



**THE CORPORATION OF THE CITY OF MISSISSAUGA
ICE CREAM TRUCK VENDORS BY-LAW 523-04**

(amended by 198-08, 406-09, 313-11, 152-14, 131-15)

WHEREAS section 150 of the *Municipal Act, 2001* S.O. 2001, c.25, provides that a local municipality may Licence, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS the *City of Mississauga Act, 1994* enables Council of The Corporation of the City of Mississauga to pass by-laws regulating or prohibiting the Selling, offering to Sell or displaying any goods, merchandise, products, refreshments, foodstuffs or flowers on public Highways over which the Corporation has jurisdiction;

AND WHEREAS a by-law licensing or imposing any condition on any business or class of business passed under this section comes into force shall include an explanation as to the reason why the municipality is licensing or imposing the condition and how the reason relates to the purpose;

AND WHEREAS the Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern Owners and Drivers of Ice Cream Trucks for the purposes of Health and Safety, to enhance and encourage safe maintenance and operational practices for Drivers and Owners, ensure experienced and qualified Drivers are providing services and ensure accountability of industry participants for health and safety issues;

AND WHEREAS the Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern Owners and Drivers of Ice Cream Trucks for the purposes of Consumer Protection, to enhance and encourage equal, fair and courteous treatment of customers;

AND WHEREAS the Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern Owners and Drivers of Ice Cream Trucks for the purposes of Nuisance Control to promote professional behavior, fair dealing amongst participants in the industry, ensure courteous treatment, and limit or mitigate unsightliness, unnecessary noise, nuisance or disruption for passengers, Drivers, Owners and the general public;

AND WHEREAS a public meeting was held on December 8, 2004 at which time a report entitled Vehicle Licensing By-laws relating to the licensing of the business was presented and considered;

AND WHEREAS the Council of The Corporation of the City of Mississauga is desirous of enacting such by-laws;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

DEFINITIONS

1. In this by-law:

"Appeal Tribunal" means the all-citizen Tribunal duly appointed by Council to conduct hearings under this By-law; (198-08)

"Applicant" means a Person who applies for a Licence or for the renewal of a Licence pursuant to this by-law;

"Articles for Sale" means ice cream, ice cream cones, iced milk or other iced confection, refreshments or foodstuffs offered for sale by retail;

"City" means The Corporation of the City of Mississauga and its physical boundaries as described in the *Regional Municipality of Peel Act*, R.S.O. 1990, c.R. 15, as amended;

"Clerk" means the Clerk of The Corporation of the City of Mississauga or her duly appointed Deputy;

"Council" means the Council of The Corporation of the City of Mississauga;

"Driver" means any Person who drives or operates an Ice Cream Truck;

"Driver's Licence" means the Licence issued under this By-law to a Driver of an Ice Cream Truck;

"Highway" means a common and public Highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

"Ice Cream Truck" means a Motor Vehicle from which Articles for Sale are sold or offered for sale to the public;

"Inspecting Authority" means the Ministry of Transportation, Peel Regional Police Services, the Ministry of Environment, Medical Officer of Health or an Inspector;

"Inspector" means an inspection officer duly appointed by Council;

"Licence" means a Driver's Licence, Owner's Licence or Special Event Licence issued under this by-law;

"Licence Manager" means the Manager of the Mobile Licensing and Enforcement Section of the City's Enforcement division and includes his or her designates. (198-08)

"Licence Renewal Sticker" means the coloured consecutively numbered sticker issued with the renewal of the Owner's Licence, to be attached to the Owner's Plate. The sticker indicates the expiry year of the Owner's Licence;

"Licence Sticker" means the stamp or seal issued to an Owner under this by-law;

"Licensee" means a Person licensed as a Driver or Owner or in receipt of a Special Event Licence under this By-law;

"Licensing Section" means the Mobile Licensing and Enforcement Section of the City's Enforcement Division. (198-08)

"Medical Officer of Health" means the Medical Officer of Health for the Regional Municipality of Peel, duly appointed under the *Health Protection and Promotion Act*, R.S.O. 1990, c.H.7, as amended, and includes any staff official acting on his behalf;

"Motor Vehicle" includes an automobile, truck, trailer, motorcycle and any other vehicle propelled or driven otherwise than by muscular power but does not include a motorized snow vehicle or motor-assisted vehicle;

"Owner" means the Person certified as the Owner of an Ice Cream Truck by the Registrar of Vehicles for the Province of Ontario or a Person who is a lessee of an Ice Cream Truck pursuant to a written lease agreement with the Owner of the Ice Cream Truck;

"Owner's Licence" means the Licence issued under this By-law to the Owner of an Ice Cream Truck;

"Owner's Plate" means a numbered plate issued to an Owner licensed under this By-law;

"Permit" means a Permit within the meaning of, and issued pursuant to, the Parks By-law 277-96 as amended;

"Person" includes a corporation and its directors and officers, and the heirs, executors, and administrators or other legal representatives of an individual and their respective successors and assignees;

"Safety Standards Certificate" means a Safety Standards Certificate issued by the Ministry of Transportation pursuant to the *Highway Traffic Act* and Regulations thereunder certifying that a Motor Vehicle has been inspected in accordance with the provisions of the *Highway Traffic Act* and that the Motor Vehicle meets the prescribed standard on the date of inspection;

"Sell" includes display for sale, expose for sale and offer for sale Articles for Sale to the public, and "Selling" shall have the corresponding meaning;

"Special Event" means an event which is being held either as a community, social, sporting, cultural group celebration, grand opening of a commercial business or other similar event with such event being acceptable to the Licence Manager and shall include temporary farmer's markets; (131-15)

"Special Event Coordinator" means the organizer and/or coordinator of a Special Event; (131-15)

"Special Event Vendor" means a person that is licensed as an owner or operator of an Ice Cream Truck by the City of Mississauga or another municipality in Ontario, that is participating in a Special Event as further set out by the list of vendors provided by a Special Event Coordinator to the Licence Manager. (131-15)

LICENSING REQUIRED

2. (1) No Owner of an Ice Cream Truck shall operate or Permit the operation or use of the Ice Cream Truck in the City unless the Owner obtains an Owner's Licence under this by-law.
- (2) No Person shall drive or operate as the Driver of an Ice Cream Truck for the purpose of Selling Articles for Sale unless they obtain a Driver's Licence under this By-law.
- (3) No Person who is the Owner of more than one Ice Cream Truck shall require a separate Owner's Licence for each Ice Cream Truck which the Owner intends to use in the City.
- (4) No Person shall be licensed under this By-law unless they are at least eighteen (18) years of age and a citizen of Canada, a landed immigrant or has a valid employment authorization issued by the Government of Canada.
- (5) The issuance of a Licence pursuant to this By-law shall not relieve any Person from the necessity of acquiring any other Licence, Permit or approval required for such activity by any governmental or public authority.

REPRESENTATION

3. 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.

APPLICATION FOR A LICENCE AND FOR RENEWAL OF A LICENCE

4. (1) An application for a Licence and an application for the renewal of a Licence shall be completed on the forms provided by the Licensing Unit.
- (2) Each completed application shall be submitted to the Licensing Unit accompanied by:

- (a) the fee in the appropriate amount as set out in Schedule 1 to this By-law; and
 - (b) if the Applicant is a corporation, a copy of the incorporating document and a copy of the last annual information return as filed, if any, or if a registered partnership, a copy of the registered declaration of partnership.
- (3) Where an application for a Licence or for renewal of a Licence is refused, the Licence fee shall be fully refunded.

GROUNDS FOR REFUSAL TO LICENCE, RENEW OR REVOKE

5. (1) An applicant is entitled to be licenced and a licensee is entitled to have his or her Licence renewed except where: (198-08)
- (a) having regard to the Applicant's financial position the Applicant cannot reasonably be expected to be financially responsible in the conduct of their business;
 - (b) the past conduct of the Applicant affords reasonable grounds for belief that the issuance of a Licence would be adverse to the public interest;
 - (c) the Applicant is carrying on activities that are, or will be if licensed, in contravention of this by-law and the schedules or any other by-law or statute; or
 - (d) the Applicant is in default of payment of any fine or fines which have been imposed by a court as a sentence arising from a conviction for breach of a by-law enacted by the City, or arising from a conviction for breach of a law or regulation.
- (2) Where the Licensee is disentitled to the Licence under section 5, or where the Licence is revoked, the Licensee is entitled to a refund or part of the Licence fee proportionate to the unexpired part of the term for which the Licence was granted. (198-08)
6. Council may revoke or suspend a Licence where the Licensee would be disentitled to the Licence under Section 5, and where the Licence is revoked, the Licensee is entitled to a refund or part of the Licence fee proportionate to the unexpired part of the term for which the Licence was granted.

THE LICENCE MANAGER'S POWER TO REFUSE TO ISSUE, RENEW A LICENCE OR REVOKE OR SUSPEND A LICENCE

7. (1) The powers and authority to refuse to issue or renew a Licence, to cancel, revoke or suspend a Licence, or to impose terms and conditions on a Licence, are hereby delegated to the Licence Manager and his or her delegates. (198-08)

- (2) Where the Licence Manager is of the opinion that: (198-08)
 - (a) an application for a licence or renewal of a licence should be refused,
 - (b) a reinstatement should not be made,
 - (c) a term or condition should be imposed,
 - (d) a licence should be revoked, or
 - (e) a licence should be suspendedhe or she shall make that decision

LICENSING UNIT

8. The Licensing Unit shall;
 - (1) receive and process all applications for Licences and for renewal of Licences;(198-08)
 - (2) issue all Licences when an application is made in accordance with the provisions of this By-law and attached Schedules, and meets all requirements under this By-law and attached Schedules; (198-08)
 - (3) impose terms and conditions on a Licence where the Licence Manager is of the opinion that a term or condition of a licence should be imposed; (198-08)
 - (4) refuse to issue, renew a Licence or revoke or suspend a Licence, where the Licence Manager is of the opinion that the Applicant is disentitled to a Licence under Section 5;
 - (5) maintain complete records showing all applications received and Licences issued; (198-08)
 - (6) Enforce the provision of this By-law and attached Schedules; and (198-08)
 - (7) generally perform all the administrative functions conferred upon it by this By-law and the attached schedules. (198-08)

ICE CREAM TRUCK INSPECTION

9. The Licence Manager may require an Owner to submit his Ice Cream Truck for inspection at any time and at an appointed place and the Owner shall submit each Ice Cream Truck for inspection when required to do so by the Licence Manager.
10. Where following an inspection an Inspecting Authority does not approve an Ice Cream Truck as required under section 9, the Owner shall remove and return to the Licence Manager the Owner's Plate and the Owner shall not operate the Ice Cream Truck until the Owner obtains and produces evidence that approval by the applicable Inspection Authority has been given.

11. If an Ice Cream Truck and its equipment have been examined by an Inspecting Authority and the Ice Cream Truck or its equipment is found to be defective, the Ice Cream Truck Owner shall not operate the Ice Cream Truck or Permit it to be operated until the Ice Cream Truck or its equipment have been reinspected and approved by the Licence Manager.
12. When an Ice Cream Truck is examined by an Inspection Authority and a report states that the Ice Cream Truck or equipment in the Ice Cream Truck is dangerous or unsafe, the Owner shall remove and return to the Licence Manager the Owner's Plate to be held until an Inspection Authority certifies the Ice Cream Truck or its equipment to be safe.
13. No Person shall obstruct an Inspecting Authority conducting an inspection, or withhold, destroy, conceal or refuse to furnish any information or thing required by the Inspecting Authority for the purpose of the inspection.

DISPLAY OF OWNER'S PLATE

14. Every Owner shall prominently display the Owner's Plate at the rear of the Ice Cream Truck in a location approved by the Licence Manager.

LICENCE NON-TRANSFERABLE

15. A Licence issued under this By-law shall not be transferable.

CHANGE OF LICENCE

16. No Person to whom a Licence has been issued under this By-law shall alter, erase or modify or Permit the alteration, erasure or modification of that Licence or any part thereof, unless approved by the Licence Manager who has initialled such change.

TERM OF LICENCE

17. Every Licence issued to a Driver, shall be valid for a period of (1) one year effective from the first (1st) day of May up to and including the 30th day of April in the following year.
18. Where a completed application for the renewal of a Licence is not submitted to the Licensing Section within thirty (30) days after the expiry date for the current Licence, the Applicant shall be required to submit a new application together with the application fee for an original Licence.

CHANGES

19. (1) Every Licensee shall notify the Licensing Unit in writing within four (4) days after,
 - (a) any change in the Licensee's business address;

- (b) any change in the number or composition of officers or directors, if the Licensee is a corporation, or any change in the number or composition of partners, if the Licensee is a partnership; or
 - (c) any change in the Licensee's business name.
- (2) Where a change has occurred and notification has been made in accordance with subsection (1), and if it is a change of business name or business address, every Licensee shall attend within four (4) days of the date of notification at the office of the Licensing Unit and produce the Licensee's Licence for amendment.
20. A Licensee shall carry on their business only in the name in which the Licensee is licensed.

OWNER DUTIES

21. Every licensed Ice Cream Truck Owner shall use only the services of a Driver who is licensed under this By-law.
22. Every licensed Ice Cream Truck Owner shall attach the Owner's Plate to the Ice Cream Truck for which it was issued in a manner and position approved by the Licence Manager.
23. Every licensed Ice Cream Truck Owner shall attach the Licence Renewal Sticker to the Owner's Plate
24. Every Owner shall submit to the Licence Manager a certificate of approval for a new or replacement Ice Cream Truck from the Medical Officer of Health.
25. Every Owner shall produce and file with the Licensing Unit a copy of the current certificate of insurance for a new or replacement Ice Cream Truck and the policy shall provide;
- (a) an endorsement to provide the Licence Manager with a least ten(10) days notice in writing of a proposed cancellation or expiration of the insurance policies, or of a variation in the amount of the policies; and
 - (b) general liability insurance in the amount of at least two million dollars (\$2,000.000) for each Ice Cream Truck against liability resulting from bodily injury to or death of one or more Persons, any and all claims associated with the Selling of Articles for Sale and loss or damage to property.
26. Every Owner shall produce for each Ice Cream Truck, a current valid Motor Vehicle Permit issued by the Ministry of Transportation, or if an Ice Cream Truck is a leased Motor Vehicle, provide a copy of the lease agreement for the Ice Cream Truck.
27. Every Owner shall produce and file with the Licensing Unit a valid Safety Standards Certificate.

28. Every Owner shall submit the Ice Cream Truck for inspection and receive the approval of the Licence Manager for use of the Ice Cream Truck.

OWNERS PROHIBITION

29. No Owner shall Permit any Owner's Plate issued to the Owner under this By-law to be affixed to any Ice Cream Truck other than the one for which the Owner's Licence was issued.

DRIVER'S DUTIES

30. No Person shall be licensed as a Driver unless:
- (a) the Person submits to the Licensing Unit evidence that an Owner licensed under this By-law is prepared to employ the Driver;
 - (b) the Person provides proof a current valid Class G Driver's Licence issued by the Province of Ontario;
 - (c) the Person files a certificate prepared by a duly qualified medical practitioner within one (1) month immediately prior to the application, which states that the Applicant is fit and free from communicable diseases and medically fit to perform the duties of a Driver; and
 - (d) the Person has their photograph taken by the Licensing Section.
31. Every Driver licensed under this By-law shall:
- (a) be civil and behave courteously;
 - (b) keep the interior of the Ice Cream Truck clean, and in good repair;
 - (c) sell only Articles for Sale;
 - (d) ensure all equipment used for dispensing refreshments are kept in a clean and sanitary condition;
 - (e) ensure condiments are only dispensed from containers approved by the Peel Regional Health Unit;
 - (f) only operate an Ice Cream Truck for which a Licence has been issued;
 - (g) only use single service disposable cups, plates, forks, spoons and serviettes which are individually wrapped or provided in dispensers approved by the Peel Regional Health Unit;
 - (h) clean up any debris, refuse or garbage resulting from the operation of the Ice Cream Truck in the immediate vicinity of the serving location for the Ice Cream Truck;

- (i) make a complete safety tour around the Ice Cream Truck and check the mirror system around the Ice Cream Truck before departing from any stop made for the purpose of Selling Articles for Sale; and
- (j) refuse to serve any customer standing on a Highway.

DRIVERS' PROHIBITIONS

32. Every Driver licensed under this By-law shall not;
- (a) operate an Ice Cream Truck which is not licensed under this By-law;
 - (b) operate an Ice Cream Truck without the Owner's Plate attached;
 - (c) operate an Ice Cream Truck on the Highways of the City;
 - (d) operate an Ice Cream Truck in a City park without a Permit;
 - (e) operate an Ice Cream Truck on private property without written permission of the property Owner;
 - (f) re-visit the general serving area of a previous service call, within two (2) hours of the previous serving time;
 - (g) stop to Sell within thirty (30) metres of any intersection;
 - (h) stop to Sell within one hundred (100) metres of an entrance to any public park;
 - (i) stop to Sell within one hundred (100) metres of the property line of any land occupied by a public, separate or private school between the hours of 10:00 a.m. and 5:00 p.m. on any regular school day;
 - (j) stop to Sell within five hundred (500) metres of a business that Sells to the public products similar to those of the Ice Cream Truck vendor;
 - (k) stop to Sell any Articles for Sale within the boundaries of the Business Improvement Areas in the City as defined in Schedule 2;
 - (l) stop for longer than 10 minutes at any one serving location;
 - (m) ring bells or chimes or making any other recognizable sounds at any one location for more than twenty seconds or between the hours of 7 p.m. of one day and 10 a.m of the next day;
 - (n) Permit any Person not licenced under this By-law as a Driver or Owner, to assist in the driving of the Ice Cream Truck or to assist in or to engage in the Selling of Articles for Sale from the Ice Cream Truck; and
 - (o) operate an Ice Cream Truck between the hours of 10:00 p.m. of one day and 10:00 a.m. of the next day.

33. The provisions of subsections 32(f), 32(j) and 32(l) do not apply to a Driver with a Permit, while operating in a public park.

OWNER AND DRIVER DUTIES

34. Every Ice Cream Truck shall have:
- (a) attached at the top or near the highest point, at least two amber lights visible by a Person 1.52 metres in height at a distance of not more than 1.2 metres in front of or behind the Ice Cream Truck, and the Ice Cream Truck shall be equipped with a mechanical device causing such amber lights to flash alternately at all times when the Ice Cream Truck is stopped to Sell Articles for Sale and such device shall be so operated at all such times;
 - (b) conspicuously displayed on the rear, in black letters on a yellow background the words "WATCH FOR CHILDREN" in letters at least 15 centimetres high and the vertical width of such yellow background shall be at least 22.8 centimetres;
 - (c) a cover over each of its bumpers which shall be on a curve or angle to prevent a Person from standing, stepping on or hanging from the bumpers;
 - (d) a "Mirror System" which makes it possible for the Driver to complete a 360° visual inspection of the area around the Ice Cream Truck;
 - (e) body, doors and windows which are of sufficient sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things;
 - (f) a light colour in the interior which shall be repainted or refinished as often as required by the Licence Manager;
 - (g) a floor made of a suitable impervious material, free of holes, cracks or crevices, and the surface thereof shall be readily washable and shall be kept clean and in good condition;
 - (h) storage shelves painted or consisting of a suitable impervious material;
 - (i) all parts and equipment thereof maintained in a clean and sanitary condition and in good repair;
 - (j) a storage area for hard ice cream and related products maintained at a temperature no higher than -15 degrees Celsius and equipped with an accurate thermometer;
 - (k) hard ice cream and related products maintained in a hard condition in the Ice Cream Truck at all times and no thawed, or partially thawed products shall be refrozen, stored or sold from the Ice Cream Truck;

- (l) adequate insulation to prevent fumes from the engine or engines from reaching the vending and dispensing section of the Ice Cream Truck;
- (m) a warning beeper device that is engaged when the Ice Cream Truck's transmission is placed in reverse gear; and
- (n) a music box with amplification of no greater than 8 watts.

OWNER AND DRIVER PROHIBITIONS

35. (1) No Owner or Driver shall operate or Permit to be operated an Ice Cream Truck unless all of the following equipment is present on or in the Ice Cream Truck and is in a good state of repair;
- (a) a portable litter basket which shall be carried inside the Ice Cream Truck while in motion and shall be suspended from the outside of the Ice Cream Truck in such a position so as to be easily accessible by Persons making purchases while the Ice Cream Truck is stopped for the purpose of Selling Articles for Sale;
 - (b) two sinks of adequate size and non-corrodible material equipped with hot running water;
 - (c) a tank to receive sink wastes;
 - (d) a refrigerated cabinet for storage of ice cream mix and other milk products which cabinet shall be maintained at a temperature no higher than 5 degrees Celsius and shall be equipped with an accurate, indicating thermometer;
 - (e) storage for dry products, sundae toppings, and syrups, which storage shall be easily cleanable and where necessary of a type readily dismantled for cleaning;
 - (f) all dispensing equipment, whether for dry cones, single service containers, ice cream, syrups or toppings, of sanitary design and should be emptied and sterilized each night;
 - (g) mechanical air-conditioning in the vending and dispensing part of the Ice Cream Truck;
 - (h) screens or other devices to ensure adequate protection against flies and dust; and,
 - (i) diesel generator for the refrigeration for the Ice Cream Truck.

NEW OR REPLACEMENT ICE CREAM TRUCK

36. If an Owner licensed under this By-law disposes or otherwise ceases to use their Ice Cream Truck, and acquires a new or replacement Ice Cream Truck for the purpose of operating under the Owner's Licence with the new or replacement Ice Cream Truck, the Owner shall not use the new or replacement Ice Cream Truck unless the Owner:
- (a) submits to the Licence Manager a certificate of approval for the new or replacement Ice Cream Truck from the Medical Officer of Health;
 - (b) produces and files with the Licensing Section a Motor Vehicle Liability Insurance Card and complies with section 25 of this By-law;
 - (c) produces for each new or replacement Ice Cream Truck, a current valid Motor Vehicle Permit issued by the Ministry of Transportation or if an Ice Cream Truck is a leased vehicle, provide a copy of the lease agreement for the Ice Cream Truck;
 - (d) produces and files with the Licensing Unit a valid Safety Standards Certificate;
 - (e) submits the new or replacement Ice Cream Truck for inspection;
 - (f) and receives the approval of the Licence Manager for use of the new or replacement Ice Cream Truck.

SPECIAL EVENT LICENCES

37. This section repealed by 131-15
38. This section repealed by 131-15
39. This section repealed by 131-15
40. A Special Event Owner's Licence and a Special Event Driver's Licence issued under this By-law shall only be valid for the date(s) and location listed on the Licence.

ORDER TO COMPLY

41. Where a Licensee has contravened any provisions of this by-law, or where the Licensee has contravened any other City by-law relevant to the Licence, the Licence Manager may serve a written notice on the Licensee, advising of the contravention and directing compliance with the applicable by-law.

DECISION OF THE LICENCE MANAGER

42. (1) After a decision is made by the Licence Manager, written notice of that decision shall be given to the Applicant or Licensee advising the Applicant or Licensee of the Licence Manager's decision with respect to the application or licence. (198-08)

- (2) The written notice to be given under subsection (1) shall: (198-08)
 - (a) set out the ground for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the Licence Manager; and
 - (d) state that the Applicant or Licensee is entitled to a hearing by the Appeal Tribunal if the Applicant or Licensee delivers to the Clerk, within seven (7) days after the Notice under subsection (1) is served, a notice in writing requesting a hearing by the Appeal Tribunal and the appeal fee as set out in Schedule 1 of this By-law.
- (3) Where no appeal is registered within the required time period, the decision of the Licence Manager shall be final. (198-08)
- (4) No person shall re-apply with the Licence Manager to obtain or renew a Licence for a minimum of one year from the later of: (152-14)
 - (a) the date of the Licence Manager's decision to refuse to issue, renew or revoke a Licence; or
 - (b) where the decision of the Licence Manager is appealed, the date of the Appeal Tribunal's decision if the Appeal Tribunal upholds the decision to refuse to issue, renew or revoke a Licence.

THE HEARING BEFORE THE APPEAL TRIBUNAL

43. (1) The powers and authority to conduct appeal hearings under this By-law are hereby delegated to an all-citizen Appeal Tribunal duly appointed by By-law.(198-08)
- (2) The provisions of Sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act*, R.O.S. 1990, c.S.22, as amended shall apply to all hearings conducted by the Appeal Tribunal under this by-law. (198-08)
- (3) When the Applicant or Licensee who has been given written notice of the hearing does not attend at the appointed time and place, the Appeal Tribunal may proceed with the hearing in his or her absence and the Applicant or Licensee shall not be entitled to any further notice of the proceedings. (198-08)
- (4) At the conclusion of a hearing, the Appeal Tribunal may give its decision orally or reserve its decision, but in any case it shall provide its decision in writing, with reasons, within fourteen (14) days of the hearing to the Applicant or Licensee and the Licence Manager. (198-08)

- (5) In making its decision the Appeal Tribunal may uphold or vary the decision of the Licence Manager, or make any decision that the Licence Manager was entitled to make in the first instance. The decision of the Appeal Tribunal issued under this By-law is final. (198-08)
- (6) The decision of the Appeal Tribunal issued under this By-law is final. (198-08)

LICENCE PRODUCTION

- 44. When requested by a Municipal Law Enforcement Officer, the Licence Manager, a Police Officer or a Police Cadet, every Person licensed under this By-law shall produce their Licence, photograph and any other documents required under this By-law.

RETURN OF LICENCE

- 45. (1) When a Licence has been revoked, deemed unrenewable, cancelled or suspended, the holder of the Licence shall return to the Licence to the Licensing Unit within twenty four (24) hours of service of written notice of the decision of the Licence Manager or, where an appeal has been filed, the decision of the Appeal Tribunal, and the Licence Manager may enter upon the business Premises of the Licensee for the purpose of receiving, taking, or removing the said Licence. (198-08)
- (2) When a Person has had his or her Licence revoked or suspended under this By-law, he or she shall not refuse to deliver up or in any way obstruct or prevent the Licence Manager from obtaining the Licence in accordance with subsection (1). (198-08)

NOTICE

- 46. (1) Any notice or order required to be given or served under this By-law is sufficiently given or served if delivered personally or sent by registered mail, addressed to the Person to whom delivery or service is required to be made at the last address for service appearing on the records of the Licensing Unit.
- (2) Where service is made by registered mail, the service shall be deemed to be made on the fifth day after the date of mailing, unless the Person on whom service is being made establishes that they did not, acting in good faith, through absence, accident, illness, or other cause beyond his control, receive the notice or order until a later date.

PENALTY

47. (1) Fine - for contravention

Every Person who contravenes any provision of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25, 000.00.

- (2) Fine - for contravention – corporation

Despite subsection (1) every corporation which is convicted of an offence under the provisions of this By-law is liable to a fine not exceeding \$50,000.00.

VALIDITY

48. If a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the stated intention of Council that the remainder of the By-law shall continue to be in force.

SCHEDULES

49. All schedules attached to this By-law shall be deemed to be a part of this By-law.

INTERPRETATION

50. The provisions of the *Interpretation Act* R.S.O. 1990, c.I.11, shall apply to this By-law as required.

REPEAL

51. By-law 189-99 is hereby repealed

SHORT TITLE

52. This By-law shall be known as the Ice Cream Truck Vendors' By-law.

ENACTED AND PASSED this 15th day of December 2004.

Signed by: Nando Iannicca, Acting Mayor Crystal Greer, City Clerk

**SCHEDULE 1
FEES**

(amended by 406-09, 313-11, 131-15)

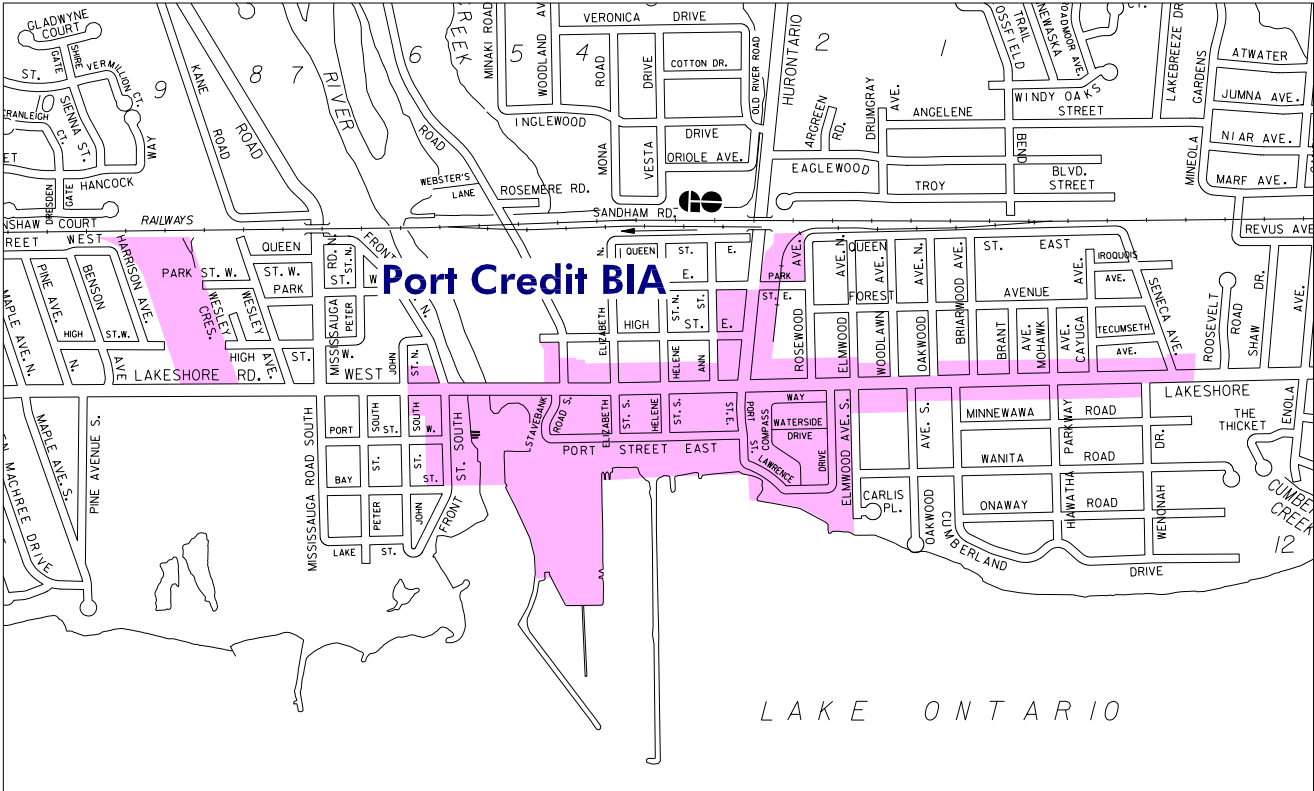
1. <u>TYPE OF LICENCE</u>	<u>New</u>	<u>Renewal</u>
Ice Cream Truck Driver	\$152.00	\$147.00
Ice Cream Truck Owner Licence	\$354.00	\$346.00
Special Event Licence **	\$51 per vendor, per event *	

* A reduced fee of \$31 per vendor for groups affiliated with the City, as may be applicable, as determined by the applicable City policy. All persons licensed as a Ice Cream Truck Owner and/or Driver according to this By-law shall be exempt from Special Event Licensing fees.

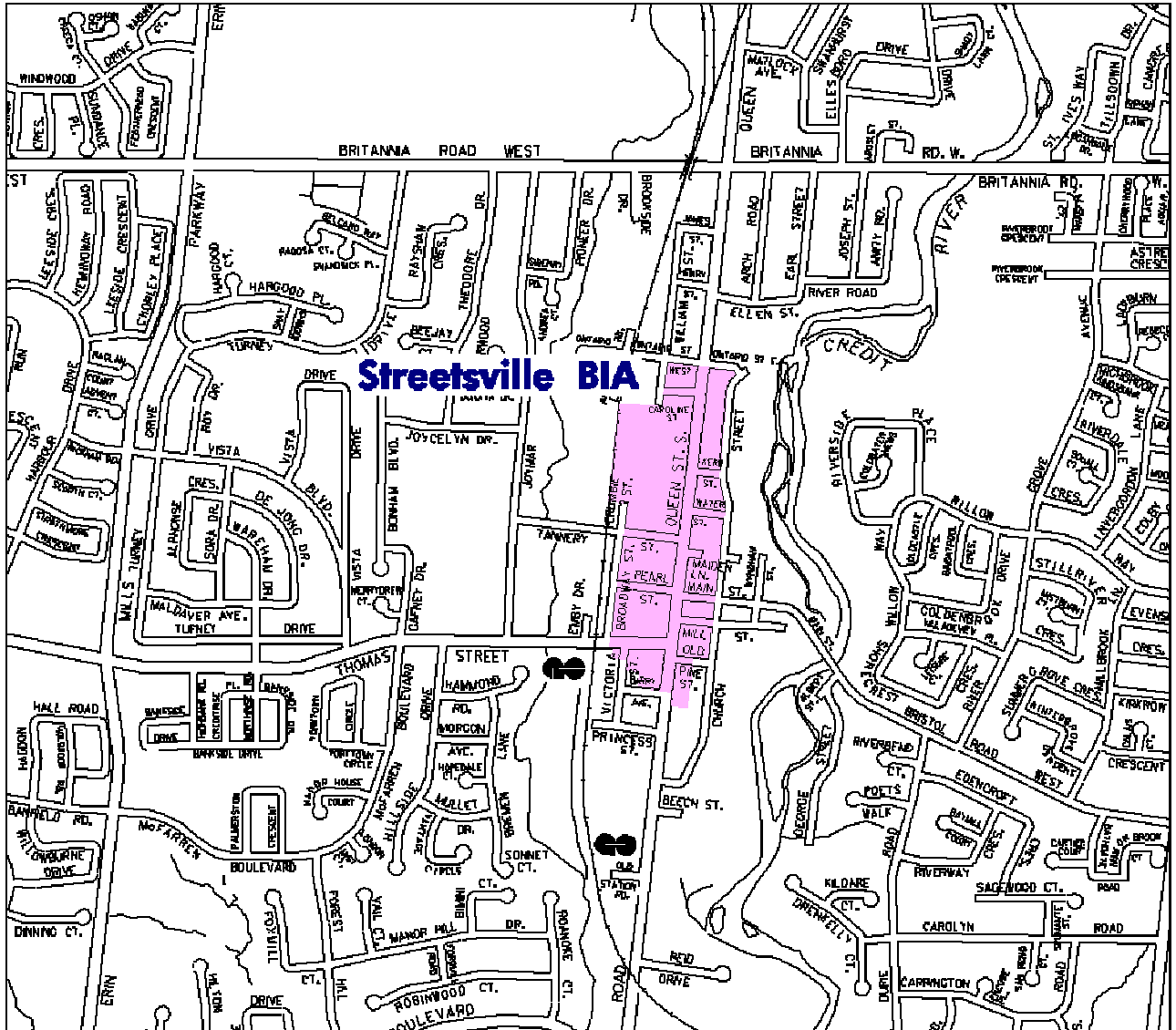
** If a special event runs longer than 5 days, an additional fee of \$31 per vendor shall be paid by the Event Coordinator for every 5 additional days at one location.

NOTE: These rates shall automatically increase and be rounded to the nearest dollar on the first day of January each year by the percentage increase in the All Items Index the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the 12 month period ending on October 1 in the year immediately preceding the rate increase date. The fees listed in this Schedule will be subject to Harmonized Sales Tax (H.S.T.), where applicable.

SCHEDULE 2 (cont)



SCHEDULE 2 (cont)



**SCHEDULE 3
SPECIAL EVENTS**

(131-15)

1. Where an Ice Cream Truck is required to be used at a Special Event, the Special Event Coordinator shall obtain a Special Event Licence.
2. An application for a Special Event Licence shall be completed on the forms provided by the Licensing Section which shall include, but not be limited to:
 - (a) The licensing fee as set out in Schedule 1 of this By-law;
 - (b) Proof of insurance which the Special Event Coordinator shall take out and keep in full force and effect which shall include general liability insurance with respect to the Special Event against claims for personal injury, bodily injury including death, and property damage or loss, indemnifying and protecting the Special Event Coordinator, their respective employees, servants, agents, contractors, volunteers invitees or licensees; and
 - (c) A list of all Special Event Vendors that will be participating in the Special Event which shall be subject to the approval of the Licence Manager;
3. Every Special Event Vendor shall:
 - a) provide a copy of a valid Owner or Operator Ice Cream Truck Licence or an equivalent licence from another municipality in Ontario;
 - b) if required, use a Driver that is licensed by a municipality;
 - c) submit to the Special Event Coordinator a certificate of approval for a new or replacement Ice Cream Truck from the Medical Officer of Health or equivalent health agency;
 - d) produce and file with the Special Event Coordinator a copy of the current certificate of insurance for a new or replacement Ice Cream Truck and the policy shall provide;
 - i. general liability insurance in the amount of at least two million dollars (\$2,000,000) for each Ice Cream Truck against personal injury, bodily injury including death, and property damage or loss, indemnifying and protecting the Special Event Vendor, their respective employees, servants, agents, contractors, volunteers invitees or licensees;

- e) produce for each Ice Cream Truck, a current valid Motor Vehicle Permit issued by the Ministry of Transportation, or if an Ice Cream Truck is a leased Motor Vehicle, provide a copy of the lease agreement for the Ice Cream Truck.
 - f) submit the Ice Cream Truck for inspection to the Licence Manager upon request.
 - g) be civil and behave courteously;
 - h) keep the interior of the Ice Cream Truck clean, and in good repair;
 - i) sell only Articles for Sale;
 - j) ensure all equipment used for dispensing refreshments are kept in a clean and sanitary condition;
 - k) ensure condiments are only dispensed from containers approved by the Peel Regional Health Unit or equivalent health agency;
 - l) only use single service disposable cups, plates, forks, spoons and serviettes which are individually wrapped or provided in dispensers approved by the Peel Regional Health Unit or equivalent health agency;
 - m) clean up any debris, refuse or garbage resulting from the operation of the Ice Cream Truck in the immediate vicinity of the serving location for the Ice Cream Truck;
4. Every Special Event Coordinator shall ensure that all Special Event Vendors comply with section 3 of this Schedule “3”.
 5. Notwithstanding the requirements set out in section 3 of this Schedule “3”, all Ice Cream Truck Owners or Drivers that are licensed by the City of Mississauga that are participating in Special Events shall comply with all requirements in the By-law.
 6. Notwithstanding the requirements set out in section 3 of this Schedule “3”, Special Event Vendors that are not licensed by the City of Mississauga shall comply with all other provisions of this By-law as deemed appropriate by the Licence Manager.
 7. The Special Event Licence issued under this Schedule “3” shall only be valid for the date(s) and location listed on the Licence