



Date: February 14, 2022
To: Mayor and Council
Author: Paula Parker, Town Clerk
RE: Refreshment Vehicles – By-law Exemption for Special Events
Report No.: LS-2022-03

RECOMMENDED ACTION

1. That Owners, Operators and Assistants of Refreshment Vehicles participating in special events in the Town of Kingsville **BE EXEMPT** from By-law 90-2004.

BACKGROUND

On September 27, 2004, Council of the day passed By-law 90-2004 being a by-law to license owners, operators and assistants with vehicles from which refreshments are sold for consumption by the public.

The Municipal Act, 2001 provides power to the municipality to license, regulate and govern any business carried on within the Town of Kingsville. As per By-law 90-2004,

“...the Council of the Corporation of the Town of Kingsville wishes to ensure that:

- a) refreshments sold from vehicles for consumption by the public are prepared, stored and served in a consistently clean and sanitary manner and that all said refreshments are clean, fresh and wholesome in order to minimize health risks to consumers within the municipality;
- b) litter resulting from the refreshments being sold is contained; and
- c) that every owner of a vehicle from which refreshments are sold has adequate insurance in place to protect consumers from loss or damage arising from the sale of said refreshments or from the use and operation of vehicles from which they are sold”

Since 2004, the Clerk's Office has been issuing refreshment vehicle licenses for operations within Town limits for a fee of \$250 annually. This annual fee, as per By-law 90-2004, covers the cost of inspections related to the by-law, enforcement of the by-law against a person operating without a license and prosecution and court proceedings.

Through the licensing process, owners, operators and assistants of refreshment vehicles must submit the annual fee, Windsor-Essex Health Unit certificate of inspection, a certificate of insurance in an amount no less than \$1,000,000, Windsor-Essex Health Unit approval and a valid business license number.

On January 21, 2022, concerns were raised with Administration that enforcement of By-law 90-2004 and its corresponding fees would be a detriment to the success of the 2022 Highland Games and other Town events that also charge an additional vendor fee above the \$250 license fee imposed by By-law 90-2004.

Council, as its January 24, 2022 regular meeting passed the following motion:

“That Council directs Administration to investigate the feasibility of By-law 90-2004 (being a by-law to license owners, operators and assistants with vehicles from which refreshments are sold for consumption by the public) and bring back a report on the pros and cons of the said By-law at the February 14, 2022 Regular Meeting of Council....”

DISCUSSION

Since 2004, the refreshment vehicle service industry has grown and diversified. A preliminary review of By-law 90-2004 has revealed that the by-law deals specifically with concerns at the time of its passing and should be revisited to ensure that it speaks not only to current industry standards, but also the current needs of the community. This will take considerable administrative time to complete as there should be consultation with agencies such as the Windsor-Essex County Health Unit and the Kingsville BIA, as well as Fire and Emergency Services, Public Works, Legal Services and festival committees.

Understanding the concerns raised with Administration and the detrimental impacts of this license fee on events held within the Town of Kingsville, Administration recommends that Council consider a short term solution, until such time as a more fulsome review of the by-law can take place. This review is anticipated to be completed as part of the Clerk's 2023/2024 work plan due to other higher priority tasks in 2022 such as the municipal election.

Administration recommends that Owners, Operators and Assistants of Refreshment Vehicles who participate in special events in the Town of Kingsville be exempt from By-law 90-2004 until such time as a more comprehensive review and resulting amendments to the by-law can be brought to Council for consideration.

There is minimal risk associated with proceeding in this manner. Vendors who sell food products at fairs, festivals, special events and markets must be inspected by a Public Health Inspector pursuant to the Health Protection and Promotion Act. The Windsor-

Essex County Health Unit has extensive information on its website about the provincial requirements and a link to its Food Vendor Application form. Insurance requirements will be reviewed through the Town's internal processes governing Special Events.

The licensing requirements of By-law 90-2004 will continue to be applied to refreshment vehicles that operate on a more seasonal or annual basis given that these operators are not caught by the requirements of the Health Protection and Promotion Act.

FINANCIAL CONSIDERATIONS

Imposing a \$250 licensing fee on Owners, Operators and Assistants of refreshment vehicles for a one or two-day Special Event may be cost prohibitive and constitute a financial hardship.

In anticipation of Council's approval of the recommended exemption, Administration has amended Schedule A of the Fees and Charges By-law to create a distinction between Refreshment Vehicles operating throughout the year or on a seasonal basis and those servicing Special Events. Those who intend to operate throughout the year or on a seasonal basis will be subject to the existing fees and licensing process (annual permit). Those who are only attending Special Events will be subject to the fees and requirements established by the organizing committee.

Refreshment Vehicle – Annual Permit		
• First vehicle	\$250.00	\$250.00
• Second vehicle	\$125.00	\$125.00
Refreshment Vehicle – Special Events	Fees established per event	N/A

ENVIRONMENTAL CONSIDERATIONS

The recommendation has no environmental impacts.

CONSULTATIONS

The CAO, Director of Legal and Clerks Services, Director of Financial and IT Services and the Director of Community and Development Services were consulted on this report.



Paula Parker
Town Clerk

REVEIWED BY:



Susan Hirota

Director of Legal and Clerks Services

LINK TO STRATEGIC PLAN

Improve recreational and cultural facilities and opportunities within the Town of Kingsville.

Link to Council 2021-2022 Priorities

- ☐ COVID-19 and the health and safety of the community
- ☒ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☐ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☒ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- ☐ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- ☐ Committees / Boards: Review and Report
- ☐ Policy Update: Procedural Bylaw
- ☐ Economic Development: diversify the economy, create local jobs, industrial, Cottam
- ☐ Infrastructure (non-Municipal): Union Water expansion & governance
- ☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- ☐ No direct link to Council priorities