

TOWNSHIP OF WOOLWICH

BY-LAW NUMBER 35-96

A BY-LAW FOR LICENCING, REGULATING AND GOVERNING FOOD VEHICLES

WHEREAS Section 236 (11) of the Municipal Act R.S.O. 1990, as amended authorizes the passing of by-laws for licencing, regulating and governing vehicles from which refreshments are sold for consumption by the public and for revoking any such licence.

AND WHEREAS Section 210 (73) of the municipal Act R.S.O. 1990, as amended authorizes the passing of by-laws for prohibiting or regulating sales by retail in the highways or on vacant lots adjacent to them and for regulating traffic in and preventing the blocking up of highways by vehicles or otherwise.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOOLWICH ENACTS AS FOLLOWS:

INTERPRETATION:

1. In this by-law:
 - a) **“Arterial Road”** means any Highway with markings identifying more than two traffic lanes;
 - b) **“Chip Wagon”** means a Vehicle, or trailer in good repair and appearance, either mounted on blocks or supported by a conventional wheel, tire and axle system (with a bottom skirt) and from which food or refreshments are prepared or apportioned and sold to the public;
 - c) **“Day Light Triangle”** shall mean a triangular space formed by two street lines and a line drawn from a point on one street line, each point being the distance as specified in this by-law measured along the street line from the point of intersection of the street line.
 - d) **“Food Vehicle”** means a Chip Wagon, Refreshment Vehicle, or Refrigerated Bicycle Cart;
 - e) **“Outdoor Vendor”** mean any person, partnership or Corporation who has obtained an outdoor vendor licence from the Corporation of the Township of Woolwich
 - f) **“Refreshment Vehicle”** means a Vehicle or other itinerant food premise from which prepackaged food items are offered for sale or sold and in which no food is prepared except hot beverages;

- g) **“Refrigerated Bicycle Cart”** means a manually propelled itinerant tricycle Vehicle from which ice-cream, ice-cream cones, ice milk and other confectionery food items are offered for sale or sold to the public;
- h) **“Site Plan”** means a drawing of a site which includes all applicable measurements of the Food vehicle and the surrounding area within 100 metres of the site and on which all buildings and structures, streets or other landmarks are indicated; and
- i) **“Vehicle”** shall have the same meaning as set out in the Highway Traffic Act, R.S.O. 1990, Chapter H.8.

LICENCE REQUIRED:

- 2.
 - a) No person(s), partnership or Corporation shall operate any Food Vehicle within the Township of Woolwich without a licence to do so issued by the Township.
 - b) Every owner of a Food Vehicle operated within the Township of Woolwich shall ensure that such Food Vehicle is licenced in accordance with the provisions of this By-law.
 - c) Every licence issued shall be for the period of one(1) calendar year or less. The expiry date shall be included on the licence.

GENERAL PROVISIONS:

- 3.
 - a) No person shall operate a Food Vehicle within 30 metres of a school or public park.
 - b) No Person shall operate a Food Vehicle in any Township-owned park at any time.
 - c) Every Licencee of a Food Vehicle shall ensure that every sign affixed to or used in conjunction with said Food Vehicle is to the satisfaction of the Clerk’s Department.
 - d) Every Licencee of a Food Vehicle shall supply a refuse container for his or her Food Vehicle to the satisfaction of the Township and the Licencee shall ensure that:
 - I. such refuse container is maintained in a position immediately adjacent the food vehicle at all times;
 - II. all refuse generated from the operation of the Licencee’s Food Vehicle is contained in such a refuse container; and
 - III. no refuse generated from the Licencee’s Food Vehicle is deposited in any Township-owned container.
 - IV. the adjoining area is kept in a clean, sanitary and attractive condition.

DISPLAY OF LICENCE:

4. Every Licencee of a Food Vehicle shall ensure that the Licence issued authorizing the operation of said Food Vehicle is affixed to the Food Vehicle in a conspicuous place clearly visible to the public at all times while the Food Vehicle is in operation.

APPLICATION FOR LICENCES:

5. Every Applicant for a Licence to operate any Chip Wagon shall submit to the Clerk:
 - a) a letter from the owner of the property on which the Chip Wagon may be situated authorizing the Applicant to conduct such business from the property and;
 - b) a site plan to be approved by the Clerk and no licence shall be issued until such site plan is approved;
 - c) proof of inspection of the Chip Wagon by the Fire Chief and the Medical Officer of Health.
6. Every Applicant for a Licence to operate any Refrigerated Bicycle Cart shall provide to the Clerk the serial number of each Refrigerated Bicycle Cart to be used in the business.

CHIP WAGONS:

7. No Person shall locate or operate any Chip Wagon within the Township of Woolwich at any time:
 - a) on any Highway;
 - b) within a Core Commercial, Buffer Commercial, Residential, Institutional, Extractive or Agricultural zone as defined by the Township's zoning by-law;
 - c) that does not comply with the building line or building set back requirements of the Township's zoning by-law;
 - d) within a 7.5 metre day light triangle;
 - e) within 60 metres of any restaurant;
 - f) within 100 metres of any other Food Vehicle;
 - g) within 60 metre of any outdoor vendor
 - h) when such Chip Wagon occupies an area greater than 32.00 square metres;
 - i) on any property where, due to the area occupied by the Chip Wagon, the minimum parking space requirement for said property is not in compliance with the Township's Zoning By-law;

REFRESHMENT VEHICLE:

- 8.
- a) No Person shall provide services from any Refreshment Vehicle while such Vehicle is on any Highway in the Township of Woolwich.
 - b) Every Licencee of a Refreshment Vehicle shall ensure that only pre-packaged food items are offered for sale or sold from the Refreshment Vehicle and that no food is prepared therein except hot beverages and that no food item is offered for sale or sold from the Refreshment Vehicle:
 - I. at any location other than industrial or commercial establishments or to workers on construction site;
 - II. to the general public and;
 - III. unless such food item is pre-packaged in individual servings and the date of preparation of said food item is clearly displayed on the package of the food items.
 - c) Every Licencee of a Refreshment Vehicle shall ensure that said Refreshment Vehicle does not remain in any particular location, providing service to consumers, for more than 30 minutes.

REFRIGERATED BICYCLE CART:

9. Every Licencee of a Refrigerated Bicycle Cart shall ensure that:
- a) only ice cream cones, ice milk and other iced confectionery products are offered for sale or sold from said Refrigerated Bicycle Cart;
 - b) all food items offered for sale or sold from said Refrigerated Bicycle Cart are individually wrapped;
 - c) the Refrigerated Bicycle Cart is equipped with a soft-toned bell or chime in proper working condition;
 - d) the Refrigerated Bicycle Cart is operated only during daylight hours; and
 - e) the Refrigerated Bicycle Cart is not operated on any Arterial Road within the Township of Woolwich unless such road has a separate bicycle lane clearly identified for the accommodation of bicycle traffic.
 - f) shall not operate in a core commercial zone as defined by the Township's zoning by-law
- b) No Licencee of a Refrigerated Bicycle Cart shall employ any operator under the age of 15 years.

- c) Every Licencee of a Refrigerated Bicycle Cart shall provide the Clerk with an up to date list of names, addresses and ages of all employees of the Licencees, and shall advise the Clerk immediately of any changes.

EXEMPTIONS:

10.

- a) Notwithstanding Section 7(b) and 9(f) of this By-law, a Licencee of a Chip Wagon or a Refrigerated Bicycle Cart shall be permitted to operate in the Core Commercial Zone in conjunction with a special event provided permission to do so has been given by Council.
- b) A Licencee of a Chip Wagon who has been authorized by Council to operate in the Core Commercial Zone in conjunction with a special event shall be exempt from the requirements of Sections 7(a), (b), (c), (d), (e), (f) for the period of time that Council has authorized such Licencee to operate in the Core Commercial Zone.
- c) Notwithstanding Section 3(b) of this By-law, a Licencee of a Food Vehicle shall be permitted to operate in a Township-owned park in which a concession stand or booth is situated provided the Licencee is awarded a Township licence for a specific site in a Township-owned park or permission to operate in a particular Township-owned park has been given by Council.
- d) Notwithstanding Section 7 of this By-law, nothing shall prevent a Licencee of a Chip Wagon to operate at a public auction, provided such Chip Wagon does not remain in any particular location for more than 8 hours.

INSPECTIONS:

- 11. In addition to section 11 of this By-law, every Person who operates a Food Vehicle shall not obstruct or hinder or permit the obstruction or hindrance of any inspection of the Food Vehicle made by the Medical Officer of Health or Township Fire Chief.


FEES:

- 12. Council shall establish the licence fees from time to time.

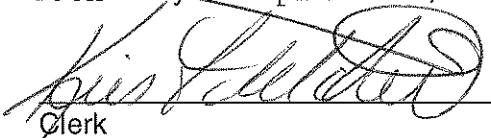
ENFORCEMENT:

- 12. Everyone who contravenes any provision of this by-law shall be guilty of an offence and upon conviction thereof is liable to a fine or penalty as percribed by the Provincial Offences Act.
- 13. This By-law shall come into effect on the date of the final passing thereof.

Passed this 16th day of April, 1996.



Mayor



Clerk

**Guidelines to the Administration
of the Outdoor Vendors and
Food Vehicle By-laws**

The following issues were discussed during the development of the Food Vehicle and Outdoor Vendor:

1. Farm Produce
2. Special Events

Council reviewed these 2 issues and have agreed with the following interpretations:

Farm Produce

The provisions of the Outdoor Vending By-law do not apply if the goods are grown and produce by a Woolwich farmer and are being sold by that same farmer or his/her immediate family.

Farm produce is not to be sold from the sidewalk. The provisions of the Highway Traffic Act, the Regional Traffic By-law and Township Traffic By-law apply in all instances.

Special Event - Charitable Group/Service Clubs

The Hawkers and Peddlars By-law shall apply to the Outdoor Vending for special events. If a special club or charitable group wishes to apply for a continuous vending activity then such group shall be subject to the provisions of the Outdoor Vendor By-law or Food Vehicle By-law shall apply.

*People's Festival
Multiple vendors*