

Chapter 71

PUBLIC MARKET

§ 71-1. Boundaries established.

The portion of the City of North Tonawanda described as follows, to wit: all that tract or parcel of land situate in the City of North Tonawanda, County of Niagara and State of New York, known and distinguished as part of Lot No. 79 of the Niagara River Reservation and bounded as follows: beginning at a point in the northerly line of Robinson Street 113 feet distant from where the easterly line of Payne Avenue intersects the northerly line of Robinson Street; thence easterly 200 feet along Robinson Street to the westerly line of Bryant Street; thence along Bryant Street 208 feet to the southerly line of a street to be named Market Street; thence westerly along Market Street 200 feet to an alley; thence along said alley 208 feet to the place of beginning, containing 10 forty-foot lots, according to a map made by Barrally and Snow, surveyors; is hereby declared to be and is established as a public market of the City of North Tonawanda, and shall be known as the North Tonawanda Public Market.

§ 71-2. Market Clerk; duties.

There shall be a Market Clerk, who shall have charge of such market and whose duty it shall be to have the general custody and control over such market, subject to the provisions hereinafter contained and subject to the supervision and direction of the Common Council. It shall be his duty to see that such market is kept in a clean, wholesome and sanitary condition. Every person occupying any space, stand or stall on such market shall keep the same in a clean, sanitary condition, and no person shall throw or deposit on such market any decayed or refuse matter or substance of any kind.

§ 71-3. Report of violations; parking spaces.

It shall be the duty of the Market Clerk to report to the City Clerk any violation of the ordinances relative to the sale of unwholesome or forbidden articles, and also the violation of any of the ordinances relating to the dealing and hawking of such articles as are subject to regulation by such ordinances. He may rent the stalls in the building on such Public Market at the price fixed and determined by the Common Council and allow the persons to whom same are rented to occupy the same during the time for which they are rented, provided they comply with these ordinances and with all regulations of the Common Council or other body having jurisdiction to make ordinances and regulations relating to said Public Market. He shall allow each person who shall have paid the fee therefor to occupy space upon such market grounds for his or her wagon, sleigh or other vehicle to stand, and until the fee for such space shall have been established by the Common Council, he may allot space for wagons, sleighs or other vehicles free of charge. The space so occupied by each person shall not be deemed to be exclusive for the length of time for which such person may have paid or been allotted privileges upon such grounds greater than one market day.¹

1. Editor's Note: On 8-1-1960 the Common Council adopted by resolution the following additional regulations concerning the Public Market: 1. The farmers and hucksters have separate areas designated within the Public Market. 2. Hucksters have their names, addresses and license numbers painted on the side of their trucks. 3. The last row of the market parking area, nearest Bryant Street, be designated the huckster parking area.

§ 71-4. Clerk's bond.

Such Market Clerk shall execute to the City of North Tonawanda a bond in such penal sum as may be fixed by the Common Council with sufficient surety or sureties to be approved by the Mayor, conditioned for the faithful performance of his duties as such Clerk and for the paying over and accounting to the City for all moneys received by him and payable to the City Treasurer of said City as hereinafter provided.

§ 71-5. Market hours. [Amended 12-17-1974]

Said Public Market shall be kept open on Tuesdays, Thursdays and Saturdays between the hours of 7:00 a.m. and 1:00 p.m. The Market Clerk shall attend at such market at the opening of the same and shall remain until the closing hour.

§ 71-6. Stall-leasing regulations.

The Market Clerk shall not lease or allot any space or privilege upon such market to any huckster or provision merchant for any purpose whatsoever, and any lease of any stall, stand or space at said market shall not permit the same to be used or occupied for business or other purposes by any other person, nor shall be sublet the same or any portion thereof, except that the Market Clerk may lease stalls on said market at the price fixed by the Common Council to any person.

§ 71-7. Record book; inspection.

The Market Clerk shall keep a book or set of books, in which he shall enter the name of each person to whom he shall lease a space, stand, stall or privilege and the amount of money received by him therefor; which book or books shall at all times be open to the inspection of any member of the Common Council of said City or any authorized representative of said Common Council.

§ 71-8. Funds payable to City Treasurer.

On or before the last day of each and every week, during the time of the use and occupation of said market, said Market Clerk shall pay to the City Treasurer of North Tonawanda all moneys received by him for the sale of spaces, stands or stalls and privileges during the preceding week, and shall take the receipt of such Treasurer therefor.

§ 71-9. Fees payable in advance. [Amended 6-18-1973]

It shall be the duty of the City Clerk of the City of North Tonawanda to charge and collect in advance from each person applying to the Market Clerk for spaces, stands, stalls or privileges at such market upon an annual basis such annual rents and fees as may be fixed and prescribed for such spaces, stands, stalls or privileges by the Common Council; and no person shall occupy or be allowed to occupy any space, stand or stall or exercise any privilege at such market until he has paid the rents and fees authorized by the Common Council therefor.

§ 71-10. (Reserved)²

§ 71-11. Delivery permit.

Whenever any person at said Public Market who shall have paid a fee for space or privilege thereat, or until a fee shall be prescribed for such space or privilege has been allotted the same, shall have sold his or her entire load of produce or the major portion thereof at such Public Market, he or she may apply to said Market Clerk for a permit to deliver any such produce which he or she may have sold; and thereupon said Market Clerk shall deliver such permit to such person, which permit shall state the name of the person so applying for same and the name or names of the persons to whom said load has been sold, and thereupon said persons may lawfully deliver said merchandise.

§ 71-12. Meat quantities restricted; exceptions.

No person shall sell, offer or expose for sale at said Public Market or outside of said Public Market upon the public streets, ways or grounds within said City of North Tonawanda any meats or poultry of any kind from any wagon, sleigh or vehicle in quantities less than a whole carcass, excepting beef, which shall not be sold in less quantities than 1/4 of a carcass. This section shall not apply to any person who raises, slaughters and dresses the meat or poultry which he offers for sale on said Public Market streets, ways or places, or to any person who shall have paid the rent for and been allowed a stall at said Public Market and sells such meats and poultry from such stalls.

§ 71-13. Establishment of fees. [Added 3-24-1960]

The Common Council may by resolution from time to time establish a series of fees and charges for the sale, use and rental of stalls or other spaces in said Public Market. Any changes made in such fees and charges as herein provided shall be published once in the official newspaper of the City of North Tonawanda, and such fees and charges shall become effective on a date which the Common Council shall designate in such resolution.

2. Editor's Note: Former § 71-10, Hay or straw sale restricted, was repealed 6-4-2003.

