

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2003-51**

**LICENSING:** (L.3.2.8) being a by-law to license, regulate and govern vehicles from which refreshments are sold for consumption by the public and to repeal By-law Nos. 1960 and 2346

WHEREAS Part IV of the *Municipal Act*, 2001 S.O. 2001, c.25, said Part IV being entitled "Licensing and Registration" sets out the conditions precedent to a municipality licensing a business;

AND WHEREAS s. 150(2) of the *Municipal Act* sets out three purposes for which a municipality may license a business, those purposes being health and safety, nuisance or consumer protection, or a combination of all three;

AND WHEREAS the types of allowable costs for licence fees are set out in s. 150(10) of the said *Municipal Act*, those costs being the costs associated with preparation of the by-law, inspections related to the by-law, enforcement of the by-law against the person operating without a licence, prosecution and court proceedings, and reciprocal licensing arrangements;

AND WHEREAS after a review carried out by the Legal Department, the Algoma Health Unit, and Sault Ste. Marie Fire Services it was determined that for the purpose of health and safety it was necessary to license persons operating food vending vehicles;

AND WHEREAS the proposed annual fee for food vending licences is proposed to be \$225.00 per licence;

AND WHEREAS approximately six food vending licences were issued by The Corporation of the City of Sault Ste. Marie in the year 2002;

AND WHEREAS the costs of the Legal Department in preparing, reviewing and circulating this by-law for comments, and circulating it after it has been considered by Council are estimated to be \$300.00;

AND WHEREAS the costs of Sault Ste. Marie Fire Services in inspecting food vending vehicles are estimated to be \$321.00 (\$53.50 per hour x 6 licences);

AND WHEREAS the costs of the Tax and Licence Division of the Finance Department in issuing food vendor licences are estimated to be \$360.00 (\$60.00 per hour x 6 licences);

AND WHEREAS the costs of the Algoma Health Unit in inspecting food vending vehicles are estimated to be \$540.00 (\$90.00 x 6 licences);

AND WHEREAS the costs of advertising the public meeting to be held to consider the passing of the by-law along with preparing the notice and arranging for it to be placed in the local newspaper are estimated to be \$100.00;

AND WHEREAS the above-noted costs total \$1,621.00;

AND WHEREAS a notice of the public meeting for consideration of this by-law was given in accordance with s. 150(4) of the *Municipal Act*;

**NOW THEREFORE THE COUNCIL** of the Corporation of the City of Sault Ste. Marie pursuant to the *Municipal Act* 2001, S.O. 2001, c.25, **ENACTS** as follows:

1. In this by-law, "food vending vehicle" means a vehicle from which refreshments are sold for consumption by the public.
2. No person shall operate or use a food vending vehicle in the City of Sault Ste. Marie unless such vehicle is licensed under this by-law.
3. No food vending vehicle shall be licensed under this by-law unless the Tax and Licence Division shall have received from the Medical Officer of Health and the Fire Chief their certificates of approval of such vehicle from the stand points of health and safety respectively.
4. No person shall make any alteration in or addition to the structure of a licensed food vending vehicle or to the equipment used therein or thereon for the storage, preparation or serving of food unless such proposed alteration or addition has been approved in writing by the Medical Officer of Health and the Fire Chief.
5. The annual licence fee for a food vending vehicle shall be the sum of \$245.00 payable to the Corporation and shall be valid for the calendar year for which it was issued. **[AMENDED BY BY-LAW 2017-227]**
6. Any such licence may be transferred on payment of a transfer fee of one dollar to the Corporation.
7. No person shall sell or serve refreshments from the front of a food vending vehicle or from the side thereof that faces the centre of the highway on which the vehicle stands.
8. No person shall operate a food vending vehicle in contravention of any of the provisions of any other by-law of the Corporation.
9. Every licence issued under this by-law shall during the currency of such licence be kept affixed to and prominently displayed on the food vending vehicle for which the licence was issued.
10. Every licence issued under this by-law shall be issued to the owner of the food vending vehicle on the application of such owner and in accordance with the provisions of this by-law.
11. Each holder of a licence shall comply with all provincial requirements regarding the handling of food.
12. The Council of the Corporation may by resolution revoke any licence issued under this by-law.
13. Before a person receives a licence to operate a food vending vehicle under this by-law, that person shall provide proof to the Tax and Licence Division that the person has in place liability insurance of at least \$500,000.00 which insurance policy shall indentify the City Corporation as an additional named insured.
14. (i) If a person proposes to locate a free standing food vending vehicle on a property owned by the City Corporation that is a sidewalk, boulevard and/or road allowance, that person must locate at a distance not less than 100 feet from an entrance to a food service

premises unless written approval is received from the owner and/or operator of such premises.

- (ii) If a person proposes to locate a free standing food vending vehicle on a property owned by the City Corporation not identified in 14(i) that person must first obtain approval for that location from the City Tax and Licence Division.
  - (iii) If the operator of the food vending vehicle is not satisfied with the decision of the Tax and Licence Division regarding the location of the food vending vehicle on City property, the operator of the food vending vehicle is entitled to request that the matter be heard and a decision made by City Council.
  - (iv) No food vending vehicle shall be placed so as to obstruct the entrance or exit to any building, whether the building is located on public or private property.
15. The provisions of this by-law do not apply if a person operates a business providing food for delivery elsewhere in the City or operates a restaurant in the City.
16. Every person or corporation convicted of a contravention of this by-law shall be liable to a penalty in accordance with the provisions of the *Provincial Offences Act*.
17. BY-LAW REPEALED
- By-law 3306 is hereby repealed.
18. EFFECTIVE DATE
- This by-law takes effect on the day of its final passing.

**READ THREE TIMES** and **PASSED** in open Council this 17th day of March, 2003.

“JOHN ROWSWELL”  
MAYOR – JOHN ROWSWELL

“MALCOLM WHITE”  
CLERK – DONNA P. IRVING