

THE CORPORATION OF THE  
T O W N   O F   P E L H A M  
BY-LAW #596 (1980)

Being a By-law to License Amusement Rides  
Operating Within the Town of Pelham

WHEREAS Section 383(7) of the Municipal Act RSO (1970) authorizes a municipality to pass by-laws to regulate and license amusement rides;

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

SECTION 1

DEFINITIONS

In this by-law unless the context otherwise expressly requires:

- (a) "Amusement Ride" means a device or combination of devices designed or intended to entertain or amuse people by physically moving them;
- (b) "Attendant" means a person who, under supervision and instruction by the owner/operator, attends to the safe entry and exit of passengers, to the proper use of safety devices during the ride and to the operation of the ride in a safe manner.
- (c) "By-law Enforcement Officer" means a person appointed by the Corporation to enforce the by-laws of the Town.
- (d) "Corporation" means the Corporation of the Town of Pelham.
- (e) "Operator" means a person who, on his own behalf or as the manager, superintendent or agent has charge of an amusement ride but does not include an attendant.
- (f) "Owner" means the person for the time being entitled in his own right or as a trustee, receiver, mortgagee in possession, guardian, committee, agent or otherwise to receive rents and profits of any amusement ride.

SECTION 2

- (1) No person shall operate or permit to be operated within the Town of Pelham any amusement ride or device intended to amuse people without first obtaining a license to operate such rides or devices within the Town.
- (2) Application shall be certified by owner/operator and include:
  - (a) name and address of owner/operator;

- (b) list by name and serial number of rides for which application is made;
  - (c) amount of public liability insurance carried by the owner/operator, policy number and insurer, expiry date;
  - (d) requirement that licensee comply with orders of the licensing authority or by-law enforcement officer and give an undertaking to save the municipality harmless from any liability resulting from his operation or the cessation of his operation by a by-law enforcement officer.
  - (e) statement that each amusement ride has been maintained, repaired, inspected, tested by persons who are qualified to perform function;
  - (f) each amusement ride meets the requirements and recommendations set out in -
    - i) manufacturer's instructions,
    - ii) CSA Standard Z267, 1971, or
    - iii) the code of other jurisdiction acceptable to the licensing officer;
  - (g) each amusement ride will be assembled by, or under the supervision of, a person designated by the owner/operator as qualified to assemble the ride because of his knowledge, training and experience;
  - (h) each amusement ride or device shall be operated and attended at all times during operation by a sufficiently mature and competent operator.
- (3) Requirement that licensee notify the licensing authority of any cancellation or change in insurance coverage.
- (4) Other requirements:
- (a) that a copy of the manufacturer's instructions or CSA Code Z267 (or other standard or statute) is maintained in good condition and is readily available.
  - (b) that the area or equipment to which the public should not have access is suitably fenced or barricaded.
  - (c) that the applicant shall be required to produce proof prior to operation of any rides or devices that all electrical services and connections have been inspected and approved by the Ontario Hydro Inspector and that the Niagara Regional Police and/or Ontario Provincial Police, where applicable, Pelham Fire Department and Niagara

Regional Health Unit inspection office are to be notified by the applicant of each application together with proposed dates.

- (d) All applications for a license must be made not less than ten (10) days in advance of any proposed carnival.

SECTION 3

PENALTY

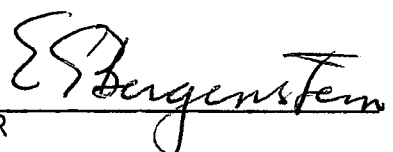
Every person who

- (a) knowingly furnishes false information in any application under this by-law or in any statement or return required to be furnished under this by-law;
- (b) fails to comply with any notice, direction, or other requirement under this by-law;
- (c) contravenes any provision of this by-law shall be guilty of an offence and on summary conviction shall be liable to a fine of not more than one thousand dollars exclusive of costs for each offence and every such fine shall be recoverable under the Summary Convictions Act.

Each day a violation continues may be deemed a separate offence.

READ A FIRST TIME BY COUNCIL

THIS            DAY OF            1980 A.D.


  
MAYOR

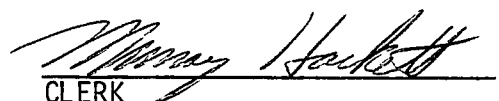
  
CLERK

READ A SECOND AND THIRD TIME

AND FINALLY PASSED BY COUNCIL

THIS            DAY OF            1980 A.D.

  
MAYOR

  
CLERK