

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
WEST REGION

80 DUNDAS STREET, 10<sup>TH</sup> FLOOR, UNIT L  
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DE L'OUEST

80, RUE DUNDAS, 10<sup>E</sup> ÉTAGE, UNITÉ L  
LONDON (ONTARIO) N6A 6A8

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March 13, 2017

Ilidia Sa Melo  
City of Cambridge  
50 Dickson Street, P.O. Box 669  
Cambridge, ON N1R 5W8

RECEIVED

MAR 24 2017  
2  
CLERK'S

Dear Ms. Sa Melo:

**Re: Set Fines - Provincial Offences Act - Part I and II  
By-law Number 173-16, of the City of Cambridge**

Enclosed herewith are the original Orders, and the original schedules of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copies of the Orders and the schedules of set fines to the Provincial Offences Court in Kitchener together with a copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read 'Stephen J. Fuerth'.

Stephen J. Fuerth  
Regional Senior Justice  
West Region

encl.  
/cb

**ONTARIO COURT OF JUSTICE**

**PROVINCIAL OFFENCES ACT**

**PART I**

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 173-16, of the City of Cambridge, attached hereto are the set fines for those offences. This Order is to take effect March 13, 2017.

Dated at London this 13<sup>th</sup> day of March, 2017.

A handwritten signature in black ink, appearing to read "Stephen J. Fuerth". The signature is written in a cursive style with a large initial "S".

Stephen J. Fuerth  
Regional Senior Justice  
West Region

## CITY OF CAMBRIDGE

PART 1 *Provincial Offences Act*

## By-law Number 173-16, Outdoor Vendor By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fines
1	(Sell/permit to be sold) goods/services at outdoor vending centre without licence	Section 4 a)	\$295.00
2	operating with a suspended or revoked licence	Section 9 (e)	\$295.00
3	operator failed to display the licence in a conspicuous place	Section 10	\$75.00
4	operator failed to produce licence to Police Officer or City of Cambridge By-law Enforcement Officer	Section 4 a)	\$150.00
5	operator denied inspections to occur	Section 4 (e)	\$150.00
6	operator sold or supplied goods and/or services other than permitted	Section 4 b)	\$150.00
7	operating outdoor vending center within five metres of an intersection	Section 4 c) 2.	\$150.00
8	operating, locating or selling from outdoor vending center or on the traveled portion of the highway, on the public sidewalk	Section 4 c) 3.	\$150.00
9	operating outdoor vending center within 30 metres of the nearest corner of the competing commercial establishment.	Section 4 c) 4.	\$150.00
10	operating outdoor vending center within one hundred metres of any Elementary or Secondary school property.	Section 4 c) 5.	\$150.00
11	operating outdoor vending center within 30 metres of another outdoor vendor	Section 4 c) 6.	\$150.00
12	operating outdoor vending center on Region of Waterloo or City of Cambridge road allowances.	Section 4 c) 7.	\$150.00
13	operating outdoor vending center within another location other than that noted on the licence	Section 4 c) 8.	\$150.00

14	cooking appliances not Canadian Gases Association certified, and is not so labeled	<b>Sch. A(3)(1)(b)</b>	\$150.00
15	cooking appliance located within 7 ½ metres (25ft) from any exit door or unprotected glass opening or combustible wall panel	<b>Sch. A(3)(1)(c)</b>	\$150.00
16	operator failed to be equipped with a portable fire extinguisher of a size no smaller than 3A 10BC	<b>Sch. A(3)(1)(d)</b>	\$150.00
17	operator using loud speakers, amplifiers, flashing lights or other hailing devices	<b>Sch. A(3)(1)(k)</b>	\$150.00
18	operator failed to maintain outdoor vending cart in good repair and appearance	<b>Sch. A(3)(1)(g)</b>	\$150.00
19	operator failed to maintain outdoor vending cart in good repair and appearance	<b>Sch. A(4)(1)(b)</b>	\$150.00
20	operator failed to maintain outdoor vending cart in good repair and appearance	<b>Sch. A(5)(1)(b)</b>	\$150.00
21	operator failed to maintain outdoor vending cart in good repair and appearance	<b>Sch. A(6)(1)(b)</b>	\$150.00
22	operator failed to equip outdoor vending cart with refuse containers	<b>Sch. A(3)(1)(h)</b>	\$150.00
23	operator failed to keep area adjoining cart in clean, sanitary, attractive condition	<b>Sch. A(3)(1)(h)</b>	\$150.00
24	operator selling fireworks to a person under the age of eighteen years	<b>Sch. A(5)(1)(f)(i)</b>	\$150.00
25	operator selling fireworks to a person except on Canada Day and on the day fixed by proclamation of the Governor General for the observation of Victoria Day and during the preceding ten (10) days prior to the said days.	<b>Sch. A(5)(1)(f)(ii)</b>	\$150.00
26	Each individual Busker failed to obtain a permit	<b>Sch. A(2)(1)</b>	\$295.00
27	Busker under the age of 16 was not accompanied by a parent/guardian	<b>Sch. A(2)(4)</b>	\$150.00
28	Busker used unsafe fire, sharp objects etc. in the performance which put the public and/or performers at risk	<b>Sch. A(2)(10)</b>	\$150.00

29	Busker charged a minimum or set fee for performance	<b>Sch. A(2)(12)</b>	\$150.00
30	Busker solicited donations for performance	<b>Sch. A(2)(12)</b>	\$150.00
31	Busker blocked sidewalk, business entrance, path, bicycle route, fire hydrant, bus stop and vehicular traffic	<b>Sch. A(2)(13)</b>	\$150.00
32	sign was not displayed indicating that the performance and audience is being recorded	<b>Sch. A(2)(17)</b>	\$150.00
33	operator operated the food truck outside of the hours of 8:00 a.m. to 12:00 a.m. midnight in locations other than City parks	<b>Sch. A(7)(5)(a)</b>	\$150.00
34	operator operated the food truck outside of the hours of 8:00 a.m. to 11:00 p.m. midnight in City parks	<b>Sch. A(7)(5)(b)</b>	\$150.00
35	operator failed to obtain permission to operate the food truck during the hours of the Farmers Market from the Market Manager	<b>Sch. A(7)(5)(c)</b>	\$150.00
36	operator operated a food truck within 50 metres of a restaurant	<b>Sch. A(7)(7)(f)(i)</b>	\$150.00
37	operator operated a food truck within 50 metres of a licensed hot dog cart	<b>Sch. A(7)(7)(f)(i)</b>	\$150.00
38	operator operated a food truck within 50 metres of a concession stand within a City park	<b>Sch. A(7)(7)(f)(i)</b>	\$150.00
39	operator operated a food truck on City or City owned parking lots that fall within the setback distance	<b>Sch. A(7)(7)(f)(ii)</b>	\$150.00
40	operator operated a food truck in a manner that interferes with the normal use of a sidewalk by pedestrians	<b>Sch. A(7)(7)(f)(iii)</b>	\$150.00
41	Operator did not provide one government approved life preserver for each occupant of a boat.	<b>Sch. A(1)(2)</b>	\$295.00
42	Operating an ice cream truck without the owner's plate attached.	<b>Sch. A(9)(5)(ii)</b>	\$160.00
43	Fail to restrict catering vehicle sales to employees of industrial establishments and to workers on construction sites.	<b>Sch. A(9)(3)</b>	\$160.00
44	Re-visiting the general serving area of a previous service call with an ice cream truck, within two (2) hours of the previous serving time.	<b>Sch. A(9)(5)(iii)</b>	\$160.00

45	Ring bells or chimes or making other recognizable sounds at one location for more than twenty seconds or between the hours of 8:00 p.m. of one day and 10:00 a.m. of the next day.	<b>Sch. A(9)(5)(x)</b>	\$160.00
46	Permitting any person not licensed under this By-law as a driver or owner, to assist in 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.	<b>Sch. A(9)(5)(xi)</b>	\$160.00
47	Operating an ice cream truck between the hours of 10:00 p.m. of one day and 10:00 a.m. of the next day.	<b>Sch. A(9)(5)(xii)</b>	\$160.00
48	Selling refreshments from a vehicle drawn by an animal.	<b>Sch. A(9)(9)(b)</b>	\$160.00
49	Operating a Refreshment Vehicle which is not neat and clean.	<b>Sch. A(9)(9)(c)</b>	\$160.00
50	Operating a Refreshment Vehicle which the body, doors and windows are insufficiently of sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter	<b>Sch. A(9)(10)(a)</b>	\$160.00
51	Operating a Refreshment Vehicle which the floor is of unsuitable hard, impervious material, free from holes, cracks or crevices and the surface not able to be readily washable and not kept clean and in good condition	<b>Sch. A(9)(10)(b)</b>	\$160.00
52	Selling or handling refreshments wearing unclean clothes, and not neat in appearance and with unclean hands.	<b>Sch. A(9)(10)(c)</b>	\$160.00
53	Operating a pedal vehicle and selling more than just frozen confections.	<b>Sch. A(8)(1)</b>	\$160.00
54	Operating a pedal vehicle as a catering vehicle outside of the residential zones of the City.	<b>Sch. A(8)(1)</b>	\$160.00
55	Selling confections from a pedal vehicle within 100 metres of a retail establishment licensed to sell food stuffs.	<b>Sch. A(8)(2)</b>	\$160.00
56	Operating refreshment/catering vehicle with no warning beeper device that is engaged when the transmission is placed in reverse.	<b>Sch. A(9)(4)</b>	\$160.00

57	operator parked food truck overnight on public property or private lands after operating hours other than land owned, leased or rented by the operator	<b>Sch. A(7)(5)(d)</b>	\$150.00
58	operator operated a food truck within 100 metres of an elementary or secondary school	<b>Sch. A(7)(7)(f)(iv)</b>	\$150.00

Note: The penalty provision for the offences indicated above is section 15 of By-law 173-16 of the Corporation of The City of Cambridge, a certified copy of which has been filed.

**ONTARIO COURT OF JUSTICE**

**PROVINCIAL OFFENCES ACT**

**PART II**

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 173-16, of the City of Cambridge, attached hereto are the set fines for those offences. This Order is to take effect March 13, 2017.

Dated at London this 13<sup>th</sup> day of March, 2017



Stephen J. Fuerth  
Regional Senior Justice  
West Region

## CITY OF CAMBRIDGE

PART II *Provincial Offences Act*

## By-law Number 173-16, Outdoor Vendor Bylaw

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fines
1	Stop to sell within thirty (30) metres of any intersection	<b>Sch. A(9)(5)(iv)</b>	\$160.00
2	Stop to sell within one hundred (100) meters of an entrance to any public park	<b>Sch. A(9)(5)(v)</b>	\$160.00
3	Stop to sell within one hundred (100) meters of the property line of any land occupied by public, separate or private school between hours of 10:00 am and 5:00 pm on regular school days	<b>Sch. A(9)(5)(vi)</b>	\$160.00
4	Stop to sell within one hundred (100) meters of a business that sells to the public similar products	<b>Sch. A(9)(5)(vii)</b>	\$160.00
5	Stop to sell any articles for sale within the boundaries of the Business Improvement Areas (BIA) within the City	<b>Sch. A(9)(5)(viii)</b>	\$160.00
6	Stop for longer than ten (10) minutes at any one serving location	<b>Sch. A(9)(5)(ix)</b>	\$160.00
7	operator parked food truck overnight on public property or private lands after operating hours other than land owned, leased or rented by the operator	<b>Sch. A(7)(5)(d)</b>	\$150.00

Note: The penalty provision for the offences indicated above is section 15 of By-law 173-16 of the Corporation of The City of Cambridge, a certified copy of which has been filed.

## CITY OF CAMBRIDGE

PART II *Provincial Offences Act*

## By-law Number 173-16, Outdoor Vendor Bylaw

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fines
1	Stop to sell within thirty (30) metres of any intersection	<b>Sch. A(9)(5)(iv)</b>	
2	Stop to sell within one hundred (100) meters of an entrance to any public park	<b>Sch. A(9)(5)(v)</b>	
3	Stop to sell within one hundred (100) meters of the property line of any land occupied by public, separate or private school between hours of 10:00 am and 5:00 pm on regular school days	<b>Sch. A(9)(5)(vi)</b>	
4	Stop to sell within one hundred (100) meters of a business that sells to the public similar products	<b>Sch. A(9)(5)(vii)</b>	
5	Stop to sell any articles for sale within the boundaries of the Business Improvement Areas (BIA) within the City	<b>Sch. A(9)(5)(viii)</b>	
6	Stop for longer than ten (10) minutes at any one serving location	<b>Sch. A(9)(5)(ix)</b>	
7	operator parked food truck overnight on public property or private lands after operating hours other than land owned, leased or rented by the operator	<b>Sch. A(7)(5)(d)</b>	

Note: The penalty provision for the offences indicated above is section 15 of By-law 173-16 of the Corporation of The City of Cambridge, a certified copy of which has been filed.



BY-LAW 173-16

of the

CORPORATION OF THE CITY OF CAMBRIDGE

Being a By-Law of the Corporation of the City of Cambridge to regulate and govern any outdoor business and to repeal By-Law 106-09, 138-12, 129-14 and 78-15.

**WHEREAS** pursuant to Part IV of the *Municipal Act, 2001*, S.O. 2001, c.25 the Council of a local municipality may pass by-laws to 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 Corporation of the City of Cambridge is licensing and imposing conditions on the classes of businesses as noted in this by-law for the purposes of health and safety, nuisance control and consumer protection;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of The Corporation of the City of Cambridge hereby enacts as follows:

1. DEFINITIONS

THAT in this By-Law:

- a) Applicant means the Person applying for a Licence or renewal of
- b) Application means an application for a Licence under this By-law;
- c) Boat Rental Establishment means premises that rents for public, canoes, pedal boats, kayaks, surf bike or other types of boats;
- d) Business means:
  1. trades and occupations;
  2. exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
  3. the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and

4. the display of samples, patterns or specimens of goods for the purpose of hire.

- e) Business Licence means a Licence issued pursuant to this By-law;
- f) Busker means a person who plays, acts, sings or otherwise performs or entertains for voluntary reward in a public place;
- g) Busking includes, but is not limited to the following activities: acting, singing, playing musical instruments, juggling, magic, dancing, puppetry and reciting;
- h) Canteen Refreshment Vehicle means a motor vehicle from which food products and beverages that are prepared and cooked elsewhere and are sold;
- i) Cambridge means the Corporation of the City of Cambridge;
- j) Cart means a vehicle, other than a motor vehicle in which food and/or beverages are sold to the public and is capable of being moved from place to place;
- k) Certified Food Handler means a Food Handler who holds a valid Food Handler Certificate recognized by Region of Waterloo Public Health;
- l) Charitable Organization means an organization which performs services of public good or welfare without profit;
- m) Chief Fire Official means the Fire Chief of the City or the designate;
- n) City means The Corporation of the City of Cambridge or the geographical area of the municipality, as the context requires;
- o) Clerk means the clerk of the Corporation of the City of Cambridge or designate;
- p) Community Organization means a non-profit group of persons organized for the advancement of activities of a civic, cultural or recreational nature;
- q) Competing Commercial Establishment means a permanent commercial establishment in which similar goods or merchandise are sold. Products sold ancillary to the main products such as beverages are not considered identical goods;
- r) Council means the Council of The Corporation of the City of Cambridge;
- s) Event means a special event that is either sponsored by the City or is a private function where the City is not associated that is for a limited time;

- t) Fire Inspection means an inspection that was conducted on a Fire Safety System by a qualified person to ensure compliance with the Ontario Fire Code;
- u) Fire Safety System includes, but not limited to, fire alarms, emergency power, emergency lighting, sprinklers, standpipes, commercial cooking hoods, commercial cooking suppression systems, special extinguishing systems, fire extinguishers, private fire hydrants and other water supply systems;
- v) Fireworks means and includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation (refer to Cambridge Fireworks By-law);
- w) Food Handler means any Person who works at a Food Premises handling or coming in contact with food or drink intended for human consumption;
- x) Food Handler Certificate means a certificate issued to a Person for the successful completion of an Accredited Program;
- y) Food Service Premises means any food where meals or meal portions are prepared for immediate consumption or sold or served in a form that will permit immediate consumption on the premises or elsewhere;
- z) Food truck means a motorized vehicle, other than a motor assisted bicycle or motorcycle from which refreshments are cooked, carried or offered for sale for consumption to the general public but does not include Canteen Refreshment Trucks, Ice Cream Truck, Pedal Vehicles and Refreshment Vehicles;
- aa) Goods means but not limited to flowers, seafood products, hot dogs, fruits and vegetables, flags, art objects, fireworks, ice cream, clothing, electronics and books/magazines
- bb) Health Approval means the written approval of the Region of Waterloo Public Health;
- cc) Highway means a common and public highway within the City and includes any bridge, trestle, viaduct, other structure forming part of the highway, a portion of a highway and the lands within the lateral boundaries of the highway;
- dd) Ice Cream Driver means any person who drives or operates an Ice Cream Truck;
- ee) Ice Cream Truck means a Motor Vehicle where ice-cream is offered for sale to the public;

- ff) Intersection means the area embraced within the prolongation or connection of the lateral curve lines or if none then of the lateral boundary lines of two or more highways that join one another at an angle whether or not one highway crosses the other;
- gg) Licence means a Business licence issued under this By-law and the term “licensed” shall have a corresponding meaning;
- hh) Licensee means a Person who has been issued a Licence under this By-law;
- ii) Licensing Officer means a person appointed by the City of Cambridge to administer and enforce this By-law;
- jj) Medical Officer of Health means the Medical Officer of Health for the Region of Waterloo Public Health, or the designate;
- kk) Motor Vehicle means an automobile, motorcycle, truck, trailer or motor assisted bicycle unless otherwise indicated in this By-law and any other vehicle propelled or driven otherwise than by muscular power but does not include a street car or other motor vehicle running only upon rails or a motorized snow vehicle, traction engine and farm tractor;
- ll) Municipal Law Enforcement Officer means a By-Law Enforcement Officer or Licensing Officer for the City of Cambridge; a police officer; a peace officer; or any other individual appointed by The Corporation of the City of Cambridge for the purpose of enforcing By-Laws for the City
- mm) Ontario Fire Code means the Ontario Fire Code in force and effect under the *Fire Protection and Prevention Act, 1997*;
- nn) Owner – Trade, Business, Occupation means the Person, company or partnership that carries on the trade, business or occupation;
- oo) Operator includes a proprietor or any other Person who, alone or with others, operates, manages, supervises, runs or controls a Business, and “operate” and “operation” has a corresponding meaning;
- pp) Outdoor Vending means the offering to sell, the display for sale and the sale of goods;
- qq) Pedal Vehicles (non-motorized) means any hand-powered or pedal-powered vehicle from which refreshments may be carried or offered for sale to the general public. This includes ice cream and frozen milk products;
- rr) Person means an individual, proprietorship, firm, corporation, association or partnership;
- ss) Refreshment Vehicle means a motorized vehicle that is moved from place to place and that offers for sale only pre-packaged foods, pre-

bottled beverages and iced confectioneries, including ice cream, for consumption to the general public; from which pre-bottled beverages and confection goods are sold for human consumption;

- tt) Sidewalk means that portion of a highway between the curb line and the property line of the lot abutting the highway improved for the use of pedestrians;
- uu) Special Event means an event of municipal significance recognized by the City of Cambridge.
- vv) Stand means a stall, booth, counter, or the like, where articles are displayed for sale or where business is carried on; also the framework on or in which articles are placed for support and for sale;
- ww) Tribunal means the Licensing Appeal Tribunal established under this By-law for the purpose of hearing appeals where the Licensing Officer has denied, revoked, suspended or not renewed a Licence, or the Applicant objects to the conditions imposed on a Licence;
- xx) Vendor means a person(s) to whom a licence has been issued;
- yy) Vulnerable Sector Check means police screening of individuals who intend on working or volunteering with vulnerable people, such as minors; and,
- zz) Zoning By-law means all by-laws passed by Council pursuant to the Planning Act, R.S.O. 1990, c. P. 13, as amended, that restricts the use of land in the City.

## 2. PURPOSE OF LICENSING OUTDOOR VENDORS

The Corporation of the City of Cambridge exercises its licencing powers including imposing conditions on outdoor vending for the following purposes:

- a) Health and Safety

### 3. EXPLANATION

An explanation as to the reason why the municipality is licensing outdoor vending or imposing the conditions and how that reason relates to the purpose under Section 2 of this by-law is attached as Schedule A hereto.

- a) Nothing contained within this by-law shall prevent the sale of ice cream cones, ice milk and other iced confectionery in accordance with City of Cambridge By-law No. \_\_\_\_-16.
- b) Nothing contained within this by-law shall prevent the operation of canteens, refreshment vehicles in industrial areas and construction sites.

### 4. REGULATIONS

- a) No person(s) shall sell or permit to be sold any goods or services as an outdoor vendor unless such person holds a valid Outdoor Vending Licence issued by the City of Cambridge and as regulated herein and shall display the licence in a conspicuous place and shall produce the licence on demand by a Police Officer or City of Cambridge By-law Enforcement Officer.
- b) No person shall sell or permit to be sold any goods or services as an outdoor vendor except as follows, and in accordance with the provisions of this bylaw:
  - 1. Hot Dogs/Sausage/Non-alcoholic beverages;
  - 2. Seafood Products, produce including fruits and vegetables;
  - 3. Flowers;
  - 4. Flags, art objects, fireworks, ice cream, clothing, electronics and books/magazines; and
  - 5. Any other goods or services as permitted by resolution of the Council of the Corporation of the City of Cambridge as an exemption to this by-law.
- c) Any person, licenced pursuant to the provision of this by-law shall:
  - 1. Operate only in specified C-class and CS-class zones as set out in the City of Cambridge Zoning By-law.
  - 2. Not operate within five metres of an intersection.
  - 3. Not operate, locate or sell from or on the traveled portion of the highway, or on a public sidewalk.
  - 4. Not operate within 30 metres of the nearest corner of the competing commercial establishment.

5. Not operate within one hundred metres of any Elementary or Secondary school property.
  6. Not operate within 30 metres of any other outdoor vendor.
  7. Not operate on Region of Waterloo or City of Cambridge road allowances.
  8. Only operate from the location(s) noted on the licence.
  9. Not operate when the licence has been revoked or suspended.
  10. Allow at any reasonable time, the municipality to inspect the places and premises used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying on of the business.
- d) No person shall operate an outdoor vending cart/stand once a licence has been revoked or suspended.
  - e) No person shall deny an inspection of the place and premise used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying on of the business.
  - f) Unless otherwise specified in Schedule A to this By-law, the above noted guidelines shall apply.

## 5. POWERS TO LICENSE

THAT this By-law will govern and provide for a system of licences with respect to businesses for the following purposes:

- a) prohibit the carrying on or engaging in the business without a licence;
- b) refuse to grant a licence or to revoke or suspend a licence;
- c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- f) license, regulate or govern real and personal property used for the business and the Persons carrying it on or engaged in it;

## 6. LICENSE REQUIREMENT APPLICATION

- a) No Person shall carry on, engage in or operate a business listed in Schedule A without first obtaining a License under this By-law and payment of the Business Licence fee.
- b) Every Application for a Business Licence shall be accompanied by a complete Business Licence Application form provided by the City, which includes the following information:
  - 1. the business name
  - 2. the type of business
  - 3. the municipal address of the location at which the business operates
  - 4. the names and address of the applicant
  - 5. the telephone number of the business
  - 6. the home telephone number of the applicant
  - 7. the name and address of each person with a propriety, partnership or corporate interest in the business
  - 8. the name of any business currently or within the last five years operated by the applicant
  - 9. the signature of the applicant
  - 10. the signatures of an authorized representative of:
    - (i) Zoning Administrator of the City of Cambridge
    - (ii) Chief Fire Official
    - (iii) Medical Officer of Health (where applicable)
    - (iv) Waterloo Regional Police (where applicable)
  - 11. any other similar information required by the Licensing Officer or specifically required pursuant to further sections of this by-law for both initial and renewal licensing
  - 12. police record check (where applicable)
- c) Every Business shall be allowed to operate conditional upon compliance with both the Zoning By-Law and the Business Licensing By-Law.

## 7. VALIDITY OF LICENSE

- a) Every Licence shall be valid for the calendar year in which it is issued and shall expire on the 31<sup>st</sup> day of December.
- b) Every Licence shall be subject to renewal annually upon payment (January 1<sup>st</sup>) of the appropriate renewal fee as noted in Schedule A. Every Licence shall be subject to an additional fee upon renewal payments after February 1 as noted in Schedule A.

## 8. ISSUANCE AND GROUNDS FOR REFUSAL OF LICENSE

- a) The Licensing Officer shall receive and process all completed applications for Licences and Licence renewals.
- b) The Licensing Officer shall issue a Licence or renew a Licence to any Person who meets the requirements of this by-law, except where the Licensing Officer determines:
  1. the past conduct of the Applicant affords the Licensing Officer reasonable grounds to believe that the Applicant has not or will not carry on the business in accordance with the applicable law or with integrity and honesty;
  2. the Licensing Officer reasonably believes that the carrying on of the business may be adverse to the public interest;
  3. the Application Premises are subject to an order(s), made pursuant to or by:
    - i. the City's Property Standards By-law;
    - ii. the *Fire Protection and Prevention Act, 1997*, or any regulations made thereunder, including the Ontario Fire Code; or,
    - iii. the Medical Officer of Health;
  4. the application premises are not in compliance with the Zoning By-law;
  5. the Police Record Check provided fails to meet the criteria noted in Schedule B; or.
  6. The Applicant has provided mistaken, false, incorrect or misleading information.
- c) Notwithstanding the criteria for a Police Record Check, the Licensing Officer may deny the issuance or renewal of a Licence where the applicant has been convicted within the past five (5) years of:
  1. a criminal offence for which a pardon has not been granted; or,
  2. a regulatory offence in any way related to the Business.
- d) For the purposes of the above sections, the term "Applicant" shall include any director, officer, partner or principal of a partnership or corporation, or any shareholder of a corporation that holds at least fifty percent (50%) of the shares of that corporation.
- e) Licences issued pursuant to this by-law are conditional on compliance by the Licensee with all City by-laws and other applicable laws.

## 9. SUSPENSION OR REVOCATION OF LICENSE

- a) The Licensing Officer may revoke or suspend a Licence at any time where:
  - 1. the Licensing Officer is of the opinion that the business carried on by the Licensee poses a threat to the health and safety of the public;
  - 2. the Licensee has violated any of the provisions of this By-law or any other applicable laws;
  - 3. the Licence was issued because false, incorrect, mistaken or misleading information was provided on the Application; or
  - 4. a Licence was issued in error.
- b) If the Licensing Officer is satisfied that the carrying on of the Business poses an immediate danger to the health or safety of any person or to any property, the Licensing Officer may, for the time and on such conditions as they consider appropriate, without a hearing, suspend or revoke a Licence subject to the following:
  - 1. before suspending or revoking the Licence, the Licensing Officer shall provide the Licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.
- c) The Licensing Officer shall provide notice of intention in writing to revoke suspend a licence and shall advise the Licensee of the right to appeal.
- d) Where a Business Licence is revoked, the Licensee shall be entitled to a refund of the licence fee proportionate to the un-expired term for which it was granted.
- e) No Person shall operate a business after the License has been suspended or revoked.

## 10. DISPLAY OF LICENCE

- a) No Person shall carry on, engage in, or operate a business listed in Schedule A without displaying a Business Licence issued under this By-law in a conspicuous location.

## 11. ENFORCEMENT AND INSPECTION

- a) Every Licensee, Owner and Operator, and attendant shall upon a request made by a Municipal Law Enforcement Officer, Medical Officer of Health, or Public Health Inspector, provide their name and residential address, and if the operation of the business is licensed under this By-law in

respect to any trade, business or occupation relating to such establishment shall produce the issued Licence Certificate.

- b) A Municipal Law Enforcement Officer may enter onto lands and/or vehicles at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
  - 1. this By-law;
  - 2. a condition of a Licence issued under this By-law; or,
  - 3. an order made under section 431 of the *Municipal Act*.
- c) For the purposes of conducting an inspection, the Municipal Law Enforcement Officer may:
  - 1. require the production for inspection of documents or things relevant to the inspection;
  - 2. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - 3. require information from any person concerning a matter related to the inspection; and,
  - 4. alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
- d) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law; unless the place of entry is considered a room or place actually used as a dwelling.

## 12. APPEALS

- a) Any Person who has been denied a licence, or the renewal of a licence, has had their licence revoked or suspended or has had terms or conditions imposed on a licence, may appeal the decision of the Licensing Officer to a Licensing Appeal Tribunal.
- b) All appeals shall be submitted:
  - 1. within twenty-one (21) days of the decision of the Licensing Officer to deny issuing or renewing a Licence or suspending or revoking a Licence or imposing terms or conditions on a Licence;
  - 2. in writing;
  - 3. to the Secretary of the Licensing Appeal Tribunal;
  - 4. setting out, in detail, the grounds for the appeal; and,

5. along with the applicable fee, as outlined in the Yearly Rate Review.
- c) Upon receipt of a written appeal by the Licencee or Applicant within 15 days after the written decision by the Licensing Officer the City shall schedule a hearing at the Licence Appeal Tribunal.
- d) A hearing under shall proceed under the *Statutory Powers Procedure Act*, R.S.O., 1990, c.S.22 or any successor thereof, with the exception of sections 17, 17.1, 18 and 19.

13. LICENSING APPEAL TRIBUNAL (TRIBUNAL)

Council establishes and delegates hearing of appeals and decision-making authority to the Tribunal with regard to appeals under this By-law. .

- a) The Tribunal shall be composed of three members of Council.
- b) The members of the Tribunal shall hold office for the term of Council.
- c) The members of the Tribunal shall elect a Chair from among themselves at the hearing.
- d) A majority of the members of the Tribunal constitutes a quorum for transacting the Tribunal's business. Where the number of members who, by reason of declaring a conflict of interest are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, the remaining number of members shall be deemed to constitute a quorum provided such number is not less than two.
- e) The City Clerk or designate is hereby appointed Secretary for the Licensing Appeal Tribunal. The Secretary of the Licensing Appeal Tribunal shall keep the records of all official business of the Tribunal, including records of all appeals, decision and minutes of all decisions respecting those appeals.
- f) The Tribunal shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Tribunal considers advisable.
- g) Where an appeal is not submitted within the time set out in section above, the decision of the Licensing Officer shall be deemed to be confirmed and no appeal shall be allowed.
- h) Subject to paragraph (g) above, The Tribunal shall hear all appeals.
- i) On an appeal, the Tribunal has all the powers and functions of the Licensing Officer and the Tribunal may do any of the following things if, in the Licensing Appeal Tribunal's opinion, doing so would maintain the general intent and purpose of the by-law:

1. confirm, modify or rescind the decision of the Licensing Officer to deny issuing or renewing a Licence or suspending or revoking a Licence or to impose terms or conditions on a Licence.

j) Decisions of the Licensing Appeal Tribunal shall be final.

#### 14. NOTICES

Any notice pursuant to this By-law must be given in writing in any of the following ways and is effective:

- a) on the date on which a copy is delivered to the person to whom it is addressed by registered mail;
- b) on the fifth day after a copy is sent by registered mail to the person's last known address;
- c) upon the conclusion of the transmission of a copy by facsimile to the person's last known facsimile number; or
- d) upon the sending of a copy by email transmission to the person's last known email address.

#### 15. PENALTIES

- a) Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act* R.S.O. 1990, c. P.33.

#### 16. COLLECTION OF UNPAID FINES

- a) If any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under the *Provincial Offences Act* including any extension of time for payment ordered under that section, the Licensing Officer may give the Person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty one (21) days after the date of the notice.
- b) If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purpose of section 351 of the *Municipal Act*.

#### 17. SCHEDULES

The schedules which are attached to this by-law shall form part of this by-law.

18. SEVERABILITY

If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

19. REPEAL OF BY-LAWS

THAT by-law 106-09, 129-14, 138-12, and 78-15 is hereby repealed.

20. TITLE

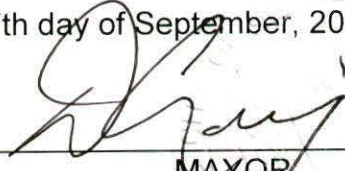
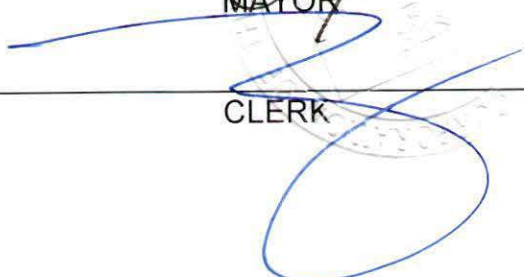
THAT this by-law may be referred to as the Outdoor Business Licensing By-law.

21. FINAL PASSING

THAT this by-law shall come into force when it is passed by Council.

Read a First, Second and Third time

Enacted and passed this 27th day of September, 2016

  
\_\_\_\_\_  
MAYOR  
  
\_\_\_\_\_  
CLERK

## SCHEDULE A(1)

### BOAT RENTALS

1. No Person shall keep boats for hire without a licence.
2. Every operator shall provide one government approved life preserver for each occupant of a boat.
3. Every operator will purchase liability insurance in the amount of \$2,000,000.00 insuring the operator and the City of Cambridge and any employee of the operator conducting business pursuant to this licence. A certified copy of the insurance shall be filed with the City and be in good form and content satisfactory to the City prior to the issuance and shall be in good standing at all times.
4. In addition to the licensing requirements set out in this by-law, a completed application for a license shall be accompanied by:
  - a) zoning approval, fire approval and building approval (if applicable); and,
  - b) fire approval upon renewal (if necessary).

<b>License Fees:</b>	<b>Renewal Fees:</b>
2016 - \$144.50	2016 - \$108.25
2017 - \$195.00	2017 - \$146.25
2018 - \$263.25	2018 - \$197.45

## SCHEDULE A(2)

### BUSKERS

A busker license may be issued by the Clerk when the applicant has complied with all of the following requirements:

1. Buskers shall require a permit with the applicable fee paid to the municipality.
2. Buskers shall sign a waiver form indemnifying the municipality in the event of any accidents during a performance.
3. Busking in groups of up to four (4) performers is allowed and each performer shall acquire a valid permit
4. Performers under the age of 16 shall be accompanied by a parent/guardian at all times during performances.
5. Permit shall be displayed at all times during the performance.
6. Busking locations are permitted within the three Business Improvement Area boundaries as defined in the maps appended to this by-law.
7. No person shall use excessive external amplification when acting as a licensed busker
8. Every licensed busker may, at any time he/she is acting as a busker, display and offer for sale and sell audio/video recordings of their performance(s).
9. No person shall act as a busker while a license issued under this by-law is either suspended or revoked.
10. No Busker shall put the public and/or performers at risk with a high risk or unsafe performance, i.e. use of fire, sharp objects etc.
11. All performances shall be suitable for a general family audience.
12. Buskers shall receive donations but shall not charge a minimum or set fee for their performances. Aggressive or persistent solicitation of donations is not permitted.
13. Buskers (and their audiences) shall not block sidewalks, business entrances, paths, bicycles routs, fire hydrants, bus stops and vehicular traffic.
14. Buskers shall respect the businesses located in the downtown areas and perform so not to interfere or intrude on the operations. Should a business owner request that the performance be relocated, the busker shall comply.
15. Licensed busker performances taking place within the business improvement boundaries in the maps attached may take place between 10:00 am and 10:00 pm seven days a week.
16. Any equipment and/or props associated with a performance shall be attended at all times and any damage to property will be the responsibility of the performer.
17. Video recording and still photography of busker performances are permitted, however, a sign shall be displayed indicating that the performance and audience is being recorded and that persons present consent to their image being recorded.

This by-law does not apply to buskers performing at municipally sanctioned events or events organized and hosted by a charity or non-profit community organization so long as they are participating with the permission of the event organizers.

<b>License Fees:</b>	<b>Renewal Fees:</b>
2016 - \$10.00	2016 - \$10.00
2017 - \$10.00	2017 - \$10.00
2018 - \$10.00	2018 - \$10.00

## SCHEDULE A(3)

### OUTDOOR VENDORS - HOTDOGS/SAUSAGES/NON-ALCOHOLIC BEVERAGES

1. The issuance of every Outdoor Vending Licence for hotdog vendors shall be subject to the following requirements, and every licensed outdoor vending applicant/operator shall comply with the following requirements:
  - (a) A valid licence shall be required for each cart/stand, and shall either be displayed in a conspicuous place on the said unit or available for presentation on demand by a Police officer or a City of Cambridge By-law Enforcement Officer.
  - (b) That the cooking appliance shall be comprised of approved burners, valves, tubing, hoses, regulators and the appliance itself overall shall be Canadian Gas Association certified or other applicable standard, and so shall be labeled to verify this listing.
  - (c) That the appliance be located not less than 7 1/2 metres (25 ft.) from any exit door or unprotected glass opening or combustible wall panel, as required by Article 12.5.4.2 of the CANS-1-B149.2-M, as amended.
  - (d) That the cart/stand shall be equipped with a portable fire extinguisher of a size not smaller than 3A 10BC.
  - (e) That the applicant/operator shall ensure that the appliance be inspected on an annual basis by a licenced propane fitter and that the annual inspection report be provided to the Cambridge Fire Department indicating the location (where the appliance will be in operation).
  - (f) No applicant/operator shall store propane cylinders indoors. Applicants/operators shall disconnect tank cylinders and store them in a secure exterior location.
  - (g) The applicant/operator for an Outdoor Vending Licence shall maintain the cart/stand in good repair and appearance.
  - (h) The applicant/operator shall equip the cart/stand with refuse containers(s) and keep the adjoining area in a clean, sanitary and attractive condition.
  - (i) The applicant/operator shall agree to save harmless the City of Cambridge and the Regional Municipality of Waterloo if applicable from any claim of any nature or kind resulting from the operation of the Outdoor Vending cart/stand pursuant to this licence. The applicant shall purchase liability insurance in the amount of \$2,000,000.00 insuring the applicant, the City of Cambridge and if applicable the Regional Municipality of Waterloo and any employee of the applicant conducting business pursuant to this licence. A certified copy of such insurance shall be filed with the City and be in good form and content satisfactory to the City prior to the issuance of the licence and shall be in good standing at all times.

- (j) The applicant/operator shall comply with all applicable provisions and regulations under the Health Protection and Promotion Act, Chap.H.7, R.S.O. 1990.
- (k) The applicant/operator shall not use loud speakers, amplifiers, flashing lights or other hailing devices.
- (l) The applicant shall not transfer the issued licence.
- (m) The applicant shall surrender the licence if the licence has been revoked under resolution of the Council of the Corporation of the City of Cambridge if any of the provisions of this by-law or any other City by-law or statute enforced in the City of Cambridge has been breached.
- (n) If in the opinion of the City of Cambridge the applicant holding an outdoor vending licence will interfere with a construction site, the applicant/operator shall move to another location upon being directed to do so.
- (o) A licence issued under this by-law shall be valid for a period of time not exceeding one year expiring December 31st of the current year and shall be subject to renewal annually upon payment (January 1st) of the appropriate fee.
- (p) Within each of the three Business Improvement Area's (BIAs) in the City of Cambridge, pending permission from the Executive to allow Food Trucks to operate.

<b>License Fees:</b>	<b>Renewal Fees:</b>
2016 - \$100.00	2016 - \$100.00
2017 - \$102.00	2017 - \$102.00
2018 - \$104.00	2018 - \$104.00

## SCHEDULE A(4)

### OUTDOOR VENDORS - FLOWERS, SEAFOOD, FRUIT AND VEGETABLES, FLAGS, ART OBJECTS, CLOTHING, ELECTRONICS, BOOKS/MAGAZINES

1. The issuance of every Outdoor Vending Licence for flower vendors, seafood products, fruit and vegetables, flags, art objects, clothing, electronics and books/magazines vending shall be subject to the following requirements and every licensed outdoor vending applicant/operator shall comply with the following conditions:
  - a) Every applicant/operator of outdoor vending shall have a valid municipal licence.
  - b) Every applicant/operator of outdoor vending shall maintain the stand in good repair and appearance.
  - c) Every applicant/operator of outdoor vending shall maintain the area around the stand in a clean, sanitary and attractive condition.
  - d) The applicant/operator shall agree to save harmless the City of Cambridge and the Regional Municipality of Waterloo if applicable from any claim of any nature or kind resulting from the operation of the outdoor vending of flowers and/or fruit and vegetables pursuant to this licence. The applicant shall agree to purchase liability insurance in the amount of \$2,000,000.00 insuring the operator, the City of Cambridge and if applicable the Regional Municipality of Waterloo and any employee of the applicant conducting business pursuant to this licence. A certified copy of such insurance shall be filed with the City and be in good form and content satisfactory to the City prior to the issuance of the licence and shall be in good standing at all times.
  - e) The applicant/operator shall comply with all applicable provisions and regulations under the Health Protection and Promotion Act, Chap.H.7, R.S.O., 1990.
  - f) The applicant shall not transfer the issued licence.
  - g) The applicant shall surrender the licence if the licence has been revoked under resolution of the Council of the Corporation of the City of Cambridge if any of the provisions of this by-law or any other City by-law or statute enforced by the City of Cambridge has been breached.
  - h) If in the opinion of the Commissioner of Transportation and Public Works, the applicant holding an outdoor vending licence will interfere with a construction site, the applicant/operator shall move to another location upon being directed to do so.

- i) A licence issued under this by-law shall be valid for a period of time not exceeding one year expiring December 31st of the current year and shall be subject to renewal annually upon payment (January 1st) of the appropriate fee.

<b>License Fees:</b>	<b>Renewal Fees:</b>
2016 - \$100.00	2016 - \$100.00
2017 - \$102.00	2017 - \$102.00
2018 - \$104.00	2018 - \$104.00

## SCHEDULE A(5)

### OUTDOOR VENDORS - FIREWORKS

1. The issuance of every Outdoor Vending Licence for Fireworks shall be subject to the following requirements and every applicant/operator shall comply with the following conditions:
  - a) Every applicant/operator of outdoor vending of Fireworks shall have a valid municipal licence.
  - b) Every applicant/operator of outdoor vending of Fireworks shall maintain the stand in good repair and appearance.
  - c) Every applicant/operator of outdoor vending of Fireworks shall maintain the area around the stand in a clean, sanitary and attractive condition.
  - d) The applicant/operator shall agree to save harmless the City of Cambridge and the Regional Municipality of Waterloo if applicable from any claim of any nature or kind resulting from the operation of the outdoor vending of fireworks pursuant to this licence. The applicant shall agree to purchase liability insurance in the amount of \$2,000,000.00 insuring the operator, the City of Cambridge and if applicable the Regional Municipality of Waterloo and any employee of the applicant conducting business pursuant to this licence. A certified copy of such insurance shall be filed with the City and be in good form and content satisfactory to the City prior to the issuance of the licence and shall be in good standing at all times.
  - e) The manufacture, storage, transportation and sale of fireworks shall conform to the federal "Explosives Act" and "Explosive Regulations".
  - f) The applicant/operator shall not sell by retail or supply any fireworks:
    - i) To any person apparently under the age of eighteen years;
    - ii) To any person except on Canada Day and on the day fixed by proclamation of the Governor General for the observation of Victoria Day and during the preceding ten (10) days prior to the said days; and
    - iii) Of a type the setting off of which is prohibited by the provisions of this by-law.
  - g) The applicant shall not transfer the issued license.
  - h) The applicant shall surrender the licence if the licence has been revoked under resolution of the Council of the Corporation of the City of Cambridge if any of the provisions of this by-law or any other City by-law or statute enforced by the City of Cambridge has been breached.

- i) If in the opinion of the Commissioner of Engineering and Public Works, the applicant holding an outdoor vending licence will interfere with a construction site, the applicant/operator shall move to another location.
- j) A licence issued under this by-law shall be valid for a period of time not exceeding one year expiring December 31st of the current year and shall be subject to renewal annually upon payment (January 1st) of the appropriate fee.

<b>License Fees:</b>	<b>Renewal Fees:</b>
2016 - \$100.00	2016 - \$100.00
2017 - \$102.00	2017 - \$102.00
2018 - \$104.00	2018 - \$104.00

## SCHEDULE A(6)

### OUTDOOR VENDOR – ICE CREAM

1. The issuance of every Outdoor Vending Licence for ice cream vendors shall be subject to the following requirements and every licensed outdoor vending applicant/operator shall comply with the following conditions:
  - a) Every applicant/operator of outdoor vending of ice cream shall have a valid municipal licence.
  - b) Every applicant/operator of outdoor vending of ice cream shall maintain the cart/stand in good repair and appearance.
  - c) Every applicant/operator of outdoor vending of ice cream shall maintain the area around the cart/stand in a clean, sanitary and attractive condition.
  - d) The applicant/operator shall agree to save harmless the City of Cambridge and the Regional Municipality of Waterloo if applicable from any claim of any nature or kind resulting from the operation of the outdoor vending of ice cream pursuant to this licence. The applicant shall agree to purchase liability insurance in the amount of \$2,000,000.00 insuring the operator, the City of Cambridge and if applicable the Regional Municipality of Waterloo and any employee of the applicant conducting business pursuant to the licence. A certified copy of such insurance shall be filed with the City and be in good form and content satisfactory to the City prior to the issuance of the licence and shall be in good standing at all times.
  - e) The applicant/operator shall comply with all applicable provisions and regulations under the Health Protection and Promotion Act, Chap. H.7, R.S.O., 1990.
  - f) The applicant shall not transfer the issued license.
  - g) The applicant shall surrender the licence if the licence has been revoked under resolution of the Council of the Corporation of the City of Cambridge if any of the provisions of this by-law or any other City by-law or statute enforced by the City of Cambridge has been breached.
  - h) If in the opinion of the Commissioner of Transportation and Public Works, the applicant holding an outdoor vending licence will interfere with a construction site, the applicant/operator shall move to another location.
  - i) A licence issued under this by-law shall be valid for a period of time not exceeding one year expiring December 31<sup>st</sup> of the current year and shall be subject to renewal annually upon payment (January 1<sup>st</sup>) of the appropriate fee.

- j) Within each of the three Business Improvement Area's (BIAs) in the City of Cambridge, pending permission from the Executive to allow Food Trucks to operate.

<b>License Fees:</b>	<b>Renewal Fees:</b>
2016 - \$100.00	2016 - \$100.00
2017 - \$102.00	2017 - \$102.00
2018 - \$104.00	2018 - \$104.00

## SCHEDULE A(7)

### FOOD TRUCKS

1. No person shall do any of the following, except in accordance with a Licence issued under this by-law and in accordance with the provisions of this By-law:
  - (a) Carry on a Food Truck business;
  - (b) Permit a person to carry on a Food Truck business; or
  - (c) Sell food from a Food Truck.
  
2. Every Application for a Licence shall include the following:
  - (a) Region of Waterloo Public Health approval;
  - (b) Technical Standards & Safety Authority Field Approval for all equipment and appliances that are not approved by the Canadian Standard Association or the Underwriter Laboratories of Canada;
  - (c) Propane inspection by a certified gas fitter (if applicable);
  - (d) Fire approval from the Chief Fire Official;
  - (e) Copy of the Applicant's driver's licence;
  - (f) Copy of the ownership for the Food Truck;
  - (g) Copy of a menu for Food served;
  - (h) Photo of the Food Truck;
  - (i) Proof of general liability insurance (by an insurer satisfactory to the Licensing Officer) in the amount of \$2,000,000.00 naming the City as additional insured;
  - (j) Proof of vehicle insurance (by an insurer satisfactory to the Licensing Officer) in the amount of \$2,000,000.00;
  - (k) Dimensions of the Food Truck which shall not exceed:
    - i. 1.52 metres in width;
    - ii. 4.87 metres in length; and,
    - iii. 4,500 kilograms.
  - (l) Plan for the containment and disposal of grey water, grease and garbage in a sanitary manner satisfactory to the Licensing Officer;
  - (m) Written permission from the Owner of private property or school property, acknowledging that the Food Truck(s) is permitted to park on the property (if/when applicable).
  
3. Licensees shall ensure that following documents are kept in the food truck at all

times and available for immediate inspection upon demand by a Municipal Law Enforcement Officer or Public Health Inspector:

- (a) Copy of the licence issued by the City;
  - (b) The Log book which must be maintained and available for inspection for every Food Truck setting out the location and duration of all stops and,
  - (c) A copy of the consent allowing the Food Truck at its location.
4. Food trucks shall be exempt from hourly parking limits on public property provided they are:
- (a) Parked in legal parking spaces at approved parking lot facilities;
  - (b) Actually engaged in the operation of the food truck business; and,
  - (c) In compliance with this By-law.
5. No person shall operate a food truck business except during the following hours:
- (a) 8:00 a.m. to 12:00 a.m. midnight in locations other than City parks;
  - (b) 8:00 a.m. to 11:00 p.m. in City parks; or
  - (c) Operating hours for any Farmers' Market in the City, pending permission from the Market Manager.
  - (d) No person shall permit food trucks to park overnight on public property or private lands after operating hours except land owned, leased or rented by the operator for the storage of the Food Truck and in compliance with the City's Zoning By-Law.
6. Every Licensee shall maintain the Food Truck in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the Food Truck.
7. Location and Areas of Operation

No person shall operate or permit the operation of a food truck except in the following permitted locations:

- (a) Municipally owned parking lots;
- (b) City park and recreational facilities subject to the following:
  - (i) being requested by facility managers to attend the property;
  - (ii) having a written agreement with facility management; and,
  - (iii) operating in compliance with regulations provided by the facility;
- (c) All property zoned 'C', 'CS' and 'M' in the Zoning By-Law;

- (d) Private property and/or School property pending permission from the property owner and for Events only.
- (e) Within each of the three Business Improvement Area's (BIAs) in the City of Cambridge, pending permission from the BIA Board of Management to allow Food Trucks to operate.
- (f) No person shall operate a Food Truck:
  - (i) Within 50 metres of a restaurant, licensed hot dog cart or concession stand within a City park;
  - (ii) On City or City owned parking lots that fall within the setback distance of clause (7)(f)(i) and (7)(f)(v);
  - (iii) In a manner that interferes with the normal use of a sidewalk by pedestrians
  - (iv) Within 100 metres of any elementary or secondary school;

8. Special Events

8.1 Food trucks will be permitted to attend events that are deemed a Special Event in the City of Cambridge.

9. Licence Fees

9.1 The following license fees shall apply (effective July 2016):

All-Year Permit	\$325.00
1-Day Permit	\$75.00
3-Day Permit	\$125.00

9.2 The fees outlined in provision shall be adjusted on an annual basis.

## SCHEDULE A(8)

### PEDAL VEHICLES (non-motorized)

1. Every Person who operates a pedal vehicle shall sell only frozen confections and shall only operate in residential zones of the City.
2. No Person shall sell frozen confections from a pedal vehicle within 100 metres of a retail establishment licensed to sell foodstuffs.
3. In addition to the licensing requirements set out in this by-law, a completed application for a licence shall be accompanied by:
  - a) health approval and vulnerable sector check (if not a minor);
  - b) health approval upon renewal (if necessary); and,
  - c) vulnerable sector check is required upon renewal (if not a minor).

<b>License Fees:</b>	<b>Renewal Fees:</b>
2016 - \$144.50	2016 - \$108.25
2017 - \$195.00	2017 - \$146.25
2018 - \$263.25	2018 - \$197.45

## SCHEDULE A(9)

### REFRESHMENT VEHICLES (motorized)

1. Every Person who operates a refreshment vehicle shall comply with the provisions of the Health Protection and Promotion Act, ss. 16, Chap, H.7, R.S.O., 1990 and Ontario Regulations 562, Catering Vehicles and Mobile Preparation Premises.
2. Every Person who operates a refreshment vehicle shall take out a separate license for each refreshment vehicle owned and operated in the City of Cambridge.
3. Every Person who operates a Canteen vehicle shall restrict sales to employees of industrial establishments and to workers on construction sites.
4. No Person shall own/operate refreshment/catering vehicle unless it has a warning beeper device that is engaged when the refreshment vehicle's transmission is placed in reverse gear.
5. Every Person who operates an ice cream truck under this by-law shall not:
  - i. Operate a refreshment vehicle, which is not licensed under the by-law.
  - ii. Operate a refreshment vehicle without the owner's plate attached.
  - iii. Re-visit the general serving area of a previous service call, within two (2) hours of the previous serving time.
  - iv. Stop to sell within thirty (30) metres of any intersection.
  - v. Stop to sell within one hundred (100) metres of an entrance to any public park.
  - vi. 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.
  - vii. Stop to sell within one hundred (100) metres of a business that sells to the public products similar to those of the ice cream truck vendor.
  - viii. Stop to sell any articles for sale within the boundaries of the Business Improvement Areas within the City.
  - ix. Stop for longer than ten (10) minutes at any one serving location.
  - x. Ring bells or chimes or making any other recognizable sounds at any one location for more than twenty seconds or between the hours of 8:00 p.m. of one day and 10:00 a.m. of the next day.
  - xi. Permit any Person not licensed under this By-law as a driver or owner, to assist in 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.
  - xii. 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.
6. No Person shall operate a refreshment vehicle unless it has a warning beeper device that is engaged when the ice cream truck's transmission is placed in reverse gear.

7. Every Licensee shall ensure that there is at all times, when operating at least one (1) Certified Food Handler working at the premises.
8. Every Licensee shall ensure that there is a vulnerable sector check provided with the license application.
9. No Licensee shall:
  - a) sell or permit the selling of food from a Refreshment Vehicle unless:
    - i. the food has been prepared, assembled and packaged in accordance with the *Health Protection and Promotion Act*, and regulations thereto; and,
    - ii. the Persons engaged in the handling and selling of food comply with the *Health Protection and Promotion Act* and regulations thereto;
  - b) sell refreshments from a vehicle drawn by an animal; or,
  - c) operate or permit the operation of a Refreshment Vehicle which is not neat and clean in appearance.
10. Every Licensee shall ensure that:
  - a) the body, doors and windows of the Refreshment Vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter;
  - b) the floor of the Refreshment Vehicle shall be of a suitable hard, impervious material, free from holes, cracks or crevices and the surface shall be readily washable and kept clean and in good condition;
  - c) every Person selling or handling refreshments shall wear clean clothes, be clean and neat in appearance and have clean hands.
11. In addition to the licensing requirements set out in this by-law, a completed application for a licence shall be accompanied by:
  - a) fire approval and health approval (and vulnerable sector check for ice cream truck drivers only);
  - b) fire approval and health approval upon renewal (if necessary);
  - c) vulnerable sector check is required upon renewal for ice cream trucks drivers only.

<b>License Fees:</b>	<b>Renewal Fees:</b>
2016 - \$144.50	2016 - \$108.25
2017 - \$195.00	2017 - \$146.25
2018 - \$263.25	2018 - \$197.45

## **SCHEDULE B**

### **BUSINESS LICENSES REQUIRING POLICE CHECK (CRITERIA)**

Criteria for conditional issuance and refusal of establishment and operating licenses – applications and renewals subject to:

1. Refuse the license if there are two (2) or more criminal convictions within 2 years of the application or renewal date.
2. Refuse the license if there are three (3) or more criminal convictions within 5 years of the application or renewal date.
3. Refuse the license if convicted of a criminal offence where the sentence imposed was five (5) years or longer.
4. Issue conditional licence for one (1) year if convicted of one (1) criminal conviction within last 5 years.

A conditional license issued as a result of a criminal record is for a 1 year period (license holder must submit an updated criminal abstract at six (6) months and at one (1) year.

Notwithstanding this Schedule, if there are reasonable grounds to believe that the conduct of any Person, including the officers, directors, employees or agents of a business or corporation, affords reasonable cause to believe that the Person will not carry on or engage in the business in accordance with the law or with honesty and integrity; any application for a license or application for the renewal of the license may be denied or any licence may be revoked, suspended or made conditional.

SEPTEMBER 27TH, A.D., 2016

BY-LAW NO. 173 - 16

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a By-Law of the Corporation of the City of Cambridge to regulate and govern any outdoor business and to repeal By-Law 106-09, 138-12, 129-14 and 78-15.

1ST READING: SEPTEMBER 27TH, 2016.

2ND READING: SEPTEMBER 27TH, 2016

3RD READING: SEPTEMBER 27TH, 2016.

MICHAEL DI LULLO  
CITY CLERK

43-18  
19-016