



Orangeville
Historic Charm Dynamic Future
Agenda Addendum
Council - Public Meeting

Monday, February 24, 2025, 7:00 p.m.
Electronic and In-Person Participation - Council
The Corporation of the Town of Orangeville
(Mayor and Clerk at Town Hall - 87 Broadway)
Orangeville, Ontario

NOTICE

Members of the public who have an interest in a matter listed on the agenda will have an opportunity to provide comments to Council either in person in Council Chambers, located at Town Hall, 87 Broadway, Orangeville; or by calling 1-289-801-5774 and entering Conference ID: 504 678 344# All members of the public are permitted to speak to statutory public meeting agenda items, however only residents, taxpayers, service providers or members speaking on behalf of an association or organization that serves the Town of Orangeville are permitted to speak to non-statutory public meeting items.

All members of the public are welcome to submit correspondence to any item on the agenda which will be considered public information and entered into the public record.

The Council meeting will also be livestreamed, for members of the public that wish to view the meeting online, please visit: <https://www.youtube.com/c/OrangevilleCouncil>. If the livestream is interrupted, members of the public are requested to call in to the number indicated above.

Accessibility Accommodations

If you require access to information in an alternate format, please contact the Clerk's division by phone at 519-941-0440 x 2242 or via email at clerksdept@orangeville.ca

Pages

- 1. Call To Order**
- 2. Approval of Agenda**
Recommendations:
That the agenda for the February 24, 2025 Council-Public Meeting, be approved.
- 3. Disclosure of (Direct and Indirect) Pecuniary Interest**
- 4. Singing of National Anthem**
- 5. Land Acknowledgement**
We would like to acknowledge the treaty lands and territory of the Williams Treaty Nations and the Mississaugas of the Credit First Nation. We also recognize that Dufferin County is the traditional territory of the Wendat and the Haudenosaunee, and is home to many Indigenous people today.

6. Announcements by Chair

This meeting is being aired on public television and/or streamed live and maybe taped for later public broadcast or webcast. Your name is part of the public record and will be included in the minutes of this meeting. Any member of the public connecting via telephone is reminded to press *6 to mute and unmute. Please remain muted until the Chair requests comments or questions from the public.

7. Statutory Public Meeting as per the Planning Act – OPZ-2022-01

7.1 Presentation by Mariusz Jastrzebski, Associate, MHBC - 48, 50, 50A, and 52 Broadway

In-Person

***7.2 48, 50, 50A and 52 Broadway, Public Meeting Information Report, OPZ-2022-01, PM-2025-001** 3 - 26

Recommendations:

That Report PM-2025-001, 48, 50, 50A and 52 Broadway, Public Meeting Information Report, OPZ-2022-01, be received for information.

7.3 Correspondence from Susan Parker - 48, 50, 50A and 52 Broadway 27 - 27

8. Public Meeting – Mobile Food Vendor By-law Update

8.1 Presentation by James Bramley, Licensing and By-law Enforcement Supervisor - Mobile Food Vendor By-law

In-Person

8.2 Mobile Food Vendor By-law, PM-2025-002 28 - 64

Recommendations:

That Report PM-2025-002, Mobile Food Vendor By-law, be received for information.

9. By-Laws

Recommendations:

That the confirming by-law listed below be read three times and finally passed.

9.1 A by-law to confirm the proceedings of the Council of The Corporation of the Town of Orangeville at its Council-Public Meeting held on February 24, 2025 65 - 65

10. Adjournment

Recommendations:

That the meeting be adjourned.



Public Meeting Cover Sheet

Subject: 48, 50, 50A and 52 Broadway, Public Meeting Information Report, OPZ-2022-01

Department: Infrastructure Services

Report #: PM-2025-001

Public Meeting Date: 2025-02-24

Previous Council Meeting Date: 2022-05-09

Link to Access Previous Council Report: [INS-2022-032: 48, 50, 50A and 52 Broadway, Public Meeting Information Report, OPZ-2022-01](#)

Background and Analysis

The lands subject to this public meeting are situated on the south side of Broadway, between Third Street and Fourth Street, and are municipally known as 48, 50, 50A and 52 Broadway. They have a combined lot area of approximately 0.96 hectares (2.37 acres), with approximately 139 metres (456 feet) of frontage along Broadway. The subject lands are currently developed with an autobody shop and parking area, and have existing driveway access from Broadway.

Proposed Development

On January 6, 2022, R.J. Burnside & Associates Ltd. submitted applications on behalf of Moksh Developments Ltd. to amend the Town's Official Plan and Zoning By-law, to permit the development of a 7-storey mixed-use building, containing 129 residential units and 408 square metres of ground floor retail space. A Public Meeting was held May 9, 2022 to present the development concept to Council and the public.

Revised applications were submitted on January 17, 2025, to permit an updated development concept featuring a 6-storey mixed-use building, containing 158 residential units and 840 square metres of ground floor retail space. The details of the proposed development are explained in the applicant presentation, included as Attachment 1 to this report. The purpose of the February 24, 2025 public meeting is to present the revised development concept to Council and the public.

Official Plan Amendment

The subject lands are designated as “Service Commercial” on Schedule ‘A’ (Land Use Plan) in the Town of Orangeville Official Plan, with Site Specific Special Policy E8.62. Service Commercial areas are situated along major transportation routes and permit a range of uses intending to provide specialized products or services relying on greater exposure to the travelling public (Section E2.7.1). Site Specific Policy E8.62 removes permissions for automotive uses such as automobile parking depots, automobile dealerships and used car lots. The intent of this policy is to reinforce and complement the focus of the east Broadway area as the easterly gateway into Town, and the entry into the Downtown Heritage Conservation District, and the Town’s continuing efforts to beautify this area.

In order to facilitate the proposed development an Official Plan Amendment is required. The proposed Official Plan Amendment is to re-designate the subject lands from “Service Commercial” to “Neighbourhood Commercial with Special Policy Area” and “Open Space Conservation” in order to permit the development as proposed.

“Neighbourhood Commercial” areas are distributed in various parts of Orangeville, primarily in response to the location of residential uses. Neighbourhood commercial uses should generally be located on arterial or major collector roads. Residential uses are permitted within upper floors of buildings containing other permitted retail/commercial uses (Section E2.6).

Zoning By-law Amendment

The subject lands are zoned “Service Commercial” (C3 Zone) on Schedule ‘A’ to Zoning By-law No. 22-90, as amended. The C3 Zone permits a range of commercial uses and excludes residential uses. To permit the development as proposed, the Zoning By-law amendment application proposes to rezone the developable portion of the subject lands to “Neighbourhood Commercial (C2) Zone with Site-Specific Provision 24.XXX” (with the “XXX” to be assigned in numerical order according to the special provision section of the By-law). The C2 Zone permits a range of retail/commercial uses as well as residential uses on upper floors. The site-specific special provision will apply special zone standards (i.e. setbacks and parking rates) that reflect the development proposal.

A Holding (H) Zone symbol will also be applied to the developable part of the site, which will impose conditions to confirm servicing capacity allocation in order for the Holding (H) symbol to be removed for the development to proceed.

The undevelopable rear part of the site is a flooding-related hazard area associated with the adjacent Mill Creek and would be rezoned to the “Open Space Conservation (OS2) Zone”.

Notice Provisions

In accordance with the requirements of the Planning Act, on February 6, 2025, a Notice of the Public Meeting scheduled for February 24, 2025 was:

- i. circulated to all property owners within 120 metres of the subject property;
- ii. advertised in the Orangeville Citizen;
- iii. published to the Town website; and
- iv. posted via signage on the subject property.

Attachment(s): 1. Applicant Presentation

Respectfully submitted

Tim Kocialek, P.Eng., PMP
General Manager, Infrastructure Services

Reviewed by

Brandon Ward, MCIP, RPP
Manager of Planning, Infrastructure Services

Prepared by

Larysa Russell, MCIP, RPP
Senior Planner, Infrastructure Services

48, 50, 50A & 52 BROADWAY AVENUE

Public
Information
Meeting

February 24th, 2025








PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE



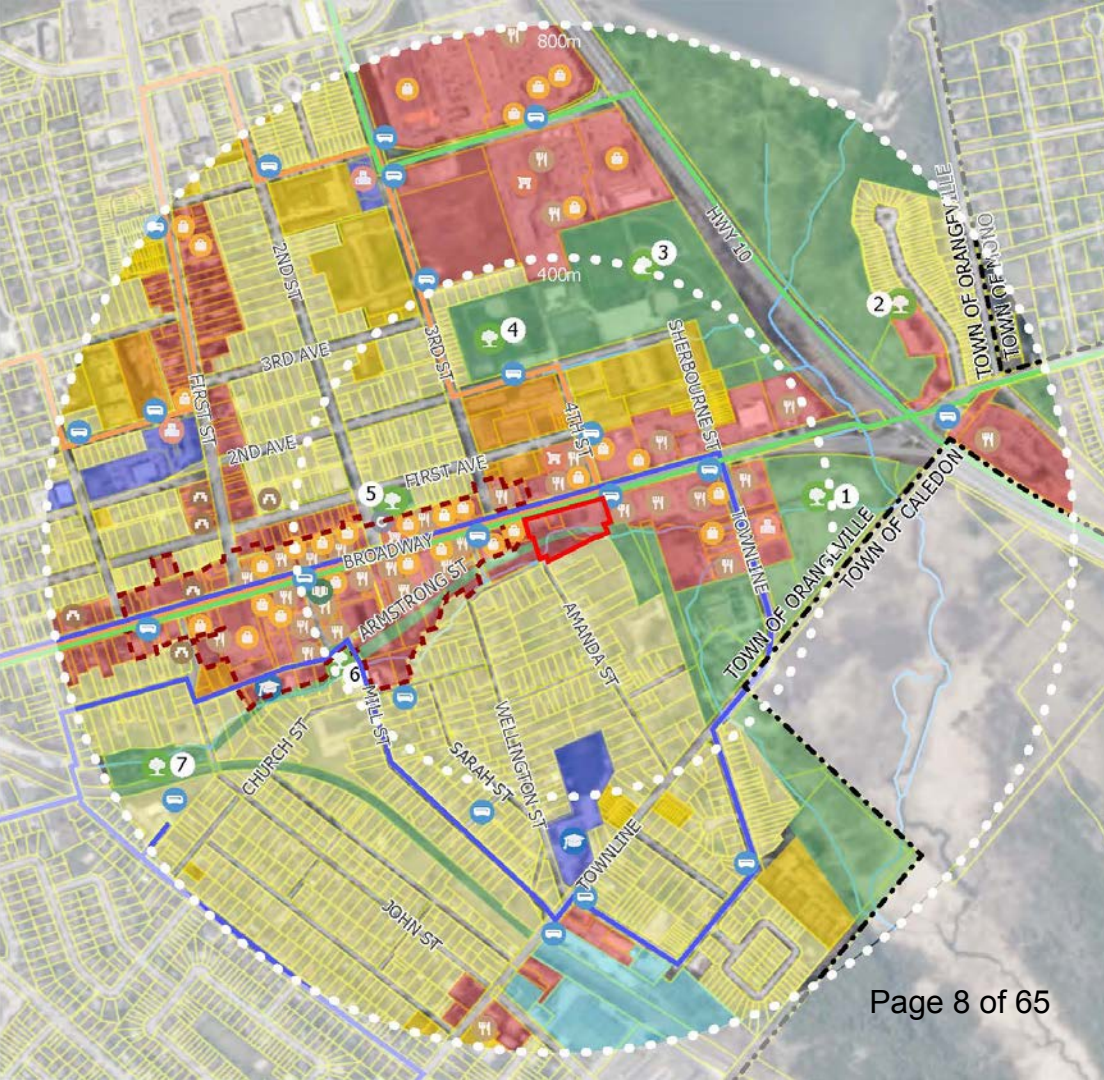
LOCATION MAP

LOCATION MAP






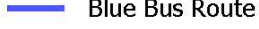















-  Subject Lands
-  CVC 24m Meander Belt
-  6m Meander Belt Buffer
-  Development Site
-  Lands Subject to Proposed OPA and ZBA Application



SURROUNDING CONTEXT & TRANSIT NETWORK



CONTEXT MAP

- | | | | |
|---|----------------------------|---|---------------------------|
|  | Subject Lands |  | Central Business District |
|  | Low Density Residential |  | Bus Stop |
|  | Medium Density Residential |  | Blue Bus Route |
|  | High Density Residential |  | Green Bus Route |
|  | Commercial |  | Orange Bus Route |
|  | Employment Area |  | School |
|  | Open Space |  | Dining |
|  | Institutional |  | Shopping |
| | |  | Grocery Store |
| | |  | Library |
| | |  | Place of Worship |
| | |  | City Hall |
| | |  | Park |

1. Dragonfly Park
2. Credit Lake Park
3. Rotary Park
4. Idlewyld Park
5. Alexandra Park
6. Mill Square Park
7. Kay Cee Gardens



EXISTING USES

48-50 Broadway:

One-storey commercial building containing an auto service facility at the northwestern portion of the property and a one-storey accessory building situated along the eastern boundary.

50A and 52 Broadway:

Parking areas are currently located on the north portions of both properties.

View southerly towards 48, 50, 50A and 52 Broadway (Subject Lands)





View westerly towards Subject Lands



View northerly towards Subject Lands and rear parking area



View westerly towards Mill Creek



View westerly towards Subject Lands



View easterly towards 48-50 Broadway portion of Subject Lands



View easterly towards 50A and 52 Broadway portion of Subject Lands



View southerly towards western edge of Subject Lands



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View westerly towards 50A and 52 Broadway portion of Subject Lands



View easterly towards southern edge of existing parking area

TIMELINE OF KEY DATES



PROPOSED REDEVELOPMENT

- Proposed OPA from Service Commercial to Neighbourhood Commercial Special Policy Area, and Open Space Conservation
- Proposed ZBA from Service Commercial (C3) Zone to Neighbourhood Commercial (C2) with Special Provision 24.##, Open Space – Conservation (OS2) with Special Provision 24.##, and Open Space - Conservation (OS2)
- 6 storey (20 m) building height – complies to 23 m height permissions in Zoning By-law
- 841 sq m ground floor retail – increase of 766 sq m over existing
- 158 residential units 517 -1165 sq ft , 1-3 bedroom/attainable
- 246 parking spaces – underground with 56 surface spaces for retail and visitors
- Landscaped Open Space – 60% of lot area
- Architecture to balance existing Broadway character and surrounding historic Orangeville character while providing for redevelopment
- Aligns with Gateway Policy direction in Official Plan



NORTH EAST PERSPECTIVE



NORTH WEST PERSPECTIVE

KEY REVISIONS FROM FIRST PUBLIC MEETING

- Proposed building height decreased from 7 storeys (22.85 m) to 6 storeys (20.6 m)
- Number of residential units increased from 129 to 158
- Proposed retail area increased from 408 sq m to 841 sq m
- Front yard setback increased from 1.0 m to 2.0 m
- East yard setback increased from 3.0 m to 5.0 m
- Proposed landscaped open space increased from 39% of lot area to 60% of lot area



PREVIOUS CONCEPT

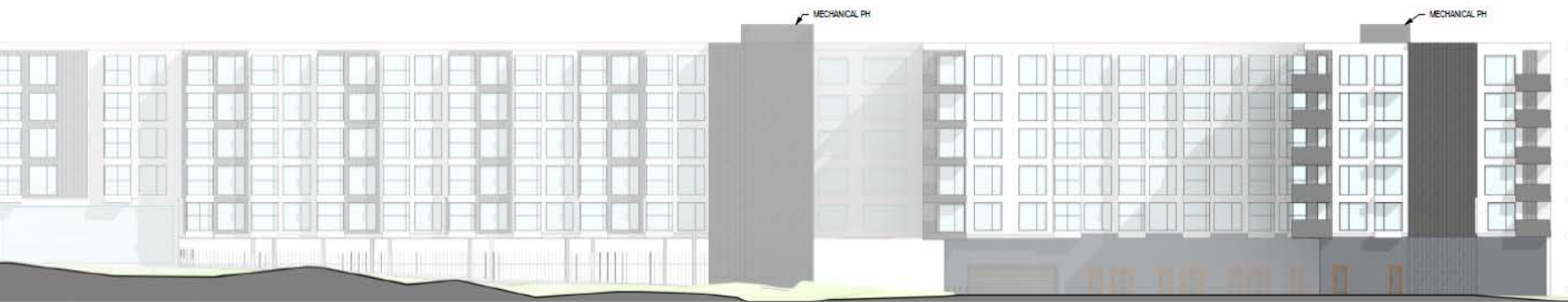


CURRENT CONCEPT

ELEVATIONS



North Elevation



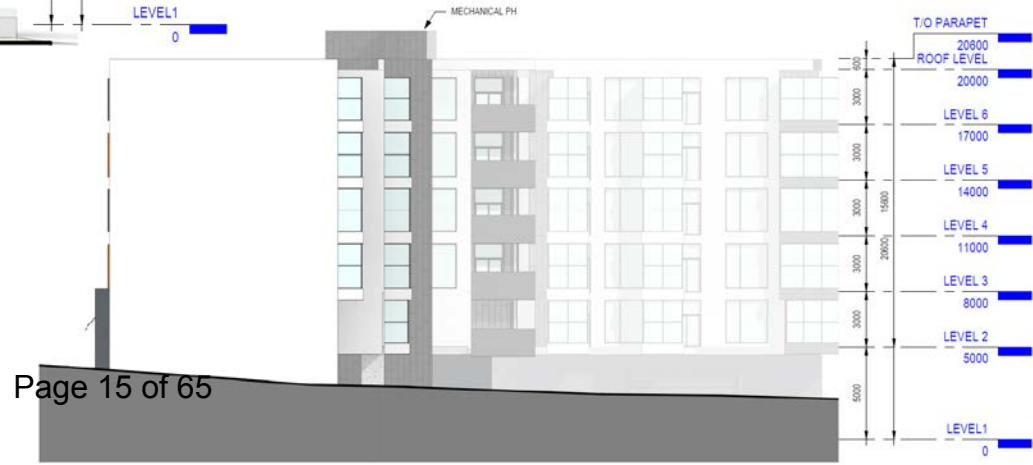
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South Elevation

ELEVATIONS



West Elevation

East Elevation



REPORTS SUBMITTED IN SUPPORT OF OPA, ZBA APPLICATION

- Transportation Study
- Hydrogeological Assessment
- Environmental Site Assessments
- Arborist Report
- Planning Justification Report
- Creek Rehabilitation Design Brief
- Geotechnical Investigation
- Functional Servicing Report
- Environmental Noise Assessment
- Urban Design Report
- Ecological Land Classification Characterization

Town Official Plan – Site Specific Policy

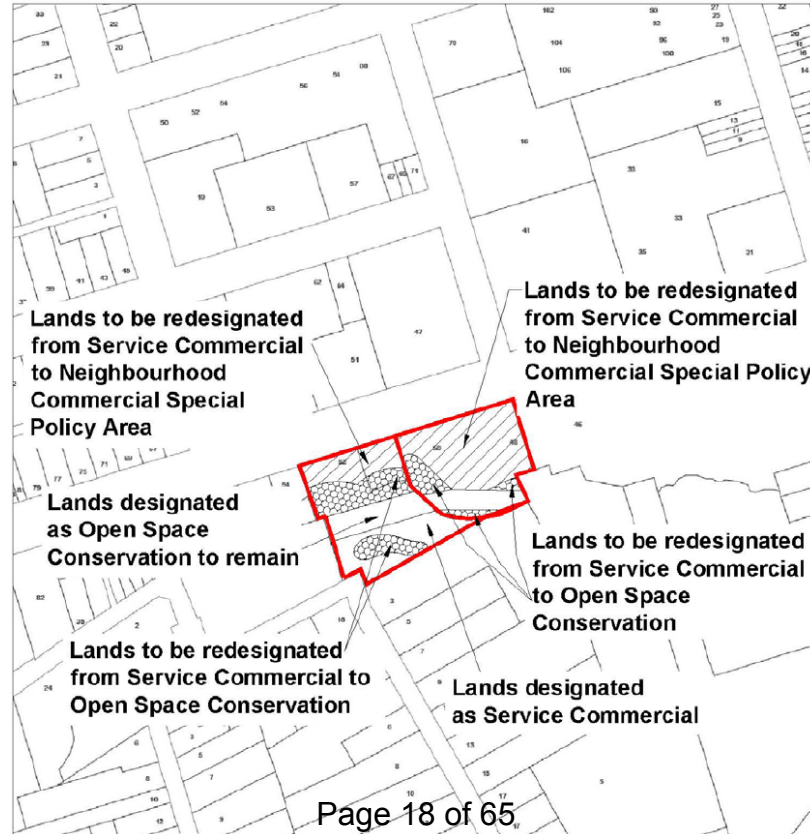
E8.62

Notwithstanding the Service Commercial designation of the lands located on the north and south sides of Broadway, between Third/Wellington Streets and Highway 10, automotive uses such as automobile parking depots, automobile dealerships and used car lots are not permitted, while automobile service stations and public garages are permitted.

The intent of this policy is to reinforce and complement the focus of the east Broadway area as the easterly gateway into Town and the entry into the Downtown Heritage Conservation District, and the Town's continuing efforts to beautify this area. It is anticipated that over time, specific proposals for amendment to the Zoning By-law and redevelopment proposals will be made in accordance with this policy so as to have the effect of relocating those automotive and automotive-related uses that rely on the outdoor storage and display of motor vehicles and equipment to more appropriate areas of Town.

Proposed Official Plan Amendment

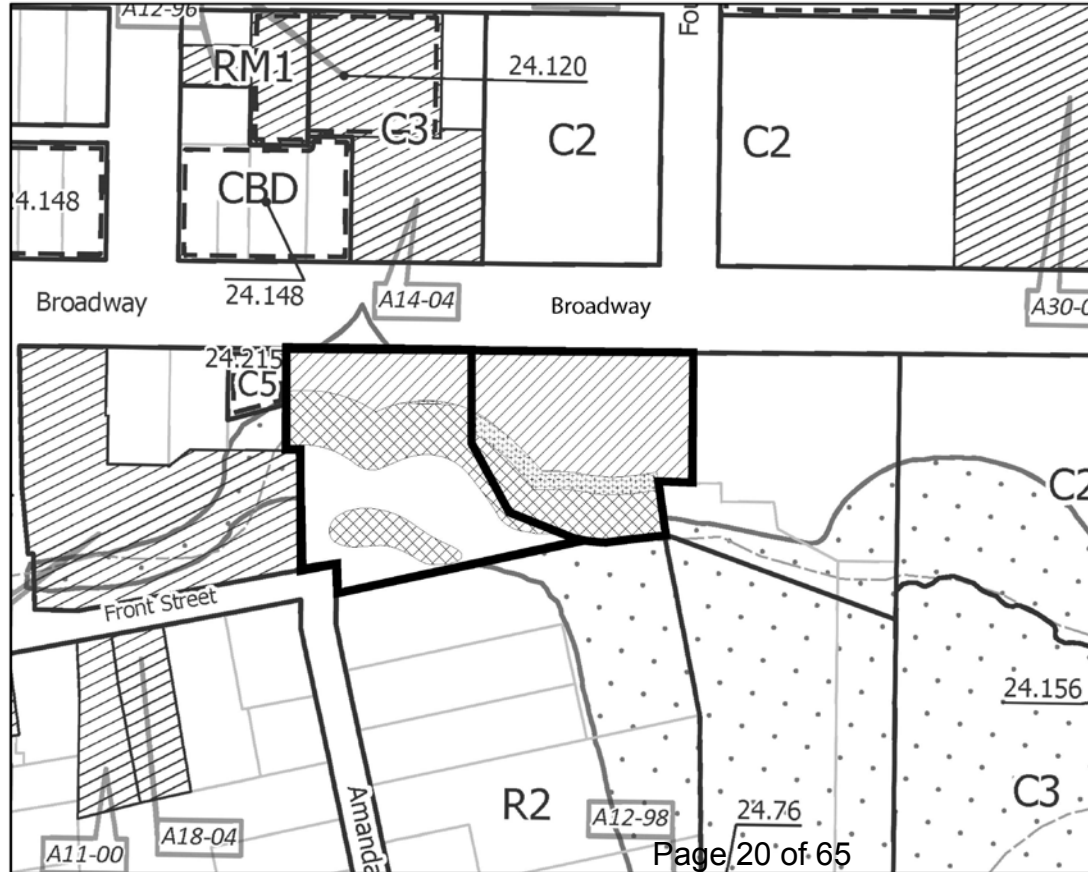
Schedule 'A' to Official Plan Amendment No. ____




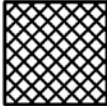
Proposed Official Plan Amendment

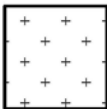
- Implements Site Specific Policy E8.62 by redesignating the development lands from Service Commercial to a Site Specific Neighbourhood Commercial designation;
- Allows for a mixed-use building with ground floor retail space fronting onto Broadway Avenue and residential units on upper floors;
- Sets out permitted uses appropriate for a mixed-use building servicing as a gateway to the Central Business District to increase the vitality and day/night character of the area;
- Refines the environmental corridor for Mill Creek by maintaining existing Open Space Conservation designation and redesignating other lands within the 24 m meander belt and within the existing meadow marsh/wetland from Service Commercial to Open Space Conservation.

Proposed Zoning By-Law Amendment



 Lands to be rezoned from Service Commercial (C3) Zone to Neighbourhood Commercial (C2) Zone with Special Provision 24.## Zone

 Lands to be rezoned from Service Commercial Zone (C3) to Open Space - Conservation Zone (OS2)

 Lands to be rezoned from Service Commercial (C3) Zone to Open Space - Conservation Zone (OS2) with Special Provision 24.## Zone

Proposed Zoning By-Law Amendment

- Implements Site Specific Policy E8.62 by rezoning the development lands from Service Commercial (C3) to Neighbourhood Commercial (C2) with Special Provision 24.##;
- C2 Zone with Special Provision 24.## permits:
 - Retail uses on ground floor fronting onto Broadway
 - Dwelling units on upper floors

Proposed Zoning By-Law Amendment

Regulation	Service Commercial (C3) Zone (current zone)	Neighbourhood Commercial (C2) Zone (proposed zone)	Proposed ZBA
Minimum Lot Area	500 m ²	800 m ²	800 m ²
Minimum Lot Frontage	12.0 m	20.0 m	20.0 m
Minimum Front Yard	3.5 m	3.5 m (Maximum: 22.5 m)	2.0 m
Minimum Interior Side Yard (adjacent to commercial zones)	Nil	5.0 m	5.0 m from defined interior lot lines. Permits balcony encroachments up to 1.5 m into a required interior side yard.
Minimum Rear Yard	7.5 m	7.5 m	6.0 m from defined rear yard lot line. Further, It permits balcony encroachments no greater than 1.5 m into an adjacent OS2 Zone and OS2 with Special Provision 24.## Zone
Maximum Building Height	23.0 m	12.0 m	23.0 m
Maximum Building Coverage	50%	N/A	50%
Maximum Gross Floor Area for a Retail Outlet, other than food store and hardware store	N/A	1,858 m ²	1,858 m ²
Minimum Parking Spaces (multiple dwelling unit)	1.5 parking spaces per unit	1.5 parking space per unit	Resident: 1 space per unit Visitor: 0.25 spaces per unit
Minimum Parking Spaces (retail unit)	1 parking space for each 20 m ² of floor area	1 parking space for each 20 m ² of floor area	1 space for each 20 m ² of floor area

SITE PLAN



Site Area

2.37 acres



Density

Gross FSI
1.7

Res. GFA
15,228 sq. m.

Retail GFA
841 sq. m.

Total GFA
16,068 sq. m.



Floors

6 storeys



Units

TOTAL
158

1-BED
80 – 50.6%

2-BED
73 – 46.2%

3-BED
5 – 3.2%



Height*

20.6 m



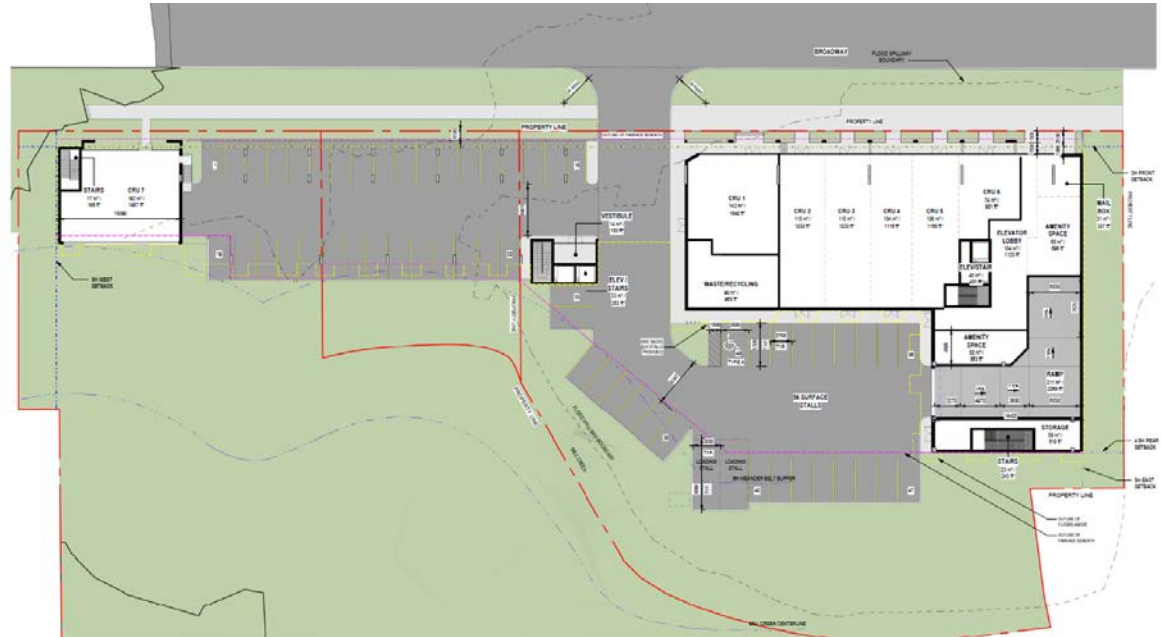
Parking

TOTAL
246

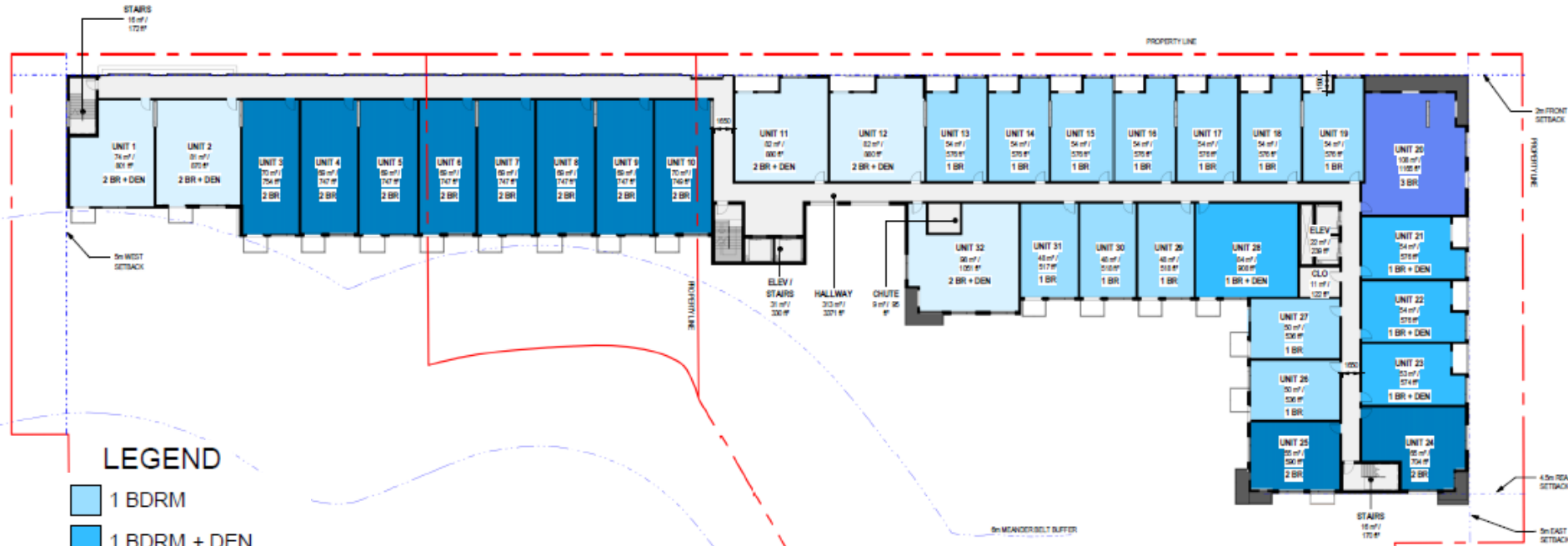
Surface
56

P1
95

P2
95



TYPICAL FLOOR PLAN



LEGEND

- 1 BDRM
- 1 BDRM + DEN
- 2 BDRM
- 2 BDRM + DEN
- 3 BDRM
- COMMON AREA

HERITAGE MAP





THANK YOU!
QUESTIONS?

To the Mayor and Members of Council

I have seen and reviewed the proposed application to amend the zoning by law to permit the development of a six story building at 48,50,50A and 52 Broadway.

I have several concerns and questions regarding this development.

1. This is a very high density with 158 units and 43 retail spaces. There are over 200 parking spaces allotted which will add significantly to traffic turning in and out of the proposed building .
2. With only one single driveway designated for traffic to pull out onto an already busy street how will this be managed or controlled? Will there be a stoplight? It is already dangerous to walk or cross Broadway at this point at any time of day as the traffic coming east is travelling very fast and speeding up as it comes down the hill. I actually avoid turning onto Broadway at 3rd or 4th Street and use the lights at Sherbourne St for safety reasons.
3. Will this very large condo building address the housing shortage in Orangeville or will it be priced out of market for most needing affordable housing?
4. From pictures and articles written the proposed condo development at 60 Broadway has designed a historical exterior in keeping with Orangeville heritage standards. Will this project have the same features or similar traditional masonry facade ? From the design and materials I have seen for the proposed building this does not look anything like a building that would blend or compliment our beautiful historical Broadway.

Thank you in advance for reviewing my concerns .

Warm Regards

Susan Parker





Public Meeting Cover Sheet

Subject: Mobile Food Vendor By-law

Department: Corporate Services

Report #: PM-2025-002

Public Meeting Date: 2025-02-24

Previous Council Meeting Date: December 16, 2024

Link to Access Previous Council Report: [CPS-2024-091](#)

Attachment(s):

1. Mobile Food Vendor By-law Presentation
2. Draft By-law – Mobile Food vendors
3. Notice of Public Meeting

Respectfully submitted

Antonietta Minichillo
General Manager, Corporate Services

Reviewed by

Raylene Martell
Town Clerk, Corporate Services

Prepared by

James Bramley
Supervisor, Licensing and By-law Enforcement
Corporate Services

Mobile Food Vendor By-law

Public Meeting Presentation

February 24, 2025

Timeline

Council directed staff to review the Mobile Food Vendor By-law from the Regulatory By-law Review Work Plan – CPS 2023-12-11

February 24, 2025, a Public meeting is held to receive feedback on the proposed Mobile Food Vendor By-law

December 16, 2024, staff present Report CPS-2024-091 to Council

Q1 2025, staff will report to Council on feedback received in relation to the proposed Mobile Food Vendor By-law

Background

- At the November 3, 2008, Council meeting the Mobile Food Vendors By-law 2008-102 was passed, which took effect on January 1, 2009, and established the rules and regulations for licensing mobile food vendors in the town.
- At the November 16, 2009, Council meeting By-law 2009-120 was passed to amend the Mobile Food Vendors By-law to add the “non-residents” definition as well as an updated fees schedule.

Background (cont'd)

- At the May 31, 2021, Council meeting By-law 2021-047 was passed to amend sections 9.8 and 9.8.2 Mobile Food Vendors By-law addressing the permitted locations of Mobile Food Vendors.
- At the May 15, 2023, Council meeting, By-law 2023-041 was passed to amend section 4.2 of the Mobile Food Vendors By-law addressing that mobile food vendors do not require a licence when attending an event initiated by the Town within the Business Improvement Area or where a special event permit has been issued by the Town.

Background (cont'd)

A comprehensive review of the current Mobile Vendor By-law was conducted, leading to the development of a new by-law. The updated by-law aims to:

- **Ensure Continuity** – Align with existing licensing by-laws for consistency.
- **Enhance Public Safety** – Establish a regulatory framework to protect the public.
- **Maintain Consistency** – Apply a uniform approach with the Town's regulatory and general licensing provisions.
- **Incorporate Best Practices** – Review comparable municipalities' mobile food vendor regulations.
- **Comply with Legislation** – Ensure alignment with relevant laws, such as the Municipal Act.

Summary of Proposed Regulations

Proposed Regulations

New - Definitions

- **Licence Issuer** means a **Town** employee responsible for issuing a **licence**;
- **Not for Profit** for the purposes of this By-law means a charitable or non-profit organization including a club, society or association that is organized and operated exclusively for social welfare, civic improvement, recreation or any other purpose except profit, and any profits or economic advantages which are received by it are used to promote its objectives and not used for the personal gain of any of its members or of any other **person**;
- **Person** includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;
- **Special Function** means an event occurring on private property, located outside the boundaries of the Town of Orangeville's Business Improvement Area (BIA), which does not satisfy the criteria for obtaining a **Special Event Permit** from the Parks and Recreation Department;

Proposed Regulations

New - Definitions

- **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 three hundred and sixty-five (365) days, dated no more than sixty (60) days prior to the submission of the Application;
- **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 refreshment vehicle or refreshment stand;
- **Special Event Permit** means a permit issued by the Community Services to hold an event on municipal property under the control of the Parks and Recreation Department;
- **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.

Proposed Regulations

Requirements for New Mobile Food Vendor Application

All application and renewal requirements have been consolidated into Schedule A to align with the Municipality's other licensing by-laws

Application Requirements

- Articles of Incorporation – Corporations
- Business Operating name – Sole proprietors
- Written authorization from Public Health, Fire Division, and relevant Town departments.
- Compliance with Zoning By-law and Site Plan Agreement.
- Proof of valid insurance (\$2M minimum) naming the Town as additional insured.
- Vulnerable Sector Check (within 60 days of application).
- Letter of permission from the property owner.
- Additional documents as required by the Licence Issuer.

Proposed Regulations

Requirements for New Mobile Food Vendor Application

Renewal Process

- Completed application form and renewal fee.
- Proof of valid insurance (\$2M minimum).
- Re-approval by all relevant bodies if conditions have changed.
- Licence renewal deadline: within 14 days of expiry; otherwise, a new application is required.
- **Right of First Refusal:** Previous year's licence holders in the Central Business District have priority if renewal is submitted by **January 15**.

This ensures a streamlined, consistent approach across all licensing by-laws.

Proposed Regulations

Fees – Schedule C

Mobile Food Vendors:	
Chip Truck - Resident	\$500
Chip Truck - Non-resident	\$600
Food Cart - Resident	\$500
Food Cart - Non-resident	\$600
Ice Cream Bike - Resident	\$100
Ice Cream Bike - Non-resident	\$120
Ice Cream Truck - Resident	\$500
Ice Cream Truck - Non-resident	\$600
Mobile Lunch Truck - Resident	\$500
Mobile Lunch Truck - Non-resident	\$600
Refreshment Stand - Resident	\$500
Refreshment Stand - Non-resident	\$600
Selling at Special Event Only - Resident	\$120
Selling at Special Event Only - Non-resident	\$160
Admin Fee (Fund raising events)	\$25

- All fees are set out in the Users Fees and Charges By-law 2024-073

Conclusion

The **Mobile Food Vendors By-law** has evolved since its adoption in 2008 to address emerging needs and improve clarity. A comprehensive review led to a **new by-law** that:

- Modernizes the regulatory framework
- Aligns with best practices and the Town's licensing provisions
- Enhances public safety and streamlines administrative processes
- Ensures consistency with comparable municipalities
- Clarifies definitions and strengthens application requirements

These updates ensure a fair, consistent, and efficient licensing system that supports both vendors and the community.

Questions and Feedback

Thank you



The Corporation of the Town of Orangeville By-law Number 20XX-XX

A by-law to regulate and licence Mobile Food and Refreshment Vending in the Town of Orangeville

WHEREAS Section 9 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended hereinafter referred to as the “*Municipal Act*” provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act; and

WHEREAS Section 8 (3) of the *Municipal Act* authorizes a municipality to provide for a system of licences and a licence includes a permit; and

WHEREAS Section 11 of the *Municipal Act* 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 Sections 9, 11 and 391 of the *Municipal Act* authorizes a municipality to impose fees and charges on persons; and

WHEREAS Section 23.1, 23.2 and 23.3 of the *Municipal Act* authorizes a municipality to delegate its powers and duties under the Act to a person; and

WHEREAS Section 151 of the *Municipal Act*, provides that a municipality may provide for a system of licences with respect to a business and may:

- a) prohibit the carrying on or engaging in the business without a licence;
- b) refuse to grant a licence or to revoke or suspend a licence;
- c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a licence;
- e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- f) licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and

WHEREAS Section 425 (1) of the *Municipal Act* authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of a municipality passed under the *Municipal Act* is guilty of an offence; and

WHEREAS Section 431 of the *Municipal Act* authorizes that where any by-law of a municipality under the *Municipal Act* is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction 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 requiring the person convicted to correct the contravention; and

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

WHEREAS Sections 444 and 445 of the *Municipal Act* authorizes a municipality to make orders to discontinue, or to correct, the contravention of a by-law; and

WHEREAS Section 446 of the *Municipal Act* authorizes a municipality to do a matter or thing in default of it being done by the person directed or required to do it; and

WHEREAS the Council for the Town of Orangeville deems it desirable and in the public interest to enact a By-law to regulate and licence Mobile Food Vendors;

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

1. DEFINITIONS

1.1. In this By-law:

- a) “**Central Business District**” means the area outlined in Schedule “D” attached hereto;
- b) “**Charitable Organization**” means an organization which is created primarily for a charitable object or purpose in Ontario, is operated **not for profit**, and includes a religious organization or minor sports group;
- c) “**Chip Truck**” means a vehicle or trailer of sufficient size to allow a **person** to prepare therein french fried potatoes, and from within which french fried potatoes, hamburgers, hot dogs, hot or cold beverages, non-hazardous pre-packaged foods, such as potato chips, popcorn, nuts, candy bars and similar non-hazardous confections may be sold or provided for consumption;
- d) “**Clerk**” means the Clerk for the **Town** or any **person** designated by the Clerk;
- e) “**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 pushcart shall not exceed an overall dimension of 75 centimetres in width and 1.5 meters in length;
- f) “**Ice Cream Bicycle**” means an insulated container for storing and transporting frozen ice cream, primarily propelled by muscular power without motorized

- assistance and from which ice cream and other frozen confections may be sold or provided for consumption;
- g) "**Ice Cream Truck**" means a vehicle modified to transport frozen ice cream from place to place, which is duly licensed 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;
 - h) "**Licence**" means a licence issued pursuant to this By-law;
 - i) "**Licence Issuer**" means a **Town** employee responsible for issuing a **licence**;
 - j) "**Licensee**" means a **person** issued a current valid **licence**;
 - k) "**Market on Broadway**" means a group of vendors operating refreshment vehicles or refreshment stands from the approved market location;
 - l) "**Mobile Lunch Truck**" means a vehicle modified to transport food preparation and serving equipment from place to place, which is duly licensed by the Ministry of Transportation and is capable of being driven on highways or within municipalities;
 - m) "**Non-resident**" means the applicant/business does not own, rent or lease a permanent building in the **Town**;
 - n) "**Not for Profit**" for the purposes of this By-law means a charitable or non-profit organization including a club, society or association that is organized and operated exclusively for social welfare, civic improvement, recreation or any other purpose except profit, and any profits or economic advantages which are received by it are used to promote its objectives and not used for the personal gain of any of its members or of any other **person**;
 - o) "**Officer**" means a police officer, municipal law enforcement officer, or any other **person** appointed by by-law to enforce the provisions of this By-law;
 - p) "**Person**" includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;
 - q) "**Proof of insurance**" means a certified copy of a policy of insurance or a certificate of insurance issued by a company authorized to carry on the business of insurance in the Province of Ontario in accordance with the Insurance Act, R.S.O. 1990, c.I.8., as amended, that shows proof of liability coverage as required by this by-law;
 - r) "**Refreshment Vehicle**" means any vehicle from which food and refreshments are for sale, sold or provided for consumption by the public, and includes, without limiting the generality of the foregoing, a **chip truck, food cart, ice**

- cream bicycle, ice cream truck and mobile lunch truck**, irrespective of the type of power employed to move the refreshment vehicle from one point to another;
- s) "**Refreshment Stand**" means any facility (other than a restaurant or similar permanent establishment) from which food and refreshments are for sale, sold or provided for consumption by the public on a seasonal basis, but does not include a refreshment vehicle;
 - t) "**Special Event Permit**" means a permit issued by the Community Services to hold an event on municipal property under the control of the Parks and Recreation Department;
 - u) "**Special Function**" means an event occurring on private property, located outside the boundaries of the Town of Orangeville's Business Improvement Area (BIA), which does not satisfy the criteria for obtaining a **Special Event Permit** from the Parks and Recreation Department;
 - v) "**Special Fund-Raising**" means an event occurring on private property for the purposes of fund-raising endeavours to benefit a non-profit entity, and for which the majority of funds raised are used for charitable purposes.
 - w) "**Town**" means the Corporation of the Town of Orangeville or the land within the geographic limits of the Corporation of the Town of Orangeville as the context requires;
 - x) "**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 three hundred and sixty-five (365) days, dated no more than sixty (60) days prior to the submission of the Application;
 - y) "**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 refreshment vehicle or refreshment stand;
 - z) "**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.

2. GENERAL ADMINISTRATION AND EXEMPTIONS

2.1. The Short Title of this By-law is the "Mobile Food Vendor By-law".

2.2. This By-law applies throughout the whole of the **Town**.

3. GENERAL PROHIBITIONS AND REGULATIONS

- 3.1. No **person** shall operate or permit the operation of any **refreshment vehicle** or **refreshment stand** within the **Town**, unless a **licence** is obtained in accordance with the requirements of this by-law or is otherwise exempt under the provisions of this by-law.
- 3.2. No **licence** issued under the provisions of this By-law shall be assigned, transferred, leased or granted the right to use to any other **person**.
- 3.3. No **person** shall carry on business other than in the name that appears on a **licence**.
- 3.4. No **person** shall alter, erase, modify or permit such alteration, erasure or modification of a **licence**.
- 3.5. No **person** shall represent to the public that the **person** is **licensed** under this By-law if the **person** is not so licensed.
- 3.6. No **person** shall own, operate or permit the operation of a **Mobile Food Vendor** other than in accordance with the terms and conditions of a **licence** and this By-law.
- 3.7. The number of **licences** issued annually to permit the operation of an **ice cream bicycle, ice cream truck, chip truck, mobile lunch truck** or **refreshment stand** shall not be limited.
- 3.8. The number of **licences** issued annually to permit the operation of a **food cart** shall be limited to a maximum of six (6), with a maximum of three (3) of the six (6) **licences** being issued for locations in the **Central Business District**.
- 3.9. **Refreshment vehicles** or **refreshment stands** may be permitted to operate only in CBD, C1, C2, C3 and M1 Zones, as defined in the **Town's** Zoning By-law.
- 3.10. Notwithstanding Section 3.9, at the discretion of the **Licence Issuer**, **refreshment vehicles** or **refreshment stands** may be permitted to operate in an Institutional (INST) Zone during a **special function** with a **licence** provided that the attendance of such refreshment vehicle or stand provides a benefit to the institution.
- 3.11. No **person** shall operate any **refreshment vehicle** or **refreshment stand** from any property except a location or location approved by the **Licence Issuer** and as listed on the **licence** for such **refreshment vehicle** or **refreshment stand**.
- 3.12. No **person** shall operate a **refreshment vehicle** or **refreshment stand** on any municipal property, which shall, for the purposes of this By-law, include road allowances, municipal parks, parking lots, Operations Centre and recreation facilities, except as described in Sections 3.13, 3.20.

- 3.13. The operation of a **refreshment vehicle** or **refreshment stand** may be permitted in a municipal park or facility under the control of the Parks and Recreation Department during a special event/tournament for which a **Special Event Permit** has been obtained.
- 3.14. Licensed vendors who wish to operate at a Council-sanctioned community event at a location outside the **Central Business District** must obtain the express written permission of the event organizers and provide a copy of such letter of permission to the **Licence Issuer** at least one (1) week in advance of the event.
- 3.15. No **person** shall operate a **refreshment vehicle** or **refreshment stand** within 8 metres (26 feet) of the vehicular entrance to the property or in any location which will obstruct the flow of vehicles.
- 3.16. No **person** shall operate a **refreshment vehicle** or **refreshment stand** within 90 metres (295 feet) of any other **refreshment vehicle**, **refreshment stand** or restaurant:
- a) with the exception of the three (3) locations listed in Section 3.20 and as otherwise exempt;
 - b) unless a letter in a form as provided by the **Town** is submitted to the **Licence Issuer** from any and all owner(s) of a **refreshment vehicle(s)**, **refreshment stand(s)** and restaurant(s) located within 90 metres of the proposed location of the **refreshment vehicle** indicating they do not object to the said **refreshment vehicle** being located within 90 metres of their **refreshment vehicle**, **refreshment stand** or restaurant.
- 3.17. A letter referred to in Section 3.16 (b) is required upon making an application for renewal of a **licence**.
- 3.18. Every **person** applying for a **licence** to permit the operation of a **refreshment vehicle** or **refreshment stand** who intends to operate from private property shall submit with the application a letter of permission with respect to the proposed use from the registered property owner or his authorized agent.
- 3.19. Notwithstanding anything in Section 3, the owner of a **mobile lunch truck**, which has the sole purpose of travelling from place to place to serve a number of private locations is permitted to serve his clients in any zone and shall not be required to provide letters of permission from the property owners.
- 3.20. In the **Central Business District** one **food cart** is permitted to operate from the sidewalk at each of the following locations:
- Northwest corner of First Street and Broadway
 - South side of Broadway, between 114 and 136 Broadway
 - Northwest corner of Second Street and Broadway

4. DUTIES AND RESPONSIBILITY

- 4.1 Every **licensee** shall ensure that where a vehicle is powered by propane, or where propane is utilized for food preparations, a minimum five (5) pound ABC dry chemical fire extinguisher or other such extinguisher as required by the Fire Chief or his designate, is attached to the vehicle at all times and the operator of such vehicle at all times and the operator of such vehicle shall be knowledgeable in the proper use of such fire extinguisher. In all cases, where a licensee requires any food heating capability, he shall be adequately equipped with a fire extinguisher in accordance with the provisions of the Fire Code, O. Reg. 388/97.
- 4.2 No **person** shall fail to keep his **refreshment vehicle** or **refreshment stand** in a clean and sanitary condition.
- 4.3 No **person** shall offer for sale or sell from a **refreshment vehicle** or **refreshment stand**, any goods, wares, merchandise or other item other than refreshments, food stuffs and confections.
- 4.4 No **person** operating a **refreshment vehicle** or **refreshment stand** shall be under the influence, consume, or have in his possession, any alcohol or drugs other than any drugs prescribed by a duly qualified medical practitioner which do not and may not impair his ability to operate the vehicle/stand while in charge of the same.
- 4.5 No **person** shall operate a **refreshment vehicle** or **refreshment stand** between the hours of 12:00 midnight and 6:00 a.m. on any day.
- 4.6 No licensee shall permit any individual other than a bona fide employee to operate the **refreshment vehicle** or **refreshment stand**.
- 4.7 No **person** shall operate a **mobile lunch truck, chip truck or ice cream truck** unless it has been equipped with an audible reversing alarm to alert the public when the vehicle is backing up.
- 4.8 No **refreshment vehicle** or **refreshment stand** shall be equipped with any flashing lights or sounding device for attracting attention.
- 4.9 No **person** shall operate a **refreshment vehicle** or **refreshment stand** at the **Market on Broadway** without the approval of the Market Manager.
- 4.10 Any **person** operating a **refreshment vehicle** or **refreshment stand** shall:
 - a) Provide a waste receptacle of an adequate size to contain all waste generated from the operation of the **refreshment vehicle** or **refreshment stand**.

- b) Ensure that all waste in the vicinity of the **refreshment vehicle** or **refreshment stand** is placed in such container before leaving the area.
- c) Remove such receptacle and its contents before leaving the area.
- d) Ensure that no waste generated by the operator or contained in his waste receptacle is deposited in any **Town**-owned waste containers; and
- e) Maintain the designated area and the pavement, sidewalk and boulevard adjacent thereto in a clean and sanitary condition free from grease, papers, rubbish and debris.

5. APPLICATION FOR A LICENCE

5.1. A **person** making an application for a **licence** or renewal of a **licence** shall submit to the satisfaction of the **Licence Issuer**:

- a) a complete application in the form provided by the **Town**;
- b) where the applicant is a corporation, a copy of the articles of incorporation or other incorporating documents issued by the Province of Ontario or the Government of Canada, and the business name registration, when applicable;
- c) where the applicant, is a sole proprietor, a copy of the business name registration, when applicable;
- d) where the applicant, is a registered partnership, a copy of the registered declaration of partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business and a copy of the business name registration;
- e) the applicable **licence** fee;
- f) any documents, and obtain all required approvals and inspections from the appropriate approval authority having jurisdiction as outlined on Schedule "A" to this By-law;
- g) any other documents as may be required by the **Licence Issuer**.

5.2. A **person** submitting an application for **licence** renewal shall submit:

- a) a complete application (a licensee is not required to submit on renewal of a licence the items listed in sections 5.1 (b), 5.1 (c) or 5.1 (d) provided no changes have occurred in the information contained in those documents)
- b) the applicable licence fee

- c) all required documents as outlined in Schedule "A" at least fourteen (14) days prior to the expiry of the current licence. Applications for renewal submitted after fourteen (14) days shall be considered a new licence application.

6. FEES

- 6.1. A fee for a **licence** shall be as prescribed in Schedule "C" of this By-law.
- 6.2. Fee payable with an application for a **licence** shall not be pro-rated.
- 6.3. Every fee paid is non-refundable;
- 6.4. Acceptance of the **licence** fee does not constitute approval of the application or oblige the **Town** to issue a **licence**.

7. FEE REDUCTION AND EXEMPTIONS

- 7.1. **Not-for-profit** community associations, **charitable organizations**, service clubs and other organizers of special fund-raising events carried on solely for the benefit of a particular charity or **not-for-profit** organization are required to obtain a **licence** to operate any **refreshment vehicle** or **refreshment stand** and comply with the requirements of this By-law. Provided that the **person**, organization, association or service club is directly responsible for the vending operation, the fee for such **licence** shall be reduced as set out in Schedule "C" to this By-law.
- 7.2. The **Market on Broadway**, the Orangeville Business Improvement Area (BIA) and organizers of **Town** initiated events are not required to obtain a **licence** to permit the operation of **refreshment vehicles** and **refreshment stands** from the market location and during outdoor events organized by the BIA or initiated by the **Town**.
- 7.3. The **Market on Broadway**, the BIA and town-initiated events are exempt from the provisions of this By-law limiting the number of vendors permitted to operate in the **Central Business District**.
- 7.4. Participating vendors will not be required to obtain individual **licences** provided they do not operate outside the Market, the BIA or the area specified for a **Town** initiated event. The **licence** fee for the **Market on Broadway**, the BIA and **Town** initiated events shall be waived.
- 7.5. For greater clarification, all **persons** operating any **refreshment vehicle** or **refreshment stand** in areas other than or in addition to the **Market on Broadway**, BIA outdoor events or at a **Town** initiated event are required to obtain a **licence**, pay the prescribed fee and comply with the requirements of this By-law.

8. DELEGATED AUTHORITY

- 8.1. The **Licence Issuer** is hereby delegated authority to administer this By-law and to issue a **licence** in accordance with the provisions of this By-law and the applicable Schedules to this By-law.
- 8.2. The **Licence Issuer** is hereby delegated authority to impose additional terms and conditions on a **licence** that in the opinion of the **Licence Issuer** are reasonable and take into consideration:
 - a) the health, safety and well-being of **persons**;
 - b) the past conduct of an applicant or **licensee**.
- 8.3. The **Licence Issuer** is hereby delegated authority to revoke, suspend, refuse to issue, or refuse to renew a **licence**, where the applicant or **licensee** would not be entitled to a **licence**, or to the renewal of a **licence**, on any grounds set out in this By-law.
- 8.4. The **Licence Issuer** may cancel a **licence** at any time upon the written request of the **licensee**.
- 8.5. The **Licence Issuer** shall not issue or renew a **licence** to a **person** if:
 - a) the **Town** is aware that the applicant has two or more related convictions within the last year concerning the licensed business or **person**;
 - b) overdue by-law fines, penalties or other monies owing to the **Town**;
- 8.6. The **Appeal Tribunal** shall have the same powers as the **Licence Issuer** pursuant to this By-law for the purpose of authorizing the issuing of a **licence**.

9. LICENCE

- 9.1. A **licence** shall be issued by the **Licence Issuer** upon being satisfied that the requirements of this By-law have been met.
- 9.2. A **licence** shall expire on the 31st day of January of each year unless otherwise suspended or revoked in accordance with the provisions of this By-law.
- 9.3. Every **licence** shall remain at all times the property of the **Town** and no **person** shall enjoy a vested right in a **licence** or the continuance of a **licence**.
- 9.4. The issuing of a **licence** does not relieve a **person** from any responsibility to obtain all other approvals that may be required from any level of government or authority or agencies thereof having jurisdiction.
- 9.5. Upon receipt of each application completed in accordance with the requirements of this By-law, the **Licence Issuer** shall request comments or reports from other **Town** departments as appropriate or make such other inquiries and obtain and

review such other information and documents relevant to the application as the **Licence Issuer** considers necessary for the proper processing of the application.

9.6. A **licence** is not transferable.

10. LICENCE – TERMS AND CONDITIONS – GENERAL

10.1.A **Licensee** shall notify the **Licence Issuer** within seven (7) days:

- a) of any change of name, address or any other change to the information related to the **licence**;
- b) where the **Licensee** is a corporation, of any change in the names and addresses of officers and directors, the location of the corporate head office and change of ownership of shares;
- c) where the **Licensee** is a registered partnership, of any change in the names and addresses of each member of the partnership;
- d) and if necessary, the **licence** shall be returned immediately to the **Licence Issuer** for amendment.

10.2.A **Licensee** shall operate in compliance with this By-law, the terms and conditions of a **licence** including the terms and conditions outlined in the applicable Schedule(s) to this By-law and all federal and provincial legislation.

10.3.A **Licensee** in carrying out a business licensed under this By-law shall provide services that are free from discrimination and respect all grounds protected by the Ontario Human Rights Code.

10.4.A **Licensee** upon the request of the **Licence Issuer** or an **Officer** shall submit documents and records required to be kept in accordance with this By-law.

10.5.The operator shall ensure that the **licence** issued pursuant to this by-law is available for inspection at all times.

10.6.The licence sticker issued in respect of a **licence** for a refreshment vehicle shall be securely affixed to the vehicle in a visible location.

11. LICENCE – ADMINISTRATIVE SUSPENSIONS

11.1.Where required in accordance with this By-law a **Licensee's** policy of liability insurance expires, is cancelled, or is otherwise terminated; then the applicable **licence** shall be automatically suspended effective on the date of such expiration, cancellation, revocation or termination and shall remain so until such insurance has been reinstated.

11.2.An administrative suspension of a **licence** without a hearing shall be imposed for fourteen (14) days if the **Licence Issuer** is satisfied that the continuation of the

business poses an immediate danger to the health and safety of any **person** or to any **premise** or in accordance with Section 11. Before any suspension is imposed, the **Licence Issuer** shall provide the **licensee** with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.

11.3. An administrative suspension imposed under Section 10.2 may be imposed on such conditions as the **Licence Issuer** considers appropriate.

12. LICENCES – GROUNDS FOR REFUSAL, REVOCATION OR SUSPENSION

12.1. An applicant or **licensee** is entitled to a **licence** upon meeting the requirements of this By-law except where:

- a) the past or present conduct of any **person**, including any partner, 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 respect of which the application is made in accordance with the law or with honesty or integrity; or
- b) the applicant or **licensee** has past breaches or contraventions of any law or any provision of this By-law or any other municipal by-law or Provincial or Federal Statute associated with the carrying on of such business; or
- c) the financial position of the applicant or **licensee** affords reasonable grounds to believe that the activity for which he is licensed or to continue to be licensed in accordance with law will not be carried on in a financially responsible manner; or
- d) the applicant or **licensee** has failed to pay a fine, or fines imposed by a Court for convictions for breach of this or any other municipal by-law; or
- e) the applicant or **licensee** has failed to comply with any term, condition or direction of the **Licence Issuer** or **Officer** or has failed to permit any investigation or inspection by the **Licence Issuer** or **Officer**; or
- f) the applicant or **licensee** has failed to comply with the requirements set out in this By-law or any of the applicable Schedules to this By-law; or
- g) the issuing of a **licence** would be contrary to the public interest with respect to health and safety or consumer protection; or
- h) the applicant or **licensee** has submitted an application or other documents to the **Town** containing false statements, incorrect, incomplete, or misleading information; or
- i) the applicant or **licensee** is carrying on or engaging in activities on or off the **premise** that are or will be if the applicant or **licensee** is licensed, in contravention of this By-law, any other applicable law or is unsafe; or

- j) the applicant or **licensee** has exhibited discriminatory behaviour against a **person** on any grounds protected by the Ontario Human Rights Code; or
- k) the applicant or **licensee** has not paid the required **licence** fees.

12.2. The **Licence Issuer** may revoke, suspend, refuse to issue, or refuse to renew a **licence**, where the applicant or **licensee** would not be entitled to a **licence**, or to the renewal of a **licence**, on any grounds set out in this By-law.

12.3. Where the application for a **licence** has been refused, revoked, suspended or cancelled, the fees paid by the applicant or **licensee**, in respect of the **licence**, shall not be refunded.

12.4. Where a **licence** has been revoked, suspended, or cancelled the **licensee** shall return the **licence** to the **Licence Issuer** within two (2) days of service of the notice of the decision.

12.5. When a revoked, suspended or cancelled **licence** has not been returned, an **Officer** may enter upon the **premise** for the purpose of receiving, taking or removing the said **licence** and no **person** shall refuse to return the **licence** or in any way obstruct or prevent the **Licence Issuer** or **Officer** from obtaining the **licence**.

12.6. No **person** shall re-apply to obtain or renew a **licence** for a minimum of one (1) year from the later of:

- a) the date of the **Licence Issuer's** decision to refuse to issue, renew or revoke a **licence**;
- b) where the decision of the **Licence Issuer** is appealed, the date of the **Appeal Tribunal's** decision if the **Appeal Tribunal** upholds the decision to refuse to issue, renew or revoke the **licence**.

13. LICENCES – GROUNDS FOR REFUSAL, REVOCATION OR SUSPENSION – TERMS AND CONDITIONS – RIGHT TO A HEARING

13.1. With the exception of Section 10, before a **licence** is refused, revoked, suspended, cancelled or issued with terms or conditions, written notice shall be given by the **Licence Issuer** to the applicant or **licensee**.

13.2. Notice shall be served to the applicant's or **licensee's** last known address or email address filed with the **Town** and shall:

- a) contain sufficient information to specify the nature of or reason for, any recommendation;
- b) inform the applicant or **licensee** of entitlement to a hearing before the **Appeal Tribunal**, if a request in writing for a hearing is returned to the **Clerk** within fourteen (14) days after the date of service of the notice; and

- c) inform the applicant or **licensee** that if no written request is received, the **Appeal Tribunal** may proceed and make any decision with respect to the **licence**.

13.3. On receipt of a written request for a hearing from an applicant or **licensee**, the **Clerk** shall:

- a) schedule a hearing; and
- b) give the applicant or **licensee** notice of the hearing at least twenty (20) days prior to the hearing date; and
- c) post notice of the hearing on the **Town's** website at least twenty (20) days prior to the hearing date.

13.4. Service of any notice on the applicant or **licensee** under this by-law shall be made by personal delivery, ordinary mail or email transmission. The notice shall be deemed to have been served on the fourth (4th) day after the day of mailing on the date of personal service or the date of the email transmission.

14. ESTABLISHMENT OF APPEAL TRIBUNAL

14.1. The **Appeal Tribunal** shall hear and render decisions regarding the refusal, revocation or suspension of a **licence**, and the imposing of terms and conditions on a **licence**.

14.2. The decision of the **Appeal Tribunal** shall be final and binding.

15. HEARING PROCESS

15.1. The provisions of the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22*, as amended, shall apply to all hearings conducted under this By-law.

15.2. A hearing shall be held in public unless determined otherwise in accordance with the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22*, as amended, and the **Appeal Tribunal** shall hear the applicant or **licensee** and every other **person** who desires to be heard, and the **Appeal Tribunal** may give its decision orally or adjourn the hearing and reserve its decision but in any case, the decision shall be provided in writing.

15.3. The decision of the **Appeal Tribunal**, shall be in writing and shall set out the reasons for the decision, and shall be signed.

15.4. Any authority or permission granted by the **Appeal Tribunal** may be for such time and subject to such terms and conditions as the **Appeal Tribunal** considers advisable and as are set out in the decision.

15.5. When a **person** who has been given written notice of a hearing does not attend at the appointed time and place, the **Appeal Tribunal** may proceed with the

hearing in his absence, and the **person** shall not be entitled to any further notice of the proceedings.

15.6. The **Clerk** shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to:

- a) the applicant or **licensee**;
- b) each **person** who appeared in **person** or by Counsel or by Agent at the hearing and who filed with the **Clerk** a written request for notice of the decision.

16. ORDERS

16.1. If an **Officer** has reasonable grounds to believe that a contravention of this By-law or the terms and conditions of a **licence** has occurred, the **Officer** may make an Order requiring the **person** who contravened this By-law or the terms and conditions of a **licence** or who caused or permitted the contravention to occur to:

- a) discontinue the contravening activity; and/or
- b) do work or take action to correct the contravention.

16.2. An Order under section 15.1 shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention;
- b) the location of the **premise** on which the contravention occurred; and
- c) either:
 - i. in the case of an Order under section 15.1 (a), the date by which there must be compliance with the Order; or
 - ii. in the case of an Order under section 15.1 (b), the action to be done and the date by which the action must be done.

16.3. An Order made under this By-law may be served personally, by ordinary mail to the last known address or by email transmission to:

- a) the **person** the **Officer** believes contravened this By-law; and
- b) such other **persons** affected by the Order as the **Officer** making the Order determines.

16.4. The Order shall be deemed to have been served on the fourth (4th) day after the date of mailing or on the date of personal service or on the date of email transmission.

16.5. An **Officer** who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the **premise** and the placing of the placard shall be deemed to be sufficient service. The placing of the placard of the Order shall be deemed to be served on the date of placing the placard.

17. ENFORCEMENT AND PENALTY PROVISIONS

17.1. The enforcement of this By-law shall be conducted by an **Officer**.

17.2. An **Officer** may enter on land or a **premise** at any reasonable time for the purpose of carrying out an inspection to determine whether or not:

- a) the By-law is complied with;
- b) the **licence**, or the term or condition of a **licence**, or this By-law is complied with;
- c) a direction or Order made under the *Municipal Act, S.O. 2001, c.25*, as amended, or this By-law is complied with.

17.3. For the purposes of an inspection under this By-law, an **Officer** may:

- 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.

17.4. All documents and records shall be kept in a good and business-like manner for review by the **Officer** at their request.

17.5. A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.

17.6. A sample taken under this By-law shall be divided into two parts, and one part shall be delivered to the **person** from whom the sample is taken, if the **person** so requests at the time the sample is taken and provides the necessary facilities.

- 17.7. If a sample is taken under this By-law and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the **person** from whom the sample was taken.
- 17.8. Every **person** who contravenes any provision of this By-law, including failing to comply with an Order issued pursuant to this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, and the Municipal Act, 2001, as amended.
- 17.9. Every **person** who is charged with an offence under this By-law or an Order issued pursuant to this By-law or every director or officer of a corporation, who knowingly concurs in the contravention, by the laying of an Information under Part III of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended and is found guilty of the offence is liable pursuant to the Municipal Act, 2001, as amended to the following:
- a) on a first offence, to a fine of not more than \$50,000.00; and
 - b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00
- 17.10. Every **person** who is issued a Part 1 offence notice or summons and is convicted is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 17.11. No **person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this By-law.
- 17.12. Every **person** who is alleged to have contravened any of the provisions of this By-law shall identify themselves to an **Officer** upon request, failure to do so shall be deemed to have hindered or obstructed an **Officer** in the execution of his or her duties.
- 17.13. Upon conviction any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 17.14. If a **person** is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the **person** convicted.

18. SEVERABILITY

- 18.1. If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of **Council** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

19. INTERPRETATION

19.1. References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.

19.2. In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

19.3. Schedules “A”, “B” and “C” appended to this By-law are incorporated into and form part of this By-law.

20. TRANSITIONAL RULES

20.1. By-law 102-2008, as amended, shall continue to apply to any enforcement proceedings commenced prior to the effective date of this By-law.

21. REPEAL

21.1. By-law 102-2008, 120-2009, 2021-047 and 2023-041 are hereby repealed.

22. EFFECTIVE DATE

22.1. This By-law shall come into effect on MONTH XX, 20XX.

READ three times and finally passed this XXth day of Month, 20XX

Lisa Post, Mayor

Raylene Martell, Clerk

SCHEDULE 'A' to BY-LAW 20XX-XX

MOBILE FOOD VENDOR LICENCE REQUIREMENTS

1. APPLICATION REQUIREMENTS

1.1. In addition to the requirements set out in Section 5 of this By-law, every new application will require, prior to issuance of a license:

- a) written confirmation of authorization to issue a **licence** from the Public Health Office, the Orangeville Fire Division, and any other department of the Town as the **Licence Issuer** considers necessary;
- b) confirmation that the **premises** where the **restaurant** operates is in compliance with any applicable **Zoning By-law** and Site Plan Agreement;
- c) proof of valid insurance in an amount not less than two (2) million dollars naming the Town as additional insured;
- d) **Vulnerable Sector Check** from each police service's jurisdiction in Canada in which the applicant has been a resident during the prior three hundred and sixty-five (365) days, dated no more than sixty (60) days prior to the submission of the Application;
- e) a letter of permission with respect to the proposed use from the registered property owner or his authorized agent;
- f) any other documents as may be required by the Licence Issuer.

1.2. Renewal

- a) Every application for renewal of a licence under this By-law shall be made in a form satisfactory to the Licence Issuer and shall include:
 - i. The fully completed application form
 - ii. The applicable renewal fee as set out in Schedule B of this By-law
 - iii. Proof of valid insurance in an amount not less than two (2) million dollars naming the Town as additional insured.
- b) A renewal application must be approved by all of the approval bodies set out in section 1.1 (a) in the event the conditions of the original application have changed.
- c) Where a **person** fails to renew the **licence** within fourteen (14) days after the expiry of such **licence**, the **person** shall no longer be entitled to renew but must apply for a new **licence**.

- d) The holder of a **licence** for the operation of a **food cart** in the **Central Business District** in the previous year shall have the right of first refusal before the said licence is offered to a new applicant, provided that the holder of the **licence** has made an application for renewal no later than January 15th of the following year in which the **licence** was first issued.

DRAFT

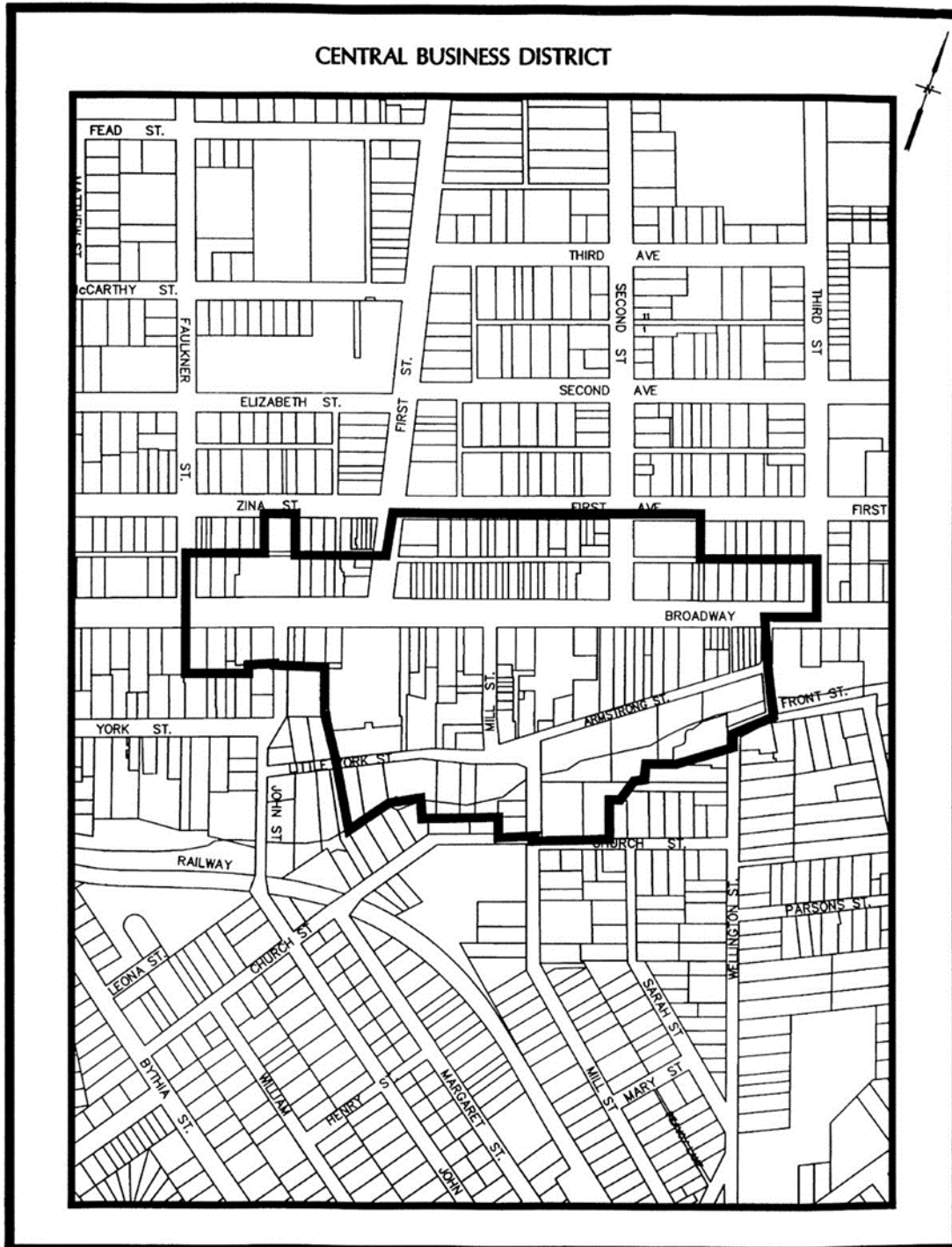
SCHEDULE 'B' to BY-LAW 20XX-XX

2025 FEES*

Type of Mobile	Resident Fee	Non Resident Fee
Chip truck per year	\$500.00	\$600.00
Food cart per year	\$500.00	\$600.00
Ice cream bicycle per year	\$100.00	\$120.00
Ice cream truck per year	\$500.00	\$600.00
Mobile lunch truck per year	\$500.00	\$600.00
Refreshment stands per year	\$500.00	\$600.00
Food vendors selling at a special function		
per event	\$120.00	\$160.00
Administration Fee (special fund-raising events only)		
per event	\$25.00	\$25.00

***Future year's fees are per the Fees and Charges in effect at the time.**

SCHEDULE 'C' to BY-LAW 20XX-XX



Corporate Services

**Notice of public meeting:
Mobile food vendor bylaw**

Take notice that a public meeting will be held to provide the public with the opportunity to comment and provide input regarding the **Mobile Food Vendor By-law 102-2008**, on:

February 24, 2025 at 7:00 p.m.
Town Hall – 87 Broadway

Public participation: Questions and comments from the galley will be permitted following the mobile food vendor presentation. Residents, taxpayers, service providers, or those speaking on behalf of an association or organization serving the Town of Orangeville are invited to participate.

Ask a question virtually: Call 1-289-801-5774 and enter conference ID 504 678 344#

View the meeting online: [orangeville.ca/YouTube](https://www.orangeville.ca/YouTube)

Submitted correspondence or comments/questions made during the meeting will be considered public information and entered into the public record.

Read the proposed bylaw: The proposed mobile food vendor bylaw will be available as part of the meeting agenda posted online Thursday, February 20 at [orangeville.ca/Meetings](https://www.orangeville.ca/Meetings).

For more information: Contact the Clerks Division at **519-941-0440 Ext. 2242** or clerksdept@orangeville.ca during normal business hours.



The Corporation of the Town of Orangeville

By-law Number 2025-

A by-law to confirm the proceedings of the Council of The Corporation of the Town of Orangeville at its Council - Public Meeting held on February 24, 2025

Whereas Section 5 (1) of the Municipal Act, 2001, as amended, provides that the powers of a municipal corporation shall be exercised by its council; and

Whereas Section 5 (3) of the Municipal Act, 2001, as amended, provides that municipal powers shall be exercised by by-law; and

Be it therefore enacted by the municipal Council of The Corporation of the Town of Orangeville as follows:

1. That all actions of the Council of The Corporation of the Town of Orangeville at its Council – Public Meeting held on February 24, 2025, with respect to every report, motion, by-law, or other action passed and taken by the Council, including the exercise of natural person powers, are hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this or a separate by-law.
2. That the Mayor and Clerk are authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the Town of Orangeville referred to in the preceding section.
3. That the Mayor and the Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the Town of Orangeville.

Read three times and finally passed this 24th day of February, 2025.

Lisa Post, Mayor

Lindsay Raftis, Deputy Clerk