

BYLAW NO. 2300

CONSOLIDATION OF A BYLAW of the City of Medicine Hat to License and Regulate certain Businesses (Amusement Arcades, Amusement Machine Distributors and Billiard Halls).

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the Amusement Arcade and Billiard Room Bylaw.

2. DEFINITIONS

In this Bylaw unless the context otherwise requires:

Amended by:
Bylaw 2630
Apr. 17, 1989

- 2.1 "Amusement Arcade" or "Arcade" means any premises open for use by the public where five (5) or more amusement machines are kept for hire or profit.

Amended by:
Bylaw 2392
May 6, 1985

- 2.2 "Amusement Machine" means any mechanical or electronic machine, apparatus, contrivance, appliance or device which provides amusement or entertainment to the public for profit and which may be operated or played upon the insertion of a coin or token or by paying therefore either in advance or after use, but does not include any machine designed to give rides for children, music, telephones, vending machines or any machine that is contrary to the Criminal Code of Canada.

- 2.3 "Amusement Machine Distributor" means any person who installs or maintains amusement machines for the amusement of the public in any place of business which is not his own or under his direct control.

- 2.4 "Billiard Room" means a room or rooms in a building, house, shed, tent or other place in which a billiard table is set up for hire or gain, and includes an annex, addition, or extension thereto of which the proprietor of a Billiard Room is the owner, lessee, tenant or occupant, or over which he has control.

- 2.5 "Billiards" includes, pool, bagatelle or any other similar game.
 - 2.6 "Bylaw Enforcement Officer" shall mean any Police Officer, Special Constable or Bylaw Enforcement Officer of the City of Medicine Hat.
 - 2.7 "Chief of Police" means the Chief of Police of the City Police Department, and includes any person designated by the said Chief of Police to perform his duties with respect to this bylaw.
 - 2.8 "City" means the Municipal Corporation of the City of Medicine Hat.
 - 2.9 "Council" means the Council of the City of Medicine Hat.
 - 2.10 "Inspector" means the person appointed from time to time as The License Inspector of the City of Medicine Hat.
 - 2.11 "Operator" means any owner or manager of a Billiard Room and/or an Amusement Arcade.
 - 2.12 "Person" includes a group of persons, a firm, a limited liability company or a corporation, as well as a natural person.
 - 2.13 "School" means an educational institution as defined in the School Act of Alberta.
 - 2.14 "Vending Machine" means any machine or device operated by or requiring for the operation thereof the insertion of any coin or slug, and without limiting the generality of the foregoing includes any machine or device operated mechanically or otherwise for the purpose of selling or providing of any goods, merchandise, articles, service or for the purpose of providing music.
3. Excepting as to the registration fees levied on amusement machines and vending machines, the provisions of this bylaw shall not apply to:
- 3.1 A club incorporated by Private Act of the Legislature of the Province of Alberta.
 - 3.2 A branch of the Young Men's Christian Association.
 - 3.3 Any club or association of persons organized under the

auspices of the Royal Canadian Legion, the British Empire Service League, the Army, Navy and Air Force Veterans in Canada or to any other organization approved by the Council.

- 3.4 Any other institution or association that in the opinion of the Council is not conducted for gain.

4. No person shall conduct, operate, carry on or permit to be carried on a Billiard Room and/or Amusement Arcade without first having obtained a license from the License Inspector and paying the license fee specified in Schedule "A" of this bylaw.
 - 5.1 Every person who requires a license under the provisions of this bylaw shall make application therefor to the License Inspector, enclosing the fee prescribed by this bylaw. The application to the License Inspector shall show the nature and every billiard table and/or amusement machine to be located on the premises.
 - 5.2 The application shall be forwarded by the License Inspector to the Building Inspector, the Medicine Hat Health Unit, the Chief of Police, the Fire Chief and any other Department of the City of Medicine Hat which may be affected, for a report prior to the issuance of the license.
 - 5.3 The License Inspector may require that an applicant provide verification by Affidavit or otherwise of any information required from the applicant pursuant to this bylaw before a license is issued.

 - 6.1 Upon receipt of the information and application, the Building Inspector shall determine whether the premises may be lawfully used as a Billiard Room and/or Amusement Arcade under the applicable land use bylaws and whether the premises have been lawfully constructed and maintained.
 - 6.2 The Fire Chief shall determine whether or not the premises named in the application comply with the applicable fire regulations.
 - 6.3 The Chief of Police shall determine whether the applicant

complies with all applicable laws and is of good character.

6.4 The Medicine Hat Health Unit shall determine whether the premises named in the application comply with laws under its jurisdiction.

7.1 If the reports referred to in Subsections 5 and 6 above contain no recommendation adverse to a license being issued to the applicant, and the license fee is tendered, the License Inspector shall:

7.1.1 If the application relates to an existing Billiard Room and/or Amusement Arcade, issue the license.

7.1.2 If the application relates to a proposed or new Billiard Room and/or Amusement Arcade, the application shall be referred to the Municipal Planning Commission for consideration prior to issuing the license.

7.2 In the event that a report adverse to the application is received the License Inspector shall forthwith notify the applicant in writing of all deficiencies concerning the application.

7.3 An applicant who disputes a determination made under this bylaw may request a hearing before the Municipal Planning Commission and upon such request being made, the License Inspector shall forthwith forward the application and materials to the Municipal Planning Commission who shall hear the representations of the applicant.

7.4 An applicant may appeal the decision of the Municipal Planning Commission to the City Council within fourteen (14) days of the decision having been made by the Municipal Planning Commission.

Amended by:8.
Bylaw 2392
May 6, 1985

Deleted.

9. Every Billiard Room and/or Amusement Arcade license shall

- 9.1 Expire on December 31 of the year for which it was issued, unless sooner revoked.
 - 9.2 Be valid in respect to the premises for which it was issued.
 - 9.3 Be displayed within the premises in a place which is clearly visible to the public.
 - 9.4 Be subject to revocation should any of the requirements of this bylaw not be adhered to.
 - 9.5 No license issued pursuant to this bylaw may be transferred.
10. The License Inspector shall notify the holder of Billiard Room and/or Amusement Arcade license by registered mail or by delivering the notice to the premises:
- 10.1 When he has cause to believe on reasonable grounds that any information supplied by an applicant or the holder of Billiard Room and/or Amusement Arcade license is inaccurate.
 - 10.2 When he is advised by any of the officials named in this bylaw that the Billiard Room and/or Amusement Arcade does not comply with all applicable regulations.
 - 10.3 Unless the inaccuracy, noncompliance or contravention is corrected within thirty (30) days of the notice by the License Inspector, the license shall be revoked.
 - 10.4 An applicant or license holder may ask the License Inspector to refer the matter of the alleged inaccuracy and/or contravention to the Municipal Planning Commission and the License Inspector shall thereafter forthwith submit the matter or application to the Municipal Planning Commission for hearing.
 - 10.5 An applicant or license holder may appeal the decision of the Municipal Planning Commission to Council.
11. Every holder of a Billiard Room and/or Amusement Arcade license

shall ensure that:

- 11.1 The Billiard Room and/or Amusement Arcade has sufficient lighting to permit the safe use of the facility by the public.
- 11.2 Waste receptacles accessible to the users of the premises are located within the premises.
- 11.3 An adult person is present at all times when the Billiard Room and/or Amusement Arcade is open to the public to supervise the use of the facilities.
- 11.4 Every Billiard Room and/or Amusement Arcade shall be kept in a clean and sanitary condition at all times.
- 11.5 The proprietor of a Billiard Room and/or Amusement Arcade shall not employ any person of an age of less than 16 years in connection in any way with the operation of the said Billiard Room and/or Amusement Arcade.
- 11.6 The proprietor and the manager and any employee engaged in the operation of a Billiard Room and/or Amusement Arcade shall at all times prevent loitering on the premises operated as a Billiard Room and/or Amusement Arcade by persons not actively making use of the amusement, sport, or arcade machines located on the premises.
- 12.1 Both the proprietor and the manager of a Billiard Room and/or Amusement Arcade shall be jointly and severally responsible for providing adequate, continuous and proper supervision and control of the premises on which the business is carried on at all times when the same is open to the public.
- 12.2 (i) No person shall carry on or play a gambling game of chance that is contrary to the provisions of the Criminal Code in a Billiard Room and/or Amusement Arcade.
(ii) No person in charge of a Billiard Room and/or Amusement Arcade shall allow a gambling game or game of chance that is contrary to the provisions of the Criminal Code to be carried on therein.
- 12.3 No punch board or other gambling device shall be kept or

operated in any Billiard Room and/or Amusement Arcade.

12.4 The proprietor of a Billiard Room and/or Amusement Arcade is responsible for the proper carrying out of the provisions of this Bylaw in respect thereof, and the conviction of a servant or employee for a contravention thereof is no bar to proceedings against the proprietor for the same offence nor is the conviction of the proprietor a bar to proceedings against a servant or employee for an offence committed by such servant or employee.

13. The holder of a license for a Billiard Room and/or Amusement Arcade shall permit the premises to be inspected at all reasonable times by City officials referred to in this bylaw.

Amended by:
Bylaw 2392
May 6, 1985

14.1 No person owning or occupying any building or premises shall keep or permit to be kept therein or thereon any amusement or vending machines unless such machine is registered under the provisions of this bylaw.

Amended by:
Bylaw 2392
May 6, 1985

14.2 (i) The Inspector or a Bylaw Enforcement Officer or any person authorized by the Inspector may seize and impound any amusement or vending machine not registered pursuant to the provision of this bylaw.
(ii) Any such machine so impounded shall not be released until such time as the required license fee is paid and the disposition or the charge, if any, is determined by a Court of competent jurisdiction.

Amended by:
Bylaw 2392
May 6, 1985

14.3 No owner or occupier of any premises shall permit the number of amusement or vending machines owned or kept upon his premises to be increased without first notifying the License Inspector in writing of the increase in number.

Amended by:
Bylaw 2392
May 6, 1985

14.4 (i) An amusement machine and/or an automatic vending distributor shall be required to pay the registration fee as specified in Schedule "A" of this Bylaw in respect of each separate amusement or vending machine distributed by him.

(ii) amusement machine and/or an automatic vending

distributor shall, before carrying on or continuing business in any year, supply to the License Inspector a list showing the number and type of machines and the name and address of each separate premises where he owns or supplies or maintains any amusement or vending machines and he shall supply to the License Inspector an amendment to such list prior to adding any machine or machines to a listed premises or prior to carrying on business at any additional premises and shall report to the License Inspector any deletions of premises from such list.

- (iii) Where title to an amusement machine or machines is vested in the owner or operator of the premises wherein the said amusement machine or machines is made available for public use said owner or operator shall, for the purposes of this bylaw, be deemed to be a distributor, excepting that such said owner or operator shall not be required to purchase both an amusement arcade and a distributor license.

15. The provisions of Sections 11 and 12 of this bylaw shall not apply to amusement machines located in schools, colleges, hotels, motels and commercial businesses wherein the operation of an Amusement Arcade is an ancillary minor attraction to the main business carried on in the premises.

16. OFFENCES AND PENALTIES

16.1 Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any thing required to be done by any of the provisions of this bylaw or who does any act which violates any of the provisions of this bylaw shall be deemed to be guilty of an offence against this bylaw and liable to the penalties hereby imposed.

16.2 Every person who commits an offence against this bylaw is liable to a fine and penalty of not more than \$2,500.00 and not less than \$50.00 for each offence, and shall in default of payment thereof, or in the alternative, to imprisonment for any period not exceeding two months.

16.3 Every person who commits an offence of a continuing nature is liable to a fine not exceeding \$50.00 for each day such offence is continued.

17. This Bylaw shall come into force on the 2nd day of May A.D., 1983

READ A FIRST TIME in Open Council this 18 day of April, A.D. 1983.

READ A SECOND AND THIRD TIME AND FINALLY PASSED in Open Council this 2nd day of May, A.D. 1983.

I HEREBY CERTIFY that this is a true and correct copy of Bylaw No. 2300 consolidated pursuant to Section 69 of the *Municipal Government Act* RSA 2000 c. M-26 to incorporate all subsequent amendments thereto, printed under the authority vested in me by the said Section 69 and by City of Medicine Hat Bylaw No. 1957.

CERTIFIED THIS _____ DAY OF _____, 20__.

LARRY P. GODIN, MMC
MUNICIPAL SECRETARY AND CITY CLERK
CITY OF MEDICINE HAT

SCHEDULE "A" TO BYLAW NO. 2300
AS AMENDED BY BYLAW #3919
FEBRUARY 18, 2009

		Effective February 19, 2009	Effective January 1, 2010	Effective January 1, 2011
1.	Amusement Arcade Operator	\$123.00	\$126.00	\$129.00
2.	Amusement/Vending Machine Distributor	\$123.00	\$126.00	\$129.00
3.	Amusement Machines Registration Fee per machine	\$7.50	\$7.75	\$8.00
4.	Billiard Room Operator	\$50.00	\$51.00	\$52.00
5.	Vending Machines Registration Fee per machine	\$7.50	\$7.75	\$8.00
6.	Billiard Room and Amusement Arcade in same premises	\$123.00	\$126.00	\$129.00