

THE CORPORATION OF THE CITY OF QUINTE WEST

BY-LAW NUMBER 12-136

BEING A BY-LAW TO PROVIDE FOR A FARMERS'
MARKET PLACE IN THE CITY OF QUINTE WEST, WARD
1 (TRENTON)

WHEREAS it is deemed necessary and advisable to accommodate the Front Street Farmers' Market in the City of Quinte West, Ward 1 (Trenton);

AND WHEREAS subsection (c) of Section 391 of the Municipal Act, 2001, as amended provides that despite any Act, a municipality and a local board may pass by-laws imposing fees or charges for the use of its property.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF QUINTE WEST HEREBY ENACTS AS FOLLOWS:

1. **Title**

This By-law shall be entitled "**The Front Street Farmers' Market By-law**".

2. **Location**

The market place for the City of Quinte West, Ward 1 (Trenton) shall consist of that portion of the Front Street Parking Lot shown in heavy outline on Schedule 'A' attached hereto, and shall be hereinafter referred to as "The Front Street Farmers' Market".

3. **Market Days and Hours**

Market days shall be Thursdays and Saturdays of each week from the first Saturday in May to and including the first Saturday in November. Market hours shall be from 7:00 a.m. until 2:00 p.m. on each market day. Any person occupying a market space after 2:00 p.m. on any market day shall be responsible for purchasing and displaying proof of payment of parking fees required.

4. **Market Administration**

- a) A person or persons designated as the Market Clerk shall be appointed by the City to assign reserved spaces, to collect the daily market fees to pay same over to the City Treasurer and to maintain order pursuant to Section 11 and 12(a) of this by-law.
- b) Decisions rendered by the Market Clerk on Market Days shall be final.
- c) The City Clerk shall be the final arbitrator on all matters pertaining to the applicability and interpretation of this By-law.

5. **Market Space**

Each market space shall consist of a space measuring no more than three (3) metres in width as determined by the Market Clerk.

6. **Market Fees**

No person shall be permitted to sell, or display for the purpose of sale, any permitted item or items unless and until he/she has paid the prescribed fee as set out in the Consolidated Fees and Charges By-law, as amended from time to time.

7. Permitted Products

- a) Sales on The Front Street Farmers' Market shall be confined to artwork, home-baked goods, fish, dressed poultry, inspected meat, butter, graded eggs, honey, maple syrup, apple cider, sweets, flowers, plants, shrubs, Christmas trees, handicrafts, firewood, pet animals, fruit, vegetables, canned and pickled fruits and vegetables, marmalade, salads and all other products produced from the farm garden or dairy.
- b) A portion of the wares or produce offered for sale on the Front Street Farmers' Market should be produced or grown by the seller.
- c) The sale of citrus fruits, bananas and/or vegetables or fruits grown, produced or processed outside of the Province of Ontario are prohibited in The Front Street Farmers' Market.
- d) The sale of pet animals, such as dogs or cats, on The Front Street Farmers' Market, is permitted only if such animals are in a cage or container approved by the Market Clerk.
- e) The dispensing and sales at the Market of cooked and/or processed and held food products that can be sold heated or reheated, if necessary, shall be permitted at the Front Street Farmer's Market. The number of hand held food vendors will be based on 10% of the total seasonal licences issued in the previous year.

8. Assignment of Market Spaces

- a) Reserved spaces shall be assigned by the Market Clerk in a fair and reasonable manner with preference given to previous seasonal market vendors. Any Vendor leaving the Market prior to 1:00 pm will be allocated to the "overflow" area of the Market.
- b) Upon payment of the prescribed daily fee a market space shall be assigned to a vendor on a "first come-first served" basis, by the Market Clerk.
- c) No Vendor stalls (mobile or stationary) shall be erected outside of the defined market area as identified on Schedule 'A' attached hereto.

9. Vendor Parking

Vendors shall park their vehicles in the assigned 'vendor parking area' as shown on Schedule 'A' attached hereto.

10. Space for Local Non-Profit Organizations

Two market spaces shall be made available on any market day for the use of City of Quinte West Non-Profit Organizations at no charge. The space will be available for use on a "first come-first served" basis. Reservations must be made in the office of the City Clerk or with the Market Clerk at least one week in advance. All other provisions of this by-law shall apply to any such user.

11. General Provisions

- a) No more than two (2) market spaces shall be assigned to any one vendor.
- b) Vendors shall keep their market space in a clean and orderly state during occupation of same, and upon leaving same, shall remove all refuse and litter therefrom.

- c) No vendor shall operate his business in a noisy manner or interrupt the general business of The Front Street Farmers' Market or obstruct the same or the persons attending it.
- d) No person shall sell, or offer for sale, anything at the Front Street Farmers' Market except in accordance with the provisions of this By-law.
- e) Vendors are responsible for the storing and displaying of perishables in accordance with all applicable Provincial, Federal, Municipal legislation and regulations.
- f) Vendors are responsible for obtaining and displaying at the Market, all necessary licences, permits, inspections, and certificates for the sale of their products.

12. Penalties

- a) Any person who contravenes the provisions of this by-law, shall, in the first occurrence, be so advised by the Market Clerk. In the event the contravention is not remedied to the satisfaction of the Market Clerk, the offending party shall be summarily removed from The Front Street Farmers' Market, together with their goods, provisions or other articles.
- b) Any person who contravenes the provisions of this by-law on a subsequent occasion shall be deemed to be guilty of an offense, and on conviction, shall be liable to a fine not exceeding \$5,000, as provided for by the provisions of the Provincial Offenses Act (RSO 1990, Chapter P33, as amended).

13. Severability

In the event that any provision or requirement of this by-law, the application of which to any Person shall to any extent be held to be invalid or unenforceable, the remainder of this by-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable shall not be affected thereby and each provision and requirement of this by-law shall be separately valid and enforceable to the fullest extent permitted by law.

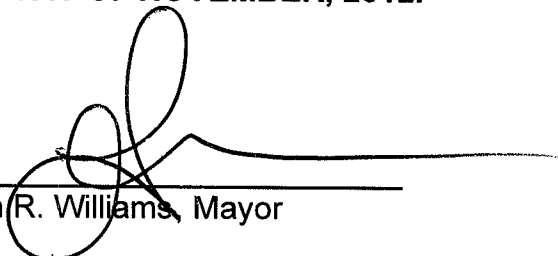
13. Repeal

By-law No. 11-54 shall be and is hereby repealed in its entirety.


14. Effective Date

This By-law shall take effect upon final passing hereof.

**READ A FIRST, SECOND AND A THIRD TIME AND FINALLY PASSED THIS
19th DAY OF NOVEMBER, 2012.**

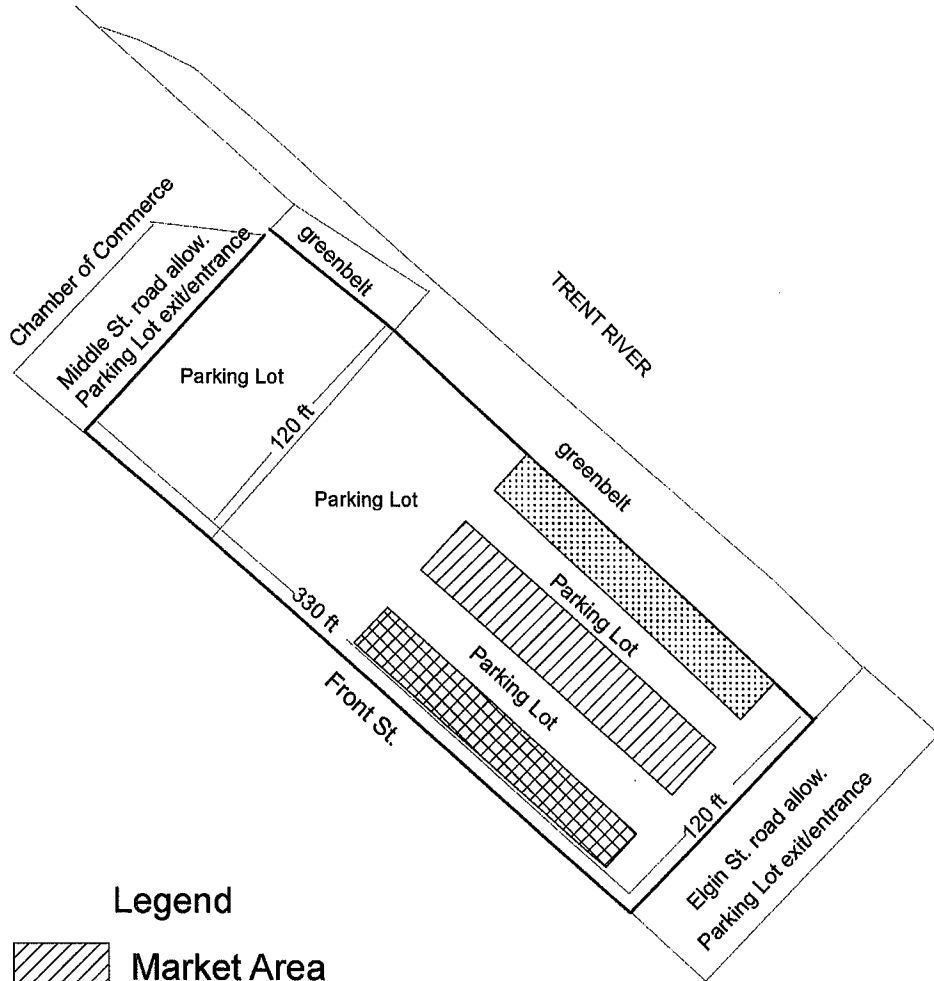


John R. Williams, Mayor



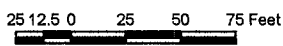
DonnaLee Craig, City Clerk

Schedule 'A'
By-law No. 12-136



Legend

-  Market Area
-  Market Overflow Area
-  Vendor Parking



Produced by the City of Quinte West
Geomatics Division, 2011
File: front_street_parking_lot.mxd