

DATE: June 21, 2021
REPORT NO: C-04-2021
SUBJECT: Amendments to Refreshment Cart Licensing By-law 2010-20 – Delegate Authority to the Clerk to Approve Annual Licenses
CONTACT: Joanne Scime, Clerk

OVERVIEW:

As requested by Council at the April 19, 2021 Administration/Finance/Fire Committee meeting, this report addresses an amendment to the Township's Refreshment Cart Licensing By-law 2010-20 to delegate authority to the Clerk to approve annual licenses.

RECOMMENDATION:

1. That, Report RFD-C-04-2021, dated June 21, 2021, regarding "Amendments to Refreshment Cart Licensing By-law 2010-20 – Delegate Authority to the Clerk to Approve Annual Licences", be received; and,
2. That, Section (2)(d) 5. (License and Application and Fee) of By-law 2010-20 be amended by deleting this section and replacing it with the following proposed new/revised Section (2)(d) 5:
 5. Council shall hereby delegate authority to the Clerk and/or designate to approve every application for an annual or daily/temporary license for a refreshment vehicle, refreshment cart or refreshment cycle provided all other regulations/requirements of this by-law are met.
3. That, Section (3)(a) be amended by removing the following words at the beginning of the clause:

"At the pleasure of Council,"
4. That, Section (3)(b) by adding "daily/" before the word temporary to put it in line with the proposed new wording of (2)(d) 5.
5. That, any reference to the old "Zoning By-law 79-14' be replaced with the by-law number of the new "Comprehensive Zoning By-law 2017-70".
6. That, the Mayor and Clerk be and are hereby authorized to sign a by-law to implement the above noted amendments.

ALIGNMENT TO STRATEGIC PLAN:

Theme #2

- Support for Business and Employment Opportunities for Residents

BACKGROUND:

In February 2010, Township Council passed By-law No. 2010-20, to regulate and license refreshment vehicles, cycles and carts. The criteria set out in Section 2(d) 5 in By-law 2010-20 requires that every application for an annual license for a refreshment vehicle, refreshment cart or refreshment cycle shall be approved by Council.

In October 2017, Township Council passed By-law 2017-112, which amended By-law 2010-20 by delegating authority to the Clerk and/or designate to approve daily licenses for a refreshment vehicle, refreshment cart or refreshment cycle.

CURRENT SITUATION:

At the April 19, 2021 Administration/Finance/Fire Committee Meeting discussion occurred with respect to the need for Council to approve refreshment cart licenses and that this responsibility should be given to staff as it was felt approval of these applications should be administrative and not political. Subsequently, the following recommendation was put forward and adopted, which was ratified and approved by Council at their meeting of April 26, 2021:

- (1) That, Recommendations 2 and 3 of Recommendation Report No. RFD-C-03-2021 (Application for Refreshment Cart Licence and Lease for portion of Smithville Parkette/CIBC Parking Lot - Ken Brunaccioni (Dog Got It - Hot Dog Cart)) be amended by adding the following words after the word "approved":
"for a period of two (2) years; and,"
- (2) That, an additional Recommendation be added to the end of the recommendation that reads as follows:
"(5) That, staff be and are hereby directed to bring back a report to a future Committee or Council Meeting that would amend By-law 2010-20, being the Refreshment Cart Licensing By-law, to delegate authority to the Clerk or designate to approve future Refreshment Cart Licences."

To address the above noted resolution of Council, staff is recommending the following amendments to Refreshment Cart Licensing By-law 2010-20:

(2) License and Application and Fee:

CURRENT SECTION (2)(d) 5. – TO BE DELETED:

5. every application for an **annual** license for a refreshment vehicle, refreshment cart or refreshment cycle shall be approved by Council.
The authority to approve a daily license for a refreshment vehicle, refreshment cart or refreshment cycle shall hereby be delegated to the Clerk and/or designate. (as amended by By-law 2017-112)

PROPOSED NEW WORDING FOR SECTION (2)(d) 5:

5. Council shall hereby delegate authority to the Clerk and/or designate to approve every application for an annual or daily/temporary license for a refreshment vehicle, refreshment cart or refreshment cycle provided all other regulations/requirements of this by-law are met.

The removal of the words “At the pleasure of Council,” at the beginning of clause (3)(a) as shown below:

(3) Locations:

- (a) ~~At the pleasure of Council,~~ Operators may be licensed **annually** to operate a refreshment vehicle on any commercially zoned property in the Township of West Lincoln where permitted in accordance with Zoning By-Law 79-14, save and except vacant properties, subject to the following: *(as amended by By-law 2017-112)*

In addition to the above changes, two further housekeeping amendments are necessary as follows:

- 1) To amend Section (3)(b) by adding “daily/” before the word temporary to put it in line with the proposed new wording of (2)(d) 5. as noted above.
- 2) To change any reference to the old “Zoning By-law 79-14” and replace it with the by-law number of the new “Comprehensive Zoning By-law 2017-70”.

FINANCIAL IMPLICATIONS:

Not applicable to this report.

INTER-DEPARTMENTAL COMMENTS:

There are no financial impacts relating to this report.

CONCLUSION:

Staff recommends approval of the proposed amendments to the Refreshment Cart Licensing By-law as outlined in this report.

Prepared and submitted by:



Joanne Scime, Clerk

Approved by:



Bev Hendry, CAO