

STAFF REPORT



TO Public Services Committee

SERVICE AREA Public Services – Operations Department

DATE July 6, 2015

SUBJECT Business Licence By-law Review – Food Vehicle Schedule and Temporary Food Sales Update

REPORT NUMBER PS-15-36

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide an update and recommend amendments to the City's Business Licence and Zoning By-laws to City Council regarding the licensing of Food Vehicles and Temporary Food Sales.

KEY FINDINGS

Food vehicle and temporary food sale businesses are interested in operating within the city of Guelph; however, they have expressed concerns with the current regulations. It is to be noted that "food trucks" are part of the larger designation "food vehicles."

Food vehicles are regulated by the Food Vehicle Schedule of the City of Guelph's Business Licensing By-law (2009)-18855, the City's Zoning By-law (1995)-14864 and the City's Traffic By-law (2002)-17017. There is inconsistency within the City's Business Licensing By-law with respect to the licensing of temporary food sales. Implementation will take significant time but may be completed on a staggered approach. There is a desire between the various stakeholder groups to work together to create regulations.

FINANCIAL IMPLICATIONS

As business licensing fees are calculated on a cost recovery basis, any additional revenue realized through the issuance of Food Vehicle and Temporary Food Sales licences will off-set the costs of administration, education and compliance. It is anticipated that additional administrative staff requirements will be identified through the City's 2016 Budget deliberations.

ACTION REQUIRED

To receive the report on Food Vehicle and Temporary Food Sales Licensing and to recommend staff create amendments to the City's Business Licence, Traffic and Zoning By-laws with respect to the regulation of Food Vehicles and Temporary Food Sales for Council's consideration.

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RECOMMENDATION

1. THAT the Public Services Report # PS-15-36 "Business Licence By-law Review – Food Vehicle Schedule and Temporary Food Sales Update" dated July 6, 2015 be received.
2. THAT the amendments to Business Licence By-law (2009)-18855 to permit Mobile Food Preparation Vehicles to operate on city streets under certain conditions substantially in the form as attached in Public Services Report # PS-15-36, but subject to the approval and revision by the City Solicitor be brought before Council for approval.
3. THAT staff be directed to complete the recommendations as set out in Attachment 2 of the Public Services Report # PS-15-36 and that where the recommendations direct staff to create amendments to the City's by-laws, that such amendments are brought back to Council for approval by the dates identified.
4. THAT after one year of implementation of the initial and the final amendments to the Business Licence By-law (2009)-18855 with respect to Food Vehicles and Temporary Food Sales as contained in Public Services Report # PS-15-36, staff be directed to engage the public along with representatives of the Food Vehicle, Temporary Food Sale industries to identify the effectiveness of the amended licensing regime.

BACKGROUND

The City of Guelph's Business Licensing By-law regulates 15 categories of businesses operating within the city. Currently the purpose for licensing businesses in Guelph is primarily for the health, safety and well-being of the public or where there is a municipal interest that is not otherwise legislated. All fees associated with business licensing are based upon a cost recovery model.

With respect to mobile food vendors, Guelph is among a number of municipalities such as Toronto, Hamilton, Kitchener, Waterloo and Cambridge addressing the licensing of this category. While these municipalities are in various stages of implementing or amending regulations related to mobile food vendors and/or food trucks, all have faced various issues/concerns from the mobile food industry, existing businesses and the public.

From Guelph's perspective, multiple businesses have contacted Licensing staff with a desire to obtain a Business Licence to operate food trucks within the city. Specifically, requests have been made to operate food trucks on private property, on city streets and within city parks.

The operation of a food truck within the city of Guelph is regulated by the City's Business Licensing By-law Schedule 6 – Food Vehicle, as well as the City's Zoning

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and Traffic By-laws. The types of Food Vehicles regulated under Schedule 6 include chip wagons, refreshment vehicles (coffee trucks) and mobile food preparation vehicles commonly referred to as food trucks or ice cream trucks.

In addition to the aforementioned by-laws, the current tendering process for street vendors also places restrictions on the operation of food trucks and temporary food sales on city land and roadways.

With the exception of special events, businesses and other stakeholders have indicated the current by-law regulations pertaining to food trucks are too onerous for them to operate within the city. Special events currently have the ability to have licensed food trucks operate on city lands and on downtown streets. Currently, food truck vendors require a business licence to operate, while other temporary food sales such as temporary barbecues and produce stands do not require a licence. This inconsistency has caused concerns with the City's licensed vendors.

Given the above information, on June 23, 2014 Council directed staff to initiate a by-law review for food truck vendors in 2014 to report back by Q2 in 2015.

REPORT

Following Council's receipt of a June 23, 2014 staff report on Food Trucks and Temporary Food Sales, staff undertook a review that encompassed all temporary food sales.

Staff began the process by developing an engagement plan and approached the University of Guelph for research assistance. As a result, two University of Guelph "Business students" conducted preliminary research on the food truck industry. The University students identified a number of municipalities across North America where successful licensing programs for food vehicles were operating. From this research, Calgary and Hamilton were identified as two municipalities that Guelph could use as a model to create regulations.

Following this research City staff formed a working group which consisted of staff members from By-law, Licensing, Zoning, Fire, Health, Traffic/Parking, Parks, Tourism and Community Engagement. In addition to staff, representatives and members from the United Food Trucks Unlimited (UFTU), Ontario Restaurant Hotel and Motel Association (ORHMA), Downtown Guelph Business Association (DGBA), Farmers' Market vendors along with current licensed street vendors were invited to a roundtable discussion to assist with the development of regulations. Invites were also sent to those who had previously expressed interest in joining the food truck or restaurant industry, as well as special event organizers. Staff also welcomed neighbouring municipalities facing similar concerns to participate in these discussions.

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The roundtable participants discussed a number of topics, including:

- Who should be licensed?
 - Temporary Food Sales
 - Mobile Food Preparation Vehicles (food trucks and ice cream trucks)

- Where should vendors operate?
 - Downtown Streets
 - Special Events
 - Residential Areas
 - Commercial/Industrial Areas
 - Farmers' Market
 - Private Land

- Classes of licences?
 - Annual
 - Short term
 - Event

In addition to the roundtable discussion, public input on this matter was sought in May 2015 through social and traditional media. Staff received approximately 60 comments (ATT-1). All comments were reviewed, and most supported food trucks and other temporary food sales. Specific concerns were used to develop staff's recommendations (ATT-2). Information detailing the reasoning for these recommendations is included (ATT-3). Based on these recommendations, with assistance from Legal staff a draft By-law amendment (ATT-4) was created.

Implementation/Timeline:

Given the feedback received from the industry and the public, staff are recommending a staggered approach be taken as set out in the recommendations (ATT-5). Although special event organizers have voiced an interest in having an Event Licence commence in 2015, unfortunately due to timing, staff are unable to implement this new class of licence prior to the majority of events occurring this summer.

Compliance:

The City's By-law Compliance Officers are the primary staff responsible for compliance of the Business Licensing By-law. There will be no requirement for additional compliance officers, as existing staff will be able to address concerns and proactively seek compliance with the proposed amendment within their daily duties. By-law Compliance staff currently seek adherence to this By-law proactively and will continue to enforce with or without a complaint being made.

Set Fines/Summonses:

As amendments are brought forward and approved by Council, staff will submit applications to the Regional Senior Justice (West Region), Ontario Court of Justice requesting that additional set fines be established for the new regulations. During

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the application process, staff will consider the set fines of other City By-laws and violations under the Business Licensing By-law. It is anticipated that the maximum set fine sought by staff will be \$500.

As with other violations under the City's Business Licensing By-law, for continued violations or where circumstances warrant, By-law Compliance Officers and Guelph Police Services Officers have the option of summoning the defendant before the Provincial Offence Court where upon conviction, the Justice of the Peace may impose a higher fine.

Cost for Implementation:

The estimated initial startup cost in 2015 associated to implement amendments to the Food Vehicle schedule to permit food trucks to operate in approved locations will be approximately \$4,500. This amount will include wages (estimated at \$1,500) for a temporary part-time administration staff to assist with the high volume of applications, the cost of the identification plate (business licence) to be attached to the vehicle (estimated at \$2,000 for 200 plates), along with costs associated with an educational campaign (\$1,000).

In 2016, there will be continued costs to implement annual, short term and event licences for Temporary Food Sales and Special Events. These costs along with any resources needs will be identified during the 2016 budget deliberations and/or as recommendations are brought forward to Council.

Fees and Revenues:

Based on the City's licensing fee formula, the cost for a Mobile Preparation Vehicle is currently \$355 annually with the current renewal fee being \$246. Staff will not be seeking any changes to these amounts for the annual licence for these vendors including food/ ice cream trucks.

As well starting in August 1, 2015, vendors of Mobile Preparation Vehicles will be able to obtain a short term licence, based on the City's Licensing Fees. The cost of such a licence will be \$100 per three day term. Future licence fees for Temporary Food Sales and Special Events will be brought back for Council's consideration as recommendations are brought forward, but will be based on a cost recovery model.

Follow up:

Going forward, staff will continue to engage with industry representatives and stakeholders to implement the recommendations provided in this report. Staff will also follow up with industry representatives and stakeholders after one year of the initial recommendation and final recommendation has lapsed to determine the effectiveness of the licensing regime.

CORPORATE STRATEGIC PLAN

Innovation in Local Government

2.3 Ensure accountability, transparency and engagement

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City Building

- 3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City
- 3.2 Be economically viable, resilient, diverse and attractive for business

FINANCIAL IMPLICATIONS

Additional revenue is expected; however as business licensing fees are calculated on a cost recovery basis, any additional revenue realized will off-set the costs of administration, education and compliance.

DEPARTMENTAL CONSULTATION

Building Services
Business Development and Enterprise
Community Engagement
Corporate Communications
Court Services
Engineering Services
Finance Services
Guelph Police Services
Information Technology
Legal and Realty Services
Parks and Recreation
Transit

COMMUNICATIONS

To increase public comprehension and awareness, information on the creation of regulations for Mobile Preparation Vehicles and Temporary Food Sales has been advertised through social and traditional media.

Upon approval of the Business Licence By-law amendment, staff in conjunction with Public Engagement and Communications staff will continue their strategy to engage and educate the public and stakeholders on this matter.

ATTACHMENTS

- ATT-1 Community Engagement Comments
- ATT-2 Summary of Recommendations
- ATT-3 Reasoning for Recommendations
- ATT-4 Draft By-law Amendment
- ATT-5 Proposed Timeline

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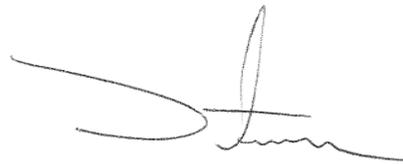
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Engagement Comments

Mobile Food - Temporary Sales Comments Stakeholder/Working Group Meetings	
<p>Ontario Restaurant Hotel & Motel Association</p>	<p>Thank you for your email and invitation to ORHMA. Please know I will be attending your meeting to discuss food vehicle and street vendor regulations. ORHMA has been instrumental in advocating and participating in such bylaws. We continue to work with the City of Toronto as I sit on the working group that was put together by the City of Toronto MLS staff – we encourage the City of Guelph to also set up a working group to ensure all issues are addressed. ORHMA recognizes the investment our members put into their restaurants and the taxes they pay into the City of Guelph - we advocate to create a level of fairness for both restaurants and food trucks. ORHMA contends that such restrictions/regulations are necessary for the safe and fair operation of any food service establishment – mobile or not. Any such loosening of the laws must first consider the health and safety of the community as well as the unfair playing field that would be created for bricks and mortar food service establishments already operating at great expense within the community. Pressures from weakening economy have not been kind to the restaurant industry - Ontario has the slimmest profit margins in the country. Increases to top line expenses that are currently seen will only continue to waiver by the competition from the food truck concept. Unpredictability of when and where a food truck may show up creates an unfair disadvantage for brick and mortar restaurants – this level of competition must be addressed by permits and regulations guiding when and where a food truck can operate – we strongly support proximity from a restaurant’s front door.</p>
<p>Ontario Food Trucks Association</p>	<p>On behalf of many food truck owners licensed to operate across the regions of Waterloo & Hamilton, we thank you for exploring sustainable changes to Guelph’s street vending bylaws. I’m particularly pleased to see the level of participation at your city forums by all stakeholders. Committed to the responsible growth of our provincial food truck movement, I currently serve as a <i>Governance Committee Administrator</i> for the ONTARIO FOOD TRUCK ASSOCIATION, an <i>Event Organizer</i> for the HAMILTON FOOD TRUCK PLANNING GROUP, a principal member of KW FOOD TRUCKS & Founder of UNITED FOOD TRUCKS UNLIMITED (UFT) – <i>a community building effort dedicated to raising funds for Charity Groups & Not-for-Profit Organizations</i>. I have proactively traveled extensively from St. Catharine’s to Toronto wherever Food Truck Discussions are held. I have also served several times as a Committee OR City Council Delegate in <i>Kitchener, Waterloo, Cambridge, Township of Eramosa, and Hamilton</i> & of course <i>Guelph</i>. Again, thank you for inviting input from local captains of our Industry in your efforts to finally bring Food Truck excitement to this community. As requested, I am submitting the following list of recommendations for City Staff to review prior to the APRIL 30th deadline for Stakeholder feedback. Although we won’t be able to see complete changes to current food truck legislation this season, we hope the City will be able to introduce the following items on an interim basis: Allow Food Trucks to operate in COMMUNITY FESTIVALS without purchasing a YEARLY LICENSE. This will allow food trucks to operate like other “regular” food vendors covered by a SPECIAL EVENT PERMIT already issued to actual Event Organizers. Since all Health & Fire standards are regulated at the provincial level, all participating Mobile Vendors should be able to submit copies of their most recent Health &</p>

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	<p>Fire Inspections as part of the Application process . . . just like it's done in many other cities. Alternatively, the city of Waterloo allows non-licensed Food Trucks to apply for a TEMPORARY PERMIT at the cost of \$61 per SINGLE EVENT. Revenues generated from these "Transient Trader" Permits could then help reduce the Cost-based FEES charged to licensed Food Trucks in Guelph. Permit Food Trucks to operate at BUSINESS PARKS. Since there are no B&M Restaurants to service these "remote" areas, there shouldn't be any opposition to allowing food trucks to fill this niche opportunity. Whether BUSINESS PARKS are categorically designated as "food truck-friendly" Service Zones OR perhaps subject to Specific Written Invitation to service as remote Private Property, food trucks should be able to fulfill this foodservice void. Remember – these Property Owners (like School Administrators) are specifically soliciting us to service their group. There's simply no need to over-regulate this basic relationship. Permit Food Trucks to provide "Catering" Services without the additional requirement of obtaining a Yearly License. Please note that there's ZERO regulation/agency enforcement of other types of Catering or Restaurant operation that services this uncontested market. In fact Caterers, Restaurants & even "hobbyist" Food Providers continue to service this growing Market need & yet it's only Food Trucks that are categorically prohibited from participating in it. In every other city, Food Trucks have traditionally joined Caterers, Restaurant Businesses & Special Event Planners in providing "catered" foodservices -- events that do not engage in "individual" Retail Transactions but rather invoiced in one lump sum as it would be paid as a regularly-occurring Pick-up, Delivery OR Pre-Order of Food. This specific "criminalizing" of food truck-based Catering is uniquely discriminatory & doesn't exist anywhere else. This is one of the principal reasons why Regional Food Trucks have considered GUELPH a "Food Truck Dead Zone" . . . the city offers ZERO reasonable opportunities for any type of "legal" business activity in terms of <i>Community Events, Curbside Service, Private Property Events</i> as well as <i>Catering Gigs</i> that every other Foodservice Provider enjoys without specific regulation.</p> <p>Aside from the above Interim suggestions, there are other changes that require more time than what the 2015 Season affords. For this purpose, I submit the following recommendations for City Staff to consider for 2016. Beyond anecdotal statements, I respectfully suggest these points based on acquired industry knowledge/research, actual hands-on food truck experience, organized stewardship of our developing Industry, a 20 year background in restaurant management/ownership & regional observations of how other communities approach food truck legislation. RECOMMENDATIONS: FOOD TRUCK OWNERS must always be included in City Discussions regarding changes to Street Vending Bylaws as intrinsic Stakeholders as well as members of the prevailing community it seeks to service: In other food truck markets like Waterloo & Hamilton, licensed Mobile Vendors are considered actual "paid" members of the BIA Community. This inclusion automatically considers food truckers as respected contributors to community initiatives. I strongly suggest that City Staff continue its inclusion of regional food trucks in all meaningful discussions about Street Vending Bylaw changes. When City Staff initially explored possible changes to its Food Truck Bylaws, they really should have solicited existing Food Truck Organizations such as the <i>ONTARIO FOOD TRUCKS ASSOCIATION</i>,</p>
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	<p><i>TORONTO FOOD TRUCKS ALLIANCE, KW FOOD TRUCKS, the HAMILTON FOOD TRUCK PLANNING GROUP or UNITED FOOD TRUCKS</i></p> <p><i>UNLIMITED</i> for consultation . . . not University of Guelph Students as a Secondary Source of Industry Research. RECOMMENDATION: <i>The City of Guelph should continue to include Food Truck Owners throughout the entire Review Process of its current Street Vending Bylaws. Beyond the individual voices of Food Truck Owners & Downtown Merchants alike, the city should seek specialized consultation from prevailing Food Truck Organizations & experienced Industry Advocates. Beyond anecdotal experience, City Staff should consult with more Industry Professionals who've championed the food truck movement across several Regional Markets. The CITY OF GUELPH should have no interest OR mandate to regulate FREE MARKET COMPETITION – this should be clearly reflected in its efforts to reasonably attract Food Trucks to its community based on overwhelming Popular Demand:</i> Beyond considerations directly related to Public Safety, Regional Health Standards OR Unreasonable (but quantifiable) Obstruction to Pedestrian/Vehicular Traffic – City Council must never limit Free Market Competition. In Guelph alone, there are over 255 Foodservice Establishments listed in the YELLOW PAGES. The city has NEVER regulated any business from setting up side by side, limited the types of niche businesses in any localized market, dictated Menu Programming as not to conflict with other business OR impose any other type of Protectionist Regulation.</p> <p>Within the boundaries of existing Zoning Bylaws, a BURRITO SHOP can freely open up directly beside another BURRITO SHOP & there would be no legal recourse to prevent this from occurring. Again, Public Safety & Health Standards should be the only true concerns of government. Beyond this, it's the Consumer that dictates Business Success based on any combination of factors such as <i>product quality, concept innovation, technological advantages, marketing savvy, business management, location strength, value pricing, etc.</i> SHOPPING MALL or POWER CENTRE RETAILERS don't lobby City Councillors demanding that BIA Merchants should face comparable Rents, Fees or Restrictions. As always, the OPEN MARKET dictates the value of Rent & Fees commensurate to Market Demand & Quality that any location offers. Simply put, there is no such thing as an UNFAIR PLAYING FIELD – only an Open Market that freely values Costs accordingly to the benefits that any given location provides. FOOD TRUCKS pay lower fees because they are afforded far less in basic amenities such as enclosed shelter from weather, washrooms, liquor sales, kitchen prep commissaries, limited storage, parking, and easy access to all utilities, longer operational hours, etc. If the only response a Merchant can offer is "Don't allow another Business to set up because I cannot compete" -- then that business has greater challenges than one singularly attributed to Business competition. Do we "protect" Video Stores simply because another form of Digital Entertainment has made them less competitive? Do we institute laws to prohibit Consumers from using Cell Phones because they are affecting Hard-line communications? If nobody reads printed Newspapers - do we prohibit all forms of New Media Reporting? Do we prohibit any type of Promotional Discounting OR Sales, just so another "struggling" business can artificially compete against superior Consumer alternatives? Should</p>
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	<p>City Councillors create laws that prohibit other Candidates to campaign against them simply because they may lose their jobs? Of course not. All businesses must compete to succeed . . . anything else is a subsidy to be paid by others. RECOMMENDATION: <i>City Staff needs to establish its clear cut mandate to respond to overwhelming public demand for food truck excitement. It needs to clearly define that it isn't the city's role to institute protectionist strategies that only benefits one singular stakeholder in a myriad of Downtown Merchants. Governments do not challenge emerging Technologies, changing Consumer preferences, shifting Lifestyles, changing Industry Trends & it definitely shouldn't be concerned about "leveling" the Playing Field among competing Foodservice Types. This fundamental position should preface EVERY Discussion leading to possible barriers to Free Market competition. Within the Industry, we equally consider FOOD TRAILERS as an integral part of the FOOD TRUCK MOVEMENT:</i> Food Trailers are subject to the exact same HEALTH, FIRE & TSSA Standards as Food Trucks. There's no reason whatsoever to omit this sub-category of Mobile Food Vendors from any Street Vending Bylaw. RECOMMENDATION: <i>Include FOOD TRAILERS as part of the GUELPH FOOD TRUCK BYLAW in every aspect. HAMILTON is an Industry-leading City that favours a LICENSING STRUCTURE that lasts a full 12 months to provide greater Term Value & permits easy License Renewal:</i> Some cities only issue Licenses per Calendar Year. This means, a Food Trucker who doesn't obtain a License early in the season, could end up paying a Full Year's Fee for only a few months of operation . . . Again this is a common barrier that especially restricts newly-established Vendors from investing in a "partial" License Term in Guelph.</p> <p>RECOMMENDATION: Adopt a Food Truck Licensing Fee that is valid for 12 Full Months OR offers a PRORATED FEE if obtained mid to late Season. ALL SCHOOLS should be able to solicit food truck service at its own discretion. School Administrations have historically hosted PIZZA DAYS, BAKE SALES & CATERED SCHOOL EVENTS without additional due process, restriction OR special permit. We simply trust our School Administrators to oversee these minor events as responsible curators. This should be no different for food trucks. Subject to written invitation, food trucks should be able to enter school property & provide specialized food services no different than restaurants, caterers OR any other food providers. Let's avoid the over-regulation of these school-run events & allow these responsible administrators to oversee all on-premise activities at their sole discretion. These are Academic Professionals who frequently manage school-run Bake Sales, Pizza Days & most certainly, a food truck service. RECOMMENDATION: Make sure the new Food Truck Bylaw permits Food Trucks to service School Events upon written request of School Administration . . . exactly how it's done now for other counterpart forms of foodservices that operate under their sole discretion. GUELPH LICENSE FEES should be based on the Quality of MARKET OPPORTUNITIES it offers & not solely on how much other Cities charge: There is an overwhelming tendency for City Staff & common observers to valueate LICENSE FEES based on what other Cities like Kitchener, Waterloo, Cambridge, Hamilton & even Toronto charge. However, not all communities offer the same quality of Street Vending Opportunities regardless of population or proximity to Guelph. If a city only permits food trucks to operate outside the Downtown (BIA) Area without any</p>
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	<p>specifically designated areas, many food trucks will simply look elsewhere to populate its Daily Schedule. Like any other business, Vending Opportunities determine the strength & vitality of any local market. If there are fewer “daily” or “marquee” opportunities to vend, the less likely a regional food trucker will invest in a GUELPH Licence. Remember, Guelph already has Food Truck Licenses available – it’s just that nobody feels that it’s worth the investment based on its sheer lack of “attractive” Vending opportunities. RECOMMENDATION: Use the WATERLOO MODEL as a comparable city in terms of size, BIA sentiment & its food truck-hungry community. If you can allow food trucks to operate at Designated Downtown Guelph Areas, on Private Property subject to a 10 metre Radius Restriction from an “open” Restaurant, Business Parks & Schools with written permission – you could probably charge a similar LICENSE FEE of \$310 per 12 Months renewable to Date of Issue. Please accept the above recommendations & consider their merits as they relate to your Review of current food truck bylaws in the City of Guelph. Again, there really is no perfect Food Truck Model you should emulate but rather a collection of Program features that can be adopted to suit Guelph’s particular needs. Above all, I simply request that the food truck industry be included into all aspects of your review process. The food truck movement clearly represents a growing evolution of Foodservices that has captured the imagination of entire communities. Business Improvement Areas are capitalizing on both its popularity & economic viability to animate its urban centres, enrich community events, to promote a positive food culture & even stimulate the local economy itself. In nearby Hamilton, the nationally-awarded SEW HUNGRY EVENT attracts 30,000 Visitors to the economically-challenged Fabric District of the OTTAWA STREET BIA.</p> <p>Generating a single day revenue stream of over \$700,000 and \$96,400 in estimated economic impacts, this Industry-leading Community Event has single-handedly revitalized a local economy. Today, a few food trucks have now invested considerable monies opening brand new B&M Restaurants as part of the growing food culture that SEW HUNGRY has helped create within the Ottawa Street Village. Food trucks continue to become incubators for more traditional Business Development & are now treated as an intrinsic part of its BIA Community. The SEW HUNGRY Model demonstrates a complete partnership between Food Trucks & B&M Restaurant Owners collaborating to further enrich its burgeoning local food scene. All throughout Hamilton & beyond, Food Truck Advocates & Event Planners are developing partnerships between business & community leaders raising thousands of dollars each week towards Charity Groups & Not-for-Profit Organizations. As an expatriate of the Hospitality Industry with almost 25 years of Foodservices experience, I am particularly proud of the positive social & economic impacts food trucks have contributed to the many communities it services. Regularly contributing up to 10% of their weekly revenues to a myriad of community-based programs, I am constantly amazed by the good will of this growing industry even despite its regional challenges to achieve business sustainability. Dedicated to the positive & responsible growth of the food truck movement, I happily offer my efforts as part of our industry struggle towards business sustainability. In this spirit, please feel free to contact me anytime should you require any additional assistance. Thank you both again</p>
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Engagement Comments

	<p>for all your hard work & sincere advocacy . . . I truly look forward to working with city staff in bringing the excitement & positive community impacts of food trucks to the City of Guelph.</p>
<p>Downtown Restaurant Business Owner</p>	<p>I absolutely do not agree with amending any by-law to allow for mobile food service. Honestly, how are any of the existing restaurants going to survive (and thrive) with more food being available downtown?? We're barely getting by as it is. NO MORE FOOD BUSINESSES DOWNTOWN!!!!!!!!!!!!!!That's my 2 cents.</p>
<p>Potential food truck owner</p>	<p>My wife and I are a start-up that will be operating as a Food Truck, festival food vendor and caterer. We are working with Scotia Bank in Guelph on Federal funding applications to purchase and retrofit the food truck so are just operating as a festival food vendor at this point. We are not doing any catering yet but may consider this in the future as we are booking festivals around Southern Ontario at this point and this seems to be more than filling our time! When we do get the truck completed, we do want the opportunity to operate here in Guelph since we are from here and our business is registered here! The current restrictions however, do not make it a profitable venture for us to operate when even with travel costs; we can operate in Hamilton, Niagara or Kitchener without issue. They certainly have their restrictions as well but are quite a bit more open to how the trucks operate. I only have about an hour to spend at the meeting as I have to work at 7 but certainly want to hear what the City is thinking along with addressing any concerns that businesses have.</p>
<p>Downtown Restaurant Business Owner</p>	<p>I wanted to forward my thoughts regarding food trucks. As you know, I had a very difficult time opening. It took us almost 2 years and more than triples our original budget. Now that we're open, we're slowly learning the dynamics of downtown Guelph. Our feelings on having food trucks allowed in the downtown are not great and frankly, very scary. As discussed in the last meeting, many restaurant owners in the downtown area struggle with lunch hour. We're no exception. Many days we are just breaking even. I believe having food trucks come in during our lunch hour would really affect our business. I don't think it's fair that food trucks come in during our busy times of day and then are able to leave whenever they like. We pay rent, taxes, etc. The thought of food trucks really scares a lot of business owners in the area including us. Most of our business is late night (after 11pm) Is allowing food trucks to come in at lunch a gateway to allowing them to come in on weekends to service the after bar crowd? Cities that do allow food trucks in downtown areas have restrictions regarding how far away from existing restaurants they're allowed to park, etc. What would be the situation for us? Guelph is such a great city, however its population is small. . I'm all for competition but I believe more infrastructure has to be put in place before food trucks become a positive. Parking is a serious issue. For example, George and I pay between \$300 and \$400 a month on parking. We've been on a wait list for a parking permit since August and are forced to pay between \$15.00 and \$18.00 per day plus the occasional ticket we get due to overstaying our 2 hours of free parking. Those in favour of food trucks state that it will bring more people to the downtown area. Where would they park? Where would they use the restroom? I think improvements to the parking issue and more interesting retail has to be put in place. That should be a priority in my opinion. I personally like food trucks but as a business owner who has invested a lot of money and a lot of time into their restaurant, I don't believe it's fair. Having said that, I don't have an issue with food trucks during festivals</p>

Engagement Comments

	outside the downtown area and in the industrial areas. In short, I don't believe Guelph has the population to support food trucks in the downtown area. I don't feel that it's fair to come in during peak hours, potentially take the little business we have and leave. I believe more focus should be put on parking and more interesting retail that would attract more people.
The Downtown Guelph Business Association	Further to the City of Guelph's community engagement process regarding food trucks, here's some input from the DGBA: The Downtown Guelph Business Association supports all 3 licence proposals (annual, temporary and events). We do not support an "any time any place" policy and will only support designated spots at designated times if a pilot project proves successful. We would like to be involved in the planning and execution of the pilot project if possible. We fully support an event licence whereby event organizers apply for a licence and the invite food trucks to their events. As for the specifics regarding distances from bricks and mortar restaurants, the City of Hamilton has proven successful and in this and we would suggest that City of Guelph implement similar rules. The DGBA wants a solution in which everyone benefits and looks forward to working with you to achieve this.
Email Submissions	
Dan H.	It's not fair that one vendor buys up all the rights for downtown. Open it up to different businesses, so we can eat something besides hot dogs. I've been working/living downtown for 15 years and it's time for a different option.
Vicky R.	In favour of having food trucks in town. More along the river by River Run - would like to see gazebos, outdoor pizza oven, coffee vendors, meat vendors, sausage, hotdogs, chicken on skewers and ice cream trucks. Suggests that in the summer months, St. George's Square should be closed off on weekends with restaurants featuring a dish outside and selling like they did in the past (events downtown). Would like to see more signs of diversity in our day to day lives.
Diane M.	I think it is a good idea to have food trucks in Guelph. I recently went to Portland Oregon which is famous for food trucks and it really added to tourist appeal. Guelph is known for its agriculture and healthy food so perhaps some of the food trucks will reflect that reputation.
Michelle M.	In agreement with more food trucks - either on specific dates or all the time. Make downtown more dynamic and exciting. Does not think that it will take away from our great restaurants - the more food there is available the more people will come and check it out. People who lived in Guelph for years have not seen downtown. A healthy exciting downtown is key to a healthy dynamic city.
Caitlin H.	In favour of having food trucks in town. Would like to see possible efforts to reduce the costs and other barriers to food trucks operating in Guelph. Guelph should actively encourage the presence of food trucks in Guelph. Would like to see a bigger variety of food trucks, not just hot dog stands. Offering better terms and fewer (and more affordable) restrictions is an excellent start, but on its own may not be enough. Guelph has a reputation as a "foodie" city and this is an opportunity Council shouldn't let pass them by.
Jon S.	I'm excited to see that changes are coming to Guelph's by-laws surrounding food trucks. I've had the opportunity to engage food trucks in cities across the US and Canada, and I love the concept of an inexpensive mobile restaurant that encourages culinary creativity by limiting space and resources. Food trucks are a staple in cities like Vancouver and San Francisco, and watching Toronto struggle with their licensing requirements has been painful. I appreciate the addition of

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	<p>allowing food trucks to operate in the CBD during sanctioned events - Kitchener has taken this step, and it's made for some fantastic lunch opportunities. Will support be available for food trucks to engage city property on an ongoing basis? I work in Kitchener, and food trucks are able to operate on City Hall grounds during the lunch hour on a rolling basis - this means only 1-2 trucks are able to operate at a time, but they receive great business from the surrounding pedestrian traffic, and city hall employees alike. I would love to see a provision like this in Guelph so my days spent working from home could engage in local food trucks at city hall. It would be an excellent complement to the family-friendly structure of city hall's grounds already, and would likely drive some additional business to downtown shops. I appreciate the amendments you have proposed, and I look forward to seeing this by-law evolve as public tastes encourage growth in this business sector.</p>
J. R.	<p>In favour of food trucks in Guelph. Looking forward to different foods, at reasonable prices. Would like to go eat out rather than sit in a formal restaurant every now and then</p>
Andrew A. H.	<p>Retired years ago, was not connected to the food industry. Believes that restaurants have multiple expenses whereas food trucks do not. "Mobile food vendors have relatively minimal outlays. I assume that they may often be franchisees and that the big bosses may not even live in this nation. Let one in and the city will need to let in twenty. If the Mexicans are permitted to have one, the Italians, Scandinavians, Nigerians and Patagonians will demand equal treatment. Canadian native persons, as usual, will not count. I am a WASP. The proposal is so unbalanced and unjust that one wonders about the nature of the underlying motivation."</p>
Traci H.	<p>In favour of food trucks in Guelph. Attended a few meetings at City Hall regarding food trucks. Would like to open a truck in Guelph, understands restaurant concerns but thinks it will be healthy competition. It is a 50/50 chance that half of the people would eat from the truck and half of the people will go to the restaurant. Food trucks are a different experience and don't think it will hurt any business. Allowing food trucks will help grow our beautiful city and add greatness.</p>
Angela H.	<p>I support making it easier for food trucks to operate in Guelph. Particularly I am supportive of the specialty/gourmet food trucks that often come in just for a weekend or a special event. I have no objection to seeing more food trucks in Guelph in general.</p>
Dave L.	<p>I wanted to start a food truck several years ago, but found that the stagnant bylaws surrounding the topic very confusing and dated. Food trucks are a great small business opportunity for someone who loves food but cannot get funds or space for a full kitchen. I also don't think they would draw from existing businesses, even downtown. Multiple places in downtown sell similar foods but they are not suffering too badly from the competition. This is because of the uniqueness or that Guelph has such a huge and supportive culture for great foods. Whatever the reason, I don't feel that a few more offerings in the mix could possibly be a bad thing. Just as they do with brick and mortar, the places that aren't good enough will sadly fall by the wayside, but just think of the possibilities for landmark food trucks being able to say they started in Guelph.</p>
Twitter Comments	
@chefscottycooks	@cityofguelph 1 st in our area to actually ask #foodtruck operators for input on

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	creating bylaws! Kudos! #workingtogether for @visitguelph Thanks for the invite to bylaw meeting. Gathering info to bring #foodtrucks into @cityofguelph #nicetobeheard @100milemark @visitguelph
@bsgreenroom	Yes, please, more food trucks! Parks, wide streets, bus depot. So many good places. Ow.lyéNkNwN @cityofguelph
@mannyfitzy	@cityofguelph great idea hopefully it won't mean a tax increase because of it
@sweet_T_cakes	Excited for our Food Truck! Send comments to @cityofguelph – tell them what you want in the new food truck bylaw!
@DavidKMagnus	@cityofguelph Definitely allow Food Trucks. Why were there rules preventing them from operating in the first place
@drewlandlord	@cityofguelph I think it's a great idea. In the spirit of Guelph there could be some real "sustainable vendor" opportunities. And good food!
Facebook Comments	
Sean P.	If we get food trucks, that'll be awesome!
Nanci P.	Bring on the food trucks!
Sandra P.	I would love to see some food trucks around!
Kaeli S.	Danielle Hernandez (tagged a friend)
Amy M.	Yum on the run ☺
Maria P.	Ya bring them on, ASAP
Tammy H.	Everybody deserves a chance to be a business owner, and right now the Food trucks are having a hard time of it. Give them a chance! I am sure local business will benefit too from them being ... show more
Sara R.	I'm all for it!
Freddie W. B.	I think it's funny Guelph won't allow food trucks near the downtown because restaurants think they'll take business away and they'll close up. If a restaurant gets shutdown because a food truck down the street it wasn't much of a restaurant to begin with.
Michael P. R.	If I can go downtown and get good homemade fries, it becomes a destination for me when I think of food.
John H.	I went to a restaurant in Mississauga today with friends, spent two hours there. When people want to go to a restaurant, it's to sit in nice surroundings with friends and be served a meal and not worry about the cost. If you want a quick 'on the run' meal you don't go to a restaurant you go to a fast food joint or food truck.
Tyrone D.	It's called competition! There is nothing wrong with food trucks. Besides they are quick and cheap than a restaurant
Emily C.	I think having food trucks would be awesome! Im all for it!!
Carrie C.	Finally!
Dean A.	Fantastic idea!
Tyler A.	About damn time.
Alex S.	It's about time. This is exciting news. I only hope that they are able to operate freely. Too many restrictions on hours of operation and location will make this a fail. Food trucks do no one any good if they aren't convenient. Business will not be good if they are only able to set up in the middle of nowhere that sees no foot traffic. Downtown please. If restaurants feel threatened maybe this is their chance to up their game.
Keron D.	I would go to Guelph downtown if there were more food trucks

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Tarah W.	Yes!!! Bring it
Marletta P.	YES YES YES BRING ON THE FOOD FOOD FOOD TRUCKS!!!!!! SHEESH SHEESH SHEESH!!!!!!!!!!!!!!!!!!!!!!
Sylvia H.	Just Love Love Love the idea!
Ashlie M.	I would love to see food trucks in Guelph, and not just limited to downtown. I love food trucks and the only time I get to experience them is at a festival of sorts.
Cam G.	Great comments here!! Thanks for engaging everyone!
Amanda R.	I want to be a food truck town! There are so many awesome possibilities!
Monica N.	Yes please food trucks are amazing
Kate G.	First, I'm not against food trucks. I think they're awesome. BUT some of the arguments below unfairly lump all "restaurants" in as a "sit down for a meal" establishments and are clearly forgetting the brick and mortar "fresh fast food" places that would be affected like: Pita Pit, Milano Pizza, Pierre's Poutine, Smoke's Pouterie, Fat Bastard Burrito Company and Salsateria Rebel Foods. You can walk in, get fresh personalized food, and walk out a moment later to continue your shopping. If you don't already use these places, a food truck is unlikely to be that tempting factor that brings you downtown
Andrea R.	Absolutely, bring on the food trucks, fresh healthy local options are always great alternatives to the fast food outlets
Donnette D.	#whogivesaschnitz!
Kem-Laurin L.	Yes yes yes. Just need hygiene standards and lets do this!
Bradley B.	Yes to food trucks
Hilda R.	There are food trucks in the states that people swear by. The food is decent and of exceptional quality. This would be a good thing for Guelph. The university kids would love it
Lois P.	Guelph should allow food trucks. Without so many regulations that it makes it impossible to operate.
MindMixer	
Michelle A.	Would love to see food trucks in Guelph's downtown core. Great for those who work in the area and are grabbing lunch. This is also a great location as there are many community events that happen in Market Square and St. George's Square.
Nathan D.	I feel this is a great idea, especially for hot dog cart and ice cream cart vendors. With proper permits and licensing, they can provide options for consumers and a source of revenue for the city.
Michael S.	Would love to see food trucks in Guelph. Not sure why we'd have to nail down on where they should operate, as they are trucks and should be mobile. Let them figure out where business will follow them. They can use twitter/facebook/city portal to advertise where they are operating for that day/time/location. Time to catch up with other cities by allowing food trucks free to roam the city to compete for business. Bring them on.
Aphra Z.	It would be nice to have them in parks around the city too
Sue S.	We need more variety in our food trucks! Check out what American cities have done, food trucks are so successful there. Downtown, city parks, special events, wherever the demand is. I don't see the point in limiting hours.
David M.	Yes, allow food trucks and any other type of business that thinks there are enough people wanting their products or services in Guelph. Why were there

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	any rules to stop them in the first place?
Rebecca S.	Love food trucks -- best tasting lunch anywhere. Even more fun when they cluster a bit and create some buzz and opportunities to bump into friends. Walkable to downtown, or in areas with parking nearby. I'd prefer that they not take away already scarce downtown parking spots though. It would be great if there was a way to find out where they'd be when...
Tracy M.	It would be great to see food trucks around the city at events, downtown, sports fields,... when I first moved to Guelph I lived on grove street at the steep end and remembered the ice cream bike and truck servicing the area. kids loved it as well as adults. it would be great to see and taste food from local restaurants and caterers moving around the city. There are so many more food options from food trucks in the US let Guelph grow and evolve. We can be quite conservative in our thinking at times with our businesses while the perception of Guelph from outside is dynamic, artistic, and forward thinking and beautiful!! food truck at the festivals year round -- jazz, moving media(?), studio tour, downtown July art exhibition,.... there is a lot of potential for our citizens and visitors.

Summary of Recommendations:

1. That staff develop a new Temporary Food Sales Schedule to reflect similar regulations where applicable to those found in the Food Vehicles category and that an amendment to the City's Business Licensing By-law adding this schedule be brought to Council's attention by Q1 of 2016.
2. That the current tendering process for street vendors be discontinued and that in addition to the requirement to obtain a business licence, that a monthly rental fee be implemented per vendor per location and that staff bring back an amendment to the User Fees By-law by Q4 of 2015.
3. That staff be directed to continue working with the Downtown Guelph Business Association, United Food Trucks Unlimited and the Ontario Restaurant Hotel and Motel Association to identify permanent locations outside of the Farmers' Market area for the operation of food trucks within the downtown, and that an amendment identifying such locations be brought to Council's attention by Q1 of 2016.
4. That staff develop amendments to the City's Business Licensing By-law (2009)-18855 to permit the operation of ice cream trucks on residential streets for implementation by August 1, 2015.
5. That staff develop amendments to the Business Licensing By-law (2009)-18855 to permit the operation of Mobile Food Preparation Vehicles on streets within residential areas for private functions for implementation by August 1, 2015.
6. That staff develop amendments to the Business Licensing By-law (2009)-18855 to permit the operation of Mobile Food Preparation Vehicles on streets within commercial or industrial areas for implementation by August 1, 2015.
7. That staff develop guidelines for the operation of Mobile Food Preparation Vehicles within City parks by Q2 of 2016.
8. That Mobile Food Preparation Vehicles be permitted to operate in the Guelph Farmers' Market parking lot and along Gordon Street/Wilson Street along the frontage of the Farmers' Market to Carden Street during market hours, providing that such operation complies with the Farmers' Market By-law (2009)-18874.
9. That staff be directed to create amendments to the Zoning By-law (1995)-14864 with respect to Food Vehicles and Temporary Food Sales on private lands as contained in Public Services Report # PS-15-36 dated July 6, 2015, and that such amendments be brought before Council for approval by Q3 of 2016.
10. That staff create an amendment to the Business Licensing By-law to create three classes of business licences for Mobile Food Preparation Vehicles and Temporary Food Sales, specifically an annual licence to permit these vendors to operate anywhere within the city where permitted for a one year term; a short term licence to allow vendors to operate where permitted for a maximum of three consecutive days for a maximum of four times a year; an Event Licence that can be applied to all Mobile Food Preparation Vehicles and Temporary Food Sales operating at a special event occurring on public or private land; and that these licences be implemented on a staggered approach.

Reasoning for Recommendations

Below is a summary of the reasoning for the recommendations contained in this report.

Who should be licensed?

The roundtable participants reviewed this subject and it was determined to ensure consistency and fairness, that all food sales (except prepackaged food) should be licensed. This includes food premises, caterers, street vendors, food vehicles, produce/food stands, food carts, barbecues and trailers. Questions were raised if charitable organizations should be exempt; however as these sales are subject to the same inspections as non-charitable events and carry the same health risks, it was recommended that both a licence and a fee be required for all temporary sales.

Recommendation - That staff develop a new Temporary Food Sales Schedule to reflect similar regulations where applicable to those found in the food vehicles category and that an amendment to the City's Business Licensing By-law adding this schedule be brought to Council's attention by Q1 of 2016.

At the commencement of this review, staff met with existing licensed street vendors. These vendors were informed of the review and were advised that their current business licences and tenders would not be renewed but would be extended until the conclusion of the review.

When this topic was raised, both the working group and the roundtable participants felt the current tendering of street vendors is outdated, as it restricts competition and hinders others from starting up a business mid-tender. It was recommended a monthly rental fee be developed and implemented instead of continuing with the tendering process.

It was suggested that the first option to rent the existing locations will be given to the existing two vendors currently occupying the space. Any subsequent requests for the locations identified in the Business Licensing By-law will be based on a first come first serve basis.

Licensing staff will work with Purchasing staff in consultation with our existing street vendors to develop the new program.

Recommendation – That the current tendering process for street vendors be discontinued, and that in addition to the requirement to obtain a business licence, that a monthly rental fee be implemented per vendor per location, and that staff bring back an amendment to the User Fees By-law by Q4 of 2015.

Reasoning for Recommendations

Where should vendors operate?

Downtown

One of the topics that was discussed at great length was whether or not food trucks should be permitted to operate within downtown Guelph. There were some opposing opinions on permitting food trucks to operate in the downtown (near restaurants) on a routine basis. Specifically concerns raised included:

- Impact to current City resources (i.e. public washrooms, parking, waste collection); and,
- Impact to ongoing downtown concerns (late night issues, pedestrian access and noise); and,
- Financial impact on existing restaurants

While the roundtable participants were advised by staff that the City does not regulate competition, there were questions whether or not the downtown had capacity/demand for restaurants, food trucks, temporary food sales and street vendors.

A number of various situations were proposed including limiting food truck sales to only certain areas within the downtown at certain times (i.e. set distance from restaurants, limited late night service). It should be noted that these issues and concerns are not unique to the City of Guelph as other municipalities are facing the same concerns. Given the impact of these concerns, with the exception of the recommendation related to the Farmers' Market described later in this summary, staff are recommending that the City work with the DGBA to develop options to allow for permanent food trucks within the downtown, and until such regulations are implemented that food trucks only be permitted to operate within the downtown under a Special Event permit.

Further, while staff are requesting more time to develop locations within the downtown for food trucks, as it is the City's position not to regulate competition, separation distances from other businesses outside the downtown, except where a safety concern exists is not included in the proposed By-law.

Recommendation – That staff be directed to continue working with the Downtown Guelph Business Association, United Food Trucks Unlimited and the Ontario Restaurant Hotel and Motel Association to identify permanent locations outside of the Farmers' Market area for the operation of food trucks within the Downtown and that an amendment identifying such locations be brought to Council's attention by Q1 of 2016.

Reasoning for Recommendations

Special Events

All stakeholders who attended our meetings agreed temporary food sales should be permitted at special events on public land and at festivals, carnivals and other events open to the public held on private land. Note: An event occurring on private land would have to comply with the City's Zoning By-law.

Residential Streets

It was agreed ice cream trucks should be permitted to operate on residential streets under certain conditions, i.e. specific distance from a school or park, specific times of day (dawn to dusk), non-arterial roads.

It was also agreed that all food trucks should be permitted to cater private functions occurring at residential properties provided they obtain a valid Business Licence. The roundtable participants felt that at this time, public sales on streets within residential from food trucks with the exception of ice cream trucks areas not be permitted.

Therefore it is recommended that the Business Licensing By-law be amended to permit these on-street sales. It should be noted that the Traffic Bylaw (2002)-17017 already permits on-streets sales when authorized by the City.

Recommendation - That staff develop amendments to the City's Business Licensing By-law (2009)-18855 to permit the operation of ice cream trucks on residential streets for implementation by August 1, 2015.

Recommendation - That staff develop amendments to the City's Business Licensing By-law (2009)-18855 to permit the operation of Mobile Food Preparation Vehicles on streets within residential areas for private functions for implementation by August 1, 2015.

Commercial/Industrial Streets

Both the working group and roundtable participants agreed that food trucks should be permitted to vend from streets within commercial or industrial areas under certain conditions (time of day, non-arterial roads). If approved by Council, Traffic and Licensing staff will work with vendors to identify areas in which they may operate and if necessary, staff will consider creating temporary permissions or changes to existing no parking zones.

Recommendation - That staff develop amendments to the Business Licensing By-law (2009)-18855 to permit the operation of Mobile Food

Reasoning for Recommendations

Preparation Vehicles on streets within commercial or industrial areas for implementation by August 1, 2015.

City Parks

Most of the stakeholders indicated that there was no desire for food trucks other than ice cream trucks to operate within City parks. Some ice cream trucks did express interest in operating in parks where a concession booth did not already exist. In addition to the requirement to obtain a business licence, any operation of an ice cream truck within a City park could be subject to the monthly rental fee previously recommended. To ensure public safety, guidelines for park use will need to be developed by Parks staff and until such guidelines are created, that food trucks including ice cream trucks only be permitted to operate within City parks under a Special Event permit.

Recommendation – That staff develop guidelines for the operation of Mobile Food Preparation Vehicles within City parks by Q2 of 2016.

City of Guelph Farmers' Market

The staff and vendors of the Guelph's Farmers' Market has shown interest in permitting the operation of food trucks within the Farmers' Market parking lot. Staff also received feedback to permit food trucks on Gordon Street/Wilson Street from the Farmers' Market property to Carden Street during market hours. If on-street vending is requested by Farmers' Market staff, staff from Licensing would work with other staff including Traffic and Transit to facilitate any necessary road closures to permit safe vending.

Recommendation – That Mobile Food Preparation Vehicles be permitted to operate in the Guelph Farmers' Market parking lot and along Gordon Street/Wilson Street along the frontage of the Farmers' Market to Carden Street during market hours, providing that such operation complies with the Farmers' Market By-law (2009)-18874.

Private Land

Although the roundtable participants, the general public and staff believe there would be benefit to permit food trucks and temporary food sales vendors on private land, for the most part this would require an amendment to the Zoning By-law. It is recommended that this be further investigated by Zoning staff. At this time, for those wishing to vend from private land where not permitted under the Zoning By-law, an application to the Committee of Adjustment may be made. In all cases, a Business Licence would be required.

Recommendation - That staff be directed to create amendments to the Zoning By-law (1995)-14864 with respect to Food Vehicles and Temporary

Reasoning for Recommendations

Food Sales on private lands as contained in Public Services Report # PS-15-36 dated July 6, 2015 and that such amendments be brought before Council for approval by Q3 of 2016.

What classes of licences should be implemented?

Annual Licence

Feedback received by staff recommended to continue the annual business licence category to allow food vehicles to operate year round where permitted. Staff along with the roundtable participants recommended that other long term food sales (produce stands) be given the option to purchase an annual licence for their sales season.

Short Term

The roundtable participants supported staff's recommendation to create a short term licence and suggested that it be valid for three days for a maximum of four times a year for both Food Vehicles and Temporary Food Sales. This would permit short term vendors to operate within the city.

Event Licence

Both staff and the roundtable participants recommended the creation of an Event Licence that would cover all Food Vehicles and Temporary Food Sales vendors operating at a special event on City land and other events occurring on private land. Note: An event occurring on private land would have to comply with the City's Zoning By-law.

Due to the complexity of the various licensing classes, it is recommended that a staggered approach be taken, specifically that the annual licence and short term licence for Mobile Preparation Vehicles being implemented in 2015 and amendments for the other licence classes be brought forward for Council consideration and approval in Q2 of 2016.

Recommendation – That staff create an amendment to the Business Licensing By-law to create three classes of business licences for Mobile Food Preparation Vehicles and Temporary Food Sales, specifically an annual licence to permit these vendors to operate anywhere within the City where permitted for a one year term; a short term licence to allow these vendors to operate where permitted for a maximum of three consecutive days for a maximum of four times a year; an Event Licence that can be applied to all Mobile Food Preparation Vehicles and Temporary Food Sales operating at a special event occurring on public or private land; and that these licences be implemented on a staggered approach.

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2015) – XXXX

A by-law to amend the Business Licensing By-law.

WHEREAS Council has enacted By-law Number (2009)-18855, being a by-law respecting the licensing of Businesses operating within the City of Guelph;

AND WHEREAS Council has amended that by-law from time to time;

AND WHEREAS Schedule 6 of that by-law applies in respect of Food Vehicles;

AND WHEREAS Council wishes to amend further the said by-law, in particular by amending Schedule 6.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

I. The following definitions are added to section 1 of Schedule 6 of the by-law:

“Ice Cream Truck” means a Vehicle from which food prepared therein and specially related to ice cream, frozen desserts or other frozen confections including beverages is Provided for Sale or Sold;

“Land” means land other than a Highway;

“Mixed Use Area” means the downtown parts of the City, as so indicated on Appendix 2 to this Schedule 6;

“Mobile Food Preparation Vehicle Plate” means a metal number plate issued by the Issuer of Licences to a Licensee with a current and valid Business Licence for a Mobile Food Preparation Vehicle;

“Other Area” means the parts of the City other than the Mixed Use Area and the Residential Area, as so indicated on Appendix 2 to this Schedule 6;

“Private Event” means a private function on private Land;

“Residential Area” means the parts of the City, as so indicated on Appendix 2 to this Schedule 6;

“Roadway” has the same meaning as set out in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended from time to time, or any successor thereof, and, for greater certainty, does not include a sidewalk;

“Short-term Licence” means a type of Business Licence for a Mobile Food Preparation Vehicle which is only valid for three consecutive days per period and may only be issued or renewed for up to four specified periods per year;

“Special Event” means a special event as defined in the City’s Special Event Policy;

“Special/Private Event Food Vehicle Licence” means a Business Licence issued to an organizer of a Special Event or Private Event that applies to all Food Vehicles operating at the Special Event or Private Event;

II. The definition of **“Mobile Food Preparation Vehicle”** in section 1 of the said by-law is amended by adding, at the end, the following words: “and includes an Ice Cream Truck”.

III. Section 5 of the said by-law is deleted and replaced with the following:

5. (a) In addition to all other requirements of this By-law, the following items shall be submitted with every Application for Inspection relating to a Mobile Food Preparation Vehicle:
- (i) A letter from all the owners of the Land on which the Mobile Food Preparation Vehicle will be situated, authorizing the Applicant to conduct such Business on the Land;
 - (ii) A Site Plan indicating compliance with the locational requirements set out in this Schedule;
 - (iii) A list of the types of food to be Provided for Sale or Sold, specifying the source of the food and identifying food that will be refrigerated or heated as part of the operation of the Mobile Food Preparation Vehicle;
 - (iv) A spill contaminant plan including a description of how and where grease and grey water will be disposed of;
 - (v) A photo of the Mobile Food Preparation Vehicle and a description of its type;
 - (vi) The location where the Mobile Food Preparation Vehicle will be parked or stored when not in use;
 - (vii) Written approval from all owners of the Land where the Mobile Food Preparation Vehicle will be located when food is Provided for Sale or Sold;
 - (viii) For a Mobile Food Preparation Vehicle that is subject to Director's Order FS-056-06 (issued under the *Technical Standards and Safety Act, 2000, S.O. 2000, c. 16* and its regulations), as amended or replaced from time to time, a completed inspection certificate and information fact sheet issued no more than 36 days before the application for a Business Licence or for a renewal is submitted; and
 - (ix) For an Ice Cream Truck, a criminal record check, including vulnerable screening, for every individual who will operate it.
- (b) No Business Licence shall be issued for a Mobile Food Preparation Vehicle unless the Site Plan has been approved by the City.
- (c) Notwithstanding the other provisions of this By-law, the Issuer of Licences may issue a Short-term Licence instead of the usual type of Business Licence in respect of a Mobile Food Preparation Vehicle. Except as resulting from its short-term nature, a Short-term Licence shall, in all other respects, be the same, and shall be treated the same, as the usual type of Business Licence.
- (d) Every Licensee of a Mobile Food Preparation Vehicle shall ensure that:
- (i) Only the specific Mobile Food Preparation Vehicle, for which the Business Licence has been issued, is used in association with that Business Licence;
 - (ii) The Mobile Food Preparation Vehicle is used in only the applicable Area of the City and on only the applicable Highway or Land, if any, specified in the Business Licence; (for convenience, the applicable paragraphs of this Section 5 are listed in Appendix 2 to this Schedule 6);
 - (iii) The Mobile Food Preparation Vehicle is moved at the oral or written request of the Issuer of Licences or an Officer appointed or assigned to enforce this Schedule, if, in the opinion of the Issuer of Licences or Officer, the location:

- a. is or may become undesirable for safety reasons, or
 - b. interferes with normal access to any Land;
 - (iv) Only the types of food on the list submitted under paragraph 5(a)(iii) are Provided for Sale or Sold;
 - (v) The idling of an internal combustion engine associated with the operation of the Mobile Food Preparation Vehicle complies with the City's Idling By-law Number (1998)-15945, as amended;
 - (vi) All statutes, regulations and by-laws governing driving, stopping or parking the Mobile Food Preparation Vehicle are complied with at all times;
 - (vii) There is no crying of wares, sounding of chimes or use of similar means to attract attention:
 - a. while the Mobile Food Preparation Vehicle is in motion, or
 - b. for more than 5 seconds at intervals of not less than 5 minutes;
 - (viii) No food is Provided for Sale or Sold to any customer who is standing on a Roadway;
 - (ix) All children and customers are safely away from the Mobile Food Preparation Vehicle before putting it in motion;
 - (x) The Mobile Food Preparation Vehicle is not washed or repaired while on a Highway except, in the case of repair, when repair is necessary to move the Mobile Food Preparation Vehicle off the road Highway; and
 - (xi) The Mobile Food Preparation Vehicle is driven by a person holding a current, valid provincial driver's licence.
- (e) Every Licensee of a Mobile Food Preparation Vehicle shall ensure that the Mobile Food Preparation Vehicle:
- (i) Is equipped and maintained with:
 - a. a clean compartment for the storage of food, and, in the case of an Ice Cream Truck, such compartment is refrigerated, and
 - b. at least one suitable refuse container;
 - (ii) Is kept in a clean and orderly condition and maintained in all respects in a condition suitable for the purpose for which it is used;
 - (iii) Is adequately lighted and ventilated;
 - (iv) Bears the Mobile Food Preparation Vehicle Plate or Short-term Licence, which is:
 - a. affixed to the rear exterior of the Mobile Food Preparation Vehicle or to another location on the Mobile Food Preparation Vehicle approved in advance by the Issuer of Licences, and
 - b. plainly visible in its entirety at all times;
 - (v) Is in a safe mechanical condition before it is driven;
 - (vi) Has no accessory generator associated with the operation of the Mobile Food Preparation Vehicle used outside of the Mobile Food Preparation Vehicle;

- (vii) Bears the business name of the Mobile Food Preparation Vehicle Licensee, which is displayed:
 - a. on both sides of the Mobile Food Preparation Vehicle or on another location as approved in advance by the Issuer of Licences,
 - b. in letters and numbers at least 18 centimetres in height,
 - c. in a colour that contrasts with the background colour, and
 - d. so as to be plainly visible in its entirety at all times; and
- (viii) In the case of an Ice Cream Truck, is equipped and maintained with:
 - a. a "WATCH FOR CHILDREN" warning sign in readily legible black letters at least 15 centimetres high on a yellow background that is affixed to the rear exterior of the Mobile Food Preparation Vehicle and plainly visible in its entirety at all times,
 - b. a minimum of two amber lights on top, placed as to be readily visible by a person 1.5 metres in height standing 1.2 metres in front of or behind the vehicle, that flash when the Ice Cream Truck stops to Provide for Sale or Sell,
 - c. a rear bumper having an angled cover on top designed and placed so as to prevent a child from standing or sitting on top, and
 - d. refuse containers are available upon arrival when the Ice Cream Truck stops to Provide for Sale or Sell and removed together with all waste collected in the refuse containers or accumulated in the surrounding area upon leaving.
- (f) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Mixed Use Area on a Highway, then the Licensee shall ensure that the vehicle is parked on the Highway only:
 - (i) If permitted as part of a Special Event; and
 - (ii) At such times and places as set out in the permit for the Special Event.
- (g) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Mixed Use Area on Land, then the Licensee shall ensure that the vehicle is parked on the Land only:
 - (i) If permitted as part of a Special Event, at such times and places as set out in the permit for the Special Event; and
 - (ii) If not permitted as part of a Special Event, then only:
 - a. as authorized under the Zoning By-law,
 - b. more than 22.86 metres (75 feet) from any corner of any intersection (measured as indicated on the attached Appendix 1 of Schedule 6),
 - c. more than 15.24 metres (50 feet) from the nearest edge of the Roadway (measured as indicated on the attached Appendix 1 of Schedule 6),
 - d. not on any Land where, due to the area occupied by the vehicle, the minimum parking space requirement for said Land is not in compliance with the Zoning By-law,
 - e. with the written approval of the owner of the Land, and
 - f. for up to 8 hours per day.
- (h) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Residential Area on a Highway, then the Licensee shall ensure that:
 - (i) The vehicle is parked on the Highway only:
 - a. if permitted under the City's Traffic By-law,
 - b. for a maximum of 8 hours from time of initial arrival,
 - c. to provide catering for a Private Event in which no public Sales are permitted, and
 - d. within the hours of 7:00 a.m. to 11:00 p.m.; and
 - (ii) The vehicle does not provide catering on the same Highway more than once per month.
- (i) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Residential Area on Land, then the

Licensee shall ensure that, if so permitted as part of a Special Event, the vehicle is parked only at such times and places as set out in the permit for the Special Event.

- (j) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Other Area on a Highway, then the Licensee shall ensure that the vehicle is parked on the Highway only:
- (i) If the Highway is not an Arterial Road;
 - (ii) If permitted under the City's Traffic By-law;
 - (iii) For a maximum of 8 hours from time of initial arrival; and
 - (iv) Within the hours of 7:00 a.m. to 11:00 p.m.
- (k) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Other Area on Land, then the Licensee shall ensure that if not permitted as part of a Special Event, then the vehicle is parked on the Land only:
- (i) As authorized under the Zoning By-law;
 - (ii) More than 22.86 metres (75 feet) from any corner of any intersection (measured as indicated on the attached Appendix 1 of Schedule 6);
 - (iii) More than 15.24 metres (50 feet) from the nearest edge of the Roadway (measured as indicated on the attached Appendix 1 of Schedule 6);
 - (iv) Not on any Land where, due to the area occupied by the vehicle, the minimum parking space requirement for said Land is not in compliance with the Zoning By-law;
 - (v) With the written approval of the owner of the Land; and
 - (vi) For up to 8 hours per day.
- (l) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Mixed Use Area on a Highway, then the Licensee shall ensure that the vehicle is parked on the Highway only:
- (i) If permitted as part of a Special Event; and
 - (ii) At such times and places as set out in the permit for the Special Event.
- (m) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Mixed Use Area on Land, then the Licensee shall ensure that the vehicle is parked only:
- (i) If permitted as part of a Special Event; and
 - (ii) At such times and places as set out in the permit for the Special Event.
- (n) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Residential Area on a Highway, then the Licensee shall ensure that:
- (i) If the vehicle is not providing catering as described below, the vehicle is parked on the Highway only:
 - a. if permitted under the City's Traffic By-law,
 - b. for a maximum of 15 minutes at any one location,
 - c. at least 6 metres from an intersection,
 - d. at least 100 metres from any park, school, place of worship or hospital measured along the most direct route from the nearest point of the park, school, place of worship or hospital boundary to the nearest point on the vehicle, unless the owner of the affected park, school, place of worship or hospital has given written permission for the Mobile vehicle to operate within 100 metres, and
 - e. at least 100 metres from the boundary of a Special Event or Private Event in respect of which an permit has been issued, measured along the most direct route from the nearest point of the Special Event boundary to the nearest point on the vehicle, except when the Licensee holds the appropriate Special/Private Event Food Vehicle Licence; and
 - (ii) If the vehicle is providing catering for a Private Event in which no public Sales are permitted, the vehicle is parked on the Highway only:
 - a. for a maximum of 8 hours from time of initial arrival,
 - b. within the hours of 9:00 a.m. to 8:00 p.m., and

- c. not more than once per month on the same Highway.
 - (o) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Residential Area on Land, then the Licensee shall ensure that the vehicle is parked on the Land only:
 - (i) If permitted as part of a Special Event; and
 - (ii) At such times and places as set out in the permit for the Special Event.
 - (p) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Other Area on a Highway, then the Licensee shall ensure that the vehicle is parked on the Highway only:
 - (i) If permitted under the City's Traffic By-law;
 - (ii) For a maximum of 8 hours from time of initial arrival; and
 - (iii) Within the hours of 9:00 a.m. to 8:00 p.m.
 - (q) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Other Area on Land, then the Licensee shall ensure that the vehicle is parked only:
 - (i) If permitted as part of a Special Event, at such times and places as set out in the permit for the Special Event; and
 - (ii) If not permitted as part of a Special Event, then only:
 - a. as authorized under the Zoning By-law,
 - b. more than 22.86 metres (75 feet) from any corner of any intersection (measured as indicated on the attached Appendix 1 of Schedule 6),
 - c. more than 15.24 metres (50 feet) from the nearest edge of the Roadway (measured as indicated on the attached Appendix 1 of Schedule 6),
 - d. not on any Land where, due to the area occupied by the vehicle, the minimum parking space requirement for said Land is not in compliance with the Zoning By-law,
 - e. with the written approval of the owner of the Land, and
 - f. for up to 8 hours per day.
- IV. Section 8 of the said by-law is amended by changing "Sections 4(c) and 5(c) of this Schedule" to "the provisions of this Schedule prohibiting operation in the Central Business District" in the third line.
- V. Appendix 2 of Schedule 6, as attached hereto, is added to the said by-law.
- VI. In all other respects the said by-law shall remain unchanged and in full force and effect.
- VII. This by-law shall come into force and take effect on the date this by-law is passed.

PASSED this day of , 2015.

CAM GUTHRIE – MAYOR

STEPHEN O'BRIEN – CITY CLERK

Paragraph in the Schedule	Type of vehicle	Area of the City	Parking Spot (Highway vs. Land)
5(f)	Mobile Food Preparation Vehicle other than an Ice Cream Truck	Mixed Use Area	Highway
(g)	"	"	Land
(h)	"	Residential Area	Highway
(i)	"	"	Land
(j)	"	Other Area	Highway
(k)	"	"	Land
(l)	Ice Cream Truck	Mixed Use Area	Highway
(m)	"	"	Land
(n)	"	Residential Area	Highway
(o)	"	"	Land
(p)	"	Other Area	Highway
(q)	"	"	Land

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Proposed Timeline

Timing	Action to be taken
Q3 - 2015	Council approval of amendment to permit Mobile Food Preparation Vehicles (Food Trucks/Ice Cream Trucks) to operate on specific streets
Q3 - 2015	In addition to the current annual licence, staff begin to issue short term licences
	Food trucks/ice cream trucks are permitted to operate on specific streets under certain conditions
	Staff to develop and implement an educational campaign on Mobile Food Preparation Vehicles
Q3 - 2015	Meetings to be scheduled with working group (staff and stakeholders) to begin process to identify possible streets within the downtown for the operations of food trucks
	Licensing and Purchasing staff in conjunction with input from street vendors, create a monthly rental fee for street vendors
Q4 - 2015	Amendment to User Fee By-law to add monthly rental fee for street vendors to be brought forward to Council for consideration
Q1 - 2016	Amendment to Business Licensing By-law to permit food trucks to operate in areas within the downtown outside the Farmers' Market as identified by working group
	Amendment to the Business Licensing By-law to add a schedule to regulate Temporary Food Sales
	Amendment to the Business Licensing By-law to add an event class of licence for Mobile Food Preparation Vehicles
Q2 - 2016	Amendment to the Business Licensing By-law to add a Temporary Food Schedule to be brought forward to Council for consideration
Q2 - 2016	Parks staff to implement guidelines to permit Mobile Food Preparation Vehicles to operate routinely with parks
Q3 - 2016	Amendment to the Zoning By-law to regulate Mobile Food Preparation Vehicles on private lands to be brought forward for Council's consideration
	After initial amendment has been implemented, staff to review with industry representatives and stakeholders the effectiveness of the licensing regime
Q3 - 2017	After final amendment has been implemented, staff to review with industry representatives and stakeholders the effectiveness of the licensing regime