

Schedule "J"
To
By-law No. 13 – 17

**TO AMEND BY-LAW 96-50 TO LICENSE AND REGULATE
REFRESHMENT VEHICLES/CATERING TRUCKS IN THE TOWNSHIP**

That By-law 96-50 be amended as follows:

1. **THAT** Section 4 is hereby amended by deleting the words:

a license fee of \$100.00. This is an annual fee.

and inserting the words:

an annual fee in accordance with the Township Fees and Charges By-law, as amended.

2. **THAT** all other provisions of By-law 96-50 are hereby confirmed.

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO
BY-LAW NUMBER 96-50

A BY-LAW TO LICENSE AND REGULATE REFRESHMENT
VEHICLES/ CATERING TRUCKS IN THE TOWNSHIP

WHEREAS the Council of the Corporation of the Township of Adjala-Tosorontio has authority to pass a by-law to license or regulate any trade, calling, occupation or business and power to prohibit same, pursuant to the provisions of the Municipal Act, RSO 1990;

AND WHEREAS it is deemed necessary to provide for the issue of licenses for the regulation of certain businesses in the Township of Adjala-Tosorontio;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO ENACTS AS FOLLOWS:

1. DEFINITIONS

- a. **Applicant** means the person who applies for a license under this by-law.
- b. **Boulevard** means the part of the highway that is not improved, designed or normally used for ordinary traffic.
- c. **Catering Truck** means a vehicle that travels from place to place for the sale of refreshments and food stuffs.
- d. **Community Festival** means a performance or celebration of special importance which is approved by the Council of the Township.
- e. **Designated Area** means an area designated for the parking of refreshment vehicles for the purpose of selling products therefrom, or an area designated for the purpose of vending from a refreshment vehicle located in such area and that is not part of a highway and is zoned by the Township's applicable zoning by-law to permit a commercial or industrial use.
- f. **Highway** includes the entire right-of-way of a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles.
- g. **License Officer** means a person employed by the Township and appointed as a licensing officer.
- h. **Refreshment Vehicle** means a basket, wagon, cart or other vehicle with or without wheels used for the sale of refreshments and food stuffs and which, without limiting the generality thereof includes a coffee stand, hot dog cart, "chip truck" and flower stand; and which remains in one location.
- i. **Registered Charitable Organization** means a registered charity defined in accordance with the provisions of the Income Tax Act of Canada, as amended from time to time.
- j. **Sell** means to sell for retail, offer for retail sale, display, place or expose any goods, wares, merchandise, products, crafts, jewellery, refreshments, foodstuffs or any other items whatsoever for retail sale.
- k. **Sidewalk** includes all such parts of a highway as are set aside by the Township for the use of pedestrians or used by the general public for the passage of pedestrians.
- l. **Travelled Street** means that part of the highway that is improved, designed or ordinarily used for vehicular traffic.
- m. **Vehicle** means a vehicle as defined in accordance with the provisions of the Highway Traffic Act, RSO 1990, as amended from time to time.

2. LICENSES REQUIRED

No person shall establish a refreshment vehicle or catering truck in the Township or sell, or cause or permit selling at any time, on, over, or upon the boulevard or highway, or otherwise stop, park, place, store, stand or leave any object, vehicle or thing on the highway, the boulevard, or any other designated area for the purpose of selling products, unless such person is in possession of a license issued pursuant to this by-law.

3. PROCEDURE

The following procedure shall apply in respect to the granting of a license:

- a. The applicant shall determine the proposed location for the designated area, and shall provide a letter from the property owner or property manager permitting the use of the land for the proposed use.
- b. The applicant shall pay to the Township a license fee of \$100.00. This is an annual fee.
- c. The applicant shall complete an application for a license in the form supplied by the Township, and similar to that provided in Schedule "A".
- d. The applicant shall obtain approval of the Simcoe County District Health Unit and adhere to its regulations. Such approval shall be filed with the Township.
- e. The applicant shall obtain approval from either the Township Public Works Superintendent, Ministry of Transportation or the County of Simcoe regarding access from the local highway, Provincial highway or County road, and shall meet the requirements of the applicable approval authority. Such approval shall be filed with the Township.
- f. Where the refreshment vehicle or catering truck is powered by propane, the refreshment vehicle or catering truck shall be 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 Township at the time of application and then annually at the time of renewal of the application.
- g. Every owner shall take out a separate license for each refreshment vehicle and catering truck owned or operated by him and the license shall be displayed on the refreshment vehicle and catering truck and visible at all times.
- h. A license issued pursuant to this by-law shall be valid for one calendar year (January 1 to December 31) or any part thereof, and such fee for a license shall not be prorated for any part of a year.
- i. Every person that obtains a license pursuant to the provisions of this by-law shall at all times while carrying on the business have the license in their possession and shall upon demand exhibit it to a Provincial Offenses Officer or Police Officer.
- j. All refreshment vehicle and catering truck owners shall carry a minimum of one million dollars public liability insurance and shall furnish proof of this coverage satisfactory to the Township prior to being licensed. Said insurance policy shall contain a clause naming the Township as "additional insured".
- k. The applicant shall supply a letter to the Township advising of the days and hours of operation.
- l. Upon review of the application, and if there is no reason to believe that the carrying on of the business may result in a breach of the law or may be in any way adverse to the public interest, and in the absence of written instruction to the contrary from Council, the Issuer of Licenses may issue the license, in the form shown in Schedule "B".

4. PROCEDURE IF LICENSE APPLICATION IS REFUSED

- a. If upon review of the application, there is reason to believe the carrying on of the business may result in a breach of the law, or may be in any way adverse to the public interest, the application will be refused and the applicant advised in writing by the Issuer of Licenses.
- b. Upon refusal of a license, the applicant may, within thirty (30) days of notification of the refusal to issue the license, request to be heard by Council and shall express such intent in writing to the attention of the Issuer of Licenses, who will advise the applicant of the date and time to appear at the next available meeting of Council or a Committee of Council.
- c. Subject to the approval of Council, the Issuer of Licenses may (1) grant the license applied for, (2) refuse to grant such license, or (3) if the applicant signifies that he

is willing to accept conditions upon his license and would make no objections to such conditions, grant a license to the applicant upon such conditions as the Council considers appropriate.

5. REGULATIONS

- a. The licensee shall maintain the vehicle in a safe and clean condition and ensure that it will at all times pass a test for road worthiness as may be required under the Highway Traffic Act.
- b. Every refreshment vehicle and catering truck shall be 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; and a disposable litter container which shall be replaced at least once daily; and such containers shall be used for the disposal of all refuse. The licensee shall be responsible for all litter pick-up on the site associated with the products/items being sold by the licensee. If recyclable packaging and/or containers are being sold, the licensee must provide a separate container suitable for recyclable material, suitably marked.
- c. Every refreshment vehicle and catering truck shall have posted or painted on both side panels the name of the business in clearly visible lettering.
- d. No refreshments shall be sold from a refreshment vehicle or catering truck drawn by an animal.
- e. No licensee shall operate any refreshment vehicle or catering truck between the hours of 9:00 p.m. and 7:00 a.m.
- f. There shall be no outside stage of goods or materials; and signage shall be restricted to the refreshment vehicle itself, with no separate free standing signage.
- g. No licensee shall permit any individual other than an employee to operate the refreshment vehicle or catering truck.
- h. No refreshment vehicle or catering truck shall be equipped with any flashing lights or sounding device for attracting attention.
- i. Refreshment vehicles shall not be permitted on Town property or highways, unless permission has been received from the Township to sell within a designated area.
- j. Every licensee shall ensure that each operator or employee is made familiar with the contents of this by-law and shall not permit any operator under his control, management, supervision or direction to breach any of the provisions of this by-law.

6. LOCATION OF REFRESHMENT VEHICLE

The location for the designated area for a refreshment vehicle must comply with the following criteria:

- a. the applicant shall provide a site plan showing the location of the designated area and the location of the facilities within that designated area (e.g. truck location, parking).
- b. The designated area shall be located only on land zoned as commercial or industrial pursuant to the Township's zoning by-laws.
- c. The designated area shall not be located within 50 metres of a signalized intersection.
- d. The designated area shall be set back at least 15 metres from a highway.
- e. The designated area shall not be located directly in front of an entrance or exit of a building.
- f. Approval shall be obtained from the Townships Public Works Department as to the sight lines from the road allowances.
- g. Approval shall be obtained from the Province or County if access is from a Provincial Highway or County Road.

7. CATERING TRUCK REQUIREMENTS

In addition to the provisions of Sections 3 and 4, a license to sell from a catering truck or a refreshment vehicle not situated in a designated area shall not be issued unless the applicant conforms to the following criteria:

- a. The applicant shall supply a list of local businesses where the catering truck will stop to sell products.

8. LICENSE RENEWAL

- a. No person shall enjoy a vested right in the continuance of a license.
- b. All applications for renewal of licenses expiring under the provisions of this by-law shall be made not later than the 2nd day of January each year, or a minimum of one week prior to the proposed commencement or recommencement of the business.
- c. Renewal of licenses may be granted by the Issuer of Licenses provided no change in the location or nature of the business has occurred and provided the necessary fees have been paid, approvals submitted, and all regulations complied with.

9. TEMPORARY SUSPENSION OF LICENSE

The Issuer of Licenses may suspend for cause any business license for up to two weeks or until the next meeting of Council, whichever occurs first, and upon suspending any license shall notify the Council of the suspension.

10. POWER TO REVOKE LICENSE

- a. Council may revoke any license issued under this by-law where the licensee is in contravention of the provisions of this by-law. Before revoking any such license, the holder of the license shall:
 - i. be given at least seven (7) days notice, mailed or delivered to his last known address or delivered to the refreshment vehicle, and
 - ii. shall be provided the opportunity to appear before Council to demonstrate why such license should not be revoked.
- b. Council will advise the licensee of its decision in writing.

11. WHEN NO LICENSE REQUIRED

A license shall not be required if:

- a. the products are grown or produce by a farmer resident in the Township who offers for sale vegetable and fruit products from his or her own farm on the farm property.
- b. The products are sold by a person who pays business taxes in the Township and sells products normally sold in his or her premises; and the vendor has received permission from the Township to sell within the designated area.
- c. The products are sold by a Registered Charitable Organization, or by any of the following Service Organizations, such as Boy Scouts, Girl Guides, local Chambers of Commerce, local service clubs.
- d. The products sold are in conjunction with and part of a community festival of the Township, and permission has been provided by the Township to sell within the celebration area.

12. OFFENSES AND PENALTIES

- a. Every person who contravenes any provision of this by-law is, on conviction, therefore guilty of an offence and shall be liable to a fine as provided under the Provincial Offenses Act.

- b. For the purpose of this by-law, each day of a continued offence shall be deemed to be a separate offence.

13. ENACTMENT AND DURATION

This by-law shall come into force and effect on the date of passage by Council.

This By-law read a first and second time this 3rd day of June, 1996.

Upon a motion by "R. WALLACE"

Seconded by "G. MASON"
and carried

James L. Wales
Mayor James Wales
B. Colquhoun
Clerk M. A. Clark

This By-law read a third time and finally passed this 3rd day of June, 1996.

Upon a motion by "E. BROWN"

Seconded by "R. WALLACE"
and carried

James L. Wales
Mayor James Wales
B. Colquhoun
Clerk M. A. Clark
per Deputy Clerk B. Colquhoun

Schedule "A"
License Application Form

The business license shall be in the following form:

Township of Adjala-Tosorontio

Business License Application Form

Name of Applicant: _____

Address (street): _____

Address (mailing), if different from above

Telephone (Home): _____

(Business): _____

Fax: _____

Name of Business: _____

Type of Business: _____

Location of Business (if not at the address noted above):

The applicant agrees not to conduct the business in a manner such as to cause nuisance or inconvenience to the general public and failure to comply therewith will result in an immediate revocation of the license issued therefor.

I, _____ hereby agree to the above terms and conditions with By-law _____ and will comply therewith. I understand that any noncompliance will result in the revoking of my license without refund of the fee paid.

Date: _____

_____ signature of applicant

Approved for issue by:

Issuer of Licenses, Township of Adjala-Tosorontio

Schedule "B"
License

**TOWNSHIP OF ADJALA TOSORONTIO
BUSINESS LICENSE**

This License is granted to: _____

of: _____

to carry on the business of: _____

in accordance with the terms of the application for business license.

The Licensee shall duly observe and comply with all such by-laws, rules and regulations, matters and things as are, or may be, enacted by the Council of the Township of Adjala-Tosorontio.

This License to continue in force until December 31, 19____.

Issued this _____ day of _____, 19____.

Licensing Officer