

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 208-90

BEING A BY-LAW TO LICENSE, REGULATE AND PROHIBIT IN CERTAIN AREAS THE OPERATION OF ADULT ENTERTAINMENT PARLOURS.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. For the purposes of this By-law:
 - (a) "Adult Entertainment Parlour" means any premises or part thereof in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations."
 - (b) "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;
 - (b) 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 implication is used in any advertisement
 - (c) When used in reference to an adult entertainment parlour,
 - (i) "attendant" means any person other than a licensed owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment parlour.
 - (ii) "operator" means a person who alone or with others has the right to possess or occupy an adult entertainment parlour or actually does possess or occupy an adult entertainment parlour and includes a lessee of an adult entertainment parlour or of premises upon which an adult entertainment parlour is located.
 - (iii) "operator" means a person who along or with others operates, manages, supervises, runs or controls an adult entertainment parlour.
2. Without limiting the generality of any of the provisions of this By-law, no person shall own or operate an adult entertainment parlour, and no person shall provide services of a burlesque attendant without first being licensed under this By-law.
3. A separate owner's license shall be taken out in respect of each adult entertainment parlour.
4. No adult entertainment parlour may carry on business or operate or be operated unless its owner is licensed as such under this By-law.

On every application by an individual person for an owner's or operator's license or for the renewal thereof, the applicant shall attend in person at the office of the City Clerk and shall complete the prescribed forms and shall furnish to the City Clerk such information as the City Clerk may require.

Every person applying for an owner's license or for an operator's license shall submit with his application proof of birth date. Where the owner is a corporation, the person who on behalf of the corporation signs the application for an owner's license, shall comply with the requirements of this section.

Every person applying for a license must use his own legal name in making such application and, subject to section 8, no such license shall be issued to any person in any name other than his own legal name.

Every owner or operator intending to use some name or designation other than his own may, at the time of the issue of the license or at the time at which he files with the City Clerk notice of intention to use such name or designation, have endorsed on the license such name or designation.

Every person applying for an owner's license shall file with the City Clerk documentation satisfactory to the City Clerk demonstrating the applicant's right to possess or occupy the premises used by him as an adult entertainment parlour, and if such person is not the registered owner or owner in fee simple of the property upon which the adult entertainment parlour is located, such person shall file with the City Clerk at the same time a copy of his lease, if any, between the said applicant and the registered owner or owner in fee simple of the real property.

Where an owner does not personally operate his adult entertainment parlour, every person operating such adult entertainment parlour shall obtain a license so to do, but nothing herein relieves such an owner from the requirement that he obtain a license as owner of such adult entertainment parlour.

No owner of an adult entertainment parlour shall permit a person other than an operator licensed under this by-law to operate such adult entertainment parlour.

No owner shall permit any person other than an employee of such owner or a person with whom the owner has contracted to operate his adult entertainment parlour to provide services in his adult entertainment parlour.

No person shall provide services in any adult entertainment parlour unless the owner of such adult entertainment parlour and the operator, if any, is licensed as owner or operator respectively under this by-law.

No operator, not being the owner of an adult entertainment parlour, shall operate the said adult entertainment parlour unless the owner of the said adult entertainment parlour is licensed as an owner under this by-law.

15. No operator may operate an adult entertainment parlour unless he first notifies the City Clerk of the owner whose adult entertainment parlour he intends to operate and has endorsed upon his license the said owner's name accordingly, and every operator, before operating any other adult entertainment parlour, shall notify the City Clerk of his intention so to do and have his license endorse accordingly.
16. Every owner or operator who changes either his permanent or temporary residence shall, within two (2) days after such change, attend at the office of the City Clerk and shall notify the City Clerk of such change of address and shall produce his owner's or operator's license for the change to be endorsed thereon.
17. No owner's license shall be transferred and if an owner sells, leases or otherwise disposes of his adult entertainment parlour or the premises or part thereof upon or in which an adult entertainment parlour is operated by any person, his license in respect of such adult entertainment parlour or premises shall, notwithstanding any other provision of this By-law, be terminated. Subject to section 18, the City Clerk may issue a new owner's license to the purchaser, lessee or other person obtaining an interest in an adult entertainment parlour or the premises or part thereof upon or in which the adult entertainment parlour has been operated, subject also to the following conditions:
 - (a) that the new applicant qualify under all of the other provisions of this by-law and that he comply with all the requirements of this By-law relating to him;
 - (b) that the new applicant file with the City Clerk the documents relating to ownership and to his right to possess or occupy the said adult entertainment parlour;
 - (c) that the applicant and vendor file with the City Clerk an executed copy of the written agreement between the parties containing all of the details of the dealings between the parties in respect of such adult entertainment parlour or premises.
18. The making of a false or intentionally misleading recital of fact, statement or representation in any such agreement shall be deemed a violation of the provisions of this by-law.
19. Upon the sale, lease or other disposition of an adult entertainment parlour, every operator's license issued in respect of such adult entertainment parlour shall terminate, and the City Clerk may, subject to the provisions of this by-law, permit the purchaser, lessee or other person obtaining an interest in such adult entertainment parlour to operate the adult entertainment parlour by an endorsement to that effect upon the operator's license issued to him or may issue a new operator's license to any such person previously licensed as an operator in respect of such adult entertainment parlour.
20. (a) No person under the age of eighteen (18) years may be or act as an owner or operator at an adult entertainment parlour or provide any services in an adult entertainment parlour.

- (b) No person shall be an attendant unless the attendant has first provided to the operator of the adult entertainment parlour a birth certificate or other evidence satisfactory to the Licencing Manager as to the legal name, address and age of the attendant.
 - (c) Every owner and operator of an adult entertainment parlour shall maintain and surrender upon request to a police officer, a register of the legal name, address and age of any person who is or has been an attendant at the adult entertainment parlour in the past six (6) months.
21. No person shall provide services of a burlesque attendant in an adult entertainment parlour to a person under the age of eighteen (18) years.
22. No owner or operator shall permit any person under the age of eighteen (18) years to enter or remain in any adult entertainment parlour owned or operated by him. This section shall not be deemed to prohibit any person from entering or remaining in any premises licensed as an adult entertainment parlour, except when the services of a burlesque attendant are being provided in such premises.
23. Notwithstanding subsection 110 (7) of the Municipal Act, no adult entertainment parlour shall be operated in the downtown area described on Schedule "A" hereto.
24. No owner or operator of an adult entertainment parlour shall place or permit to be placed any sign, advertising, poster, flyer, notice or any other advertising device (excluding advertising in a daily newspaper of general circulation) in the City of North Bay save and except a sign, advertisement or any other advertising device containing the words "Adult Entertainment Parlour", and the name under which the business is operated provided such name does not include any of the following words:
- "Nude", "naked", "topless", "bottomless",
 - "sexy" or any other words or any picture,
 - symbol or representation having like meaning or implication.
25. If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of the section shall not be construed as having persuaded or influenced council to pass the remainder of the by-law, and it is hereby declared that the impugned section shall be severable and distinct, from the remainder of the schedule, and the remainder of the schedule shall be valid and shall remain in force.
26. (a) The annual fees set out on Schedule "B" hereto shall be paid by every person prior to being issued a license under this by-law.
- (b) Every license shall expire as of December 31 in each year.
27. Every owner who operates his own adult entertainment parlour and every operator of an adult entertainment parlour shall, in the operation of the adult entertainment parlour comply with, and ensure compliance with, the following regulations:

- (1) The premises shall be provided with adequate light and ventilation.
- (2) The premises and all fixtures and equipment therein shall be regularly washed and 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.
- (5) Washrooms shall be equipped with:
 - (a) an adequate supply of hot and cold water;
 - (b) an adequate supply of liquid soap in a suitable container or dispenser;
 - (c) hot air dryers or individual clean towels for the use of each person using the washing facilities;
 - (d) a suitable receptacle for used towels and waste material.
- (6) No washroom, toilet, sink or basin used for domestic purposes shall be used in connection with an adult entertainment parlour;
- (7) In all shower-bath rooms, if any, and in all sauna bath rooms, if any
 - (a) the floors shall be disinfected at least once a week 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;
 - (d) floor surfaces both within and without the enclosures shall be of a non-slip type;
- (8) Common foot baths shall not be provided on the premises;
- (9) Duckboards or cocoa matting shall not be used in the shower, bath or steam room and only liquid or powdered soap shall be used in the shower room.

28.

Every owner and operator of such adult entertainment parlour, shall, upon a request made to him by any peace officer, by-law enforcement officer, Medical Officer of Health, or public health inspector acting under the direction of the Medical Officer of Health, provide his name and residential address, and if he is licensed under this by-law in respect of any trade, calling, business or occupation relating to such adult entertainment parlour, he shall produce his said licence.

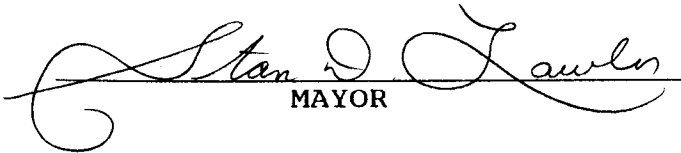
29. Every person shall in carrying on or permitting the carrying on of any trade, calling, business or occupation in an adult entertainment parlour comply with all of the requirements of the by-law relating thereto, including the requirement of licence, if any.
30. The City Clerk shall, subject to the provisions of this by-law relating to the limiting of licenses for any such trade, calling, business or occupation, upon receipt of the application referred to in the next preceding section, make or cause to be made all investigations which he deems necessary or which are required by by-law or by the City relative to the application.
31. Subject to the Statutory Powers and Procedures Act, if the investigations referred to in the next preceding section disclose any reason to believe that the applicant's character may not be good or that the carrying on of the said trade, calling, business or occupation may result in a breach of the law, or may be in any way adverse to the public interest, no license shall be granted except upon orders of the City Council, after due consideration of the application.
32. Every person obtaining a license under this by-law where the same applies to premises, shall keep his license posted up in some conspicuous place on the premises in respect to which the license is issued, and every person so licensed shall, when so requested by any person authorized by the City produce the license for inspection.
33. The City may revoke any license issued under this by-law where such power to revoke may, pursuant to the Municipal Act or any other Act, be exercised by by-law of the Council of the City of North Bay, but before revoking any such license, the holder thereof shall be given at least seven (7) days notice mailed or delivered to his address last known to the City and shall be permitted, either by himself or by his representative, to appear before Council to show cause why he believes such license should not be revoked.
34. Any person authorized by Council, may suspend for cause any license referred to in Section 33 hereof until the next meeting of the Council and the Licensee shall be given notice of the meeting and shall be permitted, either by himself or by his representative, to attend thereat to show cause why his license should not be revoked or the suspension continued. In the event that the notice given is less than the seven (7) days notice required by section 33, and if the requirements of such notice are not waived by the licensee, the City shall, before revoking the license, adjourn the matter on such terms as to continuation or withdrawal of the suspension in the meantime as it sees fit, until the next meeting which is at least seven (7) days after giving of such notice.
35. Any person who contravenes any provision of this by-law shall be guilty of an offence and be liable to pay a fine of not more than \$2,000.00 for each offence.

36. (a) Subject to Paragraph (b), this By-Law comes into force as of January 1, 1991.
- (b) Section 23 of this By-Law shall come into force on January 1, 1993.

READ A FIRST TIME IN OPEN COUNCIL THE 29TH DAY OF OCTOBER, 1990.

READ A SECOND TIME IN OPEN COUNCIL THE 26TH DAY OF NOVEMBER, 1990.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 10TH DAY OF DECEMBER, 1990.


MAYOR


CITY CLERK

THIS IS SCHEDULE "A" TO BY-LAW NO. 208-90 OF THE CORPORATION
OF THE CITY OF NORTH BAY

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PROHIBITED AREA

All those lands and premises in the City of North Bay zoned as Commercial One (C1) or Commercial Two (C2) by North Bay Zoning By-law 28-80, as amended, which shall include the following lands:

COMMENCING at the intersection of Foren Street and the Canadian Pacific Railway Mainline;

THENCE southerly along the said Mainline to Regina Street;

THENCE easterly on Regina Street to Oak Street;

THENCE southerly on Oak Street to Chippewa Creek;

THENCE easterly on Chippewa Creek to McIntyre Street;

THENCE northerly on McIntyre Street to Fisher Street;

THENCE easterly on Fisher Street to First Avenue;

THENCE northerly on First Avenue to Fraser Street;

THENCE easterly on Fraser Street to King Street;

THENCE northerly along King Street to Cassells Street;

THENCE westerly on Cassells Street to Front Street;

THENCE westerly on Front Street to Algonquin Avenue;

THENCE southerly on Algonquin Avenue to Foren Street;

THENCE westerly on Foren Street to the place of beginning.

THIS IS SCHEDULE "B" TO BY-LAW NO. 208-90 OF THE CORPORATION
OF THE CITY OF NORTH BAY

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ADULT ENTERTAINMENT PARLOUR

LICENCE	ANNUAL FEE EXPIRES DECEMBER 31
OWNER	\$ 1,000.00
OPERATOR	\$ 1,000.00