

Authority: Planning and Transportation Committee Report 10, Clause 8a, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006
Enacted by Council: February 2, 2006

CITY OF TORONTO

BY-LAW No. 20-2006

To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the regulation of entertainment establishments/nightclubs in the City of Toronto.

WHEREAS Section 150 of the *Municipal Act, 2001* grants local municipalities the authority to license, regulate and govern any business wholly or partly carried on within the municipality for purposes of health and safety, consumer protection and/or nuisance control; and

WHEREAS there is a need to separately license and regulate businesses that provide entertainment to properly address the health and safety, nuisance and consumer protection concerns raised by this business activity; and

WHEREAS some of the concerns raised by the operation of these businesses include violence within and outside of the establishment, property damage, overcrowding, crowd control and unacceptable noise levels; and

WHEREAS requiring a sufficient number of easily identifiable security guards to be on site while the business is operating until an hour after closing will help ensure the health and safety of patrons and control the nuisances that may be caused by patrons entering and leaving the establishment; and

WHEREAS the health and safety of patrons will be better protected by requiring metal detectors to ensure that weapons and other dangerous objects are not brought into the establishment; and

WHEREAS requiring that a person of authority be available when the establishment is operating and ensuring that the names and contact information of all persons of authority are provided to the City will allow Chapter 545 to be better enforced, and thereby promote health and safety, protect consumers and control nuisance; and

WHEREAS requiring noise control plans, crowd control plans and litter control will help control and abate the nuisance caused by loud music, and large numbers of patrons entering the establishment at the same time; and

WHEREAS requiring that entertainment establishments/nightclubs are adequately insured protects consumers who may be involved in accidents at the establishment; and

WHEREAS a licence fee that is sufficient to cover the costs of administration and enforcement of Chapter 545 is necessary to ensure that the protection of consumers, the health and safety of the public and the control of nuisance can be accomplished through an adequately funded and administratively efficient program;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 545-1 of Toronto Municipal Code Chapter 545, Licensing, is amended by adding the following definition in alphabetical order:

ENTERTAINMENT ESTABLISHMENT/NIGHTCLUB – a premises, including but not limited to a dance hall or disco, used to provide dance facilities for patrons, where seating is not provided for the majority of the patrons and where food or beverage may be offered for sale as an ancillary use.

2. Section 545-2 of Chapter 545 is amended by adding the following subsection:

(65) Every owner of an entertainment establishment/nightclub.

3. Appendix A to Chapter 545 is amended by adding the following Fee Class:

Fee Class 05.1 (Entertainment Establishment/Nightclub)

Every person whose primary business activity is to own an entertainment establishment/nightclub.

For initial licence	\$ 396.00
For renewal	\$ 225.00

4. Chapter 545 is further amended by adding the Article attached to this by-law as Schedule “A”.
5. This by-law shall come into force on the date of its enactment.

ENACTED AND PASSED this 2nd day of February, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE “A”

ARTICLE XLI
ENTERTAINMENT ESTABLISHMENT/NIGHTCLUB

§ 545-493. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SECURITY GUARD — A person whose exclusive responsibility or duty while engaged or hired by an entertainment establishment/nightclub is to guard or patrol the premises for the purpose of ensuring orderly conduct and protecting persons or property.

§ 545-494. Provision of security guards.

Every owner of an entertainment establishment/nightclub shall ensure that:

- A. At all times while the entertainment establishment/nightclub is open and for at least one hour after the establishment is closed to patrons, the establishment is staffed with at least two security guards for every 100 patrons authorized by the approved occupancy load as determined under the *Fire Protection and Prevention Act, 1997*, and where applicable, found on the establishment's Alcohol and Gaming Commission of Ontario liquor licence; and
- B. All security guards wear identification or clothing by which they can readily be identified as security guards.

§ 545-495. Metal Detectors.

- A. Every owner shall ensure that each entrance to the entertainment establishment/nightclub is staffed with at least one security guard and is equipped with a metal detector.

§ 545-496. Persons of Authority.

- A. Definition.

PERSON OF AUTHORITY – as used in this section, means a person authorized by the owner of an entertainment establishment/nightclub to operate, manage, supervise, run or control the establishment.

- B. Every owner of an entertainment establishment/nightclub shall:
 - (1) At the time of application for an entertainment establishment/nightclub owner's licence or the renewal thereof, or at the request of the Municipal Licensing and Standards Division at any time during the term of the licence, file with the Municipal Licensing and Standards Division a list of all persons of authority for the establishment, including current contact information for each person on the list;

- (2) Notify the Municipal Licensing and Standards Division in writing forthwith upon any change in the names or contact information contained on the list filed with the Municipal Licensing and Standards Division; and
- (3) Designate at least one person named on the list filed with the Municipal Licensing and Standards Division to be on the premises at all times when the entertainment establishment/nightclub is open.

§ 545-497. Noise Control and Crowd Control Plan.

At the time of application for an entertainment establishment/nightclub licence and at each renewal thereof, or at the request of the Municipal Licensing and Standards Division at any time during the term of the licence, every owner shall file with the Municipal Licensing and Standards Division:

- A. A noise control plan which includes a description of:
 - (1) The maximum volume levels for music within the establishment;
 - (2) The wattage of the music or sound-producing systems used in the establishment; and
 - (3) The sound insulation methods or mechanisms used within the building.
- B. A crowd control plan which includes 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 line ups, the maximum number of people permitted to be in such line ups, and the procedures used by the establishment to monitor the line ups, to control the number of people in the line ups, and to ensure orderly conduct by the people in the line ups.
- C. No owner shall operate, or permit to be operated, his or her entertainment establishment/nightclub except in accordance with the noise control plan and crowd control plan filed in accordance with this section.

§ 545-498. Litter Control.

Every owner of an entertainment establishment/nightclub shall ensure that all areas immediately adjacent to the establishment 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.

§ 545-499. Policy of insurance; certified copy or certificate.

- A. Every owner shall, in respect of each entertainment establishment/nightclub for which he or she holds a licence, procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division will be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy, insuring:
- (1) In at least the amount of \$2,000,000 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or death of one person;
 - (2) In at least the amount of \$2,000,000 (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
 - (3) In at least the amount of \$25,000 (exclusive of interest and costs) against loss or damage to property resulting from any one accident.
- B. A certified copy or certificate of the policy of insurance shall be deposited with the Municipal Licensing and Standards Division.