

THE CORPORATION OF THE TOWNSHIP OF SOUTH DUNDAS

BY-LAW NO. 2003-15

A BY-LAW of the Corporation of the Township of South Dundas to establish and regulate a farmers market.

WHEREAS the *Municipal Act 2001, S.O. 2001, Chapter 25, Section 113(a)* provides that a local municipality may establish, maintain and operate a farmers market, a flea market and other similar types of market; and,

WHEREAS the *Municipal Act 2001, S.O. 2001, Chapter 25, Section 113(b)* also provides that a local municipality may also regulate a farmers market, a flea market and other similar types of markets of any person including regulating hours of operation of a market; and,

WHEREAS the Corporation of the Township of South Dundas has established and regulated a market for numerous years; and,

WHEREAS the Council of the Corporation of the Township of South Dundas wishes to amend its market by-law to extend the hours of operation and promote a better market.

NOW THEREFORE the Council of the Corporation of the Township of South Dundas enacts as follows:

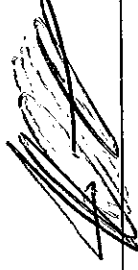
1. Definitions:

- a) "Clerk" means the Clerk for the Corporation of the Township of South Dundas or his/her designate.
- b) "Market Permit" means the permit issued by the Clerk pursuant to this by-law.
- c) "Market Stall" means a space as designated in the Market Permit.
- d) "Market Season" means the period of time commencing April 15 through December 31 inclusive.
- e) "Farmers Market Day" means any Tuesday, Thursday and Saturday between the hours of 7:00 a.m. and 7:00 p.m. during the market season.
- f) "Produce" means, without limiting the generality of the term, vegetables, fruit, flowers, planting stock, honey and eggs grown or produced by the household of the permit holder or purchased from local growers.
- g) "Homemade and Handcrafted" products include, but are not limited to baked goods, preserves, sauces, crafts and woodworking items that are produced by the vendor or made locally and are produced in small batches in non-commercial operations.

2. Any vendor wishing to operate a market in a market stall on a farmers market day during the market season shall obtain a permit to do so.
3. The market permit shall grant permission to the holder to sell produce and/or homemade and/or handcrafted items. The sale of second-hand, used or commercially produced items is not permitted.
4. The Clerk may, upon request of a vendor, grant permission to any vendor with fresh produce that is subject to spoilage to operate on specific days other than those designated as farmers market days in order to avoid waste or such produce.

5. Every vendor shall be entitled to one space.
6. The Council of the Corporation of the Township of South Dundas shall designate the location of all Farmers Markets in the Township by resolution or by-law.
7. The market permit shall be posted at the market stall where it is clearly visible to the public at all times for inspection.
8. All vendors shall adhere to the Code of Ethical Practices for the Farmers Market, attached to this by-law as Schedule "A".
9. No person shall leave a market stall without first ensuring that all garbage and refuse is removed and the stall is left in an orderly manner.
10. Permit holders agree to indemnify and save harmless the Corporation of the Township of South Dundas or its agents from any loss or damages arising out of the permit holder's use of the market stall.
11. Any person contravening this by-law is guilty of an offence.
12. The penalties for offences are as follows:
 1. first offence will result in the issuing of a warning from the Clerk.
 2. second offence will result in the suspension of a yearly permit and the non-issuance of a daily permit for two weeks (6 market days).
 3. third offence will result in the revoking of a yearly permit and the non-issuance of daily permits to that vendor for the remainder of the market season.
13. That By-Law No.'s 98-21 and 2000-25 of the Township of South Dundas are hereby repealed in their entirety.
14. That this by-law shall come in force and take effect immediately upon enactment thereof.

READ and passed in open Council, signed and sealed this 8th day May, 2003.



MAYOR



Brenda Brent
CLERK

SCHEDULE "A"

TO BY-LAW 2003-15

CODE OF ETHICAL PRACTICES

The Farmers Market is located in various areas through the Municipality as designated by Council. It is open from the fifteenth of April through to the end of December each year.

All vendors must register and take out the appropriate permit with the Clerk, of the Township of South Dundas.

The Farmers Market vendors take great pride in their market and wish to ensure its continuance and future viability. In order to assure its value, the Farmers Market requires all vendors to adhere to the following governing principles:

1. The Farmers Market vendors shall undertake the obligation to ensure that fellow vendors, customers and the public enjoy an environment free of harassment, either physical or verbal (i.e. - abusive or inappropriate language, abusive or inappropriate physical actions, directed from one to another vendor or directed to a member of the public).
2. The Farmers Market vendors shall undertake to maintain a standard of cleanliness in the area(s) of their allocated stand(s) and the Market area in general.
3. The Farmers Market vendors shall actively participate to maintain the high standard of products offered to the public.
4. The Farmers Market vendors shall respect and ensure the safety of the public by not obstructing pedestrian walkways.
5. To ensure the application of the above principles, the Township of South Dundas, in conjunction with the Farmers Market vendors, shall have the power to institute disciplinary and corrective proceeding against any person in contravention of these principles and the municipal by-laws governing the Farmers Market.
6. Stands that become available will be allocated and assigned in association with the Clerk and the other Farmers Market vendors.
7. Homemade and handcrafted items must be produced by the vendor or made locally, and are produced in small batches in non-commercial operation.
8. All products and products offered for sale are subject to inspection by the Township of South Dundas, the Province of Ontario and the Government of Canada, or their authorized agents.
9. All vendors agree to allow for an inspection of their produce and products and premises, if the need arises. Written notice will be given to the vendor of the date, time and reasons for an inspection.
10. The vendor agrees to accept full responsibility for any loss, damage or accident occurring on the Market as a result of negligence or willful default on the part of the vendor.