



**City of Kingston  
Report to Council  
Report Number 21-028**

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**To:** Mayor and Members of Council  
**From:** Sheila Kidd, Commissioner, Transportation & Public Works  
**Resource Staff:** Luke Follwell, Director of Engineering Services  
**Date of Meeting:** December 15, 2020  
**Subject:** Proposed Amendment to Streets By-Law Number 2004-190 on  
Stuart Street and Licence Agreement

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**Council Strategic Plan Alignment:**

Theme: Corporate business

Goal: See above

**Executive Summary:**

The purpose of this report is to facilitate ongoing use of a portion of the Stuart Street boulevard for the operation of a mobile food stand. The mobile food stand, as shown on Exhibit A to this report, has been operating from this location for over 20 years pursuant to authority granted under the former Streets By-Law, By-Law Number 10. In the course of updating the operator's existing agreement with the City, it was determined that, when the former Streets By-Law was updated, the operator's right to use a portion of the Stuart Street boulevard was not carried over to the new Streets By-Law.

In order to rectify this administrative oversight, staff are recommending an amendment to By-Law Number 2004-190, A By-Law to Regulate the Use of City Streets, and the execution of a new licence agreement with the operator of the mobile food stand, to formalize the existing arrangement.

It is recommended that the amending by-law be presented for all three readings at the December 15, 2020 Council meeting to permit the new licence agreement to commence on January 1, 2021, subject to Council's approval of this report.

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**Recommendation:**

**That** Schedule “E” (Authorized Alterations and Uses of Boulevards) of By-Law Number 2004-190, A By-Law to Regulate the Use of City Streets, be amended to include the following:

“Location: Stuart Street (north side, approximately 7.248 metres west of Founders Row)

Purpose: To accommodate a mobile food stand/refreshment vehicle, subject to the terms of a licence agreement with the City”;

**That** the amending by-law, attached as Exhibit B to Report Number 21-028, be presented for all three readings; and

**That** the Mayor and City Clerk be authorized to execute a licence agreement (and any extensions thereof) in a form satisfactory to the Director of Legal Services with the operator of the mobile food stand on the Stuart Street boulevard.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

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**Sheila Kidd, Commissioner,  
Transportation & Public Works**

ORIGINAL SIGNED BY CHIEF  
ADMINISTRATIVE OFFICER

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**Lanie Hurdle, Chief  
Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Paige Agnew, Commissioner, Community Services

Peter Huigenbos, Commissioner, Business, Environment & Projects                      Not required

Brad Joyce, Commissioner, Corporate Services

Jim Keech, President & CEO, Utilities Kingston    Not required

Desirée Kennedy, Chief Financial Officer & City Treasurer                                      Not required

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**Options/Discussion:**

The following is a summary of the rationale for this report.

**Background**

The mobile food stand shown on Exhibit A to this report is located on the city boulevard on the north side of Stuart Street, approximately 7.248 metres west of Founders Row. The mobile food stand has been operating from this location for over 20 years pursuant to authority granted under the former Streets By-Law, By-Law Number 10, which permitted a chip wagon in this location. The operator of the mobile food stand holds a business licence for this location issued by the City pursuant to By-Law Number 2006-213, A By-Law to Licence, Regulate and Govern Certain Businesses.

In the course of updating the operator's agreement with the City, it was determined that, when the former Streets By-Law, By-Law Number 10, was updated, the operator's right to use the Stuart Street boulevard was not carried over to the new Streets By-Law. In order to rectify this administrative issue, staff are recommending an amendment to the Streets By-Law Number 2004-190 to permit ongoing use of the Stuart Street boulevard for the operation of the mobile food stand.

**Streets By-Law Number 2004-190 Amendment**

Technical review of the existing arrangement has not demonstrated any concerns. Staff are recommending that Schedule "E" (Authorized Alterations and Uses of Boulevards) of the Streets By-Law Number 2004-190 be amended to include the following:

Location: Stuart Street (north side, approximately 7.248 metres west of Founders Row)

Purpose: To accommodate a mobile food stand/refreshment vehicle, subject to the terms of a licence agreement with the City.

**Licence Agreement**

As a condition of the amendment to the Streets By-Law Number 2004-190, the mobile food stand operator would be required to execute a new licence agreement with the City for the use of a portion of the Stuart Street boulevard.

Terms of the proposed licence agreement include:

- Initial one-year term, commencing on January 1, 2021 and expiring on December 31, 2021;
- A monthly licence fee of \$452.11, subject to increase in accordance with the Fees and Charges By-Law from time to time;
- Operator must obtain and maintain a valid business licence while in operation; and
- City may terminate the agreement at any time upon five days' notice to the operator.

The operator has agreed to the above-noted terms of the proposed licence agreement.

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**Existing Policy/By-Law:**

By-Law Number 2004-190, A By-Law to Regulate the Use of City Streets

**Notice Provisions:**

None

**Accessibility Considerations:**

None

**Financial Considerations:**

The revenue received from this agreement is included in the 2021 operating budget for the Building & Enforcement Services Department.

**Contacts:**

Luke Follwell, Director, Engineering Services 613-546-4291 extension 3139

**Other City of Kingston Staff Consulted:**

Jenna Morley, Associate Legal Counsel, Legal Services Department

Dan Hazell, Supervisor, Building & Enforcement Services

**Exhibits Attached:**

Exhibit A – Images Showing Location of Mobile Food Stand

Exhibit B – “A By-Law to Amend By-Law Number 2004-190, “A By-Law to Regulate the Use of City Streets”

LOCATION OF MOBILE FOOD STAND



**By-Law Number 2021-XXX**

**A By-Law to Amend By-Law Number 2004-190, “A By-Law to Regulate the Use of City Streets”**

**Passed:**

**Whereas** the Council of The Corporation of the City of Kingston passed By-Law Number 2004-190, “A By-Law to Regulate the Use of City Streets”, to regulate the use of City road allowances;

**And Whereas** By-Law Number 2004-190 prohibits the sale of food or other goods on a highway, except as otherwise set out in the By-Law;

**And Whereas** an amendment to the Streets By-Law Number 2004-190 is necessary to formalize the existing operation of a mobile food stand/refreshment vehicle on a portion of the Stuart Street boulevard;

**And Whereas** Section 5.6 of By-Law Number 2004-190 authorizes the modified use of City boulevards for locations specified in Schedule E – Authorized Alterations and Uses of Boulevards;

**And Whereas** Staff review has determined there are no issues with formalizing the operation of a mobile food stand/refreshment vehicle, subject to the operator entering into a licence agreement with the City;

**And Whereas** the operator has no objections to a licence agreement, including terms and conditions as outlined in Council Report Number 21-028;

**Now Therefore** the Council of The Corporation of the City of Kingston enacts as follows:

1. That the City of Kingston Streets By-Law Number 2004-190, Schedule E (Authorized Alterations and Uses of Boulevards) be amended to include the following:

Location: Stuart Street (north side, approximately 7.248 metres west of Founders Row)

Purpose: To accommodate a mobile food stand/refreshment vehicle, subject to the terms of a licence agreement with the City.

2. That this amending By-Law be presented for all three readings.
3. This By-Law shall come into force and take effect on the date of its passing.

**Given all Three Readings and Passed:**

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**John Bolognone**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**