

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW NO. 1536 (1993)

**Being a by-law to provide for the licensing
and regulating of Public Halls**

WHEREAS the Public Halls Act, R.S.O. 1990, Chap. P.39 requires that no public hall shall be offered for use or used as a place of public assembly unless its owner holds a licence therefor from the town in which it is located;

AND WHEREAS Section 236 (6) of the Municipal Act, R.S.O. 1990, Chap. M.45 provides that by-laws may be passed by the councils of towns having a population of less than 100,000 for regulating and licensing, subject to the Theatres Act, exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving picture shows, public halls and all places of amusement, and for prohibiting the location of them, or a particular class of them, on land abutting on any highway or part of a highway to be named in the by-law and for revoking any such licence;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary to pass such a by-law;

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

1. SHORT TITLE

This by-law shall be known as the "Public Halls Licensing By-law"

2. DEFINITIONS

In this by-law,

- (a) "Building Code" means the Ontario Building Code prescribed by regulation under the Building Code Act;
- (b) "Corporation" means the Corporation of the Town of Pelham;
- (c) "Fire Code" means the Ontario Fire Code prescribed by regulation under the Fire Marshals Act;

- (d) "Fire Chief" or "Fire Prevention Officer" means the Fire Chief appointed by the Council of the Corporation of the Town of Pelham;
- (e) "Law Enforcement Officer" means the By-law Enforcement Officer of the Corporation of the Town of Pelham authorized to enforce this or any other by-law of the Corporation of the Town of Pelham;
- (f) "Medical Officer of Health" means the Medical Officer of Health of the Regional Niagara Health Services Department;
- (g) "Owner" means a person who has in respect of premises an estate for life or a greater estate, legal or equitable, or a leasehold estate;
- (h) "Public Hall" means a building, including a portable building or tent with a seating capacity for over 100 persons that is offered for use or used as a place of public assembly, but does not include a theatre within the meaning of the Theatres Act or a building, except a tent, used solely for religious purposes.

3. INTERPRETATION

In this by-law,

- (a) Statutory references are to statutes of Ontario and the regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time;
- (b) All words shall be read with all changes of gender and number required by the context or circumstances.

4. LICENCE AND FEES

- (a) No owner shall operate a public hall or allow any building or part thereof to be used as a public hall unless he holds a public halls licence issued by the Clerk of the Corporation for which an annual fee shall be paid in accordance with Schedule 'B' appended to this by-law;

- (b) Each licence issued under the authority of this by-law shall expire on the 30th day of April next following the date it is expressed to become effective;
- (c) Each licence is transferable provided the transferee completes an application on the prescribed form appended to this by-law as Schedule 'A' and pays the transfer fee in accordance with Schedule 'B' appended to this by-law;
- (d) The **public hall** for which a licence has been issued shall be maintained in accordance with the plans, specifications, documents and any other information on the basis of which the licence was issued and no person shall make any change or cause any change to be made to a **public hall** without obtaining permission to do so from the authority having jurisdiction.

5. APPLICATIONS

- (a) Every application for a public hall licence, renewal thereof or transfer shall be made on the prescribed form appended as Schedule 'A' to this by-law;
- (b) Every application for a **public hall** licence, except a renewal of a licence for a **public hall** situate in a building which has not been altered since the immediately preceding licence issuance date, shall include or be accompanied by:
 - (i) Information giving such particulars as to the location, size and construction of the **public hall**, including but not so as to limit the generality of the foregoing, plans and specifications of any renovations, reconstructions or repairs which may be made necessary as a result of the application;
 - (ii) A certificate signed by the **Fire Chief** or **Fire Prevention Officer**, certifying that he has inspected the premises in respect of which the application is made and has found that it is in accordance with this by-law with respect to fire safety requirements;
 - (iii) A certificate signed by the **Law Enforcement Officer** certifying that the **public hall** has been inspected and that the **public hall** complies with his requirements;

- (iv) A certificate signed by the **Medical Officer of Health** stating that he has inspected the **public hall** and that the **public hall** complies with his requirements;
- (v) A certificate dated within 30 days of the application date and signed by the inspector of the Ontario Hydro Electric Power Commission of Ontario stating that he has inspected the electrical system of the **public hall** and found it to be to his satisfaction;
- (c) Pursuant to the Public Halls Act no application for a licence for a **public hall** for use as a place of public assembly shall be refused until after the applicant has been afforded a hearing by the council of the **Corporation**.

6. SEATING CAPACITY OR OCCUPANT LOAD:

- (a) The **owner** of a **public hall** shall display in prominent places inside the principal entrance of a building and adjacent to the principal entrance of every **public hall** a placard supplied by the **Corporation** and signed by the **Fire Chief** in the form approved by the **Corporation** appended as Schedule 'C' to this by-law;
- (b) The **owner** of a **public hall** shall not allow a greater number of persons to enter and be in the **public hall** at any one time than is stated to be the maximum seating capacity or occupant load on the licence and as displayed on the placards referred to in Section 6 (a) of this by-law;
- (c) The seating capacity or occupant load of the **public hall** shall be calculated in conformance with the minimum requirements of the **Building Code**;
- (d) The floor area calculation for the purpose of calculating seating capacity or occupant load need not include the floor areas of any stage, washrooms, kitchen, cloak room, corridors, entrance vestibule, stairway or stairwell.

7. MINIMUM STANDARDS

- (a) Every **public hall** constructed prior to the 11th day of February, 1987 shall conform to the requirements of the **Fire Code**, Part 9, Retrofit;

- (b) Every **public hall** constructed, erected, renovated, installed, extended, materially altered or otherwise established on or after the 11th day of February, 1987 shall conform to the requirements of the **Building Code**;

8. MAINTENANCE

- (a) The **owner** of a **public hall** shall ensure that every exterior entrance, exit, walkway or any other facility providing public access to or from the **public hall** shall be kept clear of snow, ice or other obstructions before, after and while the **public hall** is in use;
- (b) Every electrical light fixture within 2.4m of the floor level, stair tread or landing shall be protected with metal guards to prevent breakage or removal of the bulbs;
- (c) Decorations, curtains, drapes, finishes, furnishings and stage properties of cloth, paper or other flammable material are not permitted in a **public hall** unless they conform to the requirements of the **Fire Code**;
- (d) Flammable or combustible liquids, explosives or explosive substances or other substances dangerous to human life shall not be kept or stored in a **public hall** unless approved by the **Fire Chief**;
- (e) Smoking, matches, open flames, firecrackers or any device producing an exposed spark or flame shall not be used on any platform or stage in any **public hall** unless approved by the **Fire Chief**;
- (f) Every **public hall** shall be kept clean and clear of rubbish. Metal containers with self-closing covers shall be provided and conveniently placed for the deposit of used paper and rubbish and the contents of every such container shall be emptied and disposed of immediately following each use of the **public hall**;

9. INSPECTION AND ENFORCEMENT

- (a) The **Fire Chief** and **Law Enforcement Officer** may enforce this by-law and may inspect every **public hall** from time to time to determine whether the requirements of this by-law are being fully met;

- (b) The **Fire Chief or Law Enforcement Officer** or any designate may enter any **public hall** at any reasonable time to make inspections and may carry out any tests deemed necessary.


10. OFFENCES AND PENALTIES

- (a) Subject to the provisions of the Public Halls Act and the Provincial Offences Act, every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine.
- (b) The convicting magistrate may order the licence revoked or suspended until the **Fire Chief or Law Enforcement Officer** certify in writing that the conditions resulting in the charge and conviction have been remedied and that the **public hall** and its operation comply with this by-law.

10. BY-LAW REPEALED

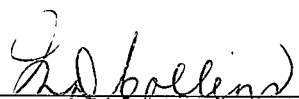
By-law No. 203 (1973) for the Town of Pelham is hereby repealed.

READ A FIRST TIME BY COUNCIL
THIS 18th. DAY OF JANUARY, 1993 A.D.


MAYOR


CLERK

READ A SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
15TH. DAY OF FEBRUARY, 1993 A.D.


MAYOR


CLERK