

**THE CORPORATION OF THE TOWN OF GREATER NAPANEE
BY-LAW NO. 2023-0066**

Being a Bylaw to Licence Refreshment Vehicles in the Town of Greater Napanee

WHEREAS pursuant to Section 150 and 151 of the *Municipal Act, 2001*, a municipality may provide for a system of licences with respect to any business wholly or partly carried on within the municipality, including the sale or hire of goods or services on an intermittent or one time basis;

AND WHEREAS pursuant to section 11(2) of the *Municipal Act, 2001* a municipality may exercise its licensing powers for the purpose of consumer protection and to protect the health and safety of the general public;

AND WHEREAS Council has determined it is desirable to licence Refreshment Vehicles within Greater Napanee for reasons of health, safety, and consumer protection.

NOW THEREFORE the Council of Corporation of the Town of Greater Napanee enacts as follows:

SECTION 1 - DEFINITIONS

1.1 For the purpose of this by-law the following definitions shall apply:

- a) **"Applicant"** shall mean a Refreshment Vehicle Owner who applies to the Clerk for a license for a Refreshment Vehicle in accordance with the provisions of this By-law;
- b) **"Approved Location"** shall mean the location(s) specified in the application and for which a licence has been granted;
- c) **"Clerk"** shall mean the Municipal Clerk or their designate of the Corporation of The Town of Greater Napanee as appointed by By-law from time to time;
- d) **"Council"** shall mean the Council of The Corporation of The Town of Greater Napanee;
- e) **"Designated Area"** means the area to be used for the Refreshment Vehicle and any signage, parking, and amenities for the use of its customers;
- f) **"Eating Establishment"** shall mean 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, ice cream parlour, or coffee shop;

- g) "**Highway**" includes the entire right-of-way of a common and public highway, street, avenue, parkway, driveway, square, place, bridge, any part of which is intended for or used by the general public for passage of vehicles;
- h) "**Licence**" shall mean a licence issued by the Clerk to operate a Refreshment Vehicle in accordance with this by-law;
- i) "**Licensee**" shall mean any person who is issued a license for a Refreshment Vehicle pursuant to the provisions of this by-law;
- j) "**Medical Officer of Health**" shall mean the Medical Officer of Health for Kingston Frontenac Lennox and Addington Health Unit or a duly authorized designate;
- k) "**Officer**" shall mean a person appointed by Council as a municipal By-law Enforcement Officer, a Police Officer, a Public Health Inspector, or any other individual duly appointed to enforce this by-law;
- l) "**Park Permit**" means a seasonal lease agreement to operate a Refreshment Vehicle in a Town park or other municipally-owned facility, and approved on an annual basis by the Manager of Community Economic Development;
- m) "**Person**" shall mean an individual, corporation, partnership or association and the heirs, executors, administrators or other legal representatives of any person to whom the context can apply according to law;
- n) "**Property Owner**" shall mean the registered owner of land as shown in the Land Registry Office for the County of Lennox & Addington and includes a lessee, mortgagee in possession or any person in charge of the property;
- o) "**Refreshments**" shall mean any food or beverage prepared or provided for human consumption;
- p) "**Refreshment Vehicle**" shall mean any vehicle whether motorized or not from which refreshments are offered for sale for consumption to the public and shall include a motor vehicle, motor assisted

bicycle, trailer, bicycle, tricycle or any other vehicle drawn, propelled or driven by any kind of power, including muscular power, and includes fixed or mobile barbecues;

- q) **"Refreshment Vehicle Owner"** shall mean the Owner of the Refreshment Vehicle for which a license is applied pursuant to this By-law and in relation to a motor vehicle shall mean the registered owner of the vehicle as shown by the records kept by the Ministry of Transportation and includes a lessee or mortgagee in possession;
- r) **"Roadworthy"** means that the vehicle complies with all the requirements of the *Highway Traffic Act* and is licensed for operation on a public highway;
- s) **"Technical Safety Standards Association"** (TSSA) means the Provincial ministry responsible for requirements of various safety and technical standards and for fuel storage and handling, pressure vessels, hazardous material.
- t) **"Town" or "Municipality"** shall mean the Corporation of The Town of Greater Napanee;

SECTION 2 – GENERAL REGULATIONS AND ADMINISTRATION

- 2.1 No person shall operate a Refreshment Vehicle within the limits of the Town of Greater Napanee unless and until the operator has obtained a license for said Refreshment Vehicle, as issued under the provisions of this by-law.
- 2.2 Notwithstanding Section 2.1, a license is not required in the following circumstances:
 - a) For temporary, occasional use at an auditorium, arena, public hall, church, or school in conjunction with fundraising, public interest, or customer appreciation events in accordance with the Town's Zoning By-law;
 - b) For temporary special events that have been approved by the Town;
 - c) Where a license has been issued by another municipal authority and the Refreshment Vehicle will operate within the boundaries of the Town of Greater Napanee for a period of no more than four days in a calendar year; or
 - d) For temporary refreshment stands operated by a person under 18

years of age on private property.

- 2.3 Nothing in Section 2.2 shall exempt a person from any requirement to comply with a licensing or permit requirement of the Health Unit, TSSA, or other provincial body.
- 2.4 No person shall operate a Licensed Refreshment Vehicle at a location within the Town other than the location(s) approved by the Town and recorded on the Licence, unless authorized in writing by the Clerk or designate.

SECTION 3 - TYPES OF REFRESHMENT VEHICLE

- 3.1 Under this by-law there are four classes of refreshment vehicle types.

Class 1 - Cooking: A vehicle equipped with facilities for cooking, selling, offering for sale, serving and/or dispensing of refreshments. Includes but is not limited to food trucks.

Class 2 – Non-Cooking: A vehicle that is designed for selling, offering for sale, serving, and/or dispensing of refreshments and/or prepackaged items, but which does not cook or heat food on site. Includes but is not limited to vehicles such as catering trucks and ice cream trucks.

Class 3 – Motorized Street Service: A mobile vehicle without cooking or heating facilities designed for selling, offering for sale, serving and/or dispensing of frozen refreshments that can move freely throughout the Town, but that can only conduct sales on public streets. Includes ice cream or frozen dessert trucks.

Class 4 – Human Powered Street Service: A manual powered cart that is used for selling, offering for sale, serving and/or dispensing of refreshments that can move freely throughout the Town, but that can only conduct sales on public streets. Includes but is not limited to bicycle ice cream carts.

SECTION 4 - LICENSING

- 4.1 Applications for a Licence under this by-law shall be upon such form(s) as provided by the Town and shall contain such material and information as is required by this by-law.
- 4.2 No person shall provide false information on an application for a Refreshment Vehicle Licence.
- 4.3 Every applicant shall submit the following for a Refreshment Vehicle Licence:

- a) A completed application form, which includes the name and contact information of the Applicant, licence category being applied for, and details of the Refreshment Vehicle;
 - b) A waiver confirming the Applicant has read and agrees to abide by the regulations as described in this by-law;
 - c) Proof of compliance / inspection from the Medical Officer of Health;
 - d) Proof of compliance / inspection from the Greater Napanee Fire Department;
 - e) Proof of TSSA approval for propane tanks (if applicable);
 - f) Proof of insurance coverage in accordance with Section 4.7;
 - g) A letter of consent, lease agreement, or other proof of approval from the Property Owner (for Class 1 and 2);
 - h) A site plan showing the proposed location of the Refreshment Vehicle on the property (for Class 1 and 2); and
 - i) The licence application fee.
- 4.4 In addition to the requirements under Section 4.3, any applicant seeking to locate a Class 1 or 2 Refreshment Vehicle within a municipal park or other Town-owned property will be required to apply for a Park Permit as described in Section 7 of this by-law.
- 4.5 The site plan required under Section 4.3(h) shall clearly show:
- a) the location of proposed customer parking, seating, signage and refuse containers;
 - b) the setback distances from any buildings and property lines;
 - c) any other uses contained on the property; and
 - d) the routes of ingress and egress for vehicle traffic.
- 4.6 The proposed location for the designated area shall comply with the following criteria:
- a) No person shall locate a refreshment vehicle in such a manner that it

unreasonably confines, impedes or presents a hazard to pedestrians or other users of a sidewalk, un-traveled portion of a municipal road allowance or municipal park;

- b) The designated area shall be located only on land zoned to permit an eating establishment use pursuant to the Greater Napanee Zoning By-law, as amended. A refreshment vehicle may also be permitted on lands zoned as recreational open space, park/open space and community facility pursuant to the Greater Napanee Zoning By-law, as amended;
 - c) No portion of the designated area shall be located directly in front of an entrance or exit from a building;
 - d) The designated area shall not be located within 30 metres of an eating establishment, unless written consent has been provided by the owner of the eating establishment and filed with the application;
 - e) The designated area shall be set back at least three metres from any building and property line;
 - f) Notwithstanding 4.6(e), the Greater Napanee Fire Department may impose alternative setbacks from adjacent structures or vehicles as is deemed necessary in the interest of public safety. The Refreshment Vehicle must be at least fifteen (15) meters from the following:
 - Fuel dispensers at fuel dispensing stations; and
 - Retail propane dispensing tanks and cylinders.
 - g) The designated area shall not interfere with the normal flow of traffic on municipal roads, or create sight line hazards at a lot entrance or highway intersection; and
 - h) The designated area shall not reduce the parking spaces of the principal use of the lot such that the lot is brought substantially out of compliance with the Town's Zoning By-law.
- 4.7 Applicants must provide proof of insurance and shall at all times while licenced maintain:
- a) Commercial General Liability insurance in the amount of not less than Two Million Dollars (\$2,000,000) per occurrence for public liability inclusive of bodily injuries, property damage and accident benefits and including property damage occasioned by any accident arising out of the operation of the Refreshment Vehicle for which a Licence is obtained. If the Refreshment Vehicle will be located on Municipal property, the Town must be named as an additional insured.

- b) Evidence of Auto Policy insurance for any vehicle or unit that is to be driven or towed on public roads.
- 4.8 A separate Licence shall be taken out for each Refreshment Vehicle in operation.
- 4.9 Where a Refreshment Vehicle is proposed to move between two or more sites within the municipality, a separate Licence is not required for each location, but a site plan and proof of the Property Owner's consent shall be submitted for every location to be included on the Licence.
- 4.10 Upon receipt of a completed application on the prescribed form, including payment of the applicable license fee, and subject to compliance with all other sections of this by-law, the Clerk or designate shall issue a Refreshment Vehicle License.
- 4.11 The fees for a Refreshment Vehicle License are found under Schedule 'A' of this by-law. Fees will not be prorated for a Licence purchased part way through the year.
- 4.12 A Licence shall not be assigned or transferred without the written consent of the Town, and the Town shall not be bound to give such consent.
- 4.13 Every Refreshment Vehicle Licence shall expire on December 31st of the year in which it was issued.
- 4.14 In order to be eligible for the Renewal Rate listed in Schedule 'A' of this by-law, the renewal application and licence fee must be submitted to the Town by no later than March 31. Applications received after the renewal deadline of March 31 will be processed as a new application.
- 4.15 Every Owner of a Refreshment Vehicle issued a Licence under this by-law shall comply with this by-law and shall ensure that any person employed by the owner or otherwise involved in carrying on business, will do so in compliance with this by-law and all other applicable by-laws.

SECTION 5 – OPERATING REGULATIONS

Operating Regulations for all Licence Types

- 5.1 Every person to whom a Refreshment Vehicle License has been issued shall ensure the License is prominently and permanently displayed in the place of business.
- 5.2 The operator of every Refreshment Vehicle shall at all times comply with

the requirements of the Medical Officer of Health and, prior to the issuance of a refreshment vehicle license under this By-law, supply the Clerk with written confirmation of compliance in this regard.

- 5.3 Every refreshment vehicle which is equipped with propane-fueled appliances must be inspected by a certified propane fitter registered by the Fuel Safety Branch, and found to comply with the Ontario Propane Code and, prior to the issuance of a refreshment vehicle License under this By-law, shall supply the Clerk with written confirmation of compliance in this regard.
- 5.4 The Operator of every Refreshment Vehicle, except Class 4 – Human Powered, shall at all times comply with all requirements of the Ontario Fire Code with respect to fire safety and prevention.
- 5.5 All signage and advertising devices must meet the requirements set out under the Town's current Sign By-law.
- 5.6 All Refreshment Vehicles shall be roadworthy and comply with the *Highway Traffic Act* and shall be licensed for operation on a public highway. The issuance of a License under this by-law does not act to exempt Licensees from the provisions of the *Highway Traffic Act* or any traffic and parking by-laws of the Town.
- 5.7 Every Licensee shall ensure the Refreshment Vehicle, any and all accessories and equipment, and the immediate vicinity shall be kept in a clean and sanitary condition and free of litter and debris at all times.
- 5.8 No Licensee shall operate a Refreshment Vehicle from an area designated as municipal public parking, unless written permission has been granted by the Town in connection with a special event or through a seasonal Park Permit.
- 5.9 No Licensee shall operate a Refreshment Vehicle on a sidewalk.
- 5.10 No Person shall sell Refreshments from a Refreshment Vehicle between the hours of 11:00 p.m. and 7:00 a.m.

Operating Regulations for Class 1 and 2 Licence Types (Stationary Operators)

- 5.11 Any platforms or decks for accessing the food truck service window shall be reviewed by the building department and comply with all building code requirements.
- 5.12 No Licensee shall connect a Refreshment Vehicle to a permanent electrical or other utility hook-up, or otherwise cause the Refreshment Vehicle to be

recognized as a permanent structure.

- 5.13 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, and such containers shall be kept in a clean sanitary condition. The placing of customer refuse in Town-owned park or sidewalk refuse containers shall not be sufficient to comply with this requirement.
- 5.14 Every Licensee shall ensure that the waste receptacles are emptied at least once per day and any waste is disposed of by the Licensee.

Operating Regulations for Class 3 and 4 Licence Types (Mobile Operators)

- 5.15 Class 3 and 4 Licensees may be operated as a fully mobile unit offering refreshments for sale to the general public.
- 5.16 While conducting business from a highway, the Refreshment Vehicle shall be parked off of the travelled portion of the public highway.
- 5.17 No Licensee shall interfere with the normal movement of pedestrians and vehicular traffic, or the maintenance of the sidewalks and streets in the Town.
- 5.18 No Licensee of a Class 3 or 4 Mobile Refreshment Vehicle shall operate on a public street in any one place for a stop greater than 15 minutes.
- 5.19 No Licensee of a Class 3 or 4 Mobile Refreshment Vehicle shall park on any highway or portion of a highway where parking is prohibited, including any spaces with special parking designations such as loading zones, accessible parking, etc.
- 5.20 Despite Section 4.6(b), a Class 3 or 4 Mobile Refreshment Vehicle shall be allowed to operate in residential zones.
- 5.21 Notwithstanding the Town's Noise By-law or any successor thereto, no Person operating a Class 3 or 4 Mobile Refreshment Vehicle shall operate any type of auditory signaling device or amplification or speaker system (including, but not limited to, ringing bells, blowing horns, whistles, playing of music or use of a loudspeaker) while in a residential zone between the hours of 9:00 p.m. to 8:00 a.m. any day of the week.

SECTION 6 - ADMINISTRATION

- 6.1 The Clerk or designate is responsible for the administration of this by-law.

- 6.2 All Officers with authority to enforce the by-laws of the municipality are responsible for enforcing the provisions of this by-law.
- 6.3 The Clerk is not required to consider any application for a license until the application is complete, and the Applicant has provided all the information and documentation as required pursuant to this bylaw, as well as the application fees. Acceptance of an application does not represent approval nor shall it obligate the Town to issue a licence.
- 6.4 Upon receipt of a completed application, the Clerk shall circulate the application to all relevant municipal departments for review and comment.
- 6.5 The Clerk shall refuse to issue or renew a licence where:
- a) The applicant is not at least 18 years of age;
 - b) The application is incomplete, or contains false or incorrect information;
 - c) The prescribed licence fee has not been paid;
 - d) The applicant has outstanding fines or debts owed to the Town; or
 - e) An Officer, by way of inspection, has determined that the Refreshment Vehicle is not in compliance with this by-law.
- 6.6 The Clerk may refuse to issue or renew a licence where:
- a) The Licensee would not qualify for a Licence or would be disentitled to renewal of a Licence on the grounds set out in this by-law;
 - b) The internal review has identified safety or other operational concerns which have not been resolved by the applicant; or
 - c) Approval of a Licence under this by-law would place the principle use on the designated property out of compliance with the Town's Zoning By-law or any other municipal by-law.
- 6.7 Any person may submit a written request to the Clerk requesting an exemption from any of the prohibitions described in Sections 4 and 5 and Council hereby delegates to the Clerk the authority to process any such application and to approve, reject or approve with conditions, an exemption. All written exemption requests shall include:
- a) the name and address of the applicant;

- b) a statement of the particular provision or provisions of the by-law from which exemption is sought;
 - c) the period of time, of a duration not in excess of six months for which the exemption is sought;
 - d) the reasons why the exemption should be granted; and
 - e) a statement of the steps, if any, planned or presently being taken to bring about compliance with the by-law.
- 6.8 Upon receipt of a written request for Grant of Exemption to this by-law, the Clerk may refuse to grant any exemption or may grant the exemption applied for. Any exemption granted shall specify the time period not in excess of six months during which it is effective and may contain such terms and conditions as the Clerk determines to be appropriate.
- 6.9 The Clerk or designate shall consider all request for exemption and shall only grant an exemption, or an exemption on conditions, where:
- a) the request is necessary and in the public interest;
 - b) the proposed mitigation measures are appropriate; and
 - c) the duration of the requested exemption is reasonable.
- 6.10 Breach by the applicant of any of the terms or conditions of the exemption shall render the exemption null and void and is an offence under this by-law.

SECTION 7 - PARK PERMIT TO OPERATE ON TOWN PROPERTY

- 7.1 The Town recognizes that the provision of Refreshment Vehicles can be an amenity which enhances municipal parks and community facilities. Authority to manage the lease program for Refreshment Vehicles on municipal property is delegated to the Manager of Community Economic Development.
- 7.2 The Manager of Community Economic Development is authorized to determine the maximum number of Park Permits that will be considered for each municipal facility, and to add or remove Park Permit spaces from facilities each year based on public feedback, operational impacts, and other municipal priorities.
- 7.3 The Manager of Community Economic Development is authorized to approve a temporary increase to the number of Refreshment Vehicles that

may be permitted to operate at a municipal facility as part of a special event subject to the terms and conditions as may be set out in the agreement with the special event organizer.

- 7.3 Certain municipal facilities may be designated for use only in conjunction with special events and will not be made available for seasonal Park Permits.
- 7.4 Applicants wishing to operate on Town property shall submit an application to the Manager of Community Economic Development in the form provided by the Town. A Refreshment Vehicle Licence will also be required to operate in all Town locations. Applicants wishing to obtain a Park Permit shall submit their application no later than December 31 to be considered for the following year. The Town will approve completed applications using a scoring system that will be based on the following criteria:
- Provide local food options
 - Provide healthy food options
 - Have sustainable business practices and/or environmental contributions
 - Have accessibility considerations
- 7.5 The Town reserves the right to manage the types of Refreshment Vehicles located in each park to ensure variety and that priority is given to operators who most closely meet the criteria.
- 7.6 Fees for Park Permits are established under the Fees and Charges By-law, as amended from time to time.
- 7.7 Refreshment Vehicle operators will sign and submit an agreement satisfactory to the Town before a Park Permit will be issued.
- 7.8 Refreshment vehicles permitted to operate in Town parks shall be removed by November 30 of each year. Removal shall include all signage and accessory structures.
- 7.9 The agreement may be transferrable to a successor or assign with the written approval from the Manager of Community Economic Development or designate.
- 7.10 The applicant shall be required to submit a plan to acknowledge and accommodate the requirements of the *Accessibility for Ontarians with Disabilities Act*.
- 7.11 The location within the park shall include a detailed site plan to the satisfaction of the Town. Any subsequent revisions to the site plan shall

require written consent from the Town.

- 7.12 Any class of refreshment vehicle can apply for a Park Permit.
- 7.13 Park Permits will be offered on a seasonal basis.
- 7.14 The Town reserves the right to cancel, revoke or place on hold any permit:
 - a) When a park is needed for an event of municipal significance;
 - b) When the park requires maintenance;
 - c) In order to ensure public safety;
 - d) For venues where someone has rented the facility for a full day and has requested the temporary closure of the refreshment vehicle; or
 - e) If, in the sole opinion of Town staff, the permit holder fails to comply with the requirements of the permit agreement or any provision of this by-law or for any reason that the Town deems appropriate.

SECTION 8 – VIOLATION / REVOCATION OF LICENCE

- 8.1 An Officer may, at any reasonable time, enter upon any property for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law have been complied with.
- 8.2 No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee or agent of the Town in the lawful exercise of a power or duty under this by-law.
- 8.3 If, after an inspection, an Officer is satisfied that the operation does not conform to the standards of this by-law, a notice of by-law violation shall be sent to the Licensee by personal service upon or sent by registered mail to the Licensee, stating the particulars of the non-conformity, and may at the same time provide a copy of such notice to the Property Owner.
- 8.4 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 face suspension or revocation of the Licence.
- 8.5 Where a Licence has been revoked, a Licensee shall have the right to reapply for a new Licence.

- 8.6 Any decision of the Clerk to refuse, suspend or revoke a licence may be appealed to Council by filing, in writing, an appeal with the Clerk within ten (10) days of the notice of decision being provided. All decisions made by Council on these matters are final.
- 8.7 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 9 – Enforcement and Penalty.

SECTION 9 – ENFORCEMENT AND PENALTY

- 9.1 Every person who contravenes any provisions of this by-law shall be guilty of an offence and, upon conviction, is subject to a fine as provided by the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as amended.
- 9.2 Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be prosecuted as such.
- 9.3 All provisions of this by-law may be enforced by a Municipal By-law Enforcement Officer.

SECTION 10 - SEVERABILITY

- 10.1 If a court of competent jurisdiction declares any provision, or part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

SECTION 11 – ENACTMENT

- 11.1 This by-law may be cited as the “Refreshment Vehicle By-law.”
- 11.2 This by-law shall come into force and take effect upon the date of its passing.

Read a first and second time and finally passed, this 24th day of October, 2023

Terry Richardson, Mayor

Jessica Walters, Clerk

Schedule A to By-law 2023-0066

Refreshment Vehicle Fee Schedule

Annual Licence Fees

For New Applicants

New Licence for Class 1, 2 & 3 Refreshment vehicles	\$300.00
New Licence for Class 4 Refreshment vehicles	\$100.00

For Renewal Applications submitted on or before March 31

Renewal Licence for Class 1, 2 & 3 Refreshment vehicles	\$150.00
Renewal Licence for Class 4 Refreshment vehicles	\$50.00

Schedule B to By-law 2023-0066

Set Fines for Infractions under Part I Provincial Offences Act

**For Town of Greater Napanee By-law No. 2023-00XX
Being a By-Law to License Refreshment Vehicles in The Town of Greater Napanee**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Operate a refreshment vehicle without a licence	Section 2.1	\$300.00
2.	Operate a refreshment vehicle in a location other than as specified in the licence, without consent	Section 2.4	\$200.00
3.	Fail to keep the refreshment vehicle site in a clean and sanitary condition	Section 5.7	\$200.00
4.	Fail to provide sufficient waste disposal containers on the refreshment vehicle site	Section 5.13	\$200.00
5.	Fail to regularly empty the waste disposal containers on the refreshment site	Section 5.14	\$200.00
6.	Interfere with the normal movement of pedestrians or vehicles	Section 5.17	\$200.00
7.	Interfere with the maintenance of municipal streets or sidewalks	Section 5.17	\$200.00

Note: The penalty provisions for the offences indicated above is section 9.1 of By-law No. 2023-0066, a certified copy of which has been filed.