

THE CORPORATION OF THE

T O W N O F P E L H A M

BY-LAW #203 (1973)

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

WHEREAS the Public Halls Act, Chapter 376, R.S.O. 1970, Section 2, that no premises shall be offered for use or used as a public hall unless the owner thereof holds a licence therefor, from the municipality in which the premises are situate.

AND WHEREAS the Municipal Act, R.S.O. 1970, Chapter 284, Section 383, Subsection 6 provides that the Council of a Town, Township or Village and of a City having a population of less than 100,000, and the Board of Commissioners of Police of a City having a population of not less than 100,000 may by by-law regulate and licence subject to the provisions of 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 a particular class of them, on land abutting on any highway or a highway to be named in the by-law and for revoking any licence granted.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN

OF PELHAM ENACTS AS FOLLOWS:

(1) Definitions: In this by-law -

- (a) "Fire resistive construction" means non-combustible construction having a fire-resistance rating of one hour or more;
- (b) "Owner" means person who has in respect of premises an estate for life or a greater estate, legal or equitable or a leasehold estate; and
- (c) "Public Hall" means a building including a portable building or tent with a seating capacity for over one hundred 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.

Licence Fees:

- (2) (1) 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

Grade 1 - For a hall having a licensed capacity
of over 1,000 persons \$40.00

Grade 2 - For a hall having a licensed capacity
of between 999 and 600 persons \$30.00
persons

Grade 3 - For a hall having a licensed capacity
of between 599 and 300 persons \$20.00
persons

Grade 4 - For a hall having a licensed capacity
of under 300 persons \$10.00

(2) Each license 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.

(3) For the transfer of a public hall license a fee of \$2.00 shall be paid to the Treasurer by the transferee.

(3) Exemption from Fee:

No license fee shall be payable under this part ~~in~~ respect of any part of any school building or by any religious organization in respect of a public hall used for entertainment given or held only by such organization but every such hall shall in all other respects comply with this by-law and shall require a license.

(4) Application for License:

Every application for a public hall license shall be accompanied by:

- (a) a statement on the form provided by the License Inspector giving such particulars as to the location, size and construction of the hall, and in the case of applications for renewals, any renovations or reconstruction, as may be required;
- (b) a certificate signed by the Fire Chief or Fire Prevention Officer, certifying that he has inspected the building in respect of which the application is made and has found that it is or is not in accordance with this by-law as to fire safety precautions and stating how many persons should be allowed to occupy the hall under the provisions of Section 5 thereof;
- (c) a certificate signed by the Chief of Police certifying that the operation of a hall on the location applied for is or is not approved by him and that he is or is not satisfied with the proposed use of the building or part thereof as a public hall and with the proposed methods of operation;
- (d) a certificate dated within 30 days before the application

(e) a certificate signed by the Building Inspector certifying that the hall has been inspected and whether he is or is not satisfied therewith;

(f) a certificate signed by the Public Health Inspector stating that the hall has been inspected and whether he is or is not satisfied therewith.

(5) Capacity: (1)

(1) S Subject to any regulations under the Liquor License Act which conflict herewith, the owner of a public hall shall not allow a greater number of persons to enter and be in the hall at any one time than is stated to be the maximum capacity of the hall on the license, which maximum capacity shall be determined as follows:

(a) where the public hall is in a building of fire-resistive construction or on the first or ground floor of a building not of fire-resistive construction, the maximum capacity shall be determined on the basis of one person for each six square feet of total floor area where fixed seating is employed and eight square feet per person where movable seats are used;

(b) where the public hall is in the basement or on the second floor of a building not of fire-resistive construction, the maximum capacity shall be determined on the basis of one person for each ten square feet of total floor area;

(c) where the public hall is on the third floor of a building not of fire-resistive construction, the maximum capacity shall be determined on the basis of one person for each fifteen square feet of floor area;

(d) where the public hall is in the basement but by reason of the adjoining ground level, there are exit doors which open at ground level, and the Fire Chief, Police Chief and Building Inspector so recommend in writing, the maximum capacity of the public hall shall be determined on the same basis as that for a first or ground floor hall.

(2) A license shall not be issued for a public hall on any storey higher than the third floor in a building not of fire-resistive construction.

(3) The owner of every building containing a public hall or halls shall display in prominent places inside the main entranceway of the building and adjacent to the main entranceway of every floor containing a public hall, a placard supplied by the Corporation of the Town of Pelham and signed by the Fire Chief with the following wording in easily readable letters:

IN CASE OF FIRE,
NEAREST TELEPHONE IS _____
FIRE DEPARTMENT TELEPHONE NO. IS _____

NEAREST FIRE HALL IS _____
FIRE CHIEF _____

with the blanks filled in with the floor concerned, the maximum capacity as stated in the license, the location of the nearest telephone, the telephone number of the Fire Department, the location of the nearest fire hall, and the signature of the Fire Chief.

(4) For the purpose of this section,

(a) the floor area of a public hall shall not include the floor areas of any platform, stage, washroom, kitchen, cloak rooms, hallway, entrance way, stairway, stairwell or any other ante room adjacent to or used in connection with public halls;

(b) no person employed or serving on or in any of the floor areas mentioned in clause (a) shall be counted in determining the number of persons permitted in a public hall;

(c) no combustible interior finishes such as combustible fibre, tile or wallboard may be used. Where these have been installed prior to passing of this by-law, the combustible finishes must be completely coated with a listed fire retardent paint.

(6) Aisle Space:

(1) ~~In~~ every public hall having rows of fixed seats, there shall, in addition to the space at the front and rear of the hall, be aisle space of not less than forty-four inches in width for every 200 persons or fraction thereof for which the hall is licensed.

(2) In every public hall having rows of movable seats, there shall, in addition to the space at the front and rear of the hall, be aisle space of not less than forty-four inches in width for every 150 persons or fraction thereof for which the hall is licensed and no centre seating section shall contain more than fourteen seats in a row and no seating section running to a side wall shall contain more than seven seats in a row.

(3) Each 22 inches of bench length shall be considered as one seat for the purpose of this section.

(4) In every public hall having chairs and tables, ~~there~~ shall, in addition to the space at the front and rear of the hall and in addition to any space used for dancing or any entertainment, be clear aisle space of not less than 5 feet in width between rows of tables for not more than two persons, 6 feet between rows of tables for not more than four persons, and 7 feet in width

to each exit.

(6) Standing in the aisles, additional seats or additional chairs or tables which would reduce the aisle space below the minimum required shall not be permitted.

(7) Exits:

(1) Every public hall shall have at least two independent exits, and subject to subsection (3) at least three in width, each located as far apart as is structurally feasible, but in no case less than the width of the public hall or approximately fifty percentum of the length of the public hall.

(2) The distance of travel to any exit from the hall shall not exceed 100 feet, measured along the path of exit travel from any seat. Where because of the size of the hall this is not practical, exits may be spaced not more than 100 feet apart along the perimeter of the hall.

(3) Where there are only two exits from a public hall licensed for more than 300 persons, each exit shall be not less than 44 inches in width.

(4) Where the licensed maximum capacity of the hall is greater than 400 persons in a building of fire-resistive construction or the hall is on the first or ground floor of a building not of fire-resistive construction, additional exits shall be required on the basis of not less than 22 inches of exit width for every 90 persons or fraction thereof above 400 persons.

(5) Where the licensed maximum capacity of the hall is greater than 300 persons in the basement or on the second or third floor of a building not of fire-resistive construction additional exits shall be required on the basis of not less than 22 inches of exit width for every 60 persons or fraction thereof above 300 persons.

(6) Every balcony or gallery in a public hall shall have at least two independent means of exit, either to the outside or to the main floor of the hall.

(7) Rugs, carpets or other floor coverings shall be secured and maintained so that they will not ruck, or so that they will not in any way impede egress.

(8) Mats located at the entrance of the public hall shall be flush with floors or have chamfered or bevelled edges.

(9) Articles which may create any obstruction shall not be located

be required on interior free-swinging doors which are not equipped with any locking or latching devices.

(2) No revolving type of door or turnstile shall be used as an exit from a public hall except that an approved collapsible revolving type door or turnstile may be used from the first or ground floor provided that there is an exit door or doors of the swing type providing equivalent units of exit width adjacent to and within at least 15 feet of the revolving door or turnstile. A revolving door may be considered to provide not more than one-half unit of an exit width.

(3) Hooks, padlocks, chains and draw bolts, other than the panic hardware type, shall not be permitted on doors, save as otherwise provided in this section.

(4) Whenever a public hall is to be used the owner shall take all necessary steps to ensure that the doors open freely.

(9) Exit Signs:

(1) Above every exit, or access to exit, there shall be an illuminating sign having letters not less than 4 inches internal light and 6 inches external light in height and the principal strokes not less than three-quarters of an inch in width, with the word "EXIT" lighted with electric current on a circuit separate from that furnishing any other electric service in the building, or a circuit from a point on the supply side of the service switch and provided with its own service box.

(2) Every exit sign shall be clearly visible from the most distant part of the hall from which there is a clear line of sight.

(3) The inspector may require a standby or auxiliary electric service of a capacity sufficient to supply all exit lights or to floodlight the hall from a storage battery kept permanently charged with a trickle charger.

(4) Every door which does not lead to an exit shall be plainly marked with letters not less than six inches in height, designating the part of the premises to which it leads unless an exit leading to grade is available through such a room and in such case the door shall be marked as an exit.

(10) Stairways:

(1) The width of every exit stairway shall not be less than the exit door from which it leads and shall have treads not less than 10 inches in width exclusive of nosing and risers not more than 8 inches in height, provided that where structural difficulties exist the Building Inspector may issue a permit in writing for a stairway having a slope of not greater than forty-five degrees

- (3) The difference in floor levels or the height of any exit door from the ground level is not greater than 10 feet, an inclined ramp may be permitted in lieu of a stairway, provided such ramp shall have a slope not greater than one vertical foot for every 10 feet horizontal.
- (4) Any exit, connecting two or more floors shall be enclosed at all floor levels with construction having a fire resistance of not less than one hour. Doors providing access to this enclosure shall have a fire resistance of not less than three-quarters of an hour, and shall be equipped with self closers. All stairway doors shall open in the direction of exit travel.
- (5) All exit stairway enclosures shall provide a protected means of egress to grade such that it would not be necessary to leave the stairway enclosure to reach an exterior door. A lobby or foyer may constitute part of the stair enclosure provided that it is enclosed in accordance with Section (4) and provided that the distance of travel through the lobby to an exit does not exceed fifty feet.
- (6) Exit stairs from the first balcony or gallery above the main floor need not be enclosed provided that these stairs serve only the first balcony or gallery.
- (7) Every passageway or platform leading to or from an exit stairway shall be kept clear of all obstructions.
- (8) Cupboards shall not be constructed underneath any stairway nor shall the space underneath any stairway be used for storage purposes.
- (9) All combustible exit stairs and landings shall have their undersides protected by a one hour fire-resistive ceiling.
- (11) Fire Escapes:
- (1) Every outside fire escape shall be of the stair type only and shall extend down to the ground or street level, provided that where a fire escape is situated on a street or travelled lane the last section may, with the approval in writing of the Building Inspector, be the counter-balanced type. In no case shall the slope of the stairway exceed forty-five degrees with the horizontal.
- (2) The stairs, platforms, supporting members and anchorage of every outside fire escape shall be designed to support, in addition to their own weight, a live weight of not less than one hundred pounds per square foot of tread and platform.

(4) The maximum vertical distance between grade level and the second storey landing of an outside fire escape shall not exceed 14 feet and the maximum vertical distance between all other landings above the second storey shall not exceed 12 feet.

(5) Every stairway of an outside fire escape shall be 36 inches or more in width measured between the stringers and all landings shall have an area of at least 12 square feet and each stairway and landing shall be equipped with hand rails.

(12) Snow & Ice:

Before the public hall is used on any occasion the owner shall clear every outside fire escape of snow and ice or other obstructions.

(13) Lights:

Every stairway, passageway and fire escape shall be well lighted whenever the public hall is in use and all electric light bulbs within 8 feet of the floor level shall be protected with metal guards to prevent breakage or removal.

(14) False Exits:

False doors, windows, mirrors, or other types of decoration which give the appearance of a door or exit where no door or exit exists are prohibited.

(15) Draperies:

(1) Decorations, curtains, and stage properties of cloth, paper or other flammable material are prohibited in a public hall unless treated with a flame-retardant and retreated at least once every year.

(2) Flammable decorations, notwithstanding they are flame-retardant treated, shall not be placed on an electric fixture or within 3 feet of an electric bulb, stove or heating appliance or the pipes in connection therewith.

(16) Dangerous Substances:

Flammable liquids or explosives or other substances dangerous to human life shall not be kept or stored in a public hall or in the building in which the public hall is located except upon the approval of the Fire Prevention Officer or the Fire Chief.

(17) Smoking:

(1) The Fire Chief may prohibit smoking in a public hall or any part thereof and "NO SMOKING" signs shall be posted in the hall or portion thereof where smoking is prohibited.

stage in any public hall without the written permission of the Fire Chief.

(18) Rubbish:

- (1) Every public hall shall be kept clean and clear of rubbish.
- (2) Metal containers with self-closing covers shall be provided and conveniently placed for the deposit of used paper towels and rubbish and the contents of every such container shall be emptied and disposed of immediately following the use of the public hall.

(19) Heating Equipment:

- (1) Every year before using the heating equipment every public hall owner shall cause the furnace or stove, the pipes therefrom and the chimney to be examined, cleaned and put into a proper state of repair.
- (2) Every heating appliance placed in the auditorium of any public hall shall be protected with sufficient guards and insulation, and shall be so located as to not interfere with the flow of exit traffic and not be closer than 20 feet to any exit door.

- (3) Every furnace room in any building containing a public hall shall be separated from the remainder of the building by wall construction having a fire-resistance of not less than $1\frac{1}{2}$ hours, and any doors in the walls of a furnace room including the frames and casings of such doors shall be stamped or otherwise permanently marked with the approval of the Underwriters Laboratories of Canada and such approval stamp or marking shall show a fire rating of $1\frac{1}{2}$ hours, or if not so stamped or marked, written evidence shall be produced by the owner of the property proving that the Underwriters Laboratories of Canada approve the door and frame and casing thereof and give it a fire rating of not less than $1\frac{1}{2}$ hours. Any ducts passing through this enclosure shall be equipped with self-closing fire dampers.

- (4) Every fuel-fired heating appliance that is installed in a public hall shall be contained in an enclosure in accordance with Subsection (3) except that in a public hall located in a building not more than two storeys in height including basement or cellar and having an occupancy of less than two hundred persons,

(a) two fuel-fired heating appliances of a type listed by a recognized testing laboratory, or

(b) six sealed combustion system appliances of a type listed by a recognized testing laboratory may be installed without being enclosed.

(20) Fire Fighting Equipment:

on the basis of one such appliance for every 1,500 square feet of floor area or fraction thereof, but if the hall is equipped with chairs and tables, one such fire fighting appliance shall be required for each 1,000 square feet of floor area or fraction thereof, provided that the minimum shall be two such fire fighting appliances, and shall be equipped with fire extinguishers of such type and number as the Fire Chief may require for use in the cloak rooms, washrooms, kitchens and other service rooms.

(2) The Fire Chief may require the installation of an automatic fire detection system or automatic sprinkler system in any public hall or parts thereof or in any stairway or passageway used as an exit from a public hall.

(3) Every fire extinguisher and other fire fighting appliance shall be maintained in good operating condition and regularly inspected, once every year and after use.

(4) No fire extinguisher shall be installed in a public hall unless it bears the approval label of the Underwriters Laboratories of Canada Ltd., the Underwriters Laboratories Inc., the Factory Mutual Laboratories; of the Fire Officers' Committee of the United Kingdom.

(5) No vaporizing liquid extinguishers are to be used in a public hall.

(21) Inspection & Enforcement:

(1) It shall be the duty of the Fire Chief, and Building Inspector to examine every public hall in the municipality from time to time to ensure that the requirements of this by-law are being fully met.

(2) In order to carry out the requirements of Subsection (1), the Fire Chief, Chief of Police and the Building Inspector or anyone duly appointed by them may enter any public hall at any reasonable time to make such inspections. To test the adequacy of the exit facilities, the Fire Chief or any person duly appointed by him may require a practice fire drill by all persons in the public hall at that time.

(3) It shall be the duty of the police of the Regional Municipality of Niagara to enforce the provisions of this by-law.

(22) Suspension of License:

Where a public hall licensee is convicted of an offence under this by-law, the license shall be suspended forthwith by the Council and shall not be reinstated until the Fire Chief and the Police Chief certify in writing that the conditions resulting in the conviction have been remedied and that the hall and its proposed operation comply with this by-law.

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liable to a fine of not less than \$10.00 and not exceeding \$50.00, exclusive of costs, or to imprisonment for a term not exceeding twenty one days, or to both such fine and imprisonment.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED THIS 10th. DAY OF
September, 1973.


MAYOR


CLERK