

SCHEDULE 24

REFRESHMENT VEHICLE

1. In addition to the licensing requirements set out in section 4 of this By-law, an Applicant for a Refreshment Vehicle Licence shall supply the following, where applicable:
 - a) for a Class "A" Licence (stationary):
 - i. Planning Approval;
 - ii. Health Approval; and
 - iii. Fire Inspection, if applicable.
 - b) for a Class "B" Licence (manually propelled):
 - i. Planning Approval; and
 - ii. Health Approval.
 - c) for a Class "C" Licence (mobile):
 - i. Planning Approval;
 - ii. Health Approval;
 - iii. Proof of Ownership; and
 - iv. Proof that the Refreshment Vehicle is licensed as a commercial vehicle pursuant to the *Highway Traffic Act*, R.S.O. 1990, c. H.8.
2. A Class "A" licence shall be required for all stationary Refreshment Vehicles including, but not limited to, chip wagons and hot dog carts.
3. A Class "B" licence shall be required for all manually propelled Refreshment Vehicles including, but not limited to, ice cream carts.
4. A Class "C" licence shall be required for all mobile Refreshment Vehicles including, but not limited to, canteen vehicles.
5. Other than during Special Events, Refreshment Vehicles shall only operate on private property.
6. Every Refreshment Vehicle Licensee shall:
 - a) have the Licence available in the Refreshment Vehicle and shall be provide it to any customer or Officer upon request;
 - b) if applicable, provide the Licence number and serial number of the Refreshment Vehicle to the Manager of Licensing and advise the Manager of Licensing of any changes to such information if the Refreshment Vehicle is replaced;

- c) affix the Municipal Plate provided by the City to the Refreshment Vehicle;
- d) maintain the Refreshment Vehicle in good repair and appearance;
- e) if applicable, ensure the body, doors, and windows of the Refreshment Vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies, and other injurious matter;
- f) ensure that every Person selling or handling refreshments wears clean clothes, is clean and neat in appearance, and has clean hands; and
- g) have every vehicle operating under the same Business name licensed.

7. No Refreshment Vehicle Licensee shall:

- a) operate at a Special Event without being invited by the event organizer(s);
- b) operate at a Special Event without being listed as a vendor on the Licence and without first obtaining the applicable inspections;
- c) use loud speakers, amplifiers, or other hailing devices from or in relation to a Refreshment Vehicle except as specifically permitted herein; or
- d) operate, permit to be operated, or sell refreshment from a Refreshment Vehicle upon any highway or part of a highway or in any public park or other public place, except as otherwise permitted under this By-law or by Council resolution.

8. Every Class "A" Refreshment Vehicle Licensee shall:

- a) be located at a minimum distance of 200 metres from any lot on which a Licensed Food Shop is located except during a Special Event; and
- b) be located at a minimum distance of 400 metres from any lot on which any other Licensed Class "A" Refreshment Vehicle is located except during a Special Event.

9. Where a proposed location for a Class "A" Refreshment Vehicle location does not meet the separation distance requirement of this By-law, the Manager of Licensing shall refuse to issue the Class "A" Refreshment Vehicle Licence unless the Class "A" Refreshment Vehicle Licence was issued to the same Licensee for the same location in the past 12 months in which case the Manager of Licensing shall exempt the Licensee from this requirement.

10. Where the Manager of Licensing has refused to issue a Class "A" Refreshment Vehicle Licence only due to failure of the Applicant's proposed location to meet the required separation distances and no Licence was held by the Applicant for the same location in the past 12 months, the Applicant may request in writing that the Manager of Licensing circulate the Applicant's request for comments, and:

- a. if no objections are received from the notified Licensees and all other by-law requirements are met, the Manager of Licensing may issue the Licence; and
- b. if any objections are received from the notified Licensees, the Manager of Licensing shall refer the Application to Council or a Committee of Council for a final decision.

11. Every Class "B" Refreshment Vehicle Licensee shall:

- a) ensure that the operator the Refreshment Vehicle is physically capable of handling the vehicle under all conditions;
- b) equip each vehicle with a refuse container;
- c) use only a soft-toned bell or chime on each vehicle; and
- d) equip all drivers of the vehicle with bright and clean wearing apparel.

12. No Refreshment Vehicle Licensee of a Class "B shall:

- a) permit the use of other than manually propelled vehicles;
- b) stop for longer than 10 minutes at any one serving location;
- c) stop or operate on a portion of any Highway signed as "No Parking" , "No Stopping", or "Fire Route"; or
- d) operate a Class "B" vehicle:
 - i. on a highway other than in an area zoned residential;
 - ii. between the hours of 9:00 p.m. and 9:00 a.m.;
 - iii. on any portion of a highway adjacent to any public park, playground, or an athletic field, where refreshments are available;
 - iv. on private property without written consent;
 - v. within 30 metres of an intersection;
 - vi. within 90 metres of a property line of any land occupied by a public, separate, or private school between the hours of 9:00 a.m. and 4:30 p.m. on a school day; or

- vii. within 90 metres of a property line of land occupied by a business that sells products similar to those sold or offered for sale from the Refreshment Vehicle to the public.

13. Every Class "C" Refreshment Vehicle Licensee shall:

- a) obtain permission from the private property owner where the Refreshment Vehicle will be located;
- b) not obstruct normal pedestrian or vehicular traffic; and
- c) not obscure clear visibility of approaching pedestrian or vehicular traffic.