

**THE CORPORATION OF THE UNITED TOWNSHIPS
OF DYSART, DUDLEY, HARCOURT, GUILFORD,
HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

BY-LAW 2004-42

BEING A BY-LAW TO LICENSE AND REGULATE REFRESHMENT VEHICLES

WHEREAS the *Municipal Act, 2001*, Section 150 provides that Council may, by by-law, license and regulate Refreshment Vehicles and revoke such licenses;

AND WHEREAS the Municipality of Dysart et al deems it advisable for health and safety and for nuisance control to enact a by-law to regulate Refreshment Vehicles;

NOW THEREFORE the Council of the Corporation of the Municipality of Dysart et al enacts as follows:

1. In this by-law:
 - (a) “refreshment vehicle” shall mean any vehicle whether mechanically propelled or otherwise from which refreshments are sold for consumption by the public and shall include but not be limited to, chip trucks, coffee trucks and hot dog or ice cream carts.
 - (b) “*Restaurant*” shall mean a commercial establishment where food prepared therein is offered for sale, but shall not include a refreshment vehicle.
 - (c) “*Licensing Officer*” shall mean the Municipal Law Enforcement Officer as appointed by Council.
 - (d) “*Person*” shall mean an individual, a corporation, a company or partnership.
2. No person shall operate a refreshment vehicle without first obtaining a license.
3. No person shall fail to display and attach the license to a refreshment vehicle while it is being operated.
4. No person shall fail to keep a refreshment vehicle in a clean and sanitary condition.
5. No person shall transfer or assign any license for a refreshment vehicle other than the one it was issued for.
6. No person shall operate a refreshment vehicle in any of the following prohibited areas:
 - a) Within 30 meters of a restaurant,
 - b) on any road allowance or sidewalk,
 - c) at a metered parking space,
 - d) in any park,
 - e) in any place where a takeout restaurant is not specifically permitted by the Municipal Zoning By-law.
7. Regulations:
 - 7.1) When applying for a license the applicant shall complete an application form as provided by the licensing officer and shall include a plot plan to indicate the proposed location.
 - 7.2) A certificate shall accompany the application from the Health Inspector and the Fire Chief indicating that they approve of the vehicle.
 - 7.3) The applicant shall provide proof of public liability insurance of not less than \$1,000,000.00, which shall contain an endorsement that provides for the municipality to receive ten (10) days written notice of said policy being cancelled or expiring.
 - 7.4) A license shall be issued for a calendar year renewable on May 1 of each year.
 - 7.5) The operator shall provide receptacles for garbage and recyclables.
 - 7.6) The operator shall remove any waste or garbage and keep the area of operation clean each day.

8. A license may be revoked at any time if the operator fails to comply with the regulations or the provisions of this by-law and the operator shall not be entitled to a refund.
9. The person applying for a license shall complete and submit an application form and any other information required by the issuer to establish compliance along with the required fee of \$500.00.
10. The Municipal Law Enforcement Officer shall enforce this by-law.
11. Any person or corporation who contravenes this by-law is guilty of an offence and is liable to a fine under the Municipal Act.
12. For the purposes of this by-law each day of a continued offence shall be deemed to be a separate offence
13. The conditions imposed in this by-law are to protect the health and safety of the residents by insuring a minimum standard for sanitary conditions. By restricting the location the municipality is regulating nuisance control to ensure noise and traffic is not a problem for the residents.
14. Notwithstanding the provisions of this by-law Council may by resolution exempt a non-profit or volunteer organization from the requirements of obtaining a license subject to any regulations or rules Council deems appropriate.
15. Any person or corporation who contravenes this by-law is guilty of an offence and upon conviction is liable to a fine under the Municipal Act.
16. By-law 95-41 is hereby repealed.

READ a first, second and third time, signed and the Corporate Seal attached hereto this 8th day of March, 2004.

REEVE: Murray Fearrey

CAO/CLERK: Tammy McKelvey