

ITEM 15  
MANAGER'S REPORT NO. 40  
COUNCIL MEETING 1981 09 08

Re: LETTER FROM ANGUS J. MACDONALD, MANAGER, BURNABY CHAMBER OF COMMERCE,  
10 - 6035 SUSSEX AVENUE, BURNABY, B. C., V5H 3C1 REGARDING HOLIDAY  
SHOPPING

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the report of the *Municipal Solicitor* be received for information purposes.

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TO: MUNICIPAL MANAGER

1981 SEPTEMBER 02.

FROM: MUNICIPAL SOLICITOR

SUBJECT: HOLIDAY SHOPPING

RECOMMENDATION:

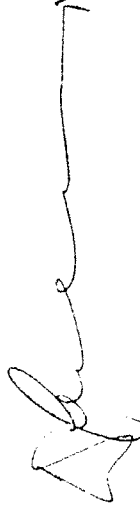
1. THAT this report be received for information purposes.

REPORT

The brief presented by Burnaby Chamber of Commerce at the Council meeting of August 24 recommended that two by-laws be placed before the electors in November. The first by-law would exempt certain defined classes of retail business from the provisions of the Holiday Shopping Regulation Act. The second by-law would exempt all classes of retail business from the provisions of that Act and would therefore in effect permit wide open shopping on holidays as defined in that Act.

The pertinent sections of the Act are sections 3 and 4 (copy attached).

In my opinion, Council may present two separate by-laws to the electors. Whether it should do so or not is, of course, a political question to be decided by Council.



W. L. Stirling,  
MUNICIPAL SOLICITOR

Bylaw of a municipality

3. (1) The council of a municipality may, with the assent of the electors, adopt a bylaw in respect of retail business, other than scheduled business, permitting a person
- (a) to carry on a certain class of retail business,
  - (b) to sell or offer for sale a certain class of goods or service in a retail establishment, or
  - (c) to admit the public to a retail establishment,
- on a holiday or during specified hours on a holiday.
- (2) A bylaw under this section must relate to all holidays defined in section 1 but the provisions of the bylaw need not be the same for each holiday.
- (3) A bylaw under this Act may classify retail business by type, size, location or number of persons employed.
- (4) The provisions of the Municipal Act respecting the assent of electors apply to this section.

Bylaw amendment or repeal

4. (1) A bylaw adopted under section 3 shall not be repealed or amended until
- (a) the council has held a public hearing which has been advertised in not less than 2 consecutive issues of a newspaper published in the municipality with the last of the advertisements appearing not less than 3 days or more than 10 days before the date of the hearing, and
  - (b) after the hearing, the council adopts the amendment by a 2/3 majority of the members of council present.
- (2) The notice of hearing shall
- (a) identify the bylaw proposed to be amended,
  - (b) state in general terms the purpose of the proposed amendment,
  - (c) state where and when a copy of the proposed amendment may be inspected, and
  - (d) state the time and place of the public hearing.
- (3) The council may determine the procedure for the conduct of the public hearing.
- (4) The assent of the electors is not required to amend or repeal a bylaw under this section.

Minor amendments

5. A council may, without a public hearing or notice under section 4 (2) or the assent of the electors, amend a bylaw under this Act to correct a clerical or inconsequential error or omission.

Bylaw deemed part of Act

6. A bylaw under this Act shall be deemed to be part of this Act.