

June 4, 2012

RE: City of Hamilton Refreshment Vehicle By-Law review

Dear Stakeholder:

On Thursday May 31, 2012, the Hamilton Chamber hosted a meeting of restaurant and refreshment vehicle stakeholders to discuss the proposed by-law changes that affect licensing of refreshment vehicles in the city. This meeting was a follow up to the Chamber's offer that we included in our April 24, 2012 correspondence to City Council in which we offered to play a communication role between restaurants and refreshment vehicle owners. Approximately 30 stakeholders attended the May 31 meeting. The Chamber appreciated the City's participation through Mr. Al Fletcher, who was able to provide a summary of what a by-law can and cannot do (protect health and safety; public nuisance; and consumer protection), as well as what the proposed changes include for the refreshment vehicles.

The meeting provided the opportunity to discuss both the by-law changes including questions of clarification and concerns as well as possible implementation solutions to those concerns. By the end of the meeting, although there were still many areas of concern to be addressed, there was a general consensus to continue the dialogue so that issues are addressed and we move forward. The Chamber offered to form a task force to continue the dialogue and most stakeholders in attendance volunteered to participate on the task force. We anticipate forming that task force later in June.

The key issues of concern related to the by-law changes included:

- (health and safety): Health inspections: concern was expressed that restaurants are subject to random inspections and the question was asked whether refreshment vehicles receive the same treatment (question was clarified that refreshment vehicles are subject to inspections)
- (public nuisance): in some parts of the city, including some commercial districts/BIA's where sidewalks are narrow and there is a lot of pedestrian traffic, that depending on how busy a refreshment vehicle becomes, there could be conflict issues for pedestrians (i.e. getting around line-ups, accessing stores and restaurants)
- (public nuisance): question was raised about garbage clean-up (clarification: by-law requires refreshment vehicles to provide garbage cans)
- (consumer protection): Consensus in the meeting was that refreshment trucks be allowed in public parks but not near schools (i.e. that the 100m provision remain for schools)

Questions raised that dealt more with competition matters:

- zoning of sidewalks and streets (i.e. can restaurants use the space on the sidewalk and/or street in front of their respective restaurant)

- Licensing fees for refreshment vehicles – Mr. Fletcher clarified that the City is only allowed to charge fees that reflect the cost of providing the service
- Possible future licensing of retail vehicles
- Treatment of the sign by-law including use of sandwich boards on sidewalks
- Use of street parking
- Provision of washrooms
- Treatment of the anti-idling by-law

One implementation solution that was suggested at the meeting dealt with BIAs and is a solution that has been implemented in other jurisdictions: create designated zones through the provision of dedicated parking spot(s) in BIAs for refreshment vehicles and charge a usage fee for the space(s) (ex. \$25 per use) and those funds would go to the BIA. The City and BIAs could work on a plan that made sense for each respective BIA that wanted such a plan.

The stakeholders also thought that a pilot period would be prudent – i.e. review the by-law in a year's time to assess whether there were any further modifications required of the by-law. And as mentioned above, the Hamilton Chamber will be proceeding with establishing a task force to work with stakeholders.

I would be available to discuss this letter with stakeholders and the Chamber looks forward to working with interested stakeholders on the task force.

Sincerely,

David Adames
President and CEO