

BY-LAW NO. 161-09

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to regulate the CAMBRIDGE FARMERS' MARKET and to repeal By-law 96-05.

WHEREAS pursuant to Section 113 of the Municipal Act 2001 S.O. 2001, c.25, Council may pass by-laws for establishing, maintaining and operating markets and for regulating such markets and any other markets located within the municipality;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:-

Definitions

1. For the purposes of this by-law:
 - a) "Cooler" means an electric cooler located inside the Market Building and having various dimensions. A maximum cooler size may be established by the Market Manager.
 - b) "Commissioner" means Commissioner of Corporate Services or designate.
 - c) "Crafts or Homemade Articles" means the arts of decorative design and handicraft or something produced skilfully by hand and may consist of one-of-a-kind or studio production work; and generally includes those items made with some degree of artistic purpose.
 - d) "Hazardous Foods" means any food that is capable of supporting the growth of pathogenic organisms or the production of the toxins of such organisms.
 - e) "Home Baker" means a Vendor who bakes goods and whose sole outlet for such baked goods is the Market or other farmers' markets or similar establishments.
 - f) "Immediate Family Member" means spouse or child.
 - g) "Market" means the Market Building, 40 Dickson Street, the Market Square Lot, City Hall Lot, and Performance Area as noted in "Appendix A".
 - h) "Market Manager" means the Cambridge Farmers' Market Manager.
 - i) "Non Hazardous Foods" means any food that is not capable of supporting the growth of pathogenic organisms or the production of the toxins of such organisms.
 - j) "Space" is a generalized reference to a stand, station, table or cooler inside or outside the market.
 - k) "Stand" means a table or showcase area inside the Market Building, being charged by the linear foot in length. The size for a stand may be established by the Market Manager.
 - l) "Station" means a space marked or laid out in the Market Square Lot which is used on non-Market days for the purpose of parking motor vehicles.

General Market Operations

2. The Market shall be under the direct charge, care, and management of the Commissioner who may appoint a Market Manager, and the Market Manager shall administer the provisions of this by-law and his/her interpretation of the provisions of this by-law shall be conclusive, subject to appeal to the Commissioner.
3. The Market may be used for the sale of baked goods, meat, fish, seafood, live lobster, poultry, butter, eggs, honey, maple syrup, sweets, flowers, plants, shrubs, fruit, vegetables and other farm, garden, coffee, tea or dairy products.
 - a) The Market Manager may issue a special permit to sell items not generally permitted under the bylaws within the spirit of the Market.
 - b) The Market Manager, with sole discretion, may restrict or refuse the sale of any product by any individual or all Vendors for any reason at any time with or without notice as the circumstances warrant.
4. Market operating hours shall be established from time to time on Saturdays or on such other day or days that the Market will be open. Days and times are subject to change.
5. Recognizing that the Market is a food Market, the sale of homemade articles or crafts is also allowed, only so long as it does not interfere with the sale of food and, in any event, no more than 10% of the total Market Vendors shall be allocated for homemade articles or crafts.
6. No person shall sell, offer to sell, display, distribute or hand out at the Market or on any public street adjacent thereto during Market operating hours:
 - a) any drug, salve, preparation, compound, elixir or medicine in any form;
 - b) any live animal, any bird, fish or reptile (with the exception of live lobster), whether for the purpose of a pet or food;
 - c) any vegetable or fruit grown or produced outside Ontario except when such item grown or produced in Ontario is out of season or at the discretion of the Market Manager;
 - d) any lottery ticket;
 - e) any handbills, dodgers or advertising matter (literature) of any kind, except for the material distributed by the authorized destination marketing organizations;
 - f) any goods or chattels of any kind whatsoever by public auction.
 - g) Vendors may distribute hand bills, recipes or other promotional materials with the prior approval of the Market Manager, so long as the aforementioned promotional materials pertain directly to Cambridge Farmers' Market activities and/or events.
7. Notwithstanding anything herein contained, non-profit or registered charitable groups may be permitted space at the Market as long as their products conform to the regulations outlined in this by-law with the prior approval of the Market Manager. Conditions may include but not be limited to the following:
 - a) A City of Cambridge license and a Region of Waterloo Farmer's Market permit is required for any cooking demonstrations / food promotions by any group or Vendor not regularly permitted to attend the Market. Licenses are available from the City of Cambridge Licensing Officer.
 - b) An individual group is limited to 3 Cambridge Farmers' Market permits per year.
 - c) The Market Manager shall designate not more than two Vendor spaces to groups qualifying as non-profit or registered charitable groups per Market day.
 - d) The Market Manager may permit the distribution of promotional materials related to the group or event being promoted by any group qualifying as a non-profit or registered charitable group.
8. No Vendor shall make any change or alteration to City property at the Market (including any erection, installation or display of a sign) except with the prior written approval of the Market Manager.

Permits & Fees

9. Any person wishing to apply for a permit shall make an application to the Market Manager on the prescribed form and all such applications shall be filed with the Market Manager. The Market Manager has discretion in approving licenses on a best fits Market goals basis.
 - a) No person shall be entitled to be issued a permit at the Market to sell food products other than non hazardous products unless they provide all required Region of Waterloo Public Health permits, including but not limited to; a valid kitchen inspection report, a safe food handling certificate, a Region of Waterloo Farmers Market Vendors Permit.
 - b) No person shall be entitled to be issued a permit at the Market unless they provide proof of general business and product liability insurance with a minimum coverage of \$2 million CDN naming the City of Cambridge as additionally insured.
10. No person shall be entitled to be issued a permit at the Market unless an application has been made. Vendors are responsible to pay the prescribed fees as established by the City of Cambridge rate review.
11. No permit-holder shall transfer or assign their permit or sublet or allow any other person(s) to occupy the stand, station or cooler except for a member of the immediate family without the approval of the Market Manager.
12. Farmers' Market Vendor Permits holders shall not be required to obtain a Hawkers and Peddlers license from the City.
13. At the discretion of the Market Manager, two Vendors may be allowed to rent one space on an alternating basis (i.e. weekly, monthly, etc.).

Permit Cancellations & Refunds

14. Any permit may be cancelled at any time for breach of any of the provisions in this by-law by the Market Manager at their discretion subject to an appeal to the Commissioner. A written appeal must be received by the Commissioner within 7 days of notification of the cancellation.
15. The Market Manager may temporarily suspend a permit for any reason without notice.
16. The Market Manager may require the closure and or the vacation of the Market premises by any Vendor or Vendor staff member for any reason without notice at any time.
17. In the event of a permit cancellation by the City of Cambridge, the permit holder shall not be entitled to a refund for the unused portion of the monthly term at the time of cancellation.
18. Any permit-holder who wishes to forfeit or cancel their permit may request a refund for the unexpired portion of the fee.
19. A refund shall be conditional upon the Market Manager receiving reasonable and adequate notice and is to be calculated at the date on which the Vendor gives written notice.
20. In the event of the death of a permit-holder, a refund of the fee for the unexpired portion of the term may be made to the estate of the deceased permit-holder upon a written request being made to the Market Manager in writing.

21. In the event that a permit-holder fails to advise or occupy his or her allotted location by the established opening time or leaves early without prior permission the Market Manager may;
 - a) levy a charge to the Vendors permit holder as per the amounts listed in "Appendix B" and or;
 - b) may prevent the permit holder from operating that day and or;
 - c) allow without preference someone else to use that location, upon payment to the City of the prescribed fee.
22. In the event that a permit-holder, excluding those selling seasonal products, allows their stand to be vacant for more than 5 Market days per year, their permit may be cancelled and their stand reallocated subject to a written appeal received within 7 days of notification of the cancellation to the Commissioner.

Vehicles & Parking

23. All vehicles parked in the Market Square Lot three hours before opening and during Market operating hours shall be only vehicles associated with the sale of goods on Market day and all such vehicles are subject to the control of and direction of the Market Manager.
24. Motor vehicles belonging to the general public are not permitted in the Market Square Lot during Market operating hours. In the event that the Market lot is not fully occupied by Vendors on Market Day, public parking will be permissible at the discretion of the Market Manager. Vendors will be requested to locate their vehicles within an area demarked by the Market Manager. Public parking will not be permissible in any demarked area.
25. An Officer or Constable of the Regional Municipality of Waterloo Police Force, upon receipt of a complaint from the Market Manager and upon discovery of any motor vehicle parked or left in contravention of the Market or Parking Bylaws, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the motor vehicle, which may be enforced in the manner provided by the Construction Lien Act. City staff, as designated, have authorization to tow vehicles upon notification to the Waterloo Regional Police Force.
26. Every Vendor using a Station shall keep his vehicle(s) and goods within the bounds of the Station allocated.

Cleaning & Sanitation Practices

27. Every Vendor shall be responsible for the condition of the floor space around their stand, station, or cooler, during Market operation hours and shall leave the same in a condition as clean as when they arrive.
 - a) The Market Manager may levy a charge to the Vendors permit holder in the event the floor space around their stand, station, or cooler, or common sanitary sink is not cleaned and left in a sanitized condition. See "Appendix B" for charge amounts.
28. Every Vendor shall keep their counters, carts, tables, coolers, stations and surrounding area, including shared sink areas, in a clean and sanitary condition to the satisfaction of the Market Manager. Vendors are responsible for cleaning their area prior to vacating the premises each Market day. No perishable items shall be left in the Market at the end of each Market day.
29. All food not needed for display purposes shall be stored in suitable containers or coolers approved by The Waterloo Regional Health Unit.
30. Every commercial and home baker, offering bread, buns, cakes or baking of any kind for sale, shall display them in a manner approved by The Waterloo Regional Health Unit.
31. All foods requiring refrigeration, displayed, sold or offered for sale at the Market shall be maintained at a temperature of 4C. or lower.

32. All eggs sold or offered or displayed for sale at the Market and all containers therefore shall conform with the provisions of The Health Promotion and Protection Act as amended and all regulations made thereunder.
33. To reduce the danger of spreading infection and to promote cleanliness and public health, no person shall touch any meat, fish or poultry at the Market but this provision shall not prohibit such handling by the Vendor or employees as shall be necessary in vending, cutting and wrapping the same after proper hand washing and sanitizing.
 - a) Protective hand gloves and hair nets must be used by any Vendor handling hazardous or non packaged food products other than farm produce.
34. Only clean wrapping paper shall be used for wrapping meat, fish, vegetables and cheese sold at the Market.
35. All persons handling meat, fish, cheese or fowl at the Market shall wear clean aprons or clean butcher's coats as approved by The Waterloo Regional Health Unit.
36. All vegetables and fruit displayed, offered for sale or sold at the Market, all containers therefore and all home-canned products shall conform with all legislation and regulations of the Province of Ontario with respect thereto.
37. All Vendors must remain in compliance with all applicable public legislation and regulations.

Hot Dog Vendors

38. There is provision for two (2) hot dog Vendor locations at the Market in outdoor Market stations to be determined by the Market Manager.
39. Hot Dog Vendors will be chosen on an annual, or as required basis by the Market Manager.
40. Hot Dog Vendors will be required to pay a stall fee for each day at the Market, the associated advertising fee and a Hot Dog Vendor license at a prorated scale based on the number of Market days in a year.
41. Hot Dog Vendors will require the approval of the Fire and Health departments prior to operating at the Market. Applications for Hot Dog Vendors at the Market will be processed by the Licensing Officer, Clerk's Division

Performance Areas

42. The Performance Areas as outlined in the diagram marked as "Appendix A" attached hereto will be available for use during Market days for local performing and visual arts exhibitors free of charge.
43. Parties interested in using the Performance Areas shall obtain a permit from the Market Manager.

Buskers

44. Buskers will be permitted to use the Performance Areas during Market days as outlined in "Appendix A" attached hereto.
45. Buskers will be required to adhere to the Application/Permit process as outlined for performers.
46. Buskers will be permitted to "pass the hat" while using the Performance Space during Market Days.
47. Busking will not be permitted in the Performance Areas other than during Market Days.

Penalties

48. Any person who contravenes any of the provisions of this by-law is subject to cancellation of their applicable permit.
49. That By-law 96-05 is hereby repealed.

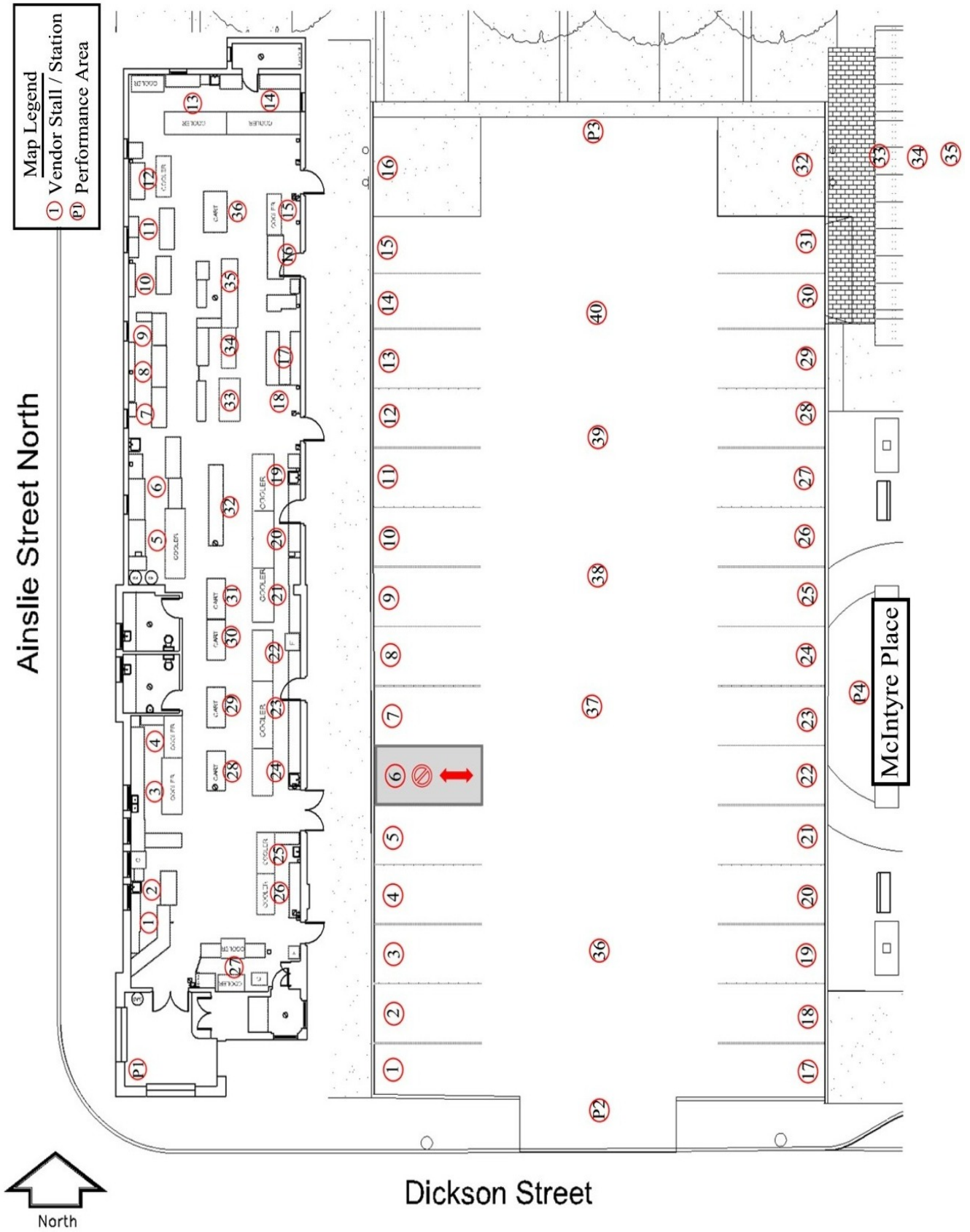
READ A FIRST, SECOND AND THIRD TIME

ENACTED AND PASSED, THIS 7TH DAY OF DECEMBER, A.D., 2009

MAYOR

CLERK

Appendix A – Market Map & Vendor Layout



Appendix B - Discretionary Charges To Permit Holders

The Market Manager may levy a charge to the Vendors permit holder in the event the Vendor fails to follow the bylaw governing the Cambridge Farmers' Market. The charges(s) will appear on the Vendor's next bill. Notice of the charges will be given to the Vendor on the next Market day or at the earliest opportunity. In the event the permit holder does not pay the charges in a timely manor consistent with the City Of Cambridge Accounts Receivable Policies their permit may be suspended or cancelled at the discretion of the Market Manager.

- 1) A charge of \$15 in the event the Vendor is late arriving or leaves early without prior permission.
- 2) A charge of \$15 in the event the floor space around their stand, station, or cooler, or common sanitary sink is not cleaned and left in a sanitized condition.