

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 2095

Being a by-law to amend By-Law No. 1574, a by-law to License, regulate and govern any business carried on within the Municipality.

WHEREAS Section 8 of the Municipal Act, S.O. 2001, c. 25, as amended, states that the powers of a municipality under this or any other Act shall be interpreted broadly as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS Section 10 (1), of the same Act, conveys broad authority to single-tier municipalities and states a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public and further, Section 10 (2), specifically empowers a single-tier municipality to pass by-laws respecting, among other matters, by-laws concerning the following:

- i) Economic, social and environmental well-being of the municipality, and
- ii) Health, safety and well-being of persons, and
- iii) Protection of persons and property, including consumer protection
- iv) Business licensing,

AND WHEREAS Part IV of the said Act, provides a licensing framework to guide municipalities in implementing a system of business licensing,

AND WHEREAS Council deems it desirable to implement a system of business licensing;

NOW THEREFORE the Council of the Town of Marathon hereby enacts as follows:

- 1. THAT By-Law No. 1574 is hereby amended by adding the following:

Schedule "H" – Mobile Food Vehicle (Refreshment Vehicle, Food Truck/Cart etc.) Operating on Private or Town Property
- 2. THAT this by-law shall come into force and take effect on the final day of its passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24TH DAY OF MARCH, 2025.

(SEAL)

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Mayor

.....
Clerk

APPENDIX "H"
TO AMEND BY-LAW NO. 1574

**Mobile Food Vehicle (Refreshment Vehicle, Food Truck/Cart etc.)
Operating on Private or Town Property**

This appendix shall apply to those persons seeking to operate as a **Mobile Food Vehicle** on Private or Town Property.

"Mobile Food Vehicle" shall mean an outdoor wheeled contrivance not permanently affixed to the ground and capable of being moved, from which Food intended for immediate consumption is provided for sale or sold, and includes a motorized, self-propelled vehicle (e.g. a food truck), a vehicle that is not self-propelled, but that can be easily towed (e.g. a food trailer) and a vehicle moved by human exertion (e.g. a food cart). Some other examples include, but are not limited to, a chip wagon, mobile food preparation vehicle, hot dog cart, or refreshment vehicle

Term of Licence

- (a) The Mobile Food Vehicle Licence shall have the following options for a term of licence:
- i. Special Event (maximum three (3) consecutive day event),
 - ii. Twelve (12) Months (Annual Licence)
- (b) Approval of the term of the Licence shall be at the discretion of the Licensing Officer.

Fees

The prescribed fees for the term of licence shall be as outlined in the Municipality's User Fee and Charges. Payment shall accompany the application.

Application

In addition to a completed Application for a Licence, the application shall be accompanied by:

- I. Current/valid inspection approval from the Thunder Bay District Health Unit;
- II. A copy of a "Certificate of Liability Insurance" in the amount of not less than two million dollars (\$2,000,000.00) for the operation of the Mobile Food Vehicle;
- III. Where the Mobile Food Vehicle's equipment is fuelled by propane or natural gas, a certificate issued within 6 months of the Application by a provincially

certified propane contractor, confirming the equipment has been inspected and found to conform to the Propane Storage and Handling Regulations, being Ontario Regulation 211/01, as may be amended or replaced from time to time shall accompany the application;

- IV. Proof of an Annual Fire Inspection, if applicable;
- V. A copy of the Applicant's driver's licence, if applicable;
- VI. A plan for the containment and disposal of grey water, grease and garbage in a sanitary manner satisfactory to the Municipality;
- VII. A description of the type of food being served;
- VIII. A site plan showing the location of the Mobile Food Vehicle, as it relates to other buildings, structures, parking and property lines, if applicable;
- IX. Written permission of the Owner of the property, if applicable, consenting to the use of their property for the Food Vehicle which shall include:
 - Full Address of the Private Property
 - Name(s), Date, Contact Information for all property owner(s) registered to the property
 - Dates/Timelines for which the Mobile Food Vehicle has permission to occupy the land
 - A separate Licence shall be required for each Mobile Food Vehicle operating in the Municipality by the same licensee;
- X. No Person shall operate a Mobile Food Vehicle:
 - (a) in a manner that interferes with the normal use of a sidewalk by pedestrians;
 - (b) within 100 metres of:
 - i) an entrance to an Eating Establishment, or
 - ii) an entrance to a place where food is offered for sale, if the Mobile Food Vehicle offers for sale similar food as does the Eating Establishment or place where food is offered for sale, unless the Eating Establishment has provided its consent in writing.
- XI. Every Licensee shall maintain all Mobile Food Vehicles in a clean and sanitary condition with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the Food Truck/Cart.
- XII. A site inspection of the Mobile Food Vehicle shall be conducted by the Chief Building Official and/or By-law Enforcement Officer prior to the issuance of a Business Licence to ensure that all requirements of this policy are in order.