

	<b>The Corporation of the Township of Hamilton</b>
	<b>By-law Number 2015 - 08</b>

**BEING A BY-LAW TO AMEND BY-LAW NO. 2008-16 BEING A BY-LAW  
TO LICENSE, REGULATE AND GOVERN VEHICLES FROM WHICH  
REFRESHMENTS ARE SOLD FOR CONSUMPTION BY THE PUBLIC  
AND FOR REVOKING SUCH LICENCE**

**WHEREAS** Section 236 (11) of The Municipal Act, R.S.O. 1990 as amended, authorizes the Council of a Municipality for licensing, regulating and governing vehicles from which refreshments are sold for consumption by the public, and for revoking of any such licence;

**AND WHEREAS** the Municipal Council of the Corporation of the Township of Hamilton enacted By-Law No. 2008-16 to license, regulate and govern refreshment vehicles;

**AND WHEREAS** the Municipal Council of the Corporation of the Township of Hamilton deems it advisable to make an amendment to Section 5 of By-Law No. 2008-16;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Township of Hamilton ENACTS as follows:

1. That Section 5 of By-Law No. 2008-16 be amended by deleting section 5 in its entirety and replacing with the following text to read as follows:

**“Approval from Hamilton Township Council is required, prior to the issuance of a New License, for the location, parking area, safety aspects, and for the aesthetics and general appearance of the Mobile Canteen such as to prevent an unsafe condition or an unsightly condition out of character with the surrounding environment.**

**The Municipal Clerk shall be responsible for the issuance of all refreshment vehicle licenses.”**

2. That this by-law shall come into force and take effect on the date of passing.

**This By-Law given a FIRST, SECOND and THIRD READING and FINALLY PASSED this 17<sup>th</sup> day of February, 2015.**

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Mark Lovshin, Mayor

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K. Surerus, Municipal Clerk

**THE CORPORATION OF THE TOWNSHIP OF HAMILTON**

**BY-LAW NO. 2008-16**

**BEING A BY-LAW TO LICENSE, REGULATE AND GOVERN  
VEHICLES FROM WHICH REFRESHMENTS ARE SOLD FOR  
CONSUMPTION BY THE PUBLIC AND  
FOR REVOKING SUCH LICENSE**

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**WHEREAS** Section 150 of The Municipal Act, c. 25, R.S.O. 2001, as amended, authorizes the Council of the Municipality to license, regulate and govern any business wholly or partly carried on within the municipality;

**AND WHEREAS** the Municipal Council of the Corporation of the Township of Hamilton deems it advisable to pass such a by-law to license, regulate and govern vehicles from which refreshments are sold for consumption by the public and for revoking such licenses,

**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Township of Hamilton ENACTS as follows:

1. For the purpose of this by-law "Mobile Canteen" shall mean any vehicle whether mechanically propelled or otherwise from which refreshments are sold for consumption by the public.
2. A Mobile Canteen may only be permitted on privately owned lands where a "Take out Restaurant" is permitted, as defined within the provisions of Zoning By-law 2001-58, as amended
3. No person or persons (which terms shall include a partnership or corporation) shall operate a Mobile Canteen in the Township of Hamilton without first having been issued a license as hereinafter provided.
4. Every application for a licence shall be in writing, addressed to the Clerk of the Township of Hamilton and shall include an application fee in the amount of \$125.00 together with a photograph and description of the proposed Mobile Canteen including all equipment installed or to be installed therein for use in the preparation, storage and dispensing of refreshments.
5. Approval from Hamilton Township Council for the location, parking area, safety aspects, and for the aesthetics and general appearance of the Mobile Canteen such as to prevent an unsafe condition or an unsightly condition out of character with the surrounding environment is required prior to the issuance of a license or renewal of a license.
6. The applicant shall require written approval from the Medical Officer of Health, who shall cause an inspection of the vehicle and equipment to be made.
7. A licensee shall not operate or be permitted to operate a Mobile Canteen within 500 metres (1640 feet) of any existing restaurant or take out restaurant which is assessed business tax in the Township of Hamilton.
8. Notwithstanding Section 7 of this By-Law, the 500 metre separation distance shall not apply to the following property: 110-06200. All other provisions of this By-Law shall apply. A refreshment permit is applied for every consecutive year and must be approved in order to maintain exemption status.
9. A licensee shall not operate or permit to be operated a mobile canteen in such a manner or location which will interfere with normal traffic flow on roads within the Township of Hamilton. A letter of consent is required from the Township Road Department, County or Ministry of Transportation of Ontario, whichever is applicable.

10. If it is shown to the satisfaction of the Council of the Corporation of the Township of Hamilton that a licensee has failed to comply with any of the provisions of this by-law, the Council, by resolution passed at any meeting thereof, may revoke any license issued hereunder.
11. Installation of propane-fueled appliances in a mobile canteen shall be conducted in accordance with the Ontario Propane Code and a statement from the propane company that the applicant has complied with the requirements of the Ontario Propane Code will be required prior to a licence being issued.
12. Following receipt of all appropriate approvals and providing all other conditions have been met, the Clerk shall issue a licence to the applicant upon payment of a fee of \$300.00 for a refreshment vehicle in which the food preparation and serving area is 100 sq. ft. or less. In the event that the food preparation and serving area of the refreshment vehicle exceeds 100 sq. ft., the fee shall be \$300.00 plus \$3.00 per each additional sq. foot in excess of the aforementioned 100 sq. feet.
13. Sales from Mobile Canteens are prohibited prior to 10:00 a.m. and after 8:00 p.m. on any day that it is in operation.
14. Compliance with the permitted uses in Zoning By-Law No. 2001-58, as amended, is mandatory for the operation of a Mobile Canteen if the Mobile Canteen is situated on privately-owned land.
15. The maximum area of the food preparation and serving area of the Mobile Canteen shall not exceed 200 square feet.
16. The maximum number of licenses that shall be issued for Mobile Canteens in the Township of Hamilton shall not exceed 5 (five) at any one time.
17. The applicant for the Mobile Canteen shall be responsible for the removal and disposal of all garbage to the appropriate landfill.
18. A licence shall be valid for a term commencing April 01 through to October 31 within the same calendar year and may not be transferred or assigned and is only valid for the location and Mobile Canteen stated in the application.
19. A licence shall be issued with respect to one vehicle only and shall be at all times affixed to the vehicle for which it has been issued.
20. Nothing in this by-law shall prevent a licensee from holding more than one licence issued pursuant to this by-law.
21. A licensee shall keep his vehicle and equipment and the place where food is prepared in a clean, sanitary and satisfactory condition and shall comply with the requirements of The Public Health Act and regulations made thereunder respecting eating establishments and shall at all times permit the Medical Officer of Health to inspect the vehicle.
22. Any person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction, be liable to the penalties as provided for in the Provincial Offences Act, as amended, and any penalty so imposed shall be recoverable under the provisions of the said Act.
23. This By-Law shall repeal By-law No. 2005-93.
24. THAT this by-law shall come into force and take effect on the date of passing.

This by-law given a FIRST, SECOND and THIRD READING and FINALLY PASSED this 1<sup>st</sup> day of April, 2008.

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MAYOR

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CLERK