

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

BY-LAW 66-2024

Being a By-law to License, Regulate and Govern Chip Wagon and Mobile Canteens in the Village of Merrickville-Wolford

WHEREAS the *Municipal Act, 2001*, section 11(2) allows for the passing of by-laws providing for the health and safety of residents in the Municipality;

AND WHEREAS the Municipality has in the past had a comprehensive by-law governing the operation of Chip Wagons and Mobile Canteens in both Wards of the Municipality and deems it necessary for the health and safety of residents to regulate these operations;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford hereby enacts as follows:

1. Definitions

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

CAO shall mean the Chief Administrative Officer of the Corporation of the Village of Merrickville-Wolford.

Chief Building Official (CBO) shall mean the Chief Building Official of the Corporation of the Village of Merrickville-Wolford.

Chip Wagon shall mean a motor vehicle or trailer equipped for the cartage, storage and preparation of food and drinks intended for consumption by the general public but shall not include a hand-drawn cart or pedal powered vehicle. A Chip Wagon is not a Mobile Canteen, Itinerant Canteen, hand-drawn cart or pedal powered vehicle.

Clerk shall mean the Clerk of the Corporation of the Village of Merrickville-Wolford.

Corporation shall mean the Corporation of the Village of Merrickville-Wolford.

Council shall mean the Council of the Corporation of the Village of Merrickville-Wolford.

Itinerant Canteen shall mean a hand-drawn cart or pedal-powered vehicle, mobile or not, used for the sale of any food stuff what-so-ever, but shall not include a Mobile Canteen or a Chip Wagon.

License shall mean a License issued under the provisions of this By-law.

Medical Officer of Health shall mean the Medical Officer of Health for the Leeds, Grenville and Lanark District Health Unit or their duly authorized delegate.

Mobile Canteen shall mean a motor vehicle or trailer from which food stuffs, beverages, chocolate bars, chewing gum and candies, and similar food items are offered for sale for consumption primarily by persons at their place of employment or 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 function, and not primarily for consumption by the general public. A Mobile Canteen is not a Chip Wagon or an Itinerant Canteen.

Officer shall mean any representative of the Corporation that is responsible for enforcing this By-law.

Operate shall mean the act of selling, offering for sale or otherwise dispensing of food or drink and operator shall have a like meaning.

Person includes a firm, corporation, association or partnership.

Residential shall mean all land within any of the residential zones of the Village of Merrickville-Wolford Zoning By-law, as amended from time to time, and part of any street abutting thereon.

Roadworthy shall mean that the vehicle complies with all the requirements of the Highway Traffic Act and is licensed for operation on a Public Highway.

Served in the context of serving a document shall mean by prepaid ordinary mail addressed to the address shown on an application for license or other such address as requested by the owner in writing to the Clerk.

Temporary License shall mean a License for a Mobile Canteen or Chip Wagon that is short-term and is for the purpose of limited and specified date(s) and time(s), issued under the provisions of this By-law.

Temporary Period of Time shall mean a time frame between one (1) day and five (5) days.

2. License Required

- a) No person shall Operate a Mobile Canteen or Chip Wagon within the limits of the Village of Merrickville-Wolford who does not hold a valid license to do so, issued by the Clerk in accordance with this By-law.
- b) Such issued licenses shall be no more than three (3) in number in the Merrickville Ward and three (3) in number in the Wolford Ward.

3. License

- a) A License shall apply only to the vehicle for which it was issued and shall not be transferable, except in accordance with Section 4(f) of this By-law. A separate License is required for each Chip Wagon or Mobile Canteen.
- b) The Operator of a Mobile Canteen or Chip Wagon shall have, at all times, in the vehicle licensed by the Corporation the License granted for that specific vehicle and shall present such License on demand for inspection by any Officer of the Corporation.
- c) Each License shall show thereon the valid Motor Vehicle License plate number issued by the Ministry of Transportation.
- d) No Chip Wagon or Mobile Canteen shall be located on any lands zoned Residential.
- e) No Chip Wagon or Mobile Canteen shall be located on any lot where a permanent building or structure is located.
- f) Only one (1) Chip Truck or Mobile Canteen shall be allowed per lot.
- g) The Clerk, in consultation with the CAO and CBO when necessary, shall have discretion as to whether to approve or refuse an application for a license. The Clerk shall be guided in the exercise of their discretion by reference to criteria prescribed in this By-law, including without limitation in Sections 2-15.

- h) Any person whose application for a license is not granted may appear before Council to show cause for why he or she believes the License should have been granted, and Council may direct the Clerk to issue the license on such terms as they consider reasonable in accordance with this By-law.

4. License Fees

- a) The annual License fee for each Chip Wagon shall be Four Hundred and Fifty Dollars (\$450.00).
- b) The annual License fee for each Mobile Canteen shall be Four Hundred and Fifty Dollars (\$450.00) provided however, that where the owner of such canteen pays commercial tax to the Village of Merrickville-Wolford for premises used in connection with the operation of such canteen, the license fee shall be Forty-Five Dollars (\$45.00).
- c) The term of each License shall be from the first (1st) day of January to the thirty-first (31st) day of December in each year and no License shall be issued except on payment of the full amount on the prescribed fee, provided that where a person who has not at any time in the previous two (2) calendar years held such a License, applies after the thirty-first (31st) day of July, a License may be issued for the balance of that year on payment of one-half the License fee set out herein.
- d) Licenses shall be held and made available to the current holders of such Licenses until the 31st day of March in any calendar year.
- e) No new applications shall be considered until after the time period in Subsection 4.d) has expired.
- f) A License may be transferred from one vehicle to another upon application and payment of a fee of Fifty Dollars (\$50.00).
- g) The License fee for a Temporary License is Forty-Five Dollars (\$45.00).
- h) The License fee for an Itinerant Canteen approved by Council under Section 10 is Forty-Five Dollars (\$45.00).

5. Private Property

- a) Nothing in this By-law, including the issuance of a License, conveys upon the holder of a License the right to enter upon or conduct business from any private property without the permission of the property owner.

6. Health and Sanitation

The operator of every Chip Wagon or Mobile Canteen shall at all times comply with the requirements of the Medical Officer of Health for the Lanark, Leeds & Grenville District Health Unit with respect to sanitation, cleanliness, washroom facilities, refuse and all other matters under their jurisdiction and prior to the issuance of a License the applicant shall submit written confirmation from the Medical Officer of Health of compliance in that regard. Failure to do so may result in the revoking of the license.

7. Traffic

The operator of a Mobile Canteen or Chip Wagon, 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.

8. Vehicle to be Operable

Every Mobile Canteen or Chip Wagon shall at all times be in proper operating condition and shall be Licenses by the Ministry of Transportation under the provisions of the *Highway Traffic Act*, and every Chip Wagon or Mobile Canteen located on a permanent or semi-permanent site shall be capable of being moved and driven on a highway within 48 hours.

9. Safety

The Operator of every Mobile Canteen or Chip Wagon shall at all times comply with all requirements of the Technical Standards and Safety Authority (TSSA) and shall submit written confirmation of compliance from the Authority prior to a License being issued by the Corporation.

10. Itinerant Canteens

- a) Itinerant canteens are prohibited in the Village of Merrickville-Wolford whether on public or private land. This prohibition applies to all Itinerant Canteens, including those operated prior to the passage of this By-law.
- b) Notwithstanding section 10. a) above, Council may approve, upon request and on a case-by-case basis, the use of Itinerant Canteens at community festivals or events in either Ward.
- c) Where Council approves the operation of an Itinerant Canteen under section 10. b) of this By-law, the Itinerant Canteen shall be operated in accordance with sections 7,8,9 and 10 of this By-law.

11. Mobile Canteens

The Operator of a Mobile Canteen shall conduct business only while parked in a location other than a public highway, street, road, lane, park, boulevard or other public land, except, that Council may provide written authorization for business to be conducted when parked on a street where construction work is being carried out or on park or other lands of the Corporation.

12. Chip Wagons

The Operator of a Chip Wagon shall not offer food or drink for sale from any public highway, and no Chip Wagon shall be parked on a public highway for such purposes. Council may grant special permission in writing for Chip Wagons to be operated on parks or other lands of the Corporation for specific events.

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 that:

- a) The site or sites from which business is conducted is approved by the Clerk and shall be recorded on the Chip Wagon License.

- b) The Chip Wagon shall not be operated on any land within a “Residential” zone.
- c) The Chip Wagon shall be located at least six (6) meters from the front line of the property on which it is located.
- d) Structures and/or additions to the Chip Wagon, including but not limited to those designed to protect the public from the elements while being served at the serving window of the Chip Wagon, Structural additions to the Chip Wagon may be subject to the provisions of the Building Code Act and require approval from the Chief Building Official.
- e) Permanent electrical or other utility hook-ups are prohibited. To provide for the operation of exhaust fans, approved lighting and other electrical power requirements, and to meet any applicable health requirements, a Chip Wagon may be connected to an approved power source and an approved water source provided such a connection is made by means of a connection which can be readily and safely disconnected without the use of tools and in accordance with governing electrical safety legislation. Such connection must not inhibit the capability of the Chip Wagon to be mobile under its own power on short notice or to otherwise impede the Chip Wagon or to otherwise cause the Chip Wagon to be recognized as a permanent structure.
- f) The property on which a Chip Wagon is to be located must be within a Commercial or Open Space zone as set out in the Village’s Zoning By-law, as amended from time to time.
- g) All Chip Wagons and associated structures including additions/canopies/seating areas or storage structures shall be kept in a clean and presentable condition. The property on which the Chip Wagon is located shall be maintained in a neat and tidy condition.

13. Application for License

Every application for a License for a Mobile Canteen or a Chip Wagon shall be submitted to the Clerk in the form as required by the Corporation, together with such other information as may be required. Without limiting the generality of the foregoing, such information shall include:

- a) Written notice from the Medical Officer of Health that the vehicle and other aspects of the operation complies with all applicable health and sanitation regulations.
- b) Written notice from the Technical Standards & Safety Authority that the vehicle complies with all applicable safety regulations, codes, and practices.
- c) The name and address of the owner of the vehicle and the current License plate number.
- d) A plan of the property, drawn to scale of each site or sites on which it is proposed to locate the vehicle showing:
 - i. The location and dimensions of the property;
 - ii. The name and address of the owner of the property; and
 - iii. The location of all buildings or structures on the property.
- e) The applicable License fee, which may be refunded in the event that the License is not granted.

14. Application for Temporary License

- a) A Person may submit in writing to the Clerk an application for a Temporary License to allow for a Chip Wagon or Mobile Canteen in either Merrickville Ward or Wolford Ward for a limited time period, as to be specified on the application form.
- b) The Clerk, in consultation with the CAO, shall have discretion as whether to approve or refuse an application for a temporary license on a case-by-case basis. The Clerk reserves the right to escalate the application for a Temporary License to Council for decision, should they feel it necessary to do so.
- c) The intent of a Temporary License shall be for an event that is limited to a specified Temporary Period of Time and shall not be a permanent or annual License.
- d) Every application for a Temporary License for a Mobile Canteen or a Chip Wagon shall be submitted to the Clerk in the form as required by the Corporation, together with such other information as may be required. Without limiting the generality of the foregoing, such information shall include:
 - i. Written notice from the Medical Officer of Health that the vehicle and other aspects of the operation complies with all applicable health and sanitation regulations.
 - ii. Written notice from the Technical Standards & Safety Authority that the vehicle complies with all applicable safety regulations, codes, and practices.
 - iii. The name and address of the owner of the vehicle and the current License plate number.
 - iv. A plan of the property drawn to scale on which it is proposed to locate the vehicle, with the date and times specified in the application. The site plan shall show the location and dimensions of the property, the names and address of the owner of the property owner, and the location of where the Mobile Canteen or Chip Wagon will be placed on the property.

15. Revocation of License

- a) Where the Clerk has reasonable grounds to believe a contravention of this By-law has occurred, they may serve a notice of contravention(s) to the Licensee identifying the contravention, what actions must be taken to remedy the contravention(s), and the deadline for completing the actions.
- b) A License issued under the provisions of this By-law may be suspended or revoked by the Clerk is any of the following conditions:
 - i. Written notice has been received from the Medical Officer of Health or the TSSA stating that the vehicle is operating contrary to the required standards;
 - ii. The licensee has been served notice of non-compliance with the terms of this By-law by the Clerk and the licensee has failed to take such action as necessary within twenty-one (21) days of the notice;
 - iii. The licensee has been served by the Clerk with three (3) notices of non-compliance with the terms of this By-law during the period for which the License was issued; or
 - iv. The licensee has failed to pay any fines or administrative penalties imposed for breach of this By-law within the required payment period.
- c) The Corporation shall serve notice to the licensee of an impending suspension or revocation of a License not less than ten (10) days prior to the proposed date of suspension or revocation and the licensee or their representative may appear

before Council to show cause why he believes the License should not be revoked.

16. Contravention of the By-law

- a) Any person who contravenes any provision of this By-law is guilty of an offence and on conviction shall be liable to a fine not less than Seventy-Five dollars (\$75.00) and not more than Two Thousand Dollars (\$2000.00) for each offence exclusive of costs.
- b) Notwithstanding section 16. a) of this By-law, every person who contravenes any provision of this By-law shall, upon issuance of an Administrative Penalty Notice in accordance with Administrative Penalty By-law 10-2025, be liable to pay to the Corporation of the Village of Merrickville-Wolford an Administrative Penalty in accordance with Schedule C of Administrative Penalty Process By-law 10-2025.
- c) If a Person is required to pay an Administrative Penalty under section 16. b) in respect of a contravention of this By-law, the Person shall not be charged with an offence in respect of the same contravention.

17. Repeal and Replace

- a) This By-law repeals and replaces By-law 26-07.

18. Effective Date

- a) This By-law shall take effect and come into force on the passing thereof.

Read a first and second time the 12th day of November, 2024.

Read a third and final time and passed on the 27th day of January, 2025.



Michael Cameron, Mayor



Julia McCaugherty-Jansman, Clerk

Fees and Penalties

Administrative Monetary Penalties

TABLE 4: DESIGNATED BY-LAW 66-2024			
CHIP TRUCK BY-LAW			
ITEM	COLUMN 1 BY-LAW REFERENCE	COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET FINE
1	s. 2.a)	Operation of a Mobile Canteen or Chip Wagon without a valid license	\$150.00
2	s. 6	Failure to submit written confirmation of compliance from Medical Officer of Health/Health Unit	\$150.00
3	s. 9	Failure to submit written confirmation of compliance from TSSA	\$150.00