

SCHEDULE 6
to City of Guelph By-law Number (2009)-18855

[Amended By (2010)-18949;]

FOOD VEHICLE

The provisions of this Schedule shall apply in respect of Food Vehicles.

INTERPRETATION

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
 - (a) "Arterial Road" means any Highway with markings identifying more than two traffic lanes;
 - (b) "Chip Wagon" means an immobile vehicle, either mounted on blocks or supported by a conventional wheel, tire and axle system, from which food or beverages are Provided for Sale or sold, or prepared and Provided for Sale or sold;
 - (c) "Food Vehicle" means a Chip Wagon, Mobile Food Preparation Vehicle, or Refreshment Vehicle, and shall not include a Mobile Barbeque Facility or Refrigerated Bicycle Cart;
 - (d) "Ice Cream Truck" means a Vehicle from which food prepared therein and specially related to ice cream, frozen desserts or other frozen confections including beverages is Provided for Sale or Sold;
 - (e) "Land" means land other than a Highway;
 - (f) "Mixed Use Area" means the downtown parts of the City, as so indicated on Appendix 2 to this Schedule 6;
 - (g) "Mobile Barbeque Facility" means an open air barbeque which is capable of being moved from Premises to Premises by a person,;
 - (h) "Mobile Food Preparation Vehicle" means a vehicle or other itinerant Food Premises from which food prepared therein is Provided for Sale or sold and includes an Ice Cream Truck.
 - (i) "Mobile Food Preparation Vehicle Plate" means a metal number plate issued by the Issuer of Licences to a Licensee with a current and valid Business Licence for a Mobile Food Preparation Vehicle;
 - (j) "Other Area" means the parts of the City other than the Mixed Use Area and the Residential Area, as so indicated on Appendix 2 to this Schedule 6;
 - (k) "Private Event" means a private function on private Land;
 - (l) "Residential Area" means the residential parts of the City, as so indicated on Appendix 2 to this Schedule 6;
 - (m) "Refreshment Vehicle" means a vehicle or other itinerant Food Premises from which pre-packaged food items are Provided for sale or sold and in which no food is prepared except beverages;
 - (n) "Refrigerated Bicycle Cart" means a manually propelled itinerant tricycle vehicle from which ice-cream, ice-cream cones, ice milk and other iced confectionery food items are offered for sale or sold to the public;

- (o) "Roadway" has the same meaning as set out in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time, or any successor thereof, and, for greater certainty, does not include a sidewalk;
- (p) "Site Plan" means a drawing of a site which includes all applicable measurements of the Food Vehicle and the surrounding area within 100 metres of the site and on which all buildings and structures, streets or other landmarks are indicated;
- (q) "Short-term Licence" means a type of Business Licence for a Mobile Food Preparation Vehicle which is only valid for three consecutive days per period and may only be issued or renewed for up to four specified periods per year;
- (r) "Special Event" means a special event as defined in the City's Special Event Policy;
- (s) "Special/Private Event Food Vehicle Licence" means a Business Licence issued to an organizer of a Special Event or Private Event that applies to all Food Vehicles operating at the Special Event or Private Event;
- (t) "Travelled Portion of the Road Allowance" means the part of the Highway that is improved, designed or ordinarily used for vehicular traffic; and
- (u) "Vehicle" shall have the same meaning as set out in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time, or any successor thereof.

OWNER OF FOOD VEHICLE

- 2. (a) Without limiting any other provision of this By-law, a Person shall be deemed to be engaged in the Business of operating a Food Vehicle if he or she is the registered owner of a Food Vehicle used for such purpose.
- (d) Each Food Vehicle shall require a separate Business Licence.

CONDITIONS - GENERAL [Amended By (2010)-18949]

- 3. (a) Every Food Vehicle Licensee shall:
 - (i) ensure that a refuse container is supplied for his or her Food Vehicle, and that such container is made available to the customers of the Food Vehicle;
 - (ii) ensure that the Food Vehicle is maintained in good repair.
- (b) Notwithstanding Section 19(a) of the By-law, every Licensee holding a Business Licence for a Food Vehicle Business shall ensure that the Business Licence relating thereto is affixed to the vehicle, in a conspicuous place clearly visible to the public at all times during the Hours of Operation of the Business.

CHIP WAGONS

- 4. (a) In addition to all other requirements of this By-law, the following items shall be submitted with every application for inspections relating to a Food Vehicle that is a Chip Wagon:

- (i) a letter from the Owner of every property on which the Food Vehicle will be situated, authorizing the Applicant to conduct such Business from the property; and
 - (ii) a Site Plan to be approved by the City, indicating compliance with the criteria set out in Section 4(c) of this Schedule.
- (b) No Business Licence shall be issued for a Food Vehicle that is a Chip Wagon unless the Site Plan has been approved by the City.
- (c) Every Licensee of a Food Vehicle that is a Chip Wagon shall ensure that the Chip Wagon is not operated at any time:
- (i) on any Highway;
 - (ii) within 22.86 metres (75 feet) of any corner of any intersection (measured as indicated on the attached Appendix 1 of Schedule 6);
 - (iii) within 15.24 metres (50 feet) from the nearest edge of the Traveled Portion of the Road Allowance (measured as indicated on the attached Appendix 1 of Schedule 6); or
 - (iv) when such Chip Wagon occupies an area greater than 37.16 square metres (400 square feet).

MOBILE FOOD PREPARATION VEHICLE – [Amended by By-law (2015)-19940]

5. (a) In addition to all other requirements of this By-law, the following items shall be submitted with every Application for Inspection relating to a Mobile Food Preparation Vehicle:
- (i) A letter from all the owners of the Land on which the Mobile Food Preparation Vehicle will be situated, authorizing the Applicant to conduct such Business on the Land;
 - (ii) A Site Plan indicating compliance with the locational requirements set out in this Schedule;
 - (iii) A list of the types of food to be Provided for Sale or Sold, specifying the source of the food and identifying food that will be refrigerated or heated as part of the operation of the Mobile Food Preparation Vehicle;
 - (iv) A spill contaminant plan including a description of how and where grease and grey water will be disposed of;
 - (v) A photo of the Mobile Food Preparation Vehicle and a description of its type;
 - (vi) The location where the Mobile Food Preparation Vehicle will be parked or stored when not in use; and
 - (vii) For a Mobile Food Preparation Vehicle that is subject to Director's Order FS-056-06 (issued under the *Technical Standards and Safety Act, 2000*, S.O. 2000, c. 16 and its regulations), as amended or replaced from time to time, a completed inspection certificate and information fact sheet issued no more than 36 days before the application for a Business Licence or for a renewal is submitted; and
 - (viii) For an Ice Cream Truck, a criminal record check for every individual who will operate it.

- (b) No Business Licence shall be issued for a Mobile Food Preparation Vehicle unless the Site Plan has been approved by the City.
- (c) Notwithstanding the other provisions of this By-law, the Issuer of Licences may issue a Short-term Licence instead of the usual type of Business Licence in respect of a Mobile Food Preparation Vehicle. Except as resulting from its short-term nature, or as provided in this Schedule 6, a Short-term Licence shall, in all other respects, be the same, and shall be treated the same, as the usual type of Business Licence.
- (d) Every Licensee of a Mobile Food Preparation Vehicle shall ensure that:
 - (i) Only the specific Mobile Food Preparation Vehicle, for which the Business Licence has been issued, is used in association with that Business Licence;
 - (ii) The Mobile Food Preparation Vehicle is used in only the applicable area of the City and on only the applicable Highway or Land, if any, specified in the Business Licence; (for convenience, the applicable paragraphs of this Section 5 are listed in Appendix 2 to this Schedule 6);
 - (iii) The Mobile Food Preparation Vehicle is moved at the oral or written request of the Issuer of Licences or an Officer appointed or assigned to enforce this Schedule, if, in the opinion of the Issuer of Licences or Officer, the location:
 - a. is or may become undesirable for safety reasons, or
 - b. interferes with normal access to any Land;
 - (iv) Only the types of food on the list submitted under paragraph 5(a)(iii) are Provided for Sale or Sold;
 - (v) The idling of an internal combustion engine associated with the operation of the Mobile Food Preparation Vehicle complies with the City's Idling By-law Number (1998)-15945, as amended;
 - (vi) All statutes, regulations and by-laws governing driving, stopping or parking the Mobile Food Preparation Vehicle are complied with at all times;
 - (vii) There is no crying of wares, sounding of chimes or use of similar means to attract attention:
 - a. while the Mobile Food Preparation Vehicle is in motion, or
 - b. for more than 5 seconds at intervals of not less than 5 minutes;
 - (viii) No food is Provided for Sale or Sold to any customer who is standing on a Roadway;
 - (ix) All children and customers are safely away from the Mobile Food Preparation Vehicle before putting it in motion;
 - (x) The Mobile Food Preparation Vehicle is not washed or repaired while on a Highway except, in the case of repair, when repair is necessary to move the Mobile Food Preparation Vehicle off the Highway; and
 - (xi) The Mobile Food Preparation Vehicle is driven by a person holding a current, valid provincial driver's licence.
- (e) Every Licensee of a Mobile Food Preparation Vehicle shall ensure that the Mobile Food Preparation Vehicle:

- (i) Is equipped and maintained with:
 - a. a clean compartment for the storage of food, and, in the case of an Ice Cream Truck, such compartment is refrigerated, and
 - b. at least one suitable refuse container;
- (ii) Is kept in a clean and orderly condition and maintained in all respects in a condition suitable for the purpose for which it is used;
- (iii) Is adequately lighted and ventilated;
- (iv) Bears the Mobile Food Preparation Vehicle Plate or Short-term Licence, which is:
 - a. affixed to the rear exterior of the Mobile Food Preparation Vehicle or to another location on the Mobile Food Preparation Vehicle approved in advance by the Issuer of Licences, and
 - b. plainly visible in its entirety at all times;
- (v) Is in a safe mechanical condition before it is driven;
- (vi) Has no accessory generator associated with the operation of the Mobile Food Preparation Vehicle used outside of the Mobile Food Preparation Vehicle;
- (vii) Bears the business name of the Mobile Food Preparation Vehicle Licensee, which is displayed:
 - a. on both sides of the Mobile Food Preparation Vehicle or on another location as approved in advance by the Issuer of Licences,
 - b. in letters and numbers at least 18 centimetres in height,
 - c. in a colour that contrasts with the background colour, and
 - d. so as to be plainly visible in its entirety at all times; and
- (viii) In the case of an Ice Cream Truck, is equipped and maintained with:
 - a. a "WATCH FOR CHILDREN" warning sign in readily legible black letters at least 15 centimetres high on a yellow background that is affixed to the rear exterior of the Mobile Food Preparation Vehicle and plainly visible in its entirety at all times,
 - b. a minimum of two amber lights on top, placed as to be readily visible by a person 1.5 metres in height standing 1.2 metres in front of or behind the vehicle, that flash when the Ice Cream Truck stops to Provide for Sale or Sell,
 - c. a rear bumper having an angled cover on top designed and placed so as to prevent a child from standing or sitting on top, and
 - d. refuse containers that are available upon arrival when the Ice Cream Truck stops to Provide for Sale or Sell and removed together with all waste collected in the refuse containers or accumulated in the surrounding area upon leaving.
- (f) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Mixed Use Area on a Highway, then the Licensee shall ensure that the vehicle is parked on the Highway only:
 - (i) If permitted as part of a Special Event; and

- (ii) At such times and places as set out in the permit for the Special Event.
- (g) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Mixed Use Area on Land, then the Licensee shall ensure that the vehicle is parked on the Land only:
- (i) If permitted as part of a Special Event, at such times and places as set out in the permit for the Special Event; and
 - (ii) If not permitted as part of a Special Event, then only:
 - a. as authorized under the Zoning By-law,
 - b. more than 22.86 metres (75 feet) from any corner of any intersection (measured as indicated on the attached Appendix 1 of Schedule 6),
 - c. more than 15.24 metres (50 feet) from the nearest edge of the Roadway (measured as indicated on the attached Appendix 1 of Schedule 6),
 - d. not on any Land where, due to the area occupied by the vehicle, the minimum parking space requirement for said Land is not in compliance with the Zoning By-law,
 - e. with the written approval of the owner of the Land, and
 - f. for up to 8 hours per day.
- (h) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Residential Area on a Highway, then the Licensee shall ensure that:
- (i) The vehicle is parked on the Highway only:
 - a. if permitted under the City's Traffic By-law,
 - a. for a maximum of 8 hours from time of initial arrival,
 - b. to provide catering for a Private Event in which no public Sales are permitted, and
 - c. within the hours of 7:00 a.m. to 11:00 p.m.; and
 - (ii) The vehicle does not provide catering on the same Highway more than once per month.
- (i) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Residential Area on Land, then the Licensee shall ensure that, if so permitted as part of a Special Event, the vehicle is parked only at such times and places as set out in the permit for the Special Event.
- (j) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Other Area on a Highway, then the Licensee shall ensure that the vehicle is parked on the Highway only:
- (i) If the Highway is not an Arterial Road;
 - (ii) If permitted under the City's Traffic By-law;
 - (iii) For a maximum of 8 hours from time of initial arrival; and
 - (iv) Within the hours of 7:00 a.m. to 11:00 p.m.
- (k) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Other Area on Land, then the Licensee shall ensure that if not permitted as part of a Special Event, then the vehicle is parked on the Land only:
- (i) As authorized under the Zoning By-law;
 - (ii) More than 22.86 metres (75 feet) from any corner of any intersection (measured as indicated on the attached Appendix 1 of Schedule 6);

- (iii) More than 15.24 metres (50 feet) from the nearest edge of the Roadway (measured as indicated on the attached Appendix 1 of Schedule 6);
 - (iv) Not on any Land where, due to the area occupied by the vehicle, the minimum parking space requirement for said Land is not in compliance with the Zoning By-law;
 - (v) With the written approval of the owner of the Land; and
 - (vi) For up to 8 hours per day.
- (l) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Mixed Use Area on a Highway, then the Licensee shall ensure that the vehicle is parked on the Highway only:
- (i) If permitted as part of a Special Event; and
 - (ii) At such times and places as set out in the permit for the Special Event.
- (m) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Mixed Use Area on Land, then the Licensee shall ensure that the vehicle is parked only:
- (i) If permitted as part of a Special Event; and
 - (ii) At such times and places as set out in the permit for the Special Event.
- (n) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Residential Area on a Highway, then the Licensee shall ensure that:
- (i) If the vehicle is not providing catering as described below, the vehicle is parked on the Highway only:
 - a. if permitted under the City's Traffic By-law,
 - b. for a maximum of 15 minutes at any one location,
 - c. at least 6 metres from an intersection,
 - d. at least 100 metres from any park, school, place of worship or hospital measured along the most direct route from the nearest point of the park, school, place of worship or hospital boundary to the nearest point on the vehicle, unless the owner of the affected park, school, place of worship or hospital has given written permission for the vehicle to operate within 100 metres, and
 - e. at least 100 metres from the boundary of a Special Event or Private Event in respect of which a permit has been issued, measured along the most direct route from the nearest point of the Special Event or Private Event boundary to the nearest point on the vehicle, except when the Licensee holds the appropriate Special/Private Event Food Vehicle Licence; and
 - (ii) If the vehicle is providing catering for a Private Event in which no public Sales are permitted, the vehicle is parked on the Highway only:
 - a. for a maximum of 8 hours from time of initial arrival,
 - b. within the hours of 9:00 a.m. to 8:00 p.m., and
 - c. not more than once per month on the same Highway.
- (o) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Residential Area on Land, then the Licensee shall ensure that the vehicle is parked on the Land only:
- (iii) If permitted as part of a Special Event; and
 - (iv) At such times and places as set out in the permit for the Special Event.
- (p) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Other Area on a Highway, then the Licensee shall ensure that the vehicle is parked on the Highway only:
- (i) If permitted under the City's Traffic By-law;

- (ii) For a maximum of 8 hours from time of initial arrival; and
 - (iii) Within the hours of 9:00 a.m. to 8:00 p.m.
- (q) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Other Area on Land, then the Licensee shall ensure that the vehicle is parked only:
- (i) If permitted as part of a Special Event, at such times and places as set out in the permit for the Special Event; and
 - (ii) If not permitted as part of a Special Event, then only:
 - a. as authorized under the Zoning By-law,
 - b. more than 22.86 metres (75 feet) from any corner of any intersection (measured as indicated on the attached Appendix 1 of Schedule 6),
 - c. more than 15.24 metres (50 feet) from the nearest edge of the Roadway (measured as indicated on the attached Appendix 1 of Schedule 6),
 - d. not on any Land where, due to the area occupied by the vehicle, the minimum parking space requirement for said Land is not in compliance with the Zoning By-law,
 - e. with the written approval of the owner of the Land, and
 - f. for up to 8 hours per day.
- IV. Section 8 of Schedule 6 of the by-law is amended by changing "Sections 4(c) and 5(c) of this Schedule" to "the provisions of this Schedule prohibiting operation in the Central Business District" in the third line.
- V. Appendix 2 of Schedule 6, as attached hereto, is added to the by-law.

REFRESHMENT VEHICLE

6. Every Licensee of a Food Vehicle that is a Refreshment Vehicle shall ensure that the Refreshment Vehicle does not provide Goods or Services while such Vehicle is on any Highway.
7. Every Licensee of a Food Vehicle that is a Refreshment Vehicle shall ensure that:
- (a) only pre-packaged food items are Provided for sale or sold from the Refreshment Vehicle and that no food is prepared therein except hot beverages and that no food item is Provided for sale or sold from the Refreshment Vehicle;
 - (i) at any location other than industrial or commercial establishments or to workers on a construction site;
 - (ii) to the general public; and
 - (iii) unless such food is pre-packaged in individual servings and the date of preparation of said food item is clearly displayed on the package of the food item; and,
 - (b) the said Refreshment Vehicle does not remain in any particular location, providing Service to customers, for more than 30 minutes.

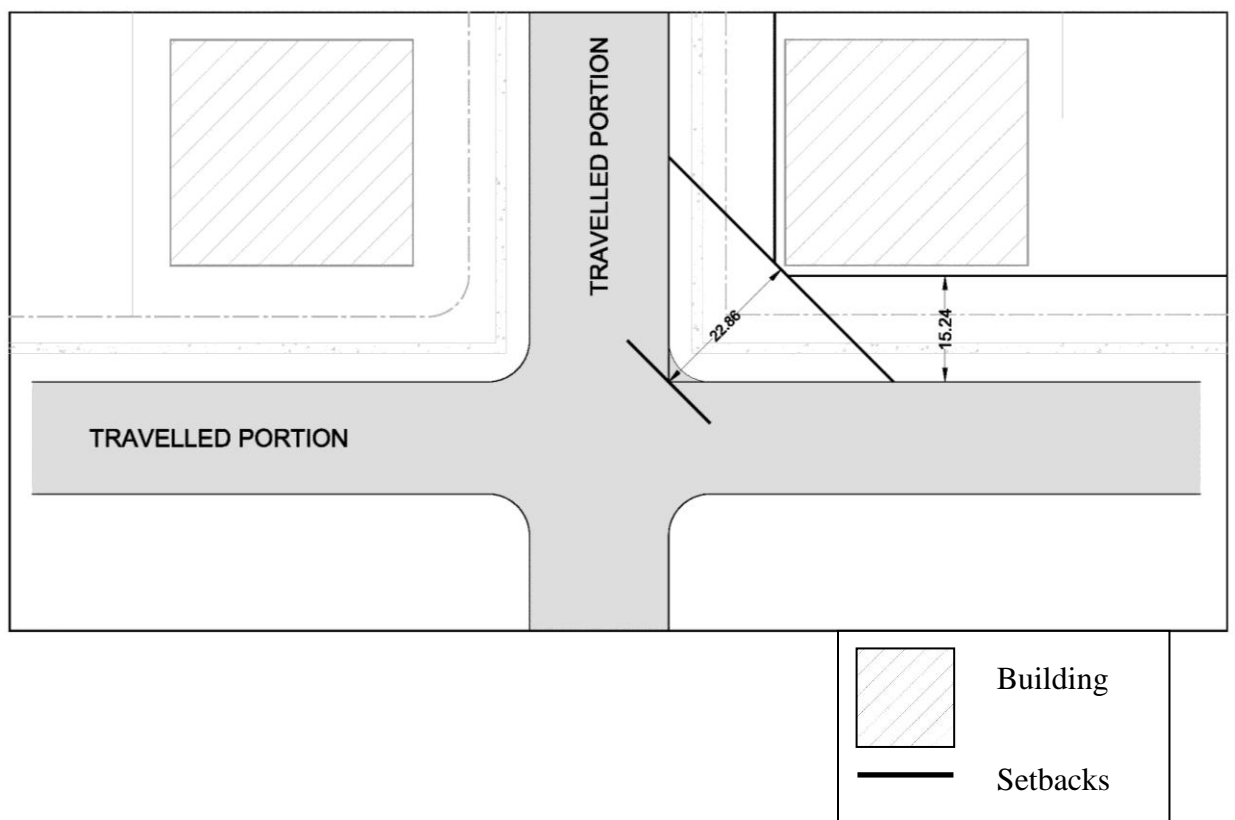
EXEMPTIONS

8. A Licensee of a Food Vehicle who has been authorized by Council to operate in the Central Business District in conjunction with a special event shall be exempt from the requirements of Sections 4(c) and 5(c) of this Schedule for the period of time that Council has authorized such Licensee to operate in

the Central Business District, but shall be required to comply with all other requirements of this By-law.

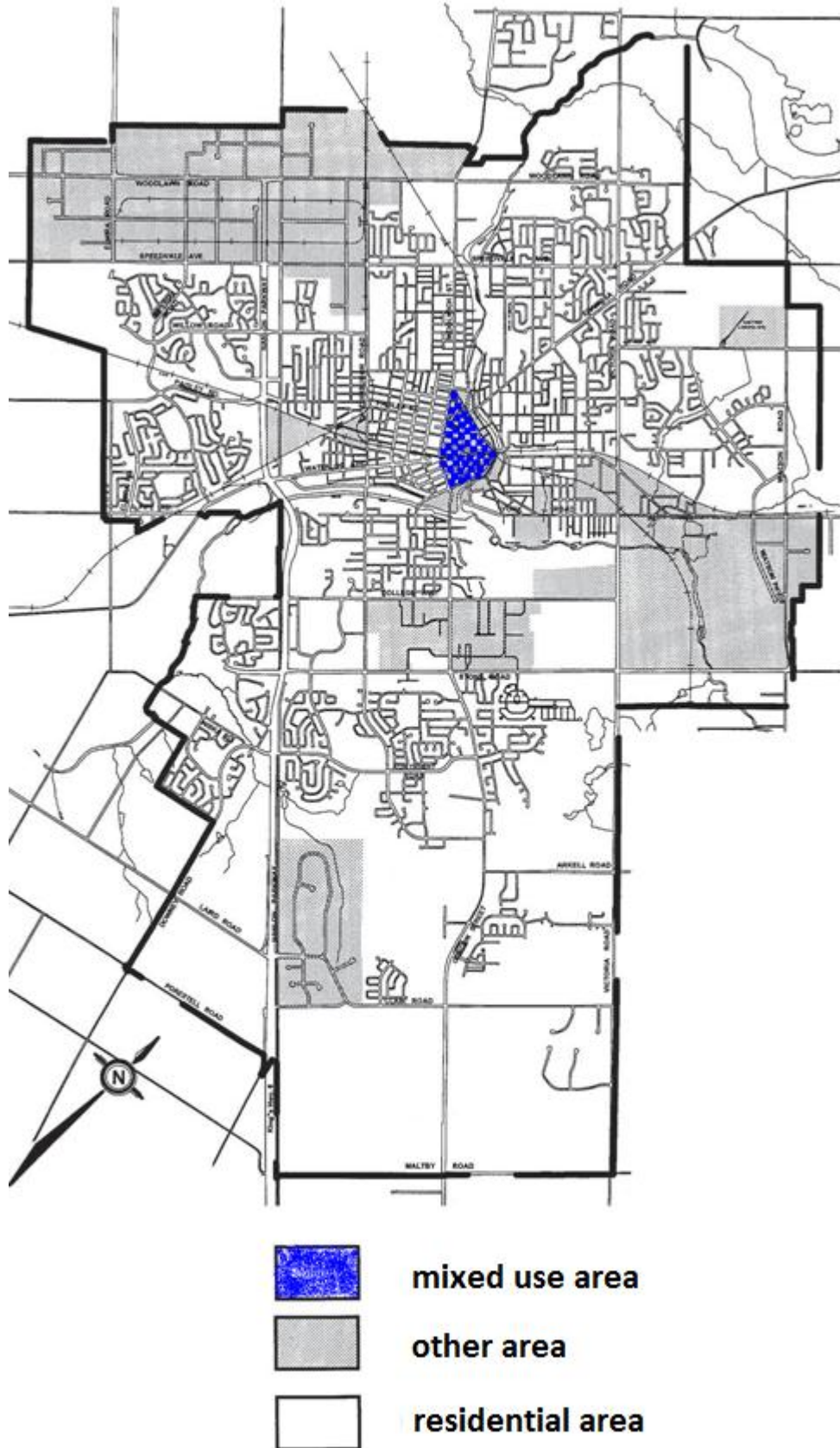
**Appendix 1 of Schedule 6
to City of Guelph By-law Number (2009)-18855**

**MEASUREMENT OF DISTANCE FROM TRAVELLED
PORTION OF ROADWAY ALLOWANCE**



**Appendix 2 of Schedule 6
to City of Guelph By-law Number (2009)-18855 -
[Amended by By-law (2015)-19940]**

Areas within the City



[Amended by By-law (2015)-19940]

Paragraph in the Schedule	Type of vehicle	Area of the City	Parking Spot (Highway vs. Land)
5(f)	Mobile Food Preparation Vehicle other than an Ice Cream Truck	Mixed Use Area	Highway
(g)	Mobile Food Preparation Vehicle other than an Ice Cream Truck	Mixed Use Area	Land
(h)	Mobile Food Preparation Vehicle other than an Ice Cream Truck	Residential Area	Highway
(i)	Mobile Food Preparation Vehicle other than an Ice Cream Truck	Residential Area	Land
(j)	Mobile Food Preparation Vehicle other than an Ice Cream Truck	Other Area	Highway
(k)	Mobile Food Preparation Vehicle other than an Ice Cream Truck	Other Area	Land
(l)	Ice Cream Truck	Mixed Use Area	Highway
(m)	Ice Cream Truck	Mixed Use Area	Land
(n)	Ice Cream Truck	Residential Area	Highway
(o)	Ice Cream Truck	Residential Area	Land
(p)	Ice Cream Truck	Other Area	Highway
(q)	Ice Cream Truck	Other Area	Land