



THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE

By-law 20-2025

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 (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 Section 150 (8) of the *Municipal Act, R.S.O., 2001*, c. 25, without limiting subsection (1), the power to license, regulate and govern a business included the power,

- a) To prohibit the carrying on of or engaging in the business without a licence;
- b) To refuse to grant a licence or to revoke or suspend a licence;
- c) To fix the expiry date for a licence;
- d) To define classes of businesses and to separately licence, regulate and govern each class;
- e) To impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, including conditions.

AND WHEREAS Council passed Resolution 85-05-2025 adopting the Refreshment Vehicle policy.

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

1.0 DEFINITIONS

1.1 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

1.2 License – means a license issued pursuant to this by-law.

1.3 Licensee – means a person licensed under this by-law.

1.4 Location – means a position or site occupied or available for occupancy where food vending is permitted.

1.5 Medical Officer of Health – means the Medical Officer of Health for the Bruce Grey-Owen Sound Health Unit.

1.6 Municipality – means the Corporation of the Municipality of Arran-Elderslie.

1.7 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.

1.8 Year – shall mean calendar year being January 1st to December 31st.

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.

1.10 Clerk shall mean the Clerk of the Municipality of Arran-Elderslie or their delegate

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 No person shall operate a refreshment vehicle within 90m of a restaurant serving similar items. Should a refreshment vehicle receive a license prior to a similar establishment opening, the license will remain valid for the remainder of the season

2.4 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.

2.5 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.

2.6 Every refreshment vehicle used for food vending shall not exceed the dimensions of 27 square meters.

2.7 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.

2.8 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.

2.9 All refuse generated by the operation of a refreshment vehicle shall be disposed of in accordance with the Waste Management By-law.

2.10 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.

2.11 The Licensee shall comply with all applicable regulations of the Fire code and all requirements of the Arran-Elderslie Emergency Services Department.

2.12 No License shall be transferred except with consent in writing of the Municipality. The Municipality shall not be bound to give such consent.

2.13 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 license operates.

2.14 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.

2.15 No Licensee shall operate a refreshment vehicle between the hours of 11:00pm and 8:00am of the next day.

2.16 No refreshment vehicle shall be equipped with any sounding device, loud speakers, amplifiers or other hailing devices for attracting attention.

2.17 Any lighting on a refreshment vehicle shall be only for the purpose of normal illumination.

2.18 A Licensee shall comply with all applicable provisions and regulations under the Health Protection and Promotion Act.

2.19 A licensee shall comply with the Sight Visibility Triangles in the applicable Municipal Zoning By-law.

2.20 A Refrigerated Bicycle Cart or Hot Dog 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 accompanied by a completed form.

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 applicant, 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 License subject to providing the following:

- i. Authorization from the Community Event Organizers indicating the requirement for food provisions
- ii. Sketch or photograph or similar facsimile of the refreshment vehicle, and a site plan showing proposed location
- iii. Proof of Insurance
- iv. Proof of approval from an associated Fire and Emergency Services to the satisfaction of the Fire Chief
- v. Proof of approval from an associated Health Unit to the satisfaction of the Clerk

4.0 SUNDRY

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.

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

4.3 The By-Law may be cited as the "Refreshment Vehicle By-Law"

Read the first and second time this 24th day of March 2025.

Read a third time and finally passed this 24th day of March 2025.

Mayor – Steve Hammell

Clerk – Christine Fraser-McDonald

Schedule 'A'

All Lands defined in the Comprehensive Zoning By-Law (as amended)
Hamlet Commercial (HC)
Commercial Zones (C1, C2, C3, C4)