



The Corporation of the Town of New Tecumseth

By-law 2002-177 (Consolidated – as amended)

“PLACES OF AMUSEMENT BY-LAW”

A by-law to regulate and license places of
amusement.

Consolidation		
Amendment No. 1	By-law No. 2008-023	February 11, 2008

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**THE CORPORATION OF THE TOWN OF
NEW TECUMSETH**

BY-LAW

Number 2002-177

"PLACES OF AMUSEMENT BY-LAW"

A by-law to regulate and license
places of amusement.

WHEREAS Section 236 Subsection (1) of the *Municipal Act*, R.S.O. 1990, Chapter M.45 provides authority for the councils of towns having a population of less than 100,000 to pass by-laws for licensing, regulating and governing persons who for hire or gain, and proprietary clubs that directly or indirectly keep, or have in their possession, or on their premises, any billiard, pool or bagatelle table;

AND WHEREAS Section 236 Subsection (6) of the *Municipal Act*, R.S.O. 1990, Chapter M.45 provides authority for the councils of towns having a population of less than 100,000 to pass by-laws for regulating and licensing, subject to the *Theatres Act*, all places of amusement;

AND WHEREAS the Council of The Corporation of the Town of New Tecumseth deems it necessary and expedient to regulate and license pool halls, arcades and other similar places of amusement;

NOW THEREFORE the Council of The Corporation of the Town of New Tecumseth enacts as follows:

1. DEFINITIONS

1.1 In this by-law the following definitions shall apply:

1.1.1 "**Game**" shall mean a devise or instrument, or any combination thereof, whether of an electronic or mechanical nature that is generally used to amuse people and without limiting the generality of the foregoing, includes pool, snooker, billiard and bagatelle tables, video games, pinball games, tabletop hockey games, tabletop soccer games, electronic games and other similar devices which are not contrary to the Criminal Code of Canada;

1.1.2 "**Licence**" shall mean a licence issued pursuant to the provisions of this by-law;

1.1.3 "**Operator**" shall mean the person who carries on or who is engaged in the amusement place business or intends to do so and in the case of a corporation, includes all the officers and directors of the corporation;

1.1.4 "**Place of Amusement**" shall mean any place, location, premise or proprietary club, including any room or area, in which the public has access and which offers facilities for the playing of:

- i) more than three (3) pool, snooker, billiard and/or bagatelle tables; and/or
- ii) more than three (3) video games, pinball games, tabletop hockey games, tabletop soccer games, electronic games and other similar devices which are not contrary to the Criminal Code of Canada.

1.1.5 "**Proprietary club**" shall mean all clubs other than those in which the use of billiard, pool or bagatelle tables is only incidental to the main objects of such club;

1.1.6 "**Town**" shall mean The Corporation of the Town of New Tecumseth.

2. GENERAL REGULATIONS

2.1 No person shall carry on or engage in the amusement place business unless the place of amusement is licensed under this by-law.

3. LICENCE

3.1 Every application for a licence shall be made on approved Town forms to the Town Clerk and shall set forth:

3.1.1 the applicant's full name and address;

3.1.2 the name and address of the amusement place operator;

3.1.3 the address of the place of amusement; and

3.1.4 shall be accompanied by a licence fee as set out in the Fees and Charges By-law.

3.2 Every application for a licence shall be forwarded by the Town Clerk:

3.2.1 to the Zoning By-law Administrator who, after inspection, shall report in writing as to whether the place of amusement complies with the applicable zoning by-law and as to the nature of non-compliance, if any, of the by-law;

3.2.2 to the Fire Chief of the Town of New Tecumseth Fire Department who, after inspection, shall report in writing as to whether the place of amusement complies with the applicable Fire regulations and as to the nature of non-compliance, if any, of the regulations; and

3.2.3 to the Chief Building Official who, after inspection, shall report in writing as to whether the place of amusement complies with the Ontario Building Code and by-laws and as to the nature of non-compliance, if any, of the regulations.

3.3 The application, together with the reports as required by subsection 3.2 herein shall then be assessed by the Town Clerk wherein the licence may be issued, provided that no licence shall be issued if the place of amusement does not comply with the applicable zoning by-laws, fire regulations or building code.

- 3.4 Such licence shall cover a period of twelve (12) months from the date of issue.
- 3.5 Every licence is valid only in respect of the place of amusement for which it is issued.
- 3.6 Every licence shall be prominently displayed at the place of amusement for which it has been issued.

4. HOURS OF OPERATION

- 4.1 No amusement place operator shall keep a place of amusement open to the public except in accordance with the following table, and not otherwise:

	<u>FROM</u>	<u>TO</u>
Monday to Thursday inclusive	4:00 p.m.	- 11:00 p.m.
Friday	4:00 p.m.	- 12:00 a.m.
Saturday	9:00 a.m.	- 12:00 a.m.
Sunday	12:00 p.m.	- 9:00 p.m.
* All Provincial Statutory Holidays	9:00 a.m.	- 11:00 p.m.

- 4.2 That during the months of July and August the amusement place operator may keep a place of amusement open to the public during the hours of 9:00 a.m. to 12:00 a.m., Monday to Saturday inclusive, and wherein the hours of operation for Sundays and holidays as set out in subsection 4.1 of this by-law still apply.
- 4.3 That the Town Clerk may, upon written request, vary the hours of operation set out in subsection 4.1 and 4.2 of this by-law to accommodate a specific occasion, and such variation shall be on a temporary basis for a limited time or period as specified in such application for variance.

5. PHYSICAL CONDITIONS

- 5.1 Every amusement place operator shall ensure,
- 5.1.1 that the place of amusement is kept clean and sufficiently lighted and ventilated;
- 5.1.2 that sufficient receptacles for litter are provided in the place of amusement;
- 5.1.3 that no disorderly conduct takes place in the place of amusement;
- 5.1.4 that the place of amusement, when open to the public, is under the supervision of a person who is eighteen years of age or older; and
- 5.1.5 that a sign is conspicuously displayed in the place of amusement to the effect that gambling is prohibited in the place of amusement.

6. PENALTY

6.1 That every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

7. VOLUNTARY PAYMENT

7.1 Notwithstanding all other provisions of this by-law in respect of penalties for violations, any person may, upon presentation of a violation tag issued alleging commission of such an offence under this by-law, pay out of Court at the Administration Centre of the Town of New Tecumseth, in person or by mail, within fifteen (15) days from the date of said tag, a penalty of a set fine of fifty dollars (\$50.00), and upon such payment no further proceedings shall be taken under this by-law in respect of the said offence alleged in the violation tag.

8. SEVERABILITY

8.1 Should any section, subsection, clause, paragraph or provision of this by-law, including any part of schedules be declared by a court of competent jurisdiction to be ultra vires, invalid or illegal for any reason, the same shall not affect the validity of the by-law as a whole.

9. CITING

9.1 That this by-law be cited as the "Places of Amusement By-law".

10. ENACTMENT

10.1 That this by-law comes into force and takes effect upon passing thereof.

10.2 By-Laws 93-93 and 2002-168 are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16TH DAY OF DECEMBER, 2002.

MAYOR

CLERK

Office Consolidation

