



By-law 2005-276 - As amended

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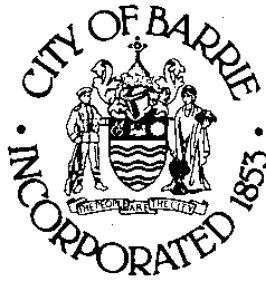
A By-law of The Corporation of the City of Barrie to license and regulate various businesses particularly related to the adult entertainment industry and to repeal By-law 2002-289.

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Bill No. 279

BY-LAW NUMBER 2005-276

A By-law of The Corporation of the City of Barrie to license and regulate various businesses particularly related to the adult entertainment industry and to repeal By-law 2002-289.

AND WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 (“the Municipal Act, 2001”), provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 9 of the Municipal Act, 2001, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 11 of the Municipal Act, S.O. 2001, c. 25 provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS Section 150 of the Municipal Act, S.O. 2001, c. 25 provides that a local municipality 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 Section 150 of the Municipal Act, S.O. 2001, c. 25 provides that a municipality may exercise its licensing powers under this section including imposing conditions for the purpose(s) of health and safety, nuisance control and/or consumer protection.

AND WHEREAS Section 151(1) of the Municipal Act, S.O. 2001, c. 25 provides that a municipality may:

- a) 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,
- b) regulate and prohibit the placement, construction, size, nature and characteristics of signs, advertising and advertising devices including any printed matter, oral or other communication or thing used to promote adult entertainment establishments; and
- c) prohibit any person carrying on or engaged in an adult entertainment establishment business for which a licence is required from permitting any person under the age of 18 years to enter or remain in the adult entertainment establishment or any part of it.

AND WHEREAS pursuant to motion 05-G-583 as amended by resolution 05-A-505 the Council of The Corporation of the City of Barrie has deemed it expedient to license, regulate and govern various businesses particularly related to the adult entertainment industry;

NOW THEREFORE, the Council of The Corporation of the City of Barrie enacts as follows:

1.0.0.0 PURPOSE:

1.1.0.0 The Council of The Corporation of the City of Barrie has deemed it expedient to pass a by-law to license, regulate and govern adult entertainment establishments and related business activities within the City of Barrie to:

1.1.1.0.0 ensure that the health and safety of its residents, visitors and the employees of such premises are protected through regular or required inspections and compliance with applicable legislation;

1.1.2.0.0 ensure that the health and safety of employees engaged in certain activities relating to the operation of the business premises are protected by limiting the minimum age of such individual;

1.1.3.0.0 ensure that the health and safety of individuals is protected by prohibiting certain activities which may otherwise lead to the spread of communicable disease through sexual contact;

1.1.4.0.0 ensure that consumers are protected by requiring the business owner to secure and hold valid liability insurance for the general protection of the consumer as a condition of operating a business and further by ensuring that sufficient information is provided and maintained by the Issuer of Licences to assist in enforcement of the by-law.

2.0.0.0 **DEFINITIONS**

2.1.0.0.0 For the purpose of this by-law:

2.1.1.0.0 **ADULT ENTERTAINMENT ESTABLISHMENT – CLASS A** – means any premises or part thereof in which goods which are designed to arouse or result in an erotic or sexual response or sensation from any person reading, viewing, buying, renting, or otherwise acquiring or being subjected or exposed to the goods, are sold, rented, displayed, or offered for sale, or rent, or otherwise made available, or visible to the public. Shall not include a premises which does not hold itself out as an Adult Entertainment Establishment – Class A although it does provide such goods which are only incidental to the carrying on of the principal business. Does not include goods approved under the Theatres Act. Shall include but is not limited to adult novelty shops, adult video shops.

2.1.2.0.0 **ADULT ENTERTAINMENT ESTABLISHMENT – CLASS B** – means any premises or part thereof in which entertainment is offered which is designed to arouse or result in an erotic or sexual response or sensation from any person viewing, observing, or otherwise being subjected or exposed to the entertainment. Shall include but is not limited to adult entertainment parlours.

2.1.3.0.0 **ADULT ENTERTAINMENT ATTENDANT** - means any person who, within or in respect of any Adult Entertainment Establishment, regardless of whether the Adult Entertainment Establishment is an Adult Entertainment Establishment - Class A or Adult Entertainment Establishment - Class B as defined within this by-law, provides entertainment or service.

2.1.4.0.0 **APPLICANT** - means a person who is required to be licensed pursuant to this by-law or who has made application for a licence to the Issuer of Licences and shall include a Licensee.

2.1.5.0.0 **APPROPRIATE AUTHORITY HAVING JURISDICTION** - means:

2.1.5.1.0 with regard to Health matters, the Medical Officer of Health, for the Simcoe Muskoka District Health Unit, or his designate(s);

2.1.5.2.0 with regard to building matters, the Chief Building Official for the City, or his designate(s);

2.1.5.3.0 with regard to Fire safety matters, the Chief Fire Official for the City, or his designate(s).

2.1.6.0.0 **BUSINESS** - means a profession, calling, trade or undertaking of any kind whatsoever whether or not carried on for the purpose of profit, gain or otherwise, but shall not include:

2.1.6.1.0 a manufacturing activity or an industry, except to the extent that it sells its products or raw materials by retail;

2.1.6.2.0 the selling of goods by wholesale; or

2.1.6.3.0 the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.

2.1.7.0.0 **BY-LAW** – means any by-law passed by Council.

2.1.8.0.0 **CHIEF BUILDING OFFICIAL** - means the person who may, from time to time, be appointed by Council to the position of Chief Building Official in conformity with the provisions of the Building Code Act, R.S.O. 1990, c. B13, and amendments thereto, or his designate.

2.1.9.0.0 **CHIEF FIRE OFFICIAL** - means the person who may, from time to time, be appointed by Council to the position of Chief of the Barrie Fire and Emergency Service of the City or his designate.

2.1.10.0.0 **CHIEF OF POLICE** - means the person who may from time to time, be appointed by the Barrie Police Services Board to the position of Chief of Police of the Barrie Police Service.

- 2.1.11.0.0 **CITY** – means The Corporation of the City of Barrie.
- 2.1.12.0.0 **CITY EMPLOYEE** – means an officer, servant or other employee of the City but does not include:
- 2.1.12.1.0 a member of council;
- 2.1.12.2.0 a council appointee to a local board and whose remuneration from the City results from his/her membership on such local board or other body;
- 2.1.12.3.0 an employee of a local board or other body; or
- 2.1.12.4.0 a municipal auditor.
- 2.1.13.0.0 **CITY SOLICITOR** - means the Solicitor for the City.
- 2.1.14.0.0 **COUNCIL** – means the Council of The Corporation of the City of Barrie.
- 2.1.15.0.0 **DESIGNATE** – means the person in charge of and responsible for the business operation in the absence of the owner.
- 2.1.16.0.0 **ENTERTAINMENT** – for the purpose of an Adult Entertainment Establishment – Class A or Adult Entertainment Establishment – Class B, means and shall include but is not limited to performances, the performing of an artistic work, dramatic work, musical work, dance, or similar activity, display by a person, or encounter actually carried on by a person.
- 2.1.17.0.0 **ESCORT SERVICE** - means an operation, or premises, or any part of a premises, which provides, or in which is provided, the services of one or more persons to accompany another person(s) to an event, function or social activity, whether or not such event, function or social activity is private or designed for public attendance.
- 2.1.18.0.0 **ESCORT ATTENDANT** - means a person who accompanies another person to an event, function or social activity, whether or not such event is private or designed for public attendance.
- 2.1.19.0.0 **ESCORT DRIVER** – means a person who provides transportation to an escort attendant or individual engaging the services of an escort attendant.
- 2.1.20.0.0 **GOODS** – shall mean, but is not limited to, any instrument, paraphernalia, item, book, magazine, picture, slide, film, phonographic record, pre-recorded magnetic tape, electronic transmission or delivery, or any other reading, viewing, or listening matter.
- 2.1.21.0.0 **FIRE PREVENTION OFFICER** - means the person who is appointed Fire Prevention Officer under the provisions of the City by-law which governs and regulates the Barrie Fire and Emergency Service of the City.
- 2.1.22.0.0 **ISSUER OF LICENCES** - means the Manager, Municipal Law and Court Services for the City, the Municipal Law Enforcement Supervisor for the City, or any other person so designated by the City Clerk.
- 2.1.23.0.0 **LICENCE** - means a City of Barrie Business Licence issued pursuant to this by-law.
- 2.1.24.0.0 **LICENSEE** - means a person who has been issued a licence pursuant to this by-law either in the current calendar year or in a previous calendar year and shall include an Applicant.
- 2.1.25.0.0 **MAIN STAGE** – means the principal setting, scene or area on any floor in the premises upon which entertainment, services, an event, or series of events are presented, exclusive of patron seating areas.
- 2.1.26.0.0 **MONTH** - means calendar month.
- 2.1.27.0.0 **MUNICIPAL LAW ENFORCEMENT OFFICER** - means a person appointed under the authority of the Police Services Act for the purpose of enforcing City by-laws.
- 2.1.28.0.0 **MUNICIPAL LAW ENFORCEMENT SUPERVISOR** - means a person who, from time to time, may be appointed to the position of Municipal Law Enforcement Supervisor.
- 2.1.29.0.0 **OFFICER** – means a Municipal Law Enforcement Officer, Peace Officer, Police Officer, Provincial Offences Officer, or other duly appointed law enforcement officer.

- 2.1.30.0.0 **OWNER** – means a person who alone, or with others owns, operates or has the right to possess, or occupy a business, or actually does possess or occupy a business, and includes a lessee of a business or premises in which the business is located.
- 2.1.31.0.0 **PERSON** - includes any individual, corporation, partnership, company, association, party, or agent and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires. Wherever the word “he” or “him” is used, it shall mean and include the feminine or neuter gender wherever the context so requires.
- 2.1.32.0.0 **PREMISES** - means any land, including any and all buildings or other structures thereon and includes any vehicle or conveyance used or intended to be used in the operation of the business.
- 2.1.33.0.0 **RENT** - means the exchange of a sum of money or other financial consideration for the temporary use of goods.
- 2.1.34.0.0 **SALES** - means the exchange of a sum of money or other financial consideration for goods.
- 2.1.35.0.0 **SERVICES** – means, but is not limited to the demonstrating, exhibiting or, modelling of any good.
- 2.1.36.0.0 **SEXUAL CONTACT** – means, but is not limited to, kissing, licking, fondling, sucking of breasts or genitals, digital penetration, fellatio, cunnilingus, masturbation, ejaculation, or intercourse.
- 2.1.37.0.0 **SHALL** - is mandatory and not directory; words in the singular include the plural; words in the plural include the singular; words in the present tense include future or past tense.
- 2.1.38.0.0 **TO PROVIDE** - when used in relation to entertainment or services includes furnishing, performing, soliciting, or giving such services or entertainment, and "providing" and "provision" shall have corresponding meanings.
- 2.1.39.0.0 **TOUCH** – means any physical contact designed to arouse or result in an erotic or sexual response or sensation from any person, but does not include sexual contact.
- 2.1.40.0.0 **UNRELATED** - means not related by blood or marriage.
- 2.1.41.0.0 **ZONING ADMINISTRATOR** - means a person who may be appointed from time to time by Council to the position of Zoning Administrator.
- 3.0.0.0.0 **GENERAL PROVISIONS - BUSINESS LICENSING**
- 3.1.0.0.0 Every person carrying on, conducting, operating, maintaining, keeping or engaging in any business identified within this by-law shall be required to obtain a City of Barrie Business Licence to do so from the Issuer of Licences.
- APPLICATION FOR NEW LICENCE**
- 3.2.0.0.0 Any person required to obtain a licence pursuant to this by-law shall apply in writing on the appropriate application form as provided by the Issuer of Licences and shall deposit, at the time of application, with the Issuer of Licences, all required Business Licence Fees as set out in the City of Barrie Fee's By-law for each business category as well as any required approvals, inspections or documentation required by the provisions of this by-law as set out in Table 1 to this by-law or as deemed necessary by the Issuer of Licences.
- 3.3.0.0.0 The Issuer of Licences shall not issue a licence until:
- 3.3.1.0.0 all required approvals and inspections have been obtained by the applicant;
- 3.3.2.0.0 required documentation has been provided;
- 3.3.3.0.0 business licence fees have been paid in full; and
- 3.3.4.0.0 all taxes are paid up to the City of Barrie when required as a condition of licensing.
- 3.4.0.0.0 There shall be a separate application for each premises to be used, or person to be licensed.

- 3.5.0.0.0 There shall be a separate application for each classification, or category of business operated, and licence issued.
- 3.6.0.0.0 The applicant shall comply with any and all requirements as set out in this by-law as well as any other provisions which may govern the business, place or premises used in the carrying on of the business and/or the persons carrying on the business or engaged in it and to which the application pertains.
- 3.7.0.0.0 The Issuer of Licences, upon receipt of the application for a licence may make, cause to be made, or request, any additional documents, investigations or inspections to be made in respect of such application for a licence as the Issuer of Licences deems appropriate or in the interest of the general public, and any costs incurred for such inspection or documents shall be at the applicant's expense.
- 3.8.0.0.0 The applicant shall be responsible for obtaining all necessary inspections, documents and approvals as set out in Table 1 to this By-law, as set out on the application form and as deemed necessary by the Issuer of Licences.
- 3.9.0.0.0 No person shall be licensed under this By-law unless the individual is eighteen (18) years of age or older.
- 3.10.0.0.0 Upon receipt of a completed application for a licence and the appropriate fees for a licence have been paid, the Issuer of Licences may prior to the issuance of any such licence:
- 3.10.1.0.0 make any inquiries to any municipal official or employee who has carried out inspections relative to the business under application;
- 3.10.2.0.0 receive reports from such municipal officials and employees as may be deemed necessary;
- 3.10.3.0.0 inquire into all relevant matters in order to ascertain if the applicant is entitled to a licence under the provisions of this by-law;
- 3.10.4.0.0 upon being satisfied that the applicant is entitled to obtain a licence under the provisions of this by-law, the Issuer Licences shall prepare and issue a licence to the said applicant.
- 3.11.0.0.0 Except as may otherwise be specified within this by-law or specified as a Special Condition as authorized by this by-law, every licence shall expire one year from the date from the day it was issued.

APPLICATION FOR RENEWAL LICENCE

- 3.12.0.0.0 Any person required to renew a licence previously granted under this By-law, shall submit to the Issuer of Licences, an application form for renewal of the licence as provided by the Issuer of Licences. Every applicant shall obtain any and all inspections, approvals and documentation as required by this by-law or as deemed necessary by the Issuer of Licences.
- 3.13.0.0.0 The Issuer of Licences shall not issue a licence until all required approvals and inspections have been obtained by the applicant, required documentation has been provided, business licence fees have been paid in full, and all taxes are paid up to the City of Barrie.
- 3.14.0.0.0 Where the Issuer of Licences receives an application for renewal of a licence previously granted under this by-law and the appropriate fees have been paid, he shall, prior to the issuance of any such licence:
- 3.14.1.0.0 ensure that all inspections, approvals and documents as may be required have been obtained;
- 3.14.2.0.0 make inquiries into all relevant matters in order to ascertain if the applicant is entitled to obtain a renewed licence under the provisions of this by-law;
- 3.14.3.0.0 inquire into any and all relevant changes in circumstances since the previous licence was issued to the applicant;
- 3.14.4.0.0 make any inquiries to any municipal official or employee who has carried out inspections or investigations relative to the business under application;
- 3.14.5.0.0 receive reports from such municipal officials and employees as may be deemed necessary;
- 3.14.6.0.0 all taxes are paid up to the City of Barrie when required as a condition of licensing.

- 3.15.0.0.0 There shall be a separate application for each premises to be used, or person to be licensed.
- 3.16.0.0.0 There shall be a separate application for each classification or category of business to be operated.
- 3.17.0.0.0 Where the Issuer of Licences is satisfied that the applicant is entitled to obtain a licence under the provisions of this By-law, the Issuer of Licences shall prepare and issue a licence to the said applicant.

FORM OF LICENCE

- 3.18.0.0.0 Every licence shall show therein:
- 3.18.1.0.0 the operating name of the business or person to whom the licence is issued;
- 3.18.2.0.0 the operating address of the premises or location for which the licence is issued;
- 3.18.3.0.0 the category or type of licence granted;
- 3.18.4.0.0 the date of issue;
- 3.18.5.0.0 the date of expiration, and
- 3.18.6.0.0 shall be signed by the Issuer of Licences or his designate.

DUPLICATE LICENCES

- 3.19.0.0.0** In the event that a licence issued under this by-law is lost or destroyed, the Issuer of Licences upon satisfactory proof of such loss or destruction, and upon payment of a replacement fee as set out in the City of Barrie Fee's By-law, the issuer of licences shall issue a duplicate of the original licence, upon which shall be stamped or marked the word "DUPLICATE".

CHANGE OF NAME

- 3.20.0.0.0** Where ownership of a business is not changed or affected but such the operating name of a business changes, the licensee shall immediately notify the Issuer of Licences and upon payment of all applicable fees set out in the City of Barrie Fee's By-law and being satisfied that there have been no other changes in the circumstances of the licensed business, the Issuer of Licences may issue a replacement of the original licence. The licensee shall return and surrender his licence in order to affect such a change."

CHANGE OF OWNERSHIP

- 3.21.0.0.0 Every licensee shall, upon change of ownership of the licensed business return and surrender his current licence to the Issuer of Licences. The new owner shall make application for a new licence as set out in this by-law.

CHANGE OF PREMISES OR LOCATION

- 3.22.0.0.0 Where a currently licensed business changes location or premises, such new location or premises shall not be deemed to be licensed. The applicant must immediately make application for a new licence under the provisions of this by-law and shall surrender to the Issuer of Licences the licence issued in respect of his previous location or premises.

LICENCES PERSONAL

- 3.23.0.0.0 No person shall enjoy a vested or property right in any licence or the continuance of any licence and such licence and such rights shall remain the property of the City.
- 3.24.0.0.0 Licences are not transferable.

NUISANCE ABATEMENT

- 3.25.0.0.0 Every person required to be licensed under this by-law, in addition to any other provisions or requirements expressed elsewhere in the by-law, shall:
- 3.25.1.0.0 at all times maintain and keep safe and clean and in good condition and repair any object, amusement, vehicle, place, or premises for which the licence is issued;

- 3.25.2.0.0 not breach or violate or cause, suffer, or permit any breach, or violation of any by-law of the Corporation or of any Local Board, thereof, or of any statute, Order-in-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada, or of any Agency, Board or Commission thereof, in, upon, or in connection with the business or premises for, or in relation to which such licence was issued;
- 3.25.3.0.0 not cause, suffer or commit any nuisance to arise in, on, or in connection with the object, amusement, vehicle, place or premises for which the licence was issued;
- 3.25.4.0.0 not cause, suffer, or permit any shouting, noise, or other disturbance on, in, or in connection with the object, amusement, vehicle, place, or premises for which the licence was issued, which is unnecessary, unreasonable, or contrary to any municipal by-law prohibiting the same; and if any such shouting, noise, or other disturbance occurs, the licensee shall immediately take steps to cause the same to be abated;
- 3.25.5.0.0 not cause, suffer, or permit any obstruction on any highway, lane, or public place in front of, or adjoining the place or premises for which the licence was issued;
- 3.25.6.0.0 not cause, suffer, or permit any profane, offensive, or abusive language or disorderly conduct in, on, or in connection with any vehicle, place or premises for which the licence was issued.
- 3.26.0.0.0 Every person who acquires a licence that is issued under this By-law is responsible for the due performance and observance of all the provisions of this By-law by himself, his employees and all other persons in, or upon the premises which is licensed under the provisions of this By-law.

INSPECTION

- 3.27.0.0.0 The Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual may at any time of the day or night, enter any adult entertainment establishment licensed, regulated or governed under the provisions of this By-law to determine whether the by-law is being complied with, and for this purpose, make any such examinations, investigations and inquiries as are deemed necessary. [Municipal Act, S.O. 2001, c. M45, s. 151(3)].
- 3.28.0.0.0 The Issuer of Licenses may waive the requirement for any inspection, approval or documentation as may be required pursuant to this by-law where such inspection, approval or documentation is deemed not applicable to the carrying on of the business which is licensed or required to be licensed under this by-law.

POSTING OF LICENCE

- 3.29.0.0. The person to whom a licence is issued shall post the current licence on the premises or that part thereof to which the licence pertains in such a position that may be readily seen and read by persons entering the premises. All licences issued under this by-law shall be prominently and conspicuously posted on the licensed premises at all times.
- 3.30.0.0.0 Where a photo identification card is issued to a person licensed under the provisions of this by-law, the licensee shall keep the photo identification card with him at all times while carrying on his business and shall exhibit it to any Municipal Law Enforcement Officer, Peace Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual who so requests.

REFUSAL TO GRANT A LICENCE

- 3.31.0.0.0 The Issuer of Licences may refuse to grant or issue a licence to any applicant who:
- 3.31.1.0.0 has past breaches of this by-law, and the Issuer of Licences determines that it is not in the public's interest to grant such a licence to the applicant;
- 3.31.2.0.0 possesses a criminal record, and the Issuer of Licences determines that it is not in the public's interest to grant such a licence to the applicant;
- 3.31.3.0.0 has failed to comply with the requirements of this by-law or other applicable by-laws of the City or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the business or premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the licence activity;
- 3.31.4.0.0 has outstanding taxes owing to the City of Barrie;
- 3.31.5.0.0 has a tenant with outstanding taxes owing to the City of Barrie;
- 3.31.6.0.0 has any outstanding fines imposed under the Provincial Offences Act for the contravention of any provision of this by-law or any other municipal by-law or Provincial statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business.
- 3.32.0.0.0 The Issuer of Licences may also refuse to grant or issue a licence to any applicant where the Issuer of Licences believes it is not in the public interest to do so.

- 3.32.1.0.0 Where the Issuer of Licences has denied a business licence to an applicante, the business licence application fee less an administrative fee of \$50.00 shall be refunded to the applicant.

SUSPENSION/REVOCAATION

- 3.33.0.0.0 The Issuer of Licences may suspend or revoke a licence issued to any licensee who:
- 3.33.1.0.0 has past breaches of this by-law, and the Issuer of Licences determines that it is in the public's interest to suspend or revoke such a licence;
- 3.33.2.0.0 possesses a criminal record, and the Issuer of Licences determines that it is in the public's interest to suspend or revoke such a licence;
- 3.33.3.0.0 has failed to comply with the requirements of this by-law or other applicable by-laws of the City or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the business or premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the licence activity;
- 3.33.4.0.0 has outstanding taxes owing to the City of Barrie;
- 3.33.5.0.0 has a tenant with outstanding taxes owing to the City of Barrie;
- 3.33.6.0.0 has any outstanding fines imposed under the Provincial Offences Act for the contravention of any provision of this by-law or any other municipal by-law or provincial statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business.
- 3.34.0.0.0 The Issuer of Licences may also suspend or revoke any licence issued to any applicant where the Issuer of Licences believes it is in the public interest to do so.
- 3.35.0.0. Any suspension of a licence may be subject to such terms and conditions as the Issuer of Licences may prescribe.
- 3.36.0.0.0 No person shall operate any business or premises contrary to any licence suspension or terms and conditions thereto or where such licence has been revoked.

NOTICE AND APPEAL

- 3.37.0.0.0 Where the Issuer of Licences refuses to issue, suspends, or revokes a licence the Issuer of Licences shall notify the applicant or licensee in writing of such decision and the said notice shall set out the grounds upon which the licence is refused, suspended or revoked and shall state that the Applicant or Licensee may appeal such decision by filing an appeal with the Clerk of the municipality in writing within fifteen (15) days as set out in this by-law.
- 3.38.0.0.0 Where the Issuer of Licences refuses to issue, suspends or revokes a licence under this by-law, the Applicant or Licensee may appeal the decision to Business Licencing Appeal Committee by filing with the Clerk, an appeal in writing of the said decision within fifteen (15) days of the date of mailing of the decision of the Issuer of Licences.
- 3.39.0.0.0 Business Licencing Appeal Committee may, after the appropriate hearing is conducted, grant a licence, refuse a licence, revoke a licence, or suspend a licence and such decision may be subject to such terms as Business Licencing Appeal Committee may impose and the decision of the Business Licencing Appeal Committee shall be final and binding upon any applicant or licensee.
- 3.40.0.0.0 Business Licencing Appeal Committee, in considering whether or not to grant a licence, refuse a licence, revoke a licence, or suspend a licence shall have regard for the following:
- 3.40.1.0.0 whether or not the Applicant or Licensee and the premises, facilities, equipment, vehicles or other personal property used or kept for hire in connection with the carrying of a business which is licensed or which is required to be licensed pursuant to this by-law complies with all requirements of this by-law;
- 3.40.2.0.0 whether or not the Applicant or Licensee has failed to promptly remedy any reasonable concern with regard to those matters set out in this by-law;
- 3.40.3.0.0 whether or not the Applicant or Licenses has committed past breaches of this by-law;
- 3.40.4.0.0 whether or not the Applicant or Licensee has failed to comply with any requirements of any other applicable by-law of the City or any Local Board thereof or of any statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board or Commission thereof, in, upon or in connection with the activity, business or the premise, facilities, equipment, vehicles and/or other property used or kept for hire in connection with the licensed activity or activity required to be licensed;
- 3.40.5.0.0 whether or not the Applicant or Licensee or his tenant has any outstanding taxes owing to the City in respect of the business or premises in question.
- 3.41.0.0.0 Where an appeal is received, the Clerk shall fix a date and time for such matter to be considered by Business Licencing Appeal Committee and shall mail a Notice of Hearing to the Applicant or Licensee (at his last address as shown in the records of the Issuer of Licences) and to any person who has applied to be heard with regard to the matter.
- 3.42.0.0.0 Such Notice of Hearing shall be mailed at least fifteen (15) days prior to the date and time fixed for such hearing.
- 3.43.0.0.0 At such hearing Business Licencing Appeal Committee shall receive a report, either verbally, or in writing, from the Issuer or Licences and from such other officers or employees of the Corporation who may be involved in the matter being considered by Business Licencing Appeal Committee.
- 3.44.0.0.0 At the hearing before Business Licencing Appeal Committee, the Applicant or Licensee, either personally or through his agent or solicitor shall be afforded the opportunity to present such material and evidence relevant to the issue before Council as he may deem appropriate and he may ask questions of any person presenting evidence or a report to Business Licencing Appeal Committee relevant to the said issues.
- 3.45.0.0.0 For the purpose of this By-law, a quorum of Business Licencing Appeal Committee shall be a majority of the members of the Committee and a decision by the majority of members present shall be the decision of the Committee.

- 3.46.0.0.0 Business Licencing Appeal Committee may, after having heard all of the evidence and submissions made to it by the Applicant or Licensee, and the Issuer of Licences re-convene In-Camera to debate the matter and to reach its decision.
- 3.47.0.0.0 The decision made by Business Licencing Appeal Committee to keep a licence, refuse to issue a licence, revoke a licence or suspend a licence may be subject to such terms as Business Licencing Appeal Committee shall impose and the decision of the Business Licencing Appeal Committee shall be final and the decision binding on the Applicant or Licensee.
- 3.48.0.0.0 No person shall engage in, or continue to conduct, or permit any person to engage in or continue to conduct a business for which a licence is required under this by-law while such licence is suspended or revoked under the provisions of this by-law.
- 3.49.0.0.0 Every person engaging in the business, for which he is required to be licensed by the provisions of this by-law shall be responsible to comply with all of the provisions of this by-law with respect to the business.
- 3.50.0.0.0 Every person engaging in any business, for which he is required to be licensed by the provisions of this by-law, shall be responsible that all the provisions of this by-law with respect to the same are complied with.

ENFORCEMENT

- 3.51.0.0.0 A Municipal Law Enforcement Officer, Provincial Offences Officer, Peace Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.
- 3.52.0.0.0 No person shall obstruct, hinder, or interfere with the entry or inspection of any premises, or person licensed under this by-law or required to be licensed under this by-law, by any Municipal Law Enforcement Officer, Police Officer or other duly appointed individual.

REGISTER

- 3.53.0.0.0 The Issuer of Licences shall keep a licence register in which shall be recorded the full operating name and address of each licensee, the address of the place or premises in which the licensee carries on, conducts, operates, maintains, keeps, or engages in the business, trade, occupation or calling, object or amusement for which the licence was issued, the number of the licence and any plates issued, the date of issue, the amount of the licence fee paid, the date of expiry of the licence, the type of licence issued, and any other particulars or observations pertaining to the same which are useful or necessary.

INSURANCE

- 3.54.0.0.0 Any insurance required under the provisions of this by-law shall be provided at the time of the application, or as otherwise required by the Issuer of Licences in a form acceptable to the City and in the amount as specified pursuant to the applicable sections of this by-law or as otherwise may be required.

FEES AND APPROVALS

- 3.55.0.0.0 Table 1 hereunder sets out the inspections, approvals and documentation required to accompany any application at the time of application.
- 3.56.0.0.0 Notwithstanding any licence fee to be paid by any applicant as set in the City of Barrie Fee's By-law, a LATE APPLICATION FEE as set out in the City of Barrie Fee's By-law shall apply to any application received by the City after the due date established for obtaining such licence. Incomplete applications shall be considered not to have been received and may be returned to the applicant or held pending further information. In any case where the application remains incomplete after the date established for obtaining such licence, the LATE APPLICATION FEE shall apply.
- 3.57.0.0.0 Despite the actual date of any application for renewal of licence, the fee for such renewal shall be as set out the City of Barrie Fee's By-law.

SCOPE AND AUTHORITY

- 3.58.0.0.0 Where a matter is subject to provincial regulation, any provision of this by-law is without effect to the extent that it prohibits or regulates the matter in substantially the same way as or in a more restrictive way than the provincial regulation.

EXPIRY OF LICENCE

- 3.59.0.0.0 For the purpose of every new business licence issued after December 31, 2005 the date of expiry shall be one year from the date of issue, unless otherwise specified on the licence and each renewal of licence shall, thereafter, expire on such date in each subsequent year.

EXEMPTIONS

- 3.60.0.0.0 The Clerk of The Corporation of the City of Barrie may grant an exemption to any person from the provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

SEVERABILITY

- 3.61.0.0.0 Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part has been struck out.

PENALTIES

- 3.62.0.0.0 Every person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation, who concurs in the contravention by the Corporation, is guilty of an offence and liable upon conviction liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both.

- 3.63.0.0.0 Where a Corporation is convicted of an offence under the provisions of this By-law, the maximum penalty that may be imposed on the Corporation is \$50,000.00. [Provincial Offences Act, c. P.33 and Municipal Act, S.O. 2001, c. M45]

FORCE AND EFFECT

- 3.64.0.0.0 This by-law shall come into force and have full effect on January 1, 2006.

REPEAL

- 3.65.0.0.0 By-law 2002-289 shall be deemed repealed effective January 1, 2006.

TRANSITION

- 3.66.0.0.0 For the purpose of every business license issued under the provisions of By-law 2002-289, the date of expiry shall be as specified on the licence and notwithstanding the provisions of this by-law, the provisions of By-law 2002-289 shall continue to apply until the expiration of the licence issued under By-law 2002-289.

TABLE 1 - BUSINESS LICENCE INSPECTIONS AND APPROVALS

CATEGORY	INSPECTION/APPROVAL
<p>Adult Entertainment Establishment – Class A (eg. Adult Novelty or Adult Video Shops)</p>	<p>Zoning Health Finance Fire</p> <ul style="list-style-type: none"> • Liability Insurance (\$1,000,000) • Floor plan all patron areas within the Establishment • For Corporations – copy of incorporating document; list incl. legal name and current address together with criminal record check for each director • For partnership – copy of registered declaration of partnership and copy of business name registration; list incl. legal name and current address together with criminal record check for each partner
<p>Adult Entertainment Establishment – Class B (eg. Adult Entertainment Parlour)</p>	<p>Zoning Health Finance Fire</p> <ul style="list-style-type: none"> • Liability Insurance (\$1,000,000) • Floor plan depicting all where the main stage is in relation to all patron areas in the Establishment • For Corporations – copy of incorporating document; list of each director incl. legal name and current address • For partnership – copy of registered declaration of partnership and copy of business name registration; list of each partner incl. legal name and current address
<p>Adult Entertainment Attendant (City Issues Photo Id)</p>	<ul style="list-style-type: none"> • Criminal Record Check; • 2 pieces of photo identification including date of birth and legal name, current residential and mailing address; • professional or stage name; • Letter of employment/employment offer from Adult Entertainment Establishment
<p>Escort Service</p>	<p>Zoning Health Finance</p> <ul style="list-style-type: none"> • Liability Insurance (\$1,000,000) • For Corporations – copy of incorporating document; list of each director incl. legal name and current address • For partnership – copy of registered declaration of partnership and copy of business name registration; list of each partner incl. legal name and current address
<p>Escort Attendant (City Issues Photo Id)</p>	<ul style="list-style-type: none"> • Criminal Record Check • 2 pieces of photo identification including date of birth • Professional name (if applicable); • Letter of employment/employment offer from Escort Service
<p>Escort Driver (City Issues Photo Id)</p>	<ul style="list-style-type: none"> • Criminal Record Check • 2 pieces of photo identification including date of birth and legal name, current residential and mailing address • Professional name (if applicable); • Letter of employment/employment offer from Escort Service • Valid Province of Ontario Driver’s licence • Province of Ontario Driver’s Abstract

4.0.0.0.0 ADULT ENTERTAINMENT ESTABLISHMENT – CLASS A

Authority: Municipal Act, S.O. 2001, c. M.45

4.1.0.0.0 No person shall operate, maintain, carry on, or permit the operation, maintenance or carrying on of an Adult Entertainment Establishment – Class A within the City without first having obtained a licence to do so.

LOCATION OF OPERATION

4.2.0.0.0 No person shall operate, maintain, carry on, or permit the operation, maintenance or carrying on of an Adult Entertainment Establishment – Class A within 300 meters of any other Adult Entertainment Establishment – Class A or Adult Entertainment Establishment – Class B.

4.3.0.0.0 No person shall operate, maintain, carry on, or permit the operating, maintenance or carrying on of an Adult Entertainment Establishment – Class A within 300 meters of a residential zone.

4.4.0.0.0 No person shall operate, maintain, carry on, or permit the operating, maintenance or carrying on of an Adult Entertainment Establishment – Class A within 300 meters of an institutional zone.

4.5.0.0.0 **Grandfathering:** Notwithstanding Section 4.2, Section 4.3 and Section 4.4, any Adult Entertainment Establishment – Class A licensed under the provisions of By-law 2002-289 as an Adult Entertainment – Novelty Shop or Adult Entertainment – Video Sales/Rental during the 2005 calendar year, may continue to renew the licence for the same premises and for the same type of business operation under the provisions of this by-law, and may further sell the business and the use as an Adult Entertainment Establishment – Class A provided such use continues with no period of interruption of the business. Where the business is sold, the new owner will be required to apply for an Adult Entertainment Establishment – Class A licence, in accordance with all provisions of this by-law including location of operation.

ADVERTISING

4.6.0.0.0 No person shall advertise an Adult Entertainment Establishment – Class A by way of a sign unless such sign advertising the Adult Entertainment Establishment – Class A:

4.6.1.0.0 is only erected on the property where the Adult Entertainment Establishment – Class A is located; and

4.6.2.0.0 contains only readable text which shall be free from any words or slang referring to any part of the human body or the word nude, naked, topless, bottomless, sexy or any other word, picture, symbol, graphic or representation having like meaning, implication or perception; and

4.6.3.0.0 is in compliance with all applicable municipal by-laws.

CONDUCT ON PREMISES

4.7.0.0.0 No person shall:

4.7.1.0.0 permit the operation of the Adult Entertainment Establishment – Class A unless the owner or his designate is present at all times;

4.7.2.0.0 permit any individual under the age of eighteen (18) years of age to be present in an Adult Entertainment Establishment – Class A;

4.7.3.0.0 permit any individual under the age of eighteen (18) years of age to act as an Adult Entertainment Attendant within an Adult Entertainment Establishment – Class A;

4.7.4.0.0 permit any individual eighteen (18) years of age or older to act as an Adult Entertainment Attendant without ensuring that such person holds a valid City of Barrie Business Licence as an Adult Entertainment Attendant;

4.7.5.0.0 permit any Adult Entertainment Attendant to touch any other person, or have any sexual contact with any person;

4.7.6.0.0 permit any employee or patron to touch any Adult Entertainment Attendant, or have any sexual contact with any Adult Entertainment Attendant;

4.7.7.0.0 represent that the owner is licensed under this by-law if the owner is not;

4.7.8.0.0 permit any person to loiter, create a disturbance or cause undue noise while on the licensed premises;

- 4.7.9.0.0 provide free transportation for his patrons to or from his operation;
- 4.7.10.0.0 permit any services to be provided in a location which is obstructed by any person or any thing, including but not limited to walls, curtains, glass, enclosures, structures, fog, or inadequate lighting;
- 4.7.11.0.0 provide a private room, or permit the private use of a room for patrons to view, or sample any good or service; or
- 4.7.12.0.0 permit any services to be provided outside of the licensed premises;
- 4.7.13.0.0 sell, offer for sale, rent or offer for rent any good which is prohibited for distribution or redistribution by any Provincial or Federal Statute.
- 4.8.0.0.0 The owner shall provide to every Adult Entertainment Attendant confirmation that such person is currently employed by or under contract with the Adult Entertainment Establishment, or in the case of new Attendants, that such person has been offered employment or a contract by the Adult Entertainment Establishment pending issuance of the City of Barrie Business Licence.
- 4.9.0.0.0 Where services are provided by Adult Entertainment Attendants, the owner of an Adult Entertainment Establishment – Class A shall maintain a Register of Adult Entertainment Attendants into which shall be recorded on a daily basis the legal name, current address, date of birth, photo of the Adult Entertainment Attendant, City of Barrie Business Licence number, and professional name for each Adult Entertainment Attendant providing or carrying out service within the premises.
- 4.10.0.0.0 Every owner shall ensure that no false information is entered into or contained within the Register of Adult Entertainment Attendants.
- 4.11.0.0.0 Where services are provided by Adult Entertainment Attendants within the Adult Entertainment Establishment – Class A, every operator of the Adult Entertainment Establishment – Class A shall deliver to the Issuer of Licences on the first working day of each month, or as otherwise requested by the Issuer of Licences, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual, a complete copy of the Register of Adult Entertainment Attendants for the preceding month. Every operator of an Adult Entertainment Establishment – Class A shall provide the original Register of Adult Entertainment Attendants or a copy of the Register of Adult Entertainment Attendants to the Issuer of Licences, a Municipal Law Enforcement Officer, Peace Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual at any time when requested to do so.
- 4.12.0.0.0 Every owner shall ensure that no Adult Entertainment Attendant is permitted to carry out or engage in any service without first posting the Adult Entertainment Attendant's City of Barrie Business Licence on the premises.
- 5.0.0.0.0 ADULT ENTERTAINMENT ESTABLISHMENT – CLASS B**
Authority: Municipal Act, S.O. 2001, c. M.45
- 5.1.0.0.0 No person shall operate, maintain, carry on, or permit the operation, maintenance or carrying on of an Adult Entertainment Establishment – Class B within the City without first having obtained a licence to do so.

LOCATION OF OPERATION

- 5.2.0.0.0 No person shall operate, maintain, carry on, or permit the operation, maintenance or carrying on of an Adult Entertainment Establishment – Class B within 300 meters of any other Adult Entertainment Establishment – Class A or Adult Entertainment Establishment – Class B.
- 5.3.0.0.0 No person shall operate, maintain, carry on, or permit the operating, maintenance or carrying on of an Adult Entertainment Establishment – Class B within 300 meters of a residential zone.
- 5.4.0.0.0 No person shall operate, maintain, carry on, or permit the operating, maintenance or carrying on of an Adult Entertainment Establishment – Class B within 300 meters of an institutional zone.

5.5.0.0.0 **Grandfathering:** Notwithstanding Section 5.2, Section 5.3 and Section 5.4, any Adult Entertainment Establishment – Class B licensed as an Adult Entertainment Parlour under the provisions of By-law 2002-289 during the 2005 calendar year, may continue to renew the licence for the same premises and the same type of business operation under the provisions of this by-law, and may further sell the business and the use as an Adult Entertainment Establishment – Class B provided such use continues with no period of interruption of the business. Where the business is sold, the new owner is will be required to apply for an Adult Entertainment Establishment – Class B licence, in accordance with the provisions of this by-law including location of operation.

ADVERTISING

5.6.0.0.0 No person shall advertise an Adult Entertainment Establishment – Class B by way of a sign unless such sign advertising the Adult Entertainment Establishment – Class B:

5.6.1.0.0 is only erected on the property where the Adult Entertainment Establishment – Class B is located; and

5.6.2.0.0 contains only readable text which shall be free from any words or slang referring to any part of the human body or the word nude, naked, topless, bottomless, sexy or any other word, picture, symbol, graphic or representation having like meaning, implication or perception; and

5.6.3.0.0 is in compliance with all applicable municipal by-laws.

5.7.0.0.0 No person shall advertise in a newspaper, telephone directory, flyer or other circular, unless the City of Barrie Business Licence number is included in such advertisement.

5.8.0.0.0 No person shall advertise in a newspaper, telephone directory, flyer or other circular, where such advertisement contains any words or slang referring to any part of the human body or the word nude, naked, topless, bottomless, sexy or any other word, picture, symbol, graphic or representation having meaning, implication or perception.

CONDUCT ON PREMISES

5.9.0.0.0 No person shall:

5.9.1.0.0 permit the operation of the Adult Entertainment Establishment – Class B unless the owner, or designate is present at all times;

5.9.2.0.0 permit any individual under the age of 18 years to be present in an Adult Entertainment Establishment – Class B;

5.9.3.0.0 permit any individual under the age of 18 years to act as an Adult Entertainment Attendant within an Adult Entertainment Establishment – Class B;

5.9.4.0.0 permit any individual 18 years of age or older to act as an Adult Entertainment Attendant without ensuring that such person holds a valid City of Barrie Business Licence as an Adult Entertainment Attendant;

5.9.5.0.0 permit any Adult Entertainment Attendant to touch any other person, or have any sexual contact with any person;

5.9.6.0.0 permit any employee or patron to touch any Adult Entertainment Attendant, or have any sexual contact with any Adult Entertainment Attendant;

5.9.7.0.0 represent that the owner is licensed under this by-law if the owner is not;

5.9.8.0.0 permit any person to loiter, create a disturbance or cause undue noise while on the licensed premises;

5.9.9.0.0 provide free transportation for patrons to, or from the establishment;

5.9.10.0.0 permit any services to be provided in a location which is not clearly visible from the main stage and from a patron seating area for that particular floor of the Adult Entertainment Establishment – Class B and which location is without obstruction by any person or any thing, including but not limited to walls, curtains, glass, enclosures, structures, fog, or inadequate lighting;

5.9.11.0.0 make or cause to be made a main stage or make or cause to be made any alterations to the composition, design or location of the main stage within an Adult Entertainment Establishment – Class B, without first receiving approval from the Issuer of Licences for such alterations;

- 5.9.12.0.0 permit any Adult Entertainment Attendant to provide entertainment in a private room; or
- 5.9.13.0.0 permit any services to be provided outside of the licensed premises.
- 5.10.0.0.0 The owner shall provide to every Adult Entertainment Attendant confirmation that such person is currently employed by or under contract with the Adult Entertainment Establishment, or in the case of new Adult Entertainment Attendants, that such person has been offered employment by or a contract with the Adult Entertainment Establishment pending issuance of the City of Barrie Business Licence.
- 5.11.0.0.0 Every owner of an Adult Entertainment Establishment – Class B shall maintain a Register of Adult Entertainment Attendants into which shall be recorded on a daily basis the legal name, current address, date of birth, photo of the Adult Entertainment Attendant, City of Barrie Business Licence number, and professional name for each Adult Entertainment Attendant providing or carrying on service within the premises.
- 5.12.0.0.0 Every owner shall ensure that no false information is entered into or contained within the Register of Adult Entertainment Attendants.
- 5.13.0.0.0 Every operator of an Adult Entertainment Establishment – Class B shall deliver to the Issuer of Licences on the first working day of each month, or as otherwise requested by the Issuer of Licences, a Municipal Law Enforcement Officer, Police Officer of other duly appointed individual, a complete copy of the Register of Adult Entertainment Attendants for the preceding month. Every operator of an Adult Entertainment Establishment – Class B shall provide the original Register of Adult Entertainment Attendants or a copy of the Register of Adult Entertainment Attendants to the Issuer of Licences, a Municipal Law Enforcement Officer, Peace Officer, Provincial Offences Office, Police Officer, or other duly appointed individual at any time when requested to do so.
- 5.14.0.0.0 Every owner shall ensure that no Adult Entertainment Attendant is permitted to carry out or engage in any service without first posting the Adult Entertainment Attendant's City of Barrie Business Licence on the premises.

6.0.0.0.0 ADULT ENTERTAINMENT ATTENDANT

Authority: Municipal Act, S.O. 2001, c. M.45

- 6.1.0.0.0 No person shall act as, carry on business as, or provide services as an Adult Entertainment Attendant within the City of Barrie without first obtaining a business licence to do so.
- 6.2.0.0.0 Every person making application as an Adult Entertainment Attendant shall provide to the Issuer of Licences at the time of application:
- 6.2.1.0.0 two (2) pieces of identification, one of which shall be photographic identification detailing the applicant's date of birth, legal name and current residential address;
- 6.2.2.0.0 a Criminal Record check obtained from a Police enforcement agency and dated within 30 days of the date of receipt of the application;
- 6.2.3.0.0 any professional name, other than the applicant's legal name;
- 6.2.4.0.0 a description of any distinctive markings, tattoos or embellishments such person may have; and
- 6.2.5.0.0 a letter of employment or pending employment from the Adult Entertainment Establishment – Class A or Adult Entertainment Establishment – Class B, as may be applicable.
- 6.3.0.0.0 Every person shall ensure that his/her City of Barrie Business Licence is provided to the owner of the Adult Entertainment Establishment – Class A or Adult Entertainment Establishment – Class B prior to carrying out or engaging in any entertainment or service within the Adult Entertainment Establishment – Class B and shall ensure that his/her Business Licence is duly posted within the premises.
- 6.4.0.0.0 No Adult Entertainment Attendant shall:
- 6.4.1.0.0 permit any person to touch the Adult Entertainment Attendant, or have any sexual contact with the Adult Entertainment Attendant;

- 6.4.2.0.0 touch any person, or have any sexual contact with any person;
- 6.4.3.0.0 perform any entertainment or service in a location which is not clearly visible from the main stage and from a patron seating area for that particular floor of the Adult Entertainment Establishment – Class B and which location is without obstruction by any person or any thing, including but not limited to walls, curtains, glass, enclosures, structures, fog, or inadequate lighting;
- 6.4.4.0.0 permit or provide any entertainment or service in a private room, or area not otherwise clearly unobstructed;
- 6.4.5.0.0 provide entertainment or services as an Adult Entertainment Attendant in an Adult Entertainment Establishment – Class A which is not licensed under the provisions of this by-law;
- 6.4.6.0.0 provide entertainment or services as an Adult Entertainment Attendant in an Adult Entertainment Establishment – Class B which is not licensed under the provisions of this by-law.

7.0.0.0.0 ESCORT ATTENDANT

Authority: Municipal Act, S.O. 2001, c. M.45

- 7.1.0.0.0 No person shall act as, or carry on business as, or offer services as an Escort Attendant within the City without first having obtained a licence to do so.
- 7.2.0.0.0 Every person making application as an Escort Attendant shall provide to the Issuer of Licences at the time of application:
 - 7.2.1.0.0 two (2) pieces of identification, one of which shall be photographic identification detailing the applicant's date of birth, legal name and current residential address;
 - 7.2.2.0.0 a Criminal Record check obtained from a Police enforcement agency and dated within 30 days of the date of receipt of the application;
 - 7.2.3.0.0 any professional name, other than the applicant's legal name;
 - 7.2.4.0.0 a description of any distinctive markings, tattoos or embellishments such person may have; and
 - 7.2.5.0.0 a letter of employment or pending employment from the Escort Service.
- 7.3.0.0.0 No person under the age of eighteen (18) years shall be or act as an Escort Attendant or provide services as an Escort Attendant.
- 7.4.0.0.0 No Escort Attendant shall :
 - 7.4.1.0.0 touch any person, or have any sexual contact with any person;
 - 7.4.2.0.0 provide services as an Escort Attendant to an Escort Service which is not licensed under the provisions of this By-law;
 - 7.4.3.0.0 provide services as an Escort Attendant unless the client to whom such services are being provided has been registered with the Escort Service as required by this by-law;
 - 7.4.4.0.0 while providing services as an Escort Attendant, accept or engage the services of an Escort Driver who is not licensed under the provisions of this By-law;
 - 7.4.5.0.0 while providing services as an Escort Attendant, provide any services as an Escort Driver or Adult Entertainment Attendant.

8.0.0.0.0 ESCORT DRIVER

Authority: Municipal Act, S.O. 2001, c. M.45

- 8.1.0.0.0 No person shall act as, operate as, carry on business as, or offer services as an Escort Driver within the City without first having obtained a licence to do so.
- 8.2.0.0.0 The applicant shall provide to the Issuer of Licences at the time of application:
 - 8.2.1.0.0 two (2) pieces of identification, one of which shall be photographic identification detailing the applicant's date of birth, legal name and current residential address;

- 8.2.2.0.0 a Criminal Record check obtained from a Police enforcement agency and dated within 30 days of the date of receipt of the application;
- 8.2.3.0.0 an Ontario Driver's Licence abstract obtained from the Ministry of Transportation and dated within 30 days of the date of receipt of the application;
- 8.2.4.0.0 the applicant's original Ontario Driver's Licence with a minimum Class G designation with no driving restrictions;
- 8.2.5.0.0 a letter of employment or pending employment from the Escort Service for which the applicant intends to act as an Escort Driver.
- 8.3.0.0.0 No person under the age of eighteen (18) years may be, act as, operate as, carry on business as, offer services as, or provide services as an Escort Driver.
- 8.4.0.0.0 No Escort Driver shall:
- 8.4.1.0.0 provide services as an Escort Driver to any Escort Service unless such Escort Service is licensed under the provisions of this by-law;
- 8.4.2.0.0 provide services as an Escort Driver to any Escort Attendant unless such Escort Attendant is licensed under the provisions of this by-law;
- 8.4.3.0.0 while providing services as an Escort Driver provide any services as an Adult Entertainment Attendant, Escort Attendant, or Escort Service;
- 8.4.4.0.0 touch any person, or have sexual contact with any person;
- 8.4.5.0.0 permit or allow any immoral, indecent, illegal or disorderly conduct in his vehicle while providing services as an Escort Driver;
- 8.4.6.0.0 permit or allow any Escort Attendant to touch, or have sexual contact with any other person while in the Escort Driver's vehicle;
- 8.4.7.0.0 permit or allow any person to touch, or have sexual contact with the Escort Attendant, or any other person while in the Escort Driver's vehicle.
- 8.5.0.0.0 Every Escort Driver shall:
- 8.5.1.0.0 keep a daily trip record of all Escort Attendants for whom services are provided, including:
- 8.5.1.1.0 the Escort Attendant's legal name, professional name and City of Barrie Business Licence Number;
- 8.5.1.2.0 time and location where the Escort Attendant was picked up by the Escort Driver;
- 8.5.1.3.0 time and location where the Escort Attendant was dropped off by the Escort Driver.
- 8.5.2.0.0 ensure that trip records are maintained for a minimum period of 12 months;
- 8.5.3.0.0 produce the daily trip record(s) upon request of any Municipal Law Enforcement Officer, Police Officer or other duly authorized individual;
- 8.5.4.0.0 place his Escort Driver's photographic identification card as issued by the City pursuant to the provision of this by-law, in a transparent folder in such a manner in the vehicle utilized by him as a Driver, so as to be conveniently seen and read by any person in the vehicle;
- 8.5.5.0.0 travel by the most direct route to the point of destination;
- 8.5.6.0.0 be familiar with the provisions of this by-law;
- 9.0.0.0.0 **ESCORT SERVICE**
Authority: Municipal Act, S.O. 2001, c. M.45
- 9.1.0.0.0 No person shall operate, maintain, carry on or permit the operation, maintenance or carrying on of an Escort Service within the City without first having obtained a licence to do so.
- 9.2.0.0.0 If the applicant is an individual, the applicant shall provide to the Issuer of Licences at the time of application, two pieces of photographic identification, one of which shall be photographic identification detailing the applicant's birth date, legal name and current residential address.

- 9.3.0.0.0 No person shall permit any person under the age of eighteen (18) years to act as an Escort Attendant for the Escort Service.
- 9.4.0.0.0 Every person required to be licensed under this by-law shall provide upon request to the Issuer of Licenses, Municipal Law Enforcement Officer, Police Officer or other duly appointed individual, a list of all Escort Attendants and Escort Drivers currently providing services for the said service or having provided services as an escort attendant or escort driver for the escort service any time within the preceding twelve months, the professional name under which they carry on such services, or are performing such services, their legal name, current residential and mailing address.
- 9.5.0.0.0 Every person required to be licensed under this by-law shall maintain a comprehensive and up-to-date register of clientele, detailing the client's legal name, current residential address, current mailing address, date of birth and contact telephone number(s). Such register shall be made available to a Municipal Law Enforcement Officer, Police Officer or any other duly appointed individual at any time.
- 9.6.0.0.0 No person shall:
- 9.6.1.0.0 permit any person under the age of eighteen (18) years to act as an Escort Driver for the Escort service;
- 9.6.2.0.0 permit any person to act as, or provide services as an Escort Attendant unless such person is licensed to do so under the provisions of this by-law;
- 9.6.3.0.0 permit any person to act as, or provide services as an Escort Driver unless such person is licensed to do so under the provisions of this by-law;
- 9.6.4.0.0 permit any Escort Attendant, while providing services as an Escort Attendant to provide services as an Escort Driver, or Adult Entertainment Attendant;
- 9.6.5.0.0 permit any Escort Driver, while providing services as an Escort Driver, to provide services as an Adult Entertainment Attendant, Escort Attendant or Escort Service;
- 9.6.6.0.0 permit any Escort Attendant to touch, or have sexual contact with any person;
- 9.6.7.0.0 permit any person to touch, or have sexual contact with an Escort Attendant;
- 9.6.8.0.0 permit any Escort Driver to touch any person, be touched by any person, or have sexual contact with any person.

READ a first and second time this 28th day of November 2005.

READ a third time and finally passed this 28th day of November 2005.

THE CORPORATION OF THE CITY OF BARRIE

“ORIGINAL SIGNED”

MAYOR – R. J. HAMILTON

“ORIGINAL SIGNED”

CLERK – JOHN R. SISSON

AMENDMENTS TO BY-LAW 2005-276 ADULT ENTERTAINMENT INDUSTRY

By-law 2007-259	Section 3.37.0.0.0 to Section 3.49.0.0.0 and renumber	December 10, 2007
By-law 2008-195	Refusal to Grant a License – 3.32.1.0.0	November 10, 2008
By-law 2012-036	Section 3.2.0.0.0, 3.19.0.0.0, 3.20.0.0.0, 3.55.0.0.0, 3.56.0.0.0, 3.57.0.0.0 and Table 1	February 13, 2012
By-law 2015-006	Sections 3.38.0.0.0, 3.39.0.0.0, 3.40.0.0.0, 3.41.0.0.0, 3.43.0.0.0, 3.44.0.0.0, 3.45.0.0.0, 3.46.0.0.0 and 3.47.0.0.0 – Business Licencing Appeal Committee	January 19, 2015