

CITY OF ST. THOMAS

BY-LAW NO. 7-2001

A By-Law to License, Regulate and Govern Adult Entertainment Parlours in the City of St. Thomas.

WHEREAS the *Municipal Act*, R.S.O. 1990, c.M.45 provides that by-laws may be passed by the councils of local municipalities for licensing, regulating, governing, classifying and inspecting adult entertainment parlours or any class or classes thereof;

AND WHEREAS The Council of the Corporation of the City of St. Thomas deems it advisable to provide for the licensing, regulating, governing, classifying and inspecting adult entertainment parlours;

BE IT THEREFORE ENACTED by the municipal Council of The Corporation of the City of St. Thomas as follows:

1. DEFINITIONS

In this by-law

- 1.1 "adult entertainment parlour" means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual; appetites or inclinations;
- 1.2 "adult entertainment parlour licensed under the *Liquor License Act*" means any premises or part thereof in respect of which a license or permit has been issued and is in full force and effect pursuant to the provisions of the *Liquor License Act*, in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations;
- 1.3 "animal" includes birds and reptiles;
- 1.4 "applicant" means a person applying for a license under this by-law;
- 1.5 "City" means the Corporation of the City of St. Thomas and its locality including its geographic area;
- 1.6 "Council" means the Council of the Corporation of the City of St. Thomas, and with respect to the holding of hearings or any hearing, included, as the context allows, a committee under section 105 of the *Municipal Act*, R.S.O. 1990, c.M.45, authorized to hold any such hearing or hearings;
- 1.7 "criminal records check" means a criminal records check undertaken by the St. Thomas Police Service to ascertain the existence of a criminal record;
- 1.8 "day nursery" means a building or part of a building which is occupied and used pursuant to a "day nursery" license issued under the Day Nurseries Act, R.S.O. 1990, c.D.2 but does not include childcare whether licensed or not which is accessory to another use;
- 1.9 "drugs" shall be deemed to exclude patent medicines and prescription drugs required for medical purposes;
- 1.10 "entertainer" means a person other than a licensed AEP owner, operator or AEP owner/operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment parlour.;
- 1.11 "license" means authorization under this by-law to carry on the trade or business specified therein;

- 1.12 "licensing officer" shall mean the purchasing agent/licensing officer of the Corporation of the City of St. Thomas;
- 1.13 "medical officer of health" means the medical officer of health of the Elgin St. Thomas Health Unit;
- 1.14 "officer" means a municipal by-law enforcement officer, provincial offences officer, police officer, medical officer of health, licensing officer or public health inspector;
- 1.15 "operator" means a person who alone or with others operates, manages, supervises, runs or controls an adult entertainment parlour;
- 1.16 "owner" means a person who alone or with others has the right to possess or occupy an adult entertainment parlour or actually does possess or occupy an adult entertainment parlour and includes a lessee of an adult entertainment parlour or of premises upon which an adult entertainment parlour is located;
- 1.17 "person" means a natural individual, including women as well as men and includes their heirs, executors, administrators, or other legal representative of such person to whom the context can apply according to law as well as artificial beings such as corporations, and words importing gender shall include the masculine, feminine (or neuter) gender or the plural thereof wherever the context so requires;
- 1.18 "place of worship" means a building or part of a building which is occupied and used for religious purposes;
- 1.19 "services" includes activities, facilities, performances, exhibitions, viewing and encounters, but does not include the exhibition of film approved under the *Theatres Act*;
- 1.20 "services designed to appeal to erotic or sexual appetites or inclinations" includes:
- 1.20.1 service of which a principal feature or characteristic is nudity or partial nudity of any person;
- 1.20.2 services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or "nu" or any other word or any other picture, symbol or representation having like meaning or implication is used in any advertisement;
- 1.21 "to provide" when used in relation to services includes to furnish perform, solicit, or give such services and "providing" and "provision" have corresponding meanings.

2. REQUIREMENT FOR LICENSE

- 2.1 *Owner - to obtain a license*
No person shall own an adult entertainment parlour within the City unless that person has obtained a license to do so and such license shall be known as an Adult Entertainment Parlour Owner's License (A.E.P. Owner's License).
- 2.2 *Operator - to obtain a license*
No person shall operate an adult entertainment parlour within the City unless that person has obtained a license to do so and such license shall be known as an Adult Entertainment Parlour Operator's License (A.E.P. Operator's License).
- 2.3 *Entertainer - to obtain a license*
No person shall be an entertainer in an adult entertainment parlour within the City unless that person has obtained a license to do so and such license shall be known as an Adult Entertainment Parlour Entertainer's License (A.E.P. Entertainer's License).

2.4 *Owner/Operator - to obtain a license*

No person shall be both an owner/operator of an adult entertainment parlour unless that person has obtained a license known as an Adult Entertainment Parlour Owner's/Operator's License (A.E.P. Owner's/Operator's License).

2.5 *Owner not operator*

Where an owner does not personally operate the adult entertainment parlour, every person operating such adult entertainment parlour shall obtain a license to do so, but nothing herein relieves such an owner from the requirement to obtain a license as owner of such adult entertainment parlour.

2.6 *Separate Licenses*

A separate AEP owner's or AEP owner's/operator's license shall be taken out in respect of each adult entertainment parlour.

2.7 *Licensed Person - 18 years of age*

No person shall be licensed under this by-law unless he or she is eighteen (18) years of age or over, and a citizen of Canada or a landed immigrant of Canada.

2.8 *License - privilege - 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 and shall remain so, irrespective of the issue, renewal or revocation thereof.

2.9 *License - transfer prohibited*

No license issued under the provisions of this by-law shall be transferred.

3. APPLICATION AND LICENCE FEE

3.1 *Application with Licensing Officer*

Every applicant for a license, as required by this by-law, shall file with the licensing officer a completed application in the form prescribed by the licensing officer and such other information or documentation as the licensing officer may require and shall pay the required license fee as set out in Schedule "A" to this by-law.

3.2 *Refund*

Every fee paid under this part is refundable, if the license applied for is not issued by Council.

3.3 *Application fee - acceptance- not approval*

Acceptance of the license fee does not constitute approval of the application or oblige the City to issue a license.

3.4 *Administration Fee*

Any refund payable under section 3.2 shall be subject to an administration fee as set out in Schedule "A" to this by-law and provided that there shall be no fee for an AEP Entertainer's license.

3.5 *No Pro-rated fee*

No fee pursuant to section 3.1 shall be pro-rated for a portion of the year.

3.6 *Applicant - natural person*

On every application by a natural person for an AEP owner's, AEP operator's, AEP owner's/operator's or AEP entertainer's license or for the renewal thereof, the applicant shall attend in person at the office of the licensing officer and shall complete the forms provided by the licensing officer and shall furnish to the licensing officer such information as the licensing officer may require;

3.6.1. Only a natural person may apply for an AEP's entertainer's license.

3.7 *Applicant - Corporation or Partnership*

On every application for an AEP owner's, AEP operator's, and AEP owner's/operator's license where the applicant is a corporation or a partnership, the person attending at the office of the licensing officer shall be an officer or director of the corporation or one of the partners in the partnership.

3.7.1 *Applicant - in partnership - corporation - procedure*

If any member of a partnership applying for an AEP owner's, operator's or owner's/operator's license is a corporation, such corporation shall be deemed to be a corporation applying for a license and if such license is issued to the partners such corporation shall be deemed to be a corporation applying for or holding an AEP owner's, AEP operator's or AEP owner's/operator's license, as the case may be.

3.7.2 *Applicant - corporation - information - required*

Without limiting the generality of any other provision in the by-law, every partnership or corporation applying for a license shall file with the licensing officer, at the time of making its application, a copy of its articles of incorporation or other incorporating document and shall file with the licensing officer an affidavit, in writing, signed by an officer of the corporation, which affidavit shall state:

- (i) the full name of every officer, director and shareholder and the address of his ordinary residence;
- (ii) the name or names under which it carries on or intends to carry on business;
- (iii) that the persons therein named are the only shareholders of the corporation; and,
- (iv) the mailing address for the corporation.

3.8 *Applicant - Natural Person - Information required*

Every person applying for an AEP owner's, AEP operator's, AEP owner's/operator's or an AEP entertainer's license shall submit with his application:

3.8.1 Two (2) passport size photographs of the person's face, one of which shall be attached to the license and the other shall be filed with the licensing officer, and upon application for renewal of any license, the applicant shall furnish new photographs, if required to do so by the licensing officer; and,

3.8.2 A criminal records check report issued by the St. Thomas Police Service.

3.9 *Use of legal name*

Every person applying for a license must use that person's legal name in making the application, and subject to this by-law, no license shall be issued to any person in any name other than that person's legal name.

3.10 *Name usage notification*

Every owner, operator, owner/operator, or entertainer intending to use some name or designation other than the person's own name for business purposes may, at the time of issue of the license or at the time at which he files with the licensing officer notice of intention to use such name or designation, have endorsed on the license such other name or designation, provided that the licensing officer is satisfied that that person has the right to use such name.

3.11 *Applicant's right to possess - occupy property*

Every person applying for an AEP owner's or AEP owner's/operator's license shall file with the licensing officer documentation satisfactory to the licensing officer demonstrating the applicant's right to possess or occupy the premises to be used as the adult entertainment parlour, and if such person is not the registered owner on title to the real property upon which the adult entertainment parlour is to be located, such person shall file with the licensing officer at the same time a copy of his lease, if any, and of any other document constituting or affecting the legal relationship between the said applicant and the registered owner or owner on title to the real property.

3.12 *Submission of floor plans*

Every applicant for an AEP owner's or AEP owner's/operator's license shall, at the time of making the application or at time of renewal, file with the licensing officer a floor plan in a form acceptable to the licensing officer, which clearly shows the building to be used as an adult entertainment parlour, including identification of a main stage. Each adult entertainment parlour shall have no more than one main stage. The AEP owner's and AEP owner's/operator's license shall apply to the building depicted on the floor plan, which shall be annexed to and shall form part of the AEP owner's or AEP owner's/operator's license.

3.13 *Circulation - officials - report*

Upon receipt of each application completed in accordance with the requirements of this by-law, the licensing officer shall request comments or reports from the medical officer of health, the City's Planning Department, the City's Building & By-laws Department, the St. Thomas Police Service, the licensing officer and the City's Fire Department, and may request comments regarding such application from any other department of the City or make such other inquiries and obtain and review such other information and documents relevant to the application, as the licensing officer considers necessary for the proper processing of the application.

3.14 *Application Report - procedure*

The licensing officer shall prepare a report to the Council summarizing the general nature of the application and relevant facts pertaining thereto, including any information relevant to terms which the Council might consider including conditions of any license which it may issue, but shall not include any specific allegations made against the applicant or any other person, nor shall it include the text of any reports or other documents containing such allegations or information adverse of the applicant, but the general nature of such allegations or documents may be referred to in the report

3.15 *Application Hearing*

The licensing officer shall after receipt and review of any report, document or information referred to in section 3.13, refer the application to the Council or a committee of Council duly appointed to hear such application, for a hearing, and the applicant shall be given a copy of any such report, document or information, together with a notice of time and place of the hearing and of the applicant's opportunity to appear and participate at the hearing, in accordance with law.

4. COMMENCEMENT, EXPIRY AND RENEWAL OF LICENSE

4.1 Any license issued under the provisions of this by-law shall be for the current year and shall expire on the 31st day of January subsequent to the year of issue, or until said license is revoked.

4.2 All licenses issued under the provisions of this by-law shall commence on and expire on the date indicated on the license or until the license is revoked and no longer.

4.3 Every person previously licensed under this by-law shall make application for the renewal of such license not later than January 31st in any year subsequent to the year in which the license was first issued.

4.4 A license shall automatically expire upon any owner/operator ceasing to be the owner or owner/operator.

4.5 A license will automatically expire should a license not be active for a period of six (6) consecutive months.

5. LOCATION

5.1 No license will be issued or renewed under this by-law unless the adult entertainment parlour is located on land and in a building or structure in which its use is duly permitted under the City zoning by-law.

5.2 No person shall operate or permit to be operated an adult entertainment parlour if the lot on which such adult entertainment parlour is located is within 500 metres, measured in a continuous path over the shortest distance, from a dwelling unit as defined in the applicable Zoning By-law, a school, a place of worship, a day nursery or a public park or a Residential or Open Space and Park Zone.

5.3 An adult entertainment parlour shall only be permitted within a freestanding, single use building or structure.

5.4 Despite Sections 5.1, 5.2 and 5.3, where an AEP lawfully existed on the day this By-law was passed, a license may be issued with respect to that AEP for the current year, however, such license cannot be renewed or extended.

5.5 No license shall be issued with respect to any AEP that does not conform to the locational criteria of Sections 5.1, 5.2 and 5.3 after December 31, 2001.

6. RESTRICTION ON NUMBER

- 6.1 Subject to the provisions of this by-law adult entertainment parlours may operate in the City.
- 6.2 The number of AEP owners' and AEP owner's/operator's licenses which may be granted in the City shall be limited to a total of two (2) licenses.
- 6.3 No person or related person as defined by section 251 (2) of the *Income Tax Act* of Canada shall have more than one AEP owner's or owner's/operator's license for an adult entertainment parlour in the City.

7. HEARING - ISSUANCE, REFUSAL, REVOCATION, SUSPENSION

7.1 *Conditions - set out*

The Council may refuse to grant; or may revoke or may suspend a license upon any one or more of the following grounds:

- 7.1.1 the conduct of the applicant or licensee affords reasonable grounds for belief that such applicant or licensee will not carry on or engage in the business in accordance with the law or integrity and honesty;
- 7.1.2 the conduct of the applicant or licensee, or other circumstances, afford reasonable grounds for belief that the carrying on by the applicant or licensee of the business in respect of which the license is sought or held, would infringe the rights, or endanger the health or safety of members of the public;
- 7.1.3 there are reasonable grounds for belief that the carrying on of the business by the applicant or licensee will result in non-compliance with this by-law or any other requirement or prohibition imposed by any other law;
- 7.1.4 there are reasonable grounds for belief that the nature, condition or use of the place or premises, or any equipment, vehicle or other personal property used or to be used by the applicant or licensee in the carrying on or engaging of the business would involve non-compliance with any provision of this by-law or any other law of the City, or any other law of the province of Ontario or Canada;
- 7.1.5 there are reasonable grounds for belief that any applicant or any other document or information provided by or on behalf of the licensee or applicant, contains a false statement or provides false information;
- 7.1.6 information provided to the City by, or on behalf of the applicant or licensee, whether oral or in writing, has ceased to be accurate, and the applicant or licensee has not provided up-to-date accurate information to the City sufficient to allow the Council to conclude that the license should be granted or maintained as valid and subsisting.
- 7.2 *Conduct defined*
For the purposes of this section, and without limiting the generality of this section, conduct of the applicant and conduct of the licensee include:
- 7.2.1 where the applicant or licensee is a partnership, the conduct of one or more of its partners or former partners;
- 7.2.2 where the applicant or licensee is a corporation, the conduct of one or more of its current or former officers, directors, employees or agents; and

- 7.2.3 in the case of every applicant and licensee, the conduct of one or more employees, agents, independent contractors, or any other person currently or previously involved in, the carrying on of the business or the provision of any services therein.
- 7.3 *Fees owed*
In addition to the grounds set out above, the Council may refuse to grant, or may revoke a license, where the fee payable in respect of any license or applicable license period as required by this by-law, has not been paid.
- 7.4 *Council hearing required*
No license shall be refused or revoked under this by-law, except after a hearing by the Council or duly authorized committee thereof, or after the licensee has been given the opportunity for such a hearing in accordance with the law.
- 7.5 *Contravention of by-laws*
Any person who is licensed as required by this by-law shall at all times comply with the by-laws of the City and any contravention of any such by-laws of the City may be grounds for the revocation of the license by the City.
- 7.6 *Written notice*
A license may be refused or revoked upon seven (7) days notice in writing by the City, mailed or delivered to the licensee's last known address, if any of the provisions of this by-law are contravened or in the opinion of Council such refusal or revocation is in the public interest.
- 7.7 *Notice - registered mail- delivery*
Notice of the revocation or refusal of any license may be given by registered letter, mailed to the address given by the licensee in the application for the license or by personal delivery to the licensee and upon delivery of the notice the license shall be deemed revoked or refused.
- 7.8 *Suspension*
The licensing officer may suspend any license issued under this by-law pending a hearing before Council or a committee of Council where there are reasonable grounds for belief that a licensee has contravened his license conditions or any provisions of this by-law or any other by-law of the City or any law of the province of Ontario or Canada.
- 7.8.1 Where the licensing officer has suspended a license pursuant to this section, Council or a committee of Council shall conduct a hearing within fourteen (14) days to consider the revocation or the lifting of the suspension.
- 7.8.2 The suspension of any license by the licensing officer pursuant to this section shall be deemed to take place at the time a notice of suspension has been personally delivered to the licensee.
- 7.9 *Council decision final*
When a hearing date has been fixed and the applicant or licensee has been given notice, and does not attend at the place and on the time appointed for the hearing, the license is deemed to be refused or is deemed not to be renewed or is revoked as of the date of the hearing and no further notice shall be given to the applicant or licensee. The decision of the Council in this regard shall be final.
- 7.10 *License Conditions*
Council may at any time review an adult entertainment parlour license and may, rather than refuse or revoke the license, attach to the license conditions consented to by the licensee. Where conditions to a license are attached under this section, failure to comply with the conditions may result in the suspension of the license.
- 7.11 *Officers Notified*
If a license is refused, revoked, not renewed, suspended or where conditions to a license are attached under this section, the officers shall be notified by the licensing officer.

8. CHANGE OF STATUS

8.1 *Notice requirements*

Where there is to be any change of the particulars relating to a person licensed under this by-law, which particulars are required to be filed with the City on applying for a license under this by-law, such person shall report the change to the City within seven (7) days of the change;

8.2 *Partnership or corporation requirements*

Where a partnership or corporation is licensed under this by-law and there has been or is intended or expected to be a change in the composition of the partnership or the composition of the directors, officers or shareholders of the corporation, the person licensed hereunder shall within seven (7) days advise the licensing officer of such change. Where the Council receives information of a change in the composition of a partnership or corporation holding or applying for a license, the Council may hold a hearing in accordance with this by-law and other applicable law to determine whether the license should be granted, continued or revoked, with or without such conditions as the Council may see fit to impose, in accordance with law.

9. LICENSE TO BE POSTED - IN LICENSEE'S POSSESSION

9.1 *Posting License*

Each owner, operator and owner/operator shall keep his license, issued in respect of an adult entertainment parlour, posted in a conspicuous place in the said premises, at all times during the currency of the license.

9.2 *Inspection of License*

Every person licensed under this by-law shall, upon a request made to him by any officer, provide his name and residential address, and shall produce his license.

10. GENERAL OPERATING CONDITIONS

10.1 *Age Restrictions - of patrons*

No owner, operator, or owner/operator shall permit any person under the age of eighteen (18) years to enter or remain in any adult entertainment parlour owned or operated by him. This section shall not be deemed to prohibit any person from entering or remaining in any premises licensed as an adult entertainment parlour, except when the services of an entertainer are being provided in such premises.

10.2 *Names of operators/entertainers*

Without limiting the generality of any other provision of this by-law, every owner, operator and owner/operator shall furnish to the licensing officer a list setting out the names of every operator and entertainer who intend or are expected to operate or provide services, as the case may be, at the adult entertainment parlour and shall not permit any person not on such list to operate or provide services, as the case may be, at the adult entertainment parlour, and shall update such list on a daily or other basis as is required to comply with this requirement.

10.3 *Location endorsed on license*

No operator or owner/operator shall operate an adult entertainment parlour other than the adult entertainment parlour endorsed on his license and at the location endorsed thereon.

10.4 *Owner, owner/operators, operators in attendance*

Either the owner, where the owner is a natural individual, or one of the owners, where the owner is a partnership or corporation, or an operator or owner/operator licensed in respect of such owner's adult entertainment parlour shall be in attendance at such owner's adult entertainment parlour during all opening hours, and no owner, operator or owner/operator shall permit an adult entertainment parlour owned or operated by him to open for business, or remain open for business, or any entertainer to entertain or remain therein, or any service to be provided at such adult entertainment parlour unless this section is complied with, and for greater particularity, where an owner is an artificial being, such owner shall not permit an adult entertainment parlour owned or operated by him to open a business, or remain open for business, or any entertainer to enter or remain therein, or any service to be provided at such entertainment parlour unless an operator licensed in respect of such owner's adult entertainment parlours is in attendance.

10.5 *In attendance defined*

For purposes of section 10.4 an owner, operator or owner/operator shall be deemed not to be in attendance at an adult entertainment parlour where such person is not physically present in the part of the premises constituting the adult entertainment parlour, whether or not such person is present in another part of the premises.

10.6 *Drugs-alcohol*

No owner, operator, owner/operator or entertainer shall take, consume or have alcohol or drugs in his possession in an adult entertainment parlour, nor shall the use of alcohol, or drugs by him be apparent while the adult entertainment parlour is under his charge or when he is providing services therein, as the case may be.

10.7 *Intoxicated persons*

No owner or operator shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any adult entertainment parlour operated by such owner or operator.

10.8 *Disorderly conduct*

No owner or operator shall permit any riotous, quarrelsome, violent or disorderly conduct to occur on the premises of in the adjacent washrooms, liquor and food preparation areas and storage areas under the control of the owner or operator.

10.9 *First Aid Kit*

Despite anything herein to the contrary, every owner who operates his own adult entertainment parlour and every operator shall provide and maintain at all times at the adult entertainment parlour operated by him a first-aid kit equipped in a manner satisfactory to the medical officer of health.

10.10 *Treatment of public*

Every owner, owner/operator and operator shall, while engaged in his respective trade, calling, business or occupation in an adult entertainment parlour, be neat and clean in his person and civil and well-behaved to members of the public with whom he is dealing.

10.11 *Hours of Operation*

No owner, operator, owner/operator or entertainer shall cause, permit, allow or provide any services in the adult entertainment parlour at any time other than the following:

On any day, other than a Sunday, before 2 p.m. and after 2:00 a.m. of the following day, or
On a Sunday, before 4:00 p.m. and after 2:00 a.m. the following day.

10.12 *Christmas Day, Good Friday Easter Sunday - closed*

Notwithstanding section 10.11, no owner, operator, owner/operator or entertainer shall cause, permit, allow or provide any services in the adult entertainment parlour on Christmas Day, Good Friday or Easter Sunday.

10.13 *Photographic equipment prohibited*

No owner, operator, owner/operator or entertainer shall use or permit to be used any camera or other photographic or recording device in, upon or at an adult entertainment parlour by any person other than an officer described in the by-law.

10.14 *Touching prohibited- owner-operator*

No owner, operator, owner/operator shall in respect of any adult entertainment parlour owned or operated by such owner, operator or owner/operator, permit any entertainer, while providing services as an entertainer, to touch, or be touched by, or have physical contact with, any person or animal in any manner whatsoever involving any part of that person's body.

10.15 *Touching prohibited - entertainer*

No entertainer shall, while providing services as an entertainer, touch or have physical contact with, any person or animal in any manner whatsoever involving any part of that person's body, or allow any other person to touch or have physical contact with such entertainer.

10.16 *Unobstructed view*

All services provided by an entertainer shall be provided within view of the main stage, without obstruction by walls, curtains or any other enclosures, and no services shall be provided or offered in any cubicle, private room or other area partitioned from any room or rooms where such services are provided to patrons generally.

10.17 *Enclosures prohibited*

An owner, operator or owner/operator shall not cause, permit or allow the door of any room or cubicle in an adult entertainment parlour, to be equipped or constructed with a locking device of any kind, except for a toilet cubicle, or a storage room or office.

10.18 *Doors unlocked*

During the hours of business of an adult entertainment parlour, or at any time which an entertainer is in attendance at an adult entertainment parlour, the owner, operator or owner/operator shall ensure that the door or doors or other principal means of access into the adult entertainment parlour by the public are kept unlocked so that anyone may enter or exit the adult entertainment parlour without hindrance or delay.

10.19 *Owner-Operator contract for services*

Every contract of service, contract for services or other arrangement constituting or pertaining to the relationship between owner and operator of an adult entertainment parlour shall be in writing and shall be made available for inspection at any time by an officer described in this by-law upon request, and shall be retained by the owner or operator for a period of six months after its termination.

10.20 *Owner/operator, operator - entertainer contract for services*

Every agreement or arrangement pertaining to the operation of an adult entertainment parlour by an operator or an owner/operator, for the provision of services by an entertainer at an adult entertainment parlour, shall be in writing, and every such contract of service, contract for services or other document constituting or pertaining to the relationship between an owner, operator or owner/operator of an adult entertainment parlour and an entertainer, shall be filed with the licensing officer before the commencement of operation or provision of services, as the case may be. Every document pertaining to any arrangement for the provision of services by an entertainer at an adult entertainment parlour shall contain:

- (a) the full name of the entertainer
- (b) his date of birth
- (c) his permanent and any temporary address, as may be applicable; and,
- (d) his social insurance number or other document evidencing entitlement to work in Canada; and,
- (e) shall have fixed thereto a facial photograph of the entertainer taken within the past six months, of a size not less than three inches in length and two-and-a-half inches in width.

10.21 *Inspection of contract*

The owner, operator and owner/operator of an adult entertainment parlour shall ensure that the contract of services or other document referred to in sections 10.19 and 10.20 is available for inspection by the licensing officer or any officer described in this by-law, upon request, and shall retain such contract or other document for a period of six months after termination thereof.

10.22 *False information*

Making a false or intentionally misleading recital of facts, statement or representation in any such agreement shall be deemed a violation of the provisions of this by-law.

11. SIGNAGE

- 11.1 No owner or operator of an adult entertainment parlour shall place or permit to be placed any sign, or other advertising device on any premises occupied by an adult entertainment parlour, save and except a sign or any other advertising device containing the words 'Adult Entertainment Parlour', and the name under which the business is operated provided such name does not include any of the following words: "nude", "naked", "topless", "bottomless", "sexy", "nu" or any other word or any picture, symbol or representation having like meaning or implications.

12. INSPECTION

- 12.1 On receipt of an application for a license or for a renewal of a license, an officer may at any reasonable time enter upon the business premises of the applicant or licensee to make an inspection to ensure that all the provisions of this by-law have been satisfied and shall, on completion of the inspection, complete and file a written report.
- 12.2 No person shall obstruct the person inspecting or withhold, destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purpose of the inspection.

13. ENFORCEMENT

13.1 Offences

Any person who contravenes any provision of this by-law or is party to such contravention commits an offence and is subject to a penalty as set out in the *Provincial Offences Act*, R.S.O. 1999 c. P 33.

13.2 Fines - \$25,000

Every person who is not a corporation and who contravenes any provision of this by-law and every director or officer of a corporation does or omits to do anything for the purpose of aiding and abetting any person contravening any provision of this by-law by the corporation is liable to a fine of not more than \$25,000.00 exclusive of costs or to imprisonment for a term of not more than one year or to both.

13.3 Fines- \$50,000

Every corporation that contravenes any provision of this by-law is liable to a fine of not more than \$50,000.00.

13.4 Closing premises

When a person has been convicted of an offense pursuant to this by-law, the court may make an Order closing the adult entertainment parlour for a period not exceeding two years.

14. WORD USAGE

- 14.1 As used in this by-law, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.

- 14.2 The headings and subheadings used in this by-law shall not form part of the by-law, but shall be deemed to be inserted for convenience of reference only.

15. NOTICE

- 15.1 Any notice required to be delivered pursuant to this by-law shall be in writing and be deemed to have been delivered:
- (a) in the case of personal delivery at the time of delivery
 - (b) in the case of registered mail seven (7) days after the date of mailing.

16. SCHEDULES

16.1 The schedules referred to in this by-law shall form part of this by-law. Each entry in a column of a schedule shall be read in conjunction with the entries across from that entry and not otherwise.

17. SEVERABILITY

17.1 Should any section or sub-section of this by-law or any part or parts thereof be found by law to be illegal or beyond the power of the Council to enact, such section or sub-section or part or parts thereof shall be deemed to be severable so that the remainder of this by-law is separate and therefore enacted as such.

18. CONFLICT WITH ANY OTHER BY-LAW

18.1 In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed, the provisions of this by-law shall prevail.

19. SHORT TITLE

19.1 This by-law shall be known as the "Adult Entertainment By-law".

20. EFFECTIVE DATE

20.1 This by-law shall come into force and take effect on the date of passing.

READ a First and Second time this 2nd day January, 2001.

READ a Third time and Finally passed this 2nd day of January, 2001.



Peter Ostojic, Mayor



Peter J. Leack, City Clerk

SCHEDULE A - TO ADULT ENTERTAINMENT BY-LAW

BY-LAW NO. 7-2001

RELATING TO ANNUAL FEES FOR ADULT ENTERTAINMENT LICENCES

<i>Column 1</i> Description of Licence	<i>Column 2</i> Licence Fee	<i>Column 3</i> Expiry Date
A.E.P. Owner's Licence	\$3,500.00	January 31
A.E.P. Owner's/Operator's Licence	\$3,500.00	January 31
A.E.P. Operator's Licence	\$1,500.00	January 31
A.E.P. Entertainer's Licence	\$ 250.00	January 31
Administration Fee	\$ 200.00	