



## The Corporation of the Town of Tecumseh

Legislative & Clerk Services

**To:** Policies and Priorities Committee

**From:** Robert Auger, Director Legislative Services & Clerk

**Date to Council:** April 11, 2023

**Report Number:** LCS-2023-12

**Subject:** Licensing of Mobile Food Vendors

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### Recommendations

It is recommended:

**That** Report LCS-2023-12 Licensing of Mobile Food Vendors **be received;**

**And that** By-Law 2023-047 be considered for first, second, third and final readings at the April 25, 2023 Regular Council Meeting;

**And that** By-Law 2022-099, the administrative fees and charges by-law for 2023, be amended accordingly at the April 25, 2023 Regular Council Meeting to allow for the licensing fees proposed in By-law 2023-047;

**And further that** Administration be directed to implement the licensing program to authorize mobile refreshment vehicles to operate within the Town upon the passing of the By-law.

### Background

At the July 27, 2021 Regular Council Meeting, the following resolution was adopted:

**“That** Administration research regulations on licensing the operation of mobile food vendors;

**And that** a draft regulatory framework for mobile food vendors be presented to Council for consideration at a Policies & Priorities Committee Meeting.”

The Town does not currently regulate mobile food vendors. In the past, if a mobile food vendor wanted to operate, they would be permitted only at a Town sponsored event which is managed through the Community & Recreation Services Department, Special Events Response Team (“SERT”).

In accordance with the Act, Council has the authority to pass By-laws for the protection of health, safety, and the well being of persons and for the protection of persons and property including consumer protection. In addition, under Section 151(1) of the *Municipal Act, 2001*, a municipality may provide for a system of licenses with respect to any business and may,

- a) prohibit the carrying on or engaging in the business without a license;
- b) refuse to grant a license or suspend a license; impose conditions as a requirement to obtaining or continuing to hold and renew a license;
- c) impose conditions as a requirement of obtaining, continuing to hold or renewing a license;
- d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a license;
- e) impose conditions, including special conditions, as a requirement of continuing to hold a license at any time during the term of the license; and
- f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it.

All area municipalities license in some fashion mobile food vendors with the exception of the Municipality of Lakeshore.

## Comments

In Attachment 1, the proposed By-law outlines the regulatory framework for a mobile food licensing program. The proposed By-law in consultation with the Windsor Essex County Health Unit, identifies two (2) types of food vendor vehicles in the operation of the business which are: Refreshment Vehicles and Frozen Treat Vehicles. Each type of food vehicle has prescribed regulations to adhere in the licensing program and will be outlined below.

### Refreshment Vehicles

Refreshment Vehicle is defined as a means of selling or offering food primarily based from any motor vehicle defined by the Highway Traffic Act. Refreshment Vehicles are proposed to be licensed for a specific location within the Town in which they can operate. Depending on the desired location chosen by the applicant, all Refreshment Vehicles will be permitted to operate on private property (with Owner permission) in areas that are either commercially, industrially, institutionally zoned or within a business park zone as identified on applicable Schedules of the Town's Zoning By-law(s). If the proposed location is on Town property or is at a Special Event location as defined, then Town authorization will be required and payment of any additional permits or fees may be applicable. Provisions have been identified for instances where a location is close to an eating establishment requiring the applicant receive written permission from the business owner to be submitted as part of their application submission. Written permission from a property owner is also required if an applicant would like to operate on any private property.

### **Frozen Treat Vehicle**

Frozen Treat Vehicles are defined as a Refreshment Vehicle which only provides ready to eat frozen desserts such as ice cream, which are prepared and sold for public consumption. These vehicles are permitted to operate in residential areas of the Town with specific regulations on not visiting the same location within a two-hour period, not stopping at a location longer than ten (10) minutes unless it is to serve customers, and not playing loud music or sound between the hours of 9:00 pm to 8:00 am. These provisions were considered to maintain a peaceful environment for residents during the daytime.

Given that Frozen Treat Vehicles are permitted to operate in residential areas, additional provisions are required for a license. Specifically, every individual who will be operating a Frozen Treat Vehicle will be required to provide a clean Criminal Record including a Vulnerable Sector Check, due to the nature of close proximity of children and vulnerable persons.

Other general provisions in the By-law are with respect to the general operation of Mobile Food. Refreshment Vehicles can only sell food between the hours of 7:00 am to 11:00 pm. All Refreshment Vehicles must be inspected by the Windsor Essex County Health Unit and applicants will provide proof of the inspection as part of the application, and the completion of a food handling course. As part of the licensing process, inspections will also be required from the Town's Community Safety Department to meet Fire Code regulations and Development Services Department on the proposed location for operation to be compliant with the Town's Zoning By-laws.

All Refreshment Vehicles are responsible for the waste generated from their operation which includes providing garbage cans for customers and removing garbage from the site at the end of day to maintain a clean and waste free space.

The Mobile Food Vendor licensing program will be administered by the Community Safety Department in collaboration with Legislative & Clerk Services and Development Services.

In June 2022, the Town had a survey on Licensing Mobile Food Vehicles in the Town to engage the community and receive feedback. In Attachment 2, the survey received 50 responses, with overall responses in favour of a licensing program. Any comments received were considered and the final proposed By-law is provided for Council's consideration.

Overall, community feedback for Mobile food Vendors is positive. If Council is in favour of moving forward with the licensing of Mobile Food Vendors, Administration will launch the program to begin receiving applications on Monday May 1, 2023 for the summer season. A Mobile Food Vendor License will be valid until December 31, 2023.

## Consultations

Community Safety

Development Services  
Public Works & Engineering Services  
Community & Recreation Services  
Windsor Essex County Health Unit

## Financial Implications

Administration is proposing a fee of \$350.00 per license. Area municipalities have similar fees which are outlined below. The license for Refreshment Vehicles will be based on location: one location per license except that further license or permit fees may be further applicable for specific Special Events as defined under the By-law (an event or events held by the Town or sponsored by the Town).

For Frozen Treat Vehicles that will be mobile in residential areas the same \$350.00 fee will be based on a per vehicle basis. These fees, if accepted, will require an amendment to the current Fees & Charges By-law.

<b>Municipality</b>	<b>Fee</b>
Town of Amherstburg	\$208.00
Town of Essex	\$330.00

Town of Kingsville	\$250.00
Town of LaSalle	\$100.00
Municipality of Leamington	\$150.00
City of Windsor	\$191.00 – \$344.00

### Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input 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 checked="" 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:

Robert Auger, LL.B.  
Director Legislative Services & Clerk

Reviewed by:

Wade Bondy  
Director Community Safety & Fire Chief

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	By-law 2023-047 Mobile Food Vendors
2	Survey Responses on Food Vendors