

Schedule "A" to By-law No. 2005-0067
Adult Entertainment

In addition to the other requirements of this By-law, the following regulations apply to Adult Entertainment Establishments as defined in this Schedule.

Interpretation

1. In addition to the terms defined in the general section of this By-law, the following terms shall have the corresponding meanings;

"Adult Entertainment Establishment" means any Body Rub Parlour or any Adult Entertainment Parlour where services, products or entertainment appealing to, or designated to appeal to, erotic or sexual appetites or inclinations are provided in the Premises or part thereof, but does not include Adult Novelty Store.

"Adult Entertainment Owner Operator" means a Person who alone or with others owns or has a right to possess or occupy, or actually does possess or occupy, manages, supervises, runs or controls Premises in which an Adult Entertainment Establishment business is located and includes their designate or official agent and the lessee of any Premises in which an Adult Entertainment Establishment is located.

"Adult Entertainment Parlour" shall mean any Premises or part thereof in which there is provided, in pursuance of a trade, calling, business or occupation; services or entertainment appealing to, or designed to appeal to, erotic or sexual appetites or inclinations.

"Adult Mini-Theatre" is an Adult Entertainment Establishment in which live adult entertainment performance, adult motion pictures, videos, tapes, digital video discs, slides or similar electronic or photographic reproductions, the principal feature of which is nudity or partial nudity of any Person, are viewed or shown in a separate viewing area with a seating capacity of one to twenty seats.

"Adult Novelty Store" is a store that sells products related to adult sexual or erotic entertainment, including but not limited to, adult magazines, videos, pornographic novelties/toys and clothing.

"Body Rub" shall mean the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a Person's body or part thereof but does not include;

- a) medical or therapeutic treatment given by a Person duly qualified, licensed, or registered to do so under the laws of the Province of Ontario; or
- b) alternative health care services, such as shiatsu and reflexology, given by a Person duly qualified to provide such services through completion of formal courses and education and training in the provision of such service offered by an organization or institution that has the qualifications to provide such services.

"Body Rub Parlour" shall mean any Premises or part thereof where a Body Rub is performed, offered or solicited in pursuance of a trade, calling, business, or occupation, but shall not include:

- a) any Premises or part thereof where Body Rubs are performed for the purpose of medical or therapeutic treatment and are performed by Persons duly qualified, licensed, or registered to do so under the laws of the Province of Ontario; or
- b) any Premises or part thereof where Body Rubs are performed for the purpose of alternative health care services such as shiatsu and reflexology, and are performed by Persons of duly qualified to provide such services through completion of formal courses and training in the provisions of such service offered by an organization or institution that has the qualifications to provide such services.

“Entertainer” means a Person other than a licensed Adult Entertainment Owner Operator and who is of age of majority, who provides services or entertainment appealing to, or designed to appeal to, Erotic or sexual appetites or inclinations.

“Specified Body Areas” includes one or more of the following:

- a) in the case of a female Person, her breasts; and
- b) in the case of all Persons, the genitals and the anus.

“Specified Sexual Activities” includes actual or simulated sexual intercourse, masturbation, urination, defecation, ejaculation, sodomy, including bestiality, anal intercourse, and oral sexual intercourse, direct physical stimulation of clothed or unclothed Specified Body Areas and flagellation, mutilation, maiming, murder or torture in the context of a sexual relationship or activity.

Inspections

2. The issuance of an *Adult Entertainment Establishment* licence shall be subject to:

- a) inspection/approval from the Halton Hills Fire Department;
- b) inspection/approval from the Halton Region Health Department;
- c) inspection/approval from an Officer of the *Town*, and;
- d) approval from the Town’s Zoning Officer.

2.1 The issuance of an *Adult Novelty Store* licence shall be subject to:

- a) inspection/approval from the Halton Hills Fire Department;
- b) inspection/approval from an Officer of the *Town*, and;
- c) approval from the Town’s Zoning Officer.

Permitted in Defined Area Only

3. An Adult Entertainment Establishment shall be located in a zone that specifically permits such us in accordance with the Town’s Official Plan and the applicable Zoning By-law.

Limited Number

There shall be a maximum number of two (2) licenses granted to Adult Entertainment Establishments in the Town.

Application Requirements

4. No Licence shall be issued to an Adult Entertainment Owner Operator unless the applicant or licensee:
 - a) appears in Person;
 - b) produces two (2) pieces of identification, one (1) of which contains a photograph to the satisfaction of the Issuer of Licenses;
 - c) submits a detailed floor plan, drawn to scale, of the Adult Entertainment Establishment with details of the designated entertainment area and the location of any stage, doors, walls, seating areas, offices, kitchen, washroom facilities, bar area, dressing rooms, closets, storage areas, exits, and partitions that is approved by the Town;
 - d) in the case of an Adult Entertainment Establishment located in a multi-purpose building with common access for the general public, the detailed floor plan submitted for approval pursuant to clause c) must provide for a separate entrance for the Adult Entertainment Establishment.
 - e) submits a copy of a Police Clearance Certificate issued by the Halton Regional Police Service or by the Police Service for the jurisdiction in which the applicant or licensee resides, obtained within 30 days of application;
 - f) submits a Site Plan of the Premises indicating the part of the Premises to be utilized by the Adult Entertainment Establishment;
 - g) provides a description of the type of Services and Entertainment to be offered and advertised and the prices for such Services and Entertainment;
 - h) provides the identity and address of every Person having any interest, direct or indirect, any trust arrangement, or any financial or contractual or other arrangement with respect to the ownership of operation of any business licensed under this by-law;
 - i) provides the identity and address of every Person having any beneficial interest, direct or indirect, in the business and every Person having a right to receive income, revenue or benefits of any kind arising out of the operation of such business, or any Person who in fact receives such income, revenue, or benefit;
 - j) provides a copy of the lease demonstrating the applicant's right to possess or occupy the Premises, if any, and a copy of any other document constituting or affecting the legal relationship between the applicant or Licensee and the registered property owner, if the applicant or Licensee is not the registered property owner; and
 - k) has the property Owner sign the initial application form, thereby authorizing an Officer, at any time, to enter upon the Premises named in the application to carry out inspections.

Adult Entertainment Owner Operator in Attendance at all Times

5. No Adult Entertainment Owner Operator shall permit any Person other than a licensed Adult Entertainment Owner Operator to operate an Adult Entertainment Establishment.
6. No Person shall open an Adult Entertainment Establishment for business, or allow an Adult Entertainment Establishment to remain open for business, or provide any Services or Entertainment unless a licensed Adult Entertainment Owner Operator is in attendance on the Premises during all hours of business.

Hours of Operation

7. No Person shall operate or permit to be operated an Adult Entertainment Establishment except between 11:00 a.m. on any one day and 1:00 a.m. on the following day.
8. No Person shall operate or permit to be operated an Adult Entertainment Establishment on Christmas Day, Good Friday and Easter Sunday.

Doors to be Kept Unlocked

9. No Person shall permit the doors or other principal means of access into the Adult Entertainment Establishment to be kept locked during the hours of operation.

No Entry or Services to Persons Under Age 18

10. No Person carrying on or engaged in an Adult Entertainment Establishment or Adult Novelty Store shall permit any Person under the age of eighteen (18) years to enter or remain in the Adult Entertainment Establishment or Adult Novelty Store or any part of it.
11. No Person shall provide Services or Entertainment in an Adult Entertainment Establishment to a Person under the age of eighteen (18) years.

Physical Contact Prohibited

12. No Person shall permit, allow or cause any Entertainer while providing Services or Entertainment, to touch, or be touched by, or have physical contact with any other Person in any manner whatsoever involving any Specified Body Areas or Specified Sexual Activities.
13. No Entertainer shall, while providing Services or Entertainment, touch or allow, permit or cause herself or himself to be touched or have physical contact with any other Person in any manner whatsoever involving any Specified Body Areas or Specified Sexual Activities.

Obstructed View of Entertainment Area Prohibited

14. No Person shall permit Services or Entertainment to be provided in any area of the Premises other than the designated entertainment area shown on the approved floor plan.
15. All Services or Entertainment provided by an Entertainer shall be provided within view of staff and other patrons of the Adult Entertainment Establishment, without obstruction by any Person or any thing including, but not limited to, doors, walls, curtains, or any other enclosure, opaque glass, fog, or inadequate lighting.
16. No Person shall permit, allow, offer, or cause to be permitted Services or Entertainment in any cubicle, private room, or other area partitioned off from any room(s) where Services or Entertainment are generally provided to patrons.

17. The interior of an Adult Entertainment Establishment must not be visible from the exterior.

Photographic/Recording Equipment Prohibited From Use

18. No Person shall use, or permit to be used any camera or other photographic or recording device in, upon or at an Adult Entertainment Establishment for any use other than for security purposes. This prohibition does not apply to an Officer in the exercise of his duties under this by-law.

Health Notices To Be Posted

19. Every Adult Entertainment Owner Operator shall post or cause to be posted notices in the washrooms, employee dressing rooms, and at public entrance areas to advise patrons and employees that physical contact is prohibited and that sexually transmitted infections can be transmitted through unprotected physical contact.

Employee List Required

20. Every Adult Entertainment Owner Operator shall provide a list to the Issuer of Licenses upon application or request setting out the names of every attendant, Entertainer, and employee of the Adult Entertainment Establishment and shall keep such list continually updated on an on-going basis.
21. Every Adult Entertainment Owner Operator shall notify the Issuer of Licenses within twenty-four (24) hours of any change to the persons on the employee list.

Entertainer's Licence

22. No Adult Entertainment Owner Operator shall allow any Entertainer to provide Services or Entertainment in an Adult Entertainment Establishment without first confirming that the Person is license and has a valid Entertainer's licence issued by the Town.
23. Every Entertainer shall:
 - a) provide proof of age by producing at least two pieces of identification, of which one contains a photo to the satisfaction of the Issuer of Licenses;
 - b) agree to have a photo taken by the Town;
 - c) submit a copy of a Security Clearance Request Issued by the Halton Regional Police Service or the Police Service for the jurisdiction in which the Entertainer resides, obtained within thirty (30) days of application;
 - d) submit a Medical Certificate stating that the Entertainer is free of any communicable diseases and in good health;
 - e) return his or her Entertainer's licence upon expiry; and
 - f) report the loss of such license within twenty-four (24) hours of the occurrence to the Issuer of Licences.

Signage and Advertising

24. Every licensee of an Adult Entertainment Establishment shall:
- a) exhibit a sign bearing the words “Licensed Adult Entertainment Parlour” or “Licensed Body Rub Parlour” over the street door or in the lower front window of the Premises visible on the exterior of the Premises;
 - b) not erect a projecting sign, inflatable advertising device, portable and trailer signs, or sandwich board sign or electronic sign related to such business;
 - c) not include pictorial or symbolic representation of Specified Body Areas, and or Specified Sexual Activities on exterior signs and advertising;
 - d) not erect any sign on the interior of the premises visible from the exterior of the premises, except for the sign prescribed by subsection 24(a);
 - e) not advertise by means of any poster, flyer, handbill or other printed material other than in the interior of the Premises, a newspaper, or telephone directory; and
 - f) not advertise by loudspeaker or other means of oral or audible communication from the Premises.

Adult Novelty Store

25. Every licensee of an Adult Novelty Store shall:
- a) Exhibit a sign stating there will be No admittance to anyone under the age of 18 years. This sign must be posted and clearly visible on all entrance doors of the Premises.
26. No Licensee of an Adult Novelty Store shall:
- a) Operate an Adult Mini-Theatre
 - b) Offer any Body Rub services or other services offered at an Adult Entertainment Establishment