

**VILLAGE OF MCADAM**  
**BY – LAW NO. 51**

**A BY – LAW TO REGULATE AND LICENSE  
PLACES OF AMUSEMENT**

PURSUANT to the authority of Sections 91 and 11 (1) (i) of the Municipalities Act, Statutes of New Brunswick, BE IT ENACTED by the council of the Village of McAdam as follows:

1. In this By – Law:

“amusement device” means a machine, contrivance or device that,

(a) upon insertion therein of any money or other article

(i) provides or may provide to the operator thereof any amusement or recreation, or

(ii) may be used by the operator for the purpose of playing a game of skill, and

(b) is not a slot machine that is prohibited under the Criminal Code, chapter c-34 of the Revised Statutes of Canada, 1970, but may be a video gaming device authorized under the Lotteries Act of New Brunswick, 1976, Chapter L-13 .1;

“Chief of Police” means the NCO i/c RCMP McAdam Detachment or his/her designate;

“Council” means the Village Council of the Village of McAdam;

“Legal Guardian” has the same meaning as referred to under the FAMILY SERVICES ACT for the province of New Brunswick

“place of amusement” means an establishment that has as its principle business a billiard room, pool room, dance hall, coin-operated games arcade or motion picture theatre, or any combination thereof;

“Village Manager” means the Village Manager of the Village of McAdam.

**LICENSE OR SPECIAL PERMITS REQUIRED**

2. No person, firm or corporation shall operate, maintain or conduct a place of amusement open to the public without having first obtained a license and/or special permit therefore issued by the Village Manager.

**APPLICATIONS**

3. Applications for a place of amusement license shall be filed with the Village Manager on forms to be furnished by him and such applications shall contain enough information to enable the

Village employees and officials to process the application and make the necessary evaluation, and shall contain the following specific information.

- (a) the name and address of the applicant, and,
  - (i) if the applicant is a partnership, the name and address of each partner shall be given, or
  - (ii) if the applicant is a corporation, the name and address of the officers of the corporation and the manager of the premises;
- (b) the address and room store number of the location of the place of amusement;
- (c) the number of amusement devices to be places;
- (d) the name to be used for the business and if the amusement devices are to be located on the same premises as a restaurant, convenience store or other business shall be provided;
- (e) the floor plan of the establishment indicating the location of the proposed amusement devices;
- (f) the application for license will be accompanied by a release of information form for individuals, partners, and corporations named in the application; and
- (g) such other relevant information as is called for on the application form.

#### PROCEDURE

- 4. (1) Upon receipt of an application for a place of amusement license, the Village Manger shall furnish a copy of the application and refer the matter to the Building Inspector and Fire Chief to determine whether the proposed premises in which the amusement device will be located will violate any provision of the Fire Prevention Act, Building or Zoning By – Laws of the Village of McAdam; and
- (2) The Fire Chief and the Building Inspector shall report their findings to the Village Manager within two weeks of the date of the application;
- (3) The Village Manager shall provide the Police Chief a copy of the release form noted in Section 3 of this By-Law for purposes of determining whether the applicant(s) has (have) a criminal record(s)

#### REQUIREMENTS FOR LICENSE

- 5. (a) Where the applicant, or, if the applicant is a partnership or corporation where a partner, director, officer, or shareholder thereof, has a criminal record (which shall include a record under the Narcotic Control Act, Canada) which, in the opinion of the Village Manager, would cause the granting of a license to such applicant to be contrary to the public interest;

- (b) to any individual, partnership or corporation in any premises that does not comply with all applicable federal, provincial and village laws;
- (c) unless the annual license fee of Twenty Dollars (\$20.00) is paid to the Village of McAdam by the applicant;
- (d) unless the applicant certifies on the license that one (1) supervisor, nineteen (19) years of age or over, will be present in the establishment where amusement devices are located; and that the applicant further certifies on the license that the hours of operation of the amusement device(s) identified on the license shall be limited as follows:
  - (i) Monday to and including Thursday between the hours of 8:00 am and 11:00 pm;
  - (ii) Friday and Saturday between the hours of 8:00 am and 12:00 midnight; and
  - (iii) Sunday between the hours of 1:00 pm and 12:00 pm.

#### ISSUANCE OF NOTICE AND APPEALS

6. (1) The Applicant shall be notified promptly of the issuance or decision refusing to issue a license.
- (2) If the Village Manager refuses to issue a license, the Village Manager shall give reasons in writing for the refusal.
- (3) The Village Manager shall act on all applications within two weeks of receiving the report of the Fire Chief, Police Chief or Building Inspector, whichever is received last.
- (4) Any person aggrieved by a decision issuing or refusing to issue a license may appeal to the Village council by filing a written notice of appeal within thirty days of the decision of the Village Manager.
- (5) The notice of appeal need not be in any particular form, but it must identify the decision from which the appeal is being taken and such appeal shall be heard by the Village Council as soon as compliance with open meeting law requirements can be had.
- (6) The Village Council action shall be final, except for the right of any party to file an action in court.

#### RENEWAL

7. Provided the business complies with all applicable federal, provincial and municipal laws and by-laws, and provided that there are no other grounds for revocation of the license, an application for renewal of a license shall be issued upon the filing of an application for renewal of license along with the annual license fee. No investigation fee shall be charged in connection with an application for renewal license.

#### LICENSES TO BE AVAILABLE FOR INSPECTION

8. Each current place of amusement license issued under this By-Law shall be kept at the premises and available for inspection by premises are open for business.

#### PERSONS UNDER SIXTEEN, SCHOOL HOURS, POSTING NOTICE

9. A licensee or person in charge of an establishment licensed hereunder shall not permit any student or person under the age of sixteen years to remain in or upon the establishment on school days during the hours when school is in session.

#### PERSON UNDER TWELVE

10. (1) A licensee or person in charge of an establishment licensed hereunder shall not permit any person under twelve years of age to enter into the establishment unless the person under twelve years of age is accompanied by a parent or guardian.
- (2) Special event permits may be issued upon request by the Village Manager. These must be specifically scheduled events for organized groups who will have the controlled sole use of the place of amusement for that activity.
- (3) Each licensee under this By – Law shall display a sign with substantially the following wording, or with other wording giving substantially the same meaning:

#### NOTICE

If you are under twelve (12) years of age you are not permitted in this establishment and if you are under sixteen (16) years of age, you will not be allowed to remain in this establishment on school days during the hours when school is in session.

11. A licensee or person in charge of an establishment licensed hereunder shall require that users of the establishment provide proof of age and any such user who is unwilling or unable to provide proof that he or she is of the full age of twelve years of entrance to the establishment.

#### CANCELLATION OF LICENSE

12. (1) (a) The Village Manger may cancel the license of any licensee that violates the terms of this By-Law.
- (b) Where a video gambling device is located in the same room or area as other amusement devices.
- (2) Such cancellation of a license may be appealed to the Village Council.
- (3) Any licensee that has had any license cancelled under this By – Law shall not be eligible to apply for any other license under this By – Law for a period of six months.

#### NUISANCE, INJUNCTION

13. Any violation of this By-Law is hereby declared to be a nuisance and in addition to any other relief provided by this By-Law, the Village may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation and such application for relief may include seeking a temporary restraining order, interim injunction or permanent injunction.
14. Premises where amusement devices are operated shall be open for inspection by police officers acting in the scope of their duties at all times that the premises are open for business.

#### PENALTY

15. (1) Any person, firm or corporation that violated any provision of this By-Law is guilty of an offence and is liable on summary conviction to a fine of Two Hundred Dollars (\$200.00) for a first offence and fine of Five Hundred Dollars (\$500.00) for subsequent offences.
  - (2) When a person, firm or corporation is convicted of operating a place of amusement without a license the Judge of the Provincial court may, unless such person has paid the fee for such license, order payment thereof in addition to the fine.
  - (3) Every fine and every license fee that a Judge of the Provincial Court pursuant to this section orders to be paid is enforceable by distress or by imprisonment in accordance with the Summary Convictions Act.
  - (4) Notwithstanding this section, the Chief of Police or the Village Manager may, either before or after the institution of proceeding against a person for any violation under this By-Law, accept from the person alleged to have been guilty of such violation the payment of a sum equal to the minimum fine prescribed for such violation and upon such payment the person committing the violation is not liable to be prosecuted therefore.
16. In any prosecution for an offence under Section 9, 10 (1) provision or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this by-law which can be given effect without.

IN WITNESS WHEREOF the Village of McAdam has caused its corporate seal to be affixed to this By-Law the 23 day of March, A.D. 1994.

Original signed by: Frank M. Carroll  
Mayor

Original signed by: Ann Donahue  
Village Clerk

First Reading by Title:	February 15, 1994
Second Reading by Title:	February 15, 1994
Third Reading by Title:	March 22, 1994
Read in its Entirety:	March 22, 1994