

THE CORPORATION OF THE TOWNSHIP OF MAPLETON

BY-LAW NUMBER 2005-026

A By-law respecting the issuing of Licences
within the Township of Mapleton

WHEREAS the Council of the Corporation of the Township of Mapleton has the authority to enact a by-law respecting the issuing of licenses pursuant to *The Municipal Act, S.O. 2001, c25, S.150* as amended,

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MAPLETON ENACTS AS FOLLOWS:

1. INTERPRETATION

For the purpose of this By-law the following terms shall have the corresponding meanings:

- (a) **“Applicant”** means any Person whose name appears as the applicant on any Licence application form received by the Township;
- (b) **“By-law”** means this By-law and any amendments thereto including all Schedules forming any part of this By-law and any amendments thereto;
- (c) **“Clerk”** means the Clerk of the Corporation of the Township of Mapleton or his or her designate;
- (d) **“Council”** means the Council of the Corporation of the Township of Mapleton
- (e) **“Highway”** includes a common and public Highway, street, road, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- (f) **“Inspector”** means any Township employee or other person authorized by the Township to carry out inspections under and to enforce the provisions of this By-law;
- (g) **“Licence”** means the official document issued by the Township under the provisions of this By-law bearing the signature of the Clerk authorizing a Person to conduct, operate or carry on any of the trades, businesses or occupations listed in Schedule “A” to this By-law;
- (h) **“Licensee”** means any Person licensed under this By-law;
- (i) **“Person”** includes a corporation, organization, association and a partnership and the heirs, executors, administrators and other legal representatives of a person to whom the context can apply according to law;
- (j) **“Schedule”** means all regulations attached to and forming part of this By-law including any amendments thereto; and
- (k) **“Township”** means the Corporation of the Township of Mapleton.

2. **LICENCES REQUIRED**

(a) No person shall carry on any of the trades, businesses or occupations in the Township of Mapleton as set out in Schedule "A" to this By-law, without a Licence to do so issued by the Township.

(b) No Licence issued under this By-law shall be valid unless all applicable fees, as set out in Schedule "A" to this By-law are paid in full.

See current Fees & Charges By-law, as

3. **APPLICATION FOR LICENCE**

amended from time to time.

(a) No licence shall be issued to any Applicant under the age of 18 years.

(b) Every application for a Licence under this By-law shall be made in writing and shall be accompanied by the applicable Licence fee, and proof of age if requested by the Clerk.

4 **LICENCE FEES**

Every Licence issued under this By-law, unless the same shall be revoked in accordance with Section 14 hereof, shall only be in effect for the calendar year in which it is issued and shall expire on the 31st day of December next following the date of issue and a new Licence shall be required for each calendar year thereafter.

5. **PROOF OF INSURANCE**

Every Licensee shall keep in full force and effect during the term of the Licence general liability insurance in connection with the trade, business or occupation licensed in the minimum amount of \$1,000,000.00 and proof of such insurance shall be provided upon demand to the Clerk or an Inspector.

6. **PARTNERSHIPS**

Where two or more persons carry on or engage in partnership in any of the trades, businesses or occupations set forth in any of the Schedules forming part of this By-law, the Licence may be issued in the name of one partner only, but when the application for Licence is made, the name and address of each member of the partnership shall be set out therein and all such partners shall be jointly and severally liable for compliance with the terms of the Licence and this By-law.

7. **ISSUE OF LICENCE**

Every Licence issued in accordance with this By-law shall be issued in the name of the Township by the Clerk.

8. **LICENCE NOT TRANSFERABLE**

Every Licence issued under this By-law shall be personal to the holder thereof and shall not be transferable or assignable from Person to Person or location to location and no Licensee shall advertise or promote or carry on business under any name other than the name endorsed upon the Licence issued to the Licensee.

9. **DISPLAY OF LICENCE**

(a) Every Person issued a Licence under this By-law, where such Licence is applicable to a particular premises, shall ensure that said Licence is posted on the premises in a conspicuous place clearly visible to the public at all times while the Licence is in effect.

(b) Every Person issued a Licence under this By-law, where such Licence is not applicable to a particular premises, shall ensure that the Licence is in the Licensee's possession at all times while engaged in the business for which the Licence was issued and such Person shall produce such Licence upon request of the Clerk or an Inspector.

10. **COMPLIANCE WITH OTHER LAWS REQUIRED**

The issuance of a Licence under this By-law does not permit or condone the violation of any other law, statute or other regulation in effect in the Township of Mapleton, the Province of Ontario or the Dominion of Canada.

11. **GROUND FOR REFUSAL TO ISSUE OR RENEW A LICENCE**

Council may refuse to issue or renew a Licence where:

- (a) the fees due in respect of such Licence have not been paid in full;
- (b) the application or any documents requisite to the Licence being issued have not been completed or have been completed incorrectly or have not been provided to the Clerk; or
- (c) the Applicant or Licensee is carrying on an activity that is, or will be, if the Applicant is licensed, in contravention of this By-law or any other law, statute or other regulation;
- (d) the grounds set out in Section 150(11) of *The Municipal Act, S.O. 2001, c. 25, as amended*, are applicable, in the opinion of Council; or
- (e) the Applicant or Licensee has ever been convicted of an offence under any provisions of this By-law.

12. **REFUND OF FEE ON REFUSAL TO ISSUE OR RENEW A LICENCE**

When Council refuses to issue or renew a Licence, the Licence fee paid for such issuance or renewal shall be fully refunded.

13. **ISSUANCE OR RENEWAL OF LICENCE ON TERMS AND CONDITIONS**

Notwithstanding any other provision of this By-law, Council may issue a Licence or renew a Licence subject to such terms and conditions as in the opinion and discretion of Council are necessary or appropriate to give effect to this By-law .

14. **COUNCIL'S POWER TO REVOKE, SUSPEND OR CANCEL A LICENCE**

Council may revoke, suspend or cancel a Licence:

- (a) where the Licensee would be disentitled to a Licence for any of the reasons set out in Section 11 of this By-law;
- (b) when the Licensee is convicted of an offence under any provision of this By-law; or
- (c) where the Licensee is not in compliance with any of the provisions of this By-law.

15. **REFUND OF FEE ON REVOCATION OF LICENCE**

When a Licence is revoked, suspended or cancelled under Section 14 of this By-law, the Licensee is entitled to a refund of that part of the Licence fee which is proportionate to the unexpired part of the term for which the Licence was issued.

16. **REVOKED, SUSPENDED OR CANCELLED LICENCES TO BE RETURNED**

- (a) When a Licence has been revoked, suspended or cancelled, the holder of the Licence shall return the Licence to the Clerk by the next business day following receipt of the written notice of the decision of Council.

- (b) When a Licensee has had his or her Licence revoked, suspended or cancelled, the Licensee shall not refuse to return the Licence or shall not in any way obstruct or hinder the Clerk or an Inspector from obtaining the Licence.

17. **APPEALS TO THE APPEAL COMMITTEE**

- (a) Council hereby appoints the Administration and Finance Committee as the Committee of Council to conduct hearings on its behalf pursuant to this By-law.
- (b) When an Applicant or Licensee is not entitled to a Licence or to have the Licence renewed on any grounds set out in Section 11 of this By-law, the Clerk shall recommend to Council that Council refuse to issue or renew the Licence or that Council revoke, suspend or cancel the Licence.
- (c) Notwithstanding Section 17(b) of this By-law, the Clerk may recommend to Council that Council issue or renew a Licence on terms and conditions pursuant to Section 13 of this By-law.
- (d) Prior to a recommendation proceeding to Council to refuse to issue or renew a Licence, or before Council revokes, suspends or cancels a Licence, a written notice shall be sent by the Clerk to the Applicant or Licensee, by Registered Mail, advising him or her of the recommendation.
- (e) The written notice to be sent under Section 17 (d) shall:
 - (i) set out the grounds for the recommendation;
 - (ii) give reasonable particulars of the grounds;
 - (iii) be signed by the Clerk; and
 - (iv) inform the Applicant or Licensee that he or she is entitled to a hearing before Council if he or she delivers to the Clerk within ten days after the date of mailing of the written notice, a written request for a hearing.
- (f) Upon receipt of a written request from an Applicant or Licensee for a hearing, the Clerk shall provide the Applicant or Licensee with written notice of the date, time and location of the hearing and such notice shall be provided at least twenty days prior to such hearing.
- (g) The provisions of the *Statutory Powers and Procedures Act, R.S.O. 1990, Chapter S.22*, or any successor thereof, shall apply to all hearings conducted by Council under this By-law.
- (h) If the Applicant or Licensee who has been sent notice of the hearing does not appear at the appointed time and place of the hearing, Council may proceed with the hearing in the absence of the Applicant or Licensee.
- (i) Council may uphold or vary the recommendation of the Clerk or do any act or make any decision and the Applicant or Licensee shall not be entitled to any further hearing on the matter before Council and the decision of Council shall be final.

18 **INSPECTIONS**

- (a) No person who has or is required to have a Licence under this By-law shall obstruct or hinder or permit the obstruction or hindrance of any inspection under this By-law.
- (b) The Clerk or an Inspector may at any reasonable time enter upon and inspect any premises in respect of which an application has been made for a Licence or for which a Licence has been issued under this By-law.

19. **SPECIFIC PROVISIONS SET OUT IN SCHEDULES**

In addition to the provisions of this By-law, every holder of a Licence shall comply with the specific provisions and regulations set out in the Schedules attached hereto and forming part of this By-law, as the same may be amended from time to time, which are applicable to the trade, business or occupation being conducted, operated or carried on by the Licensee pursuant to the Licence.

20. **OFFENCE**

Every Person who contravenes any provision of this By-law or any Schedule to this By-law is guilty of an offence.

21. **PENALTIES**

Every Person who is convicted of an offence under any provision of this By-law or any Schedule to this By-law shall be liable to a penalty as set out in Section 61 of *The Provincial Offences Act, R.S.O. 1990, Chapter P.33*, or any successor thereof.

22. **ULTRA VIRES**

It is hereby declared that notwithstanding that any section of this By-law, or parts thereof, may be found by any court of law to be invalid or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this By-law are separate and independent therefore and enacted as such.

23. **CONFLICT**

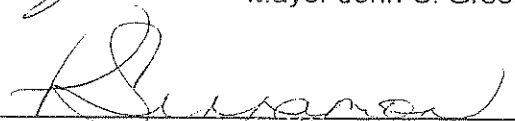
In the event of a conflict between any provision of this By-law and any other By-law in effect in the Township of Mapleton or with any other law, statute or regulation applying to the Township, the more restrictive requirement shall apply.

READ a first and second time this 14th day of June, 2005.

READ a third time and passed this 14th day of June, 2005.



Mayor John C. Green



CAO Clerk Patty Sinnamon

TOWNSHIP OF MAPLETON

BY-LAW NUMBER 2005-026

SCHEDULE "B"

FOOD VEHICLES

For licensing, regulating and governing vehicles
from which food items and refreshments
are sold or offered for sale to the public for consumption by the public

INTERPRETATION

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings for the purposes of this Schedule:
 - (a) **"Arterial Road"** means any Highway with markings identifying more than two traffic lanes;
 - (b) **"Chip Wagon"** means either a mobile or immobile vehicle either mounted on blocks or supported by a conventional wheel, tire and axle system from which food items such as french fries, burgers, hot dogs, popcorn, potato chips, chocolate bars, nuts and non-alcoholic beverages are offered for sale or sold to the public;
 - (c) **"Food Vehicle"** means a Chip Wagon, Mobile Barbecue Facility, Refreshment Vehicle or Refrigerated Bicycle Cart;
 - (d) **"Mobile Barbecue Facility"** means an open-air barbecue affixed to a cart which is on wheels or is capable of being moved from place to place by a person on which food is prepared and sold or offered for sale to the public.;
 - (e) **"Public Park"** means a recreational area for public use that is owned or controlled by the Township.
 - (f) **"Refreshment Vehicle"** means a vehicle or other itinerant food premise from which pre-packaged food items are offered for sale or sold and from 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 iced 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, Highways, driveways 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

APPLICATION OF SCHEDULE

2. In addition to all other provisions of this By-law, the provisions of this Schedule shall apply in respect of Food Vehicles.

LICENCE REQUIRED

3. No Person shall operate or permit the operation of any Food Vehicle within the Township of Mapleton without a Licence to do so issued by the Township.

GENERAL PROVISIONS

4. (a) In addition to the specific requirements set out herein, this Section shall apply to all persons operating a Food Vehicle within the Township.
- (b) No person shall operate a Food Vehicle in any Public Park at any time wherein such Public Park a concession stand or booth is situated.
- (c) Every Licensee of a Food Vehicle shall ensure that every sign affixed to or used in conjunction with the Food Vehicle complies with any Township sign by-laws or County of Wellington sign by-laws.
- (d) Every Licensee of a Food Vehicle shall supply a refuse container for his or her Food Vehicle to the satisfaction of the Township and the Licensee shall ensure that:
 - (i) such refuse container is maintained in a position immediately adjacent to the Food Vehicle at all times;
 - (ii) all refuse generated from the operation of the Licensee's Food Vehicle is contained in such refuse container; and
 - (iii) all refuse generated from the Licensee's Food Vehicle is disposed of in accordance with the Township's by-laws; and
 - (iv) the adjoining area is kept in a clean, sanitary and attractive condition.
- (e) Every Licence issued shall expire on December 31st in the year issued.

DISPLAY OF LICENCE

5. Every Licensee of a Food Vehicle shall ensure that the Licence 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 LICENCE

6. (a) Every Applicant for a Licence to operate any Food Vehicle shall submit to the Clerk:
 - (i) a letter from the owner of every property on which the Food Vehicle may be situated authorizing the Applicant to conduct such business from the property; and
 - (ii) a Site Plan to be approved by the Clerk and no Licence shall be issued until the Site Plan is approved.
 - (iii) signed evidence of inspection, from a qualified propane fitter, that any propane-fuelled appliances installed on the vehicle comply with "The Ontario Propane Code"
 - (iv) proof of inspection of the Food Vehicle by the local Fire Chief and the local Medical Officer of Health
- (b) Every Applicant for a Licence to operate any Refrigerated Bicycle Cart or Mobile Barbecue Facility shall provide to the Clerk the serial number of each Refrigerated Bicycle Cart or Mobile Barbecue Facility to be used.

CHIP WAGONS

7. (a) Every Person operating a Chip Wagon shall ensure that only food items such as french fries, burgers, hot dogs, popcorn, potato chips, chocolate bars, nuts and non-alcoholic beverages are offered for sale or sold from the Chip Wagon.
- (b) No person shall locate or operate a Chip Wagon within the Township except on privately owned property with a Commercial zoning and no person shall locate or operate a Chip Wagon:
- (i) on any Highway;
 - (ii) within 6.5 metres of any corner of any intersection;
 - (iii) within 6.5 metres of any Highway;
 - (iv) within 25 metres of any restaurant or any other Chip Wagon
 - (v) within 50 metres of any fuel filling station
- (c) No person shall operate a Chip Wagon that occupies an area greater than 40 square metres.
- (d) Every Applicant shall submit with the application the licensing fee of \$250.00 per Chip Wagon.

MOBILE BARBEQUE FACILITY

8. (a) Every Licensee of a Mobile Barbecue Facility shall ensure that:
- (i) only the Mobile Barbecue Facility identified by serial number on the Licence is operated;
 - (ii) the Mobile Barbecue Facility is only operated at the location set out on the site plan submitted to the Clerk as required by clause 6 (a)(ii) of this Schedule; and
 - (iii) such Mobile Barbecue Facility is maintained in good repair.
- (b) Every person operating a Mobile Barbecue Facility shall ensure that only the food which is prepared on the barbecue of such Mobile Barbecue Facility, together with condiments, buns, and non-alcoholic beverages are sold or offered for sale from such Mobile Barbecue Facility.
- (c) No person shall locate or operate a Mobile Barbecue Facility:
- (i) on any Highway;
 - (ii) within 6 metres of any corner or intersection;
 - (iii) within 6 metres of any Highway;
 - (iv) within 25 metres of any restaurant or any other Food Vehicle or any street vendor as set out in this By-law;
 - (v) within 50 metres of any fuel filling station
 - (vi) when such Mobile Barbecue Facility occupies an area greater than 2.5 square metres;
 - (vii) in any manner or at any place where pedestrians are in any way obstructed or impeded from entering or exiting any building or structure on the property on which such Mobile Barbecue Facility is located;
 - (viii) on any property where, due to the area occupied by the Mobile Barbecue Facility, the minimum parking space requirement for such property is not in compliance with the Township's zoning by-laws; or
 - (ix) on any property without first obtaining or having in place the required zoning for such use of the property.
- (d) Every Applicant shall submit the prescribed licensing fee of \$250.00 for each Mobile Barbecue Facility.

REFRESHMENT VEHICLE

9. (a) No person shall offer for sale any goods from a Refreshment Vehicle on any Highway in the Township.
- (b) Every Licensee of a Refreshment Vehicle shall ensure that only prepackaged 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 a 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 the food item is clearly displayed on the package.
- (c) Every Licensee of a Refreshment Vehicle shall ensure that the Refreshment Vehicle does not remain in any particular location for the purpose of offering food items for sale, for more than 30 minutes.
- (d) Every Applicant shall submit with the application the prescribed licensing fee of \$100.00 for each Refreshment Vehicle.

REFRIGERATED BICYCLE CART

10. (a) Every Licensee of a Refrigerated Bicycle Cart shall ensure that:
- (i) only ice cream, ice cream cones, ice milk and other iced confectionery products are offered for sale or sold from the Refrigerated Bicycle Cart;
 - (ii) all food items offered for sale or sold from said Refrigerated Bicycle Cart are individually wrapped;
 - (iii) the Refrigerated Bicycle Cart is equipped with a soft toned bell or chime in proper working order;
 - (iv) the Refrigerated Bicycle Cart is not operated on any Arterial Road within the Township unless such Arterial Road has a separate bicycle lane clearly identified for the accommodation of bicycle traffic.
- (b) No Licensee of a Refrigerated Bicycle Cart shall employ or allow anyone under the age of 15 years to operate the Refrigerated Bicycle Cart.
- (c) Every Applicant shall submit with the application the prescribed licensing fee of \$50.00 per cart.
- (d) Section 6 (a)(ii) of this Schedule shall not apply to an application for a Licence for a Refrigerated Bicycle Cart.

EXEMPTIONS

11. (a) Notwithstanding Section 3(a) of this By-law, a Licensee of a Food Vehicle shall be permitted to operate in a Public Park in conjunction with and during a special event provided written approval has been obtained from the Township in advance.
- (b) The provisions of this By-law and Schedule shall not apply to Mobile Barbecue Facilities operated in connection with a charitable fund-raising event, or a community event held on Township property, or where written approval has been obtained from the Township in advance.

INSPECTIONS

12. In addition to Section 18 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 by the local Medical Officer of Health or by any other inspector.

TOWNSHIP OF MAPLETON

BY-LAW NUMBER 2005-026

SCHEDULE "C"

TRANSIENT TRADER

For licensing, regulating and governing transient traders

INTERPRETATION

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings for the purposes of this Schedule:
 - (a) "Site Plan" means a drawing of a site which includes all applicable measurements of the selling area and the surrounding area within 100 metres of the site and on which all buildings and structures, Highways, driveways or other landmarks are indicated; and
 - (b) "Transient Trader" means a person who offers goods, wares or merchandise for sale in any manner in the Township
 - (i) other than on a permanent basis, or
 - (ii) on a permanent basis of the total time the person has operated the business on a permanent basis and the time the person continuously resided in the Township immediately before beginning to operate the business on a permanent basis is less than three months

APPLICATION OF SCHEDULE

2. In addition to all other provisions of this By-law, the provisions of this Schedule shall apply in respect of Transient Traders.

LICENCE REQUIRED

3.
 - (a) No person shall operate as a Transient Trader within the Township without a Licence to do so issued by the Township.
 - (b) A one day vendor's licence may be purchased subject to the provisions of this By-law.

EXEMPTIONS

4.
 - (a) This Schedule does not apply to the sale of goods or produce which have been grown in the Township and are being sold or offered for sale by the grower on his or her own property.
 - (b) A one-day vendor's licence shall only be available to an individual and shall not apply where goods, wares or merchandise are sold or offered for sale by or on behalf of a group of individuals or persons.

APPLICATION FOR LICENCE

5. (a) Every Applicant for a Transient Trader's Licence shall submit to the Clerk:
- (i) a letter from the owner of the property on which the sale is to take place authorizing the Applicant to conduct such a sale from the property; and
 - (ii) a Site Plan of the sale location to be approved by the Clerk; and
 - (iii) a statement in writing containing a full description of the goods, wares or merchandise that the Applicant proposes to sell or offer for sale under such Licence.
- (b) Every Applicant shall submit with the application the appropriate licensing fee.

SALE LOCATIONS PROHIBITED

6. (a) No Transient Trader shall conduct a sale on any Highway or road allowance within the Township of Mapleton.
- (b) No Transient Trader shall conduct a sale within 300 metres of any other existing business when the goods, wares or merchandise being sold or offered for sale are substantially the same as those being offered for sale by the other existing business.
- (c) No Transient Traders using a sidewalk from which to sell or offer for sale goods, wares or merchandise shall operate in such a manner as to obstruct such sidewalk or interfere with the normal use of such sidewalk by pedestrians.

SIGNS

7. Every Transient Trader shall ensure that:
- (a) only one sign is used in association with any sale, except where a sale is conducted on a corner property, a maximum of two signs may be used with no more than one sign abutting each Highway;
 - (b) every sign used is a freestanding, portable sign constructed of a wood, metal or other rigid material with a maximum height of 0.8 metres and a maximum surface area of 0.8 square metres;
 - (c) the location of every sign to be used in conjunction with the sale is illustrated on the Site Plan; and
 - (d) every sign used is located wholly on the property on which the sale is being conducted in accordance with Section 6 of this Schedule and is at least 3.0 metres away from any shoulder of a Highway or property line of a road allowance.