



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 114 - 2017

To Provide for a System of Licensing of Adult Entertainment Establishments; to amend By-laws 42-2008 and 191-2011, and to Repeal By-law 1-2002

RECITALS

Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

Section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under any Act;

Subsection 11(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

Subsection 11(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 6, Health, safety and well-being of persons, and in paragraph 8, Protection of persons and property, including consumer protection;

Subsection 11(3) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 11, Business Licensing;

Pursuant to the provisions of Part IV – Licences of the *Municipal Act, 2001*, a municipality may pass by-laws for licensing, regulating and governing any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality;

Subsection 151(1) of the *Municipal Act, 2001* provides that a municipality may provide for a system of licenses with respect to a business and may prohibit the carrying on or engaging in the business without a licence, refusing, revoking or suspending a licence, imposing conditions on a licence, regulating property used for a business that requires a licence and regulating persons carrying on a business that requires a licence, imposing special conditions on a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence and requiring a person to pay administrative penalties if the system of licenses has not been complied with.

Subsection 154(1) of the *Municipal Act, 2001* provides that a municipality may define the area of the municipality in which Adult Entertainment Establishments may or may not operate and limit the number of Adult Entertainment Establishments in any defined area in which they are permitted and prohibits any person carrying on or engaged in an Adult Entertainment Establishment Business for which a licence is required from permitting any person under the age of 18 years to enter or remain in the Adult Entertainment Establishment or any part thereof;

Section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers where the council of the municipality is of the opinion that the power being delegated is of a minor nature;

Subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

The Council of the City of Brampton considers it desirable and necessary to licence, regulate and govern Adult Entertainment Establishments listed within this By-law.

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

PART I – TITLE, INTERPRETATION AND SEVERABILITY

1. This By-law may be referred to as the “Adult Entertainment Establishment” By-law.
2.
 - (1) Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in Part II of this By-law, and where any word appears in ordinary case, the commonly applied English language meaning is intended.
 - (2) Wherever a word defined in Part II of this By-law is used in the form of a noun, verb or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case
 - (3) All words importing the singular shall include the plural and the words imparting the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law otherwise requires.
3. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with the terms to the fullest extent possible according to law.

PART II – DEFINITIONS

4. For the purposes of this By-law and the annexed schedules:

“Act” means the *Municipal Act, 2001*, c. 25, as amended;

“Additional Fee” means a fee, in addition to the licence fee imposed by the municipality on a business at any time during the term of the licence for costs incurred by the municipality attributable to the activities of that business;

“Adult Entertainment Business” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, Services appealing to or Services Designed to Appeal to Erotic or Sexual Appetites or Inclinations;

“Adult Entertainment Establishment” includes an Adult Entertainment Business, Body-rub Business, or Adult Merchandise Business which includes but is not limited to Adult Books and Adult Videos;

“Adult Merchandise Store” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods designed to appeal to erotic or sexual appetites or inclinations;

“Adult Video” means any video or Digital Video Disc (DVD) or other electronic format, the context 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 distinguished or characterized by the portrayal of one or more persons involved or engaging in specified sexual activities, or by an emphasis on the display of specified human body areas and, in the absence of evidence to the contrary, a video classified by the Ontario Film Review Board as “restricted” with the added information piece “adult sex film” shall be deemed to be an Adult Video, while a video without such classification and sticker shall be deemed not to be an Adult Video;

“Applicant” means a Person applying for a new Licence or renewing a Licence under this By-law;

“Application” means an Application for a new Licence or a Licence renewal in the form provided by the Licence Issuer which must be accompanied by the appropriate documentation and fee;

“Attendant” means any person who performs, offers, and solicits a Body-rub for gain or reward;

“Body-rub” means an activity where the primary function is the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, a person’s body or a 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 Business” means any premises or part thereof where a Body-rub is performed, offered or in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where Body-rubs are performed for medical or therapeutic reasons by persons otherwise duly qualified or registered so to do under the laws of the Province of Ontario;

“Book or Magazine Appealing to or designed to appeal to Sexual or Erotic Appetites or Inclinations” means any book or magazine of which a feature or characteristic is the portrayal or depiction, by means of photographs, drawings or otherwise of the Specified Body Area of any person or persons;

“By-law” means this by-law;

“City” means The Corporation of The City of Brampton or the territorial jurisdiction of the City of Brampton where the context requires;

“Clerk” means the Clerk of the City of Brampton or the Clerk’s duly appointed Deputy;

“Closed File Administration Fee” means the fee as set out in Appendix A that is required when an Application file is closed under this By-law;

“Corporation” means the Corporation of the City of Brampton;

“Council” means the Council of the City of Brampton;

“Criminal Record” means a record of previous conviction(s) under the Criminal Code of Canada;

“Entertainer” means a person who, in pursuance to a trade, business or occupation, provides Services designed to appeal to Erotic or Sexual Appetites or Inclinations at an Adult Entertainment Business;

“Erotic or Sexual Appetites or Inclinations” means the bent of mind, desire, inclination or preferences to satisfy a craving or desire pertaining to or related to sex;

“Fire Chief” means the Chief of the Brampton Fire and Emergency Services or his or her designate;

“Inspector” includes any one of the following:

- (a) Municipal Law Enforcement Officer
- (b) Peel Regional Health Inspector
- (c) Fire Inspector in the Brampton Fire and Emergency Services; or
- (d) Police as defined in this By-law.

“Late Renewal Fee” means the fees set out in Appendix “A” that are required for the late renewal of a Licence;

“Licence” means a licence issued under this By-law, or predecessor by-law;

“Licence Fee” means the fee set out in Appendix A to this by-law that is required to be paid to the City for a new Licence or a Licence renewal;

“Licence Issuer” means the person appointed under this By-law and includes his or her designate;

“Licensed Premises” means the Premises referred to in a Licence;

“Licensee” means any Person licensed under this By-law;

“Main Stage” means, in relation to an Adult Entertainment Business, the principal setting, scene or area on any floor in the premises upon which performances, services or an event or a series of events are presented, exclusive of patron seating areas;

“Medical Officer of Health” means the Medical Officer of Health for the Regional Municipality of Peel, duly appointed under the *Health Protection and Promotion Act*, RSO 1990, c.H.7, as amended and includes any Peel Region Health Inspector acting on behalf of the Medical Officer of Health;

“Municipal Law Enforcement Officer” means a person employed by the City and appointed as a Municipal Law Enforcement Officer by the City;

“Notice of Additional Fee” means a written notice from the Licence Issuer to a Licensee advising of the requirements to pay an Additional Fee;

“Operator” means a proprietor, or any other Person who alone or with others, operates, manages, supervises, runs or controls a business;

“Owner” means a Person who alone or with others, fits into any one or more of the following categories:

- (a) Is the owner of the business;
- (b) Has control over the business, or
- (c) Directs the operation of the business

“Peel Health Inspector” means a public health inspector employed by the Region of Peel;

“Permitted Area” means that area of the City which is zoned for industrial or commercial use and where the use of land as an Adult Entertainment Business has not been specifically prohibited;

“Person” includes an individual, corporation, partnership or limited partnership;

“Physical Contact” means to touch, sit or rest on, or contact with the breasts, buttocks, genital or pubic areas of an Entertainer or any other person;

“Police” means a police officer, constable or cadet of the Regional Municipality of Peel Police Service, Ontario Provincial Police Service and Royal Canadian Mounted Police Service;

“Premises” means land and includes the structures on the land such as buildings, fences and sheds;

“Services” includes Body-rubs, performances, dances, exhibitions and viewings;

“Services Designed to Appeal to Erotic or Sexual Appetites or Inclinations” includes services of which a principal feature or characteristic is the nudity or partial nudity of any person, and services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy”, or any other word or any picture, symbol or representation having like meaning or implications is used in any advertisements;

“Specified Body Areas” means, in the case of a female, her breasts and in the case of all persons, the pubic, perineal and perianal areas and buttocks;

“Threshold Policy” means a Policy intended to identify those applicants and licensees who have been convicted of offences which are incompatible with the type of business, based on health and safety and consumer protection;

“To Provide” means any one or more of the following: when used in relation to Services, includes to furnish, perform, solicit, or give such services and “providing” and “provision” have corresponding meanings; when used in relation to any Video or DVD or other electronic format, means to sell, offer to sell or display for sale by retail, or to rent, offer to rent or display for rental, whether or not the cost, fee or other consideration passes at the time of such rental or sale, or is effected through the cost of membership, subscription, admission or any other manner; when used in relation to any book or magazine, means to sell, offer to sell or display for sale by retail or otherwise, such book or magazine and “provider”, “providing” and “provision” shall have corresponding meanings;

“Tribunal” means the Brampton Appeal Tribunal appointed by Council to conduct hearings under the Brampton Appeal Tribunal By-law No. 48-2008, as amended, or any successor by-law;

“Zoning Approval” means that a Licence Application has been examined and approved by the City’s Zoning Services staff for compliance with the Zoning By-law;

“Zoning By-law” means the City’s Zoning By-law No. 270-2004, as amended, or any successor by-law.

PART III – LICENSING REQUIRED

5. (1) A Licence shall be taken out under this By-law by every Person who:
 - (a) Owns or operates an Adult Entertainment Business;
 - (b) Owns or operates a Body-rub Business;
 - (c) Owns or operates an Adult Merchandise Business;
 - (d) Acts as an Attendant or Entertainer
- (2) Any Person who falls within subsections 5. (1)(a) through to and including (d) is engaged in a business for the purposes of this By-law.
- (3) The defined terms for the businesses listed within subsections 5. (1)(a) through to and including (d) are found in the schedules referred to in the subsections and are attached to this By-law.
- (4) No Person shall carry on, or engage in any of the businesses or professions that are listed in subsection 5. (1)(a) through to and including (d) unless the Person is licensed under this By-law.
- (5) No Person licensed under this By-law shall carry on the licensed business or profession in a name that is different from the name that is endorsed on the Licence, unless the Licence Issuer has provided his or her approval.
- (6) No Person shall publish or cause to be published any representation that the Person is licensed under this By-law if the Person is not so licensed.
- (7) No Person shall hold him or herself out to be licensed if he or she is not Licensed under this By-law.
- (8) For the purpose of this By-law, a business shall be deemed to be carried on within the City if any part of the business is carried on in the City, even if the business is being conducted from a location outside the City.
- (9) No Person shall provide false or misleading information or documents when applying for a Licence or Licence renewal or when required to provide any information or documents under this By-law.

PART IV – REQUIREMENTS FOR LICENSEES

6. Every Person licensed under this By-law shall be:

- (1) A Canadian citizen, a permanent resident of Canada or have a valid Employment authorization issued by the Government of Canada; and
- (2) At least 18 years of age.

PART V – LICENCE ISSUER

7.
 - (1) The City Clerk is appointed as the Licence Issuer for the purposes of this By-law;
 - (2) Council delegates to the Licence Issuer the power to issue, refuse to issue, renew, refuse to renew, cancel, revoke, suspend, reinstate and impose conditions on a Licence under this By-law.
 - (3) Council is of the opinion that the delegation under subsection 7. (2) is minor in nature
8. The Licence Issuer shall have authority to decide whether:
 - (1) A new Licence or a Licence renewal should be issued;
 - (2) An Application for a new Licence or renewal of a Licence should be refused; A reinstatement should not be made;
 - (3) A Licence should be revoked; A Licence should be suspended; or
 - (4) A term or condition on a new Licence or Licence renewal should be imposed.
9. The Licence Issuer shall:
 - (1) Receive and process all Applications for new Licenses and for the renewal of Licenses;
 - (2) Issue a new Licence or renew a Licence when:
 - (i) an Application is made in accordance with the provisions of this By-law;
 - (ii) the Application is complete;
 - (iii) the applicable fee is paid; and
 - (iv) the Application meets all of the requirements under this By-law;unless there are grounds to refuse to issue a new Licence or renew a Licence as set out under Section 23 of this By-law;
 - (3) Impose terms and conditions on a new Licence or Licence renewal when the Licence Issuer is of the opinion that a term or condition of a Licence should be imposed under this By-law;
 - (4) Maintain complete records showing all Applications received and Licences issued;
 - (5) Enforce the provisions of this By-law;
 - (6) Prepare all notices, forms and any other document, including any amendments thereto, that are necessary for the administration of this By-law;

- (7) Generally perform all the administrative functions that may be required by this By-law

PART VI – APPLICATION FOR A LICENCE AND FOR A LICENCE RENEWAL

10. (1) In order to apply for a new Licence or a Licence renewal, the Applicant Shall
- (a) complete and submit an Application in the form approved by the Licence Issuer;
 - (b) submit all documentation required under this By-law or requested by the Licence Issuer; and
 - (c) submit the Licence Fee as set out in the Fee Schedule attached as Appendix A to this By-law
- (2) In the case of an Attendant or Entertainer Licence, in addition to 10. (1)(a)(b) and (c), the Applicant shall provide:
- (a) a photograph taken by the Licence Issuer;
 - (b) proof of age in the form of at least two of the following valid original documents, one of which must contain a photo: birth certificate, Provincial Driver's Licence, current passport, and permanent residency card
- (3) Where an Attendant or Entertainer applies for a renewal of Licence, no proof of age is required.
- (4) No Corporation may hold an Attendant or Entertainer Licence.
- (5) An Application for a new Licence or Licence renewal shall not be processed by the City until all of the requirements of subsection (1) are met and any outstanding Licence Fee(s) and any outstanding Additional fees have been paid.
11. (1) The Licence Issuer may require any or more of the following as part of the Application:
- (a) Proof of citizenship, immigration status or other employment authorization issued by the Government of Canada;
 - (b) Statement from the Applicant as to whether charges against the Applicant are pending under legislation including, but not limited to: the *Criminal Code (R.S.C., C-46)*, the *Controlled Drugs and Substances Act*, *Provincial Offences Act*, the *Building Code Act 1992*, the *Fire Protection and Prevention Act, 1997*, the *Brampton Zoning By-law*, as amended, or this By-law and any anticipated court dates;
 - (c) A Criminal Record Search conducted by the Police Services where the Applicant resides or from an approved provider of criminal record checks in Canada.
 - (d) A Zoning Approval indicating that the use for the premises for which the Application has been made is permitted under the City's Zoning By-law as amended;
 - (e) A letter of approval issued by the Fire Chief indicating no apparent violations of applicable by-laws or other legislation;

- (f) A letter of approval issued by the Medical Officer of Health or Peel Health Inspector.
12. (1) Where the Applicant is a Corporation, the Application shall be accompanied by a copy of the incorporating documents and a copy of the business name registration;
- (2) Where the Applicant is a registered partnership, the Application shall be accompanied by a copy of the registered declaration of partnership and a copy of the business name registration;
- (3) Where the Applicant is a sole proprietor, the Application shall be accompanied by a copy of the business name registration;
- (4) A Licence issued to a partnership may be issued in the name of one partner;
13. (1) Despite Subsection 11. (1)(d), where an Application is made for the renewal of a Licence and where a Zoning Approval was received with the original Licence Application approving the use of the Premises, no new Zoning Approval is required.
- (2) Where an Application is made for a new Licence or Licence renewal and where a Zoning Approval has been issued based upon the use being allowed by a Committee of Adjustment decision, the Zoning Approval is subject to all conditions and restrictions imposed by the Committee of Adjustment on the use, and upon expiry of any time limit imposed on the use by the Committee of Adjustment, the Zoning Approval shall no longer be valid.
14. (1) Where an Application for a Licence or Licence renewal is withdrawn by the Applicant, the Licence Fee paid shall be refunded with the exception of 50%.
- (2) Where an Application for a Licence or Licence renewal is refused, 50% of the Licence Fee shall be refunded.
- (3) Any Licence Fee refund calculated pursuant to subsections 14. (1) or (2) shall be reduced by any Additional Fee amount, or part thereof that is outstanding at the time of the refund.
15. An Owner must obtain a separate Licence for every Premises where the Owner carries on a business for which a Licence is required under this By-law.
16. Regardless of when an Application for a new Licence or Licence renewal is made, the Applicant is required to pay the full annual Licence Fee.
17. (1) Where a Person who has a Licence fails to renew the Licence by the renewal date, the Person shall, upon submitting an Application for renewal, be subject to a Late Renewal Fee in accordance with the Fee Schedule attached as Appendix A to this By-law.
- (2) Where an Applicant applies for a Licence renewal and for a period of 60 days after the Licence expiry date the Application is incomplete or any fee under this By-law is unpaid, the Licence Issuer may, in his or her sole discretion, deem the Application to be an Application for a new Licence.
- (3) Where a Person holding a Licence fails to renew the Licence within 90 days of the specified renewal date, the Person shall no longer be entitled to renew the Licence under this By-law, subject to the payment of such fees as may be required.

18. Regardless of whether a Licence may have been issued or renewed, the Licence Issuer may require that the Applicant file further information or provide further documentation in respect of a fact which the Applicant has already attested to or previously supplied documentation for.
19. Any Person licensed by any regulatory body where that licence is a requirement for the issuance of a Licence under this By-law, shall immediately report to the Licence Issuer any suspension of the licence issued by the regulatory body.
20.
 - (1) Where an Applicant has failed to provide any fee or document required under this By-law or the issuance of a new Licence or a Licence renewal, the Application shall be considered incomplete.
 - (2) If the Application remains incomplete after 30 days from the date the Application was submitted, the Licence Issuer may issue a Notice of incomplete Application and close the file.
 - (3) Where an Application file is closed, the Applicant is required to pay the fee to the City as set out in Appendix A to this By-law.
 - (4) Subject to the time limitation in subsection 17. (3), the Closed File Fee in Subsection 20.(3) must be paid to the City before the Licence Issuer can reopen a Closed Application File.
 - (5) The issuance of a Notice of Incomplete Application is not a statutory power of decision and is not subject to appeal to the Tribunal.

PART VII – ISSUANCE OF A LICENCE OR LICENCE RENEWAL

21. When an Application for a Licence or Licence renewal is made in accordance with the provisions of this By-law and the Applicant meets all the requirements of this By-law, which include any requirements that may be requested by the Licence Issuer, a Licence shall be issued to the Applicant or Licensee.

PART VIII – TERMS AND CONDITIONS

22.
 - (1) Despite any other provision in this By-law, the Licence Issuer may impose terms and conditions on any Applicant or Licensee at issuance, renewal or any time during the Licence period, including special conditions as are necessary to give effect to this By-law.
 - (2) The Licence Issuer may impose conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a Licence.
 - (3) Despite any other provision in this By-law, the Licence issuer may impose Additional Fees on a Licensee by way of a Notice of Additional Fee at any time during the term of the Licence for any costs incurred by the City attributable to the activities of the Licensee.
 - (4) The Notice of Additional Fee shall be sent to the Licensee by personal delivery, e-mail or fax delivery, or by regular mail and the notice shall provide the Licensee with 60 days to pay the Additional Fee from the date of Notice.

PART IX – GROUNDS FOR REFUSAL TO ISSUE OR RENEW A LICENCE

23. Despite section 21, the Licence Issuer may refuse to issue a Licence or renew a Licence if the Licence Issuer has reasonable grounds to believe any one or more of the following:
- (1) The issuance of the holding of a Licence would be contrary to the public interest in respect of:
 - i. the health and safety of any person or any property;
 - ii. a nuisance affecting any land or person in the City, or
 - iii. the protection of any consumer.
 - (2) The conduct of the Applicant or Licensee afford reasonable grounds for belief that the carrying on of the business has infringed, or would infringe the rights of other members of the public.
 - (3) Any Application or other document provided to the Licence Issuer by or on behalf of the Applicant or Licensee contains a false statement or provides false information.
 - (4) The financial position of the Applicant or Licensee demonstrates that the business has not or will not be carried on in a financially responsible manner.
 - (5) The business of the Applicant or Licensee is carried on or intended to be carried on in an area where it is prohibited under the City's Zoning By-law;
 - (6) The business for which the Licence has been issued has not been carried on for a continuous period of 60 days or more.
 - (7) The Applicant or Licensee has failed to pay a fine or fines imposed by a Court for convictions for breach of this or any other City by-law.
 - (8) The Premises where the business is carried on does not comply with the provisions of this By-law or with any other law, regulation or City by-law, including the Zoning By-law, and the *Building Code*, O.Reg. 350/06 as amended and the *Fire Code*, O.Reg. 213/07, as amended or any successor regulations.
 - (9) The Premises in which the business is carried on is in an unsafe or dangerous condition.
 - (10) The conduct of the Applicant or Licensee affords reasonable grounds for belief that the Applicant or Licensee has not carried on or will not carry on his or her trade, business or occupation in accordance with law and with integrity and honesty.
 - (11) There are reasonable grounds for belief that the carrying on of the trade, business or occupation by the Applicant or Licensee has resulted or will result in a breach of this By-law or any other law.
 - (12) The fee payable for the Licence or Licence Application has not been paid.
 - (13) Any Additional Fee imposed on an applicant or Licensee remains unpaid after the due date as indicated in a Notice of Additional Fee sent to the Applicant or Licensee.

PART X – GROUNDS FOR REVOKING OR SUSPENDING A LICENCE

24. The Licence Issuer may revoke or suspend a Licence for any one or more of the grounds listed in subsection 23. (1) through to and including (13).
25. If the Licence Issuer is satisfied that the continuation of a business poses an immediate danger to the health or safety of any person or property, the Licence Issuer may, without a hearing, suspend a Licence, for the time and on such conditions as the Licence issuer considers appropriate, subject to the following:
- (1) Before suspending a Licence, the Licence Issuer shall, either orally or in writing, provide the Licensee with the reasons for the suspension and allow the Licensee with an opportunity to respond.
 - (2) The suspension shall not exceed 14 days.

PART XI – WRITTEN NOTICE AND SERVICE

26. (1) After a decision is made by the Licence Issuer to refuse, cancel, revoke or suspend a Licence, written notice of that decision shall be given forthwith to the Applicant or Licensee.
- (2) The written notice provided under subsection 26. (1) shall:
- (a) Set out the grounds for the decision.
 - (b) Give reasonable particulars of the grounds for the decision.
 - (c) Be signed by the Licence Issuer; and
 - (d) State that the Applicant or Licensee is entitled to a hearing by the Tribunal if the Applicant or Licensee delivers to the Clerk within 15 days after the notice is served, a notice in writing requesting a hearing by the Tribunal accompanied by the appropriate appeal fee.
- (3) Any written notice given under this By-law shall be deemed to be received on the receipt date which is one of the following:
- (a) In the case of mailed documents, 5 days following the mailing as determined from the post mark.
 - (b) In the case of personal delivery, e-mail or faxed document, the day of delivery.
 - (c) Where more than one method of delivery is used, the operative receipt date for the calculation of the time for an appeal is the latest of the possible receipt dates.

PART XII – RIGHT TO APPEAL

27. (1) The Applicant or Licensee may appeal the Licence Issuer's decision to cancel, revoke or suspend a Licence, or to impose any condition in a Licence to the Tribunal by filing a written notice of appeal with the City Clerk, with reasons in support of the appeal, to the Clerk, accompanied by the appropriate appeal fee as set out in the City's User Fee by-law within 15 days following the receipt date of the written notice of the Licence Issuer's decision.

- (2) On receipt of a written request for an appeal from the Applicant or Licensee, the Clerk shall schedule a hearing of the Tribunal and shall give the Applicant or Licensee and the Licence Issuer reasonable written notice of the date, time and place of the hearing in accordance with the Brampton Appeal Tribunal By-law No. 48-2008, as amended, or any successor by-law.
- (3) The decision of the Licence Issuer shall be final if the City Clerk does not receive an appeal by the 15th day following the receipt date of the written notice of the Licence Issuer's decision.
- (4) No member of the Tribunal, Council, or an employee of the City is personally liable for anything done under authority of this By-law.
- (5) Where the Tribunal has ordered that a Licence be granted, reinstated, a suspension to a Licence ended or a change to the condition(s) of a Licence, the Applicant or Licensee shall fulfill any outstanding requirements for the Licence under this By-law.
- (6) The provisions of Brampton Appeal Tribunal By-law No. 48-2008, as amended, or any successor by-law, apply to any appeal that is made under this section.

PART XIII – RETURN OF LICENCE

28. (1) Where a Licence has been revoked or suspended, and written notification as set out in section 26 is received, the Person to whom the Licence was issued shall return the Licence to the Licence Issuer within 48 hours.
- (2) A Person whose Licence has been revoked or suspended shall not refuse to deliver the Licence to the Licence Issuer or in any way obstruct or prevent the Licence Issuer from receiving or taking the Licence.
- (3) Where a Licence has been revoked or suspended, the Licence Issuer may enter upon the business premises of the Person to whom the Licence was issued for the purpose of receiving, taking or removing the Licence pursuant to Section 436 of the Act.

PART XIV – CHANGE OF INFORMATION

29. (1) A Licensee shall notify the Licence issuer within 7 days of any change of name, address or any other change to the information related to the Licence, and where the Licensee is a corporation, it shall notify the Licence Issuer of any change in the names and addresses of officers and directors, the location of the corporate head office and change of ownership of shares within 7 days of the change, and if necessary, the Licence shall be returned within 48 hours to the Licence Issuer for amendment.
- (2) A Licensee shall not alter, erase or modify or permit such alteration, erasure or modification of the Licensee's Licence or part thereof unless approved by the Licence Issuer.

PART XV – GENERAL PROVISIONS

30. An Applicant or Licensee whose Licence has been refused or revoked, shall not be entitled to make a new Application for the same or similar type of Licence for a period of at least 12 months from the date of the refusal or revocation.

31. The Licence Issuer shall reinstate any Licence that has been suspended upon satisfactory proof that the provisions of the by-law have been met.
32. Any Licence issued under this By-law may be cancelled at any time upon the written request of the Licensee.
33. A Person shall not enjoy a vested right in the continuation of a Licence and upon the issuance, renewal, transfer, cancellation or suspension thereof, the value of a Licence shall be the property of the City.
34. (1) Any Licence issued under this By-law shall be posted on the Premises to which the Licence relates, in a conspicuous place that is clearly visible to the public.

(2) Where the Licensee does not have a Licensed Premises, the Licensee shall carry the Licence with him or her at all times when engaged in the activity for which the Licence has been issued.
35. If and when an Owner sells, leases or otherwise disposes of his or her Adult Entertainment Establishment or the Premises or part thereof upon or in which an Adult Entertainment Establishment is operated, to any Person, his or her Licence in respect of such Adult Entertainment Establishment can be transferred to the new Owner, subject to the new Owner meeting all requirements of this By-law.
36. The City is exempt from the provisions of this By-law.

PART XVI – INSURANCE

37. (1) Every Person shall, before the issuance of a Licence to him or her, provide proof of commercial general liability insurance policy satisfactory to the City, in the amount of at least \$2,000,000 exclusive of costs and interest, insuring him or her against liability imposed upon him or her by the law, in respect to any one claim, for any loss or damage resulting from the carrying on of the business to which the Licence relates. Perils will include bodily injury, death of one or more persons and loss or damage to property.

(2) Every Person who obtains a Licence shall ensure that the insurance policy in subsection 37. (1) is maintained in good standing while the Licence is valid and the business to which the Licence applies is in operation.

(3) Subsections 37. (1) and (2) do not apply to Operators, Attendants and Entertainers.

(4) The Licence Issuer shall be given at least 10 days' notice in writing, by regular mail, personal delivery, e-mail or fax delivery, of cancellation, expiration or variation in the amount or conditions of the policy required by subsection 37. (1).

(5) A certificate of insurance issued in respect of the insurance policy in subsection 37. (1) shall be provided to the Licence Issuer, before the issuance of the Licence that it applies to, in the form of proof set out in Appendix B to this By-law.

PART XVII – INSPECTION

38. (1) The Licence Issuer, Medical Officer of Health or Inspector, may enter on any land and building or structure thereon, for the purpose of carrying out an inspection to determine whether any one of more of the following are being complied with:
- (a) The provisions of this By-law.
 - (b) An order made under this By-law.
 - (c) A condition of a Licence issued under this By-law.
 - (d) An order made under section 431 of the *Municipal Act, 2001*.
- (2) For the purposes of an inspection under subsection 38. (1), the person carrying out the inspection may do any one or more of the following:
- (a) Require the production for inspection of any goods, articles, books, records and other documents relating to any business or occupation licensed under this By-law.
 - (b) Inspect and remove documents or things relevant to the inspection, including anything listed in subsection 38. (2) (a) for the purpose of making copies or extracts.
 - (c) Require information from any Person concerning a matter related to the inspection.
 - (d) Alone or in conjunction with a Person possessing special or expert knowledge make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (3) No person shall obstruct or hinder or cause to be obstructed or hindered the making of an inspection under subsection 38. (1).
- (4) Upon request of the Licence Issuer or Inspector, the Licensee shall produce the Licence and any other requested documents forthwith.

PART XVIII – ORDER TO COMPLY

39. (1) Where the Licence issuer or an Inspector believes that a contravention of this By-law has occurred, they may issue:
- (a) An order to discontinue the contravening activity;
 - (b) An order to correct the contravention; or
 - (c) An order to discontinue the contravening activity and correct the contravention.
- (2) The orders contemplated in subsection 39. (1) shall set out:
- (a) The name of the Person who is believed to have contravened this By-law and the municipal address or the legal description of the land to which the contravention of the Licence applies;
 - (b) Reasonable particulars of the contravention;
 - (c) The date by which there must be compliance with the order;

- (d) If applicable, the work to be done and the date by which the work must be done; and
 - (e) If applicable, a statement that the City may have the work done at the expense of the Owner if the work is not done in compliance with the order.
- (3) An order issued under this By-law may be served personally or served by mail to the last known address of the Person and such other persons affected by it as determined by the Licence Issuer or Inspector and a copy of the order may be posted on any property to which the contravention of the Licence applies.
 - (4) If an order is served by registered mail, the service shall be deemed to have been made 5 days after mailing.
 - (5) Where service cannot be carried out in accordance with subsection 39. (3) the Licence Issuer or Inspector may place a placard containing the terms of the order in a conspicuous place on the property to which the contravention or Licence applies, and the placing of the placard shall be deemed to be sufficient service of the order on the Person or persons to whom the order is directed and in accordance with the Health Protection and Promotion Act, 1990, c.H.7 as applicable.
 - (6) Every Person who fails to comply with an order made under this section is guilty of an offence.
40. (1) Where a Person is ordered to correct a contravention of this By-law under subsection 39. (1), and fails to do so, the City may carry out any work required to correct the contravention.
- (2) The City may, at any reasonable time, enter onto the property to which the contravention or Licence applies in order to carry out any work under subsection 40. (1).
 - (3) The City may retain a contractor in order to carry out any work under subsection 40. (1).
 - (4) All expenses incurred by the City in carrying out any work contemplated by this section shall be considered a debt owed to the City by the Person who was ordered to correct the contravention and shall be paid to the City within 30 days of the billing date, and in the event of failure to pay the entire amount due within 30 days, the outstanding balance of the expenses owed may be added to the tax roll of the property to which the contravention or Licence applies and collect in the same manner as property taxes.

PART XIX – CONTRAVENTION AND PENALTIES

- 41. (1) Every Person who contravenes any provision of this By-law, including an Order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P.33* as amended (the "*Provincial Offences Act*") and section 430 of the *Municipal Act, 2001*.
- (2) In addition to subsection 41. (1) any Person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the fine provisions of the Act, to the following fines:

- (a) The minimum fine for an offence is \$500 and the maximum fine for an offence is \$10,000.
 - (b) In the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all daily fines for the offence is not limited to \$100,000.
 - (c) In the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000.
 - (d) In addition to the fine provision in subsection 41. (2) (a) to (c), if a Person is convicted of an offence under this By-law, any economic advantage or gain obtained by the Person from operating a business without a Licence may be considered an aggravating factor for sentencing purposes which may attract a special fine, which shall be equal to or greater than the economic advantage or gain obtain by the Person from operating the business without a Licence.
 - (e) The maximum amount for a special fine in subsection 41. (2)(d) may exceed \$100,000.
- (3) If a Person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order:
- (a) Prohibiting the continuation or repetition of the offence by the Person convicted; and
 - (b) Requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- (4) Where a Person fails to pay any part of a fine for a contravention of this By-law and the fine is due and payable under section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the City Treasurer, or the Treasurer's delegate may give the Person a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than 21 days after the date of the notice.
- (5) If any part of a fine or a contravention of this By-law remains unpaid after the final date specified in the notice provided under subsection 41. (4), the outstanding fine is deemed to be unpaid taxes pursuant to section 351 of the Act.

PART XX - FEES

42. The Licence Fees required under this By-law are set out in Appendix "A" attached to this By-law.

PART XXI – DISCRIMINATION

43. (1) No Person in carrying out a business licensed under this By-law, shall discriminate against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship,

creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

- (2) No Person, in carrying out a business licensed under this By-law, shall in respect to any person being guided or assisted by a service animal:
 - (a) Refuse to service the person,
 - (b) Refuse to permit the person to enter with the animal into or upon any place or premises to which the Licence relates; or
 - (c) Refuse to permit the person and such animal to remain in or upon such place or premises by reason only of the presence of such animal.

PART XXII – SCHEDULE AND APPENDICES

44. (1) All Schedules and Appendices attached to this By-law shall form part of this By-law.
- (2) In the event of a conflict between any of the general provisions of this By-law and any provisions set out in the Schedules attached to this By-law, the provisions of the Schedules shall prevail.
- (3) The Licence Fees and Expiry dates of Licenses issued under this By-law are set out in Appendix “A” to this By-law.
- (4) The form of proof of insurance as required by Section 37. (1) of this By-law is set out in Appendix “B” to this By-law.
- (5) The Threshold Policy is set out in Appendix “C” to this By-law.

PART XXIII – TRANSITIONAL PROVISIONS

45. (1) If a Licence or Licence renewal has been issued for a business under the City’s Licensing By-law No. 1-2002, as amended, and the applicable Schedule for that Licence has been repealed and replaced under this By-law, the provisions of Licensing By-law No. 1-2002 and the schedule in effect at the time of the Licence issuance or Licence renewal continues to apply for the term of that Licence or Licence renewal.
- (2) The Schedules under this By-law apply to all Licence renewals made after this By-law comes into effect, even if the Licence which is the subject of a renewal was issued under Licensing By-law No. 1-2002, as amended, are repealed.

PART XXIV – REPEAL AND EFFECTIVE DATE

46. (1) Schedules S-13, S-14 and S-26 to Licensing By-law No. 1-2002, as amended, are repealed.
- (2) Licensing By-law 1-2002, as amended, is repealed.
- (3) The Brampton Appeal Tribunal By-law 48-2008, as amended, is further amended by adding “and the Adult Entertainment Establishment By-law” to the definition of “licensee” found in section 1 of Schedule 1 attached to the by-law.


- (4) The Brampton Appeal Tribunal By-law 42-2008, as amended, is further amended by adding “and the Adult Entertainment Establishment By-law” at the end of subsection 7.(1) of the by-law.
- (5) The Brampton Appeal Tribunal By-law 42-2008, as amended, is further amended by adding “and the Adult Entertainment Establishment By-law” Immediately after the words “the Mobile Licensing By-law” found in sub-Section 28(4) in Schedule 1 attached to the by-law.
- (6) The Delegation of Authority By-law 191-2011, as amended, is further amended by adding the words “and the Adult Entertainment Establishment By-law 114-2017 ” immediately after the words “and Mobile Licensing By-law 67-2014, as amended, found in subsection 13.1(i) in Schedule 1 attached to the By-law.

47. This By-law comes into force on the date of its passing by Council.


ENACTED and PASSED this 7th day of June, 2017.

Approved as to
form.
2017/05/29
N. Kotecha

Approved as to
content.
2017/05/29
P. Fay



Linda Jeffrey, Mayor



Peter Fay, City Clerk

SCHEDULE 1

RELATING TO ADULT ENTERTAINMENT BUSINESSES

DEFINITIONS

1. In this Schedule:

- (1) "Entertainer" means someone who, in pursuance to a trade, business or occupation, provides Services Designed to Appeal to Erotic or Sexual Appetites or Inclinations at an Adult Entertainment Business;
- (2) "Operator" includes a person who, alone or with others, operates, manages, supervises, runs or directs the trade, calling, business or occupation carried on as an Adult Entertainment Business;
- (3) "Owner" means a person who alone or with others, fits in any one or more of the following categories:
 - i. is the owner of the Adult Entertainment business
 - ii. has control of Adult Entertainment the business
 - iii. directs the operation of the Adult Entertainment business.
- (4) "Permitted Area" means that area of the City that is zoned for industrial or commercial use and where the use of land as an Adult Entertainment Business has not been specifically prohibited;
- (5) "Services" includes, performances, dances, exhibitions and viewings;
- (6) "Services Designed to Appeal to Erotic or Sexual Appetites or Inclinations" means:
 - Services of which a principal feature or characteristic is the nudity or partial nudity of any person; and
 - Services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or picture, symbol or representation having like meaning or implication, is used in any advertisement;
- (7) "To Provide" when used in relation to Services, includes to furnish, perform, solicit or give such services and "providing" and "provision" have corresponding meanings.

LICENSING REQUIREMENTS OF OWNERS

2. No Person shall operate an Adult Entertainment Business unless licensed under this By-law.
3. (1) No Licence will be issued or renewed under this By-law unless:
 - (a) The Adult Entertainment Business 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; and
 - (b) The Owner is a holder of a Licence under the Liquor Licence Act, R.S.O. 1990, c. L.22, as amended;

- (2) The provisions of subsection 3. (1) (a) shall not apply so as to prevent the renewal of a Licence when, subsequent to the valid issuance of a Licence under this By-law, a dwelling unit has been located or a residential zone created within 500 metres of the Adult Entertainment Business for which the Licence was granted.
4. In addition to the General Licensing Provisions contained in this By-law, every Applicant for a new Adult Entertainment Business Owner's Licence and at the discretion of the Licence Issuer, for the renewal of a Licence shall submit:
 - (1) A Criminal Record Search dated within 30 days of the Application or Licence renewal, conducted by the Police Services in which the Applicant resides or from an approved provider of criminal record checks in Canada for the Owner where the Owner is an individual; for each partner where the Owner is a partnership, and for each director of the corporation where the Owner is a corporation and for each Operator;
 - (2) A floor plan of the Adult Entertainment Business in a fashion acceptable to the Licence Issuer, which clearly depicts where the Main Stage is in relation to all patron seating areas in the Adult Entertainment Business;
 - (3) Proof of property ownership satisfactory to the Licence Issuer and if not the registered owner of the property, shall submit a copy of the lease and any other document affecting the legal relationship between the Applicant and registered owner of the real property;
 - (4) For the purposes of sub section (4), "registered owner" means the owner as registered pursuant to the *Land Titles Act*, R.S.O. 1990, CHAPTER I.5 OR or the *Registry Act*, R.S.O. 1990, CHAPTER r.20 as the case may be;
 - (5) A separate Owner's Licence shall be taken out in respect of each Adult Entertainment Business.
 5. Where an Owner does not personally operate the Adult Entertainment Business, every Person operating such Adult Entertainment Business shall obtain a Licence to do so, but nothing herein relieves such an Owner from the requirement that he or she obtain a Licence as Owner of such Adult Entertainment Business.
 6. An Owner or Operator may, subject to the provisions of this By-law, if his or her Licence as an owner or Operator is so endorsed by the Licence Issuer, perform the Services of an Entertainer in the Adult Entertainment Business of which he or she is the Owner or Operator, and an Owner who operates his or her own Adult Entertainment Business shall notify the Licence Issuer of this fact at the time he or she obtains his or her Licence, and his or her Licence may be endorsed accordingly upon payment of the appropriate Licence fee, and he or she shall notify the Licence Issuer and have the said endorsement amended before engaging any Operator to operate his or her Adult Entertainment Business.

LICENSING REQUIREMENTS OF OPERATORS

7. In addition to the general licensing provisions contained in this is By-law, every Applicant for a new Adult Entertainment Business Operator's Licence shall attend the Licence Issuer's Office in person and shall submit:
 - (1) A completed Application accompanied by the appropriate fee;
 - (2) A Criminal Record Search dated within 30 days of the Application or Licence renewal conducted by the Police Services where the Applicant resides or from an approved provider of criminal record checks in Canada;

- (3) Proof of status of Canadian Citizenship, immigration status or other valid work authorization;
 - (4) Each Operator shall, if performing as an Entertainer, be licensed as an Entertainer pursuant to the provisions of this By-law;
 - (5) No person under the age of 18 may be or act as an Operator of an Adult Entertainment Business or provide any services in an Adult Entertainment Business;
8. For greater certainty, a separate Operator's Licence is not required for each Adult Entertainment Business in which an Operator provides services.

LICENSING REQUIREMENTS OF ENTERTAINERS

9. Every Owner and/or Operator shall require an Entertainer to be licensed prior to performing in the Adult Entertainment Business.
10. Every Applicant for an Entertainer's Licence shall attend the Licence Issuer's Office in person and shall file:
 - (1) A completed Application accompanied by the appropriate fee;
 - (2) A Criminal Record Search dated within 30 days of the Application or renewal, conducted by the Police Services in whose jurisdiction the Applicant resides or from an approved provider of criminal record checks in Canada;
 - (3) A copy of the photograph taken by the Licensing Staff;
 - (4) Proof of status of Canadian citizenship, immigration status or other valid work authorization;
 - (5) Proof of age in the form of at least 2 of the following valid original documents, one of which must contain a photo: birth certificate, Provincial Driver's Licence, current passport and permanent residency card;
 - (6) Where an Entertainer applies for a renewal of a Licence, no proof of age is required.
11. For greater certainty, a separate Entertainer's Licence is not required for each Adult Entertainment Business in which the Entertainer provides services.

REGULATIONS CONCERNING OWNERS AND OPERATORS

12. No Owner or Operator of an Adult Entertainment Business shall:
 - (1) Permit any person other than a licensed Operator to operate such Adult Entertainment Business;
 - (2) Permit the provision of Services upon or at his or her Adult Entertainment Business by any person other than a licensed Entertainer or other person licensed or authorized by or under this By-law so to do;
 - (3) Permit any person other than an employee of such Owner or Operator or a person with whom the Owner or Operator has contracted to operate his or her Adult Entertainment Business or To Provide Services in his or her Adult Entertainment Business;

- (4) Construct or equip, or permit the construction or equipping of the Premises containing an Adult Entertainment Business in such a manner as to hinder or prevent the enforcement of this By-law;
- (5) Permit any individual under the age of 18 years to enter or remain in the Adult Entertainment Business;
- (6) Employ or otherwise use the services of individuals under the age of 18 years.
- (7) Permit any person to loiter, create a disturbance or cause undue noise while on the licensed premises;
- (8) Advertise or cause to be advertised an Adult Entertainment Business in any way or by any means, or publish anything, erect, post or maintain any sign, notice or any other publication or device relating to or drawing attention to an Adult Entertainment Business except as specifically permitted by this By-law;
- (9) Advertise an Adult Entertainment Business unless the sign:
 - i. Is erected only on the property where the Adult Entertainment Business is located;
 - ii. Contains only readable text which shall be free from any words or slang referring to any part of the human body or the word nude, naked, topless, bottomless, sexy or any other word or picture, symbol or representation having like meaning or implication, has no animation, flashing lights or is designed to revolve on an axis;
 - iii. 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;
 - iv. Is in compliance with the City's Sign By-law as amended.
- (10) Make or cause to be made a Main Stage or make or cause to be made any alterations to the composition, design or location of the Main Stage for the Adult Entertainment Business, without first receiving approval from the Licence Issuer for such renovations.

RECORDS

13. Every Owner who operates his or her Adult Entertainment Business and every Operator shall keep proper records and books of account of all business transacted in, by or in respect of the business operated by him or her, which books shall give the amount of gross receipts for all Services provided in the said Adult Entertainment Business, including all receipts for admission fees and other charges and receipts in respect of entry to or Services provided; the name and licence number of every Entertainer providing Services, including the date of commencement and the date of termination of such Services in respect of such Adult Entertainment Business;
14. Every Owner to whom this section applies and every Operator shall keep such books and records as are required by this section for at least 1 year after the information required by this section is entered therein.

REGULATIONS FOR OPERATION OF ADULT ENTERTAINMENT BUSINESSES

15. Every Owner who operates and Adult Entertainment Business and every Operator of an Adult Entertainment Business shall comply with and ensure compliance with the following:
- (1) The Premises shall be provided with adequate light and ventilation;
 - (2) The Premises and all fixtures and equipment, including all surfaces in contact with skin or body fluids, shall be frequently cleaned with a cleaning agent that disinfects but does not damage skin;
 - (3) Containers shall be provided for proper disposal of sharp objects;
 - (4) The Premises shall be equipped with an effective utility sink;
 - (5) Adequate toilet and washroom accommodation shall be provided and there shall be separate such rooms for males and females;
 - (6) Washrooms will be equipped with:
 - An adequate supply of toilet paper
 - An adequate supply of hot water
 - An adequate supply of liquid soap in a suitable container or dispenser;
 - Hot air dryers or individual clean towels for the use of each person using the washroom facilities
 - A suitable receptacle for used towels and waste materials;
 - (7) The water serving all bathtubs, showers, if any, and hand basins used by patrons shall not have a temperature exceeding 49 degrees Celsius and shall be controlled by a device that regulates the temperature, and patrons shall not have access to this device;
 - (8) A total volume of air change of 10 times per hour shall be provided for all tub, shower or bath rooms;
 - (9) In all shower-bath rooms, if any, and in all sauna-bath rooms, if any:
 - A grab-bar or other convenient support shall be provided unless the walls of the tub or bath enclosure are 0.61 metres in height or higher;
 - The floors shall be disinfected at least once a week or more frequently as required to ensure cleanliness;
 - All surfaces and attached accessories of the bath or shower enclosure must be self-draining;
 - All showers must have removable, cleanable drain covers; and
 - Floor surfaces both within and outside the enclosure shall be of a nonslip type.
 - (10) Common foot baths shall not be provided on the premises;
 - (11) Duck-boards or cocoa matting shall not be used in the shower, bath, sauna or steam room and only liquid or powered soap shall be used in such rooms;
 - (12) Storage facilities shall be provided that lock to secure the personal items of each Entertainer;
 - (13) Refrigerator space and microwave shall be provided for Entertainers to prepare and eat snacks and lunch while working;

- (14) A first-aid kit equipped in accordance with the *Workplace Safety and Insurance Act* 1997, S.O 1997. c.16, shall be provided and maintained at all times;
 - (15) Patrons who harass, threaten or assault Entertainers shall be promptly evicted;
 - (16) Panic buttons shall be Installed in judicious locations, and monitored regularly;
 - (17) Physically isolated areas of the Premises shall be minimized;
 - (18) No Premises or part thereof used as an Adult Entertainment Business shall be used as a dwelling or for sleeping purposes.
 - (19) During the hours of business of the Adult Entertainment Business, or at any time when an Entertainer is in attendance at the Adult Entertainment Business, the Owner, Operator or Owner/Operator shall ensure that the door or doors or other principal means of access into the Adult Entertainment Business by the public are kept unlocked so that anyone may enter or exit the Adult Entertainment Business without hindrance or delay.
16. Every Entertainer shall label all personal items; refrain from sharing such items as razors and cosmetics; dispose of sharps, personal waste or garbage in designated containers; remain sober while working; work with other staff such as bouncers, to handle unruly patrons.
17. No Owner or Operator shall permit any Services to be given, performed, provided or received in any Adult Entertainment Business in breach of any of the regulations contained in this By-law.

LIST OF SERVICES AND FEES

18. Every Operator of an Adult Entertainment Business and every Owner who operates his or her own Adult Entertainment Business shall file with the Licence Issuer, a copy of a list of all Services provided at the said Adult Entertainment Business and a copy of the respective fees charged for services, including admission fees and any other payment charged in respect of entry to the Adult Entertainment Business and, if any charge is based on a computation of time, the hourly rate shall be shown on such lists.
19. No Operator, Owner or Entertainer shall charge, demand, ask for or require, or permit to be charged, demanded, asked for or required for any Services provided at an Adult Entertainment Business other than that set out in a list filed with the Licence Issuer or amendments thereto also filed with the Licence Issuer.
20. No Operator, Owner or Entertainer shall provide Services at or in respect of an Adult Entertainment Business other than those permitted by endorsements by the Licence Issuer on the Licence of the Owner as filed with the Licence Issuer or amendments thereto also as filed with the Licence Issuer.
21. Every Owner and Operator shall post a copy of the list of Services and fees referred to in this section in a conspicuous place in the interior of the Adult Entertainment Business owned or operated by him or her, plainly visible to any person upon entering the said Premises.

DRUGS AND ALCOHOL

22. 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 Business operated by him or her.
23. No Owner, Operator or Entertainer shall take, consume or have alcohol or a drug in his or her possession in an Adult Entertainment Business, nor shall the use of alcohol or a drug by him or her be apparent while he or she is in an Adult Entertainment Business.
24. For the purposes of this section, the word "drug" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.

APPEARANCE AND BEHAVIOUR OF OWNERS, OPERATORS AND ENTERTAINERS

25. Every owner, Operator and Entertainer shall, while engaged in his or her respective trade, business or occupation in an Adult Entertainment Business, be neat and clean in his or her person and civil and well behaved to members of the public with whom he or she is dealing.

USE OF CAMERAS OR OTHER PHOTOGRAPHIC OR RECORDING DEVICES

26. No 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 Business by any person other than the Police, By-law Enforcement Officer and Medical Officer of Health, with the exception of a camera at the entrance of the area for security purposes only.
27. No Owner or Operator licensed under this By-law shall:
 - (1) Permit any Entertainer to touch, sit or rest on, or make any physical contact with the breasts, buttocks, genital or pubic areas of any other person;
 - (2) Permit any employee or patron to touch, sit or rest on, or make any physical contact with the breasts, buttocks, genital or pubic areas of any Entertainer;
 - (3) Permit any Entertainer to perform any Services in a location which is not clearly visible from the Main Stage and from a patron seating area for that particular floor of the Adult Entertainment Business, and which location is without obstruction by any person or anything, including but not limited to walls, curtains, glass, enclosures, structures, fog or inadequate lighting;
28. No Entertainer shall:
 - (1) Permit any person to touch or make any physical contact with their breasts, buttocks, genital or pubic areas;
 - (2) Touch, sit or rest on, or make any physical contact with the breasts, buttocks, genital or pubic areas of any other person; or
 - (3) Perform any Services in a location which is not clearly visible from the Main Stage and from a patron seating area for that particular floor of the Adult Entertainment Business and which location is without obstruction by any person or anything, including but not limited to walls, curtains, glass, enclosures, structures, fog or inadequate lighting.

CHANGE OF ADDRESS OF OWNER, OPERATOR OR ENTERTAINER

29. Every Owner, Operator or Entertainer who changes his or her address shall, within 2 days after such change, attend at the office of the Licence Issuer and notify the Licence Issuer of such change of address and produce his or her Licence for the change to be entered thereon.

NOTICES TO BE POSTED

30. Every Owner or Operator shall post notices in a conspicuous location in all Entertainers' dressing or locker rooms and at all public entrances and exits in a format approved by the Licence Issuer that includes contact information for the following:

- (1) Municipal Licence Issuer;
- (2) Municipal Enforcement – Complaints and Information;
- (3) Peel Regional Police Services (Non-emergency line), and
- (4) Ontario Ministry of Labour, Health and Safety Centre.

PROVISION OF SECURITY PERSONNEL

31. Every Owner of an Adult Entertainment Business shall ensure that:

- (1) All security personnel are licensed under the *Private Security and Investigative Services Act 2005*, S.O 2005, c. 34 in the Province of Ontario;
- (2) All security personnel wear identification or clothing by which they can readily be identified as security personnel while on duty.

SCHEDULE 2

RELATING TO BODY-RUB BUSINESSES

DEFINITIONS

1. In this Schedule:

- (1) "Attendant" means any person who performs, offers, and solicits a Body-rub for gain or reward;
- (2) "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 to do so under the laws of the Province of Ontario;
- (3) "Body-rub Business" is included in the definition of "Adult Entertainment Parlour" in the Municipal Act, 2001, and 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;
- (4) "Operator" means a proprietor, or any other Person who alone or with others, operates, manages, supervises, runs or controls a Body-rub Business;
- (5) "Owner" includes a person who, alone or with others, owns or controls the trade, calling, business or occupation carried on at a Body-rub Business or who directs the activities of an Operator and "Owner" includes a person who is the tenant or licensee in respect of the premises which are utilized as a Body-rub Business.
- (6) "Public Spa" means a hydro-massage pool, containing an artificial body of water that is intended primarily for therapeutic or recreational use, that is not drained, cleaned or refilled before use by each individual and that utilizes hydrojet circulation, air induction bubbles, current flow or a combination of them over the majority of the pool area, as defined in Ontario Regulation 428/05 under the *Health Protection and Promotion Act*, 1990, c.H.7.

LICENSING REQUIREMENTS OF OWNERS

2. In addition to the general licensing provisions contained in this By-law, every Applicant for a new Body-rub Business Owner's or Operator's Licence shall attend the Licence Issuer's Office in person and shall submit:
 - (1) A Criminal Record Search dated within 30 days of the Application or Licence renewal, conducted by the Police Services where the Applicant resides or from an approved provider of criminal record checks in Canada, for the Owner where the Owner is an individual; for each partner where the Owner is a partnership, and for each director of the corporation where the Owner is a corporation;
 - (2) Proof of property ownership satisfactory to the Licence Issuer and if not the registered owner of the property, shall submit a copy of his/her lease and any other document affecting the legal relationship between the Applicant and the registered owner of the real property;

- (3) For the purposes of subsection (4), "registered owner" means the owner as registered pursuant to the *Land Titles Act*, R.S.O. 1990, CHAPTER L.5 or the *Registry Act*, R.S.O. 1990, CHAPTER R. 20 as the case may be;
- (4) Each Owner shall, if performing a Body-rub, be licensed as an Attendant pursuant to the provisions of this By-law;
- (5) A Separate Owner's Licence shall be taken out in respect of each Body-rub Business.
- (6) No person under the age of 18 may be or act as an Owner of a Body-rub Business or provide any services in a Body-rub Business.
- (7) Where an Owner does not personally operate the Body-rub Business, every Person operating such Body-rub Business shall obtain a Licence to do so, but nothing herein relieves the Owner from the requirement that he or she obtain a Licence as owner of said Body-rub Business.

LICENSING REQUIREMENTS OF OPERATORS

3. In addition to the general licensing provisions contained in this By-law, every Applicant for a new Body-rub Business Operator's Licence shall attend the Licence Issuer's Office in person and shall submit:
 - (1) A completed Application accompanied by the appropriate fee;
 - (2) A Criminal Record Search dated within 30 days of the Application or Licence renewal, conducted by the Police Services where the Applicant resides or from an approved provider of criminal record checks in Canada for Each Operator;
 - (3) Proof of status of Canadian Citizenship, immigration status or other valid work authorization;
 - (4) Each Operator shall, if performing a body-rub, be licensed as an Attendant pursuant to the provisions of this By-law;
 - (5) No person under the age of 18 may be or act as an Operator of a Body-rub Business or provide any services in a Body-rub Business.
4. For greater certainty, a separate Operator's Licence is not required for each Body-rub Business in which the Operator works.

LICENSING REQUIREMENTS OF ATTENDANTS

5. Every Applicant for a Body-rub Attendant's Licence shall attend the Licence issuer's Office in person and shall provide:
 - (1) A completed Application accompanied by the appropriate fee;
 - (2) A Criminal Record Search dated within 30 days of the Application or Licence renewal conducted by the Police Services where the Applicant resides or from an approved provider of criminal record checks in Canada;
 - (3) A photograph taken by the Licensing staff;
 - (4) Proof of status of Canadian Citizenship, immigration status or other valid work authorization;

- (5) Proof age in the form of at least 2 of the following valid original documents, one of which must contain a photo: birth certificate, Provincial Driver's Licence, current passport and permanent residency card.
 - (6) Where an Attendant applies for renewal of a Licence, no proof of age is required.
6. An Attendant shall not:
- (1) Provide Body-rubs at a Premises that is not licensed as a Body-rub Business under this By-law;
 - (2) Provide any Services in the Body-rub Business unless the licensed Owner or Operator is in attendance;
 - (3) Hold, receive or handle any cash or currency used or received in connection with the Body-rub Business or hold any customer's money or belongings, and every Owner or Operator shall, during business hours, provide a person for such purposes, which person shall not during the period in which he or she is employed, provide any Body-rubs.
7. Every Attendant shall carry his or her Licence at all times while working as an Attendant.
8. For greater certainty, a separate Attendant's Licence is not required for each Body-rub Business in which an Attendant provides services.

REGULATIONS CONCERNING OWNERS AND OPERATORS

9. Every Owner and Operator shall:
- (1) Ensure that there is posted in a prominent location at the entrance to the Body-rub Business, a sign indicating that no person under the age of 18 years may enter or remain in the Body-rub Business;
 - (2) Ensure that no Body-rubs are provided at the Body-rub Business other than in accordance with the requirements of this By-law;
 - (3) Ensure that only the Services of a licensed Attendant are used;
 - (4) Ensure there is in attendance at the premises of a licensed Body-rub Business at all times, an Owner or Operator who does not provide Body-rubs;
 - (5) Enter into a written contract for Services between every Operator and every Attendant at a Body-rub Business and such contracts shall be made available to the Licence Issuer, Inspector or Police, upon request for inspection at any time during business hours of the Body-rub Business and during all times when Body-rubs are provided, and shall be retained by the Owner or Operator for a period of 6 months after the termination or completion of such contracts;
 - (6) Ensure that every Body-rub or other Service performed in a Body-rub Business shall be given 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 the 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;

- (7) Ensure that each door to every room or cubicle where Body-rubs are or may be provided, has a window that is a minimum 4 cm by 4 cm at a height of 1.5 metres in the middle of the door and remains unobstructed at all times.

10. An Owner or Operator shall not:

- (1) Permit any individual under the age of 18 years to enter or remain in the Body-rub Business or any part thereof;
- (2) Employ or otherwise use the Services of individuals under the age of 18 years.

SERVICES PROVIDED

11. Every Owner or Operator of a Body-rub Business shall:

- (1) File with the Licence Issuer, a copy of a list of all Services offered, performed or solicited in, upon or at the said Body-rub Business and of the respective fees charged for such Services and, if such charges are based on a computation of time, the hourly rate shall be shown on such list;
- (2) Not charge, demand, 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 a Body-rub Business, any amount other than that set out in a list filed with the Licence issuer, or amendments thereto, also filed with the Licence issuer;
- (3) Not allow any person licensed as an Attendant to offer, perform or solicit a Body-rub in, upon, at or in respect of a Body-rub Business, or perform any Services thereon, other than Body-rubs and other Services permitted by endorsement by the Licence Issuer on the Licence of the Owner of the Body-rub Business, all as described on a list filed with the Licence Issuer or amendments thereto also filed with the Licence Issuer;
- (4) Post a copy of the list of Services and fees referred to in this section in a conspicuous place in the interior of the Body-rub Business owned or operated by him or her, plainly visible to any person upon entering the said Premises;
- (5) Provide in respect of the Body-rub Business, a Service by which any customer may deposit his or her valuables or other property for safekeeping and any customer who presents his or her property for safekeeping shall be given a receipt specifying the nature of the property so entrusted;
- (6) Take due care of all property delivered or entrusted to him or her for safekeeping and return it to its owner upon demand; and
- (7) Ensure that every Attendant immediately upon the termination of the Services of performing a Body-rub shall carefully search the Body-rub Business for any property lost or left therein, and all property or money left in the Body-rub Business shall be forthwith delivered over to the person owning same, or if the owner cannot at once be found, then to the nearest police station with all information in his or her possession regarding same.

RECORDS

12. Every Owner or Operator of a Body-rub Business shall:

- (1) Keep proper records and books of account of all business transacted in, by or in respect of the Body-rub Business, which books shall give the amount of gross receipts for all Services performed or provided in the said Body-rub Business; the name and licence number of every Body-rub Attendant or other person performing the Services of the said Body-rub Business, including the date of commencement and the date of termination of such Services.
- (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 1 year after the information required by that subsection is entered therein.
- (3) Upon payment, the customer shall be given a written receipt for the full amount paid;
- (4) Ensure that the receipt required by subsection (3) above, be provided to every customer of the Body-rub Business operated by him or her and shall retain and keep a copy of each such bill and receipt for at least 1 year after the Services referred to therein are performed.

REGULATIONS FOR OPERATION OF BODY-RUB BUSINESSES

13. Every Owner who operates his or her own Body-rub Business and every Operator of a Body-rub Business shall, in the operation of the Body-rub Business, comply with, and ensure compliance with the following regulations:

- (1) The premises shall be provided with adequate lights and ventilation;
- (2) The premises and the fixtures and equipment therein shall be regularly washed and be kept in a sanitary condition;
- (3) The premises shall be equipped with an effective utility sink;
- (4) Adequate toilet and washroom accommodation shall be provided, and there shall be separate such rooms for males and females and no Body-rubs or other services may be provided in any washroom or in any room containing a toilet;
- (5) Washrooms shall be equipped with:
 - An adequate supply of toilet paper;
 - An adequate supply of hot and cold water;
 - An adequate supply of liquid soap in a suitable container or dispenser;
 - Hot air dryers or individual clean towels for the use of each person using the washing facilities;
 - A suitable receptacle for towels and waste materials.
- (6) Adequate shower-bath rooms shall be provided and in all sauna-bath rooms, if any:
 - (a) The floors shall be disinfected at least once a week or as frequently as required to ensure cleanliness, with a disinfecting solution approved by the Medical officer of Health;
 - (b) All surfaces and attached accessories of the bath or shower enclosure must be self-draining;

- (c) All showers must have removable, cleanable drain covers; and
 - (d) Floor surfaces both within and without the enclosures shall be of a non-slip type.
- (7) If bath tubs or whirlpool baths are provided on the premises, they must be drained, cleaned and refilled after each use and the following regulations shall apply:
- (a) A grab-bar or other convenient support shall be provided unless the walls of the tub or whirlpool bath enclosure are 0.61 metre in height or higher;
 - (b) The bottom of the tub or whirlpool bath enclosure shall be of a non-slip type; and
 - (c) The water serving all bathtubs, showers and hand basins used by patrons shall not have a temperature exceeding 40 degrees Celsius and shall be controlled by a device that regulates the temperature, and patrons shall not have access to this device.
 - (d) A total volume of air change of 10 times per hour shall be provided for all tub, shower or bath rooms.
- (8) Common foot baths shall not be provided on the premises;
- (9) Duck-boards or cocoa matting shall not be used in the shower, bath or steam room/sauna and only liquid or powdered soap shall be used in such rooms;
- (10) A notice shall be posted advising all patrons that a cleansing shower or bath must be taken by every person immediately prior to any Body-rub being performed on such person;
- (11) Every person, immediately after taking a shower/bath shall be provided with a fresh, clean, single use and disposable pair of slippers.
- (12) Every table, mat or other surface upon which persons lie or sit while being given or provided with a Body-rub thereon, shall be covered with a fresh, clean, individual paper or cloth sheet;
- (13) Every cloth 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;
- (14) All massage or Body-rub appliances and any other article or device applied to a customer's body for or in connection with Body-rubs, shall be cleansed and disinfected after each individual use with a disinfecting solution satisfactory to the Medical Officer of Health, and no such appliance, article or device shall be used or available for use in a Body-rub Business unless it is so constructed as to be readily capable of being so cleansed or disinfected.
- (15) A first aid kit shall be provided and maintained at all times equipped in accordance with *the Workplace Safety and Insurance Act 1997*, SO 1997, c.16.
14. Public Spas must be in compliance within Ontario Regulation 428/05 under the *Health protection and Promotion Act, 1990*.

15. An Owner and/or Operator and/or Attendant shall not:

- (1) Perform or permit to be performed a Body-rub in any Body-rub Business by or upon any person whom he or she has reasonable cause to suspect has been exposed to or is suffering from any communicable disease, including any communicable skin disease;
- (2) Permit persons whom he or she has reasonable cause to suspect have been exposed to communicable diseases and persons who are suffering from such diseases to enter into the Body-rub Business operated by him or her;
- (3) Permit any person, except a person holding a valid Attendant's Licence to perform any Body-rubs at a Body-rub Business;
- (4) Use or permit any person to use a camera or other photographic or other electronic recording device, except where the use of the camera or other device is used by a public authority for the enforcement of the law or where the camera is located at the main entrance to the Body-rub Business and is used for security purposes only;
- (5) Permit any person to loiter, create a disturbance or cause undue noise while on the licensed premises;
- (6) Install or use any type of warning device or signaling system to alert staff or customers that the Licence Issuer, Inspector, By-law Enforcement Officer or Police are in attendance;
- (7) Construct or equip the premises of the Body-rub Business so as to hinder or prevent the enforcement of the By-law;
- (8) Advertise or cause or permit to be advertised a Body-rub Business in any way or by any means, or publish anything, erect, post or maintain any sign, notice or any other publication or device relating to or drawing attention to the Body-rub Business, except as specifically permitted under this By-law;
- (9) Offer or allow a Service designed to Appeal to Erotic or Sexual Appetites or Inclinations;
- (10) Permit any food or beverage to be prepared or consumed in the rooms, cubicles where Body-rubs are performed but shall be prepared or consumed in a room used exclusively for that purpose.

SIGNS AND ADVERTISING

16. A Person shall not advertise a Body-rub Business by way of a sign unless the sign:

- (1) Is erected on the property where the Body-rub Business is located;
- (2) Contains only readable text which shall be free from any words or slang referring to any part of the human body or the word nude, naked, topless, bottomless, sexy or any other word or picture, symbol or representation having like meaning or implication; has no animation, flashing lights or is designed to revolve on an axis;
- (3) 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;

- (4) Is in compliance with the City's Sign By-law as amended.

ALCOHOL AND DRUGS

17. An Owner, Operator, Attendant or other person shall not:

- (1) Provide a Body-rub or any other Service or Services in a Body-rub Business to a person who is or who appears to be intoxicated by alcohol or a drug or to any person whose appearance or condition provides reasonable cause to believe that the provision of such services to such person may cause illness or injury to him or her;
- (2) Permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any Body-rub Business operated by him or her;
- (3) Take, consume or have alcohol or a drug in his or her possession in a Body-rub Business, nor shall the use of alcohol or a drug by him or her be apparent while he or she is in a Body-rub Business;
- (4) For the purposes of this section, the word "drug" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.

APPEARANCE AND BEHAVIOUR OF OWNERS, OPERATORS AND ATTENDANTS

18. Every Owner, Operator and Attendant shall, while engaged in his or her respective trade, business or occupation in a Body-rub Business, shall be neat and clean in his or her person and civil and well behaved to members of the public with whom he or she is dealing.

CHANGE OF ADDRESS OF OWNER, OPERATOR OR ATTENDANT

19. Every Owner, Operator or Attendant who changes his or her address shall, within 2 days after such change, attend at the office of the Licence Issuer and notify the Licence Issuer of such change of address and produce his or her Licence for the change to be entered thereon.

INSPECTIONS

20. Upon request made by the Licence Issuer, Inspector, or Police:

- (1) Every Owner, Operator, Attendant or employee of an Owner or Operator, shall provide his/her name and residential address;
- (2) Every Owner, Operator, agent or employee of an Owner or Operator shall produce the Owner's Licence;
- (3) Every Attendant shall produce his or her Licence.

21. The Licence Issuer, Inspector or Police, may enter and inspect all areas of a Body-rub Business at any time of the night or day for the purpose of carrying out the enforcement of this By-law.

LOCATION OF BODY-RUB BUSINESSES

22. No Licence will be issued or renewed under this By-law unless the Body-rub Business is located in a permitted area of the City and is not located closer than

500 metres on a continuous path over the shortest distance from a dwelling unit or a residential zone.

23. A maximum of 8 Body-rub Businesses shall be licensed by the City.

24. Despite section 22 and 23, any Body-rub Business which had a current, valid Licence on June 2, 2003, will be permitted and such Licence will continue to be renewed if in compliance with all other applicable laws.

SCHEDULE 3

RELATING TO ADULT MERCHANDISE BUSINESSES

1. In this Schedule:

- (1) "Adult Merchandise Store" means any Premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods Designed to Appeal to Erotic or Sexual Appetites or Inclinations;
- (2) "Adult Video" means any Video, Digital Video Disc (DVD) or other electronic format, and films, the container 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 distinguished or characterized by the portrayal of one or more persons involved or engaged in specified sexual activities or by an emphasis on the display of specified human body areas; "Adult Video" also includes, in the absence of evidence to the contrary, a video classified by the Ontario Film Review Board as "restricted" and required to be characterized with the added information piece "adult sex film".
- (3) "Class 'A' Adult Merchandise Store" means an Adult Merchandise Store in which the principal business carried on is the provision of Adult Merchandise;
- (4) "Class 'B' Adult Merchandise Store" means an Adult Merchandise Store in which the portion of the floor area devoted to the display of adult merchandise to the public is less than 10% of the total area devoted to the display of all merchandise within the business premises;
- (5) "Merchandise" includes, but is not limited to: magazines, books, pictures, slides, films, videos or Adult Videos or other electronic format, phonograph records, pre-recorded magnetic tapes, compact discs, digital video discs, novelties, devices or tools, the container or contents of which are designed or held out as Designed to Appeal to Erotic or Sexual Appetites or Inclinations, through the pictorial, photographic or other graphic depiction, or display of contents, of subject matter distinguished or characterized by the portrayal of one or more persons involved or engaging in specified sexual activities or by an emphasis on the display of specified human body areas.

LICENSING REQUIREMENTS

2. No Person shall operate an Adult Merchandise Store unless it is licensed under this By-law.
3. No Licence for a Class 'A' Adult Merchandise Store, will be issued or renewed under this By-law unless the Adult Merchandise 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. At the time of enactment of this By-law, the provisions of Section 3 do not apply to a Person who was carrying on the business of an Adult Merchandise Store on or before 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 By-law, a dwelling unit has been located or a residential zone created within 500 metres of the Adult Merchandise Store for which the Licence was granted.

6. In addition to the General Licensing provisions contained in this By-law, every Applicant for a new Adult Merchandise Store and at the discretion of the Licence Issuer, for the renewal of a Licence shall submit a Criminal Record Search dated within 30 days of the Application, conducted Police Services in which the Applicant resides or from an approved provider of criminal record checks in Canada, for the Owner where the Owner is an individual; for each partner where the Owner is a partnership, and for each director of the corporation where the Owner is a corporation.

GENERAL REQUIREMENTS

7. Every Person who provides Adult Merchandise in a Class 'A' or 'B' Adult Merchandise Store shall:
 - (a) Ensure that no Adult Merchandise shall be displayed in such a manner so as to be visible from outside the store;
 - (b) Maintain on the premises, available for inspection by the Licence Issuer, Police or By-law Enforcement Officer, a current list of all Adult Merchandise, including Books and Videos;
 - (c) Ensure that any person working in the Adult Merchandise Section/Store is of the age of 18 years or older;
 - (d) Keep the premises in a clean and sanitary condition.

SIGNS

8. No Person shall advertise an Adult Merchandise Store by way of a sign unless the sign:
 - (a) Is erected only on the property where the Adult Merchandise is being sold;
 - (b) Contains only readable text which shall be free from any words or slang referring to any part of the human body or the word nude, naked, topless, bottomless, sexy or any other word or picture, symbol or representation having like meaning or implication, has no animation, flashing lights or is designed to revolve on an axis;
 - (c) 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;
 - (d) Is in compliance with the City's Sign By-law.

CLASS 'A'

9. Every Person who provides Merchandise in a Class 'A' Adult Merchandise Store shall:
 - (a) Ensure that no person under the age of 18 years is permitted to enter the premises;
 - (b) Post and keep posted at every entrance to the premises, and in a prominent location inside such a 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 18 is permitted to enter the store or remain in such store or part thereof;

- (c) Ensure the exterior signs and advertisements relating to the Adult Merchandise Store and to the provision of Adult Videos shall be restricted to the words "Adult Merchandise" and "Adult Videos" and shall not include pictorial representation of specified body parts or specified sexual activities;
- (d) Ensure that the floor space on which Merchandise is provided shall have no area enclosed or partitioned by any wall extending from the floor to a height in excess of 1.8 metres from the floor. Any such room or space shall be open at all times to all persons attending the Adult Merchandise Store during its business hours.

CLASS 'B'

10. Every Person who provides Merchandise in a Class 'B' Adult Merchandise Store shall ensure that no person under the age of 18 years is permitted within one metre of any Merchandise area in accordance with this By-law.
11. Every Person who provides Merchandise in a Class 'B' Adult Merchandise Store shall not permit any Merchandise to be displayed at a height of less than 1.5 metres above floor level, unless such Merchandise is in a part of the premises where the public is not permitted physical access and which is not visible to the public.
12. Every Person who provides Merchandise in a Class 'B' Adult Merchandise Store shall ensure that:
 - (a) No adult magazine, adult book, Adult Video, Adult Video container or any other printed material or visual image which reveals a specified body area or a specified sexual activity, or any other Merchandise referred to in section 1(5) is displayed outside of the designated adult area;
 - (b) No adult magazine, adult book, Adult Video, Adult Video container or any other printed material or visual image which reveals a specified body area or a specified sexual activity, or any other merchandise referred to in section 1(5) is displayed in such a way that it may be viewed from outside the designated adult area.
13. A business in which less than 10% of magazines displayed, that fall within the definition of Adult Merchandise, is not required to be licensed under this By-law.

APPENDIX A
ADULT ENTERTAINMENT ESTABLISHMENTS
RELATING TO LICENCE FEES

TYPE OF LICENCE	FEE	EXPIRY DATE
Adult Entertainment Business	\$4,400.00	April 30
Adult Entertainment Operator	\$ 275.00	April 30
Entertainer	\$ 305.00	April 30
Adult Merchandise Business		
Class A	\$ 660.00	April 30
Class B	\$ 210.00	April 30
Body-rub Business	\$4,400.00	April 30
Body-rub Business Operator	\$ 275.00	April 30
Body-rub Attendant	\$ 305.00	April 30
OTHER FEES		
Closed File Administration	\$50.00	
Late Renewal	\$50.00	
Change of Information on Licence/file	\$20.00	
Print Replacement Licence	\$10.00	

APPENDIX B



The Corporation of the City of Brampton
Certificate of Insurance

(LICENSING – ADULT ENTERTAINMENT LICENSING)

Proof of Insurance will be accepted on this form only (with no amendments)
****IF A FACSIMILE HAS BEEN TRANSMITTED, THE ORIGINAL CERTIFICATE MUST FOLLOW****

LICENCE TYPE (check box)	<input type="checkbox"/> Adult Entertainment Business (\$2M CGL required) <input type="checkbox"/> Body Rub Business (\$2M CGL required) <input type="checkbox"/> Adult Merchandise Business (\$2M CGL required)
---------------------------------	--

This is to certify that the policies of Insurance as described above have been issued by the undersigned to the insured named below and are in force at this time:

NAME OF INSURED	TELEPHONE NUMBER () -
ADDRESS OF INSURED	CITY POSTAL CODE
ADDRESS OF EVENT	CITY POSTAL CODE

TYPE OF INSURANCE	INSURER'S NAME	POLICY NUMBER <small>(NOT NUMBER)</small>	EFFECTIVE <small>(YR./MO./DAY)</small>	EXPIRE DATE <small>(YR./MO./DAY)</small>	LIMITS OF LIABILITY
COMMERCIAL GENERAL LIABILITY					\$2,000,000
UMBRELLA / EXCESS					

Commercial General Liability - Occurrence Basis, Including Bodily Injury and Property Damage, Personal Injury, Contractual Liability, Non-Owned Automobile Liability, Owner's and Contractor's Protective Coverage, Products - Completed Operations, Contingent Employers Liability, Cross Liability Clause and Severability of Interest Clause

If any of the above insurance policies are cancelled so as to reduce the coverage during the coverage period as stated above, so as to affect this certificate, 10 days' notice of cancellation for non-payment or 30 days' notice for cancellation of the policy will be given by the insurer to:

The Corporation of the City of Brampton
Licensing Administration, 1st Floor
2 Wellington Street West, Brampton, Ontario L6Y 4R1
Tel: 905-874-2580 Fax: 905-874-2119 E-mail: licensing@brampton.ca

This certificate is executed and issued to the aforesaid Corporation of the City of Brampton, the day and date herein written below:

NAME OF INSURANCE COMPANY OR BROKER (completing form)	Telephone Number () -
ADDRESS	Fax Number () -
NAME OF AUTHORIZED REPRESENTATIVE OR OFFICIAL (please print)	SIGNATURE: Date: (Year / Month / Day)

*****THIS FORM MUST BE COMPLETED & SIGNED BY YOUR INSURER OR INSURANCE BROKER*****

APPENDIX C

Adult Entertainment Establishment Licensing By-law

THRESHOLD POLICY

POLICY STATEMENT:

This policy deals with Applicants or Licensees who must submit a police check as part of their Licence Application. When a police check reveals a prior conviction for a serious offence, the Licence Issuer must conclude that it is not in the public interest for the person to be licensed and refuse or suspend the licence.

When a Licence is revoked, refused or suspended, the Licence Issuer will advise the Applicant or Licensee in writing, setting out the specific conviction that forms the basis of the decision and tell the Applicant or Licensee of the right to appeal to the Brampton Appeal Tribunal and the deadline for appealing. Any appeal letter must contain reasons in support and be accompanied by the appropriate fee as set out in the City's User Fee By-law. The Tribunal makes the final decision and there is no further right to appeal to City Council.

In the course of an Application, the Licence Issuer may also inquire into pending court cases and issue a conditional Licence to the date of the expected court date. Withholding the fact of a pending court date from the Licence Issuer is itself a ground for suspension of the Licence.

SCOPE:

The thresholds will apply to Licences issued by the City of Brampton pursuant to the following Schedules under the Adult Entertainment Establishment By-law:

- Schedule 1 Adult Entertainment Businesses
- Schedule 2 Body-rub Businesses
- Schedule 3 Adult Merchandise Businesses

- 1- **A** Despite an Application being complete and all fees paid, the Licence Issuer shall refuse to issue or renew a Licence and in the case of an existing Licence, the Licence Issuer shall suspend the Licence, if an applicant or Licensee has:
- 1) Any code 01 conviction
 - 2) Any code 02 conviction within the last 10 years
 - 3) Any code 03 conviction within the last 5 years
 - 4) Two or more code 03 convictions within the last 10 years
 - 5) Any code 04 convictions within the last 3 years
 - 6) Two or more code 04 convictions within the last 5 years
 - 7) Any code 05 or 07 conviction within the last year
 - 8) Six or more by-law related convictions within the last year concerning the licensed business or individual, or any other of the individual's businesses that were licensed or were required to be licensed, or any other of the individual's prior businesses that were licensed or are required to be licensed
 - 9) Four or more by-law related convictions within the 12 months immediately preceding the date of issuance; or
 - 10) Overdue by-law fines, unless the applicant or licensee provides proof that such fines have been subsequently paid.
- 1- **B** The Licence Issuer shall issue, renew or reinstate a licence if, at the time of the application for a licence or licence renewal, the conviction or event has reached the age set out below:
- 1) The code 01 conviction is more than 10 years old

- 2) If the licence was not issued because of a single code 02 conviction, when that conviction becomes more than 5 years old
- 3) If the licence was not issued because of a single code 03 conviction, when that conviction becomes more than 5 years old
- 4) If the licence was not issued because of 2 or more code 03 convictions, when 2 of those convictions become more than 10 years old
- 5) If the licence was not issued because of a single code 04 conviction, when that conviction is more than 3 years old
- 6) If the licence was not issued because of 2 or more code 04 convictions, when these convictions are more than 5 years old
- 7) If the licence was not issued because of a single code 05 conviction, when that conviction is more than a year old
- 8) If the licence was not issued because of 3 or more code 08 convictions, when these convictions are more than 1 year old
- 9) If the licence was not issued because of 6 or more by-law related convictions when these convictions are more than a year old
- 10) If the licence was not issued because overdue by-law fines, when those fines have been paid.

The Licence Issuer may issue a warning letter to be placed in an applicant's or Licensee's file if, at the time of an application for a licence or renewal, the applicant has 4 or more by-law related convictions concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or required to be licensed, within the 12 months immediately preceding the date of issuance or renewal.

The warning letter must advise the applicant or licensee about the specific applicable threshold.

Related legislation may include, but is not limited to the City of Brampton Adult Entertainment Establishment By-law.

OFFENCES AND CORRESPONDING CODES

Criminal Code Offence	Description	Code
Sexual Offences (minors)	Interference, invitation, exploitation, procuring sexual activity (parent or guardian), permitting sexual activity (householder), corrupting children, luring a child, exposure, incest (with minor)	01
Terrorism	Providing, collecting property; using, possessing property; providing, making available property	02
Homicide	Homicide, manslaughter, infanticide, murder, attempt to commit, accessory	02
Major assault and sexual assault offences	Sexual assault with weapon, causing bodily harm, aggravated assault with weapon, causing bodily harm	02
Sexual offences (against person other than minor)	Exploitation of persons with a disability, incest, indecent act, sexual assault	03
Confinement	Kidnapping, hostage taking, abduction	03
Hate propaganda	Advocating genocide, public incitement of hatred	03
Robbery, extortion	All offences	03
Criminal organization	Participating in activities of	03
Criminal Negligence	Criminal negligence, causing death, causing bodily harm	04
Assault	Assault of a peace officer	04
Explosives	Using, possession	04
Noxious thing, poison	Administering to harm	04

Harassment, threats	Criminal harassment, uttering threats	04
Weapons	Possession, carrying, trafficking	04
Firearms	Using in commission of offence, careless use, pointing, possession, acquisition without certificate, causing bodily harm with intent (firearm, air gun or pistol)	04
Theft offences	All offences	04
Forgery offences	All offences	04
Traps	Setting	05
Break and enter	Break and enter	04
Crime-possession of property	Possession of property obtained by crime	04
Fraud	Fraud offences, falsifying documents	04
Arson	All offences	04
Counterfeit money	Uttering, advertising, dealing	04
Mischief	Mischief	04
Conspiracy	Conspiracy to commit an indictable offence	05
Prostitution	Offences related to	05
Bawdy houses	Keeping, transporting person to, procuring	05
Other	All other Criminal Code Convictions	07

Controlled Drugs and Substances Act Offences	Description	Code
Possession	Possession	05
Trafficking	Of Schedule I or II substance	03
	Of Schedule II substance	04
	Of Schedule IV substance	05
Importing, exporting	Of Schedule I or II substance	03
	Of Schedule II substance	04
	Of Schedule IV substance	05
Production	Of Schedule I or II substance (except marijuana)	03
	Of Marijuana	04
	Of Schedule III substance	04
	Of Schedule IV substance	05

By-law	Description	Code
	Discriminate against a member of the public	08
	Refuse to serve a person assisted or guided by a service animal; refuse to allow a person assisted or guided by a service animal to remain	08
	Refuse to serve a disabled person; refuse to permit a disabled person into or upon any place or premises or thing to which the licence applies; refuse to permit a disabled person to remain in or upon such place or premises by reason of the presence of such disability	08

ACCOUNTABILITY:

Licence Issuer

ADMINISTRATION:

Manager, Administrative Services and Elections
City Clerk's Office