



## **Staff Report for Council Meeting**

**Date of Meeting:** June 23, 2021

**Report Number:** SRCS.21.12

**Department:** Community Services  
**Division:** Community Standards

**Subject:** **SRCS.21.12 - Amendments to the Refreshment Vehicle Licensing By-law No. 194-05 (Municipal Code Chapter 875)**

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### **Purpose:**

To amend the Refreshment Vehicle Licensing By-law No. 194-05 (Municipal Code Chapter 875).

### **Recommendations:**

- a) That Staff Report SRCS.21.12 regarding amendments to the Refreshment Vehicle Licensing By-law be received; and,
- b) That the By-law No. 89-21 (Attachment 1 to Staff Report SRCS.21.12) be enacted to amend the Refreshment Vehicle Licensing By-law No. 194-05 (Municipal Code Chapter 875).

### **Contact Person:**

Tracey Steele, Director of Community Standards, Extension 2476

Dolly Anand, Manager of Policy and Licensing, Extension 6572

### **Report Approval:**

**Submitted by:** Darlene Joslin, Commissioner of Community Services

**Approved by:** Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

## **Page 2**

### **Background:**

The City of Richmond Hill first enacted a by-law requiring refreshment vehicles to be licensed in 1971. The current 2005 Refreshment Vehicle Licensing By-law No. 194-05 (the “By-law”) is a re-enactment of previous refreshment vehicle regulations, incorporating administrative updates to accommodate changes in overarching provincial legislation (e.g., the Municipal Act and the Provincial Offences Act). The By-law establishes the requirement for refreshment cart and vehicle operators and drivers to obtain annual licences, and identifies operational requirements for refreshment carts and vehicles including locational and duration limitations.

In the early 2000’s the City was issuing around 20 refreshment vehicle licences annually to catering truck-style refreshment vehicles serving coffee and pre-packaged food in industrial, commercial and construction sites. From 2016 to 2019, the number of licences dropped to less than 10 as a result of a decline in the catering-truck style business.

Over past few years, the refreshment vehicle business has been evolving. There has been increased interest from vehicle owners wishing to operate modern “food truck” style vehicles in which food is prepared and served to order. As this type of food service was not considered in the development of the existing By-law, its emergence has resulted in elements of the existing By-law being unnecessarily prohibitive and unclear. For example, Hillcrest Mall recently initiated an area in their parking lot called “Street Eats” featuring a number of food trucks. Technically, these vehicles are not in compliance with existing by-law restrictions, which prohibit vehicles from being in one place in excess of fifteen minutes. Further, there has been increased refreshment vehicle participation at City-led events authorized by City permit, but the Refreshment Vehicle By-law does not clearly exempt these vehicles from the annual licence requirement.

### **Discussion:**

Food trucks are common in municipalities across North America. They provide on-the-go dining choices, add character and variety to the local food service industry, and facilitate small business options for entrepreneurs. Any concerns potentially arising as a result of food trucks (e.g., lack of contribution to municipal taxes, safety and locational issues) are typically mitigated through municipal business licensing programs. It is therefore recommended that the existing Refreshment Vehicle Licensing By-law be amended to facilitate the operation of contemporary food trucks within the same framework that catering vehicles have been permitted to operate in Richmond Hill for many years. At the same time, the By-law should be amended to provide clarity and relief from existing regulations that are unnecessary or inefficient in the current context.

### **Proposed Refreshment Vehicle By-law Amendments**

Recommended amendments to the Refreshment Vehicle Licensing By-law were determined through municipal benchmarking and discussions with various stakeholders

## Page 3

including refreshment vehicle owners, restaurant owners, and representatives from the Ontario Restaurant Hotel & Motel Association (ORHMA). The recommended by-law amendments are set out in amending By-law No. 89-21 (Attachment 1) and are as follows:

1. Allow refreshment vehicle operation on City property without an annual Refreshment Vehicle Licence, provided a City permit is obtained

The City often solicits refreshment vehicles to participate in City-led events and activities. These operators secure a permit through the Recreation and Culture Division and there is no need for the same vehicles to apply through two separate processes. The proposed amendments will provide clarity that those refreshment vehicles participating in City-led activities are exempt from the requirement to obtain and pay for an annual Refreshment Vehicle Licence when they have a City permit to operate on City property.

2. Allow refreshment carts to sell a variety of items when operating with property owner permission

The By-law currently limits refreshment carts to either operating indoors or only selling dairy and related products outdoors. The proposed amendment will allow refreshment carts to offer a variety of hot and cold refreshments outdoors provided they are within one of the permitted service areas and they have permission from the property owner where they are operating.

3. Remove the requirement for a vehicle inspection provided a valid vehicle safety certificate is submitted

In order to streamline the application process and eliminate duplication with Ministry of Transportation vehicle licensing requirements, the licence application requirement for a vehicle inspection will be eliminated, provided a valid vehicle safety certificate is submitted.

4. Repeal the requirement for refreshments to be wrapped and sold in individual packages

This requirement was specific to catering truck-style vehicles and causes unnecessary confusion in the contemporary context.

5. Clarify that permitted service areas for refreshment vehicles are industrial, commercial and retail zones, and construction sites

The By-law currently indicates that the operation of refreshment vehicles is restricted to “industrial establishments, construction projects and places of employment.” These terms are unclear and have caused confusion. It is proposed that permitted service areas be clarified through use of zoning terminology (i.e., permitted service areas are industrial, commercial, and retail zones). Operation on construction sites will continue to be allowed, as will operation on City property with a permit (as described above).

## **Page 4**

6. Allow refreshment vehicles to remain in one place for longer than fifteen minutes with written consent from the property owner

The By-law currently limits the length of time that a refreshment vehicle can remain in one place to a maximum of fifteen minutes. While this was appropriate for catering-style vehicles serving pre-packaged food, it is not reasonable for a food truck that prepares and serves food to order. The proposed amendment will allow vehicles to remain at a specific site for an extended duration provided they have written permission from the property owner, the use is compliant with applicable zoning, and the property is within one of the defined service areas.

In the coming years, the Community Standards Division anticipates undertaking an overall modernization of the City's business licensing program. As part of this process, it is anticipated that the Refreshment Vehicle Licensing By-law will be subject to a comprehensive review and update. Until such time that the By-law can be comprehensively reviewed, the proposed amendments will provide the ability for refreshment vehicles to operate within a reasonable regulatory framework.

### **Financial/Staffing/Other Implications:**

Based on requests received, it is estimated that going forward, the City will be issuing approximately 20 to 25 refreshment vehicle licences annually. This is an increase of 10 to 15 licences from the previous year, and will result in approximately \$3,000 to \$8,000 in additional annual licensing revenue. Given the efficiencies gained through the reduction of vehicle inspections, staff resources are currently adequate to process and oversee the enforcement of the additional licences.

### **Relationship to Council's Strategic Priorities 2020-2022:**

By-law amendments recommended by this report are consistent with the Council Priority of creating a Strong Sense of Belonging by helping create communities and ensuring refreshment vehicle businesses operate safely and fairly.

### **Climate Change Considerations:**

There are no climate change considerations associated with this report.

### **Conclusion:**

The current 2005 Refreshment Vehicle Licensing By-law is a re-enactment of previous refreshment vehicle regulations, incorporating administrative updates to accommodate changes in overarching provincial legislation. The By-law was developed contemplating catering truck-style vehicles serving coffee and pre-packaged food. Over the past few years, the refreshment vehicle business has been evolving and there has been increased interest from owners wishing to operate modern "food truck" style vehicles in which food is prepared and served to order.

## **Page 5**

As the preparation and service of food to order was not considered in the development of the existing By-law, its emergence has resulted in elements of the existing By-law being unnecessarily prohibitive and unclear. It is recommended that the existing Refreshment Vehicle Licensing By-law be amended to facilitate the operation of contemporary food trucks within the same framework that catering vehicles have been permitted to operate in Richmond Hill for many years. Recommended amendments to the Refreshment Vehicle Licensing By-law are set out in amending By-law No. 89-21 (Attachment 1).

In the coming years, the Community Standards Division anticipates undertaking an overall modernization of the City's business licensing program. As part of this process, it is anticipated that the Refreshment Vehicle Licensing By-law will be subject to a comprehensive review and update.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Attachment 1 – By-law 89-21 to amend the Refreshment Vehicle Licensing By-law 194-05

## Page 6

### Report Approval Details

Document Title:	SRCS.21.12 - Refreshment Vehicle By-law Amendment.docx
Attachments:	Attachment 1 – By-law 89-21 to amend the Refreshment Vehicle Licensing By-law 194-05
Final Approval Date:	Jun 14, 2021

This report and all of its attachments were approved and signed as outlined below:

**Tracey Steele - Jun 14, 2021 - 5:02 PM**

**Darlene Joslin - Jun 14, 2021 - 5:05 PM**

**Task assigned to MaryAnne Dempster was completed by delegate Kelvin Kwan**

**Kelvin Kwan on behalf of MaryAnne Dempster - Jun 14, 2021 - 7:09 PM**