



Report to: General Committee

Date of Meeting: November 20, 2006

SUBJECT: Billiard, Bagatelle and Bowling Alley By-law Amendment
PREPARED BY: Darlene Barker Ext. 2128

RECOMMENDATION:

THAT the report entitled "Billiard, Bagatelle and Bowling Alley By-law Amendment" be received;

AND THAT Council adopt the attached draft by-law to amend By-law 2002-293, a by-law to provide for the licensing and regulation of Bowling Alleys, Billiards and Bagatelle Establishments.

EXECUTIVE SUMMARY:

To amend By-law 2002-293 to make administrative changes that will permit the enforcement of the by-law.

FINANCIAL CONSIDERATIONS:

Not applicable

PURPOSE:

The recommended amendments will create an offence for a person to carry on, operate or engage in the business of a bowling alley, billiard or bagatelle establishment without a licence, and effectively enable enforcement.

BACKGROUND:

By-law 2002-293, "A by-law to provide for the licensing and regulation of bowling alleys, billiards and bagatelle establishments" was enacted on December 10, 2002.

A public meeting was held on November 21, 2005 to present the proposed amendments and receive representations from the public. There were no representations made by any members of the public during this meeting.

OPTIONS/ DISCUSSION:

Currently there are nine establishments licensed pursuant to this by-law.

In reviewing By-law 2002-293, staff observed that amendments were required to this by-law to effect enforcement. These amendments include:

- Adding a definition of billiard and bagatelle establishments; and
- Adding a section that requires persons who carry on, operate or engage in the business of one these establishments to obtain and maintain a licence

The requirements of the by-law, the preamble and title of the by-law all indicate that at the time of passing, it was Council's intention to licence and regulate these businesses for the purposes of health and safety. A review of the by-law found that the wording in the by-law is not specific enough to require a person engaging in such a business to obtain and maintain a licence.

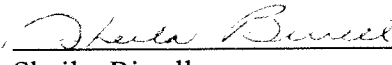
The amendments to this by-law will provide an enforcement element to the by-law to require such owners to obtain a licence.

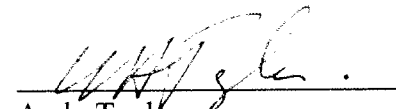
FINANCIAL TEMPLATE:

No considerations.

RECOMMENDED

BY:


Sheila Birrell
Town Clerk


Andy Taylor
Commissioner,
Corporate Services

ATTACHMENTS:

By-law Amendment



BY-LAW 2006-xx

A By-law to Amend By-law 2002-293 a By-law to Provide for the Licensing and Regulation of Bowling Alleys, Billiards and Bagatelle Establishments

WHEREAS Section 150 of the *Municipal Act, 2001, S.O. 2001, c.25*, authorizes municipalities to licence, regulate and govern any business wholly or partly carried on within the municipality; and

AND WHEREAS By-law 2002-293, a By-law to provide for the licensing and regulation of Bowling Alleys, Billiards and Bagatelle Establishments, was enacted by Council on December 10, 2002; and

AND WHEREAS Council held a public meeting on November 22, 2005, to discuss the administrative amendments contained in this by-law; and

AND WHEREAS Council deems it expedient for administrative purposes to enact amendments to By-law 2002-293 to create an offence for persons who are required to be licensed pursuant to the By-law to operate a business without a licence;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:

1. That section 1 of By-law 2002-293 be deleted in its entirety and replaced as follows:
 1. In this By-law,
 - (a) "Licensing Officer" means the person authorized by Council to act on their behalf, in all matters relating to this by-law;
 - (b) "Billiard or Bagatelle Establishment" means any premises to which the public has access, which is equipped with more than one billiard, pool or bagatelle table offered for use by the public for hire or gain;
 - (c) "Person" shall include an individual, firm, corporation, association or partnership;
2. That section 2 of By-law 2002-293 be deleted in its entirety and replaced as follows:
 2. No person shall carry on, operate or engage in the business of a Bowling Alley, Billiard or Bagatelle Establishment on or in any premise or part thereof in the Town of Markham without obtaining and maintaining a licence pursuant to this by-law.
3. That clause 4.(d) of By-law 2002-293 be deleted in its entirety and replaced as follows:
 4. (d) The licence granted to any person may be revoked where the licensee does not comply with the provisions of this by-law or where such licence has been issued through error or contrary to the provisions of any by-law or regulation.
5. This By-law comes into force and effect on the date of passing.

By-law 2005
Page 2

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
DAY OF , 2006.

SHEILA BIRRELL, TOWN CLERK

DON COUSINS, MAYOR