



AGENDA

Strategic Priorities Committee

June 21, 2022

9:00 am

Video Conference

Click the following link:

<https://www.youtube.com/channel/UCzuUpFqxcEl8OG-dOYKteFQ>

Pages

- 1. CALL TO ORDER**
- 2. DECLARATIONS OF PECUNIARY INTEREST**
- 3. AMENDMENTS AND APPROVAL OF THE AGENDA**

RECOMMENDATION

THAT the June 21, 2022 Strategic Priorities Committee agenda be accepted as presented.

4. STRATEGIC PRIORITIES REVIEW

4.1. COR 30-2022 Flats Project Update

3

RECOMMENDATION

THAT COR 30-2022 Flats Project Update report be received for information.

4.2. ADMIN 32-2022 Review of 2018 Draft Refreshment Vehicle By-Law

8

RECOMMENDATION

THAT ADMIN 32-2022 Review of 2018 Draft Refreshment Vehicle By-Law be received; and

THAT the Strategic Priorities Committee directs staff to make the following changes to the draft Refreshment Vehicle By-Law and report back to Council with a final draft:

- *(changes to be listed based on committee discussion)*

5. CLOSED SESSION

RECOMMENDATION

THAT the Strategic Priorities Committee move into a session that is closed to the public at _____ am as authorized under the Municipal Act, Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

5.1. PW 37-2022 CONFIDENTIAL Widder Street East Access Update

5.2. PW 38-2022 CONFIDENTIAL Orphaned Parcel on James Street N.

6. RISE AND REPORT

RECOMMENDATION

THAT the Strategic Priorities Committee rise from a closed session at _____ am

7. NEXT MEETING

July 19, 2022 - 9:00 am, live streamed to the Town's YouTube channel

Topics to be discussed:

- Pre-Budget
- Committees of Council Review

8. ADJOURNMENT

RECOMMENDATION

THAT this meeting of the Strategic Priorities Committee adjourns at _____ pm.

INFORMATION REPORT

To:	Chair Stratthdee and Members of Strategic Priorities Committee
Prepared by:	André Morin, Director of Corporate Services / Treasurer
Date of Meeting:	21 June 2022
Subject:	COR 30-2022 Flats Project Update

INFORMATION

To provide Strategic Priorities Committee with an update on the Flats master plan project.

RECOMMENDATION

THAT COR 30-2022 Flats Project Update report be received for information.

BACKGROUND

One of Council's identified priorities has been to re-profile Milt Dunnell field (the Flats). The main priority for 2022 is to provide Council with a master plan for approval. That master plan will be used to leverage grants and funding for implementation of amenities over the next number of years.

However, in fall of 2021, Council approved a capital budget for the Milt Dunnell field upgrades as follows as grant opportunities were readily available:

COSTS	
Paving/Parking	\$120,000
Accessible Washroom	\$200,000
Contingency	\$30,000
Signage, fixtures, etc.	\$10,000
Consulting	\$27,500
TOTAL	\$387,500
FUNDING	
Reserve - General Capital	\$137,500
FedDev	\$250,000
TOTAL	\$387,500

The Town was successful in securing funding from the Canada Community Revitalization Fund in the amount of \$250,000. The funds must be spent by March 31, 2023.

REPORT

The project will take place in stages and include internal and external consultation. The first step is the master planning process which is being led by the Corporate Services department in collaboration with the other departments. The next step will include implementation of the various elements of the master plan – these will be led by the respective in-house experts (for example, Public Works would lead infrastructure upgrades, Facilities department would lead building renovations, etc.). The final step will be ongoing operation/programming – this will be led by the respective department once implementation is complete.

For the master planning process, below is a summary of the project details and timelines:

Action Item	Deadline	Status
Defining Scope and process through Steering Committee	December 2021	Complete
Internal background gathering	March 2022	Complete
Stakeholder/User group consultation process	April/May 2022	Ongoing – almost complete
Steering Committee meeting to review and refine stakeholder/user group feedback	June 2022	Will likely be delayed until late June or early July
Hire Consultant for conceptual design	June 2022	RFP to be launched in June
Create three (3) conceptual designs for public input	August 2022	
Public Consultation	September/October 2022	
Draft Master Plan tabled with Council	November 2022	
Finalize Master Plan	January 2023	

Initial stakeholder/user group consultations have begun. Through this process staff have been asking for feedback regarding current use of the amenities, suggestions for improvements, and what is the “wish” for the space. To-date we have met with the following groups:

- The Lawn Bowling club
- Lions Club
- Rotary Club
- Farmers Market
- President, St. Marys Minor Baseball

Up-coming meetings include:

- The Kinsmen Club
- The BIA
- Men’s over 40 slow-pitch
- Scott Crawford (representing Minor Baseball)

Internally, staff hosted a whiteboarding session with representatives from the following departments:

- Community Services
- Public Works and Parks
- Building, Planning, and Facilities

Overall, the internal and external stakeholders have greatly supported the redevelopment of the “Flats” and are highly appreciative of the opportunity to inform the process. We have also received support for the concept of Milt Dunnell field being dual purpose: a space for the community to enjoy; and a space to attract visitors. Feedback has been very useful and is documented to help inform the planning process. The steering committee will use this information to guide the conceptual designs. As anticipated, there are many common themes:

- Improve washroom facilities: accessibility and room for strollers
- Exterior hand washing station
- Improved electrical for events
- Improved lighting in the park for evening activities (consider solar)
- Paving for accessibility improvements
- Delineate driving vs walking in the park
- Parking improvements would be an asset
- Storage onsite for ongoing user groups and events
- Storm water management
- Natural seating and picnic areas
- Pavilions should remain and should be enhanced/increased for both better usage and safety
- Flats diamonds are not the first choice for play as they are often wet, littered with goose droppings and are near pedestrians and vehicles – considerations should be made to enhance them or move them
- Ensure natural beauty is not compromised

Above are the common themes, but there are several alternative or new ideas for enhancements being provided. Once stakeholder meetings are completed, the steering committee will review all the comments to generate the design of conceptual plans that best reflect the overall vision for the space. These conceptual plans will be used for fulsome public consultation. We expect the public consultation will generate a tremendous amount of feedback and input and is most likely to be successful if completed in early fall (September/October).

While the final design and implementation will not occur until the master plan is complete, the Town has been awarded funds towards construction. As such, staff are looking at options how best to utilize those funds by the March 2023 deadline. Those options include paving areas that are known and not likely to change and preparing the final building and infrastructure designs immediately after the master plan is approved. As well, there will be many aspects of the master plan that can be sourced quickly once a master plan is finalized. There may be an opportunity to extend the funding deadline, but this has yet to be confirmed.

SUMMARY & IMPLICATIONS

The Town has commenced work on the Milt Dunnell field re-profiling project and is providing an update to Council.

This report is meant to serve as an update for Council on the process to date. It is also an opportunity to provide staff with any guidance to ensure the project vision continues to meet Council's original intent.

STRATEGIC PLAN

- ☒ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.
- Pillar #4 – Culture and Recreation
 - Strategic Priority: “A Focused Park Strategy” - St Mary's parks is not only a prized asset, but it is also a natural gathering place that can be optimized and incorporated into enhancing the cultural profile of St Marys.
 - Investigate Milt Dunnell Park (“The Flats”) in terms of capacity to host cultural events, such as festivals, “gathering on the green”, art exhibits, performances, etc.
 - Re-profile Milt Dunnell Park as “the Central Park of St Marys”
 - Ensure Milt Dunnell Park remains the central focus for community events.

OTHERS CONSULTED

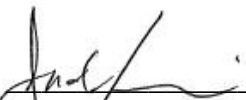
Various – included in the body of the report

ATTACHMENTS

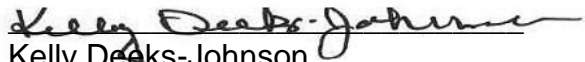
1. Map of Milt Dunnell Park

REVIEWED BY

Recommended by the Department



Andre Morin
Director of Corporate Services/Treasurer

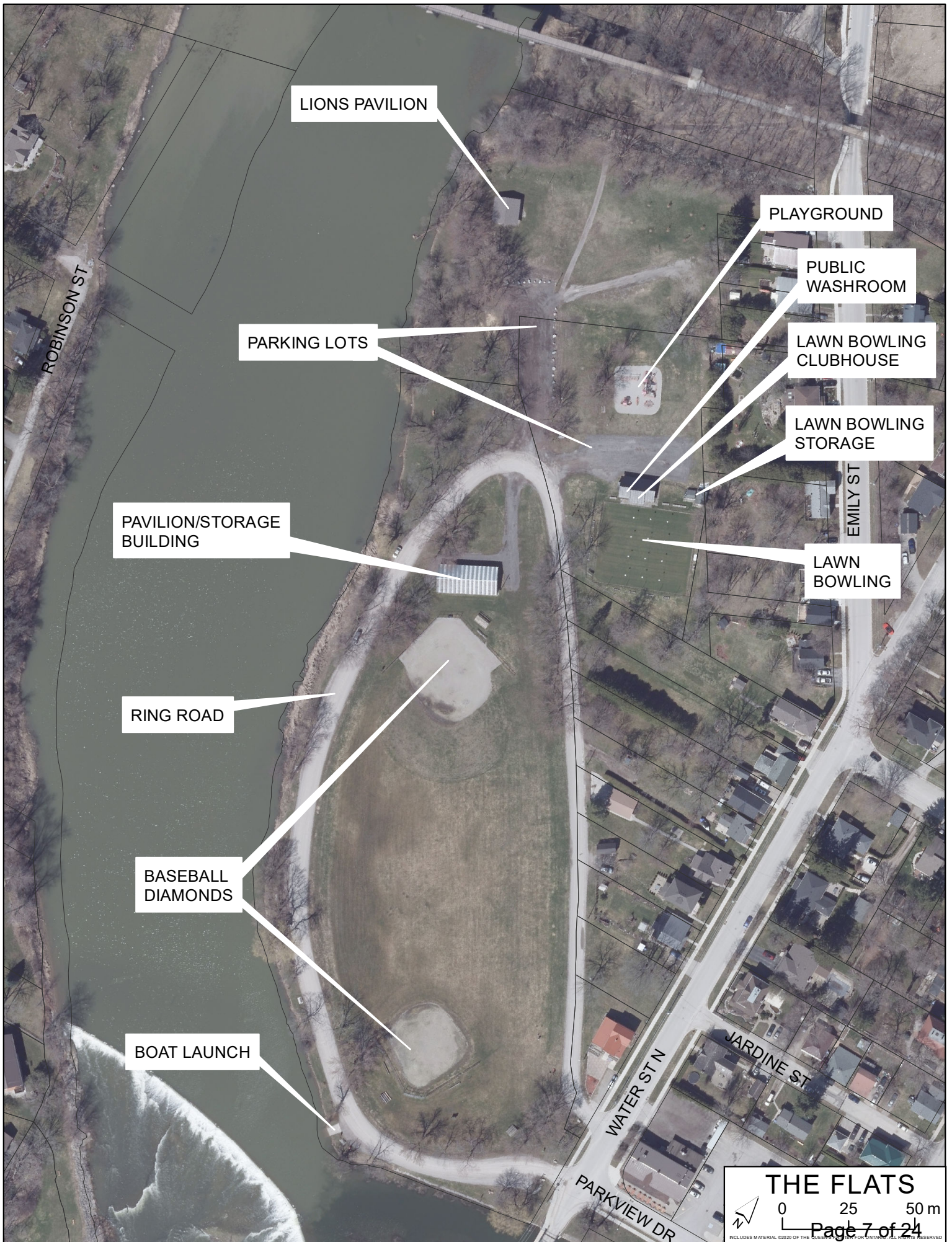


Kelly Deeks-Johnson
Manager of Tourism and Economic Development

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer



LIONS PAVILION

PLAYGROUND

PUBLIC
WASHROOM

LAWN BOWLING
CLUBHOUSE

LAWN BOWLING
STORAGE

LAWN
BOWLING

PARKING LOTS

PAVILION/STORAGE
BUILDING

RING ROAD

BASEBALL
DIAMONDS

BOAT LAUNCH

THE FLATS

0 25 50 m

Page 7 of 24



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FORMAL REPORT

To:	Chair Stratthdee and Members of Strategic Priorities Committee
Prepared by:	Brent Kittmer, Chief Administrative Officer
Date of Meeting:	21 June 2022
Subject:	ADMIN 32-2022 Review of 2018 Draft Refreshment Vehicle By-Law

PURPOSE

This report provides a draft Refreshment Vehicle By-law for consideration as directed by Council. Through this report Council will need to decide if they wish to implement a refreshment vehicle by-law, and if there are any changes they wish to see to the draft.

RECOMMENDATION

THAT ADMIN 32-2022 Review of 2018 Draft Refreshment Vehicle By-Law be received; and

THAT the Strategic Priorities Committee directs staff to make the following changes to the draft Refreshment Vehicle By-Law and report back to Council with a final draft:

- *(changes to be listed based on committee discussion)*

BACKGROUND

As Council may recall, Frenchie's Fries was located downtown for a long number of years at the northwest corner of Queen and Wellington Streets. When the proprietor decided to sell the business, the Town received correspondence from an interested purchaser in January 2016 requesting permission to continue operating from the historic location beside Scotiabank.

Through a series of reports, Council of the day learned that the existing by-law regulating mobile canteens (by-law 34-69) is not an enforceable by-law as the legislation it is based upon is significantly outdated. The *Municipal Act* provides licencing authority to municipalities for the purpose of business licensing, consumer protection, and to promote the health and safety of the public. Council of the day deferred the request from the new proprietor in favor of developing a new by-law to govern the operation of refreshment vehicles.

Staff and Council worked on this file from 2016-2018 with draft by-laws 75-2018 and 76-2018 being considered by Council on August 28, 2018. Council considered the draft by-laws, and ultimately decided to table the report.

As a result, the position staff have taken when inquiries are submitted is that refreshment vehicles are not permitted on public property unless a request is approved by Council. The zoning by-law is silent on the operation of refreshment vehicles on private property, and to date, staff have not taken any enforcement action to those that operate on certain private properties. When asked by interested persons, the interpretation that staff have applied is that refreshment vehicles can be operated on properties within the industrial, commercial, and institutional zones as an accessory to the main use. So Council is aware, the definition of "Accessory Use" from the Town's Zoning By-law is as follows:

Accessory Use means a use that is normally incidental, subordinate, and exclusively devoted to the main use of the lot and which is located on the same lot therewith.

In terms of approvals needed today, the operation of refreshment vehicles is regulated by Huron Perth Public Health for food, health, and public safety approvals. In addition, owners are also required to have the Fire Department approve their fire suppression system.

Council considered the information above at the February 8, 2022 Regular Council meeting and passed the following resolution:

Resolution 2022-02-08-09

THAT staff bring back a report regarding refreshment vehicle licensing in St. Marys to a future Strategic Priorities Committee meeting.

REPORT

Attached to this report is the draft Refreshment Vehicle By-law that is substantially the same as the one that was tabled by Council in August 2018. The key components of the draft by-law are explained below along with the rationale of why various terms of the by-law are written the way they are.

- **Definition of a Refreshment Vehicle:** The definition used in the by-law is intended to be all encompassing, including any vehicle from which fresh or prepackaged food is offered from. This ranges from what everyone commonly thinks of as a “food truck” to smaller carts, etc.

Rationale:

- “Refreshment Vehicle” was chosen as an overarching definition meant to be all encompassing based on the direction from Council at the time.

Implementation Example:

Example	Definition	Food preparation?	Cooking on board?	Mobile or Stationary	Fresh or prepackaged
Refreshment Vehicle	Umbrella category for all food vending vehicles	All	All	All	All
Chip Truck	Serves french fries from a single location	Yes	Yes	Stationary	Fresh
Mobile Canteen	Serves prepackaged foods such as sandwiches	No	No	Mobile	Prepackaged
Food Truck	Serves a limited, specialized menu	Yes	Yes	Mobile	Fresh
Food Cart	A cart or barbecue which serves food such as hot dogs.	Yes	Yes	Stationary	Fresh
Ice Cream Vehicle	A bicycle or truck which sells ice cream	No	No	Mobile	Prepackaged

- **Scope:** The by-law will require refreshment vehicles that operate on any property (public or private) to obtain a license, with limited exemptions.

Rationale: Refreshment Vehicle by-laws are enacted in the interest of protecting public health and safety. Having the by-law apply to all properties ensures a consistent licensing approach in the community so that the public can be confident that all refreshment vehicles are operating safely.

- **Exemptions:**
 - ***Public Events & Events Organized by Service Clubs and Charities:***

- For Public Events, a license is required for owners, but license fees are exempted for refreshment vehicle owners who own a food/beverage establishment in St. Marys.
- For events organized by service clubs and charities, a license is required for owners, but license fees are exempted for all owners.

Rationale:

- This was the direction of the Council of the day. The purpose of this approach was to ensure that patrons at these large public events still had the security of knowing that the owners were safe.
- Exemption of fees for existing St. Marys food/beverage establishment owners was included based on stakeholder feedback as an effort to support St. Marys businesses.
- Exempting fees for events organized by service clubs and charities was included to ensure that any fundraising or cost-recovery efforts from these events would not be impacted if the owners needed to charge an attendance fee to cover license costs.

Implementation Example:

- A downtown St. Marys restaurant who wants to set up a buffet table outside their business during Heritage Festival (a “Public Event”) will not need a license because they do not meet the definition of a “Refreshment Vehicle”
- A St. Marys restaurant owner who owns a Refreshment Vehicle and wishes to participate in a Public Event will be required to obtain a license but will not be required to pay a fee.
- For an event like Summerfest (organized by the Kinsmen) both in-Town and out-of-Town owners will require a licence but will not have to pay a fee.

- **Permitted Locations:**

- ***Downtown:***

- Public Property:
 - A total of two (2) licenses are permitted on public property downtown.
 - One location is defined as being the parking space immediately beside the Town parking lot on Water Street N (just south of Trout Creek).
 - The second location is at the discretion of the Town based on the application received.
 - Private Property
 - Refreshment vehicles may also operate in unlimited numbers on private property in the downtown, provided the zoning of the property permits: “Eating establishment (take out)”, “caterer’s establishment”, “Banquet hall” and/or “Hotel”.

Rationale:

- The limitation on total owners on public property in the Downtown was included based on the consultations of the day. Both stakeholders and Council believed the total number on public property the downtown should be limited. The rationale was that refreshment vehicle owners in these public locations would

have no bricks and mortar costs, taxes, etc. which may give them an unfair advantage over downtown restaurants.

- No limit is established on owners on private property in the downtown because the specificity of the zoning provisions will naturally limit the permissible locations.
- During the discussions of the day, it was acknowledged that parking stalls on Queen Street would not be a permissible location.

○ ***Municipal Facility Parking Lots and Municipal Parks:***

- Refreshment vehicles are permitted at Town parks and facilities if invited by the Town, or if they have a license with the Town to be located at the site.

Rationale:

- This provision allows for the Town to bring in refreshment vehicles to other Town locations for special events.
- It also allows for refreshment vehicles to be used as meals/night lunches for events located at municipal facilities (i.e. for weddings at the PRC).
- Finally, it is common for refreshment vehicles to locate at parks in other communities, which would align well with the Town's vision for various parks like Cadzow and the Flats. There is no limit on the number of owners, provided they are not subject to the downtown limit of two (2).

○ ***Private Property and Open to the General Public:***

- As a rule, refreshment vehicles are only permitted on private property (inside and outside the downtown) where the zoning of the property permits: "Eating establishment (take out)", "caterer's establishment", "Banquet hall" and/or "Hotel".
- The by-law allows the Clerk to issue a license to an owner at a public event on any other private property where they will be operating for no longer than 3 consecutive days.

Rationale:

- Adding the zoning provisions of "Eating establishment (take out)", "caterer's establishment", "Banquet hall" and/or "Hotel" provides more specificity than the current approach where refreshment vehicles are permitted as an "accessory use" on industrial, commercial and institutional properties. The permitted uses listed were chosen as the definition of each of these permitted uses refers to food and refreshments.
- Allowing the Clerk to issue a license on other private properties was included to allow for refreshment vehicles to offer services to the public at public events located on private property that is not specifically zoned for the permitted uses listed above.

Implementation Examples and Impact

The most common examples of where refreshment vehicles have operated and been open to the public in the last several years are shown below along with how the draft by-law would apply if enacted:

- 304 James St S (Cascades) – Varied owners. Brought in by the company for employee recognition efforts. Not open to the public (i.e. private event).
 - A licence is not required as this is a private event on private property.

- 25 South Service Road (Delmar Foods) – Ken’s French Fries. Periodic operations, open to the public.
 - Property is not zoned with permitted uses of “Eating establishment (take out)”, “Caterer’s establishment”, “Banquet hall” and/or “Hotel”.
 - Food trucks would not be able to operate at the location unless a licence was issued by the Clerk for a public event.
- 275 Victoria St (Omega Paw) – Fat Panda as the operator. Regular operations, open for employees of Omega Paw and the public.
 - Property is not zoned with permitted uses of “Eating establishment (take out)”, “Caterer’s establishment”, “Banquet hall” and/or “Hotel”.
 - Food trucks would not be able to operate at the location unless a licence was issued by the Clerk for a public event.
- 480 Glass St (Broken Rail) – Varied operators on summer weekends. Open to patrons of the brewery and to the public.
 - The property is zoned appropriately to allow for food trucks to operate.
 - Food trucks that attend this location on weekends would need to have a license and pay the associated fee.
- Various Location – Sunset Shack. Typically attends events (i.e. recently the Pride Event at the Flats), open to the general public.
 - The operator would be required to have a licence before attending any public event.
 - As a St. Marys food establishment owner, there would be no fee.

Discussion:

- The specific limitation on where a refreshment vehicle can locate on private property is an area Council may wish to discuss.
- As currently drafted, the by-law would significantly restrict the operation of refreshment vehicles on private property, essentially limiting them to locations where food/beverage premises already exist.
- An alternative would be to simply permit them on any industrial, commercial, or institutional zoned property.
- ***Private Event on Private Property (i.e. not open to the General Public):***
 - Licenses and fees are not required for a refreshment vehicle that attends a private event on private property where refreshments are not available to the public.

Rationale:

- This was the direction of the Council of the day.
- The purpose of this exemption was to allow property owners to have refreshment vehicles come to their property for private social events like weddings, without the red tape of a licensing process.
- Owners would still be required to comply with all municipal, Provincial and Federal rules and regulations.

Implementation Examples and Impact

The most common examples of where refreshment vehicles have operated at private events in the last several years are shown below along with how the draft by-law would apply if enacted:

- 304 James St S (Cascades) – Varied operators. Brought in by the company for employee recognition efforts. Not open to the public (i.e. private event).
 - A licence is not required as this is a private event on private property.

- **Term of License:**

- 1-year, to be renewed on an annual basis. Preference will be given to existing operators first, and then on a first-come-first-served basis after that.

Rationale: This was the direction of the Council of the day.

- **General Provisions:**

- **Size:** Refreshment vehicles cannot exceed the size of one parking stall when located in the downtown.
 - **Parking By-law:**
 - Refreshment vehicles are exempt from the daytime parking time limits set out in the Traffic and Parking By-Law.
 - Refreshment vehicles are not permitted to park overnight on public property or on private property. The exception is that they may park overnight on private property if the land is owned, leased or rented for storage.
 - **Town Services:** Refreshment vehicles must be fully self-sufficient and have capacity for grey water storage. They are not permitted to connect to Town services like water, hydro, or sewer.
 - **Location Limitations:**
 - May not be operated within 10 m of a restaurant without their consent (except for when operating at a Public Event held downtown).
 - May not block a sidewalk or the boulevard.
 - May not operate within a residential area unless they have the approval of the property owner and food is only served to residents or guests of the property.
 - **Waste:** The owner is responsible for all waste generated by their operations and must keep an area within 30 m of their operation clear as well.

- **Fees:**

- In 2018 a separate fee by-law amendment was presented to Council that would have set the fees for refreshment vehicle operations at:
 - One day licence \$230.00
 - Three-day licence \$465.00
 - Annual licence \$1,225.00

Rationale:

- Throughout the various reports to Council, staff flagged that there was no consistent fee framework for refreshment vehicles. Fees vary from municipality to municipality.

- During the consultations on the draft by-law, stakeholders raised concerns that refreshment vehicles may have an unfair cost advantage over bricks and mortar restaurants as they do not have costs like property taxes to pay.
- Council of the day was sympathetic to this feedback and directed staff to adopt the fees noted above. These fees represent some of the highest of all the municipalities that were surveyed (equivalent to the City of London)
- Council of the day was also sympathetic to potentially impacting not-for profit, charitable, and other events hosted by service clubs. Thus, the rationale for the inclusion of fee waivers for these kinds of events.

FINANCIAL IMPLICATIONS

As a general philosophy, a municipality may only charge fees to recover its costs. If the Town were to begin charging fees related to refreshment, we would need to be able to demonstrate that those fees are commensurate to the Town's costs that have resulted from their operation. Typically, these costs would be the result of the Town's efforts to regulate them.

To date, no additional fees or taxes have been collected from refreshment vehicles that operate on private property as no enforceable licensing or fee by-law exists.

SUMMARY

The current by-law for licencing of refreshment vehicle is based on legislation that is significantly outdated and is not enforceable. Today, refreshment vehicles are not permitted on public property without Council's authorization. Refreshment vehicles have been permitted on occupied Industrial, Commercial and Institutionally zoned properties as an accessory to the main use.

Attached to this report is a draft Refreshment Vehicle by-law that is substantially the same as the one that was table by Council in August 2018. Through this report, key decisions that staff are asking Council to consider are:

- Does Council wish to implement a refreshment vehicle by-law?
- If yes, are there are any changes they wish to see to the draft?
 - Should the Town consider relaxing the rules around private property, and allow a Refreshment Vehicle to operate on any industrial, commercial, or institution zone property?

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

2022

Staff listed Refreshment Vehicles as a topic of discussion on the June 13, 2022 BIA agenda. The BIA provided no comments and did not take a formal position on Refreshment Vehicles.

2017 Consultations

Through 2017, staff engaged local stakeholders and asked questions on specific topics including: location of refreshment vehicles (both in and outside the Central Commercial District), license fees, refreshment vehicles at special events; and other general discussion points. These one-on-one conversations were with restaurant owners and food retailers, a St. Marys owner of a refreshment vehicle, and an organizer of a food truck festival held in the Niagara Region. Staff also attended the February 2017 BIA meeting and received feedback from the BIA Executive.

Feedback from these conversations and sources is summarized below for interest. During the deliberations on various drafts of the by-law, Council and staff of the day attempted to address the key messages received within the draft Refreshment Vehicle By-law.

License Fees:

- Want to see license fees that compensate for lack of property taxes being paid
- Setting fees is very difficult as traffic at refreshment vehicle is so weather dependent
- Want to see a higher license fee for those located within the Central Commercial District
- If waiving license fee for proceeds going to charity, the Town should require proof of donation
- Existing restaurants should not have to pay a fee to be a vendor on the street
- Should be no fee, or a low fee, for special events (Heritage Festival)

Location:

- Do not want to see refreshment vehicles on Queen Street
- Do not have a problem with limited numbers on the side streets (Wellington, Water, Church)
- Would prefer not to see any refreshment vehicles in the downtown
- Could be used as a revitalization technique for certain areas of the core
- Parking in the core is an issue, don't want to lose parking spaces
- Instead of offering a parking space to refreshment vehicles, offer to restaurants so they can move onto the street
- If on side streets, should not be near the intersection

Events:

- Events provide an opportunity for restaurants to make money
- Events at Flats with food trucks – a wonderful idea
- No issue with one off events – concern with permanent refreshment vehicles
- No fee, or lower fee for participation in downtown events. i.e. Heritage Festival
- Want different regulations for festival and events
- Should allow more for special occasions
- Should bring them in for special events at the PRC
- Challenge for restaurant to participate on the street for special events due to staffing issues (too difficult to staff)

General Discussion:

- Would be nice to have non-competing food being offered from refreshment vehicles
- Two (2) refreshment vehicles in the downtown should be the limit
- Food trucks are great, especially in the summer with the tourists
- Current food establishments in town pay levies, participate in inspection, hold special licensing and operate all year round and support multiple families through our employment opportunities
- Want an even playing field for restaurants and refreshment vehicles
- Do not want to see refreshment vehicles undermine permanent businesses

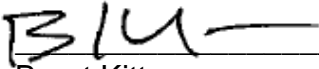
- Approval should depend on what the food truck is offering and what it looks like. Should be a vetting process.
- Set dates so that it is an amenity (e.g. Food Truck Friday) and collaborate with existing events and the BIA
- Currently have vibrant downtown. Will this discourage restaurants?
- Not sure they are a benefit to the Town
- Need high traffic area to be successful. Not sure this exists.

ATTACHMENTS

1. Draft Refreshment Vehicle By-Law

REVIEWED BY

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

BY-LAW xx-2022

THE CORPORATION OF THE TOWN OF ST. MARYS

Being a By-law to provide for the licencing, regulating and governing of refreshment vehicles within the Town of St. Marys.

- WHEREAS:** Pursuant to Section 150 and 151 of the *Municipal Act*, 2001, as amended, a municipality may provide for a system of licences with respect to any business wholly or partly carried on within the municipality, including the sale or hire of goods or services on an intermittent or one-time basis;
- AND WHEREAS:** Pursuant to Section 11(2) of the *Municipal Act*, 2001, as amended, a municipality may exercise its licencing powers for the purpose of consumer protection and to protect the health and safety of the general public;
- AND WHEREAS:** The Corporation of the Town of St. Marys has determined it is desirable to licence Refreshment Vehicles within the Town for reasons of health, safety and consumer protection;
- NOW THEREFORE:** The Council of the Corporation of the Town of St. Marys hereby enacts as follows;

1.0 DEFINITIONS

For the purpose of the By-law, the following terms shall have the meanings indicated:

- (a) "Applicant" shall mean the Refreshment Vehicle Owner, or their agent, who applies to the Clerk for a Refreshment Vehicle Licence in accordance with the provisions of this By-law;
- (b) "Clerk" shall mean the Clerk of the Corporation of the Town of St. Marys as appointed by By-law;
- (c) "Downtown" shall have the same meaning as defined in the Town of St. Marys Official Plan;
- (d) "Licence" shall mean a licence issued by the Clerk to operate a Refreshment Vehicle pursuant to the provisions of this By-law;
- (e) "Licensee" shall mean any person who is issued a Licence for a Refreshment Vehicle pursuant to the provisions of this By-law;
- (f) "Private Event" shall mean an event that is held on private property; that is by invite only and/or is not open to the general public; and where Refreshments are not made available to the general public, including but not limited to, weddings, birthday parties, family reunions, employee recognition events et cetera.

- (g) "Property Owner" shall mean the registered owner of land, and includes a lessee, mortgagee in possession or any person in charge of the property;
- (h) "Public Event" shall mean a cultural, recreational, educational, charitable or similar event that is open to the general public including, but not limited to, fairs, festivals and carnivals et cetera;
- (i) "Refreshment" shall mean any food or beverage prepared or provided for human consumption;
- (j) "Refreshment Vehicle" shall mean any vehicle whether motorized or not from which Refreshments are offered for consumption by the public and may include a motor vehicle, motor assisted bicycle, trailer, bicycle, tricycle or any other vehicle drawn, propelled or driven by any kind of power, including muscular power;
- (k) "Refreshment Vehicle Owner" shall mean the owner, or the operator in the case where the owner does not perform day to day operations, of the Refreshment Vehicle for which a Licence is applied pursuant to this By-law and in relation to a motor vehicle shall mean the registered owner of the vehicle as shown by the records kept by the Ministry of Transportation and includes a lessee or mortgagee in possession; and
- (l) "Town" shall mean the Corporation of the Town of St. Marys.

2.0 REQUIREMENTS

1. No person shall offer any Refreshment to the public from any Refreshment Vehicle unless the person has a valid Licence.
2. No person including any Property Owner shall cause or permit any person to offer Refreshments from a Refreshment Vehicle on any property located within the Town of St. Marys unless there is a valid Licence.

3.0 APPLICATIONS

1. Any person who wishes to sell Refreshments to the public from a Refreshment Vehicle must be a minimum of eighteen (18) years of age, and may apply to the Clerk for a Licence for the Refreshment Vehicle to be accompanied by the following:
 - (a) a completed application in writing in a form authorized by the Clerk and executed by the Applicant;
 - (b) an application fee as prescribed in the Town's Fees and Charges By-law, as amended;
 - (c) Food Premises Inspection Report, R.R.O. 1990, Regulation 562, signed by the Local Board of Health Official certifying that the Refreshment Vehicles has been inspected within the last three (3) months from the date of application and it conforms to the applicable sections of the *Health Protection and Promotion Act*;
 - (d) a Technical Standards & Safety Authority Field Approval for all equipment and appliances that are not approved by the Canadian Standard Association or the Underwriter Laboratories of Canada;

- (e) proof that the Refreshment Vehicle complies with propane, handling and storage provision of the *Technical Standards and Safety Act*, 2000, S.O 2000, c. 16, as amended, and any regulations thereunder, where applicable;
 - (f) an independent Fire Safety Certificate;
 - (g) proof of a valid Province of Ontario driver's licence, if applicable;
 - (h) a copy of the ownership for the Refreshment Vehicle, if applicable;
 - (i) proof of general liability insurance (by an insurer satisfactory to the Town) in the amount of \$2,000,000.00 naming the Town as an additional insured;
 - (j) proof of automotive liability insurance (by an insurer satisfactory to the Town) in the amount of \$2,000,000.00 on all vehicles used in Refreshment Vehicle operations;
 - (k) the dimensions of the Refreshment Vehicle;
 - (l) a plan for the containment and disposal of grey water, grease and garbage in a sanitary manner satisfactory to the Town;
 - (m) evidence that the Refreshment Vehicle does not require the use of municipal services when operating on public property;
 - (n) a description of food menu;
 - (o) a photograph of the Refreshment Vehicle;
 - (p) written permission from the Property Owner of private property, clearly acknowledging the intended use of the property (if applicable); and
 - (q) a general sketch or plan showing the location of the Refreshment Vehicle as it relates to other buildings and structures on the property, when the Refreshment Vehicle is placed on private property.
2. A Licensee must ensure the required certificates and approvals are kept in the Refreshment Vehicle at all times and available for immediate inspection upon demand by the Clerk, Police Officer, By-Law Enforcement, Fire Inspector, or Public Health Inspector.

4.0 ISSUANCE, INELIBILITY, AND DISQUALIFICATION OF LICENCE

1. The Clerk is not required to consider any application for a Licence until the application is complete, and the Applicant has provided all of the information and documentation as required pursuant to this By-law, as well as the annual application fee.
2. The Clerk may approve or refuse any Licence application and may impose any conditions upon an approval as the deem appropriate. This can be done based on the vehicle type, appearance or where the location is deemed inappropriate, unsuitable or unsafe.
3. No person shall operate a Refreshment Vehicle within fifteen (15) metres from a fuel dispenser at a fuel dispensing stations or retail propane dispensing tanks and cylinders.

4. The St. Marys Fire Department may impose alternative setbacks from adjacent structures or Vehicles as is deemed necessary in the interest of public safety.
5. Licensees shall comply with all Town by-laws, including, but not limited to the Town's Zoning By-Laws and Property Standards By-Law, and comply with all provincial and federal legislation.
6. A Licensee shall comply with all Licence requirements.
7. If, at any time, the Clerk determines, as a result of evidence that is provided, that the operation of a licenced Refreshment Vehicle does not conform to the requirements of this by-law, the Clerk may suspend or revoke the Licence.
8. A total of two (2) Licences shall be issued for permanent Refreshment Vehicles to be located in the Downtown as detailed in Section 5 of this by-law. Each Refreshment Vehicle shall be subject to the Licence fees and regulations as set out in this By-law. Existing Licence holders will have priority, subject to being in good standing with the Town, over applications submitted by new applicants.
9. Notwithstanding Section 4.8, there shall be no limit on the number of Licences for Public Events which are located in the Downtown.

5.0 LOCATIONS

1. Downtown:
 - a. The parking stall on the west side of Water Street North, south of Trout Creek, adjacent to the municipal parking lot;
 - b. Additional location(s) deemed appropriate by the Town.
2. Municipal Facility Parking Lots and Municipal Parks:
 - a. being requested by municipal staff to attend the property or;
 - b. having been granted a licence issued by the Clerk after considering the provisions of 5.3.c below; and
 - c. operating in compliance with regulations provided by the Town; and
 - d. operating in compliance with the by-law.
3. Private Property and Offering Refreshments to the General Public
 - a. Private property in zones that includes as a permitted use any of the following: "Eating establishment (take out)", "Caterer's establishment", "Banquet hall" and/or "Hotel", subject to the Refreshment Vehicle and its location meeting the requirement of the Town's zoning by-law and traffic by-laws.
 - b. Notwithstanding subsection 3.a, the Clerk may approve the operation of a Refreshment Vehicle for a Public Event on private property in any zone with the submission of the following:
 - i. Written proof of invitation to the location from the property owner or event organizer; and
 - ii. Written proof the event is no more than three consecutive days in length.

- c. The Clerk's approval shall consider:
 - i. the general intent of the by-law;
 - ii. the past actions by the Refreshment Vehicle operator; and
 - iii. the impact on the community.
- 4. Private Events on Private Property
 - a. Refreshment Vehicles that are providing services to Private Events with the consent of the Property Owner, and where Refreshments are not made available to the general public, are exempt from requiring a Licence and paying a fee.
 - b. Notwithstanding Section 4.2 (a) above, Refreshment Vehicles that are providing services to Private Events shall comply with all applicable Town, Provincial, Federal provisions and regulations.

6.0 TERM OF LICENCE

- 1. Licences are valid from the date of issuance, and expire on December 31st of each year, unless revoked or suspended.
- 2. Licences are not transferable except with the written consent of the Clerk.

7.0 PROVISIONS

- 1. A Refreshment Vehicle shall not exceed:
 - (a) 2.6 metres in width, and ;
 - (b) 13.4 metres in length, and;
 - (c) or no larger than one parking stall if located within the Downtown, and;
 - (d) 4,500 kilograms.
- 2. No person shall carry on a Refreshment Vehicle business or occupation for which a Licence is required under this by-law:
 - (a) if the Licence has expired or been revoked; or,
 - (b) while the Licence is under suspension.
- 3. Refreshment Vehicles shall be exempt from hourly parking limits on Town highways provided they are:
 - (a) parked in legal parking stalls;
 - (b) actually engaged in the operation of the Refreshment Vehicle business; and,
 - (c) in compliance with this by-law.
- 4. No person shall operate a Refreshment Vehicle business except in the defined areas set out in section 5 of this by-law, subject to Zoning By-Law compliance and compliance with other applicable by-laws not exempted by this by-law.
- 5. No person shall operate a Refreshment Vehicle without affixing a refreshment vehicle licence issued under the provisions of this by-law in a conspicuous place on a Refreshment Vehicle for which it is issued.

6. No person shall connect to a municipal utility source while situated on municipal property.
7. No person shall transfer a licence except with consent in writing of the Clerk, and the Clerk shall not be bound to give such consent to the transfer.
8. All Refreshment Vehicles shall operate in compliance with the Town's Noise By-law.
9. No person shall permit Refreshment Vehicles to park overnight on public property or private lands after operating hours except land owned, leased or rented by the operator for the storage of the Vehicle and in compliance with the Town's Zoning By-Law and Parking, Traffic and Boulevard Maintenance By-law.
10. No person shall equip a Refreshment Vehicle with any sounding device, loud speakers, amplifier or other hailing devices for attracting attention.
11. No person shall operate a Refreshment Vehicle:
 - a. within 10 metres of a restaurant without consent from the restaurant;
 - b. in a manner that interferes with the normal use of a sidewalk by pedestrians
 - c. on the boulevard adjacent to a public highway;
 - d. on private property without the written consent of the Property Owner;
 - e. in a residential area, except on the specific request and with the written permission of a resident to provide food to that resident and guests at the resident's address; or,
 - f. on highways outside of the Downtown.
12. Notwithstanding 7.11 (a) there shall be no consent requirements for Refreshment Vehicles operating at Public Events which are located in the Downtown.
13. Every Licensee shall produce the Licence for inspection at the request of the Clerk, Police Officer, By-Law Enforcement, Fire Inspector, or Public Health Inspector .
14. Every Licensee shall maintain the Refreshment Vehicle in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the Refreshment Vehicle. The placing of refuse in a sidewalk refuge container provided by the Town is not sufficient to constitute removal.
15. Every Licensee shall ensure that the grounds in the vicinity of the Refreshment Vehicle for a distance of 30 metres are kept clean of all waste.
16. Every Licensee shall comply with all provisions of this By-law and with all provisions set out in the Licence.
17. Every Licensee shall comply with all applicable Town, Provincial, Federal provisions and regulations.

8.0 EXEMPTIONS

1. The requirement for Licence fees shall be exempt for those Refreshment Vehicles operating at Public Events that are owned and operated by existing St. Marys food and beverage establishment owners for the duration of the event.

2. The requirement for Licence fees shall be exempt for Public Events organized by service clubs and registered charities whose charitable objects benefit the residents of the Town of St. Marys.

9.0 INSPECTIONS

1. The Town may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether this By-law, an Order to Discontinue Activity, or an order under Section 431 of the *Municipal Act*, 2001 is being complied with.
2. For the purposes of conducting an inspection pursuant to 9.1 of this by-law, the Town may, in accordance with the provisions of Section 436 of the *Municipal Act*, 2001;
 - (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and,
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take test, samples or photographs necessary for the purposes of the inspection.
3. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.

10.0 ORDER TO DISCONTINUE ACTIVITY

1. Where the Clerk has reasonable grounds to believe that a contravention of this By-law has occurred, the Clerk may issue an Order to Discontinue Activity requiring the person contravening the By-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity and every person shall comply with such an order.

11.0 ENFORCEMENT

1. This by-law may be enforced by the Clerk, Police Officer and Public Health Inspectors, By-Law Enforcement Officer, or Fire Inspector.

12.0 OFFENCE AND PENALTY PROVISIONS

1. Any person who contravenes any provision of this By-law is guilty of an offence and:
 - a. Upon conviction is subject to a maximum fine of five thousand dollars (\$5,000.00); and
 - b. A maximum fine of ten thousand dollars (\$10,000.00) upon a first conviction and a maximum fine of \$25,000 for any subsequent conviction.
2. Despite section 12.1, where the person convicted is a corporation, the corporation is liable;
 - a. On the first conviction, to a maximum fine of not more than ten thousand dollars (\$10,000.00); and

- b. On any subsequent conviction, to a maximum fine of not more than twenty-five thousand dollars (\$25,000.00).

13.0 SHORT TITLE

This By-law may be referred to as the “Refreshment Vehicle By-law”.

14.0 REPEAL

1. By-law 34-69, To Licence, regulate, and govern food premises, and for revoking any such licence.
2. By-law 16-1998, To Amend By-law No. 34-69 regulating mobile canteens in the Town of St. Marys.

15.0 ENACTMENT

This By-law comes into force and takes effect on the final passing thereof.

Read a first, second and third time and finally passed this XXXXXX day of XXXXX, 20XX.

Mayor Al Stratthdee

Jenna McCartney, Clerk