

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

BY-LAW NO. 19-48

BEING a by-law respecting the licensing, regulating and governing of seasonal stands, mobile canteens and seasonal produce/farm produce stand from which produce and/or prepared food are sold for consumption by the public.

WHEREAS pursuant to The Municipal Act 2001(S.O. 2001, c.25), Section 150, a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality for health and safety and consumer protection purposes;

AND WHEREAS the Council of the Corporation of the Municipality of Mississippi Mills deems it desirable to license and regulate vehicles and seasonal stands from which refreshments and / or prepared food are sold for consumption by the public for safety and consumer protection purposes;

NOW THEREFORE the Council of the Corporation of the Municipality of Mississippi Mills **ENACTS AS FOLLOWS:**

DEFINITIONS:

1. In this by-law, the following terms have the specified meanings:
 - a) **“By-law Enforcement Officer”** means persons so appointed by the Council of the Corporation of the Municipality of Mississippi Mills;
 - b) **“Chief Building Official”** means the person so appointed by the council of the Corporation of the Municipality of Mississippi Mills;
 - c) **“Clerk”** means the person so appointed by the council of the Corporation of the Municipality of Mississippi Mills;
 - d) **“Designated Site”** means the site identified and approved for the operation of a mobile canteen, seasonal stand, or season produce/farm produce stand;
 - e) **“Director of Public Works”** means the person so appointed by the council of the Corporation of the Municipality of Mississippi Mills;
 - f) **“Fire Officer”** means the person so appointed by the council of the Corporation of the Municipality of Mississippi Mills;
 - g) **“Mobile”** means propelled by human muscle power/ motorized/ towable and licensed and fit for operation on a road or highway as per all applicable requirements under the Highway Traffic Act (HTA). To be mobile, all Mobile Canteens and or Refreshment Carts must be able to be moved from place to place

and/or can be relocated within 24 hours-notice from the Municipality or Property Owner;

- h) **“Mobile Canteen”** means any vehicle of any kind that is equipped for the preparation, storage, heating, cooling or sale of foodstuffs or beverages with or from the vehicle. Such vehicle shall be mobile at all times, meet all applicable requirements of the Highway Traffic Act of Ontario R.S.O. 1990, Chapter H. 8 and can be moved from place to place;
- i) **“Municipality”** means the Corporation of the Municipality of Mississippi Mills;
- j) **“Owner/Operator”** means the person or corporation who owns or operates the structure/ vehicle/ cart/ stand/ business with the license from the Corporation of Mississippi Mills;
- k) **“Prepared Food”** shall mean all food stuff or beverages either prepared on site or pre-packaged and intended for consumption by the public. Prepared food shall include, but not be limited to, French fries, hamburgers, onion rings, pogos, hotdogs, sausages, sandwiches, popcorn, ice cream, candy, and confections;
- l) **“Produce”** shall mean fresh farm-grown crops such as fruits and vegetables;
- m) **“Seasonal Stand”** means any building or part thereof, stand or shed of any kind that is equipped for the preparation, storage, heating, cooling or sale of foodstuffs or beverages on a seasonal basis;
- n) **“Seasonal Produce/ Farm Produce Stand”** means a portable enclosure with an area less than 10 sq.m. located temporarily on private property zoned commercial offering produce for sale. This does not include a farm gate operation on private property owned and operated by the property owners;
- o) **“Site Plan”** means a plan (drawing) to scale showing details and items relevant to this by-law.

GENERAL LICENSE REQUIREMENTS

2. No person shall operate a mobile canteen, seasonal stand or seasonal produce/ farm produce stand within the Municipality without having a valid license issued by the Municipality and having paid a license fee for the same, where applicable.
3. Any licensed mobile canteen, seasonal stand or seasonal produce/ farm produce stand shall be operated within any general and specific conditions of the license.
4. All licenses shall be issued subject to the following conditions, which shall apply whether or not they are physically endorsed on the license, itself.

- a) The license shall be valid only for the owner/operator or the mobile canteen, seasonal stand or seasonal produce/ farm produce stand for which it is issued;
- b) The license may be transferred to a new owner providing the new owner applies to the municipality for a transfer license and pays a transfer license fee and provides proof of insurance;
- c) Any individual owner may be issued more than one license;
- d) The license shall be valid for the calendar year of issue (January 1 – December 31);
- e) The license shall be on display in or on the mobile canteen, seasonal stand, or seasonal produce/ farm produce stands and shall be made available for inspection at any time.

LICENSE REQUIREMENTS – MOBILE CANTEENS AND SEASONAL STANDS

- 5. Before a license is issued under this by-law, the applicant for a mobile canteen or seasonal stand shall:
 - a) present a site plan, for all new applicants and renewal applicants, where changes to an approved site plan are made, showing details of the proposed site which shall include exact location, closest neighbours, roads, sign locations, approved electrical or other utility hook-ups and other specific details, as required;
 - b) All mobile canteen and seasonal stand shall be located on property as indicated in sections 12-15 of this by-law;
 - c) Present letter from property owner indicating approval for the canteen or stand to be situated on their property;
 - d) indicate what provision will be made for:
 - i. garbage receptacles,
 - ii. garbage removal,
 - iii. washroom facilities for the public and staff;
 - iv. parking – note: must have three (3) parking spaces or demonstrate that on-street parking in close proximity is available
 - v. recycling, and
 - vi. general cleanliness and tidiness of the site and surrounding area;
 - e) present written approval of the Medical Officer of the Lanark, Leeds and Grenville District Health Unit that the Mobile Canteen or Season Stand has been inspected and has met all health requirements;

- f) present a letter of compliance from the Fire Official of the local Fire Department including but not limited to the following specifications:
 - i. where there is a potential for grease laden vapours and smoke to be generated within a contained space the applicant shall present a letter of compliance with NFPA 96 Standard for Commercial Cooking Applications from a qualified licensed and insured Professional Mechanical Engineer from the province of Ontario or from a licensed Fire Protection Company registered in Ontario;
 - ii. present a letter or inspection report from the Technical Standards and Safety Authority (TSSA) showing compliance with all applicable gas and/or propane codes where applicable;
 - iii. confirm that proper fire extinguisher(s) are in place for the potential fire hazards contained within the enclosure and any other Fire Code requirements to ensure a fire safe environment
- g) where a structure is placed on the site that is part of or accessory to the mobile canteen or seasonal stand such as but not limited to: a deck, stairs or shed. A letter from the Chief Building Official stating compliance with the Building Code shall be provided;
- h) Where a mobile canteen or seasonal stand is connected to an electrical source that is governed under the Electrical Safety Act, proof of compliance is to be provided at the time of application;
- i) Where a mobile canteen or seasonal stand is connected to Municipal Services (water and/or sewer) the connections shall be made only after obtaining written approval from the Director of Public Works or their delegate for the Municipality.

LICENSE REQUIREMENTS – SEASONAL PRODUCE/ FARM PRODUCE STAND

- 6. Before a license is issued under this by-law, the applicant for a Seasonal Produce/ Farm Produce Stand:
 - a) present a site plan, for all new applicants and renewal applicants, where changes to an approved site plan are made, showing details of the proposed site which shall include exact location, closest neighbours, roads, sign locations, approved electrical or other utility hook-ups and other specific details, as required;
 - b) Seasonal produce/farm produce stands shall be on private property (as per sections 12-14 this by-law)
 - c) Present letter from property owner indicating approval for the stand to be situated on their property;

d) indicate what provision will be made for:

- i. garbage receptacles,
- ii. garbage removal,
- iii. washroom facilities for the public and staff;
- iv. parking – note: must have three (3) parking spaces or demonstrate that on-street parking in close proximity is available
- v. recycling, and
- vi. general cleanliness and tidiness of the site and surrounding area;

INSURANCE REQUIREMENTS - MOBILE CANTEENS AND SEASONAL STANDS

7. The operator shall provide and maintain at their sole expense, liability insurance to cover all operations of the owner and property damage insurance in the minimum amount of two million dollars (\$2,000,000.00), to protect the owner/operator against all liability.
8. Such insurance shall add the Corporation of the Municipality of Mississippi Mills as Additionally Insured.
9. Automobile liability insurance shall be required for all mobile canteens with a limit of not less than two million dollars (\$2,000,000.00)
10. Required insurance policies shall not be cancelled unless the Insurer notifies the Municipality in writing at least thirty (30) days prior to the effective date of the cancellation. The insurance policy will be in a form and with a company which are, in all respects, acceptable to the Municipality.

INDEMNIFICATION

11. The owner/operators shall indemnify and hold the Corporation of the Municipality of Mississippi Mills harmless from and against any liability, loss, claims, demands, costs and expenses, including reasonable legal fees, occasioned wholly or in part by any negligence acts or omissions whether willful or otherwise by the operator, their officers, employees or other persons for whom the operator is legally responsible.

LOCATION

12. No mobile canteen, seasonal stand, or seasonal produce/ farm produce stand may be set up on any Provincial or County Road Allowance except by written permission of those authorities.
13. In Almonte Ward, mobile canteens, seasonal stands or seasonal produce/ farm produce stands are only permitted on Commercial and Industrial Zoned properties.

Use of the North Lanark Agricultural Society Fairgrounds or properties owned by School Boards may be used for special events and festivals.

14. In Pakenham and Ramsay Wards, mobile canteens, seasonal stands or seasonal produce/ farm produce stands are permitted on properties in all zone classifications except on public road allowances.
15. No person shall operate a mobile canteen or seasonal stand closer than 30 metres to an eating establishment. Should the owner of a mobile canteen or seasonal stand wish to locate the said canteen or stand closer than 30 metres to an eating establishment, written acknowledgement from the affected eating establishment's owner shall be filed with the application indicating that they have no objection to the canteen, cart or stand locating within the 30 metre distance requirement.

SPECIAL OCCASIONS

16. A mobile canteen licensed under the provisions of this by-law:
 - a) may appear at a private event, provided that the cart or canteen is on private property or on an adjacent road allowance in a location where its operation will not cause a traffic problem.
 - b) may visit construction and quarry operations and other commercial and industrial operations within the Municipality, with appropriate permissions.
17. Organizers of special events/festivals wishing to bring in mobile canteens shall abide by the following provisions:
 - a) Mobile Canteens shall only be on site at the special event/festival for a maximum of three (3) days or 72 hours;
 - b) The organizers of the special event and owners/operators of the mobile canteen shall indemnify and hold the Corporation of the Municipality of Mississippi Mills harmless from and against any liability, loss, claims, demands, costs and expenses, including reasonable legal fees, occasioned wholly or in part by any negligence acts or omissions whether willful or otherwise by the operator, their officers, employees or other persons for whom the operator is legally responsible;
 - c) Shall abide by all conditions set out in Section 5 c.

FEES

18. License fees are set out in the Municipality's Fee By-law which are adopted from time to time by Council. The fees shall be paid at the time of issuance or renewal of the license, where applicable.

19. Notwithstanding Section 18, those seasonal stands assessed and taxed by the Municipality shall be exempt from license fees charged under this by-law.
20. Licenses shall be issued by the Clerk of the Municipality upon satisfaction of all applicable conditions.
21. The Municipality is not necessarily required to issue or renew any license, under this by-law. The Municipality may take advice from the Ontario Provincial Police, the Director of Roads and Public Works, the County of Lanark, the Ministry of Transportation and any other source in reaching decisions about any special conditions to be attached to a license.
22. The Municipality may revoke a license if it is determined that public interest would be served by such action. The notice to revoke a license shall state the reasons for such revocation of license and fee to be returned, if any, to the licensee.

OFFENCES

23. No owner/operator being a holder of a license issued under this by-law, shall:
 - a) Operate or authorize or permit the operation of a mobile canteen, seasonal stand or seasonal produce/ farm produce stand on a site other than the designated site specified in the license notwithstanding Sections 16 and 17;
 - b) Operate or authorize or permit the operation of a mobile canteen, seasonal stand or seasonal produce/ farm produce stand except during the times and dates specified in the license;
 - c) Fail to display or make available the license issued under the provisions of this by-law;
 - d) Fail to provide or cause to be provided, an appropriate waste container at the designated site, for the use of the owner/operator, patrons and others while the mobile canteen, seasonal stand or seasonal produce/ farm produce stand is being operated;
 - e) Fail to remove or cause to be removed, the waste container and all waste from the designated site by the end of each day of operation;
 - f) Store equipment and supplies or allow to permit equipment or supplies to be stored outside of the mobile canteen, seasonal stand or seasonal produce/ farm produce stand;
 - g) Fail to maintain in place throughout the term of license, a policy of insurance consistent with sections 7-10 and indemnification consistent with section 11

ENFORCEMENT

24. This by-law shall be enforced by the By-law Enforcement Officers so appointed by Council.

SEVERABILITY

25. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influences Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

PENALTIES

26. Any person contravening the provisions of this by-law is guilty of an offence, and the procedure with respect thereto and penalty upon conviction therefore shall be as provided for under The Provincial Offences Act, R.S.O. 1990, Chapter P. 33 as amended.

ENACTMENT

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

REPEAL

28. By-law 15-110, and any other by-laws inconsistent with this by-law are hereby repealed.

BY-LAW READ passed, signed and sealed in open Council this 7th day of May, 2019.

Rickey Minnille, Deputy Mayor

Jeanne Harfield, Acting Clerk