**THE CORPORATION OF THE MUNICIPALITY OF MARMORA AND LAKE**

**BYLAW NUMBER 2001-31**

A By-Law of the Corporation of the Municipality of Marmora & Lake, being a bylaw to license Refreshment vehicles in the Municipality of Marmora & Lake.

WHEREAS, under the provisions of The Municipal Act R.S.O. 1980 c.302 S.232 (11) the Council of the Municipality may pass by-laws for licensing, regulating and governing vehicles from which refreshments are sold for consumption by the public and for revoking any such license.

AND WHEREAS it is deemed advisable to license vehicles from which refreshments are sold for consumption by the public within the Municipality of Marmora & Lake.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MARMORA & LAKE HEREBY ENACTS AS FOLLOWS:

1. No person shall own or operate a Refreshment Vehicle from which refreshments are sold for consumption by the public unless such person has obtained a Refreshment Vehicle License from the Municipality of Marmora & Lake covering the vehicle for the current calendar year.
2.
    a. “Refreshment Vehicle” shall include “chip wagons” and motorized vehicle equipped for the cartage, storage and preparation of food stuffs, beverages, chocolate and candy bar and the aforesaid food items are offered for sale to the public and the operation of said vehicle for the said purpose is not assessed as a commercial business for municipal tax purposes.
    b. “Eating Establishment” shall mean a building, or part of a building, where food is offered to the public for immediate consumption and includes such uses as a restaurant, dining room, café, cafeteria, ice cream parlour, tea or lunchroom, dairy bar, coffee shop, snack bar and/or refreshment room or stand.
    c. “Mobile Canteen” shall mean a motorized vehicle equipped for the cartage, storage and preparation of food stuffs, beverages, chocolate and candy bars and the aforesaid food items are offered for sale to the public and the operation of such vehicle for the said purpose is assessed as a commercial business for municipal tax purposes.

3.

a. Application for a Refreshment Vehicle license shall be made at the Municipal office in writing, signed by the Applicant and the Application form marked as Schedule “A” hereto shall be completed.
b. The completed Application and license fee shall be delivered to Municipal Council for its consideration together with any other information that the Clerk may require.
c. The Municipal Clerk shall issue a license upon approval of the Application by Municipal Council.
d. Notwithstanding subsection (a), (b) and (c) of this section, the Municipal Clerk who was the holder of a license in the immediately preceding year without requiring the completion of a written application and without referring such Application to Municipal Council.

4. The license shall be valid for the Calendar year for which it is issued and shall, unless previously revoked, expire on December 31st in the year of its issue.
5. The fee payable for a Refreshment Vehicle in the Municipality of Marmora & Lake shall be set in the annual fee bylaw for each vehicle licensed.
6. Every owner or operator of a Refreshment Vehicle in the Municipality of Marmora & Lake shall comply with the following provisions:
    a. the vehicle shall not be used to vend goods within 100 meters of any eating establishment.
    b. the vehicle shall be kept at all times in a clean and sanitary condition.
    c. the vehicle and all foods sold therefrom shall comply with all health or sanitary regulations applicable thereto and the applicant shall provide proof that the vehicle to be licensed has been inspected and approved by The Hastings and Prince Edward Counties Health Unit.
    d. the owner and operator shall display the license prominently on or in the vehicle for which it is issued in plain view of the public.
    e. the vehicle shall comply with all federal and provincial regulations and municipal by-laws applicable to such vehicles.
    f. the vehicle shall be only used in the location authorized in the license.
7. No person shall sell or offer for sale from a Refreshment Vehicle any goods on any public highway, street, boulevard or sidewalk, walkway, or land, within the Corporate limits of the Municipality of Marmora & Lake.

8. No person shall sell or offer for sale from a Refreshment Vehicle any goods, in any public park within the Corporate boundaries of the Municipality of Marmora & Lake without first obtaining the written authority of the Chief Building Official or By-law Enforcement Officer of the Municipality of Marmora & Lake.
9. A license may be revoked forthwith
    a. for any breach of a provision of this by-law; or
    b. for any other good and sufficient cause which in the opinion of Municipal Council exist after conduction an open meeting upon 7 days' notice to the licensee at its address set out in the Application form.
    c. for operating a refreshment vehicle at an event not licensed under the municipal licensing by-law.
10. A license shall not be assignable or transferable.
11. No license shall be issued until the Municipal Clerk has received sufficient proof that any propane installation complies with the Ontario Propane Code as signed by a certified propane fitter who is, or is employed by, a contractor registered by the Fuels Safety Branch or the Ministry of Consumer and Commercial Relations.
12. Any person who contravenes any provisions of this by-law shall be guilty of an offence and upon conviction liable to a fine of Three Hundred Dollars ($ 300.00).
13. This by-law shall not apply to mobile Canteens, the operation of which are recognized as a commercial business for municipal tax purposes.

This bylaw shall come into force and take effect on the date of passing thereof.
READ A FIRST, SECOND, AND THIRD time this 27 day of August 2001.

_____

Reeve

_____

Clerk

**SCHEDULE "A"**

**TO BYLAW NUMBER 2001-31**

**REFRESHMENT VEHICLE APPLICATION FORM**

1. Name of Applicant:_____

   Address:_____

   Postal Code:_____ Phone Number:_____

2. List all vehicles to be used and license numbers:_____

   _____

   _____

   _____

3. Are all the Vehicles owned by the Applicant?_____

4. If not, give names of owners:_____

   _____

5. Are vehicles used for any other purpose?_____

   _____

   _____

6. What foods or drink will be served from the vehicles?_____

   _____

   _____

7. What will be the location of the Refreshment Vehicle

   (give address, including Lot & Concession):_____

8. Describe the proposed method of storing, preparing, or serving the food or drink:

   _____

   _____

   _____

   _____

I,_____, do solemnly declare that the information given is true and complete in all respects.

Date at_____ this_____day of_____, 20_____