

The Corporation of Loyalist Township

By-law Number 2024-103

A By-Law to Licence, Regulate and Govern Refreshment Vehicles in Loyalist Township and to repeal By-law 2020-085

WHEREAS pursuant to Section 150 and 151 of the *Municipal Act, 2001*, a municipality may provide for a system of licences with respect to any business wholly or partly carried on within the municipality, including the sale or hire of goods or services on an intermittent or one-time basis;

AND WHEREAS pursuant to section 11(2) of the *Municipal Act, 2001* a municipality may exercise its licensing powers for the purpose of consumer protection and to protect the health and safety of the general public;

AND WHEREAS Loyalist Council enacted By-law 2020-085 a by-law to licence refreshment vehicles for reasons of health, safety, and consumer protection;

AND WHEREAS Loyalist Council considers it desirable to continue such licensing and registration regulations with respect to refreshment vehicles;

AND WHEREAS Council has determined it is desirable to repeal and replace By-law 2020-085 with the Licencing Requirements and Procedures outlined herein;

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

1. By-law 2020-085 be hereby repealed.
2. The Licencing Requirements and Procedures for the operation of Refreshment Vehicles attached hereto as Schedule 'A' and forming part of this By-Law, be adopted.
3. This By-law shall come into force and take effect on the date of its passing.

Enacted and passed this 10th day of December, 2024.

The Corporation of Loyalist Township

Jim Hegadorn

Signed with ConsignO Cloud (2024/12/12)
Verify with verifio.com or Adobe Reader.



Jim Hegadorn, Mayor

Anne Kantharajah

Signed with ConsignO Cloud (2024/12/12)
Verify with verifio.com or Adobe Reader.



Anne Kantharajah, Clerk

1. Definitions

1.1. For the purpose of this By-law, the following definitions shall apply:

- a) **Appeals Committee** means the Appeals Committee as established by Council.
- b) **Applicant** means the person, business or their agent that is applying for a Refreshment Vehicle Licence.
- c) **By-law** means this Refreshment Vehicle By-law.
- d) **Clerk** means the Clerk or their designate of Loyalist Township.
- e) **Council** means the Council of The Corporation of Loyalist Township.
- f) **Designated Location** means an area approved for operating a Refreshment Vehicle.
- g) **Eating Establishment** means a building or part of a building where food is offered for sale or sold to the public for immediate consumption or for take-out and includes such uses as a restaurant, dining room, cafe, cafeteria, ice cream parlor, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand. This does not include grocery stores, gas stations, convenient stores, markets, etc.
- h) **Licence** means a permit issued under the provisions of this By-law.
- i) **Licencee** means the person or business issued a Licence for a Refreshment Vehicle pursuant to the provisions of this by-law.
- j) **Operator** means the person who operates a Refreshment Vehicle, and if a Licencee is also an Operator, the words Licencee and Operator will have the same meaning.
- k) **Park Permit** means a seasonal lease agreement to operate a Refreshment Vehicle in a Township park or other municipally-owned facility, and approved on an annual basis.
- l) **Provincial Offences Officer** means an individual appointed by by-law or other agencies designated by Council who are responsible for the administration of this by-law.
- m) **Refreshment Vehicle** means a vehicle, trailer, cart or other structure not placed on a permanent foundation which is equipped for cartage, storage and the preparation of food stuffs, beverages, confections and such items are offered directly for consumption to the general public, and includes a chip wagon, a mobile canteen and other refreshment vehicles.
- n) **Township** means the Loyalist Township.

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- o) **Waste** means discarded: food, disposable eating utensils, paper, wood, cardboard, plastic, glass or metal products, any of which were used in the Refreshment Vehicle prior to being discarded.
- p) **Zoning By-Law** means The Township's Zoning By-Law, or any successor By-Law, as amended from time to time.

2. General

- 2.1. No person shall operate a Refreshment Vehicle in Loyalist Township unless they hold a valid Licence pursuant to this By-law.

3. Application

- 3.1. To obtain a Licence, an Applicant shall file an application in writing on the forms prescribed by the Clerk, and shall supply any other information relating to that application as required.
- 3.2. A complete application shall include:
 - a) A completed and signed Refreshment Vehicle Licence application as prescribed by the Clerk.
 - b) The address of the location at which the Refreshment Vehicle will operate and a site map. The site map must clearly show the proposed location where the Refreshment Vehicle would be located, setbacks to property lines and to adjacent structures, signage and waste containers, and entrance and exit from adjacent streets to the satisfaction of the Clerk. Any subsequent revisions to the site map shall require written consent from the Clerk.
 - c) A letter, lease agreement or other proof of approval from the property owner to operate at the proposed location specified, if applicable.
 - d) The following certificates of compliance:
 - i. A current certificate of compliance with "The Food Premises Regulation" as written under the Act from the Medical Officer of Health;
 - ii. Technical Safety Standards Association Approval (if applicable); and
 - iii. Propane Inspection and certification (if applicable).
 - e) A description in detail of the products to be sold.
 - f) Proof of Insurance showing that the Operator is covered by insurance in accordance with Section 10 of this By-law.
 - g) Any other supporting documentation to achieve a high score if applying for a Park Permit.
 - h) Any other documentation required by the Clerk.
- 3.3. The Clerk is not required to consider an application until the Applicant has provided all the information. Receipt of an application does not represent approval nor shall it

obligate the Township to issue or renew a Licence.

4. Refreshment Vehicle Classifications

4.1. Under this By-law, there are three Refreshment Vehicle classifications:

- a) Class 1: Motorized vehicles without food preparation - Motorized vehicles permitted on public and private property from which pre-packaged or pre-made food products are offered for sale for a brief time per location - no food is permitted to be prepared on, in, or around the vehicle while in service. Most common example is an ice cream truck.
- b) Class 2: Motorized vehicles with food preparation - Motorized vehicles where food products are prepared and offered for sale from different locations on public and/or private property. Most common example is a food truck.
- c) Class 3: Non-motorized refreshment vehicles - Non-motorized vehicles, carts, bikes, etc. where food products, either pre-packaged or prepared on site, are sold or offered for sale on public and/or private property. They can be stationary, or mobile, but are non-motorized. Most common example would be hot dog carts.

5. Conditions of Licence

- 5.1. The Licencee and all Operators shall comply with all Licence conditions under this By-law, all other relevant Township by-laws, and any other requirements of the Medical Officer of Health. The Clerk may impose additional conditions in the interest of public safety.
- 5.2. Application fees paid in full in accordance with the Township's Miscellaneous Fees and Charges By-law, as amended.
- 5.3. The Operator of a Refreshment Vehicle shall display the Licence granted by the Township at all times and shall present this Licence on demand for inspection by any Provincial Offences Officer.
- 5.4. No Licensee shall operate a Refreshment Vehicle other than in the Designated Location for which the Licence has been issued unless permitted under this By-law.
- 5.5. The Operator shall be responsible for maintaining the area within 60 metres of the Designated Location free of litter and debris.
- 5.6. The Operator shall be responsible for collecting waste resulting from the operation of the Refreshment Vehicle and removing the waste from the Designated Location to a designated disposal site appropriately, each day. Placing waste in a sidewalk waste container provided by the Township is not sufficient to constitute removal.
- 5.7. The Operator must be at least 18 years of age.
- 5.8. No Person shall sell Refreshments from a Refreshment Vehicle between the hours of 11:00 p.m. and 7:00 a.m.

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5.9. Every Licence shall expire on December 31st of each year.

5.10. Separate Licence shall be taken out for each Refreshment Vehicle in operation.

5.11. The Licence shall not be transferrable to a successor or assignee.

6. Location

6.1. The Designated Location shall comply with the following criteria:

- a) The Designated Location must not be on a highway, a vacant lot or a parking lot adjacent thereto, or on property owned by the municipality except where permitted under this By-law.
- b) The Designated Location shall be zoned to permit the operation of refreshment vehicles pursuant to the Township's Zoning By-law, as amended.
- c) The Designated Location shall not be located directly in front of an entrance or exit from a building.
- d) The Designated Location shall not be located within 120 metres of the property line of an Eating Establishment. Exemption from this provision applies:
 - i. Where the Refreshment Vehicle is located on Township property where a Park Permit for Refreshment Vehicles has been obtained; and
 - ii. Where the Licencee and the owner of the Eating Establishment are the same.
- e) The Designated Location shall be set back at least 12 metres from a highway measured from the property line closest to the highway, or as otherwise indicated in the Township's Zoning By-law.
- f) The Refreshment Vehicle must be at least 15 metres from fuel dispensers at fuel dispensing stations, and retail propane dispensing tanks and cylinders.
- g) The Refreshment Vehicle shall be parked and any signage, waste containers, etc. shall be within the Designated Location.
- h) The Township may impose alternative setbacks from adjacent structures or vehicles as deemed necessary in the interest of public safety.

7. Refreshment Vehicle Park Permits

7.1. Refreshment Vehicle Park Permits are available for the locations listed in Appendix A of this By-law. The Director of Community & Customer Service or their designate has the authority to amend Schedule A of this By-law as needed from time to time.

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- 7.2. The Director of Community & Customer Service or their designate is authorized to determine the maximum number of Park Permits that will be considered for each municipal facility, and to add or remove Park Permit spaces from facilities each year based on public feedback, operational impacts, and other municipal priorities.
- 7.3. The Director of Community & Customer Service is authorized to approve a temporary increase to the number of Refreshment Vehicles that may be permitted to operate at a municipal facility as part of a special event subject to the terms and conditions as may be set out in the agreement with the special event organizer.
- 7.4. Other than in 2024, applicants wishing to obtain a Refreshment Vehicle Park Permit shall submit an application no later than the last Friday in November to be considered for a Park Permit for the following year.
- 7.5. The Clerk will utilize the Rubric for Park Permit Allocation attached herein as Appendix B to score the applications.
- 7.6. If the number of applications for a Park Permit for a certain location equals the number of Park Permits available at that location, the Clerk may award the Park Permit to the Applicants for their preferred location.
- 7.7. If the number of applications for a Park Permits for a certain location is more than the number of Park Permits available at that certain location, the Clerk would grant the permit allocation awarding the permit to the highest-scoring applicant. The applicants with lesser scores would be provided with other available options or asked to find a location on private property.
- 7.6. Park Permits are valid from April 1st and expire on October 31st of each year.
- 7.7. Refreshment Vehicles with Park Permits shall be removed from the location by October 31st of each year. This includes removal of any platforms/decks, signage, and waste. Any items remaining will be removed and disposed of by the Township at the Licencee's expense.
- 7.8. The Township has no obligation to provide facilities and utilities at the Park Permit Locations including, but not limited to, washrooms, hydro, water, etc.
- 7.9. No Licencee shall be issued more than one Park Permit at any time. Should no other application come forward for a Park Permit Location, any subsequent Park Permit shall be issued.
- 7.10. The Township reserves the right to place on hold any Park Permit:
 - a) When the park is needed for an event of municipal significance;
 - b) When the park requires maintenance;
 - c) In order to ensure public safety; or

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d) For parks where a person has rented the facility and has requested the temporary closure of the Refreshment Vehicle.

7.11. The Township may revoke a Park Permit if, in the sole opinion of Township staff, the Licensee fails to comply with the requirements of the permit or any provision of this By-law or for any reason that the Township deems appropriate.

8. Regulations

8.1. The Operator of any Refreshment Vehicle shall operate in accordance with the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7, Ontario Regulation 493/17*.

8.2. The Operator of any Refreshment Vehicle shall operate in accordance with the *Technical Safety Standards Act, 2000, S.O. 2000, c.16*.

8.3. Every Refreshment Vehicle which is equipped with propane-fueled appliances must be inspected by a certified propane fitter registered by the Fuel Safety Branch, and found to comply with the Ontario Propane Code and, prior to the issuance of a Refreshment Vehicle Licence shall supply the Clerk with written confirmation of compliance in this regard.

8.4. The Operator of any Refreshment Vehicle equipped with cooking equipment shall operate in accordance with the *Fire Protection and Prevention Act, 1997, S.O. 1997:*

a) A cooking operation producing smoke or grease-laden vapours shall be provided with an exhaust system and fire protection system in accordance with N.F.P.A. 96 "Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations".

b) Portable extinguishers suitable for Class K fires shall be provided to protect cooking operation.

8.5. Cooking equipment must be commercial-grade or intended for commercial use as stated in manufacturer recommendations.

8.6. All Refreshment Vehicles shall be roadworthy and comply with the Highway Traffic Act and shall be licensed for operation on a public highway. The issuance of a Licence under this By-law does not act to exempt Operators from the provisions of the Highway Traffic Act and all traffic and parking by-laws of the Township.

8.7. All signage must meet the requirements set out under the Townships Sign By-law, as amended.

8.8. Any platforms/decks for accessing the food truck service window shall be reviewed by the building department and comply with all Ontario Building Code requirements.

9. Fees

9.1. Requisite application fees are outlined in the Township's Fees and Charges By-Law.

9.2. Application fees shall not be pro-rated.

10. Insurance

10.1. The Licencee, at their expense, obtain and keep in force during the term of this licensed agreement, Commercial General Liability insurance satisfactory to the Township, written by an insurer licensed to conduct business in Ontario and include but not be limited to the following:

- a) A limit of liability of not less than five million dollars (\$5,000,000)/occurrence.
- b) The Township shall be named as an additional insured;
- c) The policy shall contain a provision for cross liability in respect of the named insured;
- d) Non-owned automobile coverage with a limit of at least five million dollars (\$5,000,000) including contractual non-owned coverage;
- e) Products and completed operation coverage (Broad Form) with an aggregate limit not less than five million dollars (\$5,000,000); and
- f) That 30 days prior notice of an alteration, cancellation or material change in policy terms which reduces coverages shall be given in writing to the Clerk.

11. Exemptions

11.1. A Refreshment Vehicle may operate at fairs, auctions, a private event on Township property as part of an approved park or facility permit, community festivals/events organized by the Township or any Council authorized event.

11.2. A Licence is not required for a Refreshment Vehicle operating on Township and/or private property in zones permitted under the Zoning By-law for an event for a period of no more than 3 days in a calendar year, with a valid licence from another municipality within the Kingston, South Frontenac or County of Lennox and Addington.

11.3. For any other exemption not listed above, any person may submit a written request to the Clerk requesting an exemption from any of the prohibitions described in Sections 5 and 6 and Council hereby delegates to the Clerk, the authority to process any exemption request.

11.4. All exemption requests shall be in writing and include;

- a) the name and address of the Applicant;
- b) a statement of the particular provisions of the By-law from which exemption is

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sought;

- c) the period of time, of a duration not in excess of six months for which the exemption is sought;
- d) the reasons why the exemption should be granted; and
- e) a statement of the steps, if any, planned or presently being taken to bring about compliance with the By-law.

11.5. Upon receipt of an exemption, the Clerk may grant any exemption as requested or with conditions, where

- a) the request is necessary and in the public interest;
- b) the request does not contravene any other Township by-law or policy, or legislation;
- c) the proposed mitigation measures are appropriate; and
- d) the duration of the requested exemption is reasonable.

12. Revocation, suspension or licence refusal

12.1. The Clerk may revoke, suspend or refuse to issue or renew a Licence where:

- a) the Licencee would not qualify for a Licence or would not be entitled to a renewal of a Licence on the grounds set out in this By-law;
- b) The Application is incomplete or contains false or incorrect information;
- c) the Refreshment Vehicle, its appearance or where the location is deemed inappropriate, unsuitable, or unsafe;
- d) the Licencee has been the subject of repeated established complaints regarding the operation of business;
- e) the Licencee has been found by a Provincial Offences Officer to have failed to comply with any of the provisions of this By-law; or
- f) written notice has been received from the Medical Officer of Health, or the Technical Safety Standards Association stating that the Refreshment Vehicle is operating contrary to required standards.

12.2. Where the Licence is refused, the Clerk will inform the applicant in writing.

12.3. Where the Licence is revoked or suspended, the Operator shall be served notice of non-compliance by a Provincial Offences Officer.

13. Appeal

13.1. A person whose Licence has been refused, revoked or suspended may, within

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fifteen (15) days of being notified of the refusal, suspension or revocation, as the case may be, appeal that decision to the Appeals Committee and shall pay the Appeal Fee.

- 13.2. On appeal, the Appeals Committee has the power to affirm the decision of the Clerk to refuse, suspend or revoke the Licence, or to direct the Clerk to issue, renew or reinstate the Licence. The Appeals Committee may also direct the Clerk to impose certain conditions.
- 13.3. Decisions of the Appeals Committee are final.

14. Penalty

- 14.1. Every person who contravenes any provisions of this by-law shall be guilty of an offence and, upon conviction, is subject to a fine as provided in the Provincial Offences Act and to any other applicable penalties as listed in Appendix C of this By-law.
- 14.2. Pursuant to the authority established in section 429 of the Municipal Act, S.O. 2001, c. 25 as amended, every person who contravenes any provision of this By-law is guilty of an offence and upon conviction pursuant to Part III of the Provincial Offences Act R.S.O. 1990, c. P.33, as amended

15. Administration

- 15.1. The Clerk is authorized to issue a Licence under this By-law.
- 15.2. The Clerk is responsible for the administration of this By-law including developing procedures and forms.
- 15.3. All Provincial Offences Officers with authority to enforce the by-laws of the municipality are responsible for enforcing the provisions of this By-law.
- 15.4. The Clerk of Loyalist Township is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

16. Validity

- 16.1. Where a conflict arises between the provisions of this By-law and any other Township by-law the more stringent provision shall apply.
- 16.2. If a court of competent jurisdiction declares any provision, or part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

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Appendix A – Park Permit Locations

Location	Amenities	Number of Permits Available
Fairfield Park-4574 Bath Road Amherstview	Hydro and Seasonal Washroom facility available	1
Finkle Shores Park- 697 Bath Road, Bath	Hydro and Seasonal Washroom facility available	1
Bath Centennial Park-336 Main Street, Bath	No hydro available	1
Babcock Mills, 30 Bridge Street	No hydro available	1

Appendix B – Rubric for Park Permit

Criteria	4 Points	3 Points	2 Points	1 Point	Total
Longevity in the community	Operating in the community for more than 5 years.	Operating in the community for between 2-5 years.	Operating in the community for up to 2 years.	New applicant.	
Community engagement	Participates in multiple community events during a calendar year.	Participates in one community event per year.	Has participated in one community event.	No participation in community events.	
Menu diversity and innovation	Offers 4 or more items from multiple continents or cuisine types. Introduces new items throughout the year (seasonally) and includes options for dietary needs and utilizes a variety of cooking methods.	Offers items from 3 cuisine types or continents. Offers new items annually with good options for dietary needs and uses various types of cooking methods.	Offers items from 2 cuisine types or continents. Offers some new items with some options for dietary needs and utilizes two types of cooking method.	Offers items from only one cuisine or continent. Offers no new items with limited options for dietary needs and utilizes up one cooking method.	
Use of local ingredients and materials	Sources 51% or more of ingredients and materials from the Kingston, Frontenac, Lennox and Addington region.	Sources between 21%-50% of ingredients and materials from the Kingston, Frontenac, Lennox and Addington region.	Sources less than 20% of ingredients and materials from the Kingston, Frontenac, Lennox and Addington region.	Sources no ingredients and materials from the Kingston, Frontenac, Lennox and Addington region.	
Customer Satisfaction	Shows a copy of recent online reviews showing high customer satisfaction ratings at 81% or 4.1/5 or more and positive feedback.	Shows a copy of recent online reviews showing positive customer satisfaction ratings at 66%-80% or 3.1-4/5.	Shows a copy of recent online reviews showing mixed customer satisfaction ratings at 51%-65% or 2.1-3/5	Shows a copy of recent online reviews showing mostly negative customer satisfaction ratings at less than 50% or 2/5.	
Total					/25 Points

Appendix C – Part I Provincial Offences Act

Item	Short form wording	Provision creating or defining offence	Set Fine per Occurrence
1.	Operate any Refreshment Vehicle without a Licence	Section 2.1	\$600
2.	Fail to display Licence	Section 5.1	\$100
3.	Fail to present Licence on demand	Section 5.2	\$100
4.	Fail to dispose of waste	Section 5.5	\$300
5.	Fail to ensure property is maintained in a neat and tidy condition	Section 5.4	\$300
6.	Operate a Refreshment Vehicle on property that does not permit such use	Section 6.1	\$300
7.	Operate a Refreshment Vehicle within 12 metres of the highway	Section 6.1 e)	\$300
8.	Operate a Refreshment Vehicle within 120 metres of an Eating Establishment	Section 6.1 d)	\$300
9.	Operate a Refreshment Vehicle on Township property without permission	Section 6.1 a)	\$300
10.	Operate a Refreshment Vehicle on a Highway	Section 6.1 a)	\$300