

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

BY-LAW NO. 14-08

*A By-Law for Licensing, Regulating and Governing of
Transient Traders, Food/Refreshment Vehicles and Carnivals, Circuses & Midways
Within the Municipality of North Grenville*

WHEREAS the *Municipal Act 2001* provides that municipalities may pass by-laws to establish a system of licences with respect to businesses;

AND WHEREAS the *Municipal Act 2001* provides that municipalities may pass by-laws to prohibit the carrying on or engaging in a business without a licence;

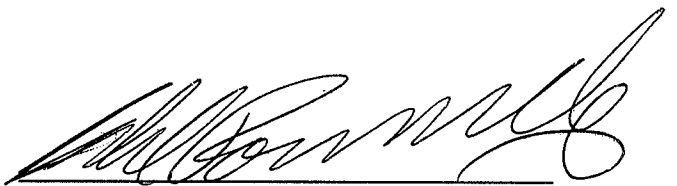
NOW THEREFORE the Council of the Corporation of the Municipality of North Grenville enacts as follows:

1. The licensing, regulating and governing of Transient Traders shall be adhered to as outlined in Schedule "A" attached.
2. The licensing, regulating and governing of Food/Refreshment Vehicles shall be adhered to as outlined in Schedule "B" attached.
3. The licensing, regulating and governing of Carnivals, Circuses and Midways shall be adhered to as outlined in Schedule "C" attached.
4. Schedule "A", "B" and "C" attached hereto form part of this by-law.
5. This by-law shall come into force and effect on the date of passing.

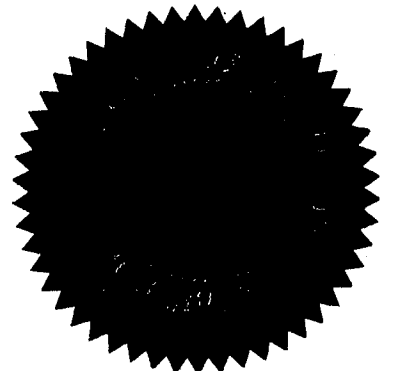
PASSED AND ENACTED
THIS 14TH DAY OF JULY, 2008.



BILL GOOCH
Mayor



CAHLE POMINVILLE
Clerk



THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

SCHEDULE "A" TO BY-LAW NO. 14-08

Transient Traders

1. Definitions:

In this by-law;

- a) "Transient Trader" shall mean a person who sells merchandise at a temporary location, who is not a permanent merchant in that place;
 - b) "Person" shall mean any human being, firm, partnership, incorporated company, corporation, association whether incorporated or unincorporated, agent or trustee, and the heirs, executor or other legal representatives of a person to whom the context can apply according to law.
2. No person shall carry on a business as a transient trader in the municipality without a licence issued by the municipality, and shall pay the licence fee required for transient traders as set out in Schedule "A" to this by-law, before selling or offering for sale any goods, wares or merchandise within the Municipality of North Grenville.
 3. This by-law does not apply to the sale of the stock of a bankrupt or an insolvent, within the meaning of any Bankruptcy or Insolvency Act enforced in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the Municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock.
 4. This by-law does not apply to the sale of locally grown produce and farm goods.
 5. This by-law does not apply to municipally-sanctioned events, or events organized and hosted by a charity or non-profit community organization.
 6. Every person who applies for a licence shall, as part of their application, furnish a statement in writing containing a full description of the goods, wares or merchandise which they propose to sell or offer for sale under such licence, and identify the location where the goods are intended to be offered for sale.
 7. Every person who has been issued a licence shall cause the licence to be prominently and permanently displayed in the place of business.
 8. Every person who contravenes any provision of this by-law, or who obstructs or attempts to obstruct a Municipal By-Law Enforcement Officer or an employee or agent of the Corporation in carrying out his or her duties under this by-law is guilty of an offence and upon conviction is liable to a fine as provided in the *Provincial Offences Act*.
 9. All former by-laws or portions of by-laws which are contrary or inconsistent with this by-law are hereby repealed.

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

APPENDIX "A" TO SCHEDULE "A" - BY-LAW NO. 14-08

Licensing Fee Schedule

\$500 per event (maximum 7 consecutive days) per year. May be renewed once.

\$150 per day. May be renewed once.

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

APPENDIX "B" TO SCHEDULE "A" - BY-LAW NO. 14-08

Set Fines Schedule

	Section	Offence	Payment Fine	Set Fine
1	2	Fail to Obtain a License		
2	7	Fail to Display License		
3	8	Obstruction of Officer		

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

SCHEDULE "B" TO BY-LAW NO. 14-08

Food/Refreshment Vehicles

1. Definitions:

In this by-law;

- a) **"By-Law Enforcement Officer"** shall mean a duly appointed by-law enforcement officer for the Municipality of North Grenville;
- b) **"Director of Planning & Development"** shall mean the Director of Planning & Development for the Municipality of North Grenville, or his/her designate;
- c) **"Fire Chief"** shall mean the Fire Chief for the Municipality of North Grenville, or his/her designate;
- d) **"Medical Officer of Health"** shall mean the Medical Officer of Health for the Leeds, Grenville and Lanark District Health Unit or his/her designate;
- e) **"Motorized Food/Refreshment Vehicle"** shall mean a motor vehicle from which food and/or drinks, which have been prepared and cooked on site or off-site, is sold, and shall include a 'chip wagon';
- f) **"Non-Motorized Food/Refreshment Vehicle"** shall mean a vehicle or cart propelled solely by muscular power from which food, which has been prepared and cooked on site or off-site, is sold, and shall include a sausage/hot dog cart, ice cream cart/bike.

2. General Provisions

- a) No person shall operate any food/refreshment vehicle within the limits of the Municipality of North Grenville without first having obtained from the Municipality a license for so doing.
- b) The license shall be prominently displayed for public view at all times.
- c) A separate license shall be taken out for each vehicle.
- d) Every person who is issued a license shall provide containers within close proximity for the disposal of refuse, waste and garbage generated as a result of the preparation, sale and consumption of refreshments and is responsible for the proper disposal of such refuse, waste and garbage.
- e) Every person who is issued a license shall ensure that all refuse, waste and garbage is placed in the appropriate containers and that the lands and property around the location of the vehicle are maintained in a proper and clean manner.
- f) All food/refreshment vehicles and all parts and equipment thereof and therein related to the dispensing of refreshments shall be kept clean.
- g) No food or refreshments shall be sold from any vehicle drawn by animals.
- h) All motorized food/refreshment vehicles shall be roadworthy and comply with the *Highway Traffic Act* and shall be licensed for operation on a public highway.

- i) All food/refreshment vehicles shall comply with all federal, provincial and municipal by-laws, including the municipality's zoning, parking, signage, litter, and traffic by-laws.
- j) The maximum number of motorized food/refreshment vehicles which can be licensed in the urban serviced area is four (4) and the maximum number of motorized food/refreshment vehicles which can be licensed in the rural area is two (2).
- k) The Medical Officer of Health shall thoroughly inspect the vehicle, together with all appurtenances and, if the vehicle and the premises comply with the requirements of all health legislation, recommendations and guidelines, the Medical Officer of Health shall recommend a license be granted to the applicant.
- l) The Fire Chief shall thoroughly inspect the installation and safety features of any heating and cooking appliances in or on the vehicle, and if the vehicle and premises comply with the requirements of all fire legislation, recommendations and guidelines, the Fire Chief shall recommend a license be granted to the applicant.
- m) The By-Law Enforcement Officer or person so designated by him or her shall thoroughly inspect the vehicle and premises with regard to the cleanliness and appearance and road worthiness of the vehicle, and if the vehicle and premises are found to be clean, the vehicle road worthy, the By-Law Enforcement Officer shall recommend a license be granted to the applicant.
- n) The Director of Planning & Development or person so designated by him or her shall ensure the proposed location and use are permitted under the Municipality's zoning by-laws and any other planning/building regulations, and if found to be in compliance, the Director shall recommend a license be granted to the applicant.

3. Motorized Food/Refreshment Vehicles

- a) The vehicle from which the refreshments are sold shall be of a commercial type.
- b) The body, doors and windows of such vehicle shall be of sufficiently sound construction to provide all reasonable protection against dust, dirt, insects, or other injurious matter of things.
- c) The interior of the vehicle shall be repainted, cleaned or refreshed as often as required by the Medical Officer of Health, the By-Law Enforcement Officer or any person designated thereby.
- d) The floor of such vehicle shall be of a suitable impervious material free from holes cracks or crevices and the surface thereof shall be readily washable and kept clean and in good condition.
- e) Adequate refrigeration at a temperature not higher than 5 degrees Celsius, or as determined by the Medical Officer of Health, shall be provided for perishable foodstuffs, and such foodstuffs shall so be kept refrigerated.
- f) Adequate equipment to maintain hot prepared foods at a temperature of not less than 60 degrees Celsius, or as determined by the Medical Officer of Health, shall be provided and such foods shall be kept so heated.
- g) Notwithstanding clause 3.h), existing motorized food/refreshment vehicles that are situated less than the 150 meters from any restaurant of food service establishment may continue providing all other clauses of the by-law are adhered to.
- h) The sale of food or refreshments from motorized refreshment vehicles is prohibited on any street within the limits of the Municipality of North Grenville.

- i) A motorized food/refreshment vehicle is prohibited in all zones with the exception of a commercial or industrial zone that permits such uses, and shall not be closer than 150 metres from any restaurant or food service establishment.
- j) The site for a motorized food/refreshment vehicle shall have the following requirements:
 - i) a minimum 3 parking spaces for the use of patrons
 - ii) no permanent electrical or other utility hook-up, and
 - iii) maintained in a neat and tidy condition at all times.
- k) The applicant for a motorized food/refreshment vehicle shall provide the following documents to the By-Law Enforcement Officer prior to the issuance of any license:
 - i) written permission from the owner of the lands where the vehicle shall be located;
 - ii) a site plan giving a sketch of the proposed vehicle location, the dimensions of the property, the location of all buildings and structures, the parking spaces and the distance from any public street; and
 - iii) written recommendations from the Medical Officer of Health, the Fire Chief, and the Director of Planning & Development.
- l) Notwithstanding Clause 3.7 above, the operator of any motorized canteen (a motorized food/refreshment vehicle that sells foods prepared offsite and drinks) may conduct business only while parked off the travelled portion of a public street and shall not be permitted to stop in any location for longer than is necessary to complete a sale or sales.

4. Non-Motorized Food/Refreshment Vehicles

In addition to the regulations set out in this by-law, the following regulations shall apply to “non-motorized food/refreshment vehicles”.

- i) Food/Refreshments may include hot dogs, sausages and similar products prepared and cooked on site, as well as fruit, candy, peanuts, pretzels, popcorn, fresh-baked goods, ice cream, pre-packaged ice cream and other iced confectionary items and similar products prepared off-site;
- ii) Food/Refreshments may be sold in any public park in the Municipality of North Grenville where there are no canteens or similar sales outlets in operation;
- iii) Refreshments may be sold in the public streets in the Municipality of North Grenville provided that the operator of the vehicle shall not be permitted to stop in any location for longer than is necessary to complete a sale or sales;
- iv) The equipment used is not vehicular-sized or similar to a chip wagon, mobile canteen and such larger vehicles. Non-motorized food/refreshment vehicles shall be generally small in size, and may include a bicycle propelled cart, push cart on wheels, hot dog stand.

5. Exceptions

Notwithstanding any provisions of this by-law, refreshment vehicles providing food and refreshment services at special events hosted and/or sponsored by a non-profit organization recognized by Council, and paying a fee established by the organizers, shall be exempt from this by-law.

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

APPENDIX "A" TO SCHEDULE "B" - BY-LAW NO. 14-08

Licensing Fee Schedule

Motorized Food/Refreshment Vehicles	\$250.00 per annum (Initial Fee) \$150.00 per annum (Annual Renewal)
Non-Motorized Food/Refreshment Vehicles	
a) food prepared and/or cooked on-site	\$250.00 per annum (Initial Fee) \$150.00 per annum (Annual Renewal)
b) food prepared and/or cooked off-site	\$ 25.00 per annum

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

APPENDIX "B" TO SCHEDULE "B" - BY-LAW NO. 14-08

Set Fines Schedule

	Section	Offence	Payment Fine	Set Fine
1	2	Fail to Obtain a License		
2	7	Fail to Display License		
3	8	Obstruction of Officer		

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

SCHEDULE "C" TO BY-LAW NO. 14-08

Carnivals, Circuses and Midways

1. Definitions:

In this by-law;

- a) **"By-Law Enforcement Officer"** shall mean a duly appointed by-law enforcement officer for the Municipality of North Grenville;
- b) **"Carnival"** shall mean and include without limiting the generality of the term any travelling fair or festivity, or exhibition of works;
- c) **"Circus"** shall mean and include without limiting the generality of the term any travelling show of horses, riders, acrobats, clowns, performing animals, trainers and other people;
- d) **"Fire Chief"** shall mean the Fire Chief for the Municipality of North Grenville, or his/her designate;
- e) **"Medical Officer of Health"** shall mean the Medical Officer of Health for the Leeds, Grenville and Lanark District Health Unit or his/her designate;
- f) **"Midway"** shall mean and include without limiting the generality of the term any mechanical and/or computerized amusement devices, merry-go-rounds, switchback railways, carousels, roller coasters and accompanying concession stands and games;
- g) **"Ontario Provincial Police"** shall mean the local detachment commander for the Grenville County Ontario Provincial Police, or his/her designate;

2. General Provisions

- a) No person shall operate a carnival, circus or midway within the limits of the Municipality of North Grenville without first having obtained from the Municipality a license for so doing.
- b) The applicant for a license shall provide the following documents to the By-Law Enforcement Officer prior to the issuance of a license:
 - i) a completed application form along with the appropriate licensing fee;
 - ii) written permission from the owner of the lands where the carnival, circus or midway shall be located;
 - iii) written recommendations from the Medical Officer of Health, local Ontario Provincial Police, and the Fire Chief;
 - iv) a duplicate copy or certified copy of current insurance policy with a minimum of two millions dollars liability (\$2,000,000);
 - v) copy of the Technical Standards and Safety Authority license for all amusement devices;
 - v) evidence of sponsorship by a recognized local organization or group of people for a charitable purpose;
 - vi) the proposed dates, times of operation and location of the carnival, circus or midway;

- vii) a site plan giving a sketch of the proposed location, the dimensions of the property, the location of all buildings and structures, the parking spaces and the distance from any public street; and
 - viii) any other information that the By-Law Enforcement Officer may request to ensure that the carnival, circus or midway will be conducted in a safe, sanitary and lawful manner.
- c) Every person who is issued a license shall be responsible for all waste disposal and adequate washroom and washing facilities unless otherwise being provided by a person/ organization other than the license holder.
- d) Every person who is issued a license shall ensure that all refuse, waste and garbage is placed in the appropriate containers and that the lands and property around the location of the carnival, circus or midway are maintained in a proper and clean manner at all times.
- e) The carnival, circus or midway shall be operated in a safe and sanitary manner and all animals performing or used in a carnival, circus or midway shall be treated in a humane manner consistent with all federal, provincial and municipal legislation.

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

APPENDIX "A" TO SCHEDULE "C" - BY-LAW NO. 14-08

Licensing Fee Schedule

Carnival	\$100 up to 3 days \$50 per day after 3 days
Circus	\$100 up to 3 days \$50 per day after 3 days
Midway	\$10 per ride (including mechanical or computerized rides) \$10 per concession stand (including games, food, beverages)

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

APPENDIX "B" TO SCHEDULE "C" - BY-LAW NO. 14-08

Set Fines Schedule

	Section	Offence	Payment Fine	Set Fine
1	2	Fail to Obtain a License		
2	7	Fail to Display License		
3	8	Obstruction of Officer		