



Report to: General Committee

Date of Meeting: November 20, 2006

SUBJECT: Refreshment Vehicle By-law Amendment
PREPARED BY: Darlene Barker Ext. 2128

RECOMMENDATION:

That a by-law be enacted to amend by-law 2002-305, a by-law to provide for the licensing and regulation of refreshment vehicles to require an auditory back-up warning device be installed and maintained on all refreshment vehicles licensed or required to be licensed in the Town.

And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The recommended amendments will increase levels of public safety.

BACKGROUND:

By-law 2002-305, "A by-law to provide for the licensing and regulation of refreshment vehicles" was enacted on December 10, 2002.

A public meeting was held on November 21, 2005 to present the proposed amendments and receive representations from the public. There were no representations made by any members of the public during this meeting.

OPTIONS/ DISCUSSION:

Currently there are 37 refreshment vehicles licensed in 2006. These vehicles are of the type commonly known as 'coffee trucks'. Typically they travel onto private property, park and sell prepackaged food items and refreshments, to customers who approach the truck and may gather around during breaks in their business or work.

Installation and operation of an auditory back-up warning device on the vehicle will alert bystanders of a potential hazard, if it is necessary to backup the truck.

In February, 2005, a fatality occurred involving a refreshment vehicle while reversing in a parking lot. The Coroner of the Region in which the accident occurred, recommended that the by-law licensing refreshment vehicles be amended to include audible reversing alarm installed on all refreshment vehicles.

The cost to install such a device can be in the range of \$150 to \$300 depending on the type and fee for installation. The cost is nominal compared to the prevention of an accident of this type.

Currently a number of refreshment vehicles have back-up auditory warning devices. The by-law will ensure that all of the vehicles licensed will be equipped and the safety standards will be applied consistently for all vehicles.

FINANCIAL TEMPLATE:

None

ENVIRONMENTAL CONSIDERATIONS:

None

ENGAGE 21ST CONSIDERATIONS:

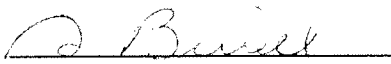
None

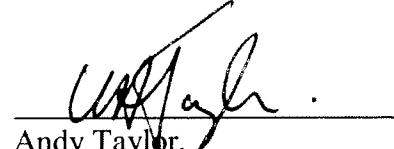
BUSINESS UNITS CONSULTED AND AFFECTED:

Legal

RECOMMENDED

BY:


Sheila. Birrell
Town Clerk


Andy Taylor,
Commissioner, Corporate
Services

ATTACHMENTS:

Coroner Letter dated April 14, 2005
By-law Amendment



Regional Supervising Coroner
Central Region
24 Queen Street East, Ste 700
Brampton ON L6V 1A3

Telephone: 905-874-3972
Facsimile: 905-874-3976

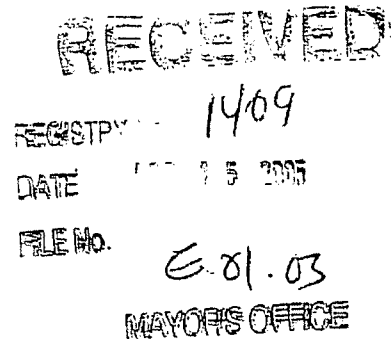
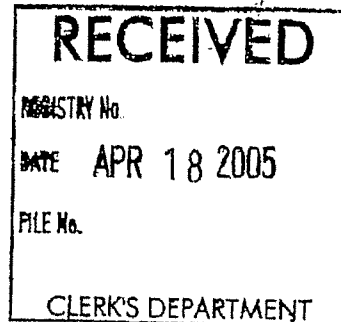
Coroner Supérieur Régional
Région du Centre
24, rue Queen, Est, Ste 700
Brampton ON L6V 1A3

Téléphone: 905-874-3972
Télécopieur: 905-874-3976

SB
May
18

April 14, 2005

Mayor Hazel McCallion
Mississauga Civic Centre
300 City Centre Drive
Mississauga, Ontario
L5B 3C9



Re: Office of the Chief Coroner File No. 2005 / 1350

Your Worship,

On February 3, 2005, at approximately 12:41 P.M., a 39 year-old female resident of Brampton was struck by a reversing mobile catering truck ("refreshment vehicle") as she walked across the parking lot at her place of employment in Mississauga.

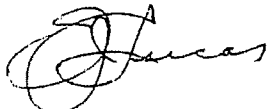
Investigation by the coroner, with the assistance of Peel Regional Police Major Collision Bureau found the following:-

1. Weather and surface conditions were not deemed to be factors in this tragic incident.
2. From a vantage point in the driver's seat, there is a significant blind spot immediately to the rear of the vehicle, approximately 2.3 metres in width.
3. The vehicle was not equipped with any type of back-up warning device.
4. The vehicle was appropriately licensed to operate within the City of Mississauga, and had a current validation sticker.
5. City of Mississauga By-Law Number 0520-2004 that governs the licensing of Owners and Drivers of Refreshment Vehicles has no requirement for these vehicles to be equipped with back-up warning devices.
6. A Ministry of Labour investigator issued an order under Section 20 of the Regulations for Industrial Establishments, Ontario Regulations 851/90 that the owner/operator of the vehicle install an audible reversing alarm.

I trust that you would agree with me that this tragic death of one of our citizens was very preventable. There is currently no legislation that requires audible reversing alarms on vehicles of this type in this province. Although one vehicle has now been ordered to be so equipped, there remain large numbers of refreshment vehicles that do not. It is my understanding that the cost of such devices is nominal.

I therefore seek your assistance, along with your council, to amend the appropriate by-law(s) for your municipality to require the installation of an audible reversing alarm on all refreshment vehicles as a condition of licensure. May the municipalities in the Region of Peel lead by example in this area that others may follow!

Yours truly,

A handwritten signature in black ink, appearing to read 'W. Lucas', with a stylized, cursive script.

William J. Lucas, M.D., C.C.F.P.
Regional Supervising Coroner
Central Region (Peel, York, Durham)

WJL/vgm



BY-LAW 2006-xx

A By-law to Amend By-law 2002-305 a By-law to Provide for the Licensing and Regulating of Refreshment Vehicles

WHEREAS Section 150 of the *Municipal Act, 2001, S.O. 2001, c.25*, authorizes municipalities to licence, regulate and govern any business wholly or partly carried on within the municipality; and

WHEREAS By-law 2002-305, a By-law to provide for the licensing and regulating of Refreshment Vehicles, was enacted by Council on December 10, 2002; and

WHEREAS a review of by-law 2002-305 was undertaken in respect of the requirements for owners to ensure backup auditory warning devices are installed on refreshment vehicles to enhance public safety; and

WHEREAS Council held a public meeting on February 21, 2006, to discuss a proposed amendment; and

WHEREAS Council deems it expedient to require the owners to install and maintain a back-up auditory warning device on refreshment vehicles to enhance public safety;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS;

1. That the following subsection be added to section 4 of By-law 2002-305 as follows:

- ff) Every owner of a refreshment vehicle shall ensure that the vehicle is equipped with an auditory back-up warning device in good working order;

2. This By-law comes into force and effect on the date of passing.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
DAY OF , 2006.

SHEILA BIRRELL, TOWN CLERK

DON COUSENS, MAYOR

