BY-LAW NUMBER 2005-49

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

BEING a By-Law to amend By-Law Number 2001-188, to License, Regulate and Govern Refreshment vehicles in the Township of Rideau Lakes.

WHEREAS Section 150 of the Municipal Act, S.O. 2001, c.25, as amended authorizes Council to 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 FURTHER WHEREAS Section 210 (73) of the Municipal Act, R.S.O. 1990, authorizes Council to prohibit or regulate sales by retail in the Highways or on vacant lots adjacent to them;

NOW THEREFORE The Council of The Corporation of the Township of Rideau Lakes enacts as follows:

SECTION 1: DEFINITIONS

1. For the purpose of this By-Law the following definitions shall apply:

   a) **"CHIP WAGON"** shall mean a vehicle with wheels equipped for the cartage, storage and preparation of food stuffs, beverages, confections and the aforesaid food items are offered directly for consumption to the general public, be road worthy and be capable of being mobile. A chip wagon does not include a mobile canteen.

   b) **"CHIP WAGON PERMANENT"** shall mean the chip wagon operator may offer food and drink for sale to the general public from a permanent or semi-permanent site on private property.

   c) **"CLERK"** shall mean the Clerk or Deputy Clerk of the Township of Rideau Lakes.

   d) **"LICENSING OFFICER"** shall mean the person designated by the "Clerk" for the purpose of issuing licences under the provisions of this By-Law.

   e) **"CORPORATION"** shall mean the Council of The Corporation of the Township of Rideau Lakes.

   f) **"COUNCIL"** shall mean the Council of The Corporation of the Township of Rideau Lakes.

   g) **"COMMERCIAL ZONES AND TOURIST COMMERCIAL ZONE"** shall mean all lands zoned as commercial and tourist commercial according to the Zoning By-Law.

   h) **"LICENCE"** shall mean a licence issued under the provisions of this By-Law.

i) **"MEDICAL OFFICER OF HEALTH"** shall mean the Medical Officer of Health for the Lanark, Leeds and Grenville District Health Unit or his duly authorized delegate.

j) **"CHIEF FIRE OFFICIAL"** shall mean the Fire Chief of the Corporation or the person delegated by the Chief Fire Official to have responsibility for Prevention and Inspection.

k) **"MOBILE CANTEEN"** shall mean a motorized vehicle equipped for the cartage, storage and preparations of food stuffs, beverages, confections and from which the aforesaid goods are offered for sale directly to the public for consumption primarily by persons attending a private function including auction sales or other special sale where the mobile canteen operator has been invited or authorized by the person holding the sale to dispense food and beverages at such functions. A mobile canteen does not include a chip wagon.

l) **"REFRESHMENT CART"** shall mean a mobile vehicle propelled by human muscle power selling ice cream products, pre-packaged and/or pre-cooked food, fresh fruit and vegetable products and liquid refreshments only.

m) **"PERSON"** includes a Corporation.

n) **"REFRESHMENT VEHICLE"** shall include a chip wagon, permanent chip wagon, mobile canteen and refreshment cart as defined in this By-Law.

o) **"ROADWORTHY"** shall mean that the vehicle complies with all of the requirements of the Highway Traffic Act and is licensed for operation on a public highway.

SECTION 2: LICENSING

1. Only one (1) chip wagon will be licensed, per Hamlet or Village, within the Township of Rideau Lakes.

2. No person shall operate a chip wagon, mobile canteen or refreshment cart within 100 meters of an existing food establishment.

3. No person shall operate a chip wagon, mobile canteen ore refreshment cart within the limits of the Township of Rideau Lakes who does not hold a valid licence issued by the Clerk or Deputy Clerk or Licensing Officer under the authority of this By-Law.

4. Application for license shall be made to the Clerk, Deputy Clerk, or Licensing Officer on the required application form, which comprises Schedule "A" to this By-Law.

5. The annual fee per vehicle for such licence shall be as follows:

   a) Chip Wagon $306.50

   b) Mobile Canteen $306.50

   c) Refreshment Carts $ 18.50

6. That the permanently fixed chip wagon must be located on land that is zone "commercial" (C) or "tourist commercial" (CT), and mobile canteens, chip wagons or refreshments carts may not operate on Township property or any public highway except with the express written permission of Council of The Corporation of the Township of Rideau Lakes

7. The term of each licence shall be for one (1) year, beginning on the first day of January in each year and shall expire on the thirty-first day of December in the same year. NO licence shall be issued except on payment of the full amount of the prescribed fee.

8. The licences shall stipulate that a mobile canteen, chip wagon or refreshment cart shall not compete with public service organizations which are raising funds for their organizations.

9. A licence may be transferred from one vehicle to another upon application, and payment of a fifty-dollar transfer fee.

10. A licence may be transferred from one person to another upon application, and payment of a fifty-dollar transfer fee.

11. The licence for a chip wagon shall be for a specific location and may be transferred to another location upon application and payment of a fifty-dollar transfer fee.

12. Chip wagons, mobile canteens and refreshment carts are exempt from licensing under this By-Law when they are involved in providing food services at special events where the operator is already paying a fee to the charitable organization sponsoring the event.

13. The operator of a mobile canteen, chip wagon ore refreshment cart shall have at all times on display, the licence granted by the Corporation and present this licence on demand for inspection by a By-Law Enforcement Officer of the Corporation.

SECTION 3: REGULATIONS

1. GENERAL

a) The operator of every mobile canteen, chip wagon or refreshment cart shall at all times comply with the requirements of the Medical Officer of Health and prior to the issuance of a licence under this By-Law, supply the Clerk or Deputy Clerk with written confirmation of compliance in this regard.

b) The operator of a mobile canteen, chip wagon or refreshment cart when on a public highway, shall be subject to the provisions of the Highway Traffic Act and all Traffic and Parking By-Laws of the Corporation.

c) Every mobile canteen, chip wagon or refreshment cart shall, at all times, be road worthy and shall be licensed by the Ministry of Transportation and Communications under the provisions of the Highway Traffic Act.

d) That every applicant applying for a licence to operate a mobile canteen, chip wagon or refreshment cart, must produce evidence that they are covered with a minimum of no less than One Million Dollars worth of Liability Insurance.

2. **MOBILE CANTEENS**

a) The operator of a mobile canteen shall conduct business only while parked off the traveled portion of public streets, public lands, highways, parks and boulevards unless permission has been granted by the Corporation.

b) The operator of a mobile canteen shall not conduct business from areas designated as public parking unless permission has been granted by the Corporation.

3. **CHIP WAGONS**

a) The operator of every chip wagon shall at all times meet the Fire Safety and Prevention Standards as determined by the Chief Fire Official of The Corporation as set out in Schedule "B" attached hereto. Every applicant for a licence under this By-Law shall submit written confirmation from the Chief Fire Official of compliance in this regard.

b) All chip wagons shall be kept in a clean and presentable condition and be painted in a manner satisfactory to The Corporation and such shall include any signs appurtenant thereto. The property on which the chip wagon is located shall be maintained in a neat and tidy condition and all refuse shall be deposited in proper containers and disposed of by the operator.

c) The chip wagon shall be road worthy and be capable of being mobile within 5 (five) minutes. Permanent electrical or other utility hook-ups are prohibited.

d) Chip wagons may only be located on private property and permission of the owner in writing must be deposited with the Clerk or Deputy Clerk prior to the issuance of a licence.

e) A chip wagon shall only be permitted to locate in a commercial zone as defined under Section 1 (1) (f) of this By-Law.

f) The chip wagon shall be located at least ten metres (33 feet) from the shoulder of the roadway on which it is located, unless a lesser distance can be shown to be sufficient.

g) The site for a chip wagon shall provide for a minimum of three vehicles parking spaces, for the exclusive use of the chip wagon's patrons, unless ample parking is otherwise provided.

h) The applicant for a chip wagon licence shall provide with the application a sketch of the proposed vehicle location, the dimensions of the property, the location of all buildings or structures on the property and the parking spaces to be provided.

i) The chip wagon shall be equipped with a minimum of a 10 ABC extinguisher as well as a Class K extinguisher located for easy access in the area of the fryers.

SECTION 4: CHIP WAGON PERMANENT

1. The site or sites from which business is conducted is first approved by the Council of the Township and such site or sites shall be recorded on the Chip Wagon licence.

2. The area between the chip wagon and the front line of the property on which it is located shall be improved sufficiently to provide a minimum of three automobile parking spaces.

3. Structures or additions to the chip wagon, including structures designed to protect the public from the elements while being served at the service window of the chip wagon, are subject to approval of the Council and the inspection of the Chief Building Official, in accordance with the Ontario Building Code.

4. Permanent electrical or other utility hook-ups are prohibited. To provide for the operation of exhaust fans, approved lighting and other electrical power requirements, a chip wagon may be connected to an approved power source provided such connections are made by means of a connection which can be readily and safely disconnected without the use of tools. Such connections must not inhibit the capability of the chip wagon to be mobile under its own power on short notice or to otherwise cause the chip wagon to be mobile under its own power on short notice or to otherwise cause the chip wagon to be recognized as a permanent structure. For utilities being connected, contact Hydro One for inspection.

5. Commercial cooking equipment shall be provided with exhaust and fire protection systems in conformance with NFPA 96, "Ventilation Control and Fire Protection of Commercial Cooking Operations," as per the Ontario Fire Code 2.6.12. (1).

SECTION 5: REVOCATION OF LICENCE

1. A licence issued under the provisions of this By-Law may be revoked by the Council when:

   a) Written notice has been received from the Medical Officer of Health, the Chief Fire Official, or the Municipal Law Enforcement Officer, stating that the vehicle is operating contrary to required standards, or,

   b) The licensee has been served notice of non-compliance with the terms of this By-Law by the Clerk, Deputy Clerk or Licensing Officer.

2. Revocation of the licence by Council shall be subject to a hearing with provisions as provided by the Statutory Powers Procedures Act.

SECTION 6: CONTRAVENTIONS

1. Any person who contravenes the provisions of this By-Law shall be guilty of an offence and liable to a penalty not exceeding $5,000.00 (five thousand dollars) exclusive of costs recoverable under the Provincial Offences Act, R.S.O. 1980 C.400.

SECTION 7: ENFORCEMENTS

This By-Law shall be enforced by the Municipal Law Enforcement Officer.

This By-Law repeals any previous By-Law, Resolutions, Motions or Actions of Council.

- By-Law 2001-188 –

This By-Law shall come into force and take effect immediately upon the day of final passing thereof.

Read a first and second time this 6th day of June 2005.

Ronald E. Holman
Mayor

Dianna G. Bresee
Clerk

Read a third time and finally passed this 6th day of JUNE 2005.

Ronald E. Holman
Mayor

Dianna G. Bresee
Clerk

SCHEDULE "A"

TO

BY-LAW NUMBER 2005-49

LICENCE APPLICATIONS FOR

CHIP WAGON/MOBILE CANTEEN/REFRESHMENT CART

1. DATE: _____

2. NAME OF APPLICANT/OPERATOR: _____

   ADDRESS: _____

   _____

   _____

   PHONE NUMBER: _____

3. TYPE OF LICENCE APPLIED FOR:

   CHIP WAGON _____

   MOBILE CANTEEN _____

   OTHER REFRESHMENT CART _____

4. TRANSFER OF LICENCE OWNER TO OWNER (SPECIFY) _____

   _____

5. TRANSFER OF LICENCE LOCATION TO LOCATION (SPECIFY) _____

   _____

6. NUMBER OF VEHICLES TO BE LICENCED _____

7. VEHICLE(S) DESCRIPTION:

   MAKE _____

   MODEL _____

   LICENCE PLATE NO. _____

DESCRIPTION OF FOOD STUFFS, BEVERAGES SOLD:

_____

_____

_____

8. ARE ALL THE VEHICLES OWNED BY THE APPLICANT? _____

9. IF NOT, PLEASE GIVE NAMES OF OWNERS _____

_____

10. ARE VEHICLES USED FOR ANY OTHER PURPOSE? _____

_____

11. LETTER OF COMPLIANCE FROM:

MEDICAL OFFICER OF HEALTH _____

RIDEAU LAKES FIRE DEPT. _____

ONTARIO PROPANE CODE (TSSA) _____

VERIFICATION OF PRIVATE PROPERTY OWNER APPROVAL (if applicable)

_____

PROPOSED LOCATION OF OPERATION (provide sketch showing location of refreshment vehicle and set back from front line of property)

_____

_____

VERIFICATION OF INSURANCE COVERAGE_____

FEE: $_____ (cheque to be included with application)

DECLARATION

As the applicant/operator named above, I hereby make this application and confirm that I have read By-Law Number 2005-49 and agree to abide by its regulations.

DATED THIS_____ DAY OF _____

_____
(Signature of Applicant/Owner)

THIS LICENCE IS HERBY GRANTED AND IS IN EFFECT FOR THE PERIOD

_____ TO _____

_____
Clerk/Deputy Clerk/Licensing Officer

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedules of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2005-49 of the **Township of Rideau Lakes** attached hereto are the set fines, including costs, for those offences. This Order is to take effect August 3, 2007.

Dated at Ottawa this 3rd day of August 2007.

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Paul R. Bélanger, Acting Regional Senior Justice
Ontario Court of Justice
East Region

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

PART 1 *Provincial Offences Act*

By-Law # 2005-49, Refreshment Vehicles By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
7	Operate a mobile canteen and fail to display License.	Section # 2(13)	$ 95.00
8	Operate a chip wagon and fail to display License.	Section # 2(13)	$ 95.00
9	Operate a refreshment cart and fail to display License.	Section # 2(13)	$ 95.00
10	Fail to present License to Officer upon demand.	Section # 2(13)	$ 95.00

NOTE: Penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act R.S.O. 1990, c.P.33

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

PART 1 Provincial Offences Act

By-Law # 2005-49, Refreshment Vehicles By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Unlawfully operate a chip wagon within 100 meters of an existing food establishment.	Section # 2(2)	$ 150.00
2	Unlawfully operate a mobile canteen within 100 meters of an existing food establishment.	Section # 2(2)	$ 150.00
3	Unlawfully operate a refreshment cart within 100 meters of an existing food establishment.	Section # 2(2)	$ 95.00
4	Unlawfully operate a chip wagon without a vallid license.	Section # 2(3)	$ 295.00
5	Unlawfully operate a mobile canteen without a vallid license.	Section # 2(3)	$295.00
6	Unlawfully operate a refreshment cart without a vallid license.	Section # 2(3)	$ 95.00

NOTE: Penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act R.S.O. 1990, c.P.33.

SCHEDULE B

Fire

Chip Wagon Requirements:

As identified in the by-law will require a Class K extinguisher and a 10ABC extinguisher in position as indicated by the Fire Inspector, along with a suitable ventilation system.
Propane certification with applicable documentation will need to be supplied.
Other requirements as per the Ontario Fire Code will need to be adhered to.
Approval of the placement of the unit or other requirements will be determined by the Chief Fire Official to minimize potential fire risk or hazards.

Permanent or Semi-Permanent Requirements:

These units as identified in the by-law will require a NFPA 96 compliant suppression system along with a suitable ventilation system.
In addition a K class extinguisher and a 10ABC extinguisher positioned as indicated by the Fire Inspector will be required.
Other requirements as per the Ontario Fire Code will need to be adhered to.
Approval of the placement of the unit or other requirements will be determined by the Chief Fire Official to minimize potential fire risk or hazards.