

The Corporation of the City of Richmond Hill

By-Law 59-23

A By-Law to amend By-law 194-05 of the Corporation of the City of Richmond Hill for the licensing of refreshment vehicles, as amended, being Chapter 875 of the Municipal Code

Whereas pursuant to Section 150 of the Municipal Act, 2001 S.O. 2001, c. 25, Council of the Corporation of the City of Richmond Hill (the “City”) enacted By-law No. 194-05, being Chapter 875 of the Municipal Code, to regulate the operation of refreshment vehicles within the City (the “Refreshment Vehicle By-law”);

And Whereas on June 7th, 2023, Council of the City adopted the recommendations set out in Staff Report No. SRCS.23.16;

And Whereas an amendment to the Refreshment Vehicle By-law is required to implement the recommendations in Staff Report No. SRCS.23.16

Now Therefore The Council Of The Corporation Of The City Of Richmond Hill Enacts As Follows:

1. That the Refreshment Vehicle By-law No. 194-05 be amended as follows:

- a. By adding the following two definitions to Article 1 – Interpretation in alphanumeric order, renumbering the remaining definition appropriately:

“**Administrative Penalty By-law**” means the City’s By-law No. 69-16, as amended or superseded, establishing a system of administrative penalties;

“**Penalty Notice**” means a notice in relation to a contravention of this by-law issued pursuant to the Administrative Penalty By-law.

- b. **By amending the definition of By-Law Enforcement Officer in Article 1 as follows:**

“**By-law Enforcement Officer**” or Municipal By-law Enforcement Officer, means an individual appointed for the purpose of enforcing the provisions of this by-law or all of the by-laws of the City..

- c. Section 875.2.6 titled “Expiry – annually June 30 City-Led Events and Activities” shall be repealed and replaced by the following:

875.2.6 Expiry – annually June 30 – Events and City Property Exception

The licenses for the several trades, callings, businesses and occupations set out in this Chapter shall terminate on the 30th day of June in the year endorsed upon the license certificate, unless they are obtained solely for the purpose of operating on City property, in which case they will expire in accordance with the applicable City permission.

- d. Section 875.2.8 titled “Fee – license” shall be repealed and replaced by the following:

875.2.8 Fee – license – special event exception

Prior to obtaining a license under this Chapter, every applicant shall pay to the City the fee set forth in the City’s most recent by-law imposing fees and charges known as the Tariff of Fees By-law. Notwithstanding the foregoing, no license fee shall be payable for a license obtained pursuant to the requirements of this Chapter to operate on City property in accordance with a permission issued by the Commissioner of Community Services (or any successor position) or their designate.

- e. Section 875.10.6 titled “Service – restricted areas” shall be repealed and replaced by the following:

875.10.6 Service – restricted areas

The operation of a Refreshment Vehicle shall be restricted to locations within industrial, commercial or retail zones, or at temporary construction sites. Notwithstanding the foregoing, a Refreshment Vehicle may be operated on City property with approval of granted in the form of a permission from the Commissioner of Community Services (or any successor position) or their designate.

- f. The following sections be added Article 28:

**ARTICLE 28
Administrative Penalties**

875.28.2 Alternative to Charge

In lieu of laying a charge under the Provincial Offences Act for a breach of any provision of this By-law, a Municipal By-law Enforcement Officer may issue a Penalty Notice to the Person who has contravened this By-law in accordance with the service requirements of the City’s Administrative Penalty By-law. For greater certainty, the Municipal By-law Enforcement Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the Provincial Offences Act, if an administrative penalty is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.

875.28.3 Amount – Payment

A Person served with a Penalty Notice shall be liable to pay to the City an administrative penalty in the amount specified in Schedule “A” of the Administrative Penalty By-law. An administrative penalty for a contravention of this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the Person to the City and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

875.28.4 Procedures

A Person who is issued a Penalty Notice shall be subject to the procedures as provided for in the Administrative Penalty By-law.

2. Except as herein provided and as required to give effect to the amendments in this By-law No. 59-23, the provisions of the Refreshment Vehicle By-law continue in full force and effect without amendment.

Passed this 7th day of June, 2023.

David West
Mayor

Stephen M.A. Huycke
City Clerk