

FACILITY

Chapter 245 MARKET - PUBLIC - REGULATION

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Article 1
PUBLIC MARKET

245.1.1 Established - location

The public market shall be established on Icomm Drive, more particularly described as Lot 1, Registered Plan 680 of the City of Brantford. By-law 167-92, 2 November, 1992.

245.1.2 Market day - specified - exception - legal holiday

Every Thursday, Friday and Saturday, unless such day shall be a legal holiday, shall be a market day, and in case any day aforesaid shall be a legal holiday, then the preceding day which is not a holiday shall be the market day in each case.

245.1.3 Operation - hours of

The market house shall be open every market day as follows:

Thursday 900 a.m. to 5:00 p.m.

Friday 900 a.m. to 6:00 p.m.

Saturday 600 a.m. to 2:00 p.m.

By-law 211-86, 15 December, 1986.

245.1.4 Operation - management - Clerk

The Clerk will be responsible for the operation and management of the public market as set out by this Chapter.

245.1.5 Space - allotment - possession

The Clerk shall have charge of the allotment of space therein and thereon to all persons bringing goods, wares or merchandise upon the public market and such persons shall place same in such station or stand and shall occupy such space therein or thereon as the Clerk shall direct, provided always that this provision shall be subject to the right of any person who is in possession of a holding permit to occupy a certain stand or station.

Article 2**VENDOR - RESPONSIBILITY****245.2.1 Goods - equipment - removal - special events**

All vehicles, baskets, boxes, implements, tables and all goods offered for sale shall be the responsibility of the owner or his/her representative and no person shall leave any of the aforesaid articles upon the public market grounds later than one-half hour after the hour as set out in Section 245.1.3 for the closing of the market house. The above restriction is subject to special arrangements being made with the Clerk in respect to the market building. The vendor is entirely responsible for the safety and protection of any and all items left by him/her in the building. In the event that the building is required by the Corporation for activities other than market purposes on non-market days, vendors will, upon notice from the Clerk, remove all vehicles, baskets, boxes, implements, tables and goods offered for sale at the conclusion of the market day prior to the event.

245.2.2 Refuse - removal - mandatory

The vendor shall remove his/her refuse etc. leaving his/her station stand or stall clear and clean. Following notification by the Clerk, and failure on the part of the vendor to clean his/her station, stand or stall satisfactorily, such station, stand or stall shall be ordered cleaned by the Clerk, and costs incurred shall be levied against the market vendor. By-law 102-82, 7 June, 1982.

245.2.3 Signs - mandatory

Any person or persons offering for sale any article in the market building, meat stalls or upon the Market Place, shall have a sign with his/her or their name and address on display at all times, such signs to be erected in conformance with the provisions of the Sign By-law [City of Brantford Municipal Code, Chapter 478] and amendments thereto. Standard types of signs shall be required in the market building. By-law 102-82, 7 June, 1982; By-law 167-92, 2 November, 1992.

245.2.4 Auction sales - permit - fee - required

Auction sales may be held from time to time upon the public market but only upon a permit being issued as authorized by the Council of the Corporation of the City of Brantford. The fee for such permit shall be determined for each sale, which shall be limited to a period of time on the day set forth in the permit.

245.2.5 Auction sales - merchandise - limited

Such sales shall be limited to household items, tools, hardware, dishes and furniture and shall not include used clothing, bedding or products such as fruits, vegetables, eggs, meat, poultry, etc. normally sold on the market, and shall be conducted by an auctioneer duly licensed for the City of Brantford.

**Article 3
CHRISTMAS TREES****245.3.1 Sale - days - rates - Schedule 'A'**

Christmas trees may be offered for sale upon the open section of the market in the regular stands for two weeks before Christmas on each day and every day of the week except Sunday, at the rates defined in Schedule 'A' of this Chapter.

245.3.2 Deposit - Clerk - to ensure clean up

Each vendor of Christmas trees shall deposit the sum of \$25 with the Clerk to ensure that his/her stand is cleaned of all refuse, butts, etc., resulting from the display and sale of Christmas trees, at the end of the day.

245.3.3 Deposit - forfeited - failure to clean - additional fee

In the event that the vendor does not clean up the stand to the satisfaction of the Clerk, the deposit shall be forfeited and paid to the Treasurer to defray the cost of cleaning, and the vendor will be required to post an additional \$25 before being permitted to continue the sale of Christmas trees.

245.3.4 Deposit - refunded

When the stand has been cleaned to the satisfaction of the Clerk, the deposit shall be refunded to the vendor at the conclusion of the period of sale of Christmas trees.

Article 4 **VEHICLES - USE - PARKING**

245.4.1 Operation - speed - location

No person, when driving a vehicle through the public market shall proceed faster than eight kilometres per hour and the person in charge of such vehicle on the said grounds shall place the said vehicle in such manner as directed by signs posted or by a Municipal Law Enforcement Officer or any Police constable on duty. In case of refusal to do so, the Municipal Law Enforcement Officer or Police Constable may order and enforce its removal. By-law 102-82, 7 June, 1982.

245.4.2 Parking - public

On market days, parking spaces shall be designated by the Clerk, which spaces shall be marked by signs. The said designated spaces may be used for public parking without charge, for a period not exceeding one hour.

245.4.3 Parking - vendor - reserved

An area adjacent to the public market, designated by the Clerk, shall be reserved for free parking of one vehicle only of any vendor who rents space on the public market on market days, and shall be limited to free parking of such vehicle of the vendor only during the time of the day that the vendor is actually selling his/her products to the consumers. By-law 167-92, 2 November, 1992.

245.4.4 Loading - unloading - vendors

A vendor shall be allowed to park his/her vehicle for a period not exceeding fifteen minutes for the purpose of unloading or loading the same. In the event that such time is not sufficient for such unloading and loading, and other vehicles are waiting to unload or load, such vehicles must be moved and returned for unloading or loading at its regular turn.

Article 5 **COFFEE BAR**

245.5.1 Lease - terms - conditions

The coffee bar located in the market building shall be leased upon such terms and conditions as may be decided by the Council and shall be subject to thirty days' notice to vacate either by the lessee or lessor.

245.5.2 Regulation - conformance - required

The lessee shall be required to conform with all municipal by-laws and the Provincial Food Premises Regulations in respect to the sale of food and refreshment.

Article 6 STALLS

245.6.1 Application - to Clerk - Schedule 'B'

Any person desiring to rent a stall in the enclosed or the open market at the Brantford public market must make application to the Clerk. (See Schedule 'B') By-law 102-82, 7 June, 1982.

245.6.2 Notice to vacate

Market stalls are subject to thirty days written notice to vacate by either the lessee or lessor. By-law 167-92, 2 November, 1992.

245.6.3 Repealed: By-law 167-92, 2 November, 1992.

245.6.4 Repealed: By-law 167-92, 2 November, 1992.

245.6.5 Limit - number - per vendor

Effective on the passage of this Chapter, it shall be the practice to limit the number of stalls rented to an individual vendor or partnership to two. In the event, that prior to adoption of this Chapter, an individual vendor or partnership was the lessee of more than one stall, when the vendor or partnership ceases to operate at the Brantford public market, such stalls shall be rented as single units.

245.6.6 Property - of City - non-transferable

Market stalls do not become the personal property of the individual lessees, and cannot be transferred with the sale of a private business.

245.6.7 Sublet - assignment - other than permit holder

The occupier of stalls shall not sublet or assign such stalls or permit any person to occupy their stall without the consent, in writing from Council (this does not prohibit the engagement of employees to assist in serving the public). Every such act shall, at the option of Council, be a forfeiture of the right to use the stall or stalls.

245.6.8 Waiting list - empty - allocation - existing vendor

Notwithstanding the above, the Clerk shall maintain a special waiting list for stall rentals for vendors presently renting stalls on the public market. In the event that there is no one on the general waiting list for rental of a market stall, at such time as a stall becomes available, then such stall may be allocated to an existing vendor. By-law 102-82, 7 June, 1982.

245.6.9 Waiting list - special - corner stalls - vendors only

Notwithstanding Section 245.6.8, the Clerk shall maintain a special waiting list for corner stalls Nos. 18, 22, 23, 27, 32, 36, 37, and 41. Vendors who rent a stall on a regular basis shall be entitled to have their names placed on this waiting list. There shall be a limit of one corner stall only per vendor. By-law 167-92, 2 November, 1992.

245.6.10 Waiting list - special use - kept

The Clerk shall maintain a separate waiting list for persons wishing to lease:

- (a) refrigerated stalls;
- (b) produce stalls in the enclosed market;
- (c) produce stalls in the open market;
- (d) corner stalls.

245.6.11 Waiting list - posted - updated

A copy of such lists will be regularly updated by the Clerk and posted in the market building. The original will be maintained in the office of the Clerk. By-law 102-82, 7 June, 1982.

245.6.12 Right to stall occupancy - conditions

The vendors in the market place who rent a stall on a regular basis shall have the right to occupy the same stall on each market day, provided they take possession of the same within two hours of the hour established for opening of the market house. By-law 167-92, 2 November, 1992.

245.6.13 Vacant - stalls - daily assignment - Clerk

And further, that after the hours mentioned in Section 245.6.12, the Clerk may assign to any applicant, for the day, any station or stations which the regular occupant has not taken, or allow vehicles to be parked at such stands. By-law 102-82, 7 June, 1982.

245.6.14 Fees

Each occupier of a stand or stands shall be required to pay the market fees, as approved annually in the City of Brantford Fees and Charges By-law and any other fee required by any other by-law of the Corporation.

245.6.15 Fees - daily

Occupiers of stands on an occasional basis shall be required to pay a daily market fee, as approved annually in the City of Brantford Fees and Charges By-law and any other fee required by any other by-law of the Corporation. By-law 113-2013, 18 November, 2013.

245.6.16 Operation - other than stand - stall - prohibited

No person shall sell or offer or expose for sale anything on the market except from a stand which has been assigned to him/her by the Clerk by number, according to Schedule 'A' of this Chapter, for which he/she has paid the required fee as shown in Schedule 'A'.

245.6.17 Permanent fixtures - prohibited

No permanent fixtures shall be permitted in any stand in the market building for fruit and vegetables, or upon the open market.

245.6.18 Numbering - stands - required

Each stand on the market shall be numbered in accordance with Schedule 'A'. The plan for said stands shall be available for public inspection at the office of the Clerk.

Article 7**GENERAL PROHIBITIONS****245.7.1 Food - immediate consumption - other than coffee bar**

No food shall be cooked, prepared or served for immediate consumption, or processed in the public market, except in the area provided for a coffee bar.

245.7.2 Junk - second hand merchandise

No second hand clothing, bedding, junk or old metals shall be sold or offered for sale upon the public market.

245.7.3 Small wares - defined

Without limiting the meaning of small wares herein, it is hereby declared to mean and include jewellery, fountain pens, and patent and proprietary medicines and remedies and such like articles.

245.7.4 Criers - vendors - small wares - prohibited

Criers or vendors of small wares are hereby prohibited from practising their calling upon the public market.

245.7.5 Criers - vendors - contrary to provisions - prohibited

No licence shall be issued to criers and vendors to sell any articles on the public market contrary to the provisions hereof.

245.7.6 Rummage sales - prohibited

No rummage sales shall be allowed on the Public Market. By-law 102-82, 7 June, 1982.

245.7.7 Rummage sale - exception - Vendor's Association

Notwithstanding Sections 245.7.3, 245.7.5 and 245.7.6, the Brantford Public Market Vendors Association may hold a rummage sale and/or the sale of second hand goods on the market lot outside the market building up to a maximum of two times a year.

245.7.8 Rummage sale - charitable - religious - only

The sale referred to in Section 245.7.7 must be for the benefit of recognized charitable or religious organizations only. By-law 115-88, 11 April, 1988.

Article 8**REFRIGERATED SECTION****245.8.1 Cheese - condition of sale**

All cheese offered for sale from the public market must be kept in a refrigerated glass show case, and must not be sold in the open market. Clean new wrapping paper only is to be used for wrapping purposes.

245.8.2 Cheese - storage

Any cheese unsold may be kept in storage away from the public market, the place of storage must be satisfactory to the Public Health Inspector. Cupboards, boxes, and containers of any description for the storage of cheese must not be kept in market stations, or on the public market. By-law 102-82, 7 June, 1982.

245.8.3 Slaughtering - processing - in market - prohibited

No meat or meat products shall be sold in the public market unless the animal carcasses have been slaughtered and cut in an abattoir or slaughter-house approved by the Brant County Health Unit. All meat and/or meat products must be cut or processed in premises approved by the Brant County Health Unit. By-law 102-82, 7 June, 1982; By-law 167-92, 2 November, 1992.

245.8.4 Meat - fish - other than area set out - prohibited

No person shall sell meat or fish on the market except in stations provided for this purpose. By-law 102-82, 7 June, 1982.

245.8.5 Approval required - of persons - by Health Unit

All persons occupying these stations must be approved by the Brant County Health Unit before obtaining a permit to sell meat on the local market. By-law 102-82, 7 June, 1982; By-law 167-92, 2 November, 1992.

245.8.6 Handling - vendor - inspector - only

In order to reduce the danger of spreading infection and to promote cleanliness and public health, no person shall touch any meat upon the market, but this provision shall not prohibit such handling by the Public Health Inspector or by the vendor or his/her employees as shall be necessary in vending, cutting or wrapping the same.

245.8.7 Handling - other - prohibited

Save as aforesaid, no vendor of meat or his/her employees shall permit any customer or other person to handle meat in the possession of such vendor upon the public market.

245.8.8 Transportation - carrying - to be covered

No carcass or portion of a carcass of any animal which has been killed or skinned and is to be used as human food, shall be carted or carried through the market or through any street or public place, except if it is covered so as to protect it from dust and dirt.

245.8.9 Vehicle - covers - boxes - clean - light coloured

When meat is brought for sale on the market, the box of the vehicle in which it is brought shall be clean and wholesome and have a removable rack or clean, heavy paper in the bottom of such vehicle, and such vehicle must be either a tight box or enclosed by clean tarpaulins. All cloths covering meat in such vehicles shall be clean and of light colour and no person shall be allowed to expose meat for sale on the market without first complying with this regulation. All baskets or cartons containing meat or meat products shall be clean and covered.

245.8.10 Floor - resting on - prohibited - minimum 6" above

No carcass or any part of a carcass for human consumption shall be allowed to rest directly on the market stall floor, either in baskets or cartons, but shall be kept up a minimum of six inches from the floor, either by hooks or on satisfactory racks or benches.

245.8.11 Wrapping paper - new - clean

Clean, new wrapping paper only shall be used for wrapping meat and fish sold on the market.

245.5.12 Fish - encased - with ice

All fish offered for sale upon the public market shall be kept in a glass showcase with adequate ice.

245.8.13 Aprons - butcher's coats - hands - clean - sanitary

All persons handling meat, fish or cheese on the market shall wear clean aprons or clean butcher's coats and such persons shall keep their hands clean and sanitary at all times. By-law 102-82, 7 June, 1982.

245.8.14 Tables - display - cutting - approval

All tables used on the market for the purpose of cutting or displaying meat, fish or cheese must be approved by an Inspector of the Brant County Health Unit. All such tables shall have a hardwood top, closely jointed, covered with a suitable material capable of being easily cleaned and which will prevent the absorption of grease and dust. All such tables, implements and appliances must be maintained in good repair and kept clean and sanitary. By-law 102-82, 7 June, 1982; By-law 167-92, 2 November, 1992.

245.8.15 Station - clean - sanitary

Every occupant of a station shall maintain the stall in a clean and sanitary condition at all times.

245.8.16 Fowl - sold - time limitation - exception

No fowl shall be exposed or offered for sale on the Brantford public market after two o'clock in the afternoon of any market day, unless a refrigerated showcase is provided. All fowl shall be removed from the Brantford public market not later than two-thirty in the afternoon of the day it is offered for sale unless a refrigerated showcase is provided.

245.8.17 Refrigerated - counters - showcases - required

Suitable refrigerated counters or showcases must be provided for all meat or cheese offered for sale in the stations provided in the market house. By-law 102-82, 7 June, 1982.

245.8.18 Equipment - refrigeration - requirements

Such refrigerated equipment must be adequate and capable of maintaining a temperature of under five degrees Celsius for meat and cheese. By-law 167-92, 2 November, 1992.

245.8.19 Thermometer - accurate - required

All showcases must have an accurate direct reading thermometer available at all times.

245.8.20 Showcases - counters - compliance

All refrigerated showcases and counters must be constructed so as to comply with the City of Brantford Food Exposure By-law 3955. By-law 102-82, 7 June, 1982.

245.8.21 Poultry - uneviscerated - exception

Only uneviscerated poultry may be sold on the public market unless the plant where the poultry is slaughtered comes under the *Meat Inspection Act*, Ministry of Agriculture and Food. All eviscerated poultry sold or offered for sale upon the Brantford public market shall contain the liver, heart and gizzard of the fowl; the said liver, heart and gizzard shall be placed in a plastic bag and inserted in the fowl. By-law 102-82, 7 June, 1982; By-law 167-92, 2 November, 1992.

245.8.22 Poultry - uneviscerated - conditions - exception

Uneviscerated poultry shall be offered for sale without food in the crop and with the heads on, with the exception of ducks and geese, the heads of which shall be removed before being offered for sale. By-law 102-82, 7 June, 1982.

245.8.23 Poultry - prohibited - open market

Poultry shall not be sold on the open public market.

Article 9**PRODUCE - BAKING GOODS - FLORIST SECTION****245.9.1 Eggs - compliance - government regulations**

All eggs offered for sale upon the public market shall be offered in accordance with the government regulations regarding the grading, marking and refrigeration of eggs. Refrigeration equipment must be capable of maintaining a temperature of under five degrees Celsius for eggs. By-law 167-92, 2 November, 1992.

245.9.2 Butter - honey - maple syrup

No person or persons selling or offering for sale butter, honey or maple syrup shall supply spoons, knives and other like articles to be used for sampling of such produce, provided that this shall not prevent the use of a single service article suitable for the purpose to be thrown away by each person after using same.

245.9.3 Maple syrup - containers - clean - labelled

Maple syrup must be packaged in clean containers, used solely for this purpose. Each container must be clearly labelled with the name of the product, the vendor's name and address, and the weight of the syrup.

245.9.4 Honey - containers - packaging - clean - labelled

Honey must be packaged in clean containers, used solely for this purpose. Each container must be labelled with the vendor's name and address, and weight and type of honey. All comb honey must be wrapped in waxed or cellophane paper or in suitable plastic transparent material.

245.9.5 Baked goods - displayed - requirements

Every person offering for sale bread, buns, cake or baking of any kind upon the public market shall display the same for sale in a covered receptacle only and shall comply with the City of Brantford Food Exposure By-law 3955 and amendments and Provincial Food Premises Regulations. By-law 102-82, 7 June, 1982.

245.9.6 Bread - licence - compliance - Bread Sales Act

No person shall sell or offer for sale bread upon the public market unless such person shall have complied with the provisions of the *Bread Sales Act*.

245.9.7 Baked goods - inspection - certificate required

The Public Health Inspector of the Brant County Health Unit may, at any time, require any person selling or offering for sale pies, cakes, buns, bread, etc. upon the public market to produce a certificate from the Inspector appointed in the municipality in which such pies, cakes, buns, bread, etc. were made, that he/she has found the premises sanitary, and such certificate may be required when and as often as the Public Health Inspector shall require. In the event the person so required is unable to produce said certificate, then the said person shall be prohibited from selling or offering for sale upon the market premises the above mentioned food products.

245.9.8 Fruits - vegetables - requirements

All fruits and vegetables offered for sale in the market house and/or on the market place shall be so offered in accordance with the provisions of the *Farm Products Grades and Sales Act* with amendments and regulations thereto, regulating the sale of fruit and vegetables. By-law 102-82, 7 June, 1982; By-law 167-92, 2 November, 1992.

245.9.9 Fruit - unwrapped - uncovered

Notwithstanding anything hereinbefore contained in this Chapter, all fruit of any kind sold on the market shall be unwrapped and if sold in baskets or other containers, shall not be covered in any manner whatsoever.

245.9.10 Root vegetables - weight - volume - labelled

All root vegetables offered for sale in baskets, bags or other containers in the market house and/or the market place shall have either the weight or volume of the root vegetables and the vendor's name and address clearly and plainly marked on each basket, bag or other container, or a tag similarly marked attached thereto. All baskets, bags or other containers of fruit, including apples, pears, cherries, etc. must have the vendor's name and address clearly and plainly marked on each basket, bag or other container, or a tag similarly marked attached thereto. By-law 102-82, 7 June, 1982.

245.9.11 Flowers - plants

Flowers and plants may be sold in the produce/baking goods/florist section, subject to compliance with all applicable regulations.

245.9.12 Refrigerated display cases

Refrigerated display case type units requiring no special drainage will be allowed in the produce/baking goods/florist section, subject to payment of a refrigerated stall fee in accordance with Schedule 'A' and subject to the approval of the Brant County Health Unit. No product requiring on-site preparation or sink facilities shall be permitted. Each refrigerated display case will require its own electrical outlet with separate breaker. The vendor shall be responsible for the cost of any necessary modifications to the market's electrical system to accommodate the display case.

245.9.13 Homemade crafts - sales

In the event that Stalls 30, 31 and 49 cannot be rented for the sale of produce, baking goods, flowers or plants then the stalls may be rented for the sale of homemade crafts. By-law 167-92, 2 November, 1992.

Article 10 ENFORCEMENT

245.10.1 Authority - administration

Save with respect to provisions relating to the fitness, or otherwise, of any produce for human consumption, and other requirements falling within the natural jurisdiction of the Medical Officer of Health, the administration and enforcement of the provisions of this Chapter is primarily the duty and responsibility of the Clerk, with such assistance from the Chief Constable and members of the police force as may, from time to time, be required; and the exercise of any of the powers, duties or authorities of the Clerk by any person lawfully delegated thereto shall be deemed to be their exercise by the Clerk. By-law 102-82, 7 June, 1982.

245.10.2 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than \$5,000, exclusive of costs and every such fine is recoverable under the *Provincial Offences Act*. By-law 55-92, 23 March, 1992.

Article 11**REPEAL - ENACTMENT****245.11.1 By-law - previous**

By-law 126-77, as amended, is hereby repealed

245.11.2 Effective date

This Chapter shall become effective on the passing of the enabling by-law. By-law 102-82, 7 June, 1982.

MARKET - PUBLIC - REGULATION

SCHEDULE

**Schedule 'A' - Repealed: By-law 113-2013,
18 November, 2013**

Schedule 'B' - Application for a lease

APPLICATION FOR A LEASE TO OPERATE A STALL
IN THE CITY OF BRANTFORD PUBLIC MARKET

Personal information on this form is collected under the authority of the *Municipal Act*, R.S.O. 1990, c. M.45, as amended, and will be used to determine eligibility for a lease to operate a stall in the City of Brantford Public Market. Questions about this collection should be directed to the Deputy City Clerk.

Refrigeration section	Produce/baking goods/ florist section	Open market section
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Applicant:

(a) Name:
(please print full name)

(b) Address

Postal Code Phone number

Stall: Assigned Stall Number

Conditions:

1. Stalls may be rented to individuals, incorporated companies or partnerships registered under the provisions of the *Partnership Registration Act*. Such stalls may not be transferred from one individual, corporation or partnership to another and such stall lease does not become an asset of any individual, corporation or partnership.

NOTE: If business is in partnership, it must be so registered under the provisions of the *Partnership Registration Act*, R.S.O. 1990, c. P.5, and a declaration listing the names of each partner must accompany such application.

2. The monthly stall rental fees are payable monthly in advance. Twelve post-dated cheques must be submitted with application.
3. Yearly fees are payable yearly in advance.

MARKET - PUBLIC - REGULATION

4. I understand that this permit may be cancelled on thirty days notice from the Clerk.
5. I agree to abide by the regulations contained in Chapter 245 of the City of Brantford Municipal Code and amendments thereto.

Date:Signature:

For Office Use Only

Approvals:

Brant County Health Unit: Date:

City of Brantford: Date:

By-law 167-92, 2 November, 1992; Schedule 'B'.