

**THE CORPORATION TOWN OF MATTAWA**

**COMMITTEE: BY-LAW DEPARTMENT**

**CHAIRPERSON: COUNCILLOR L. MICK**

**DEPT. HEAD: WAYNE P. BELTER**

**TITLE: REFRESHMENT VEHICLE LICENCING**

**09-14 Draft By-Law      \_\_\_ Item      \_\_\_ Policy Recommendation**

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**Mayor D. Backer and Members of Council:**

The existing Refreshment Vehicle By-Law No. 92-15 as amended has been in use for 17 years.

As a housekeeping exercise the By-Law has been updated reflecting the powers of the municipality to pass By-Laws to provide for the licencing, regulating and governing vehicles from which refreshments are sold for consumption by the public and for revoking any such licence.

The intent and basic wording of the former refreshment vehicle by-law has been kept intact and fines and penalties are being sought for the first time.

**Recommendation:**

That the Town of Mattawa adopts By-Law No. 09-14 which is an updated Refreshment Vehicle By-Law passed under the Municipal Act, R.S.O., 2001.

Respectfully submitted

Councilor L. Mick

# THE CORPORATION OF THE TOWN OF MATTAWA

## BY-LAW NO. 09-14

**BEING A BY-LAW TO PROVIDE FOR THE LICENCING, REGULATING AND GOVERNING OF VEHICLES FROM WHICH REFRESHMENTS ARE SOLD FOR CONSUMPTION BY THE PUBLIC.**

**WHEREAS** Section 150 of the Municipal Act, S.O. 2001, c. 25 as amended, authorizes Councils of Municipalities to pass by-laws for the licencing, regulating and governing of businesses.

**AND WHEREAS** it is desirable to provide for the health and safety and consumer protection of the residents of the Municipality.

**NOW THEREFORE** the Corporation of the Town of Mattawa enacts as follows:

1. In this By-Law:

- By-Law Enforcement Officer:** Means the By-Law Enforcement Officer of the Town of Mattawa
- Chief Building Official:** Means the Chief Building Official of the Town of Mattawa
- Chief Fire Official:** Means the Chief Fire Official for the Town of Mattawa.
- Chip Stand/Wagon:** Any vehicle or trailer fitted with a wheeled under-carriage used for selling any food or food stuffs.
- Council:** Means the Council of the Corporation of the Town of Mattawa.
- Community Centre:** Means the Mike Roden Arena.
- Highway:** Means a common and public highway, street, avenue, parkway, square, place, bridge, viaduct, or which is used by the public for the passage of vehicles, includes the areas between.
- Medical Officer of Health:** Means the Medical Officer of the District of Nipissing.
- Municipality:** Means the Municipality of the Corporation of the Town of Mattawa.
- Park:** Means any public park or public property which is maintained by and operated by the municipality.
- Refreshment Vehicle:** Means a mobile canteen, chip stand, chip wagon or any trailer that is pulled by a motor vehicle or stationary, or any trailer/cart that is pulled or pushed by muscular power or any BBQ operation.

**Zoning By-Law:** Means the Zoning By-Law of the Town of Mattawa.

2. No person shall operate a refreshment vehicle within the municipality without having first obtained a licence to do such operation issued by the Corporation of the Town of Mattawa.
3. No person shall operate a refreshment vehicle on any street within the municipality unless it is *pushed or pulled by human muscular power*.
4. Sales of refreshments by a stationary refreshment vehicle shall only be made on private properties which are in conformity with the Zoning By-Law as amended from time to time by the municipality.
5. No person shall operate a refreshment vehicle at the Community Centre or Ball Park on Hurdman Street except for any special operating agreement between the municipality and the owner of a refreshment vehicle.
6. No person shall operate a refreshment vehicle (Schedule B; 1,2,3) or obtain a municipal licence without having first obtained a certificate from the Medical Officer of Health.
7. No person shall operate a refreshment vehicle (Schedule B; 1,2,3) without having first received an inspection report from the Chief Fire Official approving the refreshment vehicle.
8. No person shall operate a refreshment vehicle unless the licence is displayed in a prominent position on the refreshment vehicle.
9. Council may at any time, revoke any licence held by the licensee for cause. Without limiting the generality of the foregoing, Council may suspend a licence for:
  - a) Breach of the Criminal Code of Canada;
  - b) Any violation of the provisions of this By-Law
10. No person shall operate a refreshment vehicle closer than 250 feet from any property which is used as a restaurant or any other eating establishment. Such distance shall be measured from the building.
11. The sale of refreshments or confections including without the generality to the foregoing, fruit, candy, peanuts, popcorn, ice-cream cones, ice milk and iced confectionary, hot dogs from a basket or wagon, cart or other vehicle shall comply as per **Schedule "A"** of this By-Law.

12. The licence granted hereunder shall permit the operator of the refreshment vehicle for the calendar year in which it was issued and shall not be valid thereafter unless renewed or re-issued as per **Schedule "B"** of this By-Law.
13. (1) Notwithstanding anything contained in this By-Law any persons holding charitable events, may make an application to Council to be granted exemptions under sections 3 and 4 of this By-Law for which he or she might be prosecuted and Council, by resolution, may refuse to grant any exemption or may grant the exemption of lesser effect and any exemption period may not be more than 48 hours.
- (2) Any breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.
14. Any persons who contravenes any provisions of this By-Law is guilty of an offence as per **Schedule "C"** and such fines are recoverable under the Provincial Offences Act.

**By-Laws # 92-15, 92-44 and 02-26 are hereby repealed.**

READ, PASSED AND ADOPTED this 23<sup>rd</sup> day of March, 2009.

  
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Mayor

  
\_\_\_\_\_  
Clerk

## **SCHEDULE "A"**

1. Sales of refreshments that are sold on vehicles that are pulled or pushed by human muscular power such as hot dog carts, or any carts from which cold/hot foods are sold can not be located at the Community Centre Ball Park area or Hurdman Street south of Highway 17.
2. The fees for any vehicles described in this By-Law are in **Schedule "B"**.

**SCHEDULE "B"**

**From January 1<sup>st</sup> to December 31<sup>st</sup> of the same year.**

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|---|---------------------------|
| 1. Refreshment vehicle:   | \$500.00<br>(per vehicle) |
| 2. Refreshment Vehicle:<br>For a period not exceeding 24 hours<br>(on private property HC zone not on streets)                    | \$100.00<br>(per vehicle) |
| 3. For vehicles that are pulled or pushed by<br>Human muscular power that serves hot<br>Dogs or any hot foods.                    | \$300.00<br>(per cart)    |
| 4. For any vehicles that are pulled or pushed<br>By human muscular power that serves cold<br>Food or non cooked food on the unit. | \$50.00<br>(per cart)     |

THE CORPORATION OF THE TOWN OF MATTAWA -- SET FINES SCHEDULE "C"  
PART 1 -- PROVINCIAL OFFENCES ACT

REFRESHMENT VEHICLE BY-LAW NO. 09-14

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining offence	COLUMN 3 Set Fine
1	Operate a refreshment vehicle without a licence	2	\$105.00
2.	Operate a refreshment vehicle on a street	3	\$80.00
3.	Operate a refreshment vehicle at Community Centre/Park.	5	\$105.00
4	Failing to display the licence of the refreshment vehicle in a prominent position.	8	\$55.00

**The penalty provisions for the offences indicated above is section 14 of By-Law 09-14, a certified copy of which has been filed.**