

***TOWN OF MARKHAM***  
*Ontario*



**BY-LAW 2002-288**

**TO PROVIDE FOR THE LICENSING AND  
REGULATION OF  
PLACES OF AMUSEMENT**

This By-law is printed under and  
by authority of the Council of  
the Town of Markham

(Consolidated for convenience only  
to December 11, 2007)

Amended by:  
By-law 2007-282 – December 11, 2007

## **BY-LAW 2002-288**

### **To Provide for the Licensing and Regulation of Places of Amusement**

WHEREAS the *Municipal Act, 2001* provides that the Council may by by-law license and regulate Places of Amusement and prohibit the location of them on land abutting any highway or part of a highway to be named in the by-law and for revoking any such license;

AND WHEREAS the Town of Markham deems it advisable for health and safety and potential public nuisance to enact a by-law to licence and regulate places of amusement.

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

1. In this by-law;
  - (a) "owner" means person who has in respect of premises an estate for life, or a greater estate, legal or equitable or a leasehold estate;
  - (b) "premises" means any premises licensed or required to be licensed under this by-law and includes any trade or calling required to be so licensed;
  - (c) "licensing officer" means the person or persons authorized by the council to act on their behalf in all matters relating to this by-law;
2. No person shall conduct any business in or upon any premises or part thereof, or carry on any trade or calling in the Town of Markham for which a license is required under Section 4 hereof unless he/she holds a license issued therefor by the licensing officer.
3. Every application for a license shall be accompanied by:
  - (a) a statement on the form provided by the municipality giving particulars as to the location of the premises together with such other information as may be required to determine the compliance of the use with all applicable by-laws and regulations;
  - (b) the appropriate fee as specified in By-law No. 2002-284;

4. For the purposes of this by-law "place of amusement" includes theatres, music halls, moving picture shows, roller skating rinks, places where merry-go-rounds, switchback railways, carousels and other like contrivances are operated, exhibitions of wax-works, circus riding and other like shows but does not include any of the above uses performed in a building currently licensed for similar purposes. A license shall be obtained for every place of amusement and the issue of each such license shall be subject to the following:
  - (a) the licensing officer or other person so authorized may enter any premises at all reasonable times in order to inspect such premises and to enforce the provisions of this by-law;
  - (b) each license when issued shall be posted in a conspicuous place on the premises so licensed;
  - (c) the license granted for any premises may be revoked whose owner or licensee does not comply with the provisions of this by-law or where such license has been issued through error or contrary to the provisions of any By-law or regulation;
  - (d) licenses issued under the provisions of this by-law, unless otherwise expressed to be granted for a shorter period, shall expire on the 31st day of December in the year in which they are issued;
  - (e) every person to whom a license is granted shall keep good order in or at any building or premises so licensed and at his/her own expense shall keep a sufficient staff of employees or servants for that purpose;
  - (f) adequate sanitary facilities shall be provided to the satisfaction and approval of the Medical Officer of Health;
  - (g) no amusement device shall be used or operated until approved by the licensing officer as in compliance with the following requirements;
  - (h) all equipment shall be identified by plates stating the manufacturer's name, model number if any, maximum capacity and maximum operating speed for safe operation. If the equipment has been materially rebuilt or modified so as to change its original action, a competent and independent inspection company shall certify that it is structurally adequate to safely withstand all stresses to which it will be subjected during normal operation.

- (i) all component parts shall be maintained in good condition without visible signs of deterioration, wear or fatigue which could result in their inability to carry out their intended function. All defective parts shall be replaced before operation or use;
- (j) all assembly work shall be performed in a proper and workmanlike manner. Parts shall be properly aligned, and shall not be bent, distorted, cut or otherwise injured to force a fit. Parts requiring lubrication shall be lubricated in the course of assembly. Fastenings and locking devices, such as bolts, cap screws, cotter pins, lock washers etc. shall be installed where required for safe operation. Nuts shall be drawn tight, coppers pins shall be spread and lock nuts firmly set. Before being used, all amusement devices shall be anchored so as to be stable under all operating conditions, by the use of guys, blocking, cribbing, outriggers or other suitable means;
- (k) all replacement materials for defective parts shall be at least equivalent in all respects to the original material;
- (l) an amusement device shall not be overcrowded, or loaded in excess of its safe carrying capacity, or operated under dangerous weather conditions; nor shall it be operated at an unsafe speed or at any speed beyond that recommended by the manufacturer;
- (m) if cars or other components may collide in such a way as to cause personal injury upon failure of normal controls, emergency brakes sufficient to prevent such collisions shall be provided. On rides attached to cables or which make use of inclined tracks, automatic anti-rollback devices shall be installed to prevent backward movement of the passenger-carrying units in case of failure of the propelling or any other mechanism;
- (n) when the operator does not have a clear view of the point at which passengers are loaded or unloaded, adequate signal systems shall be provided and used to regulate the starting and stopping of the amusement device;
- (o) safe and adequate means of ingress and egress from amusement devices shall be provided. Such means of ingress and egress shall:
  - (i) be protected from adjacent hazards and shall make use of substantial rails, enclosures, barriers or similar means to prevent persons from falling,
  - (ii) have secure treading and supporting surfaces free from debris, obstruction, projections and slipping, tripping catching and other hazards,
  - (iii) have adequate clearances.

- (p) machinery shall be enclosed, barricaded or otherwise effectively guarded against contact and such protection shall be maintained at all times during operation or use;
- (q) the interior and exterior parts of all passenger-carrying amusement devices with which a passenger may come in contact shall be smooth and rounded, free from sharp, rough or splintered edges and corners, with no protruding studs, bolts, screws or other projections which might cause injury. Interior parts upon or against which a passenger may be forcibly thrown by the action of the ride shall be adequately padded. Devices which are self-powered and which are operated by a passenger shall have the driving mechanism so guarded and the guards so locked in place as to prevent passengers from gaining access to the mechanism. Such belts, bars, foot rests and other equipment as may be necessary for safe entrance and exit and for support while the device is in operation shall be provided. All equipment and the fastenings thereof shall be of sufficient strength to retain the passengers. The fastenings shall be of a type which cannot be inadvertently released;
- (r) amusement devices and temporary structures, including access thereto and exits therefrom, shall, while in operation or occupied, be provided with illumination by natural or artificial means sufficient to prevent accident.
- (s) Protection from Electrical Hazards
  - (i) General Requirements

All electrical wiring, equipment and apparatus for amusement devices or for lighting shall be properly and legally installed, operated and maintained.
  - (ii) Protection of Employees

No employee shall work or be permitted to work in such proximity to any part of an electric power circuit that he may contact the same in the course of his work unless he is protected against shock by de-energizing the circuit, grounding it, or guarding it by effective insulation. If protection is supplied by de-energizing the circuit the switch controlling the circuit shall be locked out to prevent inadvertent closing.
  - (iii) High Voltage Lines

The outlets of electric power lines carrying more than 120 volts shall be clearly marked to show their voltage.
  - (iv) Transformers

All electrical transformer sub-stations shall be properly enclosed and proper warning signs shall be posted.
  - (v) Outdoor Apparatus and Wiring

Electrical apparatus and wiring located outdoors shall be of such quality and so constructed or protected that exposure to weather will not interfere with its normal operation.

- (vi) Elevated Lines  
Elevated power lines crossing access or other roads within the grounds of a carnival, fair, exhibition or amusement park or other area shall be suspended so as to provide a minimum vertical clearance of 14 feet from the road surface and a minimum horizontal clearance of 3 feet on each side of the normal passage space of vehicles.
  - (vii) Suspended Electric Wiring  
Temporary electric wiring, if suspended, shall be supported so that its protective insulation will not be damaged.
  - (viii) Grounding  
Temporary electric installations shall be properly grounded.
  - (ix) Exposed Conductors  
Bare wires and other uninsulated current-carrying parts shall be guarded against inadvertent contact by means of proper location or by a fence or other barrier.
  - (x) Overcurrent Protection  
Conductors shall be provided with overcurrent protective devices according to load. No such device shall be installed in neutral or grounding conductors.
5. No License issued under the provisions of this by-law shall be transferred.
  6. No license shall be issued contrary to the provisions of any applicable zoning by-law.
  7. Where any licensee is convicted of an offence under this by-law the license shall be suspended forthwith and shall not be reinstated until the licensing officer certifies in writing that the conditions resulting in the charge and conviction have been remedied and that the premises and its proposed operation comply with this by-law.
  8. Any person who contravenes any provision of this By-law is guilty of an offence. Pursuant to the *Provincial Offences Act*, and upon conviction is liable to a fine of not more than five thousand dollars (\$5,000.00) for each offence committed.
  9. By-law No. 2001-31, "A By-law to provide for the licensing and regulation of places of amusement" shall be repealed effective January 1, 2003.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 10TH DAY OF DECEMBER, 2002.

"Sheila Birrell"

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TOWN CLERK

"Don Cousens"

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MAYOR