



**STAFF REPORT
ACTION REQUIRED**

On-Street Parking Fees for Park-based Farmers' Markets

Date:	March 29, 2011
To:	Public Works and Infrastructure Committee
From:	Acting General Manager, Transportation Services
Wards:	Various Wards
Reference Number:	Pw11049te.row

SUMMARY

The Public Works and Infrastructure Committee requested Transportation Services to review and report back on fees applicable to various Farmers' Markets for use of the public right-of-way in staging for their events, which largely take place in City parks.

Past practice has been to interpret this activity as an "event" and apply a one-time yearly charge (the markets generally take place weekly, from May to October). A strict reading of Municipal Code Chapter 441, Fees and Charges, would require the fee to be paid each day the market was held, substantially increasing cost to these community-based endeavours.

This report recommends that, consistent with past practice, and recognizing that organizers pay annual fees to Park, Forestry and Recreation for the actual markets, applications for the use of the public right-of-way for farmers' markets pay a one-time fee annually and the fee be increased by the Consumer Price Index annually.

RECOMMENDATIONS

Transportation Services recommends that:

1. City Council exempt applicants for a permit under Municipal Code Chapter 743, Streets and Sidewalks, Use of, subsection 743-7, for the purposes of a farmer's market event from the daily event fee for the use of the public right-of-way as set out in Appendix C – Schedule 2, Transportation Services, Ref. No. 61 to Municipal Code Chapter 441, Fees and Charges; and

2. City Council approve a farmers' market one-time fee of \$71.97 applied during the event season annually for applications for the use of the public right-of-way for the purpose of staging Park-based Farmers' Markets, and increased annually by the Consumer Price Index.

Financial Impact

Under the applicable provisions of Municipal Code Chapters 743 and 441, occupancy of the public highway for the purpose of holding events is \$71.97 per day plus HST. It is estimated that the occupation of the public right-of-way for 116 days of farmers' markets based on the six applications received to-date by Transportation Services, would result in total costs of \$8,300.00 to these neighbourhood events. Past practice has been to charge the fee on an annual basis, so in terms of actual revenue accruing to the City, adoption of the recommendations of this report will not result in any change.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the financial implications.

ISSUE BACKGROUND

The Public Works and Infrastructure Committee, at its meeting of March 23, 2011, considered a letter (March 22, 2011) from Councillor Mike Layton, requesting an exemption from the daily road allowance permit fees for farmers' markets. Committee referred the communication to the General Manager of Transportation Services for consideration and report back (Item PW2.13) in April 2011.

COMMENTS

Transportation Services annually receives approximately six applications for the use of the public right-of-way from five organizers of farmers' market. These events, namely West End Food Co-Op, located on Wabash Avenue; Danforth East Community Association, located on East Lynn Avenue; The Stop Community Food Centre, located on Wychwood Avenue; Trinity Bellwoods Farmers Market, located on Shaw Street and Withrow Park Farmers Market, located on Mc Connell Avenue, are usually held one day a week between May to October annually.

Given that these are locally based community activities and consistent with the fees charged by Parks, Forestry and Recreation for use of the abutting parks for the actual events (\$433.82 including HST, for the season), Transportation Services for years have similarly issued permits applying an annual one-time fee for the duration of the season. These permits are to accommodate the parking of farmers' vehicles to load and unload produce for park-based farmers' markets. A strict reading of Municipal Code Chapter 743, Streets and Sidewalks, Use Of, Article II 743-7, Street Events, would require the event organizers to pay a daily permit fee as set out in Municipal Code Chapter 441, Fees and Charges. The current fee applicable for a street event is \$71.97 per day plus HST for a total of \$81.33. To provide context, application of the fee in this manner would result in an annual charge per market of over \$1,800 for the auxiliary parking, well in excess of the Parks, Forestry and Recreation fee to actually hold the market.

The request from Councillor Layton to charge organizers of farmers' markets for the use of the public right-of-way a one-time fee applied annually for the duration of the farmers' market season is consistent with the past practice, recognizing that these are local community building initiatives. Such a decision would not be dissimilar to the approach taken with BIAs, where certain right-of-way fees have been reduced to facilitate their activities.

CONTACT

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SIGNATURE

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