

BY-LAW NUMBER 849.

BEING A BY-LAW to establish a market in the City of North Bay, and to repeal By-Law Number 713.

WHEREAS the Municipal Council of the Corporation of the City of North Bay deem it adviseable to repeal By-Law Number 713 and to draw up a new By-law to provide for establishing and regulating the market in the City of North Bay.

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

1. THAT a Market be established within the Municipality of the City of North Bay, and that the Market Place comprise all property embraced in Lots 85, 86, 87, 88, 89, 90, 91 and 92 on King Street, and 121, 122, 123, 124, 125, 126, 127 and 128 on Victoria Street. That the shed or market house so erected on above site is to be used exclusively for the sale of butter, eggs, cream, poultry, fresh meats and fish.

2. (a) THE City shall maintain one public weighing scales at which all hay, straw, cattle, coal, phosphate, ore and other articles weighing five hundred pounds or over offered for sale in the City 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.

(b) PUBLIC weighing scales for articles of less weight shall also be maintained at the 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. (a) THAT Tuesdays and Saturdays shall be the market days from the First of June until the First of December in each and every year, and that Saturday shall be the market day from the First of December until the following June, constituting the remainder of the year.

(b) THAT on market days from the First day of June until the First day of December the market shall be kept open from six o'clock A. M., until 2 o'clock P. M. and on market days from the First of December until the First of June, constituting the remainder of the year the market shall be kept open from seven o'clock A. M. until two o'clock P. M. The Market Committee shall have power to appoint special market days from time to time.

4. 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 articles 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 articles 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

540  
BY LAW NUMBER 849 (cont'd).

article, on 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.

5. (a) 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.

(b) EVERY stall, stand or vehicle from which fresh meat is offered for sale or sold upon the Market shall be inspected and approved of by the Market Clerk, and shall be kept at all times in a clean and sanitary condition. Vendors must see that their blocks scales and platters are properly cleaned before leaving the Market Place.

(c) POTATOES offered for sale or sold upon the Market in bags must be of the standard weight of ninety pounds per bag.

(d) PURCHASERS of hides upon the Market must immediately upon such purchase, convey or deposit such hides into a proper receptacle outside of Market Place and not permit same to remain within the Market Place.

(e) MARKET vendors who convey to the Market place or offer for sale from a vehicle drawn by a horse or horses, must unhitch the said horse or horses while marketing goods upon said market, and tie such horse or horses in stalls for that purpose and shall not be permitted to feed such horse or horses upon the market place other than in the proper feeding stalls.

(f) NO live chickens must be offered for sale in the Market building.

6. NO person shall place or offer for sale in the Market grounds or within the City, the flesh of any animal which shall have died, 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, or any person infringing this section shall forfeit their property for sale in violation thereof, and be subject to the penalties hereinafter provided for the infringement of this By-law.

7. THE vendor of any articles in any wagon, sleigh, cart, truck, or other vehicle or other thing brought into the Public Market in the City 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.

8. SMOKING and spitting is prohibited in the market building and 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.

9. NO person shall commit any nuisance in the said Market Buildings or Market Place, and any person so doing shall be liable as aforesaid.

10. NO person shall slaughter, bleed or gut any animal or pluck or remove the feathers from any fowl or poultry of any description, or open or cleanse any fish or expose any animal on the said Market, and any person so doing shall be liable as aforesaid.

11. NO auctioneer, crier or vendor of small ware shall practise 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, within the limits of the City of North Bay, and any person so doing shall be liable as aforesaid.

12. 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 tender unless the same is deemed otherwise satisfactory.

13. 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 charges shall assign or sublet the same or any part or portion thereof. The said Market Clerk shall be under the jurisdiction of the Market Committee who shall have power to suspend him at any time or engage a temporary clerk.

14: THE Market Clerk or Lessee of the Market fee and weighing charges, or his assistant's shall not exceed the authority vested in him by the Provision of the By-Law relating to the Public Market of the City 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 provisions of this by-law and all tickets given him for weighing hay, 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.

BY-LAW NUMBER 849 (cont'd)

15. 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, barrell, package, case or other depository, occupying or obstructing any portion of the Market sidewalk or passages as hereinbefore described, and if such person shall not immediately remove such obstruction, attend his horse and obey said Clerk or Lessee or his assistant in every other matter, 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.

16. THE Clerk of the Market or the Lessee or his assistant shall see that the conditions and 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.

17. 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 shall be dealt with accordingly.

18. ALL producers shall be permitted to market, sell or dispose of fresh or butcher's 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, 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.

19. NO person shall be guilty of the offence of forestalling, regrating or monopolizing within the city, of oats, wood, meat, fish, fruits, vegetables, poultry or dairy products, eggs or any article required for family use, or such as are usually sold in the market brought into the City 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 in any part of the City 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 of 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

BY-LAW NUMBER 849 (cont'd).

or elsewhere in the City before the hours aforementioned respectively, and notwithstanding that such articles are in any of the said instances sold or bought for export from the City 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, elsewhere in the City 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 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.

20. 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 for the penalties thereof.

21. NO person shall paste on or attach to the weigh house or any other buildings on said Market Place any bills, notices, papers, posters, or placards and any person so doing shall be deemed guilty of a breach of this By-law and liable to the penalties thereof.

22. THE following market fees shall be imposed and levied upon the following marketable articles and animals brought to the market:-

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| Upon a motor vehicle or vehicle drawn by more than one horse or other animal in which articles are brought to the market place ..... | 10 cents |
| If the vehicle is drawn by one horse or other animal.....  | 5 cents  |
| Upon a vehicle propelled or drawn by hand or on a basket or vessel in which articles are brought to the market place .....           | 2 cents  |
| Upon a person bringing articles to the market place by hand or in a basket or vessel.....  | 2 cents  |
| Upon live stock brought to the market place for sale:-   |          |
| Every horse, mare or gelding.....  | 10 cents |
| Every head of horned cattle .....  | 5 cents  |
| Every sheep, calf or swine.....  | 2 cents  |

BY-LAW NUMBER 849 (cont'd).

23. THE following fees shall be imposed, levied and collected for weighing and measuring as follows:

(a)

- For Weighing a load of hay .....25 cents
- For weighing coal..... ½ cent  
per 100 pounds - minimum chge. of 15 cents
  
- For weighing slaughtered meat, or grain or other  
articles exposed for sale, if weighing less than  
100 pounds..... 2 cents
  
- If weighing more than one hundred pounds and less  
than 1000 pounds..... 5 cents
  
- If weighing more than 1000 pounds.....10 cents

(b)

- For weighing live animals other than pigs, sheep  
or calves, per head when only one weighed.....10 cents
  
- For each additional animal weighed at the same  
time..... 5 cents
  
- For weighing sheep, pigs or calves, one or two.....10 cents
- Three, four or five.....15 cents
- Six or seven.....20 cents
- Eight, nine or ten.....25 cents
  
- For each additional animal above ten..... 2 cents
  
- For measuring a load of wood.....10 cents

(c)

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 One Dollar (\$1.00) per day for the days used shall be paid for each stall used.

(d)

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Upon all meat bought to the market in excess of 100 lbs., an extra charge of ten cents (10¢) per 100 pounds.

24. EVERY cord of wood offered for sale within the City of North Bay, must measure one hundred and twenty-eight cubic feet.

25. NO person shall bring into or leave in the Market Place any waggon, cart, sleigh or other vehicle, containing any article for sale not being farmers' produce, or vegetables, and said farmers' produce or vegetables must be the product of his own land.

BY-LAW NUMBER 849 (cont'd).

26. IN case any person sells or offers for sale any goods, provisions or other articles, contrary to the provisions of this By-law, the person so offending, in addition to being subject to the penalties imposed by this By-law, shall after being warned by the Market Clerk, or other person duly authorized, be subject to have his goods, provisions or other articles summarily removed out of the Market.

27. 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 such for or on behalf of others.

28. IT shall 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, sidewalks and market place, to remove the same, and to sweep the market room and make the fires, and keep the room warm when the weather required it.

29. 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.

30. ANY person who being liable shall refuse or neglect to pay the proper market fee or weighing charges fixed and imposed by sections twenty-two and Twenty-three 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.

31. BY-LAW number 713, shall be and the said is hereby repealed.

32. 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 goal 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.

33. 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.

BY LAW NUMBER 849 (cont'd)

34. THIS By-law shall come into force on the final passing thereof.

Read a first time in Open Council this 16th day of May, 1927.

Read a second time in Open Council this 18th day of July, 1927.

Read a third time in Open Council this 18th day of July 1927, short and PASSED.



MAYOR



CLERK