



MUNICIPALITY OF **West Elgin**

The Corporation Of The Municipality Of West Elgin

By-Law No. 20YY-XX

A by-law for the regulation of Mobile Food Outlet and the licensing of such premises.

Whereas Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

And Whereas subsection 151(1) of the *Municipal Act, 2001* provides that, without limiting sections 9 and 10 of the Act, a municipality may provide for a system of licences with respect to a business;

And Whereas it is deemed desirable for the public to exercise its licencing powers for the purposes of Health and safety;

Now Therefore the Municipal Council of The Corporation of West Elgin enacts as follows:

1. Definitions

1.1. **“Licence”** shall mean a licence under the provisions of this by-law.

1.2. **“Medical Officer of Health”** shall mean the Medical Officer of Health for Southwestern Public Health Unit or his/her duly authorized delegate.

1.3. **“Mobile Food Outlet”** a structure designed as an integral part of a self-propelled motor vehicle or as a unit which is towed by a motor vehicle, from which food and refreshment is made available to the general public.”

1.4. **“Municipality”** means the Municipality of West Elgin or the geographic area of the Municipality of West Elgin as the context suggests.

1.5. **“Municipal Clerk”** means the Clerk or designate as defined by Section 228 of the *Municipal Act, 2001*, S.O. 2001, c.25.

- 1.6. **“Restaurant”** means a building, designed, used or intended for the servicing of food or refreshments to the public where the servicing and consumption of food or refreshments takes place entirely within such building or at outside tables immediately adjacent to such building and may include a dining lounge licensed under the *Liquor License Act*.

2. Interpretation

- 2.1. The requirements of this By-law are in addition to requirements contained in any other applicable by-laws of the Municipality or applicable provincial or federal statutes or regulations.
- 2.2. If there is a conflict between a provision of this By-law and any other by-law of the Municipality or a provincial or federal statute or regulation, the most restrictive in relation to the regulation of animals shall prevail.

3. Scope

- 3.1. The provisions of this By-law apply to the entire geographic area of the Municipality.

4. Licensing of Mobile Food Service Premises

- 4.1. No person shall operate a Mobile Food Outlet within the limits of the Municipality of West Elgin unless and until the operator has obtained a separate license for each Mobile Food Service Premises, as issued under the provisions of this by-law. Such licence must be posted in a visible spot.
- 4.2. No person shall operate a Mobile Food Outlet on municipal public property, unless in conjunction with a municipally approved event.
- 4.3. No person shall operate a Mobile Food Outlet within 150 m of a restaurant.
- 4.4. No person shall operate a Mobile Food Outlet on private property without the written consent of the property owner.
- 4.5. No person shall operate a Mobile Food Outlet on a sidewalk or boulevard adjacent to a public highway.
- 4.6. No person shall operate a Mobile Food Service Premises, the sanitary condition of which is not satisfactory to any public health inspector.
- 4.7. No person shall operate a Mobile Food Service Premises, which has not been approved by a public health inspector prior to commencement of operation in the calendar year which the premises is set to operate.
- 4.8. No person shall operate a Mobile Food Outlet which has not been inspected by the West Elgin Fire Chief or his/her designate prior to commencement of operation in the calendar year which the premises is set to operate.

4.9. All Mobile Food Outlets must conform to all Municipal By-Laws.

5. Application

5.1. Every application for a licence shall be in the form as shown in attached Schedule "A", which forms part of this by-law and shall provide any other information relating to the application as required by the Municipality.

5.2. Every application for a Mobile Food Outlet shall:

5.2.1. provide written consent of property owner

5.2.2. be accompanied by the required licence fee

5.2.3. be accompanied by Mobile Food Premises Inspection Report R.R.O. 1990, Regulation 562, signed by the Southwest Public Health Official

5.2.4. be accompanied by proof of insurance in accordance with Section 7 of this by-law

5.2.5. be accompanied by a current Mobile Food Service Equipment (MFSE) Annual Inspection Certificate for MFSE's from Technical Standards & Safety Equipment (TSSA)

5.2.6. Signed Inspection from West Elgin Fire Chief or his/her designate

5.3. Applications shall be processed and approved by the Clerk and/or his/her designate.

6. Fees

6.1. A licence fee shall be charged on an annual basis in accordance with Fees and Charges By-Law, as amended.

6.2. No application shall be reviewed or issues a licence unless fees have been paid in full.

7. Insurance

The licensee shall provide the Municipality of West Elgin with a valid insurance certificate of a minimum of two million dollars (\$2,000,000.00) liability insurance.

8. Enforcement

Any person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine as provided for in Part One the *Provincial Offences Act*.

9. Enactment

This by-law shall come into force and effect upon the final passing thereof.

Read a first and second time this _____

Read a third time and passed this _____

Duncan McPhail
Mayor

Jana Nethercott
Clerk