

**Schedule 'C' to Bylaw 2019-038
Property, Facility and Field Use Policy**

**Permit to Operate on Municipal Property Application and Agreement
For Use by Vendors, Mobile Food Vendors and Public Markets**

The personal information on this form is collected under the authority of the *Municipal Act, 2001*, and the Business Licence Policy, as amended and will be used for the purposes administering, licensing, regulating and governing Vendors, Mobile Food Vendors and Public Markets on Municipal Property in the Municipality of Hastings Highlands and in accordance with applicable laws and regulations. Questions about this collection should be directed to the Municipal Clerk, clerk@hastingshighlands.ca, Tel. 613-338-2811 ext. 277..

Applicant Information

<input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation	
Last Name:	First Name:
Telephone Number:	Email Address:
Address:	Mailing Address (if different than physical address)
Name of Organization/Corporation/Partnership (if applicable):	
Business Address (if applicable)	Business Mailing Address (if different than physical address)
How should municipal staff contact you in regard to this application and any future business licence correspondence? <input type="checkbox"/> by phone <input type="checkbox"/> by email <input type="checkbox"/> by both phone and email	
Primary Business Application Enclosed/Submitted (Required): <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Vendor (Goods, Wares, Merchandise) <input type="checkbox"/> Mobile Food Vendor (Refreshment Vehicle, Food Truck/Cart)	
<input type="checkbox"/> Public Market (Farmers'/Flea, Craft Market)	

The Municipality has approved the following Municipal properties to be used by approved Vendors, Mobile Food Vendors and Public Markets, please select one property location:

Birds Creek Recreation Field - Outdoor Space Only

Location: 160 South Baptiste Lake Rd, Bancroft, ON

Permitted Vendor(s): One (1) Mobile Food Vendor (Refreshment Vehicle, Food Truck/Cart etc.).

Lake St. Peter Community Centre - Outdoor Space Only

Location: 5 Boulter Lake Rd. Lake St. Peter, ON

Permitted Vendors: One (1) Mobile Food Vendor (Refreshment Vehicle, Food Truck/Cart etc.).

One (1) Vendor (Goods, Wares or Merchandise)

Vacant Lot - Downtown Maynooth (Formerly Maynooth Community Centre)

Location: 33090 Hwy 62, Maynooth, ON

Permitted Vendors: Two (2) Mobile Food Vendors (Refreshment Vehicle, Food Truck/Cart etc.).

One (1) Public Market permitted (space reserved)

Acknowledgement and Agreement

By Accepting a 'Permit to Occupy on Municipal Property' the vendor acknowledges and agrees to the following:

I understand that failure to adhere to the terms and conditions of this Permit may lead to revocation of my permit to operate on the designated Municipal property.

I agree to operate and vend only in the approved designated location within according to specified dates and times outlined on the Permit.

I have read the applicable Business Licence Policy, bylaws and legislation and understand my responsibilities as a Business Licence Vendor and Municipal Property Permit holder.

Acknowledgement of Applicant/Director

Date (YYYY MM DD)

Indemnification and Save Harmless

The Licensee shall defend, indemnify and save harmless the Municipality of Hastings Highlands, 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 Licensee, its directors, officers, employees, agents, contractors and subcontractors, or any of them, in connection with or in any way related to the Licence. This indemnity shall be in addition to and not in lieu of any insurance to be provided by the Licensee in accordance with this Policy. The Licensee agrees to defend, indemnify and save harmless the Municipality of Hastings Highlands 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 this Contract and shall survive this Contract.

The Licensee both during and after the term of the Licence or renewed Licence, shall at all times, and at its own cost, expense and risk, defend, indemnify and hold harmless the Municipality, its elected officials, officers, employees, volunteers, agents, and all respective heirs, administrators, executors, successors and assigns from any and all losses, damages (including, but not limited to, incidental, indirect, special and consequential damages, or any loss of use, revenue or profit by any Person, organization or entity), fines, penalties and surcharges, liabilities (including, but not limited to, any and all liability for damage to property and injury to Persons, including death), judgments, claims, demands, causes of action, contracts, suits, actions or other proceedings of any kind (including, but not limited to, proceedings of a criminal, administrative or quasi criminal nature) and expenses (including, but not limited to, legal fees on a substantial indemnity basis), which the Municipality may suffer or incur, howsoever caused, provided such losses, damages, fines, penalties and surcharges, liabilities, judgments, claims, demands, causes of action, contracts, suits, actions or other proceedings of any kind and expenses as defined above are due or claimed to be due to the negligence, breach of contract, and/or breach of law of the Licensee.

Acknowledgement of Applicant/Director(s)

Date (YYYY MM DD)

Permit to Operate on Municipal Property

Application Requirements and Guidelines

Application requirements and guidelines on how to obtain 'Permit to Operate on Municipal Property' are referenced below and can be found within the Municipality's Business Licence Policy.

The Municipality has approved the following Municipal properties to be used by approved Vendors, Mobile Food Vendors and Public Markets:

1. Birds Creek Recreation Field - Outdoor Space Only

Location: 160 South Baptiste Lake Rd, Bancroft, ON

Permitted Vendor(s): One (1) Mobile Food Vendor (Refreshment Vehicle, Food Truck/Cart etc.).

2. Lake St. Peter Community Centre - Outdoor Space Only

Location: 5 Boulter Lake Rd. Lake St. Peter, ON

Permitted Vendors: One (1) Mobile Food Vendor (Refreshment Vehicle, Food Truck/Cart etc.).
One (1) Vendor (Goods, Wares or Merchandise)

3. Vacant Lot - Downtown Maynooth (Formerly Maynooth Community Centre)

Location: 33090 Hwy 62, Maynooth, ON

Permitted Vendors: Two (2) Mobile Food Vendors (Refreshment Vehicle, Food Truck/Cart etc.).
One (1) Public Market permitted (space reserved)

- **A completed application for a 'Permit to Operate on Municipal Property', shall be accompanied by:**
 - An application for a Business Licence to operate as a Vendor, Mobile Food Vendor or Public Market (primary licence), if not already submitted to the Municipality
Important Note: A 'Permit to Operate on Municipal Property' shall not be issued if the applicant has failed to meet the licensing requirements for a 'primary licence', being either a Vendor, Mobile Food Truck or Public Market Business Licence
 - Commercial General Liability Insurance (see Glossary of Terms/Requirements below)
 - The prescribed fees for a 'Permit to Operate on Municipal Property' as outlined in the Municipality's User Fee and Service Charges Bylaw
 - In accordance with the Municipality's Business Licence Policy, Business Licence and Permit fees will not be prorated or refundable
 - Payment for a 'Permit to Operate on Municipal Property' can be made to the Municipality in the following ways:
 - Cash (In-Office)
 - Debit (In-Office)
 - Cheque (Payable to the Municipality of Hastings Highlands)
- Applications for a 'Permit to Operate on Municipal Property' shall be received by the Licensing Officer during office hours from **March 1 to May 31** of each year
- Permits will be issued on a first come, first served basis and subject to meeting the requirements of this policy
- If there are fewer applications than approved locations, then all applications received after the deadline will continue to be assigned on a first come, first served basis
- A 'Permit to Operate on Municipal Property' is not eligible for renewal and will require that the Vendor, Mobile Food Vendor or Public Market submit a new application in accordance with the timelines and requirements of the Property, Facility and Field Use Policy and Business Licence Policy, as applicable

Conditions for a Lottery System – Multiple (Equally-Timed) Submissions

- Should more than one application be received at the same time for the same public location then the Licensing Officer shall conduct a lottery for those applications, with the winners being drawn at random
 - Should an applicant not be successful in obtaining their preferred location, their name will be entered into the lottery for their second-choice location (if applicable) and so on.
 - All public location lotteries are conducted annually with no right of renewal for existing vendors
 - No position in a lottery may be transferred, sold, conveyed or assigned from the applicant to any other person or entity

Glossary of Terms and Requirements (Inspections, Reports etc.)	
Commercial General Liability Insurance	<ul style="list-style-type: none"> The Licensee shall maintain Commercial General Liability, underwritten by an insurer licensed to conduct business in the Province of Ontario, for a limit of not less than \$2,000,000.00 per occurrence and with an aggregate limit of not less than \$2,000,000.00 within any policy year with respect to completed operations and a deductible of not more than \$1,000.00. The policy shall include an extension for a standard provincial and territorial form of non-owned automobile liability policy. This policy shall include but not be limited to: <ul style="list-style-type: none"> Name the Municipality as an additional insured Cross-liability and severability of interest Blanket Contractual Products and Completed Operations Premises and Operations Liability Personal Injury Liability Contingent Employers Liability Owners and Contractors Protective The policy shall include 30 days' notice of cancellation The Municipality's '<i>Property, Facility and Field Use Policy</i>' provides an opportunity for approved Vendors, and Public Markets to obtain third-party insurance through the Municipality's Insurer, subject to certain terms and conditions. For more information including eligibility, rates and how to apply refer to the Municipality's '<i>Property Facility and Field Use Policy</i>'.
Automobile Liability Insurance	<ul style="list-style-type: none"> If the Licensee uses or requires a Motor Vehicle to carry on their Business, the Licensee shall obtain and maintain, in full force and effect for the term of their Licence: <ul style="list-style-type: none"> 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 \$2,000,000 per occurrence for Third Party Liability, unless otherwise specified in this policy in respect of the use or operation of vehicles owned, operated or leased by the Licensee
Letter of Permission from Property Owner(s)	<p>Written permission from the registered owner of the private property consenting to the use of their property that contains:</p> <ul style="list-style-type: none"> Full Address of the Private Property Name(s), Date, Contact Information for all property owner(s) Dates/Timelines for which the Public Market has permission to occupy the property <p>*Not applicable if operating on approved Municipal property</p>
Permit to Operate on Municipal Property	<ul style="list-style-type: none"> The Municipality has approved the following Municipal properties to be used by a limited number of approved Vendors, Mobile Vendors and Public Markets. These properties are: <ul style="list-style-type: none"> Birds Creek Recreation Field 160 South Baptiste Lake Rd, Bancroft, ON One (1) Mobile Food Vendor (Refreshment Vehicle, Food Truck/Cart etc.) Vacant Lot - Downtown Maynooth 33090 Hwy 62, Maynooth, ON Two (2) Mobile Food Vendors (Refreshment Vehicle, Food Truck/Cart etc.) One (1) Public Market (space reserved) Lake St. Peter Community Centre 5 Boulter Lake Rd. Lake St. Peter, ON One (1) Mobile Food Vendor (Refreshment Vehicle, Food Truck/Cart etc.) One (1) Vendor (Goods, Wares or Merchandise) Approved vendors receive a '<i>Permit to Operate on Municipal Property</i>' which is subject to certain terms and conditions. (Refer to the Municipality's '<i>Property, Facility and Field Use Policy</i>' for more details and additional application forms)
Technical Standards and Safety Authority Field Approval , (Issued within twelve (12) months of the application date)	<ul style="list-style-type: none"> A Technical Standards and Safety Authority Field Approval, issued within twelve (12) months prior to the date of the Application, for all equipment and appliances that are not approved by the Canadian Standard Association or the Underwriter Laboratories of Canada, as applicable; More information can be found at https://www.tssa.org/food-truck-safety Or call 1-877-682-TSSA (8772)
Propane Storage and Handling Certificate (issued within 6 months of the application date)	<ul style="list-style-type: none"> If the Mobile Food Vendor's equipment is fueled by propane or natural gas, a certificate issued within 6 months of the application date, 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
Valid Commercial Vehicle Operator's Registration (Issued by MTO)	<ul style="list-style-type: none"> If the Vehicle used in the Business weighs over eleven thousand (11,000) kilograms, a copy of a valid Commercial Vehicle Operator's Registration issued by the Ministry of Transportation
Hastings Prince Edward Public Health (HPEPH) Inspection (Issued within twelve (12) months of the date of the application)	<ul style="list-style-type: none"> Public Market Requirements: <ul style="list-style-type: none"> HPEPH requires that if you are an organizer or a food vendor at an upcoming special event (e.g. fundraisers, community/religious/service club events) or farmers' markets, and you intend to serve food to the general public, that you complete and submit the appropriate form(s) to Hastings Prince Edward Public Health. The forms are available online at https://www.hpepublichealth.ca/special-events/ or by contacting HPEPH at 613-966-5500 or 1-800-267-2803, ext. 677 Mobile Food Vendor Requirements: <ul style="list-style-type: none"> Complete the required forms/application available at: https://www.hpepublichealth.ca/guidelines-for-opening-a-food-premises/ There are some specific requirements for mobile food premises, outlined by the province

Annual Fire Inspection	<ul style="list-style-type: none"> Annual Fire Inspections are issued by Hastings Highlands Fire Department, in compliance with all applicable bylaws, statutes and regulations
Building Permit	<ul style="list-style-type: none"> Building Permits are issued by the Municipality's Building Department. For assistance in determining whether or not you require a Building Permit visit https://www.hastingshighlands.ca/living-here/building-and-construction/apply-for-a-building-permit/ OR contact the Municipal Office for more information
Site Plan	<p>A site plan is required for review of the application. The site plan will need to be clear and at minimum show the following:</p> <ul style="list-style-type: none"> The boundaries and dimensions of the subject land. The location, size and type of all existing buildings and structures, including septic systems, in the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear lot lines, and the side yard lot lines. The location, size and type of all proposed vendor, mobile food vendor, and public market in the subject land, indicating distances to property lot lines and any structures. The location and area of parking that clearly shows the number and location of parking spots in relation to existing and proposed structures and property lot lines. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application (including railways, roads, watercourses, drainage ditches, lake, pond, river or stream, banks, wetlands, wooded areas, wells, and septic tanks). The current uses on land that are adjacent to the subject land. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way. The location and nature of easements and rights-of-way affecting the subject land. The distance of the proposed vendor, mobile vendor or public market to any water features, including, but not limited to, lakes, rivers, streams, creeks and ponds.