

CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1877

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

WHEREAS by virtue of the "Shops Regulation ACT", being Chapter 261 of the R.S.B.C. 1936 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 under any by virtue of the provisions of Section 4 of the said Act:

AND WHEREAS under Subsection 1 of Section 5 of the said Act, three-fourths in number of the licensed occupiers of shops within the Municipality under Municipal licenses issued in respect of automobile garages, automobile service or repair shops, or gasoline service-stations have petitioned the Municipal Council to pass a by-law amending By-law #1547 at present in force regulating the hours for closing of automobile garages, automobile service or repair shops, or gasoline service-stations:

AND WHEREAS it is deemed necessary to repeal the said By-law #1547 in order to more expeditiously cover and affect the amendments requested by the said Petition:

THEREFORE the Council of the Corporation of the District of Burnaby ENACTS as follows:-

1. Every shop wherein the business of an automobile service or repair shop, or gasoline service-station is carried on shall be closed and remain closed:

- (a) On any statutory legal holiday, for the whole of such day;
- (b) On any other day of the week not covered by subsections (a) hereof for the sale of gasoline from and after the hour of seven o'clock in the afternoon until the hour of seven o'clock in the morning of the following day.

(c) Notwithstanding the foregoing provisions of subsections (a) and (b) 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 subsections (a) and (b) 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 subsections (a) and (b) hereof.

2. This By-law shall be subject in all respects to the provisions of the "Weekly Half-Holiday Act".

3. No person shall within the District of Burnaby keep open any automobile garage, automobile service or 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 or 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.

4. 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

One hundred (\$100.00) dollars and such fine or penalty and costs shall be recoverable and enforceable upon summary conviction in the manner provided in the Summary Convictions Act.

5. By-law No. 1547 is hereby repealed.

6. This By-law shall come into force and take effect on the Fifteenth (15th) day of August, A.D. 1945.

7. This By-law may be cited for all purposes as the "BURNABY SALE OF GASOLINE REGULATION BY-LAW 1945."

DONE AND PASSED this Thirtieth (30th) day of July, A.D. 1945.

RECONSIDERED AND FINALLY PASSED this Sixth (6th) day of August, A.D. 1945.



G. Morrison

REEVE

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 Council of the Corporation of the District of Burnaby on the Sixth day of August, 1945, A.D.

Charles B. Brown

Clerk.