

TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES Meeting on June 10, 2013
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	FOOD TRUCK PROPOSAL - POST PUBLIC PARTICIPATION REPORT

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; and
- b) that an amendment to the Business Licensing By-law L-6 **BE INTRODUCED** at the Municipal Council Meeting on June 11, 2013 to provide for regulations for a City wide food truck pilot program.

PREVIOUS REPORTS

February 25, 2013 – Food Truck Proposal Report – CPSC

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

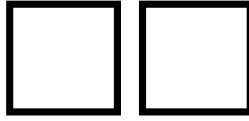
BACKGROUND

On May 27, 2013, the Community and Protective Services Committee reported:

That consideration of the food truck pilot program **BE REFERRED** to a special meeting of the Community and Protective Services Committee meeting, to be held in advance of the June 11th, 2013 City Council meeting, with staff to revise the proposed by-law to include consideration of increased licenses to be available, increased locations and menu recommendations.

In response to the direction of the Community and Protective Services Committee and having regard and consideration to the comments received at the public participation meeting, the following revised regulations are submitted:

- minimum separation distance of 25 metres from existing eating establishments and other refreshment vehicles;
- minimum separation distance of 100 metres from publicly funded schools during school hours;
- minimum separation distance of 100 metres from City approved Special Events;
- permitted to locate only on arterial, primary collector and secondary collector roads - prohibited on local streets;
- prohibited from locating in front of residential properties;
- must maintain a log book of all stops and locations;
- must submit operational plan outlining a Food Truck Management Plan (mission statement, signage, waste management, seating, vehicle specifics and menu details)



A number of food truck by-laws and ordinances from municipalities in North America were reviewed. Most municipalities have some form of separation distance from existing restaurants and buffer zones between other land uses such as schools and special events. All licensed food trucks will have to adhere to the direction of the Licence Manager or designate to relocate the food truck if the vehicle is impeding parking or access, City operations or is or may contribute to an imminent public safety hazard.

As part of the application submission and in keeping the Council approved Cultural Prosperity Plan with direct reference to the objective of continuing to develop linkages between the cultural sector and the food and agriculture sector both locally and regionally, the applicants will be required to submit a Food Truck Management Plan. This plan will include information on a mission statement, signage, waste management, seating, vehicle specifics and menu details. During the public participation meeting, there was some discussion on the success of food trucks in other North American municipalities and comments were made that the success was attributed to the uniqueness of the menu or the food truck theme. Staff has reviewed by-laws and ordinances from several municipalities which require specifics on menus with respect to diversity and uniqueness. Some municipalities (such as Ottawa) have a very complex approval process which utilizes a selection panel to review the menus and provide an evaluation based on the business plan, truck design and menu diversity/ innovation. In consulting with staff who administers these programs, the evaluation process is lengthy and involves a selection panel with expertise in the food industry. In Ottawa, the selection panel reviews all applications and the applicant has the right to appeal the decision of the selection panel to the Licensing and Property Standards Committee for review.

Judging or grading a menu for a food truck is a very arduous and subjective task and requires defensible criteria on which to base an assessment. City staff have been in touch with local food industry experts who have expressed an interest in assisting the City in preparing criteria upon which to judge food truck menus. In municipalities who have taken on the role of assessing menus, the process of preparing criteria took months and included an extensive public participation process. In the absence of a defensible set of criteria, it is not recommended that a menu review and approval process be undertaken at this time in order to allow a food truck pilot project to be implemented in the summer of 2013. Nevertheless, food truck applicants will be required to submit a menu for health inspection purposes and will be encouraged to submit a menu which reflects the demographic diversity of the City's population and contributes uniqueness and vitality to London's street food scene.

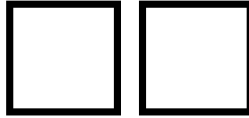
The licence fee of \$1,945 represents the costs of by-law administration and enforcement for this category of refreshment vehicle. Given the direction to allow this category city wide, there will be added enforcement costs which will be covered off by the licence fee.

This pilot program will expire on February 28, 2014. During the pilot, a dedicated email will be available for public comments. Civic administration will review the program and report back in the spring on 2014.

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PREPARED BY:	RECOMMENDED BY:
O. KATOLYK MANAGER OF LICENCING AND MUNICIPAL LAW ENFORCEMENT SERVICES	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
REVIEWED & CONCURRED BY:	
MARK HENDERSON DIRECTOR OF BUSINESS LIAISON	

cc: Downtown London
Old East Village
Middlesex London Health Unit



Bill No.
2013

By-law No.

A by-law to amend By-law No. L-6 entitled "A by-law to provide for the licensing and regulation of various businesses".

WHEREAS the Council of The Corporation of the City of London wishes to amend By-law L-6 entitled "A by-law to provide for the licensing and regulation of various businesses" to add a new category of refreshment vehicle;

AND WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. Section 18.2 of the Business Licensing By-law L-6 is hereby amended by adding the following new category of refreshment vehicle:

"Category 7 shall include food service vehicle or trailer from which food products are sold from a location on City owned property and where the food products are prepared on the vehicle or trailer."

2. The Business Licensing By-law L-6 is hereby amended by adding the following new sections 18.17, 18.18, 18.19, 18.20, 18.21 and 18.22:

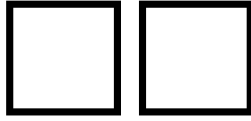
18.17 Category 7 Refreshment Vehicle Licence – licence period

Notwithstanding any other provision of this by-law, a Category 7 refreshment vehicle licence shall be valid only for the period from June 12, 2013 to February 28, 2014.

18.18 Category 7 Refreshment Vehicle Licence – location

No person shall operate a Category 7 refreshment vehicle in the City:

- (a) without a licence that is issued and has not been suspended or revoked under this by-law;
- (b) within 25 metres of an eating establishment measured from nearest point of the refreshment vehicle to the nearest public entrance to the eating establishment or public entrance of the building in which the eating establishment is located
- (c) within 25 metres of another refreshment vehicle;
- (d) between the hours of 8:00 a.m. and 4:00 p.m. on any school day within 100 metres of any school under the jurisdiction of the Board of Education for the City of London or the London and Middlesex Roman Catholic School Board measured along the road allowance from the nearest point of the school boundary to the nearest point of the refreshment vehicle;
- (e) within 100 metres of the boundary of a Special Event as defined by the City's Special Event Policy measured along the road allowance from the nearest point of the Special Event boundary to the nearest point of the refreshment vehicle, except when the refreshment vehicle is approved as part of the Special Event;
- (f) directly in front of a building used exclusively for residential purposes.



18.19 Category 7 Refreshment Vehicle Licence – application

Every applicant for a Category 7 refreshment vehicle licence shall file with the Licence Manager:

- (a) proof of insurance in respect of the Category 7 Refreshment Vehicle in the amount of \$2,000,000.00 and public 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, seating and vehicle specifics; and
- (c) a menu with item descriptions and prices. Details should be provided on how the menu or food concept reflects the diversity of the City and how it will contribute to London’s street food scene.

18.20 Category 7 Refreshment Vehicle Licence – conditions to obtain and hold licence

In addition to all of the requirements set out in this by-law, every licence holder of a Category 7 refreshment vehicle licence is subject to the following conditions of obtaining and continuing to hold the licence;

- (a) maintain insurance as required under section 18.19;
- (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.

18.21 Category 7 Refreshment Vehicle Licence – operational conditions

Every holder of a Category 7 refreshment vehicle Licence shall:

- (a) sell, serve or offer refreshments only from or through a window or opening on the refreshment vehicle not facing the road when parked on a road;
- (b) provide for waste receptacles and ensure all waste is removed when refreshment vehicle leaves subject location;
- (c) provide for seating and tables, if not readily available;
- (d) post a menu on the exterior of the refreshment vehicle;
- (e) provide a menu to the Licence Manager upon request;
- (f) keep a log as approved by the Licence Manager of all stops including location, time and dates and make available the log to the Licence Manager when requested;
- (g) relocate refreshment vehicle, if in the opinion of the Licence Manager or designate, the location is or may become undesirable for reasons of interference with parking, City operations, access or is or may contribute to an imminent public safety hazard;
- (h) operate his or her refreshment vehicle at all times in compliance with the City’s Traffic and Parking By-Law PS-111, Parks and Recreational Area By-law PR-2 and Streets By-law S-1 as amended;
- (i) operate his or her refreshment vehicle on a roadway classified on Schedule C – Transportation Corridors of the Official Plan as an arterial, primary collector or secondary collector roadway;
- (j) operate his or her refreshment vehicle on City owned property other than a location as permitted in 18.21 (i) only with the written approval of the Licence Manager or designate

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3. The Business Licensing By-law L-6 is hereby amended by adding to Schedule "A" the following row:

D	Refreshment Vehicle (Category 7)	\$1,945.00	[leave blank]
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4. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on _____, 2013.

Joe Fontana
Mayor

Catherine Saunders
City Clerk

First reading -
Second reading -
Third reading -