

CORPORATION OF THE TOWNSHIP OF ASSIGINACK

BY-LAW# 2023-12

Being a By-Law to establish policy and procedures to govern and permit Mobile Food Vendors to utilize Municipal Property to sell food products to the public.

WHEREAS the Municipal Act, 2001, Section 151, permits municipalities to enact by-laws for the licensing, regulation and governing of vehicles, structures, and locations, from which products and services may be purchased and sold.

AND WHEREAS the municipal council of the Corporation of the Township of Assiginack deems it expedient to adopt a by-law for mobile food vendors on municipal property;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK HEREBY ENACTS AS FOLLOWS:

1. PURPOSE:

The purpose of this by-law is for the Council of the Corporation of the Township of Assiginack to govern and permit Mobile Food Vendors to utilize municipal property for the purposes of selling food products to the public; establish procedures, requirements, and licensing conditions; and set licensing fees, which will also include administrative penalties for any contraventions of this by-law.

This By-Law will be reviewed on an annual basis by Council.

2. DEFINITIONS:

"Mobile Food Vendor" shall mean a person or business selling food, confection and/or beverage items from one of the following:

"Class A: Motorized Food Sales" shall mean the sale of food that is primarily based on a motorized, mobile unit or trailer which includes any "motor vehicle" as defined by the Highway Traffic Act, and includes but not be limited to food trucks, food wagons, motorized ice cream vehicles and Ministry of Transportation licenses/plated trailers hauled by a motor vehicle.

"Class B: Non-Motorized Food Sales" shall mean the sale of food that is primarily based on a non-motorized, muscle-powered, or mobile cart, other than food wagons and shall include but not be limited to bicycle refreshment carts, wheeled, portable barbeques or grills or coolers, such as a hot dog or ice cream cart.

"Mobile Food Vendor License" shall mean the license you will receive upon successful submission and approval of your Mobile Food Vendor application.

"Licensee" shall be the person/business making application for issuance of a Mobile Food Vendor License.

"Municipality or Township" shall mean the Township of Assiginack.

"Council" shall mean the Council of the Corporation of the Township of Assiginack.

"Resident" shall mean a person or business who resides and whose address is within the boundaries of the Township of Assiginack.

"Non-resident" shall mean a person or business who resides and whose address is outside of the boundaries within the Township of Assiginack.

3. APPLICATION REQUIREMENTS:

- a.) All Mobile Food Vendors requesting access to sell food on municipally owned property must apply for a Mobile Food Vendor License and complete and submit the application form (see *Schedule C*) and required documents to the Municipal Clerk.
- b.) Applications may be submitted in person at the Township Office, located at 156 Arthur Street in Manitowaning OR submitted electronically to: Heidi Ferguson, Municipal Clerk via email at hferguson@assignack.ca.
- c.) Please ensure that all information on the application form is complete and all required documents are attached to your application form.
- d.) The applicant/licensee must provide the Municipal Clerk with a copy of your Certificate of Insurance, with the municipality named as an additional insured and proof of a minimum of \$2 million in commercial liability, along with the submission of the Mobile Food Permit Application.
- e.) The applicant/licensee must provide the Municipal Clerk with a copy of approval and/or inspection by the local Public Health Unit, along with the submission of the Mobile Food Permit Application. The copy of inspection must have been completed within the last thirty (30) days.
- f.) A valid copy of the vehicle registration for all Class A: Motorized Food Sales vendors must be provided to the Municipal Clerk, along with the submission of the Mobile Food Permit Application.
- g.) The prescribed fee for the mobile food permit must be paid upon approval of the application and before issuance of the permit and prior to setup of the mobile food unit on municipal property. Please see *Schedule A: Fees for Mobile Food Vendor License*.
- h.) Applications received for a Mobile Food Vendor License will be circulated and reviewed by a variety of Municipal Department Heads prior to approval. These departments include but are not limited to: CAO, Clerk, By-Law Enforcement Officer, Building Controls, Public Works and Fire Department, or any other municipal department as deemed appropriate.
- i.) The Township of Assiginack reserves the right to consult with external agencies and organizations regarding all submitted applications, as deemed appropriate.

4. GENERAL PROVISIONS:

- a.) The Township of Assiginack will provide the public notification of the locations that are available for rent in April of each year and these locations will be advertised through the following methods: Township of Assiginack's website, Township of Assiginack's social media and a print ad will be advertised within the Manitoulin Expositor.
- b.) The Township of Assiginack will offer three designated and approved municipal locations for Mobile Food Vendors to sell and provide food related concessions and goods at. These locations include:
 - Queen's Park (Class B: Non-Motorized Food Sales only)**
 - Manitowaning Beach Area/River Road Marina**
 - Toboggan Hill**
- c.) Mobile Food Vendors shall be permitted to operate on municipal property upon notification of approval of their application and issuance of their Mobile Food Vendor License by the Township of Assiginack.
- d.) Approved licensees are permitted to operate their mobile food businesses at the approved municipal locations from May to October and between the hours of 8:00am to 9:00pm daily.
- e.) All applicants must apply for their license on a yearly basis, including those mobile food vendors who were approved in the previous calendar year.
- f.) Mobile Food Vendors are not permitted to offer alcohol for sale or consumption on municipal property.
- g.) Should multiple applications be received for the same location or more applications received than approved locations, then a lottery will take place to choose the successful applicants for the duration of the year/season.

- h.) The Township of Assiginack staff will do their best to provide licensees with their preferred choice, however the Township reserves the right and discretion to assign approved vendors to the approved locations.
- i.) Applicants may apply for multiple locations, however only one site will be awarded per mobile food vendor, unless there are no other applicants for the other approved locations.
- j.) Licensees are permitted to only utilize the location that they have been approved for by the Township and no mobile food vendor is permitted to conduct their business on any municipal roadway(s) or sidewalk(s).
- k.) The Mobile Food Vendor is not permitted to set up their unit on municipal property prior to approval by the Township staff.

5. REQUIREMENTS/RESPONSIBILITIES OF LICENSEE:

- a.) It is the applicant's responsibility to ensure that all required documentation is submitted along with the application form at the time of submission. Failure to do so will result in a delay in processing your application.
- b.) It is the responsibility of the mobile food vendor/licensee to ensure that they adhere to all the requirements set out within this by-law.
- c.) Every licensee is required to display a copy of their Mobile Food Vendor Permit at their place of business so that it is always visible to the public and/or municipal officers.
- d.) It is the sole responsibility of the licensee to ensure that they adhere to and meet all municipal, provincial, and federal legislation requirements, including but not limited to:
 - Public Health Regulations***
 - Fire Regulations***
 - Building Code***
 - Licensing Regulations***
 - Zoning By-Law***
 - Official Plan***
- e.) It is the responsibility of the licensee to ensure that they do not block or impede the entrance(s) or exits(s) and/ to municipal owned properties or buildings or municipal sidewalks.
- f.) The licensee(s) is not permitted to transfer, sell, or sub-let their license or assigned location to any person or persons.
- g.) No Licensee shall operate in a manner as to cause a nuisance or interfere with the enjoyment of the neighboring property.
- h.) The Licensee understands that the Township of Assiginack, if deemed necessary and at their sole discretion, may suspend or revoke the mobile food vendor license at any time throughout the duration of the license.
- i.) Licensees shall follow all land use requirements as established within the applicable municipal Zoning By-Law.

6. FEES:

- a.) The prescribed fee for the mobile food vendor license must be paid upon approval and before issuance of the mobile food vendor license, as well as prior to setup of the mobile food unit on municipal property.
- b.) All applicants must ensure that they have indicated their residency status on the application form, as the fee for resident and non-resident varies.
- c.) Upon approval by the Township of Assiginack, payment for the mobile food license may be made in person at the Township Office located at 156 Arthur Street in Manitowaning. Accepted methods of payment include Cash, Cheque, Debit or Credit Card.

7. NON-COMPLIANCE:

- a.) Any licensee who contravenes or fails to comply with the terms and conditions of this by-law will be subject to additional charges, known as administrative monetary penalties (AMP), as per the Municipal Act 2001, S.O. 2001 c. 25, Section 434.1 and these amounts shall not exceed those attached in *Schedule B: Administrative Monetary Penalties for Contravention of the Municipal Food Vendor By-Law #2023-12*.
- b.) If a licensee contravenes this by-law, The Administrative Monetary Penalty (AMP) Notice shall include the following information:
 - i. The name of the person contravening this By-law or the owner of the property of the lands to which the contravention resides;
 - ii. The particulars of the contravention;
 - iii. The amount of the Administrative Monetary Penalty (AMP) and the date the payment is due; and
 - iv. A statement that if the Administrative Monetary Penalty (AMP) is not paid, it shall be constituted as debt owed to the Municipality under its' Mobile Food Vendor By-Law 2023-12, that may be collected in any manner permitted by law, including adding it to the Tax Roll of the person and being collected in the same manner as real taxes.
- c.) The Township of Assiginack's By-Law Enforcement Officer will enforce non-compliance of this By-Law.
- d.) Please see attached *Schedule B: Administrative Monetary Penalties for the Contravention of the Municipal Food Vendor By-Law 2023-12*.

8.) ADDENDUM:

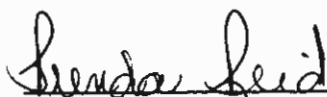
Schedules 'A,' 'B' and 'C' attached hereto shall form part of this By-Law.

9.) EFFECTIVE DATE:

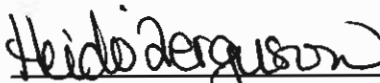
This By-law shall come into effect on the 18th day of July, 2023.

AS READ a **FIRST** and **SECOND** time, this 18th day of July, 2023.

AND AS READ a **THIRD** and **FINAL** time and considered passed, in open Council, this 18th day of July, 2023.



Brenda Reid, MAYOR



Heidi Ferguson, CLERK

MUNICIPALITY



OF ASSIGINACK

TOWNSHIP OF ASSIGINACK

SCHEDULE A

SCHEDULE OF FEES FOR MOBILE FOOD LICENSE

Class of Fee	Resident (price per year)	Non-Resident (price per year)
Class A: Motorized Food Vendor	\$750.00	\$850.00
Class B: Non-Motorized Food Vendor	\$375.00	\$475.00

MUNICIPALITY



OF ASSIGINACK

TOWNSHIP OF ASSIGINACK

SCHEDULE B

ADMINISTRATIVE MONETARY PENALTIES FOR THE CONTRAVENTION OF THE MUNICIPAL FOOD VENDOR BY-LAW #2023-12

Description of Contravention	Penalty Amount
Failure to display license	\$100.00
Permit an activity that causes a nuisance	\$100.00
Operation of business between 9:00pm and 8:00am	\$300.00
Failure to provide Certificate of Insurance, with the Township named as an additional insured.	\$200.00
Failure to provide Inspection Results/Certificate from Public Health Unit.	\$200.00
Obstruct or attempt to obstruct an Officer.	\$500.00
Failure to comply with an Order.	\$500.00

**SCHEDULE C: TOWNSHIP OF ASSIGINACK
MOBILE FOOD VENDOR APPLICATION**

Applicant Name(s):

Business Name:

Applicant Contact Information/Address:

Telephone #: _____

Email Address: _____

Nature of Business: (Please provide a brief description of the type/nature of your business and what products or services you will be selling to the public).

Description of Mobile Food Truck (Please provide a brief description of the type of mobile food truck/unit being used to sell goods from. Please include the size of the unit in square feet).

Preferred Location I am Applying For:

- Queen's Park (Class B: Non-Motorized Food Vendor)
- Toboggan Hill
- River Road Marina/Beach Area

If your preferred location is not available, please list the three areas in your order of preference:

1. _____
2. _____

Residency Status

Are you a resident of the Township of Assiginack? YES NO

Proof of Insurance

The Applicant agrees to provide proof of a minimum of \$2 million in liability insurance, with the Township of Assiginack being named as an additional insured on the policy and Certificate of Insurance. **Insurance Provided** YES NO

Proof of Inspection

The Applicant agrees to provide proof of a recent copy of the Inspection Report completed by the Sudbury & District Public Health Unit. *PLEASE NOTE: That inspections must have been completed within the last thirty (30) days.*

Inspection Report Provided YES NO

I/we _____, known as the Licensee, hereby indemnify the Township of Assiginack of any actions, damage, loss, claim or liability as a direct result of the mobile food vendor operations, the use of the approved municipal location or anything undertaken or neglected to be undertaken in connections with the use of the mobile food vendor license.

By signing this application form, the applicant acknowledges that they have read the Mobile Food Vendor By-Law and agrees to abide by all the terms and conditions set forth within this by-law.

PRINT NAME

APPLICANT SIGNATURE

DATE

NOTE: Any personal information required in this application form is received under the authority of the Township of Assiginack. This information is an integral component of the submission and becomes a public record. Once this application form is accepted by the Township of Assiginack and a Mobile Food Vendor License has been awarded, all information contained in the application form may be available to the public, including personal information. Questions about the collection of personal information and the Municipal Freedom of Information and Protection of Privacy Act, 1989, R.S.O. 1990, as amended may be directed to the Municipal Clerk.

FOR OFFICE USE ONLY: (APPLICANT(S) DO NOT COMPLETE THIS SECTION***)	
Date Application Received: _____	Date of Approval: _____
Proof of Insurance Received: YES <input type="checkbox"/> NO <input type="checkbox"/>	Proof of Inspection Received: YES <input type="checkbox"/> NO <input type="checkbox"/>
Permit Issued: YES <input type="checkbox"/> NO <input type="checkbox"/>	Permit #: _____
If no, reason for denial: _____ _____	
Authorized by: _____ (Municipal Clerk or Designate)	