

BY-LAW NO. 2021-XX

A by-law of the City of Ottawa respecting the delegation of authority over the licensing, regulating and governing of vending in the ByWard Market and the Parkdale Market, and to repeal By-law 2008-448 and By-law 2008-449.

WHEREAS Section 113 of the *Municipal Act, 2001*, authorizes a municipality to establish, maintain and operate a farmers' market, a flea market and other similar types of market;

AND WHEREAS section 151 of the *Municipal Act, 2001*, authorizes a municipality to license, regulate and govern any business carried out wholly or partly within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS City Council at its meeting of April 12, 2006, reconfirmed its dedication to the preservation and enhancement of the ByWard Market and the Parkdale Market as an economic generator, and deemed it appropriate to license, regulate and govern outdoor vendors and other activities to ensure the ByWard Market and Parkdale Market will continue to offer residents, tourists and vendors an ideal environment from which a wide variety of fresh farm products and quality arts and crafts are offered for sale through courteous customer service and appropriately labelled products highlighting their origin with an emphasis given to local products and producers;

WHEREAS Marchés d'Ottawa Markets Corporation is a Municipal Service Corporation under the Canada Not-for-profit Corporations Act S.C. 2009, c.23. and empowered by the City of Ottawa on January 1, 2018, as the Markets Manager for the ByWard Market and the Parkdale Market.

AND WHEREAS Marchés d'Ottawa Markets Corporation on November 10, 2021, has been delegated the authority pursuant to section 23.1 of the Municipal Act to administer the permitting system for the ByWard Market and Parkdale Market as described in this by-law.

THEREFORE the Council of the City of Ottawa enacts as follows:

DEFINITIONS

1. In this by-law,

“ByWard Market” means the area within the ByWard Public Market limits as shown in Schedule “A”, “B-1”, “B-2”; “B-3” and “B-4”;

“City” or “City of Ottawa” means the municipal corporation known as City of Ottawa or the geographic area of the City of Ottawa, as the context requires;

“Council” means the elected municipal council of the City of Ottawa;

“license” means the actual license issued under this by-law;

“Market” means the ByWard Market or the Parkdale Market;

“Markets Manager” means Marchés d'Ottawa Markets Corporation, which may also be referred to as “OMC” or “the Corporation”;

“Operating Procedures” means the Ottawa Markets operating procedures as described in Schedule “E”;

“Ottawa Markets” means Marchés d'Ottawa Markets Corporation, which may also be referred to as “OMC”, “the Corporation” or “Markets Manager” and encompasses both the ByWard Market and the Parkdale Market;

“Parkdale Market” means the area within the Parkdale Public Market limits as shown in Schedule “C” and “D”;

“permit” means the actual stand permit issued under this by-law; all permits will be issued by Ottawa Markets as defined in the attached Operating Procedures as updated from time to time.

BYWARD MARKET AND PARKDALE MARKET - ESTABLISHED

2. (1) The outdoor market comprised of the area as set out in Schedule "A", is hereby established by the City and is known as the ByWard Market and the area as set out in Schedule "C", is hereby established by the City and is known as the Parkdale Market.
- (2) The areas regulated by this by-law are set out in the shaded area in Schedule "A", "B-1", "B-2", "B-3", "B-4", "C" and "D"
- (3) The stand number and the location of the stands in the ByWard Market are hereby established as set out in Schedules "B-1", "B-2", "B-3", "B-4" and the stand number and the location of the stands in the Parkdale Market are hereby established as set out in Schedule "D".

INTERPRETATION

3. This by-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this by-law.

MARKETS MANAGER AND OFFICERS - POWERS AND DUTIES

4. The Markets Manager is delegated the authority by Ottawa City Council to administer the provisions of this by-law and the Operating Procedures established under this by-law.

OPERATING PROCEDURES

5. (1) The Markets Manager is required to maintain and administer Operating Procedures, as set out in Schedule "E" to this by-law, that will guide the administration of the provisions of this by-law and the Markets Manager will:
 - (a) develop Operating Procedures that maximize the ByWard Market's and Parkdale Market's potential to be a unique year-round place

and destination to purchase local produce and goods as well as other services and products that meet the needs of local and city-wide residents and tourists alike;

- (b) review the Operating Procedures annually and update as required to meet operational needs to benefit the Markets, vendors and clients;
- (c) present any updates to the Operating Procedures at the Meeting of the Members for information.
- (d) delegate the authority to the GM, Planning, Infrastructure and Economic Development to receive and approve amendments to the Operating Procedures and place the amending by-law on the agenda of Council for enactment containing the updated operating procedures.

ADMINISTRATION OF LICENSES AND PERMITS

- 6. (1) The Markets Manager is authorized to administer, and supervise the operation of the ByWard Market and Parkdale Market including but not limited to undertaking the following duties:
 - (a) require, receive, review, approve, suspend, reject and revoke license or permit applications;
 - (b) collect the fees prescribed in the Operating Procedures;
 - (c) establish permitted activities on the Market;
- (2) Upon receipt of an application referred to in the Operating Procedures, the Markets Manager is authorized to make or cause to be made all inspections and investigations required.

- (3) The Markets Manager may issue such license or permit applied for if the provisions of this by-law and Operating Procedures are complied with.

Suspensions and Revocations

- (4) The Markets Manager may suspend or revoke, without holding a hearing, the license or permit to any or all stands, for reasons established in the Operating Procedures

FEES

7. (1) Ottawa Markets is delegated the authority to establish fees on an annual basis as further described in the Operating Procedures.
- (2) Changes in fees shall be reported annually at the Meeting of the Members.

CONDITIONS AND INVESTIGATIONS FOR ISSUANCE OF LICENSE OR PERMIT

8. An applicant for a license or permit, or the renewal of a license or permit, is, subject to the provisions of this by-law and the Operating Procedures attached to this by-law as Schedule "E".

NOTICE OF REFUSAL - LICENSE OR PERMIT

9. The Markets Manager shall refuse to issue to the applicant the license or permit applied for if the conditions for issuance in the Operating Procedures in Schedule "E" have not been met.

STAND ALLOCATION

10. The Markets Manager shall allocate stands to licensees and permit holders holding the appropriate class of licence or permit, as the case may

be, for the stand to be allocated in accordance with the allocation procedure found in the Operating Procedures.

INSURANCE

11. (1) The Markets Manager will require every licensee and permit holder to file with the Markets Manager proof of insurance for public liability in the amount of not less than two million (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof as related to the operation of the stand allocated.
- (2) The public liability insurance referred to in subsection (1) shall be in the name of the licensee or permit holder as the case may be and shall name the City of Ottawa and Marchés d'Ottawa Markets Corporation as an additional insureds thereunder.

GENERAL REGULATIONS

12. All permit holders and licensees are required to comply with other applicable City of Ottawa by-laws.

REPEALS

13. (1) By-law Number 2008-448 of the City of Ottawa entitled "A by-law of the City of Ottawa respecting the licensing, regulating and governing of vending in the Parkdale Market", as amended, is repealed; and,
- (2) By-law Number 2008-449 of the City of Ottawa entitled "A by-law of the City of Ottawa respecting the licensing, regulating and governing of vending and performance activities, and the provision of tourist services, in the ByWard Market and the establishment of a designated space programme for the ByWard Market", as amended, is repealed.

SHORT TITLE

14. This by-law may be referred to as the “Ottawa Markets By-law”.
15. This by-law shall come into force and effect on the day it is enacted.

ENACTED AND PASSED this XX day of XX, 2021.

CITY CLERK

MAYOR

SCHEDULES

Schedule A – ByWard Market Regulated Area

Schedule B-1 – ByWard Market Stand Locations: ByWard Market Street East and George Street Center

Schedule B-2 – ByWard Market Stand Locations: ByWard Market Street West and George Street West

Schedule B-3 – ByWard Market Stand Locations: York Street East

Schedule B-4 – ByWard Market Stand Locations: York Street West

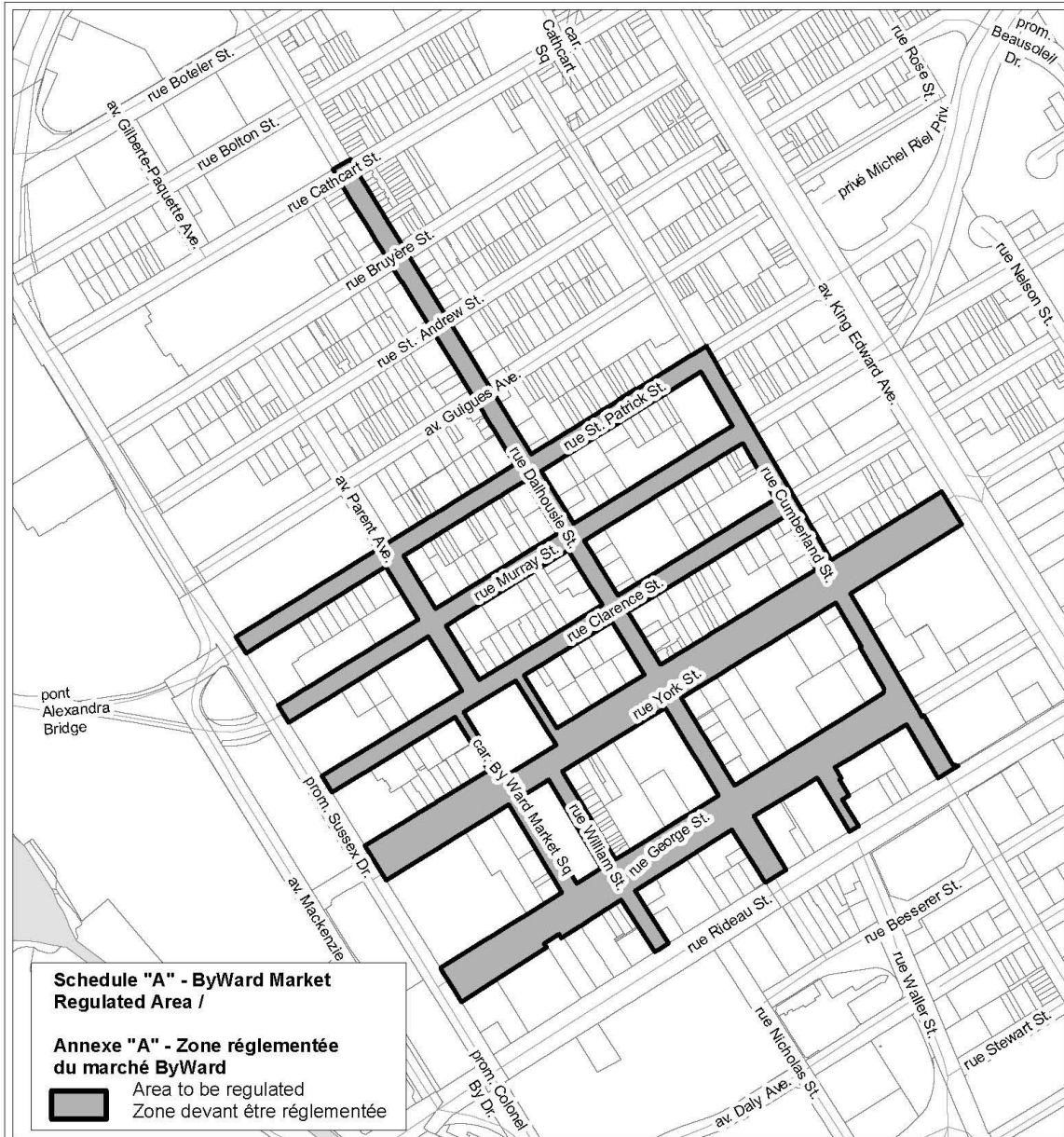
Schedule C – Parkdale Market Regulated Area

Schedule D – Parkdale Market Stand Locations

Schedule E – Ottawa Markets Operating Procedures

Schedule "A"

ByWard Market Regulated Area



Schedule "A" - ByWard Market Regulated Area /

Annexe "A" - Zone réglementée du marché ByWard

Area to be regulated
 Zone devant être réglementée

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This is Schedule "A" to Zoning By-law No. 2021-____
Annexe "A" au Règlement de zonage n° 2021-____

This is Attachment ____ to By-law Number _____, passed _____, 2021
 Pièce jointe n° ____ du Règlement municipal n° _____, adopté le ____ 2021

Schedule "B-1"

ByWard Market Stand Locations: ByWard Market Street East and George Street Center





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Annexe "B1" au Règlement de zonage n° 2021-__

This is Attachment __ to By-law Number __, passed __, 2021
 Pièce jointe n° __ du Règlement municipal n° __, adopté le __, 2021



Schedule "B-2"

ByWard Market Stand Locations: ByWard Market Street West and George Street West





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Schedule_BywardWest.mxd

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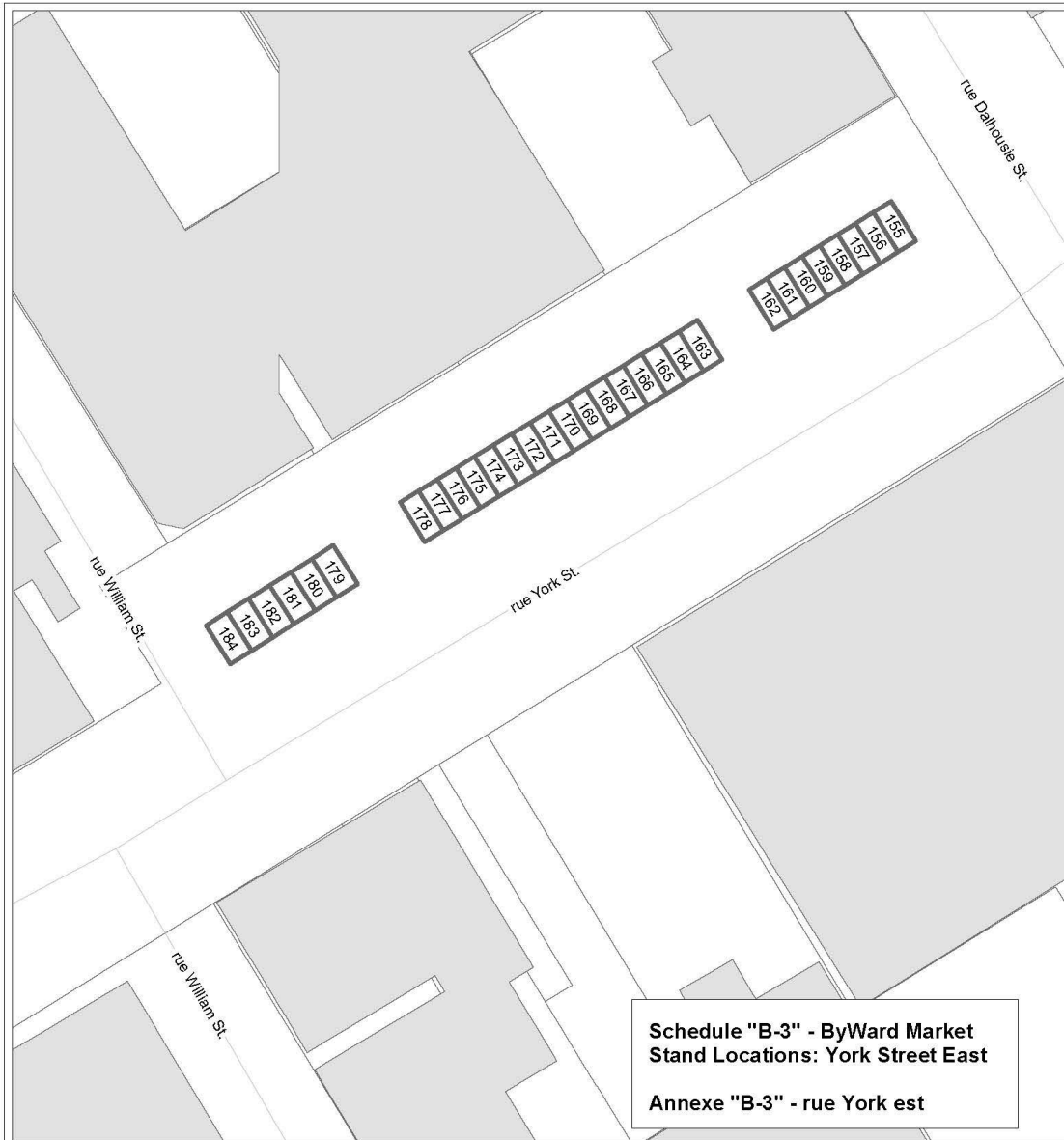
**This is Schedule "B-2" to Zoning By-law No. 2021-____
Annexe "B-2" au Règlement de zonage n° 2021-____**

This is Attachment ____ to By-law Number _____, passed _____, 2021
Pièce jointe n° ____ du Règlement municipal n° _____, adopté le ____ 2021



Schedule "B-3"

ByWard Market Stand Locations: York Street East





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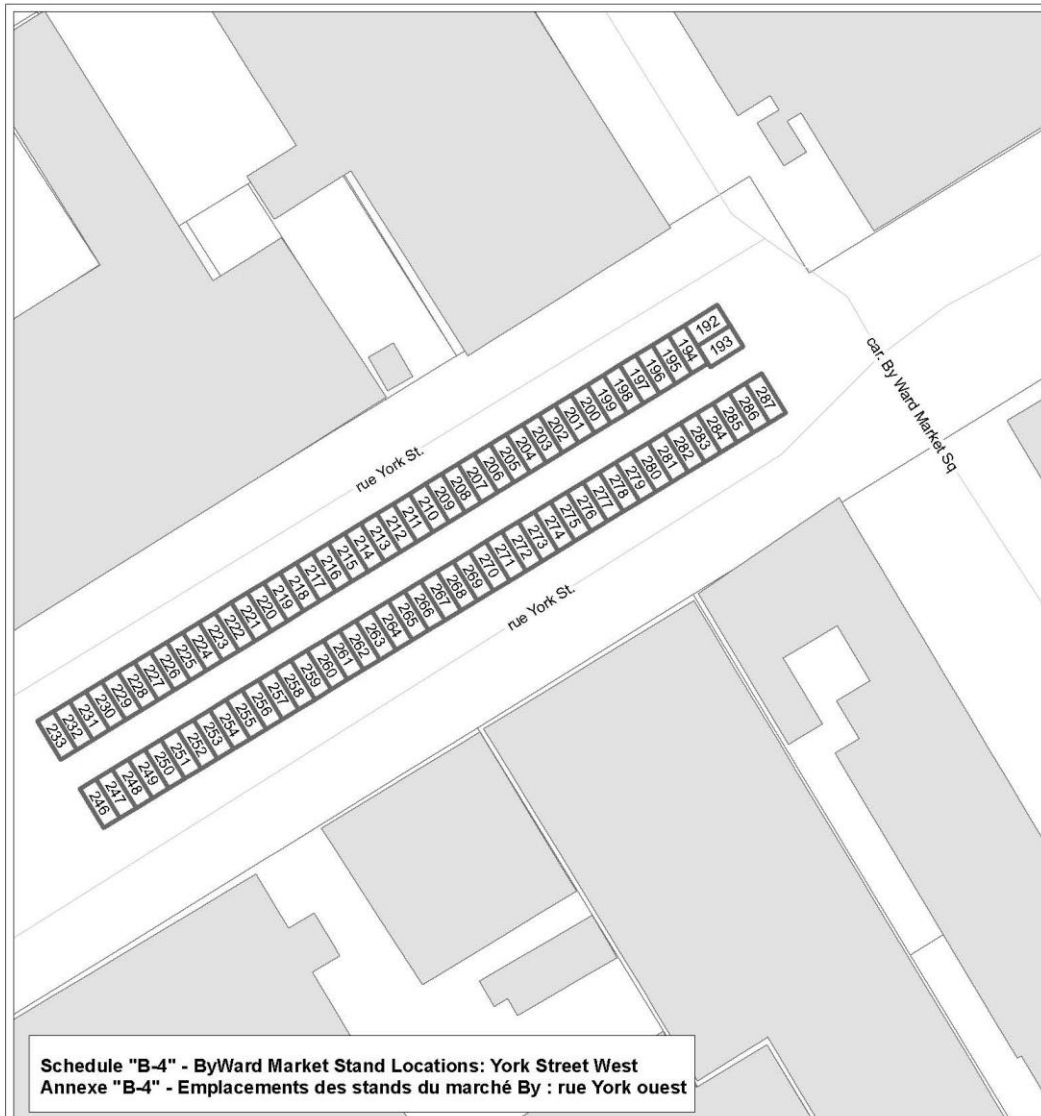
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Annexe "B-3" au Règlement de zonage n° 2021-__


This is Attachment __ to By-law Number ____, passed ____, 2021
Pièce jointe n° __ du Règlement municipal n° ____, adopté le ____, 2021



Schedule "B-4"

ByWard Market Stand Locations: York Street West





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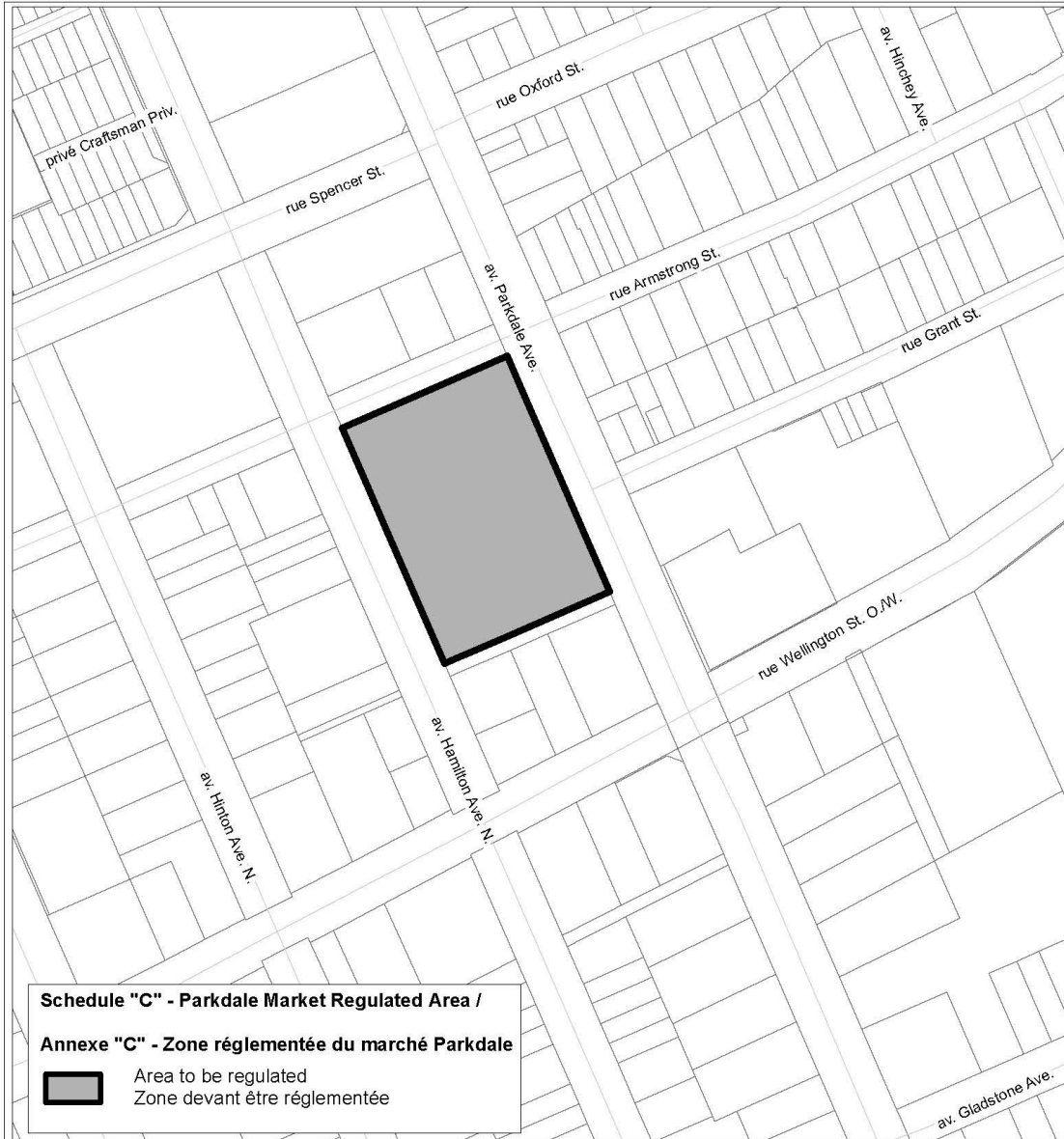
This is Schedule "B-4" to Zoning By-law No. 2021-__
Annexe "B-4" au Règlement de zonage n° 2021-__

This is Attachment __ to By-law Number ____, passed ____, 2021
 Pièce jointe n° __ du Règlement municipal n° ____, adopté le ____, 2021



Schedule "C"

Parkdale Market Regulated Area



Schedule "C" - Parkdale Market Regulated Area /
Annexe "C" - Zone réglementée du marché Parkdale


 Area to be regulated
 Zone devant être réglementée



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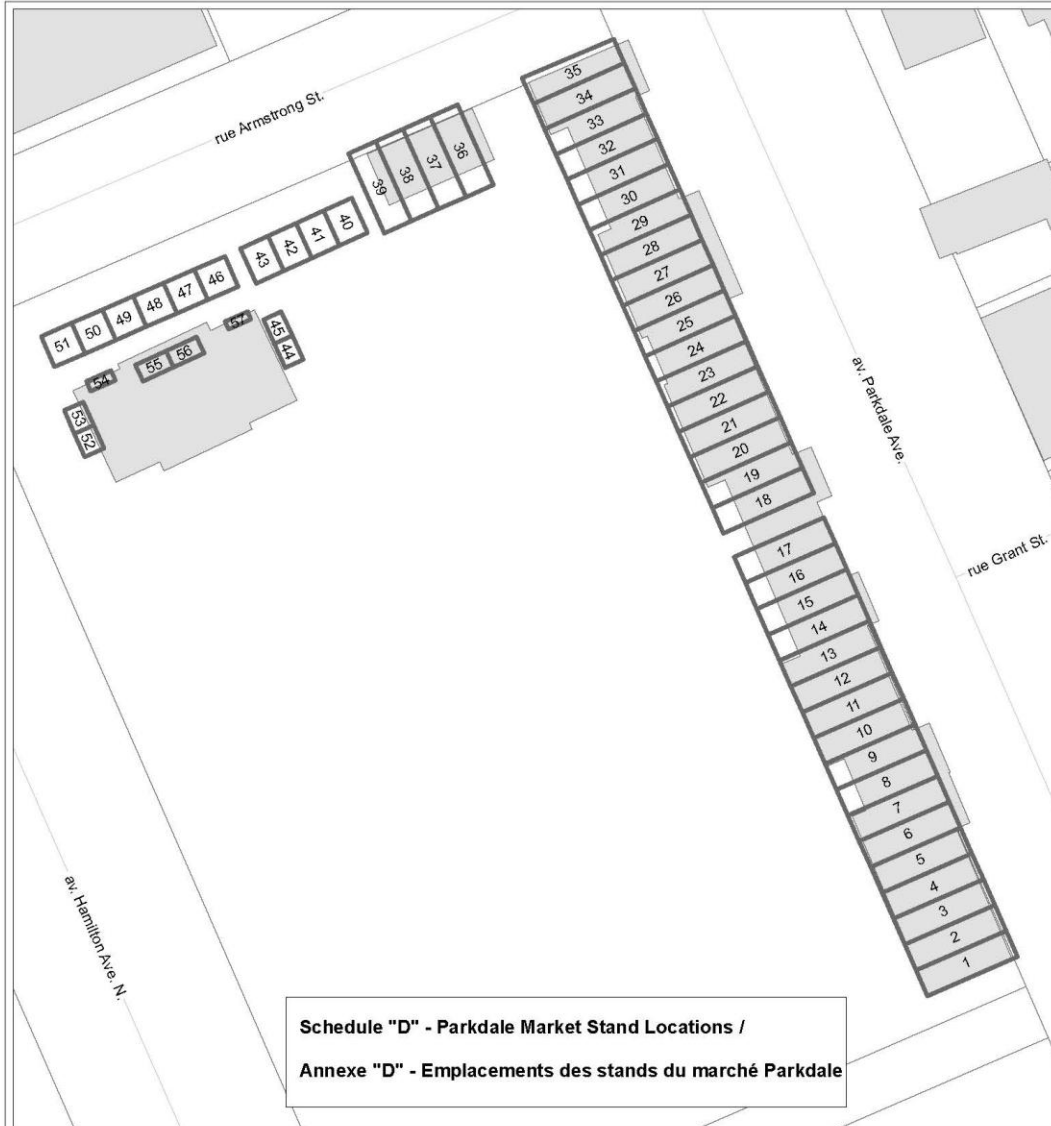
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Annexe "C" au Règlement de zonage n° 2021-___

This is Attachment ___ to By-law Number ____, passed ____, 2021
 Pièce jointe n° ___ du Règlement municipal n° ____, adopté le ____, 2021



Schedule "D"

Parkdale Market Stand Locations



**Schedule "D" - Parkdale Market Stand Locations /
Annexe "D" - Emplacements des stands du marché Parkdale**

		<p>This is Schedule "D" to Zoning By-law No. 2021-__ Annexe "D" au Règlement de zonage n° 2021-__</p> <p>This is Attachment __ to By-law Number ____, passed ____, 2021 Pièce jointe n° __ du Règlement municipal n° ____, adopté le ____, 2021</p>
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Schedule “E”

Ottawa Markets Operating Procedures

Schedule E



MARCHÉS D'OTTAWA MARKETS

2021/2022 Outdoor Vending

Operating Procedures

TABLE OF CONTENTS

1. Definitions

Applicant: means a person who is in the process of applying to become a licensee of Ottawa Markets;

Art and Craft Product: means:

- a) functional, handmade goods produced or created from raw or basic materials which are changed into a significantly different shape, design, form or function using a special skill; or
- b) artwork that has aesthetic or artistic value; or
- c) functional goods that have been substantially altered by any of the creative or manual arts from a finished or semi-finished product;

Art and Craft Vendor: means a person who is actively and directly engaged in 100% of the production of an art and craft product;

Busker: means a person, or group of persons who plays musical instruments, sings, dances, acts or otherwise provides entertainment in the market or who creates temporary art in the Market who receives voluntary, non-compulsory compensation from the public in the form of donations or tips;

ByWard Market: means the area within the ByWard Market limits as shown in Appendix 1, this area shall be known as 'The ByWard Market' in all promotional activities;

Community Market: means a market that is organized by a person, group, association or corporation and is approved for the use of market space by Ottawa Markets Corporation for the purpose of selling products or services, raising awareness, fundraising or other purposes;

CSA: means Community Supported Agriculture and is a farming system that directly connects farmers and their consumers who have prepaid for a portion of the farm crops as they are harvested through the growing season;

Executive Director: means the person or persons hired by Ottawa Markets Corporation to represent the Board of Directors on the daily and operational matters pertaining to the corporation.

Farm Product(s): means:

- a) Agricultural products that include, but are not limited to, fruits, vegetables, plants, roots, mushrooms, seeds, cereals, honey products, maple products, horticultural, arboricultural and floricultural products, trees, cereal products, eggs, fish, meat, dairy products, fiber products, compost, manure, firewood, animal feed, etc.
- b) Microprocessed and street food products produced by the farmer, in which the primary or defining ingredient is grown or produced by the farmer; at the reasonable discretion of the Market Managers;

Farmer: means a person who:

- a) Is actively and directly engaged in the production of one hundred percent (100%) of the farm products sold or offered for sale at a market; and
- b) Makes or intends to make a substantial portion of their income from producing farm products, and whose primary goal is to make a living from farming; and
- c) Has ownership or leasehold rights to the land being farmed during the entire growing season, or shall have usage rights according to the government-sponsored or non-profit training program whose purpose is to aid farmers in full-time farming endeavors; or
- d) Is a member of a provincially registered producer-based agricultural co-operative in which all individual businesses meet the definitions (a) through (c) of a farmer;

e) May also be referred to as a 'primary producer';

Farmers' Market: means a seasonal, multi-vendor market selling agricultural and food products where all of the vendors are producing what they vend;

International Importer: means a person approved to import high quality, non-domestic products and sell them to the general public;

License: means the actual license issued by Ottawa Markets;

Licensee: means a person licensed to vend within the Ottawa Markets delegated space;

Local: means 150km from 55 ByWard Market Square, or Parkdale Market Square;

Market Personnel: means any staff, volunteers, contract workers or any other representatives of the Ottawa Markets corporation; may also be referred to as "personnel" or "staff";

Market Manager(s): means the person or persons hired by Ottawa Markets Corporation to manage and maintain the outdoor Public Market program;

Market: means either the ByWard Market, Parkdale Market or any satellite OMC markets, as the context requires;

Microprocessor: means a person who is actively and directly engaged in the production of one hundred percent (100%) of all microprocessed products;

Microprocessed Products: means products that have been handmade from raw or basic ingredients into a high quality, value-added product and include, but are not limited to: bread, pies, cookies, pastries, rolls, muffins, preserves, take-home meals, snacks, etc.;

Ottawa Markets: means Marchés d'Ottawa Markets Corporation, may also be referred to as "OMC" or "the Corporation";

Parkdale Market: means the area within the Parkdale Market limits as shown in Appendix 2, this area shall be known as 'The Parkdale Market' in all promotional activities;

Public Market: means a year-round, carefully curated, and diverse array of owner-operated shops, stands and outdoor markets designed to showcase a community's unique character and culture while serving its everyday shopping needs;

Performer: means a person or group of persons who plays musical instruments, sings, dances, juggles, acts or otherwise provides entertainment in the market;

Permit: means the document issued by Ottawa Markets that contains the permit holder's name, address, licensee category, stand number and permit term(s) and that grants the licensee vending privileges to space at the market; may also be referred to as "stand permit";

Probationary Vendor: means a vendor that has been issued a temporary license and permit to vend at Ottawa Markets, subject to a review period;

Producer: means a person who is a farmer, microprocessor or art and craft vendor who is the primary producer of all products being sold to the public;

Product: means any farm, wholesale, microprocessed, international import or art and craft product and any other goods that are approved for sale within the market by Ottawa Markets;

Provincial: means the geographic area of the Provinces of Ontario and Quebec;

PPE: means personal protective equipment and refers to gloves, masks, clothing, helmets, goggles, face shields, or other garments or equipment designed to protect the wearer's body from injury or infection;

Selection Committee(s): means an impartial and unbiased committee representing Ottawa Markets in reviewing applicants to ensure that all applicants meet the values and requirements of the association;

Stand: means the area of the market which has been assigned to a licensee;

Storefront: means any business operating in a building that faces a street for which Ottawa Markets has vending authority;

Street Food Vendor: means a person who is actively and directly engaged in the production of one hundred percent (100%) of all food concession intended to be consumed on-site or for takeaway from either an approved food cart, or vending cart - excluding "Food Trucks";

Vendor: means a farmer, microprocessor, wholesaler, art and craft vendor, importer or any other applicant who has been licensed to vend with Ottawa Markets after completing all necessary applications and reviews; may also be referred to as an 'approved vendor' or 'licensee';

Vendor Contract: means an agreement between Ottawa Markets and its licensees that binds the licensee to the rules and regulations of the Corporation as well as all Federal, Provincial and Municipal laws;

Violation: means an action by which a Licensee has contravened the rules and regulations set out in this document, breached their vendor contract or otherwise acted unlawfully;

Wholesale Products: means Canadian grown agricultural products that have been purchased by the licensee from farmers, shippers, warehouses, or wholesale distributors and are identified as purchased goods;

Wholesaler: means a person approved to purchase wholesale Canadian products and sell them to the general public to maintain fresh produce at the market;

2. Mission

- 2.1. Marchés d'Ottawa Markets Corporation's mission is to maximize the ByWard and Parkdale Markets' potential to be unique year-round places and destinations to purchase local produce and goods as well as other services and products that meet the needs of local and city-wide residents and tourists alike.

3. Farmers First Policy

- 3.1. To strengthen the region's farmers and primary producers who sell at Ottawa Markets, as well as the provincial and domestic food production sector as a whole, Ottawa Markets is guided by a "Farmer First" policy. This policy includes, but is not limited to, the following:
 - 3.2. Farmers are scheduled at the Market before all other vendors;
 - 3.3. Farmers are given priority stand allocations over all other vendors;
 - 3.4. Farmers receive preferred pricing for stands and are further offered a tiered pricing scale that is designed to ease the start-up costs to new farmers;
 - 3.5. Farmer applications to vend are accepted year-round;
 - 3.6. Ottawa Markets requires microprocessors and street food vendors to use locally or provincially sourced egg, meat, honey, maple syrup and liquid dairy farm products;
 - 3.7. Microprocessors receive discounts on their stand permit costs when they demonstrate sourcing products directly from local farms;
 - 3.8. Ottawa Markets is committed to programming and activations that highlight and promote local farm products;

- 3.9. Farmers have the exclusive right to use product adjectives such as “home-grown,” “hand-picked,” “just picked,” “grass-fed,” “pastured,” etc., when this claim is 100% accurate;
- 3.10. CSA friendly. Ottawa Markets offers priority space allocations for local farmers to use as CSA pick-up hubs; some limitations may apply.

4. **Values**

- 4.1. **Food Security:** Ottawa Markets believe that access to fresh, nutritious food is the foundation for the health and wellbeing of our community.
- 4.2. **Equity:** Operating from a position of privilege and acknowledging the inequality of Public Markets and Canadian agriculture generally, Ottawa Markets will intentionally develop reciprocal relationships that allow it to identify potential policies and strategic opportunities to create more equitable food systems and vending opportunities for all.
- 4.3. **Transparency:** Ottawa Markets is accountable to our shoppers by ensuring a transparent shopping environment where farmers, microprocessors and art and craft vendors are required to produce what they sell, and wholesalers and importers are clearly identified and prohibited from misrepresenting themselves or their products.
- 4.4. **Agricultural and Business Development:** Ottawa Markets offer small and mid-sized farmers and businesses a low-barrier entry point to develop and establish a thriving business free from the overhead necessary to sell in large retail outlets, which allows for more engaged, creative and sustainable production models that focus on quality rather than on price alone.
- 4.5. **Customer Experience:** Ottawa Markets’ programs are designed to ensure vendors and customers alike feel they are in a safe, community-based space that promotes the best that the Nation's Capital has to offer.

4.6. **Education:** Ottawa Markets is a resource for educating residents and tourists alike about Canadian agriculture, food production and arts and culture. Ottawa Markets ensures that its communications add to this continuing education.

4.7. **Regional:** Ottawa Markets values its unique position as a public market that meets the needs of Ottawa residents and tourists alike. It is proud to primarily offer local and provincial products but also highlights the wide diversity of products and cultures across Canada. Ottawa Markets' approach to the goods and services offered by its vendors follow the below hierarchy:

4.7.1. **Local First:** when possible, Ottawa Markets shall prioritize local vendors and products;

4.7.2. **Provincial:** vendors and products from Ontario and Quebec will be prioritized when local options are unavailable;

4.7.3. **National:** vendors and products from across Canada will be offered as appropriate and at the discretion of OMC.

4.7.4. **International:** OMC may invite select international importers of high-quality products to sell at the Markets where appropriate and at the discretion of OMC.

5. **Market Vending Authority**

5.1. Public Market Vending Authority. The Public Market hosts outdoor vending including farmers, microprocessors, wholesalers, authors, art and craft vendors and select importers. Ottawa Markets may also animate the Public Market with buskers, activations, events, promotional activities or community markets that align with the Ottawa Markets statement of values.

5.2. Marchés d'Ottawa Markets Corporation is a Municipal Service Corporation under the Canada Not-for-profit Corporations Act S.C. 2009, c.23. and empowered by the City of Ottawa on January 1, 2018, as the Public Market authority for the ByWard and Parkdale areas.

- 5.3. The Outdoor Market Procedures described in this document are governed by the Ottawa Markets Board of Directors and ratified by Ottawa City Council.
- 5.4. Amendments to the Outdoor Market Procedures are submitted yearly to the Members of the Corporation at the Annual General Meeting of the Corporation for final approval.
- 5.5. Amendments to the Outdoor Market Procedures shall fall under Special Business at the Annual Meeting.
- 5.6. Ottawa Markets' mailing address and head office is located at 55 ByWard Market Square, Ottawa, Ontario, K1N 9C3.

6. Outdoor Markets Procedures

- 6.1. Ottawa Markets operates its outdoor market vending as a Public Market with both curated, year-round vending as well as seasonal producer-only markets to create unique places and destinations to purchase local produce and other services and goods.

Solicitation

- 6.2. Ottawa Markets reserves the right to offer space at Market to charities, not-for-profits or other approved persons or groups for the purpose of solicitation, promotion, raising awareness to a cause, gathering signatures, or other such activities subject to the discretion of OMC.

Markets Management

- 6.3. Ottawa Markets personnel are responsible for monitoring and enforcing the operating policies of Parkdale and ByWard public markets.
- 6.4. Ottawa Markets Managers shall monitor and evaluate vendors to ensure compliance with the rules and regulations of the corporation and are authorized

to inspect stands at any time and to issue Infraction notices as per Appendix 4: Infraction System.

- 6.5. OMC personnel may remove items that constitute infractions of Ottawa Markets rules and regulations.
- 6.6. OMC personnel are authorized to collect stand fees when they are due.

Wholesalers

- 6.7. OMC offers vending space to eligible wholesalers who are able to operate five (5) to seven (7) days a week and best serve the mission and vision of Ottawa Markets as a dynamic Public Market offering Canadian agricultural goods, specialty foods and other products.
- 6.8. OMC provides price card templates that vendors are required to use and fill out properly. If a wholesaler wishes to indicate that a product is purchased directly from a local farmer, they are required to provide a written request with a scanned copy of a receipt for the transaction to be eligible to use the adjective 'local' in their signage.
- 6.9. OMC reserves the right to regulate wholesaler product availability and sales.

International Importers

- 6.10. OMC reserves the right to accept International Importers to sell unique, high-quality specialty goods at the Public Market.
- 6.11. OMC International vendors to be permitted at markets must produce a Fair Trade, B Corporation, NEST, SA8000 or equivalent certification from a recognized authority that ensures fair and safe labour standards for workers.
- 6.12. Any existing permitted "AC4" (Artisan & Crafter Importer) vendor, vending continuously since 2018, shall be carried forward for a period of 5 years under the category of "International Importer".

- 6.13. OMC provides price card templates that vendors are required to use and fill out properly. Such signage shall indicate the country of origin for all products on offer.
- 6.14. OMC reserves the right to regulate imported product availability and sales.

Street Food Vendors

- 6.15. OMC reserves the right to allow high quality, unique street food vendors to operate a stand at the Public Market.
- 6.16. Street Food Vendors shall abide by all requirements outlined through Ottawa Public Health and the City of Ottawa Bylaw & Regulatory Services or, where an exception has been granted, shall abide by all requirements of their license, permit and contract with Ottawa Markets.
- 6.17. OMC reserves the right to regulate Street Food vendors' products, signage and sales within available vending spaces and all signage must also adhere to City of Ottawa By-law No. 2003-52015, By-law No. 2004 – 239, By-law (No. 2016-326).

Buskers

- 6.18. Ottawa Markets reserves the right to animate OMC Markets with the support of local artists and performers to create vibrant public markets that serve the OMC mission.
- 6.19. All buskers shall adhere to the requirements in the Busker Partnership Agreement. (Appendix 6).
- 6.20. Buskers are prohibited from sales, except for their own recordings, and shall accept tips and donations only without the use of aggressive tactics.
- 6.21. Busking at the markets at no time is to impede the operations of a business. Failure to adhere to such a provision will mean an immediate suspension of a busking permit.

Performers

- 6.22. Ottawa Markets reserves the right to animate OMC Markets with the support of local, provincial, and national performers to create vibrant public markets that serve the OMC mission.
- 6.23. All performers are subject to the approval and discretion of OMC personnel and shall abide by all directions.
- 6.24. All performers shall act professionally at all times and shall adhere to the requirements specified in their agreement with Ottawa Markets.
- 6.25. Performance spaces are at the discretion of OMC management.
- 6.26. Certain types of performance may be considered higher risk than others; such high-risk performers may be subject to insurance requirements.

Farmers' Market(s)

- 6.27. Producer-Only Vending Authority. The OMC Public Market may also include seasonal, producer-only markets including Farmers' Markets and Crafters & Artisan Markets. Such markets operate on the 'grow it, make it, or bake it' principle where all vendors produce what they sell to the customer.
- 6.28. Producer-only markets have designated market locations that are clearly distinguished as producer-only spaces.
- 6.29. OMC Farmers' Markets are producer-only, seasonal markets providing the regions' farmers and small producers a dynamic vending opportunity in the heart of the City. Wholesale, reselling, brokering, or other forms of buying and selling of products are strictly prohibited in this space.
- 6.30. All vendors attending an OMC Farmers' Market shall meet the definition for local. Exceptions to this requirement may be made at the discretion of Ottawa Markets if such exceptions will meet the mission statement of the corporation.

- 6.31. Farmers' Markets operate on a regular schedule, and vendors are expected to participate regardless of the weather. In cases of extreme weather events, or other safety concerns, Ottawa Market personnel are authorized to close a market early.
- 6.32. Ottawa Markets encourages farmers to attend the market. If the farmer is unable to attend, a family member, employee or another representative who is knowledgeable in the farmer's production practices and can speak to all of the products being offered may sell on behalf of the farmer. Such representatives shall be clearly identified as representatives.

Crafters & Artisans Market(s)

- 6.33. OMC Crafters & Artisans Markets are producer-only, seasonal markets providing the region's art and craft vendors a dynamic vending opportunity in the heart of the city. Wholesale, reselling, brokering, or other forms of buying and selling of products is strictly prohibited.
- 6.34. While Ottawa Markets shall prioritize art and craft vendors who meet the local definition, Ottawa Markets reserves the right to allow local, provincial, and National art and craft vendors to sell at the Market. Showcasing the diversity represented by Canada's art and craft vendors at the Public Markets of the Nation's Capital aligns with Ottawa Markets mission and vision.
- 6.35. Crafters & Artisan Markets operate on a regular schedule, and vendors are expected to participate regardless of the weather. In cases of extreme weather events, or other safety concerns, Ottawa Market personnel are authorized to close a market early.
- 6.36. Art and craft vendors or their family members shall be present at the market for a majority of their appearances. Sending employees or other representatives is discouraged.

Community Market(s)

- 6.37. Ottawa Markets reserves the right to allow third parties to create, organize and host community events in the Public Market precincts. Such community events shall receive approval from Ottawa Markets. Such community events may include but are not limited to, flea markets, flower markets, garage sales, festivals, fairs, etc.
- 6.38. Ottawa Markets may also, from time to time, use the community market spaces as venues for OMC organized venues outside of their regular permit types and seasonal markets.
- 6.39. Community Market spaces are available to a wide array of groups and organizations, and selling of goods is welcome and encouraged, but Ottawa Markets shall ensure that the organizers are demonstrating a benefit to local and city-wide residents and tourists alike and that all events meet the mission and strategic vision of OMC. OMC shall, at all times, prioritize food and agricultural markets.

7. Stand Allocations

- 7.1. *For 2021, given COVID-19 restrictions, the stand allocation process will be a temporary measure.
- 7.2. Beginning in 2022, vendors shall be eligible to apply for their previous full-season permit location.
- 7.3. All allocations are subject to the below vending category hierarchy. Any vendors licensed under more than one vending category shall be considered based on the lower of their category hierarchy for the purposes of allocation.

7.3.1. Farmers

7.3.2. Arts & Craft and Microprocessors

7.3.3. Wholesaler

7.3.4. International Importers

7.3.5. Street Food Vendors

7.4. *OMC reserves the right to place all street food vendors without an allocation process.

Allocation Process

7.5. OMC reserves the right to allocate all stands and may, to meet specific OMC objectives, allocate, limit, or otherwise dictate where any licensee is eligible to vend.

7.6. Seasonal Stand bookings should be received no later than March 24th. Seasonal allocations shall have occurred before April 1.

7.7. Pre-registered Monthly permit bookings should be received no later than March 24th. Such bookings shall be allocated after all full-season stand permits have been allocated.

7.8. Monthly permit booking requests shall be received no later than the 20th of the preceding month. Monthly permit allocations shall have taken place by the 24th of the same month and any monthly permit requests shall be allocated on a first come first served basis (though email – time stamped).

Daily Allocations

7.9. Daily requests shall be allocated as below:

7.9.1. Any requests received by March 24th shall be allocated after all full season and pre-registered monthly stand permits have been allocated. Such bookings do not guarantee the requested space, as all seasonal and

monthly permits received before their respective deadlines shall take precedence.

7.9.2. Any daily bookings received by the Thursday of each vending week.

7.9.3. All other bookings shall be conducted during morning allocations on the date of attendance.

7.9.4. Daily allocations will involve all vendors present to make their stand requests known. Any vendor requests that present no conflicts shall be placed in their requested spot if the request is in line with the above procedures and principles.

7.10. In cases of multiple daily vendors requesting the same stand, a random list generator (<https://www.random.org/lists/>) shall be used to dictate the selection hierarchy.

8. Fee Schedule

8.1. All fees are reviewed annually by Ottawa Markets Corporation. Fees shall be set and published no later than January 1st for every calendar year.

8.2. All fees are due payable, as indicated on the invoices issued by Ottawa Markets. Late payments are subject to late fees.

8.3. All license and permit fees are non-refundable. Exceptions may be made by the Ottawa Markets Executive Director for extenuating circumstances.

8.4. No license or permit will be issued to a potential vendor if there are any outstanding payments or unsettled tickets or infraction notices.

9. **Market Schedule and Site Maps**

- 9.1. All Market schedules are reviewed annually by Ottawa Markets, and all schedule specifics shall be set and published no later than January 1st for every calendar year.
- 9.2. Ottawa Markets reserves the right to cancel a scheduled market date periodically, regardless of whether the schedule has already been set, due to severe weather events, events of municipal, provincial, or federal significance or other reasons as occasionally set by Ottawa Markets.
- 9.3. Advance notice, as much as possible, shall be provided to all vendors impacted by a cancelled market date.
- 9.4. Compensation for cancellations shall be determined by the Market Manager.
- 9.5. Ottawa Markets site maps shall be published no later than January 1st for every calendar year.
- 9.6. OMC reserves the right to amend any site maps past January 1st as needed.

10. **Permits**

- 10.1. Ottawa Markets issues the below permits:
 - **Probationary Permit** - a temporary permit issued for a probationary vendors review period as set by OMC;
 - **Public Market Permit** - a five to seven day a week, full season permit;
 - **Producer-only Market Permit** - a permit to vend in one of OMC's seasonal, producer-only markets as a regular, full-time vendor;
 - **Daily Permit** - for the market and date for which it is issued;

- **Open Permits** - as assigned by Ottawa Markets for vendors or other activations outside of the above permit types that fulfil Ottawa Markets' mission and strategic goals;
- **Busking Permit** - a permit issued to buskers who have been approved under the Busker Partnership Program.

- 10.2. All vending privileges terminate at midnight on the last day shown on the permit.
- 10.3. Licensed vendors shall request monthly permits no later than the 20th of the preceding month. Requests are to be made in writing to OMC personnel.\
- 10.4. Open permits are issued by Ottawa Markets on a case-by-case basis at the discretion of the Markets Manager.
- 10.5. Busking permits are issued upon acceptance into the Busker Partnership Program (Appendix 6)
- 10.6. Vendors who wish to cancel their permit must notify the Market Managers in writing no less than 48 hours before the start of their requested permit start date.
- 10.7. Failure to provide 48 hours cancellation notice will result in full payment being required with no refunds provided.

11. Application & Eligibility

- 11.1. The application process is reviewed annually by Ottawa Markets management.
- 11.2. Applications for attendance at Ottawa Markets spaces shall be published no later than January 1st for every calendar year.
- 11.3. All persons who desire to vend at any OMC Public Markets shall be licensed by the Corporation after an application and review process and shall then be issued a stand permit that grants vending privileges to a market location.

- 11.4. All licenses and permits issued are for a set period that shall never exceed one calendar year.

Application Calendar

- 11.5. Farmers are eligible to apply year-round. Farmer applications received after February 1st are outside of the standard review process and subject to variable timelines for review and communication.
- 11.6. January 1 - Applications are available online and are intended to be completed using the online application process. Applicants unable to complete the application online may contact market personnel during business hours to arrange an alternative method of application.
- 11.7. February 1 - All applications from microprocessors, art and craft vendors, street food vendors, importers and wholesalers are due no later than February 1st.
- 11.8. February 1 to March 1 - Ottawa Markets shall review and evaluate all applications. Evaluations are based on the eligibility criteria (Section 11) and shall be conducted by OMC personnel or the Selection Committee, depending on the vending category.
- 11.9. During the review phase, applicants may be contacted for more information or to schedule a site visit.
- 11.10. March - Beginning in March, notifications of application status shall be sent to all applicants.
- 11.11. Applicants who are not approved to vend at Ottawa Markets are provided details and rationale for Ottawa Markets decision and are allowed to re-apply at the start of the next application process.
- 11.12. Applicants who are approved as probationary vendors are provided with a probationary permit to vend and are scheduled and allocated space at the market.

11.13. Ottawa Markets reserves the right to schedule additional application periods throughout the calendar year.

Eligibility Requirements for all Applicants

11.14. Consideration for an OMC license is contingent upon the submission of a complete application.

11.15. Applicants shall reside, and be legally entitled to work, in Canada.

11.16. Applicants shall comply with all applicable federal, provincial, municipal laws and any other applicable laws and regulations to which their business may be subject. It is up to the vendor to know and comply with the Provincial and Federal sales tax requirements.

11.17. Insurance. Vendors shall provide Ottawa Markets with a Certificate of Insurance that shows proof of insurance for public liability in the amount of not less than 2 million inclusive per occurrence and annual aggregate. Such Certificate of Insurance shall name Ottawa Markets and the City of Ottawa as additional insureds. Vendors do not need to have such insurance in place to be issued a license, but no stand permits can be issued to a vendor without proof of insurance.

11.18. **COVID-19. Vendors shall adhere to all government and OMC regulations with regards to PPE, sanitization protocols, and vending procedures, and applicants shall demonstrate understanding and compliance of such regulations during the application and review process.

11.19. Applicants shall meet the criteria requirements for their respective vendor category.

11.20. Applicants and returning vendors shall provide OMC with a complete list of all products to be sold at the market in a given season. OMC shall approve the sale of each product that the producer wishes to sell. If a vendor wants to sell a

product not previously approved, they shall provide written notice to Market Management no less than five days in advance of offering the product for sale.

- 11.21. Applicants shall be required to sign a contract and code of conduct, set by Ottawa Markets, that holds all applicants and vendors to the rules and policies set out in this operating procedure document and any other requirements as indicated in the contract.
- 11.22. Probationary period. All applicants, upon review, are offered a minimum of three (3) vending opportunities as probationary vendors wherein they will be observed to ensure that they comply with all requirements and laws and that their products and displays are considered of appropriate quality for Ottawa Markets. After the probationary vending opportunities, probationary vendors are either issued a license and stand permit or declined a license. Declined vendors may reapply in the future.

Eligibility Requirements for Farmers

- 11.23. Farmers shall comply with the above Eligibility requirements for all applicants.
- 11.24. Applicants shall meet the definition of farmer set out in Section 1.
- 11.25. Applicants shall own or lease the land they use for production. If the applicant is farming leased land, the following conditions apply:
- 11.25.1. The leased land shall be local (within 150km) to the applicants' primary farm or residence;
- 11.25.2. The leased land shall be fallow at the start of the lease term if annual crops are farmed; if the leased land is cropped with perennials (orchards, asparagus, etc.), lease agreements shall be for a minimum of 1 calendar year;
- 11.25.3. Another farmer is not actively farming the leased land;

- 11.25.4. Applicants have secured a written lease agreement that may be provided to Ottawa Markets upon request.
- 11.26. Off-farm processing by a third party is approved for products farmers grow, raise or catch on the following conditions:
- 11.26.1. Where available, third-party processing shall be conducted locally. Where local processors do not exist, third-party processing shall follow the regional hierarchy as set out in Section 3. Out of country processing is prohibited without prior approval of Ottawa Markets;
- 11.26.2. The farmer can ensure and demonstrate that the products received from processing are the products grown, raised, caught or foraged by the farmer;
- 11.26.3. The farm product being processed is not eligible to be supplemented by non-vendor farm products (e.g., a butcher providing a farmer with ground meat, cannot add in meat from other sources), but may be flavoured or manufactured with complementary products not grown by the farmer (e.g., a butcher making sausages for a farmer may add spices, fruits or vegetables to flavour the sausage, but may not add in non-vendor meats).
- 11.27. Microprocessed farm products shall:
- 11.27.1. Adhere to all local health authority requirements at the production site and at market;
- 11.27.2. Be labelled according to Canadian Food Inspection Agency requirements;
- 11.27.3. Have allergens displayed at the point of sale, and ingredient lists available if the product is intended to be consumed at the market (i.e., the product is not pre-packaged).

11.28. Exceptions to any of the above requirements for farmers may be made by Market Managers.

Eligibility Requirements for Microprocessors

11.29. Microprocessors shall comply with the above Eligibility requirements for all applicants.

11.30. Applicants shall meet the definition of microprocessor set out in Section 1.

11.31. Microprocessors shall produce all products from scratch. Co-packing arrangements, commercially prepared dry bases or mixes, dough mixes, crusts, shells, or fillings or any other 'non-scratch' preparation is strictly prohibited.

11.32. All microprocessed products shall adhere to all local health authority requirements at the production site and at the market.

11.33. All microprocessed products shall have allergens displayed at the point of sale, and ingredient lists available if the product is intended to be consumed at the market (i.e., the product is not pre-packaged).

11.34. All microprocessed products shall be labelled according to the Canadian Food Inspection Agency requirements.

11.35. Microprocessed products that contain the following ingredients shall source 100% of these products from local or provincial farms:

11.35.1. Eggs. Fresh, whole eggs used shall come from local or provincial farms;

11.35.2. Dairy. Fluid milk products used shall come from local or provincial farms;

11.35.3. Meat. All meat products used shall come from local or provincial farms;

11.35.4. Honey and Maple Syrup. All honey and maple products used shall come from local or provincial farms;

11.35.5. Exemptions to the above may be made by the Market Managers for vendors who have demonstrated an inability to source regional products (e.g., organic, halal, kosher, or other products that cannot be sourced regionally).

11.36. Microprocessors shall keep a record of receipts and purchases of ingredients. OMC may request copies of such records as part of the license application, license review or site inspection procedures.

11.37. Exceptions to any of the above requirements for microprocessors may be made by the Market Managers.

Eligibility Requirements for Street Food Vendors

11.38. Street food vendors shall comply and obtain a City of Ottawa mobile refreshment cart license.

11.39. Ottawa Markets shall treat all street food applicants and eligibility on a case-by-case basis in coordination with Ottawa Public Health and By-Law and Regulatory Services.

Eligibility Requirements for Artisan and Craft Vendors

11.40. Art and craft vendors shall comply with the above Eligibility requirements for all applicants.

11.41. Applicants shall meet the definition of art and craft vendor set out in Section 1.

- 11.42. Art and craft products shall be reviewed by Market Managers before they are approved for sale.
- 11.43. Art and craft vendors are encouraged to utilize local and regional materials wherever possible.
- 11.44. Where a vendor is utilizing finished or semi-finished products (e.g., t-shirts, greeting cards, upcycling products, etc.) as part of their art and craft product, such functional goods shall be sourced locally, regionally, or nationally; exemptions must be requested in the application process and shall be at the discretion of the Market Managers.
- 11.45. Reproductions of the visual arts commissioned by the art and craft vendor are allowed provided the art and craft vendor has sourced their reproductions nationally and that reproductions do not become the dominant product in the stand; exemptions may be made at the discretion of Market Managers.
- 11.46. Art and craft vendors shall keep a record of receipts and purchases of raw materials and supplies. OMC may request copies of such records as part of the license application, license review or site inspection procedures.
- 11.47. Exceptions to any of the above requirements for art and craft vendors may be made by the Market Managers.

Eligibility Requirements for Wholesalers and International Importers

- 11.48. Wholesalers and International Importers shall comply with the above Eligibility requirements for all applicants.
- 11.49. Applicants shall meet the definition of Wholesaler or International Importer set out in Section 1.
- 11.50. Wholesalers and Importers are not eligible to attend OMC producer-only Farmers' Markets or Crafters and Artisan Markets.

- 11.51. Wholesalers shall only sell Canadian-grown products.
- 11.52. Ottawa Markets will not consider Wholesaler or Importer applicants that sell mass imported items, second-hand consignment items or who are franchisees.
- 11.53. Importers are expected to offer high quality, specialty goods that demonstrate a unified concept. Wholesalers are expected to commit to vending five to seven days a week.
- 11.54. All wholesalers and importers must provide documentation as to the origin and purchase of products.
- 11.55. All previously licensed vendors are required to apply for a new license in 2021. Following, vendors permitted in 2021, need only apply for a renewal.

Application Review

- 11.56. All licenses and permits are non-transferable.
- 11.57. All applications are reviewed upon receipt by a Markets Manager. The Markets Managers ensure all applications are complete, and if required, will gather additional information.
- 11.58. Microprocessor, street food vendors, wholesale, import and art & craft license applications are reviewed by a Selection and Appeals Committee who evaluates applicants and ensure that:
- 11.58.1. Applicants meet the definitions and eligibility requirements of their vendor category;
- 11.58.2. Creativity, source and quality of ingredient/material, production methods and overall quality meet the high standards of Ottawa Markets;

11.58.3. The products add value and diversity to the market and further Ottawa Markets Mission.

11.59. Upon successful review, applicants are considered probationary vendors and are eligible for a temporary, probationary license and permit.

11.60. Farmer applications are reviewed by the Market Managers, with support from the Province of Ontario, Ministry of Agriculture, Food & Rural Affairs as needed, to ensure that the applicant qualifies as a farmer and has provided all required information and documents necessary to be issued a probationary license.

Probation and Approval

11.61. A probationary period and temporary license shall be required for all vendors who:

11.61.1. Have not previously been issued a license;

11.61.2. Have not been issued a license within the previous two calendar years;

11.61.3. Have changed primary farm location/primary production facility;

11.61.4. Have been suspended or terminated from Ottawa Markets in the current or previous calendar year;

11.61.5. Have substantially changed product offerings.

11.62. Such a probationary period shall be set by Ottawa Markets and shall be no less than three (3) vending appearances. Ottawa Markets reserves the right to terminate any license or permit within the probationary period. If a vendor is found in violation of the regulations while on probation, violations may result in immediate suspension or termination from markets.

11.63. Infraction points shall not be issued during probation; vendors will instead be issued warnings and offered guidance on how to correct the violation by market personnel.

11.64. Upon successful completion of the probationary period, probationary vendors are issued a license and stand permit.

Annual Review Process

11.65. All vendors who wish to renew their license for a new calendar year shall apply no later than February 1 to ensure there is no lapse in their license status.

11.66. Any lapse in a vendor's license will require a new application and a probationary period.

12. On-Site Regulations

Vendor Conduct

12.1. All vendors who sell at either the ByWard or Parkdale markets must acknowledge by signature the Ottawa Markets Vendor Code of Conduct.

Safety at Market

12.2. All canopies, umbrellas and other stand coverings brought by the vendor must be anchored to the pavement or have weights (minimum 35 pounds each) securely attached to each leg, no matter the predicted, perceived, or actual weather.

12.3. Vendors shall ensure that stand set-up, equipment, and products do not pose safety hazards to anyone on-premises and are contained within the stand in an orderly manner.

Punctuality and Attendance

- 12.4. Vendors shall not arrive more than 2 hours before the opening of any producer-only market unless arranged in advance with Market personnel.
- 12.5. Vendors shall not arrive less than 30 minutes before the opening of any producer-only market. Arriving within 30 minutes of the opening of a market is considered arriving late.
- 12.6. Vendors arriving late to a Producer-only market will be required to park outside the market area and carry their products and supplies to their stand.
- 12.7. Vendors with trailers or large trucks that are difficult to manoeuvre shall arrive at the beginning of the 2-hour set-up period and unload all materials and products.
- 12.8. Vendors shall unload all supplies and products in their designated space, park vehicles, and then return to unpack products and set up their stand. The reverse shall be true for load-out.
- 12.9. Public Market vendors shall abide by all punctuality terms of their permit.
- 12.10. Producer-only Market vendors are expected to attend every day indicated on their permit. Failure to attend will not result in refunds, and if absences are frequent, shall be considerations for license and permit renewals.
- 12.11. Vendors shall notify OMC personnel of any absences no later than 6:00 am on the day of the absence.

Stand Regulations

- 12.12. Vendors who have been allocated a semi-permanent canopy owned by Ottawa Markets shall not modify, add to, or damage the frame and cover.
- 12.13. Stands and tables shall not be a hazard to the public or other vendors.

- 12.14. No part of a vendor's display or set-up is allowed to extend outside their designated stand.
- 12.15. All stands shall maintain a clean appearance at all times.
- 12.16. Vendors who are adjoining or adjacent (within ten feet) to a neighbouring stall shall ensure that the first 2ft. of their stand (measured from the front) does not have any displays, materials, products, or any other items that block the view above 4ft.
- 12.17. Vendors shall display their vendor permit, and vendor sign, in the top right of their stand.
- 12.18. Vendors attending OMC Producer-only Markets are prohibited from closing or disassembling their stand before the market's official close without market personnel's express permission. Vendors who have sold out of product may display a 'sold out' sign if they wish to leave their stands.
- 12.19. Any product to be left onsite outside of business hours shall comply with all public health requirements and all food shall be protected from contamination and adulteration.
- 12.20. Vendors shall comply with relevant regulations, whether federal, provincial, municipal, or required by Ottawa Markets.

Food Safety

- 12.21. Vendors are expected to know and implement the relevant food safety requirements for all products being sold at the Market.
- 12.22. When required by OMC, all vendors selling at either the Parkdale or ByWard Market must wear a cloth face mask or face shield when serving customers.

- 12.23. Vendors with on-premises prepared foods, baked goods or street food products shall have a full canopy covering for the product, and if the product is exposed, shall be covered by a 'sneeze guard.'
- 12.24. Vendors offering any consumable products, including samples, shall comply with Ottawa Public Health requirements and guidelines.

Pricing of Products

- 12.25. Vendors shall set their prices.
- 12.26. Vendors are prohibited from influencing another vendor's pricing, agreeing or arranging to set prices, allocating markets or restricting output with other vendors or any other methods of price-fixing; such actions shall result in immediate suspension from the market.

Signs and Information Required at Market

- 12.27. Vendors shall display all signs required and label all products following applicable federal, provincial and municipal laws before selling commences.
- 12.28. Wholesalers and Importers shall be required to display origins of product and price, and are not authorized to use product adjectives such as "home-grown," "hand-picked," "just picked," "grass-fed," "pastured," etc.
- 12.29. Vendors shall have a business sign or banner identifying the farm or business name and location of the farm or place of production; such sign shall be visible from at least 6 meters away and in both official languages.
- 12.30. All products shall have prices clearly displayed to the customer at all times.
- 12.31. Vendors shall be able to provide a list of ingredients for any microprocessor or street food products available upon request by either customer or Ottawa Markets personnel.

Farm Products and Packaging

12.32. Vendors shall ensure that all produce sold in containers is in legal containers, such as pint, quart, bushel, 1-litre basket, etc.

12.33. Vendors shall ensure that all produce sold by weight is measured by a legal scale that has been approved by Measurement Canada.

12.34. If this scale is used at the market, customers shall be able to see a valid sticker indicating that the scale has been inspected, and they shall be able to see the display of the scale.

12.35. All shopping bags, packaging, take out containers, sauce cups, cutlery, drink cups, lids, and other related utensils must adhere to Government of Canada and Province of Ontario guidelines and packaging and environmental regulations.

12.36. No styrofoam is permitted at the market.

Vehicles and Equipment

12.37. Vehicles are prohibited from all Markets during operating hours unless prior approval has been granted.

12.38. Vendors shall not leave their vehicle(s) in, adjacent to, or near their stand or in any parking spaces designated as customer parking by the City of Ottawa Parking Services.

12.39. Prior approval to use a generator is required and is not guaranteed - vendors shall disclose their requirements for a generator during the application process. This may impact where vendor stands are allocated.

12.40. Vendors with generators or equipment using cooking gases or fluids such as propane shall have a properly functioning fire extinguisher.

- 12.41. Vendors shall ensure that generators are in good working order and be no louder than 65 dB(A) as measured at source.
- 12.42. Gasoline canisters shall not be stored next to a generator. The area around the generator shall be clear of flammable materials and structures.
- 12.43. Market personnel shall decide where generators are to be placed to minimize negative impacts to customers, neighbouring vendors, nearby storefronts and residents.
- 12.44. All equipment used for stand set-up and display at the market shall be kept in good repair. Any equipment that Ottawa Market personnel consider to be unsafe shall be required to be removed immediately.
- 12.45. All equipment shall be safely positioned and secured to prevent injury; any cords shall be covered to prevent tripping.
- 12.46. Generators and refrigeration equipment should be quiet (65 dB(A) or less measured at the source) and odour-free. Ottawa Markets personnel may require vendors to curtail or cease the use of a generator or refrigeration equipment if noise or odour results in complaints from other vendors or customers.

Sanitation, Refuse and Waste

- 12.47. Stands and operations shall be sanitary and meet Public Health requirements.
- 12.48. All edible products and packaging materials shall be kept off the ground and protected from possible contamination.
- 12.49. Vendors shall ensure that if their product creates waste at the market (serving dishes, packaging, or sampling utensils), they shall provide a waste receptacle that is available to the customer. Such receptacles shall be relevant to the waste created (i.e., a vendor using recyclable utensils shall have a recycling receptacle) as governed by their municipalities' waste service department.

- 12.50. Vendors shall keep their stand free from refuse at all times. Vendors shall remove any refuse or waste from the market (including sweeping and removing any produce or food refuse from the ground or floor).
- 12.51. All waste generated by vendors shall be removed at the end of the day for off-site disposal. On-site waste receptacles are for customer and market personnel use only.
- 12.52. Vendors shall not dispose of any liquid other than pure water down any drains at the market. All cooking oils, cleaning solutions, or water used for cleaning shall be removed to the vendors' premises and disposed of properly.

Incidents at Market

- 12.53. Vendors shall report all incidents that impact public safety at the market, including but not limited to accidents, injuries, theft, parked cars, and disputes, to Ottawa Markets personnel.

13. Complaints and Challenges

- 13.1. All vendor challenges should be made to Ottawa Markets directly using the form found in Appendix 5. Any claim, factual or otherwise, made publicly jeopardizes the market's integrity and could be subject to charges of slander or harassment.
- 13.2. Regular complaints or problems occurring at markets (i.e., that are listed on the infraction system in Appendix 4 as 1-2 point infractions) or between vendors should be directed to market personnel promptly.
- 13.3. Complaints involving market personnel should be made to their immediate supervisor, and if required, directed to the Executive Director.
- 13.4. Vendor Challenge forms are available from Markets personnel at all markets during regular market hours; forms shall be submitted to the Market Managers at the market or emailed to the Market Managers or mailed to the Corporations office.

- 13.5. The Market Managers and/or Executive Director shall review each challenge form, and the submitting vendor shall receive a written response within one week of receiving.
- 13.6. Forms are to be submitted when a vendor believes a fellow vendor is misrepresenting their products, growing/production methods or is otherwise violating the rules and regulations of Ottawa Markets, municipality, Province or Federal government.
- 13.7. The Vendor Challenge shall be made within the week of the suspected violation occurring; forms submitted that allege violations on past occasions shall not be accepted.
- 13.8. Forms shall be signed by the vendor submitting the form, and there is a \$50 filing fee (which can be shared by a group of vendors) that is refundable if the claim is verified.
- 13.9. Ottawa Markets shall not reveal challenger(s)' identities to anyone, ever.**
- 13.10. The Vendor receiving the challenge shall respond to the challenge in writing within 48 hours. Failure to admit or deny a challenge may result in a determination by OMC that the challenge is valid.
- 13.11. If an inspection is required as part of a vendor challenge, it shall conform to the Inspection process in Section 14. Inspection Protocols.
- 13.12. If a vendor is found to violate the rules and regulations of OMC as a result of a challenge, the vendor may be fined, temporarily lose their vending permit or lose their license to vend with Ottawa Markets.
- 14. Inspection Protocols**
- 14.1. Ottawa Markets shall request annual inspections of its Markets by the Ontario Ministry of Agriculture, Food and Rural Affairs.

- 14.2. When a vendor challenge form is received by Ottawa Markets, the Market Managers shall determine if a site visit is required or if the violation alleged can be confirmed or denied through other means.
- 14.3. If a site visit is required, the Market Managers and a member of a relevant governing or regulatory body (i.e., a member of Ottawa Public Health if the challenge is regarding sanitary conditions of production facilities) shall visit the business.
- 14.4. The below protocols shall guide all inspections:
 - 14.4.1. Licensees subject to a site inspection shall receive at least 24 hours notice before their first inspection. If another challenge is made and further inspections are required within the same calendar year, no notice of an inspection shall be required;
 - 14.4.2. Notice of inspection shall also contain specifics of the challenge made against the vendor with the name(s) of the challenger omitted;
 - 14.4.3. Inspections shall only occur between the hours of 7:00 am and 7:00 pm;
 - 14.4.4. The vendor being inspected is expected to cooperate with the inspector(s) and make themselves available for the inspection based on the notice provided by OMC, failure to make themselves available for inspection within five days of receiving the notice shall be considered non-cooperation and OMC shall revoke the vendor's license;
 - 14.4.5. Inspections shall only occur with the presence of the vendor being inspected unless this right has been waived by the vendor;
 - 14.4.6. Inspector(s) may take photographs, videos or other forms of documentation of a vendor's business operation for the purposes of their inspection;

14.4.7. Vendors may be required to provide additional information or documentation to the inspector(s). All such information shall be provided within 48 hours of receiving the request.

15. Violations and Penalties

15.1. All violations of Ottawa Markets' rules and regulations and the signed agreement between Ottawa Markets and the licensee are subject to penalties and disciplinary actions as outlined in Ottawa Markets Infraction System.

Infractions System

- 15.2. Ottawa Markets personnel may issue infraction notices to vendors for any violations of the rules and regulations or their vendor agreement.
- 15.3. The Infraction System is designed to ensure that OMC Public Markets are a safe, orderly, clean and fair space for vendors, staff and customers alike.
- 15.4. Infraction notices serve as a written warning, and the rule violation indicated on an infraction notice shall be immediately corrected.
- 15.5. Ottawa Markets reserves the right to immediately revoke a license of any vendor found to be harassing or abusing anyone while at the market or engaging in unlawful practices.
- 15.6. The Infraction System utilizes a point system, as indicated below. Points are reset at the end of each calendar year; however, points from the previous calendar year shall be factored into license renewals and stand allocations.
- 15.7. The scale of disciplinary action using the Infraction system is as follows:
- **1 point** = written warning
 - **2 points** = written warning

- **3 points** = loss of vending privileges for the next scheduled date
- **4 points** = loss of vending privileges for the next seven scheduled dates
- **5 points** = immediate termination of License

15.8. A copy of the infraction notice template may be found in Appendix 4.

Costs Incurred

15.9. From time to time, Ottawa Markets may issue a fine to vendors in violation.

15.10. Such fines are intended to recoup costs associated with the following but not limited to:

- Inspection costs,
- Cheques returned NSF
- Damage to equipment / Equipment Repair
- Security fees
- Locksmith / Key Changes

15.11. OMC will provide documentation and receipts illustrating all costs incurred through investigating the infraction to the vendor in violation.

15.12. All costs incurred must be settled prior to vending the following year.

Permit Suspension

- 15.13. A vendor may lose their vending privileges for a set number of dates if they accrue three or more points under the infraction system or if they are found in violation during a product challenge or inspection.
- 15.14. A loss of vending privileges involves a permit suspension. Such permit suspensions shall be for no less than one market date and no more than seven scheduled market dates.
- 15.15. Any vendor who receives more than two (2) permit suspensions in a calendar year shall have their conduct reviewed by the Executive Director and may be subject to revocation of their permit.
- 15.16. No refunds shall be issued to a vendor for any dates missed due to suspensions.

License Termination

- 15.17. A vendor may lose their license to vend with Ottawa Markets for the remainder of a calendar year if they accrue 5 points under the infraction system, if they are found in violation during a product challenge or inspection; or if they are found to be in breach of any municipal bylaw or Provincial or Federal law, or are jeopardizing other vendor or customers safety.
- 15.18. A license termination means the immediate loss of all privileges with Ottawa Markets.
- 15.19. Vendors shall be required to return their license and any permits they have been issued within three (3) calendar days of being notified of license termination.
- 15.20. Vendors who have had their license terminated may apply for a new license in the next calendar year but will be expected to demonstrate how they have corrected the violation(s) that led to their license termination.
- 15.21. No refunds shall be issued to a vendor for any dates missed due to terminations.

Appeals

- 15.22. All vendors have a right to appeal any infraction notice, penalty, suspension, or termination decision made by Ottawa Markets.
- 15.23. The vendor shall contest the decision in writing within 48 hours of the disciplinary action and indicate if they wish to make their appeal in writing or in person (including video conferencing as needed) to the Executive Director.
- 15.24. If an appeal is requested to be made in person, Ottawa Markets shall reply within forty-eight (48) hours with a scheduled date and time for an appeal meeting to be conducted within fourteen (14) days.
- 15.25. The vendor will be able to provide the Executive Director with written evidence, documentation, and argument in advance of the meeting.
- 15.26. If, after the meeting the vendor's appeal and reviewing all evidence and/or testimony, that a violation has occurred, the Executive Director shall determine the penalty to be approved by the Ottawa Markets Board of Directors.
- 15.27. If, after hearing the vendor's appeal and reviewing all evidence and/or testimony, the Executive Director finds that a violation has not occurred, a formal letter of apology shall be issued with a refund of fees for all market dates missed due to any permit suspensions or license terminations.

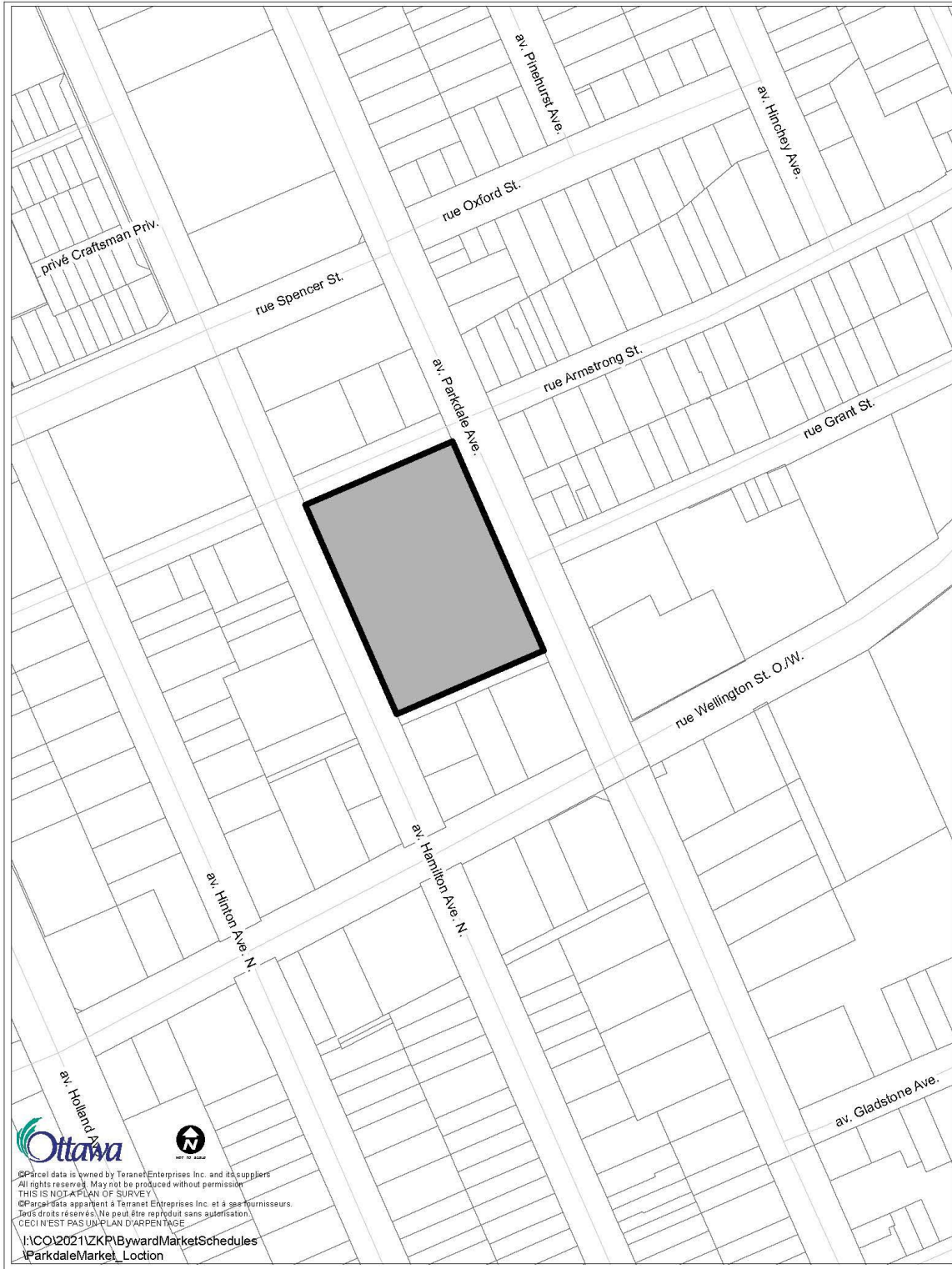
Mediation

- 15.28. Upon receiving the appeals committee decision, if the vendor remains unsatisfied, they may request closed mediation on a shared cost basis.

Appendix 1: ByWard Market Area



Appendix :2 The Parkdale Market



Appendix 3: Selection and Appeals Committee

The Ottawa Markets Corporation (OMC, herein) Selection Committee is authorized to make the final decision concerning application approval, issuance of OMC vendor licenses, and appeals.

Microprocessor, street food, wholesale, international importers and art & craft vendor applications are reviewed by a selection committee who evaluates applicants and ensure that:

- applicants meet the definitions and eligibility requirements of their vendor category;
- creativity, source and quality of ingredient/material, production methods and overall quality meet the high standards of OMC;
- the products add value and diversity to the market and further OMC's Mission.

The Selection Committee shall include members such as community representatives or relevant professionals, where said members are determined by OMC to be free of bias and able to provide valuable insight or expertise to aid the committee in performing its duties. The Committee shall be no less than five members and not exceed ten.

The Selection Committee shall be responsible for providing Ottawa Markets with a report demonstrating that all applicants have been fairly and reasonably reviewed and making license recommendations. Such reports will indicate what applicants have met all their application obligations and eligibility requirements and those who have not.

The Selection Committee shall conduct all meetings and reviews so that its report to OMC personnel may be submitted at the March meeting of the OMC Board. The Market Managers shall be responsible for facilitating all meetings and reviews of the selection committee, as well as any other business of the committee as may arise from time to time.

Appendix 4: Infraction System

The Infraction System (Section 15) is designed to ensure that Ottawa Markets Public Markets are a safe, orderly, clean, and fair space for vendors, staff and customers alike. Infraction notices serve as a written warning and the rule violation indicated on an infraction notice must be immediately corrected.

As per Section 14 in Operational Procedures No: 2, Ottawa Market personnel may issue infractions to vendors for any violations of the rules and regulations or their vendor contract.



Selon la Section 14 des Procédures opérationnelles NO : 2, le personnel de Marchés d'Ottawa peut émettre des infractions aux vendeurs pour toute violation de règles ou de leur contrat de vendeur.

1 POINT INFRACTIONS - INFRACTIONS D'UN POINT

- Absent without notice/Absent sans préavis
- Deteriorated produce, low-quality goods/ Produits détériorés ou de basse qualité
- Display items or equipment outside of stand boundaries/Articles d'exposition ou équipement en dehors des limites du stand
- Hawking or other aggressive sales tactics/Colportage ou autres tactiques agressives de vente
- Insufficient waste receptacles/Nombre insuffisant de récipients à déchets
- Late to market/En retard au marché
- Sampling product outside of stand/Échantillonnage de produit en dehors du stand
- Stand disassembly before market closure/Démontage du stand avant la fermeture du marché
- Improper labelling/Étiquetage inadéquat
- Using waste receptacles on-site/Usage de récipients à déchets sur les lieux
- Vehicle in Market or customer parking zone/Véhicule au marché ou dans la zone de stationnement des clients
- Vendor pet(s) at the market/Animaux de compagnie au marché
- Vendor vehicle in the market too late or too early/Véhicule de vendeur au marché, trop tard ou trop tôt

2 POINT INFRACTIONS - INFRACTIONS DE 2 POINTS

- Food not protected from contamination/Nourriture non protégée de la contamination
- Inaccurate, or unapproved scale/Balance inexacte ou non approuvée
- Lack of proper handwashing station/Manque de stations appropriées de lavage des mains
- No prices displayed, improper signage/Aucun prix affiché, Affichage inadéquat
- Noisy or noxious equipment/Équipement bruyant ou nocif
- Non-compliance with Market personnel directions/Non-conformité aux directives du personnel du marché
- Not displaying vendor license/Ne pas afficher la licence de vendeur
- Not wearing a mask/Ne pas porter de masque
- Sale of non-approved items/Vente d'articles non approuvés
- Smoking in a permitted vending area/Fumer dans une zone de vente autorisée
- Stand not anchored or weighted properly/Stand sans poids, non ancré correctement
- Stand or equipment is hazardous/Stand ou équipement dangereux
- Unsafe operation of a vehicle/Opération dangereuse d'un véhicule
- Unsanitary conditions/Conditions insalubres
- Waste or refuse left at the market/Déchets ou ordures laissés au marché

3 POINT INFRACTIONS - INFRACTIONS DE 3 POINTS

- Making inappropriate growing and/or production claims/Faire de fausses représentations de méthodes de culture/de production
- Publicly disparaging other vendors/Dénigrer publiquement d'autres vendeurs

4 POINT INFRACTIONS - INFRACTIONS DE 4 POINTS

- Unapproved reselling of product not produced by the vendor/Revente non approuvée d'articles non produits par le vendeur
- Harassment or abuse/Harcèlement ou abus

5 POINT INFRACTIONS - INFRACTIONS DE 5 POINTS

- 'Price fixing' or other anti-competition activities/« Fixation de prix » ou d'autres activités anti concurrence
- Engaging in unlawful practices/Se livrer à des pratiques illégales

Vendor in Violation/ Vendeur en violation:		
Issuing Personnel/ Personnel d'émission:	Signature:	
Market/ Marché:	Points this Year/ Points cette année:	Date:

Appendix 5: Vendor Challenge Form

The aim of the vendor challenge protocol is to ensure transparency and fairness and maintain food and Operating safety at markets. Any regular complaints (1-2 point infractions) between vendors should be brought to market personnel as soon as possible for remediation.

Any claim, factual or otherwise, made publicly jeopardizes the market's integrity and could be subject to charges of slander or harassment. Do not air these concerns publicly.

Vendors may submit this form when they believe a vendor is misrepresenting their products, growing/production methods or is otherwise violating the rules and regulations of Ottawa Markets or acting unlawfully.

Forms shall be signed by the vendor submitting the form, and there is a \$50 filing fee (which can be shared by a group of vendors) that is refundable if the claim is verified;

Ottawa Markets shall not reveal challenger(s)' identities to anyone, ever.

Your name, business name, addresses and phone number:

Name of the Vendor you are challenging: _____

Are you submitting this challenge regarding a specific product or a violation of OMC regulations?

Product Challenge

Rule Violation

Specific product(s) about which you are inquiring: _____

Market, date, and approximate time the product was being sold or the violation occurred:

Please provide specifics of the product challenge or rule violation and any evidence that supports your challenge: _____

Signature

Date

Appendix 6: Busker Partnership

Ottawa Markets Corporation (OMC herein) works with local artists and performers to animate the ByWard and Parkdale Markets to create vibrant public markets that serve the market communities and the OMC mission. To ensure that the busking program is mutually beneficial to both the busker and the Market, OMC requires all buskers to adhere to the guidelines in the Busker Partnership Program.

As well as the below requirements, all buskers shall follow all OMC personnel directions and are subject to the discretion of onsite OMC personnel at all times.

Eligibility and Requirements:

1. All buskers except those specifically prohibited below are welcome at OMC Markets. Generally, this includes musicians, mimes, singers, sidewalk artists, etc.;
2. All buskers must register with Ottawa Markets and sign the vendor code of conduct;
3. Upon approval to the Program, buskers are free to perform at their convenience subject to the rules below.

Buskers shall:

- display their Busking Permit during their performance or activation;
- remain in designated busking zones while performing, as indicated by the busking decal affixed to the sidewalk;
- comply with all federal, provincial and municipal laws and requirements;
- treat all OMC customers, vendors, personnel and all other persons with respect and courtesy;

- place a basket, hat or another vessel to collect tips and donations in a stationary location; and following all advisable and recommended Public Health measures.

Prohibited Activities:

- OMC does not allow any of the following types of activities to be performed by buskers: flying objects (juggling, hula hoops, etc.), sword swallowing, flames/fire, sales of any kind, or any activity deemed potentially unsafe by market personnel. This prohibition does not apply to professional performers. Such performers must contact the Market Managers to coordinate performances.
- Buskers shall not:
 - perform outside of designated busking zones;
 - perform in a loud or disruptive manner that would obstruct any market activity such as vendor/shopper interaction or customer movement;
 - impede any other person; or vehicular traffic flow;
 - charge a set fee for performances;
 - sell any products or services;
 - 'pass the hat' or other methods of roaming to collect donations;
 - remain in any one busking zone beyond one hour's time; after an hour, buskers shall move to another busking zone.
- No amplification equipment is allowed at the Market without express permission from OMC personnel. If approved:

- volume levels shall comply with the City's Noise By-law No. 2017-255;
- if requested to do so, the busker shall immediately comply with OMC personnel's order to lower the volume or otherwise adjust the performance.

BY-LAW NO. 2021 – XX

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A by-law of the City of Ottawa respecting the delegation of authority over the licensing, regulating and governing of vending in the ByWard Market and the Parkdale Market, and to repeal By-law 2008-448 and By-law 2008-449.

-0-

Enacted by City Council at its meeting of XX, 2021.

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LEGAL SERVICES

XXX

COUNCIL AUTHORITY:

City Council XX, 2021