The Corporation of the Township of North Frontenac
By-Law #33-22

Being a By-law to Licence, Regulate and Govern Refreshment Vehicles in the Township and to Repeal By-law #21-21

Whereas Section 11(3) 11 of the Municipal Act, S.O. 2001, as amended authorizes the Township to pass by-laws with respect to Business Licensing;

And Whereas Section 150, 151 and 153 of the Municipal Act, S.O. 2001, as amended authorizes the Township to provide for a system of licences with respect to a business and as a condition of licensing requiring the business to comply with land use control by-laws or requirements under the Planning Act;

Now Therefore the Council of the Corporation of the Township of North Frontenac hereby enacts as follows:

1. Title and Application

a) This By-law shall be cited as the "Refreshment Vehicle Licence" By-law.

b) This By-law applies to all Refreshment Vehicles and all properties in the Township.

2. Definitions

For the purpose of this By-law the following definitions shall apply:

a) **Applicant** means the person who applies for a licence under this By-law.

b) **Council** means the Council of The Corporation of the Township of North Frontenac.

c) **Designated Area** means an area designated for the placement of the Refreshment Vehicle, parking area, signage, seating facilities, and refuse/recycling containers.

d) **Highway** means the entire right-of-way of a common and public highway, street, driveway, or bridge designed and intended for or used by the general public for the passage of vehicles.

e) **Licence Holder** means the person who is granted the Licence.

f) **Operate** means the selling or offering for sale of refreshments from such vehicle.

g) **Refreshment Vehicle** means any vehicle, trailer, cart or other structure not placed on a permanent foundation which is equipped for cartage, storage and the preparation of food stuffs, beverages, confections and such items are offered directly for consumption to the general public, and includes a chip wagon, a mobile canteen and other Refreshment Vehicles.

h) **Refreshment Vehicle Licence** means a licence issued by the Township in accordance with this By-law.

i) **Restaurant** means a commercial building or structure where the principal business is the preparation and serving of food and refreshments to the public for immediate consumption within the establishment or on an abutting terrace or patio.

j) **Storage** means the keeping of a Refreshment Vehicle that is not actively used for this purpose by the principle occupants of the site.

k) **Township** means the Corporation of the Township of North Frontenac.

l) **Zoning By-law** means the Township's Zoning By-law, as amended.

3. General Provisions

a) This By-law does not apply to a permanent structure which requires a permit under the Ontario Building Code. In this case, the structure would be required to meet the provisions of the Site Plan Control By-law.

b) No person shall locate or operate a Refreshment Vehicle on any property owned by the Township without the prior approval of Council.

c) No person shall locate or operate a Refreshment Vehicle which does not hold a valid Refreshment Vehicle Licence issued by the Township's Chief Building Official under the authority of this By-law, within the Township.

d) A Refreshment Vehicle Licence shall not be required for:
   i) A stored Refreshment Vehicle;
   ii) Refreshment Vehicle temporarily located on private property for a private event lasting less than 72 hours;
   iii) Refreshment Vehicle temporarily located at a Township owned Community Hall or other Township owned property which has been rented by an individual and approved by the Manager of Community Development (in consultation with the CAO), for a special event lasting less than 72 hours,

subject to an Agreement signed by both Parties to ensure applicable Insurance coverage and Public Health approval; or

iv) Refreshment Vehicle located on a Township owned property for a Township event which has been approved by Council.

e) Any person may apply for a Refreshment Vehicle Licence, granting the holder the exclusive right to sell products from a Refreshment Vehicle to be parked in a designated area as specified on the licence, provided the holder complies with the terms and conditions prescribed by the licence and any agreement entered into with the Township as a condition of receiving the licence.

f) The Township shall issue a Refreshment Vehicle Licence provided that a complete application is submitted to the Township, all pre-conditions as specified in this By-law are satisfied, the Annual Licence fee is paid in full and the use of the property for a Refreshment Vehicle conforms with all other applicable law, including the Zoning By-law.

4. Requirements for Licence

a) One Refreshment Vehicle is permitted on a lot less than one acre. One additional Refreshment Vehicle is permitted on a lot one acre or greater.

b) The Applicant shall complete an application for a Refreshment Vehicle Licence annually which shall be accompanied by:
   i) The Fee as set out in the Fees and Charges By-law;
   ii) If they are not registered owner of the property, a letter from the property owner permitting the use of his/her land for this purpose;
   iii) a site diagram, drawn to scale which clearly shows the Designated Area including the location of proposed Refreshment Vehicle, parking area signage, seating facilities, and refuse/recycling containers, including setbacks in accordance with the Zoning By-law and required fire setbacks;
   iv) An inspection report from the Kingston, Frontenac, Lennox and Addington Public Health confirming that the Refreshment Vehicle conforms to the requirements of the Health Protection and Promotion Act, and that any other applicable legislation have been met;
   v) An inspection report from the Township's Fire Chief confirming the Refreshment Vehicle conforms to the requirements of Fire Protection and Prevention Act and that any other applicable legislation have been met; and
   vi) If equipped with propane-fueled appliances, an inspection by a certified propane fitter, confirming the Refreshment Vehicle conforms to the Technical Standards and Safety Act, and that any other applicable legislation have been met.

c) The proposed Designated Area shall comply with the following criteria:

i) no portion of the designated area shall be located on a highway or part thereof;
ii) no portion of the designated area shall be located directly in front of an entrance or exit from a building;
iii) located only on land zoned as Hamlet, Rural, General Commercial or Recreational Commercial pursuant to the Zoning By-law;
iv) In the case of a Refreshment Vehicle located on a Provincial Highway, the location shall be approved by the Province and the written confirmation of compliance shall be provided;
v) In the case of a highway under the jurisdiction of the Township, set back at least seven metres from a highway measured from the property line closest to the highway and shall meet the requirements for sight triangles and set out in the Zoning By-law;
vi) No portion of the designated area shall be closer than 6 metres to any buildings;
vii) The setbacks for Recreational Vehicles measured from the property line shall be:
- Front Yard – 7 metres
- Rear Yard – 7 metres
- Interior Side Yard – 3 metres
- Interior Side Yard, where commercial use (refreshment vehicle) abuts a residential use – 7 metres
- Exterior Side Yard – 7 metres

viii) If the designated area abuts a residential use, a buffer strip shall be provided and maintained in accordance with the Zoning By-law.
ix) To ensure adequate parking, the minimum number of parking spaces shall be one space for each table plus one space per 10 square metres of gross floor area of the Refreshment Vehicle. Parking space size shall comply with the requirements of the Zoning By-law.

5. Regulations

a) No Person shall permit:
i) Signage to advertise the location of the Refreshment Vehicle that does not comply with all applicable By-laws and the appropriate road authority.
ii) A structure, whether attached or unattached, to be constructed immediately adjacent to a Refreshment Vehicle, excluding an unattached deck. The deck shall be less than 0.6 metres in height; less than 10 square metres in area; and does not extend beyond or wrap around the Refreshment Vehicle.
iii) A Refreshment Vehicle to operate between the hours of 10:00 pm and 6:00 am.

b) Garbage or litter resulting from the vending activity shall be collected for recycling and disposal, and receptacles shall be provided for such purpose. In addition, every

Licence Holder shall ensure that such garbage and litter is removed from the area of operation and disposed of at an approved waste site.

c) The Refreshment Vehicle Licence shall be affixed to the vehicle in a prominent position.

d) Upon expiry of the licence, the Refreshment Vehicle shall be removed from the approved site within 48 hours. If the Refreshment Vehicle is located on the owner's property, it may be placed into storage.

e) A Licence is deemed to be valid for a period of one year from the date of issuance and re-application must be made 30 days prior to the expiration of the Licence.

f) The Licence shall not be transferred, assigned, conveyed or sold to another person.

6. Licence Fees

a) All Applications submitted for consideration shall be subject to an Application Fee (non-refundable deposit) as set out in the Fees and Charges By-law. If the Licence is refused the fee is non-refundable. This fee covers the review of the Application, the initial location inspection and the final location inspection.

b) The Licence Fees for Refreshment Vehicles to which this By-law applies shall be as set out in the Township's Fees and Charges By-law.

c) No Licence shall be issued unless the prescribed fee has been paid.

7. Penalty/Notices of Violation

a) Any person who contravenes this By-law is guilty of an offence and upon conviction is liable to payment of a fine.

b) Where any condition of a Licence is breached by any person, whether or not the Township has commenced a prosecution, the Township may revoke the licence upon written notice of revocation being served on the owner of the property or such notice being posted conspicuously on the property for which the Licence was issued.

c) Where a Licence is revoked by the Township, the Licence holder and owner of the property on which the Refreshment Vehicle was located shall be jointly and severally responsible for removing or placing into storage the Refreshment Vehicle within 14 days of receipt of the notice of revocation.

8. Application

a) Any section, subsection or part thereof of this By-law be declared by any Court of Law to be illegal or ultra vires, such section or subsection or part thereof shall be severable and all parts hereof are declared to be separate and independent.

b) This By-law shall come into force and take effect immediately upon the date of passing.
c) That By-law #21-21 is hereby repealed.
d) That all resolutions, By-laws or part of By-laws, which are contrary to or inconsistent with this By-law, are hereby repealed.

Read a first and second time this 8th day of April, 2022.

Read a third time and passed this 8th day of April, 2022.

_____
Mayor

_____
Clerk

The Corporation of the Township of North Frontenac

Part 1 *Provincial Offences Act*

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Operate a Refreshment Vehicle on Township property without permission	Sch. A, s. 3 (b)	$400
2	Operate a Refreshment Vehicle without a valid Licence	Sch. A, s. 3 (c)	$400
3	Operate a Refreshment Vehicle between the hours of 10:00 pm and 6:00 am	Sch. A, s. 5.a (iii)	$100
4	Fail to dispose of refuse	Sch. A, s. 5 (b)	$200
5	Operate a Refreshment Vehicle without the Licence affixed	Sch. A, s. 5 (c)	$25

Note: The general penalty provision for the offences listed above is section 7 (a) of By-law 33-22, a certified copy of which has been filed.