

City of Mississauga Corporate Report



<p>Date: January 28, 2025</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Jodi Robillos, Commissioner of Community Services</p>	<p>Meeting date: March 5, 2025</p>

Subject

Mobile Food Vendors in Public Spaces Pilot Program

Recommendation

1. That the Corporate Report entitled "Mobile Food Vendors in Public Spaces Pilot Program" dated January 28, 2025, from the Commissioner of Community Services be approved to allow for Food Vendors with the appropriate Mobile License to vend in public places at designated paid on street parking and designated City parks for the period of May 1, 2025 – April 30, 2026.
2. That the following By-laws be amended to implement the Mobile Food Vendors in Public Spaces Pilot Program:
 - a) Parks By-law 0197-2020, as amended;
 - b) Ice Cream Truck Vendors By-law 0523-2004, as amended;
 - c) Vehicle Licensing By-law 0520-2004, as amended;
 - d) Vendors' By-law 0522-2004, as amended;
 - e) The Traffic By-law 0555-2000, as amended;
 - f) The User Fees and Charges By-law 0221-2024, as amended; and
 - g) Prohibit Sale of goods on Highways By-law 0127-1995, as amended.
3. That the Licensing Administrative Penalty By-law 0135-2014, as amended, be further amended to designate the Parks By-law 0197-2020 and Vehicle Licensing By-law 0520-2004 and to introduce administrative penalties for contraventions of these by-laws in the range of \$75.00 to \$300.00 in relation to the Mobile Food Vendors in Public Spaces Pilot Program.
4. That all other necessary By-laws be enacted.

Executive Summary

- Staff received direction from Council on October 2, 2024, to review the mobile food vendor permitting process for parks and public spaces.

- Mobile food vendors are permitted to operate in municipal parks with a park vendor permit issued through a lottery system, or annual renewal system.
- Staff recommend a one-year pilot program effective May 1, 2025, that will simplify the vendor permitting process, eliminating the park permit requirement and allowing vendors with valid mobile licences to operate in designated on-street parking areas and parks.
- The Mobile Food Vendors in Public Spaces Pilot Program ('Pilot Program') will have two main streams: vending on streets/roadways (food trucks) and vending in parks (food trucks, food carts, ice cream trucks and cycles). The Pilot Program will not apply to special events, MiWay Transit Terminals or Mississauga Celebration Square food vendors.
- Current mobile food vendors and local Business Improvement Areas (BIAs) were engaged. General concerns around equity, fairness and transparency of process and increased business competition have been addressed through the Pilot Program's key features and operating guidelines (e.g. removal of the lottery system, removal of additional park vendor permits and fees, limiting vendor activity in BIAs, operating distance requirements from existing restaurants, etc.).
- The Pilot Program will result in an estimated loss of park vendor permit fee revenue of \$53,000 in 2025. However, anticipated efficiencies gained through the Mobile Food Vendors in Public Spaces Pilot Program via reduced administration costs and increased mobile licence fee revenue will likely offset this loss.
- The Mobile Food Vendors in Public Spaces Pilot Program will create opportunities for small businesses and entrepreneurs while strengthening the community through more vibrant public spaces.

Background

Following the deputation to Council on the ice cream truck and cycle vending process during the June 5, 2024, General Committee meeting, staff committed to reviewing the mobile food vendor bid and permitting process in municipal parks to address concerns around fairness and transparency. While staff reviewed this process, a separate deputation regarding a proposal for food and refreshment carts on all City property (e.g. transit terminals) was received by Council during the October 2, 2024, General Committee meeting. As an outcome of this meeting, in addition to reviewing the park mobile food vendor bid and permitting process, staff committed to considering a pilot program for mobile food vendors across the City through a simplified permitting process to support opportunities for entrepreneurs and small businesses.

Present Status

Currently mobile food vendors, including ice cream trucks/cycles and food trucks/carts, are permitted to operate at designated municipal parks, with a park vendor permit¹. The park mobile food vendor permitting process is currently administered by Food Services Unit, Recreation & Culture division in conjunction with Parks, Forestry and Environment and Enforcement Services. There are currently two processes for park vendor permitting:

1. Ice Cream Vehicles and Refreshment Cycles (Ice Cream Trucks and Cycles)

Park permits for ice cream trucks and cycles are currently issued through a lottery system, where vendors are assigned a seasonal location based on the lottery outcome. Concerns were brought forward regarding the fairness of the lottery system, as companies were able to create multiple organizational names to increase their odds. In addition to the park permit, vendors are also required to obtain a mobile vendor license.

2. Refreshment Vehicles and Refreshment Carts (Food Trucks and Carts)

Park permits for food trucks and carts are currently rolled over on an annual basis with limited opportunities for new vendors. There were limited opportunities for new vendors as there was no public notification process for new vendors to request parks. In addition to the park permit, vendors are also required to obtain a mobile vendor licence.

There are currently 61 mobile food vendors permitted to operate across the city, with 28 permitted to operate in local municipal parks. The below chart reflects the current number of mobile food vendor licences/permits for the 2024/2025 season.

Table 1: Mobile Food Vendor Permits 2024/2025 Season

Mobile Permit	City-Wide	Municipal Parks
Refreshment Vehicles (Food Trucks)	17	5
Ice Cream Vehicles (Ice Cream Trucks)	32	12
Refreshment Carts/PDUs (Food Carts)	20	9
Refreshment Cycles (Ice Cream Cycles)	3	2
Total	72	28

Note: The number of vendors permitted to operate within municipal parks is part of the city-wide total

¹ Mobile food vendor may also operate on private property, with owners' permission, and during special events with organizers' permissions. Mobile food vendor permitting during City special events and at Mississauga Celebration Square have separate processes and is not part of this review. A separate review is currently underway for food vendor opportunities in transit terminals.

Comments

The 2024 Future Directions Parks, Forestry & Environment Plan outlines the strategic priority of 'Enhancing Park Experiences' through enabling commercial vendors in and around parks. Vendor opportunities increase activity and participation in parks and increases the feeling of safety to users².

Staff recommend the implementation of a one-year pilot program ("Pilot Program") starting May 1, 2025, to permit food vendors with a valid mobile vendor license to vend in designated paid on-street parking areas and designated park locations. The Pilot Program will streamline the vendor bid and permitting process by eliminating the current lottery selection process and the park vendor permit. Vendors will only be required to have a valid mobile vendor licence in order to vend.

The mobile licences included in this Pilot Program include:

- Refreshment Vehicles (Food Trucks);
- Ice Cream Vehicles (Ice Cream Trucks);
- Refreshment Carts/Portable Display Units (Food Carts); and
- Refreshment Cycles (Ice Cream Cycles).

The Pilot Program will be administered through two streams. Key operating guidelines for each stream is outlined below:

1. Vending on Streets and Roadways:

- Applicable to Refreshment Vehicles (Food Trucks);
- Vendors with a valid mobile vendor license are permitted to operate at designated on-street paid parking areas. Locations listed within Traffic by-law Schedule 7A³ (see Appendix 1);
- Vendors must comply with and be subject to all parking and traffic restrictions and regulations, the Highway Traffic Act and its Regulations, and relevant City of Mississauga by-laws⁴;
- Vendors are permitted to operate up to five hours at a given time;
- No more than two food truck vendors are permitted at one time per city block;
- Vendors are required to orient service windows towards the sidewalk. Service windows that face the street are not permitted; and
- Vendors are required to turn off their engines while parked.
- Vendor must pay the set parking fee for the duration of their operations;

² Source: 2024 Future Directions Parks, Forestry & Environment Plan

³ Exceptions: Living Arts Drive, Lakeshore Road, Queen Street, Hurontario Street, with in BIA boundaries

⁴ Parks By-Law; Ice Cream Truck Vendor By-Law; Vehicle Licensing By-Law; Vendor By-Law; Traffic (Parking) By-Law

- Vendors are not permitted to operate within 30 metres of an open and operating restaurant;
- Vendors are not permitted within three linear metres of a parking machine;
- Vendors are not permitted any overhead canopies or doors that obstruct or hinder pedestrian traffic;
- Vendors are not permitted to place any signs or furniture on the sidewalk or road;
- Vendors are not permitted to vend within the Business Improvement Area (BIA) boundaries.

2. Vending in Parks:

- Applicable to Ice Cream Vehicles (Ice Cream Trucks), Refreshment Carts/Portable Display Units (Food Carts) and Refreshment Cycles (Ice Cream Cycles), Refreshment Vehicles (food Trucks);
- Vendors with a valid mobile vendor license are permitted to operate in designated municipal parks from 10 am to park close;
- Ice cream truck, food truck and food cart vendors are permitted to operate at designated municipal parks on a first-come-basis;
- Ice cream cycle vendors are not subject to operate on a first-come-basis: May enter the park if another food vendor cycle/vehicle is in the park at any given time⁵; and
- Parks that permit more than one vendor will be signed accordingly.

To streamline this process, the additional Park Vendor Permit, and corresponding fees will be eliminated. There will be an increase in designated park locations offered in the Pilot Program, with the opportunity to add additional parks if required.

To address the concerns of existing food truck and food cart vendors about losing access to long established locations, vendors with a 2024 park permit will be allowed to continue operating at their current designated spots during the Pilot Program. These locations will be monitored throughout the year to assess the days and times vendors are operating to ensure that the needs of the community are being met.

Special events and construction projects that close down streets and/or parks will impact vendors' ability to operate. Where possible, advanced notice regarding planned special events/construction projects (e.g. blackout periods) will be provided to vendors at the time of mobile license issuing. Exceptions to operate during these blackout periods may be subject to event organizers' permissions.

⁵ Ice cream cycle vendors are not permitted to park at one location for an extended period of time.

Municipal Benchmarking

A municipal review of mobile food vendor bid and permitting processes was completed across eight municipalities. Of the selected municipalities, only three allowed vendors to operate on municipal roads, and another three allowed vendors to operate within municipal parks.

The City of Toronto, City of Hamilton and City of Ottawa all allow for mobile vendors to operate on municipal roads with varying restrictions, including the following:

- The City of Toronto allows mobile vendors to operate for up to five hours at designated on-street pay and display locations;
- The City of Ottawa allocates space based on a lottery system with a three-year permit process; and
- The City of Hamilton allows mobile vendors to pull over on residential roads to vend for up to 15 minutes.

The City of Hamilton, City of Brampton and City of St. Catharines allow vendors to operate within municipal parks through varying permitting processes, to include the following:

- The City of Hamilton charges a park vending permit fee of \$241/year to allow mobile vendors to operate in eight designated parks. Spots are limited on a first-come-basis, with up to three vendors at one time;
- The City of St. Catharines issues a public request for proposals (“RFP”) process to identify mobile vendors to operate in municipal parks on an annual basis (June 1 to September 30). Vendors pay \$360/month for a park permit. The City reserves the right to decline the proposal if they feel that it is not a good fit for the park; and
- The City of Brampton issues a public RFP process to identify mobile food vendors to operate at three municipal parks. Vendors are selected based on the highest bid for a location.

Overview of Proposed By-law Amendments

Staff recommend amendments to the following City by-laws to implement the Pilot Program:

1. Parks By-law 0197-2020, as amended (“Parks By-law”):
 - Removal of requirement of the Park Vendor Permit and other related changes, as may required;
2. Ice Cream Truck Vendors By-law 0523-2004, as amended (“Ice Cream Vendors By-law”);
 - Removal of requirement of the Park Vendor Permit and other related changes, as may be required;

3. Vehicle Licensing By-law 0520-2004, as amended (“Vehicle Licensing By-law”);
 - Removal of the Food Truck Pilot Program to be replaced with new criteria as above and other related changes, as may be required;
4. Vendors’ By-law 0522-2004, as amended (“Vendor’s By-law”)
 - Addition of the criteria as stated above and other related changes, as may be required;
5. The Traffic By-law 0555-2000, as amended (“Traffic By-law”)
 - Addition of the parking exemption to include 5 hours for Refreshment Vehicles and other related changes, as may be required.
6. User Fees and Charges By-law 0221-2024, as amended (“Fees and Charges By-law”)
 - Removal of the park vendor permit fees and other related changes, as may be required.
7. Licensing Administrative Penalty By-law 0135-2014, as amended (“APS By-law”)
 - Staff recommend designating the Parks By-law and the Vehicle Licensing By-law under the APS By-law and introducing administrative penalties in the range of \$75.00 to \$300.00 for contraventions of these By-laws in relation to the Pilot Program.
8. Prohibit Sale of goods on Highways By-law 0127-1995, as amended.
 - Removal of prohibition to sell goods on a public highway for designated mobile food vendors for the duration of the pilot.

Strategic Plan

The Pilot Program supports the strategic goal of ‘Prosper’, cultivating creative and innovative businesses. The streamlining of the process will assist with creating opportunities for small businesses through addressing the fairness and transparency of the existing parks vendor process. The Pilot Program will also support the strategic goal of ‘Connect’, completing neighbourhoods through activation of local parks and enhancing user experiences across communities.

Engagement and Consultation

Engagement with Current Mobile Vendors

Staff conducted an online survey to engage mobile food vendor owners who have been permitted to operate throughout the city during prior seasons. Of the 53 vendors, four responded to the survey. The main themes were focused on ensuring transparency, equitability and fairness in the lottery process for ice cream vendors, while there was also a strong support to keep the current system intact for food vendors (carts and trucks).

Engagement with Business Improvement Areas

The local Business Improvement Areas (“BIAs”) were engaged through meetings. Feedback received identified the following concerns and opportunities:

- Limit food vendor activity on main streets;
- Equity concerns: Food vendors would not be subject to levies that current businesses pay;
- Lay-by areas be excluded from food vendor activity as there is limited parking and further reduction in the summer months with the City’s Temporary Patio Program;
- Concerns with increased business competition (e.g. more food vendors within and around the BIAs).
- Already limited on street parking, and this would take spaces away from customers.
- Concerns that food trucks could have a negative impact on main street aesthetic and brand;
- Would like to the BIA boundaries to be excluded;
- Noise and emissions from the food trucks.

The Pilot Program will address concerns raised by key stakeholders. Key features of the Pilot Program and operating guidelines (e.g. removal of the lottery system, removal of additional park vendor permits and fees, limiting vendor activity on BIA main streets and within the BIA boundary, operating distance requirements from existing restaurants, etc.) directly address concerns around equity, a fair and transparent process and increased business competition.

Financial Impact

Implementation of the Pilot Program will result in lost park vendor permit fee revenue. The 2025 estimated revenues loss is \$53,000 in Civic Foods Services (cost centre 25204). However, through the Pilot Program, it is expected that the leaned-out process will result in operating efficiencies and reduced administration costs. In addition, by making food vendor opportunities more transparent to the public, it is expected that more food vendors will find opportunities to operate throughout the city, resulting in increased revenue through the mobile vendor license fee. These benefits may offset the anticipated loss of park vendor permit revenue. Impacts will be monitored and reported on throughout the course of the Pilot Program.

The Pilot Program will allow staff to monitor the effectiveness of the pilot in increasing vendor opportunities within the city’s existing licensing framework as well as assess the pilot’s impact on enforcement, including potential future resourcing requirements. During this pilot, staff will be able to monitor the frequency and nature of complaints to confirm prevalent issues and reveal potential gaps in process. The pilot will serve as an opportunity to determine the tools or strategies required to effectively enforce applicable by-laws and ensure compliance.

Conclusion

Staff recommend the implementation of a one-year Mobile Food Vendors in Public Spaces Pilot Program to take effect May 1, 2025. The Pilot Program will support fairness and transparency in the mobile food vendor bid and permitting process, while also streamlining the process through the elimination of the park vendor permit and accompanying fees. This will create opportunities for small businesses and entrepreneurs while strengthening the community through more vibrant public spaces and the animation of our parks.

Attachments

Appendix 1: Mobile Food Vendor Designated On-Street Parking Locations

A handwritten signature in black ink, reading "Jodi Robillos", is positioned above a solid horizontal line.

Jodi Robillos, Commissioner of Community Services

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