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CHAPTER 740, STREET VENDING

Chapter 740

STREET VENDING

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[HISTORY: Adopted by the Council of the City of Toronto 2014-05-08 by By-law No. 438-2014.¹ Amendments noted where applicable.]

General References

Licensing - See Ch. 545

Streets and Sidewalks - See Ch. 743

Traffic and Parking - See Ch. 950

City of Toronto Act, 2006 - See S.O. 2006, c. 11.

Health Protection and Promotion Act - See R.S.O. 1990, c. H.7.

Highway Traffic Act - See R.S.O. 1990, c. H.8.

Repair and Storage Liens Act - See R.S.O. 1990, c. R.25.

ARTICLE I
Definitions

§ 740-1. Definitions.

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

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

¹ Editor's Note: By-law No. 438-2014 came into effect May 15, 2014.

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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.

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

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

EATING ESTABLISHMENT - A business which is licenced under Chapter 545, Licensing, as a B71 Eating Establishment.

EXECUTIVE DIRECTOR - The Executive Director of Municipal Licensing and Standards or his or her 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 establishment where the eating establishment fronts on the road and is both visible from the road and clearly identifiable as an eating establishment from the road.

MOBILE FOOD VENDING PERMIT - A permit which grants the permit holder the right to vend refreshments and food products from a motorized refreshment vehicle on a road in a Mobile Vending Zone in accordance with Article III.

MOBILE VENDING ZONE - The areas set out in Schedule A and in Schedule B to this chapter.

MOTOR-ASSISTED BICYCLE - A bicycle that:

- (1) Is fitted with pedals that are operable at all times to propel the bicycle;
- (2) That weighs not more than 55 kilograms;
- (3) Has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel;

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- (4) Has an attached motor driven by electricity or having a piston displacement of not more than 50 cubic centimetres; and
- (5) Does not have sufficient power to enable the bicycle to attain a speed greater than 50 kilometres per hour on level ground within a distance of two kilometres from a standing start.

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 refreshments, including foodstuffs, are sold for consumption.

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

PERMIT - A permit issued under this chapter.

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

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

POWER-ASSISTED BICYCLE - Means a bicycle that:

- (1) Is a power-assisted bicycle as defined in subsection 2(1) of the Motor Vehicle Safety Regulations made under the Motor Vehicle Safety Act (Canada);
- (2) Bears a label affixed by the manufacturer in compliance with the definition referred to in Subsection (1);
- (3) Has affixed to it pedals that are operable; and
- (4) Is capable of being propelled solely by muscular power.

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.";

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- (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) Yonge-Dundas Square as defined in Chapter 636, Public Squares.

REFRESHMENT VEHICLE - A non-motorized or motorized refreshment vehicle.

RESTRICTED ZONE - An area that may be designated, from time to time, as an area within a Mobile Vending Zone where Mobile Food Vending Permit holders are not permitted to vend.

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

SCHOOL - An elementary or high school. [Added 2015-05-07 by By-law No. 517-2015²]

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

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

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, refreshments, foodstuffs, flowers or any other items whatsoever, and "vending" shall have a corresponding meaning.

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

§ 740-2. Vending restricted.

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

§ 740-3. Vending permits.

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

² Editor's Note: By-law No. 517-2015 came into effect May 14, 2015.

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- (1) A Sidewalk Vending Permit;
 - (2) A Mobile Food Vending Permit; or
 - (3) An Ice Cream Vending Permit.
- B. The permit holder must comply with the terms and conditions prescribed by the permit and any agreement entered into with the City as a condition of receiving and/or continuing to have the permit.
- C. No person shall acquire a Sidewalk Vending Permit, a Mobile Food Vending Permit or an Ice Cream Vending Permit except under this chapter.

§ 740-4. Restriction on number and issuance or renewal of permits.

- A. 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 Sidewalk Vending Permit issued under this chapter or already holds either a R53 Sidewalk Vending Permit or a R55 Curb Lane Vending Permit grand parented under this chapter.³
- B. Any permit issued or renewed under this chapter, and any permit grand parented under this chapter and renewed, and despite anything in this chapter or any other City by-law to the contrary, 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.

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

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

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

³ Editor's Note: Subsections 740-4A(2) and (3) were deleted by By-law No. 517-2015 effective May 14, 2015.

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ARTICLE II
Sidewalk Vending Permits

§ 740-6. 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) Refreshments and food products from a non-motorized refreshment vehicle to be located in the designated area on the sidewalk, as specified in the permit;
 - (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; or
 - (3) Portraits created at a work station to be located in one of the designated areas on the sidewalk, as specified in the permit.

§ 740-7. Location of the designated area.

- A. No portion of the designated area shall:
- (1) Be directly in front of an entrance to or exit from a building;
 - (2) Be located directly in front of a standpipe attached to a building;
 - (3) Block the name or municipal number of a building;
 - (4) Be within 25 metres from the property line of any school or place of worship;
 - (5) Block a display window, except if the owner of the building and the occupant of the building with the display window state in writing that they have no objection to the location of the non-motorized refreshment vehicle, portable display unit or the work station;
 - (6) In the case of a portable display unit or work station, be located less than 25 metres from any part of a business which sells to the public products similar to those proposed to be sold from the portable display unit or the work station;
 - (7) In the case of a non-motorized refreshment vehicle, be located less than 25 metres from an eating establishment;
 - (8) In the case of a non-motorized refreshment vehicle, portable display unit or a work station near the intersection of two highways, be located closer to the intersection than the distance equal to the width of the designated area;

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- (9) In the case of a non-motorized refreshment vehicle, be located less than 25 metres from an existing designated area for another non-motorized refreshment vehicle;
 - (10) In the case of a portable display unit, be located less than 25 metres from an existing designated area for another portable display unit; or
 - (11) In the case of a workstation, be located less than 25 metres from an existing designated area for another work station.
- B. A total of at least 2.5 metres of paved sidewalk, measured between the face of the designated area at which customers stand and any adjacent obstruction to pedestrian passage or change in grade on private property, shall remain available for uninhibited pedestrian passage.

§ 740-8. Permit application process.

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

- A. The applicant shall determine the proposed location for the designated area.
- B. Application fee.
 - (1) The applicant shall pay to the City a non-refundable application fee, as prescribed in Chapter 441, Fees and Charges.
- C. The applicant shall complete an application for the permit in a form required by the Executive Director and detailing the following:
 - (1) The name and address of the applicant;
 - (2) A detailed description of the location requested to be a designated area, with the exception of an application to vend portraits created at a work station where such a description is not required;
 - (3) A drawing or photograph, including dimensions, of the non-motorized refreshment vehicle, portable display unit, or work station, including a detailed drawing of waste receptacles, food storage areas and heating, cooling or other equipment as may be required by the Medical Officer of Health;
 - (4) In the case of a non-motorized refreshment vehicle, the hours of operation requested; and
 - (5) All other required information.

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- D. Multiple Portrait Artists.
- (1) In the case of an application for a work station, the application may list up to three portrait artists who may, under the issued Sidewalk Vending Permit, use the designated area on an alternate basis.
 - (2) Despite Subsection D(1), only one portrait artist authorized under Subsection D(1) shall occupy the designated area at a time.
- E. An application for a Sidewalk Vending Permit will not be accepted if an application for the same proposed designated area has been received by the Executive Director and refused by the Executive Director or Community Council within one year prior to the present application.

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

Where an application is made under § 740-8:

- A. The Executive Director shall review the application to determine if the requirements of this chapter have been met.
- B. Where the Executive Director determines that the application as received does not comply with this chapter, 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 objection has been received by the Executive Director within the fourteen day period in Subsection C(1), the Executive Director shall approve the application for the issuance of the Sidewalk Vending Permit.
 - (3) Where a written objection is received by the Executive Director within the fourteen 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.

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- (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, setting out the grounds for refusal.
 - (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, Community Council shall determine whether a Sidewalk Vending Permit should be granted.
- D. Where a permit has been approved for issuance, the Executive Director shall notify the applicant in writing.

§ 740-10. Application for expanded designated area for non-motorized refreshment vehicles.

- A. Individuals permitted to, or applying for a Sidewalk Vending Permit to, vend from a non-motorized refreshment vehicle at a designated area on the sidewalk may apply to the Executive Director to occupy up to 1.16 square metres of extra space on the sidewalk.
- B. Upon receiving an application for extra space under Subsection A, the Executive Director shall conduct a site visit to determine whether the location can accommodate extra space and, if so, how much extra space can be accommodated.
- C. No extra space will be permitted by the Executive Director if doing so would contravene any other regulations contained in this chapter.
- D. Where the Executive Director has determined that the location can accommodate extra space, the Executive Director shall endorse the Sidewalk Vending Permit with the total amount of space allowed, up to a maximum of 1.16 square metres of extra space.
- E. Despite Subsections A and D, where the Executive Director has determined that the location can accommodate extra space and provided that accommodating such extra space will not contravene any provision in this chapter, the Executive Director may endorse the Sidewalk Vending Permit with a designated area larger than 3.48 square metres to accommodate an oversize cart. **[Added 2015-05-07 by By-law No. 517-2015⁴]**

⁴ Editor's Note: By-law No. 517-2015 came into effect May 14, 2015.

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§ 740-11. Moratoriums.

- A. Despite anything in this chapter to the contrary, the Executive Director shall not accept an application for a Sidewalk Vending Permit to vend refreshments and/or food products from a non-motorized refreshment vehicle in Wards 20, 27 or 28.
- B. Despite anything in this chapter to the contrary, the Executive Director shall not accept an application for a Sidewalk Vending Permit to vend either (a) goods, wares, merchandise, products, crafts, jewellery or any other non-food items from a portable display unit or (b) portraits created at a work station.
- C. Where the Executive Director refuses to accept an application under Subsections A or B, the applicant shall not be entitled to appeal.
- D. Despite Subsections A or B, if, on May 14, 2014, a non-food vendor holds a R53 Sidewalk Vending Permit or a R55 Curb Lane Vending Permit, that R53 Sidewalk Vending Permit or R55 Curb Lane Vending Permit for a non-food vendor shall continue until the date of renewal at which time the R53 Sidewalk Vending Permit or the R55 Curb Lane Vending Permit may be renewed as a Sidewalk Vending Permit under this chapter where in compliance with this chapter.
- E. Despite Subsections A or B, if, on May 14, 2014, a food vendor holds a R53 Sidewalk Vending Permit for Ward 20, 27 or 28, the R53 Sidewalk Vending Permit shall continue until the date of renewal at which time the R53 Sidewalk Vending Permit may be renewed as a Sidewalk Vending Permit under this chapter where in compliance with this chapter.

ARTICLE III
Mobile Food Vending Permits

§ 740-12. General.

- A. A person may apply for a Mobile Food Vending Permit which will grant to the permit holder the right to vend refreshments and food products from only the motorized refreshment vehicle identified in the permit in Mobile Vending Zones. [**Amended 2015-05-07 by By-law No. 517-2015⁵**]
- B. The Executive Director shall issue no more than a total of 125 Mobile Food Vending Permits, inclusive of the existing R55 Curb Lane Vending Permits grand parented under § 740-20.

⁵ Editor's Note: By-law No. 517-2015 came into effect May 14, 2015.

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§ 740-13. Mobile vending zones.

Mobile Vending Zones shall be designated by the Executive Director and shall consist of pay and display parking spaces on major and minor arterial roads, unless designated by the Executive Director as a Restricted Zone, and areas of the right of way which are designated by the Executive Director as a Mobile Vending Zone.

§ 740-14. Designating mobile vending zones.

- A. Mobile Vending Zones at pay and display locations 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.
- 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. The Executive Director will consider if granting the application will not:
 - (1) Impose restrictions on public safety;
 - (2) Result in public nuisance;
 - (3) Raise unacceptable obstacles to traffic management, construction or development;
 - (4) Interfere with, restrict or affect streetscape improvement projects; or
 - (5) Be inconsistent with City by-laws, policies and programs.
- D.1. Where an application to designate a Mobile Vending Zone is received by the Executive Director, the Executive Director shall notify the local Ward Councillor. **[Added 2015-05-07 by By-law No. 517-2015⁶]**
- E. Where the Executive Director 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.

⁶ Editor's Note: By-law No. 517-2015 came into effect May 14, 2015.

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- F. Where the Executive Director 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 BIA 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.
- G. Where no written objection is received by the Executive Director within the fourteen day time period in Subsection F, the Executive Director shall grant the application and designate the location as a Mobile Vending Zone.
- H. Where a written objection is received within the fourteen day period in Subsection F, the Executive Director shall:
 - (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.
- I. Upon receipt of an appeal under Subsections E or H, the Executive Director shall forward a report on the appeal to the appropriate Community Council or Committee, setting out the grounds for appeal.
- J. Where an appeal has been referred to the appropriate Community Council or Committee by the Executive Director pursuant to Subsection I, Community Council or Committee shall determine whether an area should be designated as a Mobile Vending Zone.
- K. Where a Mobile Vending Zone has been approved, the Executive Director shall notify the applicant in writing.

§ 740-15. Restricted zones.

- A. The Executive Director or the appropriate Community Council or Committee may designate areas of the road as Restricted Zones, in accordance with § 740-16.
- B. Restricted Zones are set out in Schedule C.

§ 740-16. Designating restricted zones.

- A. In the event that urgent issues arise concerning public nuisance or safety, in one or more Mobile Vending Zones, the Executive Director is authorized to designate a Restricted Zone within such Mobile Vending Zones.
- B. From time to time, the Executive Director shall be authorized to review a Mobile Vending Zone or Mobile Vending Zones to determine if it remains appropriate for mobile

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vending in consideration of the criteria set out in § 740-14D. The Executive Director shall advise the local Councillor when a Mobile Vending Zone 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 Mobile Vending Zone or a portion of it is no longer appropriate for mobile vending, the Executive Director shall be authorized to designate the Mobile Vending Zone, or part of it, 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 road as a Restricted Zone.
- 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 Mobile Vending Zone or Mobile Vending Zones to determine if it remains appropriate for mobile vending in consideration of the criteria set out in § 740-14D. If the Executive Director determines that a Mobile Vending Zone or a portion of it is no longer appropriate for mobile vending, the Executive Director shall be authorized to designate the Mobile Vending Zone, or part of it, as a Restricted Zone.
- F. A licensed vendor, Board of Management of a local Business Improvement Area, or local Councillor may appeal a Restricted Zone designation to the Executive Director.
- 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 grounds for appeal.
- 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.

§ 740-17. Conditions of operation.

- A. Despite anything in this chapter to the contrary, and despite a location being designated a Mobile Vending Zone, no Mobile Food Vending Permit holder shall:
 - (1) Vend on 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;

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- (3) Vend within 30 linear metres, measured from the centre point of the main entrance of an eating establishment during those hours when this eating establishment is open and operating; [**Amended 2015-05-07 by By-law No. 517-2015⁷**]
- (4) Vend within 30 linear metres of the property line of any school or place of worship;
- (5) Vend within 25 linear metres from a designated area on the sidewalk;
- (6) Vend for more than five hours on the same block within a 24 hour period; [**Amended 2015-05-07 by By-law No. 517-2015⁸**]
- (7) Vend on a block where there are already two Mobile Food Vending Permit holders vending on that block;
- (8) Permit any overhead canopies or doors to obstruct or hinder pedestrian traffic;
- (9) Place any signs or furniture on the sidewalk or road;
- (9.1) Despite Subsection (9), Mobile Food 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; [**Added 2015-05-07 by By-law No. 517-2015⁹**]
- (10) Orient the service windows other than towards the sidewalk. Service windows that face the street are not permitted;
- (11) Vend within the boundaries of a Business Improvement Area during a special event organized by 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 Food Vending Permit holder is invited by the Business Improvement Area;
- (12) Vend within 50 metres of the boundary of a Business Improvement Area during a special event organized by 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 Food Vending Permit holder is invited by the Business Improvement Area;

⁷ Editor's Note: By-law No. 517-2015 came into effect May 14, 2015.

⁸ Editor's Note: By-law No. 517-2015 came into effect May 14, 2015.

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- (13) Fail to clearly display their Mobile Food Vending Permit inside the windshield of the vehicle and, where a Mobile Vending Zone is located in a pay and display location, fail to clearly display their Mobile Food Vending Permit inside the windshield of the vehicle and, where issued, next to the pay and display receipt.
- B. Mobile Food 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 by-laws, 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.

§ 740-18. Permit application.

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

- A. The name and address of the applicant;
- B. A drawing or photograph, including dimensions of the motorized refreshment vehicle; and
- C. All other required information.

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

- A. Where an application for a Mobile Food Vending Permit is made under § 740-18, 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 Food Vending Permit, as received, complies with this chapter, the Executive Director shall notify the applicant in writing that his or her application has been approved.
- C. Where the Executive Director determines that the application for a Mobile Food Vending Permit as received does not comply with this chapter, the Executive Director shall, in writing, notify the applicant that the application is refused with no right of appeal.

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§ 740-20. Grand parenting.

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, until December 31, 2020, be governed by the regulations in effect on May 14, 2014 as long as those conditions continue to be complied with and any required fees are paid in accordance with Chapter 441, Fees and Charges. As at January 1, 2021, the R55 Curb Lane Vending Permits will, without notice, automatically be cancelled.

ARTICLE IV
Ice Cream Vending Permits

§ 740-21. General.

Any person may apply for an Ice Cream Vending Permit which will grant to the permit holder the right to vend ice cream and ice cream products, frozen yogurt and frozen yogurt products, or other frozen confections, including edible toppings and cones, from only the motorized refreshment vehicle identified in the permit from a highway at the sides and at the locations set out in Schedule D. [Amended 2015-05-07 by By-law No. 517-2015¹⁰]

§ 740-22. Conditions of operation.

Despite anything else in this chapter to the contrary, and despite a highway or location being listed in Schedule D:

- A. An Ice Cream Vending Permit holder shall not vend on any part of the road lying between two intersecting highways for a period exceeding 30 minutes of any day;
- B. An Ice Cream Vending Permit holder shall only vend ice cream, ice cream products, frozen yogurt, frozen yogurt products or other frozen confections, including edible toppings and cones, from the vehicle;
- C. The vehicle shall be located more than 30 metres from the property line of any school ground; and
- D. An Ice Cream Vending Permit holder 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, and City of Toronto by-laws.

§ 740-23. Permit application.

The applicant shall complete an application for the Ice Cream Vending Permit in a form required by the Executive Director and detailing the following:

¹⁰ Editor's Note: By-law No. 517-2015 came into effect May 14, 2015.

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- A. The name and address of the applicant;
- B. A drawing or photograph, including dimensions of the motorized refreshment vehicle; and
- C. All other required information.

§ 740-24. Review and processing of permit application; issuance or denial of permits; appeals.

- A. Where an application for an Ice Cream Vending Permit is made under § 740-23, 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 an Ice Cream Vending Permit, as received, complies with this chapter, the Executive Director shall notify the applicant in writing that his or her application has been approved.
- C. Where the Executive Director determines that the application for an Ice Cream Vending Permit, as received, does not comply with this chapter, the Executive Director shall, in writing, refuse the Ice Cream Vending Permit with no right of appeal.

ARTICLE V
Permit Issuance

§ 740-25. Insurance.

Where a permit has been approved for issuance under this chapter, the applicant shall provide the Executive Director with an original copy of a certificate of comprehensive general liability insurance with an insurance company and in a form satisfactory to the Executive Director, in an amount of not less than \$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.

§ 740-26. Terms and conditions.

- A. Where a permit has been approved for issuance, the applicant shall enter into an agreement with the City containing the following terms and conditions, where deemed applicable by the Executive Director:
 - (1) The permit holder shall display the permit in a manner so that it is clearly visible on the refreshment vehicle, the portable display unit or the work station. In the case of a Mobile Food Vending permit, when vending in a pay and display

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parking location, the permit holder shall display the Mobile Food Vending permit inside the windshield of the vehicle and, where issued, next to the pay and display receipt.

- (2) The permit holder acknowledges that the permit holder does not have exclusive use of the designated area, Mobile Vending Zone, or highway.
- (3) A Mobile Food Vending Permit holder acknowledges that a Mobile Vending Zone may not be available or accessible from time to time.
- (4) An Ice Cream Vending Permit holder acknowledges that a highway or location listed in Schedule D may not be available or accessible from time to time.
- (5) The Executive Director, or any person authorized by a public utility, may enter the designated area, Mobile Vending Zone, or highway, at any time, without compensation to the permit holder, for the purpose of installation, maintenance or repair of any pavement, pipes, cables, wires, poles or any other installation or utility.
- (6) 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.
- (7) The permit holder shall only use the designated area, Mobile Vending Zone or highway for the purpose indicated in the permit.
- (8) The permit holder shall ensure that the Executive Director has, at all times during the period of the permit, certified copies of insurance certificates as required by § 740-25.
- (9) The permit holder shall maintain the designated area, Mobile Vending Zone or highway, and the adjacent pavement, sidewalk and boulevard, in a clean and sanitary condition free from grease, papers, rubbish and debris, satisfactory to the Executive Director, and in the case of a work station, shall not place any drawing or painting materials on the sidewalk or boulevard except for not more than three portrait samples.
- (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 the refreshment vehicle, the portable display unit or the work station unattended except that, if the refreshment vehicle, the portable display unit or the work station does not contain any equipment for heating food, the permit holder may, for not more than 15 minutes of each two-

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hour period, leave the refreshment vehicle vacant or the portable display unit or the work station unattended.

- (12) The permit holder shall ensure that any person working within the refreshment vehicle or vending from the portable display unit or from the work station provides, on request, to any police officer or person designated by the Executive Director, sufficient valid written identification to adequately and properly identify the person.
- (13) The permit holder shall 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 including parades, special events or pedestrian, vehicular or public safety.
- (14) After having been given notice and the opportunity to depute to the matter before the appropriate Community Council or Committee, the permit holder agrees that Community Council or Committee may at any time without reason or compensation cancel the permit.
- (15) The permit holder agrees that the permit may be cancelled by the appropriate Community Council or Committee upon the recommendation of the Executive Director.
- (16) The permit holder agrees that the Executive Director may, upon giving notice in writing to the permit holder, suspend the permit where the Executive Director has reason to believe that the agreement or this chapter is being violated by the permit holder or any person working in the refreshment vehicle or any person vending from the portable display unit or the work station, or where the Executive Director has reason to believe the health or safety of the public may be endangered by reason of the refreshment vehicle, the portable display unit or the work station continuing to be located in the designated area, Mobile Vending Zone or highway, pending the consideration by the appropriate Community Council or Committee at its next appropriate meeting of a report from the Executive Director respecting the violations or the health or safety concerns.
- (17) Where the permit holder has received a notice of suspension under Subsection A(16), the permit holder agrees that if the refreshment vehicle, the portable display unit or the work station continues 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.
- (18) Where a permit has been cancelled or not renewed, the permit holder agrees that if the refreshment vehicle, the portable display unit or the work station is from then on located in the designated area, Mobile Vending Zone or highway, it may be removed by the Executive Director or the police at the request of the Executive

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Director, and the costs of the removal and storage of the vehicle shall be paid by the permit holder.

- (19) In the case of a motorized refreshment 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.
 - (20) Despite anything in this chapter, the permit holder acknowledges that the regulations in the City's traffic by-laws, which may be more restrictive than those found in this chapter, prevail.
 - (21) 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.
 - (22) The permit holder agrees that a violation of the agreement shall constitute a contravention of this chapter.
- B. 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 Food Vending Permit or Ice Cream Vending Permit, delete the provisions in Subsection A that do not apply to the permit that is the subject matter of the agreement.
- D. Maintenance costs
- (1) Where a permit holder, or the employee or agent of the permit holder, has failed to maintain the designated area or Mobile Vending Zone as required under this chapter and the agreement in a condition satisfactory to the Executive Director, the Executive Director may give notice to the permit holder requiring that the designated area or Mobile Food Vending Zone be cleaned to the satisfaction of the Executive Director within 24 hours of the date of the notice and stating that, upon failure to do so, the designated area or Mobile Food Vending Zone may be cleaned by the City and the cost for each cleaning charged to the permit holder.
 - (2) Failure to comply with three written notices issued under Subsection D(1) shall disentitle the permit holder to further notices, and the Executive Director shall be authorized to undertake all further cleaning as necessary and charge the cost to the permit holder.

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§ 740-27. Requirements for permit issuance.

The Executive Director shall not issue a permit unless:

- A. The applicant has provided to the Executive Director:
 - (1) Proof that the applicant holds a valid licence, in good standing and issued by Municipal Licensing and Standards, for, in the case of a refreshment vehicle, food vending or, in the case of a portable display unit, the sale of the items proposed to be sold from the portable display unit; or
 - (2) Proof, acceptable to the Executive Director, that the applicant is exempt from the requirement in Subsection (A)(1);
- B. The applicant has provided the Insurance in accordance with § 740-25;
- C. The applicant has paid all applicable fees as required by the City; and
- D. The applicant has entered into and is in compliance with an agreement in accordance with § 740-26 in a form and content satisfactory to the Executive Director.

§ 740-28. Time limit for compliance and issuance of permit.

- A. The applicant has 60 days from the date of notification from the Executive Director to the applicant that the permit has been approved for issuance to comply with § 740-27.
- B. Where an applicant has not complied with Subsection A, the application shall be cancelled and the Executive Director shall, in writing, inform the applicant thereof, and the permit shall not be issued unless the appropriate Community Council or Committee authorizes an extension for compliance prior to an application for the same designated area being received by the Executive Director from another applicant.

§ 740-29. Permit term; renewal.

- A. A permit issued shall be issued for one permit year.
 - A.1 Despite and in addition to Subsection A, a Mobile Food Vending Permit and/or an Ice Cream Vending Permit may be issued for a six month or nine month term. **[Added 2015-05-07 by By-law No. 517-2015¹¹]**
- B. Any valid permit may be renewed annually by the permit holder, if the permit holder is not in violation of this chapter and is not in breach of the agreement required under § 740-26.

¹¹ Editor's Note: By-law No. 517-2015 came into effect May 14, 2015.

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- B.1 In addition to Subsection B, a valid Mobile Food Vending Permit and/or a valid Ice Cream Vending Permit may be renewed for a six month or nine month term, if the permit holder is not in violation of this chapter and is not in breach of the agreement required under § 740-26. [Added 2015-05-07 by By-law No. 517-2015¹²]
- C. No permit shall be renewable by the permit holder unless all charges made under § 740-26D have been paid in full by the permit holder before the date of renewal.

§ 740-30. 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.

§ 740-31. Transfer.

The permit holder shall not assign or transfer the right to use the permit to any other person.

§ 740-32. 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 this chapter is being violated by the permit holder, any person working in the refreshment vehicle, or by any person vending from the portable display unit or the work station, or where the Executive Director has reason to believe that the health or safety of the public may be endangered by reason of the refreshment vehicle, the portable display unit or the work station continuing to be located in the designated area, Mobile Vending Zone or highway, pending the consideration by the appropriate Community Council or Committee at its next appropriate meeting of a report from the Executive Director respecting the violations or the health or safety concerns.
- B. Where the permit holder has received a notice of suspension under Subsection A, if the refreshment vehicle, portable display unit or the work station continues 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.

§ 740-33. Cancellation of permits.

- A. The Executive Director shall prepare a report of the violation(s) and recommending whether or not the permit should be cancelled for consideration by the appropriate Community Council or Committee and for the hearing of depositions where:
- (1) A permit holder has been convicted of violating any provision of the *Health Protection and Promotion Act* relating to the refreshment vehicle, the portable

¹² Editor's Note: By-law No. 517-2015 came into effect May 14, 2015.

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display unit or the selling of foodstuffs, or a provision relating to the selling of foodstuffs contained in any City by-law, and has not immediately remedied the condition giving rise to the conviction;

- (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 refreshment vehicle, the portable display unit or the selling of foodstuffs, or a provision relating to the selling of foodstuffs contained in any City by-law, 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.
- B. 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.
- C. 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 the matter to the appropriate Community Council or Committee.

§ 740-34. 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 month during which the designated area was not physically available.
- B. Where a permit is cancelled by Community Council or Committee under § 740-33A, the permit holder shall not be entitled to any refund.
- C. Where a permit is cancelled by Community Council or Committee under § 740-33B, 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 month remaining in the permit year.

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ARTICLE VI
Enforcement and Penalties

§ 740-35. Offences.

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

§ 740-35.1. Seizure and removal.

[Added 2015-07-09 by By-law No. 772-2015]

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

ARTICLE VII
Transition

§ 740-36. Transition.

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;

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- (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"; or
- (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".

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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, Ice Cream Vending Permit Locations](#)