

**THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH CARDINAL**

**BY-LAW NO. 2024-30**

**“A BY-LAW TO LICENCE, REGULATE AND GOVERN REFRESHMENT CARTS  
AND REFRESHMENT VEHICLES”**

**WHEREAS** Section 151(1) of the Municipal Act 2001, S.O 2001, c. 25, as amended, authorizes the Council of a municipality to pass bylaws to license, regulate, and govern; and

**WHEREAS** the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to license, regulate and govern refreshment vehicles for the purposes of health and safety and consumer protection;

**NOW THEREFORE** the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

**1. DEFINITIONS**

The following definitions shall apply for the purposes of this bylaw:

“Chief Building Official” – means the Chief Building Official or their designate of the Township of Edwardsburgh Cardinal.

“Clerk” – means the Clerk or their designate of the Township of Edwardsburgh Cardinal.

“Council” – means the Council of the Corporation of the Township of Edwardsburgh Cardinal.

“Enforcement Officer” – means a municipal bylaw enforcement officer, authorized by the Council of the Township of Edwardsburgh Cardinal, any member of the Ontario Provincial Police, and any Provincial Offences Officer pursuant to the Provincial Offences Act.

“Fire Chief” – means the Fire Chief or their designate of the Township of Edwardsburgh Cardinal.

“Licence” – means a licence issued under the provisions of this bylaw.

“Medical Officer of Health” – means the Medical Officer of Health for the Lanark, Leeds and Grenville District Health Unit or their fully authorized designate.

“Official” – means an officer or employee duly authorized to act on behalf of the Corporation of the Township of Edwardsburgh Cardinal.

“Operate” – means the act of selling, offering for sale, or otherwise dispensing of refreshments and “Operator” shall have a like meaning.

“Person” – means any human being, association, firm, corporations and partnerships, incorporated company, agent or trustee and any heirs, executors, successors, assigns or other legal representative of a person to whom a contract can apply according to law.

“Refreshment” means all food stuffs or beverages either prepared on site or pre-packaged and intended for consumption by the public.

“Refreshment Cart” means a mobile vehicle propelled by human muscle power from which cold/frozen refreshments, such as ice cream, are sold for consumption by the public.

“Refreshment Vehicle” means a trailer or vehicle, that is designed to be made mobile from which food/refreshments are prepared/pre-packaged and offered for sale to the public for consumption on site or off the premises. Where stated as a permitted use in accordance with the Township’s current Zoning Bylaw, a refreshment vehicle shall only be permitted as an accessory use to the principal use of a property.

“Roadworthy” means that the vehicle complies with the requirements of the Highway Traffic Act and the Ministry of Transportation for operation on Public Highway.

“Special Community Event” means an event which is endorsed by the Township, such as the Spencerville Fair, or authorized or conducted by the Township, or on behalf of the Township, or on behalf of a registered not-for-profit organization or registered charity with the approval of the Township may be exempt from requirements of this bylaw.

“Township” – means the Corporation of the Township of Edwardsburgh Cardinal.

## **2. LICENCING**

- 2.1 No person shall operate a Refreshment Cart/Vehicle within the Township, which refreshments are sold for consumption, without first obtaining a licence for each Refreshment Cart/Vehicle annually from the Township.
- 2.2 The annual licencing fees for the Refreshment Cart and Refreshment Vehicle shall be outlined within “Schedule A” of this bylaw.
- 2.3 Applicants must apply using the prescribed application form attached as “Schedule B”, including all required documentation outlined within the application form, to the Clerk, not less than 5 business days prior to the proposed opening and operation of the Refreshment Cart/Vehicle. The application is not deemed complete for review until all documentation required has been met.
- 2.4 All refreshment vehicle applications submitted shall include the completed application form along with the following:
  - 2.4.1 Permission from the landowner;
  - 2.4.2 Proof of insurance;
  - 2.4.3 Site plan;
  - 2.4.4 Health Unit Inspection/Letter of Approval;
  - 2.4.5 Edwardsburgh Cardinal Fire Inspection/Letter of Approval;
  - 2.4.6 Proof of Food Handler Certificate;
  - 2.4.7 Applicable fee.
- 2.5 All refreshment cart applications submitted shall include the completed application form along with the following:
  - 2.5.1 Health Unit Inspection/Letter of Approval;
  - 2.5.2 Proof of Food Handler Certificate (when applicable);
  - 2.5.3 Applicable fee.
- 2.6 A licence shall not be assigned or transferred.
- 2.7 All licences shall be for the calendar year in which it is issued and shall expire on the 31<sup>st</sup> day of December of that year. No licence shall be issued except on payment of the full amount of the prescribed fee.
- 2.8 A Refreshment Cart/Vehicle shall have in the cart/vehicle at all times and displayed, the refreshment licence granted by the Township for that

given calendar year. The operator shall present said licence upon request of the Enforcement Officer.

- 2.9 The operator of a Refreshment Cart/Vehicle shall accept liability for all or any claims for injury or damage to any person or property caused or created by the operation of the refreshment cart/vehicle.
- 2.10 The Township may refuse to grant a licence or revoke or suspend a licence.
- 2.11 The Township may impose conditions as a requirement of obtaining, continuing to hold or renewing a licence at any time during the term of the licence.
- 2.12 No person shall enjoy a vested right in the continuance of a licence, except as provided in this bylaw, and, whether issued, renewed, expired, revoked, suspended, or otherwise terminated, the licence, any value of such licence, shall continue to be the property of the Township.
- 2.13 Every person who holds a licence shall ensure compliance with this bylaw and all other applicable bylaws and laws by all persons involved in the carrying on of such business, and no such person shall permit any person employed by such person or otherwise involved in the carrying on of such business, to do so other than in compliance with this bylaw. No licence issued under this bylaw shall authorize any person to do anything in contravention of any other law.
- 2.14 No licence shall be issued if the applicant/operator owes any monies, including taxes, permit fees or outstanding work orders to the Township.
- 2.15 If the Township Clerk refuses to grant a licence pursuant to this bylaw, the applicant may receive a full refund of the fee amount submitted with the application.

### **3. INSURANCE**

- 3.1 The applicant/operator of any Refreshment Vehicle shall, at their own expense, prior to the issuance of the licence or work, obtain and maintain, and provide proof to the Township of:
  - 3.1.1 Liability insurance with a minimum amount of not less than \$2,000,000, with an annual aggregate for any negligent acts or omissions by the operator relating to their obligations under this bylaw. Such insurance will include, but not limited to: bodily injury and property damage including loss of use; personal injury; contractual liability; premises, property and operations; non-owned automobile; broad form property damage; occurrence property damage; employees as additional insured; contingent employers' liability; tenant legal liability; cross liability and severability of interest clause.
  - 3.1.2 The policies shall not be cancelled unless the Refreshment Vehicle ceases operation and licencing within the Township.

### **4. GENERAL REGULATIONS**

- 4.1 Nothing in this bylaw, including the issuance of a licence, conveys the right to enter upon or conduct business from any private, public, or Crown property. Written evidence of the landowner's permission, outlined in "Schedule C" to locate the refreshment vehicle on property shall be produced and included with the application prior to the issuance of a licence.

- 4.2 The operator of every refreshment cart/vehicle shall at all times comply with the requirements of the Health Unit within their jurisdiction.
- 4.3 The operator of every refreshment vehicle shall at all times comply with the requirements of the Township Fire Chief with respect to matters of fire prevention and fire safety.
- 4.4 No refreshment vehicle shall be parked or located at any time for the purpose of selling food in a location other than the location approved by the Clerk at the time of the issuance of the licence.
- 4.5 All refreshment carts/vehicle shall be kept in a clean and presentable condition. The property on which the refreshment vehicle is located shall be maintained in a neat and tidy condition and all refuse shall be deposited in proper containers and disposed of by the operator.
- 4.6 Refreshment vehicles shall only be permitted as an accessory use to the principal use of a property.

## 5. REFUSAL TO ISSUE/RENEW LICENCE/REVOCAION

- 5.1 An Applicant/operator whose application meets all the requirements of this bylaw may be entitled to the issuance or renewal of a licence except where the Clerk is of the opinion that one or more of the following has or may occur:
  - 5.1.1 Any application or other document provided to the Clerk by or on behalf of the applicant/operator contains false statement or provides false information;
  - 5.1.2 The applicant/operator is carrying on activities that are, or would be, if licenced, in contravention of this bylaw, any other bylaw, or federal or provincial statute;
  - 5.1.3 The application is not complete;
  - 5.1.4 The fees payable for the licence has not been paid.
- 5.2 In addition to and notwithstanding Section 5.1, an applicant/operator may be refused a renewal or issuance of a licence where one or more of the following has or may occur:
  - 5.2.1 Past conduct of the operator afford reasonable grounds for belief that the issuance of a licence would be adverse to the Township interest in respect of the health and safety of any person, a nuisance affecting lands or persons of the Township, or the protection of consumers.
  - 5.2.2 The conduct of the operator affords reasonable grounds for belief that the operator has not carried on, or will not carry on, their refreshment cart/vehicle in accordance with law and with integrity and honesty.
- 5.3 In addition to and not withstanding Section 5.1 and 5.2, a licence may be revoked at any time where one or more of the following has or may occur:
  - 5.3.1 Notice has been received by the Medical Officer of Health, Fire Chief or Bylaw Enforcement Officer stating that the refreshment cart/vehicle is operating contrary to required standards; or
  - 5.3.2 The operator has been served notice of non-compliance with the terms of this bylaw and the operator has failed to take such action as necessary within 5 working days of the notice; or
  - 5.3.3 There are reasonable grounds to believe that the application or any documents or information provided by or on behalf of the applicant/operator contains false statements or provides false information; or
  - 5.3.4 There are reasonable grounds to believe that the building, vehicle, cart, premises or equipment used in carrying on the business does

not comply with the provisions of this bylaw or that of the Medical Officer of Health or the Fire Chief.

- 5.4 If the licence is revoked, all licence fees are non-refundable based on the costs associated with administering the application.
- 5.5 Once a licence is issued there shall be no return or refund of any licence fee based on the costs associated with administering the application.

## **6. EXEMPTIONS**

- 6.1 Exemptions from provisions of this bylaw, including waiving of fees, may be granted for refreshment vehicles to be operated on other lands for specific special community events, based on prior consultation with the Township Fire Chief and Clerk.
- 6.2 Refreshment vehicles participating in special community events, such as the Spencerville Fair, shall coordinate an inspection with the Township Fire Chief to complete a fire inspection.
- 6.3 Exemptions granted for special community events shall be in effect for 7 days, or the conclusion of the event; whichever is the lesser.
- 6.4 Refreshment carts being operated by youth of the age 17 and under shall be exempt from the applicable fee; however, still be required to complete all other areas within section 2.5 of the application process.

## **7. REFRESHMENT CART**

- 7.1 Refreshment Carts may be permitted anywhere within the Township provided that the cart is not stopped in any location for longer than necessary to complete a sale(s) and at no time be longer than 30 minutes.
- 7.2 The refreshment cart shall be a self-contained unit capable of being removed from a site immediately upon the request of the Clerk, Fire Chief, or Bylaw Enforcement Office for the Township.
- 7.3 The refreshment cart shall be located at least 20 meters (65 feet) from any fuel dispensing equipment or tanks.

## **8. REFRESHMENT VEHICLE**

- 8.1 The proposed property location of a refreshment vehicle shall include permission from the property owner and the location shall be approved by the Clerk in consultation with the Fire Chief and Chief Building Official.
- 8.2 Every application submitted shall include a detailed site plan drawn to scale showing the proposed refreshment vehicle location, any proposed structures (which may be subject to building permit requirements), adjacent structures, signage, parking spaces, location of garbage disposal, location and number of outdoor seating area, setback distances from the street, and setback distances from properties used as residential, all as required by the provisions of this bylaw.
- 8.3 No refreshment vehicle shall be located within 20 meters (65 feet) of any lot line of a property used as residential.
- 8.4 No refreshment vehicle shall be located within 20 meters (65 feet) from any fuel dispensing equipment or tanks.

- 8.5 The refreshment vehicle shall be located at least 5 meters (16 feet) from the front line of the property that abuts a public roadway to mitigate public safety concerns.
- 8.6 All structures or additions to a refreshment vehicle site, including accessory structures designed to protect the public from the elements may be subject to approval by the Chief Building Official.
- 8.7 Aboveground storage tanks exposed to vehicular traffic shall be protected from impact by (a) design, in accordance with an approved standard; or (b) posts or guardrails that are constructed in accordance with good engineering practice and are located at least 1 m away from the tanks.

## **9. ENFORCEMENT AND PENALTIES**

- 9.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended.
- 9.2 A person who is convicted of an offence under this by-law is liable for each day or part of a day that the offence continues, where the minimum fine shall not exceed \$500.00 and a maximum fine of \$10,000.00 and the total of all daily fines for the offences is not limited to \$100,000.00 as provided for in Section 429(3) of the Municipal Act, SO 2001, c. 25, as amended.
- 9.3 Upon registering a conviction for a contravention of any provision of this by-law, the court in which the conviction has been entered, may in addition to any other remedy and to any penalty imposed by this by-Law, make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to Section 431 of the Municipal Act 2001, SO 2001, c.25, as amended.
- 9.4 Where a person fails or defaults to carry out any direction or action required by the Township as authorized by this by-law, upon reasonable and written notice, the Township may proceed to do such things or carry out such actions as directed at the expense of the person and such expense may be recovered by the Township in a like manner as taxes in accordance with the provisions of Section 326 of the Municipal Act, 2001, S.O. c. 25.
- 9.5 Every person who contravenes this by-law, including a notice to remedy issued under this by-law is guilty of an offence.
- 9.6 No person shall obstruct or hinder or attempt to obstruct or hinder an Enforcement Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this by-law.
- 9.7 An Enforcement Officer who has reasonable grounds to believe that a person has contravened any provision of this by-law may issue a notice to remedy, notice of violation, an order to comply and every person shall comply with said notice or order.

## **10. VALIDITY AND SEVERABILITY**

- 10.1 If any section, subsection, clause, paragraph or provision of this by-law or parts thereof are declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Municipal Council to enact, such section, subsection, clause, paragraph, provision or parts thereof shall be deemed to be severable and shall not affect

- the validity or enforceability of any other provisions of the bylaw as a whole or part thereof and all other sections of the by-law shall be deemed to be separate and independent there from and enacted as such.
- 10.2 Whenever any reference is made under this by-law to a statute or regulation of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute or regulation and all successor legislation to such legislation.
- 10.3 Nothing in this policy takes precedence over any bylaws, resolutions, plans or agreements of the Township or other legislation.

**11. GENERAL**

- 11.1 That the following Schedules attached shall form and constitute part of this bylaw:  
Schedule "A" – Fee Schedule  
Schedule "B" – Licence Application  
Schedule "C" – Permission from Landowner
- 11.2 That Bylaw 2012-68 and all other by-laws previously passed that are inconsistent with the provisions of by-law are hereby repealed in its entirety.
- 11.3 That this bylaw shall come into force and take effect on the date of passing.

Read a first and second time in open Council this 27 day of May, 2024.

Read a third and final time, passed, signed, and sealed in open Council this 27 day of May, 2024.



Tory Deschamps (May 30, 2024 11:58 EDT)

**Mayor**



**Clerk**

**Schedule "A"**  
**By-law 2024-30**  
**Recreation Cart and Refreshment Vehicle**  
**Fee Schedule**

Fees listed herein shall be the annual licence fee for refreshment carts and refreshment vehicles.

<b>Type of Licence</b>	<b>Fee</b>
Refreshment Cart – age 18+	\$100.00
Refreshment Cart – youth aged 17 and under	\$0.00
Refreshment Vehicle	\$400.00



**Schedule "B"**  
**By-law 2024-30**  
**Licence Application**

Applicant/Operator's Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Proposed Address/Location of Refreshment Cart/Vehicle \_\_\_\_\_  
\_\_\_\_\_  
Phone Number \_\_\_\_\_  
Email Address \_\_\_\_\_  
Make/Model of the Cart/Vehicle \_\_\_\_\_  
Type:     Cart \_\_\_\_\_     Vehicle \_\_\_\_\_  
Vehicle Licence Plate# \_\_\_\_\_  
Description of distance setbacks applicable \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Products to be sold from Refreshment Cart/Vehicle \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attachments:**

- Permission from the landowner
- Proof of insurance
- Site plan
- Health Unit Inspection/Letter of Approval
- Edwardsburgh Cardinal Fire Inspection/Letter of Approval
- Proof of Food Handler Certificate
- Applicable fee

I, \_\_\_\_\_, certify that the information provided in this application and supporting documentation is true and correct and I understand that false statements and information could result in the licence being revoked at any time.

Sworn before me at the Township of Edwardsburgh Cardinal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Applicant/Operator: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant/Operator: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Commissioner of Oaths: \_\_\_\_\_

**For Office Use Only:**

Date Received \_\_\_\_\_

Licence Granted/Refused \_\_\_\_\_

Additional Information \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Schedule "C"**  
**By-law 2024-30**  
**Permission from Landowner**

Landowner's Name \_\_\_\_\_

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

Proposed Address/Location of Refreshment Cart/Vehicle \_\_\_\_\_

\_\_\_\_\_

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

Email Address \_\_\_\_\_

Zoning of Property \_\_\_\_\_

Additional Information \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I, \_\_\_\_\_, the Landowner owner of the aforementioned property, hereby grant the applicant/operator of the Refreshment Vehicle permission to conduct business on my property.

Date \_\_\_\_\_






# 2024 - Refreshment Cart-Vehicle Policy

Final Audit Report

2024-05-30

Created:	2024-05-28
By:	Rebecca Crich (rcrich@twpec.ca)
Status:	Signed
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## "2024 - Refreshment Cart-Vehicle Policy" History

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