

SCHEDULE 26 TO BY-LAW No. 20-85



PART 1

Relating to Owners, Operators, Drivers of and Assistants in Vehicles from which Refreshments, Other than those Described in Part 2 Hereof, are Sold for Consumption by the Public

1. Every owner, operator and driver of, and every assistant in, a vehicle from which refreshments (other than those described in Part 2 of this Schedule) are sold for consumption by the public shall observe and comply with the following regulations or cause the same to be observed and complied with:
 - (1) the vehicle from which the refreshments are sold shall be of a type approved by the Commission, provided that the Commission shall not approve any such vehicle which is not a motor vehicle, unless such vehicle is capable of being moved from place to place by any person using it pursuant to a trade, calling, business or occupation;
 - (2) all condiments, milk, cream and sugar shall be dispensed from containers approved by the Commission;
 - (3) only single-service disposable cups, plates, containers, forks, spoons and serviettes provided in dispensers approved by the Commission or individually wrapped shall be used in the sale of all refreshments;
 - (4) every person selling or handling refreshments shall wear clean clothes, be clean and neat in appearance, have clean hands and be the holder of a current food handler's permit from the Medical Officer of Health of each area municipality in which the vehicle is to be operated and shall keep with him or her and produce for inspection by the Commission or any of its staff such food handler's permit at all times;
 - (5) the vehicle and all parts and equipment thereof for use in the dispensing of refreshments shall at all times be kept in a clean and sanitary condition and in good repair;
 - (6) All milk sold from the vehicle shall be kept in dry storage at a temperature no higher than 5 degrees Celsius and shall be sold only in individual disposable containers;
 - (7) all sandwiches, cakes, doughnuts, hot dogs, hamburgers, pies and other similar foods shall be wrapped and sold in individual servings;
 - (8) the date of preparation shall be clearly and legibly marked as such on or affixed to the wrapper of all sandwiches sold from the vehicle;
 - (9) no prepared foods other than those kept in unopened cans shall be sold more than twenty-four hours after their preparation;

(10) the vehicle shall be equipped so as to maintain hot, prepared foods at a temperature of not less than 66 degrees Celsius, and such foods shall be kept so heated;

(11) all refreshments sold from the vehicle shall be clean, fresh and wholesome.

SECTION 1 AMENDED BY BY-LAW 70-85

2. No owner to whom this Part relates shall permit or allow any person other than a licensed driver employed by the owner to operate the refreshment vehicle or any person other than a licensed driver or licensed assistant employed by the owner to assist in the sale of refreshments from the vehicle.

AMENDED BY BY-LAW 61-93

3. No person to whom this Part relates shall sell any refreshments not prepared, assembled and wrapped under conditions complying with the requirements of the Medical Officer of Health in each area municipality in which the vehicle is operated.

4. Every owner, operator and driver of, and every assistant in, a motor vehicle to which this Schedule relates, shall comply with, or cause to be complied with, for following regulations:

- (1) the owner of a vehicle shall at all times display in such vehicle in a conspicuous place accessible to the public a copy of all regulations contained in this Part, together with the licence for the said vehicle;
- (2) the body, doors and windows of such vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things;
- (3) the interior of the vehicle shall be of a light colour and shall be repainted or refinished as often as required by the Commission or any person designated by it;
- (4) the floor of such vehicle shall be of a suitable impervious material, free of holes, cracks or crevices, and the surface thereof shall be readily washable and shall be kept clean and in good condition;
- (5) the storage shelves therein shall be painted or covered with suitable impervious materials;
- (6) the vehicle shall have painted in contrasting colour on both side panels in letters and figures at least 10 centimetres high, the name and business address of the owner thereof; and below such name and address in letters at least 6.3 centimetres high, the words "Metro Licence" followed by the licence number of such vehicle in figures at least 15 centimetres high;
- (7) the vehicle shall be equipped with either:

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- (a) a metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily; or
- (b) a disposable litter container which shall be replaced daily;

and such containers shall be used for the disposal of all refuse. **AMENDED BY BY-LAW 70-85**

5. Every owner shall take out a separate licence for each refreshment vehicle owned by him, and the plate issued in respect of such licence shall be securely affixed to the rear of the vehicle.

6. Every owner of a refreshment vehicle shall, whenever required to do so by the Commission or its staff, bring such vehicle to any person designated by the Commission to inspect the same, at the place and time indicated by such person.

7. No refreshments shall be sold from a vehicle drawn by an animal.

8. Every owner and operator of a refreshment vehicle to which this Part relates shall:

- (1) at the time he or she receives his licence, specify to the Commission the source of supply of all refreshments to be sold from the vehicle;
- (2) notify the Commission forthwith of any change in such source of supply;
- (3) refrain from selling or permitting to be sold from the vehicle any refreshments from a source of supply other than that specified by him or her to the Commission.

9. Every owner of a refreshment vehicle shall for each such vehicle procure a policy of insurance endorsed to the effect that the Commission shall be given at least ten days' notice in writing of any cancellation, expiration or variation in the amount of the policy and insuring in at least the amount of \$35,000.00 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or death of one or more persons, or from loss of or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Commission.

10. Every owner, operator, driver of, and every assistant in, a vehicle to which this Schedule relates, other than a motor vehicle, shall observe and comply with the following regulations or cause the same to be observed and complied with:

- (1) at the time of application for an owner's licence, the applicant shall file with the Commission a detailed scaled drawing of the vehicle, and a statement setting out the weight of the vehicle;
- (2) every owner of a vehicle equipped with a propane heater must at the time of filing his application for a licence, and upon application for a renewal thereof, provide a report

from the Fuels Safety Branch, Technical Standards Division of the Provincial Ministry of Consumer and Commercial Relations that such vehicle meets the requirements of the propane storage, handling and utilization code adopted in the regulations to the Energy Act, R.S.O. 1980, c. 139;

- (3) every vehicle equipped with a heater shall also be equipped with a fire extinguisher having a 4BC rating;
- (4) every person applying for an owner's licence or a renewal thereof must produce a report in writing from the Medical Officer of Health of an area municipality confirming that the vehicle has been inspected, is in a sanitary condition and is suitable for the purpose of the licence application;
- (5) every vehicle shall be equipped with a compartment for storage of a garbage container or bag, and no person shall vend with or from such vehicle without making available to the public a container or bag or other receptacle for the disposal of refuse;
- (6) every vehicle shall have the name of the owner in letters not less than 10 centimetres high, and the Metropolitan Licensing number in numerals not less than 15 centimetres high, painted on the side of such vehicle. **AMENDED BY BY-LAW 70-85**

PART 2

Relating to Owners, Operators, Drivers of and Assistants in Vehicles from which Ice Cream, Ice Cream Cones, Frozen Desserts and Other Frozen Confections are Sold

1. Every owner and operator of a refreshment vehicle to which this Part relates shall observe and comply with or cause to be observed and complied with the following regulations:
 - (1) (a) subject to subsection (1)(b) and (c) the vehicle shall be of an enclosed commercial type so designated that the cab is entirely separated and partitioned from and has no direct access to the body of the vehicle used for the storage and dispensing of refreshments; **AMENDED BY BY-LAW 99-96**
 - (b) notwithstanding subsection (1)(a), a refreshment vehicle licensed and used as such prior to January 1st, 1966, may be of a type in which there is direct access from the cab to the body of the vehicle used for storage and dispensing, provided such vehicle is equipped with a device approved by the Commission, or any persons designated by it, whereby the serving windows must be locked and unlocked from the outside only and the engine of the vehicle cannot be started or operated while the serving windows remain open;

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- (c) clause 1(1)(a) does not apply where the vehicle is equipped with a 360 degree mirror system as approved by the commission, or any person designated by the Commission, which enables a driver or operator of the vehicle to view the perimeter of the truck while seated in the driver's seat; **ADDED BY BY-LAW 99-96**

(1.1) all vehicles shall be equipped with a properly maintained and operational device by which the engine of the vehicle cannot be started or operated while the serving windows of the vehicle are open; **ADDED BY BY-LAW 99-96**

(1.2) all vehicles shall be equipped with a properly maintained and operational audible sound-emitting warning device which is activated when the vehicle is operating in reverse; **ADDED BY BY-LAW 99-96**

(2) the body, doors and windows of such vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things;

(3) the interior of the vehicle shall be of a light colour and shall be repainted or refinished as often as required by the Commission or any person designated by it;

(4) the floor of such vehicle shall be of a suitable impervious material, free of holes, cracks or crevices, and the surface thereof shall be readily washable and shall be kept clean and in good condition;

(5) the storage shelves in the vehicle shall be painted or shall consist of a suitable impervious material;

(6) the vehicle shall be equipped with either:

- (a) a metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily; or

- (b) a disposable litter container which shall be replaced daily;

and such containers shall be used for the disposal of all refuse;

(7) (a) the vehicle and all parts and equipment thereof for use in the dispensing of refreshments shall at all times be maintained in a clean and sanitary condition and in good repair;

- (b) the vehicle shall be equipped with a portable litter basket which shall be carried inside the vehicle while in motion and shall be suspended from the outside of the vehicle in such a position as to be easily accessible by persons making purchases while the vehicle is stopped for the sale of products to which this Part relates;

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- (8) (a) the storage area of vehicles from which hard ice cream and related products are sold shall be maintained at a temperature no higher than -15 degrees Celsius and such area shall be equipped with an accurate, indicating thermometer;
- (b) such hard ice cream and related products shall be maintained in a hard condition in the vehicle at all times;
- (c) no thawed, or partially thawed products shall be refrozen, stored or sold from the vehicle;
- (9) refreshment vehicles from which soft ice cream and related products are sold shall have:
 - (a) two sinks of adequate size and of non-corrodible material equipped with hot running water;
 - (b) a tank to receive sink wastes;
 - (c) a refrigerated cabinet for storage of ice cream mix and other milk products which cabinet shall be maintained at a temperature no higher than 5 degrees Celsius and shall be equipped with an accurate, indicating thermometer;
 - (d) storage for dry products, sundae toppings, and syrups, which storage shall be easily cleanable and where necessary of a type readily dismantled for cleaning;
 - (e) all dispensing equipment, whether for dry cones, single service containers, ice cream, syrups or toppings, of sanitary design;
 - (f) mechanical air-conditioning in the vending and dispensing part of the vehicle;
 - (g) adequate insulation to prevent fumes from the engine or engines from reaching the vending and dispensing section of the vehicle;
 - (h) screens or other devices to ensure adequate protection against flies and dust;
- (10) every vehicle shall have attached thereto at the top or near the highest point thereof, at least two amber lights visible by a person 1.52 metres in height at a distance of not more than 1.2 metres in front of or behind the vehicle, and the vehicle shall be equipped with a mechanical device causing such amber lights to flash alternately at all times when the vehicle is stopped for the sale of ice cream products and other frozen confections and such device shall be so operated at all such times;

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- (11) every vehicle shall have conspicuously displayed on the rear thereof in black letters on a yellow background "WATCH FOR CHILDREN" in letters at least 15 centimetres high and such background shall be at least 22.8 centimetres high;
- (12) every vehicle shall have a cover over each of its bumpers which cover shall be on a curve or angle to the rear of the vehicle;
- (13) every refreshment vehicle to which this Part relates shall have painted in contrasting colour on both side panels in letters and figures at least 10 centimetres high the name and business address of the owner thereof; and below such name and address in letters at least 6.3 centimetres high the words "Metro Licence" followed by the licence number of such vehicle in figures at least 15 centimetres high.
- (14) every owner and operator of a refreshment vehicle to which this Part relates shall:
 - (a) at the time he or she receives his licence, specify to the Commission the source of supply of all refreshments to be sold from the vehicle;
 - (b) notify the Commission forthwith of any change in such source of supply;
 - (c) refrain from selling or permitting to be sold from the vehicle any refreshments from a source of supply other than that specified by him or her to the Commission.
- (15) no vehicle licensed under this Part shall be used for the sale of products other than those to which this Part relates;
- (16) none of the products mentioned in this Part shall be sold from a vehicle other than a motor vehicle;
- (17) every owner shall take out a separate licence for each vehicle selling products to which this Part relates and such licence shall be prominently displayed thereon and the plate issued in respect of such licence shall be securely affixed to the rear of such vehicle;
- (18) no person to whom this Part relates shall sell any products to which this Part relates not prepared, assembled and wrapped in premises and under conditions complying entirely with the requirements of the Medical Officer of Health of each area municipality in which the vehicle is to be operated;
- (19) every owner of a refreshment vehicle to which this Part relates shall, whenever required so to do by the Commission or its staff, bring such vehicle to any person designated by the Commission for inspection at the place and time indicated by such person and, in any case, shall bring in and submit such vehicle for inspection both by the Commission and the Medical Officer of Health of the area municipality in which the vehicle is to be used before the 30th day of April in each year.

2. No owner to whom this Part relates shall permit or allow any person other than a licensed driver employed by the owner to operate the refreshment vehicle or any person other than a licensed driver or licensed assistant employed by the owner to assist in the sale of refreshments from the vehicle.

AMENDED BY BY-LAW NO. 61-93

3. Every driver of and assistant in and every owner and operator working in a refreshment vehicle to which this part relates shall be free of skin abrasions and communicable diseases of any sort, be clean and neat in appearance and have clean hands, wear clean, light-coloured washable outer clothing and head covering and be the holder of a current food handler's permit of the Medical Officer of Health of each area municipality in which the vehicle is operated and shall produce such permit on demand to the Commission or any person designated by it for inspection.

4. The driver of every refreshment vehicle to which this Part relates shall:

- (1) before departing from any stop made for the sale and dispensing of refreshments make a complete safety tour around the vehicle;
- (2) refrain from stopping for the sale of refreshments within 30 metres of any entrance to school grounds, public park or public dock or wharf where ferries take on and discharge passengers; **BY-LAW 37-88**
- (3) refuse to serve any customer standing on the travelled portion of a highway;
- (4) refrain from ringing bells or chimes or making any other recognizable sounds more frequently than at five minute intervals or for more than five seconds at a time in one place, or after sunset;
- (5) not permit any person not licensed under this Part as a driver, owner, operator or assistant, to assist him or her in the driving of the vehicle or to assist in or to engage in the sale and dispensing of refreshments from the vehicle.

5. No amplification of any sounds of recognition used on such vehicle shall be used so as to constitute a nuisance and no engine, motor, or other device placed in, attached to or forming part of the vehicle, shall be used in such a manner as to interfere with normal radio and television set reception.

6. Every owner to whom this Part relates shall, for each vehicle for which he or she holds a licence, procure a policy of insurance endorsed to the effect that the Commission shall be given at least ten days' notice in writing of any cancellation, expiration or variation in the amount of the policy and insuring in at least the amount of \$250,000.00 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons or from loss of or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Commission.

7. Notwithstanding the provisions of this Part relating to the sale of refreshments from motor vehicles, hard ice cream may be sold from a pushcart or other vehicle propelled by muscular power which has been approved for such use by the Medical Officer of Health for the area municipality in which the vehicle is to be used, subject to the provisions of section 1, paragraph (7), subparagraph (a); section 1, paragraphs (8), (14), (15), (17), (18) and (19); and sections 2, 3, 4, 5, and 6 of this Part.