

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1649



A BY-LAW respecting the issue and regulating of licenses within the Municipality of Burnaby.

THE COMMISSIONER of the Corporation of the District of Burnaby in exercise of all the powers him thereunto enabling ENACTS AS FOLLOWS:-

INTERPRETATION

1. (1) "Applicant" shall mean any person who makes out and signs an application for any license under the provisions of this by-law;
- (2) "Municipality" shall mean the Municipality of Burnaby;
- (3) "Council" shall mean the Municipal Council of the Corporation of the District of Burnaby or when the affairs of the said District are being administered by a Commissioner shall mean the Commissioner;
- (4) "Inspector" shall mean the person appointed from time to time by by-law or resolution of the Council for the purpose of enforcing and carrying out the provisions of this by-law or any person appointed for the purpose of assisting therein;
- (5) "Person" shall, where necessary, mean and include persons of either sex, associations, corporations, copartnerships, companies, whether 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, and the singular shall, when necessary, be held to mean and include the plural,

and the masculine the feminine, and the converse;
(6) "Hawker, peddler or huckster", "Transient trader",
"transient real estate agent or land agent" and
"transient hairdresser" shall have the meaning
respectively assigned to them by the Municipal Act
and amendments thereto.

2. Every person carrying on, following or practising within the Municipality any of the trades, businesses, professions, occupations, callings, employments or purposes set out in Schedule "A" hereto annexed, shall take out a license and shall pay in cash to the Collector of the Corporation of the District of Burnaby, at the time of making application to the Inspector for license as hereinafter provided, the sum specified in said Schedule as that required to be paid for the class or kind of license applied for and while continuing to carry on such trade, business, profession, occupation, calling, employment or purpose shall renew, pay for in advance and continually hold a current license; and no person shall carry on any trade, business, profession, occupation, calling, employment or purpose in said Schedule mentioned within the limits of the Municipality without being the holder of a subsisting license.

3. Every person who desires to engage in, practise or carry on within the Municipality any of the trades, businesses, professions, occupations, callings, employments or purposes set out in said Schedule "A" shall make application in writing to the Inspector on an application form to be provided for the purpose stating the business intended to be carried on or practised, the location or intended location thereof and such other details as may be required by the form or by the Inspector.

4. Upon receipt of such application and provided the premises in or upon which the applicant proposes to carry on or conduct the trade, business, profession, occupation, calling, employment or purpose are approved by the Medical Health Officer

and Building Inspector of the Municipality, the Inspector shall ascertain, if possible, as to whether the applicant is a fit and proper person to hold such license and thereafter he may grant or refuse such license provided that in the event of the Inspector refusing such license, the applicant shall have the right of appeal, to the Council, which shall give the applicant an opportunity of being heard and the Council may grant or refuse such license without giving any reason therefor.

5. The license which shall be made out in duplicate, one copy of which shall be delivered to the person licensed and the other retained by the Inspector, shall be in the form set out in Schedule "B" hereto attached and shall terminate on the 15th day of July or the 15th day of January in each year whichever date shall next succeed the date of issue of same, and no reduction shall be made or rebate allowed on account of any person commencing or ceasing to do business at any particular time.

6. No person may carry on business at two or more premises or places of business within the Municipality under one license at the same time, but a separate license shall be taken out for each place at which business is carried on. In the event of the licensee desiring to change his place of business during the currency of his license he shall, before commencing to carry on his trade, business, profession, occupation, calling, employment or purpose in another place or other premises in the Municipality make application to the Inspector for a transfer of his license as a location, and the powers, conditions, requirements and procedure herein contained relating to the granting and refusal of licenses and appeals therefrom, shall apply to all such applications.

7. Every license granted under this by-law shall be

deemed a personal license to the licensee therein named but in the event of a sale of the business for which such license is issued the Council may permit an assignment of the license to the purchaser of the business on an application for transfer in terms of the provisions of this by-law dealing with transfers.

8. The license holder or person in charge or control of the premises where the business is carried on or practised shall at all times keep the license displayed in the licensed premises and every license holder who uses a vehicle in connection with the trade or business for which the license is issued shall place or cause to be placed on each vehicle, where it may readily be seen, the name of the license holder or the number of such license.

9. In every case where the trade, business, profession, occupation, calling, employment or purpose set out in Schedule "A" hereof is carried on, followed or practised by two or more persons in partnership it shall be deemed a sufficient compliance with this by-law if one license is taken out in the name of the partnership firm and one tax paid therefor.

10. The Inspector shall upon the first day of each month render to the Collector of the Municipality a list of all persons to whom licenses have been issued during the preceding month, with the names, addresses and occupations and date of licenses and the amounts paid to the Collector of the Corporation in respect thereof shall be for the use of the said Corporation.

11. (a) Any person desiring to obtain transfer of any license granted under this by-law to any other person shall make application therefor in the same terms as that required to obtain a license under this by-law, except that there shall in addition be shown the name of the holder of the license of which

a transfer is desired and the request for transfer. All the powers, conditions, requirements and procedure herein contained relating to the granting and refusal of licenses and appeals therefrom shall apply to all such applications.

(b) 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 trade, business, profession, occupation, calling, employment or purpose in respect of which a license has been issued under the provisions of this by-law and shall carry on or continue such trade, business, profession, occupation, calling, employment or purpose without having first obtained a transfer of such license in terms of the immediately preceding subparagraph shall be guilty of an infraction of this by-law and be liable to the penalties thereof.

(c) No license shall be transferred more than once during the currency thereof.

(d) No license shall be transferred from one person to another unless the transferee continues the licensed business in the same premises and no license shall be transferred or changed from one business to another line of business.

(e) No transfer fee shall be charged where the transfer is only a change of premises but where the transfer is from one person to another the amount payable in respect of the transfer shall be One Dollar (\$1.00).

12. The Council shall have power to revoke or suspend any license granted in the event of the holder of such license being convicted of an infraction of any law or by-law relating to the trade, business, profession, occupation, calling, employment or purpose in respect of which such license shall have been granted or issued and in such case the Council shall not be liable to refund any part of the fee paid in respect of such premises. Provided however, that no such license shall be

revoked or suspended by the Council unless and until the party to whom such license is granted shall have been given an opportunity of appearing before the Council and showing cause why such license should not be revoked or suspended.

13. Every person to whom a license has been granted under this by-law for the purpose of carrying on any trade, business, profession, occupation, calling, employment or purpose shall at all reasonable times permit the Inspector or Chief of Police or any other police officer or other person duly authorized in that behalf to inspect any house, place, premises or thing in respect of which such license has been granted and any person who shall refuse to allow the Inspector or Chief of Police or any other police officer or other person duly authorized in that behalf to inspect such house, place, premises or thing shall be guilty of an infraction of this by-law and liable to the penalties thereof.

14. The said Schedules "A" and "B" are each to be read into this by-law as forming part thereof.

(15. Every person opening, keeping, carrying on, conducting or managing any trade, business, profession, occupation calling, employment or purpose licensed under the provisions of this by-law shall keep and maintain good order in and about the licensed premises and at his own expense shall keep a sufficient force of servants or employees for that purpose.

16. 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 of any of such provisions or who neglects to do or refrains from doing any thing required to be done by any of the provisions of this by-law shall be deemed to be guilty of an infraction thereof and liable to the penalty hereinafter provided.

17. Every person guilty of a breach of any of the

provisions of this by-law shall be liable upon summary conviction to a penalty not exceeding Two Hundred Dollars (\$200.00) and costs for every such violation or where conviction is for failure to pay license fee the amount which should have been paid for such license shall be added, which said amount and penalty shall for the purpose of recovery be held to be one penalty, and in default of payment forthwith may be levied by distress and sale of the goods and chattels 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 the Common Gaol for a period not exceeding sixty (60) days.

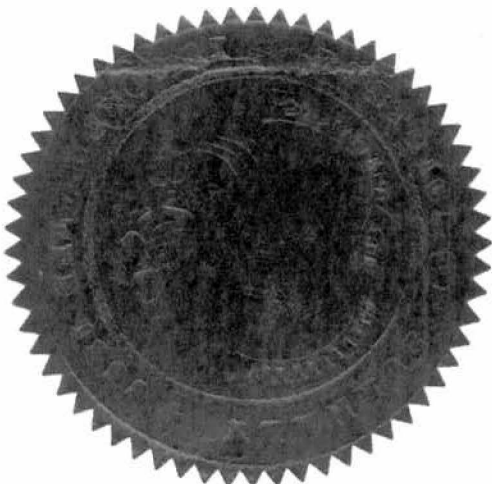
18. This by-law having received the assent of the Lieutenant-Governor in Council as required by law shall come into force and take effect from the sixteenth (16th) day of January, 1939.

19. All Trades License By-laws of the Municipality and all amendments thereto heretofore passed by the Council are hereby repealed.

20. This By-law may be cited for all purposes as "BURNABY TRADES LICENSE BY-LAW, 1939."

DONE AND PASSED this Twenty third (23rd) day of December, A.D. 1938.

RECONSIDERED AND FINALLY PASSED this Twenty eighth (28th) day of December, A.D. 1938.



Hugh L. M. Fraser
COMMISSIONER.

Charles B. Brown

CLERK.

I, Charles B. Brown, Clerk of the Corporation of the District of Burnaby do hereby certify the foregoing to be a true copy of a By-law passed by the Commissioner for the Corporation of the District of Burnaby on the Twenty eighth (28th) day of December, A.D. 1938.

Charles B. Brown

SCHEDULE "A"

1. From every person keeping premises where a billiard table or pool table is used for hire or profit five dollars for each table for every six months.

2. From every person keeping a bowling alley for hire or profit five dollars for each alley or runway for every six months.

3. From every person keeping a rifle gallery or shooting gallery for hire or profit five dollars for each range or target for every six months.

4. From every person carrying on the business of a wholesale or wholesale and retail merchant or trader, twenty dollars for every six months.

5. From any person of any of the classes of retail traders as classified under this clause, as follows:-

(a) From every retail grocer the sum of five dollars for every six months. A retail trader holding a license as a grocer shall be entitled to operate a soda fountain and to carry in and sell by retail from his place of business in the Municipality any or all of the following classes of goods and no others:-- Groceries and provisions, hardware sundries, candy, butter, fruit, ice cream, canned goods, soft drinks, bread, milk, vegetables, eggs, cheese. He shall also be entitled to sell tobacco of all kinds, provided that the stock of tobacco carried by him does not exceed a wholesale value of fifty (\$50.00) dollars.

(b) From every confectioner the sum of two dollars and fifty cents for every six months. A retail trader holding a license as a confectioner shall be entitled to operate a soda fountain and to carry in, and sell by retail from his place of business in the Municipality any or all of the following classes of goods and no others:-- Candy, fruit, confectionery, ice cream,

newspapers, magazines, and other periodicals. He shall also be entitled to sell tobacco of all kinds, and/or groceries, provided that the stock of tobacco and/or groceries carried by him does not in each case exceed a wholesale value of Fifty dollars.

(c) From every baker the sum of two dollars and fifty cents for every six months. A retail trader holding a license as a baker shall not be entitled to operate a soda-fountain but shall be entitled to carry in, and sell by retail from his place of business in the Municipality any or all of the following classes of goods and no others:-- Bread, cakes, milk, candy and ice cream.

(d) From every hardware merchant the sum of five dollars for every six months. A retail trader holding a license as a hardware merchant shall be entitled to carry in and sell by retail from his place of business in the Municipality hardware and hardware sundries and electrical supplies only.

(e) From every electrical dealer the sum of five dollars for every six months. A retail trader holding a license as an electrical dealer shall be entitled to carry in, and sell by retail from his place of business in the Municipality, electrical goods of all kinds and hardware sundries and shall be entitled to take contracts for, and complete, the electrical wiring ^{of} structures of all kinds in the Municipality.

(f) From every furniture dealer ten dollars for every six months. A retail trader holding a license as a furniture dealer shall be entitled to carry in, and sell by retail from, his place of business in the Municipality, all kinds of new and second-hand furniture, house furnishings, household goods and effects, other than scrap or damaged or rejected goods which would properly be termed "junk".

(g) From every druggist the sum of ten dollars for every six months. A retail trader holding a license as a druggist

shall be entitled to operate a soda fountain and to carry in, and sell by retail from, his place of business in the Municipality all kinds of drugs, surgical supplies, films, cameras, gramophones and records, candy and all other goods usually carried and offered for sale in drug stores. He shall also be entitled to sell tobaccos of all kinds, provided that the stock of tobacco carried by him does not exceed a wholesale value of fifty dollars.

(h) From every dry goods merchant the sum of five dollars for every six months. A retail trader holding a license as a dry goods merchant shall be entitled to carry in, and sell by retail from his place of business in the Municipality, any or all of the following classes of goods and no others:-- all kinds of dry goods, ladies' and/or gents' furnishings (other than shoes) and draperies.

(i) From every ladies' or gents' furnisher the sum of five dollars for every six months. A retail trader holding a license as a ladies' or gents' furnisher shall be entitled to carry in, and sell by retail from his place of business in the Municipality, all or any of the following classes of goods and no others:-- All kinds of women's and men's clothing, and personal apparel (not including shoes).

(j) From every butcher the sum of five dollars for every six months. A retail trader holding a license as a butcher shall be entitled to carry in, and sell by retail from his place of business in the Municipality, any or all of the following classes of goods and no others:-- Fresh and cured meats, butter, poultry, eggs, fish, cheese and provisions.

(k) From every retail trader not hereinbefore classified, the sum of five dollars for every six months, provided that notwithstanding the foregoing provisions of this clause being clause 5 hereof, every retail trader carrying in and selling by retail from his place of business four or more distinctive lines of goods wares or merchandise the selling of which would constitute

him a retail trader as classified under this by-law, shall be regarded as a general retail trader, and shall pay the sum of Fifteen dollars for every six months.

6. From every hawker, peddler or huckster, ten dollars for every six months.

7. From every person who goes from place to place or house to house taking orders for or selling or offering for sale or who takes orders for or sells or offers for sale or vends on any street, lane or public place in the Municipality any kind of fuel whether in fullloads or parts of a load and whether such person is so acting on his own behalf or as a servant or employee of another, ten dollars for every six months.

8. From every person who, either on his own behalf or as agent for another, sells, or solicite or takes orders for the sale by retail of goods, wares or merchandise to be supplied by any person not doing business in the Municipality, ten dollars for every six months.

9. From every person keeping or carrying on a public laundry, five dollars for every six months.

10. From every person carrying on the business of a pawnbroker, one hundred dollars for every six months.

11. From every person carrying on the business of a second hand dealer or junk dealer, ten dollars for every six months.

12. From every person owning or keeping cabs, carriages, carts, drays, trucks, motor cars, automobiles, or other conveyance or vehicle for hire (whether with or without a driver) five dollars for every six months.

13. From every person keeping a livery stable, five dollars

for every six months.

14. From every person carrying on the business of a dealer in second-hand or used automobiles or motor cars, twenty dollars for every six months.

15. From every person carrying on the business of a dealer in new automobiles or motor cars or a dealer in both new and second-hand automobiles or motor cars twenty dollars for every six months. The holder of any license under this or the paragraph next preceding shall also be entitled to carry on the business of selling automobile accessories, gasoline, oil and supplies and of repairing automobiles or motor cars without taking out any further license therefor.

16. From every bank or person carrying on the business of a banker at one place of business fifty dollars for every six months and a further sum of twenty dollars for every six months for each additional place of business.

17. From every person letting individual rooms, suites of rooms, or lodging for hire either in a hotel, rooming house, apartment house, lodging house, auto camp or elsewhere, and whether or not board or meals are supplied to the occupants thereof fifty cents for every six months for each room let or available for letting. Provided, however, that persons having not more than two rooms available for letting shall not be required to take out or hold a license under this clause

18. From every person carrying on the business of manufacturing beverages for human consumption or of selling the same wholesale, five dollars for every six months in addition to the license fee for a wholesale merchant or trader.

19. From every person carrying on business of a shipbuilder

or shipyard ten dollars for every six months.

20. From every person selling property by auction (not being a Crown Officer selling Crown property by auction or a Sheriff, Sheriff's Officer or Bailiff selling lands, goods or chattels under a judgment or a satisfaction of rent or taxes) five dollars for every six months.

21. From every transient trader doing business within the limits of the Municipality, one hundred dollars for every six months or part thereof in addition to the fee for any other license under this schedule.

22. From every transient real estate agent or land agent twenty-five dollars for every six months.

23. From every transient hairdresser five dollars for every six months.

24. From every person who exhibits a public circus, menagerie, hippodrome, horse show, dog or pony show, twenty-five dollars for each day of such exhibition.

25. From the proprietor, lessee, or manager of any theatre, moving picture theatre, amusement hall, concert hall, music hall, opera house, rink, amusement park, or other place of amusement, entertainment or exhibition, according to the seating capacity thereof (allowing 704 square inches for each seat) the following respective amounts:

Seating capacity of 975 or more, one hundred dollars for six months, fifty dollars for three months, twenty-five dollars for one month and ten dollars for one day;

Seating capacity of 500 and not more than 974, twenty-five dollars for six months, twenty dollars for three months, ten dollars for one month and two dollars for one day;

Seating capacity of 250 and not more than 499, twenty dollars for six months, fifteen dollars for three months, ten dollars for

one month and two dollars for one day;

Seating capacity of not more than 249, five dollars for six months, four dollars for three months, two dollars for one month and one dollar for one day.

Provided, that where one building contains more than one theatre, hall or other place of amusement within the scope of this clause, a separate license fee shall be payable in respect of each of them:

Provided further, that no such license shall be required in respect of any performance, concert, exhibition, or entertainment, the entire proceeds of which, over and above actual bona-fide expenses, are devoted or given to any church, school, hospital, charitable, war fund, or patriotic purposes.

26. From every person carrying on the business of an express company, five dollars for every six months.

27. From every telephone company, electric light company, gas company, street railway or tramway company, power company, or water works company fifty dollars for every six months. In the event of one company carrying on business of more than one of the kinds or descriptions hereinbefore in this clause enumerated it shall be liable to hold and pay for a license in respect of each kind or description of business so carried on.

28. From every person having an office within the Municipality carrying on the business of a trust company, investment, loan or mortgage agency, society or company, ten dollars for every six months.

29. From every person carrying on the business of a fur trader, five dollars for every six months.

30. From every person exhibiting for gain or profit, wax-works, circus-riding, rope walking, dancing, tumbling, wrestling

or other acrobatic or gymnastic performance, wild animals, trained animals, natural or artificial curiosities, legerdemain, jugglery, or other like tricks, glass-blowing, tableaux, or other performance, collection or exhibition, when the same is exhibited elsewhere than in a theatre or other place duly licensed under clause 25 of this sub-section, twenty dollars for the first day and five dollars for each and every additional day of such exhibition.

31. From every person who carries on the business of a stevedore or who takes contracts to load or unload ships, twenty-five dollars for every six months.

32. From every person carrying on the business of a plumber, domestic heating or sanitary engineer, building contractor or electrical contractor five dollars for every six months.

33. From every person carrying on the business of a gasoline service station five dollars for every six months; provided, however, that this clause shall not apply to any person who operates a garage and pays a license therefor.

34. From every person who carries on the business of a garage for the sale or storage of automobiles or trucks, five dollars for every six months and where such garage is also used for the repair of automobiles and trucks, and additional fee of five dollars for every six months.

35. From every owner of every truck or delivery conveyance plying for hire or used for the delivery of wood, coal, merchandise, or other commodity five dollars for every six months. Where the owner of such truck is paying to the Municipality a license fee as a merchant, the license fee for each truck or delivery conveyance shall be reduced to two dollars and fifty cents for every six months.

36. From the owner or driver of any truck used for the collection of produce, wood, merchandise or other commodities from premises within the Municipality not in the occupation of such owner or driver, five dollars for every six months for each truck.

37. From the owner of every truck used for the delivery of gasoline and oils to service stations, with ^ewight when loaded exceeding five tons, ten dollars for every six months, with an additional charge of two dollars for each ton exceeding five tons.

38. From every person carrying on the business of a barber or hairdresser, two dollars and fifty cents for every six months.

39. From every person carrying on the business of a milliner two dollars and fifty cents for every six months.

40. From every person carrying on the business of a dressmaker two dollars and fifty cents for every six months.

41. From every person carrying on the business of an optician two dollars and fifty cents for every six months.

42. From every person carrying on the business of a photographer two dollars and fifty cents for every six months.

43. From every person carrying on the business of an art and photo supply dealer two dollars and fifty cents for every six months.

44. From every person carrying on the business of a boot and shoe repairer, two dollars and fifty cents for every six months.

45. From every person carrying on the business of a cleaner and dyer, two dollars and fifty cents for every six

months.

46. From every person carrying on the business of a tailor, two dollars and fifty cents for every six months.

47. From every person carrying on the business of a watchmaker, two dollars and fifty cents for every six months.

48. From every person carrying on the business of a scavenger, two dollars and fifty cents for every six months.

49. From every person carrying on the business of a chimney sweep, two dollars and fifty cents for every six months.

50. From every person carrying on the business of a radio repairer, two dollars and fifty cents for every six months.

51. From every person carrying on the business of a saw mill, shingle mill, pole and tie mill, twenty dollars for every six months.

52. From every person carrying on the business of steel and/or iron fabricating, twenty dollars for every six months.

53. From every person carrying on the business of an oil refinery, twenty dollars for every six months.

54. From every person following, within the Municipality, any profession, business, trade, occupation, employment or calling not hereinbefore enumerated or who enters into or carries on any contract to perform any work or furnish any material, five dollars for every six months.

SCHEDULE "B"

Form of License
Municipality of Burnaby

..... has paid the
sum of Dollars
and cents in respect of a license to
.....
and is entitled to carry on the business of
.....
at.....
from the day of 19..... to
the day of 19.....

§ _____

COLLECTOR.

DATED this day of 19 .