

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 125-98

A By-law to regulate sales by retail on highways or on vacant lands adjacent to them.

WHEREAS Section 210 (73) of the Municipal Act RSO, 1990, c.M.45, as amended, authorizes municipalities to regulate vending in streets;

AND WHEREAS the Council of the Corporation of the City of Vaughan deems it appropriate to regulate sales by retail on highways or on vacant lands adjacent to them;

NOW THEREFORE, the Council of the City of Vaughan ENACTS AS FOLLOWS:

Definitions

1. In this By-law:
 - (a) "Dairy and related products" means milk or cream based products or artificial substances commonly associated therewith;
 - (b) "highway" means a street or highway being a Provincial Highway or under the jurisdiction of the Regional Municipality of York, the Municipality of Toronto, or assumed by the City or being constructed under an agreement with the City, and includes a parkway, lane, driveway, square, place, bridge, viaduct or trestle, designed and intended for or used by, the general public for the passage of vehicles and persons;
 - (c) "Licence" means a business licence issued by the Corporation of the City of Vaughan pursuant to the Municipal Act;
 - (d) "motor vehicle" includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power;
 - (e) "non-motorized vehicle" means a vehicle propelled or driven by muscular power;
 - (f) "Person" means an individual, association, firm, partnership or incorporated company;
 - (g) "Refreshments" means food or drink;
 - (h) "sell by retail" means a sale, including a sale by auction, of tangible personal property to a consumer or user for the purpose of consummation or use or of service to a user for the purpose of use and shall include the offering or displaying of such personal property or services for sale.
 - (i) "vacant lot" means a parcel of land that has no building or structure thereon.

PROHIBITED ACTIVITY

2. Subject to the provisions of Section 3, 4 and 5 hereof, no person shall sell by retail on any highway or on a vacant lot adjacent to a highway in the City of Vaughan.
3. Nothing herein shall prohibit the selling by retail of dairy and related products from a non-motorized vehicle provided a licence therefor has been obtained from the Corporation of the City of Vaughan.
4. Nothing herein shall prohibit the selling by retail of foodstuffs or refreshments from a motor vehicle, provided a licence therefor has been obtained from the Corporation of the City of Vaughan and such motor vehicle goes from place to place and does not remain in one place, while selling by retail, for a length of time in excess of 15 minutes.

5. Nothing herein shall prohibit a person from selling by retail, produce on their property, if the produce has been grown on his/her property, and if his/her property, from which the produce is to be sold is zoned for agricultural use.

OFFENCES AND PENALTIES

6. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine in accordance with the provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
7. By-law number 66-85 is hereby repealed.
8. This By-law comes into force and effect on the date of its passing and enactment.

READ a FIRST, SECOND and THIRD time and finally passed this 27th day of April, 1998.

L.D. Jackson, Mayor

J.D. Leach, City Clerk