

TORONTO MUNICIPAL CODE
CHAPTER 740, STREET VENDING

**Review of Toronto's Street Vending & Artists By-laws – Attachment 1
Proposed Chapter 740, Street Vending and Artists**

Chapter 740

STREET VENDING AND ARTISTS

**ARTICLE 1
General Provisions**

§ 740-1.1. Definitions.

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

BICYCLE - Includes a tricycle, a unicycle, and a power-assisted bicycle.

BLOCK - One side of a road intersected by a road at both ends or intersected by a road at one end and ending at the other end.

BOULEVARD - That part of the highway that is not used, or intended to be used, for motor vehicle travel by the general public, and that is situated between the travelled portion of the road and the adjoining private property, excluding the sidewalk.

BUSINESS IMPROVEMENT AREA - An area designated as an improvement area by a by-law passed under the City of Toronto Act, 2006 or predecessor legislation.

BUSKER - A musician or other performer who performs for voluntary donations.

CARICATURE/PORTRAIT ARTIST – An individual that makes and sells caricatures or portraits onsite.

CART - A non-motorized vehicle that is open and that may be towed by a motorized vehicle or moved by a person.

CITY – means the City of Toronto and anyone lawfully authorized to act on its behalf.

DESIGNATED AREA - An area designated under Article 2 for the purposes of vending from a non-motorized refreshment vehicle or portable display unit.

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EATING OR DRINKING ESTABLISHMENT - A business which is licensed under Chapter 545, Licensing, as an Eating or Drinking Establishment, or as an Expanded Eating or Drinking Establishment.

EXECUTIVE DIRECTOR - The Executive Director of Municipal Licensing and Standards or their designate.

GENERAL MANAGER – The General Manager, Transportation Services, or their designate.

HIGHWAY - A common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.

LINEAR METRE - A metre measured along the same side of the street, across the street, across an intersection and around the corner.

MAIN ENTRANCE - The road level main entryway to an eating or drinking establishment or other business where the eating or drinking establishment or business fronts on the road and is both visible from the road and clearly identifiable as an eating or drinking establishment or business from the road.

MOBILE VENDING PERMIT - A permit which grants the permit holder the right to vend beverages, food, or non-food products from a motorized refreshment vehicle, motorized vehicle, non-motorized vehicle or a non-motorized refreshment vehicle which meets the requirements of Article 3, in a Mobile Vending Zone in accordance with Article 3.

MOBILE VENDING ZONE - The areas in which mobile vending permit holders can operate, as set out in Schedule A and in Schedule B to this chapter.

MOTORCYCLE - A self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a motor scooter, but does not include a motor assisted bicycle.

MOTORIZED REFRESHMENT VEHICLE - A motorized vehicle from which food and/or beverages, are sold for consumption.

NON-MOTORIZED REFRESHMENT VEHICLE - A non-motorized vehicle from which food and/or beverages, are sold for consumption.

PERMIT - A permit issued under this chapter.

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

PUBLIC SQUARE - means:

- (1) Albert Campbell Square as defined in former City of Scarborough By-law No. 24415, "being a by-law to regulate vending in and the conduct of persons using the Albert Campbell Square.";
- (2) Mel Lastman Square as defined in former City of North York By-law No. 30809, "A By-law to regulate the conduct of persons using Mel Lastman Square.";
- (3) David Pecaut Square, formerly known as Metro Square, as regulated under former Metropolitan Toronto By-law No. 129-92, "A Uniform By-law for the Use, Regulation, Protection and Government of Parks," as authorized by The Management Committee Report No. 14, Clause 12, as adopted by the Council of The Municipality of Metropolitan Toronto at its meeting held on March 31, April 1, 2, 8, 13 and 14, 1993;
- (4) Nathan Phillips Square as defined in former City of Toronto Municipal Code Chapter 237, Nathan Phillips Square; and
- (5) Sankofa Square as set out in Article I and Schedule A of Chapter 636, Public Squares.

RESTRICTED ZONE - An area as set out in Schedule C that may be designated, from time to time, as an area where sidewalk vending permit holders, Mobile Vending Permit holders, short stop vending permit holders and/or Artist permit holders under this chapter are not permitted to vend despite any other permissions in this chapter.

ROAD - The travelled portion of a highway, excluding the sidewalk and boulevard.

SCHOOL - An elementary or high school.

SHORT STOP VENDOR – A traveling vendor who goes from place to place selling food, beverages and/or non-food items from a vehicle, cart or on foot.

SIDEWALK - The portion of a highway that is improved for the use of pedestrians.

SIDEWALK ARTIST – A chalk artist who performs for voluntary donations.

TRAILER - A non-motorized vehicle that is enclosed and that is towed by a motorized vehicle.

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VEHICLE - A cart, a trailer, an automobile and any other vehicle propelled or driven otherwise than by muscular power, but does not include a bicycle, a motorcycle, a street car or other motor vehicle running only upon rails.

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, food, beverages, flowers or any other items whatsoever, and "vending" shall have a corresponding meaning. Without limiting the foregoing, vending shall include performing as a busker, or carrying on activities as a caricature/portrait artist or sidewalk artist.

WORK STATION - The chairs, portfolio, waste receptacle and any other items used by a caricature/portrait artist for making and selling on-site portraits.

§ 740-1.2. Vending without permit prohibited.

No person shall occupy and vend on a road, sidewalk or boulevard unless they have been issued a valid permit under this chapter by the Executive Director to vend from that location.

§ 740-1.3. Vending permits.

A. Any person may, in accordance with this chapter, apply for:

- (1) A sidewalk vending permit;
- (2) A Mobile Vending Permit;
- (3) A short stop vending permit; or
- (4) An artist permit.

B. A permit holder shall comply with the terms and conditions prescribed in a permit issued under this chapter and any agreement entered into with the City pursuant to this chapter.

C. No person shall acquire a sidewalk vending permit, a Mobile Vending Permit, a short stop vending permit or an artist permit except under this chapter.

§ 740-1.4. Restriction on number and issuance or renewal of permits.

D. No person shall be issued a sidewalk vending permit under this chapter where that person, on the date on which the application is approved, already holds a:

- (5) R55 Curb Lane Vending Permit transitioned under this chapter;

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- (6) R53 sidewalk vending permit transitioned under this chapter; or a
 - (7) short stop vending permit.
- E. No person shall be issued a Mobile Vending Permit under this chapter where that person, on the date on which the application is approved, already holds a:
- (1) R55 Curb Lane Vending Permit transitioned under this chapter;
- F. No person shall be issued a short stop vending permit under this chapter where that person, on the date on which the application is approved, already holds a:
- (1) R55 Curb Lane Vending Permit transitioned under this chapter;
 - (2) R53 sidewalk vending permit transitioned under this chapter; or a
 - (3) sidewalk vending permit

§ 740-1.5. Requirements for permit issuance.

- G. The Executive Director shall issue a permit where:
- (1) The applicant has submitted an application which has been approved by the Executive Director under Article 2, 3, 4 or 5 of this chapter or the appropriate Committee or Community Council after considering an appeal under Article 2;
 - (2) The applicant has provided to the Executive Director:
 - (a) Proof that the applicant holds a valid licence, in good standing and issued by Municipal Licensing and Standards, for the vending permitted under the permit;
or
 - (b) Proof, acceptable to the Executive Director, that the applicant is exempt from the requirement in Subsection (A)(2)(a);
 - (3) The applicant has provided proof of insurance in accordance with § 740-1.9;
 - (4) The applicant has paid all applicable fees as required by the City; and

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- (5) The applicant has entered into an agreement in accordance with § 740-1.10 in a form and with content satisfactory to the Executive Director.

H. Despite anything in this chapter or other City by-law to the contrary, any permit issued or renewed under this chapter, and any permit transitioned or renewed under this chapter, will only be issued and/or renewed to the applicant or permit holder in person and upon the presentation of photo identification identifying the person attending as the applicant or permit holder, as the case may be.

§ 740-1.6. Permit term; renewal.

A. Subject to subsection (1) every permit expires 12 months after it is issued.

- (1) Despite Subsection A, the Executive Director may determine that a Mobile Vending Permit and/or a short stop vending permit expires 6 months or 9 months after it is issued.

B. Subject to subsection (1), any valid permit may be renewed by the permit holder for additional 12-month terms if the permit holder is not in violation of this chapter and provides all or part of the materials required for the permit application and/or under § 740-1.5 as determined by the Executive Director.

- (1) Despite Subsection B, the Executive Director may renew a valid Mobile Vending Permit or a valid short stop vending permit for additional 6-month or 9-month terms if the permit holder is not in violation of this chapter and provides all or part of the materials required for a Mobile Vending Permit or short stop vending permit application and/or under § 740-1.5 as determined by the Executive Director.

C. No permit shall be renewed by the Executive Director unless all maintenance costs incurred by the City under § 740-1.10D have been paid in full by the permit holder.

§ 740-1.7. 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.

§ 740-1.8. Permit transfer.

No permit holder shall assign or transfer the right to use the permit to any other person.

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§ 740-1.9. Insurance.

Where a permit application has been approved, the applicant, with the exception of an artist permit applicant which is exempt from this insurance requirement, 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 \$2,000,000, applying to the applicant's use of the Designated Area, Mobile Vending Zone, or highway 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 or related to the City's issuance of the permit to use or the permit holder's use of the Designated Area, Mobile Vending Zone or highway.

§ 740-1.10. Permit holder agreement; requirements.

- A. Where a permit application has been approved, the applicant shall enter into an agreement with the City containing the following terms and conditions subject to subsection C:
- (1) The permit holder shall display the permit in a manner so that it is clearly visible on the vehicle, the portable display unit or the work station authorized for use in vending under the permit. In the case of a Mobile Vending permit, when vending in an on-street paid parking location, the permit holder shall display the Mobile Vending permit inside the windshield of the motorized vehicle or other location permitted by the Executive Director for a non-motorized vehicle. In the case of an artist permit, the permit holder shall display the required artist permit and City-issued photo card in a conspicuous location within the area used for vending in a manner that is clear, legible, and visible.
 - (2) The permit holder acknowledges that the permit holder does not have exclusive use of the Designated Area, Mobile Vending Zone, or highway.
 - (3) The permit holder acknowledges that a Mobile Vending Zone, a Designated Area, or a highway, including a location listed in Schedule D may not be available or accessible from time to time, and that the rights of the City, third parties with rights and obligations under statute, and/or the rights of any permit holder under Chapter 743, Streets and Sidewalks, Use of, prevail over the rights of a permit holder under this Chapter 740, Street Vending.
 - (4) The City, including but not limited to any person authorized by the City, or a public utility, may enter the Designated Area, Mobile Vending Zone, or highway, at any time, for any purpose, including but not limited to the installation,

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maintenance or repair of any pavement, pipes, cables, wires, poles or any other installation or utility, without compensation to the permit holder.

- (5) 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, Mobile Vending Zone, or highway or arising from anything undertaken or neglected to be undertaken in connection with the use of the Designated Area, Mobile Vending Zone or highway.
- (6) The permit holder shall only use the Designated Area, Mobile Vending Zone or highway for the vending permitted in the permit.
- (7) The permit holder, with the exception of a holder of a Arist Permit, shall ensure that the Executive Director has, at all times during the period of the permit, certified copies of insurance certificates as required by § 740-1.9.
- (8) The permit holder shall maintain the Designated Area, Mobile Vending Zone or highway, and the adjacent pavement, sidewalk and boulevard, in a clean, safe and sanitary condition satisfactory to the Executive Director including being free from grease, papers, rubbish, debris or hazard. In the case of an artist permit holder carrying on activities as a caricature/portrait artist from a work station, the artist permit holder shall not place any drawing or painting materials on the sidewalk or boulevard except for not more than three caricature/portrait samples.
- (9) The permit holder shall maintain all vehicles, portable display units, work stations or other items used to vend in a state of good repair including being in a safe, clean and good working condition.
- (10) The permit holder shall not assign or transfer the right to use the permit to any other person.
- (11) The permit holder shall not leave a vehicle, portable display unit, work station or other items used to vend unattended except that, if the vehicle, portable display unit, work station or other items used to vend do not contain any equipment for heating food, a Sidewalk Vending permit holder, Mobile Vending Permit Holder or Short Stop Permit holder may, for not more than 15 minutes of each two-hour period, leave the vehicle vacant or the portable display unit, work station or other items used for vending unattended.
- (12) The permit holder shall ensure that any person vending under the authority of a permit provides, on request, to any police officer or person designated by the

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Executive Director, sufficient valid written identification to adequately and properly identify the person.

- (13) The permit holder shall immediately vacate the Designated Area, Mobile Vending Zone or highway when required to do so by a police officer or any person designated by the Executive Director for any reason related to pedestrian, vehicular, or public safety or the safety of any critical infrastructure.
- (14) The permit holder shall vacate the Designated Area, Mobile Vending Zone or highway within the time provided for in any verbal or written notice when and as required to do so by any person designated by the Executive Director for any reason related to the priority of the City, third parties with rights under statute or a third party permit holder under Municipal Code Chapter 743, Streets and Sidewalks, Use of. The permit holder waives any right to compensation as a result of this subsection.
- (15) After having been given notice and the opportunity to depute to the matter before the appropriate Community Council, the permit holder agrees that Community Council may at any time and without reason or compensation cancel the permit.
- (16) The permit holder agrees that the permit may be cancelled by the appropriate Community Council upon the recommendation of the Executive Director.
- (17) 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 vending under the authority of the permit, or where the Executive Director has reason to believe the health or safety of the public may be endangered by reason of the vehicle, portable display unit, work station or other items used to vend continuing to be located in the Designated Area, Mobile Vending Zone or highway, pending the consideration by the appropriate Community Council or Committee of a report from the Executive Director respecting the violations or the health or safety concerns.
- (18) Where the permit holder has received a notice of suspension under Subsection A(17), the permit holder agrees that if the vehicle, portable display unit, work station or other items used to vend continue to occupy the Designated Area, Mobile Vending Zone or highway pending the consideration by the appropriate Community Council or Committee of the Executive Director's report, the permit shall be cancelled by the appropriate Community Council or Committee.

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- (19) Where a permit has been cancelled or not renewed, the permit holder agrees that if the vehicle, portable display unit, work station or other items used to vend are from then on located in the Designated Area, Mobile Vending Zone or highway, they 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 a vehicle shall be paid by the permit holder.
 - (20) In the case of a motorized refreshment vehicle or motorized vehicle, the permit holder agrees that the Mobile Vending Zone or highway 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 and the permit holder acknowledges and agrees that the permit holder must comply with all traffic and parking regulations.
 - (21) Despite anything in this chapter but subject to § 740-3.4B(1), the permit holder acknowledges that the regulations in the City's parking, traffic and street use by-laws, which may be more restrictive than those found in this chapter, and those regulations prevail over anything contained in this Chapter 740, Street Vending or a permit issued under this chapter.
 - (22) Permit holders shall vend in accordance with all applicable by-laws and legislation.
 - (23) The permit holder will provide the City with notice contact information and will keep this contact information up-to-date. Any notices sent to the permit holder at the contact information provided by the permit holder will be deemed valid.
 - (24) Upon expiry, cancellation, suspension or termination of the permit, the permit holder shall clean, repair and restore the Designated Area, highway or Mobile Vending Zone, as the case may be, to its original condition.
 - (25) The permit holder agrees that a violation of the agreement shall constitute a contravention of this chapter.
- B. All permit holders shall comply with an agreement entered into under Subsection A and 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.
- C. Despite Subsection A, the Executive Director may, in an agreement for a sidewalk vending permit, Mobile Vending Permit, short stop vending permit or Arist Permit, delete any provisions in Subsection A that, in the Executive Director's discretion, do not apply to the permit associated with the agreement.

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D. Maintenance costs

- (1) Where a permit holder, or a person vending under the authority of the permit holder's permit, has failed to maintain the Designated Area, Mobile Vending Zone or highway and the adjacent pavement, sidewalk and boulevard as required under this chapter, the permit and the agreement in a condition satisfactory to the Executive Director, the Executive Director may give notice to the permit holder requiring that the relevant location be cleaned, repaired and restored to the satisfaction of the Executive Director and the General Manager within the time provided for in the notice, and where no such time is provided, within 24 hours of the date of the notice, and stating that, upon failure to do so, the location may be cleaned, repaired or restored by the City and the cost for such work shall be charged to the permit holder. A permit holder shall comply with the notice given by the Executive Director.
- (2) Failure to comply with three written notices issued under Subsection (1) shall disentitle the permit holder to further notices, and the Executive Director shall be authorized to undertake all further cleaning, repairs and restoration as necessary and charge the cost to the permit holder.

E. The permit holder shall ensure all vehicles, portable display units and work stations used in accordance with a permit in a Designated Area, Mobile Vending Zone or highway comply with the following:

- (1) A non-motorized refreshment vehicle or non-motorized vehicle shall occupy a space on the highway of not more than 2.32 square metres, unless permitted by the Executive Director under Article 2 to occupy a larger space.
- (2) A motorized refreshment vehicle or motorized vehicle shall not have dimensions of more than 10 metres in length by 3 metres in width.
- (3) A portable display unit shall not occupy an area of more than 2.32 square metres.
- (4) A work station shall not occupy an area of less than 1.6 square metres or more than 2.25 square metres.

§ 740-1.11. Suspension of permits.

- A. 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:

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- (1) this chapter is being violated by the permit holder or any person vending under the authority of the permit;
 - (2) the health or safety of the public may be endangered by reason of the vending authorized by the permit and/or the vehicle, portable display unit, work station, or other items used to vend continuing to be located in the Designated Area, Mobile Vending Zone or highway,; or the permit negatively impacts:
 - (a) traffic operations, transit, vehicle, cycling and pedestrian movement or emergency vehicle access;
 - (b) coordination with other planned or active street work, street events, or temporary street occupations by the City, third parties with rights under statute, or third parties with permits under Municipal Code Chapter 743, Streets and Sidewalks, Use of;
 - (c) the City's infrastructure.
- B. Where a permit holder receives a notice of suspension under Subsection A, the permit holder shall immediately remove all vehicles, portable display units, work stations or other items used to vend from the Designated Area, Mobile Vending Zone or highway and cease vending from the Designated Area, Mobile Vending Zone or highway pending the consideration by the appropriate Community Council or Committee of the Executive Director's report.
- C. Where a permit holder receives a notice of suspension under Subsection A, and a portable display unit, work station or other items used to vend are located in the Designated Area, Mobile Vending Zone or highway, the portable display unit, work station or other items used to vend 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 portable display unit, work station or other items used to vend shall be paid by the permit holder.
- D. Following the issuance of a notice of suspension, the Executive Director shall, in consultation with the General Manager, forward a report to the appropriate Community Council or Committee with the following:
- (1) a summary of the reasons for the suspension; and
 - (2) the recommendation(s) for the permit.
- E. Where the Executive Director prepares a report for the consideration of the appropriate Community Council or Committee under Subsection D, the permit holder shall be notified by the City Clerk of the hearing date and given the opportunity to depute on the matter to the appropriate Community Council or Committee.
- F. Without limiting the complete discretion of the appropriate Community Council or Committee, where the permit holder has received a notice of suspension under

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Subsection A, if the vehicle, portable display unit, work station or other items used to vend continue to occupy the Designated Area, Mobile Vending Zone, or highway pending the consideration by the appropriate Community Council or Committee of the Director's report, the appropriate Community Council or Committee may cancel the permit.

§ 740-1.12. Cancellation of permits.

- B. The Executive Director may prepare a report of violation(s) and recommendation(s) for consideration by the appropriate Community Council or Committee and for the hearing of deputations where:
- (1) A permit holder has been convicted of violating any provision of the Health Protection and Promotion Act relating to the vehicle, portable display unit or the selling of food or beverages, or a provision relating to the selling of food or beverages contained in any City by-law, and has not immediately remedied the condition giving rise to the conviction;
 - (2) A permit holder has been convicted in any twelve-month period of more than one offence under the Health Protection and Promotion Act relating to the vehicle, portable display unit or the selling of food or beverages, or a provision relating to the selling of food or beverages contained in any City by-law, whether or not the convictions are for the same offence;
 - (3) A permit holder has been convicted two or more times within any 12 month period of violating one or more of the following and the violations relate to the use of the permit issued under this chapter:
 - (a) Chapter 545, Licensing;
 - (b) Chapter 743, Streets and Sidewalks, Use of;
 - (c) Chapter 950, Traffic and Parking; or
 - (4) A permit holder has been convicted two or more times within a twelve-month period of violating any provisions of this chapter.
- C. Despite anything in this chapter to the contrary, the Executive Director may, for any reason, prepare a report for the consideration of the appropriate Community Council or Committee recommending that a permit be cancelled.
- D. Where the Executive Director prepares a report for the consideration of the appropriate Community Council or Committee under Subsections A or B, the permit holder shall be notified by the City Clerk of the hearing date and given the opportunity to depute on the matter to the appropriate Community Council or Committee.

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- E. After having given the permit holder notice and the opportunity to depute on the matter, the appropriate Community Council or Committee may at any time and for any reason cancel the permit without compensation to the permit holder.

§ 740-1.13. 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 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 calendar month during which the Designated Area was not physically available.
- B. Where a permit is suspended by the Executive Director under § 740-1.11A, the permit holder shall not be entitled to any refund.
- C. Where a permit is cancelled by Community Council or Committee upon consideration of a report under § 740-1.12A, the permit holder shall not be entitled to any refund.
- D. Where a permit is cancelled by Community Council or Committee upon consideration of a report under § 740-1.12B, and the permit holder is not in contravention of any provision of this chapter, the Executive Director shall refund to the permit holder the pro-rated portion of the annual fee applicable to each complete calendar month remaining in the permit term.

§ 740-1.14. Designating restricted zones.

- A. In the event that issues arise concerning public nuisance, safety or traffic congestion on a highway, the Executive Director is authorized to designate a Restricted Zone on such highway or portion of a highway.
- B. From time to time, the Executive Director shall be authorized to review highways to determine if a highway or portion of a highway remains appropriate for vending in consideration of the criteria set out in Subsection K. The Executive Director shall advise the local Councillor when a highway or portion of a highway is being reviewed and notify the local Councillor at least 10 days in advance of a recommendation by the Executive Director being final. If the Executive Director, determines that a highway or a portion of a highway is no longer appropriate for vending, the Executive Director shall be authorized to designate the highway, or portion of the highway, as a Restricted Zone.
- C. The Board of Management of a local Business Improvement Area, or a local Councillor, may apply to the Executive Director to designate an area of the highway as a Restricted Zone.

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- D. An area may be designated a Restricted Zone for all times or only for certain times of the day.
- E. Upon receipt of an application pursuant to Subsection C, the Executive Director shall be authorized to review a highway or portion of a highway to determine if it remains appropriate for vending in consideration of the criteria set out in Subsection K. If the Executive Director determines that a highway or a portion of it a highway no longer appropriate for vending, the Executive Director shall be authorized to designate the highway, or portion of the highway, as a Restricted Zone.
- F. A permit holder, Board of Management of a local Business Improvement Area, or local Councillor may appeal a Restricted Zone designation to the Executive Director.
- G. Upon receipt of an appeal pursuant to Subsection F, the Executive Director shall forward a report on the appeal to the appropriate Community Council or Committee, setting out the reasons for designation.
- H. Where an appeal has in accordance with Subsection G been referred to the appropriate Community Council or Committee by the Executive Director, Community Council or Committee shall determine whether an area should be designated as a Restricted Zone.
- I. Where a Restricted Zone has been approved, the Executive Director shall notify the applicant in writing.
- J. Restricted Zones are set out in Schedule C.
- K. When determining the appropriateness of vending on a highway or portion of a highway and whether that highway or portion of a highway should be designated as a Restricted Zone, the Executive Director will consider if continued vending on the highway or portion of a highway may, in the opinion of the Executive Director:
 - (1) Compromise public safety or the safety of any property;
 - (2) Create or contribute to a material public nuisance that cannot reasonably be overcome through the imposition of conditions to the permit;
 - (3) Obstruct pedestrian or vehicle sight lines;
 - (4) Impede, interfere with, or pose a hazard to pedestrian or vehicle traffic, driveways, traffic control devices or utilities;

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- (5) Raise unacceptable obstacles to traffic management, construction or development;
 - (6) Interfere with the City's ability to maintain the street in a state of good repair or keep it free of litter, snow or ice;
 - (7) Negatively affect existing or planned streetscape improvement projects; or
 - (8) Be inconsistent with City by-laws, policies and programs.
- L. Where the Executive Director designates a highway or portion of the highway as a Restricted Zone under this section, the City Solicitor is authorized to submit directly to Community Council any necessary bills for by-law amendments to Schedule C.

ARTICLE 2
Sidewalk Vending Permits

§ 740-2.1. General.

- A. Any person may apply for a sidewalk vending permit which will grant to the permit holder the right to vend one of:
- (1) Beverages and food from a non-motorized refreshment vehicle to be located in the Designated Area on the sidewalk as specified in the permit; or
 - (2) Goods, wares, merchandise, products, crafts, jewellery or any other non-food items from a portable display unit to be located in the Designated Area on the sidewalk as specified in the permit.

§ 740-2.2. Location of the Designated Area.

- A. A sidewalk vending permit holder shall only vend within the Designated Area on the sidewalk specified in the permit by the Executive Director.
- B. No portion of the Designated Area shall:
- (1) Be directly in front of an entrance to or exit from a building, or positioned in such a manner as to block or restrict access and egress to a building – including accessible routes, ramps, doors, or pathways required for persons with disabilities;
 - (2) Be located directly in front of a standpipe attached to a building;

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- (3) Block the name or municipal address number of a building;
 - (4) Be within 25 metres from the property line of any school;
 - (5) Block a display window, except if the owner of the building and the occupant of the building with the display window state in writing that they have no objection to the location of the non-motorized refreshment vehicle or portable display unit;
 - (6) In the case of a Designated Area for a portable display unit, be located within 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;
 - (7) In the case of a Designated Area for a non-motorized refreshment vehicle, be located within 25 metres from the centre point of the main entrance of an eating or drinking establishment;
 - (8) Be located closer than the distance equal to the width of the Designated Area from the intersection of two or more highways;
 - (9) In the case of a Designated Area for a non-motorized refreshment vehicle, be located within 25 metres from an existing Designated Area for another non-motorized refreshment vehicle;
 - (10) In the case of a Designated Area for a portable display unit, be located within 25 metres from an existing Designated Area for another portable display unit;
 - (11) Be located in a Restricted Zone set out in Schedule C.
- C. The Designated Area shall, in the opinion of the Executive Director, in consultation with the General Manager:
- (1) not compromise public safety or the safety of any property;
 - (2) not create or contribute to a material public nuisance;
 - (3) not obstruct pedestrian or vehicle sight lines;
 - (4) not impede, interfere with, or pose a hazard to pedestrian or vehicle traffic, driveways, traffic control devices or utilities;

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- (5) not raise unacceptable obstacles to traffic management, construction or development;
 - (6) not interfere with the City's ability to maintain the street in a state of good repair or keep it free of litter, snow or ice;
 - (7) not negatively affect existing or planned streetscape improvement projects; or
 - (8) be consistent with City by-laws, policies and programs.
- D. 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.

§ 740-2.3. Sidewalk Vending Permit Application Process.

The following process shall be applicable to applications for sidewalk vending permits:

- A. The applicant shall complete an application for a sidewalk vending permit in a form required by the Executive Director and detailing the following:
- (1) The name, address and contact information of the applicant;
 - (2) A detailed description of the location proposed to be a Designated Area;
 - (3) A drawing or photograph including dimensions of the non-motorized refreshment vehicle or portable display unit which will be used to vend and 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 and their location within the proposed Designated Area;
 - (4) Where the applicant is a corporation, a list of all directors and officers of the corporation;
 - (5) A description of what the applicant proposes to vend; and
 - (6) Any other information required by the Executive Director.
- B. An application for a sidewalk vending permit will not be accepted if an application for a substantially similar proposed Designated Area has been received by the Executive

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Director and refused by the Executive Director or Community Council within one year prior to the present application being submitted.

§ 740-2.4. Review and processing of permit application; notice to neighbouring property owners; issuance or denial of permits; appeals.

Where an application is made under § 740-2.3:

- 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 applicant has outstanding fees or fines with the City with respect to this chapter and/or the application as received does not comply with this chapter or contains false, misleading or fraudulent information, the Executive Director shall refuse the application with no right of appeal.
- C. Where the Executive Director determines that the application as received complies with this chapter:
 - (1) 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 14 days from the date of notification.
 - (2) Where no written objections or written objections totalling 25% or less of the number of notices set out under Subsection C(1) by the Executive Director have been received by the Executive Director within the 14-day period in Subsection C(1), the Executive Director shall approve the application for the issuance of the sidewalk vending permit subject to compliance with § 740-1.5.
 - (3) Where written objections are received totalling more than 25% of the number of notices sent out under Subsection C(1) by the Executive Director within the 14-day period in Subsection C(1), the Executive Director shall refuse the application, notify the applicant of the refusal of the application and advise the applicant that the applicant may, within 30 days of the date of the refusal, appeal the refusal to the Executive Director in writing.
 - (4) Upon receipt of an appeal in accordance with Subsection C(3), the Executive Director shall forward a report on the application to the appropriate Community Council, describing the application and setting out the grounds for refusal.

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- (5) Where an applicant has appealed to the Executive Director and the Executive Director has forwarded a report on the application to the appropriate 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 and to the Board of Management of an existing Business Improvement Area in the area of the proposed Designated Area, advising that any person may object to the application for a sidewalk vending permit by writing to or appearing at the appropriate Community Council.
 - (6) Where an appeal has been referred to the appropriate Community Council by the Executive Director, and the applicant has been given notice and an opportunity to depute on the item, Community Council shall determine whether a sidewalk vending permit should be approved for issuance and, if so, whether any conditions should be attached to the permit.
- D. Where a permit has been approved for issuance subject to compliance with § 740-1.5, the Executive Director shall notify the applicant in writing.

§ 740-2.5. Application for expanded Designated Area for non-motorized refreshment vehicles.

- A. Despite §740-1.10E(1), sidewalk vending permit holders and persons applying for a sidewalk vending permit may apply to the Executive Director to vend from a non-motorized refreshment vehicle at an expanded Designated Area of up to 3.48 square metres on the sidewalk.
- B. Upon receiving an application for an expanded Designated Area under Subsection A, the Executive Director shall, in consultation with the General Manager, determine whether the location can accommodate an expanded Designated Area and, if so, how much extra space can be accommodated.
- C. No expanded Designated Area will be permitted by the Executive Director if doing so would contravene any other requirements in this chapter other than §740-1.10E(1).
- D. Where the Executive Director, in consultation with the General Manager, has determined that the location can accommodate an expanded Designated Area, the Executive Director shall issue the sidewalk vending permit with the expanded Designated Area.
- E. Despite Subsections A and §740-1.10E(1), where the Executive Director has determined that the location can accommodate an extra expanded Designated Area and provided that accommodating such extra expanded Designated Area will not contravene any

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requirements in this chapter other than §740-1.10E(1), the Executive Director may endorse the sidewalk vending permit with an extra expanded Designated Area larger than 3.48 square metres to accommodate an oversize cart.

- F. Where the Executive Director, in consultation with the General Manager, determines that a location cannot accommodate an expanded Designated Area or extra expanded Designated Area, the Executive Director will notify the sidewalk vending permit holder or applicant that their application for an expanded Designated Area or extra expanded Designated Area has been refused with no right of appeal.

§ 740-2.6. Change in corporate shareholders, directors or officers.

- A. Where a sidewalk vending permit holder is a corporation, the permit holder shall immediately notify the City where any changes to the corporation's directors or officers takes place.
- B. Where the City receives notice of such changes to the directors or officers of the corporation, the Executive Director shall revoke the sidewalk vending permit.

ARTICLE 3
Mobile Vending Permits

§ 740-3.1. General.

- A. Any person may apply for a Mobile Vending Permit which will grant to the permit holder the right to vend one of the following in Mobile Vending Zones:
- (1) Beverages and food from only the motorized refreshment vehicle or non-motorized refreshment vehicle meeting the requirements in subsection C identified in the permit; or
 - (2) Goods, wares, merchandise, products, crafts, jewellery or any other non-food items from the motorized vehicle or non-motorized vehicle meeting the requirements in subsection C identified in the permit.
- B. The Executive Director shall ensure that no more than a total of 125 Mobile Vending Permits, inclusive of the existing R55 Curb Lane Vending Permits transitioned under § 740-3.9, are issued at any given time.

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C. Vehicle requirements

- (1) A Mobile Vending Permit may only be granted for a non-motorized vehicle or a non-motorized refreshment vehicle, that is:
 - (a) a trailer;
 - (b) no more than 10 metres in length;
 - (c) no more than 3 metres in width; and
 - (d) displaying a valid number plate issued by the Province for the trailer.

§ 740-3.2. Mobile vending zones.

Mobile Vending Zones shall be:

- A. Parking spaces with parking machines or metres on major and minor arterial roads designated by the Executive Director and set out in Schedule A as described in § 740-3.3A unless designated by the Executive Director as a Restricted Zone and set out in Schedule C; and
- B. Areas of the right of way designated by the Executive Director, in consultation with the General Manager, and set out in Schedule B as described in § 740-3.3B unless designated by the Executive Director as a Restricted Zone and set out in Schedule C.

§ 740-3.3. Designating mobile vending zones.

- A. Mobile Vending Zones at parking spaces with parking machines or metres are authorized on the highways set out in Schedule A at the sides and locations for those corresponding highways as set out in Schedule I of Chapter 910, Parking Machines and Meters.
- B. Mobile Vending Zones on areas of the right of way are authorized on the highways at the locations set out in Schedule B.
- C. Vendors, the Board of Management of a Business Improvement Area and local Councillors may apply to the Executive Director to designate an area of the right of way as a Mobile Vending Zone.
- D. Where an application has been received, the Executive Director will review the application and determine the appropriateness of the location as a Mobile Vending Zone. A Mobile Vending Zone shall, in the opinion of the Executive Director and the General Manager:

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- (1) not compromise public safety or the safety of any property;
 - (2) not create or contribute to a material public nuisance;
 - (3) not obstruct pedestrian or vehicle sight lines;
 - (4) not impede, interfere with, or pose a hazard to pedestrian or vehicle traffic, driveways, traffic control devices or utilities;
 - (5) not raise unacceptable obstacles to traffic management, construction or development;
 - (6) not interfere with the City's ability to maintain the street in a state of good repair or keep it free of litter, snow or ice;
 - (7) not negatively affect existing or planned streetscape improvement projects; or
 - (9) be consistent with City by-laws, policies and programs.
- E. Where an application to designate a Mobile Vending Zone is received by the Executive Director, the Executive Director shall notify the local Ward Councillor.
- F. Where the Executive Director, in consultation with the General Manager, determines that the location is not appropriate as a Mobile Vending Zone due to any one or more of the criteria listed in Subsection D, the Executive Director shall deny the application. This denial may be appealed to the Executive Director in writing within 30 days of the date of the Executive Director's denial.
- G. Where the Executive Director, in consultation with the General Manager, determines that the location is appropriate as a Mobile Vending Zone, the Executive Director will notify businesses within 50 metres of the outermost perimeter of the proposed Mobile Vending Zone, the Board of Management of the local Business Improvement Area and the local Councillor, indicating that they have 14 days from the date of the Executive Director's notification to object to the application in writing.
- H. Where no written objection is received by the Executive Director within the 14-day time period in Subsection G, the Executive Director shall grant the application and designate the location as a Mobile Vending Zone.
- I. Where a written objection is received within the 14-day period in Subsection G, the Executive Director shall:

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- (1) Review the objection and reconsider if the application complies with the criteria in Subsection D and, if it does, grant the application; or
 - (2) Refuse the application, notify the applicant of the refusal, and advise the applicant that the applicant may, within 30 days of the date of the Executive Director's refusal, appeal to the Executive Director in writing.
- J. Upon receipt of an appeal under Subsections F or I, the Executive Director shall forward a report on the appeal to the appropriate Community Council or Committee, describing the application and setting out the reasons for refusal.
- K. Where an appeal has been referred to the appropriate Community Council or Committee by the Executive Director pursuant to Subsection J, Community Council or Committee shall determine whether an area should be designated as a Mobile Vending Zone.
- L. Where a Mobile Vending Zone has been designated under this section, the Executive Director shall notify the applicant in writing.
- M. Where the Executive Director designates a Mobile Vending Zone under this section, the City Solicitor is authorized to submit directly to Community Council any necessary bills for by-law amendments to Schedule A or Schedule B.

§ 740-3.4. Conditions of operation.

- A. Despite anything in this chapter to the contrary, and despite a location being designated a Mobile Vending Zone, no Mobile Vending Permit holder shall:
- (1) Vend on a portion of a road other than in a Mobile Vending Zone;
 - (2) Despite a highway or location being found in Schedule A or B, vend in a Restricted Zone;
 - (3) Vend beverages and/or food within 25 linear metres from the centre point of the main entrance of an eating or drinking establishment during those hours when the eating or drinking establishment is open and operating;
 - (4) Vend within 25 linear metres from the property line of any school;
 - (5) Vend within 25 linear metres from a Designated Area on the sidewalk;

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- (6) Vend on a block at any time after 12 hours have elapsed since the permit holder first began to vend on the block within the preceding 24 hours;
- (7) Vend on a block where there are already two Mobile Vending Permit holders vending on that block;
- (8) Vend using any overhead canopies or doors that obstruct or hinder pedestrian traffic;
- (9) Place any signs or furniture on the sidewalk or road, subject to subsection (9)(a);
 - (a) Despite Subsection (9), Mobile Vending Permit holders may place a garbage, recycling and/or organics container on the sidewalk or boulevard directly adjacent to the Mobile Vending Zone provided that the container does not obstruct pedestrian or vehicular passage and provided that the container is removed after the vending ceases;
- (10) Face the service windows other than towards the sidewalk. Service windows that face the street, bicycle paths, bicycle lanes or cycle tracks are not permitted;
- (11) Vend within the boundaries of a Business Improvement Area during a special event organized by the Board of Management of the Business Improvement Area or during an event in a public square where food vendors are required to pay fees to participate, unless the Mobile Vending Permit holder is invited by the Board of Management of the Business Improvement Area;
- (12) Vend within 50 metres of the boundary of a Business Improvement Area during a special event organized by the Board of Management of the Business Improvement Area or during an event in a public square where food vendors are required to pay fees to participate, unless the Mobile Vending Permit holder is invited by the Board of Management of the Business Improvement Area;
- (13) Vend within the boundaries of, or within 50 metres of the boundaries of, an area permitted for a street event, street work or temporary street occupation under Municipal Code Chapter 743, Streets and Sidewalks, Use of, during the term of such permit, unless the Mobile Vending Permit holder is invited by the permit holder under Municipal Code Chapter 743, Streets and Sidewalks, Use of;
- (14) Fail to clearly display their Mobile Vending Permit inside the windshield of the vehicle or another window of the vehicle permitted by the Executive Director;

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- (15) Where a non-motorized refreshment vehicle or non-motorized vehicle is attached to another vehicle, ensure the attached vehicle is compliant with all requirements for parking in that location, including, without limitation, being compliant with all by-law requirements and paying any fee required for parking.
- B. Subject to subsection (1), Mobile Vending Permit holders shall comply with and be subject to all parking and traffic restrictions and regulations, the Highway Traffic Act and its Regulations, The City of Toronto Municipal Code and its various Code Chapters, City of Toronto bylaws, and any policies of the Toronto Parking Authority. In particular, where the maximum vending time under this chapter is different from the maximum parking time permitted in any other Municipal Code Chapter, the more restrictive provision shall prevail.
- (1) Despite subsection B, where a Mobile Vending Permit holder is vending in a Mobile Vending Zone, the maximum parking periods set out in Schedules I, III and/or V of Municipal Code Chapter 910, Parking Machines and Metres, shall not apply to the Mobile Vending Permit holder's vehicle.

§ 740-3.5. Permit application.

All applicants for a Mobile Vending Permit shall complete an application for a Mobile Vending Permit in a form required by the Executive Director which sets out the following:

- A. The name, address and contact information of the applicant;
- B. A drawing or photograph including dimensions of the vehicle to be used to vend;
- C. A description of what the applicant proposes to vend; and
- D. Any other information required by the Executive Director.

§ 740-3.6. Review and processing of permit application; issuance or denial of permits; appeals.

- A. Where an application for a Mobile Vending Permit is made under § 740-3.5, 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 for a Mobile Vending Permit, as received, complies with this chapter, the Executive Director shall notify the applicant in writing that the application has been approved for issuance subject to compliance with § 740-1.5.

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- C. Where the Executive Director determines that the applicant has outstanding fees or fines with the City with respect to this chapter and/or the application for a Mobile Vending Permit as received does not comply with this chapter or contains false, misleading or fraudulent information, the Executive Director shall, in writing, notify the applicant that the application is refused with no right of appeal.

§ 740-3.7. Transition.

If, immediately prior to the coming into force of this chapter, a R55 Curb Lane Vending Permit is in effect under a former City of Toronto by-law or Code Chapter, the R55 Curb Lane Vending Permit shall continue to be governed by the regulations in effect on May 14, 2014 as long as those conditions and § 740-3.8 continue to be complied with and any required fees are paid in accordance with Chapter 441, Fees and Charges.

§ 740-3.8. Corporate entity information - condition on legacy permits.

- A. All corporations holding a R55 Curb Lane Vending Permit are required to provide the Executive Director with a list of the current corporate directors and officers on renewal of their permit or no later than 90 days after the specified renewal date on the permit. The Executive Director shall cancel any permit where the permit holder fails to comply with this section.
- B. A R55 Curb Lane Vending permit holder shall immediately notify the City where any changes to directors or officers takes place.
- C. Where the City receives notice of changes to the directors or officers of a R55 Curb Lane vending permit holder, the Executive Director will revoke the R55 Curb Lane Vending Permit.

ARTICLE 4
Short Stop Vending Permits

§ 740-4.1. General.

- A. Any person may apply for a short stop vending permit which will grant to the permit holder the right to vend beverages, food, goods, wares, merchandise, products, crafts, jewellery and/or any other non-food items from:

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- (1) A motorized refreshment vehicle (to vend beverages and/or food) or motorized vehicle (to vend goods, wares, merchandise, products, crafts, jewellery and/or any other non-food items) from a road at the sides and between the address numbers set out in Schedule D;
- (2) A non-motorized refreshment vehicle (to vend beverages and/or food) or cart (to vend goods, wares, merchandise, products, crafts, jewellery and/or any other non-food items) from a sidewalk; and
- (3) On foot from a sidewalk.

§ 740-4.2. Conditions of operation.

A. Despite anything else in this chapter to the contrary, and despite a highway being listed in Schedule D, no short stop vending permit holder shall vend:

- (1) on a block at any time after 30 minutes have elapsed since the permit holder first began to vend on the block within the preceding 24 hours;
- (2) within 25 linear metres from the property line of any school;
- (3) directly in front of an entrance to or exit from a building, or positioned in such a manner as to block or restrict access and egress to a building – including accessible routes, ramps, doors, or pathways required for persons with disabilities;
- (4) directly in front of a standpipe attached to a building;
- (5) in a location which blocks the name or municipal number of a building;
- (6) in a location which blocks a display window, except with the written consent of the owner of the building and/or occupant of the building with the display window;
- (7) beverages and/or food within 25 linear metres from the centre point of the main entrance of an eating or drinking establishment during those hours when the eating or drinking establishment is open and operating;
- (8) within 25 metres from an existing Designated Area for a sidewalk vending permit;
- (9) in a location which leaves less than 2.5 metres of paved sidewalk available for uninhibited pedestrian passage, measured between the vehicle, cart or vendor on foot and any adjacent obstruction to pedestrian passage or change in grade;

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- (10) using more than one of a motorized refreshment vehicle, motorized vehicle or cart at the same time;
 - (11) on a block where there are already two short stop vending permit holders vending on that block;
 - (12) using any overhead canopies or doors that obstruct or hinder pedestrian traffic;
 - (13) while placing any signs or furniture on the sidewalk or road;
 - (14) within the boundaries of a Business Improvement Area during a special event organized by the Board of Management of the Business Improvement Area or during an event in a public square where food vendors are required to pay fees to participate, unless the permit holder is invited by the Board of Management of the Business Improvement Area;
 - (15) within 50 metres of the boundary of a Business Improvement Area during a special event organized by the Board of Management of the Business Improvement Area or during an event in a public square where food vendors are required to pay fees to participate, unless the permit holder is invited by the Board of Management of the Business Improvement Area;
 - (16) within the boundaries of, or within 50 metres of the boundaries of, an area permitted for a street event, street work or temporary street occupation under Municipal Code Chapter 743, Streets and Sidewalks, Use of, during the term of such permit, unless the short stop vending permit holder is invited by the permit holder under Municipal Code Chapter 743, Streets and Sidewalks, Use of
 - (17) without clearly displaying their short stop vending permit inside the windshield of the vehicle used to vend or other location approved by the Executive Director;
 - (18) Alcohol, vapour products, tobacco, rental car services, pawnbroker services, personal services, and/or second-hand goods;
 - (19) in a Restricted Zone.
- B. Short stop vending permit holders shall comply with and be subject to all parking and traffic restrictions and regulations, the Highway Traffic Act and its Regulations, The City of Toronto Municipal Code and its various Code Chapters, City of Toronto bylaws, and any policies of the Toronto Parking Authority. In particular, where the maximum vending time under this chapter is different from the maximum parking time permitted in any other Municipal Code Chapter, the more restrictive provision shall prevail.

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§ 740-4.3. Permit application.

An applicant shall complete an application for a short stop vending permit in a form required by the Executive Director and detailing the following:

- A. The name, address and contact information of the applicant;
- B. A drawing or photograph including dimensions of any vehicle to be used to vend;
- C. A description of what the applicant proposes to vend; and
- D. Any other information required by the Executive Director.

§ 740-4.4. Review and processing of permit application; issuance or denial of permits; appeals.

- A. Where an application for a short stop vending permit is made under § 740-4.3, 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 for a short stop vending permit, as received, complies with this chapter, the Executive Director shall notify the applicant in writing that the application has been approved for issuance subject to compliance with § 740-1.5.
- C. Where the Executive Director determines that the applicant has outstanding fees or fines with the City with respect to this chapter and/or the application for a short stop vending permit, as received, does not comply with this chapter or contains false, misleading or fraudulent information, the Executive Director shall, in writing, notify the applicant that the application is refused with no right of appeal.

ARTICLE 5
Artist Permits

§ 740-5.1. General.

- A. Any person may apply for an artist permit which will grant one individual the right to vend in one of the following manners on a sidewalk:
 - (1) Performing as a busker;

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- (2) Carrying on activities as a sidewalk artist; or
- (3) Carrying on activities as a caricature/portrait artist at a work station.

B. Each permit shall only grant one individual the right to vend in accordance with Subsection A. Where more than one individual wishes to vend together, each individual must have a permit.

§ 740-5.2. Conditions of operation.

Artist permit holders shall:

A. Not vend:

- (1) directly in front of an entrance to or exit from a building, or positioned in such a manner as to block or restrict access and egress to a building – including accessible routes, ramps, doors, or pathways required for persons with disabilities;
- (2) directly in front of a standpipe attached to a building or fire hose connection;
- (3) within 25 metres from the property line of any school;
- (4) in a location which blocks a display window, except with the written consent of the owner of the building and/or occupant of the building with the display window;
- (5) in a location which leaves less than 2.5 metres of paved sidewalk available for uninhibited pedestrian passage, measured between the space occupied by the permit holder and any adjacent obstruction to pedestrian passage or change in grade on private property;
- (6) in a manner which occupies more than 2.25 square metres of the sidewalk;
- (7) using any overhead canopies or doors that obstruct or hinder pedestrian traffic;
- (8) as a busker playing, performing or emitting music in a location within 50 linear metres from:
 - (a) another busker playing, performing or emitting music; or

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- (b) a business generating amplified sound that is audible from the adjacent highway except with the written consent of the business owner or the person appearing to be in control of the business;
 - (9) in a location within 9 metres from the intersection of two or more highways;
 - (10) in a location which obstructs passage to any transit stop or postal box;
 - (11) in a location which obstructs passage to a driveway;
 - (12) on a highway or portion of a highway during the days and times listed in Schedule E;
 - (13) within the boundaries of a Business Improvement Area during a special event organized by the Board of Management of the Business Improvement Area, unless the artist permit holder is invited by the Board of Management of the Business Improvement Area;
 - (13) within 50 metres of the boundary of a Business Improvement Area during a special event organized by the Board of Management of the Business Improvement Area, unless the artist permit holder is invited by the Board of Management of the Business Improvement Area; or
 - (14) within the boundaries of, or within 50 metres of the boundaries of, an area permitted for a street event, street work or temporary street occupation under Municipal Code Chapter 743, Streets and Sidewalks, Use of, during the term of such permit, unless the artist permit holder is invited by the permit holder under Municipal Code Chapter 743, Streets and Sidewalks, Use of.
- B. Not sell or offer for sale any goods except a busker playing, performing or emitting music who is selling original mixed media including CDs, vinyl records and/or cassettes of their own performances.
- C. Not leave materials, equipment or other items used for vending unattended.
- D. Not damage, permanently mark or otherwise render a highway damaged or unsafe for pedestrian use.
- E. Not use spray paint or spray solvent.

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- F. Remove all materials, equipment or other items used for vending when vending ceases and restore the sidewalk to a safe and proper condition to the satisfaction of the Executive Director;
- G. Vend in accordance with all applicable by-laws and legislation including, but not limited to Toronto Municipal Code Chapter 591, Noise.
- H. Subject to Subsection (1), not emit or cause or permit the emission of amplified sound;
 - (1) Despite subsection H, busker and sidewalk artist permit holders may emit or cause or permit the emission of amplified sound in accordance with all applicable law while vending from 12 p.m. to 8 p.m. each day. This exception shall not apply to a busker or sidewalk artist permit holder vending on a highway or a portion of highway listed in Schedule E at any time.

§ 740-5.3. Permit application.

- A. An applicant for an artist permit shall apply in the form required by the Executive Director and detailing the following:
 - (1) The name and address and contact information of the applicant;
 - (2) The type of vending the applicant wishes to receive an artist permit for;
 - (3) The individual who will be vending under the permit;
 - (4) Proof that the individual who will be vending is at least 18 years old or is at least 16 years old and has a letter of consent signed by parent/caregiver authorizing the individual to vend; and
 - (5) Any other information required by the Executive Director.

§ 740-5.4. Review and processing of permit application; issuance or denial of permits.

- A. Where an application for an artist permit is made under § 740-5.3, the Executive Director shall review the application to determine if the requirements of this chapter have been met.

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- B. Where the Executive Director determines that the application for an artist permit, as received, complies with this chapter, the Executive Director shall notify the applicant in writing that the application has been approved for issuance subject to compliance with § 740-1.5.
- C. Where the Executive Director determines that the applicant has outstanding fees or fines with the City with respect to this chapter and/or the application for an artist permit, as received, does not comply with this chapter or contains false, misleading or fraudulent information, the Executive Director shall, in writing, notify the applicant that the application is refused with no right of appeal.

ARTICLE 6
Enforcement and Penalties

§ 740-6.1. Offences.

- A. Every person who contravenes any provisions of this chapter, or an order issued in accordance with this chapter, is guilty of an offence and on conviction is liable to a fine of no more than \$100,000.
- B. In addition to a fine or fines provided for in this section every person who gains an economic advantage or economic gain from contravening this chapter, or order issued in accordance with this chapter, shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention.
- C. In addition to offences referred to in Subsection A, every person is guilty of an offence under this chapter who:
 - (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this chapter;
 - (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the City of Toronto Act, 2006;
 - (3) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this chapter.
- D. Where a corporation contravenes any of the provisions of this chapter, or an order issued in accordance with this chapter, every director or officer who concurs in such contravention is guilty of an offence and, upon conviction, is liable to a fine of no more than \$100,000.
- E. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.

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F. When a person has been convicted of an offence, the court in which the conviction has been entered and, subsequently, any court of competent jurisdiction, may, in addition to any other remedy and to any penalty imposed by this chapter, make an order prohibiting the continuation or repetition of the offence by the person convicted.

§ 740-6.2. Powers to enter and inspect.

A. In accordance with section 376 of the City of Toronto Act, 2006, an officer may enter upon land within the City at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with:

- (1) This chapter; or
- (2) An order issued in accordance with this chapter.

B. For the purposes of an inspection under Subsection A, an officer may:

- (1) Require, for inspection, the production of documents or things relevant to the inspection;
- (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them;
- (3) Require information from any person concerning a matter related to the inspection;
- (4) Be accompanied by such person or persons as the officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and
- (5) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

§ 740-6.3. Orders to comply.

A. An officer who finds a contravention of this chapter may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention under section 384 or 385 of the City of Toronto Act, 2006.

B. An order may be of immediate effect should the Executive Director determine that a delay would result in circumstances that endanger the health or safety of any person or similarly serious consequences.

C. An order or any other notice or document may be served:

- (1) Personally on the person to whom it is directed;
- (2) By registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed; or
- (3) By email, at any email address determined by the Executive Director to be related to the person, in which case it shall be deemed to have been given on the day it is

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emailed.

- F. If the delay necessary to serve an order under Subsection C would result in circumstances that endanger the health or safety of any person or similarly serious consequences, the order may be served by a placard stating the terms of the order and placed in a conspicuous place upon the land of the person to whom the order is addressed.

§ 740-6.4. Seizure, removal, remedial action.

- A. Where a person occupies and vends from a motorized vehicle or non-motorized 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. A person must pay all applicable fees prior to redeeming a motorized vehicle or non-motorized vehicle seized by the City.
- B. Where a person occupies and vends from a non-motorized vehicle, portable display unit, work station or uses other items to vend 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 vehicle, portable display unit, work station and/or any other items used to vend 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, portable display unit, work station or other items used to vend which may be enforced in the manner provided by the Repair and Storage Liens Act. A person must pay all applicable fees prior to redeeming a non-motorized vehicle, portable display unit, work station or other items to vend seized by the City.
- C. Where a motorized vehicle, non-motorized vehicle, portable display unit, work station and/or other items used to vend are 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.
- E. If a person fails to comply with an order to do work to correct a contravention of this chapter, the Executive Director or persons acting upon either of their instructions, may enter the lands at any reasonable time for the purposes of doing the things described in the order at the person's expense.

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ARTICLE 7
Transition

§ 740-7.1. Transition.

A. Despite anything to the contrary in this chapter or any other City by-law or Code Chapter, after the coming into force of this chapter, no new permits shall be issued under:

- (1) Former City of Toronto Municipal Code Chapter 315, Street Vending;
- (2) Chapter 738, Street Food, Healthier;
- (3) Former Borough of East York By-law No. 18-97, being a by-law "To Establish Removal Zones And Regulate Vending on Borough Roads";
- (4) Former Municipality of Metropolitan Toronto By-law No. 41-93, being a by-law "To delegate to certain area municipalities the authority to lease or license the use of sidewalks, boulevards and untraveled portions of Metropolitan Roads";
- (5) Former Municipality of Metropolitan Toronto By-law No. 32-95, being a by-law "To establish Removal Zones and regulate vending on Metropolitan Roads";
- (6) Former Municipality of Metropolitan Toronto By-law No. 98-97, being a by-law "To provide certain Designated Areas for the purposes of mobile vending on Metropolitan Roads";
- (7) Former City of North York By-law No. 32100, being "A By-law of The Corporation of the City of North York respecting vending on sidewalks and untraveled portions of roads of the City of North York"; or
- (8) On and after March 1, 2027, section 313-44.1 of former City of Toronto Chapter 313, Streets and Sidewalks.

B. The provisions of this chapter do not apply to permits granted or agreements entered into before March 1, 2027 provided that the holders of such permits and parties to such agreements continue to comply with the terms of their permits or agreements and that such permits are not revoked, terminated or expired. For clarity, this chapter shall apply to the renewal of any permits described in this Subsection B on and after March 1, 2027.

C. All prosecutions and other enforcement processes commenced under this chapter or former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks, which have not been completed on March 1, 2027 shall be completed as if the chapters had not

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been amended on that date.

SCHEDULES

Schedule A, Mobile Vending Zones at Pay and Display Locations

Schedule B, Mobile Vending Zones on Areas of the Right-of-way

Schedule C, Restricted Zones

Schedule D, Short Stop Vending Permit Locations

Schedule E, Busker and Sidewalk Artist Time and Day Restrictions

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SCHEDULE E
BUSKER AND SIDEWALK ARTIST TIME AND DAY RESTRICTIONS

1. No vending shall take place on the following highways between the hours of 9:00 a.m. to 12:00 noon and 2:00 p.m. to 5:00 p.m. on Monday through Friday, inclusive, except on a statutory holiday:

| Street | Side | From | To |
|-------------------|-------------|--------------------|-------------------|
| Bay Street | East | Dundas Street West | Queen Street West |
| Dundas Street | Both | Victoria Street | Bay Street |
| Yonge Street | Both | Dundas Street | Queen Street East |
| Dundas Square | Both | Yonge Street | Victoria Street |
| Shuter Street | Both | Victoria Street | Yonge Street |
| Victoria Street | Both | Dundas Street | Shuter Street |
| Queen Street West | Both | Bay Street | Yonge Street |
| Albert Street | Both | Bay Street | James St |
| James Street | Both | Trinity Square | Queen Street West |