



THE CORPORATION OF THE TOWN OF WHITBY
CLERK'S DIVISION

575 Rossland Road East
Whitby, Ontario L1N 2M8
Phone: (905) 668-5803
Fax: (905) 686-7005

REFRESHMENT VEHICLE INFORMATION

PLEASE READ THE ATTACHED SCHEDULE "10" TO BY-LAW 5545-04

1. General Inquiry: 905-430-4315 – Clerk's Division
2. Refreshment Vehicle Licence Fees: (CASH or INTERAC only)

Mobile Canteen	\$120.00
Refreshment Cart	\$120.00
Refreshment Truck	\$120.00
Refreshment Cycle	\$80.00
3. The Town of Whitby does **NOT** accept trailers.
4. To ensure the site location of the refreshment truck and/or cart is zoned for this use, please contact the Planning Department at (905) 430-4306.
5. The following documents **MUST** be returned with the application:
 - a. Letter from the Medical Officer of Health approving the vehicle for use as a refreshment vehicle.
 - b. Photograph of the refreshment vehicle.
 - c. Written permission from the owner of the property where vehicle is to be located.
 - d. Sketch of the location, drawn to scale, showing the proposed location.
 - e. Proof of one million dollar insurance policy on motorized vehicles.
Proof of fifty thousand dollar insurance policy on non-motorized vehicles.
 - f. If fitted with propane or natural gas, a current certification letter from an authorized gas fitter.
 - g. If vehicle is a motor vehicle: Vehicle registration, Current provincial vehicle permit, Current safety standards certificate.
6. A refreshment vehicle licence is valid for one year.



THE CORPORATION OF THE TOWN OF WHITBY
CLERK'S DIVISION

575 Rossland Road East
Whitby, Ontario L1N 2M8
Phone: (905) 668-5803
Fax: (905) 686-7005

REFRESHMENT VEHICLE
APPLICATION FORM

New Licence <input type="checkbox"/>	Renewal <input type="checkbox"/>	Type of Licence: REFRESHMENT VEHICLE
--------------------------------------	----------------------------------	---

The following MUST be FULLY COMPLETED in order to process the licence(s) applied for and returned to the above office along with the applicable fees.

NAME OF BUSINESS: _____

Business Address: _____
Street

City _____ Postal Code _____

Phone Number: _____

NAME OF APPLICANT: _____

Address: _____
Street

City _____ Postal Code _____

Phone Number: _____

Date of Birth: _____
(month/day/year)

Applicant's Driver's
Licence Number: _____

Name of Owner/ Partner
Other than Applicant: _____
Name

Address and Postal Code _____ Phone Number _____

COMPANY NAME: _____

OWNER OF PROPERTY
WHERE REFRESHMENT
VEHICLE IS TO BE
LOCATED: _____
Name

Address and Postal Code _____

Phone Number: _____

Is this a change of Ownership/Continuation of an Existing Business? Yes No

FEE: \$	Receipt No.:	Licence No.:
---------	--------------	--------------

Personal information on this form is collected under the authority of the Municipal Act, 2001, c. 25, and will be used to determine compliance with the provisions of the Town's Licensing By-Law. This information may be forwarded to various Town Departments and the Region of Durham for comment. Questions about this collection should be directed to the Town Clerk, 575 Rossland Road East, Whitby, Ontario, L1N 2M8, 905 430-4315.

The undersigned hereby applies for a licence as described, and agrees to comply with all municipal by-laws and regulations and all other application requirements. The applicant hereby acknowledges that the Town of Whitby, in processing the application, may make such inquiry and searches as it deems appropriate and the applicant hereby authorizes the release of all police and other records and information at this or at anytime by any person to Town Council, provided such information is received and discussed "in camera" and otherwise remains confidential, unless the applicant requests otherwise in writing. The applicant understands that if requested by the Chief of Police, records and information will remain confidential.

In consideration of the issuance of the licence which is the subject matter of this application, the undersigned (joint and severally, if more than one) covenants and agrees to indemnify and save harmless the Town, its officers, employees, servants, agents, contractors and assigns, with respect to any and all actions, causes of action, claims, demands, proceedings, cost damages and expenses howsoever arising either directly or indirectly for the issuance of such licence and the carrying on of the business, project or other activity for which the licence is issued.

In the matter of Licensing by-law No. 5545-04 and amendments thereto, for regulating the issuance, renewal and approval of licences in the Town of Whitby, in the Regional Municipality of Durham:

I, _____, of the _____
(City/Town)

Do solemnly declare that:

1. I am the _____ of the applicant firm
(insert position i.e. president, partner, secretary etc.)
in this application and, as such, have knowledge of the facts heretofore set forth;
2. The statements contained in this application are, from my own knowledge, true;
3. This application discloses all facts known to me that are relevant thereto;

And I made this solemn declaration consciously believing it to be true, and knowing that it is of the same force and effect as is made under oath and by virtue of "The Canadian Evidence Act".

Declared before me at the **Town of Whitby**)
in the **Region of Durham**)
on the _____ day of _____)
a Commissioner _____) Signature of Applicant

(Witness by a Commissioner required for new applicants only, not for licence renewals)

FOR HEALTH DEPARTMENT USE ONLY	
Does this application comply with all the By-laws and regulations within the jurisdiction of your department?	
Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
Date:	Signed:
Comments:	

**REFRESHMENT VEHICLE LICENCE
VEHICULAR INFORMATION**

NAME OF APPLICANT: _____

COMPANY NAME: _____

Address: _____

Street

City

Postal Code

Phone Number: _____

**NAME OF INSURANCE
COMPANY OR AGENT:** _____

Address: _____

Street

City

Postal Code

Phone Number: _____

Policy Number: _____

DESCRIPTION OF VEHICLE(S)

1. Make _____ Year _____ Model _____

Vehicle Licence Plate No. _____ Colour _____

Serial Number _____

2. Make _____ Year _____ Model _____

Vehicle Licence Plate No. _____ Colour _____

Serial Number _____

3. Make _____ Year _____ Model _____

Vehicle Licence Plate No. _____ Colour _____

Serial Number _____

4. Make _____ Year _____ Model _____

Vehicle Licence Plate No. _____ Colour _____

Serial Number _____

**SCHEDULE “10”
TO
BY-LAW NO. 5545-04**

RELATING TO REFRESHMENT VEHICLES

WHEREAS, the Council of the Corporation of the Town of Whitby considers it desirable to license and impose conditions on refreshment vehicles for the purposes of health and safety, nuisance control and consumer protection;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

1. No person shall operate a vehicle as a refreshment vehicle within the corporate limits of the Town of Whitby without first obtaining a refreshment vehicle licence from the Town to do so.
2. A separate refreshment vehicle licence shall be required for each vehicle operated as a refreshment vehicle and the plate issued by the Town in respect of such licence shall be securely affixed to the outside front of the vehicle.
3. No vehicle other than a refreshment cart, a refreshment cycle, a refreshment truck, or a mobile canteen shall be licensed by the Town as a refreshment vehicle.
4. The Town shall have the right to deny an application for a refreshment vehicle licence where, in the Town’s sole discretion, the vehicle type, appearance, or location is inappropriate, unsuitable, unacceptable or unsafe.
5. Every application for a refreshment vehicle licence shall be accompanied by,
 - (a.) payment of the prescribed licence fee as set out in Schedule “1” to this by-law;
 - (b.) a letter from the Medical Officer of Health approving the vehicle for use as a refreshment vehicle;
 - (c.) a photograph of the refreshment vehicle;
 - (d.) if the vehicle is a motor vehicle,
 - (i.) a copy of the motor vehicle registration;
 - (ii.) proof of the vehicle bears a current provincial motor vehicle permit;
 - (iii.) a safety standards certificate issued by a provincially authorized motor vehicle inspection mechanic not more than thirty (30) days prior to the submission of the licence application certifying that the vehicle to which the licence application relates complies in all respects with the applicable equipment and performance standards set out in the regulations made under the Highway Traffic Act, R.S.O. 1990, c. H.18, as amended, or any successor legislation in substitution therefore; and,
 - (iv.) proof that the vehicle in respect of which the application is made is covered by a policy of insurance, insuring in at least the minimum amount of one million dollars (\$1,000,000.00), 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 and endorsed to the effect that the Town shall be given at least ten (10) days notice in writing of any cancellation, expiration or variation in the amount of the policy;
 - (e.) if the vehicle is not a motor vehicle, proof that the vehicle in respect of which the application is made is covered by a policy of insurance insuring in at least the minimum amount of fifty thousand dollars (\$50,000.00), 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 and endorsed to the effect that the Town shall be given at least ten (10) days notice in writing of any cancellation, expiration or variation in the amount of the policy;
 - (f.) if the vehicle is fitted with propane or natural gas, a current certificate issued within thirty (30) days of the licence application by a provincially authorized propane or natural gas fitter, as the case may be, certifying that the vehicle to which the licence application relates complies with the applicable equipment and performance standards as prescribed by the Province of Ontario;

- (g.) where applicable, written permission of the owner or property manager of the property upon which the vehicle is to be located and operated;
 - (h.) in the case of the refreshment vehicle being located and operated within thirty (30) metres of an eating establishment, the written approval of the owner of the eating establishment, such minimum separation distance to be measured the shortest distance between the refreshment vehicle and the eating establishment; and,
 - (i.) if the application is in respect of a refreshment cart or a refreshment truck, a location sketch of the property on which the refreshment vehicle is to be located, drawn to scale, showing the proposed location of the refreshment vehicle in relation to all structures on the property, property lines, parking spaces and driveway entrances and exits.
6. No person shall locate or operate a refreshment vehicle on the travelled portion of a public highway which for the purposes of this Schedule shall mean the portion of the highway maintained for the passage of motor vehicles but shall not include the sidewalk or boulevard adjacent to the highway.
 7. No person shall locate or operate a refreshment vehicle, other than a refreshment cycle, on a sidewalk or boulevard adjacent to a public highway.
 8. No person shall locate or operate a refreshment vehicle within thirty (30) metres of another refreshment vehicle, such minimum separation distance to be measured the shortest distance between the two vehicles.
 9. No person shall locate or operate a refreshment vehicle so that it creates any deficiencies in the Town's parking requirements as established by the relevant restricted area (zoning) by-laws in effect from time to time in the Town.
 10. No person shall locate or operate a refreshment vehicle in a public park or other public place unless he/she has received a permit for the Town to do so and has complied in all other respects with the provisions of this Schedule.
 11. No person shall locate or operate a refreshment vehicle, other than a refreshment cycle or a mobile canteen, in any zone classification that does not permit the retail sale of goods as established by the relevant restricted area (zoning) by-laws in effect from time to time in the Town it being understood that nothing in this Section shall serve to prevent the operation of a refreshment vehicle in a public park or other public place with the Town's written consent.
 12. No person shall locate or operate a refreshment vehicle, other than a refreshment cycle or mobile canteen, closer than thirty (30) metres to any residential zone classification as established by the relevant restricted area (zoning) by-laws in effect from time to time in the Town, such minimum separation distance to be measured the shortest distance between the refreshment vehicle and the residential zone boundary.
 13. No person shall sell or permit the selling of food from a mobile canteen, a refreshment cart or a refreshment truck without making available to the public a receptacle for the disposal of refuse.
 14. No person shall sell or permit the selling of food from a refreshment vehicle unless,
 - (a.) the food is prepared, assembled, wrapped and sold in accordance with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended, and regulations made thereunder and any successor legislation in substitution thereof; and,
 - (b.) the persons engaged in the handling and selling of food comply with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended, and regulations made thereunder and any successor legislation in substitution thereof.
 15. Every owner of a mobile canteen or a refreshment truck shall furnish the vehicle with either a wet chemical or alkali based dry chemical fire extinguisher having a minimum rating of 20 BC and shall maintain the fire extinguisher in accordance with the Ontario Fire Code as may be amended from time to time and any successor legislation in substitution thereof.
 16. The provisions of Clauses 5(h) and 5(i) and Sections 6, 7, 8, 9, 10, 11 and 12 of this Schedule shall not apply to a special event in respect of which an exhibition licence has been issued by the Town.
 17. Every owner and operator of a refreshment vehicle shall, upon reasonable notice, produce the vehicle for inspection by the Town.