



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 59-94

A by-law to amend Licensing
By-law 15-91

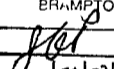
The Council of the Corporation of the City of Brampton
ENACTS AS FOLLOWS:

1. By-law 15-91 is hereby amended by adding the attached schedule relating to the owners and operators of adult video stores as Schedule 25a.

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL
this 28th day of March, 1994.


PETER ROBERTSON - MAYOR


LEONARD J. MIKULICH - CLERK

APPROVED
AS TO FORM
LAW DEPT
BRAMPTON

DATE 23/03/94

SCHEDULE 25a to By-law 15-91

Relating to Owners and Operators of
Adult Video Stores

1. For the purposes of this schedule:
 - (a) "adult videotape" means any videotape the content of which is designed or held out as designed, to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject matter.
 - (b) "adult videotape area" means an identifiable part of any premises, which part is used for the provision of adult videotapes.
 - (c) "adult videotape store" means any premises:
 - (i) used for the carrying on of the business of the provision of adult videotapes; or
 - (ii) in which adult videotapes are provided in the pursuance of a business and to which premises entry by persons under the age of eighteen (18) years is prohibited, or in respect of which premises it is advertised or notice is given that such entry is prohibited; or
 - (iii) in which adult videotapes are provided in the pursuance of a business and in respect of which it is advertised, or notice is given either by signs or other advertising devices on or in the premises, or otherwise, that the premises are an "adult video store", an "adult videotape store", an "adult video rental store", or are otherwise described by words of like meaning;
2. A licence is not required under this Schedule in respect of any videotape store in which the provision of adult videotapes is only incidental to the carrying on of the business of the provision of videotapes which are not adult videotapes, but the regulations contained in this Schedule relating to the display of adult videotapes and to the prohibition of admission to all or part of premises by person under the age of eighteen (18) years, shall apply to all videotape stores.
3. No licence will be issued or renewed under this Schedule unless the adult video store is located in a permitted area and is not located closer than 500 metres measured on a continuous path over the shortest distance from a dwelling unit or a residential zone;
4. The provisions of Section 3 do not apply to a person who was carrying on the business of an adult video store on March 28, 1994.
5. The provisions of Section 3 shall not apply so as to prevent the renewal of a licence when, subsequent to the valid issuance of a licence under this Schedule, a dwelling unit has been located or a residential zone created within 500 metres of the adult video store for which the licence was granted.

6. Every licensee shall:
 - (1) prominently display the licence at the premises licensed at all times and shall produce the licence upon request by the Licence Issuer, any by-law enforcement officer and any police officer;
 - (2) keep the premises in a clean and sanitary condition;
 - (3) maintain on the premises, available for inspection by the Licence Issuer, any by-law enforcement officer or any police officer, during all business hours, a current list of all adult videotapes available on the premises.
7. Every person shall ensure that no person under the age of eighteen (18) years is permitted to enter or remain in such store.
8. No person shall employ in an adult videotape store, or in that part of any videotape store in which adult videotapes are displayed and provided, any person who is under the age of eighteen (18) years.
9. Every licensee shall post and keep posted at every entrance to any adult videotape store operated by such licensee, and in a prominent location inside such store, signs sufficient to indicate clearly to any person approaching or entering the store, and to every person in the store, that no person under the age of eighteen (18) years is permitted to enter or remain in such store or any part thereof.
10. Every licensee shall ensure that exterior signs and advertisements relating to the provision of adult videotapes, including any signs, advertisements or other graphics which are visible to passersby from the outside of the store are restricted to the words "adult videos", "adult videotapes", or "adult videotape sales or rentals" and do not include pictorial representation of body areas or sexual or erotic activities.
11. In addition to the provisions of By-law 68-89, as amended, being a by-law to regulate the use and erection of signs in the City of Brampton, no person shall:
 - (1) display, or cause to be erected or displayed, a sign or advertising device used for the purpose of promoting an adult videotape store, where such sign or advertising conveys a message through the use of pictures, graphics or any means other than by the use of words:
 - (a) has any animation;
 - (b) has flashing lights; or
 - (c) is designed to revolve on an axis.
 - (2) for the purpose of this section, "animation" shall mean any motion of a display or part thereof whether by mechanical action or the flashing on and off of its lights; and
 - (3) where there is a conflict between the provisions of this Schedule and the provisions of By-law 68-89, as amended, passed by the Council of the City

of Brampton under authority of paragraph 141 of section 21 of the Municipal Act, or any predecessor thereto, the provisions of this Schedule shall apply.

12. Every person who operates a videotape store, whether or not he or she is required to be licensed under this Schedule, shall, in the carrying on of such business, comply with the regulations contained in this Schedule relating to the provision of adult videotapes.
13. Every person referred to in Section 12 shall ensure that employees working in such videotape store comply with all requirements of this Schedule relating to the provision of adult videotapes and the prohibition to all or part of the premises to persons under the age of eighteen (18) years, as required by this Schedule.
14.
 - (1) No person who operates a videotape store in which adult videotapes are provided, shall permit any person under the age of eighteen (18) years to enter or remain in any part of such store where adult videotapes are provided, or within three (3) metres of any adult videotape unless such adult videotape is located in an adult videotape area;
 - (2) Every person who operates a videotape store in which any adult videotape is provided, shall affix, in a prominent location inside such store and at every entrance to any adult videotape area, a sign or signs sufficient to indicate clearly to persons in the store, that no person under the age of eighteen (18) years is permitted to enter or remain in any adult videotape area in accordance with this Schedule;
 - (3) Every person who operates a videotape store, including an adult videotape store, and every person working in such store, shall ensure that no person under the age of eighteen (18) years is permitted to enter an adult videotape store, or any adult videotape area, in accordance with this Schedule;
 - (4) Every person who operates a videotape store and every person working in such store shall ensure that no adult videotape, or container for an adult videotape shall be displayed in such a manner so as to be visible from the outside the store; and
 - (5) Every person who operates a videotape store and every person working in such store shall ensure that no adult videotape, or container for an adult videotape, shall be displayed in a videotape store that is not an adult videotape store, in a location where it can be seen by persons in the store, unless such adult videotape or container is in a separate location in such store to which person under the age of eighteen (18) years are not permitted to enter, and such adult videotape or container is displayed in a location where it cannot be seen from outside such area.