THE CORPORATION OF THE TOWNSHIP OF LAURENTIAN VALLEY

BY-LAW NUMBER 04-09-226

A BY-LAW RESPECTING THE LICENCING, REGULATING AND GOVERNING OF ADULT ENTERTAINMENT ESTABLISHMENTS

WHEREAS Section 150 of the Municipal Act, S.O. 2001, c.25 as amended authorizes a local municipality to pass a by-law to licence, regulate and govern any business, wholly or partly within a municipality,

AND WHEREAS Section 151 of the Municipal Act, S.O. 2001, c.25 as amended provides that a by-law passed under Section 150 which licences, regulates, and governs adult entertainment establishments may inter alia define the area of the municipality in which adult entertainment establishments may or may not operate and limit the number or licences granted in any defined area in which they are permitted, regulate or prohibit advertising and promotion, and prohibit any person carrying on or engaged in an adult entertainment establishment business for which a licence is required from permitting persons under the age of 18 years to enter or remain in the adult entertainment establishment,

AND WHEREAS Section 161 of the Municipal Act, S.O. 2001, c.25 as amended, is the offence section relating to licencing by-laws and sets out penalties for breach of same.

DEFINITIONS

1. For the purposes of this By-Law:

(1) "adult entertainment establishment" means any premises or part thereof if, in pursuance of a business:

(a) goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in the premises or part of the premises; or

(b) body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body, are performed, offered or solicited in the premises or part of the premises, but does not include premises or part of them where body-rubs performed, offered or solicited are for the purposes of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario;

(2) "adult entertainment performer" means any individual who provides services in an "adult entertainment establishment", through performing, or through being the subject of exhibition, viewing or an encounter;

(3) "business" includes a trade, calling or occupation;

(4) "By-Law Enforcement Officer" means any by-law enforcement officer appointed by the Council.

(5) "certificate of proof of age" means an original or duly certified copy of a legal birth certificate or other certificate or card issued pursuant to a statute or regulation of the Government of Canada, of the Province of Ontario, or any other Province, attesting to the date of birth or age of the individual referred to therein;
(6) "Corporation" means The Corporation of the Township of Laurentian Valley;

(7) "Council" means the Council of The Corporation of the Township of Laurentian Valley;

(8) "enforcement officer" means a police officer, by-law enforcement officer, special constable and any other public officer engaged in the enforcement, in respect of an adult entertainment establishment, of this or any other law;

(9) "Fire Chief" shall mean the Fire Chief of the Fire Department of The Corporation of the Township of Laurentian Valley;

(10) "individual" means a natural person;

(11) "Licencing Officer" shall mean the By-Law Enforcement Officer of the Township or such other person designated by the Chief Administrative Officer of the Township in the absence of the Licencing Officer;

(12) "Medical Officer of Health" shall mean a medical officer appointed by the County of Renfrew;

(13) "operator" refers to any person who alone or with others operates, manages, supervises, runs or controls an adult entertainment establishment and "operate", "operation" and other works of like import or intent shall be given a corresponding meaning;

(14) "owner" includes a person who alone or with others has a right to possess or occupy, or actually does possess or occupy, an adult entertainment establishment and includes a lessee of an adult entertainment establishment, or premises upon which an adult entertainment establishment is located;

(15) "partial nudity" means clothed in a manner that leaves uncovered or visible through less than fully opaque clothing, any portion of:

(a) genitals or the pubic area;
(b) buttocks; or
(c) a breast, below the top of the areola, of a female person;

(16) "person" means an individual, a partnership or a corporation to whom or to which the context can apply;

(17) "relevant committee of Council" means the committee of Council appointed by the Reeve of the Corporation to have jurisdiction over licencing matters;

(18) "to provide" includes to furnish, perform, solicit or give services designed to appeal to erotic or sexual appetites or inclinations;

(19) "services" includes activities, facilities, performances, exhibitions, viewing and encounters but does not include the exhibition of film approved under the Theatres Act;

(20) "services designed to appeal to erotic or sexual appetites or inclinations" includes:

(a) 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", or "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement;

(21) "Township" means the Township of Laurentian Valley and includes the geographic townships of Alice, Fraser, Stafford and Pembroke; and

(22) words in bold print in this section and in the remainder of the by-law refer to words or phrases defined in this section.

ADMINISTRATION

2. (1) For the purposes of this By-Law, the administration of this By-Law and Enforcement thereof is delegated to the By-Law Enforcement Officer of the Corporation and the Licensing Officer.

(2) The licence application form and the form of the licence shall be developed by the Licensing Officer and shall be meet the requirements set out in this By-Law

PERMITTED LOCATIONS AND LIMITATIONS

3. (1) No person shall own or operate an adult entertainment establishment in the Township and no individual shall perform or provide services in an adult entertainment establishment in the Township except an adult entertainment establishment located within an Adult Commercial (AC) zone which permits an adult entertainment establishment use.

(2) Owner (non-operator) licences, Operator licences, and Owner/Operator licences which may be granted by the Corporation shall be limited to two (2) licenced locations for an adult entertainment establishment within the Township having Owner (non-operator) licences, Operator licences, and/or Owner/Operator licences which are in full force and effect.

LICENCE REQUIREMENT

4. (1) Every person carrying on or engaged in or intending to carry on or engage in the business of:

(a) adult entertainment performer;
(b) operator of an adult entertainment establishment; or
(c) owner of an adult entertainment establishment;

shall obtain annually from the Corporation a licence authorizing them respectively to carry on their respective businesses in the Township, for which licence the person obtaining the same shall pay to the Licensing Officer at the time of taking out such licence the fee fixed by this By-Law.

(2) No person shall, in the Township, act or perform as an adult entertainment performer, or act as the owner or operator of an adult entertainment establishment, or carry on or engage in any such business, until he, she or it has procured such licence so to do, which licence is valid and subsisting.
5. (1) No **person** shall, in the **Township**, except under the authority granted by a licence issued under this By-Law, engage in or carry on **business** as:

   (a) an **adult entertainment performer**;
   (b) an **operator** of an **adult entertainment establishment**; or
   (c) an **owner** of an **adult entertainment establishment**.

(2) An **owner** of an **adult entertainment establishment** who is also the **operator** of such establishment, shall be required to be licenced under both classes of licence, and to pay the fee in respect of both.

(3) A separate licence shall be required in respect of each premises, building or place used as or for the purpose of an **adult entertainment establishment**.

**APPLICATION FOR LICENCE**

6. (1) No licence to an **owner** or **operator** of an **adult entertainment establishment** shall be issued unless:

   (a) the applicant is at least nineteen (19) years of age;

   (b) the Detachment Commander of the Upper Ottawa Valley Detachment of the Ontario Provincial Police or his/her designate has reported in writing as to the good character of the applicant. A complete police record search, at the applicant's expense, from the Upper Ottawa Valley Detachment of the Ontario Provincial Police is required. Good character includes, but is not restricted to, evidence that the applicant has not received a conviction under one of the following Sections of the **Criminal Code of Canada** or the **Controlled Drugs and Substances Act**:

   (i) s.173 of the Criminal Code (indecent acts)
   (ii) s.174 of the Criminal Code (nudity)
   (iii) s.212 of the Criminal Code (procuring)
   (iv) s.213 of the Criminal Code (prostitution)
   (v) s.5 of the Controlled Drugs and Substances Act (trafficking)

   (c) the premises comply with the Zoning By-Law regulations or any other applicable by-laws of the **Corporation**;

   (d) the **Fire Chief** or designate has inspected the premises and has reported in writing that there are no outstanding work orders;

   (e) the **Medical Officer of Health** has reported in writing that the **premises** in connection with which the licence is sought, are suitable for the purpose of the licence application and the **premises** have been inspected and are in a sanitary condition;

   (f) in the case of an **operator's** licence, the **operator** provides the name of the **owner** whose **adult entertainment establishment** the **operator** intends to **operate**;
(g) the adult entertainment establishment is located in an area referred to in Section 3 of this By-Law; and

(h) the applicant has paid to the Corporation the licence fee prescribed by this By-Law.

(2) In no case will a licence be granted to an owner or operator of an adult entertainment establishment unless the appropriate official plan and zoning by-law permitting such use is in effect and all appeals relating thereto have expired.

7.

(1) A person may apply to the Licencing Officer for a licence granting authority to such person to be engaged in or carry on one or more of the following classes of businesses:

(a) adult entertainment performer;
(b) operator of an adult entertainment establishment;
or
(c) owner of an adult entertainment establishment.

(2) Despite Subsection (1) no individual under the age of 18 years may apply for or be issued a licence as an adult entertainment performer.

(3) Every person applying for a licence under Subsection (1) shall complete and execute an application form provided by the Licencing Officer, containing the following information:

(a) name and address of the applicant;
(b) name and address of the individual signing the application form, and of the intended licensee, if not already provided in the application form;
(c) name and address of the owner of any building, premises, or place upon, in or from which any business is to be carried on pursuant to the licence applied for;
(d) any business name to be used in relation to the business if different from the name of the applicant;
(e) telephone number of the business;
(f) nature of the class of business to be carried on pursuant to the licence, in accordance with the provisions of this By-Law;
(g) particulars of the class and status of any licence issued to or required to be obtained by the applicant or any other person under the Liquor Licence Act R.S.O. 1990, c.L19, in respect of any building, premises or place, in or at which the business activity for which the licence is sought is to be carried on or engaged in by the applicant;
(h) any other information relevant to the application or the business to which the application relates, as may be required by the Licencing Officer.

(4) Every individual shall submit with the application two (2) passport
size photographs of his or her face, one of which photographs shall be attached to the licence, and the other shall be filed with the Licencing Officer, and upon application for renewal of any licence, the applicant shall furnish new photographs, if required to do so by the Licencing Officer.

(5) Every individual applying for a licence under this By-Law, shall, at the time of making such application to the Licencing Officer, produce two pieces of identification, one of which must be photo identification of the individual making the application and a certificate of proof of age relating to such individual. Also included in the application form shall be the individual’s name, stage name, the number and description of such certificate, and any age or date of birth shown on it.

(6) Every application form filed under this section shall be signed by the applicant, if an individual, or in the case of a partnership or corporation, a partner or officer respectively, having the authority to make the application on behalf of the applicant and to bind the partnership or corporation respectively, and such form shall include a declaration executed by such person attesting to the truth of the information provided on the application form.

8.

(1) Where the applicant is a corporation or partnership, the applicant shall provide, on the application form, such information relating to the corporation or partnership, respectively, as may be required by the Licencing Officer, and without limiting the generality of the foregoing, such information shall include the following:

(a) where the applicant is a partnership, the names and addresses of all of the partners;

(b) where the applicant is a corporation, the names and addresses of all officers and directors of the corporation, and a list showing the name and address of every shareholder of the corporation holding more than 10% of the equity shares of the corporation;

(c) a list showing the name and address of every person having a beneficial interest in the business of the applicant;

(d) the name and address of every person having responsibility for the management or operation of the business of the applicant.

(2) Where more than 10% of the equity shares in a corporation applying for a licence, are held by another corporation, the applicant shall include in the application form such information pertaining to that corporation similar to that required for the applicant, and the requirements of this subsection shall also apply to that corporation, and so on until the names and addresses of all individuals who are shareholders of more than 10% of the equity shares of any and all such corporations having an interest, direct or indirect, in the shares of the applicant corporation, are shown.

9.

(1) The requirements of this By-Law with respect to an application for a licence shall apply as well to an application for a renewal of a licence or for a new licence to replace a licence previously
terminated.

(2) It is a purpose of the Licencing Officer, in obtaining the information required to be submitted by this By-Law in an application for a licence, to make such information available to the public, but no personal information relating to an individual shall be disclosed to the public except in accordance with law.

10.

(1) OWNERS AND OPERATORS

(a) No owner or operator shall, in respect of any adult entertainment establishment owned or operated, knowingly permit any adult entertainment performer, while providing services as an adult entertainment performer, to touch or be touched by, or have any physical contact with, any other person in any manner whatsoever involving any part of that person's body, including:

(i) in the case of a female adult entertainment performer, the breast;

(ii) in the case of either a male or female adult entertainment performer, the pubic area and buttocks.

(b) No owner or operator shall permit any adult entertainment performer to perform the services other than within public view.

(2) ADULT ENTERTAINMENT PERFORMER

(a) Criminal Offence

No owner or operator shall permit or allow any adult entertainment performer on the premises to take part in any criminal activity relating to drug trafficking, stolen property or any other criminal offence provided for under the Criminal Code of Canada or the Controlled Drugs and Substances Act, and/or any provision of this By-Law, failing which the owner or operator shall be subject to suspension or revocation of the licence held pursuant to this By-Law.

(b) Licence

(i) No adult entertainment performer shall perform within the geographic limits of the Township without having applied for and been granted an adult entertainment performer licence. Adult entertainment performers will be issued a numbered licence which includes photo identification. Applicants must supply the Licencing Officer with proof of age, two pieces of identification, one of which must be a valid driver's licence with photo, or acceptable substitution, current address and name and address of employment agency if applicable. Upon payment of the assigned fee, the licence shall be valid for a period of twelve (12) months. Any licence issued is subject to suspension or revocation
pursuant to this By-Law.

(ii) No owner or operator shall permit any adult entertainment performer on the premises licenced pursuant to this By-Law, without first determining that the adult entertainment performer has been issued a licence from the Licencing Officer. The adult entertainment performer shall not be permitted to perform on the premises until such card has been obtained, and failing which, the owner or operator shall be subject to suspension or revocation of the licence held pursuant to this By-Law. Upon request by the Corporation, the owner or operator shall supply the name and licence number of each adult entertainment performer employed at his/her establishment. The start and end date of employment shall also be reported.

(iii) No licence shall be issued to an adult entertainment performer unless a complete police record search, at the applicant’s expense, has been obtained from the Upper Ottawa Valley Detachment of the Ontario Provincial Police, certifying that the applicant has not received a conviction for any of the following offences under the Criminal Code of Canada or the Controlled Drugs and Substances Act, of which a pardon has not been granted:

1. s.173 of the Criminal Code (indecent acts);
2. s.174 of the Criminal Code (nudity);
3. s.212 of the Criminal Code (procuring);
4. s.213 of the Criminal Code (prostitution)
or
5. s.5 of the Controlled Drugs and Substances Act (trafficking).

(c) Physical Contact

No adult entertainment performer shall, while providing services as an adult entertainment performer, touch or be touched by, or have any physical contact with, any other person in any manner whatsoever involving any part of that person’s body, including:

(i) in the case of a female adult entertainment performer, the breast;

(ii) in the case of either a female or male adult entertainment performer, the pubic area and buttocks.

11.

(1) Every person holding a licence issued under this By-Law shall provide written notice to the Licencing Officer of any change in any information filed with the Licencing Officer, in an application form or otherwise, within two days of such change taking place and if the change relates to grounds upon which a licence may be refused or revoked under this By-Law, the Licencing Officer shall provide notice of the change to the relevant committee of Council, which may decide to hold a hearing in accordance with law, to give consideration to whether or not the licence should be revoked.

(2) Every individual applying for or holding a licence under this By-Law, or engaging in or carrying on any business to which this By-Law relates, shall use his or her own legal name in making such application and holding such licence, and no such licence shall be
issued to any individual in any name other than his or her own legal name.

**LICENCE TERM AND FEE**

12. (1) At the time of filing an application for a licence, the applicant shall also remit to the relevant committee of Council by cash, certified cheque, or money order, as the Licencing Officer may require, an amount of money equal to the annual term of the licence applied for, in accordance with the following:

<table>
<thead>
<tr>
<th>Description of Licence</th>
<th>Term of Licence</th>
<th>Fee per Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Adult Entertainment Performer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- for initial licence: 12 months</td>
<td>$200.00</td>
<td></td>
</tr>
<tr>
<td>- for renewal: 12 months</td>
<td>$200.00</td>
<td></td>
</tr>
<tr>
<td>2. Operator of an Adult Entertainment Establishment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- for initial licence: 12 months</td>
<td>$2,000.00</td>
<td></td>
</tr>
<tr>
<td>- for renewal: 12 months</td>
<td>$2,000.00</td>
<td></td>
</tr>
<tr>
<td>3. Owner (non-operator) of an Adult Entertainment Establishment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- for initial licence: 12 months</td>
<td>$2,000.00</td>
<td></td>
</tr>
<tr>
<td>- for renewal: 12 months</td>
<td>$2,000.00</td>
<td></td>
</tr>
<tr>
<td>4. Owner / Operator</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- for initial licence(Owner): 12 months</td>
<td>$2,000.00</td>
<td></td>
</tr>
<tr>
<td>- for renewal(Owner): 12 months</td>
<td>$2,000.00</td>
<td></td>
</tr>
<tr>
<td>- for initial licence(Operator): 12 months</td>
<td>$2,000.00</td>
<td></td>
</tr>
<tr>
<td>- for renewal(Operator): 12 months</td>
<td>$2,000.00</td>
<td></td>
</tr>
</tbody>
</table>

(2) The licence fees, terms and expiry dates prescribed under Subsection (1) shall apply to all licences respectively issued under this By-Law.

(3) The full licence fee payable upon the issuance of a licence under this By-Law shall apply.

(4) Where a licence under this By-Law is revoked, the licensee is entitled to a refund of part of the licence fee proportionate to the unexpired part of the term for which it was granted.

**GRANTING AND REFUSAL OF LICENCE**

13. An applicant for a licence under this By-Law is entitled to be issued such licence unless:

(1) having regard to the applicant’s financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of the applicant’s business;

(2) the past or present conduct of any person applying for a licence which affords reasonable grounds for belief that the applicant will not carry on the business in accordance with the law and with integrity and honesty;

(3) the applicant, or any other person making an application or providing information in support thereof on behalf of an applicant, makes a false statement or provides false information in an
application under this By-Law;

(4) activities being carried on by the applicant, or to be carried on pursuant to the licence sought are, or will be, in contravention of this By-Law or any other law;

(5) the premises, accommodation, equipment or facilities in respect of which the licence is to be issued, are not, or will not be, in compliance with this By-Law or any other law;

(6) the applicant, where an individual, is under the age of 18 years and, where the application is under Section 6 (a), is under the age of 19 years; or

(7) the applicant or any other person making an application does not fulfill any of the other criteria set out in this By-Law.

14.

(1) The Licencing Officer shall make such investigations or inquiries with respect to any application for a licence under this By-Law, as he or she may see fit, and may obtain such information relevant to such application as he or she feels may be warranted, and may, where there do not appear to be grounds pursuant to which the Licencing Officer might refuse to issue a licence, pursuant to the criteria referred to in Section 13, issue such licence in accordance with this By-Law.

(2) Where the investigation or any other information available to the Licencing Officer discloses reasonable grounds to believe that the applicant may not be entitled to the issuance of a licence on any grounds referred to in this By-Law, or by reason of any other provision of this By-Law or other applicable law, the Licencing Officer shall refer the matter to the relevant committee of Council, which shall provide the applicant an opportunity for a hearing with respect to the application, as required by law.

15.

(1) It shall be a condition of every licence that the licensee shall, in carrying on the business, comply with the provisions of this By-Law and ensure such compliance by every other person involved in the carrying on of such business, failing which the Licencing Officer may revoke the licence.

(2) The Licencing Officer may issue a licence under this By-Law also conditional upon compliance with such other terms and conditions as the Licencing Officer may impose and the licensee accept.

(3) No person shall be licenced to carry on a business for which such licence is required under this By-Law until the fee required by this By-Law has been paid and all required documentation provided and the document forming evidence of such licence has been issued and delivered to the licensee.

16. Every licence shall be issued for a term as provided in this By-Law, subject to revocation or other termination, or for a part of a term expiring, unless sooner revoked or otherwise terminated, upon the expiry date prescribed by this By-Law.

17. Every licence issued under this By-Law is personal to the licensee, and shall not be transferred or assigned. Upon sale or transfer of the business by an owner or operator who is an individual or an individual in partnership or upon sale or transfer of more than 10% of the equity shares in a corporation holding such licence, then the licence shall be deemed to be revoked.
REVOCATION OF LICENCE

18. (1) Subject to Subsection (2) the Licencing Officer may revoke any licence issued under this By-Law, on the basis of any one or more of the following grounds:

(a) there are reasonable grounds for belief that any application or any other document or information provided by or on behalf of the licensee contains a false statement or provides false information;

(b) the past or present conduct of any person applying for a licence which affords reasonable grounds for belief that the business in respect of which the licence was granted, has not been carried on, or will not be carried on, in accordance with the law and with integrity and honesty;

(c) there are reasonable grounds for belief that the carrying on of the said business has resulted or will result in a breach of this By-Law or any other law, including a breach of any condition imposed on a licence under this By-Law;

(d) there are reasonable grounds for belief that the building, premises or equipment used in the carrying on of the business does not comply with the provisions of this By-Law or any other applicable law;

(e) information contained in the original application form, or any other information provided to the Licencing Officer by or on behalf of the applicant, has ceased to be accurate, and the licensee has not provided up-to-date accurate information to the Licencing Officer sufficient to allow the Licencing Officer to conclude that the licence should be maintained as valid and subsisting; or

(f) the fee payable in respect of the licence has not been paid.

(2) No licence shall be revoked under this By-Law, except after a hearing by the relevant committee of Council, or after the licensee has been given the opportunity for such a hearing, in accordance with law.

(3) Non-compliance with this By-Law or any other law, is a factor relevant to the consideration of whether or not a licence may be granted, refused or revoked, notwithstanding that the holder of the licence has not been prosecuted or convicted for contravention of such law.

19. (1) Where an enforcement officer has reasonable grounds to believe that any person has contravened any provision of this By-Law, or any other law, including the Criminal Code, involving an individual under the age of 18 years in or at an adult entertainment establishment, such enforcement officer shall, in addition to commencing any prosecution based upon such grounds, provide a report in writing to the Licencing Officer and the relevant committee of Council may hold a hearing to consider whether or not the licence of any person who or which owns or operates such adult entertainment establishment, should be revoked.

(2) Where the relevant committee of Council concludes, after a
hearing, that an individual under the age of 18 years has been found at or in an adult entertainment establishment, such conclusion may, in the discretion of the Board, acting according to law, constitute grounds for the revocation of the licence of the owner or operator of such adult entertainment establishment.

HEARINGS

20. (1) Before the relevant committee of Council refuses to issue a licence, conceals, revokes or suspends a licence, a written notice shall be given to the applicant, adult entertainment performer, owner or operator, at the address on the application or any subsequent address provided by the applicant, adult entertainment performer, owner or operator, advising him/her that a recommendation is to be made to the relevant committee of Council with respect to his or her licence application.

(2) The notice shall inform the applicant, adult entertainment performer, owner or operator, that he/she is entitled to a hearing by the relevant committee of Council if he/she delivers within seven (7) days after the notice in writing requesting a hearing by the relevant committee of Council.

(3) When a hearing date before the relevant committee of Council has been requested and fixed and the applicant, adult entertainment performer, owner or operator has been given notice and does not attend at the place and time appointed for the hearing, the licence shall be deemed to be refused or revoked or not renewed, cancelled or suspended as of the date of the hearing, and no further notice shall be given to the applicant, adult entertainment performer, owner or operator.

(4) The provisions of Section 5 to 15 and 21 to 24 of the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, as amended shall apply to all hearings conducted by the relevant committee of Council under this By-Law.

(5) At the conclusion of a hearing the relevant committee of Council shall, as soon as practicable, make its final decision and shall give reasons in writing, therefore, if requested by the applicant, adult entertainment performer, owner or operator. Notice of the decision of the relevant committee of Council shall be sent in accordance with the provisions of Section 18 of the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22 to the address referred to Section 20 (1) of this By-Law.

INSPECTIONS

21. (1) Any enforcement officer may enter any adult entertainment establishment at any time during hours of operation for the purposes of inspection to determine compliance with the provisions of this By-Law and any owner or operator must agree to give permission to the any enforcement officer to inspect the adult entertainment establishment in accordance with the provisions of this paragraph, as a condition of issuing a licence to any owner or operator.

GENERAL PROVISIONS

22. (1) No owner of an adult entertainment establishment shall permit
any person other than a licenced operator to operate such adult entertainment establishment.

(2) No owner or operator shall permit the provision of services designed to appeal to erotic or sexual appetites or inclinations upon or at the adult entertainment establishment owned or operated respectively by such person, by any individual other than a licenced adult entertainment performer.

(3) No adult entertainment performer shall provide services designed to appeal to erotic or sexual appetites or inclinations in any adult entertainment establishment unless the owner, and the operator if any, are licenced as owner or operator, respectively under this By-Law.

(4) No person not being the owner of an adult entertainment establishment shall operate the adult entertainment establishment unless the owner of the adult entertainment establishment is licenced as owner under this By-Law.

23. No licensee or other person required to be licenced under this By-Law shall, in carrying on business in respect of which such licence is required, employ or use the services of any person required to be licenced under this By-Law or any other law unless such person is so licenced.

24. No licence issued under this By-Law shall authorize any person to carry on a business or do any other thing, in contravention of any other law.

25. No owner or operator of an adult entertainment establishment and no other person carrying on or engaged in any business for which a licence is required:

(1) shall permit any individual under the age of 18 years to enter or remain in the adult entertainment establishment or any part thereof;

(2) shall permit any individual under the age of 18 years to act or appear as an adult entertainment performer or to provide services at an adult entertainment establishment;

(3) shall provide services at an adult entertainment establishment to an individual under the age of 18 years.

26. No individual under the age of 18 years shall act or perform as an adult entertainment performer at any adult entertainment establishment.

27. No owner or operator of an adult entertainment establishment shall place, or permit to be placed, any sign or other advertising devise within
the Township that includes any of the following words: "nude", "naked", "bottomless", "sexy", or any other word or any picture, symbol or representation having like meaning or implication.

28. Every owner and every operator of an adult entertainment establishment, and every other person engaged in or carrying on any business for which a licence is required shall, before employing or permitting any individual to act or appear as an adult entertainment performer, require such individual to produce a certificate of proof of age relating to such individual and shall record the name of the individual, the number and description of such certificate, and any age or date of birth shown on such certificate and maintain such record available for inspection by any enforcement officer pursuant to Section 28 of this By-Law.

29. Every adult entertainment performer shall, while in attendance at any adult entertainment establishment, carry her or his certificate of proof of age at all times or have it readily available, and shall comply with a request by an enforcement officer to produce such certificate.

30. Every adult entertainment performer shall, while in attendance at any adult entertainment establishment, not give any performance without there being a licenced owner or operator on premises.

31. Every owner and every operator of an adult entertainment establishment, and every other person required by this By-Law to record information from a certificate of proof of age under this By-Law, shall provide such information to any enforcement officer who requests it.

32. No individual shall present as evidence of her or his age any certificate or other document that was not lawfully issued to her or him, or that does not refer to her or him by her or his legal name for the purpose of providing required information pursuant to this By-Law.

33. No person carrying on or engaged in any business to which this By-Law relates shall give or provide any false or intentionally misleading recital of fact, statement or representation, orally or in writing, to the relevant committee of Council, the Licencing Officer or any Enforcement Officer.

34. (1) Every person shall comply with the provisions of this By-Law applicable to him, her or it, whether or not licenced or required to be licenced under any law.

(2) Every applicant and every other person licenced or required to be licenced under this By-Law shall comply with every provision, regulation and requirement contained in this By-Law relating to such person and such business, whether or not such person is licenced or whether or not a licence issued to such person is valid and subsisting.

OFFENCES AND PENALTIES

35. (1) Every person who contravenes any provision of this By-Law and every director or officer of a corporation, who Concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding $25,000.00 or to imprisonment for a term of not exceeding one year, or to both.
(2) Despite Subsection (1), where a corporation is convicted of an offence under this By-Law, the maximum penalty that may be imposed on the corporation is $50,000.00 and not as provided therein.

36.

(1) This By-Law is passed pursuant to powers conferred upon the Council by the Municipal Act, S.O. 2001, c.25, particularly, without limiting the generality of the foregoing, Sections 150 and 151 of that Act.

(2) Without limiting the generality of the foregoing, this By-Law is passed under Sections 150 and 151 of the Municipal Act, S.O. 2001, c.25 for the purposes of Subsections 432(1) and (2) of the Municipal Act, which provides as follows:

"432(1) Where an owner is convicted of knowingly carrying on or engaging in a trade, business or occupation on, in or in respect of any premises or any part of any premises without a licence required by a by-law under this Act, the court may order that the premises or part of the premises be closed to any use for any period not exceeding two years."

"432(2) Where a person is convicted of a contravention of a licensing by-law under this Act, other than a conviction described in subsection (1) and the court determines that the owner or occupant of the premises or part of the premises in respect of which the conviction was made, knew or ought to have known of the conduct which formed the subject matter of the conviction or of any pattern of similar conduct, the court may order that the premises or part of the premises be closed to any use for any period not exceeding two years."

37. If any provision or requirement of this By-Law or the application thereof to any person shall, to any extent, be held to be invalid or unenforceable, the remainder of this By-Law or the application or such provisions or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of this By-Law shall be separately valid and enforceable to the fullest extent permitted by law.

38. Section headings in this By-Law are not to be considered part of this By-Law and are included solely for the convenience of reference and are not intended to be full or accurate descriptions of the contents therein.

BY-LAW AMENDMENTS

39. The Corporation retains the exclusive authority to amend this By-Law or to repeal the same.
EFFECTIVE DATE

40. This By-Law shall come into force and take effect on the final passing thereof.

Read a first and second time this 21st day of September, 2004.

REEVE  \[Signature\]
CHIEF ADMINISTRATIVE OFFICER/CLERK

Read a third time and finally passed this 21st day of September, 2004.

REEVE  \[Signature\]
CHIEF ADMINISTRATIVE OFFICER/CLERK