

hamilton
chamber of commerce
your voice in business

April 24, 2012

Mayor and Members of City Council
c/o City Clerk's Office
Hamilton City Hall
71 Main Street West
Hamilton, ON

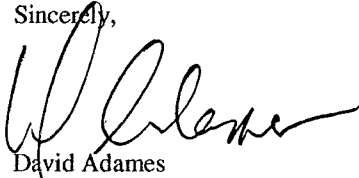
Dear Members of Council:

On behalf of the Hamilton Chamber of Commerce, I am pleased to provide this letter and attached policy resolution from the Chamber in relation to the City's Refreshment Truck by-law. This resolution resulted from work and consultation through the Chamber's Business Development Committee and review by the Chamber Board.

The Hamilton Chamber supports and encourages free enterprise and would like to see this principle applied to any revisions that may be contemplated for the Refreshment Truck by-law. In addition, the Chamber wants to ensure that restaurant owners' concerns about competing on a "level playing" field are also considered. These issues may include ensuring that refreshment trucks comply with the same or similar rules and regulations that restaurants are subject to, such as inspections, food handling, signage and insurance. The Chamber also respects that some BIAs may not support refreshment trucks and should have the option to reject a refreshment truck from setting up in a BIA area.

The Hamilton Chamber of Commerce has offered to provide a communication role between the refreshment vehicle industry and those in the restaurant industry that might be affected by the presence of food trucks in an effort to share success stories and facilitate understanding of the issues and opportunities to work together. I would be pleased to discuss this letter further with City staff or City Council at your convenience.

Sincerely,



David Adames
President and CEO

c. Louise Dompierre, Chair, Hamilton Chamber of Commerce Board of Directors

POLICY RECOMMENDATION

TITLE/SUBJECT: Refreshment Vehicle Licensing in City of Hamilton 2012

ACTION REQUIRED:

Letter to City Clerk's Office to be included in package for City Council addressed to Mayor Bratina and Members of Council

BACKGROUND OF ISSUE: Refreshment vehicles in the form of food carts, construction refreshment trucks, ice cream bicycle units etc have been around for many years and have had very limited success in specific locations within the City of Hamilton. A new wave of food truck phenomena are taking to the streets of North America with many types of food being offered. In Hamilton, refreshment vehicle licenses have been given to several new initiatives such as Gorilla Cheese, winner of the Lion's Lair initiative last fall as well as Sweetness Bakery and Cupcake Diner who all operate mobile food trucks throughout the city.

The argument to some is that they are taking business away from traditional businesses, which operate at permanent locations, pay property taxes and other fees. In the past some of these vehicles operated with little regard to other food premises in the area.

On the other hand, this phenomena is so popular that these companies use social media with huge followings to attract more people to the area thus promoting the entire area as a whole, adding to the interest on the street, the walkability of the area and offer options that might not be available in the area. They use no water, sewer, hydro or other municipal services and therefore should not be required to pay the equivalent in municipal taxes other than those fees required through licensing and permits.

There are some BIAs in Hamilton who do not want refreshment vehicles to be allowed in their areas, nor near their special events while other BIAs embrace this unique food culture and see them as a way to attract more people to their areas.

The city may be looking to implement stricter regulations in 2012 with respect to refreshment vehicles and some of the key restrictions that are mentioned here restrict not only the operator's ability to do business but also the individual BIA who wishes to partner with the operators to attract more people to their areas. Those restrictions include:

- a) Cannot stop directly in front of any food premise (must be 100 meters from edge of property)
- b) Cannot be within a park or school
- c) Cannot be within 100 meters of the boundary of a special event licensed by city
- d) Cannot stop for more than 15 minutes at any one stop with not less than 250 meters

- separating previous stops
- e) Customers cannot be standing on travelled portion of road allowance
 - f) Cannot be located in a Downtown Community Improvement project area, BIA, Ancaster Village Core or within Glanbrook Village Core Area unless part of a special event license.
 - g) Must obey parking regulations if at a meter

RECOMMENDATION:

1. The City of Hamilton's Refreshment Truck policy should:
 - a) Keep the safety of the customer and the vehicle operator as its primary focus. Therefore restrictions such as how close to an intersection, whether they are operating in a safe area that allows for a clear safe line up of people on a pedestrianized area should be the prime content of the regulations.
 - b) Allow for the flexibility of the refreshment truck operator to operate in locations and within hours of operation that are predicated on market demand not to exceed hours of 7 am to 2:30 am on any City Street.
 - c) Allow for the location of a refreshment truck on private or public property through owner's invitation i.e. for special occasions, sales, events of businesses, schools, churches, public parks, or BIAs
 - d) That refreshment vehicles be restricted from locating within 30 meters of the entrance to a restaurant
 - e) Locations of refreshment vehicle sites should be allowed within designated zones in BIAs who wish to work with refreshment vehicle operators to minimize impacts on local businesses and to ensure the safety of the customer. The city should identify which BIAs do not want vehicles in their area to the licensees.
 - f) Restrict refreshment truck operations outside of a special event licensed by the city to a minimum of 300 meters from the boundary of the special event.
 - g) Locations of refreshment vehicles can be regulated on road allowances through temporary road occupancy permits so as not to limit their time at one location to the length of a parking meter time limit. Day permits may be issued to refreshment vehicle operators to allow access at various times to public parks

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