

CORPORATION OF THE DISTRICT OF BURNABY.

By-law No. 400.

A By-law respecting the sale of milk
within the Municipality of Burnaby.

THE MUNICIPAL COUNCIL of the Corporation of the
District of Burnaby enacts as follows:-

INTERPRETATION.

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

(1) "Container" shall mean any bottle, jar, tin, can,
vat, or any other receptacle or receptacles in which milk,
cream, or other milk products is kept ready for sale or deli-
very or in which milk is offered for sale;

(2) "License Inspector" shall mean the License Inspector
of the Municipality duly appointed as such from time to time
by the Council;

(3) "Medical Health Officer" shall mean the Medical Health
Officer of the Municipality duly appointed as such from time
to time by the Council;

(4) "Dairy Inspector" shall mean any person duly appointed
by the Council from time to time as Inspector under the provis-
ions of the "Milk Act" and any amendments thereto; where the
words "Dairy Inspector" are used in this By-law the same shall
mean and include any one or more dairy inspector or inspectors;

(5) "Milk or natural milk," is the fresh, clean, unaltered
product obtained by the complete, uninterrupted milking, under
proper sanitary conditions, of one or more healthy cows or goats,
properly fed and kept; excluding that obtained within two weeks
before and one week after calving, said milk to be properly
strained and immediately cooled to at least 50 deg. Fahrenheit in
winter and 60 deg. Fahrenheit in summer, and kept at that
temperature, and to contain not less than three and one-quarter

(3.25) per cent, of milk-fat, and not less than eleven and three-quarters (11.75) per cent. of total milk solids, and must contain nothing foreign to natural milk;

(6) "Cream" is that portion of milk, rich in milk-fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force and is fresh and clean, and contains (unless otherwise specified) not less than eighteen (18) per cent. of milk-fat;

When guaranteed to contain another percentage of milk-fat than eighteen per cent (18%) it must conform to such guarantee;

Cream must be entirely free from gelatine, succrate of lime, gums, or other substances of any kind or nature whatsoever added with a view to give density, consistency, or apparent thickness to the article, and shall contain no preservatives of any kind;

Whipping cream, clotted cream, condensed cream, or any other preparation purporting to be a special cream, except ice cream, must conform to the definition of cream, and must contain at least thirty per cent. (30%) of milk-fat;

(7) "Table cream" shall conform to the definition of cream as defined in this By-law, and shall contain not less than eighteen per cent. (18%) of milk-fat;

(8) "Pasteurized Milk" shall mean milk all portions of which have been subjected for at least twenty minutes and not more than thirty minutes to a temperature of not less than 140 degrees and not more than 150 degrees Fahrenheit, and then at once cooled to forty-five degrees Fahrenheit or under, and kept at that temperature until delivered to the consumer; and the process of pasteurization shall be subject to inspection by the Medical Health Officer or such Inspector as he may designate;

(9) "Milk-fat) or "Butter-fat" is the fat of milk, and has a Reichert-Meisel number not less than twenty-four (24), and a specific gravity not less than 0.905 ^(40°C.) and a Polonski _(40°C.)

number not to exceed 3:5;

(10) "Milk-vender" shall mean any person who sells or disposes of or carries on the trade or business of selling or disposing of or the delivery of milk or cream or milk products for human consumption by retail; and where the context allows, shall include servant or agent of such person;

(11) "Dairy License" shall mean the license issued by the Municipality to any person owning, maintaining, or operating or carrying on the business of a dairy or engaged in the sale of dairy products, including milk, cream, and butter, and selling the same over by wholesale to general traders or merchants in the Municipality;

(12) "Store license" shall mean the license issued by the Municipality to any person for the sale by retail of milk and cream or other milk products direct to the consumer within the Municipality where such person is already licensed by the Municipality as a retail dealer, and where such milk or cream so sold is not to be consumed upon the premises;

(13) "Milk shop" shall mean any shop or premises in which milk or cream intended for human consumption on the Shop premises is sold or offered for sale;

(14) "Vehicle" shall mean any kind of vehicle, conveyance, motor truck, or any cart or wagon by which milk or cream is conveyed or delivered from one place to another within the Municipality.

(15) "Dairy" shall mean any building, premises, or place wherein any person keeps or stores milk or cream or other milk products;

(16) "Dealing in" shall mean and include the keeping, storing, delivering, selling or offering for sale, or in any way trading in milk, cream, or other milk products;

(17) "Milk Products" shall mean any products or substances containing the constituent parts or ingredients of natural milk in proportions or parts varying or differing

from natural milk as defined in this By-law, or in any way treated or modified or varied from natural milk (except butter and cheese) irrespective of the process by which the same is produced or treated, and shall include in particular various kinds or qualities of milk mentioned in section 16 hereof;

(18) "Summer" shall mean that period of the calendar year from the first day of May to the fifteenth day of September, both inclusive; and the word "Winter" shall mean that period of the calendar year from the sixteenth day of September to the thirtieth day of April, both inclusive;

(19) Wherever in this By-law words directing or empowering any officer or official of the Municipality to do any act or thing or carry out or perform any duty or otherwise applying to him by his name of office, the same shall also include any officer or official acting for or on behalf of or in place of such officer or official so designated or named under any of the provisions of the By-law, and also the successors in such office, and his or their lawful assistant or assistants and words directing or empowering any other officer or other official to do any act or thing or otherwise applying to him his name of office, shall include his successors in such office and his or their lawful assistant or assistants.

LICENSING.

2. (1) It shall be unlawful for any person to sell or offer for sale within the Municipality, or deal in or deliver, milk or cream or other milk products within the Municipality without first having obtained a license under the provisions of this By-law so to do.

(2) A license shall be taken out by the following persons:-

(a) Every person carrying on the business of a milk-vendor;

(b) Every person keeping or operating or maintaining a dairy;

(c) Every person carrying on the business of a milk shop;

(d) Every person carrying on the business of selling, offering for sale, or disposing of milk or cream or other milk products from store premises already licensed by the Municipality as a retail dealer;

(e) Every keeper or owner of a cow or milch goat, who sells milk or cream or other milk products produced by such animal.

3. Any license granted under the provisions of this By-law may at any time be cancelled for failure by the licensee to comply with any of the provisions of this By-law.

4. Any person desiring to obtain a license to sell or deal in milk or cream or other milk products shall make application for same in writing to the License Inspector, and thereupon the Dairy Inspector shall as soon as possible inspect the premises which are intended to be used by the applicant as a dairy, and also inspect the stables and places where the cows from which such milk is produced are kept, and shall also test, or cause to be tested, samples of such milk, and shall also satisfy himself that such cows have been inspected, tested and certified as provided in Section 13 hereof. In case such premises, stables, and places where milk, cream, or other milk products, or cows are kept shall be found upon inspection to conform to the requirements of this By-law, and of all the Acts, statutes, and orders-in-council applicable thereto relating to cows, stables, milk and cream, the Dairy Inspector shall so report to the License Inspector, who, upon payment of the license fees required by this By-law, may thereupon issue to the applicant a license to sell or deal in milk or cream.

5. All licenses issued under this By-law shall be

conspicuously displayed in the premises (if any) named in the license.

6. Any person selling or dealing in milk or cream, or other milk products, and having more than one place of business from or in which milk or cream or other milk products are sold or dealt in, shall take out a separate license for each such place of business or premises.

7. Any person selling or dealing in milk or cream, or other milk products, who carries on business under more than one distinct name, shall take out a separate license for each and every such name under which he carries on such business.

8. It shall be unlawful for any person to sell or deal in milk or cream or other milk products from or in any other premises than those specified in the license issued to such person, unless such other premises have been duly inspected and approved of in writing by the Dairy Inspector, and the license therefor has been amended accordingly by the License Inspector.

9. The License Inspector and the Dairy Inspector shall each of them keep a register of all persons who from time to time are licensed under this By-law.

CARE OF MILK AND CREAM.

10. The Medical Health Officer shall have supervision of all milk or cream or other milk products sold or offered for sale within the Municipality.

11. The Medical Health Officer and the Dairy Inspector shall be inspectors under and pursuant to the "Milk Act" and any amendments thereto, and shall have all the power, and shall perform all the duties given and imposed upon any Inspector by the said "Milk Act" and any amendments

thereto, and given to or imposed upon them, or any of them, by this By-law; and the Council may from time to time appoint one or more Inspectors under the provisions of the "Milk Act" and any amendments thereto, to be Dairy Inspectors, or Inspectors under this By-law, and such person or persons so appointed shall have all the said powers, and shall perform all of the said duties.

12. The fees for any license issued pursuant to the provisions of this By-law shall be for the amount specified in Schedule "A", hereto, and shall in all cases be due and payable in advance on the Fifteenth day of January and the Fifteenth day of July in each year. The licenses to be granted as aforesaid may be in the form set out in Schedule "B" hereto.

13. No person shall sell or offer for sale, or deal in any milk or cream unless the cows from which such milk or cream is produced shall be free from disease, and shall have been and shall be inspected and tested and certified to be free from disease pursuant to or in like manner as provided by the "Contagious Diseases (Animals) Act" and section 6 of the "Milk Act" of the Statutes of British Columbia.

14. Every person who sells or offers for sale milk or cream or other milk products by retail or wholesale within the Municipality, which is of a nature, character, or substance kind, quality, or milk-fat content differing from natural milk or cream shall have affixed to each container in which such milk or milk products are sold or offered for sale, a trade label, name or description of the same, and upon which label shall be plainly printed in legible type or print a true and correct statement of the nature, kind, substance, and quality of, and milk-fat content, contained in such milk, cream or milk products, as the case may be, and also the

exact trade name or character or description of the same under which such person purports to sell the same.

15. (1) All milk for pasteurization and before pasteurization shall be kept at a temperature not exceeding 50 degrees Fahrenheit at all times in transit from the dairy farm to the pasteurization plant.

(2) All milk which has been pasteurized shall be placed in sterilized containers, and shall be cooled immediately after the process of pasteurization to a temperature of 50 degrees Fahrenheit; and shall be kept at or below that temperature at all times until delivered to the consumer.

(3) After pasteurization, such milk shall contain not more than fifty thousand (50,000) bacteria per cubic centimetre at the time of delivery to the consumer thereof.

(4) No pasteurized milk shall be delivered to the consumer after forty-eight (48) hours after pasteurization thereof.

(5) It shall be unlawful for any person to repasteurize or pasteurize milk a second time which has already gone through the process of pasteurization.

16. No person shall sell or offer for sale to any other person by wholesale or retail within the Municipality any milk or cream or other milk products or table cream or whipping cream intended for human consumption which is not of the nature, kind, substance, quality, standard, and milk-fat content of the exact article requested, specified or demanded by such person.

17. Milk or cream or other milk products supplied, furnished, or offered with any meal in any premises, within the Municipality, whether included in the price of the meal or not, and intended for human consumption, shall be deemed to be sold or offered for sale within the meaning of this By-law.

18. Every person who sells or offers for sale milk or cream or other milk products within the Municipality to any other person or persons without having affixed to the container or containers thereof a trade label or description as provided in section 14 hereof, shall be deemed to be guilty of an infraction of this By-law, and shall be liable to the penalties hereby imposed.

19. The advertising specified in subsection (2) of section 4 of the "Milk Act", being Chapter 43 of the Statutes of British Columbia, 1913, and amending Acts, shall be done and carried out as hereinafter required, and at the times and in the manner following: that is to say:

By public advertisement in distinct and conspicuous type published in a prominent place in a daily newspaper circulating in the Municipality and inserted consecutively for at least three days or in one issue of a weekly newspaper published in the Municipality; all such public advertisements to be completed at least one week before any milk referred to in subsection (2) of said section 4 of the "Milk Act" is sold or offered for sale; and such public advertisements shall specify and describe the name of the licensee and the number of his license, and the nature and extent of the noncompliance or variation from the normal standard of natural milk, the extent of the removal of the butter-fat therefrom, the extent of the addition of water, or any other substance, and the nature of the special treatment given to the same; and a copy of such public advertisement shall also be delivered to the Medical Health Officer and Dairy Inspector at least one week before any such last mentioned milk is sold or offered for sale, together with proof of publication.

20. (1) It shall be unlawful for any person to apply the word "pasteurized" to any milk or cream which does not

comply with the standard and requirements set by the provisions of this By-law and of section 11 of the "Milk Act", being Chapter 43 of the Statutes of British Columbia, 1913, and amending Acts.

(2) Any alteration in any milk or cream precedent or subsequent to the process of pasteurization shall also be disclosed exactly and plainly on the label of the container thereof in addition to the requirements provided in section 16 of this By-law.

21. The provisions of section 10 of the "Milk Act" being Chapter 43 of the Statutes of British Columbia, 1913, and amending Acts shall be deemed to be a condition of every license issued to any person licensed to sell milk within the Municipality pursuant to the provisions of this By-law.

22. The provisions and regulations prescribed by sections 14,15,16,19 and 21 of this By-law shall be deemed to be specific conditions of every license issued to any person licensed to sell milk or cream within the Municipality pursuant to the provisions of this By-law; and failure on the part of any person so licensed to fully observe, comply with, conform to, and carry out any or all of the said provisions of said sections 14,15,16, 19 and 21 hereof, shall be deemed to be a ground for the immediate cancellation, revocation, or suspension by the License Inspector of the license of such person so failing to comply with and conform to and observe the said provisions or any of them.

SANITATION.

23. The premises of any person selling or offering for sale milk or cream or other milk products within the Municipality shall at all reasonable times or hours be open to inspection by the Medical Health Officer, Dairy Inspector,

and the License Inspector; and it shall be the duty of any person carrying on the business of dealing in milk or cream or other milk products within the Municipality to permit the entry of such Medical Health Officer, Dairy Inspector, or License Inspector, as the case may be, into his premises wherein milk or cream or other milk products are either stored, sold or offered for sale at all times when requested so to do by such Medical Health Officer, Dairy Inspector, or License Inspector; and any person refusing to so permit the entry of such Medical Health Officer, Dairy Inspector, or License Inspector into his premises for the purpose of making an inspection thereof, shall be deemed to be guilty of an infraction of this By-law and shall be liable to the penalties hereby imposed.

24. It shall be unlawful for any person to sell milk or cream or other milk products, or handle milk or cream or other milk products, intended for sale or to permit or allow any person, or to permit or allow any employee, servant, or agent of such person to sell or handle milk or cream or other milk products owned by, intended for sale by, under the control of, or had or kept in any dairy of such person, if such person so selling or handling, or so permitted or allowed to sell or handle, or any member of his family or household, has any contagious or infectious disease.

25. It shall be unlawful for any person to sell milk or cream or other milk products, or handle milk or cream or other milk products for sale (or to permit or allow any employee, servant, or agent to sell or handle milk or cream or other milk products owned by, intended for sale by, under the control of, or had or kept in any dairy of such person), if such person so selling or handling, or so permitted or allowed to sell or handle, is personally lacking in cleanliness.

26. Every person dealing in milk or cream or other

milk products shall immediately notify the Medical Health Officer whenever he suspects, or has reason to know or suspect, that any person within his family or household, or any of his employees, or any person in the family or household of any of his employees, has any contagious or infectious disease.

27. Whenever any person dealing in milk or cream or other milk products suspects, or has reason to know or suspect, that in the family or in the household or on the premises of the person from whom he obtains milk or cream or other milk products, there exists any contagious or infectious disease, he shall immediately notify the Medical Health Officer in writing, and when the Medical Health Officer shall have received such notice from any such person, the Medical Health Officer shall cause an investigation to be made, and if it be found that there exists any contagious or infectious disease in such family, or in such household, or on such premises, he may immediately prohibit all milk or cream or other milk products from such premises from being disposed of or sold; and any person disposing of or selling any such milk or cream or other milk products contrary to such order or prohibition, shall be guilty of an infraction of this By-law, and liable to the penalties hereof.

28. All machinery used in any dairy for the purpose of cooling, bottling, mixing, pasteurizing, or for any other process by which milk or cream or other milk products is treated by machinery, shall be so constructed that it can be readily taken apart and cleansed; and such machinery shall be cleaned every day, and all precautions taken to prevent foreign matter getting into the milk or cream or other milk products during the treatment by such machinery, or at any other time.

29. It shall be unlawful for any person dealing in milk or cream or other milk products to permit the use of, or

to use for drinking purposes, or for any other purpose other than that of containing milk or cream or other milk products, any utensil, receptacle, bottle, can, lid, ladle, or container used in any dairy or in any vehicle.

30. It shall be unlawful for any person dealing in milk or cream or other milk products to use his dairy, or permit his dairy to be used, for any other purpose, whatsoever than the keeping, storage, handling, and the management of milk or cream or other milk products, and only the utensils and appliances used in and necessary to the business of a dairy shall be permitted to be kept within such dairy.

31. It shall be the duty of the Dairy Inspector to visit, view, and inspect all dairies and vehicles, milk shops, or any premises within the Municipality wherein milk or cream or other milk products is sold or offered for sale; and such inspection shall include the viewing and inspection of everything in connection with such dairies and vehicles; and any person hindering or obstructing the Dairy Inspector in or from any such view or inspection, or failing, neglecting, delaying, or refusing to comply with the reasonable orders of the Dairy Inspector, shall be guilty of an infraction of this By-law, and liable to the penalties hereof.

32. Where no provision is made in this By-law for any state or condition of things found to exist in any dairy or milk shop licensed under this By-law, it shall be the duty of the Medical Health Officer or Dairy Inspector to direct the license holder as to the best means to adopt to conform to and comply as far as possible with proper sanitation and hygienic conditions in the care and handling of milk or cream or other milk products and every such license holder shall comply with the directions so given.

33. (1) No person shall have, keep, or maintain in the Municipality any dairy or milk shop, or sell or offer for

sale in the Municipality, any milk or cream or other milk products from or kept in any dairy wherever situate, which dairy or milk shop does not comply and conform with all the provisions of this By-law and all other Acts, statutes, and orders-in-Council relating to milk, cream, or dairies.

(2) No person shall sell or offer for sale in the Municipality any milk or cream or other milk product which does not in all respects comply with and conform to all the requirements of this By-law and of all Acts, statutes and orders-in-council relating to milk or cream.

(3) No person shall sell or offer for sale in the Municipality any milk or cream or other milk products, the cans, bottles, containers, utensils, lids, ladles, receptacles, machinery, or vehicles wherever situate, of or for which, or used in connection with which, do not in all respects comply and conform with all the requirements of this By-law and of all Acts, Statutes, and orders-in-council relating thereto.

(4) No person shall sell or offer for sale in the Municipality any milk or cream or other milk products from any cow or cows kept or milked in any stable, barn, or place, wherever situate, which stable, barn, or place does not comply and conform to all the requirements of this By-law, or any other by-law of the Municipality applicable thereto, and of all Acts, statutes, and orders-in-council relating thereto.

34. No person selling or delivering milk or cream or other milk products from any vehicle shall transfer any such milk or cream or other milk products from any receptacles to a bottle at any place except in a dairy.

35. All licenses granted under this By-law shall be issued on the express condition that they shall be subject to the directions and approval at all times during the currency of such licenses of the Medical Health Officer as to the sanitary condition of the premises where milk or milk products are produced stored, handled or sold and as to the cleanliness of the machinery

and utensils used in the production, storage, handling or selling of milk or milk products and as to the cleanliness of the persons engaged in the production, storage, handling or selling of milk or milk products.

36. Any person desiring to obtain a transfer of any license, or part interest in any license, held under this By-law, by him or by any other person, shall make an application to the License Inspector on an application form to be provided for that purpose, and the powers, conditions, requirements, and procedure relating to the granting and refusal of licenses, and appeals thereon, shall apply to all such applications.

(1) Any person who shall purchase or otherwise acquire the interest of or part of the interest of any person licensed under the provisions of this By-law, and shall carry on or continue such occupation, trade, calling, or business without having first obtained a transfer of such license, or a new license, shall be guilty of an infraction of this By-law and liable to the penalties hereof.

(2) The amount payable in respect of any transfer of any license shall be as set out in schedule "A" of this By-law.

37. All licenses under this By-law shall be granted so as to terminate on the Fifteenth day of July or the Fifteenth day of January and no proportionate reduction shall be made on account of any person commencing business at any particular time.

Every license issued under this By-law shall be made out in duplicate, one copy shall be delivered to the person licensed (and the License Inspector shall retain the other copy), and such person except where otherwise provided, shall post the same, and keep same posted in a conspicuous place in the premises, and anyone failing to post up and keep same posted, as aforesaid, shall be guilty of an infraction of this By-law, and liable to the penalties hereof.

REVOGATION AND SUSPENSION OF LICENSES.

38. The license Inspector may at any time cancel, suspend, or revoke for cause any license issued pursuant to the provisions of this By-law.

39. Any person whose license has been cancelled, revoked, or suspended by the License Inspector pursuant to the provisions of this By-law, shall have the right of appeal to the Council to have such license reinstated; and such appeal may be heard at the next regular meeting of the Council to be held after such cancellation, revocation, or suspension of such license as aforesaid, as the case may be; and the Council may make such order in the premises, amending, varying, reversing, or confirming such cancellation, revocation, or suspension, as the case may be, as the Council may deem expedient.

VIOLATION OF BY-LAW.

40. Every 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, or who does any act which constitutes a violation of any of the provisions of this By-law, shall be deemed to be guilty of an infraction hereof, and liable to the penalties hereby imposed.

41. Any person guilty of an infraction of this By-law shall upon summary conviction be liable to a penalty not exceeding one hundred dollars (\$100.00) and in default of payment thereof forthwith such penalty may be levied by distress of the offender and in case of there being no distress found out of which the said penalty and costs may be levied the offender may be committed to prison for a term not exceeding thirty (30) days.

42. This By-law shall come into force and take effect on receiving the approval of the Lieutenant-Governor in Council and upon registration of such by-law in the office of the County Court at New Westminster.

43. This By-law may be cited as the "BURNABY MILK BY-LAW 1923".

DONE AND PASSED in Open Council this 9th day of July 1923.

RECONSIDERED and finally passed this 16th day of July 1923.



A. McLean REEVE.

Arthur G. Moore
CLERK.

The foregoing by-law and regulations were approved by the Lieutenant-Governor in Council on the First day of August 1923 and registered in the Office of the County Court at New Westminster, B.C. on the Sixth day of August 1923.

I, Arthur G. Moore, Clerk to the Municipal Council of the Corporation of the District of Burnaby, hereby certify that the foregoing is a true copy of a By-law passed by the Municipal Council on the Sixteenth (16th) day of July, 1923.

Arthur G. Moore
CLERK.

Schedule "A" to Form No. 400.

LICENSE FEES.

Nature and class of business	Amount Payable in advance for every six months.
Milk-vendor	Fifty cents (50%).
Dairy license	Fifty cents (50%).
Milk Shop license	Fifty cents (50%).
Store license	Fifty cents (50%).
Keeper of Cows or Milch Cows.	Fifty cents (50%).

TRANSFER OF LICENSES.

Fee for transfer of license Twenty-five cents (25%).

Approved by the Board of Directors

Secretary

Approved by the Board of Directors
Secretary

It is the policy of the

Company to provide for

the safety and health of its employees
and to provide a safe and healthful
working environment for its employees.

This policy is to be in force from the date hereof
until the 31st day of

following.

The Board of Directors has authorized the following
policy to be in force from the date hereof until the
31st day of 1954. This policy is to be in force from the date
hereof until the 31st day of 1954.

Approved by the

Secretary

1954

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