

**THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND**

**BY-LAW NUMBER 2017-84**

**BEING A BY-LAW TO PROVIDE FOR THE LICENSING, REGULATING, AND GOVERNING CHIP WAGONS IN THE CITY OF CLARENCE-ROCKLAND**

**WHEREAS** the Municipal Act, 2001, C.25, S 151 states that a municipality may provide for a system of licenses with respect to a business, and may 151(b) refuse to grant a license, and 151(c) may impose conditions as a requirement of obtaining, continuing to hold, or renewing a license;

**AND WHEREAS** the Council of the Corporation of the City of Clarence-Rockland chooses to exercise its discretion to license the operation of "Chip Wagons" within the City of Clarence-Rockland;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND ENACTS AS FOLLOWS:**

**1. DEFINITIONS:**

In this by-law:

"By-Law Enforcement Officer" shall mean a person duly appointed by the Corporation of the City of Clarence-Rockland for the purpose of enforcing or carrying out the provisions of Municipal by-laws or his designate

"Chip Wagon" shall mean a vehicle from which food, refreshments or confections are sold, either temporarily mounted on blocks or supported by a conventional wheel, tire or axle system.

"corner sight triangle" means the portion of a corner lot within the triangular area formed by measuring 6 metres in each direction from the point where two property lines intersect at the street lot line corner;

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

"Driveway sight triangle" means the triangular area formed by measuring 4.5 metres down the driveway and 4.5 metres down the side lot line abutting a street.

"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 the like, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

"Municipality" shall mean the Corporation of the City of Clarence-Rockland

"Owner" shall mean the owner or operator of the Chip Wagon

"Road Allowance" shall mean all allowances for roads, except insofar as they have been stopped up according to law, made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them or on which statute labour has been usually performed, all roads dedicated by the owner of the land to the public use and all alternations and deviations of all bridges over any such allowances for highway or road.

"Shoulder" means the un-travelled portion running along either side of a highway.

"Site Plan" means a drawing of a site which includes all the applicable measurements of the Chip Wagon and the surrounding area within 100 metres of the site and on which all buildings and structures, streets, and services are indicated.

## **2. LICENSE REQUIRED**

- 2.1 No person shall, within the limits of the City of Clarence-Rockland, sell refreshments from a Chip Wagon without first having obtained a license for that purpose.
- 2.2 No person shall operate a Chip Wagon and fail to display the license in a conspicuous place clearly visible to the public at all times when the Chip Wagon is in operation.
- 2.3 No person shall operate a Chip Wagon that is not in compliance with the approved site plan drawing.

## **3. LIMITATIONS AND RESTRICTIONS**

- 3.1 Chip Wagons are not permitted in the following areas, as defined in the Official Plan of the United Counties of Prescott and Russell:
  - i) Community Policy Area of Clarence Point;
  - ii) Agricultural Resource Policy Area, and
  - iii) Mineral Aggregate Resource Policy Area (quarries and pits)
- 3.2 No Chip Wagon will be permitted to locate within 150 metres of an existing establishment offering the same or similar service or another Chip Wagon.
- 3.3 No Chip Wagon will be permitted to locate on a property adjacent to Laurier Street in Rockland, between Simoneau Street and Laporte Street.

- 3.4 No Chip Wagon shall be located:
- i) on any highway or street, road allowance or shoulder;
  - ii) within a "corner sight triangle" or a "driveway sight triangle"
- 3.5 Prior to beginning operation of a Chip Wagon on land which abuts a highway under the jurisdiction of the Province of Ontario, or is within the distance of a highway which is regulated by the Province of Ontario through the Ministry of Transportation, the licensee shall file with the Clerk written confirmation of acceptance of the intended location from the Ministry.
- 3.6 Notwithstanding Section 2 and 3.2 of this by-law, a Chip Wagon that is to be erected for a period of less than 4 days and used in conjunction with a special event is not subject to the requirements of this by-law.

#### **4. GENERAL REQUIREMENTS**

- 4.1 A Chip Wagon may only operate from a commercially zoned property, and must comply with the setback requirements for the zone.
- 4.2 The owner of a Chip Wagon shall provide on-site parking spaces in accordance with the zoning by-law requirements.
- 4.3 The owner of the Chip Wagon shall provide adequate trash receptacles at the site on which the Chip Wagon is located and shall maintain the site in a clean and sanitary condition at all times.
- 4.5 The owner of a Chip Wagon shall ensure that washroom facilities are available for patrons and staff.

#### **5. APPLICATION FOR A LICENCE**

- 5.1 Every application for a License to operate a Chip Wagon shall be made on the standard application form, attached as Schedule "A" to this by-law, and shall include the required fee, as listed on Schedule "B" to this by-law. Both Schedules being attached to and forming part of this by-law.
- 5.1.1 Acceptance of the license fee does not constitute approval of the application or obliges the Municipality to issue a license.
- 5.1.2 Every fee paid under 5.1 is refundable if the license applied for is not granted
- 5.2 Every application submitted will be accompanied by a site plan drawing. No license 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 unit on the property, including set back from property line and road allowance;
- ii) the location and number of proposed parking spaces;
- iii) proposed access to the property from the highway;
- iv) location of trash receptacles; and
- vi) washroom facilities.

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

5.2.1 Before a license under this by-law is issued by the City of Clarence-Rockland, the owner shall meet with a Planner to review the intended site.

5.3 The application is to include information on:

- i) fuel source;
- ii) water supply and disposal, including grey water;
- iii) grease disposal methods; and
- iv) waste disposal arrangements.

5.4 The applicant shall include with his/her application:

- (i) A certificate from the Eastern Ontario Health Unit confirming that the Chip Wagon 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) A written statement from the applicable Fire Chief or his designate stating that the unit complies with the Ontario Fire Code, valid for the year in which the permit is to be issued.
- (iv) Proof that the owner has obtained a minimum of one million dollars (\$1,000,000.00) liability insurance for the operation of the Chip Wagon, valid for the year in which the permit is to be issued.
- (v) If the Chip Wagon is located on land not owned by the Chip Wagon owner, a letter from the owner of the property on which the Chip Wagon will be situated, authorizing the applicant to conduct such business from the property, valid for the year in which the

permit is to be issued.

## **GENERAL PROVISIONS**

6. The granting of a license under this by-law does not constitute permission for the licensee to operate in contravention of any by-law or statutory requirements.
7. For the purpose of enforcement of the provisions of this by-law, the by-law officer may enter upon land and into buildings at any reasonable time without a warrant.
8. Any license granted hereunder may be revoked at the discretion of the Council of the City of Clarence-Rockland if the provisions and policies contained herein are not adhered to by the holder of the said license at all times.
9. Every license issued pursuant to this by-law shall be valid until the 31<sup>st</sup> day of December in the year in which the license was issued, or until the said license is revoked or suspended. No refund of the license fee shall be paid if the license is revoked or suspended.
10. A person to whom a license is granted may apply in writing to the Municipality for permission to have his license transferred to another vehicle or to another owner, and such permission will not be unreasonably withheld. In order to transfer a license, the current license is to be surrendered to the Municipality and a transfer fee paid as listed on Schedule "B".

## **11. Offence**

- 11.1 Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction shall forfeit and pay a penalty as provided for in the Provincial Offences Act, 1990, R.S.O., Chapter P.33, and amendments thereto.
- 11.2 Each day that a person operates a business in contravention to this By-law shall constitute a separate offence.
- 11.3 When a person has been convicted of an offence under this By-law, any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

## **12. Headings Not Part of the By-law**

The headings in the body of this by-law are used for convenience or reference only and do not form part of the by-law.

**13. Severability**

Should any section or subsection of this by-law or any part or parts thereof be found by law to be illegal or beyond the power of Council to enact, such section or subsection of part or parts thereof shall be deemed to be severable so that the remainder of this by-law is separate and therefore enacted as such.

**14. Repeal**

That By-law No. 2007-38 be and is hereby repealed.

**15. Force and Effect**

This by-law shall come into force and effect upon the final passing thereof.

**READ, PASSED AND ADOPTED IN OPEN COUNCIL THIS 19<sup>th</sup> DAY OF June, 2017.**

  
\_\_\_\_\_  
Guy Desjardins, Mayor

  
\_\_\_\_\_  
Monique Ouellet, Clerk

SCHEDULE "A" to By-Law 2017-84

CITY OF CLARENCE-ROCKLAND APPLICATION TO OPERATE A CHIP WAGON

New Business \_\_\_\_\_ Renewal \_\_\_\_\_

APPLICANT-BUSINESS IDENTIFICATION

Name of Applicant(s) : \_\_\_\_\_

Name of Unit Owner (if different from above) \_\_\_\_\_

Address of Applicant \_\_\_\_\_

Mailing Address (if different) \_\_\_\_\_

City: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Telephone Number: Home \_\_\_\_\_

Business \_\_\_\_\_

Type of vehicle to be used: \_\_\_\_\_

VIN Number: \_\_\_\_\_

Proposed location: \_\_\_\_\_

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

The license will be issued for a one (1) year period and all licenses 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:

License Fee (5.1) Attached \_\_\_\_\_

Site Drawing (Section 5.2) Attached \_\_\_\_\_

Details on Fuel Source, Water Supply and Disposal, Grease Disposal  
And Waste Disposal (Section 5.3) Attached \_\_\_\_\_

East Ontario Health Unit Inspection Report  
(Section 5.4.i) Attached \_\_\_\_\_

Current Propane/Gas Inspection by Certified Gas Technicians  
(Section 5.4.ii) Attached \_\_\_\_\_

Fire Department Inspection Report (Section 5.4.iii) Attached \_\_\_\_\_

Proof of Liability Insurance Coverage (5.4.iv) Attached \_\_\_\_\_

If land not owned by the Chip Wagon owner, a letter from the owner of the property  
authorizing the applicant to conduct such business from the property.  
(If required Section 5.4.v) Attached \_\_\_\_\_

Letter of Compliance – Ministry of Transportation  
(If required – Section 3.4) Attached \_\_\_\_\_



**SCHEDULE "B" to By-Law 2017-84**

**License Fees:**

The annual license fee for a Chip Wagon:	\$ 500.00
The daily license fee for a Chip Wagon:	\$ 50.00
Fee to transfer license:	\$ 25.00

**SCHEDULE "C" to By-Law 2017-84**

**Proposed Set Fines**

Operate a Chip Wagon without obtaining a license	\$ 500.00
Fail to display the license when the Chip Wagon is in operation	\$ 300.00
Operate a Chip Wagon not in compliance with the approved site drawing	\$ 500.00
Fail to provide on-site washroom facility	\$ 500.00
Fail to provide adequate garbage receptacles	\$ 500.00