

## THE CORPORATION OF THE TOWNSHIP OF PUSLINCH PUBLIC MEETING MINUTES

**DATE:** Wednesday, April 16, 2014

**TIME:** 8:00 p.m.

**PLACE:** Puslinch Municipal Complex  
7404 Wellington Rd. 34

**FILE NUMBER:** CO1-MOB

**MEMBERS:** Mayor Dennis Lever – Chair  
Councillor Susan Fielding  
Councillor Wayne Stokley

The Chair reminded attendees to ensure that they have signed in and provided their contact information.

The Chair advised the attendees that those who wished to make comments should stand, state their name for the record and address their comments to those in attendance.

### **Presentations**

The Chair introduced Mr. Robert Kelly, Chief Building Official for the Township of Puslinch.

Mr. Kelly presented the following information:

On June 19, 2013, Council passed Resolution 2013-017 which included that staff research and report to Council on establishing a licensing system for mobile food service vehicles.

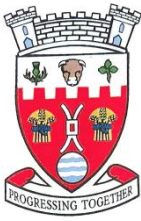
On September 18, 2013, staff prepared Report PD-2013-007 for consideration by Council and at the meeting on September 18, 2013, Council directed staff to obtain information on the requirements imposed by other municipalities for food vendors at farmers markets and other approved special events, licensing requirements for restaurants and food premise stands, and mobile food vendors.

On February 5, 2014, staff prepared Report ADM-2014-005 for consideration which directed staff to hold a Public Meeting on April 16, 2014 with respect to the proposed by-law.

Mr. Kelly advised that the proposed by-law contained in report ADM-2014-005 has not been modified since it was prepared and it will be modified once the public input process is completed to include an exemption/exception provision with regard to not for profit organizations that conduct a community designated event such as a fall fair or farmers market.

Mr. Kelly's presentation also included the proposed General Regulations which included:

A requirement to apply for and obtain a valid licence from the Township.  
The Licence does not relieve any person from obtaining required licences, permits or approvals from any other governmental or public authority.



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Mr. Kelly advised of the restrictions contained in the proposed by-law including:

- Mobile Food Service Vehicles be restricted to lands designated as Commercial, Industrial, Institutional or Open Space in the Township zoning by-law.
- No Person Shall operate a Mobile Food Service Vehicle:
- On a County Road Within the Township
- On Township lands without written permission from the Township
- On private property without written permission of the property owner and in compliance with zoning
- Within thirty (30) metres of an intersection
- Within ten (10) metres of an existing restaurant or licenced Mobile Food Service Vehicle
- Within one hundred (100) metres of any school between 8:00 am and 5:00 pm on a school day
- Between 10:00 pm one day and 8:00 am the following day

Mr. Kelly advised in his presentation of the Application requirements for an operator's licence contained in the proposed by-law these included:

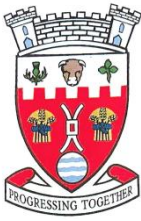
- The Completion of an Application form
- A Criminal Records search
- Passport quality photos
- Valid G class licence
- Written permission of property owner
- Current driver's abstract
- Licencing fee; and
- Any other documents that may be required by staff to satisfy any concerns.

Mr. Kelly advised in his presentation of the requirements for an owner's licence in the proposed by-law which included:

- Completion of an application form
- A Criminal Records search
- Passport quality photos
- Valid G class licence
- Written permission of property owner
- Approval from a certified propane contractor, where applicable
- Licencing fee
- Business registration or Incorporation documents
- Proof of current valid ownership of vehicle
- Safety standards certificate for vehicle
- Current Commercial General Liability Insurance minimum two (2) million dollars (2,000,000.00)
- Current Ontario Automobile Insurance minimum two (2) million dollars (\$2,000,000.00)
- Site plan to scale indicating buildings, parking, location and access
- Any other documents that may be required by staff to satisfy any concerns.

Mr. Kelly advised that the proposed by-law included that an issuing of an owner's licence would be subject to:

- The vehicle passing an inspection conducted by an Officer; and
- Written approval from the Wellington Dufferin Guelph Public Health



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Mr. Kelly advised that the proposed by-law included operator duties and responsibilities which included:

- That the mobile food service vehicle be clean and in good repair;
- All equipment used for dispensing consumable products kept in clean and sanitary condition;
- That any debris, refuse or garbage resulting from the operation of the Mobile Food Service Vehicle be cleared.
- That the operator conduct a complete safety tour around the Mobile Food Service Vehicle prior to departing.
- That the operator wear clean clothes, be clean and neat in appearance and have clean hands.
- That the operator not have or provide a seating area.
- That no owner permit or allow any person to operate a Mobile Food Service Vehicle without a current valid Operator's Licence.
- That the operator provide a refuse container which is replaced daily.
- That the mobile food service vehicle have a fire extinguisher if the vehicle contains equipment fuelled by propane or natural gas.

Mr. Kelly advised that the term of the licence under the proposed by-law is valid until it expires or it is revoked or suspended and that all licences under the proposed by-law will expire on March 30<sup>th</sup> of each year.

Mr. Kelly advised that with respect to the calculation of the fees, the proposed by-law would include a pro-rated fee which may be calculated for every month remaining in the term of the licence until the expiry date but a minimum payment of one quarter of the annual fee shall apply.

Mr. Kelly advised that every licence renewed thereafter would be subject to the full annual fees as prescribed in the Township's Fee By-Law.

Mr. Kelly advised that under the proposed by-law a licence issued by the Township would not be transferable and the fee non-refundable and that no person shall use, or attempt to use either a fraudulent licence or a licence issued to another person under this by-law.

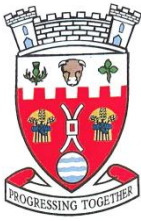
Mr. Kelly advised that every licence issued by the Township under the proposed by-law would remain at all times the property of the Township and no person shall enjoy a vested right in any licence or the continuance of any licence.

Mr Kelly advised that under the proposed by-law the posting of the licence will be required in a conspicuous place clearly visible to the public.

Mr. Kelly advised that the proposed by-law does not licence restaurants and food premises/stands.

Mr. Kelly advised those in attendance that staff would be amending the proposed by-law to include an exemption for mobile food service vehicles that operate as part of a farmer's market, fall fair or other designated community events from the licensing provisions, however, these not for profit organizations would be required to comply with other Township and regulatory agency requirements eg. fire, health, propane certification and insurance.

Mr. Kelly advised that separate insurance for each mobile food service vehicle that is part of a community designated event is not required where the not for profit organization has submitted insurance satisfactory to the Township.



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Mr. Kelly concluded his presentation by advising that the next steps were to gather comments and concerns raised at this Public Meeting. Staff would prepare a report to Council on June 4, 2014 on the results of the Public Meeting and to recommend adoption of a by-law.

### **Questions/Comments**

The Chair asked if there were any members of the public who wished to voice a comment or question.

Mr. Brad Whitcombe advised that he was speaking this evening as the President of the Aberfoyle Farmer's Market.

Mr. Whitcombe advised that he has spoken with Mr. Matthew Bulmer, the Market Manager of the Aberfoyle Farmer's Market, about how he is working through the process of this draft by-law.

Mr. Whitcombe advised that Township Staff have been very helpful and thanked staff for their assistance.

Mr. Whitcombe advised that the Aberfoyle Farmer's Market was content to work with Mr. Bulmer and Township Staff to achieve the Market's needs.

Mr. Whitcombe advised that the Aberfoyle Market would be seeking an exemption from the by-law and policy as proposed in February 2014, regarding food trailers and requested that the exemption for Farmer's Markets be written into the by-law.

Mr. Don McKay, advised that he was speaking this evening as a representative of the Aberfoyle Agriculture Society.

Mr. McKay advised that he was pleased to see an exemption will be written into the by-law and also in policy that the Agricultural Society has been exempt from the proposed by-law.

Mr. McKay suggested that in addition, to the fall fair exemption, if he could request an addition to the by-law to include a clause that if a licenced vendor is not invited to an event, that this vendor does not have right to come to the event, unless invited and sell wares.

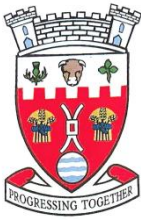
Mr. Matthew Bulmer advised that he was attending this evening as an independent citizen. Mr. Bulmer advised that he has a long connection with mobile food service vehicles.

Mr. Bulmer commented that he believes the draft policy sees the selling of sweet corn from the back of a pick-up truck as a menace.

Mr. Bulmer commented that the draft by-law indicates that vendors can only operate in industrial and commercial zones.

Mr. Bulmer questioned how would coffee trucks be affected by the proposed by-law in this municipality.

Mr. Bulmer commented that the draft by-law does not address owners who no longer have a Class G drivers licences or are not qualified to drive a motor vehicle as a result of a disability?



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Mr. Bulmer commented that not having a driver's licence limits owners of mobile food service vehicles.

Mr. Bulmer provided comments with respect to the operation of mobile food trucks, and with respect to the requirement of written permission of land owner. Mr. Bulmer believed that there is no way a year in advance that mobile food vehicles would know what locations they would be at.

Mr. Bulmer commented that coffee trucks travelling amongst different locations could no longer do this, as they would need to acquire written permission from land owners, in order to obtain their licence.

Mr. Bulmer commented that coffee trucks could not meet zoning requirements as they could not operate in new residential areas as they are not zone commercial or industrial.

Mr. Bulmer commented that under the proposed by-law Dickie Dee ice cream carts are considered mobile food service vehicles.

Mr. Bulmer commented that dickie dee operators do not possess valid driver's licence.

Mr. Bulmer commented that dickie dee carts provide their services within the roadway. Mr. Bulmer commented that the proposed by-law prohibits a mobile food service vehicle from doing service in a roadway. Mr. Bulmer also commented that the services are provided in residential zones and are not in commercial and industrial areas.

Mr. Bulmer commented that any person who wants to own or operate a mobile food service vehicle will be subject to provisions of this by-law and indicated that as a 14 year old dickie dee driver, he/she would not have a chance of meeting the drivers licence requirement in the proposed by-law.

Mr. Bulmer advised that he started selling fruits and vegetables from the end of a laneway from a converted trailer, and upon review the wording in the proposed by-law and the fact that the location of the selling is not in a zoned commercial or industrial area this could result in a lost opportunity to him as he would not comply with the proposed by-law.

Mr. Bulmer advised that he is a member of the Optimist Club and has worked in the Optimist's food trailer. The food trailer has operated in many areas in addition to the community centre lands and in many cases the areas are not in zoned industrial or commercial areas.

Mr. Bulmer expressed concerns that the wording in the by-law would limit community level entrepreneurial ship, and indicated that this may have been an unintended consequence.

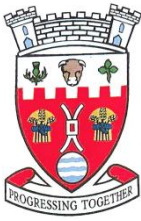
Mr. Bulmer indicated that he believed the by-law is somewhat schizophrenic as it looks at things that are mobile or potentially mobile. Mr. Bulmer believed that the proposed by-law is going after uses where the uses never leave the property.

Mr. Bulmer indicated that he believe the by-law possess a discriminatory nature as it did not account for people with disabilities who could not get driver's licences.

Mr. Mitchell Czako questioned as to whether there would be a a pilot project.

Karen Landry, CAO/Clerk, advised that the intent is to pass the by-law and as with any other process a review will take place.

Mr. Rubin Salonga, founder Luchador Mexican-Fusion Sreatery, and representative of



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the United Food Trucks Unlimited questioned as to whether the township looked at the Ontario Food Truck website or engaged in any consultation with them?

Ms. Landry indicated the Ontario Food Trucking was not consulted.

Mr. Salonga questioned as to which base model did the Township draft its by-law?

Ms. Landry advised that development of the proposed by-law was based on several municipalities including Brampton, Guelph and other surrounding municipalities.

Mr. Salonga questioned as to why there are two separate licencing fees for both operator and owner?

Ms. Landry advised that this licencing scheme is common.

Mr. Salonga advised that he respectively challenged this and advised that in Waterloo only one licence is issued and Kitchener and Guelph will be reviewing its by-law.

Mr. Salonga advised that in the City of Toronto this is no longer the case, and believe that in most models there is only one fee.

Ms. Landry requested clarification with respect to the licencing in Waterloo? And questioned as to whether there is only one licence?

Mr. Salonga replied that yes there is no distinction there is just one license for a food truck.

Ms. Landry requested clarification with respect to Kitchener?

Mr. Salonga advised that on April 28<sup>th</sup> the cities of Waterloo and Kitchener Council will be reviewing their by-laws.

Mr. Landry questioned that with respect to the City of Toronto did you state they were considering it?

Mr. Salonga advised that the City of Toronto has already dealt with this issue and that Guelph is one of the different models that will be changing.

Ms. Landry requested that Mr. Salonga please provide his contact information after meeting.

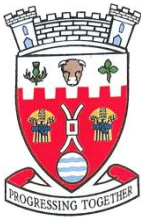
Mr. Salonga replied that he would.

Mr. Salonga commented on the provision that no food truck be within certain meters of a school, and advised that it is his experience that schools will request food trucks to come on their property. Mr. Salonga suggested that the proposed by-law include that schools be able to provide written requests to have food trucks on their premises.

Mr. Salonga commented on the provision that you cannot operate at same location within a 2 hour period, and recommend unless there was some opposition to this that it be allowed.

Mr. Salonga commented on the provision that the distance between trucks be 10 m. Mr. Salonga commented that unless people would actually like to do this he suggested that it be allowed as when more than one food trucks come together, they do better.

Ms. Leanne McPhail – questioned why we cannot write a by-law that is unique to us.



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Ms. Landry advised that this by-law does not mirror any one by-law and after public consultation is taken into consideration, the by-law will be unique to the township .

Mr. Mitchell Czako questioned as to whether there is a mapped out area?

Ms.Landry advised that there are no designated areas.

Mr. Mitchell Czako questioned what are the fees?

Ms. Landry advised that fees are \$100 for an operator and \$200 for an owner.

The Chair thanked those in attendance for their comments and questions and advised that written comments can be submitted to the Township.

The Chair reminded those in attendance to sign in and advised that those who have signed in will be notified when the by-law returns for consideration.

The Chair inquired as to whether there were any additional comments or questions.

There were no further comments or questions.

Mr. Kelly advised that the next steps were to report back to Council on the comments raised at the public meeting and recommend the enactment of a By-law to establish regulations specific to mobile food service vehicles.

### **ADJOURNMENT:**

The meeting adjourned at p.m.