



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 145-97

A by-law to amend By-law 15-91 and
to add a schedule for Body-Rub Parlours

The Council of The Corporation of the City of Brampton ENACTS as follows:

1. By-law 15-91 is hereby amended as follows:

(1) Section 1 of By-law 15-91 is amended by adding thereto the following:

“Body-rub” includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person’s body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the province of Ontario.

“Body-rub parlour” includes any premises or part thereof where a body-rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

“Body-rubber” includes any person who performs, offers, or solicits a body-rub.

“Owner” when used in reference to a body-rub parlour means a person who alone or with others has the right to possess or occupy a body-rub parlour or actually does possess or occupy a body-rub parlour, and includes a lessee of a body-rub parlour or premises upon which a body-rub parlour is located.

“Operator” when used in reference to a body-rub parlour refers to any person who alone or with others operates, manages, supervises, runs or controls a body-rub parlour and “operate”, “operation” and other words or like import or intent shall be given a corresponding meaning.

(2) Section 2 of By-law 15-91 is amended by adding thereto as subsection (36) the following:

(36) every person who owns or operates a body-rub parlour and every person who performs, offers, solicits or receives a body-rub in, at or upon a body-rub parlour in the pursuance of a trade, calling, business or occupation.

(3) Appendix A, the Fee Schedule, is amended by adding thereto the following:

	<u>FEE</u>	<u>EXPIRY DATE</u>
Body-Rub owner/operator	\$2000	December 31

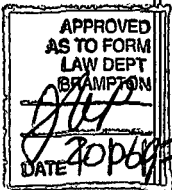
- (4) The attached Schedule I is added as Schedule 36 to By-law 15-91.
- (5) No licence will be issued or renewed under this by-law unless:
- (a) the body-rub parlour is located in a permitted area and is not located closer than 500 metres measured on a continuous path over the shortest distance from a dwelling unit or a residential zone.

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL this 23rd day of June, 1997.

THE CORPORATION OF THE CITY OF BRAMPTON


 PETER ROBERTSON MAYOR


 LEONARD J. MIKULICH CLERK



SCHEDULE I TO BY-LAW 145 -97

SCHEDULE 36 TO BY-LAW 15-91
Relating to Body-Rub establishments

1. For the purposes of this Schedule, "Owner" and "Operator" mean respectively an owner or operator of a body-rub parlour, licensed as such or required to be licensed as such under this by-law.
2.
 - (1) On every application for an owner's/operator's licence or the renewal thereof, the applicant shall attend in person and not be an agent, at the office of the Licensing Section and shall complete the prescribed forms and shall furnish to the Licensing Section such information as the Licensing Section may direct.
 - (2) In the case of a body-rub parlour owned or operated by a partnership, the attendance required under this section shall be by one of the partners and in the case of a body-rub parlour owned or operated by a corporation such attendance shall be by an officer of the corporation.
 - (3) Every applicant for an owner's licence shall, at the time of making his application, file with the Licensing Section a list showing the names and addresses and birth dates of all operators.
 - (4) Every individual, partner, or other person referred to in this section, shall file with or produce to the Licensing Section proof of age, if required to do so by the Licensing Section, and no such licence shall be issued unless the Licensing Section is satisfied that every such person is of the full age of eighteen years.
 - (5) Every owner or operator shall maintain a list showing the names, addresses and birth dates of all body rubbers employed by or performing services in his body-rub parlour and produce same upon request by a peace officer, licensing inspector, by-law enforcement officer or public health inspector.
3. It shall be the duty of every member of a partnership to advise the Licensing Section 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 including the names, addresses and birth dates of all new partners which are required to be filed with the Licensing Section and Council may, at its discretion, determine whether the licence or licences shall be revoked.
4. A separate owner/operator's licence shall be taken out in respect of each body-rub parlour.
5.
 - (1) No owner of a body-rub parlour shall permit any person other than a licensed operator to operate such body-rub parlour.
 - (2) No operator shall operate the said body-rub parlour unless the owner of the said body-rub parlour is duly licensed as an owner under this By-law.
 - (3) No operator may operate a body-rub parlour unless he first notifies the Licensing Section of the name of the owner whose body-rub parlour he intends to operate and has endorsed upon his licence the said owner's name accordingly, and every operator, before operating any other body-rub

parlour, shall notify the Licensing Section of his intention so to do and have his licence endorsed accordingly.

6. Every owner and operator shall keep his licence issued in respect of that body-rub parlour, exposed in a conspicuous place in the interior of the said premises at all times during the currency of the licence.
7. Every owner or operator who changes his address shall, within four (4) days after such change, attend at the office of the Licensing Section and notify the Licensing Section of such change of address and produce his licence for the change to be entered thereon.
8. No owner or operator shall perform or provide any service or services or permit the performing or providing of any service or services in any body-rub parlour which is constructed or equipped so as to hinder or prevent the enforcement of this by-law.
9.
 - (1) Every body-rub or other service performed in a body-rub parlour shall be given in an individual room or cubicle, but no owner or operator shall cause or permit the door or other means of access to any room or cubicle where body-rubs 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 room or cubicle.
 - (2) No person shall permit the obstruction, hindrance or delay of any person attempting to gain entry into a room or cubicle in a body-rub parlour in which a service is or may be provided in respect of such body-rub parlour.
10. Every owner who operates his own body-rub parlour and every operator of a body-rub parlour, in the operation of the body-rub parlour, shall ensure that:
 - (1) adequate toilet and washroom accommodations are provided in accordance with the Building Code as amended from time to time issued pursuant to the Building Code Act, 1992, S.O. 1992 c.23.
 - (2) the body-rub parlour is kept in a clean and sanitary condition;
 - (3) every table, mat or other surface upon which persons lie or sit while being given or provided with a body-rub shall be clean and in good repair, and shall have a top surface of impervious material;
 - (4) every table mat or other surface referred to herein shall be covered with a fresh, clean individual paper or cloth sheet before any person receives a body-rub thereon;
 - (5) every sheet or towel shall, immediately after being used by any person, be deposited in a receptacle reserved for that purpose and shall not be utilized again for any purpose before being freshly laundered.
 - (6) all exterior signs and advertisements relating to the body-rub parlour shall comply with all applicable law.
 - (7) the signage referred to herein shall not contain any offensive words or graphics.
11. Every owner or operator of a body-rub parlour shall post and keep posted in a prominent location inside the body-rub parlour, signs sufficient to indicate clearly to every person in the body-rub parlour, that no person under the age of eighteen years is permitted to remain in such body-rub parlour or part thereof.

12. No owner, operator or body-rubber shall perform or permit to be performed a body-rub in any body-rub parlour by or upon any person whom he has reasonable cause to suspect has been exposed to or is suffering from any communicable disease, including any communicable skin disease.
13. Every owner, operator, body-rubber or other person performing services in, at or upon a body-rub parlour or in attendance at a body-rub parlour in pursuance of trade, calling, business or occupation carried on by the owner, or operator of such body-rub parlour, shall, upon a request made to him by any peace officer, by-law enforcement officer 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 body-rub parlour, he shall produce his said licence.
14. A peace officer, licensing inspector, by-law enforcement officer, or public health inspector acting under the direction of the Medical Officer of Health, may enter and inspect all areas of a body-rub parlour, at any time of the night or day, for the purposes of carrying out the enforcement of this By-law.
15. The offering, selling, giving, performing or soliciting of any service and the selling, giving, trading or offering of any goods in a body-rub parlour, shall comply to all applicable law.
16.
 - (1) No person under the age of eighteen may be or act as an owner or operator of a body-rub parlour or provide any services in a body-rub parlour.
 - (2) No one may provide a body-rub or any other services in a body-rub parlour to a person who is under the age of eighteen years.
 - (3) No owner or operator shall permit any person under the age of eighteen to enter or remain in any body-rub parlour owned or operated by him.