

CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1481.

A BY-LAW for prohibiting, regulating, controlling, licensing or restricting amusements and entertainments commonly known as Cabarets.

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WHEREAS the "Municipal Act" being Chapter 179 of the Revised Statutes of British Columbia 1924" as amended by Section 5 of the "Municipal Act Amendment Act 1932" provides that in every Municipality the Council may make a By-law restricting amusement and entertainments commonly known as Cabarets, and for defining, prescribing or declaring what shall constitute a Cabaret for the purpose of the said By-law, and for limiting or prohibiting all or any amusements or entertainments carried on in such Cabarets, and for providing for the closing up of such Cabarets for failure to comply with regulations made under such By-law.

NOW THEREFORE the Commissioner for 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 and terms shall have the meanings hereby assigned to them unless repugnant to the context thereof.

(a) "Cabaret" shall mean and include any place in which refreshments or prepared food of any kind are served, and where music and dancing or any form of entertainment is permitted therein.

(b) "Entertainment" when used in this By-law shall be held to mean and include Vaudeville Acts, Stage, Dancing, Conjuring or Orchestral music.

(c) "Dancing" shall be held to mean and include dancing to the accompaniment of music.

(d) "Seating Accommodation" shall mean and include all seats used or available for the accommodation of all guests, and statement of such seating accommodation shall be filed with application for license.

(e) "Chief of Police" or "Chief Constable" shall mean the Chief of Police of the Corporation of the District of Burnaby.

(f) "Council" shall mean the Council of the Corporation of the District of Burnaby.

(g) "Person" shall where necessary mean and include persons of either sex, associations, corporations, co-partnerships, companies where acting by themselves or by a servant, agent or employee and the heirs, executors, administrators, successors and assigns or other representatives of such person to whom the context shall apply according to Law the singular shall when necessary be held to mean and include the plural and the masculine the feminine and the converse.

2. No person shall open, conduct, operate, maintain or allow to be opened, conducted, operated, or maintained any Cabaret within the limits of the Municipality of Burnaby without having first obtained a license therefore as provided by this By-law paying therefor such license fee as is hereinafter specified.

3. All Cabarets must be well and properly lighted and ventilated.

4. Persons under the age of 18 years shall not be permitted in or about any Cabarets unless accompanied by a parent or authorized guardian or some responsible adult person, and it shall be unlawful for any person to misrepresent his or her age or for any person to misrepresent the age of any other person for the purpose of evading the provisions of this Section.

5. It shall be the duty of the Chief of Police or any Police Officer duly authorized to inspect and supervise all Cabarets licensed under the provisions of this By-law and to see that the same are conducted properly, and that all persons

who are patrons, guests, or customers of such Cabaret or persons engaging in any dance or form of entertainment therein conduct themselves in a proper and orderly manner. Any person refusing such Police Officer admittance or preventing such inspection shall be deemed guilty of an infraction of this By-law.

6. No person shall conduct, operate or maintain or allow to be conducted, operated or maintained any Cabaret between the hours of 12:00 o'clock midnight on Saturday and 7:00 o'clock in the morning on the Monday next following; nor shall any person conduct, operate or maintain or allow to be conducted, operated or maintained any Cabaret on any week day between the hours of Two 2:00 o'clock in the morning and 7:00 o'clock in the morning.

7. Each and every application for a license under this By-law shall be in the form of the schedule attached to and forming part of this By-law and shall set forth the name, address and occupation of the Applicant and the person intending to conduct, operate or maintain the Cabaret together with the legal description of the premises proposed to be used, operated or maintained as a Cabaret and the names and addresses of two references as to the character of the applicant and the proposed Operator of the Cabaret together with the license fee as hereinafter specified.

Every such application shall be referred to and receive the writtenu approval of the Chief Constable prior to a License being granted, and the Chief Constable may, subject to an appeal to the Council as herein provided refuse to grant such license; provided that in the event of the Chief Constable refusing such license the applicant shall have the right to appeal to the Council which shall give the applicant an opportunity of being heard, and the said Council may grant such license or refuse the same without giving any reason therefor.

8. Any person desiring to obtain a transfer of any license held under this By-law by him or by any other person shall make an Application in every respect the same as that required to obtain a license as set forth in the preceding Section

(excepting that such person shall only be required to pay a transfer fee of \$10.00) and the powers, conditions, requirements and procedure hereinbefore contained relating to the granting and refusal of licenses and appeals thereof shall apply to all such applications.

Any person who shall sell his interest in, or any person who shall purchase the interest of any person licensed under this By-law in any Cabaret in respect of which a license has been issued under the provisions of this By-law, and shall carry on or continue to conduct, operate or maintain any Cabaret without first having obtained a license therefor shall be guilty of an infraction of this By-law and be liable to the penalties thereof.

9. The license fee for each Cabaret shall be according to the seating capacity thereof, and shall be paid for on the following scale:

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| Seating accommodation up to and including 50 seats - | \$20.00 |
| per annum. | |
| Seating accommodation of 51 and up to 100 seats - | 100.00 |
| per annum. | |
| Seating accommodation of 101 up to 150 seats - | 150.00 |
| per annum. | |
| Seating accommodation of 151 seats or over - | 200.00 |
| per annum. | |

The license fee herein shall be payable in advance for each and every six months on the 15th. day of January and the 15th. day of July in each and every year.

10. Any person guilty of an infraction of this By-law shall upon conviction thereof before the Police Magistrate or any Justice of the Peace or other Magistrate or Magistrates having jurisdiction in the Municipality of the District of Burnaby on the oath or affirmation of any credible witness forfeit and pay at the discretion of the said Police Magistrate, Justice of the Peace or other Magistrate or Magistrates convicting a fine or penalty not exceeding the sum of \$250.00 and costs for each offence and in the default of payment thereof forthwith it shall be lawful for each Police Magistrate, Justice 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

cost or costs only by distress and sale of the offenders goods and chattels, and in case of no sufficient distress found to satisfy the said fine or penalty it shall and may be lawful for the Police Magistrate, Justice or other Magistrate or Magistrates convicting as aforesaid to commit the Offender to the common jail or any lock-up house in, of or for the Municipality of the District of Burnaby for any period not exceeding two months (with or without hard labor) unless the said fine or penalty be sooner paid.

11. This By-law shall take effect on the 15th. day of July, A.D. 1934.

12. This By-law may be cited as the "Burnaby Cabaret Regulation By-law 1934."

DONE AND PASSED this Sixteenth day of May, A.D. 1934.

RECONSIDERED AND FINALLY PASSED this Twentieth (20th) day of June, A.D. 1934.



Nugent W. Fraser
COMMISSIONER.

Charles B. Brown
CLERK.

CORPORATION OF THE DISTRICT OF BURNABY

TRADES LICENSE DEPARTMENT

APPLICATION FOR CABARET LICENSE.

1. Name of Applicant in full.

2. Occupation

3. Address of applicant

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4. Description of house and premises sought to be licensed

5. Legal description of premises sought to be licensed

Lot S.D. Block D.L.

6. Seating capacity of premises sought to be licensed

7. Name and address of owner of property

8. Street address of licensed premises

9. If the applicant has previously held a license for a Cabaret

State when and where

10. Particulars of previous convictions (if any) against applicant
for any offence punishable by law.

I,hereby make application
for a Cabaret License in respect of the premises known as _____
_____and declare that the above statement
of facts is correct, and that I am of the full age of 21 years, and
that if I am granted the license applied for I will comply with each
and every obligation contained in all Laws and By-laws now in force,
or hereafter to come into force, in the Municipality of Burnaby.

License fee amounting to \$ _____ is enclosed herewith.

Name of applicant in full.

REFERENCES:
