

ITEM	4
MANAGER'S REPORT NO.	8
COUNCIL MEETING	95/02/20

TO: CITY MANAGER

1995 FEBRUARY 15

FROM: DIRECTOR PLANNING & BUILDING

OUR FILE: 17.927

SUBJECT: REGULATION OF POOL/BILLIARD HALLS AND AMUSEMENT ARCADES

PURPOSE: To report to Council on the results of the community consultation process on the proposed regulation of pool/billiard halls and amusement arcades and to make final recommendations with respect to regulation.

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**RECOMMENDATIONS:**

1. THAT Council approve the development of a Bylaw to restrict the hours of operation of pool/billiard halls and amusement arcades to 7 a.m. until 12:30 a.m. Sunday through Thursday, and 7 a.m. until 1 a.m. Friday and Saturday.
2. THAT Council approve text amendments to the Zoning Bylaw and the Vending Machine Bylaw to change the definition of "amusement arcade" in order to reduce the number of arcade machines permitted as an accessory use from five to three.

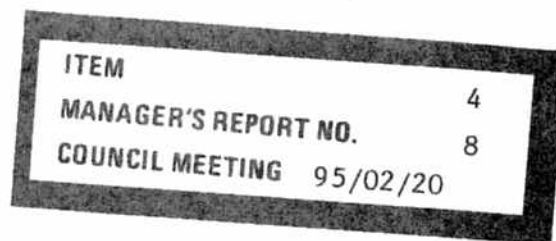
**REPORT**

**1.0 INTRODUCTION**

In recent years, Council has considered a number of staff reports prompted by problems with or citizen complaints about pool/billiard halls and amusement arcades.

At its meeting of 1993 July 26, Council considered two reports on the regulation of such establishments. The first report recommended amending the Zoning Bylaw to create a separate zoning category for pool/billiard halls and amusement arcades. Council adopted that recommendation. The second report recommended restricting the hours of operation and admittance of persons under 16 years of age to such establishments. The report also identified a need to develop a means to control the possible proliferation of arcade machines as accessory uses in convenience stores and other commercial outlets should the regulations be adopted. Council indicated its desire to change the proposed age restriction for youth from 16 to 18 years. Council then tabled the report and directed staff to consult with the community on the proposed regulations.

This report presents the results of the community consultation process and makes final recommendations on: 1) regulating the hours of operation of pool/billiard halls and amusement arcades and 2) limiting the number of arcade machines permitted as an accessory use.



## 2.0 COMMUNITY CONSULTATION PROCESS

During the summer of 1993, Council received a number of delegations and submissions from the operators of pool/billiard halls and amusement arcades regarding the proposed regulations. The formal consultation process requested by Council took place between February and May 1994. During the process, staff sought to obtain views from three groups - owners/operators of pool/billiard halls and amusement arcades, youth, and the general public. The specific proposals being considered were:

- that the City restrict the hours of operation of pool/billiard halls and amusement arcades to 9 a.m. until 12 a.m. daily, except in Metrotown, and to 9 a.m. until 1:30 a.m. daily in Metrotown.
- that the City restrict persons under 18 years from entering pool/billiard halls and amusement arcades during school hours, including lunch hours, unless accompanied by a parent or guardian.
- that the City reduce the number of arcade machines permitted as an accessory use from five to two.

Comments on the proposals were solicited as follows:

- meeting between City staff, the RCMP and owners/operators (attended by 21 operators)
- meetings/discussions between City staff, the RCMP and youth at Eastburn Community Centre, Club Metro Teen Centre, four Burnaby secondary schools, and Cameron Recreation Centre (attended by a total of 51 youth)
- public meeting facilitated by City staff and the RCMP (attended by 7 citizens)
- advertisements in "Information Burnaby" inviting written comments (17 letters received).
- telephone survey by City staff of "accessory use" operators (25 establishments contacted).

Not surprisingly, there was a wide diversity of opinion on the proposed regulations and a lack of consensus both within each of the groups and between groups. Nevertheless, there did seem to be some agreement that:

- the nuisance concerns and criminal activities which prompted the move to regulate are associated with some, but not all, establishments
- restricting the entry of youth during school hours penalizes some youth unfairly and may be of questionable value in reducing nuisance concerns and activities, and truancy.

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A summary of all comments received during the consultation process was distributed to everyone who participated in consultation meetings. With the package were summary comments from staff regarding the wide diversity of opinion and the consequent need to find a "middle of the road" approach to regulation. Participants were invited to make final comments, based on their reactions to the summary package. Staff also offered, if sufficient interest were demonstrated, to convene a final meeting of City staff and participants from all three of the groups to discuss a mutually acceptable "middle of the road" approach. Other than from the operators of pool halls/amusement arcades, response to both the package and the meeting invitation was minimal. Consequently, a meeting was not convened. Any final comments received, as well as the original summary package, have been distributed to members of Council under separate cover. The summary is also available for public viewing in the Planning Department.

### 3.0 DISCUSSION

#### 3.1 Hours of Operation

Based on previous research, discussions among relevant City departments, and comments received during the consultation process, staff have concluded that the City should impose early-morning hours restrictions on Burnaby pool/billiard halls and amusement arcades. The rationale for the restrictions is twofold: an RCMP position that restricting hours of operation would assist them in preventing crime in the immediate area around pool/billiard halls and amusement arcades, and regional consistency.

With regard the former, the RCMP have indicated that arcades and pool/billiard halls are a destination for some persons engaged in criminal activity and that there is a correlation between some of the persons frequenting these establishments and subsequent calls to the police for assistance.

Regarding regional consistency, all other Lower Mainland municipalities which allow pool halls and arcades, with the exception of Delta and Coquitlam, regulate their hours (see Appendix 1, *attached*).

Staff propose that Burnaby establishments close between 1 a.m. and 7 a.m. on weekends and between 12:30 a.m. and 7 a.m. on weekdays. It is proposed that the regulations be applied on a City-wide basis, rather than making exceptions for particular areas such as Metrotown. The proposed hours would place Burnaby in a middle of the road position regarding restrictions - more lenient than some municipalities and more restrictive than others. The proposed hours could help to control the potential for trans-municipal patronage by discouraging patrons from other municipalities from engaging in early-morning activities in Burnaby after pool/billiard halls and amusement arcades have closed elsewhere or from coming to Burnaby as their original destination based on later hours.

Except for Metrotown, the current proposal is somewhat less restrictive than staff's original recommendation regarding hours restrictions. There were a number of reasons for the relaxation, including:

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- the perception that only a minority of establishments are a problem and that it is unfair to unduly penalize the well-operated establishments in order to control those that are poorly-operated. Operators maintain that 80% of their revenue is generated between 10 p.m. and 2 a.m., with up to 40% generated after midnight. Arcade operators have also informed staff that the economic viability of their type of business is so precarious that 3 of Burnaby's 12 for-profit arcades closed their doors in 1994.
- the formation, in 1994, of the B.C. Billiards Association, following the operators' meeting with City staff. The Association aims, in part, to promote a more wholesome image of billiards and billiards establishments. Each of the Burnaby operators is a member of the Association, with the group of them informally constituting a Burnaby chapter.
- the City's ability to impose more stringent regulations in future if problems continue. In fact, the City may wish to put the pool/billiard hall and amusement arcade industry on notice that the industry must take responsibility for improving operations and addressing problems or harsher action could be taken.

With regard the latter, the City could further restrict the hours of all pool/billiard halls and amusement arcades if problems continued in the future. As well, the City has the right, under Section 513 of the Municipal Act, to suspend or withhold a business licence in limited circumstances (such as when the licensee is convicted of an indictable offence or is guilty of gross misconduct with respect to business).

### 3.2 Attendance of Youth

Based on comments received during the consultation process, staff have concluded that it would be both unfair and ineffectual to prohibit people under 18 years of age from entering pool/billiard halls and amusement arcades during school hours. First, such a regulation would be inequitable given that not all youth below 18 years of age are obliged to be in school at all hours that school is in session. Younger high school graduates, drop-outs, students with flexible class schedules and students enjoying Professional Development days fall into this category. Second, such a regulation may have little or no impact on nuisance concerns, as it is difficult to establish causal links between such concerns and the presence of youths at pool/billiard halls and amusement arcades during school hours. Finally, restricting youth entry during school hours could result in transferring the concerns elsewhere (eg. malls, fast-food restaurants) as there is no evidence that youths will cease skipping school simply because one potential alternative to school is no longer available to them.

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### 3.3 Accessory Uses

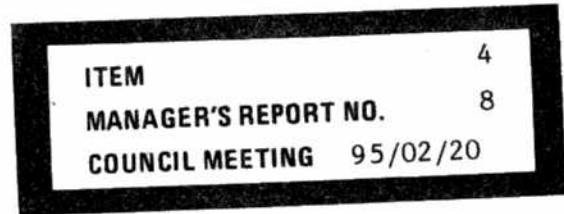
Based on the consultation process and discussions with the City's Parks & Recreation Department, staff have concluded that the number of arcade machines permitted as an accessory use should be reduced from five to three. The rationale for reducing the number is that youths would not be negatively affected and neighbourhoods might experience positive effects if businesses which offer arcade machines as an accessory use to their primary service (convenience stores, restaurants, laundromats) were restricted to three machines. Feedback received during the consultation process suggests that three games would likely be of less interest to youths than five, and that loitering around accessory use establishments would, therefore, likely be reduced.

The proposal to reduce the number of machines permitted as an accessory use to three is less restrictive than the two machines discussed during the consultation process. The Parks & Recreation Department, which provides arcade machines as an accessory use at some of its community facilities, has indicated a need to keep the number of arcade machines in those facilities at the current level (three) as a viable entertainment alternative for youth and a valuable supplement to Parks & Recreation's youth-oriented services. Moreover, feedback received during the consultation process indicates that while some accessory use operators cited concerns with the economic impact of reducing the number of arcade machines, approximately three-quarters of the accessory use operators surveyed indicated that they would be content with two to three machines.

### 3.4 Other Feedback Received

During the consultation process, a number of alternatives to the proposed regulations regarding hours of operation and entry of youths were suggested for addressing nuisance concerns. Some suggestions pertain to how to encourage youth to remain inside the establishments rather than noisily loitering outside; others focus on attracting youths to wholesome activities elsewhere. The suggestions, as made by youths, include:

- offer hot food in arcades and pool/billiard halls so that youths do not need to leave the establishments to buy and eat hot food
- permit smoking in arcades (ie. a "smokers' room") so that youths need not go outside to engage in that activity
- reduce the price of playing machines so that youths can afford to play more games and stay longer
- provide better access to recreation centres, by:
  - keeping City recreation centres/programs operating later at night
  - increasing the number and variety of arcade machines and pool tables in recreation centres
  - reducing prices for programs and games in recreation centres
  - increasing gym and drop-in times at recreation centres
  - offering more community outings from recreation centres



With regard to hot food and smoking, the Health Department advises that any pool hall or amusement arcade which applies for and meets the requirements of a restaurant licence can offer hot food. The proprietors of such establishments can also choose to maintain their establishments as entirely smoke free or to allow restricted or unlimited smoking. The owners/operators of pool/billiard halls and amusement arcades may wish to take these comments from youths under advisement.

The City's Parks & Recreation Commission, in conjunction with the Community Issues & Social Planning Committee, has recently sponsored consultation sessions with youth concerning youth recreation needs. The comments noted above regarding recreation centres are consistent with feedback gathered during these sessions, and that feedback will be considered in future youth service planning by the Parks & Recreation Commission and the Community Issues & Social Planning Committee.

In summary, based on previous research and comments received since regulation was first proposed in 1993 July, staff have reached the following conclusions:

- the City should restrict the hours of operation of pool/billiard halls and amusement arcades but not as stringently as previously proposed.
- the City should not restrict the entry of youth to pool/billiard halls and amusement arcades during school hours or any other hours.
- the City should reduce the number of arcade machines permitted as an accessory use from five to three.
- if the criminal and nuisance concerns associated with pool/billiard halls and amusement arcades continue, the City should explore other options for motivating operators of those establishments to engage in higher standards of operation.
- the Parks & Recreation Commission and Community Issues & Social Planning Committee should be supported in their efforts to involve youth in the planning and development of recreation and community support services for youth.

#### 4.0 RECOMMENDATIONS

In response to Council's desire to act on public concerns regarding the operation of pool/billiard halls and amusement arcades, and as a result of the community consultation process and other research, staff recommend:

- that the City develop bylaws to restrict the hours of operation of pool/billiard halls and amusement arcades to 7 a.m. until 12:30 a.m. Sunday through Thursday, and 7 a.m. until 1 a.m. Friday and Saturday.
- that the City make text amendments to the Zoning Bylaw and the Automatic Vending Machine Bylaw to change the definition of "amusement arcade" in order to reduce the number of arcade machines permitted as an accessory use from five to three.

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Staff believe that these recommendations, if adopted, will help to minimize the criminal activities and nuisance concerns associated with pool/billiard halls and amusement arcades. While the recommendations may not fully satisfy all of the participants in the consultation process, staff believe they provide a balance between restrictiveness and permissiveness. Moreover, adoption of the recommendations will provide for more consistency in hours of operation of pool/billiard halls and amusement arcades among Lower Mainland municipalities.



D.G. Stenson, Director  
PLANNING & BUILDING

JS\db

Attachment

cc: Deputy City Manager - Corporate Services  
Director Finance  
Director Recreation & Cultural Services  
City Solicitor  
Officer-in-Charge - Operations, R.C.M.P.  
Chief Licence Inspector  
Medical Health Officer

**Appendix 1**

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**HOURS OF OPERATION**

Type of Establishment	Proposed Hours in Burraby	Municipality of Delta	City of North Vancouver	District of North Vancouver	City of Richmond	City of Coquitlam	City of Surrey	City of Vancouver	City of Port Coquitlam	City of Port Moody	City of New West-minster
Pool Halls	7 am-12:30 am, Sun - Thurs; 7 am-1 am, Fri & Sat.	Not regulated. No establishments.	6 am-1 am, Sun - Thurs; 6 am-2 am, Fri & Sat.	6 am - midnight, Mon-Sat; 6 pm - midnight, Sunday.	8 am - midnight	8 am - midnight (not enforced)	6 am - 11:30 pm	6 am - 1 am	Not Permitted	11 am - midnight	8 am - 1 am
Amusement Arcades	As above	9 am - 11 pm Sun - Thurs; 9 am - midnight, Fri. & Sat.	6 am - midnight; accessory only	Not Permitted	9:30 am-10 pm, Sun-Thurs; 9:30 am-11:30 pm, Fri & Sat.	Only allowed in enclosed malls. Not regulated, but malls close at 10 pm.	Not Permitted	6 am - 1 am	Not Permitted	11 am - midnight	10 am - 10 pm