

THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BY-LAW NO. 2005-26

**BEING A BY-LAW TO LICENSE AND REGULATE REFRESHMENT
VEHICLES/CATERING TRUCKS, AND VENDORS
WHO CONDUCT BUSINESS IN THE TOWN OF EAST GWILIMBURY**

WHEREAS the Municipal Act, S.O. 2001 (as amended) enables a Municipal Council to enact by-laws for licensing, regulating and governing refreshment vehicles/catering trucks, hawkers/peddlers and vendors who conduct business in the Town of East Gwillimbury;

AND WHEREAS Council deems it advisable having regard among other matters to the health and safety of the public, the protection of consumers, and the potential for public nuisance, to enact a by-law to license and regulate refreshment vehicles/catering trucks, and vendors who conduct business in the Town of East Gwillimbury;

NOW THEREFORE the Municipal Council of the Corporation of the Town of East Gwillimbury enacts as follows:

PART 1 DEFINITIONS

1. In this By-law
 - a) “Applicant” means the person who applies for a license under this By-law.
 - b) “Boulevard” means the part of the highway that is not improved, designed or normally used for ordinary traffic.
 - c) “Catering Truck” means a vehicle that travels from place to place for the sale of refreshments and food items.
 - d) “Cart” means a conveyance capable of being used for carrying or displaying goods designed to be moved by human or animal power.
 - e) “Community Festival” means a performance or celebration which is approved by the Council of the Town of East Gwillimbury.
 - f) “Designated Area” means an area that is not part of a highway or boulevard and is zoned by the Town’s By-law to permit a commercial or industrial use and is described in a license issued pursuant to this by-law as an area designated for the parking of refreshment vehicles and/or wagons, trailers, carts or stands for the purpose of selling products, fruits, vegetables or food stuffs.
 - g) “Highway” includes the entire right-of-way of a common and public highway, street, avenue, parkway, square, place, bridge, viaduct or trestle, designated and intended for, or used by, the general public for the passage of vehicles.
 - h) “Licensing Officer” means the Officer of the Corporation together with such persons as may be designated by the Clerk to administer and enforce this By-law;

- i) "Refreshment" means any food or drink.
- j) "Refreshment Vehicle" means a wagon, cart, catering truck capable of being used for the sale of refreshments, food items, vegetables, or fruits whether or not it is capable of moving and, without limiting generality thereof, also includes a vegetable, fruit, refreshment or flower stand, which is designed to remain in one location.
- k) "Registered Charitable Organization" means a charity registered as such in accordance with the provisions of the Income Tax Act of Canada, as amended from time to time.
- l) "Sell" means to sell for retail, offer for retail sale, display, place or expose any goods, wares, merchandise, products, crafts, jewellery, refreshments, food items, vegetables, fruit or any other items whatsoever for retail sale.
- m) "Sidewalk" includes all such parts of a highway as are set aside by the Town of East Gwillimbury for use of pedestrians or used by the general public for the passage of pedestrians.
- n) "Town" means the Corporation of the Town of East Gwillimbury.
- o) "Town Clerk" shall mean the Clerk of the Town of East Gwillimbury or his/her designate;
- p) "Vehicle" means a vehicle as defined in accordance with the provisions of the Highway Traffic Act, R.S.O. 1990, Ch. 8 as amended from time to time.

PART 2 GENERAL PROVISIONS

- 2. Subject to Part 5, no person shall sell or offer for sale from a refreshment vehicle any products, foodstuffs, goods, wares, crafts, merchandise, jewelry, refreshments, food items, vegetables, fruits, flowers or any other items, without making application for, obtaining and maintaining a license pursuant to the terms of this by-law. Except as provided in Section 8, every license issued pursuant to this by-law shall set out the designated area in which the licensee is authorized to operate and shall list the items he or she is authorized to sell or display.
- 3. No person shall sell, or cause or permit selling at any time, on, over, or upon a boulevard, sidewalk or highway, or otherwise stop, park, place, store, stand or leave any object, vehicle, wagon or cart, for the purpose of selling products, foodstuffs, goods, wares, merchandise, crafts, jewelry, refreshment, food items or any other items on a boulevard, sidewalk or highway.
- 4. Every owner shall take out a separate license for each refreshment vehicle, catering truck, wagon or cart owned or operated by him/her and the license shall be displayed on the refreshment vehicle, catering truck, wagon or cart and shall be visible at all times.

PART 3 APPLICATION, RENEWAL AND REVOCATION OF LICENSES

- 5. In every application for a license, the applicant shall:

- a) complete an application for a license in the form supplied by the Town of East Gwillimbury;
 - b) pay to the Town a non-refundable application fee in the amount identified in Schedule "A" attached;
 - c) describe the location for the designated area, and provide a letter from the property owner or property manager permitting the use of his/her land for the proposed use;
 - d) satisfy the Licensing Officer that the proposed designated area meets the following criteria;
 - I. it shall be located only on land zoned commercial or industrial, pursuant to the Town of East Gwillimbury Zoning By-Law #97-50, as amended, or any successor legislation;
 - II. it shall not be located within fifty metres of an intersection;
 - III. it shall be set back at least three metres from a highway; or such greater distance as may be required by the Region of York or the Ministry of Transportation, whichever has jurisdiction over the adjacent highway; and
 - IV. it shall not be located directly in front of an entrance or exit of a building.
 - e) provide written confirmation from the Town's Engineering Department, Region of York, or Ministry of Transportation (whichever has jurisdiction over the road adjacent to the designated area), that such agency is satisfied that adequate sight lines from the road allowance to the designated area will be maintained;
 - f) provide proof satisfactory to the municipality that the owner of any refreshment vehicle, catering truck, wagon, or cart carries a minimum of two million dollars public liability insurance. The insurance policy shall contain the clause naming the Town of East Gwillimbury as an "additional insured"; and
 - g) provide written confirmation of approval from York Region Health Department indicating their regulations have been satisfied.
6. A license issued pursuant to this By-law shall be valid, unless revoked, for one calendar year (January 1 to December 31) or any part thereof, and the fee for a license shall not be pro-rated for any part of a year.
7. The Clerk may revoke any license issued pursuant to this by-law at any time during its term if the holder of a license ceases to be qualified to hold such license or if the licensee breaches any of the provisions of this by-law.
8. Notwithstanding the foregoing provisions of this Part, a license may be issued to the operator of a catering truck without provision of a

designated area, if the applicant conforms to the following criteria and all of the other provisions of this by-law:

- a) the applicant shall supply a list of local businesses where the catering truck will stop to sell products; and
- b) the applicant shall obtain and maintain York Regional Health Unit Approval.

PART 4 REQUIREMENTS APPLICABLE TO ALL LICENSES

9. Where a refreshment vehicle or catering truck utilizes propane, the refreshment vehicle or catering truck shall be inspected and certified at the time of application and on an annual basis by an authorized inspector and such certification shall be filed with the municipality at the time of application, annually thereafter and immediately upon the request of any person authorized to enforce this by-law.
10. Every refreshment vehicle, catering truck, wagon or cart shall be equipped with a metal refuse container with a self closing lid, and such container shall be kept in a clean and sanitary condition and emptied at least once daily and such containers shall be used for the disposal of all refuse. The licensee is responsible for all litter pick-ups at the site associated with the products/items being sold by the licensee. If recyclable packaging and/or containers are being sold, the licensee must provide a separate container suitable for recyclables, suitably marked.
- 11 The licensee shall ensure that every refreshment vehicle and catering truck shall have posted or painted, in a contrasting colour, on both side panels, in clearly visible lettering, the name of the business of the licensee.
12. No refreshments, foodstuffs, vegetables or fruit shall be sold from a refreshment vehicle, catering truck, wagon or cart that is drawn by an animal.
13. No licensee shall operate any refreshment vehicle, catering truck, wagon, or cart between the hours of 9:00 p.m. and 6:00 a.m.
14. No licensee shall permit any individual other than a bona fide employee to operate the refreshment vehicle, catering truck, wagon or cart.
15. No refreshment vehicle, catering truck, wagon or cart shall be equipped with any flashing lights or sounding device for attracting attention.
16. Refreshment vehicles, catering trucks, wagons or carts shall not be permitted to operate in Town parks or on Town property or for Town sponsored events unless written authority is first received from the Town Recreation Director.
17. No person shall sell any products of a type not listed on his or her license application.
18. Except as permitted in Section 8, hereof, no licensee shall sell or offer for sale any product outside of the designated area described in his or her license.

19. Every licensee shall at all times while carrying on his/her business have the license in their possession and shall upon demand exhibit it to a Provincial Offences Officer, Licensing Officer or a Police Officer.
20. Any signs used in connection with the business of the Licensee must adhere to Town of East Gwillimbury Sign By-law #99-44, as amended, or any successor By-law, and any sign erected on Region of York or the Ministry of Transportation property must adhere to their respective Sign By-laws.
21. Every licensee shall ensure that each operator or employee is made familiar with the contents of this By-law and shall not permit any operator under his or her control, management, supervision or direction to breach any of the provisions of this by-law.

PART 5 NO LICENSE REQUIRED

22. A license to sell products shall not be required if:
 - a) the products offered for sale are from crops grown on a farm in East Gwillimbury and offered for sale on the same farm, but no other products including prepared food may be offered for sale unless the vendor has a license issued under this by-law;
 - b) the products are sold by a Registered Charitable Organization, or by any of the following Service Clubs;
 - I. Boy Scouts
 - II. Girl Guides
 - III. East Gwillimbury Chamber of Commerce
 - IV. East Gwillimbury Optimists Club
 - V. Lions Club
 - VI. Knights of Columbus
 - VII. Kinette Club
 - VIII. Canadian Legion
 - IX. Oddfellows Lodge
 - X. Women's Institute
 - XI. Shriners Club
 - XII. Masonic Lodge; or
 - c) the products sold are in conjunction with and as part of a community festival of the Town of East Gwillimbury and the vendor has received permission in writing from the Town and the organizers of the festival to sell within the celebration area.

PART 6 ENFORCEMENT

23. Any Police Officer, Provincial Offences Officer, Licensing Officer or other Town employee designated by the municipality may enforce the provisions of this by-law.

PART 7 OFFENCES AND PENALTIES

24. Every person who contravenes any provision of this By-Law is, on conviction, and every director or officer of a corporation who concurs in such contravention by a corporation is guilty of an offence and, upon conviction, shall be liable to a fine as provided under the Provincial Offences act as amended from time to time.

PART 8 REPEAL

25. By-Law #2002-17 is hereby repealed.

READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED THIS

_____ **DAY OF** _____ **2005.**

James Young, Mayor

Lucille King, Clerk

SCHEDULE "A" TO BY-LAW NUMBER 2005-

TYPE	LICENSE FEE
Refreshment Vehicle/Catering Truck	\$275.00
Fruit & Vegetable Wagon and/or Cart, Flower Cart	\$275.00