



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Laura Moy, Director Legislative Services & Clerk

Date to Council: May 24, 2022

Report Number: LCS-2022-18

Subject: Licensing of Mobile Food Vendors

Recommendations

It is recommended:

That Report LCS-2022-18 entitled “Licensing of Mobile Food Vendors”, **be received;**

And that Administration **be authorized** to post Report LCS-2022-018 and draft By-Law 2022-040 on Mobile Food Vendors on the Town’s Placespeak platform for 30 days to provide opportunity to receive public input on the draft by-law;

And further that Administration report back to Council on the outcome of the public consultation, with any recommended changes to the draft by-law.

Background

Mobile food vendors are ever-evolving as consumer preferences for convenient and diversified food offerings are in demand. The food truck movement is gaining popularity as statistics indicate that 60 percent of Canadians eat out at least once a week.¹ Mobile food vendors offer many benefits to local residents as they promote affordable and convenient food options, pedestrian-friendly environments, and local employment opportunities.² Refreshment vehicles also offer the ability for restaurants and

¹Government of Canada, Competition Bureau Canada, [“Promoting Fair Competition in the Restaurant and Mobile Food Industry”](#) dated January 22, 2022.

² (Government of Canada 2022)

entrepreneurs to test the waters with a smaller food operation, experiment with new menu offerings or expand their current food service to the community.

It is at the discretion of municipalities to determine whether to regulate or prohibit mobile food vendors. The *Municipal Act, 2001* under section 151 (1) permits a municipality to provide a system of licences with respect to businesses, while subsection 11(2) permits a municipality to exercise its licensing powers for the purpose of consumer protection and to protect the health and safety of the general public. Municipal regulations on mobile food vendors vary across Ontario. Some municipalities ban mobile food vendors while others allow them with restrictions on location or permit them municipal-wide. In the Essex region, area municipalities permit and regulate mobile food vendors.

Currently, the Town does not regulate or permit mobile food vendors to operate within the municipality. On July 13, 2021, Council at their Regular Meeting of Council passed resolution [RCM 233/21](#), which authorized administration to research regulations on the operation of mobile food vendors and draft a regulatory framework for mobile food vendors for Council's consideration.

Accordingly, further research has been undertaken on regulations and best practices for the licensing of mobile food vendors which is presented in a draft by-law for Council's consideration in [Attachment 1](#).

Comments

The draft by-law on Mobile Food Vendors (By-Law) proposes to permit mobile food vendors to operate within the Town through a licensing program (program). The program would be administered through the Legislative & Clerk Services Department on an annual basis, where a mobile food vendor licence would be valid for the current calendar year of issuance.

The By-law distinguishes between licensing mobile food vendors that are Refreshment Vehicles for hot food service offerings, and Frozen Treat Vehicles for frozen food service offerings. Both vehicles require a licensee to obtain an inspection by the Windsor-Essex County Health Unit (Health Unit) and the Tecumseh Fire Services including any premises used to prepare food. The licensee will also need to complete Food Handler certification offered by the Health Unit, to ensure the health and safety of patrons when preparing and/or serving food.

Based on research and consultation with the Health Unit and area municipalities, the By-Law will authorize licensing of a Refreshment Vehicle for one specific location, with the exception of a Frozen Treat Vehicle. Frozen Treat Vehicles are permitted to operate in residential areas with the provision of stopping at a location for no more than ten minutes to serve patrons. If a licensee is interested in operating a Refreshment Vehicle at more than one location, a separate application for each location must be submitted to the Town. Refreshment Vehicles are only authorized to operate on private property

designated commercial, recreational or industrial in the Town's Comprehensive Zoning By-law and are not permitted to operate on Municipal property . If a Licensee is interested in operating near an eating establishment, the Refreshment Vehicle must be located 60 metres away. Attachment 2 provides, for illustrative purposes, areas that would be affected by such a 60 metre buffer based on existing eating establishments in primary commercial areas of the Town.

It should be noted that the proposed by-law does not apply to any Refreshment Vehicles interested in operating within a Town Park at a Town approved event, such as "Taste of Tecumseh", and would not require a Mobile Food Vendor Licence. These vendors will continue to be processed through the Special Events Resource Team committee, and approved by the Director of Community & Recreation Services.

Furthermore, other conditions on issuing a licence include:

- Proof of ownership of the Refreshment Vehicle;
- If the Refreshment Vehicle is a Motor Vehicle, the Owner must have a valid safety standards certificate issued by a provincially authorized Motor Vehicle Inspection mechanic and the Refreshment Vehicle must comply in all respects with the applicable equipment and performance standards set out in the regulations made under the *Highway Traffic Act, R.S.O. 1990, c.H18*, as amended;
- Proof of insurance in respect of each Refreshment Vehicle to be licensed indemnifying and protecting the Owner and public, in the amount of \$2,000,000.00 for the sale of prepackaged goods and \$5,000,000.00 for when raw food is being cooked. The insurance policy shall name The Corporation of the Town of Tecumseh as an additional named insured;
- Where the Refreshment Vehicle is fitted with propane or natural gas, the Owner must provide a current inspection certificate through the Technical Standards and Safety Authority (TSSA);
- A copy of written permission from the private property owner granting use of their property for the operation of a Refreshment Vehicle;
- A Criminal Record – Vulnerable Sector Check for the licensee and any staff operating a Frozen Treat Vehicle.

Some general provisions for mobile food vendors include maintaining and keeping their surrounding location clean and free of debris with a hard sided garbage receptacle with a lid and recycling bin for all waste generated by the operation. All Licensee's will be made aware that Town-owned waste containers are not to be used to dispose their waste and their responsibility for waste removal.

Should Council give direction to proceed with public consultation on the draft by-law on the Town's Placespeak platform, the launch of the 30-day consultation period will be shared through the Town's website and social media and news release.

Consultations

Community & Recreation Services
Community Safety
Development Services
Financial Services
Public Works & Engineering Services
Windsor-Essex County Health Unit
Area Municipalities

Financial Implications

The mobile food licensing fee varies at each municipality and for some the fee is based on the type of vehicle such as a food cart, bike or refreshment vehicle. The chart below reflects the surrounding municipalities that currently issue mobile food vendor licence fees:

Municipality	Licence Fee
Municipality of Leamington	\$150
Town of Kingsville	\$250
Town of Essex	\$344.96
City of Windsor	\$191 to \$341
Town of Amherstburg	\$132.84
Town of LaSalle	\$100
Township of Pelee Island	\$250

Municipality	Licence Fee
Municipality of Lakeshore	Not permitted

In keeping with the average fee being charged by surrounding municipalities, it is proposed that the Town of Tecumseh's fee for a mobile food vendor licence be set at \$300.00 per licence issued for a Refreshment Vehicle and \$200 for a Frozen Treat Vehicle. It is anticipated that the revenue realized from the mobile food vendor licensing program would offset the costs of providing the service, staff training, and electronic recordkeeping in the initial set up of the service.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☐

Website ☒

Social Media ☒

News Release ☒

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Jennifer Alexander, MPA
Deputy Clerk & Manager Legislative Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Reviewed by:

Paul Anthony, RRFA
Director Community & Recreation Services

Reviewed by:

Wade Bondy
Director Community Safety & Fire Chief

Reviewed by:

Laura Moy, Dipl. M.M.
Director Legislative Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Draft By-law 2022-040 Mobile Food Vendors
2	Map of the Tecumseh Road Main Street CIP