

THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW NUMBER 2007-38

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, 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;

THEREFORE the Council of the Corporation of the City of Clarence-Rockland enacts as follows:

DEFINITIONS

- (a) **"Applicant"** means a person filing an application for a licence under the authority of this by-law;
- (b) **"Highway"** includes a common and public highway, street avenue, parkway, driveway, square, place, sidewalk, bridge, viaduct or trestle, any part of which is intended for the passage of vehicles and includes the area between the lateral property lines thereof;
- (c) **"Licensee"** shall mean a holder of a licence issued under this by-law;
- a. **"Lot, Exterior"** as defined in the City of Clarence-Rockland Zoning By-Law 1986-47, as amended;
 - (e) **"Lot, frontage"** as defined in the City of Clarence-Rockland Zoning By-law 1986-47, as amended;
 - (f) **"Lot, Interior"** as defined in the City of Clarence-Rockland Zoning By-law 1986-47, as amended;
 - (g) **"Medical Officer of Health"** shall mean the Medical Officer of Health of the United Counties of Prescott and Russell or his subordinates to whom he may designate such authority from time to time;
 - (h) **"Municipal Law Enforcement Officer"** shall mean the Municipal Law Enforcement Officer appointed by the City of Clarence-Rockland to administer and enforce the provisions of this by-law.
 - (i) **"Private Property"** means all property in the City of Clarence-Rockland and includes property of the municipal, provincial and federal governments;

- (j) **"Refreshment 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 from which refreshments are carried, offered for sale or sold for consumption by the public.

GENERAL PROVISIONS

1. All applications submitted for any class of license or a renewal under section 2. (a) or (b) of this By-law shall not be processed if the place of business or location of the refreshment vehicle is within any of the following areas as defined under the provisions of the Zoning By-law of the City of Clarence-Rockland:

- (a) Community Policy Area of Clarence Point;
- (b) Rural Policy Area;
- (c) Agriculture Resources Policy Area, and
- (d) Mineral Aggregate Resources Policy Area (quarries and shafts)

1.1 The maximum number of licenses for the refreshment vehicles is strictly controlled per sectors as described below:

- (a) Licenses for the "Urban Policy Area of Rockland":Two;
- (b) License for the "Community Policy Area of Bourget":.....One;
- (c) License for the "Community Policy Area of Cheney":.....One;
- (d) License for the "Community Policy Area of Saint-Pascal Baylon":One;
- (e) License for the "Community Policy Area of Clarence Creek":..... One;
- (f) License for the "Community Policy Area of Hammond":.....One.

CLASSES OF LICENCES

2. The following licenses may be issued pursuant to this schedule:

- (a) Class "A" license to a person operating a refreshment vehicle from which refreshments are sold for one calendar year;
- (b) Class "B" license to a person operating a refreshment vehicle from which refreshments are sold for a specific event provided that such event is being held for a period of not more than four (4) consecutive days.

PROHIBITIONS

3. No person shall operate a refreshment vehicle from which refreshments are sold within the City of Clarence-Rockland without first obtaining a license under this by-law.
4. No person shall operate a refreshment vehicle from which refreshments are sold within five hundred (500) feet of an establishment offering the same or similar service or another refreshment vehicle. Also, no person shall operate a refreshment vehicle on a property adjacent to Laurier Street in Rockland, between Simoneau Street and Laporte Street.
5. No person shall operate a refreshment vehicle from which refreshments are sold on private property without first obtaining a written permission from the owner of such property.
6. No person shall operate a refreshment vehicle from which refreshments are sold within a minimum distance of 6,0 meters from the front lot line, 7,5 meters from the rear lot line, 3,5 meters of exterior side lot line and 3,0 meters from an interior side lot line.
7. No person shall operate a refreshment vehicle from which refreshments are sold on a highway.

CONDITIONS FOR ISSUANCE

8. No applicant for a refreshment vehicle license shall be issued a license unless:
 - (a) the applicant is at least eighteen (18) years of age;
 - (b) the applicant has provided the proposed location of the refreshment vehicle;
 - (c) the Fire Chief has reported in writing that, where applicable, the refreshment vehicle and equipment are suitable for the purpose of the license application and are in a fire safe condition in compliance with the latest edition of the Ontario Fire Code;
 - (d) the Medical Officer of Health has reported, in writing, that the refreshment vehicle and equipment are suitable for the purpose of the license application and are in a sanitary condition in compliance with the latest edition of the Health Promotion Act and Regulation;
 - (e) a Certified Propane Inspector has reported, in writing, that the refreshment vehicle propane equipment is safe for the purpose of the license application.
 - (f) the Medical Officer of Health has reported in writing that, where applicable, the disposal of waste water and sewage from the refreshment vehicle is in accordance with regulations;

- (g) the Planning Department has reported in writing that, where applicable, the location and usage complies with the Zoning By-Law of the City of Clarence-Rockland;
 - (h) the Building Department has reported in writing that, where applicable, it conforms with the Ontario Building Code Act;
 - (i) the applicant has specified the make, style, model and serial number of the refreshment vehicle;
 - (j) 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;
 - (k) 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;
 - (l) the application is accompanied by a cheque for the fees in the amount as specified in Schedule "A" of this by-law, and;
 - (m) the application shall be in the form specified in Schedule "B".
 - (n) the application is accompanied by a drawn sketch which clearly identifies the distance of the refreshment vehicle in reference to the property lines. The drawn sketch shall include, but is not limited to, any structure on the property, discharge of grey water, entrance and parking area, eating area, and the closest adjacent residence.
9. The Municipal Law Enforcement Officer may enter and inspect any refreshment vehicle in order to ascertain whether the provisions of this by-law are complied with and to enforce and carry out any provisions under this by-law.
10. No license issued pursuant to this by-law shall be transferred in any manner.
11. Each refreshment vehicle shall be separately licensed pursuant to this by-law.
12. Where all reports have been received from the Medical Officer of Health, the Fire Chief, the Planning Department, the Chief Building Officer and the Certified Propane Inspector in respect of the refreshment vehicle, and the Municipal Law Enforcement Officer has issued the license based on the reports, the licensee shall ensure that no

modifications are made to the refreshment vehicle or equipment placed therein, without the prior approval of the Municipal Law Enforcement Officer.

RENEWAL OF LICENCE

13. 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 to the City, where applicable, to:

- (a) the Medical Officer of Health,
- (b) the Fire Chief, and
- (c) the Certified Propane Inspector,

as if the applicant was filing an original application.

14. The licensee shall submit a completed application with all the required approvals at least ninety (90) days prior to the expiration of the license.

15. Every licensee who operates a refreshment vehicle from which refreshments are sold shall ensure that a license issued under this by-law be prominently displayed on the refreshment vehicle.

16. No licensee shall move a refreshment vehicle to another location during the currency of the license, except where the license has been issued for such location.

17. Every licensee shall keep his or her refreshment vehicle, at all times, in a clean and sanitary condition and in a state of good repair and appearance.

18. Every refreshment vehicle equipped with a food heating capability shall be adequately equipped with a fire extinguisher in compliance with the latest edition of the Ontario Fire Code.

19. No person shall use:

- (a) an external gasoline-powered generator,
- (b) an external propane-powered generator, or
- (c) an external diesel-powered generator,

in conjunction with a refreshment vehicle.

20. No person shall operate a refreshment vehicle from which refreshments are sold without first placing a garbage receptacle outside of the refreshment vehicle and that the garbage is disposed of in a proper manner.
21. Every person who operates a refreshment vehicle from which refreshments are sold shall ensure that the garbage receptacle placed outside the refreshment vehicle is taken away with the vehicle.
22. No person who operates a refreshment vehicle from which refreshments are sold shall place or locate any carton, box or other article, other than a garbage receptacle, outside of the refreshment vehicle.

OBSTRUCTION

23. No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer in the lawful performance of his duties.

SUSPENSION / REVOCATION

24. The Municipal Law Enforcement Officer may revoke or suspend any or each of the permits issued to any person 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.
25. The provisions of Section 24 may be exercised in addition to any prosecution or other legal action.
26. When a license has been suspended or revoked, the Municipal Law Enforcement Officer shall send a notice of suspension or revocation by registered mail or personal service to the license holder at his last known address.
27. Service by registered mail shall be deemed to have been made on the fifth (5th) day after the notice was mailed.
28. Any person contravening any of the provisions of this by-law while under suspension shall be regarded as though no permit has been issued.

SEVERABILITY

29. 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.

PENALTIES

30. Every person who contravenes any 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.
31. 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

32. By-law Number 2001-24 and the amendment adopted by By-law 2006-15 are hereby repealed.

DATED AND PASSED IN OPEN COUNCIL, THIS 12TH DAY OF MARCH, 2007.

(Originale signée par)
Richard Lalonde, maire

(Originale signée par)
Daniel Gatien, greffier

SCHEDULE "A" TO BY-LAW NUMBER 2007-38

REFRESHMENT VEHICLE LICENCE

FEE SCHEDULE

| <u>Type of Licence</u> | <u>Fee</u> |
|-------------------------------|-------------------|
| Licence "A" | \$500.00 |
| Licence "B" | \$ 50.00 |

SCHEDULE "B" TO BY-LAW NUMBER 2007-38

CORPORATION

**de la Cité / of the City of
CLARENCE-ROCKLAND**

1560 rue Laurier Street, Rockland, Ontario K4K 1P7

Tel. (613) 446-6022 Fax : (613) 446-1518

**DEMANDE DE LICENCE POUR VÉHICULE DE RAFRAÎCHISSEMENTS
APPLICATION FOR A REFRESHMENT VEHICLE LICENCE**

Nom du requérant /
Applicant's name:

Adresse /
Address:

Téléphone/Telephone:

_____ (résidence / home)

_____ (travail / work)

Endroit du commerce proposé /
Proposed Location of
Business:

_____ (lot - concession)

_____ (adresse / address)

Licence demandée /
Licence required:

Licence "A"

Une année civile / One calendar year

Licence "B"

Pour un événement de pas plus de 4 jours /
For an event of not more than 4 days

**Veillez inclure les informations suivantes avec votre demande de permis pour véhicule de rafraîchissements:
Please include the following information with your application for a refreshment vehicle licence:**

Copie de votre certificat de naissance.

Copy of your birth certificate.

Lettre du Service d'urbanisme confirmant le zonage.

Letter from the Planning Department confirming zoning.

Si nécessaire, une permission écrite du propriétaire de la propriété.

If necessary, a written permission from the owner of the property.

Lettre du médecin hygiéniste du Bureau de santé.

Letter from the Medical Officer of Health.

Lettre du Chef des pompiers de la Cité Clarence-Rockland.

Letter from the City of Clarence-Rockland Fire Chief.

Copie des enregistrements du véhicule.

Copy of the motor vehicle permit.

Copie d'assurance (responsabilité publique 500,000\$)

Copy of insurance (Public Liability \$500,000.00).

Un chèque au montant de 500 \$ pour la Licence "A" ou de 50 \$ pour la Licence "B" payable à la Cité Clarence-Rockland.

A cheque in the amount of \$500.00. for a Licence "A" or \$50.00 for a Licence "B" payable to the City of Clarence-Rockland.

Signature du requérant / Applicant's signature

Date : ___ _____