

## **City of Corner Brook Teenage Dance Hall Regulations**

Pursuant to the powers vested in it under Sections 44, 265, 266, 438 and 439 of the *City of Corner Brook Act R.S.N.L. 1990 c. C-15*, as amended, and all other powers it enabling, the Corner Brook City Council, in a session convened on the  18  day of  June , 2012, hereby passes and enacts the following regulations relating to licensing, use, operation, and location of teenage dance halls in the City of Corner Brook:

### **Short Title**

1. These Regulations may be cited as the City of Corner Brook Teenage Dance Hall Regulations.

### **Definitions**

2. In these Regulations:

- (a) "applicant" means a person applying for a license pursuant to these regulations;
- (b) "City" means the City of Corner Brook as continued under the *City of Corner Brook Act RSNL 1990 Ch.C-15* ;
- (c) "City Manager" means the city manager appointed under the *City of Corner Brook Act RSNL 1990 Ch.C-15*;
- (d) "Council" means the Corner Brook City Council as continued under the *City of Corner Brook Act RSNL 1990 Ch.C-15*;
- (e) "customer" means a person who pays for goods and/or services and includes but is not limited to payment of a cover charge or entrance fee and purchasing food and/or beverages;
- (f) "development inspector" means a development inspector employed by the City;
- (g) "License", "licensed" and "licensing" means a license or reference to a license issued pursuant to these Regulations;
- (h) "licensee" means a person holding a valid and subsisting license;
- (i) "license fee" means a fee payable for a license as established in section 20 herein;
- (j) "municipal enforcement officer" means a municipal enforcement officer appointed under section 211 of the *City of Corner Brook Act RSNL 1990 Ch.C-15*;
- (k) "nonprofit organization" means any incorporated or unincorporated organization formed for charitable purposes and not organized for profit or personal gain, including purposes which are of the philanthropic, benevolent, educational, health, humane, religious, cultural, artistic or recreational nature;
- (l) "operator" includes a person who, alone or with others, operates, manages, supervises, runs or directs the trade, calling, business or occupation carried on at a teenage dance hall;
- (m) "owner" includes a person who, alone or with others, owns or controls the trade, calling, business or occupation carried on at a teenage dance hall or directs the activities of an operator or is the owner of, tenant or licensee in respect of premises, which are utilized as a teenage dance hall, and "owner" excludes "operator" except that where one person is both

owner and operator that person shall be deemed to be an owner for the purposes of these Regulations;

- (n) "peace officer" includes municipal enforcement officers, police officers and special constables appointed under the *Royal Newfoundland Constabulary Act, 1992 SNL 1992 Ch.R-17* or any similar or successor legislation, and members and officers appointed under the *Royal Canadian Mounted Police Act RSC 1985, c.R-10* or any similar or successor legislation;
- (o) "person" includes a natural individual, and their heirs, executors, administrators or other legal representatives, a corporation, partnership or other form of business Association, or a receiver or mortgagee in possession, or any association or group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires;
- (p) "person of authority" means a person who is authorized by the owner and/or operator of the teenage dance hall to operate, manage, supervise, run or control the establishment and who meets the requirements for such designation under these Regulations;
- (q) "public notice" means advertisement in a newspaper circulating in the area of the City of Corner Brook and any additional notice by any other means deemed necessary by Council;
- (r) "premises" means the building, unit, property, enclosure or other place that contains a teenage dance hall;
- (s) "security guard" means a person whose exclusive responsibility or duty while engaged or hired by a teenage dance hall is to guard or patrol the premises for the purpose of ensuring orderly conduct and protecting persons and property;
- (t) "subsequent offense" means any offense under this regulation committed by a person after that person has already committed an offense under this regulation ;
- (u) "Teenage Dance Hall" is a place of entertainment under s. 269 of the *City of Corner Brook Act RSNL 1990 Ch.C-15* and is a facility in which customers dance to live or recorded music and which permits entrance of customers who are under the age of majority as defined by the *Age of Majority Act SNL 1995 Ch.A-4.2* or any similar or successor legislation.

### **License Requirement**

3. (1) No person shall be an owner in respect of a teenage dance hall within the geographic limits of the City of Corner Brook without making application for, obtaining and maintaining, pursuant to the terms of these regulations, a teenage dance hall owners license authorizing that person to carry on such trade, calling, business or occupation in respect of that teenage dance hall.  
(2) No person shall be an operator in respect of a teenage dance hall within the geographic limits of the City of Corner Brook without making application for, obtaining and maintaining, pursuant to the terms of these regulations, a teenage dance hall operators license authorizing that person to carry on such trade, calling, business or occupation in respect of that teenage dance hall.
4. No owner shall permit any person other than a licensed operator to operate a teenage dance hall.

5. No operator shall operate a teenage dance hall in premises for which the owner thereof has not obtained an owners license under this regulation.
6. No owner or operator shall carry on any trade, calling, business or occupation at a teenage dance hall other than the teenage dance hall endorsed on the license and at the location endorsed on the license.
7. A license is required for each premises where a teenage dance hall is operated in the City.
8. A license is not required:
  - a. for a business carried on by the City;
  - b. for a business carried on by the governments of the province of Newfoundland and Labrador or Canada or a Crown corporation created by either government; but
    - (i) a person who contracts with any of the governments, persons or organizations designated in subsection (b) will be subject to all the requirements of these regulations;
  - c. For a business that is incorporated, continued or registered as a corporation without share capital under the *Corporations Act, RSNL 1990 Ch. C-36*;
  - d. For schools and school councils established under the *Schools Act, 1997 SNL 1997 Ch.5-12.2* or any similar or successor legislation;
  - e. For universities and colleges established under the *Memorial University Act RSNL 1990 Ch.M-7* or any similar or successor legislation;
  - f. For colleges established under the *College Act, 1996 SNL 1996 Ch.C-22.1* or any similar or successor legislation; and
  - g. for such other businesses as Council may from time to time exempt.

#### **Nature of License**

9. The licenses required by these Regulations shall, unless they are expressed to be for a shorter period of time, be for the period up to and including the twelfth (12) month following the date of issuance, unless they are sooner forfeited or revoked.
10. No license shall be transferred or assigned and if an owner or operator sells, leases or otherwise disposes of the owner or operator's interest in the trade, calling, business or occupation carried on at a teenage dance hall, the licenses in respect of such teenage dance hall shall, notwithstanding any other provision of these regulations, be revoked.
11. Every teenage dance halls owners licence and every teenage dance hall operators license shall have endorsed thereon the location and the name of the teenage dance hall with respect to which it is issued. Such endorsement shall be for the one location only and such license shall be valid only for the location and the teenage dance hall endorsed on such license.

12. The license must be issued on a form bearing the identification of the City and all licenses issued pursuant to these regulations are and shall remain the property of the City. No person shall enjoy a vested right in the continuance of a license and the value of a license shall be the property of the City irrespective of the issuance, renewal or revocation of the license.
13. A license must bear on its face the date on which it is issued and the date on which the license will expire.
14. A person must not reproduce, alter or deface a license.
15. A license is not transferable from one person to another or from one person's business premise to another.
16. The issuing of a license to a person, owner or operator does not relieve that person, owner, or operator of the responsibility of conforming to any other law.

#### **Powers/Duties of City Manager**

17. Without restricting any other power, duty or function granted by these Regulations or the *City of Corner Brook Act*, the City Manager may:
  - a. carry out whatever inspections are reasonably required to determine compliance with these Regulations;
  - b. require a person, owner or operator holding a license to provide any information required to make a decision regarding that license;
  - c. delegate any powers, duties or functions under these Regulations to an employee of the City;
  - d. establish forms for the purposes of these Regulations; and
  - e. refer any decision that may arise in relation to these Regulations to Council for decision, including but not limited to decisions regarding issuance, renewal, revocation or conditions of a license.
18. The City Manager or his or her delegate shall:
  - a. receive and process all applications for licenses and renewal of licenses to be issued under these regulations;
  - b. coordinate the enforcement of this regulation with municipal enforcement officers and/or peace officers;
  - c. generally perform all the administrative functions conferred upon him or her by these regulations;
  - d. make or cause to be made all investigations which he or she deems necessary to determine whether an applicant has or will have met or continues to meet the requirements of these regulations and all applicable laws;

- e. make or cause to be made a public notice providing a minimum of seven (7) clear days for the public to provide input respecting any application for licence wherein the applicant seeks to hold more than two teenage dances in a six month period, which shall include circulation of the license application to municipal and provincial police services for comments;
- f. Issue licences, licence renewals and licence revocations as required under these regulations or as directed by council; and
- g. upon receipt of councils disposition with respect to matters referred to council for decision pursuant to these regulations, execute and issue all licenses as directed by council or refuse to issue a license as directed by council or revoke a license as directed by council.

#### **Applications for licencing and renewal**

- 19. Every applicant shall appear in person before the City Manager or his or her delegate and shall complete a Teenage Dance Hall Owner/Operator's License Application form or Renewal Form, as applicable, and shall provide all information requested thereon, and shall furnish to the City Manager or his or her delegate such information as he or she may reasonably require. In the case of a Teenage Dance Hall owned by a partnership such appearance shall be made by one of the partners, provided the application shall be signed by all of the partners and in the case of a teenage dance hall owned by a corporation, such appearance shall be made by an authorized officer of the corporation and not by an agent thereof.
- 20. At the time of submission of the application or renewal, every applicant shall pay to the City, a licence fee in the amount approved by council in its annual budget for development application fees, and any other fees, including costs of any public notices, required by these or any other regulations. No portion of such fee is refundable in the event that an application is not accepted for licensing or renewal. A person, owner or operator that is recognized by the City manager as a nonprofit organization may apply to the City Manager or his or her designate for waiver of the license fee.
- 21. Receipt of the application and the license fee by the City shall not constitute approval of the application for the issuance of a license nor shall it obligate the City to issue such license.
- 22. A license will not be issued under these Regulations for any teenage dance hall or premise occupied by a business which does not conform to any other law, including zoning or building standards.
- 23. The City Manager or his or her delegate may consult, prior to issuing or renewing a license, with the Province of Newfoundland and Labrador, the Royal Canadian Mounted Police, the Royal Newfoundland Constabulary, other departments within the City including but not limited to Municipal Enforcement and the Fire Department, to determine whether they are in possession

of information which, in the opinion of the City Manager or his or her delegate, renders it inappropriate for an applicant to be issued a license.

24. The applicant shall, prior to the City Manager or his or her delegate issuing a license, ensure that all necessary approvals required under the City of Corner Brook Development Regulations and any other applicable provincial, federal or municipal regulations, have been obtained and shall provide satisfactory proof thereof to the City Manager or his or her delegate.
25. The City Manager or his or her delegate shall refuse to issue a license if for any premise at or from which the applicant intends to operate a teenage dance hall, is not a permitted use at that location under the City of Corner Brook Development Regulations.
26. Without limiting the generality of any other provision in this regulation, persons associated in a partnership applying for a license under this regulation shall file with their application a statutory declaration, in writing, signed by all members of the partnership, which declaration shall state:
  - a. the full name of every partner and the address of his or her ordinary residence;
  - b. the name or names under which they carry on or intends to carry on business;
  - c. that the persons named in the declaration are the only members of the partnership; and
  - d. the mailing address of the partnership.
27. No partnership shall be licensed as an owner in respect of a teenage dance hall unless that partnership is also an operator or some other person is licensed as an operator in respect of that teenage dance hall.
28. Without limiting the generality of any other provision in this regulation, every corporation applying for a license shall file with the City Manager or his or her delegate, at the time of making its application, a copy of its articles of incorporation or other incorporating document and shall file a statutory declaration, in writing signed by an authorized officer of the Corporation, which declaration shall state:
  - a. the full name of every shareholder and the address of his or her ordinary residence;
  - b. the name or names under which it carries on or intends to carry on business;
  - c. that the persons named in the declaration are the only shareholders of the Corporation; and
  - d. the mailing address of the corporation.
29. No Corporation shall be licensed as an owner in respect of a teenage dance hall unless that Corporation or some other person is licensed as an operator in respect of that teenage dance hall.
30. Every person applying for a teenage dance hall owners license shall file with the City Manager or his or her delegate, documentation satisfactory to the City Manager or his or her delegate

demonstrating the applicant's right to possess or occupy the premises to be used by them as a teenage dance hall. If any applicant is not the registered owner or owner in fee simple of the property upon which the teenage dance hall is to be located, such person shall file with the City Manager or his or her delegate, with the application for a teenage dance hall license, a copy of the lease, if any, and a copy of any other document constituting or affecting the legal relationship relating to the lands or premises between the applicant and the registered owner or owner in fee simple of the real property.

31. Every owner and operator of a dance club shall:

- (1) at the time of application for a teenage dance hall owners and/or operators license or the renewal thereof, or at the request of the City Manager or his or her delegate at any time during the term of the license, file with the City Manager or his or her delegate a list of all persons of authority and security guards for the establishment, including current contact information for each person on the list and proof that each person on the list is at least 19 years of age, is not on the National Sex Offender Registry, and has no prior criminal record of violent and/or sexual offenses, drug related offenses, or convictions for providing alcohol to minors;
- (2) notify the City Manager or his or her delegate in writing forthwith upon any change in the names or contact information contained on the list filed with the City Manager or his or her delegate; and
- (3) designate at least one person named on the list filed with the City Manager or his or her delegate to be on the premises at all times when the teenage dance hall is open or operating.

32. At the time of application for a teenage dance hall license and at each renewal thereof, or at the request of the City Manager or his or her delegate at any time during the term of the license, every owner and operator shall file with the City Manager or his or her delegate:

- a. A crowd control plan which includes but is not limited to a description of the manner in which people seeking entry or re-entry into the establishment may line up outside of the establishment prior to entry, including the location of such lineups, the maximum number of people permitted to be in such lineups, and the procedures used by the establishment to monitor the lineups, to control the number of people in the lineups, and to ensure orderly conduct by the people in the lineups;
- b. A recent certificate of conduct and National Sex Offender Registry check issued by the Royal Newfoundland Constabulary/Royal Canadian Mounted Police, as applicable, for the applicant, all security guards, persons of authority, primary managers, owners, partners, directors and officers;
- c. A current and accurate floorplan of the teenage dance hall which indicates:
  - i. the nature, location, and type of each and every amusement device to be located on the premises;
  - ii. the total gross floor area of the premises;
  - iii. the floor area to be utilized for dancing; and

- iv. the location and floor area of all other facilities and uses to which the premises will be put;
- d. A proposed security plan for the premises; and
- e. a proposed medical/safety plan for the premises.

### **Licence Conditions**

33. It is a deemed condition of every license that the licensee must:

- a. comply with an approved crowd control plan;
- b. comply with an approved security plan;
- c. comply with an approved medical/safety plan;
- d. comply with an approved floor plan;
- e. have at least one person of authority who is named on the list filed with and approved by the City Manager or his or her delegate on supervisory duty on the premises at all times when the teenage dance hall is open or operating;
- f. have at least one security guard on duty at each entrance and exit of the premises and a minimum of one security guard for every one hundred (100) people in the premises at all times when the teenage dance hall is open or operating;
- g. insure that all security guards and persons of authority wear identification or clothing by which they can be readily identified as security guards or persons of authority respectively;
- h. provide patrons with unrestricted access to a supply of fresh running water at no charge;
- i. not permit alcohol or drugs on the premises;
- j. not permit smoking on the premises;
- k. not operate the teenage dance hall contiguous to an event that has alcohol service;
- l. refuse entry to or remove from the premises persons who appear to be intoxicated or under the influence of drugs;
- m. remove persons whose behavior becomes quarrelsome, riotous or disorderly;
- n. remove persons who are involved in illegal activities such as drug possession or trafficking;
- o. report illegal activities such as drug possession or trafficking to the Royal Newfoundland Constabulary or Royal Canadian Mounted Police forthwith;
- p. refuse entry to persons 19 years of age and older except for parents and/or guardians of customers and peace officers who shall be permitted entry at all times that the teenage dance hall is operating. Peace officers shall be permitted to remain on the premises as long as they in their sole discretion determine necessary. Parents and/or guardians shall be permitted entry only for the time necessary to retrieve and remove their child from the premises, and shall be escorted by an employee or agent of the owner or operator while on the premises;
- q. utilize and keep current a sign in & out sheet recording the names of all persons who enter and leave the teenage dance hall ;
- r. operate a coat check insuring that all patrons remove their coats on entering the teenage dance hall. An exception shall be made for Peace officers who may retain their coats;
- s. refuse entry to persons under the age of 13 years;



- t. refuse entry to persons identified by the Royal Newfoundland Constabulary or Royal Canadian Mounted Police who, within the past three years, have been convicted of an indictable criminal offense of a violent and/or sexual nature, or who is listed on the National Sex Offender Registry, or has been convicted of a drug related criminal offense or convicted of a criminal offense pertaining to providing alcohol to minors;
- u. refuse entry to persons who have been removed from the premises repeatedly;
- v. provide waste receptacles in the premises which shall be cleared at least two (2) times each day and when full;
- w. keep the premises in a clean and sanitary condition at all times;
- x. insure the number of persons in the premises at any time shall not exceed the number permitted by the Fire Commissioners licence for the premises; and
- y. insure that all areas immediately adjacent to the premises are clean and free of litter, refuse and other debris and shall install and maintain containers for the deposit of litter, refuse and other debris.

**ISSUANCE OF LICENCE:**

34. When an application for a license is made in accordance with the provisions of these regulations and the applicant meets all the requirements of these regulations or as otherwise directed by council, the City Manager or his or her delegate shall, subject to the City Manager's discretion set out in section 35 herein, issue a license certificate which shall set out the expiry date of the license in accordance with these regulations and the applicant shall thereby be licensed.
35. The City manager or his or her delegate may refuse to issue or renew a license, may revoke a license, and may impose any conditions on a license for any of the following reasons:
- a. the applicant or licensee does not or no longer meets the requirements of these Regulations with respect to the license applied for or held;
  - b. the licensee has breached a condition of the license;
  - c. the applicant or licensee or any of its officers or employees:
    - i. furnishes false information or misrepresents any fact or circumstance to a peace officer, municipal enforcement officer, development inspector, or the City manager or his or her delegate;
    - ii. has, in the opinion of the City Manager based on reasonable grounds, contravened these Regulations whether or not the contravention has been prosecuted;
    - iii. fails to pay a fine imposed by a court for contravention of these Regulations; or
    - iv. fails to pay any fee required by these or any other applicable regulations;
  - d. the past or current conduct of the applicant or license holder affords a reasonable grounds for the belief that the applicant or license holder will not carry on the trade, calling, business or occupation in respect of the teenage dance hall in accordance with law and with integrity and honesty;

- e. there are reasonable grounds for the belief that the carrying on of the trade, calling, business or occupation in respect of the teenage dance hall by the applicant or license holder will result in a breach of this regulation or any other applicable law;
- f. the applicant or license holder is a corporation or partnership and its conduct or the conduct of its officers, directors, employees, agents or partners affords reasonable grounds for the belief that its trade, calling, business or occupation in respect of the teenage dance hall will not be carried on in accordance with the law and with integrity and honesty;
- g. there are reasonable grounds for the belief that the premises, accommodations, equipment or facilities in respect of which the license is required do not comply with the provisions of these regulations or any other applicable law;
- h. the conduct of the applicant or license holder or other related circumstances afford reasonable grounds for the belief that the carrying on by the applicant of the trade, calling, business or occupation in respect of the premises for which the license is sought would infringe the rights or endanger the health or safety of other members of the public or would result in damage to other property; or
- i. in the opinion of the City Manager based on reasonable grounds it is in the public interest to do so.

36. Every person to whom the City issues or renews a license shall furnish to the City any information that the City Manager or his or her delegate may from time to time require.

**RENEWAL:**

37. Provided a licensed applicant is not in breach of any of the terms of these regulations, the City Manager or his or her delegate shall, subject to the City Manager's discretion set out in section 35 herein, renew an applicant's license for a period of time up to one year following the date of application for renewal, provided such applicant has completed the application for renewal and has provided all information requested in the application for renewal.
38. Any license that has not had a renewal application submitted within six months after expiry shall be considered a new license application.

**REVOCATION:**

39. Revocation of a licence shall take effect upon service of written notice of the revocation to the licensee or, upon the third day following posting of a written notice on the front entrance of the teenage dance hall premises in the event that the address of the licensee is unknown. Such notification shall state the grounds on which the license has been revoked.

**APPEAL:**

40. A person, owner or operator:

- a. who has been refused the issue or renewal of a license;
- b. whose license has been revoked; or
- c. whose license is made subject to conditions, other than conditions imposed by this regulation;

may appeal the decision by making application to the Council in the form provided by the City Manager or his or her delegate within 30 days from the date of service of the notification from the City Manager or his or her delegate of the decision being appealed.

41. Prior to council rendering a decision on whether or not to reinstate or to issue or renew a license, the licensee shall be entitled to a hearing thereon before the Council and shall be notified of such hearing. Notice of hearing shall be in writing and served on the licensee at least five clear days prior to the date of hearing. Such notice shall state the time and location for the hearing.
42. A person, owner, or operator may not appeal a refusal to issue or renew a license if the reason for the refusal is the failure to pay any fee or provide any required information.

#### **Change of status**

43. Where there is any change in any of the particulars relating to a person licensed under these regulations, which particulars are required to be filed with the City on applying for or renewal of a license under these regulations, such person shall report the change to the City Manager or his or her delegate within 14 days of the change or the license issued under these regulations may be revoked.
44. Where there is to be a change in the composition or the controlling interest of a partnership licensed under this regulation, the persons licensed under this regulation in partnership shall obtain the approval of the City Manager or his or her delegate to such change prior thereto, failing which, the license may be revoked.
45. Where there is to be a change in the composition or the controlling interest of the shareholders of a Corporation licensed under this regulation, the Corporation shall obtain the approval of the City Manager or his or her delegate to such change prior thereto, failing which the license may be revoked. Where there has been any change in the controlling interest of the corporation, either by one transaction or a number of transactions, the license may be revoked, despite the City Manager or his or her delegates prior approval of any one or more such transactions.
46. The licensee must notify the City Manager or his or her delegate if its business is discontinued.
47. A licensee must apply for a new license if the teenage dance hall relocates.

### **Signage**

48. No person shall be an owner or operator in respect of a teenage dance hall unless there is maintained over the street door or lower front window of the premises in respect to which such persons license is issued or in some other conspicuous place visible from the exterior of such premises satisfactory to the City Manager or his or her delegate, a sign issued by the City Manager or his or her delegate bearing the words "LICENSED TEENAGE DANCE HALL NO. \_\_\_\_\_" (inserted after "No." The owners license number) and "comments regarding this business may be made to the City of Corner Brook licensing office at (put in telephone number)."
49. Every owner and operator shall keep the license issued in respect of a teenage dance hall posted in a conspicuous place in the premises, in a manner satisfactory to the City Manager or his or her delegate, at all times during the currency of the license.

### **Good order**

50. Every person to whom these regulations relates shall keep good order in or at any building or premises in respect to which license has been issued, and at his or her own expense shall keep a sufficient staff of employees for that purpose.

### **Insurance coverage**

51. (1) Every owner shall, in respect of each teenage dance hall for which he or she holds a license, procure a policy of insurance endorsed to the effect that the City will be given at least 10 days notice in writing of any cancellation, expiration or variation in the amount of the policy, insuring:
  - a. in at least the amount of \$2 million (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or death of one person;
  - b. in at least the amount of \$5 million (exclusive of interest and costs) against loss or damage resulting from bodily injury or the death of two or more people in any one accident; and
  - c. in at least the amount of \$50,000.00 (exclusive of interest and costs) against loss or damage to property resulting from any one accident.
- (2) A certified copy or certificate of the policy of insurance shall be deposited with the City Manager or his or her delegate.

### **Inspection**

52. Where a person, operator, or owner of a teenage dance hall has applied for a license, license renewal, or there are reasonable grounds for the City Manager or his or her delegate to believe that a teenage dance hall business is operating without a license the premises and surrounding lot may be inspected by the City Manager or his or her delegate, municipal enforcement officer or peace officer to:
  - a. determine if this regulation is being complied with; and

- b. verify the information provided by the applicant, licensee, person, operator or owner for the purpose of obtaining or renewing a license or verifying that the teenage dance hall has been operated without a license.
53. A person whom the City Manager or his or her delegate reasonably believes owns or operates a teenage dance hall, requiring a license, or an applicant, shall:
- a. permit and assist in all inspections requested by the City Manager or his or her delegate;
  - b. furnish to the City Manager or his or her delegate all identification, information, or documentation related to the inspection or licensing requirements; and
  - c. not provide to the City Manager or his or her delegate false or misleading information or information intended to mislead with regards to any matter or thing arising in connection with the licensing of a teenage dance hall.
54. No person shall attempt to prevent, obstruct or hinder the City Manager or his or her delegate from making an inspection authorized by these regulations.
55. The City Manager or his or her delegate shall not enter a premise, house or any other building or structure located on residential property without the consent of the owner or occupant of that property.
56. In the event that the City Manager or his or her delegate is refused access or entry to any property pursuant to section 55, the City Manager or his or her delegate may apply to a provincial court judge for a warrant pursuant to s. 6 of the *Provincial Offences Act SNL 1995 Ch.P-31.1* and s.487 of the *Criminal Code of Canada RSC 1985 c.C-46* and any similar or successor legislation.

**Hours and days of operation**

57. No owner or operator shall operate or cause to permit the operation of any teenage dance hall except during the times set forth below:

| <u>DAYS</u>        | <u>FROM</u> | <u>TO</u>  |
|--------------------|-------------|------------|
| Mondays to Fridays | 9 a.m.      | 11:30 p.m. |
| Saturdays          | 9 a.m.      | 11:30 p.m. |
| Sundays            | 9 a.m.      | 11:30 p.m. |

**Restrictions on location**

58. No person shall own or operate or cause or permit the operation of a teenage dance hall on land or premises abutting the following streets or highways or on land that abuts a municipally owned reserve that abuts the following streets or highways:

- a. Broadway

#### **Service of Notice**

- 59. Wherever notice or materials are required to be served upon or provided to any person pursuant to this regulation, such service or provision shall be deemed effective upon the mailing of such materials by registered mail to the last address of that person as indicated upon the license or other material filed with the City.

#### **Conflicting legislation**

- 60. Where any provision of these regulations conflicts with a provision of another law or regulation in force in the City, the provisions that establish the higher standard to protect the health, safety and welfare of the general public shall prevail.

#### **Vicarious liability**

- 61. For the purposes of these regulations, an act or omission by an employee or agent of a person, owner or operator is deemed also to be an act or omission of the person, owner or operator if the act or omission occurred in the course of the employees employment with the person, owner or operator, or in the course of the agent's exercising the powers or performing the duties on behalf of the person, owner or operator under their agency relationship.

#### **Engaging in or operating a business**

- 62. In a prosecution for contravention of these regulations against owning or operating a teenage dance hall without a license, proof of one transaction as a teenage dance hall operation or that a teenage dance has been advertised is sufficient to establish that a person, owner or operator is engaged in or operates a teenage dance hall.

#### **Use compliance**

- 63. No person shall own or operate a teenage dance hall from any premises except upon such lands as are zoned to permit the use of premises as a dance hall-general assembly Use as defined pursuant to the City of Corner Brook Development Regulations, or any similar or successor legislation.
- 64. No person shall own or operate a teenage dance hall from any land or premises where any use is maintained other than a use which is accessory to dance halls-general assembly as defined within the City of Corner Brook Development Regulations, or any similar or successor legislation.
- 65. No person shall own or operate a teenage dance hall unless such teenage dance hall is separated from other uses or occupancies of the premises by walls or permanent partitions.

### **Compliance**

66. No owner or operator shall operate, or permit to be operated, a teenage dance hall except in accordance with the crowd control plan, floor plan, security plan and medical/safety plan filed in accordance with these Regulations.
67. No owner or operator shall operate or permit to be operated, a teenage dance hall contrary to any conditions of a license, including but not limited any deemed conditions set out in these regulations.
68. Every person shall comply with the provisions of these regulations applicable to that person whether or not that person is licensed under these regulations.

### **Misrepresentation**

69. The making of a false or intentionally misleading recital of fact, statement or representation in any agreement, statutory declaration or application form required by this regulation shall be deemed to be a violation of the provisions of this regulation.


### **Offence and penalty**

70. Any person who contravenes any provision of these regulations is guilty of an offence and liable on summary conviction to a fine or to a period of imprisonment or both in accordance with section 438 of the City of Corner Brook Act.
71. In addition to the remedy set out in section 70 herein, where the breach of these regulations is of a continuing nature over a persons operating or owning a teenage dance hall or in doing any act, matter or thing without having paid the license fee required to be paid by this regulation and/or without having obtained a licence, in any of those cases the City may apply to the Supreme Court of Newfoundland Labrador, by way of an action or originating notice for an injunction, or for an order:
  - a. prohibiting a person, owner or operator contravening these regulations from continuing to own or operate a teenage dance hall without obtaining a license and paying their required license fee, or
  - b. from continuing to own or operate the teenage dance hall without complying with the provisions of these regulations.

**Effective date**

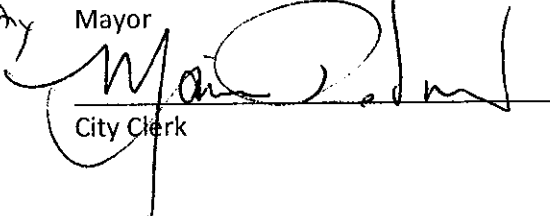
72. These regulations shall come into force and effect as of the date enacted by Council.

**IN WITNESS WHEREOF** these Regulations are sealed with the Common Seal of the City of Corner Brook and subscribed by and on behalf of Corner Brook City Council by the Mayor and City Clerk at the City of Corner Brook, in the province of Newfoundland and Labrador, this 18<sup>th</sup> of June, 2012.

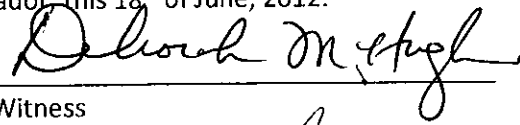
  
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Mayor

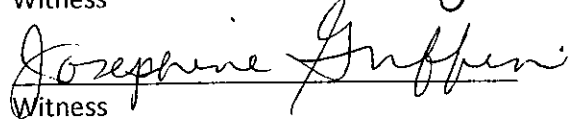
Deputy

  
\_\_\_\_\_

City Clerk

  
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Witness

  
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Witness

Published July 5, 2012

First Reading May 28, 2012

Second Reading June 18, 2012

**JOSEPHINE GRIFFIN**  
**A Commissioner for Oaths in and**  
**for the Province of Newfoundland**  
**and Labrador. My Commission**  
**expires on December 31, 2014.**

**DEBORAH McHUGH**  
**A Commissioner for Oaths in and**  
**for the Province of Newfoundland**  
**and Labrador. My Commission**  
**expires on December 31, 2015**