



AGENDA
REGULAR MEETING OF THE TOWN OF CARLETON PLACE

Tuesday, May 26, 2020, 6:00 p.m.

Pages

VIRTUAL MEETING VIA ZOOM

1. CALL TO ORDER

Call to order of the 11th regular meeting of the 131st Council of the Town of Carleton Place.

2. APPROVAL OF AGENDA

Recommended Motion:

THAT the Agenda be approved as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

4. APPROVAL OF MINUTES

1. Council Minutes

3

Recommended Motion:

THAT the Council Minutes dated May 12th, 2020 be accepted as presented.

5. PRESENTATIONS

None.

6. CONSENT REPORT

9

Recommended Motion:

THAT Council receive the Consent Report dated May 26, 2020.

7. MOTIONS

None.

8. BY-LAWS

1. By-law No. 50-2020 - Regulation of Refreshment Vehicles 10

Recommended Motion:

THAT By-law 50-2020 (to regulate Refreshment Vehicles) be read a first, second and third time, and finally passed.

2. By-law No. 51-2020 - Part Lot Control - 60-68 Stokes Drive 28

Recommended Motion:

THAT By-law 51-2020 (Part Lot Control 60-68 Stokes Drive) be read a first, second and third time, and finally passed.

9. ANNOUNCEMENTS

10. CONFIRMATORY BY-LAW

1. By-law No. 52-2020 - Confirmation of Council Proceedings 29

Recommended Motion:

THAT By-law 52-2020 (To Confirm Council Proceedings) be read a first, second and third time, and finally passed.

11. ADJOURNMENT

Recommended Motion:

THAT the 11th meeting of the 131st Council be hereby adjourned at _____ p.m.

MINUTES

REGULAR MEETING OF COUNCIL OF THE TOWN OF CARLETON PLACE

Tuesday, May 12, 2020, 7:00 p.m.

COUNCIL PRESENT: Mayor Black
Deputy Mayor Redmond
Councillor Fritz
Councillor Seccaspina
Councillor Randell
Councillor Tennant
Councillor Atkinson

STAFF PRESENT: Diane Smithson, CAO
Stacey Blair, Clerk

VIRTUAL MEETING VIA ZOOM

1. CALL TO ORDER

The 10th regular meeting of the 131st Council of the Town of Carleton Place was called to order by Mayor Black at 7:00 p.m.

2. APPROVAL OF AGENDA

Motion No. 10-131-01

Moved by: Councillor Fritz

Seconded by: Councillor Seccaspina

THAT the Agenda be approved as presented.

CARRIED

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None.

4. APPROVAL OF MINUTES

1. Council Minutes

Motion No. 10-131-02

Moved by: Deputy Mayor Redmond

Seconded by: Councillor Atkinson

THAT the Council Minutes dated April 21st and May 5th be accepted as presented.

CARRIED

5. PRESENTATIONS

None.

6. CONSENT REPORT

Motion No. 10-131-03

Moved by: Councillor Fritz

Seconded by: Deputy Mayor Redmond

THAT Council receive the Consent Report dated May 12, 2020:

April 21, 2020 – Regular Meeting

Corporate Services

1. Annual Repayment Limit (Communication 131052)

THAT Council receives the Treasurer's report regarding the Town's Annual Repayment Limit dated April 21, 2020 as information.

2. Financial Report to March 31, 2020 (Communication 131053)

THAT Council receives the Financial Report from the Treasurer to March 31, 2020 as information.

Physical Environment

3. Carleton Place Drinking Water System 2019 Annual Report (Communication 131055)

THAT Council accepts the Carleton Place Drinking Water System 2019 Annual Report as information; and

THAT the report be made available to the Public via the Town's Website.

4. Carleton Place Wastewater System 2019 Annual Report (Communication 131056)

THAT Council accepts the Carleton Place Wastewater System 2019 Annual Report as information; and
THAT the report be made available to the Public via the Town's Website.

CARRIED

7. MOTIONS

Corporate Services

1. 2020 Business Improvement Area (BIA) Budget (Communication 131051)

Motion No. 10-131-04

Moved by: Councillor Atkinson

Seconded by: Councillor Fritz

THAT the 2020 Operating Budget for the Carleton Place Business Improvement Area (BIA) be approved;

THAT the levy portion of the Operating Budget for the Carleton Place Business Improvement Area in the amount of \$166,403 be approved;

THAT the Treasurer be authorized and directed to prepare the requisite By-law pursuant to Section 208 of the Municipal Act, 2001, to invoice on the tax bills the levy portion of the BIA Operating Budget;

THAT the following schedule of payments for 2020 be approved:

April \$83,433

June \$83,400

CARRIED

Community Services

2. Community Enrichment Grants - Intake 1 (Communication 131057)

Motion No. 10-131-05

Moved by: Councillor Atkinson

Seconded by: Councillor Fritz

THAT Council approves the allocation of Community Enrichment Grants to various organizations under Intake 1 in the amount of \$13,638.47.

CARRIED

8. BY-LAWS

1. By-law No. 43-2020 - Establish 2020 Tax Rates

Motion No. 10-131-06

Moved by: Deputy Mayor Redmond

Seconded by: Councillor Seccaspina

THAT By-law 43-2020 (**to establish 2020 Tax Rates**) be read a first, second and third time, and finally passed.

CARRIED

2. By-law No. 44-2020 - To Amend the Interim Control By-law

Motion No. 10-131-07

Moved by: Councillor Randell

Seconded by: Councillor Atkinson

THAT By-law 44-2020 (**to amend the Interim Control By-law**) be read a first, second and third time, and finally passed.

CARRIED

3. By-law No. 45-2020 - To Appoint Cale Rowan as a Fire Prevention Officer

Motion No. 10-131-08

Moved by: Deputy Mayor Redmond

Seconded by: Councillor Randell

THAT By-law 45-2020 (**to appoint Cale Rowan as a Fire Prevention Officer**) be read a first, second and third time, and finally passed.

CARRIED

4. By-law No. 46-2020 - To Appoint Robert Hewitt as a Fire Prevention Officer

Motion No. 10-131-09

Moved by: Councillor Tennant

Seconded by: Councillor Atkinson

THAT By-law 46-2020 (**to appoint Robert Hewitt as a Fire Prevention Officer**) be read a first, second and third time, and finally passed.

CARRIED

5. By-law No. 47-2020 - Part Lot Control 1-3 Peever Place

Motion No. 10-131-10

Moved by: Councillor Randell

Seconded by: Councillor Seccaspina

THAT By-law 47-2020 (**Part Lot Control 1-3 Peever Place**) be read a first, second and third time, and finally passed.

CARRIED

6. By-law 48-2020 - Part Lot Control 7-9 Peever Place

Motion No. 10-131-11

Moved by: Councillor Tennant

Seconded by: Deputy Mayor Redmond

THAT By-law 48-2020 (**Part Lot Control 7-9 Peever Place**) be read a first, second and third time, and finally passed.

CARRIED

9. ANNOUNCEMENTS

The Mayor announced that the Town's boat launch on Lake Avenue West will be opened on Friday, May 15th for day passes only for Carleton Place residents consistent with physical distancing. The Town's trails are open for walking. However at this time, play structures, benches, pump track and dog parks remain closed. The open air burn ban has been lifted within the Town of Carleton Place.

10. CONFIRMATORY BY-LAW

1. By-law No. 49-2020 Confirmation of Council Proceedings

Motion No. 10-131-12

Moved by: Councillor Atkinson

Seconded by: Deputy Mayor Redmond

THAT By-law 49-2020 (**To Confirm Council Proceedings**) be read a first, second and third time, and finally passed.

CARRIED

11. O CANADA

The singing of O Canada was dispensed with.

12. ADJOURNMENT

Motion No. 10-131-13

Moved by: Councillor Tennant

Seconded by: Councillor Randell

THAT the 10th meeting of the 131st Council be hereby adjourned at 7:13 p.m.

CARRIED

Doug Black, Mayor

Stacey Blair, Clerk

Consent Report from Committee of the Whole

Motions from May 12, 2020 – Regular Meeting

Corporate Services

1. Audited Financial Statements for 2019

THAT Council approve the 2019 Audited Consolidated Financial Statements; and THAT the statements be posted on the Town's website.

2. 2020 Public Sector Accounting Board (PSAB) Budget (Communication 131065)

THAT Council approve the 2020 Public Sector Accounting Board (PSAB) Budget prepared by the Treasurer as required by the Municipal Act, 2001 O. Reg. 284/09.

Planning and Protection

3. Interim Control By-law Timelines (Communication 131062)

THAT the staff report outlining a timeframe for completion of the Interim Control By-law Study be accepted as information.

4. Development Services Activity Report to April 30, 2020 (Communication 131063)

THAT the Development Services Planning Activity Report to April 30, 2020 be received as information.

BY-LAW NO. 50-2020

A BY-LAW OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO LICENSE, REGULATE AND GOVERN REFRESHMENT VEHICLES IN THE TOWN OF CARLETON PLACE

WHEREAS Section 151(1) of the *Municipal Act, 2001* S.O. Chapter 25 grants to municipalities general licensing powers and;

WHEREAS Section 27(1) of the said *Municipal Act* authorizes Council to pass by-laws respecting highways if it has jurisdiction over them; and

WHEREAS Section 63(1) of the said *Municipal Act* authorizes a Municipality having a by-law to prohibit or regulate the placing, stopping, standing or parking of an object or vehicles on a highway to impound, restrain or immobilize any object or vehicle placed, stopped, standing or parked on a highway in a contravention of the by-law;

AND WHEREAS Council deems it appropriate to regulate and licence Refreshment Vehicles for the purpose of health and safety, nuisance control and consumer protection with respect to the general public;

AND WHEREAS the Council of The Corporation of the Town of Carleton Place deems it necessary and desirable to repeal By-law Nos. 16-2016 and 33-2017 and to enact a new Refreshment Vehicle By-law for the issuance of permits and related matters, including the establishment of a fee schedule;

NOW THEREFORE the Council of the Corporation of the Town of Carleton Place enacts as follows:

1 DEFINITIONS

The following definitions shall apply for the purposes of this by-law:

- 1.1 **Applicant** means the owner of a vehicle or property who applies for a permit or any person authorized by the owner to apply for a permit on the owner's behalf, or any person or corporation empowered by the statute to conduct business in the Province of Ontario.
- 1.2 **Approved location** shall mean the location(s) specified in the application and for which a licence has been granted.
- 1.3 **Chief Building Official** means the Chief Building Official appointed by Council, or his designate.
- 1.4 **Clerk** shall mean the Clerk or Deputy Clerk of the Town of Carleton Place.
- 1.5 **Community Special Event** means an event recognized by the Recreation and Culture Department as a one-time, annual or infrequently occurring event outside normal programs or activities of the Town i.e. Canada Day activities, regattas, car shows, music festivals, etc.

- 1.6 **Corporation** shall mean the Corporation of the Town of Carleton Place.
- 1.7 **Council** shall mean the council of the Town of Carleton Place.
- 1.8 **Eating establishment** means a building or part of a building where food is offered for sale or sold to the public for consumption and which has seating and eating facilities. Such uses include a restaurant, diner, fast-food restaurant, ice cream parlour, tearoom or lunchroom, dairy bar, bistro, pizzeria, coffee shop or café.
- 1.9 **Licence** shall mean a licence under the provisions of this by-law.
- 1.10 **Licensee** means the person to whom the licence has been issued and who assumes the primary responsibility for complying with this by-law.
- 1.11 **Located Refreshment Vehicle** means a vehicle located at an approved location for the purposes of selling food and beverages to the public. A Refreshment Vehicle must be capable of being readily removed from an approved location within 48 hours of a notice to remove being received. A located Refreshment Vehicle shall be permitted to locate on private property by the Town's development permit system and by the property owner.
- 1.12 **Medical Officer of Health** shall mean the Medical Officer of Health for Leeds, Grenville and Lanark District Health Unit or his duly authorized delegate.
- 1.13 **Mobile canteen** shall mean a motor vehicle equipped for the cartage, storage and preparation of refreshments from which said motor vehicle refreshments are offered for sale for consumption primarily by persons at their place of employment or by persons attending a private function or other special events where the mobile canteen operator has been invited or authorized by a person holding the event or owning the business or property to dispense refreshments. A mobile canteen shall be included in the definition of "Refreshment Vehicle."
- 1.14 **Mobile ice cream vehicle** shall mean a mobile motor vehicle equipped for the cartage, storage and vending of frozen food and confections. A mobile ice cream vehicle shall be included in the definition of "Refreshment Vehicle."
- 1.15 **Owner** means the registered owner of the land and includes a lessee mortgagee in possession, and the person in charge of the property.
- 1.16 **Roadworthy** shall mean the vehicle complies with the requirements of *The Highway Traffic Act* and is licensed by the Ministry of Transportation for operation on a public highway. The applicant for a license shall produce such vehicle licence prior to issuance of a licence.
- 1.17 **Occasional** shall mean for not more than twelve (12) consecutive hours, two (2) times per calendar month.
- 1.18 **Operate** shall mean the act of selling, offering for sale, or otherwise dispensing of refreshments and "operator" shall have a like meaning.
- 1.19 **Refreshments** shall mean all food stuffs or beverages either prepared on site or pre-packaged and intended for human consumption. Refreshment shall include cooked or

uncooked food, frozen foods and confections, fresh produce, alcoholic and non-alcoholic beverages.

- 1.21 **Refreshment Vehicle** shall mean a vehicle, canteen, trailer or cart, propelled, towed or driven by any kind of power, including muscular power, equipped for the cartage, storage, preparation or sale of refreshments intended for consumption by the public. A chip wagon, mobile canteen, Refreshment Cart, ice cream bicycle and mobile ice cream vehicle shall be included in the definition of a "Refreshment Vehicle."

2 GENERAL PROVISIONS

- 2.1 Every licensee shall ensure that an adequate number of containers for recyclable materials and waste receptacles with self-closing lids are provided in accessible locations in the vicinity of the refreshment vehicle.
- 2.2 Every licensee shall ensure that the waste receptacles are emptied at least once a day.
- 2.3 Every licensee shall ensure that the grounds in the vicinity of the Refreshment Vehicle for a distance of 30 metres are kept clean of all waste.
- 2.4 Every licensee shall ensure that the Refreshment Vehicle, all accessories and equipment shall be kept in good repair at all times and in a clean and sanitary condition.
- 2.5 Every licensee shall ensure that:
- 2.5.1 no person other than an employee of the licensee shall operate the Refreshment Vehicle, and
 - 2.5.2 any employee (operator) shall be adequately trained in the safe operation of the Refreshment Vehicle and equipment, and
 - 2.5.3 all employees are familiar with the contents of this by-law, and
 - 2.5.4 any operator or employee under his control, management or supervision does not breach any of the provisions of this by-law.
- 2.6 Every licensee shall ensure that all conditions expressed by the Fire Chief or his designate, the By-law Department, the Medical Officer of Health or designate, the Chief Building Official or his designate, or the Planning Department forming part of any approval shall be adhered to at all times.
- 2.7 No person shall operate a Refreshment Vehicle within the limits of the Town of Carleton Place unless and until the operator has obtained a separate licence for each Refreshment Vehicle, as issued under the provisions of this by-law. The applicant for every licence shall be a minimum of seventeen (17) years of age.
- 2.8 The annual licence fee for each Refreshment Vehicle shall be as prescribed by the Town's Fees and Charges By-law.

- 2.9 The term of each licence shall be from the 1st day of January to the 31st day of December in each year, and no licence shall be issued except on payment of the full amount of the prescribed fee.
- 2.10 A licence shall not be transferred from one vehicle to another nor from one operator to another.
- 2.11 An annual renewal licence may be issued to the previous holder of a licence for a previously approved location provided all other application requirements, including the payment of the prescribed fee, valid proof of insurance, permission of the landowner, proof of valid vehicle licence and compliance approval from the Medical Officer of Health and Fire Chief, are submitted on an annual basis. A completed application form and fee shall be submitted to the Clerk by January 15th.
- 2.12 No person shall operate a Refreshment Vehicle without having, at all times, in the vehicle licensed by the Corporation, the individual licence granted for that specific vehicle and shall present such licence on demand for inspection by any By-law Enforcement Officer of the Corporation.
- 2.13 The operator of a Refreshment Vehicle shall accept liability for all or any claims for injury or damage to any person or property caused or created by the operation of the Refreshment Vehicle.
- 2.14 All motorized Refreshment Vehicles or towable trailers or carts shall be plated in accordance with the *Highway Traffic Act, R.S.O. 1990, c. H.8*.
- 2.15 Exemptions from location provisions of this by-law may be granted for Refreshment Vehicles to be operated in parks or on other lands in the control of the Corporation for specific special events, but only during the times and at the locations designated by the Corporation in writing. Exemptions may also be granted by the Corporation for events and other locations.
- 2.16 No person shall operate a Refreshment Vehicle closer than 30 metres to an eating establishment that is paying a property tax to the Town of Carleton Place. Should the owner of a Refreshment Vehicle wish to locate the said vehicle closer than 30 metres to an eating establishment, written acknowledgement from the affected eating establishment owner shall be filed with the application. A sample letter is attached as Schedule "A.2".

3 PRESCRIBED FORMS

- 3.1 The forms prescribed for use as an application for licence, for licences and for notices of violation shall be as set out in Schedule "A" attached to and forming part of this by-law.

4 APPLICATION

- 4.1 To obtain a permit, an applicant shall file an application in writing on the forms prescribed by and available from the Clerk's Department, and shall supply any other information relating to that application as required by the Town of Carleton Place.

- 4.2 Every application for Refreshment Vehicle licences shall:
- 4.2.1 identify and describe in detail the products to be sold;
 - 4.2.2 be accompanied by the required application fee as calculated in accordance with the Town's Fees and Charges By-law;
 - 4.2.3 include a description of the vehicle and where applicable, provide a photocopy of the current motor vehicle registration document;
 - 4.2.4 include a current certificate of compliance with "The Food Premises Regulation" as written under the Act from the Medical Officer of Health;
 - 4.2.5 include certificates of compliance from the following Town of Carleton Place authorities:
 - 4.2.5.1 the Fire Department
 - 4.2.5.2 the By-law Department
 - 4.2.6 be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the connection of all water, sewer, gas, electric, telephone or other utilities and services that are proposed, if applicable;
 - 4.2.7 provide proof of insurance as described in Section 6 hereof;
 - 4.2.8 include a statement of indemnification to the Town of Carleton Place as described in Section 7 hereof;
 - 4.2.9 be signed by the applicant who shall certify as to the truth of the contents of the application.

5 FEES

- 5.1 A Licence and Application fee shall be charged in accordance with this by-law in order to recover the cost of the administration and enforcement of the said licence.
- 5.2 The required fees shall be calculated in accordance the Town's Fees and Charges By-law for the licence proposed and the applicant shall pay such fees.
- 5.3 No application shall be reviewed unless the required application fees have been paid in full.
- 5.4 No licence shall be issued unless the required licence fees have been remitted with the application.

6 INSURANCE

- 6.1 No person shall be granted or hold a licence for a Refreshment Vehicle unless he/she establishes and maintains in effect proof of commercial general liability insurance covering each vehicle. Such proof shall be made by delivering to the Town of Carleton Place a

certificate of insurance naming the Town of Carleton Place as an additional insured on the policy, which includes the following:

6.1.1 Commercial General Liability

The Proponent shall, at their expense obtain and keep in force during the term of the Agreement, Commercial General Liability Insurance satisfactory to the Town of Carleton Place and underwritten by an insurer licensed to conduct business in the Province of Ontario. The policy shall provide coverage for Bodily Injury, Property Damage and Personal Injury and shall include but not be limited to:

6.1.1.1 A limit of liability of not less than \$2 million/occurrence with an aggregate of not less than \$5 million;

6.1.1.2 Add the Town of Carleton Place as an additional insured with respect to the operations of the Named Insured;

6.1.1.3 The policy shall contain a provision for cross liability and severability of interest in respect of the Named Insured;

6.1.1.4 Non-owned automobile coverage with a limit not less than \$2,000,000 and shall include contractual non-owned coverage (SEF 96); Coverage to include damage caused by operating or moving vehicles;

6.1.1.5 Products and completed operations coverage;

6.1.1.6 Broad Form Property Damage;

6.1.1.7 Contractual Liability; and

6.1.1.8 The policy shall provide 30 days' prior notice of cancellation.

6.1.2 Primary Coverage

The proponent's insurance shall be primary coverage and not additional to and shall not seek contribution from any other insurance policies available to the municipality.

6.1.3 Certificate of Insurance

The proponent shall provide a Certificate of Insurance evidencing coverage in force at least 10 days prior to contract commencement.

6.1.4 Automobile Liability Coverage

Standard Form Automobile Liability Insurance that complies with all requirements of the current legislation of the Province of Ontario, having an inclusive limit of not less than \$2 million per occurrence for Third Party Liability, in respect of the use or operation of vehicles owned, operated or leased by the Supplier.

7 INDEMNIFICATION

- 7.1 The Supplier shall defend, indemnify and save harmless the Corporation of the Town of Carleton Place, its elected officials, officers, employees and agents from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest or damages of every nature and kind whatsoever, including but not limited to bodily injury, sickness, disease or death or to damage to or destruction of tangible property including loss of revenue or incurred expense resulting from disruption of service, arising out of or allegedly attributable to the negligence, acts, errors, omissions, misfeasance, nonfeasance, fraud or willful misconduct of the Supplier, its directors, officers, employees, agents, contractors and subcontractors, or any of them, in connection with or in any way related to the delivery or performance of this Contract. This indemnity shall be in addition to and not in lieu of any insurance to be provided by the Supplier in accordance with the refreshment vehicle license, and shall survive the license.
- 7.2 The Supplier agrees to defend, indemnify and save harmless the Corporation of the Town of Carleton Place from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest or damages of every nature and kind whatsoever arising out of or related to the Supplier's status with WSIB. This indemnity shall be in addition to and not in lieu of any proof of WSIB status and compliance to be provided by the Supplier in accordance with the refreshment vehicle license, and shall survive the license.

8 REVISIONS TO LICENCE

- 8.1 After the issuance of a licence under this by-law, notice of any material change to a plan, specification, document or other information on the basis of which the licence was issued, must be given in writing to the Town of Carleton Place together with the details of the change.
- 8.2 No modification(s) to any Refreshment Vehicle shall be carried out without the express written authorization of the Clerk as authorized by Council.

9 REGULATIONS

9.1 (Located) Refreshment Vehicle:

- 9.1.1 (Located) Refreshment Vehicles shall be permitted to locate only on property locations in accordance with the license issued to them by the Town's Clerk's Department.
- 9.1.2 Every application to request a location shall include a site plan drawn to scale showing the proposed vehicle location, adjacent structures, entrance and exit from adjacent street(s), proposed additions to the vehicle, signs, the location and proposed hook-up of all utilities and setback distances from the street, all as required by the provisions of this by-law.
- 9.1.3 The Refreshment Vehicle shall be located at least three (3) metres from the front line of the property on which it is located.
- 9.1.4 All structures or additions to the Refreshment Vehicle site, including signs and structures designed to protect the public from the elements while being served at the servicing window, are subject to approval of the Chief Building Official and shall be shown on the approved plan

required pursuant to Section 9.1.2. Such structures or additions shall be designated and constructed in a neat and workmanlike fashion such that they do not detract from the general appearance of the site nor inhibit the ability to move the vehicle on short notice. The maximum area of all additions, in total, shall not exceed one third (1/3) of the area occupied by the Refreshment Vehicle itself.

- 9.1.5 Every Refreshment Vehicle shall be capable of being moved and driven or towed on a highway upon 48 hours' notice by a police officer and/or the By-law Enforcement Officer. Permanent electrical or other utility hook-ups are prohibited. To provide for the operation of exhaust fans, approved lighting and other electrical power requirements, a Refreshment Vehicle may be connected to an approved power source provided such connection is made by means of a connection which can be readily and safely disconnected without the use of tools. Such connection must not inhibit the capability of the Refreshment Vehicle to be mobile on short notice or to otherwise cause the Refreshment Vehicle to be recognized as a permanent structure.
- 9.1.6 No sign or advertising device may be displayed, except in accordance with the Town's Sign By-law.
- 9.1.7 Where there is a potential for the production of grease-laden vapours and smoke, the installation of equipment for the removal of smoke and grease-laden vapours shall be installed to meet the requirements of NFPA 96 "Standards for the Installation of Equipment for the Removal of Smoke and Grease-laden Vapours."
- 9.1.8 Where electrical facilities are provided, a certificate of inspection certifying compliance to the requirements of Hydro One is required.
- 9.1.9 All plumbing facilities shall comply with the requirements of Part 7 of *The Ontario Building Code*. The operator or attendant of each vehicle shall have access to toilet and washing facilities during hours of operation to the satisfaction of the Chief Building Official.

9.2 Site Specific Refreshment Vehicles Licences – Riverside Park Only

- 9.2.1 Two (2) site-specific mobile Refreshment Vehicle licences for Riverside Park only shall be available each year on a first come, first served basis. No operator may obtain more than one (1) specific licence for Riverside Park.
- 9.2.2 That a letter of approval from the Manager of Recreation and Culture for a site-specific location be submitted prior to the issuance of a licence. The letter shall state terms and conditions as deemed appropriate by the Manager of Recreation and Culture.

9.3 Refreshment Vehicle (Mobile Canteen) Provisions

- 9.3.1 No person shall operate or conduct business from a mobile canteen or vehicle while parked on a public highway, street, road, land, park, boulevard or other public land. Business may be conducted when parked on a street where construction work is being carried out, provided that a special exemption to do so has been granted in writing by the Corporation.
- 9.3.2 A mobile ice cream vehicle, cart or bicycle may stop on a street in a residential zone to make a sale for a duration of no more than twenty (20) minutes.

9.3.3 A mobile canteen or ice cream truck may locate temporarily for sales or other special events where the mobile canteen operator has been invited or authorized by a person holding the event or owning the business or property to dispense refreshments, provided that all other provisions of this By-law are met while operating at the temporary location.

9.4 Refreshment Cart Provisions

9.4.1 No person shall vend from a Refreshment Cart(s) except in accordance with the following provisions:

9.4.1.1 General Provisions for Refreshment Carts:

- a) Every licensee who vends shall ensure that all articles, whether on display or not on display, except for a garbage receptacle and a small condiment tray are contained within the cart. The garbage receptacle and a small condiment tray shall be located no further than 1.5 metres from the cart.
- b) No person shall vend from a Refreshment Cart or from a stand upon any highway including a boulevard, sidewalk or street, or any part thereof.
- c) Every licensee shall keep his or her Refreshment Cart in a clean and sanitary condition and in a state of good repair and appearance at all times.
- d) Every Refreshment Cart equipped with a food heating capability shall be adequately equipped with a fire extinguisher having an A.B.C. rating.
- e) No person licensed pursuant to this by-law shall carry, sell, offer or expose for sale any or all of the food products which are prohibited from time to time by the Medical Officer of Health.
- f) The licensee shall ensure that any person vending with or from his or her Refreshment Cart has the license (issued by the Town) visible to the public and attached to the Refreshment Cart.
- g) The holder of a licence in a category defined in Section 1 shall not use the licence for the purpose of any other category unless specifically permitted herein.
- h) Every person to whom this by-law relates shall be governed by *The Public Health Act*, R.S.O. 1990, Chap. P.10, as amended, or *The Health Protection and Promotion Act*, R.S.O. 1990, Chap. H.7, as amended, and regulations enacted thereunder.
- i) No person shall use:
 - a) an external gasoline-powered generator
 - b) an external propane-powered generator, or
 - c) an external diesel-powered generator in conjunction with a Refreshment Cart.

9.4.1.2 Collection and Removal of Garbage and Recyclables from a Refreshment Cart:

- a) No person who vends with or from a Refreshment Cart shall place or locate any carton, box or other article, other than a garbage receptacle, recycling bins and a small condiment tray, outside of the Refreshment Cart. The garbage receptacle, recycling bins and a small condiment tray shall be located no further than 1.5 metres from the cart.
- b) No person shall vend with or from a Refreshment Cart without first placing a garbage receptacle and recycling bin outside of the Refreshment Vehicle.
- c) Every person who vends with or from a Refreshment Cart shall ensure that the garbage receptacle and recycling bin placed outside the cart is taken away with the vehicle and that the garbage is disposed of in a proper and sanitary manner and any recyclables are properly recycled.
- d) Every person who vends shall ensure that the grounds in the vicinity of the Refreshment Cart for a distance of 30 metres are kept clean of all waste.
- e) The placing of the garbage or litter in a sidewalk refuse container provided by the Corporation is not sufficient to constitute removal.

9.4.1.3 Location and Time Regulations

- a) Refreshment Carts may be located in areas or on properties within the community designated as commercial in accordance with this by-law and the Town's Development Permit By-law. Applicants require written approval from the owner of commercial properties.
- b) No person shall vend from a Refreshment Cart on a public sidewalk. A Refreshment Cart, if located on private property, shall not be located any closer than 1.2 metres to a sidewalk.
- c) No person who vends shall place or locate himself or herself or anything on a street so as to be within nine (9m) metres from the nearest street intersection.
- d) No person shall vend on any municipal property unless authorized to do so in writing by the Town's Parks and Recreation department, except as provided for in Section 9.2.1.
- e) Sales shall only occur between the hours of 8:00 a.m. and 11:00 p.m. of the same day.

10 VIOLATION/REVOCAION OF LICENCE

- 10.1 If after an inspection of an operation, an agent for the Town is satisfied that the operation does not conform to the standards of this by-law or any by-law governing the operation of a business within the Town of Carleton Place, a notice of by-law violation shall be sent to the licensee by personal service upon or sent by prepaid registered mail to the licensee, stating the particulars of the non-conformity, and may at the same time provide to the owner of the property a copy of such notice. A sample notice of violation is attached hereto as Schedule "A.3".

- 10.2 The licensee shall have 48 hours from the date of receipt of the notice to rectify the stated violation or demonstrate that actions to rectify the stated violation are underway to the satisfaction of the Town or its agent, or face suspension or revocation of the licence.
- 10.3 Where a licence is revoked, the Refreshment Vehicle shall be removed from its location within 48 hours of the date of revocation.
- 10.4 Failure to remove the Refreshment Vehicle within the time period specified shall allow the Town of Carleton Place to remove and impound the vehicle at the operator's expense.
- 10.5 Where the Town removes and impounds the Refreshment Vehicle, it shall be entitled to recover the expense incurred from the owner of the vehicle before it releases custody of the vehicle to the owner. Release from impoundment shall occur at the licensee's expense.
- 10.6 Where a licence has been revoked, the licensee shall have the right to reapply for a new licence, and therefore, shall submit a new application together with the required application fee for the new licence, and if the application is approved, the operator shall pay such licence fee as is required.
- 10.7 In addition to any measures that are available to the Town in this Section, the Town shall have the right to seek to impose a penalty as provided for in Section 11. Enforcement.

11 ENFORCEMENT

- 11.1 Any person who contravenes any of the provision of this by-law and the procedures with respect thereto is guilty of an offence and the enforcement and the penalty imposed thereunder shall be subject to the provisions of *The Provincial Offences Act*, R.S.O. 1990, Chapter P.53 and any amendments thereto, and the penalty for the commission of any such offence shall be as provided for in the said *Provincial Offences Act*.
- 11.2 This by-law shall be enforced by the Municipal By-law Enforcement Officer and/or by an Officer of the Ontario Provincial Police.
- 11.3 Any person or owner operating a Refreshment Vehicle shall promptly submit proper identification to an officer upon request. Failure or refusal to do so is an offense.
- 11.4 No person shall give false information to an officer.
- 11.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, an officer exercising their power authorized by Section 11.2 or performing a duty under this By-law.

12 SEVERABILITY

- 12.1 Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

13 REPEAL

13.1 By-law Nos. 16-2016 and 33-2017 are hereby repealed in their entirety.

14 SHORT TITLE

14.1 This by-law may be cited as “The Refreshment Vehicle By-law.”

15 EFFECTIVE DATE

15.1 This by-law shall come into force and take effect upon the date of final approval of the Regional Judge regarding set fines. Licences granted and issued in accordance with By-law No. 16-2016 may remain in effect for the year in which they were issued.

READ A FIRST TIME, SECOND TIME, THIRD TIME AND FINALLY PASSED THIS
26th DAY OF MAY, 2020.

Doug Black, Mayor

Stacey Blair, Clerk

SCHEDULE “A” TO BY-LAW 50-2020
RESPECTING FORMS

Application for Refreshment Vehicle Licence.....Schedule A.1

Acknowledgement letter from adjacent restaurant ownerSchedule A.2

Sample Notice of Violation.....Schedule A.3

SCHEDULE "A.1"

APPLICATION FOR REFRESHMENT VEHICLE LICENCE **

IN ACCORDANCE WITH BY-LAW NO. 50-2020

PART A

1. Name of Applicant/Firm

2. Address of Applicant/Firm

3. Telephone No. _____

E-mail _____

Social media account or webpage _____

4. Type of Vehicle Licence Requested for:

Refreshment Vehicle (Mobile)

Refreshment Vehicle (Mobile - Riverside Park)

Refreshment Vehicle (Located) *

Refreshment Vehicle (Cart)

Refreshment Vehicle (Mobile Canteen)

*** Note:** Refreshment Vehicles (Located) require a letter granting the property owner's permission as well as approval by site plan control from Council.

5. Vehicle Licence Number

6. Description of Items to be Sold

PART B

The Carleton Place By-Law Department

The Refreshment Vehicle conforms to the requirements of By-law No. 50-2020.

By-Law Officer

PART C

Ocean Wave Fire Company

The Refreshment Vehicle conforms to the Requirement of the Ontario Fire Code.

O.W.F.C.

PART D

CLERK'S DEPARTMENT

- _____ Completed Application
- _____ Site Plan Approval
- _____ Leeds, Grenville & Lanark District Health Unit
- _____ Insurance Certificate
- _____ Indemnification Form
- _____ Owner of Property Letter of Permission
- _____ WSIB Clearance Certificate

DATE

APPLICANT

The Application has submitted the above noted information.

DATE

CLERK

** Personal information contained on this form, collected pursuant to *The Municipal Act*, will be used for the purpose of that Act. Questions should be directed to the Freedom of Information and Privacy Coordinator at the institution conducting the procedures under that Act.

SCHEDULE "A.2"

**SAMPLE LETTER OF ACKNOWLEDGEMENT FROM
ADJACENT RESTAURANT OWNER(S)**

Date

Stacey Blair
Clerk
Town of Carleton Place
175 Bridge Street
Carleton Place, ON
K7C 2V8

Dear Ms. Blair:

**Re: Letter of Acknowledgement of Refreshment Vehicle
Location – Section 2.16 of By-law No. 50-2020 of
The Town of Carleton Place**

In reference to the above noted Section of By-law No. 50-2020, I acknowledge the desire of _____ to locate a Refreshment Vehicle within the 30-metre distance requirement of my eating establishment, and hereby inform the Town of Carleton Place that I have no objection to the said Refreshment Vehicle locating within the 30-metres distance requirement.

Yours truly,

Owner Name
Restaurant Name

SCHEDULE "A.3" TO BY-LAW 50-2020

NOTICE OF VIOLATION OF REGULATIONS FOR REFRESHMENT VEHICLES

Vehicle Description: _____

Vehicle Licensee: _____

Vehicle Location: _____

Vehicle Inspected on _____ at _____ a.m./p.m.

Description of Violation: _____

NOTICE

Your attention is directed to the above violation of By-law No. **50-2020** and you are requested to take immediate action to comply with the by-law requirements.

Contact - Municipal Employee and/or By-law Enforcement Officer - 613-257-5688.

Date of Notice: _____

Municipal Employee and/or By-law Enforcement Officer: _____

SCHEDULE "B" TO BY-LAW NO. 50-2020

INDEMNIFICATION

In accordance with Section 7 of By-law No. 50-2020, I hereby agree to indemnify and hold harmless the Town of Carleton Place, its agents, servants, employees and officials from any claim, actions or suits which might be brought against the Town of Carleton Place arising out of the operation of my Refreshment Vehicle in any matter whatsoever, or any error or omission.

Further; I hereby acknowledge that the Town of Carleton Place will receive in writing (at least 30 days' prior notice) of any cancellation or expiration, or any changes to the terms and conditions of any insurance policy regarding a licensed vehicle.

Owner/Agent

BY-LAW NO. 51-2020

A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO EXEMPT CERTAIN LANDS FROM PART LOT CONTROL, PART OF BLOCK 115, REGISTERED PLAN 27M-77, BEING PARTS 1 TO 9 INCLUSIVE ON PLAN 27R-11429, IN THE TOWN OF CARLETON PLACE, IN THE COUNTY OF LANARK.

WHEREAS Subsection 7 of Section 50 of *The Planning Act*, R.S.O. 1990 as amended, authorizes a Municipality to provide a by-law that part lot control does not apply to land that is within registered plans or plan of subdivision or parts thereof, subject to the approval of the County of Lanark;

AND WHEREAS it is deemed expedient to exempt certain lands located in an area designated Residential in Development Permit By-law 15-2015, and described as Part of Block 115, Registered Plan 27M-77, being Parts 1 to 9 inclusive on Plan 27R-11429, in the Town of Carleton Place, in the County of Lanark;

AND WHEREAS *The Planning Act*, Subsection 50 (7.1) does not come into effect until approved by the County of Lanark;

NOW THEREFORE the Council of the Corporation of the Town of Carleton Place enacts as follows:

1. Subsection 5 of Section 50 of *The Planning Act*, R.S.O. 1990, as amended, does not apply to Part of Block 115, Registered Plan 27M-77, further described as Parts 1 to 9 inclusive on Plan 27R-11429, in the Town of Carleton Place, in the County of Lanark.
2. This by-law shall be effective only to the extent necessary to permit:
 - a) The creation of blocks and parcels for construction purposes and to permit such lots to be charged and/or discharged
 - b) Individual dwelling units, together with appurtenant rights and easements in land associated therewith, to be conveyed to each initial purchaser of each individual dwelling unit;
And this by-law shall not be construed as to permit the further severance or re-subdivision of any such parcel.
3. This by-law shall become effective upon the approval of the County of Lanark and registration of the by-law in the land titles office.
4. This by-law shall expire and be of no further force and effect as of May 26, 2022.
5. The property is locally known as 60, 62, 64, 66 and 68 Stokes Drive.

READ A FIRST TIME, SECOND TIME AND THIRD TIME AND FINALLY PASSED THIS 26th DAY OF MAY, 2020.

Doug Black, Mayor

Stacey Blair, Clerk

BY-LAW NO. 52-2020

BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF CARLETON PLACE

WHEREAS the Municipal Act S.O. 2001, c 25, Section 5(1), as amended, provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the Municipal Act S.O. 2001, c 25, Section 5(3), as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9; shall be exercised by by-law;

AND WHEREAS the Council for The Corporation of the Town of Carleton Place deems it expedient that the proceedings of meetings of Council be confirmed and adopted by by-law;

NOW THEREFORE the Council of the Corporation of the Town of Carleton Place enacts as follows:

1. That the actions of the Council of the Corporation of the Town of Carleton Place at its meeting held on **May 26, 2020**, in respect to each report, motion, resolution or other actions recorded and taken by the Council at its said meeting, except where the prior approval of the Ontario Municipal Board is required, is hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this by-law;
2. That the Mayor and appropriate Manager of the Corporation are hereby authorized and directed to do all things necessary to give effect to the said actions of the Council of the Town of Carleton Place referred to in the proceeding section;
3. That the Mayor and Clerk, and their designates, are hereby authorized and directed to execute all documents necessary on behalf of the Council and to affix the corporate seal of the Corporation of the Town of Carleton Place to all such documents;
4. That the Treasurer, or designate, is hereby directed to execute any documents necessary on behalf of the Council of the Town of Carleton Place and to affix the corporate seal of the municipality to all such documents.
5. That this by-law shall come into effect upon final passage.
6. This by-law may be cited as the "**May 26, 2020 Confirmatory By-Law**"

READ A FIRST TIME, SECOND TIME AND A THIRD TIME AND FINALLY PASSED THIS 26th DAY OF MAY 2020.

Doug Black, Mayor

Stacey Blair, Clerk