



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2011-085

A by-law to amend Town of Oakville By-law 2008-093, a by-law to provide for the licensing and regulation of various businesses in the Town of Oakville

COUNCIL ENACTS AS FOLLOWS:

1. By-law 2008-093, being a by-law to provide for the licensing and regulation of various businesses in the Town of Oakville, be and hereby is amended as follows:

- (a) by adding the following definitions to section 1:

“adult entertainment parlour” 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 videotape parlour” means a videotape store which provides adult videotapes to the public;

“adult videotape” means any videotape classified by the Ontario Film Review Board as “restricted” with the added information piece “adult sex film”;

“animal” includes all mammals, fish, reptiles or birds;

“Animal Control Officer” means a person or class of person designated by by-law of the Town to enforce Town by-laws respecting animals;

“attendant” means any person other than an owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment parlour;

“body-rub parlour” includes any premises or part thereof where a body-rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body-

rubs performed are for the purposes of 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” includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of 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-rubber” means any person who performs or offers body-rubs in a body-rub parlour, in the pursuance of a trade, calling, business or occupation;

“Class A adult entertainment videotape parlour” means a videotape store which provides adult videotapes to the public where the proportion of adult videotapes to all videotapes provided exceeds the ratio of 1:10 (adult videotapes to non-adult videotapes);

“Class B adult entertainment videotape parlour” means a videotape store which provides adult videotapes to the public where the proportion of adult videotapes to all videotapes provided does not exceed the ratio of 1:10 (adult videotapes to non-adult videotapes);

“kennel” means every shop, place or premise where dogs or cats are boarded overnight;

“Licensing Section” means the Licensing Section of the Clerk’s Department of the Town of Oakville;

“pet shop” means any shop, place or premise where, in the calendar year, more than three (3) animals for use as pets are kept and sold;

“services” in relation to an adult entertainment parlour includes activities, facilities, performances, exhibitions, viewing and encounters but does not include the exhibition of film approved under the *Film Classification Act, 2005*, S.O. 2005, c. 17, as amended or replaced from time to time, and the regulations thereunder;

“services designed to appeal to erotic or sexual appetites or inclinations” includes, but is not limited to:

- (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 “nu” or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement; and
- (c) for the purposes of this clause, “partial nudity” shall mean less than completely and opaquely covered human genitals or human pubic region, human buttocks or female breast below a point immediately above the top of the areola;

“specified body areas” means in the case of a female person, the nipples and areolae, and in the case of all persons the genitals and the anus”;

“specified sexual activities” means any one or more of the following: sexual intercourse, masturbation, urination, defecation, ejaculation, sodomy, including bestiality, anal intercourse, oral sexual intercourse, or direct physical stimulation of unclothed genital organs;

“to provide” when used in relation to services includes to furnish, perform, solicit, or give such services in pursuance of a trade, calling, business or occupation, or when used in relation to any videotape, means to sell, offer to sell or display for sale by retail or otherwise, or to rent, offer to rent or display for rental, or to exchange or trade or to offer to exchange or trade or display for exchange or trade, whether or not the cost, fee or other considerations passes at the time of such sale, rental, exchange or trade, or is effected through the cost of membership, subscription, admission or any other manner, “providing”, “provided” and “provision” have corresponding meanings;

“videotape” means cinematographic or motion picture film, videotape, video disc, game cartridges, computer diskettes, CD-ROM’s, prerecorded magnetic tape, and any other medium from which may be produced visual images that may be viewed as moving pictures;

“videotape store” means any premises or part thereof in which videotapes are provided to the public in the pursuance of a trade, calling or business;

- (b) by adding sub-section (f) to section 3(2):
 - (f) notify the Licensing Commissioner immediately of any change in any of the particulars required to be filed with the Licensing Commission.
- (c) by deleting sub-section 6(2) and replacing it with the following:

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- (2) Notwithstanding (1) the Licensing Commissioner, if satisfied that the continuation of the licence poses an immediate danger to the health or safety of any person, property or animal, may, for the time and such conditions as are considered appropriate and without a hearing, suspend a licence for not more than 14 days, and, prior to suspending the licence, shall provide the licensee with the reasons for the suspension, either orally or in writing, with an opportunity to respond to them;
- (d) by deleting sub-section 2(b) of Schedule 16 (Fireworks Vendor) and replacing it with the following:
- (b) sell Family Fireworks or possess Family Fireworks for sale, except on Victoria Day, Canada Day, New Year's Day and any religious or cultural celebrations where fireworks are used to celebrate the religious or cultural event, and each of the 7-days immediately preceding.
- (e) by deleting section 3 of Schedule 16 (Fireworks Vendor) and replacing it with the following:
3. Every Licensee shall ensure that any unsold Family Fireworks shall be returned to the manufacturer within 7 days immediately following Victoria Day, Canada Day, New Year's Day and any religious or cultural celebrations where fireworks are used to celebrate the religious or cultural event.
- (f) by adding section 4 to Schedule 16 (Fireworks Vendor):
4. Every Licensee shall notify the Licensing Commissioner of their intention to sell Family Fireworks at least 10 days prior to any religious or cultural celebrations where fireworks are used to celebrate the religious or cultural event.
- (g) by adding sub-section (g) to section 1 of Schedule 14 (Exhibition):
- (g) a certificate of Zoning compliance.
- (h) by deleting the following sub-sections: 1(c) of Schedule 3; 1(a) of Schedule 4; 1(b) of Schedule 6; 1(a) of Schedule 9; 1(a) of Schedule 11; 1(g) of Schedule 12; 1(b) of Schedule 14; 1(a) of Schedule 15; 1(f) of Schedule 20; 1(a) of Schedule 24; 1(a) of Schedule 25; 1(b) of Schedule 28; and 1(b) of Schedule 19, and replacing them with the following:
- a Canadian Criminal Record Check issued by the Canadian Police Information Centre, as approved by the Licensing Commissioner;

(i) by adding the following to Schedule 1:

<u>Business</u>	<u>Expiry</u>	<u>Annual Licence Fee</u>	<u>Regulation</u>
Adult Entertainment Parlour:			
Owner who also operates	31-Jul	\$3,360.00	Schedule 32
Owner who does not operate	31-Jul	\$1,680.00	Schedule 32
Operator	31-Jul	\$1,680.00	Schedule 32
Attendant	31-Jul	\$102.00	Schedule 32
Adult Entertainment Videotape Parlour:			
Class A	31-Jul	\$153.00	Schedule 33
Class B	31-Jul	\$102.00	Schedule 33
Body Rub Parlour:			
Owner who also operates	31-Jul	\$3,360.00	Schedule 34
Owner who does not operate	31-Jul	\$1,680.00	Schedule 34
Operator	31-Jul	\$1,680.00	Schedule 34
Body-Rubber	31-Jul	\$102.00	Schedule 34
Pet Shops/Kennels	30-Apr	\$200.00	Schedule 35

(j) by adding Schedule 32 attached hereto, which forms part of the by-law.

(k) by adding Schedule 33 attached hereto, which forms part of the by-law.

(l) by adding Schedule 34 attached hereto, which forms part of the by-law.

(m) by adding Schedule 35 attached hereto, which forms part of the by-law.

5. By-law 2008-021 is hereby repealed.

PASSED this 15th day of August , 2011.

MAYOR

CLERK

SCHEDULE 32

ADULT ENTERTAINMENT PARLOUR

1. In addition to the Licensing Requirements set out in section 3 of the Licensing By-law, a completed application for a licence or for renewal of a licence shall be accompanied by:
 - (a) a Canadian Criminal Record Check issued by the Canadian Police Information Centre, as approved by the Licensing Commissioner;
 - (b) a letter from the Halton Region Health Department that the business is in compliance with the requirements of the Medical Officer of Health;
 - (c) a certificate of zoning compliance;
 - (d) two separate means of identification such as a birth certificate, current driver's licence, passport, or the like, produced for inspection by the Licensing Commissioner;
 - (e) proof of his or her age, if required to do so by the Licensing Commissioner;
 - (f) if the applicant is an owner, a list showing the name and date of birth of all operators and attendants employed by, or performing services in the adult entertainment parlour and all such persons intended or expected to be employed or to perform services in the adult entertainment parlour;
 - (g) if the applicant is a partnership applying for an owner or operator's licence, a declaration in writing signed by all members of the partnership which states the date of birth of every partner, the name or names under which they carry on or intend to carry on business, and the mailing address for the partnership;
 - (h) if the applicant is a corporation applying for an owner or operator's licence, the name, date of birth and address of every officer, director, shareholder or other person having a beneficial interest of any kind in the shares of the corporation;
 - (i) if the applicant intends to carry on business under a name or designation other than his or her own name or under his or her own name with the addition of the expression "and Company" or some other expression indicating a plurality of members in the firm, a declaration stating the name or designation under which he or she carries on or intends to carry on

business, the date when the name or designation was first used by him or her;

- (j) if the applicant is an owner, documentation satisfactory to the Licensing Commissioner demonstrating the applicant's right to possess or occupy the premises used as an adult entertainment parlour; and
- (k) if the applicant is an owner or operator, a copy of any licence or permit issued under the *Liquor Licence Act* in respect of such premises, and shall, after such licence has been issued, advise the Licensing Commissioner in writing forthwith upon any suspension, cancellation, revocation or termination of such licence or permit or of any change in such licence or permit, or any of its terms.

2. Every applicant for an attendant's licence shall:

- (a) be exempt from the requirement, as set out in section 3(c) of the Licensing By-law as well as the requirements set out in section 1(b) and (c) herein, and
- (b) submit with the application two passport size photographs of their face, one of which photographs shall be attached to the licence, and the other shall be filed with the Licensing Commissioner, and upon application for a renewal of any licence, the applicant shall furnish new photographs if required to do so by the Licensing Commissioner.

3. PROHIBITIONS

- (1) No owner shall permit any person other than a licensed operator to operate an adult entertainment parlour.
- (2) No owner or operator shall permit the provision of services at an adult entertainment parlour by any person other than a licensed attendant or other person licensed or authorized by or under this by-law to do so.
- (3) No owner shall permit any person, other than an employee of such owner or a person with whom the owner has contracted, to operate the adult entertainment parlour or to provide services in the adult entertainment parlour.
- (4) No attendant or other person shall provide services in any adult entertainment parlour unless the owner and the operator is duly licensed as owner or operator respectively under this by-law.

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- (5) No owner or operator shall permit any premises or part thereof used as an adult entertainment parlour to be used as a dwelling or for sleeping purposes.
 - (6) No owner or operator shall permit the door to any room or cubicle where services 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 a room or cubicle.
 - (7) No person shall provide any service in a room, cubicle or other enclosure with a door or other means of access which is equipped or constructed with a locking device of any kind or which is equipped or constructed in such a way as to permit the obstruction, hindrance or delay of any person attempting to gain entry thereto.
 - (8) No owner or operator shall permit a washroom, toilet, sink or basin used for domestic purposes to be used in connection with an adult entertainment parlour.
 - (9) No owner or operator shall permit any services to be given, performed, provided or received in any adult entertainment parlour in breach of any of the regulations contained in this by-law.
 - (10) No owner or operator shall advertise or permit or suffer any person to advertise an adult entertainment parlour, or publish anything or erect, post or maintain any sign, notice or any other publication or device, relating to or drawing attention to such adult entertainment parlour by any means or in any form whatsoever, except as specifically permitted in this by-law.
 - (11) No owner, operator or attendant shall charge, demand, ask for or require, or permit to be charged, demanded, asked for or required for any services provided any amount other than set out in a list filed with the Licensing Commissioner, or amendments thereto also filed.
 - (12) No owner, operator or attendant shall provide services at or in respect of an adult entertainment parlour other than those permitted by endorsement by the Licensing Commissioner on the licence of the owner all as described on a list filed with the Licensing Commissioner or amendments thereto also filed.
 - (13) No owner or operator shall permit any trade, calling or business or occupation for which a licence is required under this by-law, to be carried on in an adult entertainment parlour unless it is endorsed on the owner's licence

and the owner and every other person required to be so licensed has paid the licence fee.

- (14) No person shall act as an owner, operator or attendant of an adult entertainment parlour, or provide any services in an adult entertainment parlour unless the person is at least the age of eighteen years.
- (15) No person shall provide services in an adult entertainment parlour to a person under the age of eighteen years.
- (16) No owner or operator shall permit any person under the age of eighteen to enter or remain in any adult entertainment parlour. 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 services are being provided in such premises.
- (17) No owner or operator shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any adult entertainment parlour.
- (18) No owner or operator shall open an adult entertainment parlour for business or permit the same to be or to remain open for business or permit any services of any kind to be provided at any time between the hours of 2:00 a.m. of any day and 8:00 a.m. of the same day.
- (19) No owner or operator shall permit an adult entertainment parlour to be open for business at any time other than the times set forth in a schedule filed with the Licensing Commissioner.
- (20) No owner, operator or attendant shall take, consume or have a liquor or a drug, in their possession in an adult entertainment parlour, nor shall the use of liquor or a drug be apparent while in an adult entertainment parlour. For the purpose of this subsection the word "drug" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.
- (21) No owner, operator or attendant shall use or permit to be used any camera or other photographic or recording device in, upon or at an adult entertainment parlour by any person other than a Peace Officer, Medical Officer of Health or a Public Health Inspector acting under their direction or a By-law Enforcement Officer.
- (22) No owner shall fail to notify the Licensing Commissioner before engaging any operator to operate the adult entertainment parlour.
- (23) No owner or operator shall fail to provide to the Licensing Commissioner a copy of every contract of/for service(s), or other document constituting or

pertaining to the relationship between owner and operator of an adult entertainment parlour, or between owner or operator and an attendant providing services at an adult entertainment parlour and a list of all fees to be paid by the owner and the operator to the attendant.

- (24) No owner or operator shall fail to make available for inspection the original of any such document noted in sub-section 3(23) upon request by the Licensing Commissioner, the Chief of Police or any person duly authorized by either, or fail to retain such documents for a period of six months after its termination.
- (25) No owner or operator shall fail to keep proper records and books of account of all business transacted in, by, or in respect of the adult entertainment parlour, which books shall give the amount of gross receipts for all services provided, including all receipts for admission fees and other charges and receipts in respect of entry to or services provided, the name and licence number of every attendant providing services in the said adult entertainment parlour including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each attendant, all amounts paid by the owner to the operator, if any, or by the operator to the owner, in respect of such adult entertainment parlour, and all bills and receipts for the full amount paid for services.
- (26) No owner or operator shall fail to keep such books and records as are required by subsection 3(25) for at least one year after the information required by that subsection is entered therein, and the Licensing Commissioner, the Chief of Police or any person duly authorized by either, shall at all times have access to such records.
- (27) No owner, operator or attendant shall fail to give to a customer an itemized bill for services, listing the services to be provided and the price to be paid for each upon entry of the customer into an adult entertainment parlour or immediately before any services are provided.
- (28) No owner, operator or attendant shall fail to provide a customer a written receipt for the full amount paid for services.
- (29) No owner or operator shall fail to ensure:
- (a) the premises are provided with adequate light and ventilation;
 - (b) the premises and all fixtures and equipment therein are regularly washed and kept in sanitary condition;
 - (c) the premises are equipped with an effective utility sink;

- (d) adequate toilet and washroom accommodation are provided, and there are separate such rooms for males and females;
 - (e) washrooms are equipped with:
 - (i) an adequate supply of hot and cold water;
 - (ii) an adequate supply of liquid soap in a suitable container or dispenser;
 - (iii) hot air dryers or individual clean towels for the use of each person using the washing facilities; and
 - (iv) a suitable receptacle for used towels and waste material;
 - (f) in all shower-bath rooms, if any, and in all sauna-bath rooms, if any:
 - (i) the floors are disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
 - (ii) all surfaces and attached accessories of the bath or shower enclosure are self-draining;
 - (iii) all showers have removable cleanable drain covers; and
 - (iv) floor surfaces both within and without the enclosures are of a non-slip type;
 - (g) common foot baths are not provided on the premises; and
 - (h) duckboards or cocoa matting are not used in the shower, bath or steam room, or anything other than liquid or powdered soap in the shower room.
- (31) No owner or operator shall fail to provide a service by which any customer may deposit valuables or other property for safekeeping where services which involve or may involve the undressing of or changing of clothes by the customer, and any customer who presents their property for safekeeping shall be given a receipt specifying the nature of the property so entrusted. A copy of every receipt shall be retained for at least one year by the owner or operator together with all other copies of receipts required by this by-law to be retained.



- (32) No owner or operator shall fail to post and maintain in a conspicuous place in every room and cubicle a notice drawing attention to the safekeeping service provided in accordance with sub-section 3(31).
- (33) No owner or operator shall fail to take due care of all property delivered or entrusted for safekeeping and return it to its owner upon demand. Every attendant immediately upon the termination of services referred to in sub-section 3(31), shall carefully search the premises for any property lost or left therein, and all property or money left in the adult entertainment parlour shall be forthwith delivered over to the person owning the same, or if the owner cannot at once be found, then to the nearest police station, with all information regarding the same.
- (34) No owner or operator shall fail to exhibit over the street door or in the lower front window of the premises in respect to which such person's licence is issued or in some other conspicuous place on the exterior of such premises satisfactory to the Licensing Commissioner a sign issued by the Licensing Commissioner bearing the words, "LICENSED ADULT ENTERTAINMENT PARLOUR NO.", (inserting after "NO." the owner's licence number), and "Comments regarding this business may be made to the Licensing Commissioner, The Corporation of the Town of Oakville."
- (35) No owner or operator shall fail to keep the licence or duplicate copy of such licence, issued in respect of an adult entertainment parlour, exposed in a conspicuous place in every room and cubicle in the said premises and also prominently displayed on the exterior of the premises at all times during the currency of the licence, and the Licensing Commissioner shall issue duplicate copies of licences for such purposes.
- (36) No owner or operator shall permit more than one sign other than as expressly permitted in this by-law. Where more than one adult entertainment parlour occupies the same building or structure there may be one such sign as permitted in respect of each adult entertainment parlour subject to the condition that where one owner owns more than one adult entertainment parlour situated in one building or structure, such owner is permitted to have only one such sign, which sign may refer to all of their adult entertainment parlours.
- (37) No owner or operator shall solicit, employ or allow any runner, sandwich-board man, bill or gift distributor or other person to advertise services offered in or by an adult entertainment parlour, or to assist or act in concert in the soliciting of any person to use the service or services of any kind offered in or by an adult entertainment parlour on any public highway, lane, street, sidewalk, park or other public place.

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- (38) No owner or operator shall use, or permit to be used, any telephone for the purpose of advertising or soliciting any person to use the service or services provided in an adult entertainment parlour.
- (39) No owner or operator shall use or permit any sign, notice, placard, printing, picture or any other advertising or identifying device or thing whatsoever relating to any adult entertainment parlour or services offered therein, other than the signs permitted under this section, to be placed on or near any adult entertainment parlour, or in an adult entertainment parlour in such a position or place as to be capable of being seen by a person outside the said adult entertainment parlour.
- (40) No owner or operator shall fail to file with the Licensing Commissioner a copy of a list of all services provided at the adult entertainment parlour and of the respective fees charged for services including admission fees and any other payment charged in respect of entry to the adult entertainment parlour, and, if any charge be based on a computation of time, the hourly rate shall be shown on such lists.
- (41) No owner or operator shall fail to post a copy of the list of services and fees referred to in subsection 3(40) in a conspicuous place in the interior of the adult entertainment parlour plainly visible to any person upon entering the said premises.
- (42) No owner, operator or attendant providing services at an adult entertainment parlour or in attendance at an adult entertainment parlour in pursuance of a trade, calling, business or occupation carried on by the owner or operator of such an adult entertainment parlour, shall fail to, upon request 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 their name and residential address, and if licensed under this by-law, produce their licence.
- (43) No owner or operator shall fail to file with the Licensing Commissioner a schedule showing the hours of business to be observed in the carrying on of, or the operation of the adult entertainment parlour which schedule shall state specifically the opening and closing times of the adult entertainment parlour for each day of the week.
- (44) No owner or operator shall fail to ensure that the door or doors or other principal means of access into the adult entertainment parlour by the public are kept unlocked and available so that anyone coming into the adult entertainment parlour from the street or other public place may enter therein without hindrance or delay during the hours of business of an adult entertainment parlour set forth in the schedule filed with the Licensing

Commissioner in accordance with subsection 3(43), or at any time at which an attendant is in attendance at an adult entertainment parlour.

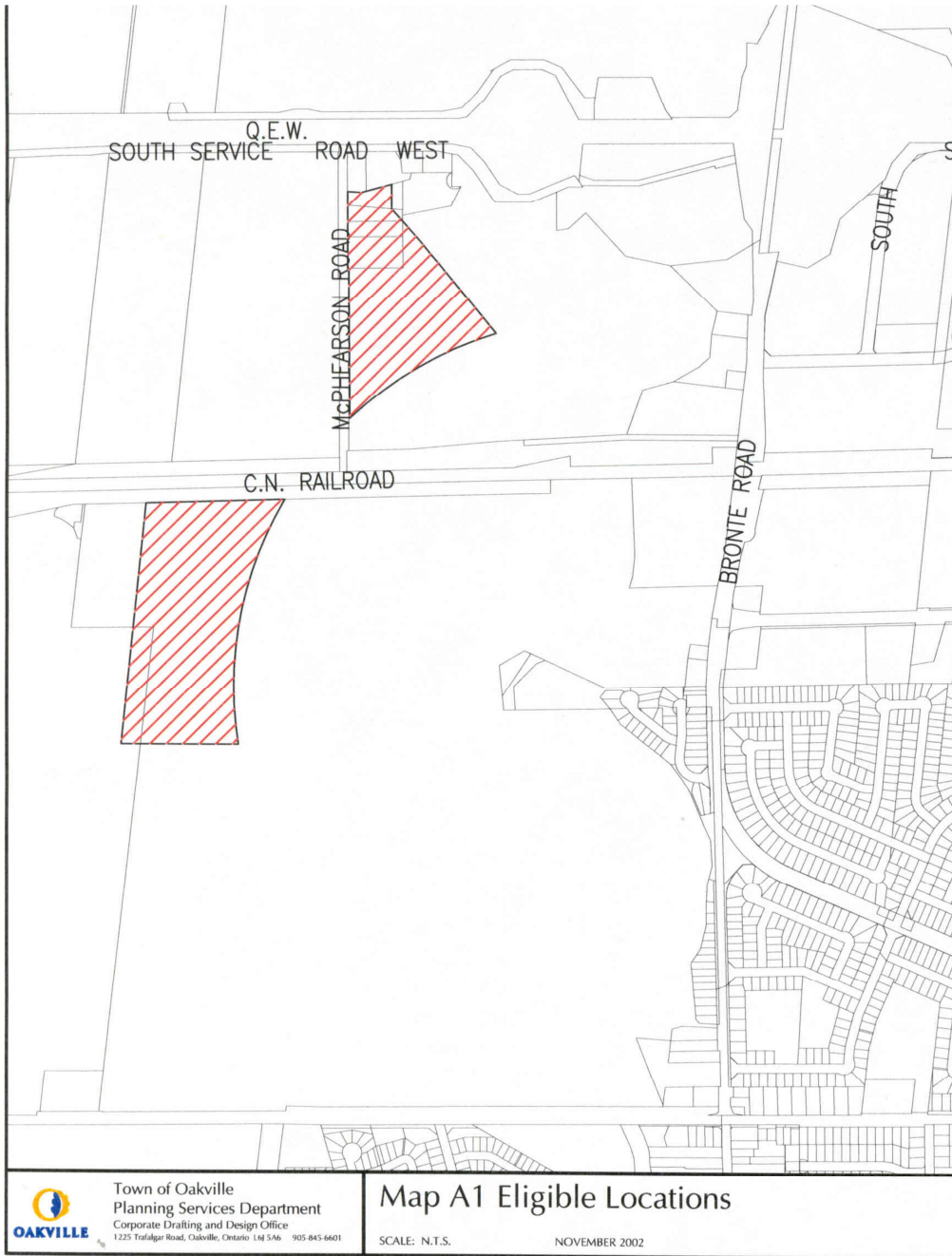
- (45) No owner or operator shall permit an adult entertainment parlour to open for business, or remain open for business, or any attendant to enter or remain therein, or any service to be provided at the adult entertainment parlour unless either the owner or an operator licensed in respect of such owner's adult entertainment parlour is in attendance at all of the times.
 - (46) No owner or operator shall fail to provide and maintain at all times at the adult entertainment parlour a first-aid kit equipped in a manner satisfactory to the Medical Officer of Health.
 - (47) No owner, operator or attendant shall fail to be neat and clean in appearance and civil and well behaved to members of the public while engaged their respective trade, calling, business or occupation in an adult entertainment parlour.
4. In addition to the sign referred to in subsection 3(34), there may be displayed flat against the exterior portion of a wall or door of an adult entertainment parlour one non-illuminated sign of which the facade shall not exceed 0.19 square metres in size, and which sign shall be no more than eight centimeters in depth, which sign may bear the following:
- (a) the owner's legal name as shown on the licence;
 - (b) the name, if any, under which the owner carries on business as endorsed on the licence;
 - (c) the address of the adult entertainment parlour, and
 - (d) the telephone number of the adult entertainment parlour;
- but other than the foregoing there shall be no other letters, marks, paintings, contrasting colours, symbol, logo or any other mark whatsoever on the sign;
5. No licence shall be issued unless the Licensing Commissioner is satisfied that the applicant is of the full age of eighteen years.
 6. Notwithstanding any other provision of this by-law, a maximum of two owner's licences for adult entertainment parlours shall be issued under this by-law.
 7. Adult entertainment parlours shall only be permitted to operate within the areas described in Schedule "A" to this by-law, which schedule is attached to and shall form part of this by-law.

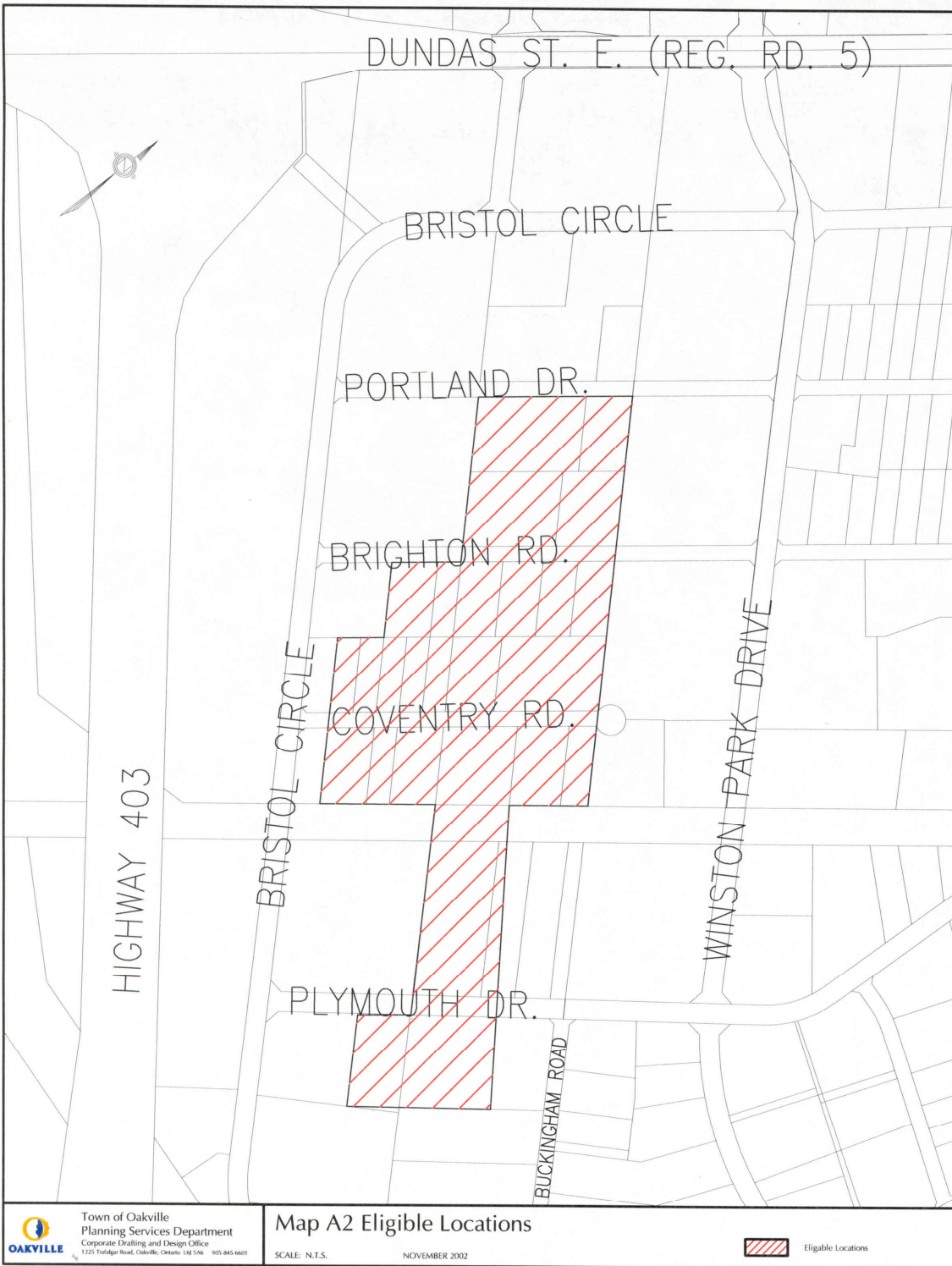


8. No person shall own or operate an adult entertainment parlour, or provide services in an adult entertainment parlour, outside the area described in Schedule "A" to this by-law.

SCHEDULE "A" to SCHEDULE 32

Adult entertainment parlours may only be located and operated within the areas shown as the shaded area on the attached maps A-1 and A-2, subject to compliance with all applicable law.






 Town of Oakville
 Planning Services Department
 Corporate Drafting and Design Office
1225 Trafalgar Road, Oakville, Ontario L6H 5K6 905-845-6601

Map A2 Eligible Locations

SCALE: N.T.S. NOVEMBER 2002

 Eligible Locations

SCHEDULE 33

ADULT ENTERTAINMENT VIDEOTAPE PALOUR

1. In addition to the Licensing Requirements set out in section 3 of the Licensing By-law, a completed application for a licence or for renewal of a licence shall be accompanied by:
 - (a) a certificate of zoning compliance, and
 - (b) a copy of the registration of the trade name to be used for the videotape store.

2. PROHIBITIONS
 - (1) No person shall carry on or engage in the business of a videotape store except in compliance with the provisions of the *Film Classification Act*.
 - (2) No person shall provide to the public any videotape that has not been approved by the Ontario Film Review Board for sale or rental in Ontario.
 - (3) No owner or operator shall fail to maintain on the premises, available for inspection by the Licensing Commissioner, any Peace Officer or Provincial Offences Officer, during all business hours, a current and complete list of the names and number of all videotapes and all adult videotapes provided on the premises.
 - (4) No owner or operator shall fail to keep the premises in a clean and sanitary condition.
 - (5) No owner or operator of a Class A shall permit any person under the age of eighteen years to enter or remain in such premises.
 - (6) No owner or operator shall permit any person to work in an adult entertainment videotape parlour unless such person is of the age of eighteen years or older.
 - (7) No owner or operator shall sell, rent, trade or exchange or permit the sale, rental, trade or exchange, of any adult videotape to any person who is not at least eighteen years of age.
 - (8) No owner or operator of a Class A adult entertainment videotape parlour shall fail to post and keep posted at every entrance to any adult

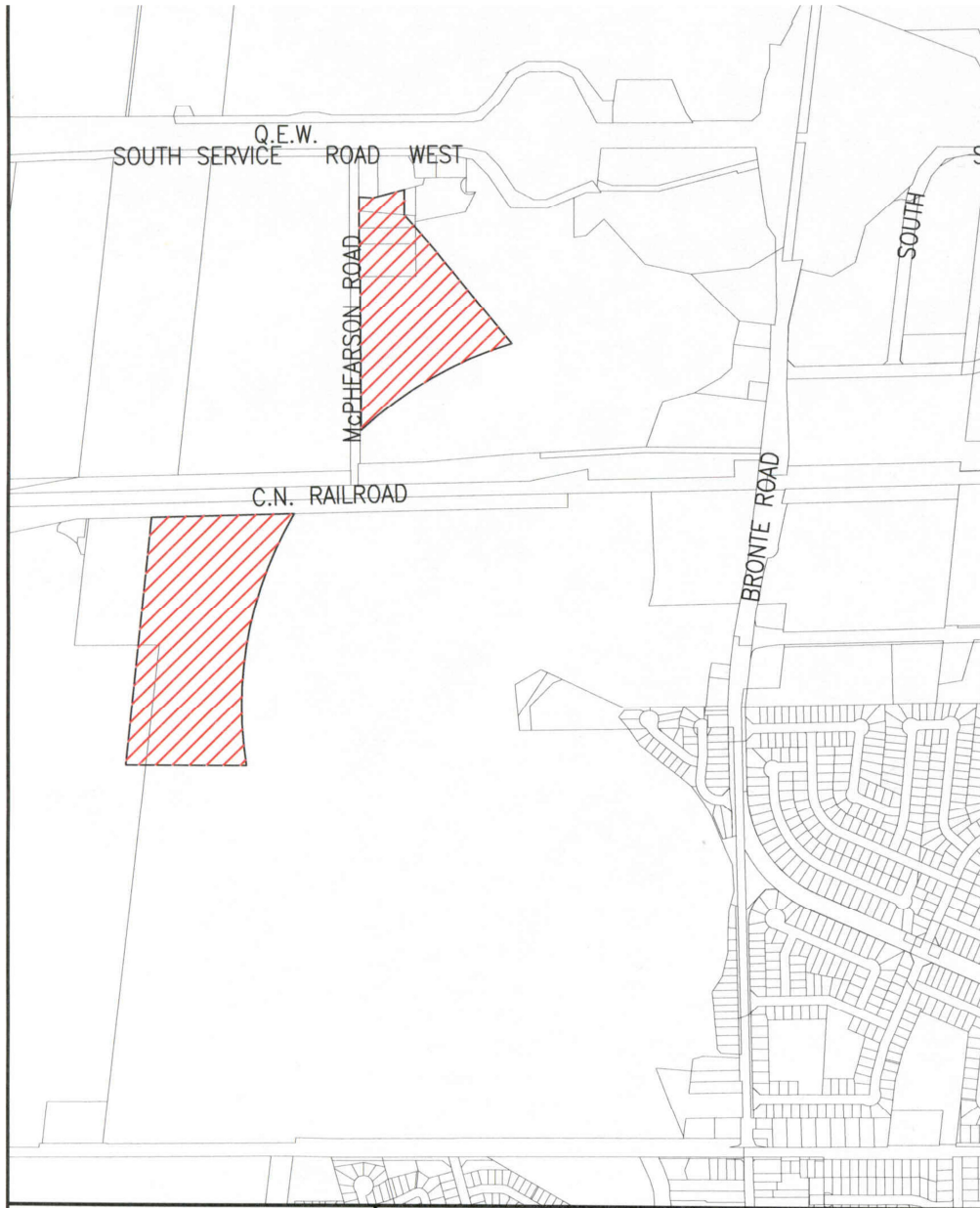
entertainment videotape parlour, and in a prominent location inside such premises, signs sufficient to indicate clearly to any person approaching or entering the premises, and to every person in the premises, that no person under the age of eighteen years is permitted to enter or remain in such premises.


- (9) No owner or operator shall use or display or permit the use or display of any exterior signs or advertisements relating to the premises or to the provision of adult videotapes which are not restricted to the words “adult videos”, “adult videotapes”, or “adult videotape sales, rentals or exchange”.
- (10) No owner or operator shall use or display or permit the use or display of any exterior signs or advertisements relating to the premises or to the provision of adult videotapes which contain or display a description or pictorial representation of any specified body areas or any specified sexual activities, or which contain or refer to the titles of any adult videotapes.
- (11) No owner or operator shall use or display or permit the use or display of any adult videotape or cover, jacket or container for an adult videotape, or any portion thereof, or any other adult videotape printed or promotional material or visual images in any manner so as to be visible outside of the premises.
- (12) No owner or operator shall permit the viewing of adult videotapes on the premises or play or preview for public view on the premises any adult videotape or any audio or video portion thereof.
- (13) No owner or operator of a Class B adult entertainment videotape parlour shall fail to store all adult videotapes or covers, jackets or containers for an adult videotape, or any portion thereof behind a counter or similar barrier that is attended by an employee, and display any printed or promotional material or visual images in any manner so as to be visible from within the premises.
- (14) No owner or operator of a Class B adult entertainment videotape parlour shall fail to ensure that every person working in any adult entertainment videotape parlour complies with all requirements of this by-law relating to the provision of adult videotapes.
- (15) No owner or operator of a Class B adult entertainment videotape parlour shall permit the use of the binder or container referred to in section 3:
 - (a) by any person who is not at least eighteen years of age;
 - (b) to be used in any manner such that its contents are visible to any person other than the person who requested the binder or container; an

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- (c) to be left open, displayed or exposed in any manner so as to constitute a violation of any other provision of this by-law.
3. Notwithstanding sub-section 2(11), the owner or operator of a Class B adult entertainment videotape parlour may store covers, jackets or containers for adult videotapes together with a current listing of the titles, in a binder with opaque covers or similar opaque container stored behind a counter or similar barrier attended by an employee, and which binder or container may be provided for review within the premises upon request to any person who is at least eighteen years of age.
 4. No licence shall be issued unless the Licensing Commissioner is satisfied that the applicant is of the full age of eighteen years.
 5. All Class A adult entertainment videotape parlours shall be restricted to the locations and geographic areas designated in Schedule A to this by-law, which Schedule shall be deemed to be part of this by-law and no Class A adult entertainment videotape parlour is permitted to operate in any other location or area or areas of the Town of Oakville.
 6. No Class A adult entertainment videotape parlour licence may be granted except as permitted in Schedule A to this by-law, or in a greater number than as specified in Schedule A to this by-law.
 7. Any description of an area or areas in a map in Schedule A shall be deemed to define an area for the purpose of Class A adult entertainment videotape parlours.
 8. No person shall own or operate an adult entertainment videotape parlour in the Town of Oakville except as permitted under this by-law and pursuant to a licence issued under this by-law.
 9. No person shall own or operate a Class A adult entertainment videotape parlour in the Town of Oakville except in a location or geographic area provided in Schedule A and as permitted under this by-law.
 10. Schedule A of this by-law does not apply to Class B adult entertainment videotape parlours, which are permitted to operate in those areas of the Town of Oakville consistent with the Town of Oakville's zoning provisions and other applicable law.

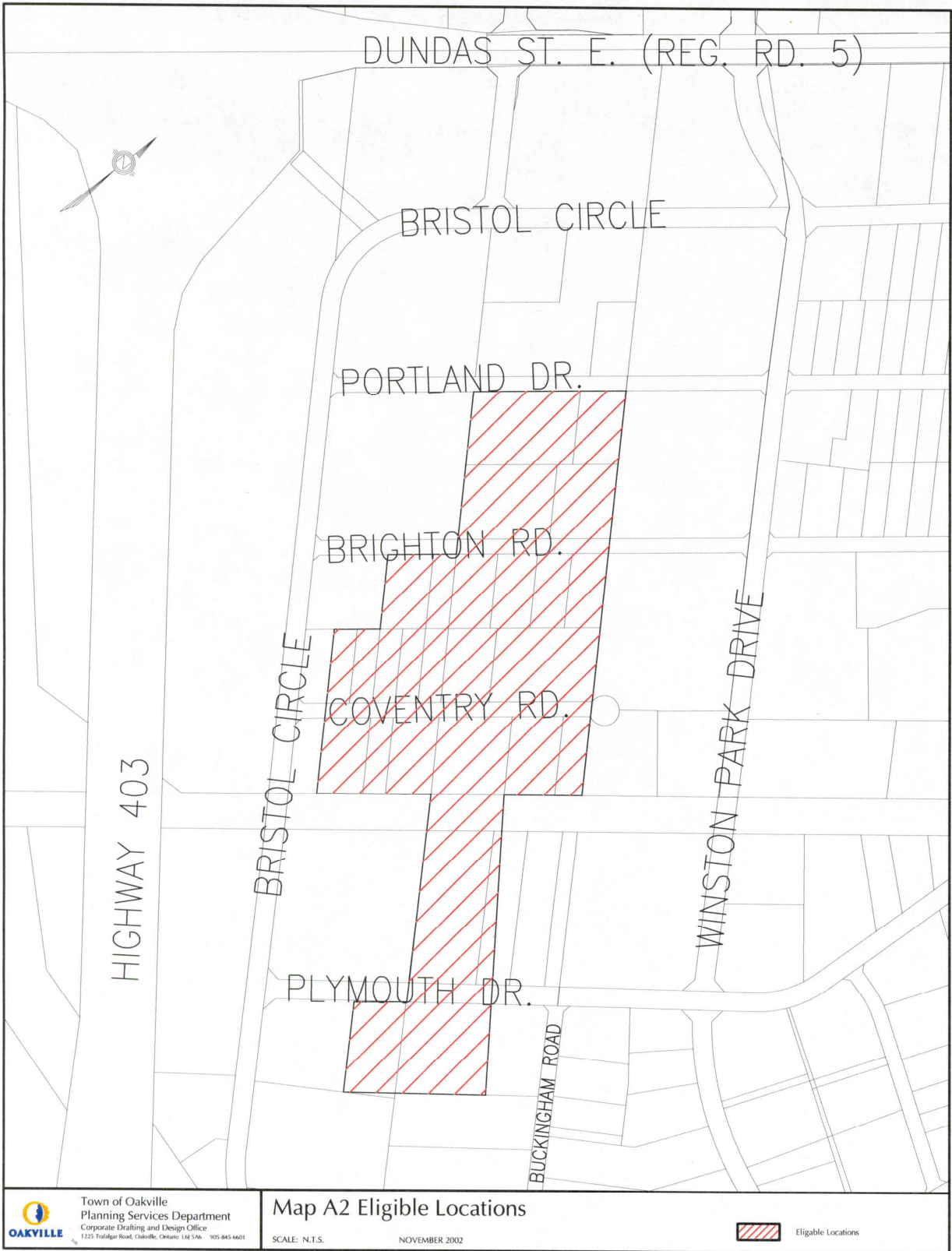
SCHEDULE "A" to SCHEDULE 33

1. Subject to this by-law, that part of the premises at each of the following municipal addresses in actual use for the purpose of a videotape store which provides adult videotapes to the public as of the date of enactment of this by-law is hereby defined as an area in which a Class A adult entertainment videotape parlour is, if in compliance with all other applicable law, permitted to locate and operate and is eligible to be licensed under this by-law for so long as such part of such premises continues to be lawfully used for such purposes:
 - (a) 2544 Speers Road, Oakville
 - (b) 494 Kerr Street, Oakville
2. The total number of licences for Class A adult entertainment videotape parlours in the Town of Oakville, which may be issued under and in accordance with this by-law, shall be limited to two.
3. Should any area referred to in section 1 of this Schedule cease to be used for the purposes of a Class A adult entertainment videotape parlour, any Class A adult entertainment videotape parlour licence issued under this by-law for that location shall be revoked and no renewal of further such licence at such location shall be issued.
4. In addition to the areas defined in section 1 of this Schedule and subject to sections 2 and 3 of this Schedule, future Class A adult entertainment videotape parlours may only be located and operated in any of the shaded areas shown on the attached maps A-1 and A-2, subject to compliance with all applicable law.
5. The attached maps A-1 and A-2 form part of this by-law.



 Town of Oakville
Planning Services Department
Corporate Drafting and Design Office
1225 Trafalgar Road, Oakville, Ontario L6J 5A6 905-845-6601

Map A1 Eligible Locations
SCALE: N.T.S. NOVEMBER 2002



SCHEDULE 34

BODY-RUB PARLOURS

1. In addition to the Licensing Requirements set out in section 3 of the Licensing By-law, a completed application for a licence or for renewal of a licence shall be accompanied by:
 - (a) a Canadian Criminal Record Check issued by the Canadian Police Information Centre, as approved by the Licensing Commissioner;
 - (b) a letter from the Halton Region Health Department that the business is in compliance with the requirements of the Medical Officer of Health;
 - (c) a certificate of zoning compliance;
 - (d) two separate means of identification such as a birth certificate, current driver's licence, passport, or the like, produced for inspection by the Licensing Commissioner;
 - (e) proof of his or her age, if required to do so by the Licensing Commissioner;
 - (f) if the applicant is an owner, a list showing the names of all operators and attendants employed by, or performing services in the body rub parlour and all such persons intended to be employed or to perform services in the body rub parlour;
 - (g) if the applicant is a partnership applying for an owner's or operator's licence, a declaration in writing signed by all members of the partnership the date of birth of every partner, the name or names under which they carry on or intend to carry on business, and the mailing address for the partnership;
 - (h) the date of birth of every partner, the name or names under which they carry on or intend to carry on business, and the mailing address for the partnership;
 - (i) if the applicant is a corporation, the name, date of birth and address of every officer, director, shareholder or other person having a beneficial interest of any kind in the shares of the corporation;
 - (j) if the applicant intends to carry on business under a name or designation other than their own name or under a name with the addition of the expression "and Company" or some other expression indicating a plurality of members in the firm, a declaration stating the name or designation under

which the applicant intends to carry on business, and the date when the name or designation was first used; and

- (k) if the applicant is an owner, documentation satisfactory to the Licensing Commissioner demonstrating the applicant's right to possess or occupy the premises used as a body rub parlour.

2. Every applicant for a body-rubber's licence shall:

- (a) be exempt from the requirement as set out in section 3(c) of the Licensing By-law as well as the requirements set out in section 1(b), (c), and (k) herein, and
- (b) submit with the application two passport size photographs of their face, one of which photographs shall be attached to the licence, and the other shall be filed with the Licensing Commissioner, and upon application for a renewal of any licence, the applicant shall furnish new photographs if required to do so by the Licensing Commissioner.

3. No licence shall be issued unless the Licensing Commissioner is satisfied that the applicant is of the full age of eighteen years.

4. PROHIBITIONS

- (1) No owner, operator or body-rubber shall perform, offer, or solicit a body-rub in pursuance of a trade, calling, business or occupation without a licence issued under this by-law.
- (2) No owner shall permit any person other than a licensed operator to operate a body-rub parlour.
- (3) No owner or operator shall permit any body-rub to be performed, offered, or solicited in the pursuance of a trade, calling, business or occupation, upon or at the body-rub parlour or pursuant to the operation of a body-rub parlour, by any person other than a licensed body-rubber or other person licensed or authorized by or under this by-law to do so.
- (4) No owner shall permit any person, other than an employee of such owner or a person with whom the owner has contracted to operate the body-rub parlour or to perform, offer or solicit body-rubs in the body-rub parlour in pursuance of a trade, calling, business or occupation.



- (5) No body-rubber or other person shall perform, offer, or solicit body-rubs in any body-rub parlour unless the owner of the body-rub parlour and the operator is duly licensed as owner or operator respectively under this by-law.
- (6) No operator not being the owner shall operate a body-rub parlour unless the owner of the body-rub parlour is duly licensed as owner under this by-law.
- (7) No body-rubber shall perform any body-rubs or other services in a body-rub parlour unless their licence is posted in compliance with section 3, subsection (58) hereof and unless they have notified the Licensing Commissioner that they are performing services in such body-rub parlours.
- (8) No owner or operator shall permit any premises or part thereof used as a body-rub parlour to be used as a dwelling or for sleeping purposes.
- (9) No owner or operator shall permit any food or beverage to be prepared, consumed, kept for sale, sold, bought, given or offered free of charge in any body-rub parlour, other than a vending machine which dispenses beverages, and preparation of food for the use and consumption by persons employed by or under contract of services to an owner or operator in a room used exclusively for such purposes.
- (10) No owner or operator shall permit the premises to be constructed or equipped so as to hinder or prevent the enforcement of this by-law.
- (11) No owner, operator or body-rubber shall perform or provide, or permit the performing or providing of any service(s) in any body-rub parlour which is constructed or equipped in contravention of sub-section 4(10) herein.
- (12) No person shall perform a body-rub or provide any other service in a room, cubicle or other enclosure with a door or other means of access which is equipped or constructed with a locking device of any kind or which is equipped or constructed in such a way as to permit the obstruction, hindrance or delay of any person attempting to gain entry thereto.
- (13) No person shall use or permit a washroom, toilet, sink or basin used for domestic purposes to be used in connection with a body-rub parlour.
- (14) No owner or operator shall permit any services to be given, performed, provided or received in any body-rub parlour in breach of any of the regulations contained in this by-law.
- (15) No owner or operator shall advertise a body-rub parlour, or publish anything or erect, post or maintain any sign, notice or any other publication or device,

relating to or drawing attention to such body-rub parlour by any means or in any form whatsoever, except as specifically permitted in this by-law.

- (16) No owner or operator shall permit or suffer any person to advertise any body-rub parlour to publish, erect or maintain any sign, notice, publication or device relating to or drawing attention to such body-rub parlour, except as specifically permitted in this by-law.
- (17) No owner or operator shall solicit, employ or allow any runner, sandwich-board man, bill or gift distributor or other person to advertise services offered in or by a body-rub parlour, or to assist or act in concert with soliciting any person to use the service or services of any kind offered in or by a body-rub parlour on any public highway, lane, street, sidewalk, park or other public place.
- (18) No owner, operator or body-rubber shall use, or permit to be used, any telephone for the purpose of advertising or soliciting any person to use the service or services provided in a body-rub parlour.
- (19) No person shall use, or permit to be used any sign, notice, placard, printing, picture or any other advertising or identifying device or thing whatsoever relating to any body-rub parlour or services offered therein, other than the signs permitted under sub-section 4(63), placed on or near any body-rub parlour, or in a body-rub parlour in such a position or place as to be capable of being seen by a person outside the body-rub parlour.
- (20) No owner, operator or body-rubber shall charge, demand, ask for or require, or permit to be charged, demanded, asked for or required for any services offered, performed or solicited in, upon or at a body-rub parlour any amount other than set out in a list filed with the Licensing Commissioner, or amendments thereto also filed with the Licensing Commissioner.
- (21) No owner, operator or body-rubber shall offer, perform or solicit a body-rub in, upon, at or in respect of a body-rub parlour, or perform any services thereon other than body-rubs and other services permitted by endorsement by the Licensing Commissioner on the licence of the owner of the body-rub parlour all as described on a list filed with the Licensing Commissioner or amendments thereto also filed with the Licensing Commissioner.
- (22) No owner or operator shall permit any trade, calling or business or occupation for which a licence is required, to be carried on in a body-rub parlour unless a description of the trade, calling, business or occupation is endorsed on the owner's licence as provided in this by-law and unless the owner and every other person required to be so licensed has paid the licence fee.

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- (23) No person shall act as an owner, operator or body-rubber of a body-rub parlour or provide any services in a body-rub parlour unless the person is at least the age of eighteen years.
 - (24) No person shall provide a body-rub or any other services in a body-rub parlour to a person who is or who appears to be under the age of eighteen years.
 - (25) No owner or operator shall permit any person actually or apparently under the age of eighteen to enter or remain in any body-rub parlour.
 - (26) No owner, operator, body-rubber or other person shall provide a body-rub or any other service or services in a body-rub parlour to a person who is or who appears to be intoxicated by alcohol or a drug or to any person whose appearance or condition provides reasonable cause to believe that the provision of such services to such person may cause illness or injury.
 - (27) No owner or operator shall permit any person who is or appears to be intoxicated by alcohol or a drug to enter or remain in any body-rub parlour.
 - (28) No owner or operator shall open a body-rub parlour for business or permit the same to be or to remain open for business or permit any body-rub or services of any kind to be performed, offered or solicited in the body-rub parlour at any time between the hours of 1:00 o'clock in the forenoon of any day and 8:00 o'clock in the forenoon of the same day.
 - (29) No person shall permit a body-rub parlour to be open for business at any time other than the times set forth in a schedule filed with the Licensing Commissioner.
 - (30) No owner, operator or body-rubber shall take, consume or have a liquor or a drug, in their possession in a body-rub parlour, nor shall the use of liquor or a drug be apparent while in a body-rub parlour. For the purpose of this subsection the word "drug" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.
 - (31) No owner, operator or body-rubber shall permit to be used any camera or other photographic or recording device in, upon or at a body-rub parlour by any person other than a Peace Officer, Medical Officer of Health or a Public Health Inspector acting under his or her direction or a By-law Enforcement Officer.
 - (32) No owner, operator or body-rubber shall perform or permit to be performed a body-rub in any body-rub parlour 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.

- (33) No body-rubber shall hold, receive or handle any cash or currency used or received in connection with the business of the body-rub parlour or receive or hold any customer's money or belongings, and every owner or operator shall, during the period in which the body-rub parlour is open for business, provide a person for such purposes, which person shall not, during the period in which he is so employed, provide any body-rubs.
- (34) No owner or operator shall permit in any body-rub parlour the offering, selling, giving, performing or soliciting of any services other than body-rubs or the selling, giving, trading or offering of any goods unless the owner of the body-rub parlour notifies the Licensing Commissioner of their intention to so permit such trade, calling, business or occupation and provide a description of such services or goods to be endorsed on such owner's licence.
- (35) No owner shall fail to notify the Licensing Commissioner before engaging any operator to operate the body rub parlour.
- (36) No owner shall fail to provide a copy of every written contract of service, contract for services or other document constituting or pertaining to the relationship between owner and operator of a body-rub parlour or between owner or operator and a body-rubber performing services in a body-rub parlour, shall be filed by the owner with the Licensing Commissioner and the original of any such document shall be made available for inspection at any time by the Town's By-law Enforcement Officers upon request, and shall be retained by the owner or operator for a period of six months after its termination.
- (37) No owner or operator shall fail to keep proper records and books of account of all business transacted in, by or in respect of the body-rub parlour, which books shall give the amount of gross receipts for all services provided in the body-rub parlour, including all receipts for admission fees and other charges and receipts in respect of entry to or services provided in such body-rub parlour, the name and licence number of every body-rubber providing services in the body-rub parlour including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each body-rubber and all amounts paid by the owner to the operator, if any, or by the operator to the owner, in respect of such body-rub parlour or body-rub business.
- (38) No owner or operator shall fail to keep such books and records as are required by the sub-section 4(37) for at least one year after the information required by that subsection is entered therein, and the Licensing

Commissioner, the Chief of Police or any person duly authorized by either, shall at all times have access to such records.

- (39) No owner or operator shall fail to give to the customer an itemized bill for such services, listing the services to be provided and the price to be paid for each.
- (40) No owner or operator shall fail to provide a customer a written receipt for the full amount paid.
- (41) No owner or operator shall fail to retain and keep a copy of each bill and receipt for at least one year after the services referred to therein are performed, and the Licensing Commissioner or any person authorized shall at all times have access to such copies.
- (42) No person shall provide or permit the provision of a body-rub or other service in any washroom or in any room containing a toilet.
- (43) No owner or operator shall fail to ensure:
 - (a) the premises are provided with adequate light and ventilation;
 - (b) the premises and all fixtures and equipment therein are regularly washed and kept in sanitary condition;
 - (c) the premises are equipped with an effective utility sink; and
 - (d) adequate toilet and washroom accommodation are provided, and there are separate such rooms for males and females.
- (44) No owner or operator shall fail to ensure washrooms are 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; and
 - (d) a suitable receptacle for used towels and waste material.
- (45) No owner or operator shall fail to ensure in all shower-bath room(s) and in all sauna-bath room(s), if any:

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- (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; and
 - (d) floor surfaces both within and without the enclosures shall be of a non-slip type.
- (46) No owner or operator shall fail to ensure the following where a bathtub(s) or whirlpool bath(s) are provided on the premises:
- (a) a grab-bar or other convenient support shall be provided unless the walls of the tub or whirlpool bath enclosure at 61 cm. In height or higher;
 - (b) the bottom of the tub or whirlpool bath enclosure shall be of a non-slip type; and
 - (c) the water serving all the bathtubs, showers and hand basins used by patrons shall not have a temperature exceeding 48.8°C and shall be controlled by a device that regulates the temperature, and patrons shall not have access to this device.
- (47) No owner or operator shall fail to ensure that a total volume air change of ten times per hour is provided for all tub, shower or bath rooms.
- (48) No owner or operator shall permit common foot baths to be provided on the premises.
- (49) No owner or operator shall permit duckboards or cocoa matting to be used in the shower, bath or steam room, or provide anything other than liquid or powdered soap in the shower room.
- (50) No owner or operator shall fail to post a notice advising all patrons that a cleansing shower or bath must be taken by every person immediately prior to any body-rub being performed upon the person.
- (51) No owner or operator shall fail to provide a fresh, clean, individual pair of paper slippers to every person immediately after taking a shower.
- (52) No owner or operator shall fail to ensure that every table, mat or other surface upon which persons lie or sit while being given or provided with a

body-rub are clean and in good repair, have a top surface of impervious material, and are covered with a fresh, clean individual paper or cloth sheet.

- (53) No owner or operator shall fail to ensure that every sheet or towel shall, immediately after being used by any person, is deposited in a receptacle reserved for that purpose and shall not be utilized again for any purpose before being freshly laundered.
- (54) No owner or operator shall fail to ensure that all massage or body-rub appliances and any other article or device applied to a customer's body for or in connection with body-rubs are cleansed and disinfected after each individual use with a disinfecting solution satisfactory to the Medical Officer of Health.
- (55) No owner or operator shall fail to ensure that every body-rub or other service performed in a body-rub parlour is given in an individual room or cubicle.
- (56) No owner or operator shall fail to provide a service by which any customer may deposit valuables or other property for safekeeping and any customer who presents his property for safekeeping shall be given a receipt specifying the nature of the property so entrusted.
- (57) No owner or operator shall fail to take due care of all property delivered or entrusted to him for safekeeping and return it to its owner upon demand. Every body-rubber immediately upon the termination of the services of performing a body-rub shall carefully search the body-rub parlour for any property lost or left therein, and all property or money left in the body-rub parlour shall be forthwith delivered over to the person owning the same, or if the owner cannot at once be found, then to the nearest police station, with all pertinent information.
- (58) No owner or operator shall, during the term of employment of a body-rubber or of a body-rubber's services, fail to retain a body-rubber's licence and/or fail to post the licence in a conspicuous place in the body-rub parlour and keep it posted throughout the term.
- (59) No owner or operator shall fail to notify the Licensing Commissioner in writing that a body-rubber has been employed. When such employment ceases it shall be the joint responsibility of the owner or operator and the body-rubber to notify the Licensing Commissioner in writing to such effect within forty-eight hours of the said cessation.
- (60) No owner or operator shall fail to exhibit over the street door or in the lower front window of the premises in respect to which such person's licence is issued or in some other conspicuous place on the exterior of such premises

satisfactory to the Licensing Commissioner a sign issued by the Licensing Commissioner bearing the words, "LICENSED BODY-RUB PARLOUR NO. ", (inserting after "No." the owner's licence number), "Comments regarding this business may be made to the Licensing Commissioner, The Corporation of the Town of Oakville".

- (61) No owner or operator shall permit more than one sign other than as expressly permitted in this by-law. Where more than one body-rub parlour occupies the same building or structure there may be one such sign as permitted by section 5 in respect of each body-rub parlour subject to the condition that where one owner owns more than one body-rub parlour situated in one building or structure, such owner is permitted to have only one such sign, which sign may refer to all of the body-rub parlours.
- (62) No owner or operator shall fail to file with the Licensing Commissioner a copy of a list of all services offered, performed or solicited in, upon or at the body-rub parlour, and of the respective fees charged for such services, and, if such charge be based on a computation of time, the hourly rate shall be shown on such list.
- (63) No owner or operator shall fail to post a copy of the list of services and fees referred to in sub-section 4(62) in a conspicuous place in the interior of the body-rub parlour plainly visible to any person upon entering the premises.
- (64) No owner, operator or body-rubber providing services at a body-rub parlour or in attendance at a body-rub parlour in pursuance of a trade, calling, business or occupation carried on by the owner or operator of such body-rub parlour, shall fail to, upon request 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 their name and residential address, and if licensed under this by-law, produce the licence.
- (65) No owner or operator shall fail to file with the Licensing Commissioner a schedule showing the hours of business to be observed in the carrying on of the operation of the body-rub parlour which schedule shall state specifically the opening and closing times of the body-rub parlour for each day of the week.
- (66) No owner or operator shall fail to ensure that the door or doors or other principal means of access into the body-rub parlour by the public are kept unlocked and available so that anyone coming into the body-rub parlour from the street or other public place may enter therein without hindrance or delay during the hours of business of the body-rub parlour set forth in the schedule filed with the Licensing Commissioner in accordance with sub-section 4(65),

or at any time at which a body-rub parlour is open for business or at any time at which a body-rubber is in attendance at a body-rub parlour.

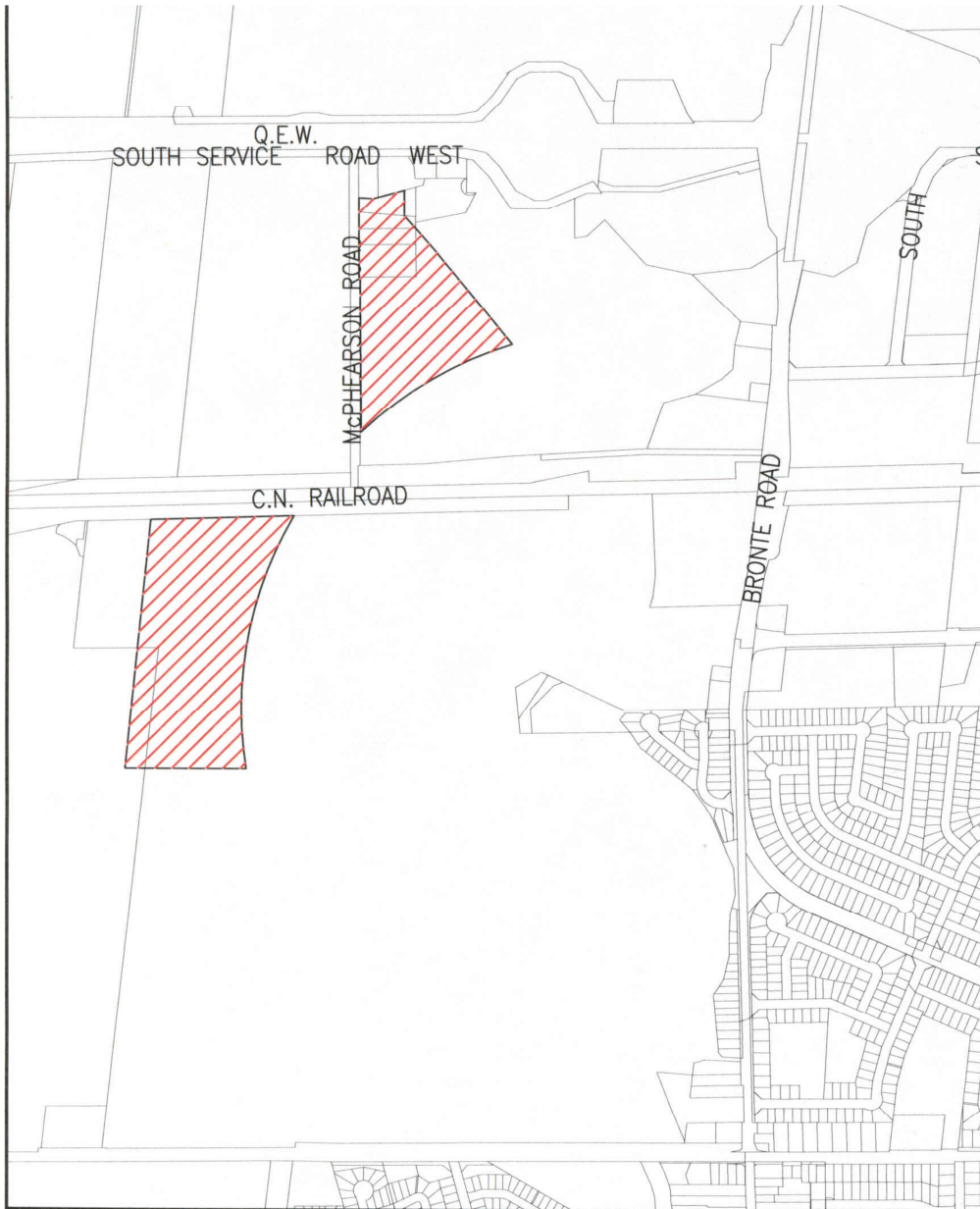
- (67) No owner or operator shall permit a body-rub parlour to be open for business, or remain open for business, or any attendant to enter or remain therein, or any service to be provided at such body-rub parlour where the owner or operator licensed in respect of such body-rub parlour is not in attendance.
 - (68) No owner or operator shall fail to provide and maintain at all times at the body-rub parlour a first-aid kit equipped in a manner satisfactory to the Medical Officer of Health.
 - (69) No owner, operator, or body-rubber shall fail to be neat and clean in appearance and civil and well behaved to members of the public.
 - (70) No owner, operator or body-rubber shall fail to comply with the provisions of this by-law as applicable to an owner, operator or body-rubber whether or not licensed under this by-law.
 - (71) No owner or operator shall fail to take every reasonable precaution to ensure that persons who have been exposed to communicable diseases and persons who are suffering from such diseases are not permitted to enter into or remain within the body-rub parlour.
 - (72) No owner or operator shall fail to submit to such medical examination and tests as the Medical Officer of Health may require.
5. In addition to the sign referred to in sub-section 4(60), there may be displayed flat against the exterior portion of a wall or door of a body-rub parlour one non-illuminated sign of which the façade shall not exceed 0.19 square metres in size, and which sign shall be no more than 7.6 centimeters in depth, which sign may bear the following:
- (a) the owner's legal name as shown on the licence;
 - (b) the name, if any, under which the owner carries on business as endorsed on the licence in respect of the body-rub parlour;
 - (c) the address of the body-rub parlour; and
 - (d) the telephone number of the body-rub parlour but other than the foregoing there shall be no other letters, marks, paintings, contrasting colours, symbol, logo or any other mark whatsoever on the said sign.

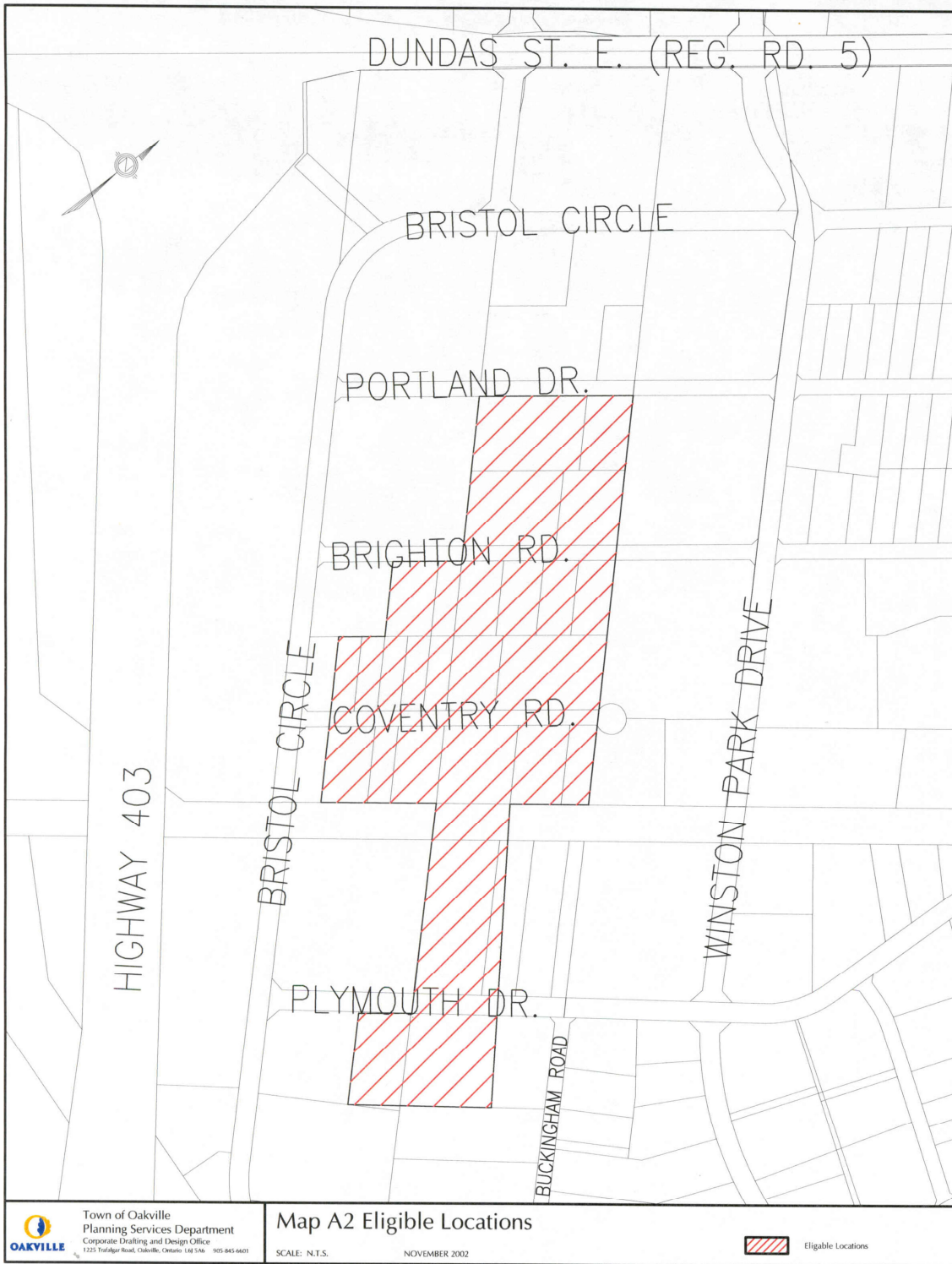


6. Notwithstanding any other provision of this by-law, a maximum of two owner's licences for body-rub parlours shall be issued under this by-law.
7. Body-rub parlours shall only be permitted to operate within the areas described in Schedule "A" to this by-law, which schedule is attached to and shall form part of this by-law.
8. No person shall operate a body-rub parlour outside the area described in Schedule "A" to this by-law.

SCHEDULE "A" to SCHEDULE 34

Body-rub parlours may only be located and operated within the areas shown as the shaded area on the attached maps A-1 and A-2, subject to compliance with all applicable law.





SCHEDULE 35

PET SHOPS AND KENNELS

1. In addition to the Licensing Requirements set out in section 3 of the Licensing By-law, a completed application for a licence or for renewal of a licence shall be accompanied by:
 - (a) a certificate of zoning compliance;
 - (b) an inspection report, dated no earlier than thirty (30) days prior to submission of the application, issued by an Animal Control Officer indicating compliance with all applicable provisions of this by-law, and
 - (c) a declaration, made under oath and signed by the applicant, stating that the applicant has not been convicted of any crime against animals in the preceding fifteen years.

2. No Licensee shall:
 - (1) obtain a licence for a pet shop or kennel having been convicted under the *Criminal Code of Canada* for animal abuse;
 - (2) confine incompatible genus or species of animals in the same cages;
 - (3) sell or offer for sale any animal before its normal weaning age (8 weeks for cats and dogs);
 - (4) sell or offer for sale chicks, ducklings or other live animals as a bonus to a sale or part of a sale of any other goods, products, or services;
 - (5) keep for sale, sell, or offer for sale:
 - (a) any primate;
 - (b) any North American animal, excluding fish, that is wild by nature, unless it has been legally bred and raised in captivity;
 - (c) any exotic animal, that has not been legally imported into Canada, or
 - (d) any wildlife species that is listed at risk in the *Species at Risk Act*, S.C. 2002, c.29, as amended from time to time, or any animal listed as rare, endangered or threatened by the Convention on International Trade in Endangered Species (CITES) as amended from time to time.

- (6) sell or offer for sale any animal that is known to be sick or diseased;
- (7) or sell or offer for sale any animal that exhibits any signs of the following as verified by a veterinarian:
 - (a) infectious disease;
 - (b) nutritional deficiencies;
 - (c) severe parasitism sufficient to influence the general health of the animal; or
 - (d) fractures or congenital deformities affecting the general health of the animal.

REGULATIONS – PET SHOPS

- 3. Every owner of a pet shop shall comply with and ensure compliance with the following requirements in the operation of a pet shop:
 - (1) the pet shop shall be maintained at all times in a sanitary, well-ventilated, clean condition;
 - (2) every animal shall be kept in sanitary, well-bedded, well-lighted, clean quarters, kept at a temperature appropriate for the health requirements of the type of species of animal housed therein;
 - (3) all cages, tanks, containers or other enclosures in which animals are housed on the premises shall be located in such a way as to provide maximum comfort to satisfy the known and established needs for the particular species so housed and shall be provided with the safeguards to prevent extreme environmental changes and to prevent undue, direct, physical contact with such animals by the general public;
 - (4) where the quarters used for the housing of any animal form part of or are physically attached to a building used for human habitation or to which the public have access, such quarters shall have a concrete or other impermeable floor with a drain opening hooked to a sanitary system, and such floor shall be thoroughly cleaned and washed with water at least once each day, or more often than once if necessary to keep the said floor clean;
 - (5) every cage or other container used for the keeping or housing of any animal shall:
 - (a) be of adequate size to permit any such animal to stand normally to its full height, to turn around, and to lie down in a fully extended position;

- (b) in the case of all other cages or containers, have a floor of either solid or wire mesh construction where the wire mesh is covered with a thick plastic cover for ease of cleaning and is comfortable for the animals, provided that:
 - (i) all spaces in wire mesh shall be smaller than the pads of the foot of any animal confined therein;
 - (ii) any such wire mesh shall be of a thickness and design adequate to prevent injury to any such animal; and
 - (iii) such floor shall be of sufficient strength to support the weight of any such animal.
- (6) water, in an amount sufficient for the well-being of each animal kept in the pet shop, shall be provided daily;
- (7) animals shall be fed periodically each day in accordance with the particular food requirements for each type or species of animal kept in the said pet shop; and
- (8) light in the premises shall be appropriate for the species kept there.

REGULATIONS – KENNELS

- 4. No kennel shall be constructed or used except in accordance with the following regulations:
 - (1) The construction of any kennel shall conform to the requirements of the *Ontario Building Code*;
 - (2) No kennel shall be used unless the following standards are met:
 - (a) DOGS
 - (i) Dogs shall be housed in individual enclosures unless the pet owner expresses a specific wish for their pets to be housed in an open setting;
 - (ii) Each enclosure shall be well ventilated and large enough to permit any dog enclosed therein to move freely and, in particular, shall be maintained at a minimum of 15 degrees Celsius;
 - (iii) Floors of the individual enclosure shall be of dense concrete or similar material and shall be adequately sloped to drains;

- (iv) Walls of the individual enclosure shall be non-porous, watertight and easily cleaned; and
- (v) Outside exercise facilities shall be provided which shall be fenced in such a manner as to keep the dogs securely enclosed and to mitigate noise. Each dog shall be provided access to such facilities at least twice in every 24-hour period. Dogs must be supervised by sufficient personnel at all times to mitigate noise. The outdoor exercise facility shall be cleared of all waste between use by each animal. No dog shall be placed in such facility in inclement weather or during extreme temperatures.

(b) CATS

- (i) Cats shall be housed in individual enclosures except in the case of kittens less than 3 months of age with or without the mother cat unless the pet owner expresses a specific wish for their pets to be housed together;
- (ii) Each enclosure for an adult cat shall be well ventilated and not be less than 0.67 metres x 0.67 metres x 0.67 metres and, in the case of a cat with a litter, not less than 0.75 metres x 0.75 metres x 0.75 metres high;
- (iii) Inside temperature shall be maintained at a minimum of 15 degrees Celsius; and
- (iv) Cages or enclosures shall be constructed of a non-porous, watertight material with a smooth finish that can be easily cleaned.

PET SHOP AND KENNEL PERSONNEL

5. Every pet shop or kennel owner shall:

- (1) permit only persons to operate or manage a pet shop or kennel who are skilled and conscientious in animal care, and who have knowledge of the characteristics, care and handling of the species entrusted to their care;
- (2) permit only persons to attend to the care, feeding and cleaning of animals in the pet shop or kennel, who have been adequately trained, commensurate with their responsibilities, by the pet shop or kennel owner, and who demonstrate that they are able to discharge their responsibilities in a positive, caring matter;
- (3) maintain a training manual approved by the Executive Director of the Oakville and District Humane Society;

- (4) provide for a sufficient number of employees to provide for the care of animals and maintenance of facilities during normal business hours, on weekends and holidays; and
- (5) keep posted in a conspicuous place for employees, instructions issued to all personnel for the cleaning, care and feeding of animals.

HOUSING AND FACILITIES

6. Every pet shop owner shall:

- (1) keep all animals in a constant and comfortable environment to ensure their health and well-being;
- (2) at all times provide litter pans containing clean litter for kittens and cats;
- (3) keep birds in cages having removable metal or impermeable bottoms of adequate size;
- (4) permit no more than 20 dogs to be housed in the Pet Shop without the prior filing and maintenance of a care program approved by a veterinarian, with the municipality;
- (5) permit no more than 15 budgerigars or canaries or 20 finches to be housed in a single cage with minimum dimensions of 60 cm. (24") x 35cm. (14") x 40cm. (16");
- (6) not increase bird density, or the number of birds housed in cages of other dimensions, unless each cage is of sufficient size and dimensions to enable each bird confined therein an amount of perch to allow it to fully extend its wings in every direction, while all birds are perched;
- (7) locate all animals in the pet shop in such a way as to provide for:
 - (a) their maximum comfort, and to satisfy their known and established needs,
 - (b) protection from extreme environmental changes, and
 - (c) prevention of undue direct or disturbing physical contact with the general public;
- (8) make available within the pet shop, an exercise area and separate suitable area that permits segregation of animals which require special observation or attention;

- (9) clean and wash the floors of cage bottoms thoroughly, at least once each day, or more often as may be necessary to comply with sections 3(1) and 3(2);
- (10) clean and sanitize runs and exercise areas by periodic removal of soiled materials, application of suitable disinfectants and replacement with clean surface materials;
- (11) provide for an ongoing effective program for the control of vermin infestation; and
- (12) provide a rapid communication system in case of an emergency, with names and telephone numbers of contact persons prominently posted readily accessible to security and fire personnel.

VETERINARY CARE

7. Every pet shop owner shall establish and maintain programs of disease prevention and control including:
 - (1) appointing and retaining the services of a consulting veterinarian with the name and telephone number posted in a conspicuous place easily accessible to all personnel;
 - (2) prompt examination and treatment or humane euthanasia of any animals suspected of being sick or injured, by a veterinarian or other qualified person under the supervision of a veterinarian;
 - (3) segregation of any apparently sick or injured animal to a separate area; and
 - (4) proper and lawful disposal of deceased animals forthwith.

8. RECORDS

- (1) The pet shop owner shall keep a legible register of all animal sales and purchases in good condition for a period of 12 months after each transaction, and the register shall be made immediately available for inspection by the Animal Control Officer upon verbal request.
- (2) The animal register shall contain the following information entered at the time the animals come into the possession of the pet shop owner:
 - (a) name and address of supplier or other person from whom the animals were purchased or otherwise obtained;

- (b) date of purchase or other acquisition;
 - (c) in the case of dogs and cats, description of each individual animal;
 - (d) medical record if animal has been isolated; and
 - (e) with animals other than dogs and cats, a description of each shipment.
- (3) The pet shop owner shall provide to each person who purchases an animal from the pet shop with a receipt containing the following information:
- (a) name and address of the vendor and purchaser;
 - (b) date of sale;
 - (c) description of the animal, including sex, age, colour or placing of markings, if any; and
 - (d) description of breed or cross-breed when the animal is a dog or cat.
- (4) When the animal purchased is a dog or cat, the purchaser shall also be given:
- (a) a valid certificate of health and vaccination from a veterinarian since the arrival of the cat or dog at the store; and
 - (b) an application for a municipal licence and a copy of all related animal by-laws.
9. No licence shall be required for the following operations:
- (1) an animal shelter operated by or on behalf of a public authority;
 - (2) a veterinary hospital or clinic;
 - (3) any facility in which animals are placed for care pursuant to the *Pounds Act*, R.S.O. 1990, c. P.17, as amended or replaced from time to time, or
 - (4) any training facility operated by Dog Guides Canada.