



# MISSISSAUGA

**THE CORPORATION OF THE CITY OF MISSISSAUGA  
ADULT ENTERTAINMENT ESTABLISHMENT LICENSING  
BY-LAW NUMBER 0507-2005**

**(amended by 0192-2008, 0310-2011, 0290-2015)**

**WHEREAS** subsection 150(1) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

**AND WHEREAS** the Council of the City of Mississauga is authorized pursuant to section 151(1) of the *Municipal Act* 2001 to define the area of the municipality in which Adult Entertainment Establishments may or may not operate and limit the number of licences granted in any defined area in which they are permitted;

**AND WHEREAS** the Council of the City of Mississauga is authorized pursuant to section 151(1) of the *Municipal Act* 2001 to regulate and prohibit the placement, construction, size, nature and character of signs, advertising, and advertising devices, including any printed matter, oral or other communication or thing used to promote Adult Entertainment Establishments;

**AND WHEREAS** the Council of the City of Mississauga is authorized pursuant to section 151(1) of the *Municipal Act* 2001 to prohibit 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 of;

**AND WHEREAS** "Adult Entertainment Establishment" is defined in subsection 151(2) of the Act to mean any premises or part thereof if goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided, in pursuance of a business, in the premises or part of the premises;

**AND WHEREAS** the Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern Adult Entertainment Establishments for the purpose of Health and Safety to ensure that the business is conducted in a fashion and manner that will not adversely affect or could possibly adversely affect the health and safety of person(s) or result in illness, hazardous conditions, injury or loss;

**AND WHEREAS** the Council of the City of Mississauga considers it desirable and necessary to license, regulate, and govern owners of Adult Entertainment Establishments for the purposes of Nuisance Control to ensure that the facility is operated in a manner and location such that it will not adversely affect or become a nuisance to other persons or businesses.

**AND WHEREAS** a public meeting was held on December 7, 2005 at which time a report entitled Adult Entertainment Establishment Licensing relating to the licensing of the business was presented and considered;

NOW THEREFORE the Council of the Corporation of the City of Mississauga hereby ENACTS as follows:

## **DEFINITIONS AND INTERPRETATION**

1. In this by-law:

**“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 the business;

**“Adult Book”** means any book or magazine appealing to or designed to appeal to sexual or erotic appetites or inclinations;

**“Administrative Fees”** means any fees specified in the Licensing Administrative Penalty By-law and listed in Schedule “A” thereto; (0290-2015)

**“Administrative Penalty”** means a monetary penalty as set out in Schedules “A” and “B” to the Licensing Administrative Penalty By-law for a contravention of a Designated By-law; (0290-2015)

**“Adult Book Store”** means any premises or part thereof where Adult Books are provided in the pursuance of a 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 designed to appeal to erotic or sexual appetites or inclinations;

**“Adult Entertainment Establishment”** includes an Adult Entertainment Business, Body-rub Business, Adult Book Store or an Adult Videotape Store;

**“Adult Videotape”** means any Videotape the content 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 videotape classified by the Ontario Film Review Board as "restricted" with the added information piece "adult sex film" shall be deemed to be an Adult Videotape, while a Videotape without such classification and sticker shall be deemed not to be an Adult Videotape;

**“Adult Videotape Area”** means an identifiable part of any premises, which part is used for the provision of Adult Videotapes;

**“Adult Videotape Store”** means any premises or part thereof where Adult Videotapes are provided in the pursuance of a business;

**“Appeal Tribunal”** means the all-citizen Tribunal duly appoint by Council to conduct hearings under this By-law; (0192-2008)

**“Applicant”** means a person applying for a new or renewing a Licence under this by-law;

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

**“Body-rub”** is an activity where the primary function is the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, 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 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, licensed 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 areas of any person or persons;

**“City”** means The Corporation of the City of Mississauga; (0290-2015)

**“Clerk”** means the Clerk of the City of Mississauga or their duly appointed Deputy;

**“Corporation”** means the Corporation of the City of Mississauga;

**“Council”** means the Council for The Corporation of the City of Mississauga;

**“Designate”** means the person in charge of and responsible for the operation of the Body-rub Business in the absence of the Owner;

**“Designated By-law”** means a by-law or provision of a by-law that is designated under the Licensing Administrative Penalty By-law or any other by-law, as a by-law or provision of a by-law to which the Licensing Administrative Penalty By-law applies; (0290-2015)

**“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”** means the bent of mind, desire, inclination or preference to satisfy a craving or desire pertaining to or related to sex;

**“Individual”** means a natural person and does not include a corporation, partnership or association;

**“Inspector”** means a duly appointed Municipal Law Enforcement Officer and includes members of the Peel Regional Police;

**“Licence”** means the certificate issued by the Licence Manager under this By-law;

**“Licence Manager”** means the Manager of the Compliance and Licensing Enforcement unit of the City’s Enforcement Division and includes his or her designates. (0192-2008)

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

**“Licensing Administrative Penalty By-law”** means the City’s Licensing Administrative Penalty By-law 0135-2014, as amended (or its successor), being a by-law to establish a system of administrative penalties respecting those who have failed to comply with any part of a system of business licences established by the City; (0290-2014)

**“Licensing Unit”** means the Compliance and Licensing Enforcement Unit of the Corporation's Enforcement Division;

**“Main Stage”** means, in relation to an Adult Entertainment Business, the principal setting, scene or area on any floor in the premise 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*, R.S.O. 1990, c. H. 7, as amended, and includes any staff official acting on behalf of the Medical Officer of Health;

**“Municipal Act, 2001”** means the *Municipal Act*, 2001, S.O. 2001, c.25, as amended and any regulations thereunder;

**“Notice of Additional Fee”** means a written notice from the Licence Manager to a Licensee advising them of their requirement to pay an Additional Fee;

**“Owner”** means a person who alone or with others, owns and/or has ultimate control over, and/or directs the operation of the trade, calling, business or occupation carried on at an Adult Entertainment Establishment, and includes an owner, lessee, tenant, or licensee of the premises from which the Adult Entertainment Establishment is operated;

**“Penalty Notice”** means a notice given to a person pursuant to section 4 of the Licensing Administrative Penalty By-law; (0290-2015)

**“Person”** includes a corporation and its directors and officers, and the heirs, executors, assignees and administrators or the other legal representatives of an Individual and their respective successors and assignees;

**“Premises”** include lands, and any fence, buildings, sheds or similar structures situated thereon;

**“Restaurant”** means any premises or part thereof where food is prepared and offered for sale to the public for consumption within the building or structure or off the premises and may include a drive-through window;

**“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 implication is used in any advertisement:

**“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 the buttocks;

**“Specified Sexual Activities”** means one or more of the following: actual or simulated sexual intercourse, masturbation, urination, defecation, ejaculation, sodomy, including bestiality, anal intercourse, and oral sexual intercourse, direct physical stimulation of unclothed genital organs, and flagellation or torture in the context of a sexual relationship or activity;

**“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 relating to any Videotape, 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.

**“Videotape”** means cinematographic film, Videotape and any other medium from which may be produced visual images that may be viewed as moving pictures;

**“Zoning Certificate”** means a certificate duly issued by the City approving the use for which the Licence application has been made on the property where the business is located.

### **LICENSING REQUIRED**

2. (1) No Owner shall operate any Adult Entertainment Establishment unless the Owner is licensed under this By-law.
- (2) No Person shall act as an Attendant unless they are licenced under this By-law.

### **REPRESENTATION OF LICENSING**

3. No person shall hold himself out to be licenced if he is not.

### **LICENSING UNIT**

4. The Licensing Unit shall:
  - (1) Receive and process all applications for Licences and for renewal of Licences; (0191-2008)
  - (2) Issue all Licences when an application is made in accordance with the provisions of this By-law and attached Schedules, and meets all requirements under this By-law and attached Schedules; (0192-2008)
  - (3) Impose terms and conditions on a Licence where the Licence Manager is of the opinion that a term or condition should be imposed under Section 10; (0192-2008)
  - (4) Refuse to issue, renew a Licence or revoke or suspend a Licence, where the Licence Manager is of the opinion that the Applicant is disentitled to a Licence under Section 11; (0192-2008)
  - (5) Maintain complete records showing all application received and licences issues; (0192-2008)
  - (6) Enforce the provision of this By-law and attached Schedules; and (0192-2008)

- (7) Generally perform all the administrative functions conferred upon it by this By-law and the attached Schedules. (0192-2008)

**APPLICATION FOR A LICENCE AND FOR RENEWAL OF A LICENCE**

5. (1) An application for an Owner's Licence and an application for the renewal of an Owner's Licence shall be completed on the forms provided by the Licensing Unit.
- (2) Each executed application shall be submitted to the Licensing Unit by the Owner and be accompanied by:
- (a) the fee in the appropriate amount as set out in Schedule 1 to this By-law;
  - (b) a Zoning Certificate indicating that the use for which the application has been made is approved under the Zoning By-law as an approved use of the premises; and
  - (c) if the Owner is a corporation, a copy of the incorporating document and a copy of the last annual information filed or, if a registered partnership, a copy of the registered declaration of partnership and a copy of the business name registration;
- (3) Notwithstanding paragraph 5(2)(b), where an application is made for the renewal of a Licence and where a Zoning Certificate has been received, approving the use of the property for that which the renewal application has been made, no new Zoning Certificate is required.
- (4) Notwithstanding paragraph 5(2)(b), where an application is made for a new or the renewal of a Licence and where a Zoning Certificate has been issued based upon the use being approved by a Committee of Adjustment Decision, the Zoning Certificate is subject to all conditions and restrictions imposed by the Committee of Adjustment on the use, including the term that the use is permitted, and upon expiry of the term, as permitted by the Committee of Adjustment, the Zoning Certificate shall no longer be valid.
- (5) Notwithstanding paragraph 5(2)(c), where a corporation applies for a renewal of a Licence and there has been no change in the officers or directors of the corporation, only a copy of the last annual information filed must be submitted by the Owner with the Owner's executed application.
- (6) Where an application for a Licence or for renewal of a Licence is refused, the fee paid pursuant to paragraph 5(2)(a) shall be fully refunded.
- (7) Notwithstanding the above, no refund shall be made where an Additional Fee imposed pursuant to this By-law remains outstanding at the time of renewal and where the Additional Fee is equal to or greater than the Licence renewal fee, except where the outstanding Additional Fee is less than the renewal fee for the Licence, the Applicant shall be refunded the difference between the renewal fee and the Additional Fee outstanding.
- (8) An Owner must obtain a separate licence for each of the premises at which the Owner carries on business.
- (9) The provisions of paragraph 5(2)(b) do not apply to a person who was carrying on the business of an Adult Entertainment Business since May 28, 1979 at the same location.

6. (1) Each executed application for an Attendant's Licence shall be submitted to the Licensing Unit by the Attendant and be accompanied by:
  - (a) the fee in the appropriate amount as set out in Schedule 1 to this By-law;
  - (b) a Police Criminal Record Data Request form duly executed by the Peel Regional Police for the Attendant;
  - (c) proof of the Attendant's age by way of their birth certificate or provincial drivers licence; and
  - (d) a certificate on a form supplied by the Licensing Unit, signed by a duly qualified medical practitioner within one (1) month immediately prior to the date of the executed application certifying that the Attendant is free from communicable diseases and is medically fit to perform Body-rubs.
- (2) Notwithstanding paragraph 6(1)(d), where an Attendant applies for a renewal of a licence no proof of age is required.
- (3) No corporation may hold an Attendant's Licence.
- (4) Where an application for a Licence or for renewal of a Licence is refused, the fee paid pursuant to paragraph 6(1)(a) shall be fully refunded.
- (5) Notwithstanding the above, no refund shall be made where an Additional Fee imposed pursuant to this By-law remains outstanding at the time of renewal and where the Additional Fee is equal to or greater than the Licence renewal fee, except where the outstanding Additional Fee is less than the renewal fee for the Licence, the Applicant shall be refunded the difference between the renewal fee and the Additional Fee outstanding.

7. **INSPECTION**

On receipt of an application for a Licence or for renewal of a Licence, the Licence Manager may:

- (1) At any reasonable time enter upon the business premises of the Owner to make an inspection to ensure that all the provisions of this By-law have been satisfied; and
  - (2) Circulate the application and supporting documents to the Peel Regional Police for their review and comment.
8. No individual shall be licensed under this By-law unless the individual is eighteen (18) years of age or over.

**ISSUE OF LICENCE OR RENEWAL OF LICENCE**

9. When an application for a Licence or for a renewal of a Licence is made in accordance with the provisions of this by-law and the Applicant meets all the requirements of this by-law the Licence Manager shall issue a Licence.

## **LICENCE ON TERMS AND CONDITIONS**

10. (1) Notwithstanding any other provisions of this By-law, Licence Manager may impose terms and conditions on any Licence at issuance, at renewal or at any time during the Licence period, including special conditions, as are necessary to give effect to this By-law and may include, but are not limited to, conditions restricting the hours of business other than those set out in this By-law and the attached Schedules or conditions that the business Owner have employees in attendance at the business location during the hours of operation to ensure compliance with this By-law. (0192-2008)
- (2) Notwithstanding any other provisions of this By-law, Licence Manager may impose Additional Fees on a Licencee, by way of a Notice Of Additional Fee at any time during the term of the Licence for costs incurred by the municipality attributable to the activities of the Licencee. (0192-2008)
- (3) The Notice of Additional Fee shall be sent to the Licensee by Registered Mail and shall provide the Licensee with sixty (60) days to pay the outstanding amount from the date of such Notice.

## **GROUNDS FOR REFUSAL TO ISSUE OR TO RENEW A LICENCE**

11. An Applicant whose application meets all the requirements of this By-law and its Schedules is entitled to a Licence or the renewal of a Licence except where:
  - (1) There are reasonable grounds to believe that any application or other document provided to the Licensing Unit by or on behalf of the Applicant contains a false statement or provided false information; or
  - (2) The past or present conduct of the Applicant, or of any partner, in the case of an Applicant which is a partnership, or of any director or officer of the corporation, if the Applicant is a corporation, affords reasonable grounds for the belief that the Applicant will not carry on the activity for which he is to be licensed or to continue to be licensed in accordance with law and with integrity and honesty; or
  - (3) The financial position of the Applicant affords reasonable grounds to believe that the activity for which he is to be licensed or to continue to be licensed in accordance with law will not be carried on in a financially responsible manner; or
  - (4) The issuance of the Licence or renewal of the Licence would be contrary to the public interest; or
  - (5) The Applicant has failed to pay the fine or fines imposed by a court as a sentence arising from convictions for breach of a By-law enacted by the City; or
  - (5.1) The Applicant has failed to pay an Administrative Penalty imposed by the City arising from a contravention of a Designated By-law; or (0290-2015)
  - (6) The fee payable in respect of the Licence applied for has not been paid; or
  - (7) Any Additional Fee imposed on a Licencee remains unpaid after the due date as indicated in the Notice of Additional Fee sent to the Licencee; or



- (8) There are reasonable grounds to believe that the Applicant does not meet all the requirements of this By-law or any other City By-law, or that the building, premises or place or part thereof in which the business is carried on or intended to be carried on does not comply with the provisions of this By-law, or with any other law, or by-law, including any applicable zoning and building requirements; or
- (9) The Applicant fails or refuses to comply with any requirement set out in the By-law to obtain or maintain or renew a Licence issued under this By-law;

**LICENCE MANAGER'S POWER TO REFUSE TO ISSUE, RENEW A LICENCE OR REVOKE OR SUSPEND A LICENCE**

- 12 (1) The powers and authority to refuse to issue or renew a Licence, to cancel, revoke or suspend a Licence, or to impose terms and conditions on a Licence, are hereby delegated to the Licence Manager and his or her delegates. (0192-2008)
- (2) Where the Licence Manager is of the opinion that: (0192-2008)
  - (a) an application for a licence or renewal of a licence should be refused,
  - (b) a reinstatement should not be made,
  - (c) a licence should be revoked
  - (d) a licence should be suspended, or
  - (e) a term or condition of a licence should be imposed,
 he or she shall make that decision
- 13 (1) After a decision is made by the Licence Manager, written notice of that decision shall be given to the Applicant or Licensee advising the Applicant or Licensee of the Licence Manager's decision with respect to the application or licence. (0192-2008)
- (2) The written notice to be given under subsection 13(1), shall: (0192-2008)
  - (a) set out the grounds for the decision;
  - (b) give reasonable particulars of the grounds;
  - (c) be signed by the Licence Manager; and
  - (d) state that the Applicant or Licensee is entitled to a hearing by the Appeal Tribunal if the Applicant or Licensee delivers to the Clerk, within seven(7) days after the Notice under subsection (1) is served, a notice in writing requesting a hearing by the Appeal Tribunal and the appeal fee as set out in Schedule 1 of this By-law.
- (3) Where no appeal is registered within the required time period, the decision of the Licence Manager shall be final.

### **THE HEARING BEFORE THE APPEAL TRIBUNAL**

14. (1) The powers and authority to conduct appeal hearings under this By-law are hereby delegated to an all-citizen Appeal Tribunal duly appointed by By-law. (0192-2008)
- (2) The provisions of sections 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 Appeal Tribunal under this by-law. (0192-2008)
- (3) When the Applicant or Licensee who has been given written notice of the hearing does not attend at the appointed time and place, the Appeal Tribunal may proceed with the hearing in his or her absence and the Applicant or Licensee shall not be entitled to any further notice of the proceedings. (0192-2008)
- (4) At the conclusion of a hearing, the Appeal Tribunal may give its decision orally or reserve its decision, but in any case it shall provide its decision in writing, with reasons, within fourteen (14) days of the hearing to the Applicant or Licensee and the Licence Manager. (0192-2008)

### **TRIBUNAL DECISION FINAL**

15. In making its decision the Appeal Tribunal may uphold or vary the decision of the Licence Manager, or make any decision the Licence Manager was entitled to make in the first instance, The decision of the Appeal Tribunal issued under this By-law is final. (0192-2008)

### **RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION**

16. (1) When a Licence has been revoked, deemed unrenovable, cancelled or suspended, the holder of the Licence shall return the Licence to the Licensing Unit within twenty-four (24) hours of service of written notice of the decision of Licence Manager or, where an appeal has been filed, the decision of the Appeal Tribunal, and the Licence Manager may enter upon the business Premises of the Licensee for the purpose of receiving, taking, or removing the said Licence. (0192-2008)
- (2) When a person has had his or her Licence revoked or suspended under this By-law, he or she shall not refuse to deliver up or in any way obstruct or prevent the Licence Manager from obtaining the Licence in accordance with subsection (1). (0192-2008)

### **CANCELLATION OF A LICENCE**

17. Any Licence issued under this by-law may be cancelled at any time upon the written request of the Licensee.

### **LICENCE TRANSFERABLE**

18. A Licence issued under this By-law is not transferable.

### **RIGHT OF INSPECTION OF LICENSED PREMISES**

19. (1) The Inspector may at any reasonable time enter upon and inspect the business Premises of any Licensee to ensure that the provisions of this By-law are complied with.

- (2) Upon an inspection every person shall produce all relevant Licences and permits, invoices, vouchers, or like documents which may be removed for the purpose of photocopying and returned to the Licensee within forty eight (48) hours of removal.
20. No person shall obstruct the person inspecting or withhold, destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purpose of the inspection.

### **DISPLAY OF LICENCE**

21.
  - (1) Every Owner shall prominently display the Licence at the licensed premises at all times and shall produce the Licence upon request by the Licence Manager or an Inspector.
  - (2) Every Attendant shall carry his/her Licence at all times while working at a Body-rub Business and shall produce the Licence upon request by the Licence Manager or an Inspector.

### **NOTIFICATION OF CHANGE OF INFORMATION**

22.
  - (1) A Licensee shall carry on business in the City in the name which is set out on the Licence and shall not carry on business in the City in any other name.
  - (2) When a Licensee changes his name or address or any information relating to his Licence, he shall notify the Licensing Unit within thirty two (32) hours of the change of address or any other information relating to his Licence and shall return the Licence immediately to the Licensing Unit for amendment.
  - (3) When the Licensee is a corporation, and there is any change in the following information given on the application namely: the names and addresses of officers and directors, the location of the corporate head office, change of ownership of shares, the Licensee shall report the change to the Licensing Unit within seven (7) days of the change, and if necessary, the Licence shall be returned immediately to the Licensing Unit for amendment.
  - (4) A Licensee shall not alter, erase or modify or permit such alteration, erasure or modifications of their Licence or part thereof unless approved by the Licensing Manager.

### **ORDER TO COMPLY**

23. Where a Licensee contravenes any provision of this By-law, or its Schedules the Inspector may:
  - (1) Serve a written notice on the Licensee, advising of the contravention and directing compliance: or
  - (2) Direct in a written order that a thing or matter is required to be done and in default of such matter or thing being done, the matter or thing will be done at the Licensee=s expense by the City and the City will recover the expense by action or in like manner as municipal taxes.

## **NOTICE**

24. (1) Any notice or order required to be given or served under this By-law is sufficiently given or served if delivered personally or sent by registered mail, addressed to the person to whom delivery or service is required to be made at the last address for service appearing on the records of the Licensing Unit.
- (2) When service is made by registered mail, the service shall be deemed to be effected on the seventh (7) day after the date of mailing, unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness, or other cause beyond his control, receive the notice or order until a later date.

## **PENALTY**

25. (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, exclusive of costs, not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both.
  - (2) If a corporation is convicted the maximum penalty, exclusive of costs, that may be imposed is \$50,000.
- 25.1 Every Person who contravenes any provision of this Designated By-law, when given a Penalty Notice, is liable to pay to the City an Administrative Penalty in the amount specified in the City's Licensing Administrative Penalty By-law and shall be liable to pay to the City Administrative Fees pursuant to the City's Licensing Administrative Penalty By-law, and shall follow the procedures for payment or review/appeal as outlined in the City's Licensing Administrative Penalty By-law. (0290-2015)
- 25.2 Notwithstanding section 25.1, every Person who contravenes any provision of the By-law is guilty of an offence and is liable to a fine, including the fines set out in this By-law, and such other penalties as provided for in the *Provincial Offences Act*, R.S.O. 1990. cP33, as amended and the *Municipal Act, 2001*, as each may be amended from time to time. (0290-2015)

## **PROHIBITION ORDER**

26. Pursuant to the provisions of section 442 of the *Municipal Act, 2001*, when a person has been convicted of an offence under this By-law, the Ontario Court of Justice (Provincial Division) of the City of Mississauga, or any court of competent jurisdiction thereafter may, in addition to any other penalty or order imposed, make an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation of the repetition of the offence.

## **RESTRAINING ORDER**

27. Pursuant to the provisions of section 443 of the *Municipal Act, 2001* in addition to any other remedy and to any penalty imposed by the schedule, any such further contraventions may be restrained by action by the City.

## **SEVERABILITY**

28. Notwithstanding that any section of this By-law, or any part thereof, may be found by any court of law to be invalid or beyond the power of the Council to enact, such section or part thereof shall be deemed to be severable, and the remainder of the By-law shall continue to be validly enacted.

## **SCHEDULES**

29. All schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

## **INTERPRETATION**

30. (1) The provisions of the *Interpretation Act* R.S.O. 1990, c.I.11, shall apply to this By-law as required.
- (2) In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.

## **SHORT TITLE**

31. This By-law shall be known as the Adult Entertainment Establishment Licensing By-law.

## **REPEAL**

32. By-law 0087-2001, as amended, being the Adult Book Licensing By-law is hereby repealed.
33. By-law 0313-2000, as amended, being the Adult Entertainment Parlour Licensing By-law is hereby repealed.
34. By-law 0002-2001, as amended, being the Adult Videotape Licensing By-law is hereby repealed.
35. By-law 0003-2001, as amended, being the Body-rub Parlour Licensing By-law is hereby repealed.

ENACTED AND PASSED this 14th day of December, 2005.  
Signed by: Hazel McCallion, Mayor and Crystal Greer, City Clerk

**Index to By-law 0507-2005**

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**Schedule 1 to By-law 0507-2005**  
**Relating to fees**

(amended by 0192-2008, 0310-2011)

<b><u>TYPE OF LICENCE</u></b>	<b><u>New</u></b>	<b><u>Renewal</u></b>
Adult Book Store Owner	\$207.00	\$202.00
Adult Entertainment Business Owner	\$4,837.00	\$4,817.00
Adult Videotape Store Class A	\$313.00	\$233.00
Adult Videotape Store Class B	\$207.00	\$202.00
Attendant	\$381.00	\$358.00
Body-rub Business Owner	\$6,202.00	\$6,063.00

**OTHER FEES** (taxes not included)

Appeal Tribunal Hearing Fee	\$392.00
Replacement Licence Fee	\$12.00

**NOTE:** These rates shall automatically increase and be rounded to the nearest dollar on the first day of January each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the 12 month period ending on October 1 in the year immediately preceding the rate increase. The fees listed in this Schedule will be subject to Harmonized Sales Tax (H.S.T.), where applicable

**Schedule 2 to By-law 0507-2005**  
**Relating to licence expiry dates**

1. The Owner=s Licences issued pursuant to this By-law shall expire according to the name of the street on which the business premise is located and the Licence expiry dates shall be divided as follows:
  - (1) Where the first letter of the street name begins with the letter A through and including D, the Licence expiry date shall be March 31, of each year;
  - (2) Where the first letter of the street name begins with the letter E through and including K, the Licence expiry date shall be August 31, of each year;
  - (3) Where the first letter of the street name begins with the letter L through and including P, the Licence expiry date shall be October 31, of each year;
  - (4) Where the first letter of the street name begins with the letter Q through and including Z, the Licence expiry date shall be December 31, of each year.
  
1. The Attendant's licences issued pursuant to this By-law and the attached Schedules shall expire on December 31 of any given year.
  
3. Where a new Licence has been issued ninety (90) days or less prior to the Licence expiry date, the Licence period shall be extended and the Licence shall be deemed to be valid, subject to the other provisions of this By-law, until the Licence expiry date in the following year.
  
4. Where a new Licence has been issued ninety-one (91) days or more prior to the Licence expiry date, the Licence period shall not be extended and the Licence shall be deemed to be valid, subject to the other provisions of this By-law, only until the current year's Licence expiry date.
  
5. Where a completed application for renewal of a Licence is not submitted to the Licensing Unit within three (3) months after the expiry date, the Owner will be required to submit a new application and pay all appropriate fees as set out in Schedule 1 to this By-law.



**Schedule 3 to By-law 0507-2005**  
**Relating to Adult Book Stores**

1. Every Owner who provides Adult Books in any premise or part thereof shall:
  - (1) Not permit any Adult Book to be displayed at a height of less than 1.5 metres above floor level, unless such book or magazine is in a part of the premise where the public is not permitted physical access and which is not visible to the public;
  - (2) Ensure that all Adult Books offered for sale or displayed in such premises or part thereof shall be placed behind an opaque barrier of a size and nature which shall ensure that the cover of every such book or magazine while so displayed, except for the name thereof, may not be seen by any member of the public;
  - (3) Maintain on the premises, available for inspection by the Licence Manager during all business hours, a current list of all Adult Books available on the premises;
  - (4) Ensure that exterior signs and advertisements relating to Adult Books and to the provision of Adult Books, shall be restricted to the words "Adult Books" or "Adult Book sales" and shall not include pictorial representation of Specified Body Areas or sexual activities;
  - (5) Ensure that no person under the age of eighteen (18) years is permitted within one meter of any Adult Book area, in accordance with this By-law;
  - (6) Ensure that no Adult Book shall be displayed in such a manner so as to be visible from outside the store; and
  - (7) Keep the premises in a clean and sanitary condition;

**ADVERTISING**

2. No person shall advertise an Adult Book Store by way of a sign unless the sign;
  - (1) Is erected only on the property where the Adult Book Store 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; and
  - (3) Is in compliance with the City's Sign By-law, as amended.
3. No Person shall advertise or cause or permit to be advertised an Adult Book Store in anyway 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 Book Store, except as specifically permitted in this By-law;

**Schedule 4 to By-law 0507-2005**  
**Relating to Adult Entertainment Businesses**

1. In addition to the general licensing provisions contained in this By-law, every applicant for a new Adult Entertainment Business Owner's Licence shall submit;
  - (1) A Police Criminal Record Data Request form duly executed by the Peel Regional Police 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) Two passport size photographs of 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
  - (3) A floor plan of the Adult Entertainment Business, in a fashion acceptable to the Licence Manager, which clearly depicts where the Main Stage is in relation to all patron seating areas in the Adult Entertainment Business;
  
2. No licence will be issued or renewed under this By-law and this Schedule unless;
  - (1) The Owner is Licensed under the Business Licensing By-law to operate a Restaurant and that Licence is in good standing; or
  - (2) The Owner is a holder of a Licence issued under the *Liquor Licence Act*, R.S.O. 1990, c. L. 19, as amended; and
  - (3) The Adult Entertainment Business is located in zone where such use is permitted under the City of Mississauga Zoning By-laws, as amended, and is not located closer than 800 metres measured in a straight line from the nearest part of the Adult Entertainment Business buildings to the lot line of a residential zone;
  - (4) Despite section 2(3), the following premises in actual use as an Adult Entertainment Business will be permitted and are hereby defined as a premise in which one (1) Adult Entertainment Business is, if in compliance with all other law, eligible to apply for and be considered for an Owner's licence:
    - (1) 7222 Torbram Road
    - (2) 7040 Torbram Road, Unit 1
    - (3) 2630 Royal Windsor Drive, Unit 1
    - (4) 1820 Dundas Street East
  - (5) The Adult Entertainment Business may continue to locate in the premises listed in subsection (4) so long as the Owner continues to renew his Licence or sells his business and the use as a Adult Entertainment Business continues with no period of interruption in the business;

**Schedule 4 to By-law 0507-2005**  
**Relating to Adult Entertainment Businesses**

- (6) If the use as a Adult Entertainment Business in the premises listed in subsection (4) ceases for any period of time or if the Owner's Licence is not renewed or if the Owner's Licence is revoked by Council, no further Owner's Licence shall be issued for that location;
- (7) The total number of Owner's Licences for Adult Entertainment Businesses in the City of Mississauga which may be issued under and in accordance with this By-law shall hereby be limited to nine (9).

**ADVERTISING**

- 3. No Person shall advertise an Adult Entertainment Business by way of a sign unless the sign;
  - (1) Is erected only on the property where the Adult Entertainment 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; and
  - (3) Is in compliance with the City's Sign By-law, as amended.

**REGISTRATION OF ENTERTAINERS**

- 4. (1) Every Owner shall require an Entertainer to complete a registration form as set out in Schedule 5 to this By-law prior to performing in the Adult Entertainment Business.
- (2) The completed registration form shall include the following information pertaining to the Entertainer:
  - (a) legal name;
  - (b) current address;
  - (c) former address if changed within the previous two years; and
  - (d) proof of age of majority as evidenced by production of at least two of the following documents of which one must contain photographic identification of the Entertainer:

**Schedule 4 to By-law 0507-2005**  
**Relating to Adult Entertainment Businesses**

- (i) Birth Certificate;
  - (ii) Baptismal Certificate;
  - (iii) Drivers Licence;
  - (iv) Passport;
  - (v) Social Insurance Card.
- (3) Every Owner shall retain with the completed registration form a photocopy of the identification provided by the Entertainer.
- (4) Every Owner shall, upon request of an Inspector or the Licence Manager, provide forthwith to that individual the valid, completed registration form for any and all Entertainers, together with photocopies of the identification retained with the registration form.
- (5) Every Owner shall retain all completed registration forms and photocopies of identification for a period of three years from the date of completion.
- (6) A registration form is valid for one (1) year from the date it is completed.
- (7) Every Owner shall have the Entertainer complete a registration form at least once a year or where any change in information occurs.

**CONDUCT ON PREMISES**

5. No Owner shall,
- (1) Permit any individual under the age of eighteen (18) years to enter or remain in the Adult Entertainment Business or any part thereof;
  - (2) Employ or otherwise use the services of individuals under the age of eighteen (18) years;
  - (3) Allow any person to act as an Entertainer who is under the age of eighteen (18) years;
  - (4) 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;
  - (5) 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;

**Schedule 4 to By-law 0507-2005**  
**Relating to Adult Entertainment Businesses**

- (6) Permit any Entertainer to perform any service 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 any thing, including but not limited to walls, curtains, glass, enclosures, structures, fog, or inadequate lighting;
  - (7) Permit any person to loiter, create a disturbance or cause undue noise while on the licensed premises;
  - (8) Advertise or cause or permit 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 in this By-law;
6. 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 any thing, including but not limited to walls, curtains, glass, enclosures, structures, fog, or inadequate lighting.

**MAIN STAGE**

7. No Owner shall 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 Owner's Adult Entertainment Business without first receiving approval from the Licence Manager for such alterations.

**BUSINESS OPERATION**

8. (1) No Owner shall permit any person to provide Services or Services Designed to Appeal to Erotic or Sexual Appetites or Inclinations in an Adult Entertainment Business:
- (a) on any day, other than a Sunday, before twelve (12) o'clock noon of one day and after two (2) o'clock in the forenoon of the following day; and

**Schedule 4 to By-law 0507-2005**  
**Relating to Adult Entertainment Businesses**

- (b) on a Sunday, before four (4) o'clock in the afternoon and after two (2) o'clock in the forenoon of the following day.
  - (2) Notwithstanding paragraph 8(1)(a), no Owner shall permit any person to provide Services or Services Designed to Appeal to Erotic or Sexual Appetites or Inclinations in an Adult Entertainment Business on December 31, where December 31 is not a Sunday, before twelve (12) o'clock noon and after three (3) o'clock in the forenoon of January 1.
  - (3) Notwithstanding paragraph 8(1)(b) no Owner shall permit any person to provide Services or Services Designed to Appeal to Erotic or Sexual Appetites or Inclinations in an Adult Entertainment Business: on December 31, where December 31 is a Sunday, before four (4) o'clock in the afternoon and after three (3) o'clock in the forenoon of January 1.
9. Notwithstanding anything contained in section 8, no Owner shall operate an Adult Entertainment Business on Christmas Day, Good Friday or Easter Sunday;
10. Every Owner shall keep the Owner's premises in a clean and sanitary condition.

**Schedule 5 to By-law 0507-2005**  
**Relating to Entertainers Registration form**

(PLEASE PRINT ALL INFORMATION)

DATE INFORMATION RECEIVED: \_\_\_\_\_

Adult Entertainment Business: \_\_\_\_\_

INFORMATION TAKEN AND VERIFIED BY: \_\_\_\_\_  
(OWNER OR DESIGNATE)

ENTERTAINER INFORMATION: (ALL QUESTIONS MUST BE ANSWERED)

NAME: \_\_\_\_\_  
(SURNAME) (FIRST) (MIDDLE)

Maiden Name: \_\_\_\_\_ STAGE NAME: \_\_\_\_\_

BIRTH DATE: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ SEX: MALE \_\_\_\_\_ FEMALE \_\_\_\_\_  
YEAR MONTH DAY

HOME ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

PREVIOUS ADDRESS: \_\_\_\_\_  
(LAST TWO YEARS)

DESCRIPTION: HEIGHT: \_\_\_\_\_ WEIGHT: \_\_\_\_\_  
EYE COLOUR: \_\_\_\_\_ HAIR COLOUR: \_\_\_\_\_  
SCARS/TATTOOS: \_\_\_\_\_  
(DESCRIPTION)

FREELANCE: \_\_\_\_\_ SCHEDULED: \_\_\_\_\_

LAST BUSINESS WORKED AT: \_\_\_\_\_

PERSONAL IDENTIFICATION:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_

At least two pieces of identification from any of the following is acceptable: passport, birth certificate, driver's licence, social insurance card.

At least one of the above identifications must have a photograph with a photocopy attached to this application and further, the Entertainer agrees to have the Business Owner take one photograph of the entertainer, to be signed and dated by the entertainer to attach to this registration form.

I acknowledge the information on this registration is true and accurate.

ENTERTAINER=S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(YEAR) (MONTH) (DAY)

**Schedule 6 to By-law 0507-2005  
Relating to Adult Videotape Stores**

1. Every person licenced under this By-law and Schedule shall obtain the proper class of Adult Videotape Store licence the classes of which are described as follows:
  - (1) *"Adult Videotape Store Class "A"* means any premises where the principal activity is the provision of Adult Videotapes; or in which Adult Videotapes are provided in the pursuance of a business and to which premises entry by persons under the age of eighteen (18) years is prohibited, or in respect of which premises it is advertised or notice is given that such entry is prohibited; or in which Adult Videotapes are provided in the pursuance of a business and in respect of which it is advertised, or notice is given either by signs or other advertising devices on or in the premises, or otherwise, that the premises are an "Adult Video Store", an "Adult Videotape Store", an "Adult Video rental Store", or are otherwise described by words of like meaning;
  - (2) *"Adult Videotape Store Class B"* means any premises or part thereof where Adult Videotapes are provided in the pursuance of a business where the principal business is something other than providing Adult Videotapes;
2. Every licensed Owner shall:
  - (1) Maintain on the premises, available for inspection by the License Manager during all business hours, a current list of all Adult Videotapes available on the premises;
  - (2) Ensure that any person working in an Adult Videotape Store Class A, or in that part of any Adult Videotape Store Class B in which Adult Videotapes are provided, is of the age of eighteen (18) years or older;
  - (3) Ensure that exterior signs and advertisements relating to Adult Videotape Stores Class A or Class B and to the provision of Adult Videotapes, shall be restricted to the words "adult videos", "Adult Videotapes", or "Adult Videotapes sales or rentals" and shall not include pictorial representation of specified body areas or specified sexual activities;
  - (4) Ensure that no person under the age of eighteen (18) years is permitted to enter an Adult Videotape Store Class A, or within one meter of any Adult Videotape area in an Adult Videotape Store Class B;
  - (5) Post and keep posted at every entrance to any Adult Videotape Store Class A, and in a prominent location inside such 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 eighteen (18) years is permitted to enter or remain in such store or any part thereof;
  - (6) Ensure that no Adult Videotape, or container for an Adult Videotape shall be displayed in such a manner so as to be visible from outside the store; and
  - (7) Keep the premises in a clean and sanitary condition.
3. (1) Every Owner of a Adult Videotape Store Class B shall affix, in a prominent location inside such store and at every entrance to any Adult Videotape Area, a sign or signs sufficient to indicate clearly to persons in the store, that no person under the age of eighteen (18) years is permitted to enter or remain in any Adult Videotape Area; and



**Schedule 6 to By-law 0507-2005  
Relating to Adult Videotape Stores**

- (2) Every Owner of a Adult Videotape Store Class B shall ensure that no Adult Videotape, or container for an Adult Videotape, shall be displayed in a location where it can be seen by persons in the store, unless such Adult Videotape or container is in a separate location in such store to which persons under the age of eighteen (18) years are not permitted to enter, and such Adult Videotape or container is displayed in a location where it cannot be seen from outside such area or the Adult Videotape or container is behind an opaque barrier located at least 1,5 meters from floor level.

**DEFINED AREAS AND LIMITATION ON THE NUMBER OF ADULT VIDEOTAPE STORE CLASS A LICENCES**

4. (1) No licence will be issued or renewed under this By-law and this Schedule unless The Adult Videotape Store Class A is located in zone where such use is permitted under the City of Mississauga Zoning By-laws, as amended, and is not located closer than 800 metres measured in a straight line from the nearest part of the Adult Videotape Store Class A buildings to the lot line of a residential zone;
- (2) That part of premises at each of the following municipal addresses in actual use for the purpose of an Adult Videotape Store Class A business as of March 11, 1998:
1. 41A Dundas Street East, Unit 3
  2. 1370 Dundas Street East, Unit 9
  3. 141 Queen Street South

is hereby defined as an area in which one Adult Videotape Store Class A is, if in compliance with all other applicable law, permitted to operate and eligible to be licensed for so long as such part of such premises continues to be lawfully used for such purposes.

5. The total number of licences for Class A Adult Videotape Stores in the City which may be issued under and in accordance with this By-law and attached Schedules shall be limited to 6.
6. If the use as a Class A Adult Videotape Store in any of the premises listed in section 4(1) ceases for any period of time or if the Owner's Licence is not renewed or if the Owner's Licence is revoked by council, no further Owner's Licence shall be issued for that location and the total number of Class A Adult Videotape Store Licences available for issue shall be reduced by one (1);

**ADVERTISING**

7. No person shall advertise an Adult Videotape Store by way of a sign unless the sign;
- (1) Is erected only on the property where the Adult Videotape Store 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; and

**Schedule 6 to By-law 0507-2005  
Relating to Adult Videotape Stores**

- (3) Is in compliance with the City's Sign By-law, as amended.
- 8. No Person shall advertise or cause or permit to be advertised an Adult Videotape Store 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 Videotape Store, except as specifically permitted in this By-law;

**Schedule 7 to By-law 0507-2005  
Relating to Body-rub Businesses**

1. In addition to the general licensing provisions contained in this By-law, every applicant for a new Body-rub Business Owner's Licence shall submit;
  - (1) A Police Criminal Record Data Request form duly executed by the Peel Regional Police for the Owner where the Owner is an individual, each partner where the Owner is a partnership and for each director of the corporation where the Owner is a corporation;
  - (2) Two passport size photographs of the Owner where the Owner is an individual, each partner where the Owner is a partnership and for each director of the corporation where the Owner is a corporation;;
  - (3) A list showing the names, addresses and birth dates of all those individuals who will be acting as designates for the Owner;
  - (4) Where the information contained on the list referred to in subsection (3) changes, the Owner shall notify the Licensing Unit within thirty two (32) hours of the change;
  - (5) Notwithstanding paragraph 1(2), and upon application for renewal of any licence, the Owner shall not furnish new photographs unless required to do so by the Licensing Unit.
2. Each Owner shall, if they perform a Body-rub, be licensed as an Attendant pursuant to the provisions of this By-law and Schedule.

**OWNERS DUTIES**

3. Every Owner 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 eighteen (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 he only use the services of licenced Attendants; and
  - (4) Ensure that when he is not in attendance at the business, a Designate is present.
4. No Owner shall:
  - (1) Permit any individual under the age of eighteen (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 eighteen (18) years;
  - (3) Permit any person, except a person holding a valid Attendant's licence to perform any Body-rubs at a Body-rub Business;

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Relating to Body-rub Businesses**

- (4) Permit any Attendant to touch, sit, or rest on, or make any physical contact with the breasts, buttocks, genital or pubic areas of any other person;
- (5) Permit any person to touch, sit, or rest on, or make any physical contact with the breasts, buttocks, genital or pubic areas of any Attendant;
- (6) Permit the Body-rub Business to be open for business unless the Owner or their Designate is in attendance;
- (7) 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;
- (8) Permit any person to loiter, create a disturbance or cause undue noise while on the licensed premises;
- (9) Install or use any type of warning device or signaling system to alert staff or customers that an Inspector or the Police are in attendance;
- (10) Perform or provide any service or services or permit the performing or providing of any service or services in any Body-rub Business which is constructed or equipped so as to hinder or prevent the enforcement of this By-law;
- (11) 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 Body-rub Business, except as specifically permitted under this By-law; or

**ADVERTISING**

5. No Person shall advertise a Body-rub Business by way of a sign unless the sign;
  - (1) Is erected only 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; and
  - (3) Is in compliance with the Sign By-law, as amended.

**ATTENDANTS DUTIES**

6. No Attendant shall:
  - (1) Provide Body-rubs at a premises that is not licenced as a Body-rub Business under this By-law;
  - (2) Permit any patron to touch, sit, or rest on, or make any physical contact with the breasts, buttocks, genital or pubic areas of any other person;

**Schedule 7 to By-law 0507-2005  
Relating to Body-rub Businesses**

- (3) Make any physical contact with the breasts, buttocks, genital or pubic areas of any patron;
  - (4) Provide any services at the Body-rub Business unless the licenced Owner or Designate is in attendance;
7. Every Attendant shall carry his licence with him at all times while he is working at a Body-rub Business.

**BUSINESS OPERATION**

8. Every Body-rub performed in a Body-rub Business shall be given in an individual room or cubicle, but no Owner shall cause or permit the door or other means of access to any room or cubicle where 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.
9. No person shall permit the obstruction, hindrance or delay of any person attempting to gain entry into a room or cubicle in a Body-rub Business in which a service is or may be provided in respect of such Body-rub Business.
10. Every Owner in the operation of the Body-rub Business shall ensure that:
- (1) Adequate toilet and washroom accommodations are provided in accordance with the Building Code, as amended, issued pursuant to the *Building Code Act, 1992*, S.O. 1992 c.23;
  - (2) The Body-rub Business is kept in a clean and sanitary condition;
  - (3) Every table, mat or other surface upon which persons lie or sit while being given or provided with a Body-rub shall be clean and in good repair, and shall have a top surface of impervious material;
  - (4) Every table, mat or other surface referred to in subsection (3) hereof shall be covered with a fresh, clean individual paper or cloth sheet before any person receives a Body-rub thereon; and
  - (5) Every 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.
11. No Owner or Attendant shall perform or permit to be performed a Body-rub in any Body-rub Business by or upon any person whom he has reasonable cause to suspect has been exposed to or is suffering from any communicable disease, including any communicable skin disease.
12. Every Owner and Attendant or other person performing services in, at or upon a Body-rub Business or in attendance at a Body-rub Business in pursuance of a trade, calling, business or occupation carried on by the Owner of such Body-rub Business, shall upon a request made to him by any peace officer 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 Body-rub Business, he shall produce his licence.

**Schedule 7 to By-law 0507-2005  
Relating to Body-rub Businesses**

13. A peace officer, or public health inspector acting under the direction of the Medical Officer of Health, may enter and inspect all areas of a Body-rub Business, at any time of the night or day, for the purposes of carrying out the enforcement of this By-law.
14. No Person shall offer, sell, give, perform or solicit any service or goods in a Body-rub Business except in accordance with all applicable law.
15. Subject to section 16 of this Schedule, the number of Owner's Licences which may be granted by the Licensing Unit in respect of a Body-rub Business in each of the areas defined below shall be limited to the number set forth herein at the end of the definition of each area:
  - (1) The area of the City of Mississauga bounded by Lake Ontario on the south, the eastern boundary of the City of Mississauga on the east, the south side of Eglinton Avenue East on the north and the east side of Hurontario Street on the west - two (2);
  - (2) The area of the City of Mississauga bounded by Lake Ontario on the south, the west side of Hurontario Street on the east, the south side of Eglinton Avenue West on the north and the westerly boundary of the City of Mississauga on the west - two (2);
  - (3) The area of the City of Mississauga bounded by the north side of Eglinton Avenue West on the south, the west side of Hurontario Street on the east, the northerly boundary of the City of Mississauga on the north and the westerly boundary of the City of Mississauga on the west - two (2);
  - (4) The area of the City of Mississauga bounded by the north side of Eglinton Avenue East on the south, the easterly boundary of the City of Mississauga on the east, the northerly boundary of the City of Mississauga on the north and the east side of Hurontario Street on the west - two (2); provided that no licence shall be issued or renewed under this By-law unless the Body-rub Business is located in an industrial zone within the planning area subject to the City of Mississauga Zoning By-law, as amended, and is not located closer than 800 metres measured in a straight line from the nearest part of the Body-rub Business buildings to the lot line of a residential zone.
16. (1) Despite section 15(4), notwithstanding that the number of Body-rub Businesses in the area will exceed the number permitted, the following premises in actual use as a Body-rub Business will be permitted and are hereby defined as a premise in which one (1) Body-rub Business is, if in compliance with all other law, eligible to apply for and be considered for an Owner's licence:
  - (1) 1380 Matheson Boulevard East, Unit 1
  - (2) 7050 Bramalea Road, Units 15 and 16
  - (3) 5315 Tomken Road, Unit 2
  - (4) 5225 Orbitor Drive, Unit 24
  - (5) 392 Gibraltar Drive, Unit 3
  - (6) 1080 Tristar Drive, Unit 15
  - (7) 151 Brunel Road, Unit 6
  - (8) 1616 Matheson Boulevard East, Units 5 and 6.

**Schedule 7 to By-law 0507-2005  
Relating to Body-rub Businesses**

- (2) The Body-rub Business may continue to locate in the premises listed in subsection (1) so long as the Owner continues to renew his Licence or sells his business and the use as a Body-rub Business continues with no period of interruption in the business;
- (3) If the use as a Body-rub Business in the premises listed in subsection (1) ceases for any period of time or if the Owner's Licence is not renewed or if the Owner's Licence is revoked by Council, no further Owner's Licence shall be issued for that location and the number of Body-rub Businesses shall be reduced by one (1);
- (4) The total number of Owner's Licences for Body-rub Businesses in the City of Mississauga which may be issued under and in accordance with this By-law shall hereby be limited to 14.