

BY-LAW NO. 368-90

BEING A BY-LAW OF THE TOWN OF FOX CREEK, REGULATING THE OPERATION, AND REGULATING HOURS OF BUSINESS FOR BILLIARD ROOMS, GAMES ARCADES OR SIMILAR ESTABLISHMENTS.

WHEREAS, the Council of the Town of Fox Creek, in the Province of Alberta, under the authority of the Municipal Government Act, may pass bylaws for the purpose of regulating the operation of, fixing the hours of business, and fixing the minimum age for admittance to Billiard Rooms, Games Arcades or similar establishments; and

WHEREAS, the Council of the Town of Fox Creek deems it necessary to establish such regulations.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF FOX CREEK DULY ASSEMBLED ENACTS AS FOLLOWS:

I DEFINITIONS

1. "Amusement Arcade" or "Arcade" means any premises open for use by the public where three (3) or more amusement machines are kept for hire or profit.
2. "Amusement machines" 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 therefor either in advance or after use, but does not include any machine designed to give rides for children, music producing equipment, telephones, coin operated pool tables, vending machines or any machine that is restricted/prohibited by the Criminal code of Canada.
3. "Billiards Room" means a room or rooms in a building, house, shed, tent or other place, including an annex, addition or extension of these in which place a billiard table is set up for hire or gain.
4. "Billiards" means pool, bagatelle or any other similar game.
5. "Peace Officer" means
 - (a) a member of the Royal Canadian Mounted Police
 - (b) a Special Constable
 - (c) a Bylaw Enforcement Officer
6. "Child" means a person actually or presently under the age of sixteen (16) years.
7. "Town" means the Town of Fox Creek.
8. "Council" means the Council of the Town of Fox Creek.

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9. "Operator" means any owner or manager of a Billiard Room and/or Amusement Arcade.
10. "Parent" and/or "Guardian" means any adult having lawful custody of a child.
11. "Person" includes (a) an individual patron (he or she) of the facility defined in the Bylaw.
(b) and, also, a party of persons who are or represent a limited liability company, or a corporation, a farm, or other corporations.
12. "School" means an educational institution as defined in the School Act of Alberta.
13. "Vending Machine" means any machine or device, operated mechanically or otherwise by inserting a coin, token, or substitute, to provide goods, merchandise, articles and services, including recorded music.

II REGULATIONS

This Bylaw provides that;

1. Any Billiard Room and/or Amusement Arcade must have sufficient lighting to permit the safe use of the facility by the public.
2. Waste receptacles, accessible to the users of the premises, are located within the premises.
3. A person who is 16 years of age or older is present at all times to supervise the use of the facilities when the Billiard Room and/or Amusement Arcade is open to the public.
4. Every Billiard Room and/or Amusement Arcade shall be kept in a clean and sanitary condition at all times.
5. The Billiard Room and/or Amusement Arcade shall close at 2300 hours (11:00 p.m.) and shall remain closed until 0900 hours (9:00 a.m.) from Sunday to Saturday.
6. The proprietor and the manager and any employee engaged in the operation of a Billiard Room and/or amusement Arcade shall at 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.
7. Both the proprietor and the manager of the Billiard Room and/or Amusement Arcade shall be jointly and severally responsible at all times when the same is open to the public for providing adequate, continuous, and proper supervision and control of the premises in which the business is operated.

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- 8. No person fifteen (15) years of age or under shall be permitted to patronize or be admitted into a Billiard Room and/or Amusement Arcade during regular school days between 0830 hours (8:30 a.m.) and 1530 hours (3:30 p.m.) including what is commonly known as lunch hour (12:00 noon to 1:00 p.m.)
- 9. The proprietor of a Billiard Room and/or Amusement Arcade is responsible for all the provisions under this Bylaw. A contravention of any provisions of the Bylaw by the proprietor's servant or employee shall not prevent proceedings against the proprietor for the offense, nor shall his/her conviction prevent action against his/her servant or employee.
- 10. Every person who violates any provision of this Bylaw, or allows another to contravene provisions or prevents their implementation shall be considered guilty of an offence against this Bylaw and liable to the penalties hereby imposed.
- 11. a) No person shall carry on or play a gambling game or game of chance of any kind in any Billiard Room and/or Amusement Arcade.
- b) No person in charge of a Billiard Room and/or Amusement Arcade shall allow a gambling game or game of chance to be carried on therein.

III PENALTIES

- 1. Every person who commits an offence against this Bylaw is liable to a fine of;
 - (a) for the first offence - a minimum fine of \$50.00 to a maximum fine of \$500.00
 - (b) for a second offence - a minimum fine of \$100.00 to a maximum fine of \$1,000.00
 - (c) for a third and subsequent offence - a minimum fine of \$500.00 to a maximum fine of \$1,500.00

This By-law shall come into force on the final passing thereof.

READ A FIRST TIME this 18th day of June,
A.D., 1990.


READ A SECOND TIME this 18th day of June,
A.D., 1990.

Paul S
MAYOR

James B...
SECRETARY-TREASURER

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READ A THIRD TIME AND FINALLY PASSED this 3rd
day of July, A.D., 1990.



MAYOR



SECRETARY-TREASURER