

BY-LAW NO. 129-14

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a By-law of the Corporation of the City of Cambridge to License, Regulate and Govern Food Trucks.

WHEREAS Part IV of the Municipal Act, 2001, as amended, authorizes the Council of a municipality to pass by-laws for licensing, regulating and governing any business carried within the municipality;

AND WHEREAS Council considers it desirable to exercise this authority respecting food trucks for the purposes of health, safety, nuisance control and consumer protection;

NOW, THEREFORE BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:

1. DEFINITIONS

“City” means The Corporation of the City of Cambridge.

“Clerk” means the Clerk of The Corporation of the City of Cambridge.

“Food” means food or drink for human consumption and includes refreshments and confections.

“Food premises” has the same meaning as in the Health Protection and Promotion Act.

“Food truck” means a motorized vehicle, other than a motor assisted bicycle or motorcycle from which refreshments are cooked, carried or offered for sale for consumption to the general public but does not mean trailers, push cars or non-motorized vehicles propelled by muscular power.

“Highway” means a highway under the jurisdiction of the City and within the geographic limits of the City and includes all lands within the lateral boundaries of the highway.

“License” means a license issued under this by-law.

“License Officer” means an employee of the City of Cambridge who is responsible for overseeing the administration of the license.

“Licensee” means a person who holds license under this by-law.

“Municipal Law Enforcement Officer or MLEO” means an employee of the City of Cambridge who is appointed by Council pursuant to s. 15 of the Police Services Act, RSO 1990.

“Person” means a person as defined in the Interpretation Act, and includes a corporation.

“Public Property” means property owned by the City.

“Region” means The Corporation of the Regional Municipality of Waterloo.

“Regional Road” means a highway under the jurisdiction of the Region of Waterloo and within the geographical limits of the City, and includes all lands within the lateral boundaries of the highway.

“Residential Area” means properties zoned residential as set out in the City’s Zoning By-laws.

“Vehicle” means a vehicle as defined in the Highway Traffic Act.

“Zoning by-law” means a by-law enacted under section 34 of the Planning Act that restricts the use of land.

2. APPLICATION

2.1 The requirements of this by-law shall apply to the business and operation of food trucks carried on within the geographic limits of the City.

2.2 All food truck owners and operators shall obtain a licence to operate a food truck or trucks before carrying on a food truck business.

3. PROHIBITIONS

3.1 No person shall do any of the following, except in accordance with a licence issued under this by-law and in accordance with the provisions of this by-law:

- (a) carry on a food truck business;
- (b) permit a person to carry on a food truck business;
- (c) sell food from a food truck; or,
- (d) hold themselves out as being licensed to carry on a food truck business.

3.2 No person shall do any of the following, under a name other than the name under which a licence has been issued under this by-law:

- (a) carry on a food truck business;
- (b) permit a person to carry on a food truck business;
- (c) sell food from a food truck; or,
- (d) hold themselves out as being licensed to carry on a food truck business.

3.3 No person shall transfer or assign a licence issued under this by-law.

- 3.4 No person shall provide false or misleading information to the City when applying for a licence under this by-law, renewing a licence or at any other time.
4. ADMINISTRATION
- 4.1 Every applicant shall:
- (a) complete an application for each location in the form prescribed by the License Officer, including setting out such information and attaching such documentation as may be required by the License Officer which includes the information and documentation outlined in section 4.2;
 - (b) submit their completed application to the License Officer; and
 - (c) pay the applicable fee pursuant to Schedule "A" of this by-law.
- 4.2 Every application for a licence shall include the following:
- (a) a Region of Waterloo Public Health approval;
 - (b) a Technical Standards & Safety Authority Field Approval for all equipment and appliances that are not approved by the Canadian Standard Association or the Underwriter Laboratories of Canada;
 - (c) a propane inspection by a certified gas fitter (if applicable);
 - (d) Fire approval from the City Fire Department;
 - (e) Zoning approval from the City Planning Department;
 - (f) a copy of the applicant's driver's licence;
 - (g) a copy of the ownership for the food truck;
 - (h) a photo of the foodtruck;
 - (i) proof of general liability insurance (by an insurer satisfactory to the City) in the amount of \$2,000,000.00 naming the City and the Region as an additional insured;
 - (j) proof of automotive liability insurance (by an insurer satisfactory to the City) in the amount of \$2,000,000.00 on all vehicles used in food truck operations;
 - (k) the dimensions of the food truck;
 - (l) a plan for the containment and disposal of grey water, grease and garbage in a sanitary manner satisfactory to the City;
 - (m) a description of food menu;
 - (n) written permission from the owner of private property, clearly acknowledging the intended use of the property (if applicable);
 - (o) a general sketch or plan showing the location of the food truck as it relates to other buildings and structures on the property, when the food truck is placed on private property.
- 4.3 Licensees must ensure the required certificates and approvals are kept in the food truck at all times and available for immediate inspection upon demand by an M.L.E.O, Police Officer or Public Health Inspector. The following documentation shall be kept which includes:

- (a) a copy of the licence issued by the City;
- (b) a log book; and,
- (c) a copy of this by-law.

5. ISSUANCE OF LICENSE AND GROUNDS FOR REFUSAL

5.1 The License Officer shall:

- (a) receive and process all applications for licences and for renewal of licences to be issued under this By-law;
- (b) issue licences and renew licences to any person who meets the requirements of this By-law except where:
 - (i) the conduct of an applicant affords reasonable grounds for belief that the applicant has not carried on, or will not carry on, his/her business in accordance with the law or integrity and honesty;
 - (ii) there are reasonable grounds for belief that the carrying on of the business may be adverse to the public interest;
 - (iii) the applicant's place of business is the object of an order made pursuant to the Property Standards By-law, *Building Code Act, 1992*, S.O. 1992, c. 23, *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 as amended, or by the Medical Officer of Health, or where the place of business is not in compliance with the Zoning By-Law; or,
 - (iv) the applicant is indebted to the City in respect of fines, penalties, judgements, outstanding property taxes, or any other amounts owing;
- (c) with respect to paragraph 5.1(b), include in his/her consideration any record of offence that is less than 5 years; and,
- (d) generally perform all administrative functions conferred upon him/her by this by-law.

5.2 Licensees shall comply with all City by-laws, including, but not limited to the City's Zoning By-Laws and Property Standards By-Law, and comply with all provincial and federal legislation.

5.3 If, at any time, the License Officer determines, as a result of evidence that is provided, that the operation of a licensed business does not conform to the requirements of this by-law, the License Officer may suspend or revoke the license.

5.4 A total of 3 licenses shall be issued on a first-come, first-served basis and each license shall allow up to 3 food trucks to operate for a total of up to nine food trucks within the City. Each food truck shall be subject to the license fees and regulations as set out in this by-law.

5.5 Licence fees shall be as set out in Schedule "A".

6. TERM OF LICENSE

- 6.1 A licence issued or renewed under this by-law to carry on a food truck business shall be for a period of one year.
7. GENERAL REGULATIONS
- 7.1 A food truck shall not exceed:
- (a) 2.6 metres in width;
 - (b) 13.4 metres in length; or,
 - (c) 4,500 kilograms.
- 7.2 This by-law does not apply to motorcycles and motor assisted bicycles.
- 7.3 Each owner of a food truck shall maintain a log book setting out the location and duration of all stops.
- 7.4 No person shall carry on a food truck business or occupation for which a licence is required under this by-law:
- (a) if the licence has expired or been revoked; or,
 - (b) while the licence is under suspension.
- 7.5 Food trucks shall be exempt from hourly parking limits on public property provided they are:
- (a) parked in legal parking spaces at approved parking lot facilities;
 - (b) actually engaged in the operation of the food truck business; and,
 - (c) in compliance with this by-law.
- 7.6 No person shall operate a food truck business except in the defined areas set out in Schedule "A", subject to Zoning By-Law compliance and compliance with other applicable by-laws not exempted by this by-law. The Food Truck is prohibited from operating in between permitted locations.
- 7.7 No person shall operate a food truck business except during the following hours:
- (a) 8:00 a.m. to 12:00 a.m. midnight in locations other than City parks;
 - (b) 8:00 a.m. to 11:00 p.m. in City parks; or
 - (c) 7:00 a.m. to close for the Cambridge (1:00 p.m.) and Preston (2:00 p.m.) Farmers' Market.
- 7.8 No person shall permit food trucks to park overnight on public property or private lands after operating hours except land owned, leased or rented by the operator for the storage of the vehicle and in compliance with the City's Zoning By-Law.
- 7.9 No person shall operate a food truck business:

- (a) within 50 metres of a restaurant or within 50 metres of a licensed hot dog cart and within 75 metres of a restaurant within a Business Improvement Area;
- (b) on City or Regional Roads or City owned parking lots that fall within the setback distance of clause 7.9 (a);
- (c) in a manner that interferes with the normal use of a sidewalk by pedestrians;
- (d) within 100 metres of any elementary or secondary school;
- (e) on private property without the written consent of the property owner;
- (f) in a business improvement area (except for Galt and Preston) and residential/industrial areas.

7.10 Every licensee shall produce the licence for inspection on the request of an M.L.E.O.

7.11 Every licensee shall maintain the food truck in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the food truck.

7.12 Every licensee shall comply with all provisions of this by-law and with all provisions set out in the licence.

8 EXEMPTIONS

8.1 Food Trucks will not be permitted to operate in the Hespeler Business Improvement Area.

8.2 Food Trucks shall only operate within the Galt and Preston Business Improvement Areas and must comply with all setback requirements as set out in 7.9.

8.3 Food Trucks shall be allowed to operate at the local Farmer's Market provided that the appropriate fees and regulations have been complied.

8.4 Food Trucks shall only operate in City parks upon written approval from the City Community Services Department so not to interfere with any existing canteen or commercial establishment.

9. INSPECTIONS

9.1 The City may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) this by-law; or,
- (b) an order made under s. 431 of the *Municipal Act, 2001*.

9.2 For the purposes of conducting an inspection pursuant to 9.1 of this by-law, the City may, in accordance with the provisions of s. 436 of the *Municipal Act, 2001*:

- (a) require the production for inspection of documents or things relevant to the inspection;

- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and,
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

9.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law

10. ORDER TO DISCONTINUE ACTIVITY

10.1 Where the License Officer has reasonable grounds to believe that a contravention of this by-law has occurred, the License Officer may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity

10.2 An Order under 10.1 of this by-law may set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- (b) the date by which there must be compliance with the order.

10.3 Any person who contravenes an order under 10.1 of this by-law is guilty of an offence

11. WORK ORDER

11.1 Where the License Officer has reasonable grounds to believe that a contravention of this by-law has occurred, the License Officer may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.

11.2 An order under section 11.1 of this by-law shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
- (b) the work to be done and the date by which the work must be done.

11.3 An order under section 11.1 of this by-law may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.

11.4 Any person who contravenes an order under 11.1 of this by-law is guilty of an offence.

12. ENFORCEMENT

12.1 This by-law may be enforced by M.E.L.O.s, Police Officers and Public Health Inspectors.

13. OFFENCE AND PENALTY PROVISIONS

13.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and pursuant to section 429 of the *Municipal Act, 2001* all contraventions of this by-law are designated as continuing offences.

13.2 Every person who is convicted of an offence, is liable to a minimum fine of Four Hundred and Fifty Dollars (\$450.00) and a maximum fine of Twenty-Five Thousand Dollars (\$25,000.00) for the first offence and a maximum fine of Fifty Thousand Dollars (\$50,000.00) for a subsequent offence.

13.3 In addition to the fine amounts set out in section 13.2 of this by-law, for each day or part of a day that an offence continues, the minimum fine shall be Four Hundred Dollars (\$400.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all daily fines for the offence is not limited to One Hundred Thousand Dollars (\$100,000.00).

14. SEVERABILITY

14.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

15. COMING INTO FORCE

15.1 This by-law shall come into effect upon the passing of this by-law.


15.2 This by-law shall be repealed on August 1, 2016.

15.3 Notwithstanding section 15.1, the provisions of this by-law shall be deemed to continue in force and effect with respect to any and all orders, appeals or prosecutions issued, filed or commenced under this by-law, and any assessment, rate, charge, tax, fee, liability or penalty outstanding under this by-law maybe collected as if this by-law had not been repealed.

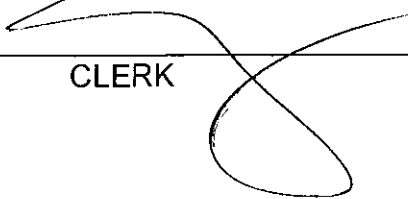
- 15.4 The Clerk may change, update or suspend the rules and/or process with respect to the provisions contained in this by-law as it relates to the operations of the two year pilot project.

READ A FIRST, SECOND AND THIRD TIME

ENACTED AND PASSED THIS 14TH DAY OF JULY, 2014, A.D.



MAYOR



CLERK

Schedule A to By-Law No. 129 – 2014

1. Location and Areas of Operation

1.1 Food trucks are permitted in the following locations:

- (a) Municipally owned parking lots;
- (b) City park and recreational facilities subject to the following:
 - (i) being requested by facility managers to attend the property;
 - (ii) having a written agreement with facility management; and,
 - (iii) operating in compliance with regulations provided by the facility;
- (c) All property zoned 'C' and 'CS' in the City of Cambridge Zoning By-Law.

2. Private Property

2.1 Food truck operators will be permitted to operate on private property in Commercial zones subject to the food truck meeting the requirement of the City's zoning by-law. The location of the food truck must meet the requirements of the City's zoning by-laws.

2.2 Notwithstanding subsection 2.1, the License Officer may approve the operation of a food truck for Special Events with the submission of the following:

- (a) written proof of invitation to the location from the property owner or event organizer; and,
- (b) written proof the event is no more than three consecutive days in length.

2.3 The License Officer's approval shall consider:

- (a) the general intent of the by-law;
- (b) the past actions by the food truck operator; and,
- (c) the impact on the community.

3 Licence Fees

2014-2015		2015-2016	
Annual	\$264.00 per vehicle	Annual	\$277.20 per vehicle