

The Corporation of the Municipality of Trent Hills

By-law No. 2021-006

A By-law to License and to Regulate Refreshment Vehicles in the Municipality of Trent Hills and to Repeal By-law Nos. 2005-35 2017-36, 2020-002 and 2020-046 (Refreshment Vehicle By-law)

Whereas Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws, respecting health, safety and well-being of persons; protection of persons and property, including consumer protection;

And Whereas Section 151 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, specifies that a municipality may provide a system of licences with respect to a business;

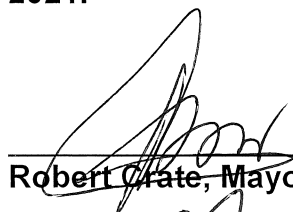
And Whereas Section 446 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may direct or require a person to do a matter or thing, in default of that matter or thing being done, the municipality can direct the matter or thing to be done at the person's expense;

And Whereas Council deems it appropriate to license and regulate refreshment vehicles;

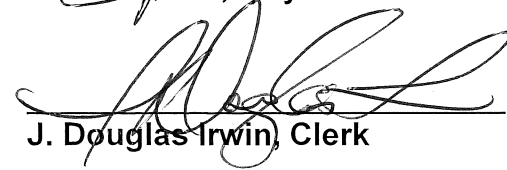
Now Therefore the Council of the Municipality of Trent Hills hereby enacts as follows:

1. That Appendix "A" attached hereto forms part of this By-law.
2. This By-law may be cited as "The Municipality of Trent Hills Refreshment Vehicle By-law".
3. That By-law Nos. 2005-35, 2017-36, 2020-002 and 2020-046 are hereby repealed in their entirety.
4. This by-law shall come into force and take effect on the final passing thereof.

By-law read a first, second and third time, and passed this 19th day of January, 2021.



Robert Crate, Mayor



J. Douglas Irwin, Clerk

**Appendix “A”
to By-law No. 2021-006 for
The Corporation of the Municipality of Trent Hills**

1.0 Definitions

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

“Applicant” means a person or entity having made an application pursuant to this By-law and shall include a Licensee.

“Chief Fire Official” means the Fire Chief for the Municipality of Trent Hills and/or their designate.

“Council” means the Council of The Corporation of the Municipality of Trent Hills.

“Exhaust and Fire Protection System” means equipment, which meets the requirements of NFPA 96 “Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations”, which has been installed where there is a potential for the production of smoke and grease-laden vapours, to remove such smoke and vapours.

“Health Unit” means the Haliburton, Kawartha, Pine Ridge District Health Unit and includes any successor or assign.

“Licence” means a valid refreshment vehicle licence as issued by the Municipality pursuant to the provisions of this By-law.

“Licensed Contractor” means a person or a group of people that are professionally licensed, bonded, and insured to deal in all aspects of natural or propane gas installs, repairs, sales and services.

“Licensee” means the individual/entity that has been licensed pursuant to this By-law.

“Licensing Officer” means the Clerk for the Municipality of Trent Hills and/or their designate.

“Maintain” means to keep in a particular condition or to preserve.

“May” means an expression of possibility, a permissive choice to act or not.

“Municipal Property” means any property situated within the Municipality of Trent Hills that is owned or controlled by the Municipality.

“Municipality” means The Corporation of the Municipality of Trent Hills.

“Officer” means a person appointed by Council for the purposes of carrying out the enforcement of Municipal By-laws, and may include a Police Officer.

“Operate” means to conduct or carry on.

“Owner” means any person with legal title to real or personal property and includes an authorized agent.

“Refreshment Vehicle” means any vehicle/stand (whether stationary or propelled by a motor or by the application of force by a person) which is used for the storage or preparation of food or drinks intended for immediate consumption by the public, and may include:

- **“Mobile Catering Truck”** which are Refreshment Vehicles that are mobile and offer to sell Refreshments and sundry items from more than one location in any given day.
- **“Mobile Ice Cream Truck”** which are Refreshment Vehicles that are mobile to store and sell Refreshments and frozen products such as, but not limited to, ice cream cones, ice cream bars, popsicles and slushies.

“Refreshments” means any form of food or drink intended for human consumption.

“Restaurant” means a building or a part of a building where food or drink are offered for sale or sold to the public for immediate consumption or take-out, and may include any patio area associated with and immediately adjacent to the restaurant.

“Shall” means mandatory and not discretionary.

“Site Plan” means a sketch of the property outlining the location of the Refreshment Vehicle, buildings, property entrances, parking and the distances between the Refreshment Vehicle and all property line boundaries and buildings.

“Special Event” means a cultural, recreational, educational or similar event of a short-term nature for which a Special Event Application has been submitted and considered by the Municipality.

“Zoning By-law” means the Comprehensive Zoning By-law of the Municipality of Trent Hills.

2.0 Licensing

- 2.1** Every person who wishes to operate, maintain or sell Refreshments from a Refreshment Vehicle within the Municipality is required to obtain a Licence, for each Refreshment Vehicle, prior to operating.

3.0 Application for Licensing

3.1 Application for a Licence under this By-law shall be made to the Licensing Officer on the designated form.

3.2 Each application shall be accompanied by appropriate approvals from the following:

3.2.1 Approved inspection report from the Health Unit, such approval shall be dated within three (3) months from the date of application with the Municipality.

3.2.2 Approval from the County of Northumberland (if applicable).

3.3 The Applicant shall provide the following at the time of application:

3.3.1 A letter of permission from the registered property owner where the Refreshment Vehicle is to be located when the operator is not the owner of the property.

3.3.2 A Site Plan.

3.3.3 Proof of Insurance pursuant to Section 5 of this By-law.

3.3.4 Proof of the affixed seal from the Electrical Safety Authority (ESA), generally located on or adjacent to the electrical panel in the Refreshment Vehicle.

3.3.5 Any additional information deemed by the Licensing Officer to be applicable based on the provisions of this By-law that relates to the Refreshment Vehicle.

3.4 Where the Refreshment Vehicle is deemed to be a Mobile Catering Truck/Mobile Ice Cream Truck, that Applicant shall provide the following at the time of application:

3.4.1 A valid Driver's Licence, such licence shall remain valid at all times during the operation of the Mobile Catering Truck/Mobile Ice Cream Truck.

3.4.2 A valid and current Ministry of Transportation motor vehicle permit in the Applicant's name.

3.4.2.1 If the vehicle is lease, the Applicant shall provide a copy of the lease agreement.

3.4.3 A valid and current annual inspection certificate issued pursuant to the Highway Traffic Act.

3.4.4 Proof of automobile liability insurance in an amount not less than five million (\$5,000,000.00) dollars for each licensed motor vehicle owned or leased by the Applicant.

3.5 Every Applicant/Licensee shall ensure that where the Refreshment Vehicle is powered by propane/natural gas or utilizes propane/natural gas for food preparation, the Refreshment Vehicle is inspected and certified at the time of application and on an annual basis by a Licensed Contractor, pursuant to Technical Standards & Safety Authority (TSSA) requirements for Mobile Food Services Equipment. Such certificate shall be filed with the Municipality at the time of application or as may be required.

3.5.1 In the case of a new Refreshment Vehicle that is proposed to be licensed for the first time in the Municipality, The TSSA Initial Vehicle Inspect Report is required to be submitted.

3.6 Every Applicant/Licensee who has an Exhaust and Fire Protection System shall ensure that such system has had an Exhaust Hood System Inspection completed by a certified technician, and that such system has been cleaned by a certified company. Proof of the inspection and cleaning shall be filed with the Municipality at the time of application or as may be required.

3.7 Each application shall be circulated by the Licensing Officer to the following for approval/comments:

3.7.1 Chief Fire Official

3.7.2 Planning and Development

3.7.3 Public Works – Roads and Urban Services

4.0 Fees

4.1 Prior to the issuance of a Licence for a Refreshment Vehicle, the Applicant shall pay the appropriate fee as set out in the Municipality's current Fees & Charges By-law.

5.0 Insurance

- 5.1** No person shall be granted or hold a Licence for a Refreshment Vehicle unless the Applicant establishes and maintains current proof of commercial general liability insurance covering each Refreshment Vehicle as required by the terms of this By-law. A valid certificate of insurance shall be provided at the time of application and shall include the following:

5.1.1 For the calendar year 2021, Commercial liability insurance in an amount not less than two million (\$2,000,000.00) dollars, public liability, property damage inclusive, against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss of or damage to, property resulting from any one incident. In addition, the Applicant shall provide the Municipality with a copy of the liability certificate, which shall name the Municipality as an additional insured.

5.1.2 For the calendar years 2022 and beyond, Commercial liability insurance in an amount not less than five million (\$5,000,000.00) dollars, public liability, property damage inclusive, against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss of or damage to, property resulting from any one incident. In addition, the Applicant shall provide the Municipality with a copy of the liability certificate, which shall name the Municipality as an additional insured.

5.1.3 Such insurance shall contain an endorsement specifying that the Municipality shall be given a minimum of thirty (30) days written notice of any changes, expiration, or cancellation of such policy.

6.0 Requirements of Licensee

- 6.1** Every Licensed Refreshment Vehicle shall:

6.1.1 Ensure that the Refreshment Vehicle displays in contrasting colour and in clearly visible letters, on at least one side, the operating name of the business as it appears on their Refreshment Vehicle application.

6.1.2 Ensure that Refreshment Vehicles that contain cooking facilities have operational fire safety and suppression equipment as required by the Chief Fire Official.

6.1.2.1 Refreshment Vehicles that contain cooking facilities that have the potential for the production of smoke and grease-laden vapours shall have an Exhaust and Fire Protection System as required by the Chief Fire Official.

- 6.1.3** Ensure that every Refreshment Vehicle that is powered by or utilizes propane/natural gas for food preparation has a minimum five (5) pound ABC dry chemical fire extinguisher or other such fire extinguishers as required by the Chief Fire Official. Such extinguisher(s) shall be mounted inside the Refreshment Vehicle and the operator shall be knowledgeable in the proper use of such fire extinguisher(s).
- 6.1.3.1** Refreshment Vehicles that have an Exhaust and Fire Protection System shall have a Class K fire extinguisher as required by the Chief Fire Official.
- 6.1.4** Ensure that no LPG (liquefied petroleum gas), LNG (liquefied natural gas) or any combustible fueled appliance is operated within three (3) metres (10 feet) of any other structure or combustible construction.
- 6.1.5** Ensure that the Refreshment Vehicle is free from holes, crevices, cracks and the surface is readily washable and is kept clean and in good condition.
- 6.1.6** Ensure the Refreshment Vehicle and all parts and equipment are maintained, in a clean and sanitary condition and, at all times, in good repair.
- 6.1.7** Ensure that every Refreshment Vehicle is equipped with refuse and recycling containers. Such containers shall be kept in a clean and sanitary condition and emptied as required.
- 6.1.8** Ensure that every refuse container is located in such a position so as to be easily accessible by a person making a purchase.
- 6.1.9** Ensure that every Refreshment Vehicle from which hot, prepared foods are sold are equipped to maintain such foods so heated at a temperature as approved by the Health Unit.
- 6.1.10** Ensure that adequate refrigeration, as approved by the Health Unit, is provided for perishable Refreshments that shall be kept so refrigerated.
- 6.1.11** Ensure that the date of expiration is clearly and legibly marked on or affixed to the wrapper of all sandwiches or pre-packaged Refreshments sold from the Refreshment Vehicle.
- 6.1.12** Ensure that the Licence issued under this By-law for the Refreshment Vehicle is displayed in a conspicuous location on/in the Refreshment Vehicle and shall be produced on demand by the Licensing Officer, Officer and/or the Chief Fire Official.

7.0 Operating Location/Distance Requirements

7.1 A Licensed Refreshment Vehicle shall only operate on lands contained within the General Commercial (C1), Highway Commercial (C2) or Recreational Commercial (C4) zones in accordance with the Municipality's Zoning By-law where such use is accessory and subordinate to the permitted use of the subject lands.

7.2 In the interest of public safety, site-specific setbacks may be specified as a condition on a Licence for a Refreshment Vehicle.

7.3 No Refreshment Vehicle shall be located or operated on Municipal Property, unless authorized by resolution of Council.

7.4 No Refreshment Vehicle shall be located within seventy-five (75) metres (250 feet) of an existing Restaurant.

7.4.1 Notwithstanding Section 7.4, a Refreshment Vehicle may be licensed and operate on the same property as an existing Restaurant with the written authorization of the registered property owner permitting such.

8.0 Prohibitions

8.1 No person shall operate, maintain or sell Refreshments from a Refreshment Vehicle without first obtaining a Licence from the Municipality.

8.2 No person shall operate, maintain or sell Refreshments from a Refreshment Vehicle on Municipal Property, unless authorized by Council.

8.3 No person shall operate, maintain or sell Refreshments from a Mobile Catering Truck on any Municipal highway.

8.4 No person shall operate, maintain or sell Refreshments from a Mobile Ice Cream Truck in any permitted zone for longer than a 15-minute period.

8.5 No person shall sound a horn or other signaling device in conjunction with a Refreshment Vehicle between the hours of 8:00 pm and 9:00 am of the following day.

9.0 Exemptions

9.1 Notwithstanding the provisions of this By-law, no person shall be required to obtain a Licence to operate or maintain a Refreshment Vehicle at a Special Event that has been authorized by resolution of Council.

9.1.1 Refreshment Vehicles operating a Special Event, that has been authorized by resolution of Council, shall be required to submit a Refreshment Vehicle Information Form to the Chief Fire Official, no later than 14 days prior to the Special Event, and may be subject to an inspection by the Chief Fire Official.

10.0 Expiry

- 10.1** A Licence issued pursuant to the provisions of this By-law shall be valid from the remainder of the calendar year in which the said Licence is issued and shall expire on December 31 of that year.

11.0 Revocation/Refusal

- 11.1** The Licensing Officer may revoke, refuse or cancel any Licence issued under this By-law, at any time a Refreshment Vehicle that has not complied in the past, does not comply or continue to comply with any provision(s) of the By-law. Notice may be given by the Licensing Officer that failure to adhere to all provision(s) of this By-law may result in termination of the Licence and that continued operation may result in the Refreshment Vehicle being removed at the owner's expense.

12.0 Offences

- 12.1** No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law. Any person who is alleged to have contravened any of the provisions of this By-law shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of their duties.
- 12.2** Every person who contravenes any provision of this By-law is guilty of an offence and shall be liable to a fine in the amount to be determined pursuant to the Provincial Offences Act, R.S.O. 1990, c.P. 33, and every such fine is recoverable under the Provincial Offences Act.

THE HONOURABLE ESTHER ROSENBERG
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
CENTRAL EAST REGION

50 EAGLE STREET WEST
NEWMARKET, ONTARIO L3Y 6B1



L'HONORABLE ESTHER ROSENBERG
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU CENTRE-EST

50, RUE EAGLE OUEST
NEWMARKET (ONTARIO) L3Y 6B1
TELEPHONE/TÉLÉPHONE (905) 853-4890
FAX/TÉLÉCOPIEUR (905) 853-4891

May 6, 2021

Mr. Doug Irwin
Municipality of Trent Hills
P.O. Box 1030
66 Front Street South
Campbellford, Ontario
K0L 1L0

Dear Mr. Irwin,

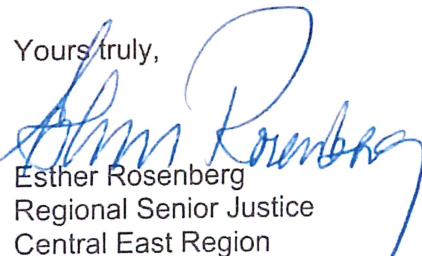
Re: Set Fines – Part I
The Corporation of the Municipality of Trent Hills

Enclosed herewith please find the Order and the schedule of set fines.

The setting of the fines does not constitute my approval of the short form of the wording used to describe the offences.

Please forward a copy of the Orders and the Schedules of set fines to the POA Court in Cobourg.

Yours truly,


Esther Rosenberg
Regional Senior Justice
Central East Region

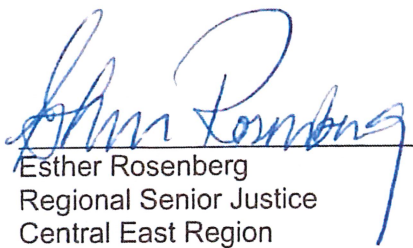
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Encls.

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 attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By Law 2021-006, for the Municipality of Trent Hills, attached hereto is the set fine for that offence. This Order is to take effect May 6, 2021.

DATED at Newmarket this 6th
day of May, 2021



Esther Rosenberg
Regional Senior Justice
Central East Region

Municipality of Trent Hills

Part I Provincial Offences Act

**By-law No. 2021-006, A By-law to License and to Regulate Refreshment Vehicles
in the Municipality of Trent Hills and to Repeal By-law Nos. 2005-35, 2017-36,
2020-002 and 2020-046 (Refreshment Vehicle By-law)**

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Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Operate, maintain or sell refreshments without a licence	App. "A", s. 8.1	\$500.00
2	Operate, maintain or sell refreshments from Municipal property without authorization	App. "A", s. 8.2	\$400.00
3	Operate, maintain or sell refreshments from a Mobile Catering Truck on a Municipal highway	App. "A", s. 8.3	\$300.00
4	Operate, maintain or sell refreshments from a Mobile Ice Cream Truck for longer than 15 minutes	App. "A", s. 8.4	\$300.00
5	Sound horn or other signaling devices between 8:00 pm and 9:00 am	App. "A", s. 8.5	\$200.00
6	Hinder or obstruct an officer exercising a power or performing a duty	App. "A", s. 12.1	\$300.00

Note: The penalty provision for the offences indicated above is Appendix "A", Section 12.2 of By-law No. 2021-006, a certified copy of which has been filed.