



ByWard Market Program By-Law **By-Law Number 2008-449**

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 program for the ByWard Market.

December 10, 2008



This is an unofficial version of the By-law that is provided for reference purposes only. Every effort is made to ensure the accuracy of the information, however, it is not to be used in place of certified copies of actual by-laws. For legal requirements, please refer to the official By-laws of the City.

*Shaping our future together
Ensemble, formons notre avenir*

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BY-LAW NO. 2008- 449

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.

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 the *City of Ottawa Act, 1996*, authorizes Council to pass by-laws designating all or any part of a highway as a removal zone as well as designating and allocating spaces where vending is permitted within the removal zone, and setting up a permit system for the use and regulation of those spaces including the removal and disposal of items left in the spaces in contravention of the by-law;

AND WHEREAS City Council at its meeting of April 12, 2006, reconfirmed its dedication to the preservation and enhancement of the historic ByWard Market as an economic generator, and deemed it appropriate to license, regulate and govern outdoor vendors and other activities to ensure the ByWard 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;

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

DEFINITIONS

1. In this by-law:

“agrifood” means fruits, vegetables, plants, roots, mushrooms, seeds, cereals, honey products, maple products, horticultural and floricultural products, and when sold by a licensed “farmer” includes cereal products, eggs, fish, meat, poultry, game, dairy products and ancillary products thereto;

“agrifood derivative” means a product in which the first ingredient on the label, or a minimum of fifty one percent (51%) of the product by weight measured prior to processing, is an agrifood grown or produced by the “farmer” or the “farmer-vendor”, but such product shall not be considered agrifood derivative when sold, offered for sale, displayed or exposed for sale by a vendor other than a “farmer” or “farmer-vendor” in accordance with applicable regulations and inspections;

“Agrifood Selection Committee” means the committee established by Council to review, determine, and confirm,

- (a) the qualifications of applicants and licensees in the agrifood category,
- (b) the “agrifood” and “agrifood derivatives” intended to be sold, offered or displayed for sale pursuant to an agrifood license “AF-1”, “AF-2” and “AF-3”,
- (c) the percentage of “agrifood” and “agrifood derivative” that are produced by the applicant or licensee, based on documentation and investigations,
- (d) compliance of the applicant or licensee with all applicable regulations, based on criteria prescribed in this by-law, documentation and investigations presented by the applicant, licensee and Markets Manager as the case may be, and issue an endorsement certificate to the applicant if the criteria are met;

“agrifood vendor” means a person who is actively and directly engaged in the production of “agrifood” totalling less than sixty percent (60%) of all “agrifood” to be sold or on the Market and who may purchase and re-sell up to one hundred percent (100%) of the “agrifood” to be sold;

“art and craft” means 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 manual art;

“Art and Craft Selection Committee” means the committee established by Council to review, determine, and confirm,

- (a) the qualifications of applicants and licensees in the art and craft category,
- (b) the quality, creativity and production method of art and craft intended to be sold, offered or displayed for sale pursuant to an art and craft license “AC-1”, “AC-2” “AC-3” and “AC-4”,
- (c) the percentage of art and craft that are produced by the applicant or licensee,
- (d) the products offer diversity of the art and craft to be sold or offered for sale on the Market; and
- (e) compliance of the applicant or licensee with all related regulations, and based on criteria prescribed in this by-law and documentation and investigations presented by the applicant, licensee and Markets Manager as the case may be, and issue an endorsement certificate to the applicant if the criteria are met;

“art and craft vendor” means a person who is actively and directly engaged in the production of “art and craft” totalling less than sixty percent (60%) of the “art and craft” sold from a stand on the Market pursuant to this by-law;

“artist” means a person who is actively and directly engaged in the production of one hundred percent (100%) of all “art and craft” to be sold or offered for sale from a stand on the Market pursuant to this by-law; and “craftsperson” has the same meaning;

“artist-designer” means a person who is actively and directly engaged in the design of “art and craft” totalling ninety percent (90%) or more of the all “art and craft” sold from a stand on the Market pursuant to this by-law;

“artist-vendor” means a person who is actively and directly engaged in the production of “art and craft” totalling sixty percent (60%) or more of the all “art and craft” sold from a stand on the Market pursuant to this by-law, and “craftsperson -vendor” has the same meaning;

“By-law Officer” means a person appointed by Council to enforce the provisions of this by-law and who may be referred to as an Inspector or Officer;

“ByWard Market” means the area within the ByWard Market limits as shown in Schedule “BM”;

“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;

“designated space” means a specific area located on a roadway or sidewalk within the removal zone and identified as a vending, location, and for the purposes of this by-law may be referred to as a stand, a vacant stand, occupied stand, daily vacancy stand or a posted stand or a space allocated to a performer or tourist service operator;

“farmer” means a person actively and directly engaged in the production of one hundred percent (100%) of all “agrifood” and “agrifood derivatives” sold or offered for sale from a stand on the Market pursuant to this by-law, and “producer” has the same meaning;

“farmer-vendor” means a person actively and directly engaged in the production of “agrifood” totalling sixty percent (60%) or more of the “agrifood” and “agrifood derivatives” offered for sale from a stand on the Market pursuant to this by-law, and “producer – vendor” has the same meaning;

“Fire Chief” means the Chief of the Ottawa Fire Services of the City or an authorized designate;

“local” means the geographic area of the City of Ottawa, the counties of Prescott Russell, Stormont, Dundas and Glengarry, Leeds and Grenville, Lanark, Renfrew and the Outaouais comprised of the City of Gatineau and the regional county municipalities of Papineau, Les Collines-de-l’Outaouais, La Vallée-de-la-Gatineau and Pontiac;

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

“licensee” means a person licensed under this by-law;

“License Committee” means the committee of council known as the License Committee as established in By-law 2002-189;

“market day” means each day the Market is open from 5:00 a.m. of one day to 1:00 a.m. the following day;

“Market” means the ByWard Market;

“Market Identification Sign” means the sign issued by the Markets Manager that contains the permit holder’s name, address, license category, stand number and permit term;

“Markets Manager” means the person occupying the position of Campus Manager responsible for managing the ByWard Market in the Licensing, Permits and Markets Branch, or an authorized designate;

“Market Season” means the period of time commencing on the last Monday in April and ending on the first Monday in November of the same year;

“Market Off-Season” means the period of time commencing on the Tuesday following the Market Season of one year and ending on the Sunday preceding the Market Season of the following year;

“Market Holiday Season” means the period of time commencing on the twenty-fourth of November and ending on the twenty-fourth of December in the same year;

“material” includes tables, chairs, counters, display racks, equipment and packaging;

“Medical Officer of Health” means the Medical Officer of Health of the City or an authorized designate;

“performer” includes the following persons for the purposes of this by-law,

- (a) **“street performer”**, a person or group of persons who plays musical instruments, sings, dances, acts or otherwise provides entertainment in the Market and who may or may not seek or receive payment or donations for such performances,
- (b) **“street performer artist”**, a person who creates temporary art on the sidewalk for public enjoyment, using chalk or another removable substance, who may or may not seek or receive payment or donations for such an act;

“performance space” means a designated space as established in **Schedules “BWW and GW ”, “GE and GS”, “YC”, “YE” and “YW”** which may be assigned to a holder of a street performer license and permit, and which includes a space for the performer and boundaries for an audience;

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

“person” means a natural person;

“posted stand” means a stand for which the licensee or permit holder has failed to renew his or her license or Market Season, Market Off-Season, Holiday Season or Monthly permit of the previous license period of the previous term;

“product” means agrifood, agrifood derivative, art and craft, refreshments and any other goods that are approved for sale on the Market pursuant to this by-law;

“Programming Selection Committee” means the committee established by Council to review, determine, and confirm,

- (a) the qualifications of applicants and licensees in the refreshment, retail space, tourist services and performance categories;
 - (b) the performance to be presented or displayed pursuant to a performance license **“P” or “PA”**; and
 - (c) compliance of the applicant or licensee with all related regulations;
- based on prescribed criteria, documentation and investigations presented by the applicant, licensee and Markets Manager as the case may be;

“proof of insurance” means a certified copy of a policy of insurance or a Certificate of Insurance that shows proof of liability coverage as required by this by-law and issued by a company authorized to carry on the business of insurance in the Province of Ontario or Quebec, in a form approved by the City Solicitor, and having a provision therein or an endorsement thereon that the Market Manager will be given at least 30 days notice in writing of any cancellation, expiration or variation in the policy;

“refreshment kiosk” means a temporary structure from which refreshments may be cooked or prepared and offered for sale for immediate consumption to the general public;

“refreshment vehicle” means a motor vehicle licensed pursuant to the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, from which refreshments are cooked, carried or offered for sale for consumption to the general public;

“refreshments” means food or beverages sold or offered for sale for immediate consumption to the general public, and may include agrifood or agrifood derivative;

“removal zone” means an area within the City in which all the highways, or portions thereof, is designated as a removal zone from which vending is prohibited unless vending occurs from a designated space under the authority of a valid stand permit;

“retail space” means a designated space established on Schedules “BWW”, “W” and “YC” and on a sidewalk from which the operator of a retail store may display or offer goods for sale provided the goods displayed or offered for sale are typical of the goods sold by the retail store and the sidewalk area utilized immediately abuts the store front;

“Savour Ottawa” means the initiative known as Savour Ottawa;

“non-designated space” means a space in the ByWard Market other than a designated space that may be temporarily established and allocated by the Markets Manager pursuant to this by-law;

“special event” includes an event for social, recreational or community purposes;

“stand” means a designated space as established in Schedules “BWE and GC”, “BWW and GW”, “GE and GS”, “W”, “YC”, “YE” and “YW”, within the ByWard Market which may be assigned to a licensee or stand permit holder, and may include the following as the context requires,

- (a) **“vacant stand”**, a stand which has not been assigned by the Markets Manager,
- (b) **“daily vacancy”**, a stand which is not occupied by the permit holder by the time specified in this by-law, and,
- (c) **“occupied stand”**, a stand that is actively operated and occupied by the permit holder or an employee or assistant who is registered and by no other licensee or permit holder;

“tourist services” includes tourist information services, bicycle rental services, tour bus services, walking tour services and rickshaw tour services;

“unoccupied designated space” means a designated space that is vacant and has not been assigned pursuant to this by-law;

“vehicle” means a motor vehicle or trailer licensed pursuant to the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, or legally licensed in the Province of Quebec;

BYWARD MARKET – ESTABLISHED

- 2. (1) The outdoor market comprised of the area as set out in Schedule “BM”, is hereby established by the City and is known as the ByWard Market.
- (2) The area regulated by this by-law is set out in the shaded area in Schedule “BM” .
- (3) The stands’ alpha-numeric or numeric identifiers, and the location of the stands and spaces in the ByWard Market are hereby established as set out in Schedules “BWE and GC”, “BWW and GW”, “GE and GS”, “W”, “YC”, “YE” and “YW”, as follows:

- (a) during the Market Season as shown on Map 1 on on Sch “BWE and GE” & Sch YE. and,
 - (b) during the Market Off-Season as shown on Map 2 on Sch “BWE and GE” & Sch YE.
- (4) The identifier referred to in subsection (3) and the boundaries of each stand or space shall be clearly marked at the actual site.
 - (5) Notwithstanding subsection (3), stand RV-1 is established in parking meter space number 3310, located on the south side of York Street, east of Dalhousie Street.

BYWARD MARKET - REMOVAL ZONE

- 3. The shaded area in **Schedule “BM”** is hereby designated a removal zone.

BYWARD MARKET - DESIGNATED SPACES

- 4. The stands and spaces identified in **Schedules “BWE and GC”, “BWW and GW” “GE and GS”, “W”, “YC”, “YE” and “YW”**, and identified at the actual site are hereby established as designated spaces in the removal zone from which no person shall sell, offer for sale, or display for sale any product unless he or she has been assigned the stand by the Market Manager and is the holder of a valid license and permit authorizing him or her to so do.

INTERPRETATION

- 5. (1) This by-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this by-law.
- (2) Where the time for doing any act or taking any proceeding expires on a Saturday, Sunday or Public Holiday, the act or proceeding may be done or taken on the next workday.
- (3) Where notice is sent by registered mail, the date of service on the applicant is the date of the next workday following the date of mailing.
- (4) Where any expression of time occurs or where any hour or other period of time is stated the time referred to shall be standard time, provided however, if what is known as "daylight saving time" has been generally adopted in the City for any period of the year, under any statute, order-in-council, by-law, resolution or proclamation, whether the same is effective in law or not, such time shall be the time referred to during such period in any reference to time in this by-law.
- (5) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

LICENSE COMMITTEE – POWERS AND DUTIES

6. (1) The License Committee is authorized to administer the provisions of this by-law.
- (2) The License Committee is authorized to make the final decision in respect of the revocation or suspension of any license or stand permit issued pursuant to this by-law and the imposition of conditions on any license or stand permit.
- (3) A majority of the three (3) members of the Licensing Committee constitutes a quorum.
- (4) The License Committee, after a hearing, may suspend or revoke any license or stand permit if the conditions for its issuance or use are not complied with or for cause, and without limiting the generality of the foregoing, for:
 - (a) any breach of the law including any violation of the provisions of this by-law,
 - (b) the belief that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity,
 - (c) any other matter which the License Committee is authorized by law to consider,
 - (d) anything which may be in any way adverse to the public interest.
- (5) The License Committee may suspend a license or associated stand permit for cause as provided for in subsection (4) for any period that is less than the unexpired part of the period for which it was issued in lieu of revocation.
- (6) The License Committee may impose conditions as a requirement of obtaining, continuing to hold or renewing the license or associated stand permit, including special conditions.

MARKETS MANAGER AND OFFICERS - POWERS AND DUTIES

7. (1) The Markets Manager is authorized to administer the provisions of this by-law on behalf of the City, including its enforcement, together with such other By-law Officers as may be necessary.
- (2) The Markets Manager is authorized to administer, and supervise the operation of the ByWard Market including but not limited to undertaking the following duties,
 - (a) require, receive, review, approve and reject license and permit applications;
 - (b) collect the fees prescribed in Schedule “FS”;
 - (c) allocate stands in accordance with Schedules “SAP” and “BWE and GC”, “BWW and GW”, “GE and GS”, “W”, “YC”, “YE” and “YW”;
 - (d) establish permitted activities on the Market;
 - (e) assign non-designated spaces or unoccupied designated spaces, on a first-come-first-served basis, with no fees for the following purposes,
 - (i) fundraising or community enhancement initiatives for any purpose except profit, by registered charities, charitable organizations and

- non-profit groups, to be assigned for no more than two days per calendar year where the registered charities, charitable organizations and non-profit groups have provided the Markets Manager with proof of their charitable or non-profit status and Canada Customs and Revenue Agency registration number;
 - (ii) performances by itinerant street performers to be assigned by the hour; or,
 - (iii) promoting authors and inventors residing in Ottawa, such spaces to be assigned for no more than four days per calendar year; and,
 - (f) when allocating non-designated spaces or unoccupied designated spaces pursuant to subsection (e), the Market Manager may impose conditions as a requirement of the use of those spaces.
- (3) In addition to subsection 7(1), any By-law Officers appointed by by-law of the City as Municipal Law Enforcement Officers pursuant to section 15 of the *Police Services Act*, R.S.O. 1990, Chap. P.15, as amended.
- (4) Upon receipt of an application referred to in Section 21, the Markets Manager is authorized to make or cause to be made all inspections and investigations required by law or by the City relative to such application.
- (5) The Markets Manager may convene a special meeting with the applicant, licensee or permit holder at such a time and date as requested.
- (6) The Markets Manager may issue such license applied for if the provisions of this by-law are complied with and the Markets Manager may issue the license personally or send it by ordinary mail to the applicant at the address shown on the application.

SUSPENSIONS

- (7) The Markets Manager may suspend, without holding a hearing, the license or permit to any or all stands, for the following reasons:
 - (a) the holding of special events;
 - (b) the construction, maintenance or repair of public highways;
 - (c) the installation, maintenance or repair of public utilities and services; or
 - (d) matters relating to pedestrian, vehicular or public safety or public health.
- (8) No suspension effected under subsection (9) shall exceed twenty eight (28) days from the date of suspension.

SUMMARY SUSPENSIONS

- (9) The Markets Manager or By-law Officer may initiate summary suspensions of any license and stand permit or revoke a license or stand permit, assign a licensee or permit holder to another stand in any situation that has resulted or may reasonably be expected to result in an emergency situation or if information is

received that would have resulted in the license not being issued and without limiting the generality of the foregoing, these situations may include:

- (a) Where the licensee has breached any law,
 - (b) Where the licensee has done anything that is in any way adverse to the public interest,
 - (c) Where a motor vehicle used for carrying on of the business under the license is deemed to be mechanically unsafe, including but not limited to body damage with sharp edges, holes in the floor boards, unserviceable tires, doors not closing properly, wire protruding from the seat or any other mechanical defect that would render the motor vehicle unsafe,
 - (d) Where a cheque is returned marked "NSF" for the payment of a prescribed fee and in such cases, the license or stand permit shall be suspended until the prescribed fee is paid, or
 - (e) Where a licensee's or permit holder's insurance has expired and he or she continues to carry on business for which the license or permit was issued, in which case the license or permit shall be suspended.
- (10) With respect to a license or permit suspension imposed under subsection (9), the summary suspension may be for a minimum period of twenty-four (24) hours and for a maximum period of fourteen (14) days and if the violation has been corrected after the twenty-four (24) hour period, the license or permit may be reinstated at the discretion of the Markets Manager.
- (11) Prior to suspending a license or permit, the Markets Manager shall provide the licensee or permit holder with the reasons for the suspension either orally or in writing and an opportunity to respond to them.
- (12) The issuing By-law Officer shall advise the Markets Manager of all summary suspensions.
- (13) The Market Manager shall advise the License Committee on an annual basis of all summary suspensions.
- (14) The suspension pursuant to subsection (9) is lifted after the expiration of two weeks from the date of suspension or after the first meeting of the License Committee after the suspension, whichever occurs first.
- (15) In addition to any other penalty, a license or permit issued under the authority of this by-law may be suspended or revoked upon such grounds and in accordance with such procedural provisions as are set out in this by-law.

POWER TO SEIZE, STORE AND DISPOSE OF MATERIAL AND TO CHARGE RELATED COSTS BACK

8. (1) The Markets Manager, a By-law Officer or a peace officer authorized to enforce this by-law who has reason to believe that any product, material, object or vehicle has been placed, left, stopped, parked or abandoned in a stand or in the removal zone in contravention of this by-law, upon producing appropriate identification,

and after informing the person, if any, in charge of the said goods, products, material, object or vehicle may cause the goods, products, material, object or vehicle to be moved and stored in a suitable place.

- (2) Subject to subsections (3) and (4), all costs and charges for the removal, care and storage of any goods, products, material, object or vehicle under this by-law are a lien upon it which may be enforced by the City in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, Chapter R.25, as amended.
- (3) Any goods, products, material, object or vehicle removed and stored in accordance with subsection (1) and not claimed by the owner within sixty (60) days is the property of the City and may be sold and the proceeds shall form part of the general funds of the City.
- (4) Despite subsection (3), any perishable food or refreshment removed is the property of the City upon being moved from the Market or stand in accordance with subsection (1) and may be destroyed or given to a charitable institution.
- (5) This Section does not apply to motor vehicles displaying a valid number plate issued under the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8 or the laws of another jurisdiction.

INSPECTION POWERS

9. The Markets Manager is hereby authorized to:
 - (a) inspect:
 - (i) the stand and any associated equipment or item that is used for the carrying on of the business under the license or the permit,
 - (ii) each motor vehicle operated, provided or used in the business, and
 - (b) require that each motor vehicle operated, provided or used in the business be submitted for inspection

LICENCES AND PERMITS REQUIRED

10.
 - (1) No person shall sell, offer for sale, or display for sale any product, refreshments or tourist service within the removal zone, without first obtaining a valid license or permit, or license and permit of the appropriate category authorising him or her to so do.
 - (2) No person shall sell, offer for sale, or display for sale any product, refreshments, or tourist service from the removal zone, unless he or she has been assigned the stand by the Markets Manager and is the holder of a valid permit authorizing him or her to do so.
 - (3) No person shall perform or provide entertainment within the removal zone, without first obtaining a license of the appropriate category authorizing him or her to do so.

- (4) No person shall perform or provide entertainment in the removal zone in an area, at a time or on a date other than that which is on file with the Markets Manager authorizing him or her to do so.
- (5) No person shall occupy a non-designated space or unoccupied designated space without first having been assigned the space by the Markets Manager in accordance with this by-law.

LICENSES AND PERMITS AVAILABLE

11. The following annual licenses may be issued pursuant to this by-law:

(1) **Agrifood**

- (a) a License “AF-1” to a Farmer
- (b) a License “AF-2” to a Farmer-Vendor
- (c) a License “AF-3” to a Agrifood Vendor
- (d) a License “FS” to a vendor of firewood, trees, shrubs, sod and soil
- (e) a License “XD” to a vendor of natural material Christmas boughs, wreaths, garlands and decorations
- (f) a License “XT” to a vendor of Christmas trees

(2) **Art and Craft**

- (a) a License “AC-1” to an Artist
- (b) a License “AC-2” to an Artist-Vendor
- (c) a License “AC-3” to an Artist-Designer
- (d) a License “AC-4” to an Art and Craft Vendor

(3) **Refreshment**

- (a) a License “RK” to a Refreshment Vendor vending from a Refreshment Kiosk
- (b) a License “RV” to a Refreshment Vendor vending from a Refreshment Vehicle

(4) **Tourism Services** - a License “TS” to an operator of tourism services

(5) **Street Performers**

- (a) a License “SP” to Performers
- (b) a License “SPA” to Sidewalk Artists

12. The following permits may be issued pursuant to this by-law:

- (a) **Market Season Permit** for the period between the last Monday in April and the first Monday in November of the same year;
- (b) **Market Off-Season Permit** for the period between the Tuesday after the Market Season and the Sunday before the Market Season of the following year;
- (c) **Monthly Permit** for the period between the first day of a given month to the last day of the same calendar month;

- (d) **Holiday Season Permit** for the period between November 24 and December 24 of the same year;
 - (e) **Open Permit** as assigned by Markets Manager for any period less than 30 days;
 - (f) **Daily Permit** for the market day for which it is issued;
 - (g) **Refreshment Patio Permit** may be issued for a Market Season, Market off Season, or Monthly period; and
 - (h) **Retail Space Permit** may be issued for a Market Season, Market off Season, or Monthly period.
13. (1) Every person vending, performing or providing tourist services under a license issued pursuant to this by-law is also required to obtain a permit.
- (2) A separate permit shall be required for each stand occupied.
- (3) Despite subsection (1) no license shall be required for the holder of a “Refreshment Patio” permit or “Retail Space” permit.
14. Every license and permit shall only be valid for:
- (a) the period, and
 - (b) the stand,
- as indicated on the license or permit as the case may be.
15. Every person vending, performing or providing services under a license or permit issued pursuant to this by-law shall only be authorized to do so in the area and in the stand, as the case may be, that has been allocated by the Markets Manager.

SHARING OF STANDS BY LICENSEES

16. The Markets Manager may allow more than one licensee to occupy a stand provided that:
- (a) each licensee holds a valid “AF-1” or “AC-1” license as the case may be;
 - (b) all licensees occupying the stand hold valid licenses of the same category;
 - (c) no licensee occupying the stand holds a permit for any other stand in the ByWard Market;
 - (d) a permit for the stand is applied for and issued to one of the licensees occupying the stand pursuant to this by-law;
 - (e) that the applicant under subsection (d) has provided to the Markets Manager the names of all licensees who will be occupying the stand;
 - (f) only a licensee listed on the permit may operate the stand, and the use of any employee, assistant or agent is not permitted; and
 - (g) the licensees comply with any other condition that may be imposed by the Markets Manager.

EXEMPTIONS

17. A license or permit is not required under this by-law for temporary surface encroachments used as outdoor cafes which have encroachment permits issued pursuant to By-law Number 2003-446 entitled “A By-law of the City of Ottawa to regulate encroachments on City highways”.

FEES

18. (1) The fees are prescribed in **Schedule “FS”**.
- (2) Any fee paid pursuant to this by-law shall not be refundable if the licensee or stand permit holder, of his or her own volition, does not occupy the assigned stand.

APPLICATION REQUIREMENTS

APPLICATION DEADLINES - LICENSES

19. Every applicant for a license or license renewal for an annual period shall apply no later than **March 1**.

APPLICATION DEADLINES - PERMITS

20. (1) Every applicant for a **Market Season permit** or renewal of the permit shall apply no later than **March 1** of the year for which the Market Season permit application or renewal is filed.
- (2) Every applicant for a **Market Off-Season permit** or renewal of the permit shall apply no later than **October 1** of the year for which the Market Off-Season permit application or renewal is filed.
- (3) Every applicant for a **Monthly permit** or renewal of the permit shall apply no later than the **15th day of the month** that precedes the month for which the monthly permit application or renewal is filed.
- (4) Every applicant for a **Holiday Season permit** or renewal of the permit shall apply no later than **October 1** of the year for which the Holiday Season permit application or renewal is filed.
- (5) Every applicant for an **Open permit** shall apply no later than **ten (10) days prior** to the day the applicant wishes to commence vending.
- (6) Every applicant for a **Refreshment Patio permit** shall apply no later than **thirty (30) days prior** to the day the applicant wishes to set-up the patio.
- (7) Every applicant for a **Retail Space permit** shall apply no later than **thirty (30) days prior** to the day the applicant wishes to commence vending in the space.

APPLICATION REQUIREMENTS AND CONDITIONS FOR ISSUANCE OR RENEWAL

21. (1) No applicant for a license or permit shall be issued a license or permit, or shall be renewed a license or permit by the Markets Manager under this by-law **unless:**
- (a) the applicant applies in person and files a completed application form;
 - (b) the applicant is at least eighteen (18) years of age and has provided satisfactory proof of his or her age;
 - (c) the applicant provides his or her Ontario Sales Tax Number and Goods and Services Tax Number as required, unless the application is for vending only fruits and vegetables;
 - (d) the applicant has paid all related fees as prescribed in Schedule “FS”;
 - (e) the applicant has filed proof of insurance coverage in accordance with Section 42;
 - (f) the applicant has indicated on the application:
 - (i) the category of license desired;
 - (ii) the license period desired;
 - (iii) a complete list of items to be sold or offered for sale;
 - (iv) the names of each person who will be employed to assist the licensee at the stand;
 - (g) the applicant has provided additional information as the Market Manager may direct to be furnished;
 - (h) where the application is for a License “AF-1”, “AF-2” or “AF-3” the applicant has provided the Markets Manager:
 - (i) **Proof of origin** of each product;
 - (ii) **Proof of certification** by Savour Ottawa; Farmers’ Markets Ontario or another certifying body accepted by the Agrifood Selection Committee;
 - (iii) **Proof of primary material purchases** supporting items to be sold;
 - (iv) **Address of the farm;** and
 - (v) **Proof that the Medical Officer of Health** has reported that the premises from which agrifood derivatives are prepared is suitable for the type of items sold;
 - (i) where the application is for a License “AC-1”, “AC-2”, “AC-3”, or “AC-4” the applicant has provided the Markets Manager:
 - (i) Proof of primary material purchases supporting items to be sold; and
 - (ii) the address of the studio, if any;
 - (j) where the application is for a License “SP” or “SPA”, the applicant has provided the Markets Manager a letter providing **details of the proposed performance and the materials** to be used;
 - (k) where the application is for a License “RK”, or “RV”, the applicant has provided the Markets Manager:
 - (i) **proof that the Medical Officer of Health** has reported that all refreshment equipment and the refreshment vehicle, as the case

- may be, used in the vending activity is suitable for the type of items sold; and
 - (ii) **the Director of Fire Services** has reported that every vehicle and equipment used in the vending activity is suitable for the intended use and is in a fire safe condition;
 - (l) an investigation carried in accordance with subsection 7(4) has revealed:
 - (i) the conduct of the applicant affords reasonable grounds for belief that the applicant has not carried on, or will not carry on, his or her business in accordance with the law and with integrity and honesty;
 - (iii) reasonable grounds to believe that the carrying on of the business by the applicant has resulted, or will result, in a breach of this by-law or any other law; or
 - (iv) reasonable grounds to believe that the vending activity may be adverse to the public interest; and
 - (m) where the applicant(s) intend to share a stand, the applicants shall satisfy the requirements of Section 16.
- (2) In addition to subsection (1), an applicant for the following licenses or renewal of such licenses shall provide the Markets Manager with a valid Endorsement Certificate of the appropriate Selection Committee in relation to the agrifoods, arts and crafts or performances for which the license application has been made:
- (a) License “AF-1”,
 - (b) License “AF-2”,
 - (c) License “AF-3”,
 - (d) License “AC-1”,
 - (e) License “AC-2”,
 - (f) License “AC-3”,
 - (g) License “AC-4”,
 - (h) License “RK”,
 - (i) License “RS”,
 - (j) License “TS”, and
 - (k) License “RV”.
- (3) In addition to subsection (1), an applicant for a **Refreshment Patio permit** shall provide the Markets Manager with the following:
- (a) a **detailed plan** showing the intended use of the space as a refreshment patio; and
 - (b) **proof of compliance** with the *Ontario Building Code Act*.
- (4) In addition to subsection (1), an applicant for a **Retail Space permit** shall provide the Markets Manager with the following:
- (a) a **detailed plan** showing the intended use of the space and such plan to clearly show a 3 metre unobstructed sidewalk space;
 - (b) **proof** that the applicant is the owner or operator of the abutting retail store; and
 - (c) **proof of compliance** with the *Ontario Building Code Act*.

- (5) Despite subsections (1), (2), (3) and (4), the Markets Manager may waive any requirement listed in these subsections where in the opinion of the Markets Manager the requirements of these subsections do not apply.
- (6) The Markets Manager is authorized to impose any additional conditions with respect to the issuance or renewal of a license or permit as he or she deems necessary to ensure public safety.
- (7) Despite any other provisions of this by-law, the Markets Manager shall not issue a licence to an original applicant for an “RV” Licence.

CONDITIONS AND INVESTIGATIONS FOR ISSUANCE OF LICENSE AND PERMIT

22. An applicant for a license or permit, or the renewal of a license or permit, is, subject to the provisions of this by-law, entitled to be issued the license or permit, except where:
- (a) the applicant has not,
 - (i) completed and submitted the prescribed application forms,
 - (ii) delivered with the application, payment in full of the license and permit fees, as the case may be, as set out in Schedule “FS” to be paid in respect of such license or permit, or
 - (iii) complied with the license or permit requirements set out in this by-law for the applicable business,
 - (b) the conduct of the applicant affords reasonable grounds for belief that the applicant has not carried on, or will not carry on, his or her business in accordance with the law and with integrity and honesty,
 - (c) there are reasonable grounds for belief that the carrying on of the business by the applicant has resulted, or will result, in a breach of this by-law or any other law, or
 - (d) there are reasonable grounds for belief that the carrying on of the business may be adverse to the public interest or the interest of the market.

ISSUANCE OF LICENSE AND PERMIT

23. (1) If the conditions and investigations referred to in Sections 19, 20, 21 and 22 are complied with and the issuance of the license or permit has been approved, the Markets Manager may issue the license certificate or permit personally or send it by ordinary mail to the applicant at the address shown on the application.
- (2) The License Certificate shall include the following information:
- (a) name of licensee,
 - (b) address of business,
 - (c) type of license,
 - (d) license reference number,
 - (e) date of issuance,
 - (f) date of expiration,
 - (g) signature of the Markets Manager.

- (3) The permit shall include the following information:
 - (a) name of permit holder,
 - (b) type of permit,
 - (c) address of the permit holder,
 - (d) stand or space identification,
 - (e) permit period (inclusive dates),
 - (f) license reference number if applicable,
 - (g) date issued,
 - (h) date of expiration, and
 - (i) signature of the Markets Manager.
- (4) Where two or more licensees are authorized to occupy a stand pursuant to Section 16 the permit shall be issued in the name of one of the licensees only, but when the application for the permit is made, the name and address of each licensee authorized to occupy the stand shall be set out in the permit.

DESIGNATED SPACE - USE

- 24. (1) No person shall occupy a stand or designated space unless he or she:
 - (a) has been issued a permit in accordance with this by-law,
 - (b) has been allocated the stand or designated space by the Markets Manager,
 - (c) has paid the related permit fee with respect to the stand or space,
 - (d) is the holder of a license that authorizes the use of the stand or space if applicable.

LICENSE OR PERMIT RENEWAL

- 25. (1) The provisions of this by-law relating to a license or permit application shall apply, with necessary modifications, to an applicant for the renewal of his or her license or permit.
- (2) A licensee or permit holder who applies for the renewal of his or her license or permit shall:
 - (a) provide to the Markets Manager a signed declaration that all information already on file has not changed, and
 - (b) comply with all requirements of this by-law and any other related regulations or Acts.

LICENSE AND PERMIT PERIOD

- 26. (1) Every license or permit issued by the Markets Manager shall be for the period of time shown on the license certificate or permit and shall expire at midnight of the last day indicated on the license certificate or permit.
- (2) Where an error appears on the License Certificate or permit, the information shall be corrected by the Markets Manager to reflect the license or permit application and fee payment in accordance with this by-law.

NOTICE OF REFUSAL - LICENSE OR PERMIT

27. (1) The Markets Manager shall refuse to issue to the applicant the license or permit applied for if the conditions for issuance in Sections 19, 20, 21 and 22 have not been met.
- (2) The Markets Manager shall give the applicant notice of the refusal to issue the license or permit applied for in writing, said notice to be served personally or by registered mail to the applicant at the address shown on the application.
28. If the application for a license or permit or the renewal of a license or permit has been refused or rejected, the Markets Manager shall notify the applicant, licensee or permit holder, as the case may be, of the refusal or rejection, by ordinary mail at the address shown on the application within seven (7) days of the decision.
29. The notice referred to in subsection 27(2) shall include reason for refusal and the appeal process.

APPLICATION FOR REVIEW OF REFUSAL TO ISSUE

30. An applicant in receipt of a notice of refusal given pursuant to subsection 27 (2) may, within fourteen (14) days of having been served the notice, apply in writing for a review of the refusal to issue the license or stand permit applied for, by filing the request for the review with the Markets Manager, and the provisions of Section 32 shall apply.

REQUEST FOR REVIEW OF STATUS OF LICENSE OR PERMIT

31. The Markets Manager may report to the License Committee any breaches by the licensee or permit holder of this by-law with a request to consider the status of the license or permit.

APPEAL PROCESS

LICENSE COMMITTEE REVIEW HEARING – SET UP

32. The Markets Manager,
- (a) upon receipt of the application for a review referred to in Section 30, or
 - (b) upon reporting to License Committee a breach of this by-law by a licensee or permit holder, shall determine a date with the Committee Coordinator of the License Committee for the review hearing by the License Committee which shall be held within fourteen (14) days.

NOTICE OF REVIEW HEARING – LICENSING COMMITTEE

33. (1) Upon determination of the review hearing date, the Markets Manager shall give notice in writing to the applicant, licensee or permit holder, as the case may be, said notice to:
- (a) include a statement,
 - (i) as to the time, date, place and purpose of the review hearing, and
 - (ii) that, if the applicant, licensee or permit holder does not attend the review hearing, the License Committee may proceed in his or her absence and he or she will not be entitled to any further notice,
 - (b) be served personally or by registered mail to the applicant, licensee or permit holder at the address last on file with the Markets Manager, and
 - (c) where the good character, propriety of conduct or competence of an applicant, licensee or permit holder is an issue, contain reasonable information of any allegations with respect thereto.

HEARING – LICENSING COMMITTEE

34. (1) The License Committee shall hold the review hearing at the time, place and date set out in the notice referred to in Section 33.
- (2) The applicant, licensee or permit holder may be represented at the review hearing by counsel, and the applicant, licensee or permit holder, and his or her counsel, shall have the right to adduce evidence, submit argument in support of the application for a license or permit or the status quo of the license or permit and cross-examine witnesses adverse in interest.
- (3) The City shall be represented at the review hearing by either the Markets Manager or the City Solicitor, who are entitled to adduce evidence and submit arguments in reply to evidence and argument made on behalf of the applicant or licensee.
- (4) At the review hearing, the onus shall be upon the applicant, licensee or permit holder to show cause why,
 - (a) the license or permit applied for should be granted,
 - (b) the license or permit should not be suspended or revoked, or
 - (c) conditions should not be imposed on the license or permit.
- (5) All review hearings shall be public hearings unless the applicant, licensee or permit holder requests that the hearing be held in camera and the License Committee may approve the request by a simple majority in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, Chap. S.22, as amended.
- (6) The License Committee's decision shall be final and binding.

LICENSE COMMITTEE – DECISION

35. The License Committee shall give its decision in writing to the Markets Manager within seven (7) days of the date of the completion of the review hearing.

WAIVER OF HEARING

36. Despite any of the provisions of this by-law, any proceedings may be disposed of by a decision of the License Committee given,
- (a) without a hearing, or
 - (b) without compliance with any other requirements of the Statutory Powers Procedure Act, R.S.O. 1990, Chap. S.22, as amended, or of this by-law incorporating such requirements, where the applicant, licensee or permit holder has waived such hearing or compliance.

IMPLEMENTATION OF LICENSE COMMITTEE DECISION

37. (1) The Markets Manager shall notify the applicant, licensee or permit holder of the decision by serving a copy personally or by registered mail to:
- (a) the applicant, licensee or permit holder at the address shown on the application, or last on file with the Markets Manager, or
 - (b) the counsel or agent of the applicant, licensee or permit holder, if any, at the address as stated to the License Committee.
- (2) If the decision rendered is to grant the applicant the license or permit applied for, the license and permit shall be issued.
- (3) If the decision is to suspend or revoke the license or permit, the licensee or permit holder shall within twenty-four (24) hours of service of notice by registered mail, or immediately if the notice is personally served, return the license or permit to the Markets Manager, and the Markets Manager shall have access to any premises or other property of the licensee or permit holder for the purpose of receiving or taking the license or permit.
- (4) If the decision is to impose conditions on the license or permit, the licensee or permit holder shall within twenty-four (24) hours of service of notice by registered mail, or immediately if the notice is personally served, advise the Markets Manager in writing, as to his or her acceptance of the conditions.

NON USE OF SPACE - NO COMPENSATION OR REFUND

38. Any fee paid pursuant to this by-law shall not be refundable if the licensee or permit holder, of his or her own volition, does not occupy the assigned stand or space.

STAND ALLOCATION

39. (1) The Markets Manager shall allocate stands to licensees and permit holders holding the appropriate class of license or permit, as the case may be, for the stand to be allocated accordance with the allocation procedure found in **Schedule “SAP”**.
- (2) Despite subsection (1), the Markets Manager is authorized to reserve vacant stands for allocation to holders of **Daily Permit** or **Open Permit** who also hold either **AF-1, AF-2, AC-1 or AC-2** Licenses, as follows:
- (a) up to 8 vacant stands on ByWard Street West;
 - (b) up to 3 vacant stands on George Street West ; and,
 - (c) up to 5 vacant stands on William Street.

TRANSFERABILITY OF A PERMIT

40. (1) Subject to subsections (3) and (8), a permit is not transferable in any manner, including by leasing agreement or assignment.
- (2) No person shall transfer a permit in any manner, including by leasing agreement or assignment.
- (3) The permit holder may apply to the Markets Manager to transfer his or her permit, within the permit term, to his or her spouse, son or daughter.
- (4) In the event of the death of a permit holder, the application referred to in subsection (3) may be made by the legal representative of the deceased permit holder and such application may be made after the expiration of the permit term.
- (5) When a person applies for the transfer of a permit under this Section, the person to whom the permit is to be transferred shall comply with the provisions of this by-law as if he or she was an original applicant.
- (6) In the event of an applicant for a transfer being refused by the Markets Manager, the Markets Manager shall give the applicant notice of his or her refusal in writing, said notice to be served personally or by registered mail at the address shown on the application.
- (7) An applicant in receipt of a notice pursuant to subsection (6) may apply in writing to the License Committee for a review of the refusal to issue the transfer applied for by filing with the Markets Manager his or her application for a review and the provisions of Section 27 shall apply in like manner.
- (8) The Markets Manager may transfer a permit if directed to do so by a Court of Law.

TRANSFERABILITY OF A LICENSE

41. A license is not transferable in any manner, including by leasing agreement or assignment.

INSURANCE

42. (1) Every licensee and permit holder shall file with the Markets Manager proof of insurance for public liability in the amount of not less than one million (\$1,000,000.00) 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 include coverage for:
- (a) premises and operations liability;
 - (b) products and completed operations liability;
 - (c) cross liability, severability of interest clause;
 - (d) contingent employers liability; and
 - (e) personal injury liability.
- (3) 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 as an additional insured thereunder.
- (4) Every licensee and permit holder shall ensure that the insurance required pursuant to this Section shall be kept in force for the period for which the license or permit is in effect inclusive of any renewal.
- (5) No licensee or permit holder who is required to file proof of insurance with the Markets Manager shall fail to maintain in force and to renew the same in a timely manner and to pay the premium due thereon.
- (6) The Markets Manager shall, upon receipt of notice that a policy of insurance is to expire on a stated date, notify the licensee or permit holder that unless further proof of insurance is filed on or before that day, his or her license or permit will be suspended coincidently with the expiration of the policy of insurance.

GENERAL ADMINISTRATIVE AND REGULATORY PROVISIONS

FALSE OR INCORRECT INFORMATION

43. No person shall give false or incorrect information for the purposes of obtaining a license or a permit.
44. No person or licensee shall give false or incorrect information for the purpose of obtaining a particular stand or for the purpose of influencing the stand allocation.

NOTIFICATION OF CHANGES

45. Every licensee and permit holder shall notify the Markets Manager in writing of any change in any of the information contained in, or provided with, the license or permit application within seven (7) days of the change.
46. Every licensee and permit holder shall notify or cause to be notified the Markets Manager in writing within seven (7) days of the happening of the following events:
 - (a) any change in the licensee's or permit holder's address or telephone number,
 - (b) termination of the business activity,
 - (c) retirement,
 - (d) any change in the information required under subsections 21 (1)(f)(iii),(iv) and 21(1) (g).
47.
 - (1) In the case of the death of the licensee or permit holder, the person administering the estate shall notify or cause to be notified the Markets Manager in writing no later than one (1) month after the death.
 - (2) If the case of the death of the licensee or permit holder, occurring between license or permit periods, the person administering the estate shall notify or cause to be notified the Markets Manager in writing no later than one (1) month before the application for the renewal of the licence or permit, and such renewal shall also be subject to the provisions of Section 40.

DUTY TO OBTAIN, MAINTAIN AND PRODUCE A VALID LICENSE

48.
 - (1) No person shall sell, offer for sale or display for sale any product, goods, wares or merchandise within the removal zone in the Market without a valid license or permit of the appropriate category authorizing him or her to do so.
 - (2) No person shall offer or provide a tourist service within the removal zone in the Market without a valid license and permit of the appropriate category authorizing him or her to do so.
 - (3) No person shall engage in any performance or provide entertainment within the removal zone in the Market without:
 - (a) a valid license and permit of the appropriate category authorizing him or her to do so, or
 - (b) having been assigned a space in accordance with subsection 7(2).
 - (4) No person, licensee or permit holder shall vend, perform or provide tourist services as indicated on the license or permit, while the license or permit is under suspension.
 - (5) No person, licensee or permit holder shall sell, offer for sale, or display for sale in the Market, any product not indicated on the valid license or permit.

- (6) The license, permit or both as the case may be, referred to in this Section shall:
- (a) be of the appropriate category for the vending, tourist service or performance;
 - (b) be valid for the period the activity is being performed;
 - (c) be in the name of the licensee or permit holder; and
 - (d) indicate the name of every employee and assistant who is authorized to perform the activities under the license or permit on behalf of the licensee or permit holder.

NO DISCRIMINATION

49. No licensee or permit holder, or employee or assistant of a person licensed under this by-law shall, because of race, colour or creed, discriminate against any other person in the Market.

DUTY TO COMPLY

50. No person shall obstruct, hinder or otherwise interfere with any of the investigations or inspections referred to in this by-law.
51. Every person applying for or holding a license or permit issued pursuant to this by-law shall, in such application or in carrying on or engaging in the business in respect of which the license or permit is issued, be governed by this by-law and observe and comply with all other municipal, provincial, and federal by-laws, statutes and regulations, including but not limited to the Farm Products Grades and Sales Act.(chapter F.8)
52. Where a license or permit has been suspended or revoked, no person shall refuse to deliver the license, permit or both, as the case may be, to the Markets Manager or shall in any way prevent or hinder the Markets Manager from receiving or taking the license, permit or both.
53. Every licensee shall comply with every condition imposed upon the license.
54. Every permit holder shall comply with every condition imposed upon the permit.
55. Every licensee shall, when so requested by the Markets Manager, produce the valid license, permit or both for inspection.

GENERAL REGULATIONS

56. No person shall in the Market, sell, offer for to sell, display, distribute or give any live animal, including any live bird, live fish, or live reptile.
57. No person shall hinder or obstruct the Markets Manager in the performance of his or her duties.

58. No licensee, permit holder or his or her employee or assistant shall occupy any stand or space in the ByWard Market other than the stand or space referred to on the license or permit issued by the Markets Manager.

ATTENDANCE AT THE MARKET

59. (1) Every licensee is entitled on each market day to the stand identified on his or her license or permit provided that:
- (a) for a stand located in **Schedules “BWW and GW”, “BWE and GC” and “YC”**, the licensee or permit holder occupies the stand before:
 - (i) 7:30 a.m. during the Market Season, or
 - (ii) 9:00 a.m. during the Market Off-Season,
 - (b) for a stand located in Schedules “GE and GS”, “W”, “YE” and “YW”, the licensee or permit holder occupies the stand before:
 - (i) 9:00 a.m. during the Market Season, or
 - (ii) 9:00 a.m. during the Market Off-Season,
- and the stand shall be fully set-up and operational within one (1) hour of the times prescribed.
- (2) Despite subsection (1) a licensee or a permit holder shall not be entitled on any market day to the stand identified on his or her license or permit where the Markets Manager has determined that the stand identified on his or her license or permit is not suitable for occupation due to:
- (a) health or safety reasons;
 - (b) construction; or
 - (c) a special event.
- (3) The Markets Manager shall notify the licensee or permit holder as soon as possible in the circumstances that the stand is not suitable for occupation, and such notice shall:
- (a) indicate the reason for and the period for which the stand has been deemed unsuitable;
 - (b) be delivered to the licensee or permit holder:
 - (i) directly by hand;
 - (ii) by regular mail to the address shown on his or her most recent license application; or
 - (iii) verbally when such notice can be reasonably given in person at the ByWard Market, and
 - (c) indicate a suitable alternative location if one is available.
- (4) Every holder of a Market Season stand permit or Monthly stand permit shall, during the Market Season, ensure that the stand is occupied by the permit holder or authorized employee or assistant and that the activity shown on the permit is carried on a minimum of four (4) days per week.

- (5) Every holder of a “AF-3” or “AC-4” license who is the holder of a Market Season, Market Off-Season, Holiday Season or Monthly stand permit shall ensure that the stand is occupied by him or her a minimum of fifty (50%) percent of the time the stand is occupied.
- (6) A stand that is not occupied in accordance with subsection 59(1) may be assigned by the Markets Manager for that market day to another qualified licensee.

LICENSEE AND PERMIT HOLDER CONDUCT AND RESPONSIBILITIES

60. Every licensee or permit holder shall:
- (a) conduct all activities in a peaceable and orderly manner,
 - (b) ensure that no profanity is uttered by him or her or his or her employee or assistant while engaging in the activity under the license or permit,
 - (c) ensure that no written material is posted on or about the stand that can be reasonably interpreted as being intended to be racist, sexist, discriminatory or defaming other persons,
 - (d) keep and maintain the market identification sign provided by the Markets Manager in accordance with Section 63 on display in the stand, in a location that is readily visible by customers,
 - (e) ensure that no product or material are tied to street fixtures including but not limited to fire hydrants, sidewalk refuse containers, parking meters, bicycle racks, sign posts, and light fixtures,
 - (f) ensure that no rubbish, garbage or waste material is deposited or permitted to remain on or about the stand,
 - (g) ensure that all rubbish, garbage and waste material created by the carrying-on of any vending, tourist service or performance during his or her use of the stand is removed from the Market at the end of each market day and properly disposed of, and
 - (h) ensure that sidewalk refuse containers provided by the City are not used for disposing of rubbish, garbage or waste material created by the licensee, permit holder or his or her employee or assistant during the use of the stand.

USE OF SPACE

61. (1) Every licensee or permit holder who occupies a stand on a market day shall ensure that:
- (a) no vehicle is used as part of the stand during the Market Season,
 - (b) no canopy frame or overhead cover is erected in the stand except as otherwise permitted in Section 67,
 - (c) no product or material are hung or permitted to be hung from the canopy frame or overhead cover except as permitted in Section 67,
 - (d) no partitions or barriers are erected or permitted to remain in the stand,
 - (e) no material or product extend outside the perimeter of the stand,
 - (f) no material, product or display exceed a height of one point five (1.5m) metres as measured from the ground to the top of the display.

- (g) no material or product or collection of material or products exceed one point five (1.5) metres in height,
 - (h) all material and product are removed from the Market when vending has ceased each market day,

except as provided for in this by-law.
 - (2) Despite subsection (1), the holder of a license “RV” may use a refreshment vehicle as part of the stand during the Market Season provided that the refreshment vehicle meets the requirements of this by-law.
62. (1) No person, licensee or permit holder within the removal zone shall,
- (a) use musical instruments or self-powered sound reproduction and amplification equipment unless:
 - (i) volume levels comply with the City’s Noise By-law Number 2004-253, entitled “A by-law of the City of Ottawa respecting noises”, and
 - (ii) if requested to do so, the person immediately complies with the Markets Manager’s order to lower the volume,
 - (b) use sound reproduction or amplification equipment for reproducing or amplifying voices,
 - (c) sell audio and video recordings, unless the recordings are exclusively of their own work and such recordings may only be sold during authorized performances,
 - (d) impede any other person,
 - (e) interfere with normal pedestrian or vehicular traffic flow,
 - (f) interfere with highway maintenance or highway signage,
 - (g) interfere with a designated fire route,
 - (h) interfere with private approaches, access or egresses to buildings or premises, or
 - (i) charge a fee for performances.
- (2) Every person using a space for a performance:
- (a) may accept donations, and
 - (b) shall ensure that the audience remains within the limits of the performance space marked at the location.

SIGNAGE

63. (1) The Markets Manager upon issuing a license or permit may furnish to the licensee or permit holder a Market Identification Sign.
- (2) Every licensee or permit holder shall ensure that the Market Identification Sign issued by the Markets Manager pursuant to subsection (1) is:
- (a) kept and maintained in good condition; and
 - (b) on display in the stand in a location that is readily visible by customers any time the stand is occupied.

64. (1) No person shall display in a stand any sign:
- (a) other than a Market Identification Sign; or
 - (b) that advertises a product or service not listed on the stand permit, or
 - (c) that has dimensions which exceed zero point eighteen (0.18) square metres.
- (2) Every holder of a License “AF-1”, “AF-2”, “AF-3”, shall ensure that every sign advertising fruits and vegetables displayed in the stand comply with the Farm Products Grades and Sales Act.
- (3) Notwithstanding subsection (1), no person shall display in a stand any sign containing the words: “home-grown”, “farm fresh”, fresh from the farm”, “from our garden”, “from our farm”, “local”, “locally grown” or any similar term unless the products sold or offered for sale in the stand:
- (a) are produced or grown in Ottawa, the counties of Prescott Russell, Stormont, Dundas and Glengarry, Leeds and Grenville, Lanark, Renfrew or the Outaouais;
 - (b) are sold or offered for sale by the holder of a “AF-1”, “AF-2”, “AF-3” License who grew or produced them; and
 - (c) have been certified by Savour Ottawa, Farmers’ Markets Ontario or other certifying body approved by the Agrifood Selection Committee.

USE OF VEHICLES

65. Every permit holder may use a motor vehicle as part of his or her stand during the Market Off-Season.
66. (1) No licensee or permit holder shall use a motor vehicle as part of his or her stand unless:
- (a) the vehicle is used for the carrying-on of the vending activity;
 - (b) the vehicle is in good working order;
 - (c) the vehicle is licensed under the *Highway Traffic Act*, R.S.O. 1990, C.H. 8, as amended or the equivalent legislation from the Province of Quebec;
 - (d) the stand is also an on-street parking space or stands 9 through 13 as identified in Schedule “BWW and GW”.
- (2) Every licensee or permit holder who uses a motor vehicle as part of his or her stand shall ensure that the vehicle does not impede other licensees, permit holders, retailers, pedestrians or vehicular traffic while in use for the activity for which the license or permit was obtained.
- (3) The issuance of a permit or license under this by-law does not grant parking privileges to the permit holder or licensee when the stand is not being actively used for vending, providing tourist service or performances.

STANDS

USE OF OVERHEAD COVERS

67. (1) Every holder of a **Market Season, Monthly and Refreshment Patio permit** may erect, keep and maintain a singular metal canopy frame and overhead cover in the stand identified on the permit from the first Thursday in April through the third Monday in November provided that the metal canopy frame and overhead cover:
- (a) has been approved by the Markets Manager;
 - (b) meets the requirements of the *Ontario Building Code Act*;
 - (c) is kept in a clean condition;
 - (d) is not allowed to accumulate snow, water or other substance on the cover;
 - (e) is safe and stable at all times, and
 - (f) is not erected, kept or maintained in a stand that is also an on street parking space and designated for use by holders of license “AC-1”, “AC-2” “AC-3” or “AC-4”.
- (2) Every holder of a “AC-1”, “AC-2”, “AC-3” or “AC-4” **License** or of a **daily permit or open permit** may erect, keep and maintain a temporary singular metal canopy frame and overhead cover in the stand identified on the stand permit provided that the metal canopy frame and overhead cover:
- (a) meet the requirements of the *Ontario Building Code Act*;
 - (b) are kept in a clean condition;
 - (c) are not allowed to accumulate snow, water or other substance on the cover;
 - (d) are safe and stable at all times; and
 - (e) are removed when vending has ceased each market day.
- (3) Every licensee may erect, keep and maintain in the stand identified on the stand permit, from the Tuesday after the third Monday in November through the Wednesday before the first Thursday in April, provided that the temporary singular metal canopy frame and overhead cover:
- (a) meet the requirements of the *Ontario Building Code Act*;
 - (b) are kept in a clean condition;
 - (c) are not allowed to accumulate snow, water or other substance on the cover;
 - (d) are safe and stable at all times; and
 - (e) are removed when vending has ceased each market day.
- (4) Every holder of a “AF-1”, “AF-2” or “AF-3” **License** may hang hanging flower and plant baskets from the frame and overhead cover in the stand provided that the frame has been designed to accommodate the use and meets the requirements of the *Ontario Building Code Act*.

USE OF REFRESHMENT KIOSKS, REFRESHMENT VEHICLE AND OTHER EQUIPMENT

68. Every holder of a License “RK” shall, in the carrying on of the business, use a refreshment kiosk that,
- (a) has a body that is not higher than four (4) metres as measured from the ground to the top of the refreshment kiosk body, and
 - (b) complies with the *Ontario Building Code Act*.
69. Every holder of a licence “RV” shall, in the carrying on of the business, use a refreshment vehicle that,
- (a) is purpose-built and suitably designed for the licensed business;
 - (b) is in a clean and sanitary condition and in a state of good repair;
 - (c) is licensed as a motor vehicle pursuant to the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and is mobile and capable of being relocated by the operator upon being directed to do so;
 - (d) has attached or painted on two sides of the exterior body of the refreshment vehicle, in a clearly visible position, a sign showing his or her trade name legibly printed in letters and figures not less than seven (7) centimetres in eight;
 - (e) is equipped with a fire extinguisher consistent with the requirements of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended, and Regulation 213, as amended; and
 - (f) does not exceed the dimensions of 6.7 meters in length, by 2.13 meters in width, by 3.0 meters in height.
70. No licensee or permit holder shall use an external generator of any kind as part of his or her stand unless:
- (a) the Medical Officer of Health has confirmed that a generator is required for the refrigeration of approved agri-food, or;
 - (b) the permit holder holds an “**AF-1**”, **AF-2**” or **AF-3**” license and has been approved to sell perishable product, and;
 - (c) the permit holder provides to the Markets Manager a report from the Fire Chief confirming that the generator and any associated equipment are suitable for the intended use and in a fire safe condition.

OVERNIGHT STORAGE

71. No licensee or permit holder shall leave his or her products, material in his or her stand overnight except as provided for in this by-law.

REFRESHMENT VEHICLE

72. Every holder of a License “RV” who uses a refreshment vehicle shall ensure that:
- (a) the refreshment vehicle is removed from the ByWard Market between the hours of 11:00 p.m. and 5:00 a.m. the following day; and,
 - (b) the refreshment vehicle, as the case may be, is removed from the ByWard Market removal zone after the selling activity has ceased.

PRODUCTS, MATERIALS AND EQUIPEMENT

73. No licensee or permit holder, other than holders of a “AF-1”, “AF-2”, “AF-3” or “FS” License, shall leave product or material, or allow product or material to be left in his or her stand overnight from the first Thursday in April through the third Monday in November, unless:
- (a) the method of storing and protecting the products or material does not create:
 - (i) a visual obstruction to pedestrian or vehicular traffic, or
 - (ii) a dangerous condition,
 - (b) the stored items do not exceed a height of one point five (1.5m) metres measured from the ground,
 - (c) the licensee or permit holder occupies the stand the following market day, and
 - (d) where the stand is located at a metered or pay and display parking space, the stand is left completely open so as to permit the use of the parking space.
74. No licensee or permit holder, other than holders of a “XT” and “FS” License, shall leave products or material, or allow products or material to be left in his or her stand overnight from the third Tuesday in November through the Wednesday before the first Thursday in April, unless:
- (a) the stand is identified in Schedules “YE” or “YW”,
 - (b) the method of storing and protecting the items does not create:
 - (i) a visual obstruction to pedestrian or vehicular traffic,
 - (ii) a dangerous condition
 - (c) the licensee occupies the stand the following market day.
75. A holder of a “XT” License who leaves Christmas trees is not subject to paragraphs 61(e) and (f).

HOURS OF OPERATION

76. (1) No person, licensee or permit holder, shall engage in any vending, tourist service or performance in the ByWard Market between the hours of 1:00 a.m. and 5:00 a.m. of the following day.
- (2) The holder of a Licence “RV” shall not engage in any vending activities or permit any vending activities to take place from the refreshment vehicle on the ByWard Market between the hours of 11:00 p.m. and 5:00 a.m. of the following day.

RESPONSIBILITY OF ACTIONS OF EMPLOYEES OR ASSISTANTS

77. Every licensee or permit holder shall be responsible for the act or acts of any of his or her employees or assistants associated with the activity being carried out on the stand in the same manner and to the same extent as though such actions were done by the licensee or permit holder.

OFFENCES AND PENALTIES

78. (1) Every person who contravenes any of the provisions of this by-law is guilty of an offence.
- (2) A person who is convicted of an offence under this by-law is liable to a fine of not less than one hundred dollars (\$100.00) and not more than one hundred thousand dollars (\$100,000.00), as provided for in the Municipal Act, 2001, as amended.
- (3) When a person has been convicted of an offence under this by-law,
- (a) the Ontario Court of Justice, or
 - (b) any other Court of competent jurisdiction,
- may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

REPRESENTATION

79. (1) No person shall publish or cause to be published any representation that the person is licensed or is the holder of a valid permit under this by-law if they are not so licensed or do not hold a valid permit under this by-law.
- (2) No person to whom a license or permit has been issued under this by-law shall alter, erase or modify, or permit the alteration, erasure or modification of the license or permit or any part thereof, unless approved by the Markets Manager who has initialled the change.

REPEAL OF OLD OTTAWA'S BY LAW NUMBER 191-95

80. By-law Number 191-95 of the old Corporation of the City of Ottawa entitled "A by-law of The Corporation of the City of Ottawa respecting the ByWard and Parkdale Markets", as amended, is repealed.

TRANSITION

81. Section 12 of By-Law 191-95 of the old Corporation of the City of Ottawa entitled "A by-law of The Corporation of the City of Ottawa respecting the ByWard and Parkdale Markets" shall continue to apply in respect of the allocation and the occupancy of stands on the ByWard Market until March 31, 2009.

SHORT TITLE

82. This by-law may be referred to as the “ByWard Market Program By-law”.

This by-law shall come into force and effect on the day it is enacted.

ENACTED AND PASSED this 10th day of December, 2008.

CITY CLERK

MAYOR

SCHEDULES

Schedule “BM” - to the ByWard Market Program By-law

The ByWard Market is established as the area within the bold lines.

The Regulated Area is established as the shaded area.

Schedule “BWE and GC” - to the ByWard Market Program By-law

Schedule “BWW and GW” - to the ByWard Market Program By-law

Schedule “GE and GS” - to the ByWard Market Program By-law

Schedule “W” - to the ByWard Market Program By-law

Schedule “YC” - to the ByWard Market Program By-law

Schedule “YE” - to the ByWard Market Program By-law

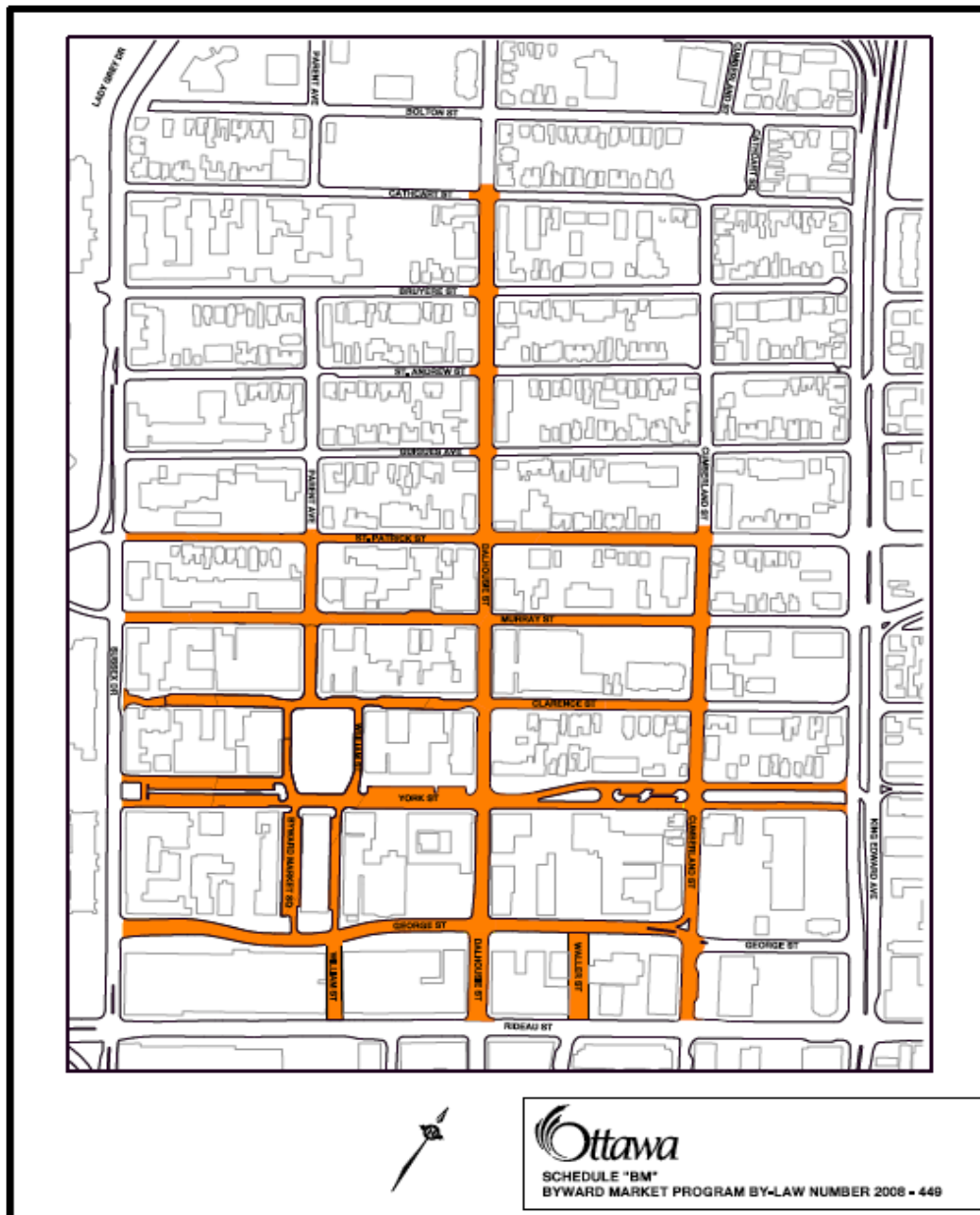
Schedule “YW” - to the ByWard Market Program By-law

Schedule “FS” to the ByWard Market Program By-law

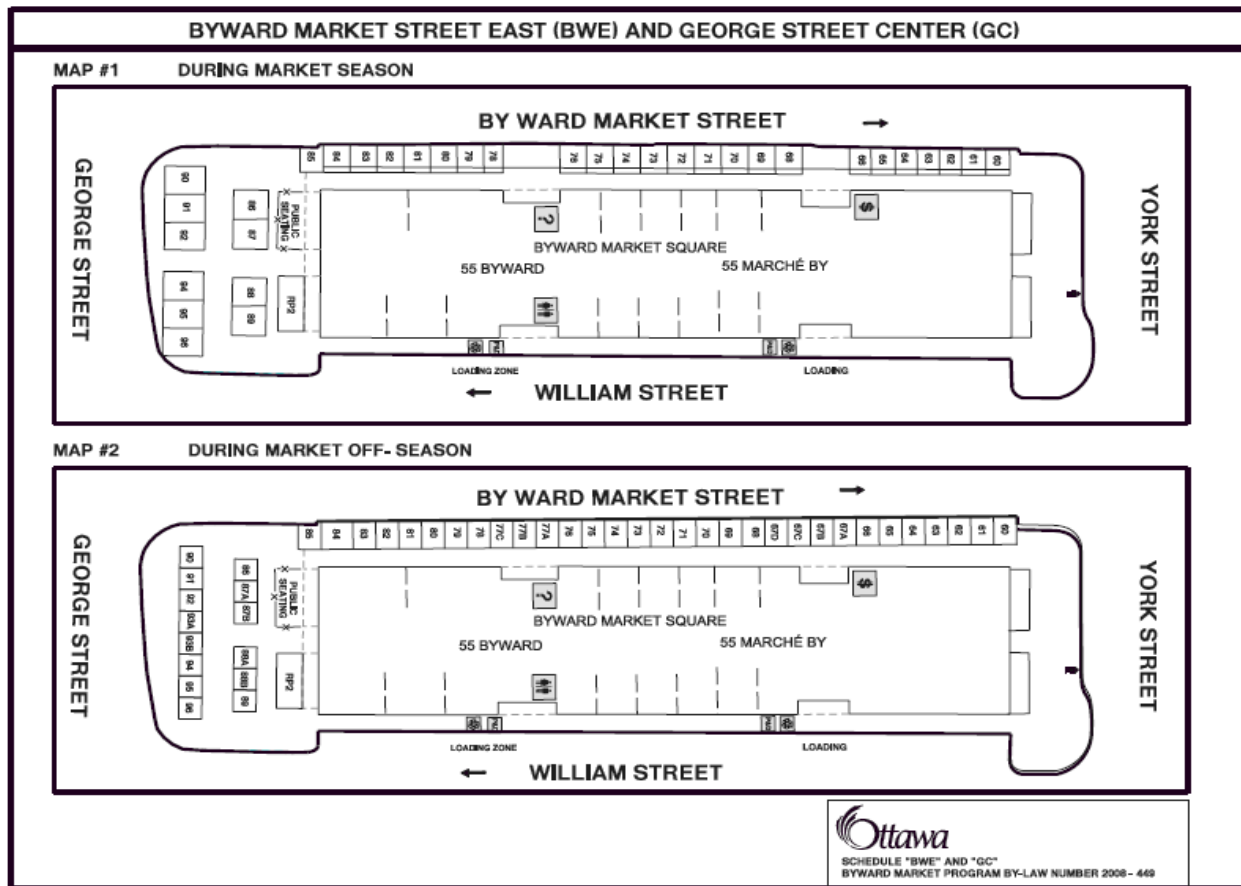
Schedule “SAP” to the ByWard Market Program By-law

Establishing the Stand Allocation Process

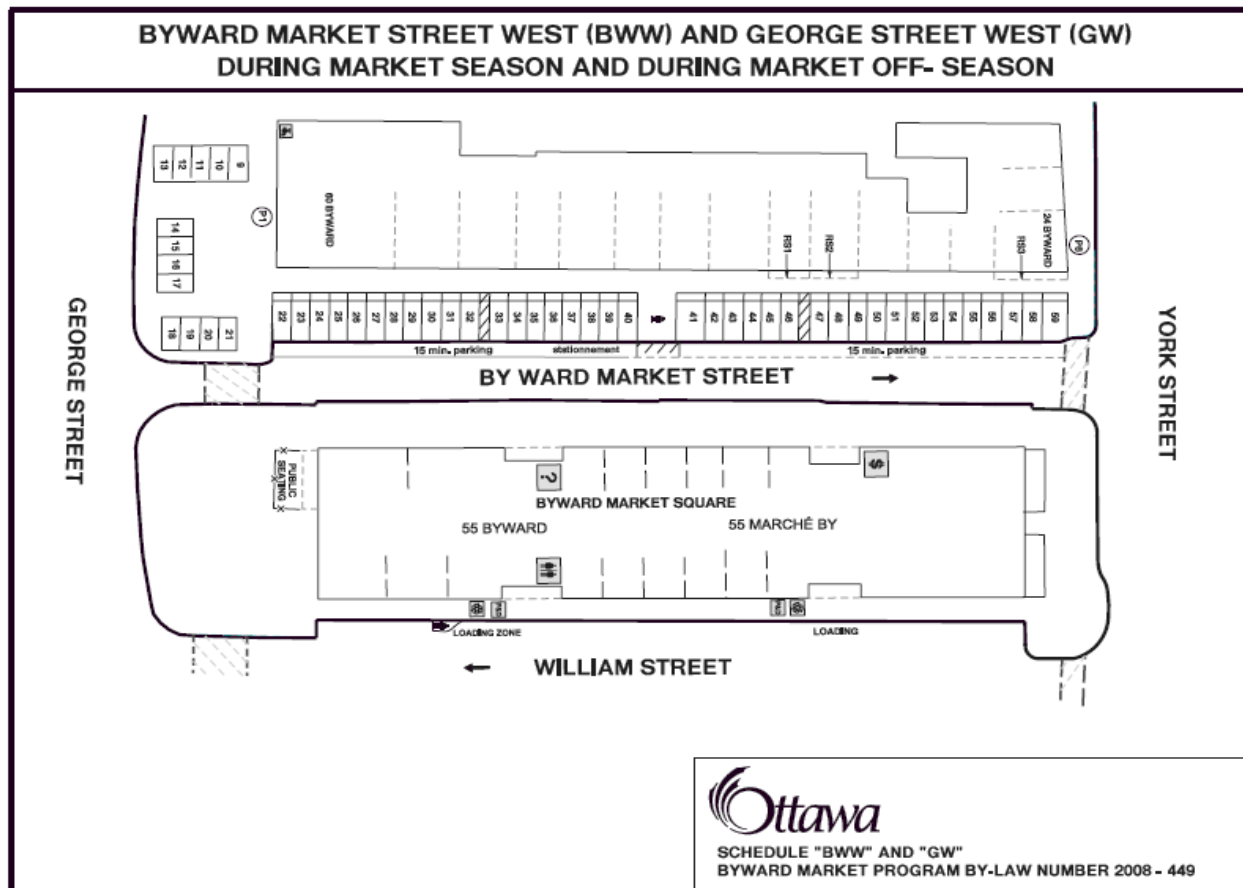
Schedule “BM” - to the ByWard Market Program By-law



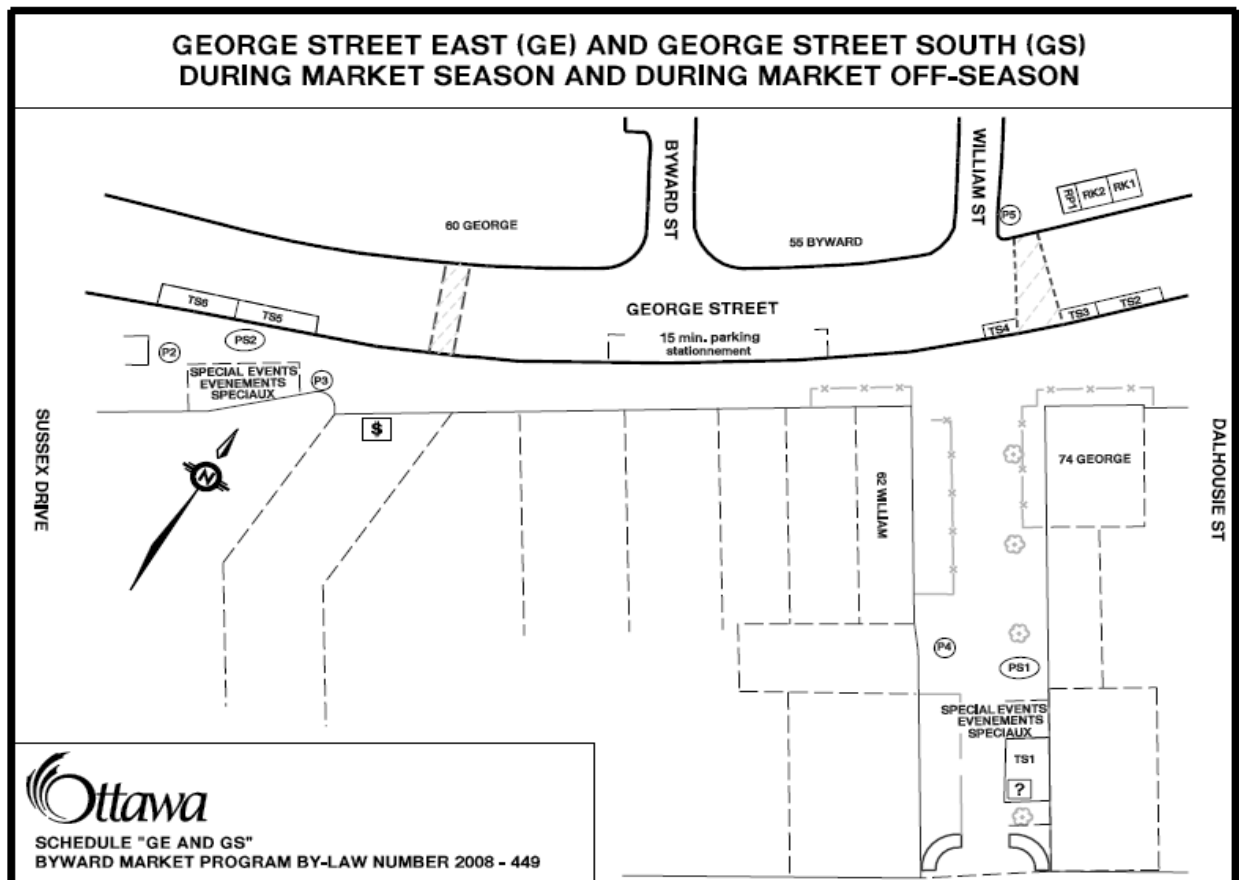
Schedule “BWE and GC” - to the ByWard Market Program By-law



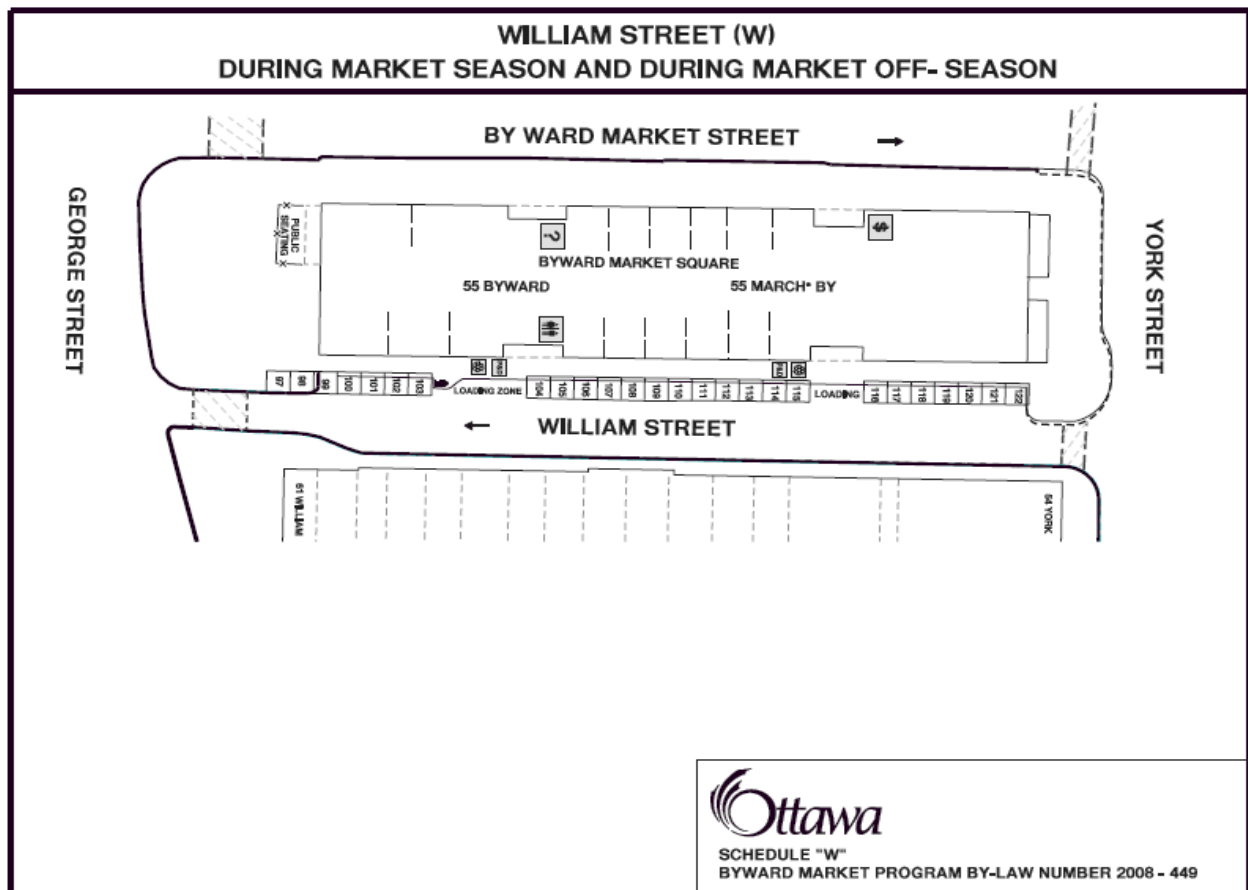
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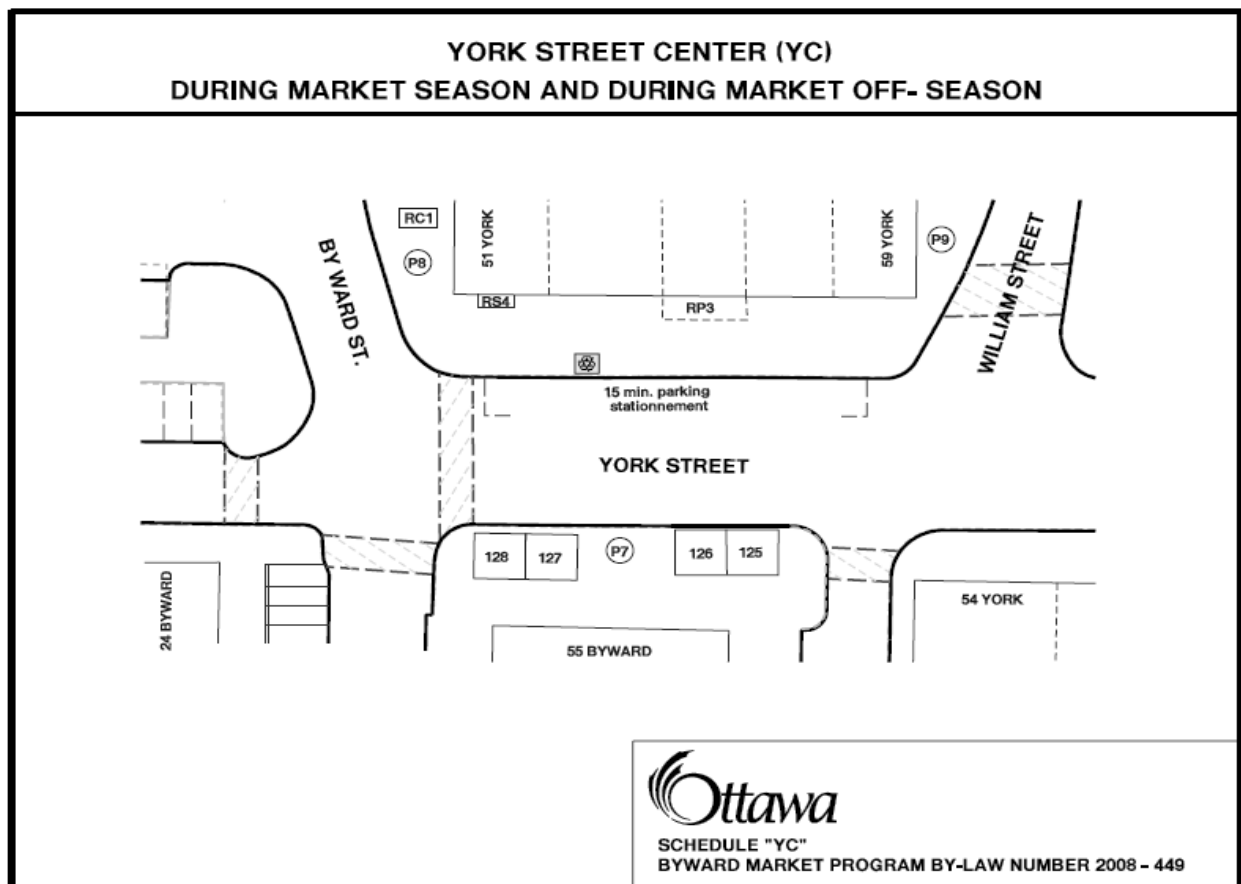
Schedule “GE and GS” - to the ByWard Market Program By-law



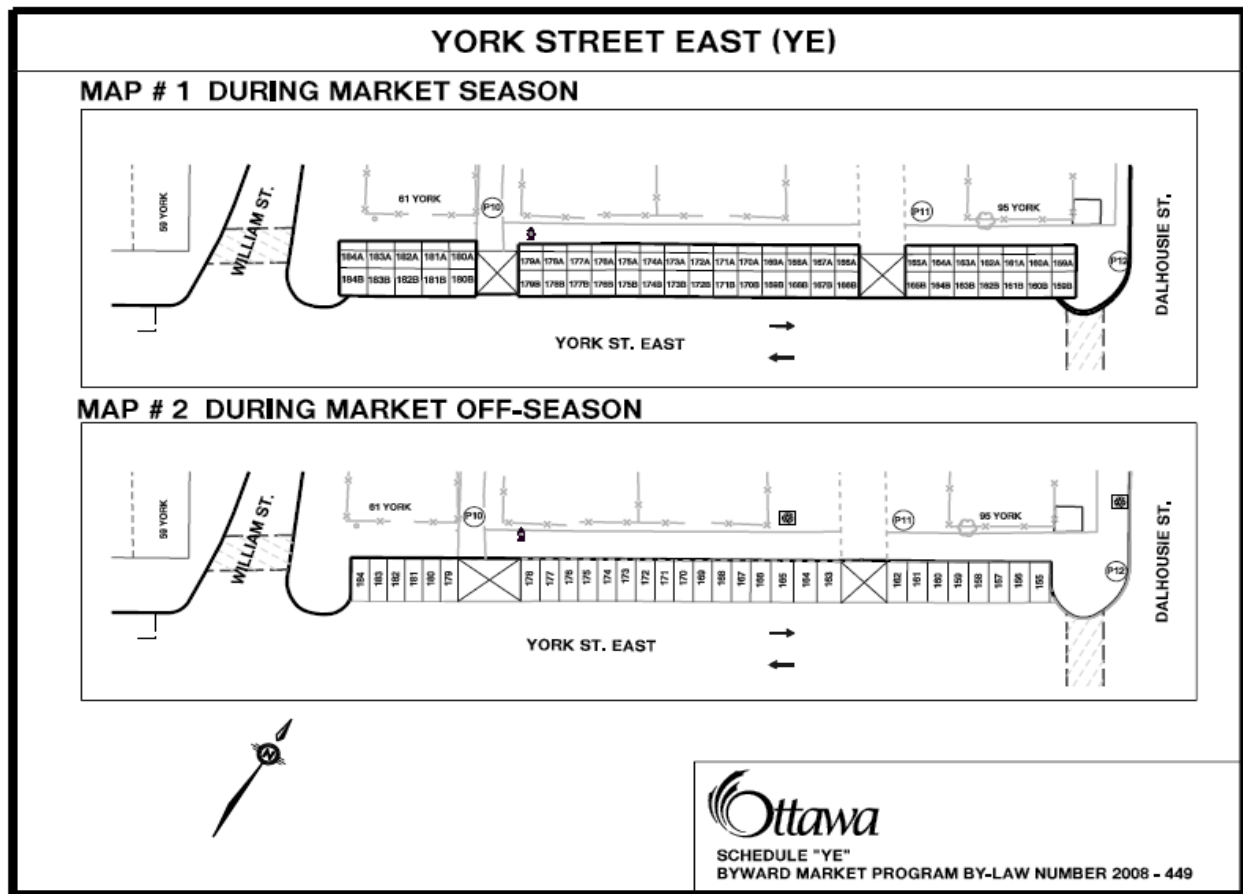
Schedule “W” - to the ByWard Market Program By-law



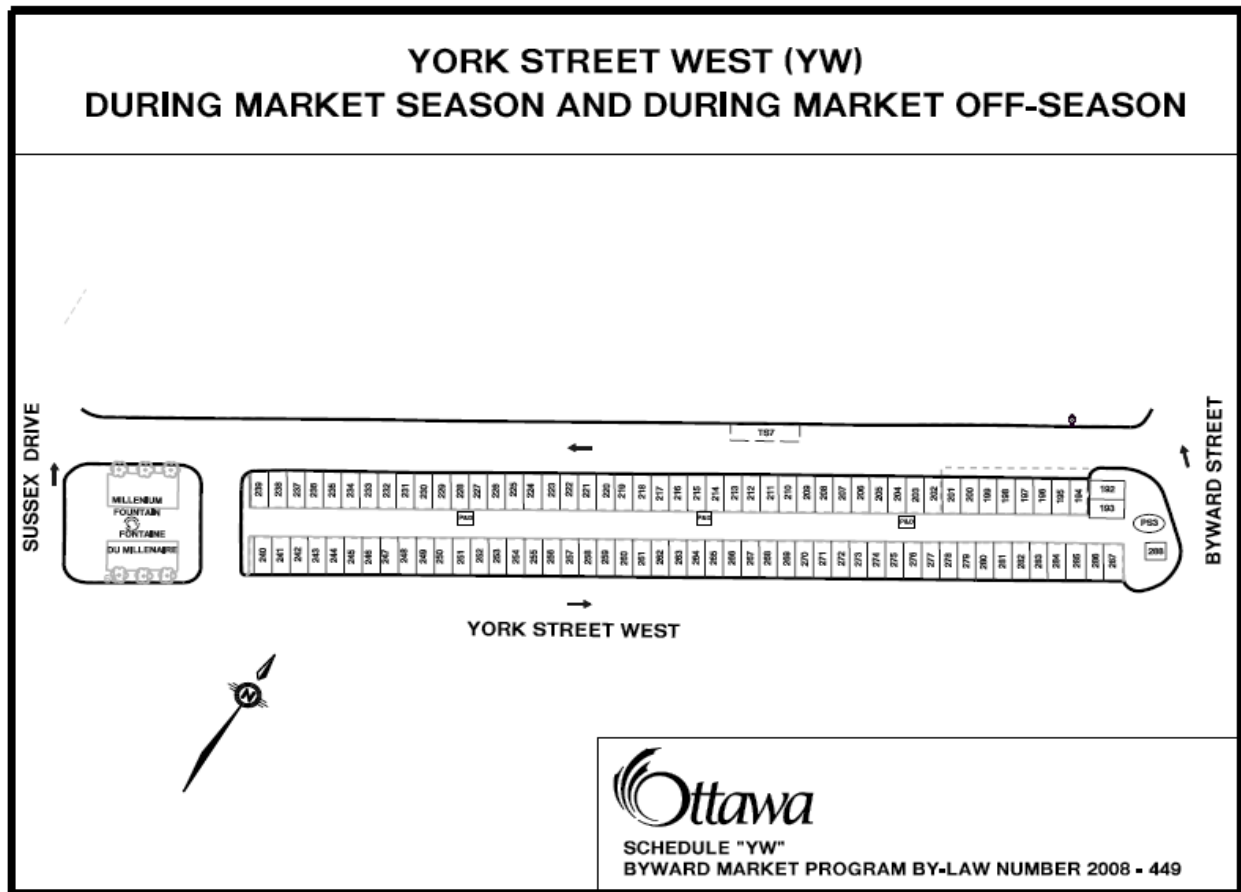
Schedule “YC” - to the ByWard Market Program By-law



Schedule "YE" - to the ByWard Market Program By-law



Schedule “YW” - to the ByWard Market Program By-law



Schedule “FS” to the ByWard Market Program By-law FEES STRUCTURE

Selection Committee Reviews Application Fee

Agrifood	Selection Committee	\$75
Art and Craft	Selection Committee	\$75
Programming	Selection Committee	\$75

License Fees

License Type	Original Annual	Renewal Annual	Expiry
Agrifood Licenses			
License AF-1	\$150	\$75	March 31
License AF-2	\$150	\$75	March 31
License AF-3	\$150	\$75	March 31
License FS	\$150	\$75	March 31
License XD	\$150	\$75	March 31
License XT	\$150	\$75	March 31
Art and Craft Licenses			
License AC-1	\$150	\$75	March 31
License AC-2	\$150	\$75	March 31
License AC-3	\$150	\$75	March 31
License AC-4	\$150	\$75	March 31
Refreshment Licenses			
License RK	\$150	\$75	March 31
License RV	\$150	\$75	March 31
Street Performer			
License SP	\$50	\$50	March 31
License SPA	\$50	\$50	March 31
Tourist Services			
License TS	\$150	\$75	March 31

Stand Permit Fees:

Stand Permit fees shall be calculated by multiplying the stand base fee related to the type of vending activity, by the associated stand size, and premium as applicable.

Additional Charge on all Stand Permit Fees:

In addition to the charged prescribed below, a 4.5% charge will be added on all permit fees, and the revenue from this charge will be granted by the City to the ByWard Market Standholders Association

Schedule “FS” (Continued)
MARKET SEASON PERMITS

Vending Activity

Base Fees - Calculations

Market Season Permit	For the period between the last Monday in April and first Monday in November of the same year	
AF-1, AC-1, FS	\$2.56 x 6 months x stand size x premium	
AF-2, AC-2, AC-3	\$3.84 x 6 months x stand size x premium	
AF-3, AC-4	\$5.11 x 6 months x stand size x premium	
RK, RP, RS, TS	\$5.11 x 6 months x stand size x premium	
RV	\$5.11 x 6 months x stand size x premium	
Market Season Monthly Permit	For the period between the first day of a given month to the last day of the same calendar month, during the Market Season	
AF-1, AC-1, FS	\$2.56 x stand size x premium	
AF-2, AC-2, AC-3	\$3.84 x stand size x premium	
AF-3, AC-4	\$5.11 x stand size x premium	
RK, RP, RS, TS	\$5.11 x stand size x premium	
RV	\$5.11 x stand size x premium	
Market Season Daily Permit	For day of issuance during the Market Season	
	Monday-Thursday	Friday, Saturday, Sunday, Stat
AF-1, AC-1, FS	\$12.50	\$25.00
AF-2, AC-2, AC-3	\$18.75	\$37.50
AF-3, AC-4	\$25.00	\$50.00
SP, SPA	\$10.00	\$10.00
Open Permit	For any period less than 30 days, calculated based on the Daily Permit fee schedule of the applicable license category	

HOLIDAY SEASON PERMITS

Vending Activity

Permit Fees

Holiday Season Permit	For the period between November 24 and December 24 of the same year
AF-1, AC-1, FS, XT, XD	\$200
AF-2, AC-2, AC-3	\$300
AF-3, AC-4	\$400

Schedule "FS" (Continued)

MARKET OFF-SEASON PERMITS

<u>Vending Activity</u>	<u>Permit Fee - Calculations</u>
Retail Space Permit	For the period between the Tuesday after the Market Season and the Sunday before the Market Season of the following year
RS	\$2.56 x # months x stand size

<u>Vending Activity</u>	<u>Permit Fee - Calculations</u>
Market Off-Season Permit	For the period between the Tuesday after the Market Season and the Sunday before the Market Season of the following year
AF-1, AC-1, FS	\$200 x 6 months
AF-2, AC-2, AC-3	\$300 x 6 months
AF-3, AC-4	\$400 x 6 months
RK, RP, TS	\$400 x 6 months
RV	\$400 x 6 months

Market Off-Season Monthly Permit	For the period between the first day of a given month to the last day of the same calendar month, during the Market Off-Season
AF-1, AC-1, FS	\$200
AF-2, AC-2, AC-3	\$300
AF-3, AC-4	\$400
RK, RP, TS	\$400
RV	\$400

Market Off-Season Daily Permit	For day of issuance during the Market Off-Season
	Monday-Thursday Friday-Sunday-Stat
AF-1, AC-1, FS	\$10.00 \$20.00
AF-2, AC-2, AC-3	\$15.00 \$30.00
AF-3, AC-4	\$20.00 \$40.00

Open Permit	For any period less than 30 days, calculated based on the Daily Permit fee schedule for the license category the permit is applied for
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ANNUAL PERMITS

Performance Space Permit	Annually from April 1 of one year to March 31 of the following year
SP, SPA	\$150.00 annual \$75 if issued after August 31

Schedule “FS” (Continued)

Market Season Stand Fee Calculation Table

Stand	Stand Size		Premiums		
Identification Number	Dimensions ft x ft	Area in Square Feet	Corner Stand	Prime Stand	Permitted License
10,11,12,15,16,19, 20	8 x 16	128			AF-1,2,3
9, 13, 14, 21	8 x 16	128		25%	AF-1,2,3
17, 18	8 x 16	128	10%		AF-1,2,3
22, 40	8 x 22	176		25%	AF-1,2,3
23-39, 42-58	8 x 22	176			AF-1,2,3
41	12 x 22	264		25%	AF-1,2,3
59	10 x 22	220		25%	AF-1,2,3
60	9.75 x 13.16	128.31		25%	AF-1,2,3
61-65	9.75 x 13.16	128.31			AF-1,2,3
66	9.75 x 13.16	128.31	10%		AF-1,2,3
68, 76	13.75 x 15	206.25	10%		AF-1,2,3
69-75	13.75 x 15	206.25			AF-1,2,3
78	6.66 x 13.25	88.25	10%		AF-1,2,3
79-84	10 x 13.25	132.50			AF-1,2,3
85	10 x 13.25	132.50		25%	AF-1,2,3
86, 89	13.66 x 15	204.9		25%	AF-1,2,3
87-88	13.66 x 15	204.9			AF-1,2,3
90, 92, 94, 96	13 x 18	234	10%		AF-1,2,3
91, 95	13 x 18	234			AF-1,2,3
98-102, 105-114, 117-121	10 x 10	100			AC-1,2,3
97, 103, 104, 115, 116, 122	10 x 10	100		25%	AC-1,2,3
125, 128	15 x 14	210		25%	AF-1,2,3
126, 127	15 x 14	210	10%		AF-1,2,3
159A-159B	10 x 10	100		25%	AC-2,3,4
160A,B -164A,B	10 x 10	100			AC-2,3,4
165A,B -166A,B	10 x 10	100	10%		AC-2,3,4
167A-B -178A,B	10 x 10	100			AC-2,3,4
179A,B -180A,B	10 x 10	100	10%		AC-2,3,4
181A,B -183A,B	10 x 10	100			AC-2,3,4
184A, 184B	10 x 10	100		25%	AC-2,3,4
192	12 x 16	192	10%		AF-1,2,3
193	12 x 16	192		25%	AF-1,2,3
194-238, 241-286	8 x 20	160			AF-1,2,3 AC-1,2,3,4, FS
239, 240	8 x 20	160	10%		AF-1,2,3 AC-1,2,3,4, FS
287	8 x 20	160		25%	AF-1,2,3
288	8 x 8	64		25%	AF-1,2,3

Schedule “FS” (Continued)

Market Season Stand Fee Calculation Table (continued)

Stand	Stand Size		Premiums		
Identification Number	Dimensions ft x ft	Area in Square Feet	Corner Stand	Prime Stand	Permitted License
REFRESHMENT					
RK1	16.37 x 16.33	267.32		25%	RK
RK2	16.16 x 15	242.4		25%	RK
RP1	13.33 x 20	266.6			RP
RP2	12 x 27.33	327.96			RP
RP3	23 x 11	253			RP
RV1	7 x 20	140		25%	RV

Stand	Stand Size		Premiums		
Identification Number	Dimensions ft x ft	Area in Square Feet	Corner Stand	Prime Stand	Permitted License
TOURIST SERVICES					
TS1	16 x 49.75	796			TS
TS2, TS5, TS6, TS7	8 x 20	160			TS
TS3, TS4	6 x 8	48			TS

ANNUAL PERMITS – RETAIL, PERFORMANCE & PERFORMER ARTIST SPACES

Stand	Stand Size		Premiums		
Identification Number	Dimensions ft x ft	Area in Square Feet	Corner Stand	Prime Stand	Permitted License
RETAIL SPACES					
RS1	1.58 x 10.83	17.11			RS
RS2	1.58 x 14	22.12			RS
RS3	1.58 x 39.90	63.04			RS
RS4	3.08 x 12	36.96			RS

PERFORMANCE SPACES	ANNUAL PERMIT
P1- P12	\$150
PERFORMER ARTIST SPACES	ANNUAL PERMIT
PA1 – PA 3	\$150

Schedule “SAP” to the ByWard Market Program By-law Establishing the Stand Allocation Process

Stand Allocation Process and Criteria

The Markets Manager shall provide the application form required to apply for a stand permit. The Markets Manager shall ‘Date - Time’ stamp the applications for a stand permit in the order the applications are received at the ByWard Market Kiosk, 55 ByWard Market Square, ground floor.

It is the applicant’s responsibility to ensure that all documentation is provided when submitting an application. An incomplete application shall not be considered “received” until all required information, fees and related documentation provided (including if required the related Selection committee Selection committee Endorsement Certificate). If a ‘Date – Time’ stamp appears on an incomplete application the ‘Date – Time’ shall be null and void and a new ‘Date – Time’ shall be stamped to indicate the formal date and time the completed application was received.

Information included on the license application for the vending, tourist service or performing license shall also be considered during the stand allocation review.

The Stand Allocation Process shall be applied separately for the various categories of vending, tourist service and performance activities and vending season.

Determining “First Come First Serve”

Only ‘Date and Time’ stamped applications shall be processed and reviewed.

Late Applications

Late applications for a Market Season Permit shall not be processed and the applicant shall be notified.

An application for a Market Season Permit renewal filed after the time (deadline) specified in the By-law shall not be processed as a renewal but as monthly permit application if the desired stand is available.

Late applications for a Monthly stand permit will not be processed and the applicant shall be notified.

An application for a monthly renewal filed after the time (deadline) specified in the By-law shall not be processed as a renewal but as an original applicant for a Monthly Permit for another stand if available.

Licenses and Permit Under Suspension

Markets Manager may allocate a stand under suspension (or where the related license is under suspension). However, use of such space shall not be authorized until the suspension or suspensions have been lifted.

**Schedule “SAP” to the ByWard Market Program By-law
Establishing the Stand Allocation Process**

A. MARKET SEASON STAND ALLOCATION

(Last Monday in April – First Monday in November)

During the Market Season stands shall be allocated in accordance with Table #1 below that indicates where each license category shall be issued permits by stand number.

TABLE #1 – Stand Allocation by Location and License Category During the Market Season

Stand Location (refer to maps)	Stand Identifier	License Category
ByWard Market Street East (BWE)	60 – 66, 68 - 85	AF-1, AF-2, AF-3
George Street Center (GC)	86 - 92, 94 - 96	AF-1, AF-2, AF-3
	RP2	RP
ByWard Market Street West (BWW)	22-59	AF-1, AF-2, AF-3
	RS1, RS2, RS3	RS
	P6	SP
George West (GW)	9-21	AF-1, AF-2, AF-3
	P1	SP
George Street East (GE)	RK1, RK2	RK
	RP1	RP
	P5	SP
George Street South (GS)	TS1-TS6	TS
	P2-P4	SP
	PA1-PA2	SPA
William Street (W)	97-122	AC-1, AC-2, AC-3
York Street Center (YC)	125-128	AF-1, AF-2, AF-3
	P7, P8, P9	SP
	RP3	RP
	RS4	RS
	159A, 159B-184A, 184B	AC-2, AC-3, AC-4 AC-1
York Street East (YE)	P10-P12	SP
	194-286	AF-1, AF-2, AF-3, AC-1, AC-2, AC-3, AC-4, FS
York Street West (YW)	PA3	SPA
	TS7	TS

A person may hold more than one license, however, no person shall be issued more than seven (7) permits based on the distribution in Table #2 which indicates the maximum number of stand permits that can issued per location.

TABLE #2 – Maximum Number of Stand Permits Per Person during the Market Season

Category & Stand Location (refer to map)	# of Stand Permits Per Person (to a maximum 7)
Agri-food	
ByWard Market Street West (BWW)	1 stand & 1 additional based on Selection Committee approval
ByWard Market Street East (BWE)	2 stands & up to 2 additional stands based on Selection Committee approval
George Street Center (GC) & George Street West (GW)	2 stands
York Street Center (YC)	2 stands
York Street West (YW)	2 stands & up to 2 additional stands based on Selection Committee approval
Art & Craft	
William Street (W)	1 stand
York Street East (YE)	1 stand & 1 additional based on Selection Committee approval
York Street West (YW)	2 stands & up to 2 additional stands based on Selection Committee approval

A.1 AGRIFOOD VENDING

In order to be considered for stand allocation, new and returning agrifood vendors must have a valid “AF-1”, “AF-2”, “AF-3” or “FS” license qualifying them for the stand applied for. Market Season Vendors must apply by March 1 for their license and permit.

Once the appropriate category has been determined the following allocation priority will be considered for allocation of Market Season stands. This process assumes that the Licensee meets all by-law requirements.

Priority (for a stand that was previously assigned)

- 1(a) Farmer (License AF-1) who held the stand’s Market Season Permit of the previous Market Season;
- 1(b) Farmer (License AF-1) who held the stand’s Monthly Permit of the previous year’s same monthly permit term;
- 2(a) Farmer-Vendor (License AF-2) who held the stand’s Market Season Permit of the previous Market Season;
- 2(b) Farmer-Vendor (License AF-2) who held the stand’s Monthly Permit of the previous year’s same monthly permit term;

- 3(a) Agrifood Vendor (License AF-3) or Firewood, Trees, Shrubs and Soil Vendor (License FS) who held the stand's Market Season Permit of the previous Market Season;
- 3(b) Agrifood Vendor (License AF-3) or Firewood, Trees, Shrubs and Soil Vendor (License FS) who held the stand's Monthly Permit of the previous year's same monthly permit term;

may apply for a posted monthly or season stand based on Selection Committee results. Selection Committee results (point system) determines priority between multiple licensees wishing to use the stand.

A.2 ART & CRAFT VENDING

In order to be considered for stand allocation, every new and returning vendor of art and craft must have a valid "AC-1", "AC-2", "AC-3" or "AC-4" license qualifying the art and craft vendor for the stand applied for. New and returning Market Season vendors must apply by March 1 for their license and permit.

For stands on William Street (W)

Priority

- 1(a) Artist (License AC-1) who held the stand's Market Season Permit of the previous Market Season;
- 1(b) Artist (License AC-1) who held the stand's Monthly Permit of the previous year's same monthly permit term;
- 2(a) Artist-Vendor (License AC-2) who held the stand's Market Season Permit of the previous Market Season;
- 2(b) Artist-Vendor (License AC-2) who held the stand's Monthly Permit of the previous year's same monthly permit term.
- 3(a) Artist-Designer (License AC-3) who held the stand's Market Season Permit of the previous Market Season;
- 3(b) Artist-Designer (License AC-3) who held the stand's Monthly Permit of the previous year's same monthly permit term;

For stands on York Street East (YE)

Priority

- 1(a) Artist-Vendor (License AC-2) who held the stand's Market Season Permit of the previous Market Season;
- 1(b) Artist-Vendor (License AC-2) who held the stand's Monthly Permit of the previous year's same monthly permit term;
- 2(a) Artist-Designer (License AC-3) who held the stand's Market Season Permit of the previous Market Season;
- 2(b) Artist-Designer (License AC-3) who held the stand's Monthly Permit of the previous year's same monthly permit term;

- 3(a) Art and Craft Vendor (License AC-4) who held the stand's Market Season Permit of the previous Market Season;
- 3(b) Art and Craft Vendor (License AC-4) who held the stand's Monthly Permit of the previous year's same monthly permit term;
- 4(a) Artist (License AC-1) who held the stand's Market Season Permit of the previous Market Season;
- 4(b) Artist (License AC-1) who held the stand's Monthly Permit of the previous year's same monthly permit term.

A.3 Performance Space Allocation during the Market Season and Market Off-Season

In order to be considered for stand allocation all performers must have a valid "SP" or "SPA" license.

Every holder of a valid "SP" license is entitled on each market day to access street performer spaces based on a first-come, first-served basis for a maximum of one (1) hour per performance space on a maximum of six (6) Daily Performance Space Sign-up sheets.

Every holder of a valid "SPA" license is entitled on each market day to access one street performer-artist space based on a first-come, first-served basis for a maximum of one (1) market day by signing up on the Daily Performance Space- Artist Sign-up sheets.

B. MARKET OFF-SEASON STAND ALLOCATION

(Tuesday after the Market Season to Sunday before the Market Season)

During the Market Off-Season stands shall be allocated in accordance with Table #3 below which indicates by stand location where each license category shall be issued permits.

TABLE #3– Stand Allocation by Location and License Category During the Market Off-Season

Stand Location (refer to maps)	Stand Identifier	License Category
ByWard Market Street East (BWE)	60 – 66, 67A,B,C,D 68 – 76, 77A,B,C 78 - 85	AF-1, AF-2, AF-3, AC-1, AC-2, AC-3, AC-4, XD
George Street Center (GC)	86, 87A,B, 88A,B 89-92, 93A,B, 94-6	AF-1, AF-2, AF-3, AC-1, AC-2, AC-3, AC-4, XD
	RP2	RP
ByWard Market Street West (BWW)	22-59	AF-1, AF-2, AF-3, AC-1, AC-2, AC-3, AC-4, XD
	RS1, RS2, RS3	RS
	P6	SP
George West (GW)	9-21	AF-1, AF-2, AF-3, AC-1, AC-2, AC-3, XD
	P1	SP
George Street East (GE)	RK1, RK2	RK
	RP1	RP
	P5	SP
George Street South (GS)	TS1-TS6	TS
	P2-P4	SP
	PA1-PA2	SPA
William Street (W)	97-122	AC-1, AC-2, AC-3, AC-4
York Street Center (YC)	125-128	AF-1, AF-2, AF-3, AC-1, AC-2, AC-3, AC-4, XD
	P7, P8, P9	SP
	RC1	RC
	RS4	RS
York Street East (YE)	155-184	AF-1, AF-2, AF-3, AC-1, AC-2, AC-3, AC-4, XD, XT, FS
	P10-P12	SP
York Street West (YW)	192-286	AF-1, AF-2, AF-3, AC-1, AC-2, AC-3, AC-4, XD, XT, FS
	PA3	SPA
	TS7	TS

In order to be considered for stand allocation, every new and returning vendor must have a valid license qualifying the vendor for the stand applied for.

During the Market Off-Season all stands in the ByWard Market are available to all categories, except the holder of an “FS” and “XT” license shall only be allocated a stand or stands on York Street East (YE) and York Street West (YW) as indicated in Table #3.

A person may hold more than one license, however, no person shall be issued more than seven (7) permits based on the distribution in Table #4 which indicates the maximum number of stand permits that can issued per location.

TABLE #4 – Maximum Number of Stand Permits Per Person during the Market Off-Season

Category & Stand Location (refer to map)	# of Stand Permits Per Person (to a maximum 7)
ByWard Market Street West (BWW)	2 stand & up to 2 additional stands based on Selection Committee approval
ByWard Market Street East (BWE)	2 stand & up to 2 additional stands based on Selection Committee approval
George Street Center (GC) & George Street West (GW)	1 stand & up to 1 additional stand based on Selection Committee approval
York Street Center (YC)	1 stand & up to 1 additional stand based on Selection Committee approval
York Street West (YW)	2 stands & up to 2 additional stands based on Selection Committee approval
William Street (W)	2 stands
York Street East (YE)	7 stands
York Street West (YW)	7stands

Once the appropriate category has been determined the following allocation priority will be considered for allocation of Market Season stands. This process assumes that the Licensee meets all by-law requirements.

Priority (for a stand that was previously assigned)

- 1(a) Farmer (License AF-1) who held the stand’s Market Off-Season Permit of the previous year’s Market Off-Season;
- 1(b) Farmer (License AF-1) who held the stand’s Monthly Permit of the previous year’s same monthly permit term;
- 1(c) Farmer (License AF-1) who held the stand’s Holiday Season Permit of the previous year’s Holiday Season;

- 2(a) Artist (License AC-1) who held the stand’s Market Off-Season Permit of the previous Market Off-Season;
- 2(b) Artist (License AC-1) who held the stand’s Monthly Permit of the previous year’s same monthly permit term;
- 2(c) Artist (License AC-1) who held the stand’s Holiday Season Permit of the previous year’s Holiday Season;

- 3(a) Farmer-Vendor (License AF-2) who held the stand's Market Off-Season Permit of the previous Market Off Season;
- 3(b) Farmer-Vendor (License AF-2) who held the stand's Monthly Permit of the previous year's same monthly permit term;
- 3(c) Farmer-Vendor (License AF-2) who held the stand's Holiday Season Permit of the previous year's Holiday Season;

- 4(a) Artist-Vendor (License AC-2) who held the stand's Market Off-Season Permit of the previous Market Off-Season;
- 4(b) Artist -Vendor (License AC-2) who held the stand's Monthly Permit of the previous year's same monthly permit term;
- 4(c) Artist-Vendor (License AC-2) who held the stand's Holiday Season Permit of the previous year's Holiday Season;

- 5(a) Artist-Designer (License AC-3) who held the stand's Market Off-Season Permit of the previous Market Off-Season;
- 5(b) Artist-Designer (License AC-3) who held the stand's Monthly Permit of the previous year's same monthly permit term;
- 5(c) Artist-Designer (License AC-3) who held the stand's Holiday Season Permit of the previous year's Holiday Season;

- 6(a) Agrifood Vendor (License AF-3) who held the stand's Market Off-Season Permit of the previous Market Off Season;
- 6(b) Agrifood Vendor (License AF-3) who held the stand's Monthly Permit of the previous year's same monthly permit term;
- 6(c) Agrifood Vendor (License AF-3) who held the stand's Holiday Season Permit of the previous year's Holiday Season;

- 7(a) Art and Craft Vendor (License AC-3) who held the stand's Market Off-Season Permit of the previous Market Off Season;
- 7(b) Art and Craft Vendor (License AC-3) who held the stand's Monthly Permit of the previous year's same monthly permit term;
- 7(c) Art and Craft Vendor (License AC-3) who held the stand's Holiday Season Permit of the previous year's Holiday Season;

- 8(a) Firewood, Trees, Shrubs and Soil Vendor (License FS) who held the stand's Market Off-Season Permit of the previous Market Off-Season;
- 8(b) Firewood, Trees, Shrubs and Soil Vendor (License FS) who held the stand's Monthly Permit of the previous year's same monthly permit term;
- 8(c) Firewood, Trees, Shrubs and Soil Vendor (License FS) who held the stand's Holiday Season Permit of the previous year's Holiday Season;

may apply for a posted monthly or off-season stand based on Selection Committee results. Selection Committee results (point system) determines priority between multiple licensees wishing to use the stand.

**Schedule “SAP” to the ByWard Market Program By-law
Establishing the Stand Allocation Process (continued)**

C. ALLOCATION OF POSTED STANDS

Posted Stands are stands for which the permit has not been renewed by the Market Season or Market Off-season or Holiday Season licensee who held the license of the previous Market Season, Market Off-Season or Holiday Season term.

In order to be considered for the allocation, every person must have a valid license qualifying them for the stand applied for.

Posted stands in the ByWard Market are available to all categories except the holder of a “XT” license shall be allocated a stand or stands on York Street East and York Street West.

Once the appropriate category has been determined the following allocation priority will be considered for the allocation of Posted Stands.

C.1 POSTED STAND ALLOCATION - MARKET SEASON

(Last Monday in April – First Monday in November)

On the Thursday following Mother’s Day, the Markets Manager shall declare the availability of posted stands to be allocated on a Market Season basis.

The postings shall be conducted on each Monday on a weekly basis as required until no posted stands or applicants remain.

Applications must be submitted prior to 5:00 p.m. on the Monday following the Thursday after Mothers Day and prior to 5:00 p.m. on each Monday afterwards. Applications shall only be accepted or received during weeks when the posted stands are available.

The successful applicant is the applicant who qualifies and obtained the highest point total from the Selection Committee as specified on their Endorsement Certificate subject to the priority established above by category.

Results of the posting(s) will be announced on the Thursdays following the Thursday after Mother’s Day and each Thursday afterwards until there are no posted stands or applicants.

**Schedule “SAP” to the ByWard Market Program By-law
Establishing the Stand Allocation Process (continued)**

C.2 POSTED STAND ALLOCATION - MARKET OFF-SEASON

(Tuesday after Market Season to the Sunday before the Market Season)

The Markets Manager shall declare the availability of any posted stands to be allocated on a Market Off-season basis on the Thursday following the start of the Market Off-Season.

The posting shall be conducted on a weekly basis until either there are no posted stands or applicants remaining.

Applications must be submitted by 5:00pm on the Monday following the Thursday after the start of the Off-season and each Monday afterwards until there are no posted stands or applicants.

Results of the posting(s) will be announced on the Thursdays following 1st Thursday of the Off-season and each Thursday afterwards until there are no posted stands or applicants.

The successful applicant is the applicant who qualifies and obtained the highest point total from the Selection Committee as specified on his or her Selection Committee Certificate subject to the priority established above by category.

C.3 POSTED STAND ALLOCATION - MONTHLY STAND

On the 15th of each month the Markets Manager shall declare the availability of posted monthly stands for the following month. The posting shall be conducted on a weekly basis, as required, until no posted stands or applicants remain.

Applications must be submitted by 5:00pm on the 20th day of the month and each week afterwards. Applications shall be accepted or received during weeks when the posted stands are available.

The successful applicant is the applicant who qualifies and obtained the highest point total from the Selection Committee as specified on their Endorsement Certificate subject to the priority established above by category.

D. DAILY STAND ALLOCATION

Market stands that have not been allocated on a Market Season, Market Off-Season or Market Holiday Season basis or occupied by the permit holder by the prescribed set-up time will be available for use by daily permit. Daily Stands shall be allocated by rotational calendars. There are separate Monthly and Seasonal Rotational Calendars by product category (i.e. agrifood and art & craft). The Monthly Rotational Calendars are for farmer and artist licensees who do not have another form of permit. The Seasonal Rotational Calendars are for licensees in the Agrifood and Art and Craft categories that have seasonal or monthly permit and wish to obtain an additional stand by daily permit.

Schedule “SAP” to the ByWard Market Program By-law Establishing the Stand Allocation Process (continued)

D.1 Farmer and Artist Monthly Rotational Calendars for Daily Permits

A Farmer (License AF-1) and Artist (License AC-1) rotational calendar is a document that sets out in a column on the left hand side, the name of Farmer or Artist licensees that have not entered into a seasonal or monthly permit but wish to enter into daily permits that specific calendar month. On the right of this column are a column or columns used to list all days of that calendar month. The first day of a particular month appears immediately beside the name of the first licensee. The rest of the dates are placed chronologically down the column until the column is complete, then the dates continue from top to bottom until all days of the particular month have been indicated.

On the actual date the vendor whose name appears in the left column may select from a list of available stands, for that day, by attending the Markets Management Kiosk at the time of the Daily Allocation process to pick a stand of their choice.

Then using the left hand column the next vendor who has indicated interest in a stand shall have the choice of a stand from the list of remaining daily stands. The exercise is completed when all posted stand have been assigned, or the vendors listed have indicated they are not interested in the remaining stands, or there are no other vendors.

D.2 Seasonal Rotational Calendar

A Seasonal Rotational Calendar is a document that sets out in a column on the left hand side, the identification number of all stands in a particular vending category of the Market. On the right of this column are columns used to list all days of the Market Season. The first date of the Market Season appears immediately beside the first stand number. The rest of the dates are placed chronologically down the column until the column is complete, then the dates continue from top to bottom until all days of the Market Season have been indicated.

On the actual date the vendor whose name appears in the left column may select from a list of available stands, for that day, by attending the Markets Management Kiosk at the time of Daily Allocation process to pick a stand of their choice.

Then using the left hand column the next vendor who has indicated interest in a stand shall have the choice of a stand from the list of remaining daily stands. The exercise is completed when all posted stands have been assigned, or the vendors listed have indicated they are not interested in the remaining stands, or there are no other vendors.

D.3 Market Season Daily Stand Allocation

Agrifood Vending

Priority

- 1) Farmer (License AF-1) who do not hold another form of permit based on the Farmer/Producer Monthly Rotation Calendar
- 2) Farmer (License AF-1) who hold a Market Season or Monthly Permit, who wish to have an adjoining stand (that does not require another person to occupy it) or another stand (with a person occupying it) based on the Seasonal Rotation Calendar
- 3) Farmer-Vendor (License AF-2) who hold a Market Season or Monthly Permit, who wish to have an adjoining stand (that does not require another person to occupy it) or another stand (with a person occupying it) based on the Seasonal Rotation Calendar
- 4) Agrifood Vendor (License AF-3) who hold a Seasonal or Monthly Permit, who wish to have an adjoining stand (that does not require another person to occupy it) or another stand (with a person occupying it) based on the Seasonal Rotation Calendar

Art & Craft

Priority for William Street

- 1) Artist (License AC-1) who do not hold a Market Season or Monthly permit based on the Monthly Rotation Calendar
- 2) Artist (License AC-1) who hold a Seasonal or Monthly Permit who wish to have an adjoining stand (that does not require another person to occupy it) or another stand (with a person occupying it) based on the a Seasonal Rotation Calendar
- 3) Artist-Vendor (License AC-2) who hold a Seasonal or Monthly Permit who wish to have an adjoining stand (that does not require another person to occupy it) or another stand (with a person occupying it) based on the Seasonal Rotation Calendar
- 4) Artist-Designer (License AC-3) who hold a Seasonal or Monthly Permit who wish to have an adjoining stand (that does not require another person to occupy it) or another stand (with a person occupying it) based on the Seasonal Rotation Calendar

Priority for York Street East

- 1) Artist-Vendor (License AC-2) who do not hold a Market Season or Monthly Permit based on the Monthly Rotation Calendar
- 2) Artist-Vendor (License AC-2) who hold a Seasonal or Monthly Permit who wish to have an adjoining stand (that does not require another person to occupy it) or another stand (with a person occupying it) based on the a Seasonal Rotation Calendar
- 3) Artist-Designer (License AC-3) who hold a Seasonal or Monthly Permit who wish to have an adjoining stand (that does not require another person to occupy it) or another stand (with a person occupying it) based on the Seasonal Rotation Calendar

- 4) Art and Craft Vendor (License AC-3) who hold a Seasonal or Monthly Permit who wish to have an adjoining stand (that does not require another person to occupy it) or another stand (with a person occupying it) based on the Seasonal Rotation Calendar.
- 5) Despite the above, from the 1st day of the Market Season through the Friday before Mother's Day and from the Tuesday after Labour Day to the last day of the Market Season stands on ByWard Street East (BWE), George Street Centre (GC) and George Street West (GW) may be assigned to holders of AC-1, AC-2, AC-3 and AC-4 licenses on a daily basis once all holders of AF-1, AF-2 and AF-3 licenses have occupied their stands.

