



## The Corporation of the Town of Tecumseh

Legislative & Clerk Services

**To:** Mayor and Members of Council

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

**Date to Council:** April 25, 2023

**Report Number:** LCS-2023-15

**Subject:** Revisions to By-Laws 2023-046 and 2023-047

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### Recommendations

It is recommended:

**That** Report LCS-2023-15 Revisions to By-Laws 2023-046 and 2023-047 **be received** as information;

**And that** By-Law 2023-046 Outdoor Temporary Patio and Extensions and By-Law 2023-047 Mobile Food Vendors each be considered for first, second, third and final readings;

**And further that** By-law 2022-099 Fees and Charges for 2023 **be amended in Schedule A** to include the fees of \$350.00 for Mobile Food Vendors, and \$250.00 for Outdoor Temporary Patio and Extensions.

### Background

At the April 11, 2023, Policies & Priorities Committee meeting (Committee meeting), Council received reports [LCS-2023-12 Licensing of Mobile Food Vendors](#) and [LCS-2023-14 Town of Tecumseh Seasonal Patios By-law](#). Discussion was held on both reports and arising from the discussion the Committee recommended that certain revisions be considered prior to returning the respective by-laws for adoption at the Regular Council meeting on April 25, 2023. This report outlines the major revisions to

By-law 2023-046 Temporary Outdoor Patios and Extensions and By-Law 2023-047 Mobile Food Vendors.

## Comments

*By-Law 2023-046 Being a by-law to adopt Requirements for Patios and Authority for Temporary Patios and Temporary Patio Extensions in the Town of Tecumseh:*

At the Committee meeting, it was discussed as to whether existing permanent patios on private lands should be subject to a yearly application and approval process including having to make fee payment for each annual renewal under the By-law. Upon further review, it is now recommended that permanent patios on private lands that are licensed by the Alcohol and Gaming Commission of Ontario (AGCO) should not be subject to the annual application and fee under the proposed by-law.

While the AGCO as of January 1, 2023, no longer provides the authorization for temporary patios and temporary extensions of existing patios for AGCO licensees located in municipalities, the AGCO does still receive applications and provide authorizations for patios that are to be a permanent physical extension of an AGCO licensed premises. As part of receiving AGCO approval for that permanent physical extension of their liquor license the applicant already undergoes an inspection process including obtaining requisite municipal inspections/approvals and so to subject the permanent patios to a yearly application and approval process would be redundant.

However, while permanent patios licensed by the AGCO will not have to apply and be subject to an annual fee such patios must still otherwise remain in compliance with the By-law specifically as it relates to the stated Patio Requirements in Schedule 'A' to the proposed By-law. This will help to ensure that such patios remain in a satisfactory condition and in compliance with the by-law such that any concerns or complaints about the state of condition of such patios can be reviewed.

On the other hand, temporary patios or temporary extensions of an existing permanent patio will still require an annual approval and payment of associated fee as the transient and /or changing nature of these structures from year to year will require the requisite application process and inspections to ensure yearly compliance with the By-law.

The other significant change made to the proposed By-law is the authorized period of time for temporary patios. Under the new AGCO guidelines, temporary patios of AGCO licensees can be authorized for a period of up to eight months total in a calendar year (does not need to be eight consecutive months) for liquor sales licensees and by-the-glass endorsement holders. The By-law previously proposed an authorization period of May 1 to October 31.

A red-lined version of the proposed By-law is provided in Attachment 1 which displays the changes made to the By-law since the Committee meeting.

*By-Law 2023-047 Being a by-law to license Mobile Food Vendors in the Corporation of the Town of Tecumseh:*

At the Committee meeting it was discussed as to whether it was just to charge a fee to the owner /operator of a Refreshment Vehicle if the private property location being applied for is an eating establishment owned/operated by the same person. To that end the following provision was added to the proposed By-law:

*If, as determined by the Municipal Clerk acting reasonably, the owner/operator of the Refreshment Vehicle is one and the same as the owner/operator of an existing food premises or eating establishment that sells or offers food or drink for consumption on the private property location that is the subject of the application then, provided permission has otherwise been obtained from the Owner of the private property location (if different than the operator), the licensing fee shall not be applicable but the applicant will otherwise still continue to be subject to the terms and conditions of this By-law as applicable.*

A red-lined version of the proposed By-law is provided in Attachment 2 which displays the changes made to the By-law since the Committee Meeting.

## **Consultations**

Community Safety  
Development Services  
Community & Recreation Services

## **Financial Implications**

The By-laws are proposing an application fee of \$350.00 for Mobile Food Vendors and \$250.00 for Outdoor Temporary Patio and Extension. These fees will be reviewed, if required, after the first year of implementation.

## 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 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:

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

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 (Tracked Changes)
2	By-Law 2023-046 Temporary Outdoor Patios and Extensions (Tracked Changes)