

# Municipality of Lakeshore – Report to Council

## Strategic & Legal Affairs

### Civic Affairs



**To:** Mayor & Members of Council  
**From:** Brianna Coughlin, Division Leader – Civic Affairs  
**Date:** March 27, 2023  
**Subject:** Regulation of Food Vehicles

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### Recommendation

[choose 1: Receive the Report, or 2: Direct Administration to prepare a report regarding the regulation of food vehicles as described in Option \_\_\_\_], all of which is further described in the report presented April 4, 2023.

### Background

Currently the use of food vehicles, known in the Zoning By-law as “Food Carts”, is prohibited in all zones under the Municipality’s Zoning By-law:

FOOD CART – shall mean a non-motorized/motorized vehicle from which food stuffs and/or refreshments are sold or offered for sale for consumption by the public. Shall include but is not limited to push carts, wheeled vehicles, or similar vehicle excluding catering trucks.

In addition to the Zoning By-law, food vehicles are prohibited under By-law 86-2002, Being a By-law Prohibiting Sales by Retail in Highways or on Other Public Property (attached as Schedule A).

By-law 86-2002 prohibits the sale of any materials or goods by retail on any highway or public property, with the exception of:

- a) a farmer or market gardener selling goods produced by them;
- b) any festivals or public entertainment sanctioned by the Municipality;
- c) fundraising or not-for-profit endeavors conducted by charitable organizations or businesses that have received prior approval by Council; and
- d) ice-cream bar retail vending operation for sales conducted from a pedal-type ice-cream cart.

In short, food vehicles are not permitted as per the Zoning By-law, and limited exceptions are allowed through By-law 86-2002. Repealing By-law 86-2002 would result in regulation through the Zoning By-law only, meaning that no food vehicles are allowed anywhere in the municipality, even for approved special events on private property.

It is noted that the Municipality could implement a program on municipal properties, as the Municipality is exempt from the Zoning By-law.

## Comments

Administration receives inquiries each year relating to the use of food trucks for regular retail purposes on public or private property, as well as the temporary use of food trucks on private property for special events.

The purpose of this report is to determine Council's appetite for allowing food vehicles to operate within Lakeshore. Depending on Council's direction, the options may range from a municipal approval process, regulation through the Zoning By-law, or a full licensing program, all of which have varying levels of fees and staff resources attached to their administration.

Some items to be considered when determining how to regulate food vehicles include

- Would food vehicles be allowed for temporary events only or for seasonal/year-round use?
- Would food vehicles be allowed on private property or public property only?
- If allowed on private property, in which zones? (Mixed Use, Employment Areas, Commercial, Hamlet, etc)
- If allowed on public property, which locations? (Marina, ATRC, parks, roadways, etc)
- If allowed on public property, would this affect current/future municipal programs or contracts? (i.e. concession stands)
- Should there be a limit to the number of food vehicles allowed per property?
- Should there be a minimum distance from eating establishments?

The regulatory implications and instruments available to the Municipality could involve one or more of municipal facility permitting processes, licencing, and zoning.

Currently, the Municipality has agreements with 2 food servicers operators: one agreement for the Snack Shop at Lakeview Park, and one agreement for the Marina restaurant. Additionally, Council has requested that Administration prepare a report regarding outsourcing the concession stand at the Atlas Tube Recreation Centre.

Neither of the current agreements include an exclusivity clause and would allow for other food services at these locations as approved by the Municipality. Should Council wish to allow food vehicles at these or other municipal locations, any future lease agreements would need to include clauses relating to non-exclusivity. Administration recommends consulting with the current operators regarding food vehicle regulation.

Food vehicle regulation often attracts significant attention from certain stakeholder groups. Administration contacted the Belle River Business Improvement Area Board. The Chair of the Board has advised that they have not yet consulted with their membership on this matter but plan to do so shortly. Administration recommends that should Council wish to expand the use of food vehicles, other stakeholders should also be consulted.

The following contains an overview of options which Council may wish to pursue:

Option	Description	Regulatory Requirement	Recommended Changes	Example
Receive the Report	Allow food vehicles on a temporary basis on municipal property and only for municipally-sanctioned events	No change required		Food vehicles allowed on closed road during Sunsplash, subject to Committee approval
1	Allow regular use of food vehicles on specific municipal properties	Administrative policy and approval process	<ul style="list-style-type: none"> <li>• Identification of municipal properties where food vehicles would be permitted</li> <li>• Administrative control and enforcement</li> </ul>	Expression of Interest for food vehicles at Lakeview Park and the Marina, or all municipal properties recognized under the Parks Master Plan
2	Allow regular use of food vehicles on specific municipal roadways	Administrative policy and approval process  Amendment to the Traffic By-law to permit stopping and parking on municipal roadways	<ul style="list-style-type: none"> <li>• Identification of municipal roadways where food vehicles would be permitted (would replace municipal parking spaces)</li> <li>• Administrative control and enforcement</li> <li>• Requirement for road permit and safety plan to safely divert traffic</li> </ul>	Expression of Interest for food vehicles at designated parking spots, such as Lakeview Road in front of the park

Option	Description	Regulatory Requirement	Recommended Changes	Example
3	Allow for temporary, regular or seasonal use on private property (not related to a special event)	Zoning By-law update/ amendment  Site Plan	<ul style="list-style-type: none"> <li>• Identification of zones where food vehicles would be allowed (Commercial, Employment Land, etc)</li> <li>• Public consultation with residents and local stakeholders (including Belle River BIA)</li> <li>• Site Plan process</li> </ul>	Allow regular use in Employment Land zone or seasonal use in Mixed Use zone, subject to approved Site Plan

Administration is seeking Council’s direction regarding whether to review the regulation of food truck vehicles or to maintain the status quo.

If Council chooses to receive the report, By-law 86-2002 will remain in place permitting food trucks on municipal property where sanctioned through the Festival & Events Committee. Food carts will remain as being prohibited on private property because they are not a permitted use under the Zoning By-law.

**Financial Impacts**

Should Council wish to move forward with Option 1, 2, or 3, Administration recommends a public engagement process in order to receive feedback from diverse stakeholders. Administration anticipates a cost of approximately \$5,000 to be funded from the Civic Affairs Advertising & Promotion budget.

**Attachments**

Schedule A – By-law 86-2002

## Report Approval Details

Document Title:	Regulation of Food Vehicles.docx
Attachments:	- Schedule A - By-law 86-2002 - Prohibiting Retail Sales on Public Highways.pdf
Final Approval Date:	Mar 30, 2023

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

Prepared by Brianna Coughlin

Submitted by Kristen Newman

Approved by Justin Rousseau and Truper McBride