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Article I – General

§ 740-1. Definitions

A. As used in this chapter, the following terms shall have the meanings indicated:

DESIGNATED AREA — An area designated under article II for the purposes of vending from a non-motorized refreshment vehicle, portable display unit, or work station.

EXECUTIVE DIRECTOR — The Executive Director of Municipal Licensing and Standards or his or her designate.

MOBILE VENDING ZONE – An area on the road designated by the Executive Director to be used for the purposes of vending for a temporary period, by an individual permitted under Article III.

MOTORIZED REFRESHMENT VEHICLE — A motorized vehicle from which refreshments, including foodstuffs, are sold for consumption.

NON-MOTORIZED REFRESHMENT VEHICLE – A non-motorized vehicle from which refreshments, including foodstuffs, are sold for consumption.

PERMIT YEAR – The annual period for which the vendor is permitted, through a permit issued by the City, to vend.

PORTABLE DISPLAY UNIT — A pushcart or other portable display unit approved under this chapter for the purpose of vending non-food items.

REFRESHMENT VEHICLE – A non-motorized or motorized refreshment vehicle as defined in this chapter.

ROAD — The travelled portion of a public highway under the jurisdiction of the City, excluding the sidewalk and boulevard.

VEND - To sell or offer to sell by retail or to manufacture, display, place or expose for the purposes of sale by retail any service or any goods, wares, merchandise, products, crafts, jewellery, refreshments, foodstuffs, flowers or any other items whatsoever, and "vending" shall have a corresponding meaning.

WORK STATION — The chairs, portfolio, waste receptacle and any other chattel used by a portrait artist for making and selling on-site portraits within a designated area.

§ 740-2. Vending Restricted

- A. No person shall occupy and vend from any space on a public road, sidewalk or boulevard unless issued a permit by the Executive Director to vend from that location.
- B. No person shall occupy any space on a public road, sidewalk or boulevard, for the purposes of distributing for free, refreshments, merchandise, goods and other wares, unless issued a permit by the Executive Director to vend from that location.

§ 740-3. Vending Permits

- A. Any person may apply for the following permits under this Chapter:
 - (1) Sidewalk Vending Permits, which will grant to the permit holder the right to vend:
 - a. Refreshments and food products from a non-motorized refreshment vehicle where parked in a designated area specified in the permit.
 - b. Merchandise from a portable display unit where located in a designated area specified in the permit
 - c. Portraits from a work station where located in a designated area specified in the permit.
 - (2) Mobile Food Vending Permits, which will grant to the permit holder the right to vend refreshments and food products from a motorized refreshment vehicle in Mobile Vending Zones.
 - (3) Ice Cream Vending Permits, which will grant to the permit holder the right to vend ice cream products and other frozen confectionaries from the road.
- B. The permit holder must comply with the terms and conditions prescribed by the permit and any agreement entered into with the City as a condition of receiving the permit.
- C. No person shall acquire a permit except under this Chapter.
- D. Despite Subsection A, in the case of a permit for a work station, the permit holder may authorize any other portrait artist who holds a valid work station permit to vend from the designated area set out in his or her permit, but no charge shall be made for this authorization.

§ 740-4. Restriction on number of permits

No person shall be issued a permit under this Chapter unless that person, on the date on which the application is approved, does not hold any permit issued under this Chapter to vend from a designated area.

§ 740-5. Restriction on size of refreshment vehicles, portable display units and work stations.

The following size restrictions shall apply to refreshment vehicles, portable display units and work stations:

- A. A non-motorized refreshment vehicle shall occupy a space on the sidewalk of not more than 2.32 square metres, unless permitted by the Executive Director under § 740-11 to occupy a larger space.
- B. A motorized refreshment vehicle shall not have dimensions of more than 10 metres in length by 3 metres in width.
- C. A portable display unit shall not have an area of more than 2.32 square metres.
- D. A work station shall not have an area of less than 1.6 square metres or more than 2.25 square metres.

Article II – Sidewalk Vending Permits

§ 740-6. General

- A. Any person may apply for a permit which will grant to the permit holder the right to vend:
 - (1) Refreshments and food products from a non-motorized refreshment vehicle to be parked in a designated area on the sidewalk, as specified in the permit.
 - (2) Good, wares, merchandise, products, crafts, jewellery or any other non-food items from a portable display unit to be located in a designated area on the sidewalk, as specified in the permit.
 - (3) Portraits from a work station to be located in a designated area on the sidewalk, as specified in the permit.

§ 740-7. Location of the designated area

- A. No portion of the designated area shall:
 - (1) Be directly in front of an entrance to or exit from a building.
 - (2) Be located directly in front of a standpipe attached to a building.
 - (3) Block the name or municipal number of a building.
 - (4) Be within 25 metres from the property line of any school or place of worship.

- (5) Block a display window, except if the owner of the building and the occupant of the business with the display window state in writing that they have no objection to the location of the non-motorized refreshment vehicle, portable display unit or the work station.
 - (6) In the case of a portable display unit or work station, be located less than 25 metres from any part of a business which sells to the public products similar to those proposed to be sold from the portable display unit or the work station.
 - (7) In the case of a non-motorized refreshment vehicle, be located less than 25 metres from a licensed eating establishment.
 - (8) In the case of a non-motorized refreshment vehicle, portable display unit or a work station near the intersection of the street lines of two (2) public highways, be located closer to the intersection than the distance equal to the width of the designated area.
 - (9) In the case of a non-motorized refreshment vehicle, be located less than 25 metres from an existing designated area for another non-motorized refreshment vehicle.
 - (10) In the case of a portable display unit, be located less than 25 metres from an existing designated area for another portable display unit.
 - (11) In the case of a workstation, be located less than 25 metres from an existing designated area for another work station.
- B. A total of at least 2.5 metres of paved sidewalk, measured between the face of the designated area at which customers stand and any adjacent obstruction to pedestrian passage or change in grade on private property, shall remain available for uninhibited pedestrian passage.

§ 740-8. Permit Application Process

The following process shall be applicable to applications for Sidewalk Vending Permits:

- A. The applicant shall determine the proposed location for the designated area.
- B. Application fee.
 - (1) The applicant shall pay to the City a non-refundable application fee, as prescribed in City of Toronto Municipal Code Chapter 441.
 - (2) This fee shall automatically increase each year by the increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the City of Toronto Census Area, published by Statistics Canada, during the twelve-month period ending on February 1 in the year of rate increase.

- C. The applicant shall complete an application for the permit in a form required by the Executive Director and detailing the following:
- (1) The name and address of the applicant.
 - (2) A detailed description of the location requested to be a designated area.
 - (3) A drawing or photograph, including dimensions, of the non-motorized refreshment vehicle, portable display unit, or work station, including a detailed drawing of waste receptacles, food storage areas and heating, cooling or other equipment as may be required by the Medical Officer of Health.
 - (4) In the case of a non-motorized refreshment vehicle, the hours of operation requested.
- D. In the case of an application for a work station, the application may list up to three (3) portrait artists who will use the designated area on an alternate basis, but only one (1) portrait artist at a time shall occupy the designated area.
- E. No application will be accepted if an application for the same proposed designated area has been received by the Executive Director and refused by the Executive Director or Council within one (1) year prior to the present application.

§ 740-9. Review and processing of permit application; notice to neighbouring property owners; issuance or denial of permits; appeals.

Where an application is made under §§ 740-8:

- A. The Executive Director shall review the application to determine if the requirements of this Chapter have been met.
- B. Where the Executive Director determines that the application as received complies with this Chapter and the policies of Council as they existed on the date the application was received, the Executive Director shall, so far as is practicable, notify the owners of buildings and occupants of businesses within 25 metres of the proposed designated area, the Board of Management of a local Business Improvement Area and the local councillor, of the application and its eligibility for approval, stating that any person may object to the application by writing to the Executive Director within fourteen (14) days from the date of notification.
- (1) Where no objection has been received within the fourteen day period, the Executive Director shall issue the permit if the applicant complies with this Chapter.
 - (2) Where a notification of the objection is received within the fourteen day period, the Executive Director shall refuse the application and notify the applicant, stating that the applicant may, within thirty (30) days of the date of the notification, appeal to the Executive Director in writing.

- C. Where the Executive Director determines that the application as received does not comply with this Chapter, the Executive Director shall refuse the application.
- D. Upon receipt of an appeal, the Executive Director shall forward a report on the application to the respective Community Council, setting out the grounds for refusal.
- E. Where an applicant has appealed to the respective Community Council, the Clerk shall, so far as is practicable, give notice of the appeal to the owners of buildings and occupants of businesses within 25 metres of the proposed designated area, the Board of Management of an existing Business Improvement Area, stating that any person may object to the application by writing to or appearing at Community Council.
- F. Where a written objection to an application has been referred to the respective Community Council by the Executive Director, Community Council shall determine whether a permit should be granted.
- G. Where a permit has been approved for issuance, the Executive Director shall notify the applicant in writing.

§ 740-10 Licence required for permit issuance

- A. No permit shall be issued under this Article, unless the Executive Director has received proof that the applicant holds a valid licence, in good standing, issued by Municipal Licensing and Standards for food vending in the case of a refreshment vehicle or, in the case of a portable display unit, a valid licence for the sale of the items proposed to be sold from the portable display unit.
- B. Where the applicant does not hold a licence from Municipal Licensing and Standards, the applicant must provide proof that he or she is exempt from that requirement.

§ 740-11 Application for expanded designated area for non-motorized refreshment vehicles

- A. Individuals permitted to, or applying for a permit to, vend from a non-motorized refreshment vehicle at a designated area on the sidewalk, may apply to the Executive Director to occupy up to 1.16 square metres of extra space on the sidewalk.
- B. Upon receiving an application for extra space, the Executive Director shall conduct a site visit to determine whether the location can accommodate extra space, and how much extra space can be accommodated.
- C. No extra space will be permitted, if doing so would contravene any other regulations contained in this Chapter.

- D. Where the Executive Director has determined that the location can accommodate extra space, the Executive Director shall endorse the vendor's permit with the total amount of space allowed, up to a maximum of 1.16 square metres of extra space.

Article III – Mobile Food Vending Permits

§ 740-12. General

- A. Any person may apply for a permit which will grant to the permit holder the right to vend:
- (1) Refreshments and food products from a motorized refreshment vehicle to be parked on the road in Mobile Vending Zones.

§ 740-13. Mobile Vending Zones

- A. Mobile Vending Zones shall be designated by the Executive Director.
- B. A Mobile Vending Zone shall be:
- (1) A pay and display parking space on major or minor arterial roads, unless designated by the Executive Director as a Restricted Zone.
- (2) Any other portion of a road designated by the Executive Director to be used for vending by a motorized refreshment vehicle with a Mobile Food Vending Permit.

§ 740-14. Designating Mobile Vending Zones

- A. The Executive Director shall designate pay and display parking spaces on major and minor arterial roads as Mobile Vending Zones, unless a section of the road is a Restricted Zone.
- B. Vendors, the Board of Management of a Business Improvement Area and local councillors may apply to ML&S to designate areas where metered parking does not exist as Mobile Vending Zones.
- C. Upon receipt of an application, the Executive Director will notify businesses within 25 metres of the outermost perimeter of the Mobile Vending Zone, the Board of Management of the local BIA and the local Councillor, indicating they have fourteen (14) days to object in writing.
- D. Where a notification of the objection is received within the fourteen day period, the Executive Director shall refuse the application and notify the applicant, stating that the applicant may, within thirty (30) days of the date of the notification, appeal to the Executive Director in writing.
- E. Upon receipt of an appeal, the Executive Director shall forward a report on the appeal to the respective Community Council, setting out the grounds for appeal.

- F. Where an appeal has been referred to the respective Community Council by the Executive Director, Community Council shall determine whether an area should be designated as a Mobile Vending Zone.
- G. Where a Mobile Vending Zone has been approved, the Executive Director shall notify the applicant in writing.

§ 740-15. Restricted Zones

- A. The Executive Director may designate areas of the road as Restricted Zones where Mobile Food Vending Permit holders are not permitted to operate.
- B. Mobile Food Vending Permit holders shall not vend from a space designated by the Executive Director as a Restricted Zone.

§ 740-16. Designating Restricted Zones

- A. The Board of Management of a local Business Improvement Area, or a local councillor, may apply to the Executive Director to designate areas of the road as Restricted Zones.
- B. Upon receipt of such application, the Executive Director may identify a portion of the road as a Restricted Zone.
- C. A licensed vendor, Board of Management of a local Business Improvement Area, or local councillor may appeal a Restricted Zone designation to the Executive Director, ML&S.
- D. Upon receipt of an appeal, the Executive Director shall forward a report on the appeal to the respective Community Council, setting out the grounds for appeal.
- E. Where an appeal has been referred to the respective Community Council by the Executive Director, Community Council shall determine whether an area should be designated as a Restricted Zone.
- F. Where a Restricted Zone has been approved, the Executive Director shall notify the applicant in writing.

§ 740-17. Conditions of Operation

- A. Permit holders may vend from Mobile Vending Zones on a first-come first serve basis.
- B. Permit holders may not vend from a space on any road other than one designated as a Mobile Vending Zone.
- C. Permit holders may not vend from a space within 50 metres of a licensed eating establishment that is open and operating.

- D. Permit holders may not vend from a space within 30 metres of the property line of any school ground or place of worship.
- E. No more than two permit holders shall operate any one time on one section of the road lying between two (2) intersecting public highways.
- F. Overhead canopies or doors shall not obstruct or hinder pedestrian traffic.
- G. Placement of any signs or furniture (i.e. tables, chairs, benches, counters) associated with the motorized refreshment vehicle is not permitted.
- H. Service windows shall be oriented towards the sidewalk. Service windows that face the street are not permitted.
- I. Permit holders must abide by all posted traffic and parking restrictions.
- J. Permit holders shall not vend for a period greater than three (3) consecutive hours at any one section of the road lying between two (2) intersecting public highways.

§ 740-18. Permit Application

- A. The applicant shall complete an application for the permit in a form required by the Executive Director and detailing the following:
 - (1) The name and address of the applicant.
 - (2) A drawing or photograph, including dimensions of the motorized refreshment vehicle and food storage areas and heating, cooling or other equipment associated with the refreshment vehicle as may be required by the Medical Officer of Health

§ 740-19. Review and processing of permit application; issuance or denial of permits; appeals.

- A. Where an application is made under §§ 740-18:
 - (1) The Executive Director shall stamp the application form with the time and date received.
 - (2) The Executive Director shall review the application to determine if the requirements of this Chapter have been met.
- B. Where the Executive Director determines that the application as received complies with this Article and the policies of Council as they existed on the date the application was received, the Executive Director shall notify the applicant in writing that his or her application have been approved.

- C. Where the Executive Director determines that the application as received does not comply with this Chapter, the Executive Director shall, in writing, notify the applicant that the application is refused and stating that the applicant may, within thirty (30) days of the date of the notification, appeal to the Executive Director in writing.
- D. Upon receipt of an appeal, the Executive Director shall forward a report on the application to the respective Community Council, setting out the grounds for refusal.
- E. Where a written objection to an application has been referred to the respective Community Council by the Executive Director, Community Council shall determine whether a permit should be granted.
- F. Where a permit has been approved for issuance, the Executive Director shall notify the applicant in writing.

§ 740-20. Licence required for permit issuance

- A. No permit shall be issued under the Chapter, unless the Executive Director has received proof that the applicant holds a valid licence, in good standing, issued by Municipal Licensing and Standards for vending from a motorized refreshment vehicle.
- B. Where the applicant does not hold a licence from Municipal Licensing and Standards, the applicant must provide proof that he or she is exempt from that requirement.

Article IV – Ice Cream Vending Permits

§ 740-21. General

- A. Any person may apply for a permit which will grant to the permit holder the right to vend:
 - (1) Ice cream and ice cream products, frozen yogurt and frozen yogurt products, or other frozen confections, including edible toppings and cones, from a motorized refreshment vehicle if:
 - (a) The vehicle is not stopped on any part of the road lying between two (2) intersecting public highways for a period exceeding thirty (30) minutes of any day.
 - (b) Only ice cream, ice cream products, frozen yogurt, frozen yogurt products or other frozen confections, including edible toppings and cones, are sold from the vehicle.
 - (c) The vehicle is located more than 30 metres from the property line of any school ground.
 - (d) Vending on the road is not otherwise prohibited by by-law.

§ 740-22. Permit Application

- A. The applicant shall complete an application for the permit in a form required by the Executive Director and detailing the following:
 - (1) The name and address of the applicant.
 - (2) A drawing or photograph, including dimensions of the motorized refreshment vehicle and food storage areas and heating, cooling or other equipment associated with the refreshment vehicle as may be required by the Medical Officer of Health

§ 740-23. Review and processing of permit application; issuance or denial of permits; appeals.

- A. Where an application is made under §§ 740-22:
 - (1) The Executive Director shall stamp the application form with the time and date received.
 - (2) The Executive Director shall review the application to determine if the requirements of this Chapter have been met.
- B. Where the Executive Director determines that the application as received complies with this Article and the policies of Council as they existed on the date the application was received, the Executive Director shall notify the applicant in writing that his or her application have been approved.
- C. Where the Executive Director determines that the application as received does not comply with this Chapter, the Executive Director shall, in writing, notify the applicant, specifying in what manner the application does not comply and stating that the applicant may, within thirty (30) days of the date of the notification, appeal to the Executive Director in writing.
- D. Upon receipt of an appeal, the Executive Director shall forward a report on the application to the respective Community Council, setting out the grounds for refusal.
- E. Where a written objection to an application has been referred to the respective Community Council by the Executive Director, Community Council shall determine whether a permit should be granted.
- F. Where a permit has been approved for issuance, the Executive Director shall notify the applicant in writing.

§ 740-24. Licence required for permit issuance

- A. No permit shall be issued under the Chapter, unless the Executive Director has received proof that the applicant holds a valid licence, in good standing, issued by Municipal Licensing and Standards for vending from a motorized refreshment vehicle.

- B. Where the applicant does not hold a licence from Municipal Licensing and Standards, the applicant must provide proof that he or she is exempt from that requirement.

Article V – Terms and Conditions

§ 740-25. Liability Insurance

Where a permit has been approved for issuance, the applicant shall provide the Executive Director with an original copy of a certificate of comprehensive general liability insurance with an insurance company and in a form satisfactory to the Executive Director, in an amount of not less than two million dollars (\$2,000,000), applying to the applicant's use of the designated area at all times during which it is being used under the permit, and in which the City is a named insured and which contains either or both a cross liability or severability of interest clause protecting the City against any actions, causes of actions, claims and demands which may arise resulting from the City's issuance of the permit to use the designated area.

§ 740-26. Time limit for compliance and issuance of permit

- A. Where a permit has been approved for issuance the applicant shall be eligible to receive the permit within sixty (60) days after the Executive Director has, under §740-9 G, §740-19 F or §740-23 F informed the applicant in writing that the application has been approved.
- B. Where an applicant referred to in Subsection A has not complied with this Article within the sixty-day period, the application shall be cancelled, and the Executive Director shall, in writing, inform the applicant thereof, and the permit shall not be issued unless the Community Council authorizes an extension for compliance prior to an application for the same designated area being received by the Executive Director from another applicant.

§ 740-27. Permit term; renewal

- A. A permit issued under this Chapter shall be issued for one (1) permit year.
- B. Any valid permit may be renewed annually by the permit holder, if the permit holder is not in violation of this chapter and is not in breach of the agreement required under §740-31.
- C. No permit shall be renewable by the permit holder unless all charges made under Article IV have been paid in full by the permit holder before the first day of the permit year of renewal.

§ 740-28. Restrictions on acquisition and use of permit

No person shall acquire or use a permit or identifying marker issued in connection with a permit, except under this Chapter.

§ 740-29. Cancellation of permits

Where Community Council has received a report of a violation by a permit holder, the Executive Director shall notify the permit holder, and the Executive Director shall, after giving the permit holder an opportunity to be heard before Community Council, recommend to Community Council whether or not the permit should be cancelled, and where Community Council cancels the permit, the permit holder shall not be entitled to any refund of any portion of the annual fee. Cancellation of permits shall be considered where:

A. Where the Medical Officer of Health has reported to Community Council that:

- (1) A permit holder has been convicted of violating any provision of the Health Protection and Promotion Act relating to the refreshment vehicle, the portable display unit or the selling of foodstuffs, or a provision relating to the selling of foodstuffs contained in any City by-law, and has not immediately remedied the condition giving rise to the conviction; or
- (2) A permit holder has been convicted in any twelve-month period of more than one (1) offence under the Health Protection and Promotion Act relating to the food vending vehicle, the portable display unit or the selling of foodstuffs, or a provision relating to the selling of foodstuffs contained in any City by-law, whether or not the convictions are for the same offence.

B. Where the Executive Director has reported to the respective Community Council that a permit holder has been convicted two (2) or more times within any twelve-month period of violating one (1) or more of the following and the violations relate to the use of the permit issued under this Article:

- (1) Propane Storage, Handling and Utilization Code, being Ontario Regulation 250/94.
- (2) Chapter 545, Licensing
- (3) Chapter 743, Streets and Sidewalks.
- (4) Chapter 950, Traffic and Parking.

C. Where the Executive Director reports to the respective Community Council that a permit holder has been convicted two (2) or more times within a twelve-month period of violating any provisions of this chapter.

§ 740-30. Refund of permit fee

- A. Where a designated area is not physically available for the use of the permit holder for a period which exceeds thirty (30) days, the Executive Director shall, upon application by the permit holder, refund the pro-rated portion of the annual fee applicable to each complete month during which the designated area was not physically available.
- B. Where a permit is cancelled by Community Council under §740-29, and the permit holder is not in contravention of the agreement required under §740-31 nor in contravention of any

provision of this Article, the Executive Director shall refund the pro-rated portion of the annual fee applicable to each complete month remaining in the permit year.

§740-31. Terms and Conditions

- A. Where a permit has been approved for issuance, the applicant shall enter into an agreement with the City containing the following policies as terms and conditions:
- (1) The permit holder shall display the permit in a manner so that it is clearly visible on the refreshment vehicle, the portable display unit or the work station.
 - (2) The Executive Director, or any person authorized by a public utility may enter the designated area at any time, without compensation to the permit holder, for the purpose of installation, maintenance or repair of any pavement, pipes, cables, wires, poles or any other installation or utility.
 - (3) The permit holder shall indemnify and save harmless the City from any action, claim, damage or loss arising from the use of the designated area or Mobile Vending Zone or anything undertaken or neglected to be undertaken in connection with the use of the designated area or Mobile Vending Zone.
 - (4) The permit holder shall only use the designated area or Mobile Vending Zone for the purpose indicated in the permit.
 - (5) The permit holder shall ensure that the Executive Director has, at all times during the period of the permit, certified copies of insurance certificates as required by §740-25.
 - (6) The permit holder shall maintain the designated area or Mobile Vending Zone and the adjacent pavement, sidewalk and boulevard in a clean and sanitary condition free from grease, papers, rubbish and debris, satisfactory to the Executive Director, and in the case of a work station, shall not place any drawing or painting materials on the sidewalk or boulevard except for not more than three (3) portrait samples.
 - (7) The permit holder shall not assign or transfer the right to use the designated area to any other person.
 - (8) The permit holder shall not leave the refreshment vehicle, the portable display unit or the work station unattended except that, if the vehicle, the unit or the station does not contain any equipment for heating food, the permit holder may leave the vehicle vacant or the unit or the station unattended for not more than fifteen (15) minutes of each two-hour period.
 - (9) The permit holder shall ensure that any person working within the refreshment vehicle or vending from the portable display unit or the work station provides on request to any police officer or person designated by the Executive Director, sufficient valid written identification to adequately and properly identify the person.

- (10) The permit holder shall vacate the designated area or Mobile Vending Zone when required to do so by a police officer or any person designated by the Executive Director, for any reason including parades, special events or pedestrian, vehicular or public safety.
- (11) The permit holder shall at any time provide the Commissioner with a report from the holder of a certificate under Ontario Regulation 348/96 made under the Energy Act with respect to propane heaters.
- (12) The permit holder agrees that, Community Council may at any time without reason or compensation, cancel the permit, after giving written notice to the permit holder and providing the permit holder an opportunity to speak to the matter before the respective Community Council.
- (13) The permit holder agrees that the permit may be cancelled by Community Council upon the recommendation of the Medical Officer of Health or the Executive Director.
- (14) The permit holder agrees that the Executive Director may, upon giving notice in writing to the permit holder, suspend the permit where the Executive Director has reason to believe that the agreement or this chapter is being violated by the permit holder or any person working in the refreshment vehicle or any person vending from the portable display unit or the work station, or where the Executive Director has reason to believe the health or safety of the public may be endangered by reason of the refreshment vehicle, the portable display unit or the work station continuing to be located in the designated area or Mobile Vending Zone, pending the consideration by the respective Community Council at its next appropriate meeting of a report from the Executive Director respecting the violations or the health or safety concerns.
- (15) Where the permit holder has received a notice of suspension under Subsection A(14), the permit holder agrees that if the refreshment vehicle, the portable display unit or the work station continues to occupy the designated area or Mobile Vending Zone pending the consideration by the Community Council of the Executive Director's report, the permit shall be cancelled by Community Council.
- (16) Where a permit has been cancelled or not renewed, the permit holder agrees that if the refreshment vehicle, the portable display unit or the work station is from then on located in the designated area or Mobile Vending Zone, it may be removed by the Executive Director or the police at the request of the Executive Director, and the costs of the removal and storage of the vehicle shall be paid by the permit holder.
- (17) In the case of a motorized refreshment vehicle, the permit holder agrees that the Mobile Vending Zone shall only be used when a vehicle is permitted to be parked, stopped or standing in that area, under the City's traffic and parking by-laws.
- (18) The permit holder agrees that a violation of the agreement shall constitute a contravention of this Article.

- B. The Executive Director and Community Council shall have the power to carry out the provisions of the agreement entered into by a permit holder and shall act under the agreement.
- C. A contravention of any provision of Subsection A or any breach of an agreement entered into under Subsection A is a contravention of this chapter.
- D. Despite Subsection A, the Executive Director may, in an agreement for a Sidewalk Vending Permit, Mobile Food Vending Permit or Ice Cream Vending Permit, delete the provisions in Subsection A that only apply to a refreshment vehicle, a portable display unit or a work station, as the case may be, and not to the permit that is the subject matter of the agreement.
- E. Maintenance costs
 - (1) Where a permit holder, or the employee or agent of the permit holder, has failed to maintain the designated area or Mobile Vending Zone as required under Subsection A (6) and the agreement in a condition satisfactory to the Executive Director, the Executive Director may give notice to the permit holder requiring that the designated area be cleaned to the satisfaction of the Executive Director within twenty-four (24) hours of the date of the notice and stating that, upon failure to do so, the designated area may be cleaned by the City and the cost for each cleaning charged to the permit holder.
 - (2) Failure to comply with three (3) written notices issued under Subsection E(1) shall disentitle the permit holder to further notices, and the Executive Director shall be authorized to undertake all further cleaning as necessary and charge the cost to the permit holder.

Article VI – Enforcement

§740-32. Offences

Any person who contravenes any provision of this chapter is guilty of an offence.

§740-33. City removal zones

- A. All public highways under the jurisdiction of the City and all sidewalks and untravelled portions of roads within the City's boundaries are designated as removal zones.
- B. In a removal zone, no person shall place, stop or park any object or vehicle used to sell or offer for sale goods or refreshments unless the owner of the object or vehicle holds a permit issued under this Chapter for the use of a designated area or Mobile Vending Zone located within the removal zone and described in the permit.

§740-34. Seizure and Removal

A. Where any person stops, parks, places, stores, stands or leaves any refreshment vehicle, portable display unit or work station, in contravention of this by-law, any municipal standards officer, or any police officer

- (1) May, upon producing appropriate identification, require that a valid permit issued by the Executive Director be produced for reasonable inspection; and
- (2) If no valid permit is produced, after informing the person, if any, in charge of the refreshment vehicle, portable display unit or work station, that it is in a Removal Zone contrary to this by-law and upon giving a receipt for it to that person, cause the refreshment vehicle, portable display unit or work station to be moved and stored in a suitable place.
- (3) All costs and charges for the removal, care and storage of any refreshment vehicle, portable display unit or work station are a lien upon it which may be enforced in the manner provided by the Repair and Storage Lien Act.
- (4) A refreshment vehicle, portable display unit or work station removed and stored in accordance with this by-law and not claimed by the owner within 60 days is the property of the City and may be sold and the proceeds shall form part of the general funds of the City.
- (5) Any perishable object is the property of the City upon being removed from the Removal Zone in accordance with this by-law and may be destroyed or donated to a charitable institution.