

By-Law No. 2018-082

A by-law of the City of Ottawa to amend By-law No. 2008-449 respecting the licensing, regulating and governing of vending and performance activities, and the provisions of tourist services in the ByWard Market and the establishment of a designated space programme for the ByWard Market

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OttWatch.ca has begun archiving copies of all by-laws passed by the City of Ottawa. After each City Council meeting we ask for copies of by-laws enacted at the meeting, add this title page, and upload them to ottwatch.ca.

Be aware though that you may not be looking at the most recent version of this by-law. It is very possible that it has been amended by Council by another by-law, or even by the Ontario Municipal Board. So, um, just know that before assuming anything.

This PDF contains a copy of the by-law as passed by Council on a certain date. It is a snapshot in time. It could still be in force. It might have been amended. It may have been repealed.

When in doubt, visit <https://ottawa.ca/en/residents/laws-licenses-and-permits/laws>

If you end up asking for a copy of a by-law OttWatch doesn't have yet, please ask the Clerk's office to cc: kevino@kevino.net when they email it to you. You'd be doing the entire community a favour!

Enacted On: 2018-03-28

OttWatch Bylaw Reference: <http://ottwatch.ca/bylaws/2018-082>

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BY-LAW NO. 2018 - 82

A by-law of the City of Ottawa to amend By-law No. 2008-449 respecting the licensing, regulating and governing of vending and performance activities, and the provisions of tourist services in the ByWard Market and the establishment of a designated space programme for the ByWard Market.

The Council of the City of Ottawa enacts as follows:

1. By-law No. 2008-449 entitled “A by-law of the City of Ottawa respecting the licensing, regulating and governing of vending and performance activities, and the provision of tourist services, in the ByWard Market and the establishment of a designated space programme for the ByWard Market”, as amended, is amended by repealing the definition of “performer” in section 1 and substituting the following therefore:

“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, entertains as a circle show performer, or otherwise provides entertainment in the Market and who may or may not seek or receive payment or donations for such performances,
- (b) “street performance 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, and includes activities that cannot rotate hourly;

2. Schedule “FS” FEES STRUCTURE of said By-law No. 2008-449 is amended by adding the following in Additional Charge on all Stand permit Fees after the first paragraph:

Permit fees to be provided to the ByWard Market Standholders Association shall be a maximum of \$20 per monthly permit or equivalent to \$2 per daily permit.

3. Schedule “SAP” Establishing the Stand Allocation Process of said By-law No. 2008-449 is amended by adding the following in A.2 ART & CRAFT VENDING after the first paragraph:

An additional Art and Craft Market Season may occur from May 1 to August 31 for the purposes of the Art & Craft stand allocation. The Art and Craft daily stand permit allocation process may include one monthly rotation per license category with name order determined by a random draw of all eligible names.

4. Schedule "SAP" Establishing the Stand Allocation Process of said By-law No. 2008-449 is amended by adding the following in A.3 Performance Space Allocation during the Market Season and Market Off-Season:

The total number of street performance spaces may be increased by the Markets Manager to 22 spaces to accommodate silent performer.

Voice amplification may be permitted on Performance Spaces P2 and P9 only, and musical instruments or self-powered sound reproduction and amplification equipment may only be permitted on spaces P13-16, P18 and PA 1-4.

5. Schedule "SAP" Establishing the Stand Allocation Process of said By-law No. 2008-449 is amended by adding the thereto the following section A.4:

A.4 Additional Stands

- (a) Farmers may be assigned 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) "Farmer-Vendors" and "Agrifood Vendors" may be assigned an additional stand on a seasonal, monthly or open permit basis without renewal during the Market Season based on Selection Committee Approval;
- (c) "Art and Craft Vendors" may be assigned an additional stand on a seasonal, monthly or open permit basis without renewal based on Selection Committee Approval;
- (d) Stand consolidation and redistribution may occur as a result of the implementation of paragraphs (a), (b) and (c) above;
- (e) The Markets Manager may subdivide designated spaces to establish additional stands as required to accommodate additional vendors;
- (f) Additional daily permit allocations may be provided and where the vendor operates the stand beyond 7:00 p.m., the permit fee is established at 50% of the daily fee;
- (g) The third daily, monthly or season stand permit allocated to the same vendor in the same category may be provided at 50% of the established stand fee; and
- (h) New "Farmers" and "Artists" who have not sold on the Market before, may be provided with up to 4 daily permits without fees and may be provided daily, monthly and seasonal stand permits for the balance of their first Market Season at 50% of the established fees;

6. Schedule "SAP" Establishing the Stand Allocation Process of said By-law No. 2008-449 is amended by adding the thereto the following section A.5:

A.5 Re-location and leaves

- (a) Existing licensees with seasonal permits may be permitted to re-locate to vacant seasonal strands before non-seasonal permit holders based on application point total;
- (b) Sabbatical leave may be authorized for licensees that qualify to defer their stand renewal for up to two years where the licensee is unable to operate the stand due to health reasons, or reasonable business-related reasons based on Selection Committee approval.

7. This by-law shall come into force on the 26 day of February, 2014.

ENACTED AND PASSED this 28th day of March, 2018.

CITY CLERK

MAYOR

BY-LAW NO. 2018-82

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Enacted by City Council at its meeting of March 28, 2018.

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LEGAL SERVICES
J.Perreira – L06-02-BYWA

COUNCIL AUTHORITY:
City Council February 26, 2018
CPSC Report 29 Item 3