

Being a by-law to amend the Business Licensing By-law 122-2024.

Whereas pursuant to Report SF-25-35, the Council of the Corporation of the City of Oshawa directed that the Business Licensing By-law 122-2024 be amended to extend the benefits of municipal licensing to food-related operations, which distribute complimentary food (e.g. promotional events, etc.) (“Complimentary Food Premises”), for the purposes of ensuring common health, safety and consumer protection standards for patrons and the general public;

Whereas the Council of the Corporation of the City of Oshawa considers it desirable to amend the Business Licensing By-law 122-2024.

Therefore it is enacted as a by-law of The Corporation of the City of Oshawa as follows:

1. The City’s Business Licensing By-law 122-2024 is hereby amended as follows:
 - 1.1. Section 1.1 is amended by adding a new Definition, “Complimentary Food Service” immediately following the Definition, “City”, which shall read as follows:

““Complimentary Food Service” means any of the following classifications:

 - a) Class A – Complimentary Food Premises: means any place, excluding a Complimentary Food Vehicle or a Vehicle where Food is offered, intended or held out as being available for human consumption directly to the consumer at no cost for more than three (3) days in a year, but does not include any place where exclusively Low-Risk Pre-Packaged Food is offered, intended or held out as being available for human consumption directly to the consumer at no cost.
 - b) Class B – Complimentary Food Vehicle: means any Vehicle where Food is offered, intended or held out, from or within the Vehicle, as being available for human consumption directly to the consumer at no cost for more than three (3) days in a year, but does not include any Vehicle where exclusively Low-Risk Pre-Packaged Food is offered, intended or held out, from or within the Vehicle, as being available for human consumption directly to the consumer at no cost.”
 - 1.2. Section 1.1 is amended by adding a new Definition, “Operator” immediately following the first instance of the Definition, “Operator”, which shall read as follows:

““Operator” means, in reference to a Complimentary Food Service, a person who, alone or with others, operates, manages, supervises, runs or controls the Class “B” Complimentary Food Vehicle or prepares, offers, holds out or otherwise makes available Food within or from the Class “B” Complimentary Food Vehicle for consumption by persons.”

1.3. Section 1.1 is amended by adding a new Definition, “Owner” immediately following the first instance of the Definition, “Owner”, which shall read as follows:

““Owner” means, in reference to a Complimentary Food Service, a Person who, alone or with others, owns or has rights in a Class “B” Complimentary Food Vehicle, including a transferee or successor of the Person’s rights in the Class “B” Complimentary Food Vehicle.”

1.4. The definition of “Refreshment Vehicle” in Section 1.1 is amended by adding “for sale” immediately after “Food is prepared”, which shall now read, as follows:

““Refreshment Vehicle” means a Vehicle within or from which Food is prepared for sale or offered for sale for consumption by persons.”

1.5. A new subsection 4.4 shall be added immediately following subsection 4.3, as follows:

“4.4. In the case of an Applicant for a Class A – Complimentary Food Premises licence or a Class B – Complimentary Food Vehicle, there shall be no licence fee associated with the issuance of a Class A – Complimentary Food Premises licence or a Class B – Complimentary Food Vehicle.

1.6. Schedule “A” is amended by adding a new “Complimentary Food Service” general business classification row immediately following “Short Term Rental Operator” (i.e. Row 16) as follows:

Complimentary Food Service • Class "A" Complimentary Food Premises • Class "B" Complimentary Food Vehicle	See Schedule “R”
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1.7. Schedule “1” of this by-law shall be added as a new Schedule “R”, “Complimentary Food Service”.

2. This by-law shall come into full force and effect on the date of passage.

By-law passed this twenty-ninth day of September, 2025.

Mayor

City Clerk

Schedule “R” to By-Law 122-2024

Complimentary Food Service

1. Application

- 1.1. In addition to the application requirements set out in section 3 of this By-law, every Applicant applying for a Complimentary Food Service licence or for the renewal thereof is subject to the application requirements identified in this Schedule “R”.
- 1.2. Every Applicant for any Complimentary Food Service licence or for the renewal thereof, shall complete the prescribed forms and submit such other information as required by the Director including, but not limited to, the following:
 - a) where applicable, proof of an Ontario Business Name Registration and/or Articles of Incorporation;
 - b) a copy of the lease and/or other instrument pursuant to which the Applicant claims to be entitled to occupy the proposed Complimentary Food Service in the event that the Applicant is not the registered owner of the premises of the proposed Complimentary Food Service.
- 1.3. In addition to the requirements of section 1.2 of this Schedule “R”, where and application is submitted for a Class “B” Complimentary Food Vehicle licence or for the renewal thereof, the application shall include the following:
 - a) a photograph and detailed scale drawing of the Class “B” Complimentary Food Vehicle;
 - b) the Class “B” Complimentary Food Vehicle Gross Vehicle Weight;
 - c) a list of all Food (for each Food that is prepared elsewhere than within the Class “B” Complimentary Food Vehicle, the municipal address at which the Food is prepared);
 - d) where the Class “B” Complimentary Food Vehicle is or is to be equipped with a propane appliance, a report or certificate issued within the ninety (90) day period immediately preceding the date on which the application is submitted that satisfies the Director that the appliance complies with O. Reg. 211/01: Propane Storage and Handling under the Technical Standards and Safety Act, 2000, S.O. 2000, c. 16, as amended; and
 - e) and a statement by each Owner certifying the accuracy, truthfulness and completeness of the application.
 - f) a copy of the current Vehicle registration;
 - g) an inspection certificate issued within the ninety (90) day period immediately preceding the date on which the application is submitted that satisfies the Director that the Class “B” Complimentary Food Vehicle complies with the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended; and

h) proof of placement of Motor Vehicle liability insurance.

- 1.4. The Director may refuse to accept an Applicant's application for any class of Food Shop licence if the Applicant fails to submit the required forms and information in accordance with sections 1.2 through 1.3 of this Schedule "R".

2. Conditions and Regulations

- 2.1. Without limiting section 2.6 of this By-law, every Licensee shall, as a condition of obtaining and continuing to hold any class of a Complimentary Food Service licence, ensure the following:

- a) compliance with all applicable City by-laws and laws and regulations of the Province of Ontario and Government of Canada including, but not limited to:
 - i. the Health Protection and Promotion Act, R.S.O. 1990, c. H.7 and its regulations, each as amended;
 - ii. the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 and its regulations, each as amended;
 - iii. O. Reg. 164/99: Electrical Safety Code, under the Electricity Act, 1998, S.O. 1998, c. 15, Sched. A, as amended;
 - iv. the Building Code Act, 1992, S.O. 1992, c. 23 and its regulations, each as amended;
 - v. the City's Zoning By-law 60-94, as amended;
 - vi. the City's Property Standards By-law 1-2002, as amended;
 - vii. the City's Highway Vending By-law 33-92, as amended; and
 - viii. the City's Parks and Facilities By-law 83,2000, as amended.

- b) a Complimentary Food Service Licensee shall not operate on any Lot or premises except pursuant to the consent in writing of all owners of the Lot or premises.

- 2.2. Every Class "B" Complimentary Food Vehicle Licensee shall, as a condition of obtaining and continuing to hold any licence pursuant to this By-law, ensure the following:

- a) the Licensee maintains the insurance contemplated in section 3.4 of this By-law;
- b) the Owner and/or Operator of the Class "B" Complimentary Food Vehicle, comply at all times with all applicable City by-laws and law and regulations of the Province of Ontario including, but not limited to,
 - i. the Health Protection and Promotion Act, R.S.O. 1990, c. H.7 and its regulations, as amended;
 - ii. the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 and its regulations, as amended;

- c) each Operator is clean and wears headgear that confines the Operator's hair;
- d) each Operator washes their hands thoroughly before handling Food;
- e) each Operator wears clean clothes that are neat in appearance;
- f) the Class "B" Complimentary Food Vehicle is clean, sanitary, in good repair, sufficiently constructed so as to protect against contamination of Food and maintains a certificate of health inspection in good standing;
- g) the floor of the Class "B" Complimentary Food Vehicle is constructed of material that is impervious and washable;
- h) the Class "B" Complimentary Food Vehicle is equipped with no fewer than one (1) refuse container for solid wastes which is available to the public;
- i) each solid waste refuse container is equipped with a self-closing lid, maintained at all times in a clean and sanitary condition and is emptied when full and at least once daily;
- j) the Class "B" Complimentary Food Vehicle is equipped with a waste tank for the disposal of liquid wastes including waste water and used cooking oil;
- k) the liquid waste tank is equipped with a functioning gauge that provides an accurate and easily readable measurement of the quantity of liquid waste in the tank;
- l) no liquid waste is disposed of except into the liquid waste tank;
- m) a Class "B" Complimentary Food Vehicle that is equipped with heating appliance is also equipped with all applicable safety and fire equipment that complies with all applicable City by-laws and laws and regulations of the Province of Ontario and Government of Canada;
- n) a Class "B" Complimentary Food Vehicle shall be brought forthwith to the place and at the time that the Director or an Officer may from time to time direct for purposes of inspection; and
- o) the Owner or Operator must ensure that the immediate vicinity is kept free of all waste.

2.3. Every Owner or Operator of a Class "B" Complimentary Food Vehicle shall, as a condition of obtaining and continuing to hold a Class "B" Complimentary Food Vehicle licence, ensure the following:

- a) all cooking appliances must be designed, constructed, maintained and at all times operated to prevent hot grease or cooking oil from escaping from the appliance while the Class "B" Complimentary Food Vehicle is in motion;
- b) no Food shall be offered made available to any person on a Highway;
- c) the Class "B" Complimentary Food Vehicle shall not be operated:

- i. on a City Highway or any other City property except pursuant to approval by the City;
 - ii. within one hundred (100) metres of any special event where a special event permit has been issued by the City unless the Class “B” Complimentary Food Vehicle has obtained written consent from the special event permit holder;
 - iii. within one hundred (100) metres of any Park or of any Lot on which a School is situated unless the Class “B” Complimentary Food Vehicle has obtained written consent from either the property owner and/or the School’s administrator to distribute on the property and/or the special event permit holder and is vending as part of the special event
 - iv. on any Lot except pursuant to the consent in writing of all owners of the Lot;
 - v. within twenty (20) metres of any restaurant unless the Class “B” Complimentary Food Vehicle is vending as part of a special event where a special event permit has been issued by the City and the Class “B” Complimentary Food Vehicle has obtained written consent from the special event permit holder;
- d) The Owner or Operator of a Class “B” Complimentary Food Vehicle shall not set up seating at or near the Class “B” Complimentary Food Vehicle.

2.4. Every Owner or Operator of a Class “B” Complimentary Food Vehicle shall, as a condition of obtaining and continuing to hold a Class “B” Complimentary Food Vehicle licence, ensure the following:

- a) the Owner maintains the insurance contemplated in section 3.4 of this By-law;
- b) the Class “B” Complimentary Food Vehicle is equipped with a functioning and audible sound-emitting warning device that is activated when the Class “B” Complimentary Food Vehicle is moving backward;
- c) the Class “B” Complimentary Food Vehicle is constructed and maintained to protect persons from exposure to engine exhaust fumes;
- d) before moving the Class “B” Complimentary Food Vehicle , an Operator ensures that there are no persons or obstacles in the intended path of travel; and
- e) the Class “B” Complimentary Food Vehicle is not operated on a Sidewalk.