

PRESCOTT

EST 1784



THE FORT TOWN

The Corporation of the Town of Prescott

FARMERS' AND CRAFTERS' MARKET

By-Law #31-2021

FARMERS’ AND CRAFTERS’ MARKET BY-LAW 31-2021

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**THE CORPORATION OF THE TOWN OF PRESCOTT
FARMERS' and CRAFTERS' MARKET BY-LAW 31-2021**

Being a by-law to establish and regulate a farmers market.

WHEREAS section 113 of the Municipal Act, 2001, S.O. 2001, c.25 authorizes municipal councils to establish and regulate farmers markets within the municipality;

AND WHEREAS the Corporation of the Town of Prescott has established and regulated a market for numerous years, currently as provided under By-Law 10-2003 and By-Law 23-2014;

NOW THEREFORE the Council of the Corporation of the Town of Prescott enacts as follows:

SECTION 1.0 TITLE & BY-LAW SCHEDULES

1.1 SHORT TITLE

This By-law shall be entitled "Prescott Farmers' and Crafters' Market By-Law".

1.2 BY-LAW SCHEDULES

Schedule "A" – FARMERS' & CRAFTERS' MARKET LOCATION/VENDOR MAP

SECTION 2.0 LOCATION

The market place shall consist of the portion of the King and Centre Street parking lot shown in heavy outline on Schedule 'A' attached hereto, and shall be hereinafter referred to as "Prescott Farmers' and Crafters' Market".

SECTION 3.0 MARKET DAYS AND HOURS

Market day(s) are every Saturday from 9:00 am until 2:00 pm. An additional day or evening market held on select Wednesdays, may also designated annually by the Farmers' and Crafters' Market Task Group, subject to the approval of the Town of Prescott. Wednesday market hours are to be set on an annual basis. Additional market days or special events may be added during or outside the regular Market season, subject to the approval of the Town of Prescott.

SECTION 4.0 MARKET ADMINISTRATION

- a) A person or persons designated as the Market Clerk shall be appointed by the Town to assign reserved spaces, to collect the daily market fees to pay same over to the Town 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 Town Clerk shall be the final arbitrator on all matters pertaining to the applicability and interpretation of this By-law.
- d) A Farmers' and Crafters' Market Task Group shall be established to provide general oversight and support to the Market Clerk and provide an avenue for vendors to convey opportunities and concerns to the Town of Prescott, through the Designated Vendor Representative(s). Meetings shall be held on an as-needed basis. The Task Group shall provide an Annual Report to the Economic Development Department. Group membership is comprised of a Business Improvement Area Board representative, Economic Development Officer, Business Development Officer (Market Clerk), and vendor group representative(s).

SECTION 5.0 MARKET SPACE

Each market space shall consist of a space measuring approximately ten (10) feet by ten (10) feet square at the discretion of the Market Clerk.

SECTION 6.0 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 to the Town of Prescott as set out annually under Prescott's Consolidated Fees and Charges By-Law.

SECTION 7.0 PERMITTED PRODUCTS

- a) Sales on Prescott Farmers' and Crafters' Market shall include all kinds of meat, vegetables, grain, fruit, poultry, eggs, dairy products and all other types of products usually sold in public markets including homemade handicrafts and shall be subject to this By-law and all applicable federal and provincial statutes, acts, and regulations.
- b) The majority of products sold by market vendor shall be Ontario grown or produced.
- c) All non-food related products sold at the Prescott Farmers' and Crafters' Market must be new or substantially altered from their original state to be eligible for sale.
- d) A portion of the wares or produce offered for sale on Prescott Farmers' and Crafters' Market should be produced or grown by the seller.
- e) The sale of citrus fruits, bananas and/or vegetables or fruits grown, produced or processed outside of the Province of Ontario are prohibited in Prescott Farmers' and Crafters' Market.
- f) 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 Prescott Farmers' and Crafters' Market. The number of handheld food vendors will be limited to 20% of the total vendor licenses issued.
- g) No person, firm or corporation shall bring to or offer or expose for sale on or in the said market place, or shops, any tainted or unwholesome meat, poultry, fish, or other articles of food, or anything marketable or marketed weighing less, counting less or measuring less than what the vendor asserts or pretends the same to weigh, count or measure as the case may be, and any such article or thing brought to or offered or exposed for sale in or on the said market place, or shops, shall be removed from the market place immediately upon the direction by the Market Clerk, or any officer empowered to enforce the By-laws of the Town of Prescott.
- h) Alcoholic beverages, including locally-made craft beer, wine, and spirits, may be sold at the Prescott Farmers' and Crafters' Market, subject to applicable provincial laws and Health Unit guidelines.
- i) All products sold at the Farmers' and Crafters' Market must represent a high-quality example of its given field. The Town of Prescott, through the Market Clerk, has the sole authority to determine if products for sale do not meet this standard. Products intended for sale will be reviewed as part of the application process and periodically during the Farmers' and Crafter's Market operating days. The Market Clerk has the authority to deem vendors to be ineligible for participation in the market if products for sale are deemed to be ineligible at any time.
- j) Vendors may appeal the decision of the Market Clerk to the Farmers' and Crafters' Market Task Group within 15 days of being notified of the Market Clerk's decision. On appeal, the Farmers' and Crafters' Market Task Group has the power to affirm or reverse the decision of the Market Clerk.

- j) Notwithstanding other provisions of this by-law, the Town of Prescott may, in its sole authority, provide for, during Market days or otherwise, the expansion of eligible goods for sale including, but not limited to, flea market-type events, antiques/collectibles, and community yard sales.

SECTION 8.0 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 prior to Market closing time will be allocated to the overflow area of the Market or removed from the market if subsequent incidences occur. Each vendor must be set-up no later than one ½ hour prior to Market opening time on designated market days or his/her stand may be rented to an alternate vendor.
- 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.

SECTION 9.0 VENDOR PARKING

Vendors shall park their vehicles in the assigned 'vendor parking area' as shown on Schedule 'A' attached hereto. At the discretion of the Market Clerk, vendors may be permitted to park within their stall area in some cases where the sale of goods from a vehicle can be demonstrated as a necessary display requirement for vendors.

SECTION 10.0 COMMUNITY GROUPS AND MUSICIANS

One Market Space shall be made available on any market day for the use of a Town of Prescott Community Group at no charge. The space will be available for use on a "first come-first served" basis. Reservations must be made with the Market Clerk at least one week in advance. Musicians will also be encouraged to attend the Market. Arrangements for these groups will be made through the Market Clerk in consultation with the Farmers' and Crafters' Market Task Group. All other provisions of this by-law shall apply to any such user.

SECTION 11.0 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 Prescott Farmers' and Crafters' Market or obstruct the same or the persons attending it.
- d) No person shall sell, or offer for sale, anything at Prescott Farmers' and Crafters' 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, including approval where necessary by the Leeds, Grenville & Lanark District Health Unit.

- g) The vendor agrees to accept full responsibility for any loss, damage or accident occurring on the market as the result of negligence or willful default on part of the vendor.
- h) A permit may not be transferrable to any other vendor by a permit holder. The Corporation may at any time, at its sole discretion and without notice, cancel any or all outstanding permits should the Corporation consider it necessary to do so in the public interest, shall in such case repay the holder thereof and shall be proportional to the balance to the period for which such permit was issued.

SECTION 12.0 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 Prescott Farmers' and Crafters' 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 \$1,000, as provided for by the provisions of the Provincial Offenses Act (RSO 1990, Chapter P33, as amended).

SECTION 13.0 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.

- 14. By-Law 10-2003, By-Law 23-2014 and any other by-laws regulating farmers markets in the Town of Prescott are hereby repealed.
- 15. This by-law shall come into force and take effect upon final passage.

READ AND PASSED, SIGNED AND SEALED THIS DAY OF, JUNE, 2021.

Mayor

Clerk

SCHEDULE "A"

PRESCOTT FARMERS' & CRAFTERS' MARKET LOCATION/VENDOR MAP

