at the time of application for a licence, or prior to relocation and written permission from the owner of the land on which the applicant proposes to locate the Refreshment Vehicle must be submitted to the Township prior to approval being granted.

3.8 Waste Management

The following operating regulations shall apply to all Refreshment Vehicles:

- (i) Each Refreshment Vehicle shall provide sufficient waste receptacles to accommodate the volume of waste generated at the vehicle site.
- (ii) Each operator shall be responsible for ensuring that the general vicinity around the Refreshment Vehicle is kept neat and clean at all times.

This by-law shall come into full force and take effect upon the passing thereof.

**BE IT FURTHER ENACTED**, that all By-Laws, or parts thereof, and all or any Resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

**READ** a first time this 16<sup>th</sup> day of April 2002.

**READ** a second time this 16<sup>th</sup> day of April 2002.

**READ** a third and final time and passed this 16<sup>th</sup> day of April 2002.

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MAYOR

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CAO/CLERK