



BROCKVILLE
CITY OF THE 1000 ISLANDS

Application for Refreshment Carts

Business Name		Renewal/New:	
Date Required		Date Requested	

Applicant Information (please print)

Name of Applicant			
Address:			
Postal Code		Phone	
Email address:			

Indicate intended location of business (1. Will be your first choice)

Supporting Documentation

Proof of inspection by the Lanark, Leeds and Grenville Health Unit	
Proof of inspection by the Brockville Fire Department	
Proof of \$2,000,000 liability insurance to City of Brockville	
Letter from private property owner (if applicable)	

General Information

Describe the type of vehicle to be operated (year, make, model):
List the type of refreshments to be sold (please specify ice cream, hotdogs etc.):

Declaration and Signature

I/We hereby apply for a Refreshment Cart license and agree to observe and comply with all regulations pursuant to City of Brockville By-law No. 052-2011 and any amendments hereto, which pertain to the license for which I/We have made an application.

Signature of Applicant

Date

Decision (Internal Use Only)

<input type="checkbox"/> Approved	<input type="checkbox"/> Rejected	<input type="checkbox"/> Fee collected as per Annual User Fee By-law
<input type="checkbox"/> Approved with modifications	<input type="checkbox"/> Deferred	

Signature

Date

THE CORPORATION OF THE CITY OF BROCKVILLE
By-law Number 052-2011 (as amended)
(Consolidated Copy)

A By-law to License and Regulate Refreshment Carts
(as amended by By-law 023-2013 (Fees) and 028-2013 (add Rotary Park))

WHEREAS the *Municipal Act*, 2001, as amended, permits municipalities to license, regulate and govern business wholly or partly carried on within the municipality; and

WHEREAS Council deems it necessary to govern the operation of refreshment carts within the City of Brockville;

NOW THEREFORE the Council of the Corporation of the City of Brockville enacts as follows:

Definitions

1. The following terms shall have the corresponding meanings for the purpose of this By-law:
 - a) "City" shall mean the Corporation of the City of Brockville;
 - b) "designated BIA area" shall mean the area designated by by-law in accordance with the *Municipal Act*, 2001, Section 204;
 - c) "refreshment cart" shall mean any vehicle, other than a motorized vehicle, from which refreshments are sold for consumption by the public.

General Provisions

2. No person shall operate a refreshment cart without an annual license to do so issued by the Corporation of the City of Brockville.
3. No person shall operate a refreshment cart on property other than:
 - a. Centennial/Hardy Park (north east quadrant; Water Street at Home Street area); or
 - b. Centeen Park
 - c. Private properties, outside of the designated BIA area, which are zoned commercial;
 - d. Rotary Park (as amended by By-law Number 028-2013)

4. Only one (1) license shall be issued per property.

Application of License

5. Every applicant for a licence to operate a refreshment cart shall provide the following to the City of Brockville:
 - a) A completed application form, signed by the applicant;
 - b) Proof of inspection by the Lanark, Leeds & Grenville Health Unit and the Brockville Fire Department for the refreshment cart;
 - c) A non-refundable fee for a licence granted under this by-law shall be in accordance with the Corporations Fees and Charges by-law. A licensee shall pay the prescribed fee prior to the issuance of the licence.
 - d) Proof that the owner of the refreshment cart carries a minimum of two million dollars public liability insurance and that the policy shall name the City of Brockville as an “additional insured”.
 - e) For applications to operate on private property the applicant must also provide a letter from the property owner or property manager permitting the use of his/her land for the proposed use.

Licenses Issued for Refreshment Carts on City-owned Property

6. There shall be only one license issued per park.
7. Licenses issued for City-owned properties are issued specific to the property.
8. Where a license has been issued for the operation of a refreshment card at either Centennial/hardy Park or Centeen Park, the applicant must obtain permission from festival or event organizers before operating during a festival or event held in the licensed park. If no permission is obtained from the organizers the licensee is not permitted to operate during the festival or event.

Licenses Issued for Refreshment Carts on Private Property

9. For licenses issued for private property, the licensee shall ensure that:
 - a. the operation of the refreshment cart is not located within fifty metres of an intersection; and
 - b. the refreshment cart not be located within 3 metres of a highway; and

- c. the refreshment cart is not located directly in front of an entrance or exit of a building

Requirements Applicable to all Licenses

10. Every licensee shall supply a refuse container with a lid for his or her refreshment cart and the licensee shall ensure that:
 - a. such refuse container is maintained in a position immediately adjacent to the refreshment cart at all times; and
 - b. the refuse container is emptied at least once daily;
 - c. all refuse generated from the operation of the licensee's refreshment cart is contained in such refuse container.
 - d. if recyclable packaging and/or containers are being sold, the licensee must provide a separate container suitable for recyclables, suitably marked.
11. The licensee shall clean all litter from the area with a radius of 9 metres (29.5 feet) from the refreshment cart daily.
12. No licensee shall operate any refreshment cart between the hours of 10:00 pm and 9:00 am.
13. The cart and all parts and equipment thereof for use in the dispensing of refreshment shall at all times be kept in a clean and sanitary condition and in good repair.
14. Signs that are not attached to the refreshment cart are not permitted.
15. No license issued under the provision of this by-law shall be transferred.

Expiration / Renewal of License

16. Every license issued under this by-law, unless sooner revoked, shall expire on the 31st day of December in the year for which it was issued.
17. Any license issued under this By-law may be renewed prior to March 31st of each year, upon payment of the prescribed fee, provided that the City of Brockville may require the applicant to produce favourable reports from the Lanark, Leeds

& Grenville Health Unit and the Brockville Fire Department before renewing any license.

18. Effective April 1st of each year, licenses will be issued on a first come, first serve basis for unlicensed city-owned properties.

No License Required

19. A refreshment cart license shall not be required if:

- a. the refreshment cart is operated as a vendor of the Brockville Farmers Market, operating on Market Days;
- b. the refreshment cart is operating at a festival or event with the permission of the festival or event organizers;
- c. the refreshment cart is operated as a fundraising event for a registered charitable organization so long as the event organizer has permission of the City Clerk or Director of Operations;
- d. the refreshment cart is located on private property that has been zoned specifically to permit a “chip wagon” in accordance with the City of Brockville Zoning by-law

Enforcement

20. The provisions of this by-law may be enforced by a municipal law enforcement officer, police officer, or other individual duly appointed for the purpose of enforcing this By-law.

21. No person shall obstruct, hinder or otherwise interfere with any by-law enforcement officer, police officer, peace officer, or other individual duly appointed while carrying out an investigation, making inquiries, or performing their duties for the purposes of enforcing this By-law.

Offence and Penalty Provisions

22. Any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act*, as amended, and to any other applicable penalties.

23. If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court competent jurisdiction thereafter may,

in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Validity

24. Each provision of this By-law is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this by-law remain valid and enforceable.

25. The short title of this By-law is the "Refreshment Cart By-law".

Commencement

26. This By-law shall come into force and take effect on the date of its passing.

Given under the Seal of the Corporation
of the City of Brockville and passed this
24th day of May, 2011.

[signed: D. Henderson]

Mayor

[signed: D. Livingston]

Deputy City Clerk