

CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1547.



A BY-LAW to regulate the hours for closing of automobile garages and gasoline service stations for the sale of gasoline within the Municipality of Burnaby.

WHEREAS by virtue of the "Shops Regulation Act" and amendments thereto any Municipal Council may, by by-law, require that during the whole or any part or parts of the year all or any class or classes of shops within the municipality shall be closed and remain closed on each and any day of the week at and continuously after or for the time and hour fixed or appointed in that behalf by the by-law, as follows:-

(a) On any statutory legal holiday, for the whole or any part of such day:

(b) On any one or more half-holidays in any one week made such by a municipal by-law, the hour for closing shall not be earlier than twelve o'clock noon of such day.

(c) On any other day of the week the hour fixed or appointed by the by-law for closing shall not be earlier than five of the clock in the afternoon; and the By-law shall be subject in all respects to the provisions of the "Weekly Half-holiday Act".

AND WHEREAS an application was received by and presented to the Commissioner for the Corporation of the District of Burnaby praying that a by-law be enacted to regulate the hours during which automobile garages, automobile service or repair shops, or gasoline service stations shall be closed for the sale of gasoline.

AND WHEREAS the Commissioner of the Corporation of the District of Burnaby has power under the Municipal Act being chapter 179 of the Revised Statutes of British Columbia 1924 and Amending Acts to pass such by-laws as might be passed by the Council of the Municipality.

AND WHEREAS the Commissioner deems it desirable and expedient that such a By-law should be passed.

THEREFORE, the Commissioner of the Corporation of the District of Burnaby in exercise of all the powers him thereunto enabling enacts as follows:-

1. (a) Every shop wherein the business of an automobile garage, automobile service or repair shop, or gasoline service station is carried on, shall be closed and remain closed on week days for the sale of gasoline from and after the hour of eight o'clock in the afternoon until the hour of six o'clock of the morning of the following day; SAVE AND EXCEPT the period from June 1st. to September 10th., inclusive, when such shops shall be closed and remain closed on week days for the sale of gasoline, from and after the hour of 9 o'clock in the afternoon until the hour of 6 o'clock of the morning of the following day.

(b) Notwithstanding the foregoing provisions of subsection 1. (a) hereof and to make due provision for the accommodation of the public after the hour for closing appointed hereof, the Council may grant to the owner or occupier of any shop wherein the business of retailing gasoline to the public is carried on, continuously during each of the twenty-four hours of every lawful day, a separate permit to remain open for the sale of gasoline during the twenty-four hours of each and every lawful day, and contingent upon the holder thereof so remaining open where it is shown to the satisfaction of the Council that such shop does bona fide and continuously carry on the business of retailing gasoline to the public during each of the twenty-four hours of such day, PROVIDED, FURTHER, that in the case of any person charged with any violation of subsection 1. (a) above mentioned it shall be open to the accused to prove to the Court having jurisdiction in the matter, both that he was at the time of the alleged offence the holder of a permit as above mentioned, and also that he had at all times bona fide and continuously since the issue of the said permit carried on the business of selling gasoline to the public during each of the twenty-four hours of such day. And if both of such matters are so proved to the

satisfaction of the Court then they shall be a defence to any charge under subsection 1. (a) hereof.

2. No person shall within the District of Burnaby keep open any automobile garage, automobile service and repair shop or gasoline service station for the sale of gasoline within or during any hour, time or period during which such garage, automobile service and repair shop or gasoline service station is required to be or remain closed by this By-law and every person who violates any provision of this by-law shall be guilty of an offence.

3. Every person who commits a breach of any provision of "The Shops Regulation Act" and amendments thereto or of this by-law shall upon conviction be liable to a fine or penalty not exceeding \$100.00 and such fine or penalty and costs shall be recoverable and enforceable upon summary conviction in the manner provided in the Summary Convictions Act.

4. This By-law shall come into force and take effect on the 15th day of March, A.D. 1936.

5. This By-law may be cited for all purposes as the "Burnaby Sale of Gasoline Regulation By-law 1936."

DONE AND PASSED this Nineteenth (19th) day of February, A.D. 1936.

RECONSIDERED AND FINALLY PASSED this Twenty-sixth (26th) day of February, A.D. 1936.



*August M. Fraser*  
COMMISSIONER.

*Charles B. Brown*  
CLERK.

I, Charles B. Brown, Clerk of the Corporation of the District of Burnaby do hereby certify that the foregoing is a true copy of a By-law passed by the Commissioner at a meeting on February 26th. 1936.

*Charles B. Brown*  
CLERK.