

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NUMBER 14187

**A BY-LAW TO PROVIDE FOR ESTABLISHING, MAINTAINING AND REGULATING A PUBLIC MARKET PLACE ON THE MARKET SQUARE IN THE CITY OF BELLEVILLE**

THE COUNCIL OF THE CORPORATION OF THE CITY OF BELLEVILLE ENACTS AS FOLLOWS:

**Location**

1. The public Market place for the City of Belleville shall consist of the following areas, which are hereinafter referred to as the Market Square:
  - (a) McAnnany Street extending east from the front of the City Hall building to the west boundary of Pinnacle Street;
  - (b) Market Street extending east from the front of the City Hall building to the west boundary of Pinnacle Street, and;
  - (c) The interior of the Square lying east of the City Hall building;all of which are set out on a plan attached hereto as SCHEDULE "A".

**Definitions**

2. In this By-Law:
  - (a) "**person**" means an individual, sole proprietorship, partnership, unincorporated association, trust, or a body corporate.
  - (b) "**farm**" means:
    - (i) land, whether adjoining or not, operated as a farm, or;
    - (ii) a production facility or facilities for the production or manufacture of produce, livestock or handicrafts;any of which are owned or operated by the same person.
  - (c) "**vendor**" means a person who holds a lease to occupy Market vendor space at the Farmers' Market.

**Market Clerk**

3. A Market Clerk shall be appointed by the Chief Administrative Officer to administer the Farmers' Market, to collect the annual lease payments and daily rentals and pay the same to the City Treasurer. Duties of the Market Clerk shall be set out in a Post Description, which may be amended from time to time, in accordance with established City procedures.

The Market Clerk shall be under the supervision and control of the City Clerk, which Department may designate any person to assist the Market Clerk or to discharge the duties of that office in the absence of the Market Clerk. Said person shall perform all the duties and have all the power and authority vested in the Market Clerk, as set out in this By-Law or any other regulations affecting the operation of the Market Square.

**Products**

4. Sales on the Market Square shall be confined to produce, including fruits and vegetables, livestock, and handicrafts that are grown, raised, processed, manufactured or devised in Ontario.

The dispensing and sale of cooked and/or processed food products from a handcart or other form of conveyance shall not be permitted on the Market Square, unless approved by City Council.

The sale of handicrafts shall only be permitted by the person(s) who made such handicrafts, or the agent thereof.

Sale of citrus fruits, bananas and/or fruits and vegetables grown outside Ontario shall not be permitted on the Market Square.

Produce and livestock must be approved by the Market Clerk.

Produce may include home baked goods, meats, fish, dressed poultry, butter, eggs, honey, maple syrup, apple cider, sweets, fruit, vegetables, preserves, home-baked cooking products, salads, flowers, plants, trees, shrubs, Christmas trees, firewood and all other products from the farm, garden or dairy.

Livestock shall include only common domestic pet animals such as dogs and cats, subject to Provincial and Municipal health regulations.

Handicrafts may include jewellery, hand-thrown ceramics, loom and needle products, wood and iron products, paintings, sculpture, and all other similar products that are hand-made rather than mass produced.

Second hand goods shall not be permitted to be sold on the Market.

5. Subject to Section 4, only goods will be permitted for sale which are approved by the Market Clerk.

In addition to the restrictions in Section 4, the Market Clerk will only permit the sale of handicrafts which are approved in consultation with the Quinte Arts Council, the Farmer's Market Association and the Board of Management Belleville Business Improvement Area, and which are made in Ontario.

**Hours of Operation**

6. Market days shall be Tuesday, Thursday and Saturday of each week from 6:00 a.m. until 7:00 p.m., local time.

**Tenancy**

7. A Market vendor space shall be a maximum of 2.75 metres in width and 6.0 metres in length.

8. The rate structure for leasing a Market vendor space shall be as follows:

|                     |                      |  |
|---------------------|----------------------|--|
| <b>vendor space</b> | <b>annual rental</b> | <b>\$125.00</b>                              |
|                     | <b>daily rental</b>  | <b>\$ 25.00 to a maximum<br/>of \$150.00</b> |

9. Subject to the terms of this By-Law, a person shall be permitted to lease or rent a maximum of three (3) Market vendor spaces.

10. A vendor, or a person who applies to become a vendor, must be a member, in good standing, of the Farmers' Market Association.

11. A vendor must reside within, or operate and maintain a farm within a 60 mile radius of the City of Belleville.

12. Notwithstanding Section 11, any vendor located outside the radius described in Section 11 who held a lease as of December 31, 1995, may continue to renew that lease.

13. Any vendor described in Section 12 may only sell at the Farmers' Market the type of produce the vendor sold prior to January 1, 1996.

14. The Market Clerk shall not enter into a lease agreement with more than one person from any farm.

15. The regulations concerning leasing of Market spaces shall be as set forth in SCHEDULE "B" to this By-Law.

16. A person wishing to become a vendor on an annual basis shall, on or before the last day in November in each year, submit an application to the Market Clerk, including the rental fee prescribed therefor. Upon such application the Market Clerk, in consultation with the Farmers' Market Association, may allocate space to the applicant person, if the applicant person satisfies the terms of this By-Law. Upon the execution of the prescribed lease agreement, the applicant person shall be a vendor and shall be entitled to the space so allocated on Market days from the first Saturday in January to the last Saturday in December. Application forms may be obtained from the Market Clerk.

17. On and after the first Sunday in December in each year any space on the Market Square, which has not been allocated on an annual basis, shall be made available for daily rental on Market days. Upon submission of an application and the payment of the prescribed daily rental fee, the Market Clerk, in consultation with the Farmers' Market Association, shall allocate the same amount of space as in the case of annual allocations.

18. A Market vendor space not occupied by the vendor to whom it is leased by 9:00 a.m. shall become available for daily rental by the Market Clerk after 9:00 a.m.

19. A Market space not occupied by 9:00 a.m. may revert to its use as public parking space.

**Operation**

20. Vendors shall place their vehicles in accordance with the directions of the Market Clerk and shall keep their leased space in a clean and orderly state during occupation of same and upon leaving shall remove all refuse and litter therefrom. Waste containers on the Market Square are for the use of the general public and should not be used by vendors. Vendors occupying the interior of the Square shall take all reasonable precautions to prevent motor vehicle lubricants and fluids from leaking onto the Square.
21. No vendor shall operate their business in a noisy or disruptive manner or interrupt the general business of the Market Square, or obstruct the same or the persons attending it.
22. No vendor shall prevent or monopolize the sale of grain, wood, meat, fish, vegetables, poultry, dairy products, eggs or any other articles for home consumption that are sold on the Market Square.
23. The sale of domestic pet animals such as dogs and cats on the Market Square is authorized only, if such animals are in a cage or container approved by the Market Clerk.
24. The storing and display of perishables and livestock shall be in accordance with all applicable Provincial and Municipal regulations.

**By-Law Status**

25. No person shall sell or offer for sale anything at the Farmers' Market except in accordance with the provisions of this By-Law and after the execution of a lease pursuant to Section 15.
26. Market vendors may use the electricity supply on the Market Square for purposes incidental to vending with the approval of the Market Clerk only, and shall not use the electricity supply for the purpose of heating the vendor space or the vendor's motor vehicle and/or trailer.
27. No person shall occupy Market vendor spaces which he or she is not entitled to occupy under his or her lease.
28. No person shall sell produce other than produce permitted under the provisions of this By-Law.
29. No person shall sell produce if he or she ceases to be a Member, in good standing, of the Farmers' Market Association.

30. By-Law Number 14152 and all other By-Laws or part of By-Laws inconsistent herewith, are hereby rescinded.

**Contravention**

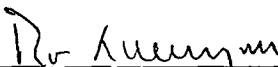
31. Every person who contravenes any of the provisions of this By-Law shall be guilty of an offence and liable upon conviction to the penalties provided in the Provincial Offences Act or any successor legislation and, in addition, if after receiving notice, in writing, from the Market Clerk, or designate, as established in this By-Law, requiring that person to remedy the violation, such person does not do so, such person shall be subject to summary removal from the Market, as directed by the said Market Clerk, or designate, together with such vehicles, goods, provisions and other articles which occupy space in the Market Square and which are, or have been, in the possession of that person.

THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT IMMEDIATELY ON AND AFTER THE PASSING THEREOF.

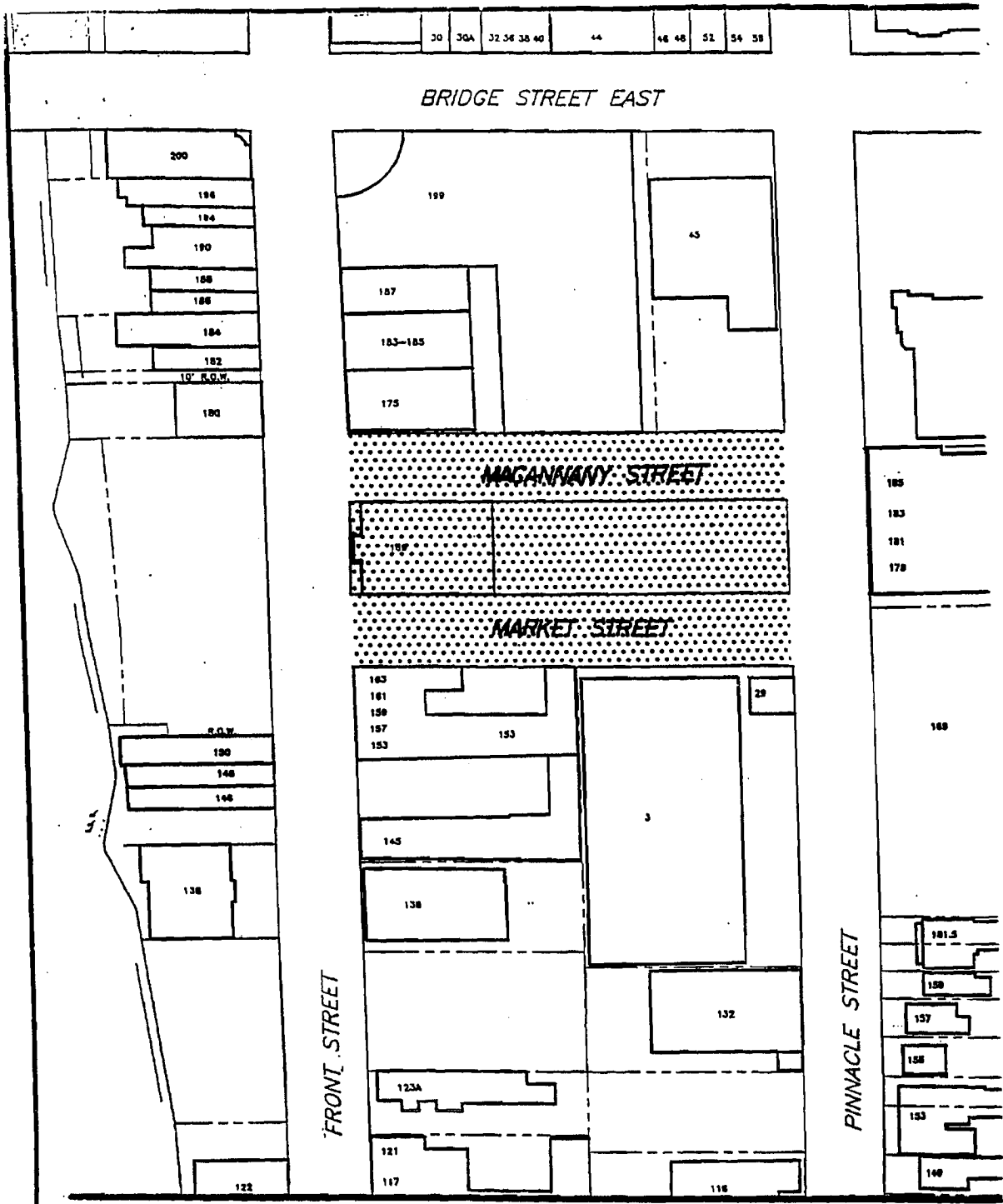
Read a first time this **23rd** day of **June, 1997**.

Read a second time this **23rd** day of **June, 1997**.

Read a third time and finally passed this **23rd** day of **June, 1997**.

  
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ROSS L. MCDUGALL, MAYOR

  
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WILLIAM C. MORETON, CITY CLERK



SCHEDULE "A" TO BY-LAW N<sup>o</sup> 14187

 - MARKET SQUARE

1" = 100'

CITY OF BELLEVILLE

**SCHEDULE "B" TO BY-LAW NUMBER**

**14187**

**THE CORPORATION OF THE CITY OF BELLEVILLE, HEREINAFTER REFERRED TO AS THE CITY, HEREBY LEASES TO:**

..... OF .....  
NAME ADDRESS

SPACE NUMBER(S) ..... BEING PART OF THE BELLEVILLE MARKET,  
FOR THE YEAR ..... COMMENCING JANUARY 1, 20 ....., AND TERMINATING  
DECEMBER 31, 20 ....., FOR THE SUM OF \$ .....

**THE LESSEE AGREES THAT:**

1. The City reserves the right to suspend the operation of the Belleville Market or any portion thereof for specific Market days should the Market place or any portion thereof be required for Civic purposes. In the event of such suspension, two weeks' notice shall be given to the Lessee so affected and the Lessee shall not be entitled to any refund of the rental for the lease.
2. The City reserves the right to cancel this lease if the Lessee fails to comply with the terms of this By-Law as amended from time to time. In the event of such cancellation, the Lessee shall not be entitled to any refund of the rental for the lease.
3. Any Lessee who wishes to cancel their lease may do so at any time during the term of the lease but shall not be entitled to any refund of the rental for the lease.
4. The leased space(s) may only be occupied during Market hours on Market days and for Market purposes, in accordance with the terms set out in this By-Law, as amended from time to time.

**THIS LEASE IS SUBJECT TO THE PROVISIONS OF THIS BY-LAW AND AMENDMENTS THERETO.**

DATE .....

.....  
SIGNATURE - LESSEE

.....  
SIGNATURE - MARKET CLERK

**THE CORPORATION OF THE CITY OF BELLEVILLE**

**BY-LAW NUMBER 98-55**

**A BY-LAW TO AMEND BY-LAW NUMBER 14187 BEING A BY-LAW TO PROVIDE FOR ESTABLISHING, MAINTAINING AND REGULATING A PUBLIC MARKET PLACE ON THE MARKET SQUARE IN THE CITY OF BELLEVILLE**

WHEREAS By-Law Number 14187 was duly passed by the Council of The Corporation of the City of Belleville on the 23rd day of June, 1997;

AND WHEREAS it is now deemed necessary and expedient that By-Law Number 14187 be amended;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF BELLEVILLE ENACTS AS FOLLOWS:

1. THAT, Definitions, Section 2, be amended to include the following.

"2. (d) 'Niagara tender fruit' means peaches, plums, nectarines, apricots, pears, grapes and sweet and sour cherries, grown in the Niagara area of Ontario."

2. THAT, Section 8 of By-Law Number 14187 be amended by adding the following.

|                            |                      |  |
|----------------------------|----------------------|--|
| <b>"non-vehicle spaces</b> | <b>annual rental</b> | <b>\$90.00</b>                           |
|                            | <b>daily rental</b>  | <b>\$15.00 to a maximum of \$105.00"</b> |



3. THAT, Section 11 of By-Law Number 14187 be amended to read as follows:

"11. A vendor must reside within, or operate and maintain a farm within a 60 mile radius of the City of Belleville, with the exception of a farmer selling only Niagara tender fruit."

**THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT IMMEDIATELY ON AND AFTER THE PASSING THEREOF.**

**Read a first time this 1st day of June, 1998.**

**Read a second time this 1st day of June, 1998.**

**Read a third time and finally passed this 1st day of June, 1998.**

(Sgd.) Ross L. McDougall  
ROSS L. MCDUGALL                      MAYOR

(Sgd.) Jary Plamondon  
JARY PLAMONDON                      CITY CLERK

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NUMBER 2000-88

**A BY-LAW TO AMEND BY-LAW NUMBER 14187 BEING A BY-LAW TO PROVIDE FOR ESTABLISHING, MAINTAINING AND REGULATING A PUBLIC MARKET PLACE ON THE MARKET SQUARE IN THE CITY OF BELLEVILLE**

WHEREAS By-Law Number 14187 was duly passed by the Council of The Corporation of the City of Belleville on the 23rd day of June, 1997;

AND WHEREAS it is now deemed necessary and expedient that By-Law Number 14187 be amended;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF BELLEVILLE ENACTS AS FOLLOWS:

1. THAT, Products, Section 4, be amended to include the following:


"4. The dispensing and sales, at the Market from a handcart or other form of conveyance, of cooked and/or processed food products that can be reheated, if necessary, shall be permitted on the Market Square. All products shall be government inspected and must meet the Belleville Farmers' Market By-Laws for Ontario produced products."

THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT IMMEDIATELY ON AND AFTER THE PASSING THEREOF.

Read a first time this 12th day of June, 2000.

Read a second time this 12th day of June, 2000.

Read a third time and finally passed this 12th day of June, 2000.

  
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ROSS L. MCDOUGALL                      MAYOR

  
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JARY PLAMONDON                      CITY CLERK