

The Corporation of the Township of Brock

By-Law Number 2382-2011-PP

**As Amended by
By-Law Number 2421-2012-FI
(consolidated version)**

A By-Law For Licensing, Regulating and Governing Vehicles From Which Refreshments are Sold for Consumption by the Public

Whereas pursuant to the provisions of Part IV of the *Municipal Act*, S.O. 2001, as amended, the Council of the Township of the Brock may provide for a system of licences with respect to businesses;

And Whereas Section 391 of the *Municipal Act*, S.O. 2001, as amended, authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by them;

Now Therefore the municipal Council of the Corporation of the Township of Brock Enacts as Follows:

1. For the purpose of this by-law:
 - (a) “Chip Truck” shall mean a mobile canteen which is also a motor vehicle or a trailer which is equipped to be pulled by a motor vehicle and from which food products, which are cooked within the vehicle or trailer, and beverages, are sold. A chip truck shall not exceed 10 metres in length or 2.45 metres in width and shall not operate on the street allowance.
 - (b) “Coffee Truck” shall mean a mobile canteen which is also a motor vehicle or a trailer and from which food products that are prepared elsewhere are sold. A coffee truck shall not exceed 6 metres in length or 2.45 metres in width and shall not operate on the street allowance.
 - (c) “Eating Establishment” shall mean a commercial establishment where food prepared therein is offered for sale, but shall not include a mobile canteen.
 - (d) “Hot Dog Cart” shall mean a mobile canteen which is not propelled by any motorized means and from which food products which are cooked within the vehicle, and beverages, are sold. A hot dog cart shall not exceed 2.45 metres in length or 1.5 metres in width and shall not operate on the street allowance.
 - (e) “Ice Cream Cart” shall mean a mobile canteen which is not propelled by any motorized means and from which ice cream, frozen milk or frozen water products are sold. An ice cream cart shall not exceed 2.45 metres in length or 1.5 metres in width.
 - (f) “Mobile Canteen” shall mean any vehicle whether mechanically propelled or otherwise from which refreshments are sold for consumption by the public and shall include chip trucks, coffee trucks, hot dog carts and ice cream carts.
 - (g) “Operate” shall mean the selling or offering for sale of refreshments from such vehicle but shall not preclude the delivery of refreshments.
 - (h) “Prohibited Area” shall mean any area on which the public is prohibited from parking.

- (i) "Sidewalk" shall mean all such parts of the street allowance as are set aside by the Corporation for the use of pedestrians or used by the general public for the passage of pedestrians and includes boulevard and a pedestrian walkway.
- (j) "Street Allowance" shall mean the entire right-of-way of a common and public highway, street, avenue, driveway, square, place, bridge, viaduct, or trestle, designed and intended for or used by the general public for the passage of vehicles.
- (k) "Urban Areas" are defined as Beaverton, Cannington or Sunderland, as referenced in the Township of Brock Official Plan, as amended.

Conditions for Issuance

2. No person or persons (which terms shall include a partnership or corporation) shall operate a mobile canteen in the Township of Brock without first having been issued a licence to do so as hereinafter provided.
3. Every application for a licence shall be in writing, addressed to the licensing officer of the Corporation and shall set forth the following:
 - (a) The name and address of the applicant;
 - (b) If the applicant is a partnership, the name and addresses of all persons associated in the partnership; and
 - (c) A description of the vehicle including all equipment installed or to be installed therein for use in the preparation, storage and dispensing of refreshments.
4. The licensing officer shall forthwith forward a copy of the application to the Region of Durham Health Department and to the Township Fire Chief each of whom shall cause an inspection of the vehicle and equipment to be made.
5. Following receipt of certificates from the Region of Durham Health Department and the Fire Chief that they approve of the vehicle and equipment for the purpose for which it is to be used, the licensing officer shall issue a licence to the applicant upon payment of a fee in accordance with the "Fees By-law" as amended from time to time, and providing all other provisions of this by-law are complied with. All licenses shall expire on December 31st.
6. Where applicable, the mobile canteen shall comply with the Fire Code under the *Fire Marshals Act*, R.S.O. 1990, c. F.17, the Propane Storages, Handling and Utilization Code, Ontario Regulation 825/82 under the *Energy Act*, R.S.O. 1990, c. E.16, as amended, or any regulation passed in substitution therefor.
7. A licensee shall keep his or her vehicle and equipment and the place where food is prepared in a clean, sanitary and satisfactory condition and shall comply with the requirements of the *Laboratory and Specimen Collection Centre Licensing Act*, R.S.O. 1990, c. L.1, as amended, and regulations made thereunder respecting eating establishments and shall at all times permit the Region of Durham Health Department to inspect the vehicle, and there may be a regular monthly inspection of all vehicles licensed under this by-law.
8. Where reports have been received from the Region of Durham Health Department and the Fire Chief in respect of a mobile canteen, and the

licensing officer has issued a licence based on the reports, the licensee shall ensure that no modifications are made to the mobile canteen, or equipment placed therein, without the prior approval of the licensing officer.

9. A licence shall be valid for the calendar year in which it is issued and may not be transferred or assigned. In the event a licence is issued between August 1st and December 31st of any year, the fee shall be 50% of the annual fee.
10. A licence shall be issued with respect to one vehicle only and shall be at all times affixed to the vehicle for which it has been issued.
11. Prior to beginning operation of a mobile canteen, a licensee shall file with the licensing officer proof of insurance for public liability in the amount of not less than One Million (\$1,000,000.00) Dollars public liability inclusive of bodily injuries, property damage and accident benefits and including damage occasioned by any accident arising out of the operation of the refreshment vehicle in respect of which a licence is obtained.
12. The proof of insurance shall include a provision therein or an endorsement thereon that the licensing officer will be given at least ten days' notice in writing of any cancellation, expiration or variation in the policy.
13. Prior to beginning operation of a mobile canteen located on land which abuts a highway under the jurisdiction of the Province of Ontario or is within a distance of a highway or land which is regulated by the Province of Ontario through the Ministry of Transportation, Ontario, a licensee shall file with the licensing officer written confirmation of acceptance of the intended location of the mobile canteen from the Ministry of Transportation, Ontario, or its successor.

Number and Classes of Licence

14. No more than the following number of licensees shall be permitted and licences shall be issued each year:
 - (a) Chip Truck - a maximum of two licensees shall be permitted in each of the three urban areas with each licensee permitted a maximum of one licensed vehicle in such urban area. A further six licences for one licensed vehicle per licensee may be issued for operation in the remainder of the municipality outside the urban areas.
 - (b) Hot Dog Cart - a maximum of two licensees shall be permitted in each of the three urban areas with each licensee permitted a maximum of two licensed vehicles in such urban area. A further twelve licences for one licensed vehicle per licensee may be issued for operation in the remainder of the municipality outside the urban areas.
 - (c) Coffee Truck - a maximum of four licensees with each licensee permitted a maximum of two licensed vehicles should be allowed throughout the municipality.
 - (d) Ice Cream Cart - a maximum of two licensees shall be permitted in each of the three urban areas with each licensee permitted a maximum of two licensed vehicles in such urban area. A further twelve licences for one licensed vehicle per licensee may be issued for operation in the remainder of the municipality outside the urban areas.
15. Previous owners will be given the first opportunity to reapply for licences but must reapply by March 1 of each year, otherwise, licences will be issued on a first-come, first-served basis.

16. Notwithstanding Sections 14 and 15 above, the Council of the Corporation of the Township of Brock may authorize the issuance of additional mobile canteen licences to non-profit or volunteer organizations subject to any regulations or rules council deems appropriate. Mobile canteen licences for non-profit or volunteer organizations shall be exempt from paying licence fees. Licensed mobile canteens may be used for this purpose at the request of non-profit or volunteer organizations for special events.

Location Regulations

17. A licensee shall not operate on any residential lands within the urban areas.
18. Notwithstanding any provisions of permit parking of vehicles within the Township of Brock, a mobile canteen other than an ice cream cart shall not operate on any portion of a street allowance. An ice cream cart shall not operate on any portion of the street allowance other than the portion on which vehicles travel without prior approval by the Council of the Township of Brock, and only under such regulations as may be set by the said Council.
19. No mobile canteen shall be parked in any park within the Township of Brock under the jurisdiction of the Township of Brock unless prior permission is received from the Township of Brock and then only under such regulations as may be set by the said Council.
20. No mobile canteen shall be parked for the purpose of vending goods or refreshments within a distance of 50 metres of any eating establishment.

Regulations

21. Every owner of a mobile canteen shall ensure that the garbage or litter resulting from his or her vending activity is collected for recycling or disposal, and shall provide receptacles for such purposes. In addition, every owner of a mobile canteen shall ensure that such garbage and litter is removed from the area of operation.
22. Any person who contravenes any of the provisions of this by-law shall on conviction of an offence be liable to a penalty (exclusive of costs) as provided by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
23. If it is shown to the satisfaction of the Council of the Corporation of the Township of Brock that a licensee has failed to comply with any of the provisions of this by-law, the Council, by resolution passed at any meeting thereof, may revoke any licence issued hereunder.
24. That By-Law Number 2019-2006-PP of the Corporation of the Township of Brock is hereby repealed.
25. This by-law shall come into force and take effect on the final passing thereof.

This By-Law Read Twice This 21st Day of November, A.D., 2011.

Original Signed
Mayor W. Terry Clayton

Original Signed
Clerk Thomas G. Gettinby

This By-Law Read a Third Time and Finally Passed This 21st Day of November, A.D., 2011.

Original Signed
Mayor W. Terry Clayton

Original Signed
Clerk Thomas G. Gettinby