

Report to Council

Report Title:	Refreshment Vehicle Licensing		
Prepared By:	Fiona Hamilton, Clerk		
Department:	Clerk's		
Date:	June 22, 2021		
Report Number:	CLK2021-20	File Number:	C11CL, P09
Attachments:	By-Law 2006-27 – Refreshment Vehicle Licensing By-Law		

Recommendation:

That the Council of the Municipality of Brockton hereby receives Report Number CLK2021-20 – Refreshment Vehicle Licensing, prepared by Fiona Hamilton Clerk and in doing so approves a By-Law coming forward to amend the original Refreshment Vehicle Licensing By-Law, and further that an amended Fees and Charges By-Law coming forward to adjust the associated fees.

Report:

Background:

The Municipality of Brockton enacted By-Law 2006-27 on June 12, 2006 licensing, regulating, and governing refreshment vehicles. The purpose of the by-law is to regulate refreshment vehicles in Brockton, and it contains a number of guidelines and licensing requirements, such as approval from the Grey Bruce Health Unit, obtaining adequate insurance, etc.

In accordance with Section B of the Refreshment Vehicle Licensing By-Law, “No person(s), partnership or corporation shall sell or offer for sale any goods or services **upon any highway or part thereof or in any public parks or lands owned by the Municipality of Brockton** unless such person(s), partnership or corporation holds an outdoor vending license issued by the Municipality of Brockton.” (emphasis added). The By-law then provides a number of prohibitions, such as minimum distances from a Commercial Establishment, distance from schools, etc.

Unfortunately, the By-law does not clearly prohibit individuals from selling food items on **a private property**, rather than the highway, public parks or municipal lands as emphasized above, without first obtaining a license. This oversight has resulted in some unfairness, as a group/business/individual could set up a seasonal Refreshment Vehicle for an entire season on private property with no regulation or no fee while a student wishing to have an ice cream stand on a sidewalk would be required to adhere to the regulation, need to obtain the license and pay the the associated fee. There are currently two refreshment vehicles in Brockton

operating from private property and staff have recently received an application for an ice cream stand proposed in Cargill.

In addition, the fees that outlined in the 2021 Fees and Charges By-law also pose some interpretation challenges:

Description	2020 Fee	Effective Until	2021 Fee	Increase / (decrease)	Tax Applicable?			Effective Date
					No	HST (13%)	GST (5%)	
Food and Refreshment Vendors Set location	\$330.00	December 31, 2020	\$330.00	0.0%		X		January 1, 2021
- per day per cart, stand or vehicle or event set location	\$330.00	December 31, 2020	\$330.00	0.0%		X		January 1, 2021
- set location -Per season Victoria Day to after Labour Day, once Per week	\$330.00	December 31, 2020	\$330.00	0.0%		X		January 1, 2021
- for season everyday use - set location	\$5,100.00	December 31, 2020	\$5,100.00	0.0%		X		January 1, 2021
Transient Trader - per trader/per day various locations ie food truck	\$330.00	December 31, 2020	\$330.00	0.0%	X			January 1, 2021

According to this By-law, an individual selling food items on a weekly basis would pay the same fee as an individual selling items for a single day. There also seems to be two per day fees for food trucks, with one listed as an example of a Transient Trader, which is a different By-law and an entirely separate licensing regime. There is also a significant increase for a person wanting to set up at a location seasonally, with the price going from \$330.00 for a weekly use to \$5,100.00 for an annual permanent seasonal location.

Staff compared neighbouring Municipality's Refreshment Vehicle Licensing By-Laws. The content of these By-Laws is fairly similar among Bruce County Municipalities, although there is some variance in the fees being charged

Municipality	Refreshment Vehicle Fee
Huron-Kinloss	\$350
Kincardine	\$380 (per license per calendar year)
North Bruce Peninsula	\$350 *Transient Trader only
Saugeen Shores	\$194.63 (However applications are also tendered in order to lease the property)
South Bruce	\$300 per event *Transient Trader only
South Bruce Peninsula	\$2,000 (annual fee per vehicle for Sauble Beach and Wiarton) \$1,200 (annual fee per vehicle for all other areas of South Bruce Peninsula) \$500 flat fee + \$420 per week (for public property lease agreement)

Analysis

With proper oversight, refreshment vehicles provide an opportunity for additional economic development throughout Brockton, but particularly in the smaller hamlets where there are no permanent restaurant locations. Cargill is an excellent example, where people visiting Margaret's Mercantile may wish to have a hot dog or ice cream cone. Refreshment vehicles may also provide an opportunity to students or younger residents to earn some additional income or begin developing their own business. The existing By-law does ensure adequate setbacks from existing restaurants, such that a clear and fair licensing regime could provide additional choice for residents (particularly in light of Covid-19 related guidelines) without competing with our local businesses.

Given the need to ensure safety and fairness for all residents in Brockton, staff have suggested a number of edits to By-law 2006-27 that have been outlined in red. The proposal is also to amend Brockton's fees for refreshment vehicles, charging \$50.00 per day and \$350.00 per season to provide clarity and consistency to applicants. As a result, staff have amended the Fees and Charges By-Law to reflect this change should Council approve amending the By-Law.

The Clerk's Department received an application from an individual wishing to set up an ice cream cart on Cargill Road. The applicant has also submitted their application to the Grey Bruce Health Unit, and provided the Municipality with their insurance as per the By-Law, but the current fees as outlined in the 2021 Fees and Charges (\$5,100.00) would be cost prohibitive.

Sustainability Checklist:

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

- | | |
|---|-----|
| • Do the recommendations help move the Municipality closer to its Vision? | Yes |
| • Do the recommendations contribute to achieving Cultural Vibrancy? | Yes |
| • Do the recommendations contribute to achieving Economic Prosperity? | Yes |
| • Do the recommendations contribute to Environmental Integrity? | N/A |
| • Do the recommendations contribute to the Social Equity? | N/A |

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

The Municipality of Brockton did not receive any income or revenue from refreshment vehicles previously as the few in existence were on private property and because the seasonal fees were prohibitive. As a result, the goal would be that by lowering the fees, Brockton may receive additional revenue as individuals consider these types of businesses as option.

Reviewed By:



Trish Serratore, Chief Financial Officer

Respectfully Submitted by:

A handwritten signature in black ink, appearing to read 'Fiona Hamilton'.

Fiona Hamilton, Clerk

Reviewed By:

A handwritten signature in black ink, appearing to read 'Sonya Watson'.

Sonya Watson, Chief Administrative Officer