

CORPORATION OF THE TOWNSHIP OF ALFRED AND PLANTAGENET

By-law Number 2014-24

REFRESHMENT VEHICLES BY-LAW

BEING A BY-LAW FOR LICENSING, REGULATING AND GOVERNING REFRESHMENT VEHICLES (COMMONLY KNOWN AS CHIPWAGONS)

WHEREAS the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, under section 151, provides that the Council of a local municipality may pass by-laws for licensing, regulating and governing any business carried within the municipality;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, under section 425 (1), provides that a municipality may pass by-laws providing that a person who contravenes a By-law of the municipality passed under the Municipal Act, 2001, S.O. 2001, c.25, as amended, is guilty of an offence;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, under section 429 (1), provides that a municipality may establish a system of fines for offences under a By-law passed under the Municipal Act, 2001, S.O. 2001, c.25, as amended;

THEREFORE the Council of the Corporation of the Township of Alfred and Plantagenet enacts as follows:

SHORT TITLE

1. This by-law may be cited as the "Refreshment Vehicles By-Law".

DEFINITIONS

2. In this by-law:
 - (a) **"Applicant"** means a person filing an application for a licence under the authority of this by-law;
 - (b) **"Council"** shall mean the Council of the Corporation of the Township of Alfred and Plantagenet;
 - (c) **"Fire Chief"** shall mean the Chief of the Alfred and Plantagenet Fire Department or his or her authorized subordinates or assistants.
 - (d) **"Licensee"** shall mean a holder of a licence issued under this by-law;
 - (e) **"Medical Health Officer"** shall mean the Medical Health Officer of the Counties of Prescott and Russell or his subordinates to whom he may designate such authority from time to time;
 - (f) **"Municipal Law Enforcement Officer"** shall mean the Municipal Law Enforcement Officer appointed by the Council of the Corporation of the Township of Alfred and Plantagenet;

- (g) **"Parks"** shall mean all public parks located within the limits of the Township;
- (h) **"Township"** shall mean the Township of Alfred and Plantagenet;
- (i) **"Vehicle"** shall mean a vehicle as defined in the Highway Traffic Act regardless of the fact that the running gear has been removed or not;
- (j) **"Victualing House"** shall mean a premise where refreshments or meals are prepared or sold for immediate consumption on the premise or elsewhere, but does not include a premise where only hot beverages are sold or a refreshment vehicle;
- (k) **"Zoning Administrator"** shall mean the Zoning Administrator appointed by the Council of the Corporation of the Township of Alfred and Plantagenet;

GENERAL REQUIREMENTS

- 3. No person shall operate a vehicle from which refreshments are sold for human consumption within the Township without first obtaining a licence as hereafter set out.
- 4. No person shall, with the following exceptions, operate a vehicle from which refreshments are sold for human consumption within three hundred (300) metres of a victualing house or refreshment vehicle.
 - (a) Refreshment vehicles with Type "B" licences may be within three hundred (300) metres but not less than ten (10) metres of another refreshment vehicle.
 - (b) A refreshment vehicle already established at the Wendover Wharf may be within three hundred (300) metres but not less than one hundred fifty (150) metres of a victualing house or another refreshment vehicle.
- 5. No person shall operate a vehicle from which refreshments are sold for human consumption within ten (10) metres of any building or structure.
- 6. No person shall operate a vehicle from which refreshments are sold for human consumption on municipally owned lands or parks without prior written consent from the Council.
- 7. No person shall operate a vehicle from which refreshments are sold for human consumption without having a licence issued under this by-law prominently displayed on the vehicle.
- 8. No person who operates a vehicle from which refreshments are sold for human consumption shall place or locate any carton, box or other article, other than a garbage receptacle, outside of the refreshment vehicle.
- 9. Every person who operates a vehicle from which refreshments are sold for human consumption shall ensure that the garbage or litter resulting from his or her activity is collected and removed from the area.
- 10. Every person who operates a vehicle from which refreshments are sold for human consumption shall ensure that a garbage receptacle is placed outside of the refreshment vehicle while he or she is vending, and that the garbage is disposed of as required.

LICENCE APPLICATION - ADMINISTRATION

11. The licence may designate the private properties upon which such sales of refreshments may be made. No designation of a private property for the purposes of such sale shall be made unless it is clearly established by the applicant that the owner of the property has consented in writing to the use of his property for this purpose.
12. All vehicles so licensed shall be operated only in conformity with the requirements of the Medical Health Officer and the Council may, at any time, revoke any licence issued hereunder.
13. The licence may designate any further terms or conditions of licence deemed necessary.
14. A licence granted hereunder shall, with the following exception, be for the operation of the refreshment vehicle for one calendar year.
 - (a) A Type "B" licence may be issued for a specific event provided that:
 - (i) The event is being held for a period of not more than ten (10) days, and
 - (ii) The applicant has furnished details as to the specific event, including its location.

CONDITIONS FOR ISSUANCE

15. No applicant for a refreshment vehicle licence shall be issued a licence unless:
 - (a) The applicant is at least eighteen (18) years of age;
 - (b) The Medical Officer of Health has reported in writing that the refreshment vehicle and equipment is suitable for the purpose of the licence application and is in a sanitary condition;
 - (c) The Fire Chief has reported in writing that, where applicable, the refreshment vehicle and equipment is suitable for the purpose of the licence application and is in a fire safe condition;
 - (d) The Medical Officer of Health has reported in writing that, where applicable, the disposal of waste water and sewage from refreshment vehicle is in accordance with regulations;
 - (e) The Zoning Administrator has reported in writing that, where applicable, the location and usage conforms to the Zoning By-Law of the Township;
 - (f) The applicant has specified the make, style, model and serial number of the refreshment vehicle;
 - (g) The applicant is the holder of a current motor vehicle permit, where applicable, issued pursuant to the Highway Traffic Act that permits it to be driven on any highway;
 - (h) The applicant has filed proof of insurance for public liability in the amount of not less than five hundred thousand (\$500,000.00) dollars public liability inclusive of bodily injuries, property damage and accidental benefits and including damage occasioned by any accident arising out of the operation of the refreshment vehicle in respect of which a licence is applied for;
 - (i) The application is accompanied by a cheque for the fees in the amount as specified in Schedule "A" of this by-law, and;
 - (j) The application shall be in the form specified in Schedule "B".

TRANSFERS OF LICENSE

16. No licence issued pursuant to this By-Law shall be transferred in any manner.
17. No person shall transfer a license issued pursuant to this By-Law in any manner.

RENEWAL OF LICENCE

18. The licensee shall ensure that, during the period of ninety (90) days prior to the expiration of the license, his or her vehicle from which refreshments are sold is submitted for inspection, where applicable, to:
 - (a) The Medical Officer of Health, and
 - (b) The Fire Chief,as if the applicant was filing an original application.
19. The licensee shall submit a completed application with all the required approvals at least 60 days prior to the expiration of the license.

SUSPENSION / REVOCATION

20. The Municipal Law Enforcement Officer may revoke or suspend any or each of the permits issued to any person or close the establishment for cause and without limiting the generality of the foregoing for:
 - (a) A breach of the law;
 - (b) Any violation of the provisions of this by-law.
21. The provisions of section 20 may be exercised in addition to any prosecution or other legal action.
22. Any person contravening any of the provisions of this by-law while under suspension shall be regarded as though no permit has been issued.

NOTICE OF VIOLATION & CLOSURE

23. Upon determination that any violation of the provisions of this by-law or breach of the law has been committed, a notice of violation & closure may be posted on the refreshment vehicle by the Municipal Law Enforcement Officer.
24. Such notice shall stay on the vehicle until a licence has been properly issued.
25. No person shall, at the exception of the Municipal Law Enforcement Officer, remove, deface or destroy the said notice.

OBSTRUCTION

26. No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer, the Fire Chief or Medical Health Officer in the lawful performance of their duties.

SEVERABILITY

27. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part thereof shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law, and shall be valid and shall remain in force.

ADMINISTRATION

28. The provisions of this By-Law shall be enforced by the Municipal Law Enforcement Officer.

PENALTIES

29. Every person who contravenes any of the provisions of this by-law is guilty of an offence and is subject to the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, and amendments thereto.
30. In addition to imposing a fine, a court of competent jurisdiction may, upon conviction of an offence under this by-law, issue an order prohibiting the continuation or repetition of the violation by the person convicted.

BY-LAW REPEALED

31. By-Law Number 2005-70 is hereby repealed.

DATED AND PASSED IN OPEN COUNCIL, THIS _____ of _____ 2014.

Jean-Yves Lalonde, Mayor

Marc Daigneault, C.A.O./Clerk

SCHEDULE "A"

REFRESHMENT VEHICLE LICENCE FEE SCHEDULE

1.	Annual fee for Refreshment Vehicle Licence	\$200.00
2.	Type “B” Refreshment Vehicle Licence	\$50.00/event

SCHEDULE "B"

APPLICATION FOR REFRESHMENT VEHICLE LICENCE

TOWNSHIP OF ALFRED AND PLANTAGENET
BY-LAW NUMBER 2005-70

Applicant Information

Name of Applicant: _____ D.O.B: _____
Address: _____
Telephone Number: _____
Type of licence: Annual licence ☐ Special Event ☐
Special Event Dates: from _____ to _____ (maximum 10 days)
Location: _____
If Private Property are you the owner? Yes ☐ No ☐
If no, name of owner: _____

Vehicle information

Serial number: _____
Make: _____ Style: _____ Model: _____
Motor Vehicle Permit Number: _____

Liability insurance

Name of Insurance Company: _____
Policy number: _____ Amount of coverage: \$ _____

DECLARATION

I, the undersigned, _____ am the applicant named in the above application and I certify the truth of the statements or representations contained therein.

I understand that the issuance of a licence shall not be deemed a waiver of any of the provisions of any by-laws or other acts or regulations.

I acknowledge that in the event a licence is issued, any departure from specific conditions contained in said licence is prohibited and such could result in the licence being revoked.

I further acknowledge that in the event the licence is revoked for any cause or irregularity or non-conformity with by-laws or conditions there shall be no right of claim whatsoever against the municipal corporation or any official thereof and any such claim is expressly waived.

_____, Ontario _____ 20____

Signature of Applicant: _____

Witness: _____

Office use only – CHECK LIST

Application Complete:	YES__	NO__	
Medical Health Officer Letter:	YES__	NO__	
Fire Chief Letter:	YES__	NO__	N/A__
Zoning Administrator Letter:	YES__	NO__	N/A__
Proof of Insurance (photocopy):	YES__	NO__	
Fees included:	YES__	NO__	