

## **SCHEDULE NO. 22**

### **Relating to Mobile Refreshment Vehicles**

**(added by By-law 2008-96)**

#### **LICENSE REQUIRED**

1. (1) The following licenses may be issued pursuant to this Schedule:
  - (a) a License "A," an annual license to a person operating a mobile refreshment vehicle from a particular location on private property or at special events from May 15<sup>th</sup> to May 14<sup>th</sup> of the following year;
  - (b) a License "B," a six month license to a person operating a mobile refreshment vehicle from a particular location on private property or at special events from May 15<sup>th</sup> to November 14<sup>th</sup> of the same year or from November 15<sup>th</sup> to May 14<sup>th</sup> of the following year.
  - (c) a License "C," a monthly license to a person operating a mobile refreshment vehicle on private property or at special events from the fifteenth (15<sup>th</sup>) of one month to the fourteenth (14<sup>th</sup>) of the following month.
  - (d) a License "D," a special event license to a person operating a mobile refreshment vehicle at a special event with a duration of one (1) to twenty-one (21) consecutive days.
  - (e) a License "E," a special event per day license to a person operating a mobile refreshment vehicle at a special event with a duration of one (1) to four (4) consecutive days.
  - (f) a License "F," a roadway annual license to a person operating a mobile refreshment vehicle, licensed as a motor vehicle pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, and not a trailer, in a designated space pursuant to By-law No. 2007-478, entitled "A by-law of the City of Ottawa respecting designated spaces and to repeal By-law Number 300-96 of the old City of Ottawa" on the roadway in the former City of Ottawa or at special events from May 15<sup>th</sup> to May 14<sup>th</sup> of the following year.
  - (g) a License "G," a roadway six month license to a person operating a mobile refreshment vehicle, licensed as a motor vehicle pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8, as

amended, and not a trailer, in a designated space pursuant to said By-law No. 2007-478 on the roadway in the former City of Ottawa or at special events from May 15<sup>th</sup> to November 14<sup>th</sup> of the same year, or from November 15<sup>th</sup> to May 14<sup>th</sup> of the following year.

- (h) a License “H,” a roadway monthly license to a person operating a mobile refreshment vehicle, licensed as a motor vehicle pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, and not a trailer, in a designated space pursuant to said By-law No. 2007-478 on the roadway in the former City of Ottawa or at special events from the 15<sup>th</sup> of one month until the 14<sup>th</sup> of the following month.
- (i) a License “I,” Canada Day License to a person selling refreshments from a mobile refreshment vehicle on Canada Day (July 1st) in the removal zone as indicated in the said By-law No. 2007-478.

- (2) Every person who operates a mobile refreshment vehicle shall obtain a license.
- (3) Every person who operates mobile refreshment vehicles shall obtain a separate license for each mobile refreshment vehicle.
- (4) No “F”, “G” or “H” class licenses shall be issued to applicants who do not hold a designated space permit issued pursuant to the said By-law No. 2007-478.
- (5) Every mobile refreshment vehicle operator shall require a Canada Day license to operate within the removal zone as indicated in the said By-law No. 2007-478.
- (6) Despite subsections 1(1), (a), (b), (c), (d) and (e) mobile refreshment vehicles licensed prior to January 1, 2008 that were not required to be mobile pursuant to the licensing by-law of the formerly-existing municipality from which they obtained the license, shall not be required to be mobile until such time as the licensee changes locations or replaces the mobile refreshment vehicle.

## **EXEMPTIONS**

- 2. (1) Subsection 1 (2) does not apply to:

- (a) farmers' markets and events that are sponsored by and benefit farmers' markets,
  - (b) public markets managed by the City,
  - (c) agricultural fairs and events that are sponsored by and benefit agricultural fairs,
  - (d) the Central Canada Exhibition,
  - (e) fundraisers for charitable and not-for-profit organizations that operate solely for cultural or religious goals, social welfare, civic improvement, recreation, amateur sport or any other similar community enhancement initiatives for any purpose except profit, and any profits or economic advantages which are received by it are used to promote its objectives and not used for the personal gain of any of its members or of any other person,
  - (f) despite subsection (e), individual mobile refreshment vehicle vendors participating in an event for fundraising purposes that do not donate all of their profits to the charity or not-for-profit organization for which the event is being held shall require a license.
- (2) No holder of a license "A", "B", "C", "F", "G" or "H", issued under this Schedule shall be permitted to vend at a special event unless the licensee:
- (a) has notified the Chief License Inspector of:
    - (i) his or her intention to vend at the special event,
    - (ii) the description of the special event including its location, duration and hours of operation,
    - (iii) the name and telephone number of the promoter,
  - (b) has written proof that he or she is permitted to operate at the special event,
  - (c) operates from the mobile refreshment vehicle identified under his or her license, and
  - (d) has a valid license at the time of and for the duration of the special event.

- (3) Despite subsection (1), the operator of a mobile refreshment vehicle must comply with all municipal, provincial and federal Acts, regulations and by-laws.
- (4) The provisions of this schedule do not apply in the rural wards:
  - (a) Ward 5 - West Carleton March,
  - (b) Ward 19 - Orléans South-Navan,
  - (c) Ward 20 - Osgoode,
  - (d) Ward 21 – Rideau-Jock.

**((b) and (d) amended by By-law No. 2023-516)**

### **CONDITIONS FOR ISSUANCE**

3. (1) No applicant for a refreshment vehicle license shall be issued a license unless:
  - (a) the applicant is at least eighteen (18) years of age,
  - (b) the applicant has indicated on the application the type of refreshment vehicle operation,
  - (c) the applicant has provided the following information related to the mobile refreshment vehicle:
    - (i) a recent colour photograph of the mobile refreshment vehicle to be used in the business,
    - (ii) the maximum height, length, width and depth of the mobile refreshment vehicle,
    - (iii) the type of heating and cooking equipment used,
    - (iv) other equipment to be used in the business, and
    - (v) the make, model, style and serial number of the mobile refreshment vehicle,
  - (d) where applicable, the applicant has provided a certificate issued no more than sixty days prior to the application date and issued pursuant to the Propane, Storage and Handling Regulations under the Technical Standards and Safety Act, 2000 S.O. 2000, c.16, as amended, with respect to the mobile refreshment vehicle,
  - (e) the applicant has filed proof of insurance in accordance with the requirements of Section 8,

- (f) the applicant has met all requirements of the Health Protection and Promotion Act R.S.O. 1990, c. H.7, as amended, and of Ontario Regulation 493/17 enacted thereunder,  
**(amended by By-law 2023-516)**
- (g) the Medical Officer of Health has reported in writing that the mobile refreshment vehicle is suitable for the purpose of the license application and is in a sanitary condition,
- (h) the Chief License Inspector has reported in writing, that the mobile refreshment vehicle and its equipment are suitable for the vending operation noted in the application,
- (i) where an applicant is applying for a class “D” or “E” license, the applicant has furnished details to the Chief License Inspector outlined in subsection 2 (2),
- (j) if applying to sell on private property, the applicant has filed written proof with the Chief License Inspector that the owner or occupant of the property has granted permission to the applicant for the use of the property for the vending business indicated on the application, the duration and conditions of permission, the name and telephone number of the owner or occupant of the property,
- (k) the location from which the applicant proposes to operate the mobile refreshment vehicle complies with the applicable zoning by-law and will not contravene zoning use or lead to a deficiency in required parking and proper vehicular circulation,
- (l) the applicant is the holder of a current motor vehicle permit issued pursuant to the said Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, that permits the vehicle to be driven on any highway, where applicable,
- (m) the applicant has paid the fees set out in Schedule “A”, and
- (n) the mobile refreshment vehicle complies with the requirements of the Fire Code and the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended.

**((n) added by By-law 2009-153)**

## **CONDITIONS FOR RENEWAL OF LICENSE**

4. (1) The Chief License Inspector may require the licensee to submit his or her mobile refreshment vehicle and equipment for inspection by the Chief Medical Officer of Health, at any reasonable time during the current license period.
- (2) The Chief License Inspector is authorized to require that a mobile refreshment vehicle operator prove that the vehicle being used for the vending activity is capable of mobility under its own motor power.
- (3) Despite subsection 4 (2), the operator of a trailer operating as a mobile refreshment vehicle may be required to prove that the trailer is capable of being towed by a motor vehicle immediately upon request.
- (4) Despite subsection 4 (2) and (3), mobile refreshment vehicles licensed prior to January 1, 2008 that were not required to be mobile pursuant to the licensing by-law of the formerly-existing municipality from which they obtained the license, shall not be required to be mobile until such time as the licensee changes locations or replaces the mobile refreshment vehicle.
- (5) The Chief License Inspector may waive any or all of the requirements listed in Section 3 where the Chief License Inspector determines that any or all of the requirements of these clauses do not apply.
- (6) The licensee shall ensure that prior to the expiration of the license, his or her mobile refreshment vehicle and vending equipment are submitted for inspection, where applicable, to,
  - (a) the Medical Officer of Health, and
  - (b) the Chief License Inspectoras if the applicant was filing an original application.
- (7) The licensee must also comply with the applicable requirements of Section 3.

## **REFUSAL OF LICENSE**

5. (1) In addition to Section 21 of By-law No. 2002-189, the Chief License Inspector may refuse to issue a mobile refreshment vehicle license or may refuse to renew a license if,

- (a) an inspection or inspections reveal that the site conditions are deemed inappropriate or unsuitable for the business,
  - (b) an inspection or inspections reveal that the mobile refreshment vehicle or equipment used for vending do not meet the regulations of this licensing schedule,
  - (c) the Medical Officer of Health has reported in writing that the mobile refreshment vehicle or vending equipment is not suitable for the purpose of the license application and is not in a sanitary condition,
  - (d) the location from which the applicant proposes to operate the mobile refreshment vehicle does not comply with the applicable zoning by-law and will contravene zoning use or lead to a deficiency in required parking and proper vehicular circulation,
  - (e) the certificate provided by the applicant and issued pursuant to the Propane, Storage and Handling Regulations under the Technical Standards and Safety Act 2000, S.O. 2000, c.16, as amended, with respect to the vehicle, does not meet the provisions of this by-law,
  - (f) where applicable the vehicle is not capable of mobility under its own motor power or the trailer is not capable of mobility while hitched to a motor vehicle capable of towing the trailer, or
  - (g) the Chief License Inspector has reported in writing that the refreshment vehicle or vending equipment is unsuitable for the purpose of the license application and is in an unsafe condition.
- (2) Despite subsection (1) (f), mobile refreshment vehicles licensed prior to January 1, 2008 that were not required to be mobile pursuant to the licensing by-law of the formerly-existing municipality from which they obtained the license, shall not be required to be mobile until such time as the licensee changes locations or replaces the mobile refreshment vehicle.

## **ISSUANCE OF LICENSE**

6. (1) The Chief License Inspector shall furnish a plate or decal bearing an identifying number that may be differentiated from other classes by colour.
- (2) Despite subsection 6 (1), the Chief License Inspector shall not furnish a plate or decal for a mobile refreshment vehicle license “D”, “E” or “I”.
- (3) Every licensee operating a mobile refreshment vehicle shall ensure that the decal furnished pursuant to Section 6 is properly affixed to the upper

right corner of the plate and that the plate is attached to the right rear of the mobile refreshment vehicle for which it has been issued, so as to be clearly visible to the public during the currency of the license.

- (4) Every licensee shall ensure that the license certificate issued by the Chief License Inspector is posted on or in the mobile refreshment vehicle and visible to the public;
- (5) Every person who vends under the authority of a license shall ensure that he or she has the license certificate in his or her possession.
- (6) Every person who vends under the authority of a license shall ensure that the license certificate corresponds with the plate or decal furnished by the Chief License Inspector pursuant to subsection 6 (1).
- (7) Every licensee shall produce the license certificate for inspection when so requested by a By-law Officer or Peace Officer.
- (8) Every licensee who ceases to operate a mobile refreshment business permanently shall return the plate to the Chief License Inspector within fifteen (15) business days.

#### **APPROVALS REQUIRED TO VEND FROM A PARTICULAR LOCATION**

7. (1) The issuance of a license to operate a mobile refreshment vehicle does not constitute the granting of authority to vend on any of the highways in the City.
- (2) The issuance of a license to operate a mobile refreshment vehicle does not constitute the granting of authority to vend on private property.
- (3) The onus of obtaining the necessary approval to vend from a particular location on private property from the owner of such property is solely on the licensee.
- (4) No person shall vend on private property of the City without first obtaining the written permission from the City.
- (5) Licensed mobile refreshment vehicle operators who hold a permit issued under the said By-law No. 2007-478 or who are exempted from holding a permit under the said By-law No. 2007-478 may vend on City highways within the removal zones.
- (6) Licensed mobile refreshment vehicle operators who are participating in a special event on a highway that is carried on under the authority of a permit issued pursuant to By-law No. 2001-260 entitled "A by-law of the



City of Ottawa to regulate special events on City streets”, as amended, may vend within the special event area.

- (7) No person shall vend on private property without the written consent of the owner or occupant of such property.
- (8) No person shall vend from a mobile refreshment vehicle on the street or sidewalk without a valid permit to do so issued pursuant to the said By-law No. 2007-478 or authorized to do so pursuant to the said By-law No. 2007-478.
- (9) No person shall vend from a mobile refreshment vehicle on the Sparks Street Mall without first obtaining the written consent of the Sparks Street Mall Management Board and a license under this Schedule.
- (10) No person shall locate or operate a refreshment vehicle:
  - (a) within forty-six (46) metres of a Food Premises,
  - (b) in a residential zone as specified by the applicable Zoning by-law,
  - (c) within nine (9) metres of an intersection,
  - (d) within ten (10) metres of a bus stop,
  - (e) within twenty (20) metres of a vendor who holds an encroachment permit pursuant to By-law No. 2003-446, entitled “A by-law of the City of Ottawa to regulate encroachments on City highways”, as amended, or a designated space permit pursuant to the said By-law No. 2007-478,
  - (f) within three (3) metres of another vendor,
  - (g) within six (6) metres of a pedestrian mall or promenade; or
  - (h) within ninety-one (91) metres of the public markets.
- (11) Despite subsection (10) (b), (d), (e), and (f) vendors participating in a special event held pursuant to the By-law No. 2001-260, entitled “A by-law to regulate special events on City streets” are exempt.
- (12) Despite subsection (10) (a), a licensee may operate less than forty-six (46) metres from a food premises provided that the licensee obtains a written letter from the affected food premises stating that there is no objection to the operation of the mobile refreshment vehicle at the intended location and any applicable conditions. A copy of this letter shall be provided to the Chief License Inspector at the time of application and

annually upon renewal. The wording of the letter shall be to the Chief License Inspector's satisfaction.

- (13) The distance from a food premises is measured to the **structure** for a stand-alone food premises and to the building for a food premises in a shopping plaza, shopping centre or similar shopping area.

**(amended by By-law 2009-153)**

- (14) The location regulations in this Schedule shall not apply to any vending location established pursuant to the said By-law No. 2007-478.

## **INSURANCE**

8. (1) Every owner or operator of a mobile refreshment vehicle shall file with the Chief License Inspector proof of Commercial General Liability insurance subject to limits of not less than \$2,000,000.00 inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof, and including damage occasioned by any accident arising out of the operation of the mobile refreshment vehicle or trailer for which a license has been applied for or obtained.
- (2) Such insurance shall be in the name of the applicant and shall name the City of Ottawa as an additional insured thereunder. Such insurance policy shall contain an endorsement to provide the City of Ottawa with thirty (30) days prior written notice of cancellation or of a material change that would diminish coverage, and a Certificate of Insurance evidencing such insurance coverage shall be provided to the City of Ottawa prior to the issuance of a license.

## **INDEMNIFICATION**

9. The applicant shall indemnify and save harmless the City of Ottawa from and against any and all claims, demands, causes of action, loss, costs or damages that the City of Ottawa may suffer, incur or be liable for, resulting from the performance or non-performance of the applicant of his or her obligations under the license whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

## **LICENSE TRANSFER**

10. (1) No license issued pursuant to this Schedule shall be transferred from person to person in any manner, including leasing agreement and assignment.

- (2) No person shall transfer a license issued pursuant to this Schedule in any manner, including leasing agreement or assignment.
- (3) Despite subsections (1) and (2), a license “F”, “G” or “H” shall be transferable to a parent, spouse, brother, sister, son or daughter of the original permit holder for a designated space provided that the permit has been transferred to said person pursuant to the said By-law No. 2007-478

### **LOCATION TRANSFER**

11. Despite Section 10, location transfers shall be permitted upon approval of the Chief License Inspector.

### **MOBILE REFRESHMENT VEHICLE AND EQUIPMENT STANDARDS**

- 12. (1) Mobile refreshment vehicles shall be purpose-built and suitably designed for the licensed business.
- (2) Every licensee shall at all times keep his or her mobile refreshment vehicle in a clean and sanitary condition and in a state of good repair and appearance.
- (3) Every licensee shall use a mobile refreshment vehicle that is licensed as a motor vehicle pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, and capable of immediate relocation by the operator upon being directed so to do.
- (4) Despite subsection (3), a trailer shall be permitted, however a motor vehicle capable of towing the trailer must remain accessible at all times.
- (5) Despite subsections (3) and (4), mobile refreshment vehicles licensed prior to January 1, 2008 that were not required to be mobile pursuant to the licensing by-law of the formerly-existing municipality from which they obtained the license, shall not be required to be mobile until such time as the licensee changes locations or replaces the vehicle.
- (6) No person who vends shall use,
  - (a) an external gasoline-powered generator,
  - (b) an external propane-powered generator,
  - (c) an external diesel-powered generator, or
  - (d) an external natural gas-powered generator,

in conjunction with the vending activity.

- (7) Every licensee operating a mobile refreshment vehicle shall have attached or painted on two sides of the exterior body of the mobile refreshment vehicle, in a clearly visible position, a sign showing his or her trade name, legibly printed in letters and figures not less than seven (7) centimetres in height.
- (8) Every licensee using a mobile refreshment vehicle with a food heating capability, food cooking capability or electric heater shall ensure that his or her mobile refreshment vehicle is adequately equipped with a fire extinguisher consistent with the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, and Regulation 213, as amended, enacted thereunder.
- (9) No licensee shall construct a structure or cause a structure to be constructed around or adjacent to a mobile refreshment vehicle so as to make the vehicle or trailer immobile.
- (10) Despite subsection 12 (9), mobile refreshment vehicles licensed prior to January 1, 2008 that were not required to be mobile pursuant to the licensing by-law of the formerly-existing municipality from which they obtained the license, shall not be required to be mobile until such time as the licensee changes locations or replaces the vehicle and any structures existing prior to January 1, 2008 shall be permitted.
- (11) No licensee shall operate from a mobile refreshment vehicle with visible rust.
- (12) Where reports have been received from the Medical Officer of Health in respect of the mobile refreshment vehicle, and the Chief License Inspector has issued the license based on the reports, the licensee shall ensure that no modifications are made to the mobile refreshment vehicle, or equipment related to the mobile refreshment vehicle operation, without the prior approval of the Chief License Inspector.
- (13) Every refreshment vehicle that is currently licensed to be driven on the highway pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, may have a canopy that extends beyond the dimensions of the vehicle provided that:
  - (a) the extension of the canopy is at the height of not less than two point two (2.2) metres measured from the ground, and

- (b) the extension of the canopy does not extend beyond the dimensions of the vehicle by more than one (1) metre on any one (1) side.
- (c) no part of the canopy shall extend into the street.

### **DIMENSIONS OF A MOBILE REFRESHMENT VEHICLE**

13. No person shall use a mobile refreshment vehicle that exceeds the dimensions of ten (10) metres in length by two point six (2.6) metres in width, by four point three (4.3) metres in height.

### **GENERAL REGULATIONS**

- 14. (1) No licensee shall carry, sell, offer or expose for sale any food product that is prohibited by the Medical Officer of Health.
- (2) No licensee shall fail to comply with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended, and regulations enacted thereunder.
- (3) No licensee or a person who vends under the authority of a license shall fail to produce the following documentation when so requested by a By-law Officer or a Peace Officer:
  - (a) a copy of the valid mobile refreshment vehicle license;
  - (b) a copy of the permission from the promoter of the event including the name and telephone number of the promoter, indicating that the licensee is authorized to vend during the special event;
  - (c) a copy of the permission from the occupant or owner of the property including the name and telephone number of the property owner, indicating that the licensee is authorized to vend on the property and any conditions related to the permission if any; and
  - (d) a certificate issued pursuant to the Propane, Storage and Handling Regulations under the Technical Standards and Safety Act, 2000, S.O. 2000, c.16. as amended.
- (3) No licensee shall fail to submit the mobile refreshment vehicle or any equipment for an inspection if requested to do so by a By-law Officer or a Peace Officer.
- (4) Every licensee shall relocate the mobile refreshment vehicle immediately upon being so directed by the Chief License Inspector or a Peace Officer.

- (5) Every licensee shall take prompt measures to reduce or eliminate nuisances created by the business when so directed by a By-law Officer or a Peace Officer.
- (6) No licensee shall fail to ensure that the licensed business does not:
  - (a) interfere with the normal movement of pedestrian or vehicular traffic or the maintenance of the highways in the City,
  - (b) interfere with a designated fire route pursuant to By-law No. 2003-499, entitled "A by-law of the City of Ottawa to designate Fire Routes", as amended,
  - (c) interfere with highway maintenance or highway signage, and
  - (d) interfere with required parking spaces, private approaches, accesses or egresses to buildings or premises.
- (7) Every licensee who is vending on private property shall ensure that the vending activity is set back from the highway so as not to create a traffic hazard.
- (8) No licensee shall change his or her particular vending location during the currency of the license without prior approval of the Chief License Inspector.
- (9) No licensee shall allow modifications to the equipment without the prior approval of the Chief License Inspector.
- (10) Every licensee shall ensure that any grease or water used in the business is disposed of in a manner that complies with all municipal, provincial and federal statutes, laws, by-laws and regulations.
- (11) Every licensee shall ensure that he or she conforms, where applicable, to
  - (a) the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended,
  - (b) By-law No. 2003-530, entitled "A by-law of the City of Ottawa regulating traffic and parking on highways", as amended, and
  - (c) By-law No. 2005-358, entitled "A by-law respecting vendors on highways", as amended.
- (12) No person who vends with or from a mobile refreshment vehicle on the highway shall place or locate any carton, box or other article, other than a garbage receptacle, outside of the refreshment vehicle.

- (13) Every licensee who vends on the street shall restrict such sales to occur between 5:30 o'clock in the forenoon (5:30 a.m.) and eleven o'clock in the afternoon (11:00 p.m.) of the same day.
- (14) Every licensee shall ensure that his or her mobile refreshment vehicle or any article used in the business is removed from the highway from the hours of eleven o'clock in the afternoon (11:00 p.m.) of one day to 5:30 o'clock in the forenoon (5:30 a.m.) of the next following day.
- (15) No person who vends shall leave the vehicle or anything on the highway after the vending activity has ceased, or after eleven o'clock in the afternoon (11:00 p.m.), whichever occurs first.
- (16) No licensee shall leave his or her vehicle unattended on the highway for a period of time in excess thirty (30) minutes between 5:30 o'clock in the forenoon (5:30 a.m.) and eleven o'clock in the afternoon (11:00 p.m.) of the same day.
- (17) Despite subsections (15) and (16), no licensee shall vend:
  - (a) on Rideau Street or Wellington Street between Sussex Drive and Metcalfe Street, or;
  - (b) on Elgin Street between Wellington Street and Queen Street, before 12:30 o'clock in the afternoon (12:30 p.m.) on November 11 (Remembrance Day).
- (18) No licensee shall vend on the north side of Wellington Street and Rideau Street between MacKenzie Avenue and Bank Street.
- (19) No licensee shall vend on Rideau Street between Sussex Drive and the east side of King Edward Avenue.
- (20) No licensee shall vend on the sidewalk or property located in Confederation Square at the south side of Wellington Street and the bisection of Elgin Street on which the National War Memorial is sited.
- (21) Every licensee shall ensure that he or she conforms with the said By-law No. 2005-358, as amended.
- (22) Every street vendor, as defined in the said By-law No. 2005-358, shall ensure that he or she conforms with the said By-law No. 2005-358, as amended.

**REQUIREMENT FOR GARBAGE OR LITTER CONTROL**

15. (1) Every licensee shall ensure that a sufficient number of trash receptacles are placed outside the mobile refreshment vehicle at suitable locations to keep up with the amount of trash generated by the vending operation.
- (2) Every licensee shall ensure that the trash created by the vending activity shall be disposed of as required to prevent overflow.
- (3) Every licensee shall ensure that the trash resulting from his or her vending activity is collected and removed from the vending area when leaving for the day.
- (4) For the purposes of this Section, the placing of the trash in a sidewalk refuse container provided by the City is not sufficient to constitute removal.
- (5) Every licensee shall ensure that the garbage receptacle placed outside the vehicle is removed from vending area and that the trash is disposed of in a proper manner when the business closes at the end of the day.

**REPRESENTATION**

16. (1) No person shall publish or cause to be published any representation that the person is licensed under this by-law if they are not so licensed.
- (2) No person to whom a license has been issued to under this by-law shall alter, erase or modify or permit the alteration erasure or modification of that license or any part thereof, unless approved by the Manager of Licensing or designate who has initialized the change.



**SCHEDULE NO. 23**  
**Relating to Mobile Canteens**  
**(Added by By-law 2008-96)**

**LICENSE REQUIRED**

1. (1) The following mobile canteen licenses may be issued pursuant to this Schedule:
  - (a) a License "A," an annual license to a person operating a mobile canteen on private property or at special events from May 15<sup>th</sup> until May 14<sup>th</sup> of the following year.
  - (b) a License "B," a six month license to a person operating a mobile canteen on private property or at special events from May 15<sup>th</sup> to November 14<sup>th</sup> of the same year or from November 15<sup>th</sup> to May 14<sup>th</sup> of the following year.
  - (c) a License "C," a monthly license to a person operating a mobile canteen on private property or at special events from the fifteenth (15<sup>th</sup>) of one month until the fourteenth (14<sup>th</sup>) of the following month.
  - (d) a License "D," a special event license to a person operating a mobile canteen on private property or at special events from one (1) to twenty-one (21) consecutive days.
  - (e) a License "E," a special event per day license to a person operating a mobile canteen on private property or at a special event from one (1) to four (4) consecutive days.
- (2) Every person who operates a mobile canteen shall obtain a license.
- (3) Every person who operates mobile canteens shall obtain a separate license for each mobile canteen.

**EXEMPTIONS**

2. (1) Subsection 1(2) does not apply to:
  - (a) farmers' markets and events that are sponsored by and benefit farmers' markets;
  - (b) public markets managed by the City;
  - (c) agricultural fairs and events that are sponsored by and benefit agricultural fairs;

- (d) the Central Canada Exhibition,
  - (e) fundraisers for charitable and not-for-profit organizations that operate solely for cultural or religious goals, social welfare, civic improvement, recreation, amateur sport or any other similar community enhancement initiatives for any purpose except profit, and any profits or economic advantages which are received by it are used to promote its objectives and not used for the personal gain of any of its members or of any other person,
  - (f) Despite subsection (e) individual mobile canteen vendors participating in an event for fundraising purposes that do not donate all of their profits to the charity or not-for-profit organization for which the event is being held shall require a license.
- (2) No holder of a license “A”, “B” or “C” issued under this Schedule shall be permitted to vend at a special event unless the licensee:
- (a) has notified the Chief License Inspector of:
    - (i) his or her intention to vend at the special event;
    - (ii) the description of the special event including its location, duration and hours of operation;
    - (iii) the name and phone number of the promoter;
  - (b) has written proof that he or she is permitted to operate at the special event;
  - (c) operates from the mobile canteen identified under his or her license; and
  - (d) has a valid license at the time of and for the duration of the special event.
- (3) Despite Section 2 of this by-law, the operator of the mobile canteen must comply with all other municipal, provincial and federal acts, regulations and by-laws.
- (4) The provisions of this Schedule do not apply in the rural wards:
- (a) Ward 5 – West Carleton March
  - (b) Ward 19 – Orléans South-Navan
  - (c) Ward 20 – Osgoode

- (d) Ward 21 – Rideau-Jock.

**((b) and (d) amended by By-law 2023-516)**

### **CONDITIONS FOR ISSUANCE**

3. (1) No applicant for a mobile canteen license shall be issued a license unless:
- (a) the applicant is at least eighteen (18) years of age,
  - (b) the applicant has indicated on the application the type of mobile canteen operation;
  - (c) the applicant has provided the following details of the mobile canteen to be used in the business:
    - (i) a recent colour photograph of the mobile canteen to be used in the business,
    - (ii) the maximum height, length, width and depth of the mobile canteen;
    - (iii) the type of heating equipment used,
    - (iv) other equipment to be used in the business,
    - (v) the make, model, style and vehicle information number of the mobile canteen;
  - (a) where applicable the applicant has provided a certificate issued no more than sixty days prior to the application date and issued pursuant to the Propane, Storage and Handling Regulations under the Technical Standards and Safety Act, 2000 S.O. 2000, c.16, as amended with respect to the mobile canteen,
  - (b) the applicant has filed proof of insurance in accordance with the requirements of Section 8,
  - (c) the applicant has met all requirements of the Health Protection and Promotion Act, R.S.O. 1990, c. H7, as amended, and of Ontario Regulation 493/17 enacted thereunder,
- (amended by By-law 2023-516)**
- (d) the Medical Officer of Health has reported in writing that the mobile canteen is suitable for the purpose of the license application and is in a sanitary condition,

- (e) the Chief License Inspector has reported in writing that the mobile canteen and its equipment are suitable for the vending operation noted in the application,
- (f) where an applicant is applying for a class “D” or “E” license, the applicant has furnished details to the Chief License Inspector outlined in subsection 2 (2),
- (g) the applicant is the holder of a current motor vehicle permit issued pursuant to the said Highway Traffic Act, R.S.O. 1990, c. H.8, as amended that permits it to be driven on any highway,
- (h) the applicant has paid the fees set out in Schedule “A”, and
- (i) the mobile canteen complies with the requirements of the Fire Code and the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended.

**((I) added by By-law 2009-153)**

#### **CONDITIONS FOR RENEWAL OF LICENSE**

4. (1) The Chief License Inspector may require the licensee to submit his or her mobile canteen and equipment for inspection by the Chief Medical Officer of Health, at any reasonable time during the current license period.
- (2) The Chief License Inspector may waive any or all of the requirements listed in Section 3 where the Chief License Inspector determines that any or all of the requirements of these clauses do not apply.
- (3) The licensee shall ensure that prior to the expiration of the license, his or her mobile canteen and vending equipment is submitted for inspection, where applicable, to,
  - (a) the Medical Officer of Health, and
  - (b) the Chief License Inspector,
 as if the applicant was filing an original application.
- (4) The licensee must also comply with the applicable requirements of Section 3.

#### **REFUSAL OF LICENSE**

5. In addition to Section 21 of By-law No. 2002-189 the Chief License Inspector may refuse to issue a mobile canteen license or may refuse to renew a license if,

- (a) an inspection reveals that the site conditions are deemed inappropriate or unsuitable for the business,
- (b) an inspection or inspections reveal that the vehicle or equipment used for vending do not meet the regulations of this licensing schedule,
- (c) the Medical Officer of Health has not reported in writing that the mobile canteen or its equipment is or are suitable for the activity and is in a sanitary condition,
- (d) a certificate provided by the applicant and issued pursuant to the Propane, Storage and Handling Regulations under the Technical Standards and Safety Act 2000, S.O. 2000, c.16. as amended, with respect to the vehicle, does not meet the provisions of this by-law, and
- (e) the Chief License Inspector has reported in writing, where applicable that the mobile canteen or vending equipment is unsuitable for the purpose of the license application and is in an unsafe condition.

## **ISSUANCE OF LICENSE**

6. (1) The Chief License Inspector shall furnish a plate or decal bearing an identifying number and it may be differentiated from other classes by colour.
- (2) Despite subsection (1) the Chief License Inspector shall not furnish a plate or decal for a mobile canteen license “D” or “E”.
- (3) Every licensee using a mobile canteen shall ensure that the decal furnished pursuant to Section 6 is properly affixed to the upper right corner of the plate and that the plate is attached to the right rear of the mobile canteen for which it has been issued so as to be clearly visible to the public during the currency of the license.
- (4) Every licensee shall ensure that the license certificate issued by the Chief License Inspector is posted on or in the mobile canteen and visible to the public.
- (5) Every person who vends under the authority of a license shall ensure that he or she has the license certificate in his or her possession.

- (6) Every person who vends under the authority of a license shall ensure that the license corresponds with the plate or decal furnished by the Chief License Inspector pursuant to Section 6.
- (7) Every licensee shall produce the license certificate for inspection when so requested by a By-law Officer or a Peace Officer.
- (8) Every licensee who ceases to operate the mobile canteen permanently shall return the plate to the Chief License Inspector within fifteen (15) business days.

### **APPROVALS REQUIRED TO VEND FROM A PARTICULAR LOCATION**

- 7. (1) The issuance of a license to operate a mobile canteen does not constitute the granting of authority to vend on any of the highways in the City.
- (2) The issuance of a license to operate a mobile canteen does not constitute the granting of authority to vend on private property.
- (3) No person shall vend on private property without the written consent of the owner or occupant of such property.
- (4) The onus of obtaining the necessary approval to vend at a location on private property from the owner of such property is solely on the licensee.
- (5) No person shall vend on private property of the City without first obtaining written permission from the City.
- (6) Licensed mobile canteen operators who are participating in a special event on a highway that is carried on under the authority of a permit issued pursuant to By-law No. 2001-260 entitled "A by-law of the City of Ottawa to regulate special events on City streets", as amended, may vend within the special event area.
- (7) No person shall locate or operate a mobile canteen:
  - (a) within forty-six (46) metres of a Food Premises;
  - (c) in a residential zone as specified by the applicable Zoning by-law;
  - (d) within nine (9) metres of an intersection;
  - (e) within ten (10) metres of a bus stop;
  - (f) within twenty (20) metres of a vendor who holds an encroachment permit pursuant to By-law No. 2003-446 entitled "A by-law of the City of Ottawa to regulate encroachments on Highways", as amended, or a designated space permit pursuant to By-law No.

2007-478, entitled “A by-law of the City of Ottawa respecting designated spaces and to repeal By-law Number 300-96 of the old City of Ottawa”;

- (g) within three (3) metres of another vendor;
  - (h) within six (6) metres of a pedestrian mall or promenade; or
  - (i) within ninety-one (91) metres of the public markets.
- (9) The distance from a food premises is measured to the structure for a stand-alone food premises and to the building for a food premises in a shopping plaza, shopping centre or similar shopping area.

**(amended by By-law 2009-153)**

- (9) Every person who vends on private property with the consent of the owner or occupant of such property shall:
- (a) ensure that he or she has the consent in his or her possession, and
  - (b) when so requested by the Chief License Inspector, or a Peace Officer, produce the consent for inspection.

## **INSURANCE**

8. (1) Every owner or operator of a mobile canteen shall file with the Chief License Inspector proof of Commercial General Liability insurance subject to limits of not less than \$2,000,000.00 inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof and including damage occasioned by any accident arising out of the operation of the mobile canteen for which a license has been applied for or obtained.
- (2) Such insurance shall be in the name of the applicant and shall name the City of Ottawa as an additional insured thereunder. Such insurance policy shall contain an endorsement to provide the City of Ottawa with thirty (30) days prior written notice of cancellation or of a material change that would diminish coverage, and a Certificate of Insurance evidencing such insurance coverage shall be provided to the City of Ottawa prior to the issuance of a license.

## **INDEMNIFICATION**

9. The applicant shall indemnify and save harmless the City of Ottawa from and against any and all claims, demands, causes of action, loss, costs or damages that the City of Ottawa may suffer, incur or be liable for, resulting from the performance or

non-performance of the applicant of his or her obligations under the license whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

### **LICENSE TRANSFER**

10. (1) No license issued pursuant to this schedule shall be transferred in any manner, including leasing agreement and assignment.
- (2) No person shall transfer a license issued pursuant to this Schedule in any manner, including leasing agreement or assignment.

### **MOBILE CANTEEN AND EQUIPMENT STANDARDS**

11. (1) Mobile canteens shall be purpose built and suitably designed for the business.
- (2) Every licensee shall at all times keep his or her mobile canteen in a clean and sanitary condition and in a state of good repair and appearance.
- (3) Every licensee shall use a mobile canteen that is capable of relocation by the operator immediately upon being directed so to do.
- (4) No person who vends shall use,
  - (a) an external gasoline-powered generator,
  - (b) an external propane-powered generator,
  - (c) an external diesel-powered generator, or
  - (d) an external natural gas-powered generator,
 in conjunction with the vending activity.
- (5) Every licensee using a mobile canteen with a food heating capability or electric heater shall ensure that his or her mobile canteen is adequately equipped with a fire extinguisher consistent with the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended and Regulation 213, as amended, enacted thereunder.
- (6) Every licensee shall use a mobile canteen that has been licensed as a motor vehicle pursuant the Highway Traffic Act, R.S.O. 1990, C. H.8, as amended.
- (7) Where reports have been received from the Medical Officer of Health in respect of the mobile canteen, and the Chief License Inspector has issued the license based on the reports, the licensee shall ensure that no modifications are made to the mobile canteen, or equipment related to the



mobile canteen operation, without the prior approval of the Chief License Inspector.

- (8) No person shall use a mobile canteen that exceeds the dimensions of ten (10) metres in length by two point six (2.6) metres in width, by four point three (4.3) metres in height.

## **GENERAL REGULATIONS**

12. (1) No licensee shall carry, sell, offer or expose for sale any food product that is prohibited by the Medical Officer of Health.
- (2) No licensee shall fail to comply with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended, and regulations enacted thereunder.
- (3) No licensee or a person who vends under the authority of a license shall fail to produce the following documentation when so requested by a By-law Officer or a Peace Officer:
- (a) a copy of the valid mobile canteen license;
  - (b) a copy of the permission from the promoter of the event including the name and telephone number of the promoter, indicating that the licensee is authorized to vend during the special event;
  - (c) a copy of the permission of the owner of the property including the name and telephone number of the property owner or occupant, indicating that the licensee is authorized to vend on the property and any conditions related to the permission if any;
  - (d) a certificate issued pursuant to the Propane, Storage and Handling Regulations under the Technical Standards and Safety Act 2000, S.O. 2000, c.16. as amended.
- (4) No licensee shall fail to submit the mobile canteen for an inspection if requested to do so by a By-law Officer or a Peace Officer.
- (5) Every licensee shall take prompt measures to reduce or eliminate nuisances created by the business when so directed by a By-law Officer or a Peace Officer.
- (6) No licensee shall fail to ensure that the licensed business does not:
- (a) interfere with the normal movement of pedestrian or vehicular traffic or the maintenance of the highways in the City;

- (b) interfere with a designated fire route pursuant to By-law No. 2003-499, entitled "A by-law of the City of Ottawa to designate Fire Routes", as amended;
  - (c) interfere with highway maintenance or highway signage; and
  - (d) interfere with required parking spaces, private approaches, accesses or egresses to buildings or premises;
- (7) Every licensee who is vending on private property shall ensure that the vending activity is set back from the highway so as not to create a traffic hazard.
- (8) No licensee shall allow modifications to the equipment without the prior approval of the Chief License Inspector.
- (9) Every licensee shall ensure that any grease or water used in the business is disposed of in a manner that complies with all municipal, provincial and federal statutes, laws, by-laws and regulations.
- (10) Every licensee shall ensure that he or she conforms, where applicable, to
- (a) the Highway Traffic Act, R.S.O. 1990, Chap. H.8, as amended,
  - (b) By-law No. 2003-530 entitled "A by-law of the City of Ottawa regulating traffic and parking on highways", as amended,
  - (c) By-law No. 2005-358, entitled "A by-law respecting vendors on highways", as amended.
- (11) No person shall vend on the sidewalk or property located in Confederation Square at the south side of Wellington Street and the bisection of Elgin Street on which the National War Memorial is sited.
- (12) No person shall vend:
- (a) on Rideau Street or Wellington Street between Sussex Drive and Metcalfe Street, or
  - (b) on Elgin Street between Wellington Street and Queen Street, before 12:30 o'clock in the afternoon (12:30 p.m.) on November 11 (Remembrance Day).
- (13) No person shall cook food products in a "Mobile Canteen".
- (14) Every licensee shall ensure that his or her mobile canteen is a fit motor vehicle under the said Highway Traffic Act.

- (15) No person who vends with or from a mobile canteen shall place or locate any carton, box or other article, other than a garbage receptacle, outside of the vehicle.
- (16) No holder of a “Mobile Canteen” License shall vend with or from a mobile canteen in any area designated as a “residential area” in the applicable zoning By-law except on a construction site during periods of construction, but this does not include a single site for the construction of housing in an already established neighbourhood.
- (17) Any holder of a “Mobile Canteen” license may remain up to thirty (30) minutes at a location on a street, subject to the said By-law No. 2003-530, as amended, at a construction site or place of employment provided that the majority of the licensee active vending time in any one (1) day is spent on private property and that there are no food premises within forty-six (46) metres of said vending location.
- (17) No person shall vend on the north side of Wellington Street and Rideau Street between MacKenzie Avenue and Bank Street.
- (18) No person shall vend on Rideau Street between Sussex Drive and the east side of King Edward Avenue.
- (19) Every street vendor, as defined in the said By-law No. 2005-358, as amended, shall ensure that he or she conforms with the said By-law No. 2005-358.

#### **REQUIREMENT FOR GARBAGE OR LITTER CONTROL**

- 13. (1) Every licensee shall ensure that a sufficient number of trash receptacles are placed outside the mobile canteen at suitable locations to keep up with the amount of trash generated by the vending operation.
- (2) Every licensee shall ensure that the trash created by the vending activity shall be disposed of as required to prevent overflow.
- (3) Every licensee shall ensure that the garbage or litter resulting from his or her vending activity is collected and removed from the vending area when leaving for the day.
- (4) For the purposes of this Section, the placing of the garbage or litter in a sidewalk refuse container provided by the City is not sufficient to constitute removal.

- (5) Every licensee shall ensure that he or she conforms with the said By-law No. 2005-358, as amended.
- (6) Every licensee shall ensure that the garbage receptacle placed outside the vehicle is removed from vending area and that the garbage is disposed of in a proper manner when the business closes at the end of the day.

#### **REPRESENTATION**

- 14. (1) No person shall publish or cause to be published any representation that the person is licensed under this by-law if they are not so licensed.
- (2) No person to whom a license has been issued to under this by-law shall alter, erase or modify or permit the alteration erasure or modification of that license or any part thereof, unless approved by the Manager of Licensing or a designate who has initialized the change.

**SCHEDULE NO. 24**  
**Relating to Mobile Refreshment Carts**  
**(Added by By-law 2008-96)**

**LICENSES REQUIRED:**

1. (1) The following mobile refreshment cart licenses may be issued pursuant to this Schedule:
  - (a) a License "A," an annual license to a person operating a mobile refreshment cart on private property from a particular location or at special events from May 15<sup>th</sup> to May 14<sup>th</sup> of the following year.
  - (b) a License "B," a six-month license to a person operating a mobile refreshment cart on private property from a particular location or at special events from May 15<sup>th</sup> to November 14<sup>th</sup> of the same year or November 15<sup>th</sup> to May 14<sup>th</sup> of the following year.
  - (c) a License "C," a monthly license to a person operating a mobile refreshment cart on private property from a particular location or at special events from the fifteenth (15<sup>th</sup>) of one month to the fourteenth (14<sup>th</sup>) of the following month.
  - (d) a License "D," a special event license to a person operating a mobile refreshment cart at a special event for the duration of the event from one (1) to twenty-one (21) consecutive days.
  - (e) a License "E," a special event per day license to a person operating a mobile refreshment cart at a special event for the duration of the event from one (1) to four (4) consecutive days.
  - (f) a License "F," a sidewalk annual license to a person operating a mobile refreshment cart in a designated space pursuant to By-law No. 2007-478, entitled "A by-law of the City of Ottawa respecting designated spaces and to repeal By-law Number 300-96 of the old City of Ottawa" on the sidewalk in the former City of Ottawa or at special events from May 15 to May 14 of the following year.
  - (g) a License "G," a sidewalk six months license to a person operating a mobile refreshment cart in a designated space pursuant to the said By-law No. 2007-478 on the sidewalk in the former City of Ottawa or at special events May 15 to November 14 or from November 15 to May 14 of the following year.

- (h) a License “H,” a sidewalk monthly license to a person operating a mobile refreshment cart in a designated space pursuant to the said By-law No. 2007-478 on the sidewalk in the former City of Ottawa or at special events from the 15<sup>th</sup> of one month until the 14<sup>th</sup> of the following month.
  - (i) a License “I,” a Canada Day mobile refreshment cart license to a person selling refreshments from a mobile refreshment cart including ice cream and frozen milk products or beverages in the removal zone pursuant to the said By-law No. 2007-478 on Canada Day (July 1<sup>st</sup>).
- (2) Every person who owns or operates a mobile refreshment cart shall obtain a license.
  - (3) Every person who operates a mobile refreshment cart shall obtain a separate license for each mobile refreshment cart.
  - (4) No “F”, “G” or “H” class licenses shall be issued to applicants who do not have a designated space permit issued pursuant to the said By-law No. 2007-478.
  - (5) Every mobile refreshment cart operator shall require a Canada Day license to operate within the removal zone as identified in the said By-law No. 2007-478.

## **EXEMPTIONS**

2. (1) Subsection 1(2) does not apply to
  - (a) farmers’ markets and events that are sponsored by and benefit farmers’ markets,
  - (b) public markets managed by the City,
  - (c) agricultural fairs and events that are sponsored by and benefit agricultural fairs, the Central Canada Exhibition,
  - (d) fundraisers for charitable and not-for-profit organizations that operate solely for cultural or religious goals, social welfare, civic improvement, recreation, amateur sport or any other similar community enhancement initiatives for any purpose except profit, and any profits or economic advantages which are received by it are used to promote its objectives and not used for the personal gain of any of its members or of any other person.

- (f) Despite subsection (e) individual mobile refreshment cart vendors participating in an event for fundraising purposes that do not donate all of their profits to the charity or not-for-profit organization for which the event is being held shall require a license.
- (2) No holder of a license “A”, “B”, “C”, “F”, “G” or “H” license issued under this Schedule shall be permitted to vend at a special event unless the licensee:
    - (a) has notified the Chief License Inspector of:
      - (i) his or her intention to vend at the special event;
      - (ii) the description of the special event including its location, duration and hours of operation;
      - (iii) the name and telephone number of the promoter;
    - (b) has written proof that he or she is permitted to operate at the special event.
    - (c) operates from the mobile refreshment cart identified under his or her license; and
    - (d) has a license that is valid at the time of and for the duration of the special event.
  - (3) Despite subsection (1), the operator of a mobile refreshment cart must comply with all municipal, provincial and federal acts, regulations and by-laws.
  - (4) The provisions of this schedule do not apply in the rural wards:
    - (a) Ward 5 – West Carleton March
    - (b) Ward 19 – Orléans South-Navan
    - (c) Ward 20 – Osgoode
    - (d) Ward 21 – Rideau-Jock.

**((b) and (d) amended by By-law 2023-516)**

### **CONDITIONS FOR ISSUANCE**

- 3. (1) No applicant for a mobile refreshment cart license shall be issued a license unless:
  - (a) the applicant is at least eighteen (18) years of age,

- (b) the applicant has indicated the category of mobile refreshment cart license requested,
- (c) the applicant has provided details of the mobile refreshment cart to be used in the business including:
  - (i) a recent photograph of the mobile refreshment cart to be used in the business,
  - (ii) the maximum height, length, width and depth of the mobile refreshment cart,
  - (iii) where applicable the type of heating and cooking equipment used,
  - (iv) other equipment to be used in the businesses, and,
  - (v) the make, model, style, and serial number of the mobile refreshment cart where available,
- (d) where applicable the applicant has provided a certificate issued no more than sixty days prior to the application date and issued pursuant to the Propane, Storage and Handling Regulations under the Technical Standards and Safety Act, 2000, S.O. 2000, c.16, as amended with respect to the mobile refreshment cart.
- (e) the applicant has filed proof of insurance in accordance with the requirements Section 8,
- (f) the applicant has met all requirements of the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended, and of Ontario Regulation 493/17 enacted thereunder,

**(amended by By-law 2023-516)**

- (g) the Medical Officer of Health has reported in writing that the mobile refreshment cart is suitable for the purpose of the license application and is in a sanitary condition,
- (h) the Chief License Inspector has reported in writing, that the mobile refreshment cart and its equipment are suitable for the vending operation noted in the application,
- (i) where an applicant is applying for a class “D” or “E” license, the applicant has furnished details to the Chief License Inspector outlined in subsection 2 (2).



- (j) if applying to vend on private property the applicant has filed written proof with the Chief License Inspector that the owner or occupant of the property has granted permission to the applicant for use of the property for the vending business indicated on the application,
- (j) the location from which the applicant proposes to operate the mobile refreshment cart complies with the applicable zoning by-law and will not contravene zoning use or lead to a deficiency in required parking and proper vehicular circulation,
- (k) if applying for a class “F”, “G” or “H” license to vend from the sidewalk the applicant shall present his or her valid Designated Space Permit issued pursuant to the said By-law No. 2007-478,
- (l) the applicant has paid the fees set out in Schedule “A”, and
- (m)** the mobile refreshment cart complies with the requirements of the Fire Code and Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended.

**((m) added by By-law 2009-153)**

#### **CONDITIONS FOR RENEWAL OF LICENSE**

4. (1) The Chief License Inspector may require the licensee to submit his or her mobile refreshment cart and equipment for inspection by the Chief Medical Officer of Health, at any reasonable time during the current license period.
- (2) The Chief License Inspector may waive any or all of the requirements listed in Section 3 where the Chief License Inspector determines that any or all of the requirements of these clauses do not apply.
- (3) The licensee shall ensure that prior to the expiration of the license, his or her mobile refreshment cart and vending equipment is submitted for inspection, where applicable, to,
  - (a) the Medical Officer of Health, and
  - (b) the Chief License Inspector,
 as if the applicant was filing an original application.
- (4) The licensee must also comply with the applicable requirements of Section 3.

## **REFUSAL OF LICENSE**

5. In addition to Section 21 of By-law No. 2002-189, the Chief License Inspector may refuse to issue a mobile refreshment cart license or may refuse to renew a license if,
- (a) an inspection or inspections reveal that the site conditions are deemed unsuitable for the business;
  - (b) an inspection or inspections reveal that the mobile refreshment cart or equipment used for vending do not meet the regulations of this licensing schedule;
  - (c) the Medical Officer of Health has reported in writing that the mobile refreshment cart or vending equipment is not suitable for the purpose of the license application and is not in sanitary condition;
  - (d) the location from which the applicant proposes to operate the mobile refreshment cart does not comply with the applicable zoning by-law and will contravene zoning use or lead to a deficiency in required parking and proper vehicular circulation,
  - (e) the certificate provided by the applicant and issued pursuant to the Propane, Storage and Handling Regulations under the Technical Standards and Safety Act, S.O. 2000, c.16. as amended with respect to the mobile refreshment cart, does not meet the provisions of this by-law, and
  - (f) the Chief License Inspector has reported in writing that the mobile refreshment cart or vending equipment is unsuitable for the purpose of the license application and is in an unsafe condition.

## **ISSUANCE OF LICENSE**

6. (1) The Chief License Inspector upon issuing a license shall furnish a plate or decal bearing an identifying number that may be differentiated from other classes by colour.
- (2) Despite subsection 6 (1), the Chief License Inspector shall not furnish a plate or decal for a mobile refreshment cart license “D”, “E” or “I”.
- (3) Every licensee operating a mobile refreshment cart shall ensure that the decal furnished pursuant to Section 6 is properly affixed to the upper right corner of the plate and that the plate is attached to the right rear of the mobile

refreshment cart for which it has been issued so as to be clearly visible to the public during the currency of the license.

- (4) Every licensee shall ensure that the license certificate issued by the Chief License Inspector is posted on the mobile refreshment cart and visible to the public.
- (5) Every person who vends under the authority of a license shall ensure that he or she has the license certificate in his or her possession.
- (6) Every person who vends under the authority of a license shall ensure that the license certificate corresponds with the plate or decal furnished by the Chief License Inspector pursuant to subsection 6 (1).
- (7) Every licensee shall produce the license certificate for inspection when so requested by a By-law Officer or Peace Officer.
- (8) Every licensee who ceases to operate a mobile refreshment cart permanently shall return the plate to the Chief License Inspector within fifteen (15) business days.

#### **APPROVALS REQUIRED TO VEND FROM A PARTICULAR LOCATION**

7. (1) The issuance of a license to operate a mobile refreshment cart does not constitute the granting of authority to vend on any of the highways in the City.
- (2) The issuance of a license to operate a mobile refreshment cart does not constitute the granting of authority to vend on private property.
- (3) The onus of obtaining the necessary approval to vend from a particular location on private property from the owner of such property is solely on the licensee.
- (4) No person shall vend on private property of the City without first obtaining written permission from the City.
- (5) No person shall vend on private property without the consent of the owner or occupant of such property.
- (6) Licensed mobile refreshment cart operators who are participating in a special event on a highway that is carried on under the authority of a permit issued pursuant to By-law No. 2001-260, entitled "A by-law of the City of Ottawa to regulate special events on City streets", as amended, may vend within the special event area.

- (7) No person shall vend from a mobile refreshment cart on the street or sidewalk without a valid permit to do so issued pursuant to the said By-law No. 2007-478, or authorized to do so pursuant to the said By-law 2007-478.
- (8) The Chief License Inspector may require that a licensee relocate his or her mobile refreshment cart by presenting a written notice indicating the reason for the request for relocation and indicating when the relocation must be completed.
- (9) No licensee shall locate or operate a mobile refreshment cart:
- (a) within forty-six (46) metres of a Food Premises;
  - (b) in a residential zone as specified by the applicable Zoning by-law.
  - (c) within nine (9) metres of an intersection;
  - (d) within ten (10) metres of a bus stop;
  - (e) within twenty (20) metres of a vendor who holds an encroachment permit pursuant to By-law No. 2003-446 entitled "A by-law of the City of Ottawa to regulate encroachments on City Highways", as amended, or a designated space permit pursuant to the said By-law No. 2007-478;
  - (f) within three (3) metres of another vendor;
  - (g) within six (6) metres of a pedestrian mall or promenade; or
  - (h) within ninety-one (91) metres of the public markets.
- (10) Subsections 9 (b), (e), and (f) do not apply to vendors participating in a special event held pursuant to the said By-law No. 2001-260, as amended.
- (11) The distance from a food premises is measured to the structure for a stand-alone food premises and to the building for a food premises in a shopping plaza, shopping centre or similar shopping area.

**(amended by By-law 2009-153)**

- (12) Despite subsection 9 (a) a licensee may operate less than forty-six (46) metres from a Food Premises provided that the licensee obtains a written letter from the affected Food Premises stating that there is no objection to the operation of the mobile refreshment cart at the intended location and any applicable conditions. A copy of this letter shall be provided to the Chief License Inspector at the time of application and annually upon renewal. The wording of the letter shall be to the Chief License Inspector's satisfaction.

- (13) No licensee who vends shall locate a vending activity or anything on any portion of a sidewalk that, is located within six (6) metres on either side of the area referred to subsection (9).
- (14) For the purposes of subsection (15), the measurement shall be taken from the extension of the general building lines across the sidewalk to the curb for the determination of,
- (a) the area of the abutting sidewalk, and
  - (b) the commencement of the six (6) metres.
- (15) The location regulations in this Schedule shall not apply to any vending location established pursuant to the said By-law No. 2007-478.

## **INSURANCE**

8. (1) Every owner or operator of a mobile refreshment cart shall file with the Chief License Inspector proof of Commercial General Liability insurance subject to limits of not less than \$1,000,000.00 inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof and including damage occasioned by any accident arising out of the operation of the mobile refreshment cart for which a license has been applied for or obtained.
- (2) Such insurance shall be in the name of the applicant and shall name the City of Ottawa as an additional insured thereunder. Such insurance policy shall contain an endorsement to provide the City of Ottawa with thirty (30) days prior written notice of cancellation or of a material change that would diminish coverage, and a Certificate of Insurance evidencing such insurance coverage shall be provided to the City of Ottawa prior to the issuance of a license.

## **INDEMNIFICATION**

9. The applicant shall indemnify and save harmless the City of Ottawa from and against any and all claims, demands, causes of action, loss, costs or damages that the City of Ottawa may suffer, incur or be liable for, resulting from the performance or non-performance of the applicant of his or her obligations under the license whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

## **LICENSE TRANSFER**

10. (1) No license issued pursuant to this Schedule shall be transferred from person to person in any manner, including leasing agreement and assignment.

- (2) No person shall transfer a license issued pursuant to this Schedule in any manner, including leasing agreement or assignment.
- (3) Despite Section 8 (1) and (2) a license “F”, “G” or “H” shall be transferable to a parent, spouse, brother, sister, son or daughter of the original permit holder for a designated space provided that the permit has been transferred to said person pursuant to the said By-law No. 2007-478.

### **LOCATION TRANSFER**

11. Despite Section 10 location transfers shall be permitted upon approval of the Chief License Inspector.

### **MOBILE REFRESHMENT CART AND EQUIPMENT STANDARDS**

- 12. (1) Mobile refreshment carts shall be purpose-built and suitably designed for the business and shall not include a table with casters.
- (2) Every licensee shall keep his or her mobile refreshment cart at all times in a clean and sanitary condition and in a state of good repair and appearance.
- (3) Every licensee shall use a mobile refreshment cart that is capable of immediate relocation by the user.
- (4) No person who vends shall use,
  - (a) a gasoline-powered generator,
  - (b) a propane-powered generator,
  - (c) a diesel-powered generator, or
  - (d) a natural gas-powered generator,
 in conjunction with the vending activity.
- (5) Every licensee operating a mobile refreshment cart shall have attached or painted on two sides of the exterior body of the mobile refreshment cart, in a clearly visible position, a sign showing his or her trade name legibly printed in letters and figures not less than seven (7) centimetres (cm) in height.
- (6) Every licensee using a mobile refreshment cart with a food heating capability or electric heater shall ensure that his or her mobile refreshment cart is adequately equipped with a fire extinguisher consistent with the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended and Regulation 213, as amended, enacted thereunder.

- (7) Where reports have been received from the Medical Officer of Health in respect of the mobile refreshment cart, and the Chief License Inspector has issued the license based on the reports, the licensee shall ensure that no modifications are made to the mobile refreshment cart, or equipment related to the mobile refreshment cart operation, without the prior approval of the Chief License Inspector.

### **MOBILE REFRESHMENT CART STANDARDS**

13. (1) Every mobile refreshment cart shall,
- (a) have,
    - (i) at least two (2) wheels,
    - (ii) two (2) handles or a push-bar, and
    - (iii) a body that is not higher than one point two (1.2 ) metres as measured from the ground to the top of the body,
  - (b) be mobile so that it may be pulled or pushed by hand by the person who is vending, and
  - (c) be structured so as to be safe and stable with or without refreshments therein.
- (2) The mobile refreshment cart may have a canopy or umbrella so long as the canopy conforms to the provisions of subsection (3) or (4), whichever is applicable.
- (3) The canopy may extend beyond the dimensions of the mobile refreshment cart prescribed by Section 14 provided that:
- (a) the extension of the canopy is at the height of not less than two point two (2.20) metres measured from the ground, and
  - (b) the extension of the canopy does not extend beyond the dimensions of the mobile refreshment cart by more than sixty-five (65) centimetres on any one (1) side.
  - (c) no part of the canopy shall extend into the street.
- (4) Despite subsection (3), where the canopy is an umbrella it may extend beyond the dimensions of the mobile refreshment cart prescribed by Section 14 and 15 provided that:
- (a) the diameter of the umbrella does not exceed two point three (2.3) metres,

- (b) the outside perimeter of the umbrella does not extend beyond the said dimensions by more than sixty-five (65) centimetres on any one (1) side,
  - (c) the extension of the umbrella is at the height of not less than two point two (2.20 ) metres measured from the ground, and
  - (d) the umbrella is securely attached to the mobile refreshment cart.
- (5) The maximum height of the display on or in the mobile refreshment cart shall not exceed a height of one point four (1.4) metres as measured from the ground to the top of the display.
- (6) No person shall vend with or from a mobile refreshment cart that does not comply with the provisions of this section.
- (7) No person who vends shall use,
- (a) a gasoline-powered generator,
  - (b) a propane-powered generator,
  - (c) a diesel-powered generator, or
  - (d) a natural gas-powered generator,
- in conjunction with the vending activity.

#### **DIMENSIONS OF HAND-POWERED VEHICLE**

14. (1) No person shall use a hand-powered vehicle that exceeds the dimensions of three (3) metres in length, by one (1) metre in width, by two point five (2.5) metres in height.
- (2) Despite subsection (1) a licensee may make a request in writing to the Chief License Inspector to increase the size of their mobile refreshment cart on the sidewalks of the City, as long as the size increase does not exceed the aforementioned dimensions by more than 10%.
- (3) Subject to subsection (1), the provisions do not apply to prevent a person from using a hand-powered vehicle for vending on private property so long as it is on private property.
- (4) No person shall use a hand-powered vehicle for vending that is,
- (a) not structured so as to be safe and stable with or without refreshments therein, or
  - (b) not capable of easy relocation by the user.



## **DIMENSIONS OF PEDAL-POWERED VEHICLE**

15. (1) No person shall use a pedal-powered vehicle that exceeds the dimensions of three (3) metres in length, by one (1) metre in width, by two point five (2.5) metres in height.
- (2) Subject to subsection (1), the provisions do not apply to prevent a person from using a pedal-powered vehicle for vending on private property so long as it is on private property.
- (3) No person shall use a pedal-powered vehicle for vending that is,
  - (a) not structured so as to be safe and stable with or without refreshments therein, or
  - (b) not capable of easy relocation by the user.

## **GENERAL REGULATIONS**

16. (1) No licensee shall carry, sell, offer or expose for sale any food product that is prohibited by the Medical Officer of Health.
- (2) No licensee shall fail to comply with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended, and regulations enacted thereunder.
- (3) No licensee and a person who vends under the authority of a license shall fail to produce the following documentation when so requested by a By-law Officer or a Peace Officer:
  - (a) a copy of the valid mobile refreshment cart license;
  - (b) a copy of the permission from the promoter of the event including the name and telephone number of the promoter, indicating that the licensee is authorized to vend during the special event;
  - (c) a copy of the permission from the property owner including the name and telephone number of the property owner, indicating that the licensee is authorized to vend on the property and any conditions related to the permission if any;
  - (d) a certificate issued pursuant to the Propane, Storage and Handling Regulations under the Technical Standards and Safety Act 2000, S.O. 2000, c.16. as amended.
- (4) No licensee shall fail to submit the mobile refreshment cart for inspection if requested to do so by a By-law Officer or a Peace Officer.

- (5) No licensee shall fail to relocate the mobile refreshment cart if requested to do so by a By-law Officer or a Peace Officer.
- (6) No licensee shall fail to take prompt measures to reduce or eliminate nuisances created by the business when so directed by a By-law Officer or a Peace Officer.
- (7) No licensee shall fail to ensure that the licensed business does not:
  - (a) interfere with the normal movement of pedestrian or vehicular traffic or the maintenance of the highways in the City;
  - (b) interfere with a designated fire route pursuant to By-law No. 2003-499, entitled "A by-law of the City of Ottawa to designate Fire Routes", as amended;
  - (c) interfere with highway maintenance or highway signage; and
  - (d) interfere with required parking spaces, private approaches, accesses or egresses to buildings or premises.
- (8) Every licensee who is vending on private property shall ensure that the vending activity is set back from the highway so as not to create a traffic hazard.
- (9) No licensee shall change his or her particular vending location during the currency of the license without the prior approval of the Chief License Inspector.
- (10) No licensee shall allow modifications to the mobile refreshment cart or equipment used in the licensed business without the prior approval of the Chief License Inspector.
- (11) Every licensee shall ensure that any grease or water used in the business is disposed of in a manner that complies with all municipal, provincial and federal statutes, laws, by-laws and regulations.
- (12) Every licensee shall ensure that he or she conforms, where applicable, to
  - (a) the Highway Traffic Act, R.S.O. 1990, Chap. H.8, as amended,
  - (b) By-law No. 2003-530, entitled "A by-law of the City of Ottawa regulating traffic and parking on highways", as amended,
  - (c) By-law No. 2005-358, entitled "A by-law respecting vendors on highways", as amended

- (13) No person who vends with or from a mobile refreshment cart on the highway shall place or locate any carton, box or other article, other than a garbage receptacle, outside of the mobile refreshment cart.
- (14) Every licensee who vends on the street shall restrict such sales to occur between 5:30 o'clock in the forenoon (5:30 a.m.) and eleven o'clock in the afternoon (11:00 p.m.) of the same day.
- (15) Every licensee shall ensure that his or her mobile refreshment cart or any article used in the business is removed from the highway between the hours of eleven in the afternoon (11:00 p.m.) of one day to 5:30 o'clock in the forenoon (5:30 a.m.) of the following day.
- (16) No person who vends shall leave the mobile refreshment cart or anything on the highway after the vending activity has ceased, or after eleven in the afternoon whichever occurs first.
- (17) No licensee shall leave his or her mobile refreshment cart unattended on the highway for a period of time in excess thirty (30) minutes between 5:30 o'clock in the forenoon (5:30 a.m.) and eleven o'clock in the afternoon (11:00 p.m.) of the same day.
- (18) No person shall vend before 12:30 in the afternoon (12:30 p.m.) on November 11 (Remembrance Day):
  - (a) on Rideau Street or Wellington Street between Sussex Drive and Metcalfe Street, or
  - (b) on Elgin Street between Wellington Street and Queen Street.
- (19) No licensee who vends on a sidewalk with or from a mobile refreshment cart shall occupy or locate or utilize an area that exceeds three (3) metres in length, by one (1) metre in width, by two point five (2.5) metres in height.
- (20) Despite subsection (20), a space that is 10% larger than those dimensions may be permitted upon the approval of the Chief License Inspector.
- (21) No licensee who is vending on a sidewalk from or with a mobile refreshment cart shall occupy or utilize an area that exceeds three (3) metres in length, by one (1) metre in width, by two point five (2.5) metres in height.
- (22) No licensee shall vend with or from a mobile refreshment cart, other than a hand-powered vehicle, on a boulevard that has been improved with asphalt, decorative bricks, concrete or other fabricated substances.

- (23) No licensee shall vend on the north side of Wellington Street and Rideau Street between MacKenzie Avenue and Bank Street.
- (24) No licensee shall vend on Rideau Street between Sussex Drive and the east side of King Edward Avenue.
- (25) No licensee shall vend on the sidewalk or property located in Confederation Square at the south side of Wellington Street and the bisection of Elgin Street on which the National War Memorial is sited.
- (26) Every licensee shall ensure that he or she conforms with the said By-law No. 2005-358.
- (27) Every street vendor, as defined in the said By-law No. 2005-358, as amended, shall ensure that he or she conforms with the said By-law No. 2005-358.

#### **REQUIREMENT FOR GARBAGE OR LITTER CONTROL**

- 17. (1) Every licensee shall ensure that a sufficient number of trash receptacles are placed outside the mobile refreshment cart at suitable locations to keep up with the amount of trash generated by the vending operation.
- (2) Every licensee shall ensure that the trash created by the vending activity shall be disposed of as required to prevent overflow, when the mobile refreshment cart business is in operation.
- (3) Every licensee shall ensure that the trash resulting from his or her vending activity is collected and removed from the vending area when the person ceases the vending activity for the day and leaves the vending area.
- (4) For the purposes of this Section, the placing of the trash in a sidewalk refuse container provided by the City is not sufficient to constitute removal.
- (5) Every licensee shall ensure that the trash receptacle placed outside the mobile refreshment cart is removed from vending area and that the garbage is disposed of in a proper manner when the business closes at the end of the day.

#### **REPRESENTATION**

- 18. (1) No person shall publish or cause to be published any representation that the person is licensed under this by-law if they are not so licensed.
- (2) No person to whom a license has been issued to under this by-law shall alter, erase or modify or permit the alteration, erasure or modification of that

license or any part thereof, unless approved by the Manager of Licensing or designate who has initialized the change.

**SCHEDULE NO. 25**  
**Relating to Refreshment Stands**  
**(Added by By-law 2008-96)**

**LICENSE REQUIRED:**

1. (1) The following refreshment stand licenses may be issued pursuant to this Schedule:
  - (a) a License "A," an annual license to a person operating a refreshment stand at special events on private or public property from May 15<sup>th</sup> to May 14<sup>th</sup> of the following year.
  - (b) a License "B," a six-month license to a person operating a refreshment stand at special events on private or public property from May 15<sup>th</sup> to November 14<sup>th</sup> of the same year or November 15<sup>th</sup> to May 14<sup>th</sup> of the following year.
  - (c) a License "C," a monthly license to a person operating a refreshment stand at special events on private or public property from the 15<sup>th</sup> of one month until the 14<sup>th</sup> of the following month.
  - (d) a License "D," a special event license to a person operating a refreshment stand at special events on private or public property from one (1) to twenty-one (21) consecutive days.
  - (e) a License "E," a special event per day license to a person operating a refreshment stand at special events on private or public property from one (1) to four (4) consecutive days.
- (2) Every person who operates a refreshment stand shall obtain a license.
- (3) Every person who operates refreshment stands shall obtain a separate license for each refreshment stand.

**EXEMPTIONS**

2. (1) Subsection 1 (2) does not apply to:
  - (a) farmers' markets and events that are sponsored by and benefit farmers' markets;
  - (b) public markets managed by the City;
  - (c) agricultural fairs and events that are sponsored by and benefit agricultural fairs;

- (d) the Central Canada Exhibition,
  - (e) fundraisers for charitable and not-for-profit organizations that operate solely for cultural or religious goals, social welfare, civic improvement, recreation, amateur sport or any other similar community enhancement initiatives for any purpose except profit, and any profits or economic advantages which are received by it are used to promote its objectives and not used for the personal gain of any of its members or of any other person;
  - (f) a trailer licensed under Schedule 22 “Relating to Mobile Refreshment Vehicles” in this by-law;
  - (g) despite subsection (e), individual refreshment stand vendors participating in an event for fundraising purposes that do not donate all of their profits to the charity or not-for-profit organization for which the event is being held shall require a license.
- (2) Despite subsection (1), the operator of a refreshment stand must comply with all municipal, provincial and federal acts, regulations and by-laws.
- (3) The provisions of this schedule do not apply in the rural wards:
- (a) Ward 5 – West Carleton March
  - (b) Ward 19 – Orléans South-Navan
  - (c) Ward 20 – Osgoode
  - (d) Ward 21 – Rideau-Jock.

**(amended by By-law 2023-516)**

### **CONDITIONS FOR ISSUANCE**

3. (1) No applicant for a refreshment stand license shall be issued a license unless:
- (a) the applicant is at least eighteen (18) years of age,
  - (b) the applicant has indicated the type of refreshment stand license requested,
  - (c) the applicant has provided details of the refreshment stand to be used in the business including:
    - (i) a recent photograph of the refreshment stand to be used in the business,
    - (ii) the type of heating and cooking equipment used,

- (iii) other equipment to be used in the business,
- (iv) the make, model, style and serial number of the refreshment stand where available.
- (d) Where applicable the applicant has provided a certificate issued no more than sixty days prior to the application date and issued pursuant to the Propane, Storage and Handling Regulations under the Technical Standards and Safety Act, 2000, S.O. 2000, c.16, as amended with respect to the refreshment stand,
- (e) the applicant has filed proof of insurance in accordance with the requirements of Section 8.
- (f) the applicant has met all requirements of the Health Protection and Promotion Act, R.S.O. 1990, c. H7, as amended, and of Ontario Regulation 493/17 enacted thereunder,  
**(amended by By-law 2023-516)**
- (g) the Medical Officer of Health has reported in writing that the refreshment stand is suitable for the purpose of the license application and is in a sanitary condition,
- (h) the Chief License Inspector has reported in writing, that the refreshment stand and its equipment are suitable for the vending operation noted in the application,
- (i) the location from which the applicant proposes to operate the refreshment stand complies with the applicable zoning by-law and does not contravene zoning use or lead to a deficiency in required parking and proper vehicular circulation,
- (j) the applicant has furnished details as to the special event, including its location, dates and duration, hours of operation and the promoter's contact information,
- (k) the applicant has filed written proof that the owner of the property on which the vending will occur has granted permission to the applicant for use of the property for the vending business indicated on the application at the special event,
- (l) the applicant has paid the fees set out in Schedule "A", and
- (m) the refreshment stand complies with the Fire Code and the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended.



**((m) added by By-law 2009-153)**

### **CONDITIONS FOR RENEWAL OF LICENSE**

4. (1) The Chief License Inspector may require that the licensee submit his or her refreshment stand and equipment for inspection by the Chief Medical Officer of Health, at any reasonable time during the current license period.
- (2) The Chief License Inspector may waive any or all of the requirements listed in Section 3 where the Chief License Inspector determines that any or all of the requirements of these clauses do not apply.
- (3) The licensee shall ensure that prior to the expiration of the license, his or her refreshment stand and vending equipment is submitted for inspection, where applicable, to,
  - (a) the Medical Officer of Health, and
  - (b) the Chief License Inspectoras if the applicant was filing an original application.
- (4) The licensee must also comply with the applicable requirements of Section 3.

### **REFUSAL OF LICENSE**

5. In addition to Section 21 of By-law No. 2002-189, the Chief License Inspector may refuse to issue a refreshment stand license or may refuse to renew a license if,
  - (a) an inspection reveals that the site conditions are deemed inappropriate or unsuitable for the business;
  - (b) an inspection or inspections reveal that the refreshment stand or equipment used for vending do not meet the regulations of this licensing schedule;
  - (c) the Medical Officer of Health has reported in writing that the refreshment stand or vending equipment is not suitable for the purpose of the license application and is not in a sanitary condition;
  - (d) the location from which the applicant proposes to operate the refreshment stand does not comply with the applicable zoning by-law and will contravene zoning use or lead to a deficiency in required parking and proper vehicular circulation,
  - (e) the certificate provided by the applicant and issued pursuant to the Propane, Storage and Handling Regulations under the Technical

Standards and Safety Act 2000, S.O. 2000, c.16. as amended with respect to the stand, does not meet the provisions of this by-law; or

- (f) the Chief License Inspector has reported in writing that, where applicable, the refreshment stand or vending equipment is unsuitable for the purpose of the license application and is in an unsafe condition.

### **ISSUANCE OF LICENSE**

- 6. (1) Every licensee shall ensure that the license certificate issued by the Chief License Inspector is posted on or in the refreshment stand and is visible to the public.
- (2) Every person who vends under the authority of a license shall ensure that he or she has the license in his or her possession.
- (3) Every licensee who vends under the authority of a license shall ensure that the license certificate corresponds with the refreshment stand for which it was issued.
- (4) Every licensee shall produce the license certificate for inspection when so requested by a By-law Officer or Peace Officer.

### **APPROVALS REQUIRED TO VEND FROM A PARTICULAR LOCATION**

- 7. (1) The issuance of a license to operate a refreshment stand does not constitute the granting of authority to vend on any of the highways in the City.
- (2) The issuance of a license to operate a refreshment stand does not constitute the granting of authority to vend on private property.
- (3) No person shall vend on private property without the consent of the owner or occupant of such property.
- (4) Every person who vends on private property with the consent of the owner or occupant of such property shall:
  - (a) ensure that he or she has the consent in his or her possession, and that the consent includes the name and telephone number of the property owner, the duration of the permission and other conditions if applicable, and
  - (b) when so requested by the Chief License Inspector or a Peace Officer produce the consent for inspection.

- (5) Licensed refreshment stand operators who are participating in a special event on a highway that is carried on under the authority of a permit issued pursuant to By-law No. 2001-260 may vend within the special event area.
- (6) The onus of obtaining the necessary approval to vend from a particular location on private property from the owner of such property is solely on the licensee.
- (7) No person shall vend on private property of the City without first obtaining written permission from the City.
- (8) No person shall locate or operate a refreshment stand:
  - (a) within forty-six (46) metres of a Food Premises, if the Food Premises is open for business during the special event.
  - (b) in a residential zone as specified by the applicable Zoning by-law,
  - (c) within 9 metres of an intersection;
  - (d) within 10 metres of a bus stop;
  - (e) within twenty (20) metres of a vendor who holds an encroachment permit pursuant to By-law No. 2003-446, entitled “A by-law of the City of Ottawa regulating encroachments on City Highways”, as amended, or a designated space permit pursuant to By-law No. 2007-478, entitled “A by-law of the City of Ottawa respecting designated spaces and to repeal By-law Number 300-96 of the old City of Ottawa”;
  - (f) within three (3) metres of another vendor;
  - (g) within six (6) metres of a pedestrian mall or promenade; or
  - (h) within (91) metres of the public markets.
- (9) Despite subsection 8 (b), (e), and (f) vendors participating in a special event held pursuant to By-law No.2001-260, entitled “A by-law of the City of Ottawa to regulate special events on City streets” are exempt.
- (10) No person shall vend from a refreshment stand on the Sparks Street Mall without first obtaining the written consent of the Sparks Street Mall Management Board and a license under this Schedule.
- (11) The location regulations contained in this Schedule shall not apply to any vending location established pursuant to the said By-law No 2007-478.

## **INSURANCE**

8. (1) Every owner or operator of a refreshment stand shall file with the Chief License Inspector proof of Commercial General Liability insurance subject to limits of not less than \$1,000,000.00 inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof and including damage occasioned by any accident arising out of the operation of the refreshment stand for which a license has been applied for or obtained
- (2) Such insurance shall be in the name of the applicant and shall name the City of Ottawa as an additional insured thereunder. Such insurance policy shall contain an endorsement to provide the City of Ottawa with thirty (30) days prior written notice of cancellation or of a material change that would diminish coverage, and a Certificate of Insurance evidencing such insurance coverage shall be provided to the City of Ottawa prior to the issuance of a license.

## **INDEMNIFICATION**

9. The applicant shall indemnify and save harmless the City of Ottawa from and against any and all claims, demands, causes of action, loss, costs or damages that the City of Ottawa may suffer, incur or be liable for, resulting from the performance or non-performance of the applicant of his or her obligations under the license whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

## **LICENSE TRANSFER**

10. (1) No license issued pursuant to this Schedule shall be transferred in any manner, including leasing agreement and assignment.
- (2) No person shall transfer a license issued pursuant to this Schedule in any manner, including leasing agreement or assignment.

## **REFRESHMENT STAND AND EQUIPMENT STANDARDS**

11. (1) Every licensee shall ensure that the refreshment stand is safe and stable with or without refreshments therein.
- (2) Every licensee shall keep his or her refreshment stand at all times in a clean and sanitary condition and in a state of good repair and appearance.
- (3) No person who vends shall use,
  - (a) an external gasoline-powered generator,
  - (b) an external propane-powered generator,

- (c) an external diesel-powered generator, or
  - (d) an external natural gas-powered generator,
- in conjunction with the vending activity.
- (4) Every licensee using a refreshment stand shall have attached or painted on two sides of the exterior body of the refreshment stand, in a clearly visible position a sign showing his or her trade name legibly printed in letters and figures not less than seven (7) centimetres in height.
  - (5) Every licensee using a refreshment stand with a food heating capability or electric heater shall ensure that his or her refreshment stand is adequately equipped with a fire extinguisher consistent with the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended and Regulation 213, as amended , enacted thereunder.
  - (6) Where reports have been received from the Medical Officer of Health in respect of the refreshment stand, and the Chief License Inspector has issued the license based on the reports, the licensee shall ensure that no modifications are made to the refreshment stand, or equipment related to the refreshment stand operation, without the prior approval of the Chief License Inspector.

## **GENERAL REGULATIONS**

- 12. (1) No licensee shall carry, sell, offer or expose for sale any food product that is prohibited by the Medical Officer of Health.
- (2) No licensee shall fail to comply with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended, and regulations enacted thereunder.
- (3) No licensee or a person who vends under the authority of a license shall fail to produce the following documentation when so requested by a By-law Officer or a Peace Officer:
  - (a) a copy of the valid refreshment stand license,
  - (b) a copy of the permission from the promoter of the event including the name and telephone number of the promoter, indicating that the licensee is authorized to vend during the special event,
  - (c) a copy of the permission from the property owner including the name and telephone number of the property owner, indicating that the licensee is authorized to vend on the property and any conditions related to the permission if any,

- (d) a certificate issued pursuant to the Propane, Storage and Handling Regulations under the Technical Standards and Safety Act 2000, S.O. 2000, c.16. as amended.
- (4) No licensee shall fail to submit the refreshment stand for inspection if requested to do so by a By-law Officer or a Peace Officer.
  - (5) Every licensee shall cooperate by submitting for inspection and relocating if requested to do so by a By-law Officer or a Peace Officer.
  - (6) Every licensee shall take prompt measures to reduce or eliminate nuisances created by the business when so directed by a By-law Officer or a Peace Officer.
  - (6) No licensee shall fail to ensure that the licensed business does not:
    - (a) interfere with the normal movement of pedestrian or vehicular traffic or the maintenance of the highways in the City;
    - (b) interfere with a designated fire route pursuant to By-law No. 2003-499, entitled "A by-law of the City of Ottawa to designate Fire Routes", as amended;
    - (c) interfere with highway maintenance or highway signage; and
    - (d) interfere with required parking spaces, private approaches, accesses or egresses to buildings or premises.
  - (7) Every licensee who is vending on private property shall ensure that the vending activity is set back from the highway so as not to create a traffic hazard.
  - (8) No licensee shall change his or her particular vending location during the currency of the license without the approval of the Chief License Inspector.
  - (9) No licensee shall allow modifications to the equipment without the prior approval of the Chief License Inspector.
  - (10) Every licensee shall ensure that any grease or water used in the business is disposed of in a manner that complies with all municipal, provincial and federal statutes, laws, by-laws and regulations.
  - (11) Every licensee shall ensure that he or she conforms, where applicable, to
    - (a) the Highway Traffic Act, R.S.O. 1990, Chap. H.8, as amended,
    - (b) By-law No. 2003-530, entitled "A by-law of the City of Ottawa regulating traffic and parking on highways", as amended,

- (c) By-law No. 2005-358, entitled “A by-law of the City of Ottawa respecting vendors on highways”, as amended.
- (12) No licensee shall vend on the sidewalk or property located in Confederation Square at the south side of Wellington Street and the bisection of Elgin Street on which the National War Memorial is sited.
- (13) Every licensee shall ensure that he or she conforms with the said By-law No. 2005-358, as amended.
- (14) Every street vendor, as defined in the said By-law No. 2005-358, as amended, shall ensure that he or she conforms to the said By-law No. 2005-358.

### **REQUIREMENT FOR GARBAGE OR LITTER CONTROL**

- 13. (1) Every licensee shall ensure that a sufficient number of trash receptacles are placed outside the refreshment stand at suitable locations to keep up with the amount of trash generated by the vending operation.
- (2) Every licensee shall ensure that the trash created by the vending activity shall be disposed of as required to prevent overflow, when the refreshment stand business is in operation.
- (3) Every licensee shall ensure that the garbage or litter resulting from his or her vending activity is collected and removed from the vending area when the person ceases the vending activity for the day and leaves the vending area.
- (4) For the purposes of this Section, the placing of the garbage or litter in a sidewalk refuse container provided by the City is not sufficient to constitute removal.

### **REPRESENTATION**

- 14. (1) No person shall publish or cause to be published any representation that the person is licensed under this by-law if they are not so licensed.
- (2) No person to whom a license has been issued to under this by-law shall alter, erase or modify or permit the alteration erasure or modification of that license or any part thereof, unless approved by the Manager of Licensing or designate who has initialized the change.