

City of Mississauga
Corporate Report



Date: June 23, 2023

To: Mayor and Members of Council

From: Raj Sheth, P.Eng, Commissioner of Corporate Services

Originator's files:

Meeting date:
June 28, 2023

Subject

Vendors By law 0522 2004: Update to Exemptions

Recommendation

1. That the report from the Commissioner of Corporate Services, dated June 23, 2023 entitled Vendors By-law 0552 2004 be approved.
2. That the Vendors By-law 0522-2004 as amended, be further amended to exempt artisans from a requirement to obtain a licence.
3. That the Vendors By-law 0522-2004 as amended, be further amended to provide a definition of "artisan" as "artists or craft persons selling goods, wares, merchandise, products, refreshments, foodstuffs or flowers that they have created or distributing art or craft products created by someone else irrespective of source of base material or business tax status of the artisan".
4. That all necessary by-laws be enacted.

Report Highlights

- At the June 21, 2022 General Committee meeting staff were directed to report back to Council with respect to amending the Vendors By-Law 0522-2004 to include an exemption for artisans and crafters.
- Staff examined the by-laws of 13 comparable jurisdictions and found that there is no standard definition or policy on what constitutes an artisan though preference is often given to local artisans who produce crafts or goods locally or using local ingredients.
- Staff recommend amending the Vendors By-law 0522-204 to include a definition of "Artisan" and exempt the requirement for a licence for special event participants selling hand made goods, irrespective of the origin of the source materials used in the production of the wares and without the necessity for the vendor to pay business tax within the City.

Background

At the June 21st, 2023 meeting of General Committee, Council members identified their support for the exemption of artisans who sell goods at Special Events that are manufactured by residents on a small scale as a reflection of personal talents or interests. Staff were directed to report back to the next Council meeting with respect to amending the Vendors By-Law 0522-2004 to include an exemption for artisans and crafters.

It was identified that these participants often attend the special events as an opportunity to engage socially with other members of the public and derive very little revenue from participation.

Present Status

Currently the by-law provides for exemptions from the requirement to obtain a licence for a number of categories including those selling, produce grown in Ontario, goods manufactured in Ontario being sold by the producer and goods produced elsewhere when sold by a person who pays business taxes in Mississauga or their agent.

Comments

Jurisdictional Scan

Staff reviewed the by-laws of 13 comparable jurisdictions to identify if their by-laws or policies defined artisans (See Appendix 1). The majority of jurisdictions do not provide a public facing definition of artisan.

The City of Toronto has a policy that farmer's markets can only feature local, Ontario-grown or manufactured products and does not permit wholesaling or re-selling of any products at their markets, with the exception of local not-for profit organizations. The Brampton Farmer's Market defines artisans as artists or craft persons selling items that they have created that can be easily identifiable as handicrafts. The City of Niagara Falls defines artisans in their Market By-law as a person who creates art and crafts as a good or goods created in quantities of 50 or less using hand tools at a place located within 100 kilometers of the Sylvia Place Market.

The City of Hamilton accepts applications for the Hamilton Farmer's Market from five categories: local artisan/crafter/producer, distributor of local art/craft products, distributor of other art or craft products, distributor of locally produced packaged food and distributor of packaged products. However, their Market Cart program prioritizes local artisan made products and crafts. The Ottawa Farmers Market Association defines Arts and Crafts as hand-made by the vendor using as much local material as possible and his or her own skill, artistry and training to produce a new, unique and original product appropriate for the farmers' market. They take into consideration factors such as craftsmanship and quality; creativity and originality and the value added to original or natural materials in the finished product.

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Additionally, some jurisdictions include the definition of artisan in their Zoning By-laws. Kitchener defines "Artisan's Establishment" to mean an establishment used for the study or instruction of a performing or visual art such as dancing, music or painting or the workplace of an artisan such as a painter, sculptor, photographer, dressmaker or tailor together with the accessory retailing of paintings, sculpture, photography or handcrafts. Stratford's Zoning By-law defines artisans as a person involved in the production and/or sales of crafts or works of art made primarily by hand.

Consultation with Business Improvement Areas

In developing this amendment, staff have consulted with representatives from the five Business Improvement Areas (BIAs) in the City who organize special events such as farmer's markets. It was identified that the exemption of artisans from the licensing requirement would allow greater participation and enhance community events by allowing a wider variety of vendors who provide unique products.

BIA representatives stated that special events are popular with residents and local businesses and serve to animate the BIA areas and generate economic activity. They also identified that these events act as incubators for small businesses and that many businesses are able to capitalize on the opportunities provided by markets to attract new customers or expand their operations.

By-law Amendments

Staff recommend amending the by-law to include a definition of Artisans as "artists or craft persons selling goods, wares, merchandise, products, refreshments, foodstuffs or flowers that they have created or distributing art or craft products created by someone else irrespective of source of base material or business tax status of the artisan".

The proposed amendment to the by-law would exempt the requirement for a licence for special event participants selling hand made goods, irrespective of the origin of the source materials used in the production of the wares and without the necessity for the vendor to pay business tax within the City. To qualify for the exemption the artisan would be required only to demonstrate that the wares contain unique input of the artisan themselves and in some manner reflect their artistic expression.

The definition of artisan would include artisanal food products provided that they meet public health requirements. BIAs will be responsible for ensuring that food producers adhere to all public health guidelines for food handling and preparation. This will help to alleviate any public health concerns and maintain a level playing field with other food vendors such as Portable Display Unit Operators, Refreshment Cart Owners and Refreshment Vehicle Owners and Drivers.

Financial Impact

The recommendation will have a financial impact on the special event license fees due to amending the Vendors By-Law 0522-2004 to include an exemption for artisans and crafters.

We estimate that 40% of gross license fees revenue which is approximately \$15,000 per year collected from artisans and crafters during City/Non City Affiliated Events will be exempted and will reduce revenue in cost centre 22651 – T&W Enforcement Mobile Licensing.

Conclusion

The recommended amendment will provide clarification to event organizers and remove barriers to allow for greater participation by a wide variety of vendors. It is supported by the Business Improvement Areas and will only have a marginal financial impact.

Attachments

Appendix 1: Jurisdictional Scan



Raj Sheth, P. Eng., Commissioner of Corporate Services

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