

**LICENSING BY-LAW  
BY-LAW NUMBER 2002-151**

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**LICENSING BY-LAW**

**BY-LAW NUMBER 2002-151**

**SCHEDULE 1**

**ADULT ENTERTAINMENT PARLOURS**

BY-LAW NUMBER 2002-151

SCHEDULE 1

TO LICENSE, REGULATE AND INSPECT ADULT ENTERTAINMENT PARLOURS  
WITHIN THE TOWN OF NEWMARKET.

**DEFINITIONS:**

1.1 In this By-law – Schedule 1

- a) **"adult entertainment parlour"** means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations;
- b) **"adult entertainment parlour licensed under the *Liquor License Act*"** means any premises or part thereof in respect of which a license or permit has been issued and is in full force and effect pursuant to the provision of the *Liquor License Act*, at which is offered services appealing to or designed to appeal to erotic or sexual appetites or inclinations;
- c) **"applicant"** means a person applying for a license under this By-law;
- d) **"Council"** means the Council for the Corporation of the Town of Newmarket;
- e) **"Entertainer"** means any person who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment parlour, other than a person who is a licensed Owner or a licensed Operator;
- f) **"goods"** includes books, magazines, pictures, slides, film, phonograph records, pre-recorded magnetic tape and any other reading, viewing or listening matter;
- g) **"license"** means authorization under this By-law to carry on the trade or business specified therein;
- h) **"licensed"** means licensed under this By-law;
- i) **"Licensing Officer"** means the Town Clerk of the Town or a Licensing Officer appointed by the Town Clerk from time to time;
- j) **"Medical Officer of Health"** means the Medical Officer of Health for the Regional Municipality of York;
- k) **"Operator"** means a person who alone or with others operates, manages, supervises, runs or controls an adult entertainment parlour;

- l) **"Owner"** means a person who alone or with others has the right to possess or occupy an adult entertainment parlour and includes a lessee of an adult entertainment parlour or premises upon which an adult entertainment parlour is located;
- m) **"person"** includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- n) **"services"** means services designed to appeal to erotic or sexual appetites or inclinations and includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the *Theatres Act*;
- o) **"services designed to appeal to erotic or sexual appetites or inclinations"** includes,
  - (i) services of which a principal feature or characteristic is the nudity or partial nudity of any person;
  - (ii) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or any other picture, symbol or representation having like meaning or implication is used in any advertisement;
- p) **"to provide"** when used in relation to goods includes to sell, offer to sell or display for sale, by retail or otherwise such goods, and "providing" and "provision" have corresponding meanings;
- q) **"to provide"** when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;
- r) **"Town"** means the Corporation of the Town of Newmarket in the Regional Municipality of York.

## **LICENSE REQUIREMENT**

- 1.2 No person shall, within the geographic limits of the Town carry on or engage in the trade, calling, business or occupation of an Owner of an adult entertainment parlour until he/she has procured a license to do so and such license shall be known as an Adult Entertainment Parlour Owner's License (A.E.P. Owner's License).
- 1.3 No person shall, within the geographic limits of the Town carry on or engage in the trade, calling, business or occupation of an Operator of an adult entertainment parlour until he/she has procured a license to do so and such license shall be known as an Adult Entertainment Parlour Operator's License (A.E.P. Operator's License).

- 1.4 No person shall, within the geographic limits of the Town carry on or engage in the trade, calling, business or occupation of an Entertainer at an adult entertainment parlour until he/she has procured a license to do so and such license shall be known as Adult Entertainment Parlour Entertainer's License (A.E.P. Entertainer's License).

### **NATURE OF LICENSE**

- 1.5 No person shall enjoy a vested right in the continuance of a license and the value of a license shall be the property of the Town and shall remain so irrespective of the issue, renewal or evocation thereof.
- 1.6 No person licensed to carry on business under this By-law shall advertise or promote or carry on such business under any name other than the name endorsed upon his license.
- 1.7 The licenses for the Owner, Owner/Operator or Operator set out in this By-law shall be for a six (6) month period, to and including the 31<sup>st</sup> day of January and the 31<sup>st</sup> day of July in the year of issuance and in the case of an Entertainer, shall be for a one (1) year period, to and including the 31<sup>st</sup> day of January of the year following the year of issuance, unless they are sooner forfeited or revoked.
- 1.8 A license issued pursuant to the provisions of this By-law shall not be renewed unless an application for renewal has been completed in the form prescribed by this By-law and the applicant meets all the requirements of this By-law.
- 1.9 No license shall be transferred, and if an Owner sells, leases or otherwise disposes of his adult entertainment parlour or the premises or part thereof upon or in which an adult entertainment parlour is operated, to any person, his license in respect of such adult entertainment parlour or premises shall, notwithstanding any other provision of this By-law, be revoked.
- 1.10 Every Adult Entertainment Parlour Owner's License shall have endorsed thereon the location of such adult entertainment parlour and such endorsement shall be for one location only and such license shall be valid only for the location endorsed thereon;
- 1.11 Every Adult Entertainment Parlour Operator's License shall have endorsed thereon the location and the name of the adult entertainment parlour with respect to which it is issued and such endorsement shall be for one location only and such license shall be valid only for the location and the adult entertainment parlour endorsed on such license.

## **APPLICATION**

- 1.12 Every applicant shall appear in person at the office of the Town Clerk and shall complete the prescribed forms and provide all information requested therein, and shall furnish to the Licensing Officer such information as the Council may direct and in the case of an adult entertainment parlour owned or operated by a partnership such appearance shall be made by one of the partners, provided the application shall be signed by all of the partners, and in the case of an adult entertainment parlour owned or operated by a corporation such appearance shall be made by an officer of the corporation and not by an agent thereof.
- 1.13 Every applicant for an Adult Entertainment Parlour Owner's License, where such applicant is a natural individual, and every applicant for an Adult Entertainment Parlour Operator's License and every applicant for an Adult Entertainment Parlour Entertainer's License shall submit to having his photograph taken by the Licensing Officer.
- 1.14 Prior to obtaining a license under this By-law, every applicant shall pay to the Town the fee set forth in Schedule 'A' hereto, provided such fee shall not be reduced in the event that the period for which the license is granted is less than six (6) months or one (1) year, as the case may be and which fee shall be non-refundable.
- 1.15 Acceptance of the application and/or the license fee by the Town shall not represent approval of the application for the issuance of a license nor shall it obligate the Town to issue such license.
- 1.16 Without limiting the generality of any other provision in the By-law, every application for a license may be submitted by the Licensing Officer to the Medical Officer of Health, the York Region Police Department and any other government official or functionary for a report, and where any such report is negative or unfavourable to the applicant and, in the opinion of the Licensing Officer, shows adequate reason why a license should not be granted, the applicant shall be furnished with a copy of such report and shall have the right to appear before the Council to show cause why his application should be granted.
- 1.17 Without limiting the generality of any other provision in this By-law, persons associated in a partnership applying for a license under this By-law shall file with their application an affidavit, in writing, signed by all members of the partnership, which declaration shall state:
  - a) the full name of every partner and the address of his ordinary residence;
  - b) the name or names under which they carry on business;
  - c) that the persons therein named are the only members of the partnership;  
and
  - d) the mailing address for the partnership.
- 1.18 If any member of a partnership applying for a license is a corporation, such corporation shall be deemed to be a corporation applying for a license and if such license is issued to the partners such corporation shall be deemed to be a corporation which holds an Owner's or Operator's license.

- 1.19 Without limiting the generality of any other provision in the By-law, every corporation applying for a license shall file with the Licensing Officer, at the time of making its application, a copy of its articles of incorporation or other incorporating document and shall file with the Town an affidavit, in writing, signed by an officer of the corporation, which affidavit shall state:
- a) the full name of every officer, director and shareholder and the address of his ordinary residence;
  - b) the name or names under which it carries on or intends to carry on business;
  - c) that the persons therein named are the only shareholders of the corporation; and
  - d) the mailing address for the corporation.
- 1.20 Every person applying for an Adult Entertainment Parlour Owner's license shall file with the Licensing Officer documentation satisfactory to the Licensing Officer demonstrating the applicant's right to possess or occupy the premises to be used by him as an adult entertainment parlour, and if such person is not the registered Owner or Owner in fee simple of the property upon which the adult entertainment parlour is located, such person shall file with the Licensing Officer, with his application for an Adult Entertainment Parlour Owner's license, a copy of his lease, if any, and a copy of any other document constituting or affecting the legal relationship between said applicant and the registered Owner or Owner in fee simple of the said real property.
- 1.21 Without limiting the generality of any other provision of this By-law and the general power of the Council to have regard to the well being of the Town and its residents in determining whether to issue a license, the Council shall be entitled to refuse and/or revoke a license where:
- a) The conduct of the applicant affords reasonable grounds for belief that he/she will not carry on his trade, calling, business or occupation in accordance with law and with integrity and honesty; or
  - b) There are reasonable grounds for belief that the carrying on of the trade, calling, business or occupation by the applicant will result in a breach of this By-law or any other law;
  - c) The applicant is a corporation and its conduct or the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that its trade, calling, business or occupation will not be carried on in accordance with law and with integrity and honesty; or
  - d) There are reasonable grounds for belief that the premises, accommodation, equipment or facilities in respect of which the license is required do not comply with the provisions of this By-law or any other law; or
  - e) The conduct of the applicant or other circumstances afford reasonable grounds for belief that the carrying on by the applicant of the business in respect of which the license is sought would infringe the rights, or endanger the health or safety of other members of the public.

## **CHANGE OF STATUS**

- 1.22 Where there is to be any change of the particulars relating to a person licensed under this By-law, which particulars are required to be filed with the Town on applying for a license under this By-law, such person shall report the change to the Town within seven (7) days of the change;
- 1.23 Where a group of persons licensed under this By-law form a partnership and there is to be a change in the composition of the partnership, the persons licensed hereunder in partnership shall obtain the approval of the Town to such change prior thereto, failing which, the license may be revoked, provided where there has been a transfer of a majority or controlling interest in the partnership since the license was granted, either by one transaction or a number thereof and whether any such prior transfer was with or without the approval of the Town, the license shall be revoked.
- 1.24 Where a person licensed under this By-law is a corporation and there is to be a change in the composition of the shareholders, such person shall obtain the approval of the Town to such change prior thereto, failing which, the license may be revoked, and where the transfer results in a new person or persons acquiring a controlling interest in the corporation since the license was granted, either by one transaction or a number thereof and whether any such prior transfer was with or without the approval of the Town, the license shall be revoked.

## **REGULATIONS**

- 1.25 No Owner shall permit any person other than a licensed Operator to operate an adult entertainment parlour.
- 1.26 No Operator shall operate an adult entertainment parlour in a premises for which the Owner thereof has not obtained an Owner's license under this By-law.
- 1.27 No Operator shall operate an adult entertainment parlour other than the adult entertainment parlour endorsed on his license and at the location endorsed therein.
- 1.28 Every contract of service, contract for services or other document constituting or pertaining to the relationship between Owner and Operator of an adult entertainment parlour shall be in writing and shall be made available for inspection at any time by the Town's By-law enforcement officers or the Licensing Officer upon request, and shall be retained by the Owner or Operator for a period of six months after its termination.
- 1.29 No Owner or Operator shall permit any person other than an Entertainer duly licensed pursuant to this By-law to provide services in an adult entertainment parlour.
- 1.30 No Entertainer or other person shall provide services in an adult entertainment parlour unless the Owner of the said adult entertainment parlour and the Operator, if any, is duly licensed as Owner or Operator respectively pursuant to this By-law.

- 1.31 No Owner or Operator, shall, in respect of any adult entertainment parlour owned or operated by him, knowingly permit any Entertainer while providing such services as an Entertainer, to touch, or to be touched by, or have physical contact with any other person in any manner whatsoever involving any part of that person's body.
- 1.32 No Entertainer shall, while providing services as an Entertainer, touch or have physical contact with any other person in any manner whatsoever involving any part of that person's body.
- 1.33 Every Owner, Operator or Entertainer who changes his address shall, within two days after such change, attend before the Licensing Officer and notify the Licensing Officer of such change of address and if requested by the Licensing Officer, produce his license for the change to be entered thereon.
- 1.34 Every Owner and every Operator shall keep records and books of accounts of all business transacted in or by or in respect of the adult entertainment parlour showing information respecting each Entertainer which shall include:
- a) the legal name of each Entertainer
  - b) the address of each Entertainer
  - c) the date of commencement of employment of each Entertainer
  - d) the amount of salary, commission or other remuneration paid to each Entertainer the date of termination of each Entertainer which records and book of accounts shall be maintained and retained for at least one year after the information required herein has been entered.
- 1.35 Every Owner and every Operator shall, in the operation of the adult entertainment parlour comply with, and ensure compliance with, the following regulations:
- a) The premises shall be provided with adequate light and ventilation;
  - b) The premises and all fixtures and equipment 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 such rooms 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;
    - (iv) a suitable receptacle for used towels and waste material;
    - (v) No washroom, toilet, sink or basin used for domestic purposes shall be used in connection with an adult entertainment parlour.

- 1.36 Every Owner and every Operator shall exhibit over the street door in the lower front window of the premises in respect to which such person's license is issued or in some other conspicuous place on the exterior of such premises satisfactory to the Licensing Officer a sign issued by the Licensing Officer bearing the words, "LICENSED ADULT ENTERTAINMENT PARLOUR NO. ....," (inserting after "No." the Owner's license number), and "Comments regarding this business may be made to the Town of Newmarket Licensing Office at 905-895-5193".
- 1.37 Every Owner and every Operator shall keep his license issued in respect of an adult entertainment parlour posted in a conspicuous place in the said premises, satisfactory to the Licensing Officer, at all times during the currency of the license.
- 1.38 Every Owner, every Operator and every Entertainer of an adult entertainment parlour in the Town of Newmarket and every Owner, every Operator and every Entertainer licensed under this By-law in attendance at an adult entertainment parlour in the Town whether engaged in his respective trade, calling, business or occupation at that time, shall upon a request made to him by any Peace Officer, By-law Enforcement Officer, Medical Officer of Health, or the Licensing Officer provide his name and residential address, and if he/she is licensed under this By-law in respect of any trade, calling, business or occupation relating to such adult entertainment parlour, he/she shall produce his said license.
- 1.39 No Owner or Operator shall permit any services to be given, performed, provided or received in any adult entertainment parlour in breach of any of the provisions contained in this By-law.
- 1.40 No Owner or Operator shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any adult entertainment parlour operated by him.
- 1.41 Either the Owner, where the Owner is a natural individual, or one of the Owners, where the Owner is a partnership, or an Operator licensed in respect of such Owner's adult entertainment parlour shall be in attendance at such Owner's adult entertainment parlour during all opening hours, and no Owner or Operator shall permit an adult entertainment parlour owned or operated by him to open for business, or remain open for business, or any Entertainer to enter or remain therein, or any service to be provided at such entertainment parlour unless this section is complied with, and for greater particularity, where an Owner is an artificial being, such Owner shall not permit an adult entertainment parlour owned or operated by him to open for business, or remain open for business, or any Entertainer to enter or remain therein, or any service to be provided at such entertainment parlour unless an Operator licensed in respect of such Owner's adult entertainment parlour is in attendance.
- 1.42 No Owner, Operator or Entertainer shall take, consume or have alcohol or drugs in his possession in an adult entertainment parlour, nor shall the use of alcohol or drugs by him be apparent while that adult entertainment parlour is under his charge or when he/she is providing services therein, as the case may be.

- 1.43 For the purposes of this By-law, the word "drugs" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.
- 1.44 Notwithstanding anything herein to the contrary, every Owner who operates his own adult entertainment parlour and every Operator shall provide and maintain at all times at the adult entertainment parlour operated by him a first-aid kit equipped in a manner satisfactory to the Medical Officer of Health for the Regional Municipality of York.
- 1.45 Every Owner, and every Operator shall, while engaged in his respective trade, calling, business or occupation in an adult entertainment parlour, be neat and clean in his person and civil and well behaved to members of the public with whom he/she is dealing.
- 1.46 No Owner, or Operator shall use or permit to be used any camera or other photographic or recording device in, upon or at an adult entertainment parlour by any person other than:
  - a) a public health inspector acting under the direction of the Medical Officer of Health,
  - b) a By-law Enforcement Officer, a Provincial Offences Officer or the Licensing Officer;
  - c) the Licensing Officer;
  - d) a Peace Officer, or;
  - e) the Medical Officer of Health.

## **SIGNS AND ADVERTISEMENT**

### **Advertisement**

- 1.47 No person shall publish, display or circulate any poster, handbill, sign, card, novelty or other matter used to advertise or promote the business of an adult entertainment parlour or any shown or other performance, except to publish its name, address and telephone number in a telephone book. Notwithstanding the generality of the foregoing, a person is permitted to publish an advertisement in a newspaper with its primary general circulation intended for the City of Toronto.
- 1.48 Every Owner or Operator shall obliterate, withdraw, remove or destroy any such poster, handbill, card, novelty, notice, advertisement or other matter which may be published, displayed or circulated immediately upon becoming aware of same or upon being ordered to do so by the Licensing Officer, whichever shall first occur.

### **Signs**

- 1.49 No person shall erect any sign advertising an adult entertainment parlour unless the sign conforms to the regulations of this and every other By-law of the Town of Newmarket. Notwithstanding the provisions of any other By-law of the Town of Newmarket, all signs advertising an adult entertainment parlour shall comply with the following regulations:

- 1.50 Notwithstanding the provisions of any other By-law, no sign may be erected advertising or promoting an adult entertainment parlour except on the exterior wall of the premises from which the adult entertainment parlour operates.
- 1.51 Not more than two (2) non-illuminated signs may be erected on the exterior walls of the premises.
- 1.52 The maximum size of any sign or signs erected on the exterior wall of the premises shall not exceed fifty (50) square feet in the aggregate and where only one sign is erected, the maximum area of such sign shall be fifty (50) square feet.
- 1.53 Any sign advertising an adult entertainment parlour shall not include any letters, markings, symbols, pictures or representations except the name of the adult entertainment parlour as recorded on the application for a license.
- 1.54 For the purposes of this By-law, a "sign" shall include any letters, markings, symbols, pictures, or representations on any building, surface, object, or vehicle whether movable or immovable.
- 1.55 Every Owner or Operator shall obliterate, withdraw, remove or destroy any sign which has been erected contrary to the provisions of this By-law immediately upon becoming aware of same or upon being ordered to do so by the Licensing Officer, whichever shall first occur.

### **CONSTRUCTION AND EQUIPMENT OF PREMISES**

- 1.56 Within any premises used as an adult entertainment parlour, the Owner shall designate the single room which shall be the only room within which services may be provided and which room shall be open at all times to all persons attending the adult entertainment parlour during the business hours of the adult entertainment parlour.
- 1.57 No room, cubicle or other enclosure located within the premises used as an adult entertainment parlour, other than the room designated pursuant to Section 1.56 hereof, maybe used for the provision of services and it shall be the duty of every Owner and every Operator to ensure that this provision is complied with.
- 1.58 No Entertainer or other person shall provide any service in any room, cubicle or other enclosure other than in the room designated pursuant to Section 1.56 hereof.
- 1.59 No door to any room, cubicle or other enclosure located within the premises used as an adult entertainment parlour, save and except a room designated by the Owner and used by the Owner or Operator as an office and a room designated by the Owner and used only for storage, shall 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 a room or cubicle and it shall be the duty of every Owner and every Operator to ensure that this provision is complied with.

- 1.60 During the hours of business of an adult entertainment parlour, it shall be the responsibility of the Owner and of the Operator to ensure that the door or doors or other principal means of access into the adult entertainment parlour by the public shall be kept unlocked and available so that anyone coming into the adult entertainment parlour from the street or other public place may enter therein without hindrance or delay.
- 1.61 Every Owner applying for a license under this By-law shall file with his application a floor plan of the premises to be used as an adult entertainment parlour upon which the Owner shall clearly designate the room which shall be used to provide services, the room which shall be used as an office by the Owner and Operator and the storage room, if any. In the event the Owner or the Operator wishes to amend the floor plan, he/she shall first file with the Licensing Officer a copy of the amended floor plan and shall not proceed to make such alterations without first obtaining the approval of the Licensing Officer, failing which the license of the Owner and the Operator shall be revoked.

### **AGE RESTRICTIONS**

- 1.62 No person under the age of eighteen may be or act as an Owner or Operator of an adult entertainment parlour or provide any services whatsoever in an adult entertainment parlour.
- 1.63 No Owner shall permit any person under the age of eighteen to be or act as an Operator of an adult entertainment parlour or to provide any services in an adult entertainment parlour.
- 1.64 No one may provide services in an adult entertainment parlour to a person under the age of eighteen years.
- 1.65 No Owner or Operator shall permit any person under the age of eighteen to enter or remain in any adult entertainment parlour owned or operated by him.
- 1.66 This section shall not be deemed to prohibit any person from entering or remaining in any premises licensed as an adult entertainment parlour except when services are being provided in such premises.

### **HOURS OF OPERATION**

- 1.67 No Owner or Operator shall, in respect of an adult entertainment parlour other than an adult entertainment parlour licensed under the *Liquor License Act*, open such adult entertainment parlour for business or permit the same to be or to remain open for business or permit any services of any kind to be provided in the said adult entertainment parlour at any time between the hours of 11:59 o'clock in the afternoon (11:59 p.m.) of any day and 2:00 o'clock in the afternoon (2:00 p.m.) of the next day.

- 1.68 No Owner or Operator shall, in respect of an adult entertainment parlour licensed under the Liquor License Act or any other similar legislation, permit any services of any kind designed to appeal to erotic or sexual appetites or inclinations to be provided in the said adult entertainment parlour at any time except during such hours as are permitted for the service of liquor by a license issued under the *Liquor License Act* or any other similar legislation for the establishment provided that such adult entertainment services shall not be provided between 2:00 o'clock in the forenoon (2:00 a.m.) and the start of the hours of service of liquor during any day.
- 1.69 For the purposes of this section, so long as the time commonly observed in the Town is one hour in advance of standard time, the times mentioned in this section and in this Schedule shall be reckoned in accordance with the time so commonly observed and not standard time.

#### DEFINED AREA AND LIMITATION ON NUMBER

- 1.70 No person shall operate or permit to be operated an adult entertainment parlour within the geographic limits of the Town:
- a) On the following highway or highways:
    - Bathurst Street
    - Yonge Street (Highway 11)
    - Eagle Street
    - Davis Drive
    - Highway 9
    - Main Street South
    - Main Street North
    - Gorham Street
    - Prospect Street
    - Bayview Avenue
    - Leslie Street
    - Mulock Drive
  - b) within three hundred and five (305) meters of any of the highways referred to in (1.75);
  - c) within three hundred and five (305) meters of any residential zone;
  - d) within three hundred and five (305) meters of any school, church or public park or child day care centre in existence when the application for license is submitted to the Town;
  - e) within three hundred and five (305) meters of the Highway 404 corridor;
  - f) within three hundred and five (305) meters of any other adult entertainment parlour;
  - g) which does not conform with any restricted area (zoning) By-law of the Town of Newmarket;
  - h) which does not have full municipal water and sanitary sewer services.
- 1.71 Every adult entertainment parlour shall be located in a single use building on a single lot or block which may be conveyed in compliance with the provisions of the *Planning Act R.S.O. 1990 c.P.13* and upon which no other buildings are located.

- 1.72 The number of Adult Entertainment Parlour Owner's Licenses, which may be granted by the Council in respect of an adult entertainment parlour within the Town shall be limited to two (2).

### **REVOCATION OF LICENSE**

- 1.73 Council may revoke or terminate any license issued under this By-law for any violation by an Owner or an Operator of any of the provisions of this By-law or of By-law 1984-79, (a By-law to provide for the regulation of eating establishments) as amended, or for any breach of criminal statute committed on the premises or in any way, directly or indirectly, arising from the operation carried out on the premises, but before revoking or terminating any such license, the Operator or Owner shall be given at least seven (7) days notice, mailed or delivered to his last known address of the time and place where Council will be considering the matter and he/she shall be permitted either personally or by his representative to appear before Council to show cause why such license should not be revoked or terminated.
- 1.74 Notice of revocation of or termination of any license may be given by Council by letter signed by the Town Clerk and mailed by prepaid registered mail or delivered to the last known address of the Owner or Operator, as the case may be, and upon such notice being given, the license shall then be revoked and terminated.

### **MISCELLANEOUS**

- 1.75 The making of a false or intentionally misleading recital of fact, statement of representation in any agreement, statutory declaration or application form required by this By-law shall be deemed a violation of the provisions herein.
- 1.76 Every person shall comply with the provisions of this By-law applicable to him whether or not he/she is licensed under this By-law.
- 1.77 If a Court of competent jurisdiction should declare any Section or part of a section of this By-law to be invalid, such section or part of the section shall not be construed as having persuaded or influenced Council to enact the remainder of this By-law and it is hereby declared that the impugned section or part thereof shall be severable and distinct from the remainder of this By-law and the remainder of this By-law shall be valid and shall remain in full force and effect.
- 1.78 For greater certainty the provisions of By-law 1984-79, as amended, of the Town of Newmarket shall apply to adult entertainment parlours where applicable and it shall be the duty of every Owner and every Operator to ensure compliance with By-law 1984-79, as amended.
- 1.79 Every Owner and every Operator shall make available for inspection by the Licensing Officer, a Peace Officer, a Medical Officer of Health, a Provincial Offences Officer, or a By-law Enforcement Officer the original of any document or record referred to in this By-law.

- 1.80 Every Owner and every Operator of an adult entertainment parlour shall, at all times permit the entry by and the inspection of an adult entertainment parlour by a By-law Enforcement Officer, a Provincial Offences Officer, the Licensing Officer, a Medical Officer of Health or a Peace Officer.
- 1.81 No personnel shall obstruct or hinder the entry or the inspection of an adult entertainment parlour by a By-law Enforcement Officer, a Provincial Offences Officer, the Licensing Officer, a Medical Officer of Health or a Peace Officer.

### **OFFENCE AND PENALTY**

- 1.82 Wherever in this By-law there is a duty imposed upon any person and such person fails to perform such duty, he/she is guilty of an offence under this By-law and upon conviction is liable to a fine of not less than three hundred (\$305.00 includes costs) dollars and not more than ten thousand (\$10,005.00 includes costs) dollars or to imprisonment for a term not exceeding one year, or to both.
- 1.83 Wherever in this By-law there is a prohibition stated and any person performs the act or aids and abets any person in the performance of the act so prohibited, he/she is guilty of an offence and upon conviction is liable to a fine of not less than three hundred (\$305.00 includes costs) dollars and not more than ten thousand (\$10,005.00 includes costs) dollars or to imprisonment for a term not exceeding one year, or to both.
- 1.84 Without limiting any other provision of this By-law and in addition thereto, every person who otherwise contravenes the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine of not less than three hundred (\$305.00 includes costs) dollars and not more than ten thousand (\$10,005.00 includes costs) dollars or to imprisonment for a term not exceeding one year, or to both.
- 1.85 Every director or officer of a corporation who concurs in any contravention by the corporation of any provision of this By-law is guilty of an offence and upon conviction is liable to a fine of not less than three hundred (\$305.00 includes costs) dollars and not more than ten thousand (\$10,005.00 includes costs) dollars or to imprisonment for a term not exceeding one year, or to both.