



## THE CORPORATION OF THE TOWN OF FORT ERIE

### SCHEDULE "2" - By-law No. 217-05

#### AMUSEMENT ARCADES

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#### 1. DEFINITIONS

In this Part:

- (a) "Amusement Machine" means any mechanical, electronic or computerized machine, or device, or any combination thereof intended for use as a game, entertainment or amusement and shall include:
  - (i) pinball machines, television games, shooting galleries or other similar devices, but shall not include, billiards, games of chance as defined by the Criminal Code, or any machine used only for the purpose of vending merchandise, or services or playing recorded music;
- (b) "Amusement Arcade" means any premises, part thereof, or separate part of a premises, in which are located three or more amusement machines but does not include any premises, part thereof or separate part thereof that is licenced under the *Liquor Licence Act*;
- (c) "Amusement Park" means a facility, open to the public, used in connection with a carnival, fair, shopping centre, resort, park or place of entertainment where amusement devices are provided.

#### 2. PURPOSE OF BY-LAW

The purpose of the licencing of Amusement Arcades relates to matters of Health and Safety and Nuisance Control.

#### 3. LICENCE FEE

The annual licencing fee shall be as established in **Schedule "LLS-A"** of By-law No. 40-09, as amended or superseded from time to time.

#### 4. CONDITIONS

- 4.1 The Applicant shall include the number of amusement machines proposed to be installed or provided in the place in respect of which the application is made;

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- 4.2 The Coordinator, Community Liaison and Business Licencing shall forward a copy of such application to the Fire Inspector, the Niagara Regional Health Unit, the Niagara Regional Police Department, and the Building Department and the Planning Department (for new applications only) and may forward a copy of such application to any other Department of the Town which may be affected, for approval.
- 4.3 Every holder of a licence shall ensure that:
- (a) There is an employee who is at least eighteen (18) years of age on the licenced premises at all times when amusement machines are available for play, who will be responsible for supervising, overseeing and maintaining orderly conduct within the building or part thereof which contains the amusement machines;
  - (b) The amusement arcade remains closed except during the following times:  
Monday to and including Thursday, from 10:00 a.m. to 11:00 p.m.  
Friday, from 10:00 a.m. to 12:00 midnight  
Saturday, from 10:00 a.m. to 12:00 midnight, and  
Sunday, from 12:00 noon to 11:00 p.m.;
  - (c) No person under the age of 16 years plays any amusement machine between the hours of 9:00 a.m. and 4:00 p.m. on any regular school day;
  - (d) No person under the age of 16 years plays any amusement machine, unless accompanied by a parent or guardian after 9:00 p.m. on any business day;
  - (e) The amusement arcade shall be kept in a clean and sanitary condition at all times, and provide a minimum of two waste receptacles which shall be cleared at least once a day;
  - (f) All amusement machines are within the premises;
  - (g) No external sound system broadcasting music or any other sound is used or permitted to be used;
  - (h) No internal sound system broadcasting music or any other sound is used or permitted to be used so as to be heard from outside the premises, by members of the public;

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- (i) No person loiters, creates a disturbance or causes undue noise while on the premises;
- (j) No glass or transparent surface of any door or window is obstructed in such a way as to prevent a person from the exterior from looking into the premises, without actually having to enter upon the premises;
- (k) Only amusement machines which have been approved by Ontario Hydro or Canadian Standards Association (C.S.A.) and which display the prescribed approval sticker are available for the public to use within the licenced premises;
- (l) There are bicycle racks provided on site and that at no time shall bicycles used by patrons of the amusement arcade be left on the street or sidewalk;
- (m) The owner shall not contravene any existing by-law of the Town;
- (n) No person shall operate any amusement arcade in areas other than those permitted by the provisions of the applicable Zoning By-law for the Town;
- (o) All licenced premises shall comply with the applicable Zoning By-law of the Town and any conflict between this by-law and the applicable Zoning By-law shall be resolved by allowing the Zoning By-law to prevail.