



**City of Kingston
Report to Council
Report Number 24-044**

To: Mayor and Members of Council
From: Lanie Hurdle, Chief Administrative Officer
Resource Staff: None
Date of Meeting: December 19, 2023
Subject: Kingston Public Market – 2024 Operations

Council Strategic Plan Alignment:

Theme: 4. Foster a Caring and Inclusive Community

Goal: 4.2 Help address food insecurity and sustainability.

Executive Summary:

The purpose of this report is to provide Council with an update on the discussions with Loving Spoonful and recommendations to approve a City Public Market By-Law to ensure ongoing operations in 2024. Staff are also recommending an amendment to the Fees & Charges By-Law to establish fees at the 2022 rate to encourage existing vendors to continue to operate and incentivize new vendors to join the Kingston Public Market.

Recommendation:

That the by-law attached as Exhibit A to Report Number 24-044, “A By-Law Respecting the Kingston Public Market”, be presented to Council for all three readings; and

That the by-law attached as Exhibit B to Report Number 24-044, “A By-Law to amend By-Law Number 2005-10, “A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston””, as amended, be presented to Council for all three readings.

December 19, 2023

Page 2 of 6

Authorizing Signatures:

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services Not required

Jennifer Campbell, Commissioner, Community Services

Neil Carbone, Commissioner, Corporate Services Not required

David Fell, President & CEO, Utilities Kingston Not required

Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives Not required

Brad Joyce, Commissioner, Infrastructure, Transportation
& Emergency Services

Desirée Kennedy, Chief Financial Officer & City Treasurer

December 19, 2023

Page 3 of 6

Options/Discussion:**Background**

The Kingston Public Market (Public Market) is the oldest public market in Ontario, providing services and produce to residents and tourists since 1801. The Public Market, located in Springer Market Square, was governed by Kingston Public Market By-Law (By-Law) administered by the City of Kingston. The By-Law went through a number of amendments over the years and most recently was updated in 2021 with changes to address the needs of producers at the Public Market.

In 2023, the City awarded a contract to Loving Spoonful for the operation of the Public Market. The contract was awarded through a Request For Proposal (RFP) which enabled Loving Spoonful to operate the Public Market and collect all vendors fees. Although, the RFP did not include any City operating funding, the City did provide a one-time financial support of \$30,000. The intent of the RFP was to have Loving Spoonful turn the Public Market into a farmers' market within 9 to 12 months.

The contract was established in early spring 2023 and Loving Spoonful noted a number of challenges including financial sustainability and other uses under special events and first capital place policies impacting market days.

Analysis

In late October, Loving Spoonful provided the City with a notice indicating that it did not intend to renew the Public Market operating contract in 2024. City staff had a meeting and correspondence with Loving Spoonful to explore the potential to renew the 2024 contract. Loving Spoonful identified a few challenges to the 2024 operating contract:

- Operating deficit and request for the City to provide funding that would double, at a minimum, the 2023 one-time contribution to cover the anticipated deficit;
- Changes to the deliverables, including parking on the square and timelines for a farmers' market designation within the original contract;
- Changes to various policies that impact Springer Market Square use over the next year.

City staff reviewed these requests and identified some concerns with the funding being requested because of 2024 budget pressures and due to the fact that the original public RFP did not contemplate significant financial contributions. Staff also identified concerns with changes to policies that will need to be informed by future public engagement and go through Committee and Council approvals.

City staff also reviewed the last years of City operating financials, excluding 2020 and 2021 which were significantly impacted by the pandemic. The table below includes City revenues and expenditures to operate the Public Market. It is important to note that some functions of the

December 19, 2023

Page 4 of 6

Public Market administration were done by Recreation & Leisure Services staff that are not included in the Public Market expenditures. The expenditures primarily include the part-time attendant salary and marketing costs.

	2018	2019	2022
Revenues	(69,147)	(65,458)	(42,353)
Expenditures	17,239	17,273	16,111
	(51,908)	(48,185)	(26,242)

Based on budgetary pressures and the time required to review and update policies, staff are recommending that the City operates the Public Market in 2024 which requires implementation of a Public Market By-Law to provide clear operating guidelines. The recommended by-law is based on the 2021 Public Market By-Law.

Staff will continue to work on updating policies to better define priority uses within the Springer Market Square.

Springer Market Square Layout

It is important to note that there will be no changes to the Public Market layout in 2024. The official layout for the Public Market is included in the proposed by-law attached as Exhibit A to this report. A draft plan was developed over the last year but engagement with vendors, stakeholders and the public are still required prior to City Council consideration.

Public Engagement

Any policy or plan/lay out changes impacting the use of the Springer Market Square and the Public Market will require public engagement.

While staff have not conducted public engagement specifically on the public market, staff has recently completed a survey on local food. With the goal of better understanding the perceptions and food-buying habits of Kingstonians, the survey was conducted to collect feedback to inform a broader food strategy for the community. This engagement directly supports the strategic priority of supporting local food, food production, agriculture, food security and sovereignty.

The survey was conducted on Get Involved Kingston from June 28 until August 18. The community was provided with the opportunity to engage online, by phone, by email or in-person at pop-up events, including Canada Day in Shannon Park and Pride at City Park. Social media

December 19, 2023

Page 5 of 6

and the Get Involved Kingston Newsletter were used to communicate this opportunity to the public, and the survey was also shared via email with city Councillors and community partners such as Loving Spoonful and the Memorial Market.

The survey engaged 880 participants who completed the survey, with 870, or 98% of respondents being consumers as compared to only 9% reporting they were farmers, home business or a community gardener. Below is a summary of key messages from the survey:

- Nearly all respondents understood what “local food” meant when asked in a multiple-choice question, with the majority of respondents answered that local food mean that it was either grown in my region (80%), grown in Ontario (54%) or grown within 100 km (53%). Less than 1% said that they did not know what local food meant.
- In the past year, most respondents have bought local food weekly, with 90% of people buying local food in the past year, and 53% purchasing it weekly. Purchases of local food were most often made at local grocery stores (74%), farmers’ markets (72%) or at a farm or farm gate (47%). Culturally-specific food stores (4%) and online (6%) were the least frequent food purchase locations.
- The majority of respondents go out of their way to buy local food (90%) and find it easy to find it easy to get locally produced foods (80%).
- Most respondents are also willing to pay more for local food (70%) however half of respondents don’t believe the cost is comparable to food that isn’t grown or produced locally (50%).
- A variety of barriers face respondents when they buy local food. These include the amount of time it takes to find local food or read labels (55% feel it is too long), and knowing if food is local or not in the store (45%) or in restaurants (72%).
- If local food was more convenient to access, a large majority of respondents would purchase and consume it more often (83%). Wider availability in big box stores (80%), wider availability of products in winter (70%) and lower prices (73%) would also influence respondents to buy local foods more often.
- Visiting farms (18%) or participating in growing local food (19%) would have the least influence on purchasing behaviours.
- Clear labeling (42%) was moderately important to respondents and having more information available about local food being the least area of influence (16%).

Survey results highlight the desire of many Kingston residents for easy and year-round access to locally grown food. These results align with the project outcomes of the public market.

December 19, 2023

Page 6 of 6

Existing Policy/By-Law

The 2024 City operation of the Public Market requires the re-instatement of a by-law. Staff are recommending that Council approve the content of By-Law Number 2021-49, "A By-Law Respecting the Kingston Public Market" under a new by-law number and recommending that three readings be approved to ensure that City staff can start working on applications and leases for the 2024 season. The By-Law has been updated to remove reference to Sunday markets as these will continue to be managed as City supported activations through separate agreements as appropriate. Over the last two seasons, Sunday activations have focused on Indigenous Markets, and it is hoped that this activation will continue into 2024.

Notice Provisions

Loving Spoonful and the Public Market vendors have been notified of this operating change.

Financial Considerations:

It is anticipated that the revenues generated from the market vendors will cover the cost of operations as per previous years.

Contacts:

Lanie Hurdle, Chief Administrative Officer, 613-546-4291 extension 1231

Other City of Kingston Staff Consulted:

Craig Desjardins, Director, Office of Strategy, Innovation & Partnerships

Tony Gargaro, Manager, Recreation Services

Jon Hayter, Supervisor, Special Events & Marketing

Exhibits Attached:

Exhibit A – A By-Law Respecting the Kingston Public Market

Exhibit B – A By-Law to Amend By-Law Number 2005-10, "A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston"

City of Kingston By-Law Number 2024–XX

A By-Law Respecting the Kingston Public Market

1st Reading date

2nd Reading date

3rd Reading date

Passed date

City of Kingston By-Law Number 2024-XX

A By-Law Respecting the Kingston Public Market

Interpretation	2
Administration	4
Application of By-Law and Prohibitions	5
Licence Agreements and Daily Permits	5
Allocation of Stalls and Eligibility for Renewal	6
Cancellation, Postponement and Rainchecks	6
Jury.....	7
Schedules	7
Inspection & Enforcement.....	7
Offences & Administrative Penalties.....	8
General.....	9

City of Kingston By-Law Number 2024-XX

A By-Law Respecting the Kingston Public Market

Whereas:

The *City* is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act, 2001*;

Subsection 5 (1) of the *Municipal Act, 2001* provides that the powers of a municipality must be exercised by its council;

Subsection 5 (3) of the *Municipal Act, 2001* provides that a municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise;

Pursuant to subsection 10 (1) of the *Municipal Act, 2001*, a single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Pursuant to section 113 of the *Municipal Act, 2001*, a local municipality may establish, maintain and operate a farmers market, a flea market and other similar types of markets, and may regulate a farmers market, a flea market and other similar types of markets of any person including regulating the hours of operation of a market.

Therefore, Council enacts:

1 Interpretation

1.1 This by-law may be cited as the *Public Market By-Law*.

1.2 In this by-law:

"Administrative Policies Committee" means the Administrative Policies Committee designated by *Council* or, in the event of organizational changes, another committee designated by *Council* to carry out the committee's responsibilities for appeals under this by-law;

"City" means The Corporation of the City of Kingston;

"Council" means the Council of the *City*;

"craft" means an item of decorative design and handicraft, or an item produced by hand and consisting of a one-of-a-kind or studio production work, and generally includes those items made with some degree of artistic purpose, but excludes mass-manufactured items;

Public Market By-Law

"**daily permit**" means a permit issued by the *City* to a *stall holder* pursuant to this by-law governing the *stall holder's* use and occupation of a *stall* for one day;

"**jury**" means the *market jury* established by the *manager* pursuant to Schedule D of this by-law;

"**licence agreement**" means the licence agreement entered into by the *City* and the *stall holder* pursuant to this by-law governing the *stall holder's* use and occupation of a *stall*;

"**manager**" means the Manager of Recreation & Leisure Services for the *City*, the *manager's* delegate, or, in the event of organizational changes, the manager of the appropriately titled department;

"**market**" means the City of Kingston public market located at Springer Market Square, as approximately shown on Schedule A;

"**market clerk**" means the *person* designated by the *manager* to manage the *market*;

"**market season**" means from January 1 to December 31 in each year;

"**Municipal Act, 2001**" means the *Municipal Act, 2001*, S.O. 2001, c.25;

"**person**" includes an individual, a corporation, a partnership, and an association;

"**producer**" means a *stall holder* who produces a minimum of 80% of their product;

"**Provincial Offences Act**" means the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

"**re-seller**" means a *stall holder* who produces less than 80% of their product and/or buys their product either locally or from wholesalers;

"**stall**" means that portion of the *market* licensed by the *City* to a *stall holder* pursuant to a *daily permit* or *licence agreement*, as the case may be; and

"**stall holder(s)**" means a *person* who has entered into a *licence agreement* with the *City* for the use and occupation of a *stall*, or who has received a *daily permit* from the *City* for the use and occupation of a *stall*.

1.3 For the purposes of interpreting this by-law:

(a) a reference to any legislation, regulation, or by-law or to a provision

Public Market By-Law

- thereof includes a reference to any legislation, regulation or by-law enacted, made or passed in substitution thereof or amendment thereof;
- (b) any reference to legislation or by-laws includes all of the regulations made thereunder; and
 - (c) “include”, “includes” and “including” indicate that the subsequent list is not exhaustive.
- 1.4 This by-law will not be interpreted as exempting any *person* from the requirement to comply with any other *City* by-law or federal or provincial legislation. In the event of conflict between the provisions of this by-law and any other *City* by-law, the more restrictive provision will apply.

2 Administration

- 2.1 The *manager* is responsible for the administration of this by-law.
- 2.2 Where this by-law provides that the *manager* may do an act, the *manager* may, when doing the act, seek and consider information or documents from any *person*, and may consult with other *City* employees, legal counsel, or other advisors, all as the *manager* considers necessary.
- 2.3 Where this by-law provides that the *manager* may do an act, it may be done by an individual authorized by the *manager* to do the act.
- 2.4 Every application for a new *licence agreement*, or a renewal of an existing *licence agreement*, must be submitted to the *manager* in the form provided.
- 2.5 Every application for a new *licence agreement*, or a renewal of an existing *licence agreement*, must be accompanied by the full licence fee, as set out in *City of Kingston By-Law Number 2005-10, “A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston”*, together with the jurying fee referred to in Schedule D, if applicable.
- 2.6 Despite subsection 2.5 of this by-law, a *producer* may request a 50% fee reduction in exchange for a bi-weekly donation to a local food program or organization that supports the most vulnerable populations in the community, subject to and in accordance with the terms of the *licence agreement*.
- 2.7 The *manager* will review each complete application and will grant or refuse to issue a *licence agreement* or *daily permit*, as the case may be, and will notify the applicant of its decision in writing.
- 2.8 All applications for a *craft stall* or the sale of *crafts* must include a detailed description of the *crafts* to be offered, as well as information on how the *crafts* are produced. All such applications are subject to the *jury* process described in Schedule D.

Public Market By-Law

- 2.9 A *person* whose application for a *licence agreement* or a renewal of a *licence agreement* has been refused, or a *person* whose *licence agreement* has been terminated may, within 15 days of being notified of the *City's* decision, submit an application to appeal to the *Administrative Policies Committee* for a review of the decision. A *person* whose application for a *daily permit* has been refused has no right of appeal and the decision of the *manager* is final.
- 2.10 On appeal, the *Administrative Policies Committee* has the power to affirm the decision of the *manager* to refuse or terminate the *licence agreement*, or to direct the *manager* to issue, renew or reinstate the *licence agreement*.
- 2.11 Decisions of the *Administrative Policies Committee* are final.

3 Application of By-Law and Prohibitions

- 3.1 This by-law applies to the use of the *market*. Non-*market* civic events held in Springer Market Square will be regulated by the *City of Kingston First Capital Place Policy*, the *City of Kingston Special Events Policy for City Parks and Facilities*, and all other applicable *City* policies.
- 3.2 No *person* will sell, offer for sale, display, distribute or hand out any item in, on or at the *market* without a valid *licence agreement* or a *daily permit* issued under the provisions of this by-law.
- 3.3 No *person* will knowingly submit an application for a *licence agreement* or *daily permit* that contains false, misleading or deceptive information.
- 3.4 No *stall holder* or employee of a *stall holder* will discriminate in the carrying on of business against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.
- 3.5 No *stall holder* may sell, offer for sale, display, distribute or give any live animal, including any live bird, live fish, or live reptile, at the *market*.

4 Licence Agreements and Daily Permits

- 4.1 Each *stall holder* is required to execute a *licence agreement* or to obtain a *daily permit* prior to accessing or using the *stall*. Each *licence agreement* and *daily permit* will contain the terms and conditions specified in this by-law, including the general provisions set out in Schedule C of this by-law, subject to any modifications or additional provisions which may be made to those general provisions as reasonably required by the *manager* and approved by the *City's* Director of Legal Services.
- 4.2 No *stall holder* will transfer or assign their *licence agreement* or *daily permit* or

Public Market By-Law

sublicence or allow any other *person* to occupy the *stall* without the prior written consent of the *manager*.

- 4.3 Every *stall holder* must comply with all applicable federal, provincial, and municipal laws and regulations governing the use and occupation of the *stall* and the operation of the *stall holder's* business at the *stall*.
- 4.4 A *stall holder* may request a temporary suspension of its obligations under the *licence agreement*, subject to and in accordance with Schedule E of this by-law.
- 4.5 All *stall holders* must display their *stall* card in a prominent place in their *stall* at all times.

5 Allocation of Stalls and Eligibility for Renewal

- 5.1 *Stalls* will be allocated to *stall holders* based on seniority and compliance with the attendance requirements set out in subsection 5.3 below, except between November 1 and March 31 inclusive, when *stalls* will be offered by availability and seniority. Seniority will be determined by the number of consecutive years that the *stall holder* has maintained a *stall* at the *market*.
- 5.2 In allocating *stalls* to new *stall holders*, preference will be given to *producers* who live within a 100-kilometre radius of the geographic boundaries of the City of Kingston.
- 5.3 In order to be eligible for renewal of a *licence agreement*, a *stall holder* must achieve 80% attendance at the *market*, during the days and at the times specified in Schedule B, in the *stall holder's* best three months of the previous *market season*, subject to subsection 5.4 below. For clarity, in calculating the 80% attendance threshold, inclement weather days, as determined by the *manager*, will be excluded.
- 5.4 Despite subsection 5.3, a *producer* is only required to maintain a minimum attendance of one day per week during the *producer's* best three months of the previous *market season* in order to be eligible for renewal of a *licence agreement*.

6 Cancellation, Postponement and Rainchecks

- 6.1 Any *licence agreement* or *daily permit* may be cancelled by the *manager* at any time for breach of any provision of the *licence agreement*, *daily permit*, or this by-law.
- 6.2 The *City* may, without notice, require the closure and/or vacation of the *market* at any time due to a real or perceived emergency. For purposes of this subsection 6.2, an emergency includes any public emergency, such as a pandemic and/or epidemic as deemed to be such by the *City* in its sole discretion.

Public Market By-Law

- 6.3 If the *market* is required by the *City* for a special event, including a program, filming activity or civic event approved by the *City*, the *manager* may, upon at least four weeks' notice to the *stall holders*, where possible, require the closure, vacation and/or postponement of the *market* on the days and at the times specified in the notice. Where possible, such notice will include any scheduled rain dates for the special event. In addition to the notice period, the following terms and conditions will be applicable in the case of a cancellation or postponement:
- (a) in the case of postponement, the *market* day will be rescheduled to the next available Friday, where reasonably possible;
 - (b) the *City* must display signage at the *market* announcing the cancellation/postponement for a period of at least one week prior to the cancellation/postponement;
 - (c) the *City* and Tourism Kingston must announce the cancellation/postponement on their websites and through social media channels.
- 6.4 Rain checks will only be offered to *daily permit* holders who have paid the daily fee, and who are required to vacate the *market* prior to 11:00 a.m. due to inclement weather. Rain checks will not be offered to *licence agreement* holders.

7 Jury

- 7.1 The composition and duties of the *jury* with respect to the sale of *crafts* at the *market* are set out in Schedule D of this by-law.

8 Schedules

- 8.1 The following schedules are attached to and form part of this by-law:

Schedule A – Market Layout

Schedule B – Market Days and Hours

Schedule C – General Provisions for Stall Holders

Schedule D – Composition and Duties of the Jury

Schedule E – Requests for Temporary Absences

9 Inspection & Enforcement

- 9.1 The *manager*, the *market clerk*, and any authorized agent or employee of the *City*, has the right, at any time and from time to time, to inspect the *stalls*, and all property, equipment, products and fixtures in the *stalls*, to determine whether the

requirements of this by-law are being complied with, and no *person* will obstruct, hinder or otherwise interfere with such an inspection.

10 Offences & Administrative Penalties

10.1 Every *person* is guilty of an offence as provided for in the *Provincial Offences Act* if the *person*:

- (a) contravenes any provision of this by-law;
- (b) hinders, obstructs or interferes with the *manager* in the exercise of the *manager's* powers and duties; or
- (c) hinders, obstructs or interferes with a *person* authorized by the *manager* to do an act in the exercise of that *person's* authority to do the act.

10.2 Every officer or director of a corporation who knowingly concurs in the contravention of any provision of this by-law is guilty of an offence as provided for in the *Provincial Offences Act*.

10.3 Every *person* who is convicted of an offence under this by-law is liable to a minimum fine of \$500 and to a maximum fine of \$100,000 pursuant to subsections 429 (1) and (3) of the *Municipal Act, 2001*.

10.4 A *person* who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500 and a maximum fine of \$10,000, and the total of all daily fines for the offence is not limited to \$100,000 as provided for in section 429 of the *Municipal Act, 2001*.

10.5 When a *person* has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction may, in addition to any other penalty imposed on the *person* convicted, make an order:

- (a) prohibiting the continuation or repetition of the offence by the *person* convicted; and
- (b) requiring the *person* convicted to correct the contravention in the manner and within the period that the court considers appropriate.

10.6 The *City* may collect unpaid fines for a contravention of this by-law in accordance with the following:

- (a) the *City* treasurer may give notice that if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, including any extension of time for payment under section 66 or 66.0.1 of the *Provincial Offences Act*, the treasurer may give the *person* against whom the fine was imposed a written notice specifying the amount of the fine payable and the

Public Market By-Law

final date one which it is payable, which must be not less than 21 days after the date of the notice;

- (b) if the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act, 2001*.

11 General

- 11.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
- 11.2 This by-law will come into force and take effect on the date it is passed.

Public Market By-Law

1 st Reading	date
2 nd Reading	date
3 rd Reading	date
Passed	date

Janet Jaynes

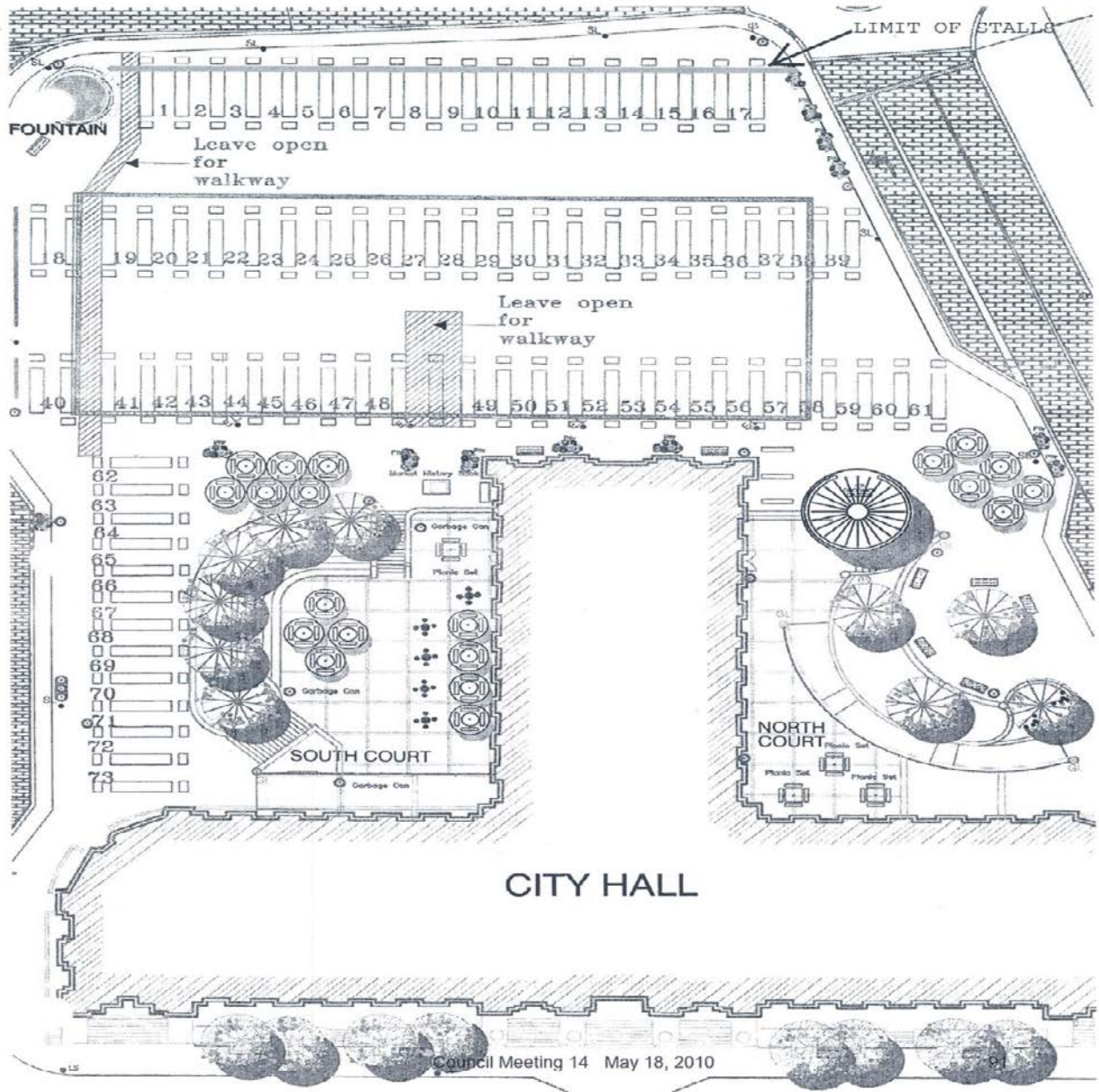
City Clerk

Bryan Paterson

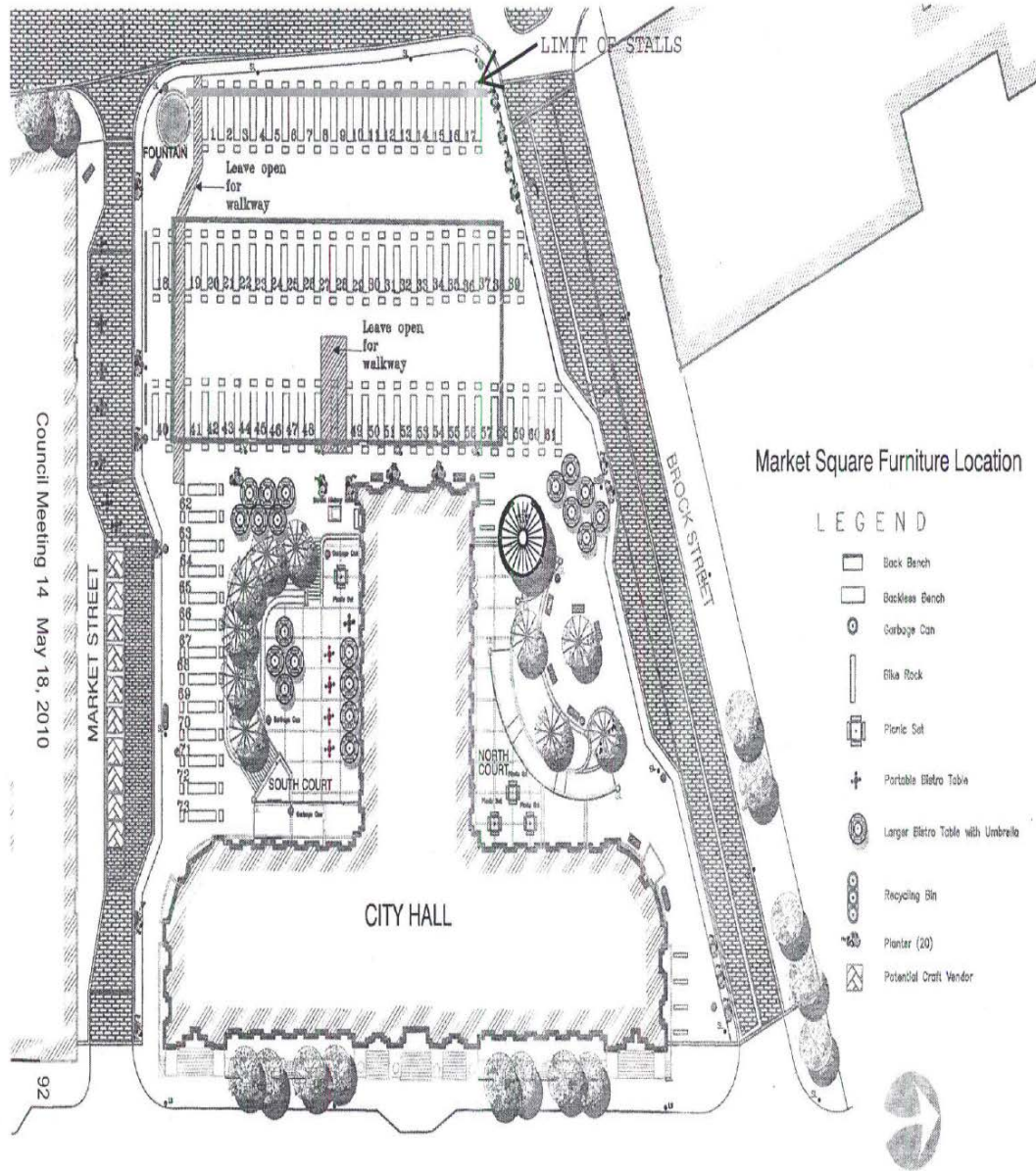
Mayor

Schedule A

Market Layout



Schedule A Continued



Schedule B

Market Days and Hours

- 1) The *market* will run during the *market season* on the following days: Tuesday, Thursday, and Saturday.
- 2) The regular *market* operating hours are as follows:
 - a) 8:30 a.m. to 5:00 p.m. from April 1 to October 31; and
 - b) 9:00 a.m. to 5:00 p.m. from November 1 to March 31.
- 3) *Stall holders* must set-up their *stall* no earlier than 6:00 a.m. and no later than 7:30 a.m. on *market* days during the months of June, July and August, or by 8:00 a.m. during any other calendar month, unless otherwise authorized by the *market clerk*. All *stall holders* must vacate the *market* by no later than 6:00 p.m. each day.
- 4) If a *stall* remains unoccupied by 7:30 a.m. during the months of June, July and August, or by 8:00 a.m. during any other calendar month, the *market clerk* has the right to offer the *stall(s)* to the other *stall holders* in attendance for use on the subject day. Unoccupied *stalls* will be allocated based on seniority pursuant to subsection 5.1 of this by-law, subject to the following provisions:
 - a) if a *producer* or *re-seller stall* is unoccupied, a *producer* or *re-seller* who is in attendance may request to relocate to that *stall* at no additional cost. If no *producer* or *re-seller* requests to be relocated, or if more than one *producer* or *re-seller* requests to be relocated, the unoccupied *stall* will be allocated based on seniority in the manner described above; and
 - b) if a *craft stall* is unoccupied, a *craft stall holder* who is in attendance may request to relocate to that *stall* at no additional cost. If no *craft stall holder* requests to be relocated, or if more than one *craft stall holder* requests to be relocated, the unoccupied *stall* will be allocated based on seniority in the manner described above.
- 5) The *market clerk* may reassign *stalls* to improve the compatibility and appearance of the *market*, and to assure that no *stall holder* is isolated.
- 6) Despite the foregoing, *craft stall holders* may operate on regular *market* days in the produce area of the *market*, provided space is available.
- 7) During the months of April to October inclusive, *producers* and *re-sellers* may offer for sale *craft* products, provided that the *craft* products do not occupy more than 10% of the display area of the *stall*, and provided the *crafts* have been approved by the *jury* in accordance with Schedule D.

Public Market By-Law

- 8) During the months of November to March inclusive, *producers* and *re-sellers* may offer for sale *craft* products, provided that the *craft* products do not occupy more than 20% of the display area of the *stall*, and provided the *crafts* have been approved by the *jury* in accordance with Schedule D.

Schedule C

General Provisions for Stall Holders

1. Market Sales

- 1) The *stall holder* will not use or permit the use of a *stall* for any purpose other than the following:
 - (a) the retail sale of raw or processed product of an agricultural crop, industry or enterprise, such as, by way of example, fruits and vegetables;
 - (b) food sampling in accordance with the provisions of the *Health Promotion and Protection Act*, R.S.O. 1990, c. H.7, and all public health regulations, rules and guidelines; and
 - (c) the retail sale of *crafts* approved pursuant to Schedule D of this by-law.
- 2) No *craft* vendor will occupy more than one *stall* in the *market*.

2. Attendance

Stall holders must use reasonable efforts to notify the *market clerk* in advance if the *stall holder* is unable to attend the *market* on a scheduled *market* day in accordance with the *market* hours set out in Schedule B.

3. Vehicles and Parking, No Obstructions

- 1) *Stall holders* are permitted to park their vehicles in their designated *stall* on regular *market* days, during the hours set out in Section 2 of Schedule B, so long as the *stall* is being actively operated for business.
- 2) *Stall holders* are only permitted to park their vehicles in their designated *stall*. Any vehicle that will not fit on a double *stall* will not be permitted in any other location on the *market*.
- 3) *Stall holders* must maintain their vehicles, trailers and associated equipment, and must take whatever precautions are necessary to ensure that there is no fluid leakage on the *market*, including placing cardboard or other materials under the oil pan of the vehicle. *Stall holders* must minimize vehicle idling at the *market* in accordance with the *City's* idling by-laws.
- 4) The *stall holder* will not obstruct and will not permit the obstruction of any sidewalks, including by way of placement of awnings, signs, fixtures or products. Awnings may be permitted to overhang onto a sidewalk if the *manager* determines that the awning does not interfere with pedestrian and/or other traffic or adjacent *stalls*.

4. Operating Requirements

All *stall holders* must comply with the operating requirements set out in the *licence agreement* or *daily permit*, including all insurance, indemnification, maintenance, and cleaning requirements set out in the *licence agreement*.

5. Community Purpose Stalls

Despite the provisions of this by-law, one *stall* in the *market* will be reserved for community purposes on *market* days in a location designated by the *City*. During the period from November 1 to March 31 in each year, the *City* will reserve six *stalls* for community purposes, in locations designated by the *City*. The community purpose *stall(s)* will be available on a daily, first-come, first-served basis, upon application in writing to the *market clerk*. Each application for a community purpose *stall* must be for one date only.

6. Sale of Ice Cream Products

The sale of ice cream products from mobile carts is permitted in the *market* on regular *market* days; provided, however, that such sales only take place from the two internal roadways between Brock Street and Market Street. The ice cream vendor will not block internal vehicular traffic that is ongoing throughout *market* days or interfere with any *stall holder's* ability to do business. Ice cream vendors must also obtain and abide by the terms of all other *City* permits as required.

7. Modification of Conditions

These conditions may be modified or added to as provided for under subsection 4.1 of this by-law.

Schedule D

Composition and Duties of the Jury

- 1) All first-time applications for the sale of *crafts* at the *market* will be referred to the *jury* for the purpose of ensuring that the *crafts* to be offered meet established criteria.
- 2) The *jury* will consist of three individuals appointed by the *manager* who are not *stall holders*. Members of the *jury* will be chosen based on their experience in *crafts* and their knowledge of *craft* techniques. Employees of the *City* will not be eligible to sit on the *jury* in a decision-making capacity; however, *City* employees may be present to advise and make recommendations to the *jury*.
- 3) The applicant for the sale of *crafts* must be present in person (or virtually if the jurying process is conducted electronically) for the jurying process.
- 4) Members of the *jury* will be compensated at a rate set by the *manager* from time to time.
- 5) Any *person* may appeal the decision of the *jury* to the *manager* within 15 days of being notified of the *jury's* decision. On appeal, the *manager* has the power to affirm the decision of the *jury*, or to approve the application.

Schedule E

Requests for Temporary Absences

The *manager* may grant temporary sabbaticals/leaves of absence (a “*temporary absence*”) to *stall holders* for a period not to exceed 12 months in the aggregate. Requests for a *temporary absence* must be submitted in writing to the *manager* and will be governed by the following provisions:

- 1) The written request for a *temporary absence* must be received by the *manager* before February 1 of each year;
- 2) The written request for a *temporary absence* must include the *stall* number and the reason for the *temporary absence*;
- 3) Requests for *temporary absences* will only be granted due to medical or health conditions, or other circumstances beyond the reasonable control of the *stall holder*;
- 4) In order to request a *temporary absence*, the *stall holder* must be in good standing under the terms of the *licence agreement* and this by-law; and
- 5) The *manager* will respond in writing within 15 business days and will either approve or deny the request for a *temporary absence*. The decision of the *manager* is final.

City of Kingston By-Law Number 2024–...

By-Law to Amend City of Kingston By-Law Number 2005-10, By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston, as Amended

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

Subsection 5 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”) provides that the powers of a municipality must be exercised by its council.

Subsection 5 (3) of the *Municipal Act, 2001* provides that a municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise.

Pursuant to subsection 10 (1) of the *Municipal Act, 2001*, a single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public.

On December 14, 2004, council for the *City* enacted *City of Kingston By-Law Number 2005-10 “By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston”, as Amended*.

Council for the *City* considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2005-10*.

Therefore, *council* enacts:

1. Amendment

1.1 *City of Kingston By-Law Number 2005-10* is amended as follows:

- (a) Schedule D - Recreation & Leisure - 2024 User Fees and Charges, adds the following:

By-Law to Amend By-Law 2005-10

Springer Market Square – Basic Lease Rate	Fee	HST
First Row Corner	\$944.07	Yes
First Row	\$866.59	Yes
Second Row Corner	\$866.59	Yes
Second Row	\$793.45	Yes
Third Row Corner	\$866.59	Yes
Third Row	\$721.90	Yes
Market Street Stall 67 to 78 – Parking Provided	\$721.90	Yes
Market Street Stall 67 to 78 – Parking Not Provided	\$436.90	Yes
Springer Market Square – Daily Rates	Fee	HST
Casual - Produce	\$30.88	Yes
Casual - Craft	\$50.22	Yes
Advertising	\$17.70	Yes

2. Coming into Force

2.1 This by-law will come into force and take effect on the day it is passed.

By-Law to Amend By-Law 2005-10

1st Reading date

2nd Reading date

3rd Reading date

Passed date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor