SUBJECT: To Amend Hamilton Farmers' Market By-law No. 92-310 (ECS07036) (Ward 2)

RECOMMENDATION:

That the Hamilton Farmers’ Market By-law No. 92-310 be amended in the form attached hereto as Appendix A to Report ECS07036.

Joe-Anne Priel
General Manager,
Community Services Department

EXECUTIVE SUMMARY:

The purpose of Report ECS07036 is to amend the Hamilton Farmers’ Market By-law No. 92-310. The original by-law was passed in 1992 but currently is not reflective of current business operations.

The amendments proposed to By-law No. 92-310 are as follows:

- “Corporation of the City of Hamilton” changed to “City of Hamilton”;
- The term “Market Manager” has been changed to “Market Supervisor”; and
- Final determination for suspending and/or cancellation of a stallholder’s contract will be under the delegated authority of the General Manager, Community Services. The Legislative Committee of the former City of Hamilton previously performed this function.
BACKGROUND:

On December 8, 1992, The Corporation of the City of Hamilton passed By-law No. 92-310, which outlines the terms and conditions in which to operate the Hamilton Farmers’ Market. The current Hamilton Farmers’ Market is outdated and requires three changes.

First, By-law No. 92-310 needs to be amended to reflect the current legal name of the City of Hamilton. By-law No. 92-310 refers to the City as the “Corporation of the City of Hamilton”. It should be amended to the “City of Hamilton”.

Second, By-law No. 92-310 needs to be amended to properly reflect the current management structure at the Hamilton Farmers’ Market. The referenced position of Manager was eliminated many years ago and was replaced with the position of Market Supervisor.

Third, the procedure for suspension and/or cancellation of a stallholders contract was under the delegated authority of the Legislative Committee of the former City of Hamilton. Currently, there is no authority to authorize the suspension and/or cancelation of a stallholders contract. The amended by-law would delegate this authority to the General Manager of Community Services.

ANALYSIS/RATIONALE:

In 1999, the City of Hamilton Act provided that every by-law of a former municipality that was in force on December 31, 2000, becomes a by-law of the City of Hamilton on January 1, 2001, and remains in force, in respect of the part of the municipal area to which it applied on December 31, 2000, until it expires or is repealed or amended to provide otherwise.

Hamilton Farmers’ Market By-law 92-310 requires three amendments to reflect current operations.

ALTERNATIVES FOR CONSIDERATION:

There are no alternatives for consideration for Report ECS07036.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – There are no known financial implications to Report ECS07036.

Staffing – There are no known staffing implications to Report ECS07036.

Legal - There are no known legal implications to Report ECS07036.
Policies Affecting Proposal:

Not applicable.

Relevant Consultation:

Dave Turner, Supervisor, Hamilton Farmers’ Market

Eleonora Filippone, Solicitor, City Manager’s Office, Legal Services Division, Legal Services and Corporate Counsel

Don Fisher, Solicitor, City Manager’s Office, Legal Services Division, Legal Services and Corporate Counsel

City Strategic Commitment:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected. The Hamilton Farmers’ Market ensures that residents in the city’s core have access to fresh food products at reasonable prices.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported. The Hamilton Farmers’ Market is seen as an important catalyst in downtown renewal. In addition, it fulfils an important destination for the tourist market.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No
CITY OF HAMILTON

BY-LAW NO. 07 - XXX

To Amend Market By-law No. 92-310

WHEREAS section 113 of the Municipal Act, 2001, S.O. 2001, c. 25 authorizes local councils to pass by-laws to establish, maintain and operate markets;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 92-310 on the 8th day of December 1992 to regulate the Hamilton Farmers’ Market;

AND WHEREAS the City of Hamilton Act, 1999, S.O. 1999, c. 14, Schedule C, did incorporate as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999 provides that every by-law of a former municipality that was in force on December 31, 2000 becomes a by-law of the City of Hamilton on January 1, 2001 and remains in force, in respect of the part of the municipal area to which it applied on December 31, 2000, until it expires or is repealed or amended to provide otherwise;

AND WHEREAS the Council of the City of Hamilton in adopting Item _______ of Report __________ of the ________________________ Committee at its meeting held on the ____ day of _____________ 2007, recommended that the Hamilton Farmers’ By-law No. 92-310 be amended as hereinafter provided;

NOW THEREFORE the Council of the City of Hamilton hereby enacts as follows:

1. By-law No. 92-310, as amended, is further amended by deleting every reference to “The Corporation of the City of Hamilton” and substituting in each case the “City of Hamilton”.

2. By-law No. 92-310, as amended, is further amended by deleting every reference to “Market Manager” and substituting in each case “Market Supervisor”.
3. By-law No. 92-310, as amended, is further amended by:

(a) repealing Paragraph 1.(c);

(b) adding a new paragraph after Paragraph 1.(d) as Paragraph 1.(da) as follows:

"1.(da) “General Manager, Community Services” means the General Manager, Community Services of the City of Hamilton;"

(c) deleting every reference to “committee” and substituting in each case “General Manager, Community Services”.

4. By-law No. 92-310 shall apply to the City of Hamilton.

5. In all other respects, By-law No. 92-310, as amended, is hereby confirmed, unchanged.

6. This by-law comes into force on the date that it is passed.

PASSED AND ENACTED this _______ day of ____________________, 2007.

__________________________________  ____________________________
MAYOR     CLERK