

SCHEDULE NO. 11
Relating to Adult Entertainment Parlours
(Added by By-law 2004-353)

LICENSES REQUIRED

1. The following types of licenses may be issued:
 - (a) adult entertainment owner;
 - (b) adult entertainment operator;
2. A separate adult entertainment owner's license shall be obtained in respect of each adult entertainment parlour.
3. A separate adult entertainment operator's license shall be obtained in respect of each person operating an adult entertainment parlour.

CONDITIONS FOR ISSUANCE OR RENEWAL OF AN ADULT ENTERTAINMENT OWNER'S LICENSE

4. (1) No license or renewal of license shall be issued to an owner of an adult entertainment parlour unless:
 - (a) the applicant is eighteen (18) years of age or older;
 - (b) the applicant appears in person;
 - (c) the applicant provides proof of age and identification satisfactory to the Chief License Inspector;
 - (d) 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 the Service with the Vulnerable Sector, dated less than 30 days prior to the date of the application for a license;
 - (e) a detailed floor plan, drawn to scale, of the adult entertainment parlour has been approved by the Chief License Inspector and the Chief of Police and the details on such floor plan shall include but are not limited to the following:
 - (i) the designated entertainment area; and
 - (ii) location of seating areas, offices, cloak rooms, disc jockey area, kitchen facilities, bar area, dressing rooms, washrooms, storage areas and exits;

- (f) the premises complies with the zoning, building and property standards requirements of the City;
 - (g) the Fire Chief has reported in writing that the premises complies with fire regulations;
 - (h) the Medical Officer of Health has reported in writing that the premises in connection with which the license is sought is suitable for the purpose of the license application and is in a sanitary condition;
 - (i) the applicant has submitted proof of insurance in accordance with the requirements of Section 26 of this Schedule;
 - (j) the adult entertainment parlour is located in an area referred to in Section 8; and
 - (k) the applicant has paid the fees described in Schedule "A" to this by-law.
- (2) Where the owner is a corporation, the applicant shall file:
- (a) a copy of its letters of incorporation or other incorporating document duly certified by the proper government official or department;
 - (b) a list of all officers, directors and shareholders and the address of their ordinary residence;
 - (c) a declaration that the persons named therein are the only shareholders of the corporation;
 - (d) the name or names under which it carries on or intends to carry on business; and
 - (e) the mailing address for the corporation.
- (3) Where the owner is a partnership, the applicant shall file a declaration in writing signed by all members of the partnership which states:
- (a) the full name of each partner and the address of his ordinary residence;
 - (b) the name or names under which they intend to carry on business;
 - (c) that the persons named therein are the only members of the partnership; and

- (d) the mailing address of the partnership.

CONDITIONS FOR ISSUANCE OR RENEWAL OF AN ADULT ENTERTAINMENT OPERATOR'S LICENSE

5. No license or renewal of license shall be issued to the operator of an adult entertainment parlour unless:
 - (a) the applicant is eighteen (18) years of age or older;
 - (b) the applicant appears in person;
 - (c) 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 the Service with the Vulnerable Sector, dated less than 30 days prior to the date of the application for a license;
 - (d) the applicant provides proof of age and identification satisfactory to the Chief License Inspector;
 - (e) the applicant has provided the name of the owner of the adult entertainment parlour in which the applicant intends to operate; and
 - (f) the applicant has filed two (2) passport-type photographs of the applicant's face five centimetres (5cm) by five centimetres (5cm) in size;
 - (g) the applicant has paid the fees described in Schedule "A" to this by-law.

ISSUANCE OF LICENSE

6. (1) The Chief License Inspector shall furnish a license to each licensed adult entertainment owner.
- (2) The Chief License Inspector shall furnish to each licensed adult entertainment operator a license containing a photograph of the face of the adult entertainment operator and his or her name, license number and the expiry date of the license.
- (3) Every licensed adult entertainment operator shall produce his or her license for inspection when so requested by the Chief License Inspector or Chief of Police.

NUMBER OF LICENSES

7. The number of adult entertainment owner's licenses shall be restricted in accordance with the location requirements of this Schedule.

LOCATION RESTRICTIONS

8. Adult entertainment parlours may only be operated in the following locations:

- (a) the premises known municipally as 27 York Street;
- (b) the premises known municipally as 126 York Street;
- (c) the premises known municipally as 340 Queen Street;
- (d) the premises known municipally as 1560 Triolet Street;
- (e) the premises known municipally as 6501 Russell Road;
- (f) the premises known municipally as 1989 Merivale Road;
- ~~(g) the premises known municipally as 230 Herzberg Road;~~

(repealed by By-law 2007-222)

- (h) the premises known municipally as 175 Montreal Road;
- (i) the premises known municipally as 5023 Bank Street;
- (j) in the shaded areas shown on Appendix A to this Schedule, provided that the adult entertainment parlour is located a minimum of one thousand metres (1000m) from an existing adult entertainment parlour and a minimum of five hundred metres (500m) from any church, school, day care, public library, community centre or public park.

(Appendix A available upon request)

REGULATIONS

9. No adult entertainment owner shall permit any person other than a licensed adult entertainment operator to operate such adult entertainment parlour.

10. The adult entertainment owner shall post the license in a prominent location on the licensed premises so as to be clearly visible to the public.

11. No adult entertainment operator not being the owner of an adult entertainment parlour shall operate the said adult entertainment parlour unless the

owner of the said adult entertainment parlour is duly licensed as an adult entertainment owner.

12. No adult entertainment owner or adult entertainment operator shall open the adult entertainment parlour for business or permit the same to be open or remain open for business or permit any services to be provided in the said adult entertainment parlour at any times from the hours of 0200 hours and 1100 hours of the same day.

13. No adult entertainment owner or adult entertainment operator shall permit the door or doors or other principal means of access into the adult entertainment parlour to be kept locked during the hours of business of the adult entertainment parlour.

14. The adult entertainment owner or an adult entertainment operator shall be in attendance during all hours of business of the adult entertainment parlour.

15. The adult entertainment owner shall ensure that an adult entertainment operator shall be in attendance during all hours of business of the adult entertainment parlour when the owner is not in attendance.

16. No adult entertainment owner or adult entertainment operator shall permit any person under the age of eighteen (18) years to enter or remain in the adult entertainment parlour.

17. No adult entertainment owner or adult entertainment operator shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in the adult entertainment parlour.

18. No adult entertainment owner or adult entertainment operator shall place or permit to be placed any sign, or any other advertising device on any premises occupied by an adult entertainment parlour save and except a sign or other advertising device containing the words "Adult Entertainment Parlour" and the name under which the business is operated provided such name does not include any of the following words:

"nude", "naked", "topless", "bottomless", "sexy" or any other word or any pictures, symbol or representation having like meaning or implication.

19. (1) No adult entertainment owner or adult entertainment operator shall permit services to be provided in any area of the premises other than the designated entertainment area shown on the approved floor plan.

(2) No adult entertainment owner shall change or cause a change to be made in the adult entertainment parlour without first submitting a revised floor plan containing the information described in clause (e) of subsection 4(1)

of this Schedule and obtaining the approval of the Chief License Inspector and the Chief of Police.

20. No adult entertainment owner or adult entertainment operator shall permit any adult entertainment performer providing live entertainment or services designed to appeal to erotic or sexual appetites or inclinations 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.

21. (1) No adult entertainment owner or adult entertainment 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 peace officer, Medical Officer of Health, a public health inspector acting under the direction of the Medical Officer of Health or a By-law Officer.

(2) Subsection (1) shall not apply to cameras used for security purposes.

22. No adult entertainment owner or adult entertainment operator shall permit live entertainment or services designed to appeal to erotic or sexual appetites or inclinations to be visible from outside the premises in which the adult entertainment parlour is located.

23. Every adult entertainment owner and every adult entertainment operator shall, in the operation of an adult entertainment parlour, comply with and ensure compliance with the following requirements:

- (a) the premises shall be equipped with adequate light and ventilation;
- (b) the premises and all equipment and fixtures therein shall be regularly washed and kept in a sanitary condition;
- (c) the premises shall be equipped with an effective utility sink;
- (d) adequate toilet and washroom accommodation shall be provided and there shall be separate washrooms for males and females;
- (e) washrooms shall be equipped with:
 - (i) an adequate supply of hot and cold water;
 - (ii) an adequate supply of liquid soap in a suitable container or dispenser;
 - (iii) hot air dryers or individual towels in a suitable container or dispenser; and

- (iv) a suitable receptacle for used towels and waste material;
and
 - (f) no washroom, toilet, sink or basin used for domestic purposes shall be used in connection with an adult entertainment parlour.
- 24. (1) The adult entertainment owner or an adult entertainment operator shall post the following notices in an area accessible to the patrons and employees, in the adult entertainment performers' dressing rooms, at all public entrances and in the washrooms
 - (a) a notice to advise that physical contact is prohibited which notice shall include the telephone numbers of the Ottawa Police Service and By-law Services of the City of Ottawa; and
 - (b) a notice that sexually transmitted infections can be transmitted through unprotected physical contact.
- (2) The adult entertainment owner or an adult entertainment operator shall post copies of the approved floor plan at all public entrances and in the adult entertainment performers' dressing rooms.
- 25. (1) The adult entertainment owner shall maintain an annual registry for the period January 1 to December 31 of each year containing the names, addresses and phone numbers of every adult entertainment operator, adult entertainment performer and employee of the adult entertainment parlour.
- (2) The adult entertainment owner shall produce the registry for inspection upon request of a By-law Officer or Chief of Police.
- (3) The adult entertainment owner shall keep the registry current at all times and retain all information for a period of one year after the end of the calendar year for which it was maintained.

INSURANCE

- 26. (1) Prior to the issuance of the license, the adult entertainment owner shall file with the Chief License Inspector proof of insurance of Commercial General Liability coverage subject to limits of not less than Two Million Dollars (\$2,000,000.00) inclusive for bodily injury, death and damage to property.
- (2) If applicable to the licensed activity, such insurance shall be endorsed to include Liquor Licence Act Liability or Host Liability insurance.

TRANSFERABILITY OF LICENSE

27. The license issued to an adult entertainment owner or an adult entertainment operator is not transferable.