



**THE CORPORATION OF THE CITY OF MISSISSAUGA
VENDORS BY-LAW 522-04**

(amended by 196-08, 403-09)

WHEREAS subsection 150 of the *Municipal Act, 2001* S.O. 2001, c.25, provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a Location outside the municipality;

AND WHEREAS a by-law licensing or imposing any condition on any business or class of business passed under this section comes into force shall include an explanation as to the reason why the municipality is licensing or imposing the condition and how the reason relates to the purpose;

AND WHEREAS the Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern Refreshment Carts and Cycles and Portable Display Units for the purposes of Health and Safety, to enhance and encourage safe maintenance and operational practices for Refreshment Carts, Cycles and Portable Display Units and ensure accountability of industry participants for health and safety issues;

AND WHEREAS the Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern Refreshment Carts, Cycles and Portable Display Units for the purposes of Consumer Protection, to enhance and encourage equal, fair and courteous treatment of clients and Operators, ensure competence of Refreshment Carts, Cycles and Portable Display Units services, promote accountability, ensure consistency and support proper and good business practices;

AND WHEREAS the Council of the City of Mississauga considers it desirable and necessary to license, regulate or govern Refreshment Carts and Cycles and Portable Display Units for the purpose of Nuisance Control to promote professional behaviour, fair dealing amongst participants in the industry, ensure courteous treatment, and limit or mitigate unsightliness, unnecessary noise, nuisance or disruption for clients of Refreshment Carts and Cycles and Portable Display Units, and the general public;

NOW THEREFORE a public meeting was held on December 8th, 2004, at which time a report entitled The New Vendors By-law, relating to the licensing of the business presented and considered;

NOW THEREFORE the Council of the Corporation of the City of Mississauga ENACTS the following:

DEFINITIONS

1. In this By-law:

“Appeal Tribunal” means the all-citizen Tribunal duly appointed by Council to conduct hearings under this By-law; (196-08)

“Articles for Sale” means goods, wares, merchandise, products, refreshments, foodstuffs or flowers held by a Person for subsequent sale to another Person;

“Cart” means a moveable device equipped with a wheel(s) used for dispensing goods but does not include a motorized vehicle;

“City” means The Corporation of the City of Mississauga and its physical boundaries as described in the Regional Municipality of Peel Act, R.S.O. 1990, c.R.15, as amended;

“Corporation” means The Corporation of the City of Mississauga;

“Council” means the Council of The Corporation of the City of Mississauga;

“Cycle” means a tricycle or bicycle type vehicle;

“Designated Location” means an area or site approved by the City for the purpose of vending;

“Inspector” means an inspection officer duly appointed by Council;

“Licence” means the certificate issued under this By-law as proof of licensing under this By-law;

“Licence Manager” means the Manager of the Mobile Licensing and Enforcement Section of the City’s Enforcement Division and includes his or her designates. (196-08)

“Licensed” means licensed under this By-law;

“Licensing Section” means the Vehicle Licensing Section of the Corporation's Enforcement Division;

“Licence Renewal Sticker” means the coloured consecutively numbered Sticker issued with the renewal of the Owner's Licence, to be attached to the Owner's Plate. The Sticker indicates the expiry year of the Owner's Licence;

“Licence Sticker” means the stamp or seal issued to an Owner under this by-law;

“Location” means any area or site chosen by an applicant for the purpose of vending;

“Operator” means any Person who Sells or offers for sale by retail, or displays, places or exposes for the purpose of sale by retail any goods, wares, Merchandise, products, refreshments, foodstuffs or flowers from a Portable Display Unit or Refreshment Cart;

“Owner” means the Owner of a Refreshment Cycle, Refreshment Cart or Portable Display Unit licensed under this By-law;

“Owner’s plate” means a numbered plate issued to an Owner licensed under this By-law;

“Person” includes a firm, Corporation, association, or partnership;

“Portable Display Unit” means a stand, container, Cart, seat, display rack, Cycle, or other movable display unit but does not include a motorized vehicle, used for the purpose of sales by retail from which goods, wares, merchandise, products, refreshments, foodstuffs or flowers are offered for sale by retail, sold, displayed for sale, or placed or exposed for sale and where the exchange of money for the Articles for Sale is intended to take place at the Designation Location;

“Refreshment Cart” means a mobile Cart used to Sell Refreshments including but not limited to hot dogs, sausages, roasted nuts, candied apples, candy floss and beverages, to the public;

“Refreshment Cycle” means a Cycle used to Sell Refreshments including but not limited to roasted nuts, candied apples, candy floss and hard ice cream products to the public;

“Sell” includes display for sale, expose for sale and offer for sale;

“Separation Barrier” means either a natural or man made blockade which provides adequate division between Designation Locations or an existing business Selling similar products to those of a vendor;

“Special Event” means an Event which is being held either as a community, social, sporting, cultural group celebration, grand opening of a commercial business or other similar event with such Special Event being acceptable to the Licence Manager.

LICENSING REQUIREMENT

2. (1) Every Person who Sells or offers for sale by retail, displays or exposes for sale any goods, wares, merchandise, products, refreshments, food stuffs or flowers must do so from a Portable Display Unit, Refreshment Cart or Refreshment Cycle.
- (2) Every Owner of a Portable Display Unit, Refreshment Cart or Refreshment Cycle shall be licensed as an Owner under the provisions of this By-law prior to engaging in such business in the City.

- (3) Every Operator of a Portable Display Unit or Refreshment Cart shall be licensed as an Operator under the provisions of this By-law prior to engaging in such business in the City.
3. A Person who is the Owner of more than one Portable Display Unit, Refreshment Cart or Refreshment Cycle shall take out a separate Licence for each Portable Display Unit, Refreshment Cart or Refreshment Cycle Owner by him which is to be used in the City.
4. (1) A Licence is not required under this By-law in respect to Portable Display Unit or Refreshment Cart if the Articles for Sale are hawked, peddled or sold:
- (a) to wholesale or retail dealers in similar goods, wares or merchandise; or
 - (b) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority to do so, in the municipality in which the grower, producer or manufacturer resides; or
 - (c) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or Sells only the produce of his own farm; or
 - (d) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise; or
 - (e) by Persons who Sell milk or cream or fluid milk products to the consumer or to any Person for resale; or
 - (f) if the goods, wares or merchandise are hawked, peddled or sold by a Person who pays business tax in the municipality or by his employee, or by his agent.
5. Those Owners and Operators exempted from obtaining a Licence under Section 4 shall comply with all other provisions of this By-law.

REPRESENTATION

6. No Person shall publish or cause to be published any representation that he is licensed under this By-law if he is not.

ADMINISTRATION

7. The Licensing Section shall:
- (1) receive and process all applications for Licences and for renewal of Licences; (196-08)
 - (2) issue all Licences when an application is made in accordance with the provision of this By-law and attached Schedules, and meets all requirements under this By-law and attached Schedules; (196-08)
 - (3) impose terms and conditions where the Licence Manager is of the opinion that a term or condition of a licence should be imposed; (196-08)
 - (4) refuse to issue, renew a Licence or revoke or suspend a Licence, where the Licence Manager is of the opinion that the Applicant is disentitled to a Licence under Section 13; (196-08)
 - (5) maintain complete records showing all applications received and licences issued; (196-08)
 - (6) enforce the provisions of this By-law and attached Schedules; and
 - (7) generally perform all the administrative functions conferred upon it by this By-law and the attached Schedules. (196-08)

LICENCE

8. (1) No Person shall be Licensed under this By-law unless he is at least eighteen (18) years of age and a citizen of Canada or a landed Immigrant, or has a valid employment authorization issued by the Government of Canada.
- (2) The provisions of Subsection (1) do not apply to a Corporation.
- (3) No Person shall be Licensed under this By-law as an Operator unless:
- (a) he files a letter with the Licensing Section from an Owner Licensed under this By-law stating that the Owner is prepared to employ the applicant;
 - (b) he files a certificate prepared by a duly qualified medical practitioner which states that the applicant is fit and free from communicable diseases; and
 - (c) he has his photograph taken by the Licensing Section.

- (4) The provisions of subsection 3(b) do not apply to an applicant who will not be vending products which require cooking or reheating.
- (5) No Person shall be Licensed as an Owner of a Portable Display Unit or Refreshment Cart unless:
 - (a) a letter of authorization including the following information from the property Owner is produced and filed with the Licensing Section:
 - (i) the name of the Portable Display Unit or Refreshment Cart Owner for which the approval is granted;
 - (ii) a plan of the private property showing the Designation Location on the property where the Selling from the Portable Display Unit or Refreshment Cart will take place;
 - (iii) a list of Articles for Sale from the Portable Display Unit or Refreshment Cart; and
 - (iv) the hours and terms of operation;
 - (b) the Designation Location referred to in (ii) above shall only be approved where:
 - (i) the Designation Location is not within thirty (30) metres (98 feet) of any intersection;
 - (ii) the Designation Location is not within one hundred (100) metres (328 feet) of the entrance to any public park;
 - (iii) the Designation Location is not within one hundred (100) metres (328 feet) of the property line of any land occupied by a public, separate or private school between the hours of 8:00 a.m. or 5:00 p.m. on any regular school day;
 - (iv) the Designation Location is not within five hundred (500) metres (1,640 feet) of another approved Designation Location except where there is a Separation Barrier;
 - (v) the Designation Location is not within five hundred (500) metres (1,640 feet) of a business which Sells to the public products similar to those proposed where such business is in operation at the time the original Licence issued under this By-law is approved except where there is a Separation Barrier; and

- (vi) the Operation of the Portable Display Unit or Refreshment Cart does not have an adverse effect on vehicular traffic;
- (c) a letter from the Planning and Building Department or a decision of the Committee of Adjustment that is final and binding as appropriate indicating the zoning approval for the type of business to be conducted is produced and filed with the Licensing Section;
- (d) a copy of the current certificate of insurance for the Portable Display Unit or Refreshment Cart for which the applicant is the Owner is produced and filed with the Licensing Section and the insurance policy shall provide:
 - (i) an endorsement to provide the Licence Manager with at least ten (10) days notice in writing of the cancellation or expiration of the policy, or of a variation in the amount of the policy; and
 - (ii) general liability insurance for each Portable Display Unit or Refreshment Cart in the amount of at least two million dollars (\$2,000,000) exclusive of interests and costs against liability resulting from bodily injury to or the death of one or more persons and loss or damage to property;
- (e) the Portable Display Unit or Refreshment Cart is submitted for inspection and is approved; and
- (f) the approval from the Peel Regional Health Unit for the Portable Display Unit, or Refreshment Cart if applicable is submitted to the Licensing Section.
- (6) the provisions of subsection 5(a), 5(b) and 5(c) do not apply to an applicant approved to operate in a park;
- (7) no Person shall be licensed as an Owner of a Refreshment Cycle unless:
 - (a) a copy of the current certificate of insurance for each Refreshment Cycle for which the applicant is the Owner is produced and filed with the Licensing Section and the insurance policy shall provide:
 - (i) an endorsement to provide the Licence Manager with at least ten (10) days notice in writing of the cancellation or expiration of the policy, or of a variation in the amount of the policy; and
 - (ii) general liability insurance for each Refreshment Cycle in the amount of at least two million (\$2,000,000) exclusive of interests and costs against liability resulting from bodily injury to or the death of one or more persons and loss or damage to property;

- (b) the Refreshment Cycle is presented to the Licensing Section for Inspections and is approved; and
- (c) an approval from the Peel Regional Health Unit for the Refreshment Cycle is produced and filed with the Licensing Section.

Submission of Application to Licensing Section

- 9. (1) Every Person applying to obtain or renew a Licence under this By-law shall file with the Licensing Section a duly completed application form provided by the Licensing Section, in which the applicant shall provide all information sought on such application form.
- (2) The application form shall be accompanied by the letter referred to in Section 8(5)(a) if applicable.
- (3) The applicant shall, at the time of the filing of the application form required under Subsection (1), deliver to the Licensing Section the following:
 - (a) a non-refundable Location inspection fee as prescribed in Schedule 1 to this By-law;
 - (b) a non-refundable payment in the amount of ten (10%) percent of the total Licence fee prescribed in Schedule 1 to this By-law. The minimum payment due at the time of filing a Licence application shall be ten dollars (\$10.00). The maximum payment due at the time of filing a Licence application shall be one hundred and fifty dollars (\$150.00);
 - (c) the balance of the fee prescribed in Schedule 1 to this By-law; that is the total Licence fee minus the deposit made at the time of filing the Licence application, shall become due and payable prior to the issuance of the Licence;
 - (d) if the applicant is a Corporation, a copy of the incorporating document and a copy of the last annual information return filed; and
 - (e) if the applicant is a partnership, a list of the names and home addresses of the partners, and if a registered partnership, a copy of the registered declaration of partnership.
- (4) Every application form shall include a requirement that the applicant provide at least the following information:
 - (a) the name and address of the applicant;

- (b) the address of the applicant and of the intended licensee, to which the City or its Licensing Section may send or deliver any notice or other document required or authorized by law;
 - (c) any trade or business description to be used in relation to the business;
 - (d) the telephone number used in connection with such business; and
 - (e) a record of all offences, other than offences relating to motor vehicles, under any by-law, provincial statute or federal statute in respect of which the applicant, if the applicant is an individual, and of the partners, if the applicant is a partnership, or of any director of the Corporation, if the applicant is a Corporation have been convicted.
- (5) In addition to the provisions of Subsection (1) for any application for renewal of a Licence the previous years Licence and, when required by the Licence Manager, the Owner's Plate, shall be returned to the Licensing Section.
10. (1) If the applicant is not an individual, the application form shall be completed and updated from time to time as this By-law requires, by an individual duly authorized by the applicant to execute such form on behalf of the applicant and binding upon it, and the individual completing such form shall sign the form, certifying the truth and completeness of the information provided therein.
- (2) The provisions of this By-law relating to an application for a Licence shall apply, with necessary modifications, to an application for the renewal of a Licence or to amend a Licence or a condition of such Licence, except that where the applicant notifies the Licensing Section that the information on file with the Licensing Section has not changed, the applicant shall not be required to complete a new application form or amendment thereto in respect of an application for renewal.

THE LICENCE MANAGER'S POWER TO REFUSE TO ISSUE, RENEW A LICENCE OR REVOKE OR SUSPEND A LICENCE

11. (1) The powers and authority to refuse to issue or renew a Licence, to cancel, revoke or suspend a Licence or to impose terms and conditions on a Licence, are hereby delegated to the Licence Manager and his or her delegates. (196-08)
- (2) Where the Licence Manager is of the opinion that; (196-08)
- (a) an application for a licence ore renewal of a licence should be refused,
 - (b) a reinstatement should not be made,
 - (c) a licence should be revoked,

- (d) a licence should be suspended, or
- (e) a term or condition of a licence should be imposed,

he or she shall make that decision

12. (1) After a decision is made by the Licence Manager, written notice of that decision shall be given to the Applicant or Licensee advising the Applicant or Licensee of the Licence Manager's decision with respect to the application or licence. (196-08)
 - (2) The written notice to be given under subsection (1) shall: (196-08)
 - (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the Licence Manager; and
 - (d) state that the Applicant or Licensee is entitled to a hearing by the Appeal Tribunal if the Applicant or Licensee delivers to the Clerk, within seven (7) days after the Notice under subsection (1) is served, a notice in writing requesting a hearing by the Appeal Tribunal and the appeal fee as set out in Schedule 1 of this By-law. (196-08)
 - (3) Where no appeal is registered within the required time period, the decision of the Licence Manager shall be final. (196-08)
13. (1) An applicant for a Licence who complies with the provisions of this By-law is, subject to the provisions of this By-law, entitled to be issued a Licence, except where:
 - (a) there are reasonable grounds for belief that any application or other document provided to the Licensing Section by or on behalf of the applicant contains a false statement or provides false information; or
 - (b) the past or present conduct of the applicant, or of any partner, in the case of an applicant which is a partnership, or of any director of the Corporation, if the applicant is a Corporation, affords reasonable grounds for belief that the business in respect of which the application is made will not be carried on in accordance with the law and with integrity and honesty; or
 - (c) there are reasonable grounds for belief that the carrying on of the said business will result in a breach of this By-law or any other law, including any applicable zoning requirement; or

- (d) the financial position of the applicant affords reasonable grounds to believe that the business will no be carried on in a financially responsible manner; or
- (e) there are reasonable grounds for belief that the application does not meet all the requirements of this By-law, or that the business is carried on or intended to be carried on in an area of the City where such business is prohibited by this By-law from being carried on, or in respect of which the issuing of a Licence in respect of the business is not permitted by this By-law; or
- (f) the conduct of the applicant or of one or more of the persons referred to in paragraph (2) of this section affords reasonable grounds for belief that the carrying on of the business in respect of which the Licence is sought would infringe the rights, or endanger the health or safety, of one or more members of the public; or
- (g) the amount payable in respect of the Licence applied for has not been paid;
- (h) the applicant has failed to pay the fine or fines imposed by a court as a sentence arising from convictions for breach of a By-law enacted by the City.

THE HEARING BEFORE THE APPEAL TRIBUNAL

- 14. (1) The powers and authority to conduct appeal hearings under this By-law are hereby delegated to an all-citizen Appeal Tribunal duly appointed by By-law.(196-08)
- (2) The provisions of sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c.S.22, as amended, shall apply to all hearings conducted by the Appeal Tribunal under this By-law. (196-08)
- (3) When the Applicant or Licensee who has been given written notice of the hearing does not attend at the appointed time and place, the Appeal Tribunal may proceed with the hearing in his absence and the Applicant or Licensee shall not be entitled to any further notice of the proceedings. (196-08)
- (4) At the conclusion of a hearing, the Appeal Tribunal may give its decision orally or reserve its decision, but in any case it shall provide its decision in writing, with reasons, within fourteen (14) days of the hearing to the Applicant or Licensee and the Licence Manager. (196-08)

TRIBUNAL DECISION FINAL

15. In making its decision the Appeal Tribunal may uphold or vary the decision of the Licence Manager, or make any decision that the Licence Manager was entitled to make in the first instance. The decision of the Appeal Tribunal issued under this By-law is final. (196-08)
16. REPEALED BY 196-08

ISSUANCE AND TERMS OF LICENCES

17. Every Licence issued to an Owner or an Operator, shall be valid for a period of one year effective from the first (1st) day of May up to and including the last day of April of the following year.
18. A Licence issued under this By-law is personal to the licensee, and cannot be transferred.
19. The rights granted by a Owner's Licence issued under this By-law apply only to the Designation Location for which the Licence is issued.
20. Where a completed application form for the renewal of a Licence is not submitted to the Licensing Section within thirty (30) days of the expiry date, the applicant shall be required to submit a new application together with the application fee for an original Licence.
21. Where a Licence has been revoked, the licensee is entitled to a refund of a part of the Licence fee proportionate to the unexpired part of the term for which it was granted.

NOTICE

22. (1) Any notice required to be given under this By-law is sufficiently given if delivered personally or sent by registered mail addresses to the Person to whom delivery is required to be made at the last address for delivery appearing on the records of the Licence Manager.
- (2) Where service is effected by registered mail, it shall be deemed to be made on the seventh day after the date of mailing, unless the Person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice or order until a later date.

CHANGES IN INFORMATION

23. (1) Every licensee shall notify the Licensing Section in writing within seven days after the event, of any change in any of the information contained in the application form.

- (2) Where a change has occurred in the name or business name of a licensee, the licensee shall attend within seven days of the date of the change at the office of the Licensing Section, to have the Licence and Licence records amended accordingly.

RENEWAL OF LICENCE

24. (1) Every application for renewal of an Operator's Licence, or an Owner's Licence must be delivered to the Licensing Section before the expiry of the term of Licence.
- (2) Where an Operator's Licence is renewable, the Licence Manager shall issue a Licence which shall set out the expiry date of the Licence and the Operator's Licence is thereby renewed.
- (3) Where an Owner's Licence is renewable, the Licence Manager shall issue a Licence and an Owner's plate or if applicable a Licence Sticker all of which shall set out the expiry date of the Licence and the Owner's Licence is thereby renewed.
- (4) No Licence may be renewed more than thirty (30) days after the date upon which it expires.

RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

25. (1) When a Licence has been revoked, deemed unrenovable, cancelled or suspended, the holder of the Licence shall return the Licence to the Licensing Unit within twenty four (24) hours of service of written notice of the decision of the Licence Manager or, where an appeal has been filed, the decision of the Appeal Tribunal, and the Licence Manager may enter upon the business Premises of the Licensee for the purpose of receiving, taking, or removing the said Licence. (196-08)

- (2) When a Person has had his or her Licence revoked or suspended under this By-law, he or she shall not refuse to deliver up or in any way obstruct or prevent the Licence Manager from obtaining the Licence in accordance with subsection (1). (196-08).

RIGHT OF INSPECTION

26. (1) An Inspector or the Licence Manager may at any reasonable time inspect the licensee to ensure that the provisions of this By-law have been complied with, and an Inspector on completion of an inspection shall complete and file with the Licence Manager a written report on the inspection.
- (2) Upon an inspection under Subsection (1), the Person inspecting is entitled access to the invoices, vouchers, or like documents of the Person being inspected provided such documents are relevant for the purposes of the inspection and the Person inspecting may remove with the licensee's consent any of the aforementioned documents for the purpose of photocopying provided a receipt is given the licensee and the documents are returned to the licensee within forty-eight (48) hours of removal.

PORTABLE DISPLAY UNIT, REFRESHMENT CART OF REFRESHMENT CYCLE INSPECTION

27. (1) The Licence Manager may require an Owner to submit his Portable Display Unit, Refreshment Cycle or Refreshment Cart for inspection at any time and at an appointed place and the Owner shall submit each for inspection when required to do so by the Licence Manager.
- (2) When a Portable Display Unit, Refreshment Cycle or Refreshment Cart and its equipment have been examined by the Peel Regional Health Unit or other inspecting authority and the equipment is found to be defective, the Portable Display Unit, Refreshment Cycle or Refreshment Cart Owner shall not operate the Portable Display Unit, Refreshment Cycle or Refreshment Cart or permit it to be operated until the Portable Display Unit, Refreshment Cycle or Refreshment Cart has been reinspected and approved by the Peel Regional Health Unit or other inspecting authority.
- (3) When a Portable Display Unit, Refreshment Cycle or Refreshment Cart is examined by an inspection authority and a report states that the Portable Display Unit, Refreshment Cycle or Refreshment Cart or equipment is dangerous or unsafe, the Owner shall remove and return to the Licence Manager the Owner's plate to be held until the Portable Display Unit, Refreshment Cycle, Refreshment Cart are certified to be safe by an inspecting authority.

- (4) When an Owner is unable to obtain an approval for the Portable Display Unit, Refreshment Cycle or Refreshment Cart following an inspection as required under Subsection 1, the Owner shall remove and return to the Licence Manager the Owner's plate and the Owner shall not operate the Portable Display Unit, Refreshment Cycle or Refreshment Cart until he obtains and produces an approved inspection report.

LICENCE PRODUCTION

28. Every Person licensed under this By-law, when requested by an Inspector, the Licence Manager or a Peace Officer shall produce his Licence, photograph and other relevant documents required under this By-law.

OWNERS AND OPERATORS

29. (1) Every Owner and Operator shall:
 - (a) be civil and behave courteously;
 - (b) keep the exterior of the Portable Display Unit, Refreshment Cart or Refreshment Cycle clean, in good repair and free from exterior damage;
 - (c) keep the interior, where applicable, of the Portable Display Unit, Refreshment Cart or Refreshment Cycle clean, and in good repair;
 - (d) only Operate the Portable Display Unit or Refreshment Cart at the approved Designation Location for that Portable Display Unit or Refreshment Cart;
 - (e) Sell only those items which were authorized through the issuance of a Licence for each Portable Display Unit, Refreshment Cart or Refreshment Cycle;
 - (f) ensure that the Portable Display Unit, Refreshment Cart or Refreshment Cycle is equipped with a portable litter basket or refuse container which is readily accessible to Persons making purchases;
 - (g) ensure all equipment used for dispensing refreshments are kept in a clean and sanitary condition;
 - (h) ensure condiments are only dispensed from containers approved by the Peel Regional Health Unit;
 - (i) only operate a Portable Display Unit, Refreshment Cart or Refreshment Cycle for which a Licence has been issued;

- (j) attach the Owner's plate to the Portable Display Unit, Refreshment Cart or Refreshment Cycle for which it was issued in a manner and position approved by the Licence Manager;
- (k) attach the Licence Renewal Sticker to the Owner's Plate; and
- (l) only use single service disposable cups, plates, forks, spoons and serviettes which are individually wrapped or provided in dispensers approved by the Peel Regional Health Unit.

OWNER AND OPERATOR PROHIBITIONS

30. (1) No Owner or Operator shall:
- (a) offer for sale, any articles which are not approved under the Licence issued;
 - (b) operate a Portable Display Unit, Refreshment Cart or Refreshment Cycle which is not licensed under this By-law;
 - (c) operate the licensed Portable Display Unit or Refreshment Cart anywhere but the Designation Location for that Portable Display Unit or Refreshment Cart;
 - (d) operate a Portable Display Unit or Refreshment Cart in a City park without written approval from the City;
 - (e) operate a Portable Display Unit or Refreshment Cart in any area in a City park other than at the Designation Location approved by the City;
or
 - (f) operate a Portable Display Unit or Refreshment Cart in a City park or on private property where permission of the property Owner to use the property has been cancelled or revoked and the Owner's Licence shall be returned to the Licence Manager within 24 hours of such revocation or cancellation.

OWNERS DUTIES

31. Every licensed Portable Display Unit or Refreshment Cart Owner shall use only the services of an Operator who is licensed as an Operator under this By-law.
32. In addition to the General Owner's duties in this By-law, every Owner of a Refreshment Cart or Refreshment Cycle shall have attached to or painted on one side of the Refreshment Cart and Refreshment Cycle in a Location approved by the Licence Manager in letters not less than eight centimetres (approximately three inches) in height, the Owners name as shown on the Owner's Licence and the number for the Cart when an Owner owns more than one Refreshment Cart.

OWNERS PROHIBITION

33. No Owner shall permit any Owner's plate issued to him under this By-law to be affixed to any Portable Display Unit, Refreshment Cart or Refreshment Cycle other than the one for which the Licence was issued under this By-law.

OPERATORS DUTIES

34. (1) Every Operator shall:
- (a) be properly dressed, neat and clean in personal appearance;
 - (b) clean up any debris, refuse or garbage resulting from the operation of the Refreshment Cart or Portable Display Unit in the immediate vicinity of the Designation Location of the Refreshment Cart or Portable Display Unit; and
 - (c) only operate a Portable Display Unit or Refreshment Cart for which a Licence was issued under this By-law.

REFRESHMENT CYCLE

35. (1) No Owner of a Refreshment Cycle shall operate or allow a Refreshment Cycle to be operated unless:
- (a) the body of the Cycle is of sound construction so as to provide reasonable protection against dust, dirt, insects and other injurious matters or things;
 - (b) the storage shelves are clean and covered with suitably hard material;
 - (c) only single serving individually wrapped items are provided in dispensers approved by the Peel Regional Health Unit; and
 - (d) refrigeration at a temperature no higher than -15 degrees Celsius is maintained.
36. (1) No Owner of a Refreshment Cycle shall operate or allow an individual to operate a Refreshment Cycle:
- (a) where the refreshments are thawed or partially thawed or products which have been refrozen;
 - (b) between the hours of sunset and sunrise;
 - (c) which impedes the flow of vehicular traffic;

- (d) who does not Sell all products in individual disposable containers which are securely wrapped to the product;
 - (e) who is not neat and clean in appearance; or
 - (f) who does not act civilly and behave courteously.
37. No Owner shall allow more than one (1) individual at any one time, to operate a licensed Refreshment Cycle

NEW OR REPLACEMENT PORTABLE DISPLAY UNIT, REFRESHMENT CART OR REFRESHMENT CYCLE

38. (1) An Owner licensed under this By-law who disposes or otherwise ceases to use his Portable Display Unit, Refreshment Cart or Refreshment Cycle for the purpose permitted under this By-law, shall before using the newly acquired unit, Cart or Cycle under this By-law:
- (a) submit to the Licence Manager a certificate of approval from the Peel Regional Health Unit if applicable; and
 - (b) produce and file with the Licensing Section a copy of the current certificate of insurance for the Portable Display Unit, Refreshment Cart or Refreshment Cycle for which the applicant is the Owner and the policy shall:
 - (i) be endorsed to provide the Licence Manager with at least ten (10) days notice in writing of the cancellation or expiration of the policy, or of a variation in the amount of the policy; and
 - (ii) general liability insurance for each Portable Display Unit, Refreshment Cart or Refreshment Cycle, in the amount of at least two million dollars (\$2,000,000) exclusive of interests and costs, against liability resulting from bodily injury to or the death of one or more Persons and loss or damage to property; and
 - (c) submit the Portable Display Unit, Refreshment Cart or Refreshment Cycle, for inspection and approval by the Licence Manager.

SPECIAL EVENT LICENCES

39. (1) Where a Portable Display Unit, Refreshment Cart or Refreshment Cycle is required to be used at a Special Event, the Owner and where applicable, the Operator shall obtain a Special Event Licence.

- (2) An application for a Special Event Licence shall be completed on the forms provided by the Licensing Section and be accompanied by the fee set out in Schedule 1.
- (3) The provisions of Section 8(5) and 24 and 33 of this By-law apply to an applicant for and the holders of a Special Event Owners' Licence.
- (4) The provisions of Section 8(3), and Sections 29, 30, 34 apply to an applicant for and the holder of a Special Event Operators' Licence.
- (5) The Licence issued under Section 39 shall only be valid for the date(s) and Location listed on the Licence.

PENALTY

40. (1) Fine - for contravention

Every Person who contravenes any provision of this By-law, and every director or officer of a Corporation who concurs in such contravention by the Corporation, guilty of an offence and on conviction is liable to a fine not exceeding \$25, 000.00.

- (2) Fine - for contravention - Corporation
Despite subsection (1) every Corporation which is convicted of an offence under the provisions of this By-law is liable to a fine not exceeding \$50,000.00.

MEANING

41. For the purpose of this By-law, where the words "his" or "he" are used they shall also mean or stand for the words "her", "she" and in the case of a Corporation "it".

SCHEDULES

42. All schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

VALIDITY

43. 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 the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with the terms to the extent possible according to law.

REPEAL

44. By-law 353-94, as amended, is hereby repealed.

SHORT TITLE

45. This By-law shall be known as the Vendors' By-law.

ENACTED AND PASSED this 15th day of December 2004.

Signed by: Nando Iannicca, Acting Mayor Crystal Greer, City Clerk

**Schedule 1 to By-law
relating to Fees**

(amended by 403-09)

1. <u>TYPE OF LICENCE</u>	<u>Original</u>	<u>Renewal</u>
Refreshment Cart Operator	\$ 142.00	\$ 136.00
Refreshment Cart Owner	\$ 163.00	\$ 149.00
Refreshment Cycle Owner	\$ 145.00	\$ 135.00
Portable Display Unit Operator	\$ 142.00	\$ 138.00
Portable Display Unit Owner	\$ 163.00	\$ 149.00
Special Event Operator	\$ 30.00	
Special Event Owner	\$ 46.00	
2. <u>OTHER FEES</u>		
Appeal Hearing Fee	\$ 369.00	
Photographs	\$ 22.00	
Replacement fee for loss of Operator's or Owner's Licence	\$ 12.00	
Replacement fee for lost Owner's Licence Sticker	\$ 6.00	
Replacement fee for lost Owner's Licence Sticker Renewal	\$ 3.00	
Site Inspection (per inspection)	\$ 84.00	

*** Note:** These rates shall automatically increase and be rounded to the nearest dollar on the first day of January in each year, starting in 2010, by the percentage increase in the All Items Index of the Consumers Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by statistics Canada, during the 12 month period ending on October 1 in the year immediately preceding the rate increase date. The fees as listed in this Schedule will be subject to Provincial Sales Tax (P.S.T), Goods and Service Tax (G.S.T) and/or Harmonized Sales Tax (H.S.T), where applicable.