

THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES
BY-LAW NUMBER 3305-22

BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN MOBILE FOOD VENDORS IN THE TOWNSHIP OF NORTH DUMFRIES

WHEREAS Section 11(3)11 of the Municipal Act, 2001, S.O. 2001, c.25 (the "Act") provides that lower tier municipalities may pass by-laws respecting business licensing;

AND WHEREAS Section 151 of the Act allows the municipality to provide for a system of licences with respect to businesses;

AND WHEREAS the provisions of Part XII of the Act permits municipalities to pass by-laws imposing fees or charges for permits and services provided or done by them;

AND WHEREAS the Council of the Township of North Dumfries deems it appropriate to institute a system of licences to address the health and safety, wellbeing of persons, consumer protection and nuisance control;

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF NORTH DUMFRIES ENACTS AS FOLLOWS:

1. DEFINITIONS

- 1.1. **"Applicant"** means a Person who is required to be licenced pursuant to this By-law or who has made application for a Licence to the Clerk and shall include a Licensee;
- 1.2. **"Application"** shall include any Application for a Licence or renewal of a Licence on the form provided by the Clerk, or their designate;
- 1.3. **"Application Licence Fee"** means a pre -determined fee approved by Council through the Fees and Charges By-law that is paid by a Person as part of the Application for a Licence;
- 1.4. **"Clerk"** means the means the Municipal Clerk of the Township appointed pursuant to s. 228 of the Municipal Act, 2001, or his or her designate;
- 1.5. **"Enforcement Officer"** means a Police Officer, By-law Enforcement Officer, or other officer appointed by Council to enforce Township by-laws;
- 1.6. **"Food Truck"** means a stationary or motorized vehicle, other than a motorcycle or motor assisted bicycle, from which food products are prepared, or cooked on site (includes BBQ and grilling) and are sold or offered for sale and does not include a Refreshment Truck;
- 1.7. **"Food Shop"** means a business where food products intended for human consumption are made for sale, offered for sale, stored, or prepared, but does not include the selling of only bottled or canned beverages, meat in an airtight package, or pre-packaged candies other than those required to be frozen, and includes, but is not limited to, a bake shop, restaurant, or an establishment or kitchen used for the purpose of catering or preparation of food for catering;
- 1.8. **"Health approval"** means the written approval of the Region of Waterloo Public Health;
- 1.9. **"Highway"** means a public highway or part thereof under the jurisdiction of the Township and includes any part of a common and public highway, street, avenue, parkway, square, place and drive which is intended for or used by the general public for the passage of vehicles;

- 1.10. **"Licence"** means a current valid licence that has been issued by the Municipality pursuant to this By-law;
- 1.11. **"Licensee"** means a Person who has been issued a Licence or renewal Licence pursuant to this By-law either in the current calendar year or in a previous calendar year, and shall include an Applicant;
- 1.12. **"Municipality"** means the Township of North Dumfries;
- 1.13. **"Operator"** means any Person who alone or with others, operates, manages, supervises, runs or controls the day to day operations of a food truck, or refreshment truck;
- 1.14. **"Owner"** means the person(s) who own the food truck or refreshment truck business and may include the operator;
- 1.15. **"Person"** includes an individual, sole proprietorship, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, and a natural person in their capacity as heir, trustee, executor, administrator, or other legal representative;
- 1.16. **"Refreshment"** means food or drink which may be consumed by humans;
- 1.17. **"Refreshment Truck"** means a Vehicle selling Refreshment and/or pre-package foods and shall not include a Food truck;
- 1.18. **"Refreshment Truck – Class A"** means a Refreshment Truck that is a stationary or motorized vehicle that can go from place to place that offers for sale pre-packaged foods, pre-bottled beverages, or pre-packaged ice confectioneries for human consumption, and may include food warming equipment;
- 1.19. **"Refreshment Truck – Class B"** means a Refreshment Truck propelled by muscular power, that offers for sale pre-packaged foods, pre-bottled beverages, or pre-packaged ice confectioneries for human consumption;
- 1.20. **"Special Event"** means any community, social, or cultural group celebration that is open to the public, including, but not limited to a ceremony, street party, beer garden, festival, carnival, circus, midway, exhibition, etc;
- 1.21. **"Stationary"** means any permanent, or semi-permanent alterations to the Food Truck or Refreshment Truck that would be subject to the Ontario Building Code;
- 1.22. **"Warming Equipment"** means a tabletop device used to maintain the serving temperature of prepared foods.

2. LICENSE REQUIRED

- 2.1 Every Owner of a Food Truck or Refreshment Truck shall:
 - a) submit a full and complete application to the Clerk of the Municipality which includes the appropriate application form and all required documentation and inspections required;
 - b) pay the required licensing fees as set out in the Fees and Charges By-law;
 - c) continuously maintain the standards and requirements which were necessary to obtain the original approval of the Licence, and any standards and requirements that have been imposed since the issuance of the Licence;
 - d) post the Licence in a conspicuous place and/or carry a copy on their Person;

- e) produce the licence upon request at any time and permit any Enforcement Officers to conduct an inspection of the interior and exterior of the Food Truck or Refreshment Truck as may be deemed necessary in order to ascertain whether or not the provisions of the By-law are being complied with;
- f) comply with the conditions and restrictions placed on the Licence by the Clerk; and
- g) Full and complete applications shall be submitted at least seven (7) days prior to the proposed operating date and/or first day of the Special Event.

2.2 Every Applicant shall, cover any expenses that may be incurred to obtain the required documentation and/or inspections with the application.

2.3 A person who operates a Food Truck and Refreshment Truck shall comply with the regulations set out in this by-law. Failure to comply with the regulations is an offence.

3. LIMITATIONS AND RESTRICTIONS

3.1 The annual number of licences issued to permit the operation of mobile food trucks and refreshment trucks may be limited at the discretion of the Clerk for the benefit of the Municipality;

3.2 Licences will be issued on a first come, first serve basis commencing January 1st of each year.

4. PROHIBITIONS

4.1 No Person shall:

- a) operate or permit to be operated, a Food Truck or Refreshment Truck without a Licence;
- b) operate or permit to be operated, a Food Truck or Refreshment Truck without complying with the Regulations of this by-law;
- c) operate or permit to be operated, a Food Truck or Refreshment Truck;
 - i. at a location other than the one permitted in this by-law or as issued in the Licence;
 - ii. under any other name than the name(s) identified on the Licence;
 - iii. without complying with conditions or restrictions that may have been placed on the Licence, as issued by the Clerk.
- d) transfer or assign a Licence to any other Person, Food Truck, or Refreshment Truck;
- e) obtain a Licence by providing mistaken, false, or incorrect information;
- f) hold themselves out as Licenced under this By-law without holding the appropriate Licence;
- g) hinder or obstruct or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law;

4.2. Where a Person sells or transfers ownership of a Food Truck or Refreshment Trucks to another Person, including the sale or transfer of shares in the Food Truck or Refreshment Truck the Licence issued for that Food Truck or Refreshment Truck shall be void upon Transfer.

5. ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL

- 5.1** The Clerk shall receive and process all complete Applications for the Licence;
- 5.2** Every application for a licence to operate a Food Truck or Refreshment Truck shall be made on the standard application form, as established by the Clerk;
- 5.3** Acceptance of the licence fee does not constitute approval of the application or obliges the Municipality to issue a licence;
- 5.4** Every licence fee paid under 4.2 is refundable if the licence applied for is not granted by the Municipality;
- 5.5** Upon receipt of a complete Application, the Clerk may issue a Licence hereunder where appropriate under the provision of this By-law or any other applicable By- law of Council;
- 5.6** The Clerk shall not process an Application where the Application is incomplete. An Application will be deemed incomplete where:
 - a)** required information has not been provided on the Application form;
 - b)** information or documentation required by the Clerk has not been provided;
 - c)** the full Application Licence fee is unpaid including any late fee and/or penalty fee;
 - d)** the Clerk has received an unsatisfactory report/inspection regarding an investigation carried out pursuant to this By-law or any other applicable by-law of the Township, or the Region of Waterloo and any condition causing the report to be unsatisfactory has not been remedied;
 - e)** the past conduct of the Applicant affords the Clerk reasonable grounds to believe that the Applicant has not or will not carry on their business in accordance with applicable law or By-laws, or with integrity and honesty;
 - f)** the Business premises specified on the Application are subject to any order that has not been complied with made pursuant to the Building Code Act, Fire Protection and Prevention Act, or by the Medical Officer of Health;
 - g)** provided no pardon has been granted with respect to the conviction, the Applicant has been convicted of an offence that relates in any way to the business;
- 5.7** Where the Clerk receives an incomplete or unsatisfactory Application, the Clerk shall, whereas contact information has been provided, notify the Applicant that the Application is incomplete and, where applicable, of any steps required to complete the Application to the satisfaction of the Clerk; and
- 5.8** Licensee's shall contact the Clerk if any changes occur to the information submitted as part of their application. Changes deemed minor by the Clerk shall not be subject to a new application and fee payment. Changes deemed significant by the Clerk shall be subject to the submission of a new application and fee payment.

6. TERMS OF LICENCE

6.1 Unless revoked, a Licence under this By-law shall expire annually on the 31st day of December or a daily licence shall expire at 11:59 p.m. on the date indicated on the licence.

7. REVOCATION AND SUSPENSION

7.1 The Clerk may revoke or suspend a Licence that has been issued where the:

- a)** Clerk is of the opinion that the Business poses a threat to the health and safety of the public;
- b)** Licence was issued in error;
- c)** Licensee has violated any of the provisions of the Licence, By-law or any other applicable laws;
- d)** Licence was issued upon provision or receipt of false or misleading information; or
- e)** Applicant has failed to pay the full Application Licence Fee associated with the Licence including any late and/ or penalty fee.

7.2 The Clerk shall provide notice of the intention to revoke or suspend a Licence and shall advise the Licensee;

7.3 No Person shall operate, permit to be operated, or sell products or services, from any Business while the required Licence(s) issued under this By-law is suspended or revoked.

8. SCHEDULES

8.1 The schedules attached to this By-law shall form part of this By-law.

9. ENFORCEMENT

9.1 Any Persons appointed or authorized as Enforcement Officers in the Township may enforce this by-law.

10. PENALTY

10.1 Every person who contravenes any provision of this By-law:

- a)** is guilty of an offence and
- b)** upon conviction thereof is liable to a fine or penalty pursuant to the *Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.*

11. SHORT TITLE

11.1 This By-law shall be known as the "Mobile Food Vendor" By-law.

12. REPEAL

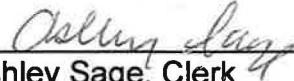
12.1 By-law number 1758-98 of the Township of North Dumfries, and all by-laws amending the same and any other by-law inconsistent with the provisions of this by-law are hereby repealed on the date this by-law shall come into force and effect.

12.2 This By-law is to come into effect on the day of passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 28th DAY OF MARCH, 2022.



Susan Foxton, Mayor



Ashley Sage, Clerk

SCHEDULE "A" to By-law No. 3305-22

Requirements for Fire Department Approval

The following requirements must be met for Fire Department approval of food trucks that utilizes equipment for the cooking of food:

1. A carbon monoxide detector shall be mounted as low as possible on the inside of the mobile food and refreshment service equipment away from direct wind;
2. One ABC dry chemical extinguisher of a minimum rating per unit of 3A:10BC;
3. The fire extinguisher shall be mounted in accordance with the requirements of Ontario Fire Code;
4. All food trucks that produce grease laden vapours during food preparation shall be equipped with an exhaust hood / suppression system / Type "K" extinguisher that complies with NFPA 96;
5. Class "K" type extinguisher that complies with NFPA 96;
6. Exhaust hoods & Suppression systems to be inspected and cleaned by a qualified technician as per applicable standards and the Ontario Fire Code;
7. Current TSSA documentation that the gas system has been inspected and in compliance with applicable current regulations & standards.

The following requirements must be met for Fire Department approval of refreshment trucks – Class A:

1. One ABC dry chemical fire extinguisher with a minimum rating of 3A:40BC.

SCHEDULE “B” to By-law No. 3305-22

Requirements for Food Truck Licence

1. Food Trucks shall be permitted to operate:

- i) in a commercially zoned property, and must comply with the setback requirements for the zone, as outlined in the Township's Zoning By-law;
- ii) in designated locations in Township parks as approved by the Director of Leisure and Community Services; and provided that no more than the identified number of Food Trucks shall be permitted at any one point during the hours of 9:00 a.m. and 9:00 p.m.:
 - a. Victoria Park – one (1) Food Truck or Refreshment Truck permitted
 - b. Piper's Glen Park – one (1) Food Truck or Refreshment Truck permitted
 - c. Centennial Park – one (1) Food Truck or Refreshment Truck permitted
 - d. Schmidt Park – two (2) Food Trucks or Refreshment Trucks permitted
 - e. Roseville Park – one (1) Food Truck or Refreshment Truck permitted
 - f. Branchton Park – one (1) Food Truck or Refreshment Truck permitted
 - g. Clyde Park – one (1) Food Truck or Refreshment Truck permitted
 - h. Oakwoods Park – one (1) Food Truck or Refreshment Truck permitted
 - i. North Dumfries Community Complex – one (1) Food Truck or Refreshment Truck permitted
 - j. Cowan Park – one (1) Food Truck or Refreshment Truck permitted
 - k. Ayr Community Centre - one(1) Food Truck or Refreshment Truck permitted

The Municipality at their sole discretion shall exclude any Township Park, or location listed in (a) to (k) to any Licensee with seven (7) days notice.

2. Food Trucks may be permitted to operate at other locations as part of Township approved Special Events, pending approval from the Municipality;

3. No Person shall permit any Food Truck to park overnight on Township Property, unless during a multiple day Special Event, and pending approval from the Municipality;

4. No Person shall operate or permit to be operated a Food Truck at any Special Event unless the Food Truck has been invited and/or granted permission from event organizers. The Clerk may request written proof from the Owner and/or Operator for verification purposes, if required;

5. No Food Truck Licensee shall not operate, or permit to operate:

- i) on any highway or street, road allowance, roadway or shoulder (unless Township approval is granted related to a Special Event);
- ii) within a “corner visibility triangle” or a “driveway visibility triangle”;
- iii) on private property without the written consent of the property owner which has been provided as part of the application;
- iv) within one hundred (100) metres from any building where a Food Shop is located, unless a letter of permission is provided from the abutting Food Shop owner, stating that he/she has no objections to the Food Truck;
- v) that is within 90 metres from the property line of any land occupied by any public, separate, or private school on any school day between the hours of 8:30 a.m. and 4:00 p.m. unless written consent from the property owner or principal of the school has been obtained and provided in advance to the Clerk;

6. An Application for a Food Truck Licence shall include:

- a. a certificate from Waterloo Region Public Health confirming that the food truck has passed a sanitary inspection, valid for the year in which the licence is issued;**
- b. If a propane or gas fired system is to be used, an inspection certificate by a Technical Standards and Safety Authority certified gas technician, valid for the year in which the licence is to be issued;**
- c. a letter of approval from the Township Fire Chief, or his/her designate, stating that the unit complies with the requirements, as set out in Schedule "A", valid for the year in which the licence is issued;**
- d. proof that the owner has obtained a minimum of two million dollars (\$2,000,000.00) liability insurance for the operation of the food truck, valid for the year in which the licence is to be issued;**
- e. if the food truck is to be located on lands not owned by the food truck owner, a letter from the owner of the property on which the food truck will be situated, authorizing the applicant to conduct such business from the property, valid for the year in which the licence is to be issued;**
- f. copy of Driver's Licence(s) for all drivers of the Food Truck;**
- g. provide a description of the food being served and how it will be prepared;**
- h. details surrounding the containment and disposal of water supply and disposal, including grey water, grease disposal methods, and; water disposal arrangements in a sanitary manner satisfactory to the Township;**
- i. the licence and serial number of the Food Truck;**

7. The owner of the mobile food must provide adequate trash receptacles at the site on which it is located and shall maintain the site in a clean and sanitary condition at all times.

8. Every Food Truck Licensee shall:

- i) maintain the Food Truck in good repair and appearance, and equip it with refuse container accessible to the customers;**
- ii) ensure that no damage is caused to Township property as a result of the location of the Food Truck;**
- iii) not use any loudspeakers, amplifiers, hailing devices, or music players that may violate the Township Noise By-law; and**
- iv) not impede the flow of pedestrian traffic or obscure clear visibility of normal approaching pedestrian or vehicular traffic.**

SCHEDULE “C” to By-law No. 3305-22

Requirements for Refreshment Truck – Class A Licence

- 1. Refreshment Trucks – Class A shall be permitted to operate:**
 - i) in a commercially zoned property, and must comply with the setback requirements for the zone, as outlined in the Township’s Zoning By-law;
 - ii) in designated locations in Township parks as approved by the Director of Leisure and Community Services; and provided that no more than the identified number of Food Trucks shall be permitted at any one point during the hours of 9:00 a.m. and 9:00 p.m.:
 - a. Victoria Park – one (1) Food Truck or Refreshment Truck permitted
 - b. Piper’s Glen Park – one (1) Food Truck or Refreshment Truck permitted
 - c. Centennial Park – one (1) Food Truck or Refreshment Truck permitted
 - d. Schmidt Park – two (2) Food Trucks or Refreshment Trucks permitted
 - e. Roseville Park – one (1) Food Truck or Refreshment Truck permitted
 - f. Branchton Park – one (1) Food Truck or Refreshment Truck permitted
 - g. Clyde Park – one (1) Food Truck or Refreshment Truck permitted
 - h. Oakwoods Park – one (1) Food Truck or Refreshment Truck permitted
 - i. North Dumfries Community Complex – one (1) Food Truck or Refreshment Truck permitted
 - j. Cowan Park – one (1) Food Truck or Refreshment Truck permitted
 - k. Ayr Community Centre - one (1) Food Truck or Refreshment Truck permitted
- The Municipality at their sole discretion shall exclude any Township Park, or location listed in (a) to (k) to any Licensee with seven (7) days notice.**
- 2. Refreshment Trucks – Class A may be permitted to operate at other locations as part of Township approved festivals and events, pending approval from the Municipality;**
- 3. No Person shall permit any Refreshment Trucks – Class A to park overnight on Township Property, unless during a multiple day Special Event, and pending approval from the Municipality;**
- 4. No Person shall operate or permit to be operated a Refreshment Trucks – Class A at any Special Event unless the Refreshment Truck has been invited and/or granted permission from event organizers. The Clerk may request written proof from Owner and/or Operator for verification purposes, if required;**
- 5. Refreshment Trucks – Class A Licensee shall not operate, or permit to operate:**
 - i) on any highway or street, road allowance, roadway or shoulder (unless Township approval is granted related to a Special Event);
 - ii) within a “corner visibility triangle” or a “driveway visibility triangle”;
 - iii) on private property without the written consent of the property owner which has been provided as part of the application;
 - iv) within one hundred (100) metres from any building where a Food Shop is located, unless a letter of permission is provided from the abutting Food Shop owner, stating that he/she has no objections to the Food Truck;

6. An Application for a Refreshment Trucks – Class A Licence shall include:

- a. a certificate from Waterloo Region Public Health confirming that the Refreshment Truck has passed a sanitary inspection, valid for the year in which the licence is issued;**
- b. a letter of approval from the Township Fire Chief, or his/her designate, stating that the unit complies with the requirements, as set out in Schedule "A", valid for the year in which the licence is issued;**
- c. proof that the owner has obtained a minimum of two million dollars (\$2,000,000.00) liability insurance for the operation of the food truck, valid for the year in which the licence is to be issued;**
- d. if the refreshment truck is to be located on lands not owned by the truck owner, a letter from the owner of the property on which the refreshment truck will be situated, authorizing the applicant to conduct such business from the property , valid for the year in which the licence is to be issued;**
- e. copy of Driver's Licence(s) for all drivers of the Refreshment Truck;**
- f. provide a description of the food being sold;**
- g. the licence and serial number of the Refreshment Truck;**

7. The owner of the Refreshment Truck must provide adequate trash receptacles at the site on which it is located and shall maintain the site in a clean and sanitary condition at all times.

8. Every Refreshment Truck – Class A Licensee shall:

- i) maintain the Refreshment Truck in good repair and appearance, and equip it with refuse container accessible to the customers;**
- ii) ensure that no damage is caused to Township property as a result of the location of the Refreshment Truck;**
- iii) not use any loudspeakers, amplifiers, hailing devices, or music players that may violate the Township Noise By-law; and**
- iv) not impede the flow of pedestrian traffic or obscure clear visibility of normal approaching pedestrian or vehicular traffic.**

SCHEDULE "D" to By-law No. 3305-22
Requirements for Refreshment Truck – Class B Licence

1. Refreshment Trucks – Class B shall be permitted to operate:

- i) in a commercially zoned, or residentially zone properties, as defined by the Township's Zoning By-law;
- ii) on highways in residentially zoned areas only, as defined by the Township Zoning By-law.

2. No Person shall permit any Refreshment Trucks – Class B to park overnight on Township Property.

3. No Person shall operate or permit to be operated a Refreshment Truck – Class B at any Special Event unless the Refreshment Truck has been invited and/or granted permission from event organizers. The Clerk may request written proof from Operator for verification purposes, if required;

4. Refreshment Trucks – Class B Licensee shall:

- i) Not stop for longer than 15 minutes at any serving location;
- ii) Not stop or operate on a portion of any Highway signed as " No Parking," "No Stopping," or "Fire Route;"
- iii) Not operate on a highway other than in an area zoned residential in the Township Zoning By-law:
 - a. between the hours of 9:00 p.m. and 9:00 a.m.;
 - b. on private property without written consent;
 - c. within 30 metres of an intersection;
 - d. within 90 metres of a property line of any land occupied by a public, separate, or private school between the hours of 8:30 a.m. and 4:00 p.m. on a school day;
- iv) not obstruct normal pedestrian or vehicular traffic;
- v) not obscure clear visibility of approaching pedestrian or vehicular traffic;
- vi) not stop with the intent to sell pre-packaged foods, pre-bottled beverages, or pre-packaged ice confectioneries for human consumption within a minimum distance of 100 metres from any lot on which a Food Shop is located except during a Special Event.

5. An Application for a Refreshment Trucks – Class B Licence shall include:

- a. a certificate from Waterloo Region Public Health confirming that the Refreshment Truck has passed a sanitary inspection, valid for the year in which the licence is issued;
- b. proof that the owner has obtained a minimum of one million dollars (\$1,000,000.00) liability insurance for the operation of the food truck, valid for the year in which the licence is to be issued;
- c. if the refreshment truck is expecting to travel on lands not owned by the truck owner, a letter from the owner of the property on which the refreshment truck will be travelling, authorizing the applicant to conduct such business on the property, valid for the year in which the licence is to be issued;

d. type of food being sold.

6. Every Refreshment Truck – Class B Licensee shall:

- i) not use any loudspeakers, amplifiers, hailing devices, or music players that may violate the Township Noise By-law.