

THE CORPORATION OF THE CITY OF NANAIMO

BY-LAW NO. 687

A BY-LAW TO REGULATE THE WEIGHING OF COAL.

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

1. In this By-Law unless the context otherwise requires:

"COAL" shall mean and include coal in any form, or coke made therefrom.

"INSPECTOR" shall mean the person appointed by the Municipal Council as an Inspector under the provisions of this By-Law.

"PERSON" shall in addition to its ordinary meaning extend to and include any Body Corporate or Association or Co-partnership.

"CITY" shall mean The City of Nanaimo.

"MUNICIPAL COUNCIL" shall mean the Municipal Council of The Corporation of the City of Nanaimo.

"POLICE OFFICER" shall mean every officer of the Police Department of the City of Nanaimo, whether attached under Provincial control or otherwise.

"CORRECT WEIGHT" shall mean any weight which shall exceed ninety-seven and one-half per cent of the weight of coal as shown by the sales slips to be issued as hereinafter provided for.

2. Every person selling coal within the City shall give to the driver or person in charge of each load of such coal sold within the City a sales slip signed by the person selling the same, specifying the name and address of the purchaser and the net weight of the coal contained in any such load, and in the event of portions of any such load being delivered or intended for delivery to more than one purchaser, the person selling such coal shall give a separate sales slip for each order or quantity to be delivered to each separate purchaser showing thereon the particulars hereinbefore required, and the respective quantities of coal to be delivered to each such separate purchaser shall be kept separate from each other, so that the respective quantities referred to in such respective sales slips may be readily identified. The said driver or person in charge of each load of such coal shall retain the said sales slips in his possession at all times while such coal is being delivered and when requested so to do, shall produce and deliver it to the said purchaser or Inspector or any Police Officer. In the event of the weight of all coal contained in any such load being less than the aggregate of the correct weight for such respective



orders or quantities comprising any such load, the person selling the same shall be deemed to be guilty of a breach of this By-Law and subject to the penalties hereby provided.

3. No person shall falsely state in any sales slip as aforesaid the correct weight of any coal sold, offered for sale or sent out for delivery to a purchaser within the City, and no driver or person in charge of any load of coal shall refuse to produce such sales slip for inspection when requested to do so by the Inspector or any police officer.

4. It shall be lawful for the Inspector or any purchaser (in case of purchase) or any police officer to require that any load of coal sold or offered for sale or on its way from seller to buyer within the City shall be weighed, and the driver or person in charge thereof is hereby required to have the said load of coal weighed without delay and shall forthwith produce to the Inspector or the purchaser or a Police Officer, as the case may be, a certificate from the person in charge of the weigh scales where the coal has been weighed showing the weight of such coal, provided that no Inspector or Purchaser or Police Officer shall have the power to require that any such load of coal be weighed after the actual unloading of such coal has commenced at the place where such coal is being delivered to the Purchaser.

5. Where any load of coal has been weighed in accordance with the preceding Section and is found to contain the correct weight, the fee for weighing the coal and the cost of weighing the coal shall be borne by the purchaser of the coal if such weighing is at his request, but if at the request of the Inspector or any Police Officer such fee and cost shall be borne by the City, provided that the charge for such cost of weighing shall not exceed the sum of fifty cents. In the event of the weight of such load being found to be less than the correct weight, then the fee for weighing the coal shall be borne by the person selling such coal.

6. For the purpose of carrying out the provisions of this By-Law the Inspector or any Police Officer shall have power to examine any coal sold or offered for sale or on its way from dealer to buyer or delivered to the buyer within the City and for such purpose shall have power from time to time to stop any vehicle and to enter any shop, building or premises within the City

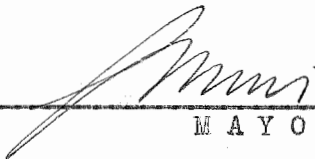
7. The weights regulating the weighing of coal or applicable to this By-Law shall be the weights as established by the Dominion Government.

8. Any person who violates any of the provisions of this By-Law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-Law, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this By-Law, shall be deemed to be guilty of an infraction thereof, and shall upon summary conviction be liable to a penalty not exceeding Fifty (\$50.00) Dollars together with the costs of such prosecution recoverable by distress and sale of the goods and chattels of such offender, and in default of sufficient distress, such offender shall be liable to imprisonment for any term not exceeding one month.

9. This By-Law may be cited as "THE WEIGHT OF COAL REGULATION BY-LAW, 1945, NO. 687."

PASSED by the Municipal Council of The Corporation of the City of Nanaimo on the twenty-seventh day of August, 1945.

RECONSIDERED AND FINALLY ADOPTED ON the fourth day of September, 1945.


MAYOR.


CITY CLERK.