

THE CORPORATION OF THE TOWNSHIP OF LIMERICK
BY-LAW 2013- 12

**BEING A BY-LAW FOR LICENSING, REGULATING AND GOVERNING
VEHICLES (INCLUDING TRAILERS AS DEFINED) WHETHER ON WHEELS
OR ON SOME FORM OF FOUNDATION FROM WHICH REFRESHMENTS
ARE SOLD FOR CONSUMPTION BY THE PUBLIC**

WHEREAS section 150 (1) of the *Municipal Act*, S.O. 2001, as amended, authorizes Councils of local municipalities to pass by-laws for the licensing, regulating and governing any business carried on within the municipality;

AND WHEREAS, pursuant to section 150 (3) of the *Municipal Act*, S.O. 2001, as amended, Council deems it expedient to pass a by-law to license, regulate and govern vehicles from which refreshments are sold for consumption by the public and for revoking any such licence in order to provide for the health and safety of the public;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LIMERICK 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 in which prepared or unprepared food, refreshments, ice cream and/or dairy products, 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 premise zoned 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) **"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.
- f) **"Operate"** shall mean the selling or offering for sale of refreshments from such vehicle (but shall not preclude the delivery of refreshments).
- g) **"Prohibited Area"** shall mean any area on which the public is prohibited from parking.
- h) **"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.
- i) **"Street Allowance"** shall mean the entire right-of-way of a common and public highway, street, avenue, driveway or bridge designed and intended for or used by the general public for the passage of vehicles.

CONDITIONS FOR ISSUANCE

- 2) No person or persons (which terms shall include a partnership or corporation) shall operate a mobile canteen and/or a chip truck in the Township of Limerick 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 Clerk and shall set forth the following:
 - i) The name and address of the applicant;
 - ii) If the applicant is a partnership, the name and addresses of all persons associated in the partnership; and;
 - iii) 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) Every applicant shall be required to submit written approval from the Hastings & Prince Edward Counties Health Unit stating that all governing health standards have been satisfied, together with written approval from the Fire Chief for the vehicle and for its location on private property and adherence to fire regulations.
- 5) Applicants shall also (if applicable) submit a copy of the Building and Land Use Permit from the Ministry of Transportation.
- 6) All appliances shall be installed to comply with the Technical Standards & Safety Authority's requirements and proof of compliance with the

standards shall be filed with the issuer of Licenses prior to the issuance of a license.

- 7) Where applicable, the mobile canteen and/or chip truck shall comply with the Fire Code under the *Fire Marshals Act*, RS.O. 1990, c. F.17, the *Propane Storages, Handling and Utilization Code*, Ontario Regulation 825/82 under the *Energy Act*, RS.O. 1990, c. E.16, as amended, or any regulation passed in substitution thereof.
- 8) Where reports have been received from the Hastings-Prince Edward Health Unit and the Fire Chief in respect of a mobile canteen and/or chip truck, 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 and/or chip truck, 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 and if the operator sells, leases or disposes of his or her vehicle the license shall automatically revoked.
- 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 and/or chip truck, 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 as appropriate to the nature of the operation.
- 12) The proof of insurance shall include a provision therein or an endorsement thereon that the Clerk will be given at least ten days' notice in writing of any cancellation, expiration or variation in the policy.
- 13) The licensing officer upon receipt of the shall issue a licence to the applicant upon payment of a fee in accordance with the attached Schedule "A" and providing all other provisions of this by-law are complied with.

NUMBER AND CLASSES OF LICENCE

- 14) No more than the following number of licensees shall be permitted and licences shall be issued each year:
Chip Truck -A maximum of five licensees shall be issued with one licence granted to each individual licensee

Hot Dog Cart - A maximum of three licensees shall be permitted with one licence granted to each individual licensee

Owners Operators who have operated in the previous year will be given the first opportunity to reapply for licenses but must reapply by March 1 of each year, otherwise, licences will be issued on a first-come, first-served basis.

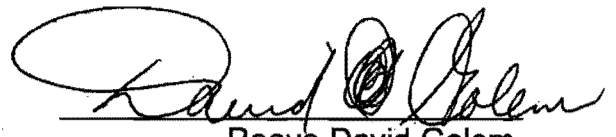
- 15) Notwithstanding Sections 13 and 14 above, the Council of the Corporation of the Township of Limerick may authorize the issuance of additional mobile canteen licences to non-profit or volunteer organizations, subject to any regulations or rules Council deems appropriate. (Mobile canteen licences 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.)
- 16) No mobile canteen shall be parked in any park within the Township of Limerick under the jurisdiction of the Township of Limerick unless prior permission is received from the Township of Limerick and then only under such regulations as may be set by the said Council.
- 17) No mobile canteen shall be parked for the purpose of vending goods or refreshments within a distance of 100 metres of any eating establishment.

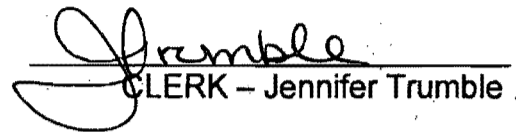
REGULATIONS

- 18) Every owner of a mobile canteen and/or chip truck 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.
- 19) 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.
- 20) If it is shown to the satisfaction of the Council of the Corporation of the Township of Limerick that a licensee has failed to comply with any of the provisions of this bylaw, the Council, by Resolution passed at any meeting thereof, may revoke any licence issued hereunder.
- 21) This by-law shall come into force and take effect on the final passing thereof.

THIS BY-LAW READ A FIRST AND SECOND TIME THIS 4TH DAY OF JUNE 2013,

AND, THIS BY-LAW AS READ A THIRD TIME AND FINALLY PASSED THIS 4TH DAY
OF JUNE 2013.


Reeve-David Golem


CLERK – Jennifer Trumble

FEE SCHEDULE "A"

All licences expire on December 31 st.

- a) Chip Truck - \$500.00 for the first vehicle; and \$250.00.00 for an additional vehicle
- \$250.00 if vehicle is owned by an existing commercially zoned land
owner (as listed on the assessment roll)
- b) Coffee Trucks - \$500.00.00 for the first vehicle; and \$250.00.00 for an additional
vehicle
- c) Hot Dog Carts -\$300.00 for the first vehicle; and \$150.00 for an additional vehicle