

3. BYWARD MARKET PROGRAM BY-LAW AMENDMENTS
MODIFICATIONS AU RÈGLEMENT DU PROGRAMME DU MARCHÉ BY

COMMITTEE RECOMMENDATION

That City Council approve amendments to the ByWard Market Program By-law (By-law No. 2008-449), as set out in Document 1 attached, effective March 1, 2014.

RECOMMANDATION DU COMITÉ

Que le Conseil municipal approuve les modifications proposées au Règlement du programme du marché By (Règlement municipal n° 2008-449), telles qu'elles figurent au document 1 ci-joint, qui entreront en vigueur le 1^{er} mars 2014.

DOCUMENTATION / DOCUMENTATION

1. Marc Desjardins, Coordinator, Community and Protective Services Committee report dated 20 February 2014 / Coordonnateur, Comité des Services Communautaires et de Protection, daté du 20 février 2014 (ACS2014-CMR-CPS-0001).
2. Extract of Draft Minutes, Community and Protective Services Committee, 19 September 2013. / Extrait de l'ébauche du procès-verbal du comité des services communautaires et de protection, le 19 septembre 2013.

**COMMUNITY AND PROTECTIVE
SERVICES COMMITTEE
REPORT 29
26 FEBRUARY 2014**

44

**COMITÉ DES SERVICES
COMMUNAUTAIRES ET DE
PROTECTION
RAPPORT 29
LE 26 FÉVRIER 2014**

**Report to
Rapport au:**

**Community and Protective Services Committee
Comité des services communautaires et de protection**

**and Council
et au Conseil**

**February 20, 2014
20 février 2014**

**Submitted by
Soumis par:**

Marc Desjardins, Committee Coordinator / Coordonnateur de comité

Contact Person

Personne ressource:

**Councillor/ Conseiller Mathieu Fleury
(613) 580-2482 Mathieu.Fleury@ottawa.ca**

Ward: RIDEAU-VANIER (12)

File Number: ACS2014-CMR-CPS-0001

SUBJECT: Byward Market Program By-Law Amendments

OBJET: Modifications au règlement du programme du Marché By

REPORT RECOMMENDATIONS

That City Council approve amendments to the ByWard Market Program By-law (By-law No. 2008-449), as set out in Document 1 attached, effective March 1, 2014.

RECOMMANDATIONS DU RAPPORT

Que le Conseil municipal approuve les modifications proposées au Règlement du programme du marché By (Règlement municipal n° 2008-449), telles qu'elles figurent au document 1 ci-joint, qui entreront en vigueur le 1^{er} mars 2014.

BACKGROUND

The Community and Protective Services Committee, at its meeting of 20 February 2014, approved the following motion added to the agenda pursuant to 84(3) of the Procedure By-law (being By-law no. 2006-462).

WHEREAS, the City of Ottawa is dedicated to the preservation and continued enhancement of its historic ByWard Market;

AND WHEREAS City Council approved the report entitled ByWard Market – Strengthening the Future of the ByWard on June 26, 2013 which recommended that City Staff work with ByWard Market Stakeholders to identify and implement short-term improvements;

AND WHEREAS the 2014 Market Season has been identified as a good year to initiate pilot projects to help inform the governance review that will be undertaken as a result of the Strengthening the Future of the ByWard Market report in preparation for 2017.

AND WHEREAS the Ward Councillor consulted the ByWard Market Core Team and its stakeholder members, being the ByWard Market Business Improvement Area, the ByWard Market Standholders Association and the Lowertown Community Association as to which amendments could be made to the ByWard Market Program By-law (By-law No. 2008-449) before the 2014 Market Season to: encourage the use of stands to support a greater variety of local farm fresh products and local art and craft; encourage street performer animation; and, to improve and update administrative processes;

THEREFORE BE IT RESOLVED That City Council approve amendments to the ByWard Market Program By-law (By-law No. 2008-449), as set out in Document 1 attached, effective March 1, 2014.

DISCUSSION

This item was introduced at the Community and Protective Services Committee meeting of 20 February 2014 and carried with the support of all Committee members and staff.

RURAL IMPLICATIONS

Staff will be available at the Council meeting to respond to questions, as necessary.

CONSULTATION

Staff will be available at the Council meeting to respond to questions, as necessary.

COMMENTS BY THE WARD COUNCILLOR(S)

The Ward Councillor, Mathieu Fleury introduced the motion and is in favour of this report.

LEGAL IMPLICATIONS

Staff will be available at the Council meeting to respond to questions, as necessary.

RISK MANAGEMENT IMPLICATIONS

Staff will be available at the Council meeting to respond to questions, as necessary.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

Staff will be available at the Council meeting to respond to questions, as necessary.

TECHNOLOGY IMPLICATIONS

Staff will be available at the Council meeting to respond to questions, as necessary.

TERM OF COUNCIL PRIORITIES

Staff will be available at the Council meeting to respond to questions, as necessary.

SUPPORTING DOCUMENTATION

Document 1 - Drafting Instructions - Byward Market Program By-law Amendments (By-law no. 2008-449)

**COMMUNITY AND PROTECTIVE
SERVICES COMMITTEE 47
REPORT 29
26 FEBRUARY 2014**

**COMITÉ DES SERVICES
COMMUNAUTAIRES ET DE
PROTECTION
RAPPORT 29
LE 26 FÉVRIER 2014**

DISPOSITION

Staff will implement Council's decision(s), as directed.

Document 1

**DRAFTING INSTRUCTIONS
BYWARD MARKET PROGRAM BY-LAW AMENDMENTS
(By-law No. 2008-449)**

Amend appropriate Sections and Schedules of the by-law to:

1. Encourage the allocation of additional stands:
 - (a) assign “farmers” up to 3 additional stands, per street location, on a seasonal, monthly or open permit basis without renewal during the Market Season based on Selection Committee Approval;
 - (b) assign “farmer-vendors” and “agri-food vendors” an additional stand on a seasonal, monthly or open permit basis without renewal during the Market Season based on Selection Committee Approval;
 - (c) assign art and craft vendors an additional stand on a seasonal, monthly or open permit basis without renewal based on Selection Committee Approval;
 - (d) implement a stand redistribution process to address stand consolidation as a result of (a), (b) and (c) above based on the process used for the implementation of the By-law in 2009;
 - (e) provide delegated authority to the Markets Manager to subdivide designated spaces to establish additional stands as required to accommodate additional vendors;
 - (f) provide for additional daily permit allocations and, where the vendor operates the stand beyond 7:00 p.m., the permit fee is established at 50% of the daily fee;
 - (g) provide the third daily, monthly or seasonal stand permit allocated to the same vendor in the same category at 50% of the established stand fee; and,
 - (h) provide new “farmers” and “artists”, who have not sold on the Market before, with up to 4 daily permits without fees and provide daily, monthly and seasonal stand permits for the balance of their first Market Season at 50% of the established fees.
2. Encourage street performer animation:
 - (a) revise the definition of “performer” to add “circle show performer” as a license type and revise the definition of street performer artist to accommodate activities that cannot rotate hourly;
 - (b) add 7 new street performance spaces bringing the total to 22 to accommodate silent performers; and,
 - (c) permit the use of voice amplification on Performance Spaces P2 and P9 only, and restrict the use of musical instruments or self-powered sound reproduction and amplification equipment on spaces P13-16, P18 and PA1-4.
3. Improve and update administrative processes:
 - (a) add an Art and Craft Market Season (May 1 to August 31) for the purpose of Art & Craft stand allocation;

- (b) provide existing licensees with seasonal permits the opportunity to re-locate to vacant seasonal stands before non-seasonal permit holders based on application point total;
 - (c) revise the art and craft daily stand permit allocation process to provide for one monthly rotation per license category with name order determined by a random draw of all eligible names;
 - (d) establish a sabbatical leave for licensees that qualify to defer their stand renewal for up to two years where the licensee is unable to operate a stand due to health reasons, or reasonable business-related reasons based on Selection Committee approval; and,
 - (e) amend the portion of permit fees to be provided to the ByWard Market Standholders Association (BMSA) to \$20 per monthly permit or equivalent and \$2 per daily permit.
4. Amendments to the above-noted by-law shall include:
- (a) any minor revisions necessary to give effect to the amendments noted;
 - (b) any administrative changes required, including renumbering and amendment of Section number references, minor re-wording, the creation of new Schedules, the repeal of old Schedules, the repeal of obsolete provisions; and,
 - (c) any other necessary updates or administrative minor corrections to other sections of the by-law.