

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

being a by-law to provide for the regulating and licensing of places of amusement and for prohibiting the location of them on land abutting on any highway or part of a highway and for revoking any such licence.

WHEREAS the Corporation of the Township of Uxbridge is authorized under the provisions of the Municipal Act, R.S.O. 1970, c. 231, as amended, to pass a by-law for regulating and licensing all places of amusement within the Corporation of the Township of Uxbridge and for prohibiting the location of them on land abutting on any highway or part of a highway within the Municipality and for revoking any such licence;

AND WHEREAS the Corporation of the Township of Uxbridge deems it advisable to provide therefor.

NOW THEREFORE the Municipal Council of the Corporation of the Township of Uxbridge ("Township") hereby enacts as follows:

For the purposes of this by-law:

(1) "Amusement Machine" or "Amusement Machines" shall include any mechanical or electronic machine or device intended for use as a game, entertainment or amusement offered for use or operation by the public or by any person for hire, profit or gain and shall include a pinball machine, television 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 purpose of vending merchandise or services or for playing recorded music nor shall it include a bowling alley or any billiard pool or bagatelle table or any machine that would render the premises in which any such machine is located a common gaming house within the meaning of the Criminal Code of Canada;

(2) "Licence" means the licence for a Place of Amusement issued pursuant to the provisions of this by-law in the form set out

in Schedule "A" attached hereto and by this reference forming a part hereof;

- (iii) "Licence Issuer" means the Clerk of the Township or the By-law Enforcement Officer of the Township or such other person as is appointed for such purposes from time to time by resolution by the Municipal Council of the Township which is hereby authorized so to do;
- (iv) "person" includes a person, firm or corporation to which the context can apply; and
- (v) "Place of Amusement" shall include any premises or separate part of any premises:
 - (a) where the principal trade consists in providing one or more Amusement Machines for the use or operation by the public for hire, profit or gain;
 - (b) which depend for their maintenance on attracting the public to them for purposes of amusement; and
 - (c) any premises or separate part thereof where more than 50% of the space available is devoted for public use of the premises or part thereof for the purposes set out in Section 1(v)(a) and (b) above.

2. No person shall carry on, conduct, operate or keep or caused to be carried on, conducted, operated or kept any Place of Amusement within the Township without first obtaining a Licence therefor and first paying the fee prescribed by this by-law.

3. Nothing in this by-law is intended to make lawful any operation which would otherwise be unlawful by reason of it constituting the use or occupation of any lands or premises for purposes prohibited by the relevant Official Plan, Building Code or Restricted Area or Zoning By-law or other by-law of the Township in force with respect to such lands or premises, as enacted and adopted from time to time, or for any other reason.

4. Every person who desires a Licence under the provisions of this by-law shall make application therefor by completing the prescribed

Form attached hereto as Schedule "A" and by this reference forming a part hereof and shall furnish to the Licence Issuer such other relevant information as the Licence Issuer may reasonably require to be furnished including a schedule showing the nature of each and every Amusement Machine to be located on the premises proposed to be licensed as a Place of Amusement.

5. The Licence Issuer shall upon receipt of an application referred to in Section 4 above make or cause to be made all investigations required by law or by the Township relative to such application and shall forward a copy of each application to the Health Unit and Police Department of the Regional Municipality of Durham as well as to the Fire Department and the Chief Building Official of the Township. The Licence Issuer may also forward a copy of such application to any other department of the Township which may be affected.

6. If the investigations made by the Licence Issuer do not disclose any reason to believe that the licensing of the Place of Amusement may result in a breach of any law or relevant by-law or may be adverse to the public interest, and upon the payment of the prescribed fee fixed by this by-law and upon the Licence Issuer being satisfied that the applicant has in place satisfactory insurance in accordance with Section 12 of this by-law, the Licence Issuer may issue a licence to the applicant for the Place of Amusement.

7. Each and every Licence issued under the provisions of this by-law shall:

- (i) be in the form as set out in Schedule "A" attached hereto;
- (ii) not be valid unless and until it is countersigned by the Licence Issuer who is hereby authorized to sign all Licences that are issued pursuant to the provisions of this by-law and the signature of the Licence Issuer may be printed or mechanically reproduced upon each and every such Licence issued; and shall
- (iii) be valid for one year unless sooner forfeited or revoked but in any event shall expire in each calendar year regardless of

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the date of issue on the next following 31st day of December.

8. The annual fee for each Licence issued pursuant to the provisions of this by-law shall be \$100.00. Every person obtaining a Licence under the provisions of this by-law shall keep the Licence posted in some conspicuous place on the premises in respect of which a Licence is issued and every person so licensed shall, when requested by any other person properly authorized by the Township, produce this Licence for inspection.

9. Any person properly authorized by the Township for such purposes may at all reasonable times inspect as much of any premises in respect of which a person has or is required to have a Licence under this by-law and no person who has, or is required to have, a Licence under this by-law shall obstruct or hinder the making of the inspection aforesaid, or cause or permit the same to be obstructed or hindered.

10. No person licensed under this by-law shall, because of race, colour, or creed discriminate against any member of the public in using or operating Amusement Machines in the Place of Amusement for which the Licence is issued, provided however that no person under the age of fourteen years shall be permitted to use any Amusement Machine in a Place of Amusement licensed hereunder unless accompanied by a parent or guardian and provided further that no person shall be permitted to use or operate any Amusement Machine in a Place of Amusement licensed hereunder except during the times as hereinafter set out:

<u>Days</u>	<u>From</u>	<u>To</u>
Monday to Thursday inclusive	4:00 p.m.	10:00 p.m.
Friday	4:00 p.m.	11:00 p.m.
Saturday	9:00 a.m.	11:00 p.m.

11. It shall be the duty of every person holding a Licence under this by-law and a condition of holding and enjoying each such Licence to ensure that:

- (1) every Place of Amusement licensed hereunder shall at all times, during which Amusement Machines may be operated or used as set forth in Section 10 hereof, be supervised by a person who is at least eighteen years of age and who shall remain on

the licensed premises during such times that the Amusement Machines may be operated or used;

- (ii) every Place of Amusement licensed hereunder shall be provided with waste receptacles which shall be cleared at least once each day and every Place of Amusement shall be kept in a neat, clean, tidy and sanitary condition at all times;
- (iii) every Place of Amusement shall provide for 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 1,000 square feet of floor area or part thereof of the Place of Amusement, and for every Place of Amusement containing more than 1,000 square feet of floor area one separate washroom shall be provided for males and for females; and that
- (iv) a minimum of 100 square feet is available for use by the public for each and every Amusement Machine located in the Place of Amusement.

12. Every licensee hereunder shall maintain fire insurance and public liability and property damage insurance and such other insurance as may be reasonably required by the Licence Issuer so as to adequately insure the Place of Amusement against all damage and liability which may result to or be caused to persons frequenting the Place of Amusement for which the Licence was issued and in any event shall maintain coverage of not less than \$1,000,000 per occurrence for public liability insurance.

13. Where two or more persons carry on or are engaged in partnership in carrying on, conducting, operating or keeping or caused to be carried on, conducted, operated or kept any Place of Amusement within the Township, the Licence applied for hereunder shall be issued in the name of one such person only, but when the application for a Licence is made, the name and address of each member of the partnership shall be set out therein.

14. (1) No person shall enjoy a vested right in the continuance of a Licence issued hereunder and upon the issuance, renewal,

transfer, cancellation, forfeiture or suspension thereof the value of the Licence shall be the property of the Township.

(ii) No Licence shall be transferred except with the prior written consent of the Township expressed by resolution of the Council thereof and the Township shall not be bound to give such consent.

(iii) No person licensed to carry on, conduct, operate or keep or caused to be carried on, conducted, operated or kept any Place of Amusement hereunder shall carry on, conduct, operate or keep such Place of Amusement in any name other than the name endorsed upon the Licence issued hereunder.

(iv) The Township may revoke or suspend any Licence issued under this by-law and without limiting the generality of the foregoing the Township may revoke or suspend any and all Licences held by a licensee if such Place of Amusement for which the Licence has been granted has not been carried on, conducted or kept in accordance with the terms of this or any other relevant by-law or any other law or in such a manner so as to be adverse to the public interest. Before revoking or suspending any such Licence, the licensee shall be given seven (7) days written notice mailed or delivered to his address last known to the Township and shall be permitted either by himself or by his representative, to appear before the Township Council at its next regular scheduled meeting following receipt of such notice to show cause why he believes such Licence should not be revoked or suspended.

15. Upon suspension or revocation of a Licence issued hereunder the licensee shall return the said Licence to the Township and any person authorized by the Township shall have access to the Place of Amusement of the licensee for the purpose of receiving or taking the Licence and no person shall refuse to deliver the Licence to such person authorized by the Township or shall in any way prevent or hinder such person from receiving or taking the Licence.

16. Notice of the suspension or revocation of any Licence given hereunder may be given by the Township by registered letter signed by the Licence Issuer mailed to the licensee to the last known address of the licensee to the Township or by personal service upon the licensee. If notice of suspension or revocation is afforded by registered letter notice shall be deemed to be received on the sixth day after mailing or if given by personal service upon the date such service is received and upon such notice the Licence revoked or suspended shall cease and terminate and be of no further force or effect.

17. Notwithstanding anything else to the contrary in this by-law contained, no Licence shall be issued to any person for any Place of Amusement located in the Township on any highway located within the boundaries of the former Corporation of the Town of Uxbridge or on Regional Road Number 8, with the exception of the place of amusement premises now established at 11 Brock Street West, Uxbridge.

18. (a) Every owner or operator of a Place of Amusement in existence at the date of the passing of this by-law shall be required to comply with the provisions of this by-law on or before the 31st day of December, 1978 and upon so complying shall be entitled upon the payment of the prescribed fee, to be licensed pursuant to the provisions of this by-law.

(b) Every person holding a Licence under this by-law shall be required to make an annual application for a new Licence for each year of operating a Place of Amusement by making an application therefor on or before October 31st in the year in which the Licence expires by completing the prescribed form attached hereto as Schedule "B", by paying the annual fee and by complying with all of the provisions of this by-law.

19. If for any reason any provision, section, subsection or paragraph of this by-law is held by a Court of competent jurisdiction to be invalid for any reason, it is hereby expressly declared to be the intention that all the remainder of this by-law shall continue in full force and effect until repealed, re-enacted, amended or modified, in whole or in part, or dealt with in any other way notwithstanding that one or more of such provisions, sections, subsections or paragraphs hereof shall have been so declared invalid.

20. In the event of any conflict between the provisions of this by-law and any other by-law in force in the Township or any part or parts hereof, the provisions of this by-law shall prevail.

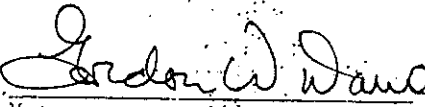
21. (i) Every person who fails to comply with or contravenes any of the provisions of this by-law is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 exclusive of costs.

(ii) Every such fine is recoverable under the Summary Convictions Act, R.S.O. 1970, c. 450, as amended.

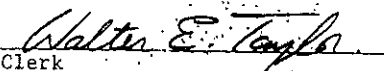
(iii) Each day that a violation of any of the provisions of this by-law exists shall constitute a separate offence with respect to this by-law.

This by-law read a first and second time this 30th day of March, 1978.

This by-law read a third time and finally passed this 27th day of April, 1978.



Mayor



Clerk

SCHEDULE "A" attached to and forming part of By-law No. 78-29 of the Corporation of the Township of Uxbridge passed on the 27th day of April, 1978

Place of Amusement Licence

No.

Licensee

Name: _____

Address: _____

Telephone No.: _____

Home

Business

Address of Place of Amusement: _____

Description of Place of Amusement: _____
(type of business and premises)

Upon application of _____ for a licence to carry on, conduct, operate or keep or cause to be carried on, conducted, operated or kept a Place of Amusement pursuant to the provisions of By-law No. 78- of the Corporation of the Township of Uxbridge, the said _____ is hereby licensed for the Place of Amusement located at and described as above.

This licence expires on December 31 next following the date of issue.

NOTE:

This LICENCE must be conspicuously posted on the premises.

Issued at the Township of Uxbridge this _____ day of _____, 19 _____

Clerk of the Corporation of the
Township of Uxbridge

or

By-law Enforcement Officer of the
Corporation of the Township of Uxbridge

SCHEDULE "B" attached to and forming part of By-law No. 70-28 of the Corporation of the Township of Uxbridge passed on the 27th day of April, 1978

APPLICATION FOR
PLACE OF AMUSEMENT LICENCE

Applicant

Name: _____
Address: _____
Telephone No.: _____
Home Business

Location of Premises for which Licence is Sought

Municipality: _____
Concession No.: _____ Lot No.: _____
Registered Plan No.: _____
Municipal Address: _____

Type of Building(s) located on Premises to be Licensed: _____

Present Use of Premises to be Licensed: _____

Description of Business carried on or to be carried on at Premises to be Licensed: _____

Description of Amusement Machine(s) located or to be located on Premises to be Licensed: _____

Name and Address of Owner of Premises to be Licensed: _____

Business Relationship between Owner and Applicant if different (i.e. applicant, tenant or partner, etc.), _____

Has the Applicant or the Owner

(a) Previously applied for Licence(s) for Place(s) of Amusement?

Yes _____ No _____

(b) If Yes:

i) Number of Licences for Place of Amusement now issued: _____

ii) Address(es) of Place(s) of Amusement for which Licence(s) issued _____

iii) Name in which Licence(s) is held _____

Do you have public liability insurance for the premises to be licensed?

Yes _____ No _____

If Yes:

i) Name of Insured: _____

ii) Name of Insurance Company: _____

iii) Policy No.: _____

iv) Limit of Liability: _____

I hereby solemnly swear that all the foregoing information is true and understand any licence issued hereunder is based upon this application, and therefore should any information contained in this application form be untrue any Licence issued hereunder shall be immediately surrendered and cancelled.

WITNESS:

Signature of Applicant