

*Repealed  
by # 849*

*Rec  
17/10*

BEING A BY-LAW to establish a market in the Town of North Bay and to repeal By-Laws Numbers Four Hundred and Sixty-Two (462) and Five Hundred and Seventy-Three (573) and Five Hundred and Twenty-Nine (529).

WHEREAS the Municipal Council of the Town of North Bay deem it advisable to repeal said By-Laws Four Hundred and Sixty-Two (462), Five Hundred and Seventy-Three (573) and Five Hundred and Twenty-Nine (529), and to draw up a new By-Law to provide for establishing and regulating the market in the said Town of North Bay.

THEREFORE THE MUNICIPAL COUNCIL 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 property embraced in Lots 85, 86, 87, 88, 90, 91 and 92 on First Street and 121, 122, 123, 124, 125, 126, 127 and 128 on Second 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) 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) (a) That Tuesdays and Saturdays shall be Market Days from the First day of June until the First day of December in each and every year, and during the remainder of the year Saturdays shall be market days, subject to Subsection "C".

(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. to four o'clock P. M. and on market days from the First of December until the First of June, the Market shall be kept open from Seven o'clock A. M. until two o'clock P. M.

(c) That the Market Committee shall have power to appoint special market days from time to time.

(4) 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 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 affect 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 articles are brought into the Municipality after the hour of ten o'clock in the forenoon.

(5) 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, 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.

(6) 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.

(7) No person shall place or offer for sale on the Market Grounds or within the Town, 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<sup>v</sup> or 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 infringement of this By-Law.

Insert  or blown or fraudently dressed meat, bull beef,

(8) 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.

(9) 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.

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

(11) 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.

(12) 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.

(13) 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 fee and weighing and measuring charges from time to time be 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.

(14) 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 the said market fee 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.

(15) The Market Clerk or Lessee of the Market Fee and weighing charges, or his assistants shall not exceed the authority vested in him by the Provision 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 provisions of this By-Law and all tickets given by 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 open for inspection at all reasonable times,

(16) 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 person shall not immediately remove such obstruction, attend his horse and in every other matter obey said Clerk or Lessee or his assistant, 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.

(17) 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.

(18) 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.

(19) 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.

(20) No person shall be guilty of the offence for forestalling, regrating or monopolizing within the Town 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 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 - 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 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 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 or elsewhere in the Town before the hours aforementioned respectively, and notwithstanding that such articles are in any of the said instances sold or bought 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 article 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.

(21) 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.

(22) No person shall pass on or attach the weigh house or 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.

(23) 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 articles brough 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 --- .25¢

Upon articles brought to the Market Place in a vehicle drawn by one horse or other animal --- .25¢

Upon articles brought to the market upon a vehicle propelled or drawn by hand or in a basket or vessel or upon the person --- .25¢

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

Every horse, mare or gelding --- .25¢  
Every head of horned cattle --- .25¢  
Every sheep, calf or swine --- .25¢

(24) 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 fee:-

For weighing a load of hay --- .15¢  
For weighing a slaughtered meat or grain or other articles exposed for sale under 100 pounds --- .15¢  
For 100 pounds and up to 1000 pounds --- .15¢  
Over 1000 Pounds --- .15¢  
For weighing live animals other than sheep or pigs, per head --- .15¢  
Sheep or pigs, if five or more, per head --- .15¢  
If less than five, for the lot --- .15¢  
For measuring a load of wood --- .15¢

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 per day for the days used shall be paid for each stall used.

(25) 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 sake 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.

(26) 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 requires it.

(27) 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.

(28) Any person who being liable shall refuse or neglect to pay the proper market fee or weighing charges fixed and imposed by sections Twenty-Three and Twenty-Four of this By-Law in the case when demanded by the Clerk of the Market or Less 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.

(29) All By-Laws or parts of By-Laws inconsistent herewith are hereby repealed.

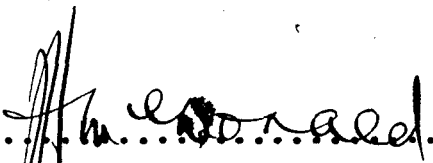
(30) Any person convicted of a breach of any of the provisions of this By-Law shall forfeit a penalty not exceeding Twenty Dollars for each offence, exclusive of costs, and in default of payment of said penalty and costs forthwith the said penalty or costs only maybe levied by distress and sale of the 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 labor, for any period not exceeding twenty-one days, unless the said penalty and costs be sooner paid.

(31) 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,

(32) This By-Law shall come into force and take effect on July 2nd, 1924.

(33) THAT By-Laws Numbers 443 of the Town of North Bay be, and the same remain ~~remain~~ repealed.

PASSED in Open Council this 12th day of June, A.D. 1924.

  
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MAYOR

  
.....  
CLERK