

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 3065

A BY-LAW for the regulation of clubs within
the Municipality of Burnaby.

WHEREAS by paragraphs 133 and 158 of section 58, of the Municipal Act, being Chapter 232, R.S.B.C. 1948, a Municipal Council is empowered to pass By-laws for compelling all partnerships, or unincorporated clubs, and companies carrying on the business of a club to appoint a manager, and for the licensing of such Manager, and for regulating and licensing hotels, road houses, and clubs, and for levying and collecting in respect thereof a licence fee not exceeding two hundred dollars per annum.

AND WHEREAS it is deemed advisable that a By-law should be passed to provide that all partnerships, or unincorporated clubs and companies carrying on the business of a club shall appoint a Manager and for the licencing of such Manager;

AND WHEREAS it is deemed advisable that clubs should be regulated and licenced within the Municipality;

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

1. Wherever 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:

(a) "Club" includes clubs ordinarily so called, and every association, society and corporate body carrying on business or operations as a social or fraternal club within the Municipality of Burnaby, excepting only those clubs and veterans' clubs in the Municipality of Burnaby holding licenses under the "Government Liquor Act" of the Province of British Columbia, and except also that "club" shall not include any bona fide organization or society having no regular or permanent club premises, which shall include lawn bowling clubs, lawn tennis clubs, service clubs and political clubs".

(b) "Member" means any person who has been admitted to membership in a club.

(c) "Guest" means any person who is introduced into or upon the premises of a club by a member thereof.

(d) "Chief Constable" means the officer in charge of the Police Force in and for the Municipality of Burnaby under the jurisdiction of the Municipal Council.

(e) "License Inspector" means the person appointed from time to time by by-law or resolution of the Council as License Inspector of the Municipality of Burnaby.

(f) "Premises" means the building or part of any building occupied by a Club and all the furniture, cupboards, desks and other equipment used or contained therein.

2. (1) No club shall operate or carry on business unless it holds a subsisting licence from the Municipality, the fee for which shall be \$200.00.

(2) No incorporated club shall enjoy any of its privileges or powers granted or permitted under its charter of incorporation unless it holds a subsisting license as provided in subsection (1).

(3) Every person applying for a license pursuant to Section 1, Clause (1) shall make application on the form provided and attach thereto a copy of the charter of the club and a copy of the plans of the building to be used in the operation of the club.

3. No club license shall be transferable, nor shall the holder of a club license allow any other person or club to use the licence.

4. Every club carrying on business within the Municipality shall appoint a manager who shall, before entering upon his duties, first take out a license from the Municipality, the fee for which shall be \$25.00.

5. All license issued pursuant to the provisions of this By-law shall be granted for a period not exceeding one year, and shall terminate on the thirty-first day of December in each and every year.

6. It shall be the duty of the manager of any Club to enforce the provisions of this By-law in respect to the club premises of which he is manager, and to compel the observance of the same by all members or guests admitted to such club premises.

7. In the event of the cancellation or revocation of the licence granted to any club manager on account of the violation of any of the provisions of this by-law, no portion of the licence fee paid by him shall be refunded.

8. It shall be the duty of every club manager forthwith to report to the Chief Constable any infraction of the provisions of this By-law committed in or upon the club premises of which he is manager; and any failure or default on the part of a manager in forthwith reporting any such infraction as aforesaid, shall be deemed to be a violation of the provisions of this By-law, and shall render him liable to the penalties hereby imposed, and such failure to so report forthwith as aforesaid shall be a ground for the immediate cancellation, revocation or suspension of his licence by the License Inspector or the Chief Constable.

9. It shall be the duty of every club manager at all times during which the club premises, of which he is manager, remains open, to maintain and preserve law and order in and upon the said premises, and to compel good conduct on the part of the members thereof or guests therein while in or remaining upon such club premises.

10. The manager of every club shall keep a register of the members thereof, which shall hereafter be called the "Register of Members" and which shall contain a complete list of the name, address, and identity, of each member of such club, and shall be open for inspection at all times by the License Inspector or by any police constable.

11. It shall be the duty of the manager of every club to keep a record of every guest who enters the club premises, which shall hereafter be called the "Register of Guests" and shall record the name and address of every guest and the name of the member by whom such guest has been introduced to the Club premises.

12. It shall be unlawful for the manager of any club within the Municipality knowingly to suffer or permit any prostitute or person of evil repute to enter or remain upon the club premises.

13. (a) The premises of every club shall at all times be open to inspection by the License Inspector or any police constable; and it shall be the duty of the manager of any club to permit the entry of such License Inspector or police constable into the club premises for the purpose of inspecting the same at all times when requested by such License Inspector or police constable so to do; and to produce for inspection by such License Inspector or Police Constable on request the "Register of Members" or "Register of Guests", as the case may be.

(b) Any manager, servant, or agent of any club who refuses to permit the License Inspector or a police constable to inspect the club premises pursuant to the provisions of this section shall be deemed to be guilty of an infraction of this by-law, and shall be liable to the penalties hereby imposed.

14. Every member of a club shall be provided with a membership card countersigned by the club manager, which shall disclose on its face the name and identity of the said member, and shall certify that he is a member of the said club.

15. It shall be unlawful for the manager of any club to suffer or permit any person under the age of twenty-one years to be admitted to or permitted to remain upon the club premises.

16. No club manager shall suffer or permit any gambling, gaming, or game of chance, or gambling or gaming device to be played, operated, maintained, or carried on in or upon the premises of the club of which he is manager, contrary to the provisions of the "Criminal Code" of Canada.

17. It shall be unlawful for any person or persons to operate, carry on, or keep open the premises of any club after the hour of twelve (12) midnight, or before the hour of seven (7) o'clock in the forenoon of any day; and it shall be the duty of the manager of any such club to keep the same closed between the said hours of twelve (12) o'clock midnight and seven (7) o'clock in the forenoon as hereinbefore specified, and every manager who suffers or permits the premises of the club of which he is manager to remain open contrary to the provisions of this by-law, and every member of such club or guest therein who remains on or upon such club premises after the hours for closing thereof, hereinbefore specified, shall be deemed to be guilty of an infraction of this by-law, and shall be liable to the penalties hereby imposed; provided, however, that the provisions of this section shall not apply in respect of any member who is a bona fide lodger in the premises of a club, or employees.

18. (1) It shall be unlawful for any person or manager to open, maintain, carry on, or operate any club within the Municipality in any premises which have not been first inspected by the License Inspector.

(2) It shall be the duty of the License Inspector before any club licence is issued, to obtain a report from the Building Inspector of

the Municipality and the Medical Health Officer of the Municipality, in respect of such premises.

(3) Every application for a club license shall be accompanied by a report upon the manager and directors of the said club by the Chief Constable.

19. Any person whose license has been cancelled, suspended or revoked by the License Inspector or Chief Constable, pursuant to the provisions of this by-law, shall have a right of appeal to the Council to be reinstated; and such appeal may be heard at the next regular meeting of the Council to be held after such cancellation, suspension or revocation, as the case may be; and the Council may make such order, in the premises, amending, varying, reversing, or confirming such cancellation, suspension, or revocation, as the case may be, as it may deem expedient.

20. Any licence granted to any person or persons for the purpose of carrying on the business of a club, or granted to any person as manager of a club, shall be deemed to be subject to the provisions of this and all other by-laws of the Municipality; and any premises in respect of which a license to carry on the business of a club has been granted hereunder shall be subject to the provisions of the by-laws of the Municipality at all times, in so far as the same are applicable thereto; and any failure on the part of any person to comply with the provisions of any by-law shall be deemed to be a violation of this by-law, and shall render such person liable to the penalties hereby imposed.

21. The foregoing provisions of this by-law shall be deemed to be a condition of every license issued to any person licensed to carry on or manage the business of a club within the Municipality under this By-law, and failure to comply with any of the said provisions shall be deemed to be a ground for the immediate cancellation, revocation, or suspension by the License Inspector or Chief Constable of the licence of such person so failing to comply with said provisions or any of them.

22. 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 violates any of the provisions of this By-law, shall be deemed to be guilty of an infraction thereof and liable to the penalties hereby imposed.

23. 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 of Burnaby, 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 Two hundred dollars and costs for each offence, and for each and every day during which such offence shall be continued; 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 or no sufficient 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 goal or any lock-up house in the Municipality of Burnaby for any period not exceeding two months (with or without hard labour) unless the said fine or penalty be sooner paid.

24. This By-law may be cited for all purposes as "BURNABY CLUB REGULATION BY-LAW 1950."

DONE AND PASSED in Open Council this Thirty-first (31st) day of July, A.D. 1950.

RECONSIDERED AND FINALLY PASSED this Twenty-eighth (28th) day of August, A.D. 1950.



W. R. Beamish

REEVE

Charles B. Borne

CLERK