

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW NUMBER 4269

A BY-LAW to amend By-Law 3666, to Govern the Licensing of Businesses within the Town of Tillsonburg.

WHEREAS The Corporation of the Town of Tillsonburg deems it necessary and expedient to amend the Town's Business Licensing by-law to include an Ice Cream Truck or Ice Cream Bicycle as a Licenced Business in the Town of Tillsonburg;

WHEREAS Section 150 & 151 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, without limiting the broad powers granted to municipalities through sections 9, 10 and 11 of the *Municipal Act, 2001*, c. 25 provides that a local municipality may licence, regulate and govern any business wholly or partly carried on within the municipality for one or more of the following purposes: health and safety, nuisance control or consumer protection;

AND WHEREAS Sections 150 to 159 of the Municipal Act, apply to municipalities in the exercise of a power to pass by-laws licensing businesses under any section of this Act or any other Act. 2006, c. 32, Sched. A, s. 82.

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Town of Tillsonburg enacts as follows:

2.0 DEFINITIONS

"ice cream bicycle" means an insulated container for storing and transporting frozen ice cream, propelled totally by muscular power without motorized assistance and from which ice cream and other frozen confections may be sold.

"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.

1. THAT Section 7.0 FOOD VENDING shall be amended as follows:

- 7.7 No person shall operate a competing refreshment vehicle, refreshment stand, Ice Cream Truck or Bicycle within 8 metres (26 feet) of any other refreshment vehicle, refreshment stand or Ice Cream Vehicle/Stand or within 8 metres (26 feet) of the vehicular entrance to the property or in any location which will obstruct the flow of vehicles.
- 7.11 Provisions Applicable to Ice Cream Trucks and Ice Cream Bicycles
No person shall operate an ice cream truck or an ice cream bicycle from which is sold:
 - heated or cooked food
 - milk or any beverages
 - any goods, wares or merchandise or other item other than ice cream, and frozen refreshments.
- 7.12 Despite Section 7.3 & 7.4, ice cream vehicles may be permitted to operate on municipal property, including road allowances and municipal parks.
- 7.13 No person shall operate or permit the operation of an ice cream vehicle on any travelled portion of a road allowance within the BIA area.
- 7.14 No person shall operate or permit the operation of an ice cream truck or bicycle between the hours of 9:00 p.m. and 7 a.m. on any day.

Insurance

- 7.14 No person shall operate an ice cream truck or ice cream bicycle unless he takes out and keeps in force during such operation a comprehensive policy of public liability and property damage insurance acceptable to the Licensing Officer.
 - 7.15 The policy shall, at a minimum, provide insurance coverage in respect of any one accident to the limit of five million dollars (\$5,000,000) exclusive of interest and costs, against loss or damage resulting from bodily injury to, or death of one (1) or more persons and loss of, or damage to, property.
 - 7.16 Such policy or policies shall be in the name of the owner and shall name The Corporation of the Town of Tillsonburg as an additional insured thereunder, and shall state that The Corporation of the Town of Tillsonburg shall be indemnified by the owner of the licence so that if a law suit is filed against the Town, notwithstanding that the operator or owner of the licence had general liability insurance, the operator or owner of the licence or vehicle will be required to pay to the Town any and all costs it incurred, or losses suffered by the Town, as a result of any legal proceeding. All policy or policies shall also contain a cross-liability of interest clause protecting the Town against any actions, causes of actions, claims and demands whatsoever which may arise resulting from the Town's issuance of the permit to use the designated area.
 - 7.18 The proof of insurance shall include a provision that the licensing officer will be given at least ten day's notice in writing of any cancellation, expiration or variation in the policy.
 - 7.20 No person shall fail to have the proof of insurance with him while operating a refreshment vehicle or refreshment stand
2. THAT these amendments to By-Law 3666 are hereby declared to be part of that By-Law as if written therein.
3. This By-Law shall come into full force and take effect upon the final passing hereof.

READ A FIRST AND SECOND TIME THIS 8th DAY OF APRIL, 2019.

READ A THIRD AND FINAL TIME AND PASSED THIS 8th DAY OF APRIL, 2019.

Mayor – Stephen Molnar

Town Clerk – Donna Wilson