



Report to: General Committee

Date Report Authored: May 7, 2012

---

**SUBJECT:** Ice Cream Truck Licensing By-law  
**PREPARED BY:** B. Wiles, Manager of By-law Enforcement and Licensing ext. 4581

---

**RECOMMENDATION:**

- 1) THAT the report entitled "Ice Cream Truck Licensing By-law" be received; and
- 2) THAT Attachment 'A' – "Proposed Ice Cream Truck Licensing By-law" be enacted to amend the Schedule 5 Consolidated Mobile Licensing By-law to provide for the licensing and regulation of owners, operators, drivers and attendants of Ice Cream Trucks operating in Markham; and,
- 3) THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

To enact a by-law to amend the Refreshment Vehicle Schedule of the Consolidated Mobile Licensing By-law to provide for the licensing and regulation of the owners, drivers, operators and attendants of Ice Cream Trucks in Markham.

**BACKGROUND:**

Markham does not currently license ice cream trucks under the Consolidated Mobile Licensing By-law. The practice of licensing ice cream trucks is prevalent throughout the G.T.A. Ice Cream Trucks are licensed by municipalities to ensure that they meet certain standards for safety as they are constantly engaging children including:

- Mechanical fitness
- Propane inspections
- Warning systems (back-up beepers)
- Driver and attendant background checks

**OPTIONS/ DISCUSSION:**

The Town of Markham has received complaints in the past from licensed refreshment vehicle vendors about unlicensed ice cream trucks operating in Markham. These unlicensed vehicles follow the licensed vendors from location to location and are competing with the licensed vendors for sales.

Beyond the concern over the issue of competition, Staff has a concern that these vehicles are working in Markham and are around children without any requirements in place to protect the children who frequent the trucks. The proposed by-law is recommending a number of controls for both the vehicles and for the drivers and attendants of refreshment vehicles including:

- Mechanical Safety Inspection
- Propane Inspection
- Warning Systems
- Criminal Background Checks

---

In addition to these new controls, Staff is also recommending that there be prohibitions on where they can vend including no vending in Town parks, unless a permit is obtained as well as not within 100 metres of a school property. There will also be limitations on the use of music and bells on the trucks.

Upon adoption of the new ice cream truck regulations, staff will place information on Markham's portal and in the local newspapers.

**FINANCIAL CONSIDERATIONS:**

None.

**HUMAN RESOURCES CONSIDERATIONS:**

None.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposed licensing of ice cream trucks will address the concerns of residents and will better protect the health and well-being of Markham residents, particularly children.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Legal Services Department was consulted in the preparation of this report.

**RECOMMENDED BY:**

15/05/2012

5/15/2012

X



---

Kimberley Kitteringham  
Town Clerk

X



---

Nasir Kenea  
Acting Commissioner, Corporate Services

**ATTACHMENTS:**

Attachment 'A' - Proposed Ice Cream Truck Licensing By-law