

CORPORATION OF THE TOWN OF HAWKESBURY

BY-LAW N° 27-2024

Being a by-law for the licensing, regulating Refreshment Vehicles in the Town of Hawkesbury

WHEREAS in accordance with Section 9 of the *Municipal Act, 2001* municipalities have the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS in accordance with Section 11 of the *Municipal Act, 2001* authorizes the councils of local municipalities to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS the *Municipal Act*, S.O. 2001, c. 25, s. 151 states that a municipality may provide for a system of licences with respect to a business, and may (151(b)) refuse to grant a licence, and may (151(c)) impose conditions as a requirement of obtaining, continuing to hold, or renewing a licence;

AND WHEREAS Sections 102.1 (1) of the *Municipal Act 2001*, as amended, provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

AND WHEREAS Section 434.1 (1) of the *Municipal Act, 2001*, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law passed under the *Municipal Act, 2001*;

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;

AND WHEREAS the Council of the Corporation of the Town of Hawkesbury chooses to exercise its discretion to licence the operation of Refreshment Vehicles on commercial properties within the Town;

NOW THEREFORE, the Council of the Corporation of the Town of Hawkesbury hereby enacts as follows:

1. Definitions

For the purposes of this by-law:

“Applicant” shall mean the person making an application for a Refreshment Vehicle Business Licence under this By-law;

“By-law Enforcement Officer” shall mean a By-Law Enforcement Officer appointed by the Council of the Corporation of the Town of Hawkesbury;

“Council” shall mean the Council of the Corporation of the Town of Hawkesbury;

“Director of Recreation and Tourism” shall mean the Director of Recreation and Tourism or his or her designate or successor;

“Fire Chief” shall mean the Chief of the Fire Department or his or her designate;

“Licence” shall mean a Refreshment Vehicle Business Licence issued under the provisions of this By-law;

“Licensee” shall mean the person licenced under the provisions of this By-law;

“Public Health Inspector” shall mean an Eastern Ontario Public Health Inspector;

“Refreshment Vehicle” shall mean a vehicle from which food prepared and/or refreshments are sold or offered for sale for the consumption by the public and includes, without limiting the generality of the foregoing, carts, wagons, trailers and trucks either temporarily mounted on blocks or supported by a conventional wheel, tire or axle system and includes, but is not limited to a chip wagon and a food truck.

“Site Plan” shall mean a drawing of a site which includes all the applicable measurements of the refreshment vehicle and the surrounding area within 100 m of the site and on which all building and structures, streets, and services are indicated;

“Town” shall mean the Corporation of the Town of Hawkesbury;

2. General

2.1. Refreshment vehicles are licensed for the purposes of health and safety of the public by ensuring that the licensee is following the required health regulations to ensure the consumer does not become ill, the required fire regulations to ensure public safety, to ensure that licensees are not hindering vehicle or pedestrian traffic and causing a hazard or nuisance in any way, and to ensure consumer protection by identifying vendors.

2.2. No person shall operate a refreshment vehicle within the Town without first

obtaining a Refreshment Vehicle Business Licence as hereafter set out.

- 2.3. No person shall put the refreshment vehicle in motion before all customers are safely away from the vehicle.
- 2.4. The owner of a refreshment vehicle shall ensure that washroom facilities are available for patrons and staff.
- 2.5. No person shall wash or repair a refreshment vehicle while on a highway except in the case of an emergency repair, and the repair is necessary to move the vehicle off the highway.
- 2.6. No person shall operate a refreshment vehicle within 3 meters of any building and structure.
- 2.7. No person shall operate a refreshment vehicle within 60 meters from the front entrance of an eating establishment.
- 2.8. No person shall obstruct traffic in any way on any street.
- 2.9. No person shall operate a refreshment vehicle without having a Refreshment Vehicle Business Licence, issued under this By-law, prominently displayed on the vehicle at all times when the refreshment vehicle is in operation.
- 2.10. No person who operates a refreshment vehicle shall place or locate any carton, box or other article, other than a refuse container with self-closing lid and adequate material containers and that such containers are kept in a clean and sanitary condition and emptied at least once a day and a recycling material container, outside of the refreshment vehicle.
- 2.11. Every person who operates a refreshment vehicle shall insure that the garbage, litter and recycling material resulting from his or her activity is collected and removed from the area.
- 2.12. The licensee shall ensure that the food handling protocols established by the Eastern Ontario Health Unit are adhered to at all times.

3. Administration

- 3.1. Applications for a Refreshment Vehicle Business Licence under the provisions of this By-law shall be submitted to the By-law Enforcement Department for approval.
- 3.2. Every person applying for a Refreshment Vehicle Business Licence shall complete an application in writing and shall provide at their own expense the following:

- (a) submit the Refreshment Vehicle Business Licence Application Form (Schedule B), available at the offices of the Town and on the Town's website. The application is subject to written approval of the following:
 - Planning Department
 - Fire Department
 - Building Department
 - Recreation and Tourism Department
- (b) pay the fees as indicated in Schedule "B" of this By-law, as per Type "A" licence or Type "B" licence;
- (c) provide, as required by the By-Law Enforcement Officer, Fire Chief, or Chief Building Official, any further documents, permits or permissions pertaining to the operation of said business;
- (d) provide proof that the applicant is at least eighteen (18) years of age;
- (e) provide proof of a valid government issued driver's licence, if applicable;
- (f) provide proof of insurance of the refreshment vehicle;
- (g) provide written specifications of the make, style, model, serial number, and Ontario Plate registration of the refreshment vehicle;
- (h) provide vehicle safety certificate for the refreshment vehicle to be operated;
- (i) provide proof of current motor vehicle permit issued pursuant to the *Highway Traffic Act* that permits the refreshment vehicle to be driven on any highway, where applicable;
- (j) provide copy of Certificate of insurance which includes third party liability in the minimum amount of \$2,000,000.00 and naming the Corporation of the Town as an additional named insured on said policy;
- (k) if a propane or gas-fired system is to be used, provide proof that the system complies with propane or gas handling and storage regulations under the *Technical Standards and Safety Act*, or its successor, valid for the year in which the permit is to be issued;
- (l) provide a certificate from the Eastern Ontario Health Unit confirming that the refreshment vehicle has passed a sanitary inspection under the "Ontario Regulation 562 – Food Premises R.R.O. 1990", or its successor, valid for the year in which the licence is to be issued;
- (m) provide a report in writing from the Fire Chief or designate stating that the refreshment vehicle and equipment are suitable for the purpose of the Refreshment Vehicle Business Licence application, and comply with the *Ontario Fire Code*, valid for the year in which the permit is issued;

- (n) If the refreshment vehicle is located on land not owned by the refreshment vehicle owner, provide a letter from the owner of the property on which the refreshment vehicle will be situated, authorizing the applicant to conduct such business from the property, valid for the year in which the permit is to be issued.
 - (o) Every application submitted will be accompanied by a site plan drawing. The site plan is to be drawn to scale, and shall include:
 - Proposed location of unit on the property, including set back from property line and road allowance;
 - The location and number of proposed parking spaces;
 - Proposed access to the property from the highway;
 - Location of trash receptacles; and
 - Washroom facilities, if applicable
- 3.3. No person shall operate a refreshment vehicle that is not in compliance with the approved site plan drawing;
- 3.4. The commercial property upon which a license may operate a refreshment vehicle under a Type “A” licence (more than 10 days), shall be designated as such at the discretion of Council, by resolution.
- 3.5. No person shall operate or permit the operation of a refreshment vehicle on Town’s property unless permission has been granted by the Director of Recreation and Tourism before the activity has been authorized under a special event permit issued by the Town.

4. Approval Process

- 4.1. Council hereby appoints and authorizes the By-law Enforcement Officer, the Chief Building Official and the Fire Chief to:
- (a) administer the licensing provisions of this By-law,
 - (b) issue licences on behalf of the Town,
 - (c) sign all licences on behalf of the Town,
 - (d) undertake any technical investigation or inspection for the purposes of administering this By-law.
- 4.2. The licence may, at the discretion of the Municipal Law Enforcement Officer, the Chief Building Official and Fire Chief, designate any further terms or conditions of licence deemed necessary.
- 4.3. The Refreshment Vehicle Business Licence fee shall not be reduced or pro-rated.

- 4.4. The By-law Enforcement Officer shall, upon receipt of the application filed in accordance with this By-law, make, or cause to be made, all investigations considered necessary, or which are required by law or by the Town relative to the application.
- 4.5. If the investigation referred to in Section 17 discloses any reason that the carrying on of the said business may result in a breach of the law or of any by-law of the Town, the By-law Enforcement Officer shall refuse to issue the licence and shall give the applicant notice of this refusal in writing.
- 4.6. Council may, by resolution:
 - (a) refuse to grant a Refreshment Vehicle Business licence;
 - (b) any licence granted hereunder may be revoked or suspended at the discretion of Council if the provisions contained herein are not adhered to by the licensee at all times; and
- 4.7. No person shall be deemed to have been issued a Refreshment Vehicle Business Licence until the By-law Enforcement Officer has issued the licence. An application for a Refreshment Vehicle Business Licence does not constitute a licence. Acceptance of the licence fee does not constitute approval of the application or obliges the Town to issue a licence.
- 4.8. No person shall fail to comply with any terms or conditions of licence as designated in this this By-law.
- 4.9. No licence issued pursuant to this By-law shall be transferred in any manner.
- 4.10. A maximum of six (6) Type “A” licences (annual) will be granted per year.
- 4.11. A Type “B” licence may be issued for a specific event provided that the event is being held for a period of not more than ten (10) consecutive days.
- 4.12. Every fee paid is refundable if the licence applied for is not granted, except the application fee of \$100.00.
- 4.13. Every Refreshment Vehicle Business Licence issued pursuant to this By-law shall be valid until the 31st day of December in the year in which the licence was issued, or until the said permit is revoked or suspended. No refund of the licence fee shall be paid if the permit is revoked or suspended.

5. Vested Right

- 5.1. No person shall have a vested right to the continuation of a licence. All licences issued, renewed, cancelled, suspended, or terminated remain the sole property of the Town.

6. Renewal

- 6.1. Renewal of a Type “A” licence (annual) shall be made on or before

February 15 of each year. The licensee shall submit the annual licensing fee as indicated in Schedule A of this By-law accompanied by:

- (a) a copy of the valid licence; or
- (b) an application in writing by completing the prescribed form available from the Town.
- (c) A copy of a Certificate of insurance which includes third party liability in the minimum amount of \$2,000,000.00 and naming the Corporation of the Town as an additional named insured;
- (d) the licensee must comply with the requirements listed in Section 3.2 of this By-law.

7. Waiting list

- 7.1. If all six (6) Type "A" licences have been issued, the By-law Enforcement Officer shall maintain a waiting list of applicants for the next available licence.

8. Administration

- 8.1. Nothing in this By-law shall exempt any person from complying with the requirements of any other by-laws or regulations or any other law in force within the area affected by this By-law. It is the responsibility of the owner to ensure that the business complies with all legislation and regulations pertaining to the conduct of the business.
- 8.2. The provisions of this By-law shall be enforced by the By-law Enforcement Officer, the Chief Building Official and the Fire Chief.
- 8.3. The By-law Enforcement Officer, Chief Building Official and Fire Chief may, at any reasonable time, enter any facility for the purpose of determining whether there is compliance with this By-law.
- 8.4. No person shall obstruct the By-law Enforcement Officer, Chief Building Official and Fire Chief carrying out an inspection under this By-law.
- 8.5. The By-law Enforcement Officer, Chief Building Official and Fire Chief may make such examinations, investigations, and inquiries as are necessary to determine whether there is compliance with this By-law.

9. Penalties

- 9.1. Each day that a person operates a business in contravention of the provisions of this By-law shall constitute a separate offence.
- 9.2. Any person who contravenes any provision of this By-law shall be liable to pay the Town an Administrative Monetary Penalty, upon issuance of a

penalty notice in accordance with the Town of Hawkesbury's Administrative Monetary Penalties System (AMPS) By-law, as may be amended from time to time.

- 9.3. When a person has been convicted of an offence under this By-law, any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

10. Validity

- 10.1. The requirements of this By-law are severable. If any requirements of this By-law are held invalid, the application of such requirements to other circumstances and the remainder of this By-law shall not be affected.

11. Enactment

- 11.1. That Sections 67 and 68 of By-law N° 30-2004 be removed and that all subsequent subsections be renumbered sequentially and alphabetically.
- 11.2. That Schedule "A-6" be added to be part of Schedule A "Designated by-laws" of By-law N° 8-2024.
- 11.3. This By-law shall come into force and take effect on the day of its passing.

**READ A FIRST AND SECOND TIME AND ADOPTED UPON THIRD READING THIS
13TH of MAY 2024.**

Robert Lefebvre, Mayor

Sonia Girard, Clerk

Schedule A
Application & Licence Fees

Application fee	\$100
Type "A" Annual fee for the Refreshment Vehicle Business Licence	\$ 300.00
Type "B" Refreshment Vehicle Business Licence for an event of not more than ten (10) days	\$ 50.00/event

Schedule B

Form – page 1



600, Higginson, Hawkesbury, ON K6A 1H1
(613) 632-0106

www.hawkesbury.ca

Refreshment Vehicle Business Licence Application

New application

Renewal

Date of Application :			
Name of Applicant/ Operator:			
Address:			
Telephone:			
E-mail address:			
Location of Refreshment vehicle :	(Provide site plan of lot and location of the Refreshment Vehicle)		
Occupation Period :	Type A (Annual)	<input type="checkbox"/>	Event Dates:
	Type B (for an event of 10 days or less)	<input type="checkbox"/>	

REQUIRED DOCUMENTS	
Proof that the applicant is at least eighteen (18) years of age	<input type="checkbox"/>
Proof of a valid government issued driver's licence	<input type="checkbox"/>
Proof of insurance on said vehicle;	<input type="checkbox"/>
Written specifications of the make, style, model, serial number and plate registration	<input type="checkbox"/>
Vehicle safety certificate	<input type="checkbox"/>
Certificate of insurance which includes third party liability in the minimum amount of \$2,000,000.00	<input type="checkbox"/>
Proof of current motor vehicle permit issued pursuant to the <i>Highway Traffic Act</i>	<input type="checkbox"/>
Proof that the vehicle complies with propane or gas handling and storage regulations under the <i>Technical Standards and Safety Act</i>	<input type="checkbox"/>
A certificate from the Eastern Ontario Health Unit	<input type="checkbox"/>
A report in writing from the Town's Fire Chief	<input type="checkbox"/>
Site plan as per By-law N° 27-2024	<input type="checkbox"/>

I certify that the information provided on this application is true and correct to the best of my knowledge.	
Name of applicant-operator :	
Signature :	

Form – page 2

REQUIRED INSPECTIONS - APPROVALS			
* Zoning (Planning)	[]	Permitted Use	[] Non permitted Use
* Fire	[]	Permitted Use	[] Non permitted Use
* Building	[]	Permitted Use	[] Non permitted Use
* Recreation and Tourism	[]	Permitted Use	[] Non permitted Use

PROCESS OF APPLICATION	
An application for a Business Licence will be processed as follows : (Allow a minimum of 10 business days)	
Step	Action
1	The applicant shall fill out an application and bring it to the Town Hall, door 1
2	The application is submitted to the attention of a By-law Officer
3	<p>A complete application is forwarded to :</p> <ul style="list-style-type: none"> • the Planning Department, if needed • the Building Department, if needed • the Fire Department, if needed • the Recreation and Tourism Department, if needed <p>An incomplete application: The By-law officer will contact the applicant/operator</p>
4	When all required documents and approvals are received, the By-law Officer will issue the Refreshment Vehicle Business Licence.
5	The commercial property upon which a licensee may operate a refreshment vehicle under a Type "A" Licence (more than 10 days) shall be designated as such at the discretion of Council, by resolution.

No person shall operate a refreshment vehicle without having first obtained a Refreshment Vehicle Business Licence as per By-law N° 27-2024

FOR OFFICE USE ONLY		
CLASSIFICATION	CATEGORY	FEE
Application fee		\$100
Type A		\$300
Type B	TOTAL :	\$50/EVENT

Information collected on this form is collected pursuant to Section 151(1) of the *Municipal Act*, 2001 as amended, and is necessary to process a business licence application. For more information, call the By-law Enforcement Department at 613-632-0106 or at infobylaw@hawkesbury.ca