

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2008-154

**BEING A BY-LAW TO AMEND BY-LAW NO. 2004-191
(A BY-LAW FOR LICENSING, REGULATING AND
GOVERNING BUSINESS IN THE CITY OF NORTH BAY)**

WHEREAS the Council passed Resolution No. 2008-396 at its Regular Meeting held Monday, May 26, 2008 to reduce the number of food vending locations in the central business district.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. Schedule "9" to By-law 2004-191 is hereby deleted and the attached Schedule "9" is inserted in lieu thereof.
2. Schedule "9A" to By-law 2004-191 is hereby deleted and the attached Schedule "9A" is inserted in lieu thereof.
3. This by-law comes into force and effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 9TH DAY OF JUNE, 2008.

READ A SECOND TIME IN OPEN COUNCIL THIS 9TH DAY OF JUNE, 2008.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 9TH DAY OF JUNE, 2008.

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DEPUTY MAYOR PETER CHIRICO

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CITY CLERK CATHERINE CONRAD

THIS IS SCHEDULE "9" TO BY-LAW 2008-154 OF THE CORPORATION OF THE CITY OF NORTH BAY

NON-POWERED FOOD CART

In this schedule:

1. **"Non-Powered Food Cart"** shall mean a vehicle from which food stuffs and/or refreshments are sold or offered for sale for consumption by the public. Shall include but not limited to push carts, wheeled vehicles.
2. No person without a license shall operate a food cart in the City of North Bay.
3. Every person shall:
 - 3.1 ensure that every food cart is equipped with a metal refuse container with a self closing lid, and such container shall be kept in a clean and sanitary condition and emptied at least once daily, or a disposable litter container which shall be replaced at least once,
 - 3.2 ensure that every refuse container is located in such a position so as to be easily accessible by persons making purchasing,
 - 3.3 ensure that the food cart and all parts and equipment for the use in dispensing of refreshments is maintained in a clean and sanitary condition and at all times in good repair,
 - 3.4 ensure that hard ice cream and related products are maintained in a hard condition in the vehicle at all times,
 - 3.5 ensure that soft ice cream and related products are stored in a refrigerated cabinet suitable for the storage of soft ice cream and related products, as approved by the North Bay Parry Sound District Health Unit,
 - 3.6 ensure that all dispensing equipment is of a sanitary design and cleaned on a daily basis,
 - 3.7 ensure that adequate refrigeration, as approved by the North Bay Parry Sound District Health Unit, is approved for perishable foodstuffs that shall be kept so refrigerated,
 - 3.8 ensure that the date of expiration is clearly and legibly marked on or affixed to the wrapper of all sandwiches or pre-packaged food stuffs sold from the vehicle,
 - 3.9 ensure that beverages, which shall include but not limited to milk, juices and soft drinks, are only sold in individual disposable containers,
 - 3.10 ensure that vehicles from which hot, prepared foods are sold are so equipped as to maintain such foods so heated at a temperature as approved by the North Bay Parry Sound District Health Unit,
 - 3.11 ensure that no LPG (liquefied petroleum gas) LNG (liquefied natural gas) or any combustible fuelled appliance is operated within ten (10) feet of any door, window, or opening that shall include an alcove or alleyway,
 - 3.12 ensure that every food cart with LPG (liquefied petroleum gas) LNG (liquefied natural gas) or any combustible fuelled appliance shall be equipped with a securely mounted fire extinguisher having a minimum 2A/10BC rating,

- 3.13 ensure that every vehicle is free from holes, crevices or cracks and the surface is readily washable and is kept clean and in good condition,
 - 3.14 ensure that only single service disposable cups, plates, forks, spoons, knives and containers are used and serviettes shall be provided from a dispenser.
4. Every person selling or handling refreshments and foodstuffs shall be clean and neat in appearance and shall maintain clean hands at all times.
5. No person employed with any business under this section shall be suffering from any form of contagious disease while actively engaged in his or her work.
6. Every owner shall take out a separate license for each food cart owned or operated by them and the license number affixed to the cart so as to be clearly visible and have the license available for inspection.
 - 6.1 If a license applicant is applying in the name of a corporation, the license application must include the incorporation number, a list of all current directors and officers with their addresses,
 - 6.2 If the license applicant is applying in the name of a partnership, the license application must include a registered declaration of partnership, a copy of the business name registration, and all current partners with their addresses.
7. Every licensee shall at his or her expense, whenever required to do so by the Issuer of Licenses or his designate, bring such food cart to any person designated by the Issuer of Licenses or his designate for inspection.
8. All food cart owners shall carry a minimum of One Million Dollars (\$1,000,000.00) liability insurance and shall furnish proof of this coverage satisfactory to the City of North Bay prior to being licensed. Such insurance shall contain an endorsement specifying that the municipality shall be given a minimum thirty (30) days written notice of any change, expiration, or cancellation of such policy. Where the refreshment vehicle has been granted permission to operate on City property, the policy shall also contain an endorsement identifying "The Corporation of the City of North Bay" as an additional insured.
9. Every licensee shall ensure that each operator or employee is made familiar with the contents of this Section and shall not permit any operator under their control, management, supervision or direction to breach any of the provisions of this Section.
10. No owner or operator of a food cart shall dispense food or merchandise to any person while standing on a roadway.
11. No owner or operator of a food cart shall operate within (30) metres of an existing restaurant except those operating cards within the provisions of Section 12.
12. No owner or operator of a food cart shall when operating on public property operate from any other location in the central business district as defined on Schedule "9A" attached to this by-law other than in the areas designated so marked as follows:
 - 12.1 100 Block, Main Street West, in the marked location in the vicinity of the C.I.B.C. identified as "L1",
 - 12.2 100 Block, Main Street West, in the marked location in the vicinity of the Royal Bank identified as "L 2",

- 12.3 200 Block, Main Street East, in the marked location in the vicinity of Century 21 identified as "L 3".
- 12.4 100 Block, Worthington Street West, in the marked location adjacent to Lot #7 identified as "L 4",
13. No owner or operator of a food cart shall operate from any of the locations referred to in clause 12 unless that operator is the successful bidder for one of the locations as a result of a lottery type scheme, such scheme to be advertised in the local newspaper and held prior to May 15th each year. The lottery shall be conducted by the Manager of Purchasing and shall be open to all owners or operators of food carts.
14. In the event that only one owner or operator has filed for the draw by the closing date, the requirements in section 13 may be waived by the Manager of Corporate Support Services, and the food cart owner may select one or more of the locations.
15. In the event the successful bidder of one of the designated locations chooses not to continue to use the location prior to the end of the season, the location may be assigned to the second bidder for the remainder of the year. In the event that no bidder wishes to use the remaining or unassigned spots any owner or operator of a food cart may use any of the locations on a first come first serve basis.
16. If the successful bidder of one or more of the designated locations does not use the said location for a period of 14 consecutive days the spot will be deemed abandoned and may be assigned to the person and or business drawn second in the draw. In cases where there was no draw the location may be used on a first come first serve basis.

THIS IS SCHEDULE "9A" TO BY-LAW 2008-154 OF THE CORPORATION OF THE CITY OF NORTH BAY

