

**The Corporation of the Town of South Bruce Peninsula**

**By-Law Number 14-2021**

**Being a By-Law to License and Regulate  
Mobile Restaurants 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 to provide for a system of licenses with respect to a business and to make provision for obtaining a license and imposing conditions;

**And whereas** the Town of South Bruce Peninsula deems it expedient to license and regulate mobile restaurant 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 **"By-Law Enforcement Officer"** shall mean any person appointed by the Town of South Bruce Peninsula to enforce the provisions of this by-law.
- 1.2 **"Council"** shall mean those persons elected to serve as the Council of the Corporation of the Town of South Bruce Peninsula.
- 1.3 **"Highway"** shall mean any avenue, lane, road, road allowance, sidewalk, boulevard or street under the jurisdiction of the Town of South Bruce Peninsula and used for travel.
- 1.4 **"Fee By-Law"** shall mean a by-law enacted by the Town which sets out the amounts which will be charges for services and activities and includes licensing fees.
- 1.5 **"Fundraising Event"** shall mean an event being run by a not-for-profit organization or other community organization to raise funds for a community purpose and as approved by the Town.
- 1.5 **"License"** shall mean a permit issued with respect of a mobile restaurant business which allows the operation of the business or unit in the Town.
- 1.6 **"Licensee"** shall mean a person, business, individual, sole proprietorship, partnership, unincorporated association, organization or corporation who holds a license under this by-law.

- 1.7 **“Mobile Restaurant”** shall mean any vehicle, trailer, cart or other structure, powered by combustible fuel, battery, human muscular power or any other power and not placed on a permanent foundation which is equipped for cartage, storage and/or the preparation of food stuffs, beverages, confections and such items which are offered directly for consumption or for order and delivery at a future time to the general public and includes a chip wagon, food truck, mobile canteen, catering vehicle, ice cream cart and other refreshment vehicles. For the purposes of this by-law mobile restaurant may be used in conjunction with a reference to a unit or business and may be referred to as restaurant-mobile in the Zoning By-Law.
- 1.8 **“Person”** shall mean an individual, business, sole proprietorship, partnership, unincorporated association, organization or corporation.
- 1.9 **“Private Event”** shall mean a gathering of people who are invited guests of the gathering organizer and where the general public is not invited; the gathering is not open to the public
- 1.10 **“Private Property”** shall mean any property or lands owned by a person which are not considered to be public property by ownership, occupancy or definition.
- 1.11 **“Public Property”** shall mean any property owned by, leased by or under the jurisdiction of the Town of South Bruce Peninsula and shall include a highway.
- 1.12 **“Special Event”** shall mean an event approved by the Town of South Bruce Peninsula in accordance with the Special Event Policy.
- 1.13 **“Town”** shall mean the Corporation of the Town of South Bruce Peninsula and shall include its officers and staff.
- 1.14 **“Zoning By-Law”** shall mean the by-law enacted under Section 34 of the Planning Act which regulates the use of land.

## **2. General Provisions**

- 2.1 The requirements of this by-law shall apply to the operation of a mobile restaurant business carried on within the geographic boundary of the Town.
- 2.2 No person shall operate, sell from or permit a person to carry on a mobile restaurant business without a license issued under this by-law.
- 2.3 No person shall represent themselves as being licensed to carry on a mobile restaurant business without a license issued under this by-law.
- 2.4 No person shall transfer or assign a license issued under this by-law.

- 2.5 No person shall provide false or misleading information to the Town when applying for a license under this by-law or at any other time.
- 2.6 No person shall operate a mobile restaurant on private property without the express written permission of the owner of the property.
- 2.7 No person shall operate a mobile restaurant unless adequate washroom facilities are located on the property and are open for use during the times when the mobile restaurant unit is operating.
- 2.8 A license shall be required for each mobile restaurant unit.
- 2.9 No person shall operate a mobile restaurant which is not maintained in a clean and sanitary condition.
- 2.10 There will be no reimbursement of any kind for any reason whatsoever issued to any owner of private property where a mobile restaurant business is located.
- 2.11 The Town will not accept any liability whatsoever related to any loss, damage or otherwise due to the operation of a mobile restaurant on private property.
- 2.12 No person shall operate a mobile restaurant without displaying the license issued by the Town in a location visible to the public.
- 2.13 Every mobile restaurant business shall ensure that the provisions of the Accessibility for Ontarians with Disabilities Act or any regulation thereto are applied to the business.
- 2.14 Every person who operates a mobile restaurant business shall ensure that all health and safety regulations are followed including those set out in Ontario Regulation 562 of the Health Protection and Promotion Act, the Technical Standards and Safety Act, the National Fire Protection Association Code 96 and any regulations thereto.
- 2.15 No person shall permit an accumulation of snow around the mobile restaurant unit.
- 2.16 If a business sign is displayed, it must conform to the Town's Sign By-Law and/or the provisions contained in the Ontario Building Code/Act.
- 2.17 No person shall operate a mobile restaurant business outside of the physical mobile restaurant unit except to provide garbage collection, grey water and grease disposal or outdoor seating for patrons. No use of barbeques, smokers or any outdoor cooking apparatus will be permitted.

### **3. Number and Location**

- 3.1 No person shall operate a mobile restaurant on any public property without first having received the express written permission of the Town.
- 3.2.1 Where deemed expedient, a person operating a mobile restaurant on public property will execute a lease or agreement with the Town.
- 3.2.2 Any lease or agreement with the Town will be subject to fees as included in the Town's Fee By-Law.
- 3.3 The Town will, in their sole discretion, decide the location and number of mobile restaurant units which may be operated on public property.
- 3.4 A mobile restaurant business may operate on private property only where the use is permitted and in compliance with such provisions as are included in accordance with the Town's Zoning By-Law.
- 3.5 No person shall operate or locate a mobile restaurant on any sidewalk or walkway in a manner which impedes pedestrians or creates a hazard whether on private or public property.
- 3.6 Where any Licensee wishes to change the location of the mobile restaurant business, said Licensee must submit a request in writing along with a completed application for consideration of approval of a new location.
- 3.7 Notwithstanding any compliance with zoning or permission from owners to locate a mobile restaurant on private property, the Town will limit the issuance of licences for mobile restaurants, on a first come, first served basis, as follows:
  - 3.7.1 In the former geographic Township of Amabel, excluding Sauble Beach, the Town will permit a total of five (5) mobile restaurants.
  - 3.7.2 In the former geographic area of Sauble Beach, the Town will permit a total of Ten (10) mobile restaurants.
  - 3.7.3 In the former geographic Township of Albemarle, the Town will permit a total five (5) mobile restaurants.
  - 3.7.4 In the former geographic Village of Hepworth, the Town will permit a total of three (3) mobile restaurants.
  - 3.7.5 In the former geographic Town of Warton, the Town will permit a total of six (6) mobile restaurants.

3.7.6 Maps of the aforementioned geographic areas shall be attached hereto as Schedule B.

#### **4. Application**

4.1 Every person who wishes to operate a mobile restaurant business in the Town shall:

4.1.1 Complete an application in the form prescribed by the Town, including setting out such information and attaching such documentation as may be required by the Town;

4.1.2 Submit a completed application to the Town; and

4.1.3 Pay the applicable fee as set forth in the Town Fee By-Law.

4.2 Every application for a license shall include:

4.2.1 Grey Bruce Health Unit approval and inspection records;

4.2.2 A positive propane inspection by a certified gas fitter (if outfitted with propane);

4.2.3 A copy of the owner's driver's license and the license of every driver of the unit;

4.2.4 A copy of the ownership of the mobile restaurant unit;

4.2.5 Proof of general liability insurance in the minimum amount of \$2,000,000 (two million dollars) naming the Town as an additional insured;

4.2.6 Proof of automobile liability insurance in the minimum amount of \$2,000,000 (two million dollars);

4.2.7 The dimensions of the mobile restaurant unit;

4.2.8 A photo of the mobile restaurant unit;

4.2.9 A plan for the containment and disposal of grey water, grease and garbage in a sanitary manner satisfactory to the Town;

4.2.10 A description of the food menu or items to be offered for consumption;

4.2.11 Written permission from the owner of private property, clearly acknowledging the intended use of the property;

- 4.2.12 A land survey or detailed site plan including dimensions in feet or metres showing the location of the mobile restaurant unit as it relates to other buildings and structures on the property; and
- 4.2.13 A copy of any permissions which may be required by the Town or felt to be relevant to the operation of the mobile restaurant business, in the sole discretion of the Town.
- 4.2.14 In the case of a mobile canteen, a written document stating the location where the mobile canteen is operating from and a list of industrial/quarry/construction sites to be served.
- 4.3 The application for a license shall be in the general form as set forth in Schedule A attached hereto and forming part of this by-law.
- 4.4 The Town may at their discretion make changes to the application form without requiring amendment to this by-law.

## **5. Issuance of License and Grounds for Refusal**

- 5.1 The Town shall receive and process all completed applications for licenses in accordance with this by-law.
  - 5.1.1 No application will be considered complete and subject to consideration and processing until all required documentation is received.
  - 5.1.2 The receipt of an incomplete application will not guarantee any consideration or processing of the application should the applicant subsequently supply the required documentation.
- 5.2 A license will be issued under this by-law at the discretion of the Town and subject to the following:
  - 5.2.1 All required documentation is received by the Town and the content is to the satisfaction of the Town;
  - 5.2.2 A license fee is paid to the Town;
  - 5.2.3 The applicant and private property owner are not indebted to the Town in respect of fines, penalties, judgments, outstanding property taxes or any other amounts owing;
  - 5.2.4 The private property and any structures thereon are not the subject of an order made pursuant to the Property Standards By-Law, Building Code/Act, Fire Protection and Prevention Act, Zoning By-Law or by the Medical Officer of Health;

- 5.2.5 The Town or any private property owner provides permission for the location;
- 5.2.6 The Town approves of the type of food which will be served from the mobile restaurant business. The Town reserves the right to limit the number of licenses issued subject to the proposed food products to be served and the geographic proximity to other similar food service facilities whether mobile or stationary, regardless of compliance with Zoning By-Law provisions;
- 5.2.7 Approvals as outlined herein are provided to the Town;
- 5.2.8 The mobile restaurant unit is aesthetically and visually pleasing and does not have any graphics, signage, graffiti or logos which would be considered foul, demeaning or degrading, offensive or have sexual, discriminating or violent connotations.
- 5.2.9 The applicant has not had a license revoked by the Town within the past two years.
- 5.3 A license will be issued on a first come, first served basis.
- 5.4 Any applicant who is refused a license may make an appeal to Council for reconsideration as follows:
  - 5.4.1 Any appeal will be heard by Council in an open session;
  - 5.4.2 The applicant will be permitted to explain to Council why the license should be issued;
  - 5.4.3 The reason for refusal of the application will be explained to Council by the appropriate staff;
  - 5.4.4 Council will, by resolution, make a determination with respect to the issuance of a license; and
  - 5.4.5 Council may impose any restrictions or special requirements, deemed appropriate in Council's sole discretion.

## **6. Revocation of License**

- 6.1 In the absence of a valid insurance policy the license to operate the mobile restaurant in Town will be revoked.
- 6.2 A license will be revoked upon being charged with an offence under this by-law or the Zoning By-Law.

- 6.3 A license will be revoked where an order to comply or charge has been issued or laid by the Medical Officer of Health, the Ontario Provincial Police, the Ministry of the Environment or any other agency to the owner or operator of the mobile restaurant business or unit and where such issue has not been remedied within forty eight (48) hours of the order or charge being issued.
- 6.4 If at any time the Town determines as a result of evidence that is provided that the operation of a licensed mobile restaurant business does not conform to the requirements of this by-law or that the mobile restaurant business is having an adverse effect on the health and safety of the public, the Town may revoke the license.
- 6.5 A license will be revoked if the provisions approved under the license are changed in any manner whatsoever, at the sole discretion of the Town.
- 6.6 There will be no reimbursement of any license, lease or agreement fee paid upon revocation of a license issued under this by-law.
- 6.7 Any Licensee whose license is revoked may make an appeal to Council for reconsideration as follows:
- 6.7.1 Any appeal will be heard by Council in an open session;
- 6.7.2 The Licensee whose license is revoked will be permitted to explain to Council why the license should not be revoked;
- 6.7.3 The reason for revocation of the license will be explained to Council by the appropriate staff;
- 6.7.4 Council will, by resolution, make a determination with respect to the revocation of a license; and
- 6.7.5 Council may impose any restrictions or special requirements deemed appropriate in Council's sole discretion.
- 6.8 During an appeal to a license which is revoked, the mobile restaurant business will cease operations in the location which is the subject of the license and appeal.

## **7. Term of License**

- 7.1 Any license issued will remain in effect, unless revoked, for a period of twelve (12) consecutive months.
- 7.2 A Licensee may voluntarily forfeit the license to the Town but will not receive any refund of any fee paid.



## **8. Exemptions**

- 8.1.1 Despite the provisions contained herein, a mobile restaurant will be exempt from the provisions contained in this by-law if it is being operated as part of an approved Special Event in accordance with the Town's Special Events Policy.
- 8.1.2 Despite the provisions contained herein, a mobile restaurant will be exempt from the provisions contained in this by-law if it is being operated as part of an approved Fundraising Event and the operation of the mobile restaurant at the Fundraising Event is authorized by Council resolution.
- 8.2.1 During any large construction project, business service interruption or any initiative initiated or under the control of the Town and felt to adversely affect business, Council may by resolution, permit the operation of a mobile restaurant business or unit on public property and may implement special provisions, requirements and license fees for operations on public property.
- 8.2.2 During any large construction project, business service interruption or any initiative initiated or under the control of the Town and felt to adversely affect business, Council may by resolution, restrict the number of licenses issued for mobile restaurant businesses in the particular area if it is felt to be in the best interest of the existing businesses to restrict the number.
- 8.3 Mobile restaurants which are not required to have licenses issued by the Ministry of Transportation and/or are powered by muscular power (ie. ice cream or hot dog carts) will be exempt from the provisions contained herein as they relate to the provision of driver's licenses, propane inspection certificates, vehicle ownership or any documentation which may not exist or be required to exist at law for the type of mobile restaurant.
- 8.4 Any mobile restaurant providing catering/food/beverage services to a private event will be exempt from the provision contained in this by-law.

## **9. Enforcement and Penalty Provisions**

- 9.1 This by-law shall be enforced by such By-Law Enforcement Officers as are appointed by the Town from time to time and may be enforced by any Ontario Provincial Police Officer.
- 9.2 No person(s) shall willfully obstruct, hinder or otherwise interfere with a By-Law Enforcement Officer in the performance of the Officer's duties, right, functions, powers or authority under this by-law.
- 9.3 Every Licensee shall produce the license or any required documentation for inspection on the request of the Town and/or a By-Law Enforcement Officer.

- 9.4 The By-Law Enforcement Officer may enter onto any private property where a mobile restaurant business is being operated for the purpose of carrying out an inspection to determine compliance with the provisions of this by-law.
- 9.5 Where a By-Law Enforcement 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.
- 9.6 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.

## **10. Title**

- 10.1 This by-law shall be known by its short title "The Mobile Restaurant License By-Law".

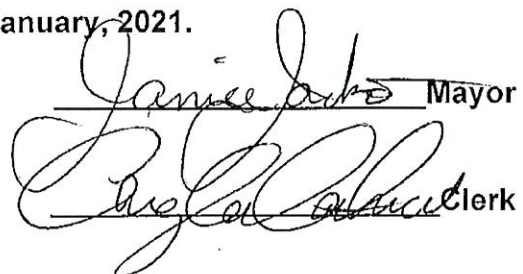
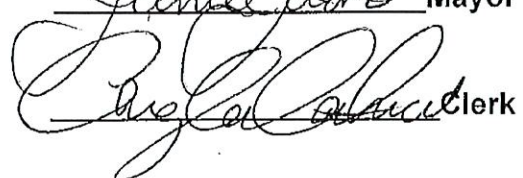
## **11. Severability and Inclusion**

- 11.1 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.
- 11.2 The singular in this by-law shall include the plural.
- 11.3 The masculine in this by-law shall include the feminine.

## **12. Force and Effect**

- 12.1 This by-law shall come into full force and effect upon the final passing thereof.
- 12.2 Any by-law or part thereof which is inconsistent with this by-law is hereby rescinded and replaced with this by-law.

**Read a first and second time this 19th day of January, 2021.**

 James Lake Mayor  
 Paul Calvert Clerk

Read a third time and finally passed this 19th day of January, 2021.

Janice Jackson Mayor  
Christina Clark Clerk

**By-Law 14-2021  
Schedule A**

**Application for License to Operate a Mobile Restaurant  
in the Town of South Bruce Peninsula**

**A) Applicant Information**

Owner Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

**B) Private Property Information**

Civic Address \_\_\_\_\_

Property Owner Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Zoning \_\_\_\_\_

**C) Required Documentation**

Business Name \_\_\_\_\_

Dimensions of the Mobile Restaurant \_\_\_\_\_

Please attach the following items to your application:

- Grey Bruce Health Unit approval
- A positive propane inspection by a Certified Gas Fitter (if outfitted with propane)
- Copy of the every drivers Driver's License
- A copy of the ownership for the mobile restaurant
- Proof of general and automotive liability insurance in good standing
- A description of the food menu
- Written permission from the owner of the private property where the mobile restaurant will be located clearly acknowledging the intended use of the property
- A plan for the containment and disposal of grey water, grease and garbage
- A land survey or detailed site plan including dimensions in feet or meters showing the location of the mobile restaurant as it relates to other buildings and structures on the property. This should also show the location of any washrooms and eating areas

- Written confirmation of compliance with Zoning By-Law provisions
- Mobile canteen-written confirmation of location business operates from and list of industrial/quarry/construction sites to be served

**D) Signature and Acknowledgement**

By signing below, I understand my obligations under the Mobile Restaurant License By-Law. I agree that any information I have provided is true to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Office Use**

Item	Date Received	Comments
Application Form		
Fee		
Health Unit Approval		
Positive Propane Inspection		
Ownership of Unit		
General Liability Insurance		
Automobile Liability Insurance		
Sanitation Plan		
Site Plan		
Food Menu		
Permission from Private Property Owner		
Zoning Compliance Confirmation		
Busines Operating Location-Mobile Canteen		
Industrial/Quarry/Construction Sites-Mobile Canteen		

License Number \_\_\_\_\_ Issue Date \_\_\_\_\_ Expiry Date \_\_\_\_\_

Issued By \_\_\_\_\_

Refusal Date \_\_\_\_\_ Refused By \_\_\_\_\_

Reason for Refusal \_\_\_\_\_

Appeal to Council: Date \_\_\_\_\_ Council Resolution \_\_\_\_\_

Revoked License: Date \_\_\_\_\_ Revoked By \_\_\_\_\_

Reason for Revocation \_\_\_\_\_

Appeal to Council: Date \_\_\_\_\_ Council Resolution \_\_\_\_\_

**By-Law 14-2021  
Schedule B**

Geographic areas are depicted in different colours for ease of interpretation.

