



**THE CORPORATION OF THE CITY OF MISSISSAUGA
VEHICLE LICENSING BY-LAW 520-04**

(amended by 199-08)

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 the 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 Owners and Drivers of Refreshment Vehicles and Driving School Instructors, Owners and Operators for the purposes of Health and Safety, to enhance and encourage safe maintenance and operational practices for Drivers and Owners, ensure experienced and qualified Drivers and providing services, 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 Licence, regulate and govern Owners and Drivers of Refreshment Vehicles and Driving School Operators, Drivers and Owners for the purposes of Consumer Protection, to enhance and encourage equal, fair and courteous treatment of clients, Drivers, Owners, and Instructors, ensure competence of Owners and Drivers and Instructors in providing services, promote accountability, support proper and good business practices;

AND WHEREAS the Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern Owners and Drivers of Refreshment Vehicles and Instructors, Divers and Owners of Driving Schools for the purposes 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, Drivers, Owners, Instructors and the general public;

AND WHEREAS a public meeting was held on December 8th , 2004, at which time a report Entitled Vehicle Licensing By-laws, relating to the licensing of the business was presented and considered.

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

DEFINITION

1. In this by-law,

“Appeal Tribunal” means the all-citizen Tribunal duly appointed by Council to conduct hearings under this By-law; (199-08)

“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;

“Commercial Motor Vehicle” means a Motor Vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, bus and tractors used for hauling purposes on the Highway;

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

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

“Driver” means any person who drives or operates a Refreshment Vehicle;

“Driving School Instructor” or “Instructor” means a person who for monetary or other consideration on behalf of a Driving School Operator teaches persons to operate a Vehicle;

“Driving School Operator” or “Operator” means a person who directly or indirectly carries on the business of teaching persons to operate a Motor Vehicle;

“Highway” means a common and public Highway and includes a street and bridge forming part of a Highway or on, over or across which a Highway passes;

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

“Licence” means the Licence issued 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. (199-08)

“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;

“Motor Vehicle” includes an automobile, truck, trailer, motorcycle and any other Vehicle propelled or driven otherwise than by muscular power, but does not include a motorized snow Vehicle or motor-assisted Vehicle;

“Owner” means the Owner of a Refreshment Vehicle;

“Owner’s Plate” means a number plate issued to an Owner licensed under this by-law;

“Permit” means the Licence or certificate issued under this by-law;

“Person” includes a Corporation and its directors and officers, and the heirs, executors, assignees and administrators or the other legal representatives of an Individual and their respective successors and assignees;

“Public Vehicle” means a Motor Vehicle operated on a Highway by, for or on behalf of any person for the transportation for compensation of passengers, or passengers and express freight that might be carried in a passenger Vehicle but does not include a taxicab, livery Vehicle or airport public transportation Vehicle;

“Refreshments” means any food or drink and includes but is not limited to coffee, sandwiches, hot dogs, potato chips, fruit, nuts;

“Refreshment Vehicle” means a Commercial Motor Vehicle from which Refreshments are sold or offered for sale to the public but does not include a Motor Vehicle used for the exclusive sale of ice cream or ice cream cones;

“Registered Owner” means the person certified as the Owner by the Registrar of Vehicles for the Province of Ontario;

“Special Event” means a social or other occasion involving a gathering of persons at one location for a specific purpose such as a sporting event, fund raising event or other event of municipal, provincial, federal or international significance;

“Vehicle” includes a Motor Vehicle, or Commercial Motor Vehicle.

LICENSING

2. (1) No Person shall act as or be the Owner of a Refreshment Vehicle in the City unless he is licensed as an Owner under this by-law.
- (2) No Person shall drive, or act as the Driver of a Refreshment Vehicle in the City unless he is licensed as a Driver under this by-law.
- (3) No Person shall act as or be a Driving School Operator in the City unless he is licensed as a Driving School Operator under this by-law.

- (4) No Person shall act as or be a Driving School Instructor in the City unless he is licensed as a Driving School Instructor under this by-law.
 - (5) No Person shall act as or be a driving school Vehicle Owner in the City unless he is licensed as a driving school Vehicle Owner under this by-law.
3. Unless provided otherwise in this by-law a Person who is the Owner of more than one Vehicle shall take out a separate Licence for each Vehicle owned by him which is to be used in the City.

REPRESENTATION

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

ADMINISTRATION & GENERAL PROVISIONS LICENSING SECTION

5. (1) The Licensing Section shall:
 - (a) receive and process all applications for Licences and for renewal of Licences to be issued under this by-law; (199-08)
 - (b) issue Licences to and renew Licences for persons who meet the requirements of this by-law; (199-08)
 - (c) impose terms and conditions on a Licence where the Licence Manager is of the opinion that a term or condition of Licence should be imposed;(199-08)
 - (d) 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 15; (199-08)
 - (e) enforce the provisions of this by-law; and (199-08)
 - (f) generally perform all the administrative functions conferred upon it by this by-law. (199-08)

LICENCE PREREQUISITE

6. (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.

- (2) The provisions of subsection 1 do not apply to a Corporation.
- (3) No person shall be licensed under this by-law as a Driver unless he holds issued in his name, a current valid Driver's Licence issued by the Province of Ontario.

APPLICATION FOR A LICENCE AND FOR RENEWAL OF LICENCE

7.
 - (1) An application for an Owner's Licence or a Driving School Operator's Licence shall be completed on the forms provided by the Licensing Section.
 - (2) An application for a Driver's or Driving School Instructor's Licence shall be completed on the forms provided by the Licensing Section.
 - (3) An application for renewal of a Licence shall be completed on the forms provided by the Licensing Section.
8.
 - (1) A completed application for a Licence or for renewal of a Licence shall be delivered to the Licensing Section and shall be accompanied by:
 - (a) a non-refundable payment in the amount of 10 (ten) per cent of the total Licence fee prescribed in Schedule I to this By-law. The minimum payment due at the time of filing a Licence application shall be 10 (ten) dollars. The maximum payment due at the time of filing a Licence application shall be 150 (one hundred and fifty) dollars;
 - (b) if the applicant is a Corporation, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department; and
 - (c) if the applicant is a registered partnership, a copy of the registered declaration of partnership.
 - (2) In addition to the provisions of subsection (1) on an application for renewal of a Licence the previous years Licence and, when required by the License Manager, the metal Licence plate, shall be returned to the Licensing Section.
9. 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.

ISSUE OF LICENCE

10.
 - (1) Where an application for an Owner's Licence or Driving School Operator's Licence is made in accordance with the provisions of this by-law and the applicant meets all the requirements of this by-law, the Licence Manager shall issue a Licence and a metal Licence plate both of which shall set out the expiry date of the Licence and the applicant shall thereby be licensed.

- (2) Where an application for a Driver's Licence or Driving School Instructor's Licence is made in accordance with the provisions of this by-law and the applicant meets all the requirements of this by-law, the Licence Manager shall issue a Licence which shall set out the expiry date of the Licence and the applicant shall thereby be licensed.

OWNER LESSEE

11. Where the applicant for an Owner's Licence or for a Driving School Operator's Licence or Driving School Instructor's Licence is the lessee of the Vehicle, the Licence shall be issued in the lessee's name provided that a copy of the lease has been filed with the Licence Manager.

TERM OF LICENCE

12. (1) Every Licence issued to a Driving School Operator or Driving School Instructor shall be valid for a period of one year effective from the 1st day of April up to and including the 31st day of March of the following year;
- (2) Every Licence issued to a Refreshment Vehicle Owner or a Refreshment Vehicle Driver shall be valid for a period of one year effective from the 1st day of May up to and including the 30th of April of the following year;

TERM FOR RENEWALS

13. (1) Every application for renewal of a Licence under this by-law must be delivered to the Licensing Section before the expiry of the term of Licence set out in Section 11.
- (2) Where a completed application for renewal is delivered to the Licensing Section one month or later after the expiry date of the Licence, the Owner, Driving School Operator, Driver or Driving School Instructor is deemed not to be licensed and shall complete and deliver to the Licensing Section an application for a Licence, as provided in subsections 7(1) and 7(2), shall pay the appropriate fee for an application as set out in Schedule I and shall meet all the requirements of this by-law applicable to an applicant.
- (3) Where an Owner's Licence or driving school Vehicle Owner's Licence is renewed, the Licence Manager shall issue a Licence and an Owner's Plate or Licence Sticker
- (4) Where a Driver's Licence or Driving School Instructor's or Operator's Licence is renewed the Licence Manager shall issue a Licence.

INFORMATION CHANGE

14. (1) A Person licensed under this by-law shall only carry on business in the City in the name set out on the Licence.
- (2) Where a Person licensed under this by-law changes his name or address or any information relevant to his Licence, he shall notify the Licensing Section within 14 days of the change and shall return the Licence immediately to the Licensing Section for amendment.
- (3) When the licensee is a Corporation any change in the information given in the application namely: the names and addresses of officers and directors, the location of the corporate head office, the change of ownership of controlling shares, shall be reported to the Licensing Section within 14 days of the change, and if necessary, the Licence shall be returned immediately to the Licensing Section for amendment.

GROUND FOR REFUSAL TO ISSUE OR RENEW A LICENCE

15. An applicant is entitled to be licensed and a licensee is entitled to have his Licence renewed except where:
 - (a) having regard to his financial position, the applicant or licensee cannot reasonably be expected to be financially responsible in the conduct of the business; or
 - (b) the past conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the activity for which he is to be licensed in accordance with law and with integrity and honesty; or
 - (c) the issuance of the Licence or renewal of the Licence would be contrary to the public interest; or
 - (d) the applicant is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this by-law; or
 - (e) 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; or
 - (f) if the applicant is a Corporation,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business;
 - (ii) the past conduct of the officers or directors affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he is to be licensed in accordance with law; or,
 - (iii) the issuance of the Licence would be contrary to the public interest.

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

16. (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. (199-08)
- (2) Where the Licence Manager is of the opinion that: (199-08)
- (a) an application for a licence ore renewal of a licence should be refused,
 - (b) a reinstatement should not be made,
 - (c) a term or condition should be imposed,
 - (d) a licence should be revoked, or
 - (e) a licence should be suspended

he or she shall make that decision

17. REPEALED BY 199-08

18. REPEALED BY 199-08

FEE REFUND - MIDTERM

19. (1) Where a Licence is revoked under Section 16 the licensee is entitled to apply to the Licence Manager for a refund of that part of the Licence fee which is proportionate to the unexpired part of the term for which the Licence was issued. (199-08)
- (2) The provisions of subsection 1 do not apply where the unexpired part of the term is less than four (4) months.

CANCELLATION

20. (1) A Licence issued to an Owner under this by-law may be cancelled by the Licence Manager at any time if the Owner fails to actively operate for a continuous period of sixty (60) days the Vehicle for which a Owner's Plate has been issued unless the Owner can show to the satisfaction of the Licence Manager just cause for such failure. (199-08)

- (2) Any Licence issued under this by-law may be cancelled by the Licence Manager at any time upon the request in writing by the Licensee. (199-08)

RIGHT TO A HEARING

21. (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. (199-08)
- (2) The written notice be given under subsection (1) shall: (199-08)
 - (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.
- (3) Where no appeal is registered within the required time period, the decision of the Licence Manager shall be final.

APPEAL COMMITTEE – THE HEARING

22. (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.(199-08)
- (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; (199-08)
- (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 or her absence³ and the Applicant or Licensee shall not be entitled to any further notice of the proceedings. (199-08)
- (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. (199-08)

- (5) In making its decision the Appeal Tribunal may uphold or vary the decision of the Licence Manager, or make any decision the Licence Manager was entitled to make in the first instance, The decision of the Appeal Tribunal issued under this By-law is final. (199-08)

RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

23. (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. (199-08)
- (2) When a Person has had his Licence revoked or suspended under this by-law, he 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). (199-08)

INSPECTION

24. (1) Where a Licence has been issued under this by-law, an Inspector or the Licence Manager may at any reasonable time enter upon and inspect the business premises or Vehicles of the licensee to carry out an inspection to insure that the provisions of this by-law have been complied with and an Inspector on completion of any inspection shall complete and file with the Licence Manager a written report.
- (2) Upon an inspection under subsection (1), the person inspecting is entitled to access to the invoices, vouchers, appointment books or work sheets or like documents of the person being inspected that are relevant for the purposes of the inspection and may remove any of these documents for the purpose of photocopying provided a receipt is given and the documents are returned to the Owner thereof within 48 hours.
- (3) Every Operator of a driving school Vehicle or Driver of a Refreshment Vehicle shall surrender his Driver's Licence to operate such Vehicle for reasonable inspection by, and upon the demand of an Inspector.
- (4) Every Person who is unable or refuses to surrender his licence under subsection (1) shall be deemed to comply with subsection (1) if he gives reasonable identification of himself by providing his correct name and address.

REPLACEMENT OF OWNER'S PLATE

25. Where an Owner's Plate is damaged, lost or it is not possible to read the information on the Owner's Plate, the licensee shall apply to the Licence Manager for a replacement of the Owner's Plate.

OBSTRUCTION

26. No Person shall obstruct a person lawfully carrying out an inspection under this by-law or withhold, destroy, conceal or refuse to furnish any documents or things relevant to the subject matter of the inspection and to which the person inspecting has lawful inspection rights.

VEHICLE OWNER LICENCED

27. No Person licensed as a Driver under this by-law shall drive or act as a Driver within the City unless the Registered Owner or where applicable, the lessee, of the Vehicle being driven is licensed under this by-law.

LICENCE TRANSFERABLE

28. (1) No Licence issued to any person under this by-law shall be transferable.
- (2) Notwithstanding subsection 1, every Owner licensed under this by-law as an Owner shall be licensed as the Owner of the Vehicle(s) described in the application and no Owner can use another Vehicle under the Licence unless he provides the Licensing Section with all the documentation required for the Vehicle under this by-law, it meets all the other conditions of this by-law and the Licence has been duly amended by the Licence Manager.

NO PROOF OF INSURANCE

29. Where an Owner, Operator or Instructor licensed under this by-law ceases to have a current and valid insurance and properly endorsed in accordance with the provisions of this by-law, the Licence shall be deemed to be suspended as of the date on which the cessation of insurance came to the attention of the Licence Manager, and the Licence shall only be reinstated on written proof being delivered to the Licence Manager of insurance in accordance with the provisions of this by-law.

NEW MOTOR VEHICLE

30. Where an applicant for an Owner's Licence or an Owner licensed under this by-law disposes of his Vehicle or otherwise ceases to use his Vehicle for the purposes Permitted under this by-law and acquires another Vehicle to be used for the purposes Permitted under this by-law, before using the Vehicle the applicant or Owner shall:
- (a) immediately submit the newly acquired Vehicle for inspection and approval by the Licensing Section;
 - (b) produce an approved Motor Vehicle inspection report issued by the Ontario Ministry of Transportation and Communications, Vehicle Inspection Branch dealing with road worthiness and safety of the Vehicle to be used; and
 - (c) before using the Vehicle, and immediately after obtaining the approval from the Licensing Section, file with the Licensing Section all documents required to record the change.

LICENCE PRODUCTION

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

DRIVING SCHOOLS

32. (1) No Person shall be licensed under this by-law as an operator unless every Registered Owner or lessee of every Vehicles to be used in the driving school business is licensed under this by-law;
- (2) Where an Operator is also an Instructor he shall also be licensed as an Instructor under this by-law.
33. (1) Where an applicant for an Operator's or Instructor's Licence is the Registered Owner or lessee of the Vehicle to be used in the driving school business, in addition to the general licensing provisions of this by-law, he shall file with the Licence Manager a list of all Vehicles to be used by him as an operator or Instructor setting out the provincial plate number, year, make and model of the Vehicle and, if applying only for an Instructor Licence, he shall give written notice of the name and address of the Operator for whom he will be instructing.

- (2) Any Person who is licensed as an operator or Instructor and has filed the list required under subsection 1 shall notify the Licence Manager within 48 hours of any change of the aforementioned list.
- (3) Where the applicant for an Operators or Instructor's Licence is entitled to be licensed under this by-law, the Licence Manager shall issue a licence and an Owner's Plate for each Vehicle set out on the list required under subsection 1.
- (4) In addition to the provisions of subsection 1, an applicant for an Operator's Licence and every licensee applying for renewal of the Licence shall:
 - (a) produce for each Motor Vehicle to be used a current valid Motor Vehicle Permit issued by the Ministry of Transportation and Communications in the applicant's name; or, if the Motor Vehicle is a leased Motor Vehicle, provide a copy of the lease agreement for the Motor Vehicle;
 - (b) produce and file with the Licensing Section an approved Motor Vehicle inspection report from the Ministry of Transportation and Communications for each Motor Vehicle to be used;
 - (c) produce and file with the Licensing Section a copy of a policy of insurance for each Motor Vehicle to be used and such policy of insurance shall provide:
 - (i) and endorsement to provide the Licence Manager with at least ten (10) days notice in writing of a proposed cancellation or expiration of the insurance policies, or of a variation in the amount of the policies; and
 - (ii) automobile insurance in the amount of a least two million dollars (\$2, 000,000) for each Motor Vehicle to be used against liability resulting from bodily injury to or death of one or more persons, or from the loss of or damage to property resulting from any one accident; and
 - (d) present the Motor Vehicle to be used for inspection by the Licence Manager.
- (5) The provisions of subsection (4) apply to an Instructor who is the Registered Owner or lessee of a Vehicle to be used in the driving school business.

34. In addition to the general licensing provisions of this by-law, an applicant for an Instructor's Licence and a licensee applying for renewal of such a Licence shall:
- (a) produce a current valid Driver Instructor's Licence and a current valid Driver's Licence both issued under the *Highway Traffic Act* by the Minister of Transportation and Communications for Ontario;
 - (b) have four identical current colour photographs taken by the Licensing Section, one of which will be attached to the Licence and the others will be placed in the file maintained by the Licensing Section;
 - (c) provide a letter of potential employment from an Operator(s) licensed under this by-law.
35. No Person shall be licensed under this by-law as an Instructor or Operator unless the Motor Vehicle to be used in the business is equipped with dual braking equipment and dual mirrors which are in good working order and are positioned for ready use by the Instructor or Operator when seated beside the student Driver.
36. No Person licensed as an Instructor shall use as an Instructor a Motor Vehicle which does not comply with the provisions of Section 34.
37. Every Person licensed under this by-law as an Operator or Instructor shall:
- (a) use only Motor Vehicles which comply with the provisions of Section 34 of this by-law;
 - (b) maintain a policy of insurance as required under clause 33(4)(c).
38. Every Person licensed under this by-law as an Operator shall:
- (a) keep a permanent record of the name and address of and Driver's Licence number of every student Driver, the date and time for each driving lesson, and the name and Licence number of the Instructor;
 - (b) file with the Licensing Section a written statement showing all rates and charges for instruction and all other services and not use any new or changed rates unless and until at least 21 days written notice of the new rates to be given to the Licensing Section;
 - (c) before providing Instructions to a student Driver, furnish each student Driver with a copy of the written statement filed with the Licensing Section under 38(b);
 - (d) only employ as an Instructor a Person licensed under this by-law as an Instructor;

- (e) have printed or otherwise impressed on all business stationery, files, bills, statements and any written advertising materials his business name as licensed; and
 - (f) post in a conspicuous location in his business office and produce when requested, the operator's Licence issued under this by-law.
39. No Person licensed under this by-law as an Instructor shall give driving instructions unless:
- (a) a roof sign on the Motor Vehicle showing the business name of the driving school as shown on its Licence is affixed to the roof of the Vehicle or in a location approved by the Licence Manager so that it is clearly visible at a distance of at least 15 metres (49.2 feet);
 - (b) the Owner's Plate is properly affixed to the exterior of the Motor Vehicle in a location approved by the Licence Manager; and,
 - (c) the Licence Renewal Sticker is attached to the Owner's Plate.
40. No Person licensed as a Driving School Instructor shall offer or give instruction;
- (a) if his ability to drive or instruct is impaired by alcoholic beverages, drugs or narcotics or if the student is likewise impaired;
 - (b) when any Person other than the licensed Instructor, the student driver, and the Owner of the driving school Vehicle is in the Vehicle;
 - (c) if the student driver does not have a valid learner's permit issued by the Ministry of Transportation and Communications;
 - (d) to a student driver on private property without the prior consent of the private property owner; or
 - (e) on any road or Highway within the area of the City of Mississauga bounded by:
 - (i) Airport Road to the west, Derry Road to the south, Goreway Drive to the east and to the north, the northern most boundary of the City of Mississauga; or
 - (ii) Dixie Road to the west, Burnhamthorpe Road to the south, the eastern most boundary of the City of Mississauga and to the north Highway 401.

REFRESHMENT VEHICLES

41. In addition to the general licensing provisions of this by-law an applicant for a Licence or renewal of a Licence as the Owner of a Refreshment Vehicle shall:
- (a) produce for each Motor Vehicle to be used a current valid Motor Vehicle Permit issued by the Ministry of Transportation and Communications for Ontario in the applicant's name;
 - (b) produce and file with the Licensing Section a signed certificate of approval from the Medical Officer of Health for the Regional Municipality of Peel for the Motor Vehicle to be used which certificate shall be dated within 30 days of the date of application for a Licence under this by-law;
 - (c) produce and file with the Licensing Section an approved Motor Vehicle inspection report from the Ministry of Transportation and Communications for Ontario for each Motor Vehicle to be used;
 - (d) produce and file with the Licensing Section a copy of the current certificate of insurance for a new or replacement Refreshment Vehicle and such certificate of insurance shall provide:
 - (i) an endorsement to provide the Licence Manager with at least ten (10) days notice in writing of a proposed cancellation or expiration of the insurance policies, or variation in the amount of the policies; and
 - (ii) general liability insurance in the amount of at least two million dollars (\$2,000,000) for each Refreshment Vehicle against liability resulting from bodily injury to or death of one or more persons, any and all claims associated with the Refreshments sold and loss or damage to property.
 - (e) supply the Licence Manager with the name and address of all the suppliers of Refreshments to be sold or advertised for sale from the Motor Vehicle to be used; and
 - (f) present the Motor Vehicle to be used for inspection by the Licence Manager.
42. In addition to the general licensing provisions of this by-law every applicant for a Refreshment Vehicle Driver's Licence and every licensee who applies for renewal of his Refreshment Vehicle Driver's Licence shall:
- (a) produce a current valid Driver's Licence issued under the *Highway Traffic Act* by the Minister of Transportation and Communications for Ontario;

- (b) produce and file with the Licensing Section a letter of potential employment from a licensed Refreshment Vehicle Owner, (this provision does not apply to an Owner who Drivers his own Motor Vehicle); and
 - (c) submit to the Licensing Section a certificate prepared by a duly qualified medical practitioner which states that the applicant or licensee is physically fit and free from any chronic communicable disease.
43. The Licence Manager shall issue a Licence and an Owner's Plate for each Motor Vehicle to an applicant entitled to be licensed as a Refreshment Vehicle Owner under this by-law.
44. No Owner or Driver of a Refreshment Vehicle licensed under this by-law shall operate the Motor Vehicle for which an Owner's Plate has been issued under this by-law unless:
- (a) the body, door and windows of the Motor Vehicle are of sound construction so as to provide reasonable protection against dust, dirt, insects and other injurious matters or things;
 - (b) the interior of the Motor Vehicle is clean, dry and in good repair;
 - (c) the exterior of the Motor Vehicle is clean, in good repair, free from exterior body damage and has a well maintained exterior paint finish;
 - (d) the storage shelves within the Motor Vehicle are clean and covered with a suitably hard material;
 - (e) the Motor Vehicle is equipped with a portable litter basket or refuse container, which is carried inside the Motor Vehicle while in motion and when the Motor Vehicle is stopped, is suspended from the outside of the Motor Vehicle in a position which is readily accessible to persons making purchases;
 - (f) all equipment used for dispensing Refreshments are kept in clean and sanitary condition;
 - (g) the Owner's Plate has been properly affixed to the rear of the Refreshment Vehicle for which it was issued in a manner and position approved by the Licence Manager;
 - (h) the Licence Renewal Sticker attached to the Owner's Plate;
 - (i) the condiments, including relish, onions and sugar are only dispensed from containers approved by the Medical Officer of Health for the Regional Municipality of Peel;

- (j) he uses only single service disposable cups, plates, forks, spoons and serviettes which are individually wrapped or provided in dispensers approved by the Medical Officer of Health for the Regional Municipality of Peel;
 - (k) milk products are sold only in individual disposable containers;
 - (l) except for foods in unopened cans, no foods are sold or offered for sale at a time greater than twenty-four (24) hours after preparation;
 - (m) there is adequate Refrigeration at a temperature no higher than 4 degrees Celsius is maintained; and
 - (n) all hot prepared foods are maintained at a temperature of not less than 66 degrees Celsius and such foods shall be kept so heated.
45. Where the Owner of a Refreshment Vehicle disposes of a Motor Vehicle for which a metal Licence Plate has been issued under this by-law, he shall remove from the Motor Vehicle the Owner's Plate prior to the disposition of the Vehicle and shall return the Owner's Plate to the Licence Manager within forty-eight (48) hours of the disposition.
46. A Refreshment Vehicle Driver licensed under this by-law shall:
- (a) wear clean clothes, be clean and neat in appearance and have clean hands when serving Refreshments;
 - (b) produce his Licence and a copy of the Owner's Licence when requested so to do by an Inspector, police officer or the Licence Manager; and
 - (c) at all times carry in the Motor Vehicle a copy of the Owner's Licence.
47. Every Refreshment Vehicle Owner shall take out a separate Licence for each Refreshment Vehicle owned by him which is to be operated in the City.
48. Every Owner and Driver of a Refreshment Vehicle shall submit the Refreshment Vehicle for inspection at the time or place requested by the Licence Manager.
49. Every Owner of a Refreshment Vehicle shall:
- (a) keep a record of the source of supply of all Refreshments to be sold from the Refreshment Vehicle which shall be readily available at any time on the request of the Licence Manager;
 - (b) notify the Licence Manager forthwith of any change in the source of supply of any of the Refreshments to be sold from the Refreshment Vehicle referred to in Section 41(e);

- (c) not sell or permit to be sold from the Refreshment Vehicle any Refreshments from a source of supply other than those listed and referred to in (a) and (b) above;
 - (d) not Permit a Person who is not licensed under this by-law as a Driver to Operate his Refreshment Vehicle; and
 - (e) maintain the policy of insurance required under Subsection 41(d).
50. (1) A Refreshment Vehicle Driver licensed under this by-law shall not offer for sale or sell Refreshments to the public from a Refreshment Vehicle:
- (a) which is parked upon a Highway or other public lands within the City or upon private property without the Owner of the private property's permission; or
 - (b) which is parked at one location on private property with the Owner's permission for more than 30 minutes in any one hour period.
- (2) A Refreshment Vehicle Driver Licensed under this by-law shall not depart from any stop from which Refreshments have been sold or offered for sale without first having made a safety tour of the Refreshment Vehicle.

SPECIAL EVENTS REFRESHMENT VEHICLES

51. (1) Where a Refreshment Vehicle is required to be used at a Special Event, the Owner and Driver of the Refreshment Vehicle shall have a Special Event Refreshment Vehicle Licence.
- (2) An application for a Special Event Refreshment Vehicle Licence shall be completed on the forms provided by the Licensing Section and be accompanied by the fee set out in Schedule I.
52. The provisions of Section 41 (a) to (e), 42 (a), 44, 46, 48, 49 and 50(2) of this by-law apply to an applicant for and the holder of a Special Event Refreshment Vehicle Owner's or Driver's Licence.

PENALTY

53. (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, is 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.

SCHEDULES

54. 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.

SEVERABILITY

55. Notwithstanding that any section or sections of this By-law, or any part or parts thereof, may be found by any court of law to be invalid or beyond the power of the Council to enact, such section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this By-law, or parts thereof, are separate and independent there from and enacted as such.

INTERPRETATION

56. The provisions of the *Interpretation Act* R.S.O. 1990, c.I.11, shall apply to this By-law as required.

REPEAL

57. By-law 436-83, as amended, is hereby repealed.

SHORT TITLE

58. This By-law may be known as the Vehicle Licence By-law.

Enacted and Passed this 15th day of December, 2004

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

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

1. <u>TYPE OF LICENCE</u>	2004*		2005*	
	<u>Original</u>	<u>Renewal</u>	<u>Original</u>	<u>Renewal</u>
Driving School Instructor	\$ 99.00	\$ 97.00	\$129.00	\$126.00
Driving School Operator	\$ 99.00	\$ 97.00	\$128.00	\$124.00
Driving School Vehicle Owner	\$117.00	\$111.00	\$177.00	\$169.00
Refreshment Vehicle Driver	\$ 99.00	\$ 97.00	\$129.00	\$126.00
Refreshment Vehicle Owner	\$171.00	\$165.00	\$177.00	\$169.00
Special Event Refreshment Vehicle Driver	\$ 22.00		\$ 27.00	
Special Event Refreshment Vehicle Owner	\$ 34.00		\$ 41.00	

2. <u>Other Fees</u>	<u>2004-2005*</u>
Appeal Hearing Fee	\$334.00
Photographs	\$ 20.00
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 Plate	\$ 47.00
Replacement fee for lost Owner's Licence Renewal Sticker	\$ 3.00
Search of Ontario Driving Record	\$ 12.00

*** NOTE:** These rates shall automatically increase and be rounded to the nearest dollar on the first day of January in each year, starting in 2005, by the percentage increase in the All Items Index of the Consumer 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.