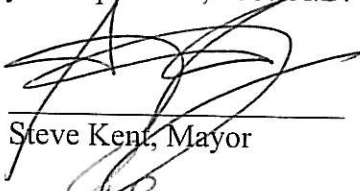


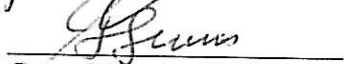
PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the City of Mount Pearl Act, RSN 1990, Chapter C-16, Sections 212, 238, 240, 265 to 269 inclusive, the following regulations have been made by the City Council of the City of Mount Pearl and were approved on the 16th day of October, 2007 A.D.

In accordance with Section 39 Notice of Motion to adopt these regulations was given at the City's regular Public Council meeting held on the 4th day of September, 2007 A.D.



Steve Kent, Mayor



Gerard Lewis, CAO

PLACE OF ENTERTAINMENT (CIRCUSES, GO-CARTS & AMUSEMENT PARKS) REGULATIONS

1. Title

These regulations shall be known and cited as the City of Mount Pearl
"Place of Entertainment (Circuses, Go-Carts and Amusement Parks)
Regulations".

2. Interpretation

- a) "*Act*" means the City of Mount Pearl Act; RSN 1990, C.C-16.
- b) "*Amusement Parks*" means a commercially operated park with various activities and devices for entertainment and booths for the sale of food and drink.
- c) "*Circus*" means an activity involving the performance of animals, jugglers, clowns, acrobats and exhibitions of horsemanship.
- d) "*City*" shall mean the City of Mount Pearl as defined by the City of Mount Pearl Act, Chapter C-16, RSN 1990 and amendments thereto.
- e) "*Council*" means the Council of the City of Mount Pearl.

- f) “Go Carts” means the operation of small motorized vehicles for the enjoyment of the public.
- g) “Licensed Operator” means the owner or the owner’s representative who obtained an Operator’s License from Council to operate a circus, go-carts or amusement parks within the City of Mount Pearl.
- h) “Wild or exotic Animal” means any animal as defined in the following list of animals, listed by genus (family) and includes all such animals whether wild or captive bred, and also includes all their hybrids with domestic species. The words in parentheses are only examples of a particular group and are not to be construed as limiting the generality of the group:
- All artiodactylous ungulates, except domestic goats, sheep, pigs and cattle
 - All canidae, except the domestic dog
 - All crocodilians (such as alligators and crocodiles)
 - All edentates (such as anteaters, sloths and armadillos)
 - All elephantidae (elephants)
 - All erinacidae (except the african pigmy hedgehog)
 - All felidae, except the domestic cat
 - All hyaenidae (hyenas)
 - All marsupials (except sugar gliders)
 - All mustelidae (such as skunks, otters and weasels) except the domestic ferret
 - All non-human primates (such as gorillas and monkeys)
 - All pinnipeds (such as seals, fur seals and walruses)
 - All perissodactylous ungulates, except the domestic horse and ass
 - All procyonidae (such as raccoons, coatis and cacomistles)
 - All pteropodidae (bats)
 - All raptors, diurnal and nocturnal (such as eagles, hawks and owls)
 - All ratites (such as ostriches, rheas and cassowaries)
 - All ursidae (bears)
 - All venomous reptiles
 - All viverridae (such as mongooses, civets and genets)

3. Municipal Enforcement Officer

- a) In accordance with Section 212 of the Act, the Municipal Enforcement Officer shall enforce these regulations and without the generality of the foregoing, it shall be the duty of the Municipal Enforcement Officer:
- i) To report to the Council the performance of his or her duties under these regulations whenever required by Council to do so.

- ii) To make all necessary inquiries concerning applications for licenses as may be required to secure as due observances of these regulations.
 - iii) To submit to the Council recommendations for revoking or suspending any license, together with a written report thereon.
 - iv) To keep a register of all licenses granted by the Council, which shall contain the name and address of the applicant, the date of the license, the expiry date of the license, and such further particulars and to keep such other books as the Council may order.
 - v) To cause to be made out, all licenses and to sign all licenses issued under these regulations, ensuring that the appropriate fees have first been paid.
 - vi) To furnish each person taking out a license with one copy of these regulations.
 - vii) To ascertain by inspection and enquiry from time to time, as often as may be required by the Council, whether the licenses operator continues to comply with these regulations.
 - viii) To prosecute or cause to be prosecuted, all persons who shall offend against any of these regulations.
- b) The Municipal Enforcement Officer shall have the right to enter into any premises at any time during normal business hours for the purpose of enforcing these regulations.

4. Operator's License

No owner or owner's representative shall operate a circus, go-cart operation or amusement park in the City without first obtaining an Operator's License pursuant to these regulations.

5. Applications

Applications for an Operator's License shall be made to the City.

6. Requirements for an Application for an Operator's License

- a) The application shall contain the name, address and telephone number of the operator and the name, address and telephone number of the premises in which the circus, go-cart operation or amusement park is to be located

together with written confirmation of permission to operate the circus, go-cart operation or amusement park at the reference premises.

The application shall include information on the days and hours of operation, provision of washroom facilities, considerations for public safety (crowd control) and parking considerations.

- c) The holder of an Operator's License shall advise Council of any change in the information that is presented in the application immediately upon any such change taking effect.
- d) In addition to any other fees and/or taxes required to be paid, the applicant shall pay an application fee as set out in Section 10 of these regulations.

7. Obligations of License Holders Governing the Operation of Circuses

- A) No person shall operate or carry on in the City of Mount Pearl a circus in which wild or exotic animals perform tricks, or participate in performance of any kind for the amusement of an audience.
- B) Nothing contained in these regulations shall prohibit or restrict the following:
 - i) exhibitions or performances in which individuals ride horses or ponies;
 - ii) exhibitions or performances involving dogs, excluding dog fights;
 - iii) displays or showing of animals in agricultural fairs, exhibitions or pet shows, and including horse or ox pull competitions;
 - iv) horse races or dog races;
 - v) rodeos;
 - vi) the use of animals in magic acts

8. Expiry of Licenses

- A) Each license issued under these regulations shall expire on the date specified on the Operator's License unless otherwise revoked, cancelled or suspended under these regulations or any other law or regulation.
- B) Upon the expiration of any license issued pursuant to these regulations, the license holder may apply for the renewal of the license by complying with

the provisions of these regulations, specifically but not exclusively, Sections 6 & 7 contained herein.

9. Licenses Not Transferable

A license issued under these regulations is not transferable.

10. Fees for Licenses

A) The fees for licenses issued under these regulations shall be set and adopted by Council from time to time and shall be an amount as 'council, in its absolute discretion, deems appropriate.

B) The fees payable under these regulations shall be due and payable on or before the scheduled start of the circus, go-cart operation or amusement park.

11. Conditions Attached to Licenses

A license issued under these regulations may have attached thereto any conditions which Council determines to be necessary in order to comply with the spirit and intent of the City of Mount Pearl Act or any other such enabling legislation.

12. Use of License

Any license issued pursuant to these regulations may not be used for any purpose prohibited by these regulations or any other law or regulation or in contravention of any condition that may be attached to any license issued under these regulations.

13. Suspension or Revocation of Licenses

Pursuant to these regulations and pursuant to Section 267 of the Act:

A) If an operator for which a license is issued under these regulations is operating in contravention of these regulations; or if, in the opinion of Council the operation of the circus, go carts or amusement park does or may create a nuisance as set out in Section 278 of the Act, the Council may suspend such license for such period as Council shall determine, or may revoke the license.

B) The Municipal Enforcement Officer shall not issue a License to an operator which Council has previously suspended or revoked a license without first referring the application to Council and obtaining Council's approval thereof.

14. Hours of Operation

The hours of operation shall be those hours specified by Council on the License.

15. Stop Order

- A) The Council may order that an operator operating without a license, or not in accordance with these regulations, to comply with these regulations or cease operating, in accordance with Section 267 of the Act.
- B) An order made under Section 15 shall be served, may be enforced, is subject to the same penalty for non-compliance, and may be appealed against the same manner as an order made in accordance with Section 238 of the Act.

16. Approvals

All licenses are approved pursuant to the Mount Pearl Development Regulations and any construction that maybe required will be subject to a permit and in accordance with the requirements specified by the Engineering Department.

17. Enforcement

These regulations may be enforced by the Royal Newfoundland Constabulary, Royal Canadian Mounted Police, Municipal Enforcement Officer, Peace Officer or any person appointed by council.

18. Penalties

Every person who is guilty of an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so,

- a) *Shall be liable to penalties as stipulated under regulations made in accordance with Sections 280.1, 280.2, 280.3, and 280.4 of the City of Mount Pearl Act, C-16 and amendments thereto.*
- b) *Or, shall be liable on summary conviction to a fine in accordance with The City of Mount Pearl Act, Section 438.*

20. Coming Into Effect

These regulations shall come into effect on the 1st day of November, 2007 A.D.

21. Publication

These regulations were published in The Telegram on the 27th day of October, 2007 A.D., and were gazetted on the 26th day of October, 2007 A.D.

22. Copy to Minister

A copy of these regulations was sent to the Minister of Municipal Affairs on the 31st day of October A.D. 2007.

23. Repeal of Previous Regulations and Amendments

All previous City of Mount Pearl Place of Entertainment Regulations and amendments are repealed.