

Staff Report



To Committee of the Whole
Department Corporate Services, Strategy and Innovation Department
Meeting Date Council and Committee of the Whole Meetings - 22 Oct 2024
Subject Review of the Refreshment Vehicle By-law
Report Number SR- 2677
Prepared by Anne Kantharajah

Recommendation

1. That the report from the Clerk's Division, dated October 22, 2024 re: Review of the Refreshment Vehicle By-law, be received;
2. That staff be directed to begin public and stakeholder consultation on the proposed Refreshment Vehicle By-law;
3. That Council extend the deadline to submit park permit application for the 2025 year from the last Friday in the month of November to December 31, 2024;
4. That staff be directed to return to Council with the draft by-law reflecting the results of the public and stakeholder consultation.

Executive Summary

Purpose of Report

At the April 9, 2024 Council passed the following motion:

Resolution 2024-80

Moved by Councillor Parks

Seconded by Councillor Budarick

That Council direct staff to review the Refreshment Vehicle By-law 2020-085 taking into consideration and reviewing possible ways that provide added protection to associated businesses that support and anchor our communities through employment and tax.

Motion carried.

This report addresses that direction.

Report Highlights

- The current refreshment vehicle by-law was established in 2020.
- Council directed staff to review the Refreshment Vehicle By-law 2020-085 taking into consideration and reviewing possible ways that provide added protection to associated businesses that support and anchor our communities through employment and tax.
- Staff reviewed the by-law based on the direction provided and the by-law holistically.
- Staff are proposing several significant changes to the by-law including proximity limitations, classification, park permits, conditions for a licence, fees, and introducing an enforcement and appeals mechanism.
- Staff are requesting Council direct staff to begin public and stakeholder consultation on the proposed changes. If approved, staff would begin consultation October 23 and bring back a report to the December 10th Council meeting reflecting the feedback received.

Report Details

Background and Analysis

Refreshment Vehicles are regulated and licensed by [By-law 2020-085](#). The current by-law has been in place since 2020 and has not been amended. The Township has issued 25 refreshment vehicle licences since 2020. These vehicles are located on both private property and municipal properties.

In conjunction with the review directed by Resolution 2024-80 passed on April 9, 2024, staff have reviewed the by-law holistically. The current by-law is attached as Attachment 1. The proposed by-law is attached as Attachment 2.

Proximity to existing businesses

The municipality has 7 licenced refreshment vehicles in 2024. These vehicles are located on Township property and on private property.

Currently, the Refreshment Vehicle By-law dictates that refreshment vehicles can only operate in designated areas that are zoned for commercial, industrial, recreational open space, park/open space, or community facility use. They cannot operate on highways, vacant lots, or parking lots adjacent to highways. They are also not permitted to operate in front of buildings entrances or exists, they must be at least 120 meters away from any business selling similar products, and they must be set back at least 12 meters from the highway property line. These provisions ensure that refreshment vehicles operate in suitable locations while maintaining public safety and cleanliness.

Staff have reviewed the current provisions relating the locations in conjunction with the direction provided by Council via Resolution 2024-80. During the review, staff found that

the provision, "120 meters away from any business selling similar products" may be subjective as there is no clear definition of the phrase "similar products."

Staff are recommending that the current provision in the by-law that prohibits refreshment vehicles within 120 metres from any business selling similar products to be clarified so that no person can operate a refreshment vehicle from a location within 120 metres from an eating establishment. An eating establishment would be defined a building or part of a building where food is offered for sale or sold to the public for immediate consumption or for take-out and includes such uses as a restaurant, dining room, cafe, cafeteria, ice cream parlor, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand. This aligns with the definition in the Zoning By-law. This definition does not include gas stations, grocery stores, or convenient stores. Such distance would be measured in a straight line connecting the closest point on the exterior wall of the refreshment vehicle with the closest point on the boundary of the lot on which the eating establishment is located. Exemption from this provision would be available where the refreshment vehicle is located on Township property where the operator has a valid Park Permit.

Staff are recommending this option for several reasons:

- It removes the subjectivity of the phrase "where similar products are sold."
- It is the option that would have the least negative impact on refreshment vehicle operators while still achieving the outcome of the resolution passed by Council regarding added protection to associated businesses that support and anchor our communities through employment and tax.
- Loyalist Township has three core commercial areas which are well served by a variety of bricks and mortar food-based businesses. This option allows refreshment vehicles to continue providing options for residents and tourists during peak times when restaurants are at capacity as well as provide late-night eating options during festivals and celebrations in the Township.
- The proposed recommendation aligns with how neighbouring municipalities that do not have a core business district balance protecting established businesses and promote small business entrepreneurs like refreshment vehicle operators.

The table below illustrates the range of distance requirements in other municipalities, compared to what is proposed through this report.

Municipality	Distance Requirement
Town of Greater Napanee	30 meters from an eating establishment unless written consent has been provided by the owner of the eating establishment and filed with the application
Prince Edward County	prohibited between certain intersections on main streets in the settlement areas like Picton, Wellington and Bloomfield

South Frontenac	500 meters from a business establishment or another designated area where similar products are sold unless there is written consent from the permanent business establishment
City of Kingston	Certain types of refreshment vehicles are prohibited from operating within the Downtown Business Improvement Area.
Municipality of Brighton and amendment	Cannot operate within the boundaries of the Downtown Business Improvement Area unless authorized by Council or the Special Events Committee for a Special Event.
Town of Arnprior	None.
City of Belleville	Certain types of refreshment vehicles are prohibited from operating within the Downtown Business Improvement Area.

Classification of Refreshment Vehicles

The current by-law has four different classifications of refreshment vehicle. The major difference between the the classifications is whether food is being cooked and whether the refreshment vehicle is motorized or manual powered. There is also a difference in fees between Class 1,2, 3 and Class 4.

Comparator municipalities use differentiating factors to classify refreshment vehicles types such as stationary vs mobile; cooking vs non-cooking; or standard seasonal licences vs temporary special events. For example,

- Prince Edward County differentiates between mobile canteens, food trucks, and refreshment vehicles based on how food is prepared and served. They consider factors like whether the vehicle has a hood vent, non-hood vent, or if it is self-propelled. This helps in addressing the varying levels of risk and operational needs.

- Greater Napanee classifies their refreshment vehicles similar to that of Loyalist Township.
- Arnprior differentiates between mobile canteens, refreshment stands and refreshment vehicles where mobile canteens are vehicles which food and drink are dispensed for consumption by persons at their place of employment, thus a Mobile Canteen is not able to dispense food and drink to the general public. Refreshment stands are not intended to be relocated while refreshment vehicles can be relocated readily.

These municipalities aim to create a fair and equitable system that considers the unique needs and risks associated with different types of refreshment vehicles.

Staff are proposing clarifying the classifications as not all refreshment vehicles present the same amount of risk associated with the current definitions. Staff recommend classifying the refreshment vehicles in a way in which they operate motorized vs non-motorized and whether food is prepared in the vehicle.

The new classification being proposed would be as follows:

Class 1: Motorized vehicles without food preparation Motorized vehicles permitted on public and private property from which pre-packaged or pre-made food products are offered for sale for a brief time per location - no food is permitted to be prepared on, in, or around the vehicle while in service. Most common example is an ice cream truck.

Class 2: Motorized vehicles with food preparation Motorized vehicles where food products are prepared and offered for sale from different locations on public and/or private property. Most common example is a food truck.

Class 3: Non-motorized refreshment vehicles Non-motorized vehicles, carts, bikes, etc. where food products, either pre-packaged or prepared on site, are sold or offered for sale on public and/or private property. They can be stationary, or mobile, but are non-motorized. Most common example would be hot dog carts.

Park Permits

Staff gave consideration to how park permits are currently managed. At this time, the Township has four parks that are available to lease for refreshment vehicle operators.

1. Fairfield Park-4574 Bath Road Amherstview
2. Finkle Shores Park- 697 Bath Road, Bath
3. Bath Centennial Park-336 Main Street, Bath
4. Millcreek Park - Mud Lake Road South

Only one refreshment vehicle is permitted for each park. At this time, applicants submit their application for a Park Permit by the end of November. The permits are awarded based on a high score criteria that qualifies local food options, healthy food options, sustainable business practices and/or environmental contributions, accessibility consideration and local to KFL&A region. If granted a park permit, the operators may operate at the Park until November 30th the following year.

Staff have reviewed the criteria and note that the qualifiers are not clear and is very subjective. Some of the terms like "healthy food" may be interpreted differently by different people and the term differs as healthy food trends change. In order to have a clear and transparent and avoid favoritism, staff are recommending removing the qualification of applications in this manner. Instead, staff have proposed using a lottery based system to award park permits. This is objective and transparent, minimizes personal bias and promotes diversity in the availability of food in our community.

During this review, staff have uncovered that Millcreek Park is not a suitable option for park permit as it is not zoned for such use. Staff are recommending this option be removed. Staff have identified Babcock Mills as a suitable location for operating refreshment vehicles. Staff are also recommending that the Director of Community & Customer Service be provided the authority to add or remove locations for Park Permits from time to time. This way, if another suitable Township property is identified, the Clerk would be permitted to issue a licence to operate there as long as it was to the satisfaction of the Director of Community & Customer Service. This is similar to the practice Great Napanee undertakes where authority is provided to the Manager of Community Economic Development to determine the maximum number of Park Permits that will be considered for each municipal facility, and to add or remove Park Permit spaces from facilities each year based on public feedback, operational impacts, and other municipal priorities.

In terms of conditions, similar to brick and mortar businesses who are responsible for removing their garbage, refreshment vehicle operators would be responsible for collecting garbage and recycling resulting from the operation of the Refreshment Vehicle and removing the recycling and garbage to a designated disposal site appropriately, each day.

Similarly, the Township would have no obligation to provide facilities and utilities at the Park Permit locations including, but not limited to, washrooms, hydro, water, etc. There are parks that currently have access to hydro and washrooms. In these cases, the Licencee would be required to pay a Park Permit fee that takes into account the cost of providing these added amenities.

Finally, staff are also proposing to add a start date for park permits from April 1st to October 31st. This aligns with the park maintenance timelines.

The Park Permit locations would be as follows:

Community	Location
Amherstview	Fairfield Park - 4574 Bath Road
Bath	Bath Centennial Park - 336 Main Street
Bath	Finkle Shores Park - 697 Bath Road
Odessa	100 Bridge Street, Odessa

Fees

The current licensing fee for class 1, 2 & 3 is \$300/year, and \$100 for Class 4. Renewal fees for Class 1, 2 & 3 is \$150 and for Class 4, it is \$50. If using Township Parks, the fees are as follows:

Fairfield Park and Finkle Shores Park (washroom and hydro available)	\$2,600.00
Centennial Park (no hydro)	\$1,400.00

Staff have considered that the refreshment vehicles do not pay commercial taxes similar to the existing businesses in the municipality. Sometimes, the property owners who permit the vehicle on their property pay the land tax and charge the refreshment vehicle owners rent for the location.

Staff considered where an increase to the licensing fees to align with the amounts collected by municipal taxes for brick and mortar restaurants may serve to balance the perceived inequity between refreshment vehicles and bricks and mortar restaurants. Staff found that the comparison would not be balanced, as the two business types do not have many similarities. For example, restaurants are able to operate year-round, may be located beside another restaurant, must have full access to water, sewage and hydro services, must have dedicated parking, indoor and outdoor seating, etc. While, refreshment vehicles are usually seasonal in nature, have little or no access to dedicated services, may or may not offer parking, limited space, and often with limited hours.

Staff are proposing a fee structure that ensures full cost recovery. In terms of resources, staff intake the applications, review them for compliance with the refreshment vehicle by-law and other by-laws, and issue the licence. Prior to operations, staff also complete a safety inspection. With respect to the park permit, the fees help cover the cost of fee maintenance, contract for porta-potties, and hydro.

As such, staff are recommending a fee increase based on CPI. Therefore, the new fees would be effective on the date that the by-law is passed as follows:

Item	Current fees	Proposed fees
Class 1 and 2 Licence fee	\$ 300	\$ 350
Class 3 Licence fee	\$ 100	\$ 120
Class 1 and 2 Renewal fee	\$ 150	\$ 200
Class 3 Renewal fee	\$ 50	\$ 75
Fairfield Park Permit	\$2,600	\$3,000
Finkle Shores Park Permit	\$2,600	\$3,000
Centennial Park Permit	\$1,400	\$1,600

Staff are also recommending removing the fees from the licensing by-law and incorporating them into the Miscellaneous Fees and Charges By-law so it becomes easier for both the public and staff to find and understand the applicable charges and a centralized fees and charges by-law ensures that all fees are reviewed and updated consistently. The draft by-law to amend the Fees and Charges By-law is attached hereto as Attachment 3. If approved, the new fees would be effective immediately.

Operators with licence from other municipalities

Under the current by-law, a licence is not be "required for a vehicle with a valid licence from another municipality within Loyalist Township, for a period of no more than four days within a calendar year."

Staff do not have any concerns with this provision although staff do not have any data on this as it impossible to track except when we receive complaint, and staff have not received any complaints about this specific provision. However, in process of this by-law review, staff are recommending clarification of this provision to clarify the intent and limit the valid licence to municipality within the Kingston and Lennox and Addington County municipalities. Furthermore, staff are recommending that it be further clarified that despite this exemption, the operation of a refreshment vehicle is permitted only on property that is zoned for such use pursuant to the Township's Zoning By-law.

Temporary Licences for Special Events

Under the current by-law, refreshment vehicles are exempt from paying a licence fee when participating in fairs, auctions, community festivals/events or any other Council authorized event. However, operators are still required to register their vehicles, pay a special event registration fee, provide a certificate of insurance, and permit staff to inspect the vehicle.

This means that all vendors submit an application online. The application requires contact information, description of items for sale, if the operator is using a portable generator, and if they are registering as a food truck. Once the application is received, staff review it. If approved, the applicant pays \$50 fee and provides a copy of the certificate of insurance and the approved permit from public health. Prior to the event, By-law Enforcement staff complete final inspections.

The Bath Canada Day event is currently the only Township organized event which has Refreshment Vehicles in operation. This draws about 12 food vendors each year. Comparator municipalities vary in their management of refreshment vehicles for special events. For example, in Greater Napanee, a licence is not required for special events approved by the Town. Conversely, a special event mobile restaurant permit is required in Prince Edward County where the permit is valid for 10 days.

Staff are not proposing any changes to this administration of refreshment vehicles at Township organized special events. However, staff are recommending clarification in the proposed by-law to ensure the current practice is clearly outlined in the by-law.

Operators at special events would continue to be required to provide certificate from public health, provide certificate of insurance, remove garbage, stay put at their designated location.

Enforcement Mechanism

Staff have received a number of complaints relating to refreshment vehicles relating to noise, garbage pickup, operating too close to entrance/exits operator demeanor, operating without a licence, and their proximity to existing businesses. In 2024, staff received a large number of complaints relating to one refreshment vehicle which was issued a licence to operate in the Bath commercial district. The complaint cited increased competition, indicated that traditional restaurants usually face higher startup costs and more stringent regulations compared to food trucks, loss of revenue, and congestion.

All of the complaints were dealt with by staff immediately and some of the complaints helped to inform the recommendations proposed in the draft by-law.

There have been no fines issued to date.

The current Refreshment Vehicle By-law is enforced under the Provincial Offences Act, however it is unclear the rate of the set fines related to contravention and whether an application was submitted to the Ministry of Attorney General. Under the current by-law, an officer must lay a charge under a Part III offence, schedule a court date, attend court and ask the justice to assess the situation and determine the appropriate penalty, if applicable.

As part of this review, staff are recommending seeking to implement set fines as part of an effective enforcement for contraventions against the Refreshment Vehicle Licensing By-law.

The proposed by-law establishes set fines under the Provincial Offences Act similar to a parking ticket where the maximum set fine for an offence is \$1,000. Through set fines, the set fine is pre-approved by the Regional Senior Justice and the officers would use their discretion to proceed with the issuance of a ticket.

Staff are recommending establishing set fines for four reasons:

- Set fines deter the public from contravening the by-law;
- Fines should be enough to discourage the public from contravening by-laws, but not so high that it is considered excessive;
- Set fines help to communicate to the public the severity of the offence; and
- Set fines also provide an efficient method for By-Enforcement Officers to lay a charge. Where the Township does not have an approved set fine, the offence is either serious enough that the Officer would lay a charge under a Part III offence where the contravention is serious and/or the offender is persistently non-compliant.

Enforcement mechanism, set fines amounts differ from by-law to by-law and between comparator municipalities. The table below illustrates the range of enforcement mechanisms, compared to what is proposed through this report.

Municipality	Mechanism	Fines
Town of Napanee	Set Fines under Part 1 POA	Ranging from \$200-\$300

Prince Edward County	Set Fines under Part 1 POA	Ranges from \$100-\$600
South Frontenac	Part 3 POA	Up to \$5,000
City of Kingston	Unclear	
Municipality of Brighton and amendment	Set Fines under Part 1 POA	Ranges from \$250-\$400
Town of Arnprior	Part 3 POA	Up to \$10,000
City of Belleville	Set Fines under Part 1 POA	Ranges from \$50-\$200

If approved, staff would make an application to the Regional Senior Justice for approval of the set fine amount. This may take several months to obtain approval.

Appeals Mechanism

The current by-law does not provide an appeal mechanism for operators whose licence or application has been revoked, suspended or refused. An appeals mechanism is crucial in the context of refreshment vehicle licensing as it ensures that all decisions regarding licensing are made transparently and equitably. If an applicant feels that their application was unjustly refused or revoked, they have a formal process to challenge the decision. This can help prevent arbitrary or biased decision-making and ensure that all applicants are treated equitably.

The proposed by-law would permit any person whose licence has been refused, revoked or suspended to appeal that decision to the Appeals Committee. The appellant would pay an Appeals Fee of \$200. The Clerk's Division would call a meeting of the Appeals Committee where the Committee would hear the appellant and the Township staff. The Committee would have the power to affirm the decision of the Clerk to refuse, suspend or revoke the licence, or to direct the Clerk to issue, renew or reinstate the licence. The Appeals Committee may also direct the Clerk to impose certain conditions.

If approved through this report, staff are recommending Council approve an amendment to the Miscellaneous Fees and Charges By-law to add an item for the Appeals Fee of \$200. The fee is calculated based on the Appeals Committee Terms of Reference which requires the municipality to pay a \$50 stipend to the four members.

Administrative and housekeeping changes

The entirety of the by-law has been rewritten in plain and precise terminology, rearranged for logical flow, and to align with current practices. The proposed by-law has also been restructured to group similar topics together, move like provisions together, and it has been formatted to comply with accessibility standards resulting in a more user-friendly document.

The proposed by-law also removes the application form as this is a procedural matter which could be developed by the administrator of the program.

Financial Implications

There is minimal financial impact associated with the proposed fees and fines proposed in the updates to the Refreshment Vehicle By-law. The impact would to increase the amount of revenue that the municipality could potentially receive if the same number of licences are issued.

If the by-law is approved as drafted, there would be minimal impact to operations. Any impact to operations would be recovered by licence and park permit fees.

Risks or Stakeholder Implications

There are multiple risks associated with the recommendations in this report:

- Stakeholder Risk - Refreshment Vehicle operators may be content with the licensing process as is. Staff are recommending this process because it is a clear and transparent roadmap to licensing.
- Stakeholder Risk - Further limiting areas where refreshment vehicles can operate would protect existing businesses but, these limitations may also cause refreshment vehicles owners to close and/or relocate outside of the municipality, resulting in loss of a community food vender.
- Stakeholder Risk - Introduction of set fines may cause discontent among refreshment vehicle operators. Compliance is always the primary objective of By-law Enforcement. In order, to achieve compliance, By-law Enforcement Officers would educate and work cooperatively with operators before pursuing charges. Where residents are unwilling to comply, By-law Enforcement Officers could use the set fine to pursue charges.
- Operational Risk - Appeals mechanism might be over-utilized when operators perceive a decision was made unjustly. However, having a clear and accessible appeals process can increase public trust in the licensing system and avoid arbitrary or biased decision-making. An application to the Appeals Committee also requires the applicant to pay an Appeals Fee which is set to recover the full cost. Finally, this appeal mechanism would avoid staff preparing a report to Council is an appeal is received.

Communication and Consultation Plan

The following staff divisions were consulted to inform this report:

- Emergency Services and By-law Enforcement
- Recreation & Facilities and Recreation Services
- Corporate Communications
- Development Services

Staff recommend the consideration of the draft by-law be presented to the general public for consultation and industry specific stakeholders, with the goal of gathering input, informing and educating, understanding the needs of the operators, and exercising ongoing communication and relationship building.

Upon receiving approval through this report, staff would consider the comments heard at this Committee of the Whole meeting and embark upon a public consultation program that includes the following groups:

Public	• all public via the Engagement Platform
Industry Stakeholders	• current and past licence holders • Loyalist Business Associations • Lennox and Addington Chamber of Commerce • local organizations or associations that organize community events such as parades • Lennox and Addington Economic Development

Upon completion of the consultation period, staff would consider the feedback and return to the December 10th Council meeting to inform Council of the feedback received and to request Council to consider the draft by-law. The timeline for the next steps is as follows:

Task	Deadline
Committee of Whole Meeting to direct staff to begin public and stakeholder consultation for the consideration of the draft Refreshment Vehicle By-Law	October 22, 2024
Consultation period: current licence holders, business associations, public, etc.	October 23-November 27, 2024
Council Meeting and by-law enactment	December 10, 2024
Open applications for 2025	December 11, 2024
Deadline to receive applications	December 31, 2024

Alternatives

Alternative to Distance Prohibition

Council may consider an option where no licence would be issued to any person to operate a refreshment vehicle within the prohibited core commercial area of the Township on the main streets of the settlement areas between certain intersections. This is similar to Prince Edward County, Brighton, Belleville and Kingston. Staff did not propose this alternative initially because creating this limitation will serve to limit the refreshment vehicles in our small settlement areas, which will not only limit competition between the established restaurant and refreshment vehicles, it may also limit people's choice generally when coming into the community who may be looking for a quick meal (chip truck fries). Another reason staff did not recommend this option is because this may limit/prohibit refreshment vehicle operators seeking to establish a new refreshment

vehicle business in our small communities, where few single brick and mortar restaurant establishments exists. The municipalities that utilize this prohibition all have designated commercial core areas such as Business Improvement Areas and have fulsome business district giving people lot of choices.

Attachments

[Attachment 1 - Refreshment Vehicle By-law 2020-085](#)

[Attachment 3 - By-law to Amend the Fees and Charges By-law relating to Refreshment Vehicle Licencing](#)

[Attachment 2 - Draft Proposed Refreshment Vehicle Licence](#)

Approved by

Approved by

Jenna Campbell, Director of Corporate Services

Shelley Stedall, Treasurer

Rebecca Murphy, Chief Administrative Officer

Status:

Approved - 16 Oct 2024

Approved - 17 Oct 2024

Approved - 17 Oct 2024

THE CORPORATION OF LOYALIST TOWNSHIP

BY-LAW 2020-085

BEING A BY-LAW TO LICENCE REFRESHMENT VEHICLES

WHEREAS pursuant to Section 150 and 151 of the *Municipal Act, 2001*, a municipality may provide for a system of licences with respect to any business wholly or partly carried on within the municipality, including the sale or hire of goods or services on an intermittent or one time basis;

AND WHEREAS pursuant to section 11(2) of the *Municipal Act, 2001* a municipality may exercise its licensing powers for the purpose of consumer protection and to protect the health and safety of the general public;

AND WHEREAS Council has determined it is desirable to licence Refreshment Vehicles within Loyalist Township for reasons of health, safety, and consumer protection.

NOW THEREFORE the Council of The Corporation of Loyalist Township enacts as follows:

Section 1: Definitions

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

- (a) **"Applicant"** shall mean a Refreshment Vehicle Owner who applies to the Clerk for a license for a Refreshment Vehicle in accordance with the provisions of this By-law;
- (b) **"Clerk"** shall mean the Clerk or his/her designate of the Corporation of Loyalist Township as appointed by By-law from time to time;
- (c) **"Council"** shall mean the Council of The Corporation of Loyalist Township;
- (d) **"Licence"** shall mean a licence issued by the Municipal Clerk to operate a Refreshment Vehicle in accordance with this By-law;
- (e) **"Licensee"** shall mean any person who is issued a license for a Refreshment Vehicle pursuant to the provisions of this By-law;
- (f) **"Provincial Offences Officer"** shall mean an individual appointed by by-law or other agencies designated by Council who are responsible for the administration of this by-law
- (g) **"Person"** shall mean an individual, corporation, partnership or association and the heirs, executors, administrators or other legal representatives of any person to whom the context can apply according to law;
- (h) **"Property Owner"** shall mean the registered owner of land as shown in the Land Registry Office for the County of Lennox & Addington and

- includes a lessee, mortgagee in possession or any person in charge of the property;
- (i) **"Refreshments"** shall mean any food or beverage prepared or provided for human consumption;
- (j) **"Refreshment Vehicle"** shall mean any vehicle whether motorized or not from which refreshments are offered for sale for consumption to the public and shall include a motor vehicle, motor assisted bicycle, trailer, bicycle, tricycle or any other vehicle drawn, propelled or driven by any kind of power, including muscular power, and includes fixed or mobile barbecues;
- (k) **"Refreshment Vehicle Owner"** shall mean the Owner of the Refreshment Vehicle for which a license is applied pursuant to this By-law and in relation to a motor vehicle shall mean the registered owner of the vehicle as shown by the records kept by the Ministry of Transportation and includes a lessee or mortgagee in possession;
- (l) **"Designated area"** means an area that is not part of a highway and is zoned by the Township's bylaw to permit a commercial or industrial use and for a refreshment vehicle also including areas zoned recreation open space, park/open space or community facility;
- (m) **"Highway"** includes the entire right-of-way of a common and public highway, street, avenue, parkway, driveway, square, place, bridge, any part of which is intended for or used by the general public for passage of vehicles
- (n) **"Medical Officer of Health"** shall mean the Medical Officer of Health for Kingston Frontenac Lennox and Addington Health Unit or a duly authorized designate;
- (o) **"Municipality"** shall mean The Corporation of Loyalist Township;
- (p) **"Technical Safety Standards Association"** (TSSA) means the Provincial ministry responsible for requirements of various safety and technical standards and for fuel storage and handling, pressure vessels, hazardous material.
- (q) **"Local Food"** Shall mean food that is sourced within KFL&A or within 100 KM of the KFL&A Region.
- (r) **"Whole Foods"** shall mean plant-based foods that are unprocessed and unrefined, or processed and refined as little as possible, before being consumed. Can also include meats that are processed and refined as little as possible

Section 2: Types of Refreshment Vehicle

- 2.1 Under this by-law there are four classes of refreshment vehicle types.

Class 1: A large vehicle either stationary or mobile equipped with facilities for cooking, selling, offering for sale, serving and/or dispensing of refreshments. Includes but is not limited to food trucks.

Class 2: A vehicle that is designed for selling, offering for sale, serving, and/or dispensing of refreshments and/or prepackaged items. Includes but is not limited to vehicles such as catering trucks and ice cream trucks.

Class 3: A trailer/cart that is either stationary or mobile designed for selling, offering for sale, serving and/or dispensing of refreshments. Includes but is not limited to hot dog carts.

Class 4: A manual powered cart that is used for selling, offering for sale, serving and/or dispensing of refreshments. Includes but is not limited to bicycle ice cream carts.

Section 3: Administration

- 3.1 The Clerk or designate is responsible for the administration of this by-law.
- 3.2 All Provincial Offences Officers with authority to enforce the by-laws of the municipality are responsible for enforcing the provisions of this by-law.
- 3.3 The Clerk is not required to consider any application for a license until the application is complete, and the Applicant has provided all the information and documentation as required pursuant to this bylaw, as well as the application fees. Acceptance of an application does not represent approval nor shall it obligate the Township to issue a licence.
- 3.4 The Clerk may approve or refuse any licence application, and may impose any conditions upon an approval as determined. This can be done based on the vehicle type, appearance or where the location is deemed inappropriate, unsuitable, or unsafe.
- 3.5 Any person may submit a written request to the Clerk or designate requesting an exemption from any of the prohibitions described in Sections 4 and 5 and Council hereby delegates to the Clerk or designate, the authority to process any such application and to approve, reject or approve with conditions, an exemption. All written exemption request shall include;
 - (a) the name and address of the applicant;
 - (b) a statement of the particular provision or provisions of the by-law from which exemption is sought;
 - (c) the period of time, of a duration not in excess of six months for which the exemption is sought;
 - (d) the reasons why the exemption should be granted; and
 - (e) a statement of the steps, if any, planned or presently being taken to bring about compliance with the by-law.
- 3.6 Upon receipt of a written request for Grant of Exemption to this by-law,

the Clerk or designate may refuse to grant any exemption or may grant the exemption applied for. Any exemption granted shall specify the time period not in excess of six months during which it is effective and may contain such terms and conditions as the Clerk or designate determines to be appropriate.

- 3.7 The Clerk or designate shall consider all request for exemption and shall only grant an exemption, or an exemption on conditions, where:
- (a) the request is necessary and in the public interest;
 - (b) the proposed mitigation measures are appropriate;
 - (c) the duration of the requested exemption is reasonable.
- 3.8 Breach by the applicant of any of the terms or conditions of the exemption shall render the exemption null and void and is an offence under this by-law.
- 3.9 Loyalist Township Emergency Services may impose alternative setbacks from adjacent structures or vehicles as is deemed necessary in the interest of public safety. The Refreshment Vehicle must be at least fifteen (15) meters from the following:
- Fuel dispensers at fuel dispensing stations; and
 - Retail propane dispensing tanks and cylinders.
- 3.10 A licensee shall comply with all licence requirements

Section 4: Licensing

- 4.1 No refreshment vehicle which does not hold a valid License issued by the Clerk or designate under the authority of this By-law, shall carry on its business within the municipality
- 4.2 The applicant shall determine the proposed location for the designated area and shall provide a letter from the property owner or property manager permitting the use of said land for the proposed use;
- 4.3 The applicant shall submit a site plan which clearly shows the designated area along with the location of proposed parking, signage and refuse containers.
- 4.4 No licensee shall operate a Refreshment Vehicle in a location other than the location for which the Refreshment Vehicle licence has been issued, unless authorized by the Clerk or designate;

4.5 The proposed location for the designated area shall comply with the following criteria:

- (a) No person shall operate a refreshment vehicle while on a highway, a vacant lot or a parking lot adjacent thereto, or property owned by the municipality without the prior approval of the Clerk;
- (b) The designated area shall be located only on land zoned as commercial or industrial pursuant to the Loyalist Township zoning by-laws. A refreshment vehicle may also be permitted on lands zoned as recreational open space, park/open space and community facility pursuant to the Loyalist Township zoning by-laws;
- (c) No portion of the designated area shall be located directly in front of an entrance or exit from a building;
- (d) The designated area shall not be located within 120 metres of a business establishment where similar products are sold;
- (e) The designated area shall be set back at least twelve metres from a highway measured from the property line closest to the highway;
- (f) No Person shall sell Refreshments from a Refreshment Vehicle between the hours of 11:00 p.m. and 7:00 a.m.;
- (g) The parking, signage and refuse requirements indicated in the site plan shall be within the designated area.

4.6 The operator of the refreshment vehicle shall be responsible for maintaining the area within 60 metres of the refreshment vehicle, free of litter and debris;

4.7 All refreshment vehicles shall be roadworthy and comply with the Highway Traffic Act and shall be licensed for operation on a public highway;

4.8 A separate refreshment vehicle license shall be taken out for each Refreshment vehicle in operation;

4.9 Upon receipt of a completed application on the prescribed form (attached as Schedule 'B' to this by-law), including payment of the applicable license fee, and subject to compliance with all other sections of this By-law, the Clerk or designate shall issue a refreshment vehicle License.

4.10 The fees for a Refreshment Vehicle License are found under Schedule 'A' of this by-law.

4.11 Any fee paid for a refreshment vehicle license shall be credited to the person paying it, or to any "bona fide" purchaser of the business who carries on the business.

4.12 Every refreshment vehicle license shall expire on December 31st of each year.

- 4.13 Every owner of a refreshment vehicle issued a licence under this by-law shall comply with this by-law and shall ensure that any person employed by the owner or otherwise involved in carrying on business, will do so in compliance with this by-law and all other applicable by-laws.
- 4.14 Commercial General Liability-The successful applicant for a license shall, at his or her expense, obtain and keep in force during the term of this licensed agreement, Commercial General Liability Insurance satisfactory to the Municipality, written by an insurer licensed to conduct business in Ontario and include but not be limited to the following:
- a) A limit of liability of not less than five million dollars (\$5,000,000)/occurrence.
 - b) The Municipality shall be named as an additional insured;
 - c) The policy shall contain a provision for cross liability in respect of the named insured;
 - d) Non-owned automobile coverage with a limit of at least five million dollars (\$5,000,000) including contractual non-owned coverage;
 - e) Products and completed operation coverage (Broad Form) with an aggregate limit not less than five million dollars (\$5,000,000).
 - f) That 30 days prior notice of an alteration, cancellation or material change in policy terms which reduces coverages shall be given in writing to the Municipality

Section 5 - Regulations

- 5.1 Every person to whom a refreshment vehicle license has been issued shall be prominently and permanently displayed in the place of business;
- 5.2 The operator of every refreshment vehicle shall at all times comply with the requirements of the Medical Officer of Health and, prior to the issuance of a refreshment vehicle license under this By-law, supply the Clerk with written confirmation of compliance in this regard;
- 5.3 Every refreshment vehicle which is equipped with propane-fuelled appliances must be inspected by a certified propane fitter registered by the Fuel Safety Branch, and found to comply with the Ontario Propane Code and, prior to the issuance of a refreshment vehicle License under this By-law, shall supply the Clerk with written confirmation of compliance in this regard.
- 5.4 All signage must meet the requirements set out under the Townships Sign By-law.

- 5.5 Lennox & Addington County may have jurisdiction on some roadways.
- 5.6 Any platforms/decks for accessing the food truck service window shall be reviewed by the building department and comply with all building code requirements.

Section 6: Park Permit to Operate on Township Property

- 6.1 Loyalist Township has four parks that are available to lease for refreshment vehicle operators; one refreshment vehicle will be permitted for each park. Applicants wishing to operate on Township property, shall submit a permit application to the Clerk or designate found on Schedule C of this by-law; a list of parks available are included on this schedule. A Refreshment Vehicle Licence will also need to be obtained to operate in all Township locations. Applicants wishing to obtain a park permit shall submit their application no later than the last Friday in the month of November to be considered for the following year. The Township will award the park permit to applicants that have the highest score based on the criteria below.
- Provide local food options
 - Provide healthy food options
 - Have sustainable business practices and/or environmental contributions
 - Have accessibility considerations
 - Are local to KFL&A region
- 6.2 Fees to operate in a Township park are found under Schedule C of this by-law
- 6.3 Refreshment vehicles permitted to operate in Loyalist Township Parks shall be removed by November 30th of each year. Including removal of any Platforms/decks.
- 6.4 The agreement may be transferrable to a successor or assign with the written approval from the Clerk or designate.
- 6.5 The applicant shall be required to submit a plan to acknowledge and accommodate the requirements of the *Accessibility for Ontarians with Disabilities Act*.
- 6.5 The location within the park shall include a detailed site plan to the satisfaction of the Township. Any subsequent revisions to the site plan shall require written consent from the Township.
- 6.6 Any class of refreshment vehicle can apply for a permit to operate on Township properties listed under schedule C of this by-law.

- 6.7 Park permits will be offered on a month to month basis, provided no applications come forward for the full 8 months.
- 6.8 The Township reserves the right to cancel, revoke or place on hold any permit:
- a) When a park is needed for an event of municipal significance
 - b) When the park requires maintenance.
 - c) In order to ensure public safety
 - d) For venues where someone has rented the facility for a full day and has requested the temporary closure of the refreshment vehicle.
 - e) If, in the sole opinion of Township staff the permit holder fails to comply with the requirements of the permit or any provision of the refreshment vehicle by-law or for any reason that the Township deems appropriate.

Section 7 Ineligibility/Disqualification of licence

- 7.1 The Clerk or designate shall refuse to issue or renew a licence where:
- a) The applicant is not at least 18 years of age;
 - b) The application is incomplete, false or incorrect information;
 - c) The prescribed licence fee has not been paid;
 - d) The applicant has outstanding fines or debts to the Municipality;
 - e) The applicant is convicted of an offence under any federal or provincial statute or regulation or under any municipal by-law; and
 - f) An officer, by way of inspection, has determined that the Refreshment Vehicle is not in compliance with this By-law.

Section 8: Revocation and Contravention

- 8.1 A refreshment vehicle license issued under the provisions of this By-law may be revoked by the Clerk or designate when:
- a) written notice has been received from the Medical Officer of Health or designate, or the Technical Safety Standards Association stating that the refreshment vehicle is operating contrary to required standards; or
 - b) The Licensee has been served notice of non-compliance with the terms of this By-law, by a Provincial Offences Officer.
 - c) If, in the sole opinion of Township staff the licence holder fails to comply with any provision of the refreshment vehicle by-law or for any reason that the Township deems appropriate.

Section 9: Validity

- 9.1 If a court of competent jurisdiction declares any provision, or part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

Section 10: Penalty

- 10.1 Every person who contravenes any provisions of this by-law shall be guilty of an offence and, upon conviction, is subject to a fine as provided in the Provincial Offences Act and to any other applicable penalties.

Section 11: Exemptions

- 11.1 Notwithstanding the provisions of this by-law, no person shall be required to submit a license fee when refreshments are offered for sale in conjunction with Fairs, Auctions, Community Festivals/Events or any Council authorized event for which prior approval of Council has been obtained or where the vehicle is accessory to a permitted use under the Zoning by-law.
- 11.2 Notwithstanding the provisions of this by-law, a licence will not be required for a vehicle with a valid licence from another municipality within Loyalist Township, for a period of no more than four days within a calendar year.

Section 12: Effective Date

- 12.1 By-law 2012-100, 2017-008 and any other by-laws or portions thereof conflicting with this by-law are hereby repealed.
- 12.2 This by-law shall come into force and take effect upon the date of its passing;
- AND
- 12.3 The Clerk or designate of Loyalist Township is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-Law and schedule as may be deemed necessary after the passage of this By-Law, where such modifications or corrections do not alter the intent of the By-Law,

ENACTED AND PASSED THIS 23rd DAY OF NOVEMBER 2020



MAYOR



CLERK

Schedule A to By-law 2020-085

Refreshment Vehicle Fee Schedule

Yearly License Fees

New Licence for Class 1, 2 & 3 Refreshment vehicles	\$300.00
New Licence for Class 4 Refreshment vehicles	\$100.00
Renewal Licence for Class 1, 2 & 3 Refreshment vehicles	\$150.00
Renewal Licence for Class 4 Refreshment vehicles	\$50.00

Schedule B to By-law 2020-085

Application for a Refreshment Vehicle Licence

Note: This application must be reviewed by all municipal departments to determine suitability of location prior to any license being issued.

Applicant name: _____

Applicant Phone # _____

Applicant Mailing Address: _____

Business Name: _____

Business Phone Number: _____

Plate Details of Vehicle (if applicable): _____

Location of Refreshment Vehicle under this License(please provide map): _____

Name and Contact info for property owner(where vehicle is to be located, if different from applicant): _____

Types of products to be sold: _____

Attach the following additional Documents applicable to your application:	CHECK:
Permission Letter from Property Owner	
Site Map of Vending Area	
Health Department Inspection (current within last 60 days)	
Technical Safety Standards Association Approval (if applicable)	
Propane Inspection and certification (if applicable)	
Insurance Certificate (\$5,000,000, naming the Municipality as additional insurer	

Fees Per Class	Circle One:
Class 1, 2 & 3 Refreshment Vehicles	\$300.00
Class 4 Refreshment Vehicles	\$100.00

Fees for License Renewal	
Class 1, 2,& 3 Refreshment Vehicles	\$150.00
Class 4 Refreshment Vehicles	\$50.00

I, _____, swear that the information given in this application and any supporting document is true and complete and understand that false statements could result in the revocation of a license if granted.

sworn before me at loyalist township, in the county of Lennox and Addington this _____ day of _____, 20____.

Signature of applicant

Commissioner etc.

****Personal information contained on this form is collected under authority of the Municipal Act, 2001, and will be used to determine eligibility for a license.****

Schedule C to By-law 2020-085

Permit Application

The following Parks are eligible for leasing for Refreshment Vehicle use

- 1. Fairfield Park-4574 Bath Road Amherstview (Hydro and Washroom facility available)
- 2. Finkle Shores Park- 697 Bath Road, Bath (Hydro and Washroom facility available)
- 3. Bath Centennial Park-336 Main Street, Bath (no hydro available)
- 4. Millcreek Park-Mud Lake Road South (no hydro or washroom available)

This application is for individuals interested in operating Refreshment vehicles in the parks listed above. Please submit this form and upon approval submit an application for a Refreshment vehicle license (Schedule B) along with supporting documents as required under Schedule B.

NOTE: The successful applicant will have the highest overall score for the selected location. Refreshment Vehicle Operators will sign and submit an agreement satisfactory to The Township before a Park permit will be issued.

Date and time Submitted: _____

Applicant name: _____

Applicant Phone # _____

Applicant Mailing Address: _____

Business Name: _____

Business Phone Number: _____

Plate Details of Vehicle (if applicable): _____

Please check which Park you are interest in operating from

- 1. Fairfield Park-4574 Bath Road Amherstview
- 2. Finkle Shores Park- 697 Bath Road, Bath
- 3. Bath Centennial Park-336 Main Street, Bath
- 4. Millcreek Park-Mud Lake Road South

Please provide an accessibility plan:_____

Additional Information:_____

Do you Provide local food options and if so what percentage of your menu comes from locally sourced options?

Yes No **Maximum 10 points**

“**Local Food**” is defined as food that is sourced within KFL&A or within 100 KM of the KFL&A Region.

Do you provide non processed food options (ie; foods that are not frozen, rather made from whole foods) and if so what percentage of your menu is made from whole foods

Yes % No **Maximum 10 points**

“**Whole Foods**” are plant based foods that are unprocessed and unrefined, or processed and refined as little as possible, before being consumed. Can also include meats that are processed and refined as little as possible

Does your business practice sustainability and environmental contributions? (i.e. Use biodegradable and or compostable dishes/cutlery/napkins made from renewable sources)

Yes No **Maximum 5 points**

Does your business have accessibility considerations?
Yes No **Maximum 5 points**

Are you local to KFL&A region?
Yes No **Maximum 2 points**

Permit Fees to Operate on Township property

Fairfield Park and Finkle Shores Park (Hydro available)	\$2600.00
Centennial Park and Millcreek Park (Hydro not available)	\$1400.00

Fee Breakdown

Park Lease and Park Maintenance x8	\$175/month
Hydro/month x8	\$150/month

The Corporation of Loyalist Township By-law

Number 2024-XX

By-law to amend By-law 2022-006 Miscellaneous Fees and Charges Schedule A relating to Refreshment Vehicle Licences

WHEREAS the *Municipal Act*, 2001, S.O. 2001, as amended, c. 25, Part XII, Section 391(1), authorizes a municipality to pass by-laws imposing fees or charges on any class of persons for services or activities provided to them by the municipality;

AND WHEREAS the *Municipal Act*, 2001 S.O. 2001, as amended, c. 25, Part XII, Section 398(2) authorizes the treasurer of a local municipality to add fees and charges imposed by the municipality to the tax roll and to collect them in the same manner as municipal taxes;

AND WHEREAS Council of the Corporation of Loyalist Township enacted By-law 2020-085 to licence refreshment vehicles;

AND WHEREAS Council of the Corporation of Loyalist Township enacted By-law 2022-006 to establish fees and charges to be collected on February 14, 2022;

AND WHEREAS on November 12, 2024 deemed it desirable to incorporate refreshment vehicle fees into the Miscellaneous Fees and Charges;

AND NOW THEREFORE the Council of The Corporation of Loyalist Township hereby enacts as follows:

1. That Schedule 'A' of the Miscellaneous Fees and Charges By-law No. 2022-006 be amended to include the following:

Item	Fees
Class 1 and 2 Refreshment Vehicle Licence fee	\$350
Class 3 Refreshment Vehicle Licence fee	\$120
Class 1 and 2 Refreshment Vehicle Renewal fee	\$200
Class 3 Refreshment Renewal fee	\$75
Park Permit with hydro	\$3000
Park Permit without hydro	\$1600
Appeals Fee	\$200

2. This By-law shall come into force and take effect on the date of its passing.

Enacted and passed this 12th day of November, 2024.

The Corporation of Loyalist Township

Jim Hegadorn, Mayor

Anne Kantharajah, Clerk

The Corporation of Loyalist Township
By-law Number 2024-XX

A By-Law to Licence, Regulate and Govern Refreshment Vehicles in Loyalist Township

WHEREAS pursuant to Section 150 and 151 of the *Municipal Act, 2001*, a municipality may provide for a system of licences with respect to any business wholly or partly carried on within the municipality, including the sale or hire of goods or services on an intermittent or one-time basis;

AND WHEREAS pursuant to section 11(2) of the *Municipal Act, 2001* a municipality may exercise its licensing powers for the purpose of consumer protection and to protect the health and safety of the general public;

AND WHEREAS Loyalist Council enacted By-law 2020-085 a by-law to licence refreshment vehicles for reasons of health, safety, and consumer protection;

AND WHEREAS Loyalist Council considers it desirable to continue such licensing and registration regulations with respect to refreshment vehicles;

AND WHEREAS Council has determined it is desirable to repeal and replace By-law 2020-085 with the Licencing Requirements and Procedures outlined herein;

NOW THEREFORE the Council of The Corporation of Loyalist Township enacts as follows:

1. By-law 2020-085 be hereby repealed.
2. The Licencing Requirements and Procedures for the operation of Refreshment Vehicles attached hereto as Schedule 'A' and forming part of this By-Law, be adopted.
3. This By-law shall come into force and take effect on the date of its passing.

Enacted and passed this 12th day of November, 2024.

The Corporation of Loyalist Township

Jim Hegadorn, Mayor

Anne Kantharajah, Clerk

Refreshment Vehicles Licencing Requirements and Procedures
Schedule A to By-law 2024-XX

1. Definitions

1.1. For the purpose of this By-law, the following definitions shall apply:

- a) **Appeals Committee** means the Appeals Committee as established by Council.
- b) **Applicant** means the person, business or their agent that is applying for a Refreshment Vehicle Licence.
- c) **By-law** means this Refreshment Vehicle By-law.
- d) **Clerk** mean the Clerk or their designate of Loyalist Township.
- e) **Council** means the Council of The Corporation of Loyalist Township.
- f) **Designated Location** means an area approved for operating a Refreshment Vehicle.
- g) **Eating Establishment** means a building or part of a building where food is offered for sale or sold to the public for immediate consumption or for take-out and includes such uses as a restaurant, dining room, cafe, cafeteria, ice cream parlor, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand. This does not include grocery stores, gas stations, convenient stores, markets, etc.
- h) **Licence** means a permit issued under the provisions of this By-law.
- i) **Licencee** means the person or business issued a Licence for a Refreshment Vehicle pursuant to the provisions of this by-law.
- j) **Operator** means the person who operates a Refreshment Vehicle, and if a Licencee is also an Operator, the words Licencee and Operator will have the same meaning.
- k) **Park Permit** means a seasonal lease agreement to operate a Refreshment Vehicle in a Township park or other municipally-owned facility, and approved on an annual basis;
- l) **Provincial Offences Officer** means an individual appointed by by-law or other agencies designated by Council who are responsible for the administration of this by-law.
- m) **Refreshment Vehicle** means a vehicle, trailer, cart or other structure not placed on a permanent foundation which is equipped for cartage, storage and the preparation of food stuffs, beverages, confections and such items are offered directly for consumption to the general public, and includes a chip wagon, a mobile canteen and other refreshment vehicles.

Refreshment Vehicles Licencing Requirements and Procedures
Schedule A to By-law 2024-XX

n) **Township** means the Loyalist Township.

o) **Zoning By-Law** means The Township's Zoning By-Law, or any successor By-Law, as amended from time to time.

2. General

2.1. No person shall operate a Refreshment Restaurant in Loyalist Township unless they hold a valid Licence pursuant to this By-law.

3. Application

3.1. To obtain a Licence, an Applicant shall file an application in writing on the forms prescribed by the Clerk, and shall supply any other information relating to that application as required.

3.2. A complete application shall include:

- a) A completed and signed Refreshment Vehicle Licence application as prescribed by the Clerk.
- b) The address of the location at which the Refreshment Vehicle will operate and a site map. The site map must clearly show the proposed location where the Refreshment Vehicle would be located, setbacks to property lines and to adjacent structures, signage and refuse containers, and entrance and exit from adjacent streets to the satisfaction of the Clerk. Any subsequent revisions to the site map shall require written consent from the Clerk.
- c) A letter, lease agreement or other proof of approval from the property owner to operate at the proposed location specified, if applicable.
- d) The following certificates of compliance:
 - i. A current certificate of compliance with "The Food Premises Regulation" as written under the Act from the Medical Officer of Health;
 - ii. Technical Safety Standards Association Approval (if applicable); and
 - iii. Propane Inspection and certification (if applicable).
- e) A description in detail of the products to be sold.
- f) Proof of Insurance showing that the Operator is covered by insurance in accordance with Section 10 of this By-law.
- g) Licence application fees paid in full in accordance with the Township's Miscellaneous Fees and Charges By-law, as amended.
- h) Any other documentation required by the Clerk.

3.3. The Clerk is not required to consider an application until the Applicant has provided all the information and paid the fees pursuant to this By-law. Receipt of an application does not represent approval nor shall it obligate the Township to issue

Refreshment Vehicles Licencing Requirements and Procedures
Schedule A to By-law 2024-XX

or renew a Licence.

4. Refreshment Vehicle Classifications

4.1. Under this By-law, there are three Refreshment Vehicle classifications:

- a) Class 1: Motorized vehicles without food preparation Motorized vehicles permitted on public and private property from which pre-packaged or pre-made food products are offered for sale for a brief time per location - no food is permitted to be prepared on, in, or around the vehicle while in service. Most common example is an ice cream truck.
- b) Class 2: Motorized vehicles with food preparation Motorized vehicles where food products are prepared and offered for sale from different locations on public and/or private property. Most common example is a food truck.
- c) Class 3: Non-motorized refreshment vehicles Non-motorized vehicles, carts, bikes, etc. where food products, either pre-packaged or prepared on site, are sold or offered for sale on public and/or private property. They can be stationary, or mobile, but are non-motorized. Most common example would be hot dog carts.

5. Conditions of Licence

- 5.1. The Licencee and all Operators shall comply with all Licence conditions under this By-law, all other relevant Township by-laws, and any other requirements of the Medical Officer of Health. The Clerk may impose additional conditions in the interest of public safety.
- 5.2. The Operator of a Refreshment Vehicle shall display the Licence granted by the Township at all times and shall present this Licence on demand for inspection by any Provincial Offences Officer.
- 5.3. No Licensee shall operate a Refreshment Vehicle other than the Designated Location for which the Licence has been issued unless permitted under this By-law.
- 5.4. The Operator shall be responsible for maintaining the area within 60 metres of the Designated Location free of litter and debris.
- 5.5. The Operator shall be responsible for collecting garbage and recycling resulting from the operation of the Refreshment Vehicle and removing the recycling and garbage from the Designated Location to a designated disposal site appropriately, each day. Placing garbage and recycling in a sidewalk refuse container provided by the Township is not sufficient to constitute removal.
- 5.6. The Operator must be at least 18 years of age.
- 5.7. No Person shall sell Refreshments from a Refreshment Vehicle between the hours of 11:00 p.m. and 7:00 a.m.

Refreshment Vehicles Licencing Requirements and Procedures
Schedule A to By-law 2024-XX

5.8. Every Licence shall expire on December 31st of each year.

5.9. A separate Licence shall be taken out for each Refreshment Vehicle in operation.

5.10. The Licence shall not be transferrable to a successor or assignee.

6. Location

6.1. The Designated Location shall comply with the following criteria:

- a) The Designated Location must not be on a highway, a vacant lot or a parking lot adjacent thereto, or property owned by the municipality except where permitted under this By-law.
- b) The Designated Location shall be zoned to permit the use pursuant to the Township's Zoning By-law, as amended.
- c) The Designated Location shall not be located directly in front of an entrance or exit from a building.
- d) The Designated Location shall not be located within 120 metres of the property line of an Eating Establishment. Exemption from this provision is available where the Refreshment Vehicle is located on Township property where a Park Permit for Refreshment Vehicles has been obtained.
- e) The Designated Location shall be set back at least 12 metres from a highway measured from the property line closest to the highway, or as otherwise indicated in the Township's Zoning By-law.
- f) The Refreshment Vehicle must be at least 15 metres from fuel dispensers at fuel dispensing stations, and retail propane dispensing tanks and cylinders.
- g) The Refreshment Vehicle shall be parked and any signage, refuse containers, etc. shall be within the Designated Location.
- h) The Township may impose alternative setbacks from adjacent structures or vehicles as deemed necessary in the interest of public safety.

7. Refreshment Vehicle Park Permits

7.1. Refreshment Vehicle Park Permits are available for the locations listed in Appendix A of this By-law. The Director of Community & Customer Service or their designate has the authority to amend Schedule A of this By-law as needed from time to time.

7.2. The Director of Community & Customer Service or their designate is authorized to determine the maximum number of Park Permits that will be considered for each municipal facility, and to add or remove Park Permit spaces from facilities each year based on public feedback, operational impacts, and other municipal priorities.

7.3. The Director of Community & Customer Service is authorized to approve a temporary increase to the number of Refreshment Vehicles that may be permitted

Refreshment Vehicles Licencing Requirements and Procedures
Schedule A to By-law 2024-XX

to operate at a municipal facility as part of a special event subject to the terms and conditions as may be set out in the agreement with the special event organizer.

- 7.4. Applicants wishing to obtain a Refreshment Vehicle Park Permit shall submit an application no later than the last Friday in November to be considered for a Park Permit for the following year.
- 7.5. If the number of applications for a Park Permit for a certain location equals the number of Park Permits available at that location, the Clerk may award the Park Permit to the Applicants for their preferred location.
- 7.6. If the number of applications of Park Permits for a certain location is more than the number of Park Permits available at that certain location, the Clerk will follow these procedures:
- a) The Clerk shall inscribe the name of each Applicant on a similar size paper. The Clerk shall determine the texture and quality of the paper used.
 - b) The Clerk shall fold the papers bearing each Applicant's name twice in two equal parts and shall deposit these papers in a box;
 - c) The Clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently, and draw one or the required number of Applicants for the purpose of issuing Park Permits.
 - d) The selected Applicants shall be granted a Park Permit for that location.
- 7.6. Park Permits are valid from April 1st and expire on October 31st of each year.
- 7.7. Refreshment Vehicles with Park Permits shall be removed from the location by October 31st of each year. This includes removal of any platforms/decks, signage, and refuse. Any items remaining will be removed and disposed of by the Township at the Licencee's expense.
- 7.8. The Township has no obligation to provide facilities and utilities at the Park Permit Locations including, but not limited to, washrooms, hydro, water, etc.
- 7.9. No Licencee shall be issued more than one Park Permit at any time, unless no other application comes forward. In such cases, any subsequent Park Permit shall be issued on a month-to-month basis.
- 7.10. The Township reserves the right to place on hold any Park Permit:
- a) When the park is needed for an event of municipal significance;
 - b) When the park requires maintenance;
 - c) In order to ensure public safety; or
 - d) For parks where a person has rented the facility and has requested the temporary closure of the Refreshment Vehicle.

Refreshment Vehicles Licencing Requirements and Procedures
Schedule A to By-law 2024-XX

- 7.11. The Township may revoke a Park Permit if, in the sole opinion of Township staff, the Licensee fails to comply with the requirements of the permit or any provision of this By-law or for any reason that the Township deems appropriate.

8. Regulations

- 8.1. Every Refreshment Vehicle which is equipped with propane-fueled appliances must be inspected by a certified propane fitter registered by the Fuel Safety Branch, and found to comply with the Ontario Propane Code and, prior to the issuance of a Refreshment Vehicle Licence shall supply the Clerk with written confirmation of compliance in this regard.
- 8.2. The Operator of any Refreshment Vehicle equipped with cooking equipment shall operate in accordance with the *Fire Protection and Prevention Act, 1997, S.O. 1997:*
- a) A cooking operation producing smoke or grease-laden vapours shall be provided with an exhaust system and fire protection system in accordance with N.F.P.A. 96 "Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations".
 - b) Portable extinguishers suitable for Class K fires shall be provided to protect cooking operation.
- 8.3. Cooking equipment must be commercial-grade or intended for commercial use as stated in manufacturer recommendations.
- 8.4. All Refreshment Vehicles shall be roadworthy and comply with the Highway Traffic Act and shall be licensed for operation on a public highway. The issuance of a Licence under this By-law does not act to exempt Operators from the provisions of the Highway Traffic Act and all traffic and parking by-laws of the Township.
- 8.5. All signage must meet the requirements set out under the Townships Sign By-law, as amended.
- 8.6. Any platforms/decks for accessing the food truck service window shall be reviewed by the building department and comply with all Ontario Building Code requirements.

9. Fees

- 9.1. Requisite application fees are outlined in the Township's Fees and Charges By-Law.
- 9.2. Application fees shall not be pro-rated.

10. Insurance

- 10.1. The Licencee, at their expense, obtain and keep in force during the term of this licensed agreement, Commercial General Liability insurance satisfactory to the Township, written by an insurer licensed to conduct business in Ontario and

Refreshment Vehicles Licencing Requirements and Procedures
Schedule A to By-law 2024-XX

include but not be limited to the following:

- a) A limit of liability of not less than five million dollars (\$5,000,000)/occurrence.
- b) The Township shall be named as an additional insured;
- c) The policy shall contain a provision for cross liability in respect of the named insured;
- d) Non-owned automobile coverage with a limit of at least five million dollars (\$5,000,000) including contractual non-owned coverage;
- e) Products and completed operation coverage (Broad Form) with an aggregate limit not less than five million dollars (\$5,000,000); and
- f) That 30 days prior notice of an alteration, cancellation or material change in policy terms which reduces coverages shall be given in writing to the Clerk.

11. Exemptions

- 11.1. A Refreshment Vehicle with a current and valid Licence under this By-law may operate at fairs, auctions, community festivals/events organized by the Township or any Council authorized event.
- 11.2. A Licence is not required for a Refreshment Vehicle operating on private property in zones permitted under the Zoning By-law at a private event for a period of no more than 3 days in a calendar year, with a valid licence from another municipality within the Kingston or County of Lennox and Addington.
- 11.3. For any other exemption not listed above, any person may submit a written request to the Clerk requesting an exemption from any of the prohibitions described in Sections 5 and 6 and Council hereby delegates to the Clerk, the authority to process any exemption request.
- 11.4. All exemption requests shall be in writing and include;
 - a) the name and address of the Applicant;
 - b) a statement of the particular provision or provisions of the By-law from which exemption is sought;
 - c) the period of time, of a duration not in excess of six months for which the exemption is sought;
 - d) the reasons why the exemption should be granted; and
 - e) a statement of the steps, if any, planned or presently being taken to bring about compliance with the By-law.
- 11.5. Upon receipt of an exemption, the Clerk may grant any exemption as requested or with conditions, where

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- a) the request is necessary and in the public interest;
- b) the request does not contravene any other Township by-law or policy, or legislation;
- c) the proposed mitigation measures are appropriate; and
- d) the duration of the requested exemption is reasonable.

12. Revocation, suspension or licence refusal

12.1. The Clerk may revoke, suspend or refuse to issue or renew a Licence where:

- a) the Licencee would not qualify for a Licence or would not be entitled to a renewal of a Licence on the grounds set out in this By-law;
- b) The Application is incomplete or contains false or incorrect information;
- c) the Refreshment Vehicle, its appearance or where the location is deemed inappropriate, unsuitable, or unsafe;
- d) the Licencee has been the subject of repeated established complaints regarding the operation of business;
- e) the Licencee has been found by a Provincial Offences Officer to have failed to comply with any of the provisions of this By-law; or
- f) written notice has been received from the Medical Officer of Health, or the Technical Safety Standards Association stating that the Refreshment Vehicle is operating contrary to required standards.

12.2. Where the Licence is refused, the Clerk will inform the applicant in writing.

12.3. Where the Licence is revoked or suspended, the Operator shall be served notice of non-compliance by a Provincial Offences Officer.

13. Appeal

13.1. A person whose Licence has been refused, revoked or suspended may, within fifteen (15) days of being notified of the refusal, suspension or revocation, as the case may be, appeal that decision to the Appeals Committee and shall pay the Appeal Fee.

13.2. On appeal, the Appeals Committee has the power to affirm the decision of the Clerk to refuse, suspend or revoke the Licence, or to direct the Clerk to issue, renew or reinstate the Licence. The Appeals Committee may also direct the Clerk to impose certain conditions.

13.3. Decisions of the Appeals Committee are final.

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14. Penalty

- 14.1. Every person who contravenes any provisions of this by-law shall be guilty of an offence and, upon conviction, is subject to a fine as provided in the Provincial Offences Act and to any other applicable penalties as listed in Appendix B of this By-law.
- 14.2. Pursuant to the authority established in section 429 of the Municipal Act, S.O. 2001, c. 25 as amended, every person who contravenes any provision of this By-law is guilty of an offence and upon conviction pursuant to Part III of the Provincial Offences Act R.S.O. 1990, c. P.33, as amended

15. Administration

- 15.1. The Clerk is authorized to issue a Licence under this By-law.
- 15.2. The Clerk is responsible for the administration of this By-law including developing procedures and forms.
- 15.3. All Provincial Offences Officers with authority to enforce the by-laws of the municipality are responsible for enforcing the provisions of this By-law.
- 15.4. The Clerk of Loyalist Township is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

16. Validity

- 16.1. Where a conflict arises between the provisions of this By-law and any other Township by-law the more stringent provision shall apply.
- 16.2. If a court of competent jurisdiction declares any provision, or part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

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Appendix A - Park Permit

Location	Amenities	Number of Permits Available
Fairfield Park-4574 Bath Road Amherstview	Hydro and Washroom facility available	1
Finkle Shores Park- 697 Bath Road, Bath	Hydro and Washroom facility available	1
Bath Centennial Park-336 Main Street, Bath	No hydro available	1
Babcock Mills, 100 Bridge Street	No hydro available	1

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Appendix B – Part I Provincial Offences Act

Item	Short form wording	Provision creating or defining offence	Set Fine
1.	Operate any Refreshment Vehicle without a Licence	Section 2.1	\$600
2.	Fail to display Licence	Section 5.1	\$100
3.	Fail to present Licence on demand	Section 5.2	\$100
4.	Fail to dispose of refuse	Section 5.5	\$300
5.	Fail to ensure property is maintained in a neat and tidy condition	Section 5.4	\$300
6.	Fail to situate Refreshment Vehicle on property that does not permit such use	Section 6.1	\$300
7.	Operate a Refreshment Vehicle within 12 metres of the highway	Section 6.1 e)	\$300
8.	Operate a Refreshment Vehicle within 120 metres of an Eating Establishment	Section 6.1 d)	\$300
9.	Operate a Refreshment Vehicle on Township property without permission	Section 6.1 a)	\$300
10.	Operate on a highway	Section 6.1 a)	\$300