

**Review of Toronto's Street Vending & Artists By-laws – Attachment 2
Proposed Chapter 545, Licensing Revised Article IV**

ARTICLE IV

Refreshment Vehicles

§ 545-38. Application requirements for refreshment vehicle owner or operator licence.

- A. Every owner and operator shall take out a separate licence for each refreshment vehicle.
- B. To apply for a refreshment vehicle owner or operator licence or its renewal, or at any time during the term of a licence at the request of the Municipal Licensing and Standards Division, the applicant or licensee shall submit to the Municipal Licensing and Standards Division:
 - (1) A written report from the Medical Officer of Health that confirms that the vehicle that will be used to serve refreshments has been inspected by Toronto Public Health, is in a sanitary condition, and is suitable for its proposed use;
 - (2) A detailed scale drawing of the vehicle, including the weight of the vehicle;
 - (3) If the vehicle is equipped with a propane heater, a written report from the Fuels Safety Branch of the Technical Standards and Safety Authority that confirms that the vehicle meets all applicable standards for the storage, handling, and use of propane; and
 - (4) A certificate of an insurance policy that meets the requirements of this article.
- C. Municipal Licensing and Standards shall not issue a refreshment vehicle owner or operator licence unless the vehicle that will be used to serve refreshments is an operating motor vehicle or is capable of being moved from place to place by human muscular power.
- D. Municipal Licensing and Standards shall not issue a refreshment vehicle owner or operator licence with respect to any vehicle that is intended to be drawn by an animal.

§ 545-39. Owner, operator, and refreshment vehicle requirements.

- A. No owner or operator of a refreshment vehicle shall permit any person who is not employed by the owner or operator or not licensed as a refreshment vehicle driver by the Municipal Licensing and Standards Division to drive their refreshment vehicle.
- B. No owner or operator of a refreshment vehicle shall permit any person who is not employed by the owner or operator to assist with the sale or dispensing or any refreshments from the vehicle.

- B. Every owner and operator of a refreshment vehicle shall ensure that:
 - A. The vehicle is of a type approved by the Municipal Licensing and Standards Division;
 - B. The body, doors, and windows of the vehicle are of sufficiently sound construction to provide reasonable protection against dust, dirt, pests, and other injurious things;
 - C. The vehicle is equipped with a designated waste container made of an impermeable material with a secure lid;
 - D. If the vehicle is equipped with a heater, it is also equipped with a fire extinguisher bearing a 4BC rating or better;
 - E. The plate issued by Municipal Licensing and Standards in respect of the vehicle is security affixed to the rear of the vehicle;
 - F. The operator's refreshment vehicle licence issued in respect of the vehicle is displayed on or inside the vehicle in a location that is visible to the public;
 - G. The words "Toronto Licence" followed by the operator's refreshment vehicle licence number are painted on both side panels of the vehicle using characters of a contrasting colour that are at least 15 centimetres in height;
 - G. The vehicle and all equipment used for dispensing refreshments are in a clean and sanitary condition and in good repair;
 - H. The vehicle and all parts, equipment, and processes used to prepare, store, or dispense refreshments meets the requirements of O. Reg. 493/17: Food Premises;
 - I. The vehicle is used only for the preparation or sale of refreshment products that are permitted by O. Reg. 493/17: Food Premises;
- B. Every owner and operator of a refreshment vehicle shall, upon request by the Municipal Licensing and Standards Division, bring such vehicle to any person designated by the Executive Director for an inspection, at the place and time designated by the Municipal Licensing and Standards Division.

§ 545-40. Refreshment vehicle driver and employee requirements.

- A. Every driver and employee of a refreshment vehicle shall:
 - (1) Wear clean clothes, be neat and clean in appearance, and have clean hands;
 - (2) Keep all designated waste containers in a clean and sanitary condition;

- (3) Make available to members of the public a waste container, bag, or other receptacle for the disposal of waste;
- (4) Keep the vehicle and all equipment used for dispensing refreshments in a clean and sanitary condition;
- (5) Keep all storage containers used for storing dry products, toppings, syrups, or similar products in a clean and sanitary condition;

B. No driver or employee of a refreshment vehicle shall:

- (1) Serve any customer standing on any part of a highway intended for vehicles;
- (2) Ring bells, chimes, or make any other recognizable sound more frequently than once every five minutes, for more than five seconds at a time in one place, or at any time after sunset;
- (3) Allow any sound amplified sound emanating from the vehicle to cause a nuisance;
- (3) Permit any person not employed by the operator of the vehicle to drive the vehicle or to sell or dispense any refreshments from the vehicle;

§ 545-41. Additional requirements for refreshment vehicles selling frozen desserts.

A. In addition to the other requirements of this article, every owner, operator, driver, and employee of a refreshment vehicle that sells ice cream or other frozen desserts shall ensure that:

- (1) The vehicle is a motor vehicle;
- (2) The vehicle is of an enclosed commercial type, such that the cab is separated from and has no direct access to the body of the vehicle used to store and sell refreshments, except where the vehicle is equipped with a 360 degree mirror system approved by the Municipal Licensing and Standards Division that enables the driver of the vehicle to view the entire perimeter of the vehicle while seated in the driver's seat;
- (3) The vehicle is equipped with a properly functioning and audible sound-emitting and warning device that is automatically activated when the vehicle is operating in reverse;
- (4) The vehicle is equipped with a cover over each of its bumpers that is curved or angled toward the vehicle body;
- (5) The words "WATCH FOR CHILDREN" are painted on the rear of the vehicle in black letters on a yellow background using characters that are at least 15 centimetres in height; and

(6) Before departing from any stop made for the sale and dispensing of refreshments, the driver of the vehicle makes a complete safety tour around the vehicle.

B. Subsection A shall not apply to a refreshment vehicle that sells only hard ice cream, which may be sold from a pushcart or other vehicle capable of being moved from place to place by human muscular power and that has been approved for such use by the Medical Officer of Health.

§ 545-42. Insurance requirements.

Every owner and operator of a refreshment vehicle shall, in respect of the operation of each refreshment vehicle for which they hold a licence:

- A. Procure a liability insurance policy for any motor vehicle of at least \$2,000,000 and for any vehicle that can be moved only by human muscular power of at least \$1,000,000 against loss or damage resulting from bodily injury or death or damage to property; and
- B. Notify the Municipal Licensing and Standards Division of any change to the insurance policy and deposit an updated certificate of the insurance policy with the Municipal Licensing and Standards Division within 10 calendar days of the change.