

Amended by  
Bylaw 89-1143

BY-LAW NO. 75-32

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

RESPECTING THE LICENSING, REGULATING AND GOVERNING OF VEHICLES FROM WHICH REFRESHMENTS ARE SOLD FOR CONSUMPTION BY THE PUBLIC AND FOR REVOKING ANY SUCH LICENCE

WHEREAS the Corporation of the Township of Uxbridge is authorized under S. 383(11) of the Municipal Act R.S.O. 1970 C.284 to licence, regulate and govern vehicles from which refreshments are sold for consumption by the public and for revoking any such licence.

AND WHEREAS the Corporation of the Township of Uxbridge deems it advisable to provide therefor

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE ("Township") HEREBY ENACTS AS FOLLOWS:

- 1. For the purposes of this By-Law:
  - (i) Licence Issuer means the Administrator and Clerk-Treasurer of the Township or the By-Law Enforcement Officer of the Township; and
  - (ii) "Person" includes a firm or corporation to whom the context can apply.
- 2. Nothing in this By-Law is intended to make lawful any operation which would otherwise be unlawful by reason of its constituting the use or occupation of any lands or premises for purposes prohibited by the Official Plan or a restricted area or zoning by-law or other by-law of the Township, as enacted and adopted from time to time, or for any other reason.

II LICENCES

- 3. (i) There shall be taken out by every person who owns or operates and any person who drives or who assists in the sale of refreshments from a vehicle from which refreshments are sold for consumption by the public; a licence from the Licence Issuer authorizing them respectively to carry on their several trades, callings businesses, and occupations in the Township of Uxbridge for which said licence the person obtaining the same shall pay to the Township at the time of taking out such licence the fee fixed by this By-law; and no person shall, within the limits of the Township of Uxbridge carry on or engage in any of the said trades, callings, businesses or occupations until he has procured such licence so
- ✓ (ii) Every owner, operator, driver of and an assistant in a vehicle from which refreshments are sold as described in Part 1 of Schedule "A" attached hereto and by this reference forming a part hereof shall upon being licensed under the provisions of this by-law observe and comply with the regulations set out in said Part 1 of Schedule "A" or cause the same to be observed and complied with.
- (iii) Every owner, operator, driver of and an assistant in a vehicle from which refreshments are sold as described in Part 2 of Schedule "A" attached hereto and by this reference forming a part hereof shall upon being licensed under the provisions of this by-law observe and comply with the regulations set out in said Part 2 of Schedule "A" or cause the same to be observed and complied with.

4. On an application for a licence or the renewal thereof respecting any of the several trades, callings, businesses and occupations set forth within Section 3, above, the applicant shall complete the prescribed forms and shall furnish to the licence issuer such information as the licence issuer may direct to be furnished. The licence issuer shall, subject to the provisions of this By-law relating to the limiting of the number of licences in any trade, calling, business or occupation, upon receipt of an application referred to in Section above, make or cause to be made all investigations required by law or by the Township relative to such application.
5. If the investigations referred to in Section 4 above do not, subject to the provisions of this By-law relating to the limiting of the number of licences of any trade, calling, business or occupation, disclose any reason to believe that the applicant's character may not be good, or the carrying on the said trade, calling, business or occupation may result in a breach of the law, or may be in any way adverse to the public interest, upon the payment of the fee fixed by this By-law the licence issuer may issue a licence respecting any of the several trades, callings, businesses and occupations mentioned in Section 3 above.
6. Each and every licence issued under the provisions of this By-law shall:
  - (i) be in the form as set out in Schedule "B" attached hereto and by this reference forming a part hereof;
  - (ii) not be valid unless and until it is counter-signed by the licence issuer who is hereby authorized to sign all licences issued by the licence issuer pursuant to this By-law and his signature may be printed or mechanically reproduced upon each licence issued;
  - (iii) be for one (1) year unless sooner forfeited or revoked and shall expire in each year on the 31st day of March; and shall
  - (iv) Not be issued unless and until the required fees set out in Schedule "C" attached hereto and by this reference forms a part hereof have first been paid to the Licence Issuer.

III PROCEDURAL AND GENERAL PROVISIONS

- .....
7. (1) Every person obtaining a licence under this By-law, where the same applies to premises, shall keep his licence posted up in some conspicuous place on the premises in respect to which the licence is issued, and every person so licensed shall, when so requested by any person authorized by the Township produce the licence for inspection.
- (2) Every person obtaining a licence under this By-law, where the same applies to the occupation of such person, shall carry his licence with him when engaged in the occupation for which the licence is issued, and every person so licensed shall, when so requested by any person authorized by the Township, produce the licence for inspection.
8. Any person duly authorized by the Township, or any member of the Township, may at all reasonable times inspect as much of any house, place or premises as is used for the carrying on of any trade, calling, business or occupation in respect of which any person has or is required to have a licence under this By-law, and any such person so authorized or any member of the Township may inspect any goods, articles, books, records and other documents of or relating to any such trade, calling, business or occupation, and no person who has or is required to have a licence under this By-law shall obstruct or hinder the making of the inspection aforesaid, or cause or permit the same to be obstructed or hindered.
9. No person licensed under this By-law shall, because of race, colour, or creed, discriminate against any member of the public in the carrying on of the trade, calling, business or occupation in respect of which the licence is issued.
- .....
10. (1) No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of a licence shall be the property of the Township.
- (2) No licence shall be transferred except with the consent in writing of the Township and the Township shall not be bound to give such consent.
- (3) No person licensed to carry on business under this By-law shall advertise or promote or carry on such business under any name other than the name endorsed upon his licence.
11. (1) The Township may revoke or suspend any licence issued under this By-law and without limiting the generality of the foregoing, the Township may revoke or suspend any and all licences held by a licensee if the Township believes the licensee's character is not good or that the carrying on by the licensee of his trade, calling, business or occupation may result in a breach of the law or may be in any way adverse to the public interest. Before revoking or suspending any such licence, the licensee shall be given seven (7) days' written notice mailed or delivered to his address last known to the Township and shall be permitted, either by himself or by his representative, to appear before the Township Council at its next regularly scheduled meeting following receipt of such notice and show cause why he believes such licence should not be revoked or suspended.

(ii) Upon suspension or revocation of a licence issued under this By-law, the licensee shall return to the Township the licence issued by the Township and any person authorized by the Township shall have access to any premises or other property of the licensee for the purpose of receiving or taking the licence and no person shall refuse to deliver the licence to such person authorized by the Township or shall in any way prevent or hinder such person from receiving or taking the same.

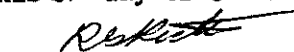
Notice of the suspension or revocation of any licence may be given by the Township by registered letter, signed by the licence issuer, mailed to the licensee to his address last known to the Township or by communication to the licensee in any manner whatsoever and upon such notice the licence revoked or suspended shall cease and terminate and be of no further effect.

12. (1) If for any reason any provision, section, subsection or paragraph of this By-law is held by a Court of competent jurisdiction to be invalid for any reason, it is hereby expressly declared to be the intention that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified, in whole or in part, or dealt with in any other way notwithstanding that one or more of such provisions, sections, subsections or paragraphs hereof shall have been so declared invalid.
- (ii) In the event of any conflict between the provisions of this By-law and any other by-law presently in force in the Township or any part or parts hereof, including the former Corporations of the Townships of Uxbridge and Scott and the former Town of Uxbridge, the provisions of this By-law shall prevail.
13. (i) Every person who fails to comply with or contravenes any of the provisions of this By-law is guilty of an offence and on summary conviction is liable to a fine of not more than One Thousand Dollars (\$1,000.00) exclusive of costs.
- (ii) Every such fine is recoverable under the Summary Convictions Act, R.S.O. 1970, c. 450, as amended.
- (iii) Each day that a violation of any of the provisions of this By-law exists shall constitute a separate offence with respect to this By-law.

Read a first and second time this **3rd** day of **JULY**, 1975.

Read a third time and finally passed this **3rd** day of **JULY**, 1975.

  
MAYOR:

  
CLERK:

SCHEDULE "A" TO BY-LAW No. 75-32

PART I

Relating to Owners, Operators, Drivers of and Assistants in Vehicles from which Refreshments, other than those Described in Part 2 hereof, are Sold for Consumption by the Public.

1. Every owner, operator, driver of, and assistant in a vehicle from which refreshments (other than those described in Part 2 of this Schedule) are sold for consumption by the public shall observe and comply with the following regulations or cause the same to be observed and complied with:

- (1) The vehicle from which the refreshments are sold shall be of a four-wheeled commercial motor vehicle type, approved by the Township, enclosed and so styled that the driver need not leave the vehicle in order to enter the food-serving area to sell and dispense refreshments.
- (2) The body, doors and windows of such vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things.
- (3) The interior of the vehicle shall be of a light colour and shall be repainted or refinished as often as required by the Township or any person designated by it.
- (4) The floor of such vehicle shall be 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.
- (5) The storage shelves therein shall be painted or covered with suitable impervious materials.
- (6) The vehicle shall have painted in contrasting colour on both side panels in letters and figures at least 4 inches high, the name and business address of the owner thereof; and below such name and address in letters at least 2-1/2 inches high, the words "Twp. Licence" followed by the licence number of such vehicle in figures at least 6 inches high.
- (7) All condiments, milk, cream and sugar shall be dispensed from containers approved by the Township.
- (8) Only single-service disposable cups, plates, containers, forks, spoons and serviettes provided in dispensers approved by the Township or individually wrapped shall be used in the sale of all refreshments.
- (9) The vehicle shall be equipped with either:
  - (a) a metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily; or
  - (b) a disposable litter container which shall be replaced daily;and such containers shall be used for the disposal of all refuse.

- (10) Every person selling or handling refreshments shall wear clean clothes, be clean and neat in appearance, have clean hands and be the holder of a current food handler's permit from the Medical Officer of Health of each area municipality in which the vehicle is to be operated and shall keep with him and produce for inspection by the Township or any of its staff such food handler's permit at all times.
- (11) The vehicle and all parts and equipment thereof for use in the dispensing of refreshments shall at all times be kept in a clean and sanitary condition and in good repair.
- (12) All milk sold from the vehicle shall be kept in dry storage at a temperature no higher than 40 degrees Fahrenheit and shall be sold only in individual, disposable containers.
- (13) All sandwiches, cakes, doughnuts, hot dogs, hamburgers, pies and other similar foods shall be wrapped and sold in individual servings.
- (14) The date of preparation shall be clearly and legibly marked as such on or affixed to the wrapper of all sandwiches sold from the vehicle.
- (15) No prepared foods other than those kept in unopened cans shall be sold more than twenty-four hours after their preparation.
- (16) Adequate refrigeration at a temperature no higher than 40 degrees Fahrenheit shall be provided for perishable foodstuffs which shall be kept so refrigerated.
- (17) The vehicle shall be equipped so as to maintain hot, prepared foods at a temperature of not less than 150 degrees Fahrenheit, and such foods shall be kept so heated.
- (18) All refreshments sold from the vehicle shall be clean, fresh and wholesome.

2. No owner to whom this part relates shall permit or allow any person other than a licensed driver employed by him to operate his refreshment vehicle.

3. No person to whom this Part relates shall sell any refreshments not prepared, assembled and wrapped in premises and under conditions complying entirely with the requirements of the Medical Officer of Health in each area municipality in which the vehicle is operated.

4. The owner of every vehicle to which this Part relates shall at all times display in such vehicle in a conspicuous place accessible to the public a copy of all regulations contained in this Part, together with the licence for the said vehicle.

5. Every owner shall take out a separate licence for each refreshment vehicle owned by him, and the plate issued in respect of such licence shall be securely affixed to the rear of the vehicle.

6. Every owner of a refreshment vehicle shall, whenever required to do so by the Township or its staff, bring such vehicle to any person designated by the Township to inspect the same, at the place and time indicated by such person.

7. No refreshments shall be sold from a vehicle drawn by an animal.

8. Every owner and operator of a refreshment vehicle to which this Part relates shall:

- (1) at the time he receives his licence, specify to the Township the source of supply of all refreshments to be sold from the vehicle;
- (2) notify the Township forthwith of any change in such source of supply;
- (3) [refrain from selling or permitting to be sold from the vehicle any refreshments from a source of supply other than that specified by him to the Township. . .]

9. Every owner of a refreshment vehicle shall for each such vehicle procure a policy of insurance endorsed to the effect that the Township shall be given at least ten days' notice in writing of any cancellation, expiration or variation in the amount of the policy and insuring in at least the amount of \$35,000.00 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or death of one or more persons, or from loss of or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Township.

SCHEDULE "A" TO BY-LAW NO. 75-32

PART 2

Relating to Owners, Operators, Drivers of and Assistants in Vehicles from which Ice Cream, Ice Cream Cones, Frozen Desserts and other Frozen Confections are Sold.

1. Every owner and operator of a refreshment vehicle to which this Part relates shall observe and comply with or cause to be observed and complied with the following regulations:

- (1)(a) Subject to subsection (1)(b) the vehicle shall be of an enclosed commercial type so designated that the cab is entirely separated and partitioned from and has no direct access to the body of the vehicle used for the storage and dispensing of refreshments;
- (b) Notwithstanding subsection 1(a), a refreshment vehicle licensed and used as such prior to January 1st, 1966, may be of a type in which there is direct access from the cab to the body of the vehicle used for storage and dispensing, provided such vehicle is equipped with a device approved by the Township, or any persons designated by it, whereby the serving windows must be locked and unlocked from the outside only and the engine of the vehicle cannot be started or operated while the serving windows remain open.
- (2) The body, doors and windows of such vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things.
- (3) The interior of the vehicle shall be of a light colour and shall be repainted or refinished as often as required by the Township or any person designated by it.
- (4) The floors of such vehicle shall be 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.
- (5) The storage shelves in the vehicle shall be painted or shall consist of a suitable impervious material.
- (6) The vehicle shall be equipped with either:
  - (a) a metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily; or
  - (b) a disposable litter container which shall be replaced daily;and such container shall be used for the disposal of all refuse.
- (7)(a) The vehicle and all parts and equipment thereof for use in the dispensing of refreshments shall at all times be maintained in a clean and sanitary condition and in good repair.
- (b) The vehicle shall be equipped with a portable litter basket which shall be carried inside the vehicle while in motion and shall be suspended from the outside of the vehicle in such a position as to be easily accessible by persons making purchases while the vehicle is stopped for the sale of products to which this Part relates.

- (8)(a) The storage area of vehicles from which hard ice cream and related products are sold shall be maintained at a temperature no higher than 5 degrees Fahrenheit and such area shall be equipped with an accurate, indicating thermometer.
- (b) Such hard ice cream and related products shall be maintained in a hard condition in the vehicle at all times.
- (c) No thawed, or partially thawed products shall be refrozen, stored or sold from the vehicle.
- (9) Refreshment vehicles from which soft ice cream and related products are sold shall have:
- (a) two sinks of adequate size and of non-corrodible material equipped with hot running water;
- (b) a tank to receive sink wastes;
- (c) a refrigerated cabinet for storage of ice cream mix and other milk products which cabinet shall be maintained at a temperature no higher than 40 degrees Fahrenheit and shall be equipped with an accurate, indicating thermometer;
- (d) storage for dry products, sundae toppings, and syrups, which storage shall be easily cleanable and where necessary of a type readily dismantled for cleaning;
- (e) all dispensing equipment, whether for dry cones, single service containers, ice cream, syrups or toppings, of sanitary design;
- (f) mechanical air-conditioning in the vending and dispensing part of the vehicle;
- (g) adequate insulation to prevent fumes from the engine or engines from reaching the vending and dispensing section of the vehicle;
- (h) screens or other devices to ensure adequate protection against flies and dust.
- (10) Every vehicle shall have attached thereto at the top or near the highest point thereof, at least two amber lights visible by a person five feet in height at a distance of not more than four feet in front of or behind the vehicle, and the vehicle shall be equipped with a mechanical device causing such amber lights to flash alternately at all times when the vehicle is stopped for the sale of ice cream products and other frozen confections and such device shall be so operated at all such times.
- (11) Every vehicle shall have conspicuously displayed on the rear thereof in black letters on a yellow background "WATCH FOR CHILDREN" in letters at least six inches high and such background shall be at least nine inches high.
- (12) Every vehicle shall have a cover over each of its bumpers which cover shall be on a curve or angle to the rear of the vehicle.
- (13) Every refreshment vehicle to which this Part relates shall have painted in contrasting colour on both side panels in letters and figures at least four inches high the name and business address of the owner thereof; and below such name and address in letters at least 2-1/2 inches high the words "Twp. Licence" followed by the licence number of such vehicle in figures at least 6 inches high.

- (14) Every owner and operator of a refreshment vehicle to which this Part relates shall:
    - (a) at the time he receives his licence, specify to the Township the source of supply of all refreshments to be sold from the vehicle;
    - (b) notify the Township forthwith of any change in such source of supply;
    - (c) refrain from selling or permitting to be sold from the vehicle any refreshments from a source of supply other than that specified by him to the Township.
  - (15) No vehicle licensed under this Part shall be used for the sale of products other than those to which this Part relates.
  - (16) None of the products mentioned in this Part shall be sold from a vehicle other than a motor vehicle.
  - (17) Every owner shall take out a separate licence for each vehicle selling products to which this Part relates and such licence shall be prominently displayed thereon and the plate issued in respect of such licence shall be securely affixed to the rear of such vehicle.
  - (18) No person to whom this Part relates shall sell any products to which this Part relates not prepared, assembled and wrapped in premises and under conditions complying entirely with the requirements of the Medical Officer of Health of each area municipality in which the vehicle is to be operated.
  - (19) Every owner of a refreshment vehicle to which this Part relates shall, whenever required so to do by the Township or its staff, bring such vehicle to any person designated by the Township for inspection at the place and time indicated by such person and, in any case, shall bring in and submit such vehicle for inspection both by the Township and the Medical Officer of Health of the area municipality in which the vehicle is to be used before the 30th day of April in each year.
2. No owner to whom this Part relates shall permit or allow any person other than a licensed driver employed by him to operate his refreshment vehicle.
  3. Every driver of and assistant in and every owner and operator working in a refreshment vehicle to which this Part relates shall be free of skin abrasions and communicable diseases of any sort, be clean and neat in appearance and have clean hands, wear clean, light-coloured washable outer clothing and head covering and be the holder of a current food handler's permit of the Medical Officer of Health of each area municipality in which the vehicle is operated and shall produce such permit on demand to the Township or any person designated by it for inspection.
  4. The driver of every refreshment vehicle to which this Part relates shall:
    - (1) before departing from any stop made for the sale and dispensing of refreshments make a complete safety tour around the vehicle;

- (2) refrain from stopping for the sale of refreshments at a distance less than 50 feet from any intersection, or within 100 feet of any entrance to school grounds, public park or public dock or wharf where ferries take on and discharge passengers;
- (3) refuse to serve any customer standing on the travelled portion of a highway;
- (4) refrain from staying more than ten minutes at any one place on a residential street for the sale and dispensing of refreshments;
- (5) refrain from ringing bells or chimes or making any other recognizable sounds more frequently than at five minute intervals or for more than five seconds at a time in one place, or after sunset;
- (6) not permit any person not licensed under this Part as a driver, owner, operator or assistant, to assist him in the driving of the vehicle or to assist in or to engage in the sale and dispensing of refreshments from the vehicle.

5. No amplification of any sounds of recognition used on such vehicle shall be used so as to constitute a nuisance and no engine, motor, or other device placed in, attached to or forming part of the vehicle, shall be used in such a manner as to interfere with normal radio and television set reception.

6. Every owner to whom this Part relates shall, for each vehicle for which he holds a licence, procure a policy of insurance endorsed to the effect that the Township shall be given at least ten days' notice in writing of any cancellation, expiration or variation in the amount of the policy and insuring in at least the amount of \$250,000.00 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons or from loss of or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Township.

7. Notwithstanding the provisions of this Part relating to the sale of refreshments from motor vehicles, hard ice cream may be sold from a pushcart or other vehicle propelled by muscular power which has been approved for such use by the Medical Officer of Health for the area municipality in which the vehicle is to be used, subject to the provisions of section 1, paragraph (7), sub-paragraph (a); section 1, paragraphs (8), (14), (15), (17), (18) and (19); and sections 2, 3, 4, 5 and 6 of this Part.

SCHEDULE "B" ATTACHED TO AND FORMING PART OF BY-LAW NO. 75-32.

LICENCE

Applicant - Name: .....

Address: .....

Telephone No: Business: ..... Home: .....

Purpose: .....  
(insert one or more of Schedule "C" in By-law No. )

.....  
Upon the application of .....

.....  
in the Township of Uxbridge, in the Regional Municipality  
of Durham, is hereby licenced for the purpose of

.....  
(insert as above)  
.....

This licence expires on March 31st next following the date of issue.

DATED AT the Township of Uxbridge this            day of            , 19    .

\_\_\_\_\_  
Clerk-Administrator, The Corporation  
of the Township of Uxbridge.

This Licence is not assignable.

This Licence must be kept conspicuously posted.

ANNUAL FEES FOR LICENCES

<u>DESCRIPTION OF LICENCE</u>	<u>FEE</u>	<u>EXPIRY DATE</u>
Refreshment Vehicles:		
for the first vehicle	\$ 200.00	March 31st
for each additional vehicle	100.00	March 31st
for each driver of a refreshment vehicle	25.00	March 31st
for each assistant on a refreshment vehicle	25.00	March 31st