

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: May 17, 2022
TO: Committee of the Whole
FROM: Casey Munro, Deputy Clerk
SUBJECT: Revision to Seasonal Stands Bylaw 19-48

RECOMMENDATION:

THAT Committee of Whole recommend that Council approve amendments to the Mobile Canteen and Seasonal Stands Bylaw 19-48 to reflect the addition of Refreshment Cart definitions and provisions;
AND THAT the Fees and Charges Bylaw 21-108 be amended to reflect the new Refreshment Cart Rate.

BACKGROUND:

The Municipality adopted the current Seasonal Stand bylaw in 2019. The changes at that time were to help streamline the approval process for staff and applicants with clearer definitions, provisions, and requirements.

Since this update we have been approached by applicants that do not fit into the requirements as currently outlined. Therefore, these applicants are permitted within the current bylaw as it stands.

Since its original adoption there have been amendments to reflect both best and operational practices. Additionally, staff review the by-law on an annual basis to determine if any proposed changes should be brought forward to Council for consideration. As such, staff have reviewed the existing by-law and are proposing revisions that would allow for definitions and provisions and requirements relating to "Refreshment Carts."

To guide these revisions, staff researched and reviewed neighbouring municipal by-laws for best practices.

DISCUSSION:

Proposed changes to the Seasonal Stand By-law include the addition of provisions to allow the operations of a "Refreshment Cart". These provisions are being proposed to provide clarity and reflect common practice from other similar-sized municipalities.

The following provides a summary of the changes to the by-law by affected section:

Section 1 – Definitions

Definitions were added to provide clarity to the by-law and to be consistent with other Municipal By-laws. The following definition was added: Refreshment Cart

- a) **Refreshment Cart** shall mean a mobile vehicle propelled by human muscle power from which refreshments are sold for consumption by the general public. A main body of the refreshment cart shall not exceed the following dimensions: 3 metres in length, 1.5 metres in width and 2.5 metres in height, measured from the ground upward.

Sections 2-6 – License Requirements

LICENSE REQUIREMENTS – REFRESHMENT CART

1. No person shall vend from a Refreshment Cart(s) except in accordance with the following provisions:
 - a) General Provisions for Refreshment Carts:
 - i) Every licensee who vends shall ensure that all articles, whether on display or not on display, except for a garbage receptacle and a small condiment tray are contained within the cart. The garbage receptacle and a small condiment tray shall be located no further than 1.5 metres from the cart.
 - ii) No person shall vend from a Refreshment Cart or from a stand upon any highway including a boulevard, sidewalk or street, or any part thereof.
 - iii) Every licensee shall keep his or her Refreshment Cart in a clean and sanitary condition and in a state of good repair and appearance at all times.
 - iv) No person licensed pursuant to this by-law shall carry, sell, offer or expose for sale any or all of the food products which are prohibited from time to time by the Medical Officer of Health.
 - v) Every Refreshment Cart equipped with a food heating capability shall be adequately equipped with a fire extinguisher having an A.B.C. rating.
 - vi) The licensee shall ensure that any person vending with or from his or her Refreshment Cart has the license (issued by the Municipality) visible to the public and attached to the Refreshment Cart.

- vii) The holder of a licence in a category defined in Section 1 shall not use the licence for the purpose of any other category unless specifically permitted herein.
- viii) Every person to whom this by-law relates shall be governed by The Public Health Act, R.S.O. 1990, Chap. P.10, as amended, or The Health Protection and Promotion Act, R.S.O. 1990, Chap. H.7, as amended, and regulations enacted thereunder.
- ix) No person shall use:
 - a) an external gasoline-powered generator
 - b) an external propane-powered generator, or
 - c) an external diesel-powered generator in conjunction with a Refreshment Cart.
- b) Collection and Removal of Garbage and Recyclables from a Refreshment Cart:
 - i) No person who vends with or from a Refreshment Cart shall place or locate any carton, box or other article, other than a garbage receptacle, recycling bins and a small condiment tray, outside of the Refreshment Cart. The garbage receptacle, recycling bins and a small condiment tray shall be located no further than 1.5 metres from the cart.
 - ii) No person shall vend with or from a Refreshment Cart without first placing a garbage receptacle and recycling bin outside of the Refreshment Vehicle.
 - iii) Every person who vends with or from a Refreshment Cart shall ensure that the garbage receptacle and recycling bin placed outside the cart is taken away with the vehicle and that the garbage is disposed of in a proper and sanitary manner and any recyclables are properly recycled.
 - iv) Every person who vends shall ensure that the grounds in the vicinity of the Refreshment Cart for a distance of 30 metres are kept clean of all waste.
 - v) The placing of the garbage or litter in a sidewalk refuse container provided by the Corporation is not sufficient to constitute removal.
- c) Location and Time Regulations
 - i. No person shall vend from a Refreshment Cart on a public sidewalk. A Refreshment Cart, if located on private property, shall not be located any closer than 1.2 metres to a sidewalk.
 - ii. No person who vends shall place or locate himself or herself or anything on a street so as to be within nine (9m) metres from the nearest street intersection.

- iii. No person shall vend on any municipal property unless authorized to do so in writing by the Municipality's Parks and Recreation department.
 - iv. Sales shall only occur between the hours of 8:00 a.m. and 8:00 p.m. of the same day.
 - v. A mobile ice cream vehicle, cart or bicycle may stop on a street in a residential zone to make a sale for a duration of no more than twenty (20) minutes.
- d) present written approval of the Medical Officer of the Lanark, Leeds and Grenville District Health Unit that the Mobile Canteen or Season Stand has been inspected and has met all health requirements;
 - e) No person shall operate a mobile canteen, refreshment cart or seasonal stand closer than 30 metres to an eating establishment. Should the owner of a mobile canteen, refreshment cart or seasonal stand wish to locate the said canteen or stand closer than 30 metres to an eating establishment, written acknowledgement from the affected eating establishment's owner shall be filed with the application indicating that they have no objection to the canteen, cart or stand locating within the 30 metre distance requirement.
 - f) indicate what provisions will be made for:
 - a. garbage receptacles,
 - b. recycling, and
 - c. general cleanliness and tidiness of the site and surrounding area;

Sections 8-11 – Insurance Requirements

Insurance requirements have been amended to incorporate Refreshment Carts

INSURANCE REQUIREMENTS - MOBILE CANTEENS, REFRESHMENT CARTS, AND SEASONAL STANDS

8. The operator shall provide and maintain at their sole expense, liability insurance to cover all operations of the owner and property damage insurance in the minimum amount of two million dollars (\$2,000,000.00), to protect the owner/operator against all liability.

Section 17 – Special Occasion

This section was amended to insert Refreshment Carts that can be brought in for a special occasion/community event such as a fair or festival.

Section 24-25 – Offences and Enforcement

The section was amended to incorporate Refreshment Carts so that fines could be imposed for those not in compliance with the By-law.

Fees and Charges

In addition to the above changes to the by-law, staff also reviewed the current fee requirements as outlined in Schedule A of By-law 21-108 Fees and Charges. The licensing costs for refreshment carts are consistent with other similar-sized municipalities. It is recommended that the follow fees be added to the current Fees and Charges Bylaw.

Refreshment Cart	<ul style="list-style-type: none"> •License..... \$375.00 •Transfer..... \$50.00 •Special Event (maximum 3 days) \$50.00/day
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OPTIONS:

Option #1

Approve the proposed amendments to the Seasonal Stands Bylaw to incorporate the new definitions and provisions relating to refreshment carts.

Option #2

Do not approve propose changes to Seasonal Stand By-law 19-48.

It is the staff recommendation to approve Option #1 to amend the current bylaw to include refreshment cart provisions so that staff and applicants have clearer definitions and requirements for the various types of seasonal stand licences available.

FINANCIAL IMPLICATIONS:

The proposed changes could see an increase in 1 or 2 additional license fees per year. Estimating an increase of \$375 - \$750. The changes would come into effect upon approval of Council with the aim to be in place for the 2022 selling season.

SUMMARY:

Proposed changes to the Seasonal Stand By-law are brought forward with the intention of including a provision for refreshments carts to the seasonal stand bylaw. This will give staff and applicants a clearer understanding of licensing requirements. It is recommended that Council approve the proposed changes to the by-law and additional fees for the refreshment cart provision.

Respectfully submitted by,

Reviewed by:

Casey Munro,
Deputy Clerk

Jeanne Harfield,
Clerk

Reviewed by:

Ken Kelly,
Chief Administrative Officer

ATTACHMENTS:

1. DRAFT Seasonal Stand By-law 21-XX