



THE CORPORATION OF THE TOWNSHIP OF MULMUR

BY-LAW NUMBER NO. 03 - 2021

A BY-LAW TO LICENSE, REGULATE AND GOVERN VEHICLES/STANDS FROM WHICH REFRESHMENTS ARE SOLD BY CONSUMPTION TO THE PUBLIC AND TO PROHIBIT HAWKERS AND PEDDLERS WITHIN THE TOWNSHIP OF MULMUR.

WHEREAS Section 11 (3) of the Municipal Act, S.O. 2001, c.25 authorizes passing of by-laws respecting Business licensing;

AND WHEREAS Sections 150 and 151 of the Municipal Act, allow a municipality to licence, regulate, provide standards and govern any business wholly or partly carried on within the municipality, even if the business is being carried on from a location outside the municipality;

AND WHEREAS the Council of The Corporation of the Township of Mulmur deems it expedient to enact such a by-law;

NOW THEREFORE the Council of The Corporation of the Township of Mulmur does hereby enact as follows that:

1. DEFINITIONS

For the purpose of this by-law the following definitions shall apply:

"Applicant" means a person applying for a refreshment vehicle/stand licence or renewal of a licence under this by-law.

"Council" means the Council of the Corporation of the Township of Mulmur.

"Hawker and Peddler" shall mean any person who goes from door to door with goods, wares or merchandise for sale, or for which sales for services are made;

"Licence" means a refreshment vehicle/stand licence issued by the Township under the provisions of this By-law.

"Licensee" means any Person licensed under this By-law.

"Clerk" means the Clerk of the Township of Mulmur or designate.

"Officer" means a Police Officer as defined in the Police Services Act, R.S.O. 1990, and shall include a Municipal Law Enforcement Officer.

"Owner" shall refer to the Person who is managing or responsible for the overall operations of a business requiring a License.

"Person" includes an individual, a corporation, partnership or sole proprietorship.

"Refreshment Vehicle/Stand" means any wheeled vehicle or a stand, licensed or unlicensed, from which refreshments are offered for sale to the public, including but not limited to a chip wagon, hot dog cart, ice cream vendor, etc. that is not a permanent fixture.

"Township" means the municipal Corporation of the Township of Mulmur.

2. GENERAL

2.1 No Licence issued under this By-law is transferable.

2.2 No Person shall operate a Refreshment Vehicle/Stand without a Licence.

2.3 No Person shall operate a Refreshment Vehicle/Stand with a suspended or revoked Licence.

2.4 The Licensee shall conform to the requirements and conditions of the Licence throughout the Licence term.

2.5 Every Licence issued in accordance with this By-law shall expire on the day specified within the License and shall only be valid within the calendar year for which it was issued.

2.6 No Person shall obstruct an Officer during the performance of a duty under this By-law.

2.7 For the purposes of this By-law, Council delegates its licensing authority and the administration of this By-law to the Clerk.

2.8 Without limiting the provisions of this section, Council shall remain the deciding authority in the event the Clerk recommends the refusal, suspension or revocation of a Licence under this By-law.

3. PROHIBITION

- 3.1 Hawkers and Peddlers, as defined herein, shall be prohibited within the Township of Mulmur.

4. REFRESHMENT VEHICLE/CART

- 4.1 No person shall sell from a refreshment Vehicle/Stand for consumption by the public without having first applied to the Township for a licence to do so. The said licence shall be issued by the Clerk for the Township of Mulmur.
- 4.2 The annual fee for a Refreshment Vehicle/Stand licence is set out in the Fees and Charges By-law. The Licence shall expire at the end of each calendar year.
- 4.3 Prior to the issuance of a Licence and prior to the renewal of each Licence, the applicant shall submit an application form, attached hereto as Schedule 'A'.
- 4.4 As part of the application, a site plan setting out the proposed location of the Refreshment Vehicle/Stand, customer parking and setbacks from roads and buildings.
- 4.5 As part of the application, if applicable, written permission from the registered owners of the land upon which the Refreshment Vehicle/Stand is to be located, including the permitted timeframe.
- 4.6 Prior to the issuance of a Refreshment Vehicle/Stand Licence and prior to the renewal of each Licence, the Director of Public Works and Fire Chief, if applicable, shall confirm, satisfaction with the placement and setup of the refreshment vehicle/stand.
- 4.7 Prior to the issuance of a Licence and prior to the renewal of each Licence, the applicant shall produce to the Clerk, confirmation from the Wellington-Dufferin-Guelph Public Health Unit stating that the Health Unit has inspected the Refreshment Vehicle/Stand and approves of the issuing of a licence to sell refreshments for consumption by the public.
- 4.8 Prior to the issuance of a Licence and prior to the renewal of each Licence, the applicant, shall produce to the Clerk, signed evidence of inspection, from a qualified propane fitter that the installed propane-fuelled appliances, if any, comply with "The Ontario Propane Code".
- 4.9 Prior to the issuance of a Licence and prior to the renewal of each Licence, the applicant, shall produce to the Clerk, a valid insurance

certificate for public liability in the amount of not less than one million dollars, naming the Township of Mulmur as an additional insured.

- 4.10 No person issued a Licence shall park, stand or stop on the travelled portion or shoulder of any public street or within 30 metres of an established restaurant or other commercial establishment engaged in the sale of food, with the exception of grocery stores.
- 4.11 Notwithstanding Section 3.1.10, on the request of a person holding a Licence, the Clerk may approve of the parking, standing or stopping for a specified period of time of a refreshment vehicle/stand on a public street, highway, park, parking lot or other public place for the purpose of selling refreshments for consumption by the public at events being held within the Township such as festivals, games of sport and similar type events.
- 4.12 The Clerk may revoke a Licence at any time:
- (a) When the licensee is found to be in breach of the provisions of this by-law, or any other Township of Mulmur By-law, unless permission has first been obtained.
 - (b) On recommendation of the Wellington Dufferin Public Health Unit when the Licensee is found to be contravening any Health Act and/or regulation with regard to the preparation and serving of food for consumption by the public.
 - (c) If there are reasonable grounds to believe the refreshment vehicle/stand poses a danger to the health and safety of any person, poses a danger to property.

5. OFFENCES AND ENFORCEMENT

Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for under the Provincial Offences Act, R.S.O. 1990 c. 35 amended or any successor thereof.

6. SEVERABILITY

Should any section, subsection, clause, paragraph or provision of this bylaw, including any part of schedules be declared by a court of competent jurisdiction to be ultra vires, invalid or illegal for any reason, the same shall not affect the validity of the by-law as a whole.

7. SHORT TITLE

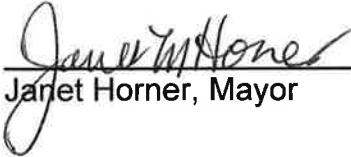
This by-law shall be cited as "Refreshment Vehicle and Hawker and Peddlers Licensing By-Law."

8. FORCE AND EFFECT

This by-law shall be deemed to have come into force and effect on the date of final passing thereof.

BY-LAW READ A FIRST AND SECOND TIME THIS DAY OF 2021.

BY-LAW READ A THIRD TIME AND ENACTED THIS DAY OF 2021.



Janet Horner, Mayor



Tracey Atkinson, Acting Clerk

