

Authority: Licensing and Standards Committee Item LS3.1, adopted as amended, by City of Toronto Council on May 5, 6 and 7, 2015

## CITY OF TORONTO

### BY-LAW No. 772-2015

#### **To amend City of Toronto Municipal Code Chapter 740, Street Vending, to provide for the seizure and removal of motorized and non-motorized refreshment vehicles and portable display units.**

Whereas authority is given to Council under the *City of Toronto Act, 2006* in section 51 to pass by-laws providing for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on or near a highway; and

Whereas Section 51 of the *City of Toronto Act, 2006* also provides for the sale of impounded objects; and

Whereas the *Repair and Storage Liens Act* provides a process whereby all costs and charges for the removal, care and storage of the object or vehicle may be recovered;

The Council of the City of Toronto enacts:

1. Municipal Code Chapter 740, Street Vending, is amended as follows:

A. By inserting a new section 740-35.1 as follows:

#### **"§ 740-35.1. Seizure and removal.**

- A. Where a person occupies and vends from a motorized refreshment vehicle on or near a highway, including a road, sidewalk or boulevard, in contravention of this chapter, the Executive Director, or persons acting upon his or her instructions, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage, if any, are a lien upon the vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*.
- B. Where a person occupies and vends from a non-motorized refreshment vehicle or a portable display unit on or near a highway, including a road, sidewalk or boulevard, in contravention of this chapter, the Executive Director, or persons acting upon his or her instructions, may cause the non-motorized refreshment vehicle or portable display unit to be moved or taken to and placed or stored on City property, and all costs and charges for removing, care and storage, if any, are a lien upon the non-motorized refreshment vehicle or portable display unit which may be enforced in the manner provided by the *Repair and Storage Liens Act*.
- C. Where a motorized or non-motorized refreshment vehicle or portable display unit is seized pursuant to Subsections A or B and remains unclaimed at the expiry of 60 days from the date of seizure, it becomes the property of the storer and may be sold.

- D. Despite Subsection C, any perishable object or refreshment seized pursuant to Subsections A or B becomes the property of the City upon removal and may be disposed of immediately."

Enacted and passed on July 9, 2015.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)