

**THE CORPORATION OF THE TOWN OF HANOVER**

**BY-LAW NO. 3382-26**

Being a By-law to Licence, Regulate and Govern Mobile Food and Refreshment Vending in the Town of Hanover

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**WHEREAS** Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power shall be exercised by by-law;

**AND WHEREAS** Section 8 of the *Municipal Act, 2001* provides that the powers of the municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising authority under the *Municipal Act* and any other Act;

**AND WHEREAS** Section 11 of the *Municipal Act, 2001* authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons and respecting the protection of persons and property including consumer protection;

**AND WHEREAS** Section 150 through 153 and 160 of the *Municipal Act, 2001* authorize a municipality to provide for a system of licences with respect to a business and to licence, regulate and govern businesses and events;

**AND WHEREAS** Section 429 of the *Municipal Act, 2001* provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act*;

**AND WHEREAS** Section 436 of the *Municipal Act, 2001* authorizes a municipality to pass a by-law providing that the municipality may enter on land to conduct inspections;

**AND WHEREAS** the Council for the Town of Hanover deems it expedient to establish regulations to govern and control business activities relating to mobile food and refreshment vending in Hanover in the interest of public safety and consumer protection;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF HANOVER HEREBY ENACTS AS FOLLOWS:**

**1. SHORT TITLE**

- 1.1. The Short Title of this by-law shall be known as the "Mobile Refreshment Vendor by-law"

**2. DEFINITIONS**

In this By-law

- 2.1. **Applicant** means a person who has applied for a licence in accordance with the provisions of this by-law.
- 2.2. **Catering Truck** means a motor vehicle from which food and beverages are offered for sale and sold to employees and other workers on private property for a one-time occasion at the invitation of a property or business owner or a contractor working on the property.

- 2.3. **Charitable Organization** means a not-for profit organization or group registered by a recognized government agency and in full compliance with the reporting requirements under the relevant legislation.
- 2.4. **Designated Property** means a Town property approved for mobile refreshment vehicle operation as specifically indicated on **Schedule 'A'** of this by-law.
- 2.5. **Fee** means a fee as set out within the Town's current Rates, Fees and Charges by-law (as amended from time to time).
- 2.6. **Food** shall include food or drink for human consumption but excludes alcoholic beverages.
- 2.7. **Ice Cream Bicycle** means an e-bike or non-motorized bicycle or tricycle with an insulated container from which frozen ice cream and frozen confections may be sold or provided for consumption;
- 2.8. **Ice Cream Truck** means a vehicle modified to transport frozen ice cream and frozen confections from place to place, which is duly licenced by the Ministry of Transportation and is capable of being driven on highways or within municipalities and from which ice cream and other frozen confections may be sold or provided for consumption;
- 2.9. **Licence** means a mobile refreshment vehicle licence issued to a licensee to operate a mobile refreshment vehicle business in compliance with this by-law. Licences are valid from January to December of the current calendar year.
- 2.10. **Licensee** means a person, company or organization that has been issued a licence and includes an applicant.
- 2.11. **Mobile Food Cart** means a cart which is propelled by muscular power and is equipped with cooking or barbeque grills on which to prepare hot food, and such food cart shall not exceed an overall dimension of 75 centimetres in width and 1.5 meters in length;
- 2.12. **Mobile Lunch Truck** means a vehicle modified to transport food preparation and serving equipment from place to place, which is duly licenced by the Ministry of Transportation and is capable of being driven on highways or within municipalities;
- 2.13. **Mobile Refreshment Bicycle** means an e-bike or non-motorized bicycle or tricycle with an insulated or non-insulated container from which food may be sold or provided for consumption.
- 2.14. **Mobile Refreshment Stand** means a portable building or structure that is used to prepare and/or serve food to the general public for consumption.
- 2.15. **Mobile Refreshment Vehicle** means any vehicle or cart from which food and refreshments are offered for sale, sold or provided for consumption by the public, and includes, without limiting the generality of the foregoing, a mobile food cart, ice cream bicycle, ice cream truck, mobile lunch truck, mobile refreshment stand and mobile refreshment bicycle irrespective of the type of power employed to move the refreshment vehicle from one point to another, but does not include a catering truck;

- 2.16. **Nuisance** means an activity or activities, intentional or negligent in origin, which have a detrimental impact on the use and enjoyment of properties in the vicinity of the premises.
- 2.17. **Officer** means an officer appointed by Council or through an authority of applicable legislation, such as, but not limited to, a municipal law enforcement officer, fire prevention officer, licencing officer and may include a member of the Hanover Police Service.
- 2.18. **Operate** means to directly or indirectly manage, work, control, maintain, put or keep in a functional state any business.
- 2.19. **Operator** has the same meaning of "Operate".
- 2.20. **Owner** - means the person registered on title as the owner of a mobile refreshment vehicle, property, structure or building.
- 2.21. **Person** - for the purpose of this by-law, includes: an individual, an authorized agent, a responsible person, an occupant and/or an owner.
- 2.22. **Premises** means the land upon which the mobile refreshment vehicle or mobile refreshment stand is situated, including all buildings and structures thereon.
- 2.23. **Public Health Inspector** means a public health inspector of a board of health as defined under the *Health Protection and Promotion Act, R.S.O. 1990, c. H. 7.*
- 2.24. **Restaurant** has the same meaning as in the Town's current Comprehensive Zoning by-law.
- 2.25. **Special Event** means an event proceeding under the authority of a valid special event permit issued by the Town.
- 2.26. **Street** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle designed and intended for, or based by, the general public for the passage of vehicles.
- 2.27. **Town** means the Corporation of the Town of Hanover.
- 2.28. **Valid Licence** means a mobile refreshment vendor licence issued by the Town of Hanover currently in effect and not expired.
- 2.29. **Vehicle** has the same meaning as within the *Highway Traffic Act, R.S.O. 1990, c. H.8.*
- 2.30. **Vulnerable Sector Check** means the original search results of a Police Vulnerable Sector Check, enhanced screening for those employed in positions working with vulnerable persons, from each police service's jurisdiction in Canada in which the applicant has been a resident during the prior 365 days, dated no more than 60 days prior to the submission of the Application;
- 2.31. **Waste** includes food, disposable eating utensils, paper, wooden, cardboard, plastic, glass or metal products used in the preparation, serving or consumption of the food or beverages offered for sale from a mobile refreshment vehicle or mobile refreshment stand;
- 2.32. **Zoning By-law** means any by-law passed by a municipality pursuant to Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended

### **3. GENERAL PROVISIONS**

- 3.1. No person shall operate a mobile refreshment vehicle, or mobile refreshment stand anywhere within the Town without possessing a valid mobile refreshment vendor licence issued by the Town under the authority of this by-law.
- 3.2. No person shall operate a mobile refreshment vehicle, or mobile refreshment stand, anywhere within the Town without displaying a valid mobile refreshment vendor licence issued by the Town posted within a conspicuous place of the mobile refreshment vehicle or mobile refreshment stand.
- 3.3. No person shall operate a mobile refreshment vehicle or mobile refreshment stand in contravention of the Town's Official Plan, the Town's Zoning by-law, any Town enacted by-laws or any other plans and policies currently in effect that apply to the use or application of a mobile refreshment vehicle or mobile refreshment stand.
- 3.4. No person shall locate and operate a mobile refreshment vehicle or mobile refreshment stand on any portion of a street, public sidewalk, boardwalk or boulevard area at any time, unless otherwise expressly authorized in writing by the Town to do so.
- 3.5. No person shall operate a mobile refreshment vehicle or a mobile refreshment stand unless the vendor displays, in contrasting colour and in clearly visible letters measuring at least 10 centimetres in height, the operating name of the business as it appears on the issued licence.
- 3.6. No person shall alter or modify or permit the alteration or modification of a vendor licence.
- 3.7. No mobile refreshment vehicle or mobile refreshment stand shall be operated between the hours of 10:00 P.M. and 9:00 A.M. except for special events.

### **4. MOBILE REFRESHMENT VENDOR APPLICATION**

- 4.1. Licences for designated properties will be issued on a first come, first served basis. Applications will not be accepted before the beginning of the calendar year but will be accepted throughout the year for the current year.
- 4.2. Every person making application for a mobile refreshment vendor licence shall submit the following information and/or documentation to the Town as part of a completed application:
  - a. A completed application form with the required licencing fee as contained within the current Rates, Fees and Charges by-law.
  - b. Vehicle ownership, vehicle safety certificate and valid driver's licence, as applicable.
  - c. Vulnerable Sector Check.
  - d. A schedule detailing when the mobile refreshment vehicle or mobile refreshment stand will be operating at an approved designated property as identified in **Schedule 'A'**.
  - e. A valid relevant certificate or permit from the Medical Officer of Health of the Grey Bruce Public Health Unit.

- f. Certification of Fire Inspection from the Town's Fire Department containing a TSSA annual inspection certificate, MFSE-002, a field approval by TSSA, a copy of certificate of hydro inspections - ESA and a Certificate of inspection and maintenance for the fire suppression system (NFPA 96) and portable fire extinguisher(s) (NFPA 10), as required by Ontario Regulation 213/07 made under the FIRE PROTECTION AND PREVENTION ACT, 1997.
  - g. All approvals, inspections or other documentation as specified under the provisions of this by-law or specifically requested by the Town.
  - h. Where a mobile refreshment vehicle or a mobile refreshment stand is permitted to be located on private property, written consent provided by the property owner permitting the operation and use of the mobile refreshment vehicle and mobile refreshment stand.
  - i. Proof of compliance with Section 5 of this by-law.
- 4.3. Where applicable, a copy of each of the following, which will remain on the premises of the mobile refreshment vehicle or the mobile refreshment stand at all times;
- a. A valid relevant certificate or permit from the Medical Officer of Health of the Grey Bruce Public Health Unit; and
  - b. Certification of Fire Inspection from the Town's Fire Department containing a TSSA annual inspection certificate, MFSE-002, a field approval by TSSA, a copy of certificate of hydro inspections - ESA and a Certificate of inspection and maintenance for the fire suppression system (NFPA 96) and portable fire extinguisher(s) (NFPA 10), as required by Ontario Regulation 213/07 made under the FIRE PROTECTION AND PREVENTION ACT, 1997.
- 4.4. Mobile Refreshment Vehicles or Mobile Refreshment Stands on Town property shall;
- a. Be located on a designated Town property identified in **Schedule 'A'** of this Bylaw;
  - b. Be placed in compliance with written permission of the Town; and
  - c. Operate in compliance with the administrative procedures contained herein.
- 4.5. No operator of a mobile refreshment vehicle or mobile refreshment stand shall place tables, chairs, seating, portable washroom or similar furnishings in any area adjacent to, or surrounding the vehicle or stand.
- 4.6. The use of human billboard advertising is not permitted on municipal property.
- 4.7. Where more than 3 inspections are conducted by an officer within the operating year, the applicant may be subject to a re-inspection fee.

## 5. INSURANCE

- 5.1. The licensee shall, continuously for the term of the licence, maintain full, necessary and adequate insurance coverage, underwritten by an insurer

licenced to conduct business in the Province of Ontario, and acceptable to the Town.

- 5.2. The licensee shall maintain and provide confirmation of Workplace Safety & Insurance Board coverage.
- 5.3. With the exception of the Standard Ontario Automobile Policy (OAP) 1 Automobile Insurance, all other policies shall be endorsed to provide 30 days' notice to the Town in the event of cancellation or in the event of non-renewal of an Insurance Policy or pertinent coverage.
- 5.4. The General Liability Insurance Policy shall;
  - a. Insure against injury or damage to persons or property, with a limit of not less than \$5,000,000 per occurrence;
  - b. Include, but not be limited to, coverage for Bodily Injury including Death, Property Damage, Contractual Liability, Non-owned Automobile Liability, and Products and Completed Operations;
  - c. Contain a cross liability, severability of insured clause;
  - d. Name The Corporation of the Town of Hanover as an additional insured.
- 5.5. The Certificate of Insurance must clearly identify the licenced mobile refreshment vehicle(s) or mobile refreshment stand(s).
- 5.6. Standard OAP 1 Automobile Policy - Applicant shall provide proof of coverage for all licenced motor vehicles owned, leased or operated by the Applicant and used as Refreshment Vehicle, with a limit of not less than \$5,000,000 per occurrence for Third Party Liability coverage.
- 5.7. Prior to the issuance of the licence, the licensee shall promptly provide the Town with confirmation of coverage in a Town approved format, by an authorized representative of the insurer together with copies of any amending endorsements applicable to the licence.

## **6. REQUIREMENTS FOR WASTE DISPOSAL/GREY WATER/HYDRO**

- 6.1. The licensee, owner and/or operator of a mobile refreshment vehicle or a mobile refreshment stand shall:
  - a. provide a waste receptacle complete with a tight-fitting lid for the collection of customer waste located in a way that is easily accessible by all customers;
  - b. ensure all waste receptacles are emptied at the conclusion of each business day; and
  - c. ensure all waste is disposed of in accordance with Town of Hanover by-laws at the sole expense of the licensee.
  - d. supply their own water and disposal of grey water;
  - e. provide their own hydro.
- 6.2. A mobile refreshment vehicle or a mobile refreshment stand operating as part of a registered Special Event shall be exempt from Section 6.1.

## 7. EXEMPTIONS

- 7.1. A mobile refreshment vehicle or a mobile refreshment stand shall be exempt from the Town's application licence fee in any of the following circumstances;
  - a. It is operated by or on behalf of a registered charitable and/or not-for-profit organization.
  - b. It is operated at a Town approved event or festival.
  - c. It is operated by or on behalf of a restaurant on the premises of the restaurant.

## 8. ADMINISTRATION, ENFORCMENT, AND RIGHT OF ENTRY

- 8.1. This by-law shall be administered and enforced by an officer as defined within this by-law.
- 8.2. An officer may enter upon and inspect any land or premises at any reasonable time to determine if any section of this by-law is being complied with, or to determine if any direction, notice, or order issued pursuant to this by-law, the *Municipal Act, 2001*, or the *Fire Protection and Prevention Act, 1997, S.O. 1997 c.4*, is being complied with.
- 8.3. In addition to any other action, where a person is in contravention of any provision of the by-law, an officer may post on site or send a notice in the form of a letter or email to the person, describing the contravention.
- 8.4. Any order or direction given under this by-law may be given personally to the owner or occupant of the property, or may be posted on site, mailed by ordinary or registered mail, or by hand delivery to the mailing address of the registered owner or occupant of the property and any such delivery shall be deemed good and sufficient service.
- 8.5. No person shall obstruct or hinder or attempt to obstruct or hinder an officer in the exercise of a power or the performance of a duty under this by-law.
- 8.6. No person shall refuse to produce any documents or things required by an officer under this by-law, and every person shall permit the entry, inspection, examination, or inquiry by an officer.
- 8.7. No person shall knowingly furnish false or misleading information to the Town or to an officer with respect to this by-law.
- 8.8. Any items remaining on a designated property as identified in **Schedule 'A'**, at the conclusion of the licence period or upon termination of a licence shall be deemed to be abandoned by the licensee. The Town may remove, sell or otherwise dispose of the same without any liability to the licensee whatsoever.

## 9. REFUSAL/SUSPENSION/REVOCAION OF LICENCE

- 9.1. The Town may refuse to issue a licence and may suspend or revoke a licence where:
  - a. The applicant cannot satisfy the terms required for the licence;
  - b. The licensee has failed to remedy any reasonable concern with regard to conditions of a licence;

- c. The licensee has failed to comply with any requirements of this or any other applicable by-laws, or provincial or federal statute or regulations;
  - d. The applicant made a material misrepresentation in the application or supporting documentation;
  - e. The licensee is not complying with any terms or conditions of their licence;
  - f. The licensee acted in a manner that would appear to give rise to issues relating to the specific grounds for consideration; or,
  - g. The owner(s) or applicant(s) have any outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town.
- 9.2. Upon written notice to the licensee at the address provided in the application for a licence hereunder, the Town may suspend or revoke a licence issued to any applicant where the Town believes it is in the public interest to do so, including the grounds that the conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or that it is otherwise determined that it is in the public interest to do so.
- 9.3. Any suspension or revocation of a licence may be subject to such terms and conditions as the Town considers appropriate.

## **10. NO VESTED RIGHT**

- 10.1. No person shall have a vested right to the continuation or re-issuance of a licence.

All licences issued, renewed, cancelled, suspended, or terminated remain the sole property of the Town.

## **11. OFFENCES AND PENALTIES**

- 11.1. A person is guilty of an offence if the person:
- a. Fails to comply with an order, notice direction or other requirements under this by-law, or,
  - b. Contravenes any provision of the by-law.
- 11.2. A director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence.
- 11.3. Any person who knowingly falsely reports a violation of this by-law shall, upon the second and any subsequent false reports, be guilty of an offence.
- 11.4. If the contravention of this by-law results in fire suppression or fire prevention personnel and vehicles being dispatched to respond to the property, the person in control of the fire and/or the Owner may be invoiced by the Fire Department, for the cost of such response according to the rates established by the Rates, Fees and Charges by-law, as amended. However, nothing in any schedule of rates shall be construed as limiting the rights of the Town to seek restitution for other direct or consequential damages or costs incurred beyond those listed.

11.5. Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall be subject to a penalty in accordance with *the Provincial Offences Act, R.S.O. 1990, c. P.33.* as amended.

11.6. The court in which the contravention has been entered, and any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

## **12. VALIDITY AND SEVERABILITY**

12.1. Every provision of this by-law is declared severable from the remainder and if any such provision of this by-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of the by-law.

## **13. FORCE, EFFECT AND REPEAL**

13.1. This By-law shall come into effect on the day of passage.

13.2. On the day of passage, By-law No. 2002-06-20-94, 1999-06-06-94, and 2000-06-06-94 shall be repealed:

**READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED** this 2nd day of March 2026.

  
Susan Paterson, Mayor

  
Vicki McDonald, Clerk

## **SCHEDULE 'A'**

### Designated Properties

- Town Park (parking area between 7<sup>th</sup> Avenue and Skateboard Park) 780 7th Avenue, Hanover
- Karl "Speck" Wilken Park (Parking Lot Area) 781 7th Avenue, Hanover
- Heritage Square (Northwest portion of Rexall parking lot or adjacent to the park along 11th Ave).

The Town will determine the specific area within the designated properties where the mobile refreshment vehicle or mobile refreshment stand will be permitted.

A maximum of one food truck is permitted per designated property at any given time unless authorized by the Town.