



Memorandum

Corporate Services Department
City Clerk Services

Date: April 9, 2018

File: A-2110

To: Councillor Kerr, Chair and Members of the Corporate Services Committee

From: Felicia Blanchet, Council-Committee Coordinator

Re: Report CORP-18-20 – Proposed Amendments to Mobile and Motorized Refreshment Vehicle Standards

Please be advised that due to public interest in this matter, Report CORP-18-20 is being released early in order to provide opportunity for members of Council and the public to review.

Thank you.

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To: Corporate Services Committee

From: Mark Robinson, Interim Commissioner,
Corporate Services Department

Report Number: CORP-18-20

Date of Report: April 9, 2018

Date of Meeting: April 16, 2018

Subject: Proposed Amendments to Mobile and Motorized Refreshment
Vehicle Standards

File: D-2200

1.0 Purpose

In 2015, the Downtown Business Improvement Area (B.I.A.) requested exemptions to Licensing By-law 120-2005 with regard to Refreshment Vehicles (also referred to as food trucks). City Council subsequently directed staff to review Refreshment Vehicle standards and to report back. This report responds to Council's direction by presenting findings from the public and industry stakeholder consultation process related to standards for mobile and motorized refreshment vehicles and recommends that Council approve a by-law to amend Licensing By-law 120-2005, Highway Vending By-law 33-92, Traffic and Parking By-law 79-99, Parks and Facilities By-law 83-2000, and the General Fees and Charges By-law 13-2003 to implement process improvements.

2.0 Recommendation

That the Corporate Services Committee recommend to City Council:

1. That City Council approve a by-law to amend Licensing By-law 120-2005, as amended; Highway Vending By-law 33-92, as amended; Traffic and Parking By-law 79-99, as amended; Parks and Facilities By-law 83-2000, as amended; and General Fees and Charges By-law 13-2003, as amended, to update standards related to mobile and motorized refreshment vehicles as detailed in Sections 5.3.1, 5.3.2, 5.3.4, 5.3.5, and 5.4 of CORP-18-20;
2. That City Council approve a by-law to amend Licensing By-law 120-2005, as amended to permit mobile and motorized refreshment vehicles to operate on portions of Bagot St., Metcalfe St., and Richmond St. East, within the Downtown B.I.A. boundary, as detailed in Section 5.3.3 of CORP-18-20; and,
3. That the notice provisions of By-law 147-2007 be waived for these amendments.

3.0 Executive Summary

The recent popularity of gourmet “food trucks” and residents’ desire to experience a greater diversity of food options has necessitated the review of the City’s mobile/motorized refreshment vehicle (R.V.) standards. Reviews of such standards are being conducted across many municipalities in Ontario. Staff conducted an accelerated review of mobile/motorized refreshment vehicle standards, which included an extensive one (1) month public and industry consultation process, and are proposing amendments that would effectively introduce the following key changes:

- Permitting mobile/motorized R.V.s to vend on certain City highways for a period not exceeding five (5) hours in any twenty-four (24) hour period
- Permitting mobile/motorized R.V.s to operate on certain properties provided that written consent of the owner or special event permit holder is provided
- Prohibiting mobile/motorized R.V.s from operating within the Downtown B.I.A. boundary with the exception of operating on three (3) designated streets
- Simplifying the mobile/motorized R.V. licensing process for special events
- Updating fees associated with licensing mobile/motorized R.V.s

The proposed changes are similarly aligned with various objectives in the City’s high-level policy documents including the Oshawa Strategic Plan, The Downtown Oshawa Plan 20Twenty, Culture Counts, and the Diversity and Inclusion Plan. Moreover, the proposed changes will support the vibrancy of the City’s special events by streamlining the licensing process for mobile/motorized R.V. operators in a way that addresses consumer protection, public health and safety, and ensuring that equitable standards are established for industry participants. This report presents the findings from the public and industry stakeholder consultation process related to standards for mobile and motorized refreshment vehicles and recommends that Council approve a by-law to amend Licensing By-law 120-2005, Highway Vending By-law 33-92, Traffic and Parking By-law 79-99, Parks and Facilities By-law 83-2000, and the General Fees and Charges By-law 13-2003 to implement process improvements. Once approved, staff will require one (1) month to implement the new standards and will monitor the operation of mobile/motorized R.V.s and report back with technical amendments if necessary.

4.0 Input From Other Sources

Staff initiated an extensive one (1) month public and industry stakeholder consultation process (“Consultation Process”) to attain feedback from all external stakeholders on the issue of mobile/motorized R.V.s. The Consultation Process and findings are detailed in Section 5.2. In addition to consulting members of the public and industry stakeholders, staff consulted the following internal branches, municipalities, Durham Region Agencies and External Stakeholders detailed in **Table 1**.

Table 1 Input From Other Sources

Internal Branches	External Agencies	Other Municipalities	External Stakeholders
<ul style="list-style-type: none"> • Corporate Communications • Economic Development Services • Legal Services • Planning Services • Operation Services (Parks) • Recreation and Culture Services • Strategic Business Services (Traffic) 	<ul style="list-style-type: none"> • Durham Region Public Health 	<ul style="list-style-type: none"> • Town of Whitby • City of Vancouver • City of Guelph • City of London • City of Edmonton • City of Portland 	<ul style="list-style-type: none"> • Oshawa Downtown B.I.A.

5.0 Analysis

5.1 Background

At its April 27, 2015 City Council (“Council”) meeting, Council directed staff to conduct a study and initiate a consultation process to review (“Review”) refreshment vehicle standards and to report back. At its December 18, 2017 meeting, Council directed staff to complete the Review by the First Quarter of 2018. The timeline for the Review was subsequently extended to April 16, 2018 to allow for a one (1) month Consultation Process. This report presents findings from the refreshment vehicle consultation process and recommends that Council approve a by-law to amend Licensing By-law 120-2005, Highway Vending By-law 33-92, Traffic and Parking By-law 79-99, Parks and Facilities By-law 83-2000, and the General Fees and Charges By-law 13-2003 to implement process improvements. A list of Frequently Asked Questions (F.A.Q.) is appended as **Attachment 1**.

5.1.1 Types of Refreshment Vehicles

Refreshment Vehicles are defined in Licensing By-law 120-2005 (“Licensing By-law”) as a vehicle within or from which food is prepared, offered, sold or otherwise made available for consumption by persons. It is a broad definition which includes various classes detailed in **Table 2**. For ease of reference, this report will use the terms “refreshment vehicles” and “street food vendors” interchangeably, as they generally refer to the same business operation.

Table 2 Classes of Refreshment Vehicles in Licensing By-law 120-2005

Class of Refreshment Vehicle	Definition	Example
Hot Dog Cart	A Mobile Refreshment Vehicle that is operated or licensed to operate at one location for a period no less than three (3) hours and not exceeding nine (9) hours on any day.	<ul style="list-style-type: none"> • Hot dog cart
Mobile Refreshment Vehicle	A Refreshment Vehicle that is propelled by means other than an on-board motor or engine.	<ul style="list-style-type: none"> • Ice cream bike • Coffee bike
Motorized Refreshment Vehicle	A Mobile Refreshment Vehicle that is self-propelled by means of an on-board motor or engine.	<ul style="list-style-type: none"> • Food truck • Ice cream truck
Stationary Refreshment Vehicle	A Refreshment Vehicle operated from one Lot but does not include a Hot Dog Cart	<ul style="list-style-type: none"> • A “Chip” truck

5.1.2 Scope of Review: Mobile/Motorized Refreshment Vehicles

The Review focused exclusively on modernizing standards respecting mobile/motorized refreshment vehicles and **excluded** considerations of standards respecting stationary refreshment vehicles as they were not a part of the initial referral.

5.1.3 Current Regulatory Framework: Mobile/Motorized Refreshment Vehicles

Refreshment vehicles are regulated primarily through the City’s Licensing By-law and Highway Vending By-law 33-92 (“Highway Vending By-law”). The former establishes standards for the purposes of ensuring health and safety, consumer protection and nuisance control; whereas, the latter prohibits the sale of goods, including food, on City highways. The current regulatory framework for R.V.s established in the Licensing By-law is detailed in the following Tables:

- **Table 3** outlines applicable approvals required to attain a licence
- **Table 4** details applicable operating standards
- **Table 5** details applicable licensing fees

Table 3 Current Required Approvals: Mobile/Motorized R.V.s

Approvals	Current Documentation Required
Application Requirements	<ul style="list-style-type: none"> • Master Business Licence • Gross Vehicle Weight • Photograph • List of all food sold/prepared • Proof of Ownership (Motorized R.V. Only)
Inspections	<ul style="list-style-type: none"> • Health Inspection Certificate • Technical Standards and Safety Authority Certificate¹ • Safety Standards Certificate (Motorized R.V. Only)
Insurance	<ul style="list-style-type: none"> • \$2 million Commercial General Liability • Vehicle insurance certificate (Motorized R.V. Only)

Table 4 Current Operating Standards: Mobile/Motorized R.V.s

Operating Standard	Current Standard
Time-Related	<p>Not operated:</p> <ul style="list-style-type: none"> • Less than 3 hours or more than 9 hours² • before Apr 1st or after Oct 30th • between 2:00 a.m. to 7:00 a.m. • at any location for a period exceeding 10 minutes³
Locational Requirements	<p>Not operated:</p> <ul style="list-style-type: none"> • on any Regional or City Highway • on a sidewalk (Motorized R.V. Only) • within 60 m of its last location • within 60 m of any location it operated at within last 24 hours • within 60 m of any park or schools • on any lot without written consent of owner(s)
Other	<ul style="list-style-type: none"> • Compliance with all applicable laws • Cleanliness standards • Must have back-up beeper (Motorized R.V. Only) • Equipped with no fewer than 3 refuse containers with self-closing lids • Equipped with waste tank • Shall not exceed 6.7 m in length and 2.6 m in width (Motorized R.V. Only)

¹ If propane is used for heating or cooling food

² Applicable to Hot Dog carts only

³ **Not applicable** to Hot Dog carts

Table 5 Current Licensing Fees: Mobile/Motorized R.V.s

Class	Current Annual Licensing Fees
Mobile/Motorized R.V. (includes Hot Dog cart)	<ul style="list-style-type: none"> • \$75 application fee • \$200 for first vehicle and any additional R.V. that is a bicycle • \$150 for each additional vehicle <p>Special Events:</p> <ul style="list-style-type: none"> • \$75 for up to three (3) days if not licensed by the City • \$50 for up to three (3) days if licensed by the City

5.1.4 Literature Review

A scan of the literature finds that North America is experiencing a “Food Truck Revolution” – a global trend where diners are expressing interest in experiencing more gourmet street food. Mobile/motorized R.V.s offer an alternative for consumers and business owners.⁴ Traditionally, municipal regulations have focused on ice cream and hot dog vendors, but the current trend is providing an impetus for municipalities to modernize their regulations accordingly.⁵ It is clear that people want greater access to various forms of street food and alternative forms of dining.

A concern surrounding R.V.s is that the relatively low startup and operational costs compared to brick-and-mortar restaurants⁶ may negatively impact restaurants. However, there is a dichotomy between restaurants and mobile/motorized R.V.s as they have different business models that offer different services.⁷ This may partly explain why the Canadian Competition Bureau has not found any clear evidence that suggests detrimental impacts of R.V.s on restaurants. Most vendors enter the R.V. business because they desire independence and flexibility. Some see it as a stepping stone for other types of businesses. It is also important to consider that mobile R.V.s require permits and/or licences for each city in which they operate, and these cities often have widely varying regulations.

Concerns have also been raised about the cleanliness of R.V.s. However, these vendors are required to obtain health inspections across jurisdictions, and therefore street food vendors must typically follow the same health and food safety standards as brick-and-mortar restaurants.

⁴ Huey, Jessica. “On the Go – Insights into Food Truck Regulation.” *Data-Smart City Solutions*, 3 Mar. 2015, datasmart.ash.harvard.edu/news/article/case-study-food-trucks-585

⁵ Ibid

⁶ “Food Truck Concept – Unfair for Brick and Mortar Restaurants.” *Ontario Restaurant, Hotel and Motel Association*, <https://www.orhma.com/Portals/0/PDF%20Files/GovtRelations/General%20Info/Food%20Trucks.pdf>.

⁷ “Promoting Fair Competition in the Restaurant and Mobile Food Industry.” *Competition Bureau Canada*. 14 Feb. 2018, <http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/04260.html>.

A scan of the literature also identified concerns regarding operational standards and best practices. Street food vendors and members of the public have expressed a desire for modernized regulations permitting vendors to operate more broadly and for food trucks to be able to roam between locations rather than having to permanently remain on one lot. In terms of time restrictions, food trucks typically require at least five (5) hours to operate, in order to account for setup and breakdown time. Municipal time regulations have been found to have both benefits and detractors; for instance, later operating hours can result in continued noise, but assists with the disbursement of evening crowds in entertainment districts and provides alternative food options.

Other public concerns generally center on unsafe food, lack of shelter from the weather, lack of seating, and unappealing conditions of the R.V. Restaurants are less likely than other businesses to want more street food vendors in their neighborhoods, however, as noted earlier, the Canadian Competition Bureau has not found any clear evidence that suggests detrimental impacts of mobile food services on restaurants and recently released a study encouraging municipalities to open up their food truck regulations. There has been no evidence of harmful sidewalk congestion as a side effect of street food vendors. In general, cities have found that street food vendors help to increase the vibrancy and culture of their cities.

5.1.5 Issue Definition and City's Regulatory Objectives

The last review of R.V. standards was conducted in 2009 during the infancy of what has been labelled by the food industry as the "Food Truck Revolution". Since the last review, the paradigm shift, which has occurred in the R.V. industry, has generated public interest in the modernization of street food vending standards in the City of Oshawa.

The principal issue this Review attempts to address is the modernization of the City's standards respecting mobile/motorized R.V.s by permitting them to operate in more areas of the City while meeting the City's following regulatory objectives:

- **Health and Safety:** to enhance and encourage practices for R.V. owners/operators. Examples of standards include but are not limited to:
 - Health inspection requirements
 - Cleanliness standards
 - Vehicle safety standards certificate requirement
- **Consumer Protection:** to enhance and encourage practices that protect the rights of consumers. Examples of standards include but are not limited to:
 - Commercial General Liability Insurance requirements
 - Vehicle insurance requirements (**Motorized R.V. only**)
- **Equitable Standards:** to promote professional behavior and fair dealing amongst participants in the industry. Examples of standards include but are not limited to:
 - Establishing proximity standards from other restaurants and bars
 - Establishing permission requirements for vending on a lot

5.1.6 Municipal Benchmarking

Staff undertook a benchmarking exercise in order to better understand the current landscape of regulations and trends within Ontario, Canada and certain American cities. The results of this scan are found in **Attachment 2**. General trends include:

- Municipalities generally have some form of restricted operating hours at night into the morning
- Most municipalities do not restrict the number of operating hours permitted in a day
- Municipalities typically permit forms of curbside vending
- Municipalities generally prohibit vending on municipal property unless a permit or rights had been given to the vendor
 - Some municipalities have a separate permitting process for rights to vend on municipal property
- Most municipalities have proximity restrictions for schools, special events and restaurants
 - Proximity restrictions to restaurants varied from 0-100 metres

5.2 Public and Industry Consultation Process

Staff undertook an aggressive one (1) month public and industry stakeholder consultation process (detailed in **Table 6**) beginning on February 14 and concluding on March 14 to engage stakeholders directly impacted by the presence of street food vendors operating within the City of Oshawa and to ascertain their respective perspectives.

5.2.1 Methodology

The consultation process was comprised of various engagement initiatives which included the use of Connect Oshawa (www.connectoshawa.ca), the City's online engagement platform and survey, an in-person survey, and three (3) drop-in Open Houses at various locations. Standardized stakeholder-specific questions were used in the online/in-person surveys to ensure consistency and validity.

Table 6 Stakeholder Consultation Methods

Type of Consultation	Dates and Times
Online and In-Person Survey	February 14 to March 14
Drop-In Open House South Oshawa Community Centre	February 28 9:30 a.m. to 11:30 a.m.
Drop-In Open House City Hall	March 1 9:30 a.m. to 11:30 a.m.
Drop-In Open House Legends Centre	March 1 6:30 p.m. to 8:30 p.m.
Presentation at Downtown B.I.A. Town Hall Meeting	March 8
Direct Engagement with interested Local Downtown B.I.A. Restaurants	March 9

In an effort to increase engagement, staff extensively promoted the consultation process using various mediums including:

- Placing public notices in two (2) local newspapers
- Posting Facebook and Instagram advertisements
- Distributing social media (Facebook and Twitter) messaging
- Distributing media releases
- Placing posters in City facilities
- Notifying registered stakeholders of engagement opportunities
- Directly notifying over three-hundred (300) licensed R.V. operators and local restaurant owners
- Directly engaging local restaurant owners in the Downtown B.I.A.
- Engaging the Downtown Board of Management
- Creating a dedicated street food vendors webpage on the City of Oshawa's website (www.oshawa.ca) and Connect Oshawa (www.connectoshawa.ca)
- Promoting the initiative to City staff through email and the City's intranet

5.2.2 Level of Engagement and Response Rate

The level of response to the City's consultation process, found in **Table 7**, appears to suggest high levels of public and moderate levels of industry stakeholder engagement. The survey questions and responses have been appended as **Attachment 3**.

Table 7 Consultation Response Rate

Engagement Initiative	Number of Participants
Survey	General Public Survey: 272 Street Food Vendor Survey: 7 Restaurant Owner Survey: 4
Drop-In Open Houses	South Oshawa Community Centre: 20 City Hall: 5 Legends Centre: 40

5.2.3 Online Survey Validity

A number of measures were initiated by staff to ensure that online survey results were valid including:

- Requiring restaurant owners to input their City of Oshawa licensing numbers and business name
- Requiring street food vendors to input their business name and requesting City of Oshawa licensing numbers from active businesses (this allowed for those who have interest in becoming a street food vendor to still provide stakeholder-specific feedback)
- The Connect Oshawa online survey required site registration **or** a temporary screen name and email address for each submission. The system only allows one (1) response per person using a particular email address. The website prevents:
 - Those who have completed a submission from submitting another; and
 - Bot attacks (automated programmed responses).

With assistance from the City's vendor for online engagement services, staff have determined that there is a high level of validity in the **283** responses received from online survey respondents.

5.2.4 Findings

Staff engaged three (3) stakeholder groups to gather the unique perspectives of each group in relation to street food vendors. The key findings are detailed below. **Note:** Percentages referenced in this section are rounded to the nearest whole number. Detailed survey results can be found in **Attachment 3**.

a) Public – members of the public were engaged through the use of an online/in-person survey and through three (3) Drop-In Open Houses at City facilities held in the North-end, Central and South-end areas. The following are the key findings that were gathered:

- **272** respondents
- **79%** of all respondents reported being an Oshawa resident and/or property/business owner
- The majority of respondents (**98%**) reported being either very familiar, familiar, or somewhat familiar with street food vendors
- Residents purchased food from street food vendors at the following levels of frequency:
 - **54%** of respondents purchased street food once or twice a year
 - **35%** of respondents purchased street food once or twice a month
 - **8%** of respondents purchased street food once or twice a week

- Common concerns related to the availability of street food vendors in Oshawa and the lack of choice/diversity of options
- Many respondents reported using street food vendors outside of Oshawa in locations such as Toronto and other Region of Durham municipalities
- The majority of respondents reported wanting to see Street Food Vendors at curbside locations, including in the Downtown (**211**), as well as in parks (**215**) and at special events (**206**)
- Most people reported that they liked:
 - The ability to try new foods that street food vendors offered (**224**)
 - The convenience of street food vendors (**208**)
 - The experience and/or atmosphere of street food vendors (**168**)
- **92%** of respondents felt that street food vendors have the ability to increase the vibrancy of Oshawa

b) Street Food Industry – City staff engaged the street food industry through the use of an online/in-person survey and through three (3) drop-in Open Houses at City facilities held in the North-end, Central and South-end areas. The following are the key findings that were gathered:

- **7** respondents
- Approximately **71%** respondents reported being Oshawa residents and/or business/property owners
- Approximately **14%** of respondents were satisfied with the current regulatory model
- Approximately **43%** of respondents reported feeling neutral about the current regulatory model
- Approximately **14%** of respondents were dissatisfied with the current regulatory model
- Approximately **29%** of respondents were very dissatisfied with the current regulatory model
- Approximately **86%** of respondents supported changing current regulations
- The majority of respondents want to see vendors at special events and in municipal parks and/or parking lots

c) Restaurant Industry – City staff engaged the restaurant industry through a number of mediums including: the use of an online/in-person survey; through three (3) drop-in Open Houses at City facilities held in the North-end, Central and South-end areas; directly contacting and meeting with local restaurant operators; and engaging

Downtown B.I.A. restaurants through the Downtown B.I.A. Town Hall meeting. The following are the key points that were gathered:

- **4** respondents
- **4 of 4** respondents reported being Oshawa residents and/or business/property owners
- **2 of 4** respondents reported not having an issue with street food vendors
- **1 of 4** respondents was concerned with the vitality of restaurants
- **1 of 4** respondents felt the Business Licensing By-law should not be updated to offer broader operating abilities for street food vendors
- **2 of 4** respondents were not satisfied with the current regulatory model for street food vendors
- **3 of 4** of respondents support changes to the current regulations to allow more operating abilities for street food vendors

5.3 Proposed Amendments to Mobile/Motorized R.V. Standards

Staff reviewed existing standards for mobile/motorized R.V.s and identified several areas where standards could be amended to meet the needs of the public, street food vendors, and the local restaurant industry while ensuring that the City's regulatory objectives, detailed in Section 5.1.5, were achieved. These standards primarily relate to:

- Permitting mobile/motorized R.V.s to vend on certain City highways for a period not exceeding five (5) hours in any twenty-four (24) hour period
- Permitting mobile/motorized R.V.s to operate on certain properties provided that written consent of the owner or special event permit holder is provided
- Prohibiting mobile/motorized R.V.s from operating within the Downtown B.I.A. boundary with the exception of operating on three (3) designated streets
- Simplifying the mobile/motorized R.V. licensing process for special events
- Updating fees associated with licensing mobile/motorized R.V.s

A comparison between current and proposed standards is appended in **Attachment 4**.

5.3.1 Proposed Time-Related Standards

The proposed time-related standards are detailed in **Table 8**. Staff propose removing the standard restricting mobile/motorized R.V.s from operating before April 1 and after October 30 each year. Furthermore, it is proposed that mobile/motorized R.V.s be permitted to vend on any City street, with the exception of those abutting residential zones,

for a period not exceeding five (5) hours in any twenty-four (24) hour period. The literature review found that mobile/motorized R.V.s require, at a minimum, five (5) hours to operate – one (1) hour to set up, three (3) hours to serve, and one (1) hour to clean up. The proposed time-related standards will similarly permit:

- Mobile/motorized R.V.s (ex. ice cream trucks) to operate in residential zones for short-term periods (10 minute increments);
- Mobile/motorized R.V.s to operate on City highways in residential zones provided that a special events permit has been issued by the City and the mobile/motorized R.V. operate has received written consent from the permit holder. This standard would allow mobile/motorized R.V.s to participate in neighbourhood special events such as street festivals.

Notwithstanding the above, it is proposed that the City maintain the standard prohibiting mobile/motorized R.V.s from operating between 2:00 a.m. and 7:00 a.m. in non-residential areas. Furthermore, it is proposed that mobile/motorized R.V.s be prohibited from operating on a highway abutting a residential zone or on a lot that is zoned residential between 10:00 p.m. and 7:00 a.m.

Table 8 Proposed Time-Related Standards

Proposed Standards	
Time-Related	<p>Not operated:</p> <ul style="list-style-type: none"> • between 2:00 a.m. to 7:00 a.m. on a highway abutting a non-residential zone or on a lot that is zoned non-residential • between 10:00 p.m. to 7:00 a.m. on a highway abutting a residential zone or on a lot that is zoned residential • on a highway abutting a residential zone or on a residentially zoned lot for a period exceeding ten (10) minutes unless: <ul style="list-style-type: none"> ○ the highway in the residential zone is closed pursuant to a special event permit; and, the mobile/motorized R.V. has obtained written consent from the special event permit holder. ○ Persons within the queue have not been served, the period may be extended to the earlier of the expiry of the next ten (10) minute period and the time that the last of such persons is served. • on a highway abutting a non-residential zone or on a lot that is zoned non-residential for a period exceeding five (5) hours in any twenty-four (24) hour period.⁸

⁸ Time-related standard is removed for special events where a permit has been issued.

5.3.2 Proposed Locational Requirements

The proposed locational requirements are detailed in **Table 9**. It is proposed that mobile/motorized R.V.s be permitted to operate on a City highway with the exception of those:

- abutting residential zones (exceptions detailed in Section 5.3.1)
- within the Downtown B.I.A. Boundary (depicted in **Figure 1**)⁹
- within 30 m of a restaurant or bar to ensure mobile/motorized R.V. operations are not disruptive to restaurant and bar owners

Nevertheless, it is similarly proposed that mobile/motorized R.V.s be prohibited from operating within 100 m of a:

- park or school unless they have obtained written consent from the property owner. This is to address safety concerns relating to children and the flow of vehicles while permitting mobile/motorized R.V.s to attend special events organized by the City, in the case of parks, or the local school board, in the case of schools.
- special event unless the mobile/motorized R.V. has obtained written consent from the special event permit holder

One or more of the following locational requirements would not apply to licensed mobile/motorized R.V.'s participating in a special event where a special event permit has been issued by the City and the event is located within:

- Downtown B.I.A. boundary;
- 30 m of restaurant or bar; and/or,
- 100 m of a school or park

Staff assessed the feasibility of permitting mobile/motorized R.V.s from vending in municipal parking lots. The assessment determined that mobile/motorized R.V.s should be prohibited from vending in municipal parking lots for the following reasons:

- **Safety** – vehicular traffic within municipal parking lots may create an unsafe environment for street food vending customers/pedestrians.
- **Limited Parking Capacity** – municipal parking lots in the Downtown operate at capacity on most days. Mobile/motorized R.V.s and their lines of customers may further limit the availability of parking in municipal parking lots.

⁹ Notwithstanding this, if Section 5.3.3 is approved, mobile/motorized R.V.s would be permitted to operate on Bagot St., Metcalfe St., and a section of Richmond St. East.

Table 9 Proposed Locational Standards

	Proposed Standards
Locational Requirements	<p>Not operated:</p> <ul style="list-style-type: none"> • on any Regional Highway • on a sidewalk (Motorized R.V. Only) • within the Downtown Oshawa B.I.A. Boundary with the exception of: <ul style="list-style-type: none"> ○ Hot Dog Carts; and, ○ Special events where a special event permit has been issued by the City • within 30 m of a restaurant or bar unless participating in a special event where a special event permit has been issued by the City • within 100 m of any park or schools unless the mobile/motorized R.V.: <ul style="list-style-type: none"> ○ has obtained written consent from the: <ul style="list-style-type: none"> ▪ property owner to vend on the property; or ▪ special event permit holder and vending on the closed highway as part of the special event. • within 100 m of any special event unless the mobile/motorized R.V. has obtained written consent from the special event permit holder • on any lot without written consent of property owner(s) <p>Shall:</p> <ul style="list-style-type: none"> • comply with all traffic standards established pursuant to the City's Traffic and Parking By-law 79-99 • where applicable, pay the fee to park in a parking space for a period of time as measured by the City's Control Device.

5.3.3 Proposed Mobile/Motorized Vending Areas within the Downtown B.I.A. Boundary

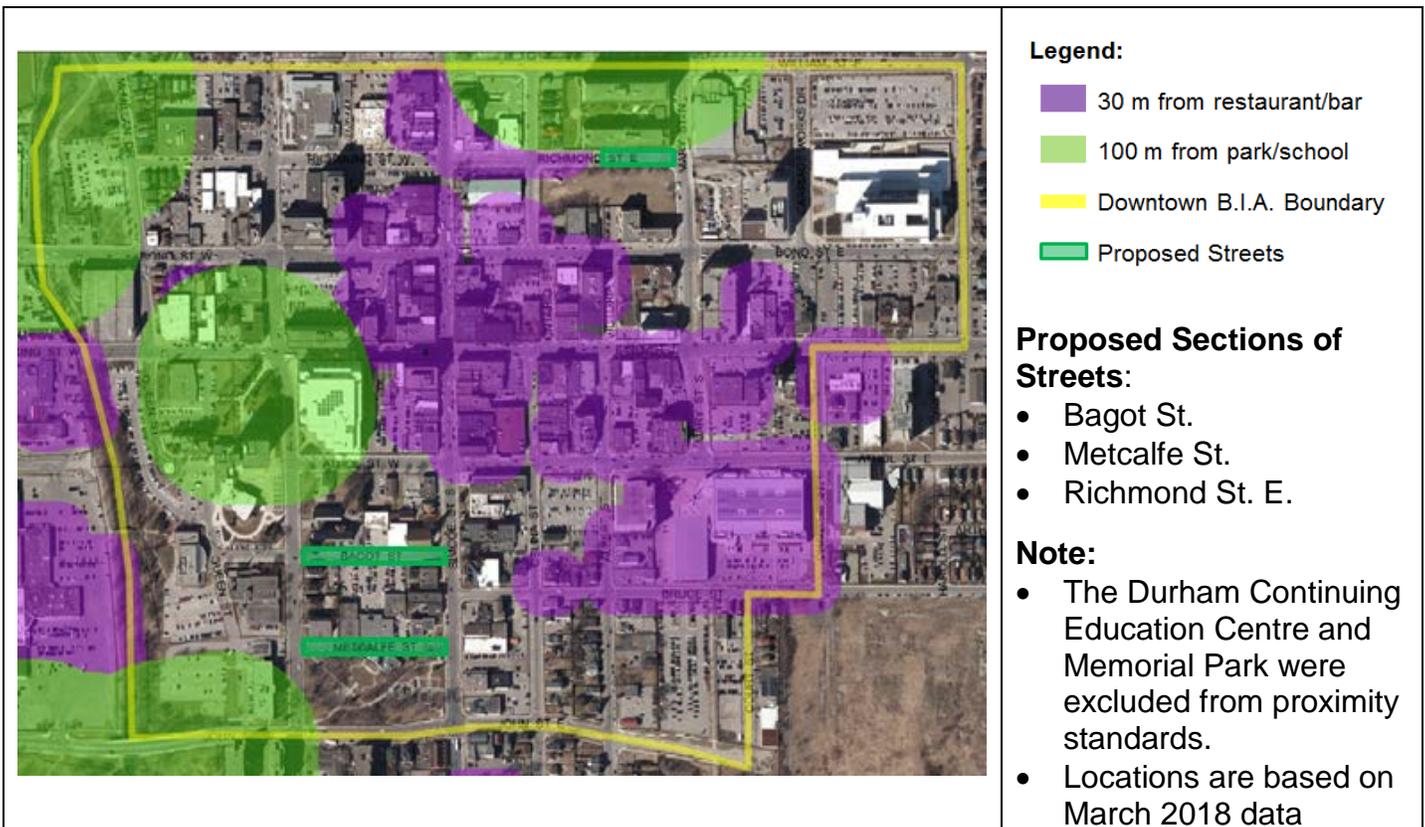
Notwithstanding the general prohibition of mobile/motorized R.V.s operating on City highways within the boundary of the Downtown B.I.A. detailed in Section 5.3.2., staff considered appropriate locations from which mobile/motorized R.V.s could potentially vend from given the saturation of restaurants, bars and cafes within the Downtown B.I.A. Staff are proposing that mobile/motorized R.V.s be permitted to operate on sections (depicted in **Figure 1**) of three (3) streets: Bagot St., Metcalfe St., and Richmond St. East as these areas would satisfy the locational criteria detailed in section 5.3.2 and potentially enhance the vibrancy of the surrounding area. The selection of the three (3) streets also contemplated issues related to the availability of parking, pedestrian, cyclist and vehicular safety, and streets that were not Regional highways. As proposed, mobile/motorized R.V.s would:

- Be permitted to park in designated areas for a period not exceeding five (5) hours in any twenty-four (24) hour period
- Vend from municipal on-street parking spots allocated on a first-come-first-served basis
- Be required to comply with all parking standards, including ensuring the parking control device is paid for the duration of the time the vehicle is occupying the space or spaces
- Be required to comply with all R.V. standards and other by-law requirements

It is important to note that an exception to the 100 m proximity requirement from parks and schools was created for the Downtown B.I.A. as the safety concerns related to children in the vicinity of the Durham Continuing Education Centre and Memorial Park were determined to be not as salient as compared to other areas. Staff will report back with technical amendments if any issues are identified, including the following areas:

- Noise issues
- Waste issues
- Parking issues
- Street changes

Figure 1 Proposed Vending Areas within Downtown B.I.A. Boundary



5.3.4 Other Proposed Standards

Other proposed standards are detailed in **Table 10**. It is important to note that staff are recommending maintaining existing standards with the exception of standards relating to refuse containers. Staff reviewed the three (3) refuse container standard and determined that reducing the requirement to one (1) refuse container would be sufficient provided that the container was of an appropriate size to prevent the overflowing of garbage and/or littering.

Table 10 Other Proposed Standards

	Proposed Standards
Other	<ul style="list-style-type: none"> • Compliance with all applicable laws • Cleanliness standards • Must have back-up beeper (Motorized R.V. Only) • Equipped with a minimum of one (1) refuse container with self-closing lid that is of a sufficient size for public use • Equipped with waste tank • Remove size limit for motorized R.V.s of 6.7 m in length and 2.6 m in width • Mobile/motorized R.V.s shall keep immediate vicinity free of waste • Mobile/motorized R.V.s are prohibited from setting up seating

5.3.5 Proposed Licensing Fees

Staff reviewed licensing fees associated with all R.V.s and determined that the following fees, detailed in **Table 11** were appropriate. Moreover, the analysis determined that it is beneficial to harmonize licensing fees for all R.V.s considering staff are performing the same levels of licensing administration and enforcement activities irrespective of class of R.V. The objective of the Review was to ensure that the proposed licensing fee achieved full-cost recovery in that the fee was commensurate with the cost of licensing and enforcement of mobile/motorized R.V. standards.

Table 11 Proposed Licensing Fees

Licensing Class	Type of R.V.	Duration	Proposed Fees
Annual Licence: Motorized/Mobile R.V.	<ul style="list-style-type: none"> • Motorized • Mobile • Hotdog Cart 	Annual	Application: \$75 Licence: \$225 Total Fee: \$300¹⁰
Annual Licence: Stationary R.V.	<ul style="list-style-type: none"> • Stationary 	Annual	Application: \$75 Licence: \$225 Total Fee: \$300
Temporary Licence	<ul style="list-style-type: none"> • Motorized • Mobile • Hotdog Cart 	up to five (5) consecutive days	Application: \$75 Licence: \$95 Total Fee: \$170

5.4 Other Technical Amendments

In addition to the proposed amendments in Section 5.3, staff have identified a number of additional technical amendments to support the modernization of mobile/motorized R.V. standards. **Table 12** details other proposed technical amendments.

Table 12 Other Proposed Technical Amendments

Applicable By-law	Proposed Technical Amendment
Licensing By-law 120-2005	<ul style="list-style-type: none"> • Maintain certificate of health inspection in good standing
Parks and Facilities By-law 83-2000	<ul style="list-style-type: none"> • Subject to the authorization of the Commissioner, permit mobile/motorized R.V. in parks

5.5 Conclusion and Implementation

Staff conducted an extensive review of mobile/motorized R.V. standards which included a comprehensive one (1) month public and industry consultation process. Based on the Review’s findings, staff are proposing a number of changes which would effectively permit mobile/motorized R.V.s to operate in more areas of the City in a manner that ensures the public’s health and safety and consumer protection is addressed and that equitable standards are established for industry participants. The proposed changes will support the vibrancy of the City by streamlining the licensing process for mobile/motorized R.V.s attending special events and introducing updated fees. More importantly, the proposed amendments are aligned with the objectives of the City’s various high-level policy documents including the Oshawa Strategic Plan, The Downtown Oshawa Plan 20Twenty, Culture Counts, and the Diversity and Inclusion Plan. Should Committee and Council approve an amending by-law, staff will require one (1) month following the approval of the by-law to ensure that the new standards are properly implemented. Staff will monitor the operation of mobile/motorized R.V.s and report back with technical amendments if necessary.

¹⁰ Total Fee for bicycles includes any additional bicycles

6.0 Financial Implications

The cost of administering and enforcing the R.V. licensing system is approximately \$170 per R.V. operating in the City for a period of less than five (5) consecutive days. The administrative and enforcement cost for a R.V. operating on an annual basis is marginally higher at approximately \$300; the higher cost is attributed to greater enforcement costs. The cost recovery analysis accounts for both direct and indirect costs.

7.0 Relationship to the Oshawa Strategic Plan

The recommendations in this report respond to the Oshawa Strategic Plan Goals:

- 4.1 Economic Prosperity and Financial Stewardship: Responsible Taxation; and,
- 4.2 Accountable Leadership: Deliberate Community Engagement.



Jerry Conlin, Director,
Municipal Law Enforcement and Licensing Services



Mark Robinson, Interim Commissioner,
Corporate Services Department

Attachments

Frequently Asked Questions: Proposed Amendments

1. Why broaden opportunities for mobile/motorized refreshment vehicles?

Answer: Survey respondents expressed a desire to experience more mobile food vending options in the City of Oshawa necessitating a modernization of the City's Refreshment Vehicle (R.V.) standards. This desire is consistent with a global food trend which has been commonly referred to as the "Food Truck Revolution".

2. Why are Stationary R.V.s excluded from the Review?

Answer: The Review focused exclusively on modernizing standards respecting mobile/motorized refreshment vehicles and **excluded** considerations of standards respecting stationary R.V.s as they were not a part of the initial referral.

3. Vendors have expressed difficulty participating in special events. How do these proposed amendments respond to these concerns?

Answer: With the proposed standards, vendors will be permitted to participate in special events if they hold a valid City of Oshawa mobile/motorized R.V. licence and have the written consent of the event organizer to participate. This removes the current administrative step of having an address added onto their licence for a fee and streamlines the process. However, if the vendor does not currently possess a valid mobile/motorized R.V. licence, they will be required to obtain one in order to participate in the event. Such vendors have the option of obtaining a temporary licence (valid for up to 5 consecutive days) at a reduced fee of \$170¹.

4. Will mobile/motorized R.V.s be permitted in Parks, Schools and Recreation Centres and what about pre-existing concession contracts?

Answer: The proposed regulatory changes require the consent of all property owners in order to operate on a lot. If the City or School Board were to give permission for a certain location, the mobile/motorized R.V. would be able to operate there. If written consent has not been provided from the City/School Board for a particular location, the vendor would not be permitted to operate there.

Mobile/motorized R.V.s are prohibited from operating within 100 m of a park and/or school; nevertheless, they are exempt from the 100 m proximity requirement if they are operating

¹ Includes \$75 application fee.

on a highway closed pursuant to a special event permit and/or at a park where a special event is being held; and, if the mobile/motorized R.V. has obtained written consent from the special event permit holder.

5. Are mobile/motorized R.V.s permitted to operate near residential areas?

Answer: The proposed amendments will only permit mobile/motorized R.V.s such as ice cream trucks to roam through residential areas for up to 10 minutes per location². Furthermore, mobile/motorized R.V.s are prohibited from operating within residential areas between the hours of 10:00 p.m. and 7:00 a.m. Mobile/motorized R.V.s are only permitted to operate on highways abutting residential zones for a longer period if the highway is closed pursuant to a special event permit; and, the mobile/motorized R.V. has obtained written consent from the special event permit holder.

6. What is the impact of R.V.s on local restaurants?

Answer: The City could not find any research suggesting R.V.s presented a negative impact on local restaurants; alternatively, some local restaurants expressed that R.V.s are a good way to promote their businesses and others felt that more food options could establish the downtown as a “Food destination” and attract more customers into the area. Notwithstanding this, the City is proposing to permit licensed mobile/motorized R.V.s to operate on sections of three (3) City streets: Bagot St., Metcalfe St., and Richmond St. East.

7. Will the City lose parking revenue if mobile/motorized R.V.s are permitted to operate in the downtown area?

Answer: R.V.s would only be permitted on three (3) streets: Bagot St., Metcalfe St., and Richmond St. East and would be required to ensure the parking meter is paid for the duration of the time that they are occupying per space.

² If persons within the queue have not been served, the period may be extended to the earlier of the expiry of the next ten (10) minute period and the time that the last of such persons is served.

8. If mobile/motorized R.V.s are permitted on street downtown and/or in parks, could this cause excess garbage and create concerns for littering?

Answer: The Licensing By-law will require street food vendors to ensure the cleanliness of the areas around them. Additionally, the Licensing By-law currently requires vendors to have a certain number of garbage cans available - this will continue to be an operating standard.

9. What about the cleanliness of street food vendors?

Answer: Current standards require a Region of Durham Health Inspection Certificate. This approval will remain a pre-requisite for a licence to be issued. If the vendor has not been given Health Department approval, a licence will not be issued.

Municipal Benchmarking

Note: Table is for reference purposes only. Information was obtained through a combination of contacting various municipalities and reviewing municipal by-laws and reports.

Ontario:

⊗ = Restrictions Exist	Whitby	Clarington	Toronto	Guelph ¹	Hamilton	London
Classes of Street Food Vendors/ Refreshment Vehicles	⊗	⊗	⊗	⊗	⊗	⊗
Restricted Hours of Operation	⊗			⊗	⊗	⊗
Restriction on Number of Hours in a Day			⊗	⊗	⊗	
Restriction on Number of Hours at a Location		⊗	⊗	⊗	⊗	
Curbside Vending	⊗ ²	⊗ ³	Permitted	Permitted	Permitted	Permitted
Vending on Municipal Property (i.e. Parks) Restricted	⊗ ⁴	⊗ ⁵		Contracted	Permitted	Permitted

¹ Not applicable to ice cream trucks (Ice cream truck standards include Mixed Use Areas only as part of a Special Event; in Residential Areas there is a 15 minute/location rule and 100m setback from parks, schools, places of worship, hospitals and special events).

² Prohibited unless Town has authorized a portion of the Highway for that purpose.

³ Except where “impractical to do otherwise”.

⁴ Prohibited unless rights to operate at that location have been awarded by the Town, in which case setback requirements are not applied.

⁵ Prohibited without permission of Director of Operations

⊗ = Restrictions Exist	Whitby	Clarington	Toronto	Guelph⁶	Hamilton	London
Restricted Proximity to Schools	⊗	⊗	⊗	⊗	⊗	⊗
Restricted Proximity to Parks		⊗		⊗		
Restricted Proximity to Special Events	⊗		⊗	⊗	⊗	⊗
Restricted Proximity to Restaurants	⊗	⊗	⊗		⊗	⊗
Restricted Proximity to Other SV Vendors			⊗ ⁷			

⁶ Not applicable to ice cream trucks (Ice cream truck standards include Mixed Use Areas only as part of a Special Event; in Residential Areas there is a 15 minute/location rule and 100m setback from parks, schools, places of worship, hospitals and special events).

⁷ No more than 2 per block

Outside of Ontario:

⊗ = Restrictions Exist	Edmonton	Vancouver	Buffalo, NY	Portland, OR
Classes of Street Food Vendors/ Refreshment Vehicles	⊗	⊗	⊗	⊗
Restricted Hours of Operation	⊗	⊗ ⁸		⊗
Restriction on Number of Hours in a Day				
Restriction on Number of Hours at a Location				
Curbside Vending	Permitted	Permitted ⁹	Permitted	Permitted
Vending on Municipal Property (i.e. Parks) Restricted	Permitted	⊗ ¹⁰		Permitted
Restricted Proximity to Schools	⊗	⊗		
Restricted Proximity to Parks		⊗		
Restricted Proximity to Special Events	⊗	⊗	⊗	
Restricted Proximity to Restaurants	⊗	⊗	⊗	⊗
Restricted Proximity to other SFV	⊗			

⁸ Dependent on location: longer operating hours in place for entertainment district

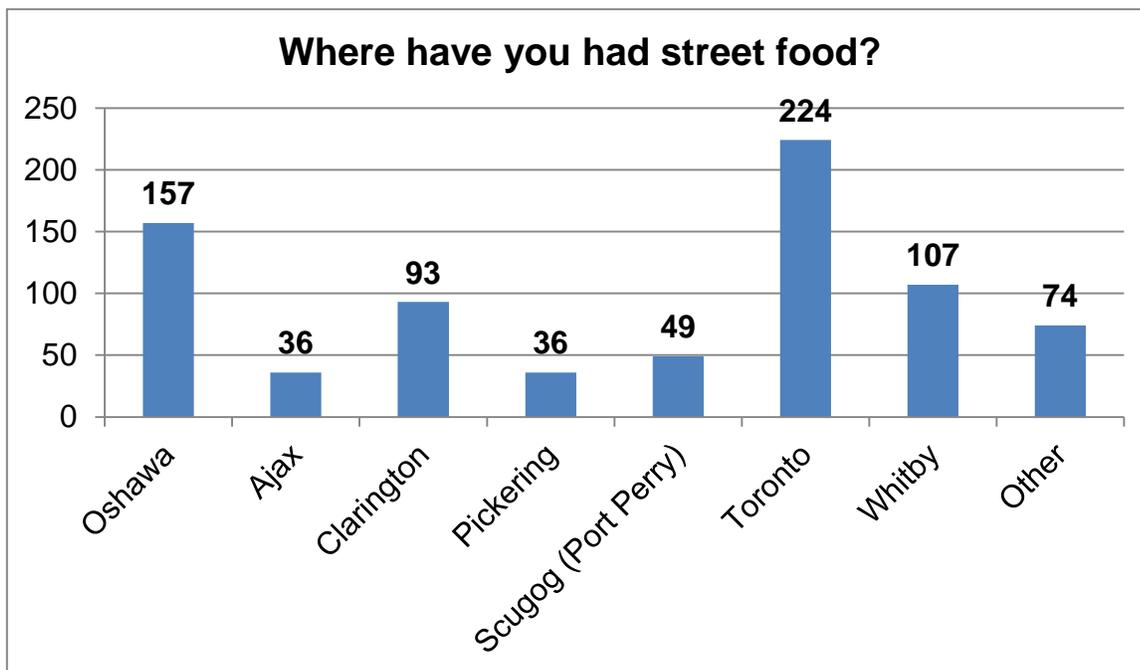
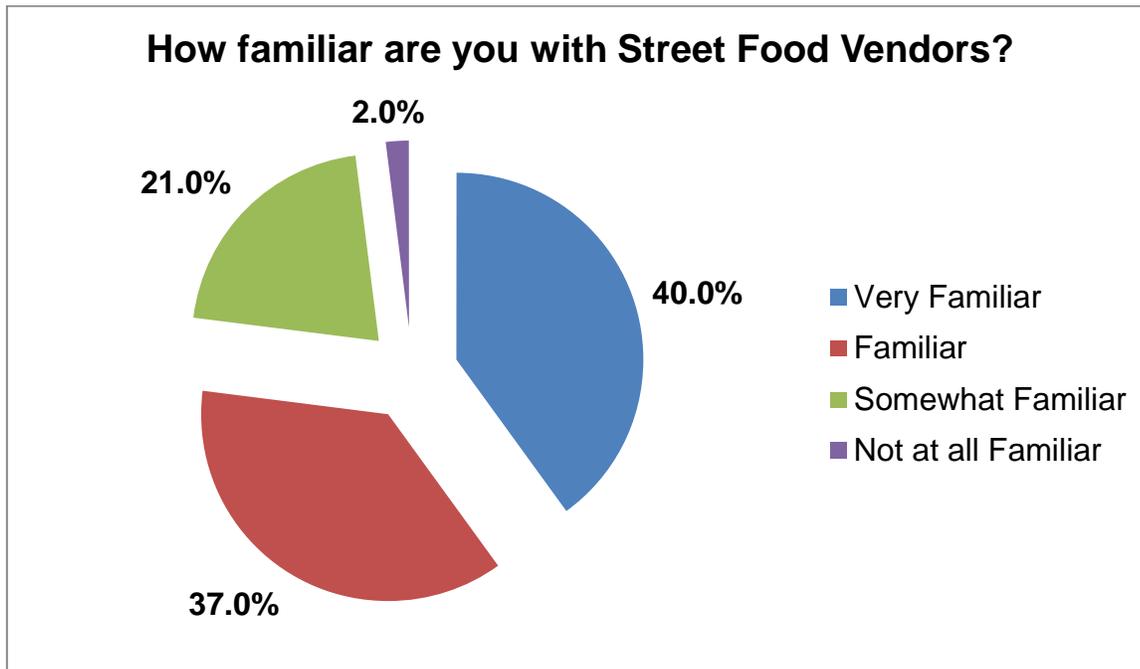
⁹ Stationary permits also available on-street

¹⁰ There is a separate and unrelated park and beach permitting program

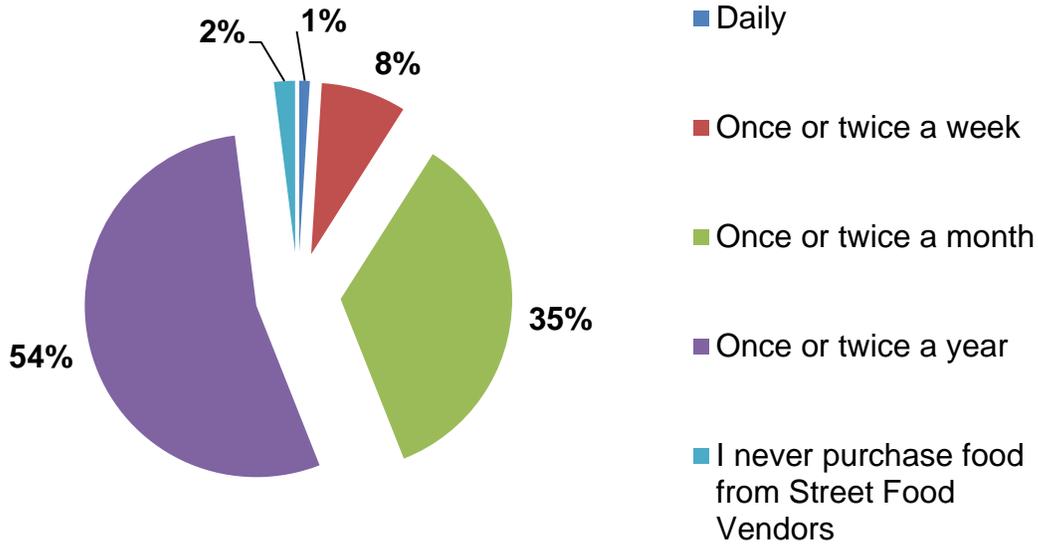
Survey Responses: General Public

Sample Size: 272 Respondents

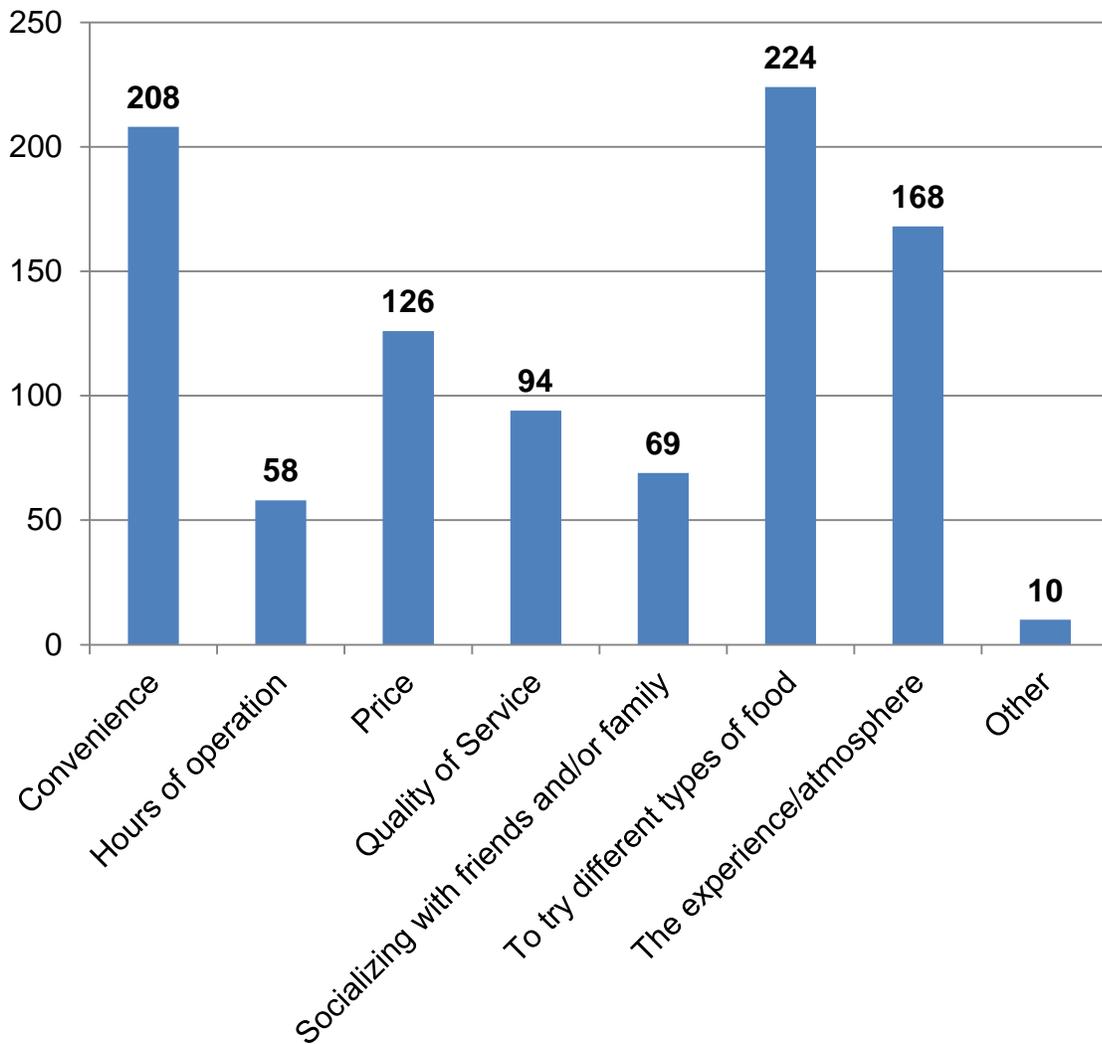
Note: Percentages are rounded to the nearest whole number.



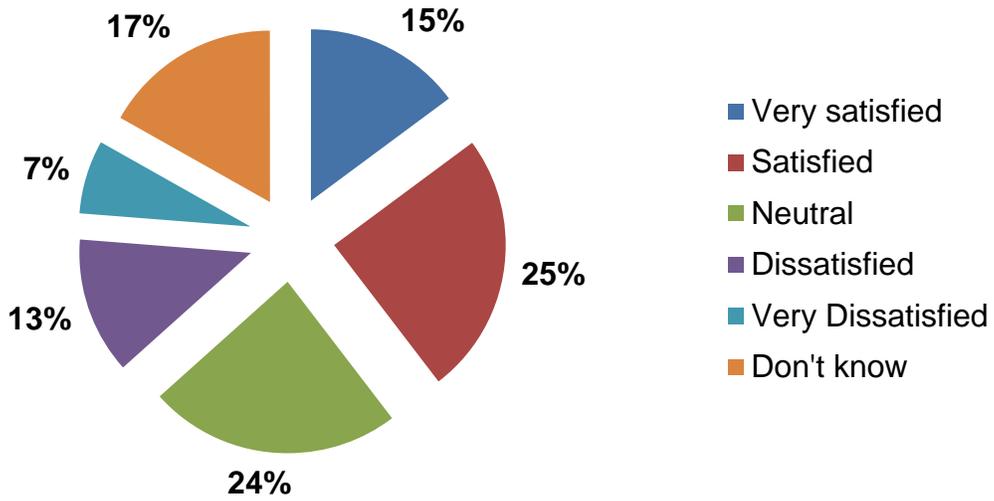
How often do you purchase food from Street Food Vendors?



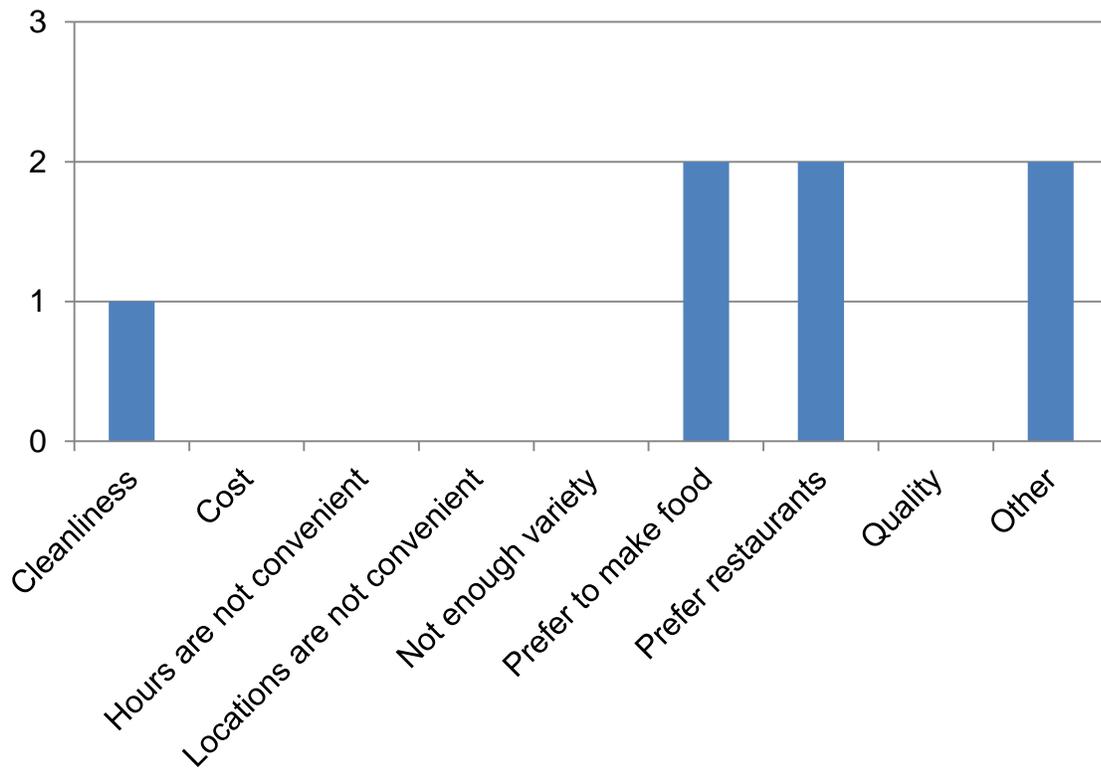
What do you like about Street Food Vendors?



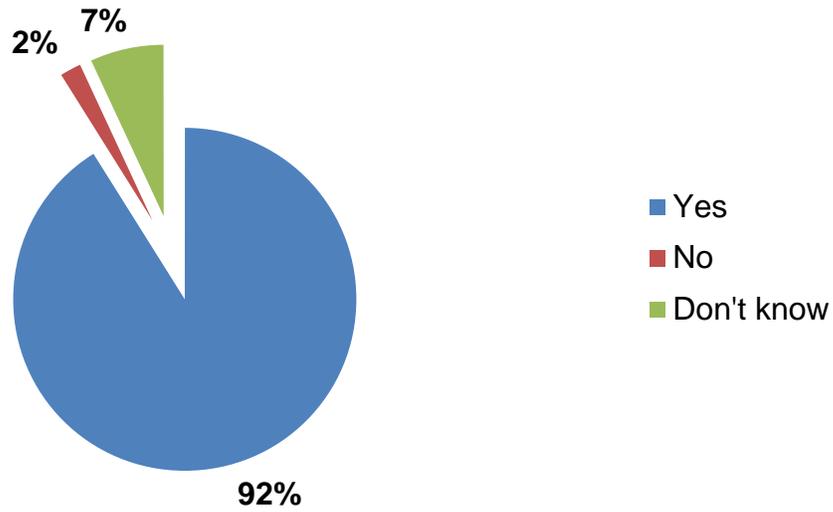
How satisfied are you with Street Food Vendors in Oshawa?



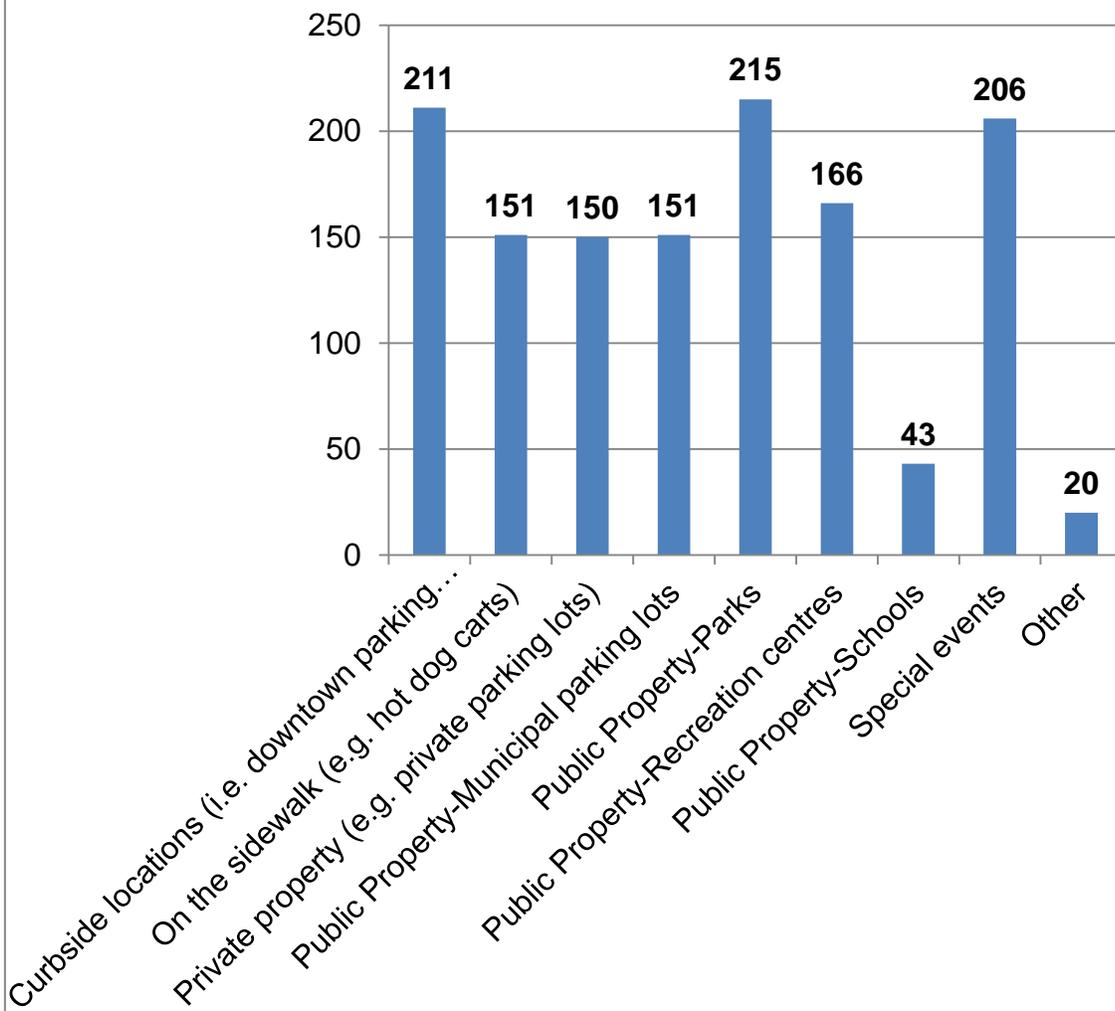
Why do you not purchase food from Street Food Vendors?



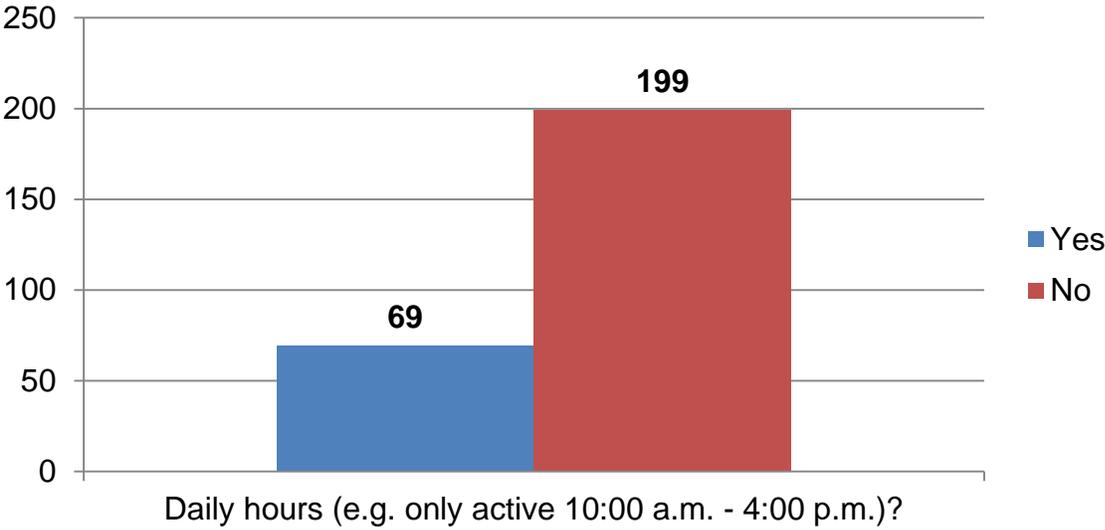
Do you think Street Food Vendors can improve the vibrancy of the City of Oshawa?



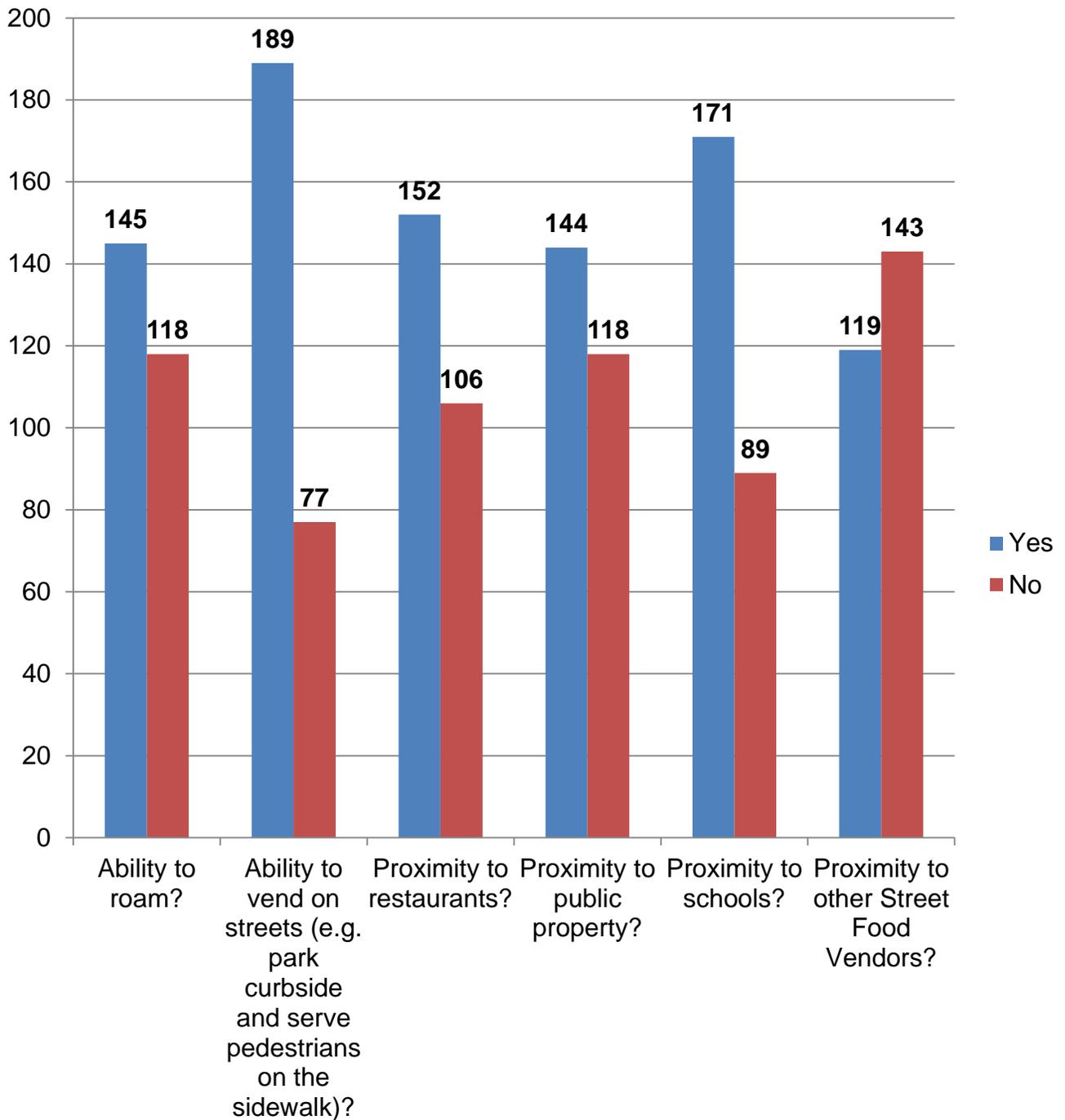
Where do you want to see Street Food Vendors?



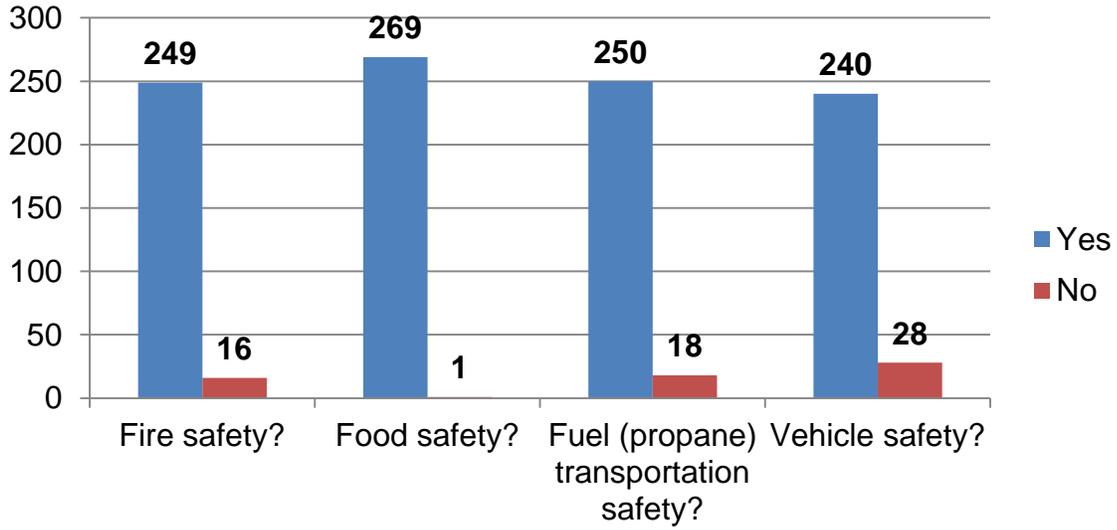
In regards to hours of operation, should the City regulate:



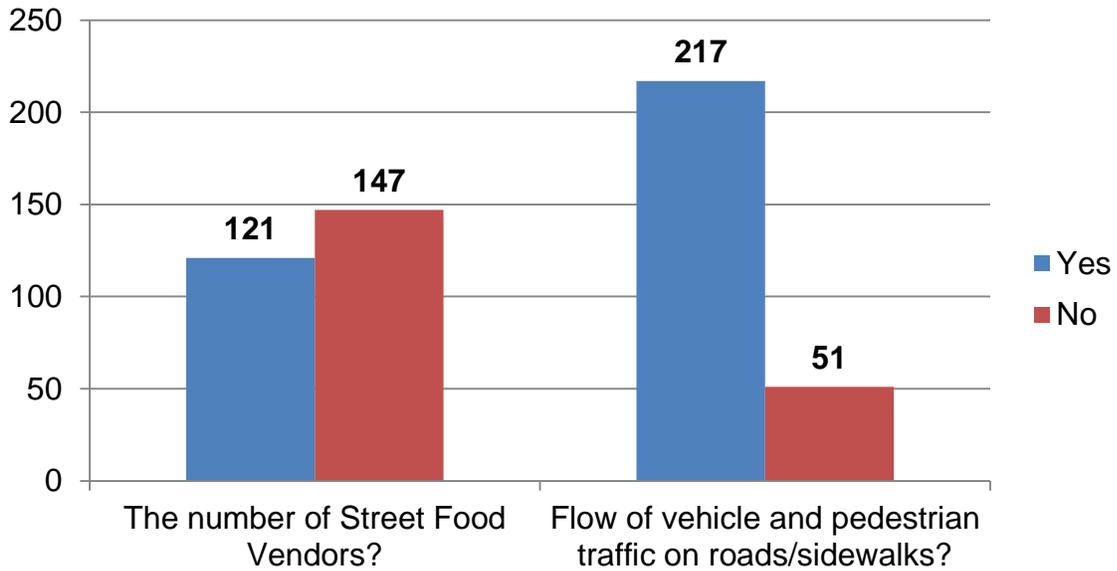
In regards to location, should the City regulate?



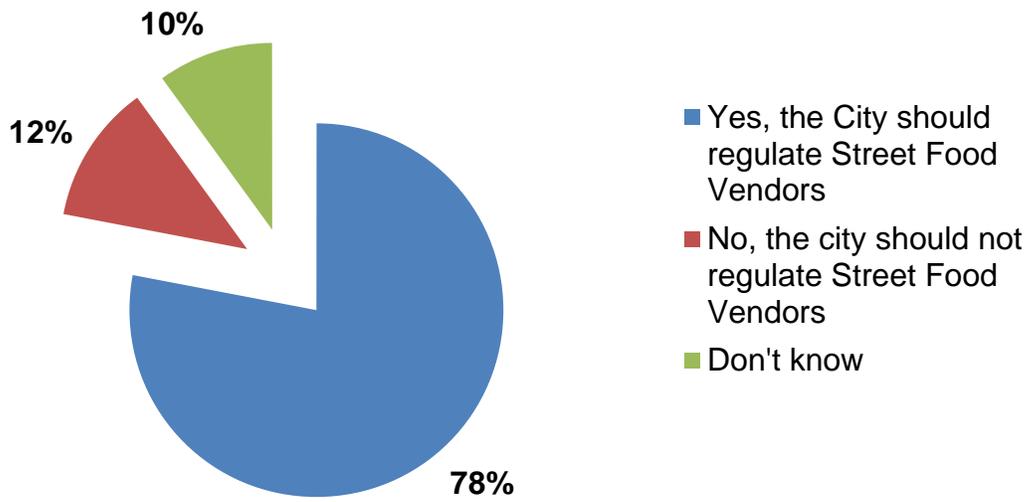
In regards to health and safety, should the City regulate:



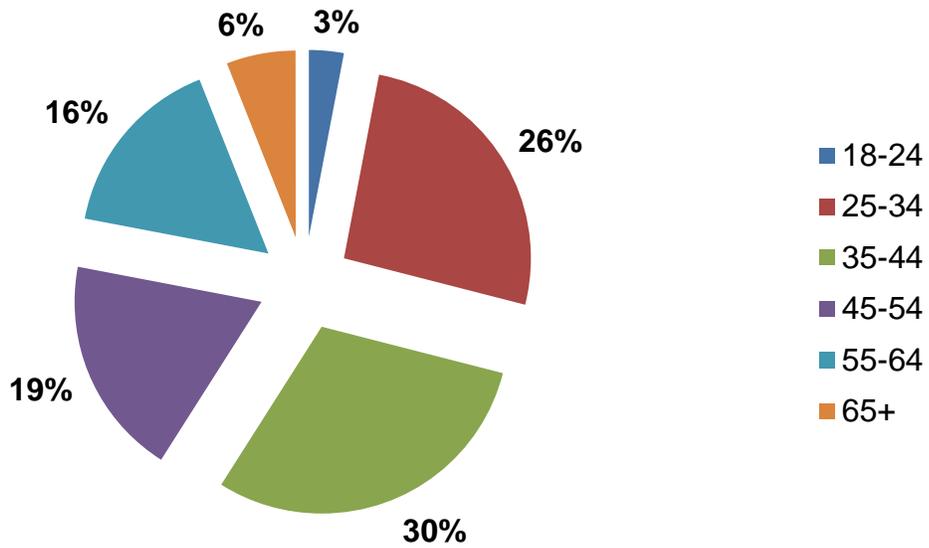
Should the city regulate:



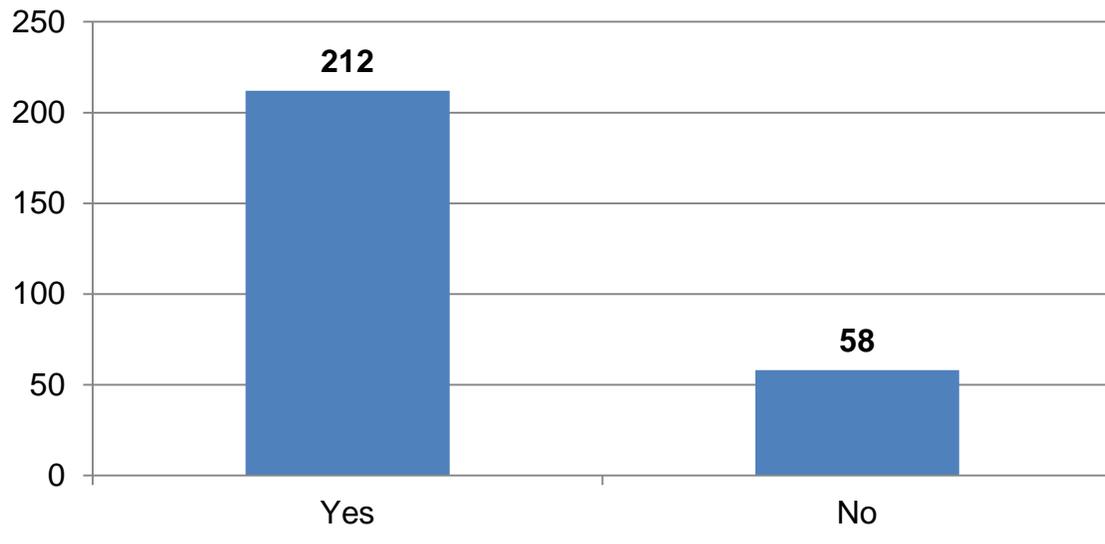
Should the City regulate Street Food Vendors?



How old are you?



**Are you an Oshawa resident, and/or Oshawa
business/property owner?**

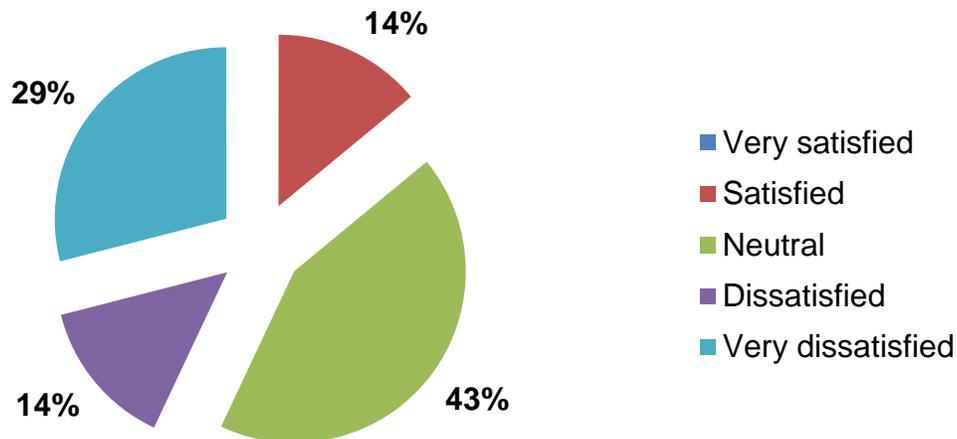


Survey Responses: Street Food Vendors

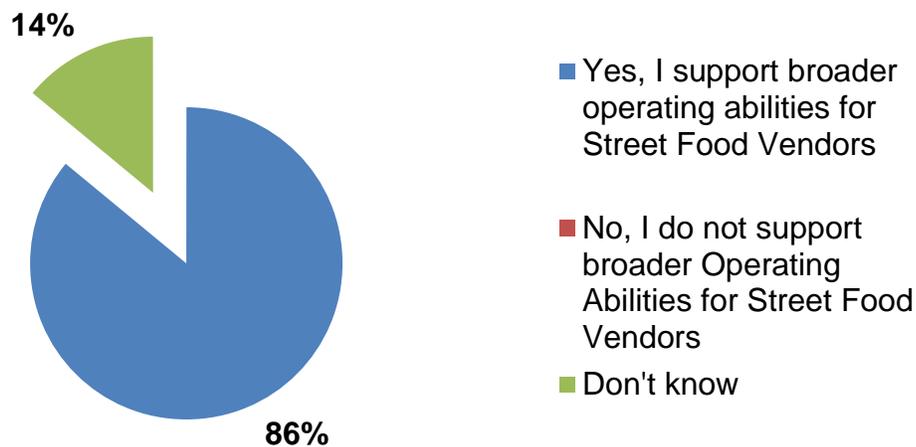
Sample Size: 7 Respondents

Note: percentages are rounded to the nearest whole number.

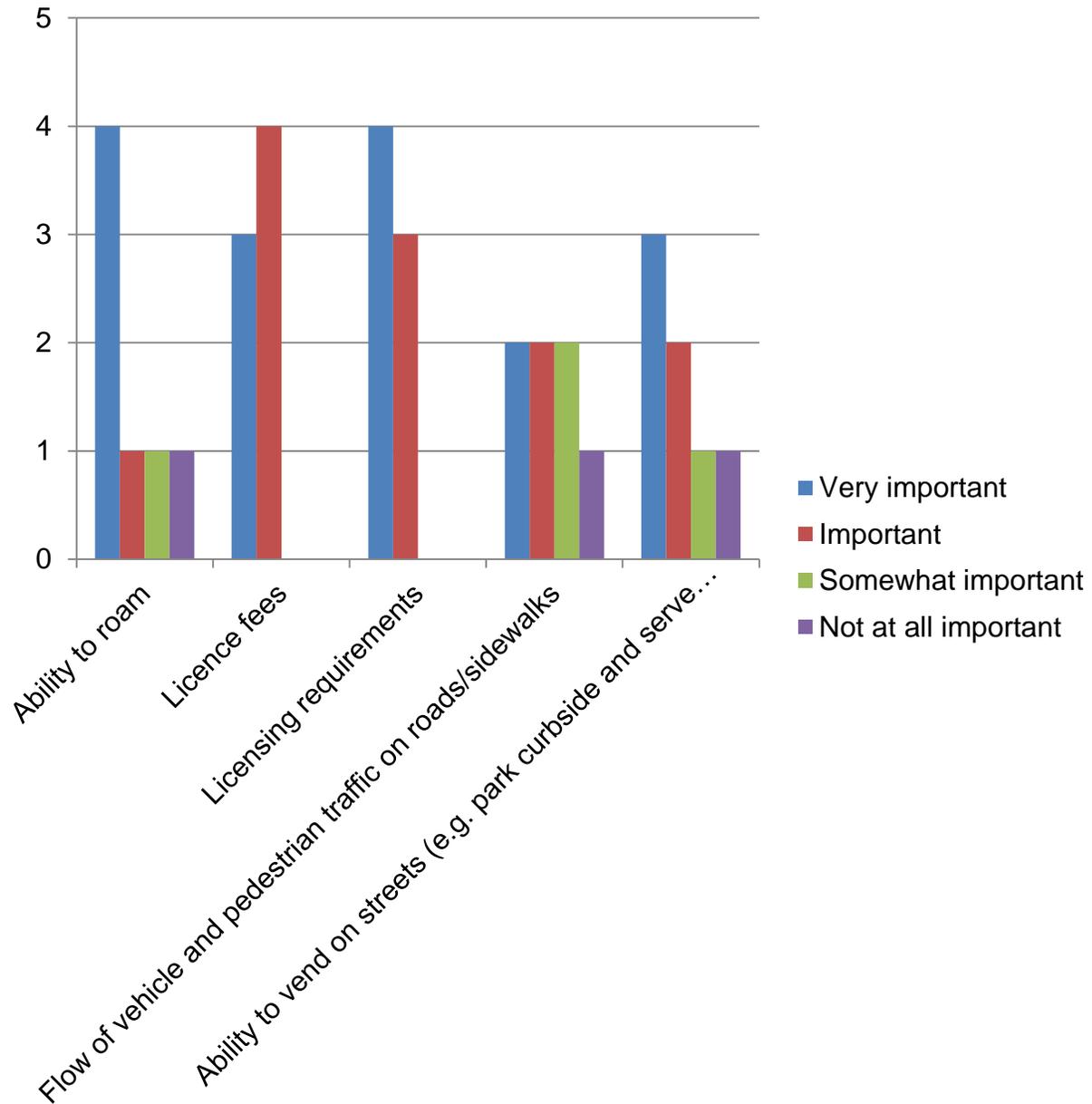
How do you feel about the current regulatory model for Street Food Vendors?



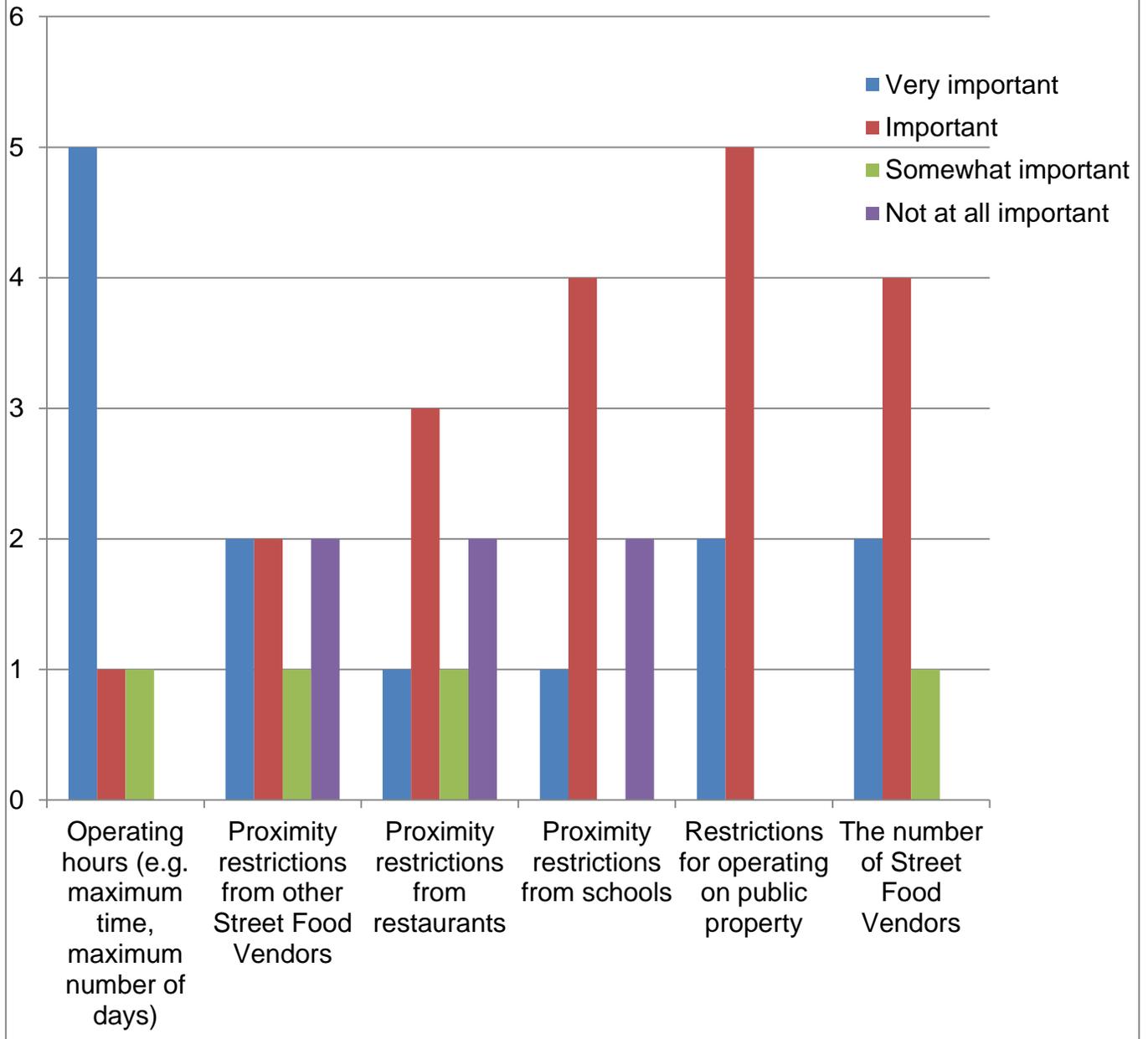
Do you support changing current regulations to allow more operating abilities for Street Food Vendors?



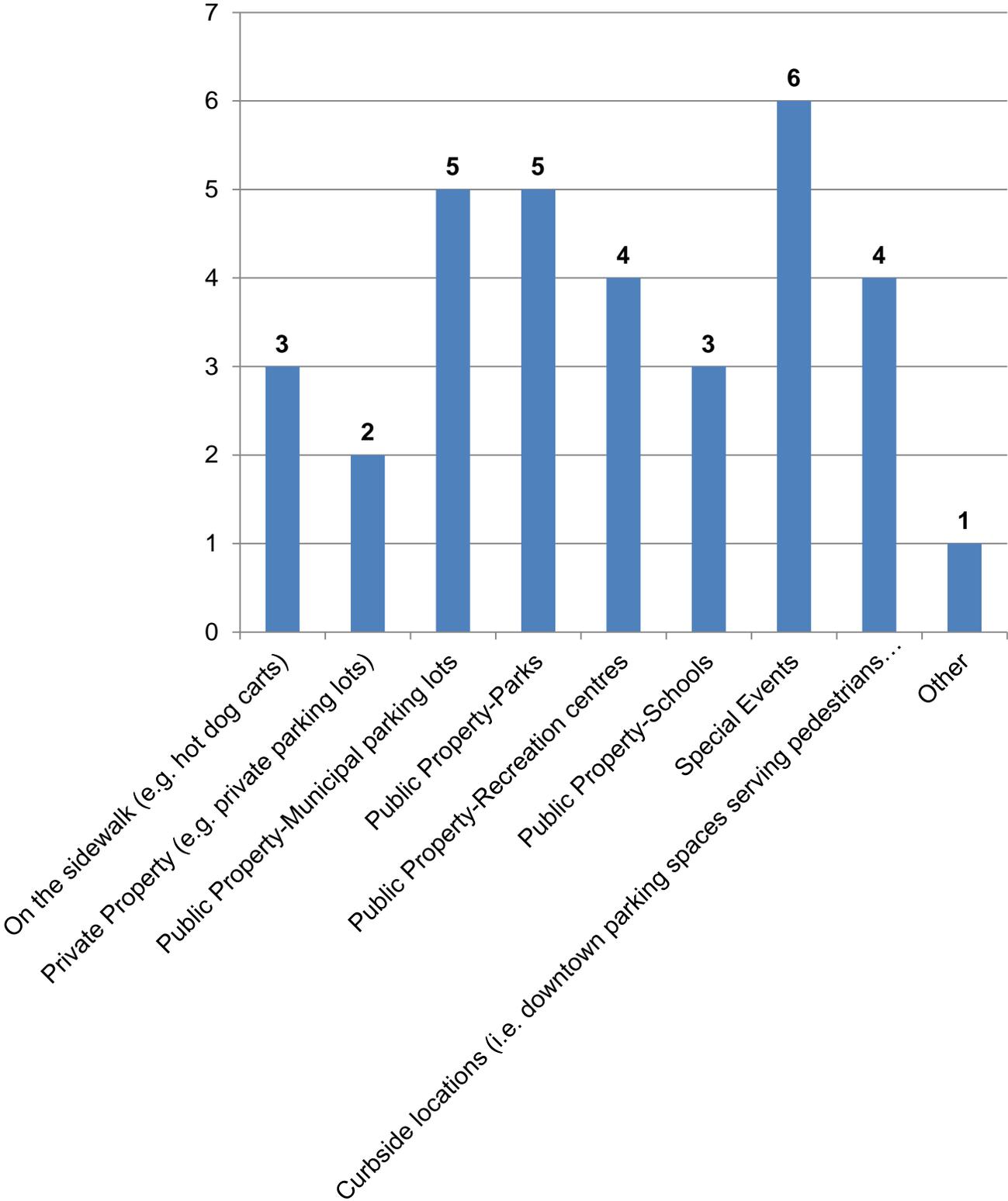
How important is the review of the following regulatory conditions for Street Food Vendors?



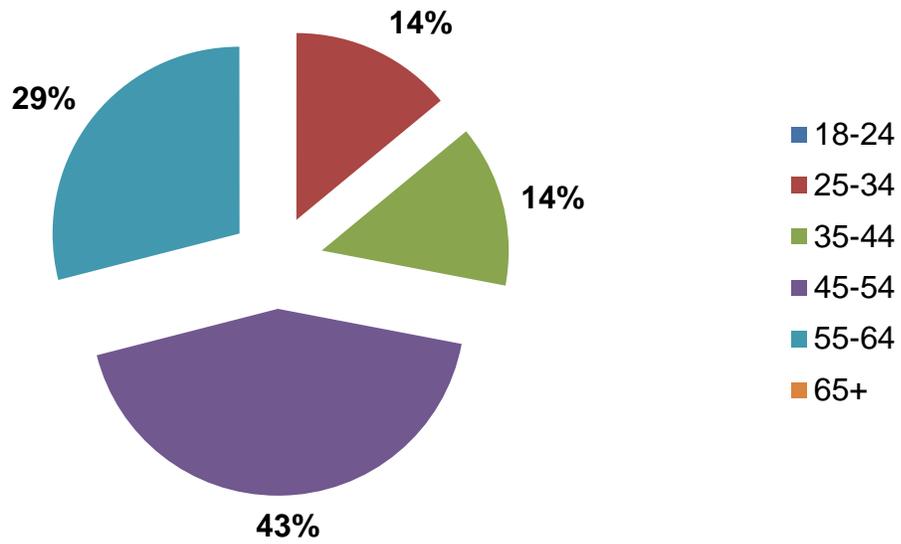
How important is the review of the following regulatory conditions for Street Food Vendors?



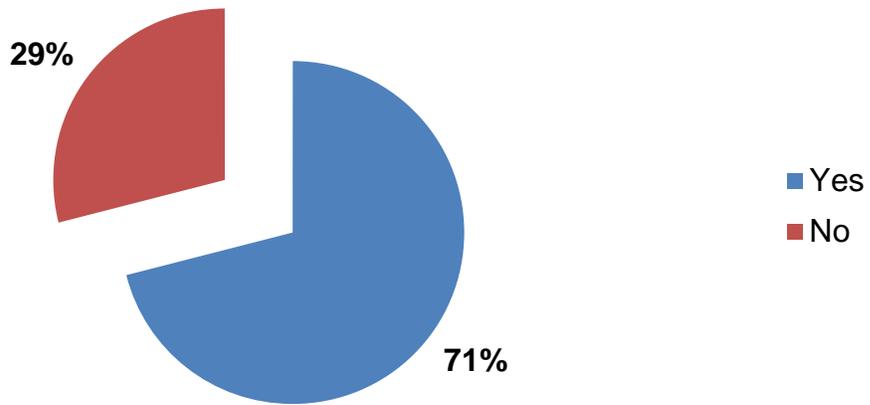
Where do you want to see Street Food Vendors?



How old are you?



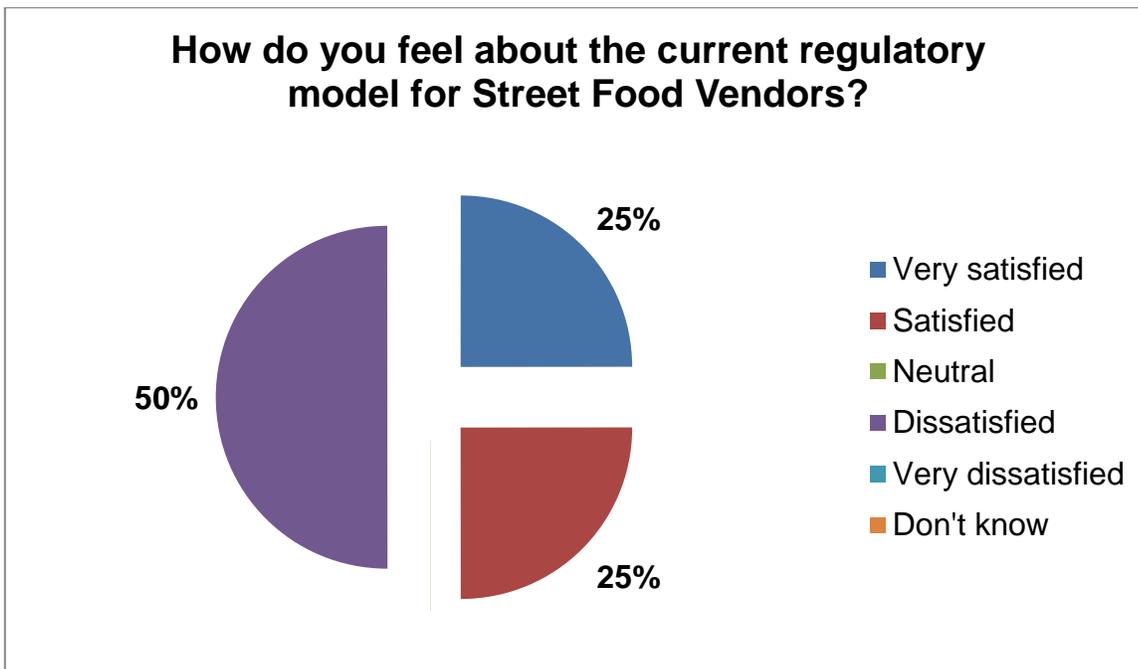
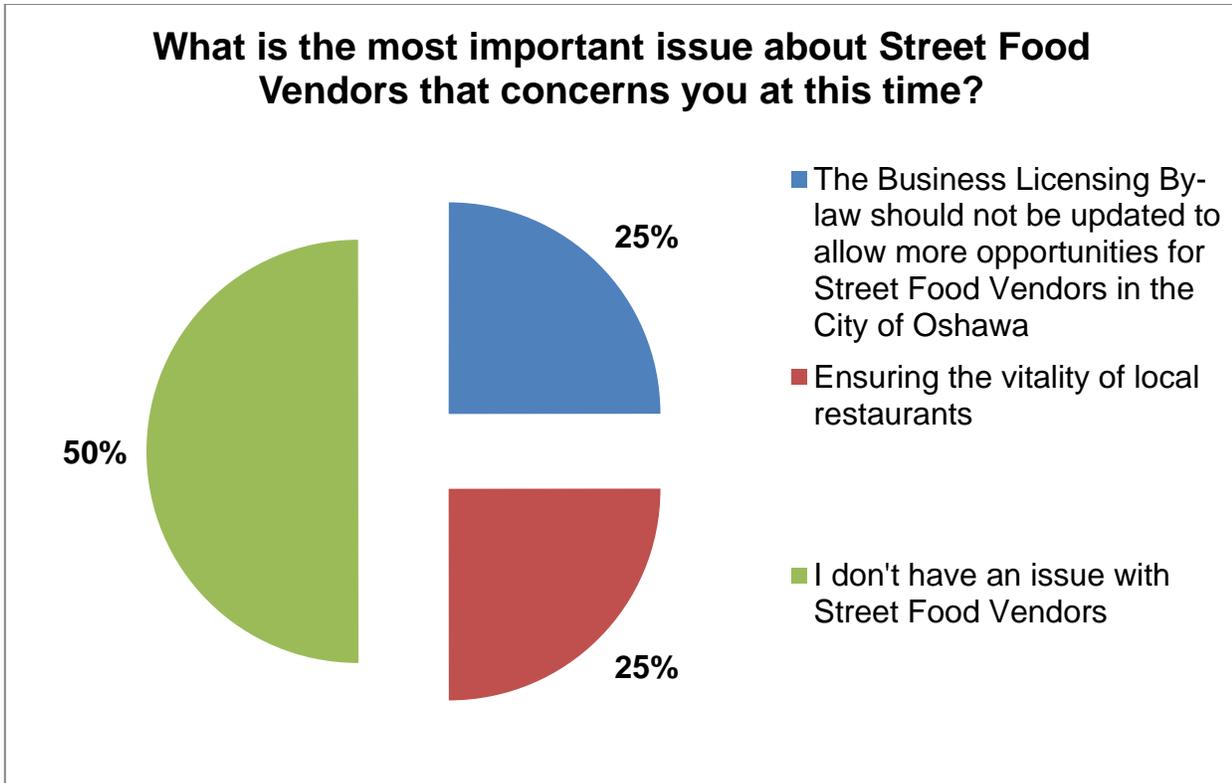
Are you an Oshawa resident, and/or Oshawa business/property owner?



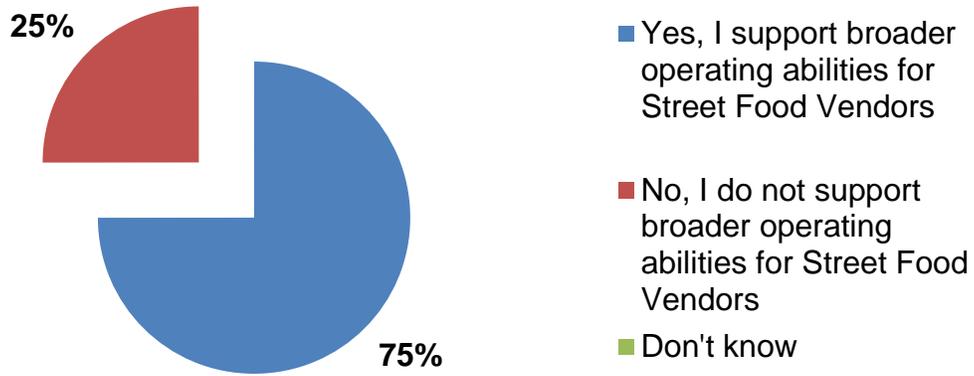
Survey Responses: Restaurant Owners

Sample Size: 4 Respondents

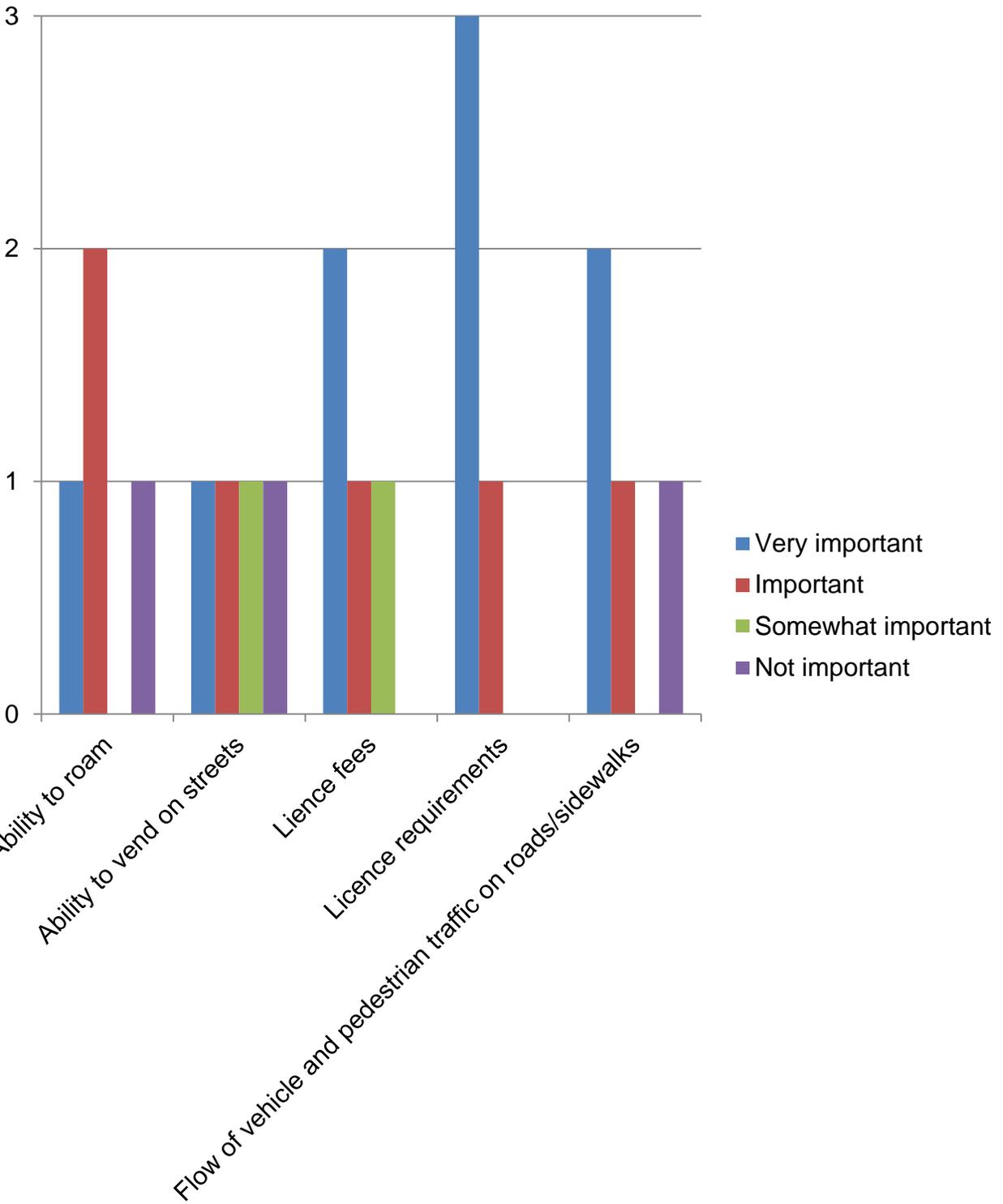
Note: percentages are rounded to the nearest whole number.



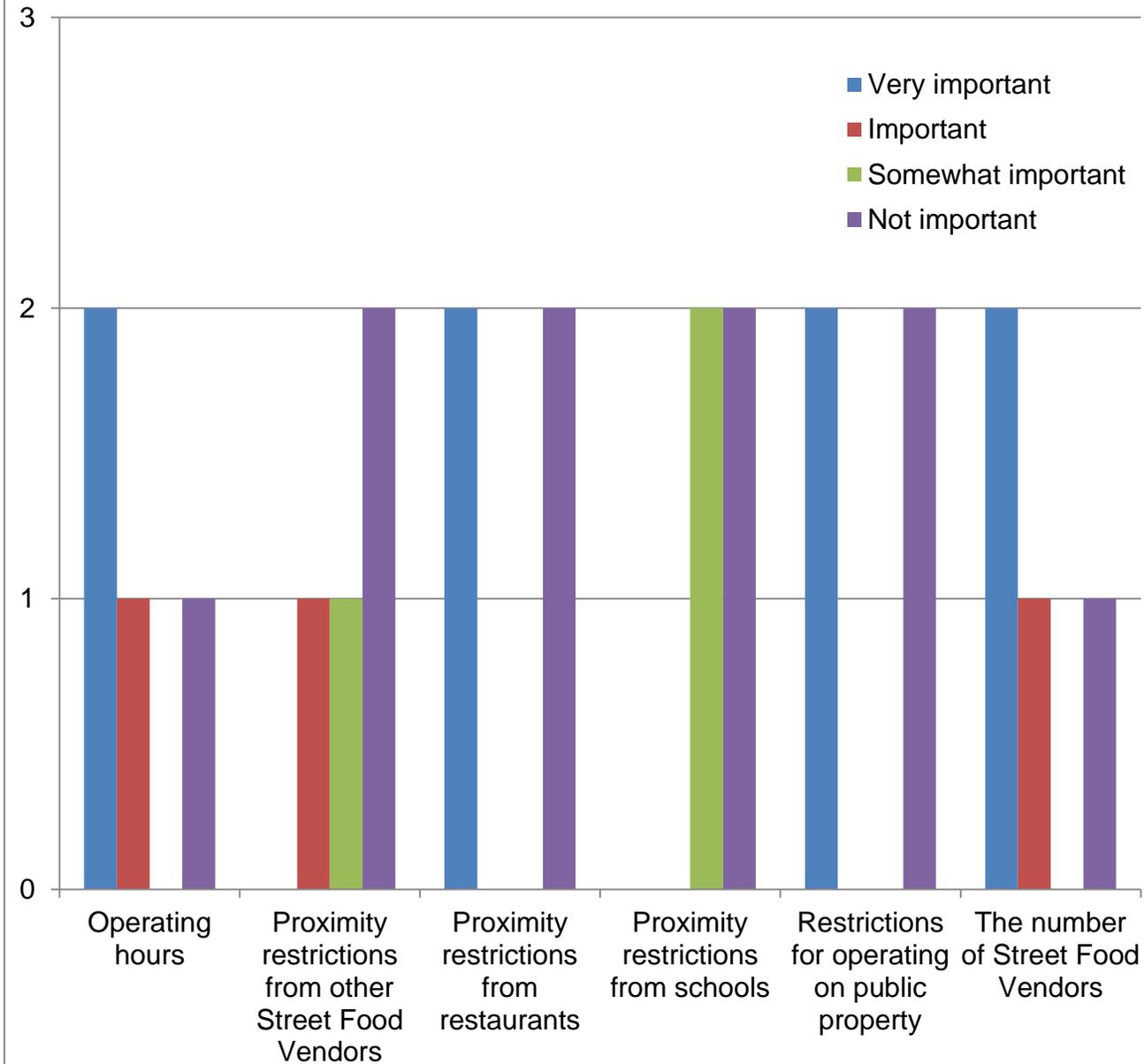
Do you support changing current regulations to allow more operating abilities for Street Food Vendors?



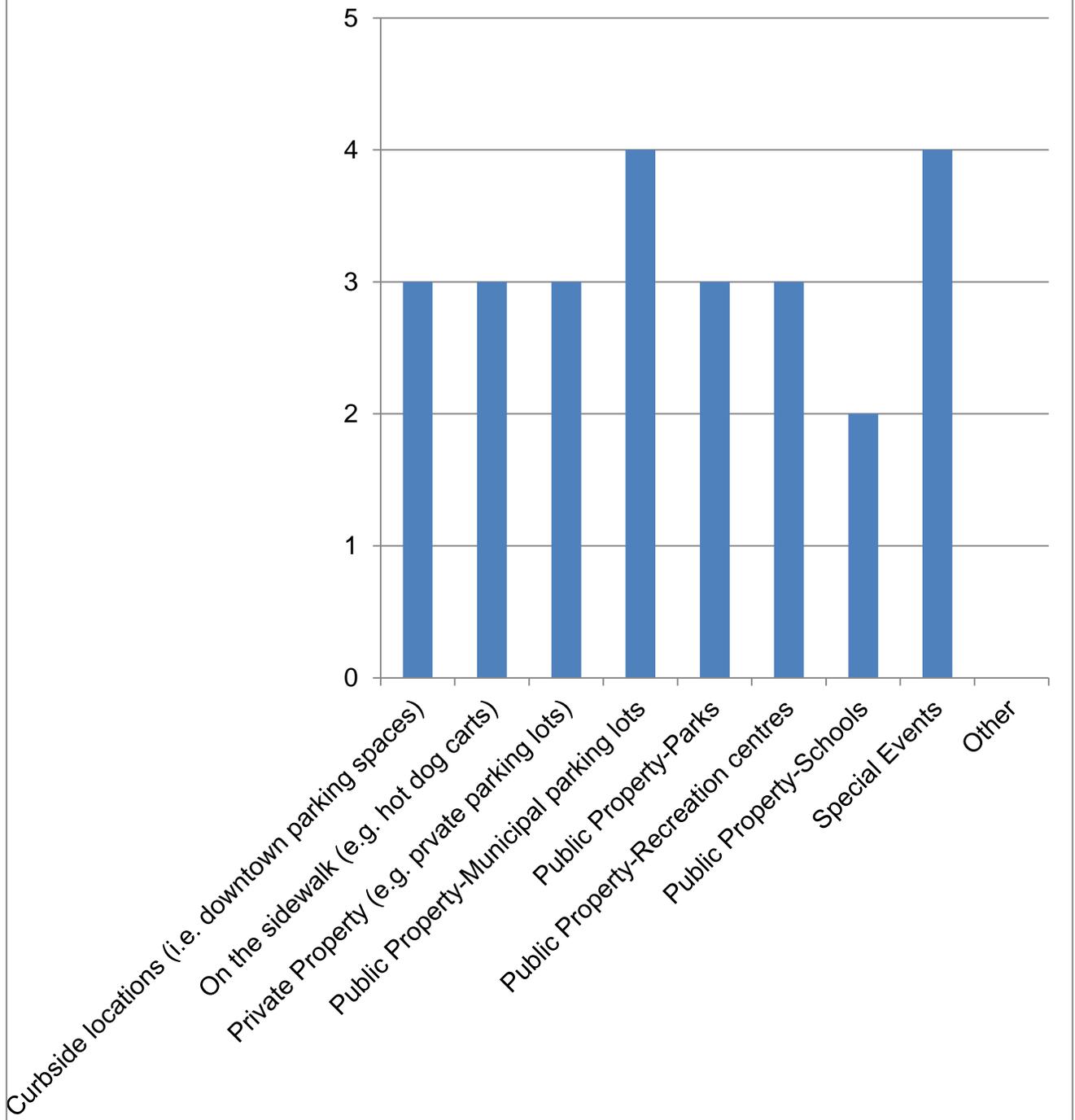
How important is the review of the following regulatory conditions for Street Food Vendors?



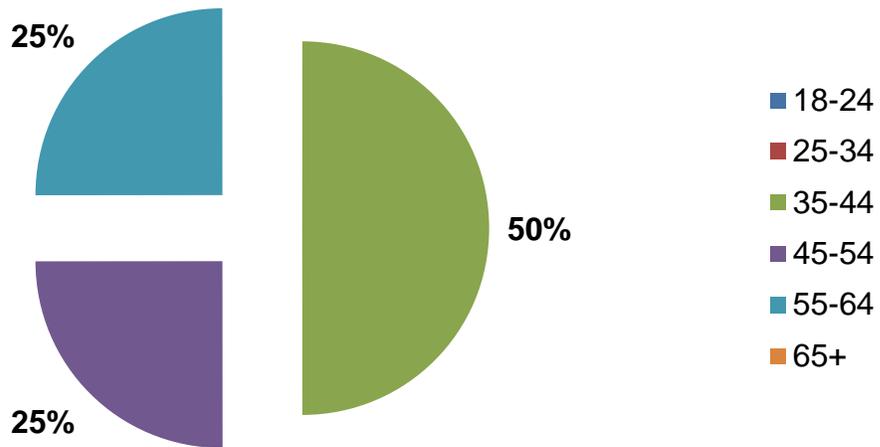
How important is the review of the following regulatory conditions for Street Food Vendors?



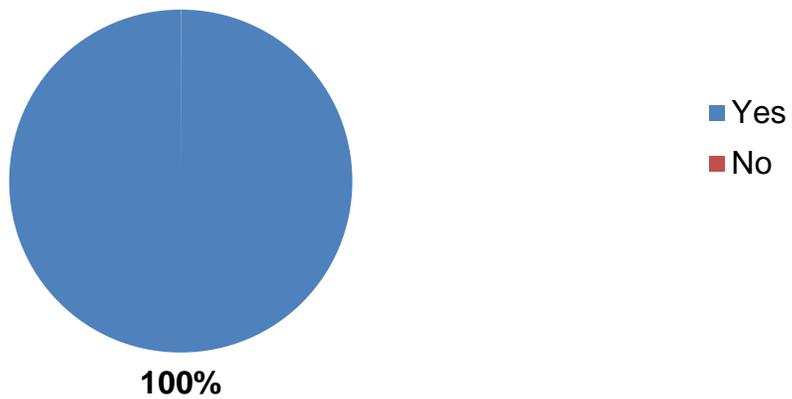
Where do you want to see Street Food Vendors?



How old are you?



Are you an Oshawa resident, and/or Oshawa business/property owner?



Mobile and Motorized Refreshment Vehicles: Current v. Proposed Standards

Operating Standards

Operating Standard	Current Standard	Proposed Standard
<p>Time-Related</p>	<p>Not operated:</p> <ul style="list-style-type: none"> ▪ Less than 3 hours or more than 9 hours¹ ▪ before Apr 1st or after Oct 30 ▪ between 2 a.m. to 7 a.m. ▪ at any location for a period exceeding 10 minutes² 	<p>Not operated:</p> <ul style="list-style-type: none"> ▪ between 2:00 a.m. to 7:00 a.m. on a highway abutting a non-residential zone or on a lot that is zoned non-residential ▪ between 10:00 p.m. to 7:00 a.m. on a highway abutting a residential zone or on a lot that is zoned residential ▪ on a highway abutting a residential zone or on a residentially zoned lot for a period exceeding ten (10) minutes unless: <ul style="list-style-type: none"> • the highway in the residential zone is closed pursuant to a special event permit; and, the mobile/motorized R.V. has obtained written consent from the special event permit holder. • Persons within the queue have not been served, the period may be extended to the earlier of the expiry of the next ten (10) minute period and the time that the last of such persons is served. ▪ on a highway abutting a non-residential zone or on a lot that is zoned non-residential for a period exceeding five (5) hours in any twenty-four (24) hour period.

¹ Applicable to Hot Dog carts only

² **Not applicable** to Hot Dog carts

Operating Standard	Current Standard	Proposed Standard
<p>Locational Requirements</p>	<p>Not operated:</p> <ul style="list-style-type: none"> ▪ on any Regional or City Highway ▪ on a sidewalk (Motorized R.V. Only) ▪ within 60 m of its last location ▪ within 60 m of any location it operated at within last 24 hours ▪ within 60m of any park or schools ▪ on any lot without written consent of owner(s) 	<p>Not operated:</p> <ul style="list-style-type: none"> ▪ on any Regional Highway ▪ on a sidewalk (Motorized R.V. Only) ▪ within the Downtown Oshawa Business Improvement Area Boundary with the exception of: <ul style="list-style-type: none"> • Hot Dog Carts • City-designated on-street parking areas detailed in Section 5.3.3. • Special events where a special event permit has been issued by the City ▪ within 30 m of a restaurant or bar unless participating in a special event where a special event permit has been issued by the City ▪ within 100 m of any park or schools unless the mobile/motorized R.V.: <ul style="list-style-type: none"> • has obtained written consent from the: <ul style="list-style-type: none"> ○ property owner to vend on the property; or ○ special event permit holder and vending on the closed highway as part of the special event. • is vending in a City-designated on-street parking area detailed in Section 5.3.3. ▪ within 100 m of any special event unless the mobile/motorized R.V. has obtained written consent from the special event permit holder ▪ on any lot without written consent of property owner(s) <p>Shall:</p> <ul style="list-style-type: none"> ▪ comply with all traffic standards established pursuant to the City’s Traffic and Parking By-law 79-99 ▪ where applicable, pay the fee to park in a parking space for a period of time as measured by the City’s Control Device.

Operating Standard	Current Standard	Proposed Standard
Other	<ul style="list-style-type: none"> ▪ Compliance with all applicable laws ▪ Cleanliness standards ▪ Must have back-up beeper (Motorized R.V. Only) ▪ Equipped with no fewer than 3 refuse containers with self-closing lids ▪ Equipped with waste tank ▪ Shall not exceed 6.7 m in length and 2.6 m in width (Motorized R.V. Only) 	<ul style="list-style-type: none"> ▪ Compliance with all applicable laws ▪ Cleanliness standards ▪ Must have back-up beeper (Motorized R.V. Only) ▪ Equipped with a minimum of one (1) refuse container with self-closing lid that is of a sufficient size for public use ▪ Equipped with waste tank ▪ Mobile/motorized R.V.s shall keep immediate vicinity free of waste ▪ Mobile/motorized R.V.s are prohibited from setting up seating

Licensing Fees

Existing Fees

Class	Annual Licensing Fees
Mobile and Motorized R.V. (includes Hot Dog cart)	<ul style="list-style-type: none"> ▪ \$75 application fee ▪ \$200 for first vehicle and any additional mobile refreshment vehicle that is a bicycle ▪ \$150 for each additional vehicle <p>Special Events:</p> <ul style="list-style-type: none"> ▪ \$75 for up to three (3) days if not licensed by the City ▪ \$50 for up to three (3) days if licensed by the City

Proposed Fees

Class	Type of R.V.	Duration	Proposed Fees
Annual Licence: Motorized/Mobile R.V.	<ul style="list-style-type: none"> ▪ Motorized ▪ Mobile ▪ Hotdog Cart 	Annual	Application: \$75 Licence: \$225 Total Fee: \$300³
Annual Licence: Stationary R.V.	<ul style="list-style-type: none"> ▪ Stationary 	Annual	Application: \$75 Licence: \$225 Total Fee: \$300
Temporary Licence	<ul style="list-style-type: none"> ▪ Motorized ▪ Mobile ▪ Hotdog Cart 	up to five (5) consecutive days	Application: \$75 Licence: \$95 Total Fee: \$170

³ Total Fee for bicycles includes additional bicycles