



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting
From: Jana Nethercott, Clerk
Date: 2021-03-25
Subject: Proposed licensing of Mobile Food Outlets or Food Trucks

Recommendation:

That West Elgin Council hereby receives the report from J. Nethercott, Clerk re: Proposed licensing of Mobile Food Outlets or Food Trucks; and

That West Elgin Council here by direct staff to _____

Purpose:

The purpose of this report is to inform about some requests received by staff regarding operating Food Trucks in West Elgin, to provide information to Council to consider with regard to Mobile Food Outlets or Food Trucks and gage Council's interest in updating the Comprehensive Zoning By-law and passing a by-law to regulate and license Mobile Food Outlets or Food Trucks

Background:

Recently West Elgin staff have received a number of inquires regarding the possibility of bringing Food Trucks to West Elgin for the upcoming summer season, most of these inquires have been from outside of the municipality.

There are a number of considerations for Council with regards to Food Trucks or Mobile Food Outlets such as where they should be permitted to be located, the fact that they are tourist attractions, they can take business away from bricks and mortar restaurants, that they don't pay taxes but can become a by-law enforcement issue.

Location

Currently the Comprehensive Zoning By-Law 2015-36 does define "Mobile Food Outlet as a structure designed as an integral part of a self-propelled motor vehicle or as a unit which is towed by a motor vehicle, from which food and refreshment is made available to the general public" and they are permitted only in the C1 Village Core Zone. There are no other regulations for Mobile Food Outlets or Food Trucks.

Staff would like to propose that Mobile Food Outlets or Food Trucks also be permitted in the C2 or Hamlet Commercial Zone, which would permit these in Clachan, Eagle, Port Glasgow and New Glasgow. In order to do this a housekeeping zoning by-law amendment would need to be done, which would trigger the public process. This allows for mobile food outlets or food trucks along a visible tourism corridor of Talbot Trail, which could be a great draw for tourism.

Another factor in the location that must be considered is the fact that in both C1 and C2 Zones, we have “bricks and mortar” restaurants, which pay taxes and have suffered greatly during the pandemic. In order to protect these restaurants and tax payers, we need to pass a licensing by-law to restrict their location within these zones. Staff are proposing that we restrict the locations as follows:

1. Not allowed on Municipal property unless in conjunction with a municipally approved event – this will allow for food trucks to be present during events at Rodney Park and Miller park during community events with no municipal license required. This also prevents Food Trucks from setting up at the Marina or Beach and taking away business from the Food Booth that traditionally operates at that location.
2. Not within 150m of a restaurant – this provides protection to bricks and mortar restaurants that a Food Truck won't be set up too close to a restaurant and take away their business, but still allows for Food Trucks to be present on the fringes of the downtowns and along Talbot Trail, where bricks and mortar restaurants are existing.
3. Not allowed to park on the roadways – this also provides protection to bricks and mortar restaurants and prevents hazardous along roadways.

Inspections

There are required inspections by Provincial Law:

- Southwestern Public Health as per O'Reg 493/17
- Mobile food Service Equipment Annual Inspection required by TSSA

It is suggest that West Elgin Fire Inspection be done to ensure the Mobile Food Outlet conforms with Fire Code.

Fees

The Municipal Act does allow for fees to be charged for licensing of business. As there will be staff time involved and the current fee for the Fire Inspections is \$50.00, staff are proposing a fee of \$100 per year, including the Fire Inspection Fee. This fee can be set annually in the Fees and Charges By-law.

Next Steps

If Council wishes to move forward with licensing of Mobile Food Outlets Set fines should be drawn up and the draft by-law be sent for review with the Ministry of Attorney General prior to passage to ensure compliance with any set fines proposed. Once approved the by-law and set fines would be presented to Council for approval.

Notice should be provided in the local newspaper, on the website and social media of any new licensing.

A zoning by-law amendment can be brought forward following the appropriate notice, to permit the expansion of zones that a mobile food outlet could be permitted.

Financial Implications:

N/A

Policies/Legislation:

Municipal Act, 2001

Ontario Regulation 493/17 of the Health Protection and Promotion Act

West Elgin Comprehensive Zoning By-law 2015-36