

**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NUMBER 3113**

Being a By-law to license, regulate and govern vehicles from which refreshments are sold for consumption by the public and for revoking any such licence, and to repeal by-law 3059 and any previous bylaws relating to the same subject.

**WHEREAS** Section 236 subsection 11 of the Municipal Act RSO 1990 Chap.45 empowers Municipal Councils to pass by-laws to provide for the licensing, regulating and governing of vehicles from which refreshments are sold for consumption by the public and for revoking any such licence,

**NOW THEREFORE**, The Council of the Town of Perth enacts as a by-law the following:

**1. SHORT TITLE**

This By-law may be cited as the "Refreshment Vehicle By-law".

**2. DEFINITIONS AND WORD USAGE**

In this By-law

(1) (a) "Act" means the Health Protection and Promotion Act

(b) "applicant" means the owner of a vehicle or property who applies for a permit or any person authorized by the owner to apply for a permit on the owner's behalf, or any person or corporation empowered by statute to conduct business in the Province of Ontario.

(c) "approved location" shall mean the location(s) specified in the application and for which a license has been granted.

(d) "Chief Building Official" means the Chief Building Official appointed by Council.

(e) "license" means permission or authorization given in writing by the Corporation of the Town of Perth to operate a refreshment vehicle within the limits of the Town of Perth.

(g) "licensee" means the person to whom the license has been issued and who assumes the primary responsibility for complying with the Act and this by-law.

(h) "located refreshment vehicle" means a vehicle located at an approved location for the purposes of selling food and beverages to the public. A located refreshment vehicle must be capable of being readily removed from an approved location within 24 hours of a notice to remove being received.

(i) "mobile refreshment vehicle" means a vehicle that has a valid vehicle registration tag and is operated at approved location(s) for less than 12 consecutive hours in any 24 hour period for the purpose of selling food and Beverages to the public.

(j) "owner" means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.

(2) Words and terms not defined in this bylaw shall have the meaning ascribed to them in the "Act".

**3./ LICENSES**

(1) Classes of licenses permitted under this bylaw are set forth in Schedule "A" appended to and forming part of this By-law.

(2) Every refreshment vehicle operator shall obtain a license before locating a vehicle within the Town of Perth, except in the case of a special event (such as the Festival of the Maples, the Softball Shootout, the Perth Fair) where the operator has an agreement with the organization in control of the special event.

(3) Every refreshment vehicle operating in the Town of Perth shall have a current valid license displayed.

(4) A license shall be valid for the calender year in which it is issued. All licenses shall expire on December 31 of the year in which they are issued.

#### **4./ GENERAL PROVISIONS**

(1) All refreshment vehicles must comply with the provisions of the "Food Premises Regulation" Ont.Reg 562/90 of the Health Protection and Promotion Act as amended.

(2) The sale of goods from a refreshment vehicle shall only occur from approved locations.

#### **5./ LOCATED REFRESHMENT VEHICLE PROVISIONS**

(1) The sale of goods from a located refreshment vehicle shall only occur in any C1, or C2 commercial zone as defined in the Zoning by-law 2208 as amended.

(2) A located refreshment vehicle shall be located on a lot in accordance with the minimum setback requirements and lot coverage provisions of the Town of Perth Zoning Bylaw No. 2208 as amended.

(3) Where the application for license is for a location in a zone other than one that is identified in subsection 5.(1), approval of the location by Council must be obtained prior to the final approval of the license.

(4) No located refreshment vehicle may be located within 30 metres of any restaurant in the Town of Perth without the express written acknowledgement of the owners of the affected restaurant.

(5) No building, structure or construction may be constructed for or attached to a located refreshment vehicle without the express written consent of the Chief Building Official and the license issuing authority. (includes decks, steps and enclosures).

(6) No sign or advertising device may be displayed except in accordance with the Sign and Merchandise display by-law and the approval of the sign review committee.

(7) Where there is a potential for the production of grease laden vapours and smoke, the installation of equipment for the removal of smoke and grease laden vapours shall be installed to meet the requirements of NFPA 96 "Standard for the installation of equipment for the removal of smoke and grease laden vapours".

(8) Where a located refreshment vehicle connects to services of the Town and/or the PUC the connections shall be made only with the express written approval of the Town and/or the PUC.

(9) Where electrical facilities are provided a certificate of inspection certifying compliance to the requirements of Ontario Hydro is required.

(10) Plumbing facilities shall comply with the requirements of Part 7 of the Ontario Building Code.

#### **6./ MOBILE REFRESHMENT VEHICLE PROVISIONS**

(1) Where the vehicle stands or parks in the Town of Perth it shall be subject to all provisions of the Traffic by-law and Section 4 of this Bylaw.

(2) A mobile refreshment vehicle shall operate within the Town of Perth only while parked on private property excepting where a special exemption has been granted in writing by the Clerk, in accordance with clause 6.(3) as authorized by Council.

(3) Where a mobile refreshment vehicle is providing a service to the workers at a construction site the requirement of clause 6.(2) may be waived by the Clerk as authorized by Council.

#### **7./ PRESCRIBED FORMS**

(1) The forms prescribed for use as applications for license, for licenses and for notices of contravention shall be as set out in Schedule "B" attached to and forming part of this By-law.

**8./ APPLICATION**

(1) To obtain a permit, an applicant shall file an application in writing on forms prescribed by and available from the Administration Office, and shall supply any other information relating to that application as required by the Town of Perth.

(2) Every application for Refreshment Vehicle license shall:

(a) identify and describe in detail the products to be sold.

(b) describe the land on which the vehicle is proposed to be located with a description that will readily identify and locate the site and identify all neighbouring property owners.

(c) be accompanied by plans and specifications as described in Section 8 of the By-law;

(d) be accompanied by the required application fee as calculated in accordance with Schedule "A";

(e) include a description of the vehicle and where applicable provide a photocopy of the current motor vehicle registration document.

(f) include a current certificate of compliance with "the Food Premises Regulation" as written under the "Act".

(g) include certificates of compliance from the following Town of Perth authorities;

- i) the Chief of Police,
- ii) the Fire Chief,
- iii) the Chief Building Official,
- iv) the Planning Administrator,

(h) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the connection of all water, sewer, gas, electric, telephone or other utilities and services that are proposed.

(i) include completed letters of acknowledgment from adjoining property owners and from restaurant owners within 30 metres of the proposed location.

(j) include a statement of indemnification to the Town as described in Section 10 hereof.

(k) provide proof of insurance as described in section 11 hereof.

(l) be signed by the applicant who shall certify as to the truth of the contents of the application.

**8. PLANS AND SPECIFICATIONS**

(1) Every applicant shall furnish, where applicable,

(a) a site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such survey.

(b) Site Plan will include;

i) lot size and dimensions of the property;

ii) setbacks from the proposed refreshment vehicle, fuel supply and garbage storage to existing buildings on the property, and to property boundaries and to buildings on adjacent property.

iii) the names, addresses and phone numbers of adjacent property owners, and restaurant locations within 30 metres of the location.

iv) existing rights of way, easements and municipal services.

(c) Where an exhaust hood system is required,

(i) a plan of the hood system with a description of all fire safety measures provided, and

Section 8.(1)(c) contd

- ii) the location of the exterior exhaust vent in relation to other buildings and the property line.

(2) Plans submitted shall be legible and be drawn to scale upon paper or other suitable and durable material.

**9.FEES**

(1) The required fees shall be calculated in accordance with Schedule "A" for the license proposed and the applicant shall pay such fees.

(2) No application shall be reviewed unless the required application fees have been paid in full.

(3) No license shall be issued unless the required license fee has been paid in full.

(4) The first year license fee for an approved applicant may be prorated for the number of months left in the year of the first application.( see Schedule "A" for fees).

**10. INDEMNIFICATION**

(1) No person shall be granted or hold a license for the operation of a refreshment vehicle unless he has in writing agreed to indemnify and hold harmless the Town of Perth, its agents, servants, employees and officials from any claims, actions or suits which might be brought against the said person and the Town of Perth arising out of the operation of the refreshment vehicle in any manner whatsoever, or any error, negligence, or omission of the person, his agents, servants or employees.

**11. INSURANCE**

(1) No person shall be granted or hold a license for a Refreshment vehicle unless he establishes and maintains in effect proof of financial responsibility covering each vehicle. Such proof shall be made by delivering to the Town an original or a certified copy of a current valid insurance policy which includes the following:

(a) a description of the coverage, policy number, effective date, expiry date, limits of liability and details of the vehicle covered;

(b) an amount of insurance not less than \$1,000,000.00 exclusive of interest and costs for each vehicle to include:

- (i) loss or damage resulting from illness, injury or death of one or more persons from any food, product, goods or any act or omission by the operator or owner of a refreshment vehicle, and
- (ii) loss or damage resulting from bodily injury to or death of one or more persons, or from loss or damage to property resulting from any one accident; and

(c) an endorsement included in the insurance policy that provides for the Town to receive at least fifteen (15) days written notice of the policy being cancelled or expiring, or any changes to the terms and conditions of the policy.

**12. OPERATING REGULATIONS**

(1) Every licensee shall ensure that an adequate number of containers for recyclable materials and waste receptacles with self closing lids are provided in accessible locations in the vicinity of the refreshment vehicle.

(2) Every licensee shall ensure that the waste receptacles are emptied at least once a day.

(3) Every licensee shall ensure that the grounds in the vicinity of the refreshment vehicle are kept clean of all waste.

(4) Every licensee shall ensure that the refreshment vehicle, all accessories and equipment shall be kept in good repair and at all times in a clean and sanitary condition.

(5) Every licensee shall ensure that,

- (a) no person other than a bona fide employee of the licensee shall operate the refreshment vehicle, and

(b) any employee (operator) shall be adequately trained in the safe operation of the refreshment vehicle and equipment, and

(c) all employees are familiar with the contents of this bylaw, and

(d) any operator or employee under his control, management or supervision does not breach any of the provisions of this bylaw.

(6) Every licensee shall ensure that all conditions expressed by the Fire Department, the Police Department, the Health Unit, the Building Department or the Planning Department forming part of any approval shall be adhered to at all times.

### **13. REVISIONS TO LICENSE**

(1) After the issuance of a license under this by-law, notice of any material change to a plan, specification, document or other information on the basis of which the license was issued, must be given in writing to the Town together with the details of the change.

(2) No modification(s) to any refreshment vehicle shall be carried out without the express written authorization of the Clerk as authorized by Council.

### **14. ASSIGNMENT OF LICENSE**

(1) A license to operate a refreshment vehicle is not transferable.

(2) Where the existing license holder transfers ownership of the refreshment vehicle to any other person, an application for refreshment vehicle license must be made by the new owner.

### **15. CONTRAVENTION / REVOCATION OF LICENSE**

(1) If after an inspection of an operation, an agent for the Town is satisfied that the operation does not conform to the standards of this bylaw or any bylaw governing the operation of a business within the Town of Perth, a notice of bylaw contravention shall be sent to the licensee, by personal service upon or sent by prepaid registered mail to the licensee, stating the particulars of the non-conformity, and may at the same time provide the owner of the property with a copy of such notice.

(2) The licensee shall have 24 hours from the date of receipt of the notice to rectify the stated contravention.

(3) Failure to correct the contravention shall result in a second notice of contravention being served. The licensee shall have 24 hours from the date of receipt of this second notice to rectify the contravention.

(4) If a total of three (3) notices of contravention of a By-law are served by the Corporation during any license period, the Refreshment Vehicle License shall be automatically revoked.

(5) Where a license is revoked, the refreshment vehicle shall be removed from its location within 24 hours of the date of revocation.

(6) Failure to remove the refreshment vehicle within the time period specified will allow the Town to remove the vehicle at the operators expense.

(7) Where the Town removes the refreshment vehicle it shall be entitled to recover the expense incurred from the owner of the vehicle before it releases custody of the vehicle to the owner.

(8) Where a license has been revoked, the licensee shall have the right to re-apply for a new license, and therefore, shall submit a new application together with the required application fee for the new license, and if the application is approved the operator shall pay such license fee as is required.

(9) In addition to any measures that are available to the Town in this section the Town shall have the right to seek to impose a penalty as provided for in Section 16.

### **16. PENALTY**

(1) Every person who contravenes any provisions of this bylaw shall be guilty of an offence, and upon conviction shall be liable to a fine of not more than five hundred dollars (\$500.00) for each offense.

**17. SEVERABILITY**

(1) Should any section, subsection, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

**18. REPEAL**

(1) Bylaw No.3059 any other by-law, schedules to bylaws, that predates this bylaw and pertains to any matter regulated by this by-law is hereby repealed.

(2) Existing Licenses -

(a) Where an existing license is in force, the provisions of the bylaw under which the license was issued remain in effect until the expiry date of the license.

(b) Where an existing license holder applies for a license under this bylaw on or before the expiry date of their current license,

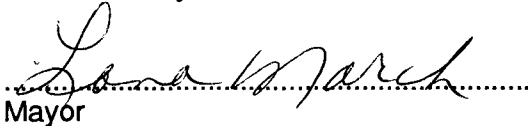
(i) the application shall be as set out in Schedule "A" attached, and

(ii) the license fee shall be prorated for the 1995 license period which concludes December 31, 1995.

**19. EFFECTIVE DATE**

This bylaw shall come into force and take effect upon the date of final passage by the Council of the Corporation of the Town of Perth.

PASSED AND GIVEN under the seal of the Corporation of the Town of Perth and the hands of the Mayor and the Clerk this 25th day of April, 1995.

  
.....  
Mayor

  
.....  
Clerk

**SCHEDULE "A" BYLAW # 3113**

This is schedule "A" to bylaw no. 3113 respecting classes of licenses and the fees payable therefor for 1995.

**A/ APPLICATION FEES -**

- 1/ Non refundable application fee all first time applicants. \$ 100.00
- 2/ Non refundable application fee for renewal of existing license. \$ 25.00

Note: this fee is intended to partially recover the cost of inspections and review by various Town departments that are required to comment on the application for license.

**B/ LICENSE FEES -**

Upon approval of the application and to obtain the following class of license the following fee is payable.

<b>CLASSES OF LICENSES</b>	<b>FEES PAYABLE</b>
1/ Annual located license	\$ 500.00
2/ Annual mobile license	\$ 500.00
2/ (A) Where the operator of a mobile refreshment vehicle pays business tax in the Town of Perth.	\$ 50.00
Where a Refreshment vehicle is located in the Downtown Business Improvement Area the following additional fee is payable.	\$ 200.00

NOTE: In accordance with Section 9(4) the fee payable in the first year of application shall be calculated and prorated for the number of months that are left to the end of the year in which the first application is made.

Applications for license in subsequent years shall be deemed to be for the whole year and the fee payable in all cases shall be the annual license fee.

\*\*\*\*\*

**SCHEDULE "B" to BYLAW 3113**

Respecting forms.

- 1/ Application for Refreshment vehicle license.
- 2/ Refreshment vehicle license.
- 3/ Acknowledgement letter from neighbouring property owner.
- 4/ Acknowledgement letter from adjacent restaurant owner.
- 5/ Notice of Contravention.

\*\*\*\*\*

CORPORATION OF THE TOWN OF PERTH

80 Gore Street East, Perth, Ontario K7H 1H9 /613-267-3311

APPLICATION for LICENSE
TO OPERATE A REFRESHMENT VEHICLE IN THE TOWN OF PERTH

Application for..A/ Located B/ Mobile Year

The applicant shall submit this application to the Town for review together with the required application fee and any other authorization required under Bylaw No. 3113. Where an application is approved, the applicable license fee shall be paid before a license to operate a refreshment vehicle is issued.

All of the statements and representations contained in the attached documents filed in support of this application shall be deemed part of this application for all purposes. Sufficient information shall be submitted with each application to enable the Town to determine whether the proposed operation will conform with the Bylaw No. 3113 and any other applicable law.

Applicant Address.....tel.....
Property owner Address.....tel.....
Operator Address.....tel.....

Property Information:

Lot number.....Plan number.....Lot size.....Corner Lot.....
Assessment Roll Number.....Zone.....
Street and Number.....on the side,between.....
Main building has been used for the following purposes since the passing of Zoning By-law 2208.....

This vehicle will be used for the following purposes only.....

Refreshment vehicle Information:

Vehicle is a New.....Used.....Self Propelled.....Trailer.....

Vehicle will be Mobile.....Stationary.....

If stationary, vehicle is capable of being removed within 24 hours.....

Size of Vehicle-W.....L.....H.....Existing Building(s)-W.....L.....

Vehicle setback:Side Yard-Left.....Right.....Rear Yard.....Front Yard.....

Construction proposed -.....

Signs proposed -.....

Services - please indicate where applicable.

Water-Municipal Supply.....Available.....Required.....Other(specify).....

Hydro-Available on site.....Required.....PUC Approval.....

Sewers Available.....Storm.....Sanitary.....Public Works Approval.....

Plumbing Fixtures.....Plumbing Contractor.....

Are surveyors stakes visible ?.....Have fences been erected for more than ten years ?.....

Has any property which may be affected by this application been designated under the Ontario Heritage Act 1990 ?.....

Is the property affected by any restrictions under the Environmental Protection Act?.....RVCA.....

Description of Operation

Goods to be sold -.....

Hours of Operation -.....

continue on a separate page if necessary.

DECLARATION

I, am the operator/agent of the operator named in the above application and I certify the truth of all statements and representations contained therein.

I am aware of the applicable Town of Perth By-laws regulating the connecting of water, sewer, and hydro services, and the installation or use of signs and merchandise displays.

I understand that the issuance of a License shall not be deemed a waiver of any of the provisions of any by-law or requirements of any other Regulation that affects the operation of a refreshment vehicle notwithstanding anything included in or omitted from the plans or other material filed in support of or in connection with this application.

I acknowledge that I am responsible for the garbage originating from this operation within 30 metres of the vehicle location.

I acknowledge that in the event a License is issued, any departure from plans, specifications or vehicle locations proposed in this application is prohibited and such could result in the License being revoked.

I further acknowledge that in the event the License is revoked for any cause or irregularity or nonconformity with the by-laws or other regulations, there shall be no right of claim whatsoever against the Corporation of the Town of Perth or any official thereof and any such claim is hereby expressly waived.

PERTH, ONTARIO.....19.....

Signature of Owner or Authorized Agent

Witness.....

Employee Town of Perth

Applicants are required to submit a separate application for each refreshment vehicle or location



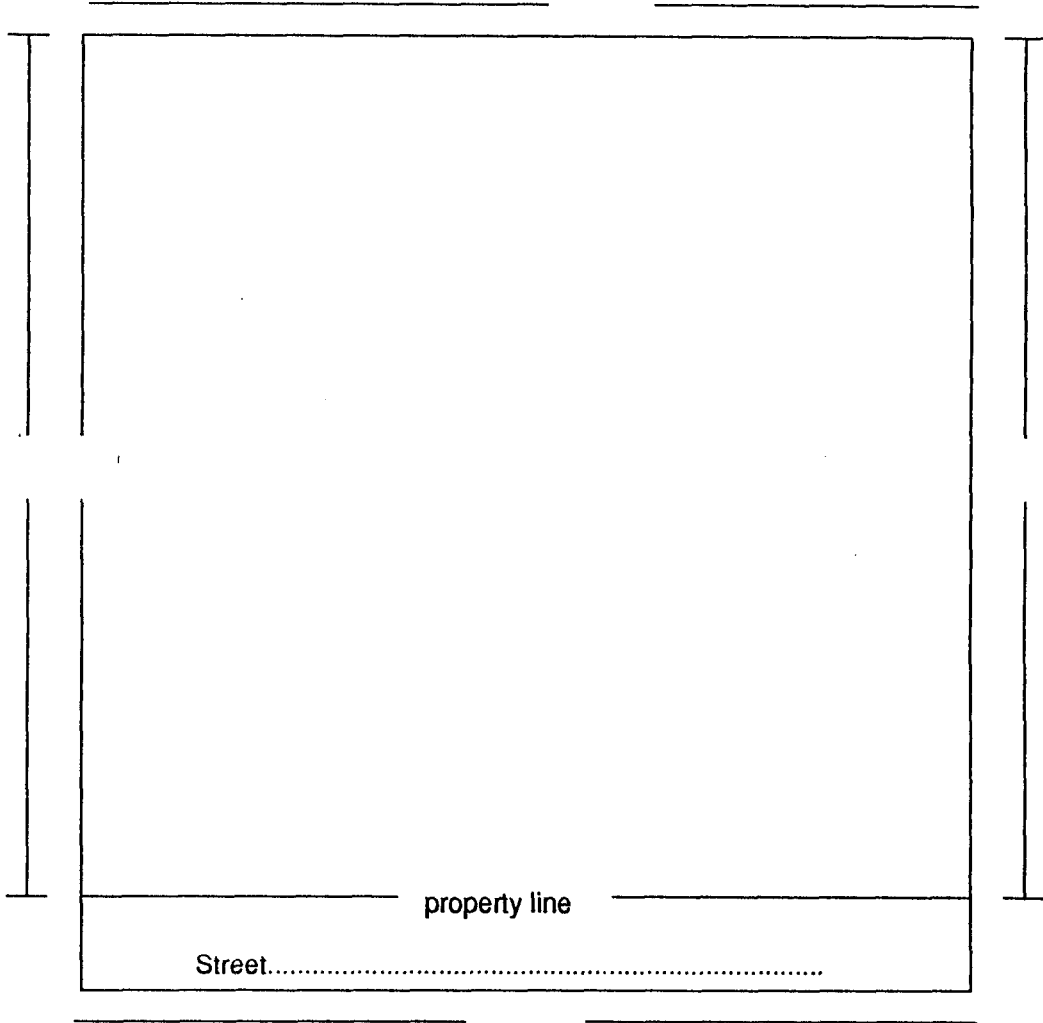
**APPLICATION FOR REFRESHMENT VEHICLE LICENSE contd.**

Names and addresses of adjacent property owners and Restaurant owners within 30 metres of location.

.....  
.....  
.....  
.....  
.....  
.....

**VEHICLE LOCATION PLOT PLAN..(scale)**

Proposed locations of the Refreshment vehicle must be provided with the setbacks to property line and other buildings. The locations of exhaust vents, fuel sources and garbage storage area must also be indicated.



**FOR OFFICE USE ONLY**

ASSESSMENT ROLL NO.....

LICENSE TYPE..... DURATION.....

LICENSE NO.  
.....  
.....

Letters received..... Checked.....

Vehicle Registration Received..... Checked.....

Compliance with Food Premises Regulation Checked.....

Planning Review Zoning..... Checked.....

Use and Occupancy.....

Reviewed by Police Chief..... Fire Chief..... Building Official.....

Dated.....

APPLICATION FEE.\$..... LICENSE FEE.\$..... RECEIPT NO.....

RECEIPT NO. .... DEPOSIT..... DATE.....

DATE LICENSE ISSUED.....

DATE EXPIRED.....

CONDITIONS OF LICENSE.....

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

per: Thomas G. Kent, Clerk-Administrator

SCHEDULE "B" (3)

Acknowledgement letter from neighbouring property owner.

Re:.....

Application for refreshment vehicle license at.....

I/we confirm that we are the owners of property at.....  
which is adjacent to the property named in the above noted application.

The operator of a refreshment vehicle proposed for the above location has provided information to us about the application for refreshment vehicle license which we have reviewed.

1/ I/we have no objections to the location of the refreshment vehicle on the property.....

2/ I/we do not oppose the application but we have the following concerns about the location of a refreshment vehicle on the property.  
.....  
.....

3/ I/we are opposed to a refreshment vehicle being located on the property for the following reasons.  
.....  
.....

Please print name, address and daytime phone number.....  
.....

Signature and date.....

\*\*\*\*\*

SCHEDULE "B" (4)

Acknowledgement letter from Restaurant owner within 30 metres.

Re:

Application for refreshment vehicle license at.....

I/we acknowledge that we are the owners of a restaurant which is located within 30 metres of the property on which a refreshment vehicle is proposed to be located.....

The operator of the refreshment vehicle proposed to be located at the above address has provided us with information about the application for refreshment vehicle license.....

1/ I/we have no objections to the location of the refreshment vehicle on the property within 30 metres of our restaurant.....

2/ I/we do not oppose the application but we have the following concerns about the location of a refreshment vehicle on the property.....  
.....  
.....

3/ I/we are opposed to a refreshment vehicle being located on the property within 30 metres of our restaurant for the following reasons.....  
.....  
.....

Please print name, address and daytime phone number.....

Signature and date.....

Schedule "B" (5)  
CORPORATION OF THE TOWN OF PERTH

NOTICE OF BYLAW CONTRAVENTION  
BYLAW NO.

ISSUED TO:

MUNICIPAL ADDRESS OF PROPERTY IN VIOLATION:

More particularly described in Instrument Number.....registered in the Registry Office of Lanark County in Almonte, Ontario.

TAKE NOTICE that the property at the above address is in Contravention of the Standards prescribed in the By-law number as amended, as outlined herein.

---

ITEM	BY-LAW SECTION	PARTICULARS OF CONTRAVENTION
------	----------------	------------------------------

---

AS DESCRIBED IN SCHEDULE "A" ATTACHED

AND TAKE NOTICE that you as the owner or person having a financial interest in the above property are hereby given notice that the said property does not conform with the requirements of the Bylaw number (as amended) as outlined herein.

Representation may be made to the undersigned in this regard within day(s) of the issuance of this Notice. Please call 267-3311 for an appointment.

Failure to carry out the work necessary to correct the deficiencies within will result in further action as is required under Section of the Bylaw to ensure compliance with the Bylaw.

Note: Charges may be laid for non-compliance with the Bylaw No.

Issued On:

Served By:

Signed: