	<b>Report Title</b>	Ice Cream Refreshment Vehicles
	<b>Report No.</b>	CLK 19-11
	<b>Author</b>	Donna Wilson, Town Clerk
	<b>Meeting Type</b>	Council Meeting
	<b>Council Date</b>	April 8, 2019
	<b>Attachments</b>	By-Law 4269 To amend By-Law to include Ice Cream Refreshment Vehicles By-Law 3666 Business Licence By-Law

## RECOMMENDATION

THAT Council receives Report CL 19-11, Ice Cream Refreshment Vehicles;

AND THAT a By-Law to amend By-Law 3666 be brought forward for Council consideration.

## BACKGROUND

Sections 150 to 159 of the Municipal Act, apply to municipalities in the exercise of a power to pass by-laws licensing businesses under any section of this Act or any other Act. The Act provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality for one or more of the following purposes: health and safety, nuisance control or consumer protection.

## DISCUSSION

At the November 26, 2012 Council meeting Council passed By-Law 3666, To Govern the Licensing of Businesses within the Town of Tillsonburg. The Municipality has received a request to operate an "Ice Cream Vehicle" within the Town. As the current by-law did not define this type of business it became necessary to amend the by-law to allow this type of business to operate in the Town of Tillsonburg.

The proposed changes to the by-law include:

- defining ice cream bicycle and ice cream truck;
- defines that heated or cooked food, milk or any beverages or any goods, wares or merchandise other than ice cream and frozen refreshments are not allowed to be sold under this type of license;
- sections 7.3 & 7.4 of By-Law 3666 do not allow the operation of a food vending business to be located on municipal property, therefore the amendment allows ice cream bicycles and trucks to operate on municipal property, including road allowances and municipal parks;
- ice cream vehicles shall not operate on any travelled portion of a road allowance within the BIA area;
- ice cream bicycle or trucks are not allowed to operate between the hours of 9:00 p.m. and 7:00 a.m. on any day;
- requires the business owner provide insurance coverage in respect of any one accident to the limit of five million dollars (\$5,000,000) which shall name the Town as additional insured.

## **CONSULTATION/COMMUNICATION**

The draft by-law amendment was provided to SLT for comment as well as the Chief Building Official (CBO). The BIA was also provided the draft by-law to provide comment on an additional business type operating within the town and in particular the Business Improvement Area.

The CBO provided comments;

- bicycles are not allowed on sidewalks in the downtown core as per By-Law 2488-89 and therefore I don't think it is safe for this type of business to be pedaling down Broadway soliciting business where cars are backing out of parking stalls.

- Broadway sidewalks are probably wide enough if you consider amending/permitting but the side streets where the buildings are up to the property lines will not be wide enough to permit a typical ice cream vehicle and still allow pedestrian movement.

SLT reviewed the By-Law and responded to the CBO's comments. To address this concern section 7.13 was added as follows: "No person shall operate or permit the operation of an ice cream vehicle on any travelled portion of a road allowance within the BIA area." This would allow that an ice cream vehicle would have to pull into a vacant parking stall or to a curb within the BIA in order to operate in this area.

The draft by-law was sent to the BIA Executive Director to provide to the BIA for comment. The document was circulated and comments from individual members provided. The comments from four BIA members were all positive and in favour of the amendment. The current BIA Board consists of 6 members, therefore a majority have provided comments in favour of the amendment.

Staff reviewed licensing by-laws for ice cream vending from a number of municipalities including the Town of Collingwood, Municipality of Clarington, Township of Severn and the Town of Orangeville.

## **FINANCIAL IMPACT/FUNDING SOURCE**

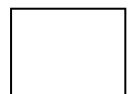
The Town will receive licencing fees for any business who applies to operate an Ice Cream Vehicle within the Town of Tillsonburg.

## **COMMUNITY STRATEGIC PLAN (CSP) IMPACT**

### **1. Economic Sustainability**

- ☒ Support new and existing businesses and provide a variety of employment opportunities
- ☒ Provide diverse retail services in the downtown core





## Report Approval Details

Document Title:	CLK 19-07 Amend Business Licence By-Law to include Ice Cream vehicles.docx
Attachments:	- By-Law 4269 amend 3666 Licence Ice Cream vehicle.docx - 3666 To govern the licensing of businesses within the Corporation of.pdf
Final Approval Date:	Mar 31, 2019

This report and all of its attachments were approved and signed as outlined below:



**David Calder - Mar 31, 2019 - 12:31 PM**

