

**BY-LAW NUMBER 50-06**

**SCHEDULE 1 – MOBILE REFRESHMENT SALES**

**1. Definitions**

- 1.1 **Fuel Safety Branch** means the Fuel Safety Branch of the Ministry of Consumer and Commercial Relations.
- 1.2 **Medical Officer of Health** means the Medical Officer of Health of the Brant County Health Unit or their designate.
- 1.3 **Refreshment** means any item of food or drink for human consumption.
- 1.4 **Vehicle** includes a motor vehicle, trailer, cart, bicycle and any vehicle capable of being drawn, propelled or driven by any kind of power including muscular power.
- 1.5 **Ice cream Vendor** means a *person* who sells single serving ice and ice cream products from a pedal driven *vehicle*.

**2. License Required**

Any *person* conducting a *Mobile Refreshment Sale* must obtain a *license* pursuant to this schedule, except where the sale is conducted by a non-profit organization and the food is prepared using a C.S.A or U.L. approved non-commercial barbeque, sold for normal household use.

**3. Exemption**

This schedule does not apply to a *Mobile Refreshment Sale* conducted as part of an annual fall fair on Agricultural Society property.

**4. Separate License Required**

A separate *license* is required for each *vehicle* or fixed sale location and such *license* shall be known as a "*Mobile Refreshment Sale License*".

**5. Zoning Requirements**

The *licensee* must operate in compliance with the zoning by-law and where the operation is from a fixed location, the applicant, upon first application for that location, must provide a zoning certificate verifying that the proposed location does not contravene the applicable Zoning By-law.

6. **Outstanding Orders**

The applicant must satisfy any outstanding orders against the *vehicle* or *premises* prior to the issuance of a *license*.

7. **Health Unit Certification**

Every applicant must provide annually, certification from the *Medical Officer of Health* stating that the food premise for which the *license* is being sought, meets the applicable requirements for food *premises* contained in Ontario Regulation 562/90 pursuant to the Health Protection and Promotion Act, R.S.O. 1990, as amended.

8. **Propane Certification**

Where propane fueled appliances are used in the operation of the *business*, the applicant must provide annually, certification from a Certified Propane Fitter, who is or is employed by a contractor registered by the *Fuel Safety Branch* of the Ministry of Consumer and Commercial Relations, that the appliances have been inspected in the past thirty (30) days and have been installed and are operating in compliance with the propane storage handling regulation, Technical Standards and Safety Act 2000, S.O. 2000, c. 16, O. Reg. 211-01.

9. **Fire Code Compliance**

Where the *business* is equipped with combustible fueled appliances or where otherwise required by the Chief Fire Official, the applicant shall submit to an annual inspection of the fire extinguishing system and comply with any directions issued by the Chief Fire Official or their designate.

10. **Fire Separation Compliance**

The *licensee* must ensure that any *vehicle* equipped with combustible fuelled appliances, is not operated within ten feet of any structure, door, window, or opening including any alcove or alley.

11. **Sale Location on Municipal Property**

*Council* approval is required when the proposed sale location is on municipally owned property.

12. **Insurance Requirements (Sales from Municipal Property/Road Allowance)**

Where *Council* approval to operate on municipal property has been granted, the applicant must file with the Corporation proof of public liability insurance in the amount of \$2,000,0000, naming the Corporation as an additional insured and shall save and hold harmless the municipality in respect to any and all occurrences with respect to the operation of the *business* on municipal property.

13. **Site Requirements**

Except where otherwise exempted by *Council*, the *licensee* shall ensure that every *vehicle* used for *refreshment sales* from a fixed location shall be situated on a surface of asphalt or concrete capable of supporting the weight of the *vehicle* and such surface must cover the ground fronting the *vehicle* along its entire length and extending out in front of the *vehicle* a distance of two (2) metres.

14. **Refuse Container**

The *licensee* must provide on site and accessible to patrons, a non-combustible garbage container complete with a lid and a recycling container, both sized to accommodate one day's waste.

15. **Name and License Number to be Displayed**

The name and *license* number of the *licensee* shall be displayed on the outside of the *vehicle* in characters a minimum of 10 centimetres in height, in a place clearly visible to patrons.

16. **Restrictions on Sales from Pedal Driven Vehicles**

The *licensee* shall not conduct sales from any *vehicle* on any four lane highway or on any highway on which there is a speed limit in excess of 50 km per hour, or in an area where parking or stopping is prohibited.

17. **Age Restrictions**

The *licensee* shall not permit any pedal driven *vehicle* to be operated by any *individual* under the age of 14 years. The *licensee* shall provide the *County* with a current list of all operators, which includes their name, address, and a copy of their birth certificate. The *licensee* must notify the *County* of any changes to the list of operators. Where the operator has reached the age of majority, a Police Record Clearance Certificate must be provided.

**18. Operational Requirements**

The *licensee* must conduct the *business* and maintain all equipment in compliance with Propane Storage and Handling regulation, O. Reg. 211 / 01 under the Technical Standards and Safety Act 2000, S.O. 2000, c. 16, as amended, the Ontario Regulation 562/90 for Food Premises under the Health Protection and Promotion Act, R.S.O. 1990, as amended, the Ontario Fire Code, Ontario Regulation 388/97 under the Fire Protection and Prevention Act, S.O. 1997, as amended, the *County* Property Standards By-law and any other applicable legislation or County of Brant By-law, as a condition of the *license*.