

BY-LAW NUMBER 462

A BY-LAW TO ESTABLISH AND REGULATE A PUBLIC MARKET IN THE
TOWN OF NORTH BAY

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF
NORTH BAY ENACTS AS FOLLOWS:-

1. That a Market be established within the Municipality of the Town of North Bay, and that the market place comprise all that portion of Cassells Street extending from Klock Avenue to Oak Street and including the sheds erected on the said street between Main street and Oak street. That the shed or Market House so erected on Cassells street is to be used exclusively for the sale of butter, eggs, cream, poultry, fresh meats and fish.
2. In the Market Place one public weighing scales shall be maintained, at which all hay, straw, cattle, coal, phosphate ore and other articles weighing five hundred pounds or over, marketed in the Market Place, and offered for sale in the Town, shall be weighed, if required, and the charges for such weighing hereinafter provided shall be made and collected, and shall be paid by the seller; and public weighing scales for articles of less weight shall also be maintained, at said Market Place, and the charges for weighing thereat hereinafter provided shall be made and collected and shall be paid by the seller of the articles weighed.
3. Every day in the year shall be Market days except Sunday; but Tuesday and Saturdays shall be known as Special Market Days.
4. From the thirtieth day of April until the first day of November in each and every year the Market shall be kept open from six o'clock A.M., until four o'clock P.M., and during the remainder of the year from seven o'clock A.M., until two o'clock P.M.
5. No person shall sell or expose for sale or market elsewhere in the Town of North Bay any grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small ware and other articles than at the said Market Place; provided always that nothing in this section contained shall prevent butchers, merchants and manufacturers from selling any of the marketable articles above mentioned at their respective places of business at any and all times they may seem fit; provided further that nothing contained in this section shall effect a vendor of any article bought within the Municipality of the Town of North Bay, in pursuance of a prior contract for the sale thereof, where said vendor proceeds directly to the place of delivery thereof under such contract without hawking the same upon the streets or elsewhere in the Municipality; nor to the vendor of any article without such prior contract as aforesaid where such article is brought into the Municipality after the hour of ten o'clock in the forenoon.
6. After nine o'clock in the forenoon between the first day of April and the first day of November and after ten o'clock between the first day of November and the first day of April, no person shall be compelled to remain on any Market Place with any article which he may have been exposing or offering for sale in such Market Place, but may after the expiration of such hour, proceed to sell such article elsewhere than in or on such Market Place, provided that such person has paid the Market fees on or in respect of such article or the vehicle in which the same is contained. But nothing in this section is to prevent any article of its being sold or contracted for being immediately delivered provided that the Market fee on or in respect of such article or vehicle in which the same is contained has been paid.

7. All persons resorting to the Public Market House or Market Place with commodities, articles, or things for sale shall be directed by the Clerk or Lessee of the Market or other persons appointed in his stead, in the arrangement of the stands and vehicles, and the order in which such shall be placed so as to produce order and regularity, and no person shall disobey threat, hinder or molest the Clerk or the Lessee, or such other person as may be appointed, or his assistant, in the discharge of his duties in this behalf.

8. No person shall place or offer for sale on the Market Grounds, or within the Town, the flesh of any animal which shall have dies or which shall not have been in a sound state when killed, or any measly pork or blown or fraudulently dressed meat, bull beef, boar pork, or any tainted or unwholesome meat, poultry or game, or any veal or lamb, under four weeks old, or unsaleable from leanness; and any person infringing this section shall forfeit their property for sale in violation thereof, and be subject to the penalties hereinafter provided for infringement of this By-law.

9. The vendor of any articles in any wagon, sleigh, cart, truck, or other vehicle, or other thing brought into the Public Market in the Town of North Bay for sale, shall be subject to and liable to the respective and proper Market fees hereinafter set down and imposed in respect thereof in the tariff of Market fees and weighing and measuring charges.

10. No person shall throw or place any filth, offal, vegetable tops or refuse upon any part of the Market Place or in the Market buildings, and any person so doing shall be liable as aforesaid.

11. No person shall commit any nuisance in the said Market buildings or Market Place, and any person so doing shall be liable as aforesaid.

12. No person shall slaughter, bleed or gut an animal, or pluck or remove the feathers from any fowl or poultry of any description, or open or cleanse any fish or expose any meat in the bleeding stage, or the unclean entrails of any animals on the said Market, and any person so doing shall be liable as aforesaid.

13. No auctioneer, crier or vendor of small ware shall practice his or her calling upon the market or in any of the Public streets contiguous thereto, or in any of the vacant lots adjoining any of such streets, during market hours, and any person so doing shall be liable as aforesaid.

Amend
14. That the Council shall from time to time, either appoint a Market Clerk at such salary as they shall think fit or let the market fees and weighing and measuring charges from time to time by sealed tenders or in such other manner as they shall deem advisable; the Council not being obliged to accept the highest or any other tend unless the same is deemed otherwise satisfactory.

15. The Lessee or purchaser of such market fees and weighing and measuring charges from time to time shall and may demand, take, collect and receive the same in as full, ample and efficient a manner as the Council might cause to be done in case said market fees and weighing and measuring charges had not been let or sold, and no lessee of said market fees and weighing charges shall assign or sublet the same or any part or portion thereof.

16. The Market Clerk or Lessee of the Market fees and weighing charges, or his assistant or assistants, shall not exceed the authority vested in him by the provisions of this By-law, relating to the Public Market of the Town of North Bay, and he shall not exact, extort or receive any higher or other fee or charge than is authorized to be collected and paid by the said provisions of this By-law, and all tickets given by him for weighing hay or straw or other commodities, or things, shall be written with ink, and not otherwise, and he shall keep a copy of same in a book to be

kept by him for that purpose, and to be open for inspection at all reasonable times.

17. It shall be the duty of the Clerk of the Market, or the Lessee or his assistant, to give notice promptly to the owner of any horse or vehicle or owner of any box, barrel, package, case or other depository, occupying or obstructing any portion of the market sidewalk or passages as hereinbefore described, and if such persons shall not immediately remove such obstruction attend his horse, and in every other matter obey said Clerk or Lessee or his assistants, and act promptly in accordance with the provisions of this By-law relating to the Public Market when notified or required to do so, then such person shall be deemed guilty of a breach of this By-law and shall be dealt with accordingly.

18. The Clerk of the Market or the Lessee or his assistants shall see that the conditions and the requirements or the provisions of this by-law relating to the Public Market are all satisfied, obeyed and observed and complied with by the persons whose duty it is to satisfy and comply with the same.

19. Butter offered for sale or marketed within the Town of North Bay in rolls or prints, or other packages, shall be sold by weight and not otherwise, and when stated or represented to contain a certain amount, it shall be lawful for the Clerk of the Market or Lessee or other person appointed, to weigh such butter, and if found short or light of weight, from what it was represented to be, the person offering it for sale and making such misrepresentation shall be dealt with as for a breach of this by-law.

20. All grain, produce, and roots, as hereinafter mentioned offered or exposed for sale within the said Town, shall be sold by avoirdupois weight, and not otherwise, unless a bushel by measure expressly agreed upon, which measure shall be the Dominion Standard Bushel measure as follows:-

Wheat	60 Pounds	Oats	34 Pounds
Beans	60 "	Rye	56 "
Barley	48 "	Peas	60 "
Buckwheat	48 "	Indian Corn	56 "
Potatoes	60 "	Clover Seed	60 "
Turnips	60 "	Timothy Seed	48 "
Carrots	60 "	Flaxseed	50 "
Parsnips	60 "	Hemp Seed	44 "
Beets	60 "		
Onions	60 "		

avoirdupois weight, and a fractional part of a bushel of each article shall weigh in proportion and the said article shall be weighed at the Public Market scales, provided the vendor or purchaser so desires, and at the expense of the vendor, and the weigher shall give a ticket of the weight.

21. Any person acting contrary to this section shall be deemed guilty of a breach of this By-law, and shall be dealt with accordingly.

21a. A bushel of any article mentioned in this sub-section shall mean, unless a bushel by measure is specially agreed upon, that number of Dominion standard pounds of such article which is shown in this subsection opposite the name of such article:

DESCRIPTION OF ARTICLE	WEIGHT IN DOMINION STANDARD POUNDS
Artichokes	56 Pounds.
Beans	60 "
Beets	50 "
Bituminous Coal	70 "
Blue Grass Seed	14 "
Carrots	50 "
Castor Beans	40 "
Clover Seed	60 "
Hemp Seed	44 "
Lime	70 "
Malt	36 "
Onions	50 "
Parsnips	45 "
Potatoes	60 "
Timothy Seed	48 "
Turnips	50 "

21b A bag of any article mentioned in this sub-section shall contain that number of Dominion standard pounds of such article which is shown in this sub-section opposite the name of such article.

DESCRIPTION OF ARTICLE	WEIGHT IN DOMINION STANDARD POUNDS
Artichokes	84 Pounds.
Beets	75 "
Carrots	75 "
Onions	75 "
Parsnips	65 "
Potatoes	90 "
Turnips	75 "

21c A barrel of potatoes shall mean unless a barrel of specified size, kind or content by measure is specially agreed upon, one hundred and sixty-five Dominion standard pounds of potatoes.

22. The vendor shall in all cases pay for the weighing or measuring of the article sold, and the weighing shall be done at the Public scales, in the Public Market herein appointed for the sale of the article, except as therein may be otherwise provided, by the proper weigher, which shall in all cases grant a ticket of the weight and date of weighing written in ink, provided, however, that it shall not be necessary to have hay, straw, or other fodder weighed or wood measured where neither the vendor or the purchaser desires to have the same weighed or measured.

23. The vendor shall measure and weigh according to the aforesaid Dominion weights and measures at request by the purchaser and on refusal shall be deemed guilty of a breach of this By-law and shall be dealt with accordingly; provided always that it shall be lawful for the vendor and buyer to agree specially that the sale shall be by the bushel by measure instead of the bushel by weight.

24. There shall not be any trick or device or other fraudulent means used whereby any meat, fish, fowl, produce, commodities, articles or things exposed or offered for sale, is or would be deceitfully enhanced in weight, bulk, appearance, or apparent value, and any person using such trick, device or means, shall be deemed guilty of a breach of this by-law and be dealt with accordingly.

28. No person shall play any game or lie down or behave in a disorderly, noisy or riotous manner, nor use profane or obscene language or otherwise misconduct himself in or about the said market, and any person so doing shall be deemed guilty of a breach of this by-law, and liable to the penalties thereof.

29. No person shall post on or attach to the weigh house or other buildings on said market place any bills, notices, papers, posters, placards, and any person so doing shall be deemed guilty of a breach of this by-law and liable to the penalties thereof.

30. The following market fees shall from and after the passing hereof be imposed and levied upon all marketable articles and animals brought to the market place:-

Upon article brought to the Market Place in a motor vehicle or a vehicle drawn by more than one horse or other animal, in which articles are brought to the Market Place. 10¢

Upon article brought to the Market Place in a vehicle drawn by one horse or other animal 5¢

Upon article brought to the Market Place upon a vehicle propelled or drawn by hand or in a basket or vessel or upon the person 2¢

Upon or in respect of live stock driven to or upon the market place for sale as follows:-

Every horse, mare or gelding 10¢

Every head of horned cattle 5¢

Every sheep, calf or swine 2¢

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31. Any person bringing any hay, wood, coal or other marketable article to the said Market, and having the same weighed or measured, shall pay the following fees :-

For weighing a load of hay 15¢

For weighing slaughtered meat or grain or other articles exposed for sale under 100 pounds 2¢

For 100 pounds and up to 1000 pounds 5¢

For over 1000 pounds 10¢

For weighing live animals other than sheep or pigs, per head. 3¢

Sheep, or pigs, if five or more, per head 1¢

If less than five, for the lot 4¢

For measuring a load of wood..... 5¢

In addition to the regular market fees above set out, for the privilege of selling meats in the Market House provided, an extra fee of 50¢ per day for days used, shall be paid, or a flat rate sum of \$10.00 per year.

25. That it shall not be lawful for the Clerk of the said Market or Lessee or his assistants to levy or collect the market fees upon any wheat, barley, rye, corn, oats, or upon any other grain, upon any hay, or other seed, wool; lumber, lath, or shingles, or cordwood or other firewood, or upon dressed hogs, or cheese, or upon hay, straw, or other fodder that may be brought to market or to the market place for sale or other disposal, or upon the person bringing, or the vehicle in which the same is or shall be brought.

26. All producers shall be permitted to market, sell or dispose of fresh or butchers meat of their own product in or from their wagons, carts, sleighs, or other vehicles, while the same are standing in the Public Market, by the carcass, side, quarter, or by the single pound, and all such sales shall be made at so much per pound weight avoirdupois, or at so much per hundred pounds weight avoirdupois according as the case may be, and not at so much by the piece, or quarter, or side, or carcass, or otherwise than aforesaid, and the said meat shall be weighed upon the public scales in the said market place, and not elsewhere, by the Clerk of the Market or Lessee, or person duly in charge of the market for the time being, and for the weighing of which the vendor shall pay the charges hereinafter provided.

27. No person shall be guilty of the offence for fore-stalling, regrating or monopolizing within the Town, of oats, wood, meat, fish, fruits, vegetables, poultry or dairy produce, eggs, or any article required for family use, or such as are usually sold in the Market, brought into the Town for sale, and no person shall buy any of the said articles except for his own family use before the hour of nine o'clock A.M., between the first day of April and the first day of November, and before the hour of ten o'clock A.M., between the first day of November and the first day of April, and no butcher, grocer, huckster or runner shall purchase any of the said articles in the Public Market before the hour of nine o'clock A.M. between the first day of April and the first day of November, and before the hour of ten o'clock A.M., between the first day of November and the first day of April, and in any other part of the Town before the said hour of nine o'clock A.M., between the first day of April and the first day of November, and before the said hour ten o'clock A.M., between the first day of November and the first day of April. No person shall knowingly sell any of the said articles to any butcher, grocer, huckster or runner in the said market or elsewhere in the Town before the hours aforementioned respectively, and notwithstanding that such articles are in any of the said instances sold or brought for export from the Town, no butcher, grocer, huckster or runner, shall before the hour of nine o'clock A.M., between the first day of April and the first day of November, and before the hour of ten o'clock A.M., between the first day of November and the first day of April in the said market, or before the hour of nine o'clock A.M., between the first day of April and the first day of November and before the hour of ten o'clock A.M., between the first day of November and the first day of April elsewhere in the Town, go to any wagon, sleigh or other vehicle in which articles are exposed for sale to bargain or offer for the purchase of or make a standing offer of a price for any article to be paid to the vendor in case the vendor fails to sell such articles to another purchaser at a higher price, or shall keep back or hinder other persons from purchasing, or shall crowd or throng them while purchasing, and every butcher, grocer, huckster or runner so doing and refusing to desist from so doing and go away when requested to desist and go away, or otherwise acting contrary to this section, shall be deemed to be guilty of a breach of this By-law, and punishable accordingly.

32. It shall not be lawful for the Clerk, Lessee or his assistants to have directly or indirectly, or have any direct or indirect interest in the sale or profit of any articles or animals which shall be brought to or exposed for sale in said market or market place, or to purchase any such for or on behalf of others.
33. It shall be the duty of the Market Clerk to measure at the request of the vendor or purchaser all firewood brought to the Market Place for sale.
34. It shall also be the duty of the Clerk of the Market, Lessee or person appointed in his stead to keep the platform and sidewalks around about the market and the Market Place clear of snow and ice in the winter, and all filth and dirt that may accumulate on the platform, sidewalk and market place, to remove the same and to sweep the market room and to make fires, and keep the room warm when the weather requires it.
35. It shall be the duty of every person liable to pay a market fee or weighing charges under the provisions of this by-law relating to the public market to pay the same to the person entitled to receive the same when demanded, and before leaving the market if time for payment has been allowed.
36. Any person who being liable shall refuse or neglect to pay the proper market fee or weighing charges fixed and imposed by Sections thirty and thirty-one of this By-law in the case, when demanded by the Clerk of the Market, or Lessee of the Market fees and charges, or other person duly appointed to receive the same, or who being liable shall leave the market place without paying the same, shall be deemed to be guilty of a breach of this by-law, and shall be dealt with accordingly.
37. All by-laws or parts of By-laws inconsistent herewith are hereby repealed.
38. Any person convicted of a breach of any of the provisions of this by-law shall forfeit a penalty not exceeding TWENTY DOLLARS for each offence, exclusive of costs, and in default of payment of said penalty and costs forthwith the said penalty or costs only may be levied by distress and sale of the goods and chattels of the offender; and in case of there being no distress found out of which such penalty can be levied, the convicting Magistrate may commit the offender to the common gaol of the District with or without hard labour, for any period not exceeding twenty-one days, unless the said penalty and costs be sooner paid.
39. The Market Clerk must not in any way interfere in the trading in the Market by instructing or informing as to prices to be charged.
40. This By-law shall come into force and take effect on the first day of March 1916.
41. By-law No. 443 of the Town of North Bay be and the same is hereby repealed.

PASSED in open Council this 21st., day of February 1916.

W.K.P. KENNEDY
CLERK

JAMES McILVENNA
MAYOR