

THE CORPORATION OF THE VILLAGE
OF SOUTH RIVER

By-Law Number 7-93

Being a by-law to Licence
Mobile Food Vendors and Hawkers and Peddlars

WHEREAS the Municipal Act, Section 236 (11), Chapter M.45, R.S.O. 1990 empowers municipalities to enact By-Laws 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 Municipal Act, Section 234 (1), Chapter M.45, R.S.O. 1990 empowers municipalities to enact By-Laws for licensing, regulating and governing persons who go from place to place or to a particular place with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards;

AND WHEREAS the Corporation of the Village of South River does hereby deem it advisable to licence Mobile Food Vendors, and Hawkers and Peddlars.

NOW THEREFORE, the Corporation of the Village of South River enacts as follows:

Mobile Food Vendors

- 1) No person shall operate a refreshment vehicle within the Municipality without having first obtained a licence to commence such an operation from the Clerk of the Municipality.
- 2) Sales of refreshments shall be only made on properties which are in conformity with the Comprehensive Zoning By-Law of the Village of South River, as amended.
- 3) No person shall operate a refreshment vehicle or obtain a municipal licence without first having obtained a Certificate from the Medical Officer of Health.
- 4) No person shall operate a refreshment vehicle without having first received an inspection report from the Chief Fire Official and the Chief Building Official.
- 5) No person shall operate a refreshment vehicle without having first obtained an inspection report from a licensed propane service depot, if applicable.
- 6) No person shall operate a refreshment vehicle unless the licence is displayed in a prominent position inside the refreshment vehicle.
- 7) The Council may at any time after a hearing is held on notice to the licensee revoke any licence held by the licensee for cause. Without limiting the generality of the foregoing, Council may suspend a licence for:
 - a) Breach of the Criminal Code of Canada;
 - b) Any violation of the provisions of this By-Law;
- 8) No person shall operate a refreshment vehicle at a distance of 250 feet from any restaurant or any other eating establishment. Such distance shall be measured from the Building where the eating establishment is located.

This By-Law was amended
by By-Law No. 7-96
Dated April 29, 1996

By-Law to licence Mobile Food Vendors, etc.

- 9) The sale of refreshments or confections including without the generality to the foregoing: french fries, pogos, candy, peanuts, popcorn, ice-cream, ice-cream cones, ice milk and iced confectionery, hot dogs from a basket or wagon, cart or other vehicle shall comply as per Schedule "A" of this By-Law.
- 10) The licence granted hereunder shall permit the operator of the refreshment vehicle for the calender year in which it was issued and shall not be valid thereafter unless renewed or re-issued as per Schedule "A" of this By-Law. The fee payable upon the issue of each licence and on any renewal or re-issue shall be the sum as set out in Schedule "A" of this By-Law.

Hawkers and Peddlars

- 11) No person shall go from place to place or to a particular place with goods, wares or Merchandise for sale or carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the Village afterwards without being licensed to do so under the provisions of this By-Law.
- 12) The application for a licence under this By-Law shall be in writing on forms to be provided by the Village and shall be fully completed and contain the following information:
- i) The full name, residence address, business address and telephone numbers of the applicant and each partner, if any;
 - ii) If the applicant is a company, corporation, club or organization, the head office address, business address and telephone numbers as well as the full names, addresses and telephone numbers of the principal officers thereof;
 - iii) The names, addresses and telephone numbers of the firms represented by the applicant;
 - iv) A complete list of the goods, wares or merchandise intended to be sold;
 - v) The names, addresses and telephone numbers of the manufacturers or suppliers of the goods, wares or merchandise intended to be sold;
 - vi) The names, addresses and telephone numbers of three character references and three business references.
- 13) The applicant, at the time of making application for licence, shall furnish the Municipal Clerk with true copies of all forms of contract, promissory notes or other documents intended to be used by the applicant in connection with the sale of goods, wares or merchandise as aforesaid.
- 14) The Municipal Clerk shall make all proper investigations pertaining to the applicant for a licence as aforesaid and shall report thereon to Council when making their recommendation.
- 15) A licence issued pursuant to the provisions of this By-Law shall not be transferable.
- 16) Every person licensed under this By-Law, upon changing his address, shall give written notice thereof to the Municipal Clerk within ten (10) days after such change, setting forth his new address.

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- 17) The provisions of this By-Law shall be enforced by the Municipal Clerk.
- 18) No licence under this By-Law shall be required for hawking, peddling or selling goods, wares or merchandise:
 - i) to wholesale or retail dealers in similar goods, wares or merchandise, or
 - ii) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides, or
 - iii) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm, or
 - iv) if the goods wares or merchandise are hawked, peddled or sold by a person who pays business tax in the Village or by his employee, or by his agent, or
 - v) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the Village in respect of premises used for sale of such goods, wares or merchandise or
 - vi) by persons who sell milk or cream or fluid milk products to the consumer or to any person for re-sale.
- 19) The provisions of this By-Law shall not apply to any institution, organization or club in the Village where the proceeds from the sale of goods, wares or merchandise will be used for charitable, philanthropic, religious, welfare, community, athletic, educational or fraternal purposes within the Village and, without in any way limiting the generality of the foregoing, shall not apply to the following institutions, organizations or clubs within the Village:
 - (a) Service Clubs;
 - (b) Boy Scouts and Girl Guides;
 - (c) Such other institutions, organizations or clubs as the Council, by Resolution, may approve.
- 20) Any person convicted of a breach of any of the provisions of this By-Law shall forfeit and pay, at the discretion of the convicting Provincial Court Judge, a fine or penalty not exceeding the sum of five hundred dollars (\$500.00) for each offence, exclusive of costs, to be recoverable under the Provincial Offences Act.
- 21) Any person convicted of a breach of any of the provisions of this By-Law by a Provincial Court Judge or competent jurisdiction thereafter any, in addition to any other penalty imposed on the person convicted, issued an order prohibiting the continuation or repetition of the offence or the doing of any act by the person convicted directed towards the continuation or the repetition of the offence.
- 22) That By-Law 8-75 be hereby repealed.

READ a first time this 22nd day of March, 1993.

READ a second and third time and finally passed this 4th day of May, 1993.

SEAL

Brian Edward
Reeve

Michael V. ...
Clerk-Administrator

This By-Law was amended
by By-Law No. 7-96
Dated April 29, 1996

SCHEDULE "A" - By-Law 7-93

Mobile Food Vendors

Refreshment Vehicle: \$250.00
(Per vehicle)

Refreshment Vehicles that are pulled or pushed
by human, muscular power that serves hot dogs
or any hot foods: \$250.00
(per cart)


Refreshment Vehicles that are pulled or pushed
by human, muscular power that serves cold food
or non-cooked food on the unit: \$75.00
(per cart)

Hawkers and Peddlars

Residents of South River: \$250.00
(Annually)

Persons who have not continuously resided
in South River for one year prior to the
application: \$500.00
(Annually)

SEAL


Reeve


Clerk-Administrator