

TORONTO MUNICIPAL CODE, STREET VENDING

Chapter 315

STREET VENDING

**ARTICLE I
Definitions**

§ 315-1. Definitions and word usage.

**ARTICLE II
Vending on City Streets and Sidewalks**

§ 315-2. Vending restricted.

§ 315-3. Vending permitted in designated areas.

§ 315-4. Designated areas for food vending vehicles.

§ 315-5. Vending permits authorized.

§ 315-6. Application for permit.

§ 315-7. Restriction on number of permits.

§ 315-8. Location of designated area.

§ 315-9. Review and processing of permit application; notice to adjacent property owners; issuance or denial of permits; appeals.

§ 315-10. Permit fees.

§ 315-11. Liability insurance.

§ 315-12. Metropolitan licence requirements.

§ 315-13. Agreement required; terms.

§ 315-14. Permit term; renewal.

§ 315-15. Refund of permit fee.

TORONTO MUNICIPAL CODE, STREET VENDING

- § 315-16. **Time limit for compliance and issuance of permit.**
- § 315-17. **Cancellation of permits.**
- § 315-18. **Restrictions on acquisition and use of permit.**
- § 315-19. **Vending of ice cream products.**

**ARTICLE III
Vending on Metropolitan Roads**

- § 315-20. **Issuance of permit; contents.**
- § 315-21. **Restrictions.**
- § 315-22. **(Reserved)**

**ARTICLE IV
Removal Zones**

- § 315-23. **City removal zones designated; restrictions.**
- § 315-24. **(Reserved)**
- § 315-25. **Removal zones in parks; restrictions.**

**ARTICLE V
Enforcement**

- § 315-26. **(Reserved)**
- § 315-27. **Offences.**
- § 315-28. **Transition.**

Schedule A, Designated Areas for Food Vending Vehicles and Portable Display Units

Schedule B, Public Highways Eligible for Designated Vending Areas

Schedule C, Designated Areas for Curb Lane Vending

TORONTO MUNICIPAL CODE, STREET VENDING

Schedule D, Public Highways for Vending of Ice Cream and Frozen Confections

Schedule E, Time and Day Restrictions

Schedule F, Public Highways in Institutional Areas Eligible for Designated Vending Areas

[HISTORY: Adopted by the Council of The Corporation of the City of Toronto 1994-10-11 as By-law No. 1994-0783.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Littering — See Ch. 222.

Vending in Nathan Phillips Square — See Ch. 237.

Parks — See Ch. 255.

Streets and sidewalks — See Ch. 313.

Traffic and parking — See Ch. 400.

ARTICLE I
Definitions

§ 315-1. Definitions and word usage.

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

COMMISSIONER — The Commissioner of Public Works and the Environment.

DESIGNATED AREA [**Amended 1995-08-15 by By-law No. 1995-0551**]:

- (1) An area designated under Article II for the parking of food vending vehicles for the purpose of selling food products from it;
- (2) An area designated under Article II for the purpose of vending from a portable display unit located in that area;
- (3) An area designated under Article II for the purpose of vending from a work station located in that area;
- (4) In the case of a metropolitan road, an area designated by the Metropolitan Corporation for the purposes of vending under a permit issued under § 315-20. [**Added 1996-04-02 by By-law No. 1996-0173**]

¹Editor's Note: This by-law was passed under the authority of section 2 of the City of Toronto Act, 1986, S.O. 1986 (No. 2), c. Pr33; the City of Toronto Act, 1990 (No. 2), S.O. 1990, c. Pr12, as amended; and the City of Toronto Act, 1993 (No. 3), S.O. 1993, c. Pr39.

TORONTO MUNICIPAL CODE, STREET VENDING

FOOD VENDING VEHICLE — A motorized vehicle from which refreshments, including foodstuffs are sold for consumption by persons.

PERMIT YEAR [Amended 1996-03-05 by By-law No. 1996-0142]

- (1) In the case of a portable display unit or a food vending vehicle, the period of May 1 of one year to April 30 of the following year, and the "seventh month of the permit year" shall be November.
- (2) In the case of a work station, the period of April 1 of one year to March 31 of the following year, and the "seventh month of the permit year" shall be October.

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

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

VEND - To sell or offer to sell by retail or to manufacture, display, place or expose for the purposes of sale by retail any service or any goods, wares, merchandise, products, crafts, jewellery, refreshments, foodstuffs, flowers or any other items whatsoever, and "vending" shall have a corresponding meaning. **[Amended 1995-04-24 by By-law No. 1995-0276]**

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. **[Added 1995-08-15 by By-law No. 1995-0551]**

B. (Reserved)²

ARTICLE II **Vending on City Streets and Sidewalks**

§ 315-2. Vending restricted. [Amended 1996-04-29 by By-law No. 1996-0228]

Subject to §§ 315-5, 315-19 and 315-20, no person shall at any time in, over or upon the road, sidewalk or boulevard of any public highway vend or otherwise stop, park, place, store, stand or leave any object, vehicle or thing on the road, sidewalk or boulevard for the purposes of vending unless the use of the road, sidewalk or boulevard is by a farmer or market gardener selling or delivering goods to any place of business or residence adjacent to the road, sidewalk or boulevard, if the farmer or market gardener

²Editor's Note: Former Subsection B, which set forth definitions for former Article III, Vending on Metropolitan Roads, was repealed 1995-02-28 by By-law No. 1995-0201.

TORONTO MUNICIPAL CODE, STREET VENDING

is not selling or delivering from a vehicle parked, stopped or standing in a designated area established under this Article.

§ 315-3. Vending permitted in designated areas.

The public highways or portions of public highways listed on Schedules B, F and G at the end of this chapter are public highways on which vending may be permitted if a permit has been issued to allow vending in a designated area under this chapter, subject to any time restrictions placed on vending on those highways in Schedule E at the end of this chapter. **[Amended 1998-02-06 by By-law No. 33-1998]**

§ 315-4. Designated areas for food vending vehicles.

The areas set out in Column A of Schedule C at the end of this chapter are designated areas on public highways for the purpose of parking food vending vehicles for vending food products from them, except during the time periods set out in Column B of Schedule C.

§ 315-5. Vending permits authorized.

- A. Subject to § 315-7, any person may apply for a permit which will grant to the permit holder the exclusive right to vend:
- (1) Food products from a food vending vehicle to be parked in a designated area specified in the permit and set out in Schedule C, except during the hours set out in Schedule C, if the permit holder complies with the terms and conditions prescribed by the permit and any agreement entered into with the City as a condition of receiving the permit; or
 - (2) From a portable display unit to be located in a designated area specified in the permit on a public highway set out in Schedule B, F or G if the permit holder complies with the terms and conditions prescribed by the permit and any agreement entered into with the City as a condition of receiving the permit. **[Amended 1995-08-15 by By-law No. 1995-0551; Amended 1998-02-06 by By-law No. 33-1998]**
 - (3) **[Added 1995-08-15 by By-law No. 1995-0551]** Portraits from a work station to be located in a designated area specified in the permit and designated by Council in the following table as a designated area for a work station, if the permit holder complies with the terms and conditions prescribed by the permit and any agreement entered into with the City as a condition of receiving the permit.

Designated Area

Council Action

TORONTO MUNICIPAL CODE, STREET VENDING

Street	Number	
Dundas Street West	6	Clause 41 of City Services Committee Report No. 10, as amended and adopted on July 24 and 25, 1995
Yonge Street	20	Clause 41 of City Services Committee Report No. 10, as amended and adopted on July 24 and 25, 1995

- B. No person shall acquire a permit for a designated area except under this Article.
- C. Despite Subsection A, in the case of a permit for a work station, the permit holder may authorize any other portrait artist who holds a valid work station permit to vend from the designated area set out in his or her permit, but no charge shall be made for this authorization. **[Added 1996-03-05 by By-law No. 1996-0142]**
- D. Designated permit areas. **[Added 1996-04-29 by By-law No. 1996-0228]**
 - (1) Despite Subsection A, if an application for a permit to vend from a food vending vehicle or portable display unit is for a location in an area set out in Schedule A at the end of this chapter, the application may only be made for a designated area listed in Schedule A.
 - (2) Where an application is made for a permit for a designated area listed in Schedule A at the end of this chapter and the application is not for renewal of a permit under § 315-14C, a permit shall not be issued unless the designated area complies with the requirements of this chapter, despite any exception that may have applied to the former permit holder.

§ 315-6. Application for permit.

The following process shall be applicable to vending permit applications:

- A. The applicant shall determine the proposed location for the designated area.
- B. Application fee. **[Amended 1996-01-22 by By-law No. 1996-0078]**
 - (1) The applicant shall pay to the City a non-refundable application fee in the amount of two hundred dollars (\$200.).

TORONTO MUNICIPAL CODE, STREET VENDING

- (2) This fee shall automatically increase on the first day of May in each year by the increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the twelve-month period ending on February 1 in the year of rate increase.
- C. The applicant shall complete an application for the permit in the form required by the Commissioner and detailing the following:
- (1) The name and address of the applicant.
 - (2) Proof that the applicant holds a valid licence, in good standing, issued by the Metropolitan Licensing Commission for food vending in the case of a food vending vehicle or, in the case of a portable display unit, a valid licence for the sale of the items proposed to be sold from the portable display unit.
 - (3) Where the applicant does not hold a licence from the Metropolitan Licensing Commission, proof that the applicant is exempt from that requirement.
 - (4) A drawing or photograph, including dimensions, of:
 - (a) In the case of a designated area on the road, the food vending vehicle and detailed drawings of waste receptacles, food storage areas and heating, cooling or other equipment associated with the food vending vehicle as may be required by the Medical Officer of Health; or
 - (b) In the case of a designated area on the sidewalk or boulevard, the portable display unit, not to exceed two and thirty-two hundredths (2.32) square metres, including any seat and waste receptacle, and a detailed drawing of waste receptacles, food storage areas and heating, cooling or other equipment associated with the portable display unit as may be required by the Medical Officer of Health.
 - (c) In the case of a designated area on the sidewalk or boulevard, the work station. **[Added 1995-08-15 by By-law No. 1995-0551]**
 - (5) A certificate from the Medical Officer of Health indicating that the food vending vehicle or the portable display unit from which food is sold complies with the regulations made under the Health Protection and Promotion Act.³
 - (6) Where the food vending vehicle or portable display unit is proposed to be equipped with a propane heater:

³Editor's Note: See R.S.O. 1990, c. H.7, as amended.

TORONTO MUNICIPAL CODE, STREET VENDING

- (a) A report from the holder of a certificate under Ontario Regulation 348/96 made under the Energy Act with respect to propane heaters, that the proposed propane heater, and food vending vehicle or portable display unit, as the case may be, meets the requirements of the Propane Storage, Handling and Utilization Code (Ontario Regulation 250/94). **[Amended 1996-09-16 by By-law No. 1996-0442]**
 - (b) Evidence satisfactory to the Commissioner respecting completion of a training course in the use of propane by the applicant and by all persons intended to be working within the food vending vehicle or vending from the portable display unit.
- (7) In the case of a food vending vehicle, a description of the food items to be offered for sale, and in the case of a portable display stand, of the items to be offered for sale.
- (8) A detailed description of the location requested to be a designated area.
- (9) In the case of a food vending vehicle, the hours of operation requested.
- D. Despite Subsection C(6), the report and evidence of completion of a course may be submitted prior to the issuance of a permit.
- E. In the case of an application for a work station, the application may list up to three (3) portrait artists who will use the designated area on an alternate basis, but only one (1) portrait artist at a time shall occupy the designated area. **[Added 1995-08-15 by By-law No. 1995-0551]**

§ 315-7. Restriction on number of permits.

No person shall be issued a permit under § 315-5 unless:

- A. That person, on the date on which the application is approved, does not hold any permit issued under this Article to vend from a designated area; or
- B. Where a person as of July 16, 1990, holds one (1) or more permits issued under this Article to vend from a designated area or areas, that person relinquishes one (1) permit for each new application which is approved, and that permit is cancelled.

§ 315-8. Location of designated area.

- A. The proposed location for the designated area shall comply with the following criteria:

TORONTO MUNICIPAL CODE, STREET VENDING

- (1) **[Amended 1995-08-15 by By-law No. 1995-0551; amended 1998-02-06 by By-law No. 33-1998]** The designated area shall be located on a public highway listed in Schedule B, F or G at the end of this chapter and:
- (a) In the case of a food vending vehicle, shall not have dimensions of more than ten (10) metres in length by three (3) metres in width.
 - (b) In the case of a portable display unit, shall not have an area of more than two and thirty-two hundredths (2.32) square metres.
 - (c) In the case of a work station, shall not have an area of less than one and six-tenths (1.6) square metres or more than two and twenty-five hundredths (2.25) square metres.
- (2) No portion of the designated area shall:
- (a) Be located directly in front of an entrance to or exit from a building.
 - (b) Block the name or municipal number of a building or a display window, except that, in the case of a portable display unit or a work station, the unit or the station may block a display window if the owner of the building and the occupant of the business with the display window state in writing that they have no objection to the location of the portable display unit or the work station. **[Amended 1995-08-15 by By-law No. 1995-0551]**
 - (c) In the case of a food vending vehicle, be located within thirty and five-tenths (30.5) metres of a signalized intersection.
 - (d) Be located less than twenty-five (25) metres from any part of a business which sells to the public products similar to those proposed to be sold from the food vending vehicle, the portable display unit or the work station. **[Amended 1995-08-15 by By-law No. 1995-0551]**
 - (e) Be located directly in front of a standpipe attached to a building.
 - (f) In the case of a portable display unit or a work station near the intersection of the street lines of two (2) public highways, be located closer to the intersection than the distance equal to the width of the designated area. **[Amended 1995-08-15 by By-law No. 1995-0551]**
 - (g) Where it is proposed to vend ice cream, ice cream cones, frozen confections, frozen desserts or any non-edible item from the designated area, be located closer than thirty (30) metres to the entrance to any

TORONTO MUNICIPAL CODE, STREET VENDING

school ground, public park or public dock or wharf where ferries take on and discharge passengers.

(h) In the case of a food vending vehicle or a portable display unit, be located within a twenty-five-metre radius of an existing designated area for a food vending vehicle or a portable display unit, where the permit for the designated area is issued after September 16, 1991. **[Amended 1995-08-15 by By-law No. 1995-0551]**

(i) Be located less than twenty-five (25) metres from any entrance to or exit from a place of worship.

(3) A total of at least three and sixty-six hundredths (3.66) metres of paved and passable space, measured between the designated area and the curb and between the designated area and any adjacent obstruction to pedestrian passage or change in grade on private property, remains clear of all obstructions and available for uninhibited pedestrian passage. **[Amended 1995-02-06 by By-law No. 1995-0125]**

(4) No application for the same proposed designated area has been received by the Commissioner and refused by the Commissioner or Council within one (1) year prior to the present application.

(5) No application shall be accepted for any new designated area to be located within any portion of the City designated by Council as an Improvement Area under the Municipal Act, unless the Commissioner has received the written consent of the Board of Management for the area.

B. Where a permit has been approved for issuance, the Commissioner shall clearly mark the designated area on the road, sidewalk or boulevard, as the case may be.

§ 315-9. Review and processing of permit application; notice to adjacent property owners; issuance or denial of permits; appeals.

A. Where an application is made under §§ 315-5 and 315-6:

(1) The Commissioner shall stamp the application form with the time and date received.

(2) The Commissioner shall review the application to determine if the requirements of this Article have been met.

B. **[Amended 1995-10-16 by By-law No. 1995-0634]** Where the Commissioner determines that the application as received complies with this Article and the policies of Council as

TORONTO MUNICIPAL CODE, STREET VENDING

they existed on the date the application was received, the Commissioner shall, so far as is practicable, notify the owners of buildings and occupants of businesses adjacent to the proposed designated area of the application and its eligibility for approval, stating that any person may object to the application by writing to the Commissioner within fourteen (14) days from the date of notification.

- (1) Where no objection has been received within the fourteen-day period, the Commissioner shall issue the permit if the applicant complies with this section.
 - (2) Where a written objection is received within the fourteen-day period, the Commissioner shall notify the applicant and shall refuse the application.
- C. Where the Commissioner determines that the application as received does not comply with this Article and the policies of Council, the Commissioner shall, in writing, notify the applicant, specifying in what manner the application does not comply and stating that the applicant may, within thirty (30) days of the date of the notification, appeal to the Commissioner in writing setting out the reasons why the applicant believes the application complies with this Article.
- D. Appeal.
- (1) Upon receipt of a properly constituted appeal, the Commissioner shall meet with the applicant to review the reasons for refusal and reassess whether the application complies with this Article and the policies of Council and, where the Commissioner remains of the opinion that the application does not comply with this Article and the policies of Council, the applicant may, following the meeting appeal to the City Services Committee, in writing, setting out the reasons why the applicant believes the application complies with this Article and request to be heard by the City Services Committee.
 - (2) The Commissioner shall after receipt of the appeal forward a report on the application to the City Services Committee, setting out the grounds for refusal.
- E. Where an applicant has appealed to the City Services Committee under Subsection D, the Clerk shall, so far as is practicable, give notice of the appeal to the owners of buildings and occupants of businesses adjacent to the proposed designated area described in the application, stating that any person may object to the application by writing to or appearing at the City Services Committee.
- F. Where a written objection to an application has been referred to the City Services Committee by the Commissioner or an applicant has filed an appeal to the City Services Committee under Subsection D, the Committee, after affording the applicant, any objectors and any other interested persons the opportunity to be heard on the matter, shall recommend to Council whether a permit should be granted, except that a permit shall not

TORONTO MUNICIPAL CODE, STREET VENDING

be recommended or granted unless the application complies with this Article and the policies of Council.

- G. Where a permit has been approved for issuance, the Commissioner shall notify the applicant in writing.

§ 315-10. Permit fees.

- A. Where a permit has been approved for issuance:

- (1) The applicant shall, in the case of a food vending vehicle:

(a) Pay in full and in advance an annual fee of two thousand six hundred three dollars and fifty cents (\$2,603.50) for a food vending vehicle selling only ice cream, ice cream products, frozen yogurt, frozen yogurt products or other frozen confections, including edible toppings and cones.

(b) Pay in full and in advance an annual fee of three thousand five hundred forty dollars and seventy-six cents (\$3,540.76) for a food vending vehicle selling food products other than ice cream, ice cream products, frozen yogurt, frozen yogurt products or other frozen confections, including edible toppings and cones.

(c) Where approval of a permit results in the loss or removal of any metered parking stall, pay:

[1] All costs incurred by the City in removing the metered parking stall.

[2] An annual charge equal to the lost parking meter revenue, as estimated by the Commissioner, having regard to the parking meter revenue generated by parking meters in the immediate vicinity of the curb lane vending location.

- (2) The applicant shall, in the case of a portable display unit:

(a) Pay in full and in advance an annual fee of one thousand four hundred fifty-seven dollars and ninety-six cents (\$1,457.96) for a portable display unit selling hot dogs or other edible food substances but not ice cream, ice cream products or popcorn, or selling any non-food products other than flowers.

TORONTO MUNICIPAL CODE, STREET VENDING

- (b) Pay in full and in advance an annual fee of seven hundred twenty-eight dollars and ninety-eight cents (\$728.98) for a portable display unit selling only:
- [1] Ice cream, ice cream products, frozen yogurt, frozen yogurt products or other frozen confections, including edible toppings and cones;
 - [2] Popcorn and edible toppings for popcorn;
 - [3] A combination of popcorn and edible toppings for popcorn, nuts, taffy apples children's novelty items; or
 - [4] Flowers.
- (3) The applicant shall, in the case of a work station, pay in full and in advance an annual fee of three hundred dollars (\$300.). **[Added 1995-08-15 by By-law No. 1995-0551; amended 1996-03-05 by By-law No. 1996-0142]**

B. Increase in rates.

- (1) The rates set out in Subsection A(1) (a) and (b) and (2) shall automatically increase on the first day of May in each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the twelve-month period ending on February 1 in the year of the rate increase.
- (2) The rate set out in Subsection A(3) shall automatically increase on the first day of April each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the twelve-month period ending on January 1 in the year of the rate increase. **[Added 1996-03-05 by By-law No. 1996-0142]**

§ 315-11. Liability insurance.

Where a permit has been approved for issuance, the applicant shall provide the Commissioner with an original copy of a certificate of comprehensive general liability insurance with an insurance company and in a form satisfactory to the Commissioner of Finance, in an amount of not less than five hundred thousand dollars (\$500,000.), applying to the applicant's use of the designated area at all times during which it is being used under the permit, and in which the City is a named insured and which contains either or both a cross liability or severability of interest clause protecting the City against any actions, causes of actions, claims and demands which may arise resulting from the City's issuance of the permit to use the designated area.

TORONTO MUNICIPAL CODE, STREET VENDING

§ 315-12. Metropolitan licence requirements.

Where a permit has been approved for issuance, the applicant shall:

- A. In the case of a food vending vehicle, ensure that any agent or employee vends only from within the food vending vehicle and, where required under By-law No. 20-85 of Metropolitan Toronto, hold a valid food vending licence issued by the Metropolitan Licensing Commission; and
- B. In the case of a portable display unit, ensure that not more than three (3) agents or employees vend from the portable display unit at any one (1) time and that all persons vend from within the designated area and, where required under By-law No. 20-85 of Metropolitan Toronto, hold a valid food vending licence issued by the Metropolitan Licensing Commission.

§ 315-13. Agreement required; terms.

- A. Where a permit has been approved for issuance, the applicant shall enter into an agreement with the City containing the following policies of Council as terms and conditions:
 - (1) The permit holder shall display the permit in a manner so that it is clearly visible on the food vending vehicle, the portable display unit or the work station, as the case may be. **[Amended 1995-08-15 by By-law No. 1995-0551]**
 - (2) The Commissioner, the Commissioner's designate or any person authorized by a public utility may enter the designated area at any time, without compensation to the permit holder, for the purpose of installation, maintenance or repair of any pavement, pipes, cables, wires, poles or any other installation or utility.
 - (3) The permit holder shall indemnify and save harmless the City from any action, claim, damage or loss arising from the use of the designated area or anything undertaken or neglected to be undertaken in connection with the use of the designated area.
 - (4) The permit holder shall only use the designated area for the purpose of display and sale of food products from the approved food vending vehicle, for the purpose of vending those products set out in the permit from the approved portable display unit or for the purpose of vending portraits from a work station by one (1) portrait artist, as the case may be. **[Amended 1995-08-15 by By-law No. 1995-0551]**

TORONTO MUNICIPAL CODE, STREET VENDING

- (5) The permit holder shall ensure that the Commissioner and Commissioner of Finance have, at all times during the period of the permit, certified copies of insurance certificates as required by § 315-11.
- (6) The permit holder shall maintain the designated area and the adjacent pavement, sidewalk and boulevard in a clean and sanitary condition free from grease, papers, rubbish and debris, satisfactory to the Commissioner, and in the case of a work station, shall not place any drawing or painting materials on the sidewalk or boulevard except for not more than three (3) portrait samples. **[Amended 1995-08-15 by By-law No. 1995-0551]**
- (7) The permit holder shall not assign or transfer the right to use the designated area to any other person.
- (8) The permit holder shall not leave the food vending vehicle, the portable display unit or the work station unattended, except that, if the vehicle, the unit or the station does not contain any equipment for heating food, the permit holder may leave the vehicle vacant or the unit or the station unattended for not more than fifteen (15) minutes of each two-hour period. **[Amended 1995-08-15 by By-law No. 1995-0551]**
- (9) The permit holder shall ensure that any person working within the food vending vehicle or vending from the portable display unit or the work station provides on request to any police officer or person designated by the Commissioner, sufficient valid written identification to adequately and properly identify the person. **[Amended 1995-08-15 by By-law No. 1995-0551]**
- (10) Where the food vending vehicle or portable display unit is proposed to be equipped with a propane heater, the permit holder shall ensure that any person working within the food vending vehicle or vending from the portable display unit provides on request to any police officer or person designated by the Commissioner, evidence satisfactory to the Commissioner respecting completion of a training course in the use of propane by the permit holder or person working within the food vending vehicle or vending from the portable display unit.
- (11) The permit holder shall vacate the designated area when required to do so by a police officer or any person designated by the Commissioner, for any reason including parades, special events or pedestrian, vehicular or public safety.
- (12) The permit holder shall at any time provide the Commissioner with a report from the holder of a certificate under Ontario Regulation 348/96 made under the Energy Act with respect to propane heaters, as referred to in § 315-6C(6). **[Amended 1996-09-16 by By-law No. 1996-0442]**

TORONTO MUNICIPAL CODE, STREET VENDING

- (13) The permit holder agrees that, despite § 315-14C, Council may at any time without reason or compensation, cancel the permit, after giving written notice to the permit holder and providing the permit holder an opportunity to speak to the matter before the City Services Committee.
- (14) The permit holder agrees that the permit may be cancelled by Council upon the recommendation of the Medical Officer of Health or the Commissioner, as set out in § 315-17.
- (15) The permit holder agrees that the Commissioner may, upon giving notice in writing to the permit holder, suspend the permit where the Commissioner has reason to believe that the agreement or this chapter is being violated by the permit holder or any person working in the food vending vehicle or any person vending from the portable display unit or the work station, or where the Commissioner has reason to believe the health or safety of the public may be endangered by reason of the food vending vehicle, the portable display unit or the work station continuing to be located in the designated area, pending the consideration by the City Services Committee at its next appropriate meeting of a report from the Commissioner respecting the violations or the health or safety concerns. **[Amended 1995-08-15 by By-law No. 1995-0551]**
- (16) Where the permit holder has received a notice of suspension under Subsection A(15), the permit holder agrees that if the food vending vehicle, the portable display unit or the work station continues to occupy the designated area pending the consideration by the City Services Committee of the Commissioner's report, the permit shall be cancelled by Council. **[Amended 1995-08-15 by By-law No. 1995-0551]**
- (17) Where a permit has been cancelled or not renewed, the permit holder agrees that if the food vending vehicle, the portable display unit or the work station is from then on located in the designated area, it shall be removed by the Commissioner or the police at the request of the Commissioner, and the costs of the removal and storage of the vehicle shall be paid by the permit holder. **[Amended 1995-08-15 by By-law No. 1995-0551]**
- (18) In the case of a food vending vehicle, the permit holder agrees that the designated area shall only be used when a vehicle is permitted to be parked, stopped or standing in that area, under the City's traffic by-laws.⁴
- (19) The permit holder agrees to comply with §§ 315-10, 315-11, 315-12 and 315-18B.

⁴Editor's Note: See Chapter 400, Traffic and Parking.

TORONTO MUNICIPAL CODE, STREET VENDING

- (20) The permit holder agrees that a violation of the agreement shall constitute a contravention of this Article, as set out in Subsection C.
- B. The Commissioner and Council shall have the power to carry out the provisions of the agreement entered into by a permit holder and shall act under the agreement.
- C. A contravention of any provision of Subsection A or any breach of an agreement entered into under Subsection A is a contravention of this chapter.
- D. Despite Subsection A, the Commissioner may, in an agreement for a food vending vehicle permit, a portable display permit or a work station permit, delete the provisions in Subsection A that only apply to a food vending vehicle, a portable display unit or a work station, as the case may be, and not to the permit that is the subject matter of the agreement. **[Added 1995-08-15 by By-law No. 1995-0551]**
- E. Maintenance costs. **[Added 1995-09-18 by By-law No. 1995-0561]**
- (1) Where a permit holder, or the employee or agent of the permit holder, has failed to maintain the designated area as required under Subsection A(6) and the agreement in a condition satisfactory to the Commissioner, the Commissioner may give notice to the permit holder requiring that the designated area be cleaned to the satisfaction of the Commissioner within twenty-four (24) hours of the date of the notice and stating that, upon failure to do so, the designated area may be cleaned by the City and a cost of forty dollars (\$40.) for each cleaning charged to the permit holder.
- (2) Failure to comply with three (3) written notices issued under Subsection E(1) shall disentitle the permit holder to further notices, and the Commissioner shall be authorized to undertake all further cleaning as necessary and charge the cost to the permit holder.

§ 315-14. Permit term; renewal.

- A. A permit issued under this Article shall be issued for one (1) permit year, except where the permit has been authorized to be issued after the first day of the permit year or before the last day of the permit year, in which case the permit shall only be issued for the period from the date of issuance to the last day of the permit year. **[Amended 1996-03-05 by By-law No. 1996-0142]**
- B. Despite § 315-10, where a permit has been authorized for issuance after the first day of the permit year or before the last day of the permit year under Subsection A, the annual fee shall be pro-rated and reduced by the proportion of the fee applicable to the number of complete months which have passed since the first day of the permit year. **[Amended 1996-03-05 by By-law No. 1996-0142]**

TORONTO MUNICIPAL CODE, STREET VENDING

- C. Subject to § 315-13A(13), (14) and (15), 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 § 315-13A.
- D. No permit shall be renewable by the permit holder unless all charges made under § 315-13E have been paid in full by the permit holder before the first day of the permit year of renewal. **[Added 1995-09-18 by By-law No. 1995-0561; amended 1996-03-05 by By-law No. 1996-0142]**

§ 315-15. Refund of permit fee.

- A. Where a designated area is not physically available for the use of the permit holder for a period which exceeds thirty (30) days, the Commissioner 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 Council under § 315-13A(13), and the permit holder is not in contravention of the agreement required under § 315-13 nor in contravention of any provision of this Article, the Commissioner shall refund the pro-rated portion of the annual fee applicable to each complete month remaining in the permit year.⁵

§ 315-16. Time limit for compliance and issuance of permit.

- A. Permits approved May 1 to November 30.
 - (1) Where a permit has been approved for issuance after the first day of the permit year and before the last day of the seventh month of the permit year, the applicant shall comply with §§ 315-10 through 315-13 and be otherwise eligible to receive the permit within sixty (60) days after the Commissioner has, under § 315-9G, informed the applicant in writing that the application has been approved. **[Amended 1996-03-05 by By-law No. 1996-0142]**
 - (2) Where an applicant referred to in Subsection A(1) has not complied with this Article within the sixty-day period, the application shall be cancelled, and the Commissioner shall, in writing, inform the applicant thereof, and the permit shall not be issued unless the City Services Committee authorizes an extension for compliance prior to an application for the same designated area being received by the Commissioner from another applicant.

⁵Editor's Note: Former Subsection C, which immediately followed this subsection, regarding refunds for work station permits, added 1995-08-15 by By-law No. 1995-0551, was repealed 1996-03-05 by By-law No. 1996-0142.

TORONTO MUNICIPAL CODE, STREET VENDING

- B. Permits approved November 30 to April 30. [**Amended 1996-03-05 by By-law No. 1996-0142**]
- (1) Where a permit has been approved for issuance after the last day of the seventh month of the permit year and before the last day of the permit year, the applicant shall comply with §§ 315-10 through 315-13 and be otherwise eligible to receive the permit before the last day of the permit year.
 - (2) Where an applicant referred to in Subsection B(1) has not complied with this Article before the last day of the permit year, the application shall be cancelled, and the Commissioner shall, in writing, inform the applicant thereof, and the permit shall not be issued unless the City Services Committee authorizes an extension for compliance prior to an application for the same designated area received by the Commissioner from another applicant.
- C. [**Added 1995-08-15 by By-law No. 1995-0551**] Despite Subsections A and B, where the permit is for a work station:
- (1) The applicant shall comply with §§ 315-10 through 315-13 and be otherwise eligible to receive the permit within sixty (60) days after the Commissioner has, under § 315-9G, informed the applicant, in writing, that the application has been approved.
 - (2) Where an applicant referred to in Subsection C(1) has not complied with this Article within the sixty-day period, the application shall be cancelled, and the Commissioner shall, in writing, inform the applicant thereof, and the permit shall not be issued unless the City Services Committee authorizes an extension for compliance prior to an application for the same designated area being received by the Commissioner from another applicant.

§ 315-17. Cancellation of permits.

Where the City Services Committee has received a report of a violation by a permit holder, under Subsection A, B or C, the Committee shall notify the permit holder, and the Committee shall, after giving the permit holder an opportunity to be heard before the Committee, recommend to Council whether or not the permit should be cancelled, and where Council cancels the permit, the permit holder shall not be entitled to any refund of any portion of the annual fee.

- A. Where the Medical Officer of Health has reported to the City Services Committee that:
- (1) A permit holder has been convicted of violating any provision of the Health Protection and Promotion Act relating to the food vending vehicle, the portable display unit or the selling of foodstuffs, or a provision relating to the selling of

TORONTO MUNICIPAL CODE, STREET VENDING

foodstuffs contained in any City by-law, and has not immediately remedied the condition giving rise to the conviction; or

- (2) A permit holder has been convicted in any twelve-month period of more than one (1) offence under the Health Protection and Promotion Act relating to the food vending vehicle, the portable display unit or the selling of foodstuffs, or a provision relating to the selling of foodstuffs contained in any City by-law, whether or not the convictions are for the same offence.
- B. Where the Commissioner has reported to the City Services Committee that a permit holder has been convicted two (2) or more times within any twelve-month period of violating one (1) or more of the following and the violations relate to the use of the permit issued under this Article, or relate to the use of the designated area:
- (1) Propane Storage, Handling and Utilization Code, being Ontario Regulation 250/94.
 - (2) Metropolitan Licensing By-law No. 20-85.⁶
 - (3) Metropolitan Streets By-law No. 211-74.
 - (4) Metropolitan Traffic By-law No. 32-92.
 - (5) Chapter 313, Streets and Sidewalks. [**Amended 1996-03-05 by By-law No. 1996-0142**]
 - (6) Chapter 400, Traffic and Parking. [**Amended 1996-03-05 by By-law No. 1996-0142**]
- C. Where the Commissioner reports to the City Services Committee that a permit holder has been convicted two (2) or more times within a twelve-month period after May 30, 1994, of violating any provisions of this chapter.

§ 315-18. Restrictions on acquisition and use of permit.

- A. No person shall acquire or use a permit or identifying marker issued in connection with a permit for a designated area, except under this Article.
- B. No person issued a permit under this Article shall vend on any road, sidewalk or boulevard of any public highway listed in Schedule E during the time periods set out in the Schedule unless the designated area is set out in Schedule C, in which case the time restrictions in Schedule C shall take precedence.

⁶ Editor's Note: Copies of Metropolitan Toronto by-laws are available from the Metropolitan Clerk, Metro Hall.

TORONTO MUNICIPAL CODE, STREET VENDING

- C. Parking restrictions.
- (1) No person who vends from a motorized vehicle under § 315-19B shall stop the vehicle on any part of the highway lying between two (2) intersecting highways for more than three (3) hours of any day or for more than one (1) hour within the three-hour period at any one (1) location. **[Amended 1996-04-29 by By-law No. 1996-0228]**
 - (2) Nothing in this subsection shall be deemed to permit the stopping or parking of a vehicle where stopping or parking is prohibited.
- D. Despite Subsection C(2) or any provision of Chapter 400, Traffic and Parking, no parking, standing or stopping provisions shall apply to the parking, standing or stopping of a food vending vehicle by the holder of a permit issued under this chapter in the designated area set out in Schedule C. **[Amended 1995-09-19 by By-law No. 1995-0598; 1996-03-05 by By-law No. 1996-0142]**
- E. **[Added 1996-03-05 by By-law No. 1996-0142]** The following materials and equipment shall not be used for any activity authorized by a permit:
- (1) Spray paint or spray solvent.

§ 315-19. Vending of ice cream products.

- A. Despite § 315-2, any person may, on the road of any public highway listed in Schedule D at the end of this chapter, vend ice cream and ice cream products, frozen yogurt and frozen yogurt products, or other frozen confections, including edible toppings and cones, from a motorized or non-motorized vehicle if:
- (1) The vehicle is not stopped on any part of the road lying between two (2) intersecting public highways for a period exceeding thirty (30) minutes of any day or at any one (1) location on the road for a period exceeding ten (10) minutes within the thirty-minute period.
 - (2) Only ice cream, ice cream products, frozen yogurt, frozen yogurt products or other frozen confections, including edible toppings and cones, are sold from the vehicle.
 - (3) Vending on the road is not otherwise prohibited by by law.
- B. Despite any other provision of this Article, any person may, on the road of any public highway listed in Schedule B at the end of this chapter, vend ice cream and ice cream products, frozen yogurt and frozen yogurt products or other frozen confections, including edible toppings and cones, from a motorized vehicle if:

TORONTO MUNICIPAL CODE, STREET VENDING

- (1) The person, in vending from the motorized vehicle, does not stop, stand or park the vehicle on any part of the road lying between two (2) intersecting public highways for a period exceeding three (3) hours of any day or at any one (1) location on the road for a period exceeding one (1) hour within the three-hour period.
- (2) The person vends only ice cream and ice cream products, frozen yogurt and frozen yogurt products or other frozen confections, including edible toppings and cones, from the motorized vehicle.
- (3) The person does not stop, stand or park the motorized vehicle at any location at which stopping, standing or parking a motor vehicle is prohibited under Chapter 400, Traffic and Parking. [Amended 1996-03-05 by By-law No. 1996-0142]

ARTICLE III⁷

Vending on Metropolitan Roads

[Added 1996-04-02 by By-law No. 1996-0173]

§ 315-20. Issuance of permits; contents.

The Commissioner may issue a permit to an applicant for the use of a designated area on a metropolitan road upon receipt from the applicant of a certificate issued by the Metropolitan Commissioner of Transportation indicating the name of the person eligible to be issued a permit, the designated area for which the permit is to be issued, the products which may be sold from the designated area and any other terms and conditions.

§ 315-21. Restrictions.

- A. Article II applies to a permit under § 315-20 with necessary modifications, except that the following sections do not apply:
 - (1) Section 315-4.
 - (2) Sections 315-5 and 315-6A, B and E.
 - (3) Section 315-8A.
 - (4) Section 315-9.
 - (5) Section 315-14A and C.

⁷Editor's Note: Former Art. III, Metropolitan Roads, was repealed 1995-02-28 by By-law No. 1995-0201.

TORONTO MUNICIPAL CODE, STREET VENDING

- (6) Section 315-16.
 - (7) Section 315-18C.
 - (8) Section 315-19.
- B. In the event of a conflict between a provision in the terms and conditions of the certificate and a provision in the applicable sections of Article II under Subsection A, the provision in the terms and conditions of the certificate prevails to the extent of the conflict.
- C. In the case of a permit issued under § 315-20:
- (1) The Metropolitan Corporation shall be named as an additional insured under any certificate of insurance provided under § 315-11; and
 - (2) The agreement required under § 315-13 shall provide that the Metropolitan Corporation shall be indemnified by the permit holder to the same extent as is the City and that the Metropolitan Commissioner of Transportation shall have the same rights and privileges as the Commissioner under the agreement.

§ 315-22. (Reserved)

**ARTICLE IV
Removal Zones**

§ 315-23. City removal zones designated; restrictions.⁸ [Amended 1995-11-06 by By-law No. 1995-0669]

- A. All public highways under the jurisdiction of the City and all sidewalks and untravelled portions of metropolitan roads within the City's boundaries are designated as removal zones. **[Amended 1996-04-02 by By-law No. 1996-0173]**
- B. In a removal zone, no person shall place, stop or park any object or vehicle used to sell or offer for sale goods or refreshments unless the owner of the object or vehicle holds a permit issued under this chapter for the use of a designated area located within the removal zone and described in the permit, and the object or vehicle is located in the designated area.

⁸ Editor's Note: This section was passed under the authority of section 90.1 of the Municipality of Metropolitan Toronto Act, R.S.O. 1990, c.M.62, as amended.

TORONTO MUNICIPAL CODE, STREET VENDING

§ 315-24. (Reserved)⁹

§ 315-25. Removal zones in parks; restrictions.¹⁰

- A. The following parks or portions of parks are designated as removal zones:
- (1) Bobbie Rosenfeld Park.
 - (2) Tower Park East.
 - (3) Isabella Valancy Crawford Park.
 - (4) Harbour Square Park.
 - (5) Woodbine Beach Park. [Amended 1995-06-27 by By-law No. 1995-0461]
 - (6) Kew Gardens.
 - (7) The Toronto Harbour Commissioners' Waterfront Park.
 - (8) Sunnyside Pavillion.
 - (9) Sir Casimir Gzowski Park.
 - (10) Budapest Park.
 - (11) High Park.
 - (12) Christie Pits Park.
 - (13) Beaches Park. [Added 1995-06-27 by By-law No. 1995-0461]
 - (14) Balmy Beach Park. [Added 1995-06-27 by By-law No. 1995-0461]
- B. In a removal zone, no person shall stop, park, place, store, stand or leave any object, vehicle or thing for the purpose of selling, displaying or exposing goods, wares, merchandise, products, crafts, jewellery, refreshments, foodstuffs or any other items, or which obstructs pedestrians, unless the owner of the object, vehicle or thing holds a permit issued under § 255-40 of Chapter 255, Parks, for the use of a designated area located

⁹Editor's Note: Former ~ 315-24, Metropolitan road removal zones; restrictions, was repealed 1995-02-28 by By-law No. 1995-0201. This by-law also repealed Schedule G, Metropolitan Roads Designated as Removal Zones, which formerly appeared at the end of this chapter.

¹⁰ Editor's Note: This section was passed under the authority of the City of Toronto Act, 1993 (No. 3), S.O. 1993, c. Pr39.

TORONTO MUNICIPAL CODE, STREET VENDING

within the removal zone and described in the permit, and the object, vehicle or thing is located in the designated area.

ARTICLE V Enforcement

§ 315-26. (Reserved)¹¹

§ 315-27. Offences.

Any person who contravenes any provision of this chapter is guilty of an offence.¹²

§ 315-28. Transition.

An unexpired permit, lease or licence issued under section 18C of By-law No. 12519 or By-law No. 176-93 with respect to use of a public highway, including a Metropolitan road, or any part of a public highway that has not been revoked, is deemed to be the permit, lease or licence required for the same use of the public highway or the part of the public highway under this chapter.

¹¹Editor's Note: Former Section 315-26, Seizure of vehicles, was deleted 1995-11-06 by By-law No. 1995-0669.

¹²Editor's Note: This section was passed under the authority of sections 320 and 331 of the Municipal Act, R.S.O. 1990, c.M.45, as amended, and, under section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, a person convicted of an offence under this section is liable to a fine of not more than five thousand dollars (\$5,000.).