

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 8135

A B Y L A W

TO REGULATE THE OPERATION OF GAMES
ROOMS AND AMUSEMENT MACHINES

WHEREAS the Council may pursuant to Section 680 of the *Local Government Act*, by bylaw, prohibit the operation of a place of amusement for all or defined parts of the Municipality;

AND WHEREAS the Council considers the location of a games room next to or in the vicinity of a school to be a nuisance and to pose a danger to the welfare of school children in the Municipality;

NOW THEREFORE the Municipal Council of The Corporation of the District of Saanich in open meeting assembled enacts as follows:

1. **INTERPRETATION**

“**AMUSEMENT MACHINE**” means a machine on which mechanical, electrical, automatic or computerized games are played for amusement or entertainment and for which a coin or token must be inserted or a fee charged for use.

“**GAMES ROOM**” means any room, building, store or any other place open to the public containing one or more amusement machines.

“**OPERATOR**” means any person who as a proprietor, lessee, manager, employee or otherwise carries on the business of operating a games room.

“**SCHOOL**” means a public school as defined in the *School Act, 1996 RSBC c. 412*.

“**SCHOOL HOLIDAY**” means any day which is a school holiday for schools in the Greater Victoria School District No. 61 or Saanich School District No. 63.

2. **MINIMUM AGE OF OPERATOR**

(a) No person shall operate, manage or be employed in a games room who is under the age of nineteen (19) years.

(b) This section does not apply to a person working in business premises containing both amusement machines and any other unrelated business so long as the person’s duties do not include supervising the operation of the amusement machines or providing services to users of the machines.

3. **HOURS OF OPERATION**

No person who owns, operates or is employed in a games room shall permit an amusement machine to be played, used or operated between the hours of 10 o'clock in the afternoon (10:00 p.m.) and 10 o'clock in the morning (10:00 a.m.) of the following day from Sunday to Thursday or between the hours of 11:30 in the afternoon (11:30 p.m.) and 10 o'clock in the morning (10:00 a.m.) of the following day on Fridays or Saturdays.

4. **MINIMUM AGE**

No person apparently or actually under the age of fifteen (15) years shall use, play or otherwise operate an amusement machine in a games room or loiter about an amusement machine in a games room between the hours of 10 o'clock in the morning (10:00 a.m.) and 3 o'clock in the afternoon (3:00 p.m.) Mondays to Fridays inclusive, or after 9 o'clock in the afternoon (9:00 p.m.) on Sundays to Thursdays inclusive, unless such day is a weekday and a school holiday.

5. No operator of a games room shall permit any person apparently or actually under the age of fifteen (15) years to use, play or otherwise operate an amusement machine or loiter about an amusement machine between the hours of 10 o'clock in the morning (10:00 a.m.) and 3 o'clock in the afternoon (3:00 p.m.) on Mondays to Fridays inclusive or after 9 o'clock in the afternoon (9:00 p.m.) on Sundays to Thursdays is inclusive, unless such day is a weekday and a school holiday.

6. Where reasonable doubt exists as to the age of a person desiring to play an amusement machine, the operator or person having responsibility for the amusement machine shall not permit any person who is unable to provide documented proof of age to play an amusement machine.

7. **DISORDERLY CONDUCT**

No operator of a games room shall allow any intoxicated person on the premises or allow any person on the premises to drink alcoholic beverages or take drugs or take part in any gambling, swearing or use of offensive language, or fight, or create any kind of disturbance; no operator of a games room shall do anything or neglect to do anything that may cause the games room to become a place of vice, drunkenness, profane swearing, or indecent, obscene, blasphemous or grossly insulting language, or other immorality and indecency.

8. No person in an intoxicated condition shall enter or remain in a games room; no person shall drink alcoholic beverages, take drugs, take part in gambling, swear or use offensive language, fight or create any kind of disturbance in a games room.

9. Every operator of a games room shall keep the premises well lit and clean and shall not cover up any windows in a manner so as to prevent a clear view of the interior of the premises.

10. **POSTING RULES**

Every operator of a games room shall post in a conspicuous place, near the amusement machines, a summary of the rules of conduct for customers including those rules contained in this bylaw.

11. **ADMINISTRATION AND ENFORCEMENT**

A Peace Officer, the Manager of Inspection Services, the Licence Inspector and any person acting under the authority of the Manager of Inspection Services or Licence Inspector are hereby authorized to enter at all reasonable times upon any property to ascertain whether the provisions of this bylaw are being observed.

12. **EXEMPTION**

The provisions of this bylaw shall not apply to an establishment licensed under the Liquor Control and Licensing Act.

13. **PROHIBITION**

- (a) No person shall operate a games room any part of which is located within 250 meters of a lot line of a lot on which there is a school or which is part of the grounds surrounding a school.
- (b) No business licence shall be granted for the operation of a games room which would contravene subsection (a).
- (c) Any games room being lawfully operated on the date of the adoption of this bylaw which contravenes subsection (a) may be continued notwithstanding the provisions of this section but if the operation is discontinued for a period of thirty (30) days it shall become subject to the provisions of this section.

14. **SUSPENSION OF BUSINESS LICENCE**

In addition to any other penalties, any operator of a games room or any person holding a Business Licence for business premises in which an amusement machine is located, shall, upon conviction of an offence against this bylaw, be liable to have his Business Licence suspended pursuant to Section 660 of the *Local Government Act*.

15. **PENALTY**

Any person who violates any provision of this bylaw or who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw, or neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, is guilty of an offence and shall be liable upon summary conviction therefor to a penalty not exceeding \$1,000.00 and to imprisonment to a term not exceeding six (6) months.

16. Bylaw No. 4833, being the "Amusement Machine and Games Room Regulation Bylaw, 1982" and all amendments thereto is hereby repealed.

17. This Bylaw may be cited for all purposes as the "**AMUSEMENT MACHINE AND GAMES ROOM REGULATION BYLAW, 2000, NO. 8135**".