

CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

BY-LAW NO. 83-26

A By-Law for Licensing, Regulating and Governing of Refreshment Vehicles within the Municipality of North Grenville

WHEREAS subsection 11(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the “Act”), authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons;

AND WHEREAS subsection 11(3) of the Act, authorizes a municipality to pass a by-law respecting business licensing;

AND WHEREAS Section 128 of the Act, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances.

AND WHEREAS Section 391 of the Act, provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS section 429 of the Act, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under that Act;

AND WHEREAS section 434.1(1) of the Act, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act;

AND WHEREAS section 436 of the Act, provides that a municipality has the power to pass bylaws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a bylaw of the municipality is being complied with;

NOW THEREFORE the Council of the Corporation of the Municipality of North Grenville hereby enacts as follows:

DEFINITIONS

1. In this by-law:

“Administrative Penalty By-law” means the Administrative Penalty By-law of the Municipality, as amended from time to time, or any successor thereof;

“Community Special Event” means a one-time, annual, or infrequently occurring event that is recognized or sanctioned by the Municipality of North Grenville and that falls outside the scope of regular municipal programs or services. These events may include, but are not limited to, national celebrations (e.g., Canada Day), cultural or identity-based events (e.g., Pride activities), and arts, music, or performance-based festivals (e.g., Busker or Music Festivals);

“Designated provision” means any section of this By-law designated in accordance with section 50;

“Director” means the Director of Planning & Development for the Municipality, or their designate;

“Fire Chief” means the Fire Chief for the Municipality, or their designate;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge viaduct, or trestle, any part of which is intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“Kemptville Farmer’s Market” means the weekly producers’ market held in downtown Kemptville, typically operating every Sunday from mid-May to the end of October.

“Licence” means a licence issued by the Municipality to operate a Refreshment Vehicle pursuant to this by-law;

“Licensee” means a Person to whom a Licence has been issued;

“Medical Officer of Health” means the Medical Officer of Health for the Leeds, Grenville and Lanark District Health Unit or their designate;

“Mobile Canteen” means a vehicular and mobile facility equipped for the preparation, storage, heating, cooling, or sale of Refreshments with or from the vehicle directly for immediate consumption;

“Municipality” means the corporation of the Municipality of North Grenville or the geographic area as the context requires;

“Municipal Park” means an area of land, structure, playground or playfield owned or controlled by the Municipality;

“Officer” means a person appointed by the Municipality as a Municipal Law Enforcement Officer;

“Permanent Canteen” means a motor vehicle or trailer equipped for the cartage, storage, and preparation of Refreshments which is used only for the sale of such Refreshments intended for the consumption of the general public for immediate consumption;

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust or corporation, or an individual in his or her capacity as a trustee, executor, administrator or other authorized agent;

“Police Officer” means a person so appointed by the Ontario Provincial Police;

“Refreshments” shall mean all food items, snacks, confections, beverages (hot or cold), and frozen treats, whether prepared on site or prepackaged, that are intended for consumption by the public;

“Refreshment Cart” means a small, non-automotive mobile vehicle or trailer, propelled by human muscle power or limited electric assistance, from which hot or cold Refreshments are sold to the general public for immediate consumption;

“Refreshment Vehicle” includes a Permanent Canteen, Mobile Canteen, and Refreshment Cart;

“Residential Cluster” means a group of four or more residential lots that are adjacent to each other and share a continuous or contiguous boundary. For the purposes of this definition, lots located directly across a public or private road from one another shall be deemed to share a common boundary;

“Sidewalk” means those parts of a highway set aside by the Municipality or the United Counties of Leeds and Grenville for the use of pedestrians;

“Structure” means anything constructed or erected, the use of which requires location on the ground, or on water, or attachment to something having a fixed location on the ground, or on water, and without limiting the generality of the foregoing, includes walls, floors, roofs, signs, and billboards.

GENERAL & LICENSING PROVISIONS

2. A person wishing to obtain a Licence to operate a Refreshment Vehicle must submit a completed application and pay the applicable fee as set out in Fees and Charges By-Law.
3. The application requirements, including all supporting documentation and the method of submission, shall be determined by the Director.
4. All applications shall be reviewed by an Officer, and the issuance of a Licence shall be at the discretion of the Officer once a physical inspection of the Refreshment Vehicle has been completed during regular business hours with a scheduled appointment.
5. Notwithstanding section 3, a Licensee shall possess and maintain during the License period the following insurance to conduct business in the Province of Ontario:
 - i. Commercial General Liability Insurance with limits of not less than \$2,000,000 inclusive per occurrence for bodily and personal injury, death and damage to property containing cross liability and severability sections and standard non-owned automobile coverage including a standard contractual liability endorsement; and
 - ii. Automobile Liability Insurance in respect of licensed vehicles having limits of not less than \$1,000,000 inclusive per occurrence for bodily injury, death and damage to property. The form of this insurance shall be the standard owner's form automobile policy providing third party liability and accident benefits insurance and covering licensed vehicles owned or leased or operated by or on behalf of the person.
 - iii. The Licensee shall ensure that all of the required insurance is outlined on the Municipality's standard certificate of Insurance form and shall be endorsed to provide the Municipality with not less than (30) days' written notice in advance of cancellation, change or amendment restricting coverage.
6. A Licence issued under this By-Law shall be valid for a period of 365 days from the date of issuance, unless otherwise revoked, suspended, or surrendered in accordance with the provisions of this By-Law. This provision does not apply to Licences issued specifically for short-term events, which shall be valid only for the duration specified in the Licence, typically not exceeding three (3) consecutive days.
7. No person shall operate a Refreshment Vehicle business in the municipality without first obtaining a Licence from the Municipality.
8. A person wishing to operate more than one Refreshment Vehicle within the Municipality, must obtain a separate Licence for each Refreshment Vehicle.
9. A Licence is not transferrable, from one Refreshment Vehicle to another, nor from one Licensee to another.
10. A Licensee shall not operate a Refreshment Vehicle within the Municipality that is drawn by animals.
11. A Licensee shall comply with all Municipal by-laws, including without limitation, the Municipality's zoning, parking, signs, noise and park by-laws.

INSPECTION

12. An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection of a Refreshment Vehicle to determine compliance with this by-law.
13. A Licensee shall permit an Officer, the Fire Chief or a Medical Officer of Health to inspect their Refreshment Vehicle at any time.
14. The Licensee shall ensure that the Licence is prominently displayed at all times on the Refreshment Vehicle, in a clearly visible location accessible to public view.
15. A Licensee shall ensure that a Refreshment Vehicle, including all parts and equipment related to the dispensing of Refreshments, is kept clean, tidy and in good repair.
16. A Licensee of a Permanent or Mobile Canteen shall ensure the body, doors and windows of such canteen are of sufficiently sound construction to provide all reasonable protection against dust, dirt, insects, or other injurious matter of things and shall be maintained in a manner that will not detract from the area in which the canteen is situated.
17. A Licensee of a Permanent or Mobile Canteen shall ensure the floor of the canteen is of a suitable impervious material free from holes, cracks or crevices, and the surface thereof shall be readily washable and kept clean and in good condition.
18. A Licensee shall not operate a Refreshment Vehicle within the Municipality while any animal is present within the confines of the vehicle.
19. A Licensee shall ensure to collect and dispose of all refuse, waste, and garbage located within a ten (10) metre radius from the Refreshment Vehicle.

LOCATION & VEHICLE REQUIREMENTS

20. No Person shall operate a Refreshment Vehicle within forty (40) metres of a Community Special Event, or within the designated event area, unless that Person has obtained written approval from the event organizer and holds a valid Licence issued under this By-Law.
21. A Licensee shall ensure that the Person operating a Mobile Canteen holds a valid driver's licence.
22. No person shall operate a Refreshment Vehicle within forty (40) metres of an existing food service establishment, except during a Community Special Event with the authority of a Licence and written approval from the event organizer.
23. No person shall operate a Refreshment Vehicle within forty (40) metres of an existing Permanent Canteen, except:
 - i. during a Community Special Event with approval from the organizer and under the authority of a Licence from the Municipality; or
 - ii. with written permission to co-locate from the Licensee of that pre-existing Permanent Canteen and under the authority of a Licence from the Municipality.

Permanent Canteens

24. A Licensee shall only operate a Permanent Canteen at one designated location, as approved, during the year.

25. A Licensee shall ensure that the site on which the Permanent Canteen is located provides a minimum of three (3) parking spaces designated for patron use at all times.
26. No Person shall sell Refreshments from a Permanent Canteen on a Highway.
27. Despite section 20, a Licensee holding a valid Permanent Canteen Licence is not required to obtain approval from the event organizer to operate during a Community Special Event, provided the Permanent Canteen is already authorized to operate at the same location prior to the event.
28. A Licensee of a Permanent Canteen shall only be permitted to operate the Refreshment Vehicle in the following zones:
- i. in Commercial “C3, C4 and C5” zones as defined in the Municipal Comprehensive Zoning By-Law.
 - ii. on County Road 43, except for lands between County Road 44 and Riverview Lane.
 - iii. in a Municipal Park, only with specific written authority from the Municipality.
29. A Licensee shall ensure that the Permanent Canteen remains mobile and capable of being driven or towed on a highway within 48 hours of receiving notice from an Officer or a Police Officer.
30. A Licensee shall ensure that a Permanent Canteen is not connected to any permanent electrical or utility hook-ups.
31. Despite section 29 and 30, a Refreshment Vehicle may be connected to an approved external power source for the operation of exhaust fans, lighting, or other electrical needs, provided that such connection can be safely and readily disconnected without the use of tools and does not impair the vehicle’s ability to be moved on short notice or cause it to be considered a permanent structure.

Mobile Canteens

32. A Licensee of a Mobile Canteen may operate the canteen in all zoning categories as defined in the Municipal Comprehensive Zoning By-Law.
33. Despite section 32, a Person shall not operate a Mobile Canteen within the following prohibited zones:
- i. within 40 meters of a Residential Cluster.
 - ii. within 40 meters of a school, unless with written approval of the applicable school board.
 - iii. a Municipal Park, unless under specific written authority from the Municipality.
34. A Licensee shall ensure that a Mobile Canteen is capable of being moved from one location to another at all times.
35. No Person operating a Mobile Canteen shall park or stop on a highway in a manner that obstructs or interferes with the safe flow of vehicular traffic.
36. No Person operating a Mobile Canteen shall park or stop on a highway for longer than is necessary to complete a sale or sales.

Refreshment Carts

37. A Licensee of a Refreshment Cart may operate the cart in all zoning categories as defined in the Municipal Comprehensive Zoning By-law.

38. Notwithstanding section 37, a Person operating a Refreshment Cart, shall not stay in a Municipal Park longer than it takes to complete a sale or sales.

39. A Licensee shall ensure that the main body of a Refreshment Cart does not exceed the following dimensions:

- i. 3 metres in length;
- ii. 1.5 metres in width; and
- iii. 2.5 metres in height, measured from the ground upward.

40. No Person operating a Refreshment Cart shall stop, park, or operate the cart on any highway or sidewalk in a manner that obstructs or interferes with the safe flow of vehicular or pedestrian traffic.

EXEMPTIONS

41. Notwithstanding any other provision of this By-Law, a Person providing Refreshments free of charge at a Community Special Event hosted or sponsored by a non-profit organization shall be exempt from paying the applicable Licence fee. However, the Person must submit a complete Licence application at least fourteen (14) days prior to the date of the Community Special Event and must successfully obtain a Licence under this By-Law before operating at the event.

42. Notwithstanding any other provision of this By-Law, a Person providing Refreshments at the Kemptville Farmer's Market shall be exempt from paying the applicable Licence fee. However, the Person must submit a complete Licence application at least fourteen (14) days prior to the intended date of operation at the Market and must successfully obtain a Licence under this By-Law before commencing any operation.

ENFORCEMENT & PENALTIES

43. A Licence issued under this By-law may be revoked at any time by an Officer if the Licensee is found to be in contravention of any provision of this By-Law or any condition attached to the License.

44. A Licence issued under this By-law may also be revoked by an Officer or the Director under the following circumstances:

- i. The Licensee provided false or misleading information in their application for a License;
- ii. There are reasonable grounds for belief that the Refreshment Vehicle or the location on which it is situated poses a safety risk to the public;
- iii. Written notice has been received from the Medical Officer of Health, Fire Chief, or the Chief Building Official of the Municipality, stating that the Licensee is operating contrary to this by-law or any other provincial statute.

45. Where a Licence is revoked, the Licensee shall remove the Refreshment Vehicle from its location within forty-eight (48) hours of the date of revocation. Notwithstanding the foregoing, if the revocation is issued on the grounds of public safety, the Licensee shall remove the Refreshment Vehicle immediately upon notice.

46. If a Licensee fails to remove the Refreshment Vehicle within the time period specified in Section 45, the Municipality may remove, or cause the removal of, the Refreshment Vehicle without further notice. All costs associated with such removal shall be the sole responsibility of the Licensee and may be recovered by the Municipality through any lawful means.

47. No person shall hinder, obstruct, or attempt to obstruct an Officer, or any employee or agent acting on behalf of the Municipality, in the performance of their duties under this By-Law.
48. Any person contravening this by-law, shall upon request by an officer identify themselves.
49. Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.
50. Sections 7, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 35, 36, 38, 39, 40, 45, 47, 48 of this By-law are hereby designated as parts of this By-law to which the Administrative Penalty By-law applies.
51. Any person shall, upon issuance of a penalty notice for a contravention of this By-law, in accordance with the Administrative Penalty By-law, be liable to pay an administrative penalty and any administrative fees, in accordance with the Administrative Penalty By-law.
52. All the provisions of this by-law continue to apply in the Provincial Offences Act in addition to the designated provisions of this by-law.
53. Where a person has not paid the administrative penalty within thirty (30) days in accordance with the Administrative Penalty By-law, the Municipality may add the administrative penalty to the tax roll for any property for which the owner or owners are responsible for paying the administrative penalty under Section 51.

INTERPRETATION & ADMINISTRATION

54. In the event of a Licence revocation, all fees paid in connection with the Licence shall be non-refundable. The Licensee may submit a new application for a Licence, subject to the applicable fees as set out in the Fees and Charges By-Law.
55. The Licensee shall indemnify and hold the Municipality harmless from and against any liability, loss, claims, demands, costs, and expenses, including reasonable legal fees, occasioned wholly or in part by any negligence or acts or omissions whether willful or otherwise by the Licensee, their officers, employees or other persons for whom the Licensee is legally responsible.
56. The Clerk of the Municipality of North Grenville is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantic or descriptive nature or kind to this by-law and schedules as may be deemed necessary after passage of this By-Law, where such modifications or corrections do not alter the intent of the By-Law.
57. This By-law shall be known as the Refreshment Vehicle By-Law.
58. This By-Law shall come into force and effect on the day that it is passed.

PASSED AND ENACTED
This 7th Day Of July 2026.

Original Signed
Nancy Peckford
Mayor

Original Signed
Lindsey Lee
Clerk