CITY OF NIAGARA FALLS

A CONSOLIDATED BY-LAW

Being **By-law No. 81 - 274** as amended by:
By-laws 88-296, 90-116, 93-22, 2006-107 and 2010-87 regarding Fee Schedule.

A by-law for establishing, maintaining and operating markets and for regulating such markets located within the City of Niagara Falls.

WHEREAS paragraph 62d of subsection 1 of section 354 of The Municipal Act provides that by-laws may be passed by the councils of local municipalities for establishing, maintaining and operating markets and for regulating such markets and any other markets located within the municipality; and

WHEREAS the Council of The Corporation of the City of Niagara Falls deems it desirable to pass this by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. This by-law may be cited as “the Market By-law”.

2. For the purpose of this by-law:

   (a) “Chief Administrative Officer” shall mean the Chief Administrative Officer”of the City of Niagara Falls or his designate.

   (b) "Council" shall mean the Council of The Corporation of the City of Niagara Falls.

   (c) "Corporation" shall mean The Corporation of the City of Niagara Falls.

   (d) "Market" or "Markets" shall mean the land or lands owned by the Corporation shown bordered in black on Plan Schedules "A" and "B" to this by-law.

   (e) "Market Clerk" shall mean the person or persons so designated by the Chief Administrative Officer to enforce the provisions of this by-law.

   (f) "Market Days" shall mean those days on which lawful market activity may be undertaken on the Markets.

   (g) "Producer" shall mean a person who sells principally the produce of his own farm, garden or dairy on the Markets.

   (h) "Stalls" shall mean the areas within the Markets set aside for the sale of goods and produce, as shown on Plan Schedules "A" and "B" to this by-law.

   (i) "Vendor" shall mean any person other than a Producer who has been granted permission by the Market Clerk to sell any article on the Markets.

(j) “Artisan”: means a person who creates crafts.

(k) “Craft”: means a good or goods created in quantities of 50 or less using hand tools at a place located within 100 kilometers of the Sylvia Place Market.

3. The land shown bordered in black on Plan Schedule “A” to this by-law shall constitute the Park Street Market and the land shown bordered in black on Plan Schedule “B” to this by-law shall constitute the Sylvia Place Market.

4. Subject to the approval of the Council, the Markets shall be under the control of the Chief Administrative Officer, who shall have the power to make rules and regulations governing the Markets, not inconsistent with the provisions of this by-law and to appoint a Market Clerk who shall enforce the provisions of this by-law and manage the Markets.

5. Subject to the provisions of this by-law, the Markets shall be used for the sale of baked goods, meat, sausage, fish, poultry, butter, eggs, cheese, honey, maple syrup, flowers, plants, shrubs, fruit, nuts, vegetables, and other farm, garden and dairy produce, crafts and firewood.

6. The Markets shall not be used for the sale of dogs, cats or any other household pets. Further, the Markets shall not be used for the sale of fruits and vegetables or dairy products grown, produced or manufactured outside Canada. No person shall sell on the Markets or public streets adjacent thereto any drugs or medicine in any form, salves, preparation or compound, patent or proprietary.

7. The Markets shall be divided into stalls as shown in Plan Schedules "A" and "B" to this by-law.

8. The Markets shall be open for the purposes of the Markets from 6 a.m. to 1 p.m. every Wednesday and Saturday throughout the year, and such other days or hours as may be designated by the Chief Administrative Officer, provided however that if any such days shall be a public holiday, the next preceding day which is not a public holiday shall be a Market day in lieu thereof.

9. No person shall:

(a) Place, stand or leave any vehicle, conveyance, table, basket, package or other container or receptacle holding or containing articles for the purpose of sale, or place, stand or leave any such article oh the Markets except on Market days during Market hours.

(b) Erect, place, leave or maintain on the Markets any building, trailer, stand or other structure except as may be approved by the Chief Administrative Officer as to size, character, appearance and location.

(c) Use the Markets or the driveways thereof on Market days during Market hours as a thoroughfare for the purpose of driving or propelling any vehicle or conveyance through the same or place or stand or leave any vehicle or conveyance on the Markets on Market days during Market hours except such as may be used for the purpose of conducting sales therefrom or except such as are parked in accordance with the By-law to regulate parking on the Markets.

(d) In any way obstruct the sidewalks or driveways of the Markets, except as to those parts contained within the limits of the stalls, and every person using the Markets for the purpose of sale shall so place his vehicle, conveyance, trailer, stand, table or basket containing the articles he has for sale, within the limits of the stall occupied by him.

(e) Commit any nuisance or be disorderly on the Markets including, but not limited to, the making of unusual noises, shouting, or other noises likely to disturb the producers, vendors, customers or operation of the Markets.

(f) Leave any hides, offal, refuse or other waste matter or substance on the Markets which is or may become a nuisance.

(g) Place any foodstuffs of any nature on the Markets so that they may be exposed to pollution.

(h) Bring any foodstuffs of any nature on the Markets to be exposed or offered for sale or sold which are in any way unsound or unfit for human consumption.

(i) Sell or expose for sale or offer for sale on the Markets any foodstuffs of any nature which are in any way unsound or unfit for human consumption.

(j) Sell or expose for sale or offer for sale fresh meat or poultry products on the Markets except from the stalls shown on plan Schedules "A" and "B" to this by-law designated by the letter "M" before the number of the stall and no articles other than fresh meat or poultry shall be sold or offered for sale or exposed for sale from such meat stalls.

(k) Sell or expose for sale or offer for sale fresh fish or seafood products from vehicles on the Markets except from vehicles approved by the Market Clerk and the Niagara Regional Health Unit parked or standing in stalls the location of which is approved by the Market Clerk.

(l) Sell or expose for sale or offer for sale live fowl or animals on the Markets except in a location approved by the Market Clerk.

(m) Slaughter, bleed, dress or clean any animal, poultry or fish on the Markets.

(n) Display any advertising signs or devices or distribute any advertising material on the Markets save and except signs placed at stalls identifying the Producer or Vendor and the product and prices.

(o) Without lawful authority, obstruct or interfere with any other person or persons on the Markets.

(p) Sell or expose for sale or offer for sale on the Markets any articles by weight or measure except according to lawful weights and measures and not of light weight or short measure or count.

(q) That no potatoes be displayed for sale in the natural elements when the temperature is below 32 degrees Fahrenheit. Also, no apples, pears, eggs or vegetables will be displayed in natural elements when temperature is below 30 degrees Fahrenheit.

10. The occupant of any stall on the Markets shall keep the same in a clean and orderly state during his occupation and upon leaving the same shall remove all refuse and litter thereon.

11. Every Vendor or Producer on the Markets who sells or exposes for sale or offers for sale articles or by weight or measure shall provide himself with lawful scales, weights and measures for such purpose.

12. Any articles sold, exposed for sale or offered for sale on the Markets which are found to be of light weight or short measure or count may be confiscated by the Market Clerk or a peace officer.

13. Subject to section 20, no person shall sell or expose for sale or offer for sale, from a stall on the Markets, any articles or produce unless a valid monthly or yearly permit for such stall has been issued by the Market Clerk to such person.

14. Every person who desires to obtain a monthly or yearly permit for a stall on the Markets shall,

    (a) compete an application therefor in the form prescribed from time to time by the Chief Administrative Officer and submit the same to the Market Clerk; and

    (b) pay to the Corporation the prescribed fees therefor as set out in Schedule "C" to this by-law.

15. The Market Clerk shall issue a permit except where,

    (a) the stall applied for is already reserved;

    (b) the application is incomplete or discloses that the proposed use of the stall will not comply with this by-law or any other applicable law; and

    (c) any fees are unpaid.

16. Subject to cancellation, as herein provided, a monthly permit shall be valid for one month from the date of its issuance and a yearly permit shall be valid from January 1st to December 31st in the year of its issuance.

17. An advertising fee equal to 25% of the market fee for each stall is included in the fees for stalls as set out in this by-law. The portion of the fees collected for the Park Street Market for advertising shall be used exclusively for advertising the Park Street Market and the portion of the fees collected for the Sylvia Place Market for advertising shall be used exclusively for advertising the Sylvia Place Market.

18. Subject to section 22, a valid monthly or yearly permit shall entitle the holder thereof to occupy the stall referred to on the permit for the term prescribed thereon on Market Days during Market Hours for the purpose of selling, exposing for sale or offering for sale articles or produce, in accordance with this by-law.

19. No person shall at one time occupy more than 3 of the stalls shown on Schedules "A" and "B" to this by-law.

20. The Market Clerk shall have the authority to cancel without refund any permit issued if the holder thereof is found to be in breach of any of the provisions of this by-law.

21. No person may transfer, assign or sublet a stall or the right of occupation thereof, without having first obtained the approval of the Market Clerk. Breach of this condition shall summarily forfeit the right of occupation and the City shall upon request refund to the original applicant a portion of the fee paid proportionate to the period of occupation then remaining unexpired.

22. The Council reserves the right at any time by decision of the said Market Clerk at his discretion to summarily cancel any or all rights of occupation of any or all stalls without notice given or reason stated upon payment to the original applicant of the portion of the rental fee paid proportionate to the period of occupation then remaining and unexpired and without claim or redress on the part of the occupant.

23. On any occupant failing to occupy his stall by 8:00 a.m. of any Market Day, the Market Clerk may permit any other person to occupy the same for such day on payment of a fee of $25.00, payable to the City and the occupant normally entitled shall forfeit his right of occupation of such stall for such day if it is otherwise occupied prior to his arrival on the market without claim or redress on his part, provided that he may occupy such vacant stall on the market as may be directed by the Market Clerk.

24. The Market Clerk may allow any person to occupy a vacant stall for any Market day on payment of a fee of $25.00 but this shall not permit any occupation contrary to any other provisions of this By-law.

25. It shall be the duty of the Market Clerk:

    (a) to collect all Market fees payable under this by-law and to collect all per diem fees payable in respect of stalls and to pay over all fees so collected and account for the same to the City Treasurer.

    (b) to enforce the provisions of this by-law and of any Rules and Regulations made thereunder.

    (c) to keep the Markets in a clean and orderly state.

    (d) to attend the Market on Market days during Market hours.

    (e) to keep Market records as prescribed by the Chief Administrative Officer and to make such reports as may be required.

    (f) to inspect, weight, measure and count any articles brought on the Markets for sale or being thereon exposed or offered for sale, and to seize, destroy or otherwise dispose of all articles or foodstuffs so brought on the Markets which are tainted and unwholesome articles of food and for such purposes he shall co-operate with the Public Health Inspectors of the Niagara Regional Health Unit.

26. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than $1000.00, exclusive of costs.

27. By-law Nos. 1813, 1930; 1953, 1931; 2393, 1936; 3416, 1943; 6815, 1965 and 76-204 are all hereby repealed.

28. This by-law shall become effective January 1, 1982.

(Original By-law 81-274 was) passed this 16th day of November, 1981.

PAUL J. BRENNAN, DEPUTY CITY CLERK WAYNE THOMSON / MAYOR

First Reading: November 16, 1981
Second Reading: November 16, 1981
Third Reading: November 16, 1981

ST.CLAIR AVENUE

NORTH

150'

		M3
M1		M4
M2		M5

1	37
2	36
3	35
4	34
5	33
6	32
7	31
8	30
9	29
10	28
11	27
12	26
13	25
14	24
15	23
16	22

17	18	19	20	21

P A R K S T.

400'

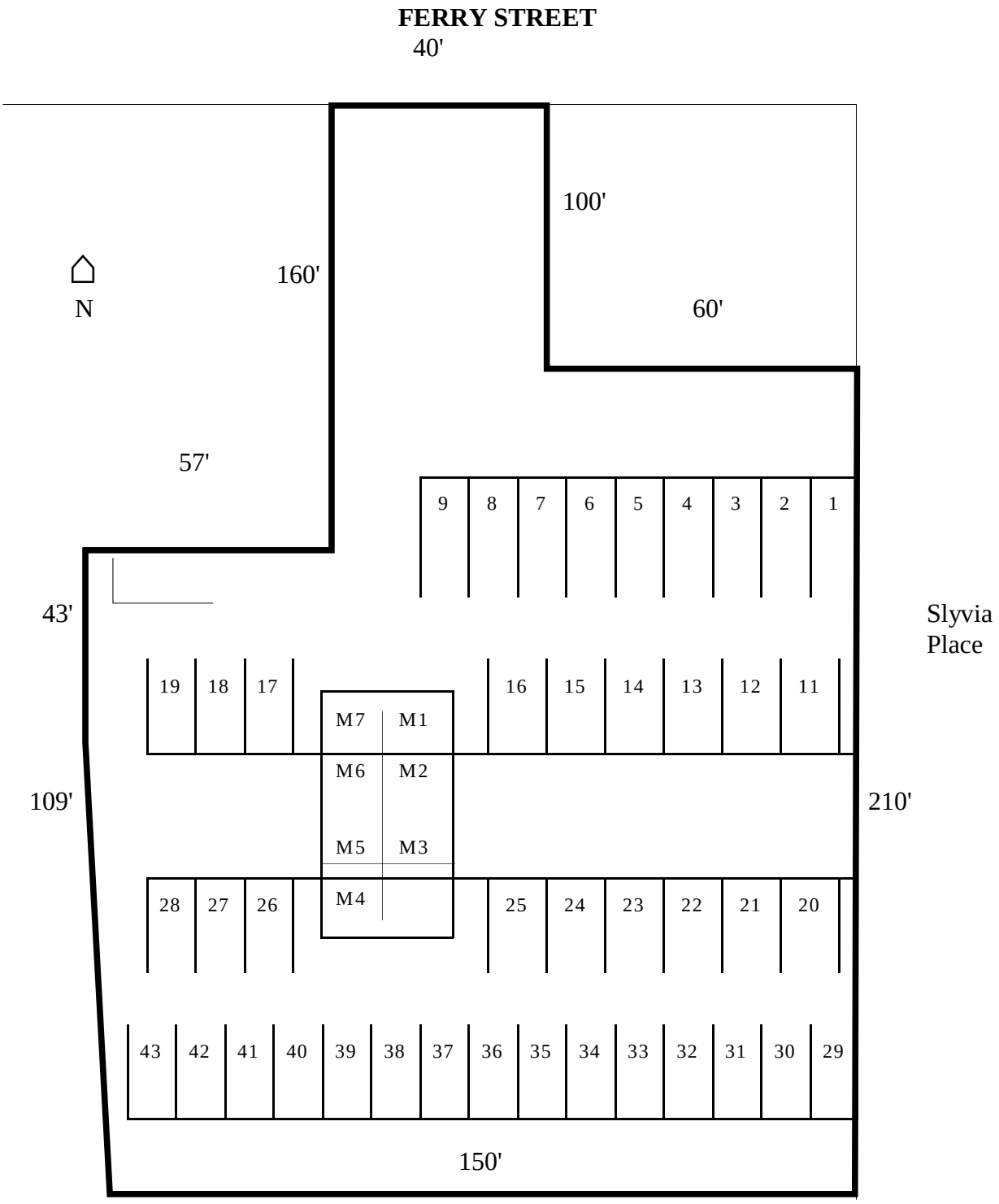
400'

150'

CHRYSLER AVENUE

SCHEDULE “A” TO BY-LAW 81-274

AREA AFFECTED BY BY-LAW



SCHEDULE “B” TO BY-LAW 81-274

AREA AFFECTED BY BY-LAW

SCHEDULE "C"

TO BY-LAW 81-274

FEES

NIAGARA FALLS FARMERS MARKETS

Park Street Market	Daily	Monthly	Yearly
Stalls 1 to 37 inclusive	$42.32	$126.96	$211.59
* Stalls M1 to M5 inclusive			$725.46

Sylvia Place Market			
Stalls 1 to 43 inclusive	$42.32	$126.96	$211.59
* Stalls M1 to M7 inclusive		----	$725.46

* M Denotes Meat Stalls

Crafters' Tables	$11.30