

Report to/Rapport au :

Community and Protective Services Committee
Comité des services communautaires et de protection

and Council / et au Conseil

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CITY WIDE / À L'ÉCHELLE DE LA VILLE

Ref N°:ACS2012-COS-EPS-0049

SUBJECT: NEW STREET FOOD VENDING PROGRAM AND UPDATE ON
BUSINESS LICENSING TRANSFORMATION.

OBJET : NOUVEAU PROGRAMME RELATIF À LA VENTE DE CUISINE
NOMADE ET MISE À JOUR SUR LA TRANSFORMATION DES
PRATIQUES DE PERMIS D'ENTREPRISE

REPORT RECOMMENDATIONS

That the Community and Protective Services Committee recommend that
Council:

1. Approve amendments to the Designated Space Program By-law (By-law No. 2007-478, as amended) to reflect updated permitting practices and to provide for a new Street Food Vending Program, with up to twenty (20) new Spaces, as described in the Report and detailed in Document 1;
2. Approve amendments to Schedule 24 to the Business Licensing By-law (By-law No. 2002-189, as amended) relating to Mobile Refreshment Carts to authorize the Chief License Inspector to approve carts with a maximum size of 1.2 metres where there is sufficient sidewalk space for pedestrian traffic, customers and street furniture;
3. Direct staff to work with existing licensees, potential street vendors and other stakeholders to explore opportunities for more "Street Food" on private property and at festivals; and,
4. Direct staff to review the Business Licensing By-law, the Designated Space Program By-law and the Vendors on Highways By-law (By-law No. 2005-358,

as amended) to streamline and modernize the regulations consistent with the ServiceOttawa One Stop Citizen-Centered Model.

RECOMMANDATIONS DU RAPPORT

Que le Comité des services communautaires et de protection recommande que le Conseil :

1. approuve les modifications proposées au Règlement municipal sur le Programme de places désignées (Règlement municipal n° 2007-478, tel qu'il est modifié) pour tenir compte des pratiques de permis mises à jour et mettre en œuvre un nouveau programme relatif à la vente de cuisine nomade, avec au plus vingt (20) nouvelles places, tel qu'il est décrit dans le rapport et indiqué plus en détail dans le document 1;
2. approuve les modifications proposées à l'annexe 24 du Règlement municipal sur les permis d'entreprise (Règlement municipal n° 2002-189, tel qu'il est modifié) portant sur les chariots de vente de rafraîchissements afin d'autoriser l'inspecteur en chef des permis à approuver que les chariots aient une dimension maximale de 1,2 mètre lorsque l'espace sur le trottoir est suffisant pour la circulation des piétons, la clientèle et le mobilier urbain;
3. enjoigne au personnel de travailler en collaboration avec les détenteurs de permis existants, les fournisseurs de cuisine nomade éventuels et les autres parties intéressées afin d'explorer les occasions de multiplier les offres de « cuisine nomade » sur les propriétés privées et dans le cadre des festivals;
4. enjoigne au personnel de réaliser un examen du Règlement municipal sur les permis d'entreprise, du Règlement municipal sur le Programme de places désignées et du Règlement municipal sur les vendeurs sur les voies publiques (Règlement municipal n° 2005-358, tel qu'il est décrit) en vue de simplifier et de moderniser la réglementation conformément au modèle de services centralisés axé sur les citoyens de ServiceOttawa.

BACKGROUND

The *City of Ottawa Act, 1999* (the "Act"), provides Council the authority to enact a Designated Space Program By-law to designate on-street and on-sidewalk vending spaces. The *Act* prescribes the extent to which the Designated Space Program By-law may regulate, including but not limited to:

- i. designating vending spaces on streets and sidewalks;
- ii. designating Removal Zones;
- iii. establishing a permit allocation process;
- iv. limiting permit transfers to immediate family members;
- v. establishing permit fees.

In the mid 1990's, at the time the Designated Space Program By-law was first enacted in the former City of Ottawa, approximately 100 spaces (30 on-street and 70 on-sidewalk) were designated within the downtown area. The downtown core was designated as a 'Removal Zone' where vending from the street or sidewalk required the vendor to operate from one of the designated spaces with a valid vending license and a designated space permit.

In April 2006, Council directed staff to report back in 2007 with a comprehensive review of the Designated Space Program By-law to address the following matters:

- (a) recommendations related to the Homelessness Task Force Recommendations;
- (b) transferability of the Designated Spaces Permits to people other than immediate family members of the permit holder;
- (c) permit fees and the introduction of pro-rated fees based on actual use of the space;
- (d) introduction of a City-wide program; and
- (e) allocation of spaces, reviewing the benefits and disadvantages of introducing the prescribed Proposal Call in 2008.

In November 2007, Council considered a staff report and approved the new Designated Space Program By-law with the following changes to the program:

- (a) established License Committee as the authority to administer the provisions of the program;
- (b) repealed vacant spaces;
- (c) repealed the allocation of spaces by proposal call;
- (d) established a lottery process to allocate vacant spaces;
- (e) established a three year permit period;
- (f) established permit fees and payments by installment; and,
- (g) established the transfer of stands to a parent, spouse, brother, sister, son or daughter.

In 2012, there are a total of 44 active designated spaces (22 trucks and 22 carts) within the borders of the former City of Ottawa. Of those, 23 are downtown. There are 35 vendors, with nine of them holding two permits.

DISCUSSION

Having largely declined in popularity over the past few decades, street food is staging an impressive comeback in many North American jurisdictions. In particular, the trend has been towards encouraging healthy, innovative and diverse food options on city streets, off-street lots and at festivals. The perception of street food has also evolved dramatically in recent years. Most notably perhaps is the new, younger clientele that has embraced street food as a trendy indicator of a progressive culinary scene. Social media, celebrity chefs and television shows have all played a role in increasing the profile and “buzz” around food carts and trucks.

From a municipal standpoint, one focus has been to encourage healthier and more diverse food alternatives to fast food. This focus is evident in the pilot projects, special program elements and streamlined regulations which have been adopted in other cities. The experiences and lessons learned from these jurisdictions compel staff to recommend a New Street Food Vending Program for Ottawa that:

- keeps the initiative as flexible as possible to address challenges as they arise;
- maintains an open and consistent dialogue between City staff and stakeholders;
- establishes evaluation criteria to assess the experience of the applicant and the diversity and innovation of the proposed menu;

- provides an information and application package that ensures requirements, regulations and responsibilities are made clear to prospective applicants;
- assembles a panel of independent experts, including chefs and community leaders, to evaluate the prospective participant's applications; and,
- addresses public health and safety concerns.

The experience of other cities has demonstrated that the greatest opportunity for new street food actually exists off-street on private property. On-street options are inherently more restrictive due to other demands (parking, transit, etc.) for curbside space. Vendors are required to remove their vehicles daily after operating hours and are broadly more limited by regulation. In the most striking example, most of Portland Oregon's carts, trucks and trailers are located on off-street private property. With over a reported 650 licensed off-street mobile vendors in Multnomah County, Portland has twice as many vendors per capita than New York City. Moreover, the quality and selection of food offerings has placed Portland's street food scene among the best in the World (US News).

Recognizing the significant reduction in the number of on-street vendors in Ottawa over the past fifteen years, and acknowledging the growing trend towards more diversified, healthy and local street food choices, staff is recommending that new on-street (truck and cart) spaces be established for 2013 and that the City work with others in the sector to encourage more and varied off-street (private property) opportunities for street food vendors.

Recommendation 1 – New Street Food Vending Program

Allocation of up to Twenty (20) Designated Spaces:

There are currently sixteen (16) designated spaces (4 truck and 12 cart) that are considered vacant; that is, the original vendor has chosen not to renew his/her license and permit for at least one year since the Program was last reviewed by Council in 2007. It is proposed that these vacant spaces be reviewed by the Selection Panel, which establishment is proposed as part of this report, to determine if they are still viable, and that some or all be substituted, if required, and up to 4 additional spaces be identified, as required, based on criteria. If the recommendations are approved, the maximum number of spaces would be 64 – 44 currently occupied, 16 currently vacant (that may be substituted), and up to 4 new Spaces.

Until there is some sense of demand for space generally, and then for the number of truck or cart spaces specifically, it is difficult to create spaces. Therefore, to provide flexibility, it is proposed that an inventory of spaces be established in the commercial areas where communities have indicated an interest in having them. Then, once applications have been received, the Selection Panel can facilitate the matching of applicants to spaces. At the end of the process, there could be as many as 20 new street food vendors across the City.

Criteria for Establishment of Designated Spaces:

New locations would be required to meet the criteria that have been established in the Business Licensing By-law (By-law No. 2002-189) to ensure safety for pedestrians and

vehicles and provide some distance from existing restaurants. In addition to those conditions, the affected Business Improvement Area (BIA) and Ward Councillor would be required to approve the location once they have met the following criteria:

- not in a residential zone as specified by the Zoning by-law;
- more than forty-six (46) metres from a Food Premises;
- more than nine (9) metres from an intersection;
- more than ten (10) metres from a bus stop;
- more than twenty (20) metres from a vendor who holds an encroachment permit or a designated space permit;
- more than three (3) metres from another vendor;
- more than six (6) metres from a pedestrian mall or promenade; and;
- more than ninety-one (91) metres from the public markets.

The Designated Space Program By-law utilizes Schedules to identify the locations of the designated spaces within each of the removal zones. It is recommended that, should new spaces be created as outlined above, the Chief License Inspector be delegated that authority to amend the by-law to add and remove spaces, as required, based on the aforementioned criteria.

Relocation of Designated Spaces:

The Designated Space Program By-law does not provide for the relocation of a Space. As the Spaces are located in the City's right of way, circumstances do arise where a space must be relocated. For example, the dedicated bicycle lanes on Laurier Avenue required the re-location of a Space and it is expected that the Ottawa Light Rail project may also require Space re-location. Such circumstances include streetscape design and use changes, requirements of public utilities, and matters relating to pedestrian, vehicular or public safety or public health. It is therefore recommended that the Chief License Inspector be delegated the authority to undertake a re-location process with the permit holder finding a new Space, as close to the Space that is being eliminated as possible, using the location criteria outlined above.

Establishment of Annual Permit and Annual Renewal Option:

The current Designated Space Program By-law prescribes three-year permit periods with no right of renewal at the end of the three years. Initially, the by-law established that all designated spaces would be re-allocated by way of a proposal call at the end of every three-year permit period, to allow other licensees to participate and to deter from the creation of artificial market value for the permit or space. Through Council decisions however, the proposal call method of allocation was never implemented. The original permit holders have been allowed to maintain their original spaces as long as they continued to comply with the program requirements.

Designated space permit holders have essentially had a right of renewal on spaces for 18 years and have loyal customers who know them by location. The program is running efficiently with very few issues between and amongst vendors and businesses. It is therefore recommended that: only one permit be issued per vendor (existing vendors with up to two would be grandfathered); permits be issued annually with an expiry date of May 14th; and that permits be renewed annually as long as the permit holder has complied with all conditions prescribed in the by-law.

Establishment of Street Food Selection Panel:

It is proposed that a Street Food Selection Panel be established to provide independent and expert review of new food vendor applications and to allocate Spaces to these new vendors (including existing vendors wishing to sell from a new Space). The Panel will replace the existing lottery method of allocating spaces to vendors and will operate on the following basis:

Membership

- The Panel will be comprised of five members, one representative from each of the following organizations: the Ottawa Hotel, Motel and Restaurant Association; the Canadian Culinary Federation (Ottawa Branch); Savour Ottawa; Just Food; Ottawa Board of Health.
- The representatives will be individuals with food experience, including menu development and food sales.
- They will not currently be street food vendors and they will serve with the understanding that they could not apply to be a street food vendor in the future.
- No individual will serve more than three consecutive years.

Terms of Reference

Terms of Reference for the Street Food Selection Panel will be established by staff, in cooperation with the Panel, at its first meeting and will include but not be limited to the following elements:

- secretariat services will be provided by By-law & Regulatory Services staff;
- the Panel will operate on a consensus basis;
- the Panel will meet as required at the request of the Chief License Inspector to review applications, allocate Spaces to new vendors or to an existing vendor wishing to sell from a different Space, review/approve changes in menu, or as otherwise required; and,
- the Panel members will serve without remuneration.

Selection Criteria and Appeal Process

- The Panel will use an objective criteria and review applications based on the applicants' business plan, qualifications and experience, cart or truck presentation, diversity and innovation of the menu, and service hours and operational readiness.
- The criteria will be in place for a minimum of one year.
- All applicants will be advised in writing of the Panel's decision, together with the Panel's comments. Applicants will have an opportunity to re-submit to the Panel, within two weeks of the notification being sent, outlining why they feel their application should have met the criteria. Should the result of the review not change, the applicant may appeal the decision to the Licensing and Property Standards Committee for review. The appeal must be launched within two weeks of receipt of the result of the resubmission to Selection Panel.

Non-Transferability of New Designated Space Permits:

The goal of the Street Food Vending Program is to create opportunities for new and diversified street food menus. To recognize and support that goal, it is recommended

that new Permits not be transferable. Existing permit holders who have been permitted to transfer only to their family members (spouses, parents, siblings and children) would continue to have that ability.

Direct Control Requirement for Designated Space Permit Holders:

There have been concerns raised by existing vendors that some Designated Space Permit holders have sold their interest in the stand while continuing to hold the permit. In order to address this issue and to ensure that existing and new permit holders have direct control of and responsibility for the business operating from the stand, it is recommended that permit holders be required to provide the Chief License Inspector with proof of their involvement in the business. This would include the requirement to provide their Business Number and, based on their attendance at the Space, they could submit invoices in their name for costs of raw materials or copies of employee remittances.

Designated Space Program Fees:

If approved, new stands would be subject to the annual fee structure for mobile carts and trucks in designated spaces. For example, in 2012, the combined license and permit fee is \$2115 for a cart and \$6515 for a truck in Zone 1 (Centretown). For 2013, a 2.5% increase is proposed for all permits issued in the three Zones (ref. Document 1), which represents the annual increase to cover standard operating budget increases. Until the final number of new Spaces is determined however, the total additional license and permit fees will not be known. These revenues will cover costs associated with the development, implementation, administration and enforcement of the program.

Recommendation 2 – Cart Size

The Business Licensing By-law prescribes that carts cannot exceed a width of 1 metre (3 feet) and a length of 3 metres (10 feet). It also provides authority for the Chief License Inspector to approve an increase in size of no more than 10%. Existing Designated Space Permit holders have requested that the width of the cart be increased to 1.2 metres (4 feet). A wider cart would provide more cooking and refrigeration options which would promote more diverse menus, as confirmed in a review of cart dimensions in other cities. All stakeholders agreed that the length currently provided for in the by-law is sufficient.

It is therefore recommended that the Chief License Inspector be given the authority to approve an increase in cart size to a maximum of 1.2 metres. This would be on a case by case basis to ensure that there is sufficient sidewalk space for the cart, space to serve customers and provide for pedestrian circulation and street furniture.

Recommendation 3 – Opportunities for More “Street Food”

Traditionally, street food vendors have operated on private property in a static location with one vendor per site (e.g. a chip truck on a shopping centre parking lot). In the past few years, the number and variety of festivals in Ottawa has increased and they have provided new venues for street food vendors.

There are many more opportunities for vendors of street food to operate on private property. Once licensed, the mobile refreshment truck or cart vendor may operate on any private property that is zoned for the use, with the approval of the property owner and compliance with the distance restrictions from other food premises and licensed patios. A group of vendors working together could move from one private property to another on different evenings of the week creating the “pop-up” street food pod that is very popular in many cities. Vendors could work with the universities and colleges to go on campus for events or to create street food events. Another opportunity would be to work with developers to use land that is awaiting development for a number of street food vendors, who could move from one site to another as development occurred.

Staff has been meeting, and will continue to meet, with licensees and private property interests to promote the opportunities that exist to enhance the street food scene in Ottawa.

Recommendation 4 – Business Licensing By-law Transformation

Food vending on City streets and sidewalks was being reviewed by City staff as part of a broader and significant consolidation and modernization of the City’s Business Licensing By-law, and an associated harmonization of the Designated Space Program and the Vending on Highways By-laws. The goal is to streamline and simplify the regulation into one by-law to deal with private property business licensing and a second to deal with on-street licenses and permits.

However, that comprehensive review must now be undertaken in the context of the ServiceOttawa One Stop Citizen-Centered Model, which will not be completed in time to create new street food stands for the 2013 season. The establishment of new spaces and menus in early 2013, as proposed herein, will give Council the opportunity to review the results when the broader consolidation and harmonization does come forward for consideration in the future.

RURAL IMPLICATIONS

There are no specific rural implications associated with the recommendations.

CONSULTATION

Designated Space Permit Holders

The 35 existing Designated Space Permit Holders were invited to an information and consultation session on September 17, 2012. Twenty-nine participants attended the meeting. Overall, they were satisfied with the Designated Space Program being extended for the long-term, with stands being renewed on an annual basis. Their recommendations were to consider increasing the width of carts to 1.2 metres (4 feet) and to permit the sale/transfer of the Designated Space permit to third parties. The increase in cart width is recommended in this report and the position on transfers is discussed below.

Other Street Food Licensees

Approximately 210 existing licensees that operate trucks, carts and stands on private property were invited to a consultation and input session on October 1, 2012. Fifty-one people attended the meeting and indicated that they were very happy to see the City opening up new street food spaces. Overall, they were satisfied with the approach being taken for the creation of up to 20 new designated spaces. They too raised the issue of permit transfers which is addressed below.

At this second meeting, staff suggested that the licensees consider forming a working group to facilitate the sharing of information between and amongst street food vendors. Eleven individuals shared their contact information, undertaking to meet again to explore options and interest in forming a formal or informal Street Food Committee. Staff advised that they would share information with all street food vendors should an organization be established.

Proposed Selection Panel Member Organizations

Each of the groups identified to serve on the Selection Panel was contacted and asked if their organization was prepared to put forward the name of an individual to serve on the Panel should the recommendation in that regard be approved. Each of the five groups – the Ottawa Hotel, Motel and Restaurant Association; the Canadian Culinary Federation (Ottawa Branch); Savour Ottawa; Just Food; Ottawa Board of Health – agreed to participate.

Other Stakeholders

Business Improvement Areas (BIAs) have been advised of the New Street Food Vending Program and that the report recommends that they approve any new designated space(s) within their boundaries. Some BIAs have indicated an interest in having both on-street and off-street street food vendors in their areas. Should the report recommendations be approved, staff would work with the BIAs and the Selection Panel to develop the list of proposed Spaces.

General Notification

Current licensees/designated space permit holders, BIAs, organizations identified to serve on the Selection Panel and those who commented on the proposals, were notified of the Community and Protective Services Committee at which the item would be discussed. Notification was also posted on the City's website in accordance with the Notice By-law, as amended.

Significant Issues Raised

Below is a summary of the more significant issues raised during the consultations; staff's position is also outlined.

Creation of up to 20 new Designated Space Permits

During consultation, some stakeholders suggested that 20 new spaces is too many, while others suggested that 20 is too few.

As new on-street Spaces have not been allocated for many years, staff considered introducing a limited number of spaces as a pilot. However, the establishment of a significant number of new spaces is seen as a way to meet consumer demand and interest, and to get the best response from the industry. Based on the success of this City-wide program, Council could consider additional spaces moving forward. Most stakeholders agreed that 20 is a reasonable number at this time, and that the proposed approach on allocation of spaces is appropriate.

Transfer/sale of Designated Space Permits

Existing Designated Space Permit Holders requested that the City consider the transfer or sale of permits for Spaces to individuals other than family members. This would be well beyond the existing provisions that allow them to transfer to their spouse, parents, siblings and children. Staff is recommending that existing permit holders retain that right, while the new permit holders would not have a right to transfer the permit to anyone.

The City's position, and that of most municipalities, is that transfers of City-issued permits or licenses for public space is not recommended to ensure that the spaces do not accrue a street value and become an object of speculation on the part of permit holders. In permitting the transfer and/or sale of Spaces, the City loses control of them and of the ability to reduce the number of Spaces, to assign the Spaces to others, or to change the use. Those arguments are valid and therefore, staff would not recommend extending the right of transfer beyond family members for existing permit holders.

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendations of this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management impediments associated with the recommendations.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendations as the costs, if any, are included in the current budget for By-law & Regulatory Services. No incremental costs are anticipated. The potential revenue impact is not anticipated to be material in nature however, should any significant increases result, the budget, if required, will be revised accordingly.

ACCESSIBILITY IMPACTS

The recommendations will have no negative impact on people with disabilities and/or seniors.

TECHNOLOGY IMPLICATIONS

There are no technological implications directly associated with the recommendations.

TERM OF COUNCIL PRIORITIES

The proposed amendments are expected to have a positive impact on business opportunities for local street vendors and businesses and on the variety and quality of food choices for residents and visitors. This proposed initiative is therefore in support of the Term of Council Priorities of supporting the growth of the local economy (EP3 Economic Prosperity) and to the improvement of the quality of life of residents and visitors (C1 Residents and C3 Visitors).

SUPPORTING DOCUMENTATION

Document 1 – Drafting Instructions – Designated Space Program By-law Amendments (Immediately follows the report)

DISPOSITION

If the recommendation is approved, By-law & Regulatory Services, in consultation with Legal Services, to process the amending by-law to Council for enactment, with the effective date being the date of enactment.

By-law & Regulatory Services to implement the new Street Food Vending Program, including the Selection Panel, and to pursue review of the Business Licensing, Designated Space Program and Vending on Highways By-laws to streamline and modernize them and in the context of the Service Ottawa model.

DRAFTING INSTRUCTIONS
DESIGNATED SPACE PROGRAM BY-LAW AMENDMENTS
(By-law No. 2007-478, as amended)

1. Amend appropriate Sections and Schedules of the by-law to:
 - (a) allocate up to twenty (20) Designated Spaces as follows:
 - i. from the sixteen (16) existing and vacant Designated Spaces; or,
 - ii. from substitutions for any of those Spaces with new Spaces; and,
 - iii. from four (4) additional new Spaces, as required,that meet the location criteria found in Section 7(10) of Schedule 22 (Mobile Refreshment Vehicles) and in Section 7(9) of Schedule 24 (Mobile Refreshment Carts) of the Business Licensing By-law (No. 2002-189), for use in the new Street Food Vending Program;
 - (b) provide delegated authority to the Chief License Inspector to:
 - i. establish new (substitute) Spaces based on the location criteria in Recommendation 1(a) and to repeal unallocated vacant Spaces;
 - ii. re-locate to a new location as close as possible to the previous space in accordance with the location criteria in Recommendation 1(a), a Space which has been made permanently or temporarily unavailable by unforeseen situations including streetscape design and use changes, requirements of public utilities, and matters relating to pedestrian, vehicular or public safety or public health;
 - (c) establish an annual permit together with the appropriate application criteria, with an expiration date of May 14th and an annual renewal option to replace the existing time limit on permits;
 - (d) establish a Street Food Selection Panel to replace the lottery method of allocating Designated Spaces in respect of new vendors or existing vendors wishing to sell from a different Space;
 - (e) establish that new Designated Space Permits will not be transferable; and,
 - (f) require that all Designated Space Permit Holders have direct control of the business operating from the Space.

2. Amend Section 4 (Definitions) as follows:
 - (a) Update the definition of “Chief License Inspector”;
 - (b) Amend “License Committee” to “License and Property Standards Committee”
 - (c) Add the definition of “Public Markets” which means the public markets established by the ByWard Market Program By-law (2008-449), as amended, and by the Parkdale Market By-law (2008-448), as amended, or any by-laws enacted in substitution therefor;
 - (d) Add the definition of “Selection Panel” which means the committee established by Council to review, determine and confirm:
 - i. the locations of new Designated Spaces based on the location criteria and the allocation of those Spaces, as well as the allocation of a space to an existing vendor wishing to sell from a different Space,

- ii. the qualifications and experience of Street Food applicants for new Designated Spaces, for new vendors, or for existing vendors wishing to sell from a different Space,
 - iii. the diversity and innovation of the Street Food menus submitted by Street Food applicants for new Designated Spaces or new vendors, and,
 - iv. compliance of the applicant with all related regulations and based on the Selection Panel's criteria, documentation and investigations presented by the applicant and issue an endorsement certificate to the applicant identifying the criteria that have been met.
3. Amend the reference to "License Committee" wherever it appears in the by-law to "License and Property Standards Committee"
4. In Section 9 (Removal Zones), add the following subsection:
(2A) Removal Zone 3: the remainder of the geographic area of the City of Ottawa.
5. Under "Permit Required", add the following Sections:
15A. (1) Any holder of a permit obtained in 2013 or later may hold a maximum of one Designated Space Permit
(2) Despite 15A, any holder of a permit obtained prior to 2013 may hold a maximum of two Designated Space Permits
7. Repeal and replace Section 17 (under Application – Original Permit) with the following Section:
17. An original designated space permit may be issued to an individual based on Selection Panel criteria scoring determining priority and on compliance with the conditions of issuance prescribed in the by-law
8. Repeal and replace Section 21 (under Allocation of Designated Space Permit – Lottery) with the following Section:
21. (a) When a designated space is not renewed in May of any year, the Chief License Inspector may initiate the allocation process.
(b) If Chief License Inspector elects to initiate the allocation process, he/she shall announce to the general public by way of public notice the availability of one or more Spaces.
(c) The notices shall be placed by November 1st and provide the following information:
 - i. the location of the Space(s);
 - ii. that the process is open to qualified applicants who do not currently have a Space or to existing permit holders with a new menu proposal who are prepared to move from their Space, who submit applications based on the criteria;
 - iii. that the allocation will be based on the criteria scoring of the Selection Panel; and,
 - iv. the deadline for applications will be on or before December 15th and the allocation of Space made on or before February 15th with the operation to commence May 15th

9. Amend Section 28 to:
 - (a) Amend clause (c) to repeal “an itinerant seller’s license or a refreshment vehicle” and replace with “a mobile refreshment cart or mobile refreshment vehicle license”
 - (b) Repeal clause (d)(i) and clause (d)(ii) and replace with:
 - (d) the candidate has paid the fee prescribed in Schedule “H”
10. Amend Section 32 to replace the words “comply with Section 30” with “pay the fee prescribed in Schedule “H” and in accordance with Section 29”
11. Amend Section 34 to add to the end of the section, after “Chief License Inspector”, the following: “no later than May 15th each year.”
12. Amend Section 35 to:
 - (a) Amend clause (c) to repeal “an itinerant seller’s license or a refreshment vehicle” and replace with “a mobile refreshment cart or mobile refreshment vehicle license”
 - (b) Repeal clause (d)(i) and clause (d)(ii) and replace with:
 - (d) the candidate has paid the fee prescribed in Schedule “H”
13. Amend Section 39 to replace the words “comply with Section 37” with “pay the fee prescribed in Schedule “H” and in accordance with Section 36”
14. Amend Section 47, subsection (3) to add before the words “The original permit holder” at the beginning of the subsection, the following: “For permits issued prior to 2013,”
15. Amend Section 52 to delete the word “goods”
16. Amend Section 53(1) to replace the words “A person may hold” with “For permits issued prior to 2013, the permit holder may hold a”
17. Amend Section 69 to replace the words “Council of the City” with “Chief License Inspector”
18. Amend Section 71 to:
 - (a) in subsection (1), repeal the words “within the removal zone shown on Schedule “A-2”
 - (b) repeal clauses (b) and (c) in subsection (1)
 - (c) add the words “where applicable” after the word “time” where it appears in clause (d)
 - (d) in subsection (2), replace the words “Director of By-law and Regulatory Services on either Schedule “F” or “G” of this by-law, as applicable” with “Chief License Inspector on the applicable Schedule of this by-law”
19. Update “Offences and Penalties” provisions in accordance with the Municipal Act, 2001.

20. Amend Schedule “H” (fees) to repeal the current content and replace with the provisions below:

Canada Day Lottery Application Fee	\$ 100.00
Processing Fee	\$ 50.00
Duplicate Permit Fee	\$ 50.00
Late Fee	\$ 50.00

Annual Designated Spaces:

Roadway – Removal Zone 1 (Schedule B) – permit fee	\$ 3,767.00*
Roadway – Removal Zone 2 (Schedule F) – permit fee	\$ 1,722.00*
Roadway – Removal Zone 3 (Schedule I) – permit fee	\$ 1,722.00*
Sidewalk – Removal Zone 1 (Schedule C) – permit fee	\$ 1,614.00*
Sidewalk – Removal Zone 2 (Schedule G) – permit fee	\$ 808.00*
Sidewalk – Removal Zone 3 (Schedule J) – permit fee	\$ 808.00*

* fee may be paid in two instalments, the 1st due and payable on or before June 1st and the 2nd due and payable on or before September 1st by post-dated cheque only

21. Amendments to the above-noted by-law shall include:
- (a) any minor revisions necessary to give effect to the amendments noted;
 - (b) any administrative changes, including renumbering, minor re-wording, the creation of new Schedules, the repeal of old Schedules, the repeal of obsolete provisions; and,
 - (c) amending Section number references throughout the by-law.