

The Corporation of the Town of South Bruce Peninsula

By-Law Number 69-2021

**Being a By-Law to License and Regulate
Food Delivery Services in the Town of South
Bruce Peninsula**

Whereas Section 151 of the Municipal Act, 2001 as may be amended from time to time, authorizes a municipality provide for a system of licences with respect to a business and to make provision for obtaining a licence and imposing conditions;

And whereas the Town of South Bruce Peninsula deems it expedient to license and regulate food delivery service businesses being operated in the Town.

Now therefore the Council of the Town of South Bruce Peninsula enacts as follows:

1. Definitions

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

- 1.1 **"Food"** shall mean any products made for human consumption and shall include beverages.
- 1.2 **"Food Delivery"** shall mean the physical taking of food from one place to another and shall include both picking up and dropping off.
- 1.3 **"Food Delivery Service Business"** shall mean any business whose purpose it is to deliver food to a member of the public to a location agreed upon. It is understood that for the purpose of this by-law, a food delivery service business is a stand-alone business and does not include any delivery services ordinarily provided by a restaurant to their patrons by their own employees. A food delivery service business may contract with a restaurant for the delivery of food; the provisions of this by-law continue to apply.
- 1.4 **"Highway"** shall mean any avenue, lane, road, road allowance or street under the jurisdiction of the Town of South Bruce Peninsula and used for travel and shall include any parking areas.
- 1.5 **"Parking Space"** shall mean any space specifically designated by the Town where a food service delivery vehicle is permitted to park, stop or stand while making a delivery.
- 1.6 **"Town"** shall mean the Town of South Bruce Peninsula and all areas within it's geographic area.

1.7 **"Vehicle"** shall mean an item meant to transport people or goods.

2. General Provisions - Owners

2.1 No person who owns a food delivery service business shall deliver food in the Town or be otherwise hired to perform services in the Town without first obtaining a license from the Town.

2.2 Every person who owns a food delivery service business shall obtain a separate license for each business to be operated.

2.3.1 Each owner of a food delivery service business shall provide to the Town an address which will be considered to be the location from which the business will be operated.

2.3.2 No person shall operate a food delivery service business from a location which is not zoned for the business/commercial use.

2.4 No person who owns a food delivery service business shall permit any person other than a licensed driver employed or otherwise retained by such owner to deliver food in the Town.

3. General Provisions – Operators

3.1 No person shall operate a vehicle to be used under a food delivery service license unless that person has a valid Ontario driver's license.

3.2 No person shall operate a food delivery service vehicle in a manner which is considered to be unsafe, reckless or in a manner which would endanger the safety of the public, driver or any passenger.

3.3 No person shall operate a vehicle to be used by a food delivery service unless that person has obtained a license under the authority of this by-law.

4. Vehicle Standards

4.1 No person shall own or operate a vehicle to be used by a food delivery service unless the vehicle outwardly displays a sign, light or visual mark identifying it as a delivery vehicle while it is actively delivering food products.

4.2 No person shall operate a vehicle to be used by a food delivery service without having on display in a visible location, the operator's license, issued by the Town.

5. Insurance

- 5.1 The owner of the food delivery service business shall obtain and maintain insurance coverage as outlined herein and provided by an insurance company or companies licensed to transact business in the Province of Ontario. Evidence of such insurance shall be provided to the Town in the form of a Certificate of Insurance signed by an authorized signatory prior to the issuance of any license.
- 5.2 The owner of the food delivery service business shall have a Commercial General Liability insurance policy of not less than \$5,000,000 (five million dollars) per occurrence. The policy must insure against third party claims for bodily injury (including death), personal injury and/or property damage as a result of actual or alleged negligence of the owner or any operator. The policy shall include:
 - 5.2.1 The Town of South Bruce Peninsula as additional insured;
 - 5.2.2 Cross Liability / Severability of Interests clause;
 - 5.2.3 Contractual Liability; and
 - 5.2.4 Non-Owned Automobile Liability (SPF 6).
- 5.3 The owner must give the Town a minimum thirty (30) day's written notice of cancellation or non-renewal.
- 5.4 The Liability Insurance Policy and/or endorsements shall be satisfactory to the Town and it is hereby agreed that no license will be considered to be issued or in full force and effect until insurance requirements are met by the owner.
- 5.5 The insurance coverage noted above shall be maintained in force throughout the term of the license. Failure to maintain the required insurance and provide proof of same to the Town will render the Town issued license null and void.
- 5.6 It is hereby understood that should the owner of the food delivery service business employ third party drivers with vehicles not owned by the owner of the food delivery service business, all insurance provisions as contained herein must also be provided by any operator and all provisions herein will apply to the owner and operator in like manner. Any default by any operator will be deemed to be the default of the owner and the Town issued license will be revoked.

6. Issuance of License and Payment of Fees

- 6.1 Every person who intends to own and/or operate a food delivery service business must first make application to the Town to obtain a license, subject to the provisions contained herein. Said application will be in the prescribed format and on the prescribed forms, as established by the Town.

- 6.2 Upon receipt of a completed application form, all information as required herein and any fee as established by the Town, the Town shall at their sole discretion issue a license to own and/or operate a food delivery service business in the Town.
- 6.3 Every operator shall provide said license and identification to any person when so asked.
- 6.4 No food delivery service owner or operator license shall be transferred.
- 6.5 Any license issued will only remain in effect for a period of twelve (12) consecutive months. Reissue of any license will be subject to the provisions contained herein.
- 6.6.1 The Town reserves the right in their sole discretion not to issue, reissue or revoke any license.
- 6.6.2 Reasons for the refusal to issue, reissue or revoke any license shall include but not be limited to:
- knowledge of criminal activity or suspected criminal activity;
 - complaints of misappropriation, theft, disregard or recklessness;
 - misrepresentation of purpose;
 - violation or continued violation of the provisions of this or any by-law; and
 - refusal to cooperate with the Town and its Officers.
- 6.7 Each license issued for a food delivery service business shall include two (2) vehicles to be used for the food delivery service business and two (2) drivers /employees.
- 6.8 Notwithstanding section 6.7 above, for each additional vehicle to be used in the food service delivery business, the fee established in the Fee By-Law shall apply.
- 6.9 Notwithstanding section 6.7 above, each additional driver/employee must be licensed and the fee established in the Fee By-Law shall apply.
- 6.10.1 Any business which provides delivery of their own food product, and does not meet the definition of a food delivery service business, and wishes to use the parking spaces as provided for herein, must pay a fee to the Town in the amount established in the Fee By-Law.
- 6.10.2 For greater certainty, a business as described in item 6.10.1 shall include but not be limited to an eat in restaurant and a take-out restaurant.
- 6.10.3 All provisions of this by-law shall apply to the business as stated in this section 6.10 with the exception of licensing and insurance requirements.

7. Location and Time of Operation

- 7.1 No owner or operator shall allow his vehicle to be left unattended on any highway or in any parking space at any time while making a food delivery.
- 7.2 No owner or operator shall allow vehicle to be left in direct violation with any by-law enacted by the Town while making a food delivery.
- 7.3 No owner or operator shall allow his vehicle to be left in any area without paying for parking in accordance with enacted by-laws.
- 7.4 No owner or operator shall operate his vehicle in a manner which slows or in any manner impedes the flow of traffic on any highway.
- 7.5 No owner or operator shall allow any vehicle to be on any boulevard or sidewalk.
- 7.6 No owner or operator shall allow any vehicle to impede pedestrian traffic in any area.
- 7.7 Every person who owns or operates a vehicle must operate said vehicle in conformity with the provisions of the Highway Traffic Act, where applicable.
- 7.8 No person shall operate any food delivery service business on the sand beach at Sauble Beach.
- 7.9 No person shall occupy a parking space without paying the fee as established by the Town.
- 7.10 No person shall park a vehicle for any time which is in excess of fifteen (15) minutes while making a food delivery.
- 7.11 No person shall occupy any space which is not designated as a parking space, as defined herein.

8. Enforcement and Penalty Provisions

- 8.1 This by-law shall be enforced by such Officers as are appointed by the Town from time to time and may be enforced by any Ontario Provincial Police Officer.
- 8.2 No person(s) shall willfully obstruct, hinder or otherwise interfere with an Officer in the performance of the Officer's duties, right, functions, powers or authority under this by-law.
- 8.3 Where an Officer has reasonable grounds to believe that an offence under this by-law has been committed by a person(s), the Officer may require the name,

address and proof of identity of the person(s), and the person(s) shall supply the required information.

8.4 Every person who violates a provision of this by-law is guilty of an offence and upon conviction is liable to the penalty provided in Section 61 of the Provincial Offences Act R.S.O. 1990 Chapter 33 as amended from time to time.

9. Title

9.1 This by-law shall be known by its short title "The Food Delivery Service License By-Law".

10. Severability and Inclusion

10.1 Should any provision contained herein be deemed to be invalid by a court of competent jurisdiction, said clause will be considered to be severed from the remainder of the by-law and the clause which is severed will not serve to invalidate any other provision or clause contained herein.

10.2 The singular in this by-law shall include the plural.

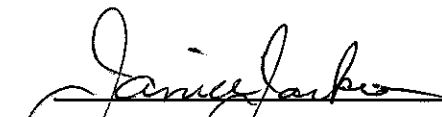
10.3 The masculine in this by-law shall include the feminine.

11. Force and Effect


11.1 This by-law shall come into full force and effect upon the final passing thereof.

11.2 Any by-law inconsistent with this by-law is hereby rescinded and replaced with this by-law.

Read a first time this 18th day of May, 2021.

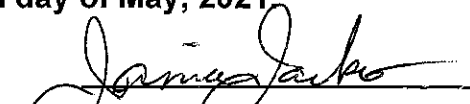


Mayor

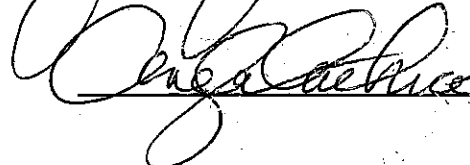


Clerk

Read a third time and finally passed this 18th day of May, 2021



Mayor



Clerk

Part I Provincial Offences Act
The Corporation of the Town of South Bruce Peninsula
Set Fine Schedule
By-Law Number 69-2021: Food Delivery Service License

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Deliver food or be otherwise hired to perform services without a license	Section 2 Sub 2.1	200.00
2	Operate a food delivery service business from location not zoned for the use	Section 2 Sub 2.3.2	200.00
3	Permit any person other than licensed driver to deliver food	Section 2 Sub 2.4	200.00
4	Operate vehicle with no valid Ontario driver's license	Section 3 Sub 3.1	80.00
5	Operate food delivery service vehicle in unsafe or reckless manner or endanger safety	Section 3 Sub 3.2	100.00
6	Operate vehicle without a license under by-law	Section 3 Sub 3.3	80.00
7	Own or operate vehicle without sign, light or visual mark identifying it as a delivery vehicle	Section 4 Sub 4.1	100.00
8	Operate vehicle without displaying operator's license	Section 4 Sub 4.2	100.00
9	Fail to provide license and identification when asked	Section 6 Sub 6.3	100.00
10	Left vehicle unattended on	Section 7 Sub 7.1	100.00

	highway or in parking space		
11	Vehicle left without payment for parking	Section 7 Sub 7.3	60.00
12	Vehicle slows or impedes traffic flow	Section 7 Sub 7.4	100.00
13	Left vehicle on a boulevard or sidewalk	Section 7 Sub 7.5	100.00
14	Vehicle impedes pedestrian traffic	Section 7 Sub 7.6	100.00
15	Operate food delivery service on sand beach at Sauble Beach	Section 7 Sub 7.8	200.00
16	Occupy a parking space without paying fee	Section 7 Sub 7.9	100.00
17	Occupy any space not designated as a parking space	Section 7 Sub 7.11	100.00
18	Interfere with officer while enforcing by-law	Section 8 Sub 8.2	250.00

Note: The penalty provision for the offence indicated above is/are Section 8 Sub 8.4 of By-Law Number 69-2021, a certified copy of which has been filed.

Part II Provincial Offences Act
The Corporation of the Town of South Bruce Peninsula
Set Fine Schedule
By-Law Number 69-2021: Food Delivery Service License

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Park a vehicle for longer than fifteen (15) minutes while making a delivery	Section 7 Sub 7.10	100.00

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2	Operate a food delivery service business from location not zoned for the use	Section 2 Sub 2.3.2	
3	Permit any person other than licensed driver to deliver food	Section 2 Sub 2.4	
4	Operate vehicle with no valid Ontario driver's license	Section 3 Sub 3.1	
5	Operate food delivery service vehicle in unsafe or reckless manner or endanger safety	Section 3 Sub 3.2	
6	Operate vehicle without a license under by-law	Section 3 Sub 3.3	
7	Own or operate vehicle without sign, light or visual mark identifying it as a delivery vehicle	Section 4 Sub 4.1	
8	Operate vehicle without displaying operator's license	Section 4 Sub 4.2	
9	Fail to provide license and identification when asked	Section 6 Sub 6.3	
10	Left vehicle unattended on	Section 7 Sub 7.1	

	highway or in parking space		
11	Vehicle left without payment for parking	Section 7 Sub 7.3	
12	Vehicle slows or impedes traffic flow.	Section 7 Sub 7.4	
13	Left vehicle on a boulevard or sidewalk	Section 7 Sub 7.5	
14	Vehicle impedes pedestrian traffic	Section 7 Sub 7.6	
15	Operate food delivery service on sand beach at Sauble Beach	Section 7 Sub 7.8	
16	Occupy a parking space without paying fee	Section 7 Sub 7.9	
17	Occupy any space not designated as a parking space	Section 7 Sub 7.11	
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