

# CITY OF ORILLIA POLICY MANUAL

Part	1	<b>General Government</b>	<b>1.9.1.2.</b>
Section	9	Farmers' Market	
Sub-Section	1	Operations	
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## 1. Market Layout

- a) The layout shall be as set out by the Market Manager subject to the receipt of complete and approved Vendor Agreements and applicable fees. Stall preference will be given to seasonal vendors, with casual vendors filling in vacant stalls.

## 2. Vendor Categories

There will be four categories as follows:

- a) i) **Farmers/Growers:** those who can substantiate the claim that they will themselves and by their own hand, produce the goods intended for sale on the Market.
  - ii) **Prepared Foods/Baked Goods Vendors:** those who can substantiate the claim that they will themselves and by their own hand, prepare the goods intended for sale on the Market.
  - iii) **Crafters & Artisans:** those who can substantiate the claim that they will themselves and by their own hand, create the goods intended for sale on the Market which must be substantially handcrafted.
  - iv) **Non-conforming Vendors:** those who may or may not produce the goods intended for sale on the Market. These vendors are restricted to those individuals who are either residents of, or who operate a licensed business within the corporate limits of the City of Orillia, with the exception of those existing non-conforming retailers as at the date of the passing of By-law Number 1994-71, who continue to remain active on the Market. Others may be considered from time-to-time at the discretion of the Market Manager and Manager of Tourism and Special Events.
- b) All vendor agreement holders must reside within 100 kilometers of the Orillia City Limits, except existing non-conforming vendors or others by invitation of the Market Manager and Manager of Tourism and Special Events.
  - c) Student Vendors shall be defined as a vendor who meets the definition of one of the four categories above, who is 18 years of age or younger, or those 25 years of age or younger who are currently enrolled in full time post-secondary education, and who shall qualify for the student discount applied to the applicable stall fee as set out in Chapter 460 of the City of Orillia Municipal Code – User Fees – Farmers' Market.

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### 3. Online Market

- a) Online Market will operate based upon vendor demand and need.
- b) Online Market will be hosted through [www.localline.ca](http://www.localline.ca)
- c) Vendors are required to sign up for full calendar months
- d) Vendors will set up their own profile under the OFM and are responsible for monitoring their inventory, sales, and payments.
- e) The applicable fee is outlined in Chapter 460 – User Fees – Farmers' Market. The fee includes website subscription and curbside pick up service.

### 4. Maximum Number of Stalls

- a) Each vendor agreement holder may rent a maximum of two stalls (subject to availability).

### 5. Waiting Lists

- a) Those waiting for a vacancy on the outdoor Farmers' Market shall complete a vendor agreement for placement on a waiting list.
- b) Those with produce or goods not already represented will be given first right of refusal for all available vacant Market stalls. Otherwise, Market stalls will be offered as follows:
  - Firstly, in the following order of priority:
    - 1) Farmers/Growers
    - 2) Prepared Foods/Baked Goods Vendors
    - 3) Crafters & Artisans
    - 4) Non-conforming Vendors
  - And secondly, by date of submission of a completed vendor agreement.
- c) The vendor category quotas shall be determined by the Market Manager and Manager of Tourism and Special Events.

### 6. Reservation of Stalls

- a) Subject to approval and availability, vendors may rent a stall or stalls, on a casual basis, each time they come on the Market, or they may reserve their stall or stalls for either the summer or winter season.

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- b) All vendors shall submit the appropriate vendor agreement clearly marked for the status of Casual, Summer Season, Fall Season or Winter Season.
- c) The Market seasons are defined as follows:
  - I. Winter Season is defined as: from the second Saturday of January to the Saturday prior to the Victoria Day weekend.
  - II. Summer Season is defined as: each Saturday from Victoria Day weekend to Thanksgiving weekend (inclusive).
  - III. Fall Season is defined as: from the Saturday following the Thanksgiving weekend to the second last Saturday of the year.
  - IV. Vendors' Vacation will take place on the final Saturday of the year and the first Saturday of January, and no Market shall be held.
- d) Returning vendor agreement holders will get first right of refusal on their stall or stalls.
- e) New vendor agreement holders will be on a one-year probationary period. Their vendor agreement may be renewed at the end of this period, subject to management review.
- f) Reserved stalls, which are not occupied by 8:45 a.m. on Market mornings, will be made available for rent by the Market Manager. In such a situation no reimbursement will be made to the vendor who originally reserved the stall or stalls.
- g) To reserve a stall for the Summer Season, a vendor must ensure that the City receives a payment by **March 1<sup>st</sup>** along with a complete and approved vendor agreement.

To reserve a stall for the Fall Season, a vendor must ensure that the City receives payment by **August 15<sup>th</sup>**, along with a complete and approved vendor agreement.

To reserve a stall for the Winter Season, a vendor must ensure that the City receives payment by **October 1<sup>st</sup>** along with a complete and approved vendor agreement.

Stalls not reserved by these dates will be made available to those registered on the waiting lists.

No vendor shall sell, transfer, or permit any other vendor to use his Market stall.

## 7. Vehicles on the Market

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- a) All onsite parking is subject to availability and at the discretion of the Market Manager.
- b) Vendors who do not have onsite parking **shall not use customer parking** on the Market. Vehicles found in violation will be reported to the Municipal By-law Office for ticketing and removal if required.
- c) No vehicles shall be driven on the Market between 8:30 a.m. and 1:00 p.m.
- d) No overnight parking is permitted on Friday nights on Market pursuant to the City of Orillia Traffic and Parking By-law. Vehicles obstructing setup and/or preparation of the Market will be removed at the owner's expense, pursuant to the by-law.

## 8. Market Fees

- a) Fees charged for the use of stalls or services shall be as set out in Schedule "A" of Chapter 460 of the City of Orillia Municipal Code – User Fees – Farmers' Market.
- b) Refusal to pay the applicable fees shall result in forfeiture of any rights to sell at the Orillia Farmers' Market.
- c) Chapter 460 of the City of Orillia Municipal Code - User Fees - Farmers' Market may be reviewed annually by Business Development, Culture and Tourism Department, in consultation with the Farmers' Market Advisory Committee and submitted to the Council of the City of Orillia for review and approval.

## 9. Signs

- a) Each vendor must display within his/her stall, a clearly legible sign indicating his/her business name and address in letters no less than two inches in height.
- b) All produce sold on the Market must be marked as to the grade or quality of produce as required by Ministry of Agriculture grading specifications.
- c) Signs are to be within, or adjacent to, the stall. Signs outside the stall area may be placed with the permission or discretion of the Market Manager.

## 10. Weigh Scales

No persons having scales and weights for their own use in the Market shall weigh, or cause to be weighed, with such scales and weights, any articles for other vendors. If selling articles by weight, a vendor must use scales which are portable, and marked

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'legal for trade', as certified by Weights and Measures Canada. For information please see: <http://www.ic.gc.ca>

## 11. Goods Sold on the Market

Vendors on the Orillia Farmers' Market may sell only the following Canadian grown or produced items:

- a) Homemade Baked Goods
- b) Meats\*
- c) Fish\*
- d) Poultry\*
- e) Graded Eggs\*
- f) Honey
- g) Maple Syrup
- h) Flowers, Plants and Small Shrubs
- i) Fruits and Vegetables
- j) Prepared Foods (may include specialty beverages)
- k) Homemade Crafts - Any craft, art or art products sold on the Market must be substantially hand crafted and 100% self-produced.
- l) Dairy Products\*
- m) Home Preserves
- n) Firewood
- o) Animal skins, pelts and hides.
- p) No "flea market" type articles are allowed for sale.
- q) No live animals are allowed for sale or display.

\* Subject to approval and the standards of the Simcoe Muskoka District Health Unit.

## 12. Removal of Waste Material

Each vendor shall remove all of his/her own surplus produce and waste material from the Market at the end of each Market day. Garbage pails are provided for customers only.

## 13. Power and Safety Equipment

- a) No open flames are allowed other than propane powered barbecues which pass the Simcoe Muskoka District Health Unit standards or those authorized by the Orillia Fire Department.
- b) No generators are permitted.

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- c) Extension cords used to power equipment shall be, where possible, one continuous cord from source to stall. Extension cords up to 30 meters (100") shall be 14:3 gauge. Extension cords more than 30 meters long shall be 12:3 gauge, fully grounded, 'construction grade'.

## 14. Public Nuisance

No vendor shall create a nuisance. 'Nuisance' is defined as anything detrimental to the overall well-being of the Market. Any such incident shall be subject to the penalties listed in this policy and referred to the Manager of Tourism and Special Events.

## 15. Penalties

- a) Every Vendor on the Market is subject to and shall observe, perform and carry out the provisions of the terms and conditions in a professional and business-like manner. Any breach of these terms and conditions shall constitute an infraction, rendering the offender subject to the following penalties:
- On the first occasion, the vendor will receive a verbal warning from the Market Manager.
  - On the second occasion, the vendor will receive a written warning from the Market Manager quoting the relevant section.
  - On the third occasion, the vendor will be advised in writing by the Market Manager, that the vendor has lost his/her stall(s) for the Season, without refund of prepaid stall fees, and they must revert to the waiting list for Market stalls for the following season.
  - A vendor who disagrees with a decision of the Market Manager may bring this disagreement to the attention of the Manager of Tourism and Special Events in writing.
- b) Infractions that involve any risk to public safety shall result in a vendor being immediately expelled from the Market by the Market Manager, which may render the vendor agreement null and void, pending review by the Manager of Tourism and Special Events.
- c) Each vendor is expected to sell quality merchandise. A vendor must take responsibility for product complaints or returned goods. If there are numerous complaints the Market Manager will request the offending goods be withdrawn from sale. The vendor may be asked to leave the Market.

## 16. Community Groups

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- a) The Farmers' Market provides stall space free of charge to non-profit community groups for the purposes of public information and fundraising.
- b) Subject to availability and, at the discretion of the Market Manager, a maximum of four community groups may be allowed a stall space on any given Market day.
- c) Community groups are encouraged to provide the Market Manager with a portion of any funds or proceeds raised as a gesture of good will for use of the stall on the Market.

(R. 1997-228 97.12.08)  
(R. 2002-78 02.03.04)  
(R. 2003-263 03.11.24)  
(R. 2004-215 04.05.17)  
(R. 2008-268 08.09.29)  
(R. 2012-349 12.12.10)  
(R. 2013-337 13.11.25)  
(R. 2014-60 14.03.31)  
(R. 2018-202 18.10.01)  
(R.2020-33 20.03.02)  
(R.2020-187 20.12.10)