

Staff Report to Council

Building and Bylaw Services

FILE: 4300-01/23

REPORT DATE: April 11, 2023 **MEETING DATE:** April 25, 2023
TO: Mayor and Council
FROM: Chantal Gemperle, Manager of Building & Bylaw Services
SUBJECT: Business Licensing and Regulation Amendment Bylaw

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S):

THAT Council:

- A. Grant first, second and third readings to the Business Licensing and Regulation Amendment Bylaw No. 2950, 2023; AND
- B. Direct Staff to provide notice to the public via the City's website following third reading and prior to adoption; AND
- C. Direct Staff to amend the Bylaw Notice Enforcement Bylaw No. 2439, 2009, to include fines for offences pertaining to Mobile Food Trucks; OR
- D. Other.

PURPOSE

To amend the Business Licensing and Regulation Bylaw to include the provisions for Mobile Food Trucks in Pitt Meadows as previously approved at the January 17, 2023 Council meeting and include minor housekeeping amendments.

Information Report Decision Report Direction Report

DISCUSSION

Background:

At the January 17, 2023 Public Council Meeting, Council received an update on the 2022 Food Truck Program. The update outlined the objectives of the Food Truck Pilot Program and provided Council with feedback from vendors and the public.

According to feedback from vendors, the program wasn't feasible for the vendors as they did not see sufficient return on investment due to the limiting options to operate. Additionally, staff time and resources to run the Food Truck Program was not sustainable, therefore staff recommended the following to Council:

- Allow food truck vendors to operate in designated spots at Harris Road Park, Pitt Meadows Athletic Park, and šx^whék^í wⁿəs (Spirit Square);
- Allow food truck vendors at City sanctioned events, adding private events held on City owned lands;
- Allow food truck vendors on private property for private events;
- Allow food truck vendors on commercial property.

In order to permanently accommodate these changes, the Business Licensing and Regulation Bylaw needs to be amended to include provisions for Mobile Food Trucks to ensure the food trucks have all the necessary health, fire and safety approvals and outline other specific requirements.

Additionally staff is recommending some minor Housekeeping amendments including grammar corrections, updates to external references (e.g. Acts, other bylaws, etc.), and numbering and sequencing corrections.

Relevant Policy, Bylaw or Legislation:

Business Licensing and Regulation Bylaw No. 2643, 2014

Bylaw Notice Enforcement Bylaw No. 2439, 2009

Analysis:

Based on a review of best practices from other municipalities, it is recommended that the following provisions to regulate Mobile Food Trucks be added to the Business Licensing and Regulation Bylaw:

Part 2 INTERPRETATION [Rename to INTERPRETATION & REFERENCES]

- 2.1 **Mobile Food Truck** means a self-contained vehicle used to prepare and sell food to the public.

- 2.2 Include language that encompasses updates to any statute, regulation, bylaw or other enactment and refers to that enactment as it may be amended or replaced from time to time.

Part 4 SPECIFIC REGULATIONS

4.15 Mobile Food Truck

4.15.1 Mobile Food Trucks are permitted to operate:

- (a) in designated spots at Harris Road Park, Pitt Meadows Athletic Park, and šx^whék' wⁿəs (Spirit Square);
- (b) at City sanctioned events and private events held on City owned lands with a rental agreement in place;
- (c) on private property for a private event with prior written consent of the property owner, provided it does not contravene any City bylaw; or
- (d) on commercial property with written approval from the property owner subject to conformance with the City of Pitt Meadows Zoning Bylaw 2505, 2011 as amended from time to time.

4.15.2 The owner or operator of a Mobile Food Truck shall comply with the following requirements, rules, restrictions and regulations governing the operation of the Vendor's Mobile Food Truck:

- (a) provide the following documentation:
 - i. Fire Department Inspection (GVFCA) decal for current year
 - ii. Fraser Health Authority approval
 - iii. Liability Insurance
 - iv. Record of Installation Permit decal issued by Technical Safety BC if food truck utilizes gas appliances;
- (b) shall be solely responsible for the cleanup and removal of all garbage/waste produced from the business and such garbage/waste must not be left on City property;
- (c) only operate between the hours of 8:00am – 10:00pm. No overnight parking on any operating site is permitted;
- (d) supply its own power to the Mobile Food Truck, provided that any noise from the operation of the Mobile Food Truck does not exceed the level specified in the City of Pitt Meadows Noise Control Bylaw No. 2138, 2004, as amended from time to time;
- (e) one sandwich board sign is permitted to be placed adjacent to the Mobile Food Truck during operating hours provided that the sandwich board sign

meets the requirements for special events signs in the City of Pitt Meadows Sign Bylaw No. 2719, 2015, as amended from time to time;
(f) only sell food items, excluding liquor or cannabis.

SCHEDULE "A" – LICENCE FEES

26.	FOOD AND BEVERAGE RETAIL	
	Category	Licence Fee
3.	Mobile Food Truck (Annual licence)	\$105.00
4.	Mobile Food Truck (Single day licence)	\$ 22.50

The proposed housekeeping amendments are as follows:

1. Grammar corrections, updates to external references (e.g. Acts, other bylaws, etc.), and numbering and sequencing corrections.
2. Remove the definition for Mobile Food Vendor. This definition had no context within the bylaw and with the addition of the definition for Mobile Food Truck the definition for Mobile Food Vendor can be removed.
3. The current definition for Licence Inspector requires the Licence Inspector to be appointed by resolution of Council. This requirement is too restrictive and can impact the process for licence approvals if the appointed Licence Inspector is unavailable. Therefore staff recommends to amend the definition as follows:

LICENCE INSPECTOR means a person appointed from time to time by the City as a Licence Inspector for the City, or his/her designate.

4. There is a provision in the bylaw for a single day licence for "Pitt Meadows Day Participants". Food Truck Vendors, Artisans and Exhibitors were required to obtain a business licence for the event. There are other single day events in the City throughout the year which would require participants to obtain a licence but there are no provisions in the bylaw for these types of single day events. By adding specific requirements for Food Trucks in the bylaw staff is recommending to delete the "Pitt Meadows Day Participants" category and replacing it with "Single Day Events Participants". The fee for a single day licence is \$22.50.

When staff reviewed business licence bylaws from other municipalities in the region it was noted that, for the majority of categories, the fees in the Pitt Meadows Bylaw are considerably lower. In addition, the types of categories range throughout the various bylaws, and therefore a review

of the Business Licence Bylaw, inclusive of a Market Rate Fee Comparison will be included in the 2024 business planning process.

Under section 59 of the Community Charter, the City must provide notice of any proposed amendment to the Business Licensing and Regulation Bylaw. In this case, the proposed amendments are minor. It is recommended that notice is provided via the City's website following 3rd reading and prior to adoption, with information about how to provide feedback regarding the proposed amendment.

Additionally, the Bylaw Notice Enforcement Bylaw No. 2439, 2009 is recommended to be amended to include provisions for fines for non-compliance with any of these proposed amendments to the Business Licensing and Regulation Bylaw.

COUNCIL STRATEGIC PLAN ALIGNMENT

- Principled Governance Balanced Economic Prosperity Corporate Excellence
 Community Spirit & Wellbeing Transportation & Infrastructure Initiatives
 Not Applicable
-

WORKPLAN IMPLICATIONS

- Already accounted for in department workplan / no adjustments required
 Emergent issue / will require deferral of other priority(ies)
 Other
-

FINANCIAL IMPLICATIONS

- None Budget Previously Approved Referral to Business Planning
 Other

Fees are proposed for Mobile Food Trucks to operate.

PUBLIC PARTICIPATION

- Inform Consult Involve Collaborate Empower

Comment(s):

Feedback from the 2022 pilot program was obtained, leading to the amendments proposed in this report.

KATZIE FIRST NATION CONSIDERATIONS

Referral Yes No

SIGN-OFFS

Written by:

Chantal Gemperle,
Manager of Building & Bylaw Services

Reviewed by:

Diane Chamberlain,
Acting Director of Planning and Development

ATTACHMENT(S):

- A. Business Licensing and Regulation Amendment Bylaw No. 2950, 2023

CITY OF PITT MEADOWS
BUSINESS LICENSING AND REGULATION AMENDMENT
BYLAW No. 2950, 2023

A bylaw to amend a portion of Business Licensing and Regulation
Bylaw No. 2643, 2014

WHEREAS it is deemed expedient to amend Business Licensing and Regulation Bylaw No. 2643, 2014;

NOW THEREFORE the Council of the City of Pitt Meadows enacts as follows:

1. This Bylaw may be cited as the "Business Licensing and Regulation Amendment Bylaw No. 2950, 2023".
2. Business Licensing and Regulation Bylaw No. 2643, 2014 is amended as follows:

A. The heading of Part 2 [INTERPRETATION] is amended to read as INTERPRETATION & REFERENCES.

B. Section 2.1 is amended by deleting the definition for Director in its entirety.

C. Section 2.1 is amended by deleting the definition for Mobile Food Vendor and replacing it with the following definition for "MOBILE FOOD TRUCK":

MOBILE FOOD TRUCK means a self-contained vehicle used to prepare and sell food to the public.

D. Section 2.1 is amended by deleting the definition for Non-Profit Society and replacing it with the following:

NON-PROFIT SOCIETY means a registered charitable society that is:

- (i) incorporated and in good standing under the Societies Act; and
- (ii) registered as such under the Income Tax Act (Canada) and qualified to issue tax receipts to its donors.

E. Section 2.1 is amended by deleting the definition for Outdoor Recreation and replacing it with the following:

OUTDOOR RECREATION means such activities as paintball, zip lining, horseback riding academies, go-carting, mountain biking, rock climbing and similar activities but does not include the private use of municipal parks or facilities without the express written permission of the Director responsible for Parks and Open Spaces for the city.

F. Part 2 [INTERPRETATION & REFERENCES] Section is amended by adding:

2.2 A reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.

G. Section 3.7.1 is amended to read as follows:

3.7.1 Every Licensee shall notify the licence inspector in writing within forty **eight** (48) hours of the termination of operation of the business.

H. Section 4.4 is repealed in its entirety and replaced with the following:

4.4 Dog Daycare

4.4.1 Requirements and restrictions are subject to conformance with the City of Pitt Meadows' Zoning Bylaw.

4.4.2 A dog daycare facility shall be located on a parcel which is zoned as regulated by the City of Pitt Meadows' Zoning Bylaw.

4.4.3 Operator Obligations – Hours of Operation, Maximum Number of Dogs and Noise Control.

(a) The operator of a dog daycare facility:

- (i) shall not care for more than twenty (20) dogs at any time;
- (ii) may only operate between the hours of 7:00 a.m. and 7:00 p.m., Monday to Saturday inclusive; and
- (iii) shall not discharge or emit odorous, noxious or toxic matter or vapours, heat, glare, noise or radiation, or recurrently generated ground vibrations.

I. Section 4.7.1 is repealed in its entirety and replaced with the following:

4.7.1 No licence shall be granted for the operation of a spectator or sports function, or any public entertainment, including without limitation any exhibition, circus, carnival, automobile or

motorcycle races, car rallies, public animal rides, or other similar function or the operation of a ferris wheel, merry-go-round or other similar device until the applicant has deposited proof in a form and amount satisfactory to the City that the applicant has comprehensive general liability insurance, which includes a cross-liability clause and specifies the City as an additional insured.

The applicant shall supply to the City a copy of the current certification from Technical Safety BC showing all rides have been inspected and are approved for use.

- J. Part 4 [SPECIFIC REGULATIONS] is amended by adding the following section:

4.15 Mobile Food Truck

4.15.1 Mobile Food Trucks are permitted to operate:

- (a) in designated spots at Harris Road Park, Pitt Meadows Athletic Park, and **šxʷhéł ʷnəs (Spirit Square)**;
- (b) at City sanctioned events and private events held on City owned lands with a rental agreement in place;
- (c) on private property for a private event with prior written consent of the property owner, provided it does not contravene any City bylaw; or
- (d) on commercial property with written approval from the property owner subject to conformance with the City of Pitt Meadows' Zoning Bylaw.

4.15.2 The owner or operator of a Mobile Food Truck shall comply with the following requirements, rules, restrictions and regulations governing the operation of the Vendor's Mobile Food Truck:

- (a) provide the following documentation:
 - i. Fire Department Inspection (GVFCA) decal for current year;
 - ii. Fraser Health Authority approval;
 - iii. Liability Insurance; and

- iv. Record of Installation Permit decal issued by Technical Safety BC if food truck utilizes gas appliances.
- (b) shall be solely responsible for the cleanup and removal of all garbage/waste produced from the business and such garbage/waste must not be left on City property;
- (c) only operate between the hours of 8:00am – 10:00pm;
- (d) supply its own power to the Mobile Food Truck, provided that any noise from the operation of the Mobile Food Truck does not exceed the level specified in the City of Pitt Meadows' Noise Control Bylaw;
- (e) one sandwich board sign is permitted to be placed adjacent to the Mobile Food Truck during operating hours provided that the sandwich board sign meets the requirements for special events signs in the City of Pitt Meadows' Sign Bylaw;
- (f) only sell food items, excluding liquor or cannabis.

K. Schedule "A" - Licence Fees is amended by DELETING Category number 26 in its entirety and REPLACING it with the following:

26. FOOD AND BEVERAGE RETAIL

Category	Licence Fee
1. Caterer	\$138.00
2. Food/Beverage Delivery Service	\$138.00
3. Mobile Food Truck (Annual licence)	\$105.00
4. Mobile Food Truck (Single day licence)	\$ 22.50

L. Schedule "A" - Licence Fees is amended by DELETING Category number 56 in its entirety and REPLACING it with the following:

56. SINGLE DAY EVENTS PARTICIPANTS	Licence Fee \$22.50
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READ a FIRST, SECOND and THIRD time on [DATE].

NOTICE given on [DATE].

ADOPTED on [DATE].

Nicole MacDonald
Mayor

Kate Barchard
Corporate Officer