

## Wind Screens for Street Vending Locations

<b>Date:</b>	March 27, 2009
<b>To:</b>	Licensing and Standards Committee
<b>From:</b>	Jim Hart, Executive Director – Municipal Licensing and Standards
<b>Wards:</b>	All wards contained within the boundaries of the former City of Toronto.
<b>Reference Number:</b>	p:\2009\cluster b\mls\l&s committee\april\wind screens report.doc

### **SUMMARY**

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At this time, many street vendors in the City of Toronto, in an attempt to provide themselves with protection from inclement weather, have erected screens on or around their permitted areas. These screens are varied in appearance and construction, and at this time are not permitted by Chapter 315 of the former City of Toronto Municipal Code.

The purpose of this report is to provide an interim measure in response to an immediate need, pending the potential harmonization of vending regulations city wide, including the new Toronto 'A la carte' program under Chapter 738 and future rationalization with the new street furniture program.

It is recommended that Chapter 315 of the former City of Toronto Municipal Code be amended to permit and regulate the erection of wind screens to provide protection to vendors from inclement weather.

Toronto Public Health, the Public Realm Section of Transportation Services and Legal Services were consulted in the preparation of this report.

### **RECOMMENDATIONS**

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**The Executive Director, Municipal Licensing and Standards recommends that:**

1. That Municipal Code Chapter 315, Street Vending of the former City of Toronto be amended substantially as set out in Attachment 1 to this report to permit and regulate the erection of wind screens by street vendors; and

2. That the City Solicitor be directed to prepare the necessary bill to give effect to the recommendation in this report.

### **Implementation Points**

Prior to implementation, the following must be completed:

1. Development of minimum construction standards for the wind screen including but not limited to:
  - Dimensions: including maximum height, not to exceed 25 square feet.
  - Design: Including provision for transparency, access and egress from the enclosed area, storage of materials and accommodation of staff.
2. That the current application documentation and process be amended to facilitate the inclusion of the necessary details of a wind screen.
3. Application for short form wording and set fine to permit the issuance of Part One Provincial Offence tickets if necessary.

### **Financial Impact**

These recommendations will have no financial impact beyond what has already been approved in the current year's budget.

### **COMMENTS**

Street vendors have practiced their trade within the boundaries of the former City of Toronto for many years. During that time the industry has been regulated by Chapter 315, Street Vending, of the former City of Toronto Municipal Code. At no time has the Chapter issued permission to any street vendor to provide any form of weather screen or protection.

Notwithstanding the fact that weather protective screening is not authorized, many street vendors have erected screens to provide protection from the elements. These screens were constructed in many different ways; of many materials; and presented many different images. As weather screens are not permitted, those erected often became the focus of enforcement activity, resulting in legal action and seizures.

The Municipal Licensing and Standards Division met with representatives of the Street Food Vendors Association to discuss the possibility of amending Chapter 315 to allow for the use of weather screens in conjunction with vending locations.

Based upon these discussions, it was agreed that the provision of a wind screen for street vendors had merit, and that Municipal Licensing and Standards agreed that a regulatory scheme would be explored.

Staff is recommending the amendment of Chapter 315, Street Vending, of the former City of Toronto Municipal Code to permit the use of protective screening in conjunction with a vending location.

Firstly, it is recommended that a definition of WIND SCREEN as set out in Attachment 1 be introduced into the Chapter.

Secondly, section 315-6.C.(4)(b) of the Chapter would be amended to insert the words “wind screen” in to the section. The introduction of the words “wind screen” in to this section would then allow the use of the protective devices by the vendors. At the same time, it is the intention of this amendment that the allocated space for a vendor remains the same, that is, not to exceed two and thirty-two (2.32) square metres, including any seat, waste receptacle and *wind screen*, and a detailed drawing of waste receptacles, food storage areas, *wind screen*, food heating, food cooling or other equipment associated with the portable display unit.

Finally, it is recommended that the Chapter include a provision to ensure that where a wind screen is approved, the permit is displayed in a manner which allows the permit to be read from the exterior of the screened area.

## **CONTACT**

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## **SIGNATURE**

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Jim Hart, Executive Director,  
Municipal Licensing and Standards

## **ATTACHMENTS**

Appendix ‘A’                      Proposed Amendments to Chapter 315, Street Vending

## APPENDIX 'A'

### PROPOSED AMENDMENTS TO CHAPTER 315, STREET VENDING

1. That subsection 315-1A be amended to include the following definition of “WIND SCREEN”:

WIND SCREEN – An approved assembly of parts, which shall be secured to the portable display unit in a manner which allows for temporary entry and exit and consisting of rigid break resistant transparent panels with a maximum Height of 1.8 metres, to be contained within the approved designated area;

1. That section 315-6C(4)(b) be amended to insert the words “wind screen” as indicated so the section reads:

(b) In the case of a designated area on the sidewalk or boulevard, the portable display unit, not to exceed two and thirty-two (2.32) square metres, including any seat, waste receptacle and *wind screen*, and a detailed drawing of waste receptacles, food storage areas, *wind screen*, food heating, food cooling or other equipment associated with the portable display unit as may be required by the Medical Officer of Health;

2. That section 315-6 be amended by adding the following clause:

F. In the case of a person operating a portable display unit under the authority of a permit issued under section 315-9, that person may submit an application solely for the purposes of adding a wind screen for use in the permitted designated area in accordance with the requirements of this Chapter, including the payment of the applicable fee, and provided that notice of the application shall not be required to be given under Section 315-9B.

3. That section 315-13.A.(1) be amended to insert the following “or where approved on the wind screen in a manner which permits the permit to be read from the exterior of the screened area” so the section reads:

(1) The permit holder shall display the permit in a manner so that it is clearly visible on the food vending vehicle, the portable display unit *or, where the use of a wind screen has been approved, on the wind screen in a manner which permits the permit to be read from the exterior of the screened area*, or the work station as the case may be;