

# The Corporation of the Township of Huron-Kinloss



## BY-LAW No.

**2025 - 45**

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### Being a By-Law to Regulate Refreshment Vehicles in the Township of Huron-Kinloss

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**WHEREAS** Section 8(1) and 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues and has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act;

**AND WHEREAS** Section 150 (1) of the Municipal Act, R.S.O., 2001, c.25, authorizes Councils to pass By-laws to license, regulate and govern any business wholly or partly carried on within the municipality even if the business is carried on from a location outside the municipality;

**AND WHEREAS** the Council of The Corporation of the Township of Huron-Kinloss passed By-law 2006-50 being a by-law to license, regulate and govern Refreshment Vehicles in the Township of Huron-Kinloss;

**AND WHEREAS** the Council of The Corporation of the Township of Huron-Kinloss deems it advisable to repeal and replace By-law 2006-50 as per Report CLK-2025-09;

**NOW THEREFORE** the Council of The Corporation of the Township of Huron-Kinloss **ENACTS** as follows;

#### 1. Definitions

The following definitions shall apply for the purposes of this by-law:

**"Approved location"** shall mean the location(s) specified in the application and for which a licence has been granted;

**"Clerk"** shall mean the Clerk of the Township of Huron-Kinloss or their designate;

**"Council"** shall mean the Council of the Township of Huron-Kinloss;

**"Licence"** shall mean a licence issued under this by-law;

**"Licencee"** means a person licensed under this by-law and who assumes the primary responsibility for complying with this by-law;

**"Medical Officer of Health"** shall mean the Medical Officer of Health for the Grey Bruce Health Unit or his/her duly authorized representative;

**"One-day Licence"** means a licence issued for use during one single 24-hour period;

**"Refreshment Vehicle"** shall mean a motor vehicle, trailer, cart or any conveyance driven by any kind of power, including muscular power which is used for the sale, preparation or dispensing of food or drink for consumption by the general public;

**"Refreshment Cycle"** shall mean a non-motorized cycle from which prepackaged food and beverage items are sold;

**"Township"** shall mean the Township of Huron-Kinloss;

**"Township Event"** shall mean an event organized by the Township on property that exclusively reserved for the occasion.

## 2. Regulations

- 2.1. No person shall operate for personal gain food vending for the general public in the Township without first having obtained a licence pursuant to this by-law.
- 2.2. Refreshment vehicles shall be permitted to operate for the general public in the areas listed below;
  - a) All municipal property with the exception of areas zoned residential and the Point Clark Lighthouse and parking lot located at 529 Lighthouse Road, Ripley,
  - b) Private property in non-residential zones with written permission of the owner.
- 2.3. Notwithstanding Section 2.2 a) of this by-law the Clerk may provide an exemption to permit a refreshment vehicle to operate in an area otherwise not permitted.
- 2.4. No person shall operate more than one refreshment vehicle on private property in a non-residential zone.
- 2.5. No person shall operate a refreshment vehicle in a location where the operation of the vehicle conflicts with an existing agreement of Council or any of its committees or local boards, unless written permission is granted by the lessee.
- 2.6. No person shall locate or operate a refreshment vehicle in such a manner that it unreasonably confines, impedes or presents a hazard to pedestrians or other users of sidewalk, un-travelled portion of a municipal road allowance or municipal park.
- 2.7. No person shall operate a refreshment vehicle closer than 12.5 metres to an eating establishment that is paying a property tax to the Township of Huron-Kinloss. Should the owner of a refreshment vehicle wish to locate the said vehicle closer than 12.5 metres to an eating establishment, written acknowledgement from the eating establishment owner shall be filed with the application. Distance is calculated from the lot line of the eating establishment to the refreshment vehicle location.
- 2.8. No person shall operate on any portion of a municipal highway or on-street parking.
- 2.9. A refreshment vehicle shall be permitted at a Township Event with approval by the Clerk and shall not require a licence provided that the vehicle meets all requirements of this By-law.
- 2.10. Refreshment Vehicles operating at an event for which a Special Event Permit has been issued by the Township shall not require a licence provided that the vehicle meets all the requirements of this By-law.
- 2.11. Located Refreshment Vehicle
  - a) The property on which a located refreshment vehicle is to be located shall be zoned Commercial or Industrial as set out in the current Zoning By-law with written permission from the property owner of the approved location submitted with application.
  - b) Every located refreshment vehicle shall be capable of being moved and driven or towed on highway upon 24 hours' notice by a By-law Enforcement Officer
  - c) Permanent electrical or other utility hook-ups are prohibited.

**2.12. Mobile Refreshment Vehicles**

- a) The mobile refreshment vehicle may be operated as a fully mobile unit offering food and drink for sale to the public.
- b) The mobile refreshment vehicle shall not interfere with the normal movement of pedestrians and vehicular traffic and the maintenance of sidewalks and streets in the Township.
- c) The power for the mobile unit will be supplied by the permit holder who is responsible for the cost.
- d) The mobile unit may not remain on any site except during the hours of 8:00 a.m. and 11:00 p.m. and must be removed from the site daily unless under a special event permit or approval from the Clerk.

**2.13. Refreshment Cycles**

- a) Notwithstanding Section 2.2 of this by-law, a refreshment cycle shall be permitted to operate in areas zoned as residential.
- b) The refreshment cycles shall not interfere with the normal movement of pedestrians and vehicular traffic and the maintenance of sidewalks and streets in the Township.
- c) The refreshment cycle may not remain on any site except during the hours of 8:00 a.m. and 11:00 p.m. and must be removed from the site daily unless under a special event permit or approval from the Clerk or designate.
- d) Every licensee of the refreshment cycle shall ensure that only prepacked food and beverage items are offered for sale or sold from the refreshment cycle.
- e) The refreshment cycle must remain stationary when in service.

**3. General**

- 3.1. The licensee shall ensure that their refreshment vehicle is equipped with a metal refuse container with a self-closing lid, and such a container shall be kept in a clean and sanitary condition and emptied at least once daily.
- 3.2. The licensee shall ensure that their refreshment vehicle is equipped with a clearly marked recyclable container, with a self-closing lid for cans and glass
- 3.3. All refuse generated by the operation of the refreshment vehicle shall be disposed of in accordance with the Township of Huron-Kinloss Waste Management By-law 2023-121.
- 3.4. The Licensee shall ensure that the refreshment vehicle and all parts and equipment for use in the dispensing of food are maintained in a clean and sanitary condition and at all times in good repair.
- 3.5. No Licence shall be transferred except with consent in writing of the Township and the Township shall not be bound to give such consent.
- 3.6. The Licensee shall not operate a refreshment vehicle between the hours of 11:00 p.m. and 8:00 a.m. of the next day unless under a special event permit or approval from the Clerk or designate.
- 3.7. No refreshment vehicle shall be equipped with any sounding device, loud speakers, amplifiers or other hailing devices for attracting attention.
- 3.8. Any lighting on a refreshment vehicle shall be only for the purpose of normal illumination.
- 3.9. A licensee shall comply with all applicable provisions and regulations under the Health Protection and Promotion Act and Federal, Provincial and local regulations.
- 3.10. All propane connections shall be maintained to comply with the provisions of the Ontario Propane Code.

- 3.11. No person shall use a generator in conjunction with a refreshment vehicle except when a power outage is beyond the control of the licensee and directly affects the operation of the vehicle.
- 3.12. A licensee shall comply with the Sight Visibility Triangles in the applicable Township Zoning By-law.
- 3.13. No sign or advertising device shall be displayed except in accordance with the Township Sign By-law.
- 3.14. The Term of each licence shall be from the first day of January to the thirty-first day of December each year.

#### **4. Administration**

- 4.1. Every application for a refreshment vehicle licence shall be accompanied by a completed Township of Huron-Kinloss Application for Refreshment Vehicle Licence.
- 4.2. Notwithstanding Section 3.15 of this By-law, a One-day licence may be issued if all requirements of the By-law have been met. The operating period for a one-day licence shall be within a single 24-hour period.
- 4.3. Licence fees shall be as per the current Township of Huron-Kinloss Rates and Fees By-law.
- 4.4. Every application for a licence shall be accompanied by a sketch or photograph of the refreshment vehicle and a site plan showing location of the lot, if located.
- 4.5. Every applicant prior to the issuance of a licence, shall provide proof of their insurance policy which specifies the following;
  - a) the Licensee shall have an insurance policy providing general liability insurance in the minimum amount of \$2,000,000.
  - b) The Township may as necessary be named as an additional insured.
  - c) The policy shall contain cross-liability coverage whereby the Township is indemnified against all liabilities, which in any way arise from any activity authorized by the licence.
  - d) The policy shall provide that 20 days prior written notice shall be provided to the Township in any event of any material amendment to or cancellation of the policy.
- 4.6. Each licence application shall be approved by the Clerk of the Township of Huron-Kinloss.
- 4.7. The Licensee shall comply with all applicable regulations of the Fire Code and all requirements of the Township of Huron-Kinloss Fire Chief with written confirmation of compliance in this regard.
- 4.8. The licensee shall at all times comply with the requirements of the Medical Officer of Health and prior to the issuance of a refreshment vehicles licence under this by-law, and supply the Clerk with written confirmation of compliance in this regard.
- 4.9. The Licensee shall provide a copy of a Mobile Food Service Equipment (MFSE) Annual Inspection Certificate from the Technical Standards and Safety Equipment (TSA), if applicable.

## 5. Enforcement

- 5.1. Every person who contravenes any provision of this by-law;
- a) is guilty of an offence;
  - b) upon conviction therefore is liable to a fine or penalty of not more than five thousand dollars (\$5000) as prescribed in the Provincial Offences Act, R.S.O. 1990, C.P.33 as amended.
  - c) Each person who contravenes any provision of this by-law shall upon the issuance of a Penalty Notice in accordance with the Administrative Monetary Penalty System By-law be liable to pay to the Township an administrative monetary penalty.

5.2. This by-law shall be enforced by the Municipal By-law Enforcement Officer.

6. That By-law No. 2006-50 and By-law No. are hereby repealed.
7. That this by-law shall come into full force and effect upon its final passage.
8. That this by-law may be cited as the “Regulate Refreshment Vehicle (2025) By-law”.

**READ a FIRST and SECOND TIME** this 23<sup>rd</sup> day of April, 2025.

**READ a THIRD TIME and FINALLY PASSED** this 23<sup>rd</sup> day of April, 2025.

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Mayor

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Clerk