

CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1482.

A BY-LAW for licensing, regulating, classifying and prohibiting automatic vending machines.

The Commissioner for the Corporation of the District of Burnaby, ENACTS AS FOLLOWS:

1. In this By-law unless the context otherwise provides:
  - (a) "Automatic Vending Machine" shall mean any automatic vending machine for the sale of confectionery, stationery, stamps, tobacco or goods of any kind.
  - (b) "Chief of Police" shall mean the Chief of Police of the District of Burnaby.
  - (c) "License Inspector" shall mean the License Inspector of the District of Burnaby.
  - (d) "Year" shall mean and include any calendar year or any portion thereof.
  - (e) "Council" shall mean the Council of the District of Burnaby.
2. No automatic Vending Machine shall be used, maintained or operated in the District of Burnaby, until such automatic vending machine shall have been licensed under this By-law.
3. Every person desirous of using, maintaining, or operating an automatic vending machine, shall apply to the license Inspector for a license therefore.
4. Each and every such application shall set forth the premises in or upon which the automatic vending machine is to be used, maintained or operated.
5. Every application shall be referred to and approved in writing by the Chief of Police prior to a license being granted.
6. The License Inspector may, subject to an appeal to the Council, refuse to grant any application for a license.

7. The Council may in its discretion prohibit the use, maintenance, or operation of any automatic vending machine of any particular class or in any particular location.

8. Every person operating, using or maintaining an automatic vending machine within the Municipality of Burnaby shall pay in advance for each and every year a license fee according to the following:

- (a) For each automatic vending machine for the sale of Confectionery \$500.00
- (b) For each automatic vending machine for the sale of Stationery. \$500.00
- (c) For each automatic vending machine for the sale of tobacco, cigars or cigarettes. \$500.00
- (d) For each automatic vending machine for the sale of any other goods of any kind. \$500.00

9. The Council may in its sole discretion enter into an Agreement or agreements with any person or persons, firm, corporation or partnership, upon such terms as may be agreed upon for authorizing such person, persons, firm, corporation or partnership to use, maintain and operate automatic vending machines within the District of Burnaby; and where by such agreement it is contemplated that such person, persons, firm, corporation or partnership shall use, maintain or operate six (6) or more automatic vending machines within the District of Burnaby, the license fee for each machine after the first may be reduced to the sum of Two (2) Dollars. PROVIDED that a separate license shall be issued in respect of each and every machine so used, maintained or operated.

10. Any person who maintains or operates as aforesaid, an automatic vending machine which has not been licensed as required by this By-law or who has been guilty of any other infraction of this By-law, shall upon conviction thereof, before a Police Magistrate, or any two Justices 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, Justices or other Magistrate or Magistrates convicting a fine or penalty not exceeding the sum of \$250.00 and costs for each offence; and in default of payment thereof forthwith, it shall be lawful for such 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 offenders goods and chattels; and in case of no distress or no sufficient distress found to satisfy the said fine or penalty, it shall, and may be lawful for the police Magistrate, Justices, or other Magistrate or Magistrates convicting as aforesaid to commit the offender to the common goal, 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 labour) unless the said fine or penalty be sooner paid.

11. Upon the conviction of any person, persons, firm corporation or partnership of any breach or infraction of this By-law, the Council may in its discretion revoke or suspend the license or licenses granted as aforesaid any may cancel and terminate without notice, any agreement made under the provisions of Section 9 of this By-law, and in any such case no part of the License fee paid by the Linensee in respect of such License, licenses or agreement shall be refunded.

12. This By-law may be cited as "BURNABY AUTOMATIC VENDING MACHINE BY-LAW, 1934."

DONE AND PASSED this Twenty-third (23rd/ day of May, 1934.

RECONSIDERED AND FINALLY PASSED this Thirtieth (30th) day of May, 1934.



*Walter W. Fraser*  
COMMISSIONER.

*Charles B. Brown*  
CLERK.

*Approved by the Council  
June 6/34 387*