

THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS

BY-LAW NO. 41-2002

To provide For The Licensing and Regulation
of Refreshment Vehicles

WHEREAS the Municipal Act, R.S.O. 1990, Chapter m.45, Section 257.2(1) as amended, provides in part that the council of a local municipality may pass by-laws for licensing, regulating and governing any business carried on within the municipality;

AND WHEREAS subs. 257.2(5) of the *Municipal Act*, R.S.O. 1990, c.M.45, as amended, provides that a by-law of a local municipality licensing a business expires the earlier of five years after it comes into force or the day it is repealed;

AND WHEREAS the Council of the Township of Georgian Bluffs deems it expedient to pass a By-law to license and regulate refreshment vehicles;

NOW THEREFORE the Municipal Council of the Corporation of the Township of Georgian Bluffs enacts as follows:

1. For purposes of this By-law:

- a) "Corporation" shall mean the Corporation of the Township of Georgian Bluffs;
- b) "Council" shall mean the Council of the Corporation of the Township of Georgian Bluffs;
- c) "Licensing Officer" means the person or persons authorized by the Council to act on their behalf in all matters relating to this by-law;
- d) "Person" shall mean a natural individual, including women as well as men and includes their heirs, executors, administrators, or other legal representative of such person to whom the context can apply according to law, as well as artificial beings such as corporations;
- e) "Operator" shall mean:
 - (i) A person who is the owner of a refreshment vehicle or a refreshment cart, including a person who is the registered owner of a refreshment vehicle according to the records maintained by the Registrar of Vehicles for the Province of Ontario; and
 - (ii) A person who has the care and control of a refreshment vehicle or refreshment cart under a lease or other rental agreement;provided, where a person has the exclusive care and control of a refreshment vehicle or refreshment cart under a lease or other rental agreement "operator" shall not include a person who is the owner of the refreshment vehicle or a person who is the registered owner of the refreshment vehicle according to the records maintained by the Registrar of Vehicles for the Province of Ontario;
- f) "Refreshments" shall mean food or drink;
- g) "Refreshment Vehicle" shall mean any vehicle from which refreshments are sold for consumption by the public and shall include a motor vehicle, motor assisted bicycle, trailer, unmotorized vehicle, bicycle, tricycle and any other vehicle drawn, propelled or driven by any kind of power, including muscular power;
- h) "Motor Vehicle" shall mean any vehicle powered by a motor and equipped to travel on roads, but shall not include a farm tractor, self-propelled implement of husbandry, road building machine, motorcycle or motor assisted bicycle;

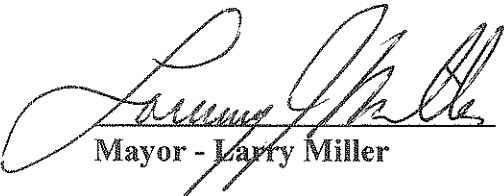
2. No person shall sell or operate a refreshment vehicle within the municipal boundaries of the Corporation without first obtaining (and thereafter keeping in good standing) a refreshment vehicle license from the Corporation in accordance with the provisions of this By-law;
3. Every application for a license shall be accompanied by:
 - a) A statement on the form provided by the Corporation giving particulars as to the location of the premises together with such other information as may be required to determine the compliance of the use with all applicable by-laws and regulations;
 - b) The appropriate fee as specified in Schedule "A" to this by-law;
4. A separate license shall be obtained for each vehicle and the issue of such license shall be subject to the following:
 - a) To enforce the provisions of this by-law the Licensing Officer or other person so authorized may investigate any trade or calling;
 - b) Prior to the issue of such license, a certificate from the Medical Officer of Health may be required certifying that the premises to be licensed are in a proper sanitary condition and that adequate sanitary facilities are provided for the use of patrons thereto;
 - c) Each license, when issued, shall be posted in a conspicuous place on the vehicle so licensed;
 - d) The license granted for any refreshment vehicle may be revoked whose owner or licensee does not comply with the foregoing or where such license has been issued through error or contrary to the provisions of any by-law or regulation;
 - e) Licenses issued under the provisions of this by-law, unless otherwise expressed to be granted for a shorter period, shall expire on the 31st day of December in the year in which they are issued;
 - f) The body, doors and windows of such vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things;
 - g) The interior of the vehicle shall be of a light colour and shall be repainted or refinished as often as required by the Licensing Officer or any person designated by it;
 - h) The floor of such vehicle shall be of a suitable impervious material, free of holes, cracks or crevices and the surface thereof shall be readily washable and shall be kept clean and in good condition;
 - i) The storage shelves therein shall be painted or covered with suitable impervious materials;
 - j) The vehicle shall have painted, in contrasting colour on both side panels in letters and figures at least 4 inches high, the name and business address of the owner thereof;

- k) All condiments, milk, cream and sugar shall be dispensed from containers approved by the Licensing Officer;
- l) Only single-service disposable cups, plates, containers, forks, spoons and serviettes provided in dispensers approved by the Licensing Officer or individually wrapped shall be used in the sale of all refreshments;
- m) The vehicle shall be equipped with either:
 - 1. A metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily; or
 - 2. A disposable litter container which shall be replaced daily; and such containers shall be used for the disposal of all refuse;
- n) Every person selling or handling refreshments shall wear clean clothes, be clean and neat in appearance, have clean hands and be the holder of a current food handler's permit from the Medical Officer of Health of each area municipality in which the vehicle is to be operated and shall keep with him and produce for inspection by the Licensing Officer or any of its staff such food handler's permit at all times.
- o) The vehicle and all parts and equipment thereof for use in the dispensing of refreshments shall at all times be kept in a clean and sanitary condition and in good repair.
- p) All milk sold from the vehicle shall be kept in dry storage at a temperature no higher than 40 degrees Fahrenheit and shall be sold only in individual, disposable containers.
- q) All sandwiches, cakes, doughnuts, hot dogs, hamburgers, pies and other similar foods shall be wrapped and sold in individual servings;
- r) The date of preparation shall be clearly and legibly marked as such on or affixed to the wrapper of all sandwiches sold from the vehicle;
- s) No prepared foods other than those kept in unopened cans shall be sold more than twenty-four hours after their preparation;
- t) Adequate refrigeration at a temperature no higher than 40 degrees Fahrenheit shall be provided for perishable foodstuffs which shall be kept so refrigerated;
- u) The vehicle shall be equipped so as to maintain hot, prepared foods at a temperature of not less than 150 degrees Fahrenheit, and such foods shall be kept so heated;
- v) All refreshments sold from the vehicle shall be clean, fresh and wholesome;
- w) No operator of a refreshment vehicle, licensed under this by-law, shall park on any lot, highway, or other location, while carrying on the business for which it is licensed, for a period of time exceeding four hours, during any 24 hour period, unless written approval from the Council is received;
- x) No operator of a refreshment vehicle, licensed under this by-law shall park or stop such vehicle, for the purpose of carrying on the business for which it is licensed, at a distance less than fifty (50) feet from any intersection, or less than one hundred (100) feet from the entrance to any park, or less than fifteen hundred (1,500) feet from any school ground;

- y) No operator of a refreshment vehicle, licensed under this by-law shall park or stop such vehicle, for the purpose of carrying on the business for which it is licensed, on any road within a Residential Plan of Subdivision, unless such subdivision is still in the process of development and houses thereon are still in the process of construction;
 - z) Every owner of a vehicle or cart operating by propane shall file annually with the Township of Georgian Bluffs, during the license renewal, an inspection certificate signed by a propane fitter, 1st class (PF-1) or 2nd class (PF-2) confirming that the inspection has been done by a qualified fitter with an A or B licence in accordance with the Ontario Code, under the direction of the Ministry of Consumer and Commercial Relations. And further, all companies performing this task shall be a registered contractor under the *Energy Act*.
5. No license issued under the provisions of this by-law shall be transferred.
 6. No license shall be issued contrary to the provisions of any applicable zoning by-law.
 7. Where any licensee is convicted of an offence under this by-law the license shall be suspended forthwith and shall not be reinstated until the licensing officer certifies in writing that the condition resulting in the charge and conviction have been remedied and that the premises and its proposed operation comply with this by-law.
 8. If any provision or requirement of this by-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
 9. Any person who contravenes any provision of this by-law is guilty of an offence, pursuant to Section 61 of the *Provincial Offences Act R.S.O. 1990, chapter P.33, as amended* or re-enacted from time to time.
 10. This by-law comes into force on the day of its passing by Council.

Read a first and second time this 21st day of August 2002.

Read a third time and finally passed this 21st day of August 2002.



Mayor - Larry Miller



Clerk - Kenneth Clarke

Amended By 2018-007

SCHEDULE 'A'
To By-law No. 41-2002

License Fee

Every owner of a refreshment vehicle shall pay a Licensing Fee in accordance with the following:

Refreshment Vehicle with Commercial Cooking Equipment
Annual Fee \$300.00 Event Fee \$75.00

Refreshment Vehicle without Commercial Cooking Equipment
Annual Fee \$175.00 Event Fee \$50.00

Refreshment Vehicle muscular power driven
Annual Fee \$50.00 Event Fee \$15.00

**Township of Georgian Bluffs
Application to Operate a Refreshment Vehicle**

New Business: Renewal:

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 _____

REFRESHMENT VEHICLE INFORMATION

Type of Vehicle Being Used: _____

Vehicle Licence Plate Number: _____

Type of Food Being Served: _____

Proposed Location of Vehicle: _____

Days of Operation: _____

Hours of Operation: _____ am to _____ pm

Is a "Deep Fryer" Being Installed? Yes No

OTHER INFORMATION

Owner of Property Where Vehicle to be Located: _____

If applicant not owner, letter of permission is required. Attached

Dated this _____ day of _____, 20 _____

Signature of Owner/Agent

PLEASE USE THE FOLLOWING CHECKLIST TO ENSURE THAT ALL DOCUMENTATION HAS BEEN ATTACHED TO YOUR APPLICATION FORM, OR ARRANGEMENTS MADE FOR THE NECESSARY INSPECTIONS/APPROVALS

Grey Bruce Health Unit Annual Inspection Report	Attached <input type="checkbox"/>	Arranged <input type="checkbox"/>
Propane/Gas Inspection by Licensed Installer (within last 6 months)	Attached <input type="checkbox"/>	Arranged <input type="checkbox"/>
Letter of Permission from Property Owner (if required)	Attached <input type="checkbox"/>	Arranged <input type="checkbox"/>
Proof of Liability Insurance Coverage (minimum \$1 million)	Attached <input type="checkbox"/>	Arranged <input type="checkbox"/>
Clearance from Roads Authority Township Road - Public Works Superintendent County Road - County Engineering Dept. Provincial Highway - MTO	Attached <input type="checkbox"/>	Arranged <input type="checkbox"/>
License Fee (payable to Township of Georgian Bluffs)	Attached <input type="checkbox"/>	Arranged <input type="checkbox"/>

Upon receipt of your application, we will arrange for:

1. Zoning Clearance

OFFICE USE ONLY

Zoning Administrator	Date: _____
Grey Bruce Health Unit:	Date: _____
Gas or Propane Inspector:	Date: _____
Road Authority: Public Works Supt. (Twp. Road) County Engineering (County Road) MTO (Provincial Highway)	Date: _____
Licensing Officer	Date: _____

APPROVAL/REFUSAL

LICENSE APPROVED:	No. _____	On: _____
Conditions on Approval		
LICENSE REFUSED:	By: _____	On: _____
Reasons for Refusal:		
Notice to Applicant:	By: _____	On: _____
Hearing Requested:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, Hearing Date:		
Decision:	Approved: <input type="checkbox"/>	Denied: <input type="checkbox"/>