

TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE PUBLIC PARTICIPATION MEETING ON MAY 24, 2017
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	PUBLIC PARTICIPATION MEETING BUSINESS LICENSING BY-LAW REVIEW FOOD PREMISE, REFRESHMENT VEHICLES , AUTOMOTIVE SERVICE ESTABLISHMENTS

RECOMMENDATION

That, on the recommendation of the Managing Director, Development & Compliance Services and Chief Building Official, this report **BE RECEIVED** as information, it being noted that upon completion of all public participation meetings related to the review of the Business Licensing By-law, a further public participation meeting will be scheduled to repeal and replace the current Business Licensing By-law as per the direction of Municipal Council on December 19, 2016.

PREVIOUS REPORTS

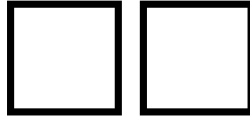
June 21, 2016	CPSC	Proposed new categories / existing by-law changes
November 15, 2016	CPSC	Putting Consumers First Act
December 13, 2016	CPSC	Status Update
January 24, 2017	CPSC/PPM	General Provisions, Payday Loans, Door to Door Sales
February 22, 2017	CPSC/PPM	Contractors, Donation Bins, Personal Service Establishments, Tobacco and Electronic Cigarette Retailers
April 25, 2017	CPSC/PPM	Commercial Parking, Pet Shops, Public Halls, Seasonal Sales Businesses

BACKGROUND

Civic Administration previously reported on a number of new categories of businesses to be licensed for a variety of municipal purposes, as well as consideration of existing businesses that require updated licensing regulations. The purpose of this report is to receive public comments on proposed licensing regulations for the following:

- Food premise
- Refreshment vehicles
- Automotive service establishments

As previously reported, Civic Administration is proposing to utilize section 23 of the *Municipal Act* authorizing the delegation of legislative powers. The intent of this section is to streamline City Council’s decision-making process and enable it to focus on larger issues in a more strategic manner. The Licence Manager has a written Standard Operating Procedure on delegated authority of regulation development including public consultation and posting of the regulations on the City’s web site.



Food Premise

The current Business Licensing by-law regulates eating establishments and food shops for the purposes of the health and safety of the consumers and for consumer protection.

The by-law differentiates between eating establishments and food shops. The by-law regulations further categorize eating establishments into three groupings based on seating capacity: less than 20, 20-49 and greater than 50 seats. Although the same initial inspections are undertaken by Property Standards Officers and Fire Prevention Officers, the licence fees vary by the occupancy groupings.

From a customer service perspective, it makes sense to consolidate the two definitions into one definition for a food premise and apply the appropriate fire prevention, health unit and property standards regulations accordingly.

The proposed fee for a food shop licence is \$179. This takes into consideration administration and enforcement costs.

Refreshment Vehicles

The current Business Licensing by-law regulates refreshment vehicles for the purposes of the health and safety of the consumers, to ensure that the vendors are not hindering pedestrian or vehicular traffic and for nuisance control.

The by-law categorizes refreshment vehicles into seven categories: stationary hand carts; mobile hand carts; stationary vehicle or trailer (food prepared elsewhere) ; mobile vehicle or trailer (food prepared on trailer); stationary vehicle or trailer(food prepared on trailer); mobile vehicle or trailer(food prepared elsewhere) and food trucks. Each category has different fees associated with the licensing application. In order to simplify the application process and continue to meet the municipal purpose, the categories were condensed to three classes:

- Class 1 - A refreshment vehicle from which pre-packaged food products are sold or offered for sale, from place to place on public and/or private property. (canteen truck)
- Class 2 - A non-motorized refreshment vehicle where food products are sold or offered for sale at one location on public and/or private property, selling or offering for sale food products (hot dog cart).
- Class 3 – A motorized refreshment vehicle where food products are prepared on site, and sold or offered for sale from place to place on public and/or private property. (food trucks)

There are no changes proposed for the inspection protocol.

The proposed fee for classes 1 and 2 are \$170 and \$500 for class 3. This takes into consideration administration and enforcement costs.

Automotive Service Establishments

The current Business Licensing by-law regulates public garages for the purposes of health and safety, consumer protection and nuisance control.

The by-law categorizes public garages into seven categories: vehicle rental establishments; vehicle sales establishments within a building; vehicle sales establishments on an open lot; gasoline sales; vehicle repair shops; vehicle washing; and automobile service stations (minor running repairs).

In order to simplify the application process and continue to meet the municipal purpose, the categories were summarized into one definition:

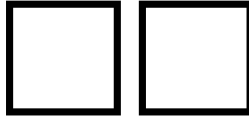
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“AUTOMOTIVE SERVICE ESTABLISHMENT” means the business of providing services involving motor vehicles including but not limited to automobile body shop, repair garage, sales and service establishments, gas bar, car wash, window tinting, glass repair, electronic product installation, and motor vehicle rentals;

There are no changes proposed for the inspection protocol.

The proposed fee for automotive service establishment is \$201. This takes into consideration administration and enforcement costs.

PREPARED BY:	RECOMMENDED BY:
OREST KATOLYK, MLEO (C) CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL



SCHEDULE X
FOOD PREMISE

1.0 DEFINITIONS

1.1 In this Schedule:

“Food Premise” means any place where food or drink, intended for human consumption is prepared for sale, offered for sale, stored or sold, for either immediate consumption within the premises or off the premises.

2.0 PROHIBITIONS

2.1 No person or entity shall operate a Food Premise without a holding a current valid licence issued under this By-law.

SCHEDULE X
REFRESHMENT VEHICLES

1.0 DEFINITIONS

1.1 In this Schedule:

“Refreshment Vehicle” shall mean any vehicle from which refreshments are sold for consumption by the public and includes, without limiting the generality of the foregoing, carts, wagons, trailers and trucks, irrespective of the type of motor power employed to move the refreshment vehicle from one point to another;

“Refreshment Vehicle Plate” means a vehicle licence identification issued to the Licensee under this By-law corresponding to their Refreshment Vehicle licence.

2.0 LICENCE CATEGORIES

2.1 The following categories of Refreshment Vehicles are hereby established:

(a) Class 1 - A Refreshment Vehicle from which prepackaged food products are sold or offered for sale, from place to place on public and/or private property;

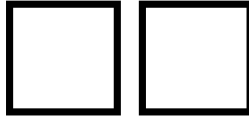
(b) Class 2 - A non-motorized Refreshment Vehicle where food products are sold or offered for sale at one location on public and/or private property; and

(c) Class 3 – A motorized Refreshment Vehicle where food products are prepared on site, and sold or offered for sale from place to place on public and/or private property.

2.2 A person who is the owner or operator of more than one Refreshment Vehicle shall take out a separate licence for each Refreshment Vehicle.

3.0 APPLICATIONS FOR LICENCES AND RENEWALS

3.1 In addition to all of the requirements set out in this By-law, every Applicant for a Class 2 Refreshment Vehicle licence shall file with the Licence Manager proof of insurance in respect of the Class 2 Refreshment Vehicle in the amount of \$2,000,000.00 which insurance shall be



satisfactory to the Licence Manager who shall be notified within 60 days of its cancellation or expiry.

3.2 In addition to all of the requirements set out in this By-law, every Applicant for a Class 3 Refreshment Vehicle licence shall file with the Licence Manager:

(a) proof of insurance in respect of the Class 3 Refreshment Vehicle in the amount of \$2,000,000.00 and comprehensive general liability insurance in the amount \$5,000,000.00 which insurance shall be satisfactory to the Licence Manager who shall be notified within 60 days of its cancellation or expiry;

(b) an operational plan indicating plans for signage, waste management including disposal of grease and grey water, and list of types of food products to be sold or offered for sale; and

(c) proof that the vehicle to be used as a Class 3 Refreshment Vehicle is registered in the Applicant's name or leased by the Applicant.

4.0 CONDITIONS TO HOLD A LICENCE

4.1 In addition to all of the requirements set out in this By-law, every holder of a Class 2 or Class 3 Refreshment Vehicle licence is subject to the following conditions of obtaining and continuing to hold the licence:

(a) maintain insurance as required under this Schedule; and

(b) file with the Licence Manager at least 5 days prior to the expiry date of any current insurance policy an insurance renewal policy or certificate of insurance.

5.0 POWERS OF THE LICENCE MANAGER

5.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:

(a) prescribing the locations where a Class 2 Refreshment Vehicle may carry on business;

(b) prescribing the locations where Class 2 Refreshment Vehicle sites will be allocated to solely to one Licensee;

(c) prescribing the process for allocating Class 2 Refreshment Vehicle sites to Licensees;

(d) prescribing the locations where a Class 3 Refreshment Vehicle may carry on business; and

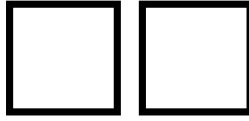
(e) prescribing operational standards for Refreshment Vehicles and holders of Refreshment Vehicle licences.

5.2 In order for a location to be prescribed by the Licence Manager as a location for Class 3 Refreshment Vehicles, the location must conform to the following criteria:

(a) a Class 3 Refreshment Vehicle shall be permitted to locate only on streets assumed as public highways and in designated locations in City Parks;

(b) a Class 3 Refreshment Vehicle shall be permitted to locate only on a street classified as an arterial, primary collector or secondary collector roadway in Schedule C – Transportation Corridors of the City's Official Plan;

(c) a Class 3 Refreshment Vehicle shall not be permitted to locate within 25 metres of a Food Premise, as defined in Part x of this By-law, measured along the most direct road allowance route from nearest point of the Refreshment Vehicle and the nearest point of intersection of the



perpendicular projection of the limits of the Food Premise property and the road allowance unless written permission to operate within the 25 metre buffer has been submitted to the Licence Manager by the Licensee of the Food Premise;

(d) a Class 3 Refreshment Vehicle shall not be permitted to locate on a street within 25 metres of property used for residential purposes measured along the most direct road allowance route from the nearest point of the property boundary to the nearest point of the Refreshment Vehicle; and

(e) a Class 3 Refreshment Vehicle shall not be permitted to locate where, in the opinion of the Licence Manager, it may impede the movement of vehicles or pedestrians along a street, boulevard or sidewalk, or create a public safety hazard.

6.0 PROHIBITIONS

6.1 No person shall operate a Refreshment Vehicle without holding a current valid licence issued under this By-law.

6.2 No person shall:

(a) operate a Class 2 Refreshment Vehicle at a location that is not prescribed by the Licence Manager;

(b) operate a Class 3 Refreshment Vehicle at a location that is not prescribed by the Licence Manager;

(c) operate a Class 3 Refreshment Vehicle within 100 metres of the boundary of a Special Event as defined in the City's Special Event Policy measured along the most direct road allowance route from the nearest point of the Special Event boundary to the nearest point of the Refreshment Vehicle, except where the Refreshment Vehicle is approved as part of the Special Event;

(d) operate a Class 3 Refreshment Vehicle between the hours of 7:00 a.m. and 5:00 p.m. on any school day within 100 metres of any school under the jurisdiction of the Thames Valley District School Board or the London and Middlesex Roman Catholic School Board measured along the most direct road allowance route from the nearest point of the school property boundary to the nearest point of the Refreshment Vehicle; and

(e) operate a Class 3 Refreshment Vehicle between the hours of 3:00 a.m. and 7:00 a.m.

6.3 No holder of a Class 2 Refreshment Vehicle licence shall operate at a location that has not been allocated to them by the Licence Manager.

7.0 REGULATIONS

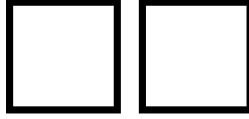
7.1 Every holder of a Refreshment Vehicle licence shall comply with all operational standards prescribed by the Licence Manager.

7.2 Every holder of a Refreshment Vehicle licence shall operate their Refreshment Vehicle at all times in compliance with the City's Traffic and Parking By-Law PS-113, including paying for the use of a parking space or spaces.

7.3 Every holder of a Refreshment Vehicle licence shall ensure that the Refreshment Vehicle Plate is:

(a) affixed to the rear exterior of the Refreshment Vehicle or to another location on the Refreshment Vehicle approved in advance by the Licence Manager; and

(b) plainly visible in its entirety at all times.



SCHEDULE X
AUTOMOTIVE SERVICES ESTABLISHMENT

1.0 DEFINITIONS

1.1 In this Schedule:

“Automotive Service Establishment” means the business of providing services involving motor vehicles including but not limited to automobile body shop, repair garage, sales and service establishments, gas bar, car wash, window tinting, glass repair, electronic product installation, and motor vehicle rentals;

“Motor Vehicle” means an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power.

2.0 PROHIBITIONS

2.1 No person or entity shall operate an Automotive Services Establishment without a holding a current valid licence issued under this By-law.