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# HALDIMAND COUNTY

## Report EDT-01-2020 Farmers Market By-law Update

For Consideration by Council on May 19, 2020

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### OBJECTIVE:

To update and replace the existing Dunnville and Hagersville Farmers Market By-law's with a new harmonized Farmers Market By-law.

### RECOMMENDATIONS:

1. THAT Report EDT-01-2020 Farmers Market By-law Update be received;
2. AND THAT the by-law attached to Report EDT-01-2020 be presented for enactment;
3. AND THAT an amendment to the Mobile Food Premise By-law No. 1339/13, exempting mobile food premises located at Farmers Markets from the licensing requirements, be presented for enactment.

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**Reviewed by:** Lidy Romanuk, BA, EcD, CEcD, Manager, Economic Development and Tourism

**Respectfully submitted:** Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

**Approved:** Craig Manley, MCIP, RPP, Chief Administrative Officer

### EXECUTIVE SUMMARY:

Staff recommends the adoption of the proposed Farmers Market By-law to replace the existing Dunnville and Hagersville Farmers Market by-laws. The existing by-laws are not reflective of current existing market operations; the intent is to update the by-law, and in doing so, enhance the customer experience.

### BACKGROUND:

Currently, there are two farmers markets in Haldimand County that operate on municipal property – the Dunnville Farmers Market and Hagersville Farmers Market. Both farmers markets are governed by separate market by-laws enacted prior to amalgamation in 2001. These existing market by-laws establish rules for market operations such as: goods that are permitted to be sold at the market, fees (for stall rental), market hours and the County's administrative role associated with each respective market.

Within the past two years, the County has entered into an operating agreement with the Hagersville Chamber of Commerce and a Memorandum of Understanding (MOU) with the Dunnville Farmers Market Association (DFMA) for the markets in those respective communities. The intent was to eliminate direct County involvement in the operations or collection of fees at the markets. Previously the Building and Municipal Enforcement Services Division was responsible for all aspects of the markets including securing vendors, collecting weekly fees, as well as ensuring the markets operate in

accordance with all applicable County by-laws. With the MOU and operating agreement now in place, the County is no longer involved in the administration of either market with the noted organizations now taking on that role. The existing Farmers Market by-law's are significantly outdated (dating back to 1986 in Hagersville, and 1990 in Dunnville), and no longer reflect current market procedures given the new organizations that are operating them. Updating the Farmers Market by-law's to increase the number of vendors and foot traffic was previously identified in report PED-EDT-19-2017. The changes being proposed have been reviewed and are supported by the two market associations.

It is important to note, in the context of the COVID-19 pandemic, that the changes laid out in this report are intended to apply in the post-pandemic period to assist operations. Any potential of opening markets in current emergency context, would see a significantly scoped range of offerings (likely limited to food sales only) and strict social distancing/public health and safety measures.

## **ANALYSIS:**

Both the County and the community have made substantial investments in the farmers markets currently operating in Dunnville and Hagersville. The Dunnville Farmers Market recently relocated to the Waterfront Pavilion within the Dunnville Waterfront Park. The Waterfront Pavilion includes an open air end fronting the river, and an enclosed portion oriented towards Main Street. The structure is envisioned as a venue for a variety of uses which are managed through the County's 'Special Event Process'. These events vary in scope, purpose, size, cost and complexity, all of which require the coordinated efforts of staff to ensure safe event operation and adherence to applicable by-laws, policies and procedures. The construction of the pavilion involved a significant amount of community fundraising organized by the Dunnville Farmers Market Association. In Hagersville, the existing farmers market building has undergone recent renovations to maintain the viability and integrity of the structure as well to ensure compliance with the requirements of the Haldimand-Norfolk Health Unit. Streetscaping improvements previously made in Hagersville were done to enhance the customer experience by beautifying the market square area of downtown Hagersville. The community has a vested interest in the market with the Hagersville Chamber of Commerce becoming the market operator.

Given the substantial capital expenditures, ensuring the by-laws governing the farmers markets are up to date and necessary to allow for opportunities to further increase overall market attendance and customer satisfaction. The existing Farmers Market By-law's were first identified as a way to increase market attendance in report PED-EDT-19-2017. Since this time, Economic Development and Tourism (EDT) staff have researched other municipal market by-law's, market trends, and held consultation meetings with the Dunnville Farmers Market Association, Hagersville Chamber of Commerce and Haldimand County Agricultural Advisory Committee. Information and feedback gathered through these efforts has lead to a series of recommended changes that are described in the section below.

### **Proposed By-law**

The proposed by-law consists of a number of key changes that are detailed below:

1. **Producer threshold:** this change ensures that fifty percent plus one (50% + 1) of vendors are producers, meaning their goods are produced on or derived from a farm product from their own farm. This is an important threshold in how the Health Unit regulates the farmers market under the Ontario Food Premise Regulation 493, but is also the definition used by Farmers' Markets Ontario, an organization devoted to the advocacy, training and support of member farmers markets throughout Ontario.

The producer threshold framework allows the remaining stalls to be allocated by the Market Operator to a variety of vendors, provided they conform with all other County by-laws and any other applicable regulations and Provincial and Federal laws. This change allows for a variety of

new vendor possibilities such as artisans and mobile food premises (food trucks), but also permits an entertainment and educational aspect that could include buskers or cooking demonstrations. It is important to note that while the expanded scope of vendor will be permitted by Haldimand County, it will be the responsibility of each market operator to permit the types of vendors they want at their individual market locations.

2. Administrative roles: the proposed by-law introduces key updates/changes to the roles of the various parties to align with current practices. Included in these changes are the removal of County staff as market administrator, the authorization of the General Manager of Community and Development Services to designate or enter into an agreement with a Market Operator, and the introduction of Market Operator as the new market administrator. The new by-law defines a Market Operator as an association, corporation, person or other body which is responsible for the administration of the market, specifically, the Market Operator is authorized to:
  - i. issue vendor permits, assign stalls and set stall fees;
  - ii. issue permits thereby, providing a vendor with the exclusive right of use to a Market Stall during operating hours of the Market;
  - iii. restrict or refuse the sale of any product by any individual or all Vendors for any reason at any time with or without notice as the circumstances warrant; and
  - iv. ensure vendor compliance with all applicable Federal, Provincial and County by-laws, regulations and legislation.
3. Operations: other changes within the proposed by-law include updating the location of the Dunnville Farmers Market to the Waterfront Pavilion, and aligning the market season and hours with the Memorandum of Understanding (MOU) and Operating Agreements that are now in place. With respect to the latter, those changes result in a longer season that runs from April 1st to December 31<sup>st</sup> and extended hours that allow operations from 6:00 am to 1:00 pm. Following Council approval, the General Manager of Community and Development Services, as delegated authority, will authorize the revised MOU currently in place with the Dunnville Farmers Market Association to reflect the relocation of overflow vendor stalls to the identified parking spaces at the north end of the Waterfront Pavilion, as defined within "Schedule A" of the Draft Farmers Market By-law.

Staff sought input from the Dunnville Farmers Market Association, and the Hagersville Chamber of Commerce regarding the proposed by-law updates in February 2018, December 2018, April 2019 and February 2020. The groups indicated they were in support of widening the by-law to allow for additional vendors and uses at the farmers markets, as the Market Operator still maintains control to approve, or refuse, vendors based on the needs of their individual markets. The Agriculture Advisory Committee reviewed the draft by-law in January 2020, and are in support of the recommended updates.

### **Mobile Food Premise Licensing By-law**

As described in the Proposed By-law section above, staff is recommending that the vendor list be broadened to permit mobile food premises (food trucks). In order to give this recommendation effect, a minor change to the Mobile Food Premises By-law is required. Staff are recommending that mobile food premises are exempted from obtaining a license under the mobile food premise by-law when attending either the Dunnville or Hagersville Farmers Market.

The amendment being proposed to the existing by-law Mobile Food Premise By-law 1339/13 is as follows:

### **Part II – Licences**

6. Notwithstanding any other provision of this by-law, a Mobile Food Premises licence shall not be required for sales that take place at an approved Community Special Event or *Farmers Market located on Municipal Property.*

Mobile food premises who wish to operate at a farmers market will still be required to obtain all other permissions to operate a mobile food premise including Health Unit approval, Technical Standards and Safety Authority and Electrical Safety Authority. The intent of this change is to give flexibility to market operators and allow for “one off” events at farmers markets such as a local charity having a barbeque, to operate without paying the license fee. Additionally, as the Mobile Food Premise By-law does not allow for the issuance of licenses on municipal property, the exemption is required to permit the operation of a mobile food premise at the market.

### **Economic and Tourism Development Impacts**

Farmers markets provide an interesting opportunity for economic and tourism development in Haldimand County. It is generally accepted that shopping at a farmers market increases spending within a community through direct sales, with more money going to local producers further supporting the economic vitality of local farms. They also provide the opportunity to build connections between residents within the community and local agricultural producers.

With the proposed new by-law, it creates an opportunity for new vendors to pilot goods in a low cost environment. There are examples of vendors starting their operation at a farmers market and being able to grow their business to the point of moving onto a traditional storefront or larger processing facility. For example “Nuts for Cheese” a vegan cheese company started at a farmers market in London, Ontario and has now expanded to an 11,000 sq. foot food production facility with distribution into 600 stores across Canada. Another example is “Pokeh” which started as a food vendor at the Hamilton Farmers Market before opening a traditional storefront. In this manner, farmers markets are acting as a type of business incubator in the community. Some existing Haldimand businesses use the markets as an opportunity to promote their business and attract people to their farm or other experiences such as Bains Road Cider Company, Purple Haven Lavender Farm and Richardson’s Farm & Market.

Additionally, farmers markets are a key aspect of the growing interest in culinary tourism in Ontario. This is reflected by people taking a larger interest in understanding the food they are consuming and planning trips around dining experiences and visiting food producers and processors. To keep up with this trends, farmers markets have been moving in a direction of allowing a more eclectic range of vendors that include artisans, mobile food premises and offering an entertainment element such as musical acts, children’s performers and cooking demonstrations. The current by-laws do not reflect the trends of farmers markets and restrict these types of vendors.

### **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

### **STAKEHOLDER IMPACTS:**

The Economic Development and Tourism staff continue to work to promote the farmers markets through various platforms including social media, Haldimand County’s Community Guide, the County’s weekly newspaper ads, media releases, posters, signage, and under the Harvests of Haldimand brand.

Given the proximity to the downtown areas, both the Hagersville BIA and Dunnville BIA should see positive impacts from increased market attendance.

The Building and Municipal Enforcement Services Division will be needed to implement the by-law.

## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Draft Farmers Market By-law.