

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 5043

A BY-LAW to amend By-Law No. 3089, being the  
"Burnaby Trades Licence By-Law 1950".

The Council of The Corporation of the District of  
Burnaby ENACTS as follows:

1. This By-law may be cited as "BURNABY TRADES LICENCE  
BY-LAW 1950, AMENDMENT BY-LAW NO. 2, 1966".

2. Section 1 of By-law No. 3089 is repealed and the  
following substituted therefor:

- "(1) "Agent" means a person who, on his own behalf or on behalf of another, within the Municipality, sells, solicits, offers for sale or takes orders for the sale of goods, wares, merchandise, foodstuff, article, or thing to be afterwards delivered to the customer, or solicits or takes orders for services to be afterwards performed on the premises of the customer.
- (2) "Applicant" means any person who makes application for any license under the provisions of this By-law.
- (3) "Auto Camp" means any area of land on which any building, hut, cabin, trailer, house-car, or other structure is placed and which is used or intended to be used as a temporary residence or habitation for automobile tourists.
- (4) "Beauty Parlour" means any building, room or place where the business of hairdressing, scalp treatment, manicuring or face treatment for women is carried on.
- (5) "Builder" means a person who constructs or erects or causes to be constructed or erected, houses or other buildings as a business enterprise with the object of selling or otherwise disposing of the same at a profit.,

- (6) "Building Inspector" means the person appointed from time to time by the Council as Chief Building Inspector of the Corporation and includes any person or persons designated by the Chief Building Inspector to act on his behalf.
- (7) "Canvasser" means a person who, on his own behalf or on behalf of another, within the Municipality, solicits or takes orders for works or services to be performed elsewhere than on the premises of the customer.
- (8) "Chief of Police" shall mean the Chief of Police of The Corporation and shall include any Acting or Deputy Chief of Police. It shall also include the Officer in charge of the Royal Canadian Mounted Police detachment in the Municipality.
- (9) "Collector" shall mean the Collector of Taxes for The Corporation.
- (10) "Contractor" means any person who undertakes to do or perform work upon or to place or furnish material, or to do both, on an improvement.
- (11) "Council" shall mean the Council of The Corporation of the District of Burnaby.
- (12) "Dance Hall" means any building, room or place where public or private dances are held or permitted for hire or profit other than those located in a cabaret.
- (13) "Dancing Academy" means any building, room or place where dancing is taught for profit.
- (14) "Hawker, Peddler, Huckster" means a person who, within the Municipality, sells or offers for sale goods, wares, merchandise, foodstuff, article or thing to be immediately delivered to the customer.
- (15) "Improvement" includes anything made, constructed, erected, built, altered, repaired or added to, in, upon, or under land and attached thereto or intended

to become part thereof, and also any clearing, excavating, digging, drilling, tunnelling, filling, grading, or ditching of, in, upon or under land.

- (16) "Inspector" means the person appointed from time to time by the Council as Chief License Inspector of the Corporation and includes any person or persons designated by the Chief License Inspector to act on his behalf.
- (17) "Junk" means any old or used article or thing and includes old or used automobiles, automobile parts, barrels, building material, bottles, cans, cardboard, drums, engines and engine parts, glass, industrial material, jars, kegs, machinery, machinery parts, metal, paper, rags, ropes, rubber, waste, vats and similar containers.
- (18) "Junk Dealer" means a person who carries on, maintains, owns or operates the business, trade, occupation or calling of purchasing, selling or storing junk and includes a person who carries on, maintains, owns or operates a junk store, junk shop or junk yard.
- (19) "Junk Peddler" means a person who carries on, maintains, owns, or operates the business, trade, occupation or calling of going from place to place buying, collecting or selling junk.
- (20) "Laundry" means any building or part thereof where the business, trade, occupation or calling of pressing, cleaning, dyeing or washing of clothing or other fabrics is carried on and includes premises where the business of linen supply is carried on.
- (21) "Laundry Office" means any building, room or place where the business, trade, occupation, or calling

of distributing pressed, cleaned, dyed or washed clothing or fabrics or of collecting same to be pressed, cleaned, dyed or washed is carried on, separate and apart from the premises where a laundry is actually carried on.

- (22) "Manufacturer" means a person who carries on, maintains, owns or operates the business, trade, occupation or calling of assembling, manufacturing, producing, finishing, altering, repairing articles, goods, substances or things or any part thereof and includes a brick-yard, cannery, concrete block manufacturer, fish curing plant, foundry, fruit processing plant, machine shop, oil refinery, pole mill, sawmill, sheet metal works, shingle mill, ship-builder, steel fabricating plant, tie mill, tinsmith, wholesale bakery, wood fabricating plant, and woodworking shop.
- (23) "Medical Health Officer" means the person appointed from time to time by the Council as Medical Health Officer of the Corporation.
- (24) "Municipality" or "Corporation" means The Corporation of the District of Burnaby.
- (25) "Person" means a person, firm, partnership, association, company or corporation and the singular shall be held to mean and include the plural, masculine, the feminine, and the converse.
- (26) "Private Patrol Agency" means every person who by contract or agreement undertakes to watch or patrol the premises of more than one person for the purpose of guarding or protecting persons or property against robbery, theft, burglary, or other hazards.
- (27) "Restaurant" means any coffee shop, coffee counter,

tea room or any place, whether permanent or temporary, or fixed or movable, in which prepared foods or beverages are served to the public in exchange for money or services, or any place to which the public have access for the purpose of purchasing prepared food or beverages for human consumption on the premises.

- (28) "Retail Trader" means every person who sells or offers to sell to any other person by retail any goods, ware, merchandise or other commodity. /
- (29) "Room" means a room or any space being used as a room, but shall not include a bathroom. A combined living and dining room shall be deemed to be two rooms. A combined living room and kitchen shall be deemed to be two rooms. /
- (30) "Shooting Gallery" means any building, room or place where the shooting or firing of any gun, rifle, or similar device is permitted for hire or gain, whether the said building, room, or place is devoted exclusively to the shooting of guns, rifles or similar devices or not. /
- (31) "Solicitor" means the person appointed from time to time by Council as Municipal Solicitor and includes the Assistant Municipal Solicitor. /
- (32) "Travel Agency" means any person who acts as agent for any railway, bus, steamship or airlines company. /

3. Section 2 of By-law No. 3089 is repealed and the following substituted therefor:

"2. (a) Where the license fee for any profession, business, trade, occupation, calling, undertaking or thing licensed under this By-law, is based on the number of persons engaged in the profession, business, trade, occupation, calling, undertaking or

thing, or the number of apartments or rooms, or in whatsoever manner the license fee is based, no person shall change the number of persons engaged in the profession, business, trade, occupation, calling, undertaking or thing, or the number of apartments or rooms, or any other condition upon which the said license fee is based without first making an application in every material respect the same as that required to obtain a licence as set forth in section 6 of this By-law and paying any additional licence fee which may be payable under this By-law as a result of such change; and the powers, conditions, requirements and procedures therein contained relating to the granting and refusal of licences and appeals thereon, shall apply to all such applications.

(b) Every licence issued under this By-law shall be made out in duplicate. The original shall be delivered to the person licensed and the Inspector shall retain the copy. The licensee shall post the said license and keep the same posted in a conspicuous place on the premises, or on the thing or article in respect of which the license is issued, and anyone failing to post up, and keep same posted as aforesaid, shall be guilty of an infraction of this By-law, and liable to the penalties hereof."/

4. Section 3 of By-law No. 3089 is repealed and the following substituted therefor:

"3. (a) Every person carrying on, maintaining, owning or operating within the Municipality any profession, business, trade, occupation, calling, undertaking, or thing, shall hold a subsisting license therefor from the Corporation, and shall pay therefor the fee specified in Schedule "A" in respect thereof, which fee shall in all cases be paid in advance. The words "person engaged in the profession, business, trade, occupation, calling, undertaking or thing" or "persons engaged in the profession, business, trade, occupation, calling, undertaking or thing" when used in said Schedule "A" shall include any person connected with the business in any manner whatsoever, whether as an owner, partner, employee, servant, or agent or in any other capacity.

(b) Every person who carries on, maintains, owns or operates, within the Municipality, any profession, business, trade, occupation, calling, undertaking or thing in or from more than one branch, office, place, premise or store, he shall obtain a separate license for each branch, office, place, premise or store.

(c) This By-law shall not apply to any profession, business, trade, occupation, calling, undertaking or thing licensed and paying a fee under the following By-laws:

By-Law No. 1914 - "Burnaby Automatic Vending Machine  
By-Law 1946"

By-Law No. 3102 - "Burnaby Cab & Commercial Vehicle  
By-Law 1951"

By-Law No. 1481 - "Burnaby Cabaret Regulation By-Law  
1934"

By-Law No. 4174 - "Burnaby Kennel Regulation By-Law  
1960"

By-Law No. 3888 - "Burnaby Liquor Licence Taxation  
By-Law 1957"

and Amendments thereto."

5. Section 4 of By-Law No. 3089 is repealed.

6. Section 6 of By-Law No. 3089 is repealed and the following substituted therefor:

"6. (a) All applications for licences under this By-law shall be made to the Inspector on an application form provided for that purpose and therein the applicant shall make a true and correct statement in writing disclosing the nature and character of the profession, business, trade, occupation, calling, undertaking or thing to be carried on, maintained, owned or operated by the applicant, the address of such profession, business, trade, occupation, calling, undertaking or thing, the number of persons engaged or occupied in such profession, business, trade, occupation, calling, undertaking or thing, the number of distinctive lines of goods sold or offered for sale, and the seating capacity or number of tables available for the purpose of such profession, business, trade, occupation, calling, undertaking or thing, and any other information concerning the profession, business, trade, occupation, calling, undertaking or

thing which the Inspector may require.

(b) The Council does hereby delegate to the Inspector the power to grant a licence when he is satisfied that the applicant has complied with the requirements of all the by-laws of the Municipality regulating building, zoning, health, sanitation, and business.

(c) The Inspector may classify professions, businesses, trades, occupations, callings, undertakings, or things, according to the type of profession, business, trade, occupation, calling, undertaking, or thing, and may further classify each type of profession, business, trade, occupation, calling, undertaking, or thing, according to the extent of the profession, business, trade, occupation, calling, undertaking, or thing, on the basis of the following factors or on the basis of any combination of the following factors:-

- (i) the floor area used for the carrying on of the profession, business, trade, occupation, calling, undertaking or thing:
- (ii) the ground area used for the carrying on of the profession, business, trade, occupation, calling, undertaking or thing:
- (iii) the number of people regularly engaged in the carrying on of the profession, business, trade, occupation, calling, undertaking or thing:
- (iv) the number of vending or other dispensing machines or other machines, appliances or things used in the carrying on of the profession, business, trade, occupation, calling, undertaking or thing:
- (v) the number of rental units maintained in the carrying on of the profession, business, trade, occupation, calling, undertaking or thing.

(d) Where the Inspector has classified a profession, business, trade, occupation, calling, undertaking, or thing, and has issued a licence classified as to the extent of the profession, business, trade, occupation, calling, undertaking, or thing, no person shall change the extent of the profession, business, trade, occupation, calling, undertaking or thing without first making an application in every material respect the same as that required to obtain a licence as set forth in section 6 of this By-law; and the powers,



conditions, requirements and procedures therein contained relating to the granting and refusal of licences and appeals thereon shall apply to all such applications.

(e) No person to whom a licence has been granted by the Inspector under this By-law shall extend or enlarge the profession, business, trade, occupation, calling, undertaking or thing, or make any change in same without first making an application in every material respect the same as that required to obtain a licence as set forth in section 6 of this By-law; and the powers, conditions, requirements and procedures therein contained relating to the granting and refusal of licences and appeals thereon shall apply to all such applications."

7. Section 8 of By-law No. 3089 is repealed.

8. Section 14 of By-law No. 3089 is repealed and the following substituted therefor:

"14. Before a license shall be granted to any person for the purpose of holding or exhibiting within the Municipality any circus, menagerie, show or carnival, with or without ferris wheels, merry-go-rounds or other similar devices, such person shall at his own cost and expense obtain and maintain in force for as long as the said circus, menagerie, show or carnival remains within the Municipality, in an Insurance Company authorized and licensed to carry on business and having an office in the Province of British Columbia, and in a policy of insurance acceptable to and approved in writing by the Corporation, the following insurance with limits on an occurrence basis not less than those shown in respective items following:

(A) Comprehensive Public Liability Insurance and Property Damage Insurance providing coverage up to \$500,000.00 inclusive against liability for bodily injury or death and/or damage to property on an all risk occurrence basis.

(B) Automobile Insurance for public liability and property damage providing coverage up to \$500,000.00 inclusive on owned, non-owned or hired vehicles.

In all policies of insurance (except automobile insurance on vehicles owned by the insured) the Corporation shall be named as an additional insured. Such insurance shall contain a Cross Liability Endorsement stating that in the event of bodily injury, sickness or disease, including death, at any time resulting therefrom, or damage or destruction of property belonging to any one of the insured for which another insured is or may be held liable, then this policy shall cover such insured against whom claim is made or may be made the same as if separate policies had been issued for each insured, but nothing herein shall operate to increase the Insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the Insurer would be liable if there had been only one named insured. All policies shall provide that no cancellation, expiration or material change in the policy shall become effective until after thirty (30) days' notice of such cancellation, expiration or change shall have been given to the Corporation by return registered mail."

9. Section 14.A. of By-Law No. 3089 is repealed.

10. Section 15 of By-Law No. 3089 is repealed and the following substituted therefor:

"15. (a) Every hawker, huckster, and peddler, when plying is trade with a vehicle, shall have his name and address painted in a conspicuous place on both sides of every vehicle used by him for such trade satisfactory to the Inspector.

(b) Every hawker, huckster, and peddler, when plying his trade and selling or offering for sale to any person any commodity which is sold by weight or measure, shall have and use a lawful scale or measure capable of weighing or measuring any commodity sold or offered for sale by him.

(c) It shall be unlawful for any hawker, huckster, or peddler to stand on any street or lane in the Municipality for a longer period at any one time than may be required in making a sale and delivery of any commodity to a customer, nor shall any hawker,

huckster, or peddler be allowed to stand his vehicle for a longer time than five minutes at any one place on any street or lane in the Municipality, nor such vehicle be allowed to stand or remain on any street or lane within the block bounded by intersecting streets for a longer period than ten minutes during any period of two hours while engaged in the carrying on of his profession, business, trade, occupation, calling, undertaking, or thing."

11. Subsection (a) of Section 16 of By-Law No. 3089 is repealed.

12. Section 20 of By-Law No. 3089 is repealed and the following substituted therefor:

"20. The Inspector may enter upon any property or premises for the purposes of inspecting the same, and may apply to any person on such premises for such information as will enable the Inspector to determine whether or not such person is or is not required to hold a license pursuant to the provisions of this By-law and as to whether the provisions of this By-law are being carried out. It shall be the duty of every such person to deliver to the Inspector a statement in writing containing the information applied for."

13. Section 21 of By-Law No. 3089 is repealed and the following substituted therefor:

"21. The Council may, by the unanimous vote of all the members present at any lawful meeting thereof, refuse in any particular case to grant the request of the applicant for a license or a renewal thereof under this By-law, but the granting or renewal of a license shall not be unreasonably refused."

14. Section 24 of By-Law No. 3089 is repealed and the following substituted therefor:

"24. 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 penalties hereinafter provided. Every infraction shall be deemed to be a continuing, new and separate offence, for each day during which the same shall continue."

15. Section 25 of By-Law 3089 is repealed and the following substituted therefor:

"25. Any person guilty of an infraction of this By-law shall be liable, upon summary conviction, to a fine or penalty not exceeding \$500.00 and costs, and in default of payment, to imprisonment for a term not exceeding 60 days."

Read a first time this 12th day of December, 1966.

Read a second time this 12th day of December, 1966.

Read a third time this 12th day of December, 1966.

Reconsidered and adopted this 19th day of December,

1966.



A handwritten signature in cursive script, appearing to read "W. Bennett".

R E E V E

A handwritten signature in cursive script, appearing to read "J. Shaw".

C L E R K

SCHEDULE "A"

PART I

Every person carrying on, maintaining, owning, or operating within the Municipality any profession, business, trade, occupation, calling, undertaking or thing enumerated hereunder shall pay to The Corporation of the District of Burnaby the amount of the annual license fee set opposite to the profession, business, trade, occupation, calling, undertaking or thing carried on, maintained, owned or operated by such person.

1. Auto Camp, Apartment, Rooming House, Lodging House (for each room let or available for letting)	\$ 2.00 ✓
2. Carnival or Circus	
(a) for each person employed - per day	1.00 ✓
Provided that the minimum fee shall be	50.00 ✓
and the maximum fee shall not exceed	500.00 ✓
3. Christmas Tree Vendor	7.50
4. Dressmaker	5.00
5. Home Occupation	20.00
6. Music or Elocution Teacher	
(a) for the first person engaged in the profession, business, trade, occupation, calling, undertaking or thing	10.00 ✓
(b) for each additional person engaged in the profession, business, trade, occupation, calling, undertaking or thing	5.00 ✓
Provided that the maximum fee shall not exceed	40.00 ✓
7. Private School	20.00 ✓
8. Trailer Camp (whether operated with an existing Auto Court or not)	10.00 ✓

SCHEDULE "A"

PART II

Every person carrying on, maintaining, owning, or operating within the Municipality any profession, business, trade, occupation, calling, undertaking or thing not hereinbefore enumerated shall pay to The Corporation of the District of Burnaby the annual license fee as follows:

If 1 to 5 persons are engaged in the profession, business, trade, occupation, calling, undertaking or thing	\$ 30.00 ✓
For each additional person over five engaged in the profession, business, trade, occupation, calling, undertaking or thing	10.00 ✓
Provided that the maximum fee shall not exceed	1500.00 ✓