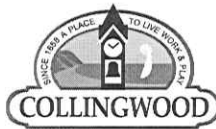


BY-LAW No. 2011-086
OF THE
CORPORATION OF THE TOWN OF COLLINGWOOD



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;

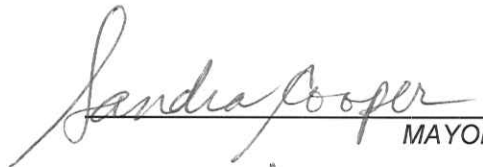
AND WHEREAS the Council of the Town of Collingwood passed and enacted By-law No. 2010-064, being a by-law to provide for the licensing and regulation of various businesses in the Town of Collingwood including but not limited to food vendors;


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time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law.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 27th day of June, 2011.


MAYOR


CLERK

**By-law No. 2011-086
SCHEDULE E – FOOD VENDOR**

Applicable to	Every person selling or providing food prepared on-site or off-site and intended for immediate consumption, excluding permanent fixed uses.
Definitions	<p>“Food Sales” means the sale of food.</p> <p>“Food Vendor” means a person who sells food or drink for human consumption, and includes but is not limited to refreshments and confections including pre-packaged, prepared, wholesale, bulk or catered food or the operator or proprietor of food premises.</p> <p>Classification of Sales:</p> <p>Class A - Motorized Food Sales: means sale of food that is primarily based from a motorized mobile unit which includes any “motor vehicle” as defined by the <i>Highway Traffic Act</i>, and includes but is not limited to catering trucks, chip trucks, motorized ice cream vehicles and includes Ministry of Transportation licensed/plated trailers hauled by a motor vehicle.</p> <p>Class B – Non-motorized Food Sales: means sale of food is primarily based from a non-motorized, muscular powered, or stationary equipment and shall include but not be limited to bicycle refreshment carts, portable barbeques or grills, tables, and coolers.</p> <p>Class C – Special Event Food Sales: means sale of food that is held as a special event or in conjunction with a special event for not more than four (4) consecutive days up to a maximum of ten (10) separate events, and shall include Class A or Class B Food Sales but not be limited to the sale of food by a person or organization and includes Food Sales where a majority of the proceeds are provided to a registered not for profit or charitable organization as defined in the <i>Income Tax Act</i>.</p>
Exemptions	<p>Caterers or food services conducted inside a permanent fixed facility, and properly zone for such use are exempt from the provisions of this By-law.</p> <p>Bicycle refreshment carts are exempt from relocation fees.</p> <p>The Downtown Farmers Market may permit Food Vendors during the operation of the market, which would be exempt from this By-law.</p>
Annual Licence Fee	<p>Class A: \$500.00</p> <p>Class B: \$250.00 (a relocation fee of \$50.00)</p> <p>Class C: \$30 – Charitable/Not-for-profit Organization</p> <p> \$60 – Private Vendor</p> <p> \$120 – Group (3 or more vendors)</p>
Application Circulated to	<ol style="list-style-type: none">1. Building Services2. Fire Department3. Simcoe Muskoka District Health Unit (Health Unit)4. Planning Services5. Downtown Business Improvement Area (BIA)
Special Conditions	<p><u>APPLICABLE TO EACH CLASS</u></p> <p>In addition to the General Regulations set out in Part 4 of this By-law, the following conditions apply unless otherwise specified:</p> <ol style="list-style-type: none">1. An application shall include the types of food to be sold and the address of any off-site premises at which food is to be prepared and cooked.2. The operation and maintenance of any off-site food premises shall conform with the requirements of the <i>Health Protection and</i>

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Promotion Act and the Food Premises Regulation.

3. A certificate of inspection from a licensed gas fitter shall be supplied annually with the application for vendors using applicable combustible materials.
4. No licensee shall carry on Food Sales between the hours of 11:00 pm and 6:00 am, unless a valid liquor licence is in effect for the place of business than the food service may coincide with the hours of liquor service as authorized by the Alcohol and Gaming Commission of Ontario.
5. Any Food Vendor approved to operate within the Business Improvement Area, shall operate curbside directly in front of the business making application, unless otherwise approved by the licensing officer.
6. Food Vendors shall ensure that appropriate measures are in place to protect the municipal sidewalk or property from damage, deterioration or disrepair – as may be required by the municipality, and in accordance with the Fire Code.
7. No Food Vendor shall operate a BBQ or any other equipment with an open flame under a tent structure.
8. Applications for Food Sales on private property must be accompanied by a letter from the private property owner authorizing permission to operate such Food Sales.
9. If the Health Unit finds that Food Sales operation (and maintenance) do not comply with the requirements of the *Health Protection and Promotion Act* and the *Food Premises Regulation*, the Licensing Officer may suspend the licence until the situation has been rectified.
10. No Food Vendor shall utilize equipment that is drawn by a horse or other animal.
11. A licensed Food Vendor may carry on business in a municipal park (not permitted on municipal trails) if there are no authorized canteens or other authorized food vendors operating in that park, unless mutual written consent is provided to the Licensing Officer that is agreed upon by each respective vendor;
12. A licensed Food Vendor may not carry on business within 120 meters (394 feet) of another authorized Food Vendor; unless mutual written consent is provided to the Licensing Officer that is agreed upon by each respective Food Vendor., Food vendors operating within the Business Improvement Area are exempt from this provision. However, not more than one refreshment vehicle as defined in the Town Zoning By-law shall be permitted per property.
13. An applicant that requests permission to operate from a stationary position, regardless of Class, shall include a site plan showing the proposed location of the Food Sale/service location and of adjacent structures.
14. The dimensions of a Food Vendor 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.
15. All applications for licences must be made at least ten (10) regular business days prior to commencing operations.
16. All licensed Food Vendors shall be in compliance with land use requirements as established in the applicable zoning by-law.
17. All Food Vendors must limit or discontinue any nuisance, as practical, that could affect neighbouring business uses and the public. This shall include but not be limited to smoke, noise, excessive loitering, garbage/littering, etc... The Licensing Officer and/or law enforcement officer shall have the ability to revoke any licence immediately should the nuisance continue or impose

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further conditions to the licence permit.

APPLICABLE TO CLASS A LICENCES

1. A separate licence shall be required for each refreshment vehicle and/or trailer.
2. Each vehicle and/or trailer is required to obtain health unit inspections annually prior to renewing a licence.
3. An application for a licence shall include a current valid copy of the vehicle registration.
4. 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 which has private property permission to entry onto to the property for their sales.

APPLICABLE TO CLASS B LICENCES

1. Shall be permitted to operate within a municipal park or on private property provided the applicable distance from another Vendor or consent from the Vendor within that distance is obtained. Private property permission to entry onto to the property for their sales must be obtained and provided to the Licensing Officer.
2. 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 to the *Highway Traffic Act*.
3. Class B food vendors shall not operate on St. Lawrence Street between Niagara Street and Raglan Street while the municipal canteen is in operation/rented at Sunset Point.
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 food vendor Class B licence to operate on the municipal sidewalk in front of their business. 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, and approved by the licensing officer.
5. Class B Food Vendors operating within the Downtown can only operate as an accessory use to their existing restaurant, food/beverage service or food product retail. The space cannot be transferred, sublet, assigned, etc... to another operator not being the applicant business. Operation shall occur curbside only and in accordance with Fire Code regulations. Operation will be permitted on weekends and holidays, consistent with the curbside merchandise display requirements.
6. Class B Food Vendors operating within the Downtown shall remove any cooking, serving, display equipment/products while not in operation. No food sales/samples can occur between the hours of 11:00pm to 6:00am, unless approved by the Licensing Officer. Tables and chairs may not be permitted where conditions of the location do not provide sufficient space for pedestrian traffic, cause an obstruction of any kind or as stipulated in a special event permit. Approval of tables and chairs shall be at the discretion of the Licensing Officer. At all times, the pedestrian aisle of a minimum of two (2) meters shall be maintained barrier free.
7. Food vending operations on municipal property must be attended by the operator, at all times.
8. Licensed 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/Town. If approval to operate during the special event is provided, businesses may be permitted to further utilize the

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parking stall(s) in front of their business, subject to the approval from the special event organizer and Licensing Officer.

APPLICABLE TO CLASS C LICENCES

In addition to the General Regulations set out in Part 4 of this By-law and special conditions that apply to all food vendors, and provided the additional conditions of the Class A and/or B licences being met, the following special conditions also apply:

1. Shall not operate more than four (4) consecutive days up to a maximum of ten (10) separate events.
2. Shall be permitted in the Business Improvement Area on public property only if operating in conjunction with a charitable or not-for-profit organization at the discretion of the Licensing Officer, at a location as approved by the Licensing Officer, or in front of a business with written consent from the business owner. Tables and chairs may not be permitted where conditions of the location do not provide sufficient space for pedestrian traffic, cause an obstruction of any kind or as stipulated in a special event permit. Approval of tables and chairs shall be at the discretion of the Licensing Officer.
3. During special events, the distance requirement between licensed food vendors may be waived.