

The Corporation of the Municipality of Brighton

By-Law No. 051-2020

**Being a By-Law to Licence, Regulate and Govern Mobile
Canteens within the Municipality of Brighton**

Whereas, Section 5 of the Municipal Act 2001, as amended, specifies that a Municipal Council shall exercise its powers by By-Law;

And Whereas, Section 8 and 9 of the Municipal Act 2001, as amended, provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under the Municipal Act or any other Act;

And Whereas, Section 11 (2) of the Municipal Act 2001, as amended, specifies the Spheres of Jurisdiction the Municipality may pass By-Laws respecting matters in those Spheres of Jurisdiction;

And Whereas, Section 150 of the Municipal Act 2001, as amended, permits the Municipality to Licence and regulate any business wholly or partly carried out within the Municipality;

And Whereas, Schedule "D" of this By-Law outlines the fees for Mobile Canteens as per the General Fees and Service Charges Bylaw;

And Whereas, Section 434.1 (1) of the Municipal Act, without limiting sections 9, 10 and 11, a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a By-Law of the municipality passed under this Act;

Now, therefore, the Council of the Corporation of the Municipality of Brighton enacts as follows:

Section 1.0 Definitions

1.1 For the purpose of this By-Law;

"Applicant" shall mean any individual, firm, society, association, partnership or corporation who is applying for a Mobile Canteen permit;

"By-Law Enforcement Officer" shall mean the person appointed by the Municipality of Brighton for the purpose of enforcing By-Laws;

"Clerk" shall mean the Clerk of the Municipality of Brighton;

"Council" shall mean the Council of the Corporation of the Municipality of Brighton;

"Licensee" shall mean the applicant who is granted the Licence;

"Mobile Canteen" shall mean any trailer, vehicle or food tent from which refreshments, including: French fries, (chips), ice cream products, hot dogs, sausages, confections and beverages are sold for consumption by the public, but does not include a catering vehicle;

"Municipality" shall mean the Corporation of the Municipality of Brighton;

“Person” shall mean any individual, firm, society, association, partnership or corporation;

“Special Events” shall mean an event authorized by council, the duration of which is temporary in nature and shall include but not be limited to: Concert in the Park, Art on Main, Applefest, Street Dance, Movie in the Park, CP Holiday Train, and Santa Claus Parade;

“Special Events Committee” shall mean the person in charge of the Special Event that has been authorized by the Municipality;

“Waste” includes food, disposable eating utensils, paper, wooden cardboard, plastic, glass or metal products used in the preparation, serving or consumption of the food or beverages offered for sale from a Mobile Canteen.

Section 2.0 Operating Location Requirements

- 2.1 No person shall operate a Mobile Canteen on private property within the Municipality without first having obtained a Licence to do so.
- 2.2 No person shall operate a Mobile Canteen on any Municipal owned property, street or road allowance without first having obtained a Licence to do so.
- 2.3 Section 2.1 does not apply to temporary private functions on private property for fundraising or customer appreciation where only a barbeque is used. Health Unit approval may be a requirement.
- 2.4 No person shall operate a Mobile Canteen except on land zoned Highway Commercial (HC), Recreational Commercial (RC), and General Industrial (MI) as defined in the Municipality of Brighton Comprehensive Zoning By-Law Number 140-2002, as amended.
- 2.5 No person shall operate a Mobile Canteen in a location within the Municipality other than the location approved by the Municipality and recorded on the Licence.

Section 3.0 Required Application Documents

3.1 No Person shall provide false information on an application to obtain a Licence to operate a Mobile Canteen. Every applicant shall submit the following for a Mobile Canteen Licence:

- i) Completed Application (See Schedule “B”);
 - ii) Signed Indemnification (See Schedule “C”);
 - iii) Proof of Approval from the Haliburton, Kawartha, Pine Ridge District Health Unit;
 - iv) Proof Of Insurance Coverage, (See Section 3.3);
 - v) Letter of Consent from Property Owner (If applicable);
 - vi) Approval Letter from the Brighton Fire Department;
 - vii) Letter of Permission from the Special Events Committee (if Mobile Canteen is located on Municipal property);
 - viii) Proof of approval of TSSA requirements from Propane inspection;
 - ix) Public Works Approval. (See Section 3.2).
- 3.2 Approval from Brighton Public Works that the proposed location of the Mobile Canteen will not interfere with normal traffic flow on roads within the municipality and that sufficient off-road parking is provided.

3.3 i) Mobile Canteens on Municipal Property during special events will be required to have a certificate of insurance of at least \$2,000,000.00 naming the Municipality as an additional insured.

ii) Applications for Mobile Canteens on Municipal Property will be subject to review by the Municipality. Applicants shall operate under the conditions set out by the Municipality, such as location and operating times as authorized by the Municipality.

3.4 Mobile Canteen fees are set out in Schedule "D" of this By-Law

Section 4.0 Mobile Canteen Licence Conditions

4.1 A Licence shall be issued with respect to one Mobile Canteen only, and the Licensee shall ensure that it is at all times affixed in a conspicuous place on the vehicle for which it was issued.

4.2 Every Licence issued for private property shall expire on the 31st day of December of the year in respect to which it was issued. No person shall operate a Mobile Canteen on private property with an expired License.

4.3 Every Licence issued for Municipal property shall expire on 31st day of December of the year in respect to which it was issued. No person shall operate a Mobile Canteen on Municipal property with an expired Licence.

4.4 Every Licence issued for a special event pursuant to this By-Law shall expire on the day the special event has concluded. No person shall operate a Mobile Canteen with an expired Licence during a special event.

4.5 No Licensee shall transfer or assign any Licence to a Mobile Canteen other than the Mobile Canteen for which the Licence is specifically issued.

4.6 A Licensee may apply to the Municipality for a request to relocate their Mobile Canteen from one Municipal location to another Municipal location. If approved, a fee will apply.

4.7 A Licence shall not be issued until the applicant has filed a formal application together with the items detailed in Section 3.1.

4.8 A Licence renewal shall be subject to review and approval by the Municipality who may request confirmation or renewal of any of the information required in the initial application.

Section 5.0 Mobile Canteen Operation Regulations

5.1 All Licenced operators shall:

a) Ensure that each Mobile Canteen is provided with a sufficient number of waste receptacles with self-closing lids, located in such a position so as to be easily accessible by the public making purchases, and are emptied at least once daily.

b) Ensure that the waste resulting from the operation of the Mobile Canteen is collected for recycling or disposal.

c) Ensure that the grounds in the immediate vicinity of the Mobile Canteen are kept clean of all waste.

- d) Ensure that the vehicle and all parts and equipment for use in the dispensing of food and drink are maintained in a clean and sanitary condition and at all times in good repair.

Section 6.0 Severability

- 6.1 In the event that any section of this By-Law, including any section or part of any of the schedules hereto, is declared by a Court of competent jurisdiction to be invalid, the remaining parts shall remain valid and binding and shall be read as if the offending section had been struck out.

Section 7.0 Enforcement and Penalty

- 7.1 The By-Law Enforcement Officer is responsible for the administration of this By-Law.
- 7.2 No person shall provide false information or give a false statement to an officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-Law.
- 7.3 No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee/or agent of the Municipality in the lawful exercise of a power or duty under this By-Law.
- 7.4 Any person who violates any provision of this By-Law is, upon conviction, guilty of an offence and shall be liable to such penalties prescribed by the Provincial Offences Act, R.S.O., 1990, c.p.33.
- 7.5 Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such.
- 7.6 The penalties for violating sections of this By-Law are payable as per Schedule "A" which may be amended from time to time.
- 7.7 An Administrative Penalty may be issued if a person fails to comply with this By-Law. An invoice will be issued and after 30 days of non-payment, the amount owing will be added to the property taxes of that property where the Mobile Canteen is located or to the Mobile Canteen Owners property taxes.

Section 8.0 Repeal

- 8.1 That By-Law 351-2015, 162-2003 and 94-1090 is hereby repealed in it's entirety.

Read a first and second time and read a third time and finally passed this 1st day of June, 2020.



Brian Ostrander, Mayor



Candice Doiron, Clerk

Schedule "A" Set Fines

The Corporation of the Municipality of Brighton
Part 1, Provincial Offences Act

By-Law 051-2020, Being a By-Law to Licence, regulate and govern Mobile Canteens within the Municipality of Brighton

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Operating a Mobile Canteen on private property without a Licence	Section 2.1	\$250.00
2	Operating a Mobile Canteen on Municipal property, street or on the Municipal road allowance without a Licence	Section 2.2	\$400.00
3	Operating a Mobile Canteen in unpermitted zone	Section 2.4	\$300.00
4	Operating a Mobile Canteen in an unauthorized location	Section 2.5	\$275.00
5	Provide false information on application	Section 3.1	\$300.00
6	Fail to display Licence	Section 4.1	\$250.00
7	Operate Mobile Canteen on private property-expired Licence	Section 4.2	\$300.00
8	Operate Mobile Canteen on Municipal property-expired Licence	Section 4.3	\$300.00
9	Operate Mobile Canteen during special event-expired Licence	Section 4.4	\$300.00
10	Transfer or assign Licence to improper Mobile Canteen	Section 4.5	\$250.00
11	Provide false statement or information to By-Law Officer	Section 7.2	\$350.00
12	Hinder, Obstruct directly or indirectly By-Law Officer	Section 7.3	\$350.00

Note: The general penalty provision for the offences listed above is section 7.4 of By-Law 051-2020 as amended, a certified copy of which has been filed.

Public Works & Infrastructure
67 Sharp Road
Brighton, ON K0K 1H0
Tel: 613-475-1162
Fax: 613-475-2599



Schedule "B"
Application for Mobile Canteen Licence
By-Law 051-2020

Name: _____

Mailing Address: _____

Telephone (Business): _____ Telephone (Home): _____

Name of Mobile Canteen: _____

Type of Food Sold: _____

Description of the Mobile Canteen operation: _____

I, the applicant, agree to abide by the terms and conditions of the Municipality of Brighton Mobile Canteen By-law Number 051-2020, being a By-Law to Licence, regulate and govern mobile canteens within the Municipality of Brighton and for revoking any such Licence and further that I understand the requirements.

Signature of Applicant

Date of Signature

This is an application only - do not commence Mobile Canteen operation until your Licence has been issued by the Municipality of Brighton.

Municipal Office

Date

MUNICIPALITY OF BRIGHTON TO COMPLETE

The following have been submitted with the application:

- Health Unit Approval Public Works Approval Appropriate Fees
- Proof of Insurance, (\$2,000,000 Liability Insurance naming the Municipality)
- TSSA (Propane Company Inspection and Approval) Fire Department
- Letter of Permission from the Special Events Committee (If Applicable)
- Letter of Consent from Property Owner (If applicable)
- Signed Indemnification

Will the Mobile Canteen require Hydro on Municipal Property: YES or NO NA

Review of the completed application on (date) _____

The above provisions have been met, issue permit.

Signature of Municipal Employee

**Schedule "C" By-law 051-2020
Indemnification**

WHEREAS a Mobile Canteen applicant, prior to the issuance of Licence, shall provide an Indemnification to The Corporation of the Municipality of Brighton whereby the Mobile Canteen applicant agrees to indemnify and hold harmless the Municipality of Brighton and employees, agents, servants and officials.

NOW/THEREFORE,

(Name of Mobile Canteen Applicant)

(Address and Phone Number of Mobile Canteen Applicant)

hereby covenants and agrees to indemnify and hold harmless the Municipality of Brighton, its agents, servants, employees and officials from any claims, actions, damages, suits or loss (including legal costs) which might be brought against the said negligence, or omission of the Mobile Canteen Licensee, their agents, servants or employees. This indemnity is provided incidental to grant Licence to operate as a Mobile Canteen.

Date at the Municipality of Brighton

This _____ day of _____, _____.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Witness

Mobile Canteen Applicant

Clerk / Deputy Clerk

The information on this form is being collected under the authority of section 4 of the *Municipal Freedom of Information and Protection of Privacy Act*. This information will be used for the purpose of processing an access request under the *Act*. Enquiries regarding the collection of this information should be directed to the Clerks Department, Municipality of Brighton, 35 Alice Street, P.O. Box 189, Brighton, Ontario, K0K 1H0, 613-475-0670.

Schedule "D" Set Fees – as per General Fees and Service Charges By-law

The Corporation of the Municipality of Brighton

By-Law 051-2020, Being a By-Law to Licence, Regulate and Govern Mobile Canteens within the Municipality of Brighton

Mobile Canteen - Chip Truck	\$275.00
Mobile Canteen - Ice Cream Cart	\$200.00
Mobile Canteen - Ice Cream Truck	\$225.00
Mobile Canteen - Hot Dog Cart	\$200.00
Mobile Canteen - Food Tent	\$200.00
Mobile Canteen - Special Events	\$ 30.00 per Event
Hydro	\$ 20.00 a day
Mobile Canteen - Relocation Fee	\$ 50.00
Administrative Penalty	\$200.00