

CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BY-LAW NO. 2019-0068 (LI-3)

A BY-LAW RELATING TO OWNERS OF VEHICLES FROM WHICH
REFRESHMENTS ARE SOLD FOR CONSUMPTION BY THE PUBLIC

WHEREAS THE Council of the Town of Georgina may, pursuant to the *Municipal Act*, 2001, S. O. 2001, c.25 as amended, (*"The Municipal Act"*) enact by-laws for the licensing, regulating and governing of businesses and occupations in the Town of Georgina;

AND WHEREAS the Council of the Town of Georgina deems it desirable to enact a by-law to licence refreshment vehicles;

BE IT THEREFORE ENACTED BY THE COUNCIL OF THE TOWN OF GEORGINA:

1. **DEFINITIONS**

For the purposes of this By-law:

"Applicant" means a person applying for a licence to carry on a business, activity or undertaking pursuant to this By-law;

"Application" means an application in the form provided by the Clerk's Division and accompanied by the appropriate fee;

"Blanket Licence" means a licence issued for a specific event by the Licensing Issuer for all refreshment vehicles participating in the one-time event.

"Clerk" means the Town Clerk for the Corporation of the Town of Georgina or his/her designate;

"Committee" means the Committee appointed by Council for such purpose of conducting a hearing;

"Council" means the Council of the Corporation of the Town of Georgina;

"Criminal Record Check" means a certified background check issued by any public police service in Ontario;

"Event Organizer" means the organizer and/or coordinator of an event or festival in the Town of Georgina;

“Fire Chief” means the Fire Chief of the Corporation of the Town of Georgina or his designate;

“Health Department” means York Region Health Services Department or any other agency carrying out the responsibilities of the York Region Public Health;

“Licence” means the certificate or other similar document issued pursuant to this By-law as proof of licensing under this By-law;

“Licensee” means any person who is licensed pursuant to this By-law;

“Licensing Issuer” means the person designated on behalf of the Corporation of the Town of Georgina and or his/her designate to issue licenses under this By-law;

“Licensing Inspector” means any person appointed by the Corporation of the Town of Georgina as a Municipal Law Enforcement Officer for the purposes of enforcing this By-law;

“Motor Vehicle” includes an automobile, a motorcycle, a motor assisted bicycle unless otherwise indicated in this By-law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;

“One-Time Event” means a gathering held in the Town of Georgina, which is an event not exceeding four consecutive calendar days, open to the public, (either free or ticketed), for a cultural, charitable, commercial, entertainment, or cause-related purpose and/or conducted for the purpose of attracting revenue, support, awareness and/or entertainment;

“Operate” means to have care, control or are employed and working in or on a refreshment vehicle whether the vehicle is in motion or not;

“Owner” means a person who is the registered owner of a refreshment vehicle;

“Owner’s Plate” means a numbered metal plate or any other form of identification device issued by the Corporation of the Town of Georgina to an owner licensed pursuant to this By-law;

“Person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

“Police Chief” means the Police Chief of York Regional Police or his/her designate;

“Public Place” means a place to which the general public is invited or permitted access, whether or not for a fee.

“Refreshment” means any food and/or drink intended to be consumed upon purchase;

“Refreshment Vehicle” means a vehicle which is used or is intended to be used for the sale of refreshments and/or food intended to be consumed upon purchase and includes a refreshment vehicle Class 1, Class 2, Class 3 and/or Class 4;

“Town” means the Corporation of the Town of Georgina in the Regional Municipality of York;

“Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including manual power, but does not include a motorized snow vehicle or a street car.

2. VEHICLE CLASSIFICATIONS

For the purposes of this By-law, the following classifications of refreshment vehicles are subject to licensing:

Class 1: means a large vehicle either stationary or mobile, equipped with facilities for cooking, selling, offering for sale, serving and/or dispensing of refreshments, and includes but is not limited to food trucks;

Class 2: means a vehicle that is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments and/or prepackaged items and includes but is not limited to vehicles such as catering trucks and ice cream trucks;

Class 3: mean a trailer/cart that is stationary and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to hot dog carts;

Class 4: means a manual powered cart that is designed for or intended to be used for the selling, offering for sale, serving and/or dispensing of refreshments, and includes but is not limited to bicycle ice cream carts;

3. PROCEDURES AND GENERAL LICENSING PROVISIONS

- (1) No person shall alter, erase or modify a licence or allow the alterations, erasure or modification of a licence without the approval of the Licence Issuer.
- (2) Every application for renewal of a licence shall be delivered to the Clerk's Division no later than 4:30 p.m., thirty (30) days prior to the expiry date of the licence as set out in Appendix "A".
- (3) Every corporate applicant shall file a copy of its incorporating documents, along with any amending document.
- (4) Where two or more persons carry on or engage in partnership in any of the trades, callings, businesses or occupations set out in this By-law, the licence may be issued in the name of one partner only, but when the application for licence is

made, the name and address of each member of the partnership shall be set out therein.

- (5) Every applicant shall file a business registration under the *Business Names Act, R.S.O. 1990, c.B.17* as amended, where the name is other than in name of sole proprietor.
- (6) Every licensee or applicant on request of the Licence Issuer shall file such documentation as is necessary to determine the applicant's compliance with the provisions of this By-law.
- (7) Every person applying for or holding a licence under this By-law shall, in such application or in carrying on or engaging in the trade, calling, business or occupation in respect of which the licence is issued, observe, comply with and to be governed by the regulations set out in this By-law, or any amending By-law which relate to such person.
- (8) Every licensee shall, on request of the Fire Chief, Police Chief, Licence Issuer or Licensing Inspector, produce his/her licence and any other documentation requested.
- (9) Every licensee operating propane or natural gas vehicles shall have annual inspections and shall have affixed to the windshield, a valid windshield sticker issued by a qualified propane or natural gas inspector.
- (10) Every licensee shall post, in a conspicuous place, his/her licence and if the Licence Issuer does not deem posting appropriate shall carry his/her licence with him.
- (11) All plates issued pursuant to this By-law shall remain the property of the Town.
- (12) When the applicant is not the owner of the property from where he/she will be operating such business, trade or occupation he/she will be required to produce a letter from the owner authorizing the use of the property for such purpose.

4. BUSINESS NAME AND CHANGE OF INFORMATION

- (1) A licensee shall carry on business in the Town in the name which is set out on the licence and shall not carry on business in the Town in any other name unless he/she has first notified the Licensing Issuer.
- (2) A licensee shall notify the Licensing Issuer within five (5) days, of any change of name, address or any other information related to the licensee.
- (3) Where a corporation is making an application for a licence under this By-law, the application shall be made by a duly authorized director or officer of that corporation.

- (4) Where the licensee is a corporation, the licensee shall notify the Licensing Issuer of any change in the names and addresses of officers and directors, the location of the corporate head office, change of ownership of shares within five (5) days of the change, and if necessary, the licence shall be returned immediately to the Licensing Issuer for amendment.
- (5) Where a partnership is making an application for a licence under this By-law, the application shall be made by one or more of the partners.

5. ADMINISTRATION

- (1) The Licensing Issuer shall:
 - (a) receive and process all applications for licenses and for renewal of licenses;
 - (b) provide the Georgina Fire Department notification of all applications for which an inspection must be conducted under this By-law;
 - (c) issue all licenses, when an application is made in accordance with the provisions of this By-law;
 - (d) maintain complete records showing all applications received and licenses issued;
 - (e) generally perform all the administrative functions conferred upon the Licence Issuer by this By-law;
 - (f) upon receipt of an application, make or cause to be made all investigations relative to such application as set out in Appendix "B".

6. ANNUAL OWNER REGULATIONS

- (1) Every applicant of an annual refreshment vehicle licence or for the renewal of such licence, shall file with the Licensing Issuer a complete application and provide the following original documentation:
 - (a) a Criminal Record Check for each registered owner issued by any public police service in Ontario and dated within thirty (30) days of the date of application;
 - (b) a copy of one of the following - Business Registration, Business Licence, Partnership Documentation Corporation Documents or Articles of Incorporation;
 - (c) written permission from the property owner where the stationary vehicle operates from, as well as a site plan identifying the number of parking

spaces, building structures, setbacks to lot lines, location of fire hydrants, fire routes and any hazard(s) on site;

- (d) a certificate or letter from York Region Public Health Branch indicating approval for the refreshment vehicle, dated within thirty (30) days of the date of application;
- (e) a certificate of Automobile Insurance in the amount of two million dollars (\$2,000,000), not applicable to Class 4;
- (f) a certificate of General Liability Insurance in the amount of two million dollars (\$2,000,000);
- (g) a Technical Standards and Safety Authority (TSSA) annual inspection document MFSE-002 completed by a licensed gas technician in Ontario, within twelve (12) months of the application or renewal submission date;
- (h) fire protection hood and suppression system inspection report by a qualified technician within six (6) months of the application or renewal submission date;
- (i) portable fire extinguisher inspection report inspected by a qualified technician and shall be in conformance with NFPA 10 within twelve (12) months of the application or renewal date;
- (j) the appropriate licence fee as set out in Appendix "A".

7. OWNER RESPONSIBILITY

- (1) Every owner licensed under this By-law shall:
 - (a) have an approval and/or inspection conducted by the Georgina Fire Department (except for Class 4 vehicles);
 - (b) ensure that a separate licence is taken out for each refreshment vehicle owned or operated by him/her;
 - (c) ensure the plate issued is securely affixed to the rear of the vehicle in a manner approved by the Licensing Inspector;
 - (d) ensure every vehicle from which refreshments are sold shall be of a vehicle classification as stated in this By-law and approved by the Licensing Issuer;
 - (e) whenever required to do so by the Licensing Issuer or Licensing Inspector bring such vehicle for inspection, at the place and time indicated by such person;

- (f) adhere to all health regulations and requirements of York Region Public Health Branch.

8. PROHIBITIONS

- (1) No person shall:
 - (a) operate a refreshment vehicle which is not licensed under this By-law;
 - (b) operate a refreshment vehicle containing commercial cooking equipment (with exhaust and fire protection systems) except in conformance with NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations;
 - (c) operate a refreshment vehicle unless the owner's plate issued by the Licensing Issuer is affixed thereto;
 - (d) operate a refreshment vehicle from any site unless such use is permitted by the Town's Zoning By-law #500 as may be amended from time to time;
 - (e) stop to sell refreshments within one hundred (100) metres of the entrance or exit to any school grounds, public park as set out in Appendix "D" or within one hundred (100) metres of any school ground or public park as set out in Appendix "D";
 - (f) stop to sell refreshments within two hundred (200) metres of a business that sells the same type of product;
 - (g) stop for more than ten (10) minutes any refreshment vehicle on a roadway to sell refreshments unless servicing a construction site or work crew;
 - (h) stop a refreshment vehicle to sell refreshments on any property unless the Town's Zoning By-law #500 indicates that the sale of refreshments is a permitted use for such property;
 - (i) stop a refreshment vehicle to sell refreshments on any property without the written permission of the property owner, clearly identifying the location;
 - (j) operate or stop to sell within thirty (30) metres of any intersection;
- (2) No refreshment vehicle shall operate in a Town park unless permission and a permit has been provided by the Director of Recreation & Culture or designate and the refreshment vehicle has a valid licence.

9. GENERAL REGULATIONS

- (1) Every owner under this By-law shall:
 - (a) be civil and behave courteously;

- (b) wear clean clothes, be clean and neat in appearance, and have clean hands;
 - (c) keep the interior and exterior of the refreshment vehicle clean and in good repair;
 - (d) ensure that all equipment used for dispensing refreshments are kept in a clean and sanitary condition;
 - (e) adhere to all health regulations and requirements as stated by York Region Public Health Branch;
 - (f) ensure that condiments are only dispensed from containers approved by the York Region Public Health Branch;
 - (g) only use single service disposable cups, plates, forks, knives, spoons, serviettes which are individually wrapped or provided in dispensers approved by the York Region Public Health Branch;
 - (h) clean up any debris, refuse and garbage resulting from the operation of the refreshment vehicle and maintain the immediate vicinity in a clean and orderly condition of the serving location of the refreshment.
- (2) No person shall solicit business to a refreshment vehicle through the use of any noise-making device in a manner likely to disturb the public.
- (3) No owner or an employee of the owner shall take, consume or have in his/her possession any alcohol, drugs or intoxicants while operating a refreshment vehicle under this By-law.

10. REFRESHMENT VEHICLE CLASS 1: REQUIREMENTS

- (1) Every Class 1 Refreshment Vehicle shall have:
- (a) a "mirror system" which makes it possible for the driver to complete a 360 degree visual inspection of the area around the refreshment vehicle;
 - (b) a backup warning device that is engaged when the refreshment vehicle transmission is placed in reversed gear;
 - (c) one or more portable fire extinguisher(s) as deemed appropriate and approved by the Fire Chief or his designate;
 - (d) all portable fire extinguishers shall be securely mounted exclusively for such use;
 - (e) all portable fire extinguishers shall be free of defect or damage and maintained in accordance with NFPA 10;

11. REFRESHMENT VEHICLE CLASS 2: REQUIRMENTS

- (1) Every Class 2 Refreshment Vehicle shall have:
 - (a) conspicuously displayed on the rear, in black letters on a yellow background, the words "WATCH FOR CHILDREN" in letters at least 15 centimeters high and the vertical width of such yellow background shall be at least 22.8 centimeters, (only applicable to ice cream trucks);
 - (b) a "mirror system" which makes it possible for the driver to complete a 360 degree visual inspection of the area around the Refreshment Vehicle (only applicable to ice cream trucks);
 - (c) a backup warning device that is engaged when the refreshment vehicle transmission is placed in reversed gear;
 - (d) one or more portable fire extinguisher(s) as deemed appropriate and approved by the Fire Chief or his/her designate;
 - (e) all portable fire extinguishers shall be securely mounted exclusively for such use;
 - (f) all portable fire extinguishers shall be free of defect or damage and maintained in accordance with NFPA 10;
 - (g) all sandwiches, cakes, doughnuts, hot dogs, hamburgers, pies, and other similar foods shall be wrapped and sold in individual servings, and the date of preparation shall be clearly and legibly marked as such on or affixed to the wrapper of all such foods, (only applicable to catering trucks);
 - (h) no prepared foods other than those kept in unopened cans to be sold more than twenty-four hours after their preparation, (only applicable to catering trucks).

12. REFRESHMENT VEHICLE CLASS 3: REQUIREMENTS

- (1) Every Class 3 Refreshment Vehicle shall have:
 - (a) one or more portable fire extinguisher(s) as deemed appropriate and approved by the Fire Chief or his designate;
 - (b) all portable fire extinguishers shall be securely mounted exclusively for such use;
 - (c) all portable fire extinguishers shall be free of defect or damage and maintained in accordance with NFPA 10;

13. ONE-TIME EVENT LICENCE: OPTIONS A, B and C

- (1) When a community or special event is being held in the Town, a refreshment vehicle owner shall not:
 - (a) operate a refreshment vehicle from any Town park or Town recreation facility without permission and an agreement from the Director of Recreation and Culture or designate;
 - (b) operate a refreshment vehicle at an event which has been sponsored by the Town, without first obtaining written permission from the Director of Recreation and Culture or designate;
 - (c) operate a refreshment vehicle at a community event which has been sponsored by a charitable or not for profit organization without first obtaining written permission of the charitable or not for profit organization;
 - (d) operate a refreshment vehicle on any trail in the Town.
- (2) Any One-Time Event Licence shall only be valid for the date(s) and location listed on the licence.
- (3) Every event organizer shall provide the Licensing Issuer complete applications for licence options A, B and C at least 10 days prior to the event.
- (4) No person shall operate a refreshment vehicle without permitting the Licensing Inspector, Fire Chief, or Police Chief to inspect such refreshment vehicle to ensure compliance with the provisions of this By-law.
- (5) No person shall operate a refreshment vehicle without providing to the Licensing Issuer, Licensing Inspector, Fire Chief or Police Chief, upon request all documentation issued in relation to such vehicle by the Town pursuant to this By-law.

14. EVENT REFRESHMENT VEHICLE LICENCE: OPTION A

- (1) Every event organizer shall provide the Licensing Issuer:
 - (a) a list of all refreshment vehicles operating at the event;
 - (b) proof that York Region Public Health has been informed of the event and event date(s);
 - (c) a site plan indicating the placement of the refreshment vehicles in relation to fire routes, fire hydrants, other refreshment vehicles, buildings, amusement rides and any other hazard(s) on site.

- (2) Every event organizer shall obtain and provide the Licensing Issuer the following documents from each refreshment vehicle owner operating at the event:
- (a) completed "One-Time Event Application";
 - (b) a copy of one of the following - Business Registration, Business Licence, Partnership Documentation Corporation Documents or Articles of Incorporation;
 - (c) Certificate of General Liability Insurance in the amount of two million dollars (\$2,000,000.00);
 - (d) a Criminal Record Check for each registered owner issued by any public police service in Ontario and dated within six (6) months preceding the date of application;
 - (e) a Technical Standards and Safety Authority (TSSA) annual inspection report, document MFSE-002 completed by a licensed gas technician in Ontario within twelve (12) months of the event date;
 - (f) fire protection hood and suppression system inspection report by a qualified technician within twelve (12) months of the event date;
 - (g) portable fire extinguisher inspection report inspected by a qualified technician within twelve (12) months of the event date and shall be in conformance with NFPA 10;
 - (h) the appropriate licence fee as set out in Appendix "A".

15. EVENT BLANKET LICENCE: OPTION B

- (1) Every event organizer shall provide the Licensing Issuer:
- (a) completed "One-Time Event Application";
 - (b) a list of all refreshment vehicles operating at the event;
 - (c) proof that York Region Public Health has been informed of the event and event date(s);
 - (d) a site plan indicating the placement of the refreshment vehicles in relation to fire routes, fire hydrants, other refreshment vehicles, buildings, amusement rides and any other hazard(s) on site;
 - (e) Certificate of General Liability Insurance in the amount of five (5) million dollars (\$5,000,000.00) and naming the Town of Georgina as an additional insured;

- (f) a Criminal Record Check from the “event organizer” issued by any public police service in Ontario and dated within six (6) months preceding the date of application;
 - (g) the appropriate licence fee as set out in Appendix “A”.
- (2) Every event organizer shall obtain and provide the Licensing Issuer the following documents from each refreshment vehicle owner operating at the event:
- (a) a Technical Standards and Safety Authority (TSSA) annual inspection report, document MFSE-002 completed by a licensed gas technician in Ontario within twelve (12) months of the event date;
 - (b) fire protection hood and suppression system inspection report by a qualified technician within twelve (12) months of the event date;
 - (c) a portable fire extinguisher inspection report inspected by a qualified technician within twelve (12) months of the event date and shall be in conformance with NFPA 10.

16. EVENT BLANKET LICENCE: OPTION C

- (1) Every event organizer shall provide the Licensing Issuer:
- (a) completed “One-Time Event Application”;
 - (b) a list of all refreshment vehicles operating at the event;
 - (c) proof that York Region Public Health has been informed of the event and event date(s);
 - (d) a site plan indicating the placement of the refreshment vehicles in relation to fire routes, fire hydrants, other refreshment vehicles, buildings, amusement rides and any other hazard(s) on site;
 - (e) Certificate of General Liability Insurance in the amount of five (5) million dollars (\$5,000,000.00) and naming the Town of Georgina as an additional insured;
 - (f) a Criminal Record Check from the “event organizer” issued by any public police service in Ontario and dated within six (6) months preceding the date of application;
 - (g) the appropriate licence fee as set out in Appendix “A”.

- (2) Every refreshment vehicle owner operating at the event shall produce the following documents to the Licensing Issuer, Licensing Inspector, Fire Chief or Police Chief during a mandatory inspection at the event:
 - (a) a Technical Standards and Safety Authority (TSSA) annual inspection report, document MFSE-002 completed by a licensed gas technician in Ontario within twelve (12) months of the event date;
 - (b) fire protection hood and suppression system inspection report by a qualified technician within twelve (12) months of the event date;
 - (c) a portable fire extinguisher inspection report inspected by a qualified technician within twelve (12) months of the event date and shall be in conformance with NFPA 10.
- (3) Refreshment vehicles shall not operate if the required documents under Section 16 (2) are not provided.
- (4) A re-inspection may be requested should the required documentation be produced. The re-fee is set out in Appendix "A".

17. INSPECTION

- (1) The Licensing Issuer, Licensing Inspector, Fire Chief, or Police Chief may at all reasonable times:
 - (a) require an owner to submit the refreshment vehicle for inspections at any time and the owner shall submit each refreshment vehicle for inspection when required to do so;
 - (b) if a refreshment vehicle does not meet all applicable requirements, the owners' plate shall be removed and the owner shall not operate the refreshment vehicle until the owner obtains approval from the Licensing Issuer.
- (2) Failure to submit a refreshment vehicle for inspection may result in the licence being suspended by the Licensing Issuer until such time as the vehicle has been inspected and approved.
- (3) No person shall obstruct a Licensing Inspector, Fire Chief, or Police Chief from conducting an inspection, or withhold, destroy, conceal or refuse to supply an information or thing required for the purpose of the inspection.

18. NOTICE OF NON-COMPLIANCE BY AN INSPECTOR

Where the Licensing Issuer or Licensing Inspector find that any provision of this By-law is being contravened, he may give to the person whom he believes to be in

contravention of the By-law, a notice of non-compliance in writing directing compliance with such provision and may require the notice of non-compliance to be carried out forthwith or within such time as he specifies.

19. GROUNDS FOR REFUSAL TO ISSUE OR RENEW A LICENCE

- (1) An applicant is entitled to be licensed and is entitled to have his licence renewed except where:
 - (a) the past conduct of the applicant or licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he is to be licensed in accordance with the law, and with integrity and honesty;
 - (b) the issuing of the licence or renewal of the licence would be contrary to the public interest;
 - (c) the applicant or licensee is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this By-law, or any other municipal By-law or any other applicable law;
 - (d) where the applicant or licensee is a corporation, the past conduct of an officer or director affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he is to be licensed in accordance with the law;
 - (e) results of a Criminal Record Check provided with any application, or of a search conducted by the Town, identifies a serious conviction or convictions in accordance with the Thresholds set out in Appendix "C" of this By-law.

20. LICENCE ISSUER'S POWER TO REFUSE A LICENCE

The Licensing Issuer may refuse to issue or renew a licence where the licensee would not be entitled to a licence for reasons set out in this By-law.

21. LICENCE ISSUER'S POWER TO REVOKE OR SUSPEND A LICENCE

The Licensing Issuer may revoke or suspend a licence or deny renewal of a licence where the licensee fails to comply with any of the provisions of this By-law.

22. ISSUING A LICENCE ON TERMS AND CONDITIONS

The Licensing Issuer may issue or renew a licence subject to such terms and conditions as are necessary to give effect to this By-law.

- (1) When, for any of the grounds set out in the applicable section of this By-law, an applicant or licensee is not entitled to be licensed or to have his licence renewed, or a licence may be subject to revocation, the Licence Issuer may refuse to issue

or refuse to renew the licence, suspend or revoke the licence, or issue a licence subject to terms and conditions.

- (2) The Licensing Issuer shall provide written notice to be given to the applicant or licensee:
 - (a) setting out the grounds for the revocation, refusal to issue or renew, suspension or the terms and conditions of a licence;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the Licensing Issuer; and
 - (d) inform the applicant or licensee of his right to a hearing before a Committee appointed by Council if he/she delivers a written request for such a hearing within seven (7) days following the date of service.
- (3) The written notice given by the Licensing Issuer shall be sufficiently served if delivered personally or by registered mail addressed to the person to whom notice is to be given at the last address given by that person to the Licensing Issuer. When written notice is given by registered mail, service shall be deemed effective five (5) days from the date of mailing.
- (4) On receipt of a written request for a hearing from an applicant or a licensee, the Licensing Issuer shall schedule the hearing and shall give the applicant or licensee reasonable written notice of the date, time and place of the hearing.
- (5) The provisions of Sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act, R.S.O. 1990*, as amended shall apply to all hearings conducted by the Committee under this By-law.
- (6) When an applicant or licensee who has been given written notice of the hearing does not attend at the appointed time and place, the Committee may proceed with the hearing in his absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.
- (7) At the conclusion of a hearing the Committee shall, as soon as practicable, submit a written report of the hearing to Council and the report shall:
 - (a) summarize the relevant evidence and arguments presented by the parties at the hearing;
 - (b) set out the findings of fact and the recommendations made by the Committee;
 - (c) set out the reasons for the recommendations.

- (8) After giving consideration to the report of the Committee, Council may make any decision with respect to the licence and the applicant or licensee shall not be entitled to any further hearing before Council on the matter and the decision of Council shall be final and binding.
- (9) Where a licence has been revoked or suspended pursuant to this By-law, the Licensing Issuer shall send by registered mail, addressed to the person whose licence has been revoked or suspended at the last address given by that person to the Licensing Issuer, a written notice of revocation or suspension of licence, and upon the mailing of such written notice the licence shall forthwith be revoked or suspended;
- (10) A licensee whose licence has been revoked or suspended shall return the licence and all plates issued by the Licensing Issuer with reference to such licence to the Licensing Issuer within twenty-four (24) hours of service of the notice of revocation, and the Licensing Issuer or Licensing Inspector, may enter upon the business premises or vehicles of the licensee for the purpose of receiving, taking or removing the said licence and plates;
- (11) No person whose licence has been revoked or suspended shall refuse to deliver the licence or plates to the Licensing Issuer or Licensing Inspector or, in any way, obstruct or prevent the Licensing Issuer or Licensing Inspector from receiving or taking the same.
- (12) Notwithstanding any decision of or statement by Council respecting the granting of a licence or application therefore, no person shall be deemed to be licensed to carry on or engaged in the trade, calling, business or occupation for which such licence is required until he has paid the required fee and has received the physical licence, plate, or other evidence of the granting of such licence provided for in this By-law.
- (13) The Licensing Issuer shall sign all licenses issued pursuant to this By-law and the Licensing Issuer's signature may be printed or mechanically reproduced upon each licence issued.

23. ORDERS/REMEDIAL ACTION

- (1) Order to Discontinue Activity - If a person who is operating a refreshment vehicle is in contravention of any of the provisions of this By-law, the Town may issue an order to the owner of the vehicle to discontinue the contravening activity. The order shall set out the particulars of the contravention, the location of the road or land on which the contravention has occurred and the date by which there must be compliance with the order. The order may be served in accordance with this By-law.
- (2) Work Order - If a person who is operating a refreshment vehicle, as defined by this By-law, is in contravention of any of the provisions of this By-law, the Town

may issue a work order to that person, to discontinue the contravening activity. The work order shall set out the particulars of the contravention, the location of the road or land on which the contravention has occurred and the date by which there must be compliance with the order. The order shall be served in accordance with this By-law.

- (3) Remedial Action – If the Town has the authority under this By-law or any other Act to direct or require a person to do a matter or thing, via an order, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense.
- (4) When a person has been convicted of an offence under this By-law, the Ontario Court of Justice, or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

24. SERVICE OF ORDERS AND NOTICES

- (1) An order or notice issued under this By-law may be served personally or by registered mail sent to the last known address of the person to be served, as indicated on the Town's assessment roll or application.
- (2) If an order or notice is served on a person by registered mail, it shall be deemed to have been served on the person on the 5th day after the date of its mailing.

25. POWER OF ENTRY

- (1) The Licensing Issuer, Licensing Inspector, Fire Chief or Police Chief, may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (a) the provision of this By-law;
 - (b) an order issued under this By-law; or
 - (c) an order made under Section 431 of the *Municipal Act*.
- (2) Where an inspection is conducted by the Town, the person conducting the inspection may;
 - (a) require the production for inspection of documents or things relevant to the inspection;

- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
 - (c) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take test, samples or photographs necessary for the purpose of inspection.
- (3) The Licensing Issuer, Licensing Inspector, Fire Chief or Police Chief, may undertake an inspection pursuant to an order issued under Section 438 of the *Municipal Act*.
- (4) The Town's power of entry may be exercised by an employee, officer or agent of the Town or by a member of a police force with jurisdiction, as well by any person under his or her direction.

26. PENALTY

- (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 in the *Provincial Offences Act, R.S.O. 1990, C. P. 33, as amended*.
- (2) Every person who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
- (3) If a corporation has contravened a provision of this By-law, including an order issued under this By-law, every director and officer who knowingly concurred in such a contravention is guilty of an offence.
- (4) If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- (5) Every person who is guilty of an offence under this By-law shall be subject to a fine of not less than \$350.00 and not more than \$100,000.00.

27. LATE PENALTY

In addition to the fee required to be submitted as set out in Appendix "A", late penalty equal to 50% of the fee must also be submitted with a renewal application if the renewal application is being submitted after the expiry date set out in Appendix "A".

28. INTERPRETATION

- (1) In this By-law, unless the context otherwise requires, words importing the singular number shall include the plural and words importing the masculine gender shall include the feminine.
- (2) All appendices to this By-law shall form part of the By-law.
- (3) In the event of conflict between any of the general provisions of this By-law and any provisions set out in the Schedules hereto, the provisions of the Schedule shall prevail.

29. SEVERABILITY

Every provision of this By-law is declared to be severable from the remainder of the By-law and if a court of competent jurisdiction shall declare any provision of this By-law invalid such declaration shall not affect the validity of the remainder thereof.

30. SHORT TITLE

This By-law may be referred to as the "Refreshment Vehicle Licensing By-law".

31. REPEAL

Upon adoption of this By-law, Schedule 10 (Relating to Owners or Operators of Vehicles from which Refreshments are sold for Consumption by the Public) and all subsequent amendments to Schedule 10 or any associated or related appendices, to Schedule 10 under By-law Number 2002-0169 (LI-3), are hereby repealed.

READ and enacted this 17th day of July, 2019.


Margaret Quirk, Mayor


Rachel Dillabough, Acting Town Clerk

APPENDIX "A" TO BY-LAW NO. 2019-0068 (LI-3)

ANNUAL REFRESHMENT VEHICLE LICENCE FEES			
CLASSIFICATION		FEE	Expiry Date
CLASS "1"	OWNER PLATE – Initial Fee	\$350.00	One year from issue/ As stipulated on licence
CLASS "2"	OWNER PLATE- Initial Fee	\$350.00	One year from issue/ As stipulated on licence
CLASS "3"	OWNER PLATE – Initial Fee	\$350.00	One year from issue/ As stipulated on licence
CLASS "4"	OWNER PLATE- Initial Fee	\$100.00	One year from issue/ As stipulated on licence
RENEWALS	CLASS 1 to 3	\$200.00	
RENEWALS	CLASS 4	\$ 50.00	

ONE-TIME EVENT LICENCE FEES		
CLASSIFICATIONS	FEE	Expiry Date
Option A Option B Option C	<ul style="list-style-type: none"> • 5 vehicles or less - \$ 50.00 each • 6 to 10 vehicles - \$300.00 • 11 to 15 vehicles - \$400.00 • 16 plus vehicles - \$500.00 	Duration of event not to exceed 4 consecutive days

REFRESHMENT VEHICLE RE-INSPECTION FEE	
CLASSIFICATIONS	FEE
Option A, B and C	Vehicle re-inspection \$50.00

APPENDIX "B" TO BY-LAW NO. 2019-0068 (LI-3)

BUSINESS LICENCE	COMMENTS AND/OR INSPECTIONS OBTAINED FROM
Refreshment Vehicle	Georgina Fire Department York Region Health Department Department of Development Services Municipal Law Enforcement

APPENDIX "C" TO BY-LAW NO. 2019-0068 (LI-3)

Refreshment Vehicles
 Town of Georgina – Threshold Limits
 Business Licensing - Standard Character for Terms, Conditional Issuance,
 Refusal, Suspension, Revocation of Licenses, Applications and Renewals

Code	Conviction Type	For All New Applications/One-Time Event
A	Criminal Code Criminal Negligence Controlled Drug & Substances	Refuse Licence if 2 or more Criminal Code or Controlled Drugs & Substance Act convictions within 2 years of the application date.
B	Criminal Code Criminal Negligence Controlled Drug & Substances	Refuse Licence if 3 or more Criminal Code or Controlled Drugs & Substance Act convictions within 5 years of the application date.
C	Criminal Code	Refuse Licence if convicted of a Criminal Code offence where the sentence imposed was 5 years or longer.
D	Criminal Code	Refuse Licence for any Criminal Code convictions and/ or pending charges for a sexual offence including pornography at any time.
E	Criminal Negligence Highway Traffic Act	Refuse Licence if 1 Criminal Negligence or Impaired Driving conviction within 1 year of application date.
F	Criminal Negligence	Refuse Licence if 2 Criminal Negligence between 1 and 4 years old from application date.
G	Criminal Code	Issue Conditional Licence for 1 year if convicted of 1 Criminal Code conviction within 5 years of application date.
		For All Renewals
H	Criminal Code	Refuse licence if 2 or more Criminal Code convictions within 2 years of the application date.
I	Criminal Code	Refuse licence if 3 or more Criminal Code convictions within 5 years of the application.
J	Criminal Code	Refuse licence for any criminal code convictions for sexual offence related charges including pornography at any time.
K	Criminal Code	Issue Conditional Licence for 30 days pending Criminal Code, Controlled Drugs & Substance, or Criminal Negligence charges with review after trial outcomes.
L	Criminal Code	Issue Conditional Licence for 1 year if convicted of 1 criminal conviction within 5 years of annual renewal date.
M	Criminal Code Criminal Negligence Controlled Drug & Substances	Conversion to Conditional Licence pending disposition of any licensee charged with a Criminal Code, Criminal Negligence, and Controlled Drugs & Substance violation when charged while licensed.

APPENDIX "D" TO BY-LAW NO. 2019-0068 (LI-3)

No owner of a refreshment vehicle shall operate in a Town of Georgina park unless permission and a permit has been provided by the Director of Recreation & Culture or designate and the refreshment vehicle has a valid Refreshment Vehicle Licence or a One-Time Event Licence.

This By-law acknowledges that the following Town parks are in existence at the time of adoption of this By-law:

1. North Gwillimbury Park in Roches Point
2. De La Salle Park in Jackson's Point
3. Holmes Point Park in Pefferlaw
4. Willow Beach Park in Willow Beach
5. Jackson's Point Harbour/Bonnie Park in Jackson's Point
6. Claredon Beach Park in Keswick
7. Willow Wharf in Willow Beach

