

CITY OF NANAIMO

BYLAW NO. 2412

A BYLAW TO REGULATE THE HOURS OF OPERATION
OF AUTOMOBILE SERVICE STATIONS AND AUTOMOBILE SERVICE GARAGES

WHEREAS pursuant to Section 925(4) of the Municipal Act, the Council may extend the hours of operation of an automobile service station or automobile service garage in an area or areas of the Municipality applicable to any days of the week, to any days mentioned in Section 920 of the Municipal Act, and to any months of the year;

AND WHEREAS pursuant to Section 925(3) of the Municipal Act, the Council may, by bylaw adopted by an affirmative vote of at least two-thirds of all its members, provide for the issue of permits to an operator of an automobile service station or an automobile service garage therein granting exemption from the closing hours stipulated in this bylaw.

AND WHEREAS this bylaw has received the assent of the majority of the operators of the automobile service stations and garages in the Municipality by secret ballot;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited for all purposes as the "SERVICE STATION CLOSING BYLAW 1982 NO. 2412."

2. This bylaw shall apply to all automobile service stations and automobile service garages lying within the limits of the City of Nanaimo, hereinafter referred to as the "area".

3. Except as may be otherwise provided in this bylaw, all automobile service stations and automobile service garages in the area shall remain closed for the serving of customers from twelve o'clock midnight of each day until six o'clock in the morning of the following day and this shall also apply to the days mentioned in Section 920 of the Municipal Act.

4. Notwithstanding any other provision of this bylaw, the Municipal Council may, at its sole discretion, issue a permit as set out in Schedule "A" attached to and forming part of this bylaw to the operator or operators of any automobile service station or automobile service garage, therein granting exemption from Section 3 of this bylaw.

5. A permit issued pursuant to Section 4, shall be subject to the following regulations:

- (1) The operator or operators shall provide an emergency service with a minimum of one employee on duty at all times and one employee available on call and shall have available a service vehicle to respond to an emergency call for service from a motorist within the Municipality who is unable to drive to the service station for the service he requires.
- (2) For the purposes of this Bylaw "Employee" shall include an Agent of the operator or operators of an automobile service station or automobile service garage.
- (3) The automobile service station or automobile service garage in respect of which a permit is issued shall be open for the serving of customers continuously for twenty-four hours each and every day, including those mentioned in Section 920 of the Municipal Act.

- (4) An application for a permit under Section 4 shall be made in writing, upon a form as set out in Schedule "B" attached to and forming part of this Bylaw.
- (5) A permit shall not be transferable from one operator to another operator nor from one location to a different location.
- (6) Each permit shall continue in effect until it is revoked.
- (7) In the event that a permit is revoked, a new permit in respect of the automobile service station or automobile service garage for which such permit was issued, shall not be issued until one year has elapsed from the date of revocation without the unanimous approval of the Municipal Council.
- (8) The number of permits in effect at any one time shall not exceed four (4) or one-tenth (1/10) of the number of automobile service stations and garages in the municipality, whichever is greatest.

7. The Municipal Council may revoke any permit issued pursuant to this bylaw with or without notice at its sole discretion.

8. Every person who violates any of the provisions of this bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine not exceeding \$2,000.00 or six (6) months imprisonment, or both.

9. The "SERVICE STATION CLOSING BY-LAW 1962 NO. 1138" and all amendments thereto, is hereby repealed.

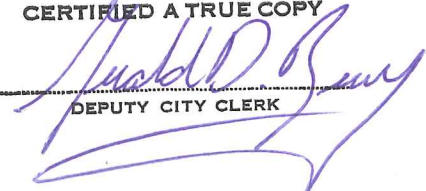
RECEIVED ASSENT of Operators on the Twentieth day of November, 1981.

PASSED FIRST, SECOND AND THIRD READINGS BY CITY COUNCIL 1982-FEB-01.

RECONSIDERED, FINALLY PASSED AND ADOPTED BY A TWO-THIRDS MAJORITY OF CITY COUNCIL ON 1982-FEB-15.

REPEALED 2000. APR. 10.

CERTIFIED A TRUE COPY


DEPUTY CITY CLERK

"F.J. NEY"
M A Y O R

"S.T. GRAY"
CITY CLERK

CITY OF NANAIMO

AUTOMOBILE SERVICE STATION/SERVICE GARAGE CLOSING EXEMPTION
PERMIT

This permit is issued to _____

_____ operator of the premises known as

and located at _____

The operator named herein, is hereby granted exemption from the provisions of Section 3 of the "SERVICE STATION CLOSING BYLAW 1982 NO. 2412" governing the closing hours of automobile service stations and automobile service garages.

It is a condition of this permit that:

- (1) The automobile service station or automobile service garage in respect of which this permit is issued shall be open for the serving of customers continuously for twenty-four hours each and every day of the year.
- (2) A minimum of one employee shall be on duty at all times with one employee on call, and a service vehicle shall be available to respond to an emergency call for service from a motorist within the Municipality who is unable to drive to the service station for the service he requires.
- (3) Permits shall not be transferable from one operator to another operator nor from one location to a different location.

DATED AT Nanaimo, B.C., this _____ day of _____ 19 _____ .

CITY CLERK

Schedule "B"

CITY OF NANAIMO

APPLICATION FOR EXEMPTION FROM THE SHOPS CLOSING
REGULATIONS AS THEY APPLY TO AUTOMOBILE SERVICE
STATIONS AND SERVICE GARAGES

To City Council
City Hall
NANAIMO, B.C.

Pursuant to the provisions of the "SERVICE STATION
CLOSING BYLAW 1982 NO. 2412", I, _____
_____ operator of an Automobile Service Station
in premises operated under the name of _____
_____ and located at
_____ apply for a
permit granting exemption from the provisions of Section 3 of the
"SERVICE STATION CLOSING BYLAW 1982 NO. 2412" governing the
closing hours of automobile service stations and automobile
service garages.

In support of this application, I undertake:

- (1) To keep the said Automobile Service Station open for the serving of customers continuously for twenty-four hours each and every day.
- (2) That during such period, emergency service will be available at all times with a minimum of one employee on duty at all times and one employee available on call, to provide such service, and a service vehicle available.

This application is made with the full knowledge that should a permit be granted, such permit can be revoked at any time with or without notice.

DATED AT Nanaimo, B.C., this _____ day of _____ 19 .

APPLICANT