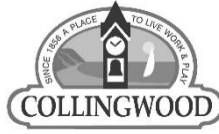


**BY-LAW No. 2022-011
OF THE
CORPORATION OF THE TOWN OF COLLINGWOOD**



BEING A BY-LAW TO AMEND SCHEDULE "E" OF BY-LAW NO. 2010-064,
TO LICENCE FOOD VENDORS WITHIN THE TOWN OF COLLINGWOOD

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a local municipality may license and regulate any business, wholly or partly carried on within the municipality, even if the business is being carried on from a location outside the municipality;

AND WHEREAS the Council of the Town of Collingwood passed and enacted By-law No. 2010-064, being a by-law to provide for the licensing and regulation of various businesses in the Town of Collingwood including but not limited to food vendors;

AND WHEREAS Council deems it expedient to amend Schedule E – Food Vendor of By-law No. 2010-064 with respect to Food Vendor Licensing in the Town of Collingwood;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

1. **THAT** Schedule E - Food Vendors of By-law No. 2010-064 be hereby deleted and replaced with Schedule "E" attached hereto;
2. **THAT** this By-law shall come into full force and effect on the date of final passage hereof at which time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law.

ENACTED AND PASSED this 21st day of March, 2022

MAYOR

CLERK

SCHEDULE E – FOOD VENDOR

1. Application of Schedule E – Food Vendors

- 1.1 Schedule E shall pertain to every person selling or providing food that is intended for immediate consumption through the use of a motorized or non-motorized vehicle and / or equipment that is mobile or temporary in nature.

2. Definitions

- 2.1 In this by-law:

- a) **“Food Wagon”** means an immobile vehicle, either mounted on blocks or supported by a conventional wheel, tire and axle system from which food or beverages are provided for sale or sold, or prepared for sale and sold.
- b) **“Food Premises”** means a vehicle or other mobile or temporary food premises or structure from which food therein is provided for sale or sold to members of the public.
- c) **“Food Sales”** means the sale of food.
- d) **“Food Vendor”** means a person or persons selling confection, food and/or beverage items from one of the following:

“Class A - Motorized Food Sales” means the sale of food that is primarily based from a motorized mobile unit or trailer which includes any “motor vehicle” as defined by the *Highway Traffic Act*, and includes but is not limited to food trucks, food wagons, motorized ice cream vehicles and Ministry of Transportation licenced/plated trailers hauled by a motor vehicle.

“Class B – Non-motorized Food Sales” means the sale of food that is primarily based from a non-motorized, muscular powered, or stationary equipment other than food wagons, and shall include but not be limited to bicycle refreshment carts, portable barbeques or grills, tables, and coolers.

- e) **“Special Event”** means a one-time, annual or infrequently occurring event, exhibition, concert, festival or other organized public amusement held for profit or otherwise, licensed under the Town’s Special Event By-law.
- f) **“Town Property”** means land and premises owned by the Town of Collingwood, including municipal parks and sidewalks, but does not include the portion of a highway used for vehicular traffic.

3. Exemptions – Food Vendor

- 3.1 Caterers or catering services not engaged in food sales to the general public.
- 3.2 Food services conducted inside a permanent fixed facility, and properly zoned for such use.
- 3.3 Food vendors operating within the Downtown Farmers Market during the operation of the market.
- 3.4 Food Vendors operating under a Special Event licensed under the Town’s Special Event By-law.

4. Annual Licence Fee – Food Vendor

- 4.1 All licence fees are provided for in the annual Fees and Service Charges By-law.
- 4.2 Class B Licences are exempt from relocation fees.

5. Application Requirements – Food Vendor

5.1 Class A or Class B Food Vendor Licence

A person who wishes to operate as a Class A or Class B Food Vendor shall make an application for a licence under this By-law. In the case where the operator does not own the vehicle to which a licence application is made, the application shall be a joint application by both the owner and operator of the food vendor.

Applications may be submitted electronically, where applicable. All applications for licences must be made at least ten (10) regular business days prior to commencing operations. Food Vendors are not permitted to operate until a License has been issued by the Town.

The following items shall be submitted to the Licensing Officer when applying for a Class A or Class B Food Vendor Licence:

- a) A completed and signed application form including the type(s) of food to be sold and the address of any off-site premises at which food is to be prepared and cooked, with a sample menu or general description of the food to be offered for sale.
- b) Applications for food sales on private property must be accompanied by a letter from the owner of the private property authorizing permission to operate such food sales.
- c) A detailed site plan showing the proposed location of the food sale/service and is to include any adjacent structures, the distance from the adjacent structures, municipal sidewalk and/or road, along with any other information that may be requested by the Licensing Officer.
- d) Certificate of insurance naming the Corporation of the Town of Collingwood as an additional insured for coverage of at least \$2,000,000 commercial liability insurance, as further described in Section 4.26 of By-law No. 2010-064, as amended.
- e) A photo of the food premises taken no more than twelve (12) months prior to the date of application showing (at minimum) the customer facing façade and any associated signage. If a recent photo is not available, the applicant may submit the full name of the food premises along with a complete menu or general description of the food to be offered for sale.
- f) Each vendor is required to obtain health unit inspections annually prior to renewing a licence. Proof of inspection is required to be submitted to the Licensing Officer prior to commencing food sales.
- g) A certificate of inspection from a licenced gas fitter shall be supplied annually with the application for vendors using applicable combustible materials.
- h) A spill containment plan including a description of how and where garbage, grease and grey water will be disposed of in a sanitary manner satisfactory to the Town.
- i) An application for a Class A Licence shall include a current valid copy of the vehicle registration.

5.2 Applications received for a Food Vendor Licence to operate in the Town of Collingwood are circulated to the following departments and agencies for review:

- a) Clerk Services;
- b) Planning and Building Services;
- c) By-law Enforcement Services;
- d) Fire Department;
- e) Simcoe Muskoka District Health Unit (Health Unit);
- f) Ontario Provincial Police (OPP);
- g) Downtown Business Improvement Area (BIA) (as applicable – for applications within the BIA); and
- h) Parks, Recreation and Culture (as applicable – for applications requesting the use of municipal park space)
- i) Special Events Division (as applicable – for applications affecting special events).
- j) Any other department or agency, as deemed appropriate.

6. General Conditions

In addition to the General Regulations set out in Part 4 of By-law No. 2010-064, the following conditions apply unless otherwise specified:

- 6.1 A Food Vendor shall be permitted to operate on Town property or private property. Private property permission to enter onto the property for the purpose of operating as a licensed food vendor must be obtained and provided to the Licensing Officer upon application, and conform with land use provisions set out in the Zoning By-law.
- 6.2 No food vendor shall utilize equipment that is drawn by a horse or other animal.
- 6.3 The dimensions of a food premises based out of a vehicle shall not be greater than 6.7 metres (22 feet) in length and 2.2 metres (7.2 feet) in height, unless otherwise approved by the Licensing Officer.
- 6.4 No food vendor shall operate a BBQ or any other equipment with an open flame under a tent structure.
- 6.5 Every licensee shall ensure that their business licence relating hereto is affixed to the food premises in a conspicuous manner clearly visible to the public at all times during the hours of operation of the business.
- 6.6 No licensee shall carry on food sales between the hours of 11:00 p.m. and 6:00 a.m., unless approved by the Licensing Officer.
- 6.7 Any food vendor approved to operate within the Downtown BIA, shall operate curbside directly in front of the corresponding business making the application, unless otherwise approved by the Licensing Officer.
- 6.8 No food vendor is permitted to operate within fifteen (15) metres of an intersection or a bus stop
- 6.9 No Food Vendor shall operate within three (3) metres of the vehicular entrance to the property or three (3) metres of the property line, or in any location which will obstruct the flow of vehicles, obstruct sight lines.
- 6.10 No Food Vendor shall operate in a manner as to cause a nuisance or interfere with the enjoyment of a neighbouring property.
- 6.11 Every licensee and its employees shall observe and comply with the regulations as set out in the *Health Protection and Promotion Act*, or under the authority of any other statute, regulation or By-law by the Medical Officer of Health.
- 6.12 If the Health Unit finds that a food sales operation (and maintenance) does not comply with the requirements of the *Health Protection and Promotion Act* and the Food Premises Regulation (Ontario Regulation 497/17), the Licensing Officer or Officer may suspend the licence until the situation has been rectified.
- 6.13 All licenced food vendors shall be in compliance with land use requirements as established in the applicable zoning by-law.
- 6.14 All licences are conditional upon the satisfactory inspection of the food premises by a designated Collingwood Fire Department representative.
- 6.15 Food Vendors shall ensure that appropriate measures are in place to protect municipal sidewalks or other property or infrastructure from damage, deterioration or disrepair – as may be required by the municipality, and in accordance with the Fire Code.
- 6.16 Any Food Vendor approved to operate on Town property must provide a signed release form indemnifying the Town of any actions, damage, loss, claim or liability as a direct result of the food vendor operations, the use of the designated area or anything undertaken or neglected to be undertaken in connections with the use of the permit.
- 6.17 All Food Vendors must limit or discontinue any nuisance, as practical, that could affect neighbouring businesses, residential areas and/or the public. This shall include but not be limited to smoke, noise, excessive loitering, garbage/littering, or similar. The Licensing Officer may impose any conditions or restrictions on a

licence as may be deemed necessary in the circumstances to ensure the health, safety and general public interest of the residents of Collingwood and/or the Corporation of the Town of Collingwood.

- 6.18 Licences may be suspended or revoked at any time at the discretion of the Licensing Officer, Officer, Fire Chief or any other official of the Town of Collingwood, County of Simcoe, Province of Ontario, or Government of Canada that has been provided the authority to do so if, as a result of the evidence that is provided, the food vendor is not conforming to the requirements of this By-law.

7. Special Conditions for Vendors on Public Property

- 7.1 Food Vendors located on Town property are not permitted to offer alcohol for sale or consumption.
- 7.2 Food vendor operations on Town property must be attended to by the operator at all times that food is being prepared and/or sold.
- 7.3 Effective April 1st of each year, licences may be issued for pre-approved locations on Town property to vendors in good standing upon receipt of application. Should multiple applications be received for the same location prior to April 1st, the spot will be assigned by a lottery or lotteries conducted in a manner deemed appropriate by the Licensing Officer.
- 7.4 Applicants shall designate their food premises under a general food category from a list approved by the Licensing Officer prior to the conduct of any lottery. Only one vendor per general food category will be permitted on public property within the same park or public space, unless otherwise approved by the Licensing Officer.
- 7.5 Should multiple applications under the same general food category be received for the same park or public space, the sample menu provided in the application will be reviewed to determine if the food intended to be sold is the same, and if so, a lottery or lotteries of those applications offering food within the same food category that are similar in nature will be conducted prior to a lottery under section 7.3. The applicant drawn would then be placed into the lottery for a location under section 7.3, if necessary.
- 7.6 Applicants may apply for multiple locations but only one site will be awarded per vendor.
- 7.7 The application procedure and associated lottery shall be held annually for all approved locations.
- 7.8 No position in a lottery may be transferred, sold, conveyed or assigned from the applicant to any other person or entity. Any attempt to transfer a lottery position will disqualify from the lottery both the food vendor seeking to transfer the lottery position and the person or entity seeking to obtain it.
- 7.9 Any vacant pre-approved locations for which an application has not been received by April 1st of each year may be assigned on a first-come-first-served basis, as deemed appropriate and at the discretion of the Town.

8. Special Conditions Applicable to Class A Licences

In addition to the conditions provided for in section 6., the following also applies to a Class A Food Vendor Licence:

- 8.1 A separate licence shall be required for each food premises and/or trailer.
- 8.2 Class A Licences are valid until December 31st the year of issuance regardless of the date they were issued, or any other date as may be deemed appropriate by the Licensing Officer.
- 8.3 A Class A Food Vendor shall not carry-on business on any highway, except at a construction site where the highway has been closed to traffic, or on private property unless permission is granted by the property owner to allow entry onto to the property for sales.
- 8.4 Where possible, Class A vendors should refrain from using generators or motors to provide power when stationary to avoid distracting from the quiet enjoyment of public spaces by members of the public.

9. Special Conditions Applicable to Class B Licences

In addition to the conditions provided for in section 6., the following also applies to a Class B Food Vendor Licence:

- 9.1 A separate licence shall be required for each food premises and/or trailer.
- 9.2 Class B Licences are valid until December 31st the year of issuance regardless of the date they were issued, or any other date as may be deemed appropriate by the Licensing Officer.
- 9.3 A Class B food vendor where sales of food are provided primarily by a muscular powered vehicle, such as a bicycle refreshment cart, shall be permitted to operate on a highway in accordance with the *Highway Traffic Act*.
- 9.4 Businesses within the Business Improvement Area that operate as a restaurant, food/beverage service or as a primary retailer of food products are permitted to obtain a Class B licence. Food Vendors operating within the Downtown BIA can only operate as an accessory use to their existing restaurant, food/beverage service or food product retail. The space, or any part thereof, cannot be transferred, sublet/sublicensed or assigned to another operator not being the applicant business. Operation shall occur curbside only and in accordance with Fire Code regulations. If, due to the sidewalk design/streetscape, there is not an appropriate space immediately in front of the respective business, the food vendor may operate in front of the business immediately abutting their property if permission of the abutting business is obtained from the Licensing Officer.
- 9.5 Class B Food Vendors operating within the BIA shall not carry on food sales between the hours of 11:00 p.m. and 6:00 a.m., unless approved by the Licensing Officer, or a valid liquor licence is in effect for the primary place of business who holds the liquor licence that is adjacent to where the Food Vendor is operating from then the food service may coincide with the hours of liquor service as set out in the *Liquor Licence and Control Act, 2019* or as authorized by the Alcohol and Gaming Commission of Ontario.
- 9.6 Class B Food Vendors operating within the BIA shall remove any cooking, serving, display equipment/products while not in operation.
- 9.7 Any Food Vendor permitted to operate on the municipal sidewalk shall maintain a pedestrian aisle of a minimum of two (2) meters that is free of barriers at all times.
- 9.8 Should the Food Vendor wish to incorporate seating while operating on a municipal sidewalk, a Town of Collingwood Boulevard Encroachment Agreement may be required in addition to the Food Vendor Licence.
- 9.9 Licenced food vendors within the BIA cannot operate during any special event in the Downtown including during road closures, unless approval is received from the special event organizer and the Town. If approval to operate during the special event is provided, businesses may be permitted to further utilize the designated space in front of their business, subject to the approval from the special event organizer and Licensing Officer.