

LICENCE

Chapter 829 ADULT ENTERTAINMENT PARLOUR

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WHEREAS section 150 of the *Municipal Act, 2001*, c. 25 authorizes the Council of the Town of Richmond Hill to pass by-laws for licensing, regulating and governing of any business wholly or partly carried on within the municipality;

AND WHEREAS the Town of Richmond Hill deems it advisable to enact a by-law to license, regulate and govern Adult Entertainment Parlours - Subcategory - Adult Entertainment Establishments;

AND WHEREAS purposes of consumer protection will be served by this by-law through:

- the establishment of a well-administered licensing and regulatory system governing businesses to which the by-law relates;
- the requirement of accountability of licensees through the disclosure of information, the requirement for regular renewals and the ensuring of proper conduct;
- ensuring that minors are not employed or permitted in this category of business;

AND WHEREAS purposes of health and safety will be served by this by-law through:

- prevention of the transmission of disease through bodily contact;

AND WHEREAS purposes of nuisance control will be served by this by-law through:

- the limitation of the number of Adult Entertainment Establishments - Subcategory - Adult Entertainment Parlours and the geographic area in which they may be located;

AND WHEREAS Council at its meeting of December 12, 2005 adopted the recommendations of the Committee of the Whole at its meeting of November 30, 2005 in SRPD.05.183;

AND WHEREAS a public meeting was held in accordance with section 150 of the *Municipal Act, 2001*, c. 25 on November 30, 2005;

AND WHEREAS notice of the intention to pass this by-law was given on November 15, 2005 in accordance with the provisions of Chapter 278 of the Town of Richmond Hill Municipal Code - Public Notice.

Article 1

INTERPRETATION

829.1.1 Adult entertainment parlour - defined

“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.

829.1.2 Adult entertainment parlour - licensed - defined

“adult entertainment parlour licensed under the *Liquor Licence Act*” means any premises or part thereof in respect of which a licence or permit has been issued and is in full force and effect pursuant to the provisions of the *Liquor Licence Act*, at which is offered services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

829.1.3 Adult entertainment parlour operator’s licence - defined

“adult entertainment parlour operator’s licence” means a valid and subsisting licence, issued under this Chapter to an operator as defined in this Article.

829.1.4 Adult entertainment parlour owner’s licence - defined

“adult entertainment parlour owner’s licence” means a valid and subsisting licence, issued under this Chapter to an owner as defined in this Article.

829.1.5 Applicant - defined

“applicant” means a person applying for a licence under this Chapter.

829.1.6 Body-rub - defined

“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.

829.1.7 Body-rub parlour - defined

“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.

829.1.8 Business - defined

“business” includes a trade or occupation. By-law 190-05, 12 December, 2005.

829.1.9 Commissioner - defined

“Commissioner” means the Commissioner of Community Services of The Corporation of the Town of Richmond Hill. By-law 145-08, 14 July, 2008. By-law 89-19, 11 June, 2019.

829.1.10 Council - defined

“Council” means the Council of The Corporation of the Town of Richmond Hill, and with respect to the holding of hearings or any hearing, includes, as the context allows, a committee under section 252 of the *Municipal Act, 2001*, c. 25 authorized to hold any such hearing or hearings.

829.1.11 Drugs - defined

“drugs” shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.

829.1.12 Entertainer - defined

“entertainer” means an individual person who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment parlour, but does not mean the persons who are the licensed owner or the licensed operator, unless such person is an individual who physically provides such services.

829.1.13 Him or her - defined

“he or she” includes “it” and “him” and “her” include “its” and “his or her” includes “its.”

829.1.14 Licence - defined

“licence” means authorization under this Chapter to carry on the trade or business specified therein and the document providing evidence of such authority, as the context may allow.

829.1.15 Licence Hearings Committee

“Licence Hearings Committee” means a Committee of Council duly appointed to conduct hearings under this Chapter.

829.1.16 Licensed - defined

“licensed” means licensed under this Chapter. By-law 190-05, 12 December, 2005.

829.1.17 Licensing Officer - defined

“Licensing Officer” means a person appointed by the Commissioner from time to time to issue licences. By-law 145-08, 14 July, 2008.

829.1.18 Licensing Section - defined

“Licensing Section” means the Licensing Section of the Planning and Development Department.

829.1.19 Medical Officer of Health - defined

“Medical Officer of Health” means the Medical Officer of Health for the Regional Municipality of York and includes any staff official acting on his or her behalf.

829.1.20 Operator - defined

“operator” means a person who alone or with others operates, manages, supervises, runs or directs an adult entertainment parlour, on an ongoing basis or from time to time, or who exercises control over an adult entertainment parlour on behalf of the owner.

829.1.21 Owner - defined

“owner” means a person who alone or with others has the right to possess or occupy an adult entertainment parlour or actually does possess or occupy an adult entertainment parlour and includes a lessee of an adult entertainment parlour or premises upon which an adult entertainment parlour is located, and includes an owner who operates his or her own adult entertainment parlour and, in the absence of evidence to the contrary, includes the owner of any property or building upon or in which an adult entertainment parlour is located.

829.1.22 Person - defined

“person” means an individual, firm, corporation, association or partnership.

829.1.23 Services - defined

“services” means services designed to appeal to erotic or sexual appetites or inclinations and includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the *Theatres Act*.

829.1.24 Services - erotic - sexual - defined

“services designed to appeal to erotic or sexual appetites or inclinations” means:

- (a) services of which a principal feature or characteristic is the nudity or partial nudity of any person, or an emphasis on the display of human specified body areas;
- (b) services characterized by a person or persons involved or engaging in specified sexual activities; or
- (c) services in respect of which the word “nude”, “naked”, “top-less”, “bottomless”, “sexy” or any other word or any picture, symbol or representation having like meaning or implication, is used in any advertisement, or in respect of which is advertised the availability of any form of entertainment held out to be, by reason of its sexual content, not suitable for minors.

829.1.25 To provide - services - defined

“to provide” when used in relation to services includes to furnish, perform, or give such services or cause or permit the provision thereof, and “providing” and “provision” have corresponding meanings.

829.1.26 Town - defined

“Town” means The Corporation of the Town of Richmond Hill in the Regional Municipality of York.

Article 2**REQUIREMENT FOR LICENCE****829.2.1 Owner - to obtain licence**

There shall be taken out by every owner of an adult entertainment parlour situate within the geographic limits of the Town, a licence authorizing the owner to carry on such trade, calling, business or occupation in the Town and no person shall, within the geographic limits of the Town, carry on or engage in the said trade, calling, business or occupation until the person has procured a licence to do so and such licence shall be known as an adult entertainment owner’s licence.

829.2.2 Operator - to obtain licence

There shall be taken out by every operator of an adult entertainment parlour situate within the geographic limits of the Town, a licence authorizing the operator to carry on such trade, calling, business or occupation in the Town and no person shall, within the geographic limits of the Town, carry on or engage in the said trade, calling, business or occupation until the person has procured a licence to do so and such licence shall be known as an adult entertainment operator’s licence.

829.2.3 Entertainer - to obtain licence

There shall be taken out by every entertainer at an adult entertainment parlour situate within the geographic limits of the Town, a licence authorizing the entertainer to carry on such trade, calling, business or occupation in the Town and no person shall, within the geographic limits of the Town, carry on or engage in the said trade, calling, business or occupation until the person has procured a licence to do so and such licence shall be known as an adult entertainment entertainer's licence.

829.2.4 Licence - application refused - changed circumstances

A person whose licence has been revoked, or whose application for a licence is refused, may, if the circumstances which led to the refusal or revocation have been remedied or changed, or otherwise no longer exist, apply to the Town within what would have been the term of the licence had it been issued or allowed to continue.

829.2.5 Sale - lease - other disposition - notice

Every owner licensed as such under this Chapter shall, within five days after selling, leasing or otherwise disposing of the adult entertainment parlour in respect of which the licence has been issued, or after ceasing to carry on the business, notify the Licensing Officer in writing of such fact and surrender the licence.

829.2.6 Licence - transfer - prohibited

Every licence is personal to the person to whom it was issued, and cannot be transferred or assigned to any other person.

829.2.7 Licence - privilege - property of Town

No person shall enjoy a vested right in the continuance or renewal of a licence and the value of a licence shall be the property of the Town and shall remain so irrespective of the issue, renewal or revocation thereof.

829.2.8 Licence - expiry - December 31 - exceptions

The term of every licence shall commence upon the date that it is issued, and expire on December 31 of that year, but the Council may decide to issue a licence for a shorter or longer term than one year, provided that each annual and other fee required as set out in Chapter 684 [Tariff of Fees] to be paid has been paid within the time limits prescribed, and provided that the licence has not been revoked or otherwise ceased to be valid and subsisting during such period.

829.2.9 Licence - transfer - prohibited

No licence shall be transferred or assigned, and if an owner sells, leases or otherwise disposes of his or her adult entertainment parlour or the premises or part thereof upon or in which an adult entertainment parlour is operated, to any person, his or her licence in respect of such adult entertainment parlour or premises shall, despite any other provision of this Chapter, cease to be valid and subsisting.

829.2.10 Business - operation - under licensed name

No person licensed to carry on business under this Chapter shall advertise or promote or carry on such business under any name other than the business name endorsed upon the licence.

829.2.11 Owner - licence - location - stated

Every adult entertainment owner's licence shall have endorsed thereon the location of such adult entertainment parlour and such endorsement shall be for one location only and such licence shall be valid only for the location endorsed thereon.

829.2.12 Operator - licence - location - stated

Every adult entertainment operator's licence shall have endorsed thereon the location and the name of the adult entertainment parlour with respect to which it is issued and such endorsement shall be for one location only and such licence shall be valid only for the location and the adult entertainment parlour endorsed on such licence.

829.2.13 Entertainer - licence - location - stated

Every adult entertainment entertainer's licence shall have endorsed thereon the location and the name of the adult entertainment parlour with respect to which it is issued and such endorsement shall be for one location only and such licence shall be valid only for the location and the adult entertainment parlour endorsed on such licence.

829.2.14 Operation - defined area - set out

No person shall operate or permit to be operated an adult entertainment parlour within the geographic limits of the Town except in the area shown, by shading, within the Enford Road Industrial Area on the map marked as Schedule 'A', which forms part of this Chapter.

829.2.15 Owner - licence - maximum - two - within area

The number of adult entertainment owner's licences which may be granted by the Council in respect of adult entertainment parlours in the area referred to in Section 829.2.14 shall be limited to two, and no such licence may be granted in respect of any other area in the Town.

829.2.16 Facts - misrepresentation of - deemed violation

No person carrying on or engaged in any business or activity to which this Chapter relates shall make a false or intentionally misleading recital of fact, statement or representation, orally or in any agreement, statutory declaration or application form required by this Chapter, to the Council, any committee of Council, the Clerk of the Town, the Licensing Officer, a By-law Enforcement Officer, the Medical Officer of Health, a public health inspector or a peace officer, and the making of such a false or intentionally misleading recital of fact, statement or representation constitutes an offence.

829.2.17 Compliance - applicable provisions - all persons

Every person shall comply with the provisions of this Chapter applicable to such person, whether or not such person is licensed or required to be licensed under this Chapter or any law, and every applicant and every other person licensed or required to be licensed under this Chapter shall comply with every provision, regulation and requirement contained in this Chapter relating to such person and such business, whether or not such person is licensed or whether or not a licence issued to such person is valid and subsisting.

Article 3**LICENCE - APPLICATION****829.3.1 Form - prescribed - completed - information - provided**

Every applicant for a licence to which this Chapter relates, shall appear in person at the offices of the Licensing Section and shall complete the prescribed forms and provide all information requested thereon, and shall furnish to the Licensing Officer such information as the Council may direct or the Licensing Officer may require and in the case of an adult entertainment parlour owned or operated 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 an adult entertainment parlour owned or operated by a corporation such appearance shall be made by an officer of the corporation.

829.3.2 Information - required

The information shall include but not be limited to the following:

- (a) whether it is intended that adult entertainment be provided by entertainers in attendance at the premises, and if so, how many;
- (b) the name of every proposed operator, and an application by such person for an operator's licence;
- (c) a precise description of the real property upon which the business is to be carried on, together with information as to exactly where on the property and what parts of the premises are to be utilized for this purpose; working drawings of the physical premises with details of any stage, doors, walls, seating areas, partitions; and all relevant data pertaining to the nature of the business to be carried on, including the type of adult entertainment to be advertised and offered, and at what prices for what services;
- (d) confirmation that the premises comply with all Building Code requirements and all requirements of Town by-laws relating to the physical construction of the premises;

- (e) information as to whether or not all or any part of the premises in which the adult entertainment would be offered are or are intended to be licensed under the *Liquor Licence Act*, or the subject matter of an application for such a licence;
- (f) the identity of all persons or entities having an interest, direct or indirect, any trust arrangement, or any financial or contractual or understood arrangement, with respect to the ownership or operation of the premises or the adult entertainment parlour;
- (g) the identity of every person having a beneficial interest, directly or indirectly, in the premises or in the business to be carried on to which this Chapter relates and every person having a right to receive or who will receive, income, revenue or benefits of any kind arising out of the operation of such premises or business, and any person who in fact receives such income, revenue or benefit;
- (h) a record of all offences, other than offences relating to motor vehicles, under any by-law, provincial statute or federal statute in respect of which the applicant, any of the partners, if the applicant is a partnership, and any of the directors, shareholders and officers of a corporation, if the applicant is a corporation, has or have been convicted; and
- (i) the intended hours of operation of the business.

829.3.3 Applicant - photographed - by Licensing Officer

Every applicant for an adult entertainment owner's licence, where such applicant is a natural individual, and every applicant for an adult entertainment operator's licence shall provide two passport-sized photographs, which must be taken within thirty days prior to the licence application. Where such applicant for an adult entertainment owner's licence is a corporation, such photograph shall be taken of an officer of the corporation. Where such applicant for an adult entertainment owner's licence is a partnership, such photographs shall be taken of one of the partners.

829.3.4 Fee - paid - prior to issue of licence

At the time of submission of their application, and on or by January 1 of each year thereafter in which the licence continues or is renewed, every applicant and licensee shall pay to the Town the annual fee set forth in Chapter 684 [Tariff of Fees], provided such fee shall not be reduced in the event that the period for which the licence is granted is less than one year.

829.3.5 Application - fee - acceptance - not approval

Acceptance of the application or the licence fee by the Town shall not represent approval of the application for the issuance of a licence nor shall it obligate the Town to issue such licence.

829.3.6 Application - circulation - officials - report

Without limiting the generality of any other provision in this Chapter, the Licensing Officer, upon receiving an application completed in accordance with the requirements of this Chapter:

- (a) shall submit a copy of the application to the Medical Officer of Health and to the York Region Police Department for a report;
- (b) may submit a copy of the application to any other government official or functionary for a report;
- (c) may make such other inquiries and inspections, and obtain and review such other information and documents relevant to the application, as the Licensing Officer considers necessary for the proper processing of the application; and
- (d) shall in respect of an application for an owner's or operator's licence after receipt and review of reports, document or information, necessary to constitute a complete application including responses to all questions and information sought in accordance with this Chapter, refer the application to the Licence Hearings Committee duly appointed to hear such application, for a hearing, and the applicant shall be given a copy of any report, document or information to be placed before the Committee, together with a notice of time and place of the hearing and of the applicant's opportunity to appear and participate at the hearing, in accordance with law.

829.3.7 Application report - procedure

The Licensing Officer shall prepare a report to the Licence Hearings Committee summarizing the general nature of the application and relevant facts pertaining thereto, including any information relevant to terms which the Committee might consider including as conditions of any licence which it might issue, but shall not include any specific allegations made against the applicant or any other person, nor shall it include the text of any reports or other documents containing such allegations or information adverse to the applicant, but the general nature of such allegations or documents may be referred to in the report.

829.3.8 Licensing Officer - authority to issue licence

The Licensing Officer may, following receipt of a complete application form for an entertainer's licence, and after complying with the requirements of this Chapter, issue the licence in the absence of reasonable grounds to believe that grounds exist under this Chapter for the refusal or revocation of such a licence, in which case he or she shall refer the matter to Council for a hearing, in which case the provisions of this Chapter relating to hearings of applications for owners' or operators' licences shall apply.

829.3.9 Applicant - in partnership - statutory declaration

Without limiting the generality of any other provision in this Chapter, persons associated in a partnership applying for a licence under this Chapter 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 his or her 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.

829.3.10 Applicant - in partnership - corporation - procedure

If any member of a partnership applying for a licence is a corporation, such corporation shall be deemed to be a corporation applying for a licence and if such licence is issued to the partners such corporation shall be deemed to be a corporation applying for or holding an owner's or operator's licence, as the case may be.

829.3.11 Applicant - corporation - information - required

Without limiting the generality of any other provision in this Chapter, every corporation applying for a licence shall file with the Licensing Officer, at the time of making its application, copies of its articles of incorporation or other incorporating document and all contracts, and other documents relating to the relationship between the owner and operator of the parlour, and with respect to the relationship between the owner or operator and any entertainer who will be providing entertainment in the premises and shall file with the Town 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 his or her 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;
- (d) the mailing address for the corporation; and
- (e) the names of its officers, agents, directors and employees, and those of the owner of the property on which the business is to be conducted.

829.3.12 Shareholder - corporation

If any shareholder of a corporate applicant or licensee is a corporation, such corporation shall be deemed to be a corporation applying for or holding a licence, as the case may be, and so on until the information required by Section 829.3.12 relating to every corporation having any interest in the adult entertainment parlour or the operation of its business, has been disclosed.

829.3.13 Premises - applicant's right to occupy

Every person applying for a licence under this Chapter 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 at which the adult entertainment parlour is to be located, such person shall file with the Licensing Officer a copy of his or her lease, if any, of the property and a copy of any other document constituting, or affecting the legal relationship between the applicant and the registered owner, relating to the said property.

Article 4 CHANGE OF STATUS

829.4.1 Reported - within five days

Where there is or is intended to be any change in any of the particulars relating to a person licensed under this Chapter, which particulars are required to be filed with the Town in an application for a licence under this Chapter, such person shall report the change in writing to the Licensing Officer within five days of the change.

829.4.2 Partnership - corporation - approval requirements

Where a partnership or corporation is licensed under this Chapter and there has been or is intended or expected to be a change in the composition of the partnership or the shareholders, officers or directors of the corporation, the persons licensed under this Chapter in partnership or as a corporation shall within five days advise the Town of such change. Where the Council receives information of a change in the composition of a partnership or corporation holding or applying for a licence, the Council may hold a hearing in accordance with this Chapter and other applicable law to decide whether the licence should be granted, continued as valid and subsisting or revoked, with or without such conditions as the Council may see fit to impose, in accordance with law.

**Article 5
REGULATIONS****829.5.1 Operator - entertainer - unlicensed - owner not to permit**

No owner shall permit any person other than a licensed operator and a licensed entertainer to operate or entertain at, as applicable, an adult entertainment parlour.

829.5.2 Owner - entertainer - unlicensed - prohibited to operate

No operator shall operate an adult entertainment parlour in a premises in respect of which the owner thereof and the entertainers has or have not obtained any licences required under this Chapter.

829.5.3 Owner - operator - list of operators and entertainers

Without limiting the generality of any other provision of this Chapter, every owner and every operator shall furnish to the Licensing Officer a list setting out the names of every operator and entertainer who intend or are expected to operate or provide services, as the case may be, at the adult entertainment parlour and shall not permit any person not on such list to operate or provide services, as the case may be, at the adult entertainment parlour, and shall update such list on a daily or other basis as is required to comply with this requirement.

829.5.4 Operation - location endorsed on licence - only

No operator shall operate an adult entertainment parlour other than the adult entertainment parlour endorsed on his or her licence and at the location endorsed thereon.

829.5.5 Contract - between owner - operator - requirements

Every contract of service, contract for services or other arrangement constituting or pertaining to the relationship between owner and operator of an adult entertainment parlour shall be in writing and shall be made available for inspection at any time by the Town's By-law Enforcement Officers or the Licensing Officer upon request, and shall be retained by the owner or operator for a period of six months after its termination.

829.5.6 Contract - information requirements - written

Every agreement or arrangement pertaining to the operation of an adult entertainment parlour by an operator, or for the provision of services by an entertainer at an adult entertainment parlour, shall be in writing, and every such contract of service, contract for services or other document constituting or pertaining to the relationship between an owner and operator of an adult entertainment parlour; between an owner and/or operator of an adult entertainment parlour and any other persons or entities having an interest, direct or indirect, any trust arrangement, or any financial or contractual or understood arrangement, with respect to the ownership or operation of the premises or the adult entertainment parlour; and between an owner or operator of an adult entertainment parlour and an entertainer, shall be filed with the Licensing Officer before the commencement of operation or provision of services, as the case may be.

829.5.7 Contract - available for inspection

The owner and operator of an adult entertainment parlour shall ensure that the contract of services or other document referred to in Section 829.5.6 is available for inspection by the Licensing Officer, a By-law Enforcement Officer, the Medical Officer of Health, a public health inspector or a peace officer, upon request, and shall retain such contract or other document for a period of six months after termination thereof.

829.5.8 Contract - failure to obtain - record information

Without limiting the generality of Article 10, every owner and operator who fails to obtain and retain such contracts of services referred to in Section 829.5.5 or 829.5.6, or who fails to record all of the requisite information therein or who fails to produce same upon request as aforesaid is guilty of an offence under this Section and upon conviction is liable to a fine as set out in Article 26.

829.5.9 Sign - posted - exterior - licence number - other

Every owner and operator shall 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 Officer, a sign issued by the Licensing Officer 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 Town Licensing Office at (905) 771-8840."

829.5.10 Licence - posted - conspicuous - on premises

Every owner and operator shall keep his or her licence issued in respect of an adult entertainment parlour posted in a conspicuous place in the said premises, satisfactory to the Licensing Officer, at all times during the currency of the licence.

829.5.11 Licensee - information provided - upon request

Every owner and operator of an adult entertainment parlour in the Town and every owner and operator licensed under this Chapter in attendance at an adult entertainment parlour in the Town, whether engaged in his or her respective trade, calling, business or occupation at that time, shall, upon a request made to him or her by any peace officer, By-law Enforcement Officer, Medical Officer of Health, or the Licensing Officer provide his or her name and residential address, and if licensed under this Chapter in respect of any trade, calling, business or occupation relating to such adult entertainment parlour, he or she shall produce the said licence and the original of any document or record referred to in this Chapter.

829.5.12 Service - provided - in contravention - prohibited

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 provisions contained in this Chapter.

829.5.13 Intoxicated person - admittance - prohibited

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 operated by such owner or operator.

829.5.14 Owner - operator - in attendance - business hours

Either the owner, where the owner is a natural individual, or one of the owners, where the owner is a partnership, or an operator licensed in respect of such owner's adult entertainment parlour shall be in attendance at such owner's adult entertainment parlour during all opening hours, and no owner or operator shall permit an adult entertainment parlour owned or operated by him or her to open for business, or remain open for business, or any entertainer to enter or remain therein, or any service to be provided at such adult entertainment parlour unless this Section is complied with, and for greater particularity, where an owner is an artificial being, such owner shall not permit an adult entertainment parlour owned or operated by him or her to open for business, or remain open for business, or any entertainer to enter or remain therein, or any service to be provided at such entertainment parlour unless an operator licensed in respect of such owner's adult entertainment parlour is in attendance.

829.5.15 Alcohol - drugs - use - possession - prohibited

No owner, operator or entertainer shall take, consume or have alcohol or drugs in his or her possession in an adult entertainment parlour, nor shall the use of alcohol or drugs by him or her be apparent while that adult entertainment parlour is under his or her charge or when he or she is providing services therein, as the case may be.

829.5.16 First-aid kit - provided - maintained

Despite anything herein to the contrary, every owner who operates his or her own adult entertainment parlour and every operator shall provide and maintain at all times at the adult entertainment parlour operated by him or her a first-aid kit equipped in a manner satisfactory to the Regional Municipality of York Medical Officer of Health.

829.5.17 Attire - cleanliness - behaviour - owner - operator

Every owner, and operator shall, while engaged in his or her respective trade, calling, business or occupation in an adult entertainment parlour, be neat and clean in his or her person and civil and well-behaved to members of the public with whom he or she is dealing.

829.5.18 Photographic - recording equipment - use - restricted

No owner or operator 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) a public health inspector acting under the direction of the Medical Officer of Health, a By-law Enforcement Officer or the Licensing Officer;
- (b) Licensing Officer;
- (c) a peace officer; or

(d) the Medical Officer of Health.

829.5.19 Owner - operator - when deemed not in attendance

For the purposes of Section 829.5.14, an owner or an operator shall be deemed not to be in attendance at an adult entertainment parlour where such person is not physically present in the part of the premises constituting the adult entertainment parlour, whether or not such person is present in another part of the premises.

829.5.20 Sign - advertisement - removal - cessation - on order

Every owner or operator shall upon being ordered to do so by the Licensing Officer, cease to publish, display or circulate any poster, handbill, sign, card, novelty, newspaper advertisement or other matter used to advertise his or her business or any show or other performance and shall obliterate, withdraw, remove or destroy any such poster, handbill, card, novelty, notice, advertisement or other matter.

829.5.21 Sign - advertisement - exterior - approval - required

Without limiting the generality of Section 829.5.20, and in addition to compliance with the Town's Sign By-law No. 258-90 [Town of Richmond Hill Municipal Code, Chapter 740], as amended, no person shall erect or maintain any sign or other device advertising an adult entertainment parlour, except in accordance with the following regulations:

- (a) no person shall erect or maintain any of the following signs or other advertising devices in respect of an adult entertainment parlour or in respect of any services provided at an adult entertainment parlour:
 - (i) an awning sign;
 - (ii) a canopy sign;
 - (iii) a projecting sign;
 - (iv) an inflatable sign;
 - (v) a portable sign;
 - (vi) a trailer sign;
 - (vii) a ground or pylon sign; or
 - (viii) a sandwich board sign,
- (b) no person may circulate, post, distribute or cause to be distributed any poster, flyer, handbill or other form of printed sign or advertising device on or at premises or locations, other than the adult entertainment parlour, with the exception of advertising located in a newspaper or telephone directory;

- (c) nothing in this Chapter shall be deemed to constrain any person from erecting or maintaining any sign or other advertising device on any interior wall of an adult entertainment parlour, provided the content of such sign is not visible from the exterior of the adult entertainment parlour; and
- (d) no person may erect or maintain any sign or other advertising device in respect of an adult entertainment parlour which includes any letters, markings, symbols, pictures or representations, except the name of the adult entertainment parlour as recorded on the application for licence, and any logo or symbol, provided a copy of such logo or symbol is filed with the Licensing Officer as part of the licensing process.

829.5.22 Owner - operator - physical contact - prohibited

No owner or operator shall, in respect of any adult entertainment parlour owned or operated by such owner or operator, permit any entertainer, while providing services as an entertainer, to touch, or be touched by, or have physical contact with, any other person in any manner whatsoever involving any part of that person's body.

829.5.23 Entertainer - physical contact - prohibited

No entertainer shall, while providing services as an entertainer, touch or have physical contact with any other person in any manner whatsoever involving any part of that person's body, or allow any other person to touch or have physical contact with such entertainer.

829.5.24 Stage restrictions - requirements

In every adult entertainment parlour licensed under the *Liquor Licence Act*:

- (a) every entertainer providing services shall provide all such services on a stage or platform, the floor of which is elevated at least one metre above any floor to which any patron or customer of the adult entertainment parlour has access;
- (b) no adult entertainment parlour shall have more than one stage or platform used for the provision of services, unless the establishment lawfully uses more than one storey of a building for the provision of services, in which case there may be one such stage or platform per storey;
- (c) every stage or platform used for the provision of services shall be constructed and located so as to allow the entertainers to enter and exit from the stage without proceeding through the area where food or drink may be served or consumed;

- (d) every entertainer proceeding to the stage or platform for the provision of adult entertainment shall use the access route referred to in Section 829.5.24(c);
- (e) no entertainer shall provide services at an adult entertainment parlour at any location other than upon a stage or platform as provided for in this Section;
- (f) no customer or patron of an adult entertainment parlour shall be allowed upon the stage or platform described in this Section.

829.5.25 Services - to be provided within view of main stage

Services provided by an entertainer in any adult entertainment parlour not licensed under the *Liquor Licence Act* shall be provided within view of the main stage, without obstruction by walls, curtains or any other enclosure, and no services shall be provided or offered in any cubicle, private or semi-private room or other area partitioned from any room or space where such services are provided to patrons generally.

829.5.26 Entertainer - services provided - accessible area only

Subject to Section 829.5.24, all services provided by an entertainer shall be provided in an area freely accessible and visible generally by other persons on the premises.

829.5.27 Body rubs - related services - prohibited

No body rubs or services of a body-rub parlour may be offered or provided in any premises licensed or used as an adult entertainment parlour.

829.5.28 Lap dancing - related services - prohibited

No person to whom this Chapter relates may advertise, allow, provide or perform adult entertainment or any other services commonly known as “couch-dancing”, “lap-dancing”, or “towel dancing”, or other similar services or use any of those phrases in any advertisement, notice, message or document relating to an adult entertainment parlour.

829.5.29 Ventilation - lighting - adequate - uniform

Every adult entertainment parlour shall be provided with adequate ventilation and with lighting that is adequate to ensure visibility and that is uniformly distributed throughout the premises.

829.5.30 Sign - entry prohibited - under eighteen years

Every owner and operator shall ensure that there is posted in a prominent location at every entrance to the adult entertainment parlour a sign indicating that no person under the age of eighteen years may enter or remain in such premises.

829.5.31 General regulations - copy - provided

Every owner and operator shall, before permitting any person to provide services at an adult entertainment parlour, provide a copy of the general regulations in this Chapter to such person, and instruct such person with respect to all of the regulations.

**Article 6
FACILITIES - PREMISES****829.6.1 Owner - operator - compliance - required**

Every owner and every operator shall, in the operation of the adult entertainment parlour comply with, and ensure compliance with the regulations set out in this Chapter.

829.6.2 Light - ventilation - adequate - required

The premises shall be provided with adequate light and ventilation.

829.6.3 Premises - fixtures - equipment - washed - sanitary

The premises and all fixtures and equipment therein shall be regularly washed and kept in a sanitary condition.

829.6.4 Utility sink - effective - required

The premises shall be equipped with an effective utility sink.

829.6.5 Toilet - washroom - accommodation - males - females

Adequate toilet and washroom accommodation shall be provided in accordance with the regulations set forth under the Ontario *Building Code Act, 1992*, as amended from time to time, and there shall be separate such rooms for males and females.

829.6.6 Washroom - equipped - requirements

Washrooms shall be equipped with:

- (a) an adequate supply of hot and cold water;
- (b) an adequate supply of liquid soap in a suitable container or dispenser, or individual soap in a suitable container or dispenser;
- (c) hot air dryers or individual towels in a suitable container or dispenser; and
- (d) a suitable receptacle for used towels and waste material.

829.6.7 Washroom facilities - domestic use - restriction

No washroom, toilet, sink or basin used for domestic purposes shall be used in connection with an adult entertainment parlour.

829.6.8 Shower - sauna baths - requirements

In all shower-bathrooms, if any, and in all sauna-bath rooms, if any:

- (a) the floors shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
- (b) all surfaces and attached accessories of the bath or shower enclosure must be self-draining;
- (c) all showers must have removable cleanable drain covers;
- (d) floor surfaces both within and without the enclosures shall be of a non-slip type.

829.6.9 Sleeping purposes - use - furniture - prohibited

No premises or part thereof used as an adult entertainment parlour shall be used as a dwelling or for sleeping purposes or contain therein any furniture which is commonly used or may be used for sleeping purposes.

829.6.10 Door - access - unlocked - available

During the hours of business of an adult entertainment parlour, it shall be the responsibility of the owner and of the operator, if any, to ensure that the door or doors or other principal means of access into the adult entertainment parlour by the public shall be 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.

Article 7 AGE RESTRICTION

829.7.1 Owner - operator - entertainer - minimum age

No person under the age of eighteen may be or act as an owner or operator of an adult entertainment parlour or as an entertainer in an adult entertainment parlour or provide any services in an adult entertainment parlour.

829.7.2 Operator - entertainer - under eighteen - responsibility

No owner shall permit any person under the age of eighteen to be or act as an operator of an adult entertainment parlour or as an entertainer in an adult entertainment parlour or provide any services whatsoever in an adult entertainment parlour.

829.7.3 Patron - under eighteen - services to - prohibited

No one may provide services in an adult entertainment parlour to a person under the age of eighteen years.

829.7.4 Patron - under eighteen - entry - prohibited

No owner or operator shall permit any person under the age of eighteen to enter or remain in any adult entertainment parlour owned or operated by him or her.

829.7.5 Records - proof of age - provided on request

Every owner and every operator of an adult entertainment parlour, and every other person engaged in or carrying on any business for which a licence is required under section 151 of the *Municipal Act, 2001*, c. 25 shall, before employing or permitting any individual to act or appear as an adult entertainment performer, require such individual to produce a certificate of proof of age relating to such individual, and shall record the name of the individual, the number and description of such certificate, and any age or date of birth, shown on such certificate, and maintain such record available for inspection by any enforcement officer.

829.7.6 Proof of age - carried at all times

Every entertainer shall, while in attendance at any adult entertainment parlour, carry his or her certificate of proof of age at all times or have it readily available, and shall comply with a request by an enforcement officer to produce such certificate.

829.7.7 Proof of age - provided on request

Every owner and every operator of an adult entertainment parlour, and every other person required by this Chapter to record information from a certificate of proof of age under this Chapter, shall provide such information to any enforcement officer who requests it.

829.7.8 Proof of age - legal name

For the purposes of this Chapter, no individual shall present as evidence of his or her age any certificate or other document that was not lawfully issued to him or her, or that does not refer to him or her by his or her legal name.

Article 8**AGREEMENTS - OTHER DOCUMENTATION****829.8.1 Owner - operator - pertaining to operation - in writing**

Every agreement or arrangement between an owner and an operator of an adult entertainment parlour business pertaining to the operation of such business by the operator shall be in writing.

829.8.2 Entertainer - provision of services - in writing

Every agreement or arrangement between an owner or operator, and an entertainer pertaining to the provision of services by such entertainer at a business licensed or to be licensed shall be in writing.

829.8.3 Information - requirements - all documents

Every document referred to in Section 829.8.2 shall contain:

- (a) the full name of the entertainer;
- (b) his or her date of birth;

- (c) his or her permanent and any temporary address, as may be applicable; and
- (d) his or her social insurance number or documentation evidencing entitlement to work in Canada, which may include but is not limited to, a letter of prospective employment or engagement from the owner or operator, and shall have affixed thereto a passport-sized (minimum measurements 7.5 x 6.4 centimetres [2.9 x 2.5 inches]) facial photograph of the entertainer taken within the past thirty days.

829.8.4 All documents - copies filed with Licensing Officer

Prior to obtaining a licence and commencing the operation of or the provision of services at an adult entertainment parlour, the owner, operator and entertainer, respectively, in respect of an adult entertainment parlour shall file a true copy of every written document as applicable referred to in this Article.

829.8.5 Agreements - documents - leases - filed - Licensing Officer

The owner shall also file with the Licensing Officer:

- (a) a true copy of every other agreement or other document constituting or pertaining to the relationship between the owner and any operator or other person respecting the ownership or operation of the premises and the adult entertainment parlour business;
- (b) a true copy of all amendments or replacement agreements to the agreements or other documents referred to elsewhere in this Section;
- (c) a true copy of any lease between any owner or operator and the owner of the property upon which an adult entertainment parlour business is carried out.

829.8.6 Partnership - statutory declaration - requirement

Without limiting the generality of any other provision in this Chapter, persons associated in any partnership applying for a licence under this Chapter 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 his or her 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;

- (d) the mailing address for the partnership;
- (e) the identity of all persons or entities having an interest, direct or indirect, any trust arrangement, or any financial or contractual or understood arrangement, with respect to the ownership or operation of the premises or the adult entertainment parlour business or the control or management of same, and the terms upon which such interest or right is conferred; and
- (f) the identity of every person having a beneficial interest, directly or indirectly in the premises or in the business to be carried on to which this Chapter relates and every person having a right to receive income, revenue or benefit of any kind arising out of the operation of such premises or business, and any person who in fact receives such income, revenue or benefit, and the terms upon which such interest or right is obtained.

829.8.7 Partnership as corporation - requirements

If any member of a partnership applying for a licence is a corporation, such corporation shall be deemed to be a corporation applying for a licence and if such licence is issued to the partnership such corporation shall be deemed to be a corporation applying for or holding an owner's licence.

829.8.8 Corporation - documentation - information requirements

Without limiting the generality of any other provision in this Chapter, every corporation applying for a licence shall file with the Licensing Officer, at the time of making its application, copies of its articles of incorporation or other incorporating document and all contracts, and other documents relating to the relationship between the owner or operator and any entertainer or attendant who will be providing services or entertainment in the premises and shall file with the Town 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 his or her 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;
- (d) the mailing address for the corporation;
- (e) the names of its officers, agents, directors and employees, and those of the owner of the property on which the business is to be conducted;

- (f) the identity of every person having a beneficial interest, directly or indirectly in the premises or in the business to be carried on to which this Chapter relates and every person having a right to receive income, revenue or benefit of any kind arising out of the operation of such premises or business, or any person who in fact receives such income, revenue or benefit, and the terms upon which such interest or right is conferred; and
- (g) the identity of all persons and entities having an interest, direct or indirect, any trust arrangement, or any financial or contractual or understood arrangement, with respect to the ownership or operation of the premises or the adult entertainment parlour business or the control or management of same, and the terms upon which such interest or right is conferred.

829.8.9 Additional information - interview - each individual

The Licensing Officer may, for the purpose of processing the application and reporting to the Council with respect thereto, require the applicant to provide such further information relevant to the licence application as the Licensing Officer may see fit, and every applicant, officer, director or partner of any corporate or partnership applicant, respectively, shall provide such information, including the provision of one or more interviews with the Licensing Officer, if requested by the Licensing Officer, or an appearance before the Council, should the Council require such information in order to enable it to deal with the application.

829.8.10 Additional direction - from Council

The Licensing Officer may at any time seek directions from the Council with respect to the manner of processing any application for a licence or the obtaining of information in connection thereto, or may refer the application to the Council for a hearing as to whether or not the application should be proceeded with, or whether it should be granted or refused, or whether conditions should be imposed upon any such licence which might be granted.

829.8.11 Investigation - inquiry - interview - permitted

By the making of an application for a licence pursuant to this Chapter, every applicant agrees that a Licensing Officer may make such inquiries and seek and obtain such information or records as the Licensing Officer should see fit relevant to the processing of the application and whether or not such licence should be granted or issued, including requiring the applicant or a representative of the applicant designated by the Licensing Officer, to be interviewed by such Licensing Officer.

829.8.12 Additional requirements - administrative matters

A Licensing Officer may at any time, seek directions from the Council with respect to administrative matters affecting the processing of any licence application or imposing requirements of providing additional information in connection with such application.

829.8.13 Corporation complete disclosure - all related entities

If any shareholder of a corporate applicant or licensee is a corporation, such corporation shall be deemed to be a corporation applying for or holding a licence, as the case may be, and so on until the information required by this Chapter relating to every corporation having any interest in the adult entertainment parlour or the operation of its business, has been disclosed.

Article 9**REPORT TO COUNCIL****829.9.1 Applicant request for consideration**

Where the Commissioner is of the opinion that an applicant for a licence does not comply with any one or all of the conditions set out in Article 3 of this Chapter, the Commissioner shall, upon the request of the applicant, report to Council and Council may, upon consideration of the report of the Commissioner, direct the Licensing Officer to issue the licence if, in the opinion of Council, the said conditions have been satisfied.

Article 10**LICENCE NON-TRANSFERABLE
WITHOUT COUNCIL APPROVAL****829.10.1 Licence not transferable**

A licence issued under this Chapter shall not be transferred or assigned by the licence holder without the consent of Council upon the recommendation of the Commissioner.

Article 11**GROUND FOR REFUSAL TO ISSUE
OR RENEW A LICENCE****829.11.1 Licence - entitlement**

An applicant is entitled to be licensed and a licensee is entitled to have his or her licence renewed.

829.11.2 Licence refused - financial position

Notwithstanding Section 829.11.1, a licence may not be issued or renewed where, having regard to his or her financial position, the applicant or licensee cannot reasonably be expected to be financially responsible in the conduct of the business which is to be licensed or is licensed.

829.11.3 Licence refused - past conduct of applicant

Notwithstanding Section 829.11.1, a licence may not be issued or renewed where the past conduct of the applicant or licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he or she is to be licensed, in accordance with law and with integrity and honesty.

829.11.4 Licence refused - contrary to public interest

Notwithstanding Section 829.11.1, a licence may not be issued or renewed where the issuance of the licence or renewal of the licence would be contrary to the public interest.

829.11.5 Licence refused - activities in contravention of this Chapter

Notwithstanding Section 829.11.1, a licence may not be issued or renewed where the applicant or licensee is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Chapter.

829.11.6 Licence refused - use of premises

Notwithstanding Section 829.11.1, a licence may not be issued or renewed where there are reasonable grounds for belief that the nature, condition or use of the premises, or any equipment, vehicle or other personal property used or to be used by the applicant or licensee in the carrying on or engaging of the business would involve non-compliance with any provision of this Chapter or any other law.

829.11.7 Licence refused - applicant provides false information

Notwithstanding Section 829.11.1, a licence may not be issued or renewed where there are reasonable grounds for belief that any application or any other document or information provided by or on behalf of the licensee or applicant, contains a false statement or provides false information.

829.11.8 Licence refused - information provided - accuracy

Notwithstanding Section 829.11.1, a licence may not be issued or renewed where the information provided to the Town by or on behalf of the applicant or licensee, whether oral or in writing, has ceased to be accurate, and the applicant or licensee has not provided up-to-date accurate information to the Town sufficient to allow the council to conclude that the licence should be granted or maintained as valid and subsisting.

829.11.9 Licence refused -fee not paid

Notwithstanding Section 829.11.1, a licence may not be issued or renewed where the fee payable in respect of the licence applied for has not been paid.

829.11.10 Licence refused - applicant - non-compliant

Notwithstanding Section 829.11.1, a licence may not be issued or renewed where the applicant does not comply or ensure compliance with any condition imposed under this Chapter upon the business or upon the licensee, as a requirement of obtaining, continuing to hold or renewing a licence.

829.11.11 Licence refused - applicant is corporation or partnership

Notwithstanding Section 829.11.1, a licence may not be issued or renewed where if the applicant or licensee is a corporation or partnership:

- (a) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of the business for which it is to be licensed;
- (b) the past conduct of the officers or directors affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he or she is to be licensed or continue to be licensed in accordance with law;
- (c) the issuance of the licence or renewal of the licence would be contrary to the public interest; or
- (d) it is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Chapter.

829.11.12 Conduct - applicant

For the purposes of Section 829.11.3 “conduct of the applicant” and “conduct of the licensee” include:

- (a) where the applicant or licensee is a partnership, the conduct of one or more of its partners or former partners;
- (b) where the applicant or licensee is a corporation, the conduct of one or more of its current or former officers, directors, employees or agents; and
- (c) in the case of every applicant and licensee, the conduct of one or more employees, agents, independent contractors, or any other person currently or previously involved in, or to be involved in, the carrying on of the business or the provision of any services therein.

Article 12
COUNCIL'S POWER TO REFUSE TO ISSUE
OR TO RENEW A LICENCE

829.12.1 Council - authority

Council may refuse to issue or renew a licence or may refuse to renew a licence, where the applicant or licensee would be disentitled to a licence for any of the reasons set out in Article 11.

Article 13
REFUND OF FEE ON REFUSAL TO ISSUE
OR RENEW A LICENCE

829.13.1 Licence not issued - refund of fee

When an application for a licence or renewal of a licence is refused, the applicant is entitled to apply to the Licensing Officer for a refund of up to 50 per cent of the application processing fee.

Article 14
ISSUANCE OF A LICENCE ON TERMS AND CONDITIONS

829.14.1 Licence issued - terms and conditions

Notwithstanding any other provision of this Chapter, Council may issue a licence or renew a licence subject to such terms and conditions as are necessary to give effect to this Chapter, if first consented to by the applicant or licensee; or, if recommended by the Licence Hearings Committee after a hearing as provided for in Section 829.21.1 of this Chapter.

829.14.2 Compliance - condition of licence

It shall be deemed to be a condition of every licence that the licensee comply with and ensure compliance with the requirements of this Chapter and of any and all Schedules hereto applying to the business licensed or to be licensed.

Article 15
COUNCIL'S POWER TO REVOKE
OR SUSPEND A LICENCE

829.15.1 Licence revoked or suspended

Council may revoke or suspend a licence where the licensee would be disentitled to a renewal of a licence on the grounds set out in Article 11 of this Chapter.

Article 16**REFUND OF FEE ON REVOCATION OF A LICENCE****829.16.1 Licence revoked - refund of fee**

When a licence is revoked under Section 829.15.1, the licensee is entitled to apply to the Licensing Officer for a refund of that part of the licence fee which is proportionate to the unexpired part of the term for which the licence was issued.

829.16.2 Refund of fee - not applicable

The provisions of Section 829.16.1 do not apply when the unexpired part of the term is less than four months.

Article 17**CANCELLATION OF A LICENCE****829.17.1 Licence - cancelled**

Any licence issued under this Chapter may be cancelled by the Licensing Officer at any time, upon the written request of the licensee.

Article 18**APPEALS TO THE LICENCE HEARINGS COMMITTEE****829.18.1 Licence refused - recommendation to Council**

When an applicant or a licensee is not entitled to be licensed or to have his or her licence renewed for any of the grounds set out in Article 11, the Licensing Officer shall recommend to Council that Council shall refuse to issue or renew the licence, or that Council suspend or revoke the licence, or, subject to Section 829.14.1, that Council issue a licence on terms and conditions.

829.18.2 Refusal to issue or renew licence - written notice

Before Council refuses to issue or refuses to renew a licence, or revokes or suspends or cancels a licence, a written notice advising the applicant or licensee of the recommendation being made by the Licensing Officer to Council with respect to the licence, shall be given to the applicant or licensee by the Licensing Officer.

829.18.3 Written notice - contents

The written notice to be given under Section 829.18.2, shall:

- (a) set out the grounds for the recommendation;
- (b) give reasonable particulars of the grounds;
- (c) be signed by the Licensing Officer;

- (d) inform the applicant or licensee that he or she is entitled to a hearing before the Licence Hearings Committee, if he or she delivers, within seven days after the date of service of the written notice, or the date of personal service of the written notice, whichever is later, a written request for a hearing before the Licence Hearings Committee.

Article 19

NOTICE OF HEARING

829.19.1 Notice of hearing

On receipt of a written request for a hearing from an applicant or a licensee, the Licensing Officer shall require that the Clerk of the Town convene a meeting of the Licence Hearings Committee and shall give the applicant or licensee reasonable written notice thereof.

Article 20

SERVICE OF WRITTEN NOTICE

829.20.1 Written notice - service

The written notice referred to in Sections 829.18.2, and 829.18.3, is sufficiently served if delivered personally or sent by registered or certified mail, addressed to the person to whom service is required to be made, according to the licensing Section records.

829.20.3 Written notice - service - via registered or certified mail

When service is made through registered or certified mail, the service shall be deemed to have been made on the seventh day after the day of mailing, unless the person on whom service is being made, establishes that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the written notice until a later date.

Article 21

HEARING BEFORE THE LICENCE HEARINGS COMMITTEE

829.21.1 Licence Hearings Committee - applicant does not attend

When the applicant or licensee who has been given written notice of the hearing, does not attend at the proper time and place, the Licence Hearings Committee may proceed with the hearing in his or her absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.

829.21.2 Recommendation to Council

At the conclusion of a hearing, the Licence Hearings Committee shall provide its recommendations to the Council after which Council may make the decision.

829.21.3 Licence - conditions

Where after a hearing, the Licence Hearings Committee concludes that any of the grounds set out under Article 11 exist, the Committee may recommend that Council, instead of refusing, revoking or suspending a licence, grant a licence or allow a licence to continue upon such conditions as Council may see fit to impose for the purpose of ensuring the proper and lawful carrying on of the business, or such other conditions, as are authorized by law.

Article 22**COUNCIL AUTHORITY AFTER THE HEARING****829.22.1 Council - recommendation of Licence Hearing Committee**

Council may accept or vary the recommendations of the Licence Hearings Committee or do any act or make any decision that it might have done if it had conducted the hearing itself and the applicant or licensee shall not be entitled to a further hearing on the matter before Council and the decision of Council shall be final.

Article 23**RETURN OF THE LICENCE AFTER
REVOCATION OR SUSPENSION****829.23.1 Licence revoked - suspended - returned**

When a licence has been revoked or suspended, the holder of the licence shall return the licence to the Licensing Officer within twenty-four hours of service of written notice of the decision of Council.

829.23.2 Licence revoked - Licensing Officer to obtain licence

When a person has had his or her licence revoked or suspended under this Chapter he or she shall not refuse to deliver up or in any way obstruct or prevent the Licensing Officer from obtaining the licence, in accordance with Section 829.23.1.

Article 24**TRANSITION****829.24.1 By-law - previous**

A licence issued under the applicable by-law in effect immediately prior to the enactment of this Chapter shall remain in effect following the enactment of this Chapter only until the earlier of its expiry or its revocation.

Article 25 SEVERABILITY

829.25.1 Validity

If a court of competent jurisdiction declares any provision, or any part of a provision, of this Chapter to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this Chapter, that each and every other provision of this Chapter authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

Article 26 ENFORCEMENT

829.26.1 Fine - for contravention

Every person who contravenes any provisions of this Chapter or is a party to such contravention, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and shall, upon conviction thereof, be liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both.

829.26.2 Fine - for contravention - corporation

Where a corporation is convicted of an offence under Section 829.26.1, the maximum penalty that may be imposed on the corporation is \$50,000 and not as provided in Section 829.26.1.

829.26.3 Application of Chapter

This Chapter applies in respect of any adult entertainment parlour offering or providing the services of an entertainer, but does not apply to any premises at or in which no services appealing to or designed to appeal to erotic or sexual appetites or inclinations are provided by any entertainer in attendance at such premises.

829.26.4 Administration - enforcement

This Chapter shall be administered and enforced by the Licensing Officer, a By-law Enforcement Officer, a licensing enforcement officer, a peace officer or such other person as Council may designate.

829.26.5 Obstruction - offence

No person may obstruct or hinder the entry or the inspection of an adult entertainment parlour or any part thereof by a By-law Enforcement Officer, a Provincial Offences Officer, the Licensing Officer, a Medical Officer of Health or a peace officer.

Article 27
REPEAL - ENACTMENT

829.27.1 By-law - previous

Chapter 829 of the Town of Richmond Hill Municipal Code respecting Adult Entertainment Establishments - Subcategory - Adult Entertainment Parlours be repealed in its entirety and replaced with the new Chapter 829. By-law 191-01 be repealed. By-law 190-05, 12 December, 2005; By-law 78-11, 11 July 2011.

