

RE: SIZE OF CORNER STORES - SHOPS CLOSING BY-LAW

The following is a report from the Chief Licence Inspector regarding the size of local convenience stores.

As indicated in the report, there are at least three options available to Council:

- (1) Retain the current provisions of By-law No. 3970.
- (2) Amend the by-law to increase the selling area of corner stores.
- (3) Amend the by-law to exempt all grocery stores from closing regulations.

In order to have the benefit of opinion from those parties interested and affected by the by-law, it is suggested that input be invited from the Lower Mainland Independent Grocers Association and other interested parties.

RECOMMENDATIONS

1. THAT the Lower Mainland Independent Grocers Association and other interested parties be invited to make submissions to Council concerning the selling area and other conditions which may be applicable in regulating the closing hours of grocery stores; and
2. THAT a copy of this report be forwarded with the invitation to the Lower Mainland Independent Grocers Association, 243 East Georgia Street, Vancouver, B.C.

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TO: MUNICIPAL MANAGER  
FROM: CHIEF LICENCE INSPECTOR  
SUBJECT: SIZE OF CORNER STORES - SHOPS CLOSING BY-LAW

At the meeting of 1978 June 19, Council directed that a review of the size of local convenience stores be conducted and that a report on the subject be brought forward.

1. Empowering Legislation and By-law

The Municipal Act defines shops, provides exemptions from by-law regulations for operators retailing specific lines, regulates closing hours, and empowers Council to further regulate closing hours and to exempt from closing hours, class or classes of shops.

The Municipal Act reads:

"857 (1) For the purposes of this Division, "shop" means any land or premises where any retail trade or business is carried on, and includes any building or portion of a building, booth, stall, or place where goods are exposed or offered for sale by retail, or where the business of a barber or hairdresser or the business of a shoe-shine stand is carried on, but does not mean

- (a) premises where a barber or hairdresser is attending a customer in the customer's residence; or
- (b) where a pharmacist is only filling a prescription of a person qualified by law to write a prescription; or

- (c) where the only trade or business carried on is that of selling tobacco and related products, newspapers, magazines, fresh fruits, fresh vegetables, frozen fruits, frozen vegetables, cut flowers, florists' products, soft drinks, dairy products, bakery products, or any one or more of them; or
- (d) the retail sale of tobacco and related products, newspapers, magazines, fresh fruits, soft drinks, dairy products, confectionery, or any one or more of them if sold from stands operated in conjunction with a recreation, sports, entertainment or athletic business; or
- (e) a hotel, inn, public house, restaurant, or refreshment-house; or
- (f) automobile service-stations, automobile service-garages, marinas, or boat service-stations; or
- (g) premises licenced under the Government Liquor Act.

(2) The Council may by by-law define classes of shops.

859 In each week of the year all shops shall be closed for the serving of customers,

- (a) on Monday, Tuesday, Thursday, and Saturday, or such four days as may be specified by by-law of the Council, not later than six o'clock in the afternoon; and
- (b) on Wednesday, or such other one day as may be specified by by-law of the Council, not later than twelve o'clock noon, or such later hour in the afternoon as may be specified in the by-law; and
- (c) on Friday, or such other one day as may be specified by by-law of the Council, not later than nine o'clock in the afternoon; and shall remain closed thereafter for the remainder of each such day.

861 (1) For the local convenience and well-being of the residents of a municipality, the Council may by by-law exempt completely from the provisions of Sections 858 and 859 any defined class or classes of shops.

(2) Notwithstanding Section 859, the Council may by by-law provide that barber-shops or hairdressing-shops, or both, shall be closed and remain closed for the serving of customers at a specified hour on five specified days of each week and shall be closed for the entirety of a specified day of each week for the serving of customers."

In accordance with this legislation the Burnaby Shops Closing By-law 1958 No. 3970, provides that retail businesses, except as exempted, must be closed for the serving of customers by 18:00 h (6:00 p.m.) on Monday, Tuesday, Wednesday, and Saturday and by 21:00 h (9:00 p.m.) on Thursday and Friday in each week. Exempt from the by-law are:

- (i) auctions,
- (ii) bookstores,
- (iii) camp supply stores,
- (iv) car lots,
- (v) corner stores,
- (vi) drug stores, and
- (vii) laundromats.

Therefore those classes of shops as set out in Section 857 (1) of the Act and those classes as listed above are exempt from closing regulations.

The by-law defines a corner store as:

"Corner store means a shop dealing in groceries having a shopping floor area of less than 1,000 square feet operated by a family and employing not more than one other person."

ITEM 24 (SUPPLEMENTARY)  
MANAGER'S REPORT NO. 52  
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2. Background

The last review of the size and qualifying conditions of corner stores was conducted in 1974. At that time the operators of a chain of convenience stores requested that the By-law be amended to increase the selling area from 1,000 square feet to 1,200 square feet, and that the company be permitted to be the operator with no restriction on the number of employees. Council resolved not to amend the By-law.

Since that time several new corner stores have been established in accordance with provisions of the By-law.

3. Surrounding Areas

A survey of surrounding areas reveals that shop closing regulations are:

<u>Location</u>	<u>Exempt from Closing Regulations</u>
City of Vancouver	Grocery stores with a selling area of up to 1200 sq.ft.
District of West Vancouver	Grocery stores with a selling area of up to 2500 sq.ft.
City of North Vancouver	Grocery stores with a selling area of up to 1500 sq.ft.

Those areas with open shopping hours are:

- City of New Westminster
- Municipality of Richmond
- Municipality of Surrey
- Municipality of Coquitlam
- District of North Vancouver
- Municipality of Delta

4. Store Operations

During the past several years a trend in the operations of grocery stores has been emerging. It appears that most operations consist of small independent family operated businesses, or large supermarket operations comprising several thousand square feet of selling area, usually operated by a chain organization, or in some cases by an independent operator affiliated to a chain. An exception to this is the chain operated convenience stores which in some cases are run as a family business through a lease or franchise.

The variety of merchandise regularly stocked in grocery stores appears to be continually expanding. In addition to a greater variety of foodstuffs, many items of a personal nature, household supplies, pet supplies, cut flowers and potted plants, toys, etc. are now regular stock in trade in grocery stores. In these circumstances, some of the operators of small stores have extended their selling area by constructing outside display stands for plants, flowers and produce, or by altering interior partitions. A sampling survey of such businesses revealed that in some cases the premises now exceed the 1,000 square feet of selling area applicable to corner stores.

Contact with the Lower Mainland Independent Grocers Association, the organization representing a majority of the smaller operators, has been established. A representative of the Association advises that they would consider bringing the question of the size of corner stores before their affected members.

5. Options

The options available to Council in this matter are:

- (1) Retain the current provisions of By-law 3970.
- (2) Amend the By-law to increase the selling area of corner stores.
- (3) Amend the By-law to exempt all grocery stores from closing regulations.

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6. Summary

Based on Licence Department records there are approximately 87 grocery stores that qualify as corner stores. If the selling area were to be increased to 1,500 square feet, an estimated 20 additional grocery stores could be eligible for exemption from closing regulations.

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In my opinion, the operators of grocery stores exempt from closing regulations should have an opportunity to express an opinion on the suitability of the current By-law provisions, and the impact that any increase in the selling area may have on them and the public. This could be achieved by inviting the Lower Mainland Independent Grocers Association, and other interested parties, to make submissions concerning the selling area and other conditions which may be appropriate in regulating the closing hours of grocery stores.

RECOMMENDATIONS:

1. THAT the Lower Mainland Independent Grocers Association and other interested parties be invited to make submissions to Council concerning the selling area and other conditions which may be applicable in regulating the closing hours of grocery stores; and
2. THAT a copy of this report be forwarded with the invitation to the Lower Mainland Independent Grocers Association, 243 East Georgia Street, Vancouver, B.C.

  
CHIEF LICENCE INSPECTOR

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cc: Municipal Treasurer  
Municipal Solicitor