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BY-LAW No. 1903

BEING A BY-LAW of the Corporation of the City of North Bay for licensing, regulating and governing auctioneers.

WHEREAS it is deemed by the Municipal Council of the City of North Bay expedient to pass a by-law to license, regulate and govern auctioneers under the provisions of Subsection 8 of Section 410 of the Municipal Act of the Province of Ontario.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF NORTH BAY ENACTS AS FOLLOWS:

1. No person shall within the limits of the City of North Bay carry on the trade or business of auctioneer unless and until he has procured a license so to do from a license issuer appointed by the Municipality of the City of North Bay to issue licenses under the provisions of this By-Law and every person so licensed shall be subject to the provisions of this By-Law.
2. Every person selling or putting up for sale goods, wares, merchandise or other effects by public auction save and except the Sheriff of the District of Nipissing and the Bailiffs of the Division Court of the District of Nipissing shall be deemed to be auctioneers within the meaning of this By-Law.
3. No license shall be granted to any person who is not of good character or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is deemed not desirable that the business should be carried on.
4. The report of the Chief Constable shall be the means of ascertaining whether the applicant is of good character and the report of the building Inspector and Fire Chief shall be the means of ascertaining whether the premises are suitable for the business.
5. No license shall be granted to any person who is not a bonafide resident in the Municipality for a period of three months prior to the date of his application for such license except as follows:
  - (a) Where the application is made in respect of an auction to be conducted in a Jewellery Store, the proprietor of which has been in business in the City of North Bay for a period of more than two years, the residence qualification shall be waived, but no license shall be granted for the proposed auction if it is to be conducted for more than one day for each year the said proprietor has been in business in the said City, and in no case shall any license be issued for the conducting of an auction for the sale of merchandise normally sold in Jewellery Stores if the proposed Auction is to be conducted for more than 21 days in any year.
6. The application for such license shall be in the form of a declaration. Such form shall be furnished by the license issuer and be completed by the applicant.

- 7. Before any license is issued the report from the Chief Constable Fire Chief and Building Inspector above referred to shall be received by the license issuer and this report together with the application shall be forwarded to Council and no such license shall be granted except upon resolution of Council after due consideration of the application and report, and any representations that the applicant may desire to make concerning the same.
- 8. Every person who shall exercise the calling or business of an auctioneer shall exhibit in a conspicuous manner at his place of business, his name and business as such auctioneer.
- 9. Every auctioneer shall keep in good order his place of business, and shall keep proper books of account of the business transacted by him as an auctioneer, which books shall give the names and addresses of persons depositing goods, wares or merchandise, with him for sale, the description of the same, the price for which the same may be sold, and shall forthwith, after the sale of same or any portion thereof, account for the proceeds and pay the same to the person or persons entitled to such proceeds, less his proper and legal commissions and charges; and shall in case no sale is made of such goods, on payment of his proper costs and charges, return such goods to the person or persons entitled to receive the same on proper demand being made therefore: Provided, that nothing in this section contained shall in any way effect or invalidate the claim of any auctioneer for goods warehoused with him and on which he shall have made advances.
- 10. All books kept by any auctioneer, pursuant to the last preceding section, shall be open at all times during business hours, to the inspection of the Chief Constable, or any inspector of Police or Detective or Constable in the employ of the City.
- 11. No Auctioneer shall conduct, or permit to be carried on in his premises any mock auction, or shall knowingly or wilfully make, or permit to be made, any misrepresentation as to the quality or value of any goods, wares or merchandise which may be offered for sale by him, nor shall he sell by auction any merchandise of which he is the owner or in which directly or indirectly he has any proprietary interest.
- 12. The amount of the annual fee for the license hereinbefore mentioned which shall be payable before such license is issued, shall be \$100.00 per annum.
- 13. Nothing in this By-Law shall prevent the granting of a license by the license issuer with the approval by resolution of City Council, to any service club or charitable organization which desires to conduct an auction sale for bona fide charitable objections.

14 Any person convicted of a breach of any of the provisions of this By-Law shall forfeit and pay at the discretion of the convicting Magistrate a penalty not exceeding (exclusive of costs) the sum of \$300.00 for each offence such penalty to be recoverable under the provisions of The Summary Convictions Act, and in accordance with the provisions of the Municipal Act.

15. That this By-Law shall become effective immediately on the passing thereof and all By-laws inconsistent with the provisions of this By-law are hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 2nd DAY OF NOVEMBER 1959  
 READ A SECOND TIME IN OPEN COUNCIL THIS 2nd day of NOVEMBER 1959.  
 READ A THIRD TIME AND FINALLY PASSED THIS 9th DAY OF  
 AUGUST 1960.

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 MAYOR *Dickson*  
 .....  
 CITY CLERK