

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BY-LAW NO. 82-23

A BY-LAW relating to owners and operators of adult entertainment parlours and to attendants at adult entertainment parlours.

I. DEFINITIONS

1. (1) For the purposes of this By-law:
  - (a) "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;
  - (b) "Adult entertainment parlour licensed under The Liquor Licence Act" means an adult entertainment parlour of the class defined as follows:

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 Licence Act, R.S.O. 1980, c. 244, at which is offered services appealing to or designed to appeal to erotic or sexual appetites or inclinations;
  - (c) "attendant" means any person other than a licensed owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment parlour;
  - (d) "burlesque entertainer" means an attendant whose services are provided at an adult entertainment parlour licensed under The Liquor Licence Act;
  - (e) "Clerk" means the Clerk of the Corporation of the Township of Uxbridge;
  - (f) "Council" means the Council for the Corporation of the Township of Uxbridge;
  - (g) "Medical Officer of Health" means the Medical Officer of Health for the Regional Municipality of Durham, duly appointed under The Public Health Act, R.S.O. 1980, c. 409 as amended, and includes any staff official acting on his behalf;
  - (h) "owner" means a person who alone or with others has the right to possess or occupy an adult entertainment parlour or an adult entertainment parlour licensed under The Liquor Licence Act, or actually does possess or occupy an adult entertainment parlour or an adult entertainment parlour licensed under The Liquor Licence Act, and includes a lessee of an adult entertainment parlour or an adult entertainment parlour licensed under The Liquor Licence Act, or of premises upon which an adult entertainment parlour or an adult entertainment parlour licensed under The Liquor Licence Act is located;
  - (i) "operator" means a person who alone or with others operates, manages, supervises, runs or controls an adult entertainment parlour, or an adult entertainment parlour licensed under The Liquor Licence Act;

- (j) "permitted area" means that area of the Township of Uxbridge that is zoned
- (k) "person" includes a corporation or firm, to whom the context can apply;
- (l) "to provide" when used in relation to services includes to furnish, perform, solicit, or give such services in pursuance of a trade, calling, business or occupation and "providing" and "provision" have corresponding meanings;
- (m) "services" includes activities, facilities, performances, exhibitions, viewings and encounters;
- (n) "services designed to appeal to erotic or sexual appetites or inclinations" includes,
  - (i) services of which a principal feature or characteristic is the nudity or partial nudity of any person;
  - (ii) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any other picture, symbol or representation having like meaning or implication is used in any advertisement;
- (o) "Township" means The Corporation of the Township of Uxbridge.

(2) In this By-law, unless the context otherwise requires, words importing the singular number shall include the plural and words importing the masculine gender shall include the feminine and neuter genders.

## II. ADMINISTRATION

2. The Clerk shall:
- (a) receive and process all applications for licenses and for renewal of licenses;
  - (b) refer each application to Council for its consideration at the next regular meeting of Council following receipt of the completed application;
  - (c) issue all licenses, when an application is made in accordance with the provisions of this By-law;
  - (d) maintain complete records showing all applications received and licenses issued;
  - (e) generally perform all the administrative functions conferred upon him by this By-law.

## III. APPLICATION FOR LICENSE AND RENEWAL AND CHANGES THEREAFTER

3. (1) No person shall, in the Corporation of the Township of Uxbridge, be an owner or operator of an adult entertainment parlour or be an attendant at an adult entertainment parlour unless he procures a license to do so.

(2) For the purposes of this By-law a license applied for by or issued to a burlesque entertainer shall be referred to as a BURLESQUE ENTERTAINER LICENSE, but such persons shall comply with all provisions of the By-law applicable to attendants, except where otherwise specifically provided.

4. (1) On every filing of an application for an owner's, operator's or attendant license or for the renewal thereof, the applicant shall attend in person and not by an agent at the Clerk's office and shall complete and submit the prescribed application forms and shall furnish to the Clerk such information as the Clerk or Council may direct.

(2) In the case of an adult entertainment parlour owned or operated by a partnership, the attendance required under subsection (1) of this section shall be by one of the partners and in the case of an adult entertainment parlour owned or operated by a corporation such attendance shall be by an officer of the corporation.

5. The application fee or renewal fee as set out more particularly in Schedule "A" shall be submitted at the same time as the filing of the application or the renewal thereof.

6. Every individual applicant for an owner's license or operator's license and every applicant for an attendant's license shall submit with his application two passport-size photographs of his face, one of which shall be attached to the license, and the other shall be filed with the Clerk, and upon application for renewal of any license, the applicant shall furnish new photographs if required so to do by the Clerk or Council.

7. (1) Every individual applicant for an owner's license or operator's license and every applicant for an attendant's license, shall on his application state his date of birth.

(2) Every applicant referred to in subsection (1) of this section, and every shareholder, partner or other person referred to in section 8, 9 or 10 of this By-law, shall file with or produce to the Clerk proof of his age, if required to do so by the Clerk or Council.

(3) No individual shall be licensed under this By-law unless:

(a) he is 18 years of age or over, or 19 years of age or over in the case of a license relating to an adult entertainment parlour licensed under The Liquor Licence Act;

(b) a citizen of Canada or a landed immigrant.

8. (1) Every corporation applying for an owner's license shall submit to the Clerk at the time of its application a copy of its articles of incorporation or other incorporating instrument, duly certified by the proper government official or department, together with a Return in a form supplied by the Clerk, which Return shall contain a list of all the shareholders of the Corporation.

(2) Where the shares in a corporation applying for an owner's license are held in whole or in part by a second corporation, the applicant corporation shall file with the Clerk a Return in a form supplied by the Clerk, which Return shall contain a list of all the second corporation's shareholders, and if such Return discloses that the shares in such second corporation are in turn held in whole or in part by a third corporation then the said applicant shall also file such a Return in respect of such third corporation listing its shareholders, and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having interest, direct or indirect, in the shares of the applicant corporation.

(3) All Returns required by subsection (2) of this section shall be filed with the Clerk at the same time as the filing of the application for the license.

(4) On every application for an owner's license by a corporation the applicant shall state the date of birth of every shareholder or other person having a beneficial interest of any kind in the shares of the applicant corporation or in any of the corporations referred to in subsection (2).

(5) Where a corporation is the holder of an owner's license the corporation shall forthwith notify the Clerk in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the corporation, and any such transaction involving the shares of any corporation referred to in subsection (2), and Council may, in its discretion, determine whether the license shall be revoked.

(6) Where, by a transfer of existing shares, or by an issue of new or existing shares, the controlling interest in a corporation holding an owner's license is determined by Council to have changed hands, such license shall be terminated forthwith, and Council may issue a new license upon payment of the prescribed fee. Council may refuse to issue a new license if it determines that it is in the public interest so to do.

(7) Every owner which is a corporation shall, in every year, on or before the time at which it applies for the renewal of its license, file with the Clerk an Annual Return on a form supplied by the Clerk.

(8) Where the shares of a corporate owner are held in whole or in part by a second corporation, such owner shall file with the Clerk at the same time as provided in subsection (7) of this section an Annual Return in respect of the second corporation and if the shares in such second corporation are in turn held in whole or in part by a third corporation, then such owner shall likewise file such an Annual Return in respect of such third corporation and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the corporate owner.

(9) For the purpose of this section, "shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.

9. (1) Persons associated in a partnership applying for an owner's or operator's license shall file with the Clerk at the time of their application a declaration in writing signed by all the members of the partnership, which declaration shall state:

- (a) the full name of every partner and the address of his ordinary residence;
- (b) the name or names under which they carry on or intend to carry on business;
- (c) that the persons therein named are the only members of the partnership; and
- (d) the mailing address for the partnership.

(2) If any member of a partnership applying for an owner's license is a corporation, such corporation shall, for the purposes of section 8 of this By-law, be deemed to be a corporation applying for an owner's license and if such license is issued to the partnership such corporation shall, for the purposes of the said section, be deemed to be a corporation which holds an owner's license.

(3) It shall be the duty of every member of a partnership to advise the Clerk immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the Clerk, and Council may, in its discretion, determine whether the license or licenses, in the event of a corporation partner, shall be revoked or terminated and whether or not a new license should issue to the partnership as presently constituted.

10. (1) Every person applying for an owner's, operator's or attendant's license who carries on or intends to carry on his business in or relating to an adult entertainment parlour under a name or designation other than its own name or under his own name with the addition of the expression "and company" or some other expression indicating a plurality of members in the firm shall, at the time of the filing of his application, file with the Clerk on a declaration, which declaration shall state:

- (a) his full name and the address of his ordinary residence;
- (b) any name or designation under which he carries on or intends to carry on business, and the date when the name or designation was first used by him;
- (c) that no other person is associated with him in partnership;
- (d) the date of his birth; and
- (e) the mailing address for his business.

(2) A person to whom this section relates shall notify the Clerk immediately of any change in any of the particulars required to be filed with the Clerk under subsection (1) of this section.

11. Every person applying for an owner's license shall file with the Clerk at the time of filing his application, or immediately thereafter, and upon filing his application for renewal of license, the following:

- (a) a list showing the names of all operators and attendants employed or providing services in his adult entertainment parlour and all such persons intended or expected by him to be employed or to provide services in his adult entertainment parlour and shall thereafter maintain a list showing at all times the names of all operators and attendants employed or providing services in his adult entertainment parlour. The original of the said list shall be retained by the owner or operator of the adult entertainment parlour for a period of six months after its termination;
- (b) documentation satisfactory to Council demonstrating the applicant's right to possess or occupy the premises used by him as an adult entertainment parlour;
- (c) a copy of every written contract of service, contract for services, or other document constituting or pertaining to the relationship between owner and operator or an adult entertainment parlour or between owner or operator and an attendant providing services at an adult entertainment parlour;
- (d) a copy of a list of all services provided at the said adult entertainment parlour and of the respective fees charged for services including admission fees and any other payment charged in respect of entry to the adult entertainment parlour, and, if any charge be based on a computation of time, the hourly rate shall be shown on such list. At its discretion, Council may approve, or vary the list and shall endorse the owner's license accordingly. Thereafter amendments to the list shall be made, on application by the owner to the Clerk, only with the approval of Council and Council may at its discretion refuse to amend the endorsement on the license;
- (e) a schedule showing the hours of business to be observed by him in the carrying on of his operation of the adult entertainment parlour in compliance with the provisions of this By-law. The schedule shall state specifically the opening and closing time of the said adult entertainment parlour for each day of the week.

12. (1) Every owner, operator or attendant applying for a license must use his own legal name in making such application and subject to subsection (2) of this section no such license shall be issued to any person in any name other than his own legal name.

(2) Every owner, operator or attendant intending to use some name or designation other than his own may, at the time of the issue of his license, or at the time at which he files with the Clerk notice of intention to use such name or designation, have endorsed on his license such name or designation.

13. Every owner, operator or attendant who changes his address shall, within two days after such change, attend at the Clerk's office and notify the Clerk of such change of address and produce his license for the change to be entered thereon.

14. No license shall be issued or renewed under this By-law unless:

- (a) the adult entertainment parlour is located in a permitted area and is not located closer than 100 metres measured on a continuous path over the shortest distance from a residence or residential zone; and
- (b) the applicant or owner is licensed:
  - (i) under the Township licensing by-law to operate a victualling house and the license is in good standing, or
  - (ii) under The Liquor Licence Act, R.S.O. 1980, c.244, as amended.

15. A separate owner's license shall be taken out in respect of each adult entertainment parlour.

16. The number of owner's licenses which may be granted by Council in respect of adult entertainment parlours in the Township shall be limited to one (1).

17. Where an application for a license or for renewal of a license is refused the annual fee paid shall be fully refunded.

18. A license issued under this By-law is not transferrable.

19. (1) Every license expires on December 31st, of the year in which it is issued.

(2) Where a completed application for renewal of a license is not submitted to the Clerk before the expiry date, the applicant will be required to submit a new application and pay the application fee set out in Schedule "A".

20. (1) No owner's license shall be transferred. If an owner sells, leases or otherwise disposes of his adult entertainment parlour or the premises or part thereof upon or in which an adult entertainment parlour is operated, to any person, his license in respect of such adult entertainment parlour or premises shall, notwithstanding any other provision of this By-law, terminate.

(2) Subject to subsections (4) and (5) hereof, Council may in its discretion issue a new owner's license to the purchaser, lessee or other person obtaining an interest in an adult entertainment parlour or the premises or part thereof upon or in which an adult entertainment parlour has been operated, subject also to the following conditions:

- (a) That the new applicant qualify under all of the other provisions of this By-law, and that he comply with all of the requirements of this By-law relating to him;
- (b) That the new applicant file with the Clerk all the documents relating to ownership and to his right to possess or occupy the adult entertainment parlour, all as required by the provisions of this By-law;
- (c) That the applicant and the vendor file with the Clerk an executed copy of a written agreement between the parties containing all the details of the dealings between the parties in respect of such adult entertainment parlour or premises;

(d) That the agreement contain a statutory declaration, in a form supplied by the Clerk, by both the parties and a further statutory declaration by the solicitor for the purchaser in a form supplied by the Clerk.

(3) The making of a false or intentionally misleading recital of fact, statement or representation in any such agreement or statutory declaration required by subsection (2) hereof shall be deemed a violation of the provisions of this By-law.

(4) Notwithstanding subsections (1) and (2) hereof, Council may in its discretion refuse to issue a license or licenses to a purchaser, lessee or other person obtaining an interest in an adult entertainment parlour in a transaction under this section when Council is of the opinion that it is not in the public interest as determined by Council, that such new license or licenses should be issued.

(5) Upon the sale, lease or other disposition of an adult entertainment parlour, every operator's license issued in respect of such adult entertainment parlour shall terminate, and Council may, subject to the provisions of this By-law, permit the purchaser, lessee or other person obtaining an interest in such adult entertainment parlour to operate the adult entertainment parlour by an endorsement to that effect upon an owner's license issued to him or may issue a new operator's license to any person previously licensed as an operator in respect of such adult entertainment parlour.

#### IV. INSPECTION

21. (1) Every application for an owner's or operator's license, or for renewal thereof, shall be submitted by Council for a report to the Medical Officer of Health and to the Provincial Offences Officer and may also be referred to any other government official or functionary for a report.

(2) The Provincial Offences Officer and the Medical Officer of Health and any other government official or functionary duly appointed by Council 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.

(3) Upon an inspection under subsection (2) the person or persons inspecting are entitled to free access to all books of account, vouchers, correspondence and the records of the person being inspected that are relevant to the purposes of the inspection.

(4) No person shall obstruct the person or persons inspecting or withhold, destroy, conceal or refuse to furnish any information or thing required by the person or persons inspecting for the purpose of the inspection.

#### V. GROUNDS FOR REFUSAL TO LICENSE, RENEW OR REVOKE

22. Council may in its discretion, issue or refuse to issue any license pursuant to this By-law and is not bound to give any reasons for issuing or refusing to issue a license.

23. (1) Council in its discretion may revoke and cancel any license issued under this By-law and shall not be bound to give any reasons for refusing or revoking a license.

(2) Where a license is revoked, the licensee is entitled to a refund of part of the license fee proportionate to the unexpired part of the term for which it was granted.

## VI. SIGNS

24. (1) No owner or operator shall in any way or by any means advertise an adult entertainment parlour owned or operated by him, or publish anything or erect, post or maintain any sign, notice or any other publication or device, relating to or drawing attention to such adult entertainment parlour by any means or in any form whatsoever, except as specifically permitted in this By-law.

(2) No owner or operator shall permit or suffer any person to advertise any adult entertainment parlour owned or operated by him or to publish, erect or maintain any sign, notice, publication or device relating to or drawing attention to such adult entertainment parlour, except as specifically permitted in this By-law.

25. (1) Every owner and operator licensed under this By-law shall exhibit over the street door or in the lower front window of the premises in respect to which such person's license is issued or in some other conspicuous place on the exterior of such premises satisfactory to Council a sign issued by Council bearing the words "LICENSED ADULT ENTERTAINMENT PARLOUR NO. " (inserting after "No." the owner's license number). "Comments regarding this business may be made to the Clerk at the Township of Uxbridge."

(2) Every owner and operator shall keep his license or duplicate copy of such license, issued in respect of an adult entertainment parlour, exposed in a conspicuous place in every room and cubicle in the said premises and also prominently displayed on the exterior of the premises, at all times during the currency of the license, and the Clerk shall issue duplicate copies of licenses for such purpose.

(3) No person other than a licensed owner or operator may use the phrase "licensed", or any words indicating the provision of the services at an adult entertainment parlour in pursuance of or in connection with any business, trade, calling or occupation carried on in an adult entertainment parlour in the Township unless the owner of the premises and every person operating such business and every attendant engaged in providing services at such premises, has been duly licensed so to do by Council.

(4) Every owner and every operator shall post the license of every attendant in his employment or providing services in his adult entertainment parlour in a conspicuous place in every room and cubicle in the said premises in the adult entertainment parlour and keep it so posted throughout his term of employment or service.

26. In addition to the sign referred to in section 25(1) there may be displayed flat against the exterior portion of a wall or door of an adult entertainment parlour one non-illuminated sign of which the facade shall not exceed two square feet in size, and which sign shall be no more than three inches in depth, which sign may bear the following:

- (a) the owner's proper legal name as shown on his license;
- (b) the name, if any, under which the owner carries on business as endorsed on his license in respect of the said adult entertainment parlour;
- (c) the address of the adult entertainment parlour;
- (d) the telephone number of the adult entertainment parlour but other than the foregoing, there shall be no other letters, marks, painting, contrasting colours, symbol, logo or any other mark whatsoever on the said sign.

VII. CONDUCT OF PREMISES

27. (1) No adult entertainment parlour may open or operate or be operated unless its owner is licensed as such under this By-law.

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

(3) An owner or operator may, subject to the provisions of this By-law, if his license as an owner or operator is so endorsed by Council, perform the services of an attendant in the adult entertainment parlour of which he is the owner or operator.

(4) An owner who operates his own adult entertainment parlour shall notify the Clerk of this fact at the time he obtains his license and his license may be endorsed accordingly upon payment of the appropriate license fee, and he shall notify the Clerk and shall have the said endorsement amended before engaging any operator to operate his adult entertainment parlour.

28. (1) No owner of an adult entertainment parlour or premises shall permit any person other than a licensed operator to operate such adult entertainment parlour.

(2) No owner or operator shall permit the provision of services upon or at his adult entertainment parlour or pursuant to the operation by him of an adult entertainment parlour, by any person other than a licensed attendant or other person licensed or authorized by or under this By-law so to do.

(3) No owner shall permit any person, other than an employee of such owner or a person with whom the owner has contracted, to operate his adult entertainment parlour or to provide services in his adult entertainment parlour.

29. (1) No attendant or other person shall provide services in any adult entertainment parlour unless the owner of the said adult entertainment parlour, and the operator, if any, of the said adult entertainment parlour is duly licensed as owner or operator respectively under this By-law.

(2) No operator not being the owner of an adult entertainment parlour shall operate the said parlour unless the owner of the said adult entertainment parlour is duly licensed as owner under this By-law.

(3) No operator may operate an adult entertainment parlour unless he first notifies the Clerk of the name of the owner whose adult entertainment parlour he intends to operate and has endorsed upon his license the said owner's name accordingly, and every operator before operating any other adult entertainment parlour shall notify the Clerk of his intention so to do and have his license endorsed accordingly.

30. (1) No attendant or operator shall be employed by or be under contract for services to more than one owner or in respect of more than one adult entertainment parlour, at the same time.

(2) Every owner who operates his own adult entertainment parlour and every operator shall, during the term of his employment of an attendant or of an attendant's services, retain such attendant's license in his possession, in an adult entertainment parlour.

(3) Every owner or operator referred to in subsection (1) who employs an attendant or the services of an attendant shall, within forty-eight hours thereafter, notify the Clerk in writing that he has so employed the said attendant or the services of the said attendant, and when such employment ceases it shall be the joint responsibility of the owner or operator and the attendant to notify the Clerk in writing to such effect within forty-eight hours of the said cessation.

(4) No attendant shall provide any service at an adult entertainment parlour unless his license is posted up in compliance with subsection (2) hereof and unless he has notified the Clerk that he is providing services in such adult entertainment parlour.

(5) Every owner and operator of an adult entertainment parlour shall ensure that every attendant providing services in an adult entertainment parlour owned or operated by him notifies the Clerk before such services commence, or so soon thereafter as is reasonably possible and shall return the attendant's license to him upon the termination of his employment.

(6) No owner, operator or attendant shall attend at or remain in any adult entertainment parlour at any time at which it is open for business, unless the license so required by this By-law to be obtained by any such person is posted in a conspicuous place in such adult entertainment parlour in accordance with the provisions of this By-law.

31. (1) No person under the age of eighteen years, or nineteen years of age if the owner is the holder of a liquor license, may be or act as an owner or operator of an adult entertainment parlour or provide any services in an adult entertainment parlour.

(2) No one may provide services in an adult entertainment parlour to a person who is or who appears to be under the age of eighteen years, or nineteen years of age if the owner is the holder of a liquor license.

(3) No owner or operator shall permit any person actually or apparently under the age of eighteen, or nineteen years of age if the owner is the holder of a liquor license, to enter or remain in any adult entertainment parlour owned or operated by him.

(4) 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 services are being provided therein and except in accordance with the provisions of The Liquor Licence Act.

32. (1) No owner or operator shall, in respect of an adult entertainment parlour owned or operated by him, open such adult entertainment parlour for business or permit the same to be or to remain open for business or permit any services of any kind to be provided in the said adult entertainment parlour at any time between the hours of 1:00 o'clock in the forenoon of any day and 12:00 o'clock in the afternoon of the same day Monday to Saturday inclusive only.

(2) Subject to subsection (1) of this section, every owner who operates his own adult entertainment parlour and every operator of an adult entertainment parlour shall file with the Clerk a schedule referred to in section 11, subsection (e) showing the hours of business to be observed by him in the carrying on of his operation of the adult entertainment parlour operated by him which schedule shall state specifically the opening and closing times of the said adult entertainment parlour for each day of the week in conformity with the provisions of this By-law.

(3) No person shall permit an adult entertainment parlour owned or operated by him to be open for business at any time other than the times set forth in a schedule filed with the Clerk pursuant to subsection (2) of this section.

(4) During the hours of business of an adult entertainment parlour set forth in the schedule filed with the Clerk in accordance with subsection (2) or at any time at which an adult entertainment parlour is open for business, or at any time at which an attendant is in attendance at an adult entertainment parlour, it shall be the responsibility of the owner and of the operator, if any, to ensure that the door or doors or other principal means of access into the adult entertainment parlour by the public shall be kept unlocked and available so that anyone coming into the adult entertainment parlour from the street or other public place may enter therein without hindrance or delay.

(5) Either the owner or an operator licensed in respect of such owner's adult entertainment parlour shall be in attendance at such owner's adult entertainment parlour at all of the times that the business is operated or permitted to be opened pursuant to this By-law and no owner or operator shall permit an adult entertainment parlour owned or operated by him to open for business, or remain open for business, or any attendant to enter or remain therein, or any services to be provided at such adult entertainment parlour unless this section is complied with.

(6) For the purposes of this section so long as the time commonly observed in the Township is one hour in advance of standard time, the times mentioned in this section and in this By-law shall be reckoned in accordance with the time so commonly observed and not standard time.

33. (1) 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 him.

(2) No owner, operator or attendant shall take, consume or have a liquor or a drug in his possession in an adult entertainment parlour, nor shall the use of liquor or a drug by him be apparent while he is in an adult entertainment parlour.

(3) For the purposes of subsection (2) the word "drug" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.

(4) Notwithstanding subsection (2) 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.

34. Every owner or operator shall keep his premises in a clean and sanitary condition in a manner that is satisfactory to the Medical Officer of Health.

35. No premises or part thereof used as an adult entertainment parlour shall be used as a dwelling or for sleeping purposes.

36. (1) Every owner and every operator shall post a copy of the list of services and fees referred to in section 11, subsection (d), in a conspicuous place in the interior of the adult entertainment parlour owned or operated by him plainly visible to any person upon entering the said premises.

(2) No operator, owner or attendant shall charge, demand or ask for or require, or permit to be charged, demanded, asked for or required for any services offered, performed or solicited in, upon or at an adult entertainment parlour any amount other than that set out in the list referred to in subsection (1).

(3) No operator, owner or attendant shall provide services at or in respect of an adult entertainment parlour other than those permitted by endorsement by Council on the license of the Owner of the adult entertainment parlour, all as described on the list referred to in subsection (1).

37. (1) Upon the entry of the customer into an adult entertainment parlour or immediately before any services are provided in an adult entertainment parlour, the attendant or person who is to provide the services shall give to the customer an itemized bill for such services, listing the services to be provided and the price to be paid for each.

(2) Where no charge or fee is paid or required to be paid for the provision of services in an adult entertainment parlour other than an admission fee or other charge or payment in respect of entry to such adult entertainment parlour, the delivery to the customer of a written receipt for such fee, charge or payment shall be deemed sufficient compliance with subsection (1) above.

(3) Upon payment of the bill referred to in subsection (2), the customer shall be given a written receipt for the full amount paid.

(4) Every owner operating his own adult entertainment parlour and every operator of an adult entertainment parlour shall ensure that the bill and receipt required by subsections (2) and (3) are provided to every customer of the adult entertainment parlour operated by him and shall retain and keep a copy of each such bill and receipt for at least one year after the services referred to therein are performed, and Council or any person authorized by it shall at all times have access to such copies.

38. (1) Every owner and every operator of an adult entertainment parlour at which is provided services which involve or may involve the undressing of or changing of clothes by the customer, shall provide a service by which any customer may deposit his valuables or other property for safekeeping and any customer who presents his property for safekeeping shall be given a receipt specifying the nature of the property so entrusted.

(2) Every owner referred to in subsection (1) and every operator, shall post and maintain in a conspicuous place in every room and cubicle in the adult entertainment parlour operated by him a notice drawing attention to the safekeeping service provided in accordance with subsection (1)

(3) Every owner or operator shall take due care of all property delivered or entrusted to him for safekeeping and return it to its owner upon demand. Every attendant immediately upon the termination of services referred to in subsection (1), shall carefully search the adult entertainment parlour for any property lost or left therein, and all property or money left in the adult entertainment parlour shall be forthwith delivered over to the person owning the same, or if the owner cannot at once be found, then to the nearest police station, with all information in his possession regarding the same.

39. (1) No owner or operator shall permit the door to any room or cubicle where services are or may be provided, to be equipped or constructed with a locking device of any kind, or with any other device or structure which could delay or hinder anyone from entering or obtaining access to such a room or cubicle.

(2) No one may in an adult entertainment parlour provide any service in a room, cubicle or other enclosure with a door or other means of access which is equipped or constructed with a locking device of any kind or which is equipped or constructed in such a way as to permit the obstruction, hindrance or delay of any person attempting to gain entry thereto.

40. (1) Every owner who operates his adult entertainment parlour business and every operator shall keep proper records and books of account of all business transacted in, by or in respect of the adult entertainment parlour operated by him, which books shall give the amount of gross receipts for all services provided in the said adult entertainment parlour, including all receipts for admission fees and other charges and receipts in respect of entry to or services provided in such adult entertainment parlour, the name and license number of every attendant providing services in the said adult entertainment parlour including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each attendant and all amounts paid by the owner to the operator, if any, or by the operator to the owner, in respect of such adult entertainment parlour or adult entertainment business.

(2) Every owner to whom subsection (1) relates and every operator shall keep such books and records as are required by that subsection for at least one year after the information required by that subsection is entered therein, and Council or any person duly authorized by it shall at all times have access to such records.

41. (1) Subject to this By-law, before there is carried on in any adult entertainment parlour any business, trade, calling or occupation in an adult entertainment parlour for which a license is otherwise required by the Township, the owner of the said adult entertainment parlour shall attend at the Clerk's office and shall apply to have his license endorsed to permit such trade, calling, business or occupation to be carried on in such adult entertainment parlour, and if Council authorizes such endorsement, the said owner shall pay the license fee, if any, required of him by the said By-law for such a license.

(2) No owner or operator shall permit any trade, calling, business or occupation for which a license is required under this By-law or any other By-law of this Council, to be carried on in an adult entertainment parlour owned or operated by him unless a description of the said trade, calling, business or occupation is endorsed on the owner's license as provided in the By-law and unless the owner and every other person required to be so licensed has paid the license fee applicable to him.

(3) Every person shall in carrying on or permitting the carrying on of any trade, calling, business or occupation in an adult entertainment parlour comply with all of the requirements of the By-law relating thereto, including the requirement of license, if any.

42. No owner, operator or attendant 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 a peace officer, Medical Officer of Health, or a public health inspector acting under his direction or a Provincial Offences Officer.

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

44. No owner or operator shall permit any services to be provided in the adult entertainment parlour owned or operated by him in breach of any of the provisions contained in this By-law.

45. Every person shall comply with the provisions of this By-law applicable to him whether or not he is licensed under this By-law.

46. Notwithstanding any provision in this By-law, nothing herein permits the contravention of any provision in this By-law or in any other By-law of this Council.

#### VIII. COMPLIANCE WITH BY-LAW

47. Where a licensee has contravened any provisions of this By-law, or where he has contravened any other By-law of Council relevant to his license, Council of the Clerk may:

- (a) serve a written notice on the licensee, advising of the contravention and directing his compliance; or,
- (b) where a matter is required to be done, may direct in a written order that in default of such matter or thing being done, the matter or thing will be done at the licensee's expense by the Township and the Township may recover the expense by action or in like manner as municipal taxes; or,
- (c) revoke the said license.

48. Where a license has been revoked, the holder of the license shall return the license to the Clerk within twenty-four hours of receipt of notification of revocation and the Provincial Offences Officer may enter upon the premises of the holder of the license for the purpose of receiving or taking the said license and no person shall refuse to deliver or in any way obstruct or prevent the Provincial Offences Officer from obtaining the license.

49. Every owner, operator and attendant providing a service at an adult entertainment parlour or in attendance at an adult entertainment parlour in pursuance of a trade, calling, business or occupation carried on by the owner, or operator of such adult entertainment parlour, shall, upon a request made to him by any peace officer, Provincial Offences Officer, Medical Officer of Health, or public health inspector acting under the direction of the Medical Officer of Health provide his name and residential address, and if he is licensed under this By-law in respect of any trade, calling, business or occupation relating to such adult entertainment parlour, he shall produce his said license.

50. Every owner or operator shall, upon a request made to him by a peace officer or Provincial Offences Officer, produce:

- (a) an up-to-date list showing the names of all operators and attendants employed by or providing services in his adult entertainment parlour;
- (b) the original of every written contract of services, contract for services or other document constituting or pertaining to the relationship between owner and operator of the adult entertainment parlour or between owner or operator and an attendant providing services at the adult entertainment parlour;
- (c) the original list of all services provided at the said adult entertainment parlour as referred to in section 11, subsection (d).

#### IX. NOTICE

51. (1) Any notice or order required to be given or served under this By-law is sufficiently given or served if delivered personally or sent by registered mail, addressed to the person to whom delivery or service is required to be made at the last address for service appearing on the records of the Clerk.

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the date of mailing, unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness, or other cause beyond his control, receive the notice or order until a later date.

#### X. LIABILITY OF ADMINISTRATORS

52. (1) Any person charged with the enforcement of this By-law while properly acting in the course of carrying out his duty under this By-law, shall be relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties.

(2) Any suit instituted against any Provincial Offences Officer or other employee because of an act performed by him in the lawful discharge of his duties and under the provisions of this By-law may be defended by the legal representative of the Township until final determination of the proceedings.

#### IX. CONFIDENTIALITY

53. (1) Every person employed in the administration of this By-law and the attached schedules, including any person making an inspection under this By-law, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment or inspection and shall not communicate any such matters to any other person, except:

- (a) as may be required in the course of administration or in any proceedings under the By-law and annexed schedules;
- (b) to Council;
- (c) to his counsel;
- (d) with the consent of the person to whom the information relates.

(2) No person to whom subsection (1) applies shall be required to give testimony in a civil suit or civil proceeding on information obtained by him in the course of his duties, employment or investigation except in proceedings under this By-law and the annexed schedules.

## XII. PENALTY

54. (1) Every person who contravenes any provision of this By-law and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.00 exclusive of costs or to imprisonment for a term of not more than one year or to both.

(2) Where a corporation is convicted of an offence under subsection (1) the maximum penalty that may be imposed on the corporation is \$25,000.00.

(3) Where a person is convicted of a contravention in respect of premises under this By-law, the Court may make an Order closing the premises to any use for a period not exceeding two years.

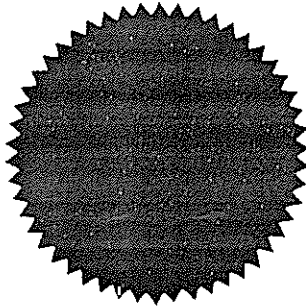
## XIII. VALIDITY


55. If a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of the By-law shall continue to be in force.

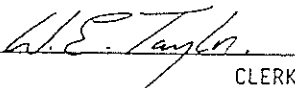
56. This By-law may be referred to as "The Adult Entertainment Parlour Licensing By-law".

THIS BY-LAW read a FIRST, SECOND and THIRD TIME and finally passed this

13th day of May, 1982.



  
MAYOR

  
CLERK

SCHEDULE "A" TO BY-LAW NO.82-23

Relating to Annual Fees for Licenses

<u>Description of License</u>	<u>Fee</u>	<u>Expiry Date</u>
Adult Entertainment Parlours:		
Owner who does not operate his own adult entertainment parlour	\$1,650.00	December 31st
Owner who operates his own adult entertainment parlour	\$3,300.00	December 31st
Operator at an adult entertainment parlour	\$1,650.00	December 31st
Attendant at an adult entertainment parlour	\$300.00	December 31st