

**LICENSING BY-LAW
BY-LAW NUMBER 2002-151**

SCHEDULE 3

PLACE OF AMUSEMENT

LICENSING AND REGULATING OF PLACES OF AMUSEMENT

DEFINITIONS

3.1 In this By-law – Schedule 3

- a) **"amusement machine"** means any mechanical or electronic machine or device intended for use as a game, entertainment or amusement offered for use by the public by any person for profit or gain and shall include a pinball machine, television game, video game, shooting gallery or other similar machine or device including an automatic machine or slot machine that dispenses as prizes one or more free games, but shall not include any machine used only for the purposes of, vending merchandise or services or playing recorded music, bowling alleys, or any billiard, pool or bagatelle table or any machine that would render the premises a common gaming house within the meaning of *The Criminal Code of Canada*.
- b) **"place of amusement"** means any premises wherein amusement machines are provided for the use of the public for profit or gain.
- c) **"Town Clerk"** means the Clerk of the Town of Newmarket or his/her designate.
- d) **"Town"** means the Corporation of the Town of Newmarket in the Regional Municipality of York.

3.2 No person shall conduct, operate or carry on a place of amusement without first having obtained a license and paying the fee as prescribed by this By-law.

- a) There shall be four types of licenses as follows:
 - Class "A" - Place of amusement having more than four amusement machines not located in a shopping mall as hereinafter defined;
 - Class "B" - Place of amusement having four or less amusement machines and not located in a shopping mall as hereinafter defined;
 - Class "C" - Place of amusement having not more than ten amusement machines located in the internal passageway or concourse area of a shopping mall. For the purposes of this By-law shopping mall shall mean a complex of shops with associated internal covered passageways or concourses but not the individual shops of the complexes aforesaid.

Family Entertainment Centre -

Place of amusement operated in conjunction with a restaurant or snack bar and such other facilities as may otherwise be permitted as a family entertainment centre. For the purposes of this By-law a family entertainment centre means any premises having a minimum gross floor area of 3,500 square feet containing at least a restaurant or snack bar with a minimum of 20 seats and a place of amusement within which amusement machines are permitted at the rate of one amusement machine for every 80 square feet of gross floor area to a maximum of 100 amusement machines.

- 3.3 Every person who requires a Class "A" or Family Entertainment Centre license under the provisions of this By-law shall make application therefore in the form prescribed by this By-law and forwarding the same to the Town Clerk accompanied by a list of each and every amusement machine to be located on the premises, a floor plan indicating the total gross floor area, the location and type of all amusement machines, the floor area to be occupied by the amusement machines and the location and floor area of all other facilities and uses to which the premises will be put. Upon receipt of such application, the Town Clerk shall forward a copy of such application to the Public Health Branch, Region of York, the Chief of Police of the York Regional Police Department and the Planning Department, Building Department and Fire Department of the Town and may forward a copy of such application to any other department of the Town which may be affected, for a report.
- 3.4 If the reports referred to in subsection 3.3 contain no recommendation adverse to a license being issued to the applicant, then the Town Clerk may thereupon issue the license.
- 3.5 If a report adverse to the application is received by the Town Clerk such application and all other information shall be forwarded to Council and Council shall decide, after due consideration of the application whether a license is to be granted.
- 3.6 Before accepting or rejecting any application for a license, Council may hold such hearings as may be necessary, either in public or in camera if requested by the applicant to do so.
- 3.7 No Class "A" license shall be issued to any person unless the place of amusement to be carried on pursuant to such license, shall be carried on in a part of or the whole of a premises divided by walls or permanent partitions separating such place of amusement from any other business or use being carried on in the said premises.
- 3.8 Every person who required a Class "B" or "C" license under these provisions of this By-law shall make application on the prescribed form enclosing the fee prescribed by this By-law (see Schedule 'A') and forwarding the same to the Town Clerk which applicant shall append thereto a schedule showing the nature of each and every amusement machine to be located on the premises.

- 3.9 Upon receipt of such application, the Town Clerk having satisfied himself that the facts contained in the application are true and correct shall issue the license therefore.
- 3.10 Every person previously licensed under this By-law shall make application for the renewal of such license not later than March 1st in any year subsequent to the year in which the license was first issued indicating the location of the premises for which the license is sought to be renewed and indicating any alterations or changes in conditions which have been effected since the application for a license or any renewal thereof.
- 3.11 If the application for renewal discloses an alteration in the manner of operation or the location of the premises or a substantial alteration of the premises, or the requirement for a Class "A" or Family Entertainment Centre license, the Town Clerk may require the applicant to submit an application for a license in the prescribed form and the provisions set out in paragraph 3.3 of this By-law apply mutatis mutandis.
- 3.12 Every place of amusement licensed or proposed or required to be licensed under this By-law with a Class "A" or a Family Entertainment Centre license, shall be made available or inspection by any Constable or Police Officer and may at all times when the said premises are open to the public, be inspected by the Chief of Police for the York Regional Police Department, the Public Health Branch, Region of York, or any officer or employee of the Public Health Branch, Region of York, or any Police Officer or employee of the York Regional Police Department or other Police Officer having jurisdiction in the Town or any other person duly authorized by Council for the purpose of preparing any report required by Section 3.3 or for the purpose of enforcing this By-law and no person who has or is required to have a license under this By-law shall obstruct or hinder the making of the inspection or cause or permit the same to be obstructed or hindered.
- 3.13 No person shall operate a place of amusement which requires a Class "A" or Family Entertainment Centre license on land abutting Main Street, Timothy Street, Botsford Street, Water Street, Eagle Street, Cedar Street, Park Avenue, Millard Avenue and Market Square.
- 3.14 The Council of the Town may suspend or cancel for cause, any license issued under this By-law and the Council shall advise the licensee of the meeting at which such suspension or cancellation will be considered and the licensee shall be permitted to make such representations to Council either in public or in camera to show cause why his license should not be suspended or cancelled.
- 3.15 The following regulations shall be applicable to all places of amusement with Class "A" and Family Entertainment Centre licenses:
- a) Every place of amusement shall at all times, when amusement machines are available for play, be supervised by a person who shall remain on the premises at all times, which person shall be no less than 18 years of age.
 - b) Every place of amusement shall be provided with waste receptacles, which shall be cleared at least once each day.

- c) Every place of amusement shall be kept clean and sanitary condition at all times.
- d) Every place of amusement shall be fully illuminated at all times.
- e) Every place of amusement shall provide or use by the public at all times when amusement machines are available for play at least one washroom containing one toilet and one wash basin with hot and cold potable water, soap and individual towels or a mechanical drying device for each 3000 square feet of floor area or part thereof, and for every place of amusement containing more than 3000 square feet of floor area one washroom shall be provided for males and one washroom for females.

3.16 The following regulation shall also be applied to all places of amusement with Class "A" licenses:

- a) No person shall be permitted to play any amusement machine in a place of amusement except during the times as set out as follows:

<u>DAYS</u>	<u>FROM</u>	<u>TO</u>
Monday to Thursday inclusive	11:00 a.m.	11:00 p.m.
Friday	11:00 a.m.	12:00 midnight
Saturday	9:00 a.m.	12:00 midnight
Sunday	12:00 noon	11:00 p.m.

3.17 The following rules and regulations shall also be applied in places of amusement with Family Entertainment Centre licenses:

- a) No amusement machine shall operate with cash but rather shall be operated by tokens or by some other similar device.
- b) Tokens to operate amusement machines may not be sold or dispensed from dispensing machines.
- c) Smoking shall be prohibited within the premises.
- d) No Family Entertainment Centre may be located within 1,600 feet of any school, measured from the lot line of any school, along municipal streets to the limits of the premises being used
- e) The interior of the premises shall be visible from outside the premises.

3.18 Every person obtaining a license under this By-law shall keep his license posted up in some conspicuous place on the premises in respect to which the license is issued and every person so licensed shall, when so requested by any person so authorized by the Council or a Constable of the York Regional Police Department and/or the Public Health Branch, Region of York, produce the license for inspection.

3.19 Any person who contravenes any provision of this By-law is guilty of an offence and is liable upon conviction to a penalty as prescribed by the Provincial Offences Act as amended from time to time and all such penalties and costs may be recovered under the *Provincial Offences Act*.