

ITEM	22
MANAGER'S REPORT NO.	45
COUNCIL MEETING	93/07/26

TO: CITY MANAGER 1993 JULY 16
FROM: DIRECTOR PLANNING & BUILDING OUR FILE: 17.927
SUBJECT: REGULATION OF POOL/BILLIARD HALLS AND AMUSEMENT ARCADES
PURPOSE: To recommend regulating the hours of operation of and admittance of children under 16 years of age to pool/billiard halls and amusement arcades.

RECOMMENDATION:

1. THAT Council approve the regulation of pool/billiard halls and amusement arcades as outlined in Section 3.0 of this report.

R E P O R T

1.0 INTRODUCTION

Council has considered a number of staff reports prompted by problems with or citizen complaints about pool/billiard halls and amusement arcades in recent years. Council has requested staff to monitor the situations and, if necessary, to recommend ways to regulate those entertainment uses in order to address the apparent problems.

Most recently, at its meeting of 1993 May 3, Council discussed a complaint from a group of residents regarding a pool hall which has been operating in their neighbourhood on a 24 hour per day basis for the past year. Council requested the RCMP to investigate the particular situation and directed staff to report on the late night hours of pool halls and the effects on surrounding neighbourhoods. The RCMP has checked the statistics from 1991 June to 1992 June, and then from 1992 June to 1993 May for the area near the pool hall. They report that the number of reported criminal incidents in the area is virtually identical, with no increase since the opening of the establishment in 1992 June. This is not meant to downplay, however, the inconvenience experienced by nearby residents from patron and traffic noise and other nuisance activities.

During the past year, staff have undertaken a lengthy review of both problems associated with a wide variety of entertainment establishments and potential regulatory measures. They have examined the City's record of complaints regarding various entertainment uses, discussed problems associated with the uses with providers of services to youth, made field trips to a number of Burnaby establishments, and surveyed other municipalities regarding their approach to regulation. At a special meeting with Council on 1993 July 12, staff discussed possible approaches to regulating a variety of problematic entertainment uses. This report is submitted in response to Council direction given to staff following that meeting.

ITEM	22
MANAGER'S REPORT NO.	45
COUNCIL MEETING	93/07/26

2.0 RATIONALE FOR REGULATION

The maturing of Burnaby into a distinct urban community has resulted in the development of a more complex urban environment in which a wide range of entertainment establishments are proffered to cater to the divergent needs of the City's residents.

In recent years, some entertainment uses, including pool/billiard halls and amusement arcades, have been the subject of increased public concern and scrutiny. Those which take advantage of the permitted hours of operation - currently 24 hours per day 7 days per week - are often out of step with other uses in the area, and the noise from loitering patrons and parking lots are often a source of complaints from nearby residents. In 1992 January, Jubilee Billiards was the site of a shooting incident. According to RCMP and a number of youth service providers in Burnaby, the problems of theft (break and entry), drugs, prostitution, gambling and the presence of youth during school hours are sometimes associated with some pool halls and amusement arcades.

Staff believe that a balance of rights must be achieved between those citizens who patronize entertainment establishments and those who feel their rights to peace and privacy are compromised by establishments in close proximity to their place of work or residence. Staff have concluded that it would be appropriate for the City to take steps at this time to minimize future nuisance problems with pool/billiard halls and amusement arcades by imposing some regulatory measures on them. Through the establishment of appropriate regulations, most establishments can continue to operate in the City, without negatively influencing the neighbourhoods in which they are located.

3.0 RECOMMENDATIONS AND DISCUSSION

Staff recommend the regulation of pool/billiard halls and amusement arcades through the following means:

- the preparation of bylaws to restrict the hours of operation of pool/billiard halls and amusement arcades to 9:00 a.m. until 12:00 a.m. daily, except in Metrotown, and to 9:00 a.m. until 1:30 a.m. daily, in Metrotown.
- the preparation of bylaws to prohibit the attendance of children under 16 years of age, unless accompanied by a parent or guardian, in amusement arcades and pool/billiard halls during school hours, including lunch hours.
- an examination of how best to control the number of video/pinball machines in convenience stores and other commercial outlets.

ITEM	22
MANAGER'S REPORT NO.	45
COUNCIL MEETING	93/07/26

3.1 Operating Hours

Council has authority, under the Municipal Act, to regulate hours of operation of pool/billiard halls and amusement arcades. This is the practice in all other Lower Mainland municipalities which have such establishments.

In the interests of a balanced approach, staff recommend that, in all areas of the City except Metrotown, pool/billiard halls and amusement arcades be permitted to operate from 9:00 a.m. until 12:00 a.m. each day. The hours of operation of establishments located within Metrotown, Burnaby's Regional Town Centre, could be extended until 1:30 a.m. The recommended hours are based on a survey of the operating hours of pool/billiard halls and amusement arcades in other Lower Mainland municipalities. (See Appendix 1, attached). The proposed hours are more restrictive than those of municipalities which allow pool halls and or arcades to open at 6:00 a.m. or 8:00 a.m., but are less restrictive than the 11:00 a.m. opening permitted in some local municipalities. Midnight or 1:00 a.m. closure is common in the Lower Mainland.

These regulations would apply to existing as well as to future establishments.

It should be noted that establishments such as convenience stores, restaurants, bowling alleys and shopping malls, which are not licensed as amusement arcades, often have a limited number of arcade machines. This means that access to machines and tables would not be entirely restricted. Staff's view is that restrictions on arcades may lead to the proliferation of video and pinball machines at convenience stores and other areas. As these machines tend to draw players as opposed to store patrons, problems have developed in the past and are likely in future if more establishments add machines. Staff will explore means of more tightly controlling such potential proliferation.

3.2 Attendance of School-Age Children in Establishments

Strictly enforced operational standards for pool halls and amusement arcades could help to reduce some of the nuisance problems experienced by neighbours of such establishments. However, monitoring and enforcing a regulatory strategy based on operational standards is fraught with difficulties.

Theft, drugs, soliciting and gambling are offenses under the Criminal Code of Canada. However, the RCMP are limited in their ability to enforce the law as they must either apprehend the perpetrator(s) in the act or have reasonable and probable grounds to believe that the activity is taking place.

ITEM	22
MANAGER'S REPORT NO.	45
COUNCIL MEETING	93/07/26

The Criminal Code (Section 175.1(a)) addresses language and behaviour problems (fighting, screaming, shouting, swearing, singing, drunkenness, impeding) as well. The City has a noise bylaw which RCMP are also authorized to enforce. However, perpetrators are rarely prosecuted on any of the above activities due to more pressing RCMP priorities. Loitering is no longer an enforceable offence under the Criminal Code due to case law regarding the right of peaceful assembly and freedom of association guaranteed under the Canadian Charter of Rights and Freedoms.

As for youth patronizing arcades and pool halls during school hours, School District staff report that the School Act is not used to enforce children's actual attendance at school. School District staff note that since most cases of chronic truancy involve other family problems, attempting to force children to return to school does not deal with underlying problems.

Some of the problems identified above, namely loitering, language and behaviour, and hours children can be in attendance, are addressed in the House Rules of entertainment establishments. These Rules are generally posted in the premises. While House Rules are not a requirement for issuance of a Business Licence, the importance of adhering to them is discussed with the applicant by City Licence Office and RCMP staff. Again, however, it is difficult both to monitor adherence to House Rules and to require that they be enforced. For amusement arcades and pool halls, City Licence staff carry out regular inspections to monitor the number of machines/tables.

Given the complexities of monitoring and enforcement, the regulation of these entertainment establishments through operational standards appears to be minimally useful at this time. In the opinion of the City Solicitor, only one current rule - the hours school age children can be in attendance - could be made a condition of a Burnaby Business License.

Under Section 513(1)(e) of the Municipal Act, the City may suspend the business license of an establishment which offers for sale to a person under 16 years of age any thing that may be harmful or dangerous to his/her health or safety. The Solicitor's view is that a case could be made that allowing school-age children into entertainment establishments during school hours is harmful to those children. With the proposed bylaw, Council could invoke the powers contained in Section 513.

The RCMP have noted that consideration of a provision allowing the police to close a premises pending a review of business bylaw infractions by the Licence Office would be desirable. While this could be explored, the City Solicitor is of the view that this would be difficult to implement.

ITEM 22
MANAGER'S REPORT NO. 45
COUNCIL MEETING 93/07/26

4.0 CONCLUSION

In response to Council direction regarding the regulation of pool/billiard halls and amusement arcades, staff recommend that the City:

- restrict the hours of operation of pool/billiard halls and amusement arcades to 9:00 a.m. until 12:00 a.m. daily, except in Metrotown, and to 9:00 a.m. until 1:30 a.m. daily, in Metrotown.
- prohibit the attendance of children under 16 years of age, unless accompanied by a parent or guardian, in amusement arcades and pool/billiard halls during school hours, including lunch hours.
- examine how best to control the number of video/pinball machines in convenience stores and other commercial outlets.

Staff believe that such regulation can help to minimize the criminal and nuisance problems associated with pool/billiard halls and amusement arcades.

B. Rick Stenson
for D.G. Stenson, Director
PLANNING & BUILDING

JS/jp

- cc: City Solicitor
Director Finance
Director Parks and Recreation
Director Administrative and Community Services
Officer-in-Charge, RCMP
Medical Health Officer

HOURS OF OPERATION

100

Type of Establishment	Present Permitted Hours in Burnaby	Proposed Permitted Hours in Burnaby	City of North Vancouver	District of North Vancouver	Richmond	Coquitlam	Surrey	Vancouver	Port Coquitlam	Port Moody	New Westminster
Pool Halls	Not regulated	9 am - midnight	Sun - Thurs: 6 am - 1 am Fri - Sat: 6 am - 2 am	No establishments at present Not regulated	8 am - midnight	8 am - midnight *(not enforced as only 1 or 2 establishments)	6 am - 11:30pm	6 am - 1 am	No establishments at present Not regulated	11 am - midnight	8 am - midnight
Amusement Arcades	Not regulated	9 am - midnight	BYA (accessory only)	Not permitted	Sun - Thurs: 9:30 am - 10pm Fri - Sat: 9:30 am - 11:30 pm	Only allowed in enclosed malls. Not regulated, but malls close at 10 pm.	Not permitted	6 am - 1 am	No establishments at present Not regulated	11 am - midnight	10 am - 10 pm
Discotheques (Youth dance clubs)	Mon - Thurs: 6 pm - 10 pm Fri: 4pm - midnight Sat: 1pm - midnight Statutory holiday, if following day not a school day: 4pm - midnight	9 am - midnight	No establishments at present Not regulated	No establishments at present Not regulated	No establishments at present Not regulated	Not regulated	No establishments at present	Mon - Thurs: 6 pm - 10 pm (during school year); Fri, Sat or any day before a holiday: 6 pm - 1 am; Mon - Fri when school not in session: 4 pm - midnight	No establishments at present Not regulated	No establishments at present Not regulated	No establishments at present Not regulated

ITEM 22
 MANAGER'S REPORT NO. 45
 COUNCIL MEETING 93/07/26