COUNCIL REPORT

REPORT DATE: 12/18/2023
MEETING DATE: 1/8/2024

File No: 6650-20-Mobile Vending Regulation Review

TO: Mayor and Councillors

FROM: Seamus McConville, Planner I

SUBJECT: Village of Cumberland Mobile Vending Regulations Update

RECOMMENDATION

THAT Council endorse the Engagement Plan for the Mobile Vending Regulations Update.

PURPOSE

This report is to introduce a project to review the Village's mobile vending regulations. Background research on the topic, an engagement strategy, outcomes, and timelines for the project are provided as well. With the increasing number of business license applications for mobile vending, updating the regulations is an operational priority.

BACKGROUND

Mobile vending is a type of commercial activity occurring without a regular storefront presence; food trucks are a common example. Mobile vending operations are usually embraced by the general community, adding street activation as well as vitality to a downtown core. Considering the lack of a fixed storefront, municipalities must consider the impact on surrounding properties, community safety, and fairness to established business owners when developing mobile vending regulations.

Staff review Business Licence and Zoning Bylaw regulations when considering a mobile vending licence application; however, both bylaws are vague on requirements for items including fire safety and waste disposal. As such, staff rely on Section 9 of the Business Licence Bylaw, No.896, 2009, which allows staff to request such information. This lack of specific regulations in Village Bylaws results in unclear expectations for applicants, and may discourage operators from obtaining a licence. For information, a chart comparing mobile vending application requirements between select municipalities is attached as Appendix A.

While several mobile vending enquiries were received in 2023 and several incomplete applications were submitted, only one mobile vending business licence provided all the required information to be issued. Despite this, staff are aware of multiple mobile vending operations which operated last year without the benefit of a business licence. Without a licence, staff cannot confirm if these operations met Village requirements.

The goal of this project is to update Village regulations and application requirements to reflect best practices, understand impacts on the community and established businesses, and gauge the public's attitude towards mobile vending operations. It is anticipated that these amendments will assist the Village in bringing unlicensed operators into compliance with Village Bylaws.

Analysis

Instead of using broad provisions to request information from applicants, communities set clear expectations via bylaw regulation. For example, Pemberton's bylaw outlines the necessary application package requirements and the ongoing standards that mobile vending operators must adhere to. This not only establishes clear expectations for applicants but also makes it easier for staff to enforce regulations if an operator is out of compliance with the bylaw.

Municipalities use checklists prepared by their fire department and make completion and inspection a condition of receiving a business licence. For example, Comox has a checklist prepared by its own fire department, while Sidney utilizes a checklist adopted by the fire departments of Greater Victoria. Currently, staff refer the business licence to the fire department, which then schedules its own inspection. As this is in line with other municipalities surveyed no changes are expected, however an opportunity may exist to standardize fire inspection requirements with other Comox Valley fire departments.

Most communities, including Cumberland, have a requirement ensuring mobile vending does not impact traffic or pedestrian access, but do not control the siting or how many mobile vending operations can be on a lot at one time. As Cumberland has numerous small lots adjacent to varying land uses, further siting requirements may be prudent. However, existing buffering requirements will limit the siting and location of mobile vending operations.

All other municipalities reviewed allow for mobile vending within public lands, such as parks. Regulations used to govern mobile vending on private property apply to public land vending as well, with further requirements to manage impacts to municipal infrastructure. Currently, the Village permits mobile food vending on municipal roads (i.e. food truck parked on the side of the road) subject to the general Zoning Bylaw regulations. Should the Village wish to explore mobile vending in parks in the future, having existing regulations will make implementation easier. Furthermore, reviewing mobile vending regulations allows the Village to review processes on vending on municipal roads to bring them in line with best practices.

Cumberland charges a nominal fee for a mobile vending business licence, in line with other municipalities. While most communities charge a standard rate, Duncan charges based on the type of equipment used for mobile vending. For information, a chart comparing mobile vending licence fees between select municipalities is attached as Appendix A.

PUBLIC CONSULTATION

Public consultation is proposed for this project. Targeted engagement with mobile vending operators and local businesses is planned, with a page on Cumberland's online engagement platform to inform the public and collect comments. Staff plan on referring the project to the Advisory Planning Commission for further review. It is anticipated that engagement will begin in late January – Early February, with any amendments to be presented to Village Council in May. A detailed engagement plan and project timeline is attached as Appendix B.

ALTERNATIVES

1. THAT Council authorize staff to update applicable Village bylaws as they relate to mobile vending, without community engagement.
2. Not proceed with any action at this time.

STRATEGIC OBJECTIVE

☐ Diverse and Healthy Community

☒ Sustainable Service Delivery and Asset Management

☒ Community Planning

FINANCIAL IMPLICATIONS

Policy planning and regulatory reviews are part of the regular services provided by Development Services. Minor costs may be incurred should staff decide to place an ad in "Currently Cumberland" to advertise the public engagement period.

OPERATIONAL IMPLICATIONS

The public engagement process, research, report writing, and preparation of amendments will be done by the Planner I. The project will require the support of other planning staff, as well as the Finance Department who administers business licence applications.

Once the extent of amendments is determined, this impact will be clearer. It is anticipated that by updating the village's mobile vending requirements, less time will be spent requesting information from applicants.

CLIMATE CHANGE IMPLICATIONS

While mobile vending operations are predominantly powered by fossil fuels (i.e. truck engine, gasoline generators) new regulations will focus on administrative requirements and are unlikely to impact these operations contributions to climate change.

ATTACHMENTS

Appendix A **-** Chart comparing mobile vending licence fees
Appendix B - Detailed engagement plan and project timeline

CONCURRENCE

Courtney Simpson, Manager of Development Services ***CS***

Ryan Parton, Acting Manager of Parks and Recreation ***RP***

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Respectfully submitted,

S. McConville

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Seamus McConville
Planner I

M. Mason

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Chief Administrative Officer

Appendix A – Summary Chart of Other Communities Regulations and Fees

Municipality	Where permitted?	Bylaw Requirements (Business or Zoning Bylaw)
Cumberland	• All non-residential zones.	• Valid Health Approval; • 4-hour limit for vending on properties not zoned for retail use; • 30m buffer from existing restaurants, unless written permission granted; • No structures to be constructed; and, • Must not obstruct vehicle or pedestrian movement.
Courtenay	• Commercial properties zoned for restaurant use. • Specially designated areas on public lands.	• Valid Health Approval; • Technical Safety BC approval; • Liability and motor vehicle insurance; • 30m buffer from existing restaurants, 100m from an elementary school; 150m of a special event (unless permission granted); • Approval of private property owner; • Onboard power and water required; • Must not obstruct vehicle, pedestrian or emergency vehicle movement. • Waste and recycling receptacles to be provided, 10m radius for post-service cleanup. • Mobile vending not to be left unattended; • Maintain a location log; and, • No styrofoam containers.
Comox	• Commercial properties zoned for restaurant use. • Specially designated areas on public lands.	• Obtain a business licence; • Obtain parks permit if operating in a park; • Provide waste discharge management plan; • Valid Health Approval; • Fire department approval; and, • Automotive insurance for motor trucks and trailers.
Duncan	• Zones which permit "Mobile Food Vending" (Commercial or Community Zones) • Public lands (accessory use in community zones)	• 50m buffer from existing restaurant, unless written support provided; • 100m buffer from elementary schools unless written support provided; • 150m buffer from special events, unless written support provided; and, • Must not obstruct vehicle or pedestrian movement.
Pemberton	• Any non-residential zone.	<u>Zoning Bylaw Requirements</u> ▪ Food trucks shall not occupy a highway for a period of more than eight (8) consecutive hours in any day; ▪ Food trucks shall not locate in manner that impedes pedestrian or vehicle traffic on a highway; and, ▪ Have valid and current Village business licence and health approval. <u>Application Requirements:</u>

		○ Business licence for each food truck or mobile store; ○ Proof of insurance for food truck or mobile store ○ Fire department approval; ○ Plan for compliance with Village wildlife attractance bylaw, sign bylaw and noise bylaw; ○ Valid Health Approval; ○ Written permission to use washroom facilities on operating lot, or adjacent property; ○ Authorization to operate on private property from property owner; and, ○ Copy of permit, contract or agreement with Village to operate in public space (i.e. parks.) • <u>Operational Requirements</u> ○ Mobile vendors must: ▪ Provide a garbage container at the location of the mobile vendor; ▪ Pick up all garbage and debris resulting from their operation within 100m of the location; ▪ Not operate within six (6) meters of a fire hydrant; ▪ Not impede pedestrian or motor vehicle traffic; ▪ Ensure the mobile vendor is: • Is fully self contained, with no service connection other than electrical, and; • Kept in good repair. • Maximum of five (5) mobile vending licences issued a year.
Sidney	• Commercial and Industrial Zones which permit "Outdoor Retail" • Public lands (with approval by Town Council.	• Vending area must not exceed $10m^{2;}$ • Shall not exceed 15% of the subject lot area; • Vending shall be setback 1m from any property line; • Hours of operations, 7 days a week must be from 7am to 10pm; • Outdoor retail must be removed from lots between 11pm and 6am; and, • Where using a parking lot, all permitted uses must be able to meet requirements of the Town's parking bylaw.

Municipality	Licence Fee
Cumberland	$110 Year
Courtenay	$150 Year
Comox	$100 Year
Duncan	$265 Truck / Year $165 – Cart / Year
Pemberton	$325 / Year (includes $25 administrative fee)
Sidney	$100 One-time fee, with free renewals.

Appendix B – Engagement Plan

Mobile Vending Regulations Update Engagement Plan

Engagement Objective

To understand community sentiments regarding mobile vending operations in Cumberland, pinpointing strengths, or weaknesses in the current regulation scheme, reviewing potential impacts on existing brick-and-mortar businesses, and understanding barriers and challenges faced by mobile vending operators during the application process.

First Nations and Stakeholder Interests

K'ómoks First Nation:

Will be informed of the project via regular communication protocols, and asked how they would like to be involved.

General Public:

Will be informed of the project, with the opportunity to provide general comments regarding mobile vending operations in the Village.

Existing, Brick and Mortar Businesses:

Aiming to assess the effects of mobile vending on established businesses.

Mobile Vending Operators:

Seeking insights from both licensed and unlicensed mobile vending operators regarding their operational experiences.

Staff (Bylaw Enforcement, Finance, Fire Department, Operations, Parks and Recreation):

Investigating potential impacts on municipal operations.

Advisory Planning Commission (APC):

To review findings and provide comment on the solutions proposed by staff.

Tools and Techniques:

Advertisement:

Updates will be posted to the Village's website as the project unfolds. An advertisement may be submitted to Currently Cumberland to advertise the project. A notification will be sent out via the Village's email newsletter and the Cumberland Business Association.

Online Engagement Platform Project Page:

Will have all project-related information including timeline, background report, a space for public responses and comment, question and answer board (questions will be answered publicly) and staff contact. Updates and outcomes will be shared here.

Stakeholder Interviews

Approach existing mobile vending operators to understand their needs and identify challenges in the application process that may discourage unlicensed operators from obtaining a license. Directly engage with local business and restaurant owners via interviews to obtain insights into how mobile vending may impact or supplement their businesses.

These interviews may be done in-person, or via digital means (email, telephone, videocall.)

Stakeholder Meetings:

Gather input on the impacts to municipal operations or infrastructure from the perspective of various municipal departments. This includes referral to an internal Development Review Team (DRT) meeting, or one-on-one interviews as operational demands require.

Referral to a regular meeting of the APC will occur, to obtain comment on proposed amendments prior to Council's consideration.

Public Engagement

Obtain insight from the public regarding mobile vending via open ended questions on Cumberland's community engagement page, to understand perception of mobile vending operations in the Village. Paper copies of any engagement materials will be available at the Village office for residents who may not have computer or internet access.

Timeline

The following table outlines the anticipated timeline of the project.

Item	January	February	March	April	May	June
Introduction to Council						
Targeted Engagement						
Stakeholder Meetings						
Review of Findings By Staff						
Consideration by APC						
Amendments Brought Forward to Council						

The Table below further identifies targeted timelines for the engagement methods:

Engagement Method	Targeted Timing
Online Engagement Platform Page	Ongoing – Entirety of the Project
Targeted Engagement	Mid February – Late March
Stakeholder Meetings	Late March – Early April