



# The Corporation of the Town of New Tecumseth

## By-law 2002-178 (Consolidated – as amended)

### REFRESHMENT VEHICLE LICENSING BY- LAW

**A by-law to license, regulate and govern vehicles from which refreshments are sold for consumption by the public and for revoking any such license.**

Consolidation		
Amendment No. 1	By-law No. 2008-024	February 11, 2008

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THE CORPORATION OF THE TOWN OF  
**NEW TECUMSETH**  
**BY-LAW**  
Number 2002-178

"REFRESHMENT VEHICLE LICENSING BY-LAW"

A by-law to license, regulate and govern vehicles  
from which refreshments are sold for consumption  
by the public and for revoking any such licence.

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**WHEREAS** the *Municipal Act*, R.S.O. 1990, Chapter M.45, Section 236, Sub-section 11, authorizes the passing of by-laws by the councils of municipalities for licensing, regulating and governing vehicles from which refreshments are sold for consumption by the public, and for revoking any such licence;

**AND WHEREAS** the Council of The Corporation of the Town of New Tecumseth deems it expedient to enact such a by-law.

**NOW THEREFORE** the Council of The Corporation of the Town of New Tecumseth does hereby enact as follows that:

1. For the purpose of this by-law the following definitions shall apply:
  - a) "**Refreshment Vehicle**" means any wheeled vehicle, licensed or unlicensed, from which refreshments are offered for sale to the public, including but not limited to a chip wagon, hot dog cart, ice cream vendor, etc. that is not a permanent fixture.
2. No person shall sell from a refreshment vehicle for consumption by the public without having first applied to the Town for a licence to do so. The said licence shall be issued by the Municipal Clerk for the Corporation of the Town of New Tecumseth.
3. The annual fee for a Refreshment Vehicle licence is set out in the Fees and Charges By-law. The Refreshment Vehicle Licence shall expire one (1) year after the date of issue thereof.
4. Prior to the issuance of a Refreshment Vehicle Licence and prior to the renewal of each Refreshment Vehicle Licence, the applicant shall produce to the Clerk, an up-to-date certificate from the Simcoe County Health Unit stating that the Health Unit has inspected the Refreshment Vehicle and approves of the issuing of a licence to sell refreshments from such vehicle for consumption by the public.
5. Prior to the issuance of a Refreshment Vehicle Licence and prior to the renewal of each Refreshment Vehicle Licence, the applicant, shall produce to the Clerk, signed evidence of inspection, from a qualified propane fitter that the propane-fuelled appliances, if any, installed on the vehicle comply with "The Ontario Propane Code".
6. No person issued a Refreshment Vehicle Licence shall park, stand or stop on the travelled portion or shoulder of any public street or within 100 metres of an established restaurant or other commercial establishment engaged in the sale of food, with the exception of grocery stores.
7. Notwithstanding Section 6 hereof, on the request of a person holding a Refreshment Vehicle Licence, the Municipal Clerk may approve of the parking, standing or stopping for a specified period of time of a refreshment vehicle on a public street, highway, park, parking lot or other public place for the purpose of selling refreshments from the vehicle for consumption by the public at events being held within the Municipality such as festivals, games of sport and similar type events.

8. The Municipal Clerk may revoke a Refreshment Vehicle Licence:
- (a) When the licensee is found to be in breach of the provisions of section 5 or 6 of this by-law, unless permission has first been obtained pursuant to Section 7 hereof;
  - (b) On recommendation of the Simcoe County Health Unit when the Licensee is found to be contravening any Health Act and/or regulation with regard to the preparation and serving of food for consumption by the public.

9. **PENALTY**

- 9.1 That every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

10. **VOLUNTARY PAYMENT**

- 10.1 Notwithstanding all other provisions of this by-law in respect of penalties for violations, any person may, upon presentation of a violation tag issued alleging commission of such an offence under this by-law, pay out of Court at the Administration Centre of the Town of New Tecumseth, in person or by mail, within fifteen (15) days from the date of said tag, a penalty of a set fine of fifty dollars (\$50.00), and upon such payment no further proceedings shall be taken under this by-law in respect of the said offence alleged in the violation tag.

11. **SEVERABILITY**

- 11.1 Should any section, subsection, clause, paragraph or provision of this by-law, including any part of schedules be declared by a court of competent jurisdiction to be ultra vires, invalid or illegal for any reason, the same shall not affect the validity of the by-law as a whole.

12. This by-law shall be cited as "Refreshment Vehicle Licensing By-Law."
13. This by-law shall be deemed to have come into force and effect on the date of final passing thereof.
14. That By-Law 93-133 hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16TH DAY OF DECEMBER, 2002.

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MAYOR

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CLERK

*Office Consolidation*