

# Public Market (Farmers' Market, Flea Market, Craft Market)

## Business Licence Application & Market Coordinator Agreement

The personal information on this form is collected under the authority of the *Municipal Act, 2001*, and the Business Licence Policy, as amended and will be used for the purposes administering, licensing, regulating and governing Vendors, Mobile Food Vendors and Public Markets in the Municipality of Hastings Highlands and in accordance with applicable laws and regulations. Questions about this collection should be directed to the Municipal Clerk, [clerk@hastingshighlands.ca](mailto:clerk@hastingshighlands.ca), Tel. 613-338-2811 ext. 277.

### Public Market Information

This application and subsequent contact information, acknowledgements etc. is to be completed by the Market Coordinator. The role of the Market Coordinator is defined within the Municipality's Business Licence Policy and will act as the point of contact for Market Vendors and the Municipality.

☐ Individual ☐ Partnership ☐ Corporation

Date:

Last Name:

First Name:

Telephone Number:

Email Address:

Address:

Mailing Address (if different than physical address)

Name of Organization/Corporation/Partnership (if applicable):

Business Address (if applicable)

Business Mailing Address (if different than physical address)

How should municipal staff contact you in regard to this application and any future business licence correspondence? ☐ by phone ☐ by email ☐ by both phone and email

### Public Market Information

Address of the Public Market:

Name of the Public Market:

This address is located on:

☐ Private Property

☐ Municipal Property ☐ Application for a *Permit to Operate on Municipal Property* enclosed (Required)

Public Market Term of Licence:

☐ 1 Month ☐ 3 Months ☐ 6 Months

Public Market Start Date:

Public Market End Date:

Public Market Operating Hours/Day(s) of the Week:

### Public Market - Acknowledgement and Agreement

Please read and initial that you understand and acknowledge the following:

☐ A Public Market license is issued to the Public Market Coordinator, who holds the responsibility of collecting and producing upon request all required application documents as outlined in the Municipality's Business Licence Policy, bylaws and legislation. **NOTE:** failure to do so may result in the licence being cancelled and/or penalties/fines being implemented.

☐ I have read the applicable Business Licence Policy, bylaws and legislation and understand my responsibilities as a Public Market Coordinator. I have collected all application requirements from vendors in accordance with the policies/bylaws noted above.

Acknowledgement of Applicant/Director

Date (YYYY MM DD)

## **Indemnification and Save Harmless**

The Licensee shall defend, indemnify and save harmless the Municipality of Hastings Highlands, its elected officials, officers, employees and agents from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest or damages of every nature and kind whatsoever, including but not limited to bodily injury, sickness, disease or death or to damage to or destruction of tangible property including loss of revenue or incurred expense resulting from disruption of service, arising out of or allegedly attributable to the negligence, acts, errors, omissions, misfeasance, nonfeasance, fraud or willful misconduct of the Licensee, its directors, officers, employees, agents, contractors and subcontractors, or any of them, in connection with or in any way related to the Licence. This indemnity shall be in addition to and not in lieu of any insurance to be provided by the Licensee in accordance with this Policy. The Licensee agrees to defend, indemnify and save harmless the Municipality of Hastings Highlands from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest or damages of every nature and kind whatsoever arising out of or related to the Supplier's status with WSIB. This indemnity shall be in addition to and not in lieu of any proof of WSIB status and compliance to be provided by the Supplier in accordance with this Contract and shall survive this Contract.

The Licensee both during and after the term of the Licence or renewed Licence, shall at all times, and at its own cost, expense and risk, defend, indemnify and hold harmless the Municipality, its elected officials, officers, employees, volunteers, agents, and all respective heirs, administrators, executors, successors and assigns from any and all losses, damages (including, but not limited to, incidental, indirect, special and consequential damages, or any loss of use, revenue or profit by any Person, organization or entity), fines, penalties and surcharges, liabilities (including, but not limited to, any and all liability for damage to property and injury to Persons, including death), judgments, claims, demands, causes of action, contracts, suits, actions or other proceedings of any kind (including, but not limited to, proceedings of a criminal, administrative or quasi criminal nature) and expenses (including, but not limited to, legal fees on a substantial indemnity basis), which the Municipality may suffer or incur, howsoever caused, provided such losses, damages, fines, penalties and surcharges, liabilities, judgments, claims, demands, causes of action, contracts, suits, actions or other proceedings of any kind and expenses as defined above are due or claimed to be due to the negligence, breach of contract, and/or breach of law of the Licensee.

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Acknowledgement of Applicant/Director

Date (YYYY MM DD)

## Public Market – Vendor List

[illegible]

\*21 Vendor Limit for Public Market on Municipal Property in Downtown Maynooth (33090 Hwy 62, Maynooth, ON)

## Public Markets (Farmers'/Flea/Craft Market etc.) Application Guide

### **APPLICATION GUIDELINES - The following pages do not need to accompany the application form**

#### **Public Market – Vendor List Guide**

1. Please complete the "Vendor List" to be submitted as part of your application for a Public Market Licence
2. You may print additional pages as required to complete your list
3. List the name of the vendor, identify whether they are selling food or non-food
4. Provide a brief description of the items that the vendor will make available to the public
5. Please submit the completed Vendor List only when your vendor list is FINAL

#### **Business Licence Fees – Public Market**

- Business Licence Fees shall be charged in accordance with the Municipality's User Fees and Service Charges Bylaw
- Inspections/Reports/Letters that are issued by Municipal Department's (Fire, Building etc.) in support of a Business Licence application shall not be charged the applicable fee(s) listed in the Municipality's User Fees and Service Charges Bylaw
- Additional fees may be incurred by the applicant for third-party inspections, certificates and approvals (ie. HPEPH Inspection). Fees for these services are to be paid direct to the vendor/supplier
- In accordance with the Municipality's Business Licence Policy, Business Licence fees will not be prorated or refundable
- Payment for a Business Licence can be made in the following ways:
  - Cash (In-Office)
  - Debit (In-Office)
  - Cheque (Payable to the Municipality of Hastings Highlands)

#### **PUBLIC MARKET - APPLICATION REQUIREMENTS GUIDE**

The below requirements outline what documents the Market Coordinator is responsible for obtaining and/or collecting from each vendor.

Required Document(s)	Non-Food Vendor	Food Vendor
Commercial General Liability Insurance	Market Coordinator to Provide	
Letter of Permission from Property Owner(s)	Applicable Only if Operating on Private Property Market Coordinator to Provide	
Permit to Operate on Municipal Property	Applicable only if approved to operate on Municipal Property Market Coordinator to Provide	
TSSA Propane Inspection	Not Applicable	If Applicable (see chart below)
Propane Storage and Handling Certificate (issued within 6 months of the application date)	Not Applicable	If Applicable (see chart below)
Site Plan	Applicable Only if Operating on Private Property Market Coordinator to Provide	
Building Permit	If Applicable (see chart below)	If Applicable (see chart below)
Hastings Prince Edward Public Health Inspection (HPEPH) (Issued within twelve (12) months of the date of the Application)	Not Applicable	If Applicable (see chart below)
Plan for the containment and disposal of grey water, grease, and garbage (as applicable and in a sanitary manner, satisfactory to the Municipality)	Market Coordinator to Provide	

Glossary of Required Inspections/Approvals/Certificates etc.	
<b>Commercial General Liability Insurance</b>	<ul style="list-style-type: none"> <li>The Licensee shall maintain Commercial General Liability, underwritten by an insurer licensed to conduct business in the Province of Ontario, for a limit of not less than \$2,000,000.00 per occurrence and with an aggregate limit of not less than \$2,000,000.00 within any policy year with respect to completed operations and a deductible of not more than \$1,000.00.</li> <li>The policy shall include an extension for a standard provincial and territorial form of non-owned automobile liability policy. This policy shall include but not be limited to: <ul style="list-style-type: none"> <li>Name the Municipality as an additional insured</li> <li>Cross-liability and severability of interest</li> <li>Blanket Contractual</li> <li>Products and Completed Operations</li> <li>Premises and Operations Liability</li> <li>Personal Injury Liability</li> <li>Contingent Employers Liability</li> <li>Owners and Contractors Protective</li> <li>The policy shall include 30 days' notice of cancellation</li> </ul> </li> <li>The Municipality's '<i>Property, Facility and Field Use Policy</i>' provides an opportunity for approved Vendors, and Public Markets to obtain third-party insurance through the Municipality's Insurer, subject to certain terms and conditions. For more information including eligibility, rates and how to apply refer to the Municipality's '<i>Property Facility and Field Use Policy</i>.'</li> </ul>
<b>Automobile Liability Insurance</b>	<ul style="list-style-type: none"> <li>If the Licensee uses or requires a Motor Vehicle to carry on their Business, the Licensee shall obtain and maintain, in full force and effect for the term of their Licence: <ul style="list-style-type: none"> <li>Standard Form Automobile Liability Insurance that complies with all requirements of the current legislation of the Province of Ontario, having an inclusive limit of not less than \$2,000,000 per occurrence for Third Party Liability, unless otherwise specified in this policy in respect of the use or operation of vehicles owned, operated or leased by the Licensee</li> </ul> </li> </ul>
<b>Letter of Permission from Property Owner(s)</b>	<p>Written permission from the registered owner of the private property consenting to the use of their property that contains:</p> <ul style="list-style-type: none"> <li>Full Address of the Private Property</li> <li>Name(s), Date, Contact Information for all property owner(s)</li> <li>Dates/Timelines for which the Public Market has permission to occupy the property</li> </ul> <p>*Not applicable if operating on approved Municipal property</p>
<b>Permit to Operate on Municipal Property</b>	<ul style="list-style-type: none"> <li>The Municipality has approved the following Municipal properties to be used by a limited number of approved Vendors, Mobile Food Vendors and Public Markets. These properties are: <ul style="list-style-type: none"> <li>Birds Creek Recreation Field 160 South Baptiste Lake Rd, Bancroft, ON One (1) Mobile Food Mobile Food Vendor (Refreshment Vehicle, Food Truck/Cart etc.)</li> <li>Vacant Lot - Downtown Maynooth 33090 Hwy 62, Maynooth, ON One (1) Mobile Food Mobile Food Vendors (Refreshment Vehicle, Food Truck/Cart etc.) One (1) Public Market (space reserved)</li> <li>Lake St. Peter Community Centre 5 Boulter Lake Rd. Lake St. Peter, ON One (1) Mobile Food Mobile Food Vendor (Refreshment Vehicle, Food Truck/Cart etc.)</li> <li>One (1) Mobile Food Vendor (Refreshment Vehicle, Food Truck/Cart)</li> </ul> </li> </ul> <p>Approved Mobile Food Vendors receive a '<i>Permit to Operate on Municipal Property</i>' which is subject to certain terms and conditions. (Refer to the Municipality's '<i>Property, Facility and Field Use Policy</i>' for more details and additional application forms)</p>
<b>Technical Standards and Safety Authority Field Approval</b> , (Issued within twelve (12) months of the application date)	<ul style="list-style-type: none"> <li>A Technical Standards and Safety Authority Field Approval, issued within twelve (12) months prior to the date of the Application, for all equipment and appliances that are not approved by the Canadian Standard Association or the Underwriter Laboratories of Canada, as applicable;</li> <li>More information can be found at <a href="https://www.tssa.org/food-truck-safety">https://www.tssa.org/food-truck-safety</a> Or call 1-877-682-TSSA (8772)</li> </ul>
<b>Propane Storage and Handling Certificate</b> (issued within 6 months of the application date)	<ul style="list-style-type: none"> <li>If the Mobile Food Vendor's equipment is fueled by propane or natural gas, a certificate issued within 6 months of the application date, by a provincially certified propane contractor, confirming the equipment has been inspected and found to conform to the Propane Storage and Handling Regulations, being Ontario Regulation 211/01</li> </ul>
<b>Valid Commercial Vehicle Operator's Registration</b> (Issued by MTO)	<ul style="list-style-type: none"> <li>If the Vehicle used in the Business weighs over eleven thousand (11,000) kilograms, a copy of a valid Commercial Vehicle Operator's Registration issued by the Ministry of Transportation</li> </ul>
<b>Hastings Prince Edward Public Health (HPEPH) Inspection</b> (Issued within twelve (12) months of the date of the application)	<ul style="list-style-type: none"> <li>Public Market Requirements: <ul style="list-style-type: none"> <li>HPEPH requires that if you are an <b>organizer</b> or a <b>food vendor</b> at an upcoming special event (e.g. fundraisers, community/religious/service club events) or <b>farmers' markets</b>, and <b>you intend to serve food to the general public</b>, that you complete and submit the appropriate form(s)/notifications to Hastings Prince Edward Public Health. The forms are available online at <a href="https://www.hpepublichealth.ca/special-events/">https://www.hpepublichealth.ca/special-events/</a> or by contacting HPEPH at 613-966-5500 or 1-800-267-2803, ext. 677</li> </ul> </li> <li>Mobile Food Vendor Requirements:</li> </ul>

	<ul style="list-style-type: none"> <li>○ Complete the required forms/application available at: <a href="https://www.hpepublichealth.ca/guidelines-for-opening-a-food-premises/">https://www.hpepublichealth.ca/guidelines-for-opening-a-food-premises/</a></li> <li>○ There are some specific requirements for mobile food premises, outlined by the province</li> <li>• Vendor (Food Sales Only) <ul style="list-style-type: none"> <li>○ Complete the required forms/application/notification available at: <a href="https://www.hpepublichealth.ca/guidelines-for-opening-a-food-premises/">https://www.hpepublichealth.ca/guidelines-for-opening-a-food-premises/</a></li> </ul> </li> </ul>
<b>Annual Fire Inspection</b>	<ul style="list-style-type: none"> <li>• Annual Fire Inspections are issued by Hastings Highlands Fire Department, in compliance with all applicable bylaws, statutes and regulations</li> </ul>
<b>Building Permit</b>	<ul style="list-style-type: none"> <li>• Building Permits are issued by the Municipality's Building Department. For assistance in determining whether or not you require a Building Permit visit <a href="https://www.hastingshighlands.ca/living-here/building-and-construction/apply-for-a-building-permit/">https://www.hastingshighlands.ca/living-here/building-and-construction/apply-for-a-building-permit/</a> OR contact the Municipal Office for more information</li> </ul>
<b>Site Plan</b>	<p>A site plan is required for review of the application. The site plan will need to be clear and at minimum show the following:</p> <ul style="list-style-type: none"> <li>• The boundaries and dimensions of the subject land.</li> <li>• The location, size and type of all existing buildings and structures, including septic systems, in the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear lot lines, and the side yard lot lines.</li> <li>• The location, size and type of all proposed vendor, mobile food vendor, and public market in the subject land, indicating distances to property lot lines and any structures.</li> <li>• The location and area of parking that clearly shows the number and location of parking spots in relation to existing and proposed structures and property lot lines.</li> <li>• The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application (including railways, roads, watercourses, drainage ditches, lake, pond, river or stream, banks, wetlands, wooded areas, wells, and septic tanks).</li> <li>• The current uses on land that are adjacent to the subject land.</li> <li>• The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.</li> <li>• The location and nature of easements and rights-of-way affecting the subject land.</li> <li>• The distance of the proposed vendor, mobile vendor or public market to any water features, including, but not limited to, lakes, rivers, streams, creeks and ponds.</li> </ul>
<b>Plan for the containment and disposal of grey water, grease, and garbage (as applicable and in a sanitary manner, satisfactory to the Municipality)</b>	<ul style="list-style-type: none"> <li>• The plan for the containment and disposal of grey water, grease, and garbage shall be developed and executed in compliance with all applicable bylaws, statutes and environmental regulations.</li> </ul>