

# The Corporation of the City of Clarence-Rockland

## By-law 2026-42

Being a By-Law to licence and regulate Refreshment Vehicles, including Chip Wagons, operating within the City of Clarence-Rockland.

Whereas Section 151 of the *Municipal Act, 2001*, authorizes a municipality to provide for a system of licences with respect to a business, and may, prohibit the carrying on of the business without a licence, refuse, suspend or revoke a licence, impose conditions on a licence and regulate persons carrying on a business that requires a licence; and

Whereas Section 391 of the *Municipal Act, 2001*, authorizes a municipality to impose fees and charges on persons, for services or activities provided or done by or on behalf of it; and

Whereas Section 426 of the *Municipal Act, 2001*, provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under a by-law passed under the Municipal Act, 2001; and

Whereas Section 434.1 of the *Municipal Act, 2001*, provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with a By-law of the municipality passed under the Municipal Act, 2001; and

Whereas Section 444 of the *Municipal Act, 2001*, provides for a municipality that is satisfied that a contravention of a By-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and

Whereas Council considers it desirable and necessary to license and regulate Refreshment Vehicles, including Chip Wagons, to promote public health and safety, consumer protection, and nuisance control.

Therefore, the Council of the City of Clarence-Rockland enacts as follows:

### 1. Short Title

- 1.1. This By-law may be cited as the "Refreshment Vehicles and Chip Wagons By-law".

## 2. Purpose

- 2.1. The purpose of this By-law is to:
  - a. Establish a fair and consistent system for licensing and regulating Refreshment Vehicles and Chip Wagons operating within the City;
  - b. Promote public health and safety, consumer protection, and nuisance prevention; and
  - c. Ensure compliance with applicable municipal, provincial, and federal laws.

## 3. Interpretation

- 3.1. Words in the singular include the plural and words in the plural include the singular.
- 3.2. Headings are for convenience only and do not affect interpretation.
- 3.3. Where a provision of this By-law conflicts with a statute or regulation, the statute or regulation prevails to the extent of the conflict.

## 4. Definitions

For the purpose of this By-law,

- 4.1. "Appeal Committee" means a Committee appointed by Council to conduct hearings.
- 4.2. "Applicant" means any person applying for the issuance, renewal, amendment, or replacement of a licence under this By-law.
- 4.3. "Boulevard" means all parts of a highway except the travelled roadway and sidewalk, if any.
- 4.4. "City" means The Corporation of the City of Clarence- Rockland.
- 4.5. "Class A – Pedal- Powered Canteen" means a pedal- powered vehicle selling ice cream, frozen products, beverages, or other refreshments permitted by the Licence Issuer, operating as a mobile unit.
- 4.6. "Class B – Pre- Prepared Food Vehicle" means a motorized or towable vehicle from which food is sold that is prepared and cooked elsewhere than in the vehicle, operating on private property as authorized.
- 4.7. "Class C – Ice Cream / Frozen Products Vehicle" means a motorized vehicle from which ice cream and frozen milk products are sold,

operating as authorized.

- 4.8. "Class D –Mobile Canteen" means a refreshment vehicle from which food, refreshments, or confections are prepared and sold on- site.
- 4.9. "Class E - Chip Wagon" means a mobile food vending vehicle or trailer from which food, refreshments, or confections are prepared and sold on- site, operating at a static location on private property.
- 4.10. "Corner Sight Triangle " means the portion of a corner lot within the triangular areas formed by measuring 6 metres in each direction from the point where two property lines intersect at the street lot line corner.
- 4.11. Driveway Sight Triangle means the triangular area formed by measuring 4.5 metres down the driveway and 4.5 metres down the side lot line abutting a street.
- 4.12. "Fixed Food Premises" means a food premise located within a permanent building or structure affixed to land where food or beverages are prepared, processed, stored, or offered for sale to the public.
- 4.13. "Food handling" means any activity involving the manufacturing, processing, preparation, storage, handling, display, distribution, transportation, sale, or offering for sale of food, as regulated under the *Health Protection and Promotion Act* and the Food Premises Regulation (O. Reg. 493/17).
- 4.14. "Guidelines" means application process guidelines, procedures, forms, and any requirement necessary to ensure the efficient application of the provisions of this By-law, as establish and maintain by the Chief Administrative Office or their designate.
- 4.15. "Licence" means a business licence issued under this By-law or a predecessor By-law, permitting a person to operate or carry on a business within the City.
- 4.16. "Licence Issuer" means the City Clerk, or such other officer or employee of the City as Council may appoint by resolution, and includes their designate.
- 4.17. "Licence Holder" or "Licensee" means the person to whom a licence has been issued and who remains responsible for compliance with this By-law.
- 4.18. "Refreshment" means drinks (other than alcoholic) or food that are

provided or sold or offered for sale to the public.

- 4.19. "Site Plan" means a drawing of a static site identifying the vehicle footprint, queuing area, parking geometry, drive aisles, pedestrian routes, entrances/exits, visibility triangles, and nearby uses/services within 100 m.
- 4.20. "Special Event" means a one-time, up to a maximum of 7 days, including, but not limited to parades, street fairs, festivals, races, demonstrations, or any other type of gathering.
- 4.21. "Special Event Licence" means a licence issued under this By-law authorizing a Class B, C, or D to operate at a Special Event for a specified location, date, and time period, subject to such terms and conditions as may be imposed by the Licence Issuer.
- 4.22. "Static Location" means the operation of a mobile food premises from a fixed location on private property rather than moving between locations.

## 5. Administration and Enforcement

- 5.1. The administration and implementation of this By-law are assigned to the Chief Administrative Officer or a delegate appointed by the Chief Administrative Officer.
  - a. For the purpose of administering this By-law, the Chief Administrative Officer shall establish and maintain application process guidelines, procedures, forms, and any requirement necessary to ensure the efficient application of the provisions of this By-law.
- 5.2. The provisions of this By-law shall be enforced by Municipal Law Enforcement Officers.

## 6. Licence Issuer

- 6.1. The Licence Issuer is appointed and delegated the authority to issue, renew, cancel, refuse, suspend, or revoke a licence and to impose or vary conditions, subject to the provisions of this By-law.

## 7. General Provisions

### **Licensing Requirements**

- 7.1. No Person shall operate, conduct or engage in a business as defined in Class A to Class E, inclusively, without first obtaining a licence

under this By-law.

- 7.2. No Person shall operate, conduct or engage in a business as defined in Class A to Class E without first obtaining Commercial General Liability Insurance.
- 7.3. No Person shall be assigned to food handling duties without first obtaining a valid food handler certification recognized by the Province of Ontario.
- 7.4. No Person shall provide false or misleading information or documents when applying for a Licence or Licence renewal, or when required to provide any information or documents under this By-law.

### **Scope and Use of Licence**

- 7.5. No Person shall operate, conduct, or engage in any business activity that falls outside the scope of the business class for which their licence has been issued.
- 7.6. A licence issued under this By-law shall remain the property of the City and is valid only for the person, vehicle and class specified on the said licence.

### **Zoning, Other Laws & Provincial Jurisdiction**

- 7.7. No Licensee shall operate in contravention to another municipal By-law, including the Zoning By-law.
- 7.8. No Licensee shall operate on land abutting or within regulated distance of a County Road, without written authorization of the United Counties of Prescott and Russell.

### **Special Conditions / Municipal Property**

- 7.9. No Licensee shall operate on City's property, boulevards, or within the municipal right-of-way without written authorization of the City.

### **Location & Setbacks**

- 7.10. No Licensee shall operate within the following minimum setbacks, without written authorization of the City:
  - a. Within 50 m from a Fixed Food Premises; and
  - b. Within 100 m from entrances/exits to schools or public parks; and
  - c. Within 9 m from the nearest street intersection point; and

- d. Within 3 m from another refreshment vehicle; and
- e. Within any required visibility/sight triangle standards.

### **Hours of Operation**

- 7.11. No Licensee shall operate, conduct or engage in business between 11:01 p.m. and 5:59 a.m., without written authorization of the City.

### **Nuisance & Safety Requirements**

- 7.12. No Licensee shall use external generators without written authorization of the City.
- 7.13. No Licensee shall operate in a manner that creates a nuisance or interferes with the safe and unobstructed movement of pedestrians or vehicles.
- 7.14. No Licensee shall obstruct traffic circulation, loading zones, fire routes, sidewalks, or accessible paths.
- 7.15. Licensee shall maintain at least 1.5 m unobstructed pedestrian clearance.
- 7.16. No Licensee shall operate in a manner that creates a safety hazard. A vending vehicle shall not be left unattended while in operation, except for brief periods necessary to access washroom facilities or to address an immediate safety concern.

### **Health, Cleanliness & Waste Disposal**

- 7.17. The Licensee shall ensure that all vehicles and equipment used in the operation are kept clean, sanitary and maintained in good working order.
- 7.18. The Licensee shall ensure that adequate garbage receptacles are available while operating and that the area is free of any litter generated by the operation.
- 7.19. No Person shall discharge wastewater, greywater, grease, oils, or food waste onto any ground surface, street, ditch, catch basin, stormwater system, or private property. All such materials shall be disposed of only at facilities approved for that purpose.

## **8. Class E – Chip Wagon - Specific Conditions**

- 8.1. No Class E Licensee shall operate in residential zones or on a lot used for residential purposes or on municipal property.

- 8.2. A Class E Licensee shall ensure that washroom facilities are available for use by customers and staff.
- 8.3. Notwithstanding section 7.10.a, no Class E Licensee shall operate within 100 m radius of Fixed Food Premises offering the same or similar service or another Class E Licensee.
- 8.4. No Class E Licensee shall operate on any property adjacent to Laurier Street in Rockland between Simoneau Street and Laporte Street.

## 9. Application and Processing

- 9.1. Applicants shall include with their application all required documentation for the specific class of licence being requested, as per the established Guidelines, along with the application fee as set out in the City's User Fee By-law.
- 9.2. At a minimum, the information required on application form shall consist of:
  - a. Name of applicant;
  - b. The applicant's address;
  - c. The class of licence being requested.
- 9.3. Documents which may be requested during the application process, based on the license class, include, but are not limited to:
  - a. Proof of insurance;
  - b. Vehicle Registration including valid plate portion;
  - c. Food Handling Certificate;
  - d. Site Plan;
  - e. Property Owner's consent, if applicable;
  - f. Electrical Safety Authority certificate of acceptance;
  - g. Technical Standards and Safety Authority certification.
- 9.4. An application shall be deemed complete when it is received with all documentation required for the class of licence being requested and the applicable application fees.
- 9.5. Incomplete applications will not be processed. The City shall provide

written notice to the Applicant identifying the deficiencies.

- 9.6. Where the application remains incomplete after a period of ninety (90) days from the receipt of the notice, the application file will be closed and the Applicant will be notified accordingly.
- 9.7. Complete applications shall be circulated to departments/agencies for review as per the approved Guidelines. The City reserves the right to request additional inspections if deemed necessary.
- 9.8. The Licence Issuer shall issue or renew a licence upon receipt of all required approvals, documentation, and applicable fees.
- 9.9. The Licence Issuer may grant a written variance where the Applicant demonstrates that the variance will not result in an adverse impact on traffic or safety, public health, nuisance control, or land-use compatibility, and where all conditions imposed by the Licence Issuer are satisfied, including those related to temporary events.

## 10. Licence Display – Production of Documents

- 10.1. The Licensee shall display or produce their licence upon request.
- 10.2. The Licensee shall produce the following documentation, which may be required under their class of business, upon request:
  - a. Food Premises inspection report;
  - b. Fire Inspection report;
  - c. Electrical Safety Authority certificate of acceptance for hard-wired connections, plug-and-receptacle connections to a building or generator, or any electrical system operating over 30 volts AC;
  - d. Technical Standards and Safety Authority certification if using propane and/ or natural gas; and
  - e. Inspection report by a qualified technician of the hood suppression system (NFPA 96 / UL 300).

## 11. Duty to Notify

- 11.1. The Licensee shall notify the Licence Issuer in writing within seven (7) days of any changes that could affect the status, accuracy, or conditions of their licence.
- 11.2. Upon receipt of a notice under 11.1, the Licence Issuer shall review the notification and shall:

- a. Revoke the licence and notify the Licensee accordingly; or
- b. Grant a 30-day transition period for the submission of a new application and notify the Licensee accordingly; or
- c. Issue an amended licence where the change does not require a new application.

## 12. Licence

12.1. Every licence issued shall, at a minimum, include:

- a. The operating name of the business and the person to whom the licence is issued;
- b. The Vehicle Identification Number when required;
- c. The class of licence granted;
- d. The date of issuance and the date of expiration;
- e. Any special conditions related to the issuance of the licence;
- f. The signature of the Licence Issuer or designate; and
- g. The By-law number under which the licence is issued.

## 13. Insurance

13.1. Every Licensee shall, at their own expense, obtain and maintain Commercial General Liability Insurance with limits of not less than Two Million Dollars (\$2,000,000) per occurrence, naming the City as an additional insured.

13.2. Where a Refreshment Vehicle is motorized or required to be driven on a highway, the Licensee shall also maintain Automobile Liability Insurance in accordance with the legislation of the Province of Ontario, with limits satisfactory to the Licence Issuer.

13.3. Proof of all required insurance shall be provided to the Licence Issuer prior to the issuance or renewal of a licence and upon request.

## 14. Licence Issuer - Refusal, Suspension, Revocation

14.1. The Licence Issuer may refuse, cancel, suspend, revoke, or impose conditions where issuance or continuation would be contrary to the public interest, such as:

- a. Health and safety issues, nuisance, consumer protection; or
- b. Where false and/or misleading information has been provided; or
- c. Where fees and/or penalties remain unpaid; or
- d. For non-compliance with the requirements of any applicable By-laws, regulations, or any other law.

14.2. If the Licence Issuer is satisfied that the continuation of an operation poses an immediate danger to the health or safety of any person or property, the Licence Issuer may, without a hearing, suspend a licence, for the time and on such conditions as the Licence Issuer consider appropriate, subject to the following:

- a. Before suspending the licence, the Licence Issuer shall, either orally or in writing, provide the Licensee with the reasons for the suspension and allow the Licensee with an opportunity to respond; and
- b. The suspension shall not exceed 14 days.

## 15. Notice Requirements

15.1. After a decision is made by the Licence Issuer to refuse, cancel, revoke or suspend a licence, written notice of that decision shall be given to the Applicant or Licensee.

15.2. The written notice provided in section 15.1 shall:

- a. Set out the reasons for the decisions;
- b. Be signed by the Licence Issuer; and
- c. State that the Applicant or Licensee is entitled to a hearing before the Appeal Committee if the Applicant or Licensee submits a written request to the Clerk's Office within 15 days of the date the notice is served.

15.3. A notice shall be deemed to be received:

- a. In the case of mailed documents, five (5) days following the mailing date;
- b. In the case of personal delivery, e-mail, or fax delivery, on the day of delivery; and
- c. Where more than one method of delivery is used, the latest deemed

receipt date applies.

- 15.4. Where any written notice is mailed under this By-law, it is sufficient to use the Applicant's or Licensee's last known business or residential address.

## 16. Review and Appeal

- 16.1. An Applicant or Licensee may appeal a decision of the Licence Issuer to refuse, cancel, revoke, suspend, or impose conditions on a licence by submitting a written notice of appeal to the Clerk, including reasons for the appeal and the required fee set out in the City's User Fee By-law, within 15 days following the receipt of the written notice of the decision.
- 16.2. On receipt of an appeal, the Clerk shall schedule a hearing with the Appeal Committee and shall give appropriate notice to the Applicant or Licensee of the date, time and place of the hearing.
- 16.3. The Appeal Committee may:
  - a. Confirm the Licence Issuer's decision; or
  - b. Amend the Licence Issuer's decision; or
  - c. Reverse the Licence Issuer's decision.
- 16.4. The Appeal Committee shall provide a written notice of the decision within 10 days after reaching a decision.
- 16.5. The decision of the Appeal Committee shall be final and binding.
- 16.6. Filing an appeal, does not prevent a refusal, suspension, or revocation from taking effect.
- 16.7. Where the licence is suspended or revoked, the licence holder must cease operating until the matter is resolved.
- 16.8. Where the licence is granted, reinstated, or there is a change to the conditions of a licence, the Applicant or Licensee shall fulfill any outstanding requirements for the licence under this By-law.

## 17. Inspection Authorized

- 17.1. An Inspector may, at all reasonable times, inspect, or cause to be inspected, the premises, facilities, equipment, and vehicles used in connection with a business licensed or required to be licensed.

- 17.2. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

## 18. Fees

- 18.1. All fees referred to in this By-law are as set out in the City's User Fee By-law, as amended from time to time.

## 19. Offence and Penalties

- 19.1. A Person who contravenes this By-law is guilty of an offence and, upon conviction:
  - a. Is liable to an administrative monetary penalty and fees, pursuant to the City of Clarence-Rockland Administrative Monetary Penalty System By-law, as designated; or
  - b. Is liable to a fine or penalty for each offence, exclusive of costs as prescribed in the Provincial Offences Act.
- 19.2. Each day that a person contravenes with the provisions of this By-law, may constitute a separate offence.
- 19.3. No Person that receives an administrative penalty shall be charged with an offence under the Provincial Offences Act for the same contravention and offence date.

## 20. Administrative Monetary Penalties (AMPS)

- 20.1. Any person who contravenes any provision of this By-law shall be liable to pay the City an Administrative Monetary Penalty, upon issuance of the penalty notice in accordance with the City of Clarence-Rockland Administrative Monetary Penalties System By-law.

## 21. Licence Record

- 21.1. A Refreshment Vehicle Licence Register shall be established and maintained by the Licence Issuer.
- 21.2. The Refreshment Vehicle Licence Register shall contain the following information: the business name, licence number, status, conditions imposed on a licence, and may include other information that the City considers necessary to facilitate the administration and enforcement of this By-law.
- 21.3. The Refreshment Vehicle Licence Register shall be a public document and may be posted on the City's website.

## 22. Severability

- 22.1. If any section, subsection, clause, or provision of this By-law is found invalid or unenforceable, the remainder continues to be in force.

## 23. Transition

- 23.1. Despite the repeal of any former by-law, a Licence issued thereunder and valid on the date this By-law comes into force shall be deemed to have been issued under this By-law and shall remain valid until its original expiry, unless sooner suspended or revoked in accordance with this By-law.

## 24. Amend

- 24.1. The Administrative Monetary Penalties System By-law 2022-33 is hereby amended by substituting Schedule A-9 with the version attached hereto.
- 24.2. The User Fee By-law 2025-105 is hereby amended by substituting Schedule C with the version attached hereto.

## 25. Repeal

- 25.1. By-law No. 2017-84, being a by-law regulating Chip Wagon Licensing, and By-law No. 2006-16, being the Mobile Canteens By-law, together with all amendments thereto, are hereby repealed.

## 26. Effective Date

- 26.1. This By-law comes into full force and effect on the 1<sup>st</sup> day of May 2026.

Read, passed and adopted in open council this 8<sup>th</sup> day of April 2026.

Mario Zanth, Mayor

Monique Ouellet, Clerk