

**BY-LAW NUMBER 50-06**

**SCHEDULE 4 - ADULT ENTERTAINMENT ESTABLISHMENT**

**1. Definitions**

- 1.1 Attendant means any *person* who *provides services designed to appeal to erotic or sexual appetites or inclinations at an Adult entertainment establishment.*
- 1.2 Partial Nudity means less than completely and opaquely covered human genitals or human pubic region, human buttocks or the human female breast below the point immediately above the top of the areola.
- 1.3 Physical Contact means direct physical contact, indirect physical contact and physical contact through the use of objects.
- 1.4 Provide includes to furnish, perform, or solicit.
- 1.5 Services designed to appeal to erotic or sexual appetites or inclinations means a live performance, exhibition or activity of which a principal feature or characteristic is the nudity or *partial nudity* of any *individual* or which in respect of which the word “nude”, “naked”, “sexy”, or any other word, picture, symbol or representation having like meaning or implication is used in any advertisement.

**2. License Required**

Every owner or operator of an *Adult entertainment establishment* must obtain a *license* pursuant to this Schedule and such *license* shall be known as an *Adult entertainment establishment License*.

**3. Annual License**

An *Adult entertainment establishment license* shall identify the specific premise being operated as an *Adult entertainment establishment* .

**4. Annual License Limitation**

At any given time, not more than two (2) annual *licenses* shall be issued.

**5. Special Occasion License**

A special occasion *license* may be issued for an *Adult entertainment establishment* for a single event which does not exceed 6 hours.

**6. Special Occasion License – Limitation**

No *person* shall be issued more than one (1) special occasion permit in any calendar year and no more than six (6) special occasion permits shall be issued in any calendar year.

**7. Compliance with Zoning**

An *Adult entertainment establishment license* shall not be issued unless the applicant has provided a zoning certificate verifying that the operation of the *Adult entertainment establishment* does not contravene the applicable Zoning By-law.

**8. Outstanding Orders**

The applicant must satisfy any outstanding orders against the *business or premises* prior to the issuance of a *license*.

**9. Construction and Equipment of Premises**

The *Adult entertainment establishment* shall be constructed or equipped so as not to hinder or prevent the enforcement of this by-law.

**10. Admission / Employ - Minimum Age**

The *licensee* shall not employ or permit any *individual* under the age of eighteen (18) years to enter or remain in an *Adult entertainment establishment* or any part thereof.

**11. Touching Prohibited**

The *licensee* shall not permit an *attendant*, while providing services as an *attendant*, to touch or be touched by or have any *physical contact* with any other *individual* in any manner whatsoever, involving any part of that *individual's* body.

**12. Performances in Full View of Patrons**

Every *licensee* shall ensure that all services *provided* by an *attendant* are done only within view of all patrons without obstruction to that view by partitions, curtains, doors or other visual barriers.

**13. Requirement to operate in compliance with applicable legislation**

Every *licensee*, as a condition of the *license* is required to operate and maintain the *Adult entertainment establishment* in compliance with the Fire Protection and Prevention Act, S.O. 1997, the Building Code Act, S.O. 1992, Health Promotion and Protection Act, R.S.O. 1990, and other applicable legislation or by-laws.

**14. Right of Entry**

Pursuant to section 151(3) of the Municipal Act, 2001, S. O. 2001, c.25, a municipality may, at any time of the day or night, enter any *adult entertainment establishment licensed*, regulated or governed by a by-law under this by-law to determine whether the by-law is being complied with and, for this purpose, may make such examinations, investigations and inquiries as are necessary.

**15. Evidentiary Rule**

Pursuant to section 151(5) of the Municipal Act, 2001, S. O. 2001, c.2, for the purpose of a prosecution or proceeding under a by-law licensing, regulating or governing *adult entertainment establishments*, the holding out to the public that the entertainment or services described in the by-law are provided in the *premises* or any part of them is admissible in evidence as proof, in the absence of evidence to the contrary, that the *premises* or part of them is an *adult entertainment establishment*.