

Authority: Executive Committee Item 5.2,
as adopted by City of Toronto Council on May 17, 18 and 19, 2011
Enacted by Council: May 19, 2011

CITY OF TORONTO

BY-LAW No. 686-2011

To amend City of Toronto Municipal Code Chapter 738, Street Food, Healthier, to discontinue the Toronto a la Cart Pilot Program.

WHEREAS City Council, at its meeting of December 2, 2008, adopted Executive Committee Item 26.21, establishing Municipal Code Chapter 738, Street Food, Healthier, and authorizing a pilot program for the vending of healthier foods in locations on City streets and other City property; and

WHEREAS City Council, after consideration of the joint report (April 5, 2011) of the General Manager, Economic Development, Culture and Tourism, Executive Director of Municipal Licensing and Standards and the Medical Officer of Health, has decided to discontinue the pilot program and to allow the vendors to continue vending in their current locations subject to the terms as set out in the report; and

WHEREAS City Council has therefore also decided to rescind the previous delegation of authority to the Street Food Pilot Appeal Committee and dissolve the Committee;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 738, "Street Food, Healthier," of The City of Toronto Municipal Code is amended by:

A. Deleting § 738-9 and replacing it with the following:

**§ 738-9. Terms and conditions for the period from May 17, 2011 to
December 31, 2013.**

Despite any other City by-law, those licensees who participated in the "Toronto a la Cart" program prior to May 17, 2011 shall be permitted to continue to vend in the Toronto a la Cart location assigned to them as of May 17, 2011 from the locations as listed in Appendix A to this chapter until December 31, 2013, subject to entering into a licence agreement with the General Manager, on behalf of the City, upon such terms and conditions as may be required by the General Manager, in consultation with the City Solicitor, including the following:

- A. All vending by the licensees shall be subject to the requirements of §§ 315-11, 315-12, 315-13, 315-17, 315-18, 315-19.1 and 315-19.2 of Municipal Code Chapter 315, Street Vending, of the former City of Toronto, as amended from time to time, except as otherwise indicated in this chapter.
- B. Those licensees having previously paid location fees for the 2010 vending season shall be reimbursed.

- C. All location fees otherwise owing by the licensees for the 2010 vending season shall be forgiven.
- D. No location fees shall be payable by the licensees for the remainder of the term to December 31, 2013.
- E. The licensees shall only use their locations for the purpose of vending the approved healthier food menu items permitted for sale by the licensee as of May 17, 2011, or such other healthier food menu options as may be approved by the General Manager in his or her sole discretion, and for no other purpose.
- F. All carts and other equipment used by the licensees shall be subject to the prior approval of the City.
- G. The licensees shall be permitted to have signage solely as required to display their menus, provided that no third party advertising signage of any kind shall be permitted.
- H. The licensees shall be permitted to incorporate their businesses for the purposes of entering into or assuming the license agreement, provided that any future change in effective control or ownership of the corporation shall be prohibited as constituting an assignment or transfer of the license agreement contrary to the provisions of Municipal Code Chapter 315, Street Vending, of the former City of Toronto.
- I. Any licensee choosing to incorporate their business shall be required to provide the General Manager with notice of the incorporation, including the articles of incorporation and details of any change in business name, ownership, corporate directors or officers, billing location or contact address as a result of the incorporation or any future changes.
- J. The term of the agreement shall be until December 31, 2013, with no right of renewal, provided that the licensees shall immediately be offered new permits for their locations for the sale of healthier foods if and when such new permits become available and any future vending by licensees shall, subject to Subsection 738-9D, be subject to the regulations then generally applicable to all vendors possessing such permits.
- K. The actual cooking of raw foods which are classified as hazardous under the *Health Protection and Promotion Act* or the regulations made under that Act shall not be permitted on the cart.

- L. The licensee shall immediately remove all "Toronto A La Cart" logos or markings from their carts and return them to the General Manager, and agree that any removable sign or logos or other markings on panels or awnings required by the City to identify the cart as being part of the "Toronto a la Cart" program shall be deemed to be the property of the City and the City shall be entitled to require the removal or covering of those logos or markings as a condition of entering into a license agreement under this Subsection A.
- M. The licensee agrees that any violation of the terms of the agreement shall be deemed to be a violation of this chapter and that the licensee, in addition to any remedies available under the agreement, may also be charged with an offence under § 738-2 and shall also be subject to the provisions of § 738-18.
- N. Any violations of the terms and conditions of an agreement entered into under this section shall be deemed to be a violation of the provisions of this chapter.

B. Deleting Article V from the chapter.

ENACTED AND PASSED this 19th day of May, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)