

## **THE CORPORATION OF THE CITY OF PICKERING**

### **BY-LAW NO. 6649/06**

Being a by-law to licence, regulate and govern body-rub parlours within the City of Pickering.

**WHEREAS** Sections 150 and 151 of the *Municipal Act, 2001* authorize Council to pass by-laws that license, regulate and govern adult entertainment establishments;

**AND WHEREAS** Council has determined that the location of body rub parlours must be regulated to ensure that the use is compatible with the neighbourhood and their location or number does not create a nuisance;

**AND WHEREAS** Council has determined that licensing owners, operators and attendants of body rub parlours protects consumers and contributes to their health and safety by regulating access, cleanliness, and prohibiting illegal services;

**AND WHEREAS** to enhance professionalism and to help prevent illegal services from being offered or obtained, while still allowing legitimate services to be provided, Council has deemed that specified areas of the body may not be touched;

**AND WHEREAS** Council has determined that consumers should be protected from unknowingly entering a bawdy-house when seeking a massage at a body rub parlour;

**AND WHEREAS** Council has determined that certain restrictions on behaviour of both patrons and attendants reduces transmission of disease that would have an adverse effect on the health of both the patrons and attendants;

**AND WHEREAS** Council has determined that free and unobstructed access to rooms in body rub parlours contributes to the safety of both attendants and patrons therein;

**AND WHEREAS** Council has determined that licensing owners and operators of body rub parlours protects consumers as there is a record of licence holders and the ability to require legal and honest operation of such businesses and to hold licensees responsible when the business is not conducted in accordance with the law or with integrity;

**AND WHEREAS** Council has determined that the ability to add conditions to, suspend, revoke or refuse licences encourages owners and operators of body rub parlours to comply with the by-law requirements;

**AND WHEREAS** Council has determined that the ability to enforce the provisions of this By-law through charges under this By-law also encourages owners and operators of body rub parlours to comply with the by-law requirements;

**NOW THEREFORE** the Council of The Corporation of the City of Pickering **ENACTS AS FOLLOWS:**

## **DEFINITIONS**

1. In this By-law,

**“attendant”** means a person who, in pursuance of a trade, business or occupation, provides body-rubs at a body-rub parlour;

**"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 to do so under the laws of the Province of Ontario;

**"body-rub parlour"** is included in the definition of 'adult entertainment parlour' in the *Municipal Act, 2001* and 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 purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;

**"City"** means The Corporation of the City of Pickering;

**"Council"** means the Council of the City;

**"licence"** means an authorization under this By-law to carry on the trade, calling, business or occupation specified therein;

**"Licensing Officer"** means a person appointed by the City to issue licences;

**“Medical Officer of Health”** means the Medical Officer of Health for The Regional Municipality of Durham;

**"operator"** includes a person who, alone or with others, operates, manages, supervises, runs or directs the trade, calling, business or occupation carried on at a body-rub parlour;

**"owner"** includes a person who, alone or with others, owns or controls the trade, calling, business or occupation carried on at a body-rub parlour or who directs the activities of an operator and includes a person who is the

tenant or licensee in respect of premises which are utilized as a body-rub parlour;

**"provide"** when used in relation to body-rubs includes offering to provide or causing or permitting the provision of a body-rub and "provides", "providing" and "provision" have corresponding meanings; and

**"sign"** includes any sign as defined pursuant to the City's By-law, as amended.

## **GENERAL REGULATIONS**

2. No person may be an owner of a body-rub parlour without making application for, obtaining and maintaining, pursuant to the terms of this By-law, a body-rub parlour licence.
3. No person may be an operator of a body-rub parlour without making application for, obtaining and maintaining, pursuant to the terms of this By-law, a body-rub parlour operator's licence.
4. No person may be an attendant in a body-rub parlour without making application for, obtaining and maintaining, pursuant to the terms of this By-law, an attendant's licence.
5. No person may be an owner or operator of a body-rub parlour or be an attendant or provide any body-rub in a body-rub parlour except in compliance with the following regulations:
  - (a) No person may provide body-rubs in a body-rub parlour to any person under the age of eighteen years and no person under the age of eighteen years may be allowed to enter or remain in any part of a body-rub parlour.
  - (b) Each owner or operator shall ensure that there is posted in a prominent location at the entrance to the body-rub parlour a sign indicating that no person under the age of eighteen years may enter or remain in such premises.
  - (c) No owner or operator may permit any employee or person under contract to work at a body-rub parlour unless such person is at least 18 years of age and such person has been instructed with regard to the regulations of this By-law and complies with these regulations.
  - (d) No owner or operator may permit a body-rub parlour to be open for business unless the owner or operator is in attendance in person.

- (e) With the exception of patent medicines and prescription drugs required for medicinal purposes, no person may take, consume or have alcohol or drugs in their possession in a body-rub parlour.
- (f) No owner or operator may permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in a body-rub parlour.
- (g) No person may advertise or promote a body-rub parlour or the provision of body-rubs at a body-rub parlour except in accordance with the provisions of this By-law respecting "Signs and Advertisements".
- (h) No owner or operator may permit a body-rub parlour to open or to remain open for business except in compliance with the provisions of this By-law respecting "Hours of Operation".
- (i) No person may own or operate a body-rub parlour except in compliance with the provisions of this By-law respecting "Locational Restrictions and Limitations on Number".
- (j) No person may own or operate a body-rub parlour except in compliance with the provision of this By-law respecting "Design of Premises".
- (k) Every owner and operator shall keep their licence certificate issued in respect of a body-rub parlour posted in a conspicuous place in the said premises in a manner satisfactory to the Licensing Officer at all times during the currency of the licence.
- (l) No owner or operator may permit any attendant to provide body-rubs at a body-rub parlour unless such attendant is licensed pursuant to the provisions of this By-law and their licence has not expired, been revoked or suspended.
- (m) No attendant may provide a body-rub at a body-rub parlour unless there is in attendance at the premises a licensed body-rub parlour owner or operator who does not provide body-rubs.
- (n) An owner shall enter into a written contract for services between every operator and every attendant at a body-rub parlour and such contracts shall be made available to a Licensing Officer upon request for inspection at any time during business hours of the body-rub parlour and during all times when body-rubs are provided, and shall be retained by an owner or operator for a period of six months after the termination or completion of such contract.
- (o) Within the public reception area, every attendant at a body rub parlour shall be clothed in a manner such that each such person's pubic and genital area,

and in the case of a woman, her breasts are fully covered by opaque material.

- (p) No owner or operator may use or permit to be used any camera or other photographic or recording device at a body-rub parlour by any person. Notwithstanding the foregoing, a public health inspector acting under the direction of the Medical Officer of Health, the Licensing Officer, a peace officer or a Municipal Law Enforcement Officer may use a camera or other photographic or recording device at a body-rub parlour during the course of an inspection or investigation thereof. In addition, an owner or an operator may maintain a photographic device in the entrance lobby of the premises for security purposes.
- (q) Every owner shall post and maintain in the lobby or entrance of the body rub parlour, in a manner that is satisfactory to the Licensing Officer, a sign which provides as follows: "This premise is licensed as a body rub parlour by the City of Pickering."
- (r) No owner, operator or attendant shall permit a body rub to be performed on any person who the owner, operator or attendant has reasonable cause to suspect has been exposed to, or may be suffering from, any communicable disease, including any communicable skin disease.
- (s) No owner, operator or attendant shall have sexual contact with any person while performing, offering or soliciting a body rub in a body rub parlour. For purposes of this section, sexual contact includes the kissing, fondling, or sucking of breasts or genitalia, digital penetration, fellatio, cunnilingus, masturbation, ejaculation or intercourse.
- (t) Every body-rub parlour owner and operator shall ensure that no services are provided at the body-rub parlour other than in accordance with the requirements of this By-law.
- (u) No person shall provide services in a body-rub parlour unless the owner of the body-rub parlour holds a body-rub parlour licence, which has not expired, been revoked or suspended.
- (v) No person shall be an operator of a body-rub parlour unless the owner of the body-rub parlour holds a body-rub parlour licence, which has not expired, been revoked or suspended.
- (w) Every attendant shall ensure the window or any other device provided to permit the observation of body-rubs by third parties remains unobstructed.
- (x) No person, while acting as an owner or operator, shall perform any body-rub services.

## **SIGNS AND ADVERTISEMENTS**

6. No person may erect or maintain any sign advertising a body-rub parlour or the body-rubs provided from such premises except in accordance with City by-laws, including the City Sign By-law, as amended. Notwithstanding the provisions of the City Sign By-law, as amended, no person may erect or maintain any sign advertising a body-rub parlour except in accordance with the following additional regulations:

(a) No person may erect or maintain any of the following signs in respect of a body-rub parlour or in respect of any body-rubs provided from such premises:

- portable sign
- trailer sign
- sandwich board sign

(b) No person may circulate, post, distribute or cause to be circulated, posted, or distributed any poster, flyer, handbill or other form of printed sign on premises or locations other than the body-rub parlour, with the exception of advertising located in a newspaper or in the Yellow Pages.

(c) Nothing within this By-law shall be deemed to constrain any person from erecting or maintaining any sign or advertising on any interior wall of a body-rub parlour.

(d) No person may erect or maintain any sign or advertising in respect of a body-rub parlour which includes any letters, markings, symbols, pictures or representations except the name of the body-rub parlour as recorded on the application for licence and any registered copyright logo or symbol, provided a copy of such logo or symbol is filed with the Licensing Officer as part of the licensing process.

## **DESIGN OF PREMISES**

7. No person may be an owner or operator of a body-rub parlour except in accordance with the following regulations:

(a) The owner or operator shall provide the Licensing Officer with a floor plan showing the designated room or rooms for the provision of body-rubs and no person may provide body-rubs in any other room, cubicle, enclosure or partitioned area located within the body-rub parlour. In the event that the owner or operator wishes to amend the floor plan, he shall first file with the

Licensing Officer a copy of the amended floor plan and shall not proceed to make such alterations without first obtaining the approval of the Licensing Office.

- (b) Save and except for one room designated by the owner or operator for use as an office and one room designated by the owner or operator as a storage room, every owner or operator shall ensure that no means of access to any room, cubicle, enclosure or partitioned area in a body-rub parlour is 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 area.
- (c) During the hours of operation of a body-rub parlour the owner, operator and attendant shall ensure that the principal means of access into the body-rub parlour is unlocked and available so that anyone coming into the body-rub parlour may enter therein without hindrance or delay.
- (d) No premises or part thereof used as a body-rub parlour shall be used as a dwelling.
- (e) Every massage room shall be equipped with a window to permit observation of the provision of body rubs by third parties. The window must be 6 cm wide x 6 cm tall clear glass. Massage rooms may be equipped with other means of observation as long as a clear view of the whole room is provided. The centre point of observation shall be located in the door to each massage room at a height of not less than 1.5 m and not greater than 1.7 m and must not be obstructed in any way.
- (f) Every body-rub parlour shall be provided with adequate ventilation and with lighting that is adequate to ensure visibility and to permit observation of activity in each massage room.
- (g) Every body-rub parlour and all fixtures and equipment therein shall be regularly washed and kept in a sanitary condition.
- (h) Every body-rub parlour shall be equipped with an effective utility sink.
- (i) Adequate toilet and washroom accommodation shall be provided in accordance with the regulations set forth under the Ontario Building Code.
- (j) Washrooms shall be 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 towels in a suitable container or dispenser; and
  - (iv) a suitable receptacle for used towels and waste material.
- (k) In all shower-bathrooms, if any, and in all sauna-bath rooms, if any,
- (i) the floors shall be 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 must be self-draining;
  - (iii) all showers must have removable cleanable drain covers; and
  - (iv) floor surfaces both within and without the enclosures shall be of non-slip type.
- (l) 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.
- (m) Every table mat or other surface referred to in Subsection (l) hereof shall be covered with a fresh, clean individual paper or cloth sheet before any person receives a body-rub thereon.
- (n) 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.
- (o) Every owner and operator shall 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.
- (p) Every body-rub parlour shall be constructed in accordance with the Ontario Building Code and every applicant for an owner's licence shall provide the Licensing Officer with such drawings as may be required to assess compliance in this regard.

### **HOURS OF OPERATION**

8. (i) No owner or operator may permit a body-rub parlour to be open for business and no attendant at a body-rub parlour shall provide body-rubs in

a body-rub parlour except between the hours of 9:00 a.m. and 2:00 a.m. on any given day, with no provision of service extending past 2:00 a.m.

- (ii) Every owner, operator and attendant shall ensure the hours of operation of the body-rub parlour are posted on a sign in a conspicuous place, visible from the outside of the premises.

### **LOCATIONAL RESTRICTIONS AND LIMITATION ON NUMBER**

- 9. No person may own or operate a body rub parlour from any premises except upon such lands identified in Schedule "B".
- 10. The number of body-rub parlours which may be licensed within the City of Pickering shall be limited to three (3).
- 11. No person may own or operate a body-rub parlour from any premises except upon such lands as are zoned to permit the use of a body-rub parlour pursuant to City zoning by-laws.

### **NATURE OF LICENCE**

- 12. No person shall enjoy a vested right in the continuance of a licence and the value of a licence shall be the property of the City and shall remain so irrespective of the issue, renewal or revocation thereof.
- 13. No person licensed to carry on any trade, calling, business or occupation pursuant to this By-law may advertise or promote or carry on such trade, calling, business or occupation under any name other than the name endorsed upon his licence.
- 14. The licences required by this By-law shall, unless they are expressed to be for a shorter or longer time, be for the period up to and including the 31st day of December in the year of issuance, unless they are sooner forfeited or revoked.
- 15. No licence shall be transferred or assigned and if an owner, operator or attendant sells, leases or otherwise disposes of his interest in the trade, calling business or occupation carried on at a body-rub parlour, their licence in respect of such body-rub parlour or activity shall, notwithstanding any other provision of this By-law, be revoked.
- 16.
  - (i) Every body-rub parlour licence shall have endorsed thereon the location of a body-rub parlour and such endorsement shall be for one location only and such licence shall be valid only for the location endorsed thereon.
  - (ii) Every body-rub parlour owner's, operator's and attendant's licence shall have endorsed thereon the location of the body-rub parlour which they own or at which they work and such licence shall be valid only for the locations endorsed thereon.

- (iii) Where an operator or attendant requires the endorsement of an additional location after issuance of a licence, the operator or attendant must first produce a copy of the written contract for services with the owner of the additional location.

### **APPLICATION, RENEWAL AND REVOCATION OF LICENCE**

17. Every applicant shall appear in person before a Licensing Officer and shall complete such licence application forms as may be provided from time to time by the Licensing Officer in accordance with the requirements of this By-law and shall provide all information requested thereon, such information to include,
- (a) a Canadian police clearance letter dated within thirty (30) days of the date of the application;
  - (b) current valid photo identification, satisfactory to the Licensing Officer;
  - (c) proof of age, if required to do so, satisfactory to the Licensing Officer that every person is of the full age of eighteen years; and
  - (d) pose for identification photograph to be processed and attached to licence and corresponding files.

In the case of a body-rub parlour owned by a partnership such appearance shall be made by one of the partners, provided the application shall be signed by all of the partners and in the case of a body-rub parlour owned by a corporation, such appearance shall be made by an officer of the corporation and not by an agent thereof.

18. Every applicant for an,
- (a) Operator's licence shall provide the Licensing Officer with a written contract for services between the owner of the body-rub parlour and the applicant and signed by the licensed owner of the body-rub parlour contained in the application.
  - (b) Attendant's licence shall provide the Licensing Officer with a written contract for services between the owner, or the operator of the body-rub parlour and the applicant and signed by the licensed owner or licensed operator of the body-rub parlour contained in the application.

The contract for services shall be dated within 30 days of the date of the application.

19. Every applicant for an attendant's licence shall provide the Licensing Officer with a medical certificate from a qualified doctor dated within thirty (30) days of the date of

the application, indicating that the applicant is free from communicable or transmissible diseases.

20. Every applicant for an owner's licence shall, at the time of making an application, file with the Licensing Officer a list showing the names and addresses and birth dates of all operators and attendants employed by or performing services in the body-rub parlour.
21. At the time of submission of their application, every applicant shall pay to the City the fee set forth in "Schedule A" of this By-law. Fifty percent of such fee is refundable in the event that an application is not accepted for licensing.
22. Receipt of the application and/or the licence fee by the City shall not represent approval of the application for the issuance of a licence nor shall it obligate the City to issue such licence.
23. Without limiting the generality of any other provision in this By-law, persons associated in a partnership applying for a licence under this By-law shall file with their application a statutory declaration, in writing, signed by all members of the partnership, which declaration shall state,
  - (a) the full name of every partner and the address of ordinary residence;
  - (b) the name or names under which they carry on or intend to carry on business;
  - (c) that the persons therein named are the only members of the partnership; and
  - (d) the mailing address for the partnership.
24. If any member of a partnership applying for a licence is a corporation, such corporation shall be deemed to be applying for an owner's or operator's licence as appropriate in place and stead of the partnership.
25. Without limiting the generality of any other provision in this By-law, every corporation applying for a licence shall file with the Licensing Officer, at the time of making its application, a copy of its articles of incorporation or other incorporating documents and shall file a statutory declaration, in writing signed by an officer of the corporation, which declaration shall state,
  - (a) the full name of every shareholder and the address of ordinary residence;
  - (b) the name or names under which it carries on or intends to carry on business;

- (c) that the persons therein named are the only shareholders of the corporation; and
  - (d) the mailing address for the corporation.
26. Within five business days of occupying the premises to be licensed as a body rub parlour, commencing on the first business day following approval of the body-rub parlour licence, every person applying for a body-rub parlour licence shall file with the Licensing Officer documentation satisfactory to the Licensing Officer demonstrating the applicant's right to possess or occupy the premises and if any applicant is not the registered owner of the property upon which the body-rub parlour is to be located, such person shall file with the Licensing Officer a copy of their lease, if any, and a copy of any other document constituting or affecting the legal relationship relating to the said lands or premises between said applicant and the registered owner.
27. The Licensing Officer shall,
- (a) receive and process all applications for licences and renewal of licences to be issued under this By-law;
  - (b) co-ordinate the enforcement of this By-law;
  - (c) generally perform all the administrative functions conferred upon him or her by this By law;
  - (d) make or cause to be made a circulation respecting each body rub parlour application, which shall include circulation of the licence application to the Medical Officer of Health and Durham Regional Police for comments;
  - (e) make or cause to be made all investigations and inspections deemed necessary to determine whether an applicant meets the requirements of this By-law and all applicable laws;
  - (f) issue licences to persons who meet the requirements of this By-law and suspend licences pursuant to the requirements of this By-law; and
  - (g) where a licence has been issued pursuant to this By-law and otherwise remains in full force and effect, renew the licences of persons who meet the requirements of this By-law.
28. The Licensing Officer shall issue the licence only where,
- (a) all the information which the applicant is required to provide under this By-law has been provided, and verified;

- (b) all the documents which the applicant is required to provide under this By-law have been provided;
  - (c) the licence fee is paid;
  - (d) the premises, accommodations, equipment or facilities in respect of which the licence is required comply with the provisions of this By-law or any other applicable law;
  - (e) the investigations do not disclose that the issuing of such licence may be adverse to the public interest; and
  - (f) the Licensing Officer has no grounds to believe the applicant will not conduct himself/herself in accordance with the law or with honesty and integrity.
29. Where the Licensing Officer determines that a licence should not be issued as a result of any matter in Section 28 of this By-law, he/she shall notify the applicant.
30. Where an applicant advises the Licensing Officer in writing, that he/she disputes the determination made by the Licensing Officer under Section 28 of this By-law or submits that the licence applied for should be issued despite that determination, the matter shall be referred forthwith by the Licensing Officer to Council, which shall hear representations from the Licensing Officer and the applicant.
31. The Licensing Officer may suspend a licence where there is reasonable proof that a breach of this By-law has occurred. Such suspension shall take effect upon service of a written notice to the licensee and the licence shall remain suspended for no more than thirty days from the date of service of this notice. In order to continue this suspension beyond the thirty day period or to revoke the licence, the Licensing Officer must prepare a report and receive Council's direction in this regard. Where any licence is suspended, it shall not be reinstated until the Licensing Officer is able to confirm that the conditions leading to the suspension have been remedied.
32. At any meeting of Council called in relation to a report to determine the issuance, renewal, suspension or revocation of a licence,
- (a) the applicant,
    - (i) shall be accorded its rights pursuant to the *Statutory Powers Procedure Act* including the right to appear and speak to the matter; and
    - (ii) when he or she has been provided with notice of the meeting and does not attend, Council may proceed with the meeting in the absence of the applicant.
  - (b) Council may,

- (i) refuse to grant a licence, revoke a licence or suspend a licence; or
  - (ii) impose special conditions as a requirement in order to obtain, continue to hold or renew a licence.
- (c) Council shall exercise its power under clause 32(b) of this By-law,
- (i) where the applicant has not met the requirements of this By-law; or
  - (ii) upon the grounds that the conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.
33. (1) Any licence that has not been renewed as at December 31st in the year of its issuance or renewal shall expire on January 1st in the year following its issuance or renewal.
- (2) Notwithstanding Subsection 33(1), the Licensing Officer may extend a licence where an application for a renewal of the licence has been made, and the final disposition of the application remains outstanding by December 31<sup>st</sup> of the year in which the renewal application was made.

### **CHANGE OF STATUS**

34. Where there is any change in any of the particulars relating to a person licensed under this By-law, which particulars are required to be filed with the City on applying for a licence under this By-law, such person shall report the change to the Licensing Officer within seven (7) business days of the change.
35. Where there is to be a change in the composition or the controlling interest of a partnership licensed under this By-law, the persons licensed hereunder in partnership shall obtain the approval of the Licensing Officer to such change prior thereto. Where there has been any change in the controlling interest of the partnership by virtue of a number of transactions, the licence may be suspended despite the Licensing Officer's prior approval of any one or more such transactions but in any event may not be unreasonably withheld.
36. Where there is to be a change in the composition or the controlling interest of the shareholders of a corporation licensed under this By-law, the corporation shall obtain the approval of the Licensing Officer to such change prior. Where there has been any change in the controlling interest of the corporation by virtue of a number of transactions, the licence may be suspended, despite the Licensing Officer's prior

approval of any one or more such transactions but in any event may not be unreasonably withheld.

### **OFFENCE, PENALTY AND ENFORCEMENT**

37. Any person who contravenes the provisions of this By-law, including every person who fails to perform a duty imposed herein or who performs an act prohibited herein and every director or officer of a corporation who concurs in such a contravention is guilty of an offence and, upon conviction pursuant to the provisions of the *Provincial Offences Act*, is liable to;
- (a) a penalty in the case of persons, other than a corporation, not to exceed \$25,000.00 or imprisonment for a term not to exceed one year or both;
  - (b) a penalty in the case of a corporation, not to exceed \$50,000.00; and
  - (c) an order closing the body-rub parlour, which is the subject of the contravention, for a period not to exceed two years.
38. The making of a false or intentionally misleading recital of fact, statement or representation in any agreement, statutory declaration or application form required by this By-law shall be deemed to be a violation of the provisions of this By-law.
39. Every person shall comply with the provisions of this By-law applicable to him/her whether or not he/she is licensed under this By-law.
40. Every owner, operator and attendant shall, during the operating hours of the body-rub parlour and at all times when body-rubs are provided therein, make available for inspection by the Licensing Officer, a peace officer, a Medical Officer of Health, a Provincial Offences Officer, or a municipal law enforcement officer the original of any document or record or licence referred to in this By-law.
41. Every owner and every operator of a body-rub parlour shall, at all times during the hours of operation of the body-rub parlour and during all hours when body-rubs are being provided at the body-rub parlour, permit the entry by and the inspection of the body-rub parlour by a municipal law enforcement officer, a Provincial Offences Officer, the Licensing Officer, a Medical Officer of Health or a Peace Officer.
42. No person may obstruct or hinder the entry or the inspection of a body-rub parlour by a municipal law enforcement officer, a Provincial Offences Officer, the Licensing Officer, a Medical Officer of Health or a Peace Officer.

### **VALIDITY**

43. Should any section of this By-law be declared invalid by a court of competent jurisdiction, such section shall be construed as being severed herefrom and the remainder of the By-law shall continue in full force and effect.
44. All Schedules referred to in this By-law are deemed to be part of this By-law.
45. Wherever notice or materials are required to be provided to any person pursuant to this By-law, such notice shall be deemed effective two (2) days after mailing of the materials by registered mail to the last address of that person as indicated upon the licence application or upon other material filed with the City.
46. The provisions of this By-law are not applicable in relation to medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.
47. This By-law shall be known as the Body-Rub Parlour By-law.
48. By-law 5764/00, "A By-law respecting the licensing and regulating of body-rub parlours and attendants" shall be repealed effective March 6, 2006.
49. This By-law shall come into force on March 6, 2006 and remain in force until December 31, 2010.

BY-LAW read a first, second and third time and finally passed this 6<sup>th</sup> day of March, 2006.

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David Ryan, Mayor

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Debi A. Bentley, Clerk

**SCHEDULE "A"**  
**TO BY-LAW NUMBER xxx**

Body-Rub Parlour Licence Fees:

Owner/Operator:	\$500.00
Owner who does not operate:	\$250.00
Operator other than Owner:	\$250.00
Attendant	\$150.00

For the term of any licence period expiring December 31<sup>st</sup> of any year.

**SCHEDULE "B"**

**TO BY-LAW NUMBER 6649/06**

**DEFINED AREAS WHERE A BODY RUB PARLOUR MAY OPERATE**

SCHEDULE 'B'

DEFINED AREAS WHERE A BODY RUB PARLOUR MAY OPERATE

