

# THE MUNICIPALITY OF BIFROST-RIVERTON

## BY-LAW 9-2019

### **Being a By-law of the Municipality of Bifrost-Riverton to Licence and Regulate Outdoor Mobile Food Vending Units in the Municipality.**

**WHEREAS** Sections 232(2) of *The Municipal Act* provides that Council may, “subject to regulations, provide for a system of licences, permits or approvals, including any or all of the following:

- (e) i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
- ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality,
- iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,
- iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,
- v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition...;
- (g) require persons who do not reside or have a place of business in the municipality to report to the municipal office before conducting business in the municipality;”

**AND WHEREAS** the Council of the Municipality of Bifrost-Riverton deems it expedient and in the best public interest to licence and regulate Outdoor Mobile Food Vending Units operated within the Municipality of Bifrost-Riverton;

**NOW THEREFORE** the Council of the Municipality of Bifrost-Riverton enacts as follows:

#### **1. CITATION**

This By-law shall be referred to as the Outdoor Mobile Food Vending Units By-law.

#### **2. INTERPRETATION**

In all parts of this By-law, any word importing the singular shall include the plural, and vice versa, as applicable unless the context requires a different interpretation.

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### 3. DEFINITIONS

Unless the context otherwise requires, whenever used in the By-law;

“**Business**” includes a trade, occupation, profession or venture conducted or carried on with a view to profit or gain, in the specific context of this By-law refers to the activities of an Outdoor Mobile Food Vending Unit;

“**Council**” means the Council of the Municipality;

“**Chief Administrative Officer**” means the Chief Administrative Officer of the Municipality and anyone acting or authorized to act on their behalf;

“**Fire Chief**” means the Fire Chief for the Municipality or anyone acting or authorized to act on their behalf;

“**Health Inspector**” means the Public Health Inspector appointed by the Province under the *Public Health Act*;

“**Licence**” means the certificate issued to an applicant, permitting the applicant to operate an Outdoor Mobile Food Vending Unit;

“**Licence Inspector**” means the Chief Administrative Officer or any duly authorized person acting on their behalf;

“**Licence Period**” means the period of time between the date a Licence is issued and the date a Licence expires;

“**Licensed Premises**” means the Vehicle, mobile unit, and property on which the Business referred to in the specific context is carried on;

“**Municipality**” means the Municipality of Bifrost-Riverton;

“**Person**” includes an individual, firm, partnership, corporation, club or association;

“**Vehicle**” has the meaning given to it by *The Highway Traffic Act* and with respect to the trade of Outdoor Mobile Food Vending Unit meaning an automobile, motor bicycle, traction engine, truck tractor, trailer or any device drawn, propelled or driven by any kind of power including muscular power but does not include a handcart;

“**Zoning By-law**” means the most current Zoning By-law of the Municipality of Bifrost-Riverton.

### 4. AMENDMENT OF SCHEDULES

Council may from time to time, by Resolution, amend each and every Schedule attached to this By-law.

### 5. PROCEDURE FOR ISSUANCE OF LICENCE

- a) All applications for a new Licence shall be made in person at the Municipal office prior to the conducting of business;
- b) All Licence renewals can be made by remitting the annual Licence fee, as outlined in Schedule “A” of this By-law, to the Municipal office at the start of each calendar year;
- c) The Licence Inspector shall issue a Licence to an applicant when satisfied the applicant has complied with all conditions of this By-law;
- d) Every Licence shall show the date on which it is issued and the date on which it will expire.

**6. FEES**

- a) Subject to this section, and before a Licence is issued or transferred, every applicant shall pay to the Municipality the fee as prescribed in Schedule "A" to this By-law;
- b) Except as provided in subsection i), no refund of Licensee fee shall be made in respect of the revocation of a Licence, or for any reason;
  - i) The Chief Administrative Officer may authorize a refund of all or part of a Licence fee where the Licensed Premises occupied by the Licensee have been destroyed by fire or other cause and the Licensee desires to surrender their Licence for the balance of the Licence Period.

**7. DUTIES OF THE LICENSEE**

- a) Every Licensee shall comply with all by-laws of the Municipality;
- b) Whenever a Licensee changes their office address from that shown on their Licence, they shall immediately notify the Licence Inspector;
- c) Every Licence issued hereunder shall be produced by the Licensee at all reasonable times on demand;
- d) The Licensee shall permit the Licence Inspector or their delegates to enter upon and inspect a product or Licensed Premises from time to time;
- e) The Licensee who holds a Licence under this By-law shall make the Licence visible to the general public while conducting business and, further, must post the name, address, and phone number where the offices of the business are located.

**8. REVOCATION OF LICENCES**

- a) If the Licence Inspector determines a Licensee is carrying on their business in an improper manner, they shall forthwith revoke the Licence and notify the Licensee of such revocation by registered mail;
- b) A Licensee whose Licence has been revoked may, within 14 days of the mailing of the notice of revocation, appeal the revocation to Council, and Council shall set a day, time and place for the hearing of the appeal;
- c) Upon hearing all representations made on the issue, Council may, by resolution, direct that the Licence remains revoked or not be revoked, or that it be renewed upon such conditions as Council deems proper; and any such resolution is final.

**9. LICENCE INSPECTOR**

- a) This By-law shall be administered by the Licence Inspector;
- b) The Licence Inspector shall enforce this By-law in accordance with the provisions thereof;
- c) The Licence Inspector is hereby authorized at all reasonable times to enter upon and inspect any product or premises wherein any Business subject to Licence by this or any other by-law of the Municipality is being carried on.

**10. OUTDOOR MOBILE FOOD VENDING UNIT**

- a) No Licence to carry on the trade of Outdoor Mobile Food Vending Unit shall be issued to an applicant unless the applicant first obtains and files with the Municipality a certificate from the Provincial Health Inspector and/or any other regulatory agency that the vehicle, mobile unit or premises in respect of which the Licence is applied for have been examined and found in a fit and clean condition and suitable for the purposes of such trade;
- b) Every applicant for a Licence to operate one or more Outdoor Mobile Food Vending Units shall:
  - i) file with the application and shall maintain in force during the Licence Period, a comprehensive general liability policy in a form satisfactory to the Municipality, which includes the following minimum limits of coverage per occurrence;
  - ii) maintain liability insurance in the minimum amount of \$1,000,000.00;
  - iii) every such policy shall be accompanied by a written undertaking signed by the insurer or its duly authorized agent to the effect that the policy will not be cancelled except upon 15 days prior written notice to the Municipality Licence Inspector; and
  - iv) no person shall carry on the trade of an Outdoor Food Vending Unit unless the required insurance coverage is in force;
- c) Every person operating an Outdoor Mobile Food Vending Unit shall cause their name to be legibly and conspicuously displayed in letters of a minimum height of 2 inches on both sides of any vehicle used in the carrying on of their trade, in a place and manner satisfactory to the Licence Inspector;
- d) No person shall operate from or with an Outdoor Mobile Food Vending Unit from 1:00 a.m. to 9:00 a.m. unless otherwise approved by resolution of Council for a sanctioned Community Event;
- e) No person shall operate an Outdoor Mobile Food Vending Unit:
  - i) within 50 Meters (164 ft) from the main entrance to any food service establishment or to any building containing a

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- food service establishment where there is located on the building or premise a sign or notice visible to passers-by indicating the existence of a food service establishment unless the owner or operator of the food service establishment is also the owner or operator of the mobile food vending unit; or
- ii) on rural road allowances, public parking lots, in the traffic of a street, or any curb lanes not designated in Schedule “C” of this By-law;
- f) No person shall operate an Outdoor Mobile Food Vending Unit on private residential property;
  - g) No person shall operate an Outdoor Mobile Food Vending Unit on private commercial or institutional property unless written permission from the owner or occupant of the property (subject to Clause 10(e)), which written permission shall be kept available and furnished on demand to any Police Officer or Licence Inspector;
  - h) No person shall permit an Outdoor Mobile Food Vending Unit, whether operating or unattended by them, to remain standing on any public property, with the exception of the areas designated in Schedule “C” of this By-law providing all requirements of this By-law have been met, or if approved by resolution of Council for a sanctioned Community Event. And:
    - i.) no person shall permit an Outdoor Mobile Food Vending Unit to remain standing on public property designated in Schedule “C” of this By-law while unattended by them;
    - ii.) every person operating an Outdoor Mobile Food Vending Unit under Clause 10(h) shall submit to the Licence Inspector a schedule of dates and times they will be conducting business on the public property; and
    - iii.) if any damages to the public property occur, the Licensee will be responsible for repairs;
  - i) Auxiliary receptacles used by a licensed Outdoor Mobile Food Vending Unit for the sole purpose of storing beverages or ice shall be attached to the unit and receptacles for the collection of recyclables or garbage, not necessarily attached, shall be supplied.

## **11. OFFENCES AND PENALTIES**

- a) Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this By-law, other than to carry on a business in the Municipality, without having obtained the appropriate Licence is guilty of an offence and liable to a fine as listed under Schedule “A” attached to this By-law;
- b) Where a contravention, refusal, neglect, omission, or failure under this By-law continues for more than one day, the person is guilty of a separate offence for each day that it continues.

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**12. SCHEDULES**

The documents attached hereto:

Schedule "A"	Licence Fees, Fines and Penalties
Schedule "B"	Outdoor Mobile Food Vending Unit Permit
Schedule "C"	Maps

**DONE AND PASSED** in open Council assembled, by the Municipality of Bifrost-Riverton at Arborg in the Province of Manitoba this 14<sup>th</sup> day of August, 2019.



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Brian N. Johnson,  
Reeve



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Cindy Stansell,  
Chief Administrative Officer

Read a first time this 10<sup>th</sup> day of July, 2019.

Read a second time this 14<sup>th</sup> day of August, 2019.

Read a third time this 14<sup>h</sup> day of August, 2019.

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**SCHEDULE "A"**  
**By-law No. 9-2019 Licence Fees, Fines & Penalties**

**Licence Fees:**

1. Outdoor Mobile Food Vending Unit

One Calendar Year	\$200.00
One Day	\$100.00

**Fines & Penalties:**

1. Failure to Obtain Licence for Outdoor Mobile Food Vending Unit  
\$400.00
  
2. All Other Violations of By-law No. 9-2019

1 <sup>st</sup> Offense	\$ 75.00
2 <sup>nd</sup> Offense	\$150.00

(Within a 12 month period)

**SCHEDULE "B"**  
**By-law No. 9-2019 Outdoor Mobile Food Vending Unit Permit**

**Municipality of Bifrost-Riverton**

\$ \_\_\_\_\_

**LICENCE**

This is to Certify that \_\_\_\_\_  
has this day paid the sum of \$ \_\_\_\_\_ DOLLARS for a Licence to carry on  
business as an \_\_\_\_\_  
within the limits of *the Municipality of Bifrost-Riverton* until the \_\_\_\_\_ day of  
\_\_\_\_\_, unless the licence be sooner suspended or forfeited, and this  
licence is issued to the said owner and is accepted and held by  
any or all By-laws, rules and regulations that are now, or hereafter may be in  
force, respecting the same or trade, business or calling hereby licensed to be  
carried on.



Given under my hand and the corporate seal of  
**MUNICIPALITY OF BIFROST-RIVERTON**

This \_\_\_\_\_ Day \_\_\_\_\_ A.D. 2019

\_\_\_\_\_  
(Title)

Licence Granted to

Carry on Business as


Date \_\_\_\_\_ No: \_\_\_\_\_ Cash \_\_\_\_\_ Cheque \_\_\_\_\_



SCHEDULE "C"
By-law No. 9-2019 Maps
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Highlighted Area indicates designated public property under By-law 9-2019.



RIVERTON

