

RE: LETTER FROM PACIFIC VENDING
1377 PEMBERTON AVENUE, NORTH VANCOUVER, B.C.
BURNABY AUTOMATIC VENDING MACHINE BY-LAW 1914
AUTOMATIC VENDING MACHINES-PINBALLS

ITEM	21
MANAGER'S REPORT NO.	74
COUNCIL MEETING 1978 10 23	

Appearing on the agenda for the 1978 October 23 meeting of Council is a request from Mr. Karl Feder, General Manager of Pacific Vending, for permission to appear as a delegation to present his views on age restrictions which prevent a segment of the public from playing pinball machines in Burnaby. Attached is a report from the Chief Licence Inspector on this matter:

When dealing with prospective operators of arcades, it is the practice of staff to arrange a meeting between the applicant and representatives of the R.C.M.P. and the School Board to discuss the operation that is being proposed, ie. house rules, hours of operation, extent of supervision, co-operation with school officials and other pertinent points that may be raised. These meetings provide representatives of the Municipality with an opportunity to assess the applicants who in turn benefit from the information supplied by Police and School Board representatives concerning pitfalls that may be avoided. Such a meeting was carried out with Mr. Feder of Pacific Vending when he proposed an arcade in the 4500 block Hastings Street.

Historically, the operation of arcades in the Municipality have been sporadic; there have been extended periods of time when no such businesses were operating. Currently, two such facilities are in operation, one in the 7700 block Edmonds Street and the other in the Lougheed Mall.

In addition to arcades, some operators of businesses that are oriented to serving young people, such as sandwich shops, record shops, teenage discos, skateboard palaces, etc., have arranged to install up to 12 vending machines in their shops. While these may be deemed mini arcades, only one complaint (concerning loud profane language) has been recorded by the Chief Licence Inspector. This expanding use of vending machines, and several recent inquiries concerning the proposed operation of arcades indicates the manufacturers or distributors of vending machines may be engaging in promotional activities which we may experience the effects of in the future.

The solicitor advises that in his opinion, relative to Section 458M of the Municipal Act, Council may in by-law, regulate the operating hours of arcades in order to prevent/minimize nuisances, and perhaps may specify the hours when young persons may be on such premises, if such regulations can be said to be for the purpose of protecting the public.

An excerpt containing Section 10 (b) and (c) of the applicable by-law is attached.

RECOMMENDATIONS:

1. THAT the recommendation of the Chief Licence Inspector be adopted.
2. THAT a copy of this report be sent to Mr. K. Feder, General Manager, Pacific Vending, 1377 Pemberton Avenue, North Vancouver, B.C.

ITEM	21
MANAGER'S REPORT NO.	74
COUNCIL MEETING	1978 10 23

186

TO: MUNICIPAL MANAGER
FROM: CHIEF LICENCE INSPECTOR
RE: AUTOMATIC VENDING MACHINES - PINBALLS

1978 October 18

RECOMMENDATION

1. THAT Section 10(b) and (c) of the Burnaby Automatic Vending Machine By-law No. 1914 be repealed.

REPORT

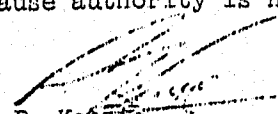
At the meeting of 1978 October 10, Council received a delegation from Pacific Vending, a division of H.K.S. Feder Investments Ltd., and heard their request that the Burnaby Automatic Vending Machine By-law No. 1914 be amended to permit persons under 18 years of age to play coin operated pinball vending machines.

Section 10 of By-law No. 1914 provides that it is an offence for persons of less than 18 years of age to operate or play any pinball-type automatic vending machine. Additionally, it is an offence for operators of vending machines or operators of premises where vending machines are located to permit persons of less than 18 years of age to play pinball machines.

Pinball machines are the only type of vending machines to which the age restriction is applicable.

The R.C.M.P. advise that amusement arcades and other businesses where the operators install amusement vending machines, including pinball machines, are no greater problem than other facilities that are frequented by young people.

The Municipal Solicitor has reviewed Section 10 of By-law No. 1914 and advises that subsections (b) and (c) are invalid because authority is no longer available in the Municipal Act.


P. Kenzie
CHIEF LICENCE INSPECTOR

PK:ah

cc. Municipal Treasurer
Municipal Solicitor

ITEM	21
MANAGER'S REPORT NO.	74
COUNCIL MEETING	1978 10 23

9. Repealed by By-Law No. 6313 - July 16, 1973

10. Any person who:

- (a) Uses, installs, maintains or operates as aforesaid any automatic vending machine which has not been licensed and the license fee paid therefor as requiring by this By-law; or
- (b) Being a person of less than 18 years of age, shall operate or play any automatic vending machine of the type commonly known as a "Pinball Machine", whether licensed or not; or
- (c) Suffers or permits a person of less than 18 years of age to operate or play any automatic vending machine of the type commonly known as a "Pinball Machine" whether licensed or not; or
- (d) Has been guilty of any other infraction of this By-law;

Shall upon conviction thereof before a 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 Police Magistrate, Justices or other Magistrate or Magistrates convicting, a fine or penalty not exceeding the sum of \$250.00 and costs for each offence; and in default of payment thereof forthwith, It shall be lawful for such 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 cost or costs only, by distress and sale of the offenders 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 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, of or for the Municipality of the District of Burnaby for any period not exceeding two months (with or without hard labour) unless the said fine or penalty be sooner paid.

11. Upon the conviction of any person, persons, firm corporation or partnership of any breach or infraction of this By-law, the Council may