

**CONSOLIDATED OFFICE COPY
THE CORPORATION OF THE TOWNSHIP OF MONTAGUE
BY-LAW NO. 1537-86**

A By-law to license, regulate and govern chip wagons and mobile canteens in the Township of Montague.

WHEREAS The Municipal Act, Chapter 302, R.S.O. 1980, Section 232, Subsection 11, authorizes Councils to pass by-laws for licensing, regulating and governing vehicles from which refreshments are sold for consumption by the public, and for revoking any such license;

AND WHEREAS Section 210, Subsection 66 of the said Act authorizes Councils to pass by-laws for prohibiting or regulating sales by retail in the highways or on vacant lots adjacent to them;

NOW, THEREFORE, the Municipal Council of the Corporation of the Township of Montague enacts as follows:

1. For the purpose of this by-law, the following definitions shall apply:
 - (a) **“Chip Wagon” shall mean a motor vehicle or trailer equipped for the cartage, storage and preparation of refreshments which is used only for the sale of such refreshments intended for the consumption of the general public. A Chip Wagon shall not include a Mobile Canteen.**
 - (b) “Clerk” shall mean the Clerk or Deputy Clerk of the Township of Montague.
 - (c) “Corporation” shall mean the Corporation of the Township of Montague.
 - (d) “Council” shall mean the Municipal Council of the Township of Montague.
 - (e) “Fire Chief” shall mean the Chief of the Fire Department of the Township of Montague.
 - (f) “License” shall mean a license issued under the provisions of this by-law.
 - (g) “Medical Officer of Health” shall mean the Medical Officer of Health for the Leeds, Grenville and Lanark District Health Unit, or his duly authorize delegate.
 - (h) “Mobile Canteen” shall mean a motor vehicle equipped for the cartage, storage and preparation of food stuffs, beverages, chocolate bars, candy bars, chewing gum and candies and from which said motor vehicle the aforesaid goods are offered for sale for consumption primarily by persons at their place of employment or by persons attending a private function including auction sales or other special sales where the Mobile Canteen operator has been invited or authorized by the person holding the sale to dispense food and beverages at such function.
A Mobile Canteen does not include a Chip Wagon from which food and drink is dispensed for consumption by the general public.
 - (i) **“Mobile Food Wagon” shall mean a motor vehicle equipped for the cartage, storage and preparation of prepackaged food stuffs as well as potato chips, onion rings, hot dogs, hamburgers, bacon, eggs, pogos, deep fried fish, salads and may include the storage of prepackaged soft drinks, which is used only for the sale of such food stuff and drinks intended for consumption by the general public. A Mobile Food Wagon may include a chip wagon but shall not include a Mobile Canteen.**
 - (j) “Person” includes a corporation.
 - (k) “Operate” shall mean the act of selling, offering for sale or otherwise

- dispensing of food or drink and operator shall have a like meaning.
- (l) "Road worthy" shall mean that the vehicle complies with all of the requirements of the Highway Traffic Act and is licensed for operation on a Public Highway.
 - (m) "Served" shall mean by prepaid ordinary mail addressed to the address shown on an application for a license or such other address as requested by the owner in writing to the Clerk.
 - (n) "Residential" shall mean, with respect to Zoning Bylaw in effect, all land zoned as General Residential (RG) or other Residential zones in the Zoning Bylaw in effect any any part of a street abutting thereon"
 - (o) "Rural" shall mean, with respect to the Zoning Bylaw in effect, all land zoned as Rural Zone (RU) or any special Rural Zones in the Zoning Bylaw in effect and any part of any street abutting thereon"

2. License Required

No person shall operate a Mobile Canteen or Chip Wagon within the limits of the Township of Montague who does not hold a valid license to do so, issued by the Clerk under the authority of the Township of Montague.

3. License Fees

- (a) The annual license fee for each Chip Wagon shall be One Hundred and Fifty Dollars (\$150.00).
- (b) The annual license fee for each Mobile Canteen shall be One Hundred and Fifty Dollars (\$150.00), provided however, that where the owner of such canteen pays a business tax to the Township of Montague for premises used in connection to the operation of such canteen, the license fee shall be \$25.00.
- (c) The term of each license shall be from the first day of January to the thirty- first day of December in each year and no license shall be issued except on payment of the full amount of the prescribed fee, provided that where a person who has not at any time in the previous two (2) calendar years held such a license applies after the thirty-first day of July, a license may be issued for the balance of that year on payment one-half the license fee set out herein.
- (d) A license may be transferred from one vehicle to another upon application and payment of a fee of ten dollars (\$10.00).
- (e) **The annual license fee for each Mobile Food Wagon shall be \$150.00.**

4. Private Property

Nothing in this by-law, including the issuance of a license, conveys the right to enter upon or conduct business from any private property.

5. Licenses

- (a) A license issued under the provisions of this by-law shall apply only to the vehicle for which it was issued and a separate license is required for each Chip Wagon or Mobile Canteen operated within the Township of Montague.
- (b) The operator of a Mobile Canteen or Chip Wagon shall have, at all times, in the vehicle licensed by the Corporation, the individual license granted by the Corporation for that specific vehicle and shall present such license on demand for inspection by any Officer of the Corporation.
- (c) Each license issued under the provisions of this by-law shall show thereon the Motor Vehicle license plate number issued by the Ministry of Transportation and Communications.

6. Health and Sanitation

The operator of every Mobile Canteen or Chip Wagon shall at all times comply with the requirements of the Medical Officer of Health of the Leeds, Grenville and Lanark District Health Unit with respect to sanitation, cleanliness, washroom facilities, refuse and all other matters under this jurisdiction and prior to the issuance of a license under this by-law, the applicant shall submit written confirmation from the Medical Officer of compliance in that regard. **The operator of every Mobile Food Wagon shall comply to all requirements and guidelines as directed by the Medical Officer of Health of the Leeds, Grenville and Lanark District Health Unit.**

7. Traffic

The operator of a Mobile Canteen, Chip Wagon or **Mobile Food Wagon**, when on a public highway, shall be subject to the provisions of The Highway Traffic Act and all traffic and parking by-laws of the Corporation.

8. Vehicle to be Operable

Every Mobile Canteen and Mobile Food Wagon shall at all times be in a proper operating condition and shall be licensed by the Ministry of Transportation under the provisions of the Highway Traffic Act. Chip Wagons may require the same licensing as the Mobile Canteen or Mobile Food Wagon depending on the location and overall intended use of the Chip Wagon. The need to have a Chip Wagon licensed under the provisions of the Highway Traffic Act will be evaluated by Council. At their discretion, Council may pass a resolution indicating that they waive the requirement to have the vehicle licensed under the Highway Traffic Act. Chip Wagon located on a permanent or semi-permanent site shall be capable of being moved on short notice at all times.

9. Fire Safety

The operator of every Mobile Canteen, Chip Wagon or **Mobile Food Wagon**, shall at all times comply with all requirements of the Fire Chief of the Corporation with respect to matters of Fire Prevention and Fire Safety, and every applicant for a license under this by-law shall submit written confirmation from the Fire Chief of compliance in that regard.

10. Mobile Canteens

The operator of a Mobile Canteen shall conduct business only while parked other than on a public highway, street, road, lane, park, boulevard or other public land, provided that when authorized to do so in writing by the Corporation, business may be conducted when parked on a street where construction work is being carried out or when parked at a park or other land of the Corporation.

11. Chip Wagons – Mobile

The operation of a Chip Wagon or **Mobile Food Wagon**, operated as a fully mobile unit shall not offer food or drink for sale from any public highway nor shall any Chip Wagon or **Mobile Food Wagon** be parked on a public highway for such purpose. The Council may grant special permission in

writing for Chip Wagons and **Mobile Food Wagons**, to be operated on parks or other Corporation land for specific events, but only during the times and at the locations so designated.

12. Chip Wagon - Permanent

The Chip Wagon or **Mobile Food Wagon** operator may offer food and drink for sale to the general public from a permanent or semi-permanent site on private property provided that:

- (a) The site or sites from which business is conducted is first approved by the Council and such site or sites shall be recorded on the Chip Wagon or **Mobile Food Wagon** License.
- (b) The Chip Wagon or **Mobile Food Wagon** shall not be operated on any land designated as "Residential" or "Rural" in Zoning Bylaw in effect, unless or until a "temporary use" by-law, under Section 38 of The Planning Act has been passed by Council.
- (c) The Chip Wagon or **Mobile Food Wagon** shall be located at least 10 meters from the front lot line of the property on which it is located.
- (d) The area between the Chip Wagon or **Mobile Food Wagon** and the front lot line of the property on which it is located shall be improved sufficiently to provide a minimum of four automobile parking spaces.
- (e) Structures or additions to the Chip Wagon or **Mobile Food Wagon**, including structures designed to protect the public from the elements while being served at the serving window of the Chip Wagon or **Mobile Food Wagon**, are subject to the approval of the Council and the inspection by the Chief Building Official. Such structures shall be designed and constructed in a neat and workmanlike fashion such that they do not detract from the general appearance of the Chip Wagon or **Mobile Food Wagon**.
- (f) **Permanent electrical and other utility hook-ups are prohibited. To provide for the operation of exhaust fans, approved lighting and other electrical power requirements, a Chip Wagon or Mobile Food Wagon may be connected to an approved power source provided such connection is made by means of a connection which can be readily and safely disconnected without the use of tools. Such connection must not inhibit the capability of the Chip Wagon or Mobile Food Wagon to be mobile on short notice or to otherwise cause the Chip Wagon or Mobile Food Wagon to be recognized as a permanent structure.**
- (g) The property on which a permanent or semi-permanent Chip Wagon or **Mobile Food Wagon** is to be located, must be within a area designated as a Commercial General Zone (C), Highway Commercial Zone (CH) or Tourist Commercial Zone (CT) as set out in Zoning By-law in effect, as amended, or unless or until a "temporary use" by-law has been passed by Council under Section 38 of The Planning Act, as provided under Subsection (b) of Section 12 of this by-law.
- (h) All Chip Wagons and **Mobile Food Wagons**, shall be kept in a clean and presentable condition and be painted in a manner satisfactory to the Council and such shall include any signs appurtenant thereto. The property on which the Chip Wagon 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.

13. Application for License

Every application for a license for a Mobile Canteen, Chip Wagon, or a **Mobile Food Wagon**, shall be submitted to the Clerk in the form as required by the Corporation, together with such other information as may be

required and without limiting the generality of the foregoing shall include:

- (a) Written notice from the Medical Officer of Health that the vehicle and other aspects of the operation for which the application is made complies with all applicable health and sanitation regulations. In this regard, the attention of all applicants is drawn to Ontario Regulation 840, 1980 respecting Food Premises and guidelines prepared by the Health Unit for Mobile Food Preparation Premises.
- (b) Written notice from the Fire Chief of the Corporation that the vehicle for which the application is being made complies with all applicable fire regulations, code and practices.
- (c) The name and address of the owner of the vehicle and the current license plate number.
- (d) In the case of a permanently or semi-permanently located Chip Wagon or **Mobile Food Wagon**, a sketch drawn to scale, or each site or sites on which it is proposed to locate the vehicle showing:
 - i. The location and dimensions of the property.
 - ii. The name and address of the owner of the property.
 - iii. The location of all buildings or structures on the property.
 - iv. The proposed location of the vehicle and the parking provisions provided, all accurately dimensioned.
- (e) The applicable license fee, which is refundable in the event that the license is not granted.
- (f) Approval in principal be obtained in writing from the property owner acknowledging the hours and days of operation and each proposed location be approved by the Fire Chief and Medical Officer of Health.**
- (g) Where pressure fuels are utilized approval from a certified inspection depot be acquired.**

14. Revocation of License

- (a) A license issued under the provisions of this by-law may be revoked by the Council where:
 - (i) Written notice has been received by the Council from the Medical Officer of Health or the Fire Chief stating that the vehicle is operating contrary to required standards, or
 - (ii) The licensee has been served notice of noncompliance with the terms of this by-law by the Clerk and the licensee had failed to take such action as necessary within twenty-one (21) days of the notice, or
 - (iii) The licensee has been served by the Clerk with three (3) notices of non-compliance with the terms of this by-law during the period for which the license was issued.
- (b) The Council shall serve notice to the licensee of an impending revocation of a license not less than ten (10) days prior to the proposed date of revocation and the licensee or his representative may appear before Council to show cause why he believes the license should not be revoked.

15. Effective Date

This by-law shall take effect and come into force on the passing thereof.

16. Contravention of By-law

Any persons contravening any of the provisions of this By-law shall be liable to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Thousand Dollars (\$2,000.00) or each offense exclusive of costs.

That this By-law shall come into force and take effect on the date of the final passing thereof.

Read a first and second time this 5th day of May, A.D. 1986.

Given under the Seal of the Corporation and finally PASSED this 5th day of May, A.D. 1986.

Reeve

Clerk

IMPORTANT NOTICE

This document is an office consolidation of By-law No. 1537-86, as amended, and has been prepared for ease of reference. While every attempt has been made to ensure the accuracy of this consolidation, in the event of a discrepancy between it and By-law No. 1537-86 (and various by-law amendments thereto) the original by-laws shall prevail.

Amendment(s):

1686-88
2069-93
2531-00
3502-2015