Application for a Business Licence - Refreshment Vehicle

200 King St W - 2nd Floor, Kitchener, Ontario N2G 4G7
licensing@kitchener.ca      P: 519-741-2200-2275 F: 519-741-2705
www.kitchener.ca/businesslicensing

<table>
<thead>
<tr>
<th>Definition</th>
<th>&quot;Refreshment Vehicle&quot; means a vehicle selling Refreshment but shall not include a Food truck.</th>
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<tr>
<td></td>
<td><strong>Class &quot;A&quot;</strong> - is a stationary vehicle and licensed to operate at one specific location.</td>
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<tr>
<td></td>
<td><strong>Class &quot;B&quot;</strong> - is propelled by muscular power, from which pre-bottled beverages, or confection goods including, but not limited to, fruit, candy, ice cream, and popcorn are sold for human consumption.</td>
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<tr>
<td></td>
<td><strong>Class &quot;C&quot;</strong> - is a motorized vehicle that is moved from place to place and that offers for sale only pre-packaged foods, pre-bottled beverages, or ice confectioneries for human consumption, and may include food warming equipment.</td>
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**Business Information**

Date of Application: ___________________ Opening Date for Business: ____________
Business/Operating Name: ___________________
Business Address: ___________________
Business Email: ___________________ Phone #: ___________________

**Ownership Information**

(Circle one) Sole  Partnership  Incorporated (Corp #) ___________________
Name(s)/Partner(s) Name: ___________________
Address: ___________________
Mailing Address (if different than above): ___________________
Email: ___________________ Phone #: ___________________

**Applicant Information (IF SAME AS ABOVE, CHECK THE BOX)**

Name: ___________________
Address: ___________________
Mailing Address (if different than above): ___________________
Email: ___________________ Phone #: ___________________

**CONTACT INFORMATION: (Contact will be used in Emergency situations and/or for inspections)**

Check the Box, if same as Owner  ☐ or Same as Applicant  ☐
Contact Name: ___________________
Phone Number: ___________________ Email: ___________________
Preferred method of license delivery: (circle)  Mail  Email  Pick up
### Every Refreshment Vehicle shall: (initial each box)

- Only operate on private property other than during Special Events.
- Have the Licence available in the Refreshment Vehicle and shall provide to any customer or Officer upon request.
- Affix the Municipal Plate provided by the City to the Refreshment Vehicle.
- Maintain the Refreshment Vehicle in good repair and appearance.
- If applicable, ensure the body, doors, and windows of the Refreshment Vehicle is of sufficiently sound construction to provide reasonable protection against dust, dirt, flies, and other injurious matter.
- Ensure every Person selling or handling refreshment wears clean clothes, is clean and neat in appearance, and has clean hands.
- Have every vehicle operating under the same Business name licensed.
- Adhere to all location, equipment, and operational time requirements as listed in schedule 24.

### No Refreshment Vehicle shall: (initial each box)

- Operate at a Special Event without being invited by the event organizers.
- Operate at a Special Event without being listed as a vendor on the Licence and without first obtaining the applicable inspections.
- Use loud speakers, amplifiers, or other hailing devices from or in relation to a Refreshment Vehicle except as specifically permitted herein.
- Operate, permit to be operated, or sell refreshment from a Refreshment Vehicle upon any highway or part of a highway or in any public park or other public place, except as otherwise permitted under this By-law or by Council resolution.

### Refreshment Vehicle Licensee shall Provide the Manager of Licensing: (as requested/if applicable)

- Proof that the Refreshment Vehicle is licensed as a commercial vehicle pursuant to the Highway Traffic Act, R.S.O. 1990, c H.8. (Class "C")
- Proof of ownership (Class "A", "B", and "C")
- The Licence number and serial number of the Refreshment Vehicle and advise the of any changes to such information if the Refreshment Vehicle is replaced. (Class "A", "B", and "C")
- Provide proof of permission from the private property owner where the Refreshment Vehicle will be located. (Class "A" and "C")
- A photo of the Refreshment Vehicle including the licence plate
- Proof of Insurance - Certificate of Insurance (or equivalent with $2 million liability)
- See Attached Schedule 3 attached
Required Approvals: (City staff will contact to arrange inspections)

<table>
<thead>
<tr>
<th>Approval Type</th>
<th>Contact Phone</th>
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<tbody>
<tr>
<td>Planning Approval (Class &quot;A&quot;, Class &quot;B&quot;, Class &quot;C&quot;)</td>
<td>519-741-2426</td>
</tr>
<tr>
<td>Region of Waterloo Health Approval (Class &quot;A&quot;, Class &quot;B&quot;, Class &quot;C&quot;)</td>
<td>519-575-4400</td>
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<tr>
<td>Fire Approval (Class &quot;A&quot; only)</td>
<td>519-741-2495</td>
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Non-refundable Application Licence Fee:

<table>
<thead>
<tr>
<th>Class</th>
<th>Fee</th>
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<tbody>
<tr>
<td>&quot;A&quot;</td>
<td>$230</td>
</tr>
<tr>
<td>&quot;B&quot;</td>
<td>$168</td>
</tr>
<tr>
<td>&quot;C&quot;</td>
<td>$189</td>
</tr>
</tbody>
</table>

Licenses are non-transferable

Accepted Methods of Payment: Cash/Cheque/Debit

I certify that:

- I am the business owner and/or have been authorized by the business owner listed on this application to apply for the Business Licence;
- I agree to comply with all requirements under this Bylaw, and/or any conditions place on the licence;
- I am 18 years of age;
- I will confirm to and abide by any relevant City of Kitchener By-laws, and any other provincial or federal law or Act;
- I understand amendments to an issued licence may result in additional requirements and/or licence.
- I understand that the fees are non-refundable and cannot be prorated; and
- the statements contained in this application are true and accurate.

Applicant’s Name (Printed)  Applicant’s Signature  Date
Class A - Additional Information

A Class "A" licence shall be required for all stationary Refreshment Vehicles including, but not limited to, chip wagons and hot dog carts.

Every Class "A" Refreshment Vehicle Licensee shall:

a) be located at a minimum distance of 200 metres from any lot on which a Licensed Food Shop is located except during a Special Event; and
b) be located at a minimum distance of 400 metres from any lot on which any other Licensed Class "A" Refreshment Vehicle is located except during a Special Event.

Where a proposed location for a Class "A" Refreshment Vehicle location does not meet the separation distance requirement of this By-law, the Manager of Licensing shall refuse to issue the Class "A" Refreshment Vehicle Licence unless the Class "A" Refreshment Vehicle Licence was issued to the same Licensee for the same location in the past 12 months in which case the Manager of Licensing shall exempt the Licensee from this requirement.

Where the Manager of Licensing has refused to issue a Class "A" Refreshment Vehicle Licence only due to failure of the Applicant’s proposed location to meet the required separation distances and no Licence was held by the Applicant for the same location in the past 12 months, the Applicant may request in writing that the Manager of Licensing circulate the Applicant’s request for comments, and:

a. if no objections are received from the notified Licensees and all other by-law requirements are met, the Manager of Licensing may issue the Licence; and
b. if any objections are received from the notified Licensees, the Manager of Licensing shall refer the Application to Council or a Committee of Council for a final decision.

Class B - Additional Information

A Class "B" licence shall be required for all manually propelled Refreshment Vehicles including, but not limited to, ice cream carts.

Every Class "B" Refreshment Vehicle Licensee shall:

a) ensure that the operator the Refreshment Vehicle is physically capable of handling the vehicle under all conditions
b) equip each vehicle with a refuse container;
c) use only a soft-toned bell or chime on each vehicle; and
d) equip all drivers of the vehicle with bright and clean wearing apparel.
No Refreshment Vehicle Licensee of a Class "B" shall:

- a) permit the use of other than manually propelled vehicles;
- b) stop for longer than 10 minutes at any one serving location;
- c) stop or operate on a portion of any Highway signed as "No Parking", "No Stopping", or "Fire Route"; or
- d) operate a Class "B" vehicle:
  - i. on a highway other than in an area zoned residential;
  - ii. between the hours of 9:00 p.m. and 9:00 a.m.;
  - iii. on any portion of a highway adjacent to any public park, playground, or an athletic field, where refreshments are available;
  - iv. on private property without written consent;
  - v. within 30 metres of an intersection;
  - vi. within 90 metres of a property line of any land occupied by a public, separate, or private school between the hours of 9:00 a.m. and 4:30 p.m. on a school day; or
  - vii. within 90 metres of a property line of land occupied by a business that sells products similar to those sold or offered for sale from the Refreshment Vehicle to the public.

Class C - Additional Information

A Class "C" licence shall be required for all mobile Refreshment Vehicles including, but not limited to, canteen vehicles.

Every Class "C" Refreshment Vehicle Licensee shall:

- a) obtain permission from the private property owner where the Refreshment Vehicle will be located;
- b) not obstruct normal pedestrian or vehicular traffic; and
- c) not obscure clear visibility of approaching pedestrian or vehicular traffic.
SCHEDULE 3

INSURANCE

1. This schedule shall apply to any Applicant that is required to submit proof of insurance.

2. Upon submitting an Application, the Applicant shall execute the following indemnity to the satisfaction of the City:

   The Licensee both during and after the term of the Licence or renewed Licence, shall at all times, and at its own cost, expense, and risk, defend, indemnify and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and all respective heirs, administrators, executors, successors, and assigns from any and all losses, damages (including, but not limited to, incidental, indirect, special and consequential damages, or any loss of use, revenue or profit by any Person or Business), fines, penalties and surcharges, liabilities, judgments, claims, demands, causes of action, contracts, suits, actions or other proceedings of any kind and expenses which the indemnified City may suffer or incur, howsoever caused, provided such losses, damages, fines, penalties and surcharges, liabilities, judgments, claims, demands, cause of action, contracts, suits, actions or other proceedings of any kind and expenses as defined above are due or claimed to be due to the negligence, breach of contract, and/or breach of law of the Licensee.

3. The Applicant shall maintain liability insurance acceptable to the Manager of Licensing throughout the term of the Licence, if the Licence has been granted.

4. The liability insurance shall consist of a comprehensive policy of public liability and property damage insurance in an amount of not less than $2,000,000.00 per occurrence.

5. The liability insurance shall name The Corporation of the City of Kitchener as additional insured with a cross liability endorsement and severability of interest provision.

6. The Applicant shall submit a Certificate of Insurance evidencing the insurance and it shall state the coverage will not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days prior written notice by registered mail to the City.