

CORPORATION OF THE CITY OF NANAIMO, B. C.

A. BY-LAW.

For the regulation of Licensed Premises and of application for Liquor Licenses and their issue.

The Municipal Council of the Corporation of the City of Nanaimo enacts as follows:—

Interpretation

The term "The Board" wherever appearing in the By-Law, shall mean Board of Licensing Commissioners or a majority thereof. Wherever the word "License" appears, it shall mean license for the sale of spirituous or fermented liquors.

General

1. Without a license therefor first had and obtained from the Corporation of the City of Nanaimo as herein specified, no person or persons or body corporate shall at any time sell, give or furnish any spirituous, malt or fermented liquors to any person or persons whomsoever.
2. From and after the final passing hereof, all licenses issued in the City of Nanaimo, whether new or renewals, shall be issued by the City Collector upon the order of the Board, and all licenses so issued shall be held subject to the regulations from time to time in force by virtue of any By-Laws of the City of Nanaimo.
3. All licenses now in force and issued by the Corporation of the City of Nanaimo or the Collector thereof are hereby confirmed and continued until the expiration of the term mentioned in such license, but subject to all the regulations, terms and conditions by this By-Law set out.
4. Hereafter all applications for a license, or a renewal or a transfer of a retail license shall be accompanied by a plan of the premises, if such plan is not already filed with the Board.
5. No change in any part of the building shall be made in any licensed premises at any time without a permit from the Board.
6. No card playing, shaking dice, lottery, raffle, sweepstake or sale of lottery, raffle or sweepstake tickets shall be permitted in

or upon said licensed premises.

7. No gambling of any description whether with or without the use of any machine or other device shall be permitted in or upon said licensed premises.

8. No licensee holding a license for the sale of liquor shall have, keep or operate or permit to be brought upon, kept or operated in or upon the licensed premises, any nickel-in-the-slot machine or machine of similar nature or any machine or device for gambling, or for operating or playing with for money tokens, cigars, prizes or results of any kind whatsoever.

9. All licensed premises for the sale of liquor by retail shall be situated upon the ground floor, the front of which shall be so that a clear view can be had of the interior of the bar-room from without, during prohibited hours, and shall be so lighted as to make this possible. All existing licensed premises aforesaid shall, immediately make the necessary alterations to conform with this regulation.

10. No person under the influence of liquor shall be permitted to remain in restaurants or in the bar-room of a hotel and no female customer be permitted to come upon or remain in any bar-room. Any female supplied with drink or drinking in a bar-room shall be deemed a customer.

11. A license for a wholesale dealer shall be in the form set out in schedule "A" hereto.

A license for a retail dealer shall be in the form set out in schedule "B" hereto.

12. Each such license shall authorize the licensee to sell spirituous or other liquors according to the terms and conditions thereof only, and only upon the days (not being a day fixed for the holding an election for Mayor and Aldermen for the City of Nanaimo until the closing of the poll) and during the hours hereinafter mentioned, namely:— on Mondays of each week from seven o'clock in the forenoon until eleven o'clock in the afternoon.

On Tuesdays of each week from seven o'clock in the forenoon until eleven o'clock in the afternoon.

On Wednesdays of each week from seven o'clock in the forenoon until eleven o'clock in the afternoon.

On Thursdays of each week from seven o'clock in the forenoon until eleven o'clock in the afternoon.

On Fridays of each week from seven o'clock in the forenoon until eleven o'clock in the afternoon.

On Saturdays of each week from seven o'clock in the forenoon until ten o'clock in the afternoon.

13; On Sundays of each week holders of hotel licenses are authorized to supply liquor to their guests in dining-room with regular bona-fide meals.

14. Violation of any of the provisions of section 12 of this By-Law, shall be an offense for which the person violating shall be liable, on summary conviction:-

(a) For the first offense, a penalty of not more than one Hundred dollars, and, in default of payment forthwith after conviction, to not more than four months imprisonment.

(b) For a second or any subsequent offense, to a penalty of not less than one hundred dollars, and not more than two hundred dollars, and, in default of payment forthwith after conviction, to not less than four months, nor more than six months imprisonment.

15. Any licensee who sells or suffers or permits to be sold on his premises any spirituous or fermented liquor on any of the days or during any of the hours not above enumerated shall be deemed to have sold such liquor without a license.

16. Every holder of a license for the sale of liquors shall permit entry upon the licensed premises at all times when anyone is upon the premises by any appointed officer of the Corporation, Police Officer or Constable in order to enable him to ascertain whether the regulations governing the licensed premises are obeyed, and no person shall refuse entry or obstruct any such officer or constable in so entering.

17. Holders of existing licenses for the sale of liquor shall conform to the regulations in this and the following two sections, respectively applicable and otherwise shall observe the same.

17.(a) A hotel license shall enable the holder to have on the premises one bar-room only.

17.(b) The licensee of every hotel having a bar shall employ only such person or persons as a bar-tender or bar-tenders as have complied with the following requirements:- Every person desirous of following the occupation of a bar-tender in the City of Nanaimo shall as a pre-requisite for his employment by a licensed keeper of a hotel bar leave with the Chief of Police a statement in writing signed by him giving his full name with the address and name and occupation of every employer with whom he has been employed (if any) during the next preceding two years.

17.(c) The bar-room of the hotel having a hotel license shall on all the days and during all the hours in which liquor is not authorized to be sold under sections 12 and 13 be securely closed and locked so that no person may have access thereto, except the licensee or his authorized agent.

17.(d) No hotel license for the sale of liquor by retail shall be granted or renewed to any applicant or licensee under this By-Law unless the building contain:-

(1) A bar-room used only for the purpose of and as a bar-room.

(2) A sitting-room for the use of guests.

(3) A dining-room for the use of guests.

(4) At least 20 bed-rooms, and each properly,adequately and comfortably furnished for the use of guests, and to the satisfaction of the Chief of Police.

(5) Adequate arrangements and facilities for ventilation, and for the prevention of fires and for egress and escape in case of fire and for sanitation and drainage, to the satisfaction of the Building Inspector, Fire Chief and Sanitary Inspector.

(6) Adequate means for closing and locking the bar-room during Sundays and prohibited hours, to the satisfaction of the Chief of Police.

(7) Adequate and sanitary kitchen, pantry and store-room, to the satisfaction of the Chief of Police.

(8) A proper hotel register and adequate arrangements and facili-

ties for the registration of guests and for recording the time of arrival and departure of guests, and all guests must register on arrival and the time of their arrival and departure noted by the licensee.

17.(e) No hotel license for the sale of liquor by retail shall be issued or transferred to any person who has, within the space of three years preceding his application for such license or transfer been convicted of any criminal offence, or been the holder of any license that has been cancelled, or has been an applicant for either the issuance or transfer of any license to sell liquor and has had such his application denied on any or either of the grounds aforesaid.

17.(f) Every hotel-keeper having a license to sell liquor refusing, either personally or through any one acting on his behalf, except for some valid reason, to supply lodging, meals or accomodation to travelers, shall be guilty of an offence against the provisions of this By-Law.

18. No licensee holding a license for the sale of liquor shall sell, barter, give, deliver, or furnish for any purpose or on any pretext whatsoever any liquor or permit any liquor to be sold, bartered, given, delivered, or furnished for any purpose or on any pretext whatsoever, to:-

(a) Any person apparently under the influence of liquor:

(b) Any dipsomaniac or any person who has acquired the reputation of being a drunkard, or is openly and notoriously of drunken habits, or addicted to drunken debauches or sprees:

(c) Any person who openly and notoriously wastes his money in drinking liquor and in riotous living to the detriment of his family or those dependent upon him:

(d) Any vagrant or any tramp,

(e) Any Minor:

(f) Any Chaffeur as defined in the "Motor vehicles Act":

(g) Any prostitute; or

(h) Any Indian.

19. " No licensee having a brewer's or distiller's license or a whole-sale license for the sale of liquor shall allow any liquor sold by

him, or in his possession or under his control, to be consumed by any person whomsoever within his brewery, distillery, or warehouse, or within any building of which such brewery, distillery, or warehouse forms a part, or which is connected by any entrance with such brewery, distillery, or warehouse."

20. No billiard, pool, or other tables shall be permitted in the bar-room of any licensed premises, and no liquor shall be sold or supplied in any room in any licensed premises set apart or used for such games.

21. No musical instrument, dancing, or other form of entertainment shall be permitted in such bar-room.

22. Any chemist or druggist duly registered and entitled to carry on business under and by virtue of any act of the Legislative Assembly of the Province of British Columbia, may keep, have, and vend liquor in the course of his business, but for strictly medical purposes only, and upon prescription from a registered medical practitioner and in accordance with the terms of such prescriptions.

23. Any licensee at any time receiving money or valuables from any person or persons shall give a receipt therefor, and, returning the same to him on paying out any moneys out of such money, shall take a voucher from said person or persons and produce the same to the Board at any time at their request.

24. The holder of every retail liquor license in the City of Nanaimo shall at least ten days before the regular sittings of the Board held in the month of June and December in every year, make and deposit with the City Clerk an application in writing, or partly in print and partly in writing for a renewal of the license held by him, and the Chief of Police shall at least one day before the sitting of the Board deliver to the City Clerk for the information of the Board a report certifying to the manner in which such applicant for renewal of license has conducted his premises during the previous six months.

In case of an adverse report respecting any license holder, notice shall be served on the party complained of and a public investigation shall be held by the Board.

25. The number of retail liquor licenses to be granted in the City of Nanaimo, shall not exceed twenty two, until the population of said City shall exceed twenty thousand or more of population, and then only one additional retail liquor license shall be granted by the said Board, for each full one thousand of population in excess of twenty thousand.

26. No retail liquor license shall be granted to any applicant who is not of the full age of twenty one years.

27.(1) Save in this By-Law otherwise provided:

(a) No person shall sell, vend, barter, or dispose of in any manner whatsoever any liquor without first duly obtained a license authorizing him so to do; and

(b) No person shall keep or have any liquor for the purpose of selling, trafficking, or trading therein, or bartering therewith, unless duly licensed to sell liquor.

(2) Any person contravening or committing any breach of any of the provisions of this section shall, upon summary conviction therefor, be liable to imprisonment, and hard labor, for a term of not less than six months and not more than twelve months for a first offense; and for a second or any subsequent offense, to imprisonment, with hard labor, for not less than twelve and not more than twenty months.

28. Any person guilty of a breach of any provision contained in this By-Law, other than provided for in the preceding section shall upon summary conviction, forfeit and pay a penalty of not more than one hundred dollars, and in default of payment forthwith after conviction, to imprisonment for not more than six months, with or without hard labour.

29. In addition to and not in substitution for the penalties set out in the next two preceding sections, any person, who shall have on three occasions been convicted of any infraction of this By-Law whether for the same offense or not, shall on report of the Chief of Police to the Board lose his license to sell liquor and the Board shall not renew or grant the said license to the said party so convicted or to any one on his or her behalf.

30. All Liquor License Regulation By-Laws heretofore passed are hereby repealed.

31. This By-Law may be cited as the Liquor License Regulation By-Law, 1913.

Passed first and second readings on 27th. October, 1913.

Passed third reading on 15th. december, 1913.

Reconsidered and finally adopted by the Municipal Council on the 29th. December, 1913.

Geo Deane

Mayor.

A. Gough

City Clerk.



Schedule A.

Corporation of the City of Nanaimo,
Wholesale Liquor License,

No. Nanaimo, B. C. -----19---

has paid the sum of _____ dollars
in respect of a license to sell spirituous or fermented liquors by whole-
sale at ----- street, and is hereby entitled to
carry on the business or occupation of a wholesale liquor dealer from
16th.----- 19-- to 15th. ----- 191-

Collector.

Schedule B.

Corporation of the City of Nanaimo,
Retail Liquor License.

No.----- Nanaimo, B. C. -----19--

has paid the sum of One hundred and fifty dollars in respect of a license
to sell spirituous or fermented liquors by retail at -----
----- situate on -----street, and
is hereby entitled to carry on the business or occupation of a retail
liquor dealer, from 16th.----- to 15th. -----19--

Collector.

This License is issued subject to all By-Laws, Rules and Regulations
of the City Now in force, or at any time during the currency of this
license.