

Bill No. 77 of 1948.

A BILL TO REGULATE BILLIARD ROOMS AND
BOWLING ALLEYS

NOTE.

This Bill introduces a new Act.

The new Act contains practically all of the provisions of *The Billiard Room Act*, being chapter 327 of the Revised Statutes of Alberta, which it repeals and replaces. The administration of the Act is being transferred from the Department of the Attorney General to the Department of Industries and Labour.

In the old Act the definition of "billiard room" included a bowling alley and the same provisions applied equally to billiard rooms and bowling alleys. In the Act introduced by this Bill, billiard rooms and bowling alleys are each defined and in certain cases a distinction is drawn between billiard rooms and bowling alleys and the provisions applicable to them.

Section 3 provides for the licensing of billiard rooms and bowling alleys.

Section 4 deals with applications for licenses.

Sections 5 to 11 inclusive of the Act are practically the same as the sections in the old Act except that the word "Minister" meaning the Minister of Industries and Labour has been substituted for the Attorney General and references are made to bowling alleys as well as to billiard rooms where necessary.

Section 12 provides that no person under the age of eighteen years shall be employed in or about a billiard room. In the case of bowling alleys, however, a boy over the age of sixteen years and under the age of eighteen years may be employed for the purpose of setting up pins if the proprietor of the bowling alley obtains the written consent of the boy's parent or guardian and the boy is not employed after nine o'clock in the evening.

Section 13 prohibits any person under the age of eighteen years from frequenting or loitering in billiard rooms or bowling alleys unless accompanied by his parents, and the person in charge of a billiard room or bowling alley is required to request any such person under the age of eighteen years to leave. However, any person under the age of eighteen years may bowl in a bowling alley if such person is

bowling as a member of a team or of an organized league from a high school, junior high school or other similar school which is under the supervision of a teacher, athletic instructor or other responsible adult person. A person under the age of eighteen years may also bowl if bowling as a member of a team or of an organized league which has been formed by a recognized youth group, young people's organization or athletic club which is under the supervision of an adult leader of the group, organization or club, or some other responsible adult person.

Sections 14 to 18 inclusive are practically the same as the corresponding sections in the old Act except that references to both billiard rooms and bowling alleys have been incorporated.

Under section 19, the proprietor of a bowling alley is guilty of an offence and liable to a fine of fifty dollars and costs for a first offence and to one hundred dollars and costs for a second or subsequent offence for a violation of the provisions of section 12 or section 13. These are the sections which deal with the employment of persons under the age of eighteen in billiard rooms or bowling alleys and the section relating to the playing of billiards, or bowling by persons under the age of eighteen years and the frequenting or loitering in billiard rooms and bowling alleys.

The remaining sections of the Act are very similar to the sections in the old Act incorporating such changes as are necessary to refer to the Minister of Industries and Labour and to both billiard rooms and bowling alleys.

The tariff of fees in the Schedule is also unchanged.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 77 of 1948.

An Act to regulate Billiard Rooms and Bowling Alleys.

(Assented to _____, 1948.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Billiard Rooms and Bowling Alleys Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- (a) "Billiard" includes pool, bagatelle or any other similar game;
 - (b) "Billiard room" means any room or rooms in any building, house, shed, tent or other place in which a billiard table is set up for hire or gain, and shall include any annex, addition, or extension thereto of which the proprietor of a billiard room is the owner, lessee, tenant, or occupant, or over which he has control;
 - (c) "Bowling alley" means any place in which a bowling alley is operated for hire or gain;
 - (d) "Minister" means the Minister of Industries and Labour;
 - (e) "Municipality" means any city, town, village or municipal district;
 - (f) "Proprietor" means any person, any association of persons whether incorporated or not, or any member thereof, who or which as owner, lessee, tenant or otherwise carries on the business of a billiard room or bowling alley.

LICENSES.

- 3.—(1) No person shall carry on the business of a billiard room proprietor unless he has obtained a license under this Act.
- (2) No person shall carry on the business of a bowling alley proprietor unless he has obtained a license under this Act.

4.—(1) Application for a license under this Act shall be made to the Minister in accordance with such regulations as may be made under this Act.

(2) The Minister in his discretion may grant or refuse the same and may likewise in his discretion cancel or suspend any license so granted.

5. The license year for the purposes of this Act shall be from the first day of July, inclusive, in each calendar year to and including the thirtieth day of June following, and all licenses whensoever issued in the course of a license year shall expire at midnight on the thirtieth day of June next following their issue.

6. Every license issued under this Act shall state the name of the licensee, the number of tables or alleys which may be kept, and the particular location in any city, town, village or other locality of the premises upon which such business is so authorized.

7. Any license granted under this Act may, subject to the approval of the Minister and in accordance with such regulations as may be made in that respect under this Act, be assigned by the licensee to any other person for the balance of the current license year, and the other person shall thereupon become a licensee.

8. Any licensee may with the permission of the Minister transfer the business in respect of which he is licensed to premises other than those mentioned in his license, and either in the same or in any other city, town, village or other locality.

9. Every application for a license, or for the assignment thereof, or for permission to transfer a licensed business to other premises, shall be accompanied by payment of the proper fee according to the tariff hereinafter referred to.

10.—(1) The tariff of fees payable on any application shall be as set out in the Schedule to this Act.

(2) If any license, assignment of a license or transfer of a license is applied for at any time after the first day of January in any license year, only one-half of the fee as set out in the Schedule to this Act shall be payable.

11. In every billiard room and bowling alley the license or licenses issued in respect thereof shall, at all times while the business thereby licensed is carried on, be exposed in some conspicuous place:

Provided, however, that a license may be removed for the purpose of forwarding the same to the Minister for alteration or otherwise under the provisions of this Act or any

regulation made hereunder, or for the purpose of producing the same in court and business may be carried on during the time the license is so removed as aforesaid.

CONDUCT OF BILLIARD ROOMS AND BOWLING ALLEYS.

12.—(1) No person under the age of eighteen years shall be employed in or about a billiard room for any purpose connected with the business thereof.

(2) Except as otherwise provided herein, no person under the age of eighteen years shall be employed in or about a bowling alley for any purpose connected with the business thereof.

(3) Any boy over the age of sixteen years and under the age of eighteen years may be employed in a bowling alley solely for the purpose of setting up pins in any case where,—

- (a) the proprietor of the bowling alley obtains the written consent of the boy's parent or guardian; and
- (b) the boy is not so employed after nine o'clock in the evening.

13.—(1) Except as otherwise provided herein, no person under the age of eighteen years shall, unless accompanied by his parent or guardian, be allowed to play any billiard or bowling game in any billiard room or in any bowling alley governed by the provisions of this Act, or to frequent, remain, or loiter therein.

(2) The person in charge of the billiard room or bowling alley shall request any such person found therein unaccompanied by his parent or guardian to leave the premises forthwith, and if he refuses to do so, reasonable force may be used for the purpose of evicting him from the said premises.

(3) Any person under the age of eighteen years may bowl in a bowling alley if such person,—

- (a) is bowling as a member of a team or of an organized league from a high school, junior high school or other similar school, and if, while bowling, the team is, or the teams of the league are under the supervision of a teacher, athletic instructor or other responsible adult person; or
- (b) is bowling as a member of a team or of an organized league which has been formed by a recognized youth group, young people's organization or athletic club, and if, while bowling, the team is, or the teams of the league are under the supervision of an adult leader of the group, organization or club, or of some other responsible adult person.

14.—(1) Every billiard room and bowling alley shall be closed and remain closed from and after the hour of half past eleven o'clock on every Saturday night until the hour

of eight o'clock on the Monday morning following, and on the other nights of the week from and after the hour of twelve o'clock at night until the hour of seven o'clock on the following morning, and during such prohibited hours no games of any kind shall be played therein.

(2) The council of any city, town, village or municipal district may pass by-laws providing for the closing therein of billiard rooms or bowling alleys at an earlier hour than the hours mentioned in this section.

15. No drunken person shall enter or remain in any billiard room or bowling alley, and no swearing or blasphemous or obscene language shall be uttered or spoken therein.

16. No person shall carry on or play any gambling game or game of chance of any kind in any billiard room or bowling alley, and no person in charge of any billiard room or bowling alley shall allow any such game to be carried on therein.

17. No punch-board or other gambling device shall be kept or operated in any billiard room or bowling alley.

18. The proprietor of any billiard room or bowling alley shall be responsible for the proper carrying out of the provisions of this Act in respect thereof and the conviction of any servant or employee for any violation hereof shall be no bar to proceedings against the proprietor for the same offence, nor shall the conviction of the proprietor be a bar to proceedings against any servant or employee for any offence committed by such servant or employee.

PENALTIES.

19. For every violation of section 12 or section 13 the proprietor shall be guilty of an offence and liable on summary conviction to the following penalties, that is to say:

- (a) For a first offence to a fine of not more than fifty dollars and costs;
- (b) For a second or subsequent offence to a fine of not more than one hundred dollars and costs.

20. Any person who violates any provision of this Act or any regulation made hereunder, for the violation of which no penalty is herein expressly imposed, shall be guilty of an offence and liable on summary conviction to a penalty of not more than fifty dollars and costs.

21.—(1) A moiety of every penalty recovered under this Act shall belong to the municipality in which the offence is committed and the other moiety shall be paid to the Attorney General for the use of the Province.

(2) If the offence is not committed in any municipality the penalty shall be paid to the Attorney General for the use of the Province.

POWERS OF MUNICIPALITIES.

22. Except as otherwise provided herein any by-law passed or regulation made by the council of any municipality relating to any of the matters dealt with in this Act shall be subject to the provisions hereof and of any regulations passed hereunder.

23.—(1) Nothing in this Act shall be deemed to affect the power of any municipality to license billiard rooms or bowling alleys so far as such municipality is authorized so to do by any Act.

(2) No license shall be issued by any municipality in respect of any billiard room or bowling alley unless and until a license therefor has first been obtained under this Act.

(3) Notwithstanding anything contained in any by-law of any municipality, but without otherwise affecting the validity of the by-law, the fees payable for any license issued thereunder shall be in addition to but shall not be more than the fees payable for a license under this Act.

REGULATIONS.

24. The Lieutenant Governor in Council may from time to time make regulations respecting,—

- (a) the inspection of billiard rooms and bowling alleys;
- (b) the appointment of inspectors;
- (c) the applications for licenses or permits under this Act;
- (d) the revocation or suspension of any license;
- (e) generally such other matters and things not inconsistent with this Act or with any other laws in force in the Province as may be deemed necessary or expedient for the proper carrying out of the provisions of this Act according to their true intent.

SCOPE OF ACT.

25. The provisions of this Act shall not apply to any club incorporated by special Act of the Legislature, nor to the Young Men's Christian Association, nor to any club or association of persons organized under the auspices of the Canadian Legion, the British Empire Service League, the Army, Navy and Air Force Veterans in Canada nor to any other organization of ex-servicemen approved by the Minister, nor to any other institution or association which in the opinion of the Minister is not conducted for gain.

26. *The Billiard Room Act, being chapter 327 of the Revised Statutes of Alberta, 1942, is hereby repealed.*

27.—This Act shall come into force on the day upon which it is assented to.

SCHEDULE

(Section 10.)

TARIFF OF FEES.

On application for license:

In the cities of Edmonton, Calgary, Lethbridge and Medicine Hat:

For first billiard table.....	\$40.00
For second billiard table on same premises.....	20.00
For each additional billiard table on same premises.....	10.00
For first bowling alley	20.00
For second bowling alley on same premises.....	10.00
For each additional bowling alley on same premises.....	5.00

In places other than Edmonton, Calgary, Lethbridge and Medicine Hat:

For first billiard table.....	\$15.00
For second billiard table on same premises.....	10.00
For each additional billiard table on same premises.....	5.00
For first bowling alley.....	10.00
For second bowling alley on same premises.....	5.00
For each additional bowling alley on same premises	3.00
On application for assignment of license.....	15.00
On application for transfer to other premises.....	10.00

FIFTH SESSION
TENTH LEGISLATURE
12 GEORGE VI
1948

BILL
An Act to Regulate Billiard Rooms
and Bowling Alleys.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. GERHART.

EDMONTON:
A. Shnitka, King's Printer
1948