



TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE Meeting on April 28, 2014
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	FOOD TRUCK AMENDMENTS TO BUSINESS LICENSING BY-LAW L-6 INCLUDING GENERAL PROVISIONS REPORT PUBLIC PARTICIPATION MEETING

RECOMMENDATION

That on the Recommendation of the Managing Director, Development & Compliance Services and the Chief Building Official, the following actions be taken:

- a) This report **BE RECEIVED** for information.
- b) That an amendment to By-law L6 Business Licensing (attached hereto) **BE INTRODUCED** at the Municipal Council Meeting on May 6, 2014 to provide regulations for a new category, associated regulations and fee schedule for refreshment vehicles operating on City property; and to provide updated General Provisions for business licensing administration and enforcement.

PREVIOUS REPORTS

February 25, 2013 – Food Truck Proposal Report – Community and Protective Services Committee (CPSC)

May 27, 2013 – Food Truck Proposal – CPSC Report – Public Participation Meeting

June 10, 2013 – Food Truck Proposal – CPSC Post Public Participation Report

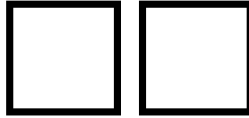
BACKGROUND

As has been demonstrated by the success of food trucks in Ontario municipalities and across North America, consumer demand for a greater choice of food products and means of accessing them is on the rise.

In 2013, there were three reports presented to the CPSC regarding food trucks.

- The initial report presented to the CPSC on February 25, 2013 was in response to a delegation from a local restaurant operator interested in operating a food truck on City property. Civic administration was directed to report back at a public participation meeting on Business Licensing By-law amendments to implement a pilot project to permit food trucks in the downtown area.
- The second report was presented to the CPSC on May 27, 2013 and included a public participation meeting on associated by-law amendments. The pilot program was referred to a special CPSC meeting with direction to increase the number of licenses to be available, increase the locations and menu recommendations.
- The third report was presented to CPSC on June 10, 2013 and included locational criteria and associated by-law amendments to allow for a City wide food truck program. During this meeting, there was discussion on menu selection and how a municipality can regulate food variety and diversity within a menu under the parameters of a municipal by-law.

On June 12, 2013 Council resolved that the City-wide food truck pilot program be referred back to Civic Administration for further refinements to the proposed by-law, including but not limited to additional considerations such as menu revisions and/or evaluation criteria, proponent selection



parameters, a more creative proposal solicitation, locations, etc. in order to ensure the program will be successful.

Based on consultations with numerous municipalities, local food industry experts and food truck operators, Civic administration has prepared an amendment to the Business Licensing by-law for consideration.

What is the municipal purpose of the by-law amendment?

The rationale of the recommended amendment is to regulate refreshment vehicles on City owned property in an effort to enhance the economic vitality and vibrant street life in London while ensuring compliance with regulations regarding food health and safety. The municipal purpose of the by-law aligns with two of Council’s strategic priorities: “A Strong Economy that encourages jobs, talent, ideas and innovation” and “A Vibrant and Diverse Community that is livable, exciting, cultural and friendly”.

Many municipalities which have embraced the food truck phenomenon have implemented regulations which encourage the introduction of refreshment vehicles on City property in an effort to recognize the entrepreneurial spirit and innovation associated with this format of delivering food services to customers. Furthermore, a vibrant food truck “scene” in other cities has provided an increase in culinary tourism and the diversity of food options throughout the City. These economic and cultural priorities are coupled with the goals of food health and safety which are standard with any format of food service delivery.

What is the process for licence approval?

London has had a licensing approval process for food carts and refreshment vehicles operating on private and public property for many years. With a focus on health and safety, numerous mobile vendors are approved on a yearly basis. A joint inspection program is in place with partner agencies to ensure consumer and food safety. The standard vehicle approval process will be administered for the proposed Class 7 Refreshment vehicle category.

The focus of the June 2013 Council referral is related to menu diversity. As noted, staff consulted with local food industry experts, municipalities with food truck programs, food truck operators in other jurisdictions and a province-wide food truck association representative in discussing ‘best practices’. Several municipalities have implemented review panels with a focus on menu diversity. Staff does not recommend such an approach as it is time consuming, subjective, exhibits enforcement challenges and is overly regulatory. Civic Administration maintains this same opinion on regulating menu selection as was expressed the June 2013 report to CPSC.

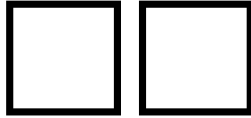
Applicants for a Category 7 refreshment vehicle will be required to submit an operational plan outlining plans for signage , waste management including the disposal of grease and grey water and a list of items to be sold or offered for sale. The operational plan will be reviewed during the inspection process. The information regarding food products will not be considered in approving or refusing certain menu choices but rather will be used during the inspection process as food products have specific storage and cooking regulations as per requirements of the *Health Protection and Promotion Act*. Existing licensed refreshment vehicles operating on private property will be required to submit an operational plan should the licensee wish to operate on City owned property under a Category 7 licence.

Where will Category 7 Refreshment vehicles be permitted?

The License Manager will have the authority to identify locations permitting Category 7 Refreshment vehicles. The permitted locations have been chosen based on proximity to existing restaurants, schools, residential land uses; parking stall demand; proximity to existing parkland and street classification. Additional locations may be permitted based upon a review by the Licence Manager taking into consideration street classifications, distances to restaurants (25 meter separation) and distances to residential uses (25 meter separation). Category 7 Refreshment vehicles will be permitted in City parks under the authority of the Managing Director of Parks and Recreation or his designate.

What are the regulations of operating a Category 7 Refreshment vehicle?

Every holder of a Category 7 Refreshment vehicle must adhere to the following regulations set out in the by-law amendment:



1. when carrying on business, sell, serve or offer food products only from or through a service window or opening on the refreshment vehicle towards the City boulevard and/or sidewalk and not facing the road ;

This regulation restricts the sale of food products towards the sidewalk / boulevard to reduce the potential for vehicular and /or pedestrian accidents and traffic flow obstruction. This is a standard clause in many municipal food truck regulations.

2. overhead canopies, doors or awnings must not obstruct or hinder pedestrian traffic;

This regulation is necessary to ensure the safety of the public in using City boulevards and sidewalks.

3. provide for waste and recycling receptacles and ensure all waste associated with the refreshment vehicle operations is removed within a 10 metre radius when the refreshment vehicle leaves subject location;

This regulation provides for litter control in specifying the requirement for garbage cans and recycling boxes and the requirement for the refreshment vehicle operator to ensure a litter free area within a 10 metre radius of the vehicle.

4. post a menu on the side of the vehicle containing the service window when stopped for the purpose of preparing or offering food for sale;

This regulation is based on consumer protection and public safety specifying where on the vehicle the menu board should be posted.

5. keep a location log for each day the refreshment vehicle is operating that includes the following information about each location on City property the refreshment vehicle stops for the purpose of preparing or offering food for sale: date, time of stop, duration of stop, and location on City street;

This regulation is common among many food truck by-law / ordinances. The rationale of this regulation is to ensure adherence to locational regulations by recording certain relevant information including date, time of stop, duration of stop, and location on City street and/or City park.

6. the location log shall be kept for one year;

This regulation complements the above regulation in requiring the location log be kept for one year.

7. the location log shall be made available to the Licence Manager or a Municipal Law Enforcement Officer upon request;

This regulation allows for the inspection of the location log for law enforcement purposes. The log may become evidence in the laying of a charge if the information in the location log does not coincide with noted enforcement based observations.

8. shall not operate a Refreshment vehicle on a City street between the hours of 3:00 a.m. and 7:00 a.m.

For purposes of City road maintenance and nuisance control, Class 7 refreshment vehicles will not be permitted to remain in one location for a 24 hour period. This is a standard clause in many food truck regulations.

9. operate a Refreshment vehicle at all times in compliance with the City's Traffic and Parking By-Law PS-111, including paying for the use of a parking space or spaces;

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As refreshment vehicles will be occupying parking spaces on City streets, there is an expectation that the parked vehicles pay for the use of the parking spaces. The Parking By-law will be amended in mid-2014 to address a number of technical and housekeeping issues. Exempting Category 7 Refreshment Vehicles from time limit parking regulations will be included as part of the Parking By-law amendment.

What is the license fee for a Category 7 refreshment vehicle?

The current business licensing by-law contains fees for refreshment vehicles ranging from \$230 to \$465 depending on the category of refreshment vehicle. Additional street sale fees are charged if the vehicle is selling off city property. For Category 7 refreshment vehicles, the proposed fee is \$1,225 for a new application and \$760 if the refreshment vehicle is currently licensed under another refreshment vehicle category. Additional street sale fees for Category 7 refreshment vehicles would also apply. The licensing fees represent the cost of by-law administration and enforcement for this category of refreshment vehicle.

CONCLUSION

As indicated, in June of 2013, Council referred back the draft by-law to give consideration to menu revisions and /or evaluation criteria, proponent selection criteria, more creative proposal solicitation and locations to ensure a successful food truck program. Civic administration believes licensing regulations addressing menu content are time consuming, subjective, exhibits enforcement challenges and are overly regulatory. Success of a refreshment vehicle will be determined by business acumen and the marketplace. With a focus on a seamless application process, the proposed by-law amendments provide for fair and balanced regulations to support program success.

PREPARED BY:	REVIEWED AND CONCURRED BY:
ETHAN LING DEVELOPMENT POLICY CO-ORDINATOR BUSINESS LIAISON	MARK HENDERSON DIRECTOR OF BUSINESS LIAISON
REVIEWED & CONCURRED BY:	RECOMMENDED BY:
OREST KATOLYK CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

cc: Downtown London
 Old East Village
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Agenda Item # Page #

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