

“Effective Date Declaration Attached”

The Corporation of the Town of Ajax
By-Law Number 47-2025

A By-law for the licensing, regulating and governing Refreshment Vehicles

Whereas the Municipal Act, 2001, as amended, authorizes a Municipal Council to pass by-laws for licensing, regulating, governing, classifying and inspecting any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

Now therefore the Council of The Corporation of the Town of Ajax enacts as follows:

1. Short Title

1.1 This By-law may be cited as the Refreshment Vehicle By-law

2. Definitions

2.1 In this By-law:

- (a) “Committee” means the Committee of Council to which Council has delegated the responsibility of handling licensing matters;
- (b) “Council” means the Council of the Town;
- (c) “gas certificate” means a certificate issued by a Provincially authorized propane fitter, certifying that a Refreshment Vehicle complies with the applicable equipment and performance standards for propane as prescribed by the Province of Ontario;
- (d) “Highway” has the same meaning as in the Highway Traffic Act, R.S.O. 1990, c. H. 8;
- (e) “ice cream cart” means a Refreshment Vehicle which is propelled by muscular power and from which ice cream, frozen milk, frozen yogurt and frozen water products are sold;
- (f) “licence” means a licence as issued under the provisions of this By-law;
- (g) “Inspection Certificate” means a certificate issued by a Provincially authorized motor vehicle inspection mechanic in the Province of Ontario;
- (h) “Licensing Officer” means a person appointed by the Town to issue Licences, and includes a Municipal Law Enforcement Officer;
- (i) “Municipal Law Enforcement Officer” means a municipal law enforcement officer appointed by the Town to enforce the By-laws of the Town;
- (j) “Officer” means a Municipal Law Enforcement Officer or a Police Officer;
- (k) “Number Plate” means an identification plate that is issued along with the Licence;
- (l) “Operate” means the selling or offering for sale of refreshments from a Refreshment Vehicle for consumption by the public;
- (m) “Operator” means a person who operates a Refreshment Vehicle;
- (n) “Owner” means a person who owns or leases a Refreshment Vehicle;
- (o) “Parkland” means all land used by the Town for public park purposes including all facilities thereon;

- (p) “person” includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, and a body corporate;
- (q) “Refreshment Vehicle” includes a motor vehicle, trailer or cart, propelled or driven by any kind of power, including muscular power which is used for the storage, preparation or sale of food or drink intended for consumption by the public;
- (r) “Residential Lot Line” means a boundary of a parcel of land located in a Residential Zone pursuant to the Zoning By-law of the Town;
- (s) “Town” means The Corporation of the Town of Ajax.

3. General Provisions

- 3.1 No Owner shall directly or indirectly operate a Refreshment Vehicle without first having obtained a licence.
- 3.2 No person shall Operate a Refreshment Vehicle without first obtaining a licence.
- 3.3 A person who receives a licence shall comply with this By-law and all conditions imposed by the Town in the licence.
- 3.4 No Owner or Operator of a Refreshment Vehicle shall permit the Refreshment Vehicle to operate except pursuant to the following conditions:
 - (a) The Owner provides and maintains Insurance pursuant to Section 4.1 of this By-law;
 - (b) An Operator is clean while serving the public from the Refreshment Vehicle;
 - (c) The Refreshment Vehicle is clean, sanitary, in good repair and sufficiently constructed so as to protect against contamination of food;
 - (d) The Refreshment Vehicle is equipped with a 5lb A.B.C. fire extinguisher where the Refreshment Vehicle is equipped to use fuel or electricity;
 - (e) The Refreshment Vehicle is equipped with a refuse container for solid waste which is available to the public, and is equipped with a lid, maintained in a clean and sanitary condition and emptied when full or at least once daily;
 - (f) A Refreshment Vehicle located on private property shall not be closer than 60 metres to a Residential Lot Line;
 - (g) The Refreshment Vehicle Owner and Operator shall comply at all times with all relevant Parking, Traffic and Zoning regulations and all applicable motor vehicle, safety, health and sanitary regulations applicable either to a Refreshment Vehicle or the food or goods sold;
 - (h) An Operator shall not Operate a Refreshment Vehicle on any Parkland without express written consent from the Town;
 - (i) An Operator of a Refreshment Vehicle shall move the vehicle immediately, when instructed to do so by an Officer;
 - (j) No Operator shall Operate a Refreshment Vehicle at a location other than that authorized on the licence;
 - (k) An Operator shall prominently display the Number Plate on the exterior of the Refreshment Vehicle at the rear;
 - (l) An Operator shall produce the licence for inspection when requested to do so by an Officer;

- (m) An Operator shall not obstruct an Officer inspecting any food, goods or documents at any reasonable time;
- (n) No Operator of a Refreshment Vehicle shall activate bells, horns or music at a volume or for a duration that disturbs a resident of the Town;
- (o) No Operator of an ice cream truck or ice cream cart shall permit the Operation of the Refreshment Vehicle between 10:00 p.m. and 10:00 a.m. the following day;

4. Insurance

- 4.1 For the purposes of consumer protection in the event of personal injury and/or property damage every person who holds a licence shall:
 - (a) Provide and maintain Commercial General Liability insurance, by a licenced insurer within the Province of Ontario, subject to limits not less than \$2,000,000.00 inclusive per occurrence for bodily injury, death, and damage to property including loss of use thereof arising from such activity;
 - (b) Ensure that the insurance be in the name of the Owner and shall name the Town as an additional insured thereunder;
 - (c) Provide a Certificate of Insurance listing the requirements as set out in (a) and (b) above which insurance shall remain in effect for the term of the licence and shall not be cancellable except on thirty days prior notice to the Town; and
 - (d) Indemnify and save harmless the Town for all losses, costs, damages, charges and expenses whatsoever that may be incurred, sustained or paid by the Town resulting from the negligent acts or omissions in the performance of the Owner's obligations under this By-law.

5. Nature of Licence

- 5.1 No person shall enjoy a vested right in the continuance of a licence and the value of a licence shall be the property of the Town and shall remain so irrespective of the issue, renewal or revocation thereof.
- 5.2 The licence required by this By-law shall, unless it is expressed for a longer or shorter time, be for the period up to and including the 31st day of December in the year of issuance, unless it is sooner forfeited or revoked.
- 5.3 No licence shall be transferred or assigned and if an Owner or Operator leases or otherwise disposes of his interest in the business carried on as a Refreshment Vehicle, their licence in respect to such activity shall, notwithstanding any other provision of this By-law, be revoked.
- 5.4 A duplicate licence may be issued by the Licensing Officer to replace any licence previously issued which has been lost, stolen or destroyed, upon written application by the licensee and payment of the fee as stated in the Town's Fees and Charges By-law.
- 5.5 Any licence that has not been renewed as of December 31st in the year of issuance or renewal shall expire on January 1st in the year following its issuance or renewal.

6. Application Procedure

- 6.1 Every applicant shall appear in person before a Licensing Officer and shall complete such application forms as may be provided from time to time by the Licensing Officer in accordance with the requirements of this By-law and shall provide all information requested thereon.

- 6.2 The applicant for a licence shall submit the following with an application:
- (a) Proof of valid insurance pursuant to the requirements of this By-law;
 - (b) Proof of a valid Dine Safe Certificate issued by the Durham Region Health Department;
 - (c) Where the Refreshment Vehicle is equipped to use fuel or electricity, proof that the Refreshment Vehicle is equipped with a fire extinguisher as required by this By-law;
 - (d) Proof of permission from the property owner where the Refreshment Vehicle is to Operate on private property;
 - (e) Proof of a valid Ontario Driver's Licence, if required;
 - (f) Where the Refreshment Vehicle is equipped with a propane appliance, a gas certificate issued within the 90 day period immediately preceding the date on which the application is submitted that satisfies the Licensing Officer;
 - (g) Where the Refreshment Vehicle is a Motor Vehicle and used to go place to place:
 - (i) a copy of the current vehicle registration; and
 - (ii) a valid Inspection Certificate is submitted that satisfies the Licensing Officer that the Refreshment Vehicle complies with the Highway Traffic Act;
- 6.3 In the case of a Refreshment Vehicle that is owned by a partnership, such appearance shall be made by one of the partners, provided the application shall be signed by all of the partners, and in the case of a Refreshment Vehicle owned by a corporation, such appearance shall be made by an officer of the corporation and not by an agent thereof.
- 6.4 Without limiting the generality of any other provision in this Bylaw, persons associated in a partnership applying for a licence shall file with their application a statutory declaration, in writing, signed by all members of the partnership, which declaration will state:
- (a) The full name of every partner and the address of his ordinary residence;
 - (b) The name or names under which it carries on or intends to carry on business;
 - (c) That the persons therein named are the only members of the partnership;
 - (d) The mailing address of the partnership;
 - (e) The date the statutory declaration was entered into by each member; and
 - (f) The statutory declaration shall be dated within 30 days of the application.
- 6.5 Without limiting the generality of any other provision in this By-law, every corporation applying for a licence or every corporation that is a partner in a partnership applying for a licence shall file with the Licensing Officer, at the time of making its application, a copy of its articles of incorporation or other incorporating documents and shall file a statutory declaration, in writing signed by an officer of the corporation, which declaration shall state:
- (a) The full name of every shareholder and director and the address of his or her ordinary residence;

- (b) The name or names under which it carries on or intends to carry on business;
- (c) That the Persons therein named are the only shareholders of the corporation;
- (d) The mailing address for the corporation; and
- (e) The statutory declaration shall be dated within 30 days of the application.

7. Issuance, Suspension and Revocation of Licence

Issuance

7.1 The Licensing Officer shall:

- (a) Receive and process all applications for licences and renewal of licences;
- (b) Co-ordinate the enforcement of this By-law;
- (c) Generally perform all the administrative functions conferred upon him by this Bylaw;
- (d) Make or cause to be made all investigations and inspections which he deems necessary to determine whether an applicant meets the requirements of this By-law and all applicable laws;
- (e) Issue licences to persons who meet the requirements of this By-law, and revoke licences pursuant to the requirements of this By-law;
- (f) Where a licence has been issued pursuant to this By-law and otherwise remains in full force and effect, renew the licences of persons who meet the requirements of this By-law;

7.2 The Licensing Officer shall issue or renew the licence only where:

- (a) All the information which the applicant is required to provide under this By-law has been provided and verified;
- (b) All the documents which the applicant is required to provide under this By-law have been provided;
- (c) The licence fee is paid;
- (d) The investigations do not disclose that the issuing of such licence may be adverse to the public interest;
- (e) The Licensing Officer has no grounds to believe the applicant will not conduct himself in accordance with the law or with honesty and integrity.

7.3 Where the Licensing Officer determines that a licence should not be issued as a result of any matter in section 7.2 of this By-law, he shall notify the applicant.

7.4 Where an applicant advises the Licensing Officer in writing, and within fourteen days of the notification in section 7.3, that he disputes the determination made by the Licensing Officer under section 7.3 of this By-law or submits that the licence applied for should be issued despite that determination, the matter shall be referred forthwith by the Licensing Officer to the Committee which shall hear representations from the Licensing Officer and the applicant.

7.5 The Committee may authorize the Licensing Officer to issue the licence where it concludes that the determination in section 7.3 of this By-law is not sufficient to justify refusing to issue the licence.

- 7.6 Where the Committee determines that a licence should not be issued, the Licensing Officer shall advise the applicant of such determination.

Suspension/Revocation

- 7.7 The Licensing Officer shall notify a licensee, that the licence shall be suspended or revoked, when:
- (a) The Licensing Officer has cause to believe, on reasonable grounds, that the licensee will not carry on or engage in the business in accordance with the law or with honest and integrity;
 - (b) The licensee has been convicted of an offence which is a contravention of this By-law;
 - (c) The Licensing Officer has cause to believe that the licensee has failed to engage in business in accordance with the conditions imposed upon the licence.
- 7.8 Where a licensee advises the Licensing Officer, in writing within thirty days that he disputes the suspension or revocation of the licence, the matter shall be referred forthwith to the Committee which shall hear representations from the licensee and either confirm the suspension or revocation of the licence or reinstate it as it sees fit.
- 7.9 The Licensing Officer shall advise the licensee of the Committee's determination.
- 7.10 Where the licensee does not dispute the suspension or revocation of the licence, within thirty days of the notification referred to in section 7.7, the Licensing Officer shall forthwith suspend or revoke the licence.

Suspension Without Hearing

- 7.11 The Licensing Officer may suspend a licence for a period not to exceed fourteen days, without a hearing, providing the Licensing Officer :
- (a) Is satisfied that the continuation of the business poses an immediate danger to the health and safety of any person or property; and
 - (b) Has notified the licensee, either orally or in writing, prior to the suspension of the licence, with the reasons for the suspension and provided the licensee with an opportunity to respond.
- 7.12 When a licence has been suspended in accordance with Section 7.11, the matter shall be referred forthwith, by the Licensing Officer, to the Committee, which shall hear representations from the licensee.
- 7.13 The Committee may:
- (a) Reinstate the licence, with or without special conditions;
 - (b) Suspend the licence for a specified period of time, and may impose conditions on the licence;
 - (c) Revoke the licence.

8. Change of Status

- 8.1 Where there is any change in any of the particulars relating to a person licenced under this By-law, which particulars are required to be filed with the Town upon applying for a licence, such person shall report the change, in writing, to the Licensing Officer within six days of the change.
- 8.2 Where there is to be a change in the composition or the controlling interest of a partnership licenced under this By-law, the persons Licenced hereunder in

partnership shall obtain the approval of the Licensing Officer to such change prior thereto. Where there has been any change in the controlling interest of the partnership by virtue of a number of transactions, the licence may be suspended despite the Licensing Officer's prior approval of any one or more such transactions.

- 8.3 Where there is to be a change in the composition or the controlling interest of the shareholders of a corporation licenced under this By-law, the corporation shall obtain the approval of the Licensing Officer to such change prior thereto. Where there has been any change in the controlling interest of the corporation by virtue of a number of transactions, the licence may be suspended, despite the Licensing Officer's prior approval of any one or more such transactions.

9. Administration and Enforcement

- 9.1 This By-law shall be enforced by a Licensing Officer or an Officer.
- 9.2 The annual fee for a licence shall be set out in the Town's Fees and Charges By-law.
- 9.3 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 the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.
- 9.4 Any person who contravenes the provisions of this By-law, including every person who fails to perform a duty imposed herein or who performs an act prohibited herein and every director or officer of the corporation is liable to an administrative monetary penalty and fees, pursuant to the Town's Administrative Monetary Penalty System By-law, for offences that are designated, or is guilty of an offence, for any contravention, and upon conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the Provincial Offences Act, R.S.O. 1990, c. P.33. No person that receives an administrative penalty shall be charged with an offence under the Provincial Offences Act, R.S.O. 1990 for the same contravention and offence date.
- 9.5 This by-law shall come into force and effect when the Town has completed all legislated requirements as identified in the Municipal Act, 2001, S.O. 2001, c. 25, and all regulations associated with an Administrative Monetary Penalty System and the Town's Deputy Chief Administrative Officer has designated a commencement date.
- 9.6 Upon the effective date of this By-law, By-law #129-2012 and any amending by-laws thereto, are hereby repealed, subject to section 9.7.
- 9.7 By-laws #129-2012 and any amending by-laws thereto shall apply and will continue to apply to any enforcement proceedings which had been initiated prior to this By-law coming into force and then only until such enforcement proceedings have been concluded.

Read a first and second time
this Twentieth day of May 2025.

Read a third time and passed
this Twentieth day of May 2025.

Shaun Collier
Mayor and CEO,

Jaclyn Grossi
Clerk



Corporate Services

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Jaclyn Grossi
Municipal Clerk
Corporate Services
Town of Ajax

July 14, 2025

By-law Effective Date Commencement

Pursuant to the effective date sections contained within the following By-laws, adopted by Council of the Corporation of The Town of Ajax, I, Nicole Cooper, Deputy Chief Administrative Officer for the Town of Ajax, do hereby declare the effective date of these By-laws to be July 28th, 2025:

- By-law # 31-2025 Administrative Monetary By-law
- By-law # 38-2025 Clean and Clear By-law
- By-law # 39-2025 Clean Community By-law
- By-law # 40-2025 Dog and Cat By-law
- By-law # 41-2025 Election Sign By-law
- By-law # 42-2025 Fence By-law
- By-law # 43-3025 Fireworks By-law
- By-law # 44-2025 Noise By-law
- By-law # 45-2025 Parks By-law
- By-law # 46-2025 Public Nuisance and Safety By-law
- By-law # 47-2025 Refreshment Vehicle By-law
- By-law # 48-2025 Road Occupancy By-law
- By-law # 49-2025 Temporary Sign By-law

A certified copy of this declaration shall be attached to each of these By-laws within the Town's records, for perpetuity.

Nicole Cooper
Deputy Chief Administrative Officer
Town of Ajax