

Report to Council

Report Title:	Vendor Licensing By-Law Review		
Prepared By:	Sarah Johnson, Deputy Clerk and Fiona Hamilton, Director of Legislative and Legal Services (Clerk)		
Department:	Clerk's		
Date:	September 10, 2024		
Report Number:	CLK2024-21	File Number:	C11CL
Attachments:	Transient Trader By-Law 2005-21 and Application Form Amend Refreshment Vehicle Licensing By-Law 2021-085 and Application Form		

Recommendation:

That the Council of the Municipality of Brockton hereby receives Report Number CLK2024-21 - Vendor Licensing By-Law Review, prepared by Sarah Johnson, Deputy Clerk and Fiona Hamilton, Director of Legislative and Legal Services (Clerk) for information purposes.

Report:

Background:

The Municipality of Brockton currently has two (2) By-Laws associated with Vendor Licensing (selling of goods, wares, or merchandise within Brockton on an intermittent or one-time basis). These two By-Laws were originally enacted in 2005 and 2006.

The Transient Trader By-Law was enacted in 2005 and has not been updated since. This By-Law applies to persons wishing to sell goods or services within Brockton on an "intermittent or one time basis" such as door-to-door sales. This By-Law somewhat overlaps with the Outdoor Vending/Refreshment Vehicle Licensing By-Law and is quite limited in its interpretations and implementation compared to the guidelines for outdoor vending.

The Outdoor Vending/Refreshment Vehicle Licensing By-Law was amended in 2021 and originally enacted in 2006. This By-Law specifically applies to outdoor vending which is defined as "the offering to sell, the display for sale, and the sale of good or services on highways, municipal owned parks or land, or outside on any private property except for patios connected to any permanent restaurant, or dining establishment" and refreshment vehicles (carts, stands, and vehicles).

Staff usually issued two (2) Transient Trader Licenses a year to local produce stands, and there were rarely any requests for outdoor vending/refreshment vehicles. However, 2024 has seen an increase in inquiries and

licenses being issued. We have currently issued 8 vending licenses in 2024: 6 Transient Trader Licenses, and 2 Outdoor Vending/Refreshment Vehicle Licenses. There will be additional licenses issued for any refreshment vehicles at the Hometown Christmas Market this November in Walkerton. The remaining vendors at the Christmas Market are completing a different application process specific to this event, but refreshment vehicles will be following the application process under our Outdoor Vending/Refreshment Vehicle Licensing By-Law.

With increased attention on this type of license, and as our community grows, so do the number of events, activities and gatherings in our parks and facilities. With several events being held in Brockton, such as the Summer Streetfest and Hometown Christmas Market, more local vendors are on display, and as such, the Municipality has received more requests for Outdoor Vending and/or Transient Trader Licenses.

Analysis:

Given that 19 years have passed since these two (2) By-Laws were first enacted, staff are reviewing the By-Laws with plans of developing an all-encompassing Vendor Licensing By-Law to consolidate these two types of licenses and provide clarity to vendors as well as the administrative processes involved.

Both By-Laws also have differing fee structures and exemptions. The Transient Trader By-Law also has set fines associated. Staff propose to create a per day fee and per year fee for vendor licenses, as well as defining exemptions for vendor licenses.

As part of this vendor licensing by-Law review, staff have launched a **Vendor Licensing Feedback project** on our community engagement website, Build Your Brockton to gather feedback from members of the public, previous or current vendors, and business owners.

Staff are asking for feedback on topics such as:

- Vendor licensing regime in general
- Fee structure
- Accessibility considerations
- Location of vendors (Example: Should the By-law be restricted to Municipally owned land? Should licenses from other Municipalities be accepted within Brockton to allow a vendor to conduct their business in multiple communities?)
- Impacts to downtown businesses and/or events or rentals occurring in municipal parks/facilities that vendors may be set up at
- Whether vendors should be permitted at the Bruce Power Regional Soccer Park now that the concession stand building is open?
- Exemption considerations (Example: Should vendors be exempt from paying a fee at Municipal events? Should certain groups (service clubs, charities, student businesses) be exempt from paying a fee throughout the year?)
- Preferences to consider (Example: Should Brockton owned businesses be given preference?)

Staff will also be considering the following impacts associated with vendor licensing:

- Better defining who qualifies to receive a license (Example: Should an individual wishing to busk in the Market Garden be considered a Transient Trader?)

- Impact for By-Law Enforcement (Example: How will the By-Law be enforced? Should set fines still apply? There may be an increase in both foot traffic and regular traffic downtown resulting in limited parking spaces)
- How vendor licensing should work for Municipal events such as Summer Streetfest and Hometown Christmas Market
- What are the future plans for the Market Garden and impact if an increased number of vendors wish to be located in the downtown Walkerton park throughout the year?

Staff will also compare related By-Laws and fees from neighbouring Municipalities to achieve some consistency.

The Vendor Licensing Feedback project is being advertised in the September Brockton Buzz Newsletter, Council Agenda, and on our website, and social media.

Staff will bring forward an additional report to Council summarizing the feedback collected and presenting the draft Vendor Licensing By-Law for Council’s consideration later this year.

Strategic Action Plan Checklist:

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

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| • Recommendations help move the Municipality closer to its Vision | Yes |
| • Recommendations contribute to achieving Heritage, Culture, and Community | Yes |
| • Recommendations contribute to achieving Quality of Life | Yes |
| • Recommendations contribute to achieving Land Use Planning and the Natural Environment | N/A |
| • Recommendations contribute to achieving Economic Development | Yes |
| • Recommendations contribute to achieving Municipal Governance | Yes |

Financial Impacts/Source of Funding:

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

The current fee structure for vendor licensing differs between the two By-Laws. Under the Fees and Charges By-Law, Transient Trader Licenses are \$330/day and Outdoor Vending/Refreshment Vehicle Licenses are \$50/day + HST and \$350/season (year) + HST.

However, there are also several exemptions in both By-Laws, some of which include exemptions to waive fees. Staff plan to better align these two By-Laws and their associated licensing fees.

The new draft By-Law will come forward to Council later this year once feedback has been collected and built into the development of the new Vendor Licensing By-Law.

Reviewed By:



Trish Serratore, Chief Financial Officer

Respectfully Submitted by:



Sarah Johnson, Deputy Clerk



Fiona Hamilton, Director of Legislative and Legal Services (Clerk)

Reviewed By:



Sonya Watson, Chief Administrative Officer