



**BY-LAW NUMBER 2006-26
OF THE CORPORATION OF THE
TOWN OF HUNTSVILLE**

**Being a By-Law to Establish and
Regulate the Farmers' Market in the
Town of Huntsville and to repeal
By-law numbers 91-48 and 2001-48**

WHEREAS: Section 113 of the Municipal Act, 2001, S.O. c.25, as amended, provides that the Council of a Municipality may pass by-laws for establishing, maintaining and operating a farmers market, a flea market and other similar types of markets and for regulating such markets and other similar types of markets of any person including regulating the hours of operation of a market;

AND WHEREAS: it is deemed expedient to establish, maintain and regulate a Farmers' Market within the Town of Huntsville;

AND WHEREAS: a Farmers' Market provides a marketing opportunity to local farmers, growers, producers, artists, and crafts people to increase consumption of local products and to spark the local economy;

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

1. **MARKET DAY**

- (a) That Market Day shall be every Thursday during the Market Season, between the hours of 9:00 a.m. to 2:00 p.m. located in the Canadian Tire parking lot, King William Street, Huntsville.
- (b) That Council may by resolution declare the establishment of Market Day on any other day in lieu thereof.

2. **MARKET MANAGER**

That the position of Market Manager is to be established by the Farmers' Market Committee. The Market Manager shall be responsible to the Town of Huntsville's Chief By-law Enforcement Officer. The duties of the Market Manager are as follows:

- (a) To attend the Huntsville Farmers' Market every Thursday, between the hours of 9:00 a.m. to 2:00 p.m. The hours of the Market Manager may be modified at the discretion of the Chief By-law Enforcement Officer. Should the Market Manager be prevented from attending the Market, as a result of sickness or unavoidable absence, a person shall be appointed who is acceptable to the Chief By-law Officer to discharge these duties. Such absences shall be noted by the Market Manager in his/her bimonthly report to the Chief By-Law Enforcement Officer.
- (b) To enforce all provisions of this By-law and to assure that all regulations governing the operating of the Huntsville Farmers' Market are properly observed.
- (c) To prohibit any Vendor from the Market who is unwilling to observe the terms of the Farmers' Market By-law.
- (d) To initiate legal proceedings if necessary to ensure compliance with the Farmers' Market By-law.
- (e) To report to and take directions from the Chief By-Law Enforcement Officer for the Town of Huntsville.
- (f) Maintain records of application/declarations for all Vendors in the Farmers' Market.
- (g) Maintain records of all fees collected.
- (h) Each Vendor is responsible for cleaning up around his or her area.

3. **VENDORS IN THE FARMERS' MARKET**

- (a) "Primary Producers/Vendors" for the purpose of this By-law are those who can substantiate the claim that they will produce seventy (70) percent or more of the goods intended for sale at the Farmers' Market that season directly themselves.
- (b) Only "Primary Producers" are permitted as Vendors in the Huntsville Farmers' Market, subject to the conditions stated within this By-law.
- (c) Priority for Stall allocation shall be granted for the sale of items to provide a wide variety of products that are grown/produced in the following areas:
 - i) Huntsville
 - ii) Muskoka/Parry-Sound
 - iii) Ontario
 - iv) Canada
- (d) No more than twenty-five (25) percent of the total market vending area shall be allocated or used for the sale of Arts and Crafts.

4. **MARKET SEASON**

For the purpose of this By-law, the market season is defined as follows:

- (a) Commencing the third week in May up to the Thursday before Thanksgiving.

5. **RULES AND REGULATIONS**

Rules and Regulations for daily operation of the Huntsville Farmers' Market must be adhered to as outlined in attached "Schedule A" of this By-law.

6. **SIGNAGE**

- (a) Signage with the farm or family name shall be displayed prominently.
- (b) All pricing for products must be clearly identified.

7. **GOODS SOLD IN THE FARMERS' MARKET**

Vendors in the Huntsville Farmers' Market may sell only the following Ontario grown or produced items:

- (a) Homemade Baked Goods
- (b) Meats
- (c) Fish
- (d) Poultry
- (e) Eggs
- (f) Honey
- (g) Maple Syrup
- (h) Flowers, Plants and Small Shrubs
- (i) Ontario Fruits and Vegetables
- (j) Dairy Products
- (k) Homemade Preserves and Candy

7.1 In addition to the above, homemade crafts and manufactured goods may be permitted subject to complying with Section 3 listed above. For the purpose of this By-law, homemade crafts are defined as "all crafts" and must be "new-handmade" and not factory produced. The Huntsville Farmers' Market may not be used as an outlet for such items as factory produced products. Trinket Vendors may not offer for sale any goods that are not "locally" produced and then only when such goods will not adversely affect sales of locally produced goods. Manufactured goods are defined as the operation of making wares of any kind, the operation of reducing raw materials into a form of suitable use by more or less complicated operations or an article made from raw materials.

7.2 All products may be subject to approval, shall meet the standards of the Simcoe-Muskoka Health Unit (where applicable) and must comply with all appropriate Federal, Provincial and Municipal Statutes.

8. **PENALTIES**

Every person wishing to be a Vendor at the Market is subject to and shall observe, perform and carry out the provisions of this By-law. Any breach of these provisions shall constitute an infraction, rendering the offender subject to the penalties of this By-law. Any person convicted of a breach of any of the provisions of this By-law shall, subject to the discretion of the convicting Magistrate, pay a penalty not exceeding five thousand (5,000.00) dollars for each offence. Such penalties shall be recoverable under the Ontario Provincial Offences Act.

9. **SEVERABILITY AND CONFLICT**

If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

10. **REPEAL OF PREVIOUS BY-LAWS**

By-law 91-48 and By-law 2001-48 are hereby repealed.

READ a first time this 27th day of March A.D., 2006.

Mayor Hugh Mackenzie

Clerk (Kathleen Gilchrist)

READ a second and third time and finally passed this 27th day of March A.D., 2006.

Mayor Hugh Mackenzie

Clerk (Kathleen Gilchrist)

Schedule "A"
To By-law 2006-26

Rules and Regulations
For the Daily Operation of The
Huntsville Farmers' Market

1. The Market will be open to the public each Thursday from 9:00 a.m. to 2:00 p.m. from the third week in May to the Thursday before Thanksgiving.
2. A person designated by the Executive, for example the Market Manager, shall have the authority to:
 - (a) Authorize who may be a Vendor and what products may be sold;
 - (b) Designate where vehicles may be parked if not being utilized in the Vendor space;
 - (c) Deny access to any Vendor who does not meet stated requirements and regulations including those imposed by Federal, Provincial or Municipal bodies.
3. The Market Manager's duty shall be to collect daily fees, assign market space and, in general, supervise the Market. The Market Manager shall be responsible to the Chief By-law Enforcement Officer of the Town of Huntsville and shall report any violations of the rules and regulations.
4. The Vendors shall be responsible for:
 - (a) Setting-up and taking down of their own displays and sale items;
 - (b) Arriving no earlier than 7:00 a.m.;
 - (c) Each area must be vacated and left in the original clean condition by 3:00 p.m. of the Market Day;
 - (d) Keeping empty containers, boxes and equipment in an orderly manner and confined to their space (this includes meeting the requirements of the Simcoe-Muskoka Health Unit);
 - (e) Sales of their own products in an orderly business manner (no shouting or other objectionable means of soliciting trade shall be tolerated);
 - (f) Making their space and products offered for sale as attractive as possible;
 - (g) Pricing and labeling all products and posting such signs as necessary by government and local regulations;
 - (h) Removal of any garbage accumulated on Market Day;
 - (i) Keeping all signs, umbrellas, canopies and large merchandise secured (tied down);
 - (j) Notifying the Market Manager no later than 6:00 p.m. on the previous Wednesday if you cannot be at the Market on any given Thursday;
 - (k) Arriving at the Market no later than 8:30 a.m. on any Thursday or their space may be given to another Vendor unless the Market Manager has been notified;
 - (l) Seek approval from the Market Manager if wishing to leave the Market early and, if approval is granted, the Market Manager will provide traffic control to ensure a safe exit from the Market.

5. Vendors shall show respect and consideration at **ALL** times to customers, other Vendors and the Market Manager and conduct themselves in a business like manner.
6. All persons selling at the Market agree to abide by the above rules and regulations and non-compliance means expulsion from the Market. Any appeal shall be made in writing to the Market Manager (or designate) after the close of the Market for that day with the hope that the matter be resolved prior to the next Market.
7. The above rules and regulations are to be enforced by the Market Manager (or designate) who is responsible for the management of the Market.
8. The Constitution and By-laws governing the Huntsville Farmers' Market are to be enforced by the Market Manager (or designate) who is responsible for the management of the Market. The Town of Huntsville By-law governing the Market shall also be enforced.
9. The Huntsville Farmers' Market Executive reserve the right to cancel the privileges of any Member, at any time, who has willfully violated the rules and regulations governing the Market.
10. The Market Manager and/or the executive, at their discretion, shall deal with other items of business not specifically covered by these rules and regulations.