

TOWN OF MARKHAM
ONTARIO



BY-LAW 2002-304

**A BY-LAW TO PROVIDE FOR THE LICENSING AND REGULATION OF
PUBLIC HALLS**

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to December 14, 2007)

Amended by:

By-law 2007-282 – December 11, 2007

BY-LAW 2002-304

A By-law to provide For The Licensing and Regulation Of Public Halls

WHEREAS the *Public Halls Act* provides that no public hall shall be offered for use or used as a place of public assembly unless the owner thereof holds a licence therefor from the city, town, village or township in which it is located;

AND WHEREAS the *Municipal Act, 2001* provides that the Council may by by-law regulate and license public halls and may revoke any licence granted;

AND WHEREAS the Town of Markham deems it advisable to enact a by-law to licence and regulate Public Halls for health and safety reasons;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:

1. In this by-law,
 - (a) "Licensing Officer" means the person or persons authorized by the Council to act on their behalf in all matters relating to this by-law.
 - (b) "owner" means a person who has in respect of premises an estate for life or a greater estate, legal or equitable, or a leasehold estate;
 - (c) "public hall" means a building, including a portable building or tent with a seating capacity of over one hundred persons, that is offered for use or used as a place of public assembly, but does not include a theatre within the meaning of The Theatres Act, or a building, except a tent, used solely for religious purposes.
2. No owner shall operate a public hall or allow any building or part thereof to be used as a public hall unless he holds a public hall licence issued by the Licensing Officer for which the fees payable shall be as established in By-law No. 2002-284 provided that a Limited Public Hall Licence permitting not more than one meeting or entertainment in any calendar month or not more than ten meetings or entertainments in any calendar year may be issued for any hall usually used for other purposes upon payment of one-half the licence fees.
3. No licence fee shall be payable under this by-law by any religious organization in respect of a hall used for entertainment given or held by it, but every such hall shall in all other respects comply with this by-law.
4. Every application for a public hall licence shall be accompanied by,

- (a) a statement on the form provided giving such particulars as to the location, size and construction of the hall, together with a plan of the proposed seating arrangement, as may be required.
 - (b) a certificate signed by the Fire Chief or his designee certifying that he has inspected the building in respect of which the application is made and has found that it is in accordance with this by-law as to fire safety precautions;
 - (c) a certificate signed by the Building Director or his designee certifying that the operation of a hall in the location applied for is approved by him and that he is satisfied with the proposed use of the building or part thereof as a public hall and with the proposed methods of operations; and
 - (d) a certificate dated within three months of the application signed by the local inspector of the Hydro certifying that the electrical wiring has been inspected and found satisfactory.
 - (e) a certificate from the Medical Officer of Health, may be required certifying that the premises to be licensed are in a proper sanitary condition and that adequate sanitary facilities are provided for the use of patrons thereto;
5. The issue of every public hall licence shall be subject to the following conditions;
- (a) The Licensing Officer or other person designated by the municipality may enter the public hall at all reasonable times in order to inspect such public hall and to enforce the provisions of this by-law.
 - (b) the Licensing Officer or other person designated by the municipality may, at any time, order the evacuation of a public hall when the occupants of the public hall are, in his opinion, endangered by a hazardous condition, and the Licensing Officer or other such designated person may enter the hall at any time in order to ascertain such condition.
 - (c) the Licensing Officer may revoke the licence granted for any public hall whose owner or licensee does not comply with sections (a) and (b) .
6. (a) The licensee of a public hall shall not permit a greater number of persons to enter or be in the hall at any time than the stated maximum capacity on the licence, which maximum capacity shall be determined by the number of seats provided.
- (b) The owner of every public hall shall display in a prominent place in the entranceway, placards with the following wording on letters not less than two inches high:

"OCCUPANCY OF THIS HALL BY MORE THAN PERSONS IS DANGEROUS AND UNLAWFUL".

with the blank filled in with the maximum capacity as stated on the licence and placards stating the location of the nearest telephone, the telephone number of the fire department and the location of the nearest fire alarm box or fire hall.

7.
 - (a) Low density vegetable fibreboard shall not be permitted as a wall or ceiling finish in a public hall or in any part of a means of egress from a public hall.
 - (b) Combustible finishes such as plywood shall not be used as a wall or ceiling finish in a public hall unless they are treated with a flame retardant coating listed by Underwriters' Laboratories of Canada and applied in accordance with the manufacturer's instructions.
 - (c) Expanded plastics shall not be permitted as an interior finish in any part of a means of egress from a public hall.
 - (d) Expanded plastics may be used as insulation in a public hall provided that the exposed face is protected by gypsum board or equivalent non-combustible finish.
 - (e) The protection applied in conformity with Paragraph (d) above shall be supported independently of the insulating material.
8.
 - (a)
 - (i) Where patrons are permitted to stand in a public hall, space shall be provided for this purpose on the basis of 4 square feet of floor area per person.
 - (ii) Such space shall not encroach on the required exit width of the public hall.
 - (iii) The total number of all persons permitted in the public hall shall be limited by the exit width available from the hall.
 - (b) Standing in the aisles, additional seats or additional chairs or tables which would reduce the aisle space below the minimum required shall not be permitted.
9. The minimum number of exits from a public hall shall be provided as follows:
 - (i) Occupant load 600 persons or less not less than 2 exits
 - (ii) Occupant load 601 - 1000 persons not less than 3 exits
 - (iii) Occupant load over 1000 persons not less than 4 exits.
10.
 - (a) Exit signs shall be placed over each exit from a public hall, and connected to an individual circuit used for no other purpose.

(b) Exit signs shall have the word EXIT displayed in plain legible letters and such lettering shall be:

(i) red letters on a contrasting background or white letters on a red background at least 4 1/2 inches high with a 1/4 inch stroke when internally illuminated, or

(ii) white letters on a red background or red letters on a white background at least 6 inches high with a 1-1 inch stroke when externally illuminated.

(c) Emergency lighting shall be provided in all public halls in all areas accessible to the public and along all routes to exit. The power supply for such emergency lighting shall be such that upon failure of the regular power supply, it will assume the electrical load automatically for not less than 30 minutes.

11. (a)

(i) The width of every exit stairway shall not be less than the exit door from which it leads.

(ii) The slope of an exit stairway shall be such that no difficulty will be experienced by members of the public in effecting a safe and rapid egress from the public hall in the event of fire or an alarm of fire.

(b) The treads of such stairs shall be maintained with a nonslip surface.

(c) When the difference in floor levels or the heights of any exit door from the ground level is not greater than ten feet, an inclined ramp may be permitted in lieu of a stairway, provided such ramp shall have a slope not greater than one foot rise in a ten foot run.

(d) All exit stairways in a public hall shall be enclosed throughout their length with construction having a fire resistance rating of 45 minutes in buildings of up to two storeys in height and 1 hour in buildings exceeding this height. Doors providing access to such stairways shall have a fire resistance rating of not less than 45 minutes except that solid core wood doors 2 inches nominal in thickness may be used in buildings up to two storeys in height. All doors into stairways shall be equipped with self closing devices.

(e) All exit stairway enclosures shall provide a protected means of egress to grade such that it would not be necessary to leave the stairway enclosure to reach an exterior door. A lobby or foyer may constitute part of the stair enclosure provided that it is enclosed in accordance to subsection (d) and provided that the distance of travel through the lobby to an exit does not exceed fifty feet.

(f) Exit stairs from the first balcony or gallery above the main floor need not be enclosed provided that these stairs serve only the first balcony or gallery.

- (g) Every passageway or platform leading to or from an exit stairway shall be kept clear of all obstructions.
- 12.
- (a) Where it is necessary to provide additional means of egress as required in this by-law in an existing public hall an exterior fire escape may be provided.
 - (b) Every such fire escape shall be of the stair type extending to ground level, constructed of steel or concrete in a strong and substantial manner and securely fixed to the building. Where a fire escape is situated on a street or travelled lane the last section may, with the approval of the Fire Chief be held in the up position without any latch or other locking device and shall be counter balanced in such a way that it can be put into use quickly.
 - (c) With the approval of the Fire Chief and Building Director wooden fire escapes may be used on buildings of combustible construction provided that all posts and brackets are at least 4 inches in their least nominal dimension and all other wood work is at least 2 inches in its least nominal dimension.
 - (d) Stairways of an exterior fire escape shall be inclined at an angle of not more than 45 degrees with the horizontal and have risers not more than 8-3/8 inches in height and treads not less than 8-3/4 inches in width exclusive of nosing.
 - (e) Stairways of an exterior fire escape shall be not less than 36 inches in width measured between stringers and shall be equipped with handrails on both sides.
 - (f) Landings provided in connection with an exterior fire escape shall have a clear area of not less than 12 square feet.
 - (g) Access to an exterior fire escape shall be by means of standard doors with a minimum headroom of 6 feet 4 inches and a minimum width of 36 inches and such doors shall open in the direction of exit flow.
 - (h) Stairways and doors of an exterior fire escape which are less than 36 inches in width may be accepted by the Fire Chief and Building Director provided that the total width of all exits from the public hall is in accordance with the requirements of this by-law.
 - (i) Openings in an exterior wall of a building to which a fire escape is attached shall be protected by the provision of kalamein doors or wired glass in fixed steel sash where such openings are located within 10 feet horizontally, 35 feet below, or 6 feet above any part of an exterior fire escape.
- 13.
- (a) Every stairway, passageway and fire escape shall be well lighted whenever the public hall is in use, and all electric light fixtures within 7 feet of the floor level shall be protected with suitable guards to prevent breakage or removal.

- (b) Light fixtures over fire escapes shall be suitably protected against breakage.
14. (a) False doors, windows, or any type of decoration which give the appearance of a door or exit where no door or exit exists shall not be permitted except that this shall not prohibit the use of doors or windows forming part of stage properties.
- (b) No mirrors shall be placed in or adjacent to any exit in such a manner as to confuse the direction of exit.
15. Flammable decorations, notwithstanding they are flame-retardant treated, shall not be placed on an electric fixture or within three feet of an electric bulb, stove or heating appliance or the pipes in connection therewith.
16. Flammable liquids, explosives or other substances dangerous to human life shall not be kept or stored in a public hall or in the building in which the public hall is located except where written approval is obtained from the Fire Chief.
17. In the hall or portion thereof where smoking is permitted substantial ash trays or stands of non-combustible materials shall be placed so as to be of convenient access in such number as may be required by the Fire Chief.
18. Metal containers with self-closing covers shall be provided and conveniently placed for the deposit of used paper towels and rubbish and the contents of every such container shall be emptied and disposed of immediately following the use of the hall.
19. (a) Every year before using the heating equipment every public hall owner shall cause the furnace or stove, the pipes therefrom and the chimney to be examined, cleaned and put in a proper state of repair.
- (b) Heating appliances placed in the auditorium of any public hall shall be protected with sufficient guards and insulation, and shall be located so as not to interfere with the flow of exit traffic and shall not be closer than fifteen feet to any exit door.
- (c) Except as provided in 19 (e) every furnace room in any building containing a public hall shall be separated from the remainder of the building by construction having a fire resistance of not less than one hour. Any ducts, other than ducts providing combustion air to the heating appliance, passing through this enclosure shall be equipped with self-closing fire dampers.
- (d) Where it is necessary to provide combustion air to a heating appliance such air shall be supplied directly from the exterior by means of a duct passing through the walls of the enclosure or an opening in an exterior wall. If the duct penetrates the enclosure the duct shall be enclosed by materials having the

same fire resistance as the enclosure around the furnace room. Fire dampers shall not be provided in such duct or opening.

- (e) A fuel-fired heating appliance located in a building which contains a public hall need not be enclosed provided such deletion is approved by the Fire Chief and Building Director and the appliance:
 - (i) serves a single room, space or suite of rooms or,
 - (ii) serves a building with a building area of not more than 4,000 square feet and a building height of not more than 3 storeys.

- 20. (a) An automatic fire alarm and detection system shall be installed in any building having an occupant load of 300 persons or more and which contains a public hall or parts thereof or in any stairway or passageway used as an exit from a public hall.

- (b) The Fire Chief may require the installation of an automatic sprinkler system in a building of combustible construction exceeding two storeys in height containing a public hall.

- 21. Any person who contravenes any provision of this by-law is guilty of an offence, pursuant to the Provincial Offences Act, and upon conviction is liable to a fine of not more than five thousand dollars (\$5,000) for each offence committed.

- 22. Where a public hall licensee is convicted of an offence under this by-law the licence shall be suspended forthwith and shall not be reinstated until the Fire Chief and Building Director certify in writing that the conditions resulting in the charge and conviction have been remedied and that the hall and its proposed operation comply with this by-law.

- 23. The licence granted for any premises may be revoked where such licence has been issued through error or contrary to the provisions of any by-law or regulation.

- 24. By-law No. 2001-24, "A by-law to provide for the licensing and regulation of public halls" shall be repealed effective January 1, 2003.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 10TH
DAY OF DECEMBER, 2002.

"Sheila Birrell"

TOWN CLERK

"Don Cousens"

MAYOR