



THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE

By-law XX-2025

Being a By-law to Regulate Refreshment Vehicles in the Municipality of Arran-Elderslie

WHEREAS Section 5(3) of the *Municipal Act, 2001*, c .25, as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by By-law; and

AND WHEREAS Section 150, for the purposes of Part IV of the *Municipal Act, R.S.O., 2001*, c.25, defines a business to mean any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality and includes,

- (a) trades and occupations,
- (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise,
- (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader,
- (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire.

AND WHEREAS Section 151(1) of the *Municipal Act, 2001*, c .25, as amended, authorizes a municipality to provide for a system of licences with respect to a business and may,

- (a) prohibit the carrying on or engaging in the business without a licence.
- (b) refuse to grant a licence or to revoke or suspend a licence.
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence.
- (d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence.
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- (f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it.

NOW THEREFORE the Council for the Corporation of the Municipality of Arran-Elderslie enacts as follows:

1.0 DEFINITIONS

- 1.1 Clerk - shall mean the Clerk of the Municipality of Arran-Elderslie or their delegate
- 1.2 Food Vending – shall mean the sale of prepared foods ready for human Consumption and shall include but not be limited to such items as hotdogs, sausages, French fries and assorted condiments
- 1.3 License – means a license issued pursuant to this by-law.
- 1.4 Licensee – means a person licensed under this by-law.
- 1.5 Location – means a position or site occupied or available for occupancy were food vending is permitted.
- 1.6 Medical Officer of Health – means the Medical Officer of Health for the Bruce Grey Public Health Unit.
- 1.7 Municipality – means the Corporation of the Municipality of Arran-Elderslie.
- 1.8 Person" means an individual or corporation.
- 1.9 Refrigerated Bicycle Cart - shall mean a manually propelled bicycle or tricycle vehicle which pre-packaged ice-cream, ice-cream cones and other iced confectionery products are offered for sale or sold to the public and includes a hot dog cart.
- 1.10 Refreshment Vehicle – shall mean a vehicle, which is on wheels and is capable of being moved from place to place by a person and includes a refrigerated bicycle cart or hot dog cart.
- 1.11 Year – shall mean the calendar year being January 1st to December 31st.

2.0 REGULATIONS

- 2.1 No Person shall operate for personal gain, Food Vending in the Municipality without first having obtained a License pursuant to this By-Law.
- 2.2 No Person shall operate a Refreshment Vehicle in a Location other than that specified on Schedule "A" of this By-Law.
- 2.3 License fees pursuant to this By-Law shall be as established by the Municipality of Arran-Elderslie's Fees and Charges By-Law as amended from time to time.
- 2.4 No Licensee's Refreshment Vehicle shall be located in such a manner that unreasonably confines, impedes or presents a hazard to pedestrians or other

users of a sidewalk, untraveled portion of a municipal road allowance or municipal park.

- 2.5 Every Refreshment Vehicle used for Food Vending shall not exceed the dimensions of 27 square meters.
- 2.6 The Licensee shall ensure that their Refreshment Vehicle is equipped with a metal refuse container with a self-closing lid, and such container shall be kept in a clean sanitary condition and emptied at least once daily.
- 2.7 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.
- 2.8 All refuse generated by the operation of a Refreshment Vehicle shall be disposed of in accordance with the Waste Management By-law.
- 2.9 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.
- 2.10 The Licensee shall comply with all applicable regulations of the Fire Code and all requirements of the Arran-Elderslie Emergency Services Department.
- 2.11 No License shall be transferred except with consent in writing of the Municipality. The Municipality shall not be bound to give such consent.
- 2.12 The Licensee shall be solely responsible to pay any License or other fees that may be required by other agencies that have an interest in the lands upon which the Licensee operates.
- 2.13 No Licensee shall operate a Refreshment Vehicle in a Location where the operation of the Refreshment Vehicle would conflict with an existing agreement of Council or any of its Committees or Boards.
- 2.14 No Licensee shall operate a Refreshment Vehicle between the hours of 11:00 p.m. and 8:00 a.m. of the next day.
- 2.15 No Refreshment Vehicle shall be equipped with any sounding device, loud speakers, amplifiers or other hailing devices for attracting attention.
- 2.16 Any lighting on a Refreshment Vehicle shall be only for the purpose of normal illumination.
- 2.17 A Licensee shall comply with all applicable provisions and regulations under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7.
- 2.18 A Licensee shall comply with the Sight Visibility Triangles in the applicable Municipal Zoning By-law.

2.19 A Refrigerated Bicycle Cart is not to operate on any arterial roads within the Municipality, must remain stationary when in service.

3.0 ADMINISTRATION

3.1 Every application for a License shall be in the form as prescribed by the Clerk.

3.2 Every application for a License shall be accompanied by a sketch or photograph or similar facsimile of the Refreshment Vehicle, and a site plan showing Location of the lot.

3.3 Every Licensee, prior to issuance of a License, shall provide a copy of their insurance policy which specifies the following:

3.3.1 The Licensee shall have an insurance policy providing general liability insurance in the minimum amount of \$1,000,000.

3.3.2 The Municipality may as necessary be named as an additional insured.

3.3.3 The policy shall contain cross-liability coverage whereby the Municipality is indemnified against all liabilities, which in any way arise from any activity authorized by the License.

3.3.4 The policy shall provide that 30 days prior written notice shall be provided to the Municipality in the event of any material amendment to or cancellation of the policy.

3.4 Each License application shall be approved by the Clerk or designate of the Municipality of Arran-Elderslie.

3.5 The Municipality reserves the right to limit the number of Refreshment Vehicles permitted every year.

3.6 Community Events that require food provisions are exempt from obtaining a Refreshment Vehicle Licence.

4.0 PENALTY

4.1 Every person who contravenes any provision of this By-Law:

(i) is guilty of an offence; and,

(ii) upon conviction therefore is liable to a fine or penalty of not more than Five Thousand (\$5,000.00) Dollars as prescribed in The Provincial Offenses Act, R.S.O. 1990, C.P.33, as amended.

5.0 SHORT TITLE

5.1 This By-Law may be cited as the "Refreshment Vehicle By-Law"

6.0 ENACTMENT

This By-Law shall come into full force and effect upon its final passage.

Read the first and second time this xx day of xx 2025.

Read a third time and finally passed this xx day of xx 2025.

Mayor – Steve Hammell

Clerk – Christine Fraser-McDonald

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By-Law 2025-xx-2025
Schedule 'A'

All Lands defined in the Municipality of Arran-Elderslie Comprehensive
Zoning By-Law (as amended)

Hamlet Commercial (HC)
Commercial Zones (C1, C2, C3, C4)

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