

Committee of the Whole (2) Report

DATE: Tuesday, June 6, 2023 **WARD(S):** ALL

TITLE: REGULATORY SUPPORT FOR REFRESHMENT VEHICLES

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: FOR INFORMATION

Purpose

This report provides an update to City Council on regulatory options to facilitate business and employment opportunities for refreshment vehicle drivers and on anticipated next steps of the review.

Report Highlights

- In response to a Member's Resolution from Council, staff have undertaken a review of the current licensing regime for refreshment vehicle drivers and owners with the aim of identifying any regulatory relief or support that may benefit the industry while continuing to ensure the City's regulatory aims.
- The review included a cross-jurisdictional scan, including consultation, on the best practices from other municipalities.
- Through research and analysis of Vaughan's needs, along with a review of refreshment vehicle regulations in different municipalities, staff have identified a need to conduct further detailed research and to undertake a public engagement campaign and a stakeholder's consultation.

Recommendation

1. THAT this Report be received for information.

Background

On January 24, 2023, through a Member's Resolution, Council directed the Deputy City Manager of Community Services to undertake a comprehensive review of regulatory options to facilitate business and employment opportunities for refreshment vehicle drivers. The direction arose from concerns that current licensing fees may potentially create barriers for employment opportunities for drivers and that policy with respect to this type of business should be comprehensively reviewed.

The City's Business Licensing By-law has three categories of refreshment vehicles:

- Type 1 – coffee trucks and ice cream trucks
- Type 2 – hot dog carts
- Type 3 – bicycle ice cream carts

The City issues separate licences for refreshment vehicle owners and drivers. Also, refreshment vehicle owners can apply for a refreshment vehicle event licence or a temporary licence. As per the current Business Licensing By-law, refreshment vehicles can operate on public highways and remain stationary for no longer than 15 minutes. No refreshment may be sold within 15 metres of any intersection. Refreshment vehicles can operate on private property with previous consent of the owner of the property, though they are not allowed on any public property, except with permission from the City. Unless authorized by a special event permit from the City, no refreshment vehicle shall operate within 100 meters of a public park, on any driveway or private roadway, or from September 1st to June 30th from 7a.m. to 7p.m. within 200 meters from any school grounds.

Currently, the City has 36 active refreshment vehicle owner licences and 18 licensed refreshment vehicle drivers.

Previous Reports/Authority

- [Business Licensing By-law](#) (approved by Council on May 17, 2022);
- [Member's Resolution, Item No. 16 of Report No. 1](#) of January 24, 2023, the Committee of the Whole: *Creating Employment Opportunities for The Refreshment Vehicle Industry*.

Analysis and Options

Jurisdictional Comparison and Consultations

In addition to a review of the City's By-law, BCLPS conducted a cross-jurisdictional scan and consultation with other municipalities in Ontario. The consultation involved 4 other large municipalities (Toronto, Mississauga, Brampton and Markham) and concentrated on their current practices, licensing fees for refreshment vehicle drivers, and general

current state of the business in the aforementioned cities. All of these municipalities are currently licensing refreshment vehicle drivers, with the fees ranging from \$110 to \$438 and the average being \$229. Current fees for refreshment vehicle driver licences in Vaughan is \$135, which is lower than the average amount. There was a slight decrease in the number of yearly issued licences starting from 2020, but all municipal representatives confirmed this was likely due to the COVID-19 pandemic. The only type of refreshment vehicle licence that has been experiencing a continuous decrease in volume is coffee trucks. None of the mentioned municipalities have waived their business licensing fees for this business.

The cross-jurisdictional scan involved comparing regulations around refreshment vehicles in public spaces in 8 Ontario municipalities: Toronto, Mississauga, Markham, Ottawa, Brampton, Kingston, St.Catharines and Oakville. Staff compared five key areas of regulations:

- Are refreshment vehicles allowed in public spaces
- If allowed, on which dates
- If allowed, what is the number of permitted parks/zones
- If allowed, what are the specific requirements
- If allowed, what is the fee for operating in public spaces

Municipality	Refreshment vehicles in public spaces	Dates	Number of parks/zones	Requirements	Fee
City of Vaughan	No	n/a	n/a	n/a	n/a
City of Toronto	Is allowed to operate on public roads (with mobile vending permit), Green P parking lots, commercial parking lots, 30m setback from an open and operating restaurant.	No specific dates	No info on parks, there is a map of Mobile Vending Zones	No more than 2 food trucks per block. List of products and food items required. Mobile Food Vending Permit holders are allowed to operate at all pay-and-display stations on major, minor arterial and collector roads. These vendors are required to abide by all relevant	Six-month permit: \$3,254.55 Nine-month permit: \$4,881.84 One-year permit: \$6,509.09

				parking regulations, and pay for parking. Vendors are encouraged to identify areas of the road, such as non-pay and display stations and lay-bys that may be suitable for mobile vending. Upon review, these areas may be designated as Mobile Vending Zones, where food trucks could operate for up to 5 hours at a time.	
City of Mississauga	No, only at private property with 500m setbacks from other businesses with similar products, 100m from school or park	n/a	n/a	n/a	n/a
City of Markham	No, 30m setback from a park	n/a	n/a	n/a	n/a
City of Ottawa	Yes	July 1 - October 31	28 parks to choose from, an applicant may choose top 5	Only one space will be allocated to a successful applicant based on the availability of the space and the applicant's scores as assigned by the Selection Panel (By-law, Recreation, Health, Public	\$450 – carts, \$1,167 – trucks.

				Works). No restrictions on type of food.	
City of Brampton	No, 100m setback from a park or school, 50m from Food Premises	n/a	n/a	n/a	n/a
Town of Oakville	No. 30 meters from parks, schools, intersections. Not more than 4 special events per year	n/a	n/a	n/a	n/a
City of Kingston	Yes	No specific dates	9 parks with different number of spots (from 1 to 7)	Submit 20% deposit, menu, give priority to food vendors who provide healthy, local and/or certified organic food options, use sustainable business practices and follow accessibility standards (have a scoring system in place)	Class A/B (1 month) - \$374 Class A/B (year) - \$3,591 Class C/D (1 month) - \$186 Class C/D (year) - \$1,789 Class E (daily) - \$124
City of St. Catharines	Yes	June 1 – September 30	No information	No specific info, Parking availability and proximity to other food services will also be considered. The application process will give preference to accessible, environmentally friendly, and Niagara-based organizations.	Waived in 2021 and 2022. Cost of licence is different for residents and non-residents (\$225 and \$692). Cost of municipal sidewalk or road allowance - \$16.85 per square foot with a minimum fee of \$563.

					Permit + environmental fee
--	--	--	--	--	----------------------------------

All municipalities reviewed license both owners and drivers. Staff are of the opinion that vetting drivers is an important objective of licensing and helps to ensure that drivers meet minimum standards and requirements. Furthermore, all municipalities impose a licensing fee on drivers, with the City of Vaughan having one of the lowest fees in the GTA; thus, staff believe that the City's current fee structure is both necessary and relatively competitive. With that said, staff also explored how the businesses themselves may be better supported (with such benefits being able to trickle down to drivers).

Half of the municipalities allow refreshment vehicles in public spaces. Two of them set specific dates for their operation, starting from June/July and ending at the end of September/October. The highest permit fee for the use of public spaces is \$6,509 in Toronto, with the lowest fee being \$1,167 in Ottawa. St.Catharines is the only municipality who has waived the fees for the use of public spaces by refreshment vehicles both in 2021 and 2022, and the only one who counts the cost of municipal sidewalk or road allowance per square foot usage. Ottawa and Kingston set up specific criteria for refreshment vehicles to be allowed to operate in the parks: accessibility, environmental benefits, healthy and local food options.

Based on the jurisdictional comparison of municipalities above, staff is exploring a number of options to support refreshment vehicles businesses. However, in order to make any specific recommendations, staff are of the opinion that a more extensive stakeholder consultation, both internal and external, needs to be conducted.

Financial Impact

There is no financial impact to the City's budget as a result of the recommendations of this report.

Operational Impact

Other departments were not involved at this stage of the review.

Broader Regional Impacts/Considerations

There are no specific broader impacts or regional considerations beyond those already discussed in this report.

Conclusion

Based on the current analysis and cross-jurisdictional scans, BCLPS believes the licensing regulations on refreshment vehicles should remain in place, along with the current licensing fee for refreshment vehicle drivers, which is already lower than the current average licensing fee in Ontario. BCLPS is currently exploring other ways to

support business in this sector; however, any potential policies will require significant stakeholder consultation. Staff's subsequent report, with specific recommendations, is expected to be brought forward to Council, for its consideration, in Q4 of 2023.

For more information, please contact: Susan Kelly, Chief Licensing Officer and Director of By-law and Compliance, Licensing and Permit Services, ext. 8952

Attachments

None.

Prepared by

Kristina Palayeva, Regulatory Business Analyst, ext. 8721

Approved by

A handwritten signature in blue ink, appearing to read "Gus Michaels".

Gus Michaels, Deputy City Manager
Community Services

Reviewed by

A handwritten signature in black ink, appearing to read "Nick Spensieri".

Nick Spensieri, City Manager