

CORPORATION OF THE CITY OF NANAIMO, B. C.

BY-LAW NO. 529.

A BY-LAW FOR THE ESTABLISHMENT, MAINTENANCE AND REGULATION OF A  
PUBLIC MARKET WITHIN THE CITY OF NANAIMO, B. C.



The Municipal Council of the Corporation of the City of Nanaimo,  
enacts as follows:

1. A Public Market shall be established in the building known as the Green Building in Ravine Street, and on such parts of Lots 38 to 49 inclusive, Block 63, of Section 1, Nanaimo City, Plan 584, as may be designated and set apart by the Council for that purpose.
2. The portion of the market comprised in the building shall be known as the Inside Section; and the remaining as the outside Section.
3. The market shall be open for business from eight o'clock a.m. until two o'clock p.m. every Saturday, provided that when any Saturday is a public holiday the market shall be open for business for a like period on the preceding day.
4. Immediately after this By-Law comes into effect, a committee to be known as the Market Committee shall be formed. The Market Committee shall be composed of the Parks & Properties Committee of the Municipal Council together with three other members who shall be appointed by resolution of the Municipal Council from the citizens of the City.
5. The three appointed members of the Market Committee shall hold office to the 31st day of January in the year following that in which they are appointed, unless otherwise replaced; and the Municipal Council shall have power to replace at any time any of the three appointed members, with other citizens; and the new members so appointed shall hold office for the unexpired term of the members so replaced.
6. In the month of January in each year, the Municipal Council shall appoint three members from the Citizens of the City to succeed the three members of the Market Committee whose terms expire on the 31st day of that month; such members appointed may include members appointed during the previous year.
7. The duties of the Market Committee shall be to take charge of the market; to collect market fees; to enforce market regulations; and to direct and assist in carrying on the market.

8. The Market Committee shall have power to appoint a Market Clerk to see to the carrying out of the duties above mentioned, who shall at all times be under the control and direction of the Market Committee.

9. The Market Committee may fix from time to time the scale of fees chargeable for the use of the market facilities.

10. The Market Clerk shall be responsible for collecting all such charges; and shall keep proper books, and account for same to the Market Committee.

11. All fees received in connection with the market shall be used solely for the purpose of establishing, carrying on, improving and extending the market, including the payment of the Market Clerk; the rent which may be payable in respect of any premises occupied for market purposes; the construction of stalls, and the providing of such appliances or equipment as may be considered advisable by the Market Committee.

12. The Market Committee shall have no authority to incur any debt or enter into any contract on the credit of the Corporation of the City of Nanaimo, except such as may be expressly authorized by resolution of the said Municipal Council, from time to time.

13. No person shall sell or offer for sale in the market, any article, substance or thing except products of the garden, dairy, green-house, nursery or farm, produced on Vancouver Island or adjacent Islands of British Columbia, or articles manufactured or produced on Vancouver Island or adjacent Islands, in whole or in part, from such products; or rabbits, dogs, cats, song-birds or other domestic or pet animals or birds; or fish caught in waters adjacent to the said Islands; or cordwood or second-hand farming implements, vehicles or utensils. PROVIDED, HOWEVER, that no person shall sell in the Inside Section of the market any horse, cattle, swine, cordwood, hay, straw, unthrashed grain, farm implements, vehicles, live poultry, rabbits, dogs, cats or other animals, or birds, except song-birds, and except chicks and ducklings under one week old.

14. No person shall sell in the market, any farm, nursery, dairy or garden produce, except such as has been grown or produced by himself on his own farm, nursery, dairy or garden; provided that a group of such growers residing in the same neighbourhood, may, by leave of the Market Clerk, join in renting space in the market, and their produce may be sold by any one of such group.

15. Any person shall be entitled, up to the limit of the capacity thereof and subject to the control and direction of the Market Clerk, to offer for sale or sell in the Outside Section of the Market, any of the property mentioned in Section 13 hereof (save as otherwise provided by Section 13), but he shall offer for sale or sell only in such places as shall be assigned to him each day by the Market Clerk.

16. Sales may be conducted by public auction by any licensed auctioneer in such places as shall be assigned to him each day by the Market Clerk.

17. All persons desiring to sell goods in the market shall apply to the Market Clerk for space in booth or stall in the Inside Section, or parking space in the Outside Section, and the Market Clerk shall allot the space applied for, giving the preference in choice of location to the earlier applicant.

18. No goods shall be offered for sale in the Inside Section of the Market, except in the booths or stands provided for that purpose, and no goods shall be sold in the Outside Section except from space allotted, and no goods shall be sold by any person in any part of the Market unless the fees payable in respect of the space allotted by the Market Clerk shall have been paid in advance.

19. Any person dissatisfied with the decision of the Market Clerk may refer the matter to the Market Committee, whose decision thereon shall be final.

20. Neither the Corporation of the City of Nanaimo, nor any of its officers or servants, or the Market Committee, or any of the members thereof, or the Market Clerk, will be responsible for any damage to or loss of stock, vehicles, goods or wares of any kind whatsoever brought into or left in either section of the Market, all such being entirely at the owner's risk.

21. No person shall place or cause or permit to be placed in any of the passages or open spaces within the Market, or either of the sections thereof, any bench, table, chair, or any other article whatsoever which may be calculated to obstruct the free use of same, without having first obtained leave in writing from the Market Clerk.

22. No advertising signs may be placed on the Market premises by lessees of stalls, except signs of standard type to be prescribed by the Committee, indicating the name and business of vendors of stalls rented by them.

23. The Market Committee may let space for advertising or demonstrating purposes, on such terms as the said Committee may prescribe from time to time.

24. No license shall be required from any person selling goods in the market under the provisions of this By-Law.

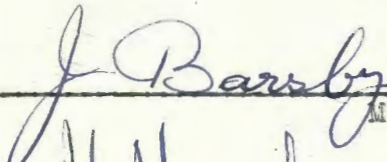
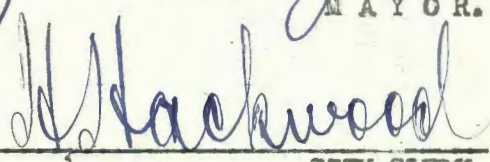
25. Any person who refuses to obey the reasonable directions of the Market Clerk, or who shall fail to pay any fees owing by him by way of rental or dues, or who breaks any of the provisions of this By-Law, may be denied the use of the Market by the Market Clerk; but such person may appeal to the Market Committee, whose decision shall be final.

26. Any person causing any disturbance in or about the Market premises, or interfering with persons lawfully using the Market, or refusing to obey the directions of the Market Clerk given in accordance with Section 25 of this By-Law, or offering for sale any article contrary to Section 13 of this By-Law shall upon summary conviction forfeit and pay a penalty not exceeding Fifty Dollars (\$50.00) for each offence; the sum in default of payment to be levied by distress, and in default of distress, any such person shall be liable to imprisonment for a term not exceeding one month.

27. This By-Law may be cited as "THE PUBLIC MARKET BY-LAW NO. 529, 1933".

PASSED by the Municipal Council on the eighth day of May, 1933.

RECONSIDERED AND FINALLY ADOPTED on the fifteenth day of May, 1933..

  
MAYOR.  
  
CITY CLERK.