The Corporation of the Municipality of Northern Bruce Peninsula By-law No. 2023-94
Being a By-law to provide for the Licensing, Regulating and Governing Food Truck Businesses

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that Section 8 and Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to:

a) enable municipalities to govern their affairs as they consider appropriate; and
b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 8 (3) of the Municipal Act, authorizes a municipality to provide for a system of Licences;

AND WHEREAS Section 11 (2), paragraph 6 of the Municipal Act, authorizes a municipality to pass a By-law respecting the health, safety and well-being of Persons;

AND WHEREAS And Whereas Section 151 of the Municipal Act, provides that a municipality may provide for a system of Licences with respect to a business and may:

a) prohibit the carrying on or engaging in the business without a Licence;
b) refuse to grant a Licence or to revoke or suspend a Licence;
c) impose conditions as a requirement of obtaining, continuing to hold or renewing a Licence;
d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a Licence;
e) impose conditions, including special conditions, as a requirement of continuing to hold a Licence at any time during the term of the Licence; and
f) Licence, regulate or govern real and Personal Property used for the business and the Persons carrying it on or engaged in it.

AND WHEREAS Section 434.1 of the Municipal Act, provides that a municipality may require a Person to pay an Administrative Monetary Penalty if the municipality is satisfied that the Person has failed to comply with a By-law of the municipality passed under the Municipal Act;

AND WHEREAS Section 23.1 of the Municipal Act, authorizes a municipality to delegate its powers and duties;

AND WERHEAS Sections 150 through 153 of the Municipal Act, *2001, S.O. 2001, C.25* authorizes a Council to licence, regulate and govern businesses and events and that this authority includes but is not limited to; the power to issue licences, to issue licences on conditions, to revoke licences, to suspend licences, to regulate or govern the place used in the carrying on of such businesses and to prevent the carrying on of such businesses without a licence, and

AND WHEREAS the Council of the Corporation of the Municipality of Northern Bruce Peninsula deems it expedient to exercise its discretion to licence and regulate the operation of Food Trucks within the Municipality of Northern Bruce Peninsula.

THEREFORE, the Council of the Municipality of Northern Bruce Peninsula enacts as follows:

1 DEFINITIONS:

In this by-law:

1.1 “Applicant” means a Person who files an application for a Licence;

1.2 “By-Law Enforcement Officer” shall mean any person duly appointed by the Corporation of the Municipality of Northern Bruce Peninsula for the purpose of enforcing or carrying out the provisions of Municipal by-laws or his/her designate;

1.3 “Council” shall mean those persons elected to serve as the Council of the Corporation of the Municipality of Northern Bruce Peninsula;

1.4 “Clerk” means the Clerk for the Municipality, or any Person designated by the Clerk and the person who oversees the licensing process and manages the

implementation;

1.5 “Corner Visibility Triangle” means the portion of a corner lot within the triangular area formed by measuring 7.5 metres (25 feet) in each direction from the point where two property lines intersect at the street lot line corner;

1.6 “Driveway” means a vehicle access provided between a street and a parking area/space or a loading space;

1.7 “Driveway Visibility Triangle” means the triangular area formed by measuring 4.5 metres (15 feet) down the driveway and 4.5 metres down the side lot line abutting a street;

1.8 “Fee and Charges By-Law” shall mean a by-law enacted by the Municipality which sets out the amounts which will be charges for services and activities and includes licensing fees;

1.9 “Food Truck” shall mean any vehicle, trailer, tent cart or other structure designed to be made mobile and not placed on a foundation and is equipped for the storage, preparation and sale of food, beverages and confections and where such items are offered for sale directly to the public for consumption outside and includes chip wagons, mobile canteens and any other similar mobile refreshment vehicle. Where states as a permitted use a Food Truck may only be permitted as an accessory use to the principal use on a commercially zoned property;

1.10 “Fundraising Event” shall mean an event being run by a not-for-profit organization or other community organization to raise funds for a community purpose and as approved by the Municipality;

1.11 “Highway” or “Street” shall include a common and public highway, street, avenue, boulevard, crescent, cul-de-sac, court, parkway, driveway, square, place, shoulder, bridge, viaduct, or trestle, or any road allowance, any part of which is intended for or used by the general public for the passage of vehicles under the jurisdiction of the Municipality of Northern Bruce Peninsula;

1.12 “Licence” means a licence issued by the Municipality pursuant to this By-law;

1.13 “Licence Issuer” means a Municipal employee delegated authority b Council as the Person responsible for issuing a Licence;

1.15 “Licence Number” means a number assigned to a Licence by the Municipality;

1.16 “Licensee” means a Person issued a current valid Licence pursuant to this By-law;

1.17 “Municipality” shall mean the Corporation of the Municipality of Northern Bruce Peninsula or the land within the geographic limits of the Corporation of the Municipality of Northern Bruce Peninsula as the context requires;

1.18 “Officer” means a Municipal Law Enforcement Officer, the Fire Chief, Chief Building Official or other Person appointed by By-law to enforce the provisions of this By-law;

1.19 “Owner” shall mean the owner or operator of a Food Truck;

1.20 “Person” shall include a corporation, partnership or organization;

1.21 “Private Event” shall mean a gathering of people who are invited guests of the gathering organizer and where the general public is not invited and is not open to the public;

1.22 “Private Property” shall mean any property or lands owned by a person which are not considered to be public property by ownership, occupancy or definition;

1.23 “Roadway” means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadway collectively;

1.24 “Roadworthy” shall mean the vehicle complies with the requirements of the Highway Traffic Act and is Licences by the Ministry of Transportation for operation on a public highway. The applicant for a licence shall produce such vehicle licence prior to issuance of a licence;

1.25 “Shoulder” means the un-travelled portion running along either side of a highway;

1.26 “Site Plan” means a drawing of a site which includes all the applicable measurements of the Food Truck and the surrounding area within 75 metres of the site and on which all buildings and structures, streets, and services are indicated;

1.27 “Special Event” shall mean an event approved by the Municipality of Northern Bruce Peninsula;

1.28 “Zoning By-Law” shall mean a by-law enacted under Section 34 of the Planning Act which regulates the use of land.

2 GENERAL PROVISIONS

2.1 Every person carrying on a business using a Food Truck shall obtain a licence from the Municipality authorizing them to carry on that business. This section is subject to any exemption provided for within this by-law. No person shall, either directly or indirectly, carry on or continue to carry on a business, either for profit or not for profit, without first having obtained the required licence.

2.2 No person shall operate a Food Truck in contravention to the municipality’s Comprehensive Zoning By-law.

2.3 A transfer licence fee is applicable and is issued under this By-law.

2.4 No person shall operate a Food Truck on private property without the written permission of the registered owner.

2.5 The annual number of licences issued to permit the operation of Food Trucks shall be limited to a maximum of twelve (12) and shall be allocated to the following areas:

a) Tobermory – 7
b) Lion’s Head – 3
c) Ferndale – 2

The Municipality may re-allocate on an annual basis the number of Food Trucks in each of the above noted areas, by resolution of Council.

All Food Trucks must submit a completed application annually. Where a permit application for an area exceeds the number permitted, the permits will be issued based on drawing of lots from the completed applications submitted.

2.6 No Food Truck will be permitted to locate within 100 metres of an existing restaurant that meets the definition of “Restaurant” in the zoning by-law, unless a letter of permission is provided from the abutting restaurant facility owner, stating that the property owner has no objection to the location of the Food Truck.

2.7 Prior to beginning operation of the Food Truck on land which abuts a highway under the jurisdiction of the Province of Ontario, or the County of Bruce, the licensee shall provide written confirmation of acceptance of the intended location from the Ministry of Transportation (MTO) or County of Bruce.

2.8 No person shall operate a Food Truck where outside seating is provided unless adequate washroom facilities are located on the property and are open for use during the times when the Food Truck is operating.

2.9 A licence shall be required for each Food Truck.

2.10 No person shall operate a Food Truck which is not maintained in a clean or sanitary condition.

2.11 Every Food Truck business shall ensure that the provisions of the Accessibility

for Ontarians with Disabilities Act, or any regulation thereto, are applied to the business.

2.12 Every person who operates a Food Truck business shall ensure that all health and safety regulations are followed including those set out in Ontario Regulation 562 of the Health Protection and Promotion Act, the Technical Standards and Safety Act, the National Fire Protection Association Code 96, and any regulations thereto.

2.13 No person shall permit an accumulation of snow around the Food Truck business.

2.14 Only facia signs on the Food Trucks shall be permitted and must conform to the Municipality's Sign By-Law and/or the provisions contained in the Ontario Building Code/Act.

2.15 No person shall operate any part of the Food Truck business outside of the Food Truck unit except to provide garbage collection, grey water and grease disposal or outdoor seating for patrons. No use of barbeques, smokers, or any outdoor cooking apparatus, will be permitted.

3. LOCATION REQUIREMENTS

3.1 Food Trucks may only operate from a commercially zoned property and must comply with the setback requirements for the zone.

3.2 The owner of the Food Truck shall provide on-site parking spaces in accordance with the zoning by-law requirements.

3.3 No Food Truck shall be located:

i) on any highway or street, road allowance, roadway or shoulder.

ii) within a "corner visibility triangle" or a "driveway visibility triangle"

iii) on any sidewalk or walkway in a manner which impedes pedestrians or creates a hazard whether on a public or private property.

iv) on municipal property

3.4 The owner of the Food Truck must provide adequate trash receptacles at the site on which the Food Truck is located and shall always maintain the site in a clean and sanitary condition.

3.5 The owner of the Food Truck shall ensure that washroom facilities are available for patrons and staff.

3.6 Where any licencee wishes to change the location of the Food Truck business, said licencee must submit a request in writing along with a completed application for consideration of approval of a new location.

4. APPLICATIONS FOR A LICENCE

4.1 Every application for a licence to operate a Food Truck shall be made on the Cloudpermit platform with the required documentation, attached as Schedule "A" to this by-law, and shall include the required fee.

4.2 Acceptance of the licence fee does not constitute approval of the application or obliges the Municipality to issue a licence.

4.3 Every fee paid under 4.1 is refundable if the licence applied for is not granted.

4.4 Every application submitted must be accompanied by a site plan drawing. No licence shall be granted until the site plan has been approved by the Municipality. The site plan is to be drawn to scale, and shall include:

i) Proposed location of the Food Truck on the property, including set back from all property lines and the road allowance;

ii) the location with dimensions (width, length & maneuvering aisle) and number of proposed parking spaces, for every picnic table or 5 seats, one parking space is required as per the Zoning By-law parking provisions.

iii) proposed access to the property from the highway;

iv) location of trash receptacles;

v) location of washroom facilities

Depending on the specifics with respect to location, additional information may be required on the site plan.

4.5 Before a licence under this by-law is issued by the Municipality of Northern Bruce Peninsula, the owner shall meet with the By-law Enforcement Officer or designate to review the intended site.

4.6 The application is to include information on:

i) fuel source;

ii) water supply and disposal, including grey water;

iii) grease disposal methods, and;

iv) water disposal arrangements.

4.7 The applicant shall include with his/her application:

i) A certificate or written confirmation from the Bruce Grey Health Unit confirming that the Food Truck has passed a sanitary inspection under the "Ontario Regulation 562 – Food Premises R.R.O. 1990", or its successor, valid for the year in which the permit is to be issued.

ii) If a propane or gas fired system is to be used, an inspection certificate by a Technical Standards & Safety Authority certified gas technician as required under the "Technical Standards and Safety Act" or its successor, valid for the year in which the permit is to be issued.

iii) An inspection report from the Fire Chief or his designate, stating that the unit complies with the applicable fire safety requirements in Schedule "B" to this by-law, valid for the year in which the permit is to be issued.

iv) Proof that the owner has obtained a minimum of two million dollars ($2,000,000.00) liability insurance for the operation of the Food Truck, valid for the year in which the permit is to be issued. The Licensee must provide proof of insurance prior to commencing the business.

v) If the Food Truck is located on land not owned by the Food Truck owner, a letter from the owner of the property on which the Food Truck will be situated, authorizing the applicant to conduct such business from the property, valid for the year in which the permit, is to be required.

vi) Entrance permit and Land Use Permits required from the Ministry of Transportation (MTO), if the property fronts onto Highway 6 and/or approval from the County of Bruce.

5. PENALTIES AND VIOLATIONS

5.1 The granting of a licence under this by-law does not constitute permission for the licencee to operate in contravention of any other by-law or statutory requirements.

5.2 For the purpose of enforcement of the provisions of this by-law, the By-law Enforcement Officer may enter upon land, at any reasonable time without a warrant.

5.3 Any licence granted hereunder may be revoked at the discretion of the Municipality of Northern Bruce Peninsula, if the provisions and policies contained

herein are not adhered to by the holder of the said licence at all times.

5.4 Every licence issued pursuant to this by-law shall be valid until the 31st day of December in the year in which the licence was issued, or until the said licence is revoked or suspended. No refund of the licence fee shall be paid if the licence is revoked or suspended.

5.5 A person to whom a licence is granted may apply in writing to the Municipality for permission to have his licence transferred to another owner, and such permission will not be unreasonably withheld. In order to transfer a licence, the current licence is to be surrendered to the Municipality and a transfer fee paid as listed in the Fees By-Law (Schedule C).

5.6 Any person(s) who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive costs and upon conviction is liable to a fine as set out in the Provincial Offences Act, R.S.O. 1990, Chapter P. 33

5.7 No person(s) shall willfully obstruct, hinder or otherwise interfere with an Officer in the performance of the Officer's duties, right, functions, powers, or authority under this By-law.

5.8 Where an Officer has reasonable grounds to believe that an offence under this By-law has been committed by a person(s), the Officer may require the name, address, and proof of identity of that person(s) and the person(s) shall supply the required information.

5.9 Every director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law by the corporation is guilty of an offence.

5.10 A person, other than a corporation, convicted of an offence under this by-law, is liable, on a first conviction, to a fine of not more than $10,000 and, on any subsequent conviction, to a fine of not more than $25,000.

5.11 A corporation, convicted of an offence under this By-law, is liable, on a first conviction, to a fine of not more than $50,000 and, on any subsequent conviction, to a fine of not more than $100,000.

6. VALIDITY

6.1 If, for any reason, any section, clause, or provision of this By-law is deemed by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than the part, which was declared invalid.

7. ENACTMENT

7.1 THAT this By-law shall come into force and be effective January 1, 2024.

Read a first and second time this 11th day of December 2023.

Read a third time, finally passed, signed, and sealed on this 11th day of December 2023.

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Mayor, Milt McIver

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Clerk, Cathy Addison

SCHEDULE "A" to By-Law 2023-94

MUNICIPALITY OF NORTHERN BRUCE PENINSULA

LICENCE APPLICATION REQUIREMENTS TO OPERATE A FOOD TRUCK

PROPERTY INFORMATION (PROPERTY TO BE LICENCED)

Address:

New Business:
Renewal:

APPLICANT-BUSINESS IDENTIFICATION

Application to be completed on Cloud Permit
Name of Applicant(s) :
Name of Food Truck Owner (if different from above)

Mailing Address (if different)

Municipality:

Postal Code:

Telephone Number:

Mobile Number:

Email Address:

Type of vehicle to be used:

VIN Number:

Licence Plate Number:

Owner of the property:

I/We, the registered owner(s) of the business, hereby acknowledge and certify that:

I/We have read and understand the requirements of the licensing, regulating and governing by-law, and the information pertaining to the business licence for which I/we have applied.

The information contained in this application is true and complete to the best of my/our knowledge and that failure to provide complete or accurate information may delay the licensing process;

The issuance of a licence under this by-law does not permit or condone violations of any by-law, statute or other regulation in effect in the Municipality, Province of Ontario or the Dominion of Canada, and it shall be my/our responsibility to ensure that such applicable legislation is complied with at all times;

The licence will be issued for a one (1) year period and all licences shall expire on December 31 of each year.

_____ _____ _____

Name (please print) *Signature* *Date*

_____

Name (please print) *Signature* *Date*

CHECK LIST FOR SUBMISSION WITH APPLICATION:

NOTE: Only completed applications will be accepted.

Please use the following checklist to ensure that all required documentation is attached to your application form:

Licence Fee	Attached
Site Plan	Attached
Details on Fuel Source, Water Supply and Disposal, Grease Disposal And Waste Disposal	Attached
Grey Bruce Health Services Inspection Report	Attached
Current Propane/Gas Inspection by Certified Gas Technicians	Attached
ESA approval/inspection Report	Attached
Fire Department Inspection Report	Attached
Proof of Liability Insurance Coverage	Attached
If land not owned by the business operator, a letter from the owner of the property authorizing the applicant to conduct such business from the property.	Attached
Letter of Compliance – Ministry of Transportation – County of Bruce	Attached

Personal information on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act and will be used in the preparation of the applicable Council/Committee agenda and posted on the Municipal website. The agenda is a public document and forms part of the permanent public record. Questions about said collection should be directed to the Clerk at (519) 793-3522 X229 or via email at clerk@northernbruce.ca.

SCHEDULE “B” to By-Law 2023-94

REQUIREMENTS FOR FIRE DEPARTMENT APPROVAL

The following requirements must be met for Fire Department approval of Food Truck, which utilizes equipment for the cooking of food;

1. The fire extinguisher shall be mounted in accordance with the requirements of Ontario Fire Code Section 6.2.1.4 (1);
2. All Food Trucks that produce grease laden vapours during food preparation shall be equipped with an exhaust hood / suppression system / Type “K” extinguisher that complies with NFPA 96

SCHEDULE “C” to By-Law 2023-94

LICENCE FEES

The annual licence fee for Food Trucks:	$1500.00
Fee to transfer licence:	$100.00

The Corporation of the Municipality of Northern Bruce Peninsula

PART 1 PROVINCIAL OFFENCES ACT SET FINES
By-law No. 2023-94 Licensing, Regulating and Governing Food Truck Businesses

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Carrying on a Food Truck business without obtaining a licence	Section 2.1	$900.00
2	Operating a Food Truck in contravention of by-law.	Section 2.2	$900.00
3	Transfer or assign a licence issued under this by-law	Section 2.3	$900.00
4	Operate a food truck on private property without written permission of the registered owner	Section 2.4	$900.00
5	Operate food truck which is not maintained in a clean or sanitary condition	Section 2.10	$900.00
6	Permit an accumulation of snow around the food truck	Section 13	$900.00
7	Operate any part of food truck outside of the food truck except to provide garbage, grey water and grease or outdoor seating for patrons	Section 2.15	$900.00
9	Interfere with Officer while carrying out his/her duties to enforce this by-law	Section 5.7	$500.00

Note: the general penalty provisions of the offences listed above is section 5.6 of by-law No. 2023-94, a certified copy has been filed.