



THE CORPORATION OF THE CITY OF CAMBRIDGE

Adult Entertainment Establishments - By-law #157-12

Being a by-law of the Corporation of the City of Cambridge for the licensing, regulating and governing of Adult Entertainment Establishments.

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BY-LAW NO. 157-12

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a By-law of the Corporation of the City of Cambridge, repealing By-law No. 138-03; and By-law No. 33-94, and all amendments; for the licensing, regulating and governing of Adult Entertainment Establishments

WHEREAS subsection 11(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended (the Act), provides that a lower-tier municipality may pass by-laws in relation to business licensing and that by-law may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS the Act authorizes a municipality to pass by-laws respecting business licensing in Part IV;

AND WHEREAS section 151(5) of the Act provides that business licensing powers apply with necessary modifications to a system of licenses with respect to any activity, matter or thing for which a by-law may be passed under section 11 of the Act as if it were a system of licences with respect to a business;

AND WHEREAS section 11 of the Act authorizes a municipality to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS the Council of the City of Cambridge considers it desirable and necessary to license, regulate, and govern the business of adult entertainment establishments;

AND WHEREAS Council has determined that the owners and operators of adult entertainment establishments should ensure that business is conducted in a manner that protects the health and safety of the patrons of the business;

AND WHEREAS Council has determined that certain restrictions on behaviour of patrons, owners, operators and attendants at adult entertainment establishments reduces the transmission of disease that would have an adverse effect on the health of owners, operators and attendants and provides for a safe environment for patrons, owners, operators and attendants;

AND WHEREAS sections 8 and 2 of the Act provides that the powers of a municipality under any act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and enhance their ability to respond to municipal issues;

AND WHEREAS section 154 of the Act authorizes the Council of the City of Cambridge as part of its licensing by-law to define the area of the municipality in which adult entertainment establishments may or may not operate and limit the number of licences granted in any defined area in which they are permitted;

AND WHEREAS the Council of the City of Cambridge has adopted a zoning by-law regulating the location of adult entertainment establishments;

AND WHEREAS the City of Cambridge Zoning By-law 150-85, as amended designates areas where adult live nudity establishments and adult novelty stores are to be licensed under this by-law, and where they may be located, as per Schedule "B" attached to this by-law;

AND WHEREAS the Council for the Corporation of the City of Cambridge deems it necessary to permit the operation of Adult Entertainment Business in the Downtown Cambridge Area, Preston Core Area and Hespeler Core Area, as per Schedule "C" attached to this by-law;

AND WHEREAS section 8(4) of the Act permits by-laws, including licensing by-laws, to be general or specific in their application and to differentiate in any way and on any basis a municipality considers appropriate;

AND WHEREAS subsection 151(1) of the Act authorizes the Council of the City of Cambridge to enact an adult entertainment establishments by-law which is specific or general and differentiates between and within classes of licenses in any way and on any basis the Council considers appropriate;

AND WHEREAS the Council of the City of Cambridge considers it desirable and necessary to license adult live nudity establishments, body rub establishments and video stores – adult Only and adult Novelty Stores;

AND WHEREAS section 5 and 425 of the Act authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of a municipality is guilty of an offence;

AND WHEREAS this by-law shall be known as the "Adult Entertainment By-law".

THE COUNCIL OF THE CITY OF CAMBRIDGE ENACTS as follows:

Definitions

1. In this By-law:

- a. "adult electronic media" means video-tapes, digital video discs, CD-ROMs or other electronic media, the content of which is characterized by an emphasis on depicting specified sexual activities.
- b. "adult entertainment establishment" means any premises or any part of them is an adult entertainment establishment if, in the pursuance of a business:
 - i. goods, entertainment or services designed to appeal to erotic or sexual appetites or inclinations are provided in the premises or part of the premises including live entertainment, which includes the display of nudity; or
 - ii. body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body, are performed, offered or solicited in the premises or part of the premises, excluding premises or part of them where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons licensed or registered to do so under the laws of the Province of Ontario; and
 - iii. this would include for the purposes of this by-law, but not limited to adult live nudity establishments, body rub establishments, video stores – adult only and adult novelty stores;
- c. "adult live nudity establishment licensed under the *Liquor Licence Act*" means any adult entertainment establishment or part of any adult entertainment establishment in respect of which a licence or permit has been issued and is in full force and effect under the provisions of the *Liquor Licence Act*;
- d. "adult live nudity establishment" means any establishment which provides live entertainment for its patrons, which includes the display of nudity (without limiting the foregoing, commonly referred to as strip clubs);

- e. "adult novelty store" means an establishment whose dominate purpose is the sale, rental or lending of sex paraphernalia alone or in combination with one or more of adult electronic media, adult print media or other items;
- f. "adult print media" means books, magazines or any other print media the content of which depicts:
 - i. specified sexual activities; and/or
 - ii. the nudity of any person in a manner that appeals or is intended to appeal to erotic or sexual interests, appetites or inclinations or readers.
- g. "adult video" means any videotape classified by the *Ontario Film Review Board* as "restricted" with the added information piece "adult sex film";
- h. "age of majority" shall have the same meaning as defined in the *Age of Majority and Accountability Act*, R.S.O. 1990, c. A.7, as amended;
- i. "attendant", when used in reference to an adult entertainment establishment or an adult entertainment establishment business, means any person, who provides entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations;
- j. "body-rub" includes the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body; and excludes premises or part of them where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons licensed or registered to do so under the laws of the Province of Ontario;
- k. "body-rub establishment" means any adult entertainment establishment in which body-rubs are performed, offered or solicited in pursuance of a business;
- l. "business" means any business wholly or partly carried on within the City of Cambridge including a business being carried on from a location outside the City and includes:
 - i. any trade or occupation;
 - ii. the sale or hire of entertainment or services on an intermittent or one-time basis; or
 - iii. the offering, provision or making available to the public of entertainment or services;
- m. "City" means the City of Cambridge, Ontario, Canada, and includes its Council and any tribunal, licensing officer or employee of the City responsible for, or whose duties include, the administration or enforcement of this By-law, or the exercise of any duty or power to which this By-law relates;
- n. "Council" means the Council of the Corporation of the City of Cambridge;
- o. "entertainment or services" includes any activity, facility, performance, exhibition, viewing or encounter, but does not include the exhibition of film approved under the *Film Classification Act, 2005*, S.O. 2005, C.A., as amended;
- p. "licence certificate" means a document, plate or sign issued by the City to a person licensed under this By-law, certifying to the issuance of such licence to such person;
- q. "licensing officer" means any person appointed by the City of Cambridge to enforce this or any other by-law respecting the licensing, regulating or governing of any business;
- r. "operator", when used in reference to an adult entertainment establishment or an adult entertainment establishment business, means a person who alone or with others operates, manages, supervises, runs or controls such adult entertainment establishment or business;

- s. "owner", when used in reference to an adult entertainment establishment means a person who alone or with others has the right to possess or occupy an adult entertainment establishment or actually does possess or occupy an adult entertainment establishment and includes an owner or a lessee of an adult entertainment establishment or of premises upon which an adult entertainment establishment is located;
- t. "person" includes a corporation, company or partnership to which the context may apply or which the context allows;
- u. "police" includes any local, provincial or national law enforcement agency;
- v. "registered owner" means the owner registered as such pursuant to the *Land Titles Act* or the *Registry Act*, as the case may be;
- w. "sex paraphernalia" means products intended to be used for sexual pleasure or as sexual aids;
- x. "shall" is used in a mandatory context and not one of directory;
- y. "shareholder" means a person having a beneficial interest of any kind in the shares of the corporation;
- z. "signage" means a public display of a message and includes any digital signage and architectural signage;
- aa. "temporary signage" means any sign that is used for a specified period and is not permanently affixed;
- bb. "to provide", when used in relation to entertainment or services, includes to furnish, perform, solicit or give such entertainment or services in pursuance of a trade, business or occupation, and "providing" and "provision" have corresponding meanings. When used in relation to any video or novelty, means to sell, offer to sell or display for sale by retail or otherwise, or to rent, offer to rent or display for rental, or to exchange or trade or to offer to exchange or trade or display for exchange or trade, whether or not the cost, fee or other considerations passes at the time of such sale, rental, exchange or trade, or is effected through the cost of membership, subscription, admission or any other manner, and "providing", "provided" and "provision" have corresponding meanings;
- cc. "video" means cinematographic or motion picture film, video-tape, video disc, game cartridges, computer diskettes, CD-ROM's, pre-recorded magnetic tape, and any other medium from which may be produced visual images that may be viewed as moving pictures; and
- dd. "video store – adult only" any premises or part thereof in which videos are provided to the public in the pursuance of a trade, calling or business; to which only persons of age of majority or older are permitted to enter or remain.

APPLICATION OF BY-LAW

- 2. This By-law does not apply to:
 - (a) services provided by any person qualified to do so by reason of the holding by that person of a registration, licence or approval, pursuant to any statute of Ontario, for any business to which this By-law would otherwise relate, while such registration, licence or approval is in good standing and valid;
 - (b) body-rubs performed or offered for the purpose of medical or therapeutic treatment by persons otherwise duly qualified, licensed or registered to do so under a statute of Ontario; or

- (c) premises or trades, callings, businesses or occupations carried on in premises or part of premises licensed under the *Film Classification Act, 2005*, S.O. 2005, C.A., as amended, in respect of that part of the business authorized to be carried on under that Act.
3. Every owner and operator of an adult entertainment establishment and every attendant at an adult entertainment establishment shall be governed by the provisions, regulations and requirements of this By-law applicable to each of them respectively in respect of the carrying on of, or involvement in, the adult entertainment establishment business.
 4. No owner, operator or attendant shall provide or permit any entertainment or services to be given, performed, provided or received in any adult entertainment establishment, except in accordance with this By-law.
 5. Nothing in this By-law shall be deemed to permit any person, whether licensed or not, to provide any services or participate in any activities prohibited by the *Criminal Code of Canada* or any other law.
 6. This by-law applies to every activity referred to herein, provided or engaged in the pursuance of a business; any operation of a commercial nature; and any adult entertainment establishment, to which the public are invited, expressly or by implication, to become involved in or view any such activity, whether or not by direct payment therefore, directly or indirectly, including consideration arising out of membership in a club or other body.

GENERAL PROVISIONS

Minors

7. No person under the age of majority shall own or operate an adult entertainment establishment or provide any entertainment or services in an adult entertainment establishment.
8. No owner or operator or attendant shall permit any person under the age of majority to enter or remain in any adult entertainment establishment in which they own, operate or where they are employed.

Adult entertainment establishments not to be used as dwellings or sleeping quarters.

9. No person shall use an adult entertainment establishment or its premises or part thereof as a dwelling or for sleeping purposes, unless such use is in accordance with the current City of Cambridge Zoning By-Law.

LICENSING

Term of Licence

10. No licence shall be issued to an owner or operator unless their establishment meets the definition of "adult entertainment establishment" set out in this by-law.
11. An adult live nudity establishment licence and a body rub establishment licence shall apply only to the location, person and purpose of business for which it is issued and is not transferable or available for sale.
12. A video store – adult only and an adult novelty store licence shall apply only to the location, person and purpose of business for which it is issued and is only transferable if the transfer is administered through the Licensing Office at the City of Cambridge.

13. No person shall enjoy a vested right in the continuance of a licence, and upon the issuance, renewal, cancellation, expiry, revocation, termination or suspension thereof, the rights, value and benefits associated with the licence, and the licence certificate shall remain the exclusive property of the City.
14. Subject to the provisions of this by-law, the term of each licence shall commence on the date of issuance of the licence certificate for such licence and, unless sooner forfeited or revoked, shall expire in each year on December 31st of that year.

Issuance of Licences

15. The City shall, upon receipt of an application for a licence, or the renewal thereof, make or cause to be made such investigations as may be necessary with respect to the application and shall:
 - (a) if the investigation or any other information available to the City discloses reasonable grounds to believe that the applicant may not be entitled to the issuance or renewal of a licence on grounds referred to in section 55, or by reason of any other provision of this By-law or any other law, forthwith cause notice of this fact;
 - or
 - (b) subject to the provisions of this By-law, direct that the licence be issued or renewed.

Required to Produce Licence Upon Request

16. Every owner and operator of an adult entertainment establishment, and every attendant present at an adult entertainment establishment shall, upon a request made by any police or peace officer, by-law enforcement officer, Medical Officer of Health, or public health inspector acting under the direction of the Medical Officer of Health, provide their name and residential address, and if they are licensed under this by-law in respect of any trade, business or occupation relating to such adult entertainment establishment, they shall produce their licence certificate.

Unlicensed persons to comply.

17. Every person shall comply with the provisions of this by-law applicable to them whether or not they are licensed under this by-law.

Other trades, businesses or occupations in adult entertainment establishments.

18. Subject to this by-law, before there is carried on any business in an adult entertainment establishment for which a licence is otherwise required by this By-law, the owner of the said adult entertainment establishment shall attend at the offices of the City and shall apply to have their licence endorsed to permit such trade, business or occupation to be carried on in such adult entertainment establishment, and if the City authorizes such endorsement, the said owner or operator shall pay the licence fee, if any, required of them by this by-law for such a licence.
19. No owner or operator shall permit any business for which a licence is required under this By-law to be carried on in an adult entertainment establishment unless a licence has been obtained by the City as provided in this by-law.
20. Every person shall, in carrying on or permitting the carrying on of any business in an adult entertainment establishment, comply with all of the requirements of this By-law relating thereto, including the requirement of licence, if any.

Licence requirement

21. Every owner of an adult entertainment establishment shall obtain a Business Establishment/Owner Licence from the City and every operator of an adult entertainment establishment shall obtain an Operator/Operator(s) Licence from the City authorizing such person or persons to occupy and carry on such business. The person or persons obtaining either a Business Establishment/Owner Licence and/or an Operator/Operator(s) Licence shall pay to the City at the time of the taking out of such licence and no person shall wholly or partly occupy the business or engage in business until they have procured such licence to do so (as per Schedule "A" attached to this by-law).
22. Every owner and operator, in order to have a valid licence, shall obtain an authentic signature from the Licensing Officer. Such authentic signature may be printed or mechanically reproduced upon such licence certificate issued, and every licence certificate shall be in such form as the City may from time to time approve.

Conditions of Licence

23. Every person granted a licence under this by-law accepts and submits to, as a condition of receiving and holding such licence, all of the regulations and requirements imposed by this By-law in the carrying on of the business to which the licence relates, and agrees to comply with each and every requirement as a condition of the continuing validity of the licence.
24. No licence shall be granted to any owner or operator of an adult entertainment establishment, unless the applicant or licensee acknowledges in writing that they, or the principals or partners of the corporation or partnership, respectively, have reviewed and understand the requirements of this by-law and undertake in writing that the business shall be carried on in accordance with this by-law, and with all other applicable law.
25. Such acknowledgement and agreements as set out in sections 23 and 24 and requisite undertaking shall also include written acknowledgement that this By-law authorizes the City to suspend for cause, including breach of any provision of this By-law, any licence issued under this By-law, and in accordance with law, to revoke any such licence by reason of such breach, through procedure authorized by law.

Information Required

26. Every applicant for an Business Establishment or Owner Licence shall at the time of making the application, file with the City a list showing the name or names of every proposed operator of the adult entertainment establishment, and shall thereafter maintain a list showing at all times the name of every operator of the adult entertainment establishment. Such owner shall, upon a request made by the City, any police or peace officer or licensing officer, produce the list, brought up to date as of the time of the request, to such officer or other person as outlined in section 16.

Change In Particulars – Duty to Report

27. A person to whom or which this By-law relates shall notify the City within two (2) business days of any change in any of the particulars required to be provided to or filed with the City under this By-law.
28. Every owner and operator who changes their address shall, within two (2) business days after such change, attend at the offices of the Office of the Clerk and notify the Office of the Clerk of such change of address and produce their licence for modification.

Licensing Fees

29. The sums of money set out in Schedule "A" to this by-law for each type of licence respectively are the amounts of the annual and other fees for each such licence. The annual fee applies in respect of any period within a calendar year for which a licence is issued, whether or not it applies or remains valid for all of that year.

30. Every owner and every operator of an adult entertainment establishment applying for a licence or renewal referred to in this By-law shall deliver to the City with the application, payment in full, by cash cheque or credit card, of the applicable application fee required by this By-law to be paid in respect of such licence, as set out in Schedule "A" to this By-law.
31. The payment made as required by section 29 shall, if the licence is granted, be applied toward the payment of the licence fee for the licence period in respect of which the licence is issued.
32. If the licence is not granted, the application fee is not refundable.

Licence Application Requirements – General

33. In every application for a licence or the renewal thereof, with respect to every business and occupation referred to in this By-law, the applicant shall complete the prescribed form and shall furnish to the City such information as the City may direct to be furnished.
34. No licence or renewal of any license shall be issued to an owner or operator of an adult entertainment establishment unless the applicant has provided the original documents from the issuing agency outlining the results of investigations related to the applicant for a Police Records Check for Service with the Vulnerable Sector, dated less than 30 days prior to the date of the application for a licence or renewal ("the Police Check").
35. Every applicant referred to in this By-law, and every shareholder, partner or other person referred to in this by-law, shall file with or produce to the City; proof of their age in the form of picture identification, and no such licence shall be issued unless the City is satisfied that every such person is of the full age of majority.

Licence Application Requirements – Individuals

36. On every application by an individual person for an and a Business Establishment/Owner Licence or an Operator/Operator(s) Licence and/or for the renewal of any licence, the applicant shall state if the applicant is an individual, provide their name and date of birth, provide the Police Check (as per s. 34). During the processing of the application, the applicant shall attend at the office of City in person and not by an agent, and shall complete in full all the prescribed forms and furnish to the City such information as the City may direct.

Licence Application Requirements - Corporation

37. Every corporation applying for a Business Establishment/Owner Licence or an Operator/Operator(s) Licence shall file with the City at the time of its application a copy of its letters of incorporation or other incorporating document, duly certified by the proper government official or department and the Police Check (as per s. 34) of every officer and director of the corporation.
38. On every application or renewal of an adult entertainment establishment owned or operated by a corporation it shall state, the name and date of birth of every shareholder or other person having a beneficial interest of any kind in the shares of the corporate applicant or in any corporation referred to in this By-law in relation to the business for which the licence is sought; and such attendance shall be by an officer of the corporation.
39. Every corporation applying for an owner's or operator's licence shall file with the City a completed return in a form supplied by the City, which return shall contain a list of all of its shareholders; and if such return discloses that the shares in such other corporation are in turn held in whole or in part by one or more other corporations, then the said applicant shall also file such completed return in respect of each such corporation, listing its shareholders, and so on until the names of all living persons are shown and identified as the shareholders of all corporations having an interest, direct or indirect, in the applicant corporation.

40. Where a corporation is the holder of any Business Establishment/Owner Licence or an Operator/Operator(s) Licence, the corporation shall forthwith notify the Office of the Clerk in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the corporation, and of any such transactions involving the shares of any corporation referred to in section 37.
41. Where, as a result of the transfer of existing shares or by the issue of new shares of a limited company, the City has reasonable grounds to believe that a licensee may not be entitled to the continuation of its licence in accordance with this By-law, the City may determine, in accordance with this By-law, whether the licence shall be revoked, suspended or have conditions placed on it.
42. Where, by a transfer of existing shares or any issue of new or additional shares, the controlling interest in a corporation holding one or more owner's or operator's licences is sold, transferred or acquired, such licence or licences shall be terminated forthwith, and the City may, in accordance with this By-law, issue a new licence or new licences upon payment of the prescribed fee.

Licence Application Requirements - Partnership

43. Persons associated in a partnership applying for a Business Establishment/Owner Licence or an Operator/Operator(s) Licence shall file with its application to the City, the Police Check (as per s. 34) of all partners and a declaration in writing signed by all partners, which declaration shall state:
 - (a) the full name of every partner and the address of such partner's 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 or having an interest in the business;
 - (d) the dates of birth of the partners; and
 - (e) the mailing address for the partnership.
44. If any member of a partnership applying for a licence is a corporation, such corporation shall for the purposes of sections 37 to 42 of this By-law be deemed to be a corporation applying for an owner's or operator's licence; and if such licence is issued to the partnership, such corporation shall, for the purposes of the said section, be deemed to be a corporation which holds an owner's or operator's licence.
45. On every application in the case of an adult entertainment establishment owned or operated by a company or partnership shall state, the name and date of birth of every member of such company or partnership; and the attendance required shall be by one of the partners.
46. Every member of a partnership shall advise the Office of the Clerk immediately in writing of any change in the membership of a partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the City.
47. Where two or more persons carry on or engage in partnership in any of the businesses or occupations set out in section 21, the licence certificate may be issued in the name of the partnership, but when the application for licence is made, the name and address of each member of the partnership shall be set out therein.

Carrying On Business Under Another Name

48. Every owner and operator applying for any licence must use their own legal name in making such application, and subject to section 49, no such licence shall be null and void.

49. Despite section 48, an applicant who carries on or intends to carry on a business relating to an adult entertainment establishment under a name or designation other than their own name, or under such own name with the addition of the expression "and company" or some other expression indicating a plurality of members of a firm, shall only be granted a licence if the applicant files with the City at the time of making such application:
- (a) A notice of intention to use such name or designation; and
 - (b) a declaration which states:
 - i. their full name and the address of their ordinary residence or headquarters;
 - ii. any name or designation under which they carry on or intend to carry on business, and the date when the name or designation was first used;
 - iii. that no other person is associated with them in partnership, or in the ownership or operation of the business;
 - iv. in the case of an individual, the date of their birth; and
 - v. the mailing address for the business;
 - vi. the address for service of the business.
50. If a licence is issued under section 49 allowing the applicant to carry on business under another name, the other name shall be endorsed upon the licence certificate.

Proof of Ownership of Property

51. Every person applying for a Business Establishment/Owner Licence or an Operator/Operator(s) Licence shall file with the City documentation satisfactory to the City demonstrating the applicant's right to possess or occupy the premises used by them as an adult entertainment establishment; and if such person is not the registered owner or owner in fee simple of the property upon which the adult entertainment establishment is located, such person shall file with the City at the same time a copy of their lease, if any, and of every other document constituting or affecting the legal relationship between the said applicant and the said registered owner or operator in fee simple of the real property.

Display of Licence

52. Every owner and operator shall keep their respective licence certificates for the adult entertainment business or duplicate copies thereof exposed in a conspicuous place in the said premises and also prominently visible from the exterior of the premises, at all times during the currency of the licence, and the City may issue duplicate copies of licence certificates for such purpose.
53. No person shall post or produce for inspection a licence which has expired, or which has been suspended or revoked.

LICENCE REFUSED - SUSPENDED - REVOKED

Power to Refuse/Revoke/Suspend Licence or Impose Conditions

54. The City may, subject to any law requiring a hearing, or procedural fairness, upon any of the grounds set out in section 55 of this by-law, or due to contravention of this By-law, or of the requirements or conditions of any licence granted there under:
- (a) refuse to grant any licence;

- (b) revoke any licence issued under this By-law;
- (c) refuse to renew any such licence;
- (d) suspend for some specific period of time any licence granted under this By-law;
- (e) impose such conditions upon a licence as the City considers appropriate and as are authorized by law;
- (f) suspend a licence or continue the suspension of a licence where a hearing which has been commenced is for any reason adjourned, pending final disposition of the hearing;
- (g) delay processing any application pending proof of compliance with the requirements of this By-law.

Grounds

55. Any application for a licence or application for the renewal of the licence may be denied, or any licence may be revoked, suspended, or made conditional, where:
- (a) The application for the licence or renewal of the licence is incomplete;
 - (b) There are reasonable grounds to believe that any application or other document provided to the City by or on behalf of the applicant contains an incorrect/mistaken/false statement or provided incorrect/mistaken/false information;
 - (c) The applicant has failed to comply with conditions set out by the City as a requirement for obtaining, continuing to hold, or renewing a licence;
 - (d) The applicant has failed to pay the fine or fines imposed by a court as a sentence arising from convictions for breach of this by-law;
 - (e) The application for the licence or renewal is not made in accordance with this by-law;
 - (f) The applicant has contravened a provision of this by-law; or
 - (g) There are reasonable grounds to believe that the conduct of any person, including the officers, directors, employees or agents of a corporation, will not carry on or engage in the business in accordance with the law or with honesty and integrity; and
 - (h) If there are reasonable grounds to believe the location licensed under this by-law ceases to operate, within a one year period, as an adult entertainment establishment; the licence is revoked.

Power to Suspend Penalty or Disposition

56. Despite section 54, the City may, having regard to the conduct of the business by the licensee, suspend the passing of penalty or other disposition and direct that the licence continue on such conditions and for or during such period of time as the City considers just and are authorized by law.

Violation of Conditions

57. Where a licensee who is bound by conditions imposed in accordance with section 54 is found to have contravened any such condition or any other provision of this by-law, in addition to any penalty that may be imposed in respect of that contravention, the City may:
- (a) impose or maintain any suspension or revocation of the licence that could have been imposed had the passing of penalty not been suspended; and

- (b) impose such further or other conditions as the City considers just and as are authorized by law.

Notice Requirement of Denial, Revocation or Suspension

- 58. For the purposes of section 54, notice of suspension, revocation or other termination of any licence under this By-law shall be deemed to be communicated and effected:
 - (a) by written notice by delivery via registered mail to the last known address;
 - (b) Five days after the mailing by registered mail of a written copy of the notice to the licensee at the address last shown for the licensee on the records of the City.
- 59. A notice sent pursuant to section 58 shall include:
 - (a) a statement that the applicant may request a hearing of the application by the City by delivering a written request for a hearing to the City within 30 days of the date of the notice sent pursuant to section 58; and
 - (b) a statement that if no request for a hearing is delivered by the applicant in accordance with section 58 the application will not be granted, or the suspension or revocation will remain in effect, as the case may be.

Surrendering Licence Upon Suspension or Revocation

- 60. Upon suspension or revocation of a licence issued under this By-law, the licensee shall forthwith return to the City the licence certificate and any other evidence of such licence, and the City shall have access to any premises, vehicle or other property of the licensee or former licensee, for the purpose of receiving or taking the licence certificate or other evidence of such licence, and no person shall refuse to deliver the licence certificate or other evidence of such licence to the City or in any way prevent or hinder the receiving or taking of same.

Hearing

- 61. Where the City receives a request for a hearing that meets the requirements of this by-law, the City shall hold a hearing in an open public meeting of Council.

Applications - Licence Continues During Appeal If Fee Paid

- 62. If the applicant has applied, in accordance with the requirements of this By-law, for renewal of the licence and has remitted the prescribed fee, the licence shall be deemed to continue:
 - (a) until the renewal is granted;
 - (b) if the licensee is served with a notice under section 58, until the time for requesting a hearing has expired or, where a hearing has been requested, until the City has made a disposition of such application; or
 - (c) until the licence expires, or is otherwise terminated or revoked, whichever occurs first.
- 63. Despite any decision of, or statement by, the City respecting the granting of a licence or application therefore, no person shall be deemed to be licensed to carry on or engage in the business or occupation for which such licence is required until they have paid the fee required by this by-law to be paid with respect to such licence and has received the licence certificate or other evidence of the granting of such licence in accordance with this by-law

Revocations or Suspensions In Effect Pending Appeal

64. Notice and reasons for suspension, revocation or other termination of any licence shall be communicated by the City to the licensee or former licensee, at which time, in accordance with section 58, the rights granted by the licence shall terminate and shall cease to be valid or to be of any further legal effect.

Hearing Procedure

65. The hearing held under this by-law shall be held in accordance with the *Statutory Powers Procedures Act*, R.S.O. 1990, c. S.22, as amended.

Powers of Council at Hearing

66. Upon the conclusion of a hearing, Council shall, as soon as practicable, dispose of the matter which was the subject of the hearing by doing any act or making any decision and such decision shall be final.

Compliance with By-Law Required

67. Every person applying for or holding a licence under this by-law shall, in such application and in carrying on or engaging in the business for which the licence is issued, observe, comply with, and be governed by the provisions of this By-law which relate to such person.
68. Despite any provision in this By-law, nothing in it permits the contravention of any other provision of this By-law, any other by-law of the City Council, or any other law.

Powers of Inspection of City

69. The City or any person authorized by the City may enter upon land at any time day or night for the purpose of carrying out an inspection to determine whether this by-law, a condition of a licence under this by-law, or a direction under this by-law has been complied with.
70. For the purposes of any inspection by the City, any officer, and any other person authorized by the City, may:
- (a) require the production for inspection of any document or thing relevant to the inspection;
 - (b) inspect and remove any document or thing relevant to the inspection, for the purpose of making copies or extracts;
 - (c) require information from any person concerning any matter related to the inspection;
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests or photographs necessary for the purposes of the inspection; and
 - (e) no person or persons shall obstruct, hinder, delay or prevent the City or any person authorized by the City, in the exercise of any power conferred or the performance of any duty imposed by this by-law.

RENEWAL OF LICENCES

Application for Renewal

71. A person holding a licence issued pursuant to this by-law who wishes to renew the licence for the following year shall make application for the renewal of the licence by providing to the City a completed renewal application prior to January 1st of the following year.

72. Subject to the provisions of this By-law and upon approval of an application for renewal, every licence issued under this By-law shall be renewed the first of the year (January 1st), without payment of any fee in addition to the annual licence fee as per the yearly rate review.

Renewal Fee

73. Subject to the provisions of this by-law, where any person holding a licence issued under this By-law fails to renew a licence by the renewal date as defined under section 71, they may, upon submitting an application of a license for renewal after January 1st, be subject to a late renewal administration fee, which shall be payable in addition to the annual licence fee, as outlined in Schedule "A" attached to this here by-law and as per the yearly rate review.
74. Where a person holding a licence issued under this by-law fails to renew their licence within ninety (90) days of the renewal date, the person shall no longer be entitled to renew the licence and, if seeking a licence at some subsequent time, shall be required to apply for a new licence under this By-law, subject to the payment of such fees as may be required by the By-law at that time.

ADULT ENTERTAINMENT ESTABLISHMENT SIGNS AND ADVERTISING

75. No owner or operator or attendant of an adult entertainment establishment shall display or permit to be displayed a sign unless the sign complies with the requirements under this By-Law, and in compliance with the City's Sign By-law.
76. No owner or operator or attendant of an adult entertainment establishment shall display or permit to be displayed a sign that contains flashing lights visible from outside the establishment's premises.
77. No owner or operator or attendant of an adult entertainment establishment shall display a sign that rotates or contains reflective or fluorescent elements.
78. No owner or operator or attendant of an adult entertainment establishment shall display or permit to be displayed in its windows or on the building at which it operates any pictures, publications, videotapes, movies, covers or other advertising items that fall within the definition of an adult novelty store or adult video store', as defined herein.
79. No owner or operator or attendant of an adult entertainment establishment shall include the word "nude", "naked", "topless", "girls", "strip", "striptease", "strip club", "burlesque entertainment", "swingers club", "bottomless", "sexy" or any other word or any other picture, symbol or representation having like meaning or implication, on any notice, sign or other advertisement.
80. No owner or operator or attendant of an adult entertainment establishment shall erect or display or permit to be erected or displayed temporary mobile signage advertising the establishment or any sex paraphernalia.
81. No owner or operator or attendant of an adult entertainment establishment shall or permit to be distributed posters, pictures, brochures or hand-bills advertising the establishment.

SALE, LEASE OR OTHER DISPOSITION OF ADULT ENTERTAINMENT ESTABLISHMENT

82. No Business Establishment/Owner Licence or Operator/Operator(s) Licence shall be transferred. If an owner sells leases or otherwise disposes of an adult entertainment establishment, or the premises or part of the premises upon or in which an adult entertainment establishment is operated to any person, the licence in respect of such adult entertainment establishment or premises shall, despite any other provision of this by-law, terminate.
83. Subject to the provisions of this by-law, the City may in its discretion issue a new owner's licence to the purchaser, lessee or other person obtaining an interest in an adult entertainment establishment or the premises or part of the premises upon or in which an adult entertainment establishment has been or is being operated.

84. In accordance with the provisions of this by-law relating to applications for licences, the City may refuse to issue a licence or licences to a purchaser, lessee or other person obtaining an interest in an adult entertainment establishment in a transaction under this section, and the City shall, upon demand from any party to the transaction, deliver written reasons for such decision.

ADULT LIVE NUDITY ESTABLISHMENT

85. No owner or operator shall, in respect of any adult live nudity establishment owned or operated by them, permit any attendant, while providing entertainment or services as an attendant, 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.
86. No owner or operator shall allow or permit, with respect to an adult live nudity establishment, any attendant to provide or perform any entertainment or services except while within the plain and unobstructed view of the main stage of any floor on which such entertainment or services are being provided.

Obstruction or locking of individual rooms or cubicles prohibited.

87. No owner or operator shall permit the door to any room in an adult entertainment establishment or any area partitioned from the main stage where entertainment or services are or may be provided to be equipped or constructed with a locking device of any kind or with any other device or structure which could delay or hinder anyone from entering or obtaining access to such room or area (excluding bathroom stalls).
88. No owner or operator shall provide or permit the provision of any entertainment or service in an adult live nudity establishment in a room, partitioned area or other enclosure with a door or other means of access which is equipped or constructed with a locking device of any kind or which is equipped or constructed in such a way as to permit the obstruction, hindrance or delay of any person attempting to gain entry thereto (excluding bathroom stalls).

Licence requirement

89. Every owner and operator of an adult live nudity establishment shall only own and/or operate one adult live nudity establishment in the City of Cambridge.
90. Every owner and operator applying for a licence in respect of an adult live nudity establishment licensed under the *Liquor Licence Act* shall file with or produce to the Office of the Clerk a copy of any licence or permit issued under the *Liquor Licence Act* in respect of such premises, and shall, after such licence has been issued to them, advise the Office of the Clerk in writing forthwith upon any suspension, cancellation, revocation or termination of such licence or permit or of any change in such licence or permit, or any of its terms.
91. No business licence for an adult live nudity establishment shall be granted for any adult live nudity establishment which is located at a distance of less than 1,000 metres from any existing licensed adult live nudity establishment.

Number of Licences

92. The number of Business Licences for adult live nudity establishments which may be granted is limited to two (2); and can only be located within the area outlined as per Schedule "B" of this by-law.
93. Every owner and operator of an adult live nudity establishment shall only own and/or operate one (1) adult live nudity establishment in the City of Cambridge.

Owners and Operators

94. No owner of an adult live nudity establishment shall permit said adult entertainment establishment to operate unless the owner has been licensed under this by-law; and complies with Schedule "A" to this by-law.
95. No owner of an adult live nudity establishment shall permit any person to operate said establishment unless the operator has been licensed under this by-law, and in accordance with Schedule "A".
96. No operator of an adult live nudity establishment shall operate or permit the operation of the said establishment unless licensed under this by-law, and in accordance with Schedule "A".
97. Either the owner or an operator of an adult live nudity establishment licensed in respect of such owner's adult entertainment establishment shall be in attendance at such owner's adult entertainment establishment at all of the times when it is open for business. No owner or operator shall permit an adult entertainment establishment owned or operated by them to open for business, or remain open for business, or any attendant to enter or remain therein, or any service to be provided at such adult entertainment establishment, unless this section is complied with.

BODY RUB ESTABLISHMENTS

98. Upon the entry of the customer into a body rub establishment or immediately before any services are provided in a body rub establishment, the attendant or person whom is to provide the services shall give to the customer an itemized bill for such services, listing the services to be provided and the price to be paid for each.
99. Where no charge or fee is paid or required to be paid for the provision of services in a body rub establishment other than an admission fee or other charge or payment in respect of entry to such body rub establishment, the delivery to the customer of a written receipt for such fee, charge or payment shall be deemed sufficient compliance with section 98.
100. Every person operating their own body rub establishment and every operator of a body rub establishment shall ensure that the bill and receipt required by section 98 is provided to every customer of the body rub establishment operated by them and shall retain and keep a copy of each such bill and receipt for at least one year after the services referred to therein are performed, and the City shall at all times have access to such copies.
101. The number of Business Licences for body rub establishments which may be granted is limited to two (2), and can only be located within the area outlined as per Schedule "C" of this by-law.
102. Only one owner and operator of a body rub establishment shall only own and/or operate one (1) body rub establishment in the City of Cambridge.
103. No owner or operator shall permit the door to any room or partitioned area where entertainment or services are or may be provided, to be equipped or constructed with a locking device of any kind, or with any other device or structure which could delay or hinder anyone from entering or obtaining access to such room or area (excluding bathroom stalls).
104. No owner or operator shall provide or permit the provision of any entertainment or service in a body rub establishment in a room, partitioned area or other enclosure with a door or other means of access which is equipped or constructed with a locking device of any kind or which is equipped or constructed in such a way as to permit the obstruction, hindrance or delay of any person attempting to gain entry thereto (excluding bathroom stalls).
105. No owner/operator or attendant/employee of a licensed body rub establishment while providing body rubs or any other ancillary duties shall expose their breasts, buttocks, genitals or pubic areas or have sexual contact with any person, or engage in or permit to engage in sexual impropriety with a customer. Any such activity will be subject to section 54 of this by-law.

Owners and Operators

106. No owner of a body rub establishment shall permit said adult entertainment establishment to operate unless the owner has been licensed under this by-law; and complies with Schedule "A" to this by-law.
107. No owner of a body rub establishment shall permit any person to operate said establishment unless the operator has been licensed under this by-law, and in accordance with Schedule "A".
108. No operator of a body rub establishment shall operate or permit the operation of the said establishment unless licensed under this by-law, and in accordance with Schedule "A".
109. Either the owner or an operator of a body rub establishment licensed in respect of such owner's adult entertainment establishment shall be in attendance at such owner's adult entertainment establishment at all of the times when it is open for business. No owner or operator shall permit an adult entertainment establishment owned or operated by them to open for business, or remain open for business, or any attendant to enter or remain therein, or any service to be provided at such adult entertainment establishment.

VIDEO STORE - ADULT ONLY

110. Every owner and/or operator providing adult video in a video store – adult only to which only persons of age of majority or older are permitted to enter or remain shall, if the cover or container of each such adult video cassette, CD, DVD or disc is on display to the public, fulfill the requirements set out in sections 111 to 115 inclusive of this by-law.
111. The owner and/or operator of a video store – adult only described in section 110 of this by-law shall post and keep posted at every entrance to such outlet and in a prominent location inside such outlet signs sufficient to indicate clearly to any person approaching or entering the outlet, and to every person in the outlet, that no person under the age of majority is permitted to enter or remain in such outlet or any part thereof.
112. The operator of a video store – adult only described in section 110 of this by-law shall place the cover or container of each such video cassette, CD, DVD or disc within the store where the cover or container cannot be seen outside the store.
113. As per Schedule "A", attached to this by-law, video stores – adult only are required to licence the establishment only. Owners and operators of video stores – adult only are not required to be licensed under this by-law.

ADULT NOVELTY STORE

114. Every owner or operator shall post and keep posted at every entrance to an adult novelty store owned or operated by such person, and in a prominent location inside such premises, signs sufficient to indicate clearly to any person approaching or entering the premises, and to every person in the premises, that no person under the age of majority is permitted to enter or remain in such premises.
115. No owner or operator of an adult novelty store and no person working in such premises shall use or display or permit the use or display of any sex paraphernalia, printed or promotional material or visual images in any manner so as to be visible outside of the premises.
116. As per Schedule "A" attached to this by-law, adult novelty stores are required to licence the establishment only, owners and operators are not required to be licensed under this by-law.

OFFENCE PROVISIONS

117. Every person who contravenes any provision of this By-law and every director or officer of a corporation who concurs in such contravention by a corporation is guilty of an offence and upon conviction is liable to a fine subject to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.
118. If a corporation is convicted under section 117, the penalty, exclusive of costs, is subject to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.
119. A person convicted of an offence under this by-law with respect to an adult entertainment establishment may, in addition to any other sanction or remedy authorized by law, be sentenced to a term of imprisonment not exceeding one year in addition to any other applicable penalty.
120. Each and every provision of this by-law is severable and if any provision of this By-law should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.
121. For the purpose of a prosecution or proceeding under this by-law, the holding out to the public that entertainment or services (as defined herein) are provided in the premises or any part thereof is admissible as evidence as proof, in the absence of evidence to the contrary, that the premises or part thereof is an adult entertainment establishment.
122. For the purpose of a prosecution or proceeding under this by-law, where the prosecution has provided through evidence, circumstantial or otherwise, that entertainment or services (as defined herein) took place at a premises, it is presumed that the entertainment or services were for provided in the business context and the premises where the entertainment and services took place is an adult entertainment establishment (as defined herein), subject to rebuttal by evidence to the contrary on a balance of probabilities.
123. Schedule "A" of this by-law is hereby in effect immediately with the passing of this by-law.
124. By-law No. 138-03; and By-law No. 33-94, and all amendments pertaining to the business licensing of adult entertainment establishments in the Corporation of the City of Cambridge is hereby repealed and the provisions of this by-law are hereby enacted.
125. This By-law comes into force on the 9th day of July, 2012.

READ A FIRST, SECOND AND THIRD TIME

ENACTED AND PASSED THIS 9TH DAY OF JULY, 2012

DOUG CRAIG
MAYOR

ALEX MITCHELL
CLERK

SCHEDULE "A"
TO BY-LAW NO. 157-12
OF THE
CORPORATION OF THE CITY OF CAMBRIDGE

ADULT LIVE NUDITY ENTERTAINMENT ESTABLISHMENT – ANNUAL LICENCE FEE – FIRST LICENSING YEAR

Business Establishment/Owner	\$ 3000.00
Operator/Operators	\$ 1400.00

ADULT LIVE NUDITY ENTERTAINMENT ESTABLISHMENT – APPLICATION FEE (Included as part of the Annual License Fee)

Business Establishment/Owner	\$ 200.00
Operator/Operators	\$ 200.00

ADULT LIVE NUDITY ENTERTAINMENT ESTABLISHMENT – RENEWAL AND SUBSEQUENT CONSECUTIVE ANNUAL FEE

Business Establishment/Owner	\$ 3000.00
Operator/Operators	\$ 1400.00

RENEWAL FEES - ADULT LIVE NUDITY ENTERTAINMENT ESTABLISHMENT – (In addition to the License Fee – per establishment)

- | | | |
|-----|---|-----------|
| (a) | application for renewal prior to February 1 st : | NONE |
| (b) | application for renewal prior to March 1 st : | \$ 100.00 |
| (c) | application for renewal prior to April 1 st : | \$ 200.00 |

BODY-RUB ESTABLISHMENT – ANNUAL LICENCE FEE – FIRST LICENSING YEAR

Business Establishment/Owner	\$ 800.00
Operator/Operators	\$ 300.00

BODY-RUB ESTABLISHMENT – APPLICATION FEE (Included as part of the Annual License Fee)

Business Establishment/Owner	\$ 50.00
Operator/Operators	\$ 50.00

BODY RUB ESTABLISHMENT – RENEWAL AND SUBSEQUENT CONSECUTIVE ANNUAL FEE

Business Establishment/Owner	\$ 800.00
Operator/Operators	\$ 300.00

RENEWAL FEES – BODY RUB ESTABLISHMENT – (In addition to the License Fee – per establishment)

(a)	application for renewal prior to February 1 st :	NONE
(b)	application for renewal prior to March 1 st :	\$ 50.00
(c)	application for renewal prior to April 1 st :	\$ 100.00

VIDEO STORE - ADULT ONLY LICENSE FEE	\$ 80.50
VIDEO STORE - ADULT ONLY LICENSE FEE - RENEWAL	\$ 62.50

RENEWAL FEES – VIDEO STORE - ADULT ONLY – (In addition to the License Fee – per establishment)

(d)	application for renewal prior to February 1 st :	NONE
(e)	application for renewal prior to March 1 st :	\$ 25.00
(f)	application for renewal prior to April 1 st :	\$ 50.00

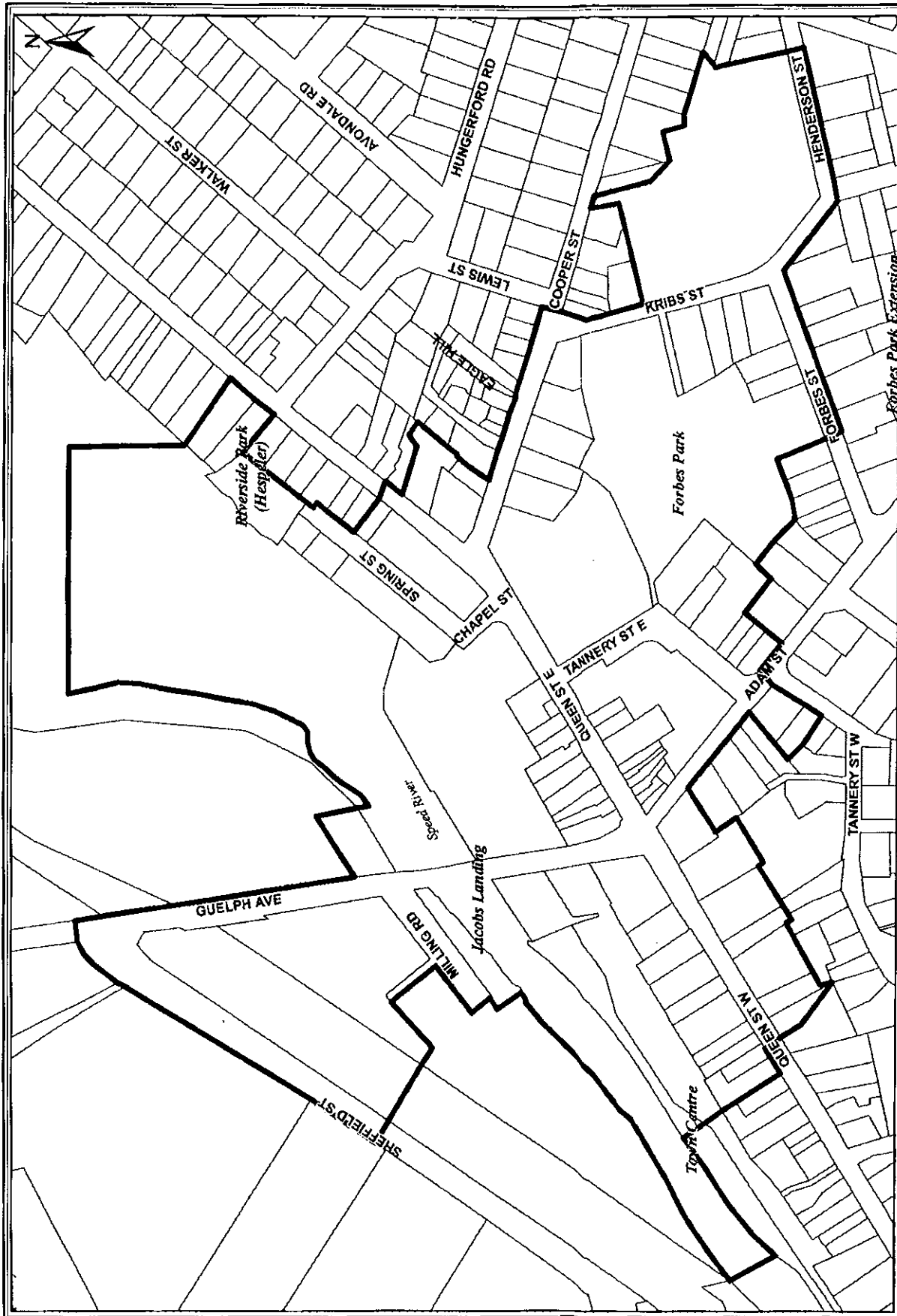
ADULT NOVELTY STORE LICENSE FEE	\$ 80.50
ADULT NOVELTY STORE LICENSE FEE - RENEWAL	\$ 62.50

RENEWAL FEES – ADULT NOVELTY STORE – (In addition to the License Fee – per establishment)

(g)	application for renewal prior to February 1 st :	NONE
(h)	application for renewal prior to March 1 st :	\$ 25.00
(i)	application for renewal prior to April 1 st :	\$ 50.00

THIS SCHEDULE "A" IS SUBJECT TO CHANGE PER THE CITY'S YEARLY RATE REVIEW. THIS SCHEDULE IS IN EFFECT IMMEDIATELY WITH THE PASSING OF THIS BY-LAW.

SCHEDULE "C" TO BY-LAW NO. OF THE CORPORATION OF THE CITY OF CAMBRIDGE

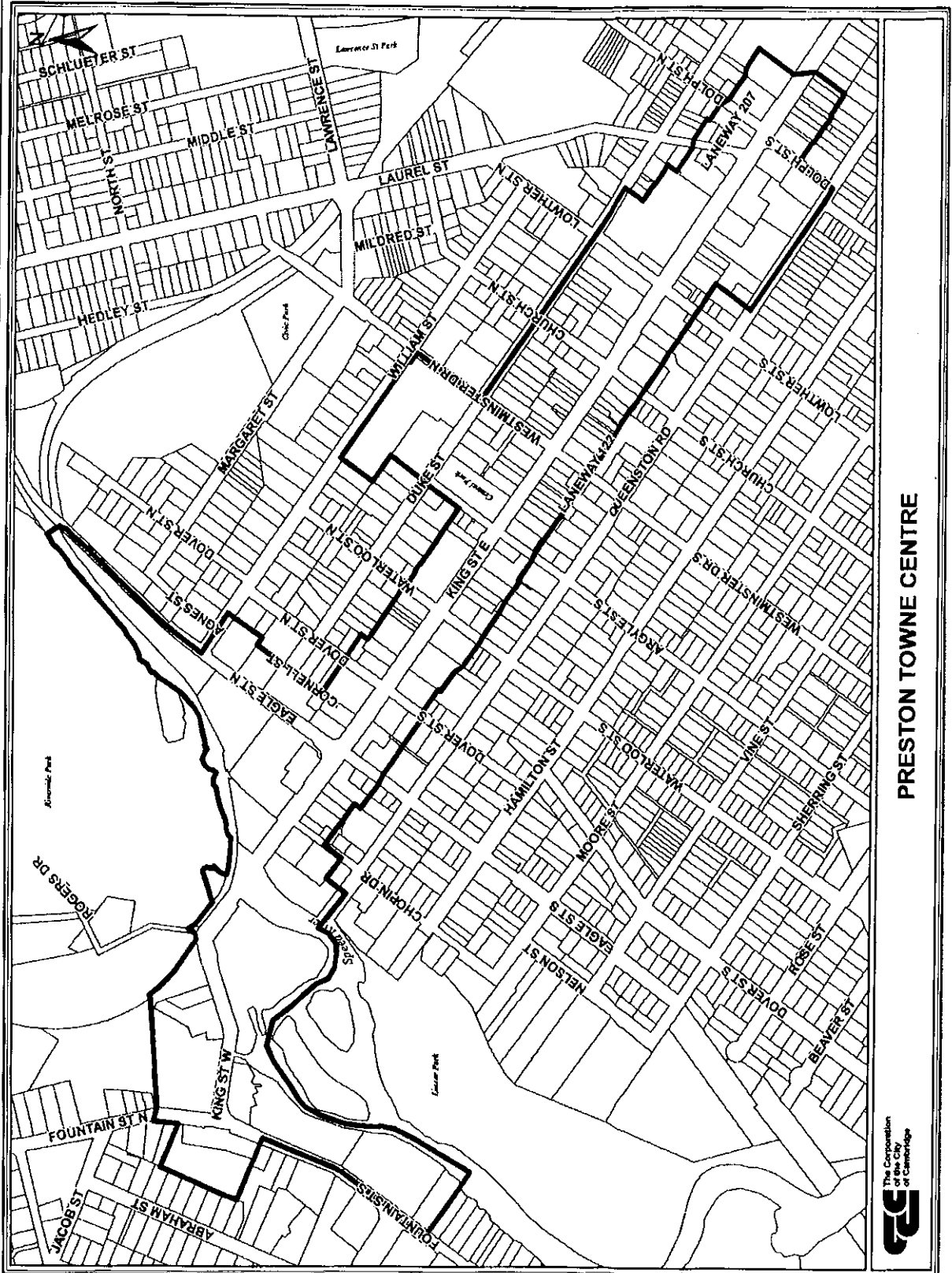


HESPELER VILLAGE



The Corporation
of the City
of Cambridge

SCHEDULE "C" TO BY-LAW NO. OF THE CORPORATION OF THE CITY OF CAMBRIDGE



PRESTON TOWNE CENTRE





The Corporation
of the City
of Cambridge

GALT CITY CENTRE