

BY-LAW NO. 48-2025

A BY-LAW OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO PROVIDE FOR THE LICENSING, REGULATING, AND GOVERNING OF REFRESHMENT VEHICLES WITHIN THE TOWN OF CARLETON PLACE, AND TO REPEAL BY-LAW 50-2020.

WHEREAS pursuant to Section 150 and 151 of the Municipal Act, 2001, S.O. 2001, c. 25, Part IV, a municipality may provide for a system of licences with respect to any business wholly or partly carried on within the municipality, including the sale or hire of goods or services on an intermittent or one-time basis;

AND WHEREAS pursuant to section 11(2) of the Municipal Act, 2001, a municipality may exercise its licensing powers for the purpose of consumer protection and to protect the health and safety of the general public;

AND WHEREAS Council has determined it is desirable to repeal and replace By-law 50-2020 with the Licencing Requirements and Procedures outlined herein;

NOW THEREFORE the Council of the Corporation of the Town of Carleton Place enacts as follows:

1. DEFINITIONS

1.1. For this By-law, the following definitions shall apply:

“Administrative Monetary Penalty” or “AMP” means a monetary penalty imposed under the Town of Carleton Place Administrative Monetary Penalty System By-law as may be amended from time to time, in lieu of prosecution under the Provincial Offences Act.

“Authorized Signatory (for Minors)” means a parent or legal guardian who provides written consent and assumes joint responsibility for a licence application submitted by a person under the age of 18.

“Clerk” means the Clerk of the Town of Carleton Place or their designate.

“Community Special Event” means an event hosted or sponsored by the Town of Carleton Place or Committee thereof, the Carleton Place Chamber of Commerce, the Carleton Place Business Improvement Association.

“Dwelling Unit” means a building occupied or capable of being occupied as the home or residence of one or more persons, where food preparation and sanitary facilities are provided, but shall not include a boarding house, hotel, motel, or similar commercial use of a private or semi-private institution.

“Eating Establishment” means a building or part thereof where food is offered for sale for immediate consumption or take-out, including restaurants, cafes, ice cream parlors, or coffee shops. This does not include grocery stores, gas stations, convenience stores, etc.

“Health Unit” means the South East Health Unit formerly known as the Leeds, Grenville and Lanark District Health Unit.

“Licence” means a document issued by the Clerk under the authority of this By-law, permitting the operation of a Refreshment Vehicle in accordance with its terms and conditions.

“Material Change” means a significant alteration to the operation, Ownership, or physical characteristics of a Refreshment Vehicle that directly affects compliance with this By-law, including:

- a) a change in vehicle Ownership or primary Operator;
- b) a change in the primary operating location (Class 1 Vehicles – See Section 5.1) or a relocation requiring new Health Unit approval or Fire inspection certificate;
- c) a modification to cooking, refrigeration, or safety equipment requiring updated inspection certificates;
- d) any change invalidating required documentation (e.g., insurance, health unit approval).
- e) Minor adjustments (e.g., cosmetic repairs, small equipment upgrades not affecting safety) are excluded unless they trigger new regulatory requirements.

“Motorized” means a vehicle propelled by an engine or motor, requiring registration and plating under the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.

“Non-Motorized” means a vehicle propelled by human power (e.g., bicycle, cart) not requiring registration under the Highway Traffic Act.

“Officer” means any person appointed to enforce Town by-laws and shall include Municipal Law Enforcement Officers and Ontario Provincial Police Officers.

“Operator” means the individual responsible for the day-to-day operation and management of a Refreshment Vehicle, including compliance with this By-law. The Operator may also be the Owner, or a separate individual designated by the Owner. Where both are referenced, “Owner/Operator” refers to both parties collectively or party where responsibilities overlap.

“Owner” means the person or entity that owns the Refreshment Vehicle business or equipment.

"Private Event" means a gathering or assembly on Private Property that meets all of the following criteria:

- a) Attendance is restricted to invited guests only, with no general public admission, advertisement, or solicitation;
- b) The event is organized by or on behalf of the property Owner or lessee;
- c) No fee is charged for entry or participation other than to recover costs of the event; and
- d) The event is not a Community Special Event as defined in this By-law.

"Private Property" means any land or premises not owned, controlled, or maintained by the Town of Carleton Place, including but not limited to commercially zoned properties, residential properties, and industrial lands, but excluding any portion of such property that falls within the Public Right-of-Way.

"Public Right-of-Way" means land owned, controlled, or maintained by the Town of Carleton Place, which is open to the general public for the purposes of pedestrian or vehicular travel, and includes, but is not limited to, sidewalks, boulevards, roads, highways, and municipal parking lots, but excludes Town Property designated for specific uses inconsistent with Refreshment Vehicle operations (e.g., sports fields, playgrounds, or landscaped areas).

"Recreation and Culture Department" means the Recreation and Culture Department of the Town of Carleton Place.

"Refreshment Vehicle" means a motorized or non-motorized vehicle, including trailers, food trucks, food trailers, pushcarts, and bicycles, whether self-propelled or towed, from which refreshments are prepared, sold, or offered to the public for immediate consumption.

"Safe Operation of the Refreshment Vehicle" means the management and use of a Refreshment Vehicle in a manner that:

- a) prevents risks to public health and safety, as confirmed by Health Unit approval and, if applicable, Carleton Place Fire Department inspection;
- b) ensures the vehicle remains structurally sound and free of hazards; and
- c) complies with all provisions of this By-law.

"Single Day Licence" means a licence issued for single day events that are not Community Special Events as defined in this By-law.

"Town" means the Corporation of the Town of Carleton Place (hereinafter referred to as the Town).

"Town Property" means all lands owned or operated by the Town of Carleton Place, including roads, parks, and event spaces.

2. GENERAL

- 2.1. No person shall operate a Refreshment Vehicle within the Town of Carleton Place unless they have obtained a valid Refreshment Vehicle Licence pursuant to this By-law.

3. ADMINISTRATION

- 3.1. To obtain a Licence, an Applicant shall submit a complete application on the forms prescribed by the Clerk and shall supply any other information relating to that application as required.
- 3.2. The Clerk is not required to consider an application until the Applicant has provided all required documentation. Receipt of an application does not represent approval, nor shall it obligate the Town to issue or renew a Licence.
- 3.3. Applicants may be an individual or corporation. Corporate applicants shall designate a responsible Operator.
- 3.4. A complete application shall include:
 - a) A completed and signed Refreshment Vehicle Licence application as prescribed by the Clerk.
 - b) A letter, lease agreement or other proof of approval from the property Owner to operate at the proposed location, if on private property (Schedule C).
 - c) A description in detail of the products to be sold.
 - d) A letter of approval from the Health Unit.
 - e) A letter of approval from the Carleton Place Fire Department (if applicable) which shall confirm compliance with the applicable Fire Code standards and equipment safety.
 - f) Proof of Ownership (Class 1 and 2 Vehicles only).
 - g) A list of all proposed operating location(s) for the season (Class 1 only).
 - h) A completed Owner/Operator Attestation (Schedule B).
 - i) A letter of consent from any Eating Establishment that is within 30 metres of the operating location.
 - j) Proof of insurance details and required insurance levels are set out in Schedule E of this By-law and vary by class of vehicle.
 - k) Statement of indemnification as detailed in Schedule E of this By-law.

l) A completed Parental/Guardian Consent Form (Schedule D) (if the applicant is under the age of 18) signed by an authorized signatory who shall assume legal responsibility for compliance with this By-law. The Clerk may refuse to issue a licence where no such consent is provided.

m) Any other documentation required by the Clerk.

4. REFRESHMENT VEHICLE CLASSIFICATIONS

4.1. Under this By-law, there are three (3) Refreshment Vehicle classifications:

- a) **Class 1** – Motorized Refreshment Vehicle operating from a fixed location.
- b) **Class 2** – Motorized Refreshment Vehicle operating from multiple locations within the Town.
- c) **Class 3** – Non-motorized/operated under human power – may be mobile or operating from a fixed location. Examples include carts and bicycles.

5. LICENCE DURATION

5.1 Licences issued under this By-law shall be available for the following durations:

- a) **Annual** – Valid for the calendar year in which it is issued.
- b) **Late Season** – Valid from August 1 to December 31.
- c) **Monthly** – Valid for one (1) calendar month.
- d) **Single Day** – Valid for a specific date.

5.2. At the discretion of the Clerk, a one-time grace period of up to 14 calendar days may be granted to holders of Daily or Monthly Licences impacted by severe weather conditions. A written request shall be submitted within three (3) business days of the affected date, and supporting documentation may be required.

6. LICENCE ISSUANCE PROCESS

6.1. Complete applications shall be reviewed by the Clerk (or their designate) within 10 business days.

6.2. Applications may be submitted online through the Town's website or in person.

6.3. If all requirements of this By-law are met, the Clerk shall issue the licence.

- 6.4. Notwithstanding 4.3, if the application is deficient, the Clerk shall, within the same 10 days, provide a written refusal with reasons and any required corrective actions.
- 6.5. No licence shall be issued to any person under the age of 18 unless accompanied by a completed and signed Parental/Guardian Consent Form, as set out in Schedule D.
- 6.6. No licence issued under this By-law shall extend beyond December 31 of the year in which it is issued regardless of the licence duration.
- 6.7. Licences may be renewed annually upon submission of a new application and payment of applicable fees
- 6.8. No licence shall be issued until the required fee has been paid in full.

7. SITE STANDARDS AND SETBACKS

- 7.1. No Operator of a Refreshment Vehicle shall operate within the following site standards unless otherwise approved in writing by the Clerk:
 - a) 15 metres of a fuel dispensing station or propane tank;
 - b) 30 metres of the property line of an Eating Establishment unless written consent is provided by the Eating Establishment Owner;
 - c) Five (5) metres of a street intersection; or
 - d) 12 metres of the traveled portion of a highway, measured from the closest property line.
- 7.2. No Operator of a Refreshment Vehicle shall obstruct entrances, exits, sidewalks, driveways, or fire routes;
- 7.3. Every Operator of a Refreshment Vehicles shall operate in a location that is in accordance with the Town's Development Permit By-law.

8. LICENCE CONDITIONS and OPERATING STANDARDS

- 8.1. The Clerk may impose additional conditions in the interest of public safety.
- 8.2. Every Refreshment Vehicle equipped with cooking or heating equipment shall be subject to inspection by the Carleton Place Fire Department. The inspection shall verify compliance with applicable fire safety requirements, including commercial-grade appliances, ventilation systems, suppression equipment, and propane safety. No licence shall be issued without a valid fire inspection certificate.

- 8.3. All Refreshment Vehicles equipped with cooking or heating equipment shall be subject to re-inspection by the Carleton Place Fire Department on an annual basis, prior to the renewal of any Licence. No renewal shall be issued without a valid inspection certificate dated within the current calendar year.
- 8.4. Operators shall make reasonable efforts to ensure that their Refreshment Vehicle operations are accessible to persons with disabilities, in accordance with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) and its regulations. This includes ensuring unobstructed paths of travel, providing customer service in an accessible manner, and responding appropriately to accessibility-related feedback.
- 8.5. Every Operator shall:
- a) Maintain the area within 15 metres of the Refreshment Vehicle in a clean and litter-free condition;
 - b) Provide and maintain adequate waste and recycling receptacles on site;
 - c) Ensure all waste is removed daily and shall not dispose of waste in public receptacles maintained by the Town.
- 8.6. Every Operator of a Refreshment Vehicle shall display the Licence issued by the Clerk at all times and shall present this Licence on demand for inspection by an Officer.
- 8.7. No Operator shall vend from a Refreshment Vehicle between the hours of 11:00 p.m. and 7:00 a.m.
- 8.8. Separate Licences shall be required for each Refreshment Vehicle in operation within the Town.
- 8.9. Refreshment Vehicle Licences shall not be transferred to a successor or assignee.
- 8.10. No Operator of a Refreshment Vehicle shall:
- a) use external gasoline, diesel, propane, or natural gas generator unless inspected and approved by the Fire Department;
 - b) vend on municipal property without written authorization from the Recreation and Culture Department, except as provided in Section 10;
 - c) relocate a Class 1 Refreshment Vehicle without prior written approval from the Clerk.

- 8.11. Every Refreshment Vehicle shall display the business name on two sides of the vehicle in letters no less than 10 centimeters high.
- 8.12. Every Refreshment Vehicle shall be maintained in a clean and structurally sound condition.
- 8.13. All Refreshment Vehicles shall be capable of immediate relocation upon request by an Officer.
- 8.14. Trailers shall be hitched to an operational towing vehicle or able to be immediately attached.

9. EXEMPTIONS FOR PRIVATE PROPERTY OPERATIONS

- 9.1. This By-law shall not apply to a Refreshment Vehicle operating at a Private Event on private property and shall be exempt from the licencing requirements of the By-law, provided:
- a) Refreshments are not sold or offered to the public;
 - b) Refreshments are only available to persons attending the private event;
 - c) the event lasts no more than 24 consecutive hours; and
 - d) the Operator complies with all applicable federal, provincial, and municipal health, fire, and safety regulations.
- 9.2. An example of where Section 7.1 may apply would be a Refreshment Vehicle hired to cater a wedding or private reception at a private location, or a location where the Refreshment Vehicle is not available to the public.

10. PROHIBITED ON SOLELY RESIDENTIAL PROPERTIES

- 10.1. Except as provided in Section 7, no person shall operate a Refreshment Vehicle on any private property that is exclusively or predominantly for used for residential dwelling units, including single detached dwellings, semi-detached dwellings, townhomes or apartment dwellings.

11. COMMUNITY SPECIAL EVENTS

- 11.1. Refreshment Vehicles operating solely under a Town-issued contract or formal invitation for Community Special Events shall be exempt from the licensing requirements of this By-law for the event duration.

12. RIVERSIDE PARK

- 12.1. The Town may issue up to two (2) annual Class 1 licences for Riverside Park each year. Applications for these licences shall be accepted from January 1

to June 1 (or as otherwise set by the Clerk) and shall be processed on a first-come, first-served basis from complete applications.

- 12.2. A letter of approval from the Manager of Recreation and Culture for a site-specific location within Riverside Park shall be submitted to the Clerk with the complete application.
- 12.3. The letter from the Manager of Recreation and Culture may state any conditions that the Manager of Recreation and Culture deems appropriate.
- 12.4. Permission to operate within Riverside Park may be revoked at any time by the Manager of Recreation and Culture upon any breach of the terms and conditions established by the above letter of permission. The Clerk shall be notified of any revocation in writing.

13. PUBLIC PROPERTY

- 13.1. Refreshment Vehicles operating on public rights-of-way or Town Property:
 - a) Shall not remain stationary at any single location for more than 30 consecutive minutes, including setup, vending, and cleanup time, unless otherwise authorized in writing by the Clerk for exceptional circumstances.
- 13.2. After remaining stationary for a 30-minute period, the Refreshment Vehicle shall vacate the location and not return to that same location for at least one (1) hour.
- 13.3. Operators shall ensure the Refreshment Vehicle is fully mobile and departs immediately upon completion of the 30-minute period, leaving no equipment or waste behind.
- 13.4. Operators requiring extended preparation or service time are encouraged to operate on private property designated commercial or mixed-use, where time restrictions do not apply unless specified by the property Owner.
- 13.5. The 30-minute period begins when the vehicle stops moving and commences setup or vending, as observed by an Officer or self-reported by the Operator.
- 13.6. Time limits under this subsection do not apply to Class 2 Vehicles operating under a Town-issued contract or invitation for Community Special Events, per Section 9.
- 13.7. Time limits do not apply to Refreshment Vehicles operating under specific municipal authorizations, such as Riverside Park licences (Section 10).

14. MATERIAL CHANGES

14.1. All Operators shall report Material Changes to the Clerk as follows:

- a) Changes requiring prior approval (e.g., new cooking equipment or primary location shifts) shall be submitted in writing or electronically at least five (5) business days before implementation, with updated documentation if applicable.
- b) Changes requiring notification only (e.g., Ownership or Operator updates) shall be reported within 10 business days of occurrence via a prescribed form or email.

14.2. Failure to report a Material Change as required by this By-law shall constitute an offence. In addition to any penalties imposed, the Clerk may suspend or revoke the Licence or require the submission of a new application.

15. AUTHORITY AND OFFENCES

15.1. Every person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to a fine as provided under the Provincial Offences Act and the Municipal Act, 2001.

15.2. Where applicable, a contravention of this By-law may alternatively be addressed by way of an Administrative Monetary Penalty in accordance with the Town's Administrative Monetary Penalty System By-law.

15.3. An Officer may require relocation for public safety, accessibility, or operational reasons.

15.4. Failure to relocate promptly is an offence and may result in immediate licence suspension.

15.5. Where a Refreshment Vehicle is operating without a valid Licence in contravention of this By-law, an Officer may order the immediate cessation of operation and, where permitted by law, may cause the vehicle or equipment to be removed from the site at the Owner's expense.

16. SUSPENSION, REVOCATION OR REFUSAL OF LICENCE

16.1. Where, in the opinion of the Clerk or an Officer, the operation of a Refreshment Vehicle presents a risk to public safety, obstructs access, or causes significant public disruption, the vehicle may be ordered to relocate, cease operation temporarily, or be removed from the site.

16.2. Non-compliance with Section 14.1 may result in immediate suspension or revocation of the licence.

16.3. The Clerk may suspend or revoke or refuse to issue or renew a Licence on the following grounds:

- a) Receipt of an incomplete application, or receipt of false, or misleading information;
- b) failure to meet safety, health, or Fire Code standards;
- c) lapsed insurance;
- d) failure to comply with the requirements of the Town's by-laws;
- e) failure to comply with any applicable law;
- f) repeated established complaints;
- g) written notice has been received from the Medical Officer of Health, or the Technical Safety Standards Association stating that the Refreshment Vehicle is operating contrary to required standards.
- h) public health, safety, or consumer protection is deemed to be at risk.

16.4. Where a Licence is revoked or suspended, the Operator shall be served notice of non-compliance by an Officer. The notice shall include the reason(s) for the action and shall be delivered in writing to the address provided on the Licence application. The effective date of the suspension or revocation shall be the date of service unless otherwise specified in the notice.

16.5. Where a Licence is refused, the Clerk shall inform the applicant in writing.

16.6. Where a Licence is revoked or suspended, the Operator shall be served notice of non-compliance by an Officer.

16.7. Refunds shall not be provided for revoked licences.

17. ENFORCEMENT AND PENALTIES

17.1. Where a licence is issued to a minor with parental or guardian consent, the parent or guardian shall be deemed jointly responsible for any infractions, penalties, or enforcement actions arising from the operation of the Refreshment Vehicle.

17.2. This By-law shall be enforced by Officers appointed by the Town of Carleton Place and/or by an Officer of the Ontario Provincial Police.

- 17.3. Any person operating a Refreshment Vehicle shall promptly submit proper identification to an Officer upon request. Failure or refusal to do so is an offence.
- 17.4. No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer exercising their authority or performing a duty under this By-law.
- 17.5. Each Person who contravenes any provision of this By-law or fails to comply with an order issued in accordance with this By-law, shall, upon issuance of a penalty notice in accordance with the Town's most recent Administrative Monetary Penalty By-law as amended from time to time, be liable to pay to the Town an Administrative Penalty.
- 17.6. Every Person who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty By-law.
- 17.7. Officers may inspect Refreshment Vehicles at any reasonable time during business hours or while the vehicle is in operation.
- 17.8. Upon finding a correctable violation, Officers shall issue a notice requiring correction within 72 hours for the first offence.
- 17.9. If not corrected within 72 hours, or if the violation is repeated, the Officer may issue an Administrative Monetary Penalty (AMP) or suspend/revoke the licence with written notice to the licensee.
- 17.10. In cases of prohibited activity (e.g., unlicensed operation), the Officer may immediately order cessation and impose an AMP.

18. APPEALS AND DISPUTE RESOLUTION

- 18.1. Any person who is denied a Licence or whose Licence is suspended or revoked may appeal that decision by filing a written appeal to the Clerk within fifteen (15) calendar days of the date of the notice of decision. The Clerk shall schedule a hearing before the Appeals Committee within 30 calendar days of receiving a complete appeal submission.
- 18.2. Filing an appeal does not suspend the revocation unless the Appeals Committee determines otherwise at the hearing.
- 18.3. The Committee of the Whole shall be designated as the Appeals Committee for this By-law.
- 18.4. The Appeals Committee has the power to affirm the decision of the Clerk to refuse, suspend or revoke the Licence, or to direct the Clerk to issue,

renew or reinstate the Licence. The Appeals Committee may also direct the Clerk to impose certain conditions.

18.5. Decisions of the Committee are final.

18.6. Owners or Operators may dispute an AMP by requesting a screening within 15 days of the penalty notice, in accordance with the Town's Administrative Monetary Penalty System By-law.

19. FEES

19.1. Fees payable under this By-law shall be as set out in the Town of Carleton Place most recent Fees and Charges By-law, as amended.

19.2. Refunds shall not be issued for Licences that are voluntarily surrendered or withdrawn by the Operator unless the withdrawal is due to an error or omission on the part of the Town. Refunds shall also not be issued for unused portions of a Licence term.

20. SEVERABILITY

20.1. This By-law operates in conjunction with, and does not supersede, federal or provincial legislation.

20.2. This By-law operates in conjunction with the town of Carleton Place Development Permit By-law, and all Refreshment Vehicles shall comply with its applicable regulations.

20.3. If any section, clause, or provision of this By-law is found to be invalid by a court of competent jurisdiction, the remaining sections shall remain in full force and effect.

21. SHORT TITLE

21.1. This By-law may be cited as "The Refreshment Vehicles By-law."

22. SCHEDULES

22.1. The following schedules are attached to and form part of this By-law:

Schedule A - Licence Application Form

Schedule B - Owner/Operator Attestation

Schedule C - Authorization for Refreshment Vehicle Operation on Private Property

Schedule D - Parental/Guardian Consent Form

Schedule E - Insurance and Indemnification Requirements

23. REPEAL

23.1. By-law No. 50-2020 is hereby repealed upon the effective date of this By-law.

24. Effective Date

24.1. This By-law shall come into force and effect on the day of its passing.

24.2. Licences issued under By-law 50-2020 shall remain valid until they expire,
after which renewal shall follow the new By-law.

READ A FIRST TIME, SECOND TIME AND A THIRD TIME AND FINALLY
PASSED THIS 10TH DAY OF JUNE, 2025.

Toby Randell, Mayor

Stacey Blair, Clerk