

THE CORPORATION OF THE TOWNSHIP OF SCUGOG

BY-LAW NUMBER 48-14

BEING A BY-LAW TO LICENCE, REGULATE, AND GOVERN
REFRESHMENT VEHICLES WITHIN THE TOWNSHIP OF
SCUGOG

AND WHEREAS section 8(3) of the *Municipal Act, 2001* confers the power upon a municipality to regulate and prohibit respecting a matter, to require persons to do things respecting a matter, and to provide for a system of licences respecting a matter;

AND WHEREAS section 11(3) of the *Municipal Act, 2001* confers the power upon municipalities to enact by-laws with respect to business licensing;

AND WHEREAS section 151 of the *Municipal Act, 2001* authorizes the Township to provide for a system of licences with respect to any business wholly or partly carried on within the Township;

AND WHEREAS section 391 of the *Municipal Act, 2001* enables a municipality to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it;

NOW THEREFORE the Council of the Corporation of the Township of Scugog enacts as follows:

1. DEFINITIONS

For the purposes of this by-law, the term:

“Applicant” means a person applying for a licence or renewal of a licence under this by-law.

“Business” has the same meaning as provided for in section 150 of the *Municipal Act, 2001*.

“Council” means the Council of the Corporation of the Township of Scugog.

“Highway” shall have the same meaning as it has under the *Highway Traffic Act, R.S.O. 1990*;

“Licence” means a licence issued by the Township under the provisions of this By-law.

“Licensee” means any Person licensed under this By-law.

“Mobile Refreshment Vehicle” means a Refreshment Vehicle that does not operate from a fixed location.

“Motor Vehicle” means a Motor Vehicle as defined in the *Highway Traffic Act, R.S.O. 1990*.

“Municipal Clerk” means the Municipal Clerk of the Township of Scugog or his/her designate.

“Officer” means a Police Officer as defined in the *Police Services Act, R.S.O. 1990*, and shall include a Municipal Law Enforcement Officer, special constable, and First Nations Constable.

“Owner” shall refer to the Person who is managing or responsible for the overall operations of a business requiring a license.

“Person” includes an individual, a corporation, partnership or sole proprietorship.

“Refreshment Vehicle” shall mean any vehicle or temporary structure, whether mechanically propelled or otherwise, from which refreshments are sold for consumption by the public.

“Township” means the municipal Corporation of the Township of Scugog and/or the geographic limits of the Township of Scugog as the context requires.

“Zone” means a Zone as defined in the Zoning By-law, as amended from time to time.

2. LICENSING PROCEDURES

2.1 For the purposes of this By-law, Council delegates its licensing authority and the administration of this By-law to the Municipal Clerk.

2.1.1 Without limiting the provisions of this section, Council shall remain the deciding authority in the event the Municipal Clerk recommends the refusal, suspension or revocation of a Licence under this By-law.

2.1.2 The Municipal Clerk may delegate the performance of his/her functions under this By-law from time to time as required.

2.2 An application for a Refreshment Vehicle Licence shall be submitted on a form provided and designed for that purpose.

2.3 The fee payable for a Refreshment Vehicle Licence shall be in accordance with the “Fees and Charges By-Law”, as amended from time to time, and shall be payable upon submitting an application.

2.3.1 Applications for a new Licence under this By-law, submitted less than six (6) months prior to the expiry date, shall pay half the applicable Licence fee for the remainder of the Licence term, provided that the applicant was not operating the Business before submitting an application.

2.4 No Licence issued under this By-law is transferable.

- 2.5 A Licence issued under this By-law shall be valid only for the period of time for which it was issued.
- 2.6 Every owner of a Business licensed under this By-law shall, before the 1st day of November in each year, apply to have their Licence renewed.
- 2.7 Every Licence issued in accordance with this By-law shall expire on the 31st day of December in the year in respect of which it was issued.

3. PROHIBITIONS

- 3.1 No Person shall operate a Refreshment Vehicle without a Licence.
- 3.2 No Person shall operate a Refreshment Vehicle with a suspended or revoked Licence.
- 3.3 The Licensee shall conform to the requirements and conditions of the Licence throughout the Licence term.
- 3.4 No Person shall obstruct an Officer during the performance of a duty under this By-law.

4. LICENSING REQUIREMENTS

- 4.1 The Municipal Clerk shall have regard to the following criteria when determining whether to issue a License for a Refreshment Vehicle:
 - a) That operating the business will not pose a risk to the health and safety of Township residents or visitors, including the safety of passing motorists or motorists entering or exiting the Highway to access the Refreshment Vehicle;
 - b) Whether the applicant has conformed with the provisions of all relevant Township by-laws and regulations;
 - c) That the Applicant has provided a copy of a valid insurance certificate for public liability in the amount of not less than one million dollars (\$1,000,000) showing the Township as an additional named insured.
 - d) That the Applicant has provided proof that the fire extinguisher has been inspected not more than thirty (30) days prior to submission of the application.
 - e) That the Applicant has provided a Safety Standards Certificate for a Motor Vehicle which is operated on a Highway;
 - f) That the Applicant has provided a copy of the Motor Vehicle registration for a Motor Vehicle which is operated on a Highway;
 - g) That the Applicant has provided a copy of the Motor Vehicle insurance for a Motor Vehicle which is operated on a Highway;

- h) That the Applicant has provided a safety certificate from the relevant approval or oversight authority if combustible fuels are used in the preparation of food.
- i) That, where a Refreshment Vehicle will operate from a fixed location, the Applicant has provided proof of written permission from the owner or authorized manager of land upon which the Refreshment Vehicle is located.
- j) That the Owner has submitted a Criminal Record Check which is dated not more than ninety (90) days from the date the application was submitted.
- k) That, where a Refreshment Vehicle will operate from a fixed location, the Applicant has submitted a site plan showing the proposed location of the Refreshment Vehicle, entrance and exit onto Highway, available parking, permanent structures, and other relevant site features.
- l) Such other investigations or criteria considered necessary or which may be required by law, and without limiting the scope of this Section, the Municipal Clerk may ask for the written approval of any or all of the following:
 - a. Region of Durham Health Department
 - b. Durham Regional Police Service
 - c. Township Fire Department
 - d. Township Planning Department
 - e. Township Chief Building Official
 - f. Township Public Works Department

4.2 The Municipal Clerk may impose conditions not specified in this By-law as a requirement of obtaining or renewing a Licence.

4.3 A Licensee shall abide by the following conditions while operating a Refreshment Vehicle pursuant to this by-law:

- a) Every Owner shall keep their refreshment vehicle in a tidy and sanitary condition.
- b) Every Owner shall provide receptacles for garbage and recyclables and shall remove all waste from the area at the end of each operating day.
- c) Every Refreshment Vehicle shall be equipped with a fire extinguisher that is maintained in good working order and has been approved for such use by the Township of Scugog Fire Department.
- d) The Licensee shall display the Licence in a conspicuous place on the Refreshment Vehicle.

5. LOCATION REGULATIONS

- 5.1 No Person shall operate a Refreshment Vehicle in Zones other than Commercial Zones as defined by the Zoning By-law, as amended from time to time.
- 5.2 Notwithstanding Section 5.1, a Mobile Refreshment Vehicle may operate in Zones other than Commercial Zones subject to the following:
- a) The Mobile Refreshment Vehicle exclusively sells ice cream such as frozen dairy or frozen water products.
 - b) The Mobile Refreshment Vehicle is catering to construction sites or places of employment but shall not remain at any one site or place for a period exceeding fifteen (15) minutes.
- 5.3 No Person shall operate a Refreshment Vehicle within 120 meters of an eating establishment or within 60 meters of a school.
- 5.4 No Person shall operate a Refreshment Vehicle in the Main Central Area as defined by the Township of Scugog Official Plan, as amended from time to time.

6. LICENSE SUSPENSION, REVOCATION OR REFUSAL

- 6.1 Council, upon a recommendation of the Municipal Clerk, may refuse, suspend or revoke a Licence where there are reasonable grounds to believe that the Applicant or Licensee has not conformed to the requirements of this By-law.
- 6.2 The Applicant or Licensee shall be notified in writing at least ten (10) days before the date and time that Council shall consider the Municipal Clerk's recommendation to refuse, suspend or revoke a Licence. Where an Applicant or Licensee fails to attend the meeting, Council may proceed with the hearing in their absence.
- 6.3 The Municipal Clerk shall notify the Applicant or Licensee of Council's decision in writing within fifteen (15) business days of the decision being made.
- 6.4 Where the Municipal Clerk deems it necessary and in the public interest, he/she may immediately suspend a Licence prior to Council's consideration of the Municipal Clerk's recommendation to refuse, suspend or revoke a Licence, for period not to exceed the later of 15 days or the next regularly scheduled meeting of Council.

7. ADMINISTRATION

- 7.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*.
- 7.2 This By-law shall be enforced by any designated Officer.

- 7.3 If any section, clause or provision of this by-law is, for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid.
- 7.4 This By-law shall be referred to as the “Refreshment Vehicle Licensing By-Law”
- 7.5 This By-law repeals all sections within By-law Number 135-05, as amended, that pertain to the licensing or operation of Refreshment Vehicles as defined by By-law Number 135-05.
- 7.6 This by-law shall come into force and effect on the date of passing.

Read and Passed by Council for the Township of Scugog this 8th day of September, 2014.

MAYOR, Charles D. Mercier

CLERK, Christopher Harris