

THE CORPORATION OF THE TOWN OF MOOSONEE

BY-LAW No. 10-2021

by-law for permitting, regulating, and governing food trucks, snack carts and barbeque carts in the Town of Moosonee. To have approved public locations for these businesses to operate seasonally and to allow fair rotation seasonally.

WHEREAS Section 150 of the Municipal Act permits a local municipality to license, regulate, and govern any business carried on within the municipality.

WHEREAS This by-law does not apply to food trucks, snack carts and barbeque carts operating on commercial/industrial properties however all food services and merchants are subject to an inspection and approval by the Porcupine Health Unit.

THEREFORE, The Corporation of The Town of Moosonee enacts as follows:

PART 1

DEFINITIONS

1. "Town" shall mean The Corporation of Town of Moosonee.
2. "Council" shall mean the Council of The Corporation of The Town of Moosonee
3. "Fire Chief" shall mean the Fire Chief of the Moosonee Volunteer Fire Dept.
4. "Applicant" shall mean a Person who is required to be licensed pursuant to this By-Law or who has made application for a license to the Issuer of Licenses and shall include a Licensee.
5. "Near" shall mean so close as to be dangerous or unsafe.
6. "Person" shall include firm, partnership, company, corporation, club, business or organization.
7. "Business Permit Fee" shall mean a non-refundable monetary charge imposed by the Town to issue a Permit as set out in Schedule "A" hereto.
8. "By-Law" shall mean this By-Law and any amendments thereto passed by Council.
9. "Food" shall mean food or drink for human consumption and includes refreshments and confections, but excludes liquor
10. "Permit" shall mean a Town of Moosonee permit issued pursuant to this By-Law.
11. "Issuer of Permits" shall mean the Fire Chief or his or her designate.
12. "Operate" shall mean to manage directly or indirectly, work, control, maintain, put or keep in a functional state any Business.

13. "Owner" shall mean the registered owner, tenant, beneficial owner, lessee or occupant of the lands and premises or the Person or his authorized agent in lawful control of the real property, premises, or building within the geographical boundaries of the City and who permits the operation or maintenance of any business.
14. "Place of Business" shall mean any place, Premises or Location, or part thereof, in or from which a Business is carried on, and includes a shop, office or a vehicle for the purpose of carrying on the Business.
15. "Food Truck" shall mean any Vehicle from which Food and/or refreshments are sold or offered for sale for consumption by the public and includes without limiting the generality of the foregoing, carts, wagons, trailers, and trucks.
16. "Snack Cart" shall mean any mobile kiosk from which Food and/or refreshments are sold or offered for sale for consumption by the public and includes without limiting the generality of the foregoing, carts, wagons, trailers, and trucks.
17. "Barbeque Cart" shall mean any mobile barbeque from which Food and/or refreshments are sold or offered for sale for consumption by the public and includes without limiting the generality of the foregoing, carts, wagons, trailers, and trucks.
18. "Sidewalk" shall mean that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

PART 2

2.1 PERMITTING

1. Every Person carrying on, conducting, operating, maintaining, keeping, or engaging in any Business specifically identified as a refreshment vehicle, food truck, snack cart, barbeque cart/stand, shall be required to obtain a permit from the Issuer of permits.
2. The Owner of a premise shall not permit a person to operate a business on the premises without a permit, where such permit is required by this By-Law. If located on a commercially zoned property the business is subject to Porcupine Health Unit adherence.
3. For the purposes of this By-Law a Business shall not include:
 - a manufacturing activity or an industry, except to the extent that it sells its products or raw materials by retail,
 - the selling of goods by wholesale, or
 - the generation, exploitation, extraction, harvesting, processing, renewal, or transportation of natural resources.

2.2 CLASSIFICATION

Refreshment Vehicle means any Vehicle from which Food and/or refreshments are sold or offered for sale for consumption by the public and includes without limiting the generality of the foregoing, carts, wagons, trailers, and trucks. Refreshment Vehicles are divided into the following classes:

Class A: a motorized vehicle, other than a motor assisted bicycle or motorcycle, from which food that is prepared and cooked on-site is offered for sale, e.g., a chip truck.

Class B: a motorized vehicle, other than a motor assisted bicycle or motorcycle, from which food that is prepared and cooked off-site is offered for sale, e.g., a catering truck.

Class C: a non-motorized vehicle propelled by muscular power, motor assisted bicycle, trailer, or motorcycle, or which can be moved from location to location by a motorized vehicle from which food that is prepared and cooked on-site is offered for sale, e.g., hot dog cart;

Class D: a non-motorized vehicle, propelled by muscular power, motor assisted bicycle, or motorcycle, or which can be moved from location to location by a motorized vehicle from which prepackaged and prepared foods are sold on site, or frozen confectionary and beverages are offered for sale, e.g., ice cream cart.

2.3 PERMITTING FEES

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|----------|----------|-------------------------|
| Class A: | \$500.00 | Per Year |
| | \$125.00 | Each Additional Vehicle |
| Class B: | \$500.00 | Per Year |
| | \$125.00 | Each Additional Vehicle |
| Class C: | \$250.00 | Per Year |
| | \$100.00 | Each Additional Vehicle |
| Class D: | \$125.00 | Per Year |
| | \$ 50.00 | Each Additional Vehicle |

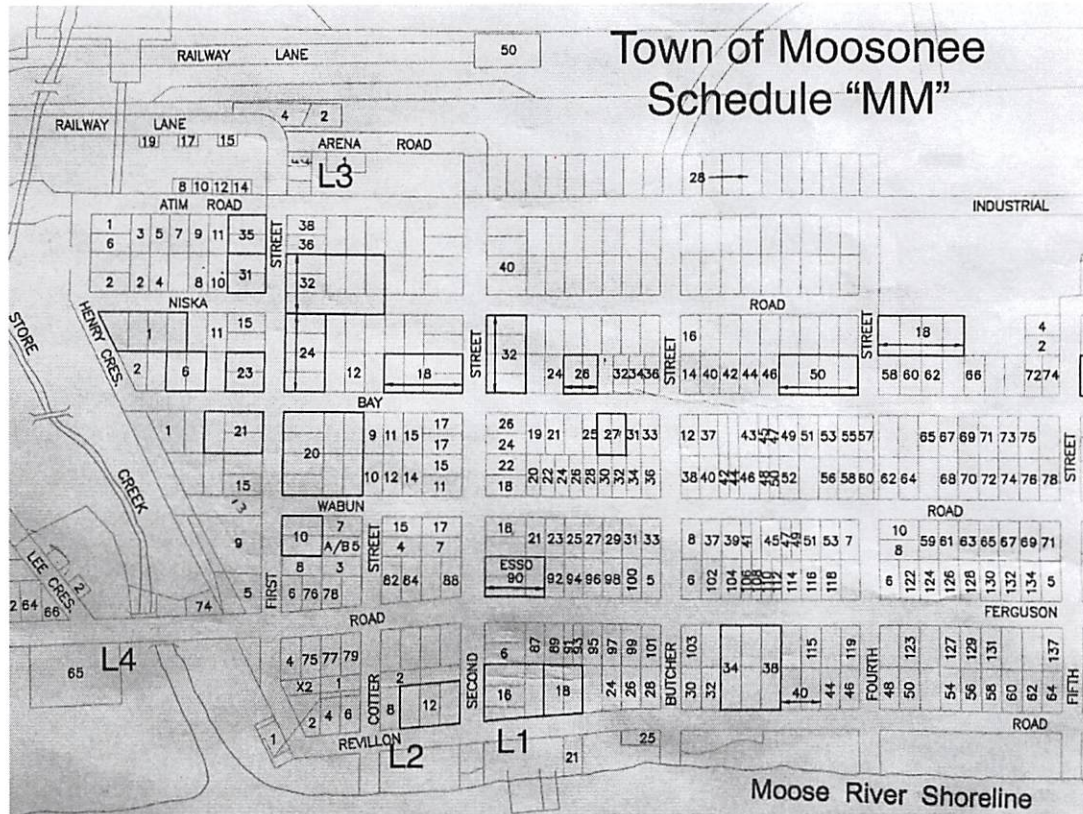
2.4 DESIGNATED LOCATIONS

No Licensee or Employee of a Refreshment Vehicle shall when operating on public property operate from any other location in the public zones as defined on Schedule "MM" in this by-law other than in the areas designated as follows:

1. Pavilion #1, Second Street and Revillon Road, in the marked location in the vicinity of the Public Docks identified as "L1" as shown on the attached Schedule "MM"
2. Pavilion #2, Cotter Street and Revillon Road in the marked location in the vicinity of the old Moosonee Lodge identified as "L2" as shown on the attached Schedule "MM"
3. Arena Parking Lot, 1 Arena Road, in the marked location in the vicinity of ONR Train Station and the Moosonee Arena. identified as "L3" as shown on the attached Schedule "MM"

4. Baseball Field Parking Lot, 65 Ferguson Road, in the marked location adjacent to Moosonee Baseball Field, identified as "L4" as shown on the attached Schedule "MM"
5. All Locations Occupied, in the event there are more than 4 food truck businesses requiring a public location to operate, this by-law maybe amended to modify existing locations or add new locations and permit fee rates.

SCHEDULE L-1: LOCATIONS



2.5 ALLOCATION OF SEASONAL LOCATIONS - DRAW

- 2.5.1 No Licensee or Employee of a Refreshment Vehicle shall operate from any of the locations referred to as Schedule "MM" unless that operator is the successful bidder for one of the locations as a result of a lottery type scheme, such scheme to be advertised in print in the month of April of each year and the draw shall be on the first Monday in the month of May of each calendar year. The lottery shall be conducted by the Fire Chief and shall be open to all licensed owners or operators of food carts.
- 2.5.2 In the event that only one licensed owner or operator has filed for the draw by the closing date, the draw may be waived by the Fire Chief and the Refreshment Vehicle owner or operator may select one location per refreshment vehicle.
- 2.5.3 In the event the successful bidder of one of the designated locations referred to in schedule L-1 chooses not to continue to use the designated location prior to the end of the season, the location may be assigned to the second bidder for the remainder of the year. In the event that no bidder wishes to use the remaining or unassigned spots the Licensee of a Refreshment Vehicle may use any of the designated locations on a first come first serve basis.
- 2.5.4 If the successful bidder of one or more of the designated locations referred to in schedule "MM" does not use the said designated location for a period of 14 consecutive days the spot will be deemed abandoned and may be assigned to the bidder drawn second in the draw.
- 2.5.5 In cases where there was no draw the location may be used on a first come first serve basis.
- 2.5.6 In the winter, the operator will avoid conflict with municipal snow removal schedules and equipment by waiting until snow removal is completed that day before parking their food truck for their business day.

2.5.7. online ordering and payment is encouraged, this minimizes contact and standing/waiting time around the operation.

2.6 SPECIAL CONDITIONS

1. Special Conditions: Every Licensee shall: ensure that every Refreshment Vehicle is equipped with a metal refuse container with a self-closing lid (non-contact), and such container shall be kept in a clean and sanitary condition, ensure that the metal refuse container be emptied at least once daily.
 - (a) ensure such containers shall be used for the disposal of all refuse,
 - (b) ensure that every refuse container is located in such a position so as to be easily accessible by persons making purchases while the Refreshment Vehicle is stopped,
 - (c) ensure that the Refreshment Vehicle and all parts and equipment for use in the dispensing of refreshments is maintained in a clean and sanitary condition and at all times in good repair,
 - (d) ensure that hard ice cream and related products are maintained in a hard condition in the Refreshment Vehicle at all times, as approved by the Porcupine Health Unit,
 - (e) ensure that soft ice cream and related products are stored in a refrigerated cabinet suitable for the storage of soft ice cream, as approved Porcupine Health Unit,
 - (f) ensure that all dispensing equipment is of a sanitary design and cleaned on a daily basis,
 - (g) ensure that adequate refrigeration, as approved by the Porcupine Health Unit, is provided for perishable Food that shall be kept so refrigerated,
 - (h) ensure that the date of expiration is clearly and legibly marked on or affixed to the wrapper of all sandwiches or pre-packaged food sold from the Refreshment Vehicle,
 - (i) ensure that beverages, which shall include but shall not be limited to, milk, juices, and soft drinks, are only sold in individual disposable containers,
 - (j) ensure that Refreshment Vehicles from which hot, prepared foods are sold are so equipped as to maintain such foods so heated at a temperature as approved by the Porcupine Health Unit,
 - (k) ensure that no LPG (liquefied petroleum gas) LNG (liquefied natural gas) or any combustible fuel appliance is operated within ten (10) feet of any structure, door, window, or opening that shall include an alcove or alleyway,
 - (l) ensure that the Refreshment Vehicle is free from holes, crevices or cracks and all surfaces are readily washable and are kept clean and in good condition,
 - (m) ensure that only single service disposable cups, plates, forks, spoons, knives and containers are used, and serviettes shall be provided from a dispenser, and
 - (n) ensure that all condiments are in sealed single serve packages or a sealed container.
2. Every person selling or handling refreshments and Food shall be clean and neat in appearance and shall always maintain clean hands. If no sink is available for hand washing, then every person selling, or handling refreshments and Food shall be supplied with gloves or hand sanitizer by the business owner.
3. No Licensee or person employed with any Licensee under this section shall be suffering from any form of contagious disease while actively engaged in his or her work.
4. Gloves must be worn by any Licensee or Employee handling Food or refreshments who has an open cut or wound on their hands.
5. Every Licensee shall take out a separate License for each Refreshment Vehicle owned or operated by them and the License shall be affixed to be clearly visible.

6. Every Licensee shall at his or her own expense, whenever required to do so by the Issuer of Permits, bring such Refreshment Vehicle to any person designated by the Issuer of Permits for inspection.
7. All Refreshment Vehicle owners shall carry a minimum of Two Million Dollars (\$2,000,000.00) liability insurance and shall furnish proof of this coverage satisfactory to the Town prior to being licensed. Such insurance shall contain an endorsement specifying that the municipality shall be given a minimum thirty (30) days written notice of any change, expiration, or cancellation of such policy. Where the Refreshment Vehicle has been granted permission to operate on Town property, the policy shall also contain an endorsement identifying "The Corporation of the Town of Moosonee" as an additional insured.
8. Every Licensee shall ensure that each operator or employee is made familiar with the contents of this Section and shall not permit any operator under their control, management, supervision or direction to breach any of the provisions of this Section and any Regulations from Porcupine Health Unit or any other Authority having Jurisdiction.
9. No Licensee or employee of a refreshment vehicle shall operate directly on the roadway, the shoulder of the roadway or parking zone is acceptable ensuring adequate space for traffic to pass safely.
10. No Licensee or employee of a refreshment vehicle shall dispense food to any person while such person is standing on a roadway.
11. No Licensee or employee of a refreshment vehicle shall operate within thirty (30) meters of an existing restaurant with the exception of the refreshment vehicles operating within the provisions of Schedule "MM".
12. The Licensee shall have an account with the Town of Moosonee Public Works for non-residential garbage collection. No business refuse shall be dumped in residential garbage containers or other business/institutional garbage containers.

3.0 GENERAL

3.1 This by-law Shall come into effect on April 27, 2021

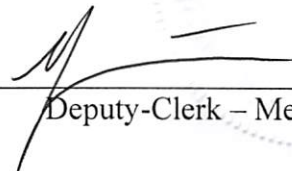
3.2 If any section or portion of this by-law is found by a court of competent jurisdiction to be invalid, it is the intent of Council for the Town that all remaining sections and portions of this by-law continue in force and effect.

3.3. This by-law may be referred to as the "Food Truck" by-law.

**READ a first and second time
this 23rd day of March 2021**

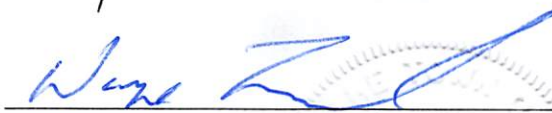


Mayor – Wayne Taipale

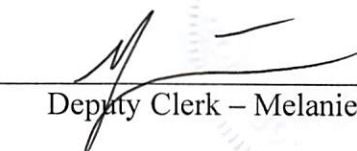


Deputy-Clerk – Melanie St.Laurent

**READ a third time and finally passed
this 27th day of April 2021**



Mayor – Wayne Taipale



Deputy Clerk – Melanie St.Laurent

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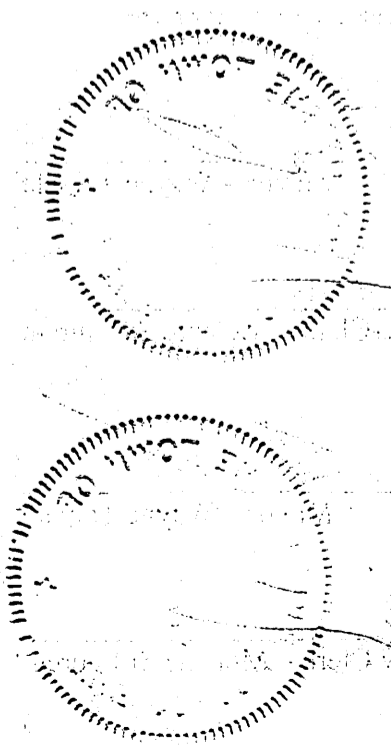
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4.0 SCHEDULE B- SAMPLE PERMIT

Sample:

PERMIT



REFRESHMENT VEHICLE

Business Name

Ownership & Address

Permit Location

Dates of operation

Issuer of Permit

The following information was obtained from the records of the
 Department of Health and Human Services, Office of the
 Inspector General, Washington, D.C. on 10/10/97.

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