

VF 1710

CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1823

A By-law to regulate dealers in Wood
Sawdust or Hog Fuel.

WHEREAS it is desirable and expedient that regulations should be made governing the sale of wood in the Municipality of Burnaby.

THEREFORE, the Municipal Council of the Corporation of the District of Burnaby enacts as follows:-

1. Whenever the words following occur in this By-law they shall be construed in the manner hereinafter mentioned unless a contrary intention appears or the interpretation which this provision would give to any word expression or clause is inconsistent with the context as it appears in this By-law, that is to say:

- (1) "Dealer" shall mean and include any person carrying on the business of selling, delivering or dealing in wood, sawdust or hog fuel;
- (2) "Hog Fuel" shall mean wood that has been broken or cut up into small pieces or fragments by the action of a hog machine or by any other method and intended for use as fuel;
- (3) "Inspector" shall mean any Inspector or Inspectors appointed under this By-law by resolution of the Municipal Council;
- (4) "Sawdust" shall mean the fine particles of wood that result from the sawing of wood;
- (5) "Wood" shall mean and include wood which has been sawn, or sawn and split, or otherwise cut up in shorter lengths than cordwood and intended for consumption as fuel.
- (6) "Cord" means 168 cubic feet of loosely packed wood 16 inches in length and under, or, 128 cubic feet of wood;
- (7) "Unit" means 200 cubic feet of sawdust or hog fuel.
- (8) "Municipality" means the Municipality of Burnaby.

2. This By-law shall apply only to sales by retail to consumers.

3. Wood shall be sold and delivered only in a box or other container having one of the capacities

mentioned below which when filled with loosely packed wood, shall be deemed to contain the number of cords or loads respectively set out opposite the said capacities so mentioned:

<u>Capacity of box or other container</u>	<u>Number of cords or loads</u>
420 cu. ft.	2½ cords
336 cu. ft.	2 cords
168 cu. ft.	1 cord or 1 double load
84 cu. ft.	½ cord or one single load

The one cord box or other container may be made in such a manner that it can be divided into two equal parts containing one-half cord or one single load in each.

4. No such box or container shall contain any division unless the same shall be a division into two equal parts, and no such division shall be made otherwise than by a partition one (1) inch in thickness across the box extending from one side to the other thereof from top to bottom, and such partition shall be used only when delivering half cords.

5. Each box or container referred to in section 3 hereof shall have conspicuously painted on each side thereof in plain and legible letters of not less than six inches in height the name and address of the owner or dealer and the words, "two and one-half cords" or "two cords" or "one cord" or "one-half cord" as the case may be.

6. Where sawdust or hog fuel is delivered in bulk it shall be delivered in a box or other container having an inside capacity of 200 cubic feet, which when filled with sawdust or hog fuel shall be deemed to contain one unit; or in a box having an inside capacity of 100 cubic feet, which shall be deemed to contain one-half unit, or in a box or container having an inside capacity equal to some even multiple of 100 cubic feet. Nothing herein contained shall prevent any dealer from contracting to sell or deliver sawdust or hog fuel on a basis other than a unit basis where the purchaser has contracted for the delivery of an amount in excess of five units of sawdust or hog fuel.

7. Each box or container shall have conspicuously painted on each side in legible letters of not less than six inches in height, the name and address of the owner or dealer and the capacity of the box or container expressed in units and fractions of a unit.

8. Where sawdust or hog fuel is delivered in sacks each of such sacks shall contain four (4) cubic feet of such sawdust or hog fuel and no more and shall be plainly marked accordingly.

9. Where sawdust or hog fuel is delivered in bulk the box or container in which it is delivered shall be provided with a closely fitting cover or some other effective method for preventing the sawdust or hog fuel from spilling or being blown out of the box while en route.

10. It shall be the duty of the Inspector to inspect and measure all boxes or containers used for the delivery of wood, sawdust or hog fuel within the Municipality when requested by the owners so to do, and also to inspect and

measure from time to time, and at least once in each year, all such boxes, and containers. If the box or container is found to be correct in measurement and otherwise in order the Inspector shall give to the dealer a certificate (hereinafter called an inspection certificate) stating that the said box or container has been inspected and approved and may be used for the delivery of wood, sawdust or hog fuel.

11. Every dealer using a box or container for the delivery of wood, sawdust or hog fuel in the Municipality shall submit the same for inspection and measurement by the Inspector at any time upon his request.

12. No dealer shall use any box or container for the delivery of wood, sawdust or hog fuel unless he holds an inspection certificate for such box or container.

13. No dealer shall use any box or container which has been measured by the Inspector, if its capacity has been altered in any manner or is not of the same capacity as it was at the time of such inspection or measurement.

14. Every dealer shall at the time of delivery of any wood, sawdust or hog fuel furnish the purchaser with a ticket signed by the dealer and containing the following information:

- (1) The name and address of the dealer;
- (2) The name and address of the purchaser;
- (3) The quantity of the wood, sawdust or hog fuel then being delivered;
- (4) The species of tree or trees from which the wood, sawdust or hog fuel has been produced;
- (5) The date of such delivery.

15. The Inspector shall have power at any time to inspect any load of wood, sawdust or hog fuel in transit or at any time, and to examine the ticket provided for in section 14 hereof.

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 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 of this by-law, and shall be liable to the penalties hereby imposed.

17. Any person guilty of an infraction of this by-law shall, upon conviction thereof before the Reeve, Police Magistrate, or any two Justices of the Peace or other Magistrate or Magistrates having jurisdiction in the Municipality, on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Reeve, Police Magistrate, Justices or other Magistrate or Magistrates convicting a fine or penalty not exceeding the sum of one hundred dollars and costs for each offence, and in default of payment thereof forthwith it shall be lawful for such Reeve, 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 the offender's goods and chattels, and in case of no distress

found to satisfy the said fine or penalty, it shall and may be lawful for the Reeve, Police Magistrate, Justices or other Magistrate or Magistrates convicting as aforesaid, to commit the offender to the common gaol or any lock-up house in the Municipality for any period not exceeding two months (with or without hard labour) unless the said fine or penalty be sooner paid.

18. This By-law may be cited for all purposes as the "BURNABY SALE OF WOOD REGULATION BY-LAW 1943."

19. This By-law shall come into force and take effect from and after the date of the passing hereof.

20. By-law number 290 is hereby repealed.

DONE AND PASSED in open Council this Sixth (6th) day of December 1943.

RECONSIDERED and finally passed this Twentieth (20th) day of December A. D. 1943.



W J Wilson

REEVE

Charles B. Bunn

CLERK

Filed in b
Jan 4, 1944.