

CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 290.

A BY-LAW to compel the measurement of wood.

WHEREAS it is desirable and expedient that regulations should be made governing the sale of wood in the Municipality of Burnaby.

THEREFORE, the Municipal Council of the Corporation of the District of Burnaby enacts as follows:-

1. In the construction and for the purpose of this By-law the following words shall have the meaning hereby assigned to them unless repugnant to the context hereof:-

(a) The word "Inspector" shall mean the Inspector appointed by this By-law for the purpose of carrying out the provisions of this By-law.

(b) The word "dealer" shall be deemed to mean and include any body corporate or politic, party, or person, or their servants or employees handling, selling, or delivering wood.

(c) "Wood" shall mean and include wood which has been sawed, or sawed and split, or otherwise cut up in shorter length than cord-wood for consumption as fuel.

(d) The words "sold and delivered" or "sale or delivery" shall, when applied to such wood, mean the sale or delivery in the Municipality in the ordinary course of trade or business for consumption as fuel.

(e) "Municipality" means the Municipality of Burnaby.

2. Every dealer or other person selling wood shall, if required by the purchaser so to do, measure the same, and the mode of measurement shall be as follows:-

(a) The dealer shall put into and fill with wood a box having an inside capacity of one hundred and sixty-eight (168) cubic feet or into a box having an inside capacity of eighty-four (84) cubic feet. Such boxes when filled with wood (as ordinarily thrown in) shall be deemed to contain respectively one cord of wood in the case of a box of one hundred and sixty-eight (168) cubic feet, and one-half cord thereof in the case of a box of eighty-four (84) cubic feet. The said box of the capacity of one hundred and sixty-eight (168) cubic feet shall be made so that the same can be subdivided for the measurement of one-half cord of wood as hereinbefore defined.

3. Such box shall have painted thereon in a conspicuous place on each side thereof the name of the owner and the number

of the box followed by the words in plain and legible letters "Cord" or "Half Cord" as the case may be.

4. The boxes referred to in Section 3 hereof having a capacity of one hundred and sixty-eight (168) cubic feet when filled with wood (as ordinarily thrown in) shall be deemed to contain one "double load"; and with a capacity of eighty-four (84) cubic feet, when filled with wood (as ordinarily thrown in), shall be deemed to contain one "single load".

5. Nothing herein contained shall prevent any dealer in wood from making such box or measure a part of his wagon or vehicle, and from delivering the wood therein, and the driver or person in charge of the load of wood when delivering such load of wood to the purchaser thereof, should the purchaser or his or their servants or some member of his or their family (if any such there be in and about the purchaser's premises capable of so doing), invite some one to examine such load of wood before it is unloaded from the box, wagon, or vehicle.

6. It shall be the duty of the Inspector to inspect and measure or cause to be inspected and measured all such boxes, wagons, or vehicles when requested by the owners so to do, and also to inspect and measure or cause to be inspected and measured from time to time, and at least once in each year all boxes, wagons, or vehicles used by wood dealers for the delivery of wood in the Municipality; and when found to be correct in measurement and properly lettered to mark with the word "approved" followed by his signature as Inspector, such mark and signature to be placed on the outer side of the box, wagon, or vehicle immediately under the words denoting the capacity of such box, wagon, or vehicle. Every dealer in wood using a box for the delivery of wood in the Municipality shall submit the same for inspection and measurement by the Inspector at any time upon his request.

7. No dealer shall use any box, vehicle or wagon for the

delivery of wood (as defined in this By-law, unless such box, vehicle, or wagon has first been inspected and marked "approved" by the Inspector.

8. No dealer using or having any such box, wagon, or vehicle shall, after the same has been inspected and marked "approved" by the Inspector, use such box, wagon, or vehicle for the delivery of wood in the Municipality, or permit the same to be used for that purpose if any alterations have been made whereby the capacity of the wagon is diminished, or shall have occurred through use, or accident, or other cause unless and until such box, wagon, or vehicle shall have been again inspected and measured by the Inspector, and shall have been again marked "approved".

9. No such box, wagon, or vehicle, shall contain any division unless the same shall be a division into two equal parts, and such division shall in no case be made otherwise than by a partition one (1) inch in thickness across the box extending from one side to the other thereof, from top to bottom, and such partition shall be used only when delivering half cords.

10. All wagons, vehicles, or boxes used by any dealer for the delivery of wood within the Municipality shall be numbered on each side with an individual and special number for each such wagon, vehicle, or box, painted on the outside thereof.

11. Every dealer within the Municipality shall give to the driver or other person in charge of each load of wood sent out by him for delivery to any purchaser in the Municipality, a ticket signed by such dealer specifying the name and address of the purchaser and of the dealer. Said ticket shall specify the quantity of wood contained in such load.

12. In the event of portions of wood being delivered to more than one purchaser from one load, the dealer shall give one ticket for each order or quantity to be delivered to each purchaser, showing therein the particulars hereinbefore specified and the quantity of wood to be delivered to each purchaser shall be kept separate from

the other, so that the quantity referred to in the delivery ticket can be readily identified.

13. The driver or person in charge of each load of wood sold or delivered by any dealer to any purchaser within the Municipality shall produce and deliver to the said purchaser or the Inspector the ticket received by such driver or person in charge of such load of wood from such dealer as required by section 12 hereof.

14. The said Inspector shall have power at any time to inspect any load of wood in transit from the dealer to the purchaser, or on delivery, or at any time, and to examine the ticket provided for in section 12 hereof.

15. The Chief Constable of this Corporation, or such Police Officer as he may designate, is hereby appointed Inspector for the purpose of carrying out the provisions of this By-law.

16. Any person guilty of an infraction of this By-law shall, upon conviction thereof before the Reeve, Police Magistrate, or any two Justices of the Peace, or other Magistrate or Magistrates having jurisdiction in the Municipality of Burnaby, on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Reeve, Police Magistrate, Justices, or other Magistrate or Magistrates convicting a fine or penalty not exceeding the sum of one hundred dollars (\$100.00) and costs for each offence, and in default of payment thereof forthwith, it shall be lawful for such Reeve, Police Magistrate, Justices, or other Magistrate or Magistrates convicting as aforesaid to issue a warrant under his or their hand and seal to levy the said fine or penalty and costs or costs only, by distress and sale of the offenders goods and chattels, and in case of no distress found to satisfy the said fine or penalty, it shall, and may be lawful for the Reeve, Police Magistrate, Justices, or other Magistrate or Magistrates convicting as aforesaid, to commit the offender to the common gaol for any period not exceeding one month (with or without hard labour) unless the said

fine or penalty be sooner paid.

18. This By-law may be cited for all purposes as the
"BURNABY SALE OF WOOD REGULATION BY-LAW, 1920."

19. This By-law shall come into force and take effect
from and after the date of the passing hereof.

DONE AND PASSED in open Council this Eighth (8th)
day of November, 1920.

RECONSIDERED and finally passed this Twenty-second
(22nd) day of November, 1920.



J. H. Linder
R E E V E.

Arthur G. Moore
C L E R K.

I, Arthur G. Moore, Clerk to the Municipal
Council of the Corporation of the District
of Burnaby, hereby certify that the fore-
going is a true copy of a By-law passed by
the Municipal Council on the Twenty-second
(22nd) day of November, 1920.

Arthur G. Moore
C L E R K.