

THE CORPORATION OF THE TOWN OF GEORGINA

COUNCIL AGENDA

ADDENDUM 1

Wednesday, June 20, 2018
7:00 PM

13. DISPOSITIONS/PROCLAMATIONS, GENERAL INFORMATION ITEMS AND COMMITTEE OF ADJUSTMENT
 - (2) General Information Items
 - (B) Briefing Notes
 - (i) One-time event fee for Refreshment Vehicles to participate in designated Town events

18. CLOSED SESSION
 - (1) Motion to move into closed session of Council
 - (A) **ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE, SECTION 239 (2)(f), MA**
 - Verbal Report, Legal Matters respecting Smith Blvd. property



GEORGINA

Subject: Refreshment Vehicle Licensing

To: Mayor and Council

From: Rachel Dillabough, Deputy Clerk

Date: June 18, 2018

Briefing

In 2002, the Town of Georgina passed By-law 2002-0169 (LI-3) A By-law Respecting the Issue of Licences in the Town of Georgina (the By-law) which includes Schedule 10, Relating to Owners or Operators of Vehicles from which Refreshments are sold for Consumption by the Public. Schedule 10 outlines definitions of the three refreshment vehicle classifications that currently require a licence to operate in the Town.

Current Licensing By-law

A refreshment vehicle licence is valid for a period of one year and may operate either at an approved stationary location or as a transient vehicle. The current licensing fee is \$350.00 for a New Plate and Operator and \$290.00 for a renewal.

Schedule 10 outlines mandatory licence requirements the applicant must provide the Town as follows:

- i. Canadian Police Clearance Certificate dated within 30 days preceding the application;
- ii. Driver Record Search issued by the Ministry of Transportation;
- iii. Current Ontario drivers's licence in good standing;
- iv. Current Commercial Vehicle Operator's Registration if vehicle over 11,000 kilos;
- v. Certificate or letter from York Region Health Department indicating approval for the refreshment vehicle;
- vi. Policy for each vehicle or certificate of insurance endorsed to the effect that the Licence Issuer will be given at least five (5) days notice in writing of any cancellation, expiry or variation in the amount of the policy, insuring to a limit of at least \$1,000,000.00 (exclusive of interest and costs) against loss or damage resulting in bodily injury to or death of any one person including property damage.

Appendix 'E' to the By-law requires comments be received from the following Departments:

- i. Georgina Fire Department;
- ii. York Region Health Department;
- iii. Building Division (noted in the Schedule as Zoning Department);
- iv. Municipal Law Enforcement Division;
- v. Development Services (noted in the Schedule as Public Works Department).

Licenses

The Town of Georgina licenses 14 refreshment vehicles: 9 vehicles at stationary locations and 5 transient vehicles.

One-Time Event Licence

Event organizers and refreshment vehicle owners have expressed concerns about the cost of licensed refreshment vehicle licenses and requested that Council review the By-law to consider whether a variety of licence types should be considered. In response, at the meeting held on June 6, 2018, Council carried the following Resolution:

Moved by Councillor Harding, Seconded by Councillor Biggerstaff

RESOLUTION NO. C-2018-0313

That Council, notwithstanding Appendix 'B' of Bylaw No. 2007-0019 (LI-3), impose a one-time event fee of \$75.00 applicable to refreshment vehicle licenses for the Town of Georgina Canada Day Celebration on July 1, 2018, and BBQFest to be held at The ROC on July 28, 2018, and that staff be requested to review the current by-law for further updating or inclusion of a permanent clause to this effect, to review the suggested cost recovery fee, obtain feedback from food vendors not at fixed locations and submit results to Council in a Briefing Note to permit this one-time license event exemption.

Carried.

Town staff contacted currently licensed refreshment vehicle owners and provided information regarding the Resolution carried at Council on June 6, 2018 with respect to the one-time event fee for the Town of Georgina Canada Day Celebration and BBQFest. Staff did not receive a response from all the current vendors but currently licensed owners, for the most part, did not have an issue with the idea of one-time event permits so long as the permit only allowed sales at the event location. One of the currently licensed transient vehicles was very adamant that he does not want any vehicles receiving a one-time event licence that would be in direct competition with his vehicle.

Event

During the discussion at the June 6, 2018 Council meeting, Council asked for a definition of an event. The current licensing by-law does not define event. Events are defined in the Town's Municipal Alcohol Management Policy as:

Event – a prescribed special occasion under subsection 19(1) of the Liquor Licence Act, including a Public Event, Private Event and/or Industry Promotional Event, which may be multiple day and/or outdoor, where alcohol will be served and/or sold under the authority of a Facility Permit and a Special Occasion Permit or a catering licence, and covers the set-up, tear down, clean-up and other activities including ancillary that occur in, on or around any municipal properties related to the preparations for, conduct of or finalization of the event and use of municipal properties.

- **Private Event** - events where only invited guests will attend. These events cannot be advertised and there can be no intent to gain or profit from the sale of alcohol at the event
- **Public Event** - events that are open to the public. Public events can be advertised and allow for fundraising/profit from the sale of alcohol.
- **Industry Promotional Events** - events held to promote a manufacturer's product(s) through sampling. There can be no intent to gain or profit from the sale of alcohol at the event. This type of event can be public or private.

Work Plan

A comprehensive review of the By-law will be undertaken by staff and included on the Clerk's 2019 Work Plan. Currently, staff resources are focused on other issues (the 2018 Election, STRA's, software implementation, records management). When the comprehensive by-law review is undertaken, staff will include definitions of an event and a one-time event licence, consider a tiered pricing system for the one-time event fee and review all associated processes and requirements.

Cost Recovery

During the June 6, 2018 Council meeting, Staff were asked how a one day or one event fee would recover costs for the Town. Because the licensing requirements have not changed, the amount of effort and time remain the same. Thus, a one-time license sold to a vendor for \$75.00 costs the Town the same in time, effort and processing as the annual \$350.00 licensing fee.

Recommendations

Staff recommend refreshment vehicle owners interested in a one-time event licence submit their completed application and required paperwork a minimum of fourteen (14) days prior to the event. Refreshment vehicle owners will be required to submit the documents specified in Schedule 10 to obtain a one-time event permit. Please note, these are the same requirements as the yearly refreshment vehicle licence. An inspection of the refreshment vehicle will be required to be scheduled with Municipal Law Enforcement Division.

As discussed with the Fire Prevention Officer, it is recommended that the following documents be submitted with the application, as these documents would be requested during an on-site inspection:

- i. certificate indicating the maintenance of fire extinguishers is current;
- ii. 6 month fire suppression system maintenance certificate;
- iii. TSSA document No. MSFE-002 indicating the propane system has been inspected by a gas fitter and passed the inspection.

Staff recommend continuing with the \$75.00 one-time event licence fee on a case by case basis until the comprehensive review can be undertaken. Staff recommend delegating authority to the Clerk to administer the one-time event licence issuance.