

**THE CORPORATION OF THE TOWNSHIP OF STRONG
BY-LAW #98-1372**

BEING a by-law to License, Regulate and Govern Mobile Food Vendors, Hawkers & Peddlers

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 license,

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 Township of Strong does hereby deem it advisable to license Mobile Food Vendors and Hawkers and Peddlers.

NOW THEREFORE the Corporation of the Township of Strong does hereby ENACT AS FOLLOWS:

Mobile Food Vendors

1. No person shall operate a refreshment vehicle within the Municipality without having first having first obtained a license to commence such an operation from the Clerk of the Municipality;
2. Properties from which sales of refreshment shall be cleared with council permission;
3. No person shall operate a refreshment vehicle or obtain a municipal license 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 Fire Chief and Chief Building Official, if applicable;
5. No person shall operate a refreshment vehicle without having first obtained an inspection report from a license propane depot, if applicable;
6. No person shall operate a refreshment vehicle unless the license 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 license held by the licensee for cause. Without limiting the generality of the foregoing, Council may suspend a license 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 other eating establishment. Such distance shall be measured from the Building where the eating establishment is located.
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 confectionary; hot dogs; sold from a basket; wagon; cart or other vehicle shall comply as per Schedule "A" of this by-law.
10. The license granted hereunder shall permit the operator of the refreshment vehicle to operate for the calendar 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 license and on any renewal or re-issue shall be the sum as set out in Schedule "A" of this By-Law.

Hawkers and Peddlers

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, ware or merchandise that are to be delivered in the Township of Strong afterwards without being licensed to do so under the provisions of this by-law.

12. The application for a license under this by-law shall be in writing on forms to be provided by the Township of Strong and shall be fully completed and contain the following information:
 - a) The full name, residence address, business address and telephone numbers of the applicant and each partner, if any;
 - b) 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;
 - c) The names, addresses and telephone numbers of the firms represented by the applicant;
 - d) A complete list of goods, wares or merchandise intended to be sold;
 - e) The names, addresses and telephone numbers of the manufacturers or suppliers of the goods, wares or merchandise intended to be sold;
 - f) The names, addresses and telephone numbers of three character references and three business references
13. The applicant at the time of making the application for a license 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 license as aforesaid and shall report thereon to council when making their recommendation.
15. A license issued pursuant to the provisions of this by-law shall not be transferrable.
16. Every single person licensed under this by-law upon changing his address, shall give written notice thereof to the Municipal Clerk within 10 (ten) days after such change, setting forth his new address.
17. The provisions of this by-law shall be enforced by the Municipal Clerk and/or the designate officer.
18. No license under this by-law shall be required for hawking, peddling, or selling goods, wares or merchandise:
 - a) To wholesale or retail dealers in similar goods, wares, etc;
 - b) If the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by growers, producers or manufacturers or his agent or employee having written authority to do so, in the municipality in which the grower, producer or manufacturer resides or
 - c) 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
 - d) If the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the Township of Strong or by his employee/agent
 - e) 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 Township of Strong in respect of premises used for sale of such goods, wares or merchandise, or
 - f) By persons who sell milk or cream or fluid milk and ice 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 Township of Strong where the proceeds from the sale of goods, wares or merchandise will be used for charitable, philanthropic, religious, welfare, community, athletic, education or fraternal purposes within the Township of Strong and shall not apply to the following institutions, organizations or clubs within the Township of Strong:
 - 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 Offenses Court, a fine or penalty not exceeding the sum of Five Hundred Dollars (\$500) for each offence, exclusive of costs, to be recoverable under the Provincial Offenses Act.

21. Any person convicted of a breach of any of the provisions of this by-law by Provincial Offenses Court or competent jurisdiction thereafter, in addition to any other penalty imposed on the person convicted, will be issued an order prohibiting the continuation or repetition of the offence or the doing of any act by the person convicted directed toward the continuation or the repetition of the offence.

READ A FIRST AND SECOND TIME THIS 10TH DAY OF MARCH 1998

READ A THIRD TIME AND FINALLY PASSED ON A MOTION BY John Newstead and
SECONDED BY Rodger Brimacombe THIS 24TH DAY OF MARCH 1998

Diana Georgie, Clerk

Stephen R. Rawn, Reeve

BY-LAW 98-1372

SCHEDULE "A"

MOBILE FOOD VENDORS	RESIDENTS FEE	NON-RESIDENT
Refreshment Vehicle – fully motorized that serves coffee, confections, and other cold/hot food (Bal. of 1998)	\$50.00	\$50.00
Refreshment Vehicle – fully motorized that serves coffee, confections and other cold/hot food – 1999 & after	\$125.00	\$250.00
Refreshment Vehicle – fully motorized that serves deep fried food as well as coffee, confections and other cold/hot food	\$125.00	\$250.00
Refreshment Vehicle – that are pulled or pushed by human muscular power that serves hot dogs or any hot food on the unit	\$125.00	\$250.00
Refreshment Vehicle – that are pulled or pushed by human muscular power that services cold food or non-cooked food on the unit	\$125.00	\$250.00
HAWKERS AND PEDDLERS		
Residents of Strong Township Annual Fee	\$125.00	
Non-Residents of Strong Township Annual Fee		\$250.00
Siding Installers – 25km outside of the Township of Strong Boundaries		\$250.00