

**TOWNSHIP OF WILMOT
BY-LAW NO. 97-16**

**BY-LAW TO LICENSE, REGULATE AND GOVERN
VEHICLES FROM WHICH REFRESHMENTS ARE SOLD**

WHEREAS Section 236, Paragraph 11 of the Municipal Act, R.S.O. 1990, Chapter M.45 as amended, permits Councils of Townships to pass By-laws for licensing, regulating, and governing vehicles from which refreshments are sold for consumption by the public and for revoking any such licence.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

Definitions

1. The following terms shall have the corresponding meanings for the purpose of this By-law:
 - (a) Refreshment Cart means any vehicle, other than a motorized vehicle, from which refreshments are sold for consumption by the public.
 - (b) Refreshment Vehicle means any vehicle which is propelled or driven by any kind of power, excluding muscular power, from which refreshments are sold for consumption by the public.

Licence Required

2. No person shall operate a refreshment vehicle or refreshment cart without an annual license to do so issued by the Corporation of the Township of Wilmot.

Application for Licence

3. Every applicant for a licence to operate a refreshment vehicle or a refreshment cart shall provide the following to the Township of Wilmot:
 - (a) A completed application form, signed by the applicant and the owner of the property on which the refreshment vehicle or refreshment cart is to be operated;
 - (b) Proof of inspection by the Regional Medical Officer of Health, the Fire Chief, and the Chief Building Official of the refreshment vehicle or refreshment cart;
 - (c) A fee in the amount as follows:

i)	Refreshment Cart	Annual	\$500.00
		One Day	25.00
ii)	Refreshment Vehicle	Annual	\$750.00
		One Day	\$50.00

General Provisions

4. Every licensee shall supply a refuse container for his or her refreshment vehicle or refreshment cart to the satisfaction of the Township of Wilmot and the licensee shall ensure that:
 - (a) Such refuse container is maintained in a position immediately adjacent to the refreshment vehicle or refreshment cart at all times; and,
 - (b) All refuse generated from the operation of the licensee's refreshment vehicle or refreshment cart is contained in such refuse container.

Display of Licence

5. Every licensee shall ensure that the Licence issued to the licensee authorizing operation of a refreshment vehicle or a refreshment cart is affixed to the refreshment vehicle or refreshment cart in a conspicuous place clearly visible to the public.

Expiration / Renewal of Licence

6. Every licence issued under this By-law, unless sooner revoked, shall expire on the 31st day of December of the year for which it was issued in the case of an annual licence and at 12:00 midnight on the day for which it was issued in the case of a one day licence.
7. Any licence issued under the By-law may be renewed upon payment of the prescribed fee, provided that, the Township of Wilmot may require the applicant to produce favourable reports from the Regional Medical Officer of Health, the Fire chief, the Chief Building Official, and/or the Director of Planning before renewing any licence.

Revocation of Licence

8. Any licence issued under this By-law is subject to revocation and may be revoked by resolution of Township of Wilmot Council. Upon such revocation, any part of the licence fee proportionate to the unexpired part of the term for which the licence was granted shall be returned to the licensee.

Charitable / Non-Profit Organizations

9. Any charitable or non-profit organization who wishes to operate a refreshment vehicle or refreshment cart shall be subject to the provisions of this by-law save and except any fee may be waived.

Enforcement

10. Any person who contravenes any provision of this By-law is guilty of an offence and is liable to a maximum penalty of Five Thousand (\$5,000.00) Dollars for each offence, recoverable under the *Provincial Offences Act*.

11. That By-law No. 98-54 is hereby repealed and that this by-law shall come into effect on the date of the final passing thereof.

READ a first and second time on the 24th day of March, 1997.

READ a third time and finally passed in Open Council on the 24th day of March, 1997.

Mayor

Clerk